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CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-THIRD CONGRESS, FIRST SESSION.



IN SIX PARTS, WITH AN INDEX.

VOLUME II.

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CONGRESSIONAL RECORD AND APPENDIX.

FORTY-THIRD CONGRESS, FIRST SESSION.

PART V.

CONGRESSIONAL RECORD.

[From May 19, 1874, to June 15, 1874.]

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Fort Reynolds, in Colorado Territory, and the Government buildings thereon, reported it without amendment.

He also, from the same committee, to whom was referred a memorial of the Legislature of Wisconsin, asking that bounties be granted to the surviving soldiers of the Mexican war, asked to be discharged from its further consideration and that it be referred to the Committee on Pensions; which was agreed to.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2798) for the relief of John J. Hayden, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2412) for the relief of Sheridan O. Bremner, late a private of Company E, Eighteenth Regiment Wisconsin Infantry, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2893) for the relief of F. O. Wyse, late a lieutenant-colonel, &c., reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 311) for the relief of William J. McIntyre, reported it without amendment.

ALEXANDER HENDERSON.

Mr. BUCKINGHAM. The Committee on Commerce, to whom was referred the petition of Alexander Henderson, praying for a balance of salary due him as consul at Londonderry, Ireland, have instructed me to report a bill (S. No. 828) for the relief of Alexander Henderson, and I ask for its present consideration.

By unanimous consent, the bill was read three times and passed. It provides for the payment to Alexander Henderson of $234.71 for balance of salary due him as consul at Londonderry, Ireland.

BILLS INTRODUCED.

Mr. FLANAGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 829) for the relief of Henry Warren, of Texas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WRIGHT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 830) to regulate the interchange of traffic between connecting railroads in the Territories of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. McCREERY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 831) for the relief of Colonel D. R. Haggard, of Kentucky; which was read twice by its title, and referred to the Committee on Claims.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 832) providing for the adjudication and issue of patents in mission-land cases in the State of Oregon and the Territories of Washington, Idaho, and Montana; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 9) proposing an amendment to the Constitution of the United States; which was read at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) That the following be proposed and submitted to the States for adoption as a further amendment or article to the Constitution of the United States:

ARTICLE XVI.

SEC. 1. All claims and demands against the United States shall be presented or prosecuted within ten years at least next after they accrue or arise, and not after. And it shall not be competent for Congress or any Department of the Government, judicial or otherwise, to allow any claim or demand presented after that date.

SEC. 2. Congress shall have power, and it shall be its duty, to enforce this article by appropriate legislation.

The joint resolution was read twice; and ordered to be printed, and lie on the table.

R. M. HARVEY.

Mr. JOHNSTON. I desire that House bill No. 2332, for the relief of S. D. Hicks, administrator of R. M. Harvey, be stricken from the Calendar. It was reported adversely by the Committee on Claims and put on the Calendar at my request. It is rather a singular case. It is a bill for the relief of S. D. Hicks, administrator of R. M. Harvey. The memorial was sent to me, and I presented it without knowing anything of the facts; and it now turns out that R. M. Harvey was not dead, but was living and is here in the city. I move the indefinite postponement of the bill.

The motion was agreed to.

ADJOURNMENT SINE DIE.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the resolution submitted by me yesterday morning.

The motion was agreed to; and the Senate proceeded to the consideration of the following resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses without day on the 22d day of June, A. D. 1874, at twelve o'clock noon.

The PRESIDENT *pro tempore*. Will the Senate agree to the resolution?

The resolution was agreed to.

OCCUPYING CLAIMANTS.

Mr. WRIGHT. The morning business being over, I ask the consent of the Senate to call up a bill which was reached on the Calendar a few mornings since, and to which the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from Nevada [Mr. STEWART] made objection; but those objections have been withdrawn. I refer to the bill (H. R. No. 2078) for the benefit of occupying claimants. It has passed the House at this session and been reported by the Judiciary Committee. It actually passed both Houses at the last Congress; and it is important that it should be acted upon soon.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. HAGER. I gave notice that I would call up a bill this morning.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from Iowa is now before the Senate.

Mr. HAGER. I think I ought to have an opportunity to call up the bill of which I gave notice.

The PRESIDENT *pro tempore*. The Chair cannot act on a notice. The Senator from Iowa first made his motion, and no objection was made.

Mr. WRIGHT. I suggest to the Senator from California that this bill will not take five minutes.

The Committee on the Judiciary proposed to amend the bill in line 6, by inserting after the word "entitled" the words "in the Federal courts."

The amendment was agreed to.

The next amendment was in line 10, to strike out the words "emanated from" and insert "been granted by."

The amendment was agreed to.

The bill, as amended, provides that when an occupant of land, having color of title, in good faith has made valuable improvements thereon, and is in the proper action found not to be the rightful owner thereof, such occupant shall be entitled in the Federal courts to all the rights and remedies, and, upon instituting the proper proceedings, such relief as may be given or secured to him by the statutes of the State or Territory where the land lies, although the title of the plaintiff in the action may have been granted by the United States after the improvements were so made.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BOREMAN. I should like to have that bill explained. I do not understand it.

Mr. WRIGHT. I will state the object of the bill very briefly, for I trust it will be passed without taking up any time. It has occurred in the Federal courts that some question has been raised as to whether the occupying-claimants' laws of the several States apply in cases tried in the Federal courts as in the State courts; and inasmuch as many actions are brought by non-residents, and thus the question arises in the Federal courts, the object of this bill is to apply the occupying-claimants' laws, or what are known as the betterment laws, in the several States to cases tried in the Federal courts as in the State courts. That is the substance of the bill. It has passed both Houses of Congress heretofore.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned;

A bill (H. R. No. 2738) for the relief of the Foundry Methodist Episcopal church, of Washington City;

A bill (H. R. No. 3154) amendatory of the act to incorporate the Columbia Railway Company, of the District of Columbia, approved May 24, 1871;

A bill (H. R. No. 3407) to change the name of the schooner Jacob Faithful to Eyvor.

A bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities imposed by the fourteenth amendment to the Constitution;

A bill (H. R. No. 3408) to remove the disabilities of L. L. Lomax, of Virginia;

A bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum, in Georgetown, and the Washington City Orphan Asylum, in the District of Columbia," approved May 24, 1828;

A bill (H. R. No. 3412) in relation to the bridge across the Potomac River used by the Baltimore and Potomac Railroad Company;

A bill (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers; and

A joint resolution (H. R. No. 103) authorizing the President to issue Army rations and clothing to the destitute people on the Tombigbee, Warrior, and Alabama Rivers.

The message also announced that the House had passed the bill (S.

No. 253) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the Northern Pacific Railroad at or near Tenino.

PRESIDIO RESERVATION.

Mr. HAGER. I now move to take up Senate bill No. 492.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 492) authorizing the city and county of San Francisco to use the Presidio reservation as a park and highway.

The Committee on Military Affairs reported the bill with an amendment to strike out all after the enacting clause, and insert in lieu thereof the following:

That the use of the Presidio military reservation in the city and county of San Francisco, in the State of California, is hereby granted to the city and county of San Francisco, to be enjoyed solely for the purposes of a park and highway, upon the following express conditions: First, the fee to said reservation, and the right of way through said park, for free communication with the forts, military establishments, and grounds, Presidio barracks, and public buildings of the United States, shall remain in and is reserved to the United States; secondly, that portion, not exceeding three hundred acres in extent, comprising the site of the fortifications at and about Fort Point; and that portion, not exceeding one hundred acres in extent, comprising the site of the Presidio barracks, and the buildings of the United States erected thereon; and also such parts of said reservation as may be hereafter selected by the authorities of the United States for the erection of public buildings or works, and so much land appurtenant thereto as may be necessary or expedient for the use of the United States, are reserved and exempted from the provisions of this act; lastly, the United States military authorities may, in time of war or great public danger, or in case such reservation, or any part thereof, is claimed or occupied by any person other than the authorities of said city and county, or for purposes other than is in this act provided, take possession of the whole or any portion of said park for military purposes, or for the purpose of expelling such persons therefrom, without any liability therefor for damage to said city and county, or any person whomsoever: *Provided*, That after twenty years from the passage of this act the Government may, upon sixty days' notice to said city and county, retake entire possession of said premises, for any purpose whatsoever, without any liability for any damage therefor to said city and county, or to any person whomsoever.

Mr. EDMUNDS. I should like to have the committee that reported this bill explain the propriety of our giving to the city of San Francisco twelve hundred acres of land lying in its suburbs, which, if it is not needed for military purposes, may be sold and a million or two of dollars put into the Treasury of the United States. This question was up I think a couple of years ago and was somewhat discussed here when the predecessor of the Senator from California was a member of this body, and the same difficulties were suggested then that are suggested now; that is to say, it was stated then upon reliable information that this tract of land, lying just outside of the city of San Francisco, was of great value, and that it might be sold for the benefit of the United States, if not needed for military purposes, and a million or two of dollars—I think two millions was the lowest estimate then put upon it—be put into the Treasury. Upon what ground it is that we are to grant to the city of San Francisco property of this immense value in order that the city may have a park, I do not understand. I do not know upon what favorite ground San Francisco stands in respect to the Government more than New York, or Boston, or any other of the cities of the country near which there are military reservations, and which would find it very convenient if they could have them for parks and other public purposes which tend to the pleasure and convenience of the inhabitants.

Mr. SPENCER. If the Senator will allow me to interrupt him, I think he misunderstands the object of the bill, as reported by the committee. I was a member of the committee that reported it.

Mr. EDMUNDS. I am much obliged to the Senator from Alabama. With due deference to him, I think I do understand the bill. That is a difference of opinion between the Senator and myself, and each of us has a right to entertain his own opinion. I have the bill before me, and its begins by granting the use of the Presidio military reservation to the city and county of San Francisco for the purposes of a park and highway upon the very important express condition that the fee to the reservation shall remain in the United States; that is to say, it shall not be the subject of taxation or any other thing which may, so far as the State of California is concerned, impose a burden upon it; but the city shall hold it in such a way that the State can impose no burden upon the city in respect to it whatever, and the real enjoyment and possession of the same shall belong to the city.

That may not be disposing of this property for the benefit of the city; it may not be a grant in fee, as the Senator suggests it is not, if by fee you mean the ultimate property in the soil; but if it were anywhere else than here, the bill might justly be styled a contrivance by which the city would get all the benefit of a fee without any of the burdens, as it respects that State or the United States, which might otherwise be imposed upon it. If I misunderstand this section of the bill, I shall very gladly listen to the Senator from Alabama in describing what it does mean.

Mr. SPENCER. The committee endeavored, if I remember correctly, to preserve the right of the United States to sell or dispose of the property whenever it might choose to do so. Their idea was that this land was a barren waste lying there, and if the city of San Francisco chose to improve it and use it for a park, and the United States did not want to sell it, we could well afford to give the city permission to do that.

Mr. EDMUNDS. I will ask whether there are any papers on this subject with the bill?

The PRESIDENT *pro tempore*. The Chair understands that there are, but they are in the Secretary's office.

Mr. SARGENT. I will state that I am extremely busy upon the Committee on Appropriations, and as I have a few words to say on this subject which will not occupy five minutes, if the Senator from Vermont will allow me to say them while the papers are being obtained, I shall be obliged to him.

Mr. EDMUNDS. With pleasure.

Mr. SARGENT. The bill before the Senate, Mr. President, is different from any other bill on this subject ever brought forward. The fee and the beneficial use of this park is in the Government of the United States, and is intended to remain there. It is a large tract of land necessary to the defense of the city of San Francisco. By looking at a map, which is in the possession of my colleague, and which I presume he will exhibit to the Senate, it will be seen that the whole extent of this land is either occupied by fortifications or covered by the guns of fortifications, so that the erection of buildings or the use of any portion of this land for ordinary commercial purposes would interfere with its defensive purposes. Consequently, it is impossible for the Government to sell this land without crippling the necessary defenses of the city of San Francisco. The city of San Francisco would have no objection to the sale of the land, provided it could be sold, but any portion of the land sold would be a little piece picked out here and there; and the result of erecting buildings, of putting factories upon it, of erecting tall chimneys, &c., would simply be to put obstacles in the way of the range of the guns and be a covering force for an enemy desiring to assault the fortifications from the land side, which military men say would be an extremely improper thing.

Here is this stretch of barren waste which cannot be sold by the Government for these reasons unless the necessary defenses of the city of San Francisco are to be abandoned. The city comes in and says, "Now let us lay out roads through this reservation; allow us to plant some trees here and there along these lines of road; allow us to beautify this property; we do not ask the fee of it; we do not ask anything except this privilege, and that our people may drive through it. It will make your fortifications more accessible to the city. It will make it more convenient for the Government to transport anything that it desires to transport to any part of this reservation. It will make the hospital which you are erecting there more accessible for your patients. Instead of supplies to your hospitals and fortifications being dragged through deep sand to reach their destination, they can go over beautifully macadamized roads."

This cannot be any injury to the Government. It will simply beautify the environs of the city of San Francisco. The bill provides that the Government at any time can resume full possession; the Government at the end of twenty years can terminate it at any rate; and I understand that my colleague, who has more especially the charge of this bill, is willing that an amendment shall be made providing that the Government may terminate the arrangement to-morrow, or any time when it is found that any claim is set up by the city of San Francisco, or any use of the property made which is inconsistent with the theory of the bill as we understand it, or whenever the Government from any motive whatever, concealed or expressed, good or bad, shall see fit to terminate this arrangement, and without making any compensation for damages to the city of San Francisco or any one else.

The city of San Francisco simply asks the privilege of beautifying this land, not to occupy it with any building, not to incumber it in any degree, but simply to put roads through it over which the wagons of the Government as well as the teams of the citizens may travel; and by the map which I see the Senator now holds in his hand he will see that to sell it would be simply to destroy it for military purposes. The military authorities themselves are extremely unwilling to yield up an inch of the land. They say it is all necessary for military purposes, and that putting buildings on it or occupying it for commercial purposes would destroy the value of the fortifications.

If it is an injury to the Government to plant some beautiful trees upon this land, or to lay out roads through it, if it is a benefit to the Government to allow it to remain a barren waste, a nuisance under the doors of our city, of course we ought to give the doubt to the Government and insist that no use of it shall be made. I think really it will benefit the Government to improve this property in this way, and with the amendment declaring that at any time the Government may resume possession with or without reason, it seems to me any objection to the bill must vanish.

Mr. EDMUNDS. Mr. President, in the RECORD of to-morrow, in the middle of my speech, there will be a very extraordinary bowlder, as the geologists say, which, I fear, will not harmonize very well with the beginning and the end of my remarks. But the Senator from California was right, being obliged to be absent from the Senate, in stating now what he has stated. Of course Senators will understand that I am not the proprietor of this park, and therefore have no special interest to defend in what I say about this bill; but the tax-payers of the United States are the proprietors of this ground, which amounts in quantity to fifteen hundred and forty-one acres. I have here a map of the city of San Francisco and of this park and of the surrounding country, which has been handed down to me as a legacy from former Senators, who had it when this same effort was made heretofore to get this land from the Government. It first started as a demand for an absolute donation, that we should give it entirely to the city, with the

idea that they were to use it as a park. If we are to give it to the city, I do not know why we should oblige the city of San Francisco more than any other city to have a park, and in fact the city of San Francisco and its people have encroached largely on this reservation already with their houses and blocks, and they have persuaded us in one way or another by acts of legislation to release all our claim to that part which they have squatted upon, amounting to some hundreds of acres already. The manifest destiny of the thing—nobody can disguise that from his eyes when he sees the shape of the ground there—is that with western enterprise the city will gradually encroach upon this park to the northward, and by and by it will be covered with houses clear up to the crest, and there will be fine streets and fine city lots, and somebody will have received a great benefit, while the people of the United States, who own the property, can no doubt receive, if the property is to be disposed of, a very large sum of money for it; and the question with me is whether we owe any such duty toward the city of San Francisco as to require us to give up this land for its benefit. That is what it comes to. You call it a park and a use now. Next year or the year after you will have a bill providing for a more permanent occupation, and by and by a little bill will go through which will release the interest of the United States, because it will be said, "This land has been occupied by the city; they have laid out roads; they have authorized people to put houses on the border facing it," and so on. In other words, the thing will go on just as it has gone on hitherto until two years ago, when a rest was made by resistance to encroachments on the east and on the south.

I think that is wrong. We have released some of the reservations to the city already, by which they have received very large benefits, and the city itself, if that has anything to do with the question, has a park nearly as large, although not in the same shape, as this Presidio park, within a mile of it, directly south of it and going clear out to the sea. When the city was laid out it was laid out by somebody who fully understood the true principles of laying out a town, and from the center of the city going westward toward the Pacific, and south of the bay of course, you come to the cemeteries of three or four different denominations, the general cemetery and I think a Catholic cemetery, and then some masonic and Odd-fellows' cemeteries, which occupy a large space of ground, and then a wide space takes you into the grand park of San Francisco, which, judging from the scale of the map before me, I should say was nearly half a mile wide—the Senator from California can tell me—and extends the whole distance of two or three miles, three miles probably, over to the Pacific. To the north of this and lying in the corner, fronting north of the bay and west of the sea, is this military reservation of fifteen hundred acres, of which there are probably about twelve hundred left. The city of San Francisco has already absorbed by gradual accretion about three hundred acres of this land, I should judge from the size of it, but perhaps not so much; at any rate a considerable quantity of it, as is shown by the angles on the map, from where the old lines of the reservation were.

From the lay of the land it is quite obvious, I think, that there is no great need of this property for a military reservation; that is to say, the building of forts upon it is unnecessary. The city is now already laid out the whole distance to the Pacific to the south of this reservation, and according to the statements of the petition, which I take to be true as it respects the lay of the land, it is thus described, and I will read the whole petition so that you can see how valuable this ground is:

> The undersigned, citizens and tax-payers of the city and county of San Francisco, State of California, respectfully represent:
>
> First, that the so-called Presidio reservation, now belonging to and in the possession of the United States, consists of over two and a half square miles of land, and is situated on the immediate northwest side of the city of San Francisco, commencing near the intersection of Baker street with the bay, and running thence along the shore line of the bay to the Golden Gate, the entrance to the harbor.

That is the north line of this property.

> That this reservation contains the only extensive body of arable land near the city of San Francisco and on that peninsula suitable for a park; that the soil of this land is generally good, is well watered with springs; that it mostly faces to the east and south, and is in full view of the bay and city of San Francisco.

Now I beg Senators to observe that, because in a military point of view the slope of this ground is important. You will see that the petitioners say that it faces away from the sea; that is to say, the crest of the land between the sea and the city outside of the bay is close by the shore, I suppose, and the land slopes to the eastward and south toward the city. So, then, if it were built over by houses and you had fine streets there, it would not be exposed to the guns of the ships of an enemy which should lie off the harbor; and all that the United States would absolutely need for military purposes in that respect would be to have its line of forts, as it now has some fortifications, on this crest at the point of the entrance of the harbor and facing the sea, because on the other side it would be merely defending this land against an attack from the city; and the holding of that fort after the city of San Francisco had been conquered by an attack inland would be rather useless; it would be rather a waste of money.

You can see, Mr. President, from the statement of these petitioners that the slope of this land is such that if you were to allow it to be built over, it would not be exposed, close to a fortification, as houses in many cities might be, to a fire from the ships of an enemy lying at anchor or sailing along the shore outside of the point, but they would all be covered by this high ridge which, according to the petition, intervenes close to the shore between that and this slope of land which descends toward the city. The consequence is that it might just as well be occupied for all the purposes of commerce and trade and residence as is all that part of the city which lies right along adjoining; and in fact we did have a few years ago one or two reservations in here [illustrating by referring to the map] which some how or other, for public uses or in some other way, lawfully I have no doubt, the city of San Francisco has captured by law and got. This is left; and the next step of course is to make this as agreeable and useful to the city of San Francisco as can be. I do not know that I blame the San Franciscans much for wishing to get this piece of property, although as I point out to you they have a park of their own laid out on the original plan of the city, apparently with a grand highway reservation on the sea, directly south of this and but a mile distant, and between that park of theirs and this reservation the whole city is laid off into blocks. I do not know how much it is occupied, because a city on a map may be more extensive than it is on the ground, but it is all laid off in city lots the whole way by this reservation clear out to the bend of the sea.

Now, Mr. President, I do say for the interest of the people of the United States who own these thousand acres of land, if there be that much left of it, that it appears extraordinary to me, as it has to other Senators when this matter has been pressed hitherto, that any member of Congress should find himself willing to give up even the use of this property to the city of San Francisco or to anybody else. The question ought to be decided, as it appears to me, upon this simple principle: If this land is necessary for the building of forts for the protection of San Francisco, then keep it absolutely free and build your forts upon it. If it is not necessary, as in my opinion it is not, and as when this matter was pressed two or three years ago it was not pretended that it was for military purposes, then let the United States dispose of this land as they do of similar land in the Eastern States about the cities of New York or Boston or wherever they have occasion to give up military reservations or military ground; sell it in the regular way and put the money into the Treasury to the credit of the people who are the owners of property. That is the proper thing to do.

Now we are told that the War Department do not want to give it up. What evidence have we of that? The committee have not reported anything on the subject in writing; we only have the report of the bill. I cannot find among the papers any report upon the subject at all. I do find a letter, however, among the papers from the Secretary of War addressed to the Senator from California, which, with his permission, as it is among the papers, I will read.

Mr. HAGER. There are other papers in the House connected with the bill.

Mr. EDMUNDS. Is this a public paper which the Senator is willing to have read?

Mr. HAGER. Certainly.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is the legislative, &c., appropriation bill.

Mr. EDMUNDS. I ask the Senator from Maine, with the assent of the Senator from California, if he will allow me to offer a resolution at this time calling upon the War Department for information touching this park and the views of the War Department in respect to its necessity for public purposes?

Mr. HAGER. Will the Senator allow me a minute? If the Senator will accept this amendment, I am perfectly willing it shall be incorporated in the bill, and it will obviate all the objections he has:

> That at any time after the passage of this act the Government may, on six months' notice to said city and county, retake possession of said premises, or any part thereof, if the same shall be required for public use or for purposes of sale.

Mr. EDMUNDS. That would not be satisfactory to me.

Mr. HAGER. If the Senator will draw any amendment that will be satisfactory to him, by which the Government may retake possession for any purpose whatever, I am perfectly willing. We merely want the privilege of driving upon this piece of ground for purposes of health.

Mr. EDMUNDS. What I wish now, and what I think every Senator ought to wish, is to get official and responsible information from the Department of War upon this subject. I had supposed when this matter was brought up the day before yesterday I believe, from what was said, that we had that official information in the papers. I understood it to be so stated. I have sent for the papers, and the only document on the subject, except the petitions and the resolutions of the city councils and of the Legislature of California, that I find is a letter from the Secretary of War addressed to the Senator from California, and which does not touch the point as to whether it is needed for military purposes or as to whether this bill ought to pass. It only says that a certain modification ought to be made in the bill, without expressing any opinion, as it would undoubtedly have been thought by the Secretary of War officious in him to volunteer an opinion on the subject when Congress had not asked it. What I ask leave to do, and it will make only a delay of a day or two, and now this bill must go over until to-morrow, is to offer a resolution that I will submit calling for information.

Mr. MORRILL, of Maine. I have no objection.

The PRESIDENT *pro tempore*. The Chair will receive the resolution.

Mr. EDMUNDS. The Senate can go on with the appropriation for the present. I will prepare the resolution and offer it in a few moments.

REPRINTING OF A BILL.

Mr. FRELINGHUYSEN. I ask permission at this time to submit a motion that the civil-rights bill be reprinted. There are no copies of it left.

The PRESIDENT *pro tempore*. That order will be entered if there be no objection.

Mr. ALCORN. Will the Senator from New Jersey include in his motion to print the amendments that are pending to the bill?

Mr. FRELINGHUYSEN. I ask that the bill be printed as it came from the committee. Such an order as the Senator suggests would be proper, of course.

Mr. ALCORN. Will you allow the amendments that are now pending to be printed with the bill?

Mr. FRELINGHUYSEN. I have no objection, subject to the order of the Senate.

Mr. EDMUNDS. You do not want them printed in with the bill.

The PRESIDENT *pro tempore*. The bill and amendments that are pending will be ordered to be printed, if there be no objection.

Mr. FRELINGHUYSEN. The amendments will not be printed with the bill.

The PRESIDENT *pro tempore*. They will be printed separately.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

Mr. RAMSEY. Will it be in order now to offer amendments outside those of the Committee on Appropriations?

Mr. EDMUNDS. Not yet; the committee's amendments are first in order.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Appropriations have been disposed of, as the Chair understands.

Mr. RAMSEY. Then I have one that I wish to offer, with the consent of the chairman of the committee. It is to correct an oversight in the bill, I imagine.

Mr. BOREMAN. I am informed by Senators who were in the Senate yesterday that all the amendments of the committee were not understood as concurred in in the Senate. Is the bill in the Senate?

The PRESIDENT *pro tempore*. The bill has not been reported to the Senate. As in Committee of the Whole, the amendments of the Committee on Appropriations were agreed to.

Mr. RAMSEY. My amendment is in line 1567, where the word "twenty-three" occurs, to make it read "twenty-five;" so as to provide for twenty-five laborers for the Post-Office Department. That is the present force and the force provided for in the code.

Mr. MORRILL, of Maine. I do not object to that amendment.

The amendment was agreed to.

Mr. RAMSEY. In line 1587 I move to change the word "horse" to "horses;" and after the word "carriage," in the same line, to insert the word "wagons;" and then in line 1589, after the word "dollars" where it first occurs, to insert these words:

For rent of house No. 915 E street northwest, $4,200.

That is the house occupied by the topographer of the Post-Office Department. The Committee on Appropriations understand the amendment. It is merely to correct an oversight.

Mr. MORRILL, of Maine. That is right. I do not object to it.

The amendment was agreed to.

Mr. LOGAN. I desire to make an inquiry of the chairman of the committee in regard to the amendment made on page 10 in reference to the Public Printer. The amendment reads as follows:

Shall cease and determine and become of no effect from and after the date of the first vacancy occurring in said office; that the title of said officer shall thereafter be Public Printer, and he shall be deemed an officer of the United States, and said office shall be filled by appointment by the President, by and with the advice and consent of the Senate.

Although I do not ask the question by way of finding any fault with the Public Printer or anything of that kind, yet I should like to know whether that language does not continue the present officer in office during his own pleasure instead of the pleasure of the Senate.

Mr. MORRILL, of Maine. No, sir; during the pleasure of the Senate, as the committee understand it. He is an officer of the Senate, and this amendment does not change that fact. Being an officer of the Senate, of course he is subject to the action of the Senate. If there is any doubt about that, it may be well to make it certain; but I cannot think there is.

Mr. LOGAN. That is the question. The question in my mind is what power the Senate will have over him after this bill passes. It strikes me, from the reading of the clause, that it is a continuation of the present incumbent in office to be determined by himself.

Mr. MORRILL, of Maine. Would not the case stand in this way? By an act of Congress this man is an officer of the Senate. The Senate was authorized to designate a Public Printer. This amendment does not deprive the Senate of that authority over the officer, as it seems to me; so that he remains the officer as long as the Senate chooses; but when the Senate chooses to vacate the office by its own action, then he is to become the appointee of the President.

Mr. LOGAN. It reads in this way:

That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February 22, 1867, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, be, and the same hereby is, repealed.

This language preceding the words that I quoted before certainly repeals the law that makes him an officer of the Senate; and the moment this act goes into effect he is no longer an officer of the Senate, because that law is repealed. Then you provide that when a vacancy shall occur the appointment shall be made by the President.

Mr. EDMUNDS. The Senator will observe that the repealing clause has been stricken out by the amendment of the Senate.

Mr. LOGAN. I was reading it altogether, without noticing that fact. Possibly that may obviate the objection.

Mr. MORRILL, of Maine. The four lines preceding the words in italics are stricken out.

Mr. LOGAN. Now, let us read it with those words out:

That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February 22, 1867, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, shall cease and determine and become of no effect from and after the date of the first vacancy occurring in said office.

Mr. EDMUNDS. That leaves the law to stand.

Mr. LOGAN. The committee construe it that it leaves the law to stand so that the Senate still has power over the officer.

Mr. MORRILL, of Maine. Precisely.

Mr. CONKLING. If I do not interrupt the Senator from Illinois, he has awakened my curiosity, too, upon this point. Very likely under the amendment proposed, the Senate, if it could accomplish it, would retain the power to remove the Public Printer; but how is that to be done? By electing an officer in his place? No; because this clause determines that power. It must be done by an act of removal merely. How is that to be accomplished? It cannot be done by superseding the present officer by the election of another, because the moment the office becomes vacant the appointment becomes that of the President and Senate. So it seems to me, although in theory it may preserve the right in the Senate to determine the tenure of office, that could only be done by a removal; but I do not know exactly how, within the usage and mode of action known in the Senate, you could remove an officer without appointing anybody in his place.

Mr. EDMUNDS. You could do it by a resolution.

Mr. CONKLING. The Senator from Vermont says you could do it by resolution. Perhaps you could pass a resolution declaring the office vacant and that the incumbent be removed. That would be rather a harsh mode of proceeding. It would be one hardly to be warranted except for what is called cause and cause of rather an aggravated kind.

Mr. MORRILL, of Maine. It would be the exercise of the same authority that exists in the Executive Departments.

Mr. CONKLING. No, if my friend will pardon me, that exists by means of nominating an officer to a place already filled, and the theory is that the nomination of another officer creates a vacancy and at the same time fills it up, and thus the previous officer is displaced. But now the Senate is to pass a resolution virtually expelling the incumbent from the office. There the power of the Senate ceases, because the moment that has occured the vacancy exists, and then it behooves the President, and not us, to fill it.

Mr. MORRILL, of Maine. The Senator will observe that the object of the provision is that the time shall come when this incumbent shall cease to be an officer of the Senate but shall become an officer of the United States, and having provided the method by which that is to be done, it only remains that the Senate shall carry out that purpose by simply removing him.

Mr. EDMUNDS. I do not think there is any difficulty about this matter. My attention was called to it the other day, and I perhaps am responsible for the particular phraseology of the amendment. It was stated to me that it was not desirable (and I concurred in that most entirely) that the Senate should undertake at this present moment to legislate the present Congressional Printer out of office, and especially for a reason that I think is just and indicates fair play toward everybody. This gentleman is in the office and has been in it for some time. So far as I know, and so far as the public accounts show, he has managed the office with great energy and skill and regularity, and has not in any way, so far as I know, misconducted himself. Now he is charged, I understand, by somebody and in some way with some official or personal dereliction. He denies all those charges; and I believe some investigation by some committee is going on upon the subject. Now, to legislate him out of office before that committee shall have reported and before we know what the facts are upon which the charges rest it seems to me would be unjust.

That being the case, and it being desirable, as it was thought, that hereafter this appointment of Congressional Printer should be made as other officers of the United States are appointed, by the President, by and with the advice and consent of the Senate, and that he should no longer after this time be an officer of the Senate the point was to leave this gentleman, while the propriety of his official conduct is undergoing investigation, not legislated out of office, and thus implying before we have the facts that we condemn him, but to leave

him just where he stood, subject to the will of the Senate under existing law; so that whenever the Senate should choose to be of the opinion that he ought to go, either for public or private reasons, either from the ordinary changes in politics and in appointments or for cause which may appear, though of course as to him and all other officers I should hope there would be no cause and I have no reason to believe there will be—but if for any reason the Senate desires that this officer shall no longer continue, then the Senate by this bill has the power to displace him, because by the original act the power to remove this officer as well as to substitute another was given to the Senate.

Now, how is the Senate to exercise this power, the Senator from New York suggests? Of course it can exercise it only in one way under this act, and that is by resolution declaring that on and after a certain day the right of this gentleman to this office shall cease. You can pass a resolution to-day if you like or to-morrow in the morning hour, declaring that at the end of this present session of Congress the title to this office in this gentleman shall determine, and then he goes out without any reflection upon himself or upon anybody else; or if you do not want to do it then, you can wait until the next session; you can do it at any time or do it instantly if you like. It is done in the Departments of course every day. The Secretary of the Treasury, the Secretary of the Interior, and every other head of a Department has occasion in the natural course of business, I suppose, every day nearly, to say to a particular gentleman "your services are no longer required," and out he goes; and the President of the United States has often done it. Although, as is said by gentlemen, under certain circumstances it would be harsh, yet as to the power reserved to the Senate to displace this gentleman, thus creating a vacancy and at the same time determining our own right to fill the office, there is no difficulty at all. If there is, of course Senators can change the language.

Mr. LOGAN. The suggestion I made was based on a reading of the whole section together, and I thought it very clear that this gentleman was permanently fixed there as Public Printer, and I merely made the inquiry to ascertain the fact on that point, not out of any desire I had or any knowledge or intimation that I had, so far as the Public Printer is concerned, for I know nothing against him and have no desire to interfere with him. I wish merely to understand whether it was intended that he should be a permanent officer, or whether the power to remove him was still retained in the Senate; and I have no doubt that it is under the amendment as it has been agreed to.

Mr. HAMLIN. I have not given much consideration to this subject, but I confess that I fail to see the wisdom or the necessity of any part of this clause relating to the Public Printer after and including the word "provided." I think it will be better to strike it all out and let the thing stand precisely as it does now.

Mr. EDMUNDS. There is force in that.

Mr. HAMLIN. I cannot understand any necessity for action one way or the other, and I have risen simply for the purpose of moving, if the motion is in order, to strike out all of the proviso beginning in line 222 down to the word "Senate" in line 237. I believe that strikes out all that relates to the appointment of the Public Printer and leaves it just as it is under the existing law.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the motion of the Senator from Maine to strike out the proviso following the appropriation for the compensation of the Congressional Printer and the clerks and messengers in his office.

Mr. MORTON. How will that leave it?

Mr. HAMLIN. Just as it is under the existing law.

Mr. CONKLING. I shall vote for the amendment of the Senator from Maine, the effect of the amendment being to leave the law as to the Congressional Printer as it stands now. I shall do it, first, because I have heard no reason assigned for changing it, and I understand the present arrangement to be satisfactory in respect of every interest, public or of a kind to which the Senate is bound to look.

I shall vote for it also because, despite the explanation of the Senator from Vermont, it is quite clear to me that the effect of the proposed language would not be merely that which he states, and I think I can make plain in a few words one point in regard to it. The language commits to the Senate the power to expel the Public Printer from office. It comes to that. He is to be removed for the sake of removing him, not because for political or other reasons the Senate prefers another man, but because the Senate affirmatively declares that he ought to go out of that office. That done, it immediately devolves upon the President to nominate an incumbent for the place. Would any Executive feel at liberty to send back to the Senate the name of the very man who had just been expelled by the Senate? It seems to me, manifestly not.

If the object were merely to commit to the President the appointing power, it would be very easy in the ordinary way to commit to the President the appointing power after a certain time. Then if the President nominates the present incumbent and he is confirmed, he would continue to be Public Printer, and in that way he would be eligible like every other man to this office. But under this language, when the Senate has selected him and expelled or removed him from the office, I think it pretty clear that he would not be practically one of those from whom the President would select. Therefore it seems to me that there is no occasion for any change; but if a change is to be made, it should be so made that Mr. Clapp, the Public Printer, like every other printer, would still be in the field, not only in theory but in fact, of selection open to the President. But the amendment of the Senator from Maine avoids the whole question, leaves it where it is, and I think leaves it so properly, and therefore I shall vote for it.

Mr. HOWE. Mr. President, I shall vote for this amendment. I see no necessity for changing the existing law.

I did not rise, however, to say that so much as to say that I think the Senator from Vermont is misinformed in reference to one point. He left the impression on my mind, and perhaps on the mind of others, that there were charges pending against the present Government Printer and under investigation. I am not aware that that is the fact. I am inclined to think there are no accusations pending against him. There have been suggestions that if a very smart and vigilant committee of this House or of the other House or of both Houses were to go at the Government Printer with a satisfactory corps of detectives they might find something on which to ground an accusation, but nobody, I think, has ventured to prefer an allegation against the official conduct of the present Superintendent of Printing.

Mr. EDMUNDS. If the Senator will allow me to say a word in explanation of what I said, perhaps I ought to apologize. The information I obtained was from some of the public newspapers, I think, of the District here; and I may have confounded what they thought ought to be investigated with the idea that some investigation was going on.

Mr. HOWE. I dare say. The Government Printer stands in a very delicate as well as responsible position. He is doing work that a very active profession would like to do, and I imagine he has incurred a very considerable opposition, by way of inheritance perhaps, since the printing of the RECORD was transferred to that office. It is one of the most natural things in the world that suspicion and insinuation should be leveled against the Superintendent of Public Printing; but I believe the Committee on Public Printing in both Houses are tolerably alive to the importance of overlooking the conduct of that office. My impression is that the chiefs of those two committees are quite competent for the position they occupy, and I have myself great confidence that while any Superintendent of Public Printing is supervised by such gentlemen, there is not likely to be a great deal of rascality perpetrated in that office. At all events I think it will be time enough to institute an investigation when somebody says they believe that some particular misconduct is transpiring there.

Mr. MORRILL, of Maine. I will say one word on this proposition as it struck the Committee on Appropriations. Evidently there is a desire somewhere that this officer should not be longer continued as an officer of the Senate, as he now is. Whether there is anything in it or not is a matter for the consideration of the Senate entirely, and that is foreshadowed or indicated in the amendment itself. He is called the Congressional Printer, but as a matter of fact he is elected by the Senate and is amenable to the Senate, and so is an officer of the Senate. A desire, therefore, I say probably exists somewhere that he should be called the Public Printer, and to that end the provision as it stood originally in the bill was made. Whether there is any advantage in that or not I do not know. It seems to me not quite obvious whether there is or not, and therefore the committee took no action upon it. They were content to leave it to the sense of the Senate, and I have risen neither to advocate nor tooppose the proposition made by my colleague. I do not think it is very important any way.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine [Mr. HAMLIN] to strike out after the word "dollars," in line 222, all referring to the office of Public Printer.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I offer the following as an amendment to come in as an additional section at the end of the bill, and I will say that it is an amendment recommended by the Committee on Finance unanimously and approved by the Committee on Appropriations:

SECTION —. That so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," as provides "for replacing the worn and mutilated circulating notes of national banking associations, and for engraving and preparing in such manner and on such paper and of such form and design as the Secretary of the Treasury may prescribe, new circulating notes for such associations to replace notes of a design and denomination now successfully counterfeited, $600,000: *Provided*, That each of said national banking associations shall reimburse the Treasury the cost of the circulating notes furnished under this provision" be, and the same is hereby, repealed.

In explanation, I will say that last year a provision was inserted in the appropriation bill providing that all the circulating notes of the national banks should be replaced by new ones, and an appropriation——

Mr. SARGENT. I do not wish to interfere with the explanation of the Senator, but I desire to reserve the right to make a point of order on the amendment.

Mr. MORRILL, of Vermont. The sum of $600,000 was appropriated for that purpose; and it was also provided that that sum should be reimbursed to the Treasury by an assessment upon the several national banks. This is found to embarrass the Department very much in relation to issuing certain descriptions of bills which they have been compelled to retire for some months, and it is stated by the Comptroller of the Currency, who is extremely desirous that this amendment should be passed, that it will involve at least an expendi-

ture of not less than $1,000,000; and if all of these notes shall be replaced, it will be at an expense of $2,000,000. And besides this there have been twenty-two millions and almost a half of revenue paid into the Treasury Department by the national banks for the explicit purpose of paying the expenses of engraving and printing these notes. It would seem, therefore, manifestly improper that this cost should be reassessed upon the national banks.

I hope that the Senator from California will not make any point of order. I do not believe that any point of order can be made successfully; but it is so manifestly proper that this amendment should be inserted here now, and is of so much importance, that I cannot think that the Senator from California will insist upon making a point of order even if it were pertinent to the present amendment.

Mr. SARGENT. I ask that the rule which was adopted yesterday be read relative to amendments to appropriation bills.

The PRESIDING OFFICER. The Clerk will read the rule.

The Chief Clerk read as follows:

Resolved, That during the present session it shall be in order at any time to move a recess; and pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion; and such motions shall be decided without debate; and no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received; and no special order shall be made during this session: *Provided*, That this order shall not extend to the post-office appropriation bill.

Mr. SARGENT. I raise the point of order on the amendment. It is new legislation, obviously contrary to the spirit of the rule. It in terms repeals a law of the last Congress.

The PRESIDING OFFICER. The Chair thinks that the point of order is well taken.

Mr. MORRILL, of Vermont. I do not like to take an appeal from the decision of the Chair, but this amendment merely modifies a paragraph put into an appropriation bill at the last session and saves the Government a considerable amount of expense and a great amount of inconvenience. I cannot see what objection the Senator from California can possibly have to the proposition which is now pending.

Mr. SARGENT. I was upon the committee of conference last year which fixed the law as it was fixed. I remember that it was done after debate in both Houses of Congress. I am satisfied that the action then taken was wise. I know there is very great pressure on the part of the banks to be relieved from the necessity of reimbursing the Government for the expenses of replacing their notes. That subject was all gone over then, and it was decided that it was just and equitable that they should do it and that it was not an excuse for relieving these banks that they were generally taxed. The taxes go into the Treasury as taxes from distilleries, or from customs revenues, or from any other source, and that money is not the property of the banks or a special fund to be appropriated for this particular purpose. At any rate, that was my judgment then, and it is now; and I think the banks are able to pay for replacing the currency if it is issued to them.

I know they make one complaint that there may be some force in, which may be amended by a bill if the Senator will bring it forward, and that is that the plates which are now being used are not worn out to such a degree that the plates themselves need to be replaced. That may be true, or a committee may find it to be true on an examination of the facts; but whether it is intrinsically so or not, I do not know. At any rate, the arguments of last year which were brought to my attention by the necessity which I had to hear them and take part in them, thoroughly convinced me that our legislation at that time was sound and just, and I am not willing that the rule shall be violated by reversing that legislation upon this appropriation bill.

Mr. MORRILL, of Vermont. I desire to call the attention of the Senator from California to this point in the case, that the argument of the Comptroller of the Currency—and I do not desire to consume any time about this matter—was that a replacement of new notes for those which had been counterfeited would more endanger the public relative to the frauds of counterfeits than would a continuance of the present style of notes in circulation, for the reason that the people are all familiar with the present form of notes and if new notes were to be issued they would be immediately counterfeited, and there would be far greater danger of the public being deceived by them than there would be if we continue the old notes in circulation.

Mr. CONKLING. I believe there is no question before the Senate?

The PRESIDING OFFICER. None.

Mr. MORRILL, of Vermont. I will take an appeal from the decision of the Chair.

Mr. CONKLING. I hope the Senator will not take an appeal from a decision so obviously right, whatever the merits of the proposition may be, in the very teeth of the rule.

Mr. MORRILL, of Vermont. I think not.

The PRESIDING OFFICER. Does the Senator from Vermont insist on his appeal?

Mr. MORRILL, of Vermont. Yes, sir.

The PRESIDING OFFICER. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

The decision of the Chair was sustained.

Mr. CONKLING. On page 27 of the bill, in lines 635 and 636 an amendment was adopted yesterday in Committee of the Whole, striking out these words, "two clerks at $1,500 each." The amendment, like the original language, relates to the sub-treasury in the city of New York, and I have this morning a dispatch from Mr. Hillhouse which I will read, saying only that anything Mr. Hillhouse gives as a statement to the Senate the Senate is safe in relying and acting on. He says:

The two clerks at $1,500 each, stricken out of the clause in the appropriation bill relating to this office yesterday, are a necessity under the new coinage act. Will you please confer with Senator MORRILL about it.

Pursuant to that dispatch, I have conferred with the honorable Senator from Maine, the chairman of the Committee on Appropriations. The amendment was reported for lack of information sustaining the words as they stood in the House bill, and the chairman of the committee has no objection to their being reinstated; so that I move to reconsider the vote by which that amendment was adopted, that the clause may be left to stand as the House fixed it.

The PRESIDING OFFICER. If there be no objection the motion to reconsider will be regarded as agreed to.

Mr. MORRILL, of Maine. I desire to say a word about that to explain why it was. Those two clerks are new; they are so much additional force——

The PRESIDING OFFICER. Does the Senator from Maine object to the motion to reconsider?

Mr. MORRILL, of Maine. I was about to state the reason for the action of the committee. Finding those two clerks provided for in this bill not estimated for, and so being new matter and having no information on the subject, the committee as a cautionary matter struck them out to induce an inquiry at another time and under other circumstances; but I have had a telegram this morning of the same purport with that which the Senator from New York has had, advising me of the necessity for these clerks, which is a sufficient justification; and if the committee had been in possession of those facts at the time the item would have remained in the bill. I have no objection, therefore, that it should be restored.

The PRESIDING OFFICER. The vote having been reconsidered, the question now is on agreeing to the amendment reported by the Committee on Appropriations to strike out this item.

The amendment was rejected.

Mr. WEST. I am instructed by the Committee on Appropriations to offer an amendment on page 20, line 477, to strike out the word "fifty-seven" and insert "sixty-two," the effect being to increase the number of clerks in the office of the Auditor of the Treasury for the Post-Office Department. The Sixth Auditor, in a communication to the chairman of the committee, submits a carefully and accurately prepared table showing the increase of work in the Bureau since 1865, and the increase of force for the corresponding period. The increase of postal business alone since 1865 has been 85 per cent., while the total increase of force on both postal and money-order accounts has been but 41 per cent., and that increase has been exclusively employed in money-order accounts. The committee, having examined carefully the statement made in this communication, recommend this change.

The amendment was agreed to.

Mr. WEST. That will render a change in the word "one," on line 482, to "nine," so as to make it read "$89,620."

The amendment was agreed to.

Mr. WEST. I am further instructed by the Committee on Appropriations to offer the following amendment: In section 5, line 7, after the word "that," insert "this section shall not operate to prevent the fulfillment of contracts existing at the date of the passage of this act and;" so as to read:

Provided, That this section shall not operate to prevent the fulfillment of contracts existing at the date of the passage of this act, and the Secretary of the Treasury shall at the beginning of each session report to Congress any balances of appropriations for specific objects affected by this section that may need to be reappropriated.

Under the section as reported by the committee, and in accordance with this amendment, the rule is laid down for all disbursing departments that they shall make no contracts extending beyond two years; but as there are some contracts existing at the present time, this amendment validates those contracts and enables them to be fulfilled.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. SARGENT. I suggest that the clerk be authorized in the engrossment of the amendments of the Senate to change the footings where that is made necessary by amendments. I believe that is usual.

The PRESIDING OFFICER. If there be no objection that order will be made, and the clerk will be authorized to change the footings where corrections are necessary to be made.

Mr. SARGENT. In line 333 I am instructed by the Committee on Appropriations to move to strike out "four" and insert "six;" so as to make the appropriation for contingent expenses of the executive office $6,000, the amount allowed for the present fiscal year, instead of $4,000.

The amendment was agreed to.

Mr. SARGENT. I have one other amendment from the Committee on Appropriations. In the clause providing for the office of Director of the Mint, after the word "dollars" in line 817, I move to insert:

One computer of bullion, $2,200.

I have in my hand the letter of the Director of the Mint, sent to the committee by the Secretary of the Treasury, recommending this item.

The amendment was agreed to.

Mr. CHANDLER. On page 3, line 61, after the word "dollars" I move to insert the following:

Clerk to the Committee on Commerce, $2,220.

Mr. PRATT. I object to that. The objection is not directed especially to the amendment of my friend from Michigan; but there are several similar provisions in this bill immediately preceding the place where the amendment comes in. I notice, for example, that the clerk to the Committee on Finance is paid $2,220; the clerk to the Committee on Claims, $2,220; the clerk to the Committee on Printing Records, $2,280; and the clerk to the Committee on Appropriations the same amount. I notice that these appropriations are limited to these particular clerks. I do not understand why this is so. The clerks to the other committees receive a per diem compensation of $7.20 per day, I think, and the compensation stops with the expiration of the session of Congress, whereas the compensation to these particular clerks extends throughout the year. Now, I am not aware that these clerks are compelled to remain here during the recess, from the 22d of June say, to the first Monday in December next. Why should they be paid during that time? I hope that Senators who are posted in these matters will make some explanation of the reasons why particular clerks should be selected out and receive an annual compensation, and a pretty large one at that, while the clerks to the remaining committees receive simply a per diem compensation ending with the session.

Mr. CHANDLER. I will state that probably the clerk of the Committee on Commerce has more arduous labor than the clerk of any other committee connected with this body. After the death of the gentleman who was for years clerk to the Committee on Commerce, some time ago, I tried for two years to get a competent clerk for that committee at the compensation allowed by the Senate, and I tried in vain. I changed two or three times, and finally was compelled, in order to obtain a clerk competent to perform the duties intrusted to that committee, to promise a yearly salary and to see that he gets it, even if I have to pay it myself. The duties of that clerk are very onerous. It requires a man fit to be a Senator to be a competent clerk to that committee. He must be a lawyer; he must be an able man; and such a man cannot be had at a compensation of $7.20 a day during the session.

Mr. PRATT. I inquire of my friend from Michigan whether there is anything in the business that comes before the Committee on Commerce which requires that the clerk of that committee should remain here during the vacation?

Mr. CHANDLER. He has to remain here.

Mr. PRATT. On business of the committee?

Mr. CHANDLER. Partially.

The PRESIDENT *pro tempore*. The question is on the amendment offerered by the Senator from Michigan.

Mr. MORRILL, of Maine. The Senator from Indiana raises a very proper question and one of general interest, and he very properly suggests that he does not see why the committees specially named are preferred, if this be a preferment; that is to say, why they have salaried clerks and the other committees have not. There are a great many things in the civil service touching this body and the other House, and touching the civil service generally, which would be of a very great interest to anybody who would examine them. He will find these inequalities running through the whole of it, if they be inequalities, or these discriminations. But in regard to this particular subject, to confine myself to that, the clerks who are found in this bill provided for come down to us from many years. Those clerks were provided for in this way at a time perhaps when those committees had a more important relation to the Senate comparatively to other committees than they have at the present time. For instance, the Committee on Claims, to which reference has been made, has long had a salaried clerk, and he was provided for originally when that was a very important committee, comparatively more so than now; and even at this time the duties of no clerk here are more important than those devolved on that clerk, provided he is such an aid to that committee as he ought to be.

In 1854 the committees of the Senate were revised. Mr. Butler, then from South Carolina, I think made a report on the subject, and these particular committees then were designated for salaried clerks, and they have remained so ever since. Then there were very few clerks to committees besides these. Now, clerkships to our committees have become almost universal. Then the compensation of the clerks outside of these salaried clerks was very limited; now it is much larger, as the Senator is aware. I think it would be well (and this is my answer to the Senator) for the committee who may properly have this matter in charge to revise the subject of the clerkships of the committees, and fix the salaries for the clerks of such committees as need salaried clerks. Committees whose clerks have a continuing service to some extent; committees which meet here before the session, for instance, and have duties to perform, and who have some preparation to make to meet the duties of their position. But I would suggest to my honorable friend that it is not the duty of the Committee on Appropriations to examine that question. It is as much as they can do to provide for the service as they find it to exist; and it is not a good practice, as a general proposition, to undertake to provide for it on an appropriation bill. It is too diverse, too conflicting, and it takes up too much time. If the Senator will look at another page in this bill providing for the committees of the House of Representatives, he will see that they very nearly correspond, although they outrun us in number as they do in the number of committees. They outrun us in the number of salaried clerks to committees, and they have larger committees; and they have salaries for clerks to committees which we have not. For instance, there the Committee on the Public Lands has a salaried clerk and ours has not.

Mr. WEST. I inquire of the Senator from Michigan whether he gave notice of this amendment and had it submitted to the Committee on Appropriations?

Mr. CHANDLER. It has been submitted to the Committee on Appropriations, and I offered it after consultation with the chairman of that committee.

Mr. WEST. I was not aware of that.

Mr. WRIGHT. In view of a remark made by the Senator from Maine, I deem it proper to make a reference somewhat to this question of the salaries of clerks. He made a suggestion that I think is eminently proper; and in view of my connection with a committee of this body I deem it proper for me to refer to it. I can see at once the very great difficulty of and the objection to attempting to arrange this matter of salaries upon an appropriation bill.

Mr. MORRILL of Maine. It cannot be done well.

Mr. WRIGHT. I have uniformly, when this question has been raised in the Senate heretofore as I have at this session, insisted that these matters should all be left out of appropriation bills, or at least that there should be no effort to increase salaries or change them in a bill of this kind, but should leave them substantially as they are by existing statutes. I am satisfied that there are many evils connected with our present system of salaries as applicable to the employés of both bodies of Congress, if not the employés in the different Executive Departments; and there ought to be some general law on that subject, or the entire legislation on that subject ought to be revised. I think there is rank injustice done to many employés in that they get compensation at less than they are entitled to as compared with others.

Upon this subject of the salaries of clerks I have had my attention direction to it not a little as a member of the Committee on Civil Service and Retrenchment, and have had more than one consultation with the chairman of the House committee; and it is our purpose, if possible, to prepare a bill before the adjournment that shall if not entirely revise these salaries, at least do it to some extent, so as to correct the more manifest inequalities connected with it.

So far as the salaries of clerks of committees are concerned in this body, I think there are more than half of them that should be abolished. I think only the leading committees of the Senate should have salaried clerks, and I think when you compare these clerks of committees with those in the House it will be found that we pay much larger salaries here than they do there. I think that many of these clerkships ought to be abolished; or else if the chairman of every committee is to have a clerk, then upon the same principle every Senator here should have a clerk; and I am not sure but that there would be absolute economy in making some provision of that kind. But when you attempt, as is attempted here by the Senator from Michigan, to say that the clerk of the Committee on Commerce shall be a salaried officer, the same would be equally true and could be claimed with equal justice in reference to all other committee clerks in this body. I therefore am opposed to this amendment. I am opposed to making any change in these salaries as they stand now, and prefer and think it very much better that we leave it to some general bill on the subject that shall revise this whole matter.

While I have no objection, and I do not wish to be understood as introducing any objection, to the Senator from Michigan increasing the salary of the clerk to his committee, and while I appreciate all that he says, I think it were much better to leave this matter alone now and arrange it by some general bill.

Mr. CHANLDER. I hope this amendment will be adopted, and then when the general bill comes in I trust it will be a fair and proper bill. I ask the Senate to adopt this amendment, as it is eminently fit.

Mr. PRATT. I wish to make a single remark in reply to the Senator from Maine, the chairman of the Committee on Appropriations. While that committee may not feel at liberty to revise the system of salaried clerks in this body, it is surely within their province to fix the amount of the salaries, and if they are too high to grade them down. Now, for one year during an entire Congress this body is in session only three months or four months at most, and during the other year from seven to eight months. When we disperse and go home the clerks follow suit; and yet these clerks receive, for what reason I do not know, just precisely $2,220, while the fourth-class clerks in the Departments, skilled men who remain there during the entire year with the exception of a brief vacation during the dog-days of thirty days, receive only $1,800, men who are habitually at their posts, because the Departments are not in the habit of adjourning over the holidays or adjourning over Saturdays, and they remain at their posts day in and day out during the year, and the highest compensation for the highest order of clerks is $1,800. Now I beg to know from my friend from Maine, the chairman of this committee, upon what principle he justifies paying these extraordinary salaries for the entire year to the clerks of these committees?

Mr. MORRILL, of Maine. Does the Senator inquire about the salaried clerks?

Mr. PRATT. Yes, sir; the amount I am talking about now, the $2,220 salary.

Mr. MORRILL, of Maine. That would lead to considerable consideration of the public service, which the chairman of the Committee on Appropriations does not feel called upon either to argue or to justify. We appropriate for this service as we find it. It may be that it is too high; it may be that it is not enough. On a subject of this kind, especially where the provision spoken of has been continuing so long, it is a sufficient justification on the part of the Committee on Appropriations to say that this is exactly what the law requires. If the law is not as it ought to be, that is a subject standing by itself. In other words, the regulation of the service is one thing, and providing for it is quite another. In providing for it the business of the Committee on Appropriations is to see that every salaried officer gets precisely what he is entitled to have, nothing more, nothing less. That is the duty with which you charge us, and the regulation of what the service ought to be belongs somewhere else. It is a complicated subject any way; it involves careful consideration; and I congratulate myself and the Senate that my honorable friend from Iowa has the thing under consideration, and as he is acting in conjunction with a gentleman in another quarter who I know has given great consideration to the question, I hope we shall have some result which will at least relieve the Committee on Appropriations from considering the question of what the salaries ought to be, and especially those relating to our own body.

Mr. PRATT. Before my friend takes his seat, I should be glad to know whether Congress at the last session found any difficulty when passing an appropriation bill in taking up the subject of salaries, particularly where members of Congress were concerned, and change them?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. HAMLIN. I have conferred with the chairman of the Committee on Appropriations, and, after that conference, submit the following amendment: In line 460, on page 20, where the number is "seventeen," make it "eighteen;" in the same line, where it is "ten," make it "eleven," and in the next line strike out "eight" and insert "ten." This has reference to the Fourth Auditor's Office. In the Fourth Auditor's Office there are fifty-eight clerks and employés; the bill reduces them to fifty. On conferring with the Auditor, and in the papers which were presented to the Committee on Appropriations, we are informed that it is utterly useless to attempt to get along with the whole of that reduction. He therefore asks that it shall be made four, instead of eight, reducing the number four, and not eight; and the amendment which is proposed accomplishes that precise result which I understood my colleague to say was proper.

Mr. MORRILL, of Maine. When my colleague spoke to me on the subject I understood him to refer to the Fifth Auditor.

Mr. HAMLIN. The Fourth Auditor.

Mr. MORRILL, of Maine. On the subject of the Fifth Auditor, I have been a good deal interrogated and have had communications with him, and have been strongly urged to make some amendments.

Mr. HAMLIN. So certainly as to the Fourth Auditor. My colleague will recollect that I went to the committee-room with a statement prepared at that Auditor's office.

Mr. MORRILL, of Maine. Yes. Now let the Clerk read the amendment proposed.

The Chief Clerk read the amendment of Mr. HAMLIN.

Mr. HAMLIN. That reduces the force in the office four. The bill now reduces it eight, which is a percentage I think very much larger than the reduction in any other Bureau.

Mr. MORRILL, of Maine. I am not certain that the public service does not require the amendment. I am not going to raise a question of order on this if the Senate think proper to put it in.

Mr. HAMLIN. I know it ought to go in.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment of the Senator from Maine, [Mr. HAMLIN.]

The amendment was agreed to.

Mr. HOWE. I beg leave to move an amendment to the bill on the eleventh page, line 253, to strike out the word "shall" and insert "may," leaving it discretionary with the Librarian whether to make the particular expenditure there indicated or not.

Mr. MORRILL, of Maine. I have no objection.

The amendment was agreed to.

Mr. HOWE. Now in line 257 I move to strike out "one" and insert "two." The Committee on the Library have agreed to recommend that the Librarian increase the number of periodicals and newspapers to two from each State and Territory, so as to keep on the files two of the leading papers of each of the States and Territories. This is to cover the expense of that.

The amendment was agreed to.

Mr. FRELINGHUYSEN. Mr. President, the Secretary of State presented to the Committee on Foreign Relations a number of amendments which were unanimously approved by that committee, and then were reported and submitted to the Committee on Appropriations and approved by them. Those are the amendments which I now propose to make. I will state the effect of them and then will send to the Clerk the series of amendments to effect the object proposed.

The amendments propose to create a Third Assistant Secretary of State; to increase the number of fourth-class clerks from ten to twelve; to reduce the third-class clerks from nine to six; to dispense with all second-class clerks; to increase the first-class clerks from eight to eleven, and to create thirteen clerks to act as copyists. The effect is to increase the force in the State Department, and also to increase the salaries $13,400 in the aggregate.

The amendments further propose that five dollars shall be charged for passports, which, it is estimated, will yield to the Treasury about $45,000. Another amendment is that the Secretary of State may have the liberty of arranging and marshaling his clerks as the interests of his Department requires; and another amendment is, that the unexpended balance of the appropriation of $250,000 voted by Congress to pay the expenses of our Government before the Geneva tribunal may be expended in paying the expenses of the fishery commission which is to meet at Halifax in July. I will now send to the Clerk the amendments which are necessary to effect this end.

The PRESIDING OFFICER. The amendments of the Senator from New Jersey will be read.

The CHIEF CLERK. It is proposed on page 15, after the word "each," in line 337, to insert—

And one additional Assistant Secretary of State, with like compensation, to be appointed by the President, by and with the advice and consent of the Senate, to be known as the Third Assistant Secretary of State.

Mr. MORRILL, of Maine. I do not know but that the Senator has stated the number of clerks. As I have examined his amendments, they increase the clerks of class four by two.

Mr. FRELINGHUYSEN. Yes, sir.

Mr. MORRILL, of Maine. It decreases the clerks of class three three.

Mr. FRELINGHUYSEN. Yes, sir.

Mr. MORRILL, of Maine. But it increases those of class one by three, and then makes an addition of thirteen $900 clerks.

Mr. FRELINGHUYSEN. And dispenses with three clerks of class two. It increases the aggregate expense of running the Department $13,400.

Mr. MORRILL, of Maine. It adds a force of eighteen and reduces six, so that it makes practically an increase of twelve, including nine $900 clerks and one Assistant Secretary.

Mr. FRELINGHUYSEN. Yes, sir. The expense now is $46,200; the expense under this amendment will be $59,600.

Mr. MORRILL, of Maine. I dislike to object to it, and I do not rise for that purpose; but I wish the Senate to understand exactly what it is. This arrangement I have no doubt will add to the efficiency of the Department of State, and it will not embarrass the Treasury. It will be self-supporting, and something more, so that in the sense of an appropriation, in which light I am to look at it, it will not embarrass this bill. The other sense in which it is important it does not fall within the province of the Committee on Appropriations to examine particularly; and in that respect I am disposed to defer to the organ of that Department, the Committee on Foreign Relations, from whom this amendment comes; and therefore I submit the matter to the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment of the Senator from New Jersey will be read.

Mr. FRELINGHUYSEN. Perhaps we had better vote on the whole series at once.

The CHIEF CLERK. It is proposed on page 15 to strike out all of line 339, after the word "dollars" down to the word "one," where it first occurs in line 340, and to insert in lieu thereof "twelve clerks of class four; six clerks of class three; eleven clerks of class one; and thirteen clerks, each of which thirteen shall receive a compensation at the rate of $900 a year."

The amendment was agreed to.

The next amendment of Mr. FRELINGHUYSEN was on page 15, line 343, to strike out the word "and;" and after the word "accounts" in line 344 to insert "rolls and library, statistics;" so as to make the clause read:

For six chiefs of Bureaus, (consular, diplomatic, accounts, rolls and library, statistics, and indexes and archives,) at $2,400 each, $14,400.

The amendment was agreed to.

The next amendment of Mr. FRELINGHUYSEN was on page 16, after the word "dollars," in line 370, to insert:

That from and after the 1st day of July next a fee of five dollars shall be collected for each citizen's passport issued from the Department. An account of these fees shall be kept, and the amount collected shall be paid into the Treasury of the United States at least quarterly.

The amendment was agreed to.

The next amendment of Mr. FRELINGHUYSEN was on page 15, lines 341 and 342, to increase the total appropriation for the compensation of the Secretary of State, Assistant Secretaries, and clerks of that Department from $74,620 to $88,020.

The amendment was agreed to.

The next amendment of Mr. FRELINGHUYSEN was on page 16, at the end of the appropriations for the State Department, to insert the following proviso:

Provided, That the Secretary of State may make such distribution of the clerks in the Department, and from time to time alter the same, as he may think proper. He may also prescribe duties for the Assistant Secretaries, the Solicitor, and the clerks of Bureaus, as well as for all the other employés in the Department, and may make changes and transfers therein when, in his judgment, it becomes necessary.

The amendment was agreed to.

The next amendment of Mr. FRELINGHUYSEN was to add at the end of section 5, page 76, the following words:

Nor to any unexpended balance of the appropriation made by the act approved December 21, 1871, for expenses that may be incurred under articles 1 to 9 of the treaty with Great Britain, concluded May 8, 1871, which balance the act approved March 3, 1873, authorized to be expended to enable the President to fulfill the stipulations contained in the twentieth, twenty-second, twenty-third, twenty-fourth, and twenty-fifth articles of said treaty.

The amendment was agreed to.

Mr. MORRILL, of Vermont. In accordance with the notice I gave the Committee on Appropriations yesterday, and at the request of Dr. Linderman, the Director of the Mint, I move to amend the bill on page 34, line 818, by inserting after the words "class two" the words "one clerk of class one." I am informed by Dr. Linderman that this was left out by mistake and the omission was not discovered until yesterday morning. It is to provide for a very valuable clerk, one he very much needs, although he happens now to be sick with a fever. I do not think any one will object to the amendment.

The amendment was agreed to.

Mr. INGALLS. Yesterday I submitted an amendment to the bill on page 62, line 1496, to strike out "$7,500" and insert "$9,700." This amendment provides for an increase of the clerical force of the surveyor-general's office in Kansas.

Mr. MORRILL, of Maine. Will the Senator allow the amendment to be reported?

Mr. INGALLS. I submitted the amendment in writing yesterday, and it was referred to the Committee on Appropriations.

Mr. MORRILL, of Maine. I understand that; but will the Senator allow it to be reported from the desk?

Mr. INGALLS. I have not got it in writing before me, but my amendment is to amend the bill in line 1496 by striking out "$7,500" and inserting "$9,700," being an increase of the appropriation for two clerks in the surveyor-general's office in Kansas, at the rate of $1,100 per annum. In this connection I will state that the estimate sent from the Commissioner's office was based upon an appropriation of about $60,000 for field-work in that State. Subsequently, an appropriation has been made for nearly $90,000 for completing the field-work in the State of Kansas, and that increase renders an additional clerical force necessary. The amendment has the approbation of the Commissioner of the General Land Office. I have a communication from him on the subject which, with the consent of the Senator from Maine, I will forward to the Secretary's desk and have read.

The PRESIDENT *pro tempore*. Is there objection to the amendment?

Mr. MORRILL, of Maine. I should like to have the communication read first, because this bill is according to the estimates.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 19, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of 18th instant, relative to increase of appropriation for clerical hire in the office of the surveyor-general of Kansas. In reply I have to state that in submitting our estimate we recommended $7,500 for clerical service, which was equal to the estimate submitted for the present fiscal year upon the basis of $60,000 appropriated for field-work. The fact that a larger clerical force would be required in order to close up the surveying service in that State during the next fiscal year (1875) was not taken into consideration by this office, and in view of the proposed increased appropriation for winding up the surveys in the field during the next fiscal year for which an estimate of $89,700 was submitted, I suggest that you offer an amendment, recommending that provision be made for the pay of two more clerks in that office at a salary of $1,100 each, making the total appropriation for clerk hire $9,700 instead of $7,500, as submitted.

Very respectfully,

W. W. CURTIS,
Acting Commissioner.

Hon. J. M. HARVEY,
United States Senate.

Mr. MORRILL, of Maine. I think I shall not object to that amendment.

The amendment was agreed to.

Mr. BOUTWELL. I renew the amendment that I offered yesterday, which was referred to the Committee on Appropriations, to insert in line 381, page 17, after the word "Blanks," the words "of Files and Records and of Mails;" and to substitute in line 377, on page 16, the word "eight" for the word "ten;" so that it will read: "ten chiefs of divisions," &c.

Mr. MORRILL, of Maine. In lieu of that, allow me to suggest to the Senator what had better be done. Instead of "ten chiefs of divisions," it should be "ten principal clerks;" and that was what the committee agreed upon. They agreed upon ten principal clerks, and not upon ten chiefs of divisions; and the bill needs to be amended under the head of "loans" or at some other point, so as to provide for ten principal clerks, increasing the number from eight to ten. That will cover the two divisions heretofore recognized which the Senator desires to provide for, but which were not provided for by chiefs of divisions, but by principal clerks, at $2,400 instead of $3,000.

Mr. BOUTWELL. The place where the Senator proposes to amend I suppose is on page 17, line 382, to strike out "eight" and insert "ten;" so as to read "ten principal clerks of divisions."

Mr. MORRILL, of Maine. Yes, sir; that is it. There is no objection to that. That is in harmony exactly with what the committee desired.

Mr. BOUTWELL. But it is very inharmonious with reference to the business of the Department in this particular.

Mr. MORRILL, of Maine. I will say to my honorable friend in regard to that, that I placed myself in the closest relations with the Department on the subject and ascertained that this was believed to be satisfactory and would answer the purposes of the Department.

Mr. BOUTWELL. It changes the pecuniary compensation of these two heads of divisions to the extent of $200 apiece. If left precisely as the report of the committee stands, they will receive $1,800 salary. If they are ranked as principal clerks of divisions they will receive $2,000.

Mr. MORRILL, of Maine. No, they will receive $2,400.

Mr. BOUTWELL. That will be an increase of $600. That would be better.

Mr. MORRILL, of Maine. And that was as far as the committee thought they ought to go.

Mr. BOUTWELL. I wish to submit the matter to the Senate. Of course, if the committee are resolved that these officers shall be entitled to only $2,400, it must be so, no doubt; but when it is considered that the office of the Secretary of the Treasury is organized in twelve divisions, at the head of each of which is a chief, whose duty it is to manage the business intrusted to him by the organization, and who is responsible to the Government for what he does, and that these twelve men occupy the same relation to the Department and to the head of the Department, it is very invidious to take ten of those men and give them salaries of $3,000 each and place the other two upon salaries of $2,400; and especially will it be invidious and humiliating to those two men when by the proposition now submitted by the chairman of the committee they are to stand in the same relation with reference to salary that the chief clerk of each of the other divisions stands.

As I stated yesterday, one of these men is the head of the mail division. He received last year mutilated notes, money returned, seven-thirty bonds, bonds sent for exchange, conscience money to the amount of $30,000, (for which there is positively no security except the integrity of the officer who opens the letters containing this money;) and when you consider that there passed through his hands $109,000,000 of money and securities, I do submit that it is an act of great injustice, and I might use a stronger phrase, to place that public servant upon a salary of only $2,400 a year. He attends to a business exceeding that of the largest commercial establishment in this country, and he is getting no more per month than is paid to the officer of the Senate who stands in the lobby and brings in a card to a member of the Senate showing that there is somebody outside who wants to see him.

I do not know but that public business can be safely done upon such rules and principles of economy, but they are principles that no private man or corporation in this country would act upon for a day; and it will be with some twinges of conscience, I think, that public servants who are thus scantily paid for the performance of great duties, in moments of trial and temptation, submit to temptation and commit offenses for which they are made punishable by the law, if the law-makers put them upon so scanty a stipend that they cannot live in comfort upon the pay they receive for their services.

If this proposition cannot prevail, I shall accept that of the committee. It is nothing to me more than to any member of the Senate or citizen of the country; but as an act of justice to these men, I think the amendment I have offered should be adopted. The difference is but $1,200 between the proposition which I have the honor to submit and that of the committee.

Mr. MORRILL, of Maine. I will suggest the amendment as the committee intended to have it stand. The bill in lines 382 and 383, page 17, now reads: "Eight principal clerks of divisions, at $2,000 each." We propose to make it read: "Ten principal clerks of divisions, at $2,400 each;" and that proposition the committee understood to be satisfactory. I do not mean to commit the Department about it, and I fully appreciate what the Senator has said in regard to the heads of these divisions and the important business that constantly comes before them, and we have provided for ten divisions, and this is to supplement them by clerks.

Mr. BOUTWELL. Having provided for ten of these divisions, and for some divisions the duties of which are not to be compared with one of these for which I ask an additional appropriation, I cannot understand how this distinction is to be justified. For instance, the division of stationery, printing, and blanks is less important than the mail division of the Treasury; and yet you give $3,000 to the head of that division, and but $2,400 to the head of the other. But, sir, I will not prolong the debate.

Mr. MORRILL, of Maine. Then I ask that the amendment I have suggested be made. It is on page 17, line 382, to strike out "eight" and insert "ten," and in line 383; after the word "thousand," to insert "four hundred;" so that the clause will read:

Ten principal clerks of divisions, at $2,400 each.

The Senator from Massachusetts understands that I offer this as a substitute for his proposition.

Mr. BOUTWELL. I understand that; there is no doubt about my capacity on that point; but what I wish to know is whether the amendment which I have moved does not take precedence in the order of business?

Mr. MORRILL, of Maine. Certainly; if the Senator chooses to insist upon it; but the Senator is not dealing with the same subject.

Mr. BOUTWELL. My amendment was first moved.

Mr. MORRILL, of Maine. But your amendment is in another place. It is to strike out the word "eight," in line 377, and insert "ten."

Mr. BOUTWELL. Is not that other place open to amendment as well as this which the Senator from Maine has selected?

Mr. MORRILL, of Maine. But you want to add two chiefs of division, do you not?

Mr. BOUTWELL. Yes, sir.

Mr. MORRILL, of Maine. Well, you will find the place for that in line 377.

Mr. BOUTWELL. And the Chair will remember that I made that motion before the Senator from Maine took the floor. What I now ask is that the question shall be taken on that motion.

Mr. MORRILL, of Maine. The Senator from Massachusetts will do me the credit to say that I was trying to enlighten him as to why I proposed to make another amendment which ought to be satisfactory to him.

Mr. EDMUNDS. That is a hopeless task. [Laughter.] Let us vote.

Mr. MORRILL, of Maine. I yield to the Senator's amendment, which is in order, I take it.

The PRESIDING OFFICER, (Mr. SCOTT in the chair.) The amendment of the Senator from Massachusetts will be reported.

The Chief Clerk read the amendment, which was on page 16, line 377, to strike out "eight" and insert "ten," and in line 381, after the word "Blanks," to insert "of Files and Records and of Mails;" so as to make the clause read:

Ten chiefs of divisions, namely, of Appointments, of Warrants and Appropriations, of Revenue Marine and Life-saving Stations, of Customs, of Navigation, of Internal Revenue, of Sub-Treasury, of Stationery, Printing, and Blanks, of Files and, Records, and of Mails.

Mr. MORRILL, of Maine. Upon this subject I agree that my honorable friend knows vastly more about the duties of these men and the value of their services than I do; but at the same time, having given what attention I could to the subject, I reported the bill in the best way I could, and upon the whole came to the conclusion that to provide for ten heads of divisions was sufficient. This would make twelve. Still, it is a question before the Senate and for the Senate to consider.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts, [Mr. BOUTWELL.]

The amendment was agreed to.

Mr. EDMUNDS. Mr. President——

Mr. MORRILL, of Maine. If the Senator will allow me, I wish to make an amendment corresponding to this.

Mr. EDMUNDS. I want to go away, if the Senator will pardon me.

Mr. MORRILL, of Maine. Very well.

Mr. EDMUNDS. My attention has been called to a paragraph of this bill in section 3 which prohibits any civil officer of the Government hereafter from receiving "any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law," &c. Then comes this proviso:

Provided, That this shall not be construed to deprive any officer of the United States of such fees as are or may be expressly provided by law in addition to the salary or compensation of such officer, &c.

It has been called to my attention, and I am very glad that it has, that the effect of that would be to prevent the Department of Justice from employing the district attorneys, who, except in the great cities, have a salary of $200 a year, as is now done lawfully, to do a great variety of business for the Government, such as examining the title of property to be condemned, proceedings for the condemnation of property, and a great number of other proceedings which I need not now refer to, for which the law makes no provision as to payment except as it provides money for the Department of Justice to employ counsel with.

The effect of this section would be to break up a practice which is very convenient to the Government in these cases where somebody must be employed by the Government to attend to these matters, which do not fall within the duties of the district attorney as defined by law, and for doing which no fees are provided by law. In almost all the districts, as I say, the district attorney's salary is $200, and then for certain specific things provided for by the fee-bill of 1852 certain other fees are allowed to him. Then here comes this additional species of business, such as a private person has with his private counsel, respecting the business operations of the Government of various kinds, for which some counsel must be employed. The custom is, and has been, very properly, inasmuch as the district attorney is known to the Department and is generally a person of established reputation and knowledge, to send this business to him. He makes out a reasonable bill, usually about 50 per cent. less than other counsel would charge, so far as I have had opportunity to observe, which is sent to the Department and paid.

Now, then, this section standing as it does, the Attorney-General would be obliged in every instance to employ some other counsel to attend to this outside business of the Government, and he cannot employ the district attorney, unless the district attorney chooses to do this business for nothing, as of course he will not and ought not to do. If the Attorney-General does employ outside counsel, aside from the difficulty of finding the proper man and all that, he will have to pay him a very large percentage more than he now has to pay the district attorney. Therefore I move to amend this section by adding these words:

Nor to prevent the employment and payment by the Department of Justice of district attorneys as now allowed by law for the performance of services not covered by their salaries or fees.

Mr. MORRILL, of Maine. What is that?

Mr. EDMUNDS. "Nor to prevent the employment and payment by the Department of Justice of district attorneys as now allowed by law for the performance of services not covered"—that is, not provided for—"by their salaries or fees," so as to allow the Department of Justice, as I said, to continue to do as it does now, where any law business is to be attended to for the Government, to which the district attorney is under no more obligation to give his attention than anybody else, and for which no salary or compensation is made to him by existing laws; that is, the law on neither side touches it at all; that the Department of Justice may still employ a district attorney, just as they would employ any outside counsel to do business which the law does not require the district attorney to perform and for which it provides no pay. That is the effect of it.

Mr. MORRILL, of Maine. I do not see that there is any possible objection to that, but at the same time I do not quite see the necessity for it.

Mr. EDMUNDS. I will repeat my statement to the Senator, then. I am sorry I cannot make myself more easily understood.

Mr. MORRILL, of Maine. I am sorry it is not so easy for me to understand the Senator. That is where the point comes in. It is my fault.

Mr. EDMUNDS. I will repeat what I said, only more briefly.

Mr. MORRILL, of Maine. I listened with both ears.

Mr. EDMUNDS. Then perhaps it will not do any good for me to restate it, but I will try.

By the existing law, I repeat, a district attorney, for illustration, is not authorized, or empowered, or required to examine the title of a piece of property condemned or to be condemned for public use. The law does not require him to do that for his $200 salary; the law does not affix any fee or compensation to him or anybody else for doing it. Under existing laws, money being furnished the Department of Justice for the incidental expenses of that Department and so on, the Attorney-General, when Congress directs a particular piece of land to be obtained, usually—that is the course of practice and it is found beneficial and convenient—sends to the district attorney a request or instructions to examine that title. He does it. It may take a day, it may take a week, depending of course upon a variety of considerations that I need not name. Then the district attorney makes his report upon the title, good or bad, and his reasons for it, and sends his bill to the Attorney-General for it, which is paid out of the money provided for the contingent expenses of the Department. The Attorney-General would have just as good a right, if it were in Vermont for instance, to send it to me or to any other counsel there, if he chose. If the law stands as you propose in this third section, then the Attorney-General cannot employ the district attorney to do that business for the Government unless the district attorney will do it without pay, for the reason that a district attorney is a civil officer of the Government of the United States, and this section provides that hereafter he shall not "receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law." Now, then, the salary allowed by law, in general, is $200. The fees allowed by law are attached to specific acts, no one of which is the examination of a title.

Mr. MORRILL, of Maine. If the Senator will allow me, there was exactly the point of difficulty with me. I saw the salary of a district attorney was $200, but his compensation I did not understand, what the Senator now states, and what, if he will pardon me for saying, I think he did not state before; if he did it escaped me; and therefore my inquiry was whether if he was not allowed an increase of salary it would not fall under the compensation?

Mr. EDMUNDS. No, sir; because the fee-bill does not touch any such object.

Mr. MORRILL, of Maine. But now I see that the fee-bill applies to specific things, and not to this particular thing.

Mr. EDMUNDS. There are a great many other similar things. I only used the examination of a title as an illustration. The fee-bill applies almost exclusively to criminal proceedings and suits in court.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. EDMUNDS. I have one other amendment to offer. Yesterday we adopted an amendment on the third page providing a salary of $2,160 for the superintendent of the document-room, a salary of $2,160 for the first assistant in the document-room, and a salary of $1,440 for a second assistant in the document-room of the Senate. By the law

as it now stands, the salary of the superintendent of the document-room is, I believe, $1,800.

Mr. MORRILL, of Maine. No; it is $2,160.

Mr. EDMUNDS. I supposed the House bill had it just as it was.

Mr. MORRILL, of Maine. No; it was not.

Mr. EDMUNDS. Very well; then the first amendment of the committee in this clause was intended to put the salary of the superintendent as the law now is.

Mr. MORRILL, of Maine. Yes, sir.

Mr. EDMUNDS. Very well. Then as the law now stands the salary of the two assistants in the document-room is each $1,440. Both of the persons there do the same amount of work, the same kind of work, and one is just as good and faithful as the other for aught I know. Now, inasmuch as the document-room has not increased in its necessities that I know of, in respect to the keeping of printed bills and the sending of them down to Senators, I wish to move to reconsider the vote by which yesterday—of course without any question or debate—we agreed to the amendment of the committee as to the salary of these assistants. There ought not to be any such distinction made, and I do not see any ground, taking what we have done this session as a test, upon which the salaries ought to be increased.

I do not say whether or not $1,440 is sufficient to pay for young men to do that work; I do not say whether $5,000 is sufficient pay for Senators here to do this work with the expenditures they have to make; I do not go into that at all; but we have already declared, with the great approval of the people as we supposed, at this very session, that the salary of these two gentlemen should be $1,440 each, and that the salary of Senators should be $5,000, because by the act that we made such haste to repeal, passed a year ago, or whatever the time was, we had increased the salaries of these people, at least one of them, and I think both, as well as our own. Now, by the act passed this very session we have repealed that increasing act and restored all salaries to the condition in which they stood before, which brings these two persons back to $1,440 as the law stands.

I think, therefore, that under existing circumstances, and I need not go into other considerations about it which the Senate may understand, we had better for the present leave the salaries of these two assistants precisely as they now stand by law. I therefore move to reconsider the vote by which the amendment was adopted in order that I may take the sense of the Senate on disagreeing to it and leaving the salaries precisely as the law leaves them now.

Mr. MORRILL, of Maine. I hope the Senate by general consent will consider that vote reconsidered.

The PRESIDING OFFICER. Is there any objection to considering this vote as reconsidered? The Chair hears none. The question then recurs on the amendment reported by the Committee on Appropriations on page 3, line 44, in relation to the salary of two assistants in the document-room.

Mr. MORRILL, of Maine. Now I suggest that those salaries be left at $1,440 each, as they stood in the House bill.

Mr. EDMUNDS. I wish to non-concur in the amendment of the committee and leave these two salaries for the present precisely as the law fixes them—at $1,440 each. We have decided by law once this year that that should be it, and I think it is changing a little too fast to raise it now.

Mr. MORRILL, of Maine. I desire to say a single word in explanation, and then I shall not object to the suggestion of the Senator. By looking at this bill it will be seen that the House have made amendments in regard to their employés, which suggested by the way of equality that this thing should be done; but I have no objection, and do not intend to make any objection to the proposition of the Senator, to put these salaries where the law put them before.

Mr. EDMUNDS. I merely wish to say in reply to the Senator from Maine that I do not make this motion upon any absolute theory that $1,440 is exactly the right sum, neither too small nor too large. I only put it upon the ground, as I say, that we have made our appearance on the theater of human affairs this winter as reformers in repealing the salary act, as it was called; and in that act of repeal we provided by law that the salary of these two officers should be $1,440 each, as we provided that the salary of Senators should go back to the old rate. Now, the Senator from Maine says that the House of Representatives has departed from the law in this appropriation bill by making an increase of the salaries of some of their employés, and in order to secure equality this provision was put in by the committee. I wish to suggest to the Senator from Maine—I dare say it has never occurred to him—that there is another method of producing equality in that respect; and that is, by disagreeing to the increase the House has made.

Mr. MORRILL, of Maine. My honorable friend has been long enough upon the Committee on Appropriations in former years to know that we do not apply that rule at all; but there is a sort of comity between the Houses that allows each House to fix the compensation of its own employés.

Mr. EDMUNDS. I think we had better get over that rule.

Mr. MORRILL, of Maine. I make no opposition to this proposition.

Mr. FLANAGAN. The standard invoked by my distinguished friend from Vermont does not suit me upon this occasion. He is willing candidly to admit that he did not do himself justice when he was voting upon the subject of salaries.

Mr. EDMUNDS. No; I have not admitted anything of the kind.

Mr. FLANAGAN. Then I was willing to give you more credit than you require.

Mr. EDMUNDS. Very well; I only take that which belongs to me.

Mr. FLANAGAN. I was in hopes that you were correct on that branch of the subject. I thought you were. However, it is sufficient for me to say that I do not think the Senator did do himself justice on that occasion. I will modify my language. Now, because we did not, as I hold, do justice to ourselves, I do not think we ought to visit that sin upon the employés of the Senate; and, for one, I am not disposed to cut them down. I am always for liberal compensation, and then requiring good service; and I think we have that here. For my part, briefly, I am opposed to reducing this sum as proposed.

The PRESIDING OFFICER. The question is upon agreeing to the amendment reported by the committee in lines 44, 45, 46, 47, and 48, on the third page of the bill.

The amendment was rejected.

Mr. SAULSBURY. I desire to offer an amendment to the bill on page 18. The purport of the amendment is to increase the salaries of the chief clerks of the First and Second Comptrollers of the Treasury. While I am not usually in favor of high salaries or an increase of salaries, yet I am ever willing to do what I believe to be justice to those who are in the service of this Government. I am satisfied from information that I have that these gentlemen are not properly compensated for the services which they render the Government, and therefore I offer this amendment, which proposes to increase their salaries from $2,000 to $2,500. Those officers are charged with duties that are very responsible, and I am satisfied from what I can learn of the services which they perform that they are not properly compensated for the service which they render the country. I therefore move to increase the salaries of the chief clerks of the First and Second Comptroller to $2,500. The force in the Comptroller's office has been reduced, and as a consequence the duties of the chief clerks will be increased, and they will hereafter be required to perform other services than those which they have performed in the past. I hope that as an act of justice to faithful public officers this amendment will be adopted.

The PRESIDING OFFICER. The Senator from Delaware moves to amend the bill on page 18, line 418, by inserting after the word "thousand" the words "five hundred," and also to make the same amendment in line 425; so as to read in each case "chief clerk, $2,500."

Mr. MORRILL, of Maine. I dislike to raise a question of order on my honorable friend; but the adoption of this amendment would be of evil example, and we should be obliged to follow it to such an extent, if we once enter upon that field, that I feel constrained to raise a question of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. SAULSBURY. I hope the Senator will not raise any point of order on this amendment.

Mr. MORRILL, of Maine. I know it is very meritorious, and I know all about the amendment in the sense in which my honorable friend does; but these clerks are chief clerks of Bureaus, and they have the same salary as other chief clerks of Bureaus. They are meritorious gentlemen; they perform very excellent service in every way; and in my judgment they are entitled to more salary, and I am very glad to find that a bill has been reported elsewhere which contemplates this very thing; but this is not the place for us to begin to raise salaries. The question of order is that there has been no notice given to the Committee on Appropriations, such as the rules contemplate, of this increase of appropriation.

Mr. SAULSBURY. I should be very glad if the honorable Senator from Maine would withdraw that point of order. He admits that this proposition has merit in itself; that these officers are not properly paid; and if that is the case, he ought not to want these gentlemen to perform the service for the Government which they are performing for their present pay. I appeal to the Senator to withdraw the point of order he makes.

Mr. MORRILL, of Maine. If it were a matter of personal favor to my honorable friend I would do it; but as a matter of public duty I do not think I can.

The PRESIDING OFFICER. The Senator from Maine raises a point of order on this amendment, which under the thirtieth rule is sustained. The amendment is not in order.

Mr. MORRILL, of Maine. On page 73, to correspond to an amendment made on page 17, I move to amend by striking out in line 22, of section 4, the word "two" and inserting "four;" so as to make the number of clerks at $2,200 each in the office of the Secretary of the Treasury four instead of two.

The amendment was agreed to.

Mr. LOGAN. In line 172, on page 8, I move to strike out "$1,800" and insert "$2,088;" so as to read "first assistant postmaster, $2,088," this being an officer of the House of Representatives.

I offer the amendment for the reason that that is the salary now provided by law, and I presume there is no one who is conversant with the duties of this office but knows the necessity of at least paying something. It is an office in which there is a great deal of labor. The amount of mail matter from the House of Representatives, with the number of members there, makes it an office with very onerous

duties. It does seem to me that at least it ought to stand on the compensation now provided by law. It has been changed from $2,088 to $1,800 in this bill, making quite a difference. I hope the committee will not object to having the legal salary reinstated in the bill.

Mr. WEST. The Senator states that the salary now provided by law is $2,088, while it stands in the bill at $1,800. I think the Senator is mistaken. The salary was increased to $2,038 by the act of March 3, 1873, but under what is called the "back-pay repeal" that salary fell back to what it now stands at in the bill, $1,800; and were we to adopt the Senator's amendment it would be making an exception in favor of this one officer over and above all the other employés of the Senate and House of Representatives.

Mr. LOGAN. When I stated that the salary was $2,088 by law, I had reference to the law. It is immaterial at what time it passed, March 3, 1873, or any other time.

Mr. WEST. That law was repealed.

Mr. LOGAN. Fixing this salary? When?

Mr. WEST. By the salary-repeal bill.

Mr. LOGAN. This is the salary fixed by the last appropriation bill, and which of course continues up to the time that this appropriation bill takes effect.

Mr. MORRILL, of Maine. I am very sorry to apprise my honorable friend from Illinois that he is not within the rules under which we are proceeding on this bill, and I shall be obliged to raise a question of order on his amendment. This increases an appropriation, which does not come within the rule.

The PRESIDING OFFICER. Does the Senator from Maine raise the point of order?

Mr. MORRILL, of Maine. I do.

The PRESIDING OFFICER. Under the thirtieth rule of the Senate the point of order is sustained.

Mr. LOGAN. A point of order is much more effective in defeating a proposition than a vote. Of course I cannot say any more if the point of order is raised and sustained. I did not suppose there would be any objection, however.

Mr. MORRILL, of Vermont. On page 72, line 1 of section 3, I move to insert after the words "civil officer" the words "except the Commissioner of Agriculture."

It seems singular to me that this section should be leveled at so important an officer as the Commissioner of Agriculture. Evidently this is intended to prevent the Commissioner from occupying his present sumptuous apartments at the Department of Agriculture, consisting of five or six rooms, to prevent his having his fuel, his coal, and gas free of expense, and I do not exactly comprehend why he should be so singled out.

This department is one of some magnitude, and deservedly so. There are other things which I hardly understand. In proportion to the amount expended, the head of this department is the superior of the Secretary of State; and why should he be stuck in at the tail end of the bill here when an appropriation larger for clerks under his employ is made than is made for those under the Secretary of State? In 1870 I think our appropriations for this office only amounted to about $130,000. By the present bill it will be seen that they amount, if I have added correctly, to $236,480. Now, when we have an officer who will magnify his office in this way, I do not think that he ought to be pursued by such legislation as this.

Then, again, he is somewhat distinguished by the *personnel* of his office. I think that he has done great good in the selection of the men who compose the staff of his department. In looking over the list of appointments I find that there are about forty-five clerks and employés in this department, of whom fifteen, as it has been represented to me, come from Pennsylvania, and certainly I have no complaint for that. That is all right. I presume they are all worthy men. We have in the pay of the Government the Commissioner in the first place, coming from Pennsylvania; and then we have F. Watts as chief clerk, at the amount of $2,000, though I must say I really think from all I have heard that he is an excellent clerk. Then we have another of the Wattses, William Watts, at a cost of $1,800. Why, Mr. President, in looking over the names of these Wattses, one is almost disposed to exclaim with the ancient progenitor, perhaps, of the Wattses—

> Strange that a harp of a thousand strings
> Should keep in tune so long.

We have another Pennsylvanian by the name of Helmick, at a salary of $1,800; another one by the name of Grosh, at $1,800. Then, again, we have two more at $1,600, Mr. Bradley and Mr. Smith. Then we have three more at $1,200, Mr. Nagle, Mr. Sprigman, and Mr. Cobaugh. Then we have one more at the rate of $1,400, Mr. Wilson. Then we have an engineer, Mr. Stahl, at $1,400. Then we have an assistant chemist, at $1,600; and then we have three messengers, Mr. Burke and Mr. Thomas and Mr. Greenough, at $720. Then we have one by the name of Williams. I am not sure whether this is the one or not, but some one, I have been told, was brought from Pennsylvania and used as a sort of waiter or driver or something else. Then we have a Mrs. Coones, at $900; Miss Swank, at $900; and Mrs. Duke, at two dollars per day, all from Pennsylvania. Then we have Mr. Saunders, at $2,000, and a very competent man, too.

Mr. CAMERON. Is he from Pennsylvania?

Mr. MORRILL, of Vermont. Yes, sir. In the case of a gentleman who is so thrifty in the management of his department, I think it is unhandsome that we should level a section at him as appears to have been done in this bill. And, besides that, it has been proposed at the present session that we should build some seed-rooms at an expense of $10,000. Why should we give up these rooms that are occupied by this distinguished Commissioner and not build those rooms that are asked for?

And, again, have we not all of us distributed more or less of a peculiar kind of *ne plus ultra* wheat; and where could it come from except from the farm—I may be mistaken, but I understand that there has been some considerable amount of wheat and corn and rye sold to the department at very good prices. I will not assert that it comes from the farm of the Commissioner, although there is such a rumor.

I have no doubt if it did come from there it was the best kind that could be had in the country. The Commissioner is a good judge of it, and he would not presume to sell or distribute anything except of the best kind; and when he has got anything of the poorer sort I believe it is publicly known that whatever might be the cost he has not failed to dispose of it in some other way than by distribution to the public.

I understand that some rye has been procured at a cost of a dollar a bushel, and sold at auction at sixty cents in Alexandria. Whether it be true or not, I cannot say; but I have been so informed.

Now, Mr. President, it does seem to me that a Commissioner of Agriculture who will so magnify his office as this gentleman appears to have done ought not to be singled out for any special legislation of this kind; and I have moved, therefore, the amendment which I have offered, that he shall be excepted from the operation of the third section of this bill.

Mr. CAMERON. Mr. President, I am sorry that the Senator from Vermont, a gentleman usually so liberal, should allow himself to be influenced by a little—I was going to say spite; but that is not the word I want to use—"pique" probably would be better, because it is said some friend of his unfit for the place was removed from the position of chief clerk of this department——

Mr. MORRILL, of Vermont. O, no.

Mr. CAMERON. I do not assert that, and the Senator did not assert anything that he said positively. I do not assert this positively; but it is so said. It is also said that the Senator from Vermont made great efforts to have numerous persons from Vermont and other parts of the country around him in New England appointed to places in that department, and failed to get them all fixed as he wanted.

Mr. MORRILL, of Vermont. Will the Senator allow me——

Mr. CAMERON. I did not interrupt the Senator.

Mr. MORRILL, of Vermont. The Senator does not mean to state anything of that kind.

Mr. CAMERON. Nor did you.

Mr. MORRILL, of Vermont. I never made application to the Commissioner for a single appointment.

Mr. CAMERON. I am saying what I say in the same sort of kindness that the Senator from Vermont uttered what he did. It has turned out also that a man who was unfit to be chief clerk and was removed from that place was, on the special application of the Senator from Vermont, placed in a lower situation which he, qualified so well for a high place, was glad to take at a lower compensation. I dare say these are untruths; but I say they are stated with the same force with which the Senator has stated his case.

Now a word as to Judge Watts. He may have one or two of his relations in the Department of Agriculture. I should like to find a Department in this Government in the city of Washington that has not got in it somewhere a relation or a connection of the head of it. I think I could find a good many of them in many of the Departments.

But it is said that he lives in the house where the department is located. When that building was put up and taken possession of by the Commissioner of Agriculture, then from Illinois, he called upon me, as I was at the time chairman of the Committee on Agriculture, and said that he could save a messenger and various persons as a guard there if he were allowed to occupy with his family a portion of the house which was not wanted for the office. I said I had no authority to give him that permission, but he might take possession and as long as it was not needed nobody would disturb him. He was there and occupied the place for several years. Judge Watts succeeded him and occupied just the place and the rooms which had been occupied by the former Commissioner, as I believe. Besides that, Judge Watts was invited there, refused to accept the position, and was urged by the President to accept it because of his great fitness for it. Judge Watts is a man of high culture, a man of the highest character for integrity and intelligence and purity of character that there is in the State of Pennsylvania or in the State of Vermont. He is a gentleman in every sense of the word. He has spent his large income from his profession for long years in benefiting the science of agriculture. He did a great deal of benefit to the country before he came to this office, and since he has been there he has conducted it with great zeal, and I believe with great ability. There is no purer man anywhere than he. I know that he refused to accept it at first. When it was tendered to him through myself, I said, "Judge Watts, you will be harassed by all sorts of people in Congress if you take it, and I trust you are not going to accept it;" and he refused, and afterward was solicited by the President to accept it.

I do not know how many people he has in his department who come

from Pennsylvania. It may be perhaps that some of them are unfit for the places they hold; but the Senator from Vermont has named a man by the name of Grosh. Let me tell the Senator that he happened to be born in the good State of Pennsylvania, but he emigrated to New York and lived there a long life. He is a chemist, I think. He is certainly a man of very high culture and of much scientific fitness for the place he holds.

Then the Senator named poor old Mrs. Duke, the daughter of the first man in the United States who devoted his time to horticulture and agriculture and fruit culture and who made a name for himself which extended all over the country. That poor old woman he says gets $200 a year. God bless her! I wish she got $1,000. I knew her father well, and I know her well, and I am sorry she is compelled in her declining years to depend on a pittance from the Government for services rendered by her.

I do not know how many of Judge Watts's family he has in the department, but I know that whoever of them are there are fitted for the places they fill; and I know Judge Watts is too proud a man to keep his position a day if he thought his occupying it was unacceptable to the country.

Mr. MORRILL, of Vermont. I merely desire to say that while I did at the solicitation of the chief clerk at the time of the change give him a letter of recommendation to Judge Watts, it never was any offense to me that he should select his own chief clerk. I considered that that was his duty, and I may say that I have not the slightest personal feeling toward Judge Watts. I think he is a man of intelligence, but I do not think that he is exactly the fit man for this place. I think that some other man might be selected who would discharge the duties with more acceptance to the country; and in this I agree with the convention of agriculturists that assembled here two years ago at his own request, by whom a committee was appointed at the time to wait upon the President and ask him to make a change in that department. That seemed to be the sentiment then, and I have no doubt it is the sentiment now.

Mr. MORRILL, of Maine. If the Senator will yield to me long enough to make a single observation, I shall be glad.

Mr. MORRILL, of Vermont. Yes, sir; and I will withdraw the amendment, because I think the Senate is so full that I shall be voted down.

Mr. MORRILL, of Maine. I was about to say that the tenor and spirit of the Senator's remarks would justify me in asking him to withdraw his amendment.

Mr. SCOTT. I was about to make the request that the Senator would not withdraw the amendment for a moment.

Mr. MORRILL, of Vermont. I will renew it for the Senator's accommodation.

Mr. SCOTT. It was evident from the exception which was sought to be made and from the manner in which the Senator from Vermont advocated it, that his amendment was offered for the purpose of being voted down, simply to hang his speech upon, for while he said that he supposed this section was aimed at the Commissioner of Agriculture he himself according to the tenor of his amendment would have had the Senate believe that the Commissioner of Agriculture was the only one among all the public officers of the United States who ought to be excepted from the operation of this section. According to recent history, it was not aimed at the Commissioner of Agriculture. If we are all to re-enforce our fancies with the facts that have occurred within the last few months, we could probably give a different origin to this amendment altogether than anything connected with the office of the Commissioner of Agriculture. I did not rise, however, for any purpose of that character; but as the Senator from Vermont has sought through the Commissioner of Agriculture, Judge Watts, to cast some aspertions upon the State of Pennsylvania as crowding into that Department for clerkships, I wish to say one word on that subject.

I concur in every word my colleague has said as to the high character of Judge Watts. I know personally that he went to that department at the urgent solicitation of others who wished his services there, and rather against his own inclinations. I know that as a lawyer, as a judge, as the head of at least one railroad company in the State of Pennsylvania, as the president of the Agricultural College, and as the associate of many of the most distinguished men in that State, he had acquired a character for integrity, intelligence, and business ability of which any man even at his years might be proud; and I am somewhat surprised if with that character for business ability his administration of the Agricultural Department should in any quarter be proved a failure. Certainly the amount of appropriation which is given in this bill by the popular branch of Congress in response to the demand of the people would not indicate that confidence in the department as dying out. When $126,000 last year was appropriated and it is swelled, according to the statement of the Senator from Vermont, this year to $236,000, it would seem that those members of the House of Representatives who have the agricultural interests of the country in charge have deemed that the department should be enlarged in its operations instead of restricted.

But it is said that there is a large number of clerks in that department from Pennsylvania. I should suppose that the Senator from Vermont would rather have kept that in the background. I believe that for the last year or so the civil-service rules have been in operation, and that it is only upon examination and upon proficiency that clerks are admitted into the Departments; and with the well-known modesty of New England upon that subject, I should have supposed that the Senator from Vermont would have been rather disposed to be silent in reference to the proportion Pennsylvania had obtained in any of the Departments over the competition from New England.

Mr. MORRILL, of Vermont. Will the Senator from Pennsylvania permit me to interrupt him for a moment?

Mr. SCOTT. Certainly.

Mr. MORRILL, of Vermont. I merely want to say in relation to this very point that in order that the State of Pennsylvania might receive this great consideration the civil-service rules never have been enforced in that department.

Mr. SCOTT. That statement perhaps may be somewhat of the same character as the reports that my colleague has heard with reference to the Senator from Vermont. I do not know from whom he gets his information, but evidently he gets a great deal of it from that department.

I think that I may avail myself of this opportunity to say that it is somewhat singular that complaint should be made that a number of clerkships are given to Pennsylvania, even if it be not under the civil-service rules. Why, Mr. President, we have thought that we were a very uncomplaining people on the subject of the number of those who were in public employment. We have been called upon I believe generally to support the Administration which is in power. We find ourselves flanked on the north by New York with a Cabinet officer, on the south by another in Maryland, on the east by another in New Jersey, on the west by another in Ohio, and in every one of those States, if I were to go through the list of appointments, in all probability these Cabinet officers are again flanked by ministers abroad and by other high dignitaries under the Administration; and it is not singular that with this total neglect of the State in the higher offices of the Government, some few clerkships should be conceded to it by the Commissioner of Agriculture who happens to come from that State.

Now, Mr. President, the Senator from Vermont has accomplished his purpose. He has been permitted to quote from Isaac Watts for the purpose of derogating from the present Frederick Watts. He has been permitted to say in his way why the present Commissioner of Agriculture is the only public officer who ought to be permitted to use the public property for his private purposes; and having risen simply for the purpose of making this semi-vindication of Pennsylvania against his semi-assault upon it through Judge Watts, I shall not further object to his withdrawing his amendment.

Mr. CAMERON. Before it is withdrawn I desire to say a word. No matter how many persons may be in the Department of Agriculture from Pennsylvania, nobody has been appointed at my request by Judge Watts. I think not a single clerk or a single appointee in that office got his place through my intercession, except poor old Mrs. Duke and one or two other old women; certainly not a male clerk or employé there has ever had my recommendation, and it has never been asked. Perhaps Judge Watts found these Pensylvanians there when he went to the department and merely continued them.

Mr. FRELINGHUYSEN. I do not want to discuss the amendment.

Mr. MORRILL, of Vermont. I withdraw the amendment.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The amendment of the Senator from Vermont is withdrawn.

Mr. FRELINGHUYSEN. There is an amendment to that section bearing upon this subject which I propose to make. The amendment I propose to the third section is to add:

Nor to prevent the Commissioner of Agriculture from occupying the apartments in the buildings of that department.

I suppose that the effect of the third section would be to make it unlawful for the Commissioner to occupy those apartments. Now, it is well known that those apartments have been occupied for years by the predecessor of Judge Watts, and are occupied by him. The salary of the Commissioner is but $3,000 a year. I take it that it is advantageous to the department that he should there reside. At all events, in this indirect way I do not think it would be proper to oust him of his occupation there, and therefore I propose the amendment to come in at the end of the third section.

Mr. MORRILL, of Maine. Whatever the practice may have been in regard to one of the officers occupying with his family a public building dedicated to a particular branch of the public service, I hope we shall not go to the length of legislating an officer with his family into a public building created for a public purpose.

Mr. FRELINGHUYSEN. I would ask my friend whether the section as it stands is not legislating on this subject?

Mr. MORRILL, of Maine. I do not think it is legislating on that subject particularly. It may include and very likely does include that practice; but this amendment, for the first time I suppose, recognizes the existence of such a fact. I would not like to say, for I do not care to speak about the thing, that I believe this case ought to be an exception. I should regret to see such an exception made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey.

Mr. EDMUNDS. Let us have the yeas and nays on that.

The yeas and nays were ordered.

Mr. EDMUNDS. I move to amend the amendment by adding "nor to prevent any official of the Treasury Department from occupying suitable rooms in the Treasury building."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from New Jersey, upon which the yeas and nays have been ordered.

Mr. EDMUNDS. Now I merely wish to say as the Senate has refused to allow a very valuable and much respected officer of the Treasury Department to occupy his quarters in that building, that I do not see how you are going to make a distinction and allow this gentleman to occupy the Department of Agriculture any longer.

Mr. FRELINGHUYSEN. I do not know what the circumstances are in reference to the occupation at the Treasury Department. If the Senator from Vermont will state that some person is in charge there and that the security of the assets and papers and money of the Treasury is promoted by having that individual live there, I will vote for his amendment. But no such statement was made, and it was generally understood I presume in the Senate that that amendment was moved for the purpose of loading the amendment which I proposed.

I think that the amendment I have proposed—and I move it in good faith—is a proper one. There are in the building of the Department of Agriculture accommodations which have been used for years by the Commissioner of Agriculture. The Commissioner who came from Illinois, Mr. Capron, occupied them for several years. Judge Watts came from Pennsylvania with a salary of $3,000. He entered into those same apartments and is there with his family, and he has a general supervision over the attention that is paid to the different conservatories on the grounds, and to the work which is there carried on. I hope the Senate will adopt the amendment.

Mr. EDMUNDS. I proposed the amendment that I offered in harmony with the civil-rights bill and with the fourteenth amendment to the Constitution of the United States; and that is, that we are to have equal rights and privileges in this country. If the head of the Department of Agriculture is going to have a public dwelling place at the public expense for his accommodation as he has, then I say the Treasurer of the United States ought to continue to have the private rooms and quarters that he has in the Treasury; and I might go on if I chose and name two or three similar cases, and so on, and so on; and so as to have the thing equal all around we ought to add that Senators should be provided as we might be with apartments in this building to the great advantage of the public business, I have no doubt, because then we should never be without a quorum. We ought to have them if other officers are to be provided with residences in the public buildings. It would be a great advantage to the public business if we could be kept here a little more strictly than we are now.

The Senator says that this gentleman's presence is necessary in the department building to avoid a messenger and guards, that he is a *fidus Achates* there, who is to stand watch to secure the interests of the United States. What is he to do all night after office hours? Is he to prevent the wheat from sprouting? Is he to prevent thieves from breaking in and stealing seed-corn, or something of that kind?

You will find, Mr. President, if you look at the appropriations for this department, that as it has increased in dignity by having the head of it reside in it, it has also increased in the importance and number of the sub-officials who stand around him, to keep guard over him I should suppose. It is a delusion to tell us that any messengers or watchmen have been dispensed with on account of the fact that the head of the office occupies that building. I do not speak of Judge Watts any more than of his predecessor; I have not anything personal about this business so far as I know, but I have regarded as a public abuse that ought to be abated the occupation of this building by that gentleman or any other; and in other Departments, so far as any such practice has crept in, it is a public abuse which is a reproach in the eyes of the people, and is one of the things that lead the people to believe, as far as they do, that there are a great many things wrong in Washington which the Senators and Representatives might correct if they only chose to do it.

Now, the House of Representatives have sent us a bill wherein they have appeared to choose to declare that the public property of the United States shall be used only for public purposes, and not for private advantage and gain, whether it is in house rent, or in horse hire, or in whatever it may be. It is proposed that we shall make the eminent example suggested by the Senator from New Jersey of excepting the official who has charge of the Bureau of Agriculture from the operation of this section. I cannot see, in all seriousness, the fair and equal justice upon which such a distinction is to be made between this gentleman and other officers, and I cannot see the propriety of making any such exception at all. The fact is, and everybody knows it, the Senator I think as well as everybody else, that it is not the thing to be done to have any public officer under any circumstances occupying for his private comfort the public property, either for his house or his lodgings or for his private use in any way. When the United States get so poor that they cannot employ watchmen to take care of that building at night, if that is the point, then it will be time enough to provide by law that the Commissioner of Agriculture may be a watchman, and that he shall have his office as watchman there and stay in it; but as long as we are able to provide the ordinary people to take care of the public property we ought not to submit ourselves to the just criticism of the people of the United States in respect to the "soft places," as they are called, that are provided by crooked ways and without authority of law for favored officials at the capital.

Mr. FRELINGHUYSEN. Mr. President, I do not think that it amounts to much for Senators to stand up and tell how wonderfully able the United States Government is to pay its officials. That does not give them any support whatever. Now, what are the circumstances? My friend said that he thought I knew that there was an impropriety in this thing. My honest conviction is that it will be a dishonest thing not to pass the amendment. Under what circumstances did Judge Watts take that place? There were apartments occupied by his predecessor, and had been for years, and he was invited to come here under those circumstances, with a salary of $3,000. There is no abuse about it. It is to the advantage of the department that the Commissioner should live there. It has been done openly, done with the acquiescence of all branches of the Government, nobody objecting to it for the course of seven or eight years. Now I assert that it is hardly honest for us to say to him, after he has accepted this position under these circumstances with the acquiescence of the Government in the practice of his predecessor, "We will deprive you of that part of your emoluments which you had a right to presume upon when you accepted the place." It does not do any good to tell the employés of the Government how wonderfully able we are to pay them, and that when we get poor we will let them know it. This is not an abuse. The abuse will be in depriving this officer of that compensation which he had a fair right to anticipate.

But further, Mr. President, the State of Vermont seems to have some peculiar antipathy to Judge Watts. They have picked him out, and both the Senators have made speeches in reference to him, I think rather ridiculing the old gentleman, especially the Senator who first addressed the Senate. I do not know what his offense has been. I do think that it would be a great deal better for the Senator from Vermont, [Mr. MORRILL,] instead of saying that he did not charge that he bought wheat from his own farm and sold it to the Government; instead of saying that he did not charge that this officer bought wheat at a dollar a bushel and sold it for sixty cents a bushel, to have said that it was so, and to have furnished the proof, or else not to have made that imputation against the character of this gentleman. As the head of the Agricultural Committee, I must say that I never have heard of any of these charges, or I should have felt it my duty to make them known and have them investigated.

I submit, Mr. President, that we ought to make this law plain. If we mean that this officer and his successors shall be deprived of the right of occupying these apartments, let us say so; and if we mean that he shall stay there, let us make that equally plain; and it is for that purpose that I have offered this amendment.

Mr. EDMUNDS. The Senator from New Jersey says that I have attacked his *protégé*. I did not know it before——

Mr. FRELINGHUYSEN. He is not my *protégé*. I assure the Senator I have not seen him this session of Congress.

Mr. EDMUNDS. That is what makes me think he is the Senator's *protégé*, for if he had seen him there might have been a change in this abuse of the occupation of public buildings.

Mr. FRELINGHUYSEN. I do not think there is anything in the appearance of Judge Watts but what will compare favorably with any of us.

Mr. EDMUNDS. Undoubtedly; and I have no doubt if the chairman of the Committee on Agriculture had seen the Commissioner of Agriculture, the Commissioner of Agriculture would have stated to the chairman that he hoped he would propose an amendment which would rectify the apparent inconsistency of a public official living at public expense in a public building. But the trouble is that the Senator at the head of that committee and the official have not had the pleasure of meeting and conferring about the public interest respecting agriculture. I do not say it is the fault of the Senator; I do not say it is the fault of the Commissioner; but we have the fact here that the line of communication between the Committee on Agriculture and the Commissioner of Agriculture seems to be broken up. They have not met. That being the case, I am not surprised that the Senator from New Jersey, against the wishes of this official I cannot help thinking, if he is the kind of gentleman who is named—I do not know that I ever saw him but once in my life, and certainly he is a very fine appearing and excellent old gentleman, and he was a very good judge of the supreme court of Pennsylvania when he was a judge, a man who pronounced very good opinions indeed, according to my humble estimation; and so thinking, I cannot help believing that the Senator from New Jersey is doing an injustice to the head of this department in insisting upon it that he should be singled out as an object of attack, for this amendment offered by the Senator does attack him, in my opinion, when by general legislation we are undertaking to correct what most people in the United States believe to be an abuse.

Then we have the old argument that this was always so. The Senator says his predecessor did this, and if the department had lasted long enough the predecessor of the last one did it, and so on backward until you are almost in the gloom of antiquity. What then? Are you never going to stop an abuse for that reason? Is there no better argument in favor of this than the fact that it has been done? There are embezzlements in the Treasury Department; there are uses

of public money by public officials, as we have been told, under former administrations. Is that to be an argument for the use of public money by public officials under the present Administration? By no means. The Senator does not mean that. Why, then, does he urge the fact that some predecessor of this man had been doing what he knew the law did not give him the slightest right to do, and that therefore this is to be justified because his predecessor had violated the law and had violated public propriety? That is not a good argument, in my opinion. Undoubtedly it is the best one the Senator from New Jersey can bring forward, because we all know him too well not to know that he produces his best arguments first; and that is the argument! I submit to the Senator, Mr. President, and to you, that it is not an argument on which we can act. If it is right in itself, if the public interests require and the public judgment dictates that this official shall occupy the public buildings for himself and his family, then let us say so because it is right; let us say so in other cases because it is right wherever it exists, and provide for it where it does not; but do not let us suppose, and do not let the Senator imagine, I beg him to believe, so far as I am concerned, that the impropriety of this thing in my mind rests on the fact that the gentleman who occupies the place is the person whom he is. I know nothing for him or against him. I only know him by reputation as an official who does business there. That is all; and the Senator has no right to impute to me any more than he says I have a right to impute to this gentleman, as I have not done, any improper motive or consideration in resisting the amendment which the Senator has presented to the Senate on the subject. That is what I have to say.

Mr. PRATT. I should like to inquire of my friend from Vermont, as I know very little about the matters of this department and the needs of the public for the different rooms in it, whether the rooms which are occupied by the head of the department are necessary for the public use.

Mr. EDMUNDS. I do not know whether they are or not, and that is not material to my purpose. I know that this Government pays in this city more than $100,000, perhaps more than $200,000 a year, for rent of rooms for mere storage and a variety of things, where papers are stuffed away; and if these apartments are not needed for the strict uses of the Agricultural Bureau, then let the head of that Department, the Secretary of the Interior, who is hiring rooms at thousands and tens of thousands of dollars a year every year for the incidental purposes of his Department, occupy them for something. The public needs the rooms; there is no question about that. Whether they are needed to pile seeds in or transact the special business of that department, I do not know.

Mr. MORRILL, of Vermont. Mr. President, I only desire to say that, so far as I am concerned, I have not moved in this matter from any other sense than a sense of public duty. I have no personal grievance to complain of whatever in the slightest respect. But here is an abuse which has been growing for several years. It originated in the first instance because the building while in progress of construction it was thought ought to have some one to be in charge of it; and General Capron therefore, having only his wife as his family, went in and occupied it, as he said, for the purpose of guarding and protecting the building when the workmen were away. But when this gentleman came there, there were additional rooms fitted up at an expense, as I have understood, of a considerable amount of money, $1,500, and from what source it came I know not, but they were specially fitted up for his accommodation, he having a large family.

Now the pretense that he is there as a watchman, as a guardian of this building, is quite unfounded; for if you will look back to previous appropriations you will find, in 1868 and 1869, there were but two watchmen, and yet this bill provides for three watchmen. If Judge Watts is there as a watchman, what necessity is there for increasing the number of watchmen? And then is it not, in all seriousness, something of a complaint that is well founded, when an officer, who has no more title to quarters than any other head of a Bureau in a Department, receiving a stated salary, shall also occupy rooms, and not only occupy rooms, but take his supply of coal for years and years at the public crib, and have his gas bills paid at the Treasury Department? It seems to me that here is an abuse, and I may say that I have not been informed of it by any one in the Department of Agriculture. The agricultural papers throughout the country are denouncing this department, and if the Senator from New Jersey would examine the agricultural papers he would scarcely find a week going over but that there are complaints made in relation to the efficiency of this department. I have said, Mr. President, all I desire to say.

Mr. FRELINGHUYSEN. Mr. President, the Senator from Vermont farthest from me [Mr. EDMUNDS] asked whether it was any argument in favor of continuing embezzlements that they had existed heretofore. I do not think it is, and I think that there is just the sophistry of the objection of the Senator from Vermont. He characterizes the occupation of this building by the Commissioner as an abuse, as a crooked way, when according to my apprehension he is entitled to the occupation of it, and was from the beginning. The Commissioner of Agriculture had with the concurrence of all parts of this Government lived there, not to watch the building while it was being put up; but Mr. Capron lived there for years, and Judge Watts was called at a salary of $3,000 and took the Commissioner's place. Now, I say that there is nothing crooked, there is no embezzlement, there is nothing of that character about the transaction. If you want to reduce his salary, reduce it. If you want to continue his compensation the same, turn him out of the building if you will, but make up for it in salary. But this idea of making a raid upon the Commissioner, who is not represented here, because the agricultural papers in the country are dissatisfied with him, I will not second.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. EDMUNDS. Did not the Commissioner of Agriculture when the Government appointed him know that the law did not authorize the occupation of this public property by his predecessor?

Mr. FRELINGHUYSEN. I presume he did not know any such thing. I suppose that if the Commissioner of Agriculture found that there were rooms habitable which had been occupied for years by his predecessor, without examining the statutes or knowing anything about their provisions or being told to the contrary, he would suppose, as the Senator would suppose, that he was to take the place and was to be there on the spot to see that the conservatories and the greenhouses and all this work was properly looked to; and that is just the point where I think the injustice comes in of this indirect legislation.

Mr. CAMERON. This debate has gone much further than I supposed it could go; and I think it has got down to a very narrow point now. I am sorry to find that my respected friend from Vermont [Mr. EDMUNDS] should have taken a part in it. The Senator from Vermont who began the war [Mr. MORRILL] did it as a piece of pleasantry. Now, I have so high an opinion of Judge Watts, that I do not believe he would stay in this building a day if he thought it was against the law or if he thought it was againt the wishes of any Senator or any member of Congress. I am sure he does not care about the place, and I am also sure that he would not be driven out of it because of any war upon him by newspapers or politicians or even by members of Congress. He is a man of as high tone as any gentleman here, and in his own neighborhood holds as high a position in society and as a lawyer and as a gentleman as anybody in any State of this Union. I was surprised when he accepted the place; I am surprised that he continues in it; but he is there probably as a matter of pride, because he has devoted long years to the subject of agriculture. He believes that he can be of great service to the country; and I have no doubt he will be.

The newspapers probably attack him because when that agricultural meeting was here pains were taken by persons who wanted his place to make a bad impression upon them, and he took no pains to remove it; nor did he ever try to make an impression upon Congress. Nobody has seen him loitering about those galleries; nobody has seen him button-holing Senators and Members of Congress as other Commissioners did before him. He has gone only to the chairmen of the Committees on Agriculture of the two Houses, and he has told them what he believed were the wants of his department. In no one case has he demeaned himself so as to beg or to let anybody suppose he did not think himself in the performance of his duty the equal of those he addressed.

The Smithsonian Institution is just alongside of him in the next square. That building to be sure was not constructed exactly by Congress, but I believe Congress is constantly making appropriations for it; and the chief of the institution lives there with all his family, and has from the beginning of the existence of the institution. So it has always been according to my belief—and I think I am right—and nobody has complained of that. That institution, I know, originated from the donation of an individual which gave it its name, and it is generally supposed that that fund sustains it entirely; but I believe the fact is otherwise. Judge Watts is just as respectable a man as Professor Henry, the head of the Smithsonian Institution, just as able a man as he—not in the same pursuits exactly, but Judge Watts in his own town has always lived as a gentleman of fortune should do. There is no house in Pennsylvania, certainly in the interior of Pennsylvania, where hospitality has been dispensed more liberally and more pleasantly than his house. I know that he did not want this place, and I feel sure that if he supposed he was to be insulted every year he would not remain there.

We have heard much about the persons appointed in his office. I learn from my colleague that there are but twelve clerks there altogether, Pennsylvanians and all. Judge Watts, as I have said, never appointed anybody at my request; and I think he found nearly all the people who are in the Department there before he came there; perhaps he made a few changes, but nearly all were there when he came there.

Mr. SAULSBURY. Mr. President, I have felt some delicacy about participating in the discussion on this question, because it was intimated that objections were made in this case because certain parties were not able to secure the appointment of their own friends to this position; and in family matters I never mean to obtrude myself. I have not risen now to discuss this matter, but to call attention to another fact; and that is whether under existing circumstances the appropriation of $230,000 for the Agricultural Department is not a matter which ought to be inquired into?

What special advantage is derived from the existence of the Agricultural Department? That is a question which addresses itself to us. Not a single report, monthly or annual, can be sent out unless by the Commissioner himself. In our extreme virtue we have denied ourselves the privilege of sending to our constituents garden seeds,

public documents, and even our own speeches; so that to-day the Agricultural Department, so far as the farming interest of this country is concerned, is a mere myth. I inquire what good is it doing for the advancement of agriculture in this country? And yet we are appropriating in this bill a quarter of a million of dollars to sustain an agricultural Bureau. I suppose it is to hold out the false delusion and idea to the agricultural portion of this country that their interests are being considered by Congress. We are protecting the manufacturing interest by our tariff laws; we are protecting the commercial interest of this country in various ways; and yet the only tribute of respect even that has been paid to the agricultural interest of this country has been the establishment of an agricultural Bureau which to-day is not worth a farthing to the agricultural interest of this country.

We are publishing the monthly reports of the Commissioner and the annual reports of the Commissioner to the extent of twenty-five thousand copies, which he has the privilege, as the head of that department, to send to political and personal favorites if he deems it proper to do so. We have denied ourselves the poor privilege of sending a single copy even of a monthly report or of an annual report of that Commissioner to those whom we desire to communicate with, unless we do it at our own expense. I think instead of inquiring as to whether the Agricultural Commissioner should reside in that department, the inquiry ought to be directed to whether we should appropriate a quarter of a million dollars to keep up that Agricultural Department at all. So far as I am concerned, believing that it is no particular advantage to the agricultural interests of the country, I am ready now, if this thing is to be continued, if nobody is to have the privilege of sending out a single garden seed except the Commissioner, if no person is to have the legal privilege of sending an annual or monthly report of the Commissioner to the farmers of the country except the Commissioner himself, to record my vote against any appropriation for the continuance of that department.

Mr. WRIGHT. Mr. President, it is not my purpose to say anything upon the general question adverted to by the Senator from Delaware as to the propriety of continuing this department, except to say before I dismiss that part of the question that I am one of those who believe that very great and many advantages have resulted to this country from the establishment of this Bureau. In connection with this central work there have been established in many States of the Union agricultural colleges, agricultural fairs, and organizations which have helped not a little in developing this the great interest and industry of this country. Representing one of the great agricultural States of this Union in part upon this floor, I am prepared at all times to vote as liberally for the support of this Bureau, if not more so, than any other connected with this Government. I believe that in proportion as we encourage and sustain and support this Bureau, in the same proportion do we tend to support an industry in the country without which we can have but little if any prosperity in this great land.

But my purpose rather was to speak of the amendment now proposed by the Senator from New Jersey. Representing, as I have already said, in part an agricultural State upon this floor, I have ever given my support as far as possible to every proposition suggested for the strengthening or the encouragement of this Bureau. I understand the amendment now proposed is based upon two grounds. One is that it is necessary for the better service of the Bureau; and the other is because the evil, if it be an evil, has continued for some time, and therefore it should be continued still.

Now, Mr. President, as a friend of the best organization of this Bureau, as anxious as any one here for its efficiency, as anxious that it should occupy a ground that shall give it confidence in the public mind, I am free to say that I shall feel compelled to vote against this amendment. In the first place it occurs to me that the general proposition contained in the bill that the public property shall not be used by officials for private purposes, that the help or labor of those in the public service shall not be used by others in the public service for their own ends and means, is right in principle and should be asserted and stood by as a general principle without exception. And I say to my friend from New Jersey and those who favor this proposition that if they seek and do obtain an amendment here that shall make this Bureau an exceptian to the general rule, instead of inspiring additional confidence in the public mind in this Bureau, they will tend to bring it into reproach; for the agricultural mind throughout the country wants that this institution shall stand on as strong and fair a ground as all others, and no better, or other, or different.

If it is the wish that the Commissioner of Agriculture shall have this additional advantage because it is necessary for the service, then let it be so declared by a special act for that purpose and to that end, and not seek to incorporate it as an exception to a general rule that you are here giving to the country. If you incorporate this as an exception to the general rule, then throughout the country it will be said by those who are unfriendly to this institution that this person is to have special favors or privileges over and beyond the heads of other Departments of the Government, and that we do not want to do.

In the next place, the amendment is put upon the ground that the abuse, if it be such, has been continued for some time. It has been well suggested by the Senator from Vermont [Mr. EDMUNDS] that abuses have obtained in other Departments of the Government as well, and when we have found them it has been our purpose, as I trust it always will be, to cut them up by the roots; and so it should be in connection with this Bureau as in connection with all others. Now, we are asserting here that the public property shall not thus be used by officials in any Department of the Government. Why shall this Bureau be made an exception? If $3,000 is not sufficient for this person as a salary, say $4,000 or $5,000, or whatever is necessary; but I insist upon it that you shall not tend to bring reproach, as you certainly will, upon the agricultural interest of the country if you make this exception at this time.

I therefore have only to say in conclusion, that anxious as I am to encourage and give aid to this institution in every way that is possible or proper, as a friend of this Bureau, as a friend of the great agricultural interests of the country, I ask that those who insist upon this amendment shall withdraw it; for in my opinion, instead of advancing it in public confidence, and instead of advancing its efficiency, it will have directly the opposite effect.

Mr. HAMLIN. Mr. President, I have not risen for the purpose of discussing the merits of this amendment or its demerits; but I have risen to correct an error into which my friend, the Senator from Pennsylvania, [Mr. CAMERON,] has fallen. He has undertaken to illustrate the pending case by that of the Smithsonian Institution. The two have no similitude whatever, not the remotest; and I think when I make the statement which I believe I am authorized to make, the Senator himself will see that his illustration entirely fails him. I feel that I am called upon to make this statement in justice to Professor Henry, for I am quite sure that Professor Henry would not occupy the Smithsonian Institution for one instant of time upon the same principles that our agricultural building is now occupied by the Commissioner of Agriculture.

In the first place, it has no connection with Government. It is founded on a fund contributed by an Englishman, and we have provided the mode and manner in which it shall be conducted by law, and in that law we have provided that certain regents shall be elected and appointed in a variety of ways. Two members of this body occupy that position. Those regents elect the secretary of that institution, and they make, as I understand it, a contract with him for his compensation and what they will furnish him with; and their contract with Professor Henry is that they will pay him such a sum as salary and furnish him quarters.

Mr. FLANAGAN. Mr. President, I shall support the amendment offered by the Senator from New Jersey. I have heard reasons given for and against it with great force. The argument of the Senator from Maine who has just taken his seat would mainly authorize me to support it, because this amendment settles the question and authorizes beyond a doubt the Commissioner of Agriculture to take possession of and occupy that building without any of these side thrusts being hurled at him. It adjusts the matter beyond a doubt.

So far as that Bureau is concerned, I think I should be doing the Commissioner an injustice, I think I should be doing the country an injustice, were I not to report some facts known to me. I know the blessings, as I conceive them to be, that have been distributed by it broadcast through the State of Texas. I have asked on two or three occasions some favors from the Commissioner, and I believe I interviewed him on one or two occasions. I sought, among other seeds, some fine cotton-seed, calling his attention to the anxiety I felt upon that subject, and he very courteously and promptly told me that he would endeavor to make a collection of some of the best and furnish me. He did so. I took those seed to Texas and planted them in a field entirely to themselves. I attended particularly, making it a matter of pleasure to cultivate those seed. I did so; and really I wish I had a sample of that cotton which I could present to the Senate of the United States upon this occasion. As it was being grown, and when it was maturing, I showed it to my neighbors of the surrounding country when they came to see me, and it was pronounced as being superior to anything that had ever been seen in Texas. Those seeds I have distributed among my friends of the country; they are there; and I think if I do not forget it, and should be blessed with life, when I return here next winter I will bring a sample and I will show you that beautiful fleece that I directly procured the seed of from the Bureau that is now spoken of.

I might go on and enumerate many other seeds. Some of the largest and finest rye that I ever saw on earth—I had no idea that such grew anywhere—I procured there, and I have been planting many seeds and I find great advantages. The whole country there is being blessed by it, and I will on all occasions while I have a seat here vote liberally for anything that will tend to the support of the Bureau.

Mr. MORRILL, of Maine. I think I shall be justified now in saying that I suppose we are as much enlightened on this subject as will enable us to vote intelligently, and I therefore move that this amendment lie upon the table.

Mr. EDMUNDS. I hope the Senator will withdraw that. I think we can have a direct vote now.

Mr. MORRILL, of Maine. Will not that be very direct?

Mr. EDMUNDS. I shall ask for the yeas and nays on that.

Mr. MORRILL, of Maine. I am very willing to have the yeas and nays on it, but it struck me that would put an end to the debate.

The PRESIDING OFFICER. The Senator from Maine moves to lay the pending amendment on the table.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBERTSON. Before the vote is taken, let the amendment be read.

The Chief Clerk read the amendment; which was to insert after the words "United States," in the seventh and eighth lines of section 3, the following:

Provided, That this shall not prevent the Commissioner of Agriculture from occupying the apartments in the building of that department.

The question being taken by yeas and nays, resulted—yeas 22, nays 24; as follows:

YEAS—Messrs. Boreman, Buckingham, Chandler, Conkling, Cooper, Edmunds, Ferry of Michigan, Hamlin, Howe, Ingalls, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Robertson, Sargent, Spencer, Wadleigh, Washburn, West, Windom, and Wright—22.

NAYS—Messrs. Alcorn, Bogy, Cameron, Clayton, Dennis, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Hager, Harvey, Hitchcock, Johnston, Kelly, Lewis, McCreery, Patterson, Pease, Pratt, Ramsey, Ransom, Scott, Stockton, and Tipton—24.

ABSENT—Messrs. Allison, Anthony, Bayard, Boutwell, Brownlow, Carpenter, Conover, Cragin, Davis, Dorsey, Fenton, Ferry of Connecticut, Gordon, Hamilton of Maryland, Hamilton of Texas, Jones, Merrimon, Mitchell, Morton, Norwood, Saulsbury, Schurz, Sherman, Sprague, Stevenson, Stewart, and Thurman—27.

So the Senate refused to lay the amendment on the table.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from New Jersey, on which the yeas and nays have been demanded.

Mr. MORRILL, of Maine. I have not said anything on this subject in a general way, for I did not suppose there was any probability of the Senate entertaining such a proposition; but I see that my honorable friend from New Jersey really enjoys the thing, and holds up his head on the subject, and I am rather inclined to say a word or two about it. It becomes a little serious in this aspect of the case. The idea of legislating by law, by putting into a section of an appropriation bill, it shall be proper and fit and suitable for a public officer and his family to occupy apartments which were made by the Government of the United States for public purposes, becomes a serious sort of proposition to my mind. Now, that it might be tolerated I can understand. In the beginning, when that department was very small, and the seeds were few, and the occupants were few and far between, one could understand that there might be nooks and corners where a man might crowd himself in if he was of a make-up to enjoy such quarters, and that the public would not warn him to go out absolutely. But, sir, when we know that this department has now grown so that these quarters are wanted for public purposes, I will not undertake to say what may be the style of the man who could afford to occupy them under such circumstances.

When we are told on the floor of the Senate that he occupies them by a contract, that we cannot get him out without a violation of the contract, and if he should undertake to enjoin us the Supreme Court of the United States would hold that he held it by a contract, possibly legislating in this way becomes a serious sort of business. Once get this man in, and who knows how to get him out? He is in by the strength of his contract, on the argument of my friend from New Jersey; he came there with the understanding that he and his family were to have quarters, a furnished house, an office with furnished rooms! That is altogether a new idea in the civil service of this country. We have heard a great deal said about civil service and civil-service reform; but here is an exceptional case altogether. Here is a man appointed to office under circumstances where it is said that his predecessor had the bad taste to furnish for himself rooms in a public building which he occupied, being tolerated there; and now, forsooth, you cannot get this man out without a violation of good faith; and you propose to put into a law that he shall stay there, and stay there by force of law, and by force of an exception in a section which is intended to control the entire public service and to lay a very heavy hand on every civil officer in every Department of the Government, to the end that he shall not appropriate to his private use anything that belongs to the Government of the United States. This man is said to be an exception, and his case is exceptional in that it is a contract, and we cannot remove him from this public building without violating a contract with him. That is a grand idea! We had better have the Committee on Agriculture or some other competent committee negotiate with that man immediately and see if we cannot induce him by hook or crook, by an increase of his salary or in some other way, to remove himself and his family out of that building before there comes to be that vested right which will come to this in the end, that we are the people who are to move out and he is to stay.

I confess, Mr. President, to a good deal of astonishment really that this amendment should be entertained by the Senate. And now having occupied four minutes and a half, which is all the time I intended to occupy, I give notice that if this debate is to go on, I shall enforce the five-minute rule upon gentlemen.

Mr. FRELINGHUYSEN. Mr. President, the amendment that I offered is so reasonable that I am not at all surprised that it commanded a majority of the Senate, and I am not at all surprised that the chairman of the Committee on Appropriations has felt himself called upon to make an extra effort and to use that stentorian voice of his and to invoke a little ridicule in behalf of his view of the proposition. Instead of the Senator being so surprised, I suggest to him that in the whole United States there probably is not a court-house, or an asylum, or an agricultural college, or any public building of this character, where the person in charge does not actually live in it without there being any positive law in reference to it. It is a matter of convenience, of propriety, of advantage; and so it has been for years a matter of propriety that in this department, where there are conservatories and green-houses and plants and a number of employés, the head of the department should be there.

My friend from Maine is altogether mistaken in thinking that he will have to bring an action of ejectment to get Judge Watts out, or that there is any difficulty in getting him out. That is not the point I make. The point I make is, that those apartments having been so occupied for a course of years, and he having by the general acquiescence of everybody remained there, and there being no reason why he should remove, it is unfair to call upon him to remove.

I think my friend makes some point about putting a provision in an appropriation bill that he should stay there.

Mr. MORRILL, of Maine. No; I do not say that. That would not be germane.

Mr. FRELINGHUYSEN. No; I should think not, because he introduces in this appropriation bill a general provision ostensibly not aimed at the Commissioner of Agriculture, but which does in an indirect way, if he lives strictly up to the law, as I have no doubt he will and has, call upon him to remove. Now, I introduce an exception, a provision that nothing in this affirmative legislation on this appropriation bill shall make it necessary for him to depart. It does not confirm his right to stay there. Whenever it is thought best to make another arrangement, let it be made; and if the Senate think it best now, it can be done by voting down this amendment. But I think even those who are not friendly to Judge Watts, and who take this way perhaps indirectly of making it unpleasant for him to stay there, ought to remember that the interests of that department require that his successor should occupy those rooms that have been prepared. I hope that the Senate will adhere to the indication that their vote has just given and adopt this amendment.

Mr. MORRILL, of Maine. Well, let us vote upon it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New Jersey, [Mr. FRELINGHUYSEN,] on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 21, nays 22; as follows:

YEAS—Messrs. Bogy, Cameron, Clayton, Dennis, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Hitchcock, Johnston, Kelly, Lewis, McCreery, Mitchell, Morton, Patterson, Pease, Ramsey, Ransom, Scott, and Tipton—21.

NAYS—Messrs. Alcorn, Boreman, Buckingham, Carpenter, Conkling, Cooper, Cragin, Edmunds, Hager, Hamlin, Howe, Ingalls, Morrill of Maine, Oglesby, Robertson, Sargent, Spencer, Wadleigh, Washburn, West, Windom, and Wright—22.

ABSENT—Messrs. Allison, Anthony, Bayard, Boutwell, Brownlow, Chandler, Conover, Davis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gordon, Hamilton of Maryland, Hamilton of Texas, Harvey, Jones, Logan, Merrimon, Morrill of Vermont, Norwood, Pratt, Saulsbury, Schurz, Sherman, Sprague, Stevenson, Stewart, Stockton, and Thurman—30.

So the amendment was rejected.

Mr. HOWE. I ask the unanimous consent of the Senate to make an amendment in line 252, to change "8" to "9;" so that the clause will read:

For purchase of books for the Library, $9,000.

The PRESIDENT *pro tempore*. Is there objection to this amendment? If not, it will be considered as agreed to, and it is agreed to.

Mr. WINDOM. On page 22, line 513, I move to strike out "13" and insert "14;" so as to read:

Fourteen clerks of class three.

The House bill reduces the clerks in the office of the Comptroller of the Currency, one in class three, one in class two, and one in class one. I hold in my hand a letter from the Comptroller of the Currency, who says that—

The number of clerks in the higher grades of this office has always been too small. The work is continually increasing, and any present reduction of clerical force could not but prove detrimental.

I submit the question to the Senate and move an increase of the number where it stood before.

The PRESIDENT *pro tempore*. Is there objection to this amendment?

Mr. WINDOM. It is no increase of clerkships, but simply restores the old number.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the amendment is agreed to.

Mr. WINDOM. In the same line I move to strike out "eleven" and insert "twelve," so as to give the Comptroller of the Currency the same number of clerks of class two that he has now.

The amendment was agreed to.

Mr. WINDOM. In line 514 I move to strike out "eleven" and insert "twelve," so as to provide for twelve clerks of class one in the office of the Comptroller of the Currency.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 49, line 1187, I desire to transpose the sentence beginning "for labor, fuel, lights, and miscellaneous items for the said building, $8,000," and have it come in above.

The PRESIDENT *pro tempore*. That has already been done.

Mr. WEST. It was done yesterday.

Mr. MORRILL, of Maine. My attention had not been called to it.

Then on page 48, line 1171, which I think has been amended, after the word "ordnance" I move to insert the words "and Adjutant-General's Office."

The amendment was agreed to.

Mr. MORRILL, of Maine. I am instructed by the Committee on Appropriations to move an amendment in line 418, page 18, to strike out "nine" and insert "ten," and in the same line to strike out "ten" and insert "twelve," and in the following line to strike out "ten" and insert "twelve;" so as to provide for ten clerks of class four, twelve clerks of class three, and twelve clerks of class two, in the office of the Comptroller of the Treasury.

The amendment was agreed to.

Mr. MORRILL, of Maine. On page 19, line 439, I am instructed by the committee to move to strike out "eight" and insert "ten;" in line 440 to strike out "eight" and insert "ten;" and in the same line to strike out "ten" and insert "thirteen;" so as to provide for ten clerks of class three, ten clerks of class two, and thirteen clerks of class one, in the office of the First Auditor of the Treasury.

The amendment was agreed to.

Mr. SARGENT. I move to amend the third section of the bill by striking out all after the word "law" in the fourth line to the end of the section.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be reported.

The Chief Clerk read as follows:

Or shall make any private use of such property, or of the services or labor of any person in the employment or service of the United States which service or labor is paid for by the United States: *Provided*, That this shall not be construed to deprive any officer of the United States of such fees as are or may be expressly provided by law in addition to the salary or compensation of such officer, or of the use of such property as may be expressly by law appropriated to the use of such officer, nor to prevent the employment and payment by the Department of Justice of district attorneys as now allowed by law for the performance of services not covered by their salaries or fees.

Mr. SARGENT. I do not wish to strike out that last clause which has been inserted on the motion of the Senator from Vermont.

The PRESIDENT *pro tempore*. The section will be reported as it will stand if amended as proposed.

The Chief Clerk read, as follows:

SEC. 3. That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law: *Provided*, That this section shall not be construed to prevent the employment and payment by the Department of Justice of district attorneys as now allowed by law for the performance of services not covered by their salaries or fees.

Mr. SARGENT. I think the section as I propose to amend it covers everything that is valuable in it and avoids a very disagreeable question. To illustrate many things by a single example, I should like to ask Senators whether it would be possible under the section as it stands for any Senator to use a sheet of note-paper to write a private letter upon in his committee-room; whether it would be possible for him to have his coat brushed, or to have a bath in the Capitol? These mere instances of personal convenience illustrate a general rule. I refer to these simply because they are more obvious and more immediately under our observation. If we provide that "no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law," that is sufficient; certainly it will cut off everything like an abuse; but when carried beyond that, the provision itself runs into an abuse, and we may find that strictly pursued it will obstruct every officer of the Government in the orderly performance of his duties.

I might use the illustration, so far as clerks of committees are concerned, used by the Senator from Wisconsin [Mr. CARPENTER] yesterday. The argument was certainly very clear and very strong, that it would be illegal under this section for the clerk of a committee, when he had nothing else to do, at the request of the chairman of the committee, to write a note to his wife stating at what time the Senate would adjourn or at what time he would likely be at home. The illustrations might be multiplied indefinitely. It seems to me that by my amendment I retain all that is valuable in the section and strike out only that which is useless and which may be mischievous.

Mr. WRIGHT. I should like to inquire whether this amendment has the approval of the committee, or whether it comes from the Senator from California? I want to follow the committee on all these amendments as far as I can. I will inquire of the chairman of the committee whether the amendment comes from the committee, or whether the committee are prepared to indorse it?

Mr. MORRILL, of Maine. The committee reported the section as it stands in the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

The amendment was agreed to.

Mr. FLANAGAN. I move to amend the bill on page 4, line 84, by striking out the words "two dollars and fifty cents" and inserting "three dollars." This is an amendment for the relief of these little boys, who are the pages of a great Government. I understand that they have been receiving three dollars a day regularly. It is understood that this is a Congress and a particular session of reform, and I fear it will go out that we are absolutely sincere if we get the pages by the hair and are going to pull fifty cents a day out of their pockets! I think we should locate elsewhere and let these little fellows be encouraged. They are bright boys, and I for one feel like protecting them on this occasion as I do upon all others. I hope the amendment will be made and justice done.

Mr. HAMLIN. I want to suggest to my friend from Texas an additional argument, that they do more to run bills through this body than any one else. [Laughter.]

Mr. FLANAGAN. That is true. I accept that statement.

The PRESIDENT *pro tempore* put the question on the amendment, and declared that the ayes appeared to prevail.

Mr. MORRILL, of Maine. I ask for a division on the amendment, and I desire to say a word upon it. This ought not to be done.

Mr. CAMERON. I should like to hear the amendment read.

Mr. MORRILL, of Maine. I will say to the Senator that it is simply to change the compensation of the pages from $2.50 to $3 per day. I suppose I need not say how kindly I feel to these young gentlemen who serve us here; but this has been a sort of moot question between the two Houses. The House of Representatives have paid their pages at the rate of $2.50 per day all along; but by reason of the great dignity of this body the little fellows here got it into their heads that they were entitled in the Senate to half a dollar more. I once made that argument in the Senate in their behalf with the young lad before me who invented the argument, and the Senate was so taken with his eloquence and the ingenuity of his plea that he was entitled to fifty cents a day more on account of the superior dignity of this body that it adopted the amendment, and the same story carried it through the committee of conference. But I do not want to repeat that again. I do not think the Senate ought to put itself in that condition again. The House have adhered to $2.50 for their pages and ask us to do the same, and it seems to me it is but a fair thing on the whole that we should do it.

I do not wish to say anything about the amount of compensation or anything of that sort, but it is not worth while to keep this question open between the two Houses. I hope, therefore, the amendment will not be adopted. I raise a question of order upon it.

Mr. FLANAGAN. It is too late for that.

Mr. MORRILL, of Maine. I am reluctant to do it, but I feel constrained to raise the question of order. The amendment increases the appropriation and there was no notice of it given to the committee.

The PRESIDENT *pro tempore*. The Senator will state the point of order.

Mr. MORRILL, of Maine. The point of order is that it increases the appropriation.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. FLANAGAN. I disagree with my distinguished friend. They are already receiving three dollars.

Mr. MORRILL, of Maine. O, no.

Mr. FLANAGAN. Yes, sir; I understand heretofore they have been regularly receiving three dollars a day.

Mr. MORRILL, of Maine. Our little pages here were in the habit of receiving three dollars, but last year and for some years the House made the point on us, and we have since put them at $2.50. At one time they did receive three dollars; the Senator is right about that.

Mr. FLANAGAN. I thought they had been receiving three dollars regularly. That was my information; I may be in error. But the point of order is taken too late; we have been voting upon this amendment for half an hour.

Mr. CONKLING. Three dollars is the pay now, I understand.

Mr. FLANAGAN. They are now being paid three dollars, and therefore the amendment is upon the part of my distinguished friend; this is not an increase.

The PRESIDENT *pro tempore*. The Chair is of opinion that the amendment is out of order unless moved by the instruction of some committee.

Mr. SCOTT. I wish to move an amendment, and I am very much afraid that my friend from Maine will take the same point upon me. Information given to me satisfies me that there ought to be an amendment on page 74, line 44, by increasing the number of counters and copyists provided for in the Register's department to one hundred and ten. I will offer that amendment unless I am met by the point of order. If the Senator from Maine makes the point upon me, I will not press it.

Mr. MORRILL, of Maine. I think I know what it is. The Senator will allow me to say that I do not think it is quite right to put me to the test of checking these amendments. I certainly examined that matter with the greatest solicitude to oblige the distinguished gentleman who presented it, and I came to the conclusion, and the committee agreed with me unanimously, that we could not with propriety make the amendment.

Mr. SCOTT. You mean to oblige the Register of the Treasury?

Mr. MORRILL, of Maine. I mean to oblige the Register of the Treasury, a gentleman for whom I entertain very great respect and whom I would be exceedingly glad to oblige; but I came to the conclusion that upon the basis of this bill we could not with propriety allow it.

Mr. SCOTT. Therefore I understand the Senator to make the point of order?

Mr. MORRILL, of Maine. Yes, sir, I make the point of order on the amendment.

Mr. SCOTT. Then I will not offer it.

Mr. BOREMAN. When the Senate as in Committee of the Whole acted upon the amendments of the Committee on Appropriations yesterday I did not notice the fact that the last amendment in the bill was concurred in. I move to reconsider the vote by which the amendment on page 76, in section 5, was agreed to.

Mr. MORRILL, of Maine. I suggest to the Senator as we are still in committee to reserve it and take a vote on it in the Senate, which will answer his purpose just as well.

Mr. BOREMAN. That will answer. I want a separate vote upon it at the proper time. When the bill is reported to the Senate, I wish to reserve that amendment.

Mr. FRELINGHUYSEN. I have a number of amendments to offer. I have been waiting with all modesty until others were through. My attention has been called by the chairman of the Committee on Agriculture of the House to a clerical error on page 66, line 1613, in the clause providing for the compensation of two assistant messengers for the Department of Agriculture. I move to strike out "$700" in that line and insert "$720." The pay of those employés is sixty dollars a month.

Mr. MORRILL, of Maine. I think $720 is the usual salary for a messenger. I do not object to that amendment.

The amendment was agreed to.

Mr. FRELINGHUYSEN. And then there is a corresponding alteration which I believe the clerk is authorized to make in the aggregate in line 1616. It is to strike out "180" and insert "220," so as to make it $77,220.

Mr. MORRILL, of Maine. The clerk will see to that.

Mr. FRELINGHUYSEN. On page 68, line 1651, after the word "museum" I move to insert "$2,500." The provision now is:

For collecting and modeling specimens of fruits and vegetables, and collecting and preparing specimens for the museum and herbarium, $2,000.

This amendment increases the appropriation $2,500. The reason given for that is that there is an opportunity, which it is thought very desirable we should avail ourselves of, to purchase a herbarium which will cost about $1,000 and the other $1,500 is for the expenses incidental to that department. The Agricultural Department seems to be in such bad odor here, Mr. President, that I think it is very well that there is a party of grangers getting up in the country to see that Congress pay a little more respect to this branch of industry. [Laughter.]

Mr. MORRILL, of Maine. On this particular proposition, if my honorable friend invokes that as an influence, I will ask him whether he has given notice of this amendment?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. MORRILL, of Maine. I should like to hear the amendment read.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. The amendment is on page 68, line 1651, after the word "museum" to insert "$2,500;" so that the clause will read:

For collecting and modeling specimens of fruits and vegetables, and collecting and preparing specimens for the museum, $2,500, and herbarium, $2,000.

Mr. MORRILL, of Maine. I am not satisfied about the necessity for this amendment. There are no estimates submitted for this. It is apparently an after-thought, and coming in in this way, not presented to the committee of either House, and not having been in the annual estimates, it comes under circumstances to challenge some notice. Unless my honorable friend is very thoroughly persuaded that it belongs to the class of public necessities, I hope he will not urge it.

Mr. FRELINGHUYSEN. I do not think it belongs to the class of public necessities; but I have no doubt it is very desirable that this purchase should be made.

Mr. MORRILL, of Maine. What is the purchase?

Mr. FRELINGHUYSEN. It is to purchase a herbarium which is now offered for sale, a full description of which has been put in my possession; and I would say to the chairman of the Committee on Appropriations that while it has been argued here that we do not publish any Agricultural Report, there are every day hundreds and hundreds of people from all parts of the country who go to this department and receive instruction and who are very much interested; and I think that the Government can afford to make an appropriation of a few thousand dollars for the purpose of maintaining this museum and this herbarium in a proper condition and in a manner which becomes a nation which has some seven millions of its people employed directly in the pursuits of agriculture. It has been argued here that we spend $236,000 a year on this department. Why, sir, we spend nearly as many millions to promote the interests of mechanics and of trade.

As to the "necessity," using that word, of this appropriation I cannot say that it is necessary, because you could dispense with the whole department. It is recommended by the department and it is recommended by the Committee on Agriculture.

Mr. MORRILL, of Maine. This belongs to just that class of items that come in in this way and take us by surprise, with no opportunity to examine them, and it is a class of fancy items that belong to every one of these Bureaus, and every gentleman who represents a particular Bureau upon a committee feels himself charged to some extent with the duty of expressing the wishes of the Department, and if we were to listen to all the fine notions that these gentlemen have by way of embellishing their Departments and embellishing that particular business that is committed to them, you would have herbariums, and I do not know what you would not have in all these Departments; you would have all sorts of fancy things. This is not the year when those appropriations ought to be prosperous. This is not the year for such things when we are cutting down the service in every direction and absolutely crippling it. This bill absolutely in some sense cripples the public service. We have stricken out clerks here which the Bureaus come and insist and urge ought to stay in this bill, and I have put as many back as I dared put back. Yet my honorable friend comes in here and wants to buy a herbarium; he wants to appropriate $2,500 for herbs and flowers and the Lord only knows what. That is all very nice; but this is not the year to do it; we cannot afford to do it. This bill will be followed by a deficiency bill which will make you all stare, and every branch of the public service has been cut down and curtailed and whittled down to the very lowest point. I hope my honorable friend will not feel that it is his duty to press this herbarium.

Mr. CAMERON. I am very much disappointed in the Senator from Maine who has charge of this bill. When I was at his house last year, I thought he was a man of taste. He had his house, his yard, and his lot adorned by flowers and fruits of the rarest kinds. His house had every adornment about it which a man of the finest taste could have desired or thought of. I now begin to think it must have been his wife to whom all those things were due, and not himself. [Laughter.] Why, sir, who could object to a paltry appropriation of $2,500 to add to the beauty of that already beautiful place, the Agricultural Department? There is no part of the United States, hardly any place in the world, where there is such a beautiful and rare assortment of flowers and plants. They have a grapery there not equaled by any that I have seen in the United States. They have the choicest flowers produced not only in this, but in every other country. I am afraid the chairman of the Committee on Appropriations has never gone over there to look at those things which ought to be under his protection.

Mr. MORRILL, of Maine. No, I never saw any of those. They are strangers to me.

Mr. CAMERON. You have plants there which are adding daily to the value of our fruits and to the taste of everybody who goes there. There are hundreds of people constantly there viewing them. Before Mr. Watts went there, it was a waste piece of ground. It is now, as I have said, one of the most beautiful places in the country, certainly the most attractive spot in the city of Washington. No man who has gone there once, if he have a bit of taste in him or a bit of love for the beautiful, will fail to go there again, and I am sure the finest thing every one who does go there says when he goes home to his wife and daughters is, "You must go to Washington and look at the beautiful place which the Agricultural Department now has."

Mr. SARGENT. Will the Senator from Pennsylvania allow me to ask him a question?

Mr. CAMERON. Certainly.

Mr. SARGENT. I should like to ask the Senator what office this herbarium will fill in that respect, in beautifying the grounds?

Mr. CAMERON. The Senator on my right [Mr. FRELINGHUYSEN] says it would not be complete without it, and he says truly.

Mr. SARGENT. That the grounds would not be complete without the herbarium?

Mr. CAMERON. The building will not be complete without it, because there will be in this collection the rarest herbs and flowers and plants which the country can afford. It has been the subject of collection for long years.

Mr. SARGENT. I was only going to say that my impression agrees with Webster that a herbarium is—

A collection of dried plants carefully arranged and preserved.
A book or other contrivance for thus preserving plants.

How that could add to the beauty of the grounds puzzles me.

Mr. CAMERON. It would add to the beauty of the house because it has those rare plants. To be sure they are preserved and dried, and it is the only way you could have them there.

Mr. MORRILL, of Vermont. I am not an enemy to this department, and I am not an enemy to this collection of scientific objects of art. This proposition is one of greater magnitude than the appropriation proposed would seem to indicate, and it is in the direction of natural history or botany. I desire to say that this is the herbarium of Dr. Duby, author of a well-known botanical work, although I suppose it would not be recognized here by the German name. It contains a collection of one kind of eighty-five packages. In another besides this are eighty-eight large packages. Then again there are thirty-five or forty enormous packages, all classified; and then there are twenty-six more classified and labeled. Besides this there are from thirty-five to sixty packages more, and then in addition to all there are twenty-four cartons. My impression is that if it could be obtained by the Department of Agriculture it would be regarded as an acquisition by any collegiate institution or any other institution where it could be stowed as of very great importance.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey.

The question being put, a division was called for; which resulted—ayes 20, noes 18.

Mr. MORRILL, of Maine. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 14, nays 26; as follows:

YEAS—Messrs. Cameron, Cragin, Dennis, Flanagan, Frelinghuysen, Goldthwaite, Hamlin, Harvey, Ingalls, Lewis, Morrill of Vermont, Patterson, Pease, and Robertson—14.

NAYS—Messrs. Alcorn, Boreman, Buckingham, Carpenter, Chandler, Clayton, Conkling, Cooper, Gilbert, Hager, Hitchcock, Kelly, McCreery, Mitchell, Morrill of Maine, Oglesby, Pratt, Sargent, Saulsbury, Stockton, Tipton, Wadleigh, Washburn, West, Windom, and Wright—26.

ABSENT—Messrs. Allison, Anthony, Bayard, Bogy, Boutwell, Brownlow, Conover, Davis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Gordon, Hamilton of Maryland, Hamilton of Texas, Howe, Johnston, Jones, Logan, Merrimon, Morton, Norwood, Ramsey, Ransom, Schurz, Scott, Sherman, Spencer, Sprague, Stevenson, Stewart, and Thurman—33.

So the amendment was rejected.

Mr. FRELINGHUYSEN. There is another amendment that I wish to offer in this connection. It is my duty to give the Senate an opportunity of making the necessary appropriations. At the end of line 1651, on page 68, I move to insert:

For chemicals and apparatus for the use of the chemical division, $1,500.
For materials for the use of the microscopist, $300.

If I can have the attention of the Senator from Maine, I will say that I am informed by the department that they have the apparatus and they have a chemist employed, but they have no appropriation to supply him with chemicals so as to use the apparatus and so as to keep the chemist employed. I cannot say that this is "necessary." The Government will run if you do not have either; but it is necessary in any proper use of that term, and the public are interested in these chemical experiments and in their results. The importance of the work of the microscopist is well known to the public, and that only asks for an appropriation of $300.

Mr. MORRILL, of Maine. I think the Senator will find that that is covered by the appropriation for miscellaneous and contingent expenses.

Mr. FRELINGHUYSEN. This amendment comes from the department, and was also submitted to the Committee on Agriculture.

Mr. MORRILL, of Maine. If it is not covered already, I will not object to it going in. My understanding of it is that it is covered.

Mr. SARGENT. Part of it may be covered, but I should like to hear the amendment reported and let us see what is covered.

Mr. FRELINGHUYSEN. I will read it:

For chemicals and apparatus for the use of the chemical division, $1,500.
For materials for the use of the microscopist, $300.

Mr. MORRILL, of Maine. I thought you had the apparatus.

Mr. FRELINGHUYSEN. I understand that last year an appropriation was made but it was not quite sufficient, and some additional appropriation is necessary for that purpose.

Mr. SARGENT. Then it ought to be on the deficiency bill and not on this bill. That bill is ready to be reported, and the committee can investigate the matter if it is referred to them. I raise the point of order on the amendment that it has not been referred to the Committee on Appropriations. I raise the point because it is a deficiency. I should like to have time to examine it. I will do so in connection with the deficiency bill if the Senator will send the documents to the committee.

Mr. FRELINGHUYSEN. Notice has been given of the amendment and it was submitted to the committee.

Mr. SARGENT. That meets the point of order.

Mr. MORRILL, of Maine. But the Senator from California has the deficiency bill in his charge, and if this properly belongs to that bill, let it go to him for examination.

Mr. FRELINGHUYSEN. What do I understand constitutes the qualifications of a deficiency appropriation bill? There is no expenditure here. This money has not been expended.

Mr. MORRILL, of Maine. They have expended something.

Mr. FRELINGHUYSEN. Nothing more than has been appropriated.

Mr. MORRILL, of Maine. You find something has been appropriated for a particular object, but not enough to complete it.

Mr. FRELINGHUYSEN. And the work is stopped.

Mr. MORRILL, of Maine. That makes a deficiency.

Mr. FRELINGHUYSEN. I have no doubt there is some good reason for which every appropriation that is asked by this department and by the Committee on Agriculture will be objected to.

Mr. MORRILL, of Maine. I think my honorable friend is hardly justified from anything that has transpired here in making that remark. My suggestion in regard to this was that my attention was called to it in a hurried way this morning, and it occurred to me that it was covered by the appropriations of a miscellaneous character, and I suggested to the Senator that if it was not so I would not object to their going in.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey.

Mr. SARGENT. I think the remark of the Senator, that everything this department offered here would be objected to is not justifiable. Here is a bill that appropriates thousands and thousands of dollars for the Agricultural Department favorably reported by the Committee on Appropriations. Now a proposition is made to add to this amount items not estimated for, not sent to the Committee on Appropriations by the department as to which we have no evidence at all, under the general statement that the amount heretofore appropriated is not sufficient. I think that is a very loose system of legislation, and we shall be doing the Government a wrong and the Treasury a wrong if we act on these suggestions. I admit, of course, that each Senator has a right to judge for himself, and if the Senator from New Jersey thinks this is a sufficient basis for his vote, he can conscientiously vote for such appropriations; but the system which we adopt is to require estimates from the departments, that those estimates shall be sent to the respective Committees on Appropriations, and that on those estimates the appropriation bills shall be reported. If this is for the ordinary, the usual service of this department and is necessary, it can bear that scrutiny. I understand these items have not been estimated for. They simply come with the statement that this sum is necessary and desirable; and the fact that we oppose legislation of that kind is not evidence that we are opposed to any appropriation for this department, certainly not when here are several pages of the bill appropriating two or three hundred thousand dollars to it.

Mr. WEST. I do not know how far I shall be amenable to the discipline that is being practiced by the Committee on Appropriations if I venture to differ with the chairman and my colleague from California on this question.

Mr. MORRILL, of Maine. This question was not really before the committee, so that you are within bounds.

Mr. WEST. I am much obliged to the Senator. The ordinary proceeding under our rules has been applied as I understand by the Senator from New Jersey, who has given notice that he would move this amendment; and I contend that if this matter has been omitted from the estimates by the heads of the Departments, the Senate is just as well qualified to judge whether we ought to have the money, whether this money ought to be applied to the uses to which it is sought to be applied, as the head of any Department. Now, if the Senator from California will controvert the proposition that is made by the Senator from New Jersey that it is essential in the prosecution of the designs of the Department of Agriculture that a sufficient amount should be devoted to the purchase of chemicals, let him do so and let his argument have weight with the Senate.

Mr. SARGENT. That was only part of it. This is also for the purchase of apparatus. Can the Senator tell me what apparatus has been purchased, at what cost, what the former appropriation was, and many other items which if we referred the matter to him as a sub-committee of the Committee on Appropriations he would be required to give definite answers upon?

Mr. WEST. Most assuredly the Senator is correct; but here is a proposition coming to the Senate just as it comes to the head of a Department when made by the head of a Bureau within the Department, to the effect that that head of a Bureau considers it essential to the prosecution of the objects of his office. Now the Senator from New Jersey, as the chairman of the Committee on Agriculture, rises here and says that it has been represented to him, and he is satisfied of the fact that in order to pursue these experiments the appropriation of this small amount is necessary. We have cut off the luxuries, the herbarium, &c. We have not, I will say, expelled, but have restricted this gentleman from occupying his premises in the Agricultural Bureau. When he comes here and asks us in the interest of agriculture to appropriate a few hundred dollars to make chemical experiments, I think the Senate is competent to judge whether we ought to do it or not, and I beg to disagree with my friends on the committee. I think we ought to do it.

Mr. FRELINGHUYSEN. I will only add that this appropriation is asked for these two things: for chemicals, in order that the chemist may be employed and the apparatus may be used to find out the different qualities of soil and the qualities of manures and their adaptation one to the other—one of the most important interests of this country. The particular apparatus, I am informed since the Senator from California made the inquiry, that is desired is this: last year an appropriation was made and a chemical furnace was purchased, and some additional expense is necessary in order to put up and set that furnace. This appropriation is asked for by the department. It has passed the Committee on Agriculture, and I submit it to the Senate.

Mr. McCREERY, (at four o'clock and twenty-six minutes p. m.) I move that the Senate do now adjourn.

Mr. MORRILL, of Maine. O, no; let us finish this bill.

The motion was not agreed to; there being on a division—ayes 12, noes 25.

Mr. MORRILL, of Maine. Perhaps I ought to say a word about this amendment, and but a single word. This proposition which the Senator from New Jersey now makes came to the Committee on Appropriations this morning under such circumstances that it was impossible to give any detailed consideration to it. I had the impression on glancing at this bill that this might be taken from the miscellaneous items, and I read that appropriation in this way: "For paper twine and gum for folding-room, $500; for incidental and miscellaneous items." * * * Clearly it would fall within that, and reading no further that would be clear; but it goes on to enumerate, "namely: for advertising, telegraphing," &c., and I have come to the conclusion on a careful examination since the question has arisen that this would not fall within it. I take occasion to say that, because I said if it was not embraced in that clause I should not object to it.

Mr. FRELINGHUYSEN. The Senator from Pennsylvania will show that it has been estimated for.

Mr. SCOTT. I do not know exactly the form in which the Senator from New Jersey has offered his amendment, but as it is stated that no estimate of this character has been made, I beg leave to read from the Book of Estimates under the head "Department of Agriculture," page 50:

Laboratory, Department of Agriculture:
Chemicals, replacing apparatus, contingent expenses, and materials for use of microscopist, $1,300.

I do not understand that it has been appropriated.

Mr. MORRILL, of Maine. This is a portion of that, probably, but I do not know. Where is the amendment to come in?

Mr. FRELINGHUYSEN. On page 68, at the end of line 1657.

Mr. MORRILL, of Maine. It might as well come in there.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. BOREMAN. I wish to reserve and have a separate vote on the amendments to the fifth section. The particular amendment is in the proviso, but I think perhaps it would be better to reserve all the amendments in that section.

Mr. RANSOM. I wish the amendment reserved on page 38, line 920, in relation to the assay office at Charlotte, North Carolina.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments except those which have been reserved for separate votes.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The Secretary will report the first reserved amendment.

The CHIEF CLERK. The Senate, as in Committee of the Whole, struck out on page 38, commencing in line 920, the following words:

Assay office at Charlotte, North Carolina:
For assayer in charge, $1,800; melter, $1,500; clerk, $1,000; wages of workmen, $600; contingent expenses, $1,500; in all, $6,400.

Mr. RANSOM. I do not desire to detain the Senate at this late hour in the evening; but I shall be excused for saying that I trust the Senate will not concur in the amendment made by the committee.

This was formerly a mint at the town in North Carolina known as Charlotte. It was established in 1835 by act of Congress. The buildings were finished in 1838. The cost of the ground and buildings, and of the machinery, amounted to $85,800. From 1838 until the beginning of the war there was coined at this mint $5,048,641, and there was coined at the Mint in Philadelphia from North Carolina gold $4,466,126. In addition to this, there was assayed at the New York assay office from North Carolina gold $147,735; and the report of the Secretary of the Treasury states that there was used by jewelers, on account of the purity of the North Carolina metal, $1,137,566 worth of it, making in all, of North Carolina gold produced from 1838 to 1860, about $11,000,000, besides what went into home consumption.

It is true that since the war very little has been done at this mint. In the first place Congress reduced it from a mint to an assay office, and the effect of that legislation by Congress was to destroy a great deal of the business that had been done at this mint. I beg leave to say here what perhaps will surprise the Senate, that the gold area in North Carolina is now estimated by scientific men to be larger than the gold region of any State or any two States upon the continent.

Mr. SARGENT. Larger in yield?

Mr. RANSOM. Larger in size. Before the war the miners all around Charlotte carried their gold-dust to the mint, and there they were paid for it in coin, the law allowing the mints to buy the gold-dust and pay for it on the spot; but this mint having been changed into an assay office, that does not take place; and hence the gold-dust now, especially that washed and worked by the large mines of the State, is sent to Philadelphia or elsewhere. The consequence is that there is not much business done there now; but even that small business which is done is of great consequence to the people there.

All around Charlotte, in Rowan, in Cabarrus, in Stanley, in Burke, and in twenty other counties in North Carolina, reaching down to within one hundred miles of the sea-coast and running up to the counties of Franklin and Halifax, is a gold region, and after the crops are laid by in the summer the farmers turn in and wash gold, and produce no little amount of gold in that way. This morning I asked the Director of the Mint what he supposed the present gold production of North Carolina was. He said that he had no means of ascertaining precisely. I asked him if it would be extravagant to estimate it at a million dollars. He said he thought not.

When we remember, Mr. President, that only $100,000,000 of gold is produced over the whole world, and that here in the State of North Carolina we produce a hundredth part of that, it seems to me that this assay office at Charlotte ought to be taken care of. The present appropriation is only about $6,000 for taking care of a property that forty years ago cost the Government $85,000.

Charlotte is the center of the large gold-producing section in North Carolina, in a part of South Carolina, and in Georgia. Since the war long railroad lines have been projected—and some of them have been completed—through the mountainous regions of North Carolina, South Carolina, and Georgia, and they will open up a large mineral region; and considering the convenience such an establishment is to the people around there, and the prospect of its usefulness to the country hereafter, and the knowledge that we all have that it is not only the interest but the duty of this Government to cherish its gold product, in view of the financial aspects of the future, it seems to me that Congress ought to take care of this little establishment at Charlotte, North Carolina. The property is increasing in value every day. I do not say too much when I say that the annual increase of that property to the Government each year since the war will more than make up the appropriation which Congress has voted for it.

I am sorry to have detained the Senate so long on this matter; but I trust I have said sufficient to show the importance of retaining this small appropriation.

Mr. SARGENT. I suggest to the Senator from North Carolina that by a modification of the clause it might be allowed to stand. The committee have had some consultation with the Director of the Mint on this matter. Three times separately the Committee on Appropriations of the House of Representatives moved to strike out such a clause and it was concurred in by the House, and then on appeal of the North Carolina members was put back. In lines 922 and 923 the item "clerk, $1,000," is entirely unnecessary. The wages of workmen there are only $600, and then they have an assayer and melter. I think with that modification it will be the judgment of the committee that the rest might stand.

Mr. RANSOM. I will agree to that.

Mr. SARGENT. I move, then, to amend the clause by striking out in line 922 and 923, the words "clerk, $1,000," and reducing the aggregate in line 925 from $6,400 to $5,400.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole striking out the paragraph as amended.

Mr. SARGENT. I hope now the clause will be retained in the bill.

Mr. RANSOM. The only effect of the amendment of the Senate is to reduce the amount $1,000, that being the appropriation for a clerk.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendment striking out the clause as it is now amended?

The amendment was non-concurred in.

Mr. MORRILL, of Maine. I ask unanimous consent—I know it is out of order now—to allow me to propose an amendment which escaped me and to which my attention has been called by a communication from the Surgeon-General. It is on page 46, line 1107, to strike out "eight" and insert "nine." That will make nine clerks of class two instead of eight, in that office; and then supplementing that to strike out in line 1109 "one librarian, at $1,600." For the accommodation of the office they desire this change, and as it does not affect the Government, I see no objection to it.

The PRESIDENT *pro tempore*. If no objection be made, the Chair will receive the amendment at this time.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Secretary will report the next reserved amendment.

The CHIEF CLERK. In section 5 the Senate, as in Committee of the Whole, struck out the following proviso:

Provided, That this provision shall not apply to river and harbor appropriations, or light-house appropriations, or public buildings, the appropriations for which shall only lapse according to the provisions of existing laws.

And inserted in lieu thereof these words:

Provided, That the Secretary of the Treasury shall at the beginning of each session report to Congress any balances of appropriations for specific objects affected by this section that may need to be reappropriated.

Mr. MORRILL, of Vermont. I think the Senate ought not to agree to that amendment so far as public buildings and grounds are concerned. In all instances that I am aware of where appropriations have been made for public buildings, the amount of the appropriation has been absolutely limited before the commencement of the building. It would become necessary if this amendment should be agreed to, in case of the non-completion of any of those buildings before the end of two years, that every little fragment appropriated for public buildings should be reappropriated; and that would be a matter of great inconvenience to the Treasury Department that has charge of these matters. There is absolutely nothing to be gained by having these appropriations lapse and go into the Treasury and have again to be reappropriated; for if they are not all consumed, as a matter of course they will lapse and go into the Treasury.

Mr. SAULSBURY. I think the amendment of the committee ought not to be agreed to. The House bill provides that from and after the passage of the act, and on the 1st day of July in each year, the Secretary of the Treasury should cause all the unexpended balances of appropriations to be covered into the Treasury, but excepted from them the appropriations for rivers and harbors and public buildings. The balances of the appropriation for public buildings situated in thirteen different States amount to only about a million and a quarter dollars. But especially should this rule not apply to appropriations for river and harbor improvements. Take for instance the breakwater at the mouth of the Delaware Bay. An appropriation has been made for some years for that work. The work can only be done in the summer

months. There are materials on hand at that breakwater now and the work is going on; but on the 1st day of July next the portions of the appropriations which have been running through years will be covered into the Treasury, because they are under the operation of the amendment, and consequently the work must stop until the 1st of December, when we come back here and can make a reappropriation of this very money that has been covered into the Treasury. The consequence will be in regard to that particular work that all operations must cease after the 1st of July if the amendment shall prevail; and that is true, I presume, of other works—of light-houses, and of river and harbor improvements. I think, therefore, that the House bill as it came to us is the better bill in this respect, and I hope the amendment of the committee will not prevail.

Mr. ALCORN. In regard to the improvements upon rivers, I have a word to say. It has been the custom of the Government for a number of years—in truth I do not know that another custom ever has prevailed—that the snags in the Mississippi River were being cleared out when the river was at flood-tide. In the winter time you generally see snag-boats on the Mississippi River, and then is the time that the snag-boats are certain to find no snags at all in the river. They are all fifty or sixty or seventy feet beneath the surface of the flood. The time to remove the snags in the Mississippi River begins just about the time that under this provision the surplus remaining will be covered into the Treasury. The months of July, August, September, and October are the times when the boats on the Mississippi River can work effectually and well in clearing out snags; and I trust the Senate will not withdraw the appropriation at the very period when that appropriation becomes most valuable to the country.

Mr. WEST. If we were to be influenced by the remarks of the Senator who has just spoken and the Senator who preceded him, the Senate must conclude that the efficiency of this appropriation is to be much impaired and the public works of the United States are to be much obstructed by confirming the action of the Committee on Appropriations. Now, sir, I do not think that that is the case, nor do I think that the Senators have properly presented the situation to the Senate. Here is an appropriation made today, we will say, accepting the illustration made by the Senator who last spoke, for clearing out the snags in the Mississippi River. That appropriation commences on the 1st day of July next, and under the bill as it has been reported by the Committee on Appropriations that appropriation endures for two years. There is no stopping in the summer time; there is no interfering with that work; and proper vigilance on the part of the Representatives who have the care and custody of those particular interests in their charge would enable them to notify Congress and get the reappropriation that is asked for and required to be made through the statement of the Secretary of War.

What we want is that every two years there shall be a balancing of accounts. I am with the Senator and with every other Senator in the appropriation of public money for public improvements; but I want, and the Committee on Appropriations desire, that every two years we shall come up and settle; that we shall ask the question, "How much of the money of the United States have you spent in the last two years, and if you have not spent it all, we stand ready to give it to you?" There will be no interference, as I understand, with the work, because the appropriation stands for two years; and then, as I remarked before, if the appropriation has lapsed, all you have to do is to stand here in your places or come before the committee or come before the Department and state that fact, and you can have the money reappropriated. But if you make these illimitable appropriations running on for years and years and years, you never can have a settlement of your books, you never can understand how much money you are spending. This has been the principle that has now been adopted for four years. It was done by the act of July 12, 1870. It is found to work beneficially, and no detriment has ever been, as I understand, occasioned to any public work in consequence thereof. This is fair notice to all parties that the contracts shall continue two years; and at the end of that time you shall come in and ask for more if more is needed. We must have some determination of a period as to the settlement of our accounts. This enables us to do it every two years. Otherwise you make your appropriations broadcast; you do not know whether fifteen years hence you are not spending money appropriated to-day. It is well to have a settlement of accounts; it is well to know how much money we are spending annually or biennially so that we can know what money we have in the Treasury available and otherwise. Now I ask Senators to point out where the work will lapse. Certainly not when you give two years' notice. We adopted this principle in 1870, and I think it is well to continue it.

Mr. CHANDLER. I hope this amendment will not prevail. The Senator from Louisiana is mistaken in regard to the appropriations for rivers and harbors and light-houses being made for two years. They are annual appropriations which would lapse on the 30th day of June of the year following the year in which they are made. Take the work on the Mississippi River or the work on the Sault Sainte Marie Canal. There no work can be done except in the winter, after the close of navigation. On the Mississippi River no work can be done until after the spring floods. Then, again, in regard to light-houses, frequently there is a detention in the building of a light-house. The proper title may not have been furnished by the State for the ground, and frequent occurrences of that kind take place. I remember at the Saint Clair Flats Canal the appropriation once lapsed, and they were obliged for more than a year to go without sufficient light at that great national work, because the appropriation had lapsed into the Treasury. The engineer did not know that it was necessary to make a contract in advance, he did not know that the money was to lapse on the 30th of June, and for a period of a whole year they used an insufficient light at that great work where the whole commerce of the lakes was passing.

Mr. President, this should not apply to rivers and harbors, or to light-houses, or to public buildings and grounds, in my opinion, and I therefore hope that the amendment proposed by the Committee on Appropriations will be concurred in by the Senate.

Mr. MORRILL, of Maine. Before the Senator takes his seat I should like to correct him. The Senator is under a misapprehension as to the effect of this amendment. I understand him to say that appropriations made for rivers and harbors lapse at the end of a year.

Mr. CHANDLER. The appropriations made this year would lapse on the 30th of June next year.

Mr. MORRILL, of Maine. No; they are made for a specific purpose, and they would last, except for the operation of the statute of 1870, until they were expended; but by the act of 1870 all appropriations not expended or not drawn against for two years go to the surplus fund and thence into the Treasury. The Treasury Department construed that law to mean that as long as they drew against an appropriation they kept it alive; that is to say, it did not lapse. This section is an amendment of that, and makes it lapse absolutely at the end of two years, so that an appropriation made for public buildings or anything else by operation of the first clause of this section would revert to the Treasury at the end of two years. To avoid the difficulty which the Senator from Michigan supposes may be encountered let us see what is provided. We make an appropriation this year for rivers and harbors. Under the operation of this section it will run two full years from the 1st of July, 1874, within which that may be expended. Now, if it should turn out that any portion of the money so appropriated is in danger of lapsing, that it has not all been expended, then it becomes the duty of the Secretary of the Treasury under the amendment made by the committee to notify Congress in December of such unexpended balances remaining in the Treasury that need to be reappropriated.

Does the Senator think on that statement of facts that the public service would be likely to suffer, having had two years within which to expend an appropriation, with this precautionary measure also requiring the Secretary of the Treasury to report to Congress any balances which might not have been expended? It seems to me that we are in no danger. It seems to me that that does cover the needs of the public service.

Now, Mr. President, if there is one thing more important than another in regard to our appropriations, it is the principle in this section. Nothing has troubled us so much, and until we adopted the principle of the act of 1870 requiring the Treasury Department to cover into the Treasury all unexpended balances we never could know what our expenses were. We found in a single Department $80,000,000 of balances at the close of the war that might be expended in almost any direction. Those things led to the act of 1870, which requires the Treasury of the United States to make its balance-sheet to Congress once in two years, so that we may know precisely the whole items of expenditure, including balances and everything else.

This provision which the Committee on Appropriations have reported here is intended to put within the information of Congress any balance unexpended in season to reappropriate it the next year. I submit therefore to my honorable friend whether it is worth while for us to jeopardize so important a principle upon the remote contingency of an inconvenience which would arise from the difficulty which he suggests. Undoubtedly, it would be so if, as the Senator supposes, these appropriations lapsed within one year, the year being the fiscal year, instead of the calendar year, and beginning on the 1st of July. I agree entirely that that would be inappropriate; that would be difficult; but he has two years from that time.

Mr. CHANDLER. At what time is the two years' settlement to be made?

Mr. MORRILL, of Maine. The 1st day of July.

Mr. CHANDLER. Is every appropriation made to run two years, or is it at the end of a given two years? Are all appropriations to be covered into the Treasury on that given day?

Mr. MORRILL, of Maine. Under the operation of this section, all unexpended balances of appropriations at the end of two years must go in the Treasury.

Mr. CHANDLER. At the end of two years from the time the appropriation was made, unless recommended by the Secretary of the Treasury to be reappropriated?

Mr. MORRILL, of Maine. Yes; if there should be a balance unexpended the Secretary of the Treasury is commanded by this section to report the fact to Congress in season to reappropriate it.

Mr. CHANDLER. I was not aware of the two-years feature. That is a new feature to me.

Mr. BOREMAN. I think the theory of this section as it came from the House is much the most practicable and should be retained. That is, I understand, that the surplus of general appropriations for the running of the Departments here and matters of that sort shall be covered into the Treasury every two years; but where there are spe-

cific appropriations with reference to harbors, for light-houses, and for public buildings, for these are the three exceptions, these specific appropriations shall not be covered into the Treasury at the end of the two years herein mentioned. These appropriations to which I have alluded are for specific purposes; the estimates have been made; Congress has passed upon them. Take a custom-house, for instance, at any particular point. There the estimate is made, and the most of the bills for such buildings provide that the sum therein appropriated shall cover the construction of the building and that no more money shall be expended. I think that the provision adopted by the House in the proviso as the bill came to us is the correct one, that in these instances where specific appropriations have been made they shall be allowed to remain unless they be covered into the Treasury as now provided by law.

We are told by the chairman that under the law as it now exists, where the construction of a building or the other work on a river or harbor or a light-house has not been entered upon, then at the end of two years under the existing law the appropriation is covered into the Treasury. That may be well enough probably; because if it is not commenced within the two years it is to be presumed that the officers having it in charge and those interested do not desire that the improvement shall go on; but where the work has been commenced, I cannot see the propriety at the end of two years, if the building should not happen to be completed or the other work to be finished, of covering the residue of the appropriation, whatever it may be, into the Treasury. No harm, it seems to me, can result from allowing the law to remain as the officers of the Treasury have construed it; and that is, as I understand the chairman, that where the work has been commenced the law does not apply to cover the residue of the appropriation which is unexpended into the Treasury, but it may be drawn against until the whole amount is expended. That is the construction as I understand, and I think it is a very proper construction.

Mr. MORRILL, of Maine. That would be very nice if there were nothing but public buildings and grounds affected; but when you consider that we appropriate one hundred and fifty millions altogether, and that it covers a great variety of service, and that you will find balances under the operation of this very act in the Treasury of millions upon millions which are drawn against for just a trifle to keep the appropriations alive and make them perpetual, you begin to see the importance of a proposition which shall be absolute and require unless in two years all these sums to go into the Treasury and to come out again under the administration of Congress. Otherwise it is impossible for you to tell what the expenditures of the Government are.

Mr. BOREMAN. I think that the proviso as sent to us from the House of Representatives is such a one as we should adhere to, and that we should not adopt the amendment proposed by our committee. I think none of the results that have been affirmed in regard to it will follow. I trust that those who are interested in this matter, and we all are throughout the country either in one form or another, for rivers and harbors, or for light-houses, or for public buildings, will vote against the amendment reported by the committee.

Mr. SARGENT. The proviso as it comes from the House is not broad enough to cover the cases mentioned by the gentleman. It will have to be amended to carry out that which they propose. For instance, fortifications are not mentioned, and they are just as important. I should like to call attention, however, to the fact that it is not particularly with public buildings that this difficulty arises. It arises in nearly every Bureau of the Government. Take the Internal Revenue for instance. There are accounts with collectors who went out of office two or three years ago. There are appropriations on the books of the Treasury sufficient to pay any balances that may be due to them or to adjust their accounts. In some cases there are suits pending which are not under the control of those parties to close them up. As these accounts come in, the department draws against these appropriations, and they are paid, and the parties go on their way.

Mr. BOREMAN. As I understand this proviso those cases are not excepted.

Mr. SARGENT. I know it; but I want to show that there is some necessity for it. Take the navy: A vessel goes off on a cruise for two, three, or four years. The sailors on board the vessel and the officers are paid so much a month, not the full amount of their salary; some portion of it is paid to their families at home on their order while they are gone. When they come back at the end of say four years, there is an account made out showing how much they have received, how much is their due, and the balance to which they are entitled. That balance meanwhile, two years before, has been covered into the Treasury. There is another difficulty. It is so with the Marine Corps, who go out with the Navy, and for the same reason; and so I might instance nearly every Department of the Government.

I think there is an amendment which can be made to this provision as it comes from the Committee of the Whole, which will answer the purpose of the gentlemen who object to it in its present form, and will go very far toward remedying the mischiefs which they speak of. It now reads that these balances shall be covered into the Treasury June 30, 1874, that is, about a month after the passage of this bill. Of course there is no time to settle anything up. There is no time to close up the suits to which I refer, or to close up these accounts of the Internal Revenue Bureau. Make that 1875 and it would have two advantages. In the first place, there is an opportunity to settle up a great many of these things so that they will never plague us or plague the Bureaus afterward; and another advantage is, that it would give time for the operation of the last clause inserted by the Committee of the Whole on the recommendation of the Committee on Appropriations, for a report to Congress next December of the amounts that need to be reappropriated. As it stands now, there is an interregnum of six months and such further time as may be necessary to enable Congress to act on such recommendation, when all these works must stop, when the work on the breakwater of my friend from Delaware will have to stop, because the appropriation necessarily under this section, having been appropriated heretofore, ceases on the 30th day of June, 1874, about a month from now; and so in reference to the river and harbor improvements. But put off the time when this severe and stringent law will take effect until June 30, 1875, and then the Secretary of the Navy can come in and show you how much he needs to be reappropriated of old appropriations to square the balances with his jack tars when they come home, and so of the men and officers of the Marine Corps. If the work on the breakwater is not completed then, there is an opportunity for us to reappropriate the balance, and so as to any unexpended balance for river and harbor improvements or any specific object for which money may be needed. In other words, we do not strike; but we get a report from the different Bureaus and different Departments of what they need to be reappropriated of the amounts that are going into the Treasury in time to act and prevent their going in; and therefore I propose to amend the amendment as reported from the Committee of the Whole by striking out in line 2 the word "four" and inserting "five."

Mr. ALCORN. The purpose I had was to avoid a lapse at what I conceive to be an important period of the year, and I did not see the force of the remarks of the Senator from Louisiana even admitting that the premises which he assumed were true, in which it appears he was broadly mistaken.

As to this covering back into the Treasury, the point is made that it is absolutely necessary, to understand the affairs of this nation, that each and every Department of the Government shall on the 1st of July cover all the money that has been appropriated into the Treasury, and unless covered in that there is no possible means of ascertaining the condition of the affairs of the Government. It does occur to me that it would require no very large amount of book-keeping skill for the different Departments of the Government to make their balances and present those balances to Congress, without having those balances covered into the Treasury, and that it would require no very large amount of sagacity or investigation upon the part of the different committees to learn from those reports and those returns and those balances struck the amount that lay to the credit of any particular enterprise in the hands of the Government. But suppose that the Congress of the United States should not adjourn on the 1st of July and the appropriation bills of the Government should then be pending and not passed. The time has been, and I apprehend it will come again, when Congress has continued its session until October; and it is known to every one that the appropriation bills are among the last bills that are passed, as a general rule. Then it might be that here while we were engaged in the business of legislating on the 1st of July, an important period of the year, when it was necessary for the snag-boats of the Mississippi River to be at work, when it was necessary that all the different Departments of the Government should be kept alive and sustained by the appropriations of Congress, we should be called to halt for the reason that all the money appropriated had been covered into the Treasury. I cannot see the practical value of this covering into the Treasury. I cannot see but that a balance struck and made known to our committees would answer all the purposes of covering into the Treasury; and any balance is always at the will of Congress, subject to the direction of Congress, to be reappropriated or to be by special enactment covered in at any time that Congress may see proper to contract any appropriation that may have been made. I therefore stand, for the reasons I first mentioned, opposed to the amendment.

Mr. RAMSEY. I should like to inquire of the chairman of the committee whether he proposes to sit the bill out to-night?

Mr. MORRILL, of Maine. Yes. This is all the question there is left on the bill.

Mr. RAMSEY. Are we likely to get a vote soon?

Mr. MORRILL, of Maine. I hope so. I hope we shall have a vote at once.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment of the Senator from California to the amendment proposed by the Committee of the Whole, to strike out "4" and insert "5," so as to read "1875."

The amendment to the amendment was agreed to.

Mr. MORRILL, of Maine. That ought to obviate any possible objection to the section.

The PRESIDING OFFICER. The question recurs upon agreeing to the amendment reported from the Committee of the Whole as amended.

The amendment, as amended, was concurred in.

Mr. CONOVER. I move the following amendment: On page 4, line 84, strike out the words "$2.50" and insert "$3."

Mr. MORRILL, of Maine. What does that relate to?

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. The bill now reads:

For fourteen pages for the Senate chamber, two riding pages, one page for the Vice-President's room, and one page for the office of the Secretary of the Senate, making eighteen pages in all, at the rate of $2.50 per day while actually employed.

It is proposed to strike out "$2.50" and insert "$3."

Mr. MORRILL, of Maine. I raise the point of order on that.

The PRESIDING OFFICER. The Senator from Maine will state his point of order.

Mr. MORRILL, of Maine. I understand the Senator proposes to withdraw the amendment.

Mr. CONOVER. I will let it be referred to the Committee on Appropriations.

Mr. MORRILL, of Maine. That is a good place for it.

Mr. BOREMAN. I am told that the vote was taken on concurring in the amendment to the fifth section. I was not aware of the fact. My attention was attracted elsewhere by an interrogatory of a gentleman. Is it the fact that the vote was taken?

The PRESIDING OFFICER. Upon agreeing to the amendment reported by the Committee of the Whole as amended.

Mr. BOREMAN. I wanted to have the yeas and nays upon the amendment. ["Too late!"]

The PRESIDING OFFICER. The Chair understands it is now too late, the vote having been announced.

Mr. BOREMAN. I was laboring under a misapprehension.

The PRESIDING OFFICER. The Chair regrets that very much.

Mr. BOREMAN. I did not suppose there would be objection to having the vote taken over again. I was here ready, but some gentleman made a remark to me which attracted my attention. I wished to call for the yeas and nays.

The PRESIDING OFFICER. The matter has been passed over. Does the Senator make any motion?

Mr. BOREMAN. I move to reconsider.

The PRESIDING OFFICER. The Senator from West Virginia moves to reconsider the vote by which the Senate concurred in the amendment to section 5 as reported from the Committee of the Whole as amended.

The question being put, there were on a division—ayes 11, noes 24; no quorum voting.

Mr. MORRILL, of Maine. There is a quorum present. I ask to have the Senate divide again.

The PRESIDING OFFICER. The Chair will again put the question on the motion to reconsider.

Mr. BOREMAN. In order to test the question, I will call for the yeas and nays on this motion.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 25; as follows:

YEAS—Messrs. Alcorn, Bogy, Boreman, Clayton, Cooper, Davis, Dennis, Flanagan, Hitchcock, Johnston, Kelly, Lewis, McCreery, Ransom, Saulsbury, Stockton, and Thurman—17.

NAYS—Messrs. Allison, Buckingham, Carpenter, Chandler, Conover, Ferry of Michigan, Frelinghuysen, Gilbert, Hager, Harvey, Ingalls, Logan, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Pratt, Ramsey, Robertson, Sargent, Wadleigh, Washburn, West, Windom, and Wright—25.

ABSENT—Messrs. Anthony, Bayard, Boutwell, Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Jones, Merrimon, Mitchell, Morton, Norwood, Patterson, Schurz, Scott, Sherman, Spencer, Sprague, Stevenson, Stewart, and Tipton—31.

So the motion to reconsider was not agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

Mr. CONOVER. I wanted to offer an amendment to be referred to the Committee on Appropriations.

Mr. MORRILL, of Maine. That does not interfere with the bill.

The PRESIDENT *pro tempore*. The amendment of the Senator from Florida will be referred to the Committee on Appropriations.

Mr. FRELINGHUYSEN. I wish to say that I had contemplated renewing the motion in reference to the occupation of the agricultural building; but since the third section has been amended, I do not think that is necessary. I say this in consequence of an opinion I expressed before it was amended.

The bill was read the third time, and passed.

PRESIDIO RESERVATION.

Mr. FRELINGHUYSEN. I ask consent to present a resolution which the Senator from Vermont, [Mr. EDMUNDS,] who was called away, asked me to present for him:

Resolved, That the Secretary of War be, and he hereby is, directed to report to the Senate as soon as may be all facts in his possession in regard to the Presidio reservation, at San Francisco, California, giving its original size and boundaries; how much of it has already been taken or encroached upon; how much, if any of it, can be properly disposed of by the United States, and how much and what part of it is needed for fortifications and other military structures.

The resolution was considered by unanimous consent, and agreed to.

REPORTS OF COMMITTEES.

Mr. SARGENT, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes, reported it with amendments.

Mr. BUCKINGHAM. The Committee on Indian Affairs, to whom was referred the bill (H. R. No. 2999) for the relief of Henry A. Webster, V. B. McCollum, and A. Colby, of Washington Territory, pre-emptors on the Makah Indian reservation, have directed me to report it back without amendment. I wish this bill to take the place on the Calendar of Senate bill No. 742, of the same title, which I reported yesterday.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on the District of Columbia:

A bill (H. R. No. 2738) for the relief of the Foundry Methodist Episcopal church of Washington City;

A bill (H. R. No. 3154) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871;

A bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum in the District of Columbia," approved May 24, 1828; and

A bill (H. R. No. 3412) in relation to the bridge across the Potomac River used by the Baltimore and Potomac Railroad Company.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned; and

A bill (H. R. No. 3408) to remove the disabilities of L. L. Lomax, of Virginia.

A bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities imposed by the fourteeenth amendment to the Constitution.

The following bills and joint resolutions were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 3407) to change the name of the schooner Jacob Faithful to Eyvor—to the Committee on Commerce.

The bill (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers—to the Committee on Finance.

The joint resolution (H. R. No. 103) authorizing the President to issue Army rations and clothing to the destitute people on the Tombigbee, Warrior, and Alabama Rivers—to the Committee on Military Affairs.

RIVER AND HARBOR BILL.

Mr. RANSOM submitted an amendment intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which was referred to the Committee on Commerce and ordered to be printed.

CIVIL RIGHTS.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of Senate bill No. 1, being the civil-rights bill.

Mr. DAVIS. I move that the Senate adjourn.

Mr. FRELINGHUYSEN. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 11, nays 22; as follows:

YEAS—Messrs. Bogy, Cooper, Davis, Dennis, Hager, Johnston, Kelly, Lewis, McCreery, Saulsbury, and Thurman—11.

NAYS—Messrs. Allison, Boreman, Buckingham, Carpenter, Chandler, Clayton, Conover, Ferry of Michigan, Flanagan, Frelinghuysen, Hitchcock, Ingalls, Logan, Morrill of Maine, Oglesby, Pratt, Ramsey, Robertson, Sargent, West, Windom, and Wright—22.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Boutwell, Brownlow, Cameron, Conkling, Cragin, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hamlin, Harvey, Howe, Jones, Merrimon, Mitchell, Morrill of Vermont, Morton, Norwood, Patterson, Pease, Ransom, Schurz, Scott, Sherman, Spencer, Sprague, Stevenson, Stewart, Stockton, Tipton, Wadleigh, and Washburn—40.

The PRESIDENT *pro tempore*. The Senate refuses to adjourn; but there is not a quorum voting.

Mr. DAVIS. Is it in order to adjourn now? I believe it is.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves that the Senate do now adjourn.

Mr. DAVIS. Yes, sir.

The motion was agreed to; and (at five o'clock and thirty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 19, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 3073) to amend section 19 of an act approved August 18, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States."

The message also announced that the Senate had passed, and requested the concurrence of the House in, a bill of the following title:

A bill (S. No. 675) to relieve ships and vessels from compulsory pilot fees in certain cases.

NAVAL APPROPRIATION BILL.

Mr. HALE, of Maine. I ask consent to report back from the Committee on Appropriations the amendments of the Senate to the bill of the House No. 1013, making appropriations for the naval service for the year ending June 30, 1875, and for other purposes. The committee recommend concurrence in some and non-concurrence in others. I ask that the recommendations of the committee be agreed to, in order that the bill may go to a committee of conference.

Mr. HOLMAN. What is the action of the committee in regard to the amendments of the Senate?

Mr. HALE, of Maine. The committee disagree with all the amendments of the Senate increasing appropriations except in one case.

Mr. HOLMAN. As to those amendments increasing appropriations, of course there is no objection to a committee of conference. But where there are reductions of appropriations I think they should be agreed to.

Mr. HALE, of Maine. Those are agreed to.

Mr. HOLMAN. I ask that the amendments may be read.

The amendments of the Senate were read, and the recommendations of the Committee on Appropriations agreed to without division, except in the following cases:

The amendment of the Senate to increase the assistant observers in the Naval Observatory from two to three was read.

Mr. HALE, of Maine. The Committee on Appropriations recommend concurrence in that amendment. On investigation, after the bill had passed the House, I became satisfied that the same force should be continued in the observatory that we now have, and therefore requested the committee of the Senate to make this increase.

Mr. HOLMAN. I hope the House will not concur in that amendment. It seems that we never can succeed in reducing an office or an appropriation or decreasing a salary, without its ultimately getting back into the bill by the action of the other House. It is useless to talk about the House being economical, when we invariably increase the appropriation afterward upon the action of the Senate.

The question was taken, and the amendment of the Senate was concurred in.

Mr. HALE, of Maine, moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

An amendment of the Senate was read to strike out the following:

For contingent expenses of the ordnance service of the Navy, $1,000.

The Committee on Appropriations recommended non-concurrence.

Mr. HOLMAN. I hope that amendment will be concurred in.

Mr. HALE, of Maine. It is a very small sum.

Mr. HOLMAN. I know it is a very small sum, but the Senate so very seldom acts in the interest of economy that I think we should concur with them when they do so.

Mr. HALE, of Maine. We can concur with them in matters of importance.

Mr. HOLMAN. I hope the House will concur in this amendment, unless there is some reason why this appropriation should be continued.

Mr. HALE, of Maine. It is a very small sum, smaller than is provided for the same purpose in any other Bureau.

The question was taken, and the amendment was not concurred in.

The amendment of the Senate was read to insert "expenses of recruiting" in the following paragraph:

For contingent expenses of the Bureau of Equipment and Recruiting, namely, for freight and transportation of supplies, &c.

The Committee on Appropriations recommended non-concurrence.

Mr. HOLMAN. What is the objection to putting those words in there?

Mr. HALE, of Maine. It is not a matter of any importance, but the committee thought it was not essential to put those words in there. It does not matter whether the amendment is concurred in or not.

Mr. GARFIELD. It makes the language more definite, and I think the amendment should be concurred in.

Mr. HOLMAN. I hope the House will concur in that amendment.

Mr. HALE, of Maine. I have no objection.

The amendment was agreed to.

An amendment of the Senate was read, to insert after line 22 the following:

Provided, That the office of commandant of the Marine Corps having the rank of a brigadier-general of the Army shall continue until a vacancy shall occur in the same and no longer; and when such vacancy shall occur in said office, immediately thereupon all laws and parts of laws creating said office shall become inoperative, and shall by virtue of this act from thenceforth be repealed: *And provided further*, That thereafter the commandant of the Marine Corps shall have the rank and pay of a colonel, and shall be appointed by selection by the President from the officers of said corps.

The Committee on Appropriations recommended non-concurrence.

Mr. HOLMAN. If I understand the effect of that amendment, it would seem that it should be concurred in. Perhaps the gentleman will explain the difference between the expenses of the present arrangement and that proposed by this amendment.

Mr. HALE, of Maine. The amendment raises the question as to how the head of the Marine Corps shall be appointed. It was thought better, as there was a disagreement between the two Houses as to the manner of appointing the commandant, that the whole subject should go to a committee of conference, which committee could summon before them the head of the Bureau and officers of the department, in order that they might settle the controversy on this subject.

Mr. HOLMAN. Will the gentleman inform the House what is the difference between the salary of the commandant as now provided and the pay and emoluments of a colonel as provided by the amendment of the Senate?

Mr. HALE, of Maine. The present commandant ranks as a brigadier-general.

Mr. HOLMAN. I trust there will not be a moment's hesitation in concurring in this amendment. I trust this unnecessary corps in our service will not be made the occasion of continuing such an unseemly and unnecessary expenditure as a brigadier-generalship at the head of the corps. The House will perceive that in the amendment the Senate contemplates the appointment of a colonel only at the head of this corps instead of a brigadier-general, and his promotion from the lower grades in conformity to the idea of the civil-service reform. This proposition is the more appropriate from the fact that this branch of the service approaches more nearly to the civil service than to our military organization. I trust, therefore, there will be no hesitation on the part of the House in concurring in this amendment. The subject is one upon which every gentleman in the House has general information, and with which certainly the Finance Committee of the Senate and the Committee on Appropriations of the House must be very familiar. I do not see any necessity that the question should be left open. I trust that this measure of reform, small as it is, will meet the approval of the House.

Mr. HALE, of Maine. I agree with the gentleman from Indiana [Mr. HOLMAN] that the head of this corps ought to be nothing more than a colonel; and if that were all that the question involved, I would assent to the amendment. But it raises another question. There are, it is said, old officers of the corps of great merit who when a vacancy happens, as it soon must, would claim the right to succeed by rank. This question of promotion is one upon which these officers are tender; and therefore the committee recommended that this amendment be non-concurred in, so that the committee of conference might consider all branches of the subject. The gentleman from Massachusetts [Mr. GOOCH] wishes to say a word. I yield to him.

Mr. GOOCH. I think this amendment raises the question whether or not the head of the Marine Corps should hold that position by selection or by promotion according to rank. It seems to me that the head of every corps should obtain his position by selection rather than by promotion. It often happens that a man who can discharge well enough his particular duties in a subordinate capacity, with some one above him to direct him, is not fit to be at the head of a corps.

This corps is composed of from two to three thousand men; and it is proper that the head of this corps, in order to be in keeping in respect to rank with other officers of the Army having similar responsibilities, should be a brigadier-general. And I must confess that I see no very great saving in the other proposition. You do not save the expense of a brigadier-general. The question is whether you shall have two colonels—one colonel commandant and another colonel of the Marine Corps, or one brigadier-general who will be the commandant of the corps, and one colonel.

Mr. HOLMAN. Certainly not. The amendment abolishes one brigadier-generalship and substitutes one of the colonels already in the service. The measure is a wise one. The idea that there is any necessity for a brigadier-general in this service is simply absurd.

Mr. GOOCH. I do not agree with the gentleman in his construction of the amendment. If it be concurred in, we shall then have one colonel commandant and another colonel of the Marine Corps; and the only difference is that the amendment changes the rank of the highest officer of the corps from brigadier-general to colonel.

The other question is, whether the head of this corps—the man responsible for everything pertaining to it—shall take that position merely by promotion, depriving the President of the power to select an officer for this purpose, and giving the place to a man merely because he has advanced along to that grade, or whether the President shall have the power of selection. It seems to me the President should have the right to choose the head of every corps. We know very well that in the Army promotions are made by rank up to and including the grade of colonel, but above that they are made by selection in order that the men who are at the head of any important military organization may be selected by the President, and not receive their places merely by promotion according to rank.

Mr. COBURN. Right here let me say, as a pertinent illustration connected with this subject, that the Paymaster-General is a colonel by selection. The law specially provides that the Paymaster-General shall obtain the position by selection, with the rank of colonel; and the present incumbent was selected, though inferior in rank to

certain other officers of the Pay Department. This is what the Senate has provided with respect to the Marine Corps.

Mr. HALE, of Maine. I am anxious that this bill shall be out of the way of the Committee on Ways and Means; and hence I do not push this matter of non-concurrence if the House think it best to concur. I find that many gentlemen who are intelligent on this subject have that view; and I do not make objection to concurrence.

The amendment was concurred in.

Mr. HALE, of Maine. There is one amendment in relation to the Naval Academy at Annapolis which should have been concurred in. It is in relation to the contingent fund of the academy. The committee, after investigating the matter and hearing the superintendent of the school, are satisfied that the sum fixed by the Senate, which is not the amount that was asked for, but a medium sum, is fair and just.

The Clerk read as follows:

Strike out "30,000" and insert "46,600;" so that it will read: "For contingent expenses, $46,600."

Mr. HALE, of Maine. That should be concurred in. The committee were unanimous in recommending concurrence.

The amendment was concurred in.

Mr. HALE, of Maine, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HALE, of Maine. I move that a conference be asked on the disagreeing votes between the two Houses.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House, Mr. HALE, of Maine, Mr. SCOFIELD, and Mr. MARSHALL.

Mr. WILLARD, of Vermont. It seems that House bills, especially appropriation bills, which come back from the Senate with amendments ought to be printed with the Senate amendments at once. This bill should be printed so the report of the committee of conference when it comes in may come in printed.

Mr. HALE, of Maine. If the member will send to the document-room he will find all these amendments have been printed by the Senate and numbered.

Mr. WILLARD, of Vermont. I do not understand the Senate ordered the bill to be printed as it is now.

Mr. HALE, of Maine. Certainly.

Mr. WILLARD, of Vermont. I desire when the committee of conference makes its report it shall come here in print.

JACOB DICE.

Mr. CASON, by unanimous consent, introduced a bill (H. R. No. 3416) for the relief of Jacob Dice, of Fountain County, Indiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS CLAIBORNE.

Mr. WHITTHORNE, by unanimous consent, introduced a bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States; which was read a first and second time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and (two-thirds voting in favor thereof) passed.

COURT AT JACKSON, TENNESSEE.

Mr. WHITTHORNE. I have been requested by my colleague, [Mr. ATKINS,] who is absent on important committee business, to move that the Committee on the Judiciary be discharged from the further consideration of the bill (H. R. No. 1995) to amend the act approved June 18, 1838, entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson, in said State," and that the same be put on its passage at this time. It is recommended by the Judiciary Committee.

The bill, which was read, provides in the first section that so much of section 1 of the act entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson, in said State," approved June 18, 1838, be so amended as to detach the county of Perry, as at present bounded, in the State of Tennessee, from the district of West Tennessee, and the same be attached to the middle district of Tennessee; and that all cases arising in said county of Perry which are now returnable to the United States district court at Memphis shall hereafter be returnable to the United States district court at Nashville, in said State of Tennessee.

The second section provides that all cases from said county of Perry now pending may, with the consent of parties, by order of the United States district court for said State, be transferred from Memphis to Nashville.

The motion was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITTHORNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DAWES. I call for the regular order of business.

The SPEAKER. The regular order of business is the consideration of the moiety bill from the Committee on Ways and Means. The gentleman from Indiana, [Mr. TYNER,] who has charge of the post-office appropriation bill, suggests that at three o'clock, if the regular order be not disposed of before that time, the remaining portion of the day be given in Committee of the Whole on the state of the Union to the post-office appropriation bill, which he thinks can be finished in a few hours.

Mr. ELLIS H. ROBERTS. I trust we may be able to get through with the moiety bill to-day, and I think we will if we shall have the whole day given to it. I hope, therefore, the gentleman will withhold his motion until we can see how the debate runs.

The SPEAKER. If the moiety bill be not disposed of at three o'clock it would be a judicious distribution of business to allow it to go over until the morning in order to proceed with the consideration of the post-office appropriation bill this afternoon.

Mr. ELLIS H. ROBERTS. If it shall appear that two days are requisite for the consideration of the regular order I will not offer any objection to the gentleman's motion, but I do trust no such understanding will be entered into now.

Mr. TYNER. I propose at three o'clock, if the moiety bill is not then disposed of, to move to go in committee on the post-office appropriation bill.

Mr. DAWES. After holding the Committee on Ways and Means upon this important measure until this time over last week, I hope the Committee on Appropriations will not insist upon pressing their motion as suggested.

Mr. ELLIS H. ROBERTS. The chairman of the Committee on Appropriations on Saturday gave notice they would not upon this day antagonize the Ways and Means Committee upon this bill.

Mr. TYNER. If the chairman of the Committee on Appropriations made that statement I, as a member of the committee, am willing to stand by it.

Mr. GARFIELD. I made the statement, but at the same time I suggested that if found to be convenient a part of the day might be given to the Committee on Appropriations.

MOIETIES.

Mr. ELLIS H. ROBERTS, from the Committee on Ways and Means, reported the bill (H. R. No. 3171) to amend the customs-revenue laws, and to repeal moieties, with amendments.

The bill in its first section repeals section 7 of the act entitled "An act to punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March 3, 1863; the thirty-ninth section of the act entitled "An act further to prevent smuggling, and for other purposes, approved July 18, 1866; and the second section of the act entitled "An act to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs, and for other purposes," approved March 2, 1867.

Section 2 repeals all provisions of law under which moieties of any fines, penalties, or forfeitures, or any share therein or commission thereon, are paid to informers or officers of customs, or other officers of the United States; and provides that from and after the date of the passage of the act the proceeds of all fines, penalties, and forfeitures shall be paid into the Treasury of the United States.

Section 3 provides that in all suits and proceedings other than criminal, arising under any of the revenue laws of the United States, the attorney representing the Government, whenever, in his belief, any business-book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending shall issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal, by delivering to him a certified copy thereof or otherwise serving the same as original notices of subpœna in the same court are served; and if the defendant or claimant shall fail to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed, unless his failure to produce the same shall be explained to the satisfaction of the court. And the said attorney shall be permitted to make examination of said book, invoice, or paper, if produced, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have free access to them at all reasonable times pending their custody by the court.

Section 4 provides that it shall hereafter be the duty of the Secretary of the Treasury, out of any money specifically appropriated by Congress, to make suitable compensation in certain cases under the customs-revenue laws, as hereinafter provided and not otherwise; and he shall annually report to Congress, in detail, all payments by him for such purpose. Whenever any officer of the customs or other person shall detect and seize goods, wares, or merchandise in the act of being smuggled or which have been smuggled, he shall be entitled

to such compensation therefor as the Secretary of the Treasury shall award, not exceeding in amount one-half of the net proceeds, if any, resulting from such seizure, after deducting all costs and charges connected therewith; provided that for the purposes of this act smuggling shall be construed to mean the act, with intent to defraud, of bringing into the United States or, with like intent, attempting to bring into the United States, dutiable articles without passing the same, or the package containing the same, through the custom-house or submitting them to the officers of the revenue for examination. And whenever any person not an officer of the United States shall furnish to a district-attorney or to any chief officer of the customs original information concerning any fraud upon the customs revenue, perpetrated or contemplated, which shall lead to the recovery of any duties withheld or of any fine, penalty, or forfeiture incurred, whether by importers or their agents or by any officer or person employed in the customs service, such compensation may, on such recovery, be paid to such person so furnishing information as shall be just and reasonable, not exceeding in any case the sum of $5,000; which compensation shall be paid, under the direction of the Secretary of the Treasury, out of any money appropriated for that purpose.

Section 5 provides that no payment shall be made to any person furnishing information in any case wherein judicial proceedings shall have been instituted, unless his claim to compensation shall have been established to the satisfaction of the court or judge having cognizance of such proceedings, and the value of his services duly certified by said court or judge for the information of the Secretary of the Treasury; but no certificate of the value of such services shall be conclusive of the amount thereof. And when any fine, penalty, or forfeiture shall be collected without judicial proceedings, the Secretary of the Treasury shall, before directing payment to any person claiming such compensation, require satisfactory proof that such person is justly entitled thereto.

Section 6 provides that, except in cases of smuggling as aforesaid, it shall not be lawful for any officer of the United States, under any pretense whatever, directly or indirectly, to receive, accept, or contract for any portion of the money which may, under any of the provisions of this act, accrue to any such person furnishing information; and any such officer who shall so receive, accept, or contract for any portion of the money that may accrue as aforesaid shall be guilty of a misdemeanor and on conviction thereof shall be liable to a fine not exceeding $5,000 or imprisonment for not more than one year, or both, in the discretion of the court, and shall not be thereafter eligible to any office of honor, trust, or emolument.

Section 7 provides that no officer or other person entitled to or interested in a part or share of any fine, penalty, or forfeiture incurred under the customs-revenue laws of the United States shall be thereby disqualified from becoming a witness in any action, suit, or proceeding for the recovery, mitigation, or remission thereof, but shall be subject to examination and cross-examination in like manner with other witnesses, without being thereby deprived of any right, title, share, or interest in any fine, penalty, or forfeiture to which such examination may relate; provided that in every such case, whenever the officer or person entitled to any share in the fine, penalty, or forfeiture shall appear as a witness, the defendant or defendants may testify and be examined and cross-examined in like manner.

Section 8 provides that except in the case of personal effects accompanying the passenger, no importation exceeding $100 in dutiable value shall be admitted to entry without the production of a duly-certified invoice thereof as required by law, or of an affidavit made by the owner, importer, or consignee, before any officer authorized to administer oaths, showing why it is impracticable to produce such invoice.

Section 9 provides that no entry shall be made in the absence of a certified invoice, upon affidavit as aforesaid, unless such affidavit be accompanied by a statement, in the form of an invoice or otherwise, showing either the actual cost of the merchandise included in such importation, or, to the best of the knowledge, information, and belief of the deponent, the foreign market value thereof; which statement shall be verified by the owner, importer, consignee, or agent desiring to make entry of the merchandise, and which oath shall be administered by the collector or his deputy.

Section 10 provides that before such oath is taken it shall be lawful for the collector or deputy administering the same to question the deponent touching the sources of his knowledge, information, or belief in the premises, and to require him to make oath to the same, and to produce any letter or paper, in his possession or under his control, which may assist the officers of the customs in ascertaining the dutiable value of the importation, or any part thereof; and in default of such production, when so requested, such owner, importer, consignee, and agent shall be thereafter debarred from producing any such letter or paper for the purpose of avoiding any penalty or forfeiture incurred under this act, unless he shall show to the satisfaction of the court that it was not in his power to produce the same when so demanded.

Section 11 provides that any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make, or attempt to make, any entry of imported merchandise, by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, shall severally forfeit and pay a fine of not more than $5,000 for each offense, to be recovered by a joint or several actions in any district or circuit court of the United States; and, in addition to such fine as aforesaid, such merchandise shall be liable to forfeiture, which forfeiture shall apply only to the particular item of merchandise to which such fraud or alleged fraud relates.

Section 12 provides that any merchandise entered by any person or persons violating any of the provisions of the preceding section, but not subject to forfeiture under the same section, may, while owned by him or them, or while in his or their possession, be taken by the collector and held as security for the payment of any fine or fines incurred as aforesaid, or may be levied upon and sold on execution to satisfy any judgment recovered for such fine or fines. But nothing herein contained shall prevent any owner or claimant from obtaining a release of such merchandise on giving a bond with sureties satisfactory to the collector, or, in case of judicial proceedings, satisfactory to the court, for the payment of any fine or fines so incurred; provided, however, that such merchandise shall in no case be released until all accrued duties thereon shall have been paid or secured.

Section 13 provides that wherever any statute requires that to the cost or market value of any goods, wares, and merchandise imported into the United States there shall be added to the invoice thereof, or, upon the entry of such goods, wares, and merchandise, charges for inland transportation, commissions, port duties, expenses of shipping, export duties, cost of packages, boxes, or other articles containing such goods, wares, and merchandise, or any other incidental expenses attending the packing, shipping, or exportation thereof from the country or place where purchased or manufactured, the omission, without intent thereby to defraud the revenue, to add and state the same on such invoice or entry, shall not be cause of a forfeiture of such goods, wares, and merchandise, or of the value thereof; but in all cases where the same, or any part thereof, are omitted it shall be the duty of the collector or appraiser to add the same, for the purposes of duty, to such invoice or entry, either in items or in gross, at such price or amount as he shall deem just and reasonable, (which price or amount shall be conclusive,) and to impose and add thereto the further sum of 100 per cent. of the price or amount so added, which addition shall constitute a part of the dutiable value of such goods, wares, and merchandise, and shall be collectable as provided by law in respect to duties on imports.

Section 14 provides that it shall be the duty of any officer or person employed in the customs-revenue service of the United States, upon detection of any violation of the customs laws, forthwith to make complaint thereof to the district attorney of the district in which such frauds shall be committed. Immediately upon the receipt of such complaint, if in his judgment it can be sustained, it shall be the duty of such district attorney to cause investigation into the facts to be made before a United States commissioner having jurisdiction thereof, and to initiate proper proceedings to recover the fines and penalties in the premises, and to prosecute the same with the utmost diligence to final judgment.

Section 15 provides that in all actions, suits, and proceedings in any court of the United States now pending or hereafter commenced or prosecuted to enforce or declare the forfeiture of any goods, wares, or merchandise, or to recover the value thereof, or any other sum alleged to be forfeited by reason of any violation of the provisions of the customs-revenue laws, or any of such provisions, in which action, suit, or proceeding an issue or issues of fact shall have been joined, it shall be the duty of the court, on the trial thereof, to submit to the jury, as a distinct and separate proposition, whether the alleged acts were done with an actual intention to defraud the Government of the United States or its revenues, and to require upon such proposition a special finding by such jury; or, if such issues be tried by the court without a jury, it shall be the duty of the court to pass upon and decide such proposition as a distinct and separate finding of fact.

Section 16 provides that whenever, for an alleged violation of the customs-revenue laws, any person who shall be charged with having incurred any fine, penalty, forfeiture, or disability other than imprisonment, or shall be interested in any vessel or merchandise seized or subject to seizure, when the appraised value of such vessel or merchandise is not less than $1,000, shall present his petition to the judge of the district in which the alleged violation occurred, or in which the property is situated, setting forth, truly and particularly, the facts and circumstances of the case, and praying for relief, such judge shall, if the case, in his judgment, requires, proceed to inquire, in a summary manner, into the circumstances of the case, at such reasonable time as may be fixed by him for that purpose, of which the district attorney and the collector shall be notified by the petitioner, in order that they may attend and show cause why the petition should be refused.

Section 17 provides that the summary investigation thereby provided for may be held before the judge to whom the petition is presented, or, if he shall so direct, before any United States commissioner for such district, and the facts appearing thereon shall be stated and annexed to the petition, and, together with a certified copy of the evidence, transmitted, without cost or expense to the petitioner, to

the Secretary of the Treasury, who shall thereupon have power to mitigate or remit such fine, penalty, or forfeiture, or remove such disability, or any part thereof, if in his opinion the same shall have been incurred without willful negligence or any intention of fraud in the person or persons incurring the same; and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just.

Section 18 provides that it shall not be lawful for any officer of customs, special agent, or district attorney to compromise or settle any claim of the United States arising under the customs laws, or relieve from any fine, penalty, or forfeiture; and any officer or person who shall so compromise or settle any such claim, or attempt to make such compromise or settlement, or relieve or attempt to relieve from such fine, penalty, or forfeiture, shall be guilty of a felony, and, on conviction thereof, shall suffer imprisonment not exceeding ten years, and be fined not exceeding $10,000; provided, however, that the Secretary of the Treasury, in accordance with general regulations to be prescribed by him, not in conflict with existing laws nor with the provisions of the act, may remit any fines, penalties, or forfeitures, upon sufficient proof that there was no intention of fraud or willful neglect upon the part of such person or persons against whom such fines, penalties, or forfeitures shall have accrued, or on the part of his or their agent or agents.

Section 19 provides that whenever any application shall be made to the Secretary of the Treasury for the mitigation or remission of any fine, penalty, or forfeiture, or the refund of any duties, in case the amount involved is not less than $1,000, the applicant shall notify the district attorney and the collector of customs of the district in which the duties, fine, penalty, or forfeiture accrued; and it shall be the duty of such collector and district attorney to furnish to the Secretary of the Treasury all practicable information necessary to enable him to protect the interests of the United States.

Section 20 provides that whenever any goods, wares, and merchandise shall have been entered and passed free of duty, and whenever duties upon any imported goods, wares, and merchandise shall have been liquidated and paid, and such goods, wares, and merchandise shall have been delivered to the owner, importer, agent, or consignee, such entry and passage free of duty and such settlement of duties shall, in the absence of fraud and in the absence of protest by the owner, importer, agent, or consignee, be final and conclusive upon all parties.

Section 21 provides that no suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs-revenue laws of the United States shall be maintained unless such suit or action shall be commenced within two years after the time when such penalty or forfeiture shall have accrued; provided that the time of any legal disability of the person, or his absence from the United States, or of any concealment or absence of the property, shall not be reckoned within the period of limitation.

The amendments reported by the committee were read, as follows:

On line 16, of section 3, strike out the word "subpœna," and insert the word "suit."

On line 5, of section 12, insert, after the word "possession," "to double the amount claimed."

On line 12, of section 15, strike out the words "Government of the;" also, in same line and succeeding line, strike out "or its revenues."

Add at the end of section 15 these words: "and in such cases, unless intent to defraud shall be so found, no fine, penalty, or forfeiture shall be imposed."

Mr. ELLIS H. ROBERTS. If there be no objection I ask that these amendments may be considered as adopted. They are the amendments of the committee, and do not change at all the character of the bill.

The amendments were agreed to.

Mr. ELLIS H. ROBERTS. I yield to the chairman of the committee to offer two amendments, to be considered pending.

Mr. DAWES. I offer the following amendments:

Strike out the third section of the bill.

Add to the sixth section as follows:

And any such person so furnishing information as aforesaid, who shall pay to any such officer of the United States, or to any person for his use, directly or indirectly, any portion of said money, or any other available thing, on account of or because of such money, shall have a perpetual right of action against such officer or other person or his legal representatives to recover back the same or the value thereof.

Mr. ELLIS H. ROBERTS. I now enter a motion to recommit the bill.

Mr. BECK. Before that is done I wish to offer a section as a substitute for the third section, to be considered as pending. I send it to the desk to be read.

The Clerk read as follows:

SEC. —. That no Senator, Representative, or Delegate to Congress shall after his election and during his continuance in office act as agent, attorney, proctor, advocate, solicitor, or counsel for any person against whom suits or proceedings have been or are about to be commenced for violation of the revenue laws, or who has any claim for drawbacks or reclamations for duties, taxes, or excises paid or demanded or for the United States or any agent, employé, informer, officer, or officers of the revenue or customs service of the United States in any suit or proceeding relative to the customs dues, excises, or taxes, nor shall he receive any compensation, gift, or reward from such persons or officers for any service, advice, counsel, or aid afforded such person or persons, officer or officers, agent, informer, or employé.

And any person offending against this provision shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by fine not exceeding $5,000 and imprisonment for a term not exceeding ten years, at the discretion of the court trying the same, and shall be forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States; and any person who shall pay, or cause to be paid to any Senator, Representative, or Delegate, or to any person for his use or benefit, directly or indirectly, any sum of money or other thing of value because of such services or advice relative to any of the matters aforesaid, shall have a right at any time to bring suit for the recovery thereof, or its value, in any court of the United States, against such Senator, Representative, or Delegate, or the person or persons who received the same, or may unite all such persons in the same suit.

Mr. BECK. I ask that the amendment may be printed.

There was no objection, and it was so ordered.

Mr. MERRIAM. I wish to offer an amendment.

Mr. ELLIS H. ROBERTS. I decline to yield further.

The SPEAKER. The gentleman from New York [Mr. ELLIS H. ROBERTS] enters a motion to recommit, which will include the amendments offered by the chairman of the committee and the gentleman from Kentucky, [Mr. BECK.]

Mr. ELLIS H. ROBERTS. Mr. Speaker, the measure which is now submitted for action commands attention by its importance. It deals with much of the machinery for the enforcement of our customs-revenue laws. It reduces penalties and forfeitures in cases designated. It submits the question of fraud to the court or jury as a separate issue. It reduces the period of limitation within which suits may be commenced. It abolishes the whole system of moieties, while substituting moderate rewards for the detection of crimes against the revenue. It sweeps away the arbitrary processes for the seizure of books and papers. The aim is to do brave work toward the adjustment of customs legislation to the standard of freedom and intelligence attained in our other statutes.

This bill is the outgrowth of a careful investigation before the Committee on Ways and Means, which began on the 17th of February and closed on the 28th of April, and which is recorded in a volume of nearly three hundred pages, (Miscellaneous Document No. 264.) Representatives of the merchants of the leading cities have been patiently heard, and the committee have sought information from the most competent experts in the service of the Government. They confidently present the bill as worthy to be enacted into law in the interest of the revenues, of public morality, and of commerce.

APPEALS FOR ACTION.

Rarely have stronger appeals come to Congress than those for the reforms here proposed. The sense of wrong had grown to be profound and general among merchants. It found expression in passionate indignation, in glowing appeals, and in the more eloquent language of personal incident and unquestioned fact. Your customs laws rankled like fetters. You collected your revenues without armies, but hate was settling into the hearts of those who saw their neighbors crushed about them. You wrung your forfeitures from the careless as well as the criminal, and the enormity of the penalty made the offense appear trivial. Ruin trod in the footsteps of your officers. The emoluments of prosecutors and their attorneys exceeded the salary of your President and of all the justices of the Supreme Court. The informer had but to "strike," and strong men grew pale, great houses tottered, while spoils were gathered in by a charmed circle.

OFFENSES HAVE BEEN COMMITTED.

Offenses have been committed against the revenue. But crime may be cultivated instead of being prevented. Cruel and extreme penalties cultivate it. If it be fraud to misconstrue a statute, crime is inevitable. At the best, attempts will be made to defraud the revenue. They will increase, and the chance of punishment will be diminished, whenever public sentiment pronounces the laws unduly severe and their application harsh and oppressive.

DUTY TO REMOVE JUST GROUND OF COMPLAINT.

The first duty of the Government is to remove every just ground of complaint against the laws and their administration. When that is done, enforce them without fear or favor. Our institutions depend on the good-will of the citizen. For the collection of the revenue, one of the primary essentials is the moral support of those who pay. This has been to an alarming degree lost. Sympathy has been aroused for those charged with offenses against the customs. Penalties enforced in accordance with the letter of the law have excited odium. The machinery of a past age, the rigors of the war period, the monstrous forfeitures of our system, have borne their natural fruit. Violation of the laws has ceased to affix opprobrium. Their enforcement carries a taint as in the case of the old fugitive-slave law.

DEMORALIZATION OF IMPORTERS.

We have heard general denunciations of demoralization among importers. Commerce is not a prohibited occupation. Men honorable in every other relation, an entire class, including those who bear the ark of religion and the sacred fires of art, and who sustain the very fabric of society, cannot be all knaves in their transactions with the Government. If they be offenders, provide penalties against them which can be enforced by the courts. Let them be certain, and not dependent upon the temper of customs officers, nor the discretion of the Secretary of the Treasury. Your fines and forfeitures are now so enormous that suits begin with compromise and often end in remission.

ODIUM WITHOUT PROFIT.

The Government bears the odium of cruel extortions without their profit. Our statutes array merchants in hostility without advantage. The honest importer is annoyed and terrified by the shadow of ruinous penalties never collected. It will cost nothing to change this

situation. Very much can be gained. Those who pay our duties are citizens. They are interested in our institutions. Besides their money interest in an equal enforcement of the laws, they are an essential part of the constituency from which the Government proceeds and on which it depends. Their aid is better than police. Their support is better than armed men. Against their sense of wrong, against their aroused moral sentiment, laws and officers can do little. Just laws, reasonable penalties, humane enforcement, enlist the conscience, the interest, the active support of those who are affected. If we retain the processes, the spirit, the harsh severity of barbaric ages in laws and administration, we must expect the restiveness, the attempts at fraud, the moral resistance which extreme measures always invite. Every step of amelioration in general legislation, every removal of unreasonable penalties and punishment, has tended to diminish crime and to develop better citizenship. The like result may be anticipated from a mitigation of the harshness of proceedings, and of the extortionate forfeitures under our customs laws.

NOT A QUESTION OF FREE TRADE OR PROTECTION.

This is not a question of free trade or protection. Without duties, or with very low duties, the difficulty of collection would be lessened. But even the most sturdy protectionist cannot desire that cruel and unusual punishments should be inflicted, or that our revenue system should be rendered gratuitously obnoxious. It becomes especially the advocates of protection to show that their policy can be maintained without gross wrongs to individuals, and without conferring extraordinary emoluments upon any favorites. To one class of theorists every barrier in the path of commerce is an offense. The other school must prove by action that annoying litigation, onerous fines, and ruinous forfeitures are no part of a protective system. Can importation, under our laws, be safely prosecuted by honest citizens of average intelligence? This test is now applied. Only an affirmative answer can be possible. Otherwise our whole customs system must be remodeled.

SEIZURE OF BOOKS AND PAPERS.

The first proposition of the pending bill is the repeal of all laws authorizing the seizure of books and papers. The system as it now exists was begun by the act of March 3, 1863. In practice previously shrewd informers were able, under color of law, to take books and papers. But before that date no statute gave to the Government any power in this regard which did not belong to every citizen. The law of 1863 grew out of the exercise of war powers. Revenue was necessary. At some, at least, of our great ports it was alleged that disloyal men were by system defrauding the revenue. Extraordinary powers were employed in every direction for the national defense. It was natural that Congress should concede them to protect the revenues.

The act of July 18, 1866, and of March 2, 1867, are restrictions upon this power. In the last Congress a bill for more radical restraints upon it was reported by the Committee on Ways and Means, and passed the House but failed in the Senate. A very thorough examination now impels the committee to go a step farther in limiting the power of the Government and protecting the liberties of the citizen.

The committee do not approach the question of the constitutionality of the statutes which it is proposed to repeal. If the right of seizure of books and papers exists, it should be reserved for grave occasions; it should not be the daily resort of the Government. It is the powerful medicine for a dangerous disease, not the constant food for ordinary health.

What is this process? It is, upon the warrant of a judge, based upon an affidavit, to enter any premises and to seize any books and papers and to hold them indefinitely to discover or to prove guilt. It is to give the Government officers free range in all the privacy of home or business. It is on mere suspicion to strip naked all the confidences of commerce and of life. The special agent, D. G. Jayne, stated before the committee the method of procedure, (Miscellaneous Document No. 264, page 171:)

Mr. ROBERTS. Have you taken in any case any books or papers other than those bearing directly upon the charges made and of which notice had been given?

Mr. JAYNE. It has been the intention, sir, in every case to confine ourselves strictly to books of that kind. We have been very careful in every case to take none but the commercial books of the house. It is very difficult to tell whether a book relates to a particular importation. You have to trace the goods through in order to ascertain. Sometimes it will take a long time to select the books, and most generally the importer's counsel appears upon the scene immediately. We always wait until they arrive. They say, "Do not wait here to make your examination; if there is any doubt about it, take it along."

Mr. ROBERTS. So that in fact, then, you have taken other books than those bearing on the case?

Mr. JAYNE. We have found that some books that we have taken did not have the entries in pertaining to the importations. That is true. It has not been the intention, however.

Mr. ROBERTS. What use have you ever made of any books or papers, including entries, other than those bearing on the particular case?

Mr. JAYNE. Where I have found entries upon the same pages of the books and part of the same general transaction, we have frequently included them for recovery. We have used nothing except it came from the book which had the account of the importations in it to which the warrant referred.

Not merely for purposes of evidence in a particular case are books and papers taken, but they are seized and used for every purpose of a detective. They are held indefinitely, as in a recent case in New York, where after ten months Judge Blatchford has just issued an order for their return.

Frequently by mere mention of a warrant, to avoid publicity, officers compel access to the inmost recesses of safe and ledger. Such a power, in its essence, is arbitrary. Exercised by the best of men, it would be offensive and dangerous.

The only excuse for it would be necessity. Yet we do not concede to the Government such powers in defense of its own existence. In Britain, indeed, the official crime is historic, by which upon private papers seized in his closet Algernon Sidney was put to death. That brilliant name warns us of the danger of such a system. General warrants and writs of assistance long stained British jurisprudence. They have been abolished, and now the Crown has no power to compel evidence which the meanest subject does not possess.

In no other case whatever is the citizen subjected to like process. Not on charge of treason, not for any other crime, can personal rights be so assailed. Shall we concede the power for the maintenance of the revenue? Put it in the strongest light. Suppose it to be dollars and cents to the Treasury against the liberties of the people. The American Congress must always set liberty above revenue.

But they are not in antagonism. Harsh measures, the extreme resorts of despotism, always breed the crimes against which they are directed. In Turkey, in the days of the bow-string, cruelty was met by crime. Treason has in all lands disappeared as the precautions against it, the barbarism in its detection, and the violence in its punishment have been mitigated. That is the history of crime and of legislation.

In our great national trial it was not force, it was not severe laws which brought treasures into the coffers of the Government. In ordinary times such enthusiasm and sacrifice cannot be maintained. But you must guard against such cruel measures as will render frauds respectable and will raise false importations into a sort of chivalry.

The Government should have before the law against citizens only the same remedies which citizens have against each other. It will then have every advantage on its side. It endures, and never dies. It has limitless resources. Its eyes are everywhere. Its swarm of officers are witnesses always at hand. The common interest is with it against the accused. In no State in the Union is any extraordinary authority required to collect local taxes. The national Government cannot need the power.

The cases in which the power of seizure has been exercised have not exceeded two hundred in all for the past four years—not an average of fifty a year. That is the statement of the Department of Justice. The greater share of suits for violation of the customs laws occurs in the southern district of New York. In that district George Bliss, esq., the United States attorney, testifies, (page 197:)

I have a statement of all the warrants to seize books and papers that have been issued in the southern district of New York since the 1st of March, 1869. It happens to be five years, although the date was not selected on that account, but was selected for the reason that in the third volume of the report of the Senate committee which was appointed to investigate alleged frauds in the New York custom-house, and which was published in the year 1872, at page 727, a table is found, giving all of those cases from the 19th of March, 1869, to the 25th of November, 1871. The record which I have here takes that up and brings it down from that time to the present. It amounts to this, that in five years there have been 120 warrants to take books and papers issued in the southern district of New York. In the year 1869, from March to December, there were 19 cases; in the year 1870, the whole year, there were 20 cases; in the year 1871, 34 cases; in the year 1872, 10 cases; in the year 1873, 33 cases; and in the two and a half months of 1874, 4 cases. So that the committee will perceive that not only is this abuse, as it is called, much less in its extent than has been represented, but it is not an increasing abuse. The largest number of warrants issued was in the year 1871.

The table is as follows:

Number of warrants to take books and papers issued in southern district of New York for five years from March 1, 1869, to March 1, 1874.

Year.	From—	To—	Total cases.	Still pending.	No. closed.	Approximate amount of judgment or compromise.
1869	March ..	December...	19	9	10	$280,000
1870	March ..	December...	20	4	16	435,000
1871	March ..	December...	34	10	24	275,000
1872	March ..	December...	10	2	8	355,000
1873	March ..	December...	33	9	24	300,000
1874	March ..	December...	4	4	.....	.....
Total	...	.....	120	38	82	1,645,000

Now, of those cases in which books and papers have been taken during those five years, 38 cases are still pending, and 82 cases have been finally disposed of by judgment or settlement, or remission (which I call settlement) by the Secretary. In these 82 cases the parties have paid, or the judgments were recovered, for about $1,645,000, and the proportion of those cases each year runs very much the same. Of the 19 cases for 1869, 9 are still pending, and 10 have been closed, realizing $435,000. Of the 34 cases in 1871, 10 are pending and 24 have been closed, realizing $275,000. Of the 10 cases in 1872, 2 are pending and 8 are closed, realizing $355,000. Of the 33 cases in 1873, 9 are pending and 22 are closed, realizing about $300,000. From the 4 cases of 1874 there has been nothing received. The amount in the Phelps-Dodge case is included in the year 1872, the warrant for the books and papers having been issued in that year. In carrying out the amounts realized they are credited to the year in which the warrant for the seizure of the books and papers was issued, although the amount may have been subsequently received.

For this small sum of money an odium has been excited and an indignation aroused beyond estimate in coin. For these few cases our statute-book is stained by these provisions. So far as is shown,

without them, every dollar might have been collected. But suppose not. To prosecute these few offenders the liberties of every citizen are put in jeopardy; nay more, they are by solemn enactment potentially invaded.

The majority of the committee still deem it of moment to have a uniform rule for all the States for the use of books and papers. It stands in the third section of the bill. The committee distinctly exclude all authority to resort to such process in criminal cases. They extend the common right which exists for the collection of dues to suits for forfeiture. They prescribe a formal motion and a notice upon which books and papers may be produced in court, on actual trial, for specific evidence; not held for months for indiscriminate examination. They are not to be seized at all. The defendant may if he choose refuse to produce them, and the alternative is the confession of the allegation based upon the books, unless good cause be shown for not producing them. A minority of the committee, in which I count myself, ask for a separate vote upon the third section, upon the motion of the distinguished chairman of Ways and Means.

MOIETIES.

The laws permitting moieties to informers, and allowing officers of customs to participate therein, have been on the statute-book without interruption since 1799. On the 11th of February, 1846, a law was passed which was construed as excluding the officers from all share in the moieties. But in 1849 Judge Ware, of Massachusetts, (Davies's Reports,) declared that the law did not have this effect, but authorized the practice which had then prevailed for half a century.

In 1867, March 2, the law was made more distinct, but was not changed in its essential provisions. Substantially, the statutes relative to moieties are now as they have been since the earliest days of the Republic.

From 1799 to 1867, with only the interval from 1846 to 1849, these distributions were made by the several collectors, and not by the Secretary of the Treasury. No restraint of publicity was upon them. Only the integrity of the officer limited his demands upon the importer or made certain any report of the case to the Treasury. Even now it is hard to tell how much was collected in those years. Under the order of this House the records have been examined since 1862. Previously to that date we only know that no supervision was exercised over the collectors; that they distributed to themselves and their associates the proceeds of fines and forfeitures, and that the dust of time thickens the darkness which gathers over them. Now, Congress acts upon the rule that no process of administration shall be hidden in secrecy. You ask to know, and will know, where public money comes from and where it goes to. This may disturb timid nerves. It is the security of free institutions.

The report which the Secretary of the Treasury has submitted to the House shows that the total amount distributed at New York and Boston, from July 1, 1862, to March 1, 1874, is $2,152,173.16. At other ports the amount was small. The proceeds have not increased in the recent years. At New York, where the largest share is paid, the collector received:

Name.	Period.	Date.		Amount.
		From—	To—	
Hiram Barney....	3 years 5 months.....	April 8, 1861	Sept. 7, 1864	$64,607 29
Simeon Draper...	11 months 24 days....	Sept. 7, 1864	Aug. 3, 1865	55,014 55
Preston King....	8 months 15 days.....	Sept. 1, 1865	May 15, 1866	33,166 94
Henry A. Smythe	2 years 10 mos. 16 days	May 16, 1866	Mar. 31, 1869	102,710 13
M. H. Grinnell...	1 year 3 mos. 20 days.	April 1, 1869	July 20, 1870	41,304 60
Thomas Murphy.	1 year 4 mos. 10 days..	July 21, 1870	Nov. 30, 1871	55,997 54
Chester A. Arthur	2 years 3 months.....	Dec. 1, 1871	Mar. 1, 1874	57,518 01

The rate of Mr. Draper's emoluments under Mr. Lincoln was more than double that of the present collector. It is also just to say that in the elaborate discussion before the Committee on Ways and Means the chief officers of customs in the leading cities have not been assailed, but have been generally commended for their fidelity; and Mr. Schultz, chairman of the delegation of New York merchants, expressly paid to the collector, naval officer, and surveyor of that port the very highest compliment, by these emphatic words, (page 113,) "There is not one of them whom I would not to-day make the executor of my will." The system works the mischief; and in behalf of the system no collector, no naval officer, no surveyor appears to say one word; on the contrary, those officers at Philadelphia come to ask for its unconditional repeal.

Under the stimulus of the moieties, collections under the customs laws, it is alleged, have been enforced by harsh and offensive measures. It is not pretended that they have not been made in accordance with the letter of the law. The charge is that the large interests of the officers has led to the employment of base means for the detection of fraud, to extreme constructions classifying as criminal acts without intent of wrong, to toleration of acts for years afterward denounced as criminal, and to the enforcement of penalties disproportionate to the offense and ruinous to men who had no crime in their hearts. The answer submitted to this allegation is, that the laws have been rigorously enforced without fear or favor; that the courts have been open for defense not only, but for the protection of personal rights, and the Secretary of the Treasury has always listened to every petition for mitigation and remission.

Numerous prosecutions and heavy and ruinous penalties cannot be of advantage to the Government. They may exasperate the citizen. They may render business hazardous, and repel from it prudent and responsible men. It is inevitable that the costs and risks will be charged over to the producer and the consumer, with adequate increase for profits. For every dollar extorted by the Government, burning a deep sense of injustice into the victim, honest trade suffers and the whole community is made to pay tenfold.

The assumption is doubtless in favor of the continuance of a statute which under all parties has remained unchanged during our whole history. But conclusive reasons appear for its repeal. It cannot be wise to have it the interest of officers to permit violations of law; to reward them for crimes committed; to enrich them by prosecutions; to pay them for creating antagonisms between the citizen and the Government. The interest of the officers should be on the side of the Government, but not against the importer. It should be for the collection of the revenue at the lowest rates, not for the increase of litigation and the reduction of the receipts of the Treasury. The chief customs officers construe laws, administer them, direct prosecutions, receive propositions for compromise and settlement. They appear as prosecutors; they are neither judge nor jury, but their opinions have as much force as either; yet the laws give them moieties of the proceeds of every case.

Not only does sound reason demand the repeal of the law, but those charged with administration recommend it. Especially has President Grant, and both his Secretaries of the Treasury, pressed it upon the attention of Congress. In his message of 1869, President Grant said:

> Your attention is respectfully invited to the recommendations of the Secretary of the Treasury for the creation of the office of Commissioner of Customs revenue; * * and most especially to his recommendation for the repeal of laws allowing shares of fines, penalties, forfeitures, &c., to officers of the Government or to informers.

In the same year, Secretary BOUTWELL said:

> Under existing laws, certain revenue officers and other persons appearing as informers are entitled to shares in fines, penalties, and forfeitures. During the fiscal year 1868-'69, the Treasury Department distributed the sum of $236,073.61 to such officers and to informers in the various cases arising under the customs revenue laws. A large additional sum was also paid through the Internal Revenue office. The reason on which the laws granting such allowances are based is that officers of the Government are stimulated to greater activity in the discovery of frauds and in bringing offenders to punishment. There can be no doubt that such is the effect of the policy; but the experience I have had in the Treasury Department has convinced me that the evils attending the system are greater than the benefits derived from it. It often occurs that revenue officers are led to assert claims in behalf of the Government which have no just foundation in law or in the facts of the respective cases; and where real claims exist it is often the object of the informers and officers who share in the penalties to misrepresent the case to the Department, so as to secure the greatest advantage to themselves. But a more serious evil is found in the practice, quite general, of allowing persons to pursue a fraudulent course until a result is reached which will inure to the benefit of the officers and informers, instead of checking criminal practices at the outset. It is impossible to set forth in exact language the character of the evils that grow out of the present system. I am, however, clearly of the opinion that the Government ought to rely upon public officers for the proper performance of their duties without stimulating them by any contingent advantages.

In 1871, again, President Grant said in his annual message:

> The present laws for collecting revenue pay collectors of customs small salaries, but provide for moieties (shares in all seizures) which, at principal ports of entry particularly, raise the compensation of those officials to a large sum. It has always seemed to me as if this system must at times work perniciously. It holds out an inducement to dishonest men, should such get possession of those offices, to be lax in their scrutiny of goods entered to enable them finally to make large seizures. Your attention is respectfully invited to this subject.

Secretary BOUTWELL repeated his previous recommendations in these words:

> It is my duty to call the attention of Congress to the importance of abolishing the system of shares in moieties as far as the benefits inure to revenue officers and other persons officially connected with the Government. This measure was recommended in my last annual report, and a statement was submitted to Congress showing the amount received by officers of customs, together with the bill increasing their salaries without any increase of appropriations from the Treasury; the sum now paid from moieties being quite sufficient to place the entire force upon a satisfactory footing in regard to pay.
>
> During the last fiscal year the office of collector and surveyor of the port of New York each received from moieties the sum of $49,215.69, and the naval office the sum of $48,195.59.
>
> In most of the cases the officers do not perform special services entitling them to the amounts granted, and importers and others whose acts are made the subject of investigation, complain, and, I think, with just reason, that the agents of the Government have a pecuniary interest in pursuing those charged with violations of the law. The Government ought to pay fair salaries, and rely upon the good faith of its officers for the performance of their duty. One of the difficulties which the Department has to meet, frequently is, that customs officers have an interest in proceedings for the discovery of fraud, the settlement of cases, or the prosecution of them, which is different from the real interest of the Government; and, as a necessary result, the conduct of such officers is open to suspicion, both on the part of those who are pursued by them, and the Government that they ostensibly represent.
>
> It may be deemed expedient to leave the law as it now stands in regard to informers who are not officers, making it a penal offense for any officer to enter into an arrangement with an informer for any share of the proceeds of the information, and giving to the informer perpetual right of action for the recovery of any money or other valuable thing paid or given to an officer engaged in the discovery or prosecution of a fraud or legal wrong against the Government.

The Commissioner of Internal Revenue expresses a clear judgment against moieties, and his experience gives him a right to speak. His opinion, too, is decided in favor of rewards for information, from a fund specifically appropriated by Congress. In the Sanborn investigation he said, (page 96, Report 559:)

> Question. Congress repealed all the moiety system as far as internal revenue was concerned?

Answer. Yes.

Q. How long was that before the passage of the act which authorized the San born contract?

A. Not long; but I cannot give you the exact time.

Q. Had the moiety system, up to the time of this repeal, been of such character as to recommend its continuance to you? Were you in favor of its repeal when it was repealed?

A. I was in favor of its repeal with this other provision if I could have some means afterward of compensating persons who gave information, and for that a special appropriation of $100,000 was made. My objection was that, before that, officers and all had moiety alike, and that gave to the officers the appearance of hunters for prey rather than of officers doing their duty.

Q. What was the effect of the moiety system that was repealed by Congress on the service?

A. It hurt the service, I think, in this way: the officer getting his share the same as a private individual, when he went to the citizen, the citizen always claimed that the officer came to him to make money out of him rather than to discharge his official duty, and in that way it seemed to degrade his official acts. That was the objection.

The present Secretary of the Treasury, in an elaborate letter to the chairman of the Senate Committee on Commerce, argues the subject at length, and recommends "the abolition of the present system of moieties with one exception, to wit, where attempts at smuggling are detected or where the act of smuggling is accomplished."

This distinction is made in the bill as reported from the Committee on Ways and Means. It is in accordance with the repeated recommendations of the President and his Secretary of the Treasury. It is not presented as an Administration measure, but it has every element of authority, in the provisions relative to moieties, which such a measure could possess.

The bill will reduce in a large measure the emoluments of certain officers. This effect has more than a pecuniary significance. To save the money is something; but the controlling principle is higher. The public service should be no placer from which to extort huge fortunes for official or favorite. A British historian draws a picture of the effects of the passage of the reform bill:

No example more aptly illustrates the altered relations of rulers to the people than the revision of official emoluments. Ministers once grew rich upon the gains of office, and provided for their relatives by monstrous sinecures and appointments egregiously overpaid. To grasp a great estate out of the public service was too often their first thought. Families were founded, titles endowed, and broken fortunes repaired at the public expense. It was asked what an office was worth; not what services were to be rendered. This selfish and dishonest system perished under exposure; but it proved a tedious and unthankful labor to bring its abuses to the light of day. Inquiries were commenced early in the present century; but were followed by few practical results. At that time "all abuses were freeholds," which the government did not venture to invade. * * * Soon after the reform act, ministers of state accepted salaries scarcely equal to the charges of office; sinecures and reversions were abolished; offices discontinued or consolidated; and the scale of official emoluments revised, and apportioned to the duties performed, throughout the public service. The change attested a higher sense of duty in ministers and increased responsibility to public opinion.—*May's Constitutional History of England*, volume 2, page 548.

That is a British picture. In all governments the tendency is to excessive official emoluments. When a legislator may, even by indirection, have an interest in them, they become doubly dangerous. They are always the source of faction, strife, and corruption. They are no incitement to the most worthy; they may serve to organize and uphold the least deserving. To clip emoluments to the dimensions of fair compensation is one of the problems of statesmanship. It is in itself reform. It is an index of something deeper and better in legislation. Banish venality from the public service, and you confirm character and purify action. Substitute for money-getting higher ambitions and worthier motives. That is the aim in the blow we strike at moieties.

After abolishing the whole system of moieties the committee felt compelled to provide rewards for the detection of smuggling away from the custom-house, and for information for offenses against the revenue by importers or officials.

Every representative of the merchants who referred to the matter before the committee, every Secretary and official who has discussed the subject, insists upon this distinction. Our long sea-coasts and frontiers afford many facilities for smuggling. Officers stationed at isolated points, with all aid from other persons, with all diligence, will find it difficult to prevent it. The reward in such cases, the committee believe, will contribute to the interests of the revenue. The amount, it is to be observed, is to be certified by the court or judge before whom proceedings occur, and the Secretary will act upon that certificate.

In no case other than smuggling can any officer of the United States receive any reward or any share in it, but compensation for information may be paid to other persons for the detection of crime on the part of officials as well as of importers.

This policy of rewards to outside informers has been adopted for our own internal revenue. Britain, with its simple tariff on a few articles, finds it necessary to offer like rewards, (Lees' Laws of the Customs, 103.) In every government compensation for such information is found indispensable. To discover aggravated crimes local authorities everywhere incite effort and diligence in this way. The committee deem it dangerous to dispense with this provision. As a metropolitan journal which cannot be said to be under custom-house influence, the New York Tribune, has sharply said:

Honest importers do not wish to have the precautions against fraud relaxed. It is of more consequence to them than it is to the United States that every package of goods sent into the country should pay the full amount of duty required by law. *They could afford, if necessary, to raise a liberal annual subscription for the compensation of informers and the detection of frauds.*

In providing rewards the committee have guarded that they shall not be excessive, by limiting them, except in cases of smuggling, so as not to exceed $5,000 in any one case, and by requiring a certificate of their value from the court or judge. They have also provided severe penalties against any officer who becomes interested in the rewards. The requirement that an annual report shall be made to Congress, in detail, of all payments for this purpose, provides every safeguard against abuse. And only from specific appropriations are any rewards to be paid.

PENALTIES AND FORFEITURES.

The penalties and forfeitures prescribed by law as construed by the courts are seldom or never collected. They are so enormous as rarely to be named as the basis of a suit. They hang *in terrorem* over commerce and taint the atmosphere. They are neither collected nor do they serve to indicate the relation of offenses to each other. Take this statement of the nominal penalties and duties withheld, with the amount in suit or paid in settlement, including the most important customs cases for the past two years:

Duties withheld.	Nominal penalties.	Amount claimed in suit or settled for.
$1,576 44	$95,232 38	$9,000 00
2,119 21	60,191 04	25,000 00
3,018 05	51,917 90	11,347 00
5,053 70	146,877 12	80,000 00
3,055 50	30,626 34	30,626 34
663 00	78,000 00	Pending.
240 00	----------	30,000 00
1,664 68	1,750,000 00	271,017 23
4,500 00	5,000,000 00	50,000 00
4,153 70	100,000 00	Pending.
500 00	20,000 00	5,000 00
1,904 04	28,558 48	19,606 95
6,546 83	104,079 45	50,000 00
2,296 35	75,000 00	25,000 00
3,915 31	41,905 68	41,905 68
---------	70,000 00	1,000 00
---------	8,000 00	100 00
---------	200,000 00	15,551 15
---------	200,000 00	23,250 00
---------	1,500,000 00	400,000 00
---------	43,730 62	12,014 00

Commonly the settlement does not bring one-tenth of the penalties; sometimes a larger share is paid. But instances occur where the proceeds are one-seventieth part of the whole, or even only 1 per cent. of the threatened penalty. Yet it is the legal forfeiture and penalty in all their magnitude which are held up before those accused of even technical violations of the law.

What is the consequence? That the commencement of a suit for violation of the customs laws is financial ruin. The very rich houses may survive public notice of such an event; merchants with moderate capital are wiped out. Mr. Jackson S. Schultz, before the committee, said, (page 107:)

I talked with a very high official of the Government the other day, and he did not know what cartons were; and I did not know myself till recently. They are little paper boxes in which gloves, handkerchiefs, &c., come. These little paper boxes are packed inside of the general cases or boxes. Any honest, common-sense reading of the law would infer that it did not apply to these inside boxes at all. The Secretary of the Treasury, in 1864, did, under the law then in force, issue instructions to the effect that they were not to be included in the cost of the goods; but he afterward, upon a change of the law, modified his order and said that they were to be included. But that change or order did not reach the merchants, and they were allowed to go on for years omitting these cartons from their invoices, until the invoices containing these cartons amounted to two or three or four hundred thousand dollars in each case, and then the moiety officials swooped down upon them. They come around and sweep them into their net, and they have caught them. Three or four of these houses, I am told, are absolutely ruined. I was riding down Broadway the other day with a friend of mine, and he pointed out a house to me and said: "Six months ago I would have sold that man a hundred thousand dollars' worth of goods on six months' credit; to-day he cannot pay his bills." I asked him what the matter was. He said: "He has been struck by the custom-house to the amount of three, four, or five hundred thousand dollars, and I do not think he was ever worth more than one hundred and fifty or two hundred thousand dollars."

The Constitution was meant to guard against just such evils. The eighth amendment provides that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Unless these are excessive fines such cannot be devised. The threat of them is ruin; absolute confiscation could hardly be worse.

But the Treasury derives no advantage from such atrocious provisions. The enormous forfeitures are not collected. They have incited tiger-like lying in ambush over importations; they have prompted the commencement of suits; they have driven citizens out of business; they have enriched lawyers who watch and wait about the custom-house, ready to accept vast retainers from either side. Whenever anything is collected, one-half has gone to the informers. The odium has fallen upon the Government.

These enormous forfeitures are a growth, and not an enactment. They are massed, first, by a construction that in case of undervaluation of a single item the whole invoice is forfeited; second, that the omission of the price of the sacks, envelopes, or cartons forfeits the entire invoice; third, that the perpetration of any illegal act in importation is technically fraud, and carries with it the penalty, whatever the intent of the importer; and fourth, that for five years all

these penalties hang over the owner and consignee and his importations.

Good lawyers question the rulings by which the whole invoice is forfeited by the taint of a single item; and in the Senate, on discussion of Senate bill No. 85 of this session, they were distinctly controverted. But so the courts held. Various constructions have prevailed on the effect of the omission of cartons, but now the sweeping doctrine of confiscation is enforced. The claim is often made that crime cannot exist without intent; but it was at Secretary Guthrie's instance that the rule was fixed that fraud should be presumed in revenue cases upon acts of omission or of commission in the absence of intent.

Obviously these provisions have wrought evil, and only evil. Penalties should be such as can be enforced, and offenders should know that they will be prompt and certain. That is the spirit in which the committee have sought to frame the pending bill.

Instead of forfeiting the whole invoice for undervaluation of a single item, the bill proposes to forfeit the particular item and to add a fine not exceeding $5,000 in the discretion of the court. When costs, charges, and packing are, without intent to defraud, omitted, the collector or appraiser is to add double the sum omitted to the dutiable value. The intention to defraud the revenue is to be submitted as a distinct proposition to the jury, or to be decided by the court when no jury is called. Then the period within which suits can be commenced is reduced from five years to two years—a period quite adequate for exposing any fraud.

These provisions are meant to render the penalties certain and determinate, to bring them within the cognizance of courts and juries, and to leave nothing to the favor or the vengeance of the officer.

In connection with the reduction of forfeitures, additional precautions are thrown about the method of procuring remission and mitigation.

MINOR PROVISIONS.

Section 7 allows the defendant to testify whenever the officer or other person interested shall appear as a witness on the part of the Government. This principle has been successfully adopted in the codes of many of the States.

Sections 8, 9, and 10 facilitate the entry of goods by accepting affidavits and statements in lieu of invoices, under careful restrictions.

APPROVAL AND OBJECTIONS.

Rarely has so important a bill been reported, which has commanded so much favor and called forth so little adverse criticism. From organized boards of trade and chambers of commerce unqualified approval is expressed. From gentlemen of experience in various official positions commendation is not stinted. From any authorized representative of the mercantile interests two sections only arouse any measure of hostility.

The third section, of which I have already spoken, meets with some question in a published letter of Mr. Jackson S. Schultz, chairman of a committee of the New York Chamber of Commerce. I must for the present leave further discussion of that subject to my colleagues on the Committee on Ways and Means.

To the twelfth section, also, Mr. Schultz makes objection. The section is in the following words:

SEC. 12. That any merchandise entered by any person or persons violating any of the provisions of the preceding section, but not subject to forfeiture under the same section, may, while owned by him or them or while in his or their possession, [to double the amount claimed,] be taken by the collector and held as security for the payment of any fine or fines incurred as aforesaid, or may be levied upon and sold on execution to satisfy any judgment recovered for such fine or fines. But nothing herein contained shall prevent any owner or claimant from obtaining a release of such merchandise on giving a bond with sureties satisfactory to the collector, or, in case of judicial proceedings, satisfactory to the court, for the payment of any fine or fines so incurred: *Provided, however*, That such merchandise shall in no case be released until all accrued duties thereon shall have been paid or secured.

Mr. Schultz says after considerable detail—

It would not be especially objectionable to allow the Government to make these seizures, even in advance of trial, for an amount equal to the alleged loss of actual duties, or to an amount equal to twice or three times such loss. Attachments of that kind, where when one party claims a debt of another, the latter, pending suit, secures the former, are not unprecedented. But who ever heard of security in advance of trial being demanded for fines and penalties of such vast sums?

Mr. Schultz complains that the collector—

Whenever fines are incurred, can aggregate them, on a basis of a penalty for each offense of $5,000, *plus* the value of the particular item tainted by the alleged fraud, and can then seize any merchandise belonging to or in the possession of the suspected importer or agent equal in value to the aggregate of all such penalties.

If the district attorney or collector had a direct personal interest in multiplying and magnifying suits, some grounds might exist for this sort of complaint. But all that has been removed by the bill. The customs officers have no moiety; the district attorney has not even a commission to impel him to exaggeration of this kind. By the bill penalties have been greatly reduced. For cases where the appraised value is less than $1,000 the Secretary of the Treasury may order remission or mitigation. For larger sums a summary process is provided for the same purpose. Can we do more than this for the relief of commerce? We must also protect the Government. The smuggler taints the vehicle in which he commits the crime. A false entry or fraud in procuring a license forfeits the ship. This section holds property in the hands of the offender for any fraud perpetrated by him in importation. It is a brand set upon the dishonest importer which will prevent consignees from taking advantage of his knavery. The purpose is to enlist the interests of every owner, importer, consignor, or agent in careful and scrupulous observance of the revenue laws. They cannot afford to wink at fraud in others when it may involve themselves. Character and integrity will be sought in consignees rather than adroit and bold scheming. Every merchant will be bound to throw his influence in favor of honest importation. The provision cannot harm those who are scrupulous themselves, and who demand the same qualities in others. We deem the section very important. We claim surety from commerce that the Government shall get its dues. The committee, upon the suggestions urged, however, by an amendment now embodied in the bill, limit the property seized to double the amount claimed by the Government.

A historian of the British constitution draws this strong contrast of two periods in British legislation and administration:

While the basis of power was narrow, rulers had little sympathy with the people. The spirit of their rule was hard and selfish, favoring the few at the expense of the many; protecting privileges and abuses by which the governing classes profited, but careless of the welfare of the governed. With freedom there grew a stronger sense of duty in rulers, more enlightenment and humanity among the people, wiser laws, and a milder policy. The asperities of power were tempered, and the state was governed in the spirit which society approved.—*May*, volume 2, page 547.

Our history furnishes no such dark colors for the like contrast. But we have a right to demand that more and more, freedom shall bear its fruit here in wiser laws and a milder policy, and that in all departments a spirit shall prevail which will command the confidence and the approval of the worthiest elements in society.

Mr. Speaker, the purpose of this bill is to protect the liberties of the citizen, to mitigate enormities in the statutes which have interferred with their due enforcement, and to provide sure and certain methods for collecting the customs revenue. The changes are in some respects radical, but they are demanded by the interests of the Government and of morality. Instead of demoralizing emoluments to officers, instead of arbitrary processes and absolute confiscation, the bill appeals to the good will of the citizen and to that certainty of enforcement of judicious penalties which are the only trust of a free government.

Sir, let this Congress abolish moieties; let it protect the secrets of business and friendship from arbitrary invasion; let it free commerce from cruel and unreasonable penalties; let it punish intentional fraud more than carelessness or honest misconstruction; let it thus enlist the conscience as well as the interest of the merchants in the collection of customs, and you will mark an epoch in legislation.

Brougham foreshadowed the boast of an ideal administration which "found the law the two-edged sword of craft and oppression, and left it the staff of honesty and the shield of innocence." Something of that boast you may make for this Congress if it shall enact this bill into a statute.

Mr. BECK. Mr. Speaker, no question has engaged the attention of the Committee on Ways and Means so earnestly since I have been a member of it as that now submitted to the House for its action. The volume of testimony taken shows the labor we have bestowed on it. It is not to be expected that we have succeeded in presenting a bill which will satisfy all. I am utterly opposed to the third section, while I know that some of the representatives of the commercial cities demand the absolute and unconditional abandonment of all rewards and inducements to parties, whether in or out of office, to aid the Government in the detection and punishment of frauds upon the revenue. Others think that we have destroyed too many of the safeguards against fraud by going to the extent proposed in the bill. I confess it is the most difficult and complicated system I was ever called upon to examine; it was all new to me. My residence in an inland city, where we have neither custom-houses nor Federal courts, deprived me of that familiarity with revenue matters which a residence in any of our great sea-port cities necessarily gives to a professional man.

My ignorance, however, gave me this advantage. I could listen, study, and learn what was best to do without partiality and without prejudice, looking only to the good of the country and the protection alike of the rights of the Government and the citizen, which might have been a more difficult task if I had either prejudged the question or had friends or constituents to be affected by the decision. Upon a careful examination of the subject we found a system of laws in force which are in many regards a disgrace to any civilized country, among the most odious of which are those which allow the seizure of the books and papers of merchants by the officers of the Government to be used as evidence against them in suits for penalties and forfeitures. We found that the Government divided the spoils often obtained by the most corrupt and dishonest means with the most disreputable men, making the whole people their partners in the most scandalous combinations against individual citizens. We found excessive fines and forfeitures inflicted and imposed, regardless often of whether guilty intent existed or not, and men deprived of the right of trial by jury upon that most vital question. In short, we found such a state of things as rendered some such bill as we have presented necessary in the opinion of the committee.

We may have gone too far, or we may not have gone far enough in our efforts to reform and remedy these evils; it is for the House to decide. My duty, especially as a member of the sub-committee which draughted it, is to inform the House why I agreed to the leading features of the bill as presented. I say leading features, because there

are clauses in it which I would be glad to see stricken out or amended. The first section repeals absolutely, and I hope forever, all laws and parts of laws which authorize the Government or any officer of it, on any pretense whatever, to seize the private books and papers of citizens and force them to furnish evidence against themselves in proceedings for penalties and forfeitures. The law giving the Government that right was first enacted in 1863, in the midst of the civil war, when laws were silent, when constitutional rights and congressional limitations were too often disregarded, when the plea of necessity justified all usurpations, and the complaint of the citizen was generally disregarded both in and out of Congress by those in authority. Such a law could never be enacted in time of peace by the representatives of a free people.

The courts and statesmen of England have for nearly two centuries denounced all attempts at such seizures. The amendments to the Federal Constitution were plainly aimed against such legislation, and neither the Federal Government nor that of any State ever thought of it till, during the general overthrow of all civil rights, the statute of 1863 was enacted. It was amended and somewhat guarded by subsequent acts. Despairing of being able to obtain an absolute repeal of it even now, the chairman of the Committee on Ways and Means [Mr. DAWES] and myself each, early in the session, introduced bills to annul as far as possible the oppressive features of it. Now, in view of the evidence we have taken and the attention we think the House has given to the proof of abuses under it, we hope to be able to obtain an absolute repeal of the original law and all amendments thereto.

Sir, it is impossible to read the testimony taken by the committee on this subject without feeling not only that a deep and burning wrong is done to the citizen by dragging his most sacred and confidential papers into court to convict him of crimes and misdemeanors which degrade, disgrace, and bankrupt him, but that the Government is degraded and disgraced in the eyes of the civilized world by the foul means it resorts to for the purpose of extorting evidence against and money from its citizens. Take the case of Phelps, Dodge & Co. as an illustration. I select that because, in the language of Detective Jayne, of its "having been made a sort of pivotal case," *one* (as Mr. Jayne assured Mr. Dodge in the presence of Judge Davis and repeated substantially before the committee) of the worst he ever saw, in which he charged that for a series of years deliberate attempts to defraud the revenue had been made by systematic perjury and false invoices and undervaluations.

That firm had carried on business in New York for many years; they had imported goods to the value of between three and four hundred million dollars; they had paid in duties to the Government over $50,000,000; their good name and integrity had never been assailed. But they had a thief in their employ, a trusted, confidential clerk, who had access to all their books and papers. Tempted perhaps by custom-house officials who would share the spoil and avoid the disgrace, he violated the trust reposed in him, betrayed his benefactors, mutilated the books he was bound by every principle of honor and of honesty to protect and preserve, stole the private papers of his employers and carried the evidence of his own shame and dishonor to the custom-house detectives and officials, who entered at once into partnership with him in the nefarious scheme of robbing respectable merchants for private gain, and brought the whole power of the Government to support them under pretense that they were protecting our revenues. Affidavits were made at once, warrants were ordered, the members of the firm were arraigned, denounced, and threatened with ruin, degradation, infamy, and imprisonment if they did not consent to place all their books and papers in the possession and at the disposal of the harpies who were determined to prey upon them. Conscious of innocence while fearful of exposure which could not fail to injure their credit, especially abroad, where people assume that government will not bring such charges against a citizen unless they are certainly true, they agreed at once that all books and papers desired might be taken, and they were carried to Jayne's office by the cart-load.

Once in possession of all the evidences of guilt or innocence, the next step was to proclaim to the world through the press the guilt of the firm, and to so magnify the case as to make settlement on any terms the only alternative to escape from absolute ruin. Claims, the nature of which were never explained, were asserted, amounting to $1,750,000, and a compromise was finally effected at $271,000.

I propose to let Mr. Dodge tell how and why it was so settled, (see page 226 of the evidence.) He there states:

> Mr. DODGE. Since the day that this matter was first brought to our notice, and we examined into the case, we have never refused to admit openly everywhere, before friends and foes, that we had committed irregularities, and had unintentionally made ourselves liable to the law; but we never have anywhere, under any circumstances or in any position, admitted to any living man that we did it intentionally. Again, this $1,750,000, as I said before, was the terror held over us—the pistol at our ears. I have so stated before, and I say it now, sir. And I will state the reason that we were so anxious to have it settled—why I came to see Mr. BOUTWELL two or three times. As I stated the other day, he treated us kindly, and perhaps if we had taken his advice we should have done differently, but we believed that if we left the matter open we did not know who would settle it, as Mr. BOUTWELL was on the eve of his election to the Senate, and we were anxious to have it settled, because we would rather pay $270,000 than to have the Government of the United States hold over us a judgment for $1,750,000, and to have that telegraphed the world over, and then run the risk of getting it brought down. It was a large sum to have hanging over us, and if we had had to pay that amount what would this special agent have received? He would have received between two and three hundred thousand dollars; my friend sitting here (Mr. Bliss) would have received over $17,000, and the collector over $100,000. We were not prepared to have such a judgment as that rendered against us, and to trust to any living man for a settlement, with such influences surrounding him. That was the reason we were anxious to have it settled, even by the paying of $270,000. I stated that it was a case of terrorism, and so it was, when there were not less than seven eminent lawyers engaged on the other side, and constantly contriving to see how they could catch us in the matter. I felt that under these circumstances, entrapped as we were by the law, we were fortunate in settling even by the payment of $270,000 for an alleged fraud, not known to us, of $1,600. Never, until this man stood here to-day, have we been able to find out anything about these nine invoices. It is the first time that we could find that out. We agreed that we would pay the amount of the aggregated items that they said were undervalued, but when the sum came to us it was monstrous, and we did not understand it. But when the report comes out it says, "besides two whole invoices that were confiscated because the charges had not been added." Now, I have the law and the decisions of the courts, that we sent to our friends in Penang, saying that in case these goods were sworn to at the port where they started from and went to another for convenience, the date of the voyage commenced at the time when they first sailed, and purposely we had put on the invoice (he says it was put across the invoices) that the charges were not added. Did that look like fraud? No, gentlemen; there is an effort making to charge us with fraud, but I stand before the people of the United States to-day innocent, and so does my firm, of any charges whatever, except such as are made by these men who want to sustain this moiety system and make out that our case was a very bad one, in order that they may go on with their moieties.
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> Mr. FOSTER. I think you stated when you were here the other day, Mr. Dodge, that there were lawyers, members of Congress, who were acting as counsel for these parties.
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> Mr. DODGE. I did say so.
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> Mr. FOSTER. Well, I find that this committee and myself have been subjected to criticism because we brought out the name of only one such member, while there were others.
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> Mr. DODGE. I only intended to speak of two. I have no hesitation in stating who they were, after all that has been said before this committee. I have purposely avoided naming them heretofore, but if the committee wish, I have no objection.
>
> The CHAIRMAN. You may answer the question.
>
> Mr. DODGE. I suppose there is no doubt in the committee's mind on the subject now, as it was admitted last night by the special agent that he did employ, in one case specially, General BUTLER as counsel. I will add that Senator CONKLING was in New York and in consultation with these gentlemen at the time when for two days the question hung whether this thing should be settled or not, and hung simply on the fact that Mr. Laflin said the crime was so enormous that, so far as he was concerned, he never would consent to settle it short of the payment of $500,000 by Phelps, Dodge & Co. I think Senator CONKLING advised him to do better. I only wish he had stuck to it one day longer.

It requires no argument to prove how utterly helpless these merchants were in the hands of such a power, stimulated by such incentives to fasten guilt upon them. Not one of these men could get a dollar if they did not get it out of their victims; all could reap a rich harvest if they could by any means force them to yield to their demands. The costs in court, though nothing was done, amounted to $8,145.09. The share of the district attorney in the $271,000 was over $5,400; that of the collector, naval officer, and surveyor was $21,906.01 each, or $65,718.03 in all. Jayne got $65,718.03, which he was to divide with the thief who stole the papers. General BUTLER was paid a large fee out of his and the thief's portion by Jayne. How much Senator CONKLING got as adviser of the custom-house officers does not appear. They failed to avail themselves of our invitation or notification that we would gladly hear them if they had anything to say, so that we were unable to prove what their private arrangements with counsel were.

With such an array of high officials against the merchants, what was an appeal to the Secretary worth? Every officer on whom he could rely for information was directly and largely interested in having the highest penalty imposed. The leading Administration Senator, and one of the ablest republican members of this House, were their advocates and attorneys. What private man stood any chance with the Secretary under such circumstances? What Secretary, under such an administration as this, would dare to oppose such a combination. Sir, it was apparent from the first that they had to pay whatever sum they were told would satisfy the rapacity of their persecutors, *and they paid it.* Any of us would have done as they did. Mr. Shultz stated the case vigorously and truly when he said:

> Every official with whom he comes in contact, except the judge and the Secretary of the Treasury have a direct pecuniary interest against the merchant. Let the law be so amended that these two functionaries can receive a portion of the moieties, and then so far as human motive can be controlled by sordid influences a perfect system of confiscation exists.

With their books and papers in the hands of their enemies, their credit gone, their business paralyzed, their good name blasted by the action of the Government; charges of fraud and robbery, the nature of which they did not understand, which were of course magnified and circulated to all parts of the world where they had business connections by their competitors in trade, as the officials knew and intended they should be—these things were, as Mr. Dodge truly said, "the terror held over us, the pistol at our ears. That," he added, "was the reason we were anxious to have it settled even by the paying of $270,000." With seven eminent lawyers engaged, and constantly contriving how to catch them; entrapped for an alleged fraud not known to them, and never explained, of $1,600 in five years, though in that time their *overvaluations* of which the Government got the benefit, (all of which were artfuly concealed by those who held the books,) amounted to hundreds of thousands of dollars, altogether constituted one of the most shameless cases of extortion I ever heard of. And this was the pivotal case.

Other cases brought before us were nearly as bad. Perhaps that of Mr. Caldwell, of Philadelphia, taken in all its relations, was worse. The extortion of $50,000 from Woodruff & Robinson was not much better. After patient hearing and careful study I became thoroughly

satisfied that the safety of the citizen and the good of the Government alike required that all laws authorizing the seizures of books and papers on any pretext whatever should be at once repealed, and that all moieties to custom-house officials and informers should be abolished except in cases of smuggling, of which I will speak presently. I would go a step further, and prohibit by positive law, under the severest penalties, all Government officials and all members of Congress, whether Senators or Representatives, from being employed, either directly or indirectly, as counsel for spies, informers, custom-house or other officials, in any matter relating to the revenues of the Government. They are now prohibited by law from prosecuting claims against the Government, either in the Court of Claims, before the Departments, or the committees of Congress. They should not be allowed to use the power and influence which official position gives them to make money out of the citizen under the pretenses that they are serving the Government, in any court or before any tribunal.

Representative men, whether of States or people, ought, so long as that relation exists, to be prohibited from taking part in or making money out of controversies between the Government and its citizens on either side. I shall try to so amend this bill as to attain that end. Now members of Congress are sought for and employed by spies and officials, not as other men are, because of their ability as lawyers, but because of the influence, political or otherwise, they are supposed or known to exert over the Secretary of the Treasury and his subordinates. I repeat, *and his subordinates;* because the proof in the Sanborn contracts shows conclusively that nearly if not quite all of the decisions of the Secretary are in fact the decisions of *mere subordinates*, his name and apparent authority being only official routine. Let it be remembered that these subordinates are not put or kept in their positions by the Secretary; they may be and often are there against his will, placed and kept there by the influence and authority of the Senators and Representatives whose fees depend upon their decisions.

The spies and other interested officials soon learn what member of Congress can best control official action in the Treasury Department, and that member becomes their hired attorney. If the officer who has the case submitted to him was ever so honest, it is unreasonable to expect that he will dare to disobey, and he will not be inclined to disoblige, the man who put him where he is, and who can have him removed and a more pliant tool put in his place if he fails to decide as he is ordered or expected. As conducted now, such proceedings are a mockery and a farce. Does any man here believe, for example, that any subordinate, or even the present Secretary, would dare to disobey the known wishes of Senator CONKLING and General BUTLER, both of whom, as Mr. Dodge, Judge Davis, and Mr. Jayne show, were acting as counsel for the officials or informers in the Dodge case. Both of course were selected because of their well-known political power and influence in high places, and both were prominently exhibited to the merchants as a standing menace to enforce settlements on the terms demanded.

Mr. KASSON. I hope the gentleman will say that there was not a particle of evidence indicating that Senator CONKLING received anything.

Mr. BECK. There was evidence that he was the counsel and adviser of these men. The gentleman will find it in the evidence of Judge Davis, Mr. Dodge, and others; and the men who employed him, and whose counsel he was, refused to come before the committee on a polite invitation, and therefore we could not develop what the facts were.

Mr. KASSON. In the interest of justice I suppose the gentleman will allow it to be stated in this connection that the evidence was simply that the Senator was in the room on one occasion reading the United States statute as a citizen simply. I wish the gentleman to do justice in the matter.

Mr. BECK. Well, Mr. Dodge, in his sworn testimony, says that Senator CONKLING was in New York in consultation with these officers at a time when for two days the question was whether the amount paid should be $500,000 or $271,000. There is evidence that he was there acting practically as counsel, and his clients should have come before the committee and told them what they paid him if they paid him anything or if they did not pay him anything.

Mr. HALE, of New York. Will the gentleman permit me a moment in this connection? I think he is doing injustice to a gentleman, which I am sure he would not intend to do.

Mr. BECK. I have not time to yield for interruptions. I have done Senator CONKLING no injustice. I have made no charge against Senator CONKLING. I say that the testimony shows that he was there as counsel for these men.

Mr. HALE, of New York. The gentleman is certainly in error in that regard.

Mr. BECK. He was counsel and advised with them, and Mr. Dodge swore that he believed that he helped to bring down the amount from $500,000 to $271,000. What I call attention to is this point: What chance had the merchants in that state of the case; what chance was there that justice would be done to them when the surveyor, the collector, the naval officer, the district attorney, the special agent, the informer—all the officials to whom he could look were interested and had been paid bribes, if you please, to decide against the merchants, and a leading Senator of the Administration party was their adviser, and one of the ablest republican members of this House was counsel for the informer? Under circumstances like these was it not evident that this firm of merchants had to pay whatever was demanded? Would not you have done it? Would not any of us have done it?

I would, I repeat, by laws which could not be evaded, make such things impossible. Till it is done appeals to the Secretary are a delusion and a snare. I hope the House will hereafter prohibit Representatives from interfering in any way between the Government and the citizen. Congress should be the highest court in the land, and its members should all be free to listen without partiality or prejudice, certainly without personal or pecuniary interest, to all the appeals of the people. To accomplish that end I shall move to amend the bill by inserting the following section:

SEC. —. That no Senator, Representative or Delegate to Congress shall, after his election or during his continuance in office, act as agent, attorney, proctor, advocate, solicitor, or counsel for any person against whom suits or proceedings have been or are about to be commenced for violation of the revenue laws, or who has any claim for drawbacks or reclamations for duties, taxes, or excises paid or demanded or for the United States or any agent, employé, informer, officer, or officers of the revenue or customs service of the United States in any suit or proceeding relative to the customs dues, excises, or taxes; nor shall he receive any compensation, gift, or reward from such persons or officers for any service, advice, counsel, or aid afforded such person or persons, officer or officers, agent, informer, or employé.

And any person offending against this provision shall, on conviction thereof, be deemed guilty of a misdemeanor and be punished by fine, not exceeding $5,000, and imprisonment for a term not exceeding ten years, at the discretion of the court trying the same, and shall be forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States; and any person who shall pay or cause to be paid to any Senator, Representative, or Delegate, or to any person for his use or benefit, directly or indirectly, any sum of money or other thing of value because of such services or advice relative to any of the matters aforesaid, shall have a right at any time to bring suit for the recovery thereof, or its value, in any court of the United States, against such Senator, Representative, or Delegate, or the person or persons who received the same, or may unite all such persons in the same suit.

Mr. ELLIS H. ROBERTS. I would ask the gentleman from Kentucky if he has any reason to mention the name of the Senator here? He knows very well that Mr. Dodge expressly testified that the Senator he names he supposed was there not as counsel.

Mr. BECK. Who said so?

Mr. ELLIS H. ROBERTS. Mr. Dodge.

Mr. BECK. Mr. Dodge did not say so.

Mr. KASSON. If the gentleman will allow the language referred to to be read, it will satisfy him; if not, I will read it myself when I get the floor.

Mr. BECK. Senator CONKLING was there reading the law and expounding its bearings as the friend and adviser of the custom-house officials, a thing which he should not be allowed to do, that no Senator or Representative ought to be allowed to do, and if my amendment prevails they will never do it in the future.

Mr. ELLIS H. ROBERTS. I would ask the gentleman from Kentucky whether as a lawyer he thinks that it is a just thing to say that a man is guilty of receiving pay because no evidence was submitted that he did not receive pay?

Mr. BECK. This Senator had a right to be there under the law.

Mr. ELLIS H. ROBERTS. Very well.

Mr. BECK. I am not complaining about that; but I deny that such a law should exist. I deny that a man who is a leading Administration Senator should have a right to go and advise the custom-house officers against a citizen and to give the weight of his influence, his name, and his authority against the citizen.

Mr. ELLIS H. ROBERTS. The gentleman from Kentucky says that the Senator to whom he refers had a right to be there.

Mr. BECK. He did.

Mr. ELLIS H. ROBERTS. Did not Mr. Dodge also expressly disclaim any belief that he was there other than as a citizen?

Mr. BECK. I will read for the third time the testimony of Mr. Dodge upon that point:

Mr. FOSTER. I think you stated when you were here the other day, Mr. Dodge, that there were lawyers, members of Congress, who were acting as counsel for these parties.

Was not that a plain question?

Mr. DODGE, I did say so.

Mr. FOSTER. Well, I find that this committee and myself have been subjected to criticism because we brought out the name of only one such member, while there were others.

Mr. DODGE. I only intended to speak of two. I have no hesitation in stating who they were after all that has been said before this committee. I have purposely avoided naming them heretofore, but if the committee wish I have no objection.

The CHAIRMAN. You may answer the question.

Mr. DODGE. I suppose there is no doubt in the committee's mind on the subject now, as it was admitted last night by the special agent that he did employ, in one case especially, General BUTLER as counsel. I will add that Senator CONKLING was in New York and in consultation with these gentlemen at the time when for two days the question hung whether this thing should be settled or not, and hung simply on the fact that Mr. Laflin said the crime was so enormous that, so far as he was concerned, he never would consent to settle it short of the payment of $500,000 by Phelps, Dodge & Co. I think Senator CONKLING advised him to do better I only wish he had stuck to it one day longer.

Mr. FOSTER. Is that all you know about it?

Mr. DODGE. That is all I know about it.

Mr. KASSON. Now, will the gentleman let me settle the point in dispute by turning to page 233 of the testimony?

Mr. BECK. I will not be interrupted any more. I object to further interruption.

Mr. KASSON. Two lines on the page I referred to will settle the point.

Mr. BECK. The naval officer, Mr. Laflin, is well known to have been appointed by the Senator; and the custom-house ring, if you

force me to go into politics, is supported by this Administration, of which that Senator is a leading friend, for the purpose of raising money in this way, and by the use of the money thus acquired, thus stolen from the merchants, to carry out the party machinery.

I might go a great deal further in that direction, but I will not, for my time is running fast. I might go on and show that when these parties see where they can make money out of the citizen, they do not wait to prove what he was. Mr. Dodge was loyal enough. I am told he gave $25,000 to help elect your present President. But these men were after the life-blood of this firm, and they came very near getting it.

Some of the committee think that there ought to be power given to the Government pending a suit to require the production in court for examination of the books and papers of merchants. I differ with those who so think. I assert that no man ought to be compelled to furnish evidence against himself in any form, in any case in which a penalty or forfeiture may be inflicted or incurred, and there is rarely a case for a violation of the revenue laws in which one or the other or both is not a part of the judgment if the finding is against the citizen. The Government, representing over forty million people, with all the power and authority its position necessarily confers, ought to have no other or higher rights than one citizen has in a controversy with another. It has now, even if the seizure laws are absolutely repealed under the judiciary act and subsequent enactments, all the power for the discovery of testimony and the production of books and papers that is necessary for the ends of justice, all that private suitors have. Prior to 1863 we had no seizures, no partnership with thieves to incite them to rob their employers of their most sacred property. Yet our revenues were better collected then they have ever been since, and they will be again when we have repealed that inquisitorial and tyrannical law.

Section 3 of the bill, which a majority of the committee inserted against the will of the sub-committee, is open to all the objections which I have to the present law authorizing seizures; it does not directly seize books and papers, but it requires the production of all such business books, invoices, and papers as the attorney representing the Government says he believes will tend to prove any allegation he may have seen fit to make, and if all such books and papers are not produced all the allegations of the attorney are to be taken for confessed. In other words, in all proceeding *in rem* in all suits for forfeitures and penalties, in all proceedings not strictly criminal, *any allegation*, however false or however degrading, which if admitted would subject the merchant to the severest penalties and forfeitures, though not made under oath and though denied in the most solemn form, shall be taken as true, and the punishment shall be imposed to the extent which would follow on an unqualified admission of guilt, unless all the books, invoices, and papers demanded are produced, and when produced they can be ransacked by all the spies, informers, and retainers of the court or the Government, and the discoveries made by such search may be made the basis for other suits and proceedings. Indeed the proceeding in which their production is required may, and often will, be a mere pretense for which nobody is responsible in damages or otherwise, and of which the United States must pay the costs in order to get books and papers produced for examination so as to lay the basis for other prosecutions. I hope Congress will refuse to countenance anything which tends to perpetuate the infamous system.

Strike out the section, and insert in its stead a provision disqualifying forever from holding any offices of honor, profit, or trust any member of either House of Congress who shall directly or indirectly take a fee, or act as counsel on either side, in any suit or proceeding between the Government and the citizen in revenue cases, and you will wipe out one of the blackest spots in our legislation. I see no difference in principle between the present law and the proposed section. There may be a difference in degree. Even that is not clear. Each compels a man to furnish evidence against himself which may degrade and disgrace him and subject him to severe penalties and heavy forfeitures of property, or assumes that he is guilty and imposes them because he fails or refuses to obey.

Mr. Eaton, of New York, in an argument of great ability, collated the authorities on this question so well that I prefer to read a portion of what he said on this subject to any argument of my own. He said:

> Turning to the common law, the books tell us that one of the fundamental principles, rooted in the jurisprudence alike of England and America, is that no man should be compelled to accuse himself. So well established is this rule that the words *Nemo tenetur se ipsum accusare* are among the oldest maxims. Whatever may be the usage under the statute law of the Continent, I think there is no dispute that in this country no man is bound to furnish evidence to condemn himself. In all the fluctuations in the rules of law in the past, no change has ever been made in this principle further than to permit the accused voluntarily to give evidence against himself, never compelling him to do so.
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> Mr. Chief Justice Marshall held, in the case of Willie, (2 Burr's Trial, 243:) "It is a settled maxim of law that no man is bound to criminate himself. This maxim confirms one exception to the general rule, which declares that every person is compellable to bear testimony in a court of justice. * * * Many links frequently compose that chain of testimony which is necessary to convict any individual of a crime. It appears to the court to be the true sense of the rule that no witness is compellable to furnish any one of them against himself."
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> As long ago as the year 1680 it was held in the high court of chancery in England that the defendant need not answer a bill for discovery where his plea would subject him to a forfeiture. (Bird *vs.* Hardwicke, 1 Vernon's Chancery Cases, 110.) Accompanying the report of that case is a multitude of references establishing the same principle. A few years later, in 1736, Lord Chancellor Hardwicke said: "There is no rule better established in equity than that a person shall not be obliged to discover what may subject him to a penalty, or anything in the nature of a penalty." (Smith *vs.* Read, 1 Atkyn's Reports, 527.)
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> This same principle is incorporated into the municipal law of the State of New York, which provides that "any competent witness in a cause shall not be excused from answering a question relevant to the matter in issue on the ground merely that the answer to such question may establish, or tend to establish, that such witness owes a debt or is otherwise subject to a civil suit. But this provision shall not be construed to require a witness to give any answer which will have a tendency to accuse himself of any crime or misdemeanor or to expose him to any penalty or forfeiture, nor in any respect to vary or alter any other rule respecting the examination of witnesses." (Revised Statutes of New York, part 3, chapter 7, article 8, section 71.)
>
> Said Chancellor Kent: "There are numerous cases establishing the rule that no one is bound to answer so as to subject himself, either directly or eventually, to a forfeiture or penalty, or anything in the nature of a forfeiture or penalty." (Livingston *vs.* Tompkins, 4 Johnson's Chancery Reports, 431.)
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> Said Chancellor Walworth: "The Constitution has wisely provided that a party shall not be compelled, in a criminal case, to be a witness against himself. And this principle, by the common law, was extended to proceedings in civil cases, where the witness was called upon to make a disclosure which might subject him to a forfeiture or penalty, or to any loss in the nature of a penalty." (Livingston *vs.* Harris, 3 Paige, 534.)
>
> In the standard treatises on evidence you will find the same rule laid down as follows: The witness is privileged from answering a question, the answering of which might subject him to a penalty or forfeiture of any kind. (Phillips on Evidence, volume 2, page 396.) Further: Where an answer will subject a witness to a forfeiture of any portion of his property, he is not bound to answer, any more than in a case of exposure to a criminal prosecution or penalty. This rules holds good alike in equity and in law. (Greenleaf on Evidence, section 451, and authorities there collated.) There is, indeed, no limit to the number and value of the authorities on this point.

Again, Mr. Eaton said—

> In the case of Rex *vs.* Dr. Purcell, (1 Wil., 239,) the court refuse a rule requiring the books of the corporation of Oxford to be open for the inspection of the attorney-general in an information against Dr. Purcell, the vice-chancellor, for a misdemeanor. They say: "If this court should grant this rule, it will, instead of doing justice, lay the foundation for something like an inquisition of state; for this court sits to hear evidence, not to furnish it."

I confess, Mr. Speaker, when I heard this eloquent gentleman from whose speech I have read the foregoing extracts quote the language of the Earl of Chatham—"Every man's house is called his castle. Why? Because it is surrounded by a moat or defended by a wall? No. It may be a straw-built hut; the wind may whistle around it, the rain may enter it, but the King cannot"—I felt a sense of humiliation which I cannot well describe in view of the legislation which disgraces our statute-books on the subject of searches and seizures under our revenue laws. It is no answer to say that honest men will not hesitate to exhibit their books. Phelps, Dodge & Co., and many others equally honest, have done that; that is not the question. All just laws assume the accused to be innocent till his accuser proves him guilty, and he cannot be required either to swear to any fact or to furnish evidence which will or may fasten guilt upon him, if a penalty or a forfeiture is part of the punishment. If the revenue cannot be collected without breaking down all the safeguards of liberty and personal rights, let the money go; its loss is as dust in the balance compared with the perpetuation of the great safeguards which the English people have striven for a thousand years to maintain.

The barons at Runnymede wrung from their reluctant king in Magna Charta a solemn pledge to maintain inviolate these great personal privileges. Charles had to confirm them in the Bill of Rights. After the atrocities of Jeffreys and Scroogs all the judges and statesmen of England denounced every attempt to infringe them. The States which formed the American Union were unwilling to trust the provisions even of the Federal Constitution until amendments were adopted providing that—

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
>
> * * * * * * *
>
> No person shall be * * * deprived of life, liberty, or property, without due process of law.

Each State in its bill of rights guarded its citizens against searches and seizures in language equally emphatic, and the Federal and State courts have sustained them with unanimity and vigor. No State Legislature, so far as I know, has ever sought to overthrow or weaken these great bulwarks of liberty. Congress never would in time of peace.

In 1863, when war cursed the land, when eleven States were unrepresented, and others were misrepresented; when the passions of men overthrew their judgment; when the air was full of rumors of frauds upon the revenue; in an evil hour, under such aggravations, the right of search and seizure of books and papers was given. It ought to have been expunged from the statute-books the moment peace was restored. If the maxim "*Inter arma silent leges*" could be pleaded in palliation of the original act, no such excuse exists now, and the representatives of a free and united people should hasten to wipe out the national disgrace. William Pitt said in his day concerning warrants of this sort that "there was not a man to be found of sufficient profligacy to defend them upon the principle of legality." I hope that may be so here and now.

I have no doubt as to the unconstitutionality of the existing law as to seizures of books and papers. It forces a man to furnish evidence against himself in cases where penalties and forfeitures are inflicted upon him on the evidences thus extorted. It would be equally legitimate to force him to swear to the facts, to put the thumb-screws upon

him or subject him to any other personal torture in case of refusal. It would have been well if our American judges had (as the English court did in The King *vs.* Purcell) told the attorney and the informer, in all cases when they applied for rules and orders for seizures of books and papers:

If this court should grant this rule, it will, instead of doing justice, lay the foundation for something like an inquisition of state, for this court sits to hear evidence, not to furnish it.

All the provisions of the Constitution were made with reference to the common law, which was recognized as the basis of our institutions; the provisions of the Magna Charta were as thoroughly the heritage of American as of English citizens, and the great system of laws which by immemorial usage had been crystallized and perpetuated in the mother country became ours as much as theirs. In the language of one of the distinguished lawyers who appeared before us:

When our independence had been finally established, and the Constitution was to be framed, our fathers went over these great decisions, at the same time with Magna Charta and the Bill of Rights, and whatever was found there to favor individual liberty was carefully inserted in their own system—"improved by clearer expression, strengthened by heavier sanctions, and extended by more universal application."

Long before the adoption of the Federal Constitution the seizure of private books and papers had become an impossibility in England both by common law and statute. The framers of our Constitution had no idea of breaking down or weakening any of the barriers which protected the rights of the individual citizen from the aggressions of power. The action of the people of the States in demanding the amendments to the Constitution so promptly as to make them almost a part of the original instrument, all of them designed to secure the individual rights and liberties of the citizen, proves conclusively that the reverse was true. After they had conquered in the great struggle for independence they did not intend to submit to a deprivation of rights on any pretense, however plausible, if human wisdom and forethought could guard against it; therefore they looked carefully over the past history and struggles of the people from whom they sprung, whose system of laws they had adopted, and they made part of the fundamental law all that they found valuable in the experience of the mother country. They reaffirmed with emphasis the maxim that each citizen's home, however humble was his castle, that it was sacred and should be secure; that his papers and other property and effects should not be searched for nor seized without due process of law, with all possible safeguards thrown around its improper exercise. They were willing, and that was the extent of the grant of power, that stolen or contraband goods, counterfeit money, or property, or implements which the common good required should be seized or destroyed, might be searched for and taken; that criminals should not be protected even by the sanctity of home; but it never entered their minds that their private books and papers, which of right belonged to them, and were used only to perpetuate their own thoughts and protect their private interest, could be taken on any pretext whatever.

I would not overthrow or impinge upon these great safeguards of liberty and human rights to perpetuate or protect any revenue system upon earth. Better burn your custom-houses, annul your tariff laws, or, if you please, stop intercourse with all the world and support the Government by direct taxation, than violate the time-honored inalienable rights of the citizens of the Republic.

But, Mr. Speaker, I must hasten to notice other important changes in the law proposed by the bill now before us. Moieties and seizures are twin abominations. They ought to die together and be consigned to the same ignominious grave. Without the moiety system seizures would never have been resorted to. The enormous rewards offered and the temptations placed before bad or even weak men are too great to be resisted. Under them private virtue and honor, as well as official integrity, give way, and a system of corrupt espionage and robbery has grown up which, if not crushed out by vigorous laws, will destroy what little of honesty is left in the public service, together with all that makes the business relations of men either respectable or safe.

Worse, if possible, even than that, the money extorted by robbery and fraud is so distributed among the officials that those who act as judges and arrange the terms of settlement, the men on whose statement of fact the Secretary of the Treasury has to rely for the truth, are all paid to decide against the citizen. Take the Dodge case again as an illustration. The surveyor, naval officer, and collector were each *bribed* to the extent of $21,900 to decide against the merchant whose books and papers they held and used, though obtained from a known and acknowledged thief. Jayne and his accomplices got over $35,000, while the United States attorney, clerks, and marshals pocketed $8,145 as their share of the spoils, every dollar of these immense sums being dependent on their success in coercing a compromise or securing a conviction. Wherein does all this differ from the bribery of a judge or a jury?

The very fountains of justice are corrupted, and all that emanates from such polluted sources is of course impure. *More degrading than all*, more humiliating to us as Representatives, and to the proud and honest people we represent, is the fact that the Government is by legislation made the partner of thieves. Think of the American people under the folds of the Star Spangled Banner boasting of their advanced civilization and pretending to look with scorn and contempt on all other nations because of our superiority in protecting the rights of our citizens with Magna Charter, the Bill of Rights, *habeas corpus*, and all the bulwarks of liberty crystallized in our own great charter, sneaking into a den in the custom-house and paying over to their detective, Jayne, $65,718 out of $271,000, which they had extorted from citizens against whom they could only make up a claim for $1,600, even after they had searched their books and papers for five years, concealing overpayments twenty-fold in excess of the claim, and whispering in his ear to pay $40,000 as his share of the profits of the speculation to the thief who had stolen the papers of his employers, who by all laws, human and divine, should have been spurned as an outcast and doomed to a felon's cell, only requiring him to be sure and keep the facts concealed.

The system is a disgrace to our civilization, a reproach and a scandal in the eyes of all nations; one which has been condemned by our Secretaries and committees, and is only maintained by the influence which political organizations and party leaders exert to uphold it, because the custom-house officials out of their extortions can be made to furnish the money in New York, Boston, and elsewhere to control primary elections, pack conventions, stuff ballot-boxes, and do the other dirty work for their political patrons.

Mr. Hyde, of Boston, in his argument before the committee set forth the views of the three last Secretaries of the Treasury, and of the Retrenchment Committee of the Senate, as follows:

Mr. McCulloch, when Secretary of the Treasury, in his report for the year 1869, said:

"The reason on which the laws granting such allowances are based is that officers of the Government are stimulated to greater activity in the discovery of frauds, and in bringing offenders to punishment. There can be no doubt that such is the effect of the policy, but the experience I have had in the Treasury Department has convinced me that the evils attending the system are greater than the benefits derived from it. It often occurs that revenue officers are led to assert claims, in behalf of the Government, which have no just foundation in law, or in the facts of the respective cases; and, where real claims exist, it is often the object of the informers and officers, who share in the penalties, to misrepresent the case to the Department, so as to secure the greatest advantage to themselves. But a more serious evil is found in the practice, quite general, of allowing persons to pursue a fraudulent course until a result is reached which will inure to the benefit of the officers and informers, instead of checking criminal practices at the outset."

Upon this same subject Mr. BOUTWELL, when Secretary of the Treasury, remarked in his report for the year 1871:

"It is my duty to call the attention of Congress to the importance of abolishing the system of shares and moieties as far as the benefits inure to revenue officers and other persons officially connected with the Government. * * * In most of the cases the officers do not perform special services entitling them to the amounts granted, and importers and others, whose acts are made the subject of investigation, complain, and I think with just reason, that the agents of the Government have a pecuniary interest in pursuing those charged with violations of the law. * * * One of the difficulties which the Department has to meet frequently is that the customs officers have an interest in the proceedings for the discovery of fraud, the settlement of cases, or in the prosecution of them, which is different from the real interest of the Government, and, as a necessary result, the conduct of such officers is open to suspicion, both on the part of those who are pursued by them, and the Government they ostensibly represent."

The present Secretary, in a communication just published, says:

"While I am prepared to accede to the general principle of the present bill, by the abolition of all moieties, except in the case of smuggling, actual or attempted, I am of opinion that there should be some inducement for the exposure of offenses more complicated in their nature, and hence more difficult to trace. I would, therefore, recommend that provision be made for a special fund, to be exclusively used, under suitable restrictions, for the compensation of private persons who may enable the Government to detect and punish frauds that would otherwise, in all probability, remain undiscovered."

If it is believed by this committee, and by Congress, that the moiety system should be retained in cases of smuggling, we make no objection, because that does not affect the large interests of the country. I have here the two reports of the Senate Committee on Retrenchment, submitted July 4, 1872, upon the same matter. The majority report contains the following words:

"Moieties should not be allowed to officers of the customs, except in the case of smuggled goods seized. It is the duty of these officers to assess and collect the duties on imports. It is their business not to permit any frauds upon the revenue. Attempts will be made to introduce merchandise upon our markets without payment of duty at all. Whoever defeats an attempt at smuggling should be allowed at least one-half the net proceeds of the goods condemned. But when goods are entered at the custom-house, there should be no cheating in quantities or values. It is the duty of the officers of the customs to prevent that. Their salaries should be adequate to all the labor they perform and all the responsibility they assume. Still, in spite of diligence and fidelity, they will be sometimes circumvented. But the Government should not bribe them to be defrauded by holding up to them great fortunes for detecting the fraud. The husbandman who pays his harvester a meager salary for gathering grain, but offers him one-half for gleaning all that his own rake passes over, should not be surprised to learn that his servant rakes slovenly."

If these facts so presented do not convince the House that the system should be abolished, nothing that I can say will.

I propose to say a few words as to the men who are employed to do this dirty work, and the means they employ to accomplish it. Mr. Jayne is a type of the men who become informers under the moiety system. I select him because he is one of the best of his class—intelligent, vigilant, well-informed, and, so far as I know, conforming strictly to the law which conferred authority upon him. His underlings and retainers are in all the prominent mercantile houses of New York, ready to ruin the men whose devoted friends they profess to be, perhaps making false entries for years, so they can, when the penalty becomes an object, charge their own frauds upon their victims; noting and concealing every irregularity, so as to prevent its correction until the proper time arrives to lodge their information. His operation, will illustrate the system. He spoke at great length before the Committee on Ways and Means, and he was examined some years ago by a committee of the Senate. Perhaps it would be best to notice first specimens of his testimony before the Senate committee as to the means resorted to in order to procure evidence or confessions from his victims.

[New York custom-house investigation, Senate Document 227, Forty-second Congress, second session, volume 2, pages 524-'25.]

By Mr. BAYARD:

Question. Then the use of handcuffs, or the threat of handcuffs, is that considered by you a legitimate method of obtaining information upon which to base the seizure of merchants' books and papers?

Answer. It might be legitimate to make men tell the truth, to lay them down, to remind them that they might be used.

* * * * * * *

Q. Did you put them on to encourage him, if not to terrify him?

A. I think not for any such purpose. I think I have unlocked the handcuffs and put them on my wrist to see how they worked, but not to terrify him.

Q. If you did not put them on to terrify him or encourage him, what did you put them on him for?

A. I could not put them on.

Q. What did you put them on your own wrist for?

A. To see how the handcuffs worked; to see how they opened and locked.

Q. Had you these witnesses under examination while you were playing with the handcuffs in this way?

A. No, sir; not while I was putting them on my own wrist.

Q. You say you did not put a handcuff on anybody.

A. I think not.

Q. I wish to have your statement under oath about that fact.

A. All of my statements are under oath.

* * * * * * *

Q. You say you have threatened these men with punishment if they did not give you information?

A. I may have done so; I presume I have.

Q. Do you not know it, sir? The question of the presumption of the thing within your own knowledge is not exactly the way to state.

A. I have used every appliance I have deemed legitimate to extract the truth from men that I had a moral certainty in my own mind had been committing fraud on the Government.

Q. Now give us a little history of what you deem legitimate methods of extracting the truth.

A. By sitting down first and reasoning with the man, and telling him what his better course would be, telling him what a wicked fellow he had been, how he had violated every principle of manhood, morality, and official honor, had been defrauding the Government, a party to a fraud, and that his best and only way was to tell frankly just what he had done. Sometimes, when that failed, I held up to him the terrors of the law, read once in a while a section of the law to him, and of course it might be deemed a threat or otherwise.

Q. Have you exhausted your catalogue?

A. I do not care to go into that field.

Q. But I want to know something of that field.

A. Well, I think, unless my acts are under some imputation of wrong, it is not necessary for me to take each case in detail.

Q. I have not asked you for that; you spoke of your methods of obtaining information, and I wanted to know what they were, and if you now stated them all.

A. No, sir; I have not stated all; each case is different; it depends upon the man who sits before you. Sometimes he is a man who has no physical fear; again, he is a man who has no moral fear, that has no moral sense of wrong; it depends upon the subject you have to deal with.

This picture needs no filling up; it stands out on the canvas. The detective toying with the handcuffs, putting them on his own wrists to let the doomed man see how they worked; telling his victim what a wicked fellow he had been; holding up to him the terrors of the law; changing his tactics according to the subject he had to deal with; urging frank confession as the safest and best course, furnishes such a portrait of the prostitution of every principle of justice and law that it disgusts a man to think of the scene.

Mr. Dodge thus describes the ordeal he had to pass through when his books and papers were taken from him. He said:

The first knowledge or hint, in the forty-odd years of business that I have had with the Government, that I was accused of any dereliction of duty was when, sitting at the board of one of our large institutions, I received a note from my partner asking me to come to the custom-house. I went there, was taken into the little dark hole, lighted by gas, where this business is done, and there, for the first time I confronted this man Jayne. The then district attorney, Judge Davis, was also there. My junior partner, Mr. James, was with me. I had no more idea what we were called there for than the man in the moon. Not a thought had ever crossed my mind that there was anything wrong with the custom-house. Mr. Jayne opened upon me in his bland way, and said he was very sorry to be obliged to say that the Government was in possession of facts to show that the firm with which I was connected had been engaged for a series of years in deliberate attempts to defraud the revenue; and that it had been done first by a systematic perjury in connection with the custom-house oaths, and secondly by false and duplicate invoices; that he supposed I knew very well what were the penalties under such circumstances, and stating that every breach of the law in the cases of perjury, of which we had been guilty for a great many years, and many times a year, subjected us to a fine of $5,000, and to imprisonment for not less than two years; that the false invoices, and the undervaluation resulting from them, forfeited the entire amount of those invoices.

That was the first salutation. "And now," said he, "I have a warrant ready, from the district court, to take possession of your books and papers." Of course it was a thunder-bolt which I was not prepared for. I had not seen this man Jayne before. I knew Judge Davis; I knew him to be an honorable, upright man. I turned to the judge and said, "Judge Davis, this is a very strange proceeding. It is all new to me. I deny the whole of it; and I defy this man, or any other man, to produce a duplicate invoice ever received, or ever used, or ever known of, by the firm of Phelps, Dodge & Co." "Well," said Jayne, "you may deny it, but I have got them all here, and I have affidavits, too, to the same effect. What is more than that, I have evidence that you have tampered with the officers of the Government." I said to Judge Davis, "There is nothing in our business that we are unwilling to exhibit to you or to the Government. There is no necessity for a warrant to take possession of our books. If there are any books or papers that are in our possession that are needed by the Government to establish their case, they are entirely at your service; no objection whatever will be made to your having them." Judge Davis then said, "I have no knowledge of the matter other than the papers submitted to me." He thought it was a case justifying further investigation. Judge Davis then turned to Mr. Jayne and said, "Mr. Jayne, nothing can be more fair than the proposition made by Mr. Dodge. Now, whatever books you need Mr. Dodge says you can have; you do not want to issue that warrant." Mr. Jayne then said he would go with us to our store and get what books he needed.

Of course he got all he wanted, and so used them as to secure for himself and his partners $135,000, the Government getting the other half for protecting them from responsibility for the extortion. It seems to me that no argument is needed to prove that such a system should no longer be tolerated; the repetition of such wrongs ought to be rendered impossible. The effect of it is terribly demoralizing on our own officials. Lured from the performance of duty by hope of rich rewards, they see it may be day by day irregularities or technical violations of law which they know are unknown to the merchant; their plain duty is to inform him at once and prevent a repetition of them; their interest is to watch and wait so as to allow them to accumulate for months, it may be for years, and when the aggregate will secure penalties and forfeitures sufficient to gratify their avarice, make the seizure and demand the reward. These things, as the proof before us showed, are of constant occurrence, and will continue till we remove the motive for their continuance.

Another striking fact should not be overlooked. Although it is clearly shown that three-fourths at least of all the frauds on the revenue are committed in collusion with or by the connivance of Government officials, none of them are ever punished, many of them are not dismissed from the service; and even the thieves who betray their employers are taken up by the Administration and placed in positions of honor, profit, and trust. These things seem so incredible that I will refer to the proof.

Mr. Dodge, when before our committee, said:

I will relate an instance of this. My partner, older than myself, (and a more honorable man does not live on the face of the earth than Mr. James Stokes, of New York,) has been in the habit for twenty years, as January came around, of opening his desk and clearing it out, some rainy day, of the accumulation of papers which it contained, throwing them on the floor and having a boy put them in the fire and burn them. He did so on the 8th or 10th of January, and within half an hour we received a letter from our attorney to come directly to his office. We went up there, and he said: "What in the world is the matter? Jayne is tearing about in a most terrible way. He says that Phelps, Dodge & Co. are burning up their papers, and that he will have every soul of them in Ludlow-street jail before night." How did he know it? How did he know that these papers were burned up? Because he paid a man in our store to give information. He had our second book-keeper in his employment. What he paid him I do not know; but that he was in his employment I do know. We traced that fellow and turned him out of our store. And where did he go when he was turned out; where should he go? He went where he was employed. And where is he to-day? He is a clerk in the post-office, in the money department, a place obtained for him by the special agent of the United States.

Mr. BECK. What is his name?

Mr. DODGE. His name is Kennedy. But I will not detain the committee longer with this matter.

Mr. NIBLACK. It is very interesting to me.

Mr. DODGE. This is the operation of the whole thing from beginning to end.

When Mr. Jayne was on the stand I questioned him on this subject. I will read what was said.

Questions by Mr. BECK:

Question. I was struck very much, going over that book, with the fact that in nearly all the cases you cited it was done by collusion with the officers of the Government.

Answer. I have a list which will show you the exact proportion. I made out a list of them to-day, thinking a question of that kind would be asked, and deeming it a very proper matter for inquiry. Thirty of the cases out of the sixty-one were false weights obtained by collusion with United States weighers or employés in the weighers' department; six were false liquidations or false classifications, obtained by collusion with Government officers; nine were undervaluations. In one case, at least, of those it was by collusion with the Government officer. One was a false gauge, by collusion with the Government officer; nine were false classifications, obtained by collusions with the Government officers; two were false verifications as to quantity, obtained by tricks—by devices; three were false weights and false damage combined; and one was the warehouse case, with regard to which you have heard; making sixty-one in all.

Q. And some forty-six of them were by collusion with officers?

A. There were about fifty-two or fifty-three of them.

Q. In one form or another, collusion?

A. Yes, sir.

Q. Have any of these Government officers been punished?

A. They have been sent out of the service—dismissed.

Q. And kept out of the service?

A. Yes, sir.

Q. All of them?

A. I think there are a number of officers in the service. It is not my fault, sir.

Q. I am not speaking of fault, sir.

A. I wish to say in that connection that I have never made a recommendation for dismissal of any officer from the Government service. I have assumed that it was no part of the functions of a special agent of the Treasury Department to do the thinking of other people. It was merely his business to present the facts.

Q. A number have been dismissed, and a good many are still there, you think?

A. I think there are some officers there who should not be there, and a good many have been dismissed.

Q. And against whom you have reported facts of collusion to the Secretary?

A. A number of them; the receipt of money——

Q. That is, receiving bribes; not doing their duty, I suppose you mean?

A. I find that men have got their goods through without paying the proper duty.

Q. And paying something to the officer?

A. Yes, sir. And if the officers had done their duty they would not have got them through.

Q. These facts you have reported to the Secretary of the Treasury?

A. Yes, sir.

Q. And these men the Secretary of the Treasury still keeps in office?

A. Some few of them are in office.

Q. Is it possible, under any law, to carry on the office of the custom-house with safety to the Government while men who receive bribes are kept in office?

A. No, sir; not in my judgment. And I look upon the taking of books and papers of commercial houses, and compelling them to pay penalty while the thieves inside the custom-house that have aided them are left unmolested, as no better than highway robbery.

He added, what the committee all will recollect, but the record does not state it, as we gave the witnesses the right to revise and correct their testimony, "and that is the reason I left the service." Even Jayne was disgusted that a Secretary should keep such men in office after he had reported them to him as thieves.

Again he said, and I agree with him:

If these investigations are made simply to punish merchants, and if the informa-

tion that is obtained from the merchant's books is not used to clean the service of the men who have crowded into it and who have colluded with the merchants and made these frauds possible, then the acts of your special agents are no better than highway robbery; they are no better than organized brigandage.

I think our committee made a mistake in not demanding from the Secretary the reports made by Jayne, but we could not do everything.

In 1872 we abolished the moiety system so far as the internal revnue was concerned. I was a member of the Committee on Ways and Means when that great reform was effected. I labored with all the energy and all the intellect I possessed to accomplish it, and I have felt that my efforts in that regard, feeble as they were compared to those of my distinguished chairman and others, were of more service to the people I represent than any I have been able to render. Before that system was repealed spies and informers were infesting every neighborhood, distrust prevailed in every business relation, perjured scoundrels lured by hope of rich rewards were dragging our citizens before the courts or blackmailing them by threats of prosecution, until no man felt safe in the management of his legitimate business. Now confidence is restored, the spy and the informer has no inducement held out to him to commit perjury. The revenues of the Government are better secured and more cheerfully paid. Instead of increased distrust, confidence and good-will between the distiller, tobacco manufacturer, and others who pay revenue and the Government is the rule and not the exception. It will be so with the customs revenue when this bill becomes a law.

I will be compelled to confine myself to a very hasty notice of the other provisions of the bill, as I see my time has almost expired. We have endeavored to define smuggling so as to exclude from the definition all goods which pass through the custom-house or which custom-house officers might see if they desired. We believed that it was right if men were evading our custom-houses altogether, whether along our extended Canadian or Mexican frontier or on the Atlantic or Pacific coast, by the fraudulent importation of dutiable goods, to offer such inducements to officers or others to detect and punish them as would protect the Government and the honest importer who would suffer by the competition of the smuggler, while we tried to make it impossible for any official to acquire any interest in or any reward for the detection of frauds in regard to goods which either passed through the custom-house or were submitted to the inspection of the revenue officers.

We recommend that Congress shall appropriate specifically a sum sufficient to enable the Secretary of the Treasury to pay men who furnish such information as will protect the Government and the honest importer from frauds committed either by dishonest revenue officials or importers, severally or by collusion between them, an account to be rendered to Congress of his action and payments in this regard by the Secretary. Apprehension as to the practical operation of these provisions has been expressed by very careful and well-informed members. It is claimed that it will perpetuate the moiety system in another form. My answer is that Congress regulates the appropriation and examines the account annually. The representatives of the people, therefore, have direct control over it, and can at once stop abuses if they spring up. With seizures and moieties abolished, with all rewards to officials withdrawn, I do not believe it would be safe to withhold from the Secretary of the Treasury, who is of course the responsible head of the revenue service, but can give it no personal supervision outside of his office, all means of employing or paying for assistance in the prevention of frauds. It must be remembered that the custom-house officials are not his appointees. They hold their places by presidential nomination and senatorial confirmation; they are generally appointed because of their political usefulness or subserviency on recommendation often of members of this House; fitness for the place, business capacity, and even integrity, receiving frequently very little consideration either in the recommendation, nomination, or confirmation of the officials.

Only a few weeks ago the staid old Commonwealth of Massachusetts was shaken from center to circumference over the appointment of a collector at the port of Boston. I fear my honored chairman's senatorial aspirations were ignored and all his past services forgotten because he did not go into hysterics and make a fool of himself in the unseemly strife. If something more than the simple discharge of official duty is not expected or required from collectors and others, such exhibitions as that case developed would not be had. I mention it merely to illustrate the fact that the Secretary having to collect his revenues by and through such agents as the politicians see fit to impose upon him, (political tact or trickery being often a higher recommendation than fitness for the service,) ought to have the means to see that the revenues do not suffer at the hands of men so appointed. He can only get the information by paying for it; if we want him to have it we must furnish the money. Every honest importer will aid him; their interest will make them active in seeing that proper men, for proper pay, will watch and report against dishonest importers and corrupt officials.

These reasons controlled me in supporting the provisions of the bill on that subject. Another extremely important provision of the bill is the change made in the forfeitures from the whole invoice to the tainted item, and in the requirement that fraudulent intent shall be proved and passed upon as a question of fact before severe penalties shall be inflicted or forfeitures imposed. The law as it stands now on these subjects is simply barbarous, the fines are excessive, and the punishments cruel and inhuman in comparison with the offenses; sufficiently so to bring many of them within the constitutional prohibition.

What makes these thing so fearfully unjust is the admitted fact that the revenue laws and regulations are so complicated that merchants do not pretend to understand them. Professional experts have to be employed to engineer goods through the custom-house, and they are often unable to understand or keep up with the shifting regulations and conflicting decisions. Courts in different districts frequently render decisions diametrically opposed to each other. The Secretary takes one view to-day and the opposite to-morrow. Millions of dollars of drawbacks are paid, or additional burdens are imposed, as agents and politicians can influence his decisions. Yet penalties and forfeitures out of all proportion to the offense are imposed upon the merchant for mistakes or oversights, or for what the officials for the time being may choose to construe to be such, while official blunders, to use the mildest phrase, are all innocent, though they have taken in the last two years more money out of the Treasury and put it into the pockets of a few favorite lawyers and politicians than all the frauds that it is even pretended all the merchants have committed or attempted to commit.

The following list of high authorities laid before the committee makes the statement as to the complicated nature of the laws perfectly clear. Mr. Eaton said:

It becomes, therefore, necessary to know whether the revenue laws are free from ambiguities, and are readily understood by those who must use them, since such authorities as both Marshall and Story hold that "a doubt as to the true construction of the law is as reasonable a cause for seizure as a doubt respecting the fact." (United States *vs.* Riddle, 5 Cranch, 311; The Schooner Friendship, 1 Gallison, 112.)

The opinion of the Secretary of the Treasury is pertinent upon this point. In his report at the opening of the present Congress, he said, referring to the complexity of the revenue laws: "There is often a direct conflict between different statutes, and, occasionally, between two or more provisions of the same statute, while single provisions are frequently held to embrace different meanings. These differences can be settled only by arbitrary interpretations, or by adjudications in courts." The number of appeals to the Secretary for "arbitrary interpretations," the last year, on account of these "different meanings," was nearly five thousand.

Said Secretary McCulloch, in his report to Congress in 1867: "The laws relating to the foreign and coasting trade, and the collection of the revenue from customs, are now dispersed through many volumes of statutes, and have been so frequently modified by amendments of their original provisions, that on many points it is difficult for merchants, as well as for the officers whose duty it is to construe and execute them, to determine what is the law in force. * * * The Department has endeavored to obviate these embarrassments as far as practicable by regulations and instruction, but these measures are only a partial remedy, and fall far short of supplying the want of a uniform and consistent code."

Associate Justice Grier of the United States Supreme Court held: "It is a great grievance that the revenue laws passed by Congress have become so numerous and complicated that it is often difficult to ascertain what is the existing law on any particular subject. In the construction of other laws, when one statute supplies or changes the provisions of another, the latest is construed as a repeal of the former. But in the construction of this mass of contradictory revenue laws, it would seem that the statute which gives the highest duty, the largest fees, or the severest penalties, is never repealed by a later act which mitigates the penalty or diminishes the fees. Acts giving certain fees or forfeitures to certain officers become almost like the laws of the Medes and Persians, incapable of being repealed."

As further illustrating the doubt and ambiguity connected with the revenue laws, permit me to cite in concise language three decisions of the Supreme Court of the United States upon three different phrases of these laws, all of which phrases are necessarily acted upon by merchants in their daily business transactions.

I will first cite the "Cliquot case," (3 Wallace, 114.) The act of March 3, 1863, (12 Statutes at Large, 737,) provides that when foreign goods, obtained otherwise than by purchase, are imported, they shall be invoiced at the "actual market value thereof at the time and place when and where the same were procured and manufactured."

The court held "that the term 'place' does not mean any locality more limited than the country where the goods are bought or manufactured. The standard to be applied is their value in the principal markets of that country. The commerce into which they enter is international, and the language of the statute must be construed in a large and liberal spirit." Accordingly wines entered at the market value, at the time of exportation, at Rheims, which was the place of production and the place of export, were subjected to penalty, on the ground that the word "place" in the statute means the whole country, and that therefore the wines should have been entered at the market value at Paris, the largest market of France.

The next case is that of Stairs *vs.* Peaslee, (18 Howard, 521; Treasury Regulations of 1874, article 432.) The act of March 3, 1851, (9 Statutes at Large, 629,) and the act of July 28, 1866, 328, provide that the dutiable value of merchandise depends on the market value in the "principal markets of the country" from whence the same shall have been imported into the United States. In this case cutch, imported from Halifax to Boston, was entered at the invoice value, which was the market value of the cutch at Halifax at the time of exportation It was proved on trial that Calcutta was the great market of the East Indies for this class of goods, and that London and Liverpool were the principal markets of Great Britain, exclusive of India. The court held that the cutch must be appraised, not according to its value at Halifax, from which place it was imported, nor according to its value at the great market for that article at Calcutta, but at the market price at London and Liverpool at the time of exportation from Halifax. "The word 'country' embraces all the possessions of a foreign state, however widely separated, which are subject to the same supreme executive and legislative control." Consequently the court inflicted the penalty of the eighth section of the act of July 30, 1846.

Judge Davis explained the hardships of the existing laws and their unjust operation better than any one else. Several of the provisions of our bill were inserted at his suggestion; his experiences, of course, enabled him to aid us very much. I hope members will examine his testimony. I will read only one or two extracts illustrating the hardships to which I have referred. He said:

Now, a good deal has been said upon the point that if these gentlemen were not guilty of actual fraud they were not liable to a penalty. It does not follow at all that there must be actual intentional fraud proved under our revenue laws in order to make out a case of forfeiture. It is only required that a man shall knowingly do the forbidden act. If he knows when he does the forbidden act that he is doing that act, the law attaches the penalty. This may be illustrated by the law relating

to usury. A man, for instance, comes into our State from Illinois, lends $1,000, and draws a note by which the borrower agrees to pay him 10 per cent., (as he may properly do in Illinois.) He has no intention whatever to violate the statute of New York, yet he does violate it, and the penalty attaches, because he knew when he drew the note, reserving 10 per cent., that he did that act.

Mr. WOOD. Although he did not know the penalties for usury in New York?

Mr. DAVIS. Yes. The law assumes that every man knows the law and the penalties it imposes for any act which he knowingly does, whether the man does know it or not.

Mr. NIBLACK. That is the best illustration of the case that we have had.

* * * * * * * *

The CHAIRMAN. Would not the insertion after the word "knowingly," in the statute, of the words "with intent to defraud the revenues," cover the case?

Mr. DAVIS. Perhaps it would, but yet it would be open to question. If, however, you provide that on the trial of such cases the judge shall submit the question of actual fraud to the jury, even in cases where he is bound to direct a verdict for the Government, you will save the whole thing. Then if the jury find that there was fraud, the Secretary should have no power over the case, because then he would be reviewing the verdict of a jury.

Mr. BECK. In the case to which you have just referred, in which the judge directed the jury to find a verdict for the United States, did he also direct the jury to pass on the question of actual fraud?

Mr. DAVIS. No, sir; not at all. I said that if the judge had done so in that case, the verdict would have been different. The courts are bound, in enforcing statutes, to order verdicts in cases where the parties knowingly do the acts which are a violation of the statute. We have just had a case in our own State of that kind. A poor man who was entirely out of employment had a friend who had been appointed inspector of elections. Our statute provides that if any person, not being an inspector of elections, shall put into a ballot-box any vote or votes he shall be guilty of felony. Now the man who was actually appointed inspector thought that he could help his friend by having him do the duty and receive the compensation. He went to a lawyer who drew a power of attorney providing that, in the name of this first party, the second party should go and act as inspector and perform all the duties of that office.

The man went and attended to the duty, acting fairly enough, and nobody found any fault with him until about the middle of the afternoon. He had acted so well, it seems, that the chairman of the judges of election, when he went to dinner, appointed him temporary chairman. Then somebody who came to the polls said he was not the man who was appointed inspector. The police officer immediately arrested him. The man said, "I know that that is not my real name, but I am acting under a power of attorney." This man was indicted for felony, and the judge submitted to the jury simply the question whether he did the act of putting in ballots and whether he knew he was doing the act. Of course the jury found that the man was guilty. The case went to the general term, and the general term was obliged to affirm the decision below. But we all united in asking the governor to pardon him, which the governor immediately did. That illustrates the position in which the courts are sometimes put in regard to the enforcement of statutes. For that reason I have made the suggestion, to ameliorate the hardships of the case, that where a judge is bound to direct a verdict because the act forbidden has been knowingly done by the party without his knowing or considering the law and its consequences and is yet a plain violation of a revenue statute, the court shall also submit the question of guilty intent to defraud.

We have endeavored to provide for adequate punishment in all cases of guilty intent to defraud, and to furnish relief in cases of accident or mistakes. We have sought to provide for penalties proportionate to the offense proved, which the present laws utterly ignore. To forfeit, as may be and is now done, an invoice of $50,000, because packing-boxes worth five dollars are omitted from the invoice, either by accident or design, and without inquiry as to which it was, not only violates all modern ideas of justice, but as long ago as the days of King John the barons of England required him to insert as covenants in the great charter that—

A freeman shall not be amerced for a small offense, but only according to the degree of the offense. * * * A merchant shall be amerced in the same manner, saving his merchandises. * * * None of the aforesaid amercements shall be assessed but by the oath of honest men of the vicinage.

They required him to covenant further that—

No bailiff, for the future, shall put any man to his law upon his own simple affirmation, without credible witnesses produced for that purpose.

No freeman shall be seized or imprisoned, or disseized or outlawed, or in any way destroyed; nor will we go upon him nor will we send upon him, except by the legal judgment of his peers or the law of the land.

To none will we sell, to none will we deny, to none will we delay, right or justice.

My object is to bring the revenue laws, and especially their execution, back to those old landmarks of liberty from which, under this administration, they have drifted so far.

Mr. Speaker, please hold your gavel one moment. I have sought to avoid politics in this discussion, and think I have done so wonderfully well considering the temptation; we avoid them in the Committee on Ways and Means, as the bill we have reported shows. But in closing I will say that the testimony laid by us before the House, which ought to be in the hands of every citizen, proves, and proves conclusively, that the custom-houses as now managed are sinks of iniquity, political dens supported by fraud, corruption, and extortion upon the commerce of the country.

Think of it, sir; $271,000 taken from one firm when the debt was only $1,600. The report of the Secretary (Executive Document No. 124) shows that during this administration there has been paid at the port of New York—

To informers	$491,342 26
To the collector	174,127 57
To the naval officer	162,286 62
To the surveyor	159,376 04

And at the port of Boston during the same period:

To informers	$152,798 18
To the collector	50,816 40
To the naval officer	50,817 74
To the surveyor	50,817 60

While the collectors were receiving as salaries $6,000 a year, the naval officers $5,000, and the surveyors $4,500 each besides.

Sir, these things ought not to be. No country can prosper while they are possible; no administration can be successful when the country is satisfied that it sustains, indorses, and approves them. It is a system which converts our custom house officials into mere political tools and tricksters, whose usefulness is measured not by their faithfulness in the collection of the revenues but in the power they can bring to bear to control primary elections, pack conventions, stuff ballot-boxes, and subvert the fundamental principles of republican government in the interest of the political tricksters to whom they look for support and on whose influence they can rely to sustain them against all efforts at exposure.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. BABCOCK, his Private Secretary, who also informed the House that the President had approved and signed bills of the House of the following titles:

An act (H. R. No. 3255) to establish an assay office at Helena, in the Territory of Montana;

An act (H. R. No. 3161) to enable the Secretary of War to carry out the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River," and for other purposes;

An act (H. R. No. 363) for the relief of Lucius A. Rountree;

An act (H. R. No. 368) for the relief of James Long;

An act (H. R. No. 826) for the relief of Elias C. Boudinot;

An act (H. R. No. 2086) for the relief of R. W. Clarke, postmaster at Brattleborough, Vermont;

An act (H. R. No. 555) for the relief of McClintock Young, of the State of Maryland;

An act (H. R. No. 1945) granting a pension to Juliet E. Hall, daughter of William Hall, late colonel of the Eleventh Regiment of Iowa Infantry;

An act (H. R. No. 3028) giving the assent of Congress for the improvement of the Wolf River, across the Menomonee Indian reservation, in the State of Wisconsin;

An act (H. R. No. 83) to authorize the Secretary of the Navy to remove the powder-magazine from Fort Norfolk, Norfolk, Virginia;

An act (H. R. No. 1201) authorizing the payment of prize-money to the officers and crew of the United States steamer Bienville;

An act (H. R. No. 420) to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the upper and lower bands of Sioux Indians; and

An act (H. R. No. 725) for the relief of James C. Livingston, late a private in Company E, Third Regiment Iowa Volunteer Infantry.

ELECTION CONTEST—SHERIDAN *vs.* PINCHBACK.

Mr. SMITH, of New York, from the Committee on Elections, submitted a report in the contested-election case from the State of Louisiana of George A. Sheridan against P. B. S. Pinchback, accompanied by the following resolution:

Resolved, That the evidence in this case is not sufficient to establish the right either of P. B. S. Pinchback or George A. Sheridan to a seat in this House as a Representative at large from the State of Louisiana.

Resolved, That Mr. Sheridan have leave to amend his notice of contest, if he shall so elect, serving upon Mr. Pinchback his amended notice within twenty days hereafter; that Mr. Pinchback have leave to answer such amended notice within forty days hereafter; and that upon the service of such answer the evidence of the respective parties be taken under existing laws of Congress in such cases made and provided; and that in case of default of an answer to such amended notice Mr. Sheridan be at liberty to take testimony *ex parte*, or, in case of default to serve the amended notice of contest, Mr. Pinchback may serve a notice of contest as provided by law within forty days hereafter and take testimony in like manner.

Mr. LAMAR. On behalf of the minority of the committee I ask leave to submit our views, together with the following resolutions:

Resolved, That P. B. S. Pinchback was not elected as a member of the Forty-third Congress from the State of Louisiana at large.

Resolved, That George A. Sheridan was duly elected as a member of the Forty-third Congress from the State of Louisiana at large and is entitled to a seat in this House as such member.

Mr. SMITH, of New York. I move that the report be printed, and I give notice that I will call it up in a short time.

Mr. LAMAR. I ask that the views of the minority be printed with the report of the majority.

No objection was made, and it was so ordered.

MOIETIES.

Mr. WOOD obtained the floor.

Mr. KASSON. I ask the gentleman from New York [Mr. WOOD] to yield to me to have read a short extract from the testimony taken before the Committee on Ways and Means on the controverted point on which I raised an issue with my friend from Kentucky, [Mr. BECK.] I ask to have this read, and shall make no remark upon it myself at the present time.

The Clerk read as follows:

Mr. WILLIAM E. DODGE again appeared before the committee, and was examined as follows:

Mr. WOOD. You mentioned, Mr. Dodge, in reply to Mr. Foster, the name of another member of Congress besides General BUTLER, who was in New York at the time of your settlement—Senator CONKLING. Will you please state whether, in your opinion, he was there as counsel or in any capacity from which he derived any pecuniary compensation or benefit, or in what way you suppose he was there?

Mr. DODGE. I never had the most distant idea that he was there professionally; but I believe he happened to be in New York at the time that this thing was in process of settlement, and was in council with some of the other gentlemen there, par-

ticularly, I believe, with reference to the position then occupied by Mr. Laflin. I have never mentioned his name before in the matter. My own impressions were that he had no pecuniary interest in it in any way. I have always looked upon it as a mere accidental visit on his part to the city. Still the fact that he was there in connection with the other gentlemen showed what an array there was against us.

Mr. WOOD. As these things are read in reply to the gentleman from Kentucky who is now absent from his seat, I shall object to any further reading until he is present.

Mr. DAWES. If my colleague upon the committee [Mr. WOOD] will permit a paragraph to be read from Judge Davis's testimony it will show exactly what Mr. CONKLING did. It is due to Mr. CONKLING this his exact connection with this case should be shown; and therefore in justice to him I ask the Clerk to read from page 248 an interrogatory put to Judge Davis and his answer thereto. This will show exactly what was done; and in justice to all parties it should be read.

The Clerk read as follows:

Mr. DAWES. Who participated in that discussion?

Mr. DAVIS. The statute was there, and it was read. Senator CONKLING read the statute. He had it in his hand; whether it was brought in after I came or not I do not know. He took the statute and read it over, and said it did not seem to him that there could be any doubt (I only give the substance of his remarks of course) that the true construction of the statute was that the whole of the invoice was forfeited, and that under such a state of facts he thought it the duty of the collector to bring a suit for the entire amount of the invoices, instead of for the articles affected with the fraud. I said to him that I thought that under the rules of construction adopted in the Federal courts in all the revenue cases that was the construction which would be put upon that statute. But I said that, if the question were one purely at common law, under common-law rules, statutes imposing penalties and forfeitures were to be construed in the milder sense *(ameliore sensu.)* I thought the highest court would give the construction that would apply the forfeiture to the articles actually affected, but I understood that the tendency of the Supreme Court was, as shown in the wine cases, the Cliquot case and some other cases, had been to give to those statutes a rigid construction on grounds of public policy, and that I thought the Supreme Court would give the construction which he gave to the statute.

Mr. WOOD. Mr. Speaker, in the remarks which I shall submit on this bill I do not expect to be very interesting or entertaining to the House. It is an important subject, and should be discussed from a standpoint somewhat different from what we ordinarily adopt here in our debates. I shall not repeat what has been said by my colleague [Mr. ELLIS H. ROBERTS] with reference to the details of the bill. He has gone over that ground, and it will be entirely unnecessary for me to make remarks which would be but a mere recapitulation of what he has said as to them.

Nor shall I attempt to deal with the *personnel* of this matter so far as the practice under the existing revenue laws is concerned. While I concede that the very gravest errors, and indeed the utmost oppressions have been committed upon the part of the Government officers in the practical application of the laws, and have been justified under color of the laws themselves, yet my friend from Kentucky [Mr. BECK] has so ably and so truthfully presented that aspect of the question that I will not attempt to follow him in that direction.

It shall be my aim, therefore, before approaching the bill itself as it affects the existing laws, to deal with certain general propositions, to declare certain principles, to enunciate certain fundamental doctrines which should underlie and form the basis for all measures of Congress having for their object the raising of revenue. Because, sir, in exercising that which I deem to be the highest power of the state, that of taxation, we should be guided by certain general principles. Our legislation, while protecting the interests of the Government on the one side, should be so adjusted as to be fair and equal in its application to the humblest individual upon whom it may operate on the other side.

It has been said that the power to issue money and to regulate its value is the highest of all sovereign powers. I take exception to this declaration. In my judgment there is even yet a higher prerogative, and that is the power of taxation. When a government issues what is called money and declares its value, it establishes simply a medium of trade, a circulation of credits, by which the exchanges of commodities may be conducted and a universality as a standard of value made applicable to all within the sphere of its operation. So long as the creation of this circulating medium is limited to its origin and control and it becomes generally recognized and accepted, there is no infringement upon the individual rights of property. But the power of taxation is of a different character. It is an exaction upon the property and industry of the people. It is a demand upon both capital and production, and deprives every individual of a proportion of his means of subsistence if he is poor, and of his wealth if he is rich. Its operation is arbitrary and positive; its effect is unrelenting and certain. Men yield to it from necessity, having no recourse but compliance. In all countries, whatever may be the form of government, whether liberal or despotic, this fact is recognized because it cannot be avoided. Governments to exist must be maintained, and to be maintained they must be supported, and to be supported each citizen must contribute his quota. This principle is of universal application, alike operative in either republics or monarchies; hence I say that the power to tax is the greatest of all powers, the highest sovereign power, the power of the state which is universally adopted and universally recognized.

But while this fact is established everywhere, nations have differed materially as to the manner of taxation. Various methods have been adopted by the most enlightened nations to procure revenue. The highest order of statesmanship has been exhibited in devising schemes by which the burdens thus imposed should be equitably adjusted. Within this last century more liberal principles have been made applicable to the system, and the rights of the people more justly considered; and it is interesting to note the gradual amelioration which has taken place in the imposition of moneyed exactions for governmental purposes. As free principles and the common rights of man have become more generally recognized, greater attention has been paid to this subject; so that what was once demanded as a right and obtained by force is now settled by popular approval and assented to upon principles of policy and equality.

It is not necessary for me to consider the various methods suggested and adopted of raising revenue even in these more liberal days, or to discuss the questions involved in the several propositions as to direct or indirect taxes, or as to whether we should levy them upon wealth or production or population. It is not pertinent to my purpose to take exception to the present system adopted in this country which is in effect that all taxes are levied upon the consumer. This fact is generally accepted and equally applicable to every mode heretofore adopted in the United States.

Whatever agencies may pay the money into the Treasury, the final contributor is he who consumes the article taxed, and it makes no difference whether the tax is imposed through what is called our internal-revenue system upon internal production, or whether through the customs system upon the foreign production. But while this is true, it is equally true that the class which exchanges and which may be called the intermediary class, standing between the producer and the consumer, and between both and the Government, is interested in and affected by not only the peculiar character of the laws which levy the contribution, but also in their mode of execution.

If by these laws or their administration this class is subjected to impositions and exactions by the Government, it will naturally endeavor to protect itself by throwing upon the consumer the additional burden thus incurred, so that he is compelled to bear not only his own proportion of the public requirements, but, in addition, a compensation to the intermediaries for the trouble and expense which they have submitted to and which does not reach the public Treasury at all.

While the great burden of the public expenditure is borne by the people at large, there are but few who pay it into the Treasury. These I call the intermediaries—a class composed of the merchant and the trader. It being conceded that the consumer is the final contributor of the tax, and yet does not pay it directly to the Treasury, those who do pay it are, as it were, agents of the Government for that purpose. They are, so to speak, an outside, semi-official, unpaid force, which the Government uses for the purpose of procuring its revenues. It is a distinctive, independent agency, standing aloof from both the Government and the consumer, and yet with inseparable connections with both, and which is not appreciated by either.

Now, while it is true that the consumer pays the revenue, it is equally true that there must exist an intermediary agency between the consumer and the Government itself. And here is a position which I desire to impress upon the minds of members of this House in connection with the question immediately before us. There is an intermediate agency, an outside, semi-official, unpaid collecting force, in no way connected with either your customs or your internal-revenue system, which collects money from the consumer and deposits it in the public Treasury. This is the trading and mercantile class—a class that exists by the profits made in the exchanges of the products of the producers; but it matters not whether these productions come into our ports from abroad or whether they are the productions of our own country. This force is one as yet entirely unrecognized by the Government, too little respected by our laws, embracing a large, influential, respectable, and honorable class of our citizens, who, so far as the customs-regulations and laws are concerned, have been the objects of oppression, and who are certainly entitled, from their position and character and patriotism, to be treated justly and equitably.

So far my remarks apply to all who contribute the revenues, whether from internal or external sources, under both the direct and customs systems. We have two principal sources of collection; these are duties upon foreign importations, and that by tax upon certain articles of American production. The relative importance to the Government of these may be gathered from the following table. It will be seen upon which we rely mostly; but so far as public policy and fair dealing are concerned, that portion of the intermediary class which pays the direct tax is entitled to the same consideration as the much larger proportion which contributes the duties upon importations. (See tabular statement at top of next page.)

It will be seen by this table, kindly furnished to me by the Bureau of Statistics, that of the $1,987,042,367 revenue collected throughout the United States for the last five years $1,160,600,747 have been drawn from duties on imported goods. At the present a much larger proportion is derived from the same source, the revenue from internal taxes having been decreased by recent changes in the laws.

The persons who pay these duties into the Treasury as a general thing are men of the highest character, distinguished in every walk of life as citizens of prominence, intelligence, and affluence. In their several communities, as a class they stand foremost in patriotism, benevolence, enterprise, and liberality. If no other influence than self-interest operated upon them to compel probity and obedience to the

Statement showing the receipts from the undermentioned sources during the fiscal years 1869 *to* 1873 *inclusive.*

Sources of revenue.	1869.	1870.	1871.	1872.	1873.	Total.
Customs, (currency value)	$239,464,407	$239,282,200	$231,022,857	$240,171,018	$210,660,265	$1,160,600,747
Internal revenue	158,356,460	184,899,756	143,098,153	130,642,177	113,729,314	730,725,860
Direct tax	765,685	229,102	580,355	----------	315,254	1,890,396
Public lands	4,020,344	3,350,481	2,388,646	2,575,714	2,882,312	15,217,497
Tax on circulation, deposits, &c., of national banks	5,915,384	5,844,451	6,003,584	6,523,396	6,830,037	31,116,852
Customs fines, penalties, and fees	734,415	893,271	952,579	1,136,442	1,169,515	4,886,222
Fees—consular, letters-patent, steamboat, and land	1,820,118	1,864,734	2,055,629	2,284,095	1,877,221	9,901,797
Miscellaneous*	5,527,421	3,724,569	12,268,463	4,412,254	6,770,289	32,702,996
Total	416,604,234	440,088,564	398,370,266	387,745,096	344,234,207	1,987,042,367

* Sales of Indian trust lands, tax on seal skins, proceeds of sales of public property, storage, rents, reimbursements, &c.

laws, this of itself would be sufficient. They could not afford to be dishonest if they would. Their stake in the good order of society and the security of property is too great for them to follow the perilous course of the cheat or to hazard the consequences of attempting to defraud the Government.

The history of our country presents in unmistakable language the high patriotic character of the mercantile interest as a class. Every school-boy knows the American Revolution would have been a failure but for the moneyed contributions to the cause by the merchants of that day. Morris of Philadelphia, and Hancock of Boston, were foremost not only in the contribution of talents, patriotism, and services, but especially the former in a lavish expenditure of his own private means to accomplish American liberty. The second war with England, in 1812, in which the merchants mostly suffered, because it was a war upon the ocean, would have resulted disastrously but for the aid the merchants furnished.

And it is within my own personal knowledge that the first loan required by the Government to sustain the Union cause in 1861 was promptly met by the merchants of the city of New York, who, acting through a few banks, raised the $40,000,000 asked for by the Secretary of the Treasury, and throughout that war, during its darkest period, when we had little public credit, the contest was sustained solely by the united pecuniary efforts of the merchants of that city. But for its wealth and liberality the credit of our Government would have been depreciated to a greater extent than was continental money in the days of the Revolution. It is true that the great wealth of New York enabled it to do this; but it is also true that that wealth has been mainly derived from its foreign commerce, and that that foreign commerce has been conducted by the class whom the revenue laws and their mode of execution have branded as knaves and swindlers.

But let me not be misunderstood. I claim no consideration for the merchants and importers of that city in consequence of these things. If I understand the feeling of the importing merchants of the United States, not only in the city of New York but elsewhere, they require no discrimination in their favor in the enactment of legislation to collect your revenues honestly and faithfully. They want no undue advantage; but, sir, they do not want to be discriminated against; they do not want laws passed which single them out as a dishonest class who are lying in wait for the purpose of defrauding the Government of its honest revenues. They want to be dealt with fairly and equitably. They care not how severe you make the penalties for an invasion of the law; they care not how much you may punish any man who attempts to defraud the customs revenue in the importation of merchandise; they care not what penalties you may impose; but they do want fair dealing and justice. They do not presume upon their support of the Government in its darkest periods from its origin down. They will give their hearty support to the enactment of any legislation necessary to sustain the interest of the Government and collect its revenues.

But, sir, men whose social and personal position through life has been without a blemish do not want to be put upon the same footing with another class of persons who I must admit exist in all mercantile communities and who seek to prey not only upon the Government but upon their neighbors.

Nor do we ask that there shall be any relaxation in the vigilance of the Government in the collection of its just dues. It is our interest to prevent fraud by smuggling or undervaluations as much as it is the interest of the Government. The prosperity of trade is much dependent upon the integrity of those who conduct it; and the supremacy New York has attained in her commercial character is as much owing to the honor and intelligence of those who represent it as to any physical advantages she possesses.

Can it be considered sound public policy to frame and execute laws based upon the theory that such a people are naturally dishonest? Is it wise in obtaining revenue to throw every possible obstruction in the way of its collection? Those who want money in the ordinary transactions of life are not apt to resort to expedients which must ultimately defeat their object. Is it not rather our duty as a Government to nourish, protect, and encourage the source upon which we mainly depend for revenue? Should we not so devise our legislation and the mode of its execution as to enlarge the area of our foreign commerce by promoting its prosperity and dealing fairly with its agencies? Such a course is deemed wisdom in all the pursuits of trade, and certainly cannot be wrong when applied to the public interest.

Now, sir, what do the merchants complain of? What is the effect of the bill reported by the Committee on Ways and Means? What is the object of the delegations of merchants thronging the doors of the Committee on Ways and Means and keeping that committee in constant labor for the last three months? What do they want? Sir, I will tell you briefly what they complain of before I tell you what they want.

Merchants for several years have endured vexations and annoyances which at times have amounted to oppression, of which the public know little. Let me say, Mr. Speaker, in this connection it is almost impossible for gentlemen here, brought from distant portions of the United States to the sea-board, whose pursuits and avocations at home have not been directed to the peculiar character of the laws for the collection of the revenues upon the sea-board—it is impossible they could have become acquainted with the difficulties surrounding the importers of merchandise under existing laws and their execution.

The delicacy of a merchant's standing and credit is of such a nature he naturally shrinks from giving publicity to his grievances when he comes in contact with the Government. In Europe, as well as in New York, Boston, and Philadelphia, the mere fact a merchant is in difficulty with the Treasury Department or difficulty with the Government is of itself, in the absence of any other statement of the case, *prima facie* evidence that something is wrong on the part of the merchant. When that merchant has a competitor next door, probably a rival in the same trade, he does not even let that neighbor know he is in any such difficulty. Hence it is these cases have not had publicity. Hence it is that the merchant too often yields to the extortion and demands made upon him by the Government agents than bring before the public in any form the difficulties and controversies likely to arise.

We have recently had instances of the fatal effect upon the credit of importing merchants by publicity of the fact that they have been brought into contact with the Government. I know of the failure of three houses in New York growing out of the fact that their credit was destroyed, which to them was equal to their capital, because it was supposed the Government had laid its strong arm upon them and would take from them all the assets in their possession. Hence it is, I repeat, we need not be surprised that the oppressions and difficulties and hardships which the mercantile interests have borne in New York for so many years have not been brought to the attention of Congress previously and to the general attention of the people.

OF WHAT DO THE MERCHANTS COMPLAIN?

With these general reflections I will now make some specific applications. The importers have endured for several years vexations and annoyances which, at times, have amounted to oppressions and extortions of which the general public know little. Those have arisen not only from the character of the revenue and tariff laws, but recently from a violation of the spirit of these laws by those appointed to execute them. Under the present administration the execution of these laws (sufficiently odious and oppressive within themselves) has been directed not so much to the protection of the revenue as to further increase the individual perquisites of those appointed to enforce it. While the latter purpose appears to have influenced the law-makers at various times, nothing has been done to ameliorate the condition of those who are subjected to these laws, or to lessen their liability to unnecessary interference and unjust exactions.

It is not my purpose to enumerate and to discuss at length the history of these laws, and the many grievances of which the merchants complain as to their effect and operation. I will enumerate and classify some of the evils of which they have been productive.

First. They authorize the seizure, removal, and detention, without notice, of the private books and papers of a merchant, to be used as evidence against himself, in contravention of the common law and of the fourth amendment of the Constitution of the United States, which declares that "the right of the people to be secure in their persons, houses, papers and, effects * * * shall not be violated."

What alterations may be made in these books and papers by the detective who is interested in defeating the merchant under the moiety principle is not known. The books themselves are seized, it may be at the dead hour of the night, while the merchant is on his pillow in slumber, taken into custody and put into a den in the New York custom-house and held there by some agent of the Treasury

Department, to do with what he pleases, until he produces them next week, or the week after, or a month after, as evidence against the merchant to make him convict himself. Sir, if this were not in direct contravention of the provision of the Constitution of the United States which declares the right of the people to be secure in their houses and papers, it would be a violation of our common feeling of humanity. It would be a violation of the sense of every man in the community of personal right, of his secrets, of his home, of the dearest and nearest privilege which belongs to himself, and cannot be taken away.

Mr. TREMAIN. Let me ask my colleague a question.

Mr. WOOD. Certainly.

Mr. TREMAIN. Before passing from this subject I would like to learn how, consistently with the argument you have now so forcibly presented, you can vindicate and sustain the third section of the bill which says in all cases of penalties and forfeitures, unless the merchant brings his books into court, the allegations of the district attorney shall be taken as confessed against him as to the particular point specified.

Mr. WOOD. I remind my colleague that the chairman of our committee, the gentleman from Massachusetts, [Mr. DAWES,] has moved to strike out that section.

Mr. TREMAIN. I was not present when that amendment was offered, and was not aware of it.

Mr. WOOD. And I will also say in that connection that my other colleague on the committee [Mr. ELLIS H. ROBERTS] stated, I think without thought, that a minority of the committee had inserted this third section. It was done by a majority of the committee after a great deal of deliberation and debate.

Mr. ELLIS H. ROBERTS. But my colleague will do me the justice to say that I rectified the statement on the instant the word escaped from my lips. Of course it was done by a majority.

Mr. WOOD. While on this point permit me to say that I was one of the members of the committee who had some apprehension as to the effect of an entire repeal of the existing law with reference to the seizure of books and papers without some such provision as most of the States have.

Mr. TREMAIN. Is there any State which has a provision that in a proceeding for a penalty or foreiture a defendant can be required to produce any evidence, or give any evidence, and that in his default to do so anything shall be taken as confessed against him?

Mr. WOOD. My colleague is a very able and a very correct lawyer, and is no doubt more familiar with the laws of the several States than myself. But the idea which the majority of the committee had, and which they endeavored to ingraft in the third section of the bill, was that there would be no general system operating which would be operative equally everywhere in the United States courts without the adoption of some such provision as this, because, as we understand it, it is the practice of the United States courts to adopt very much the practice of the State courts.

Mr. TREMAIN. That is all very correct. But the point about it is that you compel him to produce his books in a suit for a penalty, or else the allegations against him are to be taken as admitted. Now, I am not aware of any rule in the State or Federal courts that is analogous to the one in your bill.

Mr. WOOD. My colleague may be strictly accurate, critically accurate, if you please, but I think that in our own State there is a law providing that in a suit between individuals any writings, books, or papers of a merchant may be taken into custody.

Mr. TREMAIN. That is in a civil case where there is no question of penalty involved. But the provisions in this bill are in reference to cases where a penalty or forfeiture is involved. I wish to know whether my colleague sustains the section as reported in this bill?

Mr. WOOD. I understand that the suggestions of my colleague are prompted by the chairman of the committee.

Mr. TREMAIN. They are none the worse for that.

Mr. WOOD. I will be able to deal with the third section when it comes up for action. We are now engaged in the general debate on the bill. I suppose we will discuss the bill by sections. My remarks at present are of a general character.

Mr. DAWES rose.

Mr. WOOD. I hope my friend, the chairman of the committee, who is so learned in the law, will allow me to proceed with the discussion of the bill in its general aspects.

Mr. TREMAIN. I was anxious to know whether, as my colleague was laying down correct principles, he was sustaining his bill in connection with those principles.

Mr. WOOD. I had intended to refer to that before concluding my remarks.

Second. In making custom-house officials judges to determine the validity of seizures and penalties, and giving these officials a large interest in the pecuniary results derived therefrom.

Third. In creating a secret detective force of spies and informers, clothed with the official authority of the Government, and with power to destroy the commercial reputation and private character of any importer, and with no compensation but that which is derived from the fears or the guilt of the party accused.

Under the present law the judges who are to determine the criminality of the merchant are themselves pecuniarily interested in their determination of that question, and therefore in the bill reported by the committee we have repealed everything which gives to the custom-house or Government officials any part of the penalties or forfeitures incurred by an importer in his attempt to evade the law. Under the present law, however innocent a man may be of any attempt to defraud, if by an error of a clerk, if by a mistake in the addition of a column of figures, if by the omission upon an invoice of a trifling expenditure incurred, such as cartage, and that invoice does not cover every cent of the cost of transportation, the merchant is treated as a criminal; he is made to forfeit the whole invoice or the whole cargo, if he is the importer of a whole cargo and it is on one invoice; he forfeits the whole although the error may have amounted to but five dollars. You would scarcely believe, Mr. Speaker, the House would scarcely believe, that the forfeiture in the case of Phelps, Dodge & Co. amounted to $1,750,000 for an alleged attempt to keep $1,600 out of the Treasury upon duties on imported goods. That is the best illustration of the working of the whole system that could possibly be presented. The penalty is so much in excess of the extent of the wrong that it is in violation not only of the common law but of common justice. It is scarcely possible to conceive that in this nineteenth century, in this great, free, and intelligent country, in this land of boasted civilization and liberty, not only the honor but the property of men may be subjected to such great penalties for a trifling, accidental mistake. Sir, it is almost impossible to conceive that such a state of things can exist in our day and in our land; and yet, sir, they do exist, and our bill seeks to repeal the law which permits these abuses.

Fourth. In giving all of the above agencies of extortion and oppression the assistance of the United States district attorney, the sole prosecuting criminal power, who is himself encouraged by a commission of 2 per cent. upon the amounts of money thus collected.

Fifth. It forfeits to the Government and to the officials above enumerated an entire invoice of merchandise, however large, though but one article of comparatively trifling relative importance may have been undervalued; thus violating a principle of law and justice which measures punishment according to the extent of the crime.

Sixth. In making no distinction between the penalties imposed for erroneous omissions of charges in the aggregate value of an invoice of foreign goods and an attempt to evade the law by criminal undervaluation, punishing both alike, and imposing a like penalty for each offense.

Seventh. In adhering to the system long since discontinued in Europe of allowing moieties to officers of the Government; which, in contravention of a sound public policy, offers inducements to those clothed with authority to exercise *that authority* in the pursuit of private avarice, whoever may suffer, or however greatly the good name and welfare of the Government may be imperiled.

Eighth. By the continuance and enlargement of this principle of wrong, they have deranged commerce and obstructed importations, lessened the revenue therefrom, and alienated the affections of a large class of liberal and patriotic citizens.

Sir, the criminal officer of the Government aids the Government agents to perpetrate these outrages with his power to indict, to try and to punish, and he aids them because he receives 2 per cent. on the amount collected. He assists them by his stupendous power of criminal prosecution, in addition to the powers given to the official agents of the Government in detecting frauds. Your informer detects; your custom-house officer denounces; your district attorney prosecutes, and all are paid, not by the Government, but by the merchant against whom the charge is thus made and against whom it is thus the interest of these persons to make such condemnation. If they cannot get a whole pound of flesh they will take what they can get, as in the case of Phelps, Dodge & Co. when they took $271,000 although the amount claimed was $1,750,000.

Madison, in the first Congress which discussed and passed the tariff law of 1789, in speaking on the subject, said:

> A national revenue must be obtained; but the system must be such a one that while it secures the object of revenue it shall not be *oppressive* to our constituents.

I deem this declaration, coming from such a source at such a time, as almost equal to a constitutional provision.

It is directly applicable to the present execution of the revenue laws, and should be heeded and strictly observed both by the law-making as well as the law-executing powers of the Government. But we are not without constitutional directions to the same effect. There are two provisions which bear upon it, and which in my opinion have been violated. The authority under which Congress can levy and collect taxes, duties, imposts, and excises (article 1, section 8, of the Constitution) also contains an express inhibition, in these words:

> But all duties, imposts, and excises shall be *uniform* throughout the United States.

As our revenue laws are now executed the duties and imposts are not uniform throughout the United States.

The concentration at the chief ports of entry of the frequent and indeed constant interference with the importations by the unnecessary obtrusion of Government officials, operates as an additional tax upon importations. They cause expenses and outlay of money outside and independent of the duty imposed by law. Importers are subjected to an additional tax in consequence, which in the aggregate increases to no small extent the cost of importation. This is especially true of those places where, like New York and Boston, the importations are large. In other and minor ports of entry no such difficul-

ties exist. I submit, therefore, whether the laws and the machinery provided to execute them, as operative in New York and Boston, do not in effect create a discrimination in favor of other cities which destroys that "uniformity" of operation which the Constitution requires.

The Constitution orders that all taxes or duties imposed upon foreign goods introduced into the United States shall be uniform in their bearing; that is, that no higher tax shall be levied in one State than is levied in another, that the imported merchandise introduced into the port of Philadelphia shall bear no higher duty than that imported into any other port. It is not sufficient to say that the tariff laws make no distinction in that they are alike operative everywhere throughout the United States. Under the present system the mere duty imposed by the tariff upon any article does not comprise the whole tax levied upon it by the Government.

If, as for instance by the regulations of the Treasury or through the avarice of Treasury special agents stimulated by the moiety or any other cause, additional expense is imposed upon importations at any one port, other and in addition to that fixed by law upon all, it is in effect not "uniform," and consequently in violation of that clause of the Constitution which requires uniformity.

Nor is this the only section of the Constitution which bears upon this question. The ninth section of article 1 provides that "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." This clause is more plainly violated than the eighth. Great preference has been given to the port of Philadelphia, for instance, over New York, because at the former port but one or two cases of extortion, causing large money exactions from importers, have occurred, while at the latter port they have been of daily occurrence for five years. This preference has been shown also in appraised valuations upon which duties have been levied, when at some places much higher rates have been established than at others for articles of the same value. The bill presented by the Committee on Ways and Means will go far to prevent many of these abuses and secure to a greater extent all the revenue imposed by the tariff acts of Congress. As a whole, the bill is a good one. While there are one or two features of it I think of doubtful policy, yet I am unwilling to hazard its passage by making opposition to them at this time. In my judgment the bill should be adopted, and if those appointed to carry it into effect shall faithfully perform their duties and be satisfied with the large salaries and receipts to which they may be entitled, and shall deal fairly and equitably with the merchants, we shall hear no more of the outrageous exactions, extortions, and oppressions which have recently been perpetrated upon them and which have not only disgraced the American character but retarded commerce and lost revenue to the Treasury.

It is true that under no laws which can be framed can the people have relief from oppression unless the officers who are appointed to execute them are themselves honest and faithful. We can devise no system not liable to abuse. We must have honest administration to secure good government, and until a reform thorough and complete shall be effected in the *personnel* of the custom-house and other officials, no laws that Congress can pass will accomplish all that is required. At present this cannot be done. All that can now be accomplished is to take away the legal justification which exists in favor of these corrupt officials and which gives them legal sanction in their wrongdoing, so that even the color of law under which they claim to act shall no longer exist. The bill printed by the committee will do this, and I hope the House will pass it without delay.

As showing the discrimination in levying duties, I beg to refer to the evidence given before the Committee on Ways and Means by a committee of the steel consumers of the United States, to the effect that fifty-eight pounds per ton net was the appraised value of a certain class of steel imported into New York, while at Boston it was fifty-eight pounds, 10 per cent. off, for the same article. Here is a difference which affects the cost of the steel and which adds to the duty at one place 10 per cent. more than at another. Notwithstanding that the tariff law fixes the duty uniform, the practice under it is not uniform.

Now, sir, the bill as reported by the committee is, in my judgment, defective only in one regard. In one regard I deem the bill radically wrong. We have abolished the principle of moieties; that is, we have taken away from all officers of the Government, and from all detectives and agents, if you please, any share or interest in any article forfeited in consequence of any attempt to evade the law. The word "moiety" means half; and under the principle of existing law one-half is forfeited to the informer, and the other half goes to the Government. But there has been so much wrong-doing under the system, it has become so odious, and it is so much in contravention of the spirit of the day, that the committee were unanimous in their desire to rid the country of it.

But in the fourth section of this bill the majority of the committee have incorporated a principle which in my judgment is equally objectionable. They propose to give for the employment of detectives in smuggling cases a sum to be appropriated by Congress and to be used in the discretion of the Secretary of the Treasury. It was defended upon the ground that upon our frontier where smuggling was so frequent and easy of accomplishment, it was necessary to have detectives and to pay them in this way. In the origin of this Government, when Hamilton drew the first tariff bill, we had nothing but smuggling to provide against and the principle of allowing moieties arose entirely in the effort to attempt to detect frauds by smuggling, not frauds in invoices. We had then no revenue cutters as now; we had but an illy regulated custom-house, and no modes and agencies for detecting and prosecuting frauds. We therefore gave a moiety for detecting smuggling.

This bill is defective inasmuch as it perpetuates the same odious principle, only changing the word moiety to that of rewards for detecting smuggling, and not detecting evasions of the law by undervaluing goods. I am for the abrogation of the whole system, and I give notice that if this bill shall pass, whenever an appropriation bill comes up which proposes to give $100,000 or $200,000 to be disposed of at the discretion of the Secretary of the Treasury, who himself tells us that he does not know how the secret service fund in his Department is disbursed, I shall oppose the appropriation of any money to pay any agent of the Government or any outsider for detecting smuggling, and allow the Secretary to pay him at his discretion. That is one of the sections of the bill to which I object. While I will not oppose the bill on that ground, and may not move to strike out that section, I would not be performing my whole duty in this debate if I did not declare that in my judgment that section of the bill is continuing the same odious practice, calling it rewards and asking Congress to create a new system and organize an outside detective force without official responsibility to the Government itself.

It may be that the Treasury agent who has been so active and successful in the prosecution of the merchants, and who has amassed so much money thereby, may organize, under this bill, in New York, an outside secret detective custom-house official agency. He takes no oath, he gives no bond, he holds no office under the Government; but if, under this bill, he should detect smuggling, he could go to the Secretary of the Treasury, and, with the outside influences which he evidently knows so well how to bring to bear, demand his compensation, and Congress would appropriate the money to pay it. I am opposed to this section, and shall never vote a dollar for that purpose. If detection of smuggling is to be rewarded, let money come from the results of their detections. If they detect smuggling, let them receive a portion of the result of the goods smuggled or attempted to be smuggled, and not let them be paid out of the public Treasury.

There are other considerations I had intended to present, but the hour having expired, I yield the floor.

During the delivery of Mr. WOOD'S remarks business was suspended to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill (S. No. 828) for the relief of Alexander Henderson; in which the concurrence of the House was requested.

The message also informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, a bill (H. R. No. 2078) for the benefit of occupying claimants.

The message further announced that the Senate disagreed to the amendments of the House of Representatives to the bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BUCKINGHAM, Mr. BOUTWELL, and Mr. DAVIS as conferees on the part of the Senate.

The message further announced that the Senate had passed a resolution, in which the concurrence of the House was requested, directing the President of the Senate and the Speaker of the House of Representatives to adjourn their respective Houses without day on the 22d day of June, A. D. 1874, at twelve o'clock noon.

ADJOURNMENT SINE DIE.

Mr. DAWES. I ask unanimous consent to take up for consideration at this time the concurrent resolution from the Senate for an adjournment *sine die*.

Mr. WOOD. I yield for that purpose.

Mr. KASSON. I object to its being called up and acted upon without being referred at all.

Mr. RANDALL. It is a privileged resolution.

Mr. WOOD. I yield that it may be acted on.

The SPEAKER *pro tempore*, (Mr. LAWRENCE in the chair.) Does the gentleman from Iowa [Mr. KASSON] insist on his objection?

Mr. DAWES. I believe that it is a privileged question, and I desire to call it up and ask the previous question upon it.

Mr. KASSON. I ask if that is in order pending my objection?

The SPEAKER *pro tempore*. It is not in order pending the objection.

Mr. KASSON. I insist on the objection. The House can act upon the resolution after a night's consideration better than it can now.

MOIETIES.

Mr. WOOD then resumed and concluded his remarks.

Mr. KASSON. I had hoped that it would not be necessary for a member of the committee, who had not prepared any speech on this question, and who had no party purpose to accomplish in this investigation, to address the House upon the subject of this bi'l. But when my worthy colleague on the committee who reported the bill [Mr.

ELLIS H. ROBERTS] thought proper to express impliedly his own dissent from one section of the bill which the majority of the committee regarded as a very important section, and when another worthy colleague on the committee, the gentleman from Kentucky, [Mr. BECK,] attacks with all his force one of the provisions of the bill, and when another friend and distinguished gentleman upon the committee [Mr. WOOD] implies that he would like something else to accomplish the same purpose in a better mode, it is evident that somebody should have the boldness to state to the House the reasons why it is that the section attempted to be condemned exists and should be retained.

I avow the principle that whatever sustains the interest of the honest merchant sustains the interest of the Government; and whatever regulation of procedure may tend to guard the Government against fraud tends equally to guard the honest importers of this country against an unlawful competition on the part of men who dare to defraud unless there are means provided for the detection of such frauds.

It is because I believe in this identity of interest between the merchants and the Government that I condemn, as heartily as any man on this floor, laws which allow extraordinary powers, in the name of the Government, to interested men, tempted by the acquisition in a single day of an enormous fortune.

But, on the other hand, in view of the strong temptation which we all of us feel to sweep away everything that has been connected with the outrages practiced in New York especially, and to some extent in Boston, I feel it the duty of the Committee on Ways and Means to warn the House in some form against sweeping away every barrier against a flood of fraud which is employed by the dishonest to evade the payment of the duties imposed by the Government, and paid by the honest.

And in this I am supported, as my friend from New York [Mr. WOOD] knows, by a majority of the merchants who made their appearance before the committee, who demanded no such thing as sweeping away all these guards, and who admitted what I have now stated, that it is their interest as well as that of the Government to have the means of detecting and punishing the frauds which it is conceded have been perpetrated to the great detriment of the honest importer.

Now, sir, the proposition to which I wish to address myself is that of the third section of the bill, which my friend from Kentucky [Mr. BECK] denounces as almost, though I think not quite, an attack upon the Constitution of the United States, and especially an attack upon the rights of citizens of the United States.

In order that the House may understand it I ask the Clerk to read the provisions of the present law found in the second section of the act of March 2, 1867. This is the existing law touching the seizure of books and papers, which we propose to repeal absolutely.

The Clerk read as follows:

Whenever it shall be made to appear to the satisfaction of the judge of the district court for any district in the United States, by complaint and affidavit, that any fraud on the revenue has been committed by any person or persons interested, or in any way engaged in the importation or entry of merchandise at any port within such district, said judge shall forthwith issue his warrant directed to the marshal of the district, requiring said marshal, by himself or deputy, to enter any place or premises where any invoices, books, or papers are deposited relating to the merchandise in respect to which such fraud is alleged to have been committed, and to take possession of such books or papers and produce them before the said judge; and any invoices, books, or papers so seized shall be subject to the order of said judge, who shall allow the examination of the same by the collector of customs of the port into which the alleged fraudulent importation shall have been made, or by any officer duly authorized by said collector. And such invoices, books, or papers may be retained by said judge as long as in his opinion the retention thereof may be necessary; but no warrant for such seizure shall be issued, unless the complainant shall set forth the character of the fraud alleged, the nature of the same, and the importations in respect to which it was committed and the papers to be seized. And the warrant issued on such complaint, with report of service and proceedings thereon, shall be returned as other warrants to the court of the district within which such judge presides.

Mr. KASSON. That, Mr. Speaker, is the provision of the present law under which whenever a judge is applied to he may issue his warrant to a marshal of the United States directing him to enter the premises described, and to seize the books, papers, and invoices referred to. Under this provision of law the largest portion of the complaints have arisen—not so much in consequence of the execution of the law, (though I hold it to be an obnoxious law and one which ought to be repealed,) but rather because the subordinate officers of the customs have gone into counting-rooms with this law in their hands and the merchants of New York, many of whom believed there was no dishonesty in their books, have said to the officer, "There is no need of taking out a warrant; you may have these books and examine them." Under these circumstances, obtaining possession of these books without a warrant, the officers have, as in the case of Phelps, Dodge & Co., held on to those books; they have explored their pages from beginning to end; they have examined everything in detail; and they have thus found technical frauds, (not frauds in intent,) under which fines and forfeitures amounting in the aggregate to enormous sums have grown up, and the payment of which they have claimed. Thus under the administration of this law, both through the judge and without the judge, it has become absolutely offensive and a stench in the nostrils of New York and other mercantile cities of this country.

Now, sir, we propose to repeal that provision; and instead of that law under which books have been taken and held for months—have been taken by consent to avoid the enforcement of the law—this bill proposes to do what? It provides that when a suit has been commenced—the existing law does not require a suit at law—when a suit shall have been commenced notice may then be issued by the attorney representing the United States to the merchant, telling him to produce in court specified books, papers, and invoices, being limited to business books and papers exclusively; and when produced in court they may be subjected to the examination of the prosecuting attorney of the United States, and evidence furnished by them may be used, not in criminal actions but in civil.

Now, Mr. Speaker, it is said that this is an outrage; yet every lawyer on this floor knows that by a *subpœna duces tecum* you compel witnesses to bring such books into court; every lawyer knows that there is a process by which, through a bill of discovery, you compel a party to produce papers in his possession. Every lawyer knows that the law could not be enforced in many cases without the ability to require the production of books and papers. Taking this into view it is proposed here not to leave the court in one State to say that a *subpœna duces tecum* shall be issued; or the court in another State to resort to a bill of discovery. We do not propose to adopt either of these different modes of practice which are slow and ineffective, which delay justice and often enable a dishonest man to import his goods fraudulently to the ruin of the honest competing merchant.

Mr. TREMAIN. Is it not a familiar rule of evidence that both in civil actions for a penalty and in an equity proceeding by bill of discovery the defendant can never be required to produce books or give evidence that may tend to charge him with a penalty or forfeiture?

Mr. KASSON. I do not know the rule to be as broad as that. I leave it to be discussed by lawyers. I do know that since 1789 you have had upon your statute-books, not merely to enforce penalties and forfeitures in favor of the United States, but to protect honest merchants against dishonest merchants, a law that was intended to accomplish the same purpose. I send to the Clerk to be read the fifteenth section of the judiciary act of 1789. I do not want this House to be misled on the subject of books and papers by a supposition that this committee has recommended to the House a new, wild, unjust provision for the attainment of justice. The Clerk will read.

The Clerk read as follows:

SEC. 15. *And be it further enacted*, That all the said courts of the United States shall have power in the trial of actions at law, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with such order to produce books or writings, it shall be lawful for the courts respectfully, on motion, to give the like judgment for defendant as in cases of non-suit; and if a defendant shall fail to comply with such order to produce books or writings, it shall be lawful for the courts respectfully, on motion as aforesaid, to give judgment against him or her by default.

Mr. KASSON. Now, sir, observe in all "actions at law" where if in chancery it could be reached by bill of discovery. The gentleman from New York [Mr. TREMAIN] refers to the common-law rule as if it was not within the promise of a statute to change the common-law rule of evidence.

More than that, under the statutes now in force, an oath from the importer is required that if he shall come into possession of any other and different invoice from that which he has already offered at the custom-house he shall bring that voluntarily to the custom-house and give notice of it. Now you say, though your law compels him to do this and subject it to your inspection, if by the next steamer there comes an invoice showing fraud in the first one, yet he shall not be obliged to produce the second one in a court of justice when your law has made him swear he will offer it to the collector as soon as it comes.

Mr. Speaker, I ask you what security exists for an honest importer if you give no means for ascertaining the misconduct of his dishonest competitor? If he is so bold in it that he preserves the dangerous files among his own papers, should he not be made to show them? It is not a question merely between the United States and the importer with respect to the revenue laws, but it is a question of honesty or dishonesty; and the evidence before our committee showed repeated cases where one invoice was presented at the custom-house, when another and different invoice was on file in the counting-room which they had promised to present at the custom-house, but had not done it.

Whatever the common-law rule may be, we have the right by statute to say what may be introduced as evidence before the court. The only question is whether the mode provided by this bill reported by the Committee on Ways and Means can operate harshly upon the honest man. If it operates upon the dishonest man harshly, let gentlemen get up and make their objections on that ground.

Do they say it is unconstitutional? I tell them, Mr. Speaker, a court of the United States, since this investigation commenced, has declared even that law which we now repeal, the law of 1867—has declared that law constitutional and valid; and if that law be valid in the opinion of a court of the United States, I ask you if this simple and uniform mode of getting access to and of producing the books and papers is not much more a valid and just provision of law?

Now, Mr. Speaker, this is about all there is to be said on that section unless this House is willing to decide that you shall have no means whatever of getting access to those books and papers. And remember, under the present law in respect to *ad valorem* duties the merchant must add carriage, he must add price of boxes, he must add even telegrams, he must add drayage, he must add an infinite number of odious things in order to get the *ad valorem* valuation and upon that pay the duty. Now these things are found——

Mr. G. F. HOAR. I wish to ask the gentleman a question on the point on which he now is, and the question I wish to ask is this: Suppose the United States attorney applies to the court saying he believes a certain letter, if produced, will show the defendant was guilty of some fraud or misstatement about his invoice, and the judge thereupon holds the defendant must produce that letter and determines the defendant's failure to produce it is not reasonable. Now, this statute in that case says the fact which the district attorney charges shall be taken as admitted absolutely. It does not go to the jury. Now have you not transferred the control of that question of fact from the jury to the judge in that way, in spite of the provision of the Constitution which says in all cases exceeding twenty dollars trial by jury shall be preserved?

Let me restate my question in other words. Do you not make the decision of a judge about a fact in dispute between a defendant and the Government conclusive on the question of fact by holding that the allegations shall be taken as admitted unless the judge is satisfied with the explanation of the failure to produce the books?

Mr. KASSON. The objection, if I understand it fully, made by the gentleman is more subtile than it is valid. I doubt if there is a State in the Union in which a similar provision of law is not found—that where you have traced into the possession of the defendant an important paper and he is unwilling to produce it, and does not produce it, I doubt if there is a State in the Union where in such a case the adversary's statement of its contents is not at once admitted as evidence in support of the charge.

Mr. G. F. HOAR. That is, only as evidence to go to the jury. It is not conclusive.

Mr. KASSON. Then I will come back to a higher authority than statutes of States of the Union—to the judiciary act of 1789, in which the precise principle of a judgment to be rendered on default is incorporated. I read from that act:

And if a plaintiff shall fail to comply with such order to produce books or writings, it shall be lawful for the courts respectively, on motion, to give the like judgment for the defendant as in cases of nonsuit.

There is no submission to the jury. The fact that the party is in default and does not explain the reason for the default is the reason why the courts hold this penalty over him of a judgment against him if he does not produce his books.

Mr. HALE, of Maine. I desire to ask the gentleman a question, for I do not know that there will be any opportunity for discussion. Is not this section 3 more objectionable than the gentleman from Massachusetts states it? That gentleman puts it that judgment comes by the holding of the court. Now, is it not even more than that? Does not the section provide that on an application of a district attorney, without any discretion on the part of the court, the process shall issue, and if the papers are not produced that there shall be at once default? There is not even any holding or decision on the part of a court.

Mr. KASSON. I would like the gentleman to put an interrogation mark at the end of his speech. I would not otherwise know it to be a question.

Mr. HALE, of Maine. The question is, does not this section leave it entirely under the control of the district attorney?

Mr. KASSON. I refer the gentleman most respectfully for an answer to his question to a bill "to amend the customs-revenue laws and to repeal moieties," where it is all written out in full, the bill simply declaring that the court is to issue the notice to the defendant or claimant to produce the book.

Mr. HALE, of Maine. And it says that the court "shall issue;" it does not say that in his discretion he may issue.

Mr. KASSON. Of course he shall issue, as it is the duty of all courts to issue process when proper application is made for it. But more than that, it does not say that the court is to give judgment, but that when the party fails to produce the book or to explain his failure, that allegation which has been called to his notice, of which he has been particularly notified, shall be taken to be true. There is no judgment of the court upon it. That allegation then goes to the jury.

Mr. HALE, of Maine. Is there any point in this section where the discretion of the court comes in at all? I wish the gentleman to state it fairly.

Mr. KASSON. The gentleman from Massachusetts [Mr. G. F. HOAR] complained of discretion being given to the court and none to the jury, and now the gentleman from Maine [Mr. HALE] complains that there is no discretion on the part of the court.

Mr. HALE, of Maine. There is none, either of the court or of the jury.

Mr. KASSON. I must ask my friend to study it more carefully in order that he may comprehend what the effect of this third section is.

Mr. HALE, of Maine. I have studied it very carefully.

Mr. KASSON. The provision is—

That in all suits or proceedings other than criminal.

That is the starting-point. In such suits, other than criminal, the attorney representing the Government may call for any business book, invoice, or paper belonging to or under the control of the defendant or claimant. That is a preliminary. This book or paper must be particularly described. The notice must contain the allegation which the attorney expects to prove by it. The notice must be served either personally or as original notices of suits are served upon which judgment is to be rendered against him. And if with all these guards the defendant fails to produce the book or paper and fails utterly to explain the reason why he does not, then the allegation that is brought home to his notice is taken to be true.

Why, Mr. Speaker, what is your judgment by default in all the courts of this country? What is the provision of this law upon which the judgment itself is rendered in cases of default, except that where you have brought your charge to the notice of the defendant, and he fails to respond or come into court and say why judgment should not be given against him, then judgment goes against him. Will you not allow evidence in the case to be presumed against him under like circumstances, when in every court of the Union you allow an entire judgment to go against him in case of default? I have spoken longer than I meant on this section. I only ask the House to remember that they must for the protection of honest importers give us some means to get hold of the frauds perpetrated to their injury. Gentlemen who are members of the Committee on Ways and Means will not deny for a moment that from the evidence before us we found that there were enormous evasions of duties, and that papers which ought to be submitted to the customs officers are not so submitted. No one can deny that under the present law the Government has a right to the invoices, and has a right to require the party to produce them, or to suffer default if he does not do so. I submit, in all earnestness, in behalf of the honest importers of New York, that we cannot with justice to them or to the Government surrender to these parties the right to require them to produce the necessary papers. I call further attention to the fact that the honest importer could have no fear in producing at reasonable times his papers or books, which show that his transactions have been correct and just.

Leaving that question, I only desire to call attention to one further point to which my colleagues on the committee have perhaps not given as much attention as it deserves. My friend from Kentucky [Mr. BECK] charges that the third section trenches on the Constitution. I should like gentlemen on this floor to look at the twelfth section of this bill, and to ask whether some of us are not justified in dissenting from the provisions of that section also. I will ask the Clerk to read the first eight lines of the section, which will be found on page 8 of the bill.

The Clerk read as follows:

SEC. 12. That any merchandise entered by any person or persons violating any of the provisions of the preceding section, but not subject to forfeiture under the same section, may, while owned by him or them, or while in his or their possession, be taken by the collector and held as security for the payment of any fine or fines incurred as aforesaid, or may be levied upon and sold on execution to satisfy any judgment recovered for such fine or fines.

Mr. KASSON. Now I call the attention of the gentlemen who are so fearful lest we are doing injustice to some parties in requiring them to produce honest books, or, if you please, dishonest books and papers, to the fact that they make no dissent, no charge against this section, and yet what does it do? It says that if I have shipped goods from England to John Smith, a commission merchant in New York, and in entering them John Smith in New York makes a fraudulent or erroneous entry, and incurs a fine or forfeiture on that entire invoice, and you, Mr. Speaker, make another shipment from London to the same John Smith in New York, which is duly entered, and there is no fine or forfeiture incurred, then if in the mean time they have found out that on my entry a fine or forfeiture was incurred, *your* goods to double the amount of mine may be seized and held as security, and sold on execution to satisfy the United States for my account. I know of no principle of constitutional right that can justify you in taking my property to pay your debts, or in taking your property to pay my debts. On the constitutional question let gentlemen point to that provision of the Constitution which gives to a court of the United States the right to take my property to pay your fine, penalty, or forfeiture. I commend the clause of the twelfth section which has been read to the judgment of the House, and if there be opportunity I shall be glad to move to strike out the words "or while in his or their possession," in the fourth and fifth lines, in order that the provision may be confined to the property that is owned by him or them, and which is, therefore, justly liable for the amount of the forfeiture to the Government, inasmuch as it will belong to the same ownership which was liable in the former instance. I know of no merchant that wishes this done. I know of no man in the country who desires to establish the principle of seizing one man's property to pay the debts of another.

Having spoken upon this point, I believe I have spoken on the only objectionable point in the bill to which, as a member of the committee, I give so much importance as to desire to call the attention of the House to it. I should have been glad if the Committee on Ways and Means had been entirely unanimous in all the features of the bill, and if my colleagues had made no point on the third section I do not know that I should have felt it to be my duty to make one on the twelfth section. But I do deem it, in comparison with the third section, of vastly more importance than that. The third section is harmonious with our legislation from the act of 1789 down to the present time, so far as the principle of it is concerned.

A few words now as to the general features of the bill. The evils which have called for this investigation, and the outrages which have made our blood boil, are partly owing to some honest gentlemen of New York, as honest, honorable men, I believe, as stand on the soil of the United States, who have allowed themselves to be cowed

by the authority of the minor officers of the United States Government. They should have come to Congress early and promptly, or they should have gone, as one of them at least did, to the Secretary of the Treasury and said to him, "Sir, your subordinates are attempting to perpetrate an outrage upon me."

One of them went there, and he says that Mr. BOUTWELL received him kindly and offered him every justice and gave him every facility. And yet under the terror of this one-man power in New York, surrounded by the influences of which he speaks, he refused to litigate and finally voluntarily paid the sum of $271,000. I said to him, or in his presence, as I say here, that that was his fault; that his firm should have had the courage to stand up for their rights, and put these petty tyrants under their feet.

Now if, as has been said, any of these corrupt officials have been retained in any Department of the Government of the United States, I charge the responsibility where it belongs; not on the minor men, but on the chiefs. When the chiefs of this Government knew that these men were extorting hundreds and thousands of dollars unjustly from the merchants of New York, I ask why the order did not issue from the Department requiring those cases to be brought before the Secretary of the Treasury, or dismissing the official who refused to obey that order? When you put before a man of small means the temptation of $10,000, $50,000, or $100,000, and then by your laws give him power to act tyrannously, I ask if you are to blame exclusively the man of minor power and minor position? Let the responsibility be shared between your law that permitted this to be done and the heads of the Department who tolerated if they did not encourage this action. Jayne and the others of them did what the law seems to have allowed them to do; and the law is responsible and the men who kept them in office, after they had used their power so tyrannously.

Now we propose to repeal those laws; we propose to reduce these temptations. We attempt no longer to make it for the special interest of the officers of the Government to carry out the laws of the country; but they are to administer them solely for the purpose of gathering and collecting the revenues, influenced only by the amount of the salaries allowed them. If they are in the employ of the Government, whether high or low, we do not leave them one penny in the way of moieties, not one penny in the way of reward. The theory of the bill is right. The officer who holds an appointment under the Government is bound to give the Government his best services.

But I fear the result in practice; I fear that in flying from one set of evils we will encounter others. Perhaps I should be wanting in my duty in speaking on behalf of the report of the committee in this respect if I did not call the attention of the House to the fact that about 1846 you were for three and a half years without a law that allowed to either officers or informers any moieties of the penalties, fines, and forfeitures recovered. The court construed a law of the United States as abolishing all moieties. During the three and a half years previous to that construction of the court the amount yielded by fines, forfeitures, and penalties was in round numbers $82,000. During the three and a half years from the time the decision of the court took effect, construing the law against moieties, the fines, forfeitures, and penalties yielded only $8,000 in round numbers. Then the construction of the law was changed; fines, forfeitures, and penalties were restored, and in the following three and a half years they rose to $56,000.

I say it is my duty to call the attention of this body to this fact, which was testified before the committee. Yet I am not willing by reason of this to restore the old condition of things. My only question was whether in taking away these moieties from every officer who passed judgment on the acts of the merchant we did not go far enough, and whether we ought not to leave a subordinate officer the encouragement of a moderate reward to stimulate his diligence. The committee have decided that it was wiser to take it away from all officers and employés and give it only to the outsiders disconnected with the Government. I stand with the committee, rather than make any issue here, having been heard in the committee as to the safer mode, in the interests of the public service as well as in the interests of the merchants of New York.

Now, these are the general objects of this bill. But I fear greatly that in the extreme action produced by our indignation at the outrages perpetrated we may go, by reaction, too far the other way, unless the sober judgment of this body shall be brought to bear upon the provisions of this bill. I am myself satisfied that our bill goes as far, taken as a whole, in the direction of removing guards of the revenue, removing the securities imposed by law and regulation, as it is safe for the House to go, and I trust no part of the bill will be stricken out that tends to secure the Government and the rights of the honest importer.

Mr. BURCHARD obtained the floor.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. PLATT, of New York, by unanimous consent, from the Committee on the Post-Office and Post-Roads, submitted a report upon the subject of a subsidy to the Pacific Mail Steamship Company; which was ordered to be printed and recommitted.

MOIETIES.

The House resumed the consideration of the bill relating to moieties.

Mr. BURCHARD. I do not intend to detain the House by discussing the general features of the pending measure. I desire more particularly to call attention to the section just discussed by the gentleman from Iowa, [Mr. KASSON,] and in regard to which there is an amendment pending. At first I was inclined to believe that in repealing the law authorizing the seizure of books and papers there should be some provision which would allow the Government officer prosecuting these claims the right to inspect the papers by which the Government must prove its case. But in examining the statutes in existence prior to the passage of the law of 1868 permitting the seizure of books and papers, I found that the prosecuting officer, the district attorney, had the right in a suit for the recovery of duties to require the party defendant to produce the books and papers which he deemed necessary to establish his suit, although he could not do it in a case of forfeiture. The act of 1863 allows the United States prosecuting officer to require the production or rather the seizure of books and papers for any purpose.

The difference between the law of 1789, which was in force prior to the act of 1863, and which would be again in force if we repeal the act of 1863—the difference between that law and this bill if section 3 should be adopted is that under this section the United States will be permitted to require the production of books and papers in an effort to establish a forfeiture and in case of a suit for a penalty. If we adopt the bill as it stands with section 3, we must repeal a statute of the United States enacted in 1867 which seems to have been well considered and which I ask the Clerk to read.

The Clerk read as follows:

No answer or other pleading of any party, and no discovery or evidence obtained by means of any judicial proceeding from any party or witness in this or any foreign country, shall be given in evidence or in any manner used against such party or witness or his property or estates, in any court of the United States or in any proceeding by or before any officer of the United States, in respect to any crime or for the enforcement of any penalty or forfeiture by reason of any act or omission of such party or witness: *Provided*, That nothing in this act shall be construed to exempt any party or witness from prosecution and punishment for perjury committed by him in discovering or testifying as aforesaid.

Mr. BURCHARD. The House will observe that under the law just read no evidence obtained from a party or witness by means of a judicial proceeding can be given in evidence or in any manner used against his property or estate in any court of the United States in any criminal proceeding, or for the enforcement of any penalty or forfeiture. That provision was enacted by Congress and established as a general principle to cover all cases. Now shall we adopt this measure and make an exception in the case of a prosecution to enforce a suit for a forfeiture in revenue cases? If we repeal the act of 1863, in regard to seizures of books and papers, the United States in a suit for duties has an adequate and a better remedy by virtue of the provisions of the judiciary act of 1789 than we give by this third section. It can under penalty of a judgment by confession enforce the production of books and papers. I therefore see no necessity for the adoption of the third section to aid the Government in ordinary actions, such as suits for duties. Does the House desire to repeal the provision of law just read and to which I called attention? Will it require a person to furnish evidence to be used against himself in the enforcement of a forfeiture?

I admit the force of the consideration so strongly presented by the gentleman from Iowa, [Mr. KASSON,] that the twelfth section of this bill includes a provision which is equally severe; and I hope that an opportunity will be given to vote upon an amendment which will remove the ground of criticism against that section—an amendment, in other words, to strike out so much of the section as authorizes the seizure of another man's goods and property for the violation of law, or the penalty that may have been incurred by the consignee of the goods. It seems to me that this is a harsh proceeding, and that it is sufficient that the goods of the owner should be seized for a penalty or a violation of the law to which he is liable.

Many of the very excellent provisions of this bill which have been very ably and clearly discussed by the gentleman from New York, [Mr. ELLIS H. ROBERTS,] my colleague on the committee, are as he has stated similar to those in the customs laws of Great Britain. I should have preferred, for one, that the committee had gone further in that direction, abolished the whole system of custom-house oaths; that they had been satisfied with the provision of the English system that requires the unsworn declaration or statement of the importer. It should be sufficient with adequate penalties for false statement. "Custom-house oaths" have become a by-word. They are generally of no force or validity except by reason of the penalties to be incurred and the indictment that may be presented against the importer for taking a false oath. We scarcely ever hear of an indictment or conviction for perjury of those who have sworn to false entries. There may be such convictions; gentlemen from commercial cities are of course more familiar with these matters than I am. But Great Britain, profiting from her experience, has abolished the whole system of custom-house oaths; I see no advantage in adhering to them. The committee have deemed it advisable not to be too radical but to be careful to adopt only such necessary and pressing amendments as would obviate the harshest features of the existing law.

There is another suggestion that may occur to gentlemen in considering this bill. Why should any moieties be allowed to any one, either in cases of fraudulent importation or in cases of smuggling? If the system of stimulating the officer to do his duty by giving him a share of the penalty is wrong, corrupting, injurious to the public service, why not abolish the whole system? But I will say in behalf of the

committee that this measure of reform is in the right direction, and therefore I most heartily and cordially support the bill. I do not desire to antagonize any of its features, although it might be improved in that direction. It is a bill that will remove some of the harshness of the existing law, not only as designed in its enactment but also as interpreted by the courts and revenue officers. Not deeming it necessary to discuss the necessity of the bill, or the evidence that has been presented, or the provisions of the old law, but merely to call attention to these two or three points upon which there is an antagonism, and upon which there are pending amendments, I leave the question for other gentlemen to discuss.

Mr. NIBLACK. Mr. Speaker, in the division of the work which has necessarily devolved upon the Committee on Ways and Means, I have not been required to look especially into the bill now pending nor have I performed any important service in preparing it. That duty was devolved upon other gentlemen as a sub-committee; and the bill reported is substantially the work of that sub-committee. Nor does my place of residence and the little experience which I have had in connection with these matters make me especially familiar with this class of legislation; and from the isolated position of my district, its citizens have no interest in this measure which is not common to every other interior district of the United States. I have long since been brought to realize, however, that in framing a law for the collection of the revenue, whether it be customs revenue or internal revenue, so as to make that law efficient for the collection of the revenue, it is very difficult to avoid trenching upon the rights of private citizens. Hence there is no duty devolved upon the Government, either State or national, which is more delicate than the one which provides for taxation in all its forms.

I entered upon the investigation which resulted in the reporting of this bill with a full realization of this fact, without any prejudice against the law or the precise operation of the law, desirous only to make myself familiar with the law before the investigation was concluded, and to satisfy myself whether any additional legislation was needed on the question or not.

The fact has been impressed on my mind that the machinery of existing laws is of more remarkable character in many respects than is elsewhere to be found on the statute-books of the country. Even the laws enacted during the war for the prosecution of that war, which have always been regarded by men in my peculiar position as extra-constitutional and conceded to be of doubtful constitutionality I believe by everybody on both sides of the House, were not more extraordinary in their character in many respects than the law proposed to be repealed by the bill under consideration. As the gentleman from Kentucky [Mr. BECK] well said, it may be considered one of the outgrowths of legislation from the peculiar condition in which the country found itself when this law was enacted in 1863.

The importing merchants of this country, those especially interested in this legislation, can fully appreciate and realize the force of the remark which the present Chief Magistrate of the United States made in his inaugural address, certainly in one of his first communications to the public after he came into office, that in order to demonstrate the evils of a bad law, or in other words to satisfy the country a law is bad, is to rigidly enforce it, thereby securing its repeal. From 1863 this law remained on the statute-book, not exactly a dead letter, but enforced in such a way as not to attract any special attention.

No cases of special hardship have been brought to the attention of the committee during these years under the administration of Secretary McCulloch and Secretary Chase. In 1869, after the present Administration came into power, the necessary machinery for the full execution of this law was put in force. Special Treasury agents, detectives under the Treasury Department, were all assigned to duty at the principal ports of the country, and especially at the great port of New York, charged with the special duty of enforcing this law to the letter. The result has been the enormities of the law have been brought to the public attention and have culminated in a demand for its repeal.

I concur most heartily in all the provisions of the bill, and especially that provision which repeals all moieties, which takes away from the officer the incentive to seize upon, to pounce upon, the importing merchants for slight and trivial offenses, and to wreak upon them unusual penalties out of all proportion to the nature of the offense. I believe, sir, it is the duty of this Government and the duty of all governments which claim to be free and honest and desire to be so considered, that they shall provide the necessary officers to execute whatever laws may be passed on the subject of taxation or any other subject, and those officers should receive a fixed compensation, or compensation of some sort ascertained by law. They should have no compensation beyond that fixed salary for public service. If there be any extra compensation allowed to them it should be from the Treasury, from the same source from which they receive their salaries. No principle has been brought to my mind upon which the moiety feature in the present law can be defended.

The law for the seizure of books and papers of citizens is anomalous in its character, and trenches, I think, upon the constitutional rights of the citizen. It has been executed in some cases involving great hardship and by methods entirely indefensible. It is a violation of what we all understand to be the rights of all American citizens, compelling them in fact to provide testimony for their own conviction, not only directly in civil cases but indirectly in criminal cases.

The committee have reported a section in the bill which repeals that provision of the law. But it provides a substitute to which I am also opposed. I do not pretend to say that in any case or in many cases the substitute would operate as a hardship. But it is unusual and contrary to the ordinary course of things. I would prefer that the Government should be left to find its own testimony in all cases as a private citizen is left to find his testimony in suits with other private citizens. I ask the Clerk to read this section that it may appear in the RECORD and be brought more closely to the attention of the House.

The Clerk read as follows:

SEC. 3. That in all suits and proceedings other than criminal arising under any of the revenue laws of the United States, the attorney representing the Government, whenever, in his belief, any business book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending shall issue a notice to the defendant or claimant to produce such book, invoice, or paper in court at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of subpœna in the same court are served; and if the defendant or claimant shall fail to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed unless his failure to produce the same shall be explained to the satisfaction of the court. And the said attorney shall be permitted to make examination of said book, invoice, or paper, if produced, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have free access to them at all reasonable times pending their custody by the court.

Mr. NIBLACK. Mr. Speaker, it will be seen by reading this section that the United States attorney has only to allege that certain books or papers exist containing certain matters which are of importance in the case, and if the party fails to produce those books and papers according to the notice served upon him, these facts are to be taken as confessed against him, unless he is fortunate enough to be able to show that he does not possess such books, or to render some excuse for their non-production which will satisfy the court. This, sir, puts the burden of proof upon the defendant in such a way that is unusual and anomalous. It requires him if there be no such books to prove the fact, which is a proof of a negative character and something that is not usually required in legal proceedings. In other words, it changes the burden of proof often to the prejudice of the citizen, and if a motion shall be submitted to strike out this section, as I presume there will, I shall feel compelled to vote to strike it out.

There is one other feature of this bill to which I desire to call attention, and I shall then yield the floor, as I do not wish to occupy much of the time of the House at this late hour of the evening. In lieu of the moieties it is provided that compensation may be paid to informers under the direction of the Secretary of the Treasury. This is similar to a provision which we now have in regard to the collection of internal-revenue taxes, with respect to information furnished by outside parties in cases which have not been brought to the attention of the ordinary revenue officers But, sir, these two branches of the public service are, in many respects, different. All the customs revenues, or nearly all, are collected at a very few ports in the country. Very much the largest amount—I believe two-thirds or three-fourths of the whole—is collected at the city of New York. I am apprehensive that this provision will be the means of building a sort of outside power in which some of these ex-detectives and ex-special Treasury agents, and others now expert in this business of protecting fraud, will become the managing men and the officers, and that most of the money here provided for will go into their pockets.

I am not prepared to go against this feature of the bill, but I do want to express my apprehension that it may not work well, and to call the attention of the House to it that it may be carefully considered. Under other circumstances I might not feel so apprehensive, but I have a strong impression that it will soon become the business of a class of men that we are trying to get rid of, by the legislation which we have now under consideration; and that we will hear from the gentlemen again in a different relation to the importing merchants, but still often very much to his annoyance and sometimes to the hinderance of public justice. But, sir, I will not occupy the attention of the House much longer. I now yield to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. I have not had the advantage of hearing all the debate which has taken place on this very interesting bill, having been detained during the early hours of the day in the Judiciary Committee, but I have listened with interest to what I have heard on the subject since I came into the House, and I agree with my colleague [Mr. WOOD] and the other gentlemen who have followed him in addressing the House, that this bill is far from perfect. At the same time I appreciate the difficulties of the subject with which the bill deals. I have myself heard from merchants in New York such views as those which the gentleman from Iowa [Mr. KASSON] has expressed, as to the danger to which honest importers would be exposed from flinging the doors too wide open in the regulations to prevent frauds in the importation of foreign goods, and thereby subjecting honest merchants to an unequal competition with the dishonest.

In regard to the third section to which the gentleman from Indiana [Mr. NIBLACK] called attention, I think myself, that if that section provided that when the party complained of was charged with having

in his possession books and papers which could throw light on the transaction in question and would not produce them, and the refusal should be submitted to the jury to determine what effect in deciding the case the non-production of such books or papers should have, it would be an improvement on the provision reported. Such a provision would, it seems to me, answer all the purposes of protecting the Government, while it would relieve the bill from the objections suggested by the gentleman from Massachusetts [Mr. G. F. HOAR] to any measure so severe as this which provides that if the defendant does not produce the books or papers required by the court he shall be held to have admitted as absolutely true that their contents are what the Government alleges them to be.

Mr. POLAND. If the gentleman will allow me, I will have read an amendment which I propose to that section.

Mr. POTTER. If the gentleman from Vermont will kindly wait until I conclude, as I shall be very brief, I should prefer it. I do not doubt we shall agree about his amendment.

But whatever may be the imperfection of this bill, it is at least certain that this bill is a great improvement on the existing laws which it proposes to repeal. I do not know of anybody who will now raise his voice in defense of the existing laws; nobody so far has yet done so in this debate, and I understand that there is no member of the Committee on Ways and Means, of whatever politics, that does not favor their repeal. And yet these are not new laws. The evils complained of in respect of them are not new. These laws have been in operation and in extended operation for many years, and the evils existing under them have been felt, and very onerously felt certainly in that portion of the country where I reside. The reason why there has been no general complaint to Congress in respect of them may partly be, as the gentleman from Indiana [Mr. NIBLACK] has suggested, that these laws were never before so earnestly and oppressively enforced as under the present Administration, but partly, also, because of the apprehensions men naturally have of being engaged in any contest with the Government, in which they may be publicly charged with fraud, from the fear that they may thus bring upon themselves suspicion and discredit which may involve them in business and financial embarrassments.

This apprehension was, I think, intensified by the fact that during the war we had come in this country to have exaggerated notions of the power of the Federal Government, so that if you wanted to condemn a man, all you had to do was to charge him with being disloyal. The little bell was rung so much and so frequently, both here and in other parts of the country, that men came naturally to have great sensitiveness about any conflict with the Federal authorities. I am glad to believe that that excessive apprehension is wearing away. Such a condition of things—I mean one in which men submit to extortion rather than contest with their Government for their just rights—is certainly a very sad condition of things. It cannot but lead to corruption and abuse; because when a man, finding the officers of the Government coming down on him and extorting what he ought not to pay, feels satisfied that he cannot get justice by resisting, he is too apt to think himself justified in entering into compromises and improper relations with the officials with whom he has to deal, and thus is led into corrupt and dangerous practices. This is an unfortunate condition of things, and one that ought not to exist, and yet when the laws are improperly framed one which is much more likely to exist in this country than in most others, because in this country the people have never suffered from oppression. There have been no privileged castes or classes in this country, and no absolute rulers; so that, not being long subjected to oppression, the people have never been, as in older countries, induced to form combinations to resist such oppression. Gentlemen will recollect that in the Middle Ages guilds of the different trades were formed to protect those trades, so that if one of the guild was wronged or oppressed there might be a combined effort of all the trade to defend him against those who would wrong him. In this country we have never felt the need of such combinations, and the result has been that in this country of all countries in the world the Government can in many respects oppress its citizens more and with less opportunity for redress than in almost any other of the great nations.

Nevertheless it did happen in this case, and that is what I desire to call attention to, that when the merchants of New York and the other principal ports thought it time to make a combined and earnest stand against the internal-revenue, seizure, and moiety laws which oppressed them and brought their complaints to Congress and earnestly and unitedly demanded redress, they at once commanded attention, so that the Committee on Ways and Means are now unanimous in asking the repeal of the existing objectionable legislation. Sir, those laws have been in operation for years, and if there has been no combined outcry against them, it is not because men have not suffered before; but because men have not made common cause in their resistance to these laws have preferred to buy relief from unjust exactions to complaining of and exposing them. But no sooner have they energetically resisted than the result has been that Congress responds to their call for a removal of these evils. And so it will always be. As the country increases, as its numbers and interests become greater and more conflicting, the necessity for men to combine for their own protection and to give attention to the conduct and affairs of Government will increase also. Indeed some attention to public affairs becomes every year more and more the duty of all citizens.

There was a time when the people could afford to let the Government do pretty much as it pleased and pay no attention to the action of the State or Federal Legislatures, because Government was not likely in so sparse and poor a country to do anything to seriously interfere with their ordinary rights and avocations. But as the country gets richer and greater, it will be more and more found that the legislation of Congress and of the States does directly affect the citizen; and therefore it becomes more and more the interest and the duty of the citizen to give due attention to legislation, and when that legislation is injurious to combine with those of the same class and like affected by it to seek to have it corrected. And I think we shall omit one of the lessons arising out of this occasion if we do not bear in mind how immediately when there is a combined complaint on the part of the citizens affected, Congress has set itself in motion to correct the abuses which have been existing for years, and which ought to have been abolished long ago, and how there may be great abuses for years going on which will only be corrected by the united action of those injured. Sir, I hope these seizure and moiety experiences will impress upon Congress the danger and evil of such severe and reckless legislation, and upon the merchants of the country the duty and the necessity of setting themselves in motion to demand relief from Congress when such great abuses exist, instead of submitting to extortion and trying each man to buy peace for himself.

It has been too long the fashion to speak of attention to politics and public affairs as if it was a discreditable business, to be abandoned to those who follow it for profit only. But in fact no great nation can go on prosperously with all its best citizens ignoring public affairs. And just as its wealth and numbers increase and the interests of its people become more conflicting, does the necessity and duty of all good citizens to give attention to public affairs increase also. I do not believe that in any other great nation the abuses arising out of the legislation about to be repealed would have been so quietly submitted to, and I am most glad that they are at last likely to come to an end.

APPOINTMENTS ON COMMITTEES.

The SPEAKER, by unanimous consent, announced the following appointments:

Mr. HAGANS, to fill a vacancy upon the Committee on the District of Columbia; and

Mr. BARBER, as an additional member of the Committee on War Claims.

MOIETIES.

The House resumed the consideration of the bill in regard to moieties.

Mr. ELLIS H. ROBERTS. I understand that the gentleman from Kentucky [Mr. BECK] is willing to withdraw his amendment of which he gave notice this morning.

Mr. BECK. I have been advised by the gentleman in charge of this bill that the amendment which I offered might embarrass its passage. I regard the bill as too important to run any risk of any sort, and as it is his opinion that my amendment would embarrass the bill, I propose to withdraw it, and to offer it as an amendment to the bill accompanying the report on the Sanborn contract, when that report is made from the Committee on Ways and Means, the gentleman in charge having agreed to give me an opportunity to offer it.

Mr. ELLIS H. ROBERTS. That amendment having been withdrawn, I withdraw the motion to recommit, and call the previous question.

Mr. NIBLACK. I understand that the hour following the order for the previous question will be occupied in debate. I ask the gentleman if he proposes to call for a vote on the bill to-night?

Mr. POLAND. I ask the gentleman from New York to yield to me for an amendment.

Mr. ELLIS H. ROBERTS. I will do so.

Mr. POLAND. I move to amend section 3 by striking out the words "the allegations stated in the said motion shall be taken as confessed unless his failure to produce the same shall be explained to the satisfaction of the court," and inserting in lieu thereof the words "or explain satisfactorily why he does not or cannot produce the same, the neglect or refusal to produce may be weighed and considered as evidence against such defendant or claimant;" so that portion of the section will read as follows:

> And if the defendant or claimant shall fail to produce such book, invoice, or paper in obedience to such notice, or explain satisfactorily why he does not or cannot produce the same, the neglect or refusal to produce may be weighed and considered as evidence against such defendant or claimant.

Mr. ELLIS H. ROBERTS. I will allow that amendment to be offered and be considered as pending.

Mr. KASSON. I ask consent to insert in the third section, after the words "which he expects to prove," the words "by the evidence therein contained."

The amendment was agreed to.

Mr. HALE, of Maine. In line 10 of that section, instead of the word "shall," I would suggest that the words "may in its discretion" be used, so that it will read: "the court in which suit or proceeding is pending may in its discretion issue a notice," &c.

Mr. ELLIS H. ROBERTS. I cannot yield for that.

Mr. DAWES. If the amendment of the gentleman from Vermont [Mr. POLAND] can be adopted now by common consent, I will withdraw my motion to strike out the third section.

Mr. HALE, of Maine, and Mr. BECK objected.

The SPEAKER. The question is upon seconding the previous question.

Mr. NIBLACK. Will the gentleman from New York give some intimation as to what is proposed about the vote upon this bill?

Mr. ELLIS H. ROBERTS. I propose to yield the bulk of my time to the chairman of the Committee on Ways and Means, [Mr. DAWES,] and it will depend upon him whether the vote be taken to-night or in the morning.

Mr. NIBLACK. We are to have a night session for debate to-night.

Mr. ELLIS H. ROBERTS. I trust the gentleman will not object to ordering the previous question now.

Mr. NIBLACK. I do not; but I want it understood whether we are to have a vote to-night.

The SPEAKER. The question is upon seconding the previous question.

Mr. ELDREDGE. I hope the gentleman from New York will answer the question of the gentleman from Indiana.

Mr. ELLIS H. ROBERTS. That can be done afterward.

The previous question was seconded and the main question ordered.

Mr. ELLIS H. ROBERTS. I now yield fifty minutes of my time to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. ELDREDGE. I hope the gentleman from New York will answer the question of the gentleman from Indiana; or does he refuse to give the House that information?

Mr. DAWES. The gentleman having yielded to me, I will say that I will do just as the House desires; proceed with my remarks to-night or to-morrow.

Mr. NIBLACK. I do not object to the debate going on now; but I want to have it understood that when the debate is over the vote will not be taken to-night. If the gentleman will yield I will move that the House take a recess.

Mr. DAWES. I will yield to enable the gentleman from Indiana to test the sense of the House, saying to the House that I will do in this matter just precisely what the majority may say; either go on to-night or to-morrow. I do not mean, after the elaborate debate that has taken place, to take much of the time of the House to say what I want to say.

Mr. NIBLACK. I move that the House now take a recess until half past seven.

Mr. PARSONS. I understand the gentleman from Massachusetts wants but twenty minutes and that the gentleman from New York does not want to occupy any further time.

Mr. ELLIS H. ROBERTS. On the contrary, the gentleman from Massachusetts desires fifty minutes.

The question was taken on the motion for a recess; and it was not agreed to, ayes 40, noes not counted.

Mr. DAWES. It is often the fate of the legislator, impelled by the seemingly common sentiment of the country, to undertake a matter of legislative reform, and long before he is able to ripen it into legislation find that the excitement or demand has been crowded out by what seems at the time to be more important business. Six or eight months ago the merchants of the two principal sea-ports of the country, where nine-tenths of all the revenue of the country was collected, were wrought up by the administration of the then existing law to a feeling that the public safety and the liberties of the people, the general good as well as their own rights, demanded a radical reform in the mode and manner of enforcing the revenue laws of the land. As soon as that committee of Congress which has jurisdiction of the matter were able to consider properly and bring before the House of Representatives for their action such reform as the experience of the time seemed to demand, it is seen that to-day with the utmost difficulty my colleagues on the committee, bringing all their ability to bear upon the discussion of this subject, have been able to command the attention of the House to the matter they present, coming as they do at the heel of the session, when business crowds upon us, and anxiety for adjournment makes us unwilling to spend one hour more than absolute necessity may require for the consideration of any subject.

It is under these circumstances that now at this late hour of the day and of this debate, I am called upon by the Committee on Ways and Means to sum up as well as I may this whole matter, and to show the House why the committee propose in the short bill before us measures which, if members have examined them alongside of existing laws and existing interpretations of law, must be seen at once to work a more radical change either for the better or for the worse in the administration of the revenue laws of the country than has been proposed in the last thirty years.

Calling to mind the history of this matter, the House, I think, will do the committee the justice to believe that it is not their fault that this important measure comes here at so late an hour in the session that it seems to the House unnecessary almost to discuss it; so that members are willing to take on faith measures of which I am afraid some of them do not understand the full scope and effect with regard to the national finances and the administration of the law. I say this not because I suppose members are incapable of such understanding or not desirous of it, but because I assume that many members are, as I was myself six months ago, comparatively ignorant of many of the difficulties and complications in which the whole subject is involved.

The House will bear in mind that two or three years ago our attention was called to what seemed to be defects in the administration of the customs laws. The Secretary of the Treasury in 1870 and 1871 called the attention of the House to the fact that while there was general complaint that the officers of the customs were poorly paid, and while there was a desire and seeming necessity that most of them should have their compensation raised, yet under existing laws and modes of administration some of them were receiving enough over and above what he deemed the fair compensation to put the whole customs revenues of the country upon a footing of enlarged and liberal and generous compensation without taking one dollar from the Treasury. He called attention to the fact that in the very year in which he prepared his report, while men upon whose judgment, fidelity, and integrity the appraisement and weighing and other details of the customs revenue depended were getting but $1,200 or $1,500 or $2,000 a year in the cities of Philadelphia, New York, Boston, and San Francisco, yet the collector, the naval officer, and the surveyor of the port of New York were receiving every year more than $50,000 a year over and above the salary fixed by law. He called attention to the fact that such a condition of things demanded the attention of Congress and required some remedy.

The President of the United States in submitting that report to Congress called attention to the same fact and recommended us to consider what remedy should be provided. In the next report of the Secretary of the Treasury was a repetition of the same thing. Three successive reports from the Secretary of the Treasury called our attention to the fact that while certain officers of the customs were receiving enormous, and in some instances almost incredible amounts, others were failing to receive even enough to preserve them from the temptations to dishonesty which beset their paths on every side.

Two years ago I myself called attention to what was the general complaint of the merchants of the cities of New York and Boston, that they were exposed in their private and confidential papers and in the sacredness of their own homes to invasion by Government officers under the forms and pretenses of law; and a bill which received the sanction of the Treasury Department—a measure efficient and stringent enough to answer all the purposes of the Government while meeting all the demands of the merchants as to the protection of their just rights; a measure which thus combined the recommendation of the two interests chiefly concerned—was introduced by myself into this House as a report from a committee and was passed without opposition. When the knowledge of the passage of that bill reached the custom-houses of this country some influence—I know not what it was—put it to sleep, and it is asleep to-day. That same bill was introduced again, was again passed by the House of Representatives, and has gone to the same slumber.

On the second day of this session I introduced into this House a resolution calling upon the Secretary of the Treasury to report to the House the result of the administration of the customs laws in fines, penalties, and forfeitures, and whither they had gone, from March 4, 1869, to the 1st of December, 1873; so that the House might see upon paper the fruit of the law which was causing all this complaint—which was breeding or fostering or nursing all the discontent, all the corruption and demoralization with which the custom-house administration reeked from one end of the country to the other. Although that resolution was introduced on the 2d day of December, and although personal application was repeatedly made to those having it in charge, it was not until the 12th of February that we were permitted to see the result. And, sir, what is it? At the port of New York something like three-fourths of all the revenue of the country is paid; at the ports of New York and Boston some seven-eighths of the whole revenue is paid; hence the resolution of inquiry was restricted to those ports. During a period of four years some six or seven hundred million dollars—I have not the exact amount, but I have no doubt the aggregate is about $700,000,000—have been paid through those two custom-houses; and during the same period the machinery of the law that has worked all this complaint has brought into the Treasury, in the enforcement of the collection of duties that had been in the first instance avoided, $158,678.73 in the port of New York, and $21,660.25 in the port of Boston—about $180,000 in all, out of six or seven hundred million dollars. And what has been the cost of collecting this amount of duties, in payment of which there was default? In order to discover and collect this amount the Government had paid beyond the salaries of its officers, $1,020,721.97 at the port of New York and $304,151.31 at the port of Boston. I submit the figures in detail:

Fines, penalties, and forfeitures collected at ports of New York and Boston from March 1, 1869, to November 30, 1873.

	New York.	Boston.
Gross proceeds	$2,280,614 72	$652,892 80
Duties	158,678 73	21,660 25
Costs and expenses	114,081 53	21,831 32
Net amount covered into Treasury	2,007,854 46	609,401 23
Paid to collector	174,127 57	50,816 40
Paid to naval officer	162,286 62	50,817 74
Paid to surveyor	159,376 04	50,817 60
Paid to informers	491,342 26	152,798 18
Total cost	1,101,214 02	377,081 24
Amount retained in Treasury	1,020,721 97	304,151 31
Cost, per cent., of collecting duties, (for each dollar of duty collected)	6 87	14 98

It has cost the Government all the moneys which would otherwise have gone into the Treasury of the United States had men worked for their salaries and not otherwise.

It has cost them for every dollar of that duty in New York City $6.87, and for every dollar of it at Boston, $14.98. How has it been done? It has provided for every delinquency of undervaluation of a single item, no matter whether it be six dollars or six thousand dollars of an invoice, the whole invoice, whether one hundred or one million dollars, shall be forfeited to the Government. What do you do with it when you forfeit it? You put one-half into the Treasury of the United States and take the other half and give one-half to the informer, and take the other half and divide it into three parts and give it to the collector, naval officer, and surveyor of the port; that, although they may be as innocent of any effort either to discover the fraud or enforce the law as you or I; that, though when called upon to appear before the Committee on Ways and Means and show cause, if any existed, why such a law should remain upon the statute-book, they politely informed us so little did they know of the cases that had been administered upon they could throw no light upon it; that, although when the informer came before the committee to vindicate the law, this whole report was taken up and in one after another of these cases he was called upon to tell what the collector of the port had to do with it, or the surveyor of the port, or the naval officer, and one after another of the column of cases, running the finger down the whole column, the universal answer was, "Nothing that I know of."

Mr. NIBLACK. I hope the chairman will yield to me a moment. I omitted to refer to a matter which I intended to notice.

Mr. DAWES. Wait until I get through and then it will come in better.

Mr. NIBLACK. I wish to call the gentleman's attention to a fact which I wish to state.

Mr. DAWES. I have no doubt it will help my speech, and I will be glad to hear it.

Mr. NIBLACK. It did not appear in the testimony, but I have been informed there have been four thousand seizures under this law during the last five years, and of these four thousand seizures only one case has been prosecuted criminally, all the rest having been compromised by the payment of money. It would seem, therefore, the principal object of making these seizures has been to extort money with regard to the criminal acts involved or the perjury involved in making these false invoices. I do not know whether my information is correct, but I state it to call the attention of the gentleman from Massachusetts to the fact.

Mr. DAWES. I wish now to ask the attention of the House to the amount we have been able to find out—I do not mean to say the whole amount which these men have got, but the amount we have been able to find out without their help—that these men have obtained by the law which we propose to change. So far as we have been able to discover, Hiram Barney, for three years and five months over and above his salary of $6,000 a year, received $64,607.29; the naval officer under him received the same, and the survey or under him received the same, making a total of one hundred and ninety-three odd thousand dollars. The informer was entitled to just as much. That added makes during a period of three years and five months paid out to these officials and this informer three hundred and eighty-seven odd thousand dollars. Simeon Draper was in only eleven months and twenty-four days, and in addition to his salary he had fifty-five odd thousand dollars; his naval officer and surveyor the same, and the informer the same. That made in eleven months and odd days three hundred and thirty-odd thousand dollars. Preston King for eight months and fifteen days, besides his salary, received thirty-three thousand and odd dollars, and his surveyor and naval officer and informer received the same; in all amounting to $199,000 in eight months only. Henry A. Smith for two years and ten months received one hundred and two thousand and odd dollars, and his surveyor and naval officer and informer the same; making a total of six hundred and six thousand and odd dollars, which was divided between him and these officials under him. Moses H. Grinnell for a year and six months received $140,000, and the officials under him received the same amount; making for that year and six months a total of $247,000. Thomas Murphy, a year and four months, had $55,997; and he and his associates, by the same rule, counted up $335,000. Chester A. Arthur—still resting upon the bosom of his moieties, when sent for to New York, positively declining to shed the light of his experience upon the Committee on Ways and Means, or explain the reasons that moved him to adhere to the continuance of this law—in the short period of two years has got, as far as we could trace—not counting the unsettled cases still to be gathered up by the harvest which lasts many months after men go out of office—has already got $56,120, and his naval officer the same; counting up to these officers now in repose in the custom-house in New York, while we are struggling here to find the means by which to make the two ends of the Government, its receipts and expenditures meet, the modest little sum of $336,721.26.

Table showing in detail the moieties to the collectors, naval officers, and surveyor of the port of New York.

Collector.	Term.	Collector's share.	Naval officer's share.	Surveyor's share.	Informer's share.	Total.
Hiram Barney	From April 8, 1861, to September 7, 1864, 3 years and 5 months	$64,607 29	$64,607 29	$64,607 29	$193,821 87	$387,643 74
Simeon Draper	From September 8, 1864, to August 3, 1865, 11 months and 24 days	55,014 55	55,014 55	55,014 55	165,043 65	330,087 30
Preston King	From September 1, 1865, to May 15, 1866, 8 months and 15 days	33,166 94	33,166 94	33,166 94	99,500 82	199,001 64
Henry A. Smythe	From May 16, 1866, to March 31, 1869, 2 years, 10 months, and 16 days	102,710 13	102,710 13	102,710 13	308,130 39	616,260 78
Moses H. Grinnell	From April 1, 1869, to July 20, 1870, 1 year, 3 months, and 20 days	41,304 60	41,304 60	41,304 60	123,913 80	247,827 60
Thomas Murphy	From July 21, 1870, to November 30, 1871, 1 year, 4 months, and 10 days	55,997 54	55,997 54	55,997 54	167,992 62	335,985 24
Chester A. Arthur	From December 1, 1872, to November 30, 1873, 2 years	56,120 21	56,120 21	56,120 21	168,360 63	336,721 26

Sir, the law is based upon the principle, as has been well said, of the farmer telling his hired man who gathers his crop, "you may glean after yourself." No man of experience need be appealed to with any hesitation as to his knowing that when that order is issued to any man the gleaning will be more than the raking. But I do not know that anybody desires to maintain that law. Even my colleague from the Essex district [Mr. BUTLER] has introduced a bill to take away from these officials all of their share in these moieties. But there are those who insist upon it that efficiency in the administration of the law requires that the informer shall have his share still.

Mr. BUTLER, of Massachusetts. Since my colleague has called attention to that bill which I introduced, will he have the kindness to inform the House that it was the first bill introduced this session.

Mr. DAWES. I am requested to state to the House and the country what I think is true, so far as I am aware, that my colleague's bill was the first that was introduced at this session to take away from the officials their share in these moieties, but leaving it to the informer.

Sir, who is the informer? He is to have one-half of one-half. The officials take the other half and divide it into three parts. His is the lion's share. Sir, the informer in every position of society, in every place, and in every calling, is an odious and despised being. Everybody shrinks from him, no matter what be his position or his calling. He that goes about making a business of informing against his neighbor, so shocks the common sense of justice, decency, and honor in all mankind, that he is universally despised. But let him do it for pay; let it be understood that he goes up and down the earth paid to inform against his fellow-men, and the intensity of the feeling of hatred with which he is regarded and the feeling that he ought to be hunted around the earth is increased tenfold. Add to that that he is to have half of what may be made out of his informing. He is bad enough when he volunteers without compensation from any motives of malice or otherwise to inform against his neighbor; he has no place whatever in decent society. But when he does it for pay, much more when he is to have half of the proceeds of his cursed employment, the door of decent society ought to be and will be shut against him.

The leper may be tolerated among men, for his leprosy is his misfortune. The man that carries about him a loathsome disease, that is not his fault but his misfortune, engages the charity of the world to build a hospital for him and to care for him with pity and compassion. But the vile, festering, putrescent informer, who goes about the earth assured of one-half of what he can make by his informing, finds no place as yet where decent men will harbor or countenance or associate with him.

Shall the Government of the United States take the wages of his sin and his iniquity and divide it with him? It is he who is the last refuge of this system. One after another they let go, or give up and throw overboard, and say we will not defend them. We will not defend an official, appointed by the Government perhaps for his good character and under the control of the Government in his actions, subject to removal if he abuses his trust; no, we are willing to say that he shall not have this; but the man who is under no control, the volunteer who cuts himself loose thereby from society, without either calling or position, forfeiting by the very willingness to take this every other position of trust and confidence—it seems it is thought best that we should save him, it seems best that we should save and guard him by new legislation, that he may have one-half or one-quarter, it may be, of all fees and penalties and forfeitures. We guard this man, roving around among the merchants of the cities of New York, Boston, and Philadelphia, with money enough, the fruits and promises of his success, to enable him to furnish the means that will invade the confidential relations that exist between the merchant and his clerks, tainting the most sacred trusts, lying in wait for the unwary, as it was shown before the Committee on Ways and Means, at the desk of

the custom-house and seeing the merchant unwittingly put in his foot, by omitting, it may be by accident or by ignorance or by any of a thousand ways consistent with his honesty, to conform to the most complicated system of revenue laws that exists in the world—standing I say at the desk, and seeing the merchant from day to day openly and unconscious of anything wrong making mistakes in his invoices, with a law behind him which says that a mistake in one item forfeits the whole invoice, and then when they are piled up by the dozen upon the desk of the custom-house going and informing against him and getting one-quarter of the forfeitures! And if the merchant appeals, under that law to the collector of the port, the law makes that collector the appellate court. If he decides that this man has not been simply guilty of a technical neglect, he lets him go, and he does not himself get anything. But if he decides that the merchant is guilty, he gets one-sixth. The court that this law has provided for the merchant to appeal to, to decide whether or not he has conformed to the law, has one-sixth of all the penalties if he decides that the man violated the law, and if he decides that he has not so done, he does not have anything. The district-attorney, who is put there as the officer of the Government in a semi-judicial character to see that justice is done between the Government and the accused, gets 2 per cent. of all, and the informer gets what I have told you.

This is the law that was brought to the attention of the Committee on Ways and Means, and as a substitute for which they have reported this bill. It is a law that has passed away in other countries, has had its day. The informer is not known in the British customs service now. The customs officer in the British customs service is not tempted in the administration of the law by any bribe. He is paid a fair salary, as ours should be. He is held to his official integrity and efficiency, and that the government exacts of him and for that it pays him. Now, is there anything in our law that renders it impracticable for us to treat with the merchants of New York and of Boston and of Philadelphia and of San Francisco as honest men until they are shown to be dishonest men? Is there anything in their calling, is there anything in their character, is there anything in the nature of their business, or in our relation to them, in practice, not in law—there is enough in our laws—but is there anything in the nature of it that renders it impossible for us to administer the laws upon them and with them as we do with other people?

Through the portals of the ports of New York and of Boston enters seventh-eighths of the commerce of the country, and consequently seven-eighths of all the wealth that comes to our shores in the vessels that plow the deep and whiten every ocean with their sails. They are some of them styled contemptuously before the committee "merchant princes." Some of them have become such by industry and frugality and fidelity to business relations with everybody else certainly but the Government. Some of them are young and enterprising men, beginning without capital and growing by devotion to an honorable calling, most honorable in all nations and all ages of the world, up to a competency and an independence, and to command the respect of mankind wherever they are known. What in their characters, what in their lives, what in their dealings with their fellow-men that should lead us to infer that in their dealings with the Government of the United States there is any such mysterious and malign spell upon them that we cannot fix our laws so plainly and the machinery for their execution so simple that they, as others, can walk into our courts and feel that whether the judgment be for or against them that judgment is a righteous and a just one, commanding their respect as well as their obedience? On the other hand, this very system itself has just precisely the opposite effect. It teaches merchants to devise means of evading the law and the administration of it. The result is to drive high-minded and high-toned merchants out of business, and their places are taken by that class who take their chance in the world even by a violation of the law for the profit which in the long run they think it will yield, or it drives the importing business of this country into the hands of foreigners, who from the other side of the water send their goods here to irresponsible consignees who have nothing to lose and therefore nothing to fear. Such is the result fast coming to be the common law in the mercantile community of this country under the system this bill hopes to remedy. The wise, prudent man is seeking some other calling or absolute retirement rather than submit himself to the chances of accident and mistake that are inseparable from a complicated system, administered by men whose interest it is to let them pass into the grasp of the law, into the mistakes and pitfalls the law itself has dug for them, in order that the fruits thereof may come into their own coffers. It is a source of revenue that debauches the whole customs service of the country.

Men abandon honest callings that bring them a moderate compensation, and seek an employment that brings them these large returns. A man who in the short time we have been here has gathered as his share of the moieties somewhere in the neighborhood of $400,000 was tempted from a quiet village, not many hundred miles from New York, where he was pursuing a humble calling which yielded him a moderate compensation, to tender his patriotic services to the Government of the United States in the capacity of a Treasury agent, in which he could act as informer. He now goes back to his native village, builds houses and stores, and steeples rise up there on which is written "The wages of an informer."

Men leave the revenue service of the country, and when we ask them why they do it, they say they could not afford to stay there at that compensation. When we ask them what they now do, they say that they have gone into the business of collecting the revenues of the country at the halves. Everything now is being taken at the halves; 50 per cent. is the common compensation when you deal with the Government. There are men who have gone into a systematized, organized association, who go around this country and inform honest bondholders that there is interest due them here at the Treasury Department, that it is pretty difficult to collect it, and they will collect it for them at fifty cents on the dollar. Hundreds of thousands of dollars of interest money has been taken every year out of the Treasury of the United States by these men, who have turned their backs on honest callings and devote themselves to this 50 per cent. business.

The official service of the United States is being sapped and mined, and no such thing as a healthy, honest public service for fair and reasonable compensation in the revenue service of the country can long be maintained unless reform something like this radical change in the administration of the Government shall be adopted.

It does not stop with Jayne, nor with Sanborn, nor with men of that class. It spreads like a contagious disease, and every official who comes in contact with these men, or with this service, becomes uneasy in his calling, unwilling to toil as he has done, and therefore he turns his back upon an honest and honorable position the moment he can find an opportunity to fill his pockets under this system of revenue service which has existed now for the last ten or fifteen years, growing every year in the enormities of the amounts gathered in by these men, like a ball of snow rolled up little by little, until it becomes the great and overshadowing complaint that is now presented by this report of your committee.

The details of this bill, what it attempts to remedy and how it attempts to remedy it, I will not now undertake to explain. Four or five members of the committee have done so in detail. The gentleman from New York, [Mr. ELLIS H. ROBERTS,] who with the gentleman from Kentucky [Mr. BECK] was on the sub-committee that prepared this bill, has in detail gone over the provisions of the bill. No gentleman as yet has raised his voice against its principles. The third section of the bill, if modified as proposed by the gentleman from Vermont, [Mr. POLAND,] is unobjectionable to anybody.

Mr. TREMAIN. Does the chairman of the Committee on Ways and Means [Mr. DAWES] think it right in a proceeding for a penalty or forfeiture to leave it to a jury to draw an unfavorable inference against a man who does not produce his books? That is the effect of the amendment.

Mr. DAWES. I myself was opposed to the section and have moved to strike it out. I have desired not to go too far, not to let the bars down entirely, but to see if it were not possible to obtain efficiency and at the same time have proper safeguards. If it be possible to take the sting out of the third section, and yet enable the Government of the United States to call upon a party to produce evidence, I am in favor of it. But I am not here or anywhere in favor of compelling a party to produce evidence against himself that shall work any penalty, fine, or forfeiture whatever upon him. That would be in violation of the sacred principles of Magna Charta and of the Constitution of the United States. There is no law nor practice of the Government of the United States that undertakes to make a party produce evidence that will work any fine, penalty, or forfeiture upon him. It is a common practice in the courts to give a party notice to produce a paper, and if he fails to produce it the party calling for it can prove its contents. I should be in favor of trying that experiment in the administration of this law. And if my friend from New York [Mr. TREMAIN] thinks the third section with the amendment of the gentleman from Vermont [Mr. POLAND] goes further than that, I will go with him in striking it out.

Mr. TREMAIN. You need no statute to allow you to give secondary evidence of books and papers.

Mr. DAWES. I am aware of that.

Mr. TREMAIN. This statute would apply to the books of a party.

Mr. DAWES. I have now occupied much longer time than I expected, and in a very unsatisfactory manner to myself. This whole reform has been one which I have felt was of vastly more importance than I could indicate even to my fellow-members upon the committee. They have devoted themselves to this bill more than I have been able to do. Therefore the charge of it has fallen into abler and more careful hands than it otherwise would have done.

But the attention of Congress has been called by the President and by every Secretary of the Treasury, I think, since I have been in Congress to this evil, growing more and more alarming every day. The merchants of New York and of Boston (some of whom have been found in fault in the administration of the complicated requirements of the law) have come before the committee and have asked only this: Protect every honest merchant, punish with every severity in your power every dishonest merchant, but let no share of the fines and penalties which righteously should be visited upon every dishonest merchant be given to anybody as a stimulus to go prowling around among the business people of the land to find if possible wherein they may be brought under the operation of the law.

Mr. RICE. Will the gentleman allow me to ask him a question for information?

Mr. DAWES. Yes, sir.

Mr. RICE. I wish to ask whether the long and close investigation on the part of the committee shows that all the evil practices, all the unmanly acts, and all the indecencies have been committed by officers of the Government or those employed by them?

Mr. DAWES. O, no.

Mr. RICE. I ask this question in good faith. I am not acquainted with the subject. Such would seem to be the intimation from every speech that has been delivered to-day.

Mr. NIBLACK. I will say to the gentleman from Illinois [Mr. RICE] that that is very near the truth.

Mr. DAWES. Mr. Jayne, the most distinguished, I believe, of the informers that have appeared in the land, testified before the committee that he had examined sixty-one of these cases, and that forty-nine, I think, (or about that number,) arose from complicity of custom-house officials with bribery and other crimes that had been committed:

There is no doubt, Mr. Speaker, that the merchants have, like every other class in the world, dishonest men among them; but the imputation that as a body they are liable to the charge of dishonesty would be repelled, I think, by any one who knows them. If there are dishonest men among them, the honest ones want them exposed and punished.

[Here the hammer fell.]

Mr. ELLIS H. ROBERTS resumed the floor.

Mr. STARKWEATHER. I wish to ask the gentleman from Massachusetts [Mr. DAWES] whether the officers of the law as a class are not honest as well as the merchants as a class?

Mr. DAWES. I think they are.

Mr. BUTLER, of Massachusetts. I would like to ask my colleague a question. If there were forty-nine officials bribed, did not forty-nine merchants bribe them?

Mr. DAWES. I would answer that question if I had the opportunity.

Mr. ELLIS H. ROBERTS. Mr. Speaker, the course of this debate leaves very little for me to say; and I have no disposition to occupy the time of the House. It would have been very easy for the Committee on Ways and Means to propose a great deal more than this bill includes; but I believe they are a great deal more anxious to achieve results than simply to make propositions. We are desirous to accomplish real reforms; and we believe we have included in the bill as much as it is safe now to ask.

I call the attention of the House to the fact that not one word has been said upon this floor against the general principles of the bill. Opposition has been made to the third section, with reference to which there is to be a separate vote. I may be excused for saying that this section is not in the bill by any vote of mine; and if I may be permitted so to do, I will vote to strike it out.

There are other duties resting upon our committee than the consideration of sensational propositions. We have sought to embody in this bill practical legislation. We have sought to protect the Government and the revenue—to maintain public morality while we have been just as anxious to guarantee the rights of the people.

Mr. Speaker, none of the evils which we propose now to reform are the work of the republican party. I am not one who has introduced politics on this floor. During the entire democratic rule these moieties were distributed not in the eye of the country, not even by a Secretary of the Treasury, but by the collectors themselves at the various ports, without public notice or report. And it is a republican administration that first of all brings the thing to the light and proposes to strike down the abuse.

I had hoped that we should get through this discussion without one word of partisan allusion. I have made no such allusion, and am unwilling now to make any. But great reforms are proposed in this bill, and by whom? By republicans. A majority of the committee which has the honor to report this bill are republicans; and I challenge any one anywhere to say that republicans have not been zealous in commencing this work and in carrying it forward step by step. If the republican party is to be challenged here upon a bill like this, I for one am ready to say that since the Government was founded no reforms equal to this have been attempted by a party in power with reference to the emoluments of its own officers, with reference to the administration conducted by itself.

Abuses will grow up under any party, and it takes brave men even in opposition to fight abuses. Abuses will grow up under a party in power; and when such a party is brave enough to strike down to the roots, that party has a right to brush aside any partisan allusions that may be made by anybody anywhere.

Mr. Speaker, gentlemen may criticise the republican party. I will criticise the republican party as bravely as I know how to do. I will attempt all the reforms which in my judgment can be achieved; and I will do it in the conviction that thus the republican party does its duty to itself and at the same time to the country. And the party which is brave enough to reform itself will live. Corruption will break out in any party, and it is the work of administration and of legislation to check that natural tendency. The republican party is the sole party that has ever sought to cure its own corruptions; and a party that has courage to do this is a party that shall never die.

Mr. WOOD. Mr. Speaker, I desire to say——

Several MEMBERS. Regular order.

The SPEAKER. The debate is exhausted. No further remarks are in order.

Mr. HEREFORD. I would ask the gentleman from New York [Mr. ELLIS H. ROBERTS] what party passed the law under which the Sanborn contracts were made, and whether the gentleman himself did not vote for it? I hold in my hand the Congressional Globe, which shows that he did.

The SPEAKER. The gentleman from West Virginia [Mr. HEREFORD] is clearly out of order.

Mr. NIBLACK. This whole debate has been out of order; it has been extended ten minutes beyond the time.

The SPEAKER. The Chair has limited it precisely to the hour.

Mr. WOOD. My colleague [Mr. ELLIS H. ROBERTS] has taken advantage of his last ten minutes to bring in partisan considerations——

The SPEAKER, [rapping.] The gentleman is out of order.

Mr. NIBLACK. It was a very unnecessary performance, to say the least.

Mr. WOOD. And very unkind and discourteous.

The SPEAKER. The question first recurs on the amendment of the gentleman from Vermont, [Mr. POLAND,] which the Clerk will read.

The Clerk read as follows:

Strike out the words on page 3, lines 18, 19, 20 and 21, "the allegations stated in the said motion shall be taken as confessed unless his failure to produce the same shall be explained to the satisfaction of the court," and insert as follows in lieu thereof:

Or explain satisfactorily why he does not or cannot produce the same. The neglect or refusal to produce may be weighed and considered as evidence against such defendant or claimant.

The amendment was agreed to.

The question next recurred on the amendment of Mr. DAWES to strike out the section as amended.

The House divided; and there were—ayes 97, noes 43.

So the section, as amended, was stricken out.

The question next recurred on Mr. DAWES's motion to add to the sixth section the following:

And any such person so furnishing information as aforesaid, who shall pay to any such officer of the United States, or to any person for the use, directly or indirectly, of any portion of said money or any other valuable thing, on account of or because of such money, shall have a perpetual right of action against said officer or other person and his legal representative to recover back the same or the value thereof.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELLIS H. ROBERTS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLLECTION OF MONEYS DUE THE UNITED STATES.

Mr. FOSTER. I now report back from the Committee on Ways and Means, under the authority conferred on that committee to report at any time, the bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes.

Mr. DAWES. Is it in order to call up at this time the Senate concurrent resolution for final adjournment?

Mr. KASSON. The gentleman has not the floor for that purpose.

Mr. DAWES. The gentleman from Ohio [Mr. FOSTER] yields to me for that purpose.

Mr. FOSTER. Certainly.

Mr. BUTLER, of Massachusetts. Let us adjourn for the evening, and then we can settle this question of final adjournment hereafter.

FOREIGN CONVICTS.

The SPEAKER, by unanimous consent, laid before the House a message from the President of the United States, transmitting, in compliance with resolution of the House of the 9th instant, a report of the Secretary of State, with accompanying papers, relating to the landing in the United States of foreign convicts; which were referred to the Committee on Foreign Affairs, and ordered to be printed.

ENROLLED BILLS.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 253) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the Northern Pacific Railroad at or near Tenino; when the Speaker signed the same.

FINAL ADJOURNMENT.

Mr. DAWES. I ask unanimous consent to take from the Speaker's table a concurrent resolution from the Senate fixing the day of final adjournment.

Mr. KASSON. I object.

Mr. RANDALL. Is it not a privileged question?

The SPEAKER. It is a privileged question in this respect: This resolution is from the Senate. It lies on the Speaker's table. It re-

quires a motion to go to the business upon the Speaker's table to read this particular paper. The question itself as an act of the House is privileged. This particular paper could not be taken from the Speaker's table, coming, as it does, from the Senate, without unanimous consent.

A MEMBER. Let it go to the Committee on Ways and Means.

Mr. RANDALL. I object to its going to the Committee on Ways and Means. The House is competent to act for itself.

Mr. MAYNARD. That should be referred to some of the committees of the House.

Mr. BUTLER, of Massachusetts. Is not a motion to take a recess in order?

The SPEAKER. It is; but the Chair thought this matter might be settled.

Mr. BUTLER, of Massachusetts. I insist on the Chair putting the motion to take a recess which I make.

The motion was agreed to.

The SPEAKER. The session this evening is for debate only as in Committee of the Whole, no business whatever to be transacted, Mr. BARRY, of Mississippi, in the chair as Speaker *pro tempore*.

And then (at twenty minutes to six o'clock p. m.) the House took a recess until half-past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m.

The SPEAKER *pro tempore*, (Mr. BARRY.) The House meets to-night as in Committee of the Whole for debate only on the President's annual message, no business whatever to be transacted.

CURRENCY AND FINANCE.

Mr. SOUTHARD. Mr. Speaker, the crisis of last fall and the general derangement and depression of business which followed brought the financial question conspicuously to the foreground early in the session. And the President, conscious of the gravity of the subject, in his annual message offered various suggestions and recommendations for the consideration of Congress. Since the general field has been so fully canvassed in the discussions already had, and especially in view of the action of Congress in the passage of what is known as the Senate bill, and of the President in vetoing it, I propose to confine myself principally to a review of the subject, hoping this course may throw some light upon the obscure situation and the better enable us to solve the problem which is still unsettled. The President expressed doubts, in his veto message, whether the Senate bill would practically add a dollar to the circulation, and placed the veto upon the ground that it would at least *theoretically* increase the volume. As he defended this action from behind the intrenchments of his oft-expressed views and pledges, let us go back a little and see what some of these views and pledges are.

In his last annual message the President says:

My own judgment is that however much individuals may have suffered, one long step has been taken toward specie payments; that we can never have permanent prosperity until a specie basis is reached; and that a specie basis cannot be reached and maintained until our exports, exclusive of gold, pay for our imports, interest due abroad, and other specie obligations, or so nearly so as to leave an appreciable accumulation of the precious metals in the country from the products of our mines.

As a means of reaching a specie basis, therefore, the President does not urge contraction of currency or increased taxation; but clearly recognizes not only the importance but the necessity of our export trade, and gives it as his deliberate judgment that—

To increase our exports, sufficient currency is required to keep all the industries of the country employed. Without this, national as well as individual bankruptcy must ensue. Undue inflation, on the other hand, while it might give temporary relief, would only lead to inflation of prices, the impossibility of competing in our own markets for the products of home skill and labor, and repeated renewals of present experiences. Elasticity to our circulating medium, therefore, and just enough of it to transact the legitimate business of the country, and to keep all industries employed, is what is most to be desired.

It will be observed that the President here speaks of "*undue inflation*," but does not attempt to indicate what, in his judgment, would amount to such, nor what quantity of currency would be sufficient, except that in relation to the circulating medium he declares that there should be just enough of it to transact the legitimate business of the country and to keep all industries employed. This he supplements, however, with the further statement that—

In view of the great actual contraction that has taken place in the currency, and the comparative contraction continuously going on, due to the increase of population, increase of manufactories, and all the industries, I do not believe there is too much of it now for the dullest period of the year.

And—

It is patent to the most casual observer that much more currency or money is required to transact the legitimate trade of the country during the fall and winter months, when the vast crops are being removed, than during the balance of the year.

He pronounces the volume of currency equal only to the requirements of the dullest period of the year, and consequently it must fall short of the demands of the more active periods.

Again—

During the last four years the currency has been contracted directly, by the withdrawal of 3 per cent. certificates, compound-interest notes, and seven-thirty bonds outstanding on the 4th of March, 1869, all of which took the place of legal-tenders in the bank reserves, to the extent of $63,000,000.

During the same period there has been a much larger comparative contraction of the currency. The population of the country has largely increased. More than twenty-five thousand miles of railroad have been built, requiring the active use of capital to operate them. Millions of acres of land have been opened to cultivation, requiring capital to move the products. Manufactories have multiplied beyond all precedent in the same period of time, requiring capital weekly for the payment of wages and for the purchase of material; and probably the largest of all comparative contraction arises from the organizing of free labor in the South. Now every laborer there receives his wages, and for want of savings-banks the greater part of such wages is carried in the pocket or hoarded until required for use.

What lessons are here taught? Clearly that in the President's opinion a *specie basis cannot be reached except through the increase of our exports;* that an increase of our exports cannot be had without currency sufficient to keep all the industries of the country employed; that there is not too much currency now for the dullest period of the year; that the demands for it have vastly increased, while the volume has been greatly diminished.

If the currency has been so much contracted, the uses of it so much extended; if the busy seasons require so much more than the dull, and the quantity extant is not too much for the "dullest period of the year," is it not fair to presume, nay more, is it not the inevitable logical conclusion, that in the President's estimation the volume is insufficient and ought of necessity to be increased? But to obtain the needed increase the President recommends a method to give elasticity to the currency so as to graduate it to the various demands of the year. This "elasticity" is the presidential talisman. He says:

I submit for your consideration whether this difficulty [of the present system] might not be overcome by authorizing the Secretary of the Treasury to issue, at any time, to national banks of issue, any amount of their own notes below a fixed percentage of their issue, say 40 per cent., upon the banks depositing with the Treasurer of the United States an amount of Government bonds equal to the amount of notes demanded, the banks to forfeit to the Government, say 4 per cent. of the interest accruing on the bonds so pledged during the time they remain with the Treasurer, as security for the increased circulation, the bonds so pledged to be redeemable by the banks at their pleasure, either in whole or in part, by returning their own bills for cancellation to an amount equal to the face of the bonds withdrawn.

Yet this was not intended or expected to give an India-rubber stretch to the present volume or to *affect its distribution* during the busy seasons, but to *actually increase its quantity.* This might be done, too, at any and all periods, and an opportunity is thus afforded for actually increasing the volume more than double the amount provided for in the bill vetoed. If the whole of the 40 per cent. of the $354,000,000 of the national-bank circulation should be thus issued, it would amount to more than $141,000,000, and the increase under the Senate bill could not exceed $64,000,000, as I shall hereafter show.

How do these views contrast with those expressed in the veto message? They stand as widely apart as the antipodes. In the veto message the President says the bill theoretically increases the volume of currency, and adds:

The theory, in my belief, is a departure from the true principles of finance, national interest, national obligations to creditors, congressional promises, party pledges—on the part of both political parties—and of personal views and promises made by me in every annual message sent to Congress, and in each inaugural address.

What estimation, in his veto message, does he place upon the value of the *export trade* as a means of reaching a specie basis? It speaks for itself in unequivocal phrase, and causes the President to say:

I am not a believer in any artificial method of making paper money equal to coin when the coin is not owned or held ready to redeem the promises to pay; for paper money is nothing more than promises to pay, and is valuable exactly in proportion to the amount of coin that it can be converted into. While coin is not used as a circulating medium, or the currency of the country is not convertible into it at par, it becomes an article of commerce as much as any other product. The surplus will seek a foreign market as will any other surplus. *The balance of trade has nothing to do with the question.* Duties on imports being required in coin creates a limited demand for gold. About enough to satisfy that demand remains in the country. To increase this supply I see no way open but by the Government hoarding through the means above given, and possibly by requiring the national banks to aid.

Again:

As a measure preparatory to free banking, and for placing the Government in a condition to redeem its notes in coin "at the earliest practicable moment," *the revenues of the country should be increased* so as to pay current expenses, provide for the sinking fund required by law, and also a surplus to be retained in the Treasury in gold.

Here we learn for the first time that the increase of exports, the "balance of trade" has nothing to do with the question of reaching a specie basis, and that an *increase of the revenues, additional taxation upon the people*, is the panacea for our financial maladies and the "bow of hope" for our business future.

This currency too, suddenly becomes of doubtful character. In December last, as we learn from the annual message, it was held in the following high repute:

The experience of the present panic has proven that the currency of the country, *based as it is upon the credit of the country, is the best that has ever been devised.* Usually in times of such trials, currency has become worthless, or so much depreciated in value as to inflate the values of all the necessaries of life as compared with the currency. Every one holding it has been anxious to dispose of it on any terms. Now we witness the reverse. *Holders of currency hoard it as they did gold in former experiences of a like nature.*

But in April, if we are to give credence to the veto message, it has become a defective, "irredeemable currency," mere promises to pay, and not dependent upon the *credit of the nation* for its value. In his veto message, quoting and reaffirming the doctrines of his annual message of 1869, the President says:

Among the evils growing out of the rebellion and not yet referred to, is that of an irredeemable currency. It is an evil which I hope will receive your most earnest attention. It is a duty and one of the highest duties of government to secure to the citizen a medium of exchange of fixed, unvarying value. This implies a return to a specie basis, and no substitute for it can be devised.

Furthermore:

I am not a believer in any artificial method of making paper money equal to coin when the coin is not owned or held ready to redeem the promises to pay; *for paper money is nothing more than promises to pay, and is valuable exactly in proportion to the amount of coin that it can be converted into.*

In the last annual message, as a further approximation to a specie basis, in addition to the increase of our export trade through the employment of all the industries, he makes this further suggestion:

In any modification of the present laws regulating national banks, as a further step toward preparing for resumption of specie payments, I invite your attention to a consideration of the propriety of exacting from them the retention, as a part of their reserve, either the whole or a part of the gold interest accruing upon the bonds pledged as security for their issue.

And to provide against some of the supposed evils of the present banking law, he adds that—

Elasticity in our monetary system, therefore, is the object to be obtained first, and next to that, as far as possible, a prevention of the use of other people's money in stock and other species of speculation. To prevent the latter, it seems to me that one great step would be taken by prohibiting the national banks from paying interest on deposits, by requiring them to hold their reserves in their own vaults, and by forcing them into resumption, though it would be only in legal-tender notes.

The retention by the banks as a part of the reserve of either the whole or a part of the gold interest accruing upon the bonds pledged as security for their issue; the prohibition of payment of interest upon deposits; the requirement that the banks shall hold their reserves in their own vaults, and the forcing of resumption of the bank circulation *"though it would be only in legal-tender notes"*—these are the clear, explicit, and unequivocal suggestions of the President to Congress last December. They were thrown out for the consideration of Congress without any recommendation that they should be adopted literally, but with the expression of the hope that Congress might devise some method to secure such elasticity to the currency as would keep employed all the industries of the country, and at the same time prevent such an inflation as would "put off indefinitely" the resumption of specie payments. *"Put off indefinitely"* is the language used; not that specie payment might not be delayed or extended to a reasonable and practicable period.

Seconding these suggestions of the President Congress took action in the matter, and after the most full deliberation and discussion passed the following bill:

An act to fix the amount of United States notes and the circulation of national banks, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the maximum amount of United States notes is hereby fixed at $400,000,000.

SEC. 2. That forty-six millions in notes for circulation, in addition to such circulation now allowed by law, shall be issued to national banking associations now organized and which may be organized hereafter; and such increased circulation shall be distributed among the several States as provided in section 1 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870; and each national banking association, now organized or hereafter to be organized, shall keep and maintain, as a part of its reserve required by law, one-fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits; and that hereafter only one-fourth of the reserve now prescribed by law for national banking associations shall consist of balances due to an association available for the redemption of its circulating notes from associations in cities of redemption, and upon which balances no interest shall be paid.

This bill is substantially in accordance with the views of the President, submitted in his annual message. It requires the banks to keep as a part of their reserve one-fourth part of the coin received as interest on bonds deposited as security for circulating notes; it requires three-fourths of the reserves to be held in the vaults of the banks; it prohibits interest upon the remaining fourth, held by associations in cities of redemption, and does not increase the volume of currency so much as that indicated by the President as necessary to keep our industries employed and to augment our export trade. And the redemption of the bank circulation recommended, *"though it be only in legal-tender notes,"* was fully provided for by the Senate bill, since the legal-tender issue was extended to the same maximum ($400,000,000) as that of the national-bank circulation. Still the President in his veto message is not content with this kind of redemption, but adds, when dwelling upon the question of free banking, the further qualification that the legal-tender notes shall *"themselves be redeemable and made equivalent to coin."* Here is his language:

With the amount of United States notes to be issued permanently fixed within proper limits, and the Treasury so strengthened as to be able to redeem them in coin on demand, it will then be safe to inaugurate a system of free banking with such provisions as to make compulsory redemption of the circulating notes of the banks in coin, or in United States notes, *themselves redeemable and made equivalent to coin.*

Moreover, in his first inaugural the President gave assurances to the country that he would have "no policy to enforce against the will of the people," and in his last annual message concluded his suggestions upon the currency by saying:

The decisions of Congress on this subject will have the hearty support of the Executive.

Notwithstanding these pledges and the fact that the bill passed is in substantial compliance with the President's recommendations, he withholds his approval, saying in his veto message:

Herewith I return Senate bill No. 617, entitled "An act to fix the amount of United States notes and the circulation of national banks, and for other purposes," without my approval.

In doing so, I must express my regret at not being able to give my assent to a measure which has received the sanction of a majority of the legislators chosen by the people to make laws for their guidance, and I have studiously sought to find sufficient arguments to justify such assent; but unsuccessfully.

This veto is based upon the sole ground that it will *theoretically increase the volume of currency.* He says:

Practically, it is a question whether the measure under discussion would give an additional dollar to the irredeemable paper currency of the country or not, and whether by requiring three-fourths of the reserves to be retained by the banks, and prohibiting interest to be received on the balance, it might not prove a contraction. But the fact cannot be concealed that theoretically the bill increases the paper circulation $100,000,000, less only the amount of reserves restrained from circulation by the provision of the second section. The measure has been supported on the theory that it would give increased circulation. It is a fair inference, therefore, that if, in practice, the measure should fail to create the abundance of circulation expected of it, the friends of the measure, particularly those out of Congress, would clamor for such inflation as would give the expected relief.

That the increase, however, either practically or theoretically, would have amounted to $100,000,000, is a grave mistake. The President claims the right under the present law to cause to be issued the whole of the $44,000,000 reserve, and says in his veto message:

The forty-four millions have ever been regarded as a reserve, to be used only in case of emergency, such as has occurred on several occasions, and must occur when from any cause revenues suddenly fall below expenditures; and such a reserve is necessary, because the fractional currency, amounting to fifty millions, is redeemable in legal tender on call.

For the purposes of the argument, it is not material whether or not this right exists to issue the legal-tenders till the maximum of $400,000,000 is reached. Since the President claims that right and continues to exercise it, he cannot consistently and reasonably urge that the bill vetoed increased the legal-tender issue a single dollar. The only increase, therefore, according to the President's claim, is the amount added to the national-bank circulation, being $46,000,000. And as a matter of fact the Secretary of the Treasury has issued since the beginning of the crisis last fall $26,000,000 of this legal-tender reserve, and there is now outstanding $382,000,000; so that in no view can the bill be fairly said to increase the volume more than that necessary to reach the maximum of $400,000,000 of each class of issues, which is only $64,000,000, and even a portion of this is required to be held as reserves.

In what I have said I have not intended to express an opinion upon the merits of the bill vetoed. I have been discussing merely the presidential policy. However, I think the measure open to objections, but not on the grounds urged in the veto message. Still the bill was the best that it seemed possible to obtain at the time, and I gave it my support, hoping it might bring some needed relief to the languishing industries of the country. But the capitalists of New York and the East interposed. Holding the lion's share of the money of the country, they clamor against any increase. Last September, however, these self-same men were vociferous for more money. They then sought the President and obtained millions of the reserve. Having thus secured the relief they desired, they upon the passage of the Senate bill by Congress again came down upon this capital—

——Like the wolf on the fold,
And their cohorts were gleaming in purple and gold.

Throughout the money centers of the country, and particularly in the East, they called meetings and appointed committees to besiege the President with importunities. The following telegram, heralded over the land and published in the dailies, will show the character of these committees and the urgency of their solicitations:

NEW YORK, *April* 15.

A meeting of prominent bankers, merchants, and capitalists of this city was held here this evening. Peter Cooper presided. A petition to President Grant was read, soliciting his veto regarding the Senate bill for the expansion of the currency, and designating it as a stain on the honor of the Republic. *The petition was signed by a majority of the presidents of banks in the Clearing-house Association.*

Resolutions were adopted appointing a committee to present the petition to the President. The committee consists of leading financial men. This committee will meet on Friday morning at Washington to present their views to the President before the meeting of the Cabinet at noon.

They sought and obtained the presidential presence. What influence was thus exerted over him it is not for me to say, but I leave it for the country to judge in view of his former declarations and the subsequent events.

While I do not desire to enter into any extended discussion of the general financial problem, I beg attention to a few other considerations.

I am not one of those who believe in resorting to legislation to relieve every financial embarrassment; but when unwise legislation has brought about this embarrassment, and still stands in the way of those natural laws which would otherwise control the monetary system and regulate the supply and demand of the currency, I feel it to be an imperative duty to remove the obstructions by further legislative action. In my judgment, however, many and indeed most of the measures proposed do not tend to that result.

The great anxiety on the part of those who champion what is called specie payment is not only to limit but to curtail the amount of currency, and particularly to retire and cancel the whole or a part of the outstanding legal-tenders. The legal-tenders are at once the cheapest and best of all our paper circulation, and for their retirement I have heard no good or sufficient reasons. They cost the people no annual interest to float them. They are equal in all respects and superior in many to the national-bank notes, and their basis of security is the credit and wealth of the nation itself. How is it with the

national-bank notes? They cost the people, with the present volume, some $20,000,000 a year. They are nominally issued by the banks, but really by the Government. They rest for their security not upon the banks, but upon the bonds of the United States. For the payment of these bonds the nation alone is responsible, so that the security in each class of issues—the legal-tender and the national-bank note—rests ultimately upon one and the same basis. The qualities thus imparted to the bank-note through the faith and credit of the Government alone give it value and cause it to be circulated currently throughout the country as money. Back of each class of issues stands the Government itself. Neither has value without this security; both are entirely good with it.

Since the legal tender is furnished comparatively free and the national-bank note at so large expense, why shall we retire the former while we perpetuate and extend the latter? Considering the welfare of the whole people, what man should hesitate to declare his preference for a currency, a hundred dollars of which may be circulated and used without price, over a currency the like amount of which, and being no better, and indeed not as good, costs six dollars a year in coin? The bare statement of the character of the two classes of issues demonstrates the wrong and injustice to the great body of the people of the proposed policy of retiring the legal-tenders at the present time or near future. Far better would it be to retire first, when the day for the retirement of any portion of the currency arrives, the national-bank notes, and thus lift from the shoulders of a tax-burdened people an equal or proportionate amount of the interest-bearing public debt.

But specie payment is the rallying cry of those who are now working in the interest of capital. A specie basis may eventually be reached, but specie payment in reality, or a circulating medium entirely of coin, will never take place. Lycurgus will sleep on in his own chosen temple, and so will sleep the iron money of his institution. Neither will gold or silver become the actual medium of exchange any more than the cast-iron money of the ancient Spartans, though they may become the basis of stability to the currency which takes their place. The nations of modern times, encouraging trade and commerce, and cultivating the arts of peace instead of war, must and will do business upon credit and with currency of some character. The real questions at issue are, What quantity of currency is necessary to the healthy maintenance and growth of business, and when and in what manner shall the specie basis be reached? Specie payment, or a specie basis, at the present time, is an admitted impossibility; a paper currency an absolute necessity. Far more coin is demanded each and every year to pay the interest upon our debt abroad, national, State, and corporate, than the whole amount of specie possessed in the entire country.

That business is greatly depressed no one denies. About the causes of it many differ, and about the remedy there is like disagreement.

That an increase of currency would give temporary relief all seem to agree, but the "contractionists" urge that such course would bring ultimate disaster and ruin. They base their conclusions, however, upon the hypothesis that the currency is to be so largely inflated as to reduce comparatively its value or to render it absolutely worthless. And they liken it to the old Continental money, the French *assignats*, and Confederate scrip. They assume this state of affairs and assert that such a course will "put off indefinitely" the resumption of specie payments. And they have not only exhausted their sources of reason to impress their theory, but have resorted to casting clouds upon those whom they are pleased to style "*inflationists*," by stigmatizing their action as fraught with folly, with dishonor to the nation's obligations, with ignorance of the true principles of finance and the science of statesmanship. It is forgotten that but a few short months ago they "were of them." I shall have the charity, however, to believe that this raillery on their part against their brothers who may differ with them in opinion springs not so much from honest, deliberate conviction as from a desire to skillfully wield the arts of disputatious warfare. But their hypothesis is based upon a misapprehension of the real issue. No one proposes to embark upon a wide and wild sea of inflation. In such sense inflation has no advocates on the floor of Congress. In the apt language of Mr. BUCKNER, of Missouri, who now honors this body with his official presence, in a recent letter to his constituents:

> What we demand is, an *increase of what is now by law the money of the country, adequate to the wants and demands of its business, and an equal distribution to all sections of what we have, in proportion to our population and wealth.* It is this reasonable demand that the advocates of the present status of the currency characterize as "inflation."

While they rely upon the pledge of the act of 1869 for support in favor of resumption, they carefully avoid making known that by the act of 1870 the national-bank issue was extended $56,000,000. And they are forced to admit in *argument* that the present volume of currency is not too much, though their *policy* has been to force resumption through further contraction in one form or another. They admitting, however, that the present volume ought not now to be diminished, it follows that in their opinion the seven hundred and odd million dollars of currency now outstanding is not too much to meet the present exigencies. It would not be at all strange, therefore, if they should be slightly mistaken in this nicety of calculation that the demands of business were greater than their estimate, and that a little increase of currency would, contrary to their expectations, prove beneficial rather than detrimental or disastrous.

With our vast enterprises, various productions, wide expanse of territory, the ablest thinkers and best informed financiers may differ as to the amount necessary. Adam Smith, in his admirable treatise entitled "Wealth of Nations," has well observed:

> What is the proportion which the circulating money of any country bears to the whole value of the annual produce circulated by means of it, it is perhaps impossible to determine. It has been computed by different authors at a fifth, at a tenth, at a twentieth, and at a thirtieth part of that value. But how small soever the proportion which the circulating money may bear to the whole value of the annual produce, as but a part and frequently but a small part of that produce is ever destined for the maintenance of industry, *it must always bear a very considerable proportion to that part.*

When the crisis of last fall came, so urgent was the demand for more currency, and principally by those who now deplore any extension, that the President and Secretary of the Treasury yielded to the pressure, and contrary to the provisions of the law issued $26,000,000 of what is known as the $44,000,000 reserve. It is said this House in voting to extend this issue to the maximum of $400,000,000 approved the course of the Secretary. I do not so interpret its action. It is the province of Congress to make laws and the duty of the Secretary of the Treasury and all others to obey them. In voting for that measure I looked beyond the Secretary and to the people. In my judgment this House by that vote no more approved of that violation of the law than the governor of a State who pardons the felon from the cell approves of the crime for which he was incarcerated.

But to return from this digression. Notwithstanding this $26,000,000 was thus issued, the direst results are now predicted from the slightest additional increase, and the President will not tolerate it even *theoretically*. Every argument is advanced and every influence organized to prevent. An increase, it is said, will bear especially hard upon the agriculturist, the mechanic, and the day-laborer by inducing undue inflation and thereby enhancing the prices of commodities of living proportionately beyond that of wages and the products of labor. This sympathy for the producing and laboring classes comes from an unexpected quarter, and seems a little remarkable except as a means to an end.

I would not question the motives which prompt it, but it would be well to remember the poetic admonition:

> No vice so simple but assumes
> Some mark of virtue on its outward parts.

These results can flow only from an overissue, from a flood of paper money which has no substantial basis of security. They are not the fruits of that intermediate course, ycleped the "golden mean," which would give sufficient currency to "transact the legitimate business of the country and to keep all industries employed."

Undue contraction, on the other hand, is fraught with like evil to the same classes. I cannot better illustrate this than by quoting from Sir Archibald Alison, in his "England in 1815 and 1845; or, a Sufficient and Contracted Currency," wherein he says:

> The period of a contraction of the currency and consequent fall in the money prices of all the articles of human consumption is one in which great profits are sure to be realized by the larger capitalists, and great losses sustained by the smaller. The former prosper because the magnitude of their transactions enables them to realize a handsome income upon the whole from a declining and at length almost inconceivably small amount of profit from each transaction; and they gradually get the monopoly of the market in their own line of business by the extinction of the lesser capitalists whom the fall in the price of commodities has ruined or the diminished profits have repelled from entering into competition with them.
> * * * Small traders, therefore, and farmers without capital are speedily ruined in such a state of things, and the laboring or destitute condition is only rendered the more distressing by the contrast which it affords to the wealth and splendor with which the holders of large capital in the same line of business are surrounded.
> * * * A period of contracted currency is one of embarrassment, difficulty, and generally in the end of insolvency to the small farmer and moderate land-holder.
> * * * * * * *
> If a supply proportioned to the increase of men and the wants of their commercial intercourse is not afforded, the circulating medium will become scarce; it will rise in price from that scarcity, and become accessible only to the more rich and affluent classes. The industrious poor or those engaged in business but possessed of small capital will be the first to suffer.

These results, sir, are seen and felt to-day. The general depression of business is a fact palpable to all. Manufactories are idle, the mechanic is out of employment or working upon limited time and at reduced wages, the day-laborer is poorly paid, and the farmer finds no ready market for his products at remunerative prices. Not war, drought, or famine is the cause of all this. We are at peace at home and with all the world beside, and the varied productions of the earth were never more abundant. Materials to work upon are plenty; tools to work with ample; hands, ready and eager to catch at the opportunity, numerous; yet the wheels of industry stand still and the hum of business is hushed.

It is fair to presume, therefore, that, in great part, all this is the logical sequence and practical result of a vicious financial policy. Back of the mere question of the volume of currency, however, may, no doubt, be found many, if not the principal, causes of the present business distress.

We have an enormous public debt, with a large part of it held abroad, which consumes our exports to pay the accruing interest, thereby preventing the natural interchange of products, the legitimate operations of international commerce, and the favorable balance of trade to our country. We have a national-bank circulation which

costs the country heavily, which is inequitable in its apportionment, which, in short, is a grand monopoly by the force of law and through the action of public officials. According to wealth and population the Eastern and Middle States have an excess of the national banking capital of $80,106,549, and the South and West a deficiency of $72,694,845. This ought not to exist. The same rights and privileges should be accorded to A that are extended to B. Instead of encouraging, I would throw obstructions in the way of monopoly in all its forms. Especially should there be no monopoly in the circulating medium of the country so indispensable to all, and the amount of it should be equal to the wants of business. While a limitation is placed upon the amount of currency, a fair and equitable apportionment of it according to the wealth, population, and business interests of the different sections is imperatively demanded by every consideration of justice. Moreover, equity in the apportionment and quantity sufficient to promote business prosperity are the easiest as well as the surest and safest methods of appreciating the value of the currency and bringing it to the specie standard. This, too, is in strict accordance with every pledge of Congress, of the President, and of party platforms, upon which so much reliance has been placed. A specie basis "at the earliest practicable period" means nothing more or less than a period which may be reached at a time and in a manner consistent with business interest, national prosperity, and individual welfare. Resumption at any earlier day is Shylock's pound of flesh extorted in behalf of capital.

While insisting upon the necessity of a stable circulating medium and the wisdom of returning to a specie basis as early as the interest of the debtor class would permit, the President, in his annual message to Congress in 1869, most truly said:

> Immediate resumption, if practicable, would not be desirable. It would compel the debtor class to pay, beyond their contracts, the premium on gold at the date of their purchase, *and would bring bankruptcy and ruin to thousands.*

With much more force would this apply at the present time, when all our industries are paralyzed and our indebtedness undiminished. It is estimated that debts, national, State, corporate, and individual, amounting in the aggregate to the enormous and almost incomprehensible sum of eleven to twelve billion dollars are now outstanding. They have been contracted, too, upon a currency basis. To require them to be paid in coin immediately or in the early future would work untold disaster, and, in the language of the President, "would bring bankruptcy and ruin to thousands."

In the present, well-understood condition of things it is plainly apparent the practicable period for resumption is not now upon us. If it did not arrive in the prosperous years of 1870, 1871, and 1872, it may not come for some years hence. However great a desideratum, therefore, a specie basis may be, and I am by no means inclined to ignore its importance or to unnecessarily delay its coming, yet in my judgment it is a question of some considerable time or of unparalleled sacrifice.

Mr. HAVENS. Mr. Speaker, when this Congress assembled in December last the necessity for legislation to improve the financial condition of the country was universally recognized, and the demand for such legislation was urgent and pressing. The West and South, especially, insisted upon an increase of the volume of circulation, and there were few who did not expect that such increase in some form would be authorized. The President in his annual message clearly favored it, while the pressure just previously brought to bear upon him to secure the issue of the forty-four million reserve by the moneyed men of the East gave encouragement to the belief that that powerful influence would not be arrayed against legislation in the direction of reasonable and moderate expansion.

After months of exhaustive debate and of careful and well-considered action, a bill passed both Houses which was far from coming up to what the advocates of expansion believed to be necessary, and in which much—far too much—was yielded to the opinions and interests of the capitalists of the East. The expansion for which it provided was meager in view of the necessities of the country, and of the unquestioned demand of the people.

It was therefore a matter of great surprise that this bill aroused so much determined hostility among the representatives of the capitalists of the country and induced a pressure upon the Executive unprecedented in the history of legislation, to prevail upon him to interpose the veto power between the people and their Representatives. And to me it was a matter of still greater surprise, in view of the recommendations of the annual message, which gave so much satisfaction to the West and South and to the laboring and producing classes everywhere, that the President should have been convinced that adherence to his patriotic purpose to enforce no policy of his own against the will of the people required that he should depart so far from the views of that message as to return the bill with his disapproval.

THE PRESIDENT'S RECOMMENDATIONS.

The majority of this Congress had no reason to suppose that they were placing themselves so eminently in conflict with the views of the President, and of a correct public policy as the veto message may seem to indicate; and in this connection it is instructive to refer to the measures recommended for our adoption in the annual message in December last. In that message the President said:

> In view of the great actual contraction that has taken place in the currency, and the comparative contraction continuously going on, due to the increase of population, increase of manufactories, and all the industries, *I do not believe there is too much of it now for the dullest period of the year.*
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> * * * * * * *
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> It is patent to the most casual observer that much more currency or money is required to transact the legitimate trade of the country during the fall and winter months, when the vast crops are being removed, than during the balance of the year.

And after showing that an actual contraction of the currency within the last four years to the extent of $63,000,000 had taken place he presented the following argument showing the necessity for expansion, at least during the fall and winter months when the crops were being moved:

> During the same period there has been a much larger comparative contraction of the currency. The population of the country has largely increased. More than twenty-five thousand miles of railroad have been built, requiring the active use of capital to operate them. Millions of acres of land have been opened to cultivation, requiring capital to move the products. Manufactories have multiplied beyond all precedent in the same period of time, requiring capital weekly for the payment of wages and for the purchase of material; and probably the largest of all comparative contraction arises from the organizing of free labor in the South. Now every laborer there receives his wages, and, for want of savings-banks, the greater part of such wages is carried in the pocket or hoarded until required for use.

So it appears that the President believed, in December last, that the present volume of circulation was "only sufficient for the dullest season of the year," and that "much more currency, or money, was required to transact the legitimate trade of the country during the fall and winter months." And he gave us the soundest of arguments to impress upon us the correctness of this view.

The addition to the volume of circulation so shown to be necessary could only be provided for by legislation, and to effect it the President recommended certain measures for our consideration. Let us examine them. The first is as follows:

> I submit for your consideration whether this difficulty might not be overcome by authorizing the Secretary of the Treasury to issue, at any time, to national banks of issue, any amount of their own notes below a fixed percentage of their issue, say 40 per cent., upon the banks depositing with the Treasurer of the United States an amount of Government bonds equal to the amount of notes demanded, the banks to forfeit to the Government, say, 4 per cent. of the interest accruing on the bonds so pledged during the time they remain with the Treasurer, as security for the increased circulation, the bonds so pledged to be redeemable by the banks at their pleasure, either in whole or in part, by returning their own bills for cancellation to an amount equal to the face of the bonds withdrawn.

Here is a proposition to permit the banks to increase their circulation at pleasure to the extent of 40 per cent. by merely surrendering 4 per cent. of the interest upon their bonds while using the currency. Their aggregate circulation being $354,000,000, the increase of circulation so recommended would amount to a little above $140,000,000, provided the banks should avail themselves of the privilege extended. That they would do so cannot be doubted, in view of the opportunity for increased profits, especially during the busy seasons, and so long as the demand for currency should be great enough to absorb it at fair rates of interest.

This, then, was a proposition, specifically recommended by the President, opening the way to expansion to the extent of $140,000,000.

Again he recommended for our consideration the propriety of making banking free, "retaining all the safeguards now required to secure bill-holders," and coupled with a provision forcing redemption, "though it would only be in legal-tender notes." The extent of expansion involved in this proposition cannot of course be accurately estimated. It would only be limited by the capacity of the capital and business of the country to establish and maintain additional banks.

Again, the President suggested the propriety of exacting from the banks "the retention as a part of their reserve either the whole or a part of the gold interest accruing upon the bonds pledged for their issue." Requiring the reserve to be held in gold would, of course, release the paper reserve, and to the extent that gold should be so held would increase the paper circulation. If the whole of the gold interest were required to be so held it would add about $20,000,000 per annum to the paper circulation, until the whole of the reserve required by law should be converted into gold.

These are the measures recommended by the President for effecting the volume of circulation. And it must be remembered that in connection with these recommendations he did not even suggest any measure requiring contraction of any part of the paper circulation to the extent of a single dollar. We were advised of the importance of an early return to specie payments, and warned against the dangers of "undue inflation;" but these measures did not seem to the President to involve "undue inflation." And having made these recommendations, the President concluded with the assurance that "the decision of Congress upon this subject" would "receive the hearty support of the Executive."

Mr. Speaker, I inquire if these views of the President were not strongly in the direction of what is now termed "inflation," and whether the political supporters of the President, who advocated the bill he has felt called upon to veto, had not a right to believe that in so doing they were still following the lead of their chief, and to expect that the bill would receive his prompt and cordial approval?

PROVISIONS OF THE BILL.

Let us examine that bill and see whether it was in conflict with these views of the President, and whether it involved "inflation" beyond his recommendations.

The bill only permitted an issue of $46,000,000 of bank circulation, and confined the issue of it to those States having less than their proportion under existing laws. It followed the recommendation of the President that all or a part of the gold interest received on bonds deposited as security for circulation should be held as a part of the reserve required by law, by providing that one-fourth of the gold interest should be so held.

Is it not apparent that this bill, limiting the possibility of expansion through an increase of national-bank circulation to $46,000,000, contained far less "inflation" than the recommendation of the President, under which there were to be no limitations as to amount, and which would have opened the way to all the States, East as well as West and South, to increase the circulation to the extent of their capacity to establish and sustain additional banks?

Under the operation of the bill there could have been no inflation beyond the $46,000,000 of national currency provided for and the small amount of the paper reserves released by requiring one-fourth of the reserves to be held in gold. This was the whole of it. The bill contained no other provision requiring the issue of a single dollar of currency of any kind. The provision that the maximum of legal-tenders should be $400,000,000, in effect only authorized by law the issue of the forty-four million reserve. It did not compel its issue, but left it discretionary with the Secretary of the Treasury to issue it or not. In this respect it is not certain that the bill would have changed the existing law. Both the President and Secretary hold that that authority now exists, and in pursuance of it $28,000,000 have been issued by the Secretary with the approval of the President since the panic of last fall. The right of the Secretary to issue this so-called reserve had, however, been seriously questioned. The bill did no more in effect than remove all doubt upon this point. It only made certain the authority which the President and Secretary already claim and exercise, and left the propriety or expediency of its exercise to them exactly as they now hold it to exist. It did not require them to issue a dollar of it, and only settled the disputed question as to their right to control its issue, just as they have claimed it and in accordance with the policy they have heretofore pursued with regard to it.

This provision of the bill, therefore, contained no "inflation" whatever; and all the increase of the currency that could have resulted had the bill become a law would have been so much of the $46,000,000 of bank circulation as the States entitled to it might have been able to take up. The President was, therefore, greatly in error when he stated in his veto message that "the fact cannot be concealed that theoretically the bill increases the paper circulation $100,000,000, less only the amount of reserves restrained from circulation by the provision of the second section," unless he meant to admit that existing law does not authorize the issue of the $44,000,000 reserve, and that so much of it as has been issued has been issued in violation of law.

It appears, then, that the annual recommendations of the President's message favored an increase of the paper circulation through an increase of the circulation of the existing banks to the extent of $140,000,000, together with such increase as might result from unlimited free banking and the release of so much of the paper reserves as might be replaced by even all of the gold interest upon the bonds deposited as security for circulation. The bill which failed to receive the President's approval because it involved too much expansion, only provided for such an increase of the currency as might result from the establishment of additional banks in certain States within the limit of $46,000,000, together with the release of paper reserves to the amount of only one-fourth of the gold interest upon the bonds deposited as security for circulation. It is thus seen that the recommendations of the President's message of December last, if they had been strictly followed, would have opened the way to more than three or four times as much "inflation" as would have been possible under the bill he has disapproved.

THE WILL OF THE PEOPLE.

Mr. Speaker, for many months the question of the finances has been the absorbing question everywhere. Not only in the parlors of banks, in counting-rooms, stores, and offices, but in the shop of the mechanic, at the firesides of the farmer, and among unemployed and poorly paid laborers it has been the all-engrossing theme. So universal has been the suffering and distress among the masses of the people occasioned by the want of currency to move the industries upon which they are dependent, that it has forced itself above all other questions. It has risen above the divisions of parties, and party lines have been disregarded and forgotten in its discussion and consideration. And everywhere among the masses of the people the demand for an expansion of the currency has been unmistakable. The press of the great cities, and their followers, may have seemed to indicate otherwise; but such has been the voice of the people as it has been heard by their Representatives upon this floor, to whom they have had a right to appeal.

But loud above the quiet but confident appeals of the common people, whose voice has seldom reached beyond their immediate representatives, has sounded the incessant din and clamor of the money power of the country through all the circles and influences at its great command. It has assumed to speak for the country and to embody all the patriotism and honor in the land. The press of New York has spoken with an air of authority that none should dare to question, and has hurled studied falsehoods and reckless bombast in the face of the country with the wildest desperation, and at least one of its greatest representatives has threatened the destruction of the Union if its ultimatum should be disregarded. To those who may not have had access to the real heart of the people it may have seemed that these overshadowing organs of communication—the loud and boastful assumptions of the money kings of the great cities—have correctly represented the honest wishes and opinions of the great body of the people. And if there are those charged with official responsibility who have been misled in this regard it is deeply to be regretted, but is perhaps not strange that it should be so.

WHY THERE IS CIRCULATION NOT ISSUED.

Mr. Speaker, the concluding paragraph of the veto message seems a little unkind as well as unjust to the people of the West. It is calculated, doubtless unintentionally, to convey a very erroneous and injurious impression. I quote it as follows:

> It is claimed by the advocates of the measure herewith returned that there is an unequal distribution of the banking capital of the country. I was disposed to give great weight to this view of the question at first; but on reflection it will be remembered that there still remains $4,000,000 of authorized bank-note circulation assigned to States having less than their quota not yet taken. In addition to this, the States having less than their quota of bank circulation have the option of twenty-five millions more to be taken from those States having more than their proportion. When this is all taken up, or when specie payments are fully restored, or are in rapid process of restoration, will be the time to consider the question of "more currency."

The President here seems to entertain the opinion that the States now asking for increased banking circulation have been unable to take up the remaining $4,000,000 to which they are entitled or have not desired to do so, and that for the same reason they have not taken the $25,000,000 which the law now provides may be transferred to them from the States having an excess above their proportion. He was evidently not aware of the reason why this circulation has not been taken, or he would not have imputed to us the impropriety of asking for "more currency" when we had failed to take that which had long been waiting for our applications. Sir, for a long period all applications for any part of this $4,000,000 have been steadily and uniformly rejected by the Comptroller. For more than a year not a dollar of it could be obtained for any new bank in the West and South. The alleged reason has been that applications were already on file for the whole of it, and that it was all assigned upon such applications. No circulation has ever been issued upon these assignments, and it would be difficult to satisfy the country that many of the applications were not fraudulent and intended to defeat other applications, made in good faith, the object being to avoid the enforcement of the law requiring the transfer of $25,000,000 from the East to the West as soon as that $4,000,000 should be exhausted. That transfer under the law could not be made until the remaining $4,000,000 of the amount authorized under the act of July 12, 1870, should all be taken. And these neglected and abandoned, if not fraudulent applications, have been permitted for a long period to stand in the way of legitimate applications from parties who have stood ready with their bonds to take the circulation, and have furnished a ready excuse for the refusal to transfer the $25,000,000 from the East to the South and West. A large number of applications, presented by parties who were ready to comply with the law, have been refused, while many other applicants—some I know from the State I in part represent—have been informed that there was no circulation for them, and that it would be useless to file their applications. And it was not until the recent discussion here upon this subject directed public attention to the action of the Comptroller that he consented to permit this $4,000,000 to be taken up. In fact, sir, since the date of the President's message, and in the face of its positive statements to the contrary, applicants from the State of Missouri, have been told that this circulation was not accessible to them, and have been refused a single dollar of it.

But for the determination of the Comptroller to protect the East from the surrender of a portion of its excess of circulation under the act of July 12, 1870, the $4,000,000 would have long since been issued to the West and South, and the greater portion, if not all, of the $25,000,000 would have been transferred there also. That he has deceived and misled the President as to the facts connected with the failure to issue this circulation, the statements of the message scarcely leaves room for doubt.

THE REAL CAUSE OF HOSTILITY TO THE BILL BY EASTERN CAPITALISTS.

Mr. Speaker, in view of the well-known opinions of the capitalists of the country a few months ago when they were beseeching the President, even on the Sabbath day, to expand the currency by the exercise of a doubtful and questioned power, to relieve them from pressure, we did not expect to witness the unprecedented exertion they have made to secure an executive veto of a bill providing for the moderate expansion of that to which I am referring. Why was that exertion made? Was it because they really feared the effects of the bill in the direction of expansion? I do not believe so; for we find many of those very men to-day favoring measures involving even greater expansion. But we find also that their propositions are coupled with conditions designed to preserve the preponderance and control they now have over the finances and business of the country. They are unfriendly to everything which looks to a destruction of those unjust and unnatural influences which practically force money to accumulate in undue quantities in the eastern centers

while the agricultural districts of the West and South are denied the ordinary and reasonable advantages which every section may justly claim. And hence their hostility to that bill. That bill, sir, was one to do justice to the West and South rather than to inflate the currency. That was its mistake. Had it been shorn of this feature, their previous action and their present attitude does not permit us to doubt that the little expansion it provided for would have been accepted without a murmur, if not with gladness.

But, sir, undue advantage and power must be perpetuated in the great money centers, as the condition upon which any legislation will be permitted. The power which their wealth naturally gives them must be still further augmented by laws discriminating against the rest of the country. The national banks must be given unlimited opportunity to multiply in number and increase their power. No check or limit must be placed in the way of their advance. On the contrary, every obstacle and hinderance must be removed. The greenback circulation must be retired in order to open the way more completely to their growth—the growth, sir, of a power that may yet become dangerous and troublesome. These are the conditions made precedent to any expansion of the currency. With these conditions all the horrors of expansion disappear.

Mr. Speaker, the cry of "inflation" has from the first been the veriest humbug. It has been made the glib answer to all arguments and facts, and has been expected to silence the timid, alarm the unthinking, and mislead the whole country into the service of the eastern banks and bondholders. It is a deception and a sham. And none know it better than those who have made it.

The Eastern States, having more than double the national-bank circulation of most of the States of the West and South, upon the basis of wealth and population, do not feel the need of expansion so long as they can maintain this advantage through the unjust and unequal laws that now exist. The bill which they opposed so vehemently provided for contracting the circulation in the East and expanding it in the West, so as to secure something like equality; though it would have been far from securing complete equality, and would still have left the East with an advantage of many millions. Contraction, when it was to be applied to them, was a very objectionable measure. And the idea that the West should presume to demand an approach to equality in the amount of its circulating medium seemed to be regarded as sublimely impudent. All the insulting epithets and vulgar ridicule at the command of the facile writers and ingenious cartoonists of the New York press have been hurled in profusion upon all who have dared to support this measure of justice. They have by all the expedients within their reach—by dictatorial assumptions, by threats and blustering braggadocio, by extravagant misrepresentations and falsehoods—sought to enforce a despotism of opinion upon this subject which should silence opposition, and drive or drag not only the representatives of the people, but the people themselves, into submission to the power they serve. One of the greatest of the New York journals even told us that the success of this bill would be a justifiable cause of rebellion, and for the withdrawal of New York and New England from the Union. They have all manifested in an extraordinary degree that peculiar patriotism which would preserve the pledges and the honor of the Government without any sacrifice to themselves, and by the perpetuation of wrong and injustice upon the mass of the people. Contraction, when it threatened to touch the East, was a thing so fearful that they could see in it disastrous inflation, broken pledges, and lost honor; but when a paralyzing contraction is to be perpetuated in the West, leaving the East unmolested in the enjoyment of the opportunities secured by arbitrary law, they see in it only the vindication of national honor and the observance of solemn pledges.

THE SPIRIT OF WALL STREET.

Mr. Speaker, the power of great wealth is not to be despised. It is always arrogant, tyrannical, and merciless. It marshals a host of followers who fawn at its feet or bow at its command, and, caring for no interests but its own, it tramples with ruthless step upon every right of the people that stands in the way of its purposes. The haughty, intolerant tone of the metropolitan press that represents it in this controversy correctly reflects the spirit that animates it. Its desperation when threatened with restraint or the defeat of its schemes was well exemplified a few days ago by a member of the committee who came here from New York to influence the action of the President. While here upon that mission a distinguished member of that committee, whose reputation is not confined to New York nor to this country, boastingly and threateningly declared within the walls of this Capitol that he could raise $100,000 upon Wall street in an hour any time to defeat the re-election of any Senator who might vote for the currency bill passed by this House, then pending in the Senate; and he also declared his desire to share in paying the expenses of shipping this entire House of Representatives to Europe where we might be taught a little financial sense.

Sir, I do not doubt the ability of Wall street to raise the money for both these purposes, nor its disposition to do so, whenever its interests may seem to require it; and I am sure that Europe would furnish suitable schools for the financial education that Wall street would have this House possess. The financial theories of Europe have divided the people into two great classes; the one composed of the mass of the people, ground in hopeless poverty, trampled upon and degraded as if only created for the especial service of the few; the other a small aristocracy, owning everything, controlling everything, and dwelling amid luxury and princely magnificence, gathered from the sweat and toil of the millions who suffer and starve. The spirit of Wall street is the spirit of the European aristocracy; it is neither more generous nor merciful, and I do not question its willingness to pay well for the education of the American Congress in the financial theories of that aristocracy.

Mr. Speaker, we have heard much of theories lately. And those who have presumed to question the applicability of those theories to this country have been ridiculed as unwilling to learn from the great teachers. Let me inquire who those teachers were and for whom they wrote. Were they not of the favored few, and did they not write for the aristocracy. Sir, the theories of the books we are asked to accept were written in the exclusive interests of the European aristocracy—were written to aggregate wealth in their hands and to make their power more impregnable. They were not written for the people; their interests were not studied in their preparation; no thought of lifting the people from poverty to prosperity ever entered the minds of these learned writers, and their books would have been instantly condemned to oblivion if they had written in that direction.

Mr. Speaker, we have cast aside the governmental theories of Europe as utterly unsuited to a free people, and have developed new theories for ourselves. May we not stop to doubt whether the financial theories of Europe—theories written for another age and another civilization, and which have been the strong prop of monarchical and aristocratic rule, may not also be unsuited to a condition where equal privileges and opportunities are the boasted purposes of legislation? Shall those who consider the possibility of improvements to meet an improved and better condition of life among the people be charged with an unwillingness to learn? Rather may not those who refuse to regard the wide differences of purposes and circumstances and cling with blind tenacity to old theories be regarded as neglecting the lessons they should study.

But I can assure the representative of Wall street that he need not send this House abroad to learn European theories of finance. We have teachers here who understand them, and give us daily lessons in their mysteries. And if we do not learn to accept them as readily as Wall street would have us, a practical observation of their results upon the populations of Europe might not increase our admiration for them. From the stand-point of Wall street those theories are unquestionably sound; but looking at them from the fields where the people toil, there is room to doubt the wisdom of their application.

THE INCONSISTENCY OF EASTERN CONTRACTIONISTS.

Mr. Speaker, we have heard much of the solemn pledges of the Government. The opponents of the bill which lately came to an untimely fate were exceedingly active in their efforts to persuade the patriotic people of the country that that bill was a violation of a solemn pledge, and that its authors and supporters were indifferent to the national honor. Sir, the pledge of the Government is that it will redeem its obligations in coin at the "*earliest practicable period.*" Wherein was that bill inconsistent with this pledge? It did not increase the obligations of the Government a single dollar. And it is worthy of remark in this connection that the very men who came here from New York and Boston to influence the President to veto the bill were among those who in September implored the same President to issue the $44,000,000 reserve for their relief, assuring him that the legal volume of greenbacks was just what that bill declares it to be. In now insisting that the bill *would* have violated pledges by increasing the national obligations, they confess that they were seeking to deceive and mislead the President last fall, and that they did persuade him to issue a part of that reserve in violation of law. This is the humiliating attitude in which they place themselves and the President. The bill indorsed their position and that of the President by confirming it, and for this they turn upon it, and denounce it as an unpatriotic and wicked violation of a solemn pledge.

The New York newspapers that to-day profess so much devotion to the national honor and so much hostility to any expansion, but a short time ago were filled with piteous appeals for "more money," and argued wisely against legislation to effect specie payments. Harper's "Journal of Civilization" told us last fall that the idea of bringing about specie payments by legislation was an utter delusion, and is to-day pursuing distinguished citizens, whose ability and patriotic services to the country should at least secure them decent respect, with coarse and brutal caricatures on account of their support of the defeated bill. The panic was upon New York then, and her capitalists were pinched. They appealed to the President for relief, and he responded. But with characteristic selfishness the currency so obtained was hoarded in their own vaults; while they proceeded to contract their credits everywhere, and especially to call in from the West every dollar that was due them, jealously hoarding it away, and producing thereby severe contraction in the West, and leaving the ultimate consequences of the panic to be suffered there. And now, with their plethoric vaults filled to overflowing by this operation, utterly regardless of the suffering of others, and with their fingers clutched tightly upon the business of the country, they send here a committee representing several hundred millions of capital, supported by another from the city of Boston scarcely less formidable, to tell the President that

money is abundant, and that his approval of the bill legalizing what he did for their relief would be a violation of a solemn pledge for that very reason.

The cry of violated pledges coming from this source is the merest sham—a deceptive pretext to conceal what I have already shown to be the *real* cause of their opposition to the bill.

HOW TO RESUME.

The Government is pledged to redeem its obligations in coin at the "earliest practicable period." When will that period arrive? In his annual message the President told us that a specie basis could not be reached "until our exports, exclusive of gold, pay for our imports, interest due abroad, and others specie obligations, or so nearly so as to leave an appreciable accumulation of the precious metals in the country from the product of our mines." These are the President's words; and they express a truth which no one has successfully questioned.

And, now, when will this result be accomplished? We are paying in interest alone about $65,000,000 in gold per annum to Europe upon our obligations held there. We pay this interest in specie, *and not a dollar of it in other exports.* What are the steps necessary to be taken to enable us to pay these obligations otherwise than in gold? Is it not clearly to reduce the amount of our indebtedness in Europe and to increase our exports, other than specie? And does any one suppose that this can be most speedily effected by a financial policy which destroys the capacity of the people to pay taxes, depreciates their property, paralyzes their industries, and blights their prosperity?

The volume of money in the country when the rebellion began was found utterly insufficient to pay and supply the vast armies called into existence. The emergency demanded a great increase of currency. With that increase the war was carried on, the people sustained unparalleled taxation, and at the same time increased the national wealth to an amount almost equal to the growth of the previous century. The emergency which called into life the financial measures by which all this was accomplished has not yet entirely passed away. The war has indeed ceased, but much of the debt remains. And the policy which gave the country so great financial strength in the midst of the war should not be altogether abandoned in the effort to meet the indebtedness which the war has left us. That debt to-day stands between the country and specie payments, and nothing but its removal, or the ability to meet the interest upon it otherwise than by exporting specie to pay it, will enable us to return to a specie basis.

And this, sir, can only be done by a policy that will develop the resources of the country, and secure general prosperity among the people. During the eleven years from 1863 to 1873, inclusive, the people paid into the national Treasury an amount of taxes largely in excess of the present amount of the national debt. If 50 per cent. were added to that debt to-day it would still not equal by more than $200,000,000 the amount of taxes drawn from the people within the brief period I have named. Does any one suppose that this extraordinary achievement could have been accomplished with the volume of money that existed when the war began, or under the policy now urged upon the country by the contractionists? No sane man will pretend that it could. But, sir, with the same opportunities enjoyed during that period, and with no greater rates of taxation than they then sustained, the people could pay the current expenses of the Government and every dollar of the national debt in a period of ten years, and suffer far less while doing it than they would under the policy of contraction without paying a dollar of the debt.

But this is of course not desired. It is desirable, however, that there should be some reduction of the debt, and that all of it should be held by our own citizens. Provide the people with fair opportunities, and, without paying the debt, it can be funded in a new bond which they can take. We should thereby be relieved of our foreign obligations which drain us of our gold and prevent a return to specie payments.

INCREASED TAXATION.

The President accompanies his veto message with a recommendation for increased taxation, which he says is necessary to prepare the way for specie payments. This recommendation is of course consistent with the theory upon which the message is based. But, sir, the country is in no condition to endure increased taxation. The thumb-screw policy of squeezing the life out of the people for the benefit of the bondholders has already blighted their prosperity, and is threatening all who are in debt with inevitable bankruptcy. The policy of contraction has depreciated their property and rendered it unsalable, and has correspondingly increased the value of every obligation held against them either by the bondholders or their private creditors, and they are now almost at the mercy of those to whom they are indebted. Contraction has benefited nobody but the lenders of money; and to add to its evils the burden of increased taxation would complete the folly of bending every interest to the will and greed of the money power. A short time ago the people were prosperous and able to pay heavy taxes, but the facilities which made them so have been deliberately taken from them; and until money sufficient for the easy and natural transaction of business is restored, increased taxation is neither wise nor just.

Mr. Speaker, the most effective enemies of a return to a specie basis are those who through the policy of contraction would retard the development of the country, paralyze the industries of the people, repress their energies, and destroy their prosperity, so that they cannot pay taxes with which to reduce the debt, or produce exports with which to meet the interest abroad. They would prolong unnecessarily the day when pledges shall be redeemed and the national honor vindicated, and would, if successful in enforcing their policy, bring upon the people great suffering and disaster. Neither the shortest nor the smoothest road to resumption lies in the direction they are traveling. Assuming to be the especial and only friends of specie payments, and reproaching all who differ from them with disregard for the pledges of the Government and the honor of the country, they are the determined foes of the very policy which would make the redemption of pledges most speedily possible and least oppress and burden the people.

HOW FARMERS SHOULD GET MONEY.

Mr. Speaker, it is not my purpose now to enter upon any general examination of the many sophistries with which it has been attempted to mislead the people of the West; but there are one or two to which I wish to refer. It has been continually insisted that an expansion of the currency would do the West no good; and farmers especially have been told that they can only get money by producing something to sell for it in the eastern markets, where money is plenty. Plausible as this may seem to the unthinking, it is full of untruth and deception. The farmer can no more conduct his business without the use of money than the New York merchant or those who purchase the farmer's products to speculate upon. The latter classes get their money from the banks. The great commercial transactions of the country are largely carried on with money borrowed from these sources. It is the business of the banks in the cities to supply money for such uses, and it is now accessible in New York to responsible business men in ample quantities and at fair rates of interest. Is there any reason why farmers should be denied equal opportunities for obtaining the use of money; that they should be told that they can have no credit, and shall only have money when they have something to sell for it? Shall the farmer who needs a horse or a plow with which to cultivate a crop, or who may wish to purchase stock or to enlarge and extend his operations, be told that there is no money accessible to him for such uses?—that loans are exclusively for the accommodation of the commercial classes? Besides, sir, it must be remembered that the business transactions of the farmer are not confined to the sale of his products for eastern markets. There is a large local and home traffic carried on by farmers, upon which their prosperity largely depends. They do not always sell their horses, sheep, mules, corn, oats, and many other products to eastern purchasers nor for eastern markets; and to carry on this trade, to give activity and vitality to this important home traffic, they need the use of money just as much as the merchant, the manufacturer, or the speculator, and there is no reason why they should not be able to obtain accommodations in the same way.

But it is not always necessary that they should borrow what they need. A hundred dollars borrowed by one man will pass through the hands of scores of others, paying debts, purchasing the necessaries of life, employing labor, and so giving relief to the wants of many and activity and life to the business of all. Sir, to insist that farmers shall only obtain the use of money when they have something to sell to the favored centers of the East, and to tell them that they can only so obtain it, is an insult to their intelligence and an outrage upon their rights. It is utterly untrue that farmers are not benefited when money is abundant, and when it can be obtained to meet the varying demands of business, just as much as any other class. During the six years immediately following the war, when money was abundant, they were unusually prosperous. They extended their improvements, expanded their operations, increased their flocks and herds, produced more to sell, and shared equally in the unexampled prosperity of that period. And no other portion of our people are suffering more to-day from the pinching policy of contraction than the agricultural classes.

THE WEST NEEDS MONEY AND NOT CAPITAL.

Again, Mr. Speaker, we are told that the West and South are poor and ought not to expect money to be plentiful. I answer that money is essential to the production of wealth; it is the agency with which wealth is developed, and if the West and South are poor they have greater need of that agency. Wealth can no more be produced without the use of money than houses can be built without the use of the tools of the mechanic. It is, sir, the indispensable agent of all business and without which business must die and the people lapse into barbarism.

But, sir, it is utterly false that the West is poor. There is an abundance of capital there. Examine the census reports of 1870 and compare the wealth of the Western States with that of the States of New England, and it will be found that the West is not afflicted with poverty. Why, sir, the single State of Illinois paid into the national Treasury last year taxes amounting to more than three times the sum that was paid by all the six New England States together. And yet, sir, the Government supplies Illinois with a bank-note circulation of only $17,824,209, while the New England States are supplied with $110,489,966. Missouri, too poor to need or expect much money, as we are told, paid taxes to the Government last year amounting to over $4,000,000, while the six New England States only paid a

little over $5,000,000. And yet Missouri receives only $6,000,000 of the bank-note circulation against the $110,000,000 of New England.

Sir, it is not capital but money that the West needs—money with which to handle her property and conduct her business. I know that the taxation I have referred to does not correctly represent the relative wealth of the States. This taxation is unequal and is the result of an unjust system as indefensible as the distribution of the currency circulation. But it is still true that the West has an abundance of capital, and only needs currency with which to handle that capital and give activity to business in order to make her people again prosperous.

THE POWER OF CAPITAL.

Mr. Speaker, I know that the power of vast wealth combined in the hands of the few is almost irresistible. Public men too often seem to stand in awe of it and to fear its frown. Its threats and its blandishments are too often effectual in silencing the tongue of opposition. Controlling the great metropolitan press, which reaches the whole country, disseminating opinions which too many of the less prominent newspapers are prone to accept and follow as their guide, and which the people do not always stop to question, it has seldom failed to lead the country captive and to make its will the law of the land. Bringing into its service all the agencies which give direction to public thought and mold and shape the public judgment, and concealing its artful purposes beneath plausible sophistries and false assumptions, the people are scarcely informed of their rights, nor the wrongs sought to be imposed upon them, until they feel the weight of the heavy hand upon them. Sir, since this discussion began we have seen men in high places and in low bowing at the command of this power. The arrogance of the New York press, its assumptions of superior wisdom and virtue, its frantic pretensions of regard for the national honor, its impetuous assaults and boastful threats, sustained as it has been by the loud chorus of the power behind it, have seemed to sweep away the self-confidence and independence of men; and we have seen newspapers, and men of intelligence and integrity, beginning to doubt their own judgments, and, finally, yielding up their oft-expressed opinions, gliding meekly into the crooked and contradictory tracks of the selfish and unscrupulous power that has beguiled their judgment.

But, sir, when injustice and wrong are carried to the degree of oppression, when the people begin to feel the weight of the shackles that bind them, they will open their eyes to the source from whence that wrong proceeds. And I predict now that the victory over which Wall street gloats to-day will prove to be a costly one in the end. The struggle which her greed has provoked will not cease where it now rests; and when it shall have ended it may be found that her pride and power have been humbled, and that the people are yet sovereign. Leaders of parties, newspapers, and politicians may bow to the decision of the moment and accept it with assumed grace, but adherence to the oppressive policy it indicates will drive the people to resistance and bring into power men from whom the banks and bondholders of Wall street will not hope to exact more than "the pound of flesh nominated in the bond."

Mr. HYDE. Mr. Speaker, when I came here in November last to attend the present session of Congress I had no intention of occupying the time of the House with any views of my own upon the financial question.

I had views, satisfactory at least to myself, as to what was demanded of us by the peculiar condition and necessities of the country; but I did not feel that the views I entertained were so essentially different from those of a majority of the House as to require that I should to any extent antagonize my own to theirs. But, more than that, the industries of this great nation were then, as now, stretched and bound upon the iron bed of our Procrustean system of finance, and I felt that the case was too urgent for words, and that the country desired and expected of us immediate action. I considered the matter to be so urgent, that I was unwilling to defer the action of Congress for a single hour by prolonging the discussion. But others thought or at least acted differently, and a financial discussion took place which was interjected between all the pauses of business and continued through the first four months of the session.

Able as that discussion has been, I doubt whether it has changed a single vote or the opinion of any member of this House; and if this is so, I certainly cannot hope that any effort of my own will do so.

Why, then, do I speak? I speak, sir, because the just demands of the people I represent, and whose interests in this respect are identical with those of the whole West and South, have been denied, and their appeals for relief from the effects of a rigid, unyielding system of finance, as well as their claims for justice and equality under that system, have been disregarded. I speak because the events of the past few weeks have demonstrated that the money-rings of Wall street, their aiders and hirelings—the wreckers of finance who plunder the unfortunate tradesman and farmer as the wreckers of the sea plunder the shipwrecked mariner—the Shylocks intent upon cutting their pound of flesh though they spill the life-blood of the nation in taking it, are all united by the instinct of rapacity and the hope of plunder, intent upon maintaining the monopoly which they hold of the currency of the nation; a monopoly by which they are becoming rich and powerful at the expense of the industry and labor of the country.

I speak, sir, for a people who have cheerfully borne their full share of the heavy burden which was necessarily imposed in the act and as a consequence of maintaining the life and honor of the nation; a people who live by honest industry; who earn their bread as God commanded, "in the sweat of their faces," by hard, unremitting labor; a people who are, and ever will be, ready to bear their share of the necessary public burdens, but who refuse now and henceforth to be plundered to satisfy the rapacity—if indeed it were possible—of those who have obtained a monopoly of the money of the country.

The subject which has been so long discussed in the country and in Congress, and which has now been referred back for our consideration by the veto of the President, involves two questions.

The first is as to a proper, fair, and equal distribution of the banking currency among the different States and sections of the country.

The second is in regard to the wisdom and necessity of providing for an increase in the amount of the circulation commensurate with the growth and development of the nation.

I shall discuss these questions in the order named.

First, as to the distribution of the banking currency among the several States.

The sentiment of fairness and equality is predominant in the American mind; it is the foundation of our political institutions. That sense of justice and equality makes the American hate special privileges and monopoly in any form, whether for the benefit of individuals or sections of the country. And what can be more odious to the people or more destructive to their industry and prosperity than a monopoly of the money or of the power of issuing it?

Money is the very life-blood of industry, and without it there can be no prosperity. Take it away, and the busy hum of industry ceases, the workshop is silent, and the plow rusts in the furrow. Put it under the control of the money-lenders, and it enables them to chain and enslave our industries, to wring from the toiling millions every dollar of their profit.

The privilege of issuing bank-notes should either be free to all upon the same terms so that every State may share equally in its benefits, and the people of every State, through the competition which would thus be created, may reap all its advantages in having money abundant at low rates of interest, or else the privilege of issuing money should be denied to all and the necessary circulation supplied by the Government. I do not propose on this occasion to discuss the relative advantages of these two modes of supplying money, or to attempt to demonstrate which would be cheapest and best for the Government and people. However important that question may be, I know that practically it will be useless to discuss it at this time. But certainly we should have free banking or no banking at all.

I trust no one will misunderstand me. I would not return to the era of shin-plasters. I would not return to the old system of State banks. I would have every dollar of bank circulation secured, as now, by a United States bond deposited in the Treasury of the United States, so that the bank-notes of Missouri would be as good in Maine or California as at home. But I would take away the monopoly of the present system by which the rate of interest is kept up to an exorbitant figure at the expense of the people and to the ruin of their industries, and nearly all the benefits of banking are confined to a few States and money centers to the exclusion and at the expense of all other States and sections.

To show in the plainest manner the gross inequality and monopoly of the present system, and the outrageous injustice which is being done to the South and West, I desire to call attention to a table which I take from the last annual report of the Comptroller of the Currency, which shows the apportionment according to population and wealth of the authorized banking circulation of $354,000,000, and its actual distribution, together with the amount of the excess or deficiency in each State.

Here is the table:

EASTERN STATES.

States and Territories.	Apportionment on population.	Apportionment on wealth.	Aggregate apportionment.	Outstanding and authorized circulation.	Excess.	Deficiency.
Maine	$2,877,818	$2,053,200	$4,931,018	$8,029,252	$3,098,234	.....
N. Hampshire	1,461,138	1,486,800	2,947,938	4,624,525	1,676,587	.....
Vermont	1,517,376	1,380,600	2,897,976	6,932,030	4,034,054	.....
Massachusetts	6,689,889	12,549,300	19,239,189	59,523,671	40,284,482	.....
Rhode Island	997,747	1,752,300	2,750,047	13,385,840	10,635,793	.....
Connecticut	2,467,152	4,566,600	7,033,752	17,994,648	10,960,896	.....
Total	16,011,120	23,788,800	39,799,920	110,489,966	70,690,046	.....

MIDDLE STATES.

New York	$20,118,813	$38,267,400	$58,386,213	$60,976,000	$2,589,793	.....
New Jersey	4,159,382	5,540,100	9,699,482	11,026,890	1,327,408	.....
Pennsylvania	16,167,317	22,425,900	38,593,217	42,055,781	3,462,564	.....
Delaware	573,873	566,400	1,140,273	1,296,615	156,342	.....
Maryland	3,584,651	3,787,800	7,372,451	9,252,847	1,880,396	.....
Total	44,604,036	70,587,600	115,191,636	124,608,139	9,416,503	.....

WESTERN STATES.

States and Territories.	Apportionment on population.	Apportionment on wealth.	Aggregate apportionment.	Outstanding and authorized circulation.	Excess.	Deficiency.
Ohio	$12,234,726	$13,151,100	$25,385,826	$23,876,370	.....	$1,509,456
Indiana	7,714,871	7,169,400	15,184,271	14,706,415	.....	477,856
Illinois	11,659,230	12,496,200	24,155,430	17,824,209	.....	6,331,221
Michigan	5,435,357	4,230,300	9,665,657	7,485,043	.....	2,180,614
Wisconsin	4,841,403	4,141,800	8,983,203	3,253,316	.....	5,729,887
Iowa	5,481,081	4,230,300	9,711,381	5,674,385	.....	4,036,996
Minnesota	2,018,445	1,345,200	3,363,645	3,330,414	.....	33,231
Kansas	1,672,754	1,115,100	2,787,854	1,825,496	.....	962,358
Nebraska	564,592	407,100	971,692	809,500	.....	162,192
Total	51,622,459	48,586,500	100,208,959	78,785,148	.....	21,423,811

SOUTHERN AND SOUTHWESTERN STATES.

Dist. Columbia	$604,560	$743,400	$1,347,960	$1,530,091	$182,131	.....
Virginia	5,624,042	2,407,200	8,031,242	3,902,342	.....	$4,128,900
West Virginia	2,029,041	1,115,100	3,144,141	2,360,307	.....	783,834
North Carolina	4,918,022	1,539,900	6,457,922	1,819,300	.....	4,638,622
South Carolina	3,239,045	1,221,300	4,460,345	2,319,500	.....	2,140,845
Georgia	5,435,587	1,575,300	7,010,887	2,365,605	.....	4,645,282
Florida	861,846	265,500	1,127,346	90,000	.....	1,037,346
Alabama	4,576,646	1,185,900	5,762,546	1,541,133	.....	4,221,413
Mississippi	3,800,529	1,239,000	5,039,529	5,876	.....	5,033,653
Louisiana	3,336,863	1,803,900	5,230,763	3,646,870	.....	1,583,893
Texas	2,757,640	838,100	4,695,740	930,960	.....	3,764,780
Arkansas	2,223,936	920,400	3,114,336	192,495	.....	2,951,841
Kentucky	6,064,027	3,557,700	9,621,727	7,637,900	.....	1,983,827
Tennessee	5,777,118	2,938,200	8,715,318	3,341,736	.....	5,373,582
Missouri	7,901,509	7,557,900	15,459,409	6,476,193	.....	8,983,216
Total	60,150,411	29,098,800	89,249,211	38,160,308	182,131	51,271,834

PACIFIC STATES AND TERRITORIES.

Nevada	$195,052	$177,000	$372,052	$11,864	.....	$360,188
Oregon	417,377	300,900	718,277	225,000	.....	493,277
California	2,571,783	3,752,400	6,324,183	.....	.....	6,324,183
Colorado	182,993	123,900	306,893	548,990	$232,102	.....
Utah	398,386	88,500	486,886	419,829	.....	67,057
Idaho	68,852	35,400	104,252	90,000	.....	14,252
Montana	94,540	88,500	183,040	252,000	68,960	.....
Wyoming	41,855	35,400	77,255	72,000	.....	5,255
New Mexico	421,742	194,700	616,442	270,000	.....	346,442
Arizona	44,334	17,700	62,034	.....	.....	62,034
Dakota	65,096	35,400	100,496	45,000	.....	55,496
Washington	109,964	88,500	198,464	.....	.....	198,464
Total	4,611,974	4,938,300	9,550,274	1,924,688	301,062	7,926,648
Grand total	177,000,000	177,000,000	354,000,000	353,968,249	80,589,742	80,621,493

And right here, in strong contrast with that table, I desire to present another taken from the report of the Commissioner of Internal Revenue for the year 1873, which shows the amount of taxes paid by each State to the national Government:

Amount of taxes paid by each State to the National Government.

States and Territories.	Aggregate receipts.		
	Total.	Refunded.	Net total.
Alabama	$152,493 35	$14,358 45	$138,134 90
Arizona	13,562 73	121 00	13,441 73
Arkansas	88,861 02	9,621 80	79,239 22
California	2,367,911 07	29,371 96	2,338,539 11
Colorado	75,749 64	100 83	75,648 81
Connecticut	873,984 99	2,113 24	871,871 75
Dakota	7,597 36	30 83	7,566 53
Delaware	429,392 84	155 91	429,236 93
District of Columbia	133,424 58	2,772 49	130,652 09
Florida	158,142 21	180 71	157,961 50
Georgia	477,959 90	18,784 67	459,175 23
Idaho	19,275 80	.....	19,275 80
Illinois	16,493,169 34	22,960 62	16,470,208 72
Indiana	5,678,052 51	9,083 00	5,668,969 51
Iowa	1,012,997 29	3,025 83	1,009,971 46
Kansas	161,469 76	770 24	160,699 52
Kentucky	5,456,628 47	14,128 13	5,442,500 34
Louisiana	1,339,607 30	16,753 10	1,322,854 20
Maine	214,696 26	1,802 73	212,893 53
Maryland	2,653,801 83	5,028 25	2,648,773 58
Massachusetts	3,761,004 95	91,054 29	3,669,950 66
Michigan	2,205,720 72	1,596 29	2,204,124 43
Minnesota	231,404 94	2,473 48	228,931 46
Mississippi	128,079 31	1,136 04	126,943 27
Missouri	4,259,320 15	19,230 28	4,240,089 87
Montana	24,018 11	.....	24,018 11
Nebraska	242,962 38	.....	242,962 38
Nevada	72,305 32	6,048 21	66,257 11
New Hampshire	325,455 36	1,365 76	324,089 60
New Jersey	2,567,442 37	8,707 36	2,558,735 01

Amount of taxes paid by each State to the National Government—Continued.

States and Territories.	Aggregate receipts.		
	Total.	Refunded.	Net Total.
New Mexico	$23,237 51	$281 26	$22,956 25
New York	19,219,504 52	90,256 40	19,129,248 12
North Carolina	1,408,321 72	5,762 76	1,402,558 96
Ohio	14,851,309 45	60,248 69	14,791,060 76
Oregon	73,544 48	2,313 42	71,231 06
Pennsylvania	7,826,275 69	91,417 23	7,734,858 46
Rhode Island	324,552 17	1,850 24	322,701 93
South Carolina	167,213 58	12,633 58	154,580 00
Tennessee	644,480 76	31,995 31	612,485 45
Texas	272,325 77	1,343 96	270,981 81
Utah	40,786 23	.....	40,786 23
Vermont	75,860 40	8,384 51	67,475 89
Virginia	7,343,799 29	11,965 31	7,331,833 98
Washington	15,698 64	119 17	15,579 47
West Virginia	449,661 59	2,656 43	447,005 16
Wisconsin	1,881,820 91	14,664 00	1,867,156,91
Wyoming	10,652 94	.....	10,652 94
Total	106,255,537 51	618,667 77	105,636,869 74

The lesson which a comparison of these two tables teaches is instructive, and I wish it could be read by every honest voter in the United States. I think it would convince them that right and justice in this contest are on the side of those who are contending for a change in our financial policy.

And yet we who have only asked for justice and equality toward the people we represent have been constantly denounced as inflationists and repudiators by certain leading newspapers, the subsidized organs of monopoly, because we are striving to break up these money-rings and give to the people of the West and South an equal share in the benefits of the national-bank circulation; striving to emancipate the industrial classes everywhere from the extortion which has reduced many to poverty and some to starvation; striving to restore prosperity on the farm and in the workshop.

For one, I care nothing for the slander and misrepresentations which a venal press may publish, for I know that the people are not idle spectators; I know that when they learn the truth, as they certainly will learn it, they will rally to the support of their own cause in such a manner as will give a fitting rebuke to these corrupt rings and their purchased organs.

And now, sir, let us look at the table first referred to and see what it discloses. We see first that the Eastern States, according to the table prepared by the Comptroller of the Currency, are entitled to a bank circulation of $39,799,920, and that they actually have $110,489,966, or $70,690,046 more than their share; that the Middle States have $9,416,503 more than their share, while, on the other hand, the Southern States (and Missouri is in this list) have $51,271,034 *less* than their share; the Western States $21,423,811 *less* than their share, and the Pacific States and the Territories $7,926,648 *less* than their share.

In view of these facts, is it any wonder that money is scarce in the South and West, and that the people complain of high rates of interest? Is it any wonder that those entire sections begin to feel the drain upon their resources caused by the payment of exorbitant interest, which does not remain at home but goes to swell the enormous wealth of the Wall street speculator? And I might add, is it any wonder that the rings which control this vast money monopoly can afford to buy up newspapers to misrepresent the facts and slander the representatives of the people who are trying to break it up?

Again, to go a little further into details, this table shows that the little State of Rhode Island, which has a population according to the census of 1870, of only 217,353, has a national-bank circulation of $13,385,840; while the great State of Missouri, the fifth State in importance in the Union, with a population of 1,721,295, has a national-bank circulation of only $6,476,193.

If $13,385,840 of bank circulation is necessary for the people of Rhode Island, the people of Missouri are entitled to have, if they choose to take it, a sum as much greater as the ratio of the population of Missouri is greater than the population of Rhode Island, which would give Missouri a bank circulation of $105,748,136, or $99,271,943 more money than Missouri now has. Massachusetts, on an apportionment of population and wealth, is entitled to a circulation of $19,239,189, and Missouri on a like apportionment is entitled to $15,459,409. Taking the difference between them, we find that Massachusetts is entitled to $3,779,780 more than Missouri; but Massachusetts actually has $59,523,671, or $53,047,478 more than Missouri. And when we complain of this inequality and demand simple justice toward the people of the South and West, the demand is received with derision, and we are tauntingly told that we are not bankers, have not been educated in Wall street, and are too ignorant to understand the complex subject of finance.

The six New England States, with a national-bank circulation of $110,489,966, or $70,690,046 *more* than they are entitled to under existing laws, blandly inform us that money is plenty and that no more circulation is needed; and New York, with a circulation of $60,976,000 or not far from twice as much as all of the fourteen Southern States put

together, joins New England in the assertion that money is plenty, and loads the columns of a venal press with abuse of those who demand justice and equality for the South and West.

I now desire to call attention to some instructive facts which are disclosed by a comparison of these two tables. I desire to show who pay the taxes as compared with those who are favored with an undue share of the bank circulation.

Referring to the second table before given, we find that the six New England States paid the following amounts of internal taxes to the national Government in the year 1873:

Maine	$212,893
New Hampshire	324,089
Vermont	67,475
Massachusetts	3,669,950
Rhode Island	322,701
Connecticut	871,871
Total	5,468,979

By the same table we ascertain that the State of Virginia alone paid $7,331,833, or $1,862,854 *more* than all of the six New England States. Yet the six New England States have a banking circulation of $110,489,966, while the State of Virginia has only $3,902,342; and upon these facts New England says that money is plenty, and that Virginia does not want any more and that her people are inflationists to desire it.

Sir, we have recently heard a great outcry against the sin and folly of "inflation." It is held up to us as the sum of all financial villainies and errors. Whence does this holy outcry proceed? It comes from New England and from Wall street. It comes from States that are themselves inflated with upwards of $80,000,000 *more* than their share of the money.

Is it surprising that we of the West and South are not able to apprehend the danger or to have much confidence in the sincerity or honesty of those who raise the outcry. Is it surprising that when the people of Rhode Island, who have $61.59 of national-bank notes to each inhabitant, and who memorialize Congress against depriving them of a single dollar of it—is it surprising, I say, that when such a people, so situated, raise the cry against "inflation" that the people of Arkansas, who have only forty cents of national-bank notes to each inhabitant, are not able to apprehend that the sin or danger of inflation, if there be any, lies at their doors?

Notwithstanding the old adage that comparisons are odious I propose to make another. By the second table it appears that in the year 1873 Massachusetts paid taxes to the national Government to the amount of $3,669,950, and that the same year Missouri paid $4,240,089, or upward of half a million dollars more than Massachusetts. And yet Massachusetts has $59,523,671 of the circulation, while Missouri has only $6,476,193; and on these facts Massachusetts says that money is plenty; that Missouri does not need any more, would not take it if it was offered to her; and that it would spoil a very nice system of finance to disturb the present arrangement.

Doubtless we of the West are very stupid and ignorant in the opinion of the money-lenders; but surely it is not surprising that we are not able to look at this question from their stand-point or to have a very high opinion of the sincerity or disinterestedness of their motives.

But it has been said that the West is not herself united upon this question. I affirm that all the industrial classes of the West, her farmers, manufacturers, professional men, merchants, miners, and laborers, are almost unanimous.

But of course those individuals who have secured what little bank circulation the West has been able to obtain are some of them, like their Wall street prototypes, anxious to maintain the monopoly which they now enjoy, anxious to avoid that competition which free banking would establish and by which the rate of interest would be greatly reduced.

I now propose to examine some of the so-called reasoning by which gentlemen who are benefited by this monopoly of money seek to justify it. They tell us, first, that money will flow where it is most needed, and that therefore the place of the fountain, the locality of the bank, is a matter of no importance. Unfortunately, sir, we know from painful experience that it does not flow where it is most needed, but often quite the reverse.

But the argument is not true in any point of view in which it may be regarded. Banks loan to their immediate customers, and the greater part of their money circulates in the vicinity of the bank. They all loan upon short time of thirty, sixty, or ninety days, so that their money is being constantly returned, and the greater part of it cannot circulate at any great distance from the fountain-head. The fact that bank-bills are often found at a great distance from the institution by which they are issued proves nothing against this theory, because their place is supplied by the bills of other banks or by legal-tenders.

Again, we are told that we of the West and South have not the capital and could not organize banks for circulation if we had the chance. If we could not it would certainly do no harm to give us an opportunity. But it is worthy of notice that the persons who made this assertion were the ones who made the greatest outcry against the bill which permitted it. It is by no means true that we have not the capital. The assessed value of the wealth of Missouri, according to the census of 1870 was $556,129,969, while that of Vermont was only $102,548,528, the wealth of Missouri being more than five times greater than that of Vermont; yet Vermont has more national-bank circulation than Missouri. The State of Connecticut with only $429,433,237 of wealth has nearly three times more bank circulation than Missouri.

Sir, we have frequently been told by those who assert that the South and West do not need more national-bank circulation, that those sections have failed to take up the amount to which they are entitled under existing laws, and that currency for new banks for the South and West can be obtained by applying to the Comptroller of the Currency. This statement has probably deceived no Representative from those sections, because most if not all of them know from actual trial that it is false. But I am sorry to say that it has deceived the President of the United States, and that he has given it currency and the sanction of his authority. In his message of April 22, 1874, vetoing the Senate currency bill, in the last paragraph, he says:

> It is claimed by the advocates of the measure herewith returned that there is an unequal distribution of the banking capital of the country. I was disposed to give great weight to this view of the question at first, but on reflection it will be remembered that there still remain $4,000,000 of authorized bank-note circulation, assigned to States having less than their quota not yet taken.
>
> In addition to this the States having less than their quota of bank circulation have the option of twenty-five millions more, to be taken from those States having more than their proportion.

Now, sir, although I knew from actual previous inquiry and investigation that the President was entirely mistaken, yet as his statement was well calculated to mislead the country upon this matter, I deemed it advisable to obtain a written statement from the Comptroller of the Currency of the facts, and with that view I immediately addressed to him written inquiries upon the subject.

The following is the correspondence in full between myself and the Comptroller. It shows conclusively how utterly baseless is the assertion that there is any currency available for the establishment of new banks in Missouri or in any other State:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 22, 1874.

DEAR SIR: The President in his veto message to-day states that there is still $4,000,000 of national-bank currency remaining in the Treasury subject to the demand of sections desiring it that have secured less than their quota.

I do not pretend to give his exact language, not having seen the message, but I think the above is the substance.

Missouri has received far less than her quota of such currency. Why is she not entitled to a part of this $4,000,000? There is a demand for it from the section I represent, but no effort was made because it was understood that none could be had.

Will you please inform me at your earliest convenience whether any part of this currency can be had to establish national banks in Missouri, and oblige your obedient servant,

IRA B. HYDE.

Hon. JOHN JAY KNOX,
Comptroller of the Currency.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, April 24, 1874.

SIR: I have received your letter of the 22d instant.

The $4,200,000 of circulation referred to in the President's message was long since assigned to applicants in the States which were deficient, in accordance with the act of July 12, 1870, and all applications from Missouri with proper indorsements have been granted whenever there was any circulation at my disposal.

During the month of March letters were addressed to all applicants, requiring that the necessary amount of bonds to secure circulation should be deposited within thirty days or circulation would be distributed to other applicants, and, as far as practicable, such currency has been redistributed to the States to which it was originally allotted. Four small banks in your State have been recently authorized, circulation to be supplied from circulation previously assigned to parties who had failed to perfect their organizations, and no applications with the proper indorsements are now on file in this office from your State.

Very respectfully,

JOHN JAY KNOX,
Comptroller.

Hon. IRA B. HYDE,
House of Representatives, Washington, D. C.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 25, 1874.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant in reply to mine of the 22d.

I am not quite sure that I understand your answer to the *main point* of my inquiry, which is this, *have you now at your disposal* any national-bank circulation which you could grant for a new bank in the State of Missouri, provided the application, properly indorsed, was to be *immediately made?*

Very respectfully, yours,

IRA B. HYDE.

Hon. JOHN JAY KNOX,
Comptroller of the Currency.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, April 27, 1874.

SIR: I have received your letter of the 25th instant.

There is no currency at this date at my disposal for the organization of additional national banks. I write to-day to a national bank in the city of Saint Louis who are entitled to $100,000 of additional circulation. If they are not prepared to deposit the necessary amount of bonds, I can then organize the national bank proposd by you.

Very respectfully,

JOHN JAY KNOX,
Comptroller.

Hon. IRA B. HYDE,
House of Representatives, Washington, D. C.

Again, to show in the most striking manner the inequality of the national bank circulation according to population, I submit the fol-

lowing facts and figures: The bank-note circulation of Rhode Island to each inhabitant is $61.59; that of Arkansas is forty cents. Massachusetts has $40.84 to each inhabitant, while Missouri has only $3.76. Connecticut has $33.48 *per capita*, and Iowa has $4.75.

Comparing the present national-bank circulation with the circulation of the State banks in 1862, we find that the bank-note circulation of Massachusetts has increased $17.32, to each inhabitant since 1862, while that of Missouri has increased only thirty-four cents in the same period.

These comparisons might be extended almost indefinitely, but it would only be piling Pelion upon Ossa.

Certainly, the facts already adduced make the monopoly and inequality of the present system sufficiently manifest, and call loudly for a change in favor of the industrial classes of the West and South.

Now, Mr. Speaker, what remedy do the gentlemen who represent this monopoly propose?

Do they propose to give the West and South a proportion of currency equal to that of New England and New York? No; they are determined that not an additional dollar of circulation shall be authorized.

Do they propose to give up their enormous excess of the present currency in favor of the States which are deficient?

By no means.

Rhode Island, with a circulation of $61.59 *per capita*, says through her governor and Senators, and by memorials presented in this House by her entire delegation, that she has none to spare, and that it would greatly embarrass her industries to deprive her of any part of the currency which she now has, and yet according to population she has fifteen times more than Missouri; but, nevertheless, one of her Senators and all of her Representatives voted against a bill which would have deprived them of no part of the currency which they hold, and would have supplied to Missouri and other States only a small part of their deficiency.

Both New York and Boston have a large excess, and both sent delegations of capitalists to the White House to urge the President to veto a bill which granted to the West and South only a small part of the currency to which they are entitled; yet from New York and Boston there comes no offer to surrender any part of the enormous excess of circulation which they hold. I warn these gentlemen that they cannot afford to go before the country upon such an issue. Surely they underrate the intelligence of the people if they suppose that any amount of newspaper misrepresentation can prevent them from seeing and comprehending the real issue.

Sir, I have noticed with regret that New York and New England, so far as they voted, (General BUTLER only excepted,) were solid against the currency bill. It is true that the distinguished gentleman from Massachusetts [Mr. DAWES] proposes that the States having an excess of the currency give up twenty-five millions of that excess in favor of States having the greatest deficiency. This is already the law, but it has never been complied with and perhaps never will be.

But why not give up the whole excess of over eighty millions? The principle of the expedient proposed by the gentleman from Massachusetts, though applied in a different way, has been found effective under certain circumstances, but I hardly think it will meet the present case. An infuriated whale might be induced to exhaust his strength in lashing a tub while the ship sailed majestically out of the way; but an intelligent people are not generally presumed to be as easily deceived. The States having a deficiency are clearly entitled to their entire quota of the currency if they can use it; and for one I will never consent to anything short of absolute justice and equality toward the people I represent.

Far be it from me to excite or keep alive sectional strife or prejudice, and if it is to arise out of the discussion of this question the responsibility shall not be mine. It must rest upon the shoulders of those who are bent upon maintaining a most burdensome and intolerable monopoly.

Second. The other branch of the question which I propose to consider is in regard to the wisdom or necessity of providing for an increase of the amount of currency in circulation.

The finances of this country are now in a most unusual, if not absolutely unprecedented condition. The iron grasp of contraction during a series of years has compressed the authorized circulation to a fixed amount which no advancement in wealth and population and no necessities of business are allowed to increase to the amount of a single dollar.

At what other period in the history of the world has the industry, enterprise, and development of a great people been so fettered, bound, and confined by laws which absolutely prohibit any increase of the means of development?

I say prohibit any increase of the means of development, for you cannot find a beggar upon your streets so ignorant as not to know that money is a necessary means for material progress and development. It is money which builds our railroads and canals, our ships and locomotives; money which develops our farms, mines, and manufactures. Without it individual as well as corporate enterprise would cease, and a nation become like the savages upon our western borders.

This nation is now in a condition as unparalleled as it is unnatural. Never until the year succeeding the late war was the iron, unyielding, unbending rule of contraction applied to our finances.

Prior to 1860 gold and silver were in circulation, and the amount was constantly increasing or decreasing according to the varying necessities, wants, or vicissitudes of business. Prior, also, to 1863 the bank-note circulation was unrestricted and was permitted to adjust itself to the increasing development of the country. And from 1863 to 1865 the Government supplied a circulating medium in amounts constantly increasing. That, notwithstanding the enormous taxation required to carry on the war, was the period of our greatest prosperity. The statistics abundantly prove it.

But if further proof is needed, I appeal to the farmer, the merchant, the professional man, the mechanic, and the laborer, to every man, in short, who earns his bread by labor either mental or manual, to say if in 1865 his circumstances were not in every respect better than they are to-day; and I appeal to them further to say if they have not been on the downward road ever since 1866, when the contraction of the currency commenced.

What, sir, has been the effect of contraction upon the western farmer? His land has greatly diminished in value, and in many parts of the West cannot be sold at all; the profits upon the products of his farm have been constantly diminishing, while the interest upon money has as constantly increased. This contraction of the currency has not only depreciated the value of all tangible property, real and personal, but has at last most seriously checked all material development, stopped our manufactures, deprived hundreds of thousands of our people of employment, and arrested on every side the progress of the nation.

With the currency rigidly fixed at an amount which cannot be increased, the development of new industries and the increase of population, which are ordinarily the greatest blessings, are almost turned to curses by creating new demands for money which cannot be supplied, and thus contributing to greater stringency and increasing the rate of interest.

If this policy is long continued, the rate of interest, which now averages three times higher than the average profits of any legitimate industry, must continue to increase until the money-lenders own the entire country.

When I consider the amount of contraction which has taken place since 1865 I am not surprised at the present deplorable condition of our industries. The only wonder is that they were not sooner destroyed.

The following tables show the amount of money in circulation in the years 1865 and 1873:

1865.	
Legal-tenders and currency	$709,334,421
National-bank notes	236,636,098
Total non-interest bearing	945,970,519
Add seven-thirty notes of 1864 and 1865	830,000,000
Total	1,775,970,519

1873.	
Legal-tenders and currency	$427,607,706
3 per cent. certificates	5,000
National-bank notes	348,516,478
Total	776,129,184

RECAPITULATION	
Amount of note circulation in 1865	$945,970,519
Amount of note circulation in 1873	776,129,184
Difference	169,841,335
Add the seven-thirties	830,000,000
Total contraction	999,841,335

I estimate the seven-thirties as a part of the contraction because they were generally used to supply the place of money. When it is remembered that before the close of the war in 1865 this vast amount of money was circulating only in the Northern States, and that since then it has not only had to do service for the whole country but for a greatly increased population, we can better appreciate the effect and force of the enormous contraction which has taken place. By many it is supposed that contraction has been the sole agency by which greenbacks have been appreciated and the price of gold decreased. There never was a greater error, as the statistics abundantly prove. The greater part of the contraction took place between May, 1865, and May, 1869, and yet the price of gold actually increased during that period. In May, 1865, gold stood at 128½, and in May, 1869, at 144¾. In 1869 Congress stopped the policy of contraction as inaugurated by Secretary McCulloch, and yet gold has steadily declined. The effect of contraction upon the business of the country has been slower but no less certain. The question whether we have enough money in circulation may be fairly tested by a comparison with the circulation of other countries.

The following table from the Bureau of Statistics shows the amount of money on a gold basis in circulation in the countries named, deducting the bank reserves in each case, together with the population and the amount of circulation to each inhabitant:

Countries.	Circulation.	Population.	Per capita.
Great Britain	$683,000,000	32,000,000	$21 34
France	1,509,000,000	36,000,000	41 91
United States	587,700,000	41,000,000	14 33

Now, sir, the facts disclosed by an examination of this table are, to say the least, suggestive. Although the United States has as yet but few of the paupers and poor, destitute laborers who are found by the million in the other countries named, and although our population are scattered over a vast extent of territory and are engaged in building up and improving a new country, a work which requires tenfold more capital than is required in a country where these improvements have already been made, yet we see that the United States has much less money to each inhabitant than either of the countries referred to, and but little over one-third the amount in France. And when we consider the unequal distribution of this currency in the United States, is it any wonder that money is scarce in the West and that western industries are suffering? The effects of a contraction of the currency are too well known and have been too severely felt by the debtor and industrial classes of other countries as well as our own to require any illustration.

If we had been disposed to avail ourselves of the light of experience and to take warning from the misfortunes of other nations in like circumstances, we might have avoided the evils from which we now suffer.

The following extract from Alison's History of Europe, cited on a former occasion by the distinguished gentleman from Pennsylvania, [Mr. KELLEY,] shows that this ruinous policy of contraction has obtained in other countries besides our own, and that the effect was then as now to fill the coffers of the rich money-lenders at the expense of all other classes:

The evils complained of arose from the unavoidable result of a stationary currency, coexisting with a rapid increase in the numbers and transactions of mankind, and these were only aggravated by every addition made to the energies and productive powers of society. * * * But if an increase in the numbers and industry of men coexists with a diminution in the circulating medium by which their transactions are carried on, the most serious evils await society, and the whole relations of its different classes to each other will be speedily changed; and it is in that state of things that the saying proves true, that "the rich are every day growing richer and the poor poorer."

It is truly said that "history repeats itself," and if the policy of the American contractionists prevail we shall soon be launched into the universal ruin which prostrated England in 1823, when her political economists, theorists, and fools were trying, as our so-called statesmen now are, to reach specie payments by contraction of the paper circulation.

It will be remembered that England had suspended specie payments during the war with Napoleon, as every nation must in an emergency. And immediately after the close of the war in 1815 the work of contraction commenced, and by act of Parliament the 1st day of May, 1823, was the day fixed for the resumption of specie payments.

The following short extract from Doubleday's Financial History of England will give an idea of some of the consequences of that act of folly:

As the memorable 1st of May, 1823, drew near, the country bankers, as well as the Bank of England, naturally prepared themselves, by a gradual narrowing of their circulation, for the dreaded hour of gold and silver payments "on demand," and the withdrawal of the small notes. We have already seen the fall in prices produced by this universal narrowing of the paper circulation. The effects of the distress produced all over the country, the consequence of this fall, we have yet to see.

The distress, ruin, and bankruptcy which now took place were universal, affecting both the great interests of land and trade; but among the landlords whose estates were burdened by mortgages, jointures, settlements, legacies, &c., the effects were most marked and out of the ordinary course. In hundreds of cases, from the tremendous reduction in the price of land which now took place, the estates barely sold for as much as would pay off the mortgages; and hence the owners were stripped of all and made beggars. I was myself personally acquainted with one of the victims of this terrible measure. He was a school-fellow, and inherited a good fortune, made principally in the West Indies. On coming of age and settling with his guardians, he found himself possessed of fully £40,000; and with this he resolved to purchase an estate, to marry, and settle for life. He was a young man addicted to no vice, of a fair understanding and most excellent heart, and was connected with friends high in rank and likely to afford him every proper assistance and advice. The estate was purchased, I believe, about the year 1812 or 1813, for £80,000, one moiety of the purchase-money being borrowed on mortgage of the land bought. In 1822-'23 he was compelled to part with the estate in order to pay off his mortgage and some arrears of interest; and when this was done he was left without a shilling, the estate bringing only half of its cost in 1812! Thus, without imprudence or fault of any kind, was this amiable man, together with his family, plunged in irretrievable and inevitable ruin, by the act of a legislature which ought to have protected both, and which was fully warned of the consequences of what it was about to do; but which, in requital, chose to laugh those who warned to utter scorn. My readers must not suppose that this was either an exaggerated or uncommon case. On the contrary, the country teemed with similar examples, and on the commencement of the session of 1823 the tables of both Houses were loaded with petitions, detailing scenes of hardship and destitution appalling in the extreme.

This is the policy and these are the results which the money-lenders of Wall street are trying to precipitate upon this country. Contraction has ever been the rich money-hoarders' policy to legalize their wholesale robbery of all the industrial classes. It is a general confiscation of the property of all of the toiling millions to add to the overflowing treasuries of the rich; it is indeed the policy which "makes the rich richer and the poor poorer."

We have had a taste of contraction, and we are now asked to complete our imitation of the folly and crime of England by fixing a day when we will resume specie payments.

Sir, there are two roads to resumption of specie payments.

One is by the capitalist's road of contraction which would reduce our paper circulation down to nearly $140,000,000, (for that is all the specie there is in the United States;) depreciate our property to absolutely nothing; prostrate every kind of industry; deprive millions of our people of the means of living, and end in enabling the capitalists to own all the valuable property in the country.

The other road to resumption is by giving the people the means with which to improve their farms, build up our manufactories, and develop our mines, and with the surplus products of our industries pay off a portion of the national debt, and create a balance of trade in our favor so that money will flow into and not out of the country.

The former is the road which leads through stagnation of business and wide-spread bankruptcy and ruin; the latter is the road, no less certain, of attaining specie payments, which leads to it through remunerative industry and universal prosperity. The former is the capitalists' policy; the later is the people's policy. "Choose ye this day whom ye will serve."

How are we to accumulate specie with which to resume so long as we are buying more than we sell, and are besides sending $72,000,000 in gold and silver annually out of the country to pay the interest on the national debt and railroad bonds held abroad?

Some say by increased taxation. "Taxation and contraction!" A fine policy indeed! Loading a mill-wheel with weights and attempting to run it without water.

The impossibility of reaching a specie basis except by such national prosperity as will put the balance of trade largely in our favor is clearly stated by President Grant in his last annual message, in which he says:

A specie basis cannot be reached and maintained until our exports, exclusive of gold, pay for our imports, interest due abroad, and other specie obligations, or so nearly so as to leave an appreciable accumulation of the precious metals in the country from the products of our mines.

Let us now look a little further to the effects which contraction has already produced upon the western farmer.

Contraction, by making money scarce necessarily made it dear, just as a scarcity of wheat or corn will enhance the price. It therefore increased the rate of interest. Of course, the scarcer and dearer money became, the more land, cattle, and grain it bought. In other words, all kinds of tangible property depreciated in value; but the debt did not depreciate and the rate of interest increased. The farm worth $4,000 depreciated to $2,000, or $1,500, and could not be sold even for that; but the debt of $2,000 hanging over it did not diminish, but really increased 50 per cent. compared with other property, while the creditor, as soon as it was due, put up the rate of interest until it reached 15, 20, and even 30 per cent.

No wonder the New York and Boston capitalists, who hold mortgages upon western farms to the amount of $300,000,000, unite in praying for the veto of the currency bill and for more contraction. Contraction will increase the relative value as well as the demand for their money and raise the rate of interest. Contraction will depreciate the property of their debtors, and enable them to buy it in at a nominal sum. Contraction, if continuously persisted in, will confiscate and throw into the hands of a few thousand capitalists a very great part of the most valuable property of this country.

Sir, this is no idle or extravagant statement. History as well as reason supports it; for the same result has been too often attained in other countries.

Almost the entire landed estate of England is owned by one hundred families. The greater part of her wealth is in the hands of a few thousand persons.

From the quotations already made we have seen how a part of these results was accomplished.

And these are the precedents which the advocates of contraction point out to us as examples which should be followed in America. We are told that any expansion or increase of the amount of money, however moderate, to keep pace in part with the growth and development of the country, is a departure from the true principles of finance. Those true principles of finance, I suppose, have been elucidated by the examples referred to, and by which the wealth has all been centered in a few; principles of finance which have enabled the few to live in magnificence and to amass almost countless wealth without even performing a day's labor, while the millions toil and die in poverty and rags.

If we are to imitate the financial policy of those countries which have aggrandized wealth at the expense of industry we shall reach the same results which they have; and that is exactly what our great capitalists desire, and they will surely obtain it unless the people of this country think for themselves, discard the teachings of subsidized organs, and stand firmly and intelligently for their rights and interests.

Financial legislation the world over has always been for the capitalists—almost never for the poor and industrial classes. I fear that our officials and legislators are falling into the same error.

When our Secretary of the Treasury desires any information in regard to the wisdom of certain financial measures, with whom does he advise? Wall street capitalists. When a legislative committee contemplates any financial legislation, with whom do they counsel, and who suggests the policy which should be adopted? Wall street capitalists. When the President is considering whether he will approve a financial bill which has passed both branches of Congress, who send committees to counsel him? Wall street capitalists. In short, sir, from first to last, throughout every stage of our financial legislation, capitalists are chiefly consulted, and, as a natural consequence,

the interests of all other classes are sacrificed that the wealth of the capitalists may be increased.

In my judgment, sir, the capitalists are the very last persons who should be consulted upon financial measures. When shall we learn that our legislation should be shaped to encourage and foster industry and not to aggrandize capital? But to do this we must break away from those precedents of the Old World which our so-called political economists would have us blindly follow.

That profound thinker, John C. Calhoun, stated his opinion of those precedents, as follows:

The subtle and artful contrivances of modern times have been substituted for the brute force and gross superstition of ancient as a means of allotting so small a share of the wealth of civilized communities to those by whose labor it was produced, and so large a share to the non-producing class.

Sir, I thank God that there is a hope that the true policy of humanity and justice, the policy of the people, the policy of equality, the policy which elevates and rewards industry, is yet to be worked out in this country. It has never had a chance in the Old World, because it was opposed to the interests of kings and aristocracies of rank and wealth. But this is a "Government of the people, by the people, and for the people," and here, if anywhere on the face of the globe, the cause of equality and humanity must be vindicated.

The people of the West, who now desire a moderate increase in the amount of the circulating medium to meet the demands of their rapidly increasing population and industries, are denounced by the organs of the capitalists as inflationists and repudiators.

But, sir, when only a few months ago the capitalists of Wall street were in such a condition as to require more money, they did not fail to advocate an increase, and they found plenty of newspapers to advocate it for them. Never was the selfishness, the insincerity, and the meanness of human nature in its worst forms more conspicuously exhibited than in the conduct of these "money-changers" and their organs. In September, 1873, these same men who now so bitterly denounce any increase of currency were howling for more money as loudly as they are now howling against it. So great was their anxiety and haste to have more of what they now call "irredeemable paper" issued, that even the Sabbath day was not respected; and on Sunday, September 21, 1873, the leading capitalists of New York City thronged the rooms of President Grant and Secretary Richardson at the Fifth Avenue Hotel, demanding that without authority of law they should issue or loan to the banks the $44,000,000 of greenback reserve. And on Monday, September 22, 1873, the New York Herald, in a leading editorial, used the following language:

There was a persistent effort made yesterday by bankers and capitalists to induce the President to throw into the market some $30,000,000 of the $44,000,000 of greenbacks; but from the restrictions of the law the President and Secretary held to it that they had no alternative but the rejection of the proposition. We are informed, however, that if after a day or two there shall be no improvement in the situation, the President in deference to the public necessity will assume the responsibility of drawing upon his reserve of greenbacks for the general relief, trusting to an approval of his course by Congress. * * * *From all sides, however, we hear the complaint that the paper circulation of the country is not equal to the business wants of the country.*

In any event, if an additional issue of twenty, thirty, or fifty millions will relieve *our banks and merchants* from the embarrassment which otherwise threatens them, the President will be indorsed by Congress and the country in this timely measure of relief.

It is a part of the history of this matter that they obtained the relief which they sought and that $26,000,000 of the greenback reserve were issued. Now, in the name of fairness and sincerity, contrast the foregoing with the utterance of this same New York Herald on April 13, 1874, from a leading editorial:

At the beginning of this inflation monstrosity we denounced it as leading inevitably toward ruin, repudiation, and dishonor.

The intimation contained in the above is true in one particular, namely, that almost every issue of that paper for the last three months has been overflowing with abuse of western men who ask for a moderate increase of money to relieve the legitimate industry of the country which has been prostrated by contraction. But the capitalists having obtained the necessary relief for themselves, now demand that the screws of contraction shall be put with increased force upon our struggling industries.

I quote the foregoing extracts from the Herald only as samples. If space permitted I might make a hundred of similar import from the organs of the capitalists.

It all amounts to this, that inflation was all right and just the thing to be done when "*our banks and merchants*" wanted relief from the effects of their reckless speculation; but that the slightest increase is a crime when it is for the relief of the industrial interests of the country—the farmers, the manufacturers, the merchants, and honorable business men of all classes. In order that industry may prosper the earnings of capital invested in productive industry should be at least equal to the interest upon money. Is such the case? Far from it.

It is estimated that the average profit upon capital invested in industry is only about 3 per cent., while the average net increase of money loaned or employed in banking in many of the Western States is over 18 per cent.; to which add salaries, rents, and other expenses of banking, and the increase will be over 20 per cent.

Could anything more plainly show that money is too dear; in other words, that it is too scarce?

But lest some may cavil and say that I have estimated the interest upon money too high, I will reduce it one-half. We will have then 10 per cent. as the average interest on money, and 3 per cent. as the average profit upon capital invested in industry. With 3 per cent. earnings and 10 per cent. cost, it is evident that some one sinks 7 per cent. annually. The gain all goes into the pockets of the money-lenders, while the loss is borne by the farmers, manufacturers, merchants, and all other industrial classes.

In view of these facts is it any wonder that the money-lenders of New York and Boston are growing rich very fast and that they are struggling to keep up this nice arrangement? What the capitalists gain the industrial classes lose, if my theory is correct, and that it is correct is proved by the rapidly increasing list of failures.

Here is a list of the number of failures in the United States for the years named, with the amount of their liabilities:

Year.	No. of failures.	Aggregate liabilities.
1871	2,917	$85,252,000
1872	5,069	121,056,000

It is fair to presume that the list for 1873, which I am not now able to give, will be at least twice as large as that for the preceding year.

The number of failures in the Northern States, according to Hunt's Magazine and Year Book, from 1865 to 1867 were as follows:

Year.	No. of failures.	Aggregate liabilities.
1865	530	$17,625,000
1866	632	47,333,000
1867	2,386	86,218,000

It will be seen that the number is rapidly increasing. The years 1866 and 1867 being the years of greatest contraction, plainly exhibit the necessary effects of that measure.

But this list only comprises the failures in the cities. No report is made of the thousands of smaller failures throughout the country, and none of the tens of thousands of farmers who see their debts yearly increasing with no prospect of paying them.

How can the farmer with an average profit of not more than 3 per cent. upon the capital invested in his farm and stock, afford to pay from 10 to 20 per cent. interest upon his debts? It is evident that he who does it labors not so much for himself and family as for the capitalist.

And this is not all nor is it one-half of the picture. The shippers or middle-men who handle the stock or grain all the way from the farm to the market in New York or Europe, as the case may be, must pay the same exorbitant rates for the use of money, all of which, together with their risk and labor, must come out of the profits, or the difference between the price on the farm and in the market. The manufacturer and the merchant pay the same exorbitant interest, and must add it to the price of their goods.

There ought to be no conflict of interest between the manufacturer, the merchant, and the farmer. They are all equally bled by the capitalist, and can never enjoy their rightful share of prosperity until they understand their interests, and by their united action secure the adoption of a policy which will make the use of money as cheap as the profits of industry.

The railroads are justly blamed for their high rates of freight; but still it is well to remember that they could reduce their frieght charges one-half and yet make more money, if the capital with which they build their roads could be obtained at reasonable rates of interest.

Why cannot the American compete with the English manufacturer? Because the latter borrows his capital at 3 per cent. while the former pays from 10 to 20. And how can the American farmers who pay from 10 to 20 per cent. for the capital invested in farming compete in the markets of the world with the farmers of Europe and British India, who pay only 3 or 4 per cent.

Our ship-building was once the pride of the nation; the snowy sails of our commerce whitened every sea, and our flag was seen in every port of the world. But monopoly, not in foreign lands but in our own, is now helping to drive our flag from the ocean. How can the American ship-builder borrow money at 10 per cent. to build ships and compete in the carrying trade with the Englishman who pays only 3?

It has long been a matter of wonder to American farmers that, possessing as they do the finest and cheapest agricultural lands on the globe, they are unable to compete at a profit in the markets of the world with other less favored countries.

And it has been a matter of equal wonder to the American manufacturers that, with cheap timber and with coal and iron at their very doors, and with natural advantages in other respects unequaled in any other part of the world, they are often unable to compete, even in our own markets, with the English manufacturers who are three thousand miles away. We have always been told that the cheap labor of Europe made all the difference. Although I freely admit that there is some truth in that argument, I do not regard it as the sole or the real cause, for the difference is not enough in many

cases to overcome the natural advantages possessed by the American farmer and manufacturer; and many of our American farmers, who with their sons do their own work and make no profit at all, certainly work as cheaply as any one in Europe.

The true cause of our inability to compete with Europe in these respects is found in the fact that the European farmer and manufacturer operate upon capital borrowed at 3 per cent. interest, while the American farmer and manufacturer must pay from 10 to 20; the difference between the rates of interest there and here is itself ample profit for the former.

The evils of contraction which now so greatly oppress the industries of this country are certain to continue and to increase so long as the volume of the currency remains fixed and unchangeable.

There is also another evil attendant upon a fixed volume of currency which should not be lost sight of. I refer to the scarcity arising from the great demand for money in the fall and winter, when such vast sums are required to pay taxes and move crops. This demand precipitated the panic of 1873, and has caused great stringency in the money market every fall since contraction began. At the very time when the tax-collector in most of the Western States is gathering and locking up in county and State treasuries a great part of the money in circulation among the people, this demand for money with which to buy and move the products of western farms is greatest, and results in great scarcity of money and exorbitant rates of interest. Thus the people sow and reap, but the capitalists in reality gather in the harvest in the shape of enormous interest; and this is the system which the capitalists of Wall street are so anxious to perpetuate.

It only requires a little combination among capitalists at the money centers in shutting up or withholding money to precipitate a panic, depreciate the value of produce as well as stocks, when they can buy up both at low rates, thus releasing the money and then sell again on a rising market. This is no idle speculation. It is too well known that one of the most damaging and exciting panics ever known in New York was caused by locking up ten millions of money.

The only remedy for this evil and abuse is to give elasticity to our currency by free banking or interchangeable bonds, so that the volume of the currency can be increased or decreased according to the demands of business, and the people can get money when they need it without paying exorbitant rates of interest.

The selfishness and rapacity of Wall street make it necessary that the industries of the country should be independent of it. The most bitter opposition to the currency bill arose from the fact that it withdrew a considerable part of the bank reserves from New York. It gave contraction to those who had been clamoring for it, and Wall street capitalists soon showed that they wanted contraction applied to the West but not to New York.

It has been frequently and falsely asserted that the Government is pledged against any increase of the paper circulation. The pledge referred to, if pledge it can be called, applies only to the legal-tenders, and has no application to the national-bank notes, which are not legal-tenders. And I think it quite evident that an increase of the national-bank circulation could not depreciate the legal-tenders so long as the volume of the latter remained unchanged, nor could it postpone the day of specie resumption.

The late currency bill did not in any manner violate this pledge. It fixed the legal-tenders at $400,000,000, the exact amount at which they have been fixed by all previous laws upon the subject.

As is well known, the Secretary of the Treasury has heretofore claimed the right of retiring the legal-tenders down to $356,000,000, or increasing them to $400,000,000 at his pleasure. A power which many have doubted, and many more have believed, should not depend upon the will and caprice of one man.

The currency bill therefore took away the power of the Secretary to retire legal-tenders, but did not provide for the issue of a single dollar beyond the amount authorized by previous laws. But it gave to the West and South $46,000,000 of additional bank circulation, a little over one-half the additional amount to which these sections are entitled under the existing apportionments, but which they cannot get because it has been taken and is held by other States—States that have placed themselves in the attitude of holding $80,000,000 more than their share of the circulation, and of denying to the West and South the privilege of taking only a small part of the share to which they are entitled.

Great efforts are now being made in certain quarters not only to criticise and denounce the action of the majority of Congress upon this question, but also to have it believed that our action has been contrary to both the general sentiment of the country and the recommendations of the President. I shall undertake briefly to show that our action has been in harmony with both.

When Congress met in December the country was almost unanimous in the demand for more currency. The Wall street brokers had not then fully recovered from the effects of their reckless speculations.

The New York Herald in the editorial before quoted spoke the exact truth when it said—

> From all sides, however, we hear the complaint that the paper circulation of the country is not equal to the business wants of the country.

If any voice was then raised in opposition to an increase of the paper circulation it was so feeble as not to be noticed by the conductors of a newspaper whose means of information are unequaled on this continent.

I think, sir, I am justified in saying that it is not the people nor the majority of their representatives who have changed upon this question, but the capitalists and their organs. And I think, notwithstanding all that may be represented to the contrary, that it is equally susceptible of proof that the action of the majority of Congress has been in accordance with the recommendations of the President.

In proof of this position I quote the following passages from the last annual message of the President transmitted to Congress at the commencement of the present session. After stating in the passage already quoted that we could never reach and maintain specie payments until the balance of trade was so largely in our favor as to pay without the products of our mines the interest due abroad on our national debt and other obligations, he further says:

> To increase our exports sufficient currency is required to keep all the industries of the country employed. Without this, individual as well as national bankruptcy must ensue.

Again, the President further says:

> During the last four years the currency has been contracted, directly, by the withdrawal of 3 per cent. certificates, compound-interest notes, and seven-thirty bonds outstanding on the 4th of March, 1869, all of which took the place of legal-tenders in the bank reserves to the extent of $63,000,000.
>
> During the same period there has been a much larger comparative contraction of the currency. The population of the country has largely increased. More than twenty-five thousand miles of railroad have been built, requiring the active use of capital to operate them. Millions of acres of land have been opened to cultivation, requiring capital to move the products. Manufactories have multiplied beyond all precedent in the same period of time, requiring capital weekly for the payment of wages and for the purchase of material; and probably the largest of all comparative contraction arises from the organizing of free labor in the South. Now every laborer there receives his wages, and for want of savings-banks the greater part of such wages is carried in the pocket or hoarded until required for use. * * *
>
> It is patent to the most casual observer that much more currency, or money, is required to transact the legitimate trade of the country during the fall and winter months, when the vast crops are being removed, than during the balance of the year. With our present system the amount in the country remains the same throughout the entire year, resulting in an accumulation of all the surplus capital of the country in a few centers when not employed in the moving of crops, tempted there by the offer of interest on call loans. * * * *
>
> In view of the great actual contraction that has taken place in the currency, and the comparative contraction continuously going on, due to the increase of population, increase of manufactories, and all the industries, I do not believe there is too much of it now for the dullest period of the year.

The President clearly saw the necessity of giving elasticity to the currency, as well as of providing for a considerable increase in the volume of paper circulation, and in his message of December last, from which I have before quoted, he makes the following recommendation to Congress:

> I submit for your consideration whether this difficulty might not be overcome by authorizing the Secretary of the Treasury to issue at any time to national banks of issue any amount of their own notes below a fixed percentage of their issue, say 40 per cent., upon the banks depositing with the Treasurer of the United States an amount of Government bonds equal to the amount of notes demanded, the banks to forfeit to the Government say 4 per cent. of the interest accruing on the bonds so pledged during the time they remain with the Treasurer, as security for the increased circulation, the bonds so pledged to be redeemable by the banks at their pleasure, either in whole or in part, by returning their own bills for cancellation to an amount equal to the face of the bonds withdrawn.

As the present national-bank circulation is $354,000,000, and the recommendation of the President is for an increase of 40 per cent. upon the present circulation, it would involve a total increase of $141,600,000, an amount very greatly in excess of the increase provided for by the vetoed bill, but not in my judgment more than could be profitably employed by the legitimate business of the country.

These views of the President, so plainly and forcibly expressed only six months ago, met the unqualified approbation of the entire country; and I see no reason for believing that the people have changed their opinions since that time. On the other hand, I believe that their convictions have become more settled and fixed upon this subject.

I shall not upon this occasion enter into any defense of the legal-tenders—the money of the nation—the only money we have or are likely to have in circulation for some time to come. That money has been tried in war and in peace, and saved us in an emergency when a currency based upon gold utterly failed to meet our wants and necessities.

True, the distinguished gentleman from New York [Mr. TREMAIN] says it is based upon "moonshine," and the gentleman from New Jersey [Mr. PHELPS] calls it a "rag," while other friends of contraction echo and re-echo the words "irredeemable currency."

Sir, if I was disposed to enter into details, I might perhaps show those gentlemen that this money, based as it is upon the credit of the nation, which is received for taxes to the amount of several hundred millions annually, which pays all private debts, and is daily redeemed in exchange for every article whether of luxury or necessity to be found in the whole country, is neither a "rag" nor yet as unsubstantial as "moonshine."

President Grant has a higher opinion of this money. In his message, from which I have just quoted, he says:

> The experience of the present panic has proven that the currency of the country, based as it is upon the credit of the country, is the best that has ever been devised. Usually in times of such trials currency has become worthless, or so much depreciated in value as to inflate the values of all the necessaries of life as compared with the currency. Every one holding it has been anxious to dispose of it on any terms. Now we witness the reverse. Holders of currency hoard it as they did gold in former experiences of a like nature.

But, Mr. Speaker, I have already extended these remarks far beyond the limits which I intended. The subject is so vast, the interests which it involves are so numerous and complicated, the proper solution of this question is so important to the welfare and prosperity of the people in every branch of their numerous and varied industries, that I have been unable to dismiss it as briefly as I proposed. Whatever may be the final solution of this question, there is one thing that may be considered as settled, and that is that the gross inequality and monopoly of the present distribution of national-bank circulation cannot be maintained.

The West has heretofore humbly petitioned for her rights. I warn gentlemen that when she speaks again it will be with a voice not only earnest and loud, but potent to command the changes which she demands.

If certain interests and certain sections want contraction they can have it, but it shall be applied to them and not to the West. And when those who have raised a hypocritical cry for contraction are compelled to give up the $80,000,000 of circulation which they hold in excess of the amount to which they are entitled, and when a large part of the reserves are removed from Wall street banks, they will enjoy in some degree the benefits of that contraction which they now so falsely and cunningly advocate.

CURRENCY.

Mr. SCOFIELD obtained leave to have printed some remarks on the currency. (See Appendix.)

INTERNAL IMPROVEMENTS.

Mr. FIELD obtained leave to have printed some remarks on a ship-canal around the Falls of Niagara, and a general system of internal improvement. (See Appendix.)

RECIPROCITY AND THE TARIFF.

[Mr. CROSSLAND addressed the House in favor of the restoration of a reciprocity treaty with Canada and Great Britain, and on the operation of the tariff. His remarks will appear in the Appendix.]

THE EAST AND THE WEST.

Mr. CRITTENDEN Mr. Speaker, almost one hundred years have elapsed since we became a free and independent people. If events measure the age of our people—States and Federal Government—measure the epoch of our existence, then we have lived not one, but many centuries; and we can safely say that no subsequent centuries will be as fruitful of national greatness and national sorrow as the passing one has been to us. The sacred historian tells us that only two men survived the passage of the children of Israel from Egypt to the promised land, and those two had seen the departing glory of one kingdom and the inaugurated perpetuity of the other. More than two men live to-day in our land who sat by the cradle of our existence, and who still survive to see us a greater and mightier people than ever Israel was, even though her children were as the sands of the sea, as the stars of the heavens. How long is our greatness and our unity as a people to last? This is a question of great moment not only to us as a people, but also to other nations struggling to be free, and he who stands idly by and sees our Republic receiving the stings of death without interposing in its defense is a common foe to the best interests of his own people and to those aspiring to be free in foreign lands. The East and the West have alike and in common the highest motives for preserving the liberties of our people and the sacred unity of the States.

In order to do this, absolute fairness should obtain in the legislation in this Hall, giving unto each section those laws best adapted to its interests and least inimical to the interests of the whole. Our fathers did their work well in laying the foundations of our form of government deep and well, and erecting thereon, in symmetry and beauty, a superstructure of many in parts but one in the whole. From the solidity given it in its inauguration it has withstood the shocks of three foreign wars and one domestic war. From the foreign wars it came forth with victorious arms, thoroughly demonstrating the wisdom of those who had said that man was capable of self-government and that America was an exhibition of that fact. In all earnestness I say, let the mantle of oblivion fall over those four years of our internecine war. Its battle-fields were our own States, its leaders were our great men, its soldiers our own brethren, its dead upon both sides our own children, its victories our own victories, its deeds of daring our own heroism, and its heroes—Jackson and McPherson, Albert Sidney Johnston and Sedgwick—are the dead ornaments of our own race, and over their graves we should scatter the immortelles of a generous love. May the dews of heaven ever fall lightly upon their graves:

> As they await the judgment day;
> Under the one the blue, under the other the gray.

We cannot exist in parts, in sections in this land; it must be as a whole or not at all. The very formation of our country indicates its essential unity, and whatever may have occurred in the past to separate that unity should be at once forgotten and all sectional legislation ignored by the populous East as well as the West. It should be remembered now that the legislation that was done during and subsequent to the war was greatly at the expense of the West and directly in antagonism to the South, and as the West was as loyal to the Government as the East, as prodigal of its blood and its money in defense of the Union and the Constitution, it now calls a halt in these Halls to such inequalities, and demands that it shall be heard in defense of its own rights. It wants nothing from the East that rightfully belongs there. rather in her conscious greatness conceding a part that should be hers than extorting the least that is not. Yet it is but right that we of the West, without regard to party, should say to you gentlemen of the East that we will hereafter only ask for and only receive such legislation as will be just to you and just to us.

The war was a blessing to the East in a monetary point of view; and to the extent that it enriched that great hive of intelligence and industry it impoverished the agricultural part of our land. To-day the West is poorer in all the elements of happiness, in all the common necessities of life, than she was at the end of the war. Why is this? Our people have labored hard from morning until night, from January until January, possessing the fewest imaginable luxuries, in many instances the fewest of the ordinary wants of a frugal class, striving as no people have scarcely striven under the sun, to accumulate a few hundred dollars for the comfort of old age or the dowery of departing children. It is because they are taxed by everybody for everything they eat, wear, use, or consume—for every moment they live, for every moment they are dying, for every moment that their spirits are preparing to rest in heaven or dwell in misery.

You people of the East may say that you are not responsible for this; I hold that you are wholly and entirely responsible for it all. When we were weak in this Hall in Representatives; when the war had lashed the passions of our people into such a fury that they contemplated nothing but its issue; when our whole people were engaged in the common effort to serve the Union of these States, with no regard to self, with no "well-laid" schemes for the future, then during those bloody days the East, "with its eyes on the main chance," its hand upon the lever of war, and its voice shouting "on to Richmond," with wonderful ingenuity passed those iniquitous enactments, under the disguise of "revenue laws," which have from that time to this drawn the very life-blood from our people.

Money was so plenteous immediately after the war that the people did not feel the burden of taxation. It was like drawing a few ounces of blood from a strong, healthy man, leaving him none the less bouyant after the depletion. But let that depletion of blood continue day after day, and soon you will see the physical wreck of a once splendid manhood. This depletion has been constantly enforced since the war by those in authority in the unwise management of the currency of our country; and that, too, when from the cessation of arms the country would necessarily demand an increasing instead of decreasing medium of exchange. As evidence of the above fact, I call your attention to the following tables showing the large contraction made during the past eight years in the volume of circulation.

On the 1st of September, 1865, the circulating medium consisted, in part, as follows:

United States notes	$433,160,569
Fractional currency	26,344,742
National-bank notes	300,000,000
Compound-interest legal-tender notes	217,024,160
Temporary-loan certificates, 10 d-d	107,148,713
Certificates of indebtedness	85,093,000
Treasury 5 per cent. legal-tenders	32,536,901
Treasury notes, legal-tenders past due and not presented	1,503,020
State-bank notes	78,867,577
Three-year Treasury notes	830,000,000
Total	2,111,678,680

On the 1st of December, 1873, the circulating medium consisted in part as follows:

United States notes	$367,001,685
Fractional currency	48,000,000
Certificates of indebtedness	678,000
National-bank notes	350,000,000
Total	765,679,685

It will be perceived by the exhibit here made that the currency has been reduced $1,345,998,995 since September 1, 1865.

Was such a rapid contraction, in so short a time, judicious? The war had closed; millions of men were returning to their different pursuits; enterprises of all kinds were springing into existence in all the States, upon the very battle-fields where shot and shell had done their deadliest work; unborn Territories were seeking organic existence by legislative action of Congress; millions of negroes were just entering, as producers as well as consumers, upon a new career in life; a large foreign population, stimulated by our generous invitations, were crowding our shores; rehabilitation in every branch of trade and pursuit was required in the Southern States; a wonderful energy in the construction of cities, towns, churches and school-buildings, colleges, railways, and steamboats, was invoking into active exercise a much larger sum of currency than now is permitted to all the States and Territories. And the whole country was careering into a new life pregnant with the bounding energies of a hopeful people, everything, everybody demanding money to consummate the work of individual reconstruction, and yet, in the face of all this, contraction of the currency was the policy of the Government. It was a most foolish policy, working only in the interest of the bondholders and the money-lenders of the country. It in due season produced its fruit, and bitter indeed has that fruit been to the agricultural and laboring classes of the West and South. Let the

Secretary of the Treasury of the United States say what this policy has done for our people.

Referring to the existing panic, he says:

This could not have happened had there been an elastic and flexible instead of our present rigid and unyielding currency. There is scarce a doubt but this financial revulsion has cost the people in the aggregate hundreds of millions of dollars, to say nothing of the loss of revenue to the Government.

Ours is the only Government under the sun, at any period of history, that has suffered or caused such an immediate and rapid contraction of its currency, after an exhaustive war. I do not say, Mr. Speaker, that it would have been wise to have permitted the maximum of the currency to have remained until now what it was at the close of the war. Nor would I say it was wise to medicate a man to the same extent upon medicines and stimulants, when recovering from prolonged disease, that was necessary in his prostrated condition. Common sense would dictate to the physician not to withhold his prescriptions until nature had assumed its abnormal condition. The South and West being agricultural regions suffered more in their internal affairs by the war and by the contraction of the currency than did the Eastern States, and yet they have been made to bear by unequal legislation a greater portion of the burdens of the Government than the New England States.

As an illustration of such unjust legislation I call your attention, Mr. Speaker, to the following tables. In 1873 the six New England States paid into the Treasury of the United States the annexed sums:

Connecticut	$873,985 00
Maine	214,696 00
Massachusetts	3,761,005 00
New Hampshire	325,455 00
Rhode Island	324,552 00
Vermont	75,861 00
Making	5,575,554 00

Missouri alone paid $4,259,320, only $316,234 less than the six New England States. In order that the inequality may be more apparent, I refer you to this table. In 1870 the real and personal estate was valued in—

Connecticut	$774,631,524 00
Maine	348,155,671 00
Massachusetts	2,132,148,741 00
New Hampshire	252,624,112 00
Rhode Island	296,965,646 00
Vermont	235,340,553 00
Making	4,039,866,247 00
Missouri	1,284,922,897 00

Thus, you will at once see that Missouri, with a property value of little more than one-fourth of the above-named States, pays four-fifths as much internal revenue as the whole of New England. The State of Missouri is only used as an illustration, as it is my home and the home of the people I in part represent. Illinois, Iowa, Indiana, and Ohio are in the same condition; in fact, more strikingly showing the unfairness of the taxation and the injustice of the legislation. The tobacco of the farmer of the West is taxed from 50 to 75 per cent. of its value to raise revenue to pay gold interest to the eastern capitalist on his untaxed bonds. It is not my purpose at this time, Mr. Speaker, to discuss at length the tariff question. Its enormities are so great, that I leave it for a separate discussion.

I now propose entering upon in a manner worthy of this Hall, I hope, the great subject of the East and the West, in the discussion of which I will endeavor to show more elaborately than heretofore done the reasons why the loud complaints and murmurings have been heard coming from the agricultural and laboring classes of the West, and why the West and the South, without regard to political divisions, will unite against the East in asserting their rights and vindicating their wrongs. For fear that I may be misunderstood by some one, I desire to say that the vindication sought will only be that of commanding majorities in these Halls by Representatives true and to the "manner born," who will legislate for the whole country in the spirit of equity and in the light of justice. If an unjust weight is an abomination to the Giver of all things, what must unjust legislation be? The one concerns the small commercial transactions; the other life, death, misery, happiness. It is conceded by all that agriculture is the basis of national wealth, and whatever promotes its interests to that extent promotes the general good of all. Our own land is distinguished by the fact that a larger proportion of our people are engaged in an intelligent cultivation of the soil than any other nation, cultivating larger farms, possessed of richer soil; and I can also say from that special legislation of which I have spoken those farms are unavoidably cultivated at a heavier cost than should be in this land of professed freedom.

In an address of much thought, Charles W. Green, secretary of the national agricultural congress held at Bloomington, Illinois, said:

But we are not yet free. Human government has not yet attained perfection. Scarce have we overcome one stupendous evil ere another has reared its hydra head—one of a more threatening aspect than its predecessor, one which pervades every locality. The aristocracy of concentrated wealth, which quietly assumes to usurp the prerogatives of government, and stealthily undermines the virtue of the public servants, is more to be feared than the slaveocracy of the South. It is far more threatening to the integrity of our free Government. Its deeds are of darkness. Its works are secret, and because they are so, that multiplies their power for evil a hundred fold.

It is this "aristocracy of concentrated wealth," situate in the East, fed and pampered by tariff laws at the expense of the toiling millions, that "is to be feared more than the slaveocracy of the South." That power in the South asked and received no special legislation to enhance the value of its products at the expense of the other agricultural or manufacturing interests of our land, fully knowing that any legislation that added a burden to those other interests, so greatly akin to its own, would necessarily be inimical to its success. It was independent and generous in its power. Not so with this other "aristocracy of concentrated wealth." Its mills grind not more constantly than do its lords and owners "lobby" around these Halls for protection, and every cent of protection given them is base favoritism, impoverishing the laboring classes of the West and the South.

The agricultural States lying west and south of the Alleghany Mountains pay a much larger proportion of the current expenses of the Government than do the Middle and Eastern States. And it must be remembered that it is in those last-mentioned States that the great bulk of untaxed property is to be found, and it is also in such States that fostered productions pay such enormous percentages. It is in fact establishing by law two classes of States in our Union: one the protected and favored, the other the laboring and unprocted class; thete former class paying less and securing more benefits from the Government, and the latter paying more, and securing fewer blessings, from the same common source. In verification of this point, I call the careful attention of this House to the following tables. The wealth and population of the States were taken from the census of 1870, and the amount of revenue paid by each State is taken from the report of the Commissioner of Internal Revenue for 1873:

States.	Wealth.	Population.	Revenue paid to United States in 1873.
WESTERN STATES.			
Ohio	$3,235,430,000	2,665,260	$14,851,309
Indiana	1,268,180,000	1,680,637	5,678,052
Illinois	2,121,680,000	2,539,891	16,493,169
Michigan	719,208,000	1,184,059	2,205,720
Wisconsin	702,307,000	1,054,670	1,881,820
Minnesota	228,909,000	439,706	231,404
Iowa	717,644,000	1,191,792	1,012,997
Nebraska	69,277,000	122,993	242,962
Kansas	188,892,000	364,399	161,469
Missouri	1,284,922,000	1,721,295	4,259,320
Total	10,536,449,000	12,964,696	47,018,222
NEW ENGLAND STATES.			
Maine	349,155,000	626,915	214,696
New Hampshire	252,624,000	318,300	325,455
Vermont	235,349,000	330,551	75,861
Massachusetts	2,132,146,000	1,457,351	3,761,005
Rhode Island	774,631,000	217,353	324,552
Connecticut	296,965,000	537,454	873,985
Total	4,039,870,000	3,387,924	5,575,554
MIDDLE STATES.			
New York	6,500,841,000	4,382,759	19,219,504
Pennsylvania	3,808,340,000	3,521,791	7,826,275
New Jersey	940,976,000	906,096	2,567,442
Delaware	97,180,000	125,015	429,392
Total	11,347,337,000	8,935,661	30,042,613
SOUTHERN STATES.			
Maryland	643,748,976	780,894	2,653,801
Virginia	409,588,133	1,225,163	7,343,799
North Carolina	260,757,244	1,071,361	1,408,321
South Carolina	208,146,989	705,606	167,213
Florida	44,163,555	187,748	158,142
Georgia	268,169,207	1,184,109	477,959
Alabama	201,855,841	996,992	152,493
Mississippi	209,192,345	827,922	128,079
Louisiana	323,125,666	726,915	1,339,607
Texas	159,052,542	818,579	272,325
Arkansas	156,394,691	484,471	88,861
Kentucky	604,318,552	1,321,011	5,456,628
Tennessee	498,237,724	1,258,520	644,480
West Virginia	190,651,491	442,014	449,660
Total	4,177,402,956	12,030,905	20,751,368

By these tables it will be seen that the Western and Southern States—the overloaded and debtor States—paid to the Government through its internal-revenue offices $67,769,590, and the New England and Middle States only paid $35,618,167. Though flooded with money, and with all the comforts incidental to a "chosen people," those creditor States paid less revenue to the support of the Government than the others by $32,151,423. Have they not the serene right to say, "This is the best Government under the sun; there is no God but God, and Mohammed is his prophet?" I again call your attention, Mr. Speaker, to these other important facts. I have only given

a part of the story, and that the least offensive; now I will give the balance. It is a truism in political economy that all exported commodities is so much surplus labor, and that surplus labor, if utilized, is the wealth of a nation. The ninth census shows that the total production of manufactures in 1870 was nearly twice as much as the total production of agriculture; and yet according to this table, carefully prepared by a gentleman skilled in the business, the industries of the South and West saved this country from bankruptcy:

Total value of production of manufactures in 1870	$4,232,325,442
Total estimated value of all farm productions, including betterments and additions to stock	2,447,538,658

With these facts before us, let us see how much each of these two great industries of the country contributed to the export value:

Export of agricultural products in 1872-'73.

Animals	$2,033,447
Ashes and bark	103,215
Bread and breadstuffs	98,743,151
Raw cotton	227,243,069
Fruits	1,783,305
Raw hides	3,605,023
Hops	272,403
Naval stores—rosin, tar, and pitch	3,809,421
Oil-cake	3,611,562
Provisions—beef, pork, lard, &c	78,823,262
Seeds	1,160,329
Tallow	7,068,471
Tobacco	25,331,946
Total	453,588,604

Exports of manufactured products in 1872-'73.

Acids	$68,689
Agricultural implements	2,585,914
Ashes—pot and pearl	88,562
Beer, ale, porter, and cider	44,455
Bells and bronze metal	7,637
Billiard-tables	25,857
Blacking	108,144
Bone-black, &c	236,449
Books, pamphlets, and engravings	893,228
Manufactures of brass	494,577
Bricks	10,632
Brooms and brushes	186,819
Candles	301,202
Carriages, carts, &c	506,827
Railroad cars	1,145,067
Clocks and parts thereof	868,888
Combs	8,244
Copper and manufactures of	259,076
Cordage	417,044
Cotton, manufactured	2,850,000
Drugs and chemicals	2,358,730
Dye-stuffs	715,104
Earthenware	53,909
Fancy articles	358,514
Gas fixtures and chandeliers	58,323
Ginseng	341,144
Glass and glassware	627,562
Glue	8,754
Manufactured hair	48,795
Hats, caps, and bonnets	245,199
Manufactured hemp	170,725
India-rubber goods	214,798
Iron and iron manufactures	6,732,497
Steel and hardware	2,387,337
Jewelry and silver goods	444,054
Lamps	287,215
Lead and manufactures thereof	13,392
Leather and manufactures thereof	5,305,494
Lime and cement	52,848
Artificial manure	222,084
Marble and manufactures thereof	286,530
Musical instruments	461,477
Mathematical instruments	48,126
Matches	194,332
Ordnance stores	696,255
Paints	123,595
Paintings and engravings	122,311
Paper and stationery	658,248
Perfumery	450,282
Printing-presses and type	262,900
Salt	43,777
Scales and balances	202,888
Sewing-machines	2,151,636
Soap	667,858
Distilled spirits	852,639
Starch	327,940
Trunks and valises	186,746
Varnish	80,618
Vessels sold to foreigners	595,353
Watches	118,053
Wearing apparel	417,547
Manufactured wood, including timber and furniture	19,119,802
Wool manufactures	227,531
All other articles manufactured	1,356,911
Total	61,307,125

Thus it will be seen that the manufacturing industry, which is protected and pampered and is made to produce over $4,232,000,000, contributed only a little over $61,250,000 toward the $649,000,000 exports of 1872 and 1872-'73; while the agricultural industry, which is just beginning to protest against protection and which produced a total of only $2,447,000,000 annually, found over $453,000,000 surplus for export, and thereby kept the nation from going into bankruptcy. Or, in other words, the proportion of productions and exports of these two classes has been as follows:

	Total production in 1870.	Exports in 1872-'73.	Percentage.
Manufactures	$4,232,325,442	$61,307,125	1.45
Agriculture	2,447,538,658	453,588,604	18.52

This of course shows that the agriculturist has in the first place to buy the home manufacturer's industry and secondly he has to find enough of surplus to provide the manufacturer with the raw material that the latter gets from abroad, and of course pay the interest on the debt. Is it not time for the agriculturist to remind the manufacturer to put his shoulder to the wheel and also seek a foreign market?

In order to complete the picture of the advantages enjoyed by the East over the West by reason of the tariff legislation, I again call your attention, Mr. Speaker, to the last census. As shown by that work, there were engaged in agricultural pursuits 5,922,471 persons, with a total capital invested in land, stock, and implements of industry of $11,124,858,765. There were, as shown by that same work, 2,053,996 persons engaged in manufactures, with a capital of $2,118,208,796. If I were to ask any man of ordinary business capacity which of the pursuits should yield the larger income, he would at once answer, considering the persons engaged and the amount of capital invested, that the former should pay fourfold the percentage of the latter. Let us test it by the light of facts. Almost three times as many persons are engaged in agriculture as in manufactures—5,922,471 to 2,053,996; with over five times as much capital—$11,124,858,765 in the former to $2,118,208,796 in the latter. That remarkable book, again, shows us that the entire value of all farm productions, with increase of stock, for the year 1870 was $2,447,538,658, and that the value of the manufactured productions was $4,232,325,442; the latter and "smaller interests" yielding almost twice as much as the former, although the former, as above shown, had three times as many persons and five times as much capital engaged in its vocation as in the latter pursuit. Pursuing the line of argument of one of the most enlightened and popular newspapers of the age, the Saint Louis Republican, we repeat:

> If we divide the whole amount of agricultural capital by the total number of persons engaged in agriculture, we have an average of $1,878 to each, and if we divide the value of the gross product of agriculture by the total number of persons engaged in that business, we find that each person thus engaged, on an average of $1,878 capital, produced $412 of gross values. By a similar computation we find that the average capital to each person engaged in manufacturing was $1,211, and that each person thus engaged on this average amount of capital produced $848. The labor and capital of a farmer therefore yielded less than half as much as the labor and capital of a manufacturer. The census figures do not tell us what the net profits of agriculture were, but it will not be claimed that they were over 10 per cent. on the capital involved. Indeed, if we estimate a farm-hand's labor at fifteen dollars per month and his board at ten dollars per month, both together costing $300 a year, and deduct this from the average annual product ($412) of each person engaged in agriculture, we have $112 as the farmer's average net profit on the labor of his hired hands—or only a little over 6 per cent. on his average capital of $1,878. The profits of the manufacturing capitalist are more easily and more accurately determined. Adding together the total amount paid for raw materials ($2,488,427,242) and the total amount paid in wages ($775,584,343), and deducting the sum ($3,264,011,585) from the gross manufacturing product ($4,232,325,442), we have $968,313,857 as the net profit on a total manufacturing capital of $2,118,208,796—or over 45 per cent. And it is this business, paying an average of 45 per cent. per annum, that is "protected" by the Government at the expense of another business that pays only 6 per cent.

I may be asked at this point, in view of what I have stated in regard to the excess of agricultural exports over the manufactured, "What becomes of the immense quantities of articles manufactured in this country, as but a tithe of them are exported?" They are used and consumed in this country by our people from compulsion. Under our infamous protection laws the foreign articles—superior in every respect—are excluded, and the people are thus compelled to purchase our inferior home-manufactured articles at three or four times their value. This enormous profit is taken from the pockets of the laboring classes, the unprotected many, and put by a *parental* Government into the treasuries of the protected few. Have not our people been thus plundered long enough? Have not their groanings yet been heard in the East? The political revolution now going on in the West is in consequence of such a system of robbery. The West sorely feels the weight of the heavy hand resting on her, and if it is not soon raised she will send to these Halls a delegation, many in number but one in sentiment, who "will strike for God and their native land." You men of the East claim to be fair and moderate in legislation. Is it so? When Lord Clive was before a committee of the House of Commons on the charge of having enriched himself by plundering India, he justified the act, and in the language of Macaulay he "described in vivid language the situation in which victory had placed him: a great prince dependent on his pleasure; an opulent city afraid of being given up to reprisal; wealthy bankers bidding against each other for his smiles; vaults piled with gold and jewels, thrown open to him alone, and exclaimed in conclusion, "By G—d, Mr. Chairman, at this moment I stand astonished at my own moderation!" Well could he say that, after having accumulated millions wrongfully from those people. Considering how suppliant the western republicans have been for the last twelve years to the eastern monopolists, it may be that they could exclaim that they are astonished at their moderation! Lord Clive plundered a base foreign people, between whom no

bond of blood or sympathy existed; the monopolists of the East have and are still plundering their own blood, their own countrymen, who stood, when danger was thickest, when hardened soldiers under matchless leaders were pressing hardest, as a living wall between a desolating army and the East. The West guarded the East, and the East, by cunning laws, has brought the West to desolation. I truly hope that the East will desist from such oppression, for if she does not, that unfortunate state of affairs will be produced that is described in the Saint Louis Democrat, a leading western republican paper, loyal to the core and "above suspicion." Hear it:

> Unless the East shall soon begin to understand what the West is, the future will teach them a fearful lesson. The sectional prejudice in the West now is stronger against the East than the feeling in the South was against the North forty or fifty years ago; and it will develop faster into a fixed and determined hostility, intensified from year to year by increased consciousness of power.

Is not that plain talk from one of the chosen to the great elect? No cry of rebel can be raised against that paper. It speaks the growing sentiment of a populous empire, which loves Cæsar, but Rome more!

Believing that I have shown by invincible facts and figures that the West and South have been made for the last thirteen years by a species of vicious legislation "hewers of wood and drawers of water" for the East, although incalculably larger and more prolific in soil and other material resources, I now propose showing that the day of bondage is about over, that the hour of deliverance has about come if the people of the great Mississippi Valley will learn the lesson from our oppressors of making the imaginary importance of partyism with its small local benefits subordinate to the greater and more important interests of that valley. The East manages by great ingenuity to keep the "apple of discord" in our midst, to keep our people, as democrats and republicans, fiercely wrestling with each other for a bauble, while it bears off the prize of empire, richer by far than the "wealth of Ormus or of Ind."

An eastern politician in power never forgets his own section of country. His very nature and locality impress him with the lesson, "If I forget thee, O Jerusalem, let my right hand forget her cunning." Her party feeling never extends beyond her limits. She uses party with all of its shibboleths as but the means of power and unity at home, and the instrument of weakness and strife with us. Touch the East, in whatever name, under whatever banner, you may choose, and you unite her people into one solid mass. Home is everything to them; party only as a means of power is nothing. Its philosophy is power, its economy is unity, and its unity is economy. It is governed in all of its departments by great wisdom, frugality, and singleness of purpose. Should we not learn the same lesson? I would not have it, Mr. Speaker, suspected for one moment that I desire to teach a sectional sentiment, or enunciate one possessed of malevolence against any part of our country. I have a profound love for every part of it. It is the priceless heritage from our fathers, and should be perpetuated by us as unclouded from sectional animosities as it was handed to us.

A dark day dawned upon us as a people a few short years ago, and its sorrow still lingers in our midst as the terrible rebuke which Heaven has visited upon us in consequence of our departure from the broad path of light which the anxious eyes of Washington had chosen for us as a people. That luminous path led to national unity, dignity, and power, but we, unpossessed by the same stern virtue and deep, broad love of country, unappreciative of what it cost, have been led away from the great memories of the past, the obligations of the present, and the wise counsels of the inspired founders of the nation. We must speedily return to that path if we would survive the short period of the present, deeply repenting the errors of the past, and by a more elevated statesmanship plant deeper the foundations of our great Republic.

It were better, far better, that the Republic had never had a being than that now, after having been mankind's admiration and worship for nearly a century, it should go down in blood and gloom and horror, a warning to all generations not to repeat the same fatal experiment. I would have the States and Territories to the farthest verge of the oceans washing our shores bound and cemented together under one federal head, all moving in obedience to its general laws as the lesser stars and planets move in obedience to the great eternal laws of the sun. Yet, Mr. Speaker, I would also have separate and distinct States and Territories, each moving in its own legislative orbit, managing and directing its own "domestic affairs," preserving with manly tenacity all of those "powers not delegated to the United States by the Constitution nor prohibited by it to the States." I would also have a North, South, East, and West as geographical and civil divisions in our Republic, each having its peculiar laws and climate, as well as its social characteristics, material interests, and political preferences.

A perfect identity of interests or sentiment would become an element of weakness instead of strength. Unity in diversity is the grand principle of strength and bounty, perfect identity not existing anywhere in the moral or material universe. The divisional lines on the laws of temperature and production are as immutable as the laws themselves, and no orator, no poet, can erase them by swelling sentences or glowing words. Up to a certain point our great diversity of interests has been the strongest band of our Union as a people. This led to a mutual dependence of one State or section upon all the others, and thus self-interest strengthened the ties of social and political fraternity, and became a powerful agent in maintaining the integrity of the American Union. It was only when self-interest degenerated into selfishness, that simple diversity grew into open antagonism, and honest patriots became plotting politicians, that this "more perfect Union was threatened by the dangers of dissolution."

It is my present purpose to allude briefly to two of the grand divisions of our country, showing what each has done in the past and what both must do in the future to preserve the harmony of the whole and maintain the integrity of the States. By the East will be embraced not only New England, but the Middle States, a division of great wealth, population, and power, where the commercial interests and mechanical industries of the country are mainly concentrated. The West will embrace that vast region lying between the Alleghany and the Rocky Mountains, popularly called the valley of the Mississippi. This is the great food-producing region, the great Egypt to which nations of the earth must annually go for the cereals. Although the Southern States proper and the gold-producing States beyond the Sierra Nevadas are not producers of grain, yet they belong to that section usually denominated the West, being of their bone and their flesh.

Although, Mr. Speaker, the Mississippi Valley has been called "that semi-barbarous empire" by the New York Herald, I propose showing that it has been the real saviour of the country in the past, is the great conservator of equal rights in the present, and will be the great glory of the American Republic in the future. In doing this, far be it from me, if I could, to abate one tithe or tittle from the just meed of honor due to any other section of our common country. Each has borne its part nobly, grandly, in the past, either for good or evil, and with a patriot's love, I say let the evil rest in silence while we speak earnestly only of the good.

The East with a portion of the South constituted the original thirteen States that first planted this Republic on primal soil, and then won its independence from the first military power of the earth. These events cannot be forgotten by the American people. They are the rich legacy left us by a joint ancestry whose benefits should ever impress our minds with the cost of the struggle and the value of the result. Men who could conquer in such a struggle were equal to any future emergencies demanded in the colonization and cultivation of the great area of territory lying beyond the limits of the victorious States. Such men were grand instruments in the hand of God to accomplish a manifest destiny. "To do or die" was their motto in civil as well as military life, and in their dying was planted the seed of free empire which to-day sheds its lustrous light over every inch of American soil. The eighteenth century consummated the great work, and the eyes of the Father of his Country when they were turned for the last time to behold the elevated flag of *his* country beheld it the powerful symbol of a glorious confederation of free and independent republics joined together by his counsels and defended by his arms.

At that time nearly all the population and wealth of our country were concentrated in ten States along the Atlantic sea-board from Massachusetts to the Carolinas. The West was little better than a howling wilderness, and all that portion of it beyond the Mississippi River belonged to a foreign power. But while the East made headway against the encroachments of kingly power the hardy pioneers of the West were contending for religious and civil liberty in the wide domain of an uncivilized country, laying the foundations of that power which to-day appears here, in the panoply of conscious intelligence, strength, and numbers, representing a vast region extending from the semi-arctic snows of Itasca down to the shores of a tropical sea, embracing within its limits one hundred million square miles, already carved into twenty great States and Territories, and possessing a population of twenty millions of people.

Those so-called semi-barbarians inhabit the grandest industrial empire in the world, constituting the very heart and center of the American Republic; and holding the balance of power, it has been in the past, and will continue to be in the future, its mission to maintain liberty and mete out equal justice to all. What has the West already done to defend the honor and maintain the integrity of the nation? In our second revolutionary war our soldiers were found upon every battle-field from the bloody Thames to that of New Orleans, which gave to us a permanent independence, and to the country a resolute President. Where were these western "barbarians" in our contest with Mexico? Let the answer come from Monterey, Buena Vista, and Chapultapec! Look at the rich and powerful States added to our country by that war, with all of their untold billions of wealth, that have borne our Government through so many financial distresses, and which would still be sleeping in the mines and placers but for the presence of western soldiers in that war. The soldiers of the West have always been in the front ranks of battle, whether threatened by foreign foes or domestic strife; and when the war was over they had a courage no less renowned that led them, without the faults incident to a military life, into the private walks of civil society. And in our own great war, when Greek met Greek, who fought more bravely, or forgave more nobly in peace, than the regiments from the Great West? In that sad contest, where victory was won in a brother's blood, the East and the West joined hands in a common cause. That unhappy strife is past, and let the curtain fall upon its gloomy pictures. The West has been the unquailing ally of the East in all the great events of the past.

But another contest is rapidly rising in our country between the

impoverished millions and the protected few, in which the West will contend with the East for the mastery. In this contest the South will be the friend of the West, and what a brotherhood it will make! It will not be a war of bullets and blood, but of ballots and brains. On one side are a hundred thousand capitalists, bankers, and millionaires—the creditors of the people; on the other side twenty million workers, ranging from the plodding farmer and the thrifty mechanic down to the 'prentice boy and the sewing-girl. The East is rolling in wealth, "faring sumptuously every day;" has so many greenbacks that her leading men call them "moonshine" or irredeemable rags," as was done by Mr. TREMAIN, of New York, and she of course protests against any increase or equalization of the currency. War is threatened by the New York Herald if such increase is had.

The West and the South, the great producing regions, with equal earnestness demand an equitable distribution of the money issued, to give them the means of transporting their products to market, and of building up home industries, and securing to them financial and industrial independence. The East has a *per capita* distribution of thirty-five dollars, the West and South not one-fifth of the amount. They only ask for an equality. Is this wrong? Against this policy the capitalists and bankers of the East demur, protesting that the whole country is to be ruined. Ruined with what? With the money that has been as good as gold for all commercial transactions, and which is secured by the faith of the Government and by thirty thousand millions worth of property. Sir, the East appealed to the President of the United States in September, 1873, to reissue $44,000,000 of this same currency to save her from sinking; and when the West appeals for the same sum to save her twenty million people, it is pronounced "filthy rags" and bad faith.

O, wad some power the giftie gie us,
To see oursels as ithers see us.

This is the most extraordinary piece of selfishness and bald inconsistency in the legislative annals of our country. The President without law or authority did issue $26,000,000 to the East, and he now vetoes a bill passed by both Houses of Congress, for the relief of the West and South, and says it is bad faith. Bad faith to whom? To the bondholders of the East, to whom he had virtually loaned but eight months before $26,000,000 of the retired $44,000,000. His last message and his veto stand in bold opposition; as much so as if one were written in the West and the other in the East.

In order to see it more strikingly, let me call your attention, Mr. Speaker, to this picture of the country that he so graphically described in his last annual message, and the remedy he then recommended, kindly furnished me by my colleague, Mr. HYDE.

The President says:

During the last four years the currency has been contracted, directly, by the withdrawal of 3 per cent. certificates, compound-interest notes, and seven-thirty bonds outstanding on the 4th of March, 1869, all of which took the place of a legal-tenders in the bank reserves to the extent of $63,000,000.

During the same period there has been a much larger comparative contraction of the currency. The population of the country has largely increased. More than twenty-five thousand miles of railroad have been built, requiring the active use of capital to operate them. Millions of acres of land have been opened to cultivation, requiring capital to move the products. Manufactories have multiplied beyond all precedent in the same period of time, requiring capital weekly for the payment of wages and for the purchase of material; and probably the largest of all comparative contraction arises from the organizing of free labor in the South. Now every laborer there receives his wages, and for want of savings-banks the greater part of such wages is carried in the pocket or hoarded until required for use. * * *

It is patent to the most casual observer that much more currency or money is required to transact the legitimate trade of the country during the fall and winter months, when the vast crops are being removed, than during the balance of the year. With our present system the amount in the country remains the same throughout the entire year, resulting in an accumulation of all the surplus capital of the country in a few centers when not employed in the moving of crops, tempted there by the offer of interest on call loans. * * * * * *

In view of the great actual contraction that has taken place in the currency and the comparative contraction continuously going on, due to the increase of population, increase of manufactories, and all the industries, I do not believe there is too much of it now for the dullest period of the year.

The President clearly saw the necessity of giving elasticity to the currency, as well as of providing for a considerable increase in the volume of paper circulation, and in his message of December last, from which I have before quoted, he makes the following recommendation to Congress:

I submit for your consideration whether this difficulty might not be overcome by authorizing the Secretary of the Treasury to issue at any time to national banks of issue any amount of their own notes below a fixed percentage of their issue, say 40 per cent., upon the banks depositing with the Treasurer of the United States an amount of Government bonds equal to the amount of notes demanded, the banks to forfeit to the Government say 4 per cent. of the interest accruing on the bonds so pledged during the time they remain with the Treasurer, as security for the increased circulation, the bonds so pledged to be redeemable by the banks at their pleasure, either in whole or in part, by returning their own bills for cancellation to an amount equal to the face of the bonds withdrawn.

As the present national-bank circulation is $354,000,000, and the recommendation of the President is for an increase of 40 per cent. upon the present circulation, it would involve a total increase of $141,600,000, an amount very greatly in excess of the increase provided for by the vetoed bill, but not in my judgment more than could be profitably employed by the legitimate business of the country.

Now look upon this other picture drawn by the same hand only a few months after that message was delivered to Congress, and after Congress had enacted a law in conformity to the message, and after he had made a solemn obligation to the people that "the decisions of Congress on this subject (currency) will have the hearty support of the Executive:"

To the Senate of the United States:

Herwith I return Senate bill No. 617, entitled "An act to fix the amount of United States notes and the circulation of national banks and for other purposes," without my approval. In doing so I must express my regret at not being able to give my assent to a measure which has received the sanction of a majority of the legislators chosen by the people to make laws for their guidance, and I have studiously sought to find sufficient arguments to justify such assent, but unsuccessfully. Practically, it is a question whether the measure under discussion would give an additional dollar to the irredeemable paper currency of the country or not, and whether, by requiring three-fourths of the reserves to be retained by the banks, and prohibiting interest to be received on the balance, it might not prove a contraction. But the fact cannot be concealed that, theoretically, the bill increases the paper circulation $100,000,000, less only the amount of reserves restrained from circulation by the provisions of the second section. The measure has been supported on the theory that it would give increased circulation. It is a fair inference, therefore, that if, in practice, the measure should fail to create the abundance of circulation expected of it, the friends of the measure, particularly those out of Congress, would clamor for such inflation as would give the expected relief. The theory in my belief is a departure from the true principles of finance, national interest, national obligation to creditors, congressional promises, party pledges on the part of both political parties, and of the personal views and promises made by me in every annual message sent to Congress, and in each inaugural address.

Have the decisions of Congress coming fresh from the people received that promised executive support? Let the veto answer. The people, the laboring toiling people of this whole country from Maine to California, excepting a few thousand bondholders and pampered bankers, have asked for an increase of that currency that the President in his last annual message pronounced "the currency of the country, based as it is upon the credit of the country, the *best* tha thas *ever* been devised; and that same President, with wonderful forgetfulness of his promises, rendered sacred by the office he holds, "forbids" the increase, and in that bond-begotten and bank-born veto pronounces that same currency "irredeemable paper currency."

O consistency, thou art a jewel!

In December, 1873, he advised an increase of that currency $141,600,000; in April, 1874, he says: No, don't do so; it is "irredeemable," moonshine, and an exercise of "bad faith."

To complete the picture of extreme selfishness and inconsistency, look at what the New York Herald said when the East was in distress and wanted relief. September 23, 1873, the New York Herald, in a leading editorial, used the following language:

There was a persistent effort made yesterday by bankers and capitalists to induce the President to throw into the market some $30,000,000 of the $44,000,000 of greenbacks; but from the restrictions of the law the President and Secretary held to it that they had no alternative but the rejection of the proposition. We are informed, however, that if after a day or two there shall be no improvement in the situation, the President in deference to the public necessity will assume the responsibility of drawing upon his reserve of greenbacks for the general relief, trusting to an approval of his course by Congress. * * * *From all sides, however, we hear the complaint that the paper circulation of the country is not equal to the business wants of the country.*

In any event, if an additional issue of twenty, thirty, or fifty millions will relieve *our banks and merchants* from the embarrassment which otherwise threatens them, the President will be indorsed by Congress and the country in this timely measure of relief.

After the crisis had passed from the East to the West, and that grand empire made its appeal for relief to Congress, this same great organ of the bondholder said in a menacing article:

Inflation means war—civil war pressed upon the Atlantic States by the West and Southwest. We have heard a great deal lately from these sections about asserting their power in the legislation of the country. If the West has votes enough to rule Congress and the country we are satisfied to be ruled by the West. But the wildest statesmen of that incipient empire must remember that it is one thing to rule, but quite another thing to ruin. Inflation is ruin, dishonor, disgrace. The West shall not rule us in this thing, making us beggars at home and disreputable abroad.

Shall every American who dares to show his face in England or France or Germany, or in Spain or Italy, ever be dishonored because a few western demagogues have made it discreditable to be an American? Shall the commerce of our great sea-ports be stricken down and destroyed by a method that no country can practice with impunity?

Inflation means war just as slavery meant war all the time from 1840 till 1860. New England, the Middle States, Virginia, and the Carolinas do not mean that after laying the foundations of the Republic the West and Southwest shall ruin and discredit them and the Republic together. The Herald's prediction of the tread of armed men in 1861 was not more certain than a repetition of that prediction now, unless the newly fledged States, which think themselves wiser than the "original thirteen," learn wisdom from the danger of the hour.

With some people how different the law is between "mine and thine," your wants and my wants.

That veto sent a thrill of joy through the whole of New England to old England; through the heart of every bondholder in the world, and the tongues that were denouncing the President in Boston before the veto was known were attuned to a different melody after its delivery.

But, sir, what was the feeling in the West and South among the millions of farmers, laborers, operatives, and manufacturers? Their cry of despair was loud and deep, and before it is mellowed into soft cadences a revolution in politics will occur in those two sections without parallel in this country, transferring the power of this land into the valley of the Mississippi, that "semi-barbarous region" that dares to think and act for itself. As this financial question has been the means of precipitating the determination of the West and South, let us look at it one moment for the purpose of gathering fresh strength and courage from our defeat. Whence came the votes by which the financial relief measures passed this House and the Senate?

Not from Wall street or any other great money center, but from that grand realm of agricultural wealth from which so many of us have come, and to which we have all sworn "by her to live, for her to die."

An analysis of the vote by which the Senate currency bill passed both Houses will show that the Mississippi Valley had the controlling power, and for the first time in the history of the Republic carried a great measure in both Houses by commanding and indicative majorities. During the last twelve years we have had little except class legislation, and that, as before said, has favored capital with its thousand heads more than labor with its million hands. This legislation has been thoroughly sectional. The heads of all important committees were from the East and Middle States. The West was almost completely ignored in this distribution of political power. If it did have men in power in these Halls, they were suppliant tools in the hands of the East. Individual applause was more to them than the progress of their States. The legislation of Congress is done in committee-rooms; and as the East had charge of the committees, she did the work with a graceful hand in her own interest.

As evidence of my allegations, let me call your attention, Mr. Speaker, to the following extract from the Chicago Daily Inter-Ocean, a leading western republican paper:

Few people are aware of the great advantages which long experience confers upon a representative in either branch of Congress, but more especially upon members of the popular branch. It compensates, in a great degree, for superior ability. In fact, a man with fair capacity in the business affairs of life becomes in the course of eight or ten years of continuous service in Congress efficient and influential. No matter what his rank, position, or talent, as recognized at home, he is able during his first term to exercise but a very moderate influence. It is of little avail to carry a great name from his State, and seek upon the strength of that to become a leader in that body. He soon learns that the Cæsar of an Alpine village lacks very much of being the dictator of the House. He must begin at the foot of the ladder and come up slowly, and will be tolerated in no other course. More than one worthy, but too ambitious gentleman, has learned the truth of these statements during the present session, and in a way in which he had much rather not have been instructed. Every new member realizes that a species of tyranny exists in the House, which circumscribes his efforts and keeps him under. The first event which brings him anything like a cordial recognition is a re-election. A third election places him in a fair position, and a further continuance of popular confidence renders him influential, and gives his voice its weight in the councils of the nation. How wise, then, the course of the East in returning its old and faithful servants, and how short-sighted in the West to discard them at such short intervals as to send them back into private life having accomplished comparatively nothing. The great element of usefulness is knowledge in detail of all the minutiæ of legislation. To acquire this here is the work of years, no matter what the member's talent or previous culture may have been.

How the East has profited through her sensible course in this matter is best shown in the reduction of her taxation during the past few years, while with us it has in most cases increased, and in others but slowly reduced. In 1867 Massachusetts paid in internal-revenue taxes $28,088,078. In 1868 they were reduced to $17,751,223, and in 1873 they had them down to $3,761,005. In the manufacturing State of Rhode Island they went down from $5,049,974 in 1867, to $324,552 in 1873. In Connecticut during the same period they were reduced from $7,582,971 to $873,985. In Illinois they rose during the same time from $12,112,986 to $16,493,169. In Iowa and Wisconsin there was indeed a reduction during this period, but it was slight and insignificant compared with that of these wealthy manufacturing States. These three estimated States paid over $2,500,000 in income taxes during the fiscal year 1872, all of which has been repealed. These figures show that the burden of taxation has been lifted from the East, now so wealthy and easy in regard to money matters that she resists any scheme of relief for the West. But where have we seen any reduction of the prices of manufactured articles at all commensurate with this relief from taxation? On the contrary, have we not seen the productions of the West declining in purchasing power at the same time that taxation is constantly piled upon us?

Under the dictation, and for the exclusive interest of the East, the West has seen one by one of the Southern States dismantled and placed under control of the most godless set of scamps that were ever vomited from the North. She has seen that great and beautiful country placed by what is called "reconstruction," "civil governments," in a far worse condition than by the devastations of ruthless men; and has seen it without the power to restrain such enormous oppression. But, thank God, the day has at last come when the West will throw its mighty arm around and over those desolated States and will protect them from the vampires now fixed upon them, as virtue is against vice and law against disorder in her own limits. The West fully comprehends that the South is her national ally in productions, tastes, and situation; and to further permit the East to subjugate her and hold her as one of its provinces, its Botany Bay, in which to send its scoundrels, would be courting the invasion of her States by the same power.

The East has accomplished, through its Representatives and its minions in other States, all that species of class legislation that has placed the South under the heel of the robber, the West under the heel of the monopolist, and the Government under its arbitrary dictation. The West has seen this and has become a unit in opposition to its continuance. What, Mr. Speaker, is to be the result of this initiated antagonism between the East and the West? Does it portend another sectional war, as predicted by the New York Herald? By no means. The West wants no more war. She wants peace, and will have it. She has at last awakened from the lethargy of years and finds that she has passed from the feebleness of childhood to the power of a great giant, and by that power she will have peace. Her voice is now the voice of twenty million earnest, energetic people. The vote of her farmer is as good as the vote of the Boston banker, and it must have its weight in the councils of this Government. Had her voice been heard then there would not have been that aggregation of the agricultural interests all over the West and South, whose wave is sensibly felt in these Halls at this early day, and who will elevate the banner of universal freedom to sections, trades, professions, and States.

This fight may not be made as republicans or democrats, but certainly will be as an injured and wronged people. Injury and despair invite all classes, all parties, into one harmonious whole. In the years that are past we have borne the heavy burdens imposed upon us without a murmur, even when opening and improving our new western homes. The mothers of the West but five years ago nursed their children within the sounds of the savage war-whoop in front and the coming locomotive in the rear, and the sons of these brave mothers grew into heroes, and though their deeds have never been written on the gilded page of history and recorded on imperishable monuments of brass and marble, they have left by their wonderful achievement in causing the West "to bloom and blossom as the rose," a monument in cultivated acres, in humble homes, in splendid cities, and in treading millions of coming generations that will rise up and call their names blessed! The love of the human heart is the best monument after all.

During the last twelve years the West has paid in tariff duties and taxes to the East more than it took to support the Government during the first fifty years of its existence. This enormous sum has been paid, year after year, under the excited cry of loyalty and protection to our own home manufactures; and year after year have our people seen, without complaint, the assessor of the Government listing their property for other and greater taxation, when the wealth of the East was not paying one dollar. As long as our people had the money the taxes were paid without threats, without murmurings; but when the East absorbed the money for stock-gambling, leaving nothing with which to pay their taxes, only their homes and household gods, then a voice of wrath was heard above the shout of the gambler and the cry of the bondholder. As the cry of the mother for her children was heard above the shout of the excited soldiery and the burning castle in Victor Hugo's '93, so is the cry of our people now heard here above the shouting lobbyist and the sycophantic pæans of praise to the President.

The West asks only for its share of the currency to aid in carrying our produce to market, and in building up domestic industries, and you call us "ignorant barbarians" moved by "Punic faith," with no regard for "extorted obligations" and the pledges of the Government. Is such treatment right, is it Christian, is it brotherly, after our long years of toil and heroic endurance? Such treatment has driven the iron into our souls. That great country will be a unit henceforth and forever, and it having the numerical power, will hereafter dictate the policy of this Government with a broad and enlightened statesmanship, giving to the East such laws as will move her looms and machinery; giving to the North laws that will generously govern her wonderful trade; giving to the South—that poor, oppressed handmaiden—a warm, life-giving sympathy, a full restoration of free government, and giving to her own sons equal laws and an equal chance in the race of life. Then we will all be happy once more; then America will be—

The land of the free, the home of the brave.

CHEAP TRANSPORTATION.

[Mr. HENDEE addressed the House. His remarks will appear in the Appendix.]

EDUCATION.

Mr. DARRALL. Mr. Speaker, the bill reported from the Committee on Education and Labor, to set aside forever, for educational purposes, the proceeds of the sale of the public lands, has not been as yet discussed fully by this Congress, and for the reason that many who favored the bill in the Forty-second Congress, and would favor it now if our financial condition were not so deplorable as they consider it, desire that the subject should not be acted on at the present, as they think it is not wise to divert any of the revenues of the country from the paying of current expenses and the public debt. To me this is not a good reason or a wise policy. The revenue derived from the sale of lands is not large enough to greatly aid in reducing the public debt or defraying current expenses; but it is large enough if applied according to the provisions of this bill, to stimulate and very materially aid the educational interests of the whole country, and more especially of the South where it is so much needed.

There has been, as I said, no full discussion of this bill in the present Congress, but it was most fully discussed in all its bearings by the Forty-second Congress, in the House of Representatives. The opponents of the bill urged every conceivable constitutional and other argument, and it was ably defended by its friends. The debate occupied a number of days, and the bill was finally passed the 8th of February, 1872, by a very considerable majority. But it failed in the Senate from want of action by that body. I had hoped before this, Mr. Speaker, that action could be had by this Congress, and feel assured that on a full hearing the bill could be passed. And I for one deprecate the course some gentlemen have marked out for themselves in legislating for the country, as if we were indeed bankrupt. I admit that there is financial distress, and even suffering, in some parts of the country, but this is not, in my opinion, sufficient reason for delaying action on this measure. And I trust action may be had, now that the session is so near to a close.

Mr. Speaker, it hardly seems necessary at this time to speak of the benefits of education, of the advantages to be derived from a complete education of all the people of a country or nation. All admit that these advantages are beyond calculation; but unless we come to a consideration of the influences of education on the whole physical and moral well-being of a people, unless we take the evidence that the statistics give us, of its effect in elevating and ennobling a people, of its effect in suppressing vice and crime, we can never fully appreciate its benefits.

All experience in the past teaches us that as a people or nation advance in education they become better citizens in every respect in peace and more terrible in war. A government republican in form is entirely different from a government based on the mere will of the people governed. The latter mode of government may be in the form of a monarchy or an empire, based on the suffrages of the people, as the late empire of France was. But the American idea of a government republican in form contemplates an original constitutional charter, dividing the powers into executive, legislative, and judicial branches, each independent of and distinct from the other, elected by the people or chosen as they may direct, at stated intervals, out of and by the body of the people, every citizen enjoying absolute equality in the expression of his right to make this choice. Such a republic could not have been founded and cannot exist without the education of all its children—I say all of its children, because the nearer we get to educating every child born in our limits the safer will be the perpetuity and glory of our country.

I do not suppose any one will assert that a republic such as ours could be maintained by a people ignorant entirely, or even a majority of them ignorant. Thus it will be admitted that even the maintenance of our Government does and will depend on the education of our children.

But, aside from this, education adds to the wealth, the power, and usefulness of a man, a people, or a nation. The simple capacity to read and write adds 25 per cent. to the wages of the working classes of a state, while any one with a finished education is considered to be possessed of a fortune, and it is such if properly used. As the advantage derived by a young man thoroughly educated over one entirely or partly ignorant in the race of life, so is the advantage of a state or nation whose people are all educated and enlightened over that whose people are in whole or in part steeped in ignorance.

Education stimulates military power. The best-educated nations are the strongest in war; better versed in all the arts of war. It also teaches the power of diplomacy, rendering the nation able to defend and protect itself in time of peace. In this country especially education gives to the individual political power over other men. Education adds to the usefulness of the nation in every respect. It is not necessary to enumerate how in the last few hundred years education, the common and the higher education of the sciences and arts, has steadily stimulated all the industries of the world. And history in all cases teaches us that as a nation progresses in education and knowledge, so does it progress in power and material greatness; that when a nation neglects to educate its people, it is sure to tend downward in all that constitutes true power and greatness. In our day, if one is asked to point to the greatest nations of the earth, and especially in the light of late events, the reply is at once Germany and England. The one with its system of education made compulsory, and where it is estimated that fully 96 per cent. of all the youth of a school age attend the elementary schools; the other with its comprehensive system of public schools and its higher schools richly endowed, and with their histories of hundreds of years of usefulness, in producing the best scholars and greatest men of the world. Thus it is shown that education increases the power, the wealth, and greatness of any nation. And more than all this, in a nation and a Government such as ours the very life of the nation itself depends on the education, the intelligence of its people. In a Republic such as ours, where each citizen is absolutely the equal of all others, all must be educated.

But if the possession of education adds so much to a people or an individual, the want of it is shown even more plainly in the tendency to degradation and vice; and here we have some most suggestive data from the census, and from statistics compiled in our own and other countries. If we compare education and pauperism, we find that almost one-half of the paupers of the country are entirely uneducated and illiterate, while less than one-seventieth part of them have had a liberal education. If we compare education and crime, the statistics are indeed suggestive. According to our last census, of the total population 5,660,074 report themselves illiterate; of these 1,356,302 were residents of the Northern States, and the statistics of crime in those States show only one homicide to every 56,000 inhabitants, while in the Southern States, with their illiterate population of 4,189,972, the same statistics show one homicide for every 10,000 inhabitants.

The general statistics on this subject of the comparison of ignorance to crime are very imperfectly kept; but in the report of the Commissioner of Education there is a collection of facts in regard to prison life in New England, gathered from personal visitation and observation, that is more satisfactory in its showing of actual results than anything in the general census. I will, with the consent of the House, briefly state these facts: Eighty per cent. of the crime of New England is committed by persons who have no education, or none sufficient to serve any useful or valuable purpose in life; 28 per cent. of all the prisoners are unable to read or write; from 10 to 20 per cent. of the population commit all the crime, and less than ⅛ of 1 per cent. is committed by those who are educated; from 80 to 90 per cent. of all the criminals there have never learned any trade or mastered any skilled labor; from 80 to 90 per cent. connect their crime with intemperance. And more suggestive even than this is the information gleaned from the juvenile reformatories and reform schools. Ninety-five per cent., almost all, of the offenders in these institutions come from idle, ignorant, and vicious homes; while about the same per cent. of juvenile offenders did not attend school, or committed the crime for which they were imprisoned while playing truant from school.

But it is not necessary to dilate further on the necessity of education to the individual or to the nation. This is admitted by all, that our endeavor should be to give every child the opportunity to acquire at least an elementary education, and it is fast coming to be the opinion of the best educators of the country that every child should *be compelled* to attend the public schools for a certain minimum length of time, sufficient to acquire a knowledge of the elementary branches, this compulsory system to be inaugurated by State laws. The idea of a system of compulsory education in the various States and by State laws has been much discussed of late years, and many object to it on the ground that it is an infringement on the natural right of parents to compel them to allow their children to be educated; that it arrogates new power to the Government, is un-American, and not adapted to our free institutions. Those who oppose this are in favor of such a law on general principles, admit the necessity in a Government such as ours that all should be educated, but they do not like the enforcement of it, do not like the idea of compelling a child to learn to read and write; this to their mind is tyrannical. But they shut their eyes to the fact that the country swarms with vast numbers of children, the heirs of ignorance, penury, and vice, whose parents refuse to give them the chance of an education such as the public schools furnish, but who nevertheless as soon as of age will have all the rights of citizenship granted by our laws to the oldest and wisest men among us, and who in time go to swell our already crowded prisons and penitentiaries, and thus necessitating the State and community to pay for their neglect to compel such a knowledge to be acquired by the child as will cause him to avoid and shrink from crime and vice when a man. But the answer to all this is, that the State, in justice to itself, should demand of every person claiming citizenship at least an elementary knowledge of his duties, and as this knowledge must come from the volition of the parent and not of the child, the State should enforce the rights of the child from the parent.

Schools free to all should be provided by the State, and such a law should be placed in all the statute-books as would compel the attendance of all its children. This question is one that affects our national life; for, besides the children growing up in ignorance of our own, this country is becoming the receptacle of the poor and ignorant from many lands, and the sooner we decide that their children shall be compelled to accept the aid furnished them by the State to acquire a knowledge of their duties as citizens, the better it will be. As I said, this is fast becoming the opinion of our best educators and is recommended by many of the superintendents of education in the various States; and it is a matter of note that only a few days ago the governor of the Empire State of New York signed a law providing for compulsory education, passed at the last session of the Legislature of that State.

Now, Mr. Speaker, it will be well to consider, and briefly, the necessity for increased educational facilities, and the benefits likely to accrue by the General Government aiding the States in the manner proposed by this bill. In considering the necessity of increased educational advantages, it is only by looking at the exact condition of some parts of the country as shown by the late census that this can be fully understood. In eight States of the Union, that is, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, over 50 per cent. of the inhabitants ten years of age and over are reported as illiterate; while in four more, that is, Arkansas, Kentucky, Tennessee, and Texas, over 35 per cent. of the inhabitants of ten years and over are illiterate. These are the southern and border States. And the large percentage of illiteracy is greatly owing to the liberated colored people. Still it must be borne in mind that those States never had any system of free schools, properly so-called, and that in some of them a very large percentage of the white population are as ignorant as the colored.

Following these States in the line of illiteracy come other border States, so called; West Virginia, with over 26 per cent. of same ages; Delaware, with over 24 per cent.; Maryland, with over 23 per cent.; and Missouri, with over 18 per cent., reported uneducated.

This, Mr. Speaker, is the darkest side of the picture; and surely such a showing of misfortune and ignorance appeals to our every sentiment of patriotism. In other sections of the Union, notably in some of the extreme Eastern States, all this is happily reversed in the showing made by the census. But in several of the Western States, with their population made up so largely of foreigners, a considerable percentage of ignorance prevails, giving room even there for renewed energy on the part of those States in the cause of education to provide for the ever-increasing tide of ignorant children whose parents are emigrants from the Old World.

It will thus be seen that the great necessity for education exists in the southern portion of the Union; that in eight of these States over one-half of the inhabitants ten years of age and over are ignorant.

Such a condition, Mr. Speaker, cannot exist in so large a portion of our common country without danger to the whole country. No one will deny this; and if we would act the part of wise and far-seeing statesmen we would apply the remedy at once. Even while we are delaying, year after year, the children of that section are growing up beyond the reach of education. No time should be lost, for a generation of youth soon passes the school age. If we are going to act we should act at once. This measure has been prepared after long and thorough debate and review of the whole situation. It has been discussed, as I said, by the last House of Representatives, and by them passed; it has been discussed generally by the press of the country, and by it indorsed; and it has the indorsement of our most eminent educators, and the school officers of most of the States—this especially being the case in the Southern States.

Now, Mr. Speaker, I come to look at the features of the bill itself. They are briefly this: That the net proceeds of the sale of the public lands hereafter shall be set aside for educational purposes; one-half of the amount to be invested by the Secretary of the Treasury in bonds of the United States bearing interest at 5 per cent.; this investment to constitute a permanent fund in the Treasury of the United States, to be known as the national educational fund; and the interest of which is to be distributed annually, with the other half of the net proceeds of the sales, among the various States and Territories upon the basis of population in each between the ages of four and twenty-one. The apportionment for the first five years is to be made according to the number of population of ten years old and upward who cannot write. To avail themselves of the benefits of this act each of the States and Territories are required to provide by law for the free education of all its children between the ages of six and sixteen years; to apply all moneys received in accordance with the provisions of this act; and to report in full the number of free schools, teachers employed, and other school statistics yearly; and also the amounts appropriated by the Legislature of the State or Territory for the maintenance of free public schools. Further, the act provides that any State receiving its proportion of this fund may devote 50 per cent. of such amount received the first year to establish and maintain a school or schools for the education of teachers of common schools, or what is known as a normal school or schools; and 10 per cent. of the amount each year after the first to be applied to the payment of teachers in such schools. And it further provides that this fund shall be paid to the superintendent of education or such officer as may be designated by law in each State to receive it, and shall be apportioned by him among the various school districts in the State on the basis of the population in such districts between the ages of six and sixteen years, the whole amount so apportioned among the school districts to be applied to the payment of teachers' wages. There are further provisions against misapplying any of this fund, but those above stated are the main features of the bill.

Now, Mr. Speaker, it will be seen that we do not propose in any way to interfere with the control of the States as entirely and completely as now over the education of their children. If the bill did I should not favor it, for I would be the last one to interfere with our American system of public schools which has accomplished so much. On the contrary this amount will go to each State to aid and encourage the cause of education there. It will be distributed by State officers entirely, by the school directors and commissioners in their various school districts; and the only restrictions whatever placed upon this free gift is that it shall go to all the children of a State, and shall be for the payment of teachers alone and for the founding of teachers' schools. Could any fund be more wisely distributed, and in a way to do more good? This, too, is only following a precedent from the foundation of the Government, of aiding educational enterprises by the grant of portions of the public lands. The grant to the various States of lands to found agricultural colleges was of this nature, only in my opinion not near so worthy. And this proposes to go further in this, that it sets aside all the public domain for free-school purposes, and distributes the proceeds of it among the States in proportion to where it is most needed. It is in other words taking our mighty domain of public lands, great in extent even now after the millions of acres that have been granted to railroads and other enterprises of internal improvement, out of the reach of further grants to less deserving purposes, and setting it aside for the education of the children of the poor and laboring classes in the public schools of the States. It is giving to the toiling masses of the country the benefit of this their great inheritance for the education of their children. The poor people, the laboring people of this country, claim, and justly, that the public lands of the nation are their inheritance. They have spoken, and in tones not to be misunderstood, their disapproval of the indiscriminate grant of hundreds of millions of acres of these lands, of empires in extent, to single railroad corporations; and in my opinion nothing we can do with our public lands will be more gratefully and thankfully received by the people than this. Much the largest and best portion of this great inheritance that comes to us from our fathers is gone, and no one will deny that some of it was not applied in the best and wisest manner. It remains for us to consecrate the balance to the benefit of those who need it, of the poor and ignorant; to the benefit of the young who are fast growing up to take our places, and whom it should be our chief aim to qualify to perform their duties as citizens of our great country. And we should do this now, for these lands are fast being bought up. Each year lessens the amount we retain; each year thousands of emigrants from other shores, with the sons and daughters of our own people in the older States who go to the West to found themselves homes, are filling up these broad and boundless prairies, penetrating across what was the great American desert, and into the valleys of the great mountains to the west, following the streams and water-courses. Where yesterday was a desert or waste prairie, to-day is a thriving farm or growing village. Year by year more and more is gone, and in a very few years little or no good public land will remain. May that day, Mr. Speaker, hasten and come, and happy American homes be dotted over all those vast wastes. It is for us to wisely apply the proceeds from all these lands, and we should begin doing so now; too much has already been squandered.

It will be noticed that only one-half of the amount realized from the sale of land is to be distributed yearly, the other half being allowed to remain in the Treasury of the United States as a permanent educational fund, the interest of which only is distributed annually. This is thought to be a better plan than to use up the whole amount each year, as we thus have a permanent fund which will be steadily increasing, and which no doubt will in time be added to in other ways, as from unexpended balances of appropriations for other purposes, educational or scientific, and from money which comes into the Treasury from special sources and ought not to be used for general purposes. It is also believed that such a fund once established will attract large annual increase from individuals and charitable organizations. When it is known that this is to be a permanent fund, the interest of which will be applied to the education of all the children of the country, it will no doubt become the recipient of large benefactions. To illustrate this fact, it is shown by the Commissioner of Education from such imperfect statistics as he could gather that during the last year the large amount of $8,533,760 has been contributed by private persons to the cause of education. And this includes only such large sums as would attract notice in the newspapers, and of money alone. Much more was contributed in lands and other valuables. Beside this, it has been thought that it would not be right to use all the public lands for the education of one or two generations, for by that time they will be all sold, but to set aside one-half as a permanent fund for future years, or to be drawn on at any time the necessities of education will demand.

The amount to be distributed to the States under the provisions of this bill will not be large, not enough to cause the localities where it may be received to cease their own efforts and depend on this for the support of their schools, but it will be enough to stimulate these localities to increase the funds they raise themselves—enough to give encouragement to many localities in the Southern States where the people are struggling for education with so many disadvantages against them. As an illustration of what a fund of this kind will do we have only to look at the Peabody fund, the amount of which, distributed yearly, is only about $100,000, but which it is estimated now causes the expenditure for education in the localities where it reaches of at least five times that amount, or $500,000. The total net amount realized from the sale of public lands it is estimated will reach the sum of $2,000,000 annually. It has not been quite that large in former years, but from the best authority on the subject it is estimated that this amount will be realized hereafter. Assuming it to be, and we have the one-half, or $1,000,000, to distribute among the various States and Territories, on the basis of illiteracy, as reported in the late census, of those ten years of age and over who could not write. I give the amount that would be received in a portion of the States and Territories as an illustration, and to show that it would be received where most needed. They would be entitled to the following amounts:

Alabama	$67,678 22	Kentucky	$58,695 50
Arkansas	23,561 00	Tennessee	64,441 96
Florida	12,687 59	Texas	39,174 92
Delaware	4,081 77	Illinois	23,004 29
Georgia	82,800 38	Idaho	598 66
Louisiana	48,797 12	Ohio	30,599 49
Mississippi	55,361 88	Rhode Island	3,873 44
Missouri	39,300 02	Virginia	78,789 29
Maryland	23,942 67	West Virginia	14,397 28
Massachusetts	17,271 01	South Carolina	51,508 96
Maine	3,366 49	District of Columbia	5,074 65
North Carolina	70,271 82	New Mexico	9,227 27

It will be seen by the above that by far the greater proportion, indeed very nearly four-fifths of the total sum, will go to the Southern States, where it is shown that over 50 per cent. of the people are illiterate; that is, this would be the case for the first five years, under the provisions of the bill distributing according to the illiteracy in the various States. Afterward different provisions could be made, or the distribution could continue the same, which in my opinion would give the most satisfactory results.

Mr. Speaker, this act will be giving the greater part of the revenue derived from the sale of public lands to one section of the country for at least the first five years. It will be taking what is the common inheritance of the whole country and giving it to a portion of the country for the education of the children of that portion. This is a kind of legislation that should not be had unless it can be shown that it will do more good than if it were to be distributed *pro rata* among all the States, be of more benefit to the whole country in the end,

and unless it can be also shown that the States to be aided are in absolute need of such help, have done their part, all they can do, to provide for the education of their children, but are not able to do so. The first of the above propositions is easy to demonstrate. In a government such as ours it is unsafe to the whole for one portion of the country to remain in ignorance. That portion under our system may often have the deciding of what the policy of the whole country may be, and may through ignorance decide wrong, may decide in a way to do irreparable harm to all. Nothing is clearer than that it is unsafe to the North so long as the South, or a great portion of it, remains with over 50 per cent. of its people in ignorance. And if those States are unable to help themselves, it is the part of wisdom to help and encourage them by aid from the General Government either in this or some other manner. And, further than this, the colored people in the South, made free by the war, were given the full rights of citizenship long after the war by the people of the North through their Congress, a just and righteous measure, and the only way in which that people could have retained the liberty granted to them. Being given these rights of citizenship, they have some claim on the people of the North for a knowledge of how to properly exercise them. The colored people of the South, ground down by slavery before the war, and the poor white people, in a condition next to slavery in every respect, with no schools, no opportunities of education, appeal to a generous and wealthy North, to a section where every child has facilities for education, to aid them in getting a start; and they make this appeal in confidence that aid will be granted. And it is also easy to show that the Southern States have done their part in the cause of the education of their children; that they have inaugurated in every one a system of free schools; that they are taxing themselves as heavily in proportion to their means as any of the other States, but that still they are unable to provide schools for even half of their children.

I only need to cite one authority in proof that the above assertions are facts; and this is Dr. Sears, agent of the Peabody fund. He says:

> The greatest obstacle is in the *inability*, not merely the unwillingness, of the Southern States to tax themselves heavily enough to educate the colored people.

He further says:

> With such a bill as this, and with the aid from the Peabody fund, small though it is, the people would feel encouraged to take hold. My knowledge on this subject is positive and definite. I have seen the leading friends of education in twelve States.

This comes from the highest authority on the subject in the country, and is conclusive. But aside from this, the financial distress existing in the South at the close of the war, and which still exists in many portions, is known to all. Then the fact that so large a proportion of the population there have just emerged from slavery, and have everything else to provide for themselves besides education for their children, is sufficient to convince us that, without outside help and encouragement, it will be many years before they can provide education also. If we look to the foundation and growth of the free-school system in the Northern States we will see that, with encouragements that do not and never will exist in the South, it was only after thirty and forty years of effort in some of the older States, and by large grants of lands in the newer States, that they have attained their present efficiency, and in most or all of these States they have a large fund from sale of lands or from other sources, while no such fund exists in the South, all their revenues for schools being raised by taxation.

The following table is appended, taken from the report of the Commissioner of Education, to show the amount expended in the different States and Territories *per capita* of the population of legal school age:

Public-school expenditure in the several States and Territories per capita of population of legal school age.

State or Territory.	Amount.	Year.
Massachusetts	$20.050	1872
Nevada	19.893	1872
California	12.133	1872
Connecticut	11.652	1872
Nebraska	10.447	1872
New Jersey	8.932	1871
Pennsylvania	8.540	1872
Iowa	8.528	1872
Illinois	8.521	1872
Michigan	7.355	1871
Rhode Island	7.160	1872
Vermont	6.772	1872
Texas	6.398	1872
New York	6.393	1871
Ohio	6.352	1872
New Hampshire	6.056	1872
Indiana	5.636	1872
Minnesota	5.504	1872
Wisconsin	4.588	1871
Maryland	4.399	1871
Kansas	4.303	1872
Oregon	3.832	1872
Maine	3.745	1872
West Virginia	3.464	1871
Mississippi	2.854	1871
Missouri	2.757	1871
Kentucky	2.258	1872

Public-school expenditure in the several States, &c.—Continued.

State or Territory.	Amount.	Year.
Virginia	$2.245	$1872
Arkansas	2.223	1871
Louisiana	2.159	1871
Florida	2.059	1871
Alabama	1.447	1871
South Carolina	1.349	1872
Georgia	.687	1871
North Carolina	.654	1872
Colorado	15.603	1872
District of Columbia	15.155	1872
Idaho	9.174	1872
Dakota	8.667	1872
Arizona	4.346	1872
Washington	3.381	1871

It will be seen by this exhibit that with the exception of Texas the amount *per capita* for school purposes in Southern States is entirely insufficient. It is in the recollection of all of us how the free-school system was inaugurated in the Northern States and what it had to contend with from prejudice and want of interest on the part of the people; but it has demonstrated its benefits long ago in the increased wealth and prosperity of that part of the country. And the South, with this example before them, are willing and anxious under the new order of things there since the war, to adopt and carry out the same system for the education of their children. They enter on this for the most part now, without prejudice and with hearty interest in its success, the only drawback being their poverty and want of means to educate their immense number of ignorant children. They are now where the North was years ago, in this: that they have no school funds, no school property either in lands or houses, have no competent teachers or few of them, have all the experience in conducting and applying a system of free schools to learn; and, further, are worse off than the North ever was on account of their poverty. To gentlemen who come here from the North and East, where in all their towns and villages they have their expensive academies and school buildings, with all the most recent improvements in school facilities for teaching and school-house furniture, and where at every cross-road, in every neighborhood, however small, they have convenient school-houses, it will be perhaps a surprise to learn that in the whole district of fourteen parishes or counties that I have the honor to represent on this floor there is not one school-house really suitable according to advanced ideas for the purpose for which it is used. On this subject Hon. W. G. Brown, superintendent of education of Louisiana, says:

> With the exception of New Orleans and one or two older towns in the interior of the State, we have no school buildings worthy the name. In the country, scholars are taught under the trees and in buildings (sheds, rather) that have no windows or doors.

And this condition exists to greater or less degree in all the Southern States. With your experience in the North you can imagine, even with the aid we will get from the Government should this bill become a law, the length of time it will take us to build houses, to educate teachers, and to even approximate the success in education achieved with you.

Mr. Speaker, should this bill become a law, the benefits derived from it will be for at least the first five years derived mostly by the Southern States, and mostly by the colored people, the late slaves in those States. I am aware, sir, that much has been done for the colored people in the last few years, since the beginning of the late war. And there are some who think enough has already been done for this people. But all that has been done has been but justice to them, and a long-delayed justice at that for the generations that lived and passed away in a cruel bondage. All that has been done has simply been giving this people their natural and inalienable rights that were withheld for long weary years. They have been made free, have been given the rights of citizenship in the land, that thousands of them gave up their lives to save. All this, Mr. Speaker, has been but granting them justice, has been but giving them what they were entitled to from the first. And one other right we still deny them, and that is equality in their civil rights. The colored people of the South are grateful to the North, grateful to Congress, for all they have had, for freedom, for the rights of citizenship. They have suffered in patience, much and long; but they ask of this Congress the passage of such a civil-rights bill as will protect them in almost all that to a sensitive mind renders life valuable. And this will only be an act of justice, only be placing this class of our citizens on an equality with all other citizens of the country. When this the last act of justice is accomplished, we will have done our duty, and only our duty, by these people. We will then have been just, and, sir, I appeal to gentlemen on this floor, let us also be generous; let us aid them by the passage of this bill to educate their children, to make them worthy of position as citizens of such a country as ours.

Such generosity as this will not be misplaced. It is known to all the wonderful thirst of these people for an education and the progress they have made. Only a few years ago and it was doubted by some unprejudiced people if they had the capacity to acquire an education. And though in those days in the South—days that happily are past and gone—their school-houses were burned and their little ones driven

to their homes, still they have persevered, till now their children have not only shown an aptitude remarkable in the elementary branches, but are crowding the higher schools and colleges and entering the learned professions. I doubt very much if any people ever showed greater progress in so short a time than they have. It is not only generous, but the part of wisdom to aid these States in educating their children. I trust Congress will be both generous and wise, and pass this bill.

Mr. STORM. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at eight o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BROMBERG: The petition of the Mobile Board of Trade, for the repeal of the tax of 10 per cent. on the circulating notes of national banks, to the Committee on Banking and Currency.

By Mr. BUTLER, of Tennessee: The petition of a large number of citizens of Tennessee, that a pension be granted to James Cox, late private Company C, First Regiment East Tennessee Cavalry, to the Committee on Invalid Pensions.

By Mr. CONGER: The memorial of the common council of the city of Port Huron, Michigan, in relation to the boundary line of Pine Grove Park, in said city, to the Committee on Military Affairs.

Also, the petition of J. T. S. Minne, William Gowan, and 150 other citizens of Brockway, Michigan, for a pension to Mrs. Catharina McGrattan, to the Committee on Invalid Pensions.

By Mr. CROUNSE: Petitions from Grange organizations in Cuming, Johnson, Hall, and Saunders Counties, Nebraska, for the construction of the Continental Railway, and the passage of the House bill therefor, to the Committee on Railways and Canals.

By Mr. DUNNELL: Petitions of Patrons of Husbandry in Banks, Faribault, and Watonwan Counties, Minnesota, of similar import, to the Committee on Railways and Canals.

By Mr. HAGANS: The petition of James Cummings, of Washington, District of Columbia, for payment for lumber and cord-wood used by the Army in West Virginia in 1862, to the Committee on War Claims.

By Mr. LUTTLELL: Several petitions of citizens of California, for a post-route from Truckee to Downieville, California, to the Committee on the Post-Office and Post-Roads.

By Mr. McCRARY: The petition of John W. Walton, administrator of the estate of Henry Bascus, for the payment of bounty-money due said Bascus, to the Committee on Military Affairs.

Also, petitions from citizens and grange organizations of Jefferson, Washington, and Van Buren Counties, Iowa, for the construction of the Continental Railway and passage of the House bill therefor, to the Committee on Railways and Canals.

By Mr. O'BRIEN: Additional evidence relative to application of Magdalena Bodine for a pension, to the Committee on Invalid Pensions.

Also, the petition of Charles T. Holloway, of Baltimore, Maryland, for payment for hay taken for barricading purposes in June, 1863, to the Committee on War Claims.

By Mr. ORR: Petitions from grange organizations of Calhoun County, Iowa, of similar import, to the Committee on Railways and Canals.

By Mr. SMART: The petition of Emily McClure, widowed mother of Thomas J. McClure, late lieutenant Seventh New York Artillery, for a pension, to the Committee on Invalid Pensions.

By Mr. STRAIT: Petitions from grange organizations of Renville and Rice Counties, Minnesota, for the construction of the Continental Railway and passage of the House bill therefor, to the Committee on Railways and Canals.

By Mr. WILSON, of Iowa: Petitions from citizens of Linn and Marshall Counties, Iowa, for the construction of the Continental Railway and passage of the House bill therefor, to the Committee on Railways and Canals.

By Mr. ———: Copies of papers in the cotton claim of Anderson & White, to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *May* 20, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CHANDLER presented a petition of citizens of Detroit, Michigan, praying for the passage of a law defining a gross of matches, and to provide for uniform packages; which was ordered to lie on the table.

Mr. JOHNSTON. I present the memorial of a number of citizens of this city, property-holders, remonstrating against so much of Senate bill No. 265 as provides for a railroad along C street between Second and Seventh streets northwest. The memorialists object on the ground that the carriage-way of that street is only thirty feet wide from curb to curb, and the location of a railroad track in the center of it would destroy the use of the street. They further state that the property along that street consists principally of private residences which are valuable, and would be seriously and permanently injured by the construction of the proposed railroad, and that being in the immediate vicinity of Pennsylvania avenue and F street they now have abundant railroad facilities. As this bill has already been reported, I move that the memorial lie on the table.

The motion was agreed to.

Mr. WINDOM presented the petition of William Webster, praying additional compensation to that already allowed him for damage to his property at Newport News, Virginia, during the late war; which was referred to the Committee on Claims.

Mr. LEWIS presented a petition of physicians of Rockingham County, Virginia, praying the establishment of a marine and military hospital at Massanetta Springs in that county; which was referred to the Committee on Naval Affairs.

Mr. RAMSEY. The Committee on Pensions some time since, to whom was referred the petition of Captain Jacob Nix, praying to be allowed a pension, reported it back and asked to be discharged from its further consideration. Since then some papers have been received changing the aspect of the case; and I now move that the petition be recommitted to the Committee on Pensions with the additional papers which I now present.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 730) to provide for ascertaining the amount of damage sustained by citizens of Texas from marauding bands of Indians and Mexicans upon the frontiers of Texas, asked to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 761) to authorize the Secretary of the Interior to pay $100,000 out of the proceeds of the sale of lands known as the Cherokee strip to the Cherokee nation, reported it without amendment.

Mr. SCOTT, from the Committee on Claims, to whom was referred the bill (H. R. 3350) for the relief of Norman Wiard, asked to be discharged from its further consideration, and that it be referred to the Committee on Patents; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 551) to provide for the settlement of claims of loyal persons against the United States occurring during the late rebellion, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SCOTT. I am instructed by the Committee on Claims to report back the joint resolution (H. R. No. 94) directing the commissioners of claims to send to Congress without delay the claims decided prior to April 1, 1874, which a few days since was recommitted to the Committee on Claims, with an adverse recommendation; and in making that adverse recommendation I beg leave to say that the resolution itself recites a memorial which was presented to the commissioners of claims requesting them to make a supplementary report, and alleging that no report had been made, and therefore calling for this supplemental report. That memorial was signed by a number of Senators and Representatives, some of whom have stated that they did it on the request of their constituents, claimants, and was signed by some members of the Committee on Claims; but after hearing representatives of the claimants and the commissioners of claims themselves, it is due to all the parties to state that it is deemed inexpedient that this resolution should be passed.

The joint resolution was indefinitely postponed.

Mr. LOGAN. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army, to report the same back with an amendment to the preamble; and I ask for action at this time, as a similar Senate bill has already been passed here and gone to the House.

The Chief Clerk read the bill.

Mr. WADLEIGH. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The objection carries the bill over.

Mr. LOGAN. I give notice that I will call it up to-morrow morning.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 652) conferring exclusive jurisdiction over Indian reservations upon the United States courts and for the punishment of crimes by and against Indians, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 546) for the relief of William B. Morgan, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 671) for the relief of Alexander Minor, of West Virginia, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 833) granting a pension to Josefa Pares; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAGER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 834) for the relief of the settlers on the Soscol tract of land in Solano County, California; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPORTATION OF DISTILLED SPIRITS.

Mr. WRIGHT submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto, having met, after a full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from their first amendment.

That the House recede from their disagreement to the second, third, and fourth amendments of the Senate, and agree to the same.

The committee further recommend the following as a substitute for the bill: strike out all after the enacting clause, and insert the following:

That whenever the owner or owners of distilled spirits shall desire to withdraw the same from any distillery bonded warehouse for exportation under existing law, such owner or owners may at their option, in lieu of executing an export bond as now provided by law, give a transportation bond with sureties satisfactory to the collector of internal revenue and under such rules and regulations as the Secretary of the Treasury may prescribe, conditioned for the due delivery thereof on board ship at a port of exportation to be named therein; and in such case, on arrival of the spirits at the port of export, the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, and the name of the vessel upon which the same are to be laden, and the port to which they are intended to be exported. He shall, after the quantity of spirits has been determined by the gauger and inspector, file with the collector of the port an export entry verified by his oath or affirmation. He shall also give bond to the United States, with at least two sureties, satisfactory to the collector of customs, conditioned that the principal named in said bond will export the spirits as specified in said entry to the port designated in said entry, or to some other port without the jurisdiction of the United States. And upon the lading of such spirits, the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said spirits were withdrawn for exportation, a clearance certificate and a detailed report of the gauger, which report shall show the capacity of each cask in wine gallons and the contents thereof in wine gallons, proof gallons, and taxable gallons. Upon receipt of the certificate and report, and upon payment of tax on deficiency, if any, the collector of internal revenue shall cancel the transportation bond. The bonds required to be given for the landing at a foreign port of distilled spirits shall be canceled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading or any other port without the jurisdiction of the United States, or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper thereof.

SEC. 2. That on and after the 1st day of July, 1874, for the expense of providing and affixing the stamps to each cask containing distilled spirits for exportation, there shall be charged ten cents for each stamp instead of twenty-five cents as now required by law.

GEORGE G. WRIGHT,
JOHN P. STOCKTON,
Managers on the part of the Senate.
H. C. BURCHARD,
JOHN A. KASSON,
JAMES B. BECK,
Managers on the part of the House.

Mr. HAMLIN. That is a very important report. It embraces questions that affect the revenue to a very large extent. I think the report had better be printed before we act upon it.

Mr. WRIGHT. This bill was passed by the House and came to the Senate and we agreed to the House bill with certain amendments in which the House refused to concur. The matter was then referred to a committee of conference; and largely from the fact that the bill was in such a form that it would be difficult to understand it, inasmuch as it proposed to amend an existing statute by striking out certain words and inserting others, it was proposed that it should be sent to the committee with the understanding that they were to put the bill in proper form. The bill is now precisely in the form contemplated by the Senate and is exactly as the Senate passed it in spirit, except that the committee recommend the use of language which carries out the design of the bill exactly as it passed the Senate.

Mr. HAMLIN. If it be precisely what has passed the Senate, I have no objection; but if it has been put into a new form, it is too important a question for us to pass upon the mere reading of the manuscript.

Mr. WRIGHT. It is precisely as it was passed by the Senate, except that the form is changed for the purpose of having it more easily understood.

Mr. CONKLING. I beg to make a suggestion to the Senator from Iowa in addition to that made by the Senator from Maine. This legislation relates to a very dangerous topic to touch by legislation, as the Senator from Iowa knows quite as well as I do; and although I have no reason to doubt that the committee has been successful, as I know it tried to be, in making the bill as it should be, with all the safeguards it should contain, if there is no special haste in respect of it, I think it would be well to let it be printed and lie over. I have one Senator in my mind who is not in his seat who knows a great deal on this subject necessarily, and with whom I had a conference the other day in regard to it, and I am pretty sure that he would be glad to know what this is; and if there be no special haste about it, as it is a brief report and can readily be printed, I think it had better lie until to-morrow morning.

Mr. WRIGHT. I know of no special haste, except that we have been appealed to by those engaged in shipping distilled spirits to have the bill passed as soon as possible, inasmuch as they are waiting for shipment. If it be understood that I can call it up to-morrow morning I will let the report go over.

Mr. CONKLING. There will be no objection to that.

Mr. WRIGHT. Let the report be printed and go over until to-morrow morning. I shall call it up then for the purpose of having definite action.

The report was ordered to be printed.

CLAIMS OF NORMAN WIARD.

Mr. WADLEIGH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to furnish copies of all documents on file in the War Department concerning the claims of Norman Wiard against the United States for expenditures upon the steamers Augusta, Savannah, Foster, Burnside, Reno, and Parker.

BALTIMORE AND OHIO RAILROAD.

Mr. JOHNSTON. I ask the Senate to proceed to the consideration of the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes.

The bill was read. It authorizes the Baltimore and Ohio Railroad Company to construct a lateral road, from any point on its Washington branch, (into the county of Washington, in the District of Columbia,) to intersect the Metropolitan branch thereof at any point in that county; and also, with both branch roads, to enter the city of Washington at a point on its northeastern boundary, between the points where the two roads now enter the city, and to locate and construct the roads upon such new route and with such number of tracks in the city as may be agreed upon between the company and the board of public works of the District of Columbia to its present passenger depot or such other as may be constructed on square 681, if such work shall be completed within five years after the passage of the act.

The bill also declares all the provisions of the several acts of Congress relating to the lateral road authorized to be built into and within the District of Columbia by an act passed March 2, 1831, entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio Road into and within the District of Columbia," and the supplements thereto, shall apply, as far as they are applicable, to the location, construction, and use by the company of the roads hereby authorized to be constructed, or "to enter said city of Washington on its northeastern boundary, at Delaware avenue, and to construct said road along Delaware avenue, with as many tracks as may be necessary to connect with that portion of said Washington branch now located on said avenue."

Mr. WEST. Is that bill liable to objection?

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to its consideration. If there is objection, the Chair will submit the question to the Senate.

Mr. WEST. I shall object to its consideration.

Mr. JOHNSTON. I hope there will be no objection. This is a bill that we ought to pass, and a moment's explanation I think will satisfy any Senator of the propriety of the bill. It is a bill that the railroad company and the citizens of Washington are interested in.

Mr. PRATT. It is a very ungracious business certainly to interpose any objection to the request of the Senator from Virginia; but I am very anxious indeed that the Senate should proceed to the consideration of unobjected cases on the Calendar. There are thirty private pension bills here upon the Calendar that I am very anxious to have considered, and a great many claims that have been reported upon from the Committee on Claims, and there is no earthly prospect of reaching them unless we go on with the Calendar every morning. In the interest of the Calendar, therefore, I am forced to make this objection.

Mr. MORRILL, of Vermont. It seems to me when there are so many applications for horse railroads and for steam railroads in this city, it would be very desirable indeed to have a commission appointed of competent engineers to see where they should and where they should not be located. I am averse to passing any kind of a railroad bill, either steam or horse, until——

The PRESIDENT *pro tempore*. Debate on the merits of the bill is not in order on a motion to proceed to its consideration.

Mr. MORRILL, of Vermont. I merely desire to say that this bill will consume a considerable amount of time if it shall be taken up this morning.

Mr. BOREMAN. I wish to say to the Senator from Vermont that this bill is merely to get the Baltimore and Ohio Railroad depot one square farther out of town.

The PRESIDENT *pro tempore*. Debate on the merits of the bill is out of order upon this motion.

Mr. JOHNSTON. I make the motion to bring up the bill, as I am satisfied every Senator on hearing an explanation will assent to it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Virginia to proceed to the consideration of the bill indicated by him, and which has been read.

The question being put, there were on division—ayes 24, noes 14.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JOHNSTON. I desire to make a very brief explanation of the bill. Senators all know that the Baltimore and Ohio Railroad enters the city by two different routes, the branch from Baltimore by the northeast and the Metropolitan branch by the northwest. These two roads come into the city by different routes and come together on Delaware avenue near the Capitol. They approach the city passing along several streets and making several short turns. The object of the bill is to bring those two roads together outside of the city limits within the District and to let them come into the city through a common stem passing along one straight wide street, Delaware avenue. Then, instead of having two crooked lines of railroad occupying considerable space in the city, we shall have one single straight line.

In addition to that advantage, the object is to remove the depot which is now situated between North Capitol street and New Jersey avenue back and locate it between North Capitol street and Delaware avenue, which will throw it a square farther from the city and open North Capitol street, removing the railroad tracks altogether from that street and allowing its grading to be completed.

I have had an interview with the governor of the District, the president of the board of public works, and he assures me that this is very much desired by the city authorities and will be of great advantage to the city. I went over the ground myself and satisfied myself that this was an improvement not only desirable to the railroad but very desirable to the city and its people.

Mr. STEWART. I have just come in, the Senator from Louisiana having kindly sent for me.

Mr, DAVIS. If the Senator will allow me, I will explain. There are two bills pending looking to removing the tracks of the Baltimore and Ohio Railroad and other railroads. This one, however, is simply to remove the depot on New Jersey avenue one square back, and make the roads come in as the Senator from Virginia says on one common line down Delaware avenue. It is now known to all Senators from the West that in coming in from the West on the Metropolitan branch of the Baltimore and Ohio Railroad the train has to run out north and back into the depot. The intention of this bill is simply to remove the depot and let the two tracks come in on one common street, which will throw out of use the depot near the Capitol and remove it one square back toward the Government Printing Office.

Mr. STEWART. Does the road still cross Massachusetts avenue?

Mr. JOHNSTON. No, sir; it goes down Delaware avenue now.

Mr. CONKLING. It runs across Massachusetts avenue now.

Mr. STEWART. It has been suggested to me by a gentleman who has given this subject some investigation that if this bill shall become a law it ought to be so arranged that the depot should be north of or on the north side of Massachusetts avenue. There is no need of crossing that avenue.

Mr. JOHNSTON. It is not near Massachusetts avenue that I know of.

Mr. STEWART. It crosses Massachusetts avenue now. I think that piecemeal legislation in regard to these railroads has already worked sufficient injury. I would say with regard to the Baltimore and Potomac that I voted for the bill that located the terminus of that road, but I think that was a mistake. I think we shall make further mistakes if we legislate by piecemeal.

I wish to suggest, for the benefit of all concerned in these railroads, that there ought to be a commission, or some engineer, who should ascertain a plan for the railroads where they could be located, where they could have their depots and locations in such way as to interfere with the city as little as possible. Running railroads on top of the ground through cities must at some time be abandoned. It cannot be permitted to continue in this city. They will either have to be elevated or to run underground. I think from the formation of the city it will be very easy to bring the Baltimore and Ohio Railroad in so as not to interfere with the city. If they had proper means of engineering, that railroad might be run underground and not disturb the city at all. It has been suggested by persons, friends of both these railroads, desirous that they should have ample accommodations, that there is a large piece of ground near the mouth of Rock Creek, and between that and the Washington monument, submerged ground, which would make a good place for the depots of all the railroads that might come in, and that the land reclaimed would more than pay the cost, and bring them to deep water where they could get coal. It could be arranged so that the Baltimore and Potomac Railroad could go around by the monument and get out of the heart of the city, and the Baltimore and Ohio select a proper route to come in and avoid the necessity of running over the streets, endangering life and expending money on tracks that must be taken up in the future. If we pass this bill and allow this road to go to further expense, crossing the main avenues as it does on the top of the ground, it will give us trouble hereafter.

I do not believe in the present condition of things any of these bills ought to pass until there is a general investigation of the subject. I do not think it is proper to pass them, because I am perfectly satisfied that however many bills we pass allowing these roads to be on top of the ground, running on the surface across the streets, we shall in a very short time be under the necessity of causing them to be taken up, involving great expense. There is ample room for accommodations for all the railroads entering the city if the thing is done with any system.

It seems to me that the first thing to do is to perfect a system for the railways and retrace all the steps wherein we have made mistakes, so as not to injure any of them. They ought to come where they can have ample accommodations. It is for the interest of the people, as well as the railroads, that they shall be located at convenient points; but it is not for the interest of the railroads to be located in places where they will have to be removed again soon; it is not for the interest of the Government because heavy damages may be claimed; it is the interest of nobody; but it is the interest of all concerned that whatever is done shall be done in pursuance of a system that will be satisfactory for all time. This road crosses Massachusetts avenue. I do not believe that will be tolerated for five years if this bill passes.

Mr. JOHNSTON. It does not cross Massachusetts avenue at all.

Mr. STEWART. I think it does, and it creates great inconvenience. Everybody objects to the present location, and it has to be removed; it is only temporary. What I say is, when we do move it, when the Baltimore and Ohio Railroad Company goes to the expense of doing it, let it be done on a plan that will be satisfactory to all, and not in such a way that it will have to be moved again next year or the year after. They do not want to throw away their money in that way.

Mr. JOHNSTON. This line is satisfactory.

Mr. MORRILL, of Vermont. I will say that for some time I have been trying through an amicable arrangement to bring about some plan by which all the steam railroads in this city should be fully and fairly accommodated, and I do not yet surrender all hope of being successful in doing that. There is no doubt that the Baltimore and Potomac depot and its crossing across the Mall will at a very early day be removed at whatever cost, and I think that company should have ample accommodations elsewhere as well as the Baltimore and Ohio Railroad Company. But I am not prepared this morning to assent to the passage of this bill until I can have an opportunity to examine it in its details and see precisely what it does and whether it accomplishes the purposes designed. I therefore ask the Senator from Virginia who has charge of the bill to allow it to go over until the morning hour to-morrow, when it can be called up; and in the mean time I will examine it on a larger map than is afforded by our Congressional Directory and see precisely what the effect of the bill will be.

Mr. JOHNSTON. I will agree to that if the Senator will call up the bill in the morning hour to-morrow.

Mr. MORRILL, of Vermont. I will aid in doing it.

The PRESIDENT *pro tempore*. The bill will be laid aside informally, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1995) to amend the act approved June 18, 1838, entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson, in said State;"

A bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties; and

A bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes, asked a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. EUGENE HALE of Maine, Mr. GLENNI W. SCOFIELD of Pennsylvania, and Mr. JOHN HANCOCK of Texas, managers at the conference on its part.

The message further announced that the House had passed a resolution for the adjournment of the two Houses of Congress on the 22d day of June next, without day; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message likewise announced that the Speaker of the House had signed the enrolled bill (S. No. 253) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the Northern Pacific Railroad at or near Tenino; and it was thereupon signed by the President *pro tempore*.

POTTAWATOMIE INDIANS.

Mr. INGALLS. A few mornings since I moved the consideration of Senate bill No. 218; but the bill was laid aside upon the request of the Senator from Texas [Mr. HAMILTON] who is now in his seat. I understand that he is satisfied with the provisions of the bill, and as I suppose objection will come probably from no other source and

the matter has already received full investigation at two Congresses and reports have been made by the committees in both Houses, I ask that the bill may be now considered.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill indicated by the Senator from Kansas?

Mr. KELLY. I object. I want to go on with the Calendar.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 218) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana under treaty stipulations existing with them.

The bill proposes to appropriate $155,447.83, for the purpose of fulfilling treaty stipulations with the Pottawatomie Indians, known as such, residing in the counties of Cass, Van Buren, and Berrien, in the State of Michigan, and Saint Joseph County, in the State of Indiana; but those Indians, being recognized and declared to be citizens of the United States, are to accept such sum in full of all demands whatsoever for all past, present, and perpetual annuities, and all claims whatsoever for lands, and trust, school, and educational funds, and all other moneyed provisions in any matter whatsoever arising from or growing out of any and all treaties or agreements to which they are parties. The Secretary of the Interior is directed to make the payment herein provided for *per capita*, after the manner of the payment of Indian annuities, taking their receipts therefor in accordance with the provisions of this act.

Mr. DAVIS. I should like to hear the amount proposed to be appropriated by the bill read again.

The CHIEF CLERK. It is $155,447.83.

Mr. DAVIS. What committee does the bill come from?

Mr. INGALLS. From the Committee on Indian Affairs.

Mr. CONKLING. I do not know that this bill is not right; I know nothing about it; but I wish some Senator who does know about it would explain it.

Mr. BUCKINGHAM. This bill came from the Committee on Indian Affairs, and it will give me pleasure to say a few words upon it, and I hope to make it clear, if it is possible for me to do so.

The Pottawatomie Nation is a nation that has always been at peace with this Government. They entered into treaties with this Government commencing in 1795, and from that date to the present there have been fourteen or fifteen treaties. The Pottawatomies have ceded to the Government their lands from time to time and received other lands or money or clothing or annuities, sometimes payable for a limited time and sometimes perpetual. These have been the considerations upon which the Pottawatomies have ceded their lands.

This continued up to the 26th of September, 1833, at which time the nation as a whole ceded five million acres in Wisconsin to the Government and received the same quantity of land in Kansas, and in addition to that they received $850,000 in money, in goods, and in annuities. But at that time there was a band living in Southern Michigan who did not subscribe to the treaty. They came in the next day, the 27th of September, 1833, and then agreed to become parties to the treaty which was made on the 26th of September. In the supplemental treaty the agreement was that they should be participators with those who made the treaty the day before, and those who made that treaty were not to forfeit any of their annuities or any of their rights under former treaties. In the supplemental treaty the band conveyed three distinct reservations in Michigan, for which they received $100,000, a part of which was an annuity of $2,000 for twenty years. After this was done the band were dissatisfied, and they made a second supplemental treaty. The great object of the treaty first made was to remove the Indians west, that they might have a home there, and they promised to remove within three years. This band was dissatisfied with that part of the arrangement, and proposed to go to Northern Michigan on account of their religious views, they having been instructed by the Catholics. Then it was determined that if they should go north they should still be participators in the benefits of the former treaties. The promise on the part of the Government was that if they should go north, although the annuities which were paid to the main nation were to be paid west of the Mississippi after three years, yet the proportion of the annuities which was due this band should be paid at L'Arbre Croche, in Michigan, where they were going. There was a separation between the main nation and this band.

At this point there comes up the question, What rights have this band in the annuities or in the lands which belonged to the tribe after the separation? In 1862 Mr. Smith, the Secretary of the Interior, said:

> That the band which by the supplementary treaty was permitted to remain in Michigan must be regarded as a part of the Pottawatomie Nation. They are entitled to receive *per capita* their proportion of the annuities and other payments provided for in the several treaties with the nation, to the same extent they would have been if they had gone west with the tribe.

Mr. Crawford, the Commissioner of Indian Affairs, in 1843, said:

> They are entitled to their numerical proportion of these annuities to the tribe under treaty of 1829, and under supplemental article, treaty of 1833.

I quote from these two public officers to show that this band, though separated from the main nation, had all the rights and privileges under former treaties to which the main nation was entitled.

Now the question comes up, What is the amount due them? They petitioned the Forty-second Congress and asked for payment for claims amounting to $269,038. In December, 1862, upon a resolution by Congress requiring the Secretary of the Interior to furnish a statement of the amount due that band, the Secretary reported that there were $160,540.48 due. On February 19, 1864, Hon. Mr. WINDOM, now a Senator in this body, then chairman of the Committee on Indian Affairs on the part of the House, reported that there was due this band $192,850. This, it will be understood, was some time ago, and to this sum reported there should be added annuities which have been due and not paid. Mr. Doolittle, as Senator, reported a less sum, but the report which he made was based upon an error, and that error was made in the census of those who had gone west, making the number about 50 per cent. more than there really were. The Senate committee of the Forty-second Congress made an entirely different report. They reported that there was due this band in annuities $95,705.46, and to capitalize the annuities which were perpetual would require $56,877.50, making in the whole $152,602.96. There was a great discrepancy between the report made by the Senate committee at the last Congress and the reports of committees of Congress that had been made some years before. The report of the committee of the Senate was approved and a bill passed making this appropriation. It went to the House of Representatives and there received a favorable report from the committee. They recommended the passage of the bill appropriating the same amount.

Now, why is there this difference in the amount? I will state as briefly as I can. It arises from the construction given to the treaty of 1833. The fourth article of the treaty says:

> A just proportion of the annuities secured as well by former treaties as the present shall be paid west of the Mississippi to such portion as remove.

On the 27th of September, 1833, Pokagon and his band made a supplemental treaty, in which it was provided that—

> They shall be considered parties to said treaty, and be entitled to participate in all the provisions therein as a part of the united nation.

What were these provisions? A right in proportion with those who went West to all the annuities which were promised under previous treaties, a right to an equal interest in the five million acres of land in Kansas, a right to an equal participation in the $850,000 which had been promised in connection with the land, including the annuity of $14,000 for twenty years. But there was a provision in a second supplementary treaty, which provided that the band should be entitled to annuities under former treaties, and your committee construe that to mean not the treaty of that day or the day before, to which they had now made themselves parties, but all treaties except that, and therefore they excluded this band from participation in the benefits of the treaty of the 26th of September. This causes the difference in the estimates of the amount due between your present committee and the former committees of this body and of the other House.

Now, the question is, is this construction of the treaty right? If so, how do we determine the amount named in the bill? I will state that there has been an enrollment of the nation west of the Mississippi and an enrollment of the band which now claims this amount, and the enrollments have been filed in the Treasury Department, where the annuities have been paid, and part o the annuities have been paid to this band. They received some $1,500 for twenty years, and then they were discontinued. To make up the claim we have gone back to 1795, and ascertained the amount which was due on each treaty, or rather I should say to 1836, for all the annuities were paid up to that time; and from 1836 on we have ascertained how much money was due under each treaty to the entire nation, and then we have apportioned that part which belongs to this band in accordance with their numbers. Then we have deducted from that the entire amount which has been paid this band since 1836. The difference is the amount which is stated in the bill.

Now, the question is which statement is right? The report of the Senate committee of the Forty-second Congress claimed that this was right and reported in favor of its payment, and the Senate passed the bill. The committee of the House adopted the same views and recommended the payment of the same amount. The Secretary of the Interior transmits the opinion of the Commissioner, "which is concurred in by this Department, that the Pottawatomies referred to are justly and equitably entitled to the amount allowed them by said bill." This judgment is expressed in a letter which the Secretory of the Interior addressed to a member of the House of Representatives.

Then, still further, the Indians now discard their former claim and have accepted the report which was made at the last session of Congress, and come before this Congress and ask an appropriation for the same amount, with the addition of an annuity which has accumulated since. It appears to me you can get no better evidence, no more correct estimate of the amount which is due this band of Indians; and believing it is right, believing it is just, I hope the Senate will pass this bill. I do not think that you can afford to do differently; it is what we justly owe to them, and it is better to deal justly with these people than to hold money in the Treasury which belongs to them.

Mr. FRELINGHUYSEN. I move that the Senate now proceed to the consideration of the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their

civil rights and to furnish the means for their vindication," passed April 9, 1866.

Mr. BUCKINGHAM. I ask that there be a vote on this bill.

Mr. FRELINGHUYSEN. If the civil-rights bill be taken up, I will suffer it to lie aside informally for a few moments.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey.

Mr. STOCKTON. I trust my colleague will not call up this bill now. There is ample time for the bill to be considered before we adjourn. The appropriation bills are pressing upon us, and we can occupy our time as well, I think, and more wisely in getting through with the public business. This bill, of course, will lead to discussion, and there are many gentlemen who desire to discuss it, among others gentlemen who are not now here. The Senator from Delaware [Mr. BAYARD] is absent at his home in Delaware, and it is impossible for him to be here. The Senator from Maryland [Mr. HAMILTON] is in the same position. The Senator from Delaware asked me to state to the Senate, if this bill was called up in his absence, that he would be back in a day or two, and he asked that it should not be considered until he came back as he wished to speak upon it. I desire myself to speak upon it, but am not prepared to-day. The committee work has been very laborious in the committees that I have been on, and I have not had time to prepare myself. I know there are other gentlemen who wish to speak, and I do not think it will injure the cause which my colleague has at heart if the bill should be postponed until a time which will be more convenient for its consideration, when gentlemen will be able to express their views reasonably and at length on the subject.

Mr. McCREERY. In addition to what the Senator from New Jersey has stated, I can say that my own colleague [Mr. STEVENSON] desires to speak on this bill; and I join with him in the hope that the Senate will not urge its present consideration, but will give time for the return of those gentlemen who are necessarily absent.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey, [Mr. FRELINGHUYSEN.]

The question being put, a division was called for; and the ayes were 31.

Mr. SAULSBURY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I desire to state that my reason for calling for the yeas and nays on this motion is, that gentlemen who are necessarily absent from this Senate desire an opportunity to be here to protest against the passage of this bill; and I wish gentlemen here to be placed on record in opposition to what I conceive is demanded by the courtesies which the Senate owes to absent members. I call for the yeas and nays for that purpose.

Mr. HAMLIN. I am very glad that I shall have the privilege and the opportunity of recording my "yea" to take up this bill. A bill that has been talked over and over and over again, year in and year out, I think demands of us no extreme courtesy to gentlemen who voluntarily go away from this Hall.

Mr. SAULSBURY. I think that when the business of the Senate is determined in political caucuses, the members of the dominant party who meet in caucus to determine the order of business ought to have some respect for gentlemen who are absent and whose wish they know is to be present to participate in the discussion of this question.

The Secretary proceeded to call the roll.

Mr. HARVEY, (when his name was called.) On all political questions I am paired with the Senator from North Carolina, [Mr. MERRIMON.] Were he present he would vote "nay," and I should vote "yea."

The result was announced—yeas 37, nays 13; as follows:

YEAS—Messrs. Alcorn, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Conkling, Cragin, Edmunds, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Hitchcock, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pratt, Ramsey, Robertson, Scott, Spencer, Stewart, Wadleigh, Washburn, West, Windom, and Wright—37.

NAYS—Messrs. Bogy, Cooper, Davis, Hager, Johnston, Kelly, McCreery, Norwood, Ransom, Saulsbury, Stockton, Thurman, and Tipton—13.

ABSENT—Messrs. Allison, Anthony, Bayard, Brownlow, Cameron, Conover, Dennis, Dorsey, Ferry of Connecticut, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Harvey, Jones, Lewis, Merrimon, Pease, Sargent, Schurz, Sherman, Sprague, and Stevenson—23.

So the motion of Mr. FRELINGHUYSEN was agreed to.

The PRESIDENT *pro tempore*. The civil-rights bill is before the Senate. The question is on the motion of the Senator from Ohio [Mr. THURMAN] to strike out the second section of the amendment made as in Committee of the Whole.

Mr. FLANAGAN. Mr. President——

Mr. BUCKINGHAM. I should be very glad if this bill were laid aside for a moment that we may have a vote on the bill which was under consideration at the close of the morning hour.

The PRESIDENT *pro tempore*. Does the Senator from Texas yield for that purpose?

Mr. FLANAGAN. Yes, sir.

Mr. THURMAN. I was so much engaged that I did not get the purpose of this bill which the Senator from Connecticut asks that the vote be taken upon. Is it a bill appropriating money?

Mr. BUCKINGHAM. Yes, sir.

Mr. THURMAN. How much?

Mr. BUCKINGHAM. One hundred and fifty thousand and odd dollars for a band of Pottawatomie Indians.

Mr. THURMAN. Where are they?

Mr. BUCKINGHAM. In Michigan. I made a statement to the Senate; I believe the Senator was not in his seat at the time. I can merely repeat what I said, that the present report is in harmony with the report made at the last session and the bill accompanying which passed this body. It also was adopted by the committee of the House and was recommended by that committee, but did not pass for want of time perhaps. The amount appropriated is approved by the former Commissioner of Indian Affairs, General Walker. It is said to be right by the present Secretary of the Interior. It is a much less amount than has been recommended by several committees of Congress, going back as far as 1862 and 1864, owing to the different construction which the committees of the last Congress placed on a certain treaty. It is also in perfect accordance with the wishes of the Indians themselves, they having abandoned their memorial for a much larger sum and accepted as just and equitable the amount recommended at the last session of Congress.

Mr. THURMAN. Will the Senator hand me the bill?

Mr. BUCKINGHAM. Certainly.

Mr. THURMAN. This bill I find appropriates $155,447.83 "for the purpose of fulfilling treaty stipulations with the Pottawatomie Indians, known as such, residing in the counties of Cass, Van Buren, and Berrien, in the State of Michigan, and Saint Joseph County, in the State of Indiana; provided that said Indians, being hereby recognized and declared to be citizens of the United States, shall accept such sum in full of all demands whatsoever for all past, present, and perpetual annuities, and all claims whatsoever for lands and trust, school, and educational funds, and all other moneyed provisions in any manner whatsoever arising from or growing out of any and all treaties or agreements to which they are parties. The Secretary of the Interior is hereby directed to make the payment herein provided for *per capita*, after the manner of the payment of Indian annuities, taking their receipts therefor, in accordance with the provisions of this act."

It seems, then, that this money was due to the Pottawatomie Indians while they were a tribe, under treaties made between them and the United States, and I suppose from the proviso that these Indians spoken of as residing in Michigan and Indiana have ceased to belong to any tribe.

Mr. BUCKINGHAM. I will state that this was a band of the Pottawatomie tribe which had separate interests. They separated from the tribe in 1833, but while they separated from the tribe they retained certain interests under former treaties, and had certain privileges distinct from the original tribe which went to Kansas. This band went to Michigan and remained there, and under the treaty had a right to participate in all the annuities which belonged to the tribe under former treaties.

Mr. THURMAN. Has any treaty been made with these Michigan Pottawatomies since the main body of the tribe went westward?

Mr. BUCKINGHAM. I am not aware of any.

Mr. THURMAN. How is it provided that if a tribe breaks up into bands each band shall have a right?

Mr. BUCKINGHAM. That was the provision in the original treaty.

Mr. THURMAN. Now I come to the question, did this band that remained in Michigan maintain its tribal organization?

Mr. BUCKINGHAM. No, sir; it is a separate band from the main nation, and it has received for twenty-odd years a portion of the annuities which were due the original nation, they taking a portion of certain annuities in proportion to their number.

Mr. THURMAN. If these Indians have abandoned their tribal organization and thereby become citizens of the United States by force of the provisions of the fourteenth amendment, as they certainly are if they have abandoned their tribal organization, I do not very well see how the treaty applies to them, and I should doubt exceedingly whether the payment to them would relieve us from any obligation to pay the body of Pottawatomies who have maintained their organization.

Mr. BUCKINGHAM. But the treaty expressly determined that this band should go north while the others went west, and that when they went north they should be entitled to their proportion of the annuities.

Mr. THURMAN. Can the Senator tell us how many of them there are?

Mr. BUCKINGHAM. About three hundred and twenty-two now.

Mr. THURMAN. In Indiana and Michigan?

Mr. BUCKINGHAM. Yes, sir.

Mr. THURMAN. Have the committee any knowledge as to how many of them are half-breeds or people adopted into the tribe?

Mr. BUCKINGHAM. I do not know that I can answer that question. The enrollment is to be found in the Treasury Department, where a distribution has been made of the annuities up to within a short time.

Mr. THURMAN. I do not like to oppose a bill that has received the careful consideration of a committee; but I cannot help thinking that this is a very doubtful measure.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL RIGHTS.

The Senate resumed the consideration of the bill (S. No. 1) supple-

mentary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866.

Mr. FLANAGAN. Mr. President——

Mr. FRELINGHUYSEN. Before the Senator from Texas proceeds, there are two or three amendments which I desire to offer to the bill, which I suppose will create no discussion. If they lead to discussion I will waive them, and let the Senator from Texas resume the floor. In the first section of the amendment reported by the committee, line 3, I move to strike out the words "all persons within the jurisdiction," and to insert "every citizen;" so that the clause will read: "That every citizen of the United States shall be entitled to the full and equal enjoyment," &c.; instead of, "that all persons within the jurisdiction of the United States shall be entitled," &c.

The amendment to the amendment was agreed to.

Mr. FRELINGHUYSEN. On page 5, section 2 of the committee's amendment, line 12, I move to strike out the words "less than $500 nor," and in the thirteenth line to strike out the words "less than thirty days nor;" so that the clause will read: "shall be fined not more than $1,000, or shall be imprisoned not more than one year."

Mr. JOHNSTON. Before proceeding with that amendment, I desire to ask the Senator from New Jersey a question in reference to the previous amendment. I understand that he proposes to amend the bill by striking out in the fifth line, on the fourth page, the words "all persons within the jurisdiction of the United States" and inserting "every citizen of the United States." I wish to inquire whether the object of that amendment is to exclude from the benefits of this bill persons who have arrived in the United States to settle and have not been naturalized? What *status* have they under this bill?

Mr. FRELINGHUYSEN. I will answer the Senator. My idea is that it is so easy for any person who desires to become a citizen of the United States to become such that we ought to make provision for citizens only, and I do not think that a person merely landing in this country is entitled, as a matter of right, to the benefit of our schools, which are supported by taxation. But, sir, if these amendments lead to any discussion, as I said, I will not interfere with the Senator from Texas, and he may resume the floor. I supposed they would be adopted by common consent.

Mr. THURMAN. I should like to hear the last amendment reported.

Mr. MORTON. Is the amendment proposed by the Senator from New Jersey pending? Does he urge the amendment now?

The PRESIDING OFFICER, [Mr. SCOTT in the chair.] The Senator from New Jersey has withdrawn the amendment for the present.

Mr. FRELINGHUYSEN. I withdraw it if there is any opposition to it.

Mr. THURMAN. But the amendment striking out the words "all persons within the jurisdiction of the United States," and inserting "every citizen of the United States," was adopted.

The PRESIDING OFFICER. That amendment was adopted.

Mr. MORTON. Then I move to reconsider the vote by which it was adopted. I think that is a very important amendment.

The PRESIDING OFFICER. The Senator from New Jersey having withdrawn his amendment, the Senator from Texas is entitled to the floor.

Mr. EDMUNDS. I suggest, if Senators want to discuss that question, that the Senator from New Jersey withdraw all the amendments that he proposes for the time being, including the first.

Mr. THURMAN. I think it would be better by unanimous consent to disregard the vote adopting that amendment.

Mr. EDMUNDS. Yes; let them all stand, and they can be acted upon after the debate is over, and then we shall have the debate on the general bill.

Mr. MORTON. I desire to suggest an amendment. On page 4, section 1, line 9, the clause reads:

> And also of common schools and public institutions of learning or benevolence, supported in whole or in part by general taxation.

I propose to strike out the word "general" and insert "public."

Mr. EDMUNDS. Let the Senator from Texas go on with his remarks.

The PRESIDING OFFICER. Does the Senator from Texas yield for the purpose of having that amendment offered?

Mr. FLANAGAN. I prefer to go on.

The PRESIDING OFFICER. The Senator declines to yield. Is it the understanding that the amendments proposed by the Senator from New Jersey are considered as withdrawn?

["Yes." "Yes."]

[Mr. FLANAGAN addressed the Senate. His remarks will appear in the Appendix.]

Mr. PRATT. Mr. President, I rise to give my reasons briefly for supporting the measure now before the Senate—the supplementary civil-rights bill, so-called, as it has come to us from the hands of the Committee on the Judiciary. I believe what our fathers who laid the foundations of our political edifice taught, that all men are created equal. I believe in a still older teaching—that God is no respecter of persons, and that he made of one blood all nations of men to dwell on the face of the earth; and further, that he maketh his sun to rise on the evil and on the good, and sendeth rain on the just and unjust. I believe that government is instituted for all, and, like the sun, the rain, and the dew, should shed its blessing upon all alike. I believe that the colored race in this country differ in nothing but their color and lineage from the white race, except in so far as their natures have been dwarfed by slavery. That they have the same bodily and mental and moral faculties, the same wants and appetites, the same capacity for labor and enjoyment, the same sensibility to wrong and insult, no one can deny. Most were born upon this soil, and such as were not were captured and made slaves and brought here against their will.

Well, sir, the people of three-fourths of the States, upon the plain proposition submitted to them to vote ay or no at their free will, have deliberately declared at the polls that all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. The vote of the States which placed this great declaration in the Constitution and made it paramount law was completed in 1868, and public proclamation of the event was made on the 28th day of July, in that year. The language used, *all persons*, is not only general, but all-comprehensive. Since that day no one can dispute that every black man born in the United States is a citizen, and entitled to a citizen's rights, whatever they are, and bound to perform a citizen's duties to the United States and to the State where he resides, whatever those duties may be. If further authority were wanted upon the point, we have it judicially declared by the Supreme Court that this article added to the Constitution had special reference to the colored race. All, then, born here are citizens and of equal degree; for, sir, you will observe that no distinctions or discriminations in the matter of citizenship are made in this article, but, on the contrary, one rule governs all, and the rights and privileges of citizenship are distributed by an equal hand without favor or partiality to all, without the slightest reference to race or color or previous condition.

When the enumeration was made in 1860, this race, planted here more than two hundred years ago against their will, and reduced to slavery, numbered 4,441,835, of whom nearly four millions were slaves, and the remainder freemen, but not citizens. When ten years later the enumeration was repeated, not a single slave remained, but in their place 4,880,000 freemen and citizens.

But the people did not stop with this single act of conferring citizenship, and leave the race which had just emerged from the condition of slavery, ignorant, poor, helpless, and homeless, at the mercy of their old masters, to surround them by such conditions as practically to deprive them of the enjoyment of their rights as citizens. No, sir, they invested Congress with power to enforce by *appropriate legislation*—such was the language—the rights which citizenship conferred.

Two years later the people added a new article to the Constitution, intended to supplement whatever was wanting to make this race equal in all civil and political rights with the dominant one, and made them voters. Thus, sir, the people have made one rule for all, and abolished every badge of servitude which appertained to the colored race; and they have done this in the most solemn form known to our system of government. While the Constitution continues to exist, while that declaration remains in it as now, that this Constitution shall be the supreme law of the land, it cannot be questioned that every man of African descent born in the United States is a citizen and entitled to the full measure of a citizen's rights.

I do not go into the argument whether this was wisely done. The time for argument has gone by; it is an accomplished fact. The people, after ample debate, have decided the question, and I find my duty, as a member of this body, sworn to support this Constitution in all its parts, a plain one, to aid by my voice and vote in doing whatever is necessary to enforce and carry into effect this article wherever I find a single right or privilege of citizenship withheld from the colored man.

Had the rights thus conferred been accorded, or were they recognized now, there would be no occasion for this bill. The determined opposition made to its passage at this time is evidence to my mind that the privileges, facilities, and accommodations enumerated in the bill are withheld, and are sought to be withheld in the future, on the plea that to accord them will bring around a condition of equality distasteful to its opponents.

The bill declares that citizens of the United States shall be entitled to the full and equal enjoyment of the privileges, &c., of inns, public conveyances, theaters and other places of public amusement, and also of common schools and public institutions of learning or benevolence, supported in whole or in part by general taxation, and of cemeteries so supported, subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color regardless of any previous condition of servitude. Further on the bill provides that no citizen possessing all other qualifications prescribed by law shall be disqualified for service as a grand or petit juror in the courts of the States or United States.

Particular exception is taken to that part which relates to schools and cemeteries, and which the motion of the Senator from Ohio [Mr. THURMAN] proposes to strike out.

And now, sir, what are the arguments with which this measure of justice is confronted? No one reading the Constitution can deny that every colored man is a citizen, and as such, so far as legislation may go, entitled to equal rights and privileges with white people. Can it be doubted that for a denial of any of the privileges or accommodations enumerated in the bill he could maintain a suit at common law against the inn-keeper, the public carrier, or proprietor or lessee of the theater who withheld them? Suppose a colored man presents

himself at a public inn, kept for the accommodation of the public, is decently clad and behaves himself well and is ready to pay the customary charges for rest and refreshment, and is either refused admittance or treated as an inferior guest—placed at the second table and consigned to the garret, or compelled to make his couch upon the floor—does any one doubt that upon an appeal to the courts, the law if justly administered would pronounce the inn-keeper responsible to him in damages for the unjust discrimination? I suppose not. Prejudice in the jury-box might deny him substantial damages; but about the law in the matter there can be no two opinions. The same is true of public carriers on land or water. Their engagement with the public is to carry all persons who seek conveyance on their cars or boats to the extent of their facilities for certain established fares, and all persons who behave themselves and are not afflicted with any contagious disease are entitled to equal accommodations where they pay equal fares.

But it is asked, if the law be as you lay it down, where the necessity for this legislation, since the courts are open to all? My answer is, that the remedy is inadequate and too expensive, and involves too much loss of time and patience to pursue it. When a man is traveling, and far from home, it does not pay to sue every inn-keeper who, or railroad company which, insults him by unjust discrimination. Practically the remedy is worthless.

Now, sir, if I am right in stating the law, this bill is justified in providing a more efficient remedy, one that is so stringent in its penalties that it is likely to be obeyed, and render litigation unnecessary. Many a wrong is practiced even upon the white traveler, upon the supposition that his business will not allow him to remain and bring the wrong-doer to account, which is generally true.

And let me say right here, that this measure is not confined to colored citizens; it embraces all, of whatever color.

Then, as there is no argument to be drawn from the Constitution or the existing law against this measure, since the bill indeed is in full harmony with the common law, what are the objections? They all resolve themselves, sir, into one, and that is prejudice, the most formidable of all arguments; for it is impossible to reason against it. You object because he is a negro; and when pressed, your objection is founded upon his color and his past servile condition. He was once a slave, you say, not owning himself, but a piece of chattel property belonging to another, condemned to perform the menial offices of society, enduring the contumelies heaped upon slaves, bearing on his back the marks of the cruel lash; and you cannot forget these things, nor allow him, now that he is a freeman, anything approaching your privileges in society.

The trouble with the argument is that it is not candid in its premises. The negro does not seek nor does this bill give him any of your peculiar social rights and privileges. You may still select your own society and invite whom you will to your table. No negro, against your will, may cross your threshold. You may travel in your own private conveyance, occupy your own room at the hotel and have your meals there, and the vision of the colored man will not disturb your serenity. But if you will travel in a public conveyance, you must be content to share your convenience with the Indian, negro, Turk, Italian, Swede, Norwegian, or any other foreigner who avails himself of the same facility, because it is public, and should therefore be open to all. And so, if you choose to set down at a public table in a public inn open to all comers who behave themselves, you must be content to sit beside or opposite to somebody whose skin or language, manners or religion, may shock your sensibilities. No law will force you to talk to him or even look at him, much less make his acquaintance. You may wrap yourself up in your exclusiveness as much as you please, and neither this bill nor any other will compel you to accept or extend any civilities you do not willingly vouchsafe.

But the chief objection is to allowing what are called mixed schools. In the first place, this bill does not necessarily lead to that, especially in the large cities, where colored people abound. In this city, for example, the schools are kept separate and will continue to be, though this bill become a law. Where the colored people are numerous enough to have separate schools of their own, they would probably prefer their children should be educated by themselves, and there is nothing in this bill which prohibits this. But in the villages and country separate schools will be impracticable, and the colored children, if educated at all in public schools, must necessarily be where the great majority of the children are white. There may be but one or two colored families in the district, and I admit that here the question must be fairly met whether they shall share or be excluded from the benefits of the public schools.

In the first place, if not allowed, they must remain uneducated; a thing to be avoided, since these children will one day be voters, and policy requires they should be intelligent voters. In the next place, there is no more reason or justice why they should be excluded than an equal number of white children, for their father as a citizen has been taxed to build the school-house and to maintain the school. And, lastly, there is precisely the same reason his children should receive a rudimentary education at the common school that there is for white children. Beyond all this, what becomes of the colored man's rights as a citizen if this discrimination shall operate against him in a point where a parent's heart is most sensitive, to exclude his children from drinking at the common fount of knowledge. It is a miserable misnomer, he will be very apt to think, to call that a common school which is practically an exclusive one, since it debars his children from attending, although his labor and funds contributed to build it and he is taxed to maintain it. Sir, to exclude the colored man's children under the circumstances I have put, finds its justification in an unreasoning and unreasonable prejudice only, which we must learn to dismiss as we have others, if we would faithfully obey the Constitution.

The time was when the proposition to admit colored men into the Army to fight the enemy shocked the notions of many. But when the terrible harvester was mowing down our sons by the thousand, and still the rebellion was not put down, we came to think that to kill a rebel in battle was a good thing, whether the hands that pointed the musket were white or black. Then there was a prejudice at first against putting them upon the footing of other soldiers in pay, bounty, and pensions. We got over that prejudice too. Then there was a prejudice against allowing a colored man the right to go into a court of justice and testify in his own behalf or another's. We surmounted that when we found he could tell the truth like other people. Then followed his admission to juries and the ballot-box, but after what struggles of prejudice! We have lived to see all these prejudices give way one after another, until nobody now would return the negroes to slavery or take away from them those right and privileges, at first so grudgingly accorded by the same party that resists the pending measure.

Sir, this legislation is demanded as a matter of sheer justice by five millions of men, women, and children, whom our own laws have made the inferiors they are. We owe it to them and to ourselves to elevate them, because they must henceforth share with us the political power which resides in the people. You object because they have been a servile race and are as yet unfit to perform the duties of citizenship. But who made them slaves and kept them in ignorance? Why should we not hasten to make reparation for the wrongs done them in the past? Who can doubt our warrant for granting them the privileges enumerated in this bill, since the adoption of the constitutional amendments? I find in them not only authority, but a command laid on me to do whatever is necessary in the way of legislation to bring around a practical equality in all civil and political rights, so that there shall be no difference in respect to civil or political rights between the two races.

We must admit at the very outset of the argument as a fact not to be gainsaid or questioned that the people of this country, in whom resides all political power, have by their supreme decree and in the exercise of the highest form of legislation raised the colored race to the plane of perfect equality in making them citizens and voters. They have said that the negro shall be a citizen of the Republic, and in saying that they have declared that, let the word mean what it will, let it include more or less of rights and privileges, the same measure of rights shall be the negro's that belongs to the white man. If he does not possess these in equal degree with you, sir, the people have failed to accomplish what they intended in the thirteenth, fourteenth, and fifteenth amendments. Gentlemen may refine and split hairs as they please in construing these amendments, criticise the language of the courts and dissenting judges, and attempt to prove what they will, there stand the plain, unambiguous words of the Constitution, written by the people's own hand, and intended to be understood and obeyed. One would think from the discussions here that this instrument was full of mysteries and capable of being understood different ways. But it is so only to the willfully blind. When the people ordained and wrote it down in the Constitution that all men born in the United States were citizens of the United States and of the State where they dwelt, they supposed they had made one rule for all. No one doubts, I suppose, that the black man is a citizen. What more than a citizen is the white man, I care not what his degree? Whatever rights or privileges citizenship confers on a white man belong to the man of color, and no process of reasoning could make the proposition plainer.

Now, sir, a few words more and I am done. We must accept as facts that the colored race constitutes an integral part of our population—nearly one-eighth part in fact; that they were born on this soil and have no other country than this; and that the two races must remain here intermingled, the black race sharing with ours the political power which resides in citizens. Neither should we forget in the argument that they are unequally distributed in the States, and that in two they outnumber the whites, while in some others they approximate equality in numbers. Nor must we lose sight of the main fact that every man among them twenty-one years old and upward is a voter in all our national, State, and municipal elections, and wherever they are in the majority that the political power is in their hands, to be wisely used or abused accordingly as they are made educated, moral citizens and treated with justice and kindness, or are held and treated as inferiors by discriminating legislation or by refusing such needed legislation as this.

Now, sir, I ask again, what argument do we find arrayed against this claim to equality under the law, founded, as I have endeavored to show, upon the fundamental law of the land? I regret to say that the argument begins and ends in prejudice—a prejudice as unreasonable as it is unjust; a prejudice that reaches beyond life even, and would perpetuate distinctions in the grave. Alas, sir, I know how hard it is to argue against prejudices. Time, reason, and reflec-

tion only can correct them. I remember well how a little more than twenty years ago the people of my own State forbade in their organic law that any negro or mulatto should enter the State; and now our school system makes no distinction in the races. But hopeless as is the task of reasoning them away, let me remind the Senate that nature has not discriminated against the negro in any of her regulations. On the contrary, he has all the bodily faculties in the fullest perfection, the same capacity to subdue nature and supply his wants, the same appetites. More than that, he has the same spiritual nature; the same thirst for knowledge; the same hopes and fears; the same loves and hates; the same sensibilities to wrong and insult, and the same desire to improve his condition. If you could forget the color of his skin, the difference between him and you would disappear. And then, again, does he not dwell in this goodly heritage by the same title that you and I do? Is he not warmed by the same sun, does he not breathe the same air, and draw his subsistence from the same bountiful earth, which knows no distinction in the hands that till her and bring forth her fruits? More than that, does he not speak the same language, worship the same God, owe the same allegiance, and obey the same laws?

Why should this prejudice linger here when in the most civilized countries in Europe it is unknown? If the color of his skin does not disqualify the colored man from the enjoyment of equal privileges in France and England, why should it here?

I notice a single objection more. It is said such a law as this bill enacts will be so odious that it cannot be executed. The objection assumes what I deny is true, that it will be generally odious. The colored people all demand it as their due, and of course it will not be odious to them. It will be odious only in particular sections of the country, for in many parts their rights and privileges as set out in this bill are now recognized. In one State the practice of mixed schools has always been the rule, and in several of the Southern States the rule has been established by State laws. Pass this bill and all opposition will cease in a few months, when it is known that the question is settled; for people will come to see that the law is supported by reason and justice, and that free government demands the abolition of all distinctions founded on color and race.

It has seemed to me a most surprising thing that people who declaim against what they call negro equality are never heard to start any objection to admission to fullest rights of citizenship of the foreigner, though he be ignorant to the last degree, a pauper or a criminal, unacquainted with our laws and not capable even of speaking our language. More than the third of a million of immigrants from every country of Europe annually land upon our shores and are heartily welcomed to the privileges of citizenship, with whom it is not unfair to say the negro population of this country will bear favorable comparison in all the elements that go to make useful citizens.

Common gratitude, if nothing else, should prompt us to pass this bill. Sir, when I remember the wrongs that have been inflicted upon the colored race through so many generations of slavery; when I recall how patient and long-suffering they have been through all the long years of cruel bondage; how they have contributed to the wealth and prosperity of the country, and at last how nobly they came to its rescue when, like a noble ship, it seemed about dashing upon rocks and perishing, and how they offered their lives to save a Government they had known only by its oppressions, my heart warms with unspeakable gratitude. When the opportunity for wreaking vengeance upon his task-master came, was the negro swift to avenge by fire and sword and rapine his accumulated wrongs? No, sir; to his lasting honor let it be remembered of him and stir our warmest sentiments of gratitude in the memory, that he watched like a faithful sentinel over the women and children, and tenderly cared for them, while his rebel master was seeking upon fields of battle to fix him and his posterity in a still more hopeless condition of slavery. Even then he put aside the supreme temptation, and listened only to the voice of religion, "Vengeance is mine; I will repay, saith the Lord."

Mr. THURMAN. Mr. President, the remarks I shall make on this bill will be brief, unless prolonged by interruptions, and this for several reasons. One is that at a previous session of the Senate I spoke at length on this subject, and gave the reasons why I believed this measure to be both unconstitutional and impolitic. I could add very little, if anything, to what I then said; and as I do not care about repeating ideas that I have once troubled the Senate to hear, I shall content myself with a mere condensation of some of the views which I then presented; with however a reference to a decision of the Supreme Court of the United States, and one of the supreme court of Ohio, both rendered since that discussion took place.

I have another reason for not desiring to speak at length on this bill; and that is that I know that it is to pass this body; not because of its merits, for I do not believe, notwithstanding the fervid declamation that we have just heard, that there is one-third of the Senate who, untrammeled by any outside pressure or any extrinsic consideration, would be found to vote for it. I think I am very liberal in supposing that even a third of the Senate would, if untrammeled, give it their support. But there are about eight hundred thousand colored voters in the United States, and they are essential to the maintenance of the power of the republican party, and their demands, or what are supposed to be their demands, have more power in this Chamber than the Constitution of the country or the welfare of the colored race itself. That is the trouble, sir; that is what produces all the trouble we have about this matter. If this question were to be decided solely by the provisions in the Constitution, notwithstanding the bold and unqualified language of the Senator from Indiana, [Mr. PRATT,] notwithstanding his bold and positive assertions, I, humble as I am, would venture to achieve in this Senate such a victory over his constitutional interpretation as would settle that question at least in this body. Furthermore, if the fate of this measure were to be determined by its intrinsic merits, by its policy or impolicy, it would require but very little ability to show that it ought never to pass. And yet further, if its fate were to be determined by the interests of the colored race, there is nothing more capable of demonstration than that the very best interests of that race require that it should be defeated. And again, if its adoption or rejection depended upon principles of eternal justice recognized in all civilized communities, its rejection would be certain.

I do not know but that it is considered almost ridiculous here to speak of the principles that once were universally admitted in regard to this Government and in regard to our Constitution. There was a time when no human being in the United States, of whatever political party, denied the proposition that the Government of the United States is a government of delegated powers, and that it possesses no powers but such as are expressly conferred upon it by the Constitution or such as result by necessary implication from those which are thus expressly conferred. I say there was a time when no man in all the length and breadth of this land disputed that proposition; and perhaps there are very few now who openly deny it; and yet in practice it is utterly disregarded, and instead of that a wholly different mode of interpreting the Constitution and powers of this Government has acquired complete dominion in its legislative department. The old doctrine, which had the sanction not only of the fathers of the Constitution but of nearly three generations after them, has come to be totally supplanted in practice by the dogma that Congress may do whatever it is not expressly forbidden to do in the Constitution; so that, instead of the old doctrine that where you cannot find a delegated power, the power does not exist, the theory upon which Congress now acts is that it may exercise every power of Government whether it can be found in the Constitution or not, unless it is expressly prohibited. Upon no other foundation whatsoever can much of the legislation of the last eight or nine years be maintained for a moment. And I regret to say, Mr. President, that not only here, but in a judicial tribunal that I need not name, this doctrine has the apparent sanction of one of its most distinguished judges. A doctrine from which Marshall himself, strong as he was in his devotion to Federal power, would have shrunk in horror, is now avowed in effect, not in the seat that he occupied, but so close to it that it cannot but excite remark.

Now, sir, what is the Constitution of the United States? It consists of certain delegations of power to the Federal Government apportioned among the departments of that Government, and of certain prohibitions. It is thus affirmative in its provisions and negative in its provisions. It grants power to the Government and to the several departments thereof, and then it contains prohibitions for the greater security of the States and the people; prohibitions against the exercise of power by the Federal Government. Those prohibitions are to be found especially in the ninth section of the first article and in the first eight amendments. Then it contains another set of prohibitions upon the powers of the States, and those prohibitions are in every instance prohibitions upon the States as States; not prohibitions upon individuals, but prohibitions upon the States in their sovereign capacity as States. What are they? It would take too much time to refer to many of them. Let me refer to a few in the original Constitution, section 10 of article 1:

> No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.
>
> No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.
>
> No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

There, sir, you see the original prohibitions, prohibitions upon the States, limitations of the power of the States.

Soon after the Constitution was ratified the people saw fit to adopt ten amendments to it about the same time. Every one of those amendments is a limitation, not upon the powers of the States, but upon the powers of the Federal Government. The people were so jealous then of encroachments by the Federal Government, so fearful that it would usurp authority detrimental to the best interests, if not to the existence of the States, and also detrimental to the liberties and the prosperity of the people, that they required it to be put in solemn form in these amendments that the Federal Government should be restricted as therein declared and that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

In the course of time the people proceeded to further amend the Constitution by articles 13, 14, and 15, and now I ask the particular

attention of the Senate to what the prohibitions in these articles are in order to show that they are precisely of the same nature as the prohibitions in the original Constitution and in the first eight amendments thereof; prohibitions some of them upon the Federal Government as a Government, and the others prohibitions upon the States as sovereign States, and nothing else, nowhere prohibitions upon individuals as individuals, nowhere treating individuals as mere members of the community, but everywhere, in every line and sentence of the amendments, treating the States as corporations, as sovereign States, and acting upon them as States, and treating the Federal Government in its sphere as a sovereign Government, and acting upon it in its sovereign capacity. What is the thirteenth article of amendment?

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

There is a prohibition upon both the Federal and the State governments. It is not directed against an individual, for how could any individual constitute slavery? Slavery can only exist by operation of law, and law could only be enacted by either the Federal or the State governments. The prohibition then is upon these governments as governments, and in no other sense whatsoever.

Now, let us come to article 14, section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

That is mere definition. Then comes the prohibition:

No State—

Not "no individual," but "no State"—

shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

An individual cannot make law; it is the State alone that can make law, and it is the State alone that can enforce law; and therefore the prohibition is directly upon that sovereign being, the State, that it shall neither make or enforce any law that "shall abridge the privileges or immunities of citizens of the United States;" and proceeding, it says:

Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Mr. President, is not that plainly a prohibition directed to the States in their capacity as States? Is that provision a mere statute of murder, &c.? Is that merely a provision that no man in the United States shall commit murder, that no man in the United States shall kidnap, that no man in the United States shall unlawfully arrest and detain? Is that it? In other words, is this great provision of the Constitution degraded to the mere office of an ordinary criminal code? No, sir; but it is a limitation on the power of the States and its prohibition is addressed to the States.

What next? I need not speak of sections 2, 3, and 4 of that article, because they are not necessary to illustrate what I am endeavoring to prove. I therefore proceed to article 15; and what is that?

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Mr. MORTON. Will the Senator allow me to ask him a question before he passes from the fourteenth amendment?

Mr. THURMAN. If it is not a speech. I wish to be very brief this evening. If the Senator has only a question to ask I will yield.

Mr. MORTON. Only a question. The Senator states that the prohibitions in the first section of the fourteenth amendment are addressed to the States as corporations and not to individuals. Calling his attention to the fact that the last section provides that Congress may enforce the amendment by appropriate legislation, I ask him how Congress may enforce the prohibitions against a State?

Mr. THURMAN. Just precisely as it enforces the prohibition against a State that it shall not pass any law impairing the obligation of contracts, contained in the original Constitution. It enforces it by providing for the making of a case for the judicial tribunals of the United States, in which that law impairing the obligation of contracts may be declared to be null and void. So, too, any law which any State may pass or enforce in violation of the thirteenth, fourteenth, or fifteenth amendments may be declared void in precisely the same way; and the only proper and constitutional mode in my judgment for Congress to adopt is to provide for bringing any such cases that it sees proper to provide for for decision before the judicial tribunals of the Federal Government. That was the mode under the Constitution before these amendments were adopted; and it is the proper mode yet.

The Constitution is not so imperfect an instrument as some seem to suppose. It provides not simply for an executive and legislative department, but also for a judicial department, and provides that the judicial power shall extend to all cases arising under this Constitution or the laws and treaties made in pursuance thereof. That gives the judicial power ample cognizance of every case that can possibly arise that brings into discussion the validity of any State law which is said to be in contravention of the Constitution of the United States, or the laws of Congress passed in pursuance thereof.

And now, in regard to this clause that "Congress shall have power by appropriate legislation to enforce this article," Congress would have exactly the same power if that clause were not in the Constitution at all. That does not add one iota to the power of Congress.

The section is:

The Congress shall have power to enforce this article by appropriate legislation.

That does not add, as I say, one iota to the power of Congress; and if it were stricken out of each of the thirteenth and fourteenth and fifteenth amendments, the power of Congress would be precisely what it now is. For what is "appropriate legislation?" It is the very same thing that is provided for by the eighth section of article 1, as construed by the Supreme Court in McCulloch *vs.* Maryland, the well-known and familiar provision as to the power of Congress to make necessary laws, and which reads:

The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

That provision covers the amendments adopted afterward, just as much as it covers the powers conferred by the original Constitution.

Mr. BOUTWELL. Will the Senator allow me a single question? I ask whether he understands the general power which was treated of in the case of McCulloch *vs.* Maryland to give to Congress authority to enforce the first clause of the second section of article 4, namely:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Mr. THURMAN. If the Senator will hear me through he will find out precisely what I mean. I say if you strike out all these clauses about appropriate legislation, you have remaining the power conferred in the eighth section of the first article upon Congress to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

Mr. BOUTWELL. The distinction which has been made I think is this: that the clause which I have just read does not confer upon the Government of the United States a power, but is a declaration of a right of citizens of the several States in other States; and the question I put is whether, under the general power which is contained in the clause the Senator has just read, Congress has authority to give to the citizens of each State all privileges and immunities of citizens of the several States; whether Congress could legislate to carry that clause into effect as though it were a power conferred by the Constitution of the United States upon the Government of the United States?

Mr. THURMAN. I understand the Senator's question, and it is a very pertinent one. It may be asked in respect to various clauses of the Constitution, as well as in respect to provisions in the thirteenth, fourteenth, and fifteenth amendments. When you turn to section 10 of article 1, what do you find?

No State shall enter into any treaty, alliance, or confederation.

The Senator might say that that is not a grant of power to the Government of the United States, or to any department of the Government of the United States.

Mr. BOUTWELL. I do not say that. I only say that is one theory of the subject.

Mr. THURMAN. I know; and it is a very poor theory; for as this prohibition rests upon the States by virtue of a provision contained in the Constitution of the United States, it necessarily follows that the Federal Government has power to give effect to the prohibition. Of course it is so; and the only question is how is it to give effect to it. Is it to give effect to it by such original legislation, operating directly in the first instance upon individuals, as that proposed in this bill; or is it to give effect to it by making a case for the judicial tribunals of the Federal Government, for they cannot decide unless a case is made?

The judicial power extends to "all cases"—you must have a case made before you can have a decision that a State law or a State decision is unconstitutional. The function of Congress is to provide by law for the making of the case, and then the judicial power intervenes and decides upon the validity or invalidity of the State law.

The provision at the close of section 8 of article 1, "that Congress shall have power to make all laws," &c., applies to all provisions of the Constitution that may be in it in all time to come. It is a standing, speaking power that continues for all time as long as the Constitution shall endure, and reaches every particle of it, however it may be added to by amendment. We all know perfectly well that that provision "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," and so on, is wholly and absolutely unnecessary. It was so declared—and no man ever contradicted it—in the Federalist, and proved to be wholly unnecessary, and it was put in only out of abundant caution. In no debate whatever, either in the Federal Convention or in the conventions of the States, have I ever seen, nor do I believe it has ever been found, the position that that was a substantive, independent power of Congress. It was nothing but putting in words, in the form of an express grant, that power which would have resulted by necessary implication even if those words were stricken out of the Constitution; and so it is expressly stated in the Federalist. There is no question about that.

Now, whence come these words "appropriate legislation?" They

come from the language of Marshall in deciding the case of McCulloch *vs.* The State of Maryland. It had been argued that Congress could not pass laws under this provision "which may be necessary and proper for carrying into execution the foregoing powers," &c., unless the measure adopted by Congress was one that was "absolutely necessary," and by "absolutely necessary" was meant one which if it were not enacted would leave an express power without execution; that it was one which must be enacted in order that the express power could be executed at all, and therefore it must be one upon which the very existence of the express power in practice must depend. Otherwise it was not necessary legislation. We know with what power Marshall reasoned that down; and going perhaps to the other extreme, he said that it was sufficient that the legislation was a natural and proper mode of effecting the end to be accomplished; that if the end was within the competency of Congress under the Constitution, then Congress had the power to adopt any means which are "appropriate" and proper. "Appropriate" was the very word he used, and it is from that decision, using that word, that Congress had the power to adopt any legislation which was in its judgment appropriate, that the last section in each of the thirteenth, fourteenth, and fifteenth amendments was derived. It was taken right from that decision, showing conclusively that nothing more was meant by this clause, "Congress shall have power to enforce by appropriate legislation the provisions of this article," than was meant by the last clause in the eighth section of the first article of the Constitution, which says that Congress may make all laws which shall be necessary and proper for carrying into execution the foregoing powers, &c. They mean precisely the same thing; and therefore if this provision upon which so much has been based and which the Senator from Indiana over the way [Mr. PRATT] seems to think overrides everything in the Constitution and allows us to legislate whatever we please, whatever we may deem to be appropriate on the subjects provided for in these amendments to the Constitution, were stricken out of these articles, their provisions would not be weakened one single particle; not by the weight of a hair would they be weakened; they would be precisely the same. Nay, if the last clause were stricken out of section 8 of article 1, the Constitution would be precisely what it is.

I have said that these are prohibitions upon the powers of the States. But what does this bill undertake to do? Does this bill undertake to treat with laws made or enforced by States that deprive any citizen of the United States of any privilege or immunities of a citizen of the United States, or that deny him the equal protection of the laws? Does it do any such thing as that? Let us see. Mark it, this bill must rest, if it have any constitutional warrant at all, upon these words: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." And again: "Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." Does this bill deal with any such law of a State? No, sir; it does not profess to do so. It is not aimed at any law of a State. It is aimed against the acts of individuals; it is aimed against keepers of theaters, keepers of circuses, keepers of hotels, managers of railroads, stage-coaches, and the like. There is not one single sentence in the whole bill which is leveled against any law made or enforced by a State. The Constitution says that no State shall make or enforce any such law. This bill says to a State, "Although you do not make any such law, although you do not enforce any such law, although your law is directly the opposite, although you punish every man who does any one of the acts mentioned in this bill, and punish him never so severely, yet the Congress of the United States will step in and under that clause of the Constitution which says that you, the State, shall not make or enforce any such law, we, the Federal power, will seize the man whom you have punished for this very act, and will punish him again; we will treat the keeper of a theater as the State; we will treat the hotel keeper as the State; we will treat the railroad conductor as the State; we will treat the stage-driver as the State; and although you may have punished each and every one of these men for the very acts enumerated in this bill, we, under the pretense that the States do make or enforce a law which deprives a citizen of his equal privileges and immunities, will seize that citizen again and subject him to a double punishment for the offense for which he has already suffered." That is what this bill is; and no sophistry can make it anything else.

Take the case of Louisiana. If I am rightly informed—and if I am not the Senator from Louisiana can correct me—there is not one single act or omission in this bill which is not already punishable in Louisiana under her State statute. And now, sir, you are to go with the Federal power into the State of Louisiana and under pretense that that State has made and enforced laws which violate the fourteenth amendment, when every law that she has made and every law that she does enforce is in strict consonance and accordance with that amendment, you are to go there and seize her citizens who have already been punished by the State authority and punish them a second time by the Federal arm!

Why, sir, if it is constitutional reasoning that supports this bill, then I confess that all my studies of the Constitution have been wholly in vain. If this is justice, then I confess that forty years and more of study of the law have all been thrown away upon me. If this is not monstrous, if this is not inhuman, if it is not a violation of the first principles of right, if it is not a violation of the spirit of that provision in the Constitution that no man shall be put in jeopardy twice for the same offense, if it is not legislation utterly disgraceful to a civilized people, then I confess, Mr. President, that I am not able to see correctly what is the scope or purpose of this legislation, or what are the principles of right and justice that should prevail under a civilized government.

Mr. CARPENTER. Will the Senator pardon me for asking him a question?

The PRESIDING OFFICER, (Mr. RANSOM in the chair.) Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. THURMAN. Yes, sir.

Mr. CARPENTER. The concluding clause in the legislative article is that Congress shall have power—

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Turn now to the other provision of the Constitution which says that no State shall make any law "impairing the obligation of contracts." Does this clause in the legislative article cover that case, or authorize Congress to pass any law in regard to it? The provision is that Congress shall have power to make laws "necessary and proper for carrying into execution the foregoing powers"—that is, the power just preceding in this legislative article conferred by the Constitution upon Congress—

> And all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Now, does the provision in the other section, that "no State shall coin money," vest any power in the United States or in any department or officer thereof? Clearly not. It is an inhibition laid upon the State; but no power with reference to it is conferred upon the General Government. My honorable friend is entirely sound undoubtedly in saying that this clause adds nothing to the legislative article; that all which is covered by it would be raised by necessary implication. But do not these words go in the other direction and do they not restrict? When this clause was put in, that Congress shall have power to make all laws necessary and proper for a certain purpose, that is to execute the powers conferred by the Constitution upon Congress and the powers vested by the Constitution in the United States Government, or in any department or officer thereof, does not that fairly exclude any power to legislate in regard to a State's impairing the obligation of contracts or coining money?

Come now to the fifteenth amendment:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

There is nothing in the world but a clear and clean prohibition upon the States. But then it adds:

> The Congress shall have power to enforce this article by appropriate legislation.

If this means simply that Congress shall have power to declare by law that no State shall deny this right, that is nonsense, because the Constitution declares it already, and no legislation is required for that. Therefore the Senator, in order to maintain his argument, must convict those who framed and those who adopted this constitutional amendment of nonsense when he says that this provision gives no power to legislate affirmatively upon the subject, because a mere prohibition repeated in a statute would be wholly worthless, it being already in the Constitution. Therefore, being bound to presume that this provision in the Constitution was intended to grant some power, and some substantial beneficial power, must we not say that it meant to empower Congress to see to it that the State did not in any way do the thing which the Constitution says no State shall do? In other words, may not Congress under this provision enter into that field and see to it that every citizen has a right to vote in every State and that he is not deprived of that right either by a law, or by a fraud at the polls systematically carried on over the State, or by any other means, by which the citizen might lose his right. In other words, was this clause put in here merely to tie down a State by act of Congress or statute which was already tied down by the Constitution itself; or was it put there to carry out the substantial end, to act affirmatively, and to see not only that the State did not do it negatively, but that we might see that the fact itself, the right to vote, should be enjoyed?

Mr. THURMAN. I do not object to this question, although it has taken immense proportions, and the Senator has set up a man of straw to knock it down by putting in my mouth an argument that I never made. I certainly did not say or mean to say that the power of Congress is merely to re-enact the terms of the Constitution. I do not think the Constitution ever contemplated any such thing as that. If the Senator will listen to me a little while, I think I shall make my idea clear to him, which I evidently did not do before; and if I did not make it clear to him, I should doubt having made it clear to anybody else.

My proposition is that this provision, that "the Congress shall have power to enforce this article by appropriate legislation," means nothing more in respect to the amendments to which it is attached, the thirteenth, fourteenth, and fifteenth, than does the last clause

in the eighth section of the first article in reference to the provisions to which that referred. If the Senator will follow me through, he will see how that works.

He asks, Can the clause "to make all laws which shall be necessary and proper for carrying into execution the *foregoing* powers" apply to the prohibitions on the States which *follow* that in the first article of the Constitution? I say no, so far; but the clause does not stop there. It says further:

> And all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Congress has the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." Now, let us turn for a moment to the judicial article:

> The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority.

Then to various other things. I need not read more. "The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority."

The adjudication then of all cases, either in law or in equity, that arise under this Constitution is a power vested in one of the departments of this Government, the judicial department, and the Congress has power under the last clause of section 8 of article 1 to make all laws which shall be necessary and proper for carrying into execution that power which is thus vested in the judicial department. Then the only thing that remains to make the demonstration complete is to prove that a case in which a State violates one of the prohibitions of the Constitution of the United States is a case that comes within the judicial power of the United States. I need not say to my friend that that is the very case which has of all others been the oftenest decided. It began with the Dartmouth College case, which was decided upon the ground that an act of New Hampshire impaired the obligation of a contract, and therefore that it was prohibited by the Constitution of the United States; that is, New Hampshire was prohibited by the Constitution of the United States from impairing the obligation of a contract. That being so, when the question was, has she impaired the obligation of a contract, it was said, and correctly said, that is a question "arising under the Constitution" of the United States, and therefore the judicial power of the United States extends to it, and extending to it the court held the act to be void.

The Senator will therefore see that in these cases of mere prohibitions upon the States they do make cases that arise under the Constitution of the United States, and of which the judicial power of the United States may be clothed with cognizance, and authorized to decide; and therefore that Congress has the power to make cases, that is to provide far the bringing of a case into the judicial courts so that it may be decided. But that does not touch the question whether or not under a provision like this in the fourteenth article of amendments "that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," where you know that no such law has been made, where no such law is enforced, but where laws directly the opposite, laws to secure every citizen in his privileges and immunities and laws to extend to him equal protection with all other men, exist, and where laws are made punishing the violation of these privileges and immunities, you can step in and, treating that State as if it had violated the Constitution of the United States, seize upon the individual and punish him a second time.

Mr. President, I do not wish to speak further about that. I have no hope whatever that any reasoning that I can urge will be of the least avail; and why not? First, for the reason I have already stated, and next for the reason that the Supreme Court of the United States has rendered a solemn decision that is as plainly in the face of this bill as I am in the presence of this Senate; and if Senators will pay no regard to that decision I cannot hope that they will be influenced by any arguments of mine. I allude to the decision in what are known as the Slaughter-house cases. There is no refinement or hair-splitting that can get rid of the opposition of that decision to this bill. I must content myself with referring to only a few passages from the opinion of the majority, remarking, however, that the opinion of the dissenting judges, as explained afterward in the Bartmeyer case shows, as it seems to me, that they did not intend to support any such bill as this by the weight of their authority; but, be that as it may, what demands our attention is the opinion of the majority of the court.

Mr. PEASE. I desire to ask the gentleman a question.

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. THURMAN. If it is only a question.

Mr. PEASE. If I understand the position taken by the honorable Senator, it is that under the Constitution Congress is only authorized to provide such legislation as shall enable the citizen to bring any abridgement of his rights into the courts or under the judicial action of the United States. I desire to ask the Senator if the bill under consideration does not provide for just such a state of things, does it not provide that a man who is abridged in any of his rights as a citizen can get redress in the Federal courts of the United States?

Mr. THURMAN. The Senator certainly could not have heard what I said before or he would not have asked me that question. The bill undoubtedly provides for making cases enough, God knows. It provides for making a great many too many cases for Federal jurisdiction; but it does not provide for making that case which the Constitution is aimed at, the case where a State makes or enforces a law that deprives a citizen of the United States of his privileges or immunities. It does not touch any such case at all. It is not aimed at any such case; but, as I have said before and repeated once, and I do not like to repeat it again, it applies to a State in which the laws punish the very acts that are provided for in this bill just as much as it does to any State that should make or enforce a law contrary to either one of these amendments to the Constitution.

To return to the decision of which I was speaking. The judge delivering the opinion of the majority of the court in the Slaughter-house cases goes on to show, and in this exposes the error of the argument of the Senator from Indiana, [Mr. PRATT,] delivered to-day, that the privileges and immunities of citizens of the United States are distinct from the privileges and immunities of citizens of the States; that the privileges and immunities of citizens of the United States must of necessity be derived from the Constitution of the United States, but the privileges and immunities of citizens of a State are derived under her constitution, and therefore they are different things. It may be that a citizen may have the same immunities as a citizen of the United States that he has in Ohio as a citizen of Ohio, because the provisions constituting a bill of rights in the Federal and State constitutions are in many particulars the same; and so the same remark might be made of many other States, perhaps the most of them, but still the distinction remains between privileges and immunities of citizens of the United States as citizens of the United States, and privileges and immunities that belong to a citizen of a State in virtue of his character of State citizenship. This is made extremely clear in the opinion of the judge who delivered the opinion in that case. I desire to call the particular attention of the Senate to some of his reasoning upon the fourteenth amendment. The first sentence of that amendment is:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

That secures two citizenships to a person born or naturalized in the United States. It secures to him, in the first place, a citizenship of the United States. For instance, if he were born in the District of Columbia it secures him citizenship of the United States. The old argument, which never seemed to me to be sound, was that a man could not be a citizen of the United States unless he were a citizen of a State—that was the extreme view taken by the State-rights men—and consequently that a man born in a Territory could not become a citizen of the United States until he became a citizen of some State, and in the same way that all persons born and residing in the District of Columbia were not citizens of the United States. That was the old argument. It necessarily resulted in that. This provision puts an end to that, and says that wherever you are born, whether in the District of Columbia, in a Territory, or in a fortress, you are a citizen of the United States; or wherever you are naturalized, whether in the District of Columbia or in a Territory, you are a citizen of the United States. Then it goes further, and provides that the same person shall be a citizen of the State wherein he resides, and thus secures to him State citizenship.

But the next sentence contains the prohibition upon which this bill is founded, and mark what it is:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Limiting it to United States citizenship alone. It is not provided that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States or of the State." There are no such words there as "or of the State." It is only a limitation on the power of the State to make a law which shall abridge the privileges and immunities of citizens of the United States, and leaves the State to deal with its citizens as it has the power to do in regard to their privileges and immunities as citizens of the *State*. This distinction is very clearly pointed out by the judge who delivered the opinion of the majority in that case, and he then goes on and says:

> It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.
>
> We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States—
>
> That is the clause which is now under consideration—
>
> and does not speak of those of citizens of the several States. The argument, however, in favor of the plaintiffs rests wholly on the assumption that the citizenship is the same, and the privileges and immunities guaranteed by the clause are the same.

That is, the argument of the plaintiffs in error in the Slaughter-house cases went upon the theory that the privileges and immunities of citizens of the State and of citizens of the United States were identical, were the same. The court show that this is not the case, and then they go on to say:

> The language is, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of *the United States*." It is a little remark-

able, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the word "citizen of the State" should be left out when it is so carefully used, and used in contradistinction to citizens of the United States, in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider.

Now I ask the attention of the Senate to this:

But we wish to state here that it is only the former—

That is, the immunities and privileges of citizens of the United States as such—

which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizen of the State as such, the latter—

That is the privileges and immunities belonging to him as the citizen of a State—

must rest for their security and protection where they have heretofore rested; for they are not embraced by this paragraph of the amendment.

The court next proceeds to show what is meant by the privileges and immunities of the citizen of a State; and to that I beg leave to call the careful attention of the Senate. To do this Mr. Justice Miller refers to the decisions upon this article in the original Constitution:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

That is section 2 of the fourth article of the original Constitution. Now mark it, that deals with State citizenship alone; it has nothing to do with citizenship of the United States. It deals with State citizenship alone, and the very words are "privileges and immunities," just as they are in the fourteenth amendment, and the question arose first in Corfield *vs.* Coryell, reported in Washington's Circuit Court Reports, and afterward in Ward *vs.* The State of Maryland, (12 Wallace,) and in Paul *vs.* Virginia, (8 Wallace.) What are the privileges and immunities of citizens of the States which under this article of the original Constitution are to be respected by the other States?

Mr. HOWE. Privileges of citizens of the United States.

Mr. THURMAN. No; privileges of citizens of the State. The question arose, what were the privileges of citizens of the State—not of the United States, but of the State. Let me read the section again:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

That is to say, they shall be entitled to the privileges and immunities of State citizenship. That is the provision of the original Constitution. Now the question comes, what are those privileges and immunities that appertain to men as citizens of the State? If they appertain to them as citizens of the State, they are not those peculiar privileges that appertain to them as citizens of the United States, but they are privileges and immunities that belong to them in virtue of their State citizenship. The first definition was by Justice Washington in the case of Corfield *vs.* Coryell, decided in 3 Washington's Circuit Court Reports, 371.

Mr. MORTON. I wish to call the attention of the Senator to the fact that the privileges and immunities of citizens of the State, spoken of in the article of the Constitution he has just read, are treated as being identical with the privileges of citizens of the United States under the fourteenth article, and the judge reads from the case of Coryell to show that those rights were identical in their character.

Mr. THURMAN. There is nothing in the world to show that under the fourteenth amendment they are treated as identical at all, but on the contrary this very case decides that they are not identical. This very decision which I have read decides that they are not identical.

Mr. MORTON. The Senator does not understand me. The court draws a distinction between the privileges of citizens of the United States and of citizens of a State, but the privileges meant by the original article referred to are those which are now treated as the privileges of a citizen of the United States.

Mr. THURMAN. Yes, in this Hall, but in no court.

Mr. MORTON. In that decision.

Mr. THURMAN. No, sir; not a bit of it.

Mr. MORTON. I will show it.

Mr. THURMAN. On the contrary, the Senator cannot find one word in the opinion of the majority of the court that sustains any such proposition, but directly the reverse.

Mr. FRELINGHUYSEN. Will the Senator allow me a word?

Mr. THURMAN. Yes, sir.

Mr. FRELINGHUYSEN. As I understand the Slaughter-house cases, the majority of the court hold that it is one of the privileges of a citizen of the United States to have the benefit of the provision of the fourteenth amendment which declares that no State shall "deny to any person within its jurisdiction the equal protection of the laws," and I will call the attention of the Senator to the eightieth page of the decision. The majority of the court, commencing on the seventy-ninth page, run over a list of what they consider the privileges of United States citizenship; and then at the end of the first clause on the eightieth page the court say:

To these may be added the rights secured by the thirteenth—

That is, freedom—

and fifteenth articles of amendment, and by the other clause of the fourteenth, next to be considered.

That clause is:

Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The court go on and say:

The existence of laws in the States where the newly emancipated negroes resided, which discriminated with gross injustice and hardship against them as a class, was the evil to be remedied by this clause, and by it such laws are forbidden.

Mr. THURMAN. I am astonished, I must confess, after the court made an elaborate argument to show that these rights of citizens of the State must depend upon the State, and that they are wholly distinct from the rights, privileges, and immunities which belong to a man in his character of citizen of the United States, and basing the very decision upon that ground, that the Senator from New Jersey should take hold of a single sentence, separated from its context, to draw directly an opposite conclusion to that at which the majority of the court arrived.

Mr. FRELINGHUYSEN. I only read one sentence, but it extends over two or three pages.

Mr. THURMAN. Not only that; the judge proceeded to show that the very ground taken now by the Senator from New Jersey could be reduced to absurdity, and he went into an elaborate *reductio ad absurdum* of the very identical proposition that is now started by the Senator from New Jersey.

But, sir, before referring to that, I will go back a little in the course of my argument, for I have been interrupted so much that I am compelled to occupy more time than I intended and to repeat more than I intended. The court show by the decision in Coryell's case, by the decision in Ward *vs.* The State of Maryland, by the decision in Paul *vs.* Virginia, that these rights of citizens of the State are the fundamental rights that belong to a man, and which this bill supposes have been invaded; that they are the very kind of rights that belong to him as a citizen of the State, and not in his character of citizen of the United States. What are they? They were thus defined by Washington:

The inquiry is, what are the privileges and immunities of citizens of the several States?

Not of citizens of the United States, but of State citizenship.

We feel no hesitation in confining these expressions to those privileges and immunities which are, in their nature, *fundamental;* which belong of right to citizens of all free governments, and which have at all times been enjoyed by the citizens of the several States which compose the Union from the time of their becoming free, independent, and sovereign. What these fundamental principles are it would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: Protection by the Government, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety; subject, nevertheless, to such restraints as the Government may justly prescribe for the general good of the whole.

You cannot have a broader definition of privileges and immunities of a citizen than is contained in that definition of Washington, and those are the privileges and immunities which belong to a man, not in his character as a citizen of the United States, but in his character as a citizen of the State; and those are the privileges and immunities which Mr. Justice Miller twice says in his opinion are not touched in the slightest degree by this paragraph in the fourteenth amendment. Then he goes to show by a *reductio ad absurdum* what would be the contrary doctrine, which, by the way, is just the doctrine for which the Senator from New Jersey contends. He says:

The constitutional provision there alluded to—

That is, the original Constitution—

did not create those rights which it called privileges and immunities of citizens of the States. It threw around them in that clause no security for the citizen of the State in which they were claimed or exercised. Nor did it profess to control the power of the State governments over the rights of its own citizens.

Its sole purpose was to declare to the several States, that whatever those rights, as you grant or establish them to your own citizens, or as you limit or qualify or impose restrictions on their exercise, the same, neither more nor less, shall be the measure of the rights of citizens of other States within your jurisdiction.

Then he proceeds:

It would be the vainest show of learning to attempt to prove by citations of authority that up to the adoption of the recent amendments no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States, such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligations of contracts. But with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government. Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of *citizens of the United States*, to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow if the proposition of the plaintiffs in error be sound.

That is the proposition for which the Senator from New Jersey contends.

For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that

body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States in their most ordinary and useful functions as in its judgment it may think proper on all such subjects. And still further, such a construction, followed by the reversal of the judgments of the supreme court of Louisiana in these cases, would constitute this court a perpetual censor upon all legislation of the States on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights as they existed at the time of the adoption of this amendment. The argument we admit is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. *But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when in fact it radically changes the whole theory of the relations of the State and Federal governments to each other and of both these governments to the people, the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt.*

We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the Legislatures of the States which ratified them.

Why, sir, if language can be plainer than that, if language can condemn this bill more clearly, more cogently, more eloquently than that, I have never heard it used. I apply to this bill precisely these words, that it is a case "where the consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions," that its "effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character;" that "in fact it radically changes the whole theory of the relations of the State and Federal governments to each other and of both these governments to the people." I say, using that language in respect to this bill, that the argument against it "has a force that is irresistible."

That, Mr. President, is the decision of the highest judicial tribunal of this country, clothed, as we all admit, with the final determination of what is the law and Constitution of this land——

Mr. EDMUNDS, (in his seat.) I do not admit it.

Mr. THURMAN. Whenever a case arises that is the subject of judicial cognizance. I did not hear the remark of the Senator from Vermont.

Mr. EDMUNDS. I stated that I did not admit it; but as qualified, as the Senator now does, the statement that the Supreme Court have the right to decide a case that is properly before them that involves a constitutional question, of course it is correct; but as a question of political consideration, it is not.

Mr. THURMAN. If the Senator had not interrupted me in the middle of a sentence, he would have had no occasion to interrupt me at all.

Mr. EDMUNDS. That may be true.

Mr. THURMAN. I know there are certain gentlemen who have been in the Congress of the United States, who thought it their duty to shear the Supreme Court of its powers under the Constitution and the laws, and by the repeal of statutes to prevent questions affecting the liberty, nay, the lives of citizens from being determined by that high judicial tribunal; but with the oath that I have taken to support the Constitution of the United States, and with the provision of the Constitution that the judicial power of the Government shall extend to all cases arising under the Constitution and all laws and treaties made in pursuance thereof, I consider it to be a part of my sworn duty not to deprive that court of the power to decide questions of that character, and that it is my duty to provide by law that such questions shall take the form of a case in order that they may be thus decided.

But, sir, enough of this. I beg the attention of the lawyers of the Senate to the opinion of the judges, including those of the dissenting judges, as explained in the Bartmeyer case, to show that as they there interpret the powers of Congress, those powers do not cover this bill.

A few words more and I will have done. I have spoken three times as long as I should have done but for the interruptions to which I have been subjected, of which, however, I make not the slightest complaint. I have no desire but to arrive at the truth. I have no feeling on this subject. I believe that I have far less prejudice against this colored race than perhaps half the people that reside in States where a colored man's face never was seen or where it was so seldom seen that the man who bore it was rather a novelty and a show. I have lived all my life surrounded by the colored race, and there is not one of them living on the face of this earth that can say that I ever treated him unkindly or with disrespect. I entertain for them none but the kindest feelings. They are human beings, as I am, and I am willing to see them enjoy every civil right that I enjoy. In my State they have enjoyed these rights for many a long year by the universal consent of all the people, and they will so continue to enjoy them; and now, speaking in their interest, I say that this bill is injurious and prejudicial to them. I say nothing about any hostile feeling that the bill itself may create that may lead to acts of oppression or violence. I speak not of that now. I shall confine myself mainly if not altogether to the question of the common schools. In regard to that, if I understood the Senator from Indiana, [Mr. PRATT,] he said that this bill did not require mixed schools. I may have misunderstood him; but if I apprehended his remarks clearly he said this bill does not require mixed schools. I do not think that any one of the majority of the Judiciary Committee who reported the bill will sustain that assertion. I know that the first section of the bill may to a careless reader seem ambiguous, but I do not think there is one member of the majority of the Judiciary Committee who will not say, if the question is put directly to him, that the meaning of the section is that there shall be mixed schools. Let us see:

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement—

Let us stop there for a moment. That means mixed audiences, does it not? That means mixed guests at a hotel, does it not? That means mixed travelers on a railway or in a stage-coach, does it not? If not, it does not mean anything. It certainly was not intended by the committee that Mr. Saville should build another theater for the entertainment of the colored people of Washington City, or that the Baltimore and Ohio Railway or the Baltimore and Potomac Railway is to run separate cars to carry colored persons. These are the very things that are complained of. Therefore, mixture is meant in inns, in public conveyances on land or water, in theaters, in other places of public amusement, and then it goes right on, "and"—there is the copulative conjunction, and as if to make that more emphatic the word "also" is added—

and also of common schools and public institutions of learning or benevolence supported, in whole or in part, by general taxation.

If it means a mixed audience in a theater, if it means mixed guests at an inn, if it means mixed travelers on a railway, it means mixed colors in public schools and public institutions of learning and benevolence supported in whole or in part by general taxation. There is no getting rid of it. But that is not all—

And of cemeteries so supported—

And then comes—

subject only to the conditions and limitations established by law.

If it stopped there it would possibly, but by no means certainly, leave it to the law-making power of the State to make a discrimination on the basis of color; but it does not stop there. For the very purpose of preventing any such discrimination on the basis of color, this sentence is added:

and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

That is to say, you may make conditions and limitations by law, but they must be conditions and limitations "applicable alike to citizens of every race and color regardless of any previous condition of servitude." You may provide by law that a negro man for certain sufficient causes may be excluded from an inn, a railway car, or a theater; but you must for the same causes exclude white men also. In other words, the prohibition is against any discrimination on the basis of race or color. There is no question about that. There cannot be. Therefore my friend from Indiana, if he has understood this first section as allowing the State of Indiana to provide by law that the children of colored people and of white people shall be educated in different schools, is entirely mistaken. This is intended to prohibit that very thing. Take my own State. Ohio was the first of the Western States that established a common-school system, and she established it long before it was established in a majority of the States lying east of the Alleghanies. She has nurtured it with all the care that ever a mother nurtured her offspring until there are $12,000,000 raised annually in the State of Ohio for the support of common schools. Twelve million dollars by taxation her people pay every year for the erection of school-houses and the support of common schools. If any other State can show a better record, let it be produced. She has provided always that the colored children should have equal advantages with the whites; and although $999 out of every $1,000 of those $12,000,000 come from the pockets of the white people, yet she gives to the negro child *per capita* pecisely the same amount for his education that she does to the child of the white parent.

Mr. EDMUNDS. May I ask the Senator a question? Is that given as a matter of grace and generosity, or is it given as a matter of right that the colored citizen has to have the State protect him and educate him?

Mr. THURMAN. I do not care whether it is a matter of right or whether it is a matter of generosity, it is a matter of fact; and it does not become the Senator from Vermont to be questioning the motive when the fact exists.

Mr. MORTON. I should like to inquire of the Senator whether the laws of Ohio provide for the establishment of separate schools now?

Mr. THURMAN. Yes, sir; they do; that is the statute to this day, and I hold in my hand a decision pronounced by the supreme court of that State, composed of five eminent republicans, every one of them a republican; and it is the unanimous decision of that court, pronounced in December, 1871—only two years ago—in which the very question was whether that law of Ohio was in violation of the fourteenth amendment of the Constitution; and the court, after stating the case, say:

It is quite apparent from this state of the case that the proceeding is brought, not because the children of the plaintiff are excluded from the public schools, but to test the right of those having charge of them to make a classification of scholars on the basis of color.

It was not a question of their being excluded, because they were not excluded from the school which was established for colored children.

This is the principal question in the case, and we propose to consider it without reference to the question made as to the proper parties to the proceeding, for in the view we take of the case this becomes unnecessary.

Then the court go on to show that if this provision of the law making separate schools on the basis of the distinction of color were in violation of the fourteenth amendment, it must be in violation of certain similar provisions in the constitution of Ohio of 1851, and of the first constitution of that State adopted in 1802, and then they cite uniform decisions directly upon the point by the supreme court of that State that that classification on the basis of color was not a violation of the constitution of 1851, or of the constitution of 1802, nor was it a violation of the provisions of the grants by the United States to the State of Ohio of land for purposes of education.

Mr. CONKLING. Has the Senator the words of the Ohio constitution in that regard before him?

Mr. THURMAN. They are here in the decision. I will try to find them for the Senator, but it will perhaps take me some little time. I will find them for him, however, and hand them to him. Having done that, the court go on to say:

But the question of legislative power to authorize the classification of the youth of the State for school purposes on the basis of color, has been determined by the supreme court of this State, both under the present constitution and that of 1802.

Now here is the language in the constitution of 1802:

The twenty-fifth section of the bill of rights in the latter contains express provisions guaranteeing "equal participation" to all in the schools endowed, in whole or in part, from the revenue arising from donations made by the United States for the support of schools. But it was held in The State, *ex. rel., &c., vs.* The City of Cincinnati, (19 Ohio, 178,) that inasmuch as "the whole subject of organizing and regulating schools is very properly left to the General Assembly, in the exercise of its legislative powers," an act to authorize the establishment of separate schools for the education of colored children was constitutional; and it was said by Hitchcock, C. J., in that case—

And if there is a man in this Senate who lives west of the Alleghanies and has not heard of the legal renown and great ability and learning of Peter Hitchcock, for seventeen years a judge of the supreme court of Ohio, and for a large portion of that time its chief justice, a name that in Ohio is as much revered by the disciples of the law as that of Gibson in Pennsylvania, or Parsons or Shaw in Massachusetts, or of Marshall in the Federal judiciary—I say if there is a man here who does not know that, he has paid but little attention to the history of my State. That judge said:

And it was said by Hitchcock, C. J., in that case that, "as a matter of policy, it is unquestionably better that the white and colored youth should be placed in separate schools, and that the school fund should be divided to them in proportion to their numbers."

I may remark, too, that Judge Hitchcock was a very firm and consistent member of the whig party as long as that party had an existence, and that he had very little sympathy indeed with what he used to call the locofocos. The court proceed:

After this expression of opinion by that eminent judge, we might at least hesitate to conclude that the classification of the youth of the State for school purposes, on the basis of color, was an unauthorized or unreasonable exercise of the legislative discretion in the regulation of the public schools of the State.

But in Van Camp *vs.* The Board of Education of Logan (9 Ohio Statutes, 406) the question under consideration was expressly determined by this court upon the original statute, which, so far as material to the question, was the same as that under which the classification was made in this case. In that case the legislative power of classification on the basis of color was sanctioned, and it was held that, inasmuch as the statute "is a law of classification and not of exclusion," colored children "are not, as of right, entitled to admission into the common schools set apart under said act for the instruction of white youths."

* * * * * * *

It would seem, then, that under the constitution and laws of this State, the right to classify the youth of the State for school purposes on the basis of color, and to assign them to separate schools for education, both upon well-recognized legal principles and the repeated adjudications of this court, is too firmly established to be now judicially disturbed.

Then it proceeds to the fourteenth amendment:

But it is claimed that the law authorizing the classification in question contravenes the provisions of the fourteenth amendment of the Constitution of the United States, and is therefore abrogated thereby.

Then the court quote the fourteenth amendment. After some further observations the court say:

This involves the inquiry as to what privileges or immunities are embraced in the inhibition of this clause. We are not aware that this has been as yet judicially settled—

This was before the Slaughter-house cases were decided—

The language of the clause, however, taken in connection with other provisions of the amendment and of the Constitution of which it forms a part, affords strong reasons for believing that it includes only such privileges or immunities as are derived from, or recognized by, the Constitution of the United States. A broader interpretation opens into a field of conjecture limitless as the range of speculative theories, and might work such limitations of the power of the States to manage and regulate their local institutions and affairs as were never contemplated by the amendment.

If this construction be correct, the clause has no application to this case, for all the privileges of the school system of this State are derived solely from the constitution and laws of the State. If the General Assembly should pass a law repealing all laws creating and regulating the system, it cannot be claimed that the fourteenth amendment could be interposed to prevent so grievous an abridgment of the citizens of the State, for they would thereby be deprived of privileges derived from the State, and not of privileges derived from the United States.

After further arguing the matter the court say:

The question therefore under consideration is the same that has, as we have seen, been heretofore determined in this State, that a classification of the youth of the State for school purposes upon any basis which does not exclude either class from equal school advantages is no infringement of the equal rights of citizens secured by the constitution of the State.

We have seen that the law in the case before us works no substantial inequality of school privileges between the children of both classes in the locality of the parties. Under the lawful regulation of equal educational privileges the children of each class are required to attend the school provided for them, and to which they are assigned by those having the lawful official control of all. The plaintiff, then, cannot claim that his privileges are abridged on the ground of inequality of school advantages for his children. Nor can he dictate where his children shall be instructed, or what teacher shall perform that office, without obtaining privileges not enjoyed by white citizens. Equality of rights does not involve the necessity of educating white and colored persons in the same school, any more than it does that of educating children of both sexes in the same school, or that different grades of scholars must be kept in the same school. Any classification which preserves substantially equal school advantages is not prohibited by either the State or Federal Constitution, nor would it contravene the provisions of either. There is, then, no ground upon which the plaintiff can claim that his rights under the fourteenth amendment have been infringed. (21 Critchfield's Ohio State Reports, 204-211.)

That decision was followed by the decision of the Slaughter-house cases, which is on all-fours with that unanimous decision of the supreme court of Ohio. Now, I need not say to any Senator that if the exclusion of colored children from white schools is not a violation of the fourteenth amendment, then you have no right to punish such exclusion. You cannot get the right to punish it unless it is a violation of the Constitution, and the Supreme Court of the United States has said in effect that it is no violation of the Constitution of the United States. The supreme court of Ohio, by a unanimous decision of judges strongly sympathizing with the colored people and belonging to that party which sets itself up as their great champion, has said the same thing. And yet you seek to overthrow the law of my State and force upon her people what her Legislature, her courts, her constitutional conventions, and her people have always opposed and ever will oppose.

Mr. President, I said some time ago, so long ago that I had almost forgotten it, that this bill is prejudicial to the interests of the colored race. Every man in this Senate I have no doubt desires to see that race educated. It is for the best interests of the whole people, not simply of that race but of the white race also, that they should be educated. How are they to be educated in the Southern States which lately were slave-holding States? Unless the Federal Government is to assume the right to set up schools there and carry on education on the doctrine to which I have alluded, that there is no express prohibition against their doing it in the Constitution, if the Federal Government is not to set up and pay for schools there, those schools must be set up and maintained by the State Legislatures and paid for out of the property of the white people of those States. The property belongs to the white people, almost the whole of it; the taxes come out of their pockets; and it is their Legislatures that must pass the laws to levy those taxes, with the exception of perhaps two States, or at the most three, in which the negroes predominate. Now, I ask you, Senators, if you, treating as utterly unworthy of regard this thing which you call a prejudice, and which you felt yourselves not a great while ago and which was as strong in your States, Senators from New England, as it was in the Southern States in the days of your fathers—if treating that as a mere prejudice you require that there shall be mixed schools in those States, I ask you what will be the result? The result will be that schools will not be established; the taxes will not be laid; the laws for the common-school system will be repealed or rendered nugatory; and the consequence will be that both the negro children and the poor white children too will go without education. There never was so fatal a blow aimed at the common-school system, never so fatal a blow aimed at the education of the poor, never so fatal a blow aimed at the education and elevation of the children of this colored race, conceived by the mind of man as this civil-rights bill. Now, there are some people of the colored race who have the sense to perceive it. I hold in my hand what I have clipped from a newspaper, an extract from an address by a colored Methodist preacher, delivered in the city of Richmond but a short time ago in reference to this very bill; and I crave the attention of the Senate to it. It is marked by such good sense, it is so well and so clearly expressed, it is applicable to this bill and so apposite to the matter in hand, that it deserves to be read in the Senate of the United States?

Rev. W. B. Derrick, pastor of the Third-street Methodist church, of Richmond, in a late discourse, said:

"From information received, the Government now contemplates the passage of a bill in which the coeducation of the races is to be attempted. Now, I may be frowned at by my own people; but, regardless of frowns and consequences, I will say the moment such an enactment appears on the statute-book the public-school system in the South will receive a blow that will cause its death, and no power this side of Heaven's can infuse life into its dead carcass. Then who will be the losers, the blacks or the whites? I need not tell you. That I leave to you to answer and ponder over. I am anxious for the days to come when caste will be abolished; but the teachings of two hundred years cannot be forgotten in ten or twenty years. I will look forward with gloomy anticipations if such a law is passed. Why, how long would such a system be maintained in the fifteen ex-slave States?"

That is, the system of common schools—

"Just as long as would be required to go through the forms of law needed to destroy it. Some bring the lawfulness of the bill in question; but all things that are lawful are not expedient. As a negro, I am with you as far as consistency will allow me. There are to be found in the South over one million of colored children attending schools."

Senators, I beg your attention to that. There are now to be found in the South over one million colored children attending school under the separate school system.

"Are we prepared to furnish means to continue their education"—

"Are we," the negroes—

"when these States refuse to impose taxation for school purposes, which they will surely do!"

That man sees, and sees with the keen instinct which the interest of his own race suggests, that this bill is to strike down the schools in which one million colored children are now receiving that education which is to fit them to become useful citizens of this country. That is to be the result of it; and yet for party purposes this bill will pass! I wash my hands of it.

Mr. MORTON. Mr. President——

Mr. WEST. If it is not disagreeable to the Senator from Indiana to have an executive session, to enable him to speak to-morrow, I will make a motion that the Senate now proceed to the consideration of executive business.

Mr. MORTON. Very well.

The PRESIDENT *pro tempore*. Before putting the question on that motion the Chair will, with the indulgence of the Senate, clear his table of the papers upon it.

Several SENATORS. No objection.

ADJOURNMENT SINE DIE.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved, (*the Senate concurring*,) That when the two Houses adjourn on Monday the 22d day of June next, the first session of this Congress shall be declared adjourned without day.

Mr. EDMUNDS. This is the same resolution in substance with the one we have passed, and I move that the Senate concur in it.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 1995) to amend the act approved June 18, 1838, entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson, in said State—to the Committee on the Judiciary.

The bill (H. R. No. 3171) to amend the customs-revenue laws, and to repeal moieties—to the Committee on Finance.

The bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States—to the Committee on the Judiciary.

NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes.

On motion by Mr. MORRILL, of Maine, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SARGENT, Mr. MORRILL of Maine, and Mr. DAVIS.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, submitted an amendment intended to be proposed to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LOGAN submitted an amendment intended to be proposed to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JOHNSTON submitted an amendment intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which was referred to the Committee on Commerce.

EXECUTIVE SESSION.

Mr. WEST. I renew my motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened and (at four o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 20, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

FINAL ADJOURNMENT.

Mr. DAWES. I rise to a privileged question. I call up the concurrent resolution of the Senate for the final adjournment.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the concurrent resolution of the Senate, which the Clerk will read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
May 19, 1874.

Resolved by the Senate, (*the House of Representatives concurring*,) That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses, without day, on the 22d day of June, A. D. 1874, at 12 o'clock noon.

Mr. KASSON. I must object until a disposition is made of bills affecting western interests.

Mr. GARFIELD. Is the resolution privileged?

The SPEAKER. The resolution for final adjournment is privileged as an original motion. But a resolution from the Senate lies on the Speaker's table subject to the control of the majority of the House.

Mr. WILSON, of Iowa. Is it in order to take business from the Speaker's table before the morning hour?

The SPEAKER. Only by unanimous consent.

Mr. BURCHARD. I ask that the resolution may be referred to the Committee on Ways and Means.

Mr. CESSNA. I object.

SAINT PAUL AND PACIFIC RAILROAD COMPANY.

Mr. DUNNELL. Mr. Speaker, I give notice that on Monday next, immediately after the call of the States has been concluded, I shall move to suspend the rules to take from the Speaker's table Senate bill 486, an act to extend the act of March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its roads," for consideration and passage.

FINAL ADJOURNMENT.

Mr. DAWES. I rise to a privileged question. I submit a concurrent resolution which I send to the desk, and on it I call the previous question.

The Clerk read as follows:

Resolved, (*the Senate concurring*,) That when the two Houses adjourn on Tuesday, the 16th day of June next, the first session of this Congress shall be declared adjourned without day.

Mr. DAWES. I will change the day to Monday, the 22d, which is the day in the Senate resolution.

The SPEAKER. The resolution will be so modified.

Mr. COBURN. I wish to inquire of the Chair whether it is in order to move that the House do now adjourn?

The SPEAKER. It is.

Mr. COBURN. Then I make that motion.

The question being taken on the motion to adjourn, the Chair stated that the noes had it.

Mr. COBURN. I call for the yeas and nays.

Mr. HAZELTON, of Wisconsin. Would it be in order to move to refer the resolution to the Committee on Banking and Currency?

The SPEAKER. It would not, because the gentleman from Massachusetts has demanded the previous question. If the House should refuse to second the demand for the previous question the motion would be in order.

Mr. HAZELTON, of Wisconsin. I desire to submit that motion if I get the opportunity.

The question being taken on ordering the yeas and nays on the motion to adjourn, there were ayes 12; not a sufficient number.

Mr. LOUGHRIDGE called for tellers on the yeas and nays.

The question being taken on ordering tellers, there were ayes 12; not one-fifth of a quorum.

So tellers were refused, the yeas and nays were refused, and the motion to adjourn was not agreed to.

Mr. KASSON. Pending the demand for the previous question, I move that the concurrent resolution be laid on the table.

The question being taken, there were—ayes 51, noes 96.

Mr. KASSON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 65, nays 135, not voting 90; as follows:

YEAS—Messrs. Atkins, Biery, Bradley, Bromberg, Brown, Bundy, Cain, Cessna, Clements, Stephen A. Cobb, Coburn, Cook, Donnan, Dunnell, Eldredge, Farwell, Field, Fort, Frye, John T. Harris, Harrison, Havens, Gerry W. Hazelton, Hunter, Hurlbut, Hyde, Hynes, Kasson, Knapp, Loughridge, Lynch, Maynard, McCrary, Alexander S. McDill, James W. McDill, Merriam, Niblack, Orr, Orth, Packard, Packer, Isaac C. Parker, James H. Platt, jr., Pratt, Ransier, Rapier, Sawyer, Henry B. Sayler, Sener, Lazarus D. Shoemaker, Sloss, John Q. Smith, Sprague, Stanard, Strait, Thornburgh, Tyner, Wallace, Marcus L. Ward, White, Whitthorne, Charles W. Willard, William B. Williams, James Wilson, and Woodworth—65.

NAYS—Messrs. Albert, Albright, Archer, Arthur, Ashe, Banning, Barber, Barrere, Beck, Bell, Bland, Blount, Bowen, Buckner, Buffinton, Burchard, Burrows, Caldwell, Amos Clark, jr., John B. Clark, jr., Corwin, Cotton, Cox, Crossland, Crounse, Curtis, Danford, Darrall, Dawes, DeWitt, Duell, Durham, Eames, Eden, Foster, Freeman, Garfield, Glover, Gooch, Gunckel, Hagans, Eugene Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Hatcher, Hathorn, John B. Hawley, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hubbell, Kellogg, Kendall, Killinger, Lawrence, Lowndes, Luttrell, Magee, MacDougall, McKee, McLean, Milliken, Mills, Mitchell, Monroe, Moore, Morey, Morrison, Myers, Neal, Niles, Nunn, O'Brien, O'Neill, Page, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, Potter, Randall, Rice, Ellis H. Roberts, James C. Robinson, Ross, Rusk, Henry J. Scudder,

Isaac W. Scudder, Sessions, Sheldon, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Southard, Standiford, Starkweather, St. John, Stone, Storm, Christopher Y. Thomas, Todd, Townsend, Tremain, Vance, Waddell, Waldron, Walls, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whiteley, Wilber, William Williams, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—135.

NOT VOTING—Messrs. Adams, Averill, Barnum, Barry, Bass, Begole, Berry, Bright, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cannon, Cason, Freeman Clarke, Clayton, Clymer, Clinton L. Cobb, Comingo, Conger, Creamer, Crittenden, Crocker, Crooke, Crutchfield, Davis, Dobbins, Elliott, Giddings, Robert S. Hale, Joseph R. Hawley, Hays, John W. Hazelton, Hersey, Holman, Hooper, Howe, Hunton, Jewett, Kelley, Lamar, Lamison, Lamport, Lansing, Lawson, Leach, Lewis, Lofland, Lowe, Marshall, Martin, McJunkin, McNulta, Mellish, Negley, Nesmith, Pelham, Phillips, Thomas C. Platt, Poland, Purman, Rainey, Ray, Read, Richmond, Robbins, William R. Roberts, James W. Robinson, Milton Sayler, John G. Schumaker, Scofield, Shanks, Sheats, Sherwood, Snyder, Speer, Stephens, Stowell, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Wheeler, George Willard, Charles G. Williams, John M. S. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, and Woodford—90

So the House refused to lay the concurrent resolution upon the table.

The question recurred upon seconding the demand for the previous question.

Mr. MAYNARD. Would it be in order to move the reference of the resolution to the Committee on Banking and Currency?

The SPEAKER. It would be if the House refused to second the demand for the previous question.

Mr. MAYNARD. If the previous question be voted down I will make that motion so that we can have the currency question disposed of.

Mr. McCRARY. By what process can the House reach the resolution on this subject that came from the Senate?

The SPEAKER. By going to business on the Speaker's table after the morning hour.

On seconding the previous question tellers were ordered; and Mr. DAWES and Mr. KASSON were appointed.

The House divided; and the tellers reported—ayes 112, noes 49.

So the previous question was seconded.

The main question was then ordered, being upon agreeing to the concurrent resolution.

Mr. LOUGHRIDGE. I call for the yeas and nays.

The yeas and nays were ordered, 37 members voting therefor.

The question was taken; and there were—yeas 143, nays 69, not voting 78; as follows:

YEAS—Messrs. Albright, Archer, Arthur, Ashe, Banning, Barber, Barrere, Beck, Bell, Bland, Blount, Bowen, Buckner, Buffinton, Burchard, Burrows, Cain, Caldwell, Cason, Amos Clark, jr., John B. Clark, jr., Clymer, Comingo, Corwin, Cotton, Cox, Crittenden, Crounse, Curtis, Danford, Darrall, Dawes, DeWitt, Duell, Durham, Eames, Eden, Field, Foster, Freeman, Frye, Garfield, Glover, Gooch, Gunckel, Hagans, Eugene Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Hatcher, Hathorn, John B. Hawley, John W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Hoskins, Houghton, Hunton, Kellogg, Kendall, Killinger, Lamport, Lowndes, Luttrell, Magee, MacDougall, McLean, Milliken, Mills, Mitchell, Monroe, Moore, Morrison, Myers, Neal, Nesmith, Niles, Nunn, O'Brien, O'Neill, Page, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Potter, Randall, Read, Rice, Ellis H. Roberts, James C. Robinson, Ross, Rusk, Scofield, Henry J. Scudder, Sessions, Sheats, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Standiford, Starkweather, St. John, Stone, Storm, Christopher Y. Thomas, Todd, Townsend, Tremain, Vance, Waddell, Waldron, Walls, Wells, Whitehead, Whitehouse, Whiteley, Wilber, George Willard, William Williams, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—143.

NAYS—Messrs. Atkins, Biery, Bradley, Bright, Bromberg, Brown, Bundy, Cannon, Cessna, Clements, Stephen A. Cobb, Coburn, Cook, Crossland, Donnan, Dunnell, Eldredge, John T. Harris, Harrison, Havens, Gerry W. Hazelton, Holman, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Knapp, Lawrence, Lawson, Loughridge, Lynch, Maynard, McCrary, Alexander S. McDill, James W. McDill, McKee, Merriam, Niblack, Orr, Orth, Packard, Packer, Isaac C. Parker, James H. Platt, jr., Pratt, Ransier, Rapier, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sener, Sherwood, Lazarus D. Shoemaker, Sloss, Sprague, Stanard, Strait, Thornburgh, Tyner, Wallace, Marcus L. Ward, White, Whitthorne, Charles W. Willard, William B. Williams, James Wilson, and Woodworth—69.

NOT VOTING—Messrs. Adams, Albert, Averill, Barnum, Barry, Bass, Begole, Berry, Burleigh, Benjamin F. Butler, Roderick R. Butler, Freeman Clarke, Clayton, Clinton L. Cobb, Conger, Creamer, Crocker, Crooke, Crutchfield, Davis, Dobbins, Elliott, Farwell, Fort, Giddings, Robert S. Hale, Joseph R. Hawley, Hays, Hersey, Hooper, Howe, Jewett, Kelley, Lamar, Lamison, Lansing, Leach, Lewis, Lofland, Lowe, Marshall, Martin, McJunkin, McNulta, Mellish, Morey, Negley, Pelham, Phillips, Poland, Purman, Rainey, Ray, Richmond, Robbins, William R. Roberts, James W. Robinson, Milton Sayler, John G. Schumaker, Shanks, Sheldon, Snyder, Speer, Stephens, Stowell, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Jasper D. Ward, Wheeler, Charles G. Williams, John M. S. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, and Woodford—78.

So the concurrent resolution was adopted.

Mr. DAWES moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SANBORN CONTRACT.

Several members called for the regular order.

The SPEAKER. The regular order of business is the consideration of the bill reported from the Committee on Ways and Means in relation to the Sanborn contract.

Mr. FOSTER. I yield for a moment to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. I have just received a letter from my colleague from the Essex district, [Mr. BUTLER,] saying that he is ill and upon his back, unable to get from his room. He is desirous of speaking on this question, and he reserved the remarks he desired to make yesterday on the then pending bill until to-day, and he requests me to ask the gentleman from Ohio or the House for such postponement as will enable him to participate in the debate on the bill now pending.

Mr. FOSTER. Were it a matter entirely personal to myself, I should, of course, make no objection to the postponement; but this subject has been before the House since the 4th of May last, and it is desirable that action should be had upon it. I prefer, therefore, to take the judgment of the House upon the question whether it shall be postponed or not.

Mr. GARFIELD. The Committee on Appropriations will be very glad to use to-day.

Mr. DAWES. I will ask the Clerk to read my colleague's letter, and then I will ask that this bill may stand over until to-morrow, when it will come up as unfinished business.

The Clerk read as follows:

WASHINGTON, D. C., *May* 20, 1874.

MR. DAWES:

I was taken ill again last night, somewhat as before, and am confined to my bed. Cannot the matter in regard to the moiety system by contracts, which is up for to-day, be deferred until I get out? I intended to have made such remarks as I have to make upon the whole system of moieties upon this question. May I venture to ask of your committee so great a courtesy? It is not often that I have to ask it on account of illness, and the issues of life and health are not in our own hands.

I am yours, truly,

BENJAMIN F. BUTLER.

Mr. DAWES. I now suggest to the House that this bill stand over until to-morrow, just as it is to-day.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I move that the House resolve itself into Committee of the Whole on the state of the Union on the post-office appropriation bill, and pending that motion I move that all general debate on the bill close in half a minute.

The SPEAKER. If this motion prevails it would leave the moiety bill before the House to-morrow without any postponement whatever.

Mr. HOLMAN. I rise to oppose the motion to close debate.

The SPEAKER. It is not a debatable question.

Mr. WOOD. I shall move that the House adjourn if this motion to close debate is to prevail. I cannot consent that this bill shall pass without debate.

Mr. HOLMAN. I move to amend the motion to close debate so as to allow one hour and a half for debate.

Mr. TYNER. I hope the House will vote down that amendment. I do not desire to debate the bill.

The question was taken on Mr. HOLMAN's amendment; and on a division there were—ayes 73, noes 72.

Mr. HOLMAN. I call for the yeas and nays.

Mr. TYNER. I suggest to my colleague, [Mr. HOLMAN]——

Mr. ELDREDGE. I object to debate.

Mr. TYNER. I am not designing to debate. I wish to suggest——

Mr. RANDALL. I object to any discussion.

Mr. TYNER. Very well; then I call for tellers.

Mr. HOLMAN. I call for the yeas and nays; we may as well have them.

The yeas and nays were ordered.

The question was again taken; and there were—yeas 120, nays 92, not voting 78; as follows:

YEAS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Banning, Barber, Barrere, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Comingo, Cook, Corwin, Cox, Crittenden, Crossland, Crounse, Curtis, Darrall, DeWitt, Dunnell, Durham, Eames, Eden, Eldredge, Field, Freeman, Frye, Giddings, Glover, Gooch, Gunckel, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Havens, John B. Hawley, Gerry W. Hazelton, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kellogg, Kendall, Killinger, Knapp, Lawson, Lowe, Luttrell, Magee, McKee, McLean, Merriam, Milliken, Mills, Mitchell, Moore, Morrison, Myers, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Pendleton, Perry, Pierce, Pike, James H. Platt, jr., Potter, Randall, Ransier, Rapier, Read, James C. Robinson, Sener, Sloss, John Q. Smith, Southard, Stanard, Standiford, St. John, Stone, Storm, Christopher Y. Thomas, Thornburgh, Todd, Vance, Waddell, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, James Wilson, Wood, and John D. Young—120.

NAYS—Messrs. Averill, Biery, Bradley, Buffinton, Burchard, Burrows, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Coburn, Danford, Dobbins, Donnan, Duell, Foster, Garfield, Hagans, Eugene Hale, Harmer, Harrison, Hathorn, John W. Hazelton, Hendee, Hoskins, Houghton, Hubbell, Hunter, Lawrence, Loughridge, Lowndes, Lynch, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Monroe, Negley, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Phelps, Thomas C. Platt, Pratt, Ray, Rice, Ellis H. Roberts, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Sprague, Starkweather, Strait, Strawbridge, Sypher, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Marcus L. Ward, Wilber, George Willard, William Williams, William B. Williams, Wolfe, and Woodworth—92.

NOT VOTING—Messrs. Albert, Barnum, Barry, Bass, Begole, Berry, Bundy, Burleigh, Benjamin F. Butler, Freeman Clarke, Clayton, Clinton L. Cobb, Conger, Cotton, Creamer, Crocker, Crooke, Crutchfield, Davis, Dawes, Elliott, Farwell, Fort, Robert S. Hale, Hamilton, Joseph R. Hawley, Hays, Hersey, George F. Hoar, Hodges, Hooper, Howe, Jewett, Kelley, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Marshall, Martin, Maynard, McJunkin, McNulta, Mellish, Morey, Niles, Phillips, Poland, Purman, Rainey, Richmond, Robbins, William R. Roberts, James W. Robinson, Milton Sayler, John G. Schumaker, Henry J. Scudder, Sheldon, Small, George L. Smith, Speer, Stephens, Stowell, Swann, Taylor, Charles R. Thomas, Wheeler, Whiteley, Charles G. Williams, John M. S. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Woodford, and Pierce M. B. Young—78.

So the amendment was agreed to.

The motion, as amended, was then agreed to.

Mr. TYNER. I move to reconsider the vote just taken, and also move to lay the motion to reconsider on the table.

The SPEAKER. It has been frequently ruled that that would have no effect upon debate in Committee of the Whole. The House at any time can order an extension of time for debate.

Mr. TYNER. I wanted the decision of the Chair upon that point. I will withdraw the motion.

MESSAGE FROM THE SENATE.

Pending the motion to go into Committee of the Whole,

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I ask that the legislative appropriation bill with the amendments of the Senate, just returned from that body, be referred to the Committee on Appropriations, and that the bill with the amendments numbered, some one hundred and forty of them, be printed.

No objection was made, and it was so ordered.

CHOCTAW CLAIMS.

Mr. COMINGO, by unanimous consent, from the Committee on Indian Affairs, submitted a report on the memorial of P. P. Pitchlyn, asking payment of the claim of the Choctaws for money awarded the Choctaw Nation by the Senate of the United States, March 9, 1859; which was referred to the Committee on Appropriations, and ordered to be printed.

MOUTH OF THE MISSISSIPPI.

Mr. HURLBUT. I desire to give notice that on Tuesday next at one o'clock, or at the expiration of the morning hour, or as soon thereafter as practicable, I will call up for consideration House bill No. 2342, for the improvement of the mouth of the Mississippi River.

PATENTS AND COPYRIGHTS.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 3418) to amend an act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights;" which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WAGON-ROAD IN WYOMING.

Mr. STEELE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be authorized to transmit to the House of Representatives the report of a reconnaisance made by Captain W. A. Jones, Corps of Engineers, in the year 1873, for a wagon-road from the line of the Union Pacific Railroad, in Wyoming Territory, to the Yellowstone National Park and Fort Ellis, Montana Territory.

HOMESTEAD AND PRE-EMPTION CLAIMANTS.

Mr. LUTTRELL. I ask unanimous consent to introduce a bill for reference to the Commiteee on the Public Lands for the protection of homestead and pre-emption claimants on lands granted the Southern Pacific Railroad Company by act of Congress, July 27, 1866, and the several acts and resolutions amendatory thereof and supplementary thereto.

Mr. HOUGHTON. I ask that that bill be read.

The SPEAKER. Why cannot this bill wait until Monday next?

Mr. LUTTRELL. The bill, or the substance of it, was sent to me with a request that I introduce it and have it referred to the Committee on the Public Lands.

The SPEAKER. This is very irregular; all the day of Monday is devoted to the introduction of bills.

The bill was not received.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Indiana [Mr. TYNER] that the House now resolve itself into Committee of the Whole on the post-office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. PARSONS in the chair,) and resumed the consideration of the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

The CHAIRMAN. By order of the House all general debate will be limited to one hour and a half. The gentleman from Indiana [Mr. TYNER] is entitled to the floor.

Mr. TYNER. I do not desire myself to occupy any considerable portion of the time of the committee upon this bill at present; nor indeed will I occupy any time now in discussing it. I will simply notify the Chair that, so far as I am concerned, he is at liberty to recognize, in the general discussion of this bill, any gentleman up to the expiration of the first hour allowed for general debate, at which time I will ask the Chair to recognize me, if I should have anything to say by way of reply.

And now I desire to say to my colleague [Mr. HOLMAN] especially, and to gentlemen on the other side, that it was not my intention at all to cut off general debate on this bill. What I wanted to do was first to test the sense of the House as to whether or not there should be any general debate; and if the House indicated its purpose to debate the bill in a general way, then I desired to tender a compromise (which gentlemen upon the other side of the House prevented me from proposing) by saying that I was willing we should debate the bill for one hour, they occupying fifty-five minutes of the time. I make this statement in justice to myself, and now the Chair is at liberty to recognize whom he may.

Mr. HOLMAN. Mr. Chairman, the course pursued by gentlemen in reference to this bill is somewhat unusual; and I am glad that my colleague [Mr. TYNER] has sought an early moment to make some explanation. A bill making large appropriations of money, even though in conformity with previous experience, without any material increase, is always an especial object of interest, if not to this House, at least to the people who bear the weight of taxation. One very important duty—perhaps the very highest duty devolving upon Congress, especially at this time and it will probably be the case for years to come—is the determination of the amounts which shall be appropriated annually to carry on the various Departments of the Government. But, sir, when a bill like this is reported to this House by the Committee on Appropriations, providing for an important Department of the Government in which every citizen has a direct and immediate interest, proposes largely to increase former appropriations, and makes an unexampled increase in the appropriations for that Department from the public Treasury at a time when severe economy is demanded, it is certainly remarkable that a strenuous effort should be made to cut off all debate except that limited five-minute debate which is allowed by the rules and which cannot be suspended.

This post-office appropriation bill, of all others, requires examination; and the House last evening was if not electrified, at least amused, by the statement of the gentleman from New York, [Mr. ELLIS H. ROBERTS,] a member of the Committee on Ways and Means, who announced the interesting fact that the republican party stood alone not simply on its willingness to inquire into and expose frauds upon the Government, but in its determination to enforce the most severe economy and integrity in public affairs. Yet, sir, to-day we noticed that that gentleman voted to stifle debate upon this bill, undertaking to limit discussion to a half-minute. In other words, we have not yet reached the point in the administration of the Post-Office Department where concealment is no longer possible; the facts do not as yet compel a remedy, hence no examination shall be made. There shall at least be delay until the facts exposed shall compel investigation. It was a refreshing spectacle, after the whole country had been dishonored by a long and unbroken series of frauds through the moieties system and farming out the collection of the public revenues that at the last moment gentlemen controlling the affairs of the Government should come forward and propose a remedy, and then make it a matter of boast that the republican party is always eager to purify itself. Yet upon this bill, to which attention has been already somewhat arrested by grave charges of questionable practices, an attempt is deliberately made by ninety-two gentlemen on this floor to cut off debate!

Mr. Chairman, the bill now before us appropriates $35,753,391 directly. I find that the amount as footed up by the Committee on Appropriations is $35,653,391; but on summing up the various items it is found that there is a mistake of $100,000 in the amount, which is, as I have just stated, $35,753,391. Now, sir, we have no mode of getting at excessive appropriations except by comparison; the annual appropriations are the index of the nature and extent of our increase of expenditures. Last year the sum appropriated for this Department was $32,529,167; so that the country is now informed by this bill that there is to be an increase of expenditure in the Post-Office Department of $3,224,224 over the extravagant appropriations of last year; and, sir, if you add to the amount directly appropriated by this bill the sum of $5,634,842, appropriated conditionally by the terms of the bill and which may be used for the Post-Office Department during the coming fiscal year, the entire appropriations in this bill amount to $41,328,233. Thus $41,328,233—a sum equal to two-thirds of the entire expenditures of this Government the year preceding the late war—is placed under the absolute control of a single Department of the Government. And this is the bill which was to be put through the House without any opportunity for debate!

Mr. ELDREDGE. I would like to ask the gentleman whether the figures he states include the income of the Post-Office Department, or whether this is an independent appropriation over and above the income or earnings of the Department?

Mr. HOLMAN. The estimate of the income of the Post-Office Department for the coming fiscal year is $29,293,549. That sum is taken into the account. The income of the Department is appropriated in common with whatever expenditures it is estimated there will be over and above the revenues of the Department.

Mr. ELDREDGE. Is the income of the Department first paid into the Treasury? Is it ever covered into the Treasury, so that when expended it appears among the general expenditures of the Government; or is that income used without going into the Treasury, so that it does not appear as making a part of the aggregate expenses of the current year?

Mr. HOLMAN. The income of the Post-Office Department, estimated for the current year as something more than $29,293,549, is not covered into the Treasury, but is appropriated in advance.

It is a fund placed absolutely under the control of the Department. It is that much money absolutely under the control of the Department, and the appropriation of that money by Congress is more a matter of form than reality. The revenue of the Post-Office Department is appropriated in advance, and whatever over that the Department may have to expend.

Mr. ELDREDGE. If the gentleman will allow me, I wish to make another remark. In making up the expenditure for the current year this sum of the income of the Post-Office Department has never appeared, as I understand it, as a part of the aggregate sum, but is kept back as though the Post-Office Department were self-supporting and earning its own money, except so far as the sum in excess of the income is concerned. The people, although paying for their own postage, paying this sum of $29,000,000 and something over out of their own pockets, precisely the same as they pay their taxes, are deluded by the statement of the aggregate expenditures for the current year.

Mr. HOLMAN. The statement made by the gentleman from Wisconsin is certainly correct. The amount absolutely under the control of the Department is the amount of revenue, whatever it may be, and also the additional sums appropriated by Congress. It is estimated this year, as I have said, at $29,293,549, and the amount here appropriated is $35,753,391. That is the aggregate of the entire appropriation by this bill, and the expenditures over the receipts is the difference between $29,293,549 and $35,753,391; and then the further sum of $5,634,842 is appropriated by this bill on the condition only that the Postmaster-General wishes to expend that much more. In other words, the bill places at his disposal the sum of $41,328,233.

On examining the reports which come to Congress from this Department it is manifest a large portion of this increased expenditure results from an act passed in 1873, authorizing the Post-Office Department to readjust the allowances made to various railroad corporations of the country for the transportation of the mails. And it is to that particular subject I desire to invite the attention of the committee. The increase, sir, in this particular is very startling. The encroachments of these great railroad corporations may well alarm the country. This consolidated railroad power is a fearful drain on your Treasury. It is already a controlling power in this Government in the tremendous weight it is able to exercise over your Departments. You will find its power in an increase of your expenditures of nearly three and a quarter million dollars by this bill over the expenditures of last year. We shall find that this increased expenditure has resulted from the expedients and manipulations of railroad corporations.

I have in my hand, Mr. Chairman, a statement of the increase in the amount to be received by railroad companies under this bill over the last year. I desire to call the attention of the committee, and especially of my colleague, [Mr. TYNER,] to the increase in the cost of transporting the mails by the railroads, by specific instances. I take a single instance out of a large number of railroad corporations, to which large increase of application of public moneys for carrying the public mails has recently been made by the Post-Office Department, as a fair illustration. I take the New York and Erie Railroad Company from the city of New York to Dunkirk as a fair example of the progress of the increase of expenditures by the Post-Office Department in the interest of railroad corporations, to show to what extent this Department of the Government has become subordinate to that power.

The following statement shows the effect of the law of March 3, 1873, increasing the compensation of railroads for carrying the United States mails:

Erie Railroad Company, New York to Dunkirk, four hundred and sixty miles.

1869, (Postmaster-General's report,) page 55, route 1001, law March 3, 1845	$128,175
1870, (Postmaster-General's report,) page 58, route 1001, law March 3, 1845	122,675
1871, (Postmaster-General's report,) page 22, route 1001, law March 3, 1845	122,675
1872, (Postmaster-General's report,) page 69, route 1001, law March 3, 1845	138,000
1873, (Postmaster-General's report,) page 38, route 1001, law March 3, 1845	172,500
1874, under law of March 3, 1873, (order of December 31, 1873)	323,595
Increase per annum under new law	151,095

Now, sir, as exceedingly pertinent to the line of my remarks, I again call attention to the fact that in 1871 the amount paid this road for carrying the mails from New York to Dunkirk was $122,675, while for the present year it is $323,595, an increase of $200,920; that, too, as a friend near me suggests, while the franking privilege has been abolished, diminishing the amount of mail matter, and with every agency demanded by the Post-Office Department under its control, not simply to diminish the expenses of the Department, but to increase its revenue, and especially with the large powers under its control in reference to contracts with railroad corporations granted by the act of March 3, 1873.

I wish to call attention to another fact, if my colleague will permit me. I find from a table before me, carefully prepared, that the Post-Office Department is now paying the Erie Railroad corporation a larger sum for the transportation of the mails, weight considered and all, than is charged by the same company for the transportation of passengers in first-class cars.

For instance, I find that on a train of cars upon that road, for passengers holding commutation tickets, where the traveler passes over the road twice every day, as the mails are carried, under the schedule which I have before me, the sum which the railroad company charges and receives for the full number of first-class passengers, who could be seated in a car of the dimensions of such as are used for postal purposes, would amount to the sum of $135,106.60. That is to say, according to the charges of that company, which I have before me, for commutation tickets for the transportation of passengers, assuming the car to be full to its utmost capacity each way, (two trips daily as mails are carried twice a day,) the amount received would be $135,106.60. And yet for the transportation of the mails in a car of the same capacity the Post-Office Department is paying under the act of March 3, 1873, the same company the sum of $323,595; making the Government pay $188,488.40 more for the transportation of the mails than would be received by the company for the transportation of passengers the same distance for a number equal to the whole capacity of the car in which the mails are transported.

Mr. TYNER. Without questioning the accuracy of my colleague's calculation, I desire to ask him whether or not in making that calculation he considered the fact that the mails are carried over that road twice each day?

Mr. HOLMAN. Certainly; I stated that.

Mr. TYNER. I did not hear the gentleman state it. I will ask further, did he make the same estimate in regard to the passengers?

Mr. HOLMAN. The same estimate exactly. That is to say, on the same road, at the company's rates for commutation tickets, for a car carrying passengers to its utmost capacity twice a day, as the mails are carried, the amount annually received would be $135,106.60; while for the transportation of mails twice a day you are paying that company the sum of $323,595; making a difference, as I have stated, against the Government of $188,488.40 a year, when, as everybody knows, the transportation of passengers has been supposed to be the most important and valuable employment to railroad corporations. I make this statement on the authority of tables before me prepared by a gentleman fully competent for such an investigation, and which I believe to be correct in every particular.

Mr. BECK. I would like to ask the gentleman from Indiana whether, in connection with this subject of the increased cost of the railroad transportation of the mails, his attention has been called to the letter of Mr. Giles A. Smith which Senator MORRILL had read in the Senate? Has the gentleman got that letter?

Mr. HOLMAN. Yes, sir.

Mr. TYNER. Before my colleague proceeds further, I wish to see if he is precisely correct in his calculation as to a passenger car. Does my colleague, in making up his estimate of the value of a passenger coach to that company, take into account the fact that the company must run four cars a day to make it equivalent to the number of cars used in the postal service? Two each way per day would be four coaches each day. Has my colleague estimated the value to the company, even on commutation tickets, of four passenger cars a day over the entire line of road?

Mr. HOLMAN. Yes; the tables before me estimate for one car four times a day over the road. All I am anxious to do is to present the question in the fairest possible light. And I have shown that by the increase in 1874, under the act of March 3, 1873, you are paying the Erie Railroad Company, recently if not now, under the management of Jay Gould and his associates, a larger sum by $188,488.40 a year than they would receive for the transportation of a number of passengers in a car of equal size to that used in the transportation of your mail, and that that has all been brought about by the action of the Post-Office Department under the act of 1873, more than doubling the amounts formerly paid. I have before me also a corresponding statement in regard to the New York and New Haven Railroad Company, where the same extraordinary fact makes its appearance.

Mr. TYNER. Before my colleague proceeds to any other road, will he please state to the committee what he means by commutation tickets, and at what rates these are issued as compared with the regular tariff rates?

Mr. HOLMAN. They are much lower.

Mr. TYNER. Will my colleague state how much lower they are?

Mr. HOLMAN. I will furnish my colleague the table, which will give the information he asks. They are much lower.

The mail is carried four times a day, and I have made the computation on the prices of the tickets for travelers passing over the road, the year round, four times a day. I have put the mail on the one hand and the travel of the people of the country on the other on exactly the same footing. Now, sir, under the old rates, the rates of 1872, when the amount was $172,000, the railroad company was almost as well paid for the transportation of your mails as for the transportation of passengers, assuming the cars to be filled to their utmost capacity. But by this extraordinary legislation of last year and the action of the Post-Office Department upon it you have furnished facilities to the roads for increasing their profits of transportation above anything that has transpired up to this hour in the railroad traffic of the country. I shall publish with these remarks a table I have before me, showing the increased compensation to a large number of companies.

Now, Mr. Chairman, my friend from Kentucky [Mr. BECK] has called my attention to a letter which I shall ask to be read, as indi-

cating an extraordinary combination to effect just such a result as I have attempted to set forth, and which may or may not be at the root of this extraordinary increase in the amount of compensation paid to these corporations; and I trust, for the honor of the country, that it may be shown that this excessive increase of expenditure has not resulted from the conspiracy against your Treasury indicated by this letter.

The Clerk read as follows:

[Confidential.]

WASHINGTON, D. C., *December* 11, 1871.

DEAR SIR: In view of the inadequate compensation to railroad companies for transportation of mails, fixed by law, and the apparent necessity for systematic proceeding to effect an increase, a movement looking to this end was begun about a year ago by leading railroad men, and is now so far developed as to insure the hearty co-operation of the chief officers of railroads representing more than half of the whole amount paid to railroad companies for such service, and it only remains to hear from the other roads when active work can be commenced. It would have been much more satisfactory if the writer could have conferred with all the chief officers of railroad companies interested, but the large number to visit, and the time it would necessarily occupy, makes it impossible, and I am therefore compelled to submit the plan through correspondence, and to refer you to those railroad officers who have been conferred with, if this does not sufficiently commend itself to your mind for immediate action. The plan is to effect the passage of an act increasing the present compensation, without regard to existing contracts, 50 per cent. To accomplish this, it is thought it will require 33⅓ per cent. of the increase for one year, 3⅓ per cent. of which is to be advanced to meet contingent expenses, and the balance to be paid when the act becomes a law.

I inclose herewith a statement showing the amount received by your company, with the contemplated increase of 50 per cent., and the amount of 3⅓ per cent. to be advanced on such increase, (for which a draft on New York payable to my order may be remitted,) also, a circular letter which will partially explain the plan of operation, to be signed and returned to me for the amount to be paid, contingent on the passage of the act. With this action, and a determination on the part of the chief officers of railroad companies to personally aid in such manner as they may deem proper through local members, I regard the passage of the act as a certainty. It is desirable that you reply at once to this, and if the proposition is accepted, to further communicate with me, giving names of such persons (as soon as they can be ascertained) as will of your own knowledge support the measure. I inclose the names of some of the prominent men who have already entered into the arrangement, any of whom you can correspond with on the subject should you desire further information as to the feasibility of the plan, or my fitness for the undertaking. All communications on the subject should be strictly confidential, as any publicity may cause defeat.

Respectfully, your obedient servant,

GILES A. SMITH.

ISAAC HINCKLEY, Esq.,
President Philadelphia, Wilmington and Baltimore Railroad,
Philadelphia, Pennsylvania.

Refer to William H. Vanderbilt, Hudson River and New York Central Railroad, New York; Thomas A. Scott, Pennsylvania Railroad, Philadelphia; Jay Gould, Erie Railroad, New York; H. F. Clark, Lake Shore and Michigan Southern Railroad, New York; Samuel Sloan, Delaware, Lackawanna and Western, New York; A. L. Dennis, New Jersey Railroad and Transportation Company, New York; William D. Bishop, New York and New Haven, New York; William P. Burrell, New Haven, Hartford and Springfield, Hartford; James F. Joy, Michigan Central, Detroit; H. F. Sweetzer, Atlantic and Great Western, Meadville, Pennsylvania; M. L. Sykes, Chicago and Northwestern, New York; T. B. Blackstone, Chicago and Alton, Chicago; Hugh Riddle, Chicago, Rock Island and Pacific, Chicago; J. M. Walker, Chicago, Burlington and Quincy Railroad, Chicago; Thomas Allen, Saint Louis and Iron Mountain, Saint Louis; Captain Joseph Brown, Missouri Pacific, Saint Louis; William M. McPherson, North Missouri, Saint Louis; David Macy, Indianapolis, Peru and Chicago, Indianapolis; D. McLaren, Cincinnati, Hamilton and Dayton, Cincinnati; Levi Parsons, Missouri, Kansas and Texas, New York; E. W. Cole, Nashville and Chattanooga, Nashville; M. J. Wicks, Memphis and Charleston, Memphis; Colonel Samuel Tate, Memphis and Little Rock, Memphis; Albert Fink, Louisville and Nashville, Louisville.

Mr. HOLMAN. It will be remembered that Giles A. Smith had a short time before the date of this letter resigned the office of Second Assistant Postmaster General, and that this letter was laid before the Senate by Mr. MORRILL, of Vermont, on the 6th day of March, 1872, having accidentally fallen into the hands of an honest man. This letter, with the list of names attached to it, appears in the proceedings of the Senate, of the 6th of March, 1872. The list which the Clerk has read are the names of the persons referred to as having acquiesced in the arrangement proposed by the writer of this extraordinary letter. The country was informed of the fact, at the time, that the writer of this letter had long been in the Post-Office Department, holding the office of Second Assistant Postmaster-General, high in the confidence of that Department, and the fact was brought out that he resigned his office and entered upon this extraordinary conspiracy of working up legislation under which the Post-Office Department might increase 50 per cent. the profits of the transportation of the mails by the railroad corporations, and the proposition made by him to those companies involved, not in obscure terms but expressly, the use of vast sums of money in molding legislation in the interest of these corporations and to rob the people. Considered in every light it was the most infamous conspiracy to rob the Treasury ever brought to light in this country, and the fact of its exposure seemed to promise that the scheme should fail. In the list of names of railroad presidents who Smith alleged had entered upon this enterprise to subordinate Congress and the Post-Office Department to this scheme of plunder is that of Jay Gould, president of the railroad company whose annual profits out of your Treasury were increased from $122,675 to $323,595 under an act passed within fifteen months after the letter was written.

May not the country well demand an explanation of this extraordinary transaction? Is this House willing that these parties shall enjoy in peace the fruits of their conspiracy? If happily, in spite of the facts that appear, this increase was attributable to other causes than a corrupt conspiracy, does not this House owe it to the country to make that fact appear? And yet a bill in the discussion of which such facts as these may be shown, and to which explanations are demanded, must pass this House with half a minute allowed for debate, and no explanation is to be offered to what seems to be a most corrupt and deliberate fraud!

No member of the House would feel more gratified than I shall if any explanation can be made of this matter. I submit to the House at this point a schedule embracing a number of these railroad contracts, in which it is shown that almost every company that assented to the proposition of Giles A. Smith obtained an increase on the contract prices for transporting the mails. (See table on next page.)

When Giles A. Smith wrote that letter a bill was pending to empower the Post-Office Department to increase the contract prices for carrying mails by the railroads. That bill did not finally pass until the month of June, 1872. It was while that bill was pending in Congress that this letter was written, and it would seem that that letter was written with a view to that measure then pending. The bill passed Congress. It was not carried into effect for the reason that Congress failed to make the necessary appropriations. That bill was afterward repealed when the act of March 3, 1873, was enacted, under which the results proposed by Giles A. Smith were substantially and virtually attained. The question is, was it through that combination that these results were reached? I hope that my colleague will be able to explain this consistently with the honor of the country and the integrity of the public service; that he will show that notwithstanding that extraordinary combination to increase the profits of these corporations at the public expense and this corrupt proposition in which a large body of railroads is alleged to have concurred, and notwithstanding there is an increase of their compensation corresponding substantially to the proposed plan, that still, in spite of all these unfortunate appearances, neither our legislation nor the Post-Office Department were influenced by other than proper and legitimate motives in enlarging the compensation of these corporations so much beyond former amounts and almost double the compensation paid for the same services when our currency was greatly under its present value.

There is no Department of our Government subject to such pressure in financial transactions as the Post-Office Department, growing out of the fact that the railroad companies are able to act as a unit in influencing if possible the action of that Department from which so large a portion of their revenues is derived. And when it was known they had entered into this combination with Giles A. Smith in 1871 it was remarkable that any approach toward the consummation of their purpose should have been permitted. Congress, this House and the Senate, should not have subjected this Department of the Government to a pressure which it was shown was intended to be made for the purpose of increasing the profits of these corporations. It was well known that their mail contracts were already one of their most profitable employments. This combination of corporations, with such men as Jay Gould at the head of it and with a dishonest public official who had retired from his trust co-operating with them, it would seem were absolutely giving out edicts for measures beneficial to themselves, which the national Congress and the Departments of the Government were to register at their will, and carry on to consummation by laws and contracts.

Are these corporations to be permitted always to control legislation, dictate measures to the Government, and dictate contracts to the Departments?

There is no Department of your Government where there should be such constant scrutiny as in this Department, which is brought absolutely and immediately under the influence of this vast railroad power. The utmost vigilance of Congress and the highest integrity in that Department is absolutely demanded to resist their encroachments and questionable measures. And I am the more astonished, when I remember the vigilance of gentlemen in trying to protect their constituents from the extortion of these corporations by the passage of a law to limit the cost of transportation, that they should not exercise the same degree of vigilance in trying to restrain the cupidity of those corporations in their assault upon your Treasury through the Post-Office Department.

This Department should be most economically administered, for upon its economy depends your being able to reach every neighborhood in the whole land by increasing the number of your mail-routes and post-offices, and so as to bring intelligence and information in the business and social life of our people to every home. And yet it is not administered with economy. An army of unemployed employés eat up your appropriations, and the railroad corporations appropriate to themselves the millions in excess of reasonable compensation which should either remain in your Treasury or be used to open up new postal facilities for our people.

If by inconsiderate and hasty legislation we have placed our Treasury through the Post-Office Department under the control of this mercenary combination of corporations, a remedy should be promptly applied. If a most corrupt conspiracy against the integrity of the public service to plunder the Treasury has in fact been consummated, the conspirators should not be permitted to enjoy in peace the fruits of their dishonest practices, and if in fact there was a good and justifiable reason for this greatly enlarged compensation to these corporations for postal services, that fact should be made to appear, and in any event these overgrown corporations should not be permitted to extort subsidies from the public Treasury beyond reasonable compensation through the appliance of the legislation of Congress, dictating their own terms for services rendered the country.

Statement giving the railroads having contracts, with their length and termini, pay per mile and pay per annum, for transporting the mails for the years 1869, 1870, 1871, 1872, 1873, and 1874.

Railroad company.	Termini.	Pay, 1869.			Pay, 1870.		Pay, 1871.		Pay, 1872.	
		Miles.	Per mile.	Per annum.	Per mile.	Per annum.	Per mile.	Per annum.	Per mile.	Per annum.
Erie	New York to Dunkirk	460	$300 00 275 00	$128,175 00	$300 00 275 00 250 00 200 00	$122,675 00	$300 00	$138,000 00	$300 00	$138,000 00
Hudson River	New York to Troy	150	350 00	52,500 00	350 00	52,500 00	350 00	52,500 00	350 00	52,500 00
New York Central	Albany to Buffalo	298	300 00	89,400 00	300 00	89,400 00	300 00	89,400 00	300 00	89,400 00
New York and New Haven	New Haven to New York	76½	375 00	28,625 00	375 00	28,625 00	375 00	28,625 00	375 00	28,625 00
Boston and Albany	Boston to Albany	203	375 00 300 00	68,475 00	375 00 300 00	68,475 00	375 00 300 00	68,475 00	375 00 300 00	68,475 00
Pennsylvania	Philadelphia to Pittsburgh	354	300 00	106,200 00	375 00	132,750 00	375 00	132,750 00	375 00	132,750 00
Baltimore and Ohio	Baltimore to Washington	40	375 00	15,000 00	375 00	15,000 00	375 00	15,000 00	375 00	15,000 00
Baltimore and Ohio	Baltimore to Wheeling	380	247 10	93,900 00	247 10	93,900 00	247 10	93,900 00	247 10	93,900 00
Pittsburgh, Fort Wayne and Chicago.	Pittsburgh to Chicago	469½	200 00	93,900 00	200 00	93,900 00	200 00	93,900 00	200 00	93,900 00
Lake Shore and Michigan Southern.	Buffalo to Erie	89	250 00	22,250 00	250 00	22,250 00	250 00	22,250 00	375 00	33,375 00
Lake Shore and Michigan Southern.	Erie to Cleveland	96	225 00	21,600 00	225 00	21,600 00	250 00	24,000 00	375 00	36,000 00
Lake Shore and Michigan Southern.	Toledo to Cleveland	114	200 00	22,800 00	200 00	22,800 00	250 00	28,500 00	375 00	42,750 00
Lake Shore and Michigan Southern.	Toledo to Chicago	248	150 00	36,300 00	200 00	48,970 00	250 00	61,212 50	300 00	73,455 00
Michigan Central	Detroit to Chicago	285½	150 00	42,787 50	150 00	42,787 50	175 00	49,918 75	175 00	49,918 75
Toledo, Wabash and West'n.	Toledo to Quincy	524	125 00	65,500 00	150 00	78,600 00	150 00	78,600 00	150 00	78,600 00
Chicago and Northwestern	Chicago to Milwaukee	87	100 00	8,700 00	100 00	8,700 00	175 00	15,225 00	175 00	15,225 00
Chicago and Northwestern	Chicago to Freeport	121	125 00	15 125 00	125 00	15,125 00	150 00	18,150 00	150 00	18,150 00
Chicago and Northwestern	Chicago to Council Bluffs	489.06	200 00	97,812 00	200 00	98,000 00	200 00	98,000 00	200 00	98,000 00
Chicago and Northwestern	Chicago to Green Bay	244	150 00	36,600 00	150 00	36,600 00	175 00	42,875 00	175 00	42,875 00
Chicago, Rock Island and Pacific.	Chicago to Davenport	183	100 00	18,300 00	125 00	22,875 00	200 00	36,600 00	200 00	36,600 00
Chicago, Rock Island and Pacific.	Davenport to Missouri Riv'r	318	.....	.....	100 00	31,800 00	150 00	47,700 00	150 00	47,700 00
Chicago, Burlington & Quincy	Chicago to Burlington	207.70	150 00	31,155 00	150 00	31,155 00	200 00	41,540 00	200 00	41,540 00
Burlington and Missouri Riv.	Burlington to East Platts-mouth.	279.14	.....	.....	75 00	20,935 00	100 00	27,914 00	100 00	27,914 00
Chicago and Alton	Chicago to East Saint Louis	283	150 00	42,450 00	150 00	42,450 00	200 00	56,600 00	200 00	56,600 00
Illinois Central	Chicago to Cairo	365	100 00 150 00	42,100 00	100 00 150 00	42,100 00	100 00 150 00	42,100 00	100 00 150 00	42,100 00
Pacific	Saint Louis to Wyandott	285½	175 00	49,762 50	175 00	49,762 50	200 00	57,100 00	200 00	57,100 00
Philadelphia, Wilmington and Baltimore.	Philadelphia to Baltimore	100	375 00	37,700 00	375 00	37,700 00	375 00	37,700 00	375 00	37,700 00
Orange, Alexandria and Manassas.	Alexandria to Lynchburgh	171½	100 00	17,150 00	100 00	17,150 00	100 00	17,150 00	225 00	38,475 00
Richmond & Fredericksburgh	Game Point to Richmond	75½	150 00	11,325 00	150 00	11,325 00	150 00	11,325 00	200 00	15,100 00
Total		.....	.....	1,296,292 00	.....	1,399,910 00	.....	1,527,410 25	.....	$1,601,727 75
Add new service in 1870	Davenport to Missouri Riv'r	.....	.....	31,800 00						
	Burlington to East Platts-mouth.	.....	.....	20,935 00						
Total		.....	.....	1,349,027 00						

Railroad company.	Termini.	Pay, 1873.		Pay, 1874.		Weight of mail per day.	Size of car.	Postmaster-General's Report.
		Per mile.	Per annum.	Per mile.	Per annum.			
						Pounds.	*Feet.*	
Erie	New York to Dunkirk	$375 00	$172,500 00	$703 00	$323,595 00	39,000	50	Weighed Oct., 1873.
Hudson River	New York to Troy	375 00	56,250 00	605 00	90,750 00	31,485	50	1873, page 71.
New York Central	Albany to Buffalo	375 00	111,750 00	655 00	195,190 00	35,506	50	1873, page 71.
New York and New Haven	New Haven to New York	375 00	28,625 00	487 50	37,212 50	24,283	40	1873, page 71.
Boston and Albany	Boston to Albany	375 00 300 00	68,475 00	412 50	83,737 50	18,395	40	1873, page 71.
Pennsylvania	Philadelphia to Pittsburgh	375 00	132,750 00	400 00	141,600 00	19,183	44	1870, page 93.
Baltimore and Ohio	Baltimore to Washington	375 00	15,000 00	472 50	18,900 00	22,581	50	1869, page 87.
Baltimore and Ohio	Baltimore to Wheeling	285 00	107,445 00	347 00	131,860 00	12,579	45	1873, page 89.
Pittsburgh, Fort Wayne and Chicago	Pittsburgh to Chicago	300 00	140,850 00	300 00	142,650 00	13,710	20	1873, page 89.
Lake Shore and Michigan Southern	Buffalo to Erie	375 00	33,375 00	650 00	57,850 00	20,490	40	1872, page 115.
Lake Shore and Michigan Southern	Erie to Cleveland	375 00	36,000 00	650 00	62,400 00	22,649	40	1872, page 115.
Lake Shore and Michigan Southern	Toledo to Cleveland	375 00	42,750 00	650 00	74,100 00	19,193	40	1872, page 115.
Lake Shore and Michigan Southern	Toledo to Chicago	375 00	91,818 75	650 00	161,200 00	21,044	36	1872, page 115.
Michigan Central	Detroit to Chicago	175 00	49,918 75	175 00	49,918 75	2,884	13	1870, page 93.
Toledo, Wabash and Western	Toledo to Quincy	225 00	110,620 00	300 00	175,200 00	6,721	43	1872, page 115.
Chicago and Northwestern	Chicago to Milwaukee	175 00	15,225 00	220 00	19,140 00	3,232	14.7	1870, page 93.
Chicago and Northwestern	Chicago to Freeport	150 00	18,150 00	210 00	25,410 00	2,995	36	1870, page 93.
Chicago and Northwestern	Chicago to Council Bluffs	200 00	98,000 00	255 00 275 00	131,710 30	7,690	36	1870, page 83.
Chicago and Northwestern	Chicago to Green Bay	175 00	42,875 00	200 00	48,800 00	3,597	36	1870, page 83.
Chicago, Rock Island and Pacific	Chicago to Davenport	200 00	36,600 00	280 00	51,240 00	4,653	40	1870, page 93.
Chicago, Rock Island and Pacific	Davenport to Missouri River	150 00	47,700 00	250 00	79,500 00	2,193	40	1870, page 93.
Chicago, Burlington and Quincy	Chicago to Burlington	225 00	46,732 50	265 00	55,040 50	7,313	36	1873, page 89.
Burlington and Missouri River	Burlington to East Plattsmouth	175 00	51,349 50	200 00	55,828 00	2,598	23	1873, page 89.
Chicago and Alton	Chicago to East Saint Louis	200 00	56,600 00	200 00	56,600 00	4,109	29	1871, page 59.
Illinois Central	Chicago to Cairo	100 00 150 00	42,100 00	175 00	63,875 00	2,194	27	1870, page 85.
Pacific	Saint Louis to Wyandott	215 00	61,382 50	225 00	63,237 50	5,697	29	1872, page 114.
Philadelphia, Wilmington and Balto	Philadelphia to Baltimore	275 00	37,700 00	567 50	56,750 00	28,000	50	Weight in 1874.
Orange, Alexandria and Manassas	Alexandria to Lynchburgh	225 00	38,475 00	250 00	42,750 00	7,086	28	1872, page 115.
Richmond and Fredericksburgh	Game Point to Richmond	200 00	15,100 00	250 00	18,875 00	6,343	22	1871, page 59.
Total		.....	1,805,967 00	.....	2,496,920 05			
Increase from 1869 to 1873, under old law of March 3, 1845		.....	1,349,027 00					
			456,940 00					

Annual pay under the law of March 5, 1873, estimated on the basis of old weights except in cases marked x, which are the rates fixed upon weights made under new law $2,496,920 05
Pay on same railroads in 1869 with the two new roads upon which service was ordered in 1870 added 1,349,027 00

Increase from 1869 to 1874 ..... $1,147,893 05
Increase under old law of 1845 from 1869 to 1873 ..... $456,940 00

Mr. LAWRENCE. Will the gentleman allow me an inquiry?

Mr. HOLMAN. Yes, sir.

Mr. LAWRENCE. I think it altogether probable that we are paying too much to the railroad companies for mail service, but the gentleman must know that legislation prescribing rates would not be appropriate on an appropriation bill. Now, what is the remedy which my friend proposes in case the railroad companies should refuse to carry the mails for such rates as in his judgment would be proper? I have a remedy which I think might be applied; but I am not apprised whether my friend from Indiana [Mr. HOLMAN] and gentlemen on that side of the Chamber who entertain the views he does would agree to it. I would prescribe rates; what is the remedy of my friend from Indiana?

Mr. HOLMAN. Certainly the remedy proposed by the gentleman from Ohio is the correct one, to prescribe a rate. That is the duty and within the power of Congress.

Congress has no right to leave on the statute-book a law under which a Department may give exorbitant subsidies to corporations. Such an act as that of 1845 leaving discretion in the Post-Office Department, was well enough in those days of economy and simplicity in Government, and before corporate monopolies had aspired to control Government and seize upon the Treasury; but now, sir, Congress must prescribe reasonable rates for the postal service and repeal the grasping cupidity of these corporations.

Mr. LAWRENCE. Does not my friend know that very many of the gentlemen on his side of the Chamber have voted at this session of Congress to deny that power?

Mr. HOLMAN. This question has never yet been discussed before the House. But no gentleman on this side of the House is opposed to limiting the rates for postal service. The vice of the act of 1873 was that it fixed exorbitant rates and left such a latitude of extraordinary power in the hands of those upon whom the pressure of these railroad corporations would be directed. It was the duty of Congress to impose a restriction on the rates. The old rates were perhaps reasonable; the new are exorbitant and without justification or excuse.

Mr. LAWRENCE. Will my friend from Indiana vote for a proposition directly prescribing rates; and if so, how many other gentlemen on his side of the Chamber will he get to vote with him?

Mr. HOLMAN. Why, sir, upon a proposition to prescribe rates for transportation of the mails, no gentleman would refuse to vote in the affirmative unless he acted in the interest of these corporations. No gentleman on this side of the House will hesitate to limit the rates to be paid corporations for transporting the mails.

Mr. WOOD. Mr. Chairman, in the absence of any explanation from the chairman of the committee with reference to this bill, I have risen more for the purpose of seeking information than to criticise its details. A standing appropriation bill in this House is generally one of great mystery to the large body of the members. It always appropriates vast sums of money, and upon the face of the bill itself is exceedingly vague and indefinite as to the purposes and objects for which the proposed appropriations are to be made. This is especially the case with the present bill. It covers but a very few pages, but aggregates between thirty-five and thirty-six million dollars. It appropriates $16,000,000 in one paragraph for one purpose, and $6,000,000 in another paragraph for another purpose—all indefinitely expressed and in regard to which I think we should have some information.

I have risen therefore rather for the purpose of making an inquiry than anything else. I desire to know why it is that although the Postmaster-General in his annual report sent in at the beginning of this Congress told us that he should require but $33,929,912 for the fiscal year ending June 30, 1875, this bill appropriates largely in excess of the amount he asks for; the appropriation being in the aggregate $35,653,391? I would like to know why it is that though the Postmaster-General in his report estimates the deficiency of receipts as compared with expenditures at $4,636,363, this bill proposes to appropriate for this deficiency $5,634,842—an excess of $1,400,000 beyond what the Postmaster-General told us he would require? If these items of increase are in consequence of any change of the law, I hope some gentleman will rise here and explain the effect of the new legislation under which it is attempted to defend some of these extraordinary appropriations. Although in 1868 we appropriated for the whole service of the Post-Office Department but $22,730,592, there has been under this economical republican administration, as defended by my colleague [Mr. ELLIS H. ROBERTS] at the close of the debate yesterday on the moiety question, a gradual increase; so that in 1869 the amount had risen to $23,698,000; in 1870 to $23,998,837; in 1871 to $24,390,104; in 1872 to $26,658,192; and now in 1874 the amount reaches $35,653,000.

Now, sir, I want some gentleman who is familiar with the practical administration of this Department—some defender of the party who placed this Administration in power, and I hold that party responsible for every act of that Administration—I want some gentleman, my distinguished colleague, [Mr. ELLIS H. ROBERTS,] or the chairman of the Committee on Appropriations, [Mr. GARFIELD,] or the gentleman from Indiana [Mr. TYNER] who fathers this bill on this occasion, to explain to the House this most remarkable increase of expenditures in the Post-Office Department.

Sir, it is not my purpose to repeat what has been alleged upon this floor in reference to certain fraudulent contracts made by that Department. It is not my purpose to refer to the exposition made by the gentleman who now holds the position of chairman of the Committee on Ways and Means [Mr. DAWES] in reference to an important contract in which that Department is very seriously implicated. Nor do I desire to refer, as the gentleman from Indiana [Mr. HOLMAN] has just done, to this notorious entrance of straw-bidding by which contracts have been finally awarded to men largely in excess of other *bona fide* bidders. I make no allegations here except those I make by reading from the records, from official documents, and I leave this committee and the country to judge for themselves the why and the wherefore of this extraordinary increase of expenditure.

But, sir, my friend and colleague [Mr. ELLIS H. ROBERTS] yesterday told the House his party always weeded out their own wrongdoers; that it was the only political party which ever existed that at all times and under all circumstances excluded from its councils and participation in administration of the Government those who were detected and known to have done wrong. Were I permitted on this occasion to read from the minutes of the Committee on Ways and Means in reference to the investigation into the Sanborn contracts, and to the Jayne swindling contracts, I would show that sixty officers of the New York custom-house were reported officially to the Secretary of the Treasury as being in collusion with fraudulent importers. Notwithstanding the official notification, and the testimony being furnished the Secretary of the Treasury, those men are in office there to-day. And Judge Davis, a present judge of the supreme court of the State of New York, told us that while district attorney he himself had finally succeeded in getting the removal of a custom-house officer in consequence of this collusion, and that the republican State treasurer appointed that same man within thirty days to a place of trust as assistant treasurer of the State of New York.

Mr. ELLIS H. ROBERTS rose.

Mr. WOOD. I do not yield to that gentleman.

Mr. ELLIS H. ROBERTS. If my colleague will state——

Mr. WOOD. I refuse to yield. I have stated the truth and I challenge the gentleman to produce any record to the contrary.

The CHAIRMAN. The hour has expired.

Mr. ELLIS H. ROBERTS. It was a democratic treasurer.

Mr. WOOD. It was the republican treasurer.

Mr. ELLIS H. ROBERTS. It was the liberal treasurer nominated by the democratic party.

The CHAIRMAN. The hour has expired.

Mr. WOOD. I thought I had the floor.

The CHAIRMAN. The gentleman from Indiana in charge of the bill yielded the floor with the understanding that at the expiration of an hour he should have the remaining half an hour in which to close debate.

Mr. WOOD. He distinctly stated that he would yield the floor and the Chair could recognize whomsoever he pleased.

The CHAIRMAN. But only during the hour.

Mr. WOOD. He yielded indefinitely.

The CHAIRMAN. No; only for an hour.

Mr. WOOD. I ask whether the gentleman from Indiana can yield the floor and resume it at pleasure?

Mr. RANDALL. When the House fixed the time they were not aware of these astounding statements. The committee, however, can control the floor.

The CHAIRMAN. The gentleman from Indiana was entitled to the floor. He yielded with the understanding that at the expiration of an hour he would resume the floor for the half an hour remaining for general debate in which to close. Under that arrangement the gentleman from Indiana [Mr. TYNER] is entitled to the floor.

Mr. WOOD. If the Chair so determines, I suppose I must resume my seat.

The CHAIRMAN. The Chair understands the rule to be, the gentleman from Indiana having yielded his time with the understanding the Chair has indicated, now that the hour has expired he is entitled to the floor for half an hour.

Mr. WOOD. Our time on this side of the House always expires, but on the other side always continues.

Mr. TYNER. Will the gentleman from New York state how much longer he desires to address the House?

Mr. WOOD. I will take all the time the gentleman will yield me and the liberality of the committee will give me.

Mr. TYNER. Will he be satisfied with five minutes?

Mr. WOOD. I should like to have ten.

Mr. TYNER. Well, I will give the gentleman ten minutes.

Mr. WOOD. Very well, sir. I will state in addition, following the thought I had in my mind at the moment I was interrupted, it was also in testimony that another of Mr. Jayne's tools, used by him for governmental and his own purpose, who was charged with and convicted of theft, was put in the money-order office in the city of New York in three days after he was removed from the custom-house in the city of New York.

I will state moreover, in reply to the assertions of my colleague yesterday with reference to the action of this committee, by which he endeavored to give the republican party and the republican members of the Committee on Ways and Means the exclusive credit for the introduction of this moiety bill, that on the 17th February—and I hold in my hand the minutes of the committee, which, under the rules, I do not feel at liberty to use, but on this occasion I feel at lib-

erty to say this much—on the 17th of February, 1874, a committee from the Chamber of Commerce of the City of New York and a committee from the Board of Trade of Boston were in attendance on our committee and requested to be heard in favor of the repeal of the moiety laws. On that occasion my colleague was foremost in his objection to their being heard. They were told to go away and return in a fortnight. But, sir, on the 17th of February, the same day, Mr. Jayne was admitted and gave his statement and his testimony, slandering and abusing the mercantile interests of which my colleague is now the defender and the assumed exponent of their wishes and interests. Well, sir, as I have said, when these men were turned away from the doors of that committee, after coming many hundred miles to have their grievances stated, Mr. Jayne was admitted. I hold in my hand the official report saying that he appeared before the committee on the 17th of February, the same day, and made an argument in favor of the continuance of this system of moieties and denouncing and traducing and vilifying the character of the most eminent merchants that ever lived in this country.

Therefore, sir, it will not do for that gentleman in his own behalf, or in behalf of his friends or his party, to make any attempt to give to themselves the credit for the repeal of the law which this House on yesterday, so far as it was concerned, saw proper to repeal. Sir, if that gentleman's friends whom he represents here in the city of New York and in the New York custom-house had their way, as they may yet have in the other branch of Congress, this bill would never become a law; and this plunder would continue to go into the pockets of the men who use it for partisan purposes in carrying the republican party into power in the State of New York.

These, sir, are facts. And in the discussion yesterday I elevated this subject as I supposed far above partisan considerations. My friend from Kentucky made no political reference in his remarks. It remained for that gentleman in the last moments of the time to which debate was limited, at the expiration of the hour when he knew we were not allowed to reply under the rules of the House, to endeavor to give himself and his party the exclusive credit for that which he and his party have been preventing from passing through either House of Congress for six years.

Sir, according to a letter from the Secretary of the Treasury it appears that from 1862 to 1869 the whole amount of forfeitures that went into the hands of these informers was $224,905.78; but from 1869 until the 30th of November, 1863, that gentleman's friends and political associates in the city of New York received $491,342.26. I have the official document here, and I quote correctly from it. It says that they received $491,000 in four and a half years of service, while in the administration of Mr. Lincoln and the administration of Mr. Johnson in the preceding seven years, the amount received was $224,905.78. Therefore, sir, in view of that document—I quote from Executive Document No. 124—in view of the record, it will not do for that gentleman to say that his party and this Administration have done nothing else but what the preceding administrations have done. I say by their vigilance, by their activity, not in collecting the revenue and putting it into the Treasury, but collecting it and putting it into their own pockets, they have taken within four years three times as much as was taken in the seven years preceding under the previous administrations. Sir, I admire the moral courage of any gentleman who will rise on this floor to talk of the probity and public integrity and official devotion to the interests of the people of the party in power. No party and no administration in the history of any country, not alone of this country, but in the history of any country within the range of my reading, ancient or modern, have ever in so short a period shown so utter a degeneracy and deterioration, not only in the efficiency and execution of the laws, but in the integrity with which those laws are administered, as have the party and Administration which my colleague has attempted to justify.

Mr. TYNER. I yield five minutes to the gentleman from New York, [Mr. ELLIS H. ROBERTS.]

Mr. ELLIS H. ROBERTS. Mr. Chairman, so long as the democratic party recognize my colleague from the city of New York [Mr. WOOD] as their representative upon this floor, we have a right to accept him as the representative of the democratic party. He was their candidate for Speaker in this House. He is the gentleman who comes here to talk to us about morality and about honor. He referred to a State treasurer of New York; that State treasurer was Mr. Thomas Raines. I am not here to bandy questions with my colleague. The record will show whether or not he was a liberal State treasurer; whether or not he was nominated by the democratic party for treasurer of the State of New York and after a defalcation in his office as such treasurer. If we are to make a comparison of records between parties we are quite willing. The gentleman from New York challenges the republican party, and upon this floor is the representative of his own party. That fact embodies the whole case. He has chosen to refer to certain proceedings in the Committee on Ways and Means where a postponement occurred of a hearing. The gentleman may have forgotten—my other colleagues upon the committee have not forgotten—that the postponement was made at the request of the representatives from the Chamber of Commerce of New York and the Board of Trade of Boston.

Never, Mr. Chairman, has an investigation been more patient; never have the doors been opened wider to an investigation of alleged wrongs. I am not the one who has introduced partisan allusions on this floor with reference to moieties or with reference to any other of the matters in investigation before the Committee on Ways and Means. I hold in my hand the RECORD of March 10, including an elaborate speech of my colleague from the city of New York, in which, although the subject under discussion was the repeal of the tax on matches, he chose to discuss the subject of moieties and other subjects, and went on to say, "I have thus briefly presented some of the errors for which the republican party is responsible."

My other colleague upon the committee, the gentleman from Kentucky, [Mr. BECK,] yesterday chose to hold the republican party responsible for the system of moieties. It fell to me to close the debate upon the bill which was then pending. I could do no less than to refer to the most marked suggestions which had been made. I could do no less than appeal to the truth of history, and say that this system of moieties came down to us from 1799; that until 1867 the distribution of moieties was made by the collector without report to the Secretary of the Treasury for his revision, and that under that system nobody could know what was done, and that it was a republican Congress that made this distribution depend upon the action of the Secretary of the Treasury and brought it to the light. It was a republican Congress, upon the motion of a republican member, that called for all information with reference to these abuses. It was a committee including a majority of republicans that examined into these abuses; but I intimated no word yesterday, and should have intimated no word to-day, that the members of that committee, democrats as well as republicans, were not vigilant for bringing about this reform.

I repeat, and I challenge contradiction, that the republican party is the only party in history that ever had the courage to seek abuses in its own ranks and to strive to reform them. We may not achieve everything; but we will do the best we can.

Mr. RANDALL. I would like five minutes to say a few words in reply to the gentleman from New York as to who is responsible for the moiety legislation complained of.

Mr. TYNER. I yield to the gentleman.

Mr. RANDALL. I charge here, and I have the RECORD before me, that the Republican party almost solidly placed on the appropriation bill by their votes the very clause under which Mr. Sanborn has been allowed to go abroad carrying on his operations without right or reason. Moreover, I charge that the gentleman from Massachusetts [Mr. DAWES] and the gentleman from New York himself [Mr. ELLIS H. ROBERTS] cast their votes in favor of the Sanborn contract law.

Mr. ELLIS H. ROBERTS. So did Mr. NIBLACK, of Indiana.

Mr. RANDALL. I cannot help that; there were some exceptions on each side.

Mr. ELLIS H. ROBERTS. It does the gentleman from Indiana no wrong to say he voted for it.

Mr. NIBLACK. I can take care of myself upon that question.

Mr. RANDALL. There was almost a solid democratic vote cast against that clause of the law which authorized the Sanborn contract, while on the other side almost a solid republican vote inserted it.

Mr. ELLIS H. ROBERTS. Will the gentleman from Pennsylvania state that the vote was not on that proposition, but upon the report of the committee of conference on the appropriation bill?

Mr. RANDALL. I will state that there were two votes. When the conference report was first presented the issue was made by Mr. HALE, of Maine, and myself against that report, because it contained that clause authorizing the Sanborn contract, and the House rejected that report by one majority (80 ayes and 81 noes) because it contained that clause. On the motion of some gentleman in the House, I think the gentleman from Indiana, [Mr. HOLMAN,] the report of the committee of conference was recommitted to the same gentlemen, and after recruiting in this House they came in in a day or two afterward and passed the report by ten majority, (ayes 87, nays 77,) and I find that upon both votes the gentleman from New York [Mr. ELLIS H. ROBERTS] voted to sustain the report, and so did the gentleman from Massachusetts, [Mr. DAWES.]

Mr. ELLIS H. ROBERTS. If the gentleman will state that the vote was on a conference report that included many topics, he will state the exact truth.

Mr. RANDALL. I say that we rejected the report in the first instance on the very ground that it contained this clause, and I deny that the Administration is entirely responsible for this system. The Congress of the United States, this House and the Senate, voted the Sanborn contract into the law with their eyes open, for Mr. HALE, of Maine, did all he could, and I did all I could as an humble member of this House, to enlighten them; and if I had been a prophet my language and predictions at that time could not have been more fully fulfilled than the result has shown. The republican party voted deliberately, almost *en masse*, in favor of inserting the Sanborn-contract clause in the bill. Now, I ask the gentleman from New York who is responsible, and whether he can with any truth or propriety charge that the democratic party is in any manner responsible for anything that has occurred under that law?

Mr. ELLIS H. ROBERTS. I answer the gentleman from Pennsylvania [Mr. RANDALL] by saying that a republican member of this House inaugurated the movement for the cancellation of the law; that the republican majority has sustained that movement, and that a republican committee has reported a bill for its repeal.

Mr. RANDALL. Yes, sir, when you could not help it. You allowed

the law to stand for two years. The whole thing is in a nut-shell. Your law robbed the merchants of the country to the extent of $4,000,000 and more, and acquired for the Treasury of the United States only $250,000.

Mr. ELLIS H. ROBERTS. The members of the committee without distinction of party unanimously——

Mr. RANDALL. I do not wish to detract anything from the honorable gentleman, nor from his good zeal. But I go for the truth of history, and have stated who put this law on the statute-book. You never attempted to repeal it until a storm of public indignation unprecedented swept over this land.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDALL. I wish to say in regard to some other things——

Mr. TYNER. The gentleman from Pennsylvania [Mr. RANDALL] ought to remember that he has occupied five minutes, and I have but ten minutes.

Mr. RANDALL. I wish but a few minutes.

Mr. TYNER. I would be very glad to accommodate the gentleman from Pennsylvania [Mr. RANDALL] but I cannot. To so much as has been said in the progress of this debate about matters in nowise connected with the Post-Office Department and the postal service, I have no reply whatever to make. Gentlemen who have different views on this subject may settle them for themselves. Nor will I attempt to reply to all that has been said even in regard to matters connected with the postal service, but to only so much as in my judgment should be considered by this committee.

I pay my respects first to the gentleman from New York, [Mr. WOOD,] who calls upon me for an explanation of why it is that the bill reported from the Committee on Appropriations exceeds in amount the estimates of the Post-Office Department. I beg leave to remind that gentleman of the fact that he has either intentionally failed to call attention to all the estimates of the Post-Office Department, or omitted to turn over to the page following the one from which he quoted to ascertain that additional estimates had been made.

On the first page of the report of the Postmaster-General will be found the estimated expenditures for the year ending June 30, 1875, $33,929,912, the precise amount to which the gentleman called the attention of the committee. But he failed to call their attention to the further fact that upon the following page there was an estimate for $1,225,000 to cover the cost of subsidies that were allowed under specific law to several steamship lines; and that in addition the Postmaster-General asked for an appropriation of $950,000 to cover the cost of postage on the correspondence of his own Department, making in all an aggregate of estimates of $36,104,912; while the bill of which I have charge proposes to appropriate only $35,653,391, or $451,521 less than the Postmaster-General asked for. That is a sufficient answer to the gentleman from New York.

In addition to that I will say upon this subject that the only item of appropriation that the committee has increased over and above the estimate of the Postmaster-General was the single item of inland transportation, amounting in all to the sum of $292,000. That increase was recommended because the readjustment of pay to railroad companies, under the law that took effect on the 1st day of July last, indicates that the expenditure of the Department for that branch of the service would be increased over $1,600,000. In addition to that, when the estimate was made up for inland transportation the Postmaster-General had reason to believe that new railroads would not be built and operated to the extent of more than thirty-five hundred miles; while the data which was placed in his hands afterward indicated that six thousand miles would not cover the additional number of miles of railroad service in the United States.

I wish now to call the attention of the committee, perhaps not very concisely or consecutively, to this question of inland transportation. When I say to gentlemen that the business of the Post-Office Department, its resources and expenditures, are increasing at the rate of 10 per cent. every year, or doubling every ten years, they may form some idea of the necessity of increasing the appropriations for the support of that Department. The main item of increase in the bill, inland transportation, notwithstanding this enormous increase under the law of the last Congress, is estimated to be only 7 per cent. increase, while the entire business of the Department is increasing at the rate of 10 per cent. every year. Gentlemen need only refer to the table in my hand, and which I will furnish to any one who may desire to see it, to discover this fact: that in 1868, when the country had almost entirely recovered from the effects of the war, the compensation to railroad companies was $4,107,126, while in 1873, the last year for which we have an official report, it was $7,257,196, an increase of $3,180,070, or over 80 per cent. from 1868 to 1874.

When I say that this compensation was fixed for railroad companies in 1868 under precisely the same law and upon the same basis for the compensation of railroads as controlled and guided the Department in 1874, gentlemen will see that the increase of the railroad service in this country at the rate of 80 per cent. between those two periods is a sufficient answer to everything that has been said upon that subject.

A word now in regard to some matters that have been presented by my colleague, [Mr. HOLMAN.]

Mr. KENDALL rose.

Mr. TYNER. I cannot yield, because I have only three minutes left.

Mr. KENDALL. I only wish to ask——

Mr. TYNER. I would be very glad to yield, but I cannot.

Mr. KENDALL. I would like to ask a single question before the gentleman takes his seat.

Mr. TYNER. I ask the Chair to protect me in my right to the floor, for I have yielded almost the whole of my time to gentlemen on the opposite side.

The CHAIRMAN. The gentleman from Indiana [Mr. TYNER] must be permitted to proceed without interruption.

Mr. TYNER. Now, sir, if there is anything wrong in the compensation to the railroads of the country for carrying the mails, the Postmaster-General and the Post-Office Department are not responsible. I hold here the law passed by Congress on the 3d of March, 1873, increasing the compensation of the railroads—a law passed after the fullest and most complete debate. Under that law the Postmaster-General cannot pay a single railroad company for a single pound of mail that it does not carry over its line. If there has been an enormous increase in the payment to railroad companies, Congress is alone responsible for it, not the Post-Office Department.

I am sorry that I have not time to pursue this subject further; but I want now to call attention (without stopping to read it) to the circular which was sent out by Giles A. Smith, formerly Second Assistant Postmaster-General, to several railroad companies of the country, and which was signed by some of their officers, agreeing to give him a certain percentage if he should succeed in getting an increase of their compensation for carrying the mails. I want my colleague to remember that that circular was exposed in the Senate on the 6th of March, 1872, and that on next day certain railroad officers notified the Senate and the country that they had not signed that circular, and therefore were not parties to that contemplated fraud. One year after that exposure, the Senate and the House being well acquainted with the facts, Congress passed a law increasing the compensation of the railroad companies, and I know, sir, that not a gentleman who voted for that increase was influenced by that circular.

I wish to submit one further consideration, which I think will convince gentlemen that the compensation to the railroad companies is not so extravagant as they have been inclined to think. I hold in my hand a calculation which I have prepared with a great deal of care and which has been submitted to the proper officials of the Post-Office Department and by them pronounced strictly correct. This calculation will show the precise cost of carrying mail matter over the railroads of the country. As I am admonished my time is about to expire, I can only take a single instance—the New York and Erie road. The compensation to that road is $575 per mile annually for carrying over their line every day thirty-five thousand pounds of mail matter. It will thus be seen that the mail service of that line costs the Post-Office Department just five one-thousandths of one cent per pound; and the compensation of this road is as great as that of any other railroad in the United States. It costs the Post-Office Department just five cents to carry one pound of mail matter—letters, newspapers, and everything else—one thousand miles over that New York and Erie road. Can a passenger travel at a less rate? Can you ship flour for less? Can you ship pig-iron for less? I undertake to say, if I had the time, that I could demonstrate that the railroad companies are receiving less per pound for the mails they carry than they do for second-class or even third-class freight transported in box-cars, while they furnish in some instances palaces, as it were, for the conveyance of route agents and postal clerks, and also carry free over their lines all the officials of the Department who are embraced in the contract.

In connection with the New York and Erie road, I beg leave to say that previous to the increase of compensation to the railroads under the act of 1873 that line was carrying an immense amount of mail matter for which it received no pay. I am not standing here as the advocate of railroad companies. I do say, however, that until we shall change the entire relation existing between these corporations and the Government, we have no right to impose upon them labor without paying them for it. The increase of mails over the New York and Erie road (it being the great funnel through which the city of New York empties its vast amount of mail matter going to the West) represents simply the increase that is going on from day to day, and from week to week, and from month to month in the carrying of the mails.

Now, sir, although the discussion is not pertinent here, (nor will it be when we take up the bill by items, inasmuch as we have passed the item for inland transportation,) yet I beg leave to ask whether any gentleman on this floor will rise and say that the postal facilities of this country are excessive? Is there any gentleman here who will say that the mail facilities now enjoyed by his constituents are greater than he or they desire? If so, I want him to "show his hand" here now. The increase in this appropriation bill as to every item save the one for inland transportation (which extraordinary increase I have already explained) is at a less percentage than the growth in the business of the Post-Office Department from year to year.

The CHAIRMAN. General debate on this bill having closed, the bill will now be read by clauses for amendment.

The Clerk read as follows:

For pay of mail-route messengers, $160,000.

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Mr. RANDALL. I move to amend by striking out the word "sixty" in the clause just read. I make this motion for the purpose of enabling me to say a few words to which I would like to have the attention of the committee. I have carefully analyzed this bill and compared it with the last post-office appropriation bill for the current fiscal year which was enacted into a law about a year ago. I find by that comparison there are many differences in the amount of the respective items. There are in this bill eighteen items in which there is an increase varying in amounts. The first increase is inland-mail service and rises to $1,559,980; the other increases vary. The bill shows an increase in these eighteen items of $3,298,421 over what was appropriated last year for like purposes. I find, on the other hand, there are ten items in which there are reductions aggregating $62,243, showing throughout this bill that there is a net increase of $3,236,178. I do not include the increase which is asked for in the third section, because that is a contingent increase, and amounts to $238,240. The others are an absolute increase.

As we go from item to item, I will direct the attention of the gentleman having the bill in charge, so he may give us a satisfactory explanation in regard to them, if he can do so. We have already passed from the first item, in which there is an increase over last year. For inland-mail transportation, in that item, there is an increase over last year of $1,559,980. There is also in the item for mail messengers an increase of $36,000. In the item for the pay of route agents there is an increase of $44,000. Now I come to the item on which we now are, for the pay of mail-route messengers, $160,000. This shows a decrease of $11,265.

But the most important item of increase is in reference to the pay of postmasters, in which the increase is $775,000. While on that subject, I desire to direct the attention of the House to Miscellaneous Document No. 157, in which it is shown there are quite a number of postmasters who receive a salary of $4,000 a year. For instance, the postmaster at Akron, Ohio, receives a salary of $4,000 a year. He employs three clerks. The receipts of his office are only $15,000. The postmaster at Central City, Colorado, receives $4,000, while the receipts of that office do not exceed $7,000. At Central City, Colorado, while the whole average receipts are not over $7,000 a year, the pay of the postmaster is $4,000. Compare that with what is the condition of things in other places. Take my own city of Philadelphia. In Central City, Colorado, while the postmaster employs but one clerk, the postmaster in Philadelphia employs about three hundred and seventy-five clerks, and yet the postmaster in Philadelphia gets no more salary than the one at Central City.

There is manifest injustice in this, Mr. Chairman, and I wish publicly to call the attention of the Postmaster-General to the necessity for a revision of this law as regards the salaries of postmasters. It is his duty to indicate some way in which we can get rid of this injustice. If I am not incorrectly informed, and I do not think I step beyond the bounds of propriety in speaking of it, the gentleman himself has indicated a plan whereby more than four or five hundred thousand dollars can be saved to the Government by a review or revision of this subject of the salaries of postmasters. I hope the gentleman will persevere until we have such an amendment to the law.

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL. I withdraw my *pro forma* amendment.

The Clerk read as follows:

For pay of postmasters, $6,500,000.

Mr. RANDALL. We appropriated for this item last year $5,575,000. Here is an apparent increase of $775,000. I should like to have some explanation why that increase is necessary.

Mr. TYNER. Mr. Chairman, the increase in the compensation of postmasters in the year 1872 over 1873 was 3.62 per cent.; and in 1874 over 1873, 0.81 per cent. The estimate for 1875 over 1874 is 13.53 per cent.; a very considerable increase as gentlemen can see. Under the law, as the gentleman is aware, the Postmaster-General has to make a biennial readjustment of the salaries of postmasters. It is estimated by the Post-Office Department, undoubtedly with great accuracy, this readjustment of the salaries of postmasters will require this very considerable increase in the percentage of their compensation.

The increase of salaries of postmasters is simply an indication of the growth of the postal service and of the business within the delivery of the several post-offices throughout the United States. If there were no biennial readjustment of the postmaster's salaries this year the ordinary increase would only be asked for.

Mr. RANDALL. Under existing laws the Postmaster-General has the right to readjust these salaries to which I have made allusion, these $4,000 salaries.

Mr. TYNER. They cannot get more than $4,000.

Mr. RANDALL. I want to know whether under the existing law in reference to the biennial readjustment of salaries of postmasters power is not conferred upon the Postmaster-General to correct this abuse, about which you or I do not differ at all. The gentleman from Indiana, as I have heard, desires to save the Government, by a plan of readjustment which he has, half a million dollars, while by another plan it has been suggested some $420,000 can be saved.

Mr. TYNER. In reply to the gentleman from Pennsylvania, I would say that the law requires the Postmaster-General to allow certain per centages on the business transacted at each office in the form of salary; and in every instance this is done, and that kind of computation makes up this salary of postmasters in the various offices throughout the country. But I think I know what the gentleman from Pennsylvania is trying to get at. He wants me to say whether or not a classification of salaries might not be made that would save a very considerable amount to the Treasury of the United States. I will say that the Committee on Appropriations instructed me to gather some data on this subject and present to them with a view to asking a suspension of the rules in the House to change the law in regard to the compensation of postmasters in the larger post-offices throughout the country. I got a list of all the postmasters in the United States whose salary exceeded $2,000, and I found that we could make a classification something like this: That we might provide in the law that postmasters in towns and cities whose population did not exceed 20,000 should have a salary of not over $2,000; with a population of 20,000 to 40,000, a salary of $2,500; from 40,000 to 60,000, $3,000; from 60,000 to 86,000, $3,500, and above 80,000, a salary of $4,000; and that the saving would amount to about $440,000. Now, the gentleman wants to know in all probability why we did not report such a law.

Mr. RANDALL. I want to know whether what the gentleman proposes as the result of his investigation could not under existing laws be done by the Postmaster-General, under the power given to him for a biennial rearrangement of salaries?

Mr. TYNER. I think not.

Mr. RANDALL. The gentleman will see that it is very important that if the Postmaster-General possesses that power he should exercise it at once; and if he does not possess that power we ought to give it to him.

Mr. TYNER. If the gentleman from Pennsylvania desires it, and the committee will bear with me, I will call attention to what is now the law. But I am asked by the gentleman from Massachusetts [Mr. G. F. HOAR] to state the reason why the Committee on Appropriations did not bring in this proposition. Let me answer that very briefly by saying that the committee did not agree to do it. But there is still a better reason than that. The Committee on Appropriations, as I construe their duties, are not required to report to this House changes in existing laws. There is a Committee on the Post-Office and Post-Roads whose duty it is to report to the House the result of their investigations in regard to all matters appertaining to that committee.

Mr. COBB, of Kansas. Has the gentleman from Indiana not reported a change of the existing law in regard to the population of cities where letter-carriers should be established?

Mr. TYNER. Yes, sir, we did so; but we also asked the consent of the House before we so reported. The gentleman from Kansas wants to know, I presume, why we reported in favor of a change of that kind. Our object, sir, was to relieve the Postmaster-General from embarrassment and to prevent his being imposed on.

Mr. G. F. HOAR. I had hoped that the gentleman would answer that the reason why the committee did not report the proposition of graduating the salaries of postmasters by the population of the cities where they reside was that they had come to the conclusion it was an unjust and unreasonable method of obtaining that object.

Mr. TYNER. I cannot give an answer so broad as that indicated by the gentleman from Massachusetts. You cannot have any general law to provide the basis of compensation to postmasters that will not work hardship in some cases; and the change of the law which I have suggested would have operated hardly in reference to some postmasters. But undoubtedly it would also have given the Treasury of the United States relief to the extent of $400,000. And I desire right here to say that when the proposition in regard to the change of the compensation of postmasters was brought to the attention of the Committee on Appropriations, the principal reason why that committee did not take the matter in hand was that there was a Committee on the Post-Office and Post-Roads, whose duty it was to report any change of law of that kind.

Mr. RANDALL. I think it is due to the Committee on the Post-Office and Post-Roads to state that they have been recently considering and are now considering that subject. I do not wish to be understood as casting the slightest reflection on the gentleman from Indiana or his committee. The reason he has given is a good one. I wish to draw out from him whether in his judgment the law needs amendment, so that the Postmaster-General might in some such manner as the gentleman proposes equalize the salaries. Gentlemen must see how unjust it is that while the postmaster at Philadelphia should be drawing $4,000 of salary the same amount should be given at a post-office in the Territory of Colorado. The postmaster at Philadelphia gives $300,000 security, while the postmaster at the city in Colorado which I named gives only $10,000 security. In the large cities, such as Philadelphia, New York, Boston, and San Francisco, the salaries ought to be raised in proportion to the service rendered and in proportion to the responsibilities assumed, while these other salaries should be lower in cases where, as far as I see, there is little or no responsibility, and where the post-offices are of little or no benefit to the Post-Office Department in the way of revenue.

Mr. TYNER. I am free to say that there is force in what the gentleman says; but the committee were compelled to deal with the law as they found it.

The Clerk read as follows:

For pay of clerks for post-offices, $3,250,000.

Mr. DUNNELL. I move to amend that clause by striking out "2" and inserting in lieu thereof "3;" so as to make the amount $3,350,000 instead of $3,250,000.

I understand that the early estimate of the Post-Office Department was for $3,250,000 for this purpose; but I am informed that after the estimates were made the Post-Office Department asked the Committee on Appropriations to increase this amount because of information which came to the Department subsequent to the making up of the estimates. The estimates were necessarily made up from data obtained in April last, so that this item ought to be at least increased $100,000. My own business, representing as I do a large district in the West, with the Post-Office Department is larger than with any other Department of the Government; and I do not agree with the gentleman from Indiana [Mr. HOLMAN] that we should be surprised at the increase of money asked for this Department. We ought to recollect that in the early and also in the latter part of each session of Congress we pass a large bill providing for new mail-routes, and that hence the increase of mail service is very great. Representing as I do a district composed of nineteen counties, I know that as many as five counties in that district within the past three years have been furnished with largely increased mail facilities, and I shall vote for an increase of this appropriation with more readiness than I would vote for an increase of any other appropriation in the bill.

It will usually be found that after the beginning of the fiscal year and within the first few months the amount appropriated for thi item is expended, and persons going to the Department and asking for an increase of mail service after the first six months of the fiscal year will be told that there is no money for the purpose.

Now, it is true that there are many offices where business rapidly increases. I have asked for clerk hire in a number of offices in my district where it was admitted by the Department that there should be $200 or $300 allowed for clerk hire, and yet I was told that the appropriation was entirely exhausted. I say that this amount should be increased, and that in this important respect the business of the Department ought not to be crippled. I understand that the Department has asked for an increase of the appropriation for this item, not formally perhaps, but has asked an increase since the estimate was made, and I hope it will be granted.

Mr. RANDALL. I hope this amendment to increase the appropriation will not be adopted. There is already in this item an increase of $275,000 over what was appropiated for a like purpose last year, which is an increase of between 9 and 10 per cent. I hope the amount will not be increased.

The question was taken on Mr. DUNNELL'S amendment; and on a division there were—ayes 35, noes 50; no quorum voting.

Tellers were ordered; and Mr. DUNNELL and Mr. RANDALL were appointed.

The committee divided; and the tellers reported ayes 27, noes not counted.

So the amendment was not agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For pay of letter carriers, $1,900,000: *Provided*, That hereafter letter carriers shall not be employed for the free delivery of mail matter in towns and cities whose population within their corporate limits, as shown by the last report of the national census or by any subsequent census taken in pursuance of State statute or by order of the mayor and common council of such town or city, shall be less than twenty thousand; but this proviso shall not affect the free delivery in towns and cities where it is now established.

Mr. RANDALL. I would like to know what is the effect of that proviso?

Mr. BIERY. I offer the following amendment:

Strike out all after the word "population" in line 33, to the word "shall" in line 37, inclusive, and insert the following:
Including that of the immediate vicinity receiving its mail matter at the post-offices in such towns and cities not exceeding a radius of one and a half miles.

I desire to insert this amendment so that cities where the corporate limits do not embrace exactly twenty thousand population, but come near to that limit, and the post-offices which supply the surrounding country, may be entitled to the benefit of this carrier system. I understand that there are a number of cities having a population of sixteen, eighteen, or nineteen thousand, and having a dense population immediately surrounding them, which population receives its mail matter at the post-offices of those cities. I think the amendment is unobjectionable if you limit it to a radius of one and a half miles.

Mr. COBB, of Kansas. Does that cover the gentleman's city?

Mr. BIERY. I am frank enough to say that it would include the city where I reside, but it also carries out my view of the just principle which should be adopted in regard to this matter. If the gentleman from Kansas had a city of this character in his district, I would vote with him to give that city the benefit of the system. I do not see why a city having a population of eighteen thousand, and extending its limits into the surrounding county, should receive the benefits of this carrier delivery, while other cities whose limits are more restricted should be denied the privilege. I think this amendment is a just one and ought to pass.

Mr. TYNER. I desire simply to say a word in response to what has been said, although I presume it is hardly necessary, and at the same time to answer the question which the gentleman from Pennsylvania [Mr. RANDALL] rose to ask as to what effect the change in the law will have. Under the law of the last Congress the Postmaster-General was authorized to establish the free-delivery system where the population within the delivery of the post-office was twenty thousand. The Postmaster-General finds himself continually embarrassed by propositions to establish this service in cities that run down as low as ten thousand in population.

The reason why the Committee on Appropriations and the Postmaster-General desire to change the law is simply this, that wherever the population is confined to the corporate limits of a city, it can be definitely ascertained either by the reports of the national census, or by the census taken by the authorities of the State, or by the mayor and common council of the city.

It is merely for the purpose of making this thing precise that the committee propose this change of the law. They also provide that it shall not affect the free-delivery system where it is now established.

Now a word in regard to the suggestion of the gentleman from Pennsylvania, [Mr. BIERY.] If you go outside of the corporate limits of a city, you open up the matter indefinitely. There would be no official authority for taking the census of lanes and roads and alleys or anything of that kind outside of the corporate limits. Therefore it is unquestionably better to confine the law to corporations with definite limits.

The amendment of Mr. BIERY was not agreed to.

The Clerk read the following:

For advertising, $80,000: *Provided*, That hereafter no payment shall be made to any newspaper published in the District of Columbia for advertising any other mail-routes than those in Virginia and Maryland.

[Mr. KENDALL addressed the House. His remarks will appear in the Appendix.]

Mr. TYNER. Mr. Chairman, it was not necessary for the gentleman from Nevada [Mr. KENDALL] to do anything more than refer me to a single case; all the rest are merely duplicates, so far as the point he is making is concerned. Under the law that existed prior to the last Congress the system of "straw-bidding" was practiced very extensively by mail contractors throughout the whole country. No man ought to be more familiar with that entire system of "straw-bidding" than the gentleman from Nevada, only because he lives in a region of the country where it has been practiced to a very considerable extent. The old law required the Postmaster-General when bids came in in proper form to accept the lowest offer that might be made for a given route.

Mr. KENDALL. Then why, as in several instances I have named, was a contract let for an amount larger than the highest bid which was put in?

Mr. TYNER. I think that if the gentleman will listen a moment I can by taking up a single route show him all the point there is in that matter. Take one case to which he has referred—the route from San Antonio to Waco. These contracts were all made in 1871 and expire on the 30th of June of the current year. They were all made under a law which has since been repealed, Congress having passed a substitute for it last year. Now, sir, in the case of which the gentleman spoke—the route from San Antonio to Waco—the highest bid upon the route was $20,000; the lowest, $1,800. That was for the conveyance of mails three times a week a distance of one hundred and seventy-four miles and back. Every gentleman must know that $1,800 was insufficient to cover even a fraction of the cost. Now, why did this lowest bidder (who happens to be in this case one A. J. Terry) propose to carry the mails on this route for $1,800? Simply because he was there in the capacity of a "straw-bidder;" he was a go-between between some party who desired this contract to be let to him at a large price, and the Post-Office Department. But by the law as construed by the Attorney-General of the United States, upon a submission of the question by the Postmaster-General, the latter was compelled to accept that bid of $1,800. When the contract time arrived, to wit, July 1, 1871, the contractor failed to perform the service; therefore there was at that time no provision for that service. This man Terry had proved to be a mere man of straw, not complying with his contract, and the Post-Office Department was entirely powerless under the law to enforce the contract. The result was that the Postmaster-General was compelled to make a temporary contract for the performance of that service under the law until there could be a readvertisement in accordance with the provisions of the law and a reletting of the contract. The Postmaster-General was not authorized under the law to take the next lowest bidder, who happened in this case to be one Banister, who proposed to do the work for $2,000. Why could not the Postmaster-General take this bid? Because under the provisions of the law the acceptance of the lowest bidder released every other man who had put in a bid. Besides, the failure to perform the contract could not be determined by the Post-Office Department until the arrival of the time at which the contract service was to be commenced. When that time arrived and the lowest bidder did not make his appearance to do the work, the Postmaster-General was then compelled to abandon the route entirely or to let the service upon a temporary contract; and he did the latter, in accordance with a decision of the Attorney-General, whose opinion I have before me.

Mr. RANDALL. I take the floor to move an amendment, and yield to the gentleman from Nevada, [Mr. KENDALL.]

Mr. KENDALL. I wish to ask the gentleman from Indiana, [Mr. TYNER] why it is that the Postmaster-General has not accepted the

next lowest bidder, or, if he should fail, the next lowest to him, and so on? I wish also to ask another question. A party putting in a "straw bid" must of course have filed a bond and made a deposit. Now, why were not the bond and deposit forfeited, and thus indemnity obtained by the Government? Above all, why is it the contract should be let for a larger sum than the very highest bid?

Mr. TYNER. If the gentleman will listen awhile instead of propounding questions I will make it clear to him.

Mr. KENDALL. I have listened to the gentleman attentively.

Mr. TYNER. When bids came in under the old law the Postmaster-General, under the provisions of that law, was required to accept the bid of the lowest bidder. He was not authorized to say that the lowest bidder was a straw-bidder, but the law required him to accept the bid no matter for what purpose the lowest bidder put it in. The law bound the Postmaster-General to that lowest bid until the first day of the contract should have arrived, and if the straw-bidder failed to put in his appearance to answer all the conditions of the contract, then the Postmaster-General was required to let the contract for temporary service to any person who would take it. Does the gentleman from Nevada not see what the result was? When the 1st of July, 1871, arrived, and this man Terry failed to put in his appearance thereupon, this route had to be supplied with mail service and the Postmaster-General was compelled to supply that route with mails. Every bidder on the list was released in accordance with the law, and he had to put himself absolutely in the power of the man who had stock and stages and everything ready to do the service.

Mr. KENDALL. Does the gentleman say the contract must be let for a sum higher than that bid by the highest bidder? Does he say that some thirty or thirty-five bidders must be ruled out entirely and the contract go for a price higher than that of the very highest bidder?

Mr. TYNER. It does not matter whether there were thirty-five or thirteen hundred and thirty-five bidders, the Postmaster-General could not compel a single man to accept service, and if he did they would refuse.

If the committee will bear with me I will say these irregularities under what is known as the straw-bidding system resulted in the investigation by the Committee on the Post-Office and Post-Roads during the last Congress, and that committee made the report from which the gentleman from Nevada has quoted. The final result was the passage of the law which cut off this system of straw-bidding entirely; and if the gentleman will turn to the contracts let in his own section during the present year he will find no straw-bidding.

Mr. GLOVER. I wish to ask how the information comes to Mr. Sawyer this mail-route is vacant, rather than to the various parties who bid on it?

Mr. TYNER. Suppose the gentleman had been here at that time and stood in the relation of Mr. Sawyer; suppose instead of Mr. Sawyer he had been here ready with his horses and stages to do the service and had said to the Post-Office Department on the 1st of July, 1871, "I will carry your mails for so much and no less," and the law required the Postmaster-General to supply that route at that time, and there was nobody else to do it, I ask if the Postmaster-General's hands would not be tied in that instance?

But we have corrected all that. I will make this statement now to be put upon record, that the Post-Office Department in no single instance within my knowledge, nor in any single instance, unless as temporary service, has awarded a contract to any but the lowest bidder.

Mr. KENDALL. I withdraw my amendment.

Mr. WHITEHEAD. I move to strike out in line 46 the words "any other," and in line 47 the words "than those in Virginia and Maryland."

Mr. MAYNARD. I ask the gentleman from Virginia to withhold his amendment until I can renew the one which has been withdrawn by the gentleman from Nevada in order to add a word to that.

Mr. WHITEHEAD. I have no objection if I do not lose the floor.

Mr. MAYNARD. I renew the amendment *pro forma*.

The means suggested by the gentleman from Nevada [Mr. KENDALL] is one well worthy of being understood. I had occasion in connection with the postal service in my own part of the country to know something about this subject some time ago. I found the state of things under the Post-Office Department under the law substantially to be this: A contractor has by some means possession of the route he desires to get. He has of course the stock purchased for running it. It is advertised to be let. He puts in a bid. If he gets it he is satisfied with it. He procures some person of his own craft to put in a bid so ridiculously low that no one bidding would ever go below it. As the law then stood the Postmaster-General must accept that lowest bid, and in accepting that bidder he releases from responsibility all above him. Time goes on until the 1st of July rolls around, when the contract goes into effect. This man of the lowest bid does not appear; he gives no bonds.

Mr. O'BRIEN. Will the gentleman from Tennessee state whether or not, in cases of straw bids, there is not some security or bond given by which the Post-Office Department will be secured in allowing the matter to lie from the time of the bidding to the time that the contract is to be performed?

Mr. MAYNARD. Suppose he gives his bond, which some postmaster certifies to be good, and which turns out to be not worth as much as the white paper on which it is written. The Postmaster-General must then make a temporary contract, but the other bidders may not be in a condition to undertake a temporary service. Meanwhile the old contractor is there with his stock, and is practically master of the situation, and the Postmaster-General must contract with him or let the mail stop.

Mr. O'BRIEN. Does the gentleman know of any case where the bond was prosecuted, or where the postmaster who certified to a sufficiency of the bond was relieved from office on account of his participation in an apparent fraud by certifying to an insufficient bond?

Mr. MAYNARD. I cannot answer that question because I have not sufficient knowledge of the working of the Department. It is an inquiry the answer to which my friend from Maryland can easily obtain by going to the Department. I am speaking of the working of the system and not of its mode of administration. I am not here to defend the administration. They can take care of themselves. I am trying to explain what I found myself to be the working of that law, in order to show how we attempted to remedy it.

Mr. ELDREDGE. I would like the gentleman from Tennessee to state what remedy there is. In speaking of this matter a few days ago, I was told that the evils resulting from this system had been cured by a law which now exists. I would like to know how the evil has been cured?

Mr. MAYNARD. I was about to explain that as I understand it. I was about to remark that this contractor who is on the ground can play the game I have indicated over and over again. It was brought to the attention of Congress during the last Congress, as the gentleman from Wisconsin will remember, and an attempt was made by legislation to require that the bidder with his bid should make a deposit of money in order to give assurance of the good faith of his bid. And I believe that the alteration of the law has been practically to break up the system of straw-bidding to which I have alluded, and with the workings of which I have had occasion to be familiar.

[Here the hammer fell.]

Mr. ELDREDGE. I rise to oppose the amendment, and I take the floor more for the purpose of getting explanations from the gentleman from Tennessee [Mr. MAYNARD] than to attempt to enlighten the House from any knowledge I have myself. It would seem that even the law as it now stands does not cure the evil, for if a bond is required and the lowest bid is so exceedingly low that no honest man can come down to it, as suggested by the gentleman from Tennessee, the bond that he is required to give can be no protection, and the other bidders, it seems, if there should happen to be a lower bid than theirs, are excused or relieved by virtue of there being a lower bid.

Mr. MAYNARD. Along with the bond the bidder is required to make a deposit in money.

Mr. ELDREDGE. In what amount? To what extent?

Mr. MAYNARD. I understand that it is a certain percentage upon the old contract. I will say to the gentleman from Wisconsin that my recollection does not go to the details, to the minutiæ of the thing, but to the principle on which we legislated in last Congress. The bidder who fails when his bid is accepted to fulfill his contract, of course forfeits his deposit; and it was supposed by Congress when they legislated in that direction that that was sufficient to deter from this fictitious bidding to which I have referred, and I understand as a matter of fact it has done so.

Mr. ELDREDGE. Practically, as I understand, it has had no such effect. We have the same difficulty on our hands now as then.

Mr. MAYNARD. The cases which have been referred to, I understand, occurred prior to the passage of the law of last Congress.

Mr. ELDREDGE. As I understand, the gentleman from Nevada [Mr. KENDALL] referred to one case which has occurred since that law passed.

Mr. KENDALL. The case I spoke of as having occurred since the passage of the law of last Congress I referred to from memory. It is not in the statement here.

Mr. MAYNARD. If the gentleman is not mistaken in his recollection, then in that case the law has not been efficient to accomplish what was intended.

Mr. ELDREDGE. As the law now stands there is no check to hold anybody to a bid below $5,000. Can the gentleman from Tennessee tell us whether the Postmaster-General has covered into the Treasury one dollar from the forfeiture of any bid?

Mr. MAYNARD. I am not aware. I cannot answer the question.

Mr. ELDREDGE. I have made particular inquiry in regard to that, and I have never yet heard of a single dollar being covered into the Treasury or any credit being given for such a forfeiture.

Mr. TYNER. I will answer the gentleman from Wisconsin if I can have order in the committee.

Mr. ELDREDGE. I will say to the gentleman from Indiana that the disorder it seems to me has been created mostly by the interference with the questions I have desired to propound. I hope he will not charge the disorder upon me. I shall be glad to get information on this point, whether any money has been covered into the Treasury, or whether this whole thing is a system of humbug. Is the Postmaster-General constantly humbugging us with some pretense of carrying out the law, or have deposits been actually made, and forfeitures on account of these fraudulent bids covered into the Treasury?

Mr. MAYNARD. I would answer the question, but the gentleman

who has charge of the bill can, of course, answer it much better than I can.

Mr. TYNER. I would say to the gentleman from Wisconsin [Mr. ELDREDGE] that no part of the certified checks which the law requires to be deposited with the bids over and above the sum of $..0,000 has yet been covered into the Treasury of the United States; because the law only recently took effect, and there have been no forfeitures. The law went into effect last year, and there has not been a single forfeiture. The contracts let this year take effect on the 1st of July, and of course if there are any forfeitures the certified checks will be covered into the Treasury.

Mr. ELDREDGE. I would ask if there is any report to Congress by which we can ascertain whether they are not such certified checks, or by which we can get some information upon this subject so as to let the people know concerning it?

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. MAYNARD. I withdraw the amendment.

The Clerk read as follows:

For advertising, $80,000: *Provided*, That hereafter no payment shall be made to any newspaper published in the District of Columbia for advertising any other mail-routes than those in Virginia and Maryland.

Mr. WHITEHEAD. I move to amend that clause by striking out in line 46 the words "any other," and also by striking out in line 47 the words "than those in Virginia and Maryland;" so that it will read:

For advertising, $80,000: *Provided*, That hereafter no payment shall be made to any newspaper published in the District of Columbia for advertising mail-routes.

I do not know whether this is a copy of an old act or whether it is a new provision put into this bill for the benefit of the press of the District of Columbia. I cannot myself see any reason why the advertisements for mail-routes in the States of Virginia and Maryland should be advertised in the papers of the District of Columbia any more than the advertisements for mail-routes in the State of Pennsylvania.

It was said by the gentleman from Florida [Mr. PURMAN] some days ago that this patronage given to the republican papers down our way was necessary for their support. If that be so, we have three republican papers in my State that can have this patronage without damage to the republican party. But for one I do not see why mail-routes in the State of Virginia should be advertised in the papers of this District. If a man in my State wished to bid for such contracts he would be far more likely to see the advertisement for bids in a paper published in the State than in a paper published here. There is therefore no reason for this provision unless it be a political reason. The papers published here do not circulate any more in the State of Virginia than they do in the State of Nevada, or Nebraska, or any other State. There can be no reason why this patronage, whatever it is worth, should be given to the papers here and not to the papers of Virginia. Certainly if this provision is for the purpose of political patronage it should be given to the Virginia newspapers of the republican party, for they claim to have some republicans in that State. Now, I propose to strike out the words I have indicated so as to provide hereafter that no advertisements for mail-routes shall be published in the papers of the District of Columbia. I am inclined to think, Mr. Chairman, that this clause must have been inserted under a misapprehension. There can be no reason why the advertisements for mail service in Virginia should be published in the papers of this District when the advertisements for mail service in Pennsylvania are not published in those papers. It is a discrimination against the States of Virginia and Maryland which I do not think the House ought to make.

Mr. TYNER. The amendment is all wrong. There are some mail-routes that run out of this District.

The question was put on Mr. WHITEHEAD'S amendment; and on a division there were—ayes 58, noes 67.

Mr. WHITEHEAD. I call for tellers.

Mr. RANDALL. I would suggest to the gentleman a further amendment so as to perfect his amendment, and that is to insert the words "any other routes than those running out of the District of Columbia."

Mr. WHITEHEAD. I will accept that modification.

Tellers were ordered upon agreeing to the amendment as modified; and Mr. WHITEHEAD and Mr. TYNER were appointed.

The committee divided; and the tellers reported—ayes 78, noes 68.

So the amendment was agreed to.

Mr. ELDREDGE. I want to suggest that in my judgment that amendment does not accomplish the purpose which the gentleman had in view.

Mr. RANDALL. The gentleman is mistaken; it does.

The CHAIRMAN. Debate is not in order; the amendment has been agreed to.

The Clerk read as follows:

For payments on account of mail depredations and for special agents, $160,000.

Mr. STONE. I move to amend that clause by striking out "$60,000" and in inserting in lieu thereof "$23,000," so as to make the amount $123,000. I find on page 438 of the Blue-Book that the employés to whom this compensation is now paid are as follows: One special general superintendent railway mail service; eight special superintendents mail service; two special assistant superintendents mail service; one special superintendent railway classification; fifty-seven special agents of mail depredations; four special agents of money-order service; two special agents of free-delivery system; one special agent of mail equipments; making seventy-six employés in that department, at a cost of $123,000, as included in the Blue-Book, showing an increase in this bill of $37,000.

Mr. TYNER. I desire to say a word in response to the gentleman from Missouri. The confusion on the floor was so great that I did not hear precisely what he said. But if I understood him his point is this: he finds in the Blue-Book a certain number of special agents, and their compensation under the law, which amounts to $123,000, and he proposes to offer an amendment to reduce the amount of the appropriation in this clause to that sum. The gentleman is not perhaps aware of the fact that a part of the incidental expenses connected with the service of the special agents of the Post-Office Department does not appear in the law. For instance, in making arrests it is very often necessary for the agent to employ outside assistance, and in every instance where that is done of course it is necessary that that outside assistance should be paid for. Then again it is very frequently the case that a special agent who makes an arrest upon the spot, on account of a depredation of which he has personal knowledge, is himself arrested upon a writ of *habeas corpus*, and compelled to go before a court and employ an attorney to defend him. And in addition to that the special agent is frequently required to travel over roads where there are no mails carried, by stage coach or railroad cars or in any other way, and in all such cases he is obliged to hire a horse or a horse and carriage, for which payment must be made.

Mr. GARFIELD. Then there is the offering of rewards for the arrest of parties.

Mr. TYNER. The gentleman from Missouri [Mr. STONE] will see at once that there are a thousand little things that cannot be accounted for in advance.

Mr. STONE. Were there not incidentals last year as well as now?

Mr. TYNER. Surely.

Mr. STONE. And cannot the deficiency, if any, be charged with that account?

Mr. GARFIELD. This is the only fund applicable to that purpose.

Mr. HOLMAN. I move to strike out the last word in order to ask my colleague a question. I am told that on the 22d of June, 1872, when this new law in reference to mail contracts went into operation so far as railroads are concerned, a clerk in the Post-Office Department, with a salary of $1,800 a year, was appointed as assistant superintendent of railway mail contracts, at a salary of $1,600 a year and $5 a day and continued his duty at the same desk, at which he received his pay of $1,800. That made his compensation, instead of $1,800 a year, $3,425 a year. In fact, without changing the clerk where the clerk was employed, remaining at the same desk, by this mere process his salary was changed from $1,800 a year to $3,425 a year.

Now I ask my colleague if such transactions occur in the Post-Office Department, whether this statement given to me is correct? And if so, is it not in that way that these indefinite appropriations are made, and are perhaps used in the Department for an improper increase of salaries?

Mr. TYNER. If my colleague will suggest the name of the clerk——

Mr. HOLMAN. I understand the name of the clerk to be Mr. Davis.

Mr. TYNER. My colleague is correct. A man by the name of James M. Davis was appointed superintendent of railway classification, at a salary of $1,600 a year and five dollars a day to cover expenses. His title is that of superintendent of railroad classification. I think if my colleague understood the character of the duties performed by that man he would not raise a question as to the propriety of paying this amount. He is the officer who examines the propositions of pay to every railroad company in the United States, whose large compensation my colleague has complained of so much to-day. In every instance where the pay of a railroad company is adjusted it passes under the supervision of this officer, who examines it closely, looks at every figure, and fixes the rate of compensation under the law. I submit that if there is no other complaint to be made against the manner in which this appropriation is expended, my colleague ought not to say a word, because the important duties that are performed by this man would anywhere else command a much larger compensation than he now gets.

Mr. HOLMAN. I desire to call the attention of my friend to a fact which he has overlooked. It is that under this indefinite appropriation it is impossible for Congress to know what is paid to the officials of the Government. Here is a clerk who continues at the same desk where he received a salary fixed by law of $1,800, and receives now a salary of $3,425 a year, remaining at the same desk and performing none but merely clerical duties. I submit that if we talk about fixing salaries and holding the Departments to some accountability for the expenditure of appropriations, we must do so more definitely than is done here. No one can tell how these vast sums of money are to be expended, or what salaries are to be paid to our officers.

The amendment moved by Mr. STONE was not agreed to.

The Clerk read the following:

For mail locks and keys, $50,000.

Mr. RANDALL. The appropriation for this purpose last year was

only $40,000. Why should it be increased now? I suppose the consumption or destruction of locks is about the same each year.

Mr. TYNER. In response to the gentleman from Pennsylvania, [Mr. RANDALL,] I will say that this increase is made necessary for this reason if for no other: this appropriation is to supply locks to boxes used in the several towns and cities where the letter-carrier system is established. Heretofore the Post-Office Department has been in the habit of taking old locks which have been used to some extent and applying them to this purpose. These locks have now nearly all worn out or become insecure, and the Department finds it necessary to have a little larger appropriation this year in order to supply the number that are needed.

The Clerk read the following:

For rent of post-offices, $350,000.

Mr. RANDALL. Last year only $300,000 was appropriated for this purpose; now it is proposed to appropriate $350,000, an increase of $50,000.

Mr. TYNER. That is not more than the ordinary increase of the business of the country would require.

Mr. RANDALL. The increase of expenditures on the part of the Government, so far as the erection of public buildings is concerned, would, I think, render a decrease rather than an increase in this appropriation advisable.

The Clerk read as follows:

For balances due foreign countries, $260,000.
For rent of post-offices, $350,000.

Mr. WHITEHEAD. I move to amend by inserting after the clause just passed, in regard to balances due foreign countries, the following:

For balances due mail contractors appearing by the records of the Post-Office Department and heretofore used or covered into the Treasury, $100,000.

Mr. GARFIELD. I object to going back. The clause to which the amendment is proposed has been passed.

Mr. WHITEHEAD. It had not been passed when I rose. But I will offer the amendment to the pending clause.

Mr. TYNER. I raise the point of order that this is new legislation. These balances have been covered into the Treasury by the provisions of a law of Congress.

Mr. RANDALL. The amendment does not change any law. It merely makes an appropriation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. POLAND. I desire to say a word in reference to the point of order. I apprehend that it is entirely unfounded. Here were balances due to postmasters. There was an appropriation made to pay them. That appropriation has been covered into the Treasury, so that there is now no appropriation to pay these outstanding balances. But no law has ever been passed providing that they shall not be paid. The amendment contravenes no law; it involves no new legislation any more than any appropriation does.

Mr. RANDALL. I think that upon reflection the Chair will see that the amendment does not change any existing law.

Mr. WHITEHEAD. The act of 1863 provided that balances thus due might be used in paying deficiencies of the Post-Office Department, and as the gentleman from Vermont [Mr. POLAND] says, they were used in that way. It is only necessary now to make an appropriation.

Mr. GARFIELD. Before the point of order is decided, let me inquire of the gentleman from Virginia [Mr. WHITEHEAD] what he wants paid under this amendment?

Mr. WHITEHEAD. So far as I am concerned I want to secure payment of dues to mail contractors whose claims have been settled by the Post-Office Department, audited in its books, and acknowledged to be due for the quarter commencing January 1, 1861.

Mr. GARFIELD. Then that is clearly against the law.

Mr. TYNER. In view of the statement just made by the gentleman from Virginia as to the object of his amendment, I ask the Clerk to read a joint resolution passed on the 2d of March, 1867; and I raise the point that the amendment is in contravention of the provisions of that resolution which establish a test of loyalty.

The Clerk read as follows:

Joint resolution prohibiting payments by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until otherwise ordered it shall be unlawful for any officer of the United States Government to pay any account, claim, or demand against said Government, which accrued or existed prior to the 13th day of April, A. D. 1861, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during said rebellion was not known to be opposed thereto, and distinctly in favor of its suppression; and no pardon heretofore granted, or hereafter to be granted, shall authorize the payment of such account, claim, or demand, until this resolution is modified or repealed: *Provided*, That this resolution shall not be construed to prohibit the payment of claims founded upon contracts made by any of the Departments, where such claims were assigned, or contracted to be assigned, prior to April 1, 1861, to creditors of said contractors, loyal citizens of loyal States, in payment of debts incurred prior to March 1, 1861.

Mr. WHITEHEAD. The resolution just read, even if now effective, applies only to those who were disloyal. Some of these parties were loyal, but they cannot be paid any more than those who were disloyal.

The CHAIRMAN. The Chair decides that the amendment is not in order.

The Clerk read as follows:

For registered-package envelopes, $42,680.

Mr. TYNER. I move to amend the clause just read by inserting after the word "envelopes" the words "and seals."

The amendment was agreed to.

The Clerk read as follows:

For official envelopes for postmasters, $60,000.

Mr. RANDALL. The appropriation last year for this purpose was only $29,525. The present appropriation is more than double that amount. I would like to know the necessity for an increase to such an extent.

Mr. GARFIELD. The House last year was in a pet because the franking privilege had been abolished, and hence cut this item down below what it ought to have been.

Mr. RANDALL. Well, at any rate the Post-Office Department conducted its business with the amount of the appropriation.

Mr. HOLMAN. The gentleman from Ohio will remember that there was no deficiency.

The CHAIRMAN. There is no amendment pending.

Mr. RANDALL. I move to amend by striking out "60" and inserting "30," so as to make the appropriation $30,000. Even the latter sum is in excess of the appropriation made last year.

Mr. TYNER. The Post-Office Department asked for this purpose an appropriation of $69,500; and the officer who has this matter specially in charge states that he cannot get along with a dime less than the amount proposed here to be appropriated.

Mr. RANDALL. How did the Department get along last year?

Mr. TYNER. The increase of the money-order business necessarily increases the appropriation very largely. Every money-order issued by a postmaster requires the use of two envelopes. There has also been an increase in the registered-letter business which I will state has doubled since the 1st of July last. The increase in the registered-letter business by the reduction of the registration fee, together with the increase of the money-order business, will require this increase in the appropriation.

Mr. RANDALL'S amendment was disagreed to.

The Clerk read as follows:

For fees to marshal, attorneys, and clerks of courts, $7,500.

Mr. HOLMAN. I should like to have my colleague explain the object of this appropriation. Seventy-five hundred dollars is appropriated for fees to marshal, attorneys, and clerks of courts. When the Government becomes a party to a lawsuit, certainly this Department is not called on to pay these fees. The Post-Office Department as a Department of this Government has of course the right to call upon its legal officers to prosecute its suits.

Mr. TYNER. When the Post-Office Department enters suits on an official bond, or any other suit, the fees of marshal, attorneys, and clerks of course are as much chargeable against the Department as against any private individual or anybody else. Whenever there has been prosecution of parties for violation of the postal law the Post-Office Department is required to pay these fees to the marshal, attorneys, and clerks of courts, and this appropriation is for that purpose.

Mr. HOLMAN. This is the only instance of such an item being provided for any other Department of the Government that I am aware of.

The CHAIRMAN. The gentleman from Indiana must move an amendment, as this debate is proceeding out of order.

Mr. HOLMAN. Then I move to strike out the paragraph. There is no such appropriation for any other Department. The understanding always has been that the appropriation for the Department of Justice covered the appropriation for all such service. I hope some satisfactory explanation will be made of this item. We do not make any appropriation of this sum for the Interior Department or the State Department.

Mr. GARFIELD. If my friend from Indiana will think for a moment, he will see there are certain officers of the court, clerks and marshal, who are paid by fees. They get fees from the suitors before the court. If the Postmaster-General or any agent of his is suitor, these officers are entitled to their fees just as much as though the suit was brought by a private citizen or any one else. This appropriation is for the purpose of paying these fees. There is no appropriation of law otherwise to pay these parties. They only are paid by fees.

Mr. HOLMAN. There is no such appropriation for the Department of the Interior or for the Department of State.

Mr. GARFIELD. The gentleman is mistaken. We made this same appropriation for the Internal Revenue and other Departments. This appropriation has been here in the post-office appropriation bill ever since the gentleman has been a member of Congress.

Mr. HOLMAN. I understand that, but it has never been satisfactorily explained.

Mr. GARFIELD. This is the explanation of it. It has never been questioned before.

Mr. HOLMAN. I do not know I shall insist upon my motion to strike out. I withdraw it.

Mr. G. F. HOAR. I should like to ask for my own information what fees are paid to clerks of courts by the Post-Office Department?

Mr. GARFIELD. Fees on whatever cases may be entered by the Post-Office Department in the courts.

Mr. G. F. HOAR. In criminal cases?

Mr. GARFIELD. In whatever cases the Post-Office Department feels it necessary to bring.

Mr. G. F. HOAR. Suits on official bonds?

Mr. GARFIELD. Yes; and in whatever other business of the Department in reference to which the Department needs to bring suit.

Mr. HOLMAN. I wish the gentleman the next time we have up a bill making appropriation for any other Department will point out any item corresponding to this one. I think my friend from Ohio will find it difficult to find any, unless it be in the appropriations for the Department of Justice.

Mr. GARFIELD. I can point it out at once. In the appropriation for the Internal Revenue Bureau there is an appropriation of $125,000 for the trial and bringing to punishment of persons accused of crime or charged with crime against the Internal Revenue Bureau. That appropriation goes to pay all this class of charges.

Mr. HOLMAN. But this class of fees is not mentioned.

Mr. GARFIELD. That is simply because the appropriation is not itemized.

Mr. G. F. HOAR. Let me put another question to the gentleman. Is not this necessary in consequence of the mode of keeping the books between this and the other Departments?

Mr. GARFIELD. That is all.

The Clerk read as follows:

For engraving, printing, and binding drafts and warrants, $3,000.

Mr. BECK. I move to strike that out. I want to get the attention of the chairman of the Committee on the Post-Office and Post-Roads for one moment. The suggestion I wish to make does not bear specifically on this particular item, but the chairman of the Committee on the Post-Office and Post-Roads seems to be so well informed I wish to ask him this question: There has been a large amount of money drawn by the Post-Office Department from old appropriations. I find by looking over the Book of Estimates, and I have been unable to ascertain how they were able to do it under the law, of the amount of appropriations made for 1871, at the beginning of the current fiscal year there remained $2,938,000 in the Treasury, of which $500,000 were drawn out before the 1st of September. The House adopted a resolution requiring the Secretary to advise it how much had been drawn out up to the 1st day of April, and he advised us that the Post-Office Department had drawn out of that money up to the 1st day of April $1,510,000. If the chairman of the committeee can tell us under what orders or by what authority that money was drawn, I would like to know it.

Mr. TYNER. The gentleman from Kentucky addressed his inquiry to the chairman of the Committee on the Post-Office. I do not know whether he meant me or not. I do not happen to be serving in that capacity.

Mr. BECK. The gentleman from Indiana [Mr. TYNER] is the gentleman I addressed.

Mr. TYNER. Then if the gentleman addressed his inquiry to me, I will give him the best information I can. There is no question but the circumstance about which he speaks was in clear violation of the law. It was drawing $500,000 from an expired appropriation, but it was done wholly by the mistake of a new officer in the Post-Office Department. The present Third Assistant Postmaster-General, Mr. Barber, had recently been installed in the duties of his office. In making up his warrants on this appropriation he inadvertently and without a knowledge of the law drew upon this appropriation the sum of $500,000. The payments were made and the entire transaction was completed before the Postmaster-General himself knew anything about it.

Mr. BECK. But this remarkable fact existed on the 1st day of September last that $500,000 was drawn, and on the 1st day of April the Secretary certified that $1,510,000 was drawn. How did it happen that after the 1st day of September there was $1,010,000 drawn in addition to that $500,000?

Mr. TYNER. I will simply reply to that by saying that if anything of that kind did occur I am unable to explain it.

Mr. BECK. Then I withdraw the amendment.

The Clerk read as follows:

For miscellaneous items, $2,500.

Mr. E. R. HOAR. I offer the following amendment:

At the end of line 93, add the following:
That the postage to be charged on each copy of the Annual Report of the Department of Agriculture shall not exceed ten cents.

Mr. Chairman, permission was given by the House, by a vote of about 3 to 1, to move that as an amendment to the pending bill. And while I have no doubt that the House was in favor of adopting this amendment, I wish in moving it to call the attention of the committee to what seems to me a matter of importance in dealing with it. It is known to the members of the House, especially to those representing agricultural districts, that this particular document is the most in demand of any which Congress sends out to the country. It is desirable, of course, that it should be sent to the constituencies that wish to receive it; but the present rate of postage is excessive for a work which is sent out in such great quantities. Now, I am informed by the Post-Office Department that the Department can afford to send it at ten cents per copy; that with that rate of postage the expense of sending it will be fully defrayed. If, therefore, this amendment be adopted it will give an opportunity to our constituents and to ourselves to have that document sent out at a very moderate rate and at the same time make it profitable to the Government.

Now, there is a caution which I wish to address to the House. If an attempt is made to amend this motion by introducing other documents or by affecting in other ways the sending out of documents, or papers, or letters from the House, by anything looking to the restoration of the franking privilege, or by including other documents, we stand a chance of losing this particularly valuable provision. I wish to call the attention of the House to the fact that a separate bill, making general regulations for the sending out of documents, embodying, as it seems to me, very equitable and reasonable provisions on that subject, is now pending before the Senate, reported by the Post-Office Committee. But we are not certain that that bill will pass. If we were, undoubtedly this amendment would not be necessary.

Mr. HAZELTON, of Wisconsin. Will the gentleman from Massachusetts state what are the provisions of that bill?

Mr. E. R. HOAR. I have merely read the bill over hastily. It provides for the sending out of documents stamped, &c., on reasonable terms. It makes a general provision in regard to this subject. But, Mr. Chairman, I wish to say that it seems to me that it is advisable to secure for this particular document which is so much a subject of interest to the country this especial provision in case no general measure shall be passed. I think the committee should refuse to jeopardize the success of this amendment by incorporating any other subject-matter with it.

Mr. SHANKS. I send to the Clerk's desk an amendment to the amendment.

The Clerk read as follows:

Strike out "ten cents" and insert "one cent."

Mr. SHANKS. I think that we ought to do what I propose in my amendment. I think if there is anything we ought to do it is to send these books to the people as nearly free as possible. That is all I have to say about it.

The question being taken on the amendment of Mr. SHANKS, there were—ayes 92, noes 47.

So the amendment was agreed to.

Mr. G. F. HOAR. I wish to inquire of the Chair if a quorum voted.

Several MEMBERS. Too late.

Mr. MILLS. I offer the following substitute for the amendment as amended:

Provided, That all printed matter ordered to be printed by either House of Congress shall be transported through the mails free of charge.

Mr. GARFIELD. I make the point of order on that, that it changes existing law.

Mr. MILLS. The Speaker decided the other day that it would be in order to offer an amendment like this.

Mr. RANDALL. The Speaker made that decision on Monday.

Mr. GARFIELD. I desire to make the point broadly without argument, simply that the amendment is not germane and that it changes existing law.

Mr. RANDALL. On Monday when the rules were authorized to be suspended to permit the gentleman from Massachusetts [Mr. E. R. HOAR] to offer this amendment, the question arose whether an amendment to restore the franking privilege would be germane to that amendment, and the Speaker declared, in the presence of the House, that it would.

Mr. CLYMER. Yes, sir; he did.

Mr. MILLS. It was because of that decision that I offered my amendment.

The CHAIRMAN. The Clerk will read the resolution offered on Monday by the gentleman from Massachusetts, [Mr. E. R. HOAR.]

The Clerk read as follows:

That it shall be in order to move as an amendment to the bill making appropriations for the Post-Office Department as follows:
That the postage to be charged on each copy of the Annual Report of the Department of Agriculture shall not exceed ten cents.

Mr. CLYMER. There was a colloquy in reference to the resolution.

The CHAIRMAN. The Chair understands that perfectly well. The Chair has read the RECORD. The Chair is of opinion that an amendment to the amendment of the gentleman from Massachusetts, regulating the price of postage on this document whether at five cents or at one cent, would be germane to the amendment and in order; but that it is not germane to this amendment to move that any other report than the Agricultural Report be included in it. It would not be in order to move that the Agricultural Report be stricken out and Hayden's report or any other report substituted in lieu of it. The Chair thinks that all amendments that are not practically pertinent to the Agricultural Report *per se* are not in order.

Mr. RANDALL. From that decision I appeal.

The CHAIRMAN. The Chair is of opinion that no other document can be included in this amendment under the resolution which has been read.

Mr. RANDALL. The decision of the Chair would prevent the offering of any amendment in reference to any other book or document, and I appeal from his decision.

The question was taken on the appeal, Shall the decision of the

Chair stand as the judgment of the committee? and on a division there were—ayes 112, noes 35.

So the decision of the Chair was sustained.

Mr. MILLS. I offer my amendment in a modified shape, so as to refer to the Agricultural Report only.

Mr. HOLMAN. I move to amend the amendment of the gentleman from Massachusetts by inserting after the word "annual" the words "monthly and tri-monthly," so that the provision if adopted shall apply to all the reports of the Department of Agriculture.

The CHAIRMAN. There is an amendment offered by the gentleman from Texas [Mr. MILLS] already pending.

Mr. MILLS. I move to amend the amendment of the gentleman from Massachusetts as amended by striking out the words "not exceeding one cent" and inserting in lieu thereof the words "shall pass free through the mails."

Mr. HALE, of New York. I rise to oppose the amendment. I trust the committee will not act hastily on this matter. I beg to say that I have always advocated the restoration of the franking privilege pure and simple, believing that its repeal was a mistake. I am always ready in any straightforward manner of legislation to support a proposition for its restoration.

Mr. E. R. HOAR. I rise to a point of order. I submit that, the House having adopted the amendment of the gentleman from Indiana, [Mr. SHANKS,] it cannot be stricken out by another amendment.

Mr. GARFIELD. It is certaintly not in order to strike out what the committee has already inserted.

Mr. HALE, of New York. That is not a point of order made upon me.

The CHAIRMAN. The Chair thinks that the amendment is in order, and the gentleman from New York will proceed.

Mr. HALE, of New York. Now, I beg gentlemen who desire the restoration of the franking privilege to try and do it by a direct and straightforward vote and not otherwise. I will not for one, under the guise of favoring a particular interest or a publication in the interest of a particular class, undertake to do indirectly what the House has refused to do directly. I shall therefore vote against the amendment of the gentleman from Texas, and I should desire to vote against the amendment reducing the amount of postage upon this book proposed by the gentleman from Massachusetts, which was offered as a legitimate and fair rate of postage at which the Department can afford to carry the book. So long as we propose that everything shall pay postage, I think that the Agricultural Report, like everything else, should pay its fair share, and the statement being made that the Department thinks it can be carried for ten cents, I hope the House will fix that as the rate of postage, leaving the question of the restoration of the franking privilege until we come to it in a direct form.

Mr. POTTER. If the House is determined to send the reports of the Agricultural Department through the mails without any substantial payment of postage, we may just as well say that they shall go free as that the postage shall amount to only one cent, which would occasion as much trouble in stamping them as if full postage on them was paid, and yet give no real return for the service.

In this connection I wish to say that I quite agree with my colleague [Mr. HALE] in regretting the introduction of the resolution of the gentleman from Massachusetts, [Mr. E. R. HOAR.] I do not agree with him, however, that the franking privilege ought not to have been abolished. On the contrary, I thought that it ought to be abolished, and labored for that result. But I thought then that some method should be substituted for it, by which the documents printed by Congress could be circulated throughout the country. Unless we make some such provision there is no use in printing these documents. And now that Congress has refused to make any such provision, I think it will result as well if it shall result in the documents being no longer printed for free circulation. It will, I believe, be better to supply those persons who want public documents at cost rather than to furnish them free to any particular and favored class as heretofore, even though selected by members of Congress.

There is a bill for that purpose pending in the Senate, a bill which provides for printing such documents as may be of public interest, and allowing them to be sold for their cost. In my judgment that will be the fairest and best way to dispose of them.

But if there is any class in this community that ought not to be favored in respect of postage it is exactly the agricultural class, which is the best able of all classes in the country to pay postage, being in the aggregate far the richest class among us. They are besides as a whole quite as intelligent as any other class, and just as competent to appreciate the wisdom and propriety of requiring every man to pay for the documents he wants instead of having them charged upon the rest of the people. In the third place, the farmers are in my judgment as fair and right-minded as any other class and as quick to perceive and as ready to decide justly upon a measure which seeks to put the postage which they ought to pay upon the documents they need, instead of upon the general public.

I do not represent any city district; I represent a great agricultural district, that had until lately not a single city in it. I represent a great agricultural district, and yet I have never heard from my constituents any sort of objection to paying postage or expressage upon their quota of Agricultural Reports. I distribute all of these reports that are allotted to me, and I purchase more every year to distribute, and yet have had no demand to have them go free through the mails. I do not believe the farmers of the country demand this change, and I regret this proposition the more because it is an entering-wedge toward getting back again to the system of free circulation of public documents, which is a system of injustice and one that ought not to be restored.

Mr. SHANKS. I move to strike out the last word for the purpose of saying, in answer to the gentleman from New York, [Mr. POTTER,] that the time for him to object to this proposition because it was restricted to a single document, was when the gentleman from Massachusetts [Mr. E. R. HOAR] introduced it. It is rather too late now to object upon that ground; that objection should have been made when the proposition was submitted to the House.

In answer to the other gentleman from New York, [Mr. HALE,] I desire to say that he seems to indorse the position taken by the gentleman from Massachusetts [Mr. E. R. HOAR] to put the postage upon this document at ten cents. Now, according to the present rates of postage, I cannot send one of the Agricultural Reports for less than from thirty-six to forty cents postage. If there is any justice in requiring postage to be paid, it should be left as it is now. That is, if there is any justice in the complaint of putting the postage down to one cent, upon principle it would apply to putting it down to ten cents; and he should object as much to the proposition of the gentleman from Massachusetts as to the other.

I hope the House will not longer delay this matter, because it is perfectly clear that the fact that we have been deprived of the franking privilege has kept away from the community the very documents they need the most. We have been running a great printing establishment here at great expense without benefit to the people. I hope the amendment I propose will be sustained.

Mr. POTTER. The only objection which the gentleman from Indiana [Mr. SHANKS] has advanced to the argument I made was that I did not make it at the proper time. All that I have to say is that I made it as soon as possible.

Mr. TYNER. I rise to a point of order. Perhaps I should have made it before. It is that it is not competent for the committee to strike out what has been inserted.

The CHAIRMAN. Other words are included in the motion to strike out.

Mr. GARFIELD. I desire to say a word in response to the gentleman from Indiana, [Mr. SHANKS.] I very greatly regret that this proposition has been brought in here. I ask the committee to consider for a moment the most ridiculous attitude in which this House will be placed by selecting one of the dozens of documents published by order of Congress and making it an exception, and saying that the postage upon it shall be put down to one cent, or even to ten cents, below the postage on other documents of the same weight. And it is to be put down for no other reason on earth than because it is the farmers who particularly want it, and they ought to be made a specially favored class in regard to the rate of postage which they shall pay.

Mr. MYERS. I wish to say——

Mr. GARFIELD. I have the floor. I represent, in proportion to the whole number of my constituents, as many farmers as any other man on this floor. I will not insult the intelligence and manhood of my constituents by saying to them that I will treat them as a lot of paupers, and come here and ask for them peculiar privileges in the use of the mails. If a schoolmaster has a report of the Bureau of Education sent to him, he has to pay forty-two cents for it. But if a farmer has an Agricultural Report sent to him he has only to pay one cent for it.

Mr. SHANKS. I want to ask——

Mr. GARFIELD. And if a miner has a report of a geological survey sent to him he pays half a dollar postage on it.

Mr. SHANKS. Let me ask a question——

Mr. GARFIELD. While the farmer alongside of him is to pay but one cent for his document.

Mr. SHANKS. I want to ask the gentleman whether his constituents are to pay the postage on those documents, or whether he intends to pay it himself? I supposed the member must pay the postage.

Mr. GARFIELD. If the gentleman thinks he can make any capital out of that, he is welcome to it.

Mr. MYERS. I desire to say——

Mr. SHANKS. I will say——

Mr. GARFIELD. There are tomahawks flying all around. If gentlemen will stay their hands, and keep back their knives for a moment, I will relieve them, and they can then throw their tomahawks as much as they please. I ask members of the House as a matter of fair, manly, and equitable justice, whether they are willing in this indirect way to open up the restoration of the franking privilege? I agree on this point with the gentleman from New York, [Mr. HALE.] If the frank is to be restored say so; let it be restored to members of Congress and to all the Departments of the Government as well. That is a proposition which is consistent with itself, and if gentlemen believe in it let them say so, and vote for it. But to begin with a single document, to pinch one leaf off the tree as a means of destroying it rather than cut it up by the roots, is not in my judgment an honorable and frank way of legislating. I hope—no; I wish I could hope—that this proposition will be voted down. I believe it will be adopted; but I call attention to it as an indirect method of restoring the franking privilege—a method which ought not to be adopted in our legislation.

Mr. SHANKS. The House voted upon this question some days ago.

Mr. G. F. HOAR. Mr. Chairman, the defense of this proposition against the arguments of the gentleman from Ohio [Mr. GARFIELD] is that it is exactly right, and I challenge him to rise in his place and say that it is not right to reduce the postage on the Agricultural Report—from forty cents to thirty cents of which is sheer profit to the Government, the charge being more than the transportation costs in proportion to other mail matter—to ten cents.

I am one of those who opposed by vote and by speech the abolition of the franking privilege. I am not one of those who voted to abolish it while they thought it ought to be retained.

Mr. GARFIELD. Nor am I.

Mr. G. F. HOAR. I do not intimate that any member of the present House did so; but it is a matter of history that in the House which voted to abolish the franking privilege a large majority yielded to what they knew was a clamor.

But the franking privilege is abolished, and will in my opinion remain abolished until the public sentiment which governs this country is changed. That having been abolished, it is our duty to make the postal laws which we frame on another system just and reasonable; and it is just and reasonable, if the information we get from the Post-Office Department is correct, that this document should be charged no more than ten cents, because that is all its transportation through the mails costs.

But it is asked, "Why do you single out this one document and reduce the postage upon it, leaving the Report of the Commissioner of Education, the Report on Commercial Statistics, and other like reports untouched?" I answer it is because this is the one chief and principal document in which the people are interested. Two hundred and fifty thousand copies of this document are published; and it is a document in which every district in the country is largely represented. It is a document sought by persons who, on the average, are in very moderate circumstances. Although the farmers taken together may be well off, the man who engages in farming for a living has to consult the little economies; and thirty cents is an important item to him in the form of postage on a book.

The Educational Report is sent to libraries; it is sent to towns and cities for their school superintendents; it is sent to professional and literary men; the Commercial Statistics are sent to merchants; and although I agree that it is just to reduce the postage at a proper time on these documents also, yet the reduction now proposed, so just in itself, should not be embarrassed by undertaking to frame a general provision for all the documents published by the Government.

[Here the hammer fell.]

Mr. KASSON. I rise to a point of order. It is that for some time past the debate has been out of order. The question first is on the amendment of the gentleman from Massachusetts, [Mr. E. R. HOAR;] then there is an amendment in the second degree by the gentleman from Texas. Debate was exhausted on that, when some one else moved a third amendment, on which all this debate has proceeded.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MYERS. Mr. Chairman, I desire to address a remark to my friend from Ohio [Mr. GARFIELD] who dreaded the scalping process. There was one point in his remarks I did not like. He became very enthusiastic and very much excited, and appealed to the committee to act in a "straightforward, manly, and honorable manner." Why, sir, he with others on this floor prevented an amendment which would have placed other books in the same category. Let him be fair in this matter. He desired that no other amendment should come in. Many of us here wished to have all these books placed in the same category; for there is no more reason why one should be fixed at a certain limit than others. Some people of the country are interested in one class of books, some in another; and they all have equal privileges. I will say, with the greatest deference to the Chairman, that I think he was mistaken in his ruling; and I believe the Speaker intimated a different ruling a few days ago, although of course he had no right to decide the question for the chairman of the Committee of the Whole after gentlemen like the gentleman from Ohio have prevented us from offering an amendment which would cover the whole question; it is not fair, or manly, or honorable, to throw in our faces the fact that this amendment relates to a single document only, and to ask why all these documents should not be put on the same footing.

Now, sir, I was one of those who voted against the abolition of the franking privilege. I believed then what subsequent events have shown, that it would be no saving to the Government; and even if it was, I believed that the people of this country who desire information and believe that Congress should legislate for the benefit of the whole people do not want any such measure.

The Post-Office Department, whose head I honor very much, comes here and admits that large numbers of books seek distribution by means of the express company instead of being sent through the mails as it was supposed they would be.

Now it appears it would be a good thing to reduce the postage. In my judgment we ought to allow the franking privilege again. At all events we ought now to proceed as rapidly as possible to reduce the postage on books. It is not for our benefit, as it entails upon members of Congress a great deal of trouble, but for the benefit of the people for whom we come here to legislate. I should not have risen if it had not been for the remarks of the gentleman from Ohio, [Mr. GARFIELD.]

The CHAIRMAN. The question recurs on the amendment to the amendment moved by Mr. MILLS.

Mr. COBURN. The gentleman from Texas withdraws his amendment and I renew it.

Mr. CANNON, of Illinois. The gentleman from Pennsylvania yields me whatever time he has remaining.

The CHAIRMAN. There are two minutes of the time of the gentleman from Pennsylvania remaining.

Mr. MYERS. I yield to the gentleman from Illinois.

Mr. CANNON, of Illinois. Now, Mr. Chairman, I wish to do a little example in arithmetic for the benefit of the gentleman from Ohio and those who agree with him. The postage is now five cents a quarter on newspapers which do not exceed four ounces in weight. Thirteen copies weigh fifty-two ounces; that is three pounds and a quarter. They go through the mail for five cents, or one cent and seven-thirteenths a pound. The Agricultural Reports, which do not weigh quite two pounds, cost from thirty to forty cents postage, and the gentleman fights the proposition here to send them for ten cents, nearly four times as high as newspapers are charged.

The gentleman says his constituents do not ask for this discrimination. I say Mr. Chairman, I should like an amendment for all public documents printed by authority of Congress to go the same as these documents, but as I cannot get it as I want it, I am willing to do the best I can. This is a step in the right direction; half a loaf is better than no bread, so let us at least send Agricultural Reports through the mails for as little postage as we do the same weight of newspapers, which would be not quite three cents for each book.

The CHAIRMAN. The gentleman's time has expired.

Mr. RICE. I move to strike out the last three words.

The CHAIRMAN. Further amendment is not in order.

Mr. COBURN. The gentleman from Texas [Mr. MILLS] withdraws his amendment, and I will renew it.

The CHAIRMAN. That can only be done by unanimous consent.

Objection was made.

The CHAIRMAN. The amendment to the amendment cannot be withdrawn, objection being made.

Mr. COBURN. I rise to a parliamentary inquiry. Is it not the practice here for gentlemen who have made motions to amend to withdraw them without unanimous consent? Has it ever before been decided that an amendment cannot be withdrawn unless by unanimous consent?

The CHAIRMAN. The Chair is unable to answer the interrogatory of the gentleman from Indiana. He is only able to rule as he understands the parliamentary law.

The question recurred on Mr. MILLS's amendment to the amendment.

The committee divided; and there were—ayes 114, noes 56.

So the amendment was agreed to.

Mr. HOLMAN. I move to insert before the word "annual" these words, "monthly and," so it will read "monthly and Annual Reports of the Department of Agriculture shall pass free through the mails."

The amendment was agreed to.

The question next recurred on the amendment of Mr. G. F. HOAR as amended.

Mr. WILSON, of Indiana. I move to strike out the first word.

Now, Mr. Chairman, I wish to make one observation. Some time ago the Committee on Agriculture reported a resolution making provision for the printing of the Agricultural Report. That passed through the House and went to the Senate, and it is no secret, unless some provision is made hereafter whereby that report can be sent through the mails the Senate absolutely refuse to pass the resolution providing for the printing of that report.

Mr. SHANKS. I call the gentleman to order. He has no right to call attention to the proceedings of the Senate.

Mr. WILSON, of Indiana. I think those gentlemen over there should learn how to keep order before they call me to order. Now, sir, I do not believe in sending any document through the mail without having it pay just what it is worth to carry it. If I know anything about the farmers of my district, I do not believe they ask anything but what is just and fair. They are willing to pay postage, but, sir, we cannot have this document at all unless we make some provision, and I am compelled to vote for it rather than not have the document.

Mr. SMITH, of Ohio. I believe I am about the only farmer in this House, and I should like to have the attention of the House.

Mr. COX. I beg the gentleman's pardon.

Mr. ELDREDGE. The greatest farmer is the chairman of the committee, for he farms out the whole of our time.

Mr. SMITH, of Ohio. The business of farming has been a family business in my family for several generations, and I am never ashamed of it except when I get in company with a lot of lawyers and politicians, who look upon it as the mendicant business of the country. I scout the idea the farmers of this country, by far the most numerous and the richest people of the country, want this little pittance of benevolence and favoritism at the hands of the American Congress.

We are taxed for other interests in every possible way. If there is any interest that we wish to support, you rely on imposing taxes on the farmers to support that interest, and it is proposed to pay us back by giving us a poor book that we do not ask for.

What is the proposition? It is that you print two hundred and fifty thousand books to be distributed among millions of farmers. One man out of twenty may get the book while all the rest have to

pay for it; and this is to be distributed by members of Congress for the purpose of adding to their popularity at home. It is to be distributed as an electioneering document to the people of this country. The farmers are not asking for this book. They do not want it published at the public expense and distributed to them. But gentlemen in Congress want to gratify a few of their friends by showing them the distinction of sending them this book. I beg this House of Representatives not to put this insult upon the farmers of this country. If you publish this book, distribute it just as you distribute other public documents. If the cost of distributing public documents is too high for this and others, reduce the cost of all of them. But I ask you on behalf of the profession of which I am a member not to insult us by sending us this big volume at one cent.

The amendment was withdrawn.

Mr. COX and Mr. ELDREDGE rose.

The CHAIRMAN. The gentleman from New York [Mr. COX] is recognized.

Mr. COX. I renew the amendment for the purpose of saying a word or two, after the remarks of my agricultural friend. My friend over there from Ohio [Mr. SMITH] is a farmer pure and simple he thinks. I desire to know of my honorable friend whether he has not held office for the last fifteen years, or for half that time? I do not want an answer. I want to know of that gentleman whether he is not ready to come back to Congress again by the aid of the farmers.

Mr. SMITH, of Ohio. Do you want that question answered?

Mr. COX. No; I never put those questions with the view of being interrupted by having them answered in a five-minute speech. For myself, Mr. Chairman, I represent the cosmopolitan interest as well as the metropolitan, and I am ready to die on the altar of my country as well as these gentlemen who speak for the farmers. I am a granger on the principle of *rus in urbe;* on the principle of my honorable friend from New York [Mr. POTTER] who spoke so well a while ago, who is a sort of amphibious gentleman—half the time in Hell Gate and half the time in the city.

But my very honorable friend struck one point that may not have attracted the attention of the committee. I know well what he means by this matter of favoritism. When I represented the central district of Ohio for many years and was speaking for the farmers, I labored against favoritism in this matter of taxation, and I would gladly welcome him into the pale of the good old free-trade men who represent farmers more especially. When they pay for harness, when they pay for their sugar, when they pay for all they buy, even for the very Bible out of which they get their inspiration and their religion, they are taxed by you. And the point we at all times made for them was, no favoritism. We have ciphered up again and again the number of mechanics, contrasting them, in the paucity of their numbers, with the great bulk of the farming people; but in vain. The gentleman's party have always voted against the farming interest.

I have noticed, however, a peculiar sort of squirming on the part of the republicans in this House. They dodge responsibility. They have had power since in 1860. They have had power to modify taxation. They have had power to carry anything they chose by a two-thirds majority. But when we get them down to the harrow, when we get them down to hard work, how is it? They say, O, we are the party of reform; and yet they have had all the responsibility of this bad business here for the last ten or twelve years. Is it not true? Have you not had power? And yet have you reformed anything? Are you not even now talking about reforming things which you did last year? I was amused and instructed by hearing gentlemen say, O, we are lowering the appropriations this year; we are trying to be good this year. Is not that a humble confession that you have been bad for ten years?

I wish to say a word on this franking-privilege question, and then I will stop. There are three kinds of men who voted to repeal the franking privilege. Some of them were strict partisans, and had a platform made at Philadelphia which they had to comply with. They vaunted a great deal what they did, and now they are the very men who wish to restore it in part. They wish to favor a portion of the people at the expense of others, and have departed from the principle they vaunted.

Then there were good men who voted to abolish the franking privilege, very good men. I was one of them. The gentleman from New Hampshire [Mr. PARKER] was another. We voted on the principle of taking off this extraordinary burden on the mails. But there was another class of tolerably good men who voted for it in the expectation that it would not pass. I know that was so. Some voted for it with the expectation that the Senate would not pass it, or that if the Senate did pass it the measure would be vetoed. Is not that true? You know that that is true. You stand now before the American people confessing that there was no principle in the repeal of the franking privilege.

A MEMBER. The bill came from the Senate.

Mr. COX. I know it came from the Senate. We had it as a sort of shuttle-cock between the two Houses; but the bill never passed until your wonderful platform was adopted. Then there is another class of men who never vote for anything in the shape of reform, men who are a good deal like the old colored man down South, who, when he was called before the court and was interrogated by the judge as to his qualifications as a juror and asked if he was a freeholder, said that he was, that he took everything he could get and held on to it freely. That is the third class of men. Now, cannot we be honest and either restore this privilege *in toto* or abolish it entirely?

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill (S. No. 218) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana under treaty stipulations existing with them; in which he was directed to ask the concurrence of the House.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. ELDREDGE. I did think that I had something to say upon the subject that has been under discussion; but I perfectly well knew when the Chair recognized the gentleman from New York [Mr. COX] that all that could be said would be said by him; that all that would listen would listen to him; and that nothing more would be either desired or expected.

Now, Mr. Chairman, I oppose this amendment; I do not know precisely what it is, nor do I care what it is. I was not one of the gentlemen referred to by the gentleman from New York; I voted against the abolition of the franking privilege. I believed when it was proposed that it was one of the most consummate humbugs and pieces of demagogism that was ever started in this country, and I believe so now. It cost so much to get up public sentiment upon this subject that nothing has been saved to the people in the way of postage. The Postmaster-General knows perfectly well that he expended more money in the printing of circulars, and in forcing his underlings to get signers to petitions and send them back here to Congress, than has ever been saved in the way of postage. I voted against it in the interest of the people. The franking privilege was never the privilege of members of Congress. It only imposed upon them a great burden which, in the exercise of their duty, they endeavored, I believe, in general to perform faithfully. I do not agree with the gentleman from New York in regard to the wishes of the farming interest. I do agree with the remark that was made here that the chairman is the greatest farmer here, for he might claim to be the only farmer, because he farms out all the time here in the House to speak on this subject.

But it is no insult to the agriculturist to send to him agricultural documents, and I will say to the gentleman that I know that the farmers of the country desire this document. I appeal to members of this House if they do not get more letters requesting Agricultural Reports than for any other documents published by Congress. And it is not so great an injustice, as is generally supposed, to distribute these documents. If you send one of these Agricultural Reports into an agricultural neighborhood to one man, the whole people in the neighborhood read that report; it is worn out in the service and use of the farmers, and they desire it, and gentlemen know that they desire it. This idea that it costs the Government something to send it out, and that the farmers do not want it because it does cost them something, is simply a part of the humbug of which I have spoken. The farmers do want it. Let me say further that it is also a piece of demagogism to try and make the people suppose that it costs anything to send this report to them. It does not cost the country anything. The report goes free, and we have had sufficient evidence brought before us to-day to show us that the mails are not sent one cent cheaper because you keep this report from the people. The contractors do not carry the mails any cheaper because these documents are kept out of them. The carrying of the mails costs just as much to-day as it cost before the abolition of the franking privilege. It was only the cry that was got up in the circulars that were sent out and in the electioneering that was required to be done by the underlings of the Postmaster-General throughout the country that created a false sentiment, and the farmers and the people generally are cheated out of the documents they desire, and for which they are constantly writing to us, because of this piece of false practice and demagogism that was practiced by the Postmaster-General in getting the franking privilege abolished.

Mr. HEREFORD. I move, *pro forma*, to strike out the last word. Mr. Chairman, I had occasion some time ago to express to this House what my view was on this subject, and that is that the Agricultural Reports and other documents published by Congress for the benefit of the people should be sent to the people free of all charge. And it has appeared to me that this is about what this matter comes to: that the express companies have more advocates on this floor than I had expected. Every member of Congress knows that the great bulk of the documents sent from this city do not go through the mails. How are they sent? They are sent by the express companies in most cases, so that the Post-Office Department is not benefited by the repeal of the franking privilege, but the express companies are. And the revenues which it was claimed would result to the Post-Office Department by the repeal of the franking privilege are not received by that Department, but the express companies of the country receive increased revenues because of that repeal.

Every gentleman whose constituents live along the line of a rail-

road over which these express companies carry their freight knows very well that he sends these documents to his constituents through the agency of an express company and not of the Post-Office Department. Therefore I say that in the interest of the farmers and in the interest of economy I am in favor of reducing the postage on this document to ten cents, or to one cent, or even to send it free through the mails, as I would send free of charge to the people every other document published by authority of Congress.

This is one of the many ways under our form of government in which we educate our people. We educate them through the press, through the publication of documents by order of Congress, through the debates in either House of Congress, and through the debates in the Legislatures of the various States. I am in favor of making that education as free as light or air to the people. And for that reason I am in favor, as I said before, of sending all these documents free through the mails. We know practically that any other method of distributing these documents is in the interest of the Adams Express Company and the other express companies of this country.

Mr. GARFIELD. I hope we will now have a vote.

Mr. O'BRIEN. I am opposed to this amendment, not merely because I am not myself a farmer, and have not a single farmer in my district, but because I do not think any distinction should be made or favoritism shown on behalf of the Agricultural Report over the many other documents which are published by authority of Congress. In the document-rooms of this Capitol are documents of far more importance, in my opinion, than the document which is issued by the Agricultural Department, documents which it is more necessary to distribute throughout the different sections of the country for the education of the people.

This distinction which it is proposed shall be shown in favor of the Agricultural Report is repudiated upon this floor by many of those from different sections of the country who represent farmers. No good reason has been given for this, no reason at all that I can understand, except one which I am told has been urged upon the attention of many members upon this floor. That reason is that the grangers in the different sections of the country desire to have these documents, and they require them from their Representatives here. And those members, rather than be themselves at the expense of sending them, desire to impose that expense upon the Government, or rather upon other classes of the community who are not benefited by the distribution of that document. I have understood that letters by the hundred have been sent here to different members of Congress from granges all over the West and Southwest, calling upon them for fifties and hundreds of this document. I may say, for it is no secret, that I have seen those letters.

I understand that was brought about in this way: some irresponsible clerk in the Agricultural Bureau sent a misstatement, in the form of a circular, throughout the entire West to the effect that members of Congress now had these documents ready for distribution, and asking the granges to call upon them for them. It is in response to that call that this cry is now made for a reduction of the postage on this particular document.

Mr. HOLMAN. I ask that the amendment of the gentleman from Massachusetts [Mr. E. R. HOAR] as now amended be read.

The Clerk read as follows:

Provided, That the Monthly and Annual Reports of the Department of Agriculture shall pass free through the mails.

Mr. SMITH, of Ohio. Would it be in order to move to amend the amendment so as to provide that all the agricultural newspapers of the country shall go free through the mails?

The CHAIRMAN, (Mr. TREMAIN.) That would not be in order upon the pending amendment.

The amendment, as amended, was then agreed to upon a division—ayes 101, noes 58.

Mr. KASSON. Before passing from this first section, I move to amend it further by adding the following:

And provided further, That no money appropriated in this section shall be paid as compensation to special agents exceeding seventy in number.

Mr. TYNER. Does the gentleman propose this as an amendment to the paragraph making an appropriation for special agents?

Mr. KASSON. That clause was passed before I could offer this amendment. I now move it as an amendment to the section.

Mr. TYNER. I must raise the point of order on this amendment. The item in relation to special agents was passed by the Committee of the Whole some time ago, and it is not in order to offer this amendment now.

Mr. KASSON. It must be evident that the point of order is not well taken, for my amendment provides that none of the money appropriated in this section shall be expended for the purpose of paying compensation to more than seventy special agents.

The CHAIRMAN. The Chair holds that the amendment is in order.

Mr. KASSON. There are now employed nominally ninety-four special agents. Of that number eighteen are persons employed, in one way or another, about post-office business and not paid out of this fund. There are seventy-six who are paid out of this fund which we now make $160,000. Now, it is a fact known to nearly all of us that there are men thus employed who ought not to remain in the service, because they are not beneficial to it; and in my judgment by reducing the number we shall do a great favor to the Postmaster-General, by enabling him to dispose of some half-dozen who are practically in the possession of sinecures. In the very moderate reduction which I propose I endeavor to keep within the range which I believe to be reasonable and just. There is now no limit by law as to the number of those who may thus be paid as agents; and I submit to the Committee on Appropriations as well as the Committee of the Whole that by fixing the limit at seventy we shall do the Postmaster-General a favor by enabling him to dispense with certain persons whose retention is urgently pressed upon him. I say this from general information only and without any desire to commit the Postmaster-General, for I profess no authority to speak for him.

Mr. TYNER. If the gentleman from Iowa [Mr. KASSON] designs by his amendment to limit the expenditure of this appropriation of $160,000 to the number he has named, then I desire to say to him that only fifty-six are paid out of this specific appropriation.

Mr. KASSON. The list which the gentleman handed me shows seventy-six who are paid as special agents; eighteen are marked as otherwise employed, though commissioned as special agents.

Mr. TYNER. I desire that the gentleman from Iowa and I shall understand each other fully. Does he mean that no portion of this appropriation of $160,000 shall be paid for the employment of more than seventy agents?

Mr. KASSON. My point is that no more than seventy persons shall be appointed and paid as special agents of this Department.

Mr. TYNER. Only fifty-six are paid out of this appropriation.

Mr. KASSON. How about the others?

Mr. TYNER. The other special agents are paid out of other appropriations.

Mr. KASSON. And this amendment is designed to cover those other appropriations. I will put it in any form to accomplish the purpose. I do not want to raise any question of difference about details.

Mr. TYNER. I will state the number of these special agents and how they are paid. There are fifty-six paid out of the special agents' fund; two out of the free-delivery fund; three out of the money-order fund; fifteen out of the mail-depredations fund; and one out of the supply-division fund, making in all seventy-seven; and there is authority under the law to pay these agents out of each of these funds.

Mr. KASSON. If the amendment were put at the end of the first section would it not cover all those funds?

Mr. DAWES. I suggest to the gentleman to put it at the end of the bill.

Mr. TYNER. I do not wish to be understood as saying that there are seventy-seven special agents permanently employed by this Department. There happen to be seventy-seven in the service just now. But it must be remembered that the Postmaster-General has very frequently occasion to call upon some special agent to serve temporarily, as no gentleman will understand better than my friend from Iowa. There is one special agent now at the Galveston post-office, having been sent there by reason of certain charges made against the postmaster there. When special agents are thus required, the Postmaster-General cannot take an agent away from his regular and legitimate duties to send him off on a matter of emergency, such as this. Hence the seventy-seven agents now on the list are not to be understood as constantly employed, many being employed only now and then for temporary service.

Mr. KASSON. That being the case, it is decidedly safe for us to limit the number to seventy. The gentleman appears to have knowledge of the operations of this Department; and I am frank to say to him, from my experience in the same Department, that I have never seen an occasion under any circumstances when seventy agents, all told, for all purposes, were not ample to do the work required.

Mr. TYNER. I was a special agent in the Post-Office Department for some time; but I hope it will not be considered that I have any undue partiality for this class of officers when I say that they are the eyes through which the Postmaster-General sees; they are as it were his right arm; they are his personal representatives. I believe that every special agent performing his duty honestly and faithfully saves to the revenues of the Department five times the amount of his salary. If there were two special agents to every State of the Union, paid out of a regular appropriation for that purpose, besides those charged with specific duties, I believe it would be beneficial to the public service.

Mr. KASSON. I appreciate the importance of this branch of the service; and in what the gentleman has just said he has almost quoted the precise language of one of my former reports, in which I pronounced them the "eyes and ears of the Department." But the further fact must be borne in mind that many special agents are not voluntarily chosen by the Postmaster-General, but are urged upon him, and are not like my friend from Indiana and others whom I could name who have served in that capacity. My friend must know that many of these officers are appointed by the Postmaster-General under a sort of moral compulsion and ought not to be in the employ of the Department. With the number which my amendment proposes, if they are but the proper men, the work of that office can be efficiently done.

The committee divided; and there were—ayes 32, noes 98.

So the amendment was rejected.

The Clerk proceeded to read the second section.

Mr. TYNER. I move the committee rise.

Mr. RANDALL. O, no; let us finish the bill to-night.
Mr. TYNER. I withdraw the motion.
Mr. WARD, of Illinois. I renew it.
The committee divided; and there were—ayes 91, noes 77.
So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PARSONS reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration a bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

PENSION APPROPRIATION BILL.

Mr. O'NEILL. I am instructed by the Committee on Appropriations to report a bill (H. R. No. 3421) making appropriations for payment of invalid and other pensions of the United States for the year ending June 30, 1875.

The bill was read a first and second time, referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made the special order in committee immediately after the post-office appropriation bill.

Mr. O'NEILL. I move that the bill be printed in the RECORD.
The motion was agreed to.
The bill is as follows:

A bill making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1875:

For Army pensions to invalids, widows, and dependent relatives, revolutionary pensions and pensions to soldiers of the war of 1812, and for furnishing artificial limbs or apparatus for resection with transportation or commutation therefor; also for compensation to pension agents and the expenses of the several agencies, and for fees for preparing vouchers and administering oaths, as provided for by the acts of April 24, 1816; July 4, 1836; May 13, 1846; February 20, 1847; February 2, 1848; July 21, 1848; July 29, 1848; February 3, 1853; June 3, 1858; July 14 and 17, 1862; June 30, 1864; June 6 and July 25, 1866; July 27, 1868; June 17 and July 8 and 11, 1870; February 14 and June 8, 1871; February 20, 1872; and March 3, 1873; and all other pensions provided by law, $29,500,000.

For Navy pensions to invalids, widows, and dependent relatives, and pensions to sailors of the war of 1812, and for furnishing artificial limbs or apparatus for resection with transportation or commutation therefor; compensation to pension agents, expenses of agencies, and fees for preparing vouchers and administering oaths, as provided by the acts of April 23, 1800; February 20, 1847; August 11, 1848; July 14 and 17, 1862; June 30, 1864; June 6 and July 25, 1866; March 2, 1867; July 27, 1868; June 17 and July 8 and 11, 1870; June 8, 1871; February 21, 1872, and March 3, 1873; and all other pensions provided by law, $480,000: *Provided*, That the appropriation aforesaid for Navy pensions and the other expenditures under that head shall be paid from the income of the Navy pension fund so far as the same may be sufficient for that purpose: *Provided further*, That the fees for preparing vouchers and administering oaths which are now by law thirty cents in each case shall hereafter be twenty cents for the same, and no more.

NOTE.—The total sum recommended by this bill is $29,980,000.

E. D. LANE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 20, 1872, the claim of E. D. Lane for Indian depredations; which was referred to the Committee on Indian Affairs.

JUAN MONTAYO.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of May 29, 1872, the claim of Juan Montayo for Indian depredations; which was referred to the Committee on Indian Affairs.

BRIDGE ACROSS THE YAZOO RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to House bill No. 102, granting to the Memphis and Vicksburgh Railroad Company the right to build a bridge across the Yazoo River; which was referred to the Committee on Commerce, and ordered to be printed.

PROJECTILES, ETC.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to an appropriation for the procurement of carriages, projectiles, and other materials, labor, &c.; which was referred to the Committee on Appropriations, and ordered to be printed.

CAPTAIN HURTT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in answer to a resolution of the House of March 10, 1874, in relation to the case of Captain Hurtt, assistant quartermaster, United States Volunteers; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SAYLER, of Ohio, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire and report whether in their judgment Major N. H. McLean, late assistant adjutant-general United States Army, was not unjustly treated on the trial of Captain Hurtt, late quartermaster volunteers United States Army, and on his retirement from the Army; and whether the facts disclosed in the record submitted to the House do not call for his reinstatement; and that to this end they are also empowered to send for persons and papers.

AMERICAN SHIP-BUILDING.

Mr. NEGLEY, by unanimous consent, presented resolutions of the Legislature of the State of Pennsylvania, in favor of fostering in every manner the building of American ships by American mechanics of American materials; which was referred to the Committee on Commerce, and ordered to be printed.

WILLIAM A. HOLLOWAY.

Mr. BARBER, by unanimous consent, introduced a bill (H. R. No. 3419) granting increase of pension from four to eight dollars per month to William A. Holloway, late a soldier Second Regiment Wisconsin Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOUTH OF THE MISSISSIPPI RIVER.

Mr. SAWYER, by unanimous consent, introduced a bill (H. R. No. 3420) to provide for deepening the channel at the mouth of the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

The SPEAKER stated that Mr. DAWES would call the House to order to-morrow morning.

And then, on motion of Mr. KELLOGG, (at five o'clock and fifteen minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ADAMS: The memorial and accompanying papers of John J. Anderson, surviving partner of Anderson & White, for compensation for cotton taken for fortification purposes in the late war, to the Committee on War Claims.

By Mr. BARRERE: The petition of S. H. Thompson & Co. and others, wholesale grocers of Peoria, Illinois, for the passage of the bill defining a gross of matches, to the Committee on Ways and Means.

By Mr. BECK: The petition of Joseph Wilson, of Paris, Kentucky, for reference to the Court of Claims of his claim for damages for breach of contract by the Government of the United States, to the Committee on War Claims.

By Mr. BURCHARD: The petition of citizens of Galena, Illinois, of similar import, to the Committee on Ways and Means.

Also, the petition of John Smallwood and others, of Stephenson County, Illinois, for the construction of the Continental Railway and passage of the House bill therefor, to the Committee on Railways and Canals.

By Mr. COBB, of Kansas: A paper relating to the claim of Michael Knauber, of Council Grove, Kansas, to the Committee on War Claims.

By Mr. FIELD: The petition of merchants and citizens of Detroit, Michigan, for the passage of the bill defining a gross of matches and providing for uniform packages, to the Committee on Ways and Means.

By Mr. SAWYER: The petition of grange organizations of Winnebago County, Wisconsin, for the construction of the Continental Railway and passage of the House bill therefor, to the Committee on Railways and Canals.

By Mr. WARD, of New Jersey: A petition of soldiers and sailors, for an amendment of the soldiers' homestead law of 1872 so as to secure homesteads in the manner provided by the tree-culture act, to the Committee on the Public Lands.

By Mr. WHITE: The petition of Perry Underwood and others, for relief to the sufferers from the late flood in the State of Alabama, to the Committee on Appropriations.

IN SENATE.

THURSDAY, *May* 21, 1874.

The Senate met at one o'clock p. m., pursuant to adjournment.
Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read, wherein appeared the following entry, the motion to which it refers having been made after the doors were closed for the purpose of proceeding to the consideration of executive business:

On motion by Mr. CAMERON,

Ordered, That when the Senate adjourns it be to meet at one o'clock p. m. to-morrow.

Mr. TIPTON. I rise to a correction of the Journal. I find that the Journal states that the Senate adjourned until one o'clock to-day. I find no reference at all to that adjournment in the CONGRESSIONAL RECORD. The inference would be, therefore, on account of the general and universal accuracy of the CONGRESSIONAL RECORD, that the Clerk in making up the Journal of the Senate must be mistaken in saying that the Senate adjourned until one o'clock to-day.

The PRESIDENT *pro tempore*. The Chair will inform the Senator that the Journal is correct. The Senator should move to correct the RECORD.

Mr. TIPTON. If, then, the Journal is correct and this occurred, though time is so precious, I move to correct the Journal, because it is not on account of any ordinary circumstance that we have lost the hours from eleven o'clock until one o'clock. I therefore add to

that record in regard to the motion to adjourn, that we adjourned until one o'clock "on account of a marriage in the family of the President of the United States which is to be consummated at the hour of eleven a. m. to-morrow." I move that that be added to the entry.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves to amend the Journal. The amendment will be reported from the desk.

The Chief Clerk read the words proposed to be added to the Journal entry, as follows:

On account of a marriage in the family of the President of the United States, which is to be consummated at the hour of eleven o'clock a. m. to-morrow.

Mr. HAMLIN. I believe when the motion to adjourn to this hour was made that there was no reason given.

The PRESIDENT *pro tempore*. None whatever.

Mr. HAMLIN. By what power the Senator from Nebraska defines the object and motive of all other Senators and means to make them say what never was said in the Senate, I do not understand. That may have been the object; Senators may have had that object in view; I do not know; but inasmuch as no Senator said such was the motive in adjourning to this hour, I do not know how the Senator can get at the result of his amendment.

Mr. TIPTON. I did not hear that motion to adjourn, and finding the other House in session at the usual hour of eleven o'clock I had to infer that something very unusual had occurred and been stated to the Senate explicitly, and as there is an utter absence of it from that RECORD which is authority here, as well as our Journal, I came to the conclusion that the Senate was enlightened on that subject and did deliberately do that which the country will suppose they did do when it understands how certain facts have occurred. If I am mistaken and no such statement was made to the Senate, I suppose I might be found in a minority in a vote to amend the Journal. But I inferred that the statement was made or the Senate would not at the present period of the session, when the time is so precious, have adjourned until one o'clock.

Mr. FENTON. I only wish to suggest to my friend from Nebraska that in view of the statement from the Chair that there was no explanation made when this motion was made, he had better withdraw his amendment.

The PRESIDENT *pro tempore*. The question is on the motion to amend the Journal.

Mr. HAMLIN. As that amendment can only express the opinion of the Senator who introduced it, I move that it lie on the table.

The motion to lay on the table was agreed to.

PETITIONS AND MEMORIALS.

Mr. HAMILTON, of Texas, presented the petition of Francis Guilbeau, a citizen of San Antonio, Texas, praying compensation for the occupation by the Government of certain buildings owned by him; which was referred to the Committee on Claims.

Mr. SCOTT. I present a resolution passed by the Legislature of Pennsylvania upon the subject of the proposed cancellation of a contract made by the Postmaster-General for the carrying of the mails to China and Japan. I ask that the resolution be read and printed.

The Chief Clerk read as follows:

IN THE SENATE OF PENNSYLVANIA, *May* 11, 1874.

Whereas by an act of Congress approved June 1, 1872, the Postmaster-General was directed, after due advertisements, to contract with the lowest bidder for additional monthly mail service to China and Japan, requiring the construction of four thousand ton iron steamships, in which only American labor and material should be used; and whereas the Pacific Mail Steamship Company were the lowest and accepted bidders, with whom a contract was made by the Government, and which company immediately proceeded to have ship-yards provided, and the vessels built in good faith, and each of one thousand tons burden in excess of their agreement, investing millions of dollars upon faith of the contract with the United States Government, and have now nearly ready for service two vessels, larger and faster than any now afloat in the world, and have meanwhile performed the desired service in other vessels, the Government sustaining no loss by the unavoidable delay in building the new ships; and whereas the violation of said contract by the Government would be to abandon the commercial control of the Pacific to the heavily subsidized lines of England and France, and seriously cripple, if not break up, the iron ship-building industry in this country, which, though in its infancy, gives employment to thousands of American mechanics and consumes millions of pounds of American coal and iron: Therefore,

Resolved, That the Legislature of Pennsylvania, in favor of the fostering in every manner of building American ships by American mechanics of American materials, hereby instructs its Senators and requests its Members to oppose any cancellation of the contract made by the Postmaster-General for the carrying of the mails to China and Japan, if it be shown there has been due diligence used in the construction of the required ships.

RUSSELL ERRETT,
Chief Clerk Senate.

IN THE HOUSE OF REPRESENTATIVES, *May* 12, 1874.

The foregoing resolution was concurred in by the house of representatives.

WILLIAM C. SHURLOCK,
Chief Clerk of House of Representatives.

The resolution was ordered to be printed, and referred to the Committee on Appropriations.

Mr. JOHNSTON presented the petition of L. L. Lomax, of Virginia, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. FENTON. I present the memorial of a committee appointed by the white settlers on the Allegany Indian reservation, in the State of New York, who pray for legislation by Congress to define their position on said reservation. This memorial refers to a bill which is now before the Committee on Indian Affairs, and I move that it be referred to that committee.

The motion was agreed to.

Mr. FENTON presented the petition of Caleb White, of Baton Rouge, Louisiana, in behalf of his wife, E. A. White, who is sole heir, and for the co-heirs of Major Peter Catlett, deceased, praying indemnity for spoliations committed by the French prior to the year 1801; which was ordered to lie on the table.

He also presented the petition of merchants of Buffalo, New York, praying for the passage of a law defining a gross of matches, and to provide for uniform packages; which was ordered to lie on the table.

He also presented the petition of the trustees of the Reform School of the District of Columbia, praying Congress to grant such relief to that institution as may be deemed proper; which was referred to the Committee on the District of Columbia.

Mr. MITCHELL presented the petition of William Ira Mayfield, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of E. S. Joslyn, praying compensation for the use of his land as an Indian reservation; which was referred to the Committee on Claims.

He also presented a petition of citizens of Oregon, praying for the establishment of a mail-route between Upper Ochaco and Bridge Creek, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of George W. Hume, of Astoria, Oregon, praying the passage of an act authorizing the Secretary of the Treasury to direct the issue of an American register to the French brig Sidi, of Havre, recently wrecked at the mouth of the Columbia River, such registry to issue in the name of the "Sea-waif;" which was referred to the Committee on Commerce.

Mr. CONKLING presented the petition of Salmon B. Colby, praying the passage of a law referring his claim for compensation for timber taken from his land by the Government to the Court of Claims; which was referred to the Committee on Claims.

Mr. ALCORN presented the petition of Dr. J. J. Gibson, of Corinth, Mississippi, praying compensation for medical stores taken for the use of the Army during the late war; which was referred to the Committee on Claims.

Mr. WRIGHT. Yesterday I submitted the report of the committee of conference on the subject of the exportation of distilled spirits, and gave notice that I should call up that report this morning. It was ordered that the report be printed, and laid on the tables of Senators. I find the report has not been printed and is not here, and I therefore feel constrained not to call it up this morning, but give notice that I shall call it up to-morrow morning.

BILLS RECOMMITTED.

Mr. SCOTT. An adverse report was made a short time since by the Committee on Pensions on the bill (H. R. No. 2791) granting a pension to Franklin Stoner because of a defect in the evidence. That defect has been supplied; and I move to reconsider the vote by which the bill was postponed indefinitely, and that it be recommitted, with this additional testimony, to the Committee on Pensions.

The motion was agreed to.

Mr. INGALLS. The Committee on Pensions recently reported adversely upon the bill (H. R. No. 2214) granting a pension to Ann Humphreys, of Philadelphia, and it was indefinitely postponed. Since that time additional testimony has been received, and I desire to move a reconsideration of the vote by which the bill was indefinitely postponed.

The motion to reconsider was agreed to.

Mr. INGALLS. I move now that the bill be recommitted, with the additional testimony, to the Committee on Pensions.

The motion was agreed to.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. JOHNSTON, from the Committee on Patents, to whom was referred the memorial of Joshua H. Butterworth, praying for an extension of his patent for bank and safe locks, submitted an adverse report thereon; which was adopted.

Mr. BOGY, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 638) for the relief of Joseph Dunlap, a settler on the Kansas Indian lands, in Kansas, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 748) to transfer to the Secretary of the Treasury all stocks and evidences of indebtedness due and held in trust by the Secretary of the Interior on account of the Creek orphan fund, reported it without amendment.

He also, from the same committee, to whom was referred the bill

(H. R. No. 3088) to extend the time for completing entries on Osage Indian lands in Kansas, reported it with an amendment.

Mr. PRATT, from the Committee on Claims, to whom was referred the bill (H. R. No. 1193) for the relief of the estate of Cornelius S. Underwood, late major and additional paymaster, United States Army, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely;

Mr. PRATT. The Committee on Pensions, to whom was referred the petition of Patrick Murphy, and several others, in which they pray for an amendment to the law of 1873 so that those soldiers who have lost a leg above the knee may be placed on the pension-rolls as of the second class, and receive twenty-four dollars a month, have had the same under consideration, and have directed me to report them back to the Senate, and ask to be discharged from their further consideration, upon the ground that the law gives twenty-four dollars a month to such soldiers as have lost their limbs above the knee.

The committee was discharged from the consideration of the petitions.

Mr. PRATT. The same committee, to whom was referred a petition of citizens of Wyandotte, Kansas, praying that the law of March 3, 1873, granting bounties under the act of July 22, 1861, to colored soldiers, may be amended so as to authorize the payment of such bounty to the heirs of such as were borne on the muster-rolls as slaves, have directed me to report the same back with the recommendation that it be sent to the Committee on Military Affairs.

The report was agreed to.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Susan M. Mallett, widow of Abel W. Mallett, late private Company G, Seventeenth Connecticut Volunteers, praying for leave to employ and pay for services necessary in the prosecution of her claim for pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. PRATT. I am instructed by the same committee to make a similar report on the petition of Adreanah Banks, of Bridgeport, Connecticut, praying the passage of a law enabling her to make such a contract as she may see fit for necessary services in obtaining her pension, upon the ground that if it be proper to amend the law which provides for the compensation of attorneys in pension cases at a maximum of twenty-five dollars, it should be amended so as to apply to all cases and not in individual cases.

The committee was discharged from the further consideration of the petition.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Thomas Duff, of Hendricks County, Indiana, late corporal Company H, Seventh Regiment Kentucky Infantry, praying the passage of a special act giving him arrears of pension from the date of his discharge on surgeon's certificate of disability, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. PRATT. The same committee, to whom was referred the memorial of John Mabry, praying that he may be restored to the pension-rolls, he having been a soldier in the Mexican war who was dropped from the rolls under the act of 1862, have had the same under consideration and have directed me to report the same back and to move that the committee be discharged from the further consideration of the petition on the ground that the committee have already reported a general bill on that subject.

The motion was agreed to.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. No. 790) for the relief of Mrs. Catharine Perry, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Mrs. M. B. McCulloch, praying a reconsideration of her claim for a pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 412) granting a pension to George H. Mellan, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of citizens of Michigan, praying that soldiers in the late war who have lost a leg above the knee shall be entitled to the same increase of pension as is allowed by law to those who have lost an arm above the elbow, asked to be discharged from its further consideration; which was agreed to.

Mr. WEST, from the Select Committee on Transportation Routes to the Sea-board, to whom was referred the bill (S. No. 178) to provide for the construction of the Fort Saint Philip Canal and its maintenance as a national public highway, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 577) for the improvement of the mouth of the Mississippi River, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2925) granting a pension to Dorothea Irons, mother of Lieutenant Joseph F. Irons, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Mary Jane Ball, widow of James P. Ball, late of the Second Kentucky Artillery, praying to be allowed a pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the petition of F. A. Moore, late captain Company G, Second Iowa Infantry Volunteers, praying for an increase of pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Elizabeth H. Hartwell, praying for an increase of pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. HAMILTON, of Texas. I am also instructed by the Committee on Pensions to report back, without prejudice, the petition of George Bagnall, of Kansas, asking for a pension. The committee consider that the petitioner has perhaps a good claim, but his testimony is insufficient, and they therefore instruct me to advise that the papers remain on the files of the Senate, so that they may be withdrawn.

The committee was discharged from the further consideration of the petition, and leave given to withdraw the petition and papers from the files of the Senate.

JENNET H. NISBET.

Mr. PRATT. The Committee on Pensions, to whom was referred the bill (H. R. No. 2181) granting a pension to Jennet H. Nisbet, have had the same under consideration, and directed me to report it back without amendment; and I ask that the bill be considered at the present time.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill; which is an instruction to the Secretary of the Interior to place on the pension-roll the name of Jennet H. Nisbet, mother of Thomas Nisbet, late a drummer in the Forty-fourth Regiment Ohio Volunteer Infantry, subject to the provisions and limitations of the pension laws.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. RAMSEY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 835) for the relief and reappointment of Captain Thomas B. Hunt, assistant quartermaster in the United States Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 836) granting a pension to William Ira Mayfield; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 837) for the relief of E. S. Joslyn; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 838) for the relief of William J. Healy, late assistant paymaster in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FENTON. I desire to introduce a bill without previous notice, and to remark that it is pretty nearly Senate bill No. 13. There are a few modifications of that bill embraced in this draught, and I ask leave to introduce it and to have it printed and referred to the Committee on Finance, who now have, on the reference of the bill from the House yesterday relating to moieties, the whole subject before them, and I present this bill to be printed so that it may facilitate their consideration of the subject.

By unanimous consent, leave was granted to introduce a bill (S. No. 839) to establish the compensation of certain customs officers, to regulate the service in the collection of customs at the various ports in the United States, and the disposition of fines, penalties, and forfeitures incurred under the laws relating to customs, and for other purposes; and it was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 840) for the relief of Dr. J. J. Gibson, of Corinth, Mississippi; which was read twice by its title, and referred to the Committee on Claims.

QUARTERMASTER'S CORPS.

Mr. LOGAN. I ask permission to call up a bill that was objected to yesterday morning, for the purpose of passing it. It is the bill (H. R. No. 3116) to correct the date of commission of certain officers of the Army.

The bill was read.

The Committee on Military Affairs reported an amendment to amend the preamble by striking out in the fourth line the words "was entitled to be" and insert "would have been," and in the fifth and sixth lines to strike out "from which he was excluded by reason of" and insert "for," and in the last line to strike out "erroneously" and insert "previously;" so as to make the preamble read:

Whereas a vacancy of major in the Quartermaster's Department existed on the 18th day of January, 1867, to which Captain William Myers, of the Quartermaster's Department, would have been promoted under the laws then in existence, but for an appointment in said Department previously made. Therefore.

Mr. BOREMAN. I should like to have some explanation of that bill. I understand there are some officers who say this bill will do

them injustice. I do not understand it precisely myself, and I should like to have some explanation of the necessity for the bill, how it will affect them.

Mr. WADLEIGH. I object to the present consideration of the bill.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate on proceeding to the consideration of the bill which has been read.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to nominate and promote William Myers to be major and quartermaster, to date from the 18th day of January, 1867, to take place on the Army Register next below Major J. G. Chandler; but no officer in that Department is by the act to be reduced from his present rank, nor is any additional pay or allowance to be made to any officers by virtue of it.

Mr. LOGAN. This bill passed the House a few days ago and was agreed to by the Senate Committee on Military Affairs. As one of the members of the committee desires to make some suggestion in opposition to the bill, I will briefly state, as I do not wish to detain the Senate, that in 1866 a law was passed reorganizing the Quartermaster's Department, under which there were additional officers to be appointed by the President. The law provided that those additional officers should be appointed in the list of captains, who were to be assistant quartermasters. They were appointed, however, in the list of majors and lieutenant-colonels instead of as the law directed, which shut the senior captain out from his majority who but for that would be now at the head of the list, or nearly so, of majors. This bill is for the purpose of giving him the rank that he would have if he had been promoted at that time in accordance with the provisions of the statute. But at the same time that it gives him the same rank that he would have had then, it gives him no pay except of the rank he has now, which is that of major. It only puts him up on the Army Register; and it does not interfere with the rank or pay of any other quartermaster in the Department. That is the whole of the bill. It only gives him the rank he should have; it does not displace any officer, however erroneously he may have been appointed. It leaves them holding the same rank they hold now, and gives him the rank he would have been entitled to, according to my view of the law. That is the bill.

Mr. BOREMAN. I ask the Senator if this bill does not require the promotion of this officer above those who are above him at present? Does it not give him precedence of those who are above him at present.

Mr. LOGAN. It does, as a matter of course. He is now a major. It gives him rank as major, but puts him up on the file, as it is called, of the Army Register, to that point to which he would have been entitled under the law of 1866. I say it does not degrade any officer, but it puts this gentleman up so far as the file is concerned. That is to say, he will remain a major with the same rank that he has now, but he will rank other majors whom he does not rank at the present time under the appointment. That is the bill precisely.

The Senator from New Hampshire [Mr. WADLEIGH] desires to give his reasons why this should not be done. I will first hear the reasons that he has to assign, and then I will give my reasons in brief why the bill should be passed.

Mr. WADLEIGH. Mr. President, in 1866, after the declaration of peace, a reorganization of the Army became necessary, and an act was passed to fix it upon a peace basis, and that act increased the number of officers over those previously in existence. Among the other increases which it made in the various departments of the Army, the organization of the Quartermaster's Department was increased by three in the grade of colonel, six in the grade of lieutenant-colonel, and seven in the grade of major. That was a re-establishment of the Army upon the new peace footing, and that act created these vacancies.

The claim of this officer is that under and by virtue of that act these vacancies should have been filled by those persons who belonged to the regular Army, that they should have gone up in regular gradation according to their seniority, and that if the President and Senate desired in 1866 to fill these vacancies as they did do, by the appointment of meritorious and deserving officers of the volunteers, we shall now declare that action void and put him over the heads of the officers thus appointed and let him outrank the whole of them.

I have here a very extraordinary document presented by this "William Myers, major and quartermaster, of the United States Army," in which he asserts that he was overslaughed by the President and Senate in 1866 in violation of all law and of all precedent, and that vacancies created as these vacancies were had always been filled by promotion by seniority. I say that that assertion on his part in this paper, presented by him I suppose to every Senator, is entirely untrue and incorrect. The rule has been from 1811 down to this time, as I understand, that original vacancies, that is, vacancies created by statute, should be supplied or filled by selection, but accidental vacancies occurring in established regiments, or in established corps, should be filled by promotion by seniority; and such is the purport of the Army Regulations. The Army Regulations of May 1, 1813, provide as follows:

> Original vacancies will be supplied by selection; accidental vacancies by seniority excepting in extreme cases.

The same rule was repeated in precisely the same language in the regulations of 1814, 1815, and 1821. The Army Regulations of 1825 provide as follows:

> The Executive will fill original vacancies when created by selection; accidental vacancies below the rank of brigadier-general, by promotion according to seniority except in extraordinary cases.

The Army Regulations of 1841 provide that—

> Original vacancies will be supplied by selection; accidental vacancies to the rank of colonel, by promotion in the order of seniority except in extraordinary cases.

The Army Regulations of 1847 are precisely the same.

The Army Regulations of 1857 provide:

> All vacancies in established regiments and corps to the rank of colonel shall be filled by promotion according to seniority, except in cases of disability or other incompetency.

Under that clause in the Army Regulations of 1857 this quartermaster claims that the appointment of these volunteer officers to the rank which they now hold was in violation of law. But, sir, that rule provides that all vacancies in established regiments and corps shall be filled by promotion according to seniority. That is not this case. Here was not an established corps, with its officers appointed. There were vacancies created by law, vacancies created upon a reorganization of the Army, and offices to be filled according to the rules in the Army Regulations which have always existed, by selection by the President. And, sir, it was right that that should be so. To the volunteer force there came during the war very many men as well qualified to hold offices in the Army when it should be reorganized as the men who belonged to the regular Army; and the debates will show that one object of passing this law in the shape in which it was passed was to give the President and Senate an opportunity, if they saw fit, to appoint to these offices deserving officers among the volunteers, and not to compel the President to fill them all by promotion by seniority from those who belonged to the regular Army.

In 1866 the President made the appointments of those officers, over whom it is now attempted to set this Mr. Myers. Some of them were appointed from the volunteers. They were men who had earned their appointments by arduous service. One of them comes from my own State. At that time it was believed by the President and by the Senate that all these vacancies should not be filled, and that they were not obliged to fill them, by men who had been in the regular Army, but that they might go into the ranks of the volunteers to fill them. Accordingly those appointments were made which it is now attempted to outrank. They came before the Senate for confirmation. They staid before the Senate a period of forty days, when the whole question could have been investigated. The same Senate which passed that law confirmed the appointments of these officers; and now, seven years after that, comes in this Mr. Myers and claims that the President was wrong, that the Senate which helped pass the law was wrong, that everybody was wrong, and that only he, Mr. Myers, is right; that there was a violation of law which he now comes forward and asks Congress to redress and to make right.

Mr. President, this bill, if passed, will be a great injustice to the men who were appointed to these offices from the volunteer service. It will be in effect saying to them, and to the people of this country who furnished millions of men to the Army, when appointments are made to fill vacancies according to the old and long-established rules governing such appointments in this country from the volunteers, they shall not be allowed to hold their places; that only men who belong to the regular Army shall be allowed to fill offices in the Army created by Congress.

Sir, this assumption is a most impudent one. It is impudent in any individual to come in here after a lapse of seven years and say that appointments made in 1866 and confirmed by the Senate, which helped pass the law of 1866, were made in violation of that law and confirmed in violation of that law, and that the Senate that did that in 1866 committed a wanton violation of the law which they helped pass.

Furthermore, Mr. President, this same officer, as I understand, came here at the session of 1872, and to quiet this whole matter, as a compromise, the act of June 3, 1872, was passed, by which he was allowed to hold the rank which he now holds without having the grade which he now seeks to obtain. I understand that that was a compromise of this whole matter; that he agreed that if that act should be passed he would not claim anything more.

Mr. LOGAN. Mr. President, if I can have the attention of the Senate for a moment, I desire to lay before them the law as it really is in this case, irrespective of what may have been the law in 1812.

Before coming to that, however, let me refer to the fact that my friend from New Hampshire lays great stress on the fact that this bill changes not the rank, but the relative positions on the Army Register of some volunteer officers and regular officers. I desire to say that there is no man in this country, in my judgment, who has been more devoted to the interests of the volunteers who are in the Army than myself. I have defended them on all occasions; I have stood by them, and am still ready and willing to do so. But when a question is presented to me as a legal proposition to decide, I must decide it irrespective of whom it may affect; and with all my prejudices in favor of the volunteer officers of the Army I have decided this question, so far as I am individually concerned, upon what is, in my judgment, the correct construction of the law under which these men were appointed.

Now let me see if I am correct. I state the proposition, first, that Mr. Myers is entitled by law—if he is not, I do not want him to have it—to the position that is provided for him in this bill. I will not go back so far as my friend from New Hampshire, but I will take the Army Regulations of 1861. Paragraph 19 of article 4 of the Army Regulations of 1861 provides that—

All vacancies in established regiments and corps to the rank of colonel shall be filled by promotion according to seniority, except in case of disability or other incompetency.

This article of the Army Regulations is by act of Congress continued in effect until otherwise provided by law. When new regulations were presented to the Congress of the United States some two years ago, these regulations were continued in existence until otherwise provided by law. Hence I start out with the proposition that under the regulations of 1861 all promotions in the Army up to the rank of colonel are to be made according to seniority. That, then, is the starting point. We find by going back to the laws of 1838 a provision in reference to the Quartermaster's Corps especially, and not applicable to any other corps. In 1838 in the organization of the Quartermaster's Corps it was provided:

That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate—

I desire to call the attention of the Senate to this language—

to add to the Quartermaster's Department not exceeding two assistant quartermasters-general, with the rank of colonel; two deputy quartermasters-general, with the rank of lieutenant-colonel; and eight assistant quartermasters, with the rank of captain; that the assistant quartermasters now in service shall have the same rank as is provided by this act for those hereby authorized; and that the pay and emoluments of the officers of the Quartermaster's Department shall be the same as are allowed to officers of similar rank in the regiment of dragoons: *Provided*, That all appointments in the Quartermaster's Department shall be made from the Army, and when officers taken for such appointments hold rank in the line, they shall thereupon relinquish said rank, and be separated from the line of the Army—

And here is the particular point—

and that promotion in said Department shall take place as in regiments and corps.

The law providing that in regiments and corps all promotions and appointments should be made by seniority. Thus in providing for the Quartermaster's Department in 1838, providing for two additional colonels and for eight additional quartermasters, Congress declared that they should be appointed from the Army and that they should take rank according to the law providing for regiments and corps. That law stood upon the statute-book until 1866 and was the law under which all appointments and promotions were made in the Quartermaster's Corps.

My friend from New Hampshire suggests—a strange point to me, but it is certainly relied on by him—that this law of promotion applies to organized corps. I admit that; but does my friend say that the Quartermaster's Department was not an organized corps in 1866? It certainly was an organized corps in 1866, and the law of 1866 only added to a corps already organized. If he admits that the Quartermaster's Department in 1866 was an organized corps, his whole argument loses its base and substratum; it falls to the ground, for upon that the whole question turns in his judgment. If there was no Quartermaster's Department in 1866, and then by a new organization a provision of law was made that allowed appointments from any other place except that corps itself by promotion, his argument would be correct; but if the corps was organized, as it was and has been for fifty years and over as a corps of the Army, I ask what effect does an addition to the corps make? It does not disband the corps; it does not disorganize the corps; it does not degrade the officers; but it is merely adding to a corps in the Army, and that addition is to be made according to the provisions under which the law says it shall be made, by the appointment of the President.

That being the fact, that this was an organized corps of the Army, it is well for us to look at what the law of 1866 is under which these appointments and promotions were made; and if I cannot satisfy the Senate that these promotions and appointments in that corps were made erroneously, then I hope the Senate will vote down this bill; but I think I can do so. The Quartermaster's Corps being then in existence, there was a reorganization of the Army as it was called; that is to say, there was a change after the war was over; there was a reduction of regiments and of corps. A reduction of all departments of the Army was provided for in the law of 1866; and in doing that a provision was made in reference to the Quartermaster's Department especially. What is that provision?

That the Quartermaster's Department of the Army shall hereafter consist of one Quartermaster-General, with the rank, pay, and emoluments of a brigadier-general, six assistant quartermasters-general, with the rank, pay, and emoluments of colonels of cavalry; ten deputy quartermasters-general with the rank, pay, and emoluments of lieutenant-colonels of cavalry; fifteen quartermasters, with the rank, pay and emoluments of majors of cavalry; and forty-four assistant quartermasters, with the rank, pay, and emoluments of captains of cavalry.

Up to that point there is no provision at all for the appointment of any one outside of the Quartermaster's Corps or outside of the Army. Up to the point of the forty-four captains, the law stands just precisely as it did in 1838, that these appointments should be made from the Army and that the promotions should be according to seniority. But here comes in a proviso, and it is under this proviso that these appointments to which there is objection were made:

And the vacancies hereby created in the grade of—

What?

in the grade of assistant quartermasters—

Mark you, the assistant quartermasters were captains, the quartermasters were majors, the assistant quartermasters-general were lieutenant-colonels and colonels—

and the vacancies hereby created in the grade of assistant quartermaster shall be filled by selection from among the persons who have rendered meritorious service as assistant quartermasters of volunteers during two years of the war.

These assistant quartermasters of volunteers who were to be appointed under this section must first in order to qualify them have been volunteers in the Army of the United States; they must have been assistant quartermasters; they must have served for the period of two years with distinction. If they had served the period of two years in the volunteer service, then they were entitled to be appointed in the Quartermaster's Department; but to what rank and grade? To the rank and grade of captains and assistant quartermasters, but not to the rank and grade of major, lieutenant-colonel, or colonel——

The PRESIDENT *pro tempore*. The morning hour having expired the Senate resumes the consideration of the unfinished business, which is Senate bill No. 1.

Mr. LOGAN. I ask leave to go on a few minutes and have this matter disposed of.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Illinois proceeding?

Mr. FERRY, of Michigan. In this connection I ask the Senator if he will allow me to call up a rule that has been reported from the Committee on the Revision of the Rules extending the morning hour one-half hour? There is so much crowding the Calendar——

Mr. FRELINGHUYSEN. I object to that now.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Illinois being allowed to complete his remarks? The Chair hears none.

Mr. LOGAN. Now let us see where the fault lies in these appointments. If President Johnson had appointed these men as captains in the Quartermaster's Department, he would have complied with the law. If these men were entitled to the grade of lieutenant-colonel and major, then we must say, first, that Congress has no right to direct how promotions shall be made in the Army; but if Congress has that power under the Constitution—and I presume no one will deny that—Congress has directed in this law of 1866 how these men should be appointed. They were to be appointed to the rank and grade of captain in the numbers of forty-four assistant quartermasters, and not in the rank of major, lieutenant-colonel, or colonel. But the facts are that they were appointed, one of them, I believe, lieutenant-colonel, and three or four as majors. By these appointments, I say the law itself was violated, for they were not entitled to be appointed except in the grade of captain. But we passed a law two years ago providing that these men, however erroneously they might have been appointed, should not be degraded. We now provide that they shall retain the places they have been appointed to, whether erroneously or not; but this bill provides for putting in his proper position a certain officer who then belonged to the grade of senior captain, who was entitled to be promoted to the rank of major and these men were entitled under this law to be appointed behind him and below him in file, but they were appointed above him in file in violation of the law.

As I said, I have as much respect for these men as any one. My sympathies are with them. They always go out to the unfortunate, especially toward a volunteer soldier; but these men were, in my judgment, improperly appointed under the law. This man that we ask the bill to be passed for, so that he may take rank according to the law itself under which the appointments were made, has served a series of years as quartermaster; and the fact that he was in the regular Army is no reason why he should not have the law administered to him as honestly and justly as if he belonged to the volunteer force. It makes no difference, so far as the law is concerned; it should be administered justly to all; and you cannot make the distinction between a regular officer and a volunteer officer under the law. He has served for a great many years in the Army, and I have a certificate here from the Department showing that during his service of some twelve or fifteen years, up to the time of this appointment, he had disbursed nearly $200,000,000, and had as good a record as any man in the Army. If a man has a good record in the Army and has done his duty faithfully, that is no reason at least why the law should not be fairly administered unto him as to a man who is just appointed by the President under the law.

I will say further that if any Senator will read that section of the law of 1866 under which these men were appointed, and will assert that the President had a right then to appoint them to a higher rank than that of captain, I will give up the case and agree that I am wrong; but I cannot read the law in any other way myself.

Mr. SCOTT. I desire to understand this case, and if the Senator will permit me, I should like to put a question to him. As he states the law, the passage of this bill would only give to the officer named in it the rank to which he would have been entitled if the former law had been observed.

Mr. LOGAN. Yes, sir.

Mr. SCOTT. And will not take from any of the other officers below whom he is now placed any rank or pay to which they would have been entitled if the law had been observed at that time?

Mr. LOGAN. Exactly. It leaves every one in the department just as he is now. Instead of putting these men down as captains, as the law provided that they should be appointed, it leaves them as lieutenant-colonels and as majors; but this man having the rank of major now, the bill gives him no additional rank, no additional pay. It does not give a cent to anybody; it does not degrade any one; it does not take one cent of pay from any officer; but merely gives this one officer the rank in file that he would have had at that time, without adding to his pay and without diminishing the pay of anybody else. In other words, it leaves the number of quartermasters in the rank of major just as they are to-day; it does not change them at all; but it takes this man from his file below three or four others and puts him up three or four files, so that in grade he will outrank them by seniority merely, although they are equal in rank. That is all the bill will do. I think that it is fair and ought to pass.

Mr. BOREMAN. Mr. President——

Mr. FRELINGHUYSEN. I call for the regular order.

The PRESIDING OFFICER (Mr. FERRY, of Michigan, in the chair.) The unfinished business is Senate bill No. 1.

Mr. LOGAN. Will this other bill come up in the morning hour to-morrow as the unfinished business.

The PRESIDING OFFICER. There is no unfinished business of the morning hour. It will require a motion to take up the bill.

Mr. LOGAN. It will take but a few minutes to dispose of it now, and I hope it will be disposed of.

Mr. FRELINGHUYSEN. I consented that the Senator should finish his remarks. I have no doubt the bill will lead to further discussion. I must ask for the regular order.

Mr. LOGAN. I move to lay aside all other business temporarily for the purpose of disposing of this bill.

Mr. WADLEIGH. I desire to be heard upon the question of law involved in the bill.

The PRESIDING OFFICER. The Senator from Illinois moves to lay aside all prior orders and continue the consideration of the bill.

Mr. LOGAN. If the Senate will agree that we can take it up to-morrow morning in the morning hour, I shall make no objection to its going over.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois.

Mr. FRELINGHUYSEN. I take it for granted the Senator on reflection will withdraw the motion. The motion is not in order to lay aside the civil-rights bill temporarily; it is to lay it aside entirely.

Mr. LOGAN. I will withdraw the motion at present, but I say that I will attempt at least to call up the bill to-morrow morning.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes; and

A bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 2078) for the benefit of occupying claimants.

CIVIL RIGHTS.

The Senate resumed the consideration of the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866.

Mr. MORTON. I am entitled to the floor on this bill; but the Senator from Virginia [Mr. JOHNSTON] desires to leave on the three o'clock train, and wishes to address the Senate before he goes. I therefore yield to him.

Mr. JOHNSTON. Mr. President, I am obliged to the Senator from Indiana for his courtesy. I do not propose to discuss the civil-rights bill at length. I only desire to say a few words in regard to one feature of the bill, and that is the amendment proposed by the Senator from Georgia [Mr. GORDON] to strike out of the first section of the amendment of the committee these words: "and also of common schools and public institutions of learning or benevolence supported, in whole or in part, by general taxation."

I wish to tell the Senate what the State of Virginia has done in regard to the education of the colored people, to give some brief account of her common-school system, and then to endeavor to show what effect this bill, with that feature in it, would have upon that system.

If there is anything that the people of the Northern States, and especially of the New England States, boast of and are proud of, it is their common-school system. They are in the habit of boastfully pointing the world to what they have done in the way of educating their people. That they are entitled to great credit for the benefits of their common-school system I will not dispute; and when it is a question relating to that part of the country which contains an immense number of people who are not able to educate themselves they ought to be very careful in adopting any measure that would have the effect of destroying the system, especially where it is needed so much as in the South.

The last census exhibited a large degree of illiteracy in the Southern States, that illiteracy being almost entirely among the colored population. Some Senators seem to think that the southern whites are inflamed with hatred of the colored people, that they desire nothing so much as to destroy them, deprive them of every right, impose upon them every burden. Mr. President, there can be no greater mistake than that. The southern people ought to be credited at least with a reasonable degree of common sense; and it would be the last extent of stupidity for them, knowing well that the colored people are citizens, knowing well that they have the right of suffrage and of holding office, and that the fate of the black and white races in the Southern States is bound inextricably together, not to desire to educate the colored people and give them every opportunity of making good citizens. The fate of the whites is to some extent in their hands. Upon their knowledge, upon their good sense, upon their good conduct, depends the destiny of the government and of society in several of the Southern States to a very great extent; and that the white people should desire this race, who have so much to do with their own condition and future, to be savages and brutes is not to be thought of. The southern people have every desire to treat them with the last degree of justice, and to give them every opportunity of attaining the highest civilization possible for them to reach.

It is not worth while for me to tell the Senate what the condition of the State of Virginia was at the termination of the war. Everybody knows that that State was the theater of the war; that there was scarcely a county in it that was not trodden by soldiers; that from the beginning to the end large hostile armies were always in it, occupying a large portion of its territory, and marching over its whole extent. Of course, when the war ended the people were reduced to the depths of poverty. They had neither money nor anything else. In 1867 they held a constitutional convention and adopted a new constitution. That instrument provided that by the year 1876, or nine years after the convention was held, a common-school system should be put in operation in the State. Although the convention adopted the constitution in 1867, the State was not admitted and the constitution did not go into effect until 1870, when the representatives of the State were admitted to this floor and the floor of the other House. The Legislature assembled then under the new constitution, and had a majority of conservatives. They had the option to postpone putting the common-school system into effect until 1876, and if they had felt toward the colored race as it is represented they did and do, they would not have legislated upon the subject until the last moment, and they had abundant excuse in the condition of the people of the State. To build the school-houses, to pay the teachers, and incur the other necessary expenses, required the raising by taxation of a very large sum. That had to be raised from the whites almost entirely. The colored people had then, and have now, little or no taxable property; and nearly all the taxation of the State for common schools and every other purpose is paid by the whites. When the conservative Legislature had six years within which to put this common-school system into operation, and had the excuse of the utter prostration and poverty of the people of the State, certainly if they had been inclined to deny the colored man the privilege of the sort of education the common schools give him, they had then the opportunity by postponing action until 1876. But one of the first things the Legislature did after its organization was to provide by law for the establishment of these very common schools. They appointed a State superintendent, who proceeded at once to act with great energy and ability. The State was admitted the latter part of January, 1870. By July the county superintendents were appointed, and all the organization of the system was planned and put into practical operation. This was all done within six months after the admission of the State, when they had six years in which to do it.

Now, in order to show the appreciation by northern men of education and position of what the State has done, I will read a short extract from a statement made by General S. C. Armstrong, who is the principal of the Hampton Normal and Agricultural Institute, devoted entirely to the education of colored people.

General Armstrong says:

> I have wondered that, under the circumstances, human nature was capable of such active, hearty effort for the colored people as Virginians have shown, especially for their education and for the fullness and fairness of opportunity accorded them.

That is the testimony of a northern man, president of a colored college in the State of Virginia. And in connection with that college, to show still further how just and how kind the people of the State are to the colored race, I may mention that when the land fund given by Congress for agricultural colleges was to be bestowed in the State of Virginia, there was a contest as to where part of it should go, but every man in the Legislature conceded that one-third of it should be given to this Hampton Normal and Agricultural School, which is a school devoted entirely to the education of the colored people. The contest was long and protracted over the distribution of the other two-thirds, but that one-third was given to the colored people by universal consent.

The State having commenced its operations as soon as it was admitted into the Union and as soon as the Legislature organized under the constitution in January, 1870, before the end of that year the schools had increased to more than twenty-nine hundred, with

about one hundred and thirty thousand pupils, and more than three thousand teachers.

Then in the year 1872 the State raised by taxation for public education $993,318.59. In that year the number of pupils was 166,377, and the number of teachers 3,695. In 1873 the receipts for school purposes were $1,015,054.31, and the value of school property $524,637.98. The whole number of public schools in the State in 1871 was 3,047; in 1872, 3,695, and in 1873, 3,696.

Our system provides that the schools of the white and colored people shall be kept separate; but except in that particular they are the same. They employ good teachers in both. They give the same proportion of public money to each. They build the same sort of school-houses for both, and the colored people are provided to the same degree precisely by this common-school system that the white people are. The schools are kept separate, and they are kept separate because the people of the State well know that that is the only way to make them successful. On that point I think there is but little difference of opinion in the State of Virginia.

In the last canvass, in October, 1873, for governor in that State, one of the most exciting that ever took place, and one which was regarded as settling definitely the political status of the State, whether it should be republican or conservative, when every party issue was made, and the people came forward to the polls and an unprecedentedly large vote was cast, Governor Kemper, the candidate of the conservative party, on every occasion opposed mixed schools, and Mr. Hughes, the candidate of the republican party, did the same thing. Upon that point there was no issue between them. They both took distinct and decided grounds upon the hustings and everywhere else against mixed schools. I heard no cause of complaint against Mr. Hughes on that score from his party in the State. On the contrary, his party supported him; and in order to show the views of the republican party in the State I desire the Secretary to read some extracts from the State Journal, the leading republican paper of Virginia, published at Richmond.

The Secretary read as follows:

We spent some little time yesterday in visiting our public schools, in company with the committee of the city council, and it is but justice to say that we were more than ever gratified at the evidences of improvement which were everywhere shown. The whole corps of instructors seemed to be imbued with the same spirit of advancement which has been shown in the supervision of the schools by Superintendent Binford, who has allowed no new methods of instruction to escape his observation, in his more recent visits to the schools in our larger northern cities. He is fully up to the demands of the day in matters of drill and discipline, and evidently keeps a sharp eye on the instructional corps under him, to see that his own suggestions, and those of the best practical educators in the land, are effectively carried out in the Richmond schools.

We doubt if there is a man of intelligence in our city who would desire to see the present economical and well-organized system of instruction in our public schools abandoned. The results of its brief trial are too marked and satisfactory, and its practical working too manifestly advantageous, to allow the system to be contracted or narrowed in its influence upon society. By extending the facilities of instruction to all classes of the community, the moral and intellectual character of our youth is improved, the standard of intelligence advanced, and industry, thrift, and general happiness and good order promoted. The whole community is feeling the benefit of these schools under their present admirable management. Destitute children are especially the recipients of their great benefits. The instruction they receive imparts a permanent impression to their minds, even though it be of only a few months' duration, and so far molds their character and shapes their destiny for the future, that the influence of ignorance and vice, twin companions that always fraternize in crime, is overcome, and society thereby receives a much greater benefit than it confers in the way of paternal blessing.

The public schools of Richmond are among the best to be found anywhere, and the time is soon coming when, if not tampered with by the meddling interference of outside legislation, they will be sought in preference to any other for the instruction of our youth of all classes, ranks, and conditions. We can imagine how their usefulness would be entirely destroyed, and the money now expended upon them be worse than thrown away, by legislating them into practical machines for the use of demagogues a thousand miles beyond our own borders. Here is the danger to the whole system of popular education in the South, and the sooner our members of Congress learn to attend to their legitimate duties under the Constitution, and let the domestic matters of the States alone, the sooner will the South and the whole country come up to the standard of educational advancement desired of them. The people of Virginia have made no distinction in the quality and quantity of education imparted to the white children of the State over its colored children. And especially is this true of our city schools under the superintendence of Mr. Binford. We think that if the visiting committee showed any preference in their attention to the schools yesterday, it was manifested in those of the colored children, where their stay was relatively longer, and greater commendation was bestowed.

The colored people of this city ought to petition Messrs. Sumner and BUTLER, of Massachusetts, to keep their meddling hands off the public-school system under which so many thousands of the brighter-faced children of their race are now being gratuitously educated. If they do not do this, but encourage such unconstitutional interferences as is now sought, they will wake up one of these mornings to find the doors of every public-school house in the State barred to all educational advantages for their own and white children alike.—*Evening State Journal*, Richmond, December 19, 1873.

THE CIVIL RIGHTS BILL AND THE SCHOOLS.

The colored people of Virginia have to-day a magnificent opportunity to show their *good sense* and their *real interest* in the permanent welfare of this Commonwealth. An ill-judged measure is now before Congress which may compel the education of white and colored children. We do not care to discuss any abstract principle involved in this measure. The *practical results* which are *absolutely certain* to follow its adoption alone concern us. We know as well as any future consequence of present action can be known that the attempt to combine the two races in the schools will result *in breaking up the schools altogether*. We recognize this fact as caused by prejudices and antipathies which we have no power to uproot. It is enough that we see a great and beneficent system imperiled by an attempt to reduce an abstraction to immediate practice. Let us appeal to the practical common sense of every intelligent colored man to say if he really believes that his people will get better educational privileges by attending the same schools with the whites. Will that state of feeling be engendered which leads men to give generously to the common cause of education? Will the contact of the children thus enforced be such as to encourage the hope of higher attainments and more fraternity of sentiment as they grow up?

Let it be considered that the colored race, though large in numbers, constitute a minority of the whole people. Acting with the greatest unity possible, they have no *power* to *compel* concessions from the whites. Whatever they get must come as the free gift of the majority. It is therefore wise to be very careful about insisting upon that which can do no practical good to either race, but is *sure to bring confusion* and *ruin* to the most precious and most truly conservative institution of our modern society—*the free schools*. Let our colored people at once ask Congress to desist from any legislation which enforces *mixed schools*, and they will have established a new claim to respect and confidence.—*Evening State Journal*, Richmond, January 6, 1874.

Mr. JOHNSTON. Mr. President, those extracts indicate the sentiment of the republican party in the State of Virginia on this subject. I think the gentlemen in the Congress of the United States who support this bill do not know the sentiments of the colored people of the South quite as well as we who live there. They see none of that class but agitators, politicians, and adventurers from our section of the Union. They do not see the kind, docile, and friendly negro at home on the plantation. They know nothing of him; they know nothing of his wishes; they know nothing of the good feeling that subsists between him and his white neighbor. They only see a few men who come here as a general thing to agitate, to excite, and to make mischief. The large body of the colored people are not disposed to be anything but home-staying and quiet and peaceable. This large body of colored people living on the farms and on the plantations of white men, knowing well how this thing is, desire to let the present school system, under which they are obtaining such advantages, to remain exactly as it is. They oppose change as much as the white people. They oppose it because they know they are unable to educate themselves, and because they know that the whites are voluntarily taxing themselves for the education of the colored people. They know well that whenever the whites withdraw their support from the system, they have no further chance of education. We have the spectacle of the whites in the State of Virginia, composing more than half of the population and holding all, or nearly all, the property of the State, voluntarily taxing themselves $1,000,000 annually in their impoverished condition for education, and bestowing a proper proportion of that sum upon the colored people with perfect and entire impartiality.

That is the system which prevails now, and the system which this bill, if passed as it stands, will break up. The Congress of the United States is asked to deprive the colored people of a great benefit now accruing to them, of the only chance they will have of making themselves citizens competent to exercise the rights which Congress has given to them. In the face of remonstrances from some of their own party who know the facts, in the face of the information conveyed in sincerity and candor to them, that the result will be as we have said, the republican majority of this body propose to insist upon the passage of a law which shall destroy this system which is such a benefit to the colored race.

As an indication of the feeling of the white people of the State of Virginia on this subject, I desire to read a short extract from the inaugural message of Governor Kemper. Speaking of the colored race, he says:

Non-residents, whatever their claims to eminence, ability, or philanthropy, can never understand the character and circumstances, or wisely administer to the wants of our colored population. Ourselves and no others are qualified to perform the task assigned us by Providence. If not restrained and thwarted by superior power, we will perform it resolutely and effectually by promoting the best interests of both races. We intend to perform it by scrupulously guarding the newly-acquired rights of the colored man; by affording him liberal facilities for education, and inciting him to use them; by developing his best qualities and capacities, and interesting him in the preservation of order and the enforcement of justice; by shielding him against devices of the vicious and thriftless; by habitually according him the kindness, forbearance, and sympathy which his comparative dependence and weakness invite, and by cultivating such relations of active co-operation and mutual trust and common interest between the races as will combine both in recovering the general prosperity, and make each an indispensable instrumentality for that end.

That extract expresses clearly and properly the feeling of the whites of the State of Virginia toward the colored people. If let alone, the interests of the colored men are safe in their hands. If Congress takes them out of our hands we shall not be responsible for the result.

[Mr. MORTON addressed the Senate. His remarks will appear in the Appendix.]

Mr. BOUTWELL. Mr. President, a few days since I submitted to the Senate an amendment to the first section of the bill reported by the Committee on the Judiciary. As I then foresaw, a difference of opinion has arisen touching the construction of that portion of the first section which it is the purpose of my amendment to strike out. The words are these: "That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of common schools"—omitting what is said of theaters—"and public institutions of learning or benevolence supported in whole or in part by general taxation." Those words I ask the Senate to strike out, and to insert in their place these:

And also of every common school and public institution of learning or benevolence, endowed by the United States, or that may hereafter be endowed by any State, or supported, in whole or in part, by public taxation.

Mr. ALCORN. Will the Senator permit an interruption?

Mr. BOUTWELL. Certainly.

Mr. ALCORN. I would inquire why the Senator inserts in his

amendment the word "hereafter?" I shall move to strike out the word "hereafter," and I desire to give the Senator an opportunity of explaining the reason why he inserts there the word "hereafter."

Mr. BOUTWELL. If I could see my way clearly in a legal view to strike out these words and to open every institution of learning in the country that has been endowed by any State, I certainly should be in favor of following the suggestion made by the Senator from Mississippi; but, after consideration, I thought that proposition open to so many objections that it was not wise for me to undertake to support it. As regards the future, I think it clear if we have power to legislate in the direction proposed by this bill, that we have power to open every institution that may hereafter be endowed by any State, and, of course, to open every institution that has been endowed by the United States or that may hereafter be endowed by the United States.

Dividing the provisions of this bill into two classes, those which relate to institutions of learning in one class, and all the other institutions into another class, the advantages of the class of institutions of learning are so far superior to all the others that I consider all those others comparatively unimportant.

The Senator from Ohio [Mr. THURMAN] yesterday, in commenting upon the political aspect of this bill, was pleased to say that Senators on this side the Chamber it was likely would support this bill because it secured the suffrages to their party of seven or eight hundred thousand colored voters in this country. Sir, he underestimated vastly the political advantages, not to the party but to the ideas which that party has entertained for the last fifteen or eighteen years, to which it is pledged, on which the new government has been constructed, and which every party that claims power in this country in the future and maintains that claim by any considerable lease of power will be obliged to accept. Opening the public schools of this country to every class and condition of people without distinction of race or color, is security, not for the votes of seven or eight hundred thousand negroes now living in this country and entitled to the right of suffrage, who are bound to the republican party by ties which they cannot sunder, but it is security that through the coming generations so long as the history of this time shall remain and the great deeds in which we have participated shall have influence on public affairs, the rising generation in each of these generations will advance to manhood with the fixed purpose of maintaining these principles. Intelligence is the security for the principles in which we believe, and ignorance is the protection of the principles and the policy we oppose. A system of public instruction supported by general taxation is security, first, for the prevalence and continuance of those ideas of equality which lead every human being to recognize every other human being as an equal in all natural and political rights; and the only way by which those ideas can be made universal is to bring together in public schools, during the forming period of life, the children of all classes, and educate them together.

The public school is an epitome of life, and in it children are taught so that they understand those relations and conditions of life which, if not acquired in childhood and youth, are not likely afterward to be gained. To say, as is the construction placed upon so much of this bill as I propose to strike out, that equal facilities shall be given in different schools, is to rob your system of public instruction of that quality by which our people, without regard to race or color, shall be assimilated in ideas, personal, political, and public, so that when they arrive at the period of manhood they shall act together upon public questions with ideas formed under the same influences and directed to the same general results; and therefore, I say, if it were possible, as in the large cities it is possible, to establish separate schools for black children and for white children, it is in the highest degree inexpedient to either establish or tolerate such schools.

The theory of human equality cannot be taught in families, taking into account the different conditions of the different members and the families composing human society; but in the public school, where children of all classes and conditions are brought together, this doctrine of human equality can be taught, and it is the chief means of securing the perpetuity of republican institutions. And inasmuch as we have in this country four million colored people, I assume that it is a public duty that they and the white people of the country, with whom they are to be associated in political and public affairs, shall be assimilated and made one in the fundamental idea of human equality. Therefore, where it would be possible to establish distinct schools, I am against it as a matter of public policy.

But throughout the larger part of the South it is not possible to establish separate schools for black children and for white children, that will furnish means of education suited to the wants of either class; and therefore in all that region of country it is a necessity that the schools shall be mixed, in order that they shall be of sufficient size to make them useful in the highest degree; and it is also important that they should be mixed schools in order that, when the prejudice which now pervades portions of our people shall be rooted out by the power of general taxation, they will be able to accumulate in every district those educational forces by which the public schools shall be made useful to the highest degree for which there is capacity in the public will with the power of general taxation.

On the one side, then, is a prejudice which is founded in no real distinction except the distinction of color; and on the other is a public policy founded with the institutions of our country and essential to their perpetuity; and between prejudice on the one hand and a wise public policy on the other, I think the time has passed when we ought for a moment to hesitate as to the course we should take. Therefore I have in this amendment endeavored to make that certain about which there is some doubt, derived from the language used by the committee in their report.

My chief object, Mr. President, is already accomplished in what I have said upon this point; but the remarks made by the Senator from Ohio yesterday led me to consider whether the committee that prepared the fourteenth amendment and the Congress that submitted it to the country were altogether mistaken as to the scope and power of that amendment. I do not rely chiefly upon those provisions of the fourteenth amendment to which attention has been called in the Senate. I rely more largely upon the first clause of that amendment which the Senator from Ohio yesterday read, and in passing from it was pleased to say, "This is merely a definition." The words are these:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

Two things are here declared: first, that certain persons classified are citizens of the United States; and secondly, they are citizens of the State in which they reside. They may have been so; but in contemplation of this provision of the Constitution they are not made citizens of the State in which they reside by the laws or constitution of that State, but made so by the power of the United States, exercised through Congress and through the requisite number of States composing the Union, and made so, as in the State of Kentucky for example, in defiance of the will of the State. It was an exercise by the General Government in a constitutional way of the highest power known to our system of government in taking all the people of the State of Kentucky, and, in defiance of the will of that State and of the people residing in that State, declaring that they were at the same time citizens of the United States and citizens of the State of Kentucky; and the Senator from Ohio calls that a "definition!"

Now, then, what is the effect of this? First, they are citizens of the United States; and secondly, they are citizens of the State in which they reside. First and best, the most comprehensive, indeed the only definition of citizenship, is equality of rights. You need no other definition. Therefore, citizens of the United States residing in the State of Kentucky by this amendment to the Constitution of the United States are made equal to each other in all their rights, privileges, and immunities; and of course one of the first rights, not of the citizen of the State, but of the citizen of the United States, is that in the State in which he chooses to reside he shall be the equal of any other citizen in that State. That is his first immunity, his first privilege; and therefore he claims as a citizen of the United States every privilege and immunity of citizenship in the State in which he resides; and therefore it is that I say, with all deference, the Supreme Court of the United States made a great mistake when they gave the opinion or intimated in the Slaughter-house cases that there were two classes of rights appertaining to citizens of the United States: those derived from the Government of the United States, and those derived from the States. As a citizen of the United States, the first right of the citizen of the State is that he shall enjoy all the privileges and immunities of a citizen of the State; and therefore as citizens of the United States, no State can make a distinction between the citizens of the State over which it has jurisdiction.

If there were nothing substantive in the Fourteenth amendment except this single sentence to which I have called attention and the fifth section, that "The Congress shall have power to enforce, by appropriate legislation, the provision of this article," would it not be ample for all these purposes? Could any State distinguish among its citizens in the matter of education, in the matter of the enforcement of the laws? Could it say that one class of its citizens should be subject to certain laws and other classes exempt from them? Could it bestow upon certain classes privileges and immunities derived from the legislation or the constitution of the State which were denied to other classes or to other citizens? Is there not in this single sentence, with the legislative power attached to it, authority in the General Government to interfere and secure to the citizen of every State all those privileges and immunities which belong to, or are enjoyed lawfully by, any other citizen of the same State by virtue of the fact that that citizen is, first, a citizen of the United States, and secondly, made a citizen of the State by virtue of the power of the General Government? And therefore the power of the General Government extends equally to the security of privileges and immunities to the citizen as a citizen of the State as to the citizen as a citizen of the United States, because he is a citizen of the United States and a citizen of the State by virtue of the same Constitution, framed by the same authority, and ratified by the same competent number of the States of the Union.

I say, then, Mr. President, without going further, that I find in this provision a sufficient foundation on which to rest this bill. Public instruction is a privilege. It appertains to certain citizens of the State by virtue of the laws of the State. If it appertains to certain citizens by virtue of the laws of the State, under this provision of the Constitution every citizen has a right to the enjoyment of the same privilege.

I did not rise to discuss the constitutional question, but rather to

lay before the Senate the reasons, in brief, which have led me to propose the amendment on which I hope to have the favorable judgment of the Senate before the vote is finally taken on the passage of the bill.

Mr. STOCKTON. Mr. President, I have something to say upon this bill; but before proceeding with my remarks I ask the Secretary to read the bill, or rather the substitute reported by the Committee on the Judiciary.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The bill will be reported if there be no objection.

The CHIEF CLERK. The Senate, as in Committee of the Whole, agreed to strike out all of the bill after the enacting clause and to insert the following in lieu of the matter stricken out:

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; and also of common schools and public institutions of learning or benevolence supported, in whole or in part, by general taxation; and of cemeteries so supported, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered in an action on the case, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000, or shall be imprisoned not less than thirty days nor more than one year: *Provided*, That the party aggrieved shall not recover more than one penalty; and when the offense is a refusal of burial, the penalty may be recovered by the heirs at law of the person whose body has been refused burial: *And provided further*, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State.

SEC. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party. And the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States or territorial court as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases: *Provided*, That nothing contained in this section shall be construed to deny any right of civil action accruing to any person, whether by reason of this act or otherwise. And any district attorney who shall willfully fail to institute and prosecute the proceedings herein required shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than $1,000 nor more than $5,000.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

SEC. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court.

Mr. STOCKTON. Mr. President, I approach the consideration of this question with a feeling of solemnity and sadness which I can hardly express to you or the Senate. When I see a bill of this character urged upon the Senate as it is by a vote so united, so constant, so persistent, as to show manifestly that it is the result of a caucus movement; when I see great questions of this kind that involve the very fundamental doctrines of our Government, the life, the liberty, the happiness not only of all who live here now, but of generations to come, urged by such a vote and discussed in an empty Senate; and when I know that the fiat has gone forth, that the republican caucus has acted, and that the legislation of the Senate is ascertained, I must say that I approach the consideration of the subject solemnly and sadly. But one thing I can do, sir. One thing no power can deprive me of doing. I can express to the Senate in a few brief words my views in reference to this bill and my apprehensions for the future of this country if the bill should ever become a law.

Mr. President, when my colleague presented this bill to our consideration in a speech characterized by his usual ability, he appealed for the support of the doctrines of the bill to a recent decision of the Supreme Court in what is known as the Slaughter-house case; when the Senator from Indiana [Mr. MORTON] addressed the Senate this morning he appealed to the same high authority; but when the Senator from Massachusetts who has just taken his seat [Mr. BOUTWELL] arose he frankly and candidly stated to you, as none others have yet done, what this bill meant and what was desired to be accomplished by it; and then he told you that the Supreme Court had erred in the very decision cited by the leading advocate of the bill, cited by the gentleman who has it in charge, cited by that great and distinguished lawyer, the Senator from Indiana, in support of the bill. That decision the Senator from Massachusetts regrets and he finds it wrong. The Senator from Massachusetts was not only frank and honest in telling us what was meant by the bill, but his acute mind failed not to see that the Slaughter-house case had been cited so absurdly in defense of the propositions of this bill that no man could stand upon it.

Such, Mr. President, are the circumstances under which this bill comes before us. An amendment is offered by the Senator from Massachusetts to provide for equality in public schools "supported in whole or in part by public taxation." If there was no frankness in stating the exact objects and purposes of this bill, if the decisions of the Supreme Court were cited here to maintain propositions the very reverse of which they decided, worse than that is the flimsy disguise under the words, "supported in whole or in part by public taxation." Does the Government of the United States tax the citizens of a State for the public schools of that State? That is the inference to be derived from the bill. That is what is claimed, that you can control and regulate the public schools; that they are your creatures, because your money goes to support them. No such thing is true; and none know better than the men from New England, where started the very foundations of the common-school system which spread throughout this Union, North and South, that they came from individual and State enterprise and are still local institutions. "Public taxation!" The term is misused; there is no public taxation for the benefit of schools.

When my neighbors and fellow-citizens assemble in front of a public house in the streets of the town in which I live, and elect a presiding officer, and are called upon to vote how much money they will raise that year for roads in that township; when they are called upon to vote how much money they will raise in that township for public schools; when they are called upon to vote whether John Smith or Henry Green shall be the school superintendent for that year, they are members of a corporation; they are voting away their own money; they are doing that by the law that governs this country, the law of the majority; and when two or three persons who desire to compel that school superintendent to put the two sexes in one room or people of different color in the same room, who desire to deny to that school superintendent, under the direction of the majority who elected him, the right of managing the discipline of that school, come and get an edict from Congress, and Congress takes charge of that school, a private institution established by me and my friends, controlled by the majority, as all other institutions in this country ever have been from the foundation of the country, what do they do? They break down the law of majorities; they give to a minority the power of controlling the local institutions of this country, and by an arbitrary edict from Congress, from Washington, they absolutely destroy the fundamental doctrine of the Government, which is the government of majorities.

Mr. President, is this law asked for the benefit of South Carolina? No, sir. When the minority, the oppressed race now in South Carolina went to the other House begging that Congress might look into affairs there to see whether some help could not be given to them, to see whether at least a commission could not be sent down there to inquire if they were not being robbed and plundered, you could not interfere with the majority in South Carolina, but you can interfere with a majority in New Jersey; you can interfere with a majority in New York; and if the oppressed white people of South Carolina who are crying to you for help to-day were colored people, you would listen to their request beyond peradventure.

So, Mr. President, if it is not for South Carolina, which can regulate its own schools and make them equal, that this thing is demanded, if it is demanded for New Jersey, and for New York, and for other States, does it not prove that it is to control the majority of the people? Why does not my colleague go to the Legislature of his native State? Why does he not go to the Legislature of New Jersey? That is nearer home; that is nearer to our people; that is nearer to our common schools; that is nearer to the parents, nearer to the children to be educated. He has praised over and over again our noble common-school system. We all love it. Why should that be broken down? Why not go to the State, that was able to create those institutions, the State that has nourished and cherished them, the people who vote their money to educate white and black? Why not go to that Legislature and ask for a law of the State compelling what this act of Congress proposes to compel them to do? Because the Legislature of New Jersey, composed as it may be of one party or the other, never would pass any such law. They know that their constituents do not desire it. They know that it is not right. Then, because they will not do it, because the school districts desire to exercise their ordinary rights, we are suddenly to be found guilty of violating a provision of the Constitution of the United States, the fourteenth amendment, an amendment whose object was to secure, and whose words do secure, to all citizens without distinction of race or color equality before the law; an amendment which has attached to it the phrase that Congress may make appropriate laws to carry its provisions into effect. No State shall pass any law abridging or denying equality. The Constitution of the United States said no State shall pass any bill of attainder or any *ex post facto* law, and contained other provisions of a similar character. Was it ever contended that that gave power to Congress to legislate over the citizens of a State in reference to the relations between them and the State, in reference to the relations between them and the boroughs, the cities, the townships, and the counties, and their civil rights arising from their local laws? Was it ever contended that the deprivation to a State Legis-

lature of the power to pass bills of a certain character gave power to Congress to legislate over the citizens of that State? Has that ever been suggested?

In reply to an argument of a similar kind of the Senator from Ohio yesterday, it was asked, what is the meaning, then, of the clause in relation to "appropriate legislation?" The meaning of the clause, if it had any meaning at all, was such legislation as would enable any person so aggrieved by such a law of a State to bring that case before the Supreme Court, to have that law declared unconstitutional, as the Senator from Delaware [Mr. SAULSBURY] well said in a question he put to the Senator from Indiana [Mr. MORTON] this morning. That was the purpose of that clause. The Senator from Indiana said he was a part of that legislation, of that enactment. I know he was a very important part, and there may have been some design in his mind or in the mind of some one else to give some great power, a power greater than the Constitution itself could give to Congress, under this provision in regard to appropriate legislation; but to my mind I can see no meaning in it whatever but power to carry out by law the denial and deprival of the power of the State to pass any legislation which should abridge or deny the rights intended therein to be protected.

But, Mr. President, it may be more proper, as my remarks shall be directed mainly to an examination of some legal propositions that have been raised upon this measure, to consider for a moment what this bill is. This bill provides——

Mr. COOPER. If the Senator from New Jersey will permit me I will move that the Senate proceed to the consideration of executive business.

Mr. FRELINGHUYSEN. Before that motion is put—of course I wish to accommodate my colleague in every way that I can—I desire to say to the Senate that to-morrow I hope it will be agreeable for them to come to a vote on this question. While I wish to economize time, I desire that all may have an opportunity of being heard who propose to speak upon the bill; and to-morrow I shall ask the Senate to stay here until a vote is arrived at.

Mr. STOCKTON. I desire to say to my colleague and also to the Senate that the motion to go into executive session is not made at my instance. Before I got up to speak, gentlemen on the other side asked me if I had any objection to going into executive session, and I told them that I left it with them. The Senator sitting on my right [Mr. COOPER] made the motion at their request. I do not desire an executive session, nor do I desire to prevent it. I shall be very happy to agree to the motion if gentlemen on the other side desire it. I am ready to speak now or to-morrow, just as it may be convenient to the Senate.

Mr. ALCORN. I wish to say that I attempted to get the floor immediately after the Senator from Massachusetts; and I trust I shall have an opportunity to speak on this question. I hope my friend from New Jersey will not press a vote upon it until we can have a full discussion; not a waste of time, but a sufficient discussion.

Mr. SAULSBURY. I desire to say in this connection that there are several gentlemen who intend to make speeches on this subject; and I do not think, for one, that I can agree to allow this bill to come to a vote without making a protest against it. While I have no speech prepared on the subject, and therefore cannot say how much of the time of the Senate I may consume, yet I cannot consent that a vote shall be taken upon it without at least entering a protest against the passage of the bill, and I know there are other gentlemen who desire to speak. I do not wish to consume any more time than I consider proper.

Mr. HAMLIN. If there is no Senator who desires to address the Senate on the pending question, I will move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. That motion is now pending; but before submitting it the Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes; and

A bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1875, and for other purposes; which, with the letter accompanying it, was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

Mr. COOPER. I renew the motion to go into executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 21, 1874.

The House met at eleven o'clock a. m., Mr. DAWES in the chair as Speaker *pro tempore*. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

Mr. POLAND obtained the floor, and yielded to Mr. ORTH.

TOTAL ABSTINENCE IN SERVICE OF UNITED STATES.

Mr. ORTH. I desire to present a petition signed by over 2,000 ladies of Indianapolis. I ask that it may be read.

The Clerk read as follows:

To the Congress of the United States:

The undersigned, members of the Woman's Christian Temperance Union, of Indianapolis, Indiana, do most earnestly and respectfully, in consequence of the great and growing evil of intemperance, spreading, as it does, crime, pauperism, ignorance, and other miseries through all grades of our American society, petition your honorable body to so amend the oath required of all officers in the service of the United States as to require them to abstain from the use of intoxicating drinks as a beverage during their term of office. This we ask because of the representative character of the persons whom the people have placed in such official positions, and because of the salutary and beneficial influence such requirement and consequent conduct would exert upon the young men of the nation; and also believing that such an amendment to the oath of office, with penalty of removal for its violation, would annually save millions of dollars to the Government. We therefore most earnestly pray you to grant our request by laying down such rules of sobriety for the government of those whom the people have placed over them as will secure our request.

Mr. ORTH. I ask that the memorial may be printed in the CONGRESSIONAL RECORD, and that it be referred to the Committee on Civil Service Reform.

There was no objection, and it was so ordered.

LIEUTENANT-COLONEL BENJAMIN S. ROBERTS.

Mr. WOOD. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of War and the General of the Army be directed to furnish, for the information of this House, copies of all the orders, letters, communications, and telegrams on the files of their offices relating to the retirement from active service of Lieutenant-Colonel Benjamin S. Roberts, Third Cavalry, United States Army, embracing not only the letters of said Roberts, but the letters of any other party or parties relating to such retirement, and the answers to the same.

Mr. THORNBURGH. I object.

ORDER OF BUSINESS.

Mr. BECK. I desire to make a parliamentary inquiry. What is the regular order?

The SPEAKER *pro tempore*. The gentleman from Vermont [Mr. POLAND] is on the floor, and is yielding to gentlemen for the transaction of business by unanimous consent.

Mr. BECK. On what question is the gentleman from Vermont entitled to the floor?

The SPEAKER *pro tempore*. The regular order is the unfinished business of yesterday, which is the bill in relation to the Sanborn contracts.

Mr. POLAND. I yield to the gentleman from Iowa, [Mr. MCCRARY.]

OCCUPYING CLAIMANTS.

Mr. MCCRARY. I ask that by unanimous consent the bill (H. R. No. 2078) for the benefit of occupying claimants be taken from the Speaker's table and that the amendments of the Senate be concurred in. The amendments are merely verbal.

There was no objection; and the bill was taken from the Speaker's table.

The amendments of the Senate were read, as follows:

In line 4, after the word "entitled," insert the words "in the Federal courts."

In line 8 strike out the words "emanated from," and insert in lieu thereof the words "been granted by."

Mr. CROUNSE. I would like to hear the bill read as thus amended.

The Clerk read as follows:

That when an occupant of land, having color of title, in good faith has made valuable improvements thereon, and is, in the proper action, found not to be the rightful owner thereof, such occupant shall be entitled in the Federal courts to all the rights and remedies, and upon instituting the proper proceedings such relief as may be given or secured to him by the statutes of the State or Territory where the land lies, although the title of the plaintiff in the action may have been granted by the United States after said improvements were so made.

Mr. KASSON. That is all right.

The amendments of the Senate were concurred in.

Mr. MCCRARY moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. POLAND. I am directed by the Committee on the Judiciary, who have leave to report at any time, to report back the bill (H. R. No. 3097) for present consideration.

Mr. BECK. I call for the regular order.

Mr. POLAND. I apprehend that this is the regular order.

Mr. BECK. The regular order is the unfinished business, which is the bill relating to the Sanborn contracts.

Mr. HOLMAN. I hope the title of the measure which the gentleman from Vermont desires to report will be read.

The SPEAKER *pro tempore*. The regular order of business, if insisted on, is the unfinished business of yesterday, which under the rules takes precedence of other business; and that is the bill in relation to the Sanborn contracts.

Mr. TYNER. I move that the rules be suspended, and that the House now resolve itself into Committee of the Whole, to resume the consideration of the post-office appropriation bill. I have no objection, however, to having the bill which has just been presented by the gentleman from Vermont read.

Mr. BECK. That is not the regular order.

The SPEAKER *pro tempore*. Pending the call for the regular order, the gentleman from Indiana [Mr. TYNER] moves to suspend the rules, which would give precedence over the unfinished business, and to go into Committee of the Whole on the post-office appropriation bill.

Mr. BECK. What does the gentleman from Ohio [Mr. FOSTER] say?

Mr. FOSTER. I am willing to yield for the motion of the gentleman from Indiana if the post-office appropriation bill is not likely to occupy more than ten minutes, as that gentleman assures me.

Mr. BECK. Then I do not object.

The motion of Mr. TYNER was agreed to.

The SPEAKER *pro tempore*. In the absence of the gentleman from Ohio, [Mr. PARSONS,] the gentleman from Pennsylvania [Mr. SCOFIELD] will take the chair in Committee of the Whole.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. SCOFIELD in the chair,) and resumed the consideration of the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

The Clerk resumed the reading of the bill, and read the third section, as follows:

SEC. 3. That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this act, then the sum of $5,634,842, or so much thereof as may be necessary be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the revenue of the Post-Office Department for the year ending June 30, 1875.

Mr. TYNER. I offer the following amendment:

In line 6 strike out "$5,634,842" and insert in lieu thereof "$5,497,842."

The amendment was agreed to.

Mr. GARFIELD. I move that the bill be laid aside, to be reported to the House with the amendments.

The motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. GARFIELD. I move that the committee proceed to consider the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending the 30th of June, 1875:

For Army pensions to invalids, widows, and dependent relatives, revolutionary pensions, and pensions to soldiers of the war of 1812, and for furnishing artificial limbs or apparatus for resection, with transportation or commutation therefor; also, for compensation to pension agents and the expenses of the several agencies, and for fees for preparing vouchers and administering oaths, as provided for by the acts of April 24, 1816; July 4, 1836; May 13, 1846; February 20, 1847; February 2, 1848; July 21, 1848; July 29, 1848; February 3, 1853; June 3, 1858; July 14 and 17, 1862; June 30, 1864; June 6 and July 25, 1866; July 27, 1868; June 17 and July 8 and 11, 1870; February 14 and June 8, 1871; February 20, 1872; and March 3, 1873; and all other pensions provided by law, $29,500,000.

For Navy pensions to invalids, widows, and dependent relatives, and pensions to sailors of the war of 1812, and for furnishing artificial limbs or apparatus for resection, with transportation or commutation therefor; compensation to pension agents, expenses of agencies, and fees for preparing vouchers and administering oaths, as provided by the acts of April 23, 1800; February 20, 1847; August 11, 1848; July 14 and 17, 1862; June 30, 1864; June 6 and July 25, 1866; March 2, 1867; July 27, 1868; June 17 and July 8 and 11, 1870; June 8, 1871; February 20, 1872, and March 3, 1873; and all other pensions provided by law, $480,000: *Provided*, That the appropriation aforesaid for Navy pensions, and the other expenditures under that head, shall be paid from the income of the Navy pension fund, so far as the same may be sufficient for that purpose: *Provided further*, That the fees for preparing vouchers and administering oaths, which are now by law thirty cents in each case, shall hereafter be twenty cents for the same, and no more.

The total sum recommended by this bill is $29,980,000.

Mr. O'NEILL. In regard to this bill, I wish to state to the Committee of the Whole that I was instructed by the Committee on Appropriations to prepare it with this last proviso changing the amount of fees charged for preparing vouchers and administering oaths from thirty to twenty cents in each case. Individually I am opposed to that reduction, for the reason that it reduces inordinately the salary of many of the pension agents, most of whom disburse large sums of money, some of them as large as $1,500,000 a year, and many of whom under this proviso would receive salaries of less than $2,000 each for that immense responsibility. Hence I propose to offer an amendment to this bill in the form of an additional proviso which I send to the Clerk's desk.

Mr. BUNDY. I would suggest to the gentleman to make the fees twenty-five cents in each case, and that will be satisfactory.

Mr. O'NEILL. I prefer the amendment I propose, for it makes an absolute and positive compensation.

The Clerk read as follows:

And be it further provided, That the net compensation of pension agents who disburse over $900,000 per annum shall be $4,500 per annum.

Mr. HOLMAN. That, I believe, is not an amendment authorized by the Committee on Appropriations. I make the point of order upon it.

Mr. KASSON. So do I; but I will reserve my right to raise the point of order until an explanation is made.

Mr. O'NEILL. I am very glad the gentleman from Iowa [Mr. KASSON] is going to make a point of order on this proviso of the bill and the additional proviso which I propose to add to the bill, as I am opposed to the reduction to twenty cents.

Mr. KASSON. I say I will reserve my right to raise a point of order until an explanation is made.

Mr. O'NEILL. The object of the committee in reducing the amount charged for these vouchers is to reduce the compensation of the pension agents and consequently reduce the general expense to the Government of paying pensions. I have examined this matter very thoroughly; I have looked into all its details. I am satisfied that by reducing the fees from thirty cents to twenty cents you will cut down the pay of many of these men, who have as great responsibility upon them as have any officers of the Government anywhere, in a very unreasonable degree, making their compensation entirely inadequate to the unceasing duties performed by them.

My idea would have been for the Committee on Appropriations to have made the charge for preparing these vouchers twenty-five cents in each case, if compensation was to have been fixed by the charge upon vouchers. In that way the salary of no agent throughout the country, and there are fifty-eight of them, would have been more than $5,000, save two, and theirs would have exceeded that sum but slightly. A few of them would have received less than $4,000, and many of them would have received less than $3,000, thus ranging down to but a few hundred dollars, which I consider an inadequate compensation for the services performed by them. I believe a fixed amount is the better plan. Although I am not in favor of paying large salaries, and although I think several pension agents of the country now receive too much compensation, yet I am for paying men liberally for performing the services which are required of them by the Government. Nowhere in any of the Departments of the Government will you find officers who have more responsibility upon them, who are kept more constantly occupied, and who are generally paid less remuneration and salary than are most of the pension agents. The compensation they receive runs up from the trifling sum of less than $100 in a few instances to more than $7,000 in one instance, which is, save in another agency where the amount is over $6,000, in my opinion the only instance of too much salary. Most of them receive from $1,000 to $2,000, and a few $3,000 a year.

The proviso which I propose to add to the bill would make the compensation of about nine pension agents in the country $4,500 per annum. Out of the fifty-eight pension agents, some of them disbursing nearly $1,500,000 of pensions, if this proviso of mine be adopted there will be not more than nine of them whose compensation will be $4,500 a year. I propose that those who disburse over $900,000 per annum shall receive that compensation and no more. That is to say, the salary of such agents shall be $4,500, and the entire expense of carrying on their offices to be paid by the Government.

Mr. BUNDY. I would like to ask the gentleman a question.

Mr. O'NEILL. Certainly.

Mr. BUNDY. As I understand the gentleman's proviso it will affect only those who pay out $900,000 a year, while all those who pay out less than that amount will receive the twenty cents a voucher as proposed by this bill. Am I correct?

Mr. O'NEILL. I will explain that the agents who disburse less than $900,000 a year would receive a compensation much larger in proportion than those disbursing over that amount; they must, however, pay out more than $350,000 to entitle them under the present law to receive $4,000 salary.

Mr. DAWES. I did not hear the proviso of the gentleman distinctly, but I would inquire whether it is intended that they shall receive the fees now provided by law, not exceeding $4,500 a year?

Mr. O'NEILL. A net compensation of $4,500; not above that amount.

Mr. DAWES. And that compensation is to be derived from these fees?

Mr. O'NEILL. From the fees for preparing vouchers, and from the amount appropriated by this bill. In other words, the Government under the proviso I have offered will pay these men $4,500 a year as their own pay.

Mr. HOLMAN. I must insist upon the point of order, that the proviso of the gentleman from Pennsylvania [Mr. O'NEILL] is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TREMAIN. And I raise the same point in regard to the last proviso of the bill.

Mr. GARFIELD. That is too late.

Mr. O'NEILL. I understand that the gentleman from Iowa [Mr. KASSON] made his point of order not only on my amendment but on the last proviso of the bill.

Mr. TREMAIN. That was so stated, or I would have raised it myself.

Mr. KASSON. My point of order was intended to cover only what was proposed by the gentleman from Pennsylvania [Mr. O'NEILL] as an amendment to the bill. I did not intend to make a point of order against the last proviso of the bill itself.

Mr. O'NEILL. Then I hope the gentleman from New York [Mr. TREMAIN] will raise the point.

Mr. TREMAIN. I raise the point of order. It was stated by the gentleman from Pennsylvania [Mr. O'NEILL] that the point made by the gentleman from Iowa [Mr. KASSON] covered the proviso to the bill.

Mr. O'NEILL. The gentleman from Iowa certainly rose to make the point of order.

Mr. FORT. The gentleman from New York [Mr. TREMAIN] is too late. The amendment has been discussed.

Mr. GARFIELD. I submit that it does not make any difference as to the time when the point is raised. There was an order made some weeks ago, on motion of the gentleman from Massachusetts, [Mr. BUTLER,] that an amendment changing the method of paying pension agents should be in order upon this bill; and therefore what the committee has put on the bill is in order.

The CHAIRMAN. The Chair will decide the question. At the time when the gentleman from Iowa [Mr. KASSON] made his point of order the proviso in the bill had been read; and the gentleman from Pennsylvania [Mr. O'NEILL] had risen to offer an amendment to that and had discussed it before the gentleman from Iowa rose at all; so that even if the gentleman from New York had at that time made the point of order which he supposed the gentleman from Iowa had made, it would have been too late.

Mr. KASSON. It is due to the gentleman from Pennsylvania to say that I think he understood me as covering the proviso by my point; but in the confusion I thought he referred to another proposition to which he had offered an amendment. Both being in manuscript, I went to the Clerk's desk to examine the bill and found that I had been in error.

Mr. O'NEILL. I will state, in fairness to the committee, how I understood the point of order to have been raised by the gentleman from Iowa.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. O'NEILL] propose an amendment?

Mr. O'NEILL. I proposed an amendment to the proviso which has been read—a proviso which had not been acted on. Of course the gentleman from Iowa was in time to raise a point of order on the proviso itself.

The CHAIRMAN. The point of order was made by the gentleman from Indiana, [Mr. HOLMAN,] and the Chair sustained the point.

Mr. GARFIELD. I move that the committee now rise and report the post-office and pension appropriation bills to the House.

Mr. O'NEILL. Is my proviso pending?

The CHAIRMAN. The gentleman from Indiana raised the point that it was new legislation, and the Chair sustained the point of order.

Mr. O'NEILL. I may perhaps discuss the proviso itself after the bill comes into the House.

Mr. FORT. If the gentleman from Iowa had not been understood to raise the point of order, other gentlemen would have done so.

Mr. KASSON. But the Chair has decided that I should have been too late myself.

Mr. O'NEILL. I understand the Chair has decided the proviso offered by me is out of order.

The CHAIRMAN. The Chair has so stated. The point was made by the gentleman from Indiana [Mr. HOLMAN] and sustained by the Chair. The pending motion is that of the gentleman from Ohio [Mr. GARFIELD] that the committee rise and report this bill and the post-office appropriation bill to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. DAWES having taken the chair as Speaker *pro tempore*, Mr. SCOFIELD reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, and the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875; that the Committee of the Whole had directed the former bill to be reported with sundry amendments, and the latter without amendment.

The SPEAKER *pro tempore*. If there be no objection the pension appropriation bill just reported from the Committee of the Whole will be ordered to be engrossed for a third reading, read a third time, and passed.

Mr. O'NEILL. I move to amend by striking out "thirty cents"——

The SPEAKER *pro tempore*. If there is to be debate on this bill the Chair will first call up the post-office appropriation bill, which is first in order.

POST-OFFICE APPROPRIATION BILL.

Mr. TYNER. I call the previous question on the post-office appropriation bill and the amendments thereto reported from the Committee of the Whole.

Mr. G. F. HOAR. I rise to a parliamentary inquiry. I wish to know whether the amendment adopted yesterday in Committee of the Whole providing that the Agricultural Report shall be sent free through the mails may be amended by substituting a provision that that document shall be sent for a sum not exceeding ten cents.

The SPEAKER *pro tempore*. If the previous question should not be sustained that amendment will be in order.

Mr. G. F. HOAR. I ask the gentleman from Indiana [Mr. TYNER] to yield to me that I may offer such an amendment and have it pending.

The SPEAKER *pro tempore*. The gentleman from Indiana moves the previous question on this bill and the amendments reported from the Committee of the Whole.

Mr. LAWRENCE. I desire to offer an amendment.

The SPEAKER *pro tempore*. No amendment is in order pending the demand for the previous question.

Mr. HOLMAN. I trust the gentleman from Ohio [Mr. LAWRENCE] will be permitted to state his amendment.

Mr. LAWRENCE. I hope the amendment may be read, and I trust the gentleman in charge of the bill will allow it to be offered.

Mr. RANDALL. I make the point of order that no amendment is now in order.

The SPEAKER *pro tempore*. The point is well taken. The question is on seconding the demand for the previous question.

Mr. LAWRENCE. I wish to make a parliamentary inquiry. If the previous question should be voted down, would it be in order to move an amendment providing that no greater price shall be paid for the transportation of the mails than that allowed prior to March 3, 1873?

Several MEMBERS. Regular order.

Mr. HOLMAN. I wish to ask a parliamentary question as to the effect of seconding the demand for the previous question—whether it will not cut out the proposed amendment suggested by the gentleman from Ohio, [Mr. LAWRENCE?]

The SPEAKER *pro tempore*. The Chair is ready to answer any parliamentary question within his knowledge. The gentleman from Indiana must be aware, having been a member of this House for very many years, that the effect of voting down the previous question is to open the bill to amendment.

Mr. LAWRENCE demanded tellers on seconding the demand for the previous question.

Tellers were ordered; and Mr. TYNER and Mr. LAWRENCE were appointed.

The House divided; and the tellers reported—ayes 102, noes 36.

So the previous question was seconded.

The main question was ordered.

The amendments of the Committee of the Whole on the state of the Union were concurred in, except the following, on which a separate vote was demanded by Mr. SMITH, of Ohio.

The Clerk read as follows:

Add at the end of the first section the following proviso:

Provided, That the Monthly and Annual Reports of the Department of Agriculture shall pass free through the mails.

Mr. SMITH, of Ohio, demanded the yeas and nays,

The House divided; and there were—ayes 26, noes 98.

Mr. RANDALL demanded tellers on the yeas and nays.

Tellers were ordered; and Mr. SMITH, of Ohio, and Mr. RANDALL were appointed.

The House divided; and the tellers reported ayes 31—more than one-fifth of those present.

So the yeas and nays were ordered.

Mr. GARFIELD. I ask the House——

Mr. RANDALL. I object to debate.

Mr. GARFIELD. I do not propose to debate, but to move to lay aside this bill for the purpose of allowing the gentleman from Ohio [Mr. FOSTER] to proceed with the Sanborn contract matter.

Mr. RANDALL. I object.

The SPEAKER *pro tempore*. While the previous question is operating, that can only be done by unanimous consent. Is there objection?

Mr. RANDALL. Yes; I object.

The question was then taken, and decided in the affirmative—yeas 134, nays 71, not voting 85; as follows:

YEAS—Messrs. Adams, Albright, Arthur, Ashe, Atkins, Averill, Barry, Beck, Bell, Biery, Bland, Blount, Bowen, Bright, Bromberg Buckner, Bundy, Burchard, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Crittenden, Crutchfield, Darrall, Dobbins, Donnan, Dunnell, Durham, Eldredge, Fort, Freeman, Giddings, Glover, Hancock, Harmer, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Hays, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, Hodges, Holman, Hunter, Hunton, Hyde, Kendall, Killinger, Knapp, Lamport, Lawrence, Leach, Lowe, Magee, James W. McDill, McKee, McLean, Mills, Mitchell, Moore, Morey, Myers, Neal, Negley, Nesmith, Niblack, Orr, Orth, Packer, Isaac C. Parker, Perry, Pike, James H. Platt, jr., Thomas C. Platt, Purman, Randall, Rapier, Ray, Read, Rice, Robbins, Rusk, Sawyer, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, A. Herr Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Standiford, Stowell, Strawbridge, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Vance, Waddell, Wallace, Walls, White, Whitehead, Whitthorne, Wilber, William Williams, Willie, Wilshire, James Wilson, Wolfe, Wood, and John D. Young—134.

NAYS—Messrs. Albert, Archer, Bradley, Buffinton, Burrows, Cessna, Amos Clark, jr., Cox, Crossland, Crounse, Curtis, Danford, Dawes, Eames, Foster, Frye, Garfield, Gunckel, Benjamin W. Harris, Hathorn, John B. Hawley, Hendee, George F. Hoar, Hoskins, Houghton, Kasson, Kellogg, Lawson, Luttrell, Lynch, McCrary, MacDougall, Merriam, Milliken, Monroe, Morrison, Niles, O'Brien, O'Neill, Pack-

ard, Page, Hosea W. Parker, Parsons, Pendleton, Phelps, Poland, Potter, Rainey, Ransier, Ellis H. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, Scofield, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Stone, Storm, Tremain, Tyner, Jasper D. Ward, Marcus L. Ward, Wells, Whitehouse, Charles W. Willard, George Willard, and William B. Williams—71.

NOT VOTING—Messrs. Banning, Barber, Barnum, Barrere, Bass, Begole, Berry, Brown, Burleigh, Benjamin F. Butler, Freeman Clarke, Clayton, Clinton L. Cobb, Cotton, Creamer, Crocker, Crooke, Davis, DeWitt, Duell, Eden, Elliott, Farwell, Field, Gooch, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Joseph R. Hawley, Hersey, E. Rockwood Hoar, Hooper, Howe, Hubbell, Hurlbut, Hynes, Jewett, Kelley, Lamar, Lamison, Lansing, Lewis, Lofland, Loughridge, Lowndes, Marshall, Martin, Maynard, Alexander S. McDill, McJunkin, McNulta, Mellish, Nunn, Pelham, Phillips, Pierce, Pratt, Richmond, William R. Roberts, James W. Robinson, Ross, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sloss, Small, Smart, Stephens, St. John, Strait, Swann, Sypher, Taylor, Charles R. Thomas, Waldron, Wheeler, Whiteley, Charles G. Williams, John M. S. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, Woodford, Woodworth, and Pierce M. B. Young—85.

So the amendment was concurred in.

During the vote,

Mr. DURHAM stated that his colleague, Mr. BROWN, had been called home by sickness in his family.

Mr. HOOPER stated that he was paired with his colleague, Mr. E. R. HOAR, who, if present, would vote in the negative, while he would vote in the affirmative.

Mr. MERRIAM stated that his colleague, Mr. HALE, was paired with Mr. BROWN.

Mr. DANFORD stated that his colleague, Mr. ROBINSON, was necessarily detained from the House.

Mr. HAZELTON, of Wisconsin, stated that his colleague, Mr. WILLIAMS, who was detained from the House by sickness, would, if present, vote in the affirmative.

Mr. SHANKS stated that his colleague, Mr. WILSON, was absent by leave of the House on the business of the House.

The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by its Secretary, Mr. GORHAM, notifying the House that that body had concurred in the House resolution fixing the day of final adjournment for June 22 proximo; and also that it had agreed to the conference asked for on the disagreeing votes of the two Houses on the naval appropriation bill, and had appointed Mr. SARGENT, Mr. MORRILL of Maine, and Mr. DAVIS as managers of said conference on its part.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER *pro tempore*. The question now recurs on ordering the post-office appropriation bill to be engrossed and read a third time.

Mr. HOLMAN. I demand the yeas and nays on that motion. If the House does not order the bill to be engrossed, I understand it will then be open to an amendment to restrict these charges by railroads for transportation of the mails.

The yeas and nays were not ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. TYNER. Mr. Speaker, if upon the passage of the bill I am entitled to the floor, I desire simply to make a correction, which I failed to do yesterday for want of time, in regard to the circular to which the attention of the Committee of the Whole was then called by my colleague, [Mr. HOLMAN.]

The House will remember that during the debate yesterday my colleague [Mr. HOLMAN] called attention to a circular which had been sent out by Giles A. Smith, the former Second Assistant Postmaster-General, to the officers of the several railroad companies of the country, asking them to enter into a contract with him, by which he was to have a certain per cent. if he should secure for those companies an increase in the rate of compensation for carrying the mails. My colleague called attention to that circular and had it read at the Clerk's desk.

I had not time yesterday, although I referred to the fact, to have read at the desk a repudiation of that pretended contract on the part of one of the leading railroad officials of the country, and I now rise merely to set that matter right, and for no other purpose. I will ask the Clerk to read the passage I have marked in the Congressional Globe, from a report of the Senate proceedings of March 7, 1872.

The Clerk read as follows:

RAILROAD MAIL TRANSPORTATION.

Mr. CAMERON. While I am on my feet, I desire to present a telegram which I received last night of a somewhat personal nature; and I ask to have it read, so that it may appear in the Globe.

The Secretary read as follows:

NEW YORK, *March* 6, 1872—9.10 p. m.

Allow me to thank you for prompt response on my behalf to a circular read in Senate to-day at the instance of Senator MORRILL, of Vermont. No such use of my name was ever authorized. I heard of it in Washington in January last, and called upon Mr. Smith for explanation, when he assured me that no such application had been or would be presented to either House of Congress.

THOMAS A. SCOTT.

Hon. SIMON CAMERON,
United States Senate.

Mr. CAMERON. I move that this telegram lie on the table with the paper which was presented yesterday.

The motion was agreed to.

Mr. TYNER. The name of Thomas A. Scott, vice-president of the Pennsylvania Railroad Company, was read in the Senate of the United States on the 6th of March, 1872, as one of the parties who had entered into a contract under the circular referred to by my colleague yesterday. This is a statement on the part of Colonel Scott that he repudiates this pretended contract, and that he never entered into it.

About the same time I received myself a private letter from David Macy, the general superintendent of the Indianapolis, Peru and Chicago Railway, whose name also appeared as one of the parties who had entered into a contract, authorizing me to state to the House if an opportunity should offer, that he never signed such a contract, and knew nothing about it. I think I am therefore justified in saying that so far as the use of these two names is concerned it was entirely unauthorized. And I think I may also add that Giles A. Smith had no such contract with any railroad officials in the country.

I now demand the previous question on the passage of the bill.

Mr. HOLMAN. Before the previous question is called I wish to say a word.

Mr. TYNER. I will yield for an inquiry, if my colleague desires.

Mr. HOLMAN. My colleague has given two single instances of a repetition of this contract. Has my colleague authority for saying that the other persons named by Giles A. Smith in his letter did not assent to this proposition of his?

Mr. TYNER. O, no.

Mr. HOLMAN. Does he say that Jay Gould did not agree to that arrangement?

Mr. TYNER. O, no. I presented two names only, Thomas A. Scott and David Macy, as parties who disclaim having entered into any such contract. And I will say to my colleague that I have no authority from any other gentleman whose name appeared there for saying that he did not enter into such a contract.

Mr. HOLMAN. Then up to this time, though this exposure was made on the 6th of March, 1872, and although the legislation contemplated by that law has actually passed through Congress, yet only two out of the twenty or thirty officials of railroad companies mentioned by Giles A. Smith, in his letter, have disclaimed entering into that arrangement.

Mr. TYNER. I know of no others who have disclaimed it. My colleague will bear in mind that this circular was read on the 6th March, 1872, in the Senate, and that the law increasing the compensation to railroads did not pass until nearly one year thereafter.

Mr. HOLMAN. It was passed on the 3d March, 1873, a year after the exposure. Within a year after the exposure, the very kind of legislation contemplated by Giles A. Smith was carried through Congress, and, up to this time, the increase under the rates secured to these railroad companies is a little rising a million and a half of dollars.

Mr. TYNER. That is my colleague's statement about it.

Mr. HOLMAN. That is the increase to these corporations. My friend from Pennsylvania [Mr. RANDALL] stated, when that bill was being passed through this House, as an amendment to an appropriation bill of last Congress, that these railroad companies would make a half-million by it. Instead of that they have made almost a million and a half of dollars, up to this time, under the operation of that law.

Mr. TYNER. I desire to present this one other point only, and I shall then call the previous question. It is this: that if two gentlemen, two of the best-known railroad officers, whose names were read to the Senate on that occasion, have declared publicly or privately within a year that they were not parties to that contract, it is sufficient to throw a shade of suspicion around the whole matter.

Mr. HOLMAN. How does it happen that these other distinguished gentlemen who were mentioned have not repudiated the use made of their names?

Mr. TYNER. I cannot answer for them more than my colleague.

Mr. HOLMAN. Not one of the others has ever disclaimed that conspiracy against the Treasury of the United States.

Mr. TYNER. I now call the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. TYNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MERCY ANN HALL.

Mr. SCOFIELD, by unanimous consent, reported from the Committee on Naval Affairs a bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Naval Affairs.

PENSION APPROPRIATION BILL.

Mr. O'NEILL. I now call for the previous question upon the pension appropriation bill reported from the Committee of the Whole without amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. O'NEILL moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STARKWEATHER. I ask leave to print, as a portion of the debate, some remarks I have prepared upon this pension appropriation bill just passed.

Leave was accordingly granted. (See Appendix.)

COLLECTION OF MONEYS DUE THE UNITED STATES.

Mr. FOSTER. I now call the regular order.

The SPEAKER *pro tempore*. The regular order is the unfinished business coming over from yesterday, the title of which the Clerk will read.

The Clerk read the title, as follows:

A bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes.

Mr. FOSTER. I desire to enter a motion to recommit this bill.

Mr. BECK. I ask the gentleman to withdraw that motion until I can submit an amendment and have it pending.

Mr. FOSTER. I will do so.

Mr. WARD, of Illinois. I ask that the bill be read. It has not been read yet.

Mr. STARKWEATHER. Have we a right to object to the withdrawal of the motion to recommit?

The SPEAKER *pro tempore*. The gentleman has the floor, and is entitled to withdraw the motion to recommit, which he does for the purpose of allowing the gentleman from Kentucky [Mr. BECK] to move an amendment.

Mr. STARKWEATHER. Can another amendment be offered?

The SPEAKER *pro tempore*. That depends upon whether the motion to recommit is renewed.

Mr. POLAND. I desire to ask the gentleman from Ohio whether he intends to bring this matter to a conclusion to-day?

Mr. FOSTER. That is my intention.

Mr. POLAND. On yesterday the consideration of the matter was postponed because of the illness of the gentleman from Massachusetts from the Essex district, [Mr. BUTLER,] who, we all know from what has taken place in this House, has some feeling and interest in this matter. I understand that he is still confined to his house by sickness and unable to be here. I am not authorized from him to ask for any postponement of this matter, but it occurs to me that if his presence yesterday was necessary or proper or any fairness to him required that the bill should then be postponed, that consideration is equally operative to-day.

The SPEAKER *pro tempore*. The present occupant of the chair desires to state to the House that this matter was postponed yesterday upon his request. He is informed that his colleague, because of whose illness it was postponed, is no better to-day.

Mr. FOSTER. I am advised by the friends of General BUTLER that he will not be able to be out for some time, and that it is their desire that this matter shall be considered now.

Mr. POLAND. As I stated before, I have no authority from General BUTLER, or anybody else speaking on his behalf, to ask for any postponement of this bill. If the gentleman from Ohio [Mr. FOSTER] feels authorized to say that it is to be proceeded with with his assent and concurrence, I have no remarks to make.

Mr. FOSTER. I have the best authority in the world for saying what I do.

The SPEAKER *pro tempore*. The amendment of the gentleman from Kentucky [Mr. BECK] will be read.

The Clerk read as follows:

Add to the bill the following:

SECTION —. That no Senator, Representative, or Delegate to Congress shall, after his election or during his continuance in office, act as agent, attorney, proctor, advocate, solicitor, or counsel, for any person against whom suits or proceedings other than criminal may have been or are about to be commenced for violation of the revenue laws, or who has any claim for drawbacks or reclamations for duties, taxes, or excises paid or demanded, or for the United States, or any agent, employé, informer, officer or officers of the revenue or customs service of the United States, in any suit or proceeding relating to the customs dues, excises, or taxes; nor shall he receive any compensation, gift, or reward from such persons or officers for any service, advice, counsel, or aid afforded such person or persons, officer or officers, agent, informer, or employé. And any person offending against this provision shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by fine not exceeding $5,000, and imprisonment for a term not exceeding ten years, at the discretion of the court trying the same, and shall be forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States. And any person who shall pay, or cause to be paid, to any Senator, Representative, or Delegate, or to any person for his use or benefit, directly or indirectly, any sum of money or other thing of value because of such service or advice, relating to any of the matters aforesaid, shall have the right at any time to bring suit for the recovery thereof or its value, in any court of the United States, against such Senator, Representative, or Delegate, or the person or persons who received the same, or may unite all such persons in the same suit.

Mr. FOSTER. I now renew the motion to recommit.

Mr. WARD, of Illinois. I call for the reading of the bill.

The Clerk read the bill, as follows:

Be it enacted, &c., That so much of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," approved May 8, 1872, as provides for the employment by the Secretary of the Treasury of not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States, when the same shall be withheld by any person or corporation, be, and the same is hereby, repealed; and the Secretary of the Treasury is hereby directed to revoke and annul all contracts for the collection of such taxes made under and by authority of said act.

SEC. 2. That the Court of Claims shall have no authority to consider or decide upon any claims for damages by reason of the discontinuance of the contracts aforesaid, or for any profits or percentages under them.

The SPEAKER *pro tempore*. The Chair will state that at half past one o'clock a bill, which has been made the special order to the exclusion of all other orders, will take the gentleman from Ohio [Mr. FOSTER] from the floor.

Mr. GARFIELD. Allow me to suggest that it might now be arranged that the special order fixed for half past one should be postponed long enough to allow this bill to be concluded.

Mr. FOSTER. I prefer, Mr. Speaker, that this bill should be disposed of to-day; and I give it as my opinion that the whole question can be disposed of in two hours. If the special order just referred to could be postponed for an hour, we could finish the bill.

Mr. MCKEE. That would not leave time enough for the disposition of the special order to-day, which is the bill for the admission of New Mexico.

The SPEAKER *pro tempore*. The special order when it is reached will be under the control of the majority of the House.

Mr. FOSTER. Mr. Speaker, I regret the absence of the gentleman from Massachusetts, [Mr. BUTLER;] and did I know that he could be present within a reasonable time, I would yield to the postponement. I trust that he may soon be restored to his usual health and vigor, and should he desire to reply to the remarks I make, I hope the opportunity may be given him.

Mr. Speaker, while I know that the bill under consideration is practically without opposition, yet in view of the fact that the Sanborn contracts have been the subject of inquiry by resolution of this House and also of a wide-spread and deep feeling throughout the country against them, I beg your indulgence for the purpose of showing the House and the country something of the legislation of the Forty-second Congress on this subject, the manner in which the law has been administered, and the effect of the law as administered upon the officers of the Government; all of which, in my judgment, show unmistakably that the law was unwise, and that its administration justly subjects the Treasury Department to severe criticism.

The system of spies and informers has been distasteful to the people of all countries and in all ages. They have always been especially distasteful to the people of this country, and at the present time they are so obnoxious as to arouse the just indignation of the mercantile interests of the country to such an extent as to cause them to send here representatives from their various organizations demanding the unconditional repeal of all laws authorizing the appointment of such officials. The record of the outrages that have been committed by these creatures of the law are perfectly astounding, the revelation of which has been so startling as to convince the Ways and Means Committee, before whom they were made, that all this class of laws should be promptly modified or repealed.

The Forty-second Congress, responding to the wishes of the people, did, as they supposed, repeal this system so far as the Internal Revenue Department was concerned, and the House did by an overwhelming vote, on the motion of the then gentleman from Pennsylvania, Judge Mercur, now the honored judge of that State, pass a resolution sweeping the whole system of spies and informers from the statute-books. Such laws, in my opinion, cannot be justified; but the attempt has been made on this floor to justify them, on the ground that spies and informers make merchandise of their information, and that public morals are so low as to justify the purchase.

The Forty-second Congress supposed they had repealed the laws authorizing the purchase of the merchandise of spies and informers; but, through the practice of permitting legislation of a general nature to be included in appropriation bills, the law which we now propose to repeal was inserted by the Senate as an amendment to the legislative, executive, and judicial appropriation bill of 1872, and it was the subject of two conferences. So obnoxious to the House was this Senate amendment, that it came within ten votes on the call of the yeas and nays of defeating the whole bill. The chairman of the Committee on Appropriations, as well as the gentleman from Indiana, now a member of the Committee on Ways and Means, both members of the conference committee on the part of the House, yielded to the demands of the Senate conferees solely for the purpose of saving the bill, but not until they had so amended the proposition as to relieve it, as they thought, of its objectionable features.

The net result, then, of the legislation of the Forty-second Congress on this subject was the repeal of the law making merchandise of the information of spies and informers, and substituting in lieu thereof a monopoly of the business in three persons, of whom John D. Sanborn has become the chief, and so valuable have these wares been to him, that for them have been paid over $200,000.

The following is the provision of law passed by the Forty-second Congress; placing the monopoly of the informers' business in the hands of three persons:

And from and after the passage of this act the Secretary of the Treasury shall have power to employ not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States whenever the same shall be withheld by any person or corporation, upon such terms and conditions as he shall deem best for the interests of the United States but no compensation shall be paid to such persons except out of the money and

property so secured; and no person shall be employed under the provisions of this clause who shall not have fully set forth in a written statement, under oath, addressed to the Secretary of the Treasury, the character of the claim out of which he proposes to recover or assist in recovering moneys for the United States, the laws by the violation of which the same have been withheld, and the name of the person, firm, or corporation having thus withheld such moneys; and if any person so employed shall receive, or attempt to receive, any money or other consideration from any person, firm, or corporation alleged thus to have withheld money from the United States, except in pursuance of the written contract made in relation thereto with the Secretary of the Treasury, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $1,000 or imprisoned not less than two years, or both, in the discretion of any court of the United States having jurisdiction; and the person so employed shall be required to make report of his proceedings under such contract at any time when required to do so by the Secretary of the Treasury.

Under this provision of law contracts were made, the first of which bears date the 8th of June, 1872, and was made with William H. Kelsey, late a member of Congress from New York, who appears to have been actively engaged in securing the passage of this law.

Kelsey's contract embraced a number of passenger railways in the city of Philadelphia. He made but little progress, and on the 3d of August, 1872, requested that his contract be revoked, and that Malcolm Campbell should succeed him. Accordingly on the 9th of August, 1872, said Campbell obtained a contract, which was virtually a transfer from Kelsey; and Campbell, making but little progress, surrendered his contract on the 23d day of November following, when J. Nicholson Elbert succeeded him, obtaining a contract on the 25th of the same month; Kelsey retaining an interest through the several successions.

Under date of July 29, 1873, John Clark, of Philadelphia, made application for, and on the 1st of September following obtained, a contract, out of which some $3,000 have been collected.

It appears by the correspondence submitted by the Secretary of the Treasury that grave charges were made by gentlemen in Philadelphia against Clark. So impressed was Solicitor Banfield with the gravity and truthfulness of these charges, that he suggested to his superiors that Clark's contract ought to be annulled, but it was never done.

It also appears that the collections made under the foregoing contracts amount in the aggregate to about five thousand dollars, and the two last-named contracts are yet in force. The foregoing covers all the contracts made under the law of May 8, 1872, except that of John D. Sanborn.

John D. Sanborn, a resident of Massachusetts, who is represented as having been personally well acquainted with Secretaries BOUTWELL and Richardson, who is also represented in the testimony of Collector Simmons, of Boston, as being a general "lobbyist" in the Legislatures of Northern New England; and that he "fixes things" in these Legislatures for the railroads and great corporations of Maine, New Hampshire, and Massachusetts; and who is further represented by the same authority as the "mysterious man of Massachusetts," on the 15th of July, 1872, applied for, and on the 13th of August following obtained, a contract, which is signed by W. A. Richardson, Acting Secretary of the Treasury, for collection of taxes illegally withheld by thirty-nine distillers, rectifiers, and purchasers of whisky in the city of New York.

At this time Sanborn was in the employment of the Government as a special agent of the Treasury Department, his service as such agent commencing in the year 1869 and ending May 31, 1873.

The very cases put into this first contract were worked up by one Warwick Martin, who was employed by Sanborn in his capacity of special agent of the Treasury Department, Martin being paid for his services by Sanborn, who took for such payments vouchers which were allowed to Sanborn as a part of his expense account and were paid by the Government, the amount thereof being about $3,000. As a result of the work of Sanborn and Martin, or for other reasons unknown, many if not all the parties whose names appear in this first contract were indicted in the United States court for the district of New York in March, 1872, some four or five months before this contract was made.

The identical cases so worked up by Warwick Martin and paid for out of the public Treasury and against whom indictments were found we now find in this first contract subsequently made with Sanborn.

This first contract, then, was made up of cases the discovery of which was made by the "proper officers of the Government," who in the discharge of their duties had caused the parties to be indicted, and subsequently Sanborn obtained a contract which gave him one-half of the gross sum collected from them. Can the defenders of Sanborn tell me when and how he discovered, within the meaning of the law, that the parties whose names appear in this contract had withheld taxes? Can any gentleman inform the House why this contract was made in the face of facts the knowledge of which from their very nature must have been in the possession of the proper officers of the Government, which should have placed these cases beyond the subject of contract? With these facts known to the Treasury officials, why was the contract made? Sir, these are some of the questions to which the committee cannot obtain satisfactory answers from any one connected with the Treasury, and it has been found impossible to place this gross dereliction of duty where it directly belongs. On the 25th of October, 1872, Sanborn made application to have added to his contract the names of seven hundred and sixty persons alleged to have withheld taxes imposed on legacies, successions, and incomes, and on the 30th of October following they were added to his contract, the additional contract being also signed by Acting Secretary Richardson.

Sanborn applied for on the 19th of March, 1873, and had added to his contract on the same day the names of some two thousand persons alleged also to have been guilty of withholding taxes imposed upon legacies, successions, and incomes, including the names of about three hundred and fifty foreign residents. On the 1st of July, 1873, Sanborn again asked to amend his contract; this time appearing in person and asking that the names of five hundred and ninety-two railroad companies be added to his contract, alleging that these railroad companies were indebted to the Government "for taxes upon dividends and interest paid upon bonds."

Sanborn testified to the committee that the five hundred and ninety-two railroads which were added to the contract at this time were taken from Appleton's or some other railroad guide or manual, and that it comprised the names of all the railroad companies found therein, including some that were simply organized and which could not by any possibility have owed the Government. Then he advised Secretary Richardson that he had knowledge that only one hundred to one hundred and fifty had been examined with a view to ascertain their liability to the Government; and that he had no knowledge whatever in regard to such liability on the part of the remaining four hundred to four hundred and fifty; and that the Secretary, with full knowledge of this state of facts, told him to "put them all in," and thereupon he made oath that they were all indebted to the Government; and they were accordingly added to this contract.

The following is a transcript of the entire proceedings from the records of the Treasury Department, by which this now remarkable contract was attached to the original contract of Sanborn:

BOSTON, *July* 1, 1873.

SIR: I have the honor herewith to inclose a list of railroad corporations doing business in the United States which are indebted to the Government for taxes upon dividends and interest paid upon bonds, which they have heretofore withheld and refused to pay.

I would respectfully ask that the inclosed list be added to my said contract made with the Secretary of the Treasury, said contract bearing date August 13, 1872, and as amended October 30, 1872.

Very respectfully, your obedient servant,

JOHN D. SANBORN.

Hon. WM. A. RICHARDSON,
Secretary of the Treasury.

Subscribed and sworn before me, a legally appointed notary public for the city and county of New York, this 3d day of July, in the year 1873.

[SEAL.] WM. H. STINER,
Notary Public, (239.)

[Indorsements.]

Respectfully referred to the Solicitor of the Treasury.

WM. A. RICHARDSON,
Secretary of the Treasury.

JULY 7, 1873.

I recommend that the within list be added to and made a part of Mr. Sanborn's contract.

E. C. BANFIELD,
Solicitor of the Treasury.

Approved:

WM. A. RICHARDSON,
Secretary.

By the testimony of Supervisor Hawley, of New York, it is shown that as early as the month of May, 1873, he, acting upon the written instructions of the Treasury Department and the verbal version thereof given to him by Supervisor Simmons, of New England, detailed two of his subordinates, Stiner and Stowe, to make examinations of railroads alleged by Sanborn to have withheld taxes, Sanborn advising him that he had a contract for the collection of taxes so withheld. Among the examinations made by these persons detailed by Hawley under the instructions of Simmons was that of the Delaware, Lackawanna and Western Railroad Company.

Now, Mr. Speaker, it appears that two months after this detail of Stiner and Stowe was made, two months after Mr. Sanborn had told Hawley that he had a contract, this extraordinary railroad contract was obtained by Sanborn, and included in this contract were the names of railroads worked up by Stiner and Stowe, and so worked up while under pay of the Internal Revenue Department.

Thus Sanborn, availing himself of information paid for by the Government, he himself at the time an employé of the Government, obtained contracts for the collection of claims thus found to be due the Government. In fact Hawley testifies that in no case did Sanborn furnish information beyond saying that the parties named owed the Government; that Sanborn was at no expense whatever in collecting, and he was unable to tell whether or not his department had any knowledge of the liability to the Government of any party included in Sanborn's contracts. He simply obeyed Sanborn, and felt bound to do so, under the written orders of the Treasury Department, as explained and expounded by Simmons, who professed to have seen both the Secretary and the Commissioner of Internal Revenue, Simmons saying to Hawley that both of these officers fully understood the matter, and that it was Hawley's duty to obey Sanborn as he might request.

The following is a copy of the contract between the Secretary of the Treasury and Kelsey, being the first one made under the law:

An agreement made this 8th day of June, A. D. 1872, by and between GEORGE S. BOUTWELL, Secretary of the Treasury, party of the first part, and William H. Kelsey, of Geneseo, in the county of Livingston, and State of New York, party of the second part:

The said party of the second part having been designated by the Secretary of the Treasury as one of three persons to assist the proper officers of the Government in discovering and collecting moneys belonging to the United States, withheld

by certain persons or corporations, under one of the provisions of the legislative, executive, and judicial appropriation bill approved May 8, 1872; and the said party of the second part having fully set forth, as therein required, in a written statement, under oath, addressed to the Secretary of the Treasury, and filed in his office, that he proposes to recover or assist in recovering for the United States from the following horse-railroad companies in the city of Philadelphia, a large sum of money, to wit, the sum of about $100,000, which the said party of the second part claims to be due to the United States, as and for internal-revenue taxes which have been withheld by said corporations, to wit, taxes due under and by force of sections 103, 109, and 122 of the act of June 30, 1864, and sections 15 and 17 of the act of July 14, 1870:

Now it is agreed by and between the said parties—

First. That the said party of the second part may proceed to collect the said taxes so alleged to be due to the United States by the said corporations.

Second. That in case any legal proceedings are required to be had in the premises, the same shall be conducted by the proper United States attorney, but no such proceedings shall be taken without the written consent of the Secretary of the Treasury first being obtained.

Third. No settlement of such claims shall be made, except under the provisions of section 10 of the act of March 3, 1863.

Fourth. All the costs and expenses which shall be incurred by the party of the second part in investigating and prosecuting the said claims, of every name or nature, shall be paid and borne by said party of the second part, and no part of the same shall be paid out of that portion of whatever shall be realized from said claims under this agreement which is to be retained by the United States.

Fifth. The said party of the second part shall, whenever required by the Secretary of the Treasury, make a full report in writing of all his acts and proceedings under this contract.

Sixth. Whenever any money shall be collected from said corporations, upon said claims, either by legal proceedings or by settlement or compromise of said claims, such money shall be paid by said corporations to the credit of the Secretary of the Treasury, and out of any money so collected and received there shall be paid to said party of the second part, in full for his services, and for all the costs and expenses of such collection, a sum equal to 50 per cent. of the gross sum so collected and received, which said 50 per cent. shall be paid to the party of the second part as fast as the money is collected and paid to the credit of the Secretary of the Treasury, the balance of said money to be paid into the Treasury of the United States.

Seventh. This contract may be revoked at any time at the pleasure of the Secretary of the Treasury.

In witness whereof the said parties have hereunto set their hands and seals the day and year above written.

GEO. S. BOUTWELL,
Secretary of the Treasury.
W. H. KELSEY.

Attest:
E. C. BANFIELD.
[Seal of Treasury Department.]

All the subsequent contracts were exactly similar in their provisions.

It will be noticed that the law provides for the employment of "three persons to *assist* the proper officers of the Government in discovering and collecting," while the contracts provide for the collection only, thus ignoring entirely the proper offices who under the law were to be *assisted*.

All the contractors were allowed one-half the gross sum collected.

I call attention to the fact that the law provides that no person shall be employed who shall not have fully set forth, in a written statement under oath, the character of the claim out of which he proposes to recover or assist in recovering the money for the United States, the laws by the violation of which the same have been withheld, and the name of the person, firm, or corporation having withheld such moneys. Under this provision Secretary BOUTWELL on the 8th of June, 1872, issued the first order of the Treasury Department in relation to the employment of persons under this act, which directed that parties applying for contracts shall, to his satisfaction, set forth in writing, under oath, to be filed in his office, the character in detail of the claim, the name of the person, firm, or corporation withholding the money, the laws by the violation of which the money has been withheld, and the evidences by which the claim is to be supported; upon doing which a written contract will be made upon such terms and conditions as he shall deem best for the interests of the United States.

This requirement of the Secretary was undoubtedly in conformity with the law, but in no case from first to last was the law or the conditions as set forth by the Secretary complied with.

At this point, Mr. Speaker, permit me to call the attention of the House to the fact that no power was given beyond the authorization of the employment of "three persons by the Secretary to *assist* the proper officers of the Government," &c., on certain well-defined and restricted conditions, and as a matter of course under the laws then in force. There is not a single thing that the three persons can do but what can be done and was being done by the Internal Revenue Department when these contracts were made.

As the taxes to be collected under the Sanborn contracts were imposed under the internal-revenue laws, and as this class of taxes are only collected by the Internal Revenue Bureau, (except the tax on banks,) it clearly follows that this department was meant when the words "proper officers" were used.

The Secretary of the Treasury being the nominal head of the Internal Revenue Department, it was proper that he should be empowered to employ the "three persons," but it was never contemplated that the power given him was intended to exclude this Bureau from any and all participation in making the contracts or in collecting the taxes so contracted to be collected. Now, Mr. Speaker, neither the Commissioner, nor any officer under him, was consulted at the time or since the contracts were made, or was he or they ever advised as to the making of the contracts, or of the character of the claims to be collected.

No communication passed from the Secretary's office to that of the Commissioner; no consultation with the Commissioner of Internal Revenue, on the part of the Secretary, was ever sought or had; no order on the subject was issued through the Commissioner's office, nor was any report of the collections or action of his subordinates reported to him until after action was taken in this House calling upon the Secretary for information in relation to the collections. In fact, the first knowledge of these contracts came from his subordinates in the country, who were faithful to their duty to him and the Government whose sworn officers they were; and when at last the true nature of the manner of executing the law was made known to him through his faithful subordinates, he wrote a letter (dated October 1, 1873) to the Secretary, protesting against the manner in which the collections were being made, which has never been answered.

The fact is, Mr. Speaker, this very important officer to whom belongs exclusively the collection of these very taxes appears to have been intentionally ignored by the officers of the Treasury Department, and without the knowledge of the Commissioner his subordinates were directed to *assist these contractors*, and were even, without his knowledge, directed *not* to collect taxes from parties embraced in Sanborn's contract. And in no case, or anywhere, or in any way, have the proper officers of the Government been *assisted* by Sanborn or any of the contractors.

The whole outside power of the Internal Revenue Bureau as well as the entire machinery of the Government for the collection of taxes were placed at the disposal of Sanborn, as the following proofs, as interpreted by Supervisors Hawley and Simmons, conclusively show.:

TREASURY DEPARTMENT, *February* 3, 1873.

SIR: You are requested to assist John D. Sanborn, esq., of Boston, in the examination of official records, in reference to such cases of alleged violation of the internal-revenue laws as he may ask for your co-operation.

Mr. Sanborn is acting under an appointment from me, and may need some information from the offices of collectors and assessors for the purpose of verifying his claims.

Very respectfully,

GEORGE S. BOUTWELL,
Secretary of the Treasury.

TO SUPERVISORS AND COLLECTORS OF INTERNAL REVENUE.

TREASURY DEPARTMENT, *October* 15, 1873.

To Supervisors and Collectors of Internal Revenue:

You are requested to assist John D. Sanborn, of Boston, in the examination of such cases of alleged violations of the internal-revenue laws as he may ask for your co-operation.

Mr. Sanborn is acting under an appointment from the Treasury Department, and may need some aid and information from your district for the purpose of verifying his claims.

Please render him such assistance as he requires.

Very respectfully,

WM. A. RICHARDSON,
Secretary of the Treasury.

Supervisors Hawley and Simmons both testified that they regarded these orders as requiring them to assist Sanborn at all times and to the utmost of their ability. True, Supervisor Hawley seemed to have some doubts as to the meaning of these orders, but if at any time his official conscience troubled him, it was quieted and the propriety of this new order of collecting taxes made plain to him by the version of the matter given by Supervisor Simmons. Supervisors Hawley and Simmons placed at the disposal of Sanborn the officers under their control in the pay of the Internal Revenue Bureau, who did collect while in such employ and under such pay a very large percentage of the total amount credited as collected by Sanborn, and of which he received one-half the gross sum collected.

The fact is, the $300,000 or more collected in New York and New England was mainly collected by the agency of George Bliss, United States district attorney in New York and Supervisors Hawley and Simmons, and to my mind it is impossible that any large expense could have been incurred. If money was expended to any considerable extent, it must have been paid to secret partners or internal revenue officers, or both, and in my opinion money has been expended for both of these purposes.

To further aid Sanborn, his agents who operated in the West were furnished with special letters to the supervisors and collectors of internal revenue, directing them to aid these agents in any way they might require, and this too, as admitted by Assistant Secretary Sawyer, without the least authority of law. And to still further arm them with power, these agents of Sanborn were furnished with secret-service detective commissions by the Solicitor of the Treasury. These agents, represented themselves to the internal-revenue officers and the railroad companies from whom they proposed to collect taxes as special agents of the Treasury Department, in some instances saying they were sent out by the Commissioner of Internal Revenue to make collections after he had ascertained the delinquency. When interrogated as to their connection with Sanborn, they denied all knowledge of him or his contract, or any contract. These agents by the means of the agencies furnished them by the Treasury Department, collected over one hundred and twenty thousand dollars, every dollar of which should and would have been collected by the proper officers of the Government.

Contracts were made for the collection of legacy and succession taxes, which under the law are not proper subjects of contract. They are not of the class of taxes undiscovered, even if the internal-revenue officers did not do their duty as required by law and as directed by

the instructions of that Department. These taxes were matters of record in all the probate and surrogate offices of the country, and thus could not be subject to discovery. Kelsey, who claims to have secured the passage of the law, said to the committee that it was not the intention of the law, as he understood it, to embrace this class of taxes in the contracts. Of this class of taxes about one hundred thousand dollars have been collected.

A careful examination of the applications for contracts discloses the fact that no contracts were made for taxes imposed under schedule C, and yet there have been collected of this class about $10,000, all of which was collected by Supervisors Hawley and Simmons.

The gentleman from Massachusetts [Mr. BUTLER] said, when this matter was under discussion on a former occasion, that he wanted no better case to defend Sanborn upon than that of the Delaware, Lackawanna and Western Railroad Company. Now, what is this case? Supervisor Hawley tells us that in May, 1873, and while Sanborn was an employé of the Government, he came to him, saying that this road owed the Government, and that he had a contract for collecting what was due from the company to the Government, and that this was all the information furnished by Sanborn. Hawley then, after learning his duty from Simmons, acting under authority of the Treasury Department, detailed two of his officers to "work up" the case.

Hawley never sought to ascertain whether his officers had any knowledge of the indebtedness of the company, and cannot now tell whether or not his officers had such knowledge. Now it appears that the officers detailed for the purpose of working up the case did "work it up," under pay of the Internal Revenue Department, and no doubt knew all about the case before commencing to "work it up," and some three months thereafter Sanborn came to Washington and secured his famous railroad contract in which this identical road appears. Mr. Odell, treasurer of the company, says that the liability of his company in an unascertained amount was known to the Internal Revenue Department; that there was a difference of opinion between him and the officers as to the amount, but owing to the decisions of the courts and the rulings of the Internal Revenue Department, the amount was undetermined; and in consequence of this difference of construction, the collection was delayed until the decision of the Supreme Court last summer affirming the right to tax railroads for the first seven months of 1870; that he made the final settlement with the very same officers whom he had known all the time the matter was in dispute, and that his company had passed nearly the entire amount of the tax to the credit of the Government.

Can the gentleman from Massachusetts [Mr. BUTLER] now tell us how it happened that Sanborn obtained a contract for this collection three months after the case had been worked up by the officers of the Government? Can he tell us why the information secured by the officers of the Government should properly be made a subject of contract? Can he tell us why Sanborn represented to Hawley that he had the contract some three months before the contract was made? A truthful answer to these questions would throw some light upon a subject that is now more or less mysterious.

Another matter that is mysterious connected with this Delaware and Lackawanna Railroad case is the fact that Treasurer Odell remitted his check in payment of the tax directly to the Secretary of the Treasury on the 6th day of January, 1874. This remittance was made without the knowledge of any one save the clerk who wrote the check. It was received on the 7th, next day, in Washington by the Secretary of the Treasury. On the 8th following Sanborn writes from New York, giving the amount of the remittance and the character and number of the check. The amount of the remittance he might possibly have ascertained from internal-revenue officers, but he could only have learned of the number of the check from Washington. This circumstance is one among many others that go to show that some one in the Treasury Department kept close watch of the collections, and who must in this case have promptly advised Sanborn of the particulars in relation to this remittance.

Take another case to illustrate the manner in which these collections were made—the case of Hon. WILLIAM WALTER PHELPS, executor, who paid some $14,800 as a succession tax on the estate of John J. Phelps. A. M. Coughlin, who is a constituent of my associate on the Committee on Ways and Means, the distinguished gentleman from New York City, [Mr. WOOD,] had, until May 20, 1873, held the office of assistant assessor, and was assigned to the special duty of the collection of legacy and succession taxes in the city of New York. Now, Mr. Coughlin sent Mr. PHELPS a notice, Form 96 of the Internal Revenue Department, which was not dated, and which was received by Mr. PHELPS in May, 1873, the notice being signed officially by Coughlin as assistant assessor for legacies and successions; this notice, no doubt, was only one of many similar notices sent out by Coughlin immediately prior to his retirement from office on the 20th May. Now, Mr. Speaker, Coughlin, on his retirement from Government service, enters into the employment of Sanborn, receiving for his services 12½ per cent. of the sums he collected. Coughlin followed up the case; Mr. PHELPS believing all the while that he was an internal-revenue officer, and finally about the 1st September settled with Mr. PHELPS, accepting his statement as to matters that were unsettled, and received from him $14,800 of which Sanborn got one-half. Mr. PHELPS all the while believed that Coughlin was an officer of the Government and never knew to the contrary until he saw his name in the list contained in the Secretary's report to this House.

It would be an easy matter to go on by the hour detailing the history of each case manipulated by this mysterious man, Sanborn.

Why, Mr. Speaker, if this law is not repealed and the contracts are to remain in force, the contractor, armed with all the power of the Government for the collection of taxes that they now possess, will collect all the taxes due the Government under repealed laws. These taxes amount to millions of dollars, and this misplaced power will take it all out of the hands of the proper officers of the Government, virtually displacing them by the creation of a new Bureau for the collection of back taxes, with some such person as the "mysterious man of Massachusetts" at its head, and at the cost of one-half this large sum.

The theory of the law is that the three persons employed shall *assist* the proper officers of the Government. The practice as administered has been to compel the proper officers of the Government to *assist* the contractors, thereby completely reversing the intent of the law.

It is impossible to arrive at any other conclusion than that much of the information furnished Sanborn must have come from internal-revenue officers. As yet I have not been able to find a single collection made by Sanborn to which the word *discovery* can possibly apply; and I give it as my opinion that at least six-sevenths of the collections were of a class and kind that could and would have been easily collected by the proper officers of the Government without other cost than their salaries.

While there is no direct evidence going to show that any officer of the Government had a corrupt connection with Sanborn, yet the facts are that certain internal-revenue officers were not only willing to obey the orders of Sanborn, but did so with such zeal and success as would have rendered them subjects of complimentary comment had they employed these valuable qualities directly for the Government whose sworn officers they were. When thus so successfully laboring for Sanborn they did not communicate with the Commissioner of Internal Revenue, although they were not only in daily communication with him, but they made frequent visits to Washington where they met him. In none of their correspondence, nor in any other way, did they allude to the fact of their zealous and successful labors for Sanborn.

The continuance of such a system must, as a natural consequence, result in the demoralization of the outside working force of this important Bureau.

In striking contrast with these sworn officers of the Government, shown to have been derelict in duty, it is a pleasant and just tribute to a worthy and meritorious officer to refer to the fidelity of Supervisor Tutton, of Pennsylvania, and of his faithfulness not only to the Internal Revenue Department but to the best interests of the Government he was sworn to protect. It so happens that every one of these marauding contractors undertook to make collections in his district, but by his faithfulness and vigilance they secured but about $5,000, and probably this sum may be considered as properly collected, at least he believed so, else they would have failed even in this.

The gentleman from Massachusetts, when this subject was first before the House, said that the reason why all the contractors except Sanborn failed was because they were unfitted for the work they undertook, but that "Mr. Sanborn, who for years had been the trusted agent of Adams Express Company, who had gone all over the country looking up their business," was peculiarly fitted for the work, "with the energy that distinguished his character, and with the skill with which he had done private business, he was enabled to discover these taxes." Now what are the facts? All of the contractors, including Sanborn, undertook to make their collections in Pennsylvania, where Supervisor Tutton did supervise the collection of taxes, and after all of the rest had failed Sanborn undertook to apply his skill in this same locality, and he too, with all his energy, failed also. Why? Because Supervisor Tutton was true to the high trust imposed in him. He was faithful to his oath. Neither cajolery nor threats could swerve him a hair's breadth from the line of his duty. The "mysterious man of Massachusetts" failed here, and one of his witnesses (Belsterling) was forced to admit that if Supervisors Hawley and Simmons had been as faithful to duty as was Supervisor Tutton, Sanborn would have failed to make collections in their districts; in other words, the "proper officers" of the Government would have made all these collections.

Supervisor Tutton, ever true to his high trust, steadily resisted these contractors, foiling them at every step, and, aided by his subordinates, has during the continuance of these contracts collected large amounts of taxes of the very class, and in some instances the very cases, for which contracts have been made. Of this class of cases he has collected in the district of my very able associate in the Ways and Means Committee from Pennsylvania [Mr. KELLEY] over $200,000.

Mr. Speaker, let me call the attention of the gentleman from Massachusetts [Mr. BUTLER] to the statement he makes as to the employment of Sanborn by the Adams Express Company. Mr. Sanborn was employed by the Secretary of the Treasury in the year 1869, and was continued in this employment until May 31, 1873. During all this time Sanborn has been allowed pay for every day, including Sundays, that has intervened from that date to the termination of his employment, and in addition thereto has received an average of probably ten dollars a day for expenses. Will the gentleman from Massachusetts inform the House of the nature of his employment by the Adams Express Company as well as the compensation he received from them during this time? Will he please to tell us why it is that Sanborn was paid

for every day, during which time he must of necessity have been attending to his private business, which the gentleman from Massachusetts says was conducted with great "energy and skill?" Can he tell us why it is that his pay and expenses were continued during the time that Collector Simmons says he was engaged in lobbying the Legislatures of Northern New England? Can he tell us why his pay was continued daily while he was laboring to secure the triumph of the gentleman's favorite candidate for Senator? Why was pay continued daily, including Sundays, while Sanborn was "fixing things" in the interest of the gentleman's aspirations for governor of Massachusetts?

Mr. Sanborn is indeed a "mysterious man," as well as a man of "energy and skill." He has managed this business with "energy and skill," and he has succeeded in shrouding it with mystery.

It required a man of "energy and skill" to secure contracts; first for the collection of taxes known to the Department at least one year before the contract was made, and against whom indictments were had at least four months prior thereto. It required these characteristics to secure contracts for nearly three thousand legacy and succession cases, and his energy and skill rose to heights sublime when he took a railroad guide to the Department and obtained a contract for all the roads that were in the book, and the "energy and skill" with which he took the oath that they were all indebted to the United States must meet with the admiration of his friend, the gentleman from Massachusetts.

With wonderful "energy and skill" he secured orders from the Treasury Department directing the supervisors and collectors of the country to "*please render him such assistance as he requires*," and to instruct these officers not to collect the taxes that were in his contract, and also permitting him to allow district attorneys a greater fee than the legal one. His "skill and energy" were again made manifest when he secured the illegal issue of special letters for his agents, instructing the internal-revenue officers in the broadest manner possible to assist these agents, and in securing for them secret-service detective commissions.

His "skill and energy" are strikingly displayed in the fact that these contracts were, except the railroad contract, made during the time when Mr. BOUTWELL was Secretary of the Treasury, and yet this important officer did not know that Sanborn had a contract, all of them having been executed by Mr. Richardson, Acting Secretary.

His "skill and energy" are conspicuous in securing the valuable aid of Supervisors Hawley and Simmons. His "skill and energy" enabled him to carry every point save one. Supervisor Tutton was proof against the skill, and the energy, and the peculiar fitness of this mysterious man of Massachusetts. That the House and country may more fully understand the force of his "skill and energy," it should be remembered that all these things were accomplished by him single-handed and alone! He had no help (so he says) from any member of Congress, or any other official source. To accomplish such a result is, in the opinion of the gentleman from Massachusetts, [Mr. BUTLER,] evidence of Sanborn's "energy and skill," and looking from his standpoint I might join him in attributing to Sanborn these high qualities.

In his payments for services rendered him, however, his skill seems to be somewhat tarnished. The facts, as proved, show that the internal-revenue officials worked for him without other compensation than their salaries, and that about $300,000 was collected by and through the efforts of these officers. For his other collections his own statements show that he paid less than $24,000. "His skill and energy" were not so remarkably displayed when he paid Morrison $43,875, Prescott $28,000, and Underwood $18,675; making a total of $90,550, while he does not know what it was used for. He simply paid these parties these large sums, permitting them to do what they pleased with the money, and that, too, without accounting to him in any way. True, this matter is a little mysterious, and if any "energy and skill" worthy of favorable comment is exhibited by this transaction, we are left to infer that these qualities are manifested in the way he chose to pay his secret partners and to use money in corrupting officers of the Government. In view of the facts as elicited by the testimony, it is simply absurd to say that $156,000, the amount stated by Sanborn as the sum total of his expenditures, could have been expended for legitimate expenses in making these collections.

His "skill and energy" are better illustrated when he secured the services of Mr. A. Goodrich Fay, of New York, without any compensation whatever. True, Mr. Fay was engaged as the attorney of Mr. Simon Herman, one of the indicted parties who was in Sanborn's first contract. From Herman, Fay collected $1,000 for the Government, one-half of which went to Sanborn, after securing his release from two indictments through the orders of the Treasury Department, and pockets $2,000 for himself, as he says, as his fee as an attorney. Herman, who is vouched for by Fay, as a man of the highest character, says that Fay told him that one-half the $2,000 was to go to Sanborn. Fay is remarkable for his devotion to Sanborn, even going so far as to accept at his request, and for his benefit, a special agency at a pecuniary loss, to go to Europe to work up the glove and wine cases, so called, through which Sanborn appears as an informer in an $800,000 job. Such instances of devotion as that of Fay for Sanborn are so rare as to be worthy of comment.

Let me tell the gentleman from Massachusetts, [Mr. BUTLER,] that it requires no very great depth of observation to fathom the peculiar fitness and skill and energy which he claims for this man, and with which it is sought to cover up or extenuate these glaring irregularities. Give to any man of common capacity the manipulation of the entire force of the Treasury Department at Washington, and add to this the aid of the willfully misled internal-revenue officers throughout the country, backed by the best legal talent to direct in the hunt for uncollected taxes, with special letters estopping all supervisors and collectors from collecting such taxes as this person might claim were his particular province, by contract, to collect, and such results and successes might follow; and what becomes, then, of the assertions of the gentleman from Massachusetts, [Mr. BUTLER,] who comes forward with apparent alarm and with so much alacrity to the defense of Sanborn in his ill-gotten gains at the expense of an already impoverished and overburdened Treasury?

Mr. Speaker, my time will not permit me to further indulge in giving the details of this disreputable affair. Each case has its history of irregularity and wrong.

I now come to the paragraph in the gentleman's speech which is as remarkable for its boldness in charging improper motives upon some who have taken part in this matter as it is weak and unfounded as a matter of fact and law.

The gentleman from Massachusetts says:

> In the year 1870 we passed an act repealing the taxes on legacies and successions and on various other things, gross earnings of railroads and various other sources of revenue. We also passed an act that there should be no more assessors; and we abolished the whole body of assessors. From that hour no taxes could be assessed upon these delinquents; and by the law no collector of internal revenue as such could collect a tax that was not returned to him by an assessor on the list given him by an assessor. And, therefore, here were these legacy and succession taxes, and these taxes upon railroads, gross earnings and dividends, which have been kept back, and which were still kept back for four years, could not and would not be collected. The limitation for assessments and suits for penalties runs out in five years. In a very few months more the law of limitation would run against all these taxes. Now, those taxes were not assessed; those taxes were not on any revenue officer's books.

The taxes on legacies and successions were repealed by the third section of the act of July 14, 1870, (16 Statutes at Large, page 256,) which provides:

> That on and after the 1st day of October, 1870, the taxes imposed by the internal-revenue laws now in force herein specified be, and the same are hereby, repealed.

Legacies and successions were part of the taxes referred to as repealed.

Section 17 of the same act, however, (16 Statutes at Large, page 261,) provides:

> That all acts and parts of acts relating to the taxes repealed by section 3 referred to shall continue in full force, and all the provisions of said acts shall continue in full force for levying and collecting all taxes properly assessed, or *liable to be assessed*, or *accruing* under the provisions of former acts, * * * and for maintaining and continuing liens, fines, penalties, and forfeitures incurred under and by virtue thereof.

And the same section further provides:

> That this act shall not be construed to affect any act done, *right accrued*, or penalty incurred, under former acts, but every such right is hereby saved.

It will be seen by these distinct provisions that the gentleman must have overlooked entirely, or having read recklessly disregarded them, in his allegations made to the House. The taxes accruing prior to the 1st day of October, 1870, were saved to the Government, and all the machinery necessary for their collection was also saved to the Government, without limit as to the time.

The same in regard to the income tax, which expired on the last day of December, 1871.

With reference to the limitation as to the right to assess taxes, the law and the decisions of the United States courts give them just this effect and no other. The right to assess the taxes was put by the law in the hands of the assessor, and after his list was returned to the collector, the right to collect was put in the hands of the collector whether the amount to be collected was large or small. The collection was made by a warrant of distraint, a summary process, which could be levied and executed inside of thirty days. Inasmuch as the general intent of the law and spirit of the institutions of this country require that the property of a citizen, as a general rule, shall only be taken away by judicial process and after an investigation by a jury of his countrymen, it was very wisely provided that if a tax was not assessed or collected within fifteen months from the time it had accrued under the law to the Government, the presumption should be raised that there was some doubt about the propriety of its assessment or collection, otherwise the delay would not have occurred in doing so. After that length of time the citizen with propriety and safety could only be held by the ordinary course of judicial investigation. If I am right in this reasoning, and I am borne out by the decision of the Supreme Court to this effect, it follows that that limitation was simply one as to the summary disposition of the property of the citizen, and not as to the extent of his liability in the matter of time to the Government.

In the case of the Dollar Savings-Bank of Pittsburgh against a collector at that place, the Supreme Court of the United States has very recently decided that a tax which may be due under the internal-revenue laws of the United States is a debt from the citizen, and can be recovered by a suit at law, whether assessed or not, notwithstanding the fifteen months had passed. Nor can any State or other statutes of limitation as to suits affect the right of the Government to sue. And this is in strict accordance with that familiar principle of the law—which is the law not only of this country now, as it always has been,

but also was the law of England for many years—that no statutes of limitation apply to a debt due to the sovereign power unless that power is specifically mentioned in the law enacting such limitation. Express authority is given by the internal-revenue laws to sue for taxes, (see section 41 of the act of July 30, 1864, as amended in 1866; 14 Statutes at Large, page 111.) There is no law limiting debts due to the United States in regard to internal-revenue taxes. If due to-day, or if due and unpaid any day since the law went into effect in the fall of 1862, they can be recovered by suit now or at any time during this or the next century, unless Congress—what it has not yet done—passes an act limiting the Government's rights in such matters.

The limitation of five years spoken of by the gentleman from Massachusetts does not apply to cases of taxes and penalties recovered by suits. The gentleman must have known, or would have known had he taken the trouble to examine the question, that it applied exclusively to *criminal prosecutions* and such fines and penalties as are imposed by criminal courts as a punishment for crime, and not to the recovery by civil proceedings of taxes and what in the internal-revenue laws are termed "assessable penalties." So that the whole of the allegation of the gentleman in regard to the taxes being in danger by lapse of time, and the argument from that that there was a necessity for these contracts, falls to the ground when examined in the light of the law as it is now and has been since the internal-revenue system was first adopted. As I have said, there is no limitation by which the right to these taxes can become lost to the Government by lapse of time. Under the law as it stands now they will be just as fresh and operative against the tax-payers at the end of this century, if they are living then, as they are to-day, or have been either before or since the inception of these contracts.

The office of Internal Revenue has always held, and the courts have supported them in it, that wherever a party died before the 1st of October, 1870, and left a taxable estate, the tax accrued to the United States on the day of his death, and that it could be collected whenever the party succeeding entered into the beneficial enjoyment of the estate, whether it was in one year after the death, or a dozen, or more. Of course in many instances there would be local controversies before the estate could be distributed, claims of contesting heirs or creditors to be settled; so that necessarily many of the estates are not settled even yet, but are on the local records and under the eye of the revenue officers, and can and will be collected the moment it is determined to whom the property goes and how much has been distributed.

I will refer the House also to section 125 of the act of June 30, 1864, (13 Statutes, page 286,) one of the sections kept alive as to accrued liabilities after the repeal of the legacy and succession tax by the section above referred to, which provides that the legacy tax shall be a lien and charge upon the property of every person who may die for twenty years.

This gives the Government a specific lien on the property.

Section 28 of the act of June 30, 1864, as amended, (see 14 Statutes at Large, page 106,) provides, among other things, as follows:

> And if any person, bank, association, company, or corporation, liable to pay any tax, shall neglect or refuse to pay the same after demand, the amount shall be a lien in favor of the United States from the time it was due until paid, with the interest, penalties, and costs that may accrue in addition thereto, upon all property and rights to property belonging to such person, bank, association, company, or corporation.

It will be seen by this general provision that any tax due from a corporation or person, whether for income, legacy, succession, interest on bonds of a corporation, gross receipts, or what not, is a lien after demand without limit upon the property of the person so owning. These provisions in connection with the unlimited power of the Government to sue constitute remedies both specific and general, as the law at present stands, which will last forever unless this or some succeeding Congress repeals them.

This is the law in regard to all these allegations about the limitation and the danger of the expiration of time, and it shows, as the statutes referred to bear me out, that the gentleman's entire speech in that regard was baseless and unsound, and gave me, as it did others, no little surprise coming from one of his reputed professional ability and acquirements.

The gentleman's reference to the abolition of the offices of assessor and assistant assessor by the act of December 24, 1872, as another reason for the making of these contracts was equally unfortunate; for by the express terms of that same act all the powers and duties of the assessor in the matters of assessment were thrown upon the Commissioner and continued in him. And since the 20th of May, 1873, the date when the assessors went out of office, the Commissioner each month since assessed a tax-list for each district in the country, covering in the aggregate hundreds of thousands of dollars; and this will continue to be done as long as there are taxes requiring assessment. In hundreds of instances, where the fifteen months have expired, the parties delinquent are, upon notice by the local officers, coming in and receiving the privilege of that exemption, and being assessed by the Commissioner, thus avoiding the expenses and exposure of suits. Where they refuse to receive the exemption suits are being brought and judgments obtained.

As an evidence of the early and careful attention which the Internal Revenue Office has paid to the collection of the tax on legacy and successions, I may state that the following circular of instructions was issued in 1866 to all assessors, accompanied by a blank book of record to keep track of all estates of deceased persons in the several districts. This circular, which was posted on the first page of each blank book, so that it could not be overlooked or lost, expressly required the assessors to enter all cases of legacy and successions, present and prospective, upon the death of parties leaving taxable estates, in the record, and to re-examine from time to time with a view to the collection of taxes. But I will read its provisions to show how full and complete it was:

RECORD OF LEGACIES AND SUCCESSIONS.

This book is not designed specially for a record of *assessments*, but is to be kept like the office docket of a lawyer, for the purpose of showing the exact stage and condition of each case; for noting the changes and advances made in it; for indicating the steps necessary to be taken next, and for preserving a complete history of it.

By section 125 of the internal-revenue act every administrator, executor, or trustee having in charge or trust any legacy or distributive share is required to give notice thereof to the assessor or assistant assessor; and by sections 138 and 147 trustees, successors, &c., are required to give similar notice in the case of successions. Immediately upon the receipt of such notice, or upon the receipt of like notice and information from other sources, appropriate entries should be made in this book, and thenceforth, from time to time, as the settlement of the estate progresses and the liabilities of legatees, distributees, and successors arise, until the estate is finally settled, and all the taxes, even the taxes upon remainders, &c., have been paid or otherwise discharged, assistant assessors should be instructed to report all cases of present or prospective liability to the assessor, who should enter them herein; for it is to be borne in mind that the prime object of this book is *to keep trace of legacies and successions*, even from a time when the liability to tax thereon is simply prospective; as, for instance, where they are to take effect in possession or enjoyment upon the extinction or determination of an existing life estate or interest.

The printed headings indicate the purpose for which each column is to be used. If a succession arises upon the determination or extinction of a life estate the date of such extinction or determination should be entered in the column headed, "Date of death or of conveyance" and such explanation of the entry as may seem necessary should be made under the head of "Remarks." The names and residence of executors administrators, guardians, trustees, &c., are to be entered in the column headed "Representatives and residence." Copious notes, under the head of "Remarks," will be found to be convenient and valuable.

It is clear from these instructions that had all the assessors kept their required records as completely as they seem to have been kept in Supervisor Tutton's district—and I do not say that such was not the case in the majority of instances—there would have been but little room elsewhere, as there was but little in Mr. Tutton's district, for contracts and speculations in these branches of taxation.

Under the law as it now stands, and has stood since the act of 1870, the Internal Revenue Department have discovered and collected, as the following table will show in detail, in the fiscal years 1871, 1872, and 1873, over $13,000,000 of repealed taxes, and that, too, with but a very trifling cost over the ordinary expenses of the Department:

Sources.	Fiscal year 1871.	Fiscal year 1872.	Fiscal year 1873.
Income		$1,451,817 29	$5,062,311 62
Gross receipts	$577,723 99		
Sales	637,095 62		
Special taxes	93,946 16		
Legacies	927,879 10	1,784,426 19	763,761 77
Succession	649,349 16		
Articles in Schedule A	38,078 34		
Manufactures and productions exclusive of gas	1,058,393 18		
Gas			120,111 96
Total	3,982,465 55	3,236,243 48	5,946,185 35
Grand total			13,164,894 38

I have before me a statement, made at my request by the Commissioner of Internal Revenue, showing the amount of the legacy and succession taxes discovered and collected within the past year and the two years of 1872 and 1873. This table shows that over half a million dollars have been collected from legacies and successions during the time when these contracts have been in force:

Statement of the collections returned on legacies and successions to the Commissioner of Internal Revenue from 100 *collection districts, during the fiscal years* 1872, 1873, *and the first seven months of the fiscal year* 1874.

Time.	Amount returned.
From July 1, 1871, to June 30, 1872	$870,254 05
From July 1, 1872, to June 30, 1873	439,318 04
From July 1, 1873, to February 28, 1874	58,254 61
Total	1,367,826 70

Total districts, 224.

J. W. DOUGLASS,
Commissioner.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington May 7, 1874.

Under the contract system proposed and advocated by the gentleman from Massachusetts it would have cost the Government over six and one-half million dollars to discover and collect this money as against the trifling cost of less than $100,000.

The fact is, Mr. Speaker, that these taxes are being discovered, assessed, and collected almost every day in the year.

The most painful part of my duty is to speak in terms of unmistakable condemnation of the manner in which this law has been administered by the Treasury officials. This would be painful under any circumstances, and is doubly so to me, because I am condemning the acts of my party associates.

My position as a member of the Ways and Means Committee is such as to give me some knowledge of the duties of the Secretary of the Treasury. I think I know something of the arduous and responsible duties imposed upon this important officer. Knowing this, I trust that in all my acts I have had due regard to all the responsibility resting on him, and that I fully appreciate the delicate nature of his duties. For the Secretary and his subordinates I have none but the kindest feelings, and nothing but a sense of public duty leads me to make an unfavorable criticism on their acts.

I cannot overlook the carelessness and generally loose management of this matter by the Treasury Department. Their several contradictions and disagreements about matters of which there should be perfect accord is a fact to be deplored. Their attempt to shift responsibility one from the other is discreditable to all of them implicated in this transaction.

It is impossible with the evidence now before us to determine just where the responsibility for the maladministration of the law rests; but that it rests somewhere in the Treasury Department is the general verdict of all who have given this matter their attention. The motive governing and controlling its administration I am not yet able to understand; but I do know that Sanborn has been permitted to collect taxes that could have been easily collected by the ordinary agencies, and the Treasury in its present depleted condition has been robbed of over $200,000, and this money has gone into the pockets of Sanborn. The Department permitting this irregularity is deserving the condemnation of the people, and the officers controlling it are unfit to remain in its charge.

While I say this, I do not intend to reflect on the integrity of the Secretary. In fact, there is nothing so far that shows that any Treasury official has had a corrupt connection with Sanborn. It is due to the present Secretary to say that the first contract was made while his predecessor was in office; and the general policy of administration was determined upon while Mr. BOUTWELL was Secretary of the Treasury.

The gentleman from Massachusetts [Mr. BUTLER] has had much to say about Sanborn's compelling rich corporations to pay their taxes, and that the cry was raised against Sanborn by the rich corporations and the wealthy people of the country, who are indebted for unpaid taxes, to secure the repeal of this law. This charge has been repeated in certain newspapers of this city, and the sub-committee of the Committee on Ways and Means to whom this matter was referred are charged with acting in the interests of the rich and against the poor.

I have to say for myself (and it is true as well of the entire committee of which I have the honor to be a member) that my connection with this matter was accidental, and all the way through it has been my desire simply to discharge an official duty. In the discharge of this duty I have learned that I am really acting in the interests of the poor, for by the course that has been taken Sanborn's robberies will be stopped; the money that otherwise would have gone into his pockets will stay in the Treasury; thereby to the extent of the amount thus saved relieving Congress from the necessity of an increase of taxes on the "poor man's matches and other necessities." The proper agencies can and will collect all the taxes that can be collected on account of repealed laws or back taxes.

Mr. BOUTWELL informed us that of all the contracts made prior to the Sanborn contract for the collection of moneys due the Government but little was realized, and that when these contracts were first agitated he did not believe anything would be collected; and this is also the testimony of Secretary Richardson and Solicitor Banfield. It is perfectly clear that if Sanborn had only been permitted to undertake the collection of claims that were proper subjects of contract under the law, without any of these extraordinary means which were placed at his disposal, the result would have been the same as with the former contractors, notwithstanding his "skill and energy."

The gentleman from Massachusetts [Mr. BUTLER] had much to say on a former occasion about the Erie Railway. The fact is suit was commenced against the Erie Railway by the Internal Revenue Department at least six months before the contract was made. I believe they are indebted to the Government; and now that the Supreme Court has affirmed the right of the Government to tax railroads for the first seven months of the year 1870, I hope they will be made to pay. In speaking of the Erie Railway, I am reminded of a very mysterious circumstance connected with the Sanborn trial in Brooklyn. Judge Shipman is an attorney for the Erie Railway, giving, as I understand, his entire attention to the business of this road, and that he is in no sense a criminal lawyer. Now, will the gentleman from Massachusetts tell us how it happens that Judge Shipman conducted Sanborn's defense? Does this circumstance have anything to do with the fact that no collections have been made from this rich corporation?

Mr. Speaker, I am as anxious as any man can be that the rich corporations, the whisky rings, and the rich men of the country shall be made to pay every dollar they owe the Government, and as it is collected I am just as anxious that no plundering contractor shall be permitted to pocket one-half of it. The present condition of the country will not permit of this kind of prodigality so urgently advocated by the gentleman from Massachusetts.

I beg the indulgence of the House for a few moments while I make a digression to a kindred subject. I mean the moiety system as applied to our customs revenues.

This system comes down to us from the very foundation of the Government, and has recently grown to be an enormous abuse and outrage on the citizen. The Ways and Means Committee have recently had before them some of the most prominent merchants of the country, as well as one of the most daring, accomplished, and successful special agents and informers, of modern times at least. From the statements of these parties we learn that a most remarkable state of things exists. Yes, Mr. Speaker, "legalized robbery" is the term given to it by Special Agent Jayne, and no man can successfully dispute his statement.

No secret has been made of the employment by the agents of the Government of spies and informers to look after defrauders of the revenue; but the country has never realized the true nature of the arrangement between the parties, or the possibilities for abuse and outrage which are inherent in the system from its very nature. These developments must be convincing beyond dispute that the extraordinary inducements held out by the Government to its agents—being half the sum secured—constitute an irresistible bait for mean and unscrupulous men, who will naturally seek employment of this kind, and once getting it will hesitate at no injustice or abuse in their greed for plunder.

Eminent business houses, justly possessing that confidence of their fellow-men which a life-time of fair dealing and just conduct alone can inspire, have been dragged into discredit and the proprietors thereof to shame through the discovery by these sneaks of a mere technical irregularity, and been betrayed to the informers perhaps by their own spy, *smuggled into the employment of their houses;* the settlement of their cases being handed over to officers of the Government duly authorized to determine justice, and who at the same time are participants and beneficiaries in the money to be paid as penalties under their own decisions of these cases, together with members of both Houses of Congress acting as attorneys for these legalized robberies.

True, the Government must use every care in the collection of the revenue. The frauds on the latter are no doubt numerous and at times heavy. But it cannot be denied that any system which can only become efficient through a premium on meanness and cupidity, and which renders any business house, regardless of its high credit, good name, and unimpeachable character, liable to a raid from greedy officials as unscrupulous and regardless of honor or decency as a highwayman—such a system, Mr. Speaker, allow me to say in all candor, is unworthy of a Government so great and of the supposed enlightenment and liberality as ours.

I trust this session of the Forty-third Congress will not adjourn until the statutes making these outrages possible are wiped from the statute-books of the land.

In the matter of customs laws and regulations we have only to follow the example of Congress in relation to the internal-revenue laws, in eliminating from them their harsh and oppressive features and putting them in such form and shape as will command the moral support of the people. The internal-revenue laws, relieved as they are now from nearly all their obnoxious and oppressive features, are cheerfully acquiesced in. These taxes are collected without serious difficulty, and the Internal Revenue Department finds itself in a higher state of efficiency than ever before. So, too, with these customs laws; take away the obnoxious features; enact such laws in their stead as will command the moral support of that class of our fellow-citizens, the merchants, of whom I am proud to be one; do away with your miserable political management of your custom-houses, and my word for it your taxes will be better collected, your laws more efficiently and successfully enforced, and besides this, and as a necessary consequence, your countrymen will be contented; and instead of your Ways and Means Committee listening by the week to the complaining merchant recounting his story of oppression and wrong, you will receive that most blessed boon to a public man, the plaudit from the people of "Well done, thou good and faithful servant."

And now, in conclusion, let me speak to the members of the republican party, of which I am proud to be a humble member—that party which has fought and won so many political battles, which has performed so grand a service to the country. It has been emphatically the party of the people. It was born to protest against wrong and oppression. It has lived to grind to powder the most insolent oligarchy that ever antagonized the theory and practice of equal political rights. Its pathway is strewn all along with brilliant and glorious achievements. But to save this party I plead. I am willing today to work and to dig down deep if need be, and I know that every member of my party will join me, to root out these hideous spots wherever we can find them. The people of this great country desire above all else to follow the flag of this grand party; but that flag must be kept clean and pure. The party cannot live alone in its past history; it must demonstrate its ability to deal with the present—its genuine patriotism. If it finds itself unable to drive out whatever of corruption it may have within; if it does not correct the abuses and wrongs that, by the connivance of corrupt and designing men, have been fastened upon its administration, then I say it ought to go down and only thereafter to live in history.

But, Mr. Speaker, I know that the good in the party largely outweighs the bad, and that much of our suffering is due to the inheritance of practices and precedents from the democratic party; and I know too that my republican associates in Congress are not only able but willing to root out these wrongs, and that we can do, are doing, and will do what no other party has ever had the courage to do—we will purge ourselves of impurities. We are determined to have it understood that whenever and wherever a corrupt official head is brought to light, there shall be a republican club to hit it. Purified then as it will certainly be, this grand party will continue to bless the Republic in administration, and, supplemented as it will be with new and other deeds of brilliancy and glory, the country will continue to prosper and the people will be happy.

ORDER OF BUSINESS.

The SPEAKER. This day at half past one o'clock was assigned to the Committee on the Territories to make report on the bill for the admission of New Mexico as a State. This bill was made a special order to the exclusion of all other orders, except appropriation bills; and the Chair understands that the Committee on Appropriations do not desire to occupy the attention of the House. The gentleman from Mississippi [Mr. McKEE] is entitled to the floor.

NATIONAL CURRENCY—FREE BANKING.

Mr. MAYNARD, by unanimous consent, submitted, from the Committee on Banking and Currency, a report upon the Senate amendments to the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes; which was recommitted and ordered to be printed, and also to be published in the RECORD.

The report is as follows:

The Committee on Banking and Currency, to whom was referred House bill No. 1572 with the Senate amendments thereto, beg leave to report:

That having considered the said several amendments, they recommend a concurrence with the same, with the following amendments, namely:

1. In section 1, after the word "act" in line 5, and in section 2, after the word "act" in line 1, and in section 4, after the word "act" in line 19, and in section 6, after the word "act" in line 9; strike out the words "of 1864."

2. In section 2, after the word "section" in line 8, strike out the words: "and each national banking association now organized, or hereafter to be organized, shall keep and maintain, as a part of its reserve, one-fourth part of the coin received by it as interest on bonds of the United States deposited as security for circulating notes or Government deposits."

3. Strike out section 3.

4. In section 5, before the word "associations" in line 7, strike out the words "association or;" and after the said word "associations" insert the words "assorted or unassorted."

5. In section 8 strike out the word "twenty-five" in line 9, and insert the word "forty."

6. In section 8, after the word "dollars" in line 14, strike out the words "and for that purpose he is authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States of the character and description prescribed in this act for United States notes to be then retired and canceled," and insert the words: "and the United States notes so retired shall be canceled and carried to the account of the sinking fund provided for by the second clause of section 5 of an act approved on the 25th of February, 1862, entitled 'An act to authorize the issue of United States notes and for the redemption and funding thereof, and for funding the floating debt of the United States,' and shall constitute a portion of said sinking fund."

7. In section 9 strike out the words "one thousand" in line 3, and insert the word "fifty."

8. In section 9 after the words "New York," in line 6, strike out the following words: "and thereupon the Secretary of the Treasury shall, in exchange for said notes, deliver to such holder an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, of denominations of fifty dollars, or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States, after fifteen years from the date of their issue, and bearing interest, payable quarterly, in such coin, at the rate of 4½ per cent. per annum," insert the words and "and thereupon he shall be entitled to receive at his option from the Secretary of the Treasury in exchange for said notes an equal amount of either class of the coupon or registered bonds of the United States provided for in the first section of the act approved on the 14th of July, 1870, entitled 'An act to authorize the refunding of the national debt,' and the acts amendatory thereof, approved the 20th day of January, 1871: *Provided, however*, That the Secretary of the Treasury, in lieu of such bonds, may redeem said notes in the gold coin of the United States."

9. In section 9, after the word "service," in line 19, strike out the words following to the end of the section.

Mr. MAYNARD. I suppose the presentation of this report will not interfere with the authority of the committee to report at any time.

The SPEAKER. It will not be considered as exhausting the power of the committee in that respect.

Mr. MAYNARD. I give notice that if I should be able to obtain the floor on next Monday I propose then to bring up this bill for the purpose of obtaining the action of the House on the Senate amendments.

BIGLER, YOUNG & CO.

On motion of Mr. SPEER, by unanimous consent, the bill (S. No. 228) for the relief of Bigler, Young & Co. was taken from the Speaker's table, read a first and second time, and referred to the Committee on Claims.

PACIFIC RAILROAD.

Mr. WELLS, by unanimous consent, reported from the Committee on the Pacific Railroad a bill (H. R. No. 3423) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;" which was read a first and second time, ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

ADMISSION OF NEW MEXICO.

The House, according to order, proceeded to consider the bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. McKEE. Mr. Speaker, in presenting the bill for the admission of the Territory of New Mexico, I do it in the belief that the measure will meet with little opposition on this floor. The Territory of New Mexico has all the elements out of which we make States. It is large enough; it has population enough; it has prosperity enough; in fact it has every element of statehood. In area it is three times as large as the State of Ohio. It has more than one hundred and forty-five thousand people. The vote by which the Delegate from New Mexico [Mr. ELKINS] comes here is over seventeen thousand. There are forty Representatives on this floor who come here with fewer votes. In everything that goes to make a State, New Mexico is fully up to the standard.

This is not a question of constitutional law; it is a mere question of policy. Is the admission of this Territory for the best interests of the United States; is it for the interest of New Mexico? Now, Mr. Speaker, in admitting a new State we strengthen our Government; we give it greater credit abroad; we increase its prestige in war and its power in peace. It strengthens our Union to have thirty-eight States instead of thirty-seven. It benefits the Territory by giving it State legislation instead of this half-way territorial legislation. It will be remembered that the acts of a territorial Legislature are subject to the approval or disapproval of Congress. Congress may make or unmake territorial constitutions. Here is a community out in the center of the continent, not a new Territory, not an unheard-of place, not a mere ephemeral collection of people. Here in the Territory of New Mexico is the growth of one hundred and fifty years. The people there have demonstrated their ability to govern themselves in such a manner as may challenge comparison with the older States. That Territory is without any territorial debt. Where is the Territory that can show a like record? Its cities have no debt; its counties have no debt.

I will refer to only one other question, for I do not propose to detain the House but a few minutes, intending to yield to the Delegate from New Mexico, [Mr. ELKINS.] Under the treaty with Mexico of Guadalupe Hidalgo we solemnly agreed New Mexico should be admitted as a State into the Union. Under that treaty these New Mexicans claim their rights, not only as a question of policy on our part, but under the solemn stipulations of that treaty. We agreed they should come in as a State. They have now a sufficient population. They have every requisite. I see no reason and the Committee on Territories see no reason why this Territory of New Mexico should not under the treaty of Guadalupe Hidalgo be admitted as a State into this Union. Every State we admit marks a mile-stone in the progress of our country along the national high-road to prosperity.

There can be no reason for refusing admission to New Mexico unless it be it will result in the admission of two new Senators. But, sir, even if two new Senators shall be admitted that is no reason why we should violate our general rule when, as in the case of New Mexico, the Territory has the requisite population and all the elements necessary to form a State.

I yield now to the Delegate from New Mexico, [Mr. ELKINS.]

Mr. ELKINS rose.

Mr. CHAFFEE. I ask before the debate proceeds further that the bill be read.

The bill was read, as follows:

That the inhabitants of the Territory of New Mexico included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves, out of said Territory, a State government, with the name of the State of New Mexico; which State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever, as hereinafter provided.

SEC. 2. That the said State of New Mexico shall consist of all the territory included within the following boundaries, to wit: beginning at the intersection of the thirty-seventh parallel of north latitude with the one hundred and third degree of longitude west from Greenwich; thence south on the said one hundred and third degree of longitude to its intersection with the thirty-second degree of north latitude; thence west on said thirty-second degree of latitude to the Rio Grande; thence following down the main channel of the Rio Grande to the point where the parallel of thirty-one degrees and forty-seven minutes north latitude crosses the same; thence west on said parallel of thirty-one degrees and forty-seven minutes one hundred miles; thence south to the parallel of thirty-one degrees and twenty minutes north latitude; thence west along the said parallel of thirty-one degrees and twenty minutes to its intersection with the thirty-second degree of longitude west from Washington; thence north on the said thirty-second degree of longitude to its intersection with the thirty-seventh degree of north latitude; thence east on the said thirty-seventh degree of latitude to the place of beginning.

SEC. 3. That all persons qualified by law to vote for representatives to the General Assembly of said Territory at the date of the passage of this act shall be qualified to be elected, and they are hereby authorized to vote for and choose representatives to form a convention, under such rules and regulations as the governor of said Territory, the chief justice, and the United States attorney thereof may prescribe, and also to vote upon the acceptance or rejection of such constitution as may be formed by said convention, under such rules and regulations as said convention may prescribe; and the aforesaid representatives to form the aforesaid convention shall be apportioned among the several counties in said Territory in proportion to the vote polled in each of said counties at the last general election as near as may be; and said apportionment shall be made for said Territory by the governor, United States district attorney, and chief justice thereof, or any two of them; and the governor of said Territory shall, by proclamation, order an election of the representatives aforesaid, to be held throughout the Territory, at such time as shall be fixed

by the governor, chief justice, and United States attorney, or any two of them; which proclamation shall be issued within ninety days from the passage of this act, and at least thirty days prior to the time of said election; and such election shall be conducted in the same manner as is prescribed by the laws of said Territory regulating elections therein for members of the house of representatives; and the number of members to said convention shall be the same as now constitutes both branches of the Legislature of the aforesaid Territory.

SEC. 4. That the members of the convention thus elected shall meet at the capital of said Territory, on a day to be fixed by said governor, chief justice, and United States attorney, not more than sixty days subsequent to the day of election; which time of meeting shall be contained in the aforesaid proclamation mentioned in the third section of this act; and after organization shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said Territory: *Provided*, That the constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence: *And provided further*, That said convention shall provide, by an ordinance, irrevocable without the consent of the United States and the people of said State, first, that there shall be neither slavery nor involuntary servitude in the said State otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; secondly, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested, in person or property, on account of his or her mode of religious worship; thirdly, that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States.

SEC. 5. That in case a constitution and State government shall be formed for the people of said Territory of New Mexico in compliance with the provisions of this act, said convention forming the same shall provide by ordinance for submitting said constitution to the people of said State for their ratification or rejection, at an election to be held at such time and at such places and under such regulations as may be prescribed by said convention; at which election the lawful voters of said new State shall vote directly for or against the proposed constitution; and the returns of said election shall be made to the acting governor of the Territory, who with the chief justice and United States attorney of said Territory, or any two of them, shall canvass the same; and if a majority of legal votes shall be cast for said constitution in said proposed State, the said acting governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress.

SEC. 6. That until the next general census said State shall be entitled to one Representative in the House of Representatives of the United States; which Representative, together with the governor and State and other officers provided for in said constitution, shall be elected on a day subsequent to the adoption of the constitution, and to be fixed by said constitutional convention; and until said State officers are elected and qualified under the provisions of the constitution, the territorial officers shall continue to discharge the duties of their respective offices.

SEC. 7. That sections numbered 16 and 36 in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands equivalent thereto, in legal subdivisions of not more than one quarter-section and as contiguous as may be, are hereby granted to said State for the support of common schools.

SEC. 8. That, provided the State of New Mexico shall be admitted into the Union in accordance with the foregoing provisions of this act, fifty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the Legislature thereof, on or before the 1st day of January, 1878, shall be, and are hereby, granted, in legal subdivisions of not less than one quarter-section, to said State for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, in such manner as the Legislature shall prescribe.

SEC. 9. That fifty other entire sections of land as aforesaid, to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said State for the purpose of erecting a suitable building for a penitentiary or State prison in the manner aforesaid.

SEC. 10. That seventy-two other sections of land shall be set apart and reserved for the use and support of a State university, to be selected in manner as aforesaid, and to be appropriated and applied as the Legislature of said State may prescribe, for the purpose named and for no other purpose.

SEC. 11. That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining or as contiguous as may be to each, shall be granted to said State for its use; the said land to be selected by the governor of said State within two years after the admission of the State, and when so selected to be used and disposed of on such terms, conditions, and regulations as the Legislature shall direct: *Provided*, That no salt spring or lands the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall by this act be granted to said State.

SEC. 12. That 5 per cent. of the proceeds of the sales of public lands lying within said State, which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making such internal improvements within said State as the Legislature thereof may direct.

SEC. 13. That the eighth section of the act of Congress entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved the 4th day of September, 1841, shall be, and is hereby declared to be, applicable to the State of New Mexico when admitted into the Union as herein provided.

SEC. 14. That any balance of the appropriations for the legislative expenses of said Territory of New Mexico remaining unexpended shall be applied to and used for defraying the expenses of said convention and for the payment of the members thereof, under the same rules and regulations and rates as are now provided by law for the payment of the territorial Legislature.

Mr. McKEE. This is the same bill by which all the new States have been admitted. We have not dotted an "i" nor crossed a "t." It is the usual enabling act.

[Mr. ELKINS addressed the House. His remarks will appear in the Appendix.]

Mr. POTTER. Mr. Speaker, it is a thankless task to resist such an earnest and eloquent appeal to the House as the one just now addressed to it by the Delegate from New Mexico. Gentlemen of my temperament would find legislation much more agreeable if they could carry it on upon the principle recommended by Mr. Tittlebat Titmouse, who proposed a general bill for giving everybody everything. But since that is not practicable, we must needs deal with the measures which come before us with reference to those general public considerations which ought alone to govern us in our action here.

The gentleman from New Mexico [Mr. ELKINS] was good enough, a day or two ago, to hand me references to the authorities he has just read to the House in respect of what he considered the treaty obligations of this Government in regard to New Mexico, assuring me he felt confident that if I were satisfied a treaty really existed for the admission of New Mexico as a State I would say so to the House, and waive any other objection I might have to its admission. The gentleman from New Mexico did me no more than justice. The first duty of government is to maintain good faith, and if any gentleman of the House feels satisfied that there is any treaty between the United States and the republic of Mexico under which the citizens of the Territory of New Mexico are entitled to claim its admission absolutely and as matter of right as one of the States of this Union, then he ought to cast his vote on this occasion for that admission. For myself, after endeavoring to examine that question as fairly as I could, I have been unable to find the slightest ground, as it seems to me, for supporting such a claim.

The first authority cited by the gentleman from New Mexico is that of General Kearney, who, during the period preceding the Mexican war, received the submission of the inhabitants of this Territory. What was his proclamation? Not that New Mexico should be admitted as a State, but exactly the reverse—that it should be admitted as a Territory. General Kearney's words are:

It is the intention of the United States to establish among this people a civil government *similar* to that of the United States—

Not the same as that of the United States, but "similar to that of the United States"—

in which they will be called to exercise the rights of freemen in choosing representatives to the *territorial* Legislature.

So that the first notice these New Mexicans got from the first representative of the Federal Government was not that New Mexico should be received as a State at all, but that her people should receive and have privileges *similar* to those of the States; should be treated as freemen and entitled to vote for representatives to a territorial Legislature, and this treatment and this right they have always since had.

Mr. KASSON. Will the gentleman from New York allow me to remind him of one fact with which he may perhaps not be familiar; that under the former relations of New Mexico to the United States of Mexico, it not only had a delegate, but that delegate in the federal Congress of Mexico had a vote? I think that is an important element for consideration. The people of New Mexico were represented, by voice and vote both, in the Congress of the United States of Mexico, and that fact is to be taken into connection with their persistent demand here and their insisting on their construction of the treaty.

Mr. POTTER. If that be so, as to which I am not well informed, it may have misled some persons in their construction of that proclamation. But the Delegate from a Territory has a voice in this House if not a vote, which voice sometimes has as much influence as that of any Representative in Congress. But however that may be, the treaty which the United States made with Mexico, upon which this claim is based, is singularly specific in its language. Article 9 provides:

Mexicans, who in the territories aforesaid shall not preserve the character of citizens of the Mexican republic conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (*to be judged of by the Congress of the United States*) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

So that the treaty itself, in the most distinct and positive manner, declared the time when New Mexico shall be admitted to the privileges secured by the treaty. Even if those privileges be taken to mean admission into the Union as a State—which does not necessarily follow—it is declared in the treaty itself that the time for such admission shall lie in the judgment and pleasure of the Congress of the United States.

The gentleman from New Mexico [Mr. ELKINS] caused to be read some remarks by Senator Peck in regard to the admission of Louisiana, which he declared it was the duty of the Congress of the United States, under the provisions of the Louisiana treaty, to admit as a State. But it is to be observed in that connection that the treaty by which Louisiana was acquired differs from the treaty by which New Mexico was acquired. The sixth article of that treaty says:

The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty *shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution*, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

And it may be conceived to be because, after that treaty the claim arose in the Senate that that treaty gave those territories a right to be represented in the Congress of the United States as States, that this guarded language was used in the treaty of New Mexico, which declared, not in the language of the Louisiana treaty, that the inhabitants should be incorporated into the Union of the United States as soon as consistent with the Constitution, but declared instead that

they should be incorporated and should have the rights of citizens of the United States at the proper time, to be judged by the Congress of the United States.

The gentleman also cited some remarks of Senator HAMLIN, but it is to be borne in mind that those remarks were made in the heated times of the slavery dispute, when people of the one section looked for an ally to strengthen that portion of the country which favored slavery, and people in the other section were looking for an ally to resist its further extension. Besides, sir, although during that heated debate, Mr. HAMLIN made the remarks which were read at the Clerk's desk, they were connected with other remarks which were far from denying, and on the contrary admitted, that this was a question resting in the discretion of Congress.

And further, New Mexico herself claimed the right under this very treaty, when everything in the history of its negotiation was fresh in the recollection of Congress, to be admitted because of it as a State. New Mexico at that time, I say, laid before Congress this identical claim to be admitted as a State under this treaty, and had it rejected. It was rejected, the Delegate from New Mexico said, because the supposed feelings and situation of the people of New Mexico in regard to slavery were not satisfactory. But however that may be, its admission was treated in Congress as a question that rested in the discretion of Congress; and for whatever cause it chose to exercise its discretion, nobody ventured to assert, distinctly, that to admit New Mexico as a State was one of those things that Congress was bound to do because of the treaty. And Congress itself refused so to regard it. You have then the solemn determination by Congress itself upon this identical question, when it was first presented, adverse to the claim that New Mexico had any right to be admitted as a State by virtue of this treaty. And the question as to her admission therefore recurs precisely as the chairman of the Committee on the Territories presented it in the few remarks that he made at the opening of the discussion to-day: First, what are the interests of New Mexico in regard to her proposed admission into the Union; and second, what are the general interests of the United States in that respect?

Now, first, as regards the general interest of New Mexico. What is New Mexico? A remote southwestern Territory, annexed to the United States twenty-six years ago, during all which time it has enjoyed civil government, during all which time the persons within it have enjoyed all the rights of citizens of the United States; for what right has a citizen of the United States which a citizen of a Territory has not got? Who ever heard it claimed that a citizen of a Territory was not a citizen of the United States, or deprived of any rights as such? The Territory has a population, according to the last census, of 91,470 people. It is said that now, according to some enumeration laid before the Committee on the Territories, it has a population of 135,000. But the census gives it a population of 91,470 people. Now, its population of 91,470 people has been the result of twenty-six years of protection by the United States.

Mr. FORT. Will the gentleman allow me to correct him? He will remember that considerable territory and population have been taken off from New Mexico, at various times, added to Colorado, and constructed into other States and Territories.

Mr. POTTER. Not since the last census.

Mr. FORT. No, sir; but in twenty-six years. You said it took twenty-six years to get this population.

Mr. POTTER. It is none the less true that what is now the Territory of New Mexico has been for twenty-six years annexed to the United States.

Mr. FORT. Yes, sir.

Mr. POTTER. And notwithstanding that, the whole population in that Territory now is only 91,470.

Mr. LOWE. O, no; 23,000 have been taken out of the Territory and given to Arizona and Colorado.

Mr. POTTER. Since the last census?

Mr. LOWE. They were in what was originally New Mexico, but what is now Colorado and Arizona.

Mr. POTTER. Undoubtedly; but I am unable to see what difference that makes in respect of the particular Territory of which we are now speaking. We are speaking of admitting the present Territory of New Mexico with its existing limits, and that Territory has been annexed to the United States and under its protection for the last twenty-six years.

Mr. FORT. Yes; but the gentleman will remember that under the treaty they had the right to admission with that same population; that there was that number of people there.

Mr. POTTER. Provided the treaty gave them the right to come in. If the treaty gave them the right to come into the Union as a State, it gave it to them absolutely; so that, as I conceive, whether the population is ninety-one thousand or ninety-one hundred would not be a question at all. But if it be a matter for the discretion of Congress as to whether the Territory now known by the name of New Mexico shall be admitted into the Union or not, then we must consider the fact that although that Territory of New Mexico as it now exists, whether it was formerly larger or smaller, has been under the protection of the United States for twenty-six years, it has yet according to the last census a population of but 91,470.

Mr. MCKEE. That is according to the census taken four years ago.

Mr. POTTER. Yes, sir; it had that population according to the census then taken, and now as many more or less as the population of the Territory may have increased or diminished in the intervening four years. Some gentlemen seem to think that the population has now increased to one hundred and thirty thousand. A Representative from one of the Western States tells me that he does not think the population has increased since the last census over two thousand. Whatever may be the fact in that respect, it yet remains true that this is a Territory of slow growth, not of rapid growth. Its population is composed mainly of descendants from Mexicans. The business of legislation in the territorial Legislature is carried on, I am informed, largely by means of an interpreter, as is also business in its courts. A very considerable portion of the population of the Territory do not speak the English language. It seems to me that these are all reasons why, so far as the interest of New Mexico is concerned, she has now less claim than another Territory with no more population might——

Mr. FORT. Does the gentleman mean to intimate that a person must speak the English language before he can enjoy the rights of an American citizen?

Mr. POTTER. I do not intend to intimate anything of the kind. What I desire is to state exactly what I do mean as plainly as I can. Of course I have not meant to intimate any such thing as the gentleman suggested when he interrupted me. I state the fact for what it may be worth, as indicative of the future growth of New Mexico. With those gentlemen who think it is worth nothing it will have no effect. But to my mind it has this significance, that it indicates the Territory of New Mexico is not likely to be in the future as it has not been in the past one of those Territories into which the great northern blood has been pouring and developing as in other Western States and Territories during the last twenty-six years. Take the State of Illinois, for instance; compare what it was twenty-six years ago with what it is to day, when it is the third State of the Union.

Mr. FORT. Yes; but it was admitted into the Union with less population than New Mexico has.

Mr. POTTER. Undoubtedly, and with indefinitely greater promise of growth. But do gentlemen in this House believe that the transaction of legislation by a State Legislature instead of by a territorial Legislature, and the admission of two gentlemen into the Senate of the United States, will so increase the population of the admitted Territory as to account for the difference between the increase in Illinois and the increase in New Mexico during the last twenty-six years! If any gentleman thinks this I will simply say I differ with him, and pass on.

We have, I believe, sir, no report from any Federal officer, civil or military, stationed in New Mexico as to his judgment upon the propriety of now admitting it as a State. We have had a general of the Army down there to keep off the Indians; for the Indians mentioned in the treaty of Guadalupe Hidalgo as overrunning large parts of that Territory are still overrunning it in part to-day. But nobody has sent to this general for his opinion in regard to the condition or prospects or need of admission of this Territory. We have no report from the committee reporting this bill, either written or printed.

Mr. FORT. I beg the gentleman's pardon; there is a report.

Mr. E. R. HOAR. Here is the printed copy.

Mr. POTTER. I thank the gentleman; I inquired a few days ago but did not find one.

Mr. E. R. HOAR. It was distributed this morning.

Mr. POTTER. It was distributed then this morning; I know I could not get one when I inquired.

Mr. HOSKINS. It has been upon the tables of members and in the document-room for three weeks.

Mr. POTTER. The gentleman from Massachusetts [Mr. E. R. HOAR] just remarked it had been distributed this morning.

Mr. E. R. HOAR. It was sprinkled about the House this morning.

Mr. HOSKINS. It has been reprinted.

Mr. POTTER. Then I was unfortunate enough to send to the document-room at a time when the first supply was exhausted. It is dated, I notice, the 5th of May, which is not three weeks ago at all events. However, here it is, and I shall have the pleasure of reading it hereafter. I suppose it is in substance what was stated by the gentleman from Mississippi [Mr. MCKEE] this morning. I notice it is brief, and seems to have no authorities cited for the recommendation of the committee.

Here, then, is a Territory which comes with nothing but these general statements, without any details, with no opinions from persons whose opinions it seems to me with propriety might be asked for. This Territory comes here by its Delegate and insists upon being taken into the Union as a State. What advantage will it be, what earthly advantage can it be to the people of New Mexico to come into this Union as a State?

Have not citizens of a Territory civil rights? Are they not citizens of the United States? Have they not every possible protection? On the whole, it seems to me that for such sparse communities a pretty good sort of government, if not the best sort of government, is our territorial form. In the first place, the Territory has a Legislature to pass local laws, and then it has the maternal care of the Federal Government to pay the expense of executing those laws. Some one has said of the British colonies in Canada that there never was a government so well contrived for the benefit of the people as that.

That they have the freest possible government. They can levy duties and impose tariff and charges even upon the products of the mother country, which on her part is constantly protecting them and spending money in their midst.

Mr. MILLS. I would like to ask the gentleman a question. He seems to be in love with the territorial form of government. Would he be willing to exchange the State government of New York for a territorial government?

Mr. POTTER. When the condition of things in New York conforms to the condition of things in a Territory I should be glad to do so. When our population is reduced to ninety thousand I should be ready to have such a form of government established in my State. We never had much from the Federal Government any way. I happened, Mr. Speaker, to be myself at one time a resident of a Territory. When just out of college I was a surveyor in Wisconsin, which was then a Territory. I resided there awhile, and my experience was not at all that a territorial government was an oppressive government or that it deprived anybody of any of his rights or privileges, unless it be the privilege of sitting in the Senate of the United States. That great advantage the citizens of a State do indeed have over the citizens of a Territory—an advantage, however, limited to two gentlemen at a time, which in a great State is a very small proportion of the population, but which in one of these Territories without population seems to hold out a chance to every man in the Territory.

Mr. FORT. I would suggest to the gentleman that he ought to have staid in the Territory of Wisconsin and not emigrated to the Empire State.

Mr. POTTER. The gentleman forgets that that Territory became a State not long afterward, so that I would have gained nothing by remaining on that account. I concede, Mr. Speaker, that to anybody who expects to have a seat in that august body, the Senate, as I do not, there are great inducements if he resides in a Territory to have a State government established. Why, sir, I heard a gentleman of great public experience, a most eminent republican, who has filled offices of almost every grade but that of President, say the other day that having had experience as governor, Senator, member of the Cabinet, and in other public positions, he knew no position on the whole so desirable, so independent, so exactly the thing for a public man as that of a Senator of the United States, and he came from a great State. But the House can well see how much greater are the advantages of a Senator who comes from a small State; for he has a smaller constituency to serve, he has fewer claims upon him, fewer obligations to fulfill; yet he has precisely the same power as if he had behind him the five millions of population of the State of New York.

But there remains the principal consideration of this subject. That is, what are to be the advantages to the Federal Union from the reception of New Mexico as a State? Nobody I believe has suggested anything that the Federal Government is to gain by it, except that the gentleman from Mississippi has said that the country is strengthened by the addition of a new State. But that is true, if at all, only when the new State was not before part of the country. Indeed, our action to-day has been put wholly on the ground of duty to New Mexico and her interests. The gentleman from Mississippi [Mr. MCKEE] also said, "To be sure there is one objection; that is, that the Senate of the United States will be diluted by this proceeding; but then," he added, "it is the usual rule." It has, sir, been the usual rule, it is true; but what of that? Because a man just beginning business, without capital, struggling to get on, chooses to take in a partner with very small means or no means at all, no one would expect that, when he has grown to be a great merchant and has builded up a great business, he would be willing or asked even to continue to take in partners on the same terms. The thirteen States that originally formed the Union had nothing like the inequality between the greatest and smallest of them which there is between New Mexico and even the existing States of the second class in population.

Mr. FORT. The gentleman will remember that it is a part of the compact that the Territories are to be admitted, when ready, on an equal footing with the original States.

Mr. POTTER. What compact?

Mr. FORT. The Constitution.

Mr. POTTER. I beg the gentleman's pardon. I thought he was again alluding to the treaty.

Mr. FORT. No, sir; the Constitution.

Mr. POTTER. The Constitution provides on this subject that—

New States *may* be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

Mr. FORT. The provision of the Constitution must be construed in good faith. That word "may" means of course "must," you know.

Mr. POTTER. I do not know that at all. But even if it were conceded that "may" is to be necessarily construed as meaning "must," or "shall," still the question remains with Congress, even if bound to admit at all, as to the time. I do not understand that there is any constitutional obligation to admit any Territory as a State at all; but if there is it still remains with Congress, having reference to the general good, to determine when a new State shall be admitted.

Mr. FORT. Congress is bound by good faith, is it not?

Mr. POTTER. Undoubtedly; and if "may" here means "must," as you claim, then good faith requires that a Territory shall be admitted at some time, but even then it remains for the judgment of Congress to determine the time when it is for the general public interest to admit any Territory as a State.

Now, is it for the general public interest to admit New Mexico? What has the United States to gain in this regard?

Mr. COBB, of Kansas. When a Territory has an adequate population to be admitted—that is, when it has the population to entitle it to one member upon this floor—is it not the moral right of the Territory to become a member of the Union?

Mr. POTTER. Suppose there be a moral right of that kind when the Territory has an adequate population; but what is an adequate population? Prior to 1873 there was no rule upon this point. At my suggestion Congress in 1872 incorporated in the apportionment bill an amendment providing that it should require at least the same population for the admission of a Territory as is required to entitle a State to a Representative on this floor. That rule was founded upon what? Simply upon the general principle of justice, that gentlemen occupying seats in this House should represent as nearly as may be equal population. But, beyond that, I should be glad to know upon what principle of moral obligation one hundred thousand people in any portion of this country have a right to come here and demand to be allowed two representatives in the Senate of the United States, and thus be placed on an equality with bodies of people numbering four or five millions, and demand it simply because it has been heretofore conceded to other Territories to be received as States.

Mr. KASSON. The same right they had.

Mr. MILLS. Does not the gentleman from New York know that the Supreme Court of the United States has decided that the Federal Government has no right to acquire territory except for admission into the Union as States?

Mr. POTTER. Granted; but still the question remains——

Mr. MILLS. It is the right of the people of a Territory, as soon as they qualify themselves, to be admitted into the Union as a State. It is their inherent constitutional right to be so admitted.

Mr. POTTER. Then according to this new constitutional doctrine of the gentleman from Texas these people in New Mexico have been kept out of the Union for twenty-six years when they ought to have been exercising the rights of a State.

Mr. ELKINS. That is just what is the matter.

Mr. POTTER. Congress decided their claim under the treaty the other way, and I think quite rightly. This claim of a constitutional right I understand to be new.

I was saying, Mr. Speaker, as regards the admission of new States there was not any parity at all between our present situation and that of the thirteen colonies. The thirteen colonies were all more nearly equal, not in size, but in population and trade and wealth. There was not in those respects any very great difference between them. They were besides all struggling to get away from a common ruler and agreed to come into a joint confederation on certain terms. They entered into a union each of its absolute volition, and as was voluntarily agreed by all, upon certain prescribed terms. For reasons satisfactory to themselves they took in Delaware upon the same footing as to representation in the Senate as they brought in Pennsylvania. Our fathers, indeed, were glad enough to get anybody in their federation at that time on almost any terms, and if New Mexico had presented herself with her ninety-one thousand people, they would perhaps even have been willing to take her in with them at that time.

Mr. MAGINNIS. Were not the Colonies then trying to throw off this very form of colonial government which the gentleman from New York seems to think is so desirable, but from which New Mexico is so anxious to escape?

Mr. POTTER. Does the gentleman from Montana assert the colonial government of that day, which governed arbitrarily and taxed without representation, bore any sort of relation to or parity with the government of these Territories in which all their local government is conducted by persons chosen within their limits, and which is only subject to the approval of the Congress of the United States?

Mr. MAGINNIS. The old thirteen colonies were separated from Great Britain by three thousand miles of water just as now some of these Territories are separated by three thousand miles of land. In my judgment the colonial government of Great Britain was in some respects preferable, far milder and much better, than the colonial government of the United States, and so the people of the Territories themselves believe.

Mr. POTTER. Since the Delegate from Montana stands up in the Congress of the United States and makes that assertion, I ask him to point out to me any occasion, and if so to how many, when the statutes of his territorial Legislature were disapproved by the Congress of the United States since it became a Territory?

Mr. MAGINNIS. When my Territory was first organized Federal officers were sent out there then, as they are now, unknown to and uninvited by our people, just as England sent objectionable governors to her colonies, and as Spain now sends rulers to Cuba. They organized a session of the territorial Legislature, which, under their influence, voted to the governor and secretary and each of the judges $3,000 per year extra compensation in addition to that paid by the Government. Afterward the people took control and held two successive sessions of the Legislature and repealed the laws allowing this extra compensation. Upon which, the tools of these

officers, a few political adventurers in sympathy with the dominant republican party, came down here to Washington and through their influence with Mr. Ashley, then chairman of the Committee on Territories, repealed not only one or two laws, but caused Congress to wipe out the statutes of two successive sessions of our Legislature and left us without important laws for years. Meanwhile the Federal officers continued to draw the extra compensation fixed by the first Legislature, the statutes of which remained in force, until they entailed a debt of over $100,000 upon my Territory, which remains unpaid to-day—all done by a few lobbyists against the protests of the people, and carried in the interests of a few unworthy men, sent out to govern us, in whose selection we had no voice and whose rule was odious and tyrannical.

Mr. POTTER. When was that?

Mr. KASSON. About five years ago.

Mr. POTTER. That was the Congress in which my friend from Indiana who favors this bill was a member. I take no responsibility for that legislation. But it is an exceptional case. Generally the territorial Legislatures are allowed to do as they please. Besides, the legislation of which the gentleman complains was, he says, an abuse by Congress. But abuses by Congress are not necessarily escaped by becoming States.

Now, Mr. Speaker, what followed after the original formation of this Federal Government? New States were indeed taken, but upon what terms? Upon equal terms. Why? Because the annexed Territories were contiguous Territories of very great fertility and natural wealth and immense prospective growth of population. They all fulfilled the prospect with which they were admitted. Then presently came the great slavery agitation; then the two sections of the country were struggling for control of the Government, and first one took in one slave State upon the South, and then the other a free State upon the North as opportunity offered to add strength to their side in the Senate of the United States.

Those reasons which addressed themselves to the discretion and justice of Congress have ceased. And in this connection I beg to call the attention of the House to a fact I think we do not enough consider, and that is that the result of the great civil war of the country has been to largely change the nature though not the form of our Government. Here are now great States, comprising a territory larger than France, which have been constructed and reconstructed and shut out of and readmitted to the Halls of Congress. From one of these States we have lately had an application to have the Federal Government take possession of and again reconstruct it. The other day came an application from rival governors in another of these States asking the President to declare which of the two claimants should have the control of the State, and as soon as the decision of the Executive was flashed along the wires it was at once accepted by both parties as conclusive. So that in effect the power of the Federal Government over those States has come to be regarded as almost absolute.

Then, after that, it should be remembered that the Federal Government has taken possession of all the money and the currency of the country. It banks, and monopolizes all the banking business. It declares what shall be received as the measure of value and the medium of exchange; and that is the greatest of all powers that can subsist in any commercial country. Then, beyond that, we have had the Supreme Court of the United States declaring that Congress is under no restriction to respect the obligation of contracts. We have had its formal decision that it may impair and destroy vested rights and the agreements into which men enter; that, in regard to transactions which heretofore had been held sacred from the interference of legislation, Congress has absolute authority. And then, contemporaneously with that, we have had growing up the disposition to enact special legislation by Congress and to have it interfere by legislation everywhere; until only last week, when it became necessary to pass a river and harbor bill, gentlemen like myself who supported the motion to suspend the rules were compelled to submit to the passage of a bill already objectionable, without a word, rather than run the risk, if the bill was made open to amendment on the floor of the House, that it would be swelled by gentlemen from all parts of the country and both political parties, anxious for aid by the Federal Government for their particular localities, to even larger appropriations than it had when reported from the committee.

Mr. BIERY. If the gentleman will yield to me for a question, I will ask him this: Does he mean to say that a Territory, so long as it is under territorial government, is more independent of the United States laws than when it becomes a State?

Mr. POTTER. I was not aware that I had said that.

Mr. BIERY. I understood the gentleman to make that point.

Mr. POTTER. No, sir. The precedents for the admission of new States seem to me, Mr. Speaker, to have wholly ceased under the existing condition of things to have any force whatever. Nobody in the South at any rate ought now to have any desire to increase the influence of the small States in the Senate of the United States. They have, I hope, had in the South experience enough of the disproportionate influence of the small States of New England in the Senate to make that section of the country unwilling to introduce other States to swell the control which the minority of the people of the United States now have in that body over the majority. What is the condition of things in the Senate of the United States to-day? Two Senators from my State representing about five millions of population in round numbers, find themselves equaled and neutralized in all votes in the Senate by two Senators from Nevada with an actual population of less than one hundred thousand. In the Senate of the United States there are now seventy-four Senators, and of those seventy-four Senators sixteen come from a majority of the people, and fifty-eight come from a minority of the people. The States of New York, Pennsylvania, Ohio, Indiana, Illinois, Missouri, and Kentucky, with Massachusetts, being eight States in all, having, by the last census, a population of 19,290,155, having a contiguous territory of not more than twelve or fourteen hundred miles one way by some three hundred the other, now contain an actual majority of the people of these thirty-seven States and ten Territories; and not only a majority of all the people but a very large majority of the wealth, the industry, and the trade of the country, and are in the aggregate increasing in those elements faster than the rest of the country——

Mr. HEREFORD. Will the gentleman from New York yield to me for a question?

Mr. POTTER. Certainly.

Mr. HEREFORD. I understand that the ground of the gentleman's complaint is that the State of New York has on the floor of the Senate only the same number of Senators as Nevada. That is in accordance with the theory of our Government and with our Constitution. Do I understand the gentleman from New York to desire to change the Constitution in that respect? If he does, I would say that that would tend to centralization more than any or all of the outrageous acts he complains of.

Mr. POTTER. I will answer the gentleman from West Virginia. In my judgment it is not according to the theory of the Constitution to extend that equality to every new Territory. No such theory can be found in it.

Mr. HEREFORD. It was on that that the great fight took place at the formation of the Constitution. It was maintained that each State should have two Senators on the floor of the Senate to represent the sovereignty of that State. That sovereignty I desire to protect, and I say that to-day the sovereignty of the States represented each by two Senators prevents centralization.

Mr. POTTER. In one regard the gentleman from West Virginia is right. It was acceded to on account of the necessity of the case; it was also advocated on the ground that States were to be sovereign; and that when Congress dealt with matters affecting all the States, they ought to be protected by having equal representation in the Senate. But I am not advocating depriving existing States of their equal representation in the Senate. I am only objecting to at this time taking in another sparse State to add to the existing inequality without cause or reason. And, besides, will the gentleman from West Virginia pretend to tell me, in view of the changes of the last ten years, in view of the absorption of power by the Federal Government, that the condition of things which existed in the last century exists any longer? It is exactly because it is changed that the reasons which were in force then no longer apply? The physical condition of things in the country has changed also. Three millions of a poor and sparse people, scattered along the Atlantic sea-board in States separated from each other by weeks of travel, having none of the modern means of intercommunication with each other, have grown now to be forty millions, knit together by the steamboat, the railway, and the telegraph, until all parts of the land are in instant communication with each other, so that to-day the President of the United States can in Washington discipline the remotest office-holder in Oregon as effectively as he can a clerk in the Treasury Department on Pennsylvania avenue. These changes in the physical condition of the country have created centralization in the Government.

The theory of equality among States is right. I was myself an extreme State-rights man. I am free to declare what I presume few men in the House would venture to admit, that if I was now to make a constitution for the future government of rising States, I would put a provision in it whereby a certain number or proportion of the States might go out of their Union whenever they pleased; for I believe that good government can in the long run only be maintained by its being in accordance with the interests of those who are under it. I am convinced that whenever the real interests of a great section prompt it to go out of such Union it should be allowed to go.

But notwithstanding these views it seems to me idle to any longer talk about the legislation of Congress being the legislation of sovereign States. Congress votes hundreds of millions of dollars every year; you declare the measure of values; you establish the banks and mediums of exchange; you are charged with the construction and maintenance of public works. And in all this distribution of patronage and power it is proposed by this bill that the representatives of eighty-five or ninety or one hundred thousand men shall neutralize the influence and votes of five millions. As I said before, here is a legislative body in which sixteen men represent a majority and fifty-eight represent a minority. It is the most absurd thing possible to call such a government a popular government. It has in a great degree ceased to be the government of a majority and become the government of a minority. And just in proportion as Congress, instead of confining itself to legislating about national matters, deals with special and local matters, and just as fast as new States with small populations are admitted, the range and the extent of this evil is increased.

The theory of this Government, the fundamental theory, is that of a popular government, a government to preserve the rights and represent the wishes of the people. But we have gone on without regard to that fundamental principle until to-day we find ourselves in the condition I have stated, and all the time it is spoken of as a popular government. As such, it is in this respect one of the most absurd governments on the face of the earth, and gentlemen propose now to make it more absurd by introducing Territories with this mere handful of people, and giving them the right to send two representatives each into the Senate of the United States.

I understand that with the great physical prosperity of the country such gradual changes are not observed. The attention of men in these hurried days is but too rarely given to the fundamental principles of government. But the time will come when this thing will not be longer tolerated. Every new State forced into the Union with its two members in the Senate of the United States will be a reason for coercing attention to this matter by the great States. What is the inevitable result of the further introduction of small States but to unduly reduce the influence of the older and larger States? Besides this, do not gentlemen know that the inevitable result of giving to the people in those small Territories—I mean Territories with but a small population—representation in the Senate of the United States must be that they will be controlled by influences exercised by men of wealth? I heard it stated not long ago that one of the Senators of a certain State had not been in the State in two years before he was elected. Who are the men elected to the Senate from these small Western States? Are they men who control the railways and mines and wealth of the States or not? Do we desire to repeat the experiment of Nevada, when after all the years that have followed her admission there is still a population not half so great as in some agricultural counties in my State?

Mr. WHITEHOUSE. Does the gentleman suppose that the eligibility of a Senator or Representative is to be weighed and measured by his wealth?

Mr. POTTER. I should be very sorry to consider that great wealth was an objection to a man being elected a Representative in this House, for I should then be debarred from the valuable association of my amiable colleague [Mr. WHITEHOUSE] who has just addressed me.

Mr. WHITEHOUSE. I will, with the permission of the gentleman, call his attention to another remark which he made. He referred to the fact that many of the people of New Mexico could not speak the English language. Where would he draw the line of demarkation? Would he do it by language? Would he do it by blood? Would he do it by wealth? I believe that the greatness and glory and power exhibited in this American nation resulted from the intermixture of races and of blood. Where would the gentleman draw the line?

Mr. POTTER. There are gentlemen on this floor who could have suggested the same thing even more naturally and feelingly than my colleague has done. He and I need not, however, differ about that. I do not object to the admission of New Mexico because of difference of language. My colleague probably did not hear that part of my remarks, or he would not have interposed his question now. I merely alluded to the difference of language and race as an indication that that portion of our country was not likely to have the same rapid growth as other portions of the United States.

Mr. CROUNSE. Allow me to inquire of the gentleman if we are to understand from what he says that the Legislatures of Western States are more apt to be purchased than is the Legislature of New York?

Mr. POTTER. The gentleman does not embarrass me with any such inquiry. If he had served with me longer I think he would have realized that whatever else I do, from whatever source I seek to draw arguments, I never seek to draw them from personal application to any set of men in this House or the evil conduct of any particular communities they represent. What I said was, and in that I do not think the gentleman from Nebraska [Mr. CROUNSE] will differ with me, that, as a general thing, small communities holding in their gift a prize as great as two Senators of the United States offer more inducement for the attention of and control by men of wealth than those communities where four or five millions must be controlled before a man can be elected as a Senator. That consideration is general and arises from the nature of things, and applies generally to all communities.

Mr. CROUNSE. Without explanation the gentleman's remark would leave the impression that Western States were more easily controlled by men of wealth than Eastern States.

Mr. POTTER. When an effort is made to introduce a State of small population from the East or the North, the gentleman will find me as earnest in my opposition to it as I am now to the admission of New Mexico.

Mr. MAYNARD. This matter of the admission of new States comes up now not as a new question by any means. The principle has been long established of admitting any Territory as a State when it is found to have a population equal to the ratio of congressional apportionment for the time being; and no Territory prior to Oregon was admitted with a less population than the then existing ratio of representation. Florida was an apparent, but not a real exception. At the time she made her application Florida had a population equal to the then existing ratio; but her application was delayed until a new apportionment was made, which established a ratio greater than her population, so that the principle which has been observed was not violated in the case of Florida. It was violated in the case of Oregon; it has been violated in one or two instances since—notably in the case of Nevada. Now, I ask the gentleman from New York [Mr. POTTER] whether he is prepared to depart from this principle, and whether he controverts seriously the statement that the Territory of New Mexico has at the present time a population more than equal to the present ratio of representation? Because upon this fact will depend my vote in this case.

Mr. POTTER. I answer that I do controvert very seriously the statement that New Mexico has any such population, because the census of 1870, the latest authority, shows a population of only some ninety-one thousand; and if it has taken that Territory twenty-six years under the United States Government, and I know not how many years under Mexican rule, to attain that population, the same ratio of increase could not possibly bring it up to one hundred and thirty-five thousand by this time.

Mr. MAYNARD. But the assertion is that the increase has been very rapid since the census was taken.

Mr. POTTER. I once resided in the western country, and am quite familiar with assertions of that character in regard to the remarkable growth there of particular localities.

As to the other part of my learned friend's inquiry, I do controvert also the principle to which he alludes. I remember very well that the usage in some cases was as he states, but it was departed from; and when I sought to reform the action of Congress by an enactment in the Forty-second Congress I had the gentleman's opposition. I am glad he is now so far converted as to be in favor of that provision requiring at least population enough for one Representative according to the general quota. Now that is the law, he wants to know whether I am not satisfied with it. I frankly say that I am not. It would not make any difference, so far as regards my opposition, if New Mexico had two hundred thousand population instead of one hundred thousand. If New Mexico promised to be shortly a great State, bearing in the early future some sort of relation to the great States in which is collected the great mass of the population of the country, I could see some reason for admission; but until then I say that since in the Senate of the United States, in which the majority of the population have but sixteen representatives while the minority have fifty-eight, we have already gone far enough from a republican form of government, it is time to stop. Above all, it is time to stop unless there is some great reason for going further in the direction of minority government.

Mr. COBB, of Kansas. Is not the gentleman cognizant of the fact that within the last four years the Kansas and Pacific Railroad, the Rio Grande Railroad from Denver, and the Atchison, Topeka and Santa Fé Railroad have all gone out toward New Mexico, even to the boundary of it, and have carried a large amount of immigration into that Territory since the census of 1870?

Mr. POTTER. I am not familiar with the euphonious nomenclature which is applied to the railroads of that country; but I have no doubt that if the gentleman from Kansas says it is so, it is so.

Mr. CRITTENDEN. Will the gentleman from New York permit me to ask a question?

Mr. POTTER. Certainly.

Mr. CRITTENDEN. Do I understand the gentleman to say that no other Territories will be admitted as States, or that he will not consent to any other Territories being so admitted?

Mr. POTTER. I did not say they would not be; I said I thought they ought not to be, without reason. I did not say I would not consent; for unfortunately the power is not with me to consent. But I certainly oppose such admission.

Mr. CRITTENDEN. Do I understand the gentleman to say that he would not admit any other Territory even if its population amounted to two hundred thousand?

The SPEAKER. Does the gentleman from New York yield?

Mr. POTTER. I desire, Mr. Speaker, of course nothing but to get at the truth; hence I allow myself to be interrupted in all directions and without regret; and so long as I may be allowed to speak I shall continue to do so.

I want to be perfectly frank on this question, because to my mind it is a great question that we are called upon to meet. I do not believe that we can long continue to govern a country like this by a minority of the people. I want to call the attention of the House (and I will answer my friend's question later) to the fact that we are now through our great civil war, and we have necessarily settled the issues which were to a large part involved in that struggle. The great question of slavery, which for nearly thirty years divided the country, is to-day dead. Men who took part in the struggle upon that question may talk about it, but it is irrecoverably dead. You can never restore slavery, and it is useless therefore to seek to revive the questions of slavery. Other questions connected with it are also questions of the past. In the same manner the question of States rights, according to the construction which some (shall I say some of us?) gave to it, has passed by. As certainly as that this world goes round, the people of these United States have determined that, Constitution or no Constitution, these States shall stand together as one. I think that nobody, whether he likes the result or not, can dispute this fact.

Now, sir, at a time when our Government is becoming every day more and more centralized, (for I find that gentlemen on this side upon questions not purely theoretical are as prompt to have their constituents helped out of the public Treasury as are gentlemen on the other side;) at a time when I find myself, with my notions of local government, co-operating in that direction frequently with a chosen few of the gentlemen on the other side of the House, what are the issues coming up in the near future? I think one main issue should be the limitation of the power of the Federal Government. How? By strict construction merely? No; because strict construction in the eyes of the American people means denationalization of the Federal Government, to which they will never submit. We can have successful limitation of the Federal Government hereafter not by reversing the construction and decisions of later years, but only by a proper amendment of the Federal Constitution. Is there no occasion and demand for this? What is the experience of every State of this Union? With the growth of population and wealth corruption has grown up in the form of special legislation, until State after State has been forced to incorporate into its constitution a limitation on the power of the legislature so as to preserve the rights of its people. Just as certainly is the Federal Government tending in the same direction. Already in Congress measures of special legislation begin to abound. Already we are beginning to charter corporations and grant special privileges. Your committee-rooms, Mr. Speaker, are to-day full of such bills. And just so surely as this policy continues and special legislation is increased and developed, Congress will draw from the State capitals all the lobbyists to cluster about it here in Washington; so that if this legislation goes on we shall necessarily have about this Capitol a condition of things as much more corrupt than that which has existed in any State capital as the power of Congress is greater than the power of any State. This is not a question of parties or of persons; such is the necessary result of things. The power of this Federal Government must be further distinctly limited if we are to have good and pure government by Congress.

Well, sir, the people are beginning to consider that. I met an assembly of gentlemen who belong to the political organization I belong to not long ago in New York, and several of the leading men I talked with referred to the coming necessity of either amendments to the Constitution or a convention of the States. I do not now see that it will be necessary to have a convention of the States. The fathers who framed the Constitution for the government of three millions of people scattered along the sea-board knew that a time would come when the machinery they provided would require change, and they wisely put into their Constitution a provision for its amendment. Not that they intended their children to depart from their fundamental principles of government. No; but they intended their principles might be preserved by providing for changing their application according to the changing condition of things by this very process of amendments to the Constitution.

Whether it will come to a convention of the States or an amendment of the Constitution of the United States I know not, but certain changes in the Federal Constitution will have to come if gentlemen wish to preserve good government in this country. It is idle to suppose this business of special legislation with all its corrupting influence can go on for ever as it has been going. It is idle to suppose the President can always continue to hold eighty thousand offices in his hands which he can fill and vacate absolutely as he pleases, and which is a power in itself now large enough almost to secure presidential nominations and elections, and yearly increasing. It is idle to suppose that the continued growth of those artificial creatures authorized to perpetuate accumulations of property, the great corporations already so dangerous, can always be suffered. If we are to have real reform these things must be changed. The time has come to limit the Federal Government, and it will be done just as soon as the people have their attention sufficiently aroused to its necessity. Do you suppose when men come to give their attention to the subject they are always going to allow two representatives from New Mexico to counterbalance and offset two representatives from Pennsylvania or New York? Somebody said to me this morning that a change of representation in the Senate could only be brought about by revolution. If that be so, what then? Does it not occur to gentlemen that in this little strip of eight contiguous States, Massachusetts to Missouri, lies a majority of the wealth and power of this Union? If they should take it into their heads to go out of the Union, who can keep them in? And if a reform in this growing abuse of control by the minority over the majority could only be secured by revolution, why then, when they resolved on such revolution, it would be alike short, successful, and peaceable.

When the time comes that the people desire such a change, then this Government will be changed in these regards. Gentlemen from small States who do not want the equality of State representation in the Senate changed, are making the greatest mistake in the world when they lend their assistance to force into the Union small Territories to balance in the Senate the votes of the great States.

Mr. CRITTENDEN. I ask the gentleman from New York whether he would as a Representative of New York, or as one of the Representatives of the State of New York, be willing to have any Territory come into the Union as a State even with a population of two hundred thousand?

Mr. POTTER. I answer frankly that I am, for myself, absolutely opposed to the admission of any State with a population of two hundred thousand, to come in upon equal terms with the great States in the Senate of the United States, without some controlling reason for its admission. I cannot conceive in the existing condition of the Government any such reason. I declare in my mind it would be an unwise and suicidal policy on the part of the great States to admit any small States while State equality in the Senate continues, and, on the other hand, it would be in the long run found a most suicidal policy on the part of the small States to insist upon it. Is the gentleman answered frankly?

Mr. CRITTENDEN. Very frankly. You would exclude a Territory with two hundred thousand population, and if you would exclude a Territory from admission as a State with two hundred thousand population, would you exclude a Territory having a population of a million?

Mr. POTTER. That would depend entirely on circumstances and the general interest of the whole country at the time.

Mr. MAYNARD. The thought I should like to suggest to the gentleman from New York is this: New York, the Empire State, is always heard on applications like this, and apparently her voice is entitled to be heard, but she will please recollect, when she by her Representative speaks of small States, that these small States do not all lie in the West, but are scattered along the sea-board all the way from New Hampshire to Florida. When the gentleman comes from New York urging he has from his State in the other end of the Capitol but two representatives, he should remember there are six States lying directly east of him, identical in interest, having twelve representatives, with a population scarcely more than his own. The same principle applies along the sea-board, to a greater or less extent, quite as forcibly.

Mr. POTTER. My distinguished friend need not remind me of that. But those small States were original partners. If Rhode Island were to come now and apply for admission I would be as prompt to oppose it as I am New Mexico; not because it was part of New England, but because it was too small in the existing condition of things to be admitted as a State.

Mr. MAYNARD. Shall we who have had the good fortune to get into the partnership shut the door against the admission of any other?

Mr. POTTER. Does my friend when he has built up a great business and some individual applies to him to be admitted as an associate—does he take him in on the same terms as he would have admitted a partner before his business had become a great success? If my friend from Tennessee does that, I would be ready to advise some of my neighbors to remove to Tennessee to go into business with him.

Mr. MAYNARD. The gentleman is now arguing the case on a much lower plane than I supposed he would have put it.

Mr. POTTER. On a smaller scale certainly, but on an analogous plane. The ground on which the original States formed the confederation of States in this Union was their own interest and self-government, meaning the interest and self-government of their peoples. Why should the people of the State of New York or the State of Pennsylvania or the State of Tennessee have their influence in the Government, their share in the Senate, neutralized by the admission of a handful of people on the Pacific, or for that matter the Atlantic coast?

Mr. MAYNARD. But I beg to suggest that when we are legislating for centuries, for long ages it may be, it is hardly commensurate with the importance of the subject to draw similes from the little personal gains and advantages that we may derive from ordinary traffic.

Mr. POTTER. When the centuries shall have developed in New Mexico a great and growing State, there will then be some analogy in connection with its admission into this Union with the case of Kentucky and Tennessee.

But the gentleman from Tennessee said the voice of New York was always heard upon this question of the admission of new States. And why not?

What, sir, would have been the fate of this Union in the great revolutionary war if New York had not taken part in that struggle? The historian, Sparks, told a friend of mine that in all his historical researches he has found no greater instance of self-abnegation on the part of a community than was shown by New York when she came into the Union. Commanding from her situation the avenues of communication between the lakes and the ocean, where she might have levied tolls on all the trade between the seas and the basin of the lakes, she took her position in the Union upon a footing of equality with all the other States. When since has she been outdone in patriotism and self-sacrifice? Not surely in the war of 1812, nor indeed in the late war of the rebellion, when she contributed to the common cause a quota of men and money larger in fact and larger in proportion than any other State of the North.

Sir, such a State has a right at any time, it seems to me, to assert in the interest of her people, through her Representatives, and that nothing, can be worse for the people of New York than to have their two chosen Senators met in the Senate and their voices stifled and votes neutralized by the representatives of a handful of men, whether they live on the one ocean or the other.

Mr. MAYNARD. Will the gentleman allow me to remind him that the great men in the early days of his State, and Alexander Hamilton, the greatest of them all, foresaw the condition of things that he indicates, and foresaw a much greater future by casting in their fortunes with the little States and little handfuls of people that the

gentleman speaks of, and that the people of his State have thereby made themselves what they now claim to be, and I think with propriety claim to be, the Empire State of the Union? But the same generous policy that animated the great men of that day could hardly, it seems to me, have dictated the sentiments which the gentleman has uttered here this morning.

Mr. POTTER. If the gentleman thinks that New York or Tennessee will be made greater than either is now by admitting two Senators from the State of New Mexico, he is welcome to his opinion. But as for Mr. Hamilton, let me say that in the constitutional convention he declared his apprehension even as to the representation of the then existing States in the Senate, and his own wish that he could wipe out State lines altogether; and it was only because it would shock public sentiment that he did not propose it at the time. He submitted to the necessity of State equality in the Senate. The gentleman from Tennessee must fail to find in existing circumstances any necessity for extending that inequality to New Mexico.

Mr. G. F. HOAR. I desire to ask the gentleman from New York a question right in the line of his allusion to Mr. Hamilton. Is not the gentleman's whole argument, considering what the States were when the Constitution was formed, an argument against the principle on which this Constitution itself was formed? Is not that the whole of it? That is, did not our fathers frame this Constitution on the principle that little States and great States should meet as equals in the Senate?

Mr. POTTER. They did frame it on that arrangement as to the States then existing, and because no other arrangement would have been tolerated. I do not suppose they so framed it because they desired to make the influence of Delaware equal to that of New York or Pennsylvania, but because it was the best thing they could do. And the inequality that then resulted was vastly less in their time, both because the range of legislation was narrower and because the States were more nearly equal in population.

Mr. G. F. HOAR. Then does not the gentleman think that in admitting new States Congress ought to act upon that principle on which the Government was originally framed?

Mr. POTTER. No; not unless the circumstances were the same, whereas they are wholly different. I am not opposing the representation in the Senate of existing States, but the addition of any more small States.

Mr. G. F. HOAR. I desire to say to the gentleman that I am as much opposed to the admission of New Mexico as he is, but I am very sorry to hear his arguments.

Mr. POTTER. I do not expect that the gentleman from Massachusetts will agree with me in his political views. I am happy, however, to know he is now opposed to what I consider would be a great misfortune and evil, and trust he will give his own reason for it. But I want to say on that subject, right here, that if you put this Government back to the State-rights constructions in which I believed, and put the Federal Government under such limitations as it ought to be put under, then you can safely go on annexing Territory to Territory and adding State to State, and it will make little difference whether they are big or little. But it is precisely because you have centralized power in this Government and increased the range of its legislation that things are not in the same situation as when the Government was formed.

For myself, I believe in a government of States. And it is because I do believe in such a government that I seek to resist the admission of more small States, when I think their equal power in the Senate must have the effect of, in time, working injustice and dissatisfaction, and so tend to break down the powers and rights of the existing States.

And here let me say that I am far from objecting to a Federal Senate. On the contrary, I believe in two legislative Houses, whose concurrence shall be essential to any law; and that one should be composed of persons of more permanent tenure of office than the Representatives in this House, and be chosen by the Legislatures of the States rather than by the people directly. What I do object to, is the increase of the disproportionate representation already too great in the Senate of the minority of the people, the evil of which increases exactly as government is centralized. Every State has a Legislature with two houses. But in almost all the States the members of the upper house or senate are chosen in proportion to population. Such a senate is at least as republican in form as the existing United States Senate, the equal State representation in which was originally largely the result of a necessity which has long ceased to exist.

I rose to speak but a few moments, but owing to the indulgence and to the interruptions of the House combined I have occupied far more time than I intended, or than I have occupied upon any previous occasion. I have very strong feelings on this question. It is not a question of to-day, but one in reference to the future. If gentlemen in this House believe that there is to be a great State built up in New Mexico by the development of railroads to which the gentleman from Kansas [Mr. COBB] has alluded, then they may find some excuse for favoring this bill. But if they think, as I do, that these twenty-six years of slow growth, producing only a community of small population, is an indication that she will remain but a sparsely settled State, with barely population enough for a single Representative in this House, to say nothing of the two members of the Senate which will be given them, then I trust they will conclude as I do, and regard this bill as a dangerous proposition.

I say to the House that popular government cannot very long be maintained in a great country like this when controlled by a minority of the people entitled to suffrage——

[Here the hammer fell.]

Mr. McKEE. New Mexico is much obliged to the gentleman from New York [Mr. POTTER.] I now call the previous question.

The previous question was seconded and the main question ordered.

Mr. McKEE. I propose to call for a vote in fifteen minutes. I yield five minutes to the gentleman from New York, [Mr. HOSKINS.]

Mr. HOSKINS. When action was taken on this bill in the Committee on Territories, of which I have the honor to be a member, and it was decided to report it favorably to the House, I did not intend for one single moment to occupy the attention of the House in discussing it. I should not now rise and ask the attention of the House for a few moments were it not for the extraordinary remarks on this question which have fallen from my distinguished colleague, [Mr. POTTER.] I do not propose to follow that gentleman in the line of his remarks in discussing questions that have been dead and buried for years, the question of State rights and other questions growing out of that which agitated the country before the late war of the rebellion. I will confine myself to the question now before the House, as it is always my custom to discuss the question under consideration.

The Constitution of the United States declares that "Congress may admit new States into the Union." Of course this is a discretionary power, and in the wise exercise of that discretion should we approach the consideration of the bill now before us. There are but just two propositions connected with this matter, so far as my mind has been led to investigate it. The first is whether the people of the Territory of New Mexico that now come here asking to be admitted into this Union as a State represent the requisite population to entitle them to a Representative on this floor. The other question is whether the population of the Territory of New Mexico is of a character which entitles it to consideration, and which would indicate that they are in a condition for self-government.

My distinguished friend from New York [Mr. POTTER] in his remarks has attempted to show that the Territory of New Mexico has not the requisite population to entitle it to a Representative in Congress according to the present ratio. I propose to examine that question and see just how the matter stands.

In 1850 the population of New Mexico was 61,547. In 1860 it was 93,516, showing that in the ten years between 1850 and 1860 the population of that Territory had increased at the rate of 50 per cent. Between 1860 and 1870 the Territory of Arizona was organized and taken from New Mexico, carrying with it a population of 9,000 souls. Within the same period the northern tiers of counties were taken from New Mexico and connected with Colorado, carrying with them about 16,000 souls. Taking those two populations and adding them to the population of New Mexico proper, we find that in 1870 the Territory of New Mexico as formerly organized had a population of 118,000, showing an increase of about 30 per cent. between 1860 and 1870.

I make these remarks for the purpose of forever silencing the statement of the gentleman from New York [Mr. POTTER] that there had been no relative increase in the population of this Territory from 1860 to 1870. The census of 1870 shows that the population of New Mexico, decreased in square miles as it has been, was over ninety thousand. And there is not a gentleman on this floor who does not know that in a sparsely populated country like New Mexico it would be utterly impossible and impracticable to reach the population of all the minor districts for the purpose of taking a census. Why, sir, I well recollect that it was charged that in 1870 the census in the city of New York was not properly taken; and if it was not properly taken there, was it fully and thoroughly taken in this sparsely populated Territory? It is estimated, Mr. Speaker, that at least ten thousand people actually residing in this Territory were not enumerated in the census of 1870; and, with this addition, the net population in that year, excluding all the Indians, was one hundred thousand. Now, supposing there has been the same relative increase from 1870 till this time, a period of nearly four years, the population to-day is at least 30 per cent. greater than it was when the census was taken; so that it is fair to suppose that the present population of New Mexico is not less than one hundred and thirty thousand.

Besides, there are in that Territory over ten thousand Indians, civilized Indians, many of them men of wealth, who have been a long time engaged in agricultural pursuits, and are among the best citizens of the country. If you add these, you have in the Territory of New Mexico to-day a net population of over one hundred and forty thousand respectable, enterprising citizens. Now, Mr. Speaker, if it be a fact that in this Territory there is to-day at least a population of one hundred and thirty thousand, I ask why, in the name of common sense, we should deny the appeal when they come here asking to be admitted into the sisterhood of States?

There are within that Territory over forty thousand people who are American-born or of European descent. Of the Mexicans and Spaniards there to-day most of them were born there, are the descendants of those who have occupied the soil for centuries; and they are among the most energetic and enterprising people on the face of the globe.

They have long been engaged in agriculture; many of them are men of wealth, and all these Mexicans and Spaniards who are under twenty-five years of age are able to speak the English language. The children of these Mexicans and Spaniards are now being educated in more than one hundred and fifty public schools of that Territory; and they are fast learning the English language; so that those who shall live to see the next census taken will see in that Territory not only a population of much more than one hundred and forty thousand people, but a population the greater part of whom will be familiar with the English language.

Sir, as one of the thirty-three Representatives of the great State of New York, I desire to say to this Congress of the American people that in my judgment the State of New York is ready to take by the hand these struggling settlements in the western country, and admit them on an equal footing with the original States whenever they present themselves with the requisite population and a constitution republican in form. We in the State of New York are a great people; we have vast population and vast wealth; and I believe from my soul that the people whom I represent would favor the admission of this new Territory into the Union as a State.

Before closing I wish to call attention to one significant fact: that at the last election for Delegate in Congress more than seventeen thousand votes were cast in New Mexico. This number is much in excess of the votes cast in many congressional districts in the States, and goes to show that the population has not been overestimated.

In view of the fact that this Territory has a much larger population than many States heretofore admitted and the requisite number for a Representative in Congress, and that her people are believed to be fully capable of self-government, and the additional fact that that whole country is filled with mineral wealth—lead, copper, silver, iron, and coal—which can only be developed when the people shall be allowed to throw off their territorial form of government, emerge from their pupilage, and assume the condition of a sovereign State, I for one am willing to vote for this bill, and allow her to come into the Union with all the rights, privileges, and responsibilities of a free and independent State.

Mr. McKEE. I now yield five minutes to the gentleman from Massachusetts, [Mr. G. F. HOAR.]

Mr. G. F. HOAR. Mr. Speaker, the Constitution submits the question of the admission of new States to the discretion of Congress. It seems to me that Congress, exercising this discretion, ought not to admit the Territory of New Mexico as a State for two good and sufficient reasons.

In the first place, by the census of 1870 there are in that Territory 66,464 persons over ten years of age; and of that number 52,220, or about five-sixths, cannot read and write. A very large proportion of the inhabitants of that Territory cannot speak the English language.

Now, while it is true that no man should be debarred from the privileges of citizenship because he speaks Spanish only, or because he cannot read or write, (and to the number thus returned in that Territory we may safely add a large percentage, because people frequently say they can write when they can only write a word or two, their own names perhaps,) yet it seems to me that when Congress is considering the question whether the people of a Territory shall be formed into a State of the Union, the fact that they cannot perform the duties of American citizenship by voting intelligently on public questions, the fact the great body of them cannot understand the laws of the country, cannot read the discussions of political questions, cannot obtain information about their interests from newspapers or magazines, constitutes a strong reason why we should require such a community to wait for admission until they are better prepared.

There has been no public-school system in that Territory until within three years. A very few years ago the question was put to a vote of the people there whether they should have a public-school system, and the decision was in the negative by a large majority.

Mr. ELKINS. That was fifteen years ago.

Mr. G. F. HOAR. That may be; but still the fact remains. Within two or three years a school system has been established in the Territory, and very soon, when the young men educated in those schools shall have grown up, it may be proper to provide for the admission of this Territory.

As regards the question of relative population, I do not agree at all with the argument of my friend from New York, [Mr. POTTER.] I do not find fault because Delaware or Nebraska or Rhode Island has an equal vote with Massachusetts or New York in the Senate of the United States. That is in pursuance of the constitutional provision, and in my judgment it is a provision to which the glory and prosperity of this country are largely due.

I utterly repudiate the ground taken. It seems to me it is not discreet to incorporate it. While we are obliged to go down to Arkansas and lay the strong hand of Federal power to keep down mobs there, while we are obliged to do the same thing in Louisiana, while we are asked to do almost the same thing in other States, while our popular Government is going through this terrible ordeal, just getting through a civil war, it is no time to admit into our community of States this little community, this little population of one hundred and twenty or one hundred and thirty thousand inhabitants including Indians and all. It does not exceed one hundred and fifty thousand, of which five-sixths, by the last census, over ten years of age, cannot read or write, and of whom so large a proportion cannot speak the English language.

Mr. McKEE. I now yield to the gentleman from Iowa.

Mr. KASSON. Mr. Speaker, I wish to call attention to the suggestion that these people of New Mexico ought not to be vested with the right to vote upon the ground that they cannot read or write. I ask the attention of my friend from Massachusetts [Mr. G. F. HOAR] to the fact that in most of the Southern States of this Union, where an immense proportion are unable to read, the very party of which he is a distinguished representative has said over and over again they would not make that a test of qualifications for exercising the right of suffrage.

Mr. G. F. HOAR. I made no such statement. I said that a population the larger proportion of whom could not read or write or speak the English language would be an objection to the admission of a State into the Union.

Mr. KASSON. What, then, is the difference between these modes of stating it? In either case the effect of the statement is this: The people of whom a large proportion cannot read or write ought not to be represented by votes upon the floor of Congress. Now, Mr. Speaker, I desire to say the republican party can take no such ground as that without going back upon their entire record; and it is enough to say that it impeaches the record made by that party during the entire period since the war in respect to the Southern States of this Union.

Again, as to the equality of good citizenship on the part of the people of New Mexico. Who are the people who are making the fights, the dissensions, the riots if you please, in the States of the Union and in the great cities? Will the gentleman from Massachusetts [Mr. G. F. HOAR] or any other gentleman point to one instance in the record of twenty-six years of occupation of New Mexico by Federal authority in which one building has been destroyed, one church or school-house assailed, one single violation by any part of that community of the laws of sobriety and good order? Educated or uneducated, let no injustice be done to an orderly, law-observing, and law-abiding people like those of the Territory of New Mexico. They may justly come here and say, "Compare us with those of Anglo-Saxon descent in respect to our obedience to law and our observance of order."

Uneducated if they be, do not they know whom they are electing to the floor of this House? If that be ignorance which characterizes New Mexico when they send a Delegate here like him to whom we have listened to-day, then let us beware we do not charge excessive ignorance upon a people who have had sense enough to send such a representative.

Let me turn for a moment to the argument of the gentleman from New York, [Mr. POTTER.] I ask him whether what he has said touching the representation of new States with small populations is just to the people of the West? I am willing to compare Senator with Senator from Western States and from New York in all the history of the last forty years. I will go further, and compare the purity of western Legislatures with that of the Legislatures of two or three of the States not many hundred miles away from the city of Washington. In reference to their representation in the Congress of the United States I do not think the gentleman from New York would desire that a comparison should be prosecuted very far touching that very State to which he referred, especially the State of Nevada, the illustration he used that the people of the West are too much in the habit of sending men of means to the Senate of the United States. I ask him whether his constituents above all others in the Union have not been loudest in their praise of one of these very Senators, nay of that very Senator himself, for having the other day made the ablest speech upon the financial questions of the country in the Senate, and a speech in support of their own views.

Mr. POTTER. I am frank to say that I join with the people of my State generally in an approval of the views of the Senator from Nevada to which the gentleman from Iowa has alluded, and in admiration of the vigor and manliness with which they were expressed. But I still insist that a condition of things which enables one man readily to control a State, however much it may have eventuated in the particular case in our favor or according to our view, is on principle a dangerous political condition of things.

Mr. KASSON. I by no means misrepresent or misunderstand the position of the gentleman. I understood him perfectly. But shall I point to one or two Senators elected from the State of New York within the last fifteen or twenty years, stated on the same authority and no other to have been elected by the use of means that were improper?

Mr. POTTER. I did not say that as a fact of anybody. All I said was that a small State is more easily subject to that sort of influence in respect to its choice of Senators.

Mr. KASSON. I will say in answer to the gentleman, no more than great and wealthy States are they subject to those influences. As to my own State and the State of Wisconsin, do we not remember that noble and honest man, Mr. Dodge, who was the first Senator that Wisconsin sent here? Do not I and others of us remember that other man, one of the first sent from the State of Iowa, James W. Grimes,

whose ability on the floor of the Senate was equal to that of the foremost Senator from any State of the Union, who long wielded power over the entire Navy of the United States as perhaps no other chairman of the Naval Committee ever did; a man who went almost unknown to the State of Iowa, and came back here and took his seat as Senator from the new State, and developed an integrity, an honesty, and a vigorous ability to an extent unsurpassed by the representative of any State in the Union? Shall I point to Benton, of Missouri, one of the five great men of the strongest era in the history of the United States Senate, who came as a Senator from a State with a population not one-third that of the State of New York. Shall I go through history, and point to Clay, of Kentucky, and others from the new States whose renown is a part of the history of the country?

And so going over the Senate of the United States, man for man, new States and old States, I will challenge comparison of ability and public service upon the testimony of history. And I say that the young, the vigorous, the intelligent population of the West, though they may not be educated in schools of learning as I wish they might be, do understand human character, and do know the men who will best serve their States and the country.

[Here the hammer fell.]

Mr. POTTER. If all that is necessary to make a good Senator is to have a small constituency behind him, the way to improve the Senators from our State would be to have fifty of them.

Mr. MCKEE. I yield five minutes to the gentleman from New York, [Mr. COX.]

Mr. COX. There is only one other man on this floor, at this time, who has voted to admit so many States into the Union as I have. I voted for the admission of Oregon, when it had a population of less than one hundred thousand. I voted for the admission of Minnesota. I voted for the admission of Kansas before she was fully entitled to it, and I voted for the admission of Nebraska. But out of all of those trials and tribulations in regard to the admission of States in those early days of Buchanan's administration, out of all that red sea of trouble we got some little good, because at the end of this struggle we agreed to a certain rule, and that rule was that a population equal to the ratio represented by a member of Congress should always be sufficient for the admission of a State, and that was entered of record and a joint resolution passed to give effect to it.

But, sir, while I believe that under the Constitution we have the fullest discretion in regard to the admission of States, I may have reasons to-day why I would not vote for the admission of New Mexico; but they are not the reasons altogether which were given in the eloquent speech of my distinguished colleague. I have only five minutes in which to respond to what my colleague has said. As I understood him, he took the ground that he would not under any circumstances vote for the admission of a State having a population of only two hundred thousand. That is not the doctrine of the people of the State of New York, as I understand it. Nor is it in accordance with the precedents, as I understand them, in this House or in the Senate.

In further elucidation of the sentiment of New York, my colleague—from whom I dislike to differ on anything—gave his peculiar theory of the Federal system—a theory which does not belong to the democratic party either of New York or of the North, and which has been settled by the arbitrament of the sword, as well as by judicial and legislative decisions. We have no more right to expel a State from this Union than a State has to withdraw from it. And so, on the other hand, a State has no more right to withdraw from the Union than you have to vote a State out of it. No platform of either party in the North ever held up such a heresy, and although it may have been enunciated with great force by my friend, yet I will say to him that it does not receive the sanction of the body of democratic gentlemen who have requested me to speak on this subject to-day, nor of their constituents at home.

I believe that the Union of these States was made one and indivisible; that there is no power to divide them, that if you seek by any amendment of the Constitution to tear these States apart you must do it by the prescribed mode written in the organic law, and even then it is doubtful whether you can tear these States apart by any such amendments. I have discussed that matter heretofore, and have taken the ground that by an amendment in the prescribed mode you can make any change you please; that you can elect the King of Dahomey as your king.

Mr. POTTER. I agree with the gentleman. I do not differ with him about the constitutional power. But I am at a loss to know to what portion of my remarks he has been referring.

Mr. COX. I have referred to what I understood to be the drift of the gentleman's remarkable generalization.

Mr. POTTER. Understood what?

Mr. COX. That you favored the theory of secession, and that a State could leave the Union.

Mr. POTTER. I said nothing of the kind. I did not even know that we were talking about secession; I supposed we were talking about the future.

Mr. COX. The report of the gentleman's remark will show what he said. I think I cannot be mistaken, for gentlemen all around me understood the same. If I was mistaken I am glad the gentleman stands on the same platform with me, that of our party. There are reasons why perhaps now it would not be wise to exercise this discretion.

Mr. PARKER, of New Hampshire. If the gentleman will allow me, I will say that I believe the gentleman from New York [Mr. POTTER] said that if he had the power to make a union he would make it so that every State could leave it at its will.

Mr. POTTER. Not exactly.

Mr. PARKER, of New Hampshire. I understood so.

Several MEMBERS. So did I.

Other MEMBERS. Not so.

Mr. POTTER. I said, generalizing, that if I had the power to make a government of States I would so arrange it that any set of States lying together, having reasonable regard to magnitude and the necessities of the case, might go out at pleasure; because I believe it would make a firmer union than a union resulting from law only.

Mr. COX. We heard enough of that talk before the war.

Mr. POTTER. I am sorry my friend differs with me.

Mr. COX. I will say, returning to the bill before the House, that I would not object to the admission of New Mexico as a State upon the ground suggested by the gentleman from Massachusetts, [Mr. G. F. HOAR,] and which was so admirably answered by my friend from Iowa, [Mr. KASSON.] And while we have Arkansas, South Carolina, and Louisiana to take care of, it would be a very good amendment to this bill to provide for their admission at the same time as New Mexico.

[Here the hammer fell.]

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. RANDALL and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 54, not voting 76; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Atkins, Averill, Banning, Barrere, Barry, Biery, Bowen, Bradley, Bright, Buckner, Bundy, Burchard, Burrows, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clements, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Crittenden, Crossland, Crounse, Crutchfield, Curtis, Danford, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Eden, Farwell, Fort, Foster, Freeman, Frye, Garfield, Giddings, Glover, Gunckel, Hancock, Harmer, Benjamin W. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Hays, John W. Hazelton, Hendee, Herndon, Hoskins, Houghton, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Kasson, Kellogg, Kendall, Knapp, Lampert, Lansing, Lawrence, Leach, Loughridge, Lowe, Lowndes, Lynch, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Mills, Monroe, Moore, Morey, Morrison, Nesmith, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Pelham, Pendleton, Perry, Pike, Thomas C. Platt, Poland, Pratt, Purman, Rainey, Rapier, Ray, Robbins, James C. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, John G. Schumaker, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Stanard, Standiford, Starkweather, St. John, Stone, Stowell, Strait, Thornburgh, Townsend, Tyner, Vance, Waddell, Wallace, Walls, Marcus L. Ward, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Wilber, George Willard, William Williams, William B. Williams, Wilshire, James Wilson, and Pierce M. B. Young—160.

NAYS—Messrs. Albert, Albright, Ashe, Barber, Beck, Bell, Bland, Blount, Bromberg, Buffinton, Clymer, Comingo, Cox, Darrall, Durham, Gooch, Eugene Hale, Henry R. Harris, John T. Harris, Hereford, E. Rockwood Hoar, Holman, Killinger, Lamar, Lawson, Lewis, Magee, McLean, Merriam, Milliken, Mitchell, Niblack, Niles, Hosea W. Parker, Parsons, Phelps, James H. Platt, jr., Potter, Randall, Ellis H. Roberts, Isaac W. Scudder, Sener, John Q. Smith, Speer, Sprague, Storm, Strawbridge, Christopher Y. Thomas, Todd, Tremain, Charles W. Willard, Wolfe, Wood, and John D. Young—54.

NOT VOTING—Messrs. Barnum, Bass, Begole, Berry, Brown, Burleigh, Benjamin F. Butler, Freeman Clarke, Clayton, Clinton L. Cobb, Creamer, Crocker, Crooke, Davis, De Witt, Eldredge, Elliott, Field, Hagans, Robert S. Hale, Hamilton, Joseph R. Hawley, Gerry W. Hazelton, Hersey, George F. Hoar, Hodges, Hooper, Howe, Hynes, Jewett, Kelley, Lamison, Lofland, Luttrell, Marshall, Martin, Maynard, McJunkin, Mellish, Myers, Neal, Negley, Nunn, O'Brien, Packer, Phillips, Pierce, Ransier, Read, Rice, Richmond, William R. Roberts, James W. Robinson, Milton Sayler, Scofield, Henry J. Scudder, Sloss, Smart, Snyder, Southard, Stephens, Swann, Sypher, Taylor, Charles R. Thomas, Waldron, Jasper D. Ward, Wells, Wheeler, Charles G. Williams, John M. S. Williams, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Woodford, and Woodworth—76.

So the bill was passed.

During the call of the roll,

Mr. WARD, of Illinois, said: On this question I am paired with Mr. HAZELTON, of Wisconsin. If present he would vote "no," and I would vote "ay."

Mr. DURHAM. My colleague, Mr. BROWN, has been called home by sickness in his family.

Mr. MILLS. I desire to make an explanation.

The SPEAKER. Is it anything connected with a pair?

Mr. MILLS. It is not.

The SPEAKER. Then it is not in order.

Mr. MILLS. I ask unanimous consent to make a personal explanation.

The SPEAKER The Chair is prohibited strictly by the rule from asking unanimous consent for anything during the calling of the roll. If that could be done, the roll-call might be interrupted indefinitely.

The result of the vote was announced as above stated.

Mr. MCKEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MILLS. Mr. Speaker, I sought the floor a few moments ago, before the vote was announced, to make a statement in reference to

a provision of the bill just passed. Some gentlemen around me observing the following words in the bill on their desks were determined to vote against it. The objectionable clause is as follows:

Provided, That the constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color except Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence: *And provided further*, That said convention shall provide, by an ordinance, irrevocable without the consent of the United States and the people of said State, first, that there shall be neither slavery nor involuntary servitude in the said State otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; secondly, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested, in person or property, on account of his or her mode of religious worship.

On my assuring them that these words were stricken out of the bill reported by the committee they voted for the bill, and I was anxious to state to them in time for them to change their votes that the bill at the Clerk's desk, strange enough to me, contained the words that I knew were stricken out in the committee on my own motion. I regret that I misled them, but it was because I have been misled myself. I now state in the hearing of all the committee, and they all sustain me, that the words were stricken out because the amendments to the Constitution covered the whole ground, and it was useless to keep that question perpetually open by legislative declarations. I myself and others in the House voted for the bill believing it was the one reported by the committee; but I now state to the House it is not the same bill.

The SPEAKER. The bill was read in the House at length.

Mr. MILLS. But as the Speaker is aware, it is often difficult in this Hall to hear even what is read by the Clerk.

ORDER OF BUSINESS.

Mr. POLAND. I desire to bring up the bill in relation to judicial proceedings in Utah.

The SPEAKER. The regular order is the bill reported by the gentleman from Ohio [Mr. FOSTER] from the Committee on Ways and Means for the repeal of the Sanborn contracts, on which the gentleman from Kentucky [Mr. BECK] is entitled to the floor. Does the gentleman yield?

Mr. BECK. No, sir.

Mr. POLAND. If gentlemen desire to go on with the special order, I do not undertake to antagonize it.

Mr. SPEER. The gentleman from Kentucky [Mr. BECK] yields to me that I may move to adjourn.

INTERNATIONAL ARBITRATION.

Mr. WHITEHOUSE, by unanimous consent, presented a memorial of the Society of Friends of Dutchess County, New York, praying that national disputes may be settled by arbitration; which was referred to the Committee on Foreign Affairs, and ordered to be printed in the RECORD.

The memorial is as follows:

To the United States Senate and House of Representatives:

Your memorialists, feeling confident that the war system of settling national differences is in direct violation of morality and Christianity, and largely detrimental to the best interest of all concerned:

We therefore respectfully ask you to prosecute appropriate measures for determining national disputes by just and peaceful arbitration, as a prevention of the cruelties and destructive barbarities inseparable from war.

Signed on behalf of Nine-Partners Quarterly Meeting of the religious Society of Friends, held at Poughkeepsie, Dutchess County, New York, the 5th day of Fifth-month, 1874, by the clerks,

JUSTUS C. HAVILAND.
PHEBE U. HAVILAND.

Mr. SPEER. I now move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUTLER, of Massachusetts: The petition of Mrs. Margaret S. Hastings, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. BUTLER, of Tennessee: The petition of Dr. B. F. C. Brooks, of Nashville, Tennessee, to be paid for rent and destruction of property in the late war, to the Committee on War Claims.

By Mr. DAWES: The petition of Julia E. Seeley, postmaster at Great Barrington, Massachusetts, for relief, to the Committee on Claims.

By Mr. DUNNELL: The petition of grange organizations of Olmsted County, Minnesota, for the construction of the Continental Railway, to the Committee on Railways and Canals.

By Mr. HOUGHTON: The remonstrance of settlers and pre-emption claimants in Round Valley, California, against the proposed legislation in reference to Round Valley recommended by Commissioners Cowan and SHANKS in their report, to the Committee on Indian Affairs.

By Mr. McDILL, of Iowa: Petitions from grange organizations of Adams County, Iowa, for the construction of the Continental Railroad and passage of the House bill therefor, to the Committee on Railways and Canals.

By Mr. ELLIS H. ROBERTS: The petition of sundry citizens of Wisconsin in favor of international arbitration, to the Committee on Foreign Affairs.

By Mr. SENER: The petition of David A. Flippins, for a pension, to the Committee on Invalid Claims.

Also, the petition of Thomas M. Wiatt, postmaster at Urbana, Virginia, for relief, to the Committee on Claims.

By Mr. SMITH, of Pennsylvania: Joint resolution of the Legislature of the State of Pennsylvania, in favor of fostering the building of American ships by American mechanics and with American materials, and against changing the contracts made by the Postmaster-General for carrying the mails to China and Japan, to the Committee on the Post-Office and Post-Roads.

By Mr. STORM: Joint resolution of the Legislature of the State of Pennsylvania, of similar import, to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS, of Virginia: The petition of G. R. Gray, of Halifax County, Virginia, for relief, to the Committee on War Claims.

By Mr. VANCE: The petition of J. Johnston, N. G. Allman, and 80 other citizens of Macon County, North Carolina, for aid in building the Western North Carolina Railroad from Old Fort, North Carolina, to Ducktown, Tennessee, to the Committee on Railways and Canals.

IN SENATE.

FRIDAY, *May* 22, 1874.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

Mr. EDMUNDS, (at eleven o'clock and five minutes a. m.) May I ask the Chair if a quorum is present?

The PRESIDENT *pro tempore*. There is not a quorum present.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of the absent Senators.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will request the attendance of absent Senators.

Mr. HAMLIN. I think we must show by the record who are absent, if we are going to carry out that order.

The PRESIDENT *pro tempore*, (at eleven o'clock and ten minutes a. m.) There is a quorum of Senators present; and the Secretary will read the Journal of yesterday's proceedings.

The Journal of yesterday's proceedings was read and approved.

Mr. BOREMAN. I move that the Senate proceed to the consideration of the bill (S. No. 44) to establish the Territory of Pembina, and to provide a temporary government therefor.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves to suspend the morning business and proceed to the consideration of the bill indicated by him. Is there objection?

Mr. EDMUNDS. I wish to have the bill read in order that I may know whether to object or not.

The PRESIDENT *pro tempore*. The bill will be read.

The Secretary read the title of the bill.

Mr. OGLESBY. If the morning business which is ready to be presented can be disposed of, I shall have no objection to the motion.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. Yes, sir.

Mr. OGELSBY. I object until the morning business is through.

The PRESIDENT *pro tempore*. Petitions and memorials are in order.

Mr. BOREMAN. I made a motion.

The PRESIDENT *pro tempore*. The motion is out of order while the morning business is being presented.

PETITIONS AND MEMORIALS.

Mr. PRATT presented the petition of Lucy G. Clark, widow of General Marston G. Clark, of Indiana, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MORRILL, of Vermont. I am requested to present the memorial of the national agricultural congress, recently assembled at Atlanta, Georgia, asking that Congress shall set apart half of the net proceeds of the sales of the public lands for the aid and encouragement of agricultural colleges. They represent that this conclusion was arrived at, with but one exception, by the entire body, and reverses the action of the same congress a year ago at Indianapolis. I move that the memorial be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. SARGENT. I present a petition of citizens and tax-payers of the city of Oakland, Alameda County, California, asking for an appropriation of moneys sufficient to improve the water front of that city for the purpose of enabling any class of ships to load and discharge; in which they state that in 1873 over one hundred ships, carrying over one hundred and fifty thousand tons of grain, were loaded at a tem-

porary wharf; that there are over two million passengers passing over this front and over thirty million dollars of treasure annually and four hundred and fifty thousand tons of freight of all kinds; and they set forth the great importance of this improvement. I move that the petition be referred to the Committee on Commerce, and printed.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WRIGHT. The Committee on Claims, to whom was referred the bill (H. R. No. 1579) for the relief of Joseph J. Petri, being a bill for compensation for services and expenditures in rescuing a snow-bound party of California emigrants in 1849, have instructed me to report it back, almost by a divided committee, I am authorized to say, and recommend its passage.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred a resolution of the Senate empowering the committee to send for persons and papers in making the inquiry into the matter of gas, &c., asked to be discharged from its further consideration, the subject having been acted upon; which was agreed to.

He also, from the same committee, who were directed by a resolution of the Senate to inquire into the propriety of removing the railing back of the seats of Senators, asked to be discharged from the further consideration of the subject, it having already been acted upon; which was agreed to.

Mr. OGLESBY. The Committee on Public Lands, to whom was recommitted the bill (S. No. 637) to settle certain accounts between the United States and the States of Ohio, Indiana, and Illinois, have again had the same under consideration, and have instructed me to report the bill back with the accompanying report, which was heretofore printed, and to recommend the passage of the bill. I will state to the Senate that the report made in the first instance is again adopted and brought back with the bill; but as that report was printed with the names of certain members of the committee upon it, I ask that the majority report may be printed now and the names omitted.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection.

Mr. OGLESBY. I did not complete my statement in the case of the bill just reported from the Committee on Public Lands. The committee also agreed to permit the minority report to be reprinted if the minority choose to do so, the same as the majority report is printed, in which instance three names will appear on the minority report.

Mr. LEWIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3154) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3411) to amend an act entitled "An act to incorporate the trustees of the Female Orphan Asylum in Georgetown, and the Washington City Orphan Asylum in the District of Columbia," approved May 24, 1828, reported it without amendment.

Mr. JOHNSTON. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2738) for the relief of the Foundry Methodist Episcopal church, of Washington City, to report it back and ask for its present consideration.

Mr. MITCHELL. I object.

Mr. SAULSBURY. I hope the Senator from Oregon will not object. The bill is simply to authorize the trustees of a church to sell a lot of ground.

Mr. MITCHELL. I simply object until the morning business is through. I wish to make a report.

Mr. JOHNSTON. The bill could have been passed by this time if the Senator had made no objection.

The PRESIDENT *pro tempore*. Is the objection insisted upon?

Mr. MITCHELL. Yes, sir.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 769) for the relief of Major J. W. Nicholls, paymaster United States Army, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3303) to extend the time for filing claims for additional bounty under the act of July 28, 1866, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3257) authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Delila Kelly, widow of Daniel H. Kelly, deceased, praying that his name may be placed upon the muster-rolls of Company F, Second Tennessee Volunteer Infantry, submitted a report, accompanied by a bill (S. No. 841) for the relief of Daniel H. Kelly.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the petition of Mercy Ann Hall and the petition of the survivors of the Polaris, submitted a report accompanied by a bill (S. No. 843) for the relief of the survivors of the Polaris.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. DAVIS. The Committee on Claims, to whom was referred the bill (H. R. No. 1297) for the relief of Thomas T. Crittenden, of Missouri, have had the same under consideration and directed me to report it with an amendment, and to ask for its immediate consideration.

Mr. CONKLING. Is there a written report with that bill?

Mr. DAVIS. I will state that this is a bill recommended unanimously by the Committee on Claims, by the Secretary of the Treasury, and by the Commissioner of Internal Revenue. Their letters accompany the papers. There is an amendment reported by our committee which has not been read, leaving the discretion with the Commissioner of Internal Revenue whether or not the amount ought to be allowed.

Mr. CONKLING. Is there a written report?

Mr. DAVIS. There is.

Mr. CONKLING. From a committee of this body?

Mr. DAVIS. Yes, sir; made this morning. The bill is reported from the Committee on Claims unanimously.

Mr. EDMUNDS. It ought to be printed.

The PRESIDENT *pro tempore*. A request is made for printing the report, which is in the nature of an objection to the present consideration of the bill.

WILLIAM B. THOMAS.

Mr. BOUTWELL. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. No. 2202) for the relief of William B. Thomas, late collector of customs at the port of Philadelphia, to report it back with a recommendation that it pass, and I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which directs the Secretary of the Treasury to pay William B. Thomas, late collector of customs for the port of Philadelphia, $32,963.28, that being the amount paid by him into the Treasury of the United States on account of an abstraction of funds from the custom-house at Philadelphia by G. Milton Allen, while Collector Thomas was engaged in the military service, aiding in the suppression of the late rebellion, under leave of absence from the Secretary of the Treasury, and which abstraction was not owing to any fault or negligence of said collector.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF SUFFERERS IN ALABAMA.

Mr. LOGAN. I am instructed by the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 103) authorizing the President to issue Army rations and clothing to destitute people on the Tombigbee, Warrior, and Alabama Rivers, with papers showing the immediate necessity of this resolution, to report it back without amendment, and I ask the indulgence of the Senate to put it upon its passage at this time.

Mr. EDMUNDS. Is there any amendment reported limiting that?

The PRESIDENT *pro tempore*. No amendment is reported.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which authorizes the President, in his discretion, to direct the issue of Army rations and clothing of patterns not now issued to the Army, to the starving and destitute people on the Tombigbee, Warrior, and Alabama Rivers, who have been rendered destitute by the inundation of their homes in the valleys of those rivers.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECOMMITTAL OF PAPERS.

Mr. JOHNSTON. I desire to make a motion. Yesterday, from the Committee on Patents, I reported adversely to the application of Joshua H. Butterworth for an extension of his patent for an improvement in bank and safe locks. Since that time I have been informed that he desires to submit additional papers to the committee, and I therefore move to reconsider the vote by which the report was adopted and to recommit the case to the Committee on Patents.

The motion was agreed to.

Mr. HAMILTON, of Texas. I move that the bill (H. R. No. 870) to place the name of Mrs. Mary E. Murphy on the pension-roll, reported adversely upon some days since, be recommitted to the Committee on Pensions.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of State, in response to a resolution of the Senate of the 15th instant, in regard to a certain flag placed at the disposal of the American commissioners to the Vienna international exhibition; which was ordered to lie on the table and be printed.

CENTENNIAL EXHIBITION.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 1394) in relation to the centennial exhibition, have had the same under consideration, and have instructed me to report it back with an amendment and recommend its

passage; and I desire to say that I shall endeavor at an early moment to invite the attention of the Senate to the consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Maine gives notice of his intention to call up at an early day the bill just reported by him.

Mr. MORRILL, of Maine. In this connection I beg leave to present a memorial to Congress from the board of United States centennial commissioners, which I ask may be laid upon the table and printed, as the bill on the subject is now reported.

The PRESIDENT *pro tempore*. That order will be made.

BILLS INTRODUCED.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 842) referring the claim of Mrs. Julia A. Nutt, executrix of the late Haller Nutt, deceased, to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

EXPORTATION OF DISTILLED SPIRITS.

Mr. WRIGHT. I ask the Senate to proceed to the consideration of House bill No. 2081, reported from a committee of conference, and which report was passed over yesterday for the reason that it had not been printed. It is now on the tables of Senators.

There being no objection, the Senate proceeded to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto.

The report was concurred in.

QUARTERMASTER'S CORPS.

Mr. LOGAN. Yesterday the bill (H. R. No. 3116) to correct the date of commission of certain officers of the Army in reference to the Quartermaster's Department was up, and I gave notice that I should call it up again this morning; but at the request of my friend from New Hampshire, [Mr. WADLEIGH,] who desires to further examine the case, we have agreed to call it up on Monday.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MORRILL, of Vermont, submitted an amendment intended to be proposed by him to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COOPER and Mr. JOHNSTON submitted amendments intended to be proposed by them to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

FOUNDRY METHODIST CHURCH.

Mr. JOHNSTON. I ask the Senate now to proceed to the consideration of the bill (H. R. No. 2733) for the relief of the Foundry Methodist Episcopal church of Washington City, which I reported this morning.

Mr. BOREMAN. I gave notice a while ago that as soon as the morning business was concluded, I should move to take up the bill to establish a new Territory.

The PRESIDENT *pro tempore*. The Chair heard the notice, but did not hear the motion.

Mr. BOREMAN. I made a motion at the time.

The PRESIDENT *pro tempore*. The motion at the time was out of order. The Senator gave notice that he would make a motion, but he has not yet made it. The question now is on the motion of the Senator from Virginia. The Senator from Virginia moves to proceed to the consideration of the bill (H. R. No. 2738) for the relief of the Foundry Methodist Episcopal church of Washington City.

The motion was agreed to; and the bill was considered as in Committee of the Whole. By it the trustees of the Foundry Methodist Episcopal church of Washington are authorized to sell, for the benefit of that church, the east half of lot No. 9, in square No. 158, in the city of Washington.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TERRITORY OF PEMBINA.

Mr. BOREMAN. I now move that the Senate proceed to the consideration of the bill (S. No. 44) to establish the Territory of Pembina and to provide a temporary government therefor.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Territories will now be read.

Mr. EDMUNDS. I should like to hear the report of the committee read, if there is one accompanying the bill.

The PRESIDENT *pro tempore*. The report of the committee will be read.

The Chief Clerk read the following report, submitted by Mr. BOREMAN on the 23d of March:

The Committee on Territories, to whom was referred the bill (S. No. 44) to establish the Territory of Pembina and to provide a temporary government therefor, have had the same under consideration, and respectfully submit the following report:

The same bill was before this committee at the second session of the Forty-second Congress, and, on February 8, 1872, a favorable report was made thereon, as follows:

"It is proposed by this bill to establish and provide a temporary government for a new Territory out of that part of the Territory of Dakota lying north of the forty-sixth degree of north latitude.

"The present Territory of Dakota contains 150,932 square miles, being in extent about four hundred miles from north to south, and something less than that in width from east to west. It appears from the report of the late census that in 1870 it contained a population of 14,181, exclusive of Indians, but it is now believed, from the best evidence your committee have been able to obtain, that at this time its population numbers more than twenty-five thousand.

"The more populous and growing settlements are in the extreme northern and extreme southern portions of the Territory, respectively, the intervening region, except immediately on the eastern border, being in great part uninhabited and without roads or other avenues of communication. There being no direct route of travel between these distant settlements, those residing in the region of Pembina, or indeed in any part of the more northern sections of the Territory, in going to Yankton, the capital, as many of them must necessarily do in the transaction of business with the officers and courts of the Territory, are compelled to travel a distance of from one thousand to fifteen hundred miles, and this by the nearest practicable route. And the same is the case with the judges and other officers in going from the capital to attend to their respective duties in the northern portions of the Territory.

"The Territory for which it is proposed by this bill to provide a government is a parallelogram, extending from Minnesota, on the east, for something less than four hundred miles, to Montana, on the west, and from the British possessions, on the north, two hundred miles to the boundary of the remaining Territory of Dakota, on the south, and has an area of about seventy thousand square miles. It contains a population now of not less than ten thousand, having received considerable accessions by immigration since the taking of the late census; and it may be added, when separated from Dakota, will leave the latter with a population as large as the whole Territory had in 1870. The contemplated Territory will have a larger population than many of the Territories heretofore established had when they were organized, as may be seen from the following:

Mississippi, organized in 1789, population	8,850
Indiana, organized in 1800, population	5,641
Michigan, organized in 1805, population less than	4,000
Wisconsin, organized in 1836, population	7,000
Minnesota, organized in 1849, population	6,077
Washington, organized in 1853, population	1,201
Dakota, organized in 1861, population	4,837
Nevada, organized in 1861, population	6,857
Arizona, organized in 1863, population	5,000

"The climate and seasons of the new Territory are about the same as in the adjoining State of Minnesota. The land lies beautifully, being comparatively level, and nearly every part of it being susceptible of cultivation. The soil is good, and produces all the grains, vegetables, and fruits common to the Northwestern States. The Northern Pacific Railroad, located as it is through the entire length of the Territory from east to west, and being now in process of construction, will soon supply the means of direct and speedy communication with all parts of the country. And the present indications are that this Territory will continue to rapidly improve and increase in population as it has for two or three years past, thereby extending and adding to the substantial prosperity and wealth of the nation; and it is believed that these desirable results will be greatly facilitated and rendered more certain by the establishment of the temporary government contemplated by this bill."

Since making the above report the Northern Pacific Railroad has been completed to Bismarck, on the Missouri River, a distance of two hundred miles from the western boundary of Minnesota.

Bismarck is a considerable town, and many other small towns and villages have sprung up along the railroad and elsewhere in the Territory; large numbers have been added to the population; immigration still continues, and no doubt is entertained that with the opening of the present spring the influx of population will exceed that of any preceding season.

The following extract from a speech delivered in the House of Representatives on the 14th instant, by Hon. M. K. ARMSTRONG, present Delegate from Dakota, your committee believe is a fair and reliable statement of the present condition of that portion of Dakota for which the bill under consideration proposes a separate organization:

"Two hundred miles of the Northern Pacific Railroad have been pushed westward across that Territory from the fertile valley of the Red River to the navigable waters of the Upper Missouri. Two newspapers are published in the proposed Territory, and stirring and enterprising towns have been built up at Fargo, Jamestown, and Bismarck on the said railroad, while immigration and settlement are rapidly filling up the accessible river valleys. Steamboats navigate the Red River nearly two hundred miles into the proposed Territory, returning with thousands of tons of freight for the Hudson Bay settlements; while along said stream in Dakota new towns and mills are being established. Nearly four hundred miles of telegraph line are in operation, and at Pembina, Grand Forks, Fargo, and Richville quite a trade is already carried on in the way of shipping and reshipping freights. United States courts are held at Fargo, Bismarck, and Pembina, and a United States land office has recently been established at the former place, while the settlers are urgently petitioning for a land office at Bismarck to accommodate the increasing settlements in the Missouri Valley. Many large steamboats ply for several hundred miles through the proposed Territory on the waters of the Missouri, and pass far above the mouth of the Yellowstone into Montana, carrying Government freight for the forts and agencies, and mercantile goods for the mining districts. Already several thousand people have gone into this northern territory, and are preparing farms, homes, and villages, in anticipation of the favorable action of Congress upon this bill."

It is proper, also, to add that the Legislature of Dakota have twice—in 1871, and again in 1873—memorialized Congress in behalf of the establishment of this new Territory, in which they state with great force the facts which induce them to do so, and urge it as a matter of justice to those inhabiting the proposed Territory, as well as of interest and advantage to the country generally.

To meet the objection that the establishment of another Territory will entail additional charge on the Treasury, the committee submit the following communication from the Secretary of the Treasury:

TREASURY DEPARTMENT,
Washington, D. C., January 17, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, requesting to be informed of "the charge upon the Treasury for each of the respective existing Territories, and the items that make up the same."

In reply, I inclose herewith a statement showing the expenditures under heads of appropriations on account of each Territory during the fiscal years 1872 and 1873. The items of expenditure for fuel, furniture, repairs, lights, &c., are so numerous that it is not practicable to give them in detail.

I am, very respectfully,

WM. A. RICHARDSON, *Secretary.*

Hon. A. I. BOREMAN,
Chairman Committee on Territories, United States Senate.

Expenses of territorial government.

Territories.	Fiscal year 1872.			Fiscal year 1873.		
	Salaries.	Ordinary expenses.	Total.	Salaries.	Ordinary expenses.	Total.
ARIZONA.						
Salaries: governor, judges, &c.	$13,655 26			$14,906 59		
Legislative expenses		$4,325 12			$1,000 00	
Contingent expenses		2,000 00			20,758 00	
Salary of interpreter and translator	624 99					
			$20,605 37			$36,664 59
COLORADO.						
Salaries: governor, judges, &c.	13,300 00			13,212 30		
Legislative expenses		20,000 00				
Contingent expenses		1,000 00			838 78	
			34,300 00			14,051 08
DAKOTA.						
Salaries: governor, &c.	13,600 96			13,453 30		
Legislative expenses		85 91			24,382 07	
Contingent expenses		1,000 00			1,000 00	
			14,686 87			38,835 37
IDAHO.						
Salaries: governor, &c.	13,876 39			13,500 00		
Legislative expenses		7,679 76			20,144 71	
Contingent expenses		662 50			1,657 08	
			22,218 65			35,301 79
MONTANA.						
Salaries: governors, &c.	13,820 65			13,500 00		
Legislative expenses		28,386 10		2,967 59		
Contingent expenses		1,000 00		1,000 00		
			43,206 75			17,467 59
NEW MEXICO.						
Salaries: governor, &c.	16,730 10			13,500 00		
Legislative expenses		19,768 74			2,849 23	
Contingent expenses		1,000 00			1,000 00	
			37,498 84			17,349 23
UTAH.						
Salaries: governor, &c.	14,106 25			13,198 90		
Legislative expenses		22,197 18				
Contingent expenses		393 75		1,000 00		
			36,697 18			14,198 90
WASHINGTON.						
Salaries: governor, &c.	12,739 01			15,388 29		
Legislative expenses		28,824 99				
Contingent expenses		1,000 00			1,400 50	
			42,564 00			16,768 79
WYOMING.						
Salaries: governor, &c.	13,162 60			13,651 65		
Legislative expenses		16,998 70			2,700 00	
Contingent expenses		913 75			942 08	
			31,075 05			17,293 73

Aggregate expenditure for the nine Territories for two years $490,803.78. One-ninth of the above is the average expenditure for one Territory for two years, and is $54,533.75½. One-half of the last-named sum shows the average annual expenditure of one Territory, and is $27,266.87.

This communication and statement show the separate and aggregate expenditure out of the Treasury for all the Territories for two consecutive years, thus including the expenses of a session of the Legislature in each, and enabling us to fix the average annual charge on the Treasury for a territorial government. This average, as may be seen above, is $27,266.87, and is a small outlay for the benefits realized from such a government.

It must be conceded that the development and growth of this Territory will tend to add to the wealth and prosperity of the nation, and it can be no less apparent that the thousands of hardy and enterprising people within its boundaries, who, by the sacrifices, energy, and industry indispensable to success in border life, are thus contributing to the resources of the country have a right, even though it necessitates a small annual draught on such resources, to demand a recognition of their situation, wants, and interests by the establishment of a local government that will be accessible for the transaction of their necessary business at only a reasonable expenditure of their time and means.

The committee, therefore, report back said bill with some verbal amendments, and recommend that the same do pass.

Before the reading of the report was concluded,

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday, which is Senate bill No. 1.

Mr. BOREMAN. I request that the reading of the report may be concluded. It is nearly through. There are but a few lines left.

Mr. FRELINGHUYSEN. I must insist on the regular order.

The PRESIDENT *pro tempore*. The regular order is called for.

AMENDMENT OF MINING LAW.

Mr. HAMLIN. By the indulgence of the Senator from New Jersey who has the floor, [Mr. STOCKTON,] I ask the Senate to take up a bill which I think will not occupy two minutes, extending the fifth section of the mining law. If it is to pass, it should be passed now.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to lay aside the regular order informally for the purpose of taking up the bill indicated by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 822) to amend the act entitled "An act to promote the development of the mining resources of the United States," passed May 10, 1872.

The bill proposes to amend the provisions of the fifth section of the act entitled "An act to promote the development of the mining resources of the United States," passed May 10, 1872, which requires expenditures of labor and improvements on claims located prior to the passage of the act, so that the time for the first annual expenditure on claims located prior to the passage of the act shall be extended to the 1st day of January, 1875.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SARGENT. I should like to appeal to the Senator from New Jersey who has charge of the civil-rights bill, to allow me to call up the deficiency bill. We are somewhat behind in the consideration of the appropriation bills.

Mr. FRELINGHUYSEN. I cannot consent to allow any business to interfere with the regular order.

The PRESIDENT *pro tempore*. The Senator from New Jersey insists on the regular order.

Mr. SARGENT. Then I will not insist on my request, but I should like to give notice that I shall call up the deficiency bill at the very earliest moment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government and for the admission of the said State into the Union on an equal footing with the original States; and

A bill (H. R. No. 3424) for the relief of Thomas Winans and William L. Winans.

NAVAL APPROPRIATION BILL.

Mr. SARGENT. I ask leave to make a report from the committee of conference on the naval appropriation bill, that it may be printed and lie on the table, giving notice that I shall call it up to-morrow morning.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 8, 9, 12, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 13, 17, 19.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: Strike out the word "fifteen" and in lieu thereof insert the word "eighteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Strike out the words "two hundred and fifty" and insert in lieu thereof the words "sixty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with the following amendment: Strike out of said amendment the words "and sixty-five;" and the Senate agree to the same.

A. A. SARGENT,
LOT M. MORRILL,
H. G. DAVIS,
Managers on the part of the Senate.
EUGENE HALE,
J. HANCOCK,
Managers on the part of the House.

The report was ordered to lie on the table and be printed.

CIVIL RIGHTS.

The Senate resumed the consideration of the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866, the pending question being upon the amendment of Mr. THURMAN to the amendment adopted as in Committee of the Whole, which was to strike out the second section of the matter proposed to be inserted, in the following words:

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered in an action on the case, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000, or shall be imprisoned not less than thirty days nor more than one year: *Provided*, That the party aggrieved shall not recover more than one penalty; and when the offense is a refusal of burial, the penalty may be recovered by the heirs at law of the person whose body has been refused burial: *And provided further*, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State.

Mr. STOCKTON. Mr. President, I attempted in the few desultory remarks that I made yesterday to show the Senate that this bill was not a bill to secure equal rights. I desire that the Senate and the country may know that that is my view of the bill; that so far as the measure is presented to us in that capacity, as a bill whose object and effect will be to secure equal rights to any of the citizens of this country, it will be a fraud; it can have no such effect; but, on the contrary, its results will be precisely the reverse. I said that the proposition was where the whites were in the ascendency, in a large majority, to give the minority the control of that majority, and thus destroy the fundamental principle and frame-work of our Government, which is built upon the majority rule.

The Senator from Indiana [Mr. MORTON] yesterday said that rights were to be protected; equal rights were to be secured by fines and penalties, by making it criminal to violate them; and, therefore, because the constitutional amendment secured to all persons equal rights, or attempted to do so, by saying that no State should pass any law to the contrary, we could create new crimes, new offenses unknown to the common law, unknown to any statute law in the history of any people before; that we could make undefined crimes, unknown crimes, and affix to them fines and penalties; and that these crimes should consist in interfering with the minority (for that is what it comes to) in the attempt to control the majority in their own localities in reference to their own municipal laws.

Before I examine the features of this bill, as I intend to do more accurately and thoroughly before I call attention to its unconstitutionality, I refer to this fact in the general proposition of the bill, and say that in the history of the world, from the earliest records we have, no people belonging to a majority and a dominant race have ever attempted to take a small minority, inferior in number, inferior in education, inferior in intellect, and place them alongside of themselves as social equals and governors of the country. When the right of suffrage was conceded to the African race, it was done against the protest of large numbers of both parties. It will be well remembered that the amendment was adopted against the protest of hundreds and thousands of people, of conventions held in the country, and of Senators on this floor. It was declared to be adopted by coercing the votes of at least three sovereign States. But, sir, when the suffrage was given to these people, (which cannot now be undone, I admit,) it was not because it was manhood suffrage as it was called, but because the authors of it meant to make the African race the governors of the country. This bill is another step in the same direction, to place them upon social and civil equality with the white race, and, more than that, to force the majority where the ascendency of the population is white, to be controlled by the colored voter, and where the colored voter is in the ascendency, he controls the white man. It is not only, then, making him your governor, but you give no equal rights at all. By this legislation you elevate the colored man above the white man in every part of this country, and surrender the government of the country to him. Is this kind to him? Is this good for the colored man, ignorant as he is, though that may not be his fault? Uneducated as are the colored people, not able to read the ballots they put in, are they to be made the governors of this country? Is the balance of power to be thrown into their hands? Do you mean that, or do you not? If you do not, why are you so persistent at this time in pushing this bill in opposition to all the public business?

Mr. President, if the captain of the ship and the pilot, in the middle of the ocean, in heavy weather, go to the galley and call the cook and send for the steward and put in their hands the command of the vessel and its navigation, it may be equal rights; but I think the passengers on board that ship would prefer that the captain should keep the ascendency, and that he and the pilot should navigate the vessel. If you choose to hold out to the cook and steward the hopes that by diligent attention to their business they may some day become pilots and navigators, the passengers might not object; but if you take them unlettered, unlearned, and degrade the captain and pilot to work in the galley and do mess duty, and insist upon running the ship with those who know nothing of navigation or pilotage, I think you would make a mistake that you would deeply regret when it resulted in the loss of your ship.

But, Mr. President, I said that I wished to call attention to the reason why this bill was urged particularly at this time. I desire in this connection to read the resolutions of a convention recently assembled at Nashville, a convention contemporaneous with the moving of the waters in the republican caucus and the revival of this bill; a convention which spoke and whose voice has been heard, a convention of colored people, and I leave it to others to decide which is the puppet and which is the man that pulls the strings. I ask the Secretary to read the resolutions of that convention, which I send to the desk.

The Chief Clerk read as follows:

NASHVILLE, TENNESSEE, *April* 29.

The colored State convention reassembled this morning. The proceedings were harmonious. The resolutions, which are very voluminous, take decided grounds in favor of equal rights and of the supplementary civil-rights bill. Among the resolutions are the following:

"*Resolved*, That we will consider the omission of the republican party to enact the civil-rights bill a base surrender of the rights of humanity to our insidious foe that has contested upon the arenas of civil life every right we enjoy, as they did every right of freedom on the field of battle, and we will use our utmost effort to stamp upon every demagogue who seeks to betray the privileges of our children to their full and impartial enjoyment in the public schools the brand of the traitor Judas, as deserving politically a traitor's doom, with whom we will never join hands or support, but will regard as our public and private enemy; more terrible to meet than the savage beasts; more injurious than any catastrophe that could befall us, or any calamity that could be deserved by any wicked criminal; but equal and impartial rights will secure to posterity their just and true relation. Order will come out of chaos. Love will spring up where hate exists. Ethiopia will in this fair country stretch forth her hands to God. Peace will prevail. God will bless us, and we will walk hand in hand.

"Whereas Hon. WILLIAM G. BROWNLOW, United States Senator from this State, has declared himself opposed to that portion of the civil-rights bill which gives colored children the right to be educated in schools with the whites: Therefore,

"*Resolved*, That we deprecate a departure from the principles of humanity and justice of one in whom we have so often reposed so much confidence as a true friend of the colored race."

The convention also adopted a resolution to raise funds for the purpose of carrying the case of David Galloway to the Supreme Court of the United States. He is now in the State prison for marrying a white woman.

The convention adjourned *sine die*.

Mr. STOCKTON. I can only infer who is the Judas alluded to; but as the second resolution refers to a distinguished member of this body, the Senator from Tennessee, [Mr. BROWNLOW,] I do not deem it fair for me to have those resolutions, which were handed to me cut out of a paper, read at the desk, without also sending the defense that Senator BROWNLOW made. I ask the Secretary to read what I now send to the Chair. I am informed by the Senator's colleague that he is detained by sickness at home.

The Chief Clerk read as follows:

Senator BROWNLOW has written a long political address to the people of Tennessee, in response to certain resolutions passed by the Nashville convention of colored men, charging him with betraying the interests of that race. These are the pregnant paragraphs of the address:

I have done all these things for the colored race without owing my election to it or having the remotest idea of ever being a candidate for its votes or support. I have acted from a sense of duty and because of a sincere and unselfish desire to ameliorate its condition. I do not refer to my services to the colored people by way of apology for my opposition to mixed schools. My position on this question is the result of mature deliberation. It has the approval of my judgment and conscience, and sooner than apologize for it or recede from it I would see every political organization in the land "go the way of Ward's ducks," and every politician buried without hope of resurrection.

"THE WHITE MAN NO RIGHTS WHICH A NEGRO IS BOUND TO RESPECT."

So far from betraying the colored people or violating any pledges to them, as insolently and falsely charged by delegates in this Nashville convention, who seem to have reversed Taney's decision and proclaimed, in substance, that a white man has no rights which a negro is bound to respect, I have, since attaining power as governor and Senator, done far more for the colored race than I was ever committed or pledged to do, and more than they had a right to demand in view of the issues of the canvass upon which I went into office.

BASE INGRATITUDE OF THE NEGROES.

And now, because I adhere to principles of practical utility, instead of running wild after abstractions, I am denounced as recreant to duty and pledges. If the members of the late colored convention can afford to present to the world such evidences of base ingratitude to myself, who have done more for them than any other Tennesseean, I can well afford to be indifferent to their abuse and despise their threats. It will not injure me, nor does it afford me any solicitude, except in so far as the bad blood engendered between the races by such conduct and such a spirit as characterized the proceedings of that convention will tend to their injury, the destruction of the common-school system, and the detriment of society and good government.

REPUBLICANS CAN DO WITHOUT THE NEGROES.

True, it may be said the republican party in Tennessee cannot get along without the support of the colored voters. To this I reply, if it had not been for the repub-

lican party there would be no colored voters. Second, the republican party can get along without the colored voters as well as the colored voters can get along without the republican party. And third, the twenty-five thousand white republican voters of East Tennessee have resolved to get along without the colored voters sooner than submit to this sum of villainies and quintessence of abomination known as the "coeducation of the races."

SEPARATE SCHOOLS.

My only hope for the future prosperity of the colored people of Tennessee consists in the belief that the mass of them will repudiate the abominable programme so insolently put forth at Nashville. Let them remember that they now have, in separate schools, equal educational facilities with the whites. Let them remember that the taxes with which these schools are supported are contributed almost exclusively by the white people of the State—that the money does not come from the Federal Government at Washington. Let them remember that thousands of the property-holders of the State, of the political party to which they are in opposition, have aided in establishing our present school system, and without the support of this class, in co-operation with their white political associates, it could not have been established.

Let them also remember that it is not a question as to whether we will have mixed schools, but whether we shall have any system of public instruction at all. For it is not in the power of forty Congresses to establish this mixed-school system in Tennessee.

THE DANGER TO EDUCATION.

If the civil-rights bill should pass without the mixed-school feature being stricken out, the whole school fabric in Tennessee will at once fall to the ground, as it will deserve to do. Then the expenses of the education of their children, if they are educated at all, will be borne by themselves, and not by the white people as they now are.

W. G. BROWNLOW.

Mr. STOCKTON. I propose now, Mr. President, to examine this bill in some little detail to see what its propositions are and what its effect will be, and then to conclude the remarks I have to make to the Senate by an examination of its constitutionality, in which connection I shall consider the decision in the Slaughter-house case and a case decided since.

What is this bill? The fourteenth constitutional amendment declares that no State shall pass any law that interferes with the equal rights of any citizen, and it gives power to enforce by appropriate legislation this deprivation of authority to the States. The bill sets out by declaring that all men shall have equal rights in inns, public conveyances, cemeteries, and schools. The bill purports, in the first place, to pass a statute which, if it means nothing but what it appears to mean in reference to common carriers and innkeepers, is the law now. If it mean nothing else but what it is insisted upon by the advocates of this bill, or some of them, that it means, it is the law now. Every man knows that a common carrier by his contract with the public when he becomes a common carrier, when he gets his right to take toll and freight, is bound to carry all; that every railroad company and steamboat company is so bound by the law of common carriers as it prevailed in England and has been adopted or amended in this country. He knows that the best accommodation to be had for the same money is the right and title of every citizen of this country. He knows that when the constitutional amendment was adopted making persons of African descent citizens, it gave them every right that a white man had as a citizen of the United States. He has a right to precisely as good accommodations and equal accommodations. But the construction given by this bill, the construction given by the late Senator from Massachusetts, (Mr. Sumner,) the construction given when you come to apply it to schools, makes that word "equal" mean "the same;" and there is where the difficulty lies.

If by the clause empowering "appropriate legislation" you can carry out that construction, you gain more power than the Constitution had itself and get more power from the words "appropriate legislation" given to Congress than the clause itself contains. By the same process of reasoning it is very easy then to make "equal" mean "the same," and that has already been avowed in this Chamber. On an occasion when this bill was brought up here before, the late Senator from Massachusetts insisted that the colored children were entitled to go to the same schools. That is insisted on by the convention whose resolutions have been read; and that was insisted on yesterday by the Senator from Massachusetts now on this floor, [Mr. BOUTWELL,] who said that the very object was to educate the people together, that this miserable prejudice that existed should be rooted out of the hearts of the young as they grow up; that was the very object of it. They were to have the same schools, not equal schools. When it was asserted on this floor that the schools in this District, for example, were equally good, the answer was, what a dreadful thing it is to the feelings of a colored parent who knows that his child cannot go into that building because white children go there! There must be the same schools for both, we are told; and so there must be the same grave-yard because it is my grave-yard and contains graves of my loved ones. It is the same school because it is my school and the school of my children. Let the colored man love his school as he loves his children; and the more he worships and mourns at the graves of his loved ones, the more I respect him; but he, unstirred up by bad men who do it for the very purpose of agitation, does not seek or desire the violation of a natural feeling deeply implanted in the bosom of every man, be his skin white or black.

I have said that if the interpretation of the bill were not in the very words of gentlemen who advocate it that which I have suggested, the simple fact of establishing equal rights would amount to nothing; for they have them now by law, and they have redress in the State courts for any violation of them. But, Mr. President, let us go further. This bill which gives equal rights guards and protects us somewhat. It is equal rights where the school or the cemetery is established or kept up in whole or in part by general taxation. The provision in regard to the inn or tavern or conveyance does not contain that clause. There you can go into a man's own domestic affairs. The innkeeper, by the common law of England and by the common law of most of the States of this land, altered by the statutes of the States though altered but very slightly, goes to the county court; he proves that he has so many beds, accommodations for so many wayfarers, and he gets his license from the county court, with a recommendation from his neighbors and friends, to keep a way-side inn, wherein the weary traveler may rest. He is called upon every year to renew that license, for no man is authorized to keep a bar-room exclusively so on the highway; but he may keep a house of entertainment for those who are weary, for those who need it. Unless he agrees to do that, he cannot have a license. Now, Mr. President, you propose to do what? Not to say that no State shall pass any law, as the amendment provides, but to pass a law yourself making the man who does not keep that hotel according to the orders of Congress, according to such arbitrary rules as you may lay down in Congress, a criminal, liable to fine and imprisonment. You make those who authorize him to keep the inn, those who give him the license, inciters of that crime; and you make the very courts of the State, the judges of the common pleas sitting on the bench in the counties of my State and licensing these inns and taverns under the laws of the State, under the common law of their fathers as they brought it to this country, criminals.

The colored people are already, as I have said, equal before the law. They vote for the school superintendent, and if they have the majority they elect a colored man. They vote in every respect as the white man does. They elect indirectly the judges of the common pleas who grant these licenses. They have their full right in the Government, their full right in the country, their full representation by the right of suffrage. They are equal before the law. What do you propose to do with them? To make them superior to the law, superior to the majority that make the rules and say a man may keep such and such a house of entertainment by congressional action.

Under the laws of the States as they now exist an innkeeper would have no right to drive out of his house when he had the accommodations, and he is obliged to have the accommodations provided by law, any man of any color. If Congress does not interfere with the manner in which the hotel is kept he might regulate its discipline. He might say that the servant in that house, be he white or black, should eat in the kitchen, that the guests of the house should eat in another room, that the ladies should have separate apartments; he might make such rules and distinctions as common decency and propriety make proper in a well-regulated hotel; and if he did not make those rules his license would be taken from him, for his house would become a disorderly one. In making those rules and regulations he would have a right to say that a man who had a contagious disease could not come into his house, for that is for the security of the public health. He might say that a man who contaminated the morals of the community, who desired to come into his house to gamble, could not come in, for that would hurt the public morals. So you admit that under the power granted by the State he stands there the regulator of his own hotel and only accountable to the law of the State and the municipal corporation which granted his license. And yet if a negro fancies that he is not treated properly, or if he goes into a hotel and is not put in such a place as would interfere with the regular discipline which all admit is necessary for that house, that innkeeper and all who incite him, which means anybody, are liable to be punished with fines and penalties, in which the Senator from Indiana glories.

One step further, Mr. President. These parties must be indicted; for it is made the duty of the marshal, it is made the duty of the district attorney, it is made the duty of the commissioner appointed by this act with power to arrest and imprison the body of any citizen, to hear these complaints and act immediately upon them on the testimony of any man who may pretend that his feelings have been wounded on account of race or color; and thus the citizen may be imprisoned in the State where he has committed no offense against its laws, in the body of the county of Essex, in the city of Newark, in the State of New Jersey, by an order from a United States commissioner, with power of arrest and imprisonment.

But a step further. When the creatures created by this act have done their work, that man at least has one bulwark left—a bulwark the establishment and protection of which have raised many and many a revolution among our ancestors who were freer than we are to-day—I mean the right to be tried by his peers, to be tried by a fair and impartial jury; the last bulwark left him from the attack of Federal authority under the pretense of equal rights; and even there, in violation of the most solemn guarantees of the Constitution, you tamper with that jury and put in the box a jury that you know to be prejudiced, and you do it intentionally. You use the machinery of the United States courts; you bring men, as you did in the State of North Carolina, under a reign of terror that they cannot resist; you bring them to be tried by a jury on a question of race and color which you make, and before a jury that you oblige to be composed of a part of this minority race, and whose battle you admit and tell them you are fighting. I ask any man learned in the law, any man who has ever practiced in our courts, particularly our Federal *nisi prius* courts at the present day, whether he thinks that any man under a charge

under this act of violating equal rights would have a fair trial before a jury called under the act, half of which might be colored people, who went there for the very purpose of protecting under the impulse of the feelings, natural perhaps but not proper for an impartial juror, which they evince in the resolutions passed at Nashville?

Again, Mr. President, the machinery of the courts of the United States is called in for other purposes. It was only a short time ago that a Senator on this floor attempted to tell us what the offense was that was created by this act. He told us I think, for fifteen or twenty minutes, what it was not, but he never did tell us what it was; and no man has told us; and when the Senator from Georgia, [Mr. NORWOOD,] exercising his imagination, which he kept constantly in check, fancied what it might be applied to, the argument was really considered as reducing the thing to an absurdity. It made his remarks appear to be mere amusement, because he simply applied the words to what they could be extended.

Mr. President, it was the glory of the common law that it defined offenses actually. It was the glory of the common law that when crimes and misdemeanors were created even by statute, their definitions should be accurate, that appropriate words to control the meaning should be put in the indictment which gave the party accused the knowledge of the charge made against him, that the indictment should be specific and precise so that he might know precisely what the crime was, precisely what he was charged with doing, when he was charged with doing it, where he was charged with doing it, how he was charged with doing it. And that was more the protection of personal liberty for centuries than any other feature of the common law. The right to trial by jury was not second to the right that a man should know what he was charged with. Now, you have got offenses which are *mala prohibita* alone; there are offenses even by the admission of the friends of this bill which might be a violation of equal rights in the exaggerated sense of the term that would be no crime as *malum in se*. You make these crimes; you make large numbers of crimes; you give jurisdiction over an immense class of offenses to the Federal courts, and the Federal courts held during the war that where a man was indicted for knowingly harboring a deserter, the knowledge could be presumed by the jury. When a farmer in my own county in the midst of his harvest hired a man passing along the road, and he was found working for him on his place, because he had a button on his hat the jury were told they might presume that he harbored him knowingly. It has been held in the same courts that the indictment need not specify anything except the words of the statute; no words need be used to indicate the guilty knowledge, to indicate crime really, for without guilty knowledge or intention there can be no crime. No such words need be used according to the decisions of the United States courts, different from all our State courts. Then a man is to be brought on for trial; his crime is denying equal rights. You indict him, alleging that John Smith, within the jurisdiction of a district court of the United States, attempted to abridge the equal rights of Cuffee Jones—that is the proposition, that is the crime for which he is to be tried—not having the fear of God before his eyes, but instigated by the devil he did deny to Cuffee Jones his equal rights.

Have these gentlemen given us any definition of the equal rights of Cuffee Jones? Is there any instant in life, from the time a man arises in the morning until he goes to bed in the evening, that he may not unintentionally deny equal rights, particularly when equal rights are defined to be the *same* rights? Can any white man be tried for such an offense against a white man? If he can under the bill, as I think was insisted by my colleague, I say most distinctly that my objection to this bill is not on account of any race or color or previous condition of servitude, but its horrible deprivation of liberty, the horrible snares that you are setting for white men against other white men. A man who can look at the bill and read it, look at it in the face of the law and the decisions of our courts, look at it in the light of history, look at it in the light of all the blood that has been shed and the treasure that has been thrown away like water, to establish the liberty you are now trampling on and laughing about—any man who can look at it and feel that this is a proper bill, even if there were no such race as the colored race to whom it could apply, differs entirely from me.

Mr. President, one of the saddest things about the whole of this business, one of the saddest things that I trust and hope at last the people will begin to see, is the utter recklessness of this proposition. The gentlemen who advocate the bill do not seem to see its results or its effect. They seem perfectly willing to throw life, liberty, and everything else that we have or care for on a sea of uncertainty. The offense is no offense, it has no definition; it requires the construction of your courts which is against the ordinary liberal rules of the common law; and it requires the definition given here to frame any sort of imaginary crime, and when an indictment is framed it may cover nearly every harmless act of life.

Mr. President, I do not know that I ever interfered with the equal rights of any colored man. I certainly never have done so intentionally, and I certainly never intend to do so. I think they are a very kind and a very gentle race. I have quite as much personal regard for colored people, and quite as much desire that their condition shall be improved and that they shall go on improving and progressing, as any other gentleman on the other side of the Chamber. I think I am a little wiser in my course than they are, and I trust that I am guided by no prejudice.

This bill, if passed, will, among other things, break up the whole common-school system in this country; it will leave uneducated the colored people, a million of whose children, it is said, are now being ducated under the benign laws of the State governments and under the protection of those laws by the money of the white people who are bound to make their subscriptions. It will leave them no free schools; it will leave them without education and without the hope of it for years to come. For what? If you make this system go on compulsorily, then what do you do? You establish the system which has made revolution after revolution in England; you establish the system against which Ireland protested until finally the spirit of the age made England give it up—taxing one class of men to educate the other people's children, and taxing for an established church those who believe in another faith. That is to be done here. The poor German and Irishman, whom you have invited to these shores, is to be deprived of his liberties and privileges and of the blessings of those laws to which he was invited, and he is to see his children turned out of the school-houses because he does not wish them to associate with the colored people, whether from prejudice or otherwise, and then you continue to tax him to make him support the school-houses of colored persons. That may be done by State legislation where the colored are in the majority, but it follows that an attempt to do it arbitrarily against the will of the whites when they are in the majority would made it the duty of the Government to interfere in behalf of the white minority in South Carolina and Louisiana; and as I said before it is unwise and inexpedient, with no end on earth to be accomplished by it except to delude the poor colored man.

But, Mr. President, let me state the legal propositions on which I rely. The fourteenth amendment makes all persons born or naturalized in the United States citizens of the United States, and of the State wherein they reside, and declares that *no State* shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Now the bill before us professes to declare that all persons are *entitled* to the full and equal enjoyment of accommodations in inns, schools, cemeteries, &c.

It proposes under the pretense of *appropriate* legislation to enforce the fourteenth article to destroy its whole character and meaning. The fourteenth amendment operates on the States—forbids them from *abridging*, &c.; forbids them from denying *equal protection of the law* to citizens of the United States, which citizenship it created.

The fifteenth amendment took the control of suffrage from the States. But both the amendments from the very fact that they were amendments, and were necessary, admit the entire and exclusive control the States had over the subject—both subjects, except where the amendments restrict and forbid it.

And yet, under the pretense of enforcing these amendments by appropriate legislation, this bill proposes for the first time to interfere with the municipal and police powers of not only the States, but the counties, cities, towns, and school districts, and make all violations of the act misdemeanors and punishable in the courts of the United States by fine and imprisonment, acting directly on the *individual*.

It is a destruction of the rule that the *majority governs*. An arbitrary order from a central consolidated despotism creating an unknown crime which is not *defined*, which is a *negative act*, the definition of which depends upon the mere caprice of the petty tyrant set up by the act and clothed with powers of arresting the body and depriving citizens of their liberty.

Why is not the State Legislature asked to make such a law? Because South Carolina needs no such law to accomplish the object desired; because the majority are of the colored race.

Why are not New York and New Jersey asked? Because it is well known that the majority of the people, irrespective of race or color, would not change the whole form of government, and tyrannically deprive the individual, the school district, the town meeting, the city government, the county court, of managing their own affairs and administering their municipal laws as they have been wont to do.

Knowing that the State will not do it, knowing it is not the will of the people, on the ground that because the State is forbidden to pass any law depriving or denying, &c., equal rights, the United States undertakes to make it a crime against the General Government for individuals to control their own affairs, for corporations to be controlled by the majority of its members, for the State courts to see that all *are equal before the law*, which means properly the government of the majority. Because the States are forbidden to pass laws depriving a citizen of the United States of his rights, it follows, it is insisted, that Congress can make police regulations for every locality, and that an act of omission, which is no interference whatever with the fourteenth amendment; and no crime, but a duty by the law of the State, which permits the people to assemble in town meetings and vote by a majority the sum to be collected for public education, and elect the school superintendent, who has duties assigned him by law, makes it a crime for that superintendent to regulate the neces-

sary discipline of the school, to determine what ages, sexes, and colors may best be taught in the same class.

He can be punished by fine and imprisonment, and the children, parents, and voters as "*inciting*" to the crime, and arrested and imprisoned by a creature of Congress, who in turn is hurriedly arrested and imprisoned if he should be found even on the side of liberty.

In the Slaughter-house case the question was whether the act by the State of Louisiana creating a monopoly of that business was a police regulation or not, all the judges agreeing that if it was it was exclusively within the control of the State Legislature. The opinion of the court was that it was a police regulation, and not a violation of the fourteenth amendment, (see 16 Wallace, page 36.) In the dissenting opinion of Mr. Justice Bradley, (page 120,) after enumerating these interferences with individual liberty which were forbidden by the Constitution to the States, and considering at the time the fourteenth amendment, he uses these words:

If it was really a police regulation it would undoubtedly be within the power of the Legislature.

That portion of the act which requires all slaughter-houses to be located below the city and to be subject to inspection is clearly a police regulation.

That portion which allows no one but the favored company to build, own, or have slaughter-houses is not a police regulation, and has not the faintest semblance of one.

But, Mr. Justice Miller, in delivering the opinion of the court, declares that it is too clear for argument that the clause in the fourteenth amendment on which the bill before us was drawn was not intended to protect a citizen of a State against the legislative power of his own State.

I will read a portion of the opinion, which will be found on page 74 of 16 Wallace:

The language is, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State that the words "citizens of the State" should be left out, when it is so carefully used, and used in contradistinction to citizens of the United States in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizen of the State as such, the last must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment.

The court further say:

It would be the vainest show of learning to attempt to prove by citations of authority that, up to the adoption of the recent amendments, no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other exceptions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government. Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow, if the proposition of the plaintiffs in error be sound. For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation; but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States, in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects. And still further, such a construction, followed by the reversal of the judgments of the supreme court of Louisiana in these cases, would constitute this court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights as they existed at the time of the adoption of this amendment. The argument we admit is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when, in fact it radically changes the whole theory of the relations of the State and Federal governments to each other, and of both these governments to the people, the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt.

The construction of the fourteenth amendment which makes this act constitutional, which makes it *appropriate legislation*, is said by the Supreme Court to be a construction not only unwarranted by the words, but a departure from the structure and spirit of our institutions, and its effect to *fetter and degrade* the State governments, by subjecting them to the control of Congress.

But in the case of F. Bartemeyer, sr., against the State of Iowa, decided at October term, 1873, Mr. Justice Field, one of the dissenting judges in the Slaughter-house cases, concurring with Mr. Justice Bradley, another of the dissenting judges, said what I will read:

No one has ever pretended, that I am aware of, that the fourteenth amendment interferes in any respect with the police power of the State. Certainly no one who desires to give to that amendment its legitimate operation has ever asserted for it any such effect. It was not adopted for any such purpose. The judges who dissented from the opinion of the majority of the court in the Slaughter-house cases never contended for any such position. But, on the contrary, they recognized the power of the State in its fullest extent, observing that it embraced all regulations affecting the health, good order, morals, peace, and safety of society, that all sorts of restrictions and burdens were imposed under it, and that when these were not in conflict with any constitutional prohibition or fundamental principles, they could not be successfully assailed in a judicial tribunal.

And yet after large citations from the opinion of the court when the history of the passage of the constitutional amendments is given, losing sight altogether of the broad distinction drawn by both the majority and minority of the court by all the judges in all the cases, the distinction between the rights of a citizen of the *United States* and the citizen *of a State*, my colleague illogically said:

The Supreme Court holds that it is one of the privileges of a United States citizen, not to be abridged, that the *State shall not deny or shall give him* the equal protection of the laws, and that discrimination against a class in denying that equal protection—in fact it was the very evil the amendment was intended to remedy.

And yet Justice Miller, in delivering the opinion of the court, defines the rights of United States citizenship, saying:

No claim is set up that these rights depended on the Federal Government for their existence or protection beyond a very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition of *ex post facto* laws.

And speaking of the fourteenth amendment, in order that he may negative the position assumed by my colleague most strangely, says:

Was it the purpose of the fourteenth amendment, by the simple deduction that *no State* should make or enforce any law which shall abridge the privileges or immunities of *citizens of the United States*, to transfer the security and protection of *all the civil rights* which we have mentioned from the States to the Federal Government?

My colleague also fails to observe that the whole operation of the amendment, in words and by every rule of construction, is to prohibit *State legislation* from a certain kind of legislation, precisely as by the Constitution it is forbidden a State to pass an "*ex post facto* law." While this bill acts directly on the citizen and the individual by municipal and police regulations—a power never before claimed—and creates a crime against the United States by any act which comes within the definition.

Neither my colleague nor any one else has or can show any authority for this despotic assumption of power. The Supreme Court says it degrades the States and changes the whole structure of government.

I may be wrong, Mr. President, but if I am not more mistaken than I have ever been in reference to any question in the political future of this country, the people of the United States will not let you do this thing. You have at last put your hand on the holy of holies. You have at last dared to violate feelings and thoughts that are deeper down even than the love of liberty. The heathen has his vaults and subterranean caverns still standing where the ashes of his dead are buried; and alongside of this the stranger may walk down beneath the Seven-hilled City on the Palatine, buried beneath eternal Rome, for mile after mile through caves and labyrinths where the *Vas Sanguinis* marks all that was left by the beasts of the ancient martyrs of Christianity and the Church. There, followed by trembling women, are the graves of the dead, which were at the same time the abodes of the living and the temples of the living God, hid beneath the bowels of the earth which He had created. And now they cherish that dead; and heathen and Christian never have to this day been willing to do one act that would violate that inmost principle of the human heart.

You invade every social principle without regard to distinctions of race or color; you tear away all that is worth living for in this blessed land, and you will make us a by-word and a mockery to our posterity. I say, keep your hands off the graves of the dead. It may be no better grave than the grave of him who is buried in the potter's field, but it is my grave and the grave of my dead. There is no power in the Government of the United States or its Army or Navy that will ever touch it. You may build a temple to every dead person, colored or white, without distinction of race or color, and I will help subscribe for it; but you shall not touch the humblest grave of the poorest Catholic that lies in the vault which has been consecrated for him with his cross over his head if he wants to lie there, and you shall not take from him or me the right to protect it. You can so violate none of the blessed thoughts of the future that come crowding around us as we mourn over the dead. Human nature will not bear it. Human nature has borne from your party already all that human nature can or dare bear, but this it will not bear.

Mr. President, I have completed what I meant to say on this bill. I had no hope, as I said to you when I commenced, of changing any man's vote in this Senate. I had heard that a republican caucus had determined this, as many other matters, in secret, and that the bill was to be put through. I heard with delight from my colleague when he opened this discussion that this duty had been *imposed* upon him, and I heard with pleasure that he discharged that duty with ability and grace, as he always does; I heard him conclude as he began that this was a duty *imposed* upon him. Whether it was a duty or not was for him to judge, not for me. That it was not imposed upon him by the Legislature of New Jersey I am glad to know. I do not believe that any party in my State will surrender their liberties and all that is sacred on any such pretense as that this is necessary for the protection of the colored race. I do not believe that any party can live in this country with the eyes of the people now wide open,

who march up to what they know to be wrong, march up deliberately, and, when their own members shrink back like our fellow-member from Tennessee and others, urge them forward over the brink of the precipice as the Jacobins urged the Girondists.

I do not believe that any party so reckless as this can come before the people of the United States and maintain its position. No matter how great are the leaders, no matter how proud their position, no matter what power they may get from the name of their great leader, the President, no matter what hold they may have had for years on the American people, no matter how they may have acted during the cruel vicissitudes of the war through which we have gone, no matter what they may do or say, the people of the United States will understand, as I think, that this thing is done in order to secure the ascendency, the balance of power, the control of the Government to your party, and you are dependent upon the colored voters to whom you deliver up the balance of power, and to whom you surrender all that I have tried to depict to the Senate.

Mr. HOWE. Mr. President——

Mr. FRELINGHUYSEN. One minute. I feel it my duty, Mr. President, to correct an error that my colleague has fallen into. If there is any obligation on the republican party to vote for this bill, or for any part of it, other than that which commends itself to each individual Senator, I am not aware of it. Allusion has been made to caucus or party obligations. If there are any such obligations I do not know the fact. When I said in my opening remarks, to which my colleague has referred, that this duty was imposed upon me, I referred to its having been a duty imposed upon me by the Committee on the Judiciary when they directed me to report the bill. As to whether the Legislature of the State of New Jersey have imposed upon me the duty I have performed, I have only to say that the Legislature of the State of New Jersey imposed upon me the duty of adhering to the Constitution of the United States, and at that desk I swore I would; and unless some one shall rise and show me that in the Constitution of the United States there are two citizenships, one dominant and the other subordinate, one superior and the other inferior, I shall follow the course indicated by my opening remarks.

Mr. STOCKTON. I desire to say a word in reply to the remarks of my colleague. Judge Miller says, in the opinion which I have cited, that there are two citizenships, and the whole Supreme Court have so decided; and the point of that case was that the citizenship due to the State was the one that controlled a man's relation to his Legislature and which the fourteenth constitutional amendment did not touch. That was precisely the point of that opinion, as I read it.

Mr. MORTON. May I ask the Senator a question?

Mr. STOCKTON. Certainly.

Mr. MORTON. I ask him if Judge Miller did not say in the same opinion that whatever rights and obligations were conferred or created by the fourteenth amendment belonged to citizenship of the United States as such, and were under the control and guardianship of Congress? He admitted that there was a citizenship of the State and also of the United States; but did he not expressly say that whatever rights were created or conferred by the fourteenth amendment belonged to every man as a citizen of the United States and were under the protection of Congress?

Mr. STOCKTON. I have no doubt, as the Senator asks me the question, that he is right in saying that Judge Miller uses the language, though I have not the book before me. He also says that not one single one of those rights can be controlled by the Congress of the United States that belong to a man as a citizen of the State. As a citizen of the United States, every right he has under the fourteenth amendment he may be protected in by the Federal courts; but the Supreme Court said they would not protect a man against the Legislature of his own State in reference to matters that were municipal and local, police regulations, and then held that the Slaughter-house case was one of these; and they pointed out all the civil rights specified in this bill by name and excluded them from the power of Congress.

Mr. HOWE. Mr. President, I should not obtrude myself upon this debate at all if I had not long ago made a promise to do so. In December last two colored gentlemen called upon me preferring a special request that I would support the civil-rights bill; and when I replied that I always had supported the civil-rights bill, it was explained that they desired something more than a vote. They seemed to feel that while republicans had generally accorded to this measure the courtesy of their votes, they had not taken so much pains to defend and justify their votes as they ought to have done. Accordingly I promised that when the measure again made its appearance in the Senate, I would not only give it my vote, but I would take occasion to state the grounds upon which I rested that vote. And yet, sir, I find it is not easy to frame an argument in defense of this bill. No truth is so hard to demonstrate by reasoning as that which is self-evident; and to me the simple justice of the provisions of this bill is self-evident.

What are they? A command is proposed that no citizen of the United States shall be excluded from the accommodations of public inns, of public highways, of public schools, nor shall their remains be excluded from resting in public burial-grounds, notwithstanding they are black. That is all. A national decree is proposed that a citizen shall have a right to travel along the public thoroughfares if he pays his fare, and shall have a right to send his children to the public schools if he meets the charges, although he is not white. That is all. It lays not an ounce weight upon any man of any color, but it lifts burdens from some. That is the bill. One would hardly suppose that in the Senate of the United States a measure which laid no burden upon any one, which proposed to help millions, could meet with a very strenuous opposition. One would hardly believe that a panic could seize upon the Senate of the United States at a proposition which left every man just as free and just as rich as it found him. That is this measure, and yet the panic seems to be here. It does meet with a strenuous opposition. That opposition is of two classes.

Senators tell us that Congress is not competent to issue the command, and they tell us that Congress ought not to issue it. Well, sir, if Congress cannot pass this law, of course we ought not to pass it. It is vain to put into the forms of law that which the Constitution says we shall not do. Such an enactment, however formal, will be void of effect.

But, sir, I am of the opinion that the authority of Congress to issue these commands, to enact this bill into a law, is as clear, as indisputable as its authority to lay taxes or do any other one thing referred to in the Constitution. That is my opinion. If I were not very confident of it I would not make the declaration in the teeth of what we have heard in this Chamber within a few days. But in spite of all I have heard here or elsewhere on that point, I lack not a particle of faith of the competency of Congress to pass this bill.

Why, Mr. President, I know perfectly well that it is the office of the Constitution of the United States to divide the powers of government between the Government of the United States and the governments of States. I know that as well as any one. I know as well as any one can tell me that the Government of the United States can rightfully do only those things which the Constitution permits it to do. I am a strict constructionist, and when our right to do any particular thing is challenged I admit the propriety of our being referred to the organic law for the warrant upon which to do it.

I admit, furthermore, that when your Constitution was framed originally, there was committed to the Government of the United States no power to do the things we propose to do in this bill. I admit when that Constitution was framed its makers committed the status and condition of individual citizens to the control of the States within which they lived. What they pleased to do with the individual that they did. There was a malign power reserved to the government of every State to deprive any one or any number of its citizens of every the commonest rights of the commonest man, and they did it. The time was when every State did it. The time is, thank God, when no State can do it. That malign power no longer exists in any government in this land acknowledging the supremacy of the Constitution of the United States.

The Constitution has been changed, you may have heard, sir. Some prerogatives have been withdrawn from the States; some new faculties or powers have been given to the Government of the United States. Three whole chapters have been added to the organic law. One of them, I say in the face of the country as well as in the face of the Senate, was made on purpose to transfer the control of citizens to the Government of the United States; and if Congress does not possess to-day the power to snatch from the oppression of unequal laws every colored citizen of the United States, it is not because the people did not mean to clothe us with that power; but it is unmistakably because the draughtsman who framed the fourteenth amendment did not know enough to construct a clause which would give us that power.

What were the circumstances under which the amendment was presented to the people of the United States and adopted by them? We had emerged from a most expensive and most exhaustive civil war, in which the people and the authorities of several of the States undertook to resist and defy the authority of all the States. The President had abrogated every vestige, every symbol of a State government which he found in those rebellious States, and had gone on to construct new governments not in accordance with any local law or with any national law; governments to suit his own fancy. They were not altogether satisfactory to the people of the United States, or at least to the representatives of the people of the United States in Congress assembled. Congress, you may remember, hesitated whether to recognize the authority of those governments or not. They were started in motion, and we sat here looking on to see how they acted; and after seeing them in motion something like a year and a half, we concluded that we did not like the style, that we would not recognize them, and we passed an act saying as much.

In the mean time we had framed and submitted the fourteenth amendment to the people of the United States. The particular thing we discovered in those governments which we did not approve we referred to in the preamble of the act we passed. What was it? "Whereas no legal State governments or adequate protection for life or property now exist" in certain States which we named. Those were the facts: first, that they were not legal; secondly, that they did not afford protection to life or property. And a government which does not meet either of those requirements you will admit yourself, sir, is not exactly the style of government to tolerate. Therefore these governments were directed by the statute to step aside, as their predecessors had been made to do, not forever; but when and how long? Until the people of the several States had done several things—framed new constitutions upon new principles, that is upon different principles

from those recognized in their existing constitutions. But the great thing was when they should have severally acquiesced in the fourteenth amendment, and the fourteenth amendment should have been incorporated into the organic law of the land. When these things were done then they might return to the national fireside, and their representatives would be received in the Halls of Congress. Why provide until the fourteenth amendment was incorporated in the Constitution they should not be received in Congress? Simply because if thereafter the States saw fit to modify their laws or change their constitutions, the condition of the freedmen, at least, would be secured by the authority of the national Government, and they could appeal to its power, its judgment, its discretion, for their security.

Now, Mr. President, it may be that after all we did not put into the Constitution language adequate to secure to Congress the control the people evidently intended Congress should have. It was not the fault of the people, as I said; it was the fault of Congress if that was not done. Was Congress unequal to that task? That is the question which this bill presents. That is the assertion which is made here. That question has got to be tried and to be settled here or elsewhere finally. I hope for the peace of the country it will not be settled adversely to the existence of this authority, because—hear me—I tell you that your country will not know peace until the Government is authorized to do all that this bill proposes to do, and until it does it. Do not hope for anything of the kind. It cannot come. Real, honest peace never reigned an hour anywhere where less than the provisions of this bill prevailed. It will not be settled adversely if plain common sense triumphs.

Sir, this is not the first attempt of the Congress of the United States to control the civil rights of colored men. Before the fourteenth amendment was incorporated into your Constitution Congress undertook that work. On the 9th of December, 1866, before the fourteenth amendment had been agreed to, when the Constitution stood as it stood before the war with the exception of that great clause which said that slavery should no longer exist and that Congress was clothed with all the legislative power required to see that slavery did not exist, Congress passed an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication." The first section of that act declares:

That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right in every State and Territory in the United States–

To do what?

to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding.

All that was said in 1866. The fourteenth amendment was not born then. Was that act constitutional? The politicans who challenge the authority to pass the pending bill would say no; and the politicians of that school did say no. The President of the United States challenged the authority of Congress to enact that law, and returned the bill because it was unconstitutional. Two-thirds of the members of the Senate of the United States and of the House of Representatives stood up before the American people and before the Almighty and said upon their oaths it was constitutional. That did not prove it; but it ought to be conclusive proof that they believed it.

But that is not the only evidence we have that the act of 1866 was constitutional. Sir, the constitutionality of that act is recognized in the most unequivocal terms by the Supreme Court of the United States. In the circuit court of the United States in Kentucky, two white citizens were indicted for the murder of a colored man. The jurisdiction of the court was objected to. There was an attempt to defend it upon the ground that it was a case "affecting" colored citizens, and that by the laws of Kentucky colored men were not allowed to testify in cases affecting only white citizens. That case came to the Supreme Court of the United States. A majority of the court held that the circuit court had no jurisdiction, that the only parties "affected" by the case were the United States which prosecuted and the defendants who responded; that as they were not colored citizens on either side the Federal Court had not jurisdiction. Two eminent judges dissented from that view and thought the court had jurisdiction; but the court denied jurisdiction simply because the act did not confer jurisdiction, not because the act was unconstitutional. That the act was constitutional they affirmed in this unequivocal language:

Nor can it be said—

Said Justice Strong, who delivered the opinion of the majority—

that such a construction allows little or no effect to the enactment.

The court was commenting upon the very act which I have been reading from.

On the contrary, it concedes to it a far-reaching purpose. That purpose was to guard all the declared rights of colored persons, in all civil actions to which they may be parties in interest, by giving to the district and circuit courts of the United States jurisdiction of such actions whenever in the State courts any right enjoyed by white citizens is denied them. And in criminal prosecutions against them it extends a like protection. We cannot be expected to be ignorant of the condition of things which existed when the statute was enacted, or of the evils which it was intended to remedy. It is well known that in many of the States laws existed which subjected colored men convicted of criminal offenses to punishments different from and often severer than those which were inflicted upon white persons convicted of similar offenses. The modes of trial were also different, and the right of trial by jury was sometimes denied them. It is also well known that in many quarters prejudices existed against the colored race, which naturally affected the administration of justice in the State courts, and operated harshly when one of that race was a party accused. These were evils doubtless which the act of Congress had in view, and which it intended to remove. And so far as it reaches, it extends to both races the same rights and the same means of vindicating them. (Blyew *et al. vs.* United States, 13 Wallace, 593.)

That was an act to establish civil rights. This is a bill for the same purpose. The power arrogated to Congress in this bill is precisely the power asserted by Congress in that. The inhibitions which this bill would put upon the States are precisely the same as the inhibitions which that act put upon the States. I can pardon the man who, looking into the Constitution as it read in 1866, could not find in its text the authority to enact that law; but I cannot pardon the man, whether he be lawyer or layman, citizen or magistrate, who standing before the Constitution as it read in 1866 shall say that that act is constitutional, and yet standing before the Constitution as it reads to-day will undertake to say that this bill transcends the competency of Congress.

And yet we are told that that very point has been already decided. We are told that the Supreme Court of the United States have declared in advance that we have not authority to pass this bill. That is a mistake, in my judgment. The Supreme Court of the United States never have told me any such thing. I stand here to deny that they have ever said any such thing. I have seen something of the opinion of that court which has been quoted here so often, an opinion which was delivered in the so-called Slaughter-house cases. That opinion does not deny the authority of Congress to pass this bill. I am going to speak frankly and candidly to the Senate. The court in that case did deny things which I wish it had not done. I am going to say with great diffidence and great deference one thing more: I am going to say that in that case the court did undertake to assert a principle of constitutional law which I do not believe will ever be accepted by the profession or the people of the United States. The particular controversy presented to the court in the Slaughter-house cases, so far as it affected those parties, is settled of course. The only point which the court asserted was that a statute passed by the State of Louisiana was not in contravention of the fourteenth amendment. That act made no discrimination between a white man and a black man. It made, I think, broad discrimination between the rights of white men—a discrimination which upon my soul I believe the fourteenth amendment condemns—but not a syllable of discrimination between the two colors. The court undertook to say that it was but an exercise of the ordinary police powers which belonged to every State before the fourteenth amendment was adopted and were not taken from the States by the fourteenth amendment, and then the court went on, or the judge who delivered the opinion of the court going on to defend that conclusion enters upon an argument to prove that such an act did not contravene that one clause of the fourteenth amendment which declares that no State shall impair the privileges and immunities of citizens of the United States. In support of that proposition, Mr. Justice Miller gives expression to these conclusions: First, that there are certain privileges and immunities which adhere to citizens of the United States especially because they are such, while all other privileges and immunities belong to citizens because they are citizens of States, and that this clause of the fourteenth amendment was intended to secure the former privileges and immunities, and not the latter.

Mr. President, I am glad to feel authorized to say that that is not the conclusion of the court. I understand that to be a part of the argument simply by which the justice who delivered the opinion of the majority undertook to defend the judgment of the court. But, sir, if it were the judgment of the court and could be found to-day inscribed on its records, I could not forbear to say, what the American people and I believe the civilized world have already said of another and a prior decision of that same court, that it is not law and cannot be law.

Sir, I have told you the circumstances under which the people put that fourteenth amendment into the Constitution; and yet are we to be told by any authority that that one clause does no more than to secure the protection of the national authority for such privileges and immunities as citizens enjoy because they are citizens of the United States? Is there a lawyer or a layman here, a learned man or an ignorant man, who does not know that it was the idlest piece of verbiage that could possibly be constructed if that was the sole object of it? Does not every man here know that if there was one human being who had one single right secured to him because he was a citizen of the United States, that no State could impair that right, even if that language had not been put into the fourteenth amendment? Show me the clause of the Constitution which gives to you, or me, or any one man one right, I care not what, and I will show you the very words which of their own force place that right beyond the possibility of being impaired by any State until the State can whip the United States. That time has not come yet.

But, Mr. President, what are those rights, what are those privileges and immunities which belong to us as citizens of the United States? Have you ever discovered them? You have read the Constitution a great many years. The Supreme Court—I do not mean the Supreme

Court; I mean Mr. Justice Miller—undertakes to enumerate some of them and to adduce the evidence in support of them, and I am going to call attention to this enumeration. The first one he finds in a former judgment of the Supreme Court in the case of Crandall *vs.* Nevada. Nevada undertook to lay a poll-tax upon individuals leaving the State. The constitutionality of that law was disputed, and the controversy was transferred to the Supreme Court, Mr. Justice Miller, I believe, delivering the opinion of the court. The whole court said the law was unconstitutional; and Mr. Justice Miller defends that judgment by saying that Crandall was a citizen of the United States, and that every citizen of the United States has the right to visit the sea-ports of the country and the capital of the country; that this right is supported by the implied guarantees of the Constitution; that this tax was an incumbrance upon that sacred right, and so the law was unconstitutional. I entirely agree with the court that the law was unconstitutional; but not for that reason. The implied guarantees of the Constitution? Why, what will my friends on the other side of the Chamber, who are like me strict constructionists, say about those implied guarantees of the Constitution? If there is anywhere a right guaranteed to me in the Constitution to visit Washington or New York, cannot you find an implied guarantee that I may go to Pike's Peak or Manassas Gap also? There is no knowing what these implied guarantees lurking around here in the Constitution may or may not do for us.

Why, Mr. President, we are all citizens of the United States. Justice Miller himself said so; Chief Justice Taney said that; and if this right was guaranteed to Crandall to come to Washington, it is guaranteed to all of us. If this right dominates the obligation of citizens to pay taxes, if the power of taxation on the part of a State is subjected to this implied right of ours to travel to and fro, why is not the *ne exeat* subordinate to it, the *capias* subordinate to it? That is one of the rights which Justice Miller enumerates as belonging to citizens because they are citizens of the United States. Another privilege of the citizen of the United States is—

> To demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government.

Where is that right guaranteed in the Constitution? I do not doubt that every citizen has the right to demand the protection of the Government. I do not doubt that everybody has it, whether he be a citizen or an alien, and I have sometimes thought that he stood about an equal chance of getting it whether he was a citizen or an alien. I know this, sir, and so do you, that Martin Koszta was not a citizen, and he demanded the protection of the Government, and he got it; and I know this also, and so does the Senate, that in the last years of the last century numbers of American citizens were despoiled of vast quantities of their property on the high seas; they asked for the protection of the Government, and they did not get it, and these citizens have been helpless ever since.

> The right to peaceably assemble and petition for redress of grievances, the privilege of the writ of *habeas corpus*, are rights of the citizen guaranteed by the Federal Constitution.

Rights guaranteed by the Constitution to the citizen *exclusively*? To the citizen of the United States? Has the citizen of the United States a larger estate in the writ of *habeas corpus* than the subject of any other country? In time of peace you cannot deny the writ to any one. In time of war you may deny it to every one, citizen or alien.

> The right to use the navigable waters of the United States, however they may penetrate the territory of the several States.

There is another right enumerated as belonging to citizens under the guarantees of the Constitution of the United States. Mr. President, I never did find in the text of the Constitution any broader right for a citizen of the United States to use the navigable waters of this country than for a subject of Great Britain, or a subject of Norway. I believe, notwithstanding what is said in that opinion, it would be a difficult thing to make a long catalogue of privileges and immunities which belong to citizens of the United States, distinctively as such; and still this is all aside from the main question. The court was simply arguing that the Louisiana slaughter-house act did not transcend that one clause of the fourteenth amendment which says that a State shall not impair the privileges and immunities of citizens of the United States. That is not the whole of the fourteenth amendment, and the court took notice of that fact. There is another clause in that very amendment, a clause which tells the State not only that you shall not impair the privileges and immunities of citizens, but that you shall not deny to any citizen the equal protection of the laws. Upon that clause the same judge speaks; and of that clause he says:

> In the light of the history of these amendments, and the pervading purpose of them, which we have already discussed, it is not difficult to give a meaning to this clause. The existence of laws in the States where the newly emancipted negroes resided, which discriminated with gross injustice and hardship against them as a class, was the evil to be remedied by this clause, and by it such laws are forbidden.

Judge Miller, then, is of the opinion that under the last clause no State can oppress a colored citizen by virtue of its laws. The very object of the bill now before us is therefore sanctioned by the opinion of that one judge at least, for though he does not think it included within the previous clause, it is included in the last clause of the amendment.

But this is not the only interpretation we have of the fourteenth amendment. We had one the other day from the honorable Senator from Ohio, [Mr. THURMAN,] a construction which surprised me very much. I regret not to have been able to see the words of the honorable Senator in print. I know how liable I am to have misunderstood him. I regret that he is not in his seat to correct me if I should do him injustice. I understood him, however, to say of this fourteenth amendment, "Why, yes, it does say that a State shall not deny to every citizen the equal protection of the laws; but it is a command that goes to the State; your bill does not touch the State; your bill touches the innkeeper, touches the railroad conductor, touches the citizen, touches the individual. Where do you find in the fourteenth amendment authority to issue commands to individuals? If you find any law of the State which denies equal protection, then issue your command to the State which proclaims that law, not at the individual." This is what I understood to be his argument. We all know the learning which distinguishes that Senator. So I must speak of this position of his with deference; but I understand it to be opposed to the whole theory of the Constitution and the whole practice of the Government from the time the Constitution was adopted to this time.

Sir, the very fundamental defect of the old Articles of Confederation was this, that the General Government could only issue commands to the State, none at all to the citizen. It could issue commands enough, but they were commands which must be transmitted to the citizen through the government of the State, and if the government of the State would not transmit them the citizen did not obey them. Therefore the Constitution was made to supersede the Articles of Confederation, and the great distinguishing feature of the Constitution over the Articles of Confederation is in this, that all the commands of your law, almost without exception, are now issued to the citizen. You tell him to do his duty, and if he does not do his duty you visit your penalties upon his head, and you do it in spite of the State.

There is in your Constitution an article which authorizes Congress to make laws for the punishment of offenses against the law of nations. I do not give its language, and I will not stop to pick it out. You passed an act before this century commenced, if I remember the date of it, to punish by Federal authority and in Federal tribunals the man who should assault a foreign minister, and you have done it. In 1824 a Spaniard in Philadelphia assaulted the Spanish minister for an insult which he claimed he had suffered from him in Spain before either of them arrived in this country, and he was prosecuted for that act in the courts of the United States. The case was finally settled by the judgment of the Supreme Court. Your statute was not leveled at the State of Pennsylvania; the State of Pennsylvania was not directed to impose the penalty of the law upon that offender.

Nay, more; the Senator from Ohio inquires, "How do you know but that every one of the States is discharging her duty specified in this bill; how do you know but that all the States have laws commanding every one of their citizens to do everything that is there commanded; how do you know but that they bristle with penalties against those who shall offend against the requirements of this statute? Do you propose to impose a double penalty?" No, sir; only one; but we propose to impose one, if I understand the purpose of this bill. What would the Senator from Ohio have said if he had been a citizen of Pennsylvania when that man Ortega was indicted for an assault? Did not the laws of Pennsylvania forbid assaults? Did not the law of Pennsylvania impose fines for assaults? Unquestionably. Would the Senator from Ohio being a Pennsylvanian have said then to the United States, "Take your hand off from Ortega; he is under the discipline of the laws of Pennsylvania; we know what an assault is, and we punish it; we allow no second punishment?" He might have said it, but the United States would not probably have heard him if he had, or have obeyed him if it heard.

Sir, there is another provision in the Constitution—indeed there are several; I am not going to read them all, but there is one I want to read. You have heard of it I think before:

> No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

That is all there is of it. Escaping he shall not be discharged from service or labor if there is any law to that effect; but he shall be delivered up on claim of the party to whom such service is due. That is all. You have legislated, you know, under that provision of the Constitution. You passed an act in 1850. It was not directed to any State; it was directed to all the citizens of all the States. It did not merely tell them in the language of the Constitution let the master take his escaped servant back; give him up; it did not tell them that; but the law told all the citizens of all the States to "*catch him, take him back*," and they did it. That clause of the Constitution was understood at the time as charging upon the General Government the duty, the obligation of seeing that these escaped servants were not only given up but taken back. Sir, I hold in my hand a book written to relate the efforts which the United States made to take back one of these escaped servants. I wish your vision was clear enough all of you to see that one picture, [exhibiting the frontispiece of a book.] That represents one scene in the city of Boston, on State street. Boston is swept out of State street; the United States is parading there. There is no rebellion: there is no insurrection. No governor has called on the

President; no Legislature has; but the United States is parading there on State street, doing what? Escorting Anthony Burns down to a national vessel to be transferred from Boston to Virginia. For what crime? He had been convicted of none. Under the sentence of what court? None whatever. A commissioner of a United States court who had no more judicial authority, in my judgment, than you have, sir, to-day, had said that he must go from Boston to Virginia; and the United States, represented not merely by its civil agents and officers, but represented by its military arm, was there. The United States marines were escorting this man down State street to be transferred to Virginia.

Mr. President, what would the Senator from Ohio, with the views he has of legislative authority to-day, have said if he were in Massachusetts then to the representatives of the General Government? "Where is your authority to take Anthony Burns out from under the shadow of Faneuil Hall? What are you doing it for?" "Why, he is a slave and escaped from service." "How do you know he is?" "Mr. Loring has so decided." "Who is Mr. Loring?" "He is a commissioner of the United States court." "But under what law?" "Under the act of Congress of 1850." "Where is the clause in the Constitution which authorizes the act of 1850?" "This clause which says that if a servant does run away he shall be delivered up." I am very sure the Senator from Ohio could make a very strong if not a pretty conclusive argument against the validity of such a statute under such a clause of the Constitution.

Mr. President, I cannot help thinking the Senator from Ohio is utterly mistaken in his views of the true construction of the fourteenth amendment. I will tell you what I think of it. I think that clause of the Constitution says to the world, especially to the people of the United States, that every one of both the classes mentioned are citizens both of the United States and of the State in which they reside, and that no State shall impair their privileges or deny them the equal protection of the laws, and it charges the Congress of the United States to see that that condition is realized by every one of these citizens. It means all that or it means nothing. It is of no use for us to stand here and say, this is a privilege of a citizen, and that is not; this is a right, and that is not. That will do in arguing the question of expediency, but in arguing the question of power it has nothing to do with it. The whole truth is this, and nothing but this as I conceive it: Before these amendments were added to the Constitution there was supreme jurisdiction in the government of the States to say what were and what were not the privileges of a citizen. Since these three amendments have been added to the Constitution that supreme jurisdiction is in the Government of the United States or it is still in the government of the States. If it be still in the government of the States your act of 1866 is a usurpation and cannot be defended. If it is in the Government of the United States, in which department is it? Is it in the legislative, the judicial, or in the executive? It is not in the executive. Is it in the judicial? If the Legislature be silent, can you find writs and crimes and definitions which the courts of their own motion will execute and enforce? No one will assert that. If it be in the General Government anywhere it is in the legislative tribunal, and we are charged with the duty of providing for the execution of the amendments.

You may say if you please that it is inexpedient to clothe this man with that right or the other right, to vest in him this privilege or that privilege; but when the legislative tribunal has spoken its discretion guides the judgment of every other tribunal and the judgment of the whole people of the United States. The tribunal of last resort has spoken, and from its decision there is no appeal upon this question but to the people.

The Senator from Ohio [Mr. THURMAN] asked us how we knew that the States did not for themselves decree everything that you propose to decree in this bill? I have said I do not think we are called upon to wait until we ascertain that. The United States did not wait to ascertain whether Pennsylvania punished assaults or not before it passed the act under which Ortega was prosecuted; the United States did not wait to find whether there was any statute in Massachusetts which refused to deliver up a fugitive slave before it passed the act of 1850, under which Anthony Burns was taken out of Boston; but, sir, if we must wait until we find a State which does not decree what this bill does, I am sorry to say we have waited long enough. I will introduce you to the State. You will find it in the State of Georgia, one of whose Senators on this floor, [Mr. NORWOOD,] the other day, undertook to laugh this bill out of the Senate. I was sorry to witness the attempt. I did wish that he had been more mindful of the very honorable testimony given upon this very subject by another distinguished statesman of his own State. I wish I had the language of Mr. ALEXANDER H. STEPHENS before me to reproduce to the Senate, language in which he bears the most unequivocal testimony to the duty of Government to do all for every citizen that this bill attempts to do. And yet the Senator seemed to think it utterly preposterous that any government could owe any duty to these citizens whom he facetiously referred to as "colored statesmen." Sir, that other Georgia statesman tells you that the strife between power and right has continued from the beginning of society, and he told you the truth. He did not add what I will add, that it will continue until society shall decree universal right to universal manhood.

Mr. President, distinguished wits have appeared in the course of this struggle before the Senator from Georgia made his appearance in this Chamber. The chiefest of them all have not been able to win a victory for power over right, and I do not think he can feel entirely sure of a victory in a contest where there have been so many failures. I wish he could have dispensed with ridicule, although the whole Senate will bear witness that he is exceedingly well equipped with such weapons.

Sir, to Georgia you may look for the provisions which, according to the doctrine of the Senator from Ohio, call upon you to put in motion the latent powers with which you are clothed under the fourteenth amendment. The State of Georgia is philosophic. White men govern in Georgia. There is no blundering among statesmen there. They go to the foundation of things there. Georgia is discriminating, acutely so. Georgia—I read from the code of 1873—makes rather minute divisions of persons; first, into natural and artificial. Again—

Natural persons are distinguished—

Says the code—

According to their rights and status into: first, citizens; second, residents not citizens; third, aliens; fourth, *persons of color.*

Pretty accurate that!

Says Georgia:

Among the rights of *citizens* are the enjoyment of personal security,—

Very necessary—

of personal liberty—

A convenient thing to have—

private property and the disposition thereof, the elective franchise, the right to hold office, (unless disqualified by the Constitution and laws,) to appeal to the courts, to testify as a witness, to perform any civil function, and to keep and bear arms.

It is a good thing to be a citizen in Georgia, provided Georgia recognizes you as a citizen. It is of no account to be a citizen of Georgia if you are a colored person. Georgia takes an interest in the welfare of her youth. Georgia evidently feels that either it is a right of the citizen or a necessity of the State for the people to be educated, and Georgia has made some provisions for the education of the people. Georgia provides for a State school commissioner, and assigns to him a great many duties; among others this:

To apportion equitably the State school revenue to the different counties of the State upon the basis of the aggregate of youths between six and eighteen years of age, *and all confederate soldiers under thirty years of age.*

Georgia says:

It shall also be the duty of said board of education to make arrangements for the instruction of the children of the white and colored races in separate schools. They shall, *as far as practicable*, provide the same facilities for both races, in respect to *attainments* and *abilities* of teachers and *length* of *term* time; but the children of the white and colored races shall not be taught together in any public school of this State; and in respect to the building of school-houses mentioned in this section, the said board of education may provide for the same either by labor on the part of the citizens of the sub-district to be served or by a tax on their property as hereinafter provided.

Georgia says that the sub-districts may establish one or more schools. Of course they must establish more than one, or but one color can be educated, or they must be educated together. If the sub-district should see fit to tax property to construct a school-house for one color and labor to construct a school-house for the other color, the school-houses would be likely to illustrate different styles of architecture. There might be equality in the scholars; I doubt whether there would be absolute equality in the school-houses. The State simply says that so far as practicable you shall afford the same facilities in the capacity of the teachers and length of the term time. But not only that, the State says:

Nothing in this chapter shall be so construed as to prevent any city with a population greater than two thousand inhabitants, or any county under authority from the General Assembly of this State, from organizing a public-school system, independent of this system, or to prevent the said independent organization from drawing its *pro rata* share of all educational funds raised by the State.

Having made the provision to which I have called your attention as a part of the system of the State, it says that any city of two thousand inhabitants or any county in the State may abrogate that system entirely and establish one of their own and have their *pro rata* share of the fund, and that fund of course the city or county may dedicate to the education of either race it may select to the exclusion of the other.

But, Mr. President, I have dwelt too long, I am sure, on the law of this case. Senators say the bill is inexpedient, no matter how clearly it may be authorized. Why is it inexpedient? They say it is small business for this great Government to be running hotels and railways and theaters.

Mr. NORWOOD. And circuses.

Mr. HOWE. And circuses. I thank my honorable friend. I should think so myself. If the Government had never been in any meaner business than that I should give some weight to that argument. [Laughter.] When the Government of the United States goes into Pennsylvania to prosecute a man for an assault upon another; when the Government musters in the city of Boston to catch one poor struggling fugitive and bear him back to slavery with all the Stars and Stripes flashing away above him and not protecting him—when the Government has proved itself to be equal to that, if it shall hereafter disclose any fitness for running a hotel or conducting a theater, I am not sure but it had better engage in it at once.

But, sir, this is aside from the argument. I know it is a small business. I know there ought not to be any occasion for it. We have to

rally the United States to do those things which every citizen of the United States ought to see is done if the law was as dumb as the pyramids; but citizens will not do it, and so the United States must speak. As long as there is anywhere the door of a school-house which can be slammed in the face of the child of any poor citizen, as long as there is a highway on which any one of your citizens cannot travel when he is willing to pay the charges, as long as there is a citizen who cannot find entertainment in a hotel whose charges he will meet, as long as such men as Frederick Douglass can be excluded from the table of a steamboat bearing your flag, I think the United States had better make no question upon the point of dignity. The fittest thing for us to do is to correct all such abuses. What does the Declaration of Independence say? The Declaration of Independence says something upon this very point:

We hold these truths to be self-evident—

There it is in the Declaration—

that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to *secure these rights, governments are instituted.*

That is what the Declaration says. It is the very end and purpose of government to secure these rights.

Then it is objected that these colored citizens are not the equals of the whites. No; of course they are not. You would get off of them quick enough without the admonition of a public statute if they were your equals. The law of self-preservation would be a sufficient instruction upon that point. I know they are not the equals of the whites. You could not well expect them to be, I think, under all the circumstances. What code is it which instructs us that we can jump on to a fellow-man simply because he is weak? I have not read that code. I would not subscribe to it if it were put in my hands. That is not the charter you mean to plead here. Let me have no dispute upon that point. I concede the want of equality, and this inequality has existed too long. It is not our charter for making them feebler; it is the injunction which the Almighty issues to us, if you have only read it aright, to help them out of this feebleness. That is the way I understand it.

But Senators say, "Let us be careful; do not go too far; the public schools are creatures of the States; do not you dare to say that the colors in those schools shall be mixed; say that and the schools fall; there shall be none." I hear the threat, and I admit I am afraid. I do not know but they will do it. Every step in this whole terrible march has been taken under some threat. This is one that comes very near me. I do not know but the schools will fall if we do not stay our course; but when peril threatens of any kind I can meet it but in one way. Let justice be done though the common schools and the very heavens fall.

Mr. President, we are not providing in this bill for mixing colors at all. If you are resolved that the two colors shall not mingle in your school-houses, as they will in your streets and everywhere else, as they do here in this great council-chamber—ay, and will forever and ever—you cannot go back on what is done; if you are resolved that they shall not mingle in your school-houses, they need not mingle, in spite of anything in this bill. I do not agree with my honorable friend from Massachusetts, [Mr. BOUTWELL,] who said yesterday that it was necessary to mingle them, if I understood him, in the school-houses, in order that they might there unlearn this prejudice which separates one color from the other. I do not believe in that doctrine at all. I do not believe that it belongs to education to unteach this prejudice. I think that my honorable friend from Massachusetts fell into the same mistake that the author of the pamphlet which I hold in my hand has fallen into. He demands to know, with some impatience:

Will politicians never learn that social laws are laws of nature, and hence invariable and inflexible, as well as physical laws?

No, Mr. President, they never will learn that; never, never. It is not true. The politicians cannot teach it. They are not the laws of nature. Nature gives the lie to the assertion everywhere. There is not in Washington a white child, until politics gets possession of the unfortunate to some extent, that makes the slightest discrimination between the black and the white race; not one. Politicians teach that prejudice. It is not a law of nature; it is one of the worst and most degrading lessons we learn, and one of the most mischievous.

Mr. President, I say if you insist upon it that the colors shall never be mingled in your school-houses, this bill will not force them together. If you choose to build two school-houses on every acre in every district, and to give the two colors the privilege of choosing between the two, each color will go to that where they feel the most at home and where their education is most advanced. Open two school-houses wherever you please; furnish in them equal accommodations and equal instruction, and the whites will for a time go by themselves, and the colored children will go by themselves for the same reason, because each will feel more at home by themselves than at present either can feel with the other; and the child who should separate from his own color to go into the white school for mere social reasons would feel and would be treated by his own color as a rebel against his race. But, on the contrary, let your law say that they shall not be educated together, and then the subordinate color must take just such accommodations as are provided, let them be poor or good. Let the law speak, then; offer equal inducements to each of the races, and each will in the school-house continue to keep by themselves. But let the individuals and not the superintendent of schools judge of the comparative merits of the schools; that is the point. They will know where they are best taken care of. I would rather trust them than to trust any municipal officer.

Mr. President, the Senator from Ohio [Mr. THURMAN] said the other day, and the Senator from New Jersey, [Mr. STOCKTON,] if I understood him, reiterated the same thing to-day, that we had entered upon this course of legislation for the purpose of perpetuating the ascendency of the republican party. Sir, that declaration, come from whom it will, does great injustice, not merely to the good faith of the republican party, but to its intelligence. I know, and I think our friends of the opposition know, that not one single step has been taken in this whole history upon which we did not stake the very existence of the republican party. We took it at the peril of the republican party. We take this at the peril of the republican party. The Senator from New Jersey knows that and states it. The Senator from New Jersey says he does not believe the people of the United States will consent to it. Sir, I do not guarantee that they will; I do not know that they will. But I would not, so far as my single vote and voice are concerned, turn back from it if I knew that of the forty million people of the United States there could not be found a single million who would accept it. If this generation does not accept it a generation is to come that will accept it, just as sure as the future is to appear.

Sir, was it the purpose of the republican party to re-enforce its numbers when in 1865 it refused to recognize the governments which Andrew Johnson had built up in the lately rebel States? If we had been ambitious solely of party ascendency, could not we have done better than to have made eight hundred thousand voters out of the freedman, the colored man, the ignorant man, the poor man, the despised man? We could have made a million, and you know it, from the white men, the educated men. There were no special inducements known to me for preserving political affiliations between those who laid down their arms in 1865 and the democratic party. The democratic party had never done anything for them that I know of, except to give them good wishes, perhaps. They asked for themselves but two things: They asked for a pardon for their offenses, and that they might still have absolute control of the freedmen. We were entirely willing to grant pardon, and did it, without any alliance. That unlimited control of the freedmen we refused to assent to upon any conditions whatever. Do not tell me, sir, do not let any man flatter himself that if we would have accorded this last condition those people would have still abjured the republican party. Andrew Johnson tendered that domination, and republican as he was, they embraced him; and we are not permitted to doubt, I do not doubt, they would have hugged us all with equal cordiality if we had been equally compliant with their wishes or equally defiant of our duty. No, Mr. President, we did not angle in those waters for political strength. He did not go there to recruit. If I know anything of the purpose which actuated the republican party, they went there simply because they believed that planting the Republic on the foundation of justice, the Republic would be safer, whatever might overtake the republican party.

Mr. President, since we can find no good reason why this bill should not pass, let me offer two or three why, in my judgment, it should pass. And, first, it will aid a whole race, now numbering millions, in their pursuit of happiness, and it will retard no single being in the same pursuit. Remember that the bill imposes no burdens upon any one. It simply commands that we get off from the freedman; not partly off, but altogether off, not off his neck alone, but off his skirts as well. You are not required to lift him to his feet, but to let him get on to his feet if he can; not to lead him on his way, only not to trip him as he staggers on his way. That is all. I am not sure but that more will be demanded of us hereafter. But not by the republican party. There are rumors of an occasion when we shall be summoned before One high in authority who will rebuke some of us very severely because when he was hungered we gave him no meat; when he was thirsty we gave him no drink; when he was a stranger we shut all the taverns upon him; when he was naked we were indifferent; and when he was sick and in prison we did not visit him; when he was ignorant we expelled him from the schools; and when he was dead we denied to his remains the rights of decent sepulcher. It will be useless, I am told, to deny the terrible impeachment, for He will retort upon the cowardly denial, "Inasmuch as ye did it not to one of the least of these, ye did it not to me." Of course such an administration will justly be considered radical. The republican party is eminently conservative. The republican party only requires that you stand back and let the oppressed of centuries stagger to their feet if they can. It is sometimes thought good statesmanship to tax thousands to help one man. Can it be, then, bad statesmanship to help millions without taxing one?

Second, it will cement the foundations of your civil polity with justice, without which no state can be secure, and for want of which many a throne has been upturned and many another now rocks visibly.

Third, it will shield from wanton indignity that great franchise in which we all have a common and priceless estate, American citizenship. Rome sold the rank of citizen at a great price; but she made it worth the purchase, and when away beyond the eastern shores of the Mediterranean Sea in a city of Asia the prisoner Paul said to the

centurion, "I am a Roman," the latter hurried to the chief captain and exclaimed, "take heed what thou doest; for this man is a Roman."

We are told that a pebble dropped into the middle of the Atlantic will cause its multitudinous waters to pulsate on either shore. Is there an American who does not yearn for that happy day when the hand of insult wantonly laid upon any citizen shall awaken a throb of indignation in every home throughout the Republic?

Fourth, it will slowly but surely redeem from needless degradation that other and higher franchise, manhood. I know it is said that this is not a common or an equal franchise, that the colored men belong to a lower order of being. It is not true. That is the doctrine of caste, not of Christianity. We have but one creator and that is God, and He makes but one kind of men. Diverse culture has occasionep diverse conditions. Those unequal conditions are an impeachment of society, not of creation. In the name of Christianity; in the name of the Declaration; in the name of the Constitution, by the voice of this bill I invoke the angel of equal rights to remove the last obstruction from the pathway to equal fortune.

And finally, sir, if I can be pardoned, I should like to obtrude one other consideration upon the Senate. As I believe we have a common origin, so I believe we have a common destiny. What matters it, after all, who is first or who is least here? Who shall decide the much-disputed question? It was once asked of One who could not be mistaken who should be greatest in that kingdom to which we all tend; and the answer was, "He that is least among you all." If the fact be so, will it not be prudent statesmanship to promote the colored man a little here lest he supersede us all hereafter?

[Mr. ALCORN addressed the Senate in support of the bill. His remarks will appear in the Appendix.]

Mr. BOUTWELL. Before the Senator from Mississippi concludes, I desire to relieve the objection which is raised by him to the amendment I have proposed as far as it is possible for me to relieve it. I have felt with him, though not perhaps with the enthusiasm which seems to be natural to him, the difficulty to which he has especially called the attention of the Senate, and it is a matter of gratification certainly that we have now the pleasure of joining with the Senator from Mississippi and following him with such steady and active pace as we can command in favor of securing to all the people of this country their just and equal rights.

But before I proceed to state the change which I propose to make in the amendment I have submitted, I ask the attention of the Senator from Mississippi to a statement made by him which I think was an error, and I am also bound to believe that it was wholly unintentional. At the same time I am compelled to confess that there is ground for the statement he makes, but not to the extent that his remarks indicate. He said that Massachusetts was responsible for the continuance of the slave trade until 1808. That is a very old question, and it is hardly worth while in the light of the truth of history to spend any time upon it. But the Senator from Mississippi will remember this, I have no doubt, as substantially the history of the proceedings in the Convention of 1787, by which the slave trade was permitted for twenty years. The Committee of Detail in that Convention reported a provision by which the slave trade was left open for an indefinite period of time, subject only to the action of the several States. Eleven of the States had already abolished or prohibited the slave trade. The only States that recognized it were Georgia and South Carolina. The States of the North refused to accept the report of the Committee of Detail, and it was then that General Pinckney, of South Carolina, declared that if the slave trade were prohibited South Carolina would never enter the Union. But after much debate General Pinckney did make a motion to recommit that provision of the proposed constitution with the suggestion that the importation of slaves might be subject to duty as were other imports under the laws of the country, and that proposition to recommit was seconded by Mr. Rutledge, of South Carolina. The committee again reported allowing the slave trade till the year 1800. The report was made by Governor Livingston of New York. The result of the action of the committee was objected to by the Delegates from South Carolina, and Mr. Charles Pinckney especially declared that if all the Delegates from South Carolina were to assent to that proposition and go home and urge the people of the State to ratify the Constitution upon that basis, it would never be ratified; and Gouverneur Morris afterward in a statement made in the Convention declared that it was because South Carolina and Georgia insisted upon continuing the slave trade that the North finally assented to the proposition that was ultimately adopted. Finally Mr. Charles Pinckney, after this debate and under much pressure, and with the declaration supported by his colleagues and by the Delegates from Georgia that those States would never enter the Union, moved to amend the report of the committee by substituting 1808 for 1800; and the only lot or part Massachusetts had in that transaction was that Mr. Gorham, of Massachusetts, seconded the motion made by Mr. Charles Pinckney; and the proposition was finally adopted. That is the history of the proceeding, and to that extent Massachusetts is responsible.

But to return to the amendment which I have had the honor to submit, I have to say that I did desire that every educational and benevolent institution in the country which had in any particular been endowed by any State should be open to every citizen of the country; but, as a matter of law, I found it exceedingly difficult to stand upon that broad proposition. Every eleemosynary institution of course takes its law from the founder of the institution, that is, from the person making the first donation, gift, or bequest to the institution; and all subsequent gifts and bequests are upon that foundation, and, as matter of law, follow the will of the founder, even though the subsequent gifts may greatly exceed the original one. Therefore, when you look at an institution which has a private foundation, like Dartmouth College, it was held by the Supreme Court of the United States to have been founded by President Wheeler, and that all subsequent gifts and donations were subject to the will of the founder. I think, as matter of law, this bill, if enacted, could not stand the test of the judgment of the Supreme Court of the United States upon the principles which have been heretofore asserted, and therefore it was the intention of my amendment to waive that question and to provide that every public school, institution of learning or benevolence, supported by public taxation should be open to every child; that every institution endowed by the United States should be open to every citizen of the country. "Every institution hereafter endowed," is the language of the amendment as distinguished from "founded;" every institution hereafter endowed, even though it might be in its origin a private institution, shall be open to all the citizens of the country, so that if Dartmouth College, for example, which is a private institution, chooses hereafter to receive a donation or gift from the State of New Hampshire, it would receive that gift upon the condition that it was to be open to all the citizens of the State. But it might very well say, "Although we have received in times past gifts from the State of New Hampshire, yet they were upon the foundation of Mr. Wheeler; his bequest was the law of the institution, and therefore you cannot change his will as expressed in the foundation which he laid of the college." I purpose, and I trust that will meet the views of the Senator from Mississippi, and of all those who desire to open every institution of learning which is subject to law, to insert after the words "United States" the words "or founded by any State;" so as to read:

Endowed by the United States or founded by any State, or that may hereafter be endowed by any State.

If that amendment be accepted, we shall then open to the citizens of the country every institution that is supported by public taxation, every institution founded by a State, even though it may have been endowed afterward by private munificence, and every institution that may hereafter be endowed by any State, even though it may have been founded by private munificence; and I believe that is as far as we can safely and legally go. To say that an institution private in its foundation and receiving its law from the founder, though it may have afterward received a donation or a gift from a State, shall be open to every citizen for the purposes of education, is going further than I think we can go under the principles of law and according to the decisions of the Supreme Court.

I move to insert in the second line of my amendment, after the word "States," the words "or founded by any State;" so that it will read:

And also of every common school and public institution of learning or benevolence endowed by the United States or founded by any State, or that may hereafter be endowed by any State, or supported in whole or in part by public taxation.

I suppose I may modify it.

Mr. ALCORN. I wish to say that I do not accept the amendment.

The PRESIDENT *pro tempore*. The motion of the Senator from Massachusetts is not in order at the present time.

Mr. BOUTWELL. Have I not the opportunity to modify my own amendment?

The PRESIDENT *pro tempore*. The Senator's amendment itself is not before the Senate at the present time.

Mr. ALCORN. I desire to speak just now, for it would be more appropriate now than at another time, in answer to the Senator from Massachusetts.

I will say to him that I shall decline to accept his amendment when it is in order. I will state the point I make in regard to Dartmouth College, and it is one that I think is well taken. He claims that Dartmouth College received its endowment under a certain contract or compact that existed at the time the institution was established and that the amendment which I propose would be a violation of the contract. I contend as a legal proposition that it would work no such effect. If the amendment to the Constitution of the United States was constitutionally enacted, if that amendment has binding force to-day, it works its way to Dartmouth College and to every other institution in the country, and no previous contract that may have been entered into by Dartmouth College will stand in the way of the full scope and workings of the amendment of the Constitution. There is no prohibition in the Constitution of the United States that contracts shall not be impaired. Where do you find in the Constitution of the United States that contracts shall not be impaired by Congress? There is a provision that the States shall not pass laws impairing the obligation of contracts; but cannot the Government of the United States by an amendment to the Constitution change the form and theory of this Government altogether if it is the will of the people to do so? And can you stand on any constitution of any State in this Union, with the supreme power in the Government of the United States established as it is, and hold up any contract or any constitutional guarantees that may have been derived from any State authority? You cannot do it. Therefore I say that I demand for the colored youth of the South that he shall make his way into Dartmouth College, that college which stands to-day the cherished idol,

and properly so, too, of the honorable Senator from Massachusetts. You must give it all its force; you cannot stop the workings of this great torrent. It will not stand and be denied admission when it gets to the door of Dartmouth College. It must go north and make its way there as well as work its way to the humble school-house that sits at the foot of the hill. All distinctions in this Government are broken down; we are one people; and Dartmouth College has no rights, no privileges, no immunities above the humblest cottage school-house that there is in all the broad land.

But now a word with regard to the point the honorable Senator makes in answer to me upon the action of Massachusetts with reference to the slave trade. The Senator, if my memory is right, will find—and I think he will agree with me—that every New England State voted with South Carolina and Georgia to extend the slave trade up to 1808; and that Virginia and North Carolina and all the Middle States, then slave States, voted against it. That is my recollection of the vote on that occasion and the condition in which the States at that time stood. Massachusetts stood by South Carolina. The New England States were then engaged in the slave trade, and voted that this trade, held now to have been a barbarism whereby the African was seized in his own native land and brought to our shores and sold into slavery, should continue until 1808. Captured, enslaved, and sold for gold to the people of the Southern States as savages, enslaved and sold to us, barbarians as they were we civilized them, we christianized them; and when the war was ended and they were made free you declared that they were so far civilized, so far christianized as to be entitled to be made citizens of this great nation. The word was spoken; the deed was done. Now, as citizens of this nation, I claim that these colored youths of the South, the children of the savages that you brought from Africa in your ships, our recent slaves, shall be admitted to matriculate in Dartmouth College and sit down by the son of the Senator from Massachusetts his equal before the law, his peer as a candidate for the honors of that ancient and renowned institution of learning.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio.

Mr. FRELINGHUYSEN. Before that question is put is it not proper to perfect that part of the section which is moved to be stricken out?

The PRESIDENT *pro tempore*. Certainly.

Mr. FRELINGHUYSEN. I move in the twelfth line of the second section to strike out the words "nor less than five hundred nor," and in the thirteenth line "less than thirty days nor;" the object of which is in a law of this kind not to have a minimum punishment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey to the second section of the amendment inserted by the Senate as in Committee of the Whole.

The amendment to the amendment was agreed to.

Mr. FRELINGHUYSEN. There is an amendment to be made in the third section. I do not know whether that is now in order.

The PRESIDENT *pro tempore*. It is not at the present time.

Mr. SARGENT. Is an amendment in order to the first section, in the nature of a proviso?

The PRESIDENT *pro tempore*. It is not at the present time.

Mr. SARGENT. In order that the Senate may have notice of the amendment which I propose to offer at the proper time, I send my proposition to the desk to be read.

The CHIEF CLERK. At the end of the first section it is proposed to insert:

Provided, That nothing herein contained shall be construed to prohibit any State or school district from providing separate schools for persons of different sex or color where such separate schools are equal in all respects to others of the same grade established by such authority and supported by an equal *pro rata* expenditure of school funds.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio to the amendment made as in Committee of the Whole, which is to strike out the second section of the amendment inserted as in Committee of the Whole.

Mr. BOGY. Mr. President, I am a little at a loss——

Mr. HAMILTON, of Maryland. Will the Senator yield for a motion to go into executive session?

Mr. BOGY. Yes, sir.

Mr. HAMILTON, of Maryland. I move that the Senate proceed to the consideration of executive business.

Mr. FRELINGHUYSEN. I hope not.

The motion was not agreed to; there being, on a division—ayes 15, noes 32.

[Mr. BOGY addressed the Senate in opposition to the bill. His remarks will appear in the Appendix.]

Mr. SAULSBURY, (at six o'clock and thirty minutes p. m.) I move that the Senate adjourn.

The motion was not agreed to.

Mr. PEASE. Mr. President, I had intended while this question was before the Senate to submit some remarks, but owing to the lateness of the hour, and the further fact that every Senator has made up his mind as to the manner in which he shall vote upon this question, I shall not attempt to detain the Senate by any extended remarks.

I desire briefly to give some of the reasons why I shall support this bill. I shall vote for the bill, first, because I believe that the Congress of the United States has the power under the Constitution to enact a law of this kind. I shall vote for this measure because I believe that it is the bounden duty of the American Congress to enforce the provisions of the fourteenth amendment to the Constitution. So far as the relation of the citizen to the General Government and to the several States that make up the Government is concerned, I am satisfied that the policy of this Government has been changed, and that the thirteenth, fourteenth, and fifteenth amendments to the Constitution have provided a new policy in this Government, a policy that defines, recognizes, and protects the rights, the privileges, and the immunities of American citizenship, and has given to Congress the power and the right to legislate for their protection in those several rights and privileges. I believe that the fourteenth amendment to the Constitution clearly indicates that it was the policy of this Government to protect by all needful legislation every citizen, high or low, rich or poor, white or black, native or foreign, who should comply with the terms of citizenship; that all classes should have the equal protection of American law and be protected in their inalienable rights, those rights which grow out of the very nature of society, and the organic law of this country.

Arguments have been presented here intended to show that this measure is unconstitutional. I have listened patiently and attentively to the ingenious and able efforts that have been made by the opposition, and I am perfectly satisfied that the position taken and the arguments advanced by the friends of this bill are unanswered and are unanswerable. I shall not at this late hour attempt to recapitulate them; it is unnecessary.

But, sir, I have heard what it might have been expected we should hear from the opposition, a party which has opposed every measure looking to the protection and elevation of a certain class of American citizens. Why, sir, in every step and stage of the history of this country from the breaking out of the war up to the present day, in every measure looking to the preservation of the Government and protection of the citizen, we have been met with the cry of unconstitutionality. When the thirteenth amendment was proposed to the several States, the democratic party of this country met it with the cry, "It is unconstitutional." When the fourteenth amendment was submitted to the several States, we were met with the same objection. So with the fifteenth amendment, and so with all legislation looking to the enforcement of these amendments to the Constitution, we have been met by that party with the cry of unconstitutionality.

Believing that we have the constitutional right to enact this bill, there is but one other phase of the question to be considered, and that is the question of expediency. I believe that it is expedient for the Congress of the United States now to fix a remedy for existing evils and settle forever the question of the rights, privileges, and immunities of American citizens. There is no more opportune time than the present hour. I believe that this measure has the indorsement of the popular sense to-day. I believe that the American people are prepared for it and are desirous that the question of the status of the negro in this country shall be fixed. I believe that if this measure were to-day submitted to the American people for their suffrages it would meet with an overwhelming approval. The American people are disposed to establish justice and the equality of the citizen before the law.

The main objection that has been brought forward by the opponents of this bill is the objection growing out of mixed schools. Every one who has spoken in opposition to this measure has expressed very serious solicitude as to its effect upon the colored people of the South. Now, I have been somewhat familiar with their condition; I have been familiar with their educational interest for the last ten or twelve years, and I undertake to say that none of the difficulties that have been portrayed will obtain in the South. I believe that the southern people recognize the importance of educating the masses of the people. There has been a great revolution in public sentiment in the South during the last three or four years, and I believe that to-day a majority of the southern people are in favor of supporting, maintaining, and fostering a system of common education, a system of common schools, that shall extend the benefits of the rudiments of an English education to all her people; and I believe that the people of the South so fully recognize this, that if this measure shall become a law, there is not a State south of Mason and Dixon's line that will abolish its school system. Men are governed by their interests. There is not a southern planter but knows that it is for his interest to encourage the education and protection of the lately emancipated people. It is for his interest to have a school-house near his plantation, for his interest to encourage the building of churches, because it will secure labor, it will secure contentment and permanency among the laboring class. In those States the history of the last two or three years proves, and the people of the South are not blind to that fact, that in the State of Georgia, where unjust discriminations have been practiced against the colored people, and where they have been denied school advantages and other privileges of citizenship, there has been a tide of emigration from the State. The colored people, who constitute the mass of the laboring classes, are leaving that State and going to those sections of the country where their rights are protected and educational facilities are provided. If by no higher motive, the southern people will be governed by their own self-interest, and will continue to foster a system of public schools. They recognize the fact that under the new order of government their property and their personal interests are in the hands of an ignorant populace. They

recognize the fact that the great interests of society under a form of government like ours depend upon the virtue and intelligence of the people; and in proportion as the people are educated the State will prosper and the general welfare of the people be secured.

Now, sir, in the State of Mississippi we have a system of schools, and under the law regulating the system the child of the colored man can enter the school where white children are taught, and the laws of the State will protect him. We have in that State probably one of the finest colleges in the South, an institution which has been the pride of the Southwest—I refer to Oxford University—and to-day the son of the black man can enter the halls of that institution under the laws of our State. But, sir, with this law, with these provisions, and with a civil-rights law passed two years ago, more stringent in its provisions than the one that is before us to-day, not one instance has come to my knowledge where a colored man has attempted to enforce the law in this respect. The colored people asked for the establishment of a similar university, and the State granted it. The colored man of the South understands and appreciates the situation. All he asks and wants is that there shall be no discrimination against him, that there shall be no legislation based upon color tending to debase and degrade him on account of his color or previous condition. He asks simply that he shall be placed upon the same footing with the white man, and his own good sense teaches him to adapt himself to the circumstances. The humblest and the most ignorant colored man in the South, if he has not an idea above the hoe-handle he wields, knows enough, and appreciates fully the situation, not to force himself into a position where he is to become the victim of prejudice. But he wants as a citizen of the United States that he shall be equally protected under the law; that all legislation, whether it be by the State or by the national Government, shall not discriminate against him on account of his color.

Gentlemen say that if equal advantages in separate schools are provided the law is met so far as privileges and immunities are concerned. I say that whenever a State shall legislate that the races shall be separated, and that legislation is based upon color or race, there is a distinction made; it is a distinction the intent of which is to foster a concomitant of slavery and to degrade him. The colored man understands and appreciates his former condition; and when laws are passed that say that "because you are a black man you shall have a separate school," he looks upon that, and justly, as tending to degrade him. There is no equality in that.

I do not propose to extend my remarks longer. I believe that the country to-day and the American Senate are satisfied that we have the right under the Constitution to pass this enforcement law; and, believing this, I shall support the measure, and I shall vote against the amendment suggested by the Senator from Massachusetts, [Mr. BOUTWELL,] because when this question is settled I want every college and every institution of learning in this broad land to be open to every citizen, that there shall be no discrimination. I want Harvard to throw open her doors; I want Dartmouth to do the same thing. I desire to see such legislation as shall require every institution of learning which is supported in whole or in part by taxation or by public endowment to give to every citizen equal privileges and equal rights in those institutions. I am therefore opposed to that amendment.

In conclusion, I appeal to the Senate in behalf of four millions of citizens of the United States whose rights and immunities are abridged in many of the States. The people of the State I have the honor to represent in this Senate desire that when they pass beyond the limits of their own State they shall not be subjected to indignities upon railroads, steamboats, or the highways on account of color; they ask such legislation shall be had as shall afford the protection guaranteed to them in the Constitution. I should prove recreant to the trust imposed on me if I failed to urge the adoption and vote for this measure.

Mr. COOPER. Mr. President, the importance of the question under discussion to the great body of the people of this country, and particularly to those whom I have the honor in part to represent on this floor, must be my excuse, if one were needed, for asking the indulgence of the Senate to present such views as I entertain upon the passage of the bill now under consideration. There are times when the silence of the representative is treason to the constituency he represents; and such, sir, I should feel to be my case were I to remain silent on a measure involving so greatly as does the bill under consideration the rights, the interests, the happiness, and the prosperity of the people I represent; and I represent many of that class of our citizens whom the bill proposes professedly to benefit.

I know that anything which may be said by those of us who come from the southern section of the Union, who are natives there and grew up under the institutions that existed there prior to the war, is considered by those who were educated in a different school as tinged with prejudice upon our part as to that class of citizens who under the old law were held in slavery by us.

I shall not make any great professions of interest or of love for one class of citizens more than another, nor for that class in particular, because candor compels me to say that as long as the former institutions of the section in which I was born existed I was loyal to those institutions, and had no objection to that particular one which is now so much denounced. That class of our citizens owe me nothing for their enfranchisement, unless it be for a devotion to the Union of the States as against those who sought to overturn it. So far did I maintain that side which ultimately resulted in their emancipation. But I should be uncandid and untruthful to them were I to say that I was the least influenced in that adhesion to the flag and the unity of my country because it sought their emancipation. If I were to say so I should tell an untruth, which those who know me would know to be so.

Mr. President, I listened attentively to the honorable Senator from Mississippi [Mr. ALCORN] in his declarations as to the love he bore to the colored race, nursling as he was of that race, and while I could appreciate them to some extent, yet I think it would be hard for either him or me to answer a candid colored man and say that that love was anything else than that of natural humanity, which was called for by their kindness and love for us. It was not the love or admiration which an equal bears to an equal; and it would be untruthful to say so. They know that it was not so; for if it were, we should have scorned to hold them in slavery, the worst of all bondage. If I had believed that their interest would have been promoted by freedom, I should never in the world under any circumstances have held them in slavery; but my education, my habits of thought, had led me to believe then that their interest as well as my interest was promoted by the institution of slavery. Therefore I cannot come before the Senate and the country saying that I bear to the colored race or have shown to them any greater love than that which a man bears to his human kind.

But, Mr. President, I trust that I come to the discussion of this question denuded of the prejudices of early education. I trust that I have reached a point as an American Senator, as the representative of a State, where I seek to do that which will inure to the general benefit of all, that I have reached a stand-point where I can view this question as it is brought about by the inexorable logic of events, and that I stand now prepared to act upon it in view of the changed situation of affairs and to accept as the edict of the American people, brought about it may be in blood, brought about it may be unnecessarily, that all men, black or white, are citizens of the American Republic. Whatever may have been my education, whatever may have been my feelings, whatever may have been my action in regard to the colored race, I trust I am prepared to accept as a verdict from which there can be no appeal that they are citizens, and as citizens I propose to treat them, and to treat them as my equals before the law, for my equals they are before the law. I therefore propose to discuss this measure in that view and looking to the fact of their citizenship.

The first question that presents itself is *cui bono?* What good is to be derived from this legislation? What benefit, I ask you, Mr. President and Senators, do you confer upon any man or any class of men by it? It has been conceded by every Senator who has attempted to sustain the provisions of this bill that all are citizens, black and white alike. What right do you or I possess that the colored people do not? In regard to the provisions of the bill or the immunities and privileges mentioned in the bill, what right do you or I possess that they do not? Is there any difference between their rights now and what they will be after this bill shall have been passed, with the exception of the penalty which enforces it? Does the declaration that they are entitled to these rights make them any more so? Are they not entitled to them as much without the declaration as with it? Are they not entitled now to the same remedies for a redress of injuries that you or I possess? Where, then, is the necessity for passing this bill?

There is but one suggestion in the bill that for a moment looks to conferring upon them any right which they do not now possess, and that is simply in appearance and not in reality; that is, as to their admission to common or public schools.

It is very doubtful to any one who will examine as a lawyer the first section of the amended bill as reported by the committee whether by a proper construction of it you may not yet, even if you pass the bill, divide the colors in the public schools and not violate the first section of the amendment as proposed by the committee. There would be no question upon that point if you were to pass the original bill, for that placed beyond controversy what was intended by it; but the first section as drawn by the committee is evidently ambiguous and susceptible of two constructions. It is true that under it all citizens are declared entitled to the equal privileges of the common schools, but it is not so distinctly and directly declared as to be apparent and to force the conviction that the intention of the Legislature is that they shall be admitted to the same school. I take it for granted, however, that the friends of the bill do not intend that it shall be thus ambiguous, but are prepared to pass it with the full knowledge and understanding that it is to be construed to compel the admission of all classes and conditions of society into the common schools.

With the exception of the clause requiring the admission to the common schools of all alike, independent of race or color, forbidding any distinction to be made, is there any provision in the bill granting to the colored people any right that does not appertain to them now as well as it will after the passage of the bill? I except of course the penalties imposed by the bill, of which I may speak hereafter.

Now, what good are you to accomplish by thus forcing the mixture of the races in schools? It has been said by an old writer that it is not the rigor of a law, but the inexpediency of a law that makes it tyrannical, and the saying was a true one. Test this bill by that prop-

osition, and what is the result as to the character of it? That there is in the minds of many people and a large mass of the people in the various States of this Union an antipathy to the mixture of the races in the same school there can be no question. The very fact of the introduction, the sustaining, and the urging of the passage of this bill, or a similar one, is proof enough of that assertion. Granting that to be so, what good do you accomplish or what benefit do you confer by attempting to override that antipathy? Where is the individual of any color, for I desire now to address myself to this proposition as though we were all of one color, all equal in every sense before the law—what advantage would it be to me to force my child into a school where a large element of the scholars were by reason of prejudice, or otherwise, opposed to it? What benefit do I gain by it? Suppose that antipathy to arise not on account of color, but from any cause whatsoever; what good do I accomplish by forcing my child into that school thus opposed by all the surrounding elements? Do I benefit the child? If so, how? Is he made happier? Is he made in a better condition of mind to pursue his studies, and to acquire that for which he was sent there? If not, how do you confer a benefit upon him by forcing him into that situation? Does this bill propose anything more, so far as common schools are concerned?

In many of our States in the South it has always been difficult to maintain a system of common-school education at all. Many of our people, long before the war as well as since, argued that the power did not exist in the State to tax the property of the people of the State for the education of the children. Many minds accepted that as sound argument; and it was difficult for those who thought otherwise to establish a system of common-school education at all; but by perseverance we have established a system of common schools. My own State has been very reluctant about it always, and never has yet adopted what is called the State system. As far as we could ever go was to the establishment of the county system, by which each county was permitted to establish such schools as it might think proper. While we have advanced thus far, we have made no distinction whatever in regard to color in the advantages which we give of education, only claiming the right, in conformity with the prejudice, if you please to call it so, of the people, of dividing the races into separate schools. I say we have only advanced as far as to a county system, and that applies to all alike except as to the division of blacks and whites in separate schools. Now, sir, if you pass this bill, what will be the consequence? My colleague has depicted it to you as was read from the desk this morning: you upset the whole common-school system of the State of Tennessee, because the whites are in a decided majority in the State; the colored people are in a minority but a very large minority, forming a large part of the people. Now by this one act of legislation you sweep out of existence the whole common-school system of the State. Whom have you benefited? You have benefited no one. You have injured the colored man as well as the poorer classes of the white race—those who are dependent for the education of their children upon the common schools. You have stripped them of all opportunity to give to their children any education whatever. Do you desire this? Will this be to the benefit either of the whole country in general or of that particular locality?

Mr. President, this is upon the idea that you have the power to do this thing. It is based upon the idea that your act is in strict conformity with your Constitution, that it is an exercise of a power clearly vested in the Federal Government. But suppose that after you have by your legislation swept out of existence the common-school system in one or more States it comes to be determined that you have done it beyond your power, what good have you accomplished? Where have you benefited any one? I desire to ask the consideration of Senators to this question as a practical question, as one which should be considered in the light of benefit or injury and not in the light of partisanship or prejudice.

Mr. President, whence are the rights provided for by this bill derived? Where do you obtain the right to attend a theater, or to the accommodations of an inn or of a common carrier? Is either a political right? No one will contend that it is. Then are they rights appertaining to citizenship at all? Is not the alien as much entitled to the benefits of an inn as a citizen? Can the innkeeper refuse the entertainment of an alien any more than he can that of a citizen? Is not the remedy the same? Is it not so with a common carrier? An alien who owes you no allegiance at all, a man born far away, has a right to the equal privileges of the common carrier, the same as a citizen. Is it not so as to all the rights enumerated in this bill, with per possibility the exception of the common school? Whence does a man get any of these rights? By virtue of your Constitution, either State or national? Or does he inherit it by the common law as a privilege of the common law appertaining to man as man and not as a citizen?

But, Mr. President, what will be the effect of this legislation upon the colored race itself as to benefits to be conferred upon that race? Will it put them in the pathway of a more advanced intellectuality? I speak now of the rights conferred here, independent of the question of the common school, or you may take them with the mixed common schools; and I ask is this calculated to advance the colored men in the scale of intellectual manhood? May he not advance in that scale as rapidly under the law as it exists now as he can if this bill be passed? Is it to add to his morality, to his moral nature, to his moral surroundings, or is it to do anything more than the gratification of a desire to be advanced which he by accepting the provisions of this bill tacitly indorses that he can reach in no other mode than by the legislation of the dominant race? If he accepts the provisions of your bill, the colored man who accepts them and desires them tacitly acknowledges that you are the dominant race and that without your legislation he cannot make himself a man. Let him feel, Mr. President, that he is a man, and although you may turn him from your theater, although you may turn him from your house because of your prejudice,

A man's a man for a' that.

Let him feel his manhood and work up to his manhood. Let him rise in spite of your prejudices. Let him command the respect of the race which he claims to be the equal of; and no legislation is required save to make him equal before the law, which has already been done. Does this class distinction prevent men from making themselves felt, either as high intellectual giants or as great workers in the moral world? We have but to cast our eye to our mother-country to answer in the negative. Who does not know that classes exist under the English law, and that the plebeian may not enter into the places set apart for the nobility; and yet, sir, did that prevent the coal-heaver's son from becoming "my lord chancellor," before whom "my lord duke bows?" So it may be with this race. If they have the intellectual powers and can advance in the scale which we would fain hope they have and can; do they need anything more than the fact that they are freemen? May they not carve their own fortune, carve their way to the high offices of dignity, honor, and respectability? Ah, Mr. President, they need but that which you have conferred by the Constitution of this country to command the respect of the world if they have the intellectual capacity to do so; and I am not here to dispute that, for, as I say, I desire to treat them now and shall ever treat them as citizens, my equals in every sense of the word; but it is not admission into social rights that makes the man. The child of poverty who is covered with the dust of the field or the smut of the workshop would be refused equally with the colored man admission to many places, and if he should attempt to enter he would be turned aside; and yet he is the peer of any of us. It is the fact that he lives under a free government that gives him the opportunity to make his mark.

Then, sir, is it not bad policy, looking to the fact that a race must work out its own destiny, that you should so act as to make them think that they are only elevated by your action and by the hand of power? If you make them to feel that they are wards under your guardianship you have failed to increase that element of character which would make them worthy to achieve success. Looking to that as well as to all the other considerations, it seems to me that your legislation is unwise and uncalled for.

But, sir, it is said that they desire this law, or something similar, because it is an indignity to their race; and they feel it as an indignity to their race to be refused admission to the different places here mentioned. Have they no pride of race and of kindred? Is there nothing in their nature that makes them proud of their race as the white man is of his? Think you that it would trouble the Anglo-Saxon for any other race to turn him aside? Think you he would care? He would remember that he was an Anglo-Saxon and glory in it, notwithstanding the indignity which might be sought to be offered to him. Ay, sir; it is a principle that is implanted in the breast of every people. Take him who comes from the bleak and barren hills of Scotia. Does he ever forget the land of his birth and the home of his childhood? Will he not even amid all the surroundings of this free and happy country congregate in the Society of Saint Andrew, and glory in the flag of his native land; and meet in his annual reunion to rejoice that he is a Scotchman, and think, no matter what indignity you may offer to a Scotchman, that he is a Scotchman still? Take a man from Merry Old England, transplant him here, surrounded by all the institutions of our country and all that is attractive here, and he will still, occasionally at least, gather around Saint George's Cross and feel that he is an Englishman. So it is with the instincts that enter into any nation and any people. Are the Africans, or the descendants of the Africans, those whom you seek to benefit by this bill, different from other races in this respect? Have they no pride of nationality? May they not achieve a position by which they are proud to be sons of Africa, no matter who may seek to throw obloquy or shame upon them? Ah, sir, although they may remember with regret the days of their servitude, although they may look back to those days in which their ancestry suffered the enslavement of the dominant race, yet when they shall have reached the high eminence of intellectuality which this Government has thrown open to their efforts, they can then be proud that they have risen from a race once enslaved but now free. And yet you would strike all of this out of their nature, you would strike all of this from their hopes for the future, by making them feel that it is not by their bearing or by their acts that they are to be elevated, but by your legislation and by the force of Federal law. For one, sir, believing that the incentive to achieve success will urge them on with more celerity than this forever keeping them in wardship, I would, if for no other reason, oppose the passage of this bill or any similar measure.

It may be said, as was said by the honorable Senator from Massachusetts, [Mr. BOUTWELL,] that it is essential to a republican government that the antipathies or prejudices which exist between the two races should be removed, and that that can only be done by their

mixture in the common schools. The first proposition I deny, and do not by any means admit the second. I think that the colored race, being equal as they are before the law, may achieve a position which will command the respect of every intelligent cultivated man, that they have the opportunity to do it, and it is unnecessary to remove these prejudices in order to maintain a republic. Mr. President, is the fact that you started from poverty, that you started from a low position, any drawback to you in after life when you have achieved success? Does he who wanders from the log-cabin of the pioneer, the child of poverty, into some distant home and accumulates wealth and honorable position, think you, ever forget that home and the surroundings of his early youth if he has the principle of manhood and is worthy of his manhood? Think you, Mr. President, that he does not in after life, when he shall have reached success, glory in the fact that he has achieved it by his own endeavors, by his own industry, by his own character? So I would leave to this race—subservient they may have been, slaves they may have been, but no longer such—an open way to success. I would bid them God speed to reach the topmost round and command respect from everybody.

But I have dwelt alone upon the features of this bill as to its expediency. I have attempted to show that it is inexpedient; that it seeks alone to remove a prejudice by law, to elevate a race by law; that it does not stop at simply conferring the high benefits and the equality before the law which attach now, but that it attempts class legislation, as it were, by advancing above and beyond this equality before the law, and consequently is obnoxious to that objection. I have attempted to show also that there is no benefit to accrue to either the one race or the other, but that by the disruption of the common-school system and by many other things which may be brought about by this law if enacted, absolute injury will occur to those whom it seeks to benefit, and therefore it ought not to pass. I have submitted such remarks thus far based upon the idea of our undoubted authority to pass this bill. But, sir, have we that authority? The time was in our history as a nation when such a proposition would not have been tolerated for a moment. The time was in our history when no mind, I suppose, would have for a moment argued that the power to confer the rights attempted to be secured by this bill existed in the Federal Government. But it is insisted now that, since the late war and the enactment of the several amendments to the Constitution alluded to, greater powers are conferred upon the Federal Government in this respect than attached under the old Constitution, and that by virtue of the fourteenth amendment as interpreted we have the undoubted power to pass the bill. It is a very dangerous proposition to the rights and interests of this race thus sought to be benefited to admit that proposition. I say it is detrimental to their best interests and to their future hopes to admit that proposition. There are of that race in the United States a little over four millions. Under the powers which are urged in defense of this bill it is virtually the submission of the rights of four millions of black people to be judged upon by thirty-five odd millions of whites.

It is a dangerous proposition to thus put their newly acquired rights in the hands of thirty-five millions of whites, and they ought to feel it and see it; because the same thing that might influence them in their adherence to race and which they accuse the white race of might be brought to bear by the white race, by which they would deprive them of liberties which they now are willing to establish. The power to establish vests beyond question the power to remove. The time was, and but a short time ago, when they would have had a poor chance in the Congress of the United States from any section. But one or two men dared to lift their voices in their behalf in this Chamber; and there were but few men in the other Chamber who espoused their cause, at a time when the honorable Senator from Mississippi and myself bore that great love for them which he spoke of, and yet were willing to hold them in slavery. That time existed. In the change of parties it may exist again; and those of us who were willing to be slaveholders when slaveholding was popular, may in the tide of events again be slaveholders when we have the power to be so. I say it may be. It may be that the popular tide will turn, and that the white race, being in numbers at least the dominant race, may again assume to take from the others the liberties conferred by your bill. If I were of the colored race, I would rather trust to local self-government for the protection of my rights than to put them in the legislative department of the Federal Government. In the State of Mississippi they control. My honorable friend the Senator from that State now is their friend. That often happens. But the colored race of the State of Mississippi can better take care of themselves under the local laws of Mississippi, where they rule, than to trust to the tide of turning and shifting majorities of the American Congress. Let Congress change as it may, they are in the majority in Mississippi, and they are safer in the State of Mississippi and in the State of South Carolina than they are in the American Senate, if a majority of the American people should happen to change in politics and in their ideas of the negro race or of its intellectuality. I say, if you look at it merely as a question of expediency; if you look at it from the stand-point of this race itself, they are safer in risking their rights to local self-government than to trust them in the Congress of the United States.

Mr. President, I have been considered Federal in my politics. I have ever believed that the highest interests of the American people were as a united people and under the Constitution of the United States; but I would never voluntarily surrender the inalienable rights of citizenship to the protection of the Federal Government. There are many things which the Federal Government is vested with power over under the Constitution, and I submit to that authority thus vested in it, and believe it to be right and proper and in its legitimate sphere paramount to every other government. My allegiance is due to the United States of America first in the exercise of its legitimate power, but I would hate to vest and to risk the central Government with the dearest rights appertaining to citizenship.

Our Government is a most beautiful and magnificent structure, the States are the pillars and the General Government the mighty dome that crowns all, and let him beware who would strike down the strength and beauty of the fabric by striking the pillars from under the dome; our liberties would not be enhanced, methinks, by the experiment. So I say that were I even a representative man of the race sought to be benefited by this bill, I should hesitate before I should seek to vest my rights, my interests, in the General Government in place of local self-government in many places where my race could command respect, because where they are in power they do command the respect of office-holders at least.

But have we the power under the fourteenth amendment to pass this bill? I know, sir, that in the discussion of this proposition as a legal proposition I shall have to repeat and travel over ground already occupied and ably occupied by those who have preceded me; but I seek now to address myself to the proposition as a legal proposition: Does the fourteenth amendment vest in Congress the power to legislate on the subjects sought to be legislated upon by this bill? If I understood the honorable Senators who have sustained this bill, they derive the power to pass it from the first clause of the fourteenth amendment, that no State shall deprive any citizen of the United States or of any State of the rights and privileges pertaining to citizenship. That is the substance, without quoting the exact language. Now, the important question is, What are the privileges and immunities secured by the fourteenth amendment? I understand those Senators who have sustained the power to insist that they are the inalienable rights which appertain to all freemen, namely: life, liberty, and the right of private property. Those are termed the inalienable rights of us all. I understand them to say these are immunities and privileges guaranteed by the fourteenth amendment. Is this so? Let me illustrate. You say that no State shall abridge the rights and privileges of a citizen. You say that one of these rights and privileges is life. That is one of the inalienable privileges that you say appertain now and are protected by the fourteenth amendment. Suppose a State passes a law to take the life of any man away for crime or for anything else according to its law. Would not that be abridging the rights and immunities guaranteed? If your construction of the first clause of this fourteenth amendment is true, by what authority has a State the right to execute a man, to imprison a man, for crime or anything else? Is it not an abridgment of the inalienable rights guaranteed by the fourteenth amendment? If it is done by the law of the State, does not the Constitution of the United States override the law of the State? And upon what authority could you sustain the execution of a man for murder in any one of the States? It is depriving the citizen of life, the dearest of all the inalienable rights of a citizen. The fourteenth amendment expressly says that a State shall not deprive him of the rights and privileges of a citizen of the United States. Now, if the right to life be a privilege under the Constitution of the United States and by virtue of citizenship of the United States, how can you justify the law of a State which would take life or which would imprison a man in the penitentiary or which would affect any of the rights of property? And yet if your construction of this amendment be correct, it necessarily carries you to that. If the United States is the protector of our lives by virtue of that amendment and we are dependent upon it, then we defy any power, any State, any government, to take it away from us. The government which protects is the government alone which can take life for crime or for anything else.

But the construction of the fourteenth amendment has been before the Supreme Court, the last court of resort in the United States. Two opinions were delivered by that court in the celebrated Slaughter-house case. I submit to those who maintain the power of Congress to pass this bill to tell me in what the difference consists between the majority and the minority judges in that case. It does not consist in the fact that the legislation of the State of Louisiana was there brought in controversy; it does not exist in the fact that both conceded that the law of Louisiana created a monopoly, that it created a privilege and a special privilege to the slaughter-house company which was denied to other citizens. That was conceded both by the majority and the minority of the court; and what was their distinction? What was the difference between them? They both agreed upon another proposition, that the fourteenth amendment acted alone upon the rights and privileges of citizens of the United States. Both the majority and the dissenting judges agreed that it acts upon no other than rights, privileges, and immunities which appertain to citizens of the United States as citizens of the United States. What was their difference? The majority said that the inalienable rights under every free government, and which appertain to man as man, and as an inhabitant of a free country—the right of life, liberty, and the enjoyment of private property—were not rights obtained under the Constitution of the United States and by virtue of citizenship of the

United States, but that these rights were secured by the States, and the States alone must judge of the protection or violation of them. The minority said that the inalienable rights of life, liberty, &c., were immunities of a citizen of the United States covered by the fourteenth amendment, and therefore that the legislation of Louisiana, which invaded those rights and privileges which were thus guaranteed, was obnoxious to the fourteenth amendment, and that it should be so declared.

Which of those opinions was correct, for upon that will turn the force, or the want of force, in the judgment the court pronounced? Are the privileges which appertain to a freeman, to a man as the inhabitant of a free country, to wit, life, liberty, and the right of private property, immunities covered by the fourteenth amendment, or are they not? Because if they are, the minority of the court were clearly right in adjudicating that the legislation of the State of Louisiana was obnoxious to that objection; but the majority said no, they are not, but the only rights that are sustained under this amendment are rights conferred by the Constitution and by virtue of citizenship of the United States.

Again the question came up before the court in a very important case which it seems to me is decisive of this question, and that was the application of a woman in the State of Illinois to be admitted to the bar of that State as a practicing attorney. She applied before the courts in the State of Illinois and was refused admission as a practitioner, no law of the State of Illinois prohibiting her by reason of sex, but simply the common law, as interpreted by the highest judicial tribunal of the State of Illinois. She brought that before the Supreme Court of the United States. In their opinion the court concede that she is a citizen of the United States. It is true the majority say that on the face of the papers she was a citizen of the State of Illinois, and that therefore she could not be admitted in violation of the laws of the State of Illinois; because, being a citizen of the State of Illinois, she must look to the laws and constitution of Illinois for her protection, unless the fourteenth amendment made her a citizen of the United States independent of her citizenship of the State of Illinois, and that she would thereby be entitled to admission; and yet they determined distinctly, the majority of the court agreeing with the Slaughter-house case decision and referring to that decision, that it was a subject of legislation over which the Federal Government has no power; and that the right of practicing at the bar in a State court was a right appertaining not by virtue of citizenship of the United States, nor indeed, say the court, by virtue of citizenship at all, because there is no reason why an alien may not be admitted to the bar, but it was not one of those rights which were conferred by virtue of citizenship of the United States. Therefore, while we admit you to be a citizen of the United States and a citizen of the State of Illinois, we cannot override the decision of the State of Illinois, which prohibits your admission.

Mr. President, can it be seriously argued that where a State has a right to prevent a citizen from entering into an office or an avenue of labor, it cannot make police regulations in regard to theaters, houses of amusement, and public inns? Is it possible that you can deny to a citizen a lucrative profession or trade, and yet that you cannot deny to him the simple pleasure of an admission into a house of amusement? The one may affect your power for good in the accumulation of wealth, nay in the support of life itself, and the other be merely the gratification of your taste or the gratification of a desire.

I submit, how can it be argued under these different decisions of the Supreme Court of the United States that there is even the shadow of a pretext that the provisions of this bill are not in conflict with the Constitution? It is not every injury that can be redressed by the Federal Government; it is not every wrong that may be righted by the Federal Government; for if that were so, there would be no necessity for the State governments; they would be an expense without any corresponding benefit.

Before the passage of the fourteenth amendment if a soldier in time of peace had crossed the border line of the District of Columbia, had crossed the Potomac River and been slain in open day, there was no power in the Federal Government to have tried his murderer. There was no power in the Federal Government to have provided for the trial of his murderer certainly prior to the passage of the fourteenth amendment; and surely, in my opinion, not since the passage of the fourteenth amendment, for I do not think it affects the case. So would it have been if a citizen of the State of Virginia had passed into the District of Columbia and been slain, there was no power in the State of Virginia to have provided for the punishment of his slayer in the District of Columbia. The jurisdiction of the two governments was distinct. Life, liberty, and private property were dependent upon the local law, unless within those places where exclusive jurisdiction was given to the United States. If the United States inherently and by virtue of its organization as a Government could protect the citizen's rights upon the soil of the State outside of those places where it had exclusive jurisdiction, what reason was there for an additional government for which there was no necessity, which accomplished no good, which gave no protection that was not given by the other and superior government? The Government of the United States was inaugurated for high and wise purposes. The States could not protect their citizens upon the high seas. They would have commanded little respect in the ports of the world as to the protection of their citizens; and therefore they formed a government which would command the respect of all the world in its foreign relations and protect the commerce of the country to enhance its glory in the eyes of the world; and, as has been so truthfully said by the Senator from Missouri, [Mr. BOGY,] to protect the liberty of the individual man. But, sir, as glorious and as strong as a centralized government may be, as much as it may command our respect and our pride, it fails to advance us as individual men and make us feel that as men we are free and entitled to command respect.

But, Mr. President, I have detained the Senate longer than I expected when I opened this discussion; and indeed what has been uttered has been uttered by me without preparation, and I am sorry to have been unable to discuss the question in a more concise and befitting manner.

Mr. SAULSBURY. Mr. President, I am fully aware of the unfavorable circumstances under which I rise to discuss this question. We have already been in session fully nine hours, and human nature cannot endure the fatigues of a continuous session for so long a period without feeling some degree of weariness, which in a measure disqualifies for a proper discussion of the subject under consideration. I am also aware that at this hour of the night, when every member of the Senate is exhausted, when there is no disposition to listen to debate, it is calculated to discourage and embarrass very considerably any one that may attempt to address the Senate.

Again, I have been an observer of what has been transpiring while this discussion has been proceeding, the discussion upon a question involving some of the dearest rights of the people of this country, and very frequently, as at present, only a few members of the dominant party are present. I will not say that they are absent, for the reason that they belong to that class of men who love "darkness rather than light, because their deeds are evil." It may be that they do not wish to listen to the exposure of this measure, which a party caucus has decreed shall become a law, or perhaps they are taking their repose. So far as I am concerned, I say to them sleep on; take your rest now; there is coming a day when the American people will hold you and your party to a strict responsibility for present indifference to their wishes, and for the great wrong you propose by this bill to inflict upon them.

Mr. President, on a former occasion, when a measure very similar in its provisions to the bill now before the Senate was under consideration, I took occasion to state some of the objections which I had to its provisions; and perhaps that fact, together with the very embarrassing circumstances to which I have alluded under which I rise to address myself to this question, would justify me in giving upon this bill a silent vote; and yet, regarding this matter as one affecting the interests of the people whom I have the honor in part to represent, I can do nothing less than trespass on the patience of the Senate, for a few moments at least, while I state some of the objections that I think properly arise to the measure before the Senate.

Let me say that if the American people had not ceased to be astonished at anything that takes place in this Chamber or in the other House of Congress, they certainly would be very much surprised at the introduction of a proposition of this kind from one of the committees of this body. Whatever folly any individual member of the Senate may commit in the introduction and pressure of measures upon his own responsibility, it was not to be presumed that any committee of the Senate, especially the Judiciary Committee, heretofore regarded as the highest committee of the Senate, could have committed so grave a mistake as to bring forward a proposition so revolting to the sense and so injurious to the interests of the American people. What is this measure? Disguise it as you may, it is nothing more nor less than an attempt on the part of the American Congress to enforce association and companionship between the races in this country. The object of this bill is not to confer upon the colored race any political rights. The thirteenth, the fourteenth, and the fifteenth amendments have conferred political rights upon the colored people. The thirteenth amendment secured them against the bondage of slavery; the fourteenth amendment constituted them citizens of the United States, and the fifteenth amendment secured to them the right to the elective franchise. But this measure goes further. It proposes not, I say again, to confer any political rights upon the people of African descent, but it proposes to enforce familiarity, association, companionship between the white and the colored people of this country. Is not that true? If that is not the object and the purport and the intent of this measure, then I confess that I am incapable of understanding the force of the language used in the bill. Look at its provisions.

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; and also of common schools and public institutions of learning or benevolence supported in whole or in part by general taxation; and of cemeteries so supported, subject only to the conditions and limitations estab ished by law and applicable alike to citizens of every race and color, regardless f any previous condition of servitude.

That is the object of the bill. It proposes, so far as hotels are con cerned, that the white and the colored people shall have the same advantages, equal advantages; that they shall enter with equa. right into every part of the inn; that the keeper of the inn shall make no discrimination on account of their race or color; that colored men shall sit at the same table beside the white guest, that he shall enter the same parlor and take his seat beside the wife and daughters of the white man, whether the white man is willing or

not, because you prohibit any discrimination against him. He is entitled, under the privileges of this bill, to go into every part of that hotel; he may not be excluded from any part thereof, even though a better separate place should be assigned him by the landlord. If the object was not to enforce companionship, why do you not permit in this bill the landlord to set apart a portion of his hotel, so that he might have one parlor for colored people and another parlor for white people, so that he might have one table for the colored man and another table for the white man, giving to one as good accommodations as to the other? Why is it that there is not a provision which allows that? Simply because, I say, the object and purpose of this bill is to force association and companionship between the races.

Is not that true of the theater? Do you not require that every facility, every advantage which the white man may have may be invaded by the colored man, that he may enter and have the same privileges—not privileges and accommodations assigned to him in a separate part of the theater, but the same privileges—that he may go wherever the white man goes; he may go wherever the white lady goes; no one shall discriminate and set apart one portion for colored people and another portion for white people? Why is it that you in this bill declare that there shall be no such discrimination? I repeat again, it is found only in the fact that you desire to enforce familiarity, association, and companionship between the races.

So, again, with your common schools and institutions of learning. Why is it under the provisions of this bill that you may not have separate schools? I am aware that some of the gentlemen who advocate this bill have said that it might be so, but I am equally aware that the distinguished Senator from Massachusetts [Mr. BOUTWELL] declared that it might not be so, and my own interpretation of the provisions of this bill is that there is no authority under it to make any assignment for colored schools and for white schools, but that every colored child under the provisions of this bill has the right to enter into the white school though there may be a better school provided for the colored people.

I ask what is the reason of this provision? I maintain that no reason can be found other than the fact that the friends and supporters of this bill desire to enforce the intermixture, the association, and companionship between the races. The Senator from Massachusetts [Mr. BOUTWELL] has been the only consistent republican Senator who has uttered his sentiments on this bill. While I do not think that the enunciation of the views and sentiments which he advanced yesterday was such as does him any credit, yet I think that he has been perfectly consistent in carrying to its logical consequences the doctrine of his party as contained in this bill. What did he say? I want the sentiments uttered by that Senator to go forth to the country, and for that purpose I intend that they shall be incorporated in my own speech as his sentiments in order that those in my own State who may see what I say on this subject may also see what is the position of a leading republican Senator on this floor in reference to the rights and to the object of this enforcement of association in the schools of the country. And in order that I may not misrepresent anything that was said by the distinguished Senator from Massachusetts, I will read from the RECORD what he did say:

> The public school is an epitome of life, and in it children are taught so that they understand those relations and conditions of life which, if not acquired in childhood and youth, are not likely afterward to be gained. To say, as is the construction placed upon so much of this bill as I propose to strike out, that equal facilities shall be given in different schools, is to rob your system of public instruction of that quality by which our people, without regard to race or color, shall be assimilated in ideas, personal, political, and public, so that when they arrive at the period of manhood they shall act together upon public questions with ideas formed under the same influences and directed to the same general results; and therefore, I say, if it were possible, as in the large cities it is possible, to establish separate schools for black children and for white children, it is in the highest degree inexpedient to either establish or tolerate such schools.
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> The theory of human equality cannot be taught in families, taking into account the different conditions of the different members and the families composing human society; but in the public school, where children of all classes and conditions are brought together, this doctrine of human equality can be taught, and it is the chief means of securing the perpetuity of republican institutions. And inasmuch as we have in this country four million colored people, I assume that it is a public duty that they and the white people of the country, with whom they are to be associated in political and public affairs, shall be assimilated and made one in the fundamental idea of human equality. Therefore, where it would be possible to establish distinct schools, I am against it as a matter of public policy.
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> But throughout the larger part of the South it is not possible to establish separate schools for black children and for white children, that will furnish means of education suited to the wants of either class; and therefore in all that region of country it is a necessity that the schools shall be mixed, in order that they shall be of sufficient size to make them useful in the highest degree; and it is also important that they should be mixed schools, in order that the prejudice which now pervades portions of our people shall be rooted out by the power of general taxation.

And here I will remark that that is a very singular way of rooting out prejudice, by the power of general taxation. I did not know you could tax prejudice out of a man. You might perhaps inculcate it in that way. The taxing power has been used for various purposes, used beyond its legitimate purpose in many instances, as I believe, in this country; but when you attempt to apply the taxing power until a man's prejudices shall subside, I think you go further than has been done in this or any other country in the exercise of the taxing power.

I have read thus much of the speech of the honorable Senator for the purpose of showing what is the animus, what is the intent, what is the desire, of the republican party, of which he is a distinguished leader, that there shall be an assimilation of ideas, and that the children are to be forced into the same school in order that their ideas and views and opinions may become one.

Now, Mr. President, I must be permitted to say, while the Senator from Massachusetts was frank enough to avow the purpose and object of this bill, he knows, as every Senator on this floor who favors the bill knows, that the only effect and operation of it is to be had upon the poorer classes in this country, who are dependent upon common schools. While that Senator and the Senators who support this bill advocate mixed schools, and insist that it is the right of the colored man to send his children to the same school with the white man, there is not one of them—I repeat in the presence of Senators, there is not one of them—who will send his children to any such mixed school. They will select their schools. Ah, sir, fortune has favored them, and they are able to select their schools and send their children to them and pay for their tuition; but the humble poor man—the sons of toil who labor to support their families—the men who have no fortunes, but are dependent upon their industry for their bread—the men who cannot be elected Senators of the United States, the men who are in humble life—it is against them and their children that the provisions of this bill are directed. We had as well deal frankly with this question. I know full well that in no section of this country are mixed common schools patronized by gentlemen of fortune. They select their schools, and Senators know full well that if this bill goes into operation it will not affect their children, while they are avowing their purpose to force the mixed schools whereby the children of the poor white men may be compelled to be educated in associations with the colored children or not educated at all. Sir, this flimsy gauze cannot and will not hide the objects of this bill. The poor people of this country will see, as readily as any of us, that this bill in its details, so far as it is directed to institutions of learning and the common schools of the country, is aimed at them and is not aimed at gentlemen who have fortunes and can educate their children in select schools, and academies, and colleges.

The white men of the country will not only see but will resent this insult to their feelings, this unjustifiable attempt to degrade them and their children to the level of the colored race by compelling their offspring to associate in mixed schools with negro children. They love their children as dearly as the man of wealth loves his, and have as sincere a desire to see them respectable and happy. I repeat they will and ought to resent this insult and wrong attempted to be inflicted upon them and their families.

Mr. President, I have no unkind feeling to the colored people. On the contrary, without boasting of any particular friendship for them, I have never yet seen a human being, white or black, in distress whose sufferings I would not relieve if I could. I have been as kind to the colored people with whom I have been brought in contact as other gentlemen. I have defended them at the bar against the gravest charges when they needed counsel; and, sir, under any circumstances of life I would be as kind to the colored people as any one. Therefore in what I have to say against the mixed schools, I wish no one to understand that I cherish the least unkind feeling toward any colored man or any living being on earth. I would promote his interests in every proper way. By advice and by other means I would assist him in the progress and advance of life; but I have some respect also for my own race, and when you ask me to aid in the passage of a bill which I know is not only to injure, if it does not destroy, the common schools of the white people, but which I am satisfied will injure the colored schools scattered throughout the States, I am compelled to decline your invitation and to express my objection to the bill, and shall do so with a sincere desire to promote the best interests of both races, acknowledging, however, a higher regard for my own race than any other.

But, Mr. President, the provisions of this bill do not stop with the common schools. It is to apply to all benevolent institutions. Now, sir, there are benevolent institutions in this land into which white persons and colored persons can go, and in all those institutions separate arrangements are made so that the one shall not be brought in contact with the other. In many of your hospitals and in your almshouses those arrangements exist. This bill proposes not only that you shall have association and companionship in taverns, in theaters, in the common schools, in the institutions of learning, but even the home which is prepared for the old and infirm, the common almshouse and the home for the indigent and poor. When the old matron, unable to support herself, is compelled to accept the charities of the public and seeks a home in the common almshouse, the provisions of this bill consign her to the same apartments that are assigned to colored people. Through life she may have maintained a separate and distinct existence from them; she may not have been their associate at all; but when she comes in her advanced age and in her misfortune to be supported by the hand of charity, you propose to follow her into the very almshouse of the country; you propose to make the old man and the old woman of the Caucasian race the companions of negroes, with whom they have never associated in life, if compelled to spend the evening of their days in the almshouse. Not only unfortunate old age but helpless and afflicted infancy is not exempt. The orphan asylum where charitable ladies gather the unprotected and helpless children that they may administer to their comfort, if supported in whole or in part by taxation, is brought within the terms of this bill. Even there you admit of no discrimination,

no separate apartments, but compel the association of the white children with the colored that are taken there by their friends.

Do not say that you can make any separate arrangement under the provisions of this bill. The object and purport of the measure is to have association in all these places, in the hospital and in the almshouse, everywhere. Companionship and association are the great object sought to be accomplished. You admit of no discrimination, but prohibit it by pains and penalties.

But, Mr. President, without dwelling longer upon this point, let me ask where does the Congress of the United States get the power, the authority, to enact any such law? The constitutional amendments have been appealed to. Prior to the adoption of those amendments no Senator on this floor would have contended that there was anything in the Constitution that would warrant such legislation. By universal consent prior to the adoption of the recent amendments the States had the right to make any laws recognizing distinctions between the races. It is therefore only under the amendments to the Constitution that this power is claimed.

What are those amendments? No one will contend that the thirteenth amendment, which simply prohibited slavery or involuntary servitude in this country, confers any power upon Congress to enact this bill. No one will contend that the fifteenth amendment, which simply confers the elective franchise upon the colored people, confers upon Congress the authority to enact this bill. It is therefore the fourteenth amendment, and that alone, under which the power to enact this proposed law is derived, if it can be derived at all. What was the purport and intent of that amendment of the Constitution? The Supreme Court have said in the very Slaughter-house case which has been brought here in support of this bill that the primary object and purport and intent of that amendment was to confer citizenship upon the colored race, to make them citizens of the United States. That it accomplished that purpose no one questions; but that it does not warrant this legislation is a proposition which I think it is not hard to demonstrate both from argument and from authority. But I will not trespass upon the time of the Senate by reasoning upon this subject abstractly, because the matter is *res adjudicata*. The Supreme Court have passed upon the true intent and purport of the fourteenth amendment. In the Slaughter-house case for the first time that amendment came in review before that court. What said the court? After stating the object of that amendment to be to confer the right of citizenship upon the colored people, distinguishing between the citizenship of the United States and State citizenship, they went on to define what were the rights of citizenship created by the amendment, and then declared that the rights of citizenship of the State as contradistinguished from citizenship of the United States might be regulated—that is the substance of it—by the State; and that such regulation was no infringement of the fourteenth article of the Constitution. That part of the decision was read the other day by the distinguished Senator from Ohio, [Mr. THURMAN,] but it ought to be repeated in every speech made on this subject, because the country ought to understand from the judicial decisions and determination of the Supreme Court what is the true object, what is the true purport and meaning, of the various recent amendments to the Constitution, and for that reason and to show the utter want of authority for this bill, notwithstanding it was read and commented upon by the distinguished Senator from Ohio the other day in his unanswerable argument against this bill, I shall take occasion to read a part of it again. The court say:

> Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security and protection of all the civil rights, which we have mentioned, from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States? All this and more must follow, if the proposition of the plaintiffs in error be sound. For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States, in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects. And still further, such a construction followed by the reversal of the judgments of the supreme court of Louisiana in these cases, would constitute this court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights, as they existed at the time of the adoption of this amendment. The argument we admit is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when in fact it radically changes the whole theory of the relations of the State and Federal governments to each other and of both these governments to the people, the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt.
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> We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the Legislatures of the States which ratified them.

It will be seen from this extract from the opinion of the court in the Slaughter-house case that the fourteenth amendment does not destroy the right of the States over their own citizens, and was intended only to guard such rights as arise out of citizenship of the United States conferred by that amendment, leaving to the States control over such subjects as appertain to the rights of the people as citizens of the States. This position was not controverted by the dissenting justices, who differed in the application of the police powers of the State to the particular statute of Louisiana under review; on the contrary, they insist that the fourteenth amendment does not impair those rights, but that they still remain vested indefeasibly in the States, and this opinion is repeated at the present term of the court by one of the dissenting judges in the Slaughter-house case, who, apparently from the apprehension that his views might be misunderstood on that subject, took occasion to express himself very clearly in reference to that matter. I read from the opinion of Justice Field concurring in the opinion of the Supreme Court in the case of Bartemeyer *vs.* The State of Iowa:

> No one—
>
> Says the judge—
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> has ever pretended, that I am aware of, that the fourteenth amendment interferes in any respect with the police power of the State. Certainly no one who desires to give to that amendment its legitimate operation has ever asserted for it any such effect. It was not adopted for any such purpose. The judges who dissented from the opinion of the majority of the court in the Slaughter-house cases never contended for any such position. But, on the contrary, they recognized the power of the State in its fullest extent, observing that it embraced all regulations affecting the health, good order, morals, peace, and safety of society, that all sorts of restrictions and burdens were imposed under it, and that when these were not in conflict with any constitutional prohibition or fundamental principles, they could not be successfully assailed in a judicial tribunal.

With these views expressed so clearly not only by the majority of the court in the Slaughter-house case, but by the dissenting judges in that case, I am at a loss to know how any legal mind in this body can claim to find within the fourteenth amendment or within any clause of the Constitution the authority for this proposed enactment.

I may have misunderstood the distinguished Senator from Wisconsin [Mr. HOWE] this morning, and I may have misunderstood the distinguished Senator from Indiana [Mr. MORTON] the other day; but their language fell upon my ear as if there was an intimation on their part that in reference to this subject the courts had no jurisdiction to review the action of Congress; that, under the exercise of the powers conferred by the fourteenth amendment of the Constitution, Congress was the final judge and that its action could not be reviewed. I am not repeating the language, but I am giving what was the impression made upon my mind from the language which fell from the distinguished Senator from Wisconsin to-day as well as from the Senator from Indiana the other day.

Sir, has it come to this? Has the judicial department of this Government no authority to review any enactment under any provision of the Constitution and to pronounce it void, if in the judgment of the court the enactment is void because in conflict with the provisions of the Constitution? Has it come to this, that judicial power is to be claimed for Congress and that the decisions here made are not subject to review in the Federal courts? I say I may have misinterpreted the language of the two distinguished Senators to whom I have referred, but I have stated what the impression from the language used was upon my own mind. I will not say that that language ought to have conveyed that impression, but I believe now, as I thought then, that that was the intimation. I have not had a chance to look at those speeches. One was made to-day, and the other is not in print.

Now, Mr. President, I have spoken of what I believe to be a want of power in Congress to enact this bill. Then why is it proposed? What is the object, the motive for its enactment? I know that Senators disclaim any party considerations actuating them in enacting this proposed statute; and if I were to concede to the members of the majority party who have decreed that this bill shall be passed into a law the most honest, patriotic, and philanthropic motives that could influence the action of human kind, still I ask would the motive alone, however pure, justify the action? Can the motive for any act determine the quality of the act? I believe it is sound in political and moral ethics that the motive is only one of the ingredients that can determine the moral character or the wisdom or the impolicy of a measure. It is to be judged not only by the motive that prompts it, but the circumstances under which the act is performed as well as from the consequences to result from the act; and therefore if I were to concede to Senators on the other side all they claim—that their motive is pure, patriotic, philanthropic, and charitable—yet the circumstances under which it is proposed to enact this law, the means taken to enforce social equality, affiliation, companionship, and association between the races are so repugnant to the feelings of the white people of this country, that that fact alone must condemn it. Without going at present into the consequences to result from this measure even if I were to concede the purest motives to those who favor it and urge its passage, still, I repeat, the circumstances under which they propose the enactment of this law are well calculated to condemn it in the judgment of the American people.

But, sir, with all my charity, and with all the disclaimers that can be made or that have been made in reference to the object and purpose of this bill, I think there are other reasons for this measure than the mere patriotic, charitable, friendly, kindly feeling of gentlemen on the other side to the colored race. Sir, I am sorry to be compelled to say that I believe it in part emanates from antipathy, from hostility, from opposition to the people with whom the Northern States were lately in conflict. Am I not justified in uttering that sentiment? What do we hear upon the floor of the Senate; what do we read in the papers of the country? Why, sir, no longer than the last

Sabbath evening I went to the other Hall to attend the anniversary of the American Bible Society. A distinguished doctor of divinity, in addressing the American Bible Society, which spreads its benevolent and beneficent influences over this whole land as well as over foreign lands, supported by the contributions of persons from every section of the country, on that occasion, on the Sabbath day, in the presence of men devoted to the promulgation of Christianity and the doctrines of the Bible throughout the world without reference to any political or religious tenets, offered a direct insult to every southern gentleman who was there. Some of them left the House. I know that at least one officer of that society regretted it. I know that many persons deplored that upon an occasion of that kind the feelings of hostility and animosity that exist should have been manifested. I refer to this instance to show the feeling that still exists in some portions of the country toward the southern people.

Now, I do not say that that gentleman meant to insult anybody, but it has become the common language of his section to speak of "rebels" and "traitors," to speak in terms of opprobrium, in terms of opposition to the southern people, and, perhaps unconscious that he might wound the feelings of anybody or that he might do harm to the cause he was advocating, he was simply uttering the language to which he was accustomed.

Have we not heard similar language in this Hall? Have we not seen evidences of animosity, not to say hatred, to the South in this Chamber? Have we not heard language in debate that justifies us in saying that there is still lingering a feeling of opposition, a desire to oppress the men with whom you were lately in conflict? And am I not justified in saying from what I have heard and seen that a part of the motive which prompts this measure, which must afflict, and afflict most grievously, the people in all the States where any large portion of the population consists of the colored race, is a desire to punish, or at least an indifference to the interests, the wishes, and the desires of the people in the late slaveholding States? No one I presume will deny that I am justified in saying that, in part, it emanates from a desire to conciliate the colored voters. The majority party in this country made them voters and claim their allegiance as party allies. They have had their support in the past, and so far as I am concerned they are welcome to it. Hereafter I want the colored people to vote for the party of their choice. I certainly shall not try, so far as I am concerned, to wean them from their first love. But am I not justified in saying that this measure is brought forward as a measure to bind them in irrevocable bonds to the republican party? I need not travel out of the debates on this measure to find that the object is to please the colored people by Senators who apparently are indifferent to the wants of the white people. The argument is brought forward here that the colored people demand it, and in listening to this debate you would think that their wishes and their desires were all that were to be gratified. The Senator from New Jersey, [Mr. FRELINGHUYSEN,] in his speech opening this debate, stated that—

> The colored citizens ask this legislation, not because they seek to force themselves into associations with the whites, but because they have their pride and emulation among themselves.

He states the true ground of the action of the majority on this bill—the colored people demand it. That is one of the reasons why this bill is to be enacted into a law. White men are not consulted. You hear nothing of white men demanding this law. It is the colored men that are referred to as demanding its enactment in all the debates upon this question; and therefore I have a right to presume that one and the principal consideration for the passage of this law is the gratification of the colored voters, that they may continue in the future as they have in the past to vote the republican ticket. You have no right to afflict the white people of this country in order to make party capital and secure forever the negro vote; and I deplore and regret that legislation of that kind should be had in the American Senate. You are welcome to the negro vote, but do not so seriously afflict your own race to retain it.

Now, Mr. President, I propose to speak for a short time upon what I apprehend will be the effects of this bill; and, first, what will be its effect upon hotels and theaters? I ask can any man suppose that its effect will not be to depreciate the property of landlords and lessees of hotels and theaters? Do you suppose that white men will be compelled by your enactment to associate contrary to their wishes with any persons? I tell you, sirs, you cannot do it. The white people of this country know how to protect themselves, and will do it, despite the legislation of Congress. But it may work injury to the innkeeper and to the owner or lessee of the theater; it may depreciate their property, as doubtless it will, and render their occupation unprofitable; it will render the home of the traveler too uncomfortable to be compelled to associate with those he does not desire to associate with in hotels, and he will seek private entertainment; it will expel from places of amusement many who go there for recreation and pleasure, and as a consequence the property of those gentlemen will be greatly depreciated.

Sir, there are some persons I admit in this country that may accept the situation and the doctrines of this bill. There are in this country three classes, I believe, that are willing to associate with colored people. The first is a class of misguided, fanatical gentlemen who suppose that by association with the colored people they may better their condition. I do not believe any such thing; but these gentlemen may believe it, and they are willing to make a sacrifice of themselves in order that they may accomplish a good to the colored race. Of that class there are but few. Then there is another class. There is that class of mankind who have lost their own self-respect by indulgence in vice, or by the commission of crime. That class of persons, conscious in their own bosoms of their own self-degradation, may be willing to accept and practice the doctrines of this bill; but, sir, if those men had not forfeited their own self-respect, they would still maintain the position which nature has assigned them, that fellowship and companionship alone with the race to which they belong, refusing utterly that association and that companionship which are sought to be enforced by the provisions of this proposed law.

Sir, if there is any class of mankind that deserves pity, that deserves commiseration, it is those men who from indulgence in vice have lost their own self-respect. While ever a man can hold up his head among his fellow-men and feel that he is a man, neither poverty nor adverse circumstances can affect his real dignity. He knows, though he be in the depths of poverty, while he is maintaining his own self-respect he is a man. He may be banished from the halls of the great because he is not in the same social circle; but still around his fireside with the companion of his life and with the children that he loves, and loves as dearly as any, he feels that he is one of nature's noblemen and will scorn the association you propose for him in this measure. That class of men who have forfeited that self-respect, may, I say, accept the situation and agree to associate not only in theaters and in hotels, but everywhere else, and they may be proud even of the association. There is also another class of persons, namely, corrupt politicians, who for partisan purposes alone, for the purpose of securing the vote of the colored man, may be willing to associate with him in political meetings and in other places, having no real respect for the negro, but desiring in his heart all the time to profit by his vote. Those men may accept the situation; but after you have exhausted these three classes of men to whom I have referred you will find no others. There is something implanted in the bosom of the white man that tells him not to treat with disrespect the colored man, not to treat him with indignity, not to offend him unnecessarily in any respect, but to preserve himself from contact as an equal with the colored man or with any other distinct race of people. The Anglo-Saxon would not associate willingly as a general thing with Chinese or Japanese. He would preserve his identity with his own race, not because he had any unkind feelings for the colored people or the people of other races, but because he desired to maintain uncontaminated and distinct the race to which he belonged; it is the behest, the instinct of nature. I apprehend that something of that feeling prevails in the colored race too; that they desire, at least the most intelligent and respectable of that race desire to preserve in its purity their own race, and to associate with the white people only so far as they can derive advantage and credit from such association.

But in this argument we have been told that this is all prejudice. The Senator from New York [Mr. CONKLING] the other day, in discussing one of the provisions of this bill which imposes penalties, spoke of the feeling to which I have referred as a paltry hate, as a prejudice which had been trampled out in blood. Suppose it is prejudice; suppose it is nothing but prejudice; what are the teachings of history? Do men not cling with undying tenacity to prejudice? Why, sir, all history attests that men will die for their prejudices. But, sir, I deny that the unwillingness to associate as equals with colored people is prejudice. There may be prejudice in vulgar minds, but I contend that the desire to preserve in its purity the race to which we belong is not prejudice, but it is the implantation of the Divine Author of our being, and wisely intended to preserve the distinctive character of the race to which we belong. Call it prejudice if you please; it exists, and I hope and trust it may forever exist. It is the only security which you have against the dire consequences which would result from its abolition; I mean the intermixture and amalgamation of races. Destroy it, blot it out "in blood" or in any other way, and I ask you where is the guarantee against the intermarriage and amalgamation of races? If you train up the white and colored children in the same schools, as is desired by the Senator from Massachusetts, and assimilate them in ideas, assimilate them in feeling, assimilate them in views, where is the guarantee that children thus assimilated in ideas and views will not be brought into closer relations in marriage, and that the amalgamation of races will not follow?

Sir, Senators who advocate this measure may perhaps be unwilling to contemplate the consequences of their own doctrines when they are depicted. They may not be willing to accept them; but I ask again whenever the desire to keep apart and separate the different races in this country has been destroyed and perfect assimilation of mind and feeling and thoughts and ideas has come about, where, I ask again, is the guarantee against the consequences to which I have referred? I hope that the colored people of this country will ever keep their race separate and distinct, as God created it, and that the proud race to which I belong may never forfeit the high position assigned it among the people of the earth nor impede its onward progress in civilization by assimilating its destiny with that of any other distinct and separate race in this country or in the world.

The Senator from New Jersey [Mr. FRELINGHUYSEN] the other day, in opening the discussion, stated what I will read, for I have his words here, and I noted them at the time:

> This bill when enacted, it is believed, will be a finality, removing from legisla-

tion, from politics, and from society, an injurious agitation, and securing to every citizen that proud equality which our nation declares to be his right, and which is a boon in defense of which most men would die.

The Senator flatters himself that the enactment of this law is an end of agitation. I agree with the Senator that much evil agitation has been had. You agitated for the abolition of slavery. It has been accomplished, I hope never to be re-established. You agitated for political rights. Political rights have been secured. I am willing that they shall remain as they are, provided the experiment proves that the great interests of this country do not require its reversal. Much injurious agitation has been had, agitation which has caused much affliction and sorrow in the land, agitation which culminated in civil war and bloodshed and which resulted in the deprivation of rights to white men that were conceded to negroes, for it is a matter of history that while you conferred the elective franchise in the Southern States upon the colored people you denied it to the large mass of the white people of that section of country. But let me say, sir, that the agitation which the Senator from New Jersey predicts will cease will not cease so soon as he may anticipate. This bill will touch the American people in a more sensitive part than all your previous legislation. You propose to interfere with their social and domestic relations. Under such legislation I hope they will prove restive and agitate in turn for its repeal and the reversal of the decree which makes this bill a law. Whatever in me lies will be contributed to aid that agitation. I hope the people of this country everywhere will denounce this measure and demand its repeal. I hope they will call upon their public servants who enact this law to assign the reasons for their action. Sir, this agitation will go on. It may be that it will go further than it ought to go, but I warn Senators that all history teaches that when improper measures have been pressed too far reaction sets in and you cannot control it; it is governed by no law and has no limits. For the sake of the colored people of the country no less than for the white race, I hope this matter will not be pressed to that verge when the undercurrent of a reactionary movement may roll back a wave of popular sentiment which will obliterate all that has been done to advance and promote the interests of the colored people in this country. No, sir; agitation will not cease, but will be promoted by this measure. Not the agitation arising from a desire to conciliate the colored race and secure their votes, but the agitation which demands greater respect for the rights and interests of the white people of this country.

Mr. President, what is the true character of this measure? I say, first, it is a matter of injustice. Northern Senators residing in communities where there are but few colored people, and who, therefore, are not to be affected by this measure, come into the Senate and by their legislation force upon the people in States where there are large colored populations a measure which will most grievously affect them Sir, if the provisions of this bill were to reach to the same extent the communities which they represent, they would not be here the advocates of the measure. They are here to press upon others that which they would not accept for themselves provided there were as many colored people in their States and communities as there are in the States in this Union which will be affected by this bill. It is therefore a measure of injustice, gross, flagrant injustice.

Sir, what are the facts? Are these Northern Senators and the constituencies they represent any more careful of the rights of other people than those in the former slaveholding States? How is it in Massachusetts to-day? Is everybody entitled to the elective franchise in Massachusetts? It was conferred on the colored race without any conditions, and yet I ask was it not the law in Massachusetts and is it not the case still that a man in order to vote in the city of Boston must be able to read the Bible? I have a letter now from a gentleman from Boston stating to me that that is the fact, and that he must be able to read it to the satisfaction of the clerk of the court, and that a thousand men in that city for that reason cannot vote.

How is it in Rhode Island? Why, sir, that State discriminates against foreign-born citizens and requires a property qualification of them which is not required of others. How is it in Connecticut? Under the law of that State every man must be registered before he can vote, and before he can be registered and qualified to vote he must prove that he can read. Here is the law. The voter "shall tell whether he is an alien or native born, and when he became twenty-one years of age, and before his admission to be registered he shall read at least one line of the Constitution or statutes in such manner as to show that he is not prompted and not reciting from memory." So that if a man has been unfortunate and unable to acquire any education you discriminate against him in the State of Connecticut and in the State of Massachusetts and do not permit his registration and qualification as an elector; and yet those who represent those sections of the country, under the plea of justice to the negro, come here to enforce upon the States having a large colored population measures which they would not accept for themselves if similarly situated, and which they know will be unjust to white people of those States.

It is not only a measure of injustice, it is a measure of inhumanity. What will it do? It will break up the schools in the States. Even the Senator from Wisconsin [Mr. HOWE] said this morning he was afraid it might have that effect. Why, sir, the public judgment of the people of the States will compel their Legislatures to abolish the school system, and then alike the free schools for white and for colored will be abolished, and, in that view of it, this measure is a measure of inhumanity—of inhumanity not only to the poor white people who are dependent upon public schools, but it is a measure of inhumanity to the colored people, who are not able to maintain schools sufficient to educate all their children.

The people in the Southern States are doing liberal things for the education of the colored people. The recent Legislature of Maryland appropriated $100,000 exclusively to colored schools in that State. That is about equal to $5,000 to each county in the State to maintain colored schools. Does any man suppose that with this law upon the statute-book, when the white and colored pupils are compelled to mix in schools, the people of Maryland will make such liberal provision for the education of the colored people? No, sir. The white people of Maryland, the most of them, can educate their children at select schools, and they will do it. I know that that will be the case in the State which I have the honor in part to represent; and I say here that, sooner than see mixed schools in the State of Delaware, I would be glad to see the Legislature destroy the common-school system in the State.

The Senator from Indiana farthest from me, [Mr. PRATT,] as well as the Senator from New Jersey, [Mr. FRELINGHUYSEN,] said that this measure is demanded by the colored people. If this legislation is in obedience to their behests, if they are not willing that the white people shall make provision for them in their own way, but demand to be forced into the white schools, then I say upon them must fall the consequences. I deplore the consequences to result from this measure, but I would not willingly see the white children of the State in which I live compelled to go to mixed schools. It would be the poor men alone who would be compelled to send their children to such schools. Men who are able in my State now maintain a large number of select schools notwithstanding we have a good common-school system. Those who now patronize the common schools will forego their advantages sooner than see their children compelled to associate with colored boys and girls.

When this law is passed, if you think to force association and companionship on the poor men and the children of the poor men in the common schools you were never more mistaken. If there is any prejudice anywhere it will be found in that class, and they will be the last men to submit to the practical operations of this legislation.

Mr. President, in all I have said on this subject I disclaim the least unkind feeling to any colored human being. I believe that the best interests of the colored race as of the white race in this country require that this bill should be defeated. I believe that the interest of every one, white and black, requires that the bill should not become a law, and hence I have opposed it with such arguments as I could command at this late hour of the night after being perfectly exhausted with the labors of the day.

There is one consequence to which I have not alluded which I shall most seriously deprecate. It may be that this measure will engender unkind feelings on the part of the white people toward the colored people. There is no question but what in some sections of the country unkind feeling has been instilled by white men without principle into the minds of the colored people against the white race who have no unkind feeling toward them. But if you press this matter too far, when the white men now dependent upon free schools find that their children are driven from the school, when they find that the school system of their States is broken up, it may engender a feeling of dislike that I should be sorry to see kindled in the breast of any class of men. The colored people need our commiseration, our pity. We ought to do nothing that shall rob them of it; but I fear that this proposed legislation will have the effect which I now speak of. I shall be sorry to see it, and I warn Senators, those who live in States that are not to be affected by this legislation, that a very different state of feeling does exist and will exist in reference to mixed schools in those States having large negro populations, and it may be that when this hostile legislation to their interests is forced upon them a feeling of dislike will be kindled which will not inure to the benefit of the colored race. I should deplore and regret it and would do all in my power to avert and to suppress any such rising feeling, but I speak of it as one of the consequences which may probably result from this measure.

Mr. President, I have stated my views on this measure frankly and candidly, prompted by no other consideration than a desire to see the best interests of both races promoted. If I was governed by any party consideration the sooner you enacted this law the better I would like it. I do not profess to be able to see into the future, but I know something of the feelings and the sentiments of the people with whom I live. I know something at least of human nature, and I predict that this legislation will work no injury to the party to which I belong; but I trust that in the consideration of a grave question like this, I could not be so lost to my sense of duty to the country as to be governed by party considerations. I should despise myself if I could believe that any mere desire to advance the political interests of the party to which I belong could prompt me in the presentation of view on this subject in opposition to my convictions. If I was governed by party feeling, I repeat, the sooner you enacted this bill into a law the better. I desire to see the happiness of all the people of this country promoted. I desire to see peace and concord reign throughout our borders. I desire to see the advancement of both races until they have reached their respective destinies. I desire to see the interest of the colored man and the interest of the

white man both promoted; but I believe that this legislation will not have that effect.

Now, Mr. President, I shall leave the discussion of this question. I know that the fiat has gone forth, the decree is already registered that this is to become the law of the land. In every proper way I shall seek its reversal; and if the party to which I belong shall come to be in the ascendant in this Chamber and the other end of the Capitol, it will be one of the proudest acts of my life, if I am permitted to be here, to move the repeal of the statute which you now propose to pass.

Mr. MERRIMON. Mr. President, an imperious and controlling majority have no right to do wrong. It is true majorities like individuals have physical power to accomplish an end that they have no right to accomplish. When they exercise that power in an unlawful way and for an illegitimate purpose, it is a prostitution of it and a crime.

Now, sir, by the tenor and by the spirit of the Constitution of this country, by the rules and the practices of this body, every one of its members has a right to express his opinions under circumstances of fairness, an opportunity to himself and the Senate upon the commonest question that comes before it. If that is true in reference to questions of small moment, how strong must be the right of every member of the Senate to express his views upon questions of the most solemn moment, upon such questions as those presented by the pending bill are conceded to be. I say to the Senate and I say to the country that I do most sincerely desire to address myself to the question of the power of the Senate to pass this bill, as well as to the propriety and expediency of passing it. And I say further that I am sincerely and anxiously desirous of a just and fair opportunity to express my opinions, not only for the benefit of the Senate, (for whether they shall have great weight or small here, I have a right to express them,) but for the benefit of the country as well. Perhaps arguments coming from one so humble as myself and so young in this body may strike some judgments and produce a result different from what would take place if we should take the vote presently. At all events, I repeat, I have a right to be heard and to be heard under circumstances of fairness and justice to me as well as to the Senate and to the country, whose servant I am, standing in this high place. But, sir, this despotic majority have said by the command of a factious caucus, to use a slang phrase, that the American Senate shall sit it out till the vote is taken, *nolens volens*. I undertake to say that that is monstrous and insulting to the American people. I have not had an opportunity to be heard. There are other Senators who have not had an opportunity to be heard, and who desire to be heard at large upon this grave and solemn question, involving the integrity of the nation and the character of our country and its Constitution; and we are to be cut off from debate

Why, sir, this body has been sitting already to-day ten and a half hours, and many Senators present were engaged in committee an hour before the Senate met this morning; and yet this despotic majority, in pursuance of the command of a caucus, tell me that if I am to be heard upon this question after the exhaustion of this long sitting and after the Senate is exhausted, I shall go on and talk now a minute if I will, an hour or two hours if I can. Sir, I contend that that is wrong; I contend that it is criminal; and I protest against it in the presence of the Senate and in the presence of the American people. It is a virtual oppression of free speech by a dominant majority who have the physical power to accomplish an end that they have no right to accomplish.

Now, sir, I appeal to the Senate to get into a better humor, to become more senatorial, to become more American, to think of their Constitution a little, its policy and our rights under it, to reconsider their resolve, and to agree that we may adjourn now, and that I may occupy the floor to-morrow for the brief space of an hour in expressing some views that I wish to express in an orderly manner upon the pending bill; and therefore, Mr. President, I move that the Senate do now adjourn.

The PRESIDING OFFICER, (Mr. BUCKINGHAM in the chair.) The Senator from North Carolina moves that the Senate do now adjourn.

Mr. HAMILTON, of Maryland, (at nine o'clock and thirty minutes p. m.) I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. NORWOOD. I wish to state that my colleague [Mr. GORDON] is detained at home by sickness.

The question being taken by yeas and nays, resulted—yeas 16, nays 31; as follows:

YEAS—Messrs. Bogy, Cooper, Davis, Goldthwaite, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Stockton, and Tipton—16.

NAYS—Messrs. Alcorn, Allison, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Conkling, Conover, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Morrill of Vermont, Oglesby, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Spencer, Stewart, Washburn, West, Windom, and Wright—31.

ABSENT—Messrs. Anthony, Bayard, Brownlow, Cameron, Clayton, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Gordon, Hitchcock, Jones, Lewis, Logan, Mitchell, Morrill of Maine, Morton, Patterson, Schurz, Sherman, Sprague, Stevenson, Thurman, and Wadleigh—26.

So the motion was not agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio to the amendment made as in Committee of the Whole.

Mr. KELLY. Before this vote is taken I desire to say a few words. I do not wish to prolong the discussion, because I know that it is determined that the vote must be taken to-night, and I have no particular complaint to make of this, as my brother from North Carolina has done. If I were in the majority, perhaps I would act in the same way; especially if I had a pet measure that I wished to put through; and therefore I will not complain of anything they do in this matter. Indeed, there is another reason why I am reconciled to it. It appears that the length of the session is determined; that is, a month hence we are to adjourn; and there is a great deal of legislation to be done, and therefore it is perhaps well enough that we should do what we can, even though we stay late at night; and yet upon so grave a constitutional question as this is I would much rather that we should have another day to discuss it. It is not every day that a question of this importance arises in the Senate, one that is so far-reaching in its consequences as this certainly will be. In matters of ordinary legislation I would not ask the Senate, if it desired to terminate the discussion of any topic, to prolong it; but I must confess in this case I do. I would rather the bill should go over until to-morrow or Monday, if we do not sit to-morrow; not that I wish any factious opposition to be made to the passage of the bill. I shall content myself, as I suppose all my brethren on this side will, with giving our votes against it and raising what protest we can against its passage. But there is no use in fighting fate. It is decreed, decreed I suppose by caucus, that the bill shall go through, that it shall become the law of the land. I must confess that I do not like that mode of determining grave questions of constitutional law, that a man's voice and vote shall be bound by the dictum of a caucus. I have an admiration for a man who upon questions of this kind can forget party, can rise above the action of those with whom he is associated, and I have a corresponding contempt for the decrees of a caucus to settle questions of this kind and say to every man, "You must vote so and so whatever your opinions may be."

So much for that. I do not propose to discuss this question at any length to-night. Indeed, it would be an unpardonable waste of time, now that it is decided the vote must take place, to go into a discussion and repeat matters that have already been presented to the Senate. I do not propose to discuss what may be the probable effects of the passage of this bill. Indeed, so far as any partisan advantage or disadvantage may come from it, I think it will result entirely to the advantage of the party to which I belong. I have no fears of the result. I think many Senators who now are swift in their advocacy of this measure, who think that they will reap rich rewards from it, will only find in the end that they have been digging their political graves. I may be mistaken. They think otherwise; I think differently from them. I think the coming elections in the fall will perhaps depend somewhat upon this very question of the centralizing tendencies of the General Government. I do not look upon it in the light that some do, that it is simply a question whether the negro shall go to the public schools or shall not go, whether he shall go to a public inn or shall not. I do not look at it in that light at all. That is a minor view; but the main point here that will attract the attention of the country is the centralizing disposition of the Federal Government to usurp and take away from the States rights which they have enjoyed since the formation of the Government; and that is the issue presented to the people at large.

As I said a while ago, I do not wish to repeat anything that has already been said. I wish to call the attention of the Senate simply to some matters of constitutional law. I care nothing about what the consequences of this act may be. They have been spoken of by other Senators. Whether it will have an evil tendency if the bill be passed, as I have no doubt it will be, whether it will destroy the public schools in the Southern or other States, I do not know; but gentlemen have referred to it who know more about it than I do. I leave that altogether and call attention to the constitutional question.

It is admitted, I believe by all Senators, both on this side and on the other, that prior to the fourteenth amendment of the Constitution there was no power whatever in Congress to legislate upon this subject, and that all the power of legislation is derived from two sections of the fourteenth article, section 1 and section 5 of the fourteenth article of amendment. The first is that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

That is coupled with a section which gives to Congress power to enforce by appropriate legislation the provisions of the article. These I understand from the arguments which have been made are the powers which it is claimed authorize Congress to legislate on this subject. It seems to me very apparent, indeed I have no doubt so far as I am concerned myself that this clause is simply an inhibition upon the right of the States to legislate upon this subject, that it was intended that no State should make or enforce by its act, by its legislation, any law which should abridge the privileges or immunities of citizens of the United States. It is an inhibition on the States; and the fifth section, that "Congress shall have power to enforce by appropriate legislation the provisions of this article," was simply giving the authority to Congress to make a case and present it so that it might be taken to the highest court of the United States by appeal from the State courts if there should be any attempt to enforce any

obnoxious law of a State. It was intended simply to give the right of appeal, to make a case and transfer it from the courts of a State to the Federal courts to decide upon it; and that when the decision was made that would be a finality in the matter. It was supposed, I dare say, that the State courts have some virtue, some intelligence, and that if the United States courts decide the State law to be unconstitutional the State courts would bow to that decree. They have heretofore done it; and I do not see that their integrity should be questioned now.

It seems, however, that our republican friends place an entirely different construction upon this section. They claim that it is not simply an inhibition against State legislation, but that it gives Congress the affirmative power to legislate upon individuals and to enforce the rights that are supposed to be protected by punishing an individual for their infringement; in other words, that Congress can legislate upon the citizens throughout the United States in the same way that they may legislate for citizens who are within dock-yards, forts, arsenals, or wherever the United States may have exclusive jurisdiction, that the power of legislation in the one case is the same as in the other. I do not look at it so.

It is claimed that the right of every citizen of the United States to go to an inn, or to a public school, or to a theater, is a privilege and immunity; that it is embraced within those two words "privileges and immunities" of citizens of the United States; and therefore Congress has a right to protect these privileges and immunities. That has been a disputed point; but conceding it for the sake of the argument, let me go a little further. There is no question that a man's right to his property is a privilege; and he has a right and immunity from its destruction. So is his liberty, and so is his life; and indeed they are mentioned in this section, for it says: "No State shall deprive any person of life, liberty, or property, without due process of law." Now, I will put a question to our friends across the way, and especially I call the attention of the Senator in charge of the bill, the honorable Senator from New Jersey, to it. If these are privileges and immunities, as unquestionably they are, then Congress has power to protect the life of a citizen, and to punish individuals who may take away the life of a man maliciously; Congress has the power to protect individuals in their property, and to punish for its theft; Congress has the right in case any person is deprived of his liberty and put in prison unlawfully to pass laws to protect that man in his liberty, and to punish any individual who may falsely imprison him or do so without just cause. There can be no escape from this; because if Congress has the power to punish for these minor infractions of law, unquestionably it can protect the privileges and immunities of citizens so far as their lives, their property, and their liberties are concerned. Any one can see that if that be so this Senate and the House of Representatives have the power now to pass a law to punish a man for committing murder, to punish a man for committing burglary, robbery, arson. Such acts are certainly an invasion of the right of an individual; and will it be contended—and I ask the Senator from New Jersey to explain whether this is so or whether it is not so—that Congress can pass a law to punish murder, to punish manslaughter, to punish arson, simply because any individual may be so far lost to his sense of duty as to commit a breach of the law in that respect? If we have a right to pass this bill, unqnestionably the whole subject of criminal legislation has been taken away from the States and conferred upon the Federal Government.

Now let us look at this bill. It proposes that a man shall be punished by a fine not less than $500 nor more than $1,000, and by an imprisonment not less than thirty days nor more than a year for simply depriving a person of the privilege of attending a public theater or of going to a common school; or in case a hotel-keeper refuses to allow another to sit down at his table whenever he may choose, he is liable to the penalty this law imposes. It is not confined to the African race, but if any citizen deprives him of the right to sit down at a public table or to claim to occupy a particular seat at the opera, he is liable to the penalties imposed by this bill.

Mr. CONKLING. If he does it by reason of race.

Mr. KELLY. No, I beg pardon, it is not on account of race; and if the Senator will read it carefully I think he will come to the conclusion that if one citizen deprives another of the privileges and immunities specified in the first section, he is to be punished so and so; it is not, as the Senator suggests, in case he shall do so on account of race. I maintain that under the provisions of this bill if one citizen deprives another white citizen of his right to sit down at a public inn he is liable to the penalties imposed. I maintain that a careful reading of the bill will show that that is so. Nay, more; it will reach so far as this: that if some thoughtless boy should annoy his fellow in school, or in an insulting way treat him as he ought not to do, he can be punished because he is a citizen of the United States and he can be visited with all the penalties imposed by this bill. It says that any person aiding, inciting, or abetting these acts shall be liable to the penalties of the bill. As I said, a school-boy who ought to be punished by his master's whip is liable to be seized by the marshal and taken out of school and tried in the district court of the United States and the penalty imposed. This bill will warrant that punishment.

Mr. President, if for these minor offenses such penalties can be imposed, what shall we say when a man steals another's property? Certainly this Congress is not going to allow the State governments that are so derelict in their duty, that have failed to perform those functions of government which have been assigned to them, to try the right to property, to punish a man for taking the property of another. This Congress that assumes jurisdiction over cases of this kind will surely protect a man in his right of property and life by imposing penalties on the wrong-doer. It would be an unpardonable wrong, it seems to me, if this great assembly, the Congress of the United States, should undertake to protect individuals in these minor rights, as to the manners of the table or a seat in an opera, and yet be forgetful of the right of the citizens to protection in their lives, their liberty, and their property, and intrust all that field to the State governments. Can it be possible that we are going to legislate on these matters, and yet be forgetful of the rights of the citizens in other respects? I think not.

I simply refer to this view of the power of Congress to protect citizens in their rights of property and life to show the absurdity of this rule of construction, because if the Federal Government has a right to punish in the one case it has in the other, and therefore a man may be tried and punished for taking another's life by depriving him of his privilege and immunity to life, and the penalty no doubt, if it is corresponding to this penalty, would be by execution at the hangman's hand. Failing to convict there, I ask could a State court try him a second time? Can a man be tried twice for the same offense? Certainly not. There is a constitutional provision that protects a man from a second trial for any and every offense.

Mr. President, this Government of ours is a divided sovereignty. The States when they formed the Federal Government ceded to it certain of their sovereign rights, retaining others. Wherever the States have a right to punish an offense, the Federal Government has not. Wherever the Federal Government has a right, it has been taken away from the States. Now, one thing is very certain; there can be no mistake about it: if the States have a right to punish for infractions of a law like this, the Federal Government has not. If on the other hand that right has been ceded, has been granted to the Federal Government, then the States have no right whatever to prosecute for the same offense. There can be no debatable ground, no divided sovereignty, no joint occupation of this legal domain. It either belongs to one sovereignty or the other, not to both. There is no such thing as concurrent jurisdiction in criminal cases. That is well settled now. Whatever concurrent jurisdiction there may be between the Federal and State governments in civil matters, so far as criminal jurisdiction is concerned, it either belongs to the States or to the Federal Government.

What, then, will be the result? Whenever such a bill as this is brought to the proper decision of the highest tribunal of the country, I have no fears of the result. But this is certain: if the Federal Government has a right to pass these laws and impose these penalties for refusing to permit any citizen of the United States to ride on any particular railway car, or to go to a theater, or to go to a common school, then all the laws that have been passed by the State governments to protect individuals in these respects amount to a nullity. The Senator from Mississippi said to-day that they had a more stringent law in that State than this is. I say it amounts to nothing; they cannot enforce that law there, and then have the Federal Government enforce it a second time. No man can be punished twice for the same offense, as I stated, and it is simply a question for the colored people whether they are willing to renounce the protection that their own States give them, where they can be tried in perhaps fifty or one hundred counties, where all these matters can be litigated at their own doors, or whether a single Federal court in a State shall have complete jurisdiction over them.

Take the case of the State of New Jersey, and I simply refer to it because the honorable Senator who reported the bill lives there. They have but one United States court there. If offenses of this kind are to be called from one extreme of the State of New Jersey to Trenton and there tried, let me ask what expectation can the people have that speedy and exact justice will be done? And yet that will be the upshot of this. The inevitable result must be, and the Supreme Court of the United States will so hold, that no man can be tried in the State courts and also in the Federal courts for the same offense. That is an impossibility. Either one court or the other must take jurisdiction; and when that jurisdiction is taken, that is an end of the matter. No State can punish for a breach of the post-office laws, for robbing the mail, for offering counterfeit money. This jurisdiction is given to the United States. The United States Government exercises exclusive jurisdiction over these offenses. No State can try them. No more has the United States a right to try for any of the crimes I mentioned a while ago—such as murder, robbery, arson, and the like in the States; but those crimes are punished by State legislation, for the simple reason that the States never granted to the Federal Government the right to punish them, and therefore they retain that right still and they retain it exclusively. As it was said a while ago by one of the Senators, before the fourteenth amendment no person would ever have thought that if a man had crossed the river from this District and gone into Virginia and committed murder, the murderer could be tried in the United States courts for that offense. That would be an offense which would belong exclusively to the State of Virginia to try and to punish the offender. So in cases of this kind.

Mr. President, these are the reasons why I deem the bill to be unconstitutional. It is not because I have any objection or hostility to

the African race. I have not the least. I have ever treated them kindly, and I hope I ever shall. God forbid that I should ever raise my voice against the helpless and the poor. I wish them all success in their efforts to rise and be good citizens of the country in which they live; but it is not to be done by forced legislation of this kind. In due process of time all these prejudices may pass away. I have no doubt that legislation will only exasperate them and prevent that silent acquiescence of the community to give them every right, every privilege, that the white race now enjoys. I think the legislation that is now proposed will only be an injury to them. I have no doubt in my own mind that that will be the inevitable result. But, as I said, I have no hostility to them nor to their advancement, nor to anything that may conduce to their welfare or their happiness.

But the sole objection that I have to this bill is that it is an aggression on the part of the Federal Government upon the reserved rights of the States, and that if we can legislate upon this subject now, we can next year legislate so as to prevent one man from assailing another, one citizen from doing an injury to another by taking away his property. It will be simply a question of time. If we allow this first encroachment upon the reserved rights of the States, no one can tell where it will end. It will not depend upon the written Constitution of the country, but upon the simple will of Congress how far they will say that they have a right to go in protecting the privileges and immunities of citizens of the United States by direct legislation under the clause which gives power to enforce by appropriate legislation the provisions of the fourteenth article. I say there will be no limit to the jurisdiction of the United States Government. If Congress usurp jurisdiction in this case, if they punish offenses of this kind, it will be but the commencement of that usurpation which will draw all the criminal jurisdiction of the country into this great maelstrom, and you will legislate for thirty-seven States and nine Territories, and make the laws to punish for any infraction of rights in this chamber and in the Hall at the other end of the Capitol; and then, instead of having legislation at home, where every person can have not only the laws made at his door or near his home, but justice administered in the county where he lives, we shall have it administered in but one court in a State and that the Federal court, and every person must go to that court for the redress of his wrongs or to defend himself against unjust prosecution.

There was an intimation made here that legislation of this kind would have a tendency and that the result necessarily would be that the common schools in many of the States would be discontinued. It was said that the people would not submit to this dictatorial legislation of Congress, and that consequently the result would be that the public schools would cease to exist. The Senator from Wisconsin [Mr. HOWE] who addressed the Senate this afternoon, as I understood him, seemed to intimate—I do not know whether it was intended as a threat—that if the States should deprive these citizens of the rights and privileges of the common schools, Congress would find some way to enforce these rights. I do not know whether I misunderstood him or not; but I suppose he meant that if the States should abolish the common schools, the Federal Government would undertake to coerce the people of the States, to levy taxes to support common schools, or perhaps acting upon this principle that they have a right to coerce individuals, Congress would pass a law compelling the States to levy a tax to support common schools within their limits. I do not know that any Senator has advocated that, but that will be I have no doubt the result in the end.

If the Southern States or any State in this Union, on account of the legislation which takes place here, on account of the passage of this law, shall destroy or take away the common schools from their citizens, I have no doubt that other Congresses more obsequious than this, courting the popular vote, will say that Congress has the right by appropriate legislation to guarantee the privilege and immunity of citizens to go to school, and that therefore it is incumbent upon Congress to pass some law authorizing the assessment and collection of taxes in the States for that purpose. It would certainly not be stranger than this kind of legislation. Indeed I do not see how any one with a legal mind or reasoning faculties can make the distinction that we have a right to say who shall attend public schools, and yet that we cannot say that they shall be supported in a certain way and enforce taxation for that purpose.

I can see what all this legislation tends to. It is to centralization. It is to that which the framers of the Constitution dreaded when it was first submitted for the approval of the States. We know that in the early days many of those thoughtful statesmen, when it was proposed to adopt the Federal Constitution, said, and said very truly, and they seem to have had the gift of prophecy, that the Federal Government would in the end usurp the reserved rights of the States, and destroy their liberty. How prophetic it has been! Step by step it goes on; year by year one right and another right is taken from States and vested in the Federal courts and in the first Federal Legislature. It is for this reason, and this only, that I have risen to protest, so far as my voice and so far as my vote will go, against this legislation. The other minor matters I care nothing about, because as I said, in my own judgment, on a careful reading of this bill it applies to the infringement of a white man's rights by another white man just as much as to depriving a negro of his rights by a white man. It applies to one citizen taking another's rights away; and as I said, so far as this matter is concerned, it is a mere nothing; it is a bagatelle. The great object that we ought all to have is to preserve that strict line of jurisdiction between the State and Federal Government which it was the object of the framers of the Constitution to continue.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Ohio [Mr. THURMAN] to the amendment made as in Committee of the Whole.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment is to strike out the second section of the matter adopted by the Senate as in Committee of the Whole as a substitute for the original bill.

The Secretary read the second section.

Mr. TIPTON. I desire to say now, not knowing what may be the condition of my health when we vote, that on the final question I am paired with my colleague, [Mr. HITCHCOCK.] If he were here he would vote for the bill, and I should vote against it.

Mr. MERRIMON. Mr. President, I most sincerly deplore the spirit manifested by the majority which requires this very important debate to be continued at this unseasonable hour.

Mr. FRELINGHUYSEN. Will my friend permit me to interrupt him for a minute?

Mr. MERRIMON. I will yield to the Senator.

Mr. FRELINGHUYSEN. I understood that when I was out a few minutes ago the Senator criticised with great severity the majority of the Senate as being imperious and committing a crime by the course they were taking in reference to this bill. I think that the Senator was hardly authorized to make that criticism, inasmuch as he is aware that at his own suggestion a proposition was accepted that we should adjourn over and that those who are opposed to this measure should have the whole of to-morrow to debate it and that the vote be taken at five o'clock, which proposition was finally refused.

Mr. MERRIMON. Mr. President, I do not think that I trespassed at all upon the rules in the remarks that I made a while ago. I went on to state facts which were not questioned, and which I apprehend cannot be questioned, and from those facts I deduced a conclusion which was that such a proceeding was criminal. I apprehend that there is no rule of the Senate, that there is no provision in the Constitution which authorizes a Senate, that prohibits me from drawing a reasonable inference from ascertained facts. What occurred between the honorable Senator and myself privately, or between himself and other Senators privately, the Senate as a body have nothing in the world to do with. I could not bind anybody else, nor could I bind the Senator himself; and besides, if I were disposed to go into an exposition of what really transpired, I apprehend the country would have the same impression then that they have now of the proceeding that is going on here to-night. I am very sure I am as far from trespassing on the rules of the body or the feelings of any Senator in this body as any one. I am incapable of doing such a thing, and I do not believe I trespassed on any rules of the Senate. I trust I trespassed on the feelings of no one. If I had been out of order, I take it that there are enough gentlemen here who understand their rights and the rights of the majority to make the point and to sustain it if there were sufficient ground to warrant them in doing so.

I said in all sincerity that I deplored the spirit which forces me to proceed with this debate to-night. Already the Senate has been in session eleven hours. I have been in service in and near the Senate Chamber for twelve hours. I feel very much exhausted and scarcely able to proceed with what I have to say; but I must say in justice to myself and the grave subject which I am about to proceed to discuss that I have not (as I did not anticipate addressing the Senate to-day) arranged my thoughts so as to present them in that orderly and forcible manner that I desire. Nevertheless, I will not be driven by a policy like that which is forced upon me and others in the minority to abstain from submitting what I think I ought to say; and I shall therefore proceed to do it quietly, taking my time, and if I shall detain the Senate for a long while, I trust I shall not be blamed for it, but that this imperious and controlling and persevering majority will shoulder the responsibility; and then when I am done with this speech I give my friends on the other side to understand, in no spirit of threat, that if they are disposed to force upon me and those who think as I do the alternative to "sit it out," to use a common phrase, we will see who can sit longest. [Laughter.]

Mr. MERRIMON proceeded to discuss the bill. Having spoken for some minutes, he said:

Mr. President, as the majority have compelled me to proceed in this debate to-night, I think it is as little as they could do to keep their seats and hear what I have to say. [Laughter.] I maintain that it is monstrous that the majority, under the circumstances that every one here present is familiar with, should force me to go on when I have told them that I am very much exhausted after this long session. They ought at least to do me the courtesy to sit and hear a great deal of truth which I desire to pour into their minds and souls. As I see there is not a quorum present in the Senate, if some friend will suggest to me that he will ask a call of the House I will yield for such a motion.

Mr. CONKLING, (after a pause.) If no Senator claims the floor, I hope the question will be taken.

Mr. RANSOM, (at ten o'clock and thirty minutes p. m.) If my colleague will give way I move that the Senate adjourn.

The motion was not agreed to.

Mr. CONKLING. Question on the bill.

The PRESIDING OFFICER, (Mr. STEWART in the chair.) The question is on the amendment of the Senator from Ohio, [Mr. THURMAN.]

Mr. RANSOM. I thought I had the floor. I move that the Senate adjourn; and I call for the yeas and nays.

Mr. CONKLING. That motion is not in order. No business has intervened since the other motion was voted down.

The PRESIDING OFFICER. The motion is not in order. The Secretary will call the roll.

Mr. BUCKINGHAM. What is the question?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The Chief Clerk called Mr. ALCORN'S name, and he responded.

Mr. MERRIMON. I think I had the floor.

The PRESIDING OFFICER. The Senator did not speak before the first name was called.

Mr. MERRIMON. As I said before, I am very anxious that Senators should be present——

Mr. HAMLIN. If my friend will allow me, there is a parliamentary rule which declares that a man shall sit down when he gets done speaking. [Laughter.]

Mr. MERRIMON. That is the very point. I am not done speaking by a great deal, but I do not want to speak to empty seats.

Mr. HAMLIN. I do not think you will get much else to speak to to-night. [Laughter.]

Mr. MERRIMON. I want to speak to my honorable friend, and see if I cannot assign to him good reasons why he ought to vote with me on this bill.

The PRESIDING OFFICER. The Chair has no power under the rules that he is aware of to require Senators to remain in their seats.

Mr. CONKLING. I would suggest, if the Senator from North Carolina wishes to speak to the Senator from Maine, as that Senator is spending the evening in the cloak-room, he would be compelled to go there in order to have a conversation with him. [Laughter.]

Mr. MERRIMON. I am equally anxious to speak to the honorable Senator from New York. I have no right, I believe, to speak in the cloak-room.

Mr. CONKLING. I have been remaining here all the time for the pleasure of hearing the Senator.

Mr. MERRIMON. I am very much obliged to the Senator.

The PRESIDING OFFICER. The Senator from North Carolina will proceed.

Mr. MERRIMON resumed his argument, and having spoken half an hour, said:

Mr. President, I believe the Senate has gone to sleep again. [Laughter.]

The PRESIDING OFFICER, (Mr. SPENCER in the chair.) If the Senator has finished his remarks, the question is on the amendment of the Senator from Ohio.

Mr. MERRIMON. I have not concluded my remarks. I thought if I would make that passing remark, the Senate would wake up. I am glad to see that the Chair is not asleep.

Mr. KELLY, (at eleven o'clock and five minutes p. m.) With the permission of the Senator from North Carolina, I move that the Senate proceed to the consideration of executive business.

The motion was not agreed to; there being on a division—ayes 8, noes 31.

Mr. DAVIS. Is there a quorum present?

The PRESIDENT *pro tempore*. There is a quorum present. The question is on the amendment offered by the Senator from Ohio.

Mr. MERRIMON. Mr. President, I only yielded to the motion to go into executive session.

Mr. EDMUNDS. Did the Senator yield the floor?

The PRESIDENT *pro tempore*. The Chair understands that he did yield the floor.

Mr. MERRIMON. I beg to correct the Chair, with all submission. I did not yield the floor, except for a particular motion.

Mr. EDMUNDS. You cannot yield for particulars.

The PRESIDENT *pro tempore*. The fourth rule reads as follows:

No Senator shall speak more than twice, in any one debate, on the same day, without leave of the Senate, which question shall be decided without debate.

If the Senator yielded the floor, he is within the rule in the opinion of the Chair.

Mr. MERRIMON. I did not yield the floor except for a special purpose.

The PRESIDENT *pro tempore*. That was yielding the floor.

Mr. MERRIMON. I beg to inquire whether that is the practice of the Senate?

The PRESIDENT *pro tempore*. The practice of the Senate in the day-time, when everybody is in good nature, is to let debate run very loosely under this rule; but after ten o'clock at night it is usually enforced, [laughter,] and enforcing the rule the Senator is within its provisions, in the opinion of the Chair.

Mr. MERRIMON. I have to say to the Chair and to the Senate that I am not responsible for the ill-feeling displayed here to-night. I have begged the Senate to adjourn and let me have a fair opportunity to-morrow to debate this question and they would not do it; and, as I said in the outset of my remarks, they must take the responsibility.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Ohio.

Mr. MERRIMON. Do I understand the Chair to rule that I cannot proceed?

The PRESIDENT *pro tempore*. The Chair rules that the Senator is not entitled to yield the floor unless he yields it absolutely.

Mr. MERRIMON. Then I believe it is in order to move an amendment to the original bill. It is competent, I believe, to do that.

Mr. SPENCER. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Alabama rises to a point of order, which he will state.

Mr. SPENCER. My point of order is that there is already a pending amendment, and the motion of the Senator is not in order.

The PRESIDENT *pro tempore*. The amendment has not yet been moved. The Chair cannot rule upon it until he hears what it is.

Mr. MERRIMON. I move to amend section 1 of the original bill by striking out the words "by reason of race, color, or previous condition of servitude."

The PRESIDENT *pro tempore*. That is out of order. The question is on the amendment proposed by the Senator from Ohio.

Mr. MERRIMON. Then I move—I trust the Chair will give me an opportunity to make my point.

The PRESIDENT *pro tempore*. Certainly.

Mr. MERRIMON. I ask to know the condition of the bill.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. THURMAN] moved to strike out the second section, and the pending question is, shall that amendment be agreed to? Upon that amendment the Senator from North Carolina has spoken twice. The question is on the amendment. Is the Senate ready for the question?

Mr. MERRIMON. Is a motion to amend the amendment in order?

The PRESIDENT *pro tempore*. Certainly.

Mr. MERRIMON. Then I move to amend the second section in the twenty-second line by striking out the words:

But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of the State.

That is the last sentence in the second section.

The PRESIDENT *pro tempore*. Let the amendment be reported from the desk.

The Chief Clerk read Mr. MERRIMON'S amendment.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on the amendment proposed by the Senator from North Carolina?

Mr. MERRIMON. I desire now, sir, to proceed to debate——

Mr. EDMUNDS. I make the point of order that the fourth rule provides that the debate shall only be spoken in by the Senator twice, and this is the same debate. The rule cannot be evaded by a motion to strike out a word or a sentence in the section that is before the Senate.

Mr. MERRIMON. I am sorry to find that my excellent friend from Vermont has become a strict constructionist.

The PRESIDENT *pro tempore*. The fourth rule reads as follows:

No Senator shall speak more than twice, in any one debate.

Not upon any one question, but "in any one debate." This is a debate upon this bill, and in the opinion of the Chair, strictly construing this rule, the Senator is not entitled to further participate in this debate.

Mr. MERRIMON. I submit whether it has not been the uniform ruling in the Senate, whether it is not the rule in Jefferson's Manual that that word "debate" is construed to mean the debate on any single proposition, and upon as many propositions as occur under any general proposition?

The PRESIDENT *pro tempore*. The Chair will state that the practice in that particular has been like the practice in every other particular where the point of order is not raised: it is done according to the will and wish and convenience of the Senate; but when the point of order is raised, the Chair must rule as the rules require. This is one debate on this bill. The Senator from North Carolina has spoken twice in this debate. The Senator from Vermont insisting upon the rule, the Chair must enforce it, and the Senator from North Carolina can speak no further.

Mr. DAVIS. Do I understand the ruling of the Chair to be that after a point of order has been made no Senator can speak more than twice on an amendment to a bill or on a bill, no matter what the length of it may be; say an appropriation bill, for instance?

The PRESIDENT *pro tempore*. The Senator understands the Chair to rule that "no Senator shall speak more than twice, in any one debate, on the same day, without leave of the Senate, which question"—that is, the question of leave—"shall be decided without debate."

Mr. EDMUNDS. Now, Mr. President, I move that the Senator from North Carolina have leave to speak once more on this question.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senator from North Carolina have leave to address the Senate once more in this debate, which motion must be decided without debate.

The motion was agreed to unanimously.

Mr. MERRIMON. Mr. President, I am gratified to see that the

Senate is so ready to do me this much courtesy after having driven me to debate this question to-night. It must be manifest that I am proceeding with the debate under very adverse circumstances.

Mr. MERRIMON resumed his argument; and having spoken twenty-three minutes, was interrupted by

Mr. HAMILTON, of Maryland, (at eleven o'clock and thirty-five minutes p. m.) I rise to a question of order.

The PRESIDING OFFICER, (Mr. BOREMAN in the chair.) The Senator will state his point of order.

Mr. HAMILTON, of Maryland. The point of order is that there is not a quorum present.

The PRESIDING OFFICER. That point cannot be made while a Senator is on the floor unless he yields the floor.

Mr. HAMILTON, of Maryland. I insist that I can raise the question that there is not a quorum of Senators present without his yielding the floor. We cannot proceed to do any kind of business in the absence of a quorum. I have the right to make that point of order, and I have the right to take the floor from the Senator for that purpose.

Mr. CONKLING. I beg the Senator's pardon.

Mr. HAMILTON, of Maryland. Certainly I have, on any question of order.

The PRESIDING OFFICER. If the Senator on the floor is speaking out of order, the Senator can make that point upon him, but he cannot raise the question of a quorum when a Senator has the floor unless that Senator yields the floor.

Mr. MERRIMON. I trust I shall be pardoned. I am obliged to the gentlemen who listen to me, but I have been detained here by the majority, and I think they ought to listen to me. [Laughter.]

Mr. HAMILTON, of Maryland. It was for that very reason that I rose. I thought the gentleman was making a very able argument that ought to be listened to.

Mr. MERRIMON. I beg to say to my honorable friend that it is a pure matter of taste whether Senators will listen or not. If I had been guilty of keeping any gentleman here, I should certainly sit and listen to him until he got through what he had to say, and I beg to say to the Senate that I am not near done yet.

The PRESIDING OFFICER. The Senator will proceed.

Mr. CONKLING. The Senator is doing so well that he should not complain.

Mr. MERRIMON. I do not know whether I am doing well or not. I am simply exercising the right conferred upon me by the Constitution of my country. I take very large views of my rights as an American citizen. I am glad that I am an American citizen. I trust that I shall always remain such under the Constitution of my country. I do not want those rights to be abridged and frittered away, and therefore it is that I speak earnestly, and that I shall not yield a point without a struggle.

But, sir, I beg your pardon for these little side remarks, and I will pass on with my argument.

Mr. MERRIMON resumed and continued his speech until one o'clock and twenty-eight minutes a. m., (Saturday morning,) when he was interrupted by

Mr. STOCKTON. Will the Senator yield to me?

Mr. MERRIMON. I will yield with the understanding that I do not lose the floor, for I am not through with what I have to say.

Mr. STOCKTON. I should like to ask the Chair whether, if I make a motion—it is a very late hour now—that when the Senate adjourns it adjourn until Monday next, I shall take the Senator now speaking from the floor?

The PRESIDENT *pro tempore*. The Chair hears no objection to the floor being waived for that purpose. The Senator from New Jersey moves that when the Senate adjourns it adjourn to meet on Monday next at eleven o'clock.

The question being put, it was declared that the motion was agreed to.

Mr. FRELINGHUYSEN. I call for a division on that motion.

Mr. STOCKTON. I submit the point whether the question has not been decided by the Chair.

The PRESIDENT *pro tempore*. The Chair announced his opinion upon the vote, but immediately a division was called for, which is within the rule.

Mr. FRELINGHUYSEN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PATTERSON. The Senator from Pennsylvania [Mr. CAMERON] desired me to state that he was paired with the Senator from Ohio, [Mr. THURMAN.]

Mr. RANSOM. I desire to say that on all the phases of this question the Senator from Indiana [Mr. MORTON] and the Senator from Kentucky [Mr. STEVENSON] are paired.

The question being taken by yeas and nays, resulted—yeas 12, nays 32; as follows:

YEAS—Messrs. Bogy, Cooper, Davis, Hager, Hamilton of Maryland, Johnston, McCreery, Merrimon, Norwood, Ransom, Saulsbury, and Stockton—12.

NAYS—Messrs. Alcorn, Allison, Buckingham, Carpenter, Chandler, Conkling, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Spencer, Stewart, Wadleigh, Washburn, West, Windom, and Wright—32.

ABSENT—Messrs. Anthony, Bayard, Boreman, Boutwell, Brownlow, Cameron, Clayton, Conover, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Gilbert, Goldthwaite, Gordon, Hamilton of Texas, Hitchcock, Jones, Kelly, Lewis, Morton, Schurz, Scott, Sherman, Sprague, Stevenson, Thurman, and Tipton—29.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The Senator from North Carolina will proceed.

[Mr. MERRIMON resumed and concluded his argument. His remarks in full will appear in the Appendix.]

[Mr. HAMILTON, of Maryland, next addressed the Senate. His remarks will appear in the Appendix.]

Mr. CARPENTER. Mr. President, as I shall vote against this bill in its present form, I wish to state very briefly why I shall do so. Without discussing other provisions of the bill, one makes it impossible for me to vote for it, and that is the provision in regard to State juries. I know of no more power in the Government of the United States to determine the component elements of a State jury than of a State bench or of a State Legislature. I can see no argument which shows the power of this Government to organize State juries that does not apply to State Legislatures; a power which, in my judgment, is clearly not conferred upon this Government. I cannot vote for a bill as an entirety which contains even one provision which I deem unconstitutional. For that reason I shall vote against this bill.

The PRESIDING OFFICER, (Mr. WEST in the chair.) The pending question is on the amendment offered by the Senator from North Carolina, [Mr. MERRIMON,] which will be reported from the desk.

The Chief Clerk read the amendment, which was to strike out the last clause of the second section, in the following words:

> But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State.

Mr. MERRIMON. I withdraw the amendment.

The PRESIDENT *pro tempore*. The Senator from North Carolina withdraws the proposed amendment. The question now is on the amendment of the Senator from Ohio, [Mr. THURMAN.]

Mr. FRELINGHUYSEN. Before that question is put I desire to perfect the section, there being an inaccuracy in it, in the second line of the second section, by striking out the word "citizen" and inserting instead "person entitled to its benefits;" so as to make it harmonious with the first section.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey to the second section of the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Ohio [Mr. THURMAN] to the amendment made as in Committee of the Whole, to strike out the second section, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. SAULSBURY, (when Mr. BAYARD'S name was called.) I desire to state that my colleague [Mr. BAYARD] is paired on this question with the Senator from Michigan, [Mr. CHANDLER.] If my colleague were here he would vote for this amendment, and the Senator from Michigan would vote against it.

Mr. RANSOM, (when Mr. CAMERON'S name was called.) I was requested by the Senator from Pennsylvania [Mr. CAMERON] and the Senator from Ohio [Mr. THURMAN] to say that they had paired on this bill. On this question the Senator from Pennsylvania would vote "nay" and the Senator from Ohio "yea," and on the bill they would vote just the other way—the Senator from Pennsylvania "yea," and the Senator from Ohio "nay."

Mr. ALCORN, (when Mr. CLAYTON'S name was called.) I desire to say that the Senator from Arkansas [Mr. CLAYTON] left this evening very much indisposed. If he were here he would vote "nay" on this question.

Mr. WRIGHT, (when the name of Mr. FERRY, of Michigan, was called.) I am requested by the Senator from Michigan [Mr. FERRY] to say that he is paired with the Senator from Maryland [Mr. DENNIS] upon this amendment, and upon all questions connected with this bill. The Senator from Michigan would vote "nay" and the Senator from Maryland would vote "yea" on this amendment.

Mr. COOPER, (when the name of Mr. GOLDTHWAITE was called.) I am requested by the Senator from Alabama [Mr. GOLDTHWAITE] to announce that he is paired with the Senator from Ohio, [Mr. SHERMAN.] If the Senator from Alabama were here he would vote "yea" and the Senator from Ohio "nay" on the question of this amendment.

Mr. LOGAN, (when his name was called.) On this question I am paired with the Senator from Georgia, [Mr. GORDON.] Were he here he would vote "yea" and I should vote "nay" on this amendment.

The roll-call was concluded.

Mr. CHANDLER. On this question I am paired with the Senator from Delaware, [Mr. BAYARD.] If he were present he would vote "yea" and I should vote "nay on this amendment.

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. HITCHCOCK] requested the Chair to state that he was paired with his colleague [Mr. TIPTON] on this question.

Mr. RANSOM. I ought to have stated that the Senator from Indiana [Mr. MORTON] and the Senator from Kentucky [Mr. STEVENSON] are paired on this bill. Mr. STEVENSON would vote "yea" and Mr. MORTON would vote "nay" on this particular amendment.

The result was announced—yeas 13, nays 32; as follows:

YEAS—Messrs. Bogy, Cooper, Davis, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Saulsbury, and Stockton—13.

NAYS—Messrs. Alcorn, Allison, Boutwell, Buckingham, Carpenter, Conkling, Conover, Edmunds Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Spencer, Stewart, Wadleigh, Washburn, West, Windom, and Wright—32.

ABSENT—Messrs. Anthony, Bayard, Boreman, Brownlow, Cameron, Chandler, Clayton, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hamilton of Texas, Hitchcock, Jones, Lewis, Logan, Morton, Schurz, Sherman, Sprague, Stevenson, Thurman, and Tipton—28.

So the amendment to the amendment was rejected.

Mr. SARGENT. I now move the amendment of which I gave notice this afternoon. It is to add to the first section the following proviso:

Provided, That nothing herein contained shall be construed to prohibit any State or school district from providing separate schools for persons of different sex or color, where such separate schools are equal in all respects to others of the same grade established by such authority, and supported by an equal *pro rata* expenditure of school funds.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. LOGAN, (when his name was called.) Understanding that the Senator with whom I am paired would vote in the same way that I would on this amendment, I do not consider the pair as applicable, and I shall vote "yea."

The roll-call being concluded, the result was announced—yeas 21, nays 26; as follows:

YEAS—Messrs. Allison, Bogy, Boreman, Conover, Cooper, Davis, Hager, Hamilton of Maryland, Johnston, Kelly, Logan, McCreery, Merrimon, Morrill of Maine, Norwood, Ransom, Sargent, Saulsbury, Scott, Stewart, and Stockton—21.

NAYS—Messrs. Alcorn, Boutwell, Buckingham, Carpenter, Conkling, Edmunds, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Spencer, Wadleigh, Washburn, West, Windom, and Wright—26.

ABSENT—Messrs. Anthony, Bayard, Brownlow, Cameron, Chandler, Clayton, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hamilton of Texas, Hitchcock, Jones, Lewis, Morton, Schurz, Sherman, Sprague, Stevenson, Thurman, and Tipton—26.

So the amendment to the amendment was rejected.

Mr. BOUTWELL. I now make the motion to amend the first section according to the notice heretofore given. In section 1, commencing in line 9, I propose to strike out "and also of common schools and public institutions of learning or benevolence supported in whole or in part by general taxation," and in lieu thereof to insert, "and also of every common school and public institution of learning or benevolence, endowed by the United States, or founded by any State, or that may hereafter be endowed by any State, or supported, in whole or in part, by public taxation."

I only wish to say that this amendment is designed to make clearer than the text of the bill seems to do what I suppose is the intention of the committee, and the intention of the Senate, judging especially from the vote just taken; and in one sentence I may say that it places upon an equality every citizen of the country in every public institution of learning, and only exempts from the operation of the statute private schools and private institutions, those that are maintained or founded by private funds.

Mr. JOHNSTON. The Senator from Georgia [Mr GORDON] submitted an amendment to strike out the portion of the bill that the amendment of the Senator from Massachusetts applies to. I desire to ask whether the vote upon the amendment of the Senator from Georgia cannot be taken first?

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Massachusetts to perfect the part to be stricken out will of course be put first.

Mr. BOUTWELL. On the amendment offered by me I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STEWART. I shall have to vote against this amendment. I do not wish to discuss it; but I believe that it may embarrass many of the present generation who would otherwise be able to secure education, and prevent their having as good an opportunity to start fair in the race of life as they otherwise would. The great thing for the colored man, after all and the only thing that has any real force in it, was giving him equality of rights at the ballot-box. For that I contended I think as zealously as any one here, as those who were then members of the Senate will bear me witness. I said before he had the ballot that there was nothing else you could give an American citizen whereby he could so effectually protect his rights.

Mr. BOUTWELL. I should like to ask the Senator then for what reason schools are established, maintained by law, and supported by public taxation, unless there is some virtue in legislation in favor of the interests of citizens beyond giving them the right to vote?

Mr. STEWART. I do not see much pertinency in that question, for what reason free-school systems are established by legislation. I think that, after all, the ballot is the only thing which will secure an equal and fair distribution of the school fund. I think that the power of the ballot has shown itself more forcibly in the votes that are being taken here this morning than in anything else—the absolute power of the ballot. Your civil-rights bills are shown to amount to very little without the ballot. I recollect very well when it was not so easy to obtain votes for measures of this sort. The ballot gives these votes here, and it is the ballot that will give the negro his right to schools in the different localities. I do not want to legislate for the colored man where he can help himself. The principle of our Government is that each individual shall look out for himself. We place equal power in the hands of every citizen, and it is the duty of each citizen to take care of himself. Any legislation beyond that must be justified on some peculiar ground. Any legislation that attempts to protect any class after you give them the ballot must have some special justification. While the negro was chained, while he was prevented from exercising his rights as a citizen, while he was in that condition there was reason for legislation. Then he was not much else than a slave. Then I always contended that your civil-rights bill and your bills to protect him were useless; that the thing could not be done by legislation. It cannot now be done by legislation. This bill would be an absolute nullity if the colored man did not have the ballot. With the ballot he will get all the rights after a while that he is entitled to without this legislation. There are some States where his vote is not of much importance now, but it will become more and more important; and all the rights he is entitled to he will get, and he will get them by local legislation.

The necessity of general legislation to help a particular class is not so plain. To legislate particularly to protect him I do not see the necessity of to that extent which requires me to vote for the proposition of the Senator from Massachusetts, and run the risk of embarrassing the education of the present generation. It has been alleged that there are places where he does not have his rights; that in some of the Southern States he does not have a fair distribution of the school fund. I am afraid if you pass this bill he will have no education at all. I am afraid that this legislation is not calculated to advance him one step. I cannot see clearly its beneficial effects, and not seeing them clearly I am not so anxious to vote for it. It is not a question of constitutional power, for I have no doubt on that point; and if I thought it would further education I would not hesitate to vote for it. It is a mere question of expediency whether or not by this legislation you will aid to educate the colored man beyond what he would otherwise get. If by voting for mixed schools I thought I could accomplish that purpose and educate the colored man where he would not otherwise be educated, I would vote for them; but I am afraid they would not have that precise effect. Consequently I think it ought to be left optional to have schools mixed or separate as the people themselves desire. I do not think at all events now we should take the step to compel mixed schools. I do not believe the necessity exists for it. We can pass the bill without that feature, and if the necessity for that should appear hereafter, we can do that when it is necessary for the sake of education to do it; if not, do not let us do it.

I believe this is not striking at the real evil in this country as far as education is concerned. I offered an amendment to the Constitution and submitted it once or twice, requiring each State to have a system of common schools whereby each child should have an opportunity to become educated. There is the difficulty. The difficulty is not in mixed or unmixed schools, but there are some States that have not an efficient and adequate system of common schools whereby every child may be educated. I believe great good would result if this Congress would devote itself to the task of amending the Constitution of the United States so as to require every State to have an efficient system of common schools. If that were in the Constitution; if it where absolutely necessary for every State to have such a system and in case it failed Congress might step in; if the Constitution required every State to have a school system, and if the State failed provided that Congress might legislate, then you would have power to say that they should have mixed schools or unmixed schools, and you would have the power to make that law effective. But while it is left to the States to have systems of free schools or not, and while the several States are wavering in the balance whether they will have those schools or not, I say it is endangering in many of the States the education of the present generation, I fear. At all events, before a measure of this kind is passed we might wait one year.

I do not believe there is any Senator here who can give us a good reason for mixed schools being forced by the amendment of the Senator from Massachusetts, or for putting this proposition in such a shape that for the present it shall not be left optional with the people of this country to arrange their schools as they please in this regard. This may not be a very serious question to the people of the North, but it will be a serious question to the people of other States if their children are deprived of education even for a single year in a single State, and there is no necessity for loading this bill with that provision. I do not believe it is for the interest of the colored people. If it is I call upon them to agitate the question. It has been suggested that they are discontented. I want them to be discontented like every other class of citizens until they get all that belongs to them politically; but I want them to come forward as men and claim their right to office, and not continue to be represented in the local Legislatures or elsewhere by proxy. I want to see them represent themselves and come forward and exert themselves and demand their rights, and I believe they will. I believe they will vindicate their manhood. They have got the ballot, and I want to see them vindicate their manhood by representing themselves wherever they can as men. I believe that will develop them. But I doubt very seriously

whether it is expedient for us to pass a law which may endanger that very education we so much desire.

Mr. FRELINGHUYSEN. Mr. President, I shall vote against the amendment of the Senator from Massachusetts because the law would then read in this wise: "That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of all the privileges, advantages, &c., of every common school." I do not suppose that is what we mean, that all persons shall be entitled to the accommodations of every common school. I think the language is much better as it is, that all persons shall be entitled to the privileges of the common schools. That leaves the schools, colored schools or white schools, as they are, and expresses just as clearly, for I do not want any misunderstanding about that—the bill as it stands without the amendment of the Senator from California does give any person a right to any of these schools.

Mr. STEWART. Right there I should like to inquire of the Senator having the bill in charge if the law as it stands would be violated by the organization of separate schools so that white children should attend one and colored children the other?

Mr. FRELINGHUYSEN. I suppose it is perfectly competent to have one school for the whites to go to, another school for the colored children to go to; and I suppose by the law as it stands a colored child has a right to go to a white school, or a white child to go to a colored school.

Mr. STEWART. But it would be no violation of law if they had separate schools?

Mr. FRELINGHUYSEN. No, it would not be a violation of the law. Then as to the other parts of this amendment, "and public institution of learning or benevolence endowed by the United States or that may hereafter be endowed by any State," I have to say that if there is an institution in a State, I do not think we ought to put it in the power of the State to change the character of that institution by endowing it. I do not think we ought to put it in the power of a State by making an endowment to an institution to change it from a private to a public institution, The other part of the amendment, "or endowment by the United States," I am in favor of; that would include the agricultural colleges.

Mr. BOUTWELL. There is, in the highest sense of art, a little want of euphony between the language which the committee have employed and that which I have been compelled to employ in order to make my amendment effective, which is to give to all persons, that is to every person equally, a right in every public school. What e feared is just exactly that condition of things which the honorabll chairman of the Committee on the Judiciary intimates may happen. I wish to break down the prejudice in the public mind by which it is possible in some cities and sections of the country to make separate schools and give to children, who when they become men are bound by the same political bonds to a government based upon the doctrine of equality, ideas which are inconsistent with the existence of such institutions; for it is only by instilling into the minds of the children and the youth of the country the idea that there is no difference by nature or birth or race or color or caste, that we can take security for the continuance of the institutions under which we live; and every system which tolerates, encourages, or lays the foundation for the dissemination of different ideas, is a system hostile to republican government. Inasmuch as these four million colored people are made by the Constitution citizens of the country, as they and their posterity through all time are to have a lot and part with us as citizens, I say now, not waiting for an uncertain future, but now when this subject is under consideration in the Senate of the United States, and under consideration by circumstances which make us amenable to posterity, let us do that thing which is right in the eye of the Constitution; and nothing is right but absolute equality of rights.

Mr. STEWART. Suppose the bill would have the effect to prevent more children, white and colored both, from being educated than it would aid to become educated, would the Senator then vote for it?

Mr. BOUTWELL. I will not barter the uncertain present of evil by surrendering the certain future of good. When the contest of 1765 opened, our fathers might very well have changed their position and said, "We will accept the present temporary evil rather than demand and maintain at the cost of revolution and life that which we know to be just and right."

Mr. STEWART. Did they not do that very thing?

Mr. BOUTWELL. No, sir.

Mr. STEWART. Did they not accept the enormous evil of slavery rather than not have a constitution adopted, when they admitted it was wrong?

Mr. BOUTWELL. Yes; without seeing into the future. If we stood in their place, not having sacrificed hundreds of thousands of human lives and imposed upon the Treasury and the future prosperity of the country an enormous debt, we should have some excuse; but we stand here with nearly a century of evil, culminating in a civil war of which there is no example in history, and I trust there will be no like exhibition in the future; and we are inexcusable if now, having suffered by the surrender of justice to injustice, we follow the steps which they took and imitate the example which they set. That is what the Senator from Nevada asks us to do.

Mr. FRELINGHUYSEN. I wish to ask the Senator from Massachusetts a question. I ask whether he proposes by his amendment to compel colored children to go to white schools?

Mr. BOUTWELL. That I cannot do; but I will do everything which the Constitution authorizes to be done—to see to it that the children are trained together for purposes of life, and education is the fitting for it.

Mr. FRELINGHUYSEN. You do not propose to compel them?

Mr. BOUTWELL. I do not contemplate that. I cannot do that.

Mr. FRELINGHUYSEN. The law as it stands gives them the right to go to a white school.

Mr. BOUTWELL. That is exactly what we do not know. Some Senators say that it does; some Senators say that it does not. I have my doubts.

Mr. FRELINGHUYSEN. It says that all persons shall have the right to all these facilities in the common schools.

Mr. BOUTWELL. But there are Senators who say, and there are persons outside who will say, a great portion of the people of the country will say, that if a school-house is set up on one side of a street for black children and another on the opposite side set up for white children and they are compelled respectively to go to the schools established, and it turns out that the appropriation made for each school is equal to the appropriation made for the other, that the teachers are of equal capacity, that the same branches are taught, then equal facilities are furnished, which is the expression employed by the committee.

Mr. STEWART. The question which I asked the Senator I think was pertinent. He was appealing to the example of the fathers, and he said, "Suppose they had at that time consented to wrong, where would we be now?" I instanced the wrong that they admitted and consented to; and but for their doing it we should not have been at all. We should not have had any war for the Union if they had not at that time admitted the wrong which did exist, for they could not have established the Union of these States at that time on any other basis. They admitted slavery to be wrong, and yet formed the Union. In Government there are many times when you cannot have anything without allowing some evils to exist. In other words, you cannot have the millennium by one act of legislation. That act which would make all things good and all things right and all things just and all things lovely never has been discovered. I believe that when you have established the fundamental principle that each American citizen shall have a like power, shall have the ballot; when you have established that all citizens have an equal right to protect themselves; when you have laid that foundation and given to each the same power and the same rights to protect himself, and when it is obvious from what this race has done, the wonders accomplished in the way of progress and education, that they will use that power to assert their rights, why not leave the matter to them? It is clear and obvious that they are going to have all their rights under the Constitution.

It is said that it is necessary now, in order to preserve the Republic, to require the children of colored people and white people to go to the same school, whether they desire it or not, and that we should not leave it optional even with them to separate themselves, but must force them into the same school, and this for the accomplishing of a great moral idea! Now, the moral idea there is in this thing is education, and nothing else. We are not legislating for equality before the law; for thanks to the founders of the Republic and the patriotic American people, each citizen with the ballot in his hand is equal to any other man under the law. Each has the same rights, whether he be a colored man or a white man, whether he be born in a foreign country and become naturalized in this—no matter where he was born or what his color, he can make the politician dance to his music and obey his voice by the ballot. That is what governs the country; that is what makes the negro equal before the law.

We are now considering a question of expediency in legislation, a question how we can best promote free schools and education. We are not considering the rights of the negro or the rights of the white man, because they are absolutely equal if there is anything worth a straw in our Government; and that they are equal and that they have that power, is very evident from the number of advocates who have been enlisted in behalf of the negroes since they were given the ballot.

My friend from Massachusetts knows how our ranks have been augmented since that event, for he acted a conspicuous part in giving the ballot to the negro. He knows very well how the forces that advocate these rights have been augmented by the ballot. He hears that potent voice. Eight hundred thousand votes in America are calculated to make the politicians tremble. They will have their rights, and I am thankful and I rejoice that they will; but while I rejoice at that I am now legislating for a practical end—to see how the present generation can best be educated. Twenty years will not pass, a generation will not pass, until it will be admitted everywhere that the negroes shall have as good a chance to be educated as anybody; but you have commenced with this work of education wrongly. It is still in the power of the States to have no system of common free schools; and many of the States for nearly a century have failed to exercise the power to establish free schools. Many of the States are unaccustomed to any system of free schools, and they will establish none; and in those States if the Government does not aid in the work of education your law is inoperative. Who is benefited? Not the poor black boy, nor the poor white boy; both are neglected, and no law is violated. A struggle is going on in those States; and the friends of free schools are likely to triumph in every one of them.

Add this burden to them, however, and you seal the fate forever of many of the present generation, both black and white. I say you should not do this unless you are willing to take hold of the question of education in earnest, and to amend the Constitution so as to require every State to have a system of free schools. You should do that before you attempt to regulate the matter now in such a manner as will prevent the establishment of any such system in many of the States. Before you embarrass it you ought to pause. You ought to see an apparent necessity for denying to the children of Virginia the right to be educated. You ought to weigh well before you say that the present generation in Kentucky, whites and blacks, shall remain in ignorance; for ignorance strikes at the very foundation of republican institutions. You ought to consider most seriously, shall the children, white and black, in Tennessee—for there I am confident such will be the result—be uneducated? Is this really a measure for education or for politics? If for education, then the amendment of the Senator from California is right; if to conciliate eight hundred thousand voters at the expense of the loss of education in many States, then the amendment of the Senator from Massachusetts is right. If it is a practical measure of education, leave it sufficiently free to have practical operation. If it is a practical measure of politics and not education, then declare some theory which shall prevent education, some theory that shall consign to ignorance large masses of the people of this country for the sake of politics.

I do not believe that but for these eight hundred thousand votes there would be ten votes, or even five votes, in this Chamber for this particular clause. I am glad they have got the votes, because it shows how they will get their education. I am glad they have the votes, and I am rejoiced to see them vindicate their manhood. I tell you that, so far as accomplishing the purpose for which you are legislating is concerned, one respectable colored man in either House of Congress who can speak for his race, who can show that they have intellectual capacity and moral worth, is worth more than this bill. I would invite them to come to Congress. I would invite them to go to the State Legislatures and vindicate their manhood and trample upon this prejudice. They have got the power to do it. I say that so far as I am concerned I am not voting for this bill for politics. I only vote for it as a practical mode of education. No political consideration can make me vote in a manner which I fear will deny to any child the right to be educated. I would as soon deny to him or her bread. Unless it can be shown that this is the best way to educate the children, for now they need it, I will not vote for it. I have not heard the reason, and I do not believe it can be assigned.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Massachusetts.

Mr. FRELINGHUYSEN. I would remark that the committee, in the language which they have adopted with some care, followed the language of the original bill as introduced by Mr. Sumner.

Mr. BOUTWELL. But generally changed Mr. Sumner's language everywhere else.

Mr. FRELINGHUYSEN. Not changed in any respect except in the manner in which it is presented. The same identical words have been preserved.

Mr. EDMUNDS. Let the amendment be read.

The CHIEF CLERK. The amendment is to strike out in section 1, commencing in line 9, the following words:

> And also of common schools and public institutions of learning or benevolence, supported in whole or in part by general taxation.

And in lieu thereof to insert:

> And also of every common school and public institution of learning or benevolence endowed by the United States or founded by any State, or that may hereafter be endowed by any State, or supported in whole or in part by public taxation.

Mr. STOCKTON. I think perhaps it not improper that gentlemen sitting on our side of the Chamber should understand what is meant by this. I listened with much attention to the Senator from Massachusetts. I have understood him to say, not now, but before, that there was nothing in this proposition, no point to it unless the young of both races and sexes were to be educated together, and so educated together that all distinctions of race and color were to be wiped out by that education.

Mr. BOUTWELL rose.

Mr. STOCKTON. Did I misunderstand the Senator?

Mr. BOUTWELL. I think the Senator from New Jersey did. In the first place I did not propose by this amendment to raise the question, nor does the amendment deal with the question, of educating the sexes together or separately; nor do I expect by educating persons of different colors together to wipe out all distinctions of race and color, only to assimilate them in ideas as to government and the institutions of the country.

Mr. STOCKTON. Then I was mistaken in understanding that the Senator from Massachusetts thought that one of the advantages of mixed schools was that the young people growing up should have their minds eradicated from the prejudices which affect the present generation. Am I mistaken in that?

Mr. BOUTWELL. Not as the Senator states it now; but if he will recall his own language, he will find that he said he understood the Senator from Massachusetts proposed by educating the children all together to wipe out all distinctions of race and color. I did not expect to do that, but to remove the prejudices which exist between persons of different races and different colors, and substitute the idea of human equality.

Mr. STOCKTON. The Senator will excuse me. I do not hear him distinctly. Will he be kind enough to repeat his statement?

Mr. BOUTWELL. I did not intend to be understood as saying that by educating children of different races and different colors together in the same school, thereby "all distinctions," using the language employed by the Senator from New Jersey, "of race and color would be wiped out;" but I do expect by having children of different races and different colors educated in the same school, that this prejudice against race and color will be removed and the idea of universal human equality as the basis, in my judgment, of republican institutions will be substituted in place of this unnatural and unjust prejudice.

Mr. STOCKTON. Then the Senator will excuse me for asking another question, for I do not wish to misunderstand him. Am I to understand that the words that he has just used are his own definition of the reasons why he supports this bill?

Mr. BOUTWELL. The reasons why I support my amendment?

Mr. STOCKTON. That is what I mean. That is all I wished to know. If I misstated the Senator in my first expression, of course it was because I did not perfectly understand him. I understand him now. Now, I wish to ask my colleague whether he supports this bill on the ground that it is supported by the Senator from Massachusetts?

Mr. FRELINGHUYSEN. I do not wish to enter into a speech just at present, as we have been here all night. I did make a speech some two weeks ago, in which I stated the grounds on which I supported the bill.

Mr. STOCKTON. Then, Mr. President, I think I am not wrong in saying that the Senator from New Jersey, my colleague, on the advanced ground of the Senator from Massachusetts proposes to pass this bill. He proposes that the rising generation shall be educated together, so that what the gentlemen call the prejudices of race and color shall be, if possible, eradicated. That is to be the system of education, and that is the proposition of the bill.

Mr. FRELINGHUYSEN. I trust that my colleague does not wish to put me in a false position or to misrepresent what I say. I did not say that I supported this bill on the grounds stated by the Senator from Massachusetts. On the contrary, I am opposed to that Senator's amendment, and I did say that the reasons for my support of this bill I had stated fully in the speech that I made on it.

Mr. STOCKTON. Then it seems that the Senator from New Jersey, my colleague, supports this bill on one theory, and the Senator from Massachusetts supports it on another. I know that he has an amendment of his own; but that amendment, it does seem to me, and the proposition of the bill are the same. All that I ask and all that I have asked of these gentlemen is to be candid, to be truthful to the American people, and to tell them whether they mean that or whether they do not; and a question put at any time to either one or the other leads to an explanation.

I ask again of my colleague, and I ask again of the Senator from Massachusetts—and if asking can get an answer, I will get it before this bill passes—do you mean or do you not mean that you propose by a compulsory system to educate the young people of different colors together, with the wish and the hope that all prejudices shall be eradicated and that they shall be one? Do you mean practical amalgamation or not? Do you mean miscegenation or not? Do you mean to degrade the white race of this country, to prostitute the power you have to degrade the white people of this country? Do you mean that, or do you not mean it? I ask the question of my colleague and of the Senator from Massachusetts. Answer me, one or the other.

Mr. FRELINGHUYSEN. Not exactly recognizing the right of the Senator from New Jersey to catechise me in that style, still, out of the regard I entertain for him, I will answer him in the negative.

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) The question is on the amendment of the Senator from Massachusetts, [Mr. BOUTWELL,] on which the yeas and nays have been ordered.

Mr. LOGAN. On the main question I am paired with the Senator from Georgia, [Mr. GORDON.] On this amendment, however, I am informed by his colleague that he would vote in the same way as I would, and therefore I shall vote "nay."

The question being taken by yeas and nays, resulted—yeas 5, nays 42; as follows:

YEAS—Messrs. Alcorn, Boutwell, Robertson, Spencer, and West—5.

NAYS—Messrs. Allison, Bogy, Boreman, Buckingham, Carpenter, Conkling, Conover, Cooper, Davis, Edmunds, Flanagan, Frelinghuysen, Hager, Hamilton of Maryland, Hamlin, Harvey, Howe, Ingalls, Johnston, Kelly, Logan, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Sargent, Saulsbury, Scott, Stewart, Stockton, Wadleigh, Washburn, Windom, and Wright—42.

ABSENT—Messrs. Anthony, Bayard, Brownlow, Cameron, Chandler, Clayton, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hamilton of Texas, Hitchcock, Jones, Lewis, Morton, Schurz, Sherman, Sprague, Stevenson, Thurman, and Tipton—26.

So the amendment to the amendment was rejected.

Mr. SCOTT. I move to amend by striking out all after the word "otherwise" in line 24 of section 1 to the close of the section.

Mr. JOHNSTON. Before passing from the section we are upon I desire to have the amendment of the Senator from Georgia [Mr. GORDON] acted upon. I suppose we might as well take the vote on that now.

The PRESIDING OFFICER. The Senator from Virginia calls attention to an amendment submitted by the Senator from Georgia some days ago.

Mr. SCOTT. I have no objection to withdrawing my amendment for the present that that may be voted upon.

The PRESIDING OFFICER. The amendment referred to by the Senator from Virginia will be read.

The CHIEF CLERK. The amendment is to strike out in section 1, commencing in line 9, the following words:

And also of common schools and public institutions of learning or benevolence, supported, in whole or in part, by general taxation.

Mr. JOHNSTON. I call for the yeas and nays on that.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SAULSBURY, (when Mr. BAYARD's name was called.) My colleague [Mr. BAYARD] is paired with the Senator from Michigan [Mr. CHANDLER] on all questions connected with this bill. If he were here he would vote "yea" on this motion, and the Senator from Michigan would vote "nay."

Mr. NORWOOD, (when Mr. GORDON's name was called.) It is proper that I should state that my colleague [Mr. GORDON] is detained at his home by sickness. This is his amendment, and no doubt he would like to record his vote for it.

Mr. CHANDLER. I wish to state that on this question I am paired with the Senator from Delaware, [Mr. BAYARD.] If present he would vote "yea," and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 14, nays 30; as follows:

YEAS—Messrs. Bogy, Boreman, Cooper, Davis, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Saulsbury, and Stockton—14.

NAYS—Messrs. Alcorn, Allison, Boutwell, Buckingham, Chandler, Conkling, Conover, Edmunds, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Scott, Spencer, Stewart, Wadleigh, Washburn, West, Windom, and Wright—30.

ABSENT—Messrs. Anthony, Bayard, Brownlow, Cameron, Carpenter, Clayton, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hamilton of Texas, Hitchcock, Jones, Lewis, Logan, Morrill of Maine, Morton, Sargent, Schurz, Sherman, Sprague, Stevenson, Thurman, and Tipton—29.

Mr. SCOTT. I now renew the amendment of which I gave notice before, to strike out in section 3, commencing in line 24, the following words:

And any district attorney who shall willfully fail to institute and prosecute the proceedings herein required shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than $1,000 nor more than $5,000.

The previous part of the section imposes the duty on district attorneys, marshals, deputy marshals, and United States commissioners of instituting proceedings and prosecuting offenses arising under this act. This closing part of the section, then, subjects to civil liability and also to criminal prosecution the district attorney alone among these officers for failing to institute and prosecute these cases. Even if the discrimination alone were in it, that would be enough reason for striking it out; but it is in addition to that subjecting a quasi judicial officer to a penalty for the exercise of his discretion. I trust the Senator having the bill in charge will see his way clear to consent that this clause shall be stricken out.

I desire to offer another amendment requiring these proceedings to be instituted upon information furnished by the party aggrieved, so that it shall not be in the power of any parties to bring the law itself into disrepute by having unfounded prosecutions instituted. I should like that power taken away.

Mr. FRELINGHUYSEN. I have no objection to those amendments. They commend themselves to my judgment.

Mr. EDMUNDS. Does the Senator from Pennsylvania offer as part of this amendment a provision that the public officers proceeding for a public crime shall only proceed upon the information of some particular person? Is that a part of the amendment which he now offers?

Mr. SCOTT. I have given notice of my intention to offer that.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Pennsylvania has indicated two distinct amendments.

Mr. SCOTT. I cannot offer them both at once; but I have given notice that I will offer that to which the Senator has just referred.

Mr. EDMUNDS. Then I reserve what I have to say about that amendment until it comes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Pennsylvania to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

Mr. SCOTT. I now move in line 13 of the same section, after the word "required," to insert "upon information furnished by the party aggrieved;" so as to make the clause read:

And the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required, upon information furnished by the party aggrieved, to institute proceedings against every person who shall violate the provisions of this act.

It is not my purpose to exclude all other kinds of information by offering this amendment, but as the law would then stand, an information, in the technical sense of the word, furnished by any citizen would be sufficient to found these proceedings upon; but I do wish here to make it the duty of the officer, upon information furnished by the party aggrieved, to proceed to institute these proceedings, and also to require that the officer himself shall be furnished with such information as will give him reasonable ground to believe that there is sufficient basis for instituting the prosecution before he does proceed; in other words, that it shall not be his duty upon any loose rumor carried to him by anybody to institute a proceeding. My purpose is not to weaken the act, but rather to give it strength, and to prevent its being brought into disrepute by unfounded prosecutions being instituted upon mere rumors carried to the prosecuting officer. If I have failed in that purpose, I shall beg to withdraw my amendment, if the Senator from Vermont shall satisfy me that it weakens the bill.

Mr. EDMUNDS. I understand that the Senator from Pennsylvania does not mean to limit the district attorneys of the United States in these prosecutions to moving only upon information furnished by the party aggrieved. He means to leave an independent power in the prosecuting officer, as in other cases of crime, to proceed upon information derived from any source if he believes it to be real information.

Mr. SCOTT. Certainly.

Mr. EDMUNDS. Then I am afraid the Senator from Pennsylvania has not employed happy language to accomplish that purpose, because when we impose this duty specially on these officers instead of leaving it to the general principles of law to prosecute these crimes, and then say it is their duty to prosecute these crimes on information furnished by the party aggrieved, to my mind it is a clear exclusion so far as this section goes of any authority to institute a proceeding upon other information than that furnished by a party aggrieved. I do not mean that it would stop his proceeding if he had cumulative information; but if the party aggrieved should happen to be slain in his effort to assert his rights, so that, except through a medium, he could not be heard from, the district attorney under the amendment of the Senator from Pennsylvania would have no authority, so far as this act is concerned, to proceed at all, for the reason that the party aggrieved cannot furnish the information, and he is to proceed upon information furnished by that party. He cannot get the information furnished by that party; and therefore he cannot proceed at all. If this clause were out altogether so as to leave it merely to the general duties of district attorneys to prosecute all crimes against the laws of the United States, under their official responsibility and their official oath, not to make causeless prosecution or malicious or merely vexatious ones, then of course the district attorney would proceed upon any information that was satisfactory to him.

We do not leave it to the mere general sense of duty, because some district attorneys, in places where there was a public prejudice, might say, "This act does not require me to prosecute, and the old acts conferring duties on me do not say anything about this; and therefore I do not feel that I am obliged to do anything." So this act steps in, as some former ones have done—for I believe this section is even a diminution of some of the former ones about civil rights—and says that it is made the special duty of these prosecuting officers of the United States to proceed against persons who violate the provisions of this act. This is a special duty enjoined on them, just as in many instances courts are required to give certain subjects specially in charge to grand juries at every term, though without the law they would have the right and authority to do it. Now, if the Senator adds this language to a special duty imposed upon the district attorney as stated in this section, that he is to perform that duty upon a particular kind of information prescribed, if that information is not forthcoming he is not to perform it at all. So that, in my opinion, the proposition of the Senator from Pennsylvania really emasculates the special injunction that this section was designed to impose upon the prosecuting officers; and that was that, for purposes of justice and for the protection of whatever rights the fourteenth amendment gives—because this bill, be it understood, creates no rights, gives no new ones; it only gives whatever rights the Constitution has caused to inhere in the citizen—these officers should be specially enjoined to act. This amendment emasculates the act in undertaking to say that the district attorney shall proceed upon particular information, because *expressio unius exclusio alterius*.

Mr. SCOTT. The Senator from Vermont and I, in the purpose at which we both aim, do not differ. Let me call his attention to what first induced me to offer this amendment. It will be noticed that one of the officers who is required by this section to institute and prosecute suits is the very officer before whom the question is to be determined judicially whether there is sufficient cause to put a party accused on his trial, namely, the commissioner of the court. It is before him that the offender is to be taken, and the evidence is to be examined, and he upon that evidence is to determine whether there is sufficient cause to hold the alleged offender to trial. It struck me as somewhat anomalous that that officer, who is to pass on the evidence, should himself institute the prosecution. Suppose he gets the information that this offense has been committed, is he himself, of his own volition, without having one before him who is to make the necessary affidavit, to issue his warrant and bring the offender before him, and then on this mere allegation bind him over? It seems to

me that some proceeding should be had in the ordinary course of judicial proceedings by which some person acquainted with the facts may be brought in contact with those officers, so that the necessary information may be had. If the Senator from Vermont thinks it necessary to add "or other reliable evidence" to the words which I have proposed here, I have no objection to that. I do not wish to screen these officers from the duty thus sought to be imposed upon them, but I do not wish to see unfounded cases carried into the United States courts upon the merest and most vague information carried by any person, whether actuated by proper or improper motives, to these officers.

Mr. EDMUNDS. Neither do I wish to do anything of the kind. All that this act as it is now provides on this subject, is that it is the duty of these officers to institute proceedings against people who have violated the act, not those who are suspected of it, but those who in the ordinary course are persons honestly thought by these officials to be guilty. What the Senator says about its being the duty of the commissioner to institute proceedings without any affidavit or other complaint, official or otherwise, I think is hypercriticism. It is true the act says the district attorney, marshal, deputy marshal, and commissioners are hereby authorized and required to institute proceedings against every person who shall violate the provisions of the act. I do not understand that to mean that the marshal is to issue a warrant or that the commissioner is to issue it, but that the institution of a proceeding is that the district attorney shall complain and the commissioner shall issue the warrant upon the proper complaint, and the marshal shall execute it. This word "institution," therefore, is to be taken distributively, each officer performing the legal duty which the nature of his office implies that he shall perform. I think that is the clear meaning; and, therefore, it is not liable to the criticism that the marshal, for instance, is to issue the warrant and the district attorney is to approve it, and the commissioner to execute it. That is not the fair interpretation.

Mr. SCOTT. Does not the plain language require the commissioner to institute proceedings?

Mr. EDMUNDS. So it does; but what is the institution of a proceeding? It contains two elements, certainly in every judicial proceeding the complaint of the proper party, and the action upon it by the proper tribunal. That is what institutes proceedings. If I cause a suit to be instituted against my friend two things must occur. I must apply to the proper magistrate or other judicial officer for my warrant or complaint; and the proper magistrate, in order to the complete institution of the proceeding, must sign that warrant or complaint, so that the proceeding as a proceeding under the law is instituted. My complaint does not make an instituted proceeding; it is incomplete. The mere fact that a party goes to a magistrate is not an institution of a suit. There must be a judicial step taken, and that is issuing the warrant or proper process by the judicial officer. Then, it being instituted thus far, the proceeding is carried on; and it is instituted against the person, and he is made a party to it completely by the service of process. This method of description runs through various statutes of the United States, from which the lamented Senator from Massachusetts copied this third section with a great deal more phraseology than this section contains now; and the committee have merely trimmed it down to its bare poles, as the sailors would say, to preserve the substance and leave off a great deal of verbiage that the other acts contain. I hope the Senator will not insist on the amendment, because it emasculates, I think, this part of the section.

Mr. WADLEIGH. Under this section as it stands, I do not see how district attorneys have any discretion as to the institution of prosecutions and criminal proceedings. To illustrate, suppose that some person goes to the district attorney and requests proceedings to be instituted, and the district attorney is honestly of the opinion that the evidence in the case does not warrant any such thing, that there is not sufficient evidence on which to prosecute, and for that reason, acting honestly and in good faith, he refuses to institute proceedings at the public expense; then for that refusal he may be tried under this section.

Mr. EDMUNDS. No; that part is stricken out already.

Mr. WADLEIGH. I was not aware of it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Pennsylvania [Mr. SCOTT] to the third section.

The amendment to the amendment was rejected; there being, on a division—ayes 16, noes 22.

Mr. MCCREERY. I offer the following as an addition to the first section:

Provided, That nothing herein contained shall be so construed as to apply to schools already established.

The amendment was rejected; ayes 11, noes not counted.

Mr. ALCORN. I offer the following amendment:

In section 1, line 11, after the word "taxation" insert "or in whole or in part supported or endowed by the United States or by any State."

It is known that the older States have many institutions which have been endowed by the Government of the United States, and many of the Western States have institutions which have been endowed by large donations of land by the Government of the United States, and some of them have heretofore been endowed by the States. It will be observed that this bill does not reach them at all. I propose that since you have made, as the bill does properly make, the common schools open to all, the colleges endowed by the United States or the States shall likewise be open to all.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Mississippi.

Mr. ALCORN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. FRELINGHUYSEN. If this amendment is not adopted, I give notice that on the tenth line after the word "benevolence" I intend to move to insert the words "endowed by the United States, or supported in whole or in part, or."

The question being taken by yeas and nays, resulted—yeas 9, nays 37; as follows:

YEAS—Messrs. Alcorn, Flanagan, Harvey, Oglesby, Patterson, Pease, Robertson, Spencer, and West—9.

NAYS—Messrs. Allison, Bogy, Boreman, Boutwell, Buckingham, Carpenter, Conkling, Conover, Cooper, Davis, Edmunds, Frelinghuysen, Hager, Hamilton of Maryland, Hamlin, Howe, Ingalls, Johnston, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morrill of Vermont, Norwood, Pratt, Ramsey, Ransom, Sargent, Saulsbury, Scott, Stewart, Stockton, Wadleigh, Washburn, Windom, and Wright—37.

ABSENT—Messrs. Anthony, Bayard, Brownlow, Cameron, Chandler, Clayton, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hamilton of Texas, Hitchcock, Jones, Logan, Morrill of Maine, Morton, Schurz, Sherman, Sprague, Stevenson, Thurman, and Tipton—27.

So the amendment to the amendment was rejected.

Mr. WEST. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. EDMUNDS. That motion is not in order now.

Mr. HAMLIN. I object to the motion.

The PRESIDENT *pro tempore*. The motion is not in order. The question recurs on the amendment made as in Committee of the Whole as amended.

Mr. FRELINGHUYSEN. In the eleventh line of the first section after the word "taxation" I move to insert "and also the institutions known as agricultural colleges endowed by the United States."

Mr. EDMUNDS. I suggest to the Senator that it should come in at the end of that line.

Mr. FRELINGHUYSEN. Very well; I so modify the amendment.

The PRESIDENT *pro tempore*. The amendment will be reported for information.

The CHIEF CLERK. It is proposed after the word "supported," in line 11 of section 1, to insert "and also the institutions known as agricultural colleges endowed by the United States."

The amendment to the amendment was agreed to.

Mr. FRELINGHUYSEN. In section 4, line 9, instead of "$5,000" I move to insert $1,000," so as to make that penalty harmonious with the other.

The amendment to the amendment was agreed to.

Mr. SARGENT. On line 9 of section 1, I move to insert after the word "of" the word "the," and after the word "schools" to insert the word "system."

Mr. EDMUNDS. That is the same old question again.

Mr. SARGENT. Very well, it may be the same old question; but it is a question that I have a right to raise and to raise in this form.

Mr. EDMUNDS. Undoubtedly; but the fact remains as before.

Mr. SARGENT. Very well, sir. My amendment would make the section read "and also of the common-school system." I am willing to give the colored people the full benefit of the system. I think they should have the full benefit of the system.

Mr. EDMUNDS. So do I; and I think they should also have the benefit of the system of railways; and if you have the word "system" in one part you ought to have it in the other. The whole effect of this proposition is to authorize States on account of color to deny the right to ride in a particular railroad car, or to go to a particular common school. If there is anything in the bill, it is exactly contrary to that. If there is anything in the fourteenth amendment it is exactly opposite to that. The fourteenth amendment does not authorize us to make any trades with States either way on the subject, or regulate the action of States. What the Constitution authorizes us to do is to enforce equality; and it is not half-equality, for there is no such thing as half-equality. It is entire equality or nothing at all. Now, the Senator proposes to say that everybody shall have an equal right in a system of common schools. That is the law of all the States now. Everybody has an equal right, and always had in old slave times in the system of railways; that is, one car was provided for the colored men and another for the white man, and so on. To put in these words here or in any part of the bill is merely to say in substance and effect that this bill shall have no force in asserting the equality that the fourteenth amendment to the Constitution asserts, if that asserts any equality at all; and of course the bill goes on the theory that it does. This amendment, therefore, ought not to be adopted, in my opinion.

Mr. SARGENT. I do not know that the fourteenth amendment enjoins upon us that we shall have mixed schools. I do not know that the fourteenth amendment performs any of the offices the Senator speaks of. If it requires that there shall be an equal education commonly extended to all people of the United States of any color, the section certainly, with this amendment of mine, enforces that right. I doubt if the office of the fourteenth amendment is to provide that I should receive any man into my house; that my liberties shall be encroached upon for the benefit of any man, be he white or black. I doubt if the fourteenth amendment provides that females shall be

intruded into male schools or males into female schools; and yet this would be the office of the fourteenth amendment under the logic of the Senator from Vermont.

There is one thing more important to the people of the United States, to its future, to the future of its institutions, than any other, and that is the education of the coming generation, the education of the present and the future. Senators very well know that there are inveterate and determined assaults upon the common-school system in every part of the country by powerful religious organizations. I do not criticise their right to entertain the suspicion which they have of the public-school system, or their right to declare against it, or their right to assault it. I suppose they have the same right to think that the system should be overthrown, and to teach that doctrine in pastoral letters and enjoin it upon their followers and those who believe in their faith, as I have to say that I think the common-school system is the very safety of our institutions. But, sir, this is a powerful and most potent influence, working day by day to strike down your common-school system, not merely in the city of New York and Boston and Philadelphia, but in the State of California, of Missouri, in every State in this Union. Senators know that it is one of the serious questions of the times whether the common-school system can be maintained against this most powerful, far-reaching influence; an influence that is inflamed or inspired by strong religious sentiment, even fanaticism; which has at its back vast wealth, which has as its weapon a strong sway over the minds of its devotees. This influence levels its blows continuously. It is an influence that never dies, but goes on week after week and month after month and year after year. It is as immortal as any human force or institution can be. I am not criticising it; I am merely stating a fact, and your common schools in this country are standing up with difficulty under this continuous assault.

Now, sir, you propose to re-enforce that adverse influence against your common-school system. You propose to bring what may be perhaps an unreasonable prejudice, but a prejudice nevertheless—a prejudice powerful, permeating every part of the country, and existing more or less in every man's mind; I dare say existing in the mind of the Senator from Massachusetts who made his enthusiastic speech a few moments ago for the abolition of the idea in the minds of our children that there is any distinction of race or color or sex. I say that that powerful prejudice exists in every part of the country. If you now bring this re-enforcement to the forces which assault your common-school system and strive to strike it down, the result is not hard to predict.

Senators know that there are States in the Union, not merely in the South but in the North, where this influence set at work will break up and utterly destroy, certainly for some time to come and perhaps for a long time to come, the efficiency of the common-school system. I have no doubt this is true of the State of New Jersey, and that the Senator from New Jersey on my left [Mr. STOCKTON] when speaking on this matter was prophetic. I have no doubt it is the case in the State of Maryland. It was stated on this floor and was not contradicted, and I believe it cannot be contradicted, that there are in Maryland liberal endowments for the colored normal school, and so down to the very infant school for the education of the colored persons, as liberal, as fair, as munificently provided as those for the whites; and that both classes, the whites and the blacks, are gaining a valuable education under this system. But by the effect of this legislation, which is insisted on here for political purposes, in order to gain the eye of the colored people and encourage them to adhere to the republican party—for that is what it amounts to, for political purposes—we are sacrificing the higher interests of the country, and we are giving occasion to the enemies of our common-school system to bring an argument against it that cannot be withstood. I consider that these are more important considerations than the question whether the republican party shall have more or less of the colored vote of this country. I think it is more important both to the colored race and to the white race that the means of education which are now being extended throughout this country, and in most of the country are so perfect in their operation, are so well supported by public opinion, shall not be endangered, shall not be overthrown. It is more important to the colored race and to the white that these shall be maintained in their present vigor and increased, rather than that we shall bring against them for doubtful advantages the irresistible passions of mankind; the prejudices which, however we may deny it, still operate with great force, to result in destroying the system or curtailing its usefulness.

The Senator from Massachusetts says that we ought to overlook any temporary inconvenience; that we ought to overlook, for the sake of the principle which he asserts exists here, any consequences in the present. I say that these consequences are too great, both now and for the future, for us to overlook them. We ought to legislate here as statesmen, having in view not merely abstract ideas or theoretical principles or sublimated ideas, but to observe the condition of the times and know whether by any law which we may pass here we inflict an injury upon the country; whether we retard its prosperity; whether we overthrow its educational systems; whether we entail ignorance upon the coming generations; whether we destroy institutions which have proved their value, and which no man in his good senses, unbiased by bigotry, can deny are of inestimable value, ay, indispensable to the country. We can talk in an enthusiastic manner if we see fit, and pretend to be regardless of consequences. We may insist that we are led in a certain direction by our principles and should disregard all prudence in order to follow them; but that is not wise statesmanship. We ought to look to the condition of the country, to see where this legislation leaves its great interests; and for that reason I offer this amendment, giving to all persons of any race, of any color, of any sex, equal rights in our common-school system. Who asks more than that asks too much. That certainly is sufficient, and I do not think there is good judgment in making it a penal offense to prevent the intrusion either of a boy into a girl's school or of a colored person into a white school or of a white person into a colored school. If you say that the fourteenth amendment absolutely levels all distinctions and justifies you in putting heavy penalties to prevent a system of separate schools, then I say you cannot separate your sexes; you must put them all into the same school, and the boy who demands to enter a female school has just as much right to do it under the fourteenth amendment. Following your principle, lauded here, you are required to enforce this by a law and penalties just as much as you are that a person of a particular color shall be allowed to enter into schools of another color. I would give all the full benefit of the school system, and I would do no more.

Mr. EDMUNDS. I shall not detain the Senate at this early or late hour of the morning, whichever it is, with any very formal reply to the Senator from California; but he unfortunately I think adopts the democratic idea of the fourteenth amendment, and that is that it does not level absolutely and destroy distinctions of race, color, and previous condition of servitude. He holds with the gentlemen of the other party that all the fourteenth amendment means is just what the Constitution meant before, and that is that every man, woman, and child in a State shall have whatever rights the laws of that State choose to give every man, woman, and child in that State.

Mr. SARGENT. The Senator misrepresents me entirely.

Mr. EDMUNDS. That is the effect of the Senator's argument. I do not understand the Senator to say that that is his position or to be aware of it, or I have no doubt he would not be there.

Mr. SARGENT. I have no doubt that you know that you misrepresent me in stating those as my opinions.

The PRESIDENT *pro tempore*. The Chair thinks that remark out of order. It is equivalent to charging a Senator with misrepresentation, intentional and willful.

Mr. EDMUNDS. I beg the Chair—although of course the Chair is bound to enforce the rules of the Senate for public decency——

The PRESIDENT *pro tempore*. The Chair has no anxiety on the subject except to enforce the rule.

Mr. SARGENT. I ask the Senator to allow me to say this: He knows that I have often given utterance on this floor and elsewhere, to his certain knowledge, to sentiments entirely different from those which he attributes to me. Furthermore, in anything that I have said on this occasion I have not said anything to justify his remarks. Therefore he should know that by so stating them he was misrepresenting me; whether designedly or not I do not know.

Mr. EDMUNDS. I am very much obliged to the Senator for his very ample apology for that dignified and senatorial demeanor that he exhibits on this occasion. So I will drop the Senator and come to his discourse, if he will allow me to leave him in that predicament.

Mr. SARGENT. I made no apology.

Mr. EDMUNDS. Of course not. I did not expect it. I trust the Senator did not understand me as really supposing that he had made an apology. So I hope the Senator will permit me now to leave him, if he will pardon me, and come to his discourse.

I repeat what I said before, that in my judgment the Senator from California, from the tenor of his remarks, occupies the position that the gentlemen on the other side of the Chamber generally do; and I will say for his benefit that I did not thereby intend to impute to him any personal wrong or other thing. He has just as good a right to his opinions as the democrats have to theirs and as I have to mine. I do not quarrel with that. That is one of the rights which the fourteenth amendment secures to him as it does to me. But the Senator's argument results in exactly this: that the fourteenth amendment does not, as it respects common schools, level a distinction which a State may have a right to make on account of race and color. If it does not level that distinction, then it does not level a distinction that a State has a right to make on the same account in respect to a railway, or a highway, or a steamboat, or any other thing; for the fourteenth amendment is general and sweeping. It either means that there shall be equality of right—not a trade or a business of expediency which is left to Congress, but a declaration of the right of a citizen which no distinction of race or origin can affect—or else it does not touch on the subject at all. There cannot be any dodging that. I suppose that both sides agree to that: either that the democratic view of the amendment is right, that it does not touch these subjects at all, and therefore we cannot interfere with the right of the State to regulate its common schools, discriminating against color, discriminating against race, discriminating against religion, or anything that the State chooses to discriminate against; or else it does confer upon citizens of the United States a right, and that right is inherent, one that cannot be divided or paltered with or traded away. It is either an absolute right that the Constitution gives to the citizen, or it is nothing at all and does not touch the case.

This bill proceeds upon the idea that the Constitution does secure

to the citizen certain inherent rights, because they are rights, and then it merely undertakes to enforce those rights, not to enter into a parley with the States about them and say "you may or may not enforce them as you may think is desirable," or say "you may enforce them in this way or that way." It only undertakes to declare that whatever right the citizen has under the fourteenth amendment, that right shall be protected, and the bill asserts, implies, assumes that that right is one which enables the Congress to say, and makes it its duty to say, that no citizen shall be discriminated against on account of his origin or on account of his color.

If that is so, then the Senator's argument is the democratic argument, inasmuch as he says the State has the right to regulate this business of common schools and to exclude people on account of their color one way or the other. If the State has that right, we cannot interfere with it. If the State has not that right, we cannot confer it by an act of Congress, because such an act of Congress would be in violation of the fourteenth amendment itself. The Senator's amendment proposes to recognize the right in a State to discriminate on account of color, and if it does recognize that right, it recognizes it as a right inherent in the State and which the fourteenth amendment does not touch. If it does not touch it, then there is not a right in your bill that is constitutional. On the other hand, if the fourteenth amendment does touch it, and this right to discriminate on account of color is not in the State, then I repeat, the Congress of the United States has no power to confer such a right upon a State to make discriminations between its citizens on account of color. It does not undertake to confer any rights at all on the States. That is a misapprehension.

That being the case, the Senator I think is in error——

Mr. MERRIMON. Will the Senator allow me to ask him a question?

Mr. EDMUNDS. The Senator will excuse me at this late hour of the morning. I believe I did not interrupt him in his discourse. I should hear him with pleasure were it not that I know the Senate are impatient to finish this bill and to have me finish what I have to say. I hope he will not think it a discourtesy if I decline to yield at this moment.

The Senator from California has alluded to religious influences as being likely to be exasperated in a certain direction by a provision of this kind, as having aid given to them to overthrow the system of common schools. Why, sir, I think the Senator from California if he were to inquire into the history of that Church to which he refers——

Mr. SARGENT. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Vermont yield to the Senator from California.

Mr. EDMUNDS. Under the circumstances, I suppose I must.

Mr. SARGENT. I shall have to take back what I said about the Senator intentionally misrepresenting me, because it is evident that he certainly misunderstood me from beginning to end. I think it must have been owing to my faulty form of expression. I did not say anything about exasperating any religious society. I spoke about re-enforcing a certain influence by starting another in the same direction. Certainly that is what I meant to say.

Mr. EDMUNDS. I certainly have not intended to misrepresent the Senator, and I hope I shall not be betrayed into any remark which will either violate my own sense of propriety or the rules of the Senate in replying to what he says.

I was proceeding to say that I understood the Senator to allude to the religious influence of a certain church, and that that influence against common schools would be exasperated, excited, re-enforced, to use one of his own words. I think the misunderstanding between the Senator and me arises from the fact that I am paraphrasing, as I think, his argument, and I do not use his precise language because I cannot remember it—that this church influence is to be made stronger, excited, more powerful from the fact that we make this provision supporting the inherent right of the citizens of the country not to be discriminated against on account of color.

Why, Mr. President, I think the history of that Church will show the Senator from California that there is no instance yet known in its long and somewhat sublime history in some respects, as little as I agree with its tenets, where it has ever made a discrimination, in its benevolence, or in its places of worship, or in its propagandism, in any of the thousand sources of charity and benevolence which that great and terrible institution possesses, on account of race or color or origin. I wish I could say as much for other religions. If there is any one thing which in my humble opinion would redeem the Catholic Church from some just criticisms and lead us who disagree with it to give it something of gentleness and charity, it is the fact that better than any other sect it has never discriminated against a child of God. Everywhere its mantle of charity has not halted at the door of any living being on account of his race or his color or his sect. Its benevolence, however misguided its purposes may be, has been catholic in the broadest sense; it has been as wide as the world of man is wide. Therefore I should rather say that we are to drive into the influences of that religion a great race in this country by denying to them in the halls of legislation benefits which in that Church they everywhere receive without prejudice and without discrimination of any kind.

So, Mr. President, it appears to me that the allusion to religious questions which the honorable Senator has brought to our notice should rather lead us to stand by the spirit of this bill, by the spirit of the fourteenth amendment, if he touches the question at all, and say, "As it is a matter of right, we cannot trade or palter about it, but must take it altogether or not at all," than to say, "We will leave a part of it in the State and we will take a part of it to ourselves," and so on; because a race that is seeking for light would, if we shut our hands to these appeals, turn to those institutions that have always given it, and, I suppose, will always give it.

But, sir, I do not think it is an argument which perhaps ought to be brought into this Chamber at all. I hope the time will be rare indeed when we shall be obliged to discuss here or elsewhere in this country any question upon sectarian grounds or under sectarian influences in any way.

Now, Mr. President, let me refer for a single moment to a practical question which has not yet been stated here, and I shall have done. It is said that this bill is likely to do injury by breaking up schools in the places where, for the sake of the colored people, they are most needed. What sort of comfort do the colored people get in the schools of the Southern States now? Ostensibly there is a system, as the Senator from California very properly characterized it, of common schools, which on the statute-book is for all, the white on the one side, and the colored on the other; but when the officers of the law come to apply that system, when the power of the State comes to execute the law, you find everywhere—I do not say everywhere, speaking by the book, because I have not looked into the records of every State—but you find in three of the chief States whose Senators, some of them, have participated in this debate, that there is hard and unjust discrimination against the colored man and in favor of the white.

In the State of Virginia by the last school report, for I take it from the official school report of Virginia, of the school population between the ages of five and twenty-one the white children were 253,411, the colored, 170,696, making 424,107 school children. The proportion of colored to the number of school children therefore is .402, 40 per cent. in round statement. Now, of the number of schools established for these children, there are 2,787 white schools and only 909 colored schools, making a total of 3,696, being only 24 per cent. in round statement—it is .243 exactly—but 24 per cent. of school facilities furnished to the colored population; only a little more than one-half of the proportion of schools that the number of scholars of that race require.

Mr. JOHNSTON. Will the Senator allow me to say a word at this point?

Mr. EDMUNDS. I have already declined to yield to the Senator from North Carolina. The Senator will have an opportunity when I have finished. My only objection to yielding is that I am taking up too much time and it must not be chargeable to me. These figures I take, as I say, from the official school report of the State of Virginia for the last year, or the last report I could obtain; I think it is for the very last year.

In North Carolina, according to the last school report, of children of the school age between six and twenty-one, the white children were 233,751, the colored children 114,852, making a total of 348,603. The proportion of colored children to the total number therefore is .329, or in round numbers 33 per cent. Now, of the public schools there are white 2,565, colored 746, making 3,311 schools. The proportion of colored schools to white schools therefore is .225; or 22 per cent. of schools and 33 per cent. of children who ought to be entitled to the advantage of them.

When you come to the State of Georgia, the school report for 1873–74, the very last one made, shows that of the school population between the ages of six and eighteen, the white children are 198,516, the colored children 150,198, making a total of 348,714. The proportion of colored children to white children is therefore .427, or 43 per cent., in round statement. Of the schools, there are 1,379 white schools and 356 colored schools, making 1,735 schools. The proportion of colored schools to white is .127, or 13 per cent., there being 43 per cent. of colored children and 13 per cent. of colored schools; and in the State of Georgia the bulk of the current income derived from annual taxation is derived from the polls of the people of that State. The colored people in ratio to the population pay five-elevenths of it, almost one-half; and as a fact I believe that the law of Georgia, which requires the payment of this poll tax before one can vote, is enforced rigidly against the colored man and is not enforced rigidly against the white man. But it is not necessary to go into that question to see who pays for these schools, because I hold that the property of every State should pay for the education of all its children, for the sake of property, to put it upon no higher ground.

I refer to these figures from the official reports from these three States to show you that the danger is not by this act of right that you are to overthrow systems or schools; the danger is by not acting that under a pretense of what is called equality of the system it is intended to grind out every means of education that the colored man can have, and to feed the white at the expense of the black, in order that the ancient order of things, the aristocracy of races, may again be restored. That is my belief. Therefore, as a practical question, I say let us run the risk in doing this right thing of some momentary disturbance, in order that the great practical fact of a great wrong that now exists in these States may be redressed as well as that the inherent right which the Constitution gives may be protected and defended.

Mr. JOHNSTON. Mr. President, I desire to say a few words in reply to what the Senator from Vermont has said about the school system of the State of Virginia. The inequality which the Senator

claims to exist in the State of Virginia is only apparent, not real, and is very easily explained. In that State there are a large number of counties where there are no colored people, and schools have to be established there. Take the county of Lee, for instance, one of the largest counties in the State; there are only two colored families in it. That county probably has eight or ten schools, and so of other counties through the State; and that ratio of population makes it necessary that there should be a much larger number of schools for the whites than for the colored people. The colored people reside principally in one part of the State and in the towns. The same number of schools therefore are not necessary for them as for the whites, owing to the distribution of the population over the territory of the State.

In regard to the disparity in the numbers that go to school, that is also very easily explained. The colored people have not the same ardor for education now that they had at the close of the war. The Senator smiles. I know more about that than the Senator does a great deal. The fathers and mothers of the colored children prefer in a great many cases to be idle themselves and hire out their children to work, and therefore the number of colored children in Virginia and in the Southern States that go to school, in proportion to the number of those of proper age to go to school, is diminished by that fact. In the first place the colored people are poor, and they very often require the labor of their children to aid them in obtaining a subsistence, and in many cases the parents prefer to be idle themselves and make their children work. That fact deprives a number of colored children of the benefit of education where the school is ready for them. They do not go to it because their parents prefer to employ them at work.

But, sir, I insist that in the State of Virginia there is no discrimination at all; that precisely equal privileges are given to the colored people with those given to the white people. The same sort of schoolhouses are built for them, the same sort of teachers are employed, and all the advantages are given to the one race that are given to the other. If the colored people in a district desire a competent colored teacher, they have but to write to the normal school and they will receive such a teacher. The Normal Agricultural College is educating teachers for the State. That is a school for colored teachers, and it is doing a great deal of good. It is a very successful school. It has a large number of pupils. The system of instruction is good, the discipline is good, the whole arrangement is good, and the school is an eminent success, and it is educating a large number of colored people.

Mr. SARGENT. Mr. President——

Mr. NORWOOD. Will the Senator from California yield to me a moment?

Mr. SARGENT. Yes, sir; with pleasure.

Mr. NORWOOD. I desire to ask the Senator from Vermont if he can state, as he seems to have all the statistics before him, how many children of the number of colored children he has named in the State of Georgia there are in attendance upon the public schools?

Mr. EDMUNDS. I will furnish the Senator with the report of the school commissioner of his State, and he can have it read if he wishes to do so. I am not able to turn to it at the moment. The Senator can have the book.

Mr. NORWOOD. The Senator from Vermont is giving the Senate information about a subject of which I do not think he is practically informed. He has looked at this report and taken out a few of the statistics collected by the superintendent of public schools, but he does not tell us about the geography of that State and how the whites and the blacks are located in it. The northern part of Georgia is occupied principally by whites; the lower portion of it by blacks—so much so, that for many years the lower portion was called the Black Belt. There the negroes are principally congregated, and they have become more segregated in that section of the State since the war than they were before, for their tendency is toward the warmer climate. Whites reside there as well as the blacks; but there is no necessity for many schools for the black children in the northern portion of the State. They are very sparse there. In some of the counties there are scarcely any blacks at all.

Again, the blacks do not send their children to school, as the Senator from Virginia has said, with the same avidity that they did just after the war closed. They keep their children at home. They have to do it from necessity. They are poor, as we all know, and they have to use their children to labor for their maintenance. They hire them out as servants; and besides that, many of the blacks themselves do not labor. They spend their time in idleness; and the Senator will find, if he will examine the criminal statistics of that State, that about 80 per cent. of the criminals there are blacks. These are some of the facts which will account for what the Senator seems to think is a discrimination drawn in the common-school system of Georgia against the blacks in favor of the whites. In reality it does not exist.

Mr. SARGENT. Mr. President, I think it entirely unnecessary to say for myself that I have been ever since the first years of my manhood a thorough, straightforward, and consistent republican; and when any one who has stood with me for years in Congress and has known my course on these questions says that I am with the democratic party, in sympathy with them in their ideas, advocating their measures, seeking to advance their policy, it looks to me so much like intentional misrepresentation, that I might perhaps in an unguarded moment speak of it more severely than I would wish.

Now, sir, I think that I might not only complain of misrepresentation of my motives on this occasion, but also of the manner in which that which was to be replied to in what I said was represented in order to make it more easy to reply to it. It is a paltry trick to set up a man of straw and knock it down; and it is easy to say "my opponent says so and so and believes so and so," and then show that to be absurd or false. I do not think any Senator could well have understood me to say that for sectarian reasons or on sectarian considerations this bill ought not to pass, or could have understood me as appealing to a religious prejudice to prevent the passage of this bill or favor the passage of the amendment which I propose. I simply said that there was a certain great force in motion in opposition to the common-school system. I expressly said that I did not desire to criticise it. I stated the fact; and then said in effect that while there were so many people for certain reasons satisfactory to themselves, which I did not criticise, opposed to the common-school system, here was a proposition which would set certain other people in opposition to that school system, which would set another force in operation against it. Was it necessary then to read a homily upon the impropriety of attacks upon the Catholic Church or sectarian discussions within this Hall, and to express a hope that the future would not see a renewal of those discussions, or that the time might not come when they would be frequent? It seems to me that that statement, in its implication, of my purpose and of my argument was a misrepresentation. It may not have been. It may have been made in perfect good faith; though as I said before it does not seem so to me. I may be wrong in thinking it was not in perfect good faith. I certainly said nothing of the kind to which the Senator replied. If he listened to me he must have known it.

It is possible that the Senator from Vermont sometimes says things that are more harsh, that are more irritating, that approach nearer the verge of insult than he has any idea of himself. Sometimes, with keen, cold, merciless sarcasm, he retorts upon an opponent, probably not supposing he is otherwise than in an ordinary state of amiability, in his usual frame of mind. He is skillful in fence, and cuts sometimes very sharply, more so than he thinks; and sometimes, perhaps in his eagerness in pursuing an idea, unconsciously, unintentionally, he entirely misrepresents an opponent, even to the extent of inverting his motives, misstating his political status, denying his sincerity, or even impeaching his honesty.

Now, sir, one single remark in reply to that only which can be considered as argument in reply to my positions, and that is, that the amendment which I propose, by providing that there may be separate schools, is a violation of the fourteenth amendment, upon the same principle that a denial of the right of a colored man to ride in the same car, or to have identical accommodations in the same hotel, would be a violation of the fourteenth amendment. I do not believe either of those cases cited as illustrations would be a denial of any right guaranteed by the fourteenth amendment. The fourteenth amendment was not intended merely to say that black men should have rights, but that black and white men and women should have rights. It was a guarantee of equality of right to every person within the jurisdiction of the United States, be he black or white. It is a very common thing for me and for every Senator here, and every white man in the country, when he goes to a railroad train without his wife on his arm or some female friend, to be assigned to a car separate from some other car more privileged than the one he takes, by its female society, though not perhaps better in its fittings, which is assigned to ladies or to gentlemen who have ladies with them. Is that a violation of the fourteenth amendment? Suppose the man who is thus required to take the second car on the train instead of the first should be black instead of white, would the difference in color make a violation of the fourteenth amendment?

I do not believe these things are of enough importance for us to legislate upon them here. They regulate themselves. I doubt if any white man ever felt outraged because he was told to take one car rather than another, on account of a discrimination in the car he should take. Why, then, should the black man?

So with reference to the hotel table. In most of the hotels, in all of them I believe in New York and in the larger cities, the tables are small, circular tables where families sit, or two or three persons who happen to be friends, and the guests are assigned by the landlord to the places they take. A person entering the dining-room does not take a seat at any table he sees fit; he is put here or there, wherever the landlord pleases. And in assigning rooms at a hotel, the landlord may put him in the fourth story or the first; and if he does not like his accommodation he can go to some other hotel. He has no direction in the matter, and certainly no right to demand under the fourteenth amendment that he shall be put in the third story instead of the fourth, or the second instead of the third. These hotel illustrations fail for that very reason. The fourteenth amendment does not apply to them at all. They are simply incidents of business which have existed for years, and will exist for years whether the fourteenth amendment exists or not.

If the car to which a white man without a lady is assigned, or the black man is assigned, is just as good as any other of the train, drawn by the same engine, at an equal rate of speed, where is the harm done by that regulation? And why should we interfere with the business of railroad companies and hotel-keepers in this inquisitive way, putting our noses into the smallest details of business?

The old maxim was that that was the best government which gov-

erned the least. Here you propose to govern down to the very lowest item, the smallest account of business. You are going to have your laws so searching that by and by you will inquire into the quality of a man's dinner. You now want to inquire into the quality of the bedroom in which he sleeps at a hotel; you want to inquire as to the upholstering of the seat on which he sits in a railroad car; and I should like to know where the investigation will stop.

I say these things are not required by the fourteenth amendment, and consequently the amendment which I offer to this bill is not a violation of the fourteenth amendment. I say this while believing, and thoroughly believing, in the equal rights of all men, white or black; I say it from a republican stand-point; I say it because I believe as a republican that I have no right to lay a rude hand upon the system of public education; I have no right to do anything which will overthrow it into the dust; I have no right to re-enforce the forces which are now operating against it and while it is struggling with difficulty in many places in the country for its life.

Mr. MERRIMON. Mr. President, I regret that the honorable Senator from Vermont seems inclined on all occasions when it is appropriate or convenient to construe adversely and to the prejudice of the people of the South whatever may come under his review or animadversion. If he had posted himself as well about the facts that he has cited in reference to my State as he has in reference to a part of them, he could in his remarks have done the State justice.

In the State of North Carolina the whole western portion of the State has very few colored people in it. The white people are scattered all over the State from one end of it to the other, and therefore it appears that there is an undue proportion of schools, in point of number, for the white children. Those sections of the States where the colored people live are densely populated, and fewer schools in proportion answer the purpose. The superintendent of education of North Carolina has always been a republican of the straitest sect, I believe. I do him the justice here to say that he is a very competent and, I believe, a very honest man. I believe that he discharges his duty faithfully, and I believe that he sees that the laws of that State in respect to schools are faithfully executed; and in order to show you the sort of law which he does execute, I beg to read two sections from our school laws. Section 20 provides in these words:

The school committee shall consult the convenience of the white residents in settling the boundaries of districts for white schools, and of colored residents in settling the boundaries for colored schools. The schools of the two races shall be separate; the districts the same or not, according to the convenience of the parties concerned. In cases where there are two sets of districts in a township they shall be designated as school districts Nos. 1, 2, 3, &c., for white schools, or school districts, Nos. 1, 2, 3, &c., for colored schools, as the case may be, of township ——, of, &c., as before stated.

In reference to the apportionment of the school fund, section 30 of the law provides in these words:

The county board of education of every county shall, on the first Monday of February of each year, or as soon thereafter as practicable, apportion among the several townships in the county, according to the number of children in each, between the ages of six and twenty-one years, (which number shall be ascertained by a census to be taken by the school committee and reported to the county board of education,) all school funds which may then be in the possession of or due to the county treasurer, specifying how much thereof is apportioned to the children of each race, and give notice thereof to the school committees of the several townships of the county. And the school committees in the several townships shall apportion the same in like manner among the several school districts, and publish the same by an advertisement posted on the court-house door of each county. The sums thus apportioned to the several townships shall be subject to the orders of the school committees thereof for payment of the school expenses mentioned in section 9, as amended in this act: *Provided, however*, That in no case shall the school fund thus apportioned to either race be expended for the education of the other race: *And provided further*, That so much of said school fund as shall not be expended in any school district for the education of the race for which it was apportioned in any year, shall be added to the final apportionment to said race in said school districts for the succeeding year. If the pupils of any public school reside in different townships, the school committees of each shall give an order to the teacher for such part of the amount due him, as is proportionate to the number of pupils attending his school from their township.

I do not care to make any comment upon those two sections. I had occasion to read a letter addressed to me from the superintendent of education this morning which spoke for itself. I believe that justice is as fairly administered to the colored people in my State as to the white people, and the same provision is made for each.

Mr. NORWOOD. If the Senate will indulge me one moment, simply to confirm what I stated as matter of fact without any statistics before me, I wish to call the attention of the Senate to the proportion of white and colored children in those counties which lie in the northern portion of the State. I stated a while ago that there are very few colored children there. I read from the State School Commissioner's Return of Enumeration of School population:

Enumeration of school population.

Counties.	Whites.	Blacks.
Banks	1,255	324
Carroll	3,464	365
Cherokee	3,295	418
Dade	857	58
Douglas	1,156	298
Fannin	1,908	29
Fayette	1,900	804
Gilmer	2,284	33

Enumeration of school population—Continued.

Counties.	Whites.	Blacks.
Gordon	2,669	352
Gwinnett	2,837	721
Habersham	1,279	243
Hall	2,545	331
Haralson	1,062	87
Lumpkin	1,493	137
Madison	1,180	399
Milton	1,325	180
Murray	1,605	234
Paulding	2,080	129
Pickens	1,752	59
Rabun	1,141	66
Rockdale	1,930	575
Towns	834	41
Union	1,986	34

I have called over those because they are the northern tier of counties in the State.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the motion of the Senator from California [Mr. SARGENT] to amend the ninth line of section 1 as heretofore indicated.

Mr. SARGENT and Mr. HAMILTON, of Maryland, called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 16, nays 28; as follows:

YEAS—Messrs. Bogy, Boreman, Cooper, Davis, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Sargent, Saulsbury, Stewart, and Stockton—16.

NAYS—Messrs. Alcorn, Allison, Boutwell, Buckingham, Carpenter, Conkling, Edmunds, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Scott, Spencer, Wadleigh, Washburn, West, Windom, and Wright—28.

ABSENT—Messrs. Anthony, Bayard, Brownlow, Cameron, Chandler, Clayton, Conover, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hamilton of Texas, Hitchcock, Jones, Lewis, Logan, Morrill of Maine, Morton, Schurz, Sherman, Sprague, Stevenson, Thurman, and Tipton—29.

So the amendment to the amendment was rejected.

Mr. EDMUNDS. I move to amend the first section of the amended bill in section 1, line 5, by inserting before the word "persons" the words "citizens and other;" so that it will read:

That all citizens and other persons within the jurisdiction of the United States shall be entitled, &c.

I do this because the first clause of the fourteenth amendment respecting privileges and immunities uses the word "citizens," and then a later clause uses the word "persons." I wish to have the language of the Constitution in respect to enumerating citizens expressly put in that part of the bill.

The amendment to the amendment was agreed to.

Mr. HAMILTON, of Maryland. I move to strike out the fourth section of the bill, which refers to the selection of jurors; and upon that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I desire to say that my colleague [Mr. BAYARD] is paired with the Senator from Michigan, [Mr. CHANDLER.]

The question being taken by yeas and nays, resulted—yeas 15, nays 28; as follows:

YEAS—Messrs. Bogy, Carpenter, Cooper, Davis, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Norwood, Ransom, Sargent, Saulsbury, and Stockton—15.

NAYS—Messrs. Alcorn, Allison, Boutwell, Buckingham, Conkling, Edmunds, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Scott, Spencer, Stewart, Wadleigh, Washburn, West, Windom, and Wright—28.

ABSENT—Messrs. Anthony, Bayard, Boreman, Brownlow, Cameron, Chandler, Clayton, Conover, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hamilton of Texas, Hitchcock, Jones, Lewis, Logan, Morrill of Maine, Morton, Schurz, Sherman, Sprague, Stevenson, Thurman, and Tipton—30.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on concurring in the amendment made as in Committee of the Whole, as amended.

The amendment was concurred in; being to strike out all of the original bill after the enacting clause and to insert as a substitute—

That all citizens and other persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; and also of common schools and public institutions of learning or benevolence supported, in whole or in part, by general taxation, and of cemeteries so supported, and also the institutions known as agricultural colleges endowed by the United States, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

SEC. 2. That any person who shall violate the foregoing section by denying to any person entitled to its benefits, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered in an action on the case, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $1,000, or shall be imprisoned not more than one year: *Provided*, That the party aggrieved shall not recover more than one penalty; and when the offense is a refusal of burial, the penalty may be recovered by the heirs at law of the person whose body has been refused burial: *And provided further*, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at

common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State.

SEC. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party. And the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States or territorial court as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases: *Provided*, That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $1,000.

SEC. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. HAMILTON, of Maryland. Upon the passage of the bill I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS. I wish to state that the Senator from Kentucky [Mr. STEVENSON] and the Senator from Indiana [Mr. MORTON] are paired.

Mr. RANSOM. I am requested to state that on this question the Senator from Pennsylvania [Mr. CAMERON] is paired with the Senator from Ohio, [Mr. THURMAN.] The Senator from Pennsylvania would, if here, vote "yea," and the Senator from Ohio "nay."

Mr. CHANDLER. On this question I am paired with the Senator from Delaware, [Mr. BAYARD.] If he were present he would vote "nay," and I should vote "yea."

Mr. ALCORN. I desire to state in behalf of the Senator from Arkansas [Mr. CLAYTON] that he left the Chamber last evening quite sick, not being able to remain here. If he were present he would vote "yea."

Mr. WRIGHT. I think it due to the Senator from Michigan [Mr. FERRY] to state that upon the passage of the bill, as upon all these questions, he is paired with the Senator from Maryland, [Mr. DENNIS.] He would vote for the bill, and the Senator from Maryland against it.

The PRESIDENT *pro tempore*. The Chair will state, at the request of the Senator from Nebraska, [Mr. HITCHCOCK,] that he is paired with his colleague, [Mr. TIPTON.]

Mr. COOPER. I am requested by the Senator from Alabama [Mr. GOLDTHWAITE] to state that he is paired with the Senator from Ohio, [Mr. SHERMAN.] If the Senator from Alabama were here he would vote "nay," and the Senator from Ohio would vote "yea."

Mr. HAMILTON, of Maryland. My colleague [Mr. DENNIS] is paired with the Senator from Michigan [Mr. FERRY] upon this question. My colleague would vote "nay," and the Senator from Michigan "yea."

Mr. LOGAN. On this question I am paired with the Senator from Georgia, [Mr. GORDON.] If he were here he would vote "nay," and I should vote "yea."

The question being taken by yeas and nays, resulted—yeas 29, nays 16; as follows:

YEAS—Messrs. Alcorn, Allison, Boutwell, Buckingham, Conkling, Edmunds, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Spencer, Stewart, Wadleigh, Washburn, West, Windom, and Wright—29.

NAYS—Messrs. Bogy, Boreman, Carpenter, Cooper, Davis, Hager, Hamilton of Maryland, Johnston, Kelly, Lewis, McCreery, Merrimon, Norwood, Ransom, Saulsbury, and Stockton—16.

ABSENT—Messrs. Anthony, Bayard, Brownlow, Cameron, Chandler, Clayton, Conover, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hamilton of Texas, Hitchcock, Jones, Logan, Morrill of Maine, Morton, Schurz, Sherman, Sprague, Stevenson, Thurman, and Tipton—28.

So the bill was passed.

ADJOURNMENT TO MONDAY.

Mr. RAMSEY. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota.

Mr. HAMLIN. I move that the Senate do now adjourn.

Mr. BOREMAN. Before that motion is put, I should like to have an order made for the withdrawal of papers.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate do now adjourn. Does he yield to the Senator from West Virginia?

Mr. CONKLING. If the Senator from Maine persists in his motion, I demand the yeas and nays upon it. I do not want to come here again to-day, and I do not see why we should do it.

The PRESIDENT *pro tempore*. Does the Senator from Maine withdraw his motion?

Mr. HAMLIN. Not a bit of it.

Mr. CONKLING. Then I ask for the yeas and nays upon it. ["No!" "No!"] Well, I will take a division first.

Mr. CONOVER. Mr. President——

The PRESIDENT *pro tempore*. No debate is in order. The question is on the motion to adjourn.

The motion was not agreed to; there being on a division—ayes 3, noes 40.

Mr. CONKLING. Is the motion now pending to adjourn over?

The PRESIDENT *pro tempore*. It is.

Mr. CONKLING. If it is not, I make the motion. If it is, I hope we shall have a vote upon it.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that when the Senate adjourn it be to meet on Monday next at eleven o'clock.

Mr. CONOVER. I ask the Senator to withdraw that motion for one moment until I can make a personal explanation.

Several SENATORS. Let us vote.

Mr. CONOVER. The explanation will not take a moment.

Mr. CONKLING. Let us vote on this motion, and then the Senator can make his explanation after that.

Mr. CONOVER. I simply desire to make a personal explanation.

The PRESIDENT *pro tempore*. The pending motion is debatable.

Mr. CONKLING. Let me suggest to the Senator that this motion prevailing does not prevent his making a personal explanation. This is a motion simply that when we do adjourn we adjourn to meet on Monday next. It is not a motion to adjourn now.

Mr. CONOVER. If Senators will allow me to make a personal explanation after the motion is acted upon I will withhold it for the present.

Several SENATORS. Certainly.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota.

The motion was agreed to.

PERSONAL EXPLANATION—CIVIL RIGHTS.

Mr. CONOVER. I wish to state that I was temporarily absent in the restaurant when the vote was taken on the passage of the civil-rights bill. I regret it, for had I been here I desired to vote in favor of the passage of the bill.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, communicating, in compliance with the resolution of the Senate of the 15th instant, information relative to an opinion given by the Attorney-General upon the legality of a sale of pine timber belonging to the Chippewa Indians to A. H. Wilder; which was ordered to lie on the table, and be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BOREMAN, it was

Ordered, That the petition of members of Kanawha Lodge No. 25, Independent Order of Odd-Fellows of West Virginia be taken from the files and referred to the Committee on Claims.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. No. 3424) for the relief of Thomas Winans and William L. Winans was read twice by its title, and referred to the Committee on Patents.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, submitted an amendment intended to be offered from that committee to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCY BILL.

Mr. MORRILL, of Maine. I move that the Senate proceed to the consideration of the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes, for the purpose of leaving it as the unfinished business.

The motion was agreed to.

Mr. CONKLING. Now I move that the Senate adjourn.

The motion was agreed to; and (at seven o'clock and ten minutes a. m. Saturday morning, after a continuous session of twenty hours) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 22, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

AGRICULTURAL COLLEGES.

Mr. MONROE, by unanimous consent, presented a memorial from the national agricultural congress, held at Atlanta, Georgia, May 15, 1874, asking that one-half the net annual proceeds of the sales of the public lands be appropriated to agricultural colleges; which was referred to the Committee on Agriculture, and ordered to be printed in the RECORD.

The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Whereas measures are now pending before your honorable body for the appropriation of the annual net proceeds of the sales of the public lands to the advancement of the general cause of education in one form or other; and whereas agriculture is the dominant occupation of the American people, pre-eminently deserving their care and encouragement; and whereas many of the agricultural colleges of the nation as at present endowed are incapable of the full development contemplated by the act of Congress of July 2, 1862, creating and endowing them, and yet, though young in years, are encouragingly working out the great problem of industrial education, and fully vindicating, where fairly tried, the policy of their creation; and whereas at the last annual convocation of this body, at Indianapolis, Indiana, strong opposition was manifested on the part of some of the members to the further endowment of these colleges by Congress, yet it is now felt by the leaders of that opposition that these colleges are, and under prudent management will continue to be, of great service in the advancement of the cause of industrial education, and that they desire still further aid and encouragement from the national Congress:

Therefore, your memorialists, the members of the national agricultural congress, now in session at Atlanta, Georgia, respectfully ask that a bill be passed by your honorable body at its present session for the appropriation of half of the annual net proceeds of the sales of these lands, in such manner as you may direct, to the agricultural colleges contemplated by the said act of Congress.

And your memorialists will ever pray.

Attest:

CHAS. W. GREENE,
Secretary.

ATLANTA, GEORGIA, *May* 15, 1874.

ATLANTA, GEORGIA, *May* 15, 1874.

This will certify that the foregoing memorial was formally reported, and was adopted by the national agricultural congress assembled in convention this day, with but one dissenting voice.

And further, that General A. W. Bishop, of Arkansas; Rev. I. T. Tichener, of Alabama; and Colonel Beverly, of Virginia, were appointed a committee to present said memorial and the action of this body to the Congress of the United States.

By authority of the congress:

CHAS. W. GREENE,
Secretary.

SOUTHERN WAR CLAIMS.

Mr. LAWRENCE. The Committee on War Claims, having leave to report at any time, have directed me to report back with an amendment in the form of a substitute the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871. I am instructed to ask that the substitute be treated as an original bill.

The SPEAKER. The Chair hears no objection to that course.

Mr. CONGER. Will this bill give rise to debate?

The SPEAKER. The Chair understands it will not.

Mr. CONGER. I rose for the purpose of calling the regular order.

Mr. LAWRENCE. By the direction of the committee, I move to amend——

The SPEAKER. Does the gentleman put in a substitute and then offer amendments to that?

Mr. LAWRENCE. Yes, sir.

The SPEAKER. Why does not the gentleman make the substitute conform to the amendments? By the parliamentary process he proposes there is nothing gained.

Mr. LAWRENCE. The amendments I am about to offer were agreed to this morning by the committee.

The SPEAKER. Then the bill had better be recommitted so that the gentleman may report his substitute in the form which the committee desire. That would shorten the proceeding very much.

Mr. LAWRENCE. Then I ask that the original bill be taken up.

Mr. CONGER. I call for the regular order; but am willing to yield for references merely.

The SPEAKER. There is no need of yielding for mere references, as Monday is so near at hand.

HAZING AT THE NAVAL ACADEMY.

Mr. ARCHER. I think the gentleman will yield to me that I may have passed a small bill, which has been agreed to by the Committee on Naval Affairs, to prevent hazing at the Naval Academy.

Mr. HAWLEY, of Illinois. I demand the regular order.

Mr. ARCHER. This is the unanimous report of the Committee on Naval Affairs.

Mr. HAWLEY, of Illinois. I will not object if the bill gives rise to no debate.

Mr. ARCHER. I do not ask for its consideration if it is to cause debate.

The bill was read.

Mr. BROMBERG. I object to the present consideration of the bill.

Mr. BARBER. It is right.

ISAAC L. JACKSON.

Mr. DONNAN, by unanimous consent, reported back from the Committee on Printing the petition of Isaac L. Jackson, of the District of Columbia, for relief; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order having been called, the morning hour begins at thirteen minutes past eleven o'clock, and reports of a private nature are in order from the Committee on Patents.

Mr. STARKWEATHER. I ask the chairman of the committee, the gentleman from Michigan, [Mr. CONGER,] to allow me to make a suggestion. The committee, as I understand, are to report what is called the Rollin White case.

Mr. CONGER. I object to any statement being made in regard to that case until we reach it.

Mr. STARKWEATHER. I desire to make a statement on behalf of my colleague, [Mr. HAWLEY,] who has been called away on business in connection with a committee of this House, of which he is a member. I wish to ask the chairman of the committee if that case may not be postponed until General HAWLEY returns, which I think will be to-morrow morning.

Mr. CONGER. When we reach that case we can dispose of the request in regard to it.

Mr. STARKWEATHER. Then I will wait until the case is reached.

Mr. CONGER. I yield to the gentleman from Rhode Island [Mr. EAMES] to ask unanimous consent for the reference of a bill.

OWNERS OF SCHOONER ADA A. ANDREWS.

Mr. EAMES. I ask that by unanimous consent the bill (S. No. 688) referring the claim of the owners of the schooner Ada A. Andrews to the Court of Claims be taken from the Speaker's table and referred to the Committee on Claims.

There was no objection; and the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Claims, not to be brought back on a motion to reconsider.

HARVEY LULL.

Mr. SAYLER, of Indiana, from the Committee on Patents, reported back the petition of Harvey Lull, for an extension of letters-patent for seven years, which letters-patent were granted to Harvey Lull January 2, 1854, for shutter-hinges; and moved that the Committee be discharged from the further consideration of the same, and that it be laid on the table.

The motion was agreed to.

THOMAS WINANS AND WILLIAM L. WINANS.

Mr. DOBBINS, from the Committee on Patents, reported a bill (H. R. No. 3424) for the relief of Thomas Winans and William L. Winans; which was read a first and second time.

The bill authorizes Thomas Winans and William L. Winans to renew, at any time within six months from the date of the passage of the act, an application heretofore made by them, on or about the 7th day of May, in the year 1866, for letters-patent of the United States for certain improvements in the construction of steam-vessels; and authorizes the Commissioner of Patents to re-examine and decide upon such renewed application as though the same had been made within the time now prescribed by law, provided that no person shall be held responsible in damages for the manufacture or use of said improvements in the event of the success of such application, prior to the date of the letters-patent therefor.

Mr. SAYLER, of Indiana. Let the report be read.

The report was read, as follows:

To the House of Representatives:

Your committee, to whom was referred the petition of Thomas and William L. Winans asking that the Commissioner of Patents may be authorized to hear and act upon an application for letters-patent, which was made on or about the 7th of May, 1866, and rejected on the 11th of August of the same year, for an improvement which the applicants believed they had made in the construction of steam-vessels, report as follows:

It appears that on the 26th of October, 1858, Thomas Winans, one of the petitioners, and Ross Winans, obtained letters-patent for an improvement in the construction of the hulls of steam-vessels, the longitudinal sections of which were all arcs of and the cross-sections of which were all true circles. The vessel, the form of which was thus patented, is popularly known as the "cigar steamer." The patentees, Ross and Thomas Winans, seem to have commenced actual experiments to test the value of this novel form of construction by building a vessel of upward two hundred and fifty tons burden in Baltimore not long after they had obtained this patent, and with this trials involving alterations in the length and outline of the hull and in other respects were made up to the breaking out of the rebellion, which put a stop to them in this country, and obliged them to continue them in England, where a large experimental vessel was built; another, also experimental, in France, and a third in Russia, also for experiment, making in all four vessels whose only value consisted in the facility they afford for testing the merits of this most original principle of construction. The novelty of the idea, the change of all preconceived notions that it involves, made it necessary that the patentees should be at the expense of all experiments that were made, and indeed of every outlay connected with the invention. This outlay thus borne by the patentees amounted in October last to upward of $1,200,000, and has resulted in demonstrating, to the satisfaction at all events of the patentees, the success of this idea so far that they are said to be about commencing the construction at an early day, at their own cost, of two ocean steamers for transit between Europe and the United

States. The facts here stated are taken from copies of the testimony laid before the Commissioner of Patents when, on the 26th of October, 1872, he extended the letters-patent here referred to.

While these experiments were in progress and before any definite conclusion had been reached by the patentees, Thomas Winans and his brother, the petitioner, William L. Winans, invented an improvement upon the invention so as aforesaid patented by Ross and Thomas Winans, looking to the best mode of constructing the decks of the spindle-shaped vessel. This was in the year 1866, when Thomas and William L. Winans, the latter being then interested in the original patent, were busily engaged with their English vessel near London. For this improvement the application was renewed for letters-patent, already mentioned, in 1872, when the petitioners were advised of said rejection. Besides being absent from the United States and engrossed in the experiments referred to, they were by no means confident that they would be able to surmount the difficulties and discouragements they met with, and unless they did overcome them there would be no occasion for any such improvement as the invention contemplated. Unless the vessel were a success, the deck must necessarily be valueless, existing only in the description of a specification to letters-patent.

At this time, (August, 1866,) there was no limitation as to the time within which a rejected application for letters-patent might be renewed, and the applicants seem to have thought it unnecessary to press said application until the success of the steamer itself was more assured. At last, when this ceased to be longer doubtful, they renewed within a few months past their application, only to find that in the mean time the act of 1870 had been passed relating to patents, the thirty-fifth section of which provided that when an application has been rejected or withdrawn prior to the passage of the act the applicant shall have six months from the date of such passage to renew his application or to file a new one.

Looking to all the circumstances here stated, the committee has thought it not more than proper that the petitioners should be permitted to go again before the Commissioner of Patents and prosecute their application as though they had done so within the time limited by the act of 1870. Looking to the extraordinary expense incurred by Ross and Thomas Winans, with whom the committee have been informed William L. Winans is identified in this matter, it seems no more than reasonable that if an invention peculiar to the hull of the vessel has been made by two of the parties, an omission to conform to a change in the law of which they were ignorant should not deprive them of an opportunity of making good their claim to originality should it be in their power to do so.

The committee therefore recommend the passage of the accompanying bill.

Mr. DOBBINS. I yield to my colleague on the committee, the gentleman from Indiana, [Mr. SAYLER.]

Mr. SAYLER, of Indiana. The invention to which this invention is so closely allied is, in the estimation of the committee, one of the most important inventions of the age—looking as it does to a complete revolution in the construction of all sea-going vessels. As shown by the report, these parties made their application in 1866 for a patent upon an invention that they had made in reference to the construction of decks applicable to their cigar-steamers, so known. They were then in Europe perfecting their invention upon the hull of a vessel, expending large sums of money in the aggregate, which amount at the present time to almost one million and a half of dollars. Up to 1866 they had met so many practical difficulties, that the final favorable result of their experiments was in exceeding doubt.

This application was referred to a primary examiner, who rejected the application. No appeal was taken. No further steps were taken in the application because of the uncertainty of the final success of the invention upon the hull. No argument was had before the primary examiner. Afterward their experiments satisfied them that their invention was a success and would revolutionize the construction of the entire sea-going craft of the world. They then made application to have a rehearing on their rejected application for patent on the deck.

Mr. CRUTCHFIELD. There is so much disorder in the House we can hardly hear what the gentleman from Indiana is saying.

The SPEAKER called the House to order.

Mr. SAYLER, of Indiana. A few months since they made an application for a rehearing of their application for their patent on the deck peculiarly applicable to this form of vessel, only to find there had been a legal abandonment of their application under the law. They now come and ask Congress to let them go back to the Patent Office and take up the rejected application and prosecute it to a final hearing, and if they are entitled to a patent for this invention, that then they may have the benefit of it; or if not, they may at least have the satisfaction of being heard.

Now, sir, in the investigation of this case, as in the investigation of all cases by the Committee on Patents, that committee seeks to hold itself as closely to the constitutional provision as possible, giving force to that provision in its fullest sense and limiting it as far as possible to the exact scope of that provision; that is, whatever we may do, whatever we may report to the House here, shall be based on the fundamental idea that it is for the purpose of encouraging the progress of science and of the useful arts. Applying that rule, as the only rule fundamental, to this case, we have concluded, without any doubt whatever, that this application is fairly, squarely, and wholly within that provision.

Here two men, brothers, in connection with their father, for the last sixteen years have been expending large sums of money in perfecting this most remarkable and wonderful invention. By this invention a greater speed with less motive-power can be obtained. By this invention a greater degree of protection of human life is secured. By this invention the horrors of sea-sickness upon the high seas is almost entirely obviated. This cigar-shaped steamer is not subject to the action of the waves which produces sea-sickness. Whenever a wave strikes her, instead of careening her it carries her bodily with the wave. A few years ago, off Cape Hatteras, with a vessel of two hundred and fifty tons, during a storm when every other craft had to go into port for safety, these men staid out throughout that entire torm, and the proof shows they kept her in the trough of the sea at every angle of the waves, at every point of the storm, and although during the whole time they had a tumblerful of water sitting on their table, not one drop of it was spilled. The pitching of the vessel is greatly reduced. With its sharp point, instead of rising over the wave, it strikes through the crest of the wave and reduces the pitching.

It is one of the most wonderful and remarkable inventions of the age, and these men ought to be recognized by the American Congress for their great outlay of money, a million and a half of dollars almost, and for their sixteen years of toil. They ought to be recognized by the Congress of the United States because of their earnestness, zeal, and persistency in bringing to the use of the human family this great improvement in travel upon the high seas. If we give them the privilege of going before the Commissioner of Patents and perfecting their invention, getting it upon this deck as they now ask so it may be a complete boat, complete as the result of American labor, complete as the child of American genius, complete as the offspring of the American patent laws, wherever it goes throughout the broad expanse of the world it will proclaim the inventive genius of America and the fostering care of the American Republic.

This infringes no man's rights so far as our investigations have informed us. No man has gone into the manufacture of these vessels, but in abundance of prudence we have inserted a saving clause in the bill that if perchance somebody may have manufactured them they shall not be held liable in damages.

Mr. KELLOGG. Does it provide they shall continue the use of whatever they have already manufactured?

Mr. SAYLER, of Indiana. No, sir.

Mr. KELLOGG. If they have expended money in good faith, ought there not to be such a provision in the bill?

Mr. SAYLER, of Indiana. I have no objection in the world to that. I assure the gentleman from Connecticut we have made diligent inquiry for information through testimony taken in England, France, and Russia, and have not yet found this invention has been used anywhere. It is not applicable to any kind of construction except the cigar-shaped steamer.

Mr. EAMES. Allow me to suggest that no investment whatever has been made by anybody.

Mr. KELLOGG. Then such a provision would do no harm.

Mr. EAMES. Would it do any good? If there was any investment of that kind under the law, whoever made it would be protected by the court.

Mr. KELLOGG. If we pass a positive law, we repeal the old law if we do not retain the provision.

Mr. SAYLER, of Indiana. So far as that matter is concerned, we have had no intimation from any quarter whatever that there has been any investment made. It is an invention peculiarly applicable to this form of sea-going vessels, and the attachment of the deck to this form of vessel. In every point of view, taking everything into consideration, considering the fact that these men, for the purpose of perfecting their invention by experiments, because of the high price of labor and material in this country went to England, France, and Russia, and there constructed three more vessels at immense expense, that they were there busily engaged in that labor, in expending their money to bring about this revolution in sea-going craft, and that they had no information whatever as to the passage of the law of 1870 limiting their time to six months, but continued to act upon the law as they understood it, and as it was in 1866, when they made their application for a patent—considering all these things, the committee thought that there has been an ample, full, and complete showing here of excusable neglect on the part of these inventors in perfecting their application; I mean excusable delay, not neglect.

There is another feature of this bill that appeals peculiarly to the American Congress, a feature to which I referred a moment ago. It is that by this invention ocean travel is made substantially free from danger; it is made rapid, it is made easy, it is made comfortable to all who are engaged in it. It will also be a great saving to our American marine insurance companies, to our American merchants, and will be greatly beneficial to life and comfort. We take it that there is not a particle of doubt anywhere in this case that it will promote the progress of science and of the useful arts. I now call the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAYLER, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MERCY ANN HALL.

Mr. SCOFIELD. I desire to enter a motion to reconsider the vote of the House on yesterday recommitting to the Committee on Naval Affairs a bill of the House, No. 3422, for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall.

The SPEAKER. The motion to reconsider will be entered upon the Journal.

Mr. G. F. HOAR. What is the parliamentary effect of such a motion?

Mr. CONGER. I object to taking up the morning hour by parliamentary inquiries.

The SPEAKER. It will not be taken out of the time of the Committee on Patents.

Mr. G. F. HOAR. When the rule was adopted requiring bills making appropriations to be referred to the Committee of the Whole for their first consideration, the Chair announced that the mere reference of such a bill would not be treated as a first consideration; that such a reference would not be subject to a motion to reconsider. If the gentleman from Pennsylvania [Mr. SCOFIELD] is permitted by unanimous consent to introduce a bill for reference, and then enter a motion to reconsider that reference, it will destroy entirely the effect of that rule. I have no knowledge of this particular bill.

The SPEAKER. The record is that by unanimous consent the chairman of the Committee on Naval Affairs [Mr. SCOFIELD] reported from the Committee on Naval Affairs a bill for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Naval Affairs. When the bill comes back from that committee it will be subject to all points of order which would originally apply to it.

Mr. G. F. HOAR. This is a motion to reconsider that vote.

The SPEAKER. To reconsider the vote by which the bill was recommitted to the Committee on Naval Affairs. If that vote shall be reconsidered, the effect of it would be to bring the bill before the House, when if it involves an appropriation of money the point of order would carry it to the Committee of the Whole.

Mr. G. F. HOAR. I have no objection to this particular bill; I only want to preserve the point of order.

The SPEAKER. This motion does not evade any point of order.

ROLLIN WHITE.

Mr. SLOSS. I am directed by the Committee on Patents to report a bill for the relief of Rollin White.

Mr. STARKWEATHER. I desire a moment to state the position of my colleague [Mr. HAWLEY] in regard to this bill.

Mr. SLOSS. I cannot yield now.

Mr. STARKWEATHER. I understood from the chairman of the committee [Mr. CONGER] that I might state the position of General HAWLEY.

The SPEAKER. The gentleman from Alabama [Mr. SLOSS] has the floor.

Mr. STARKWEATHER. Before the committee began to report this morning, I called the attention of the chairman——

Mr. CONGER. I said that when the bill came up I had no objection to the gentleman making his statement.

Mr. STARKWEATHER. I only want to make a statement in regard to General HAWLEY.

Mr. CONGER. Let the bill be reported, and then the gentleman can make his statement.

Mr. STARKWEATHER. As my colleague [Mr. HAWLEY] is absent, if the bill is proceeded with to-day he of course cannot be heard. I simply wish to state the reason why I think he ought to be heard. Of course it will do no good for him to be heard after the bill is passed.

Mr. CONGER. Nor does it do for our committee to detain the House in order to wait for absent members.

Mr. STARKWEATHER. The committee have other bills, I believe.

Mr. CONGER. No, sir; this is the only one ready this morning.

Mr. STARKWEATHER. Then I want to state that this bill, which was once passed by the House without anybody knowing anything about it and was vetoed by the President, is here again; and my colleague, [Mr. HAWLEY,] whose constituents are largely interested in this matter, had arranged with the committee, as I understand, that he should be allowed to state some reasons why, in his judgment, the bill should not pass. He is unavoidably detained by his business on a committee, and he requests that he may not be deprived of the opportunity to state his views upon the bill. I hope, therefore, the Committee on Patents will allow this matter to lie over till next week or some other time, when my colleague can have a chance to be heard. I think he ought to be heard. He does not want much time.

Mr. CONGER. If the House will give us our hour upon this subject——

The SPEAKER. The Chair will state how the rule would leave this matter. If the consideration of this bill should consume the remainder of the hour, it would of necessity go over until next Friday, when it would again come up. Probably the reading of the report and any debate that may arise upon it would consume the remaining twenty-eight minutes of this hour. If it could be agreed that this bill should go over, and that during the remainder of this morning hour other committees shall be called for reports for reference merely, this bill would by that arrangement come up in the morning hour next Friday.

Mr. STARKWEATHER. If this bill were my matter I should be ready to discuss it; but General HAWLEY, whose constituents are very largely interested, is absent.

Mr. CONGER. If it be understood that we may take up this bill at the commencement of the morning hour next Friday, I will, after reporting another bill which will occupy but a moment, yield the remainder of the hour.

Mr. RUSK. Does this arrangement require unanimous consent?

The SPEAKER. It does. But unless the House now goes forward and by a majority vote disposes of this bill so as to get it out of the morning hour, it will necessarily come up in that hour next Friday, and every succeeding Friday in the session until disposed of.

Mr. HAWLEY, of Illinois. I object to any agreement as to next Friday.

Mr. RUSK. The Committee on Patents have had two morning hours; this makes the second.

Mr. GARFIELD. Gentlemen will observe that it is within the power of the gentleman from Michigan [Mr. CONGER] to have this bill carried over till next week; therefore I think it would be wise to assent to the arrangement he suggests, and allow other committees to occupy the remainder of the hour this morning.

Mr. CONGER. I have made the proposition in order that other committees may be heard to-day.

Mr. HAWLEY, of Illinois. I understand that this bill will take longer than the remainder of the morning hour this morning; and it is now proposed to lay it aside and take up other matters. It strikes me that it is best to proceed with this bill until it is finished, and that will give other committees a better opportunity to bring forward their business.

Mr. CONGER. I renew the proposition which I made, that this bill may be allowed to come up as the regular order next Friday morning, and that other committees may report bills this morning for reference to the Committee of the Whole.

Mr. HAWLEY, of Illinois. I hope that will not be done.

The SPEAKER. The arrangement requires unanimous consent. There is no need of arguing it. The Clerk will read the bill reported by the Committee on Patents.

The Clerk proceeded to read the bill (H. R. No. 3425) for the relief of Rollin White.

Before the reading was concluded,

Mr. HAWLEY, of Illinois, said: I withdraw my objection to the arrangement proposed by the gentleman from Michigan, [Mr. CONGER.] I understand that the Committee on Patents are willing that the remainder of this morning hour shall be occupied in the call of other committees; and I am informed that this bill will not occupy probably more than twenty minutes or half an hour next Friday.

Mr. PLATT, of Virginia. I renew the objection.

The Clerk resumed and concluded the reading of the bill.

The bill provides that the Commissioner of Patents be, and he thereby is, authorized to rehear and determine the applications of Rollin White for the extension of his letters-patent for improvements in fire-arms, issued April 3, 1855, numbered 12638, 12648, and 12649, (No. 12638 having been reissued May 1, 1866, numbered 2236, and 12649 having been reissued October 27, 1863, in divisions numbered 1557, 1558, and 1559,) upon the evidence, in the same manner and with the same effect as if they were original applications made within the time prescribed by law for said extensions, before the Commissioner of Patents, and as if no hearing had ever occurred, application to be made within ninety days of the passage of this act; provided that in case of such extension being granted no damage shall be recovered for infringements thereof between the date of the expiration of the original patents and the date of such extensions; and provided also that the Government of the United States, to whom said White has heretofore released, shall still have the right to manufacture and use all the improvements included in said patents in case of such extensions, freely and without charge, and without liability for damages for the use of said patents; and provided also that in case said extensions shall be granted, any person, firm, or corporation that since the expiration of said patents and prior to the passage of this act shall have constructed machinery for the manufacture of the inventions described in said patents, or have engaged in the manufacture of said inventions using machinery previously constructed therefor, shall have the right to apply for and be entitled to receive a license from said Rollin White to manufacture and sell the fire-arms described in said patent for and during the extended term thereof, upon reasonable conditions as to the security for payment of the royalty hereinafter mentioned and prescribed uniform quality of arms manufactured, and as to making report on oath of manufacture and sales, and upon payment of royalty to said Rollin White of fifty cents, in quarter-yearly payments, upon each and every fire-arm so manufactured.

Mr. SLOSS. I ask for the reading of the report of the committee.

The Clerk read as follows:

The Committee on Patents, to whom was referred the petition of Rollin White for leave to apply to the Commissioner of Patents for the extension of certain patents granted to him in 1855, and the bill entitled "An act for the relief of Rollin White," have given a full hearing to all the parties interested, and beg leave to submit the following report:

This matter has been fully and carefully presented to the committee upon printed arguments on behalf of Rollin White and of the parties who oppose his petition, and the labor of the committee has been thereby materially lessened.

The same petition had been fully considered by the Committee on Patents for the House of Representatives of the last Congress, and their report, which covers the whole ground, meets the approval of the present committee and is adopted as a part of this paper. It is as follows:

Rollin White having certain patents for improvements in fire-arms, issued April 3, 1855, and numbered 12638, 12648, and 12649, (number 12638 having been reissued May 1, 1866, numbered 2236, and number 12649 having been reissued October 27, 1863, in three divisions, numbered 1557, 1558, and 1559,) made seasonable application to the Commissioner of Patents for extensions of the same. He employed as his attorney Mr. Charles M. Keller, of New York, an eminent patent lawyer, who had long been his counsel, and was entirely familiar with his inventions, having been engaged in several suits upon them. Mr. Keller prepared Mr. White's papers in his application for the extension, and attended to the taking of the greater portion

of the testimony in his behalf. Just before the time for closing testimony, and three or four weeks before the day of hearing by the Commissioner of Patents, Mr. Keller was taken sick, and was incapacitated for business until after the hearing hereinafter mentioned. By reason of this sickness he failed to forward to the Patent Office a quantity of testimony, including a certain account of Mr. White, showing the expenditure of $38,321.09 as a charge against the patents. About the same time, and just before the day of hearing by the Commissioner of Patents, the office of the United States commissioner in New York City, before whom much of the testimony in behalf of Mr. White had been taken, was broken into, and the testimony and numerous exhibits referred to therein were stolen and carried away, and have never been recovered. No other property having been taken, it may be inferred that this offense was committed by or in behalf of some opposing party.

Under these circumstances, with new counsel not acquainted with the facts or with the intentions of Mr. White, and without most important testimony and exhibits, and without the account before referred to of $38,321.09 of expenditures, a hearing was had before the Commissioner of Patents, who, on April 2, 1869, refused the extensions without assigning any reason for his action. It will be remembered that this hearing occured on the day before the patents expired. As the Commissioner had no jurisdiction to act in the matter after the day of expiration, he could not grant a postponement of the hearing until Mr. White could remove the difficulties under which he labored.

Mr. White made at once before Congress, then in session, the usual petition for a rehearing of his applications for extension before the Commissioner of Patents, and upon such petition Senate bill No. 273, entitled "An act for the relief of Rollin White," passed both branches of Congress just before the final adjournment, but not in season to be signed by the President of the Senate. Being signed at the ensuing December session, the bill was vetoed by the President January 11, 1870, at the request of General A. B. Dyer, Chief of Ordnance, as fully set forth in Senate Executive Document No. 23, Forty-first Congress, second session.

The objections made by General Dyer would seem to be quite proper for the consideration of the Commissioner of Patents had there been a rehearing under that act, but quite insufficient, in the opinion of the committee, to justify an executive veto. They were objections to the granting of extensions rather than to a rehearing.

In the Senate the bill was subsequently passed, notwithstanding the veto of the President; but in the House it was defeated.

At the next Congress Mr. White renewed his petition.

It will be observed that Mr. White does not ask for an extension of his patents by Congress, but for permission to have another hearing before the Commissioner of Patents, where there can be a more full and thorough investigation of all the questions involved than Congress can possibly have time to make. At the hearing, of which the law requires due notice to be given, all opposing parties can be present and have a full consideration of all reasons why the extensions should not be granted.

It should also be stated that opposing parties, at the hearing before the committee, claimed and offered evidence tending to show that certain important features of Mr. White's inventions were not really invented by him, and that his patents, so far as they embrace those features, were never valid. The committee do not feel called upon to decide these difficult mechanical questions. The Commissioner of Patents is the proper tribunal for the decision of such questions, and the committee are confident that the present Commissioner will never order an extension of either of these patents unless, upon the law and the evidence, Mr. White shall establish his right to such extension.

It appears to the committee that, by reason of the illness of Mr. Keller, the abstraction of important testimony and exhibits, which, according to the report of the examiner, rendered the evidence "almost unintelligible," and the non-production of the account of expenditures alluded to, which would have reduced Mr. White's profits to but little more than a third of the amount the Commissioner assumed them to be, as hereafter appears, Mr. White has not had that full and fair hearing which it is the intent of the law to grant to inventors upon their applications for extension.

But while the committee thus favor the prayer of Mr. White for a rehearing, they are aware of the fact that certain manufacturing interests, upon the belief, as claimed by them, that Mr. White's inventions had become public property, have made investments of capital for the manufacture of the same, and for this reason are of the opinion that such manufacturers may be entitled to consideration. They have therefore placed in the bill reported by them, by way of relief to such parties, a provision which will give the right of manufacture and sale under certain conditions named.

The committee have not reported in detail upon the value of these inventions, and the amount of compensation received by Mr. White, because it appeared to them that for the reasons named Mr. White was clearly entitled in equity and fair dealing to a new hearing before the Commissioner of Patents, upon the ground that he cannot be regarded as really having had a hearing at all. The committee do not base their decision upon the ground that the Commissioner did not properly weigh the testimony before him, nor that he did not correctly decide the case as it appeared before him; but the ground is that Mr. White, through accident and misfortune, and without fault on his part, was unable to lay his case properly before the Commissioner. The committee consider the application of Mr. White quite similar to a petition for a new trial in a court, and have so decided it. As has been already stated, the Commissioner, in refusing these extensions, did not assign any reasons; but he wrote a letter to Senator FERRY, of Connecticut, on the 17th of January, 1870, for the purpose of defeating the passage of the bill over the veto of the President, in which, after describing the inventions, he summed up by stating that the patentee had received $70,899 and expended $22,457, and decided that his rewards had been ample, having reference to the benefits conferred on the public. But it does not appear what his decision would have been had evidence of the additional expenditure of $38,321.09 been before him, except as it may be inferred from the following concluding paragraph of his letter: "In view of the facts detailed, I do not think that more arguments, or more illustrations, or, indeed, more testimony, would have altered the conclusions to which I arrived, or the decision which I made."

The committee, while not attempting to base their action on this ground, are of the opinion that Mr. White was, to say the least of it, unfortunate in not having his case heard before a commission whose "conclusions" might be "altered" by "more arguments," "more illustrations," or "more testimony."

It appears sufficiently clear to the committee that these inventions are of great value to the public, not only by direct testimony, but by the zeal, energy, and character of the opposition arrayed against them. It also appears that by reason of the dominant character of certain inventions of Mr. Colt, Mr. White was unable to bring his inventions into public use until two or three years after his patents were issued and therefore has had the actual benefit of his inventions for only about eleven and a half years. It further appears that Mr. White is in feeble health, a cripple for life, and is possessed of very moderate pecuniary means. The committee, therefore, in view of all the foregoing facts, recommend the passage of the accompanying bill as a substitute for the bill referred to the committee, which, it will be observed, aims not only at providing for Mr. White a very moderate compensation for his inventions, in case the extension shall be granted by the Commissioner of Patents, but seeks to make an equitable arrangement for what are considered opposing interests, and wholly avoids the objections raised by the veto message of the President before alluded to, by granting full authority to the Government to manufacture and use all the improvements included in said patents freely without charge.

If more could be necessary for the protection of the Government it may be found in the following assignment, executed by Mr. White on the 17th of December, 1869:

LICENSE TO THE GOVERNMENT TO USE, FREE OF COST, PATENTS FOR IMPROVEMENTS IN FIRE-ARMS.

Know all men by these presents that I, Rollin White, of Lowell, Massachusetts, for and in consideration of the sum of one dollar to me in hand paid, (the receipt whereof I do hereby acknowledge,) have remised, released, and forever discharged, and I do hereby, for myself, heirs, my executors, administrators, and assigns, remise, release, and forever discharge the Government of the United States of and from all debts, demands, claims, action, and causes of action, which I now have in law or equity, or of whatsoever nature, or which hereafter or at any other time I may have, from any and all use by the Government of the United States of my improvements for fire-arms patented in 1855, being the same improvements included in a recent act of Congress for my relief.

In testimony whereof I have hereunto set my hand and seal this 17th day of December, 1869.

[SEAL.] ROLLIN WHITE.

Witnessed by—
H. A. SNOW,
C. D. GILMORE.

The undersigned members of the committee concur in this report. The chairman, having on a former occasion acted as counsel for Mr. White, did not take any part in the hearing.

E. A. HIBBARD.
H. W. BARRY.
M. M. WALDEN.
E. I. GOLLADAY.
C. C. ESTY.

In addition to the facts and arguments presented in the report of the committee made at the last session of Congress, it is proper to take some notice of the fact that the discussion before the committee of the present Congress has been based upon the bill which was recommended by the committee of the preceding Congress, which bill is as follows:

"A bill for the relief of Rollin White.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Commissioner of Patents be, and hereby is, authorized to rehear and determine the applications of Rollin White for the extension of his letters-patent for improvements in fire-arms, issued April 3, 1855, Nos. 12638, 12648, and 12649, (No. 12638 having been reissued May 1, 1866, Nos. 2236, and 12649 having been reissued October 27, 1863, in divisions Nos. 1557, 1558, and 1559,) upon the evidence, in the same manner and with the same effect as if they were original applications made within the time prescribed by law for said extensions, before the Commissioner of Patents, and as if no hearing had ever occurred; and if any of said patents shall be extended, it shall be for a period of seven years from the date of such extensions: *Provided*, That in case of such extensions being granted, no damage shall be recovered for infringements thereof between the date of the expiration of the original patents and the date of such extensions: *And provided also*, That the Government of the United States shall have the right to manufacture and use all the improvements included in said patents, in case of such extensions, freely and without charge, and without liability for damages for the use of said patents: *And provided also*, That in case said extensions shall be granted, any person, firm, or corporation that, since the expiration of said patents and prior to the passage of this act, shall have constructed machinery for the manufacture of the inventions described in said patents, or have engaged in the manufacture of said inventions using machinery previously constructed therefor, shall have the right to apply for and be entitled to receive a license from said Rollin White to manufacture and sell the fire-arms described in said patents for and during the extended term thereof, upon reasonable conditions as to security for payment of the royalty hereinafter mentioned, and as to making report on oath of manufacture and sales, and upon payment of a royalty to said Rollin White of fifty cents, in quarter-yearly payments, upon each and every fire-arm so manufactured and sold."

At the present hearing notice was given by Mr. White to his opponents that it was proposed to amend this bill by inserting a provision as to the quality of the fire-arms which should be manufactured under his patent should the same be extended.

The arguments presented to us have had reference to the bill before recited as thus amended.

The committee are of opinion that the bill as submitted with the proposed amendment is a proper one for the favorable consideration of Congress, as it seems to guard all the interests affected, whether of the United States or of manufacturers in this country, who have in good faith embarked their capital in the manufacture of these particular fire-arms. The provision as to the quality of the arms seems essential in order that all the manufacturers who may take licenses of Rollin White, should his patent be extended by the Commissioner of Patents, may share equally in the protection of the patents, and be free from an injurious competition upon the part of those who might, in order to get control of the market, fill it up with cheap, inferior pistols, more dangerous to the user than to anybody else.

No new facts appear to have been presented to us, under the bill as amended, which were not adduced before the former committee, and the new arrangements delivered by the opponents of this petition seem to us to involve matters which are within the special province of the Commissioner of Patents to determine, rather than such as should properly be considered by Congress. It appears from the evidence that Mr. White has received from all sources for his invention $73,000, and has expended $60,779.98. The principal complaint of the petitioner that he has not had that full and fair hearing which the law accorded to him, and that he has failed of such a hearing by no fault of his own, has not in the opinion of the committee been satisfactorily answered, either by proofs or arguments.

The committee, therefore, in view of the foregoing, recommended the passage of the bill as amended, as an act of simple justice to the petitioner.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. The morning hour having expired, I move that the House resolve itself into Committee of the Whole on the Private Calendar

Mr. LAWRENCE. Pending that motion I desire to report the bill making appropriations for the claims allowed by the commissioners of claims.

Mr. CONGER. When will the bill in reference to the Rollin White case come up again?

The SPEAKER. In the morning hour on Friday next.

Mr. LAWRENCE. This bill makes appropriations for the payment of over one thousand claims, about which I believe there is no controversy except in regard to a single claim. It will not take up much time, and it is a matter of too much importance to be delayed.

Mr. HAWLEY, of Illinois. Does the gentleman anticipate that there will be any debate on the bill?

Mr. LAWRENCE. Not so far as I am aware, except on a single claim.

Mr. HAWLEY, of Illinois. It is a very important bill, and I think it ought to be passed as soon as possible.

The SPEAKER. The bill properly belongs to Friday, being private-bill day.

Mr. ALBRIGHT. I desire to inquire of the Chair when committees will be called to report private bills?

The SPEAKER. Whenever the Committee on Patents has finished its reports.

CLAIMS ALLOWED BY COMMISSIONERS OF CLAIMS.

Mr. LAWRENCE. I am instructed by the Committee on War Claims, which has leave to report the bill at any time, to report back the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, with an amendment in the nature of a substitute, and to recommend the passage of the substitute.

I will state for the information of the House that this bill includes a little over a thousand claims of different claimants residing in the Southern States. These claims have all been allowed by the commissioners of claims. The amount appropriated by the bill is $676,274.03. It is the bill in the usual form making appropriations for the payment of claims allowed by the commissioners of claims.

It is proper to say that some question has been made before the commissioners of claims as to whether, in case of the death of a claimant, money due for supplies should be paid to the administrator or to the heirs. The general practice, I believe, heretofore has been that bills of this sort have made the appropriations to the administrator. That practice, however, has not been entirely uniform, and in this bill there are perhaps two or three cases where it is proposed to make payment directly to the heirs. There is one case, on page 23 of the bill, where it is proposed to make payment to a portion of the heirs of a deceased claimant, where the administrator of the deceased has presented since the commissioners of claims made their report, letters of administration taken out on the estate of the deceased, and asks that payment be made to him. The committee, however, have concluded that as the payment of all these claims is in the discretion of Congress they will recommend payment to the heirs or distributees directly, and only to those who are loyal, and the proportion to which they are entitled.

I am not aware of anything in the bill that requires explanation. The Committee on War Claims, I think, have agreed to it unanimously. There is no question made except in regard to a single claim. When the bill shall be read up to that point I will make a motion to strike out one claim, and that is all the amendment I propose to offer to the bill.

Mr. HAWLEY, of Illinois. I would ask the gentleman if it is necessary to read the whole bill? The reading I trust will not be demanded. It is a matter well understood.

Mr. KELLOGG. It seems to me that a bill of this importance, in which so many members representing the South are interested, ought to be read that members may know that the claims in which they are interested are embraced in it.

Mr. HAWLEY, of Illinois. They have had every opportunity to examine it. It will take an hour to read the bill.

Mr. HOLMAN. I think it ought to be read.

Mr. LAWRENCE. It is well to read the bill. But if it be thought better to omit this I have no objection.

The SPEAKER. The reading of the bill can only be dispensed with by unanimous consent.

Mr. HAWLEY, of Illinois. Then I ask that it may be withdrawn for to-day.

Mr. LAWRENCE. I cannot withdraw it. There are a thousand claims which have been allowed and appropriation must be made for them. It has already been delayed by various causes which I could not avoid.

Mr. POLAND. I hope the reading will not be insisted on. The report of the commissioners was filed at the very beginning of the session, and every gentleman interested in it has had an opportunity of examining it.

The reading of the bill at length was not insisted on.

Mr. LAWRENCE. I offer the following amendment to the substitute:

Strike out on page 22 the following:
To William Bailey, $45,161.72.

Before calling the previous question I yield to the gentleman from Virginia [Mr. SENER] to offer an amendment to which there is no objection. It has not been agreed upon by the committee, but I believe a brief statement will show that there can be no objection to it.

Mr. SENER. I offer the following amendment:

The Clerk read as follows:

Insert between lines 1288 and 1289 these words:
To the public-school trustees of Manassas, for the material of the Bradley school-house and church, $450, to be paid on the basis of a compromise between the school and church trustees on file in the case.

Mr. SENER. I wish to say just a word in explanation of this amendment.

Mr. LAWRENCE. There is no objection to it.

Mr. HAZELTON, of Wisconsin. Does the chairman of the committee propose to cut off debate by his motion of the previous question?

The SPEAKER. The Chair is not advised.

Mr. LAWRENCE. I suppose an hour will be enough for debate after the previous question has been called. If gentlemen desire to debate the bill before the previous question is called, I will not now call it.

Mr. HARRIS, of Virginia. I hope time will be allowed for debate.

Mr. KELLOGG. Will the gentleman yield to me for a suggestion?

Mr. LAWRENCE. Certainly.

Mr. KELLOGG. On page 3 of the printed bill as prepared from the report of the southern claims commissioners is an item of appropriation "to William B. Day, $200." The item was in the bill until this morning. The Committee on War Claims have struck out that item this morning, together with one other item, upon representations made by letters or affidavits in each case that the parties to whom the appropriations were to be made were disloyal. Now, in the case of Mr. Day, I am assured by a gentleman on this floor who represents the district in which Mr. Day lives, or the adjoining district, that he was as loyal during the war as any man; that Union soldiers were taken care of by him, and that he has been loyal from that time to this. Now, I submit whether the Committee on War Claims have not done injustice, whether the House may not do injustice by striking out that little item of $200, when a member of Congress who knows all about it assures me that the persons who sent those letters charging him with disloyalty were enemies of Mr. Day, and entirely mistaken in their statements. I will add the sworn statement of Mr. Day, as a part of my remarks, as follows:

The said William B. Day, being first duly sworn, says in answer to the interrogatories propounded to him, that he is fifty-five years of age, resides twelve miles from Jasper, Walker County, Alabama, and by occupation a farmer; that he has resided at his present residence since the fall of 1863; that for twenty years before that time he resided about eighteen miles from said town of Jasper in the edge of Winston County, Alabama.

Claimant says that, from the year 1860 to 1865 inclusive, he was opposed to secession and rebellion and in favor of the Union; that he never did anything during the rebellion of his own free will or accord in aid of the rebellion; that in the year 1860 he voted for Stephen A. Douglas for President, and in the same year he openly and boldly opposed secession and rebellion, and advocated the Union cause publicly and privately, and advocated the election of CHRISTOPHER C. SHEATS for delegate to the secession convention as the Union candidate from Winston County, Alabama; that after the State seceded, the secession of the State did not change his sentiments; did not go with the State but firmly and prudently adhered to the Union cause. The ordinance of secession was not submitted to the people for ratification, but if it had been he would have used his utmost influence against it and voted against it.

Claimant says he was not directly or indirectly connected with the civil service of the so-called Confederate States, and that he was at no time in the rebel army, or in arms against the Government of his choice; that he never owned any confederate bonds or did anything to sustain the credit of the so-called Confederate States.

Claimant further states that he never was in the Union Army.

Claimant says that he gave aid and comfort to the friends and supporters of the Union cause so far as it was safe or prudent for him to do; that is to say, that when Union men were arrested for their sentiments, he always used his influence to have them released; claimant gives a few of the many that he so aided, to wit, John L. Reed, J. T. Curtis, and Joseph Curtis, and J. W. Montgomery, and in claimant's opinion they would have been put to death for their Union sentiments if it had not been for claimant and other Union men, two of whom were afterward put to death for their Union sentiments, to wit, the two Curtises; and he further states that through his influence the property of different Union families, which had been taken by rebel soldiers, was restored to them. A portion of the property of the above-named Joseph Curtis he kept concealed until the war closed, and then returned it to said Curtis's wife, and claimant says he had a horse returned to the family of Henry Inman, who was absent in the Union Army, First Regiment Alabama Volunteer Cavalry, and also the family of one John Blevins, who was in the same regiment with said Inman; he had a horse returned.

Claimant says that he gave aid and assistance to all he could, and did all that was safe and prudent to do to families of Union soldiers and Union refugees going across to the Union lines.

Claimant says that he never was arrested by either the Union Army or the confederates; that he was often very much abused by one Captain Goodwin, who was commanding the conscript post at Jasper, Alabama, when claimant would intercede for Union men who had been arrested, or for the property which had been or was about to be taken by rebel authorities of Union men and their families, and trying to relieve men from conscription in the rebel service. Claimant says he had one son in the rebel army, that he went into the rebel service about the time the conscription commenced; that said son did not go into the army of claimant's own free will and accord, but went into said army against claimant's will, and that about the close of the war he had another son who was conscripted into said army; that he never supplied them with any military equipments while in said army.

Claimant solemnly declares that from the beginning of hostilities against the United States to the end thereof his sympathies were constantly with the cause of the United States; that he never of his own free will or accord did anything, or offered, or sought, or attempted, to do anything by word or deed to injure said cause, or retard its success, and that he was at all times ready and willing when called upon to aid and assist the cause of the Union so far as his means and power and the circumstances of the case permitted. This is all confirmed by four other witnesses who were loyal men.

Mr. LAWRENCE. I think there will be time enough after the previous question has been ordered. I now call the previous question.

Mr. KELLOGG. I call for tellers.

Tellers were ordered; and Mr. KELLOGG and Mr. LAWRENCE were appointed.

The House divided; and the tellers reported that there were ayes 96, noes not counted.

So the previous question was seconded, and the main question was then ordered.

Mr. KELLOGG. I rise to a parliamentary inquiry. The bill as reported to the House, and which the chairman of the Committee on War Claims had authority to report at any time, contained among other items this item on page 3 of the printed bill: "To William B.

Day, $200;" and on page 7 of the printed bill the item "To Carter Scott, $472." Now I submit whether the chairman of the Committee on War Claims has any right to put in any other bill here except the one which the House authorized him to report at any time, the bill containing the two items to which I have referred.

The SPEAKER. That depends upon whether he was authorized by the committee.

Mr. KELLOGG. He was authorized by the committee to move an amendment, and we have a right to vote on that amendment.

Mr. LAWRENCE. I was instructed by the committee to report an original bill this morning. These two claimants to which the gentleman refers were struck out of the old bill. The original bill as printed and sent to the committee contained some twenty-seven errors. Those errors were all corrected by the clerks of the committee, and I have reported this morning as an original bill the one prepared by the clerk of the committee correcting those errors.

The SPEAKER. The gentleman had leave of the House to report the substitute as an original bill, no objection being made. It is a common parliamentary practice to report a substitute to be treated as an original bill. The Clerk will read the first amendment.

The Clerk read as follows:

Strike out on page 22 the following: To William Bailey $45,161.72.

Mr. LAWRENCE. I desire to make a brief explanation in regard to this amendment. I ask the attention of the House, because this is a question of some importance both in the amount and still more in the principle involved. It is the only amendment about which the Committee on War Claims have had any difficulty. The commissioners of claims, in their second annual report, allowed the claim of William Bailey, of Rapides Parish, in Louisiana, for $45,161.72 for quartermaster stores and commissary supplies taken from his plantation by the Army of the United States. A bill passed the House making an appropriation to pay that, with other claims allowed by the commissioners. It went to the Senate, and there it was dropped out of the bill upon the allegation that the claimant was disloyal. Application was made to the Committee on War Claims to include the claim in the appropriation bill to be reported at this session of Congress for the payment of these southern claims. The original report made by the commissioners of claims is before me, or a copy of it, and I do not know that I can do better than to ask the Clerk to read it.

The Clerk read as follows:

William Bailey is a native of Virginia; is seventy-one years of age; was the owner of a large plantation near Alexandria, on the Red River, embracing over fifteen hundred acres; the chief product was cotton; when the war broke out he was residing on this plantation. After a careful examination of the testimony and all the papers in the case, and after the most thorough and searching inquiry, we find Mr. Bailey to have been a constant and consistent Union man during the whole war. A printed copy of the testimony relating to eight hundred and thirty-four bales of cotton which was libeled and which was claimed by Mr. Bailey was furnished to us. The testimony was taken at New Orleans in 1864, before a United States commissioner. On the part of the United States it was alleged that this cotton was sold by General Bailey to the confederate government. A large amount of testimony was taken, and we are informed that a compromise was finally made by which General Bailey received a portion of this cotton or its proceeds. General Bailey, upon his examination in this case, swears that he did sell five hundred bales of cotton to the confederate government, or to some confederate or State agent, alleging that he was compelled to sell it to get money to pay his taxes; and if he had refused it would have been taken or burned. The cases of loyalty among the large landed proprietors of the South were so very rare, that we felt it to be our duty to investigate this case thoroughly, and after doing so we feel fully justified in reporting this claimant as loyal.

Mr. LAWRENCE. I have presented that report so that I might do entire justice to General Bailey. On the 26th of March, 1874, the commissioners of claims sent in an additional report, in which they show that General Bailey sold cotton to the agents of the so-called confederate government to the amount altogether of $54,101.64, and that his first sale was made November 14, 1862. I ask the Clerk to read that report.

The Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF CLAIMS,
Washington, D. C., March 26, 1874.

DEAR SIR: The records of the trans-Mississippi cotton bureau, purchased by the Government since the report was made in the case of William Bailey, No. 980, show facts which we deem it our duty to report to your committee. The case having been reported by us to Congress, we do not feel at liberty to make any further investigation of it unless specially directed by that body to do so.

It clearly appears that General Bailey sold to the confederate government on the 14th of November, 1862, five hundred and thirty-six bales of cotton. His son-in-law, Andrew W. McKee, had been appointed by the confederate government, namely, in October, 1862, general agent for the purchase of cotton in Western Louisiana and Texas. The first sale made was by General Bailey, November 14, 1862. This five hundred and thirty-six bales of cotton was no part of the eight hundred and thirty-four bales litigated in the United States district court for the eastern district of Louisiana in 1864. It may be, perhaps, the cotton referred to by General Bailey, (see his testimony before the commissioners of claims of November 14, 1871, page 5,) in his answers, as follows:

"Question. Did you contribute anything to aid the confederate cause?

"Answer. Never, one farthing, neither directly nor indirectly.

"Q. Did not you have to pay tithes?

"A. I had; and I was compelled to sell five hundred bales of cotton to the confederate government, or have it burned and destroyed, in order to pay my taxes. I sold it to a young man, an agent of the confederate government there."

He subsequently tells of an armed force coming out to burn his cotton; of his telling them he would sell it, &c. The statement is confused and inconsistent, the date uncertain, but might be November, 1862; and if the young man, the agent, was his son-in-law, it may identify the transaction, but will make the story of duress or an armed force very improbable.

It would seem to be clearly established by the papers now obtained that General Bailey, on the 14th of November, 1862, sold, voluntarily, five hundred and thirty-six bales of cotton to the confederate government; *that he was the first leading planter to so sell his cotton;* and that his son-in-law was the confederate agent who bought it. It further appears from the "day-book" of the cotton agency in the custody of the Secretary of the Treasury, (to which our attention has recently been called,) that A. W. McKee, as confederate agent, bought of William Bailey, November 14, 1862, five hundred and thirty-six bales of cotton, and paid him therefor, in *confederate bonds*, $20,000, *and in notes*, $18,731.44, *making a total of* $38,731.44; *also, that on the 1st of January*, 1863, *McKee bought of Bailey six hundred and eighty bales of cotton, and paid him in bonds* $24,100, *and in notes* $30,001.64; *making* $54,101.64.

It also appears from the papers that one G. W. Sentell bought for William Bailey, or for Bailey & Ward, nine hundred and eighty-five bales of cotton in the parish of Bossier; that Bailey, through his son-in-law, the confederate agent, (McKee,) sold his interest therein to Ward, and that soon after the confederate government took possession of all this cotton for its own use. Considering the relations of Bailey and McKee, and that the property soon went for confederate use, it seems probable that Bailey should have shared in this purchase, and that it was made for confederate use.

It also appears from a letter found among these papers that Captain W. W. Withenburg was an agent of the confederacy under McKee, and engaged in transporting cotton for the confederate government to market.

He was an important witness for and much relied on by General Bailey to establish both the facts and loyalty in his case. He claimed to have been loyal himself to the cause and Government of the United States. His connection with the confederate government was not made known to us at the time; but that fact would seem to have an important bearing on the credibility of the witness.

A. O. ALDIS,
J. B. HOWELL,
O. FERRISS,
Commissioners of Claims.

Hon. WILLIAM LAWRENCE, M. C.,
Chairman Committee of War Claims, &c.,
House of Representatives.

Mr. LAWRENCE, It will be seen that at the time the commissioners of claims allowed this claim they acted under the impression that whatever cotton Mr. Bailey sold was sold under duress. It now appears, however, by the second report of the commissioners that the sale was a voluntary sale; that it was the first sale made by any leading planter in the parish; and the commissioners have uniformly held that where there has been a voluntary sale of cotton to the agents of the confederate government, that was evidence of disloyalty. Cotton, as is well known, was the chief reliance of the confederate authorities to supply their government with the means to carry on the rebellion. The commissioners, therefore, have uniformly held that wherever a voluntary sale of cotton has been made the sale was in aid of the rebellon and a disloyal act. From their report it seems that Bailey was the first leading planter to sell, and that he sold very largely. There were three men of prominence in the parish to whom my attention has been called, who owned large quantities of cotton. Bailey was among them. He made the first sale on the 14th of November, 1862. Whitty M. Sasser, residing in the same parish, sold cotton to the confederate government on the 5th of May, 1863; yet the Committee of War Claims have directed that the claim of Sasser should not be put in the bill, though he did not make his sale until May 5, 1863.

Mr. KELLOGG. The gentleman will allow me to ask whether the Sasser claim has been before our committee at all for action?

Mr. LAWRENCE. The Sasser claim was discussed by the committee.

Mr. KELLOGG. Was it before the committee for action? It never was within my knowledge.

Mr. LAWRENCE. The matter, at all events, has been before the committee, and the claim has not been directed to be put into the bill.

It should be stated also that there is a claim before the committee in behalf of James B. Sullivan for cotton burned on his plantation in Rapides Parish. In the investigation of this claim it turns out (and the proof is before the committee) that Sullivan owned a large quantity of cotton, which he repeatedly refused to sell to the confederate government, and it was not seized until about the time of General Banks's retreat down the Red River, in April or May, 1864. By the testimony taken in the Sasser case it is clearly proved that there were no seizures by the confederate government until April, 1864, so that Bailey in making his sales could not have acted under any duress.

Now, Mr. Speaker, if we retain this claim in the bill, we reverse the ruling of the commissioners of claims and set a precedent which in my judgment will be unjust to the Government and which we ought not to adopt.

I now yield to my colleague on the committee, the gentleman from Wisconsin, [Mr. HAZELTON.]

Mr. HAZELTON, of Wisconsin. Mr. Speaker, I desire the attention of the House for a very few minutes in replying to the remarks of the chairman of the Committee on War Claims [Mr. LAWRENCE] in regard to the one question made in this case; and that is as to the loyalty of this claimant—for that, as I understand, is the only question raised by the chairman of the committee, and the only ground upon which it is sought to strike this claim from the bill.

If I believed with the chairman of the committee that this claimant was disloyal—if I believed his loyalty to be tainted in any degree—I should join with the chairman in the effort which he has made to have this claim stricken out. I may say here that after this question was raised the case was referred to me as a member of the committee to investigate the loyalty of the claimant and report the facts to the committee. I carefully looked through the testimony; I examined the proof bearing upon the loyalty of General Bailey; and I desire to say here that I was compelled to come to the conclusion (and I do not see how any gentleman upon an examination of all the proofs can

come to any other conclusion) that General Bailey was not only loyal, but was so known and regarded by all persons who were cognizant of his standing during the war of the rebellion.

Before I sit down I shall ask the House to listen to some of the proofs bearing upon this question. But right here I want to call attention to the fact that the only ground upon which the commissioners make their special or supplemental report, which has just been read, is that certain proof of disloyalty was discovered in the records in the Treasury Department and examined subsequently to the original report. My attention has been called to that evidence; and it appears that substantially the same evidence was before the commissioners when they made their original report. It appears further by the report of the commissioners which has been read that the loyalty of General Bailey being challenged, a special inquiry was instituted, special agents of the Government were sent upon the ground to gather testimony bearing upon the point, and after all the testimony was collected, submitted to the commissioners, and examined by them, they came to the conclusion that his loyalty was established beyond a doubt; and upon that conclusion they based their first report.

The only ground upon which they are now led to doubt the correctness of their first conclusion is that they were informed that he sold five hundred bales of cotton to the confederate government. But he disclosed and explained that fact to the commissioners upon his first examination; and an investigation of his testimony submitted to the commission establishes the truth of what I assert; so that no more information was in point of fact before the commissioners when the second report was sent to the committee than was before them when they framed and prepared their first report and decision in this case.

I desire to say one thing further before asking the reading of these letters. It appears to me in the very nature of things a moral impossibility that a man so conspicuous in his own community, who had a large circle or friends and acquaintances, who was one of the prominent planters in Northern Louisiana, could be recognized by generals and other officers commanding the Federal armies there as a thoroughly devoted, loyal man, as a man occupying no doubtful position, while in point of fact he was a disloyal man and in sympathy with the confederate government. Every intelligent person understands that in times of war the lines between the friends of the government and those who are arrayed against it are drawn so distinctly that the attitude of those on the one side of the line and on the other is well defined and well understood. The neighbors and acquaintances cannot help knowing the attitude and standing which every prominent man occupies. Such persons cannot conceal their opinions if they desire. Their sympathies and sentiments "will out." In this case the opinions and sentiments of the claimant were outspoken, never concealed, and as well understood as those of any man within the confederate lines. So that it is not an easy thing to have a difference of opinion in regard to this question.

Now, so far as the attitude of General Bailey was concerned, these letters, which I shall ask to have read, conclusively establish the fact that every loyal, every Union officer, every general in command of the Union forces in that region of the country, understood his position, and recognized him as precisely loyal as themselves. He had at one time a permit, an authority from the Union general in command, to enter within the Federal lines, and he has several letters which were given to him by Generals Sherman, Sheridan, Canby, Howard, and others, recognizing him as a loyal citizen, and those letters were presented to the commissioners and examined by them.

In addition to that, as I have already said, agents of the Government were sent upon the ground authorized to make a thorough investigation in the interest of the Government, and, to protect the Treasury from impositions, to ascertain what the proofs were in regard to his status during the war, and these agents reported in regard to his loyalty, and those reports were so satisfactory the commissioners said they had no doubt whatever in regard to the fact.

In addition to this, the question of loyalty has been previously submitted to at least one or two committees of the Senate and the House, and they have reported favorably upon it. And it seems to me it is too late to raise a question of this character with all these proofs before us, proofs which are in the possession of the House, and some of which have been read, and others of which I propose to have read in the hearing of the House.

I will now ask the Clerk to read, in the first place, this letter from General Sherman.

The Clerk read as follows:

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., November 6, 1873.

DEAR SIR: General Bailey, of Rapides Parish, Louisiana, personally known to me before the war, and universally recognized as a Union man throughout the period of hostilities, appeals to me personally to befriend him with you in the matter of a claim for cotton which has been formally presented for your adjudication.

In my official capacity I cannot meddle with your business; but you may remember that in 1861 I was a resident of Rapides Parish, Louisiana, where I became acquainted with the family of General Bailey, for whom I still retain a strong personal regard, and I cannot well refuse my friendly offices in his behalf, and therefore without committing myself to the merits of his case, I merely beg to ask for him that courteous notice to which he seems entitled.

With great respect, I am yours, truly,

W. T. SHERMAN, *General.*

Hon. WILLIAM A. RICHARDSON,
Secretary United States Treasury.

Mr. HAZELTON, of Wisconsin. I ask the Clerk now to read letters from Generals Sheridan and Canby, and Governor Wells.

The Clerk read as follows:

FIFTH AVENUE HOTEL,
New York, November 1, 1866.

GENERAL: Allow me to introduce to you Mr. Bailey, who has large planting interests in Louisiana and who returns to the South in a few days.

Mr. Bailey will present this to you, and I commend him to your polite consideration.

I am, general, very respectfully, your obedient servant,

P. H. SHERIDAN,
Major-General United States Army.

J. A. MOWER,
Brevet Major-General Commanding.

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, October 18, 1865.

To the President:

I take pleasure in presenting to you an old friend and neighbor of mine in the person of General Bailey, from the parish of Rapides in our State. I can recommend him to you as a man of enlarged intelligence, influence, and a firm and steadfast friend of the Union, who has rendered important services in restoring civil government in our State. Any assistance you can render him in expediting the business on which he visits the capital, will be conferred on a worthy gentleman, and will be regarded as a favor by your very obedient servant,

J. MADISON WELLS,
Governor, &c.

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, October 18, 1865.

SIR: Permit me to introduce and commend to your consideration the bearer of this note, General William Bailey, of Northwestern Louisiana, who leaves this evening for the purpose of visiting Washington.

This gentleman has been a great sufferer in person and in property by the rebels because he was a Unionist, and I am sorry to say by our own troops, although he was protected by a safeguard.

There is no relief for him, and I have told him that I do not think there is any in the War Department, but that Congress would provide for cases of this kind.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Major-General Commanding.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

Mr. HAZELTON, of Wisconsin. I have other letters here equally conclusive which I will not detain the House by reading. I will say further, before taking my seat, not only did he exhibit the ordinary tokens and evidences of loyalty to the Government, but he was absolutely arrested and cast into prison by the confederate authorities on account of his loyalty. He was treated as a loyal man all the way through the war by the confederates, and recognized as a loyal man by every general of the Federal armies having control in that region of country, and after a thorough investigation was adjudged to be loyal by the commissioners of the southern claims commission. It seems to me that there is no room for a doubt, or the possibility of the shadow of a doubt, of his acknowledged and genuine loyalty and devotion to the Government. I believe if the House understands the facts in regard to this case it will not strike this claim from the general bill.

Mr. LAWRENCE. I now yield for five minutes to my colleague on the committee, [Mr. KELLOGG.]

Mr. KELLOGG. I ask order may be kept for five minutes, as that is all the time I have; and I appeal to the House to hear what I have to say, though it may not be necessary after what has been so well said by my friend from Wisconsin, [Mr. HAZELTON.] I ask the House to mark right here, that this motion to strike out General Bailey's claim comes from our friend, the chairman, against the action of the War Claims Committee after full consideration, which was against striking out this claim.

This question of loyalty after it had been brought before the committee was referred to my colleague from Wisconsin, and the papers were thoroughly examined by him. I also took occasion to examine them, though the case was not referred to me. And if there is a clear case of loyalty proved of any man living in the South during the war, these papers ought to prove it in the case of General Bailey. We have here the testimony of General Banks, General Sherman, General Canby, General Howard, the governor of Louisiana, and several others of high rank, all testifying to his loyalty. And now the chairman of the committee moves to strike out this item because a letter was found in the rebel archives, so called, showing that he sold some cotton to the confederates at a certain period of the war. Certainly he did, and he sold it because he was compelled to do so rather than have it taken or destroyed without compensation.

This is brought up at the last moment as something new, when, turning to the evidence, we find that Bailey himself in his first hearing before the southern claims commission admitted the whole fact and showed why he did it, and the reasons he gave were entirely satisfactory to the commission. He also stated the same thing before a military commission at New Orleans, and they unanimously found him loyal and found that there was a sufficient reason for his selling that cotton to the confederate government at that time.

And now one word more, and I think it should be enough to satisfy the House of the justice of this case. This claim was in the bill reported last Congress and passed the House. It went to the Senate and in the closing hours of the session, a question of loyalty being

made by some one, this item was struck out on the motion of the chairman of the committee for the purpose of having the claim sent back to the southern claims commission for inquiry into his loyalty. It was struck out in the Senate on an *ex parte* statement and went back to the claims commission. And now it comes back to us this session, again reported and recommended by the southern claims commission. Yet the chairman of the committee moves again to strike it out, simply because a letter has been found among the so-called southern archives saying that this man sold some cotton to the confederate authorities, although he has always admitted that he did and although his loyalty is admitted by men such as those whose names I have mentioned.

General Bailey owned two plantations before the war, one in Louisiana and one in Virginia. And to show what is the character of the man, I may state that before the war he emancipated every slave he had in Virginia, where the laws authorized him to do so, and did not do it in Louisiana only because the laws did not authorize him to do it there. This is the man whose claim you are asked to reject on the ground of disloyalty.

Now, if the amendment of the chairman of the committee prevails, this man, whose loyalty is testified to by the ablest and best generals who knew him during the war, and by the then governor of Louisiana, and who has been found to be loyal by the southern claims commission, is to have his claim thrown out on account of disloyalty because of a letter found in the rebel archives, when the fact of his having sold the cotton has been admitted from beginning to end, and the southern claims commission passed his claim with that evidence before them. I trust the House will, in this matter, stand by the Committee on War Claims, which is none too liberal in such cases, as the House has found out before this time, and will refuse to strike out this item in the bill upon the pretense of disloyalty so miserably sustained on the evidence in this case.

Mr. LAWRENCE. I yield three minutes to my colleague on the committee, the gentleman from Virginia, [Mr. HARRIS.]

Mr. HARRIS, of Virginia. I am one of the sub-committee of the Committee on War Claims which examined this bill. I undertook that duty in the spirit of the law, which is to allow to all persons who were loyal compensation for the supplies they furnished to the Union Army. I examined this case thoroughly, and I believe that if any man on earth could prove his loyalty to the cause of the Union Mr. Bailey did prove it. While his neighbors all around him on the advance of the Union Army, according to the testimony in this case, not *ex parte*, but taken with both sides present, fled with all they could take with them, Mr. Bailey remained at home and placed at the disposal of the Union Army his granaries, his corn-house, fodder, hay-stacks, and produce, and did not remove one particle; in consequence of which, when the opportunity offered, he was arrested by the confederates and imprisoned. Every article he had on his place he gave for the supply of the horses and soldiers of the Union Army with an open hand and a free heart.

Now my friend, the chairman of the committee, because some papers were found in regard to a transaction of which Mr. Bailey spoke before he knew they would be found and explained before they were found, desires to defeat him in his just claim against the Government. The testimony is to the effect that he furnished $120,000 worth of supplies to the Union Army, but the bill gives him only $45,000. Now from the stand-point that we are to pay Union men for supplies furnished, I say it would be an act of injustice, ingratitude, and hardship unwarranted by the facts of the case to throw out this claim. Driven from his home and imprisoned by the confederates, to be treated now in this way by his own friends would make him to be looked upon as an alien, a man despised by both sides and respected by none. I think it is the bounden duty of those who entertain the opinion that this law should be executed to allow this claim of a man whose loyalty is proven by the whole testimony in the case, as admitted by the military court in the South and by the southern claims commission. There is not one scintilla of proof to show that he was anything else but loyal.

General Bailey, in order to keep his cotton from being burned or impressed, sold enough of it to pay his taxes and nothing more. For that he is called disloyal by the gentleman from Ohio, [Mr. LAWRENCE,] and his claim is to be thrown out by this House. I hope the House will do no such thing.

Mr. LAWRENCE. I have no feeling in this matter; I only desire to do what I suppose to be my duty. If I could believe that General Baily was a loyal man I would not say one word in favor of striking out this appropriation for his benefit. But I must be allowed to express my surprise at some things that have been said here in his behalf. My friend from Wisconsin [Mr. HAZELTON] says that when the commissioners allowed this claim in their second annual report they had before them all the evidence which they now have.

Mr. HARRIS, of Virginia. Mr. Speaker, will the chairman of the committee allow me to interrupt him for a moment? It is said by the supplemental report of the commissioners of claims that General Bailey sold his cotton to his son-in-law, McKee, from which the gentleman from Ohio draws the inference that there was an understanding between McKee, the confederate impressment officer, and General Bailey. The gentleman should state the fact at the time of the sale or impressment McKee was not the son-in-law of Bailey, and did not become so until nearly two years after; that Bailey refused to speak to McKee for a long period in consequence of the impressment of his cotton, and instead of their bearing the ordinary relations of father and son-in-law they were enemies. This disagreement continued between them because one was a confederate and the other was a Union man. The result was that McKee impressed Bailey's cotton; bad feeling ensued between them, and then McKee *impressed* Bailey's daughter.

Mr. LAWRENCE. I was replying to the remarks of my friend from Wisconsin, [Mr. HAZELTON.] I hope I shall have the attention of the House, because this is a question of importance. Let me remind the House that since the commissioners of claims made their report they took the testimony of Governor Wells on the 26th of March, 1874, and he completely rebuts the claim which Mr. Bailey had set up before the commissioners that he sold this cotton under coercion. Governor Wells says that he resided in the same parish with General Bailey, as did Whitty M. Sasser and Dr. James B. Sullivan; that the confederates did not seize any cotton in that parish until April, 1864. This man Bailey voluntarily sold his cotton in November, 1862, when the confederates had not made a single seizure there, and never did make any until April, 1864, and then only on the approach of the Union Army. I have here the testimony of Governor Wells, and it shows these facts.

It further appears, as I have already stated, that Bailey was the first man in that parish who sold his cotton to the confederate government. My friend from Virginia [Mr. HARRIS] says that he sold only enough to pay his taxes. Did it require $54,000 to pay his taxes? He contributed $54,000 of his means in cotton to the confederate treasury to prosecute the war against us; and now we are asked to believe that a man who did this voluntarily was loyal to this Government. If that be so, then I pray you who is disloyal?

My friend from Connecticut [Mr. KELLOGG] says that "the chairman of the Committee on War Claims" asks this House to reject this claim because of a letter found in the rebel archives. I ask this House to reject it upon the testimony of Governor Wells, given before the commissioners of claims on the 26th of March, not sixty days ago. It is evidence which the commissioners of claims did not have when they made their original report. My friend from Connecticut [Mr. KELLOGG] and my friend from Virginia [Mr. HARRIS] say that "the chairman of the Committee on War Claims" asks that this claim shall be stricken out; and one of them appeals to this House to stand by the Committee on War Claims. It is, perhaps, not very important, but it is nevertheless true, that this claim passed the committee by a bare majority at a special meeting called without the knowledge of the chairman, and when all the members were not present. I do not complain of that, however, because I was present. I have thoroughly examined this claim, and in my judgment, if the House shall pay it, then every man, however much he may have contributed to aid the rebel cause, ought to be paid for property taken under similar circumstances.

The question was then taken upon the amendment to strike out these words: "to William Bailey, $45,161.72;" and upon a division there were ayes 17, noes not counted.

Before the result of the vote was announced,

Mr. LAWRENCE called for the yeas and nays.

The yeas and nays were not ordered, but 11 voting in the affirmative, not one-fifth.

The amendment accordingly was not agreed to.

The next question was upon the amendment moved by Mr. SENER, to insert the following:

To the public-school trustees of Manassas for the material of the Bradley school-house and church, $450, to be paid on the basis of a compromise between the school and church trustees on file in the case.

Mr. POLAND. Is this a claim that has been reported by the commissioners of claims?

Mr. SENER. I will explain it in a few words. This claim was reported by the commissioners of claims at the last session of the last Congress in the following words:

To the trustees of the Bradley school-house at Manassas, $450.

It was passed by this House and sent to the Senate. When it reached that body there was a contest as to who should have it, whether the Presbyterian church or the public-school trustees, and it was stricken out of the bill. The two claimants to this fund have now settled their dispute, and there can be no objection to inserting the claim in this bill.

The amendment was agreed to.

The substitute, as amended, was adopted, and the bill, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. LAWRENCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVATE CALENDAR.

Mr. HAWLEY, of Illinois. I move that the rules be suspended and the House now resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HOSKINS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole

on the Private Calender. This being the fourth Friday in the month is objection day. The Clerk will report the first bill on the Private Calendar.

ROBERT SUTHERLAND.

The first bill on the Private Calendar was the bill (H. R. No. 958) for the relief of Robert Sutherland.

The bill was read. It directs the Paymaster-General of the Army to pay to Robert Sutherland, late second lieutenant Fourth Arkansas Cavalry Volunteers, out of any money appropriated, or that may hereafter be appropriated, for the pay of the Army, the full pay and emoluments of a second lieutenant of cavalry, from the 30th day of June to the 14th of September, 1865.

Mr. HOLMAN. I hope the reports will be read in each case without being specially called for.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 958) for the relief of Robert Sutherland, having had the same under consideration, respectfully submit the following report:

This officer was a second lieutenant of the Fourth Regiment Arkansas Cavalry. On the 13th of March, 1865, he was detailed as aid-de-camp to General West, commanding the cavalry division of the Seventh Army Corps, and continued to serve on such duty until the 6th of September, 1865. The command to which he was thus attached was serving far in the interior of Texas, where this officer had no knowledge of or communication with his regiment, which was mustered out of service at Little Rock, Arkansas, on June 30, 1865. This officer asks pay from that date until September 14, 1865, which the Department refuses, because of an order that a regimental officer will be considered as mustered out at the same time and place as the command, and from the further declaration that this officer failed to forward his personal reports to the War Department.

This officer swears that he did, on the 1st of every month, regularly forward his personal reports as required by the regulations. There is no doubt that the Government had the benefit of his services until September 6, 1865, and that he had no knowledge of the muster-out of his regiment.

The committee therefore amend the bill by striking out the word "fourteenth," in the eighth and ninth lines, and inserting in lieu thereof the word "sixth," and as so amended recommend that the bill do pass.

The amendments recommended by the committee were agreed to.

No objection being made, the bill, as amended, was laid aside, to be reported favorably to the House.

ALFRED FRY.

The next bill on the Private Calendar was the bill (H. R. No. 1108) for the relief of Alfred Fry.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay, out of any money appropriated, or hereafter to be appropriated, for the payment of the Army, to Alfred Fry, late captain in the Seventy-third Regiment of Indiana Volunteers, the pay and emoluments of a captain of infantry from the 30th day of August, 1863, the date of his commission, to the 17th day of May, 1865, the date that said Fry was mustered as captain, as if he had been mustered as captain on the date of his commission, first deducting whatever sum may have been paid to him as lieutenant during the period for which pay is hereby allowed as captain.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1108) for the relief of Captain Alfred Fry, having had the same under consideration, submit the following report:

Immediately subsequent to the 19th of January, 1863, this officer was serving as first lieutenant in command of Company A, Seventy-third Regiment Indiana Volunteers, the captain of the company having resigned.

On or about April 25 of the same year, the colonel of that regiment recommended claimant to the governor of Indiana to be commissioned as captain. He was so promoted, but the commission was not issued until August 20, 1863. Prior to that date, however, this officer, with his company, was captured by the enemy.

Captain Fry was held as a prisoner of war at Richmond, Macon, Charleston, Columbia, and Raleigh, and was not released until about May 1, 1865. Soon as exchanged he rejoined his regiment, still in the field, and was mustered as captain May 17, 1865. He asks the additional pay as captain over that of first lieutenant from the date of the actual issuing of the commission to that of actual muster.

The committee are satisfied that during the whole time for which the pay is claimed there was a vacancy existing into which this officer could have been mustered, and therefore that he is one of the class which was probably intended to be reached by the joint resolution of July 11, 1870.

The committee therefore recommend the passage of the bill.

No objection being made, the bill was laid aside, to be reported favorably to the House.

ISAAC RISEDEN.

The next bill on the Private Calendar was the bill (H. R. No. 3002) for the relief of Isaac Riseden, late a first lieutenant of the Eleventh Tennessee Cavalry.

The bill was read. It authorizes and directs the Paymaster-General of the Army, out of any money appropriated for the pay of the Army, to pay to Isaac Riseden, late an acting lieutenant of Company E, Eleventh Tennessee Cavalry, the pay and allowances of a first lieutenant of cavalry, from the 15th day of August, 1863, to the 10th day of March, 1865, after deducting therefrom any sum which he may have received for his services during said time.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred a petition of Isaac Riseden, asking compensation for services as lieutenant of Company E, Eleventh Tennessee Cavalry, respectfully submit the following report:

The proof on file shows that Isaac Riseden was commissioned by Andrew Johnson, then military governor of Tennessee, to be a first lieutenant of Company E, Eleventh Tennessee Cavalry, to date from the 15th of August, 1863; that under said commission Lieutenant Riseden performed all the duties as a faithful, brave, and efficient officer of said regiment. Owing to the fact that at the time said commission was issued the regiment was in active service in the field, and no mustering officer with the command, Lieutenant Riseden was not mustered, and on the 22d of February, following, his regiment was captured at Wireman's Mills, Virginia. He was kept in prison at Bristol, Tennessee, Libby prison, Richmond, Virginia, Macon, Georgia, Savannah, Georgia, Charleston, South Carolina, Columbia, South Carolina, Charlotte, North Carolina, until the 10th day of March, 1865, when he was exchanged, and upon application then to be mustered was informed that owing to casualties in his company he could not be mustered.

The committee therefore report favorably upon said petition and recommend the passage of the accompanying bill.

No objection being made, the bill was laid aside, to be reported favorably to the House.

GEORGE A. ARMES.

The next bill on the Private Calendar was the bill (S. No. 249) authorizing and directing the Secretary of War to give to George A. Armes, late captain Tenth United States Cavalry, an honorable discharge, to date the 7th day of June, 1870.

The bill was read. It authorizes and directs the Secretary of War to give to George A. Armes, late captain Tenth United States Cavalry, and brevet major United States Army, an honorable discharge from the service of the United States, to date June 7, 1870; and provides that Armes be paid the same pay and allowances as if he had been discharged under the provisions of the third section of the act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes," approved July 15, 1870.

The report of the Senate committee was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. No. 249) authorizing and directing the Secretary of War to give to George A. Armes, late captain Tenth United States Cavalry, an honorable discharge, to date June 7, 1870, having considered the same, beg leave to submit the following report:

It appears that the charges preferred against Captain Armes were four in number. Upon the first a *nolle prosequi* was entered; upon the third and fourth he was found not guilty; and upon the second charge, "conduct unbecoming an officer and gentleman," he was found guilty, and sentenced to be dismissed the service. These charges were preferred by Captain George W. Graham, against whom Captain Armes had previously preferred charges, upon which Graham was afterward tried, found guilty, and sentenced to be dismissed the service, fined, and imprisoned in a penitentiary; and he is now in the penitentiary for highway robbery. It also appears that a considerable portion of the important testimony which was relied on was given by Captain Charles G. Cox, against whom Captain Armes had previously preferred charges, upon which, within two months thereafter, he (Cox) was dismissed the service, cashiered, and sentenced to be fined and imprisoned in a penitentiary. His evidence was contradicted point blank by another witness, and a portion of his testimony is conclusively shown to have been false.

There is nothing in the record, so far as can be judged from a careful examination thereof, that, according to military usage, justifies the sentence that was imposed by the court-martial.

Your committee are well satisfied that the charges were preferred through motives of jealousy and revenge, and the proceedings show that there was a determination on the part of those officers who instigated the prosecution to have Armes dismissed at any cost.

It has been shown beyond a doubt that Captain Armes was a brave and gallant officer. He was mentioned in general orders by General Philip St. George Cooke, United States Army, and congratulated by letter by Major-General Winfield S. Hancock, and recommended for promotion for energy and gallant and meritorious conduct on several occasions, both during the rebellion and in campaigns against the Indians, and was promoted captain from a second lieutenant, and made a major by brevet.

General C. C. Augur, General Nelson A. Miles, General N. B. Buford, General B. H. Grierson, and a number of other Army officers, bear testimony to the high character and efficiency of Captain Armes.

No objection being made, the bill was laid aside, to be reported favorably to the House.

GEORGE A. BACON.

The next bill on the Private Calender was the bill (H. R. No. 3003) for the relief of George A. Bacon.

The bill was read. It authorizes and directs the Secretary of War to pay to George A. Bacon, late lieutenant-colonel of the Fifteenth Illinois Cavalry, out of any money appropriated, or which may hereafter be appropriated, for the pay of the Army, a sum equal to the pay and emoluments of a lieutenant-colonel of cavalry from the 31st day of December, 1862, to the 3d day of April, 1863, deducting whatever pay he may have received for that period.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 2837) for the relief of George A. Bacon, present the following report:

That prior to the 25th day of December, 1862, the said George A. Bacon was lieutenant-colonel of the Thirtieth Regiment Illinois Volunteer Infantry, and that he resigned that position to accept the lieutenant-colonelcy of the Fifteenth Illinois Cavalry Regiment, then about to be organized; that on the said 25th day of December, 1862, said cavalry regiment was organized, and by an order of Governor Yates, bearing date that day, the field officers were appointed, the said Bacon being by said order appointed lieutenant-colonel of said cavalry regiment to take rank from said last-named day. On the 31st of December, 1862, said Bacon was commissioned as lieutenant-colonel of said cavalry regiment. Owing to orders from the War Department, officers resigning a command in one regiment could not be mustered in another without special permission from that Department, and such permission was not granted in the case of Colonel Bacon until the 10th day of April, 1863.

April 3, 1863, said Bacon was commissioned as colonel of said cavalry regiment. May 3, 1863, he was mustered in as colonel, to date from April 3, 1863, the date of his commission.

Your committee find from the evidence that said Bacon was on duty and under orders as lieutenant-colonel of said cavalry regiment from the 31st day of December, 1862, to the said 3d day of April, 1863, the date of his commission as colonel; and that he served during that period with no pay or emoluments, and that he was not mustered in on his commission as lieutenant-colonel.

The committee, therefore, report back said bill, with a substitute providing for the payment to said Bacon of the pay and emoluments of a lieutenant-colonel of cavalry from the 31st day of December, 1862, to the 3d day of April, 1863, and recommend its passage.

No objection being made, the bill was laid aside, to be reported favorably to the House.

JOHN C. GRIFFIN.

The next bill on the Private Calendar was the bill (H. R. No. 3004) for the relief of John C. Griffin, late second lieutenant Third Regiment East Tennessee Volunteers.

The bill was read. It directs the Secretary of the Treasury to pay to John C. Griffin, late a second lieutenant Third Regiment East Tennessee Volunteers, the pay of a second lieutenant from February 23, 1863, to April 11, 1863, after deducting therefrom any pay and allowances he may have already received during that time.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the petition of Second Lieutenant John C. Griffin, Company E, Third Regiment East Tennessee Volunteers, submit the following report:

The committee find the following facts: That John C. Griffin was commissioned second lieutenant in Company E, Third Regiment East Tennessee Volunteer Cavalry, on the 23d February, 1863, and that he performed the duties of his office from the date of his commission to the date of his muster into service, and the committee therefore recommend the passage of the accompanying bill.

No objection being made, the bill was laid aside, to be reported favorably to the House.

MARY B. BELFIELD.

The next bill on the Private Calendar was the bill (H. R. No. 3005) for the relief of the heirs of Mary B. Belfield, of Virginia.

The bill was read. It directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of $173.33 to the heirs of Mary B. Belfield, of Virginia.

The report was read, as follows:

The Committee on Revolutionary Pensions and War of 1812 report, in the case of the heirs of Mary B. Belfield, petition for relief, that the said Mary B. Belfield was the widow of Major John W. Belfield, of Colonel Branham's Regiment Forty-first Virginia Militia, in the war of 1812. She was placed on the pension-rolls under act of February 14, 1871, and certificate No. 4530 was issued to her. Certificate of payment at the rate of eight dollars per month was issued, from the 14th of February, 1871, to the 4th of December, 1872, amounting to $173.33. The certificate was erroneously made out to Mary R., instead of Mary B. Belfield. It was sent back for correction, and was changed by the Secretary of the Interior. Before the pension was paid said Mary B. died. The committee recommend that the sum of $173.33 be paid to the heirs by the Secretary of the Treasury.

No objection being made, the bill was laid aside, to be reported favorably to the House.

IRA FOSTER.

The next bill on the Private Calendar was the bill (H. R. No. 2532) granting a pension to Ira Foster.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll the name of Ira Foster, as a private in the war of 1812, subject to the provisions and limitations of the pension laws.

The report was read, as follows:

The Committee on Revolutionary Pensions and War of 1812, in considering House bill No. 2532 and the accompanying papers, find that Ira Foster claims to have been a soldier (a fifer) in Captain Hindman's company, United States Artillery, in the war of 1812. The records of the War Department furnish no information on the subject, nor does the applicant furnish evidence by any of his comrades, but he does furnish testimony by parties not in the service as to his identity and his service as fifer with a recruiting squad of said company, and of his honorable discharge from said command. The committee think the testimony sufficient to establish the service, and recommend the passage of the bill.

No objection being made, the bill was laid aside, to be reported favorably to the House.

CORDELIA WILKINS.

The next bill on the Private Calendar was the bill (H. R. No. 3007) granting a pension to Cordelia Wilkins.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Cordelia Wilkins, stepmother of Willard F. Wilkins, Company B, Sixth New Hampshire Volunteers, and pay her a pension from and after the passage of the act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Cordelia Wilkins, asking that a pension be granted her as step-mother of Willard F. Wilkins, Company B, Sixth New Hampshire Volunteers, submit the following report:

The petitioner was married to Almon D. Wilkins December 17, 1848, at which time her step-son was but two years old. The evidence presented is conclusive that the petitioner performed all the duties of a mother to a son until the above soldier entered the service June 2, 1864. This soldier was taken prisoner September 27, 1864, at Petersburgh, Virginia, and returned to Annapolis, Maryland, February 7, 1865, and died at Saint John's Hospital, February 19, 1865 of chronic diarrhœa.

The step-mother applied for a pension, but her claim was rejected because she was not the natural mother of the soldier. The father then applied and received a pension up to the time of his death, since which time the family ceased to receive its benefits.

By the evidence presented in this case, it is shown beyond any doubt that the petitioner is poor and entirely dependent upon her own labor and the charity of friends for support. For twelve years prior to his death her husband was unable to perform any labor, and during seven years of that time was confined to his bed, needing and receiving the constant care and attention of the petitioner, who also had to provide for the wants of the family.

The evidence also shows that the deceased soldier, though young, did contribute toward the support of the family prior to his enlistment; and during his service sent home $300, which was used for the support of the family, as were also the back-pay and bounty due the soldier at the time of his death.

The committee, after examining the case, believe the claim of the petitioner to be a meritorious one and entitled to a pension, and therefore report favorably, and recommend the passage of the accompanying bill for her relief.

No objection being made, the bill was laid aside, to be reported favorably to the House.

JOHN J. BOTTGAR.

The next bill on the Private Calendar was the bill (H. R. No. 3008) granting a pension to John J. Bottgar.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John J. Bottgar, late a private in Company C, Sixteenth Regiment Iowa Volunteers, and pay him a pension from and after the passage of the act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of John J. Bottgar, late a private in Company C, Sixteenth Iowa Volunteers, having had the same under consideration, report:

That three examining surgeons of the Pension Office certify that the applicant is suffering from a disability other than that on account of which he claims pension. The difficulty seems to have been that the claimant did not correctly set forth in his application the disease which actually exists. Your committee are of the opinion that the disease which is certified as existing was contracted in the service, and therefore recommend the passage of the accompanying bill.

No objection being made, the bill was laid aside, to be reported favorably to the House.

MICHAEL BANNON.

The next bill on the Private Calendar was the bill (H. R. No. 3009) for the relief of Michael Bannon, of Dayton, Ohio.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael Bannon, late a private in Company F, Ninety-seventh Illinois Infantry; to take effect from and after the passage of the act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition for a pension of Michael Bannon, of Dayton, Ohio, have examined the same, and beg leave to report:

That Michael Bannon enlisted January, 1863, in Company F, Ninety-seventh Illinois Infantry, and was discharged May 22, 1865, on telegraphic order from the War Department, from the hospital in New Orleans, from October 5, 1864. That the pension was not allowed by the Pension Office, for the reason that the disability was not shown to be due to the service; that his commanding officer, Captain Andrew Ray, testifies that Bannon was taken sick at Morganza Bend, in Louisiana; that his disease was brought on by exposure incident to camp life, and that, so far as affiant knows, the said Bannon was in sound bodily health at the time of enlistment; that his neighbors testify that they were well acquainted with him; that he was in sound bodily health when he enlisted; that Dr. G. W. Bassett testifies that he treated petitioner from the time when he left the Army, for the diseases from which he now suffers, till the time when he entered the military asylum; and that A. S. Dunlop and J. S. Beck, examining surgeons for the Pension Office, certify to petitioner's total disability, and that they believe the disability originated in the line of duty.

Your committee, therefore, believe that this case is established beyond any reasonable doubt, and therefore recommend the passage of the accompanying bill.

No objection being made, the bill was laid aside, to be reported favorably to the House.

JOHN DOWNEY.

The next bill on the Private Calendar was the bill (H. R. No. 3010) for the relief of John Downey,

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Downey, late a private in Company D, One hundred and forty-fifth New York Volunteers, to take effect from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition for a pension to John Downey, private Company D, One hundred and forty-fifth Regiment New York Volunteers, have examined the same, and beg leave to report:

That said Downey enlisted August 26, 1862, and was discharged November 3, 1864, on account of loss of left arm; that this soldier was sent to hospital on account of injury to left eye; that while in hospital the surgeon of the hospital sent Downey home to vote; that while on the way home he fell, and the cars passed over his arm, causing amputation; that the Commissioner of Pensions stated, in a letter to Downey, "That while the evidence filed in the case shows that the disability was not incurred while strictly in the line of duty, a brief statement of the facts in the case, in a petition to Congress, might induce them to grant you some relief." That Colonel E. Livingston Price, of the One hundred and forty-fifth Regiment New York Volunteers, testifies that Downey is a reliable man, was a brave soldier, and that he believes the accident happened through no fault or negligence on the part of Downey, but while he was on furlough, lawfully issued, and in the line of his duty and in the service of the United States; and that E. F. Brown, deputy governor of the National Military Asylum, at Dayton, Ohio, states that he thinks "Congress would be doing only justice in bestowing a pension."

In view of all these facts your committee believe that the applicant should receive a pension, and we therefore recommend the passage of the accompanying bill.

No objection being made, the bill was laid aside, to be reported favorably to the House.

FANNY NEWCOMB.

The next bill on the Private Calendar was a bill (S. No. 540) granting a pension to Fanny Newcomb, mother of Irenus Newcomb, late of Company H, Sixth Regiment Vermont Volunteers.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Fanny Newcomb, mother of Irenus Newcomb, late of Company H, of the Sixth Regiment of Vermont Volunteers, and that she be allowed a pension.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JEMIMA MAXWELL

The next bill on the Private Calendar was a bill (S. No. 477) granting a pension to Jemima Maxwell.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jemima Maxwell, widow of John Maxwell, deceased, late of Company D, Fifth Missouri State Militia.

The report was read, as follows:

That John Maxwell was a private in Company D, Fifth Regiment Missouri State Militia, six-months' volunteers; that he enlisted as a soldier on the 24th day of October, 1861, and served continuously until the 3d day of January, 1862, when he died in hospital in Louisiana, Missouri, of pneumonia. The evidence clearly shows that Jemima Maxwell was legally married to and is the surviving widow of John Maxwell; that on the 14th of April, 1866, she made application in due form for a pension, under the act of July, 1862, which was rejected by the Commissioner of Pensions because at that time the laws did not recognize the troops with which he was serving as a part of the United States forces. Her application was again renewed after the law of March 3, 1873, went into operation, and was again rejected for the reason as stated in the letter of the Commissioner of Pensions, of date February 6, 1874, addressed to the Committee on Pensions, and herewith filed, the foregoing facts being admitted. The only points to be established are, was John Maxwell a sound and healthy man when he entered the service, and did he die of disease contracted in the service? Upon these two points the sworn evidence of William G. Douglass, who was captain of the company in which John Maxwell enlisted, is, that while Maxwell was in the line of his duty, on the march from Troy, Lincoln County, to Pike County, in Missouri, on the 27th of December, 1861, it being a severe march, in extremely inclement weather, he was attacked with a disease resulting in pneumonia, with which he died in hospital at Louisiana, Missouri, on or about January 30, 1862; that his disability was contracted while in the service, and that his knowledge of the above facts was obtained while he was in command of the company.

Frederick Grable testifies under oath, May 15, 1867, that he was for thirty years intimately acquainted with John Maxwell; that at the time of his enlistment, as well as before, he was a sound, able-bodied man; that he was not at the time of his enlistment affected with the disease of which he died, nor at any time during their acquaintance; that he, Grable, was on such intimate terms with John Maxwell and his family that he should have known of his ill health had it existed.

Martha Grable, of the same date, testifies to all the above facts given in the affidavit of Frederick Grable. It is true there is nothing in the testimony of the two last witnesses as to the character and habits of John Maxwell, save the general statement that he was a sound, able-bodied man up to the time he entered the service. The point of his good health and entire freedom from disease at the time he entered the service, is, we think, fairly established by competent although not medical evidence; and we do not hold this, under the circumstances, to be indispensable. It seems to follow almost naturally that his death must correctly be attributable to disease contracted in the service. The declaration and petition of his widow, the affidavit of Captain Douglass, and the certificate of the adjutant-general of Missouri, all go to show, and, as we think, beyond any reasonable doubt, that Maxwell died in the service from disease contracted while in the line of his duty, and that therefore his widow, Jemima Maxwell, is entitled to pension; and we therefore respectfully report a bill for that purpose, and ask concurrence in the same.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MRS. LETITIA CARR.

The next bill on the Private Calendar was the bill (H. R. No. 3011) granting a pension to Mrs. Letitia Carr.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Letitia Carr, mother of William Carr, late a fireman in the United States Navy, and pay her a pension from and after the passage of this act.

The report was read, as follows:

The deceased William F. Carr enlisted as a sailor at Pittsburgh, Pennsylvania, on the 17th day of September, A. D. 1861, as a private in the United States Navy, and was placed on the United States ram Sampson, and afterward on the Lioness, doing service as one of Colonel Elliott's ram fleet, on the Mississippi River, and was assigned to duty on board said ram as a fireman.

On or about September, A. D. 1862, after about a year's service, and when stationed at or near Cairo, Illinois, the sailor was drowned. His death does not seem to have been questioned, nor the manner of it, at the time of the application of his mother for the back pay and bounty due the sailor at his death, as these were duly paid to the said mother, it being shown that his father was dead, and that he was unmarried, and consequently had no legal issue. When, however, the dependent mother, showing very clearly and fully that she was dependent on the son for support, and that he had contributed chiefly to her living before he enlisted, and that he had sent her at least $160 in money during his year's service in the Navy, made application to the Pension Bureau for a pension, she was required to show by proper evidence the time, place, and circumstances of the sailor's death, and that he was in the line of duty at the time. These facts she was and is unable to prove to the satisfaction of the Commissioner of Pensions, and her application was consequently refused, and hence she comes to Congress for relief. All the facts necessary to sustain the application are made out fully and clearly, except the item as to how, when, and where the sailor met his death. It is believed, however, the proof on these points is sufficient to reasonably satisfy an impartial jury that he lost his life in the service of the country and in the line of duty.

Edwin W. Sutherland, lieutenant commanding, on board the United States ram Lioness, who knew the sailor and his family, replies to a letter of inquiry, addressed to him by Sarah, a sister of the sailor, as follows:

"UNITED STATES RAM LIONESS,
"*Off Mound City, Illinois, October* 7, 1862.

"SARAH: Your letter was received yesterday, and I hasten to reply. I was not on this boat while your brother was here, but was appointed to the command on the day he left. Your brother came to Cairo on the Sampson. On receipt of your letter yesterday, I went to Cairo and made inquiry about your brother. I understand that your brother was lost as indicated in your letter, and that his body was recovered and decently buried at Cairo."

It is true that the proof does not show affirmatively that the sailor lost his life in line of duty. But there is not a word of proof to the contrary. Why should it not be presumed that he was in line of duty at the time? For about a year he had served the country faithfully and well for anything that appears to the contrary. There is nowhere a word to be found against his good character and habits. He is doing service on the boat on the river. By some means he gets from the boat into the water and is drowned. No allegation of suicide. The presumption would surely be fair that by some means he was, while in line of duty, thrown from the boat and lost his life. His mother is needy; has received his back pay and bounty, and in the opinion of the committee the pension she asks should not be withheld from her. The records are silent on the points in doubt. But it is believed all reasonable presumptions are in her favor, and therefore the passage of the bill is recommended.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN HEDDINGER.

The next bill on the Private Calendar was the bill (H. R. No. 3012) granting a pension to John Heddinger.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Heddinger, late boatswain's mate on the United States steamship Eutaw, and that he be paid a pension to commence from the passage of the act.

The report was read, as follows:

John Heddinger entered the service of the United States at the Washington navy-yard as a boatswain's mate on or about October 14, 1862, and served in that position on the ship or boat Eutaw until about May 23, 1864, when he was discharged from the service at the hospital at Norfolk, Virginia, on surgeon's certificate of disability. It is fully proved by two of the sailor's companions, to wit, C. H. Murray and B. S. Furguson, and their testimony, again, strengthened and corroborated by I. S. Dickenson, a paymaster's clerk on board said ship Eutaw, that the said sailor, while on board the ship, engaged in his regular duties, was stricken down with rheumatism, which becoming malignant, he was sent to the hospital at Norfolk for treatment. The proof is clear that before this attack of rheumatism the sailor was strong and healthy, free from all diseases, and of good constitution, and of good habits; that from the time he was so taken down with said disease, on or about the month of March, 1864, until the present time, he has suffered greatly and continuously from said disease, and is now prostrated with the same, destitute and helpless, and supported by charity. His application for pension has been for years pending before the Pension Commisssioner, but has been delayed and baffled from year to year by a series of quibbles and mere technical objections and requirements which do not go to the merits of the claim, and which should not stand between the petitioner and justice, and finally rejected on the ground that the record did not show that the disease was contracted while in line of duty; and also on the ground that the claim was not prosecuted to final issue within five years, &c.

The proof is clear and satisfactory that the sailor regularly entered the naval service of the United States; that he served faithfully until stricken down by disease when in said service and in the line of duty; that he was regularly treated in hospital for said disease, and finally discharged for disability; and it is further fully proved that from the disease so contracted he has not recovered, but has continuously suffered to the present time. The passage of the act aforesaid is recommended by the committee.

There being no objection, the bill was laid aside, to be reported favorably to the House.

SAMUEL P. KEMP.

The next bill on the Private Calendar was the bill (H. R. No. 3013) granting a pension to Samuel P. Kemp.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel P. Kemp, late a private in Company I, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of twenty-four dollars a month from and after the passage of this act.

The report is as follows:

Samuel P. Kemp was a private in Company I, Seventh Regiment of Ohio Volunteers, was a good soldier, and did faithful service until the 9th of August, 1863. At the battle of Cedar Mountain, Virginia, he received a gunshot wound in the knee of the right leg, which led to amputation of the leg in the upper third of the thigh. The leg was literally shot off at the knee, the ball going through the knee-joint. The soldier says he remained on the field of battle from the time he was so terribly wounded until the evening of the next day without care, attention, or help, at which time he says he was picked up and placed in a box-car and taken to Alexandria, still without any attention to his wound, not even bandaging it, when amputation was performed

Dr. Wallace, a first-class physician and surgeon of New Castle, Pennsylvania, states that the soldier had his leg shot off at the knee. It was amputated at the upper third of the thigh. Sufficient flap was not allowed to make a good stump-covering for it. The end of the bone became diseased or carious, and has been discharging matter more or less ever since, frequently being very painful, and the patient suffers very much; has never been able to wear an artificial limb. He is very poor, and is compelled to try to do something for a living. Part of the time he carries his stump in a sling fastened round his neck, attaced to a ring round the stump close up to his body, and a peg attached to the ring. But with this fixture he suffers pain all the time. The soldier applied for pension under act of 3d March, 1873, allowed for loss of limb when an artificial one could not be worn, and the Commissioner of Pensions refused such allowance, on the ground that the soldier sometimes, with great pain and constant suffering, wears this fixture above referred to. It seems very fully shown that this soldier cannot use or wear, with any degree of comfort or usefulness, any artificial limb, and should, therefore, be paid a pension allowed for total loss of a limb, which cannot be in any way supplied by art.

The passage of the act prayed for is recommended.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MRS. CAROLINE DUNCAN.

The next bill on the Private Calendar was the bill (H. R. No. 3014) to place the name of Mrs. Caroline Duncan on the pension-roll.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Caroline Duncan, as the widow of Joseph Duncan, private Company I, One hundred and thirty-third Pennsylvania Volunteers, killed at Fredericksburgh, Virginia, on the 13th of December, 1862, and to pay her a pension from the passage of this act.

The report was read, as follows:

Joseph Duncan was killed at the battle of Fredericksburgh, on the 13th of December, 1862. His widow, the said Caroline, made application to the Pension Bureau for pension and obtained a certificate therefor. She continued to draw said pension until she married one Augustus Bupp, when her pension ceased. The said Bupp lived with the said Caroline as her husband for some five years, when he deserted her. She afterward, in due form and by due process of law, obtained a divorce from the bonds of matrimony with the said Bupp, and now applies to Congress to have

her pension restored. The last Congress passed an act restoring pensions under similar circumstances, and after quite full discussion in the House, and by virtue of that precedent the passage of the bill is recommended.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARGARET A. CHANTRY.

The next bill on the Private Calendar was a bill (H. R. No. 3015) granting a pension to Margaret A. Chantry.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Chantry, widow of Colonel Alfred W. Chantry, colonel of the Sixty-sixth Regiment of Pennsylvania Volunteers, and that she be paid a pension from the passage of the act.

The report was read, as follows:

Margaret A. Chantry, the petitioner, made application to the Pension Bureau for pension (No. 153037) on account of the death of her husband, Colonel Alfred W. Chantry, resulting from disease contracted while in the military service of the United States and in the line of duty. She made satisfactory proof of all the facts necessary and required by the Commissioner to entitle her to pension, except this, that the said colonel was regularly mustered into service. He was in fact in the military service aforesaid, and it was very clearly proven that he contracted disease while so in the service, of which he died. He undertook to raise a regiment in Philadelphia, but was not able to bring it up to the required strength to be regularly mustered; yet his regiment was actually accepted, by telegram from the Secretary of War. The regiment was moved to Washington City, and there performed military service. The colonel, the husband of the petitioner, was fully recognized as the commander of the regiment by the general officers, and he was paid as such from July 1, 1861, until January 15, 1862, and left the service in March, 1862, laboring under disease, of which he died in 1865. During this time he contracted the disease of which he died. Of this the proof is very full. At this early stage of the war little provision had been made for the comfort of either the men or the officers. Great exposures and hardships were endured. The only difficulty in the case is, that the colonel was not regularly mustered, while in fact he was mustered by Colonel Ruff, at Philadelphia, and the War Department treated the muster as void, on account of the strength of the regiment not coming up to the standard. To avoid the technical objection that the soldier was not regularly mustered into the service, and which excludes the petitioner from relief at the Pension Bureau, she applies to Congress for a pension, where proof of actual muster has in similar cases been deemed sufficient to warrant the passage of acts granting relief under similar circumstances. The passage of this bill is therefore recommended.

There being no objection, the bill was laid aside, to be reported favorably to the House.

HUGH P. LYTLE.

The next bill on the Private Calendar was the bill (S. No. 568) granting a pension to Hugh P. Lytle, late a private in Company H, Thirty-second Ohio Volunteers.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hugh P. Lytle, late a private in Company H, Thirty-second Regiment Ohio Volunteers.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

IRA DOUTHART.

The next bill on the Private Calendar was the bill (H. R. No. 3016) granting a pension to Ira Douthart.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ira Douthart, late a private in Company D, Thirteenth Regiment Iowa Volunteers, and pay him a pension from and after the passage of this act.

The report was read, as follows:

That said Ira Douthart entered the service of the United States on the 10th day of November, 1864, as a substitute, and served until the 21st day of July, 1865, when he was mustered out on account of expiration of term of service. He alleges sun-stroke, received on the line of march near Petersburgh, Virginia, on the 5th of May, 1865. Records of War Department show no evidence of disability.

It is shown by the affidavits of G. W. Alton and John A. Clark, comrades, that they were with claimant on the 5th May, 1865, on the march near Petersburgh, Virginia; that about one p. m. he received a sun-stroke. They remained with him until dark, and accompanied him into camp; and that he suffered greatly during the remainder of his service from the effects of the same.

Dr. J. B. Allen testifies that he was a sound man at enlistment, free from disease; that he treated him for sun-stroke from July, 1865, to the latter part of 1867.

Mark Ranney, medical superintendent of Iowa Hospital for Insane, testifies that he treated claimant from December, 1867, to July, 1868, for mania, and gives it as his opinion that it was the result of sun-stroke received in the Army in 1865; and that he has suffered greatly from said disability, and will never recover from the same. In January, 1873, he further certifies that at that time he was well mentally, but in infirm bodily health, from which he cannot probably recover, and liable at all times to a recurrence of his nervous disorder; and that he believes him to be a man in every way entitled to credit.

Dr. A. W. McClure, examining surgeon, certifies, April 8, 1870, that he finds claimant suffering from sun-stroke; that he is unable to perform mental or physical labor; and that his disability is total.

Your committee believe, from this evidence, that claimant received sun-stroke in the Army and in the line of his duty; that he is still suffering from the same and is without doubt entitled to a pension. They therefore report favorably; and recommend the passage of the accompaning bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JACOB GROSCH.

The next bill on the Private Calendar was the bill (H. R. No. 3017) granting a pension to Jacob Grosch.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of John Grosch, late a private in Company B, Eighth Regiment Illinois Volunteers, and pay him a pension from and after the passage of this act.

The report was read, as follows:

The petitioner enlisted in Company B, Eighth Regiment Illinois Volunteers, August 17, 1861, and was discharged August 16, 1864, for expiration of term of service. He applied for a pension September 20, 1864, alleging disability from varicose veins. The claim not having been prosecuted to a successful issue within the time prescribed, was rejected August 12, 1871, under the provisions of section 6, act of July 4, 1864, and that no further action could be taken by the Commissioner of Pensions until a record shall have been made at the War Department, as provided in section 24, act of March 3, 1873, and that the evidence on file was not sufficient for that purpose.

As to the origin of the disease, Peter Schlosser, captain of Company B, Eighth Illinois Volunteers, testifies that the petitioner was a private in said company, and that while in the line of duty became disabled from performing military duty by reason of the veins of his left leg becoming swollen to such a degree that they became varicose.

Dr. D. H. McCord testifies that he has known the petitioner since 1856, and was his physician up to the time the petitioner entered the service, and that he was in perfect health.

R. H. Sturgess, lieutenant-colonel of the Eighth Illinois Volunteers, also testifies that when the petitioner entered the service he was a stout and able-bodied man.

A. T. Barnes, examining surgeon, in his certificate states that the petitioner is incapacitated one-fourth for obtaining his subsistence by manual labor, and that it is his belief that the disability did originate in the service and in line of duty, and that the disability is permanent.

The record in the Surgeon-General's Office shows that the petitioner was admitted to Adams general hospital, Memphis, Tennessee, January 20, 1863, for treatment of debility. Again entered Jefferson general hospital, Memphis, Tennessee, March 17, 1863, with gun-shot wound; was furloughed September 16, 1863; returned October 16, 1863. December 21, 1863, entered Adams hospital; diagnosis, catarrh; returned to duty July 20, 1864.

The committee are of the opinion that the evidence presented in this case is sufficient to establish the claim, and therefore report favorably, and recommend the passage of the accompanying substitute for H. R. No. 1842.

There being no objection, the bill was laid aside, to be reported to the House, with the recommendation that it do pass.

JACOB PARROTT.

The next bill on the Private Calendar was the bill (H. R. No. 3018) granting an increase of pension to Jacob Parrott.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll the name of Jacob Parrott, of Hardin County, Ohio, late a private in Company K, Thirty-third Ohio Volunteers, subject to the provisions and limitations of the pension laws, at the rate of twenty dollars a month; he, the said Jacob Parrott, first surrendering the pension certificate now issued to him to the Secretary of the Interior for concellation.

The report was read, as follows:

That in 1862 a detail was made of twenty men to go from Murfreesborough, Tennessee, to tear up the railroad track and to burn bridges between Chattanooga and Marietta, Georgia. This detail was made by order of General Mitchell, then in command of the United States Army at Murfreesborough, in order to cut off rebel communication with Chattanooga. Mr. Parrott and his comrades arrived at Marietta, Georgia, on the 10th April, 1862. The detail was so disguised that they were not recognized by the rebels, although within their lines. On the 11th April, 1862, Mr. Parrott and his comrades took the train as passengers, going north, arriving at Big Shanty about eight o'clock a. m., the usual breakfasting station. While the passengers and the employés of the company were at breakfast, Jacob Parrott and his comrades seized the locomotive, tender, and two baggage-cars and fled with great rapidity. They ran the locomotive one hundred miles before it was captured, and were within eight miles of Chattanooga when they were captured, and it is alleged by Parrott that they would not have been captured had not fuel and water given out on the locomotive. Mr. Parrott states that when he was captured by the enemy he was hit one hundred lashes upon his bare back by his captors with a "dried bull's penis" to force him to reveal the nature and object of his mission, and after the whipping he was placed in the most loathsome prisons, without medical aid, for eleven months. Mr. Parrott refused to make the disclosures. After being returned to the Federal lines he was given a pension of eight dollars per month upon a surgeon's certificate of total disability arising from inhuman treatment. Mr. Parrott was commissioned as second lieutenant of Company K, Thirty-third Ohio Regiment, to date from May 3, 1863. Mr. Parrott now asks an increase of pension from eight to thirty dollars per month. Dr. Phillips, examining surgeon of the Government, examined Mr. Parrott on the 4th of April, 1874, and reports that his disability is equal to a total disability from manual labor, caused by the beating upon and across his bare back with the dried penis, permanently injuring the spinal cord and spinal nerves.

Your committee recommend the increase of Mr. Parrott's pension to twenty dollars per month, in recognition of his wonderful nerve and daring spirit.

There being no objection, the bill was laid aside, to be reported favorably to the House.

GEORGE H. REYNOLDS.

The next bill on the Private Calendar was the bill (H. R. No. 3019) granting a pension to George H. Reynolds.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George H. Reynolds, of Company ——, Twentieth Regiment of Indiana Volunteer Infantry.

The report was read, as follows:

George H. Reynolds enlisted in the United States Army at Plymouth, Indiana, as a private of Company C, Twentieth Regiment of Indiana Infantry. He was mustered into the service on the 18th of July, 1861, at La Fayette, Indiana. He underwent a physical examination before he was received by the Government as a soldier. The regiment when organized was ordered to Camp Belger, near Baltimore, Maryland. In the latter part of August, 1861, "while assisting to unload a train of cars laden with Government stores," by order of his superiors, he was ruptured by a barrel of pork falling on him and knocking him down an embankment twenty feet high. The rupture was and is serious, pronounced by Dr. Richmond, as inguinal hernia, the most aggravated form of the complaint or disease. Before the injury said Reynolds, as a citizen and soldier, had been able to perform hard manual labor; so say Dr. Richmond, his family and personal physician from 1856; Hiram C. Wright, who has known him for eighteen years; David Hull, who has known him since 1857; Samuel W. Miller, who has known him for seventeen years, and others, men of good character, deposing under the obligations of their oaths; and the same facts are sworn to by his comrades in arms, William Stickney and Peter Simon Stickney. William Babington, captain of the company to which Reynolds belonged, states in his affidavit that before the injury Reynolds "was

stout and healthy, and performed his duties with alacrity and apparent ease," but not so after the rupture.

Said George H. Reynolds applied for a pension on the 7th day of June, 1867, because of the rupture, as above stated.

The application was refused January 31, 1868, on the ground that the rupture or disability existed prior to enlistment, the evidence being the cause of his discharge from the service, as stated in his discharge, dated November 19, 1861, to wit; "on account of a rupture of old standing." Is that so? The certificate of discharge is the only evidence of that alleged fact. It is the *ex parte* statement of unsworn men, gotten up and manipulated by Lieutenant Castleman, a bitter opponent of this humble soldier, and a man so far forgetful of his position as commanding officer of the company to which Mr. Reynolds belonged as to show on all occasions his dislike to such soldier. Your committee charge that either the allegation in the discharge is false, or that the sworn statements of Reynolds himself, Dr. Richmond, Hiram C. Wright, David Hull, Samuel W. Miller, William Stickney, Peter Simon Stickney, and William Babington, are untrue; they all say he was a stout and healthy man prior to his injury. David Hull says he roomed and slept with him prior to his enlistment, and never heard of an existing rupture. Hiram Wright says he has seen him stripped naked prior to enlistment, and never saw any rupture, or evidences of it. Wright, Miller, Hull, Stickneys, all say they have grubbed, sawed, and performed hard labor with him for years, and never heard him complain of a rupture. The fact that he was mustered into the service is *prima facie* evidence that he was sound at that time. There is no evasion of this fact. When Lieutenant Castleman handed Mr. Reynolds his discharge he remarked to him, as sworn to by Simon Peter Stickney and Reynolds himself, "Reynolds, there is your discharge," at the same time handing it to him; "now, damn you, I have got my revenge out of you. I have inserted in your discharge that you were disabled before you entered the service, and now you can't get any pension. I have fixed you so that you can't get a cent of pension," &c. In consideration of all the facts above stated, your committee think George H. Reynolds should be placed upon the pension-roll.

There being no objection, the bill was laid aside, to be reported favorably to the House.

GEORGE POMEROY.

The next bill on the Private Calendar was the bill (H. R. No. 3020) granting a pension to George Pomeroy.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of George Pomeroy, late captain of Company K, Fifty-fourth Regiment Illinois Infantry, and pay him a pension from and after the passage of the act.

The report was read, as follows:

George W. Pomeroy enlisted in March, 1862, at Quincy, Illinois, as a private in Company K, Fifty-fourth Regiment Illinois Volunteers. In the early part of the year 1864 he was made second lieutenant; a few months afterward first lieutenant, and in 1864, captain of said company. He was a sound man at the time of his enlistment, and was an excellent soldier. In July, 1863, at Vicksburgh, Mississippi, he discovered an imperfect vision of his right eye. During that month his regiment was ordered from Vicksburgh to Helena, Arkansas. On the march from Helena to Little Rock, under General Frederick Steele, the dimness of that eye increased, and the eye became greatly inflamed. He remained on duty during the march of about one month, receiving at the same time medical treatment. That eye became totally blind by the time the army arrived at Little Rock, and still remains so. Captain Pomeroy remained in the service until the regiment was mustered out in 1865. After he was mustered out, the inflammation, although allayed in the right, extended to the left eye; and after having expended all the money he saved during the war in trying to save the vision of that (left) eye, it was done, but much impaired. He was an invalid for one year, after being mustered out, in trying to save the eye-sight of the left eye. Captain Pomeroy made application for pension in due time after his muster-out, but was barred, in the judgment of the Commissioner, before his case was reached. His disability was produced in the line of his duty, and your committee recommend the placing of George W. Pomeroy's name on the pension-roll.

There being no objection, the bill was laid aside, to be reported favorably to the House.

WIDOWS, ETC., OF SOLDIERS MURDERED AT CENTRALIA.

The next bill on the Private Calendar was the bill (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864.

The bill was read. It extends the provisions of existing pension laws to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, in the order named, of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864, while being transported on the North Missouri Railroad. The second section of the bill declares that the provisions of the act shall be construed to extend to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, in the order named, of any member of the Missouri militia who was murdered as aforesaid by guerrillas at Centralia, Missouri, in 1864.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 3021) for the relief of the widows, orphans, mothers, and fathers of the soldiers killed at Centralia, Missouri, beg leave to make the following report:

On or about the 27th day of September, 1864, between twenty and thirty wounded and disabled soldiers were placed upon the cars of the North Missouri Railway, by the Quartermaster's Department, at Saint Louis, to go to their homes in Iowa and the northwest portion of Missouri. These were soldiers sent home from the armies then operating in Tennessee and Georgia. These disabled soldiers were disarmed at Saint Louis before they started home. The line of that railway was at the time infested by lawless bands of guerrillas, under a ferocious leader by the name of Bill Anderson. These wounded soldiers protested against being sent upon that road, unarmed and unguarded. Under the careless orders of some one they were placed upon the train, and at Centralia, Missouri, the train was captured. These disabled soldiers were taken off the cars by Anderson and his bloody gang placed in a line, and murdered in cold blood. The widows and orphans and the aged parents of these soldiers are the ones now asking for pensions. Your committee recommend the passage of the bill.

Mr. HOLMAN. I would have supposed that the widows of these soldiers would have had pensions under existing laws. If it is not explained I hope my friend from Missouri [Mr. CRITTENDEN] will consent to its standing over.

The CHAIRMAN. Does the gentleman from Indiana object?

Mr. HOLMAN. I hope there will be some explanation of it.

The CHAIRMAN. No debate is in order.

Mr. HOLMAN. If objection is not made, I think the gentleman from Missouri should be allowed to explain the bill.

The CHAIRMAN. No debate is allowed.

Mr. PLATT, of Virginia. I desire to address an inquiry to the Chair. I wish to know whether it is not competent for a gentleman to explain a bill on the Private Calendar to the committee by unanimous consent?

The CHAIRMAN. The Chair thinks not, on objection day.

Mr. HOLMAN. I ask that both the bill and the report be again read.

The bill and report were again read.

Mr. HOLMAN. I offer the following amendment:

In section 1, after the word "soldiers," insert the words "of the Army of the United States."

Mr. CRITTENDEN. I have no objection to that at all.

Mr. PARKER, of Missouri. I think that should be put in.

The amendment was agreed to.

There being no objection, the bill with the amendment was laid aside, to be reported favorably to the House.

SARAH A. TIMMONS.

The next bill on the Private Calendar was the bill (H. R. No. 3022) granting a pension to Sarah A. Timmons.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Timmons, widow of Stephen D. Timmons, late a private in Company G, Fourth Regiment Tennessee Volunteer Cavalry, and pay her a pension from and after the passage of the act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Sarah A. Timmons, asking a pension, submit the following report:

The committee find upon a full examination of the case that there is but one question involved in this application; that is, the cause of the death of the husband, Stephen D. Timmons, late a private in Company G, Fourth Regiment Tennessee Cavalry Volunteers, in the war of 1861-'65. There is no doubt about his enlisting on April 13, 1863, and of the faithful discharge of his duties as a soldier till his final discharge in June, 1865. It clearly appears that he was sound and healthy when he entered the service, and so continued till September, 1863, when he was severely injured in his back by being thrown from his horse, while in the line of duty, near Murfreesborough, Tennessee; that this injury so disabled him that he was sent to hospital, was never able to render service afterward, and was finally discharged in June, 1865, on surgeon's certificate of disability; that he was never able afterward to perform any but the lightest manual labor, and died in August, 1870, leaving a widow (the petitioner) and three minor children in poverty, want, and destitution.

The affidavit of his family physician and certificate of examining surgeon of 20th February, 1870, leave no doubt of his soundness when he enlisted, and that he died from the effects of the fall from his horse and of diseases contracted while in the Army and in the line of duty.

The committee are therefore of opinion that this is a meritorious case, and recommend the passage of the bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

Here the committee informally rose; and Mr. RUSK took the chair as Speaker *pro tempore*, to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a bill (S. No. 822) to amend the act entitled "An act to promote the development of the mining resources of the United States," passed May 10, 1872; in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment a joint resolution and bills of the House of the following titles:

The joint resolution (H. R. No. 103) authorizing the President to issue Army rations and clothing to the destitute people on the Tombigbee, Warrior, and Alabama Rivers;

The bill (H. R. No. 2738) for the relief of the Foundry Methodist Episcopal church, of Washington City;

The bill (H. R. No. 2202) for the relief of William B. Thomas, late collector of customs at the port of Philadelphia; and

The bill (H. R. No. 2181) granting a pension to Jennet H. Nisbet.

The Committee of the Whole resumed its session.

ANDREW MASON.

The next bill on the Private Calendar was the bill (H. R. No. 3023) for the relief of Andrew Mason.

The bill was read. It appropriates the sum of $10,000 to be paid to Andrew Mason for improvements of processes employed in the United States assay office at New York in the refining and parting of gold and silver bullion.

Mr. ARCHER. I ask that the report be read.

The CHAIRMAN. There is no report accompanying the bill.

Mr. ARCHER. In the absence of a report I trust the chairman of the Committee on Coinage, Weights, and Measures, the gentleman from Massachusetts, [Mr. HOOPER,] who reported this bill, will give some explanation of it.

Mr. HOOPER. I send to the desk a letter from the Director of the Mint which I ask the Clerk to read, commencing at the point where I have marked it. It shows the propriety of this bill. The previous

portion of the letter refers to details of the improvements made by Mr. Mason.

The Clerk read as follows:

The saving to the Government effected by the combination of the two processes, and the subsequent adoption of the sulphuric-acid method of parting at the assay office, has been not less than $300,000, and we have been able to operate on large amounts of silver bullion containing gold in less proportion than could be economically separated by the nitric-acid method, and which would consequently have sought foreign markets.

In making these improvements and carrying them into successful and extensive operation, Mr. Mason displayed zeal, skill, and industry, and which, in my opinion, entitled him to a fair recognition on the part of the Government in the form of a suitable appropriation.

The Government has in several instances compensated mint officers for valuable improvements in the machinery and methods employed in the treatment of the precious metals, and its liberality in this respect has, I am well satisfied, been attended with advantageous results to the public service. I would also mention the fact that during all this time Mr. Mason has been a very poorly paid officer, his salary being $3,000 per annum, which circumstance should have some weight in determining the question of compensation for the improvements that he has introduced.

The papers are herewith returned.

I have the honor to be, very respectfully, your obedient servant,

H. R. LINDERMAN,
Director.

No objection being made, the bill was laid aside, to be reported favorably to the House.

L'ANSE AND VIEUX DE SERT BANDS OF CHIPPEWA INDIANS.

The next bill on the Private Calendar was the bill (H. R. No. 1698) for the relief of the L'Anse and Vieux de Sert bands of the Chippewa Indians, with amendments reported by the Committee on Indian Affairs.

The bill was read. It declares that the entire township 51 north, of range 31 west, in the State of Michigan, as well as township 51 north, of range 33 west; township 51 north, of range 32 west; east half of township 50 north, of range 33 west; and west half of township 50 north, of range 32 west, in said State, was intended to be reserved in fee to the L'Anse and Vieux de Sert bands of the Chippewa Indians, by the treaty signed September 30, 1854, with the Chippewa Indians; and by virtue of said treaty, and the actual withdrawal of said lands from market, the said bands became and were entitled to the absolute property in all said lands. The bill in its second section provides, that payment be made to said bands of Indians, out of any money in the Treasury not otherwise appropriated, of a sum equal to the proceeds of all lands sold by the United States in said township 51 north, of range 31 west, and the minimum Government price of the lands in said township remaining unsold, and which are not included in the limits of the reservation of said Indians as defined by the wording of the treaty of September 20, 1854.

The report was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1698) for the relief of the L'Anse and Vieux de Sert bands of Chippewa Indians, in the State of Michigan, having had the same under consideration, and come to conclusions thereon, make the following report:

In 1854, September 30, a treaty was made and concluded between the United States on the one part, and the Chippewa Indians of Lake Superior and of the Mississippi on the other, and proclaimed January 29, 1855, in which the Chippewas of the Lake ceded to the United States a large body of land, defined by metes and bounds, which before was the common property of the whole tribe. The Chippewas of the Mississippi assented to this cession, and also agreed that all the money or property to be given or paid therefor by the United States should be given and paid to the Chippewas of the Lake; in consideration of which the Chippewas of the Lake relinquished to the Mississippi Chippewas all their interest in all the lands west of those ceded to the United States.

The treaty, in the second article, provides as follows, namely:

"The United States agree to set apart and withhold from sale, for the use of the Chippewas of Lake Superior, the following-described tracts of lands, namely:

"1. For the L'Anse and Vieux de Sert bands, all the unsold lands in the following townships of the State of Michigan: Township 51 north, of range 33 west; township 51 north, range 32 west; the east half of township 50 north, of range 33 west; the west half of township 50 north, range 32 west; and all of township 51 north range, 31 west, lying west of Huron Bay."

Now, what is claimed is this: It is alleged by the claimants that the phrase "lying west of Huron Bay" is an interpolation; that it was added to the treaty as printed, either by design or mistake; that they were, by express agreement at the time of making the treaty to have the whole of the last-described township and not simply a part of it.

To sustain this averment the following evidence is produced:

First. The conduct and acts of the Government itself, in this: as early as March 7, 1855, within six weeks after the treaty was proclaimed, the whole of said township was, by special order of the President, withdrawn from sale or entry, and was for many years thereafter, or until 1869 and after, treated as lands belonging to said reservation. The Indians always claimed them as such, and the Government, through a series of years, has recognized and acknowledged the validity of their claim; as evidence of which there is submitted herewith the letter of the Secretary of the Interior, of March 7, 1855, with the order of the President, withdrawing said township from entry and sale, to which is attached a diagram of the four reserved townships; also a letter of the Commissioner of Indian Affairs, under date of February 11, 1874.

Second. Again, we have the evidence of Mr. P. Marksman, in a letter to Hon. A. T. Mitchell, under date of April 2, 1872, in which he states, in substance, that he acted as agent, or "spokesman," as he terms it, of the Indians at the time the treaty was made, and drew the lines on the map for the reservation of the four townships; that the map or draught attached to the copy of the President's order of March 7, 1855, showing said townships, he recognizes; that he drew the lines on the map so as "to embrace the fishing-grounds on Keewenaw Bay and Huron Bay, and maple-lands for farming and sugar;" that the chief so understood it at the time. He further says that about a year after the promulgation of the treaty he discovered the mistake, and called the attention of the Indian agent (Mr. Gilbert) to it, who promised to have it rectified.

We have, also, a letter of Hon. George I. Betts, United States Indian agent, Michigan, addressed to the chairman of the House Committee on Indian Affairs, confirmatory of all these facts, in which he says that for some sixteen years the entire of the four townships remained undisturbed as their (the Indians') reservation, and was so recognized by the Government and the people of Lake Superior. In 1869 some speculators in public lands discovered valuable minerals in this township, fifty-one. They immediately went to work, while the secret remained theirs, to have it restored to market. They finally succeeded so far as to induce the Government to restore to market so much of the township, by far the larger and more valuable portion, as lies east of Huron Bay.

It is proper to remark here that the character of these two men, Marksman and Betts, for strict integrity and intelligence is vouched for in the warmest terms by the honorable member and Representative from the ninth district of Michigan, in this House, who has known them both long and well. Marksman is an educated, civilized, and Christian Indian, known intimately to the Representative from the ninth district since the year 1855.

The number of acres restored to market in said township amounts to 18,907.09 acres.

Under the facts as above set forth, and as they clearly appear in the case, the committee are of the opinion that these two bands of Indians have been unjustly dealt by and wronged by an appropriation of valuable lands intended and supposed to have been secured to them by the terms of a formal treaty; and that they are clearly entitled to the indemnity they seek. They therefore recommend that the bill for their relief be passed, adding at the end of section 2 the following amendment:

Provided, That the money received for the lands in said township shall be expended for educational and beneficial purposes, under the direction of the Secretary of the Interior, and at such times and in such manner as he may deem proper for the interests of said bands of Indians.

The amendments reported by the Committee on Indian Affairs were as follows:

In section 2, after the word "appropriated" strike out these words:

Of a sum equal to the proceeds of all lands sold by the United States in said township 51 north, of range 31 west, and the minimum Government price of the lands in said township remaining unsold, and.

And insert the following:

At the rate of $1.25 an acre for all the lands in said township.

And add at the end of the section the following proviso:

Provided, That the money received for the lands in said township shall be expended for educational and beneficial purposes, under the direction of the Secretary of the Interior, and at such times and in such manner as he may deem proper for the interests of said bands of Indians.

The amendments were agreed to.

No objection being made, the bill with the amendments was laid aside, to be reported favorably to the House.

WILLIAM WALKER.

The next bill on the Private Calendar was the bill (H. R. No. 2292) for the relief of William Walker, with an amendment reported by the Committee on Foreign Affairs.

The bill was read. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to William Walker, of Milton, State of Wisconsin, $366.66, for unpaid salary as vice-commercial agent at Gaboon, from October 1, 1870, to February 12, 1871.

The report was read, as follows:

The Committee on Foreign Affairs, to whom was referred the bill (H. R. No. 2292) for the relief of William Walker, have had the same under consideration, and beg leave to make the following report:

The committee find, in 1870, Aug. Perrot, the United States commercial agent at Gaboon, West Africa, being disabled by sickness, left his post September 30, in the same year, having previously placed the affairs and business of the agency in charge of William Walker, who was a missionary. Mr. Walker removed the property of the agency to his house and transacted the business of the United States Government from October 1, 1870, to April 4, 1871.

Upon taking charge of the agency he surrendered his appointment and ceased to draw his pay as a missionary. The salary of the United States commercial agent at Gaboon was $1,000 a year. When Mr. Walker called for his salary at the State Department he was informed that full salary had been paid to Mr. Perrot, and that he must look to Mr. Perrot for his pay.

From the petition and testimony in the case it appears that Mr. Perrot has no pecuniary responsibility.

The following statement from the Consular Bureau of the State Department shows that Mr. Walker discharged the duties of the United States commercial agency at Gaboon, Africa, from September 30, 1870, to April 4, 1871, with fidelity:

FIRST CONSULAR BUREAU, *April* 27, 1874.

Rev. William Walker, when appointed vice-commercial agent at Gaboon, Africa, in October, 1868, was an American missionary at that place. On September 30, 1870, Mr. Perrot, the commercial agent, being sick, left his post, having placed Mr. Walker in charge. Mr. Walker discharged the duties of the agency from that date until April 4, 1871, on which date he sailed for the United States. He seems to have conducted the office with care and fidelity while he had charge.

The period between September 30, 1870, and April 4, 1871, covers his entire official service in those two years, so far as appears from the files of the Department.

He has since been superseded by Mr. W. G. Taylor, also a missionary.

A. B. WOOD.

Your committee find that Mr. Walker is entitled to pay for his services in the sum of $374.90, and recommend the bill be thus amended and passed.

The amendment reported by the Committee on Foreign Affairs was as follows:

Strike out "$366.66" and insert in lieu thereof "$374.90."

The amendment was agreed to.

There being no objection, the bill, with the amendment, was laid aside, to be reported favorably to the House.

JAMES A. M'CULLAH.

The next bill on the Private Calendar was the bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri.

The bill was read. It authorizes and directs the proper accounting officers of the Treasury to credit the account of James A. McCullah, late collector of the fifth district of Missouri, with a sum not exceeding $7,814.19, the same being the amount alleged to be uncollected on assessment lists transferred by him to his successor in office, and which were destroyed by fire while in the hands of his said successor; provided that such credits shall not be allowed until it shall be shown

to the satisfaction of the Commissioner of Internal Revenue, by affidavits general in their character and applying to said amount in the aggregate, that due diligence was used by said McCullah to make collection of the same while said lists remained in his hands, and that it was not collected by him; it being the intention of this act to relieve said McCullah from complying with the strict requirements of existing regulations relative to the abatement of uncollected taxes.

The report was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. No. 364) for the relief of James A. McCullah, late collecter of the fifth district of Missouri, respectfully report:

That J. A. McCullah was collector of internal revenue of the fifth district of Missouri, and was removed October 22, 1866. He was directed to turn over his tax-lists to his successor. The amount at that time outstanding and unaccounted for upon the assessment-lists receipted for by Mr. McCullah was $50,538.45, of which there has been collected by his successor $37,509.17, and abated by the Internal Revenue Commissioner as uncollectible $4,899.80; still to be collected by Mr. McCullah's successor $8,129.48. By the regulations of the Treasury Department an outgoing collector is not, upon their transfer, credited with the amount upon the lists, but the same remains charged against him until collected by his successor. The amount uncollected on said lists ($8,129.48) stands charged to Mr. McCullah, as late collector, and suit has been commenced.

By the rules of the Department Mr. McCullah was required to state what amount he considered collectible and what uncollectible. He made such statement, representing that of the $50,538.45 the sum of $43,323.36 he considered collectible, and $5,215.07 as uncollectible. The latter sum has been nearly all abated. While these assessment-lists were in the possession of and being collected by the successor they were consumed by fire, which destroyed the collector's office and contents, on the 6th of November, 1867.

On the 10th of January, A. D. 1871, by a fire which consumed the assessor's office of that district, the duplicate copies of these same lists were destroyed, so that there is now in existence no record or other written evidence under the control of the Department to determine what portion of the amount now outstanding and unaccounted for on lists of Mr. McCullah has been collected by him, or what part of this amount might properly be abated to him as uncollected. Mr. McCullah, by proper diligence and compliance with the directions of the Department, perhaps, during the existence of these records, might have obtained an abatement, in part at least, of the amount charged against him; but your committee believe that he should not be held to account for uncollected taxes upon lists in the hands of his successor, unless it appears that the sums claimed by the Government had been collected by Mr. McCullah, or remained uncollected through his fault or negligence.

At all events, it seems to the committee to be applying a very harsh rule to Mr. McCullah when he is required to account for taxes uncollected by him, after the assessment-lists were receipted for and taken out of his hands by his successor, and after he had ceased to have any control over the collection of these taxes.

The committee therefore recommend the passage of the accompanying substitute for the bill referred to the committee.

There being no objection, the bill was laid aside, to be reported favorably to the House.

PARDON WORSELEY.

The next bill on the Private Calendar was the bill (H. R. No. 3174) for the relief of Pardon Worseley.

Mr. O'BRIEN. I object to the consideration of that bill.

CITIZENS OF ALLEGHENY COUNTY, PENNSYLVANIA.

The next bill on the Private Calendar was the bill (H. R. No. 44) for the relief of certain citizens of Allegheny County, Pennsylvania.

Mr. HOLMAN. I think that this bill will give rise to some discussion, or at least will require explanation. I therefore object to its consideration at this time.

B. W. HARRIS.

The next bill on the Private Calendar was the bill (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts.

The bill directs the proper accounting officers of the Treasury Department to adjust and settle the accounts of B. W. Harris, late collector of internal revenue for the second district of Massachusetts; and, on evidence satisfactory to the Government being produced by said B. W. Harris of the loss by the Boston fire of November 9 and 10, 1872, of moneys in his hands, said officers are further directed to audit and allow such sum or sums in the settlement of said collector's accounts.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts, have considered the same, and make the following report:

B. W. Harris was collector of internal revenue for the second district of Massachusetts at the time of the great Boston fire, November 9, 1872. The principal office of said collector was at No. 51 Water street, in said city of Boston, which was entirely consumed with all its contents, no public or private property whatever being saved. In his iron safe used for the safe-keeping of the books, moneys, and property of the United States in his custody, as such collector, was the sum of $346.53 in national currency, derived from the sale of revenue-stamps and from taxes collected, which was entirely consumed. The rules of the Department required the collector to deposit as often as his collections amounted to $1,000, in the Randolph National Bank, situated sixteen miles from Boston. These facts appearing from the affidavit of Luther S. Leach, Mr. Harris's deputy, hereto attached, and the Commissioner of Internal Revenue being clearly of the opinion that no blame could attach to Mr. Harris for not saving the property or money in the office, as shown in his letter to the committee, also hereto appended, the committee are of the opinion that the bill for the relief of Mr. Harris ought to pass:

I, Luther S. Leach, of Stoughton, in the State of Massachusetts, on oath, say that in November, A. D. 1872, and for a long time previous, and for some months thereafter, I was sole deputy collector of internal revenue in the second district of Massachusetts, in which district B. W. Harris was collector; that on the 9th day of November I had under my care and in the office of said Harris, at Boston, the sum of $346.53, money collected by me as such deputy collector, and belonging to the United States; that, at about half past three p. m. on said day, I closed and locked the safe and office, and this money was then in said safe; that the great Boston fire occurred that (Saturday) night and the next day, (Sunday,) and said office of said Harris, with all its contents, was utterly destroyed; that on the morning of Monday, November 11, I went to the site of said office, saw the said safe in the ruins, caused it to be taken therefrom, opened it myself, and found said money and all the other contents of said safe entirely destroyed.

Said moneys consisted of the following items of collection:

Taxes on September list collected between November 1 and November 9...	$213 03
Taxes on October list collected between November 1 and November 9.....	25 00
Cigar-stamps sold, as follows:	
November 2.....	16 00
November 4.....	25 00
November 7.....	5 00
November 9.....	62 50
	346 53

I was then, as I have said, the sole deputy, and collected partly by traveling through the district and partly in the office. I was required by the rules of the Department to deposit in the Randolph National Bank (situated at Randolph, distant about sixteen miles from Boston and five miles from my home at Stoughton) as often as my collections amounted to $1,000.

A small part of the taxes on the September and October lists, above specified, were collected by me in the early part of the week ending November 9, while traveling through the towns in the district, but the principal part thereof were paid to me at the office in Boston during the day of November 9, and shortly before I left the office. The taxes on the September list were mostly of retail liquor dealers, who had been notified to pay on or before November 10, and who came or sent into town by the forenoon trains of November 9, that being the last day of payment.

LUTHER S. LEACH.

Subscribed and sworn to before me, at Boston, this 17th day of February, A. D. 1874.

[SEAL.] CHAS. H. SWAN,
Notary Public.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, March 25, 1874.

SIR: I have the honor to return herewith the affidavit of L. S. Leach, of Stoughton, Massachusetts, relative to the circumstances connected with the destruction, in the great fire at Boston, Massachusetts, in November, 1872, of $346.53, being money collected by B. W. Harris, then collector second district Massachusetts. An agent of this office was sent to Boston at the time of the fire, and visited the ruins of the office of Mr. Harris; inspected the safe referred to by Mr. Leach. This visit was made on the day succeeding the one on which Mr. Leach made his examination of the safe. The agent was then satisfied, and has not since advised this office of any change in his opinion, that it was impossible for anything within the collector's office to have escaped destruction. This office believes that Collector Harris has an equitable claim for relief, deserving of favorable action of Congress.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. J. Q. SMITH,
House of Representatives.

No objection being made, the bill was laid aside, to be reported favorably to the House.

TIMOTHY D. CROOK.

The next bill on the Private Calendar was the bill (H. R. No. 2170) for the relief of Timothy D. Crook.

The bill directs the Secretary of the Treasury to pay to Timothy D. Crook, of Nebraska City, in the State of Nebraska, $2,841.60, out of any money in the Treasury not otherwise appropriated, in full for the balance due him for hay delivered to the United States at Fort Dodge, Kansas, in the year 1867, in pursuance of a contract made on the 22d day of May, 1867, between said Crook and Captain J. H. Belcher on behalf of the United States.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 2170) for the relief of Timothy D. Crook, report as follows:

On the 29th day of May, 1867, Timothy D. Crook, of Nebraska City, Nebraska, entered into a contract with Captain J. H. Belcher, assistant quartermaster United States Army, to deliver at Fort Dodge, Kansas, between the 1st day of August and the 1st day of December, 1867, 1,270 tons of good merchantable prairie hay, for which he was to receive the sum of $10.93 per ton.

One of the conditions of the contract was that, in case Mr. Crook failed to furnish the amount of hay stipulated, the Government should have power to retain such amount of money as should indemnify it for any and all defects and deficiencies in the execution of the contract on the part of Mr. Crook.

It was further stipulated that the Government should pay for the hay on vouchers to be issued on the delivery of each two hundred tons, in such funds as the Government might provide for that purpose; but it was provided that the Government should retain 10 per cent. of the contract price, and might retain all until the whole amount of the hay was delivered.

It appears from the evidence that Mr. Crook proceeded on or about the 1st day of August to Fort Dodge with a competent force of men, teams, and machines, for the purpose of cutting and delivering the hay. He did deliver, it appears, eight hundred tons of hay, and asks for relief for his failure to deliver the remaining four hundred and seventy tons for the following reasons:

At or about the time of his arrival, it is said that the cholera was raging with great violence at Fort Dodge, and that many deaths occurred. Mr. Crook's men were many of them taken sick and four of them died. This greatly demoralized his working force, and a number of his men left. It also appears that about the time of the arrival of Mr. Crook's party there were demonstrations of hostility on the part of the Indians. Mr. Crook applied to the officer in command at the fort for an escort or guard of soldiers, which could not be furnished on account of sickness which was prevailing among the soldiers. In consequence the work of cutting and delivering the hay proceeded under constant apprehensions of attack. A portion of the party had to be detached to stand guard, and the men who were running the machines refused to work during the absence of the hauling men and teams, but would assemble and prepare for defense.

On the 6th of September they were attacked by Indians; one man was killed, several mules stolen, and the machines broken.

The committee are of the opinion, from a careful examination of the evidence, that Mr. Crook made every reasonable effort to comply with the terms of the contract, and was only prevented from doing so by obstacles which could not be foreseen and which were entirely beyond his control.

It appears from the papers submitted to the committee that Mr. Crook received from the quartermaster at Fort Dodge four vouchers for the receipt of eight hundred tons of hay—two hundred tons each—each voucher $2,186. Three of these vouchers were, it appears, paid less 10 per cent., which was retained under the terms of the contract. The voucher unpaid, to wit, $2,186, and the 10 per cent. retained on

previous vouchers, to wit, $655.80, in all $2,841.80, is the amount Mr. Crook claims is in equity and justice due him from the Government.

But it appears from the papers in the case that the Government has an unsatisfied claim against Mr. Crook. By the terms of the contract Mr. Crook was bound to make good any loss to the Government by reason of any failure on his part to comply with the terms of the contract. In consequence of his failure to furnish the required amount of hay the Government was compelled to purchase during the early summer of the following year eighty-five tons of hay, at thirty-five dollars per ton, amounting to $2,975. Deducting contract price, $926.50, makes the loss to the Government from Mr. Crook's failure to furnish the stipulated amount of hay $2,048.50. Unquestionably it was the duty of the Department to charge Mr. Crook with that sum, and if there was any reason to believe that his failure to fulfill and perform his contract was due to any negligence on his part, or lack of energetic, faithful effort to do his duty, it would be very wrong even for Congress to pass an act to relieve him from the failure to fulfill his contract. But believing Mr. Crook's failure was owing to unavoidable causes, we think it would be too much like the Jew exacting the pound of flesh for the Government to insist on the strict letter of the bargain.

The vouchers issued to Mr. Crook from time to time by the United States quartermaster were signed in blank by Crook and sold in the ordinary course of business to D. J. McCann & Co., of Nebraska City, Nebraska. McCann & Co. set up the claim that these vouchers are commercial paper, and as such, as soon as issued, it is obligatory on the Government to pay them. This question was submitted to the Department, and by it fully considered and decided adversely to the claim. We see no reason to question the correctness of this conclusion. McCann & Co. can, therefore, have secured no rights by the transfer of these vouchers by Crook to them than the rights possessed by Crook. As the question as to McCann & Co.'s rights has been pertinaciously insisted on, and has been carefully considered by Assistant Judge Advocate General W. M. Dunn, his decision, as approved by the Secretary of War, is appended to this report.

The committee reach this conclusion: That in consequence of the almost insurmountable obstacles in the way of Mr. Crook fulfilling his contract, he should not be held responsible for the loss to the Government caused by reason of his failure; and that in justice and equity he should be paid the full contract price for the hay he delivered. That on that contract he is entitled to receive the sum of $2,841.60.

This conclusion is in accordance with the opinion of the Quartermaster-General. The committee therefore report back the bill, and recommend that it pass.

WAR DEPARTMENT,
Washington City, May 5, 1870.

In the matter of the claim of D. J. McCann & Co., for payment of a certain voucher issued by a certain officer of the Quartermaster's Department to T. D. Crook.

This voucher is for two hundred tons of hay, at $10.93 per ton, amounting to $2,186, delivered at Fort Dodge, Kansas, September 26, 1867, under contract made between Captain J. H. Belcher, assistant quartermaster, and T. D. Crook, dated May 22, 1867.

After the voucher was duly certified and approved, the usual receipt attached to such vouchers was signed in blank by Crook, and the voucher was, in the ordinary course of business, sold by Crook to Messrs. D. J. McCann & Co., of Nebraska City, Nebraska.

No question is raised as to the delivery of the hay in quantity, as set forth in the voucher, or in quality, as required by the contract.

The Quartermaster's Department has refused payment on the ground that subsequent deliveries which, by the terms of the contract, were to have been made by the contractor, Crook, were not made, and that his default in this respect occasioned greater loss to the Government than the amount of the voucher in question; and it satisfactorily appears that this statement is true. The claimants reply that the default was occasioned by the prevalence of cholera and Indian troubles in that locality at the time the hay should have been cut, &c. To which the Quartermaster's Department replies that it is not for the executive department to excuse the non-fulfillment of contracts, but to enforce them; in which it is again right.

Two provisions of the contract on which the hay specified in the voucher was delivered are of controlling importance in the consideration of this case:

"First. That if default shall be made by the said party of the second part in the time of the delivery of the said hay, or in any of the provisions of this contract, the said party of the first part shall have power to supply any deficiency that may exist by purchasing in open market, or in such manner as he may elect, and the said party of the second part shall be charged with the difference in cost."

Such a default did occur, and it became necessary in consequence thereof for the Government to supply the deficiency by a purchase of eighty-five tons of hay in open market, which cost the Government thirty-five dollars per ton, amounting to $2,975.

To this it is replied that the contractor was not in default when this voucher was issued, and attention is called to the following provision of the contract:

"The said party of the first part hereby agrees, for and on behalf of the United States of America, to pay, or cause to be paid, to the said party of the second part, the sum of $10.93 for each and every ton of two thousand pounds of hay delivered and accepted in accordance with the terms of this contract, as follows, to wit: On the delivery and acceptance of each two hundred tons of hay on vouchers issued by the officer of the quartermaster's department at Fort Dodge, Kansas, in such funds as may be provided by the Government for that purpose, or as soon as the funds shall be received for that purpose."

It is claimed that under the foregoing stipulation an installment of two hundred tons having been duly delivered, the obligation to pay became absolute. But there is a proviso to the stipulation, which is the second of the two provisions deemed of controlling importance in the consideration of this case, as follows:

"*Provided, however*, That the said party of the first part shall have the power to retain any or all, and shall retain 10 per cent. of the money to be paid as aforesaid, until the completion of this contract according to the terms, intent, and meaning thereof."

Thus it appears that by an express provision of the contract the Government was not bound to pay a cent to the contractor until the contract, as an entirety, was fulfilled. He could not therefore have pretended to have a legal demand on the Government for hay delivered, when the damages to the Government on account of his subsequent defaults amounted to more than the balance due him on his deliveries.

The final position assumed by the attorneys for the claimants and the one which they press with great earnestness is, that this voucher must be regarded as commercial paper, and they make the following quotation from the decision of the Supreme Court of the United States in the case of the "Floyd acceptances:"

"It must be taken as settled that when the United States become a party to what is called commercial paper, by which is meant that class of paper which is transferable by indorsement or delivery, and between private parties, is exempt in the hands of innocent holders, from inquiry into the circumstances under which it was put in circulation, they are bound in any court to whose jurisdiction they submit by the same principle that governs individuals in their relations to such paper."

This voucher is not commercial paper. It is not such a paper as between private parties would be transferable by indorsement or delivery, so as to enable the holder to bring a suit in his own name. It is neither a note nor a bill of exchange. It is simply a certificate by a proper public officer that such an amount of supplies has been delivered at such a time and place, on a contract with the Government of such a date.

The blank receipt attached thereto to be signed by the contractor is not a necessary part of the paper, as it would be just as valid against the Government if the receipt were not there. The receipt could be written on the certificate when the amount therein specified should be paid.

Nor is this paper even in the hands of an innocent holder exempt from inquiry into the circumstances under which it was issued. If such were the case the provisions of the contract last quoted would be of no value to the Government, as the contractor might immediately on the receipt of a voucher transfer it, and thus, if the argument of counsel be correct, compel a payment to be made notwithstanding the above important provision.

This voucher, with the blank receipt thereto attached, is such a transfer of the right to receive the amount named in the voucher as enables the holders to claim the amount from the Government, as against the contractor, and to receive it, provided the Government has no sufficient offset against either the contractor or the holder of the voucher. If the Government has such an offset it has the right to assert it.

Such vouchers as the one on which this claim is based, though not commercial paper, were, during the war, and to a considerable extent have since been, articles of commerce.

They were dealt in as public securities, and but few contractors could have fulfilled their contracts had they not been able to raise money by the sale or hypothecation of vouchers received from time to time during the progress of the fulfillment of their contract.

The case under consideration, like many others that have come to my knowledge, is one of great hardship upon the purchaser, but the rule of "*caveat emptor*" applies in this as in other purchases.

It is respectfully recommended that this claim be rejected.

W. M. DUNN,
Assistant Judge Advocate General.

Approved.

WM. W. BELKNAP,
Secretary of War.

No objection being made, the bill was laid aside, to be reported favorably to the House.

J. E. INGALLS.

The next bill on the Private Calendar was the bill (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa.

The bill directs the Auditor of the Treasury for the Post-Office Department to credit the account of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa, with the sum of $185.44 for postage-stamps stolen from his office on the 3d day of September, 1872, without any fault or negligence on the part of said Ingalls.

The report was read, as follows:

The Committee on Claims report:

That on the 3d of September, 1872, J. E. Ingalls was postmaster at Denmark, Lee County, Iowa, and kept his office in the store of Messrs. Day & Ingalls; that on the night of the 3d of September, 1872, the store in which said office was kept was entered by burglars and postage-stamps stolen from the post-office amounting in value to $185.44; that the stamps were secured by double locks; that the building was entered by wrenching a window-shutter from its fastenings, and then breaking a pane of glass and entering through the opening; that the store in which said office was kept was securely locked on the night of the burglary, and that the loss of said stamps was without fault or negligence on the part of the postmaster.

These facts appear from the affidavit of the claimant, and he is corroborated by the affidavit of six leading citizens of Denmark.

Hon. GEORGE W. MCCRARY, member of Congress from Iowa, certifies that "Mr. Ingalls, the postmaster, and all the other affiants are gentlemen of the highest character."

The following letter from the Post-Office Department would seem to fully sustain the postmaster in the amount he claims to have lost:

POST-OFFICE DEPARTMENT,
OFFICE OF THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., April 15, 1874.

SIR: I have the honor to acknowledge the receipt of yours of this date, inclosing "bill (H. R. No. 1861) and accompanying papers for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa," for stamps stolen, and requesting a "statement of the probable amount of stamps in that office at the time of the alleged robbery," September 3, 1872.

In compliance with your request the following estimate is submitted, namely:

Amount of postage-stamps and stamped envelopes on hand June 30, 1872, as per returns to Auditor	$119 22
Sent on orders subsequently	223 04
Total	342 26
Deduct estimated sales for sixty-five days, (average daily sales for six months ending June 30, 1872, being $1.39)	90 35
Gives probable amount on hand September 3, 1872	251 91

It is noticed that the bill fails to give the date on which the robbery occurred.

Herewith the papers are returned.

Very respectfully, &c.,

E. W. BARBER,
Third Assistant Postmaster-General.

Hon. JNO. B. HAWLEY,
Chairman Committee on Claims, House of Representatives.

Your committee, therefore, report the accompaning bill to the House with the recommendation that it pass.

No objection being made, the bill was laid aside, to be reported favorably to the House.

WILLIAM GREEN.

The next bill on the Private Calendar was the bill (H. R. No. 3176) for the relief of William Green.

The bill provides that there shall be allowed and paid to William Green, surviving partner of the firm of Emison & Green, the sum of $377 for services performed by said firm as mail messengers in carrying the mails to and from the post-office at the city of Vincennes, in the State of Indiana, from the 1st day of July, 1854, to the 6th day of September, 1855.

The report was read, as follows:

The Committee on Claims, to whom was referred the petition for the relief of William Green, Knox County, Indiana, having had the same under consideration, submit the following report:

The committee find that the firm of Emison & Green, of which said Green is the survivor, was employed by the postmaster at Vincennes, Indiana, as a mail messenger to convey the mails of the United States between the post-office in that city and the Evansville and Crawfordsville Railroad depot, from the 1st day of July, 1854, to the 6th day of September, 1855.

A dispute arose between the claimant and the Post-Office Department as to whether said service had been ordered by the latter. One James Dicle, since deceased, was then postmaster at Vincennes. Proofs have been submitted in behalf of this claim to the effect that said postmaster, during his life-time, claimed that he had received written authority from the Postmaster-General to employ claimant's firm to perform this service, which written order had been lost or misplaced. There is no record of it in the Post-Office Department.

The committee are satisfied that the firm of Emison & Green did serve as said messenger during the period above mentioned; that said service was necessary, and that Emison & Green have not been paid for it.

Some question arose as to whether the Post-Office Department or the Evansville and Crawfordsville Railroad Company were liable to Green for this service. During the time they were employed said railroad was in process of construction. As is usual in such cases, the terminus of the road was changed frequently as the laying of the track and the running of regular trains progressed. Vincennes could hardly be considered a terminus, for it was then, and still is, an intermediate point. If it were not the terminus the railroad company was not liable to the claimant unless the depot was less than eighty rods distant from the post-office. Proofs have been submitted to show that the distance between these points was greater than eighty rods. The affidavit of the secretary of the Evansville and Crawfordsville Railroad Company, showing that Emison & Green were not paid by them for this service, is in the hands of the committee.

The value of said service has been shown to be from $1 to $1.50 per day. The committee estimate it at $1 per day, amounting to the sum of $377 for the number of days' service, and recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

DE WITT C. CHIPMAN.

The next bill on the Private Calendar was the bill (H. R. No. 3177) for the relief of De Witt C. Chipman.

The bill directs the Secretary of the Treasury to pay to De Witt C. Chipman, out of any money in the Treasury not otherwise appropriated, the sum of $8,006.17, in full satisfaction and payment of all demands whatever of the said Chipman as late collector of internal revenue for the eleventh district of Indiana.

The report was read, as follows:

The Committee on Claims, to whom was referred the petition of DeWitt C. Chipman, esq., late collector of the eleventh district of Indiana, for relief from certain losses, expenses, and services growing out of said collectorship, have had the same under consideration, and beg leave to submit the following report:

That said Chipman served as collector of said district from September 15, 1862, until November 30, 1866, a period of four years and two and a half months; that he acted as collector of internal revenue, stamp agent, and receiver of commutation money, these positions growing out of the office of collector; that he has made a final settlement of all the matters intrusted to him, and his account was balanced and closed October 22, 1872.

That during his incumbency he was ordered by the department to close out all lists of taxes by a certain day, and at the time designated in said order he reported the sum of $3,334.26, as collected on Form 51, when in fact the lists were not closed and collected, and in a letter which accompanied and made a part of said report, he notified the department that the same was not collected, but he would report the same as collected to comply with the order, but upon the condition that he should afterward be permitted to open up said lists and abate all erroneous and uncollectible taxes on said lists.

It appeared, therefore, from this conditional report, as if he was owing that much cash. But that was apparent and not real, the same not being, in fact, collected, as the report itself demonstrated. But he was charged as if he was owing that much cash.

The evidence of this conditional report is satisfactorily furnished, and is fourfold. J. R. Grey, esq., of Hamilton County, Indiana, in his affidavit, states that he read the order to close the lists; that he saw and read the conditional report and letters before they were sent, and advised against their being sent. Also, the letter of J. C. Lotz, the clerk in the department who received the report and letter. Also, the affidavit of the claimant, dated September 15, 1872, which comes among the records from the department, and was made prior to the final settlement; and lastly, by the corroborative letter of the present deputy commissioner of internal revenue, H. C. Rogers, dated March 20, 1874.

That certain duplicate and erroneous collections of clerks and deputies were made during his term, growing out of the fact that he had no lists for a part of the time, and of collecting in advance of lists, amounting to the sum of $684.79, which, put with the conditional report, amounted to $4,018.98, all of which was subtracted from his lists of taxes, thereby reducing them below the real amount remaining uncollected, and increasing his apparent cash balance in a like manner.

That prior to his final settlement he demanded of a former department to put this $4,018.98 on the lists to be abated, which was refused, whereby he lost the same, and at the final settlement he was compelled to account for the same in cash, it being withheld out of his fees and salary by the department to balance the supposed cash due from him.

T. C. Dickenson, a clerk in the department, testifies that he heard Mr. Chipman demand the raising of the lists for $4,018.98. Also, the affidavit of claimant is found among the records of the department to the same purport, made before the final settlement, which is corroborated by the letter of Deputy Commissioner H. C. Rogers of March 20, 1874.

That he also demanded of a former department the return of an abstract of collection and a refund of the duplicate and erroneous collections, which was refused.

The present department has manifested a disposition to relieve Mr. Chipman so far as it could unhampered by the action of its predecessors. It has recognized his right to relief by abating $1,929.58 from the $4,018.98, leaving but $2,089.40 outstanding on that item.

This act is an official recognition of the justness of the claim, so far as a partial allowance is a criterion. The following question, which, it is believed, covers the essential point of the $4,018.98, was propounded to the Commissioner of Internal Revenue on the 17th of March, 1874:

"If taxes should be reported collected when they were not in fact collected, and in that manner the lists should be reduced below the true amount remaining uncollected, would that be a just and equitable ground for relief to one who had suffered loss thereby?"

The following was the reply, dated March 20, 1874:

"If a collector reports a tax collected which he afterward alleges that he did not collect, that does not relieve him from the liability for the tax, but simply renders it necessary for him to show why he did not collect it. If he exercised due diligence to collect without avail, the tax being uncollectible at the time when his right to collect it commenced, it is a proper subject of relief here by abatement. If he did not exercise due diligence to collect, it is a loss traceable to his failure to do his duty."

By abating $1,929.58 out of the $4,018.98, it is an official recognition that due diligence had been exercised as to such portion. No tax is ever abated until due diligence is established. Claimant had been in office near ten months before the department put the first list of taxes into his hands. Judge James S. Frazer's letter shows that Mr. Estee, late chief clerk of the department, said that Mr. Chipman had an inefficient assessor, and predicted that he could not get through without suffering loss therefrom. Without lists, and with an inefficient assessor, and as these losses occurred at an early day of his term, it is pretty clear that justice would determine the diligence to be with Collector Chipman.

It appears that the sum of $2,248.76 remained at this time uncollected on his old lists, which claimant accounted for in cash. The statute of limitation does not run against the Government to prevent its collection. It has the officer and lists in the district to collect, and we think the claimant should be allowed this also in addition to the aforesaid sum of $2,089.40, increasing the amount to the sum of $4,338.16.

It now remains to consider the other part of the claim, for expenses incurred and time spent after retirement, amounting to a large sum of money.

Claimant alleges that the outgoing collector was not credited, and the incoming collector was not charged with anything on the old lists until he collected and reported his collections. The transfer of lists and giving of a receipt were void acts, as far as a legal liability was concerned. In other words, a collector was retired, his lists taken from him, he was deprived of the power of collecting, his lists transferred to a successor whose receipt did not bind him to collect either for the retired collector or the department, and who incurred no liability of any kind until he first collected and reported. He might collect or abate at his option. If he did not collect he was not charged. If he did not collect there was nothing to compel him to do so. That the matter may be correctly understood, we will quote all of the Commissioner's letter of instructions bearing upon the point, and dated November 23, 1866, and transmitted to the claimant at the time of his retirement, which reads as follows:

"You will make out a list of all the taxes which are uncollected, to be transferred to your successor for collection, for which you will take a receipt, showing the aggregate amount on each list, sending a duplicate to this office.

"This receipt will not be a credit to you on the books of this office, but will merely be a receipt between you and your successor. When your successor has collected all he is able to collect, he will transmit duplicate acknowledgments of the fact, giving the amount he has collected from each list receipted for by him, when you will be credited with the amount so collected, and he will be charged with the same."

Annexed is a correct and full copy of the receipt which was passed between the collectors, office eleventh district of Indiana:

"I hereby acknowledge the receipt of the following amount of uncollected internal-revenue tax from D. C. Chipman, late collector, as follows."

And a schedule of the taxes is appended thereto. This receipt is in harmony with the instructions. The incoming collector does not undertake to collect for the outgoing collector or for the department. He does not attempt to collect at all.

To ascertain the construction of the present department upon the instructions of its predecessor, a letter was addressed to the Commissioner, asking "if Mr. Chipman's successor was charged with anything upon his lists until he had collected and reported," and an answer was received from Hon. J. W. Douglass dated February 6, 1874, saying, as follows:

"Mr. Chipman's successor was not charged with any tax until he had reported to this office the fact of having collected the same."

From what has been said, it is clear, that although retired and out of office, Mr. Chipman was held for the collection and abatement of all the taxes that his successor did not gratuitously abate or collect; and forseeing the evil, the loss of time and money, that might result from such instructions, he addressed a letter to the department, which was answered by Hon. Thomas Harlan, deputy commissioner, dated May 20, 1867, saying:

"If your regulations permit the same, I ask to be permitted to collect the delinquent or uncollected taxes on all lists at the date of my removal. As your regulations do not impose upon my successor the burden and responsibility of collecting the same, I think, as you look to me as the responsible person, I should be permitted to collect that tax. In no other business transaction can a man be compelled to turn over to another what he has receipted for, and still be bound for the capacity, or diligence, or want of diligence of another, and for this reason I ask the privilege of protecting myself by being authorized to collect."

The Commissioner's reply to this request is dated May 25, 1867, and reads thus:

"On no consideration whatever can you be allowed to make collections or issue warrants to close up the lists for which you have receipted. All uncollected taxes remaining upon the lists you receipted for must be transferred to the present collector for collection."

Having been informed that "on no consideration whatever could he collect," the claimant found himself powerless to protect himself. His successor neither collected nor abated, except for trifling amounts, and finally a suit was brought by the department on the official bond of claimant for $100,000. He was put among the defaulting collectors and heralded through the press as such. To protect his reputation and property he was compelled to close his office, abandon his law practice altogether for three years, and struggle on for six years before procuring a final settlement of his account, and in doing so he spent $1,197 in addition to his time and services.

During this six years' struggle all the fees and emoluments resulting from the collection went to the successor, and all the expenses were borne and paid by the claimant, and at his final settlement no allowance was made for any of these losses, expenses, or services, nor was any allowance made at any other time.

To add to his labors and expenses a new regulation, called Form 53½, was adopted after his retirement. It was made to retroact and operate upon him in the nature of an *ex post facto* regulation, and it compelled him to do all of his abatement papers over again. It compelled him to get up the old set of papers known as Form 53, and also to get up, to him, a new and unknown paper, called Form 53½. This increased his labors nearly two years above what they would have been if Form 53½ had not been adopted and enforced upon him. A large abatement paper for about $19,000 was filed about two months before Form 53½ was adopted, and it was made to retroact, and stopped its abatement for two years, until the same work was done over again on Form 53 and on the new Form 53½.

The abatement papers so filed were in accordance with the rules and law which operated at his retirement, and conformed in every respect to the instructions given to him at his retirement, at the time he was directed to abate on Form 53. Contemporaneous with the adoption of 53½ and the suspension of his abatement papers the suit was instituted on his official bond as aforesaid. While your committee are satisfied that Mr. Chipman expended considerable time and money in attempting to protect himself after his removal, yet they are also convinced that such expenditure was wholly unnecessary for such purposes, and cannot, therefore, allow him compensation therefor.

Prior to a final settlement he applied for a personal compensation of $3,500 a year, and was granted $2,500 a year for a part and $2,800 for the remaining time, which first sum was the sum granted to his successors. Claimant was the first collector in the district; he organized it; held office in turbulent times, and while the system was new. He collected from $30,000 to $96,000 more a year than any other collector did in that district. His aggregate collections during four years and two and a half months are larger than what both of his successors collected in seven years by $32,656.20.

In view of the difficulties attending his position, your committee are of opinion that he should have been allowed compensation at the rate of $3,500 per annum,

which would increase the aforesaid allowance by the sum of $3,668.01, making a total allowance of $8,006.17.

Letters are on file from Senators MORTON, PRATT, and others, who have known the claimant for over twenty years, and they say that Mr. Chipman is a gentleman of integrity, character, and high standing.

Your committee report the petition back to the House, and recommend the passage of the accompanying bill.

No objection being made, the bill was laid aside, to be reported favorably to the House.

J. GEORGE HARRIS.

The next bill on the Private Calendar was the bill (H. R. No. 336) for the relief of J. George Harris.

Mr. HOLMAN. There is an adverse report in this case. I move to strike out the enacting clause of the bill.

Mr. KELLOGG. Unless we can have debate upon this bill I will ask the gentleman to withdraw that motion. Let him object to the consideration of the bill at this time, and it will go over.

The CHAIRMAN. The Chair will consider that objection has been made to the consideration of the bill at this time, and it goes over under the rules.

PLEASANT M. CRAIGMILLER.

The next bill on the Private Calendar was a bill (H. R. No. 818) for the relief of Pleasant M. Craigmiller, of Bradley County, East Tennessee.

Mr. BUTLER, of Tennessee. There is an adverse report in this case; but I ask that the bill may be reported to the House, with a recommendation that it be recommitted to the Committee on War Claims.

Mr. WILSON, of Iowa. That cannot be very well done. The motion to recommit is in the nature of debate. The proper way is to let the bill go over.

The CHAIRMAN. The Chair will entertain, by unanimous consent, the motion to recommend that the bill be recommitted to the Committee on War Claims.

Mr. HOLMAN. There is no advantage in reconsidering this bill.

Mr. BUTLER, of Tennessee. I am informed that the claimant can present additional evidence, and asks to be again heard.

Mr. HOLMAN. I do not think it should be recommitted.

The CHAIRMAN. Objection being made, the bill will go over.

WILLIAM CASS.

The next bill on the Private Calendar was a bill (H. R. No. 2569) for the relief of William Cass.

Mr. WILLARD, of Vermont. There is an adverse report in this case. I object to its consideration at this time.

JOHN L. T. JONES.

The next bill on the Private Calendar was a bill (H. R. No. 1620) for the relief of John L. T. Jones, of Montgomery County, Maryland, for rent and damage sustained by the destruction of a dwelling-house by accidental fire while the same was being occupied by United States troops for quarters.

The bill directs the Secretary of the Treasury to pay to John L. T. Jones the sum of $4,585, which shall be in full discharge of all claims of said John L. T. Jones against the United States for rent of building and destruction of the same by accidental fire while being so occupied as quarters by the United States troops in Montgomery County, Maryland, under the command of General Hubert Ward, in November, 1862.

The Committee on War Claims recommend that the amount appropriated be reduced to $4,000.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 1620) for the relief of John L. T. Jones, of Montgomery County, in the State of Maryland, having had the same under consideration, report:

It appears from the proof that Jones was a thoroughly loyal citizen, residing on his farm, some three miles from White's Ferry, on the Potomac, in the county of Montgomery, and State of Maryland; that in the fall of 1862 a portion of the Union Army, under General Hubert Ward, encamped upon the premises of said Jones for several weeks, and that General Ward, for a time, occupied as headquarters a portion of the said house in which said Jones resided with his family.

It is also shown that said Jones gave valuable information of the movements of the rebel army.

It is shown that said Jones had another house near by, which he surrendered up to be occupied as quarters for the officers and soldiers, on the express promise and agreement of General Ward, in command of the United States Army at that place, that the United States Government would indemnify him for the use of the said premises and for all losses that might ensue from such occupation.

It is also shown that while the premises were so occupied by United States soldiers as quarters the house and its contents were consumed by fire.

There was no battle imminent; there was no overruling military necessity which called for the destruction of the property to keep it from falling into the hands of the enemy, neither were there active military operations at hand; on the contrary, the property was far away from the active theater of war.

The evidence clearly shows a just and valid claim on the part of the said Jones for the property burned and destroyed while occupied by and in the possession of the Union forces, within the principle of several cases which have already passed Congress.

The committee therefore recommend the allowance of $4,000 in full payment and satisfaction of the claim, and report back the bill amended to correspond with the above amount, and recommend its passage as amended.

There being no objection, the amendment was agreed to, and the bill as amended laid aside, to be reported favorably to the House.

REV. JOHN R. HAMILTON.

The next bill on the Private Calendar was the bill (H. R. No. 2506) for the relief of Rev. John R. Hamilton.

The bill was read. It appropriates $300 out of any money in the Treasury not otherwise appropriated to Rev. John R. Hamilton, of West Virginia, formerly chaplain of the One hundred and eleventh Regiment of Pennsylvania Volunteers, to reimburse him for commutation money improperly paid J. W. Douglass, receiver of commutation money for the nineteenth district of Pennsylvania, October 11, 1863.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 2506) for the relief of Rev. John R. Hamilton, having considered the same, report:

That the said Hamilton was, in 1863, a resident of Fairview, Erie County, Pennsylvania, and a pastor of a church in that town; that under date of August 24, 1863, he was notified that he had been drafted into the service of the United States in accordance with the act of Congress of March 3, 1863; that he was required to report at the place of rendezvous appointed on or before the 1st day of November, 1863, or be deemed a deserter. It further appears that, prior to the expiration of the time given him to report, to wit, on the 16th day of September, 1863, he was appointed and commissioned as chaplain of the One hundred and eleventh Regiment Pennsylvania Volunteers, and soon afterward he proceeded to join the said regiment, then in the Department of the Tennessee, and served with the said regiment in that capacity. It also further appears that, notwithstanding the fact that he was so commissioned as chaplain, he was notified that he would be considered as a deserter unless he reported as required, or paid $300 as commutation money, and that he paid that money to J. W. Douglass, the receiver of commutation money, duly authorized to receive the same, expecting to be reimbursed for the amount so paid.

Your committee are of opinion that Mr. Hamilton is entitled to the relief prayed for, and accordingly report back the bill, and recommend its passage.

No objection being made, the bill was laid aside, to be reported favorably to the House.

L. R. STRAUSS.

The next bill on the Private Calendar was the bill (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri.

The bill was read. It appropriates to Leopold R. Strauss, out of any money heretofore appropriated or hereafter to be appropriated for the use of the Quartermaster's Department, the sum of $301.90 for clothing furnished the Army in the year 1864, by direction of the commanding general of the District of North Missouri.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 801) for the relief of Leopold R. Strauss, of Macon City, Missouri, make the following report:

General Clinton B. Fisk, commanding United States volunteers and the district of North Missouri, in the summer of 1864 found it necessary to equip a squad of cavalry as scouts, disguised as citizens, for military purposes, and ordered the purchase of clothing from the claimant without observing the rules and regulations of the Quartermaster's Department in that respect. In consequence of this informality, the claimant has never been paid.

It appears from the evidence submitted that the articles were required for an important emergency; they were purchased in good faith, for the public service, of a faithful and loyal citizen, at reasonable prices, and in the opinion of the committee ought to be paid for by the Government.

The committee therefore report back the bill, and recommend its passage.

An amendment reported by the committee, to strike out "$301.90" and insert "$201.90," was agreed to.

No objection being made, the bill, as amended, was laid aside, to be reported favorably to the House.

ESTATE OF THOMAS HORD.

The next bill on the Private Calendar was the bill (H. R. No. 329 for the relief of the estate of Thomas Hord, deceased, of Tennessee.

Mr. LAWRENCE. The gentleman from North Carolina, [Mr. COBB,] who reported this bill, is not present. I think it had better lie over. I object to the bill.

BAKER WHITE'S CHILDREN.

The next bill on the Private Calendar was the bill (H. R. No. 3178, for the relief of the children of Baker White.

The bill was read. It directs the Secretary of the Treasury to pay to the children of Baker White, deceased, late of Edenton, Chowan County, North Carolina, or their legal representatives, out of any money in the Treasury not otherwise appropriated, the sum of $660 for half-pay of a pilot during the time the said White was imprisoned in confederate prisons, he having been captured while in the Government service as a pilot, and died in a prison at Salisbury, North Carolina, in March, 1864, after twenty-two months' imprisonment.

The report was read, as follows:

The Committee on War Claims, to whom was referred the petition of Mrs. Catherine Bessa, of Edenton, North Carolina, having considered the same, report.

Baker White was a resident of Edenton, in the county of Chowan, in the State of North Carolina, and was a Union man during the rebellion. In 1862, a draft was made in that county of men for the confederate service, and Baker White was drafted for said service. He thereupon fled, left his family, and went to Roanoke Island, and joined the forces of the Government of the United States. He entered the service of the Government of the United States as pilot, in the Quartermaster's Department. He was engaged as pilot on board of the steamer Hussar, and was in charge in that capacity under Colonel Howard in the transportation of Union troops. He was taken to Edenton, in said steamer, allowed to go on shore to visit his family, and was captured by rebel scouts on the 3d of May, 1862. He was imprisoned at Castle Thunder, and afterward at Salisbury, in which last place he died of smallpox in March, 1864, having been in prison about twenty-two months. He left a widow, who married again, and also two children; one of his children subsequently died.

It is recommended that pay to the amount of thirty dollars per month during the period of such imprisonment be allowed, and be paid to the surviving daughter, making the amount of $660; and your committee accordingly report a bill appropriating that amount, and recommend its passage.

No objection being made, the bill was laid aside, to be reported favorably to the House.

JOHN L. WILLIAMS.

The next bill on the Private Calendar was the bill (H. R. No. 3179) for the relief of John L. Williams, of New York.

The bill was read. It appropriates $1,460, out of any money in the Treasury of the United States not otherwise appropriated, to John L. Williams, of New York, to compensate him for the value of a cargo of hay taken and appropriated by the authorities of the Government in October, 1861.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 2845) for the relief of John S. Williams, of New York, having considered the same, report—

That the facts, in detail, as to the origin of this claim are fully set forth in House report No. 512, on House bill No. 2844, for relief of Francis Dodge, and which may be briefly stated as follows: That Mr. Williams was the owner of the hay mentioned in said report, which he shipped on said schooner Fairfax from New York to Georgetown, District of Columbia, in October, 1861. That the hay therein mentioned formed the deck-load of said schooner Fairfax, which protected the United States gun-boat Resolute from the fire of rebel batteries, together with a vessel named the Lydia Ann, loaded with coal, thereby enabling them to safely pass said batteries, while the Fairfax, by reason of the obstructions placed in the river by the rebel forces, or by a shot from the said rebel batteries, became detached from the said gun-boat Resolute, drifted ashore, and, with her cargo, consisting of —— bales of hay, was destroyed by fire by the rebel forces.

Your committee find the value of the hay to be as stated in said petition, by certificates and vouchers of the parties who shipped the same from New York, and believing that Mr. Williams is justly entitled to compensation for the same, for reasons more fully set forth in said report No. 512, report the accompanying bill and recommend its passage.

No objection being made, the bill was laid aside, to be reported favorably to the House.

N. H. DUNPHE.

The next bill on the Private Calendar was the bill (H. R. No. 3180) for the relief of N. H. Dunphe, of Massachusetts.

The bill was read. It directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to N. H. Dunphe, of Bridgewater, Massachusetts, the sum of $6,180, in full compensation for fifty hogsheads of sugar, containing 61,800 pounds, which were seized by the military authorities of the United States at New Orleans in the year 1863, turned over to the Quartermaster's Department, and properly accounted for by that department.

The report was read, as follows:

The Committee on War Claims, to whom was referred the petition of N. H. Dunphe, of Massachusetts, having considered the same, report—

That in the year 1863 the claimant was the owner of seventy-five hogsheads of sugar, which, in the months of May and June of that year, were seized by the United States military authorities under command of Major-General Banks, a portion of which has been regularly accounted for by the proper officers, to wit, fifty hogsheads, containing sixty-one thousand eight hundred pounds, for which he claims compensation at the rate of fourteen cents per pound.

Your committee find, from the evidence presented, that the proof of taking the fifty hogsheads is complete and satisfactory, the same being turned over to the Quartermaster's Department at New Orleans, and that said sugar was used by the Army of the United States; and they therefore report the accompanying bill appropriating the sum of $6,180, and recommend its passage.

No objection being made, the bill was laid aside, to be reported favorably to the House.

MARY A. THAYER.

The next bill on the Private Calendar was the bill (H. R. No. 3181) for the relief of Mary A. Thayer.

The bill was read. It directs the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to Mrs. Mary A. Thayer the sum of $2,000 as compensation for services rendered in taking care of wounded Union soldiers during the late war, and in reimbursement for money expended by her in supplying the wants and necessities of such soldiers.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 2514) for the relief of Mrs. Mary A. Thayer, having considered the same, report:

That Mrs. Thayer removed to Washington from the State of New York early in the year 1862; that from August of that year, after the second battle of Bull Run, she commenced her labors as a nurse, visiting numerous battle-fields, where she aided in taking care of wounded Union soldiers, aiding also in their transfer to the various hospitals to which they were assigned, especially after the battles of South Mountain and Antietam, among the wounded at the last-named battle being General Joseph Hooker, whom she aided in removing to a hospital and caring for him afterward; that she was present at the battle of Chancellorsville, and after the battle returned with the wounded to Washington, where she remained the greater portion of the time, until the battle of Gettysburgh, where she was occupied in caring for wounded soldiers and looking after their transfer to various hospitals; that she continued her visits to the hospitals and camps in and about Washington until the spring of 1864, when she went to Belle Island, at the request of Secretary Stanton, to assist in caring for and removing the released and exchanged prisoners of war, accompanying many to Annapolis, where she remained for a considerable time, paying her own board, and furnishing to the sick many articles not provided by the Medical Department. Subsequently Mrs. Thayer twice visited Andersonville, where she was occupied in caring for sick and suffering Union soldiers, returning from thence to be present after the battles of the Wilderness, where she labored zealously and faithfully in caring for the wounded, aiding in their removal from the burning woods, her own life being frequently endangered by fire, her clothing on several occasions taking fire. Mrs. Thayer continued her noble work until some time after the close of the war, and while residing in Washington was constantly engaged in relieving the wants of sick and wounded soldiers, obtaining from her father and personal friends means to do this, and using from her own scanty means also in this cause.

Among numerous testimonials as to Mrs. Thayer's services is the following:

WASHINGTON, *February* 18, 1874.

To whom it may concern:

The bearer of this note, Mrs. Mary A. Thayer, was for several years a visitor of Armory Square hospital during the late war and was a most valuable nurse, expending her means freely, and laboring constantly for the care of the sick and wounded.

Mrs. Thayer was specially fitted for this service, always performing her labors in a conscientious, effective, and unostentatious manner. I do not hesitate to say that she is one of the few deserving women whose services were invaluable to the Government and cause of humanity.

D. W. BLISS, M. D.,
Brevet Colonel, late Surgeon in Charge United States General Hospital, Armory Square, Washington.

There is considerable evidence from Army officers, as well as private soldiers, showing that Mrs. Thayer was unwearied in her labors and efforts for the sick and wounded soldiers of the Union, and also from civilians who were engaged in or connected with soldiers' relief associations and commissions.

The following sworn statement of H. H. Sperry, esq., for many years file-clerk of the House of Representatives document-room, is also given, as showing the character of Mrs. Thayer's labors:

24 TRINITY PLACE, NEW YORK, *February* 20, 1874.

My first acquaintance with Mrs. A. P. Thayer was in the summer of 1862, about the time of the battle of Manassas, when the wounded soldiers were being brought to Washington. At that time I, with a number of others from my State, was devoting most of my time in the care of our wounded scattered throughout the city, in churches, private houses, Capitol, and hospitals. Wherever I went I saw Mrs. Thayer doing her work of benevolence. I have met her at the cars, where the wounded were being transferred to ambulances and carried on stretchers to the places designated, and seen her follow them with such comforts as she could obtain, and tend them with a mother's care. The same course was pursued after the battles of Antietam and Chancellorsville, and at others she was specially active. Her home was the home of many crippled and despairing soldiers, and wherever she could be useful she was willing to go.

I have a distinct recollection of her benevolent exertions after and during the battles of the Wilderness and throughout the entire season of 1864. She was not only useful in the hospitals and by the bedside of the sick, but often attended to the embalming and shipment to friends of the dead bodies of our soldiers.

I have no means of knowing the fact, but I supposed at the time that she must draw largely from her own means to carry out her benevolent schemes.

H. H. SPERRY.

Sworn before me this 21st day of February, 1874.

WILLIAM H. CORTELYOU,
Notary Public, Kings County.

Mrs. Thayer is now in reduced circumstances, and asks that Congress will recognize her services and grant her something as compensation for the same, as well as reimburse her to some extent for money expended in ministering to the wants of sick and wounded soldiers.

Your committee regard her claim as one of special merit, and believing that the Government should consider favorably such claims as Mrs. Thayer's, report back the accompanying bill as a substitute for H. R. No. 2514, appropriating $2,000, and recommend its passage.

No objection being made, the bill was laid aside, to be reported favorably to the House.

JAMES BARNETT'S HEIRS.

The next bill on the Private Calendar was the bill (H. R. No. 3182) for the relief of the heirs of James Barnett, deceased.

The bill was read. It directs the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to the heirs of James Barnett, deceased, who was a lieutenant in the Second Virginia Regiment on continental establishment during the revolutionary war, and who, by reason of the loss of an eye in the service, was retired in 1779, in accordance with a provision of an act of the Continental Congress, the amount of pay of a first lieutenant of said regiment for five years, in accordance with the provisions of an act approved March 27, 1783.

Mr. WILLARD, of Vermont. I object to this bill.

JONATHAN D. HALE.

The next bill on the Private Calendar was the bill (H. R. No. 3183) for the relief of Jonathan D. Hale.

The bill was read. It directs the proper accounting officer of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Jonathan D. Hale $3,425, in full for services rendered in the late war as recruiting officer, scout, and guide for the United States Army, and for two horses lost in that Army.

The report was read, as follows:

The Committee on War Claims, to whom was referred the claim of Jonathan D. Hale, of Fentress County, Tennessee, asking compensation for services as recruiting officer, guide, and scout, and for the loss of four horses in the Army of the United States, make the following report:

The claimant, Jonathan D. Hale, presents in the record two claims, to wit:

1. Claim for services during the greater part of the war as recruiting officer, guide, spy, and scout, a portion of which he claims is due and unpaid.

2. For the loss of four horses in the Army.

The claim for services as guide, spy, and scout during the greater part of the war seems to be well sustained by the evidence of General George H. Thomas, who says:

"Dr. Hale's statement of his services under my orders are true, and I remember that General Nelson recommended him very highly to me when I relieved him (Nelson) in command of the troops at Camp Dick Robinson, Kentucky. I have every reason to believe that he has received no pay for services rendered, except as stated by him, namely, what was paid by my order, while under my immediate command, from January 1, 1861, to March, 1864, except the three months paid by General Boyle's order while the doctor was temporarily under his command in Kentucky, and four months for which he received no pay should have been paid, I suppose, by General Boyle. While under me he received $150 per month as chief of scouts and guides. I earnestly recommend his statement to favorable consideration. He performed valuable service, and there is but little doubt that his property was destroyed by the rebels of his county and neighborhood because of his known loyalty to the Government."

It seems from the proof that the claimant was never mustered into the service. General Schoeff says:

"For the reason that General Thomas thought, in case you should be captured as an enlisted man beyond our lines, your fate would be sealed, whereas as a citizen of Tennessee you were free to move, and no one could molest you beyond detention."

General J. G. Parkhurst proves that Dr. Hale rendered valuable service "as guide, scout, and spy, and was intelligent and energetic in his efforts, and always reliable, * * * and I am confident that on many occasions the success of our Army was attributable to information furnished by Dr. Hale," and further proves that he was continuously in the service from December, 1862, until the close of the war; and the record shows that he was acting under order of General Thomas as late as July 26, 1865, and on the most important duty for the country, having been sent at that time from Nashville, Tennessee, to the State of Indiana, with full authority to bring such witnesses as he might deem material in the prosecution of Champ Ferguson.

It appears from the proof that claimant served continuously from the 1st of July, 1861, until the 30th of September, 1865.

The record evidence shows that he was acting under the orders of General Nelson as early as August 12, 1861, and again under the orders of General Thomas as late as the 26th day of July, 1865.

The record further shows that claimant was paid for his services at the rate of $150 per month for the following months:

1862. January, February, March, April, May, June, July, August, September, and December, ten months	$1,505
1863. January, February, March, June, July, August, September, October, and November, nine months	1,315
1864. February and March, two months, (a few days deducted)	269
Making in all the sum of	3,084

He now claims pay for his services for the following time:

1861. From July 1 to December 31, inclusive, six months	$900
1862. October and November, two months	300
1863. April, May, and December, three months	450
1864. January, April, May, June, July, August September, October, November, and December, ten months	1,500
1865. From January 1 to September 30, inclusive, nine months	1,350
Making the sum of	4,500

The committee rejected the item of $900 for the six months' service in 1861, and also struck out the sum of $450 from the item of $1,350 for services in 1865, reducing the claim to $3,150.

The claimant swears positively that he served continuously during the time stated in the foregoing statement, and that he has received no pay in any manner for the same, except as stated in the said account, and he is fully corroborated by other testimony in nearly all that he says. And as to his loyalty to the United States Government, the proof is ample, and for which loyalty and unflinching devotion to the cause of the Union he was made the mark for rebel depredations, and the proof shows that they burned his mills, shops, barns, dwellings, and out-houses, and destroyed all his visible means except his land, and reduced him from affluence to poverty.

Dr. Hale enjoyed so very fully the entire confidence of General Nelson, General Thomas, General Schoeff, General Parkhurst, and other officers, that the committee are bound to give full credit to his statement.

As to the claim for the four horses, the committee find that the proof is made only for two of them, one worth $125 and the other worth $150, making $275, which, added to the account for services, amounts to the sum of $3,425.

The committee are of opinion, therefore, in consideration of the very valuable services rendered by Dr. Hale, and the great risk, hazard, and peril of life undergone by him, and for the loss of his two horses, he should be remunerated, and recommend that he be paid the sum of $3,425, and present the accompanying bill, with the recommendation that it do pass.

No objection being made, the bill was laid aside, to be reported favorably to the House.

FRANCIS DODGE.

The next bill on the Private Calendar was the bill (H. R. No. 2844) granting relief to Francis Dodge.

The bill was read. It appropriates $10,000, out of any money in the Treasury not otherwise appropriated, to Francis Dodge, trustee for the owners of the schooner Fairfax, as compensation for the loss and destruction of that schooner in October, 1861, by reason of the seizure and appropriation of the same by the naval authorities of the Government.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 2844) for the relief of Francis Dodge, having considered the same, report:

That this is a claim for the value of the schooner Fairfax, which prior to the war was engaged in a regular trade between New York City and Georgetown, District of Columbia; that on the 4th day of October, 1861, she left the former city *en route* for Georgetown, loaded with a cargo of hay, cement, and furniture; that on the 17th day of said month the said schooner Fairfax reached Maryland Point, on the Potomac River, where were about thirty sail of vessels under the protection of the gun-boat Philadelphia, the commander of which informed the captain of the Fairfax that he had received orders from the commander of the Potomac flotilla not to allow vessels to pass up the river until permission was given by him, and that on the 18th of October the master of the Fairfax was notified by the commander of the Philadelphia that he might get his vessel under way and proceed up the river as far as Ward's Bay.

It further appears that the Fairfax proceeded on her voyage up the river as far as Ward's Bay and anchored near the gun-boat Union, the commander of which sent word to the master of the Fairfax that he must not proceed up the river until after a white light had been hoisted at the foreyard of said gun-boat Union; that about two o'clock on the morning of the 19th of October the aforesaid signal was displayed from the gun-boat; that as there was not sufficient wind to warrant the belief that the Fairfax could pass the rebel batteries before daylight, he decided not to make the attempt.

It further appears that while the master of the Fairfax was on board the gun-boat Union in conference with the commander thereof, the commander of another United States steamer, the Resolute, went to the Fairfax and directed her crew to get said vessel in readiness to be towed up the river by the Resolute, serving as a bulwark, for which service or purpose her deck-load of hay made her desirable; that the Fairfax was so taken, and that on coming within the range of the rebel batteries she served as an effectual protection to the Resolute, receiving over fifty shot and shell, while only two hit the Resolute with small shot; that owing to some obstruction in the river or to the severing of the rope by which the Fairfax was made fast to the Resolute the former-named vessel parted from the Resolute and drifted down the river, being abandoned by her crew to escape the fire of the enemy, and soon after went ashore on the Virginia side of the river, where she was boarded by the rebels and burned.

It also further appears that the Resolute, in consequence of being shielded by the deck-load of hay which formed a part of the cargo of the Fairfax, was enabled to proceed on her voyage without receiving any damage, and reached the navy-yard at Washington that evening, having in tow another vessel, named the Lydia Ann, loaded with coal, of which the Government authorities at Washington were then in need, which vessel was lashed to the Resolute on the opposite side from the Fairfax, which last-named vessel was also protected as well as the Resolute by the said vessel Fairfax, and but for which protection they could not have passed the rebel batteries.

It also appears that but for the detention of the Fairfax at Maryland Point by the United States gun-boat Philadelphia she could have proceeded on her voyage and passed the aforesaid rebel batteries, owing to the fact of her light draught, thereby being able to keep out of the range of the enemy's guns; and further, that this claim has been presented to both the War and Navy Departments, and rejected by both for want of jurisdiction.

Your committee are of opinion that the Government is justly bound to make compensation to the owners of the said schooner Fairfax, not only on the ground that but for the detention of the said schooner by United States naval authorities she would have reached her destination in safety, but on the ground that the said schooner was taken for naval and military purposes, for which to the owners, being loyal adherents of the Government, compensation is justly due. The case of Otis N. Cutler, whose cotton was seized by order of General Grant, at Lake Providence, Louisiana, used for military purposes in equipping the United States steamer Tigress for running the blockade of Vicksburgh in April, 1863, and which was destroyed, is precisely analogous to this. By act approved June 1, 1870, (16 Statutes, page 640,) Mr. Cutler was paid for his cotton.

Your committee believing, as before stated, that compensation is justly due Mr. Dodge for the schooner Fairfax, taken by the Government for naval and military purposes, and finding the value of the schooner and cargo to be proved as stated in the bill, and that Mr. Dodge was a loyal man, report back the bill and recommend its passage.

An amendment reported by the committee to strike out "$10,000" and insert "$6,000" was agreed to.

No objection being made, the bill, as amended, was laid aside, to be reported favorably to the House.

ADAM HINE.

The next bill on the Private Calendar was the bill (H. R. No. 182) for the relief of Adam Hine.

The bill was read. It directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Adam Hine, of Keokuk, Iowa, $10,000 in full settlement of the claim of Hine on account of the loss of the steamer Island City, which was seized by the Government of the United States and impressed into the service of the Government in the year 1864, at Saint Louis, Missouri, and wrecked and lost while in such service.

The report was read.

Mr. HOLMAN. For the purpose of enabling the committee to consider the question who is responsible for the marine risk in this case—who assumed that risk—I think the bill ought to go over. I object to it.

Mr. KELLOGG. We have deducted insurance-money and everything else of the kind, and have only allowed the balance.

Mr. HOLMAN. I prefer that the balance should go over. I insist on my objection.

Mr. HAWLEY, of Illinois. I move that the committee rise.

Mr. HERNDON. Before that motion is put I ask unanimous consent that a bill which was objected to three weeks ago may be taken up and passed. It is very short; and it has the unanimous report of the committee in its favor.

Mr. HAWLEY, of Illinois. Very well. I withdraw my motion.

BENJAMIN W. REYNOLDS.

There being no objection, the Committee of the Whole proceeded to consider the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds.

The bill was read. It directs the Secretary of the Treasury to pay $1,233.33 to Benjamin W. Reynolds, late United States depositary at Saint Croix Falls, Wisconsin, for compensation for his services as depositary, between the 26th day of October, 1861, and the 26th day of November, 1864.

The report was read, as follows:

The Committee on the Public Lands have had under consideration the bill (H. R. No. 581) for the relief of Benjamin W. Reynolds, and respectfully report:

That said Reynolds, of La Crosse, Wisconsin, was appointed receiver of public moneys at Falls Saint Croix, in that State, March 28, 1861, and entered upon the duties of his office May 16, 1861; he was also disbursing agent and timber agent in the Saint Croix district; he was also United States depositary. His bond as disbursing agent was $5,000; as receiver, $50,000; and as depositary, $200,000.

He satisfactorily discharged his several duties till July 15, 1864. It appears from a letter received from the Commissioner of the General Land Office under date of February 28, 1872, that during that period the public money received by him amounted to the sum of $30,599.93, namely:

From proceeds of sales of public lands	$24,805 02	
From $10 Goverment fees on homesteads	2,850 00	
		$27,655 02
Fees for locating military warrants	858 00	
And commissions on homesteads	580 78	
Both paid over to register and receiver		1,438 78
From timber depredations, covered into the Treasury to the credit of judiciary fund		1,506 13
		30,599 93

His receiver's, disbursing, and timber accounts appear to have been settled. During the period he was in office his entire compensation as receiver, including salary, commissions, and all other fees, amounted to $2,403.61, while from vouchers on file it appears that during the same period he paid as extra clerk hire $2,175.30. It will thus appear that he received less than $800 per year, and was under bonds to the aggregate amount of $255,000. He received no compensation for his services as United States depositary or as timber agent. As already stated by the Commissioner of the General Land Office, he paid for extra clerk hire $2,175.30.

During his term two hundred and eighty-three homestead entries were made in his office. They were ordinarily one hundred and sixty acre or eighty double minimum entries. For these entries but half-fees were then allowed. Now the land offices receive full fees for this class of entries. Mr. Reynolds made a full

statement to your committee of the nature and amount of work performed by him; and also declared himself ready to make oath that he received no other fees than those given in the foregoing statement.

It appears that by act of March 3, 1863, the receiver of public moneys at Santa Fé was granted $2,000 as depositary; also, in 1864 and in 1865, and by act of July 28, 1866, $1,000 was granted to depositary at Santa Fé, and by act of 1868, $4,000 was granted to receiver acting as depositary at Santa Fé, namely: $2,000 as salary, balance for clerk hire. Other precedents exist.

It appears that Congress paid him for clerk hire $2,175.30, by act approved June 8, 1872. This amount was for disbursements made. The claimant, therefore, received for his entire services only the amount stated, namely, $2,403.61, or less than $800 per annum, and at a period in the history of public-land matters when the greatest care and vigilance were called for and seem to have been exercised by the claimant. As he has, moreover, never had any compensation for his services and large responsibilities as a depositary of public moneys, appointed under act of Congress approved August 8, 1849, and as he still continues to hold public moneys, including those received from other sources than the sale of public lands, or by virtue of his office as receiver of public moneys after he ceased to be receiver, your committee recommend that the claimant be allowed the sum of $400 per annum for the period in which he served as United States depositary, from October 26, 1861, to November 21, 1864, four years, one month, and twenty-five days, and report back the accompanying substitute for the amount of $1,233.33.

No objection being made, the bill was laid aside, to be reported favorably to the House.

Mr. BRIGHT. I ask unanimous consent to recur to a bill that has been passed over.

Several MEMBERS. Regular order!

Mr. HAWLEY, of Illinois. I renew the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOSKINS reported that the Committee of the Whole, having had under consideration the Private Calendar, had directed him to report sundry bills, some with and some without amendments.

BILLS PASSED WITHOUT AMENDMENT.

The following bills, reported favorably from the Committee of the Whole on the state of the Union, were severally passed without amendment:

A bill (H. R. No. 1108) for the relief of Alfred Fry;

A bill (H. R. No. 3002) for the relief of Isaac Riseden, late a first lieutenant of the Eleventh Tennessee Cavalry;

A bill (S. No. 249) authorizing and directing the Secretary of War to give to George A. Armes, late captain Tenth United States Cavalry, an honorable discharge, to date the 7th day of June, 1870;

A bill (H. R. No. 3003) for the relief of George A. Bacon;

A bill (H. R. No. 3004) for the relief of John C. Griffin, late second lieutenant Third Regiment East Tennessee Volunteers;

A bill (H. R. No. 3005) for the relief of the heirs of Mary B. Belfield, of Virginia;

A bill (H. R. No. 2532) granting a pension to Ira Foster, a private in the war of 1812;

A bill (H. R. No. 3007) granting a pension to Cordelia Wilkins;

A bill (H. R. No. 3008) granting pension to John J. Bottgar;

A bill (H. R. No. 3009) for the relief of Michael Bannon, of Dayton, Ohio;

A bill (H. R. No. 3010) for the relief of John Downey, of Dayton, Ohio;

A bill (S. No. 540) granting a pension to Fanny Newcomb, mother of Irenus Newcomb, late of Company H, Sixth Regiment Vermont Volunteers;

A bill (S. No. 477) granting a pension to Jemima Maxwell;

A bill (H. R. No. 3011) granting a pension to Mrs. Letitia Carr;

A bill (H. R. No. 3012) granting a pension to John Heddinger;

A bill (H. R. No. 3013) granting a pension to Samuel P. Kemp;

A bill (H. R. No. 3014) to place the name of Mrs. Caroline Duncan on the pension-roll;

A bill (H. R. No. 3015) granting a pension to Margaret A. Chantry;

A bill (S. No. 568) granting a pension to Hugh P. Lytle, late a private in Company H, Thirty-seventh Ohio Volunteers;

A bill (H. R. No. 3016) granting a pension to Ira Douthart;

A bill (H. R. No. 3017) granting a pension to Jacob Grosch;

A bill (H. R. No. 3018) granting an increase of pension to Jacob Parrott;

A bill (H. R. No. 3019) granting a pension to George H. Reynolds;

A bill (H. R. No. 3020) granting a pension to George Pomeroy;

A bill (H. R. No. 3022) granting a pension to Sarah A. Timmons;

A bill (H. R. No. 3023) for the relief of Andrew Mason;

A bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri;

A bill (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts;

A bill (H. R. No. 2170) for the relief of Timothy D. Crook;

A bill (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa;

A bill (H. R. No. 3176) for the relief of William Green;

A bill (H. R. No. 3177) for the relief of DeWitt C. Chipman;

A bill (H. R. No. 2506) for the relief of Rev. John R. Hamilton;

A bill (H. R. No. 3178) for the relief of the children of Baker White;

A bill (H. R. No. 3179) granting relief to John L. Williams, of New York;

A bill (H. R. No. 3180) for the relief of N. H. Dunphe, of Massachusetts;

A bill (H. R. No. 3181) for the relief of Mary A. Thayer;

A bill (H. R. No. 3183) for the relief of Jonathan D. Hale; and

A bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds.

BILLS PASSED WITH AMENDMENTS.

The amendments reported from the Committee of the Whole on the state of the Union to the following bills were severally concurred in, and the bills, as amended, passed:

A bill (H. R. No. 958) for the relief of Robert Sutherland;

A bill (H. R. No. 1698) for the relief of the L'Anse and Vieux de Sert bands of Chippewa Indians;

A bill (H. R. No. 2292) for the relief of William Walker;

A bill (H. R. No. 1620) for the relief of John L. T. Jones, of Montgomery County, Maryland, for rent, &c.;

A bill (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri; and

A bill (H. R. No. 2844) granting relief to Francis Dodge.

PENSIONS TO WIDOWS, ETC., OF MURDERED SOLDIERS.

Mr. PARKER, of Missouri, moved to amend the amendment of the Committee of the Whole on the state of the Union to the bill (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864, by inserting the words "lately discharged;" so it will read "those lately discharged soldiers of the United States Army."

The amendment to the amendment was agreed to; and the amendment, as amended, was concurred in.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to submit a report on the amendments of the Senate to the legislative, executive, and judicial appropriation bill. I move that the report be printed and recommitted.

The motion was agreed to.

ENROLLED BILL AND JOINT RESOLUTION.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 2078) for the benefit of occupying claimants; and

A joint resolution (H. R. No. 103) authorizing the President to issue Army rations and clothing to the destitute people on the Tombigbee, Warrior, and Alabama Rivers.

NORTHERN NEW YORK JUDICIAL DISTRICT.

Mr. SMITH, of New York, by unanimous consent, introduced a bill (H. R. No. 3424) for the designation of non-resident judges to hold circuit and district courts in the northern district of New York, and for additional terms of said courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY W. SHIRK.

Mr. BARRY, by unanimous consent, introduced a bill (H. R. No. 3425) granting an increase of pension to Mary W. Shirk, widow of James W. Shirk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF FOX AND WISCONSIN RIVERS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the draught of a bill to aid in the improvement of the Fox and Wisconsin Rivers in the State of Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed.

And then, on motion of Mr. GARFIELD, (at four o'clock and fifty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BASS: The petitions of merchants of Buffalo, New York, for the passage of a law defining a gross of matches and providing uniform packages for the same, to the Committee on Ways and Means.

By Mr. BUFFINTON: The petition of ship-owners and ship-masters of Boston, Massachusetts, for the abolition of compulsory pilotage, to the Committee on Commerce.

By Mr. COBURN: The petition of Erastus T. Bussell, for extension of patent for combined rubber and spiral steel car-spring, to the Committee on Patents.

By Mr. DUELL: The petition of H. C. Hendrick and 115 others, of McGrawville, Cortland County, New York, that a pension be granted to the widow and minor children of William H. Farble, late of Company D, Seventy-sixth New York Volunteers, to the Committee on Invalid Pensions.

By Mr. DUNNELL: Petitions of grange organizations in Olmsted and Watonwan Counties, Minnesota, for the construction of the Continental Railway and passage of the House bill therefor, to the Committee on Railways and Canals.

By Mr. LOWE: The petition of John Fletcher, for relief, to the Committee on Indian Affairs.

By Mr. ROBBINS: The petition of citizens of Ashe County, North Carolina, for a post-route from Solitude, North Carolina, via Sutherland's camp-ground, to Trade, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS H. ROBERTS: The petition of citizens of Stuart, Iowa, in favor of arbitration and an international code, to the Committee on Foreign Affairs.

By Mr. SAYLER, of Indiana: One hundred and eighty-seven petitions from citizens of twenty-three States and three Territories of the United States, containing 3,537 signatures, for the passage of a law authorizing the manufacture of patent-right articles by others than owners of patent-rights upon payment of a reasonable royalty thereon, to the Committee on Patents.

By Mr. STANDIFORD: The petition of Patrick Cody, for a pension, to the Committee on Invalid Pensions.

By Mr. VANCE: The petition of Strickland Aubright, E. M. Kilpatrick, jr., and 250 others, of Polk County, Tennessee, for aid to build the branch of the Southern Transcontinental Railway from Old Fort, North Carolina, to Ducktown, Tennessee, to the Committee on Railways and Canals.

By Mr. WALLACE: Resolutions of the Chamber of Commerce of Charleston, South Carolina, in favor of an appropriation for a survey of a double-track freight railroad from below the junction of the Tennessee and Hiawassee Rivers, to Clayton, Georgia, with branches to Athens, Georgia, and Anderson, South Carolina, to the Committee on Railways and Canals.

By Mr. WILSON, of Iowa: Petitions from grange organizations of Iowa County, Iowa, for the construction of the Continental Railway and passage of the House bill therefor, to the Committee on Railways and Canals.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 23, 1874.

The House met at eleven o'clock a. m. Prayer by Rev. A. C. OSBORN, of New York.

The Journal of yesterday was read and approved.

LEE & DUNBAR.

Mr. STARKWEATHER, by unanimous consent, from the Committee on Appropriations, reported back the papers in the case of Lee & Dunbar, and moved that the committee be discharged from the further consideration of the same, and that they be referred to the Committee on Claims.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. GARFIELD. I desire to call up the legislative, executive, and judicial appropriation bill for action on the Senate amendments, and ask that the House by unanimous consent will allow it to be considered in the House under the five-minute rule.

The SPEAKER. The regular order until sixty minutes after the reading of the Journal is the consideration of the bill reported by the Committee on Ways and Means in regard to the Sanborn contracts, on which the gentleman from Kentucky [Mr. BECK] is entitled to the floor. The gentleman from Ohio, [Mr. LAWRENCE,] the chairman of the Committee on War Claims, desires the attention of the House to a bill from that committee.

Mr. RANDALL. I hope the gentleman from Kentucky will not insist on going on to-day. Let the Sanborn matter go over for the present.

Mr. HAWLEY, of Illinois. I thought the Military Committee had the floor to-day.

The SPEAKER. The Committee on Military Affairs is entitled to the floor one hour after the reading of the Journal, that is, at fifteen minutes past twelve o'clock.

Mr. BECK. If I yield to-day, I wish to reserve the right and position of the bill in regard to the Sanborn matter.

The SPEAKER. That cannot be disturbed, or the gentleman's right to the floor.

Mr. DAWES. What will be the position of the report from the Committee on Ways and Means in regard to the Sanborn contracts if the gentleman from Kentucky does not maintain his right to-day?

The SPEAKER. The condition of it would be that on Monday the House may proceed to consider it under a suspension of the rules; and, if that is not done, on Tuesday morning after the reading of the Journal it comes up of its own force.

Mr. DAWES. Not on Tuesday, because that day is assigned to the Committee on Ways and Means for other business.

The SPEAKER. Tuesday is assigned to the Committee on Ways and Means one hour after the reading of the Journal, and Wednesday to the Committee on the Judiciary.

Mr. DAWES. Will this report in regard to the Sanborn contract exclude the other reports from the Committee on Ways and Means?

The SPEAKER. It will not.

Mr. DAWES. Then it will go over till Thursday.

The SPEAKER. It will be entitled, as this morning, to an hour each morning. It is entitled now to an hour, the Military Committee having the day one hour after the reading of the Journal.

Mr. LAWRENCE. I ask the gentleman from Kentucky to yield to me.

Mr. BECK. I am entirely willing to yield to the gentleman from Ohio. But I wish to ask whether all this is coming out of my time?

The SPEAKER. If the gentleman from Kentucky does not choose to go on, the Chair will then submit to the House whether they will allow the gentleman from Ohio [Mr. LAWRENCE] to make a report from the Committee on War Claims or the gentleman from Ohio [Mr. GARFIELD] to proceed with the legislative appropriation bill.

Mr. BECK. I yield the floor for to-day.

The SPEAKER. The gentleman from Ohio [Mr. LAWRENCE] desires to present a report from the Committee on War Claims. The gentleman from Ohio [Mr. GARFIELD] raises the question of consideration with a view to proceed with the consideration of the amendments to the legislative appropriation bill.

Mr. COBURN. I desire to make a parliamentary inquiry. If the Committee on Ways and Means does not see fit to go on to-day, why would it not be in order that the Committee on Military Affairs should have the hour that is given up?

The SPEAKER. Because the Committee on Military Affairs are specifically limited as to the time when they get possession of the floor to sixty minutes after the reading of the Journal. The Committee on Ways and Means having yielded the floor, the House may by a majority vote determine what they will do with it.

Mr. COBURN. I wish to state to the House that the Committee on Military Affairs have a large number of bills which they desire to present for consideration.

The SPEAKER. The committee will have the entire day after a quarter past twelve o'clock.

Mr. COBURN. I am afraid that we will not be able to get through in that time. We have already been put off for two months almost, and I think are entitled to some consideration at the hands of the House.

Mr. GARFIELD. The Committee on Appropriations will have difficulty in getting through with its work unless the House allows us to go on now.

Mr. LAWRENCE. It is very important that the report from the Committee on War Claims should be brought up for consideration.

The question being taken on Mr. LAWRENCE'S motion that he have leave to present a report from the Committee on War Claims, and there were ayes 35, noes not counted.

So the motion was not agreed to.

The SPEAKER. The Chair now recognizes the gentleman from Ohio, [Mr. GARFIELD.]

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, with the amendments of the Senate and the recommendations of the Committee on Appropriations in regard to said amendments.

If gentlemen will send for Report No. 603 they will find in it all the amendments that have been made to the bill, and the recommendations of the committee. In reading the amendments the Clerk will follow the engrossed bill. The amendments have all been numbered in the House print of bill No. 3534 and are referred to by their numbers in the printed report of the committee. There are one hundred and forty-seven amendments made by the Senate to the bill. In forty of them the Committee on Appropriations recommend concurrence, in ninety-nine they recommend non-concurrence, and in eight they recommend concurrence with amendments. I suggest that unless objection is made the recommendations of the committee shall be considered as concurred in.

The Clerk proceeded to read the amendments; and the recommendations of the committee were concurred in, except where a separate vote was demanded.

The Clerk read an amendment of the Senate, to strike out after "Chief Clerk and Journal clerk of the House" the words "while such positions are held by the present incumbents, and no longer."

The Committee on Appropriations recommended non-concurrence.

Mr. RANDALL. I do not know why that amendment should be concurred in. Whenever we think that these officers are not worthy of that salary we can reduce it. But it is an invidious distinction among the officers of the House to make this provision in regard to two of them only.

Mr. GARFIELD. I desire to say in regard to this amendment that the language of the provision as adopted by the House follows the law exactly. The law provided that these two officers, in consequence of their long service, should have this increase of compensation during their incumbency of the positions; that was the law of last year. I will say that the Committee on Appropriations were divided in regard to the propriety of concurring or non-concurring in this amendment of the Senate.

Mr. RANDALL. I am in favor of concurring in it.

Mr. GARFIELD. I was in favor of concurring in it, but was overruled by the committee.

The question was taken; and the amendment was not concurred in.

The Clerk read an amendment of the Senate, to reduce the salary of the Chief Clerk and Journal clerk of the House from $3,600 to $3,000.

The Committee on Appropriations recommended non-concurrence.

Mr. HOLMAN. I hope that amendment will be concurred in. It is very true the House adopted a proposition to fix the salary of these officers at $3,600, but I think the amendment should be concurred in.

Mr. RANDALL. We might take the vote together upon the three amendments relating to the clerks of the House.

Mr. KELLOGG. This provision was adopted by a large majority of the House, and I do not think we should consent to the action of the Senate in regard to the House employés.

Mr. RANDALL. I think the House should have the control of its own employés without the interference of the Senate.

Mr. KELLOGG. I think so.

Mr. HOLMAN. I am not willing to make any concession to the Senate. This is not a matter concerning the Senate and the House of Representatives particularly, but a question of public concern. If it was a question concerning the members of the House alone, I should be very loath to permit any amendment of the Senate which should provide for reducing the salaries of officers of the House who have performed their duty so well. But this amendment of the Senate is a protest against increase of salaries; they object to our going back to the rates which were established by the legislation of last winter. They are insisting that the House shall not go back and re-enact the salaries which the public judgment compelled us to repeal.

Mr. RANDALL. Excuse me; the Senate took no such position. I find that in other parts of the bill they have increased the salaries of their own employés.

Mr. FORT. Yes; they increase the salaries of their own employés, and I propose that the House stand by its action in regard to its own employés.

Mr. HOLMAN. I ask that the vote be taken at the same time upon all the amendments relating to the clerks of the House.

Mr. RANDALL. That is right.

The provision of the bill as adopted by the House was as follows:

Chief Clerk and Journal clerk of the House, (while such positions are held by the present incumbents and no longer,) $3,600 each; two reading clerks, assistant Journal clerk, and tally clerk, $3,000 each.

The Senate by their amendments propose to change the provision to read as follows:

Chief Clerk and Journal clerk of the House, $3,000 each; two reading clerks, assistant Journal clerk, and tally clerk, $2,592.

The question was taken upon concurring in the amendments of the Senate; and upon a division there were ayes 14, noes not counted.

So the amendments were not concurred in.

The following amendment was read:

Strike out of the paragraph in relation to public printing the following:

Provided, That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February 22, 1867, as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, be, and the same hereby is, repealed; that the title of said officer shall hereafter be "Public Printer," and he shall be deemed an officer of the United States; and whenever a vacancy in said office shall hereafter occur, the same shall be filled by appointment by the President by and with the advice and consent of the Senate.

The Committee on Appropriations recommended non-concurrence.

Mr. GARFIELD. That provision was inserted in the bill by the House after the bill was reported from the Committee on Appropriations. The committee thought that they were bound to adhere to the vote of the House.

Mr. HOLMAN. I hope that there will be a vote upon concurring in this amendment.

Mr. DONNAN. The House adopted this provision after quite a full discussion by a very decisive vote. I do not believe it is necessary to reargue the question, and I hope the House will non-concur in the amendment of the Senate.

Mr. RANDALL. I call for a division upon this question, in order that the vote may be in the nature of an instruction to the committee of conference which will probably be appointed upon this bill.

The question was taken upon concurring in the amendments of the Senate; and upon a division there were ayes none, noes not counted.

So the amendment was not concurred in.

An amendment of the Senate was read to increase the appropriation for contingent expenses of the executive office from $4,000 to $6,000.

The Committee on Appropriations recommended non-concurrence.

Mr. WILLARD, of Vermont. Why should that amendment be concurred in?

Mr. GARFIELD. The appropriation last year for this purpose was $6,000 and the Committee on Appropriations this year reported the same amount for the same purpose. The gentleman from Maine [Mr. HALE] moved to reduce it to $4,000, and we allowed it to be passed, supposing he had some special reason for it. He afterward said to the committee that he was satisfied he had made a mistake. The Senate has restored the amount originally appropriated, and the Committee on Appropriations recommend concurrence in the amendment.

Mr. RANDALL. I think we should non-concur in that amendment.

The question was taken upon concurring in the amendment; and upon a division—ayes 25, noes not counted—it was not concurred in.

An amendment of the Senate was read to insert the following:

And one additional Assistant Secretary of State, with like compensation, to be appointed by the President, by and with the advice and consent of the Senate, to be known as the Third Assistant Secretary of State.

The Committee on Appropriations recommended concurrence.

Mr. GARFIELD. I desire to call the attention of the House for a moment to these amendments which run through the portion of this bill relating to the Department of State. Early in this session the Committee on Foreign Affairs had before them a bill for the reorganization of the State Department. They did not get it into the House in time to be acted upon until after this appropriation bill was passed. In the Senate the Committee on Foreign Affairs had the same bill under consideration and reported unanimously in favor of the proposed reorganization. The Committee on Appropriations, to whom the matter was referred in the Senate, after considering it, also unanimously concurred in the report of the Committee on Foreign Affairs proposing this reorganization. The subject ought to be acted on as a whole, and if I can have the attention of the House for a few minutes I will state what the point is.

Last year there was by law an organization of Bureaus in the State Department, but no further organization—simply a division into six Bureaus with a chief at the head of each. The Secretary of State was yesterday before the Committee on Appropriations with all the papers in the case; and the chairman of the Committee on Foreign Affairs [Mr. ORTH] was also before us. The Secretary of State says that he is compelled to work the clerks in his Department from one to three hours more daily than the clerks in any other Department are worked; that he has now a smaller force, and with the increase here proposed will still have a smaller force than he found in the Department in 1869 when he came in. He is satisfied that at that time the force of the Department was cut down too much for its efficiency. His clerks are overworked and cannot perform their duties as efficiently as they ought to be performed without the reorganization here asked for. In order that this reorganization shall not be a charge upon the Treasury, he suggests an amendment which gentlemen will find at the bottom of the sixteenth page, providing for a restoration of the tax on passports—a charge of five dollars on each citizen obtaining a passport. The receipts of the Department from this tax during the last three or four years that it was in operation were on the average $45,000 a year. The reorganization here asked for will involve an increased expenditure of $14,500 per annum.

The Secretary of State has said to the committee that he really wants but two classes of clerks—copyists, and clerks of experience fitted for the higher duties of the Department. The middle class of clerks, who are neither very experienced nor fitted for higher duties, are not valuable; he would rather have merely the two grades—those at a small rate of pay and acting as copyists, and clerks of experience and efficiency. The reorganization here proposed will give the Secretary a considerable number of $900 clerks, copyists, a lower grade of clerks than he now has. The theory of the Secretary of State is that if we give him this lower grade of clerks, he can educate them up and fit them for the higher duties of clerks by a term of service in the lower grade of duty. There will thus be a sort of system of promotion, under which clerks of the lower grade doing copying merely may, as they develop themselves in fitness and culture, be promoted to a higher rank. Those who go into the State Department as $900 clerks will serve a sort of apprenticeship, and by degrees advance as they are fitted to fill vacancies in the higher grades.

The amendments also include provisions for a translator. The Secretary of State now has in this capacity an officer who is very valuable, being familiar with five languages, one of the most accomplished translators that he has ever been able to obtain and who cannot be retained at the pay of an $1,800 clerk. The Secretary therefore asks among other changes that he shall be allowed a translator with a salary large enough to retain the service of a competent person. We cannot expect to find among the range of $1,800 clerks a man competent for the business of translator as required in the State Department.

In view of the fact that both the House and Senate Committee on Foreign Affairs and also the Senate Committee on Appropriations are unanimous in recommending this series of amendments, which while taking out of the Treasury $14,500 will put into it $45,000, the Committee on Appropriations are of opinion that these amendments, from the thirtieth amendment down to the middle of the seventeenth page, should be concurred in.

Mr. RANDALL. I observe by the printed report which has been furnished to us that the committee recommend non-concurrence in the thirtieth amendment, yet the gentleman now states, as I understand him, that the committee are unanimous for concurrence.

Mr. GARFIELD. I will say that the report which the gentleman holds in his hand was printed before the action of the committee on this subject. When that report was prepared the Secretary of State had not been before us; and we recommended non-concurrence because we had no special information on the subject.

A gentleman asks me to state the ground on which the passport tax was repealed. The repeal was made at a time when we were making a general reduction of taxes, and there was no special debate on that proposition; I believe there was never anything said about it. This tax was in a group of internal taxes which had been collected, and when we made a general reduction of those taxes this tax went out with the rest. There was no special action of the House on the subject.

As suggested to me by the gentleman from Connecticut, [Mr. HAWLEY,] this is a fair tax; for no class of people can better afford to pay a tax to the Treasury than those who are able to travel abroad. We now keep constantly employed an average of three or four clerks in the passport office of the Department of State to make out passports and keep the records, and this service is now all done without any compensation from the parties benefited. Five dollars was the amount of the old tax, and this is the amount we recommend to be re-enacted,

although there was some question whether it ought not to be ten dollars. The committee recommend concurrence in all these amendments relating to the Department of State except one at the close, to which we offer a modification.

Mr. NIBLACK. I wish to ask the gentlemon from Ohio [Mr. GARFIELD] a question. I understand that the object of reimposing this tax on passports is to reimburse the Treasury for the expenditures involved in this proposed reorganization of the State Department. If that be true, why do the committee recommend a larger tax than is necessary to reimburse the Treasury?

Mr. GARFIELD. It was the old rate, and the tax was never an onerous one. It seems to me just as well we should put this $30,000 into the Treasury every year as not.

Mr. NIBLACK. As to the class of men going abroad for pleasure this perhaps is little enough, but there are men who travel upon urgent business, naturalized American citizens who return to Europe to visit their friends, and upon that class the passport tax will be troublesome.

Mr. GARFIELD. That class will scarcely get passports. Only those who travel for pleasure will. Indeed no passport is required except in two countries of Europe, in Russia and Italy. In the German states and in Western Europe no passport is required. None is required in Ireland, none anywhere in Great Britain, none in any of the German States. The class of naturalized citizens to whom the gentleman refers probably not one in a thousand, unless they go abroad for the purpose of pleasure, for the purpose of general travel, ever call for a passport.

Mr. NIBLACK. Some years ago I know I was called upon frequently to get passports for naturalized citizens traveling to their old homes on business, and this tax of five dollars was paid by some men who were scarcely able to pay the money, but who were compelled to pay it, as their business required them to go abroad, and in order to do so had to procure passports. Unless it is absolutely necessary to reimburse the Treasury I do not see why the tax should be re-enacted.

Mr. DUNNELL. I wish to call the attention of the chairman of the Committee on Reform in the Civil Service to the fact that these amendments decidedly interfere with the civil-service rule and work the entire overthrow of the civil-service reform in that department of the Government. I therefore trust I will be heard in defense of that civil-service system.

FREE BANKING.

Mr. FARWELL, by unanimous consent, from the Committee on Banking and Currency, reported a substitute for the Senate amendments to House bill No. 1572, to amend the several acts providing for a national currency and to establish free banking, and for other purposes; which was ordered to be printed and recommitted.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. KELLOGG. I wish to say that this matter has been before the Civil Service Committee. As it had been already considered by the Committee on Foreign Affairs, which was most competent to judge in reference to the whole subject, the Committee on the Civil Service have made no report in reference to the State Department. There is one point, however, to which I wish to call the attention of the chairman of the Committee on Appropriations, as well as the attention of the Committee on Foreign Affairs, and that is this: I wish to know whether they do not think it is better, instead of having three Assistant Secretaries of State with a compensation of $3,500 each, as it is here proposed, to have two competent Assistant Secretaries of State at a compensation of $5,000 each? The present salaries have been admitted to be entirely inadequate to procure competent men for this position of Assistant Secretary of State. It is here proposed to make an additional Secretary of State, which will make the number three. I submit if we have two Assistant Secretaries of State, competent men, entitled to $5,000 a year, it will be better to pay them $10,000 than to pay three $10,500. That is the only point I wish to make.

Mr. GARFIELD. I wish to say while that point is up that the Secretary of State made this statement to us, and I think the House will see its importance: He says there are three natural groups of nations we have to deal with, each of which requires special and peculiar qualities to understand and manage its affairs here at the State Department. One class is composed of the English-speaking races and another of the Latin races. Their habits are different, their characteristics are different, and the kind of qualities requisite for the management of their affairs is different. These two Assistant Secretaries of State are needed for them. We have lately opened relations with a class of people who are not Christian nations, like the Japanese and Chinese. They have been added to our foreign relations within a recent period. The Secretary of State, in order to group these nations properly in reference to our foreign relations and to accomplish his work more satisfactorily, asks these three Assistant Secretaries of State shall be granted. I yield now for a few minutes to the chairman of the Committee on Foreign Affairs.

Mr. ORTH. I will add but a word in favor of these amendments to what has already been so well said by the chairman of the Committee on Appropriations. At an early part of the session the Committee on Foreign Affairs had this whole subject under consideration, and unanimously authorized me to report the bill now upon the files of the House, providing for a reorganization of the State Department, the provisions of which have been substantially adopted by the Senate in the amendments now reported to this House. I trust these amendments of the Senate will meet the concurrence of the House. I need hardly add what is so generally admitted, that the State Department is managed ably and economically, and that its recommendations in reference to these and other matters within its purview have been such only as are demanded by a due regard to the public interests and the constantly increasing business of the Department. While the business of the Department in common with the other Departments of the Government is rapidly increasing, yet its working force is not as large to-day as it was some years ago. Compared with the Department under the supervision of Secretary Seward, there has been a reduction of the clerical force, while at the same time there has been a steady increase in the labor to be performed.

As an evidence of this steady increase from the organization of the Government down to the present time, I hold in my hand a most interesting statement furnished me by the Department, and which I shall incorporate in my remarks in the RECORD, as follows:

Table showing the number of pages used in recording the correspondence emanating from the Department of State from September 26, 1789, to March 4, 1873.

Secretaries.	Date of commission.	Notes to foreign ministers.	Instructions to United States ministers.	Instructions to United States consuls.	Reports to President or Congress.	Domestic letters.	Total.		Grand Total.
Thomas Jefferson	September 26, 1789	One volume lost.	461	.....	717	*421	12 years..	1,599	
Edmund Randolph	January 2, 1794		412	.....	32	1,225		1,669	
Timothy Pickering	December 10, 1795		1,115	.....	†2	1,327		2,444	
John Marshall	May 13, 1800		54	25	(†)	(*)		79	5,791
James Madison	March 5, 1801		490	291	(†)	*823	8 years....	1,604	1,604
Robert Smith	March 6, 1809		126	44	(†)	154	8 years..	324	
James Monroe	April 2, 1811	207	407	39	(†)	346		999	1,323
John Quincy Adams	March 5, 1817	457	856	344	259	1,729	8 years....	3,645	3,645
Henry Clay	March 7, 1825	400	844	165	161	990	4 years....	2,560	2,560
Martin Van Buren	March 6, 1829	237	665	275	42	675		1,894	
Edward Livingston	May 24, 1831	185	371	144	100	504	12 years..	1,304	
Louis McLane	May 29, 1833	124	226	361	52	309		1,072	
John Forsyth	June 27, 1834	777	1,032	1,695	346	2,257		6,107	10,577
Daniel Webster	March 5, 1841	275	440	340	128	821		2,004	
Hugh S. Legare	May 24, 1843	12	59	11	.....	36		118	
Abel P. Upshur	July 24, 1843	105	285	86	16	323	4 years..	815	
John Nelson	February 29, 1844	9	11	10	8	49		87	
John C. Calhoun	March 6, 1844	151	282	88	61	420		1,002	4,026
James Buchanan	March 6, 1845	536	1,002	685	119	960	4 years....	3,302	3,302
John M. Clayton	March 7, 1849	367	601	381	40	498		1,888	
Daniel Webster	July 22, 1850	559	561	1,063	141	1,399	4 years..	3,723	
Edward Everett	November 6, 1852	200	202	281	68	230		981	6,592
William L. Marcy	March 7, 1853	1,093	2,119	4,306	374	2,637	4 years....	10,529	10,529
Lewis Cass	March 6, 1857	1,236	1,864	4,085	299	3,494	4 years..	10,978	
Jeremiah S. Black	December 17, 1860	66	59	119	22	138		404	11,382
William H. Seward	March 5, 1861	8,091	10,039	13,074	1,003	16,068	‡8 years....	48,275	48,275
Elihu B. Washburne	March 5, 1869	21	47	55	4	60	4 years..	187	
Hamilton Fish	March 11, 1869	3,235	5,422	9,733	731	10,410		29,531	29,718
Total		18,343	30,053	37,700	4,725	48,303			139,124

* Volumes 1, 2, 3, 4, 12, and 13 missing.

† No record between January 29, 1796, and December 8, 1817.

‡ A large amount of this work was left unfinished, and was completed subsequently to March 17, 1869.

I will state in brief, without going over the several amendments *seriatim*, that the amount of increase of expenditure contemplated by them is something in the neighborhood of $14,000, and at the same time we provide for this increased expenditure by a charge upon passports, which it is estimated will bring into the Treasury annually not less than $45,000. The number of passports issued from the State Department under the several administrations since 1810 is shown by the following statement:

Under the administration of—	
Mr. Madison, 1810 to 1813*	587
Mr. Madison, 1813 to 1817	512
Mr. Monroe, 1817 to 1821	547
Mr. Monroe, 1821 to 1825	657
Mr. Adams, 1825 to 1829	1,118
General Jackson, 1829 to 1833	1,176
General Jackson, 1833 to 1837	1,896
Mr. Van Buren, 1837 to 1841	1,972
General Harrison and Mr. Tyler, 1841 to 1845	2,835
Mr. Polk, 1845 to 1849	5,377
General Taylor and Mr. Fillmore, 1849 to 1853	10,666
General Pierce, 1853 to 1857	12,429
Mr. Buchanan, 1857 to 1861	22,490
Mr. Lincoln, 1861 to 1865	18,196
Mr. Lincoln and Mr. Johnson, 1865 to 1869	22,487
General Grant, 1869 to 1873	27,421
Total	130,366

From this it will appear that the number of passports now averages about nine thousand per annum, which at the charge of five dollars each will yield a revenue to the Treasury, as already stated, of about $45,000; an amount more than three times in excess of the increased expenditures asked for in the Senate amendments to this bill. With these remarks I submit these amendments to the judgment of the House and ask their concurrence in them.

Mr. GARFIELD. I yield a few minutes to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. Whether we concur in the Senate amendment which allows the charge of five dollars for each passport or leave it free as now, or fix it at three dollars, it matters not so far as the increase of these officers is concerned. The argument, so far as I can comprehend it, is this: Because we propose to raise for the Government through the charge for passports $45,000, therefore we ought to accept this increase of the number of employés in the State Department. That, sir, is the semblance of excuse offered for this amendment. In other words, this mode of taxing the people who go abroad is made a reason why the clerical force and the officers of the State Department should be increased.

Now, sir, I venture to say that there has been no time within twenty years that the foreign relations of this Government required less clerical service than now. In fact there is not, so far as I can see, any possible need of an additional Secretary of State or clerk in that Department; nor has any gentleman yet to my mind adduced a single satisfactory reason for it.

The chairman of the Committee on Foreign Affairs says there has been a reduction in the force of the Department since the time of Secretary Seward. Why, sir, we know that Mr. Seward had to deal with all the civilized nations in connection with our foreign affairs to keep them away from any interference with our war. And surely the gentleman will not tell us that the Secretary of State and the Department of State require now the services of any such number of men as were required during the period of the war with our confederate friends.

Mr. ORTH. I will say to the gentleman from Pennsylvania that the records of the Department show a very large increase in the amount of work performed by the Department.

Mr. RANDALL. I wish to refer to just one other point. Whether we charge for passports or not, that whole work in the past has been done with the present number in the State Department. Therefore why increase the force on that ground? There is no excuse for it in that connection. I hope therefore the House will concur in the original recommendation of the committee, so far as Senate amendment 30 is concerned, which increases the number of Secretaries of State, and that it will non-concur in that amendment.

Mr. GARFIELD. I yield to the gentleman from Michigan [Mr. CONGER] for a moment.

Mr. CONGER. I had occasion in the last session of the last Congress, as chairman of the Committee on Expenditures in the State Department, to make a thorough and close examination in regard to the number of clerks in that Department and their duties; and we found, as will appear by a report from our committee last winter, that there was not a clerk in that office whose time was not fully employed. We found they were working and were compelled to work extra hours. The report of our committee will show that the services rendered in the State Department are perhaps more thorough and the length of time and labor of all the clerks greater than in any other Department of the Government. And very much to my surprise I found that instead of a recommendation for a diminution of the number of clerks or of the salaries of the clerks, it almost seemed a duty that we should recommend to the House an additional force in that Department.

*No passport was issued between the 4th of June, 1812, and the 10th of September, 1814.

The committee reported to the House, as will appear from our report made at that time, that all the clerks were there employed beyond the reasonable hours of labor, and were employed very often longer than any other class of the employés of the Government were employed. We found that some of these clerks, who are proud of their employment and wish to keep up their work, return to it in the evening, and work day after day extra hours with no extra compensation.

I have felt from the examination we then made, which was very thorough and very searching, that it was due that I should say to the House that in the opinion of the committee, at that time, it would have been very proper to recommend an increase in the clerical force of that Department, or if not that, that we should recommend an increase in the compensation. Members of the House are very well aware that I am opposed to an increase of salaries or an increase of clerical force, unless there is an absolute necessity for it. But I do agree with the Senate and the Committee on Appropriations that that there should be this increase in this Department.

Now a word in regard to the fee for passports. Until within the last two years the charge for a passport has been five dollars. Probably there is scarcely a member of the House who has not received from his friends the fee for a passport, and procured it for them at some time or another. I have never heard of a person finding complaint of that small fee for the large document which costs the Government something to prepare, and which requires some considerable labor on the part of the clerks. No one I have ever heard of found any fault with the fee of five dollars. When the fee was reduced there were no less passports obtained and no more. Men do not travel for the sake of obtaining a passport, and if they have occasion to go abroad they will obtain them, let the fee be what it may. Travel to England and to Germany requires no passport, but many persons desire to have them in order to carry with them some evidence and acknowledgment of their American citizenship.

Mr. HAWLEY, of Connecticut. I am opposed to some and in favor of others of the amendments of the Senate to this portion of the bill. I have no doubt the State Department is overworked, that an increase of clerical force is needed there. I coincide in that respect with the chairman of the Committee on Foreign Affairs, [Mr. ORTH.] But there is another point upon which I wish to say a single word. I am not willing to vote a restoration of the charge of five dollars for a passport. I know it is said that none but wealthy people go abroad. That is a mistake. It is said that this fee will yield $45,000, which would indicate that nine thousand persons went abroad who would take passports. But a great majority of those who go abroad do not take them. And I venture to say of the nine thousand who would take them there would be three thousand to whom a tax of five dollars would be something of an item.

Mr. ORTH. Allow me to interrupt the gentleman a moment. There are but two countries in Europe that require passports. But nine thousand passports are issued, while the volume of travel is probably from sixty to eighty thousand.

Mr. HAWLEY, of Connecticut. I know that. There are men here who have gone abroad without caring anything for passports. But I was saying that if only nine thousand out of the fifty or sixty thousand take passports, I venture to say that three thousand of them will be people to whom five dollars will be a matter of some consideration. Any of you who have gone abroad have found in the steerage and in the cheaper compartments of the steamer a large number of people, American citizens, native and naturalized, some going abroad on business and others returning to their old homes. They go over for from thirty-five to fifty dollars, and every dime is counted in their estimate of expenses. Tax them five dollars for a passport and you will be adding from 20 to 30 per cent. to the expense they would be subject to in going to Europe. If you are to make a charge at all make it a less sum, and not as high as five dollars. I want to favor the one-third who go abroad rather than the rest; I do not care about the wealthier portion of the travelers in that respect.

Mr. WOOD. I make a distinction between the State Department and other Departments of the Government in regard to its clerical force. The duties performed by the persons employed in the State Department are of a very peculiar character, and can only be properly discharged by those who are familiar, not only from practice but also by much study, with the peculiar character of the duties they are called upon to perform. And, in addition to this, I will say that the State Department is the only Department of the Government where appointments are made with reference especially to the capacity of the person employed rather than to his partisan services and associations. Therefore I would put that Department in a position where, for the better discharge of its important duties, the Secretary, whoever he may be, may have the widest latitude, not only in the employment and transposition of his force, but in the compensation to be given to persons possessing the necessary qualifications for the duties required of them.

Now, in regard to the passport question. Gentlemen appear to forget that what was necessary a few years ago with reference to passports is not required at this time. Every nation of Europe, even Russia, is considering the propriety of an abolition of the passport system entirely. Of those who go abroad from the United States three-fourths take no passports whatever, not even of the wealthier classes. Certainly the poorer classes do not, for the immigrants from

Europe, coming chiefly from Germany, England, Scotland, and Ireland, require no passports to enable them to return to their native countries. The whole system has been a matter of form, so that now, with the exception of Turkey and the southern part of Italy, you can travel through the whole of Europe without a passport—without being obliged to show any evidence of American citizenship or any other citizenship. Even at Rome, the capital of Italy, no passport is required. If this tax of five dollars on each passport be reimposed it will apply only to men who are really very ignorant of what they do require, or to a class of people who desire to go elsewhere than to Europe. Therefore, I hope the amendment proposed will be adopted.

Mr. RANDALL. I desire to have a division of the question upon these amendments.

Mr. GARFIELD. I call the previous question on the amendments.

Mr. RANDALL. I deny the gentleman's right to have a vote in bulk upon all these amendments. I wish a separate vote on the thirtieth amendment, providing for an additional Secretary of State.

The SPEAKER. On the thirtieth amendment the committee recommend non-concurrence.

Mr. GARFIELD. No, sir; concurrence.

Mr. RANDALL. They recommended non-concurrence in the printed report; they have changed their minds.

The question was taken on concurring in the thirtieth amendment, to insert after "two Assistant Secretaries of State, at $3,500 each," the words:

And one additional Assistant Secretary of State, with like compensation, to be appointed by the President, by and with the advice and consent of the Senate, to be known as the Third Assistant Secretary of State.

There were—ayes 56, noes 24; no quorum voting.

Mr. RANDALL. I ask for the yeas and nays on this amendment.

The SPEAKER. The Chair will suggest that this matter had better go over, as in five minutes from this time the Committee on Military Affairs will be entitled to the floor against this and everything else whatever, unless by a vote of the House the business of the Military Committee should be postponed.

Mr. RANDALL. Then let this go over.

Mr. GARFIELD. I desire to ask the gentleman from Indiana [Mr. COBURN] whether he will not allow us to finish this bill before he goes on with the business of the Military Committee? An arrangement can be made by which he will not lose his rights. I very much desire that we shall get this bill in such a shape that it may go to the conference committee, if possible, this week. I do not think it will take much longer. This is the only question likely to be contested.

Mr. COBURN. I decline to yield.

The SPEAKER. This bill will go over with the question pending upon the thirtieth amendment. By order of the House the Committee on Military Affairs are entitled to the floor for reports from this time to the adjournment to-day.

ACCOUNTS OF ARMY AND NAVAL OFFICERS.

Mr. COBURN, from the Committee on Military Affairs, reported back the bill (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy.

The bill was read. It provides that the act to authorize the settlement of the accounts of officers of the Army and Navy, approved June 23, 1870, and continued by the act approved June 7, 1872, be further continued for one year from June 23, 1874, and no longer.

Mr. COBURN. I will merely state that this bill is recommended by the officers of the Treasury and of the War Department.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. COBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. DONNAN, from the Committee on Military Affairs, reported back, with amendments, the bill (S. No. 510) donating condemned cannon and cannon-balls to the posts of the Grand Army of the Republic, of Philadelphia, and other associations, for monumental purposes.

The bill was read. It authorizes the Secretary of War to deliver, if the same can be done without detriment to the Government, four condemned cannon and sixteen cannon-balls to each of the following named organizations, for the purpose of ornamenting burial grounds of deceased soldiers: To the post numbered two, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered five, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered six, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered seven, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered eight, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered ten, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered seventy-one, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the post numbered nineteen, Grand Army of the Republic, of Philadelphia, Pennsylvania; to the corporate authorities of the town of Winterport, State of Maine; and to the Soldiers' Monument Association of Henderson County, State of Illinois.

The amendments reported by the committee were read, as follows:

Strike out "four," in fifth line, and insert "two."
Strike out "sixteen," in fifth line, and insert "eight."
At the end of the nineteenth line insert "and four condemned cannon and sixteen cannon-balls to each of the following organizations, namely:"
Strike out the word "and," in the twenty-first line.
At the end of the twenty-second line add the following:
To the Northumberland County Monument Association, of Pennsylvania;
To Fuller Post No. 74, Grand Army of the Republic, Catasauqua, Pennsylvania;
To Delaware County Soldiers and Sailors' Monument Association, at Chester, Pennsylvania;
To Chapman Post No. 61, Grand Army of the Republic, at Mauch Chunk, Pennsylvania;
To Doubleday Post No. 189, Grand Army of the Republic, at Tamaqua, Pennsylvania;
To the Monumental Association at York, Pennsylvania;
To Post No. 30, Grand Army of the Republic, at Cambridge, Massachusetts;
To Post No. 68, Grand Army of the Republic, at Boston, Massachusetts.
To the Soldiers' Monument Association at Springfield, Massachusetts;
To Post No. 122, Grand Army of the Republic, at Amesbury, Massachusetts;
To the trustees of the soldiers' monument fund, at Akron, Ohio;
To the officers of the Soldiers' Monument Association, at Chilmith, Louisiana;
To the Soldiers' Monument Association at Pomeroy, Ohio;
To Post No. 63, Grand Army of the Republic, at Natick, Massachusetts;
To Post No. 5, Grand Army of the Republic, at Morgantown, West Virginia;
To Post No. 89, Grand Army of the Republic, at Beverly, Massachusetts;
To the Soldiers' Monument Association at Binghamton, New York;
To the Soldiers' Monument Association at Alliance, Ohio.

Mr. WILLARD, of Vermont. I wish to ask the gentleman from Iowa [Mr. DONNAN] what is the estimated value of these condemned cannon?

Mr. DONNAN. They are absolutely worthless, except as old iron to be recast.

Mr. WILLARD, of Vermont. What is their value in that way?

Mr. DONNAN. I cannot answer the question definitely. I have been informed by one of my colleagues that they are not worth over twenty-five dollars apiece.

Mr. WILLARD, of Vermont. How many cannon is it proposed to give?

Mr. DONNAN. Four to each monumental association.

Mr. WILLARD, of Vermont. And to how many associations?

Mr. DONNAN. There are about thirty included in the original bill and the amendments.

The amendments reported by the committee were agreed to.

The bill, as amended, was ordered to a third reading, read a third time, and passed.

Mr. DONNAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

HORSES LOST IN THE WAR.

Mr. HAWLEY, of Illinois, from the Committee on Military Affairs, reported a bill (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849; which was read a first and second time.

The bill, which was read, provides that the first section of the act of March 3, 1849, providing for the payment of horses and equipments lost by officers or enlisted men in the military service shall not be construed to deny payment to said officers or enlisted men for horses which may have been purchased by them in States in insurrection, and payment in any case shall not be refused where the loss resulted from any exigency or necessity of the military service unless it was caused by the fault or negligence of said officers or enlisted men.

Mr. HAWLEY, of Illinois. Mr. Speaker, I desire to say a word for the information of the House in connection with this bill. A draught of this bill was prepared in the Treasury Department by the Third Auditor and sent to the Committee on Military Affairs. It has the approval of the Secretary of the Treasury. The only object is to allow payment to officers or enlisted men who lost horses in the war which were purchased in States declared to be in insurrection. There are some cases where horses were purchased in Tennessee and other Southern States, and where officers or enlisted men have not been allowed payment for them simply because they were purchased in States which were declared to be in insurrection. It does not provide for the payment of captured horses or horses acquired in any other way than by purchase. I think there will be no objection to the bill.

Mr. WILLARD, of Vermont. It seems to me that the last clause of the bill provides for payment in any case——

Mr. HAWLEY, of Illinois. I have in my hand the letter of the Third Auditor; and it is in the exact form recommended by the Treasury Department.

Mr. WILLARD, of Vermont. Why should not payment be made just the same in all similar cases? I should like to ask the gentleman whether the last clause of the bill applies to cases only where horses were purchased in insurrectionary States? If it applies to all cases it is proper enough.

Mr. HAWLEY, of Illinois. The language of the bill is, payment in any case shall not be refused where the loss resulted from any exigency or necessity of the military service, unless caused by the fault or negligence of said officers or enlisted men.

Mr. WILLARD, of Vermont. The only thing I desire to know is whether it covers all these cases.

Mr. HAWLEY, of Illinois. It does cover all cases.

Mr. HOLMAN. I think the first provision in the bill is a very good one indeed, and ought to become law. The other provision is very broad, and I do not think any officer can place a different construction on that provision than is now placed on the act of 1849. I do not think it has the effect the gentleman from Vermont thinks it has of increasing the class of losses for which the Government is to pay.

Mr. HAWLEY, of Illinois. I demand the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT SANDERS MILITARY RESERVATION.

Mr. HAWLEY, of Connecticut, from the Committee on Military Affairs, reported back a bill (H. R. No. 773) with an amendment.

The first section of the bill provides that the military reservation of Fort Sanders, in the Territory of Wyoming, is hereby reduced to an area of four square miles; and the said reservation shall, after the passage of the act, be limited and bounded as follows: beginning at a point one mile due north of the point where the flag-staff of Fort Sanders is planted, and running thence due east one mile; thence due south two miles; thence due west two miles; thence due north two miles; and thence due east one mile to the place of beginning.

The second section provides that immediately after the passage of the act it shall be the duty of the officer commanding the military department of the Platte, under the direction of the Secretary of War, to cause a direct survey of said reservation to be made in conformity with the provisions of the first section of the act, and to have posts or monuments planted at each of the corners thereof, and so marked that they will indicate the boundaries of said reservation.

The third section provides that the lands heretofore constituting the Fort Sanders military reservation outside of the limits of the new reservation, as defined in section 1 of the act, shall be held to be and have been subject and liable to the operation of the laws of the United States, in the same manner and to the same extent as if the same had never been included within the limits of said reservation, provided that in all cases where any of said last-mentioned lands would be subject to entry under the pre-emption and homestead laws of the United States, the actual settlers on said lands shall have the right and privilege to make proof and payment for their respective claims, under the provisions of the pre-emption and homestead laws, by filing their declaratory statements, as provided by existing laws, at any time within six months from the passage of the act.

The amendment of the committee was read, as follows:

Amend by striking out all of the first section after the word "Wyoming" in the fourth line, and inserting in lieu thereof the words "is hereby reduced in area, and the said reservation shall, after the passage of this act, be limited and bounded as follows: Beginning at the point where the old stage-road to Salt Lake crosses the Big Laramie River, and running thence east four miles; thence south four and five-tenths miles; thence in a west-southwest direction to the junction of what is known as the Five Mile Creek, with the present south line of the reserve; thence along this creek to its junction with the Big Laramie River; thence along said Big Laramie River to the place of beginning."

Mr. HAWLEY, of Connecticut. This reservation of Fort Sanders was originally established as Fort John Buford, by order of January 7, 1867, and included an area of six miles square or thirty-six square miles. On the 29th June, 1869, it was increased to an area of nine miles by nine, or eighty-one square miles, and received the name of Fort Sanders.

Many settlers have come in upon a portion of this reservation, and Laramie was laid out on the 15th of February, 1868, before the increase to which I have referred, and on the territory that was covered by the increase of the reservation. It has become a village or town of fifteen hundred people. The title is unsettled. There is much embarrassment arising in consequence of that extension of reservation, it being now eighty-one square miles, which is much larger than it need to be.

The bill as first introduced was to make a rectangular reservation four miles by four. But the military authorities found that this would interfere seriously with the value of the fort, depriving them of the land needed for pasturage, wood, water, &c. They have therefore recommended the amendment which is now reported by the committee, making a somewhat irregular reservation for the purpose of reserving enough of the land for pasturage, wood, water, &c., for the necessities of the fort.

Mr. HOLMAN. Is this recommended by the War Department?

Mr. HAWLEY, of Connecticut. The amendment is in the language recommended by the Secretary of War.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Connecticut, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BARRACKS, ETC., AT ATLANTA, GEORGIA.

Mr. GUNCKEL, from the Committee on Military Affairs, reported back, with the recommendation that it do not pass, the bill (H. R. No. 1429) to authorize the Secretary of War to purchase a site for barracks and quarters for military purposes at Atlanta, Georgia; and the same was laid on the table, and the accompanying report ordered to be printed.

PALESTINE EXPLORATION.

Mr. GUNCKEL, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the joint resolution (H. R. No. 63) detailing an Army officer to continue the survey and exploration of Palestine on the east side of the Jordan.

The joint resolution was read. It authorizes the Secretary of War to detail an officer of the Army to continue the survey and exploration of Palestine on the east side of the Jordan as already commenced and in part prosecuted under the supervision of the Palestine Exploration Society; provided, however, that such detail shall not involve the United States in any expense in mileage or otherwise beyond the usual pay and allowances of such officer while so employed.

Mr. GUNCKEL. If gentlemen desire an explanation, I will say a word or two in regard to this joint resolution.

Mr. HOLMAN. Let me suggest to the gentleman from Ohio that nearly two hundred persons from civil life are now employed in the engineer service in connection with our public works in consequence of the insufficiency of the Engineer Corps.

Mr. COBURN. This is a cavalry officer, not an engineer.

Mr. HOLMAN. I submit that while we are paying Army officers at regular salaries for Army service, it is not right to take them away from the duties they ought to perform.

Mr. GUNCKEL. I will state to the gentleman that this work is in the hands of a Palestine exploration society, located in New York City. This resolution is simply to authorize the detail of an officer of the Army to command the expedition, the society defraying all the expenses. The exploration has been going on for two years and an officer detailed by the Secretary of War therefor without the authority of Congress. It is now proposed to continue the work and finish it by the authority of Congress. It will entail no expense upon the Government, but it will merely give the society the services of an officer who has nothing to do here. He might as well be employed there, and as I have said he is a cavalry officer and not an engineer, so the point made by the gentleman from Indiana does not apply.

Mr. HOLMAN. Are not the military authorities finding it necessary to employ a large number of persons from civil life to perform the duties which should be performed by Army officers?

Mr. GUNCKEL. Not of cavalry officers. I will suggest to the gentleman that in reducing the Army there will be a surplus of officers, and they might as well be employed on such a service as to remain at home and do nothing and yet receive their regular pay and allowances. And I will say, also, that this is following a democratic precedent, for during the administration of President Polk, the then Secretary of the Navy, Hon. John Y. Mason, detailed Lieutenant Lynch for a similar exploration service with twenty times the number of men and twenty times the expense required for this work.

Mr. HOLMAN. Is this survey already made?

Mr. ALBRIGHT. Only a part of it. I desire to say that this is an exploration purely in the interest of science and the discovery of matters relating to biblical history. The lieutenant who had charge of this survey was detailed by the Secretary of War under the belief that the Secretary of War had all the authority necessary. This society has gone on for several years and are about completing their surveys and explorations. And it would be a loss to science if this officer was taken away, because he has experience that probably another man would have to labor several years to acquire. It does not cost the Government anything except the pay of this officer. He is not an officer of the Engineer Corps, but an officer of the cavalry.

Mr. COX. I never voted, I believe, for any of these explorations abroad. I do not know that I will for this one; but it seems to me to be meritorious, as it extends our scientific explorations in a very interesting country. I would remind the House, and I would remind the chairman of the Committee on Appropriations especially, that Congress last year I think voted $10,000 for the exploration of certain old manuscripts in Paris, although it was opposed by my friend from Indiana and by myself as a useless performance, for I believe that such things should be done by ordinary private enterprise. And it turned out after the appropriation bill was passed containing that appropriation that all these manuscripts had been gone over, with the aid of money furnished I believe by Mr. Astor, who was interested in our western explorations, and the $10,000 appropriated were only wasted or were given to somebody to flourish abroad with and make some little reputation for himself.

Now, I have no objection to an exploration of a scientific character within our own borders. But this wonderful land of Palestine, which is almost as large as, if not larger than, Montgomery County, Ohio, from which my friend [Mr. GUNCKEL] comes, has been explored already by everybody for the last two thousand years. More books have been printed upon that than upon any other land. The crusaders carried on the work of exploration at great expense to their people; I do

not mean the Ohio crusaders. Supposing that this matter would come up, and feeling inclined to examine it, I sent for several books, among them Mark Twain's Innocents Abroad. I think if the United States is represented abroad in this business, it will be in many particulars pretty much as the Innocents were.

My friend from Oregon, [Mr. NESMITH,] who is always suggesting original ideas, says that Moses spent more than forty years in this exploration, under great difficulty and hardship. There is no country on the face of the earth about which we know so much and know it scientificially as we do about Palestine. Lynch himself made an exploration of the Dead Sea which Mark Twain adopted.

I do not know whether any protest on this subject will have any effect in this House. We vote for everything suggested here by our committees. But for one I never will vote to make the United States Government a publishing house at the expense of private publishers and citizens.

Mr. GUNCKEL. I am very reluctant to consume the time of the House in discussing this resolution. But I will say to my friend from New York [Mr. COX] that the very exploration of Lieutenant Lynch, to which he has referred, was made by order of the Government. There were some twenty officers and men detailed for the purpose, at an expense fifty times as great as this would require. This joint resolution does not propose to take a single cent of money from the Treasury, but simply to give the time of an officer for about a few years longer. In reply to the argument of the gentleman as to the necessity of this exploration and of its importance as a contribution to natural and biblical science, I will send to the Clerk's desk and ask to have read a memorial from President Woolsey, of Yale College; Rev. Dr. Hitchcock, of New York; and others of the most distinguished scholars in the United States, upon this subject.

Mr. GARFIELD. I would like to inquire what was the remarkable thing said by the gentleman from New York [Mr. COX] about the $10,000 appropriated last year.

Mr. COX. I was not aware that the gentleman was out of the Hall. I happened to mention the fact that our appropriation of $10,000 for examining the French manuscripts was entirely useless.

Mr. GARFIELD. Why so?

Mr. COX. Because all worth printing had been selected and published, as I understood.

Mr. GARFIELD. When?

Mr. COX. Under the auspices of Mr. Astor, many years ago.

Mr. GARFIELD. And you supposed the money had been paid out and lost? The only trouble about the statement of the gentleman is that the money has not yet been paid out. I have received a Communication from the historian, Parkman, complaining that the committee on the Library were dilatory in forwarding the money, and stating that manuscript enough for three volumes was ready for publication, and that the rest would be prepared soon; and that it was a great misfortune that the work was not hastened, so that it could be got out. None of the money has yet been expended, and none of the volumes have yet been published.

Mr. GUNCKEL. I now ask that the memorial be read.

The Clerk read as follows:

To the honorable the Senate and House of Representatives in Congress assembled:

Your petitioners, citizens of New York and its vicinity, respectfully represent that of all the exploring expditions sent out from the United States none have been more interesting to the people of this country than that recently sent from New York to survey and explore the unknown regions of Palestine lying east of the river Jordan.

This expedition, fitted out by the Palestine Exploration Society, has spent one season among the mountains of Moab, and has demonstrated the practicability of the proposed survey, and has reported, among the results accomplished, the triangulation of over six hundred square miles.

In these explorations ruined cities are brought to light, biblical sites are identified, and ancient inscriptions, some of which are in unknown characters, have been discovered.

The urgent demand throughout Christendom for an accurate survey of the Holy Land has found expression in past years in the isolated efforts of individual travelers, unprovided with adequate instruments and resources, and whose maps are consequently inaccurate.

More recently Lieutenant Lynch, in 1848, under the auspices of the United States Navy Department, made a careful exploration of the river Jordan, and his report is now standard authority on that subject, and reflects great credit upon our Government. In imitation of such action the British government have for the last seven years detailed an army officer to command an exploring expedition, which is still at work surveying with great accuracy the country lying west of the Jordan.

And your petitioners further represent that three years ago a similar society was formed in this city, entitled "The Palestine Exploration Society," and by agreement with the English society undertook the work of exploration on the east side of the Jordan, where about fifteen thousand square miles of territory remain to be surveyed and mapped.

It is the intention of these two societies to unite the results of their exploration in the execution of an accurate map of all Palestine. With a view to accomplish their part of the work, the American society proposed to send out another expedition as soon as may be. It is estimated that the work can be done in five years, at an expense of about $30,000 per annum. A portion of this amount has already been subscribed. The party will consist of eight or ten gentlemen of scientific attainments, with a view to make a complete archæological, cartographical, and botanical survey.

And your petitioners pray that authority be given to the Secretary of War to detail an Army officer, possessing the necessary attainments, to command this expedition, if one can be found who is willing to go, and to continue such detail until the completion of the work, and to furnish such instruments as may be required for the equipment of the expedition.

And your petitioners will ever pray.

Mr. WILLARD, of Vermont. I have an amendment, to which I understand the gentleman from Ohio has no objection.

Mr. HOLMAN. Will the gentleman consent to an amendment that the mileage and transportation of this officer during his absence shall be suspended?

Mr. WILLARD, of Vermont. That is the amendment which I propose; to insert after the word "allowance" the words "not including mileage or transportation."

Mr. GUNCKEL. I have no objection to the amendment. I now call the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the amendment was agreed to.

The question was upon ordering the bill, as amended, to be engrossed and read a third time; and being taken, upon a division, there were—ayes 58, noes 31; no quorum voting.

Tellers were ordered; and Mr. GUNCKEL and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported that there were—ayes 118, noes 38.

So the bill was ordered to be engrossed and read a third time; it was accordingly read the third time, and passed.

Mr. GUNCKEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY REGULATIONS.

Mr. ALBRIGHT. I have been directed by the Committee on Military Affairs to report back, with amendments, House bill No. 844, to authorize the promulgation of the general regulations for the government of the Army.

The bill was read. It provides that so much of section 20 of the act approved July 15, 1870, entitled "An act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes," as requires the system of general regulations for the Army therein authorized to be reported to Congress at its next session and approved by that body, be repealed; and the regulations prepared by the Secretary of War under said section shall, when approved by the President, be in force and obeyed until altered or revoked by the same authority or by act of Congress.

Mr. ALBRIGHT. I believe there is no objection to this bill. It is desired by the Army officers. It simply provides for such regulations as may be necessary for the government of the Army.

The amendment reported by the committee was read, as follows:

Strike out all after the word "repealed" and insert the following:
And the President is hereby authorized under said section to make and publish regulations for the government of the Army in accordance with existing laws.

The amendment was agreed to.

Mr. GARFIELD. Does this bill authorize the Secretary of War to make regulations for the Army?

Mr. ALBRIGHT. It authorizes the President to prescribe regulations in accordance with existing laws.

Mr. GARFIELD. I wish to ask only a single question. The Rules and Articles of War have always been understood to derive their force from acts of Congress, corresponding in this respect with the old mutiny act of England. I wish to know whether this bill in any way puts it within the power of the President to modify the Rules and Articles of War?

Mr. ALBRIGHT. Not at all.

Mr. COBURN. The bill expressly provides that the regulations prescribed by the President shall be in accordance with law.

Mr. GARFIELD. Then this bill does not interfere at all with the principle that the Articles of War must be prescribed by act of Congress.

Mr. ALBRIGHT. It does not apply to the Articles of War at all.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ALBRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSIGNMENT OF RETIRED OFFICERS TO DUTY.

Mr. MACDOUGALL, from the Committee on Military Affairs, reported a bill (H. R. No. 3429) to put retired officers of the Army on duty; which was read a first and second time.

The bill was read. It authorizes the Secretary of War to place retired officers of the Army, (upon their own application accompanied by the certificate of a regular medical officer,) who are physically incapacitated, on duty as boards, military posts, in charge of evacuated posts and garrisons, and on recruiting service, and such other details as it may be to the interest of the service for them to perform; and their status shall be that of active officers of the Army for the time being; and all laws or parts of laws inconsistent herewith are hereby repealed.

Mr. HOLMAN. I believe that retired officers of the Army receive only a certain proportion of the regular pay; and as has been admitted by the gentleman from Ohio, [Mr. GUNCKEL,] a member of the Committee on Military Affairs, there are now a number of supernumerary officers. I wish to know whether the effect of this proposition is not to increase the pay and allowances of those officers not actually performing regular Army duty?

Mr. MACDOUGALL. There are now connected with the Army about three hundred retired officers, many of whom have lost legs and arms. Under the present law officers on the active list are detailed to perform duty on military courts, to take charge of evacuated posts, to do recruiting duty, &c. For such purposes as these there are now about two hundred and ninety officers detailed from their regular commands, a list of which I submit and desire to have inserted here:

Officers of the United States Army (staff and line) absent from their proper stations.

Nature of duties, &c.	Colonels.	Lieutenant-colonels.	Majors.	Captains.	Adjutants.	First lieutenants.	Second lieutenants.	Chaplains.	Military store-keepers.	Ordnance store-keepers.	Total.
On recruiting service	2	1	1	13	...	26	1	...	...	...	44
Professors in civil colleges	....	....	....	....	...	13	3	...	...	...	16
At United States Military Academy	1	1	....	5	...	11	15	...	...	...	33
Aids-de-camp to general officers	....	....	....	17	...	13	6	...	...	..	36
In War Department	....	....	1	1	...	1	1	...	...	...	4
At headquarters military divisions and departments	2	2	4	3	...	1	1	...	...	...	13
In subsistence department	....	....	1	....	...	.....	....	...	...	...	1
Acting signal officers	....	....	....	1	...	9	4	...	...	...	14
Disbursing duty, freedmen's branch	....	....	7	....	...	.....	....	...	...	...	7
On ordinary leave of absence	2	1	....	10	1	18	7	1	...	..	40
On sick leave and S. C. D	3	2	12	26	1	17	10	3	2	1	77
Soldiers' Home	1	....	....	1	...	.....	....	...	...	...	2
Palestine exploring expedition	....	....	....	....	...	.....	1	...	...	...	1
Observation of transit of Venus	....	....	....	1	...	2	....	...	...	...	3
Aggregate	11	7	26	78	2	111	48	4	2	1	290

All of the above are duty officers on active list. This does not include the large details required of officers for courts-martial, and boards, &c.
Eight or ten of above are staff, the remainder regimental officers.

The effect of this bill is that where a disabled officer is competent to perform duty on courts-martial or at the evacuated posts, garrisons, &c., he may be assigned to such duty. For instance, there has recently been convened in the city of Washington a court for the investigation of General Howard; and the Government was obliged to send to Texas, and Omaha, Nebraska, for officers to sit upon that court, thus entailing considerable expense upon the Government for their transportation, while we had in the city of Washington officers who would have been eligible for such duty if a law of this kind had been in force. If retired officers had been assigned to this duty they would have been employed for about sixty days at regular pay, and at the conclusion of such service would have resumed their former positions upon the retired list.

Mr. HOLMAN. The gentleman from Ohio [Mr. GUNCKEL] has to-day informed the House that there is now such a body of supernumerary officers in our Army that the sending of one abroad would be no inconvenience to the public service; yet now in this, the second bill that has since been reported, it is proposed to increase the number of persons receiving active service pay.

Mr. HAWLEY, of Illinois. As I understand this bill, it will involve no additional expense for the pay of these retired officers unless they are actually needed for, and can perform, duty to which otherwise officers in active service would have to be assigned. In the case mentioned by the gentleman from New York, [Mr. MACDOUGALL,] officers on the retired list could have performed duty as members of a military court just as well as those who were actually assigned to that court.

Mr. HOLMAN. As I understand, a retired officer receives two-thirds of the regular pay, but no allowances. The effect of this bill is to increase the number of officers who are to receive full pay.

Mr. MACDOUGALL. These retired officers will not receive full pay unless on duty; for instance, if they should be assigned to serve on a military court, they would receive full pay while so serving.

Mr. HOLMAN. I only wanted to show the disagreement in the committee as to whether there is a sufficient number of officers.

Mr. HAWLEY, of Illinois. I insist that there is no disagreement between the two statements to which the gentleman refers. The gentleman from Ohio [Mr. GUNCKEL] having charge of the other bill said that we could spare the officer referred to. If we had under consideration a bill for reducing the Army, the suggestion of the gentleman from Indiana [Mr. HOLMAN] might be pertinent; but if we pass this bill, although we may have more officers than we need, it will be within the power of the Government at certain times and in certain places to bring into requisition to the advantage of the Government the services of men who are upon the retired list, and thereby save the expense of transporting officers for long distances from other sections of the country.

Mr. HAWLEY, of Connecticut. This bill simply increases the resources of the Secretary of War in making details for these military courts—for a court like that referred to, the Howard court. Since we passed the law reducing the Army to twenty-five thousand men, there must be for some time of course a great many officers who are supernumerary until they can be reassigned, until by the natural wastage of the Army there comes to be a place for them. They cannot now be assigned to duty on these courts. The Secretary of War may not wish to make up a court out of junior officers of the line. If he had the opportunity he would select some of these men who are fifty-five or sixty years of age, experienced, able men, now upon the retired list for this duty who are now excluded from it. Let the Secretary of War make up his detail from these officers, and I know now of some thirty of them going about the country without doing anything, for you do not permit them to do anything. They are men of the requisite experience and standing in the Army. He would not then be compelled to go down into Texas to bring up here General Reynolds, or go to Omaha for General Miles, but might select General Ricketts and other men who are now doing nothing. He would not have occasion to exercise his powers under the bill a dozen times in a year, but it would be a great convenience when he did. This cavalry officer in Palestine, who is doing creditable work over there, may not be the man to appoint as one of the three members of a court, while General Ricketts or some of those other officers may be the very men, but they cannot now be put on because they are retired officers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACDOUGALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT SUMNER MILITARY RESERVATION.

Mr. NESMITH, from the Committee on Military Affairs, reported back a bill (H. R. No. 3430) for the relief of settlers on the abandoned Fort Sumner military reservation, in the Territory of New Mexico; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of War to relinquish and turn over to the Department of the Interior, for restoration to the public domain, the military reservation of Fort Sumner, in the Territory of New Mexico. It further provides that the Secretary of the Interior shall offer the same at public sale to the highest bidder, in legal subdivisions not greater than one quarter-section when the same can be made, and not below the minimum price provided by law. Any land left unsold after such offer shall be held for disposal as other public lands, provided notice of such public sale shall be advertised for sixty days in two newspapers, one published in the capital of the Territory and the other at a point adjacent to the place of sale.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NESMITH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BREVET COMMISSIONS IN INDIAN WARFARE.

Mr. NESMITH also, from the same committee, reported back a bill (H. R. No. 1511) allowing brevet commissions for distinguished services in Indian warfare, with the recommendation that it do pass.

The bill, which was read, provides that section 2 of the act entitled "An act to amend an act of April 10, 1866, for establishing rules and articles for the government of the armies of the United States," approved March 1, 1869, shall not be construed to prohibit the President from conferring brevet commissions for distinguished conduct and gallant and meritorious public service during Indian hostilities in the presence of hostile Indians.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NESMITH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ACADEMY BAND.

Mr. YOUNG, of Georgia, from the Committee on Military Affairs, reported back a bill (H. R. No. 1679) to provide for the Military Academy band, and to fix the pay of its members, with the recommendation that it do pass, with an amendment.

The bill, which was read, provides that the Military Academy band shall consist of one teacher of music, who shall be leader of the band, and may be a civilian, and of forty enlisted musicians of the band, and that the teacher of music shall receive one hundred dollars per month, one ration, and the allowance of fuel of a second lieutenant of the Army; and that of the enlisted musicians of the band, ten shall each be paid thirty-four dollars per month, and the remaining thirty shall each be paid thirty dollars per month; and that the enlisted musicians of the band shall have the benefits as to pay, arising from re-enlistments and length of service, applicable to other enlisted men of the Army.

The amendment of the committee was as follows:

In section 2, line 2, strike out "one hundred" and insert "ninety."

Mr. HOLMAN. I trust there will be some explanation of this bill.

Mr. YOUNG, of Georgia. Let the report be read.

The report was read. The committee state that the band at West Point is the only band in the Army now authorized and provided for by law. It has been deemed necessary to maintain this band from the very foundation of the Military Academy in 1802 to the present time. The Military Academy has been for many years, and is to-day, and justly so, the pride of the nation and the admiration of the military powers of the earth. West Point is often visited by officials sent out by other countries for the purpose of examining and reporting upon the efficiency of our military instruction. The band is no inconsiderable portion of the establishment of the academy, and should, in the opinion of the committee, be put upon a creditable footing, and made to accord with the other establishments of the Military Academy.

Mr. HOLMAN. I make the point of order that the bill makes an appropriation.

The SPEAKER. The gentleman from Indiana makes the point of order that this requires an increased appropriation. The Chair thinks the point is good.

Mr. YOUNG, of Georgia. Then I ask that the bill may be referred to the Committee of the Whole on the state of the Union.

The bill was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

ARMY MEDICAL MUSEUM.

Mr. YOUNG, of Georgia, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 3345) to provide for the purchase of a building adjacent to the Army Medical Museum, in the city of Washington, District of Columbia, for scientific purposes.

The bill authorizes the Secretary of War to purchase a brick house adjacent to the Army Medical Museum, in Washington, District of Columbia, for such scientific purposes as the Department may deem proper, provided that the amount paid for such building shall not exceed the sum of $3,500.

Mr. HOLMAN. I think that bill ought to be examined in Committee of the Whole.

Mr. YOUNG, of Georgia. I demand the previous question on the passage of the bill.

Mr. HOLMAN. I insist on the point of order, and I trust my friend from Georgia will see the propriety of the bill having an examination in Committee of the Whole.

Mr. YOUNG, of Georgia. I ask the unanimous consent of the House to have this bill, with the accompanying report, printed, and referred to the Committee on Appropriations, with a recommendation to them to bring it in as an amendment to the deficiency bill.

The SPEAKER. That requires unanimous consent.

Mr. YOUNG, of Georgia. I know it does; and I make that request. I believe the Committee on Appropriations are in favor of this appropriation.

Mr. HOLMAN. I think it is important to stop these drains on the Treasury, and I insist on the point of order.

The SPEAKER. The Chair sustains the point of order.

The bill was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

CLERKS IN UNITED STATES ARMORY, SPRINGFIELD, MASSACHUSETTS.

Mr. YOUNG, of Georgia, also, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1410) fixing the salaries of the clerks in the United States armory at Springfield, Massachusetts.

The bill was read. It provides that from and after the passage of the act, in lieu of the compensation now allowed to the clerks at the United States armory at Springfield, Massachusetts, including fuel and quarters, there shall be paid to each of said clerks the annual salary of $1,650.

Mr. HOLMAN. It seems to me that we ought to consider this bill also in Committee of the Whole. I make the point of order that it makes an additional appropriation.

Mr. YOUNG, of Georgia. The bill requires no additional appropriation. I am assured by the gentleman from Massachusetts [Mr. GOOCH] that there is no additional appropriation, but that these clerks prefer to receive their pay in money instead of fuel and quarters, as they now have it. I demand the previous question on the passage of the bill.

Mr. HOLMAN. I ask that the bill may be again read, meanwhile reserving the point of order.

The bill was again read.

Mr. YOUNG, of Georgia. I yield to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. I will state to the House just what this proposes to do. There are four clerks of the Springfield armory who are paid in money $1,200 a year and allowed rations, fuel, and quarters; but the quarters depend upon whether an Army officer wants to take them or not. If an Army officer comes there any time in the year the clerks are obliged to leave the quarters and find rooms or homes in the town. This is very inconvenient and causes them great expense.

It was suggested at the Ordnance Department that there should be ascertained as near as could be what was the equivalent for those rations and quarters and fuel, &c., and that cash should be given instead; and they have ciphered it up so as to make it about what is provided in the bill. At their suggestion this bill was prepared, and it will be a matter of great convenience to the clerks. It also strikes off the private use of public property.

Mr. HOLMAN. As the bill seems to make no increase of appropriation, I withdraw the point of order.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOUNG, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESERVATIONS IN ARIZONA.

Mr. HUNTON, from the same committee, reported a bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes.

The bill authorizes the Secretary of War to relinquish and turn over to the Department of the Interior, for restoration to the public domain, such portions of what are known as Fort Yuma, Fort Whipple, and Camp Date Creek reservations in Arizona as in the opinion of the Secretary of War may be no longer required for military purposes, provided that the Secretary of the Interior shall expose the same at public offering for sale to the highest bidder in legal subdivisions not greater than one quarter-section, when the sale can be made, and not below the mininum price provided by law; and any land left unsold at such offering shall be held thereafter for disposal as other public lands. Notice of such public sale shall be advertised for sixty days in two newspapers, of which one shall be published in the capital of the Territory and the other circulating nearest the place of sale.

Mr. LOWE. I suggest to the gentleman from Virginia [Mr. HUNTON] that in the phrase "notice of such public sale shall be advertised" the word "advertised" should be changed to "published."

Mr. HUNTON. I have no objection to that.

Mr. McCORMICK. Allow me to ask a question of the gentleman reporting this bill. In the case of the Fort Whipple reservation several ranch claims were taken up before the reservation lines were thoroughly established. The object of this bill is to restore that portion of the reservation never needed or used for military purposes to the public domain, so that those parties can have no question raised in reference to their titles to the ranches. I hope public sentiment out there is such that if this land is put up at public auction there would be no objection to these early occupants buying it in at the legal rate for public lands. Would this act, as it is, interfere with the perfection of title to these ranches, or deprive those settlers of any rights?

Mr. HUNTON. I think that question would be determined by the Land Office according to the regulations of that department.

Mr. DUNNELL. I notice that the Committee on Military Affairs have reported a large number of bills similar to the one now before the House. It would seem that the committee had adopted the principle of going over and cutting down all the military reservations of the country. But I notice that no provisions are included in the bills protecting those settlers who may be on any portion of these reservations. It is the fact that in regard to many reservations which have been diminished, actual settlers have been found on the outskirts who did not know they were on the reservation, but who are thereby compelled to lose their improvements on their lands.

It seems to me that there should be some protection in these bills to those who may be on the land as actual, *bona fide* settlers. Certainly all such bills that have been reported from the Committee on the Public Lands have carefully guarded the interests of those who have actually settled on these reservations.

Mr. HAWLEY, of Connecticut. I would like to ask the gentleman a question. Suppose that a settler came on to a tract of land in advance of a survey, and after establishing homes the land was set apart for a military reservation, and then after a few years the military reservation was given up and restored to the public lands. Cannot that settler go on and perfect his title?

Mr. DUNNELL. I think not; not under a bill like this; he is left out in the cold entirely. It seems to me that these bills which we have been passing this morning, of which this is a sample, are decidedly defective in that particular.

Mr. McCORMICK. I introduced this bill, and I am entirely familiar with the reservations to which it refers. There is one case of the kind referred to by the gentleman. That is the Fort Whipple reservation, where several ranchmen went on and improved the land to a certain extent before the reservation was definitely defined. I had hoped the committee would allow the act to stand as introduced, simply to restore these unused reservations or parts of reservations to the public domain, and have them sold under the regular land laws without restriction.

Mr. DUNNELL. As we are all aware, there has been a great deal of speculation in vacating some of these military surveys and throwing them into the market. Somebody is interested in the contraction of these reservations. It is to be a very good thing for somebody that these lands are thrown into the market. Now, I would inquire if there is any recommendation from the Secretary of War to diminish

these reservations in size, or is it asked for by some local expectant bidder?

Mr. McCORMICK. My bill is approved by the general commanding the department, by the general commanding the division, and by the Secretary of War, and is in the interest of my people.

Mr. COBURN. I desire to say a word or two on this question. In the first place, if we are to establish it as a principle or as a practice of the Government that these squatters, who go upon the reservations either knowingly or carelessly, can by that act acquire a right of possession to the property and have a claim to it, then we may as well give up our reservations at once. How far are you going to let men go beyond the border of a military reservation? Shall they go half a mile, a mile, or two miles? Where is the limitation to be drawn? If you allow these robbers of the public lands to settle on well-defined military reservations, there can be no end of the thing. There can be no more dangerous or suicidal policy than to undertake for one moment to allow to men who encroach on military reservations the shadow of any claim.

I hold in my hand a letter from the Commissioner of the General Land Office upon which this bill was draughted; and the very language of the Commissioner on this subject is employed in the bill. Nothing can be more dangerous than to attempt to protect the rights of any man who encroaches upon a military reservation. Everywhere persons are attempting in this way to get some kind of a foot-hold. I hope the House will never adopt a policy which will give them any encouragement, because you cannot make any limitation as to the first quarter of a mile, or half a mile, or two miles. Some of these reservations are very large. The only safe policy for the Government in this matter is to stand by the boundaries of the reservation. Property of this kind often becomes very valuable; towns may be built up closely adjoining it. Why should not the Government as well as individuals derive benefit from the settlement of the country? There is a constant effort in all quarters to encroach upon the public lands, to seize the land of the Government by hook or crook. I hope that no policy will ever be adopted that will allow to settlers of this description any claim whatever.

Mr. DUNNELL. I would like to reply in a single moment to the gentleman from Indiana, [Mr. COBURN.] There is perhaps attached to the word "squatter" such an idea as his remarks convey; but among those who settle on the public lands, and who may be technically called "squatters," there are those who go upon those lands naturally and rightfully; and I insist they ought to be protected. Here may be a military reservation the boundaries of which are not well known, not platted upon any of the maps. An honest seeker for a home, a man with a family, may have gone a little over the line and got upon a part of this reservation. He is a tiller of the soil. As a citizen of the United States he has some rights to be protected. Now it is proposed to sell this reservation at public sale regardless of the rights of such a man. You may, if you please, call him a "squatter" derisively; nevertheless he has rights that ought to be protected. I submit that whenever these lands are thrown open to sale *bona fide* settlers upon any portion of the reservation should have a preference as purchasers at the minimum price.

Mr. G. F. HOAR. I wish to inquire of the gentleman from Minnesota [Mr. DUNNELL] whether at the last Congress we did not pass some general law providing that when a *bona fide* settler had occupied the public lands and made improvements he should have a preference over other persons as a purchaser?

Mr. DUNNELL. I do not recall any such law.

Mr. G. F. HOAR. Some general statute on that subject was passed at the last session. I do not remember its details and cannot say whether it covered this case or not.

Mr. HUNTON. I ask the Clerk to read an extract from a letter of the Commissioner of the General Land Office.

The Clerk read as follows:

> The best method of disposing of them would, in my opinion, be by exposing them at public offering for sale to the highest bidder, yet subject to the legal minimum price; any land left over unsold at such offering to be thereafter held for disposal as other public lands. But if portions of the reservations no longer required for military purposes have been considerably improved by the Government, and the value of the lands much enhanced, it would be the best method first to appraise the lands and the improvements thereon, and then sell them by public offering with the appraised value as the minimum price, the lands and improvements being appraised and offered separately or together as might be thought best on a consideration of the circumstances in detail, with a view to selling to the best advantage for the Government.

Mr. McCORMICK. I simply wish to put on record the statement that while I agree with the chairman of the Committee on Military Affairs in the general principle he has stated with reference to the sale of reservations, I can say from personal knowledge that there are in Arizona no encroachments of the kind referred to that I know of. The only question in reference to Fort Whipple reservation arises from the fact that on the southern side several farmers took up claims before the lines of the reservation were declared, and General Crook himself, commanding the department, agreed with me in a conversation I had with him on this subject that it would be a simple act of justice that these ranches should be given up entirely to the claimants. I simply want it understood that under this bill such *bona fide* claims are protected, as they certainly should be.

Mr. DUNNELL. They are in no way protected; they may lose all their betterments.

Mr. HUNTON. I call the previous question on this bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF TELEGRAPH LINES.

Mr. HUNTON, from the Committee on Military Affairs, reported a bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction; which was read a first and second time.

The bill provides any person or persons who shall willfully or maliciously injure or destroy any of the works or property or material of any telegraphic line constructed, or owned, or in process of construction, by the United States, or that may be hereafter constructed or owned, or occupied and controlled by the United States, or who shall willfully or maliciously interfere in any way with the working or use of any such telegraphic line, or who shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such telegraphic line, shall be deemed guilty of a misdemeanor, and, on conviction thereof in any district court of the United States, shall be punished by a fine of not less than $100 nor more $1,000, or with imprisonment for a term not exceeding three years, or with both, in the discretion of the court.

Mr. WILLARD, of Vermont. I move after the words "district courts" to insert the words "having jurisdiction of the offense."

Mr. HUNTON. I have no objection to that amendment.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY OFFICERS' EMBLEMS.

Mr. NESMITH, from the Committee on Military Affairs, reported back a bill (H. R. No. 2420) allowing Army officers to wear certain emblems indicative of honors conferred upon them, with the recommendation that it do pass.

The bill, which was read, provides that section 16 of the act approved July 15, 1870, shall not be construed to prohibit the President from authorizing the commissioned officers of the Army to wear embroidered upon the collar of the authorized uniform, as an honorary distinction, the proper emblem or insignia of rank of the highest grade they have held, by brevet or other commission, either in the regular or volunteer service.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NESMITH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEASE OF MILITARY FORTS.

Mr. COBURN, from the Committee on Military Affairs, reported back, with the recommendation that it do not pass, a joint resolution (H. R. No. 78) authorizing the Secretary of War to lease parts of military forts and posts; and the same was laid on the table.

CRIMES COMMITTED BY MILITARY PERSONS.

Mr. COBURN, from the same committee, reported back a bill (H. R. No. 3128) in regard to crimes committed by military persons, with the recommendation that it do pass.

The bill, which was read, provides that thereafter general courts-martial be, and the same thereby are, invested with a jurisdiction concurrent with that of the courts of the State or Territary in which the crime is committed: of the crimes of murder, manslaughter, mayhem, rape, arson, robbery, burglary, larceny, and assault and battery, as well as of attempt to commit an assault and battery with intent to commit any of said crimes, when the same are committed by persons in the military service of the United States or subject to the Articles of War; provided, however, that the punishments for such offenses shall not exceed those authorized by the laws of the State or Territory in which the crime was committed; and provided further, that in all cases where the civil courts have obtained, or shall obtain at any time before conviction, jurisdiction of the aforesaid offenses, the trial shall proceed only in such civil courts, and all proceedings in the courts-martial shall at once cease.

Mr. COBURN. Mr. Speaker, I will explain this bill briefly to the House as it is a material change in the law, and one which should not be adopted without the scrutiny of those who take an interest in matters of this kind. The law formerly was in times of war military courts should have cognizance of these crimes, but not in time of peace. The change is that this can be done in time of peace. The last proviso limits very materially and very greatly the jurisdiction of courts-marshal; that if at any time before conviction the civil

court takes cognizance of the offense, the jurisdiction of the military court shall be ousted.

Now the House should understand the object of the bill. It is this: This is asked for by the Judge-Advocate-General of the War Department. It is not intended to apply and would not be asked for in reference to any of the older settlements, or in reference to any other place except upon our remote frontiers near locations of Indian tribes, where the soldiers are occasionally found to have committed crimes of this nature which the territorial or local courts will not take cognizance of. In some parts of the country there is such a prejudice against the Indians, indeed public opinion is so demoralized upon this question, that the local courts will take no cognizance whatever of any crime perpetrated upon the Indians.

Mr. POTTER. They will take no notice of the killing of an Indian.

Mr. COBURN. You cannot get such a one indicted. You can have there no kind of cognizance taken of these flagrant crimes so committed. They are totally overlooked by the local courts.

A MEMBER. What if done by a private citizen?

Mr. COBURN. If done by a private citizen, of course the military court would have no authority to take cognizance of it. But if it is done by a soldier and if there is one single instance of this kind, there should be some remedy, there ought to be protection, there ought to be peace on the border.

Mr. POTTER. Will the chairman of the Committee on Military Affairs allow me to call his attention to the provision in the last clause of section 2, of article 3, of the Constitution, that—

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed.

Mr. COBURN. There is another provision in the Constitution that this shall not apply to the military and naval service. If the gentleman will refer to the Constitution he will see that there is an express exception.

Mr. WILLARD, of Vermont. The exception to which the gentleman from Indiana refers is in article 5 of amendments to the Constitution, and is as follows:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia, when in actual service in time of war or public danger.

Mr. COBURN. That makes an express exception.

Mr. POTTER. I take this view rather of the Constitution. The difficulty is that the second section of article 3 says that the trial of all crimes except in cases of impeachment shall be by jury. Then the fifth article of amendment says:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grant jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

Now, there still remains the provision for trial by jury.

Mr. COBURN. There is this distinction, however, to be observed. The fifth article of amendment says:

> Except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

Now, this applies to the militia when in actual service in time of war or public danger; but it applies generally at all times to cases arising in the land or naval forces.

Mr. POTTER. The exception does?

Mr. COBURN. Of course.

Mr. POTTER. What is the exception? It is not an exception of trial by jury. The other section remains in full force all the time. What you do with that is my difficulty; I mean with the conclusion of the second section of the third article of the Constitution.

Mr. COBURN. This report was made, I will say, with the construction of the Constitution that these cases were intended to be taken up by this fifth article of amendment. If the provision for indictment by a grand jury is taken away from persons who are in the land or naval forces, if they are not subject to indictment by a grand jury, the construction was that they would be taken by that means from the purview of this section providing for the ordinary trial of crimes.

I will say that it is not a matter which the committee felt entirely clear upon, and I have therefore called the attention of the House to it, with the desire that the gentlemen connected with the Committee on the Judiciary should take notice of it.

Mr. GUNCKEL. Will my colleague on the committee agree to have it referred to the Committee on the Judiciary?

Mr. COBURN. The Committee on Military Affairs are not at all desirous to urge through the House in haste such a material amendment of the law and practice of the Government. I claim for it the fullest consideration of the House.

Mr. POTTER. I rather think that the provision in the fifth article of amendment—

> No person shall be held to answer for a capital, or otherwise infamous crimes, unless on a presentment or indictment of a grand jury—

was intended to prevent proceedings against criminals for that class of crimes on information, which was very common at common law. This provides that persons shall not be proceeded against for such crimes on information.

Mr. WILLARD, of Vermont. Suppose a murder should be committed by a soldier in time of war, would it be unconstitutional to try him by court-martial?

Mr. G. F. HOAR. Or take the case of a mutiny on board of a ship at sea.

Mr. POTTER. But this is a civil offense. It takes place within a State; and you propose to try him differently from other persons because he is in the military service.

Mr. WILLARD, of Vermont. I have some doubts about the constitutionality of the bill, and my inquiry was mainly directed to what the exception in the fifth article of the amendment really meant, and it seems to me that it has been construed as meaning this: that in case of actual war persons who are in the Army or in the Navy may be tried by court-martial for an offense that otherwise could not be tried, being within the cognizance of a military court.

Mr. POTTER. I suggest that the bill be referred to the Committee on the Judiciary.

Mr. COBURN. I am perfectly willing that that shall be done.

Mr. POTTER. The chairman of the Committee on Military Affairs assenting, I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to, and the bill was referred to the Committee on the Judiciary.

Mr. POTTER moved to reconsider the vote by which the bill was referred to the Committee on the Judiciary; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866, in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto.

RELIEF OF ARMY OFFICERS.

Mr. COBURN, from the same committee, reported back, with the recommendation that it do pass, the joint resolution (H. R. No. 101) construing the joint resolution entitled "Joint resolution amendatory of joint resolution for the relief of certain officers of the Army, approved July 26, 1866," approved July 11, 1870.

The joint resolution provides that the third section of the joint resolution entitled "Joint resolution amendatory of joint resolution for the relief of certain officers of the Army, approved July 26, 1866," approved July 11, 1870, shall be construed to apply only to cases in which there was no vacancy existing at the time when such duty was performed or in which the officer so commissioned was under arrest or was absent without leave from his command, and that these are hereby construed to be the only persons referred to therein who shall not be entitled to the benefits of said joint resolution of 1870.

Mr. POLAND. I desire to offer an amendment.

Mr. COBURN. I will hear it read.

The amendment was read, to add to the joint resolution the following:

> And the proper accounting officers of the Treasury Department are hereby authorized and directed to carry into effect the provisions of the said joint resolutions and their amendments, and to determine the facts in each case from such record and other evidence as may be satisfactory to them.

Mr. COBURN. I will permit that amendment to be offered. I will state the object of this joint resolution. There were quite a number of officers of the Army who were commissioned but not mustered at the date of their commissions. Some of them were in the field away from mustering officers; some of them were in rebel prisons; some were in hospitals, or under various other conditions and circumstances that prevented them from being mustered at the date of their commissions or at the date of the receipt of their commissions. Some of them performed their duties for months after they were commissioned; some of them were never mustered after being commissioned, although they clothed and subsisted themselves and took all the responsibilities of officers.

In 1866 a joint resolution was passed providing for this class of cases. In 1870 Congress passed another joint resolution continuing the one of 1866. The War Department has so construed the joint resolution of 1870 as that those officers who were imprisoned or who were in hospitals and never mustered in although commissioned, and many of them on duty with their commissions in their possession, cannot get their pay. In other words, the act of 1870 has been annulled and negatived by this construction of the War Department.

There are quite a number of these cases; many of the members of the House are familiar with them. The object of this joint resolution is to provide that the third section of the joint resolution of 1870, which the War Department construes to annul and set aside the previous provisions of that joint resolution, shall be construed so as to exempt from the operation of the previous sections only cases where there was no vacancy or where the officers were under arrest or absent with-

out leave. These are deemed to be the only cases of officers who were commissioned and not mustered in who should not be paid while on duty.

Mr. LAWRENCE. Will the gentleman allow me to ask him a question?

Mr. COBURN. Yes, sir.

Mr. LAWRENCE. Does the gentleman insist that the War Department has not given a proper construction of the joint resolution of 1870?

Mr. COBURN. I do. I say the construction of the War Department is to this singular effect: while the first section of the joint resolution expressly provided that officers who were detailed on duty under a commission, and not mustered, should be mustered back to the time they went upon duty under their commissions, and while the second section provided that officers who had been commissioned by the governors of their States, and were in prison or in hospital and not mustered, should be mustered to date back to their commission, the War Department expressly decided that the third section, which provides that the two preceding sections shall not apply to cases in which officers could have been mustered even if they had their commissions, renders absolutely null and void the two preceding sections; in my judgment a most remarkable construction.

Mr. HOLMAN. I would suggest to the gentleman from Vermont [Mr. POLAND] to make the language of his amendment a little more specific, to say that the proper accounting officers of the War Department shall be directed to carry into effect the act of 1866 as construed by the act of 1870 and by this act; otherwise it would seem to leave the same latitude to the Department to fail to carry the law into effect.

Mr. POLAND. The object of my amendment is, that the accounting officers of the Treasury Department may take evidence to establish the facts in reference to the claim of one of these officers to have his pay as if he had received his commission and been mustered in, and not require them to go back and make a technical change of the record. Nothing can be done now unless they can go around through the War Department and correct the records of that Department, which is an unnecessary proceeding. My amendment merely allows them to take the record as it is, and to take any evidence of the facts that may be proved; and not require, what is so much objected to in the War Department, the necessity for correcting their record. It is in entire harmony with the joint resolution reported by the committee.

Mr. HOLMAN. Certainly it is in harmony with that joint resolution, but it occurred to me that unless the War Department was required to construe the act of 1866 as contemplated by the act of 1870 and by this act, a latitude will be still left to that Department which would result in the act not being carried into effect.

Mr. POLAND. The joint resolution as reported by the committee requires the Department to so construe the act of 1866. But the great objection in the War Department is that it requires them to make a change in the record. The principal ground upon which they refuse to carry out the joint resolution which Congress passed some years ago was that it involves a change of their record.

This provides that the accounting officers of the Treasury may hear the evidence and determine the claim without going through this unnecessary and troublesome process of having a record corrected in the War Department.

The amendment of Mr. POLAND was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COBURN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BREVET APPOINTMENTS.

Mr. COBURN, from the Committee on Military Affairs, reported a bill (H. R. No. 3433) relating to certain brevet appointments; which was read a first and second time.

The bill provides that the provisions of the second section of the act entitled "An act to amend the act of April 10, 1806, for establishing rules and articles for the government of the armies of the United States," approved March 1, 1869, shall not be held to embrace officers who were confirmed by the Senate for brevet appointment on the 3d day of March, 1869.

Mr. COBURN. The House should understand that quite a number of officers were promoted by brevet in the winter previous to the passage of the act of March 1, 1869. Those appointments were pending before the Senate at the time the change in the law with regard to brevets was made. The appointments were confirmed by the Senate on the 3d of March, 1869, two days after the approval of the new law. The War Department refuses to give these officers their commissions or to recognize the appointment by brevet. The object of this bill is to provide that those persons appointed previous to the passage of the act of March 1, 1869, and who were confirmed on the 3d of March, 1869, shall be entitled to their brevet rank. This measure will not cost the Government a cent; it changes no man's rank or status in the Army or out of it. It simply gives to these men that which some may regard as the empty honor of a brevet, but which many of these officers prize as a well-earned recognition of faithful service. From the fact that they were confirmed within two days after the passage of the act it is to be supposed the Senate did not construe the law in relation to brevets as applicable to them.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RUSH VALLEY MILITARY RESERVATION, UTAH TERRITORY.

Mr. COBURN, from the Committee on Military Affairs, reported a bill (H. R. No. 3434) to provide for the sale of the Rush Valley military reservation, in the Territory of Utah; which was read a first and second time.

The bill authorizes the Secretary of War to relinquish and turn over to the Department of the Interior, for restoration to the public domain, the Rush Valley military reservation, in Utah Territory. The Secretary of the Interior is to cause the reservation to be surveyed and divided into lots of such form and such quantities of acres as shall be calculated as far as possible to promote the public interest by a suitable division of the water-privileges within the reservation; he is to offer such lots severally at public sale to the lowest bidder, not below the minimum price provided by law; and any lots left unsold after such offering at public sale shall be held for disposal as other public lands. Notice of such public sale is to be advertised for sixty days in two newspapers, one in the capital of the Territory of Utah, and the other at a point nearest to the place of sale.

Mr. COBURN. I ask that the report be read. The bill proposes a peculiar subdivision, and the report will show the reason why that is recommended.

The report was read. It states that it appears the reservation is no longer required for military purposes, and has not been since early in 1869, when the Secretary of War recommended that it be disposed of as public land. This reservation is situated in townships 4 and 5 south, of range 5 west, of Salt Lake meridian, and in the Territory of Utah. These lands are some thirty-five or forty miles southwest of Salt Lake City and in a region that is settled. The lands are valuable on account of streams of water, and Rush Lake, which is central in the reservation. The letter of General Ord, commander of the Department of the Platte, dated December 20, 1873, shows that several mills and other buildings have been erected on the reservation, and that the water-courses and lakes are of great value to smelters and mill-owners. He says further that the great value of a portion of this reservation will induce, if it has not already induced, interested parties to try and secure a large share of it without having a just claim thereto, and that on account of the scarcity of water in the vicinity and its necessity to mill-owners the lands as far as practicable should be sold with a due regard to the interests of all concerned, and only after careful surveys and divisions of the water-privileges into small lots. These suggestions seem to the committee reasonable and well calculated to protect the interests of the Government and to secure fair dealing among settlers. Unless some provisions of law are made to guard these interests serious consequences may follow.

Mr. DUNNELL. I do not see that the interests of the settlers are protected in this bill. The report says that they should be protected, but the bill provides no protection for them. This same subject has been before the Committee on Public Lands, if I am not mistaken.

Mr. COBURN. I wish to say, in answer to the gentleman from Minnesota, that these men, if there are any of them there, have encroached upon this military reservation, and the object of the bill is only to provide for such subdivision of the land that there can be no monopoly of this water-power or these water-privileges there. These men are not prevented, who may have gone in and encroached upon the public lands—they are not prevented from buying, but it is expressly provided the lands shall be surveyed and subdivided with reference to these water-privileges.

Of course men who have gone there without authority of law can have the same privilege as other persons to purchase. They certainly ought not to have any higher privileges, because they have gone there with full notice that they had no right to go upon these lands; that it was the public domain; that it was a military reservation. Whatever they make by having settled there they make clear of the Government. There is no shadow of right on the part of these men, and they cannot complain of any of the provisions of this bill. They are allowed the same privileges as others.

Mr. DUNNELL. I wish to call the attention of the chairman of the Committee on Military Affairs again to the letter of the Secretary of War, saying that the rights of these settlers should be protected. I hold in my hand the bill now before the Committee on the Public Lands, which reads as follows:

That the Secretary of War is hereby authorized to transfer to the custody and control of the Secretary of the Interior, to be restored to the public lands, the abandoned military reservation at Rush Lake, in the Territory of Utah, and the Secretary of the Interior shall cause the same to be surveyed and offered for sale in legal subdivisions, at $1.25 per acre: *Provided*, That the improvements owned by individuals on the lands hereby restored before the passage of this act shall be the sole property of such individuals, who shall have priority of right to purchase not exceeding three hundred and twenty acres of land in adjacent quarter-sections containing and adjoining said improvements; and all of said lands shall be sold and disposed of for cash only, and within the local land office having jurisdiction of the lands hereby restored.

Now, Mr. Speaker, I offer this bill as a substitute for the bill reported from the Committee on Military Affairs.

The SPEAKER. Does the gentleman from Indiana yield for that purpose?

Mr. COBURN. I decline to yield.

Mr. DUNNELL. I wish to say a word. It is in the history of many of these military reservations that settlers have been invited upon them by the military commanders.

Mr. COBURN. Is that part of the history of this military reservation?

Mr. DUNNELL. I do not say it is true in regard to this reservation.

Mr. COBURN. I say it is not.

Mr. DUNNELL. I know it to be true in regard to many military reservations that honest men who, my friend from Indiana denominated "squatters," have gone on these military reservations in good faith, have made farms and large improvements; and of all these bills reported from the Committee on Military Affairs to-day, in not a single one of them is there any provision for the protection of these settlers.

The gentleman says they are "squatters." He says they have no rights. I say they have rights in many instances. There are improvements on many of these reservations which are very large and valuable. In all other instances we seek to allow for these improvements.

Mr. ALBRIGHT. How did they acquire their rights upon these military reservations?

Mr. DUNNELL. I have said already that in many instances individual settlers were not only allowed to go upon these military reservations but were invited there as sutlers or mechanics.

Mr. ALBRIGHT. Whatever rights they have acquired are merely the rights of tenants.

Mr. DUNNELL. Our legislation heretofore has had for its object to protect the settler no matter how he got on the public lands—to protect him as far as possible in his improvements. I say it is humane and wise legislation.

Mr. LAWRENCE. I will ask the gentleman from Minnesota whether these settlers have not made improvements which constitute a large part of the value of land?

Mr. DUNNELL. That is true. I wish to call attention to the fact that there have been to-day more bills than I have ever seen any other time during this session reported for the sale of these military reservations. That is about all the Committee on Military Affairs has reported—bills for the sale of these military reservations. To my mind this demand for the sale of these military reservations is exceedingly significant.

Mr. ALBRIGHT. The demand comes from the settlers themselves.

Mr. DUNNELL. These men who ask for this expect Congress will protect them and not abandon them to the mercy of speculators in the public lands.

Mr. DONNAN. Squatters upon the public lands have no equitable rights.

Mr. DUNNELL. Nor has there been any more fruitful source of corruption than in the public sale of these military reservations. These sales are got up and are engineered and manipulated in advance, and the sale itself is a mere farce. When some of these sales are to be made some obscure newspaper, perhaps a thousand miles off, will announce them, while the parties in the immediate vicinity will know nothing about it. I protest against this wholesale mode of selling the military reservations of the country.

Mr. COBURN. The gentleman from Minnesota makes the most remarkable argument on this point conceivable. He objects in the interest of the growth of the country to the sale of military reservations. Why, sir, the true policy of the country is to sell military reservations, and to let settlers come in upon them. Who that is in favor of the settlement of the western country can object to the disposal of military reservations? That is the last position which a man ought to assume on this floor in regard to this matter.

Why, sir, it is to put money into the Treasury, and not, as the gentleman would provide, to keep money out of it. His effort is to give this land to these men for nothing, or to give it to these men at the very most at $1.25 per acre; while we provide that it shall be sold at public auction and bring a higher price.

If there be any question of money in this matter it is in favor of these bills that the Military Committee have reported to-day. We are constantly providing that these lands, instead of being taken for nothing by squatters, or at $1.25 per acre, shall be put up at fair bidding, after public notice, and sold to the highest bidder. The gentleman talks about jobs being set up. The way, sir, to set up a job is to follow his advice. What job can there be in advertising land to be sold at public sale to the highest bidder after long notice? What men with any honest instincts would dare to make an insinuation of that kind against the committee? Why, sir, everything that has been done in relation to these reservations by the Committee on Military Affairs has been ten thousand leagues in advance of anything that has been done by the Committee on the Public Lands in relation to saving money to the Treasury and protecting the interests of the Government and in relation to fair dealing as to the sale of these lands. I make no insinuations against the gentleman's committee, or any other; but I do say the way to get the most money is to have a public sale after a fair notice, so that every one can come to it who will.

And now let me say just one word as to the settlements on these lands. How can a man get a legal settlement on a military reservation more than on an ordinary tract of land, which is not declared and defined by the powers of the Government to be a reservation? The setting off of a reservation is a notice to all the world and a notice to squatters that they must not encroach upon it, and that if they go upon it they do so with a full notice and fair understanding that they have no shadow of right there.

Mr. DUNNELL. I desire to say just one word in reply to the gentleman from Indiana. My objection to this mode of returning these reservations is that these lands are practically taken away from the men who wish to get them for farms. I say that when a military reservation ceases to be of value to the Government as such, it should be returned to the control of the Interior Department, to be opened to settlement under the pre-emption and homestead laws; as though that land had never been thus reserved. It ought to be opened, and not made a matter of speculation on the part of the Government or a source of revenue. Those lands should be opened and put into the hands of those who desire them for agricultural purposes and for actual settlement.

I say that those men who are on the frontier and are seeking homes are not in condition to compete with the rings that may be got up to buy off these lands. And the settler who desires to farm should have it at one dollar and twenty-five cents per acre, though men stood ready to pay the Government ten dollars per acre. We have adopted the homestead principle and the pre-emption principle. And because a piece of land was once a military reservation the Government ought not to take that land and speculate with it, but should let it be subject to the same laws as all the other agricultural lands of the country are subject to. I wish to say only this, that when it is proposed to sell out our military reservations to such speculators and not let those lands go back to pre-emption and settlement I must protest against it, when the settlers stand ready to buy and want them at one dollar and twenty-five cents per acre.

Mr. COBURN. I yield to my colleague on the committee, the gentleman from Iowa, [Mr. DONNAN.]

Mr. DONNAN. I wish to call the attention of the House to the fact that the gentleman from Minnesota [Mr. DUNNELL] does not in my judgment submit the question to the House as he should do. A proposition like that submitted by him, which enables the public reservations of the country to be sold at a dollar and a quarter an acre, would be absolutely putting those reservations, and most valuable ones it may be, into the hands of land speculators. Where the United States have held possession of a reservation until the country all around it is settled and until the land has become valuable, as for instance in a case in regard to which I hold a bill in my hand which I shall report, the land being worth probably fifty dollars an acre to-day, in such a case does the gentleman from Minnesota propose to argue to this House that it is the duty of Congress to provide that that land shall be sold at a dollar and a quarter an acre, or that men who may have squatted upon the reservation when its boundaries were definitely settled by the Government and they had no legal rights in it whatever—does he maintain that therefore they should be protected, or, if I may use the expression, should have the inside track, and that as settlers on the public domain or as homesteaders they should get possession of land worth from fifty to one hundred dollars an acre? And yet if that should not be done in this case it is not true in any case; it is only a question of degree. I say that the Committee on Military Affairs have presented this question to the House in proper form; that is, that the public property of the country when sold should be sold for what it is worth, so that the Government may realize its full value.

Mr. COBURN. I now call the previous question.

Mr. LAWRENCE. I desire to make an inquiry of the gentleman.

Mr. COBURN. What is it?

Mr. LAWRENCE. Does the gentleman think that sixty days' notice is sufficient in regard to valuable lands of this kind?

Mr. COBURN. I think that is enough.

Mr. COX. I would suggest to the gentleman to extend the time to ninety days.

Mr. COBURN. I have no objection to that, and will move to amend the bill in that respect. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment was agreed to. The bill, as amended, was ordered to be engrossed and read a third time; and being engroseed, it was accordingly read the third time, and passed.

Mr. COBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DETROIT ARSENAL, MICHIGAN.

Mr. DONNAN, from the Committee on Military Affairs, reported a bill (H. R. No. 3435) to provide for the sale of the buildings and grounds known as the Detroit arsenal, in the State of Michigan.

The question was upon ordering the bill to be engrossed and read the third time.

The bill directs the Secretary of War to transfer to the custody and control of the Secretary of the Interior for sale for cash, according to

existing laws of the United States relating to the public lands, after appraisement, to the highest bidder, after giving not less than ninety days' notice of the time and place of such sale in three of the most prominent newspapers published in said State, at not less than the appraised value, the buildings and grounds known as the Detroit arsenal, in the State of Michigan; that the Secretary of the Interior shall cause the said property to be subdivided into tracts of not more than forty acres each, or into town lots with proper streets to render the same accessible, and that each subdivision, together with the buildings, material, and other property thereon, shall be appraised and offered separately at public outcry to the highest bidder; and in case any subdivision or subdivisions shall remain unsold, the sale shall be postponed from time to time until the tract shall be disposed of as hereinbefore provided.

Mr. DONNAN. The gentleman from Michigan [Mr. FIELDS] who introduced this bill desires to move an amendment to it so that the proceeds shall be given to the State university. If the House shall desire to admit that amendment they can vote down the previous question, which I propose to call.

Mr. FIELDS. I ask that the amendment be read.

The Clerk read the amendment, which was to add to the bill the following:

SEC. —. That the proceeds of said arsenal property, after deducting all expense attending the sale thereof, shall be, and are hereby, appropriated and set apart for the purpose of establishing at the University of Michigan a department of technology: *Provided*, That the Legislature of Michigan shall, within two years from the passage of this act, provide by law for the permanent maintenance of such department or school of technology at said university; the same to be open free to all the inhabitants of the United States, without discrimination on account of color or race.

Mr. GARFIELD. If that amendment is to be considered it should go to the Committee of the Whole.

The SPEAKER. The point of order is well taken upon the proposed amendment.

Mr. DONNAN. I call the previous question upon the bill, and do not admit the amendment.

Mr. FIELDS. I hope the House will vote down the previous question, so that I may offer the amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. DONNAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

Mr. DONNAN. The Committee on Military Affairs have directed me to report back and ask to have laid on the table various bills authorizing the donation of condemned ordnance for monumental purposes. These bills have been embraced in an amendment to a Senate bill on the same subject.

The SPEAKER. The Chair will state that reports of this kind make a very cumbrous Journal. It appears that the legislation proposed in these various bills has been embodied in a bill already reported; and the Chair would suggest that if the gentleman had allowed these propositions to die quietly in the pigeon-hole of the committee it would have avoided the necessity for a very long entry on the Journal.

Mr. DONNAN. I have no objection to withdrawing the bills, and I will do so.

ECONOMY AND EFFICIENCY OF THE ARMY.

Mr. ALBRIGHT, from the Committee on Military Affairs, reported back adversely the bill (H. R. No. 1879) to better promote the economy and efficiency of the Army, and moved that the same be laid on the table.

The motion was agreed to.

BOUNTIES.

Mr. GUNCKEL, from the Committee on Military Affairs, reported back, with an amendment in the form of a substitute, the bill (S. No. 14) in relation to bounties.

The Senate bill was as follows:

Be it enacted, &c., That every volunteer non-commissioned officer, musician, artificer, or private who volunteered under the proclamation of the President of the 3d day of May, 1861, and the orders of the War Department issued in pursuance thereof, and was actually mustered into the military service of the United States before August 6, 1861, into any regiment, company, or battery, and was accepted by the War Department under such proclamation and orders, shall be paid the full bounty of $100 promised to each and every volunteer by said proclamation and orders: *Provided*, That the same has not already been paid.

The substitute reported by the committee was as follows:

That there shall be allowed and paid to each and every non-commissioned officer, musician, artificer, wagoner, and private soldier, including those borne upon the rolls as slaves, who faithfully served as such in the military service of the United States, who have been honorably discharged from such service, the sum of $8.33⅓ a month for all the time which such non-commissioned officer, musician, artificer, wagoner, and private soldier actually so served, between the 12th day of April, 1861, and the 9th day of May, 1865.

SEC. 2. That in case of the death, either before or after the passage of this act, of any such non-commissioned officer, musician, artificer, wagoner, or private soldier, the allowance and payment shall be made to his widow, if she has not remarried, or if there be no widow or she has remarried, then to the minor child or children of such deceased non-commissioned officer, musician, artificer, wagoner, or private soldier.

SEC. 3. That in computing and ascertaining the bounty to be paid to any non-commissioned officer, musician, artificer, wagoner, or private soldier, or to his proper representative, under the provisions of this act, there shall be deducted therefrom any and all bounties already paid under the provisions of any United States or State laws.

SEC. 4. That no bounty under the provisions of this act shall be paid to or on account of any soldier who served as a substitute in the Army, or who was a captured prisoner of war at the time of his enlistment, nor to any one who was discharged on his own application or request for other cause than disability incurred in the service prior to the 19th day of April, 1865, unless such discharge was obtained with a view to re-enlistment, or to accept promotion in the military or naval service of the United States, or to be transferred from one branch of the military service to another, and such person did actually so re-enlist or accept promotion, or was so transferred. And no bounty shall be paid to any soldier discharged on the application or at the request of parents, guardians, or other persons, or on the ground of minority.

SEC. 5. That every petition or application for bounty made under the provisions of this act shall disclose and state specifically, under oath and under the pains and penalties of perjury, what amount of bounty has been paid under the provisions of any United States or State laws to the non-commissioned officer, musician, artificer, wagoner, or private soldier, by whom or by whose representative the claim is made.

SEC. 6. That the widow, if she has not remarried, or if there be no widow, or she has remarried, the minor child or children, of any non-commissioned officer, musician, artificer, wagoner, or private soldier, whose enlistment was for a period less than one year, and who was killed or died while in the line of duty, during the war for the suppression of the rebellion, or who shall have since died by reason of wounds received or disease contracted while in such service, shall be entitled to receive the sum of $100.

SEC. 7. That in case the bounty due any person under this act shall amount to a sum not less than $100, it shall be at the option of such person to receive from the Government, through the Second Auditor of the Treasury, in lieu of such bounty, a warrant, not subject to assignment, receivable at any of the land offices of the United States in full payment of one hundred and sixty acres of any of the public lands subject to entry by homestead or purchase; and for any lands located with said warrants patents shall be issued without requiring proof of either residence or settlement.

SEC. 8. That any attorney or agent who shall receive from any claimant a sum greater than ten dollars for the prosecution of any claim under the provisions of this act, upon conviction therof shall pay a fine not to exceed $1,000 or imprisonment for a term not less than one year, or both, as the court or jury may adjudge, and shall forever thereafter be excluded from prosecuting claims of any nature whatsoever against the Government of the United States.

SEC. 9. That it shall not be lawful for any soldier to transfer, assign, barter, or sell his discharge, final statement, descriptive list, or other paper, for the purpose of transferring, assigning, bartering, or selling any interest in any bounty under the provisions of this act. And all such transfers, assignments, barters, or sales heretofore made are hereby declared null and void as to any rights intended to be so conveyed by any such soldier.

SEC. 10. That in any case where a person entitled to receive payment of bounty under the provisions of this act shall make application therefor, or where such application shall be made by the proper representative of such person, being deceased, and the discharge of such person has been lost, it shall be competent for the accounting officers to receive, in lieu of the actual production of such discharge, proof of the actual loss of the same, and secondary proof of its issue and contents, together with proof of the identity of the claimant or person deceased, under such rules defining the character and form of the evidence as the Secretary of the Treasury shall prescribe.

SEC. 11. That no adjustment or payment of any claim of any non-commissioned officer, musician, artificer, wagoner, or private soldier, or his proper representative, under the provisions of this act, shall be made, unless the application be filed within five years from the passage of the same.

Mr. TOWNSEND. I make a point of order on the seventh section of the bill, which proposes to give away the public lands. I submit that the bill must go to the Committee of the Whole.

Mr. GUNCKEL. I hope the gentleman will not make that point. A bill making an appropriation of this kind was passed in the Thirty-ninth Congress with only a few men opposing it; and those men have never been heard of since.

Mr. TOWNSEND. I insist on my point of order, that the bill appropriates a large portion of the public domain, and must receive its first consideration in the Committee of the Whole.

Mr. GUNCKEL. This bill simply carries out the pledges made by both political parties in their national and State platforms.

Mr. HAWLEY, of Connecticut. I deny that.

Mr. GUNCKEL. If the gentleman will read those platforms he will find that I am right.

Mr. LAWRENCE. I hope the gentleman from Connecticut will make no objection.

Mr. HAWLEY, of Connecticut. I do make every objection known to parliamentary law.

Mr. GUNCKEL. The gentleman from Connecticut, I presume, would be in favor of a bill providing for Connecticut only. This is for the whole country.

Mr. HAWLEY, of Connecticut. I deny that, too; and if you give me five minutes I can show that I am right.

Mr. GUNCKEL. I can show that I am right in two minutes.

The SPEAKER. The bill provides both for payment of money and land, and under the rule it must have its first consideration in Committee of the Whole.

Mr. GUNCKEL. There is no question about the point of order if anybody chooses to make it.

The bill was referred to the Committee of the Whole on the state of the Union.

NORTHERN NEW YORK JUDICIAL DISTRICT.

Mr. POTTER. The chairman of the Committee on Military Affairs [Mr. COBURN] yields to enable me to report from the Committee on the Judiciary a bill (H. R. No. 3436) for the designation of non-resident judges to hold circuit and district courts in the northern district of New York and for additional terms of said court. Its passage is desired by several gentlemen from Western New York. It simply provides for the designation of a judge outside of the State to hold

terms of the court in the northern district of New York and for two additional terms of that court. It is recommended by the Committee on the Judiciary. I think there will be no objection to it. I understand it will create no additional expense.

The bill, which was read, provides that the Attorney-General, upon the written request of the district judge of the northern district of New York, shall designate the district judge of some neighboring district to hold any term of the district court in the northern district of New York, and shall give the judge so designated written notice thereof, and it shall thereupon become the duty of the judge so designated and notified to attend and hold such term of said district court.

The second section provides that the Attorney-General, upon the written request of the circuit judge of the second circuit, shall designate the circuit judge of come neighboring circuit to hold any term of the circuit court in said northern district of New York, and shall give the judge so designated written notice thereof, and it shall thereupon become the duty of the judge so designated and notified to attend and hold such term of said circuit court.

The third section provides that terms of the circuit and district courts of the United States shall be held in the city of Elmira, in the northern district of New York, on the first Tuesday of April in each year, and in Ogdensburgh and Plattsburgh, in said northern district of New York, on the first Tuesday in September in each alternate year, to wit, in Ogdensburgh in September, 1874, and every two years thereafter, and in Plattsburgh in September, 1875, and every two years thereafter; provided that the said circuit and district courts may, by an order entered in the minutes of said courts respectively, change the times for the holding of the respective terms of the said courts, which order shall provide that adequate public notice shall be given of such change.

The fourth section provides that the act shall take effect in thirty days after its approval by the President.

Mr. STARKWEATHER. Does this involve additional expense for public buildings or rents, or anything of that kind?

Mr. POTTER. It involves, as I understand, no additional expense of any sort.

Mr. STARKWEATHER. It provides for holding courts all over the State, and it seems there must be additional expense for hire of buildings.

Mr. POTTER. I understand it is only for holding terms of the court where they are now provided by law, with one exception, at Elmira, and as to that I prefer to refer to my colleague, Mr. SMITH, of New York.

Mr. SPEER. Is the judge who is to be designated to perform this service to do it without pay?

Mr. POTTER. Yes; without additional pay. He has a fixed salary now.

Mr. SPEER. It is expressly understood, then, that there is to be no additional expenses asked for hereafter.

Mr. POTTER. If I were going to stay in Congress forever, I might be able to give the gentleman the guarantee he asks for.

Mr. SPEER. What does the gentleman from New York say?

Mr. SMITH, of New York. It is only in case the district judge finds himself unable to hold court that there may be another judge assigned for that purpose. It is additional work when he is assigned, but it will not entitle him to one cent of additional compensation. No one dreams any such claim will be made.

Mr. SPEER. I wish that to go of record.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POTTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHT OF SUFFRAGE.

Mr. TREMAIN, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 3437) to amend the act entitled "An act to amend the act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes,' approved February 28, 1871, and the act amendatory thereof or supplementary thereto, and the act of which said act is amendatory, and for other purposes;" which was read a first and second time, ordered to be printed, and recommitted.

BOUNTIES.

Mr. GUNCKEL. I desire to give notice that on Monday, if I can get the floor for that purpose, I shall move to suspend the rules and pass the bill (S. No. 14) in relation to bounties, which has now been referred to the Committee of the Whole on the state of the Union.

REDUCTION OF THE ARMY.

Mr. COBURN, from the Committee on Military Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 2546) to provide for the gradual reduction of the Army of the United States.

The bill was read.

Mr. HURLBUT. I make the point of order on this bill that it should have its first consideration in Committee of the Whole. The third section provides that officers discharged under the provisions of the act shall be entitled to receive in addition to the pay and allowances due them at the date of their discharge one year's pay and allowances. And section 18 provides for the muster out of the service of certain officers with one year's pay.

The SPEAKER. The Clerk will read the third section.

The Clerk read as follows:

SEC. 3. That the President of the United States be, and he is hereby, authorized, at his discretion, to discharge honorably, from military service, all Army officers who may apply for a discharge on or before the 1st day of January next; and such officers, so discharged under the provisions of this act, shall be entitled to receive, in addition to the pay and allowances due them at the date of their discharge, one year's pay and allowances.

The SPEAKER. The gentleman from Illinois [Mr. HURLBUT] makes the point of order that this appropriates the public money, and that therefore the bill should have its first consideration in Committee the Whole.

Mr. HAWLEY, of Illinois. This bill, I think, was reported by the committee, and was recommitted with authority to the committee to report it at any time; so that now I suppose it has the widest privilege.

The SPEAKER. That does not affect the point of order.

Mr. HAWLEY, of Illinois. I had supposed from the ruling of the Chair on a former occasion that leave to report at any time took the bill out from under the operation of the point of order.

The SPEAKER. Not at all; the Chair expressly excluded that conclusion.

Mr. HAWLEY, of Illinois. In this case, or in the former case?

The SPEAKER. In the former case. The Chair never admitted the idea that the right to report a bill at any time removed it from the operation of points of order against it.

Mr. HAWLEY, of Illinois. Then I was mistaken as to the ruling of the Chair.

Mr. COBURN. I wish to say a word on the point of order which is made in regard to this third section.

The SPEAKER. The Chair will hear the gentleman.

Mr. COBURN. The bill does not provide for any additional pay—not a dollar. There is no additional appropriation. The man is now in the service, and if he stays in the service gets this pay. This is a mere continuation of the pay that he now has by law.

The SPEAKER. The Chair will call the attention of the gentleman from Indiana to the language of the section. The gentleman states that it provides for no additional pay. It says that these officers—

Shall be entitled to receive in addition to the pay and allowances due them at the date of their discharge one year's pay and allowances.

Mr. HAWLEY, of Illinois. Will the Chair allow me to suggest that this simply fixes the time that the pay and allowances shall go on? It provides that they shall go on for one year from the date of the discharge. It does not increase the pay or change it at all. Suppose the bill had simply stated that the officer should receive pay up to a certain period, he would have continued to receive his pay, and the fact that the section says that he shall receive pay for a year from a certain date does not, it seems to me, change the effect of it. It is simply a continuing transaction.

Mr. POLAND. These men are in a permanent service which is to last their life-time, at a certain rate of pay. This provides a means of cutting it off; shortening the period for which they are to receive pay. It is precisely as if the bill should provide that after the expiration of one year from a certain time their pay should cease. It is a limitation upon their pay. It is a saving of money to the Treasury, instead of being an additional expenditure. These men are already in service under a pay which is to continue for the whole period of their lives. This provides that they may be retired and that their pay may continue for one year from the period of their retirement. It is precisely the same as if it said they might be retired at one year from a certain date. It is a limitation upon the pay which the law now gives them instead of being additional pay.

Mr. HURLBUT. I think the gentleman from Vermont has not stated the proposition correctly. No officer of the Army is under pay for life. That is not the fact. He is under pay while he is lawfully in the service of the Government. When he ceases to be in the service of the Government he is not entitled to pay under any law that exists now. This bill proposes to give him in addition to the pay and allowances due him one year's pay and allowances after he ceases to perform duty. But it is subject to be amended, and a proposition that ten or twenty years' pay should be given would be a germane amendment.

The SPEAKER. The point made by the gentleman from Vermont [Mr. POLAND] is analogous to that which has often been made, that a bill repealing a tax was not subject to the point of order that it should have its first consideration in Committee of the Whole, because it is not a revenue bill as it proposes to dispense with revenue instead of receiving it. That has been very often overruled on the ground that a germane amendment might be put upon it increasing the revenue.

Now, this bill in all its sections might be amended so as to largely increase the Army; there would be no possibility of ruling out a germane amendment to each section that might increase the Army. Take the sixth section, for instance, which provides that the number of aids of the General of the Army shall not hereafter exceed three.

Suppose an amendment should be offered that the number of aids shall not hereafter exceed twelve; that would be a germane amendment and could not by any possibility be ruled out. It would therefore be in the power of the majority of the House to entirely change the bill.

In regard to the point which the gentleman makes upon the third section, that section provides an appropriation of money not now authorized by law. There is the point, gentlemen will observe; it provides for an appropriation of money not now authorized by law. The pay of an Army officer is now authorized by law for services. This third section proposes to give him a gratuity in case he shall do a certain act; that is, shall resign. Therefore it provides for an appropriation not authorized by any existing law. The Chair thinks it is very clear that the bill should have its first consideration in Committee of the Whole, that point of order having been raised.

Mr. ALBRIGHT. I have an amendment which I desire may be printed and referred with this bill to the Committee of the Whole.

The SPEAKER. The Chair will request the gentleman from Indiana [Mr. COBURN] to wait until it can be ascertained whether at the time the Committee on Military Affairs was authorized to report this bill at any time, authority was given for it to be reported for consideration in the House. That entry may have been made upon the Journal.

Mr. HAWLEY, of Illinois. I think that was the order.

Mr. COBURN. Unanimous consent was obtained to allow this bill to be reported at any time.

Mr. HAWLEY, of Illinois. Of course it was natural to expect that such a bill as this would encounter this point of order, and I supposed that it was fortified against it.

Mr. COBURN. The question in my mind is whether, unanimous consent having been given to report this bill at any time, that would not obviate the operation of the rule.

The SPEAKER. That would depend upon the record of the Journal. The House will observe that the gentleman from Indiana [Mr. COBURN] does not now report this bill under the general authority given for the Committee on Military Affairs to report to-day, but under a privilege previously granted to the committee to report it at any time. It may be that the record in the Journal will obviate the point of order.

MONTGOMERY, ALABAMA.

Mr. CONGER. While the Journal is being examined I ask unanimous consent to report back from the Committee on Commerce a bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery. I think there will be no objection to it.

Mr. WILLARD, of Vermont. Has this bill been considered by the Committee on Ways and Means?

Mr. CONGER. I never heard of such a bill as this being considered by the Committee on Ways and Means.

Mr. SPEER. Does not this bill provide for a lot of new custom-house officers?

Mr. CONGER. It provides for one deputy collector at $1,500 a year.

Mr. SPEER. I must raise the point of order upon this bill.

Mr. CONGER. I hope the gentleman will withdraw it for a moment until I can explain the bill.

Mr. SPEER. I will reserve the point of order.

Mr. CONGER. This is an interior port, and the large amount of business transacted there and the amount of foreign importations going there require that it shall be made a port of delivery, as Natchez, Memphis, Saint Louis, and Pittsburgh are made ports of delivery. The application for this is from the merchants and business men of that city. The additional expense is limited to the usual one of a deputy collector at $1,500 a year, with no other expense.

Mr. SPEER. No office rent?

Mr. CONGER. No office rent and no other expense. As it is so late in the session, I trust the gentleman will not make the point of order on this bill.

Mr. BROMBERG. Montgomery is now the center of five railroads, the capital of the State, and the head of river navigation.

Mr. SPEER. I withdraw the point of order under very heavy pressure.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPORTATION OF DISTILLED SPIRITS.

Mr. BURCHARD submitted a report from a committee of conference.

The Clerk began the reading of the report, and read as follows:

The committee of conference on the disagreeing votes of the two Houses on House bill No. 208, to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from their first amendment.

That the House recede from their disagreement to the second, third, and fourth amendments of the Senate, and agree to the same.

The committee further recommend the following as a substitute for the bill: Strike out all after the enacting clause and insert the following——

Mr. STARKWEATHER. That provides a new bill entirely, and it should be printed.

Mr. BURCHARD. The substance of the bill was printed by order of the Senate.

Mr. POTTER. This provides for a new bill.

Mr. STARKWEATHER. It should be printed.

Mr. BURCHARD. I have no objection to its being printed; but it is simply a redraught of the Senate bill.

Mr. STARKWEATHER. We cannot understand it without being printed.

The report of the committee of conference was received, and ordered to be printed.

REDUCTION OF THE ARMY.

The SPEAKER. The Journal of March 17 shows the record, which the Clerk will read.

The Clerk read as follows:

Mr. COBURN, by unanimous consent, from the Committee on Military Affairs, reported a bill (H. R. No. 2546) to provide for the gradual reduction of the Army of the United States; which was read a first and second time, recommitted to said committee, ordered to be printed, and made a special order for the first Tuesday in April next; appropriation bills and contested-elections to take precedence.

Mr. COBURN. Mr. Speaker, that is not the last record.

The SPEAKER The second record is on May 11. The Clerk will read it.

The Clerk read as follows:

On motion of Mr. COBURN, by unanimous consent, ordered that the Committee on Military Affairs be allowed to report the bill (H. R. No. 2546) to provide for the gradual reduction of the Army of the United States at any time.

Mr. CONGER. That is all there is of the order.

The SPEAKER. The Chair does not see that in those two orders this bill was excepted from the point of order which has been made. The gentleman will observe that in the first order the bill is made a special order, subject only to the precedence of appropriation bills and contested-election cases. Appropriation bills were of course in Committee of the Whole, so that the implication was that this might also be in Committee of the Whole.

Mr. COBURN. Let me remind the Chair of just one thing that occurred when that order was made. I had the floor upon a motion to suspend the rules to make this bill a special order for a particular day, setting aside all other orders; and the Chair, interrupting me, remarked that it would be best not to ask for that order, but to have the committee authorized to report at any time, and that I could make an arrangement with the Chair for an early disposition of the bill; that this would be better than fixing a special day for its consideration. So that I regard this as having a higher privilege than if it had been fixed for a special day. Whether the assignment of the bill to a special day would have exempted it from this point of order is a question I do not pretend to decide.

The SPEAKER. The gentleman will observe that the right to discuss in Committee of the Whole any appropriation of money is one of the most important rights under the rules of the House; and the Chair would not feel authorized at any time to consider that point as waived inferentially; it must be done by direct action of the House. The Chair of course finds at times that this is a point which he might not desire to enforce, as he does not now; but his own sympathies upon any measure cannot govern him in his construction of the rules. The rule in question is absolute, and it is one of the most important rules of the House (if not the most important) for the preservation of the public Treasury. The Chair can never consider that rule as waived inferentially. It will, however, be the duty of the Chair on next Monday to give the gentleman an early recognition, so that he may have an opportunity by a suspension of the rules to secure the consideration of this bill in the House. The Chair would not feel at liberty to go further than this upon the record made in the Journal.

Mr. COBURN. Would it not be in order to make a motion at once to go into Committee of the Whole for the consideration of this bill?

The SPEAKER. But that would not avail the gentleman unless he obtained previous consent to lay aside all intervening bills on the Calendar which would take precedence.

Mr. DAWES. As this is a matter that may affect the business of the Committee on Ways and Means on next Tuesday, I wish to inquire why the gentleman cannot move to go into Committee of the Whole on matters pertaining to the business of the Military Committee, to the exclusion of all other matters?

The SPEAKER. Such a motion cannot be recognized. The Committee of the Whole on the state of the Union has a Calendar which consists of bills of two classes. One class embraces those which have been made special orders by the House; the other those that are on the general Calendar. As the gentleman from Massachusetts [Mr. DAWES] well knows, bills made special orders by the House can only be laid aside by a vote of the House; but bills in committee which are not special orders may be laid aside by a vote of the committee. If the House should now go into Committee of the Whole, and if in committee the gentleman from Indiana should move to lay aside each

of the intervening bills, (of which there are probably one hundred,) this bill would be reached.

Mr. DAWES. Does not the suspension of all orders enable the House to-day to consider business of the Military Committee in the House and also in Committee of the Whole?

The SPEAKER. The Chair does not so understand.

Mr. DAWES. Let me illustrate my inquiry. Suppose that the Committee on Ways and Means report on next Tuesday a tariff bill; of course it must go to the Committee of the Whole; but it was the expectation of the committee that after they had transacted their business in the House they could move to go into the Committee of the Whole to dispose of that bill.

The SPEAKER. The Chair does not see on what ground.

Mr. DAWES. Because next Tuesday, by order of the House, has been devoted to the consideration of reports from the Committee on Ways and Means.

The SPEAKER. But the gentleman will observe——

Mr. DAWES. If the Speaker will indulge me a moment, the idea of the Committee on Ways and Means is that if Tuesday is devoted to considering matters from that committee, it means the consideration of such matters by any methods known to the rules.

The SPEAKER. The Chair thinks it means this: that it being considered improbable, if not impossible, that the Committee on Ways and Means should be reached upon the regular call of committees in the morning hour, (which would give the committee two hours, and an additional hour if anything should go over,) they were allowed next Tuesday in lieu of their privileges upon the regular call of committees; and therefore they will be at liberty on that day to do anything that they would be able to do on the regular call during the morning hour—nothing more.

Mr. DAWES. Under that ruling, the order which gave Tuesday to the Committee on Ways and Means would be of no avail to them.

The SPEAKER. The gentleman must remember his committee was anxious for two or three weeks as to whether they would be on call or not; and finding they would not be on call, this order was substituted. It was substituted to give the Committee on Ways and Means the precise right they would have if they were reached on call.

Mr. DAWES. The ruling, I will state, led on the part of the committee to this inference: On the day set apart for the business of the Committee on the District of Columbia, the third Friday of each month, when that committee reported bills which under the rules went to the Committee of the Whole on the state of the Union, they immediately moved to go into committee for the purpose of taking up for consideration the bills they had just reported.

The SPEAKER. It was because the Committee on the District of Columbia was excluded from the regular call of committees. When the Committee on the District of Columbia had that privilege given to them, it was because they were stricken from the regular call of committees.

Mr. DAWES. Now Tuesday is given to the Committee on Ways and Means as to-day was given to the Committee on Military Affairs. Why are we not just like the Committee on the District of Columbia in regard to the business which we may report from the Committee on Ways and Means?

The SPEAKER. The Chair, in reply to the gentleman from Massachusetts, has simply to repeat what he has already stated. The Committee on Ways and Means is in precisely the same attitude they would be if they were reached on regular call. Besides, this is not a new matter; it occurs every Congress. The Judiciary Committee has Wednesday, the Ways and Means Committee Tuesday, and the Military Affairs to-day. They were all given these days because they could not be reached on regular call. It was not intended to extend the power to report anything which was not in order under the regular call. All parliamentary points which could be made against a report when the committee was on regular call, of course can be made against reports from the same committees when made on days assigned to them.

Mr. DAWES. If the Speaker will indulge me a moment more I will state that the order must mean more than that when it gave us that day instead of the regular call, because it gives us not one hour but a whole day.

The SPEAKER. The gentleman will observe that if the Committee on Ways and Means were reached on the morning call of committees they would have one hour and then a second hour, and if anything went over they would have the morning hour until that was disposed of, if it took six weeks.

Mr. DAWES. We have all day Tuesday and all the rules of the House to avail ourselves of. One of these rules is that we may move to go into the Committee of the Whole on the state of the Union to consider matters reported from the Committee on Ways and Means. If I understand it we not only have all day Tuesday, but we have all the rules of the House on that day at our command.

The SPEAKER. The Speaker begs to differ with the gentleman from Massachusetts.

Mr. CONGER. Will it not be in order in reference to this bill to move to recommit it with power to report at any time for consideration in the House?

The SPEAKER. That will require unanimous consent.

Mr. CONGER. Could it not be done to-day?

The SPEAKER. Yes, if you get unanimous consent. It can be done on Monday, and the Chair will recognize the gentleman from Indiana to move to suspend the rules for that purpose.

Mr. CONGER. Of course I refer to the military bill.

The SPEAKER. So the Chair understands.

Mr. KELLOGG. Has the Committee on Ways and Means been passed on the second call.

The SPEAKER. It has not, and the probability is it will not be reached on the second call?

Mr. KELLOGG. Have we gone through the second call of committees?

The SPEAKER. The call now rests with the Select Committee on the Mississippi Levees and they have pending in the morning hour a bill which will be the first thing in order in the morning hour, if we ever have a morning hour.

Mr. KELLOGG. Then the Committee on Ways and Means has had its first call.

The SPEAKER. Long ago.

Mr. DONNAN. I hope the Committee on Military Affairs will have the power, if the bill be recommitted to them, to report back at any time for consideration in the House.

The SPEAKER. Does the gentleman make that request?

Mr. DONNAN. I do.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the bill for the reduction of the Army may be considered in the House as in Committee of the Whole under the five-minute rule.

Mr. HURLBUT. I object.

Mr. DONNAN. Then I ask that it be referred to the committee with power to report it back at any time for consideration as in Committee of the Whole under the five-minute rule.

The SPEAKER. Is there objection to recommitting the bill to the Committee on Military Affairs with power to report back at any time to be considered in the House as in Committee of the Whole under the five-minute rule?

Mr. GARFIELD. I must ask the gentleman to except the appropriation bills.

Mr. DONNAN. The appropriation bills are so far advanced I do not think it can interfere with them.

Mr. HURLBUT. This is too important a measure to be considered under any short rule.

Mr. COBURN. I give notice that on Monday, if I can get the floor for that purpose, I will move to suspend the rules, so as to have the arrangement made in regard to this bill which has been indicated by my colleague, the gentleman from Iowa, [Mr. DONNAN.]

The SPEAKER. It will be the duty of the Chair to give the gentleman from Indiana the very first recognition on Monday to move a suspension of the rules in connection with this bill.

MARY E. GROSVENOR.

Mr. DONNAN, by unanimous consent, introduced a bill (H. R. No. 3438) granting a pension to Mary E. Grosvenor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SPEER. I move that the House now adjourn.

Mr. POLAND. The Committee on the Judiciary, authorized to report the bill at any time, have directed me to report back, with the recommendation that it do pass, the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania [Mr. SPEER] that the House do now adjourn.

Mr. DAWES. I ask unanimous consent to report from the Committee on Ways and Means a bill amending the customs and internal-revenue acts, that it may be printed and recommitted.

Mr. FIELD. I object.

The question being taken on the motion to adjourn, it was agreed to.

And accordingly (at three o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. DUNNELL: Petitions from grange organizations of Cottonwood and Faribault Counties, Minnesota, for the construction of the Continental Railway and passage of the House bill therefor, to the Committee on Railways and Canals.

By Mr. LOWNDES: The petition of Susan Ellen Stewart, of Washington County, Maryland, for a pension, to the Committee on Invalid Pensions.

By Mr. O'NEILL: The petition of Jonathan Brock, to be paid for expenses incurred in recruiting the Nineteenth Pennsylvania Cavalry, to the Committee on War Claims.

By Mr. ELLIS H. ROBERTS: The petition of citizens of Washington, Iowa, in favor of arbitration and an international code, to the Committee on Foreign Affairs.

IN SENATE.

MONDAY, *May* 25, 1874.

The Senate met at eleven o'clock a. m.

Prayer by Rev. A. H. BURLINGHAM, D. D., of Saint Louis, Missouri.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of a mass meeting held at Birkness Station, Saint Clair County, Illinois, indorsing the declaration of principles of the industrial congress of the United States; which were referred to the Committee on Education and Labor.

He also presented resolutions adopted at a meeting of the citizens of Brookfield, Trumbull County, Ohio, indorsing the principles of the industrial congress held at Rochester, April 14, 1874; which were referred to the Committee on Education and Labor.

He also presented a communication in the nature of a memorial from Hon. N. B. Judd, chairman of the general executive committee of the citizens of Chicago, Illinois, inviting the members of the Senate of the United States to take part in the ceremonies of laying the corner-stone of the new Government building in the city of Chicago on the 24th of June next; which was ordered to lie on the table.

Mr. ALCORN presented a petition of citizens of Coahoma County, Mississippi, praying the Government of the United States to take charge of and construct the levees of the Mississippi River; which was referred to the Select Committee on the Levees of the Mississippi River.

Mr. DAVIS presented a joint resolution of the Legislature of West Virginia, asking that the pension act of February 14, 1871, be so amended as to include all soldiers and sailors who served in the war of 1812; which was referred to the Committee on Pensions.

He also presented a joint resolution of the Legislature of West Virginia, asking that the proceeds of the sales of the public lands be apportioned among the States for the benefit of public schools; which was referred to the Committee on Public Lands.

Mr. SCOTT presented the memorial of the Philadelphia board of steam navigation, favoring the passage of the bill known as the steamboat bill, being an act to amend the act of February 28, 1871, which passed the House of Representatives on the 14th instant; which was referred to the Committee on Commerce.

Mr. CONKLING presented the petition of Belva A. Lockwood, asking that such a declaratory act or joint resolution be passed that no woman otherwise qualified shall be debarred from practicing before any court of the United States on account of sex or coverture; which was referred to the Committee on the Judiciary.

Mr. PRATT presented the petition of Mrs. Margaret C. Wells, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HAMLIN presented the petition of Ezekiel Waire, and other children of John Waire, late of Maine, deceased, praying for such pension as their father was entitled to for services in the revolutionary war; which was referred to the Committee on Pensions.

Mr. COOPER presented the petition of Benjamin and D. W. Fenton, praying compensation for the rent and occupancy by the United States of their property in Memphis, Tennessee; which was referred to the Committee on Claims.

Mr. SAULSBURY presented the petition of George W. Cummins, W. M. Bell, and 60 other citizens of Delaware, asking that the law imposing a tax of 10 per cent. on State-bank circulation may be repealed; which was referred to the Committee on Finance.

Mr. CAMERON presented a petition signed by various persons in Philadelphia and other places in Pennsylvania engaged in the transportation of swine by railroad, praying the passage of a law exempting swine from being unloaded while *in transitu;* which was referred to the Committee on Agriculture.

He also presented the resolutions of the Philadelphia board of steam navigation, in favor of the passage of the House bill known as the steamboat bill; which were referred to the Committee on Commerce.

Mr. STOCKTON presented the petition of Mrs. Susan L. Harvey and others, heirs of Augustus Ford, praying compensation for a survey and map or chart of Lake Ontario, made by him in the early part of the present century; which was referred to the Committee on Naval Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers of William H. Oliver, praying to be allowed a pension, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. WASHBURN, it was

Ordered, That the memorial of George F. Rider be taken from the files and referred to the Committee on Claims.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. LOGAN submitted an amendment intended to be proposed to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Claims, to whom was referred the bill (S. No. 382) for the relief of William L. Adams, late collector of customs at Astoria, Oregon, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of G. B. Tyler and E. H. Luckett, assignees of W. T. Cheatham, praying to be reimbursed for certain moneys wrongfully paid to the Government as a distiller of whisky in the second district of Kentucky, submitted a report accompanied by a bill (S. No. 844) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. ALCORN, from the Select Committee on the Levees of the Mississippi River, to whom was referred the bill (S. No. 827) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation, reported it without amendment.

BILLS INTRODUCED.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 845) for the relief of Major Junius T. Turner; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 846) for the relief of Charles J. O'Donnell, John Boubet, A. G. Migaud, Ben. Tarbell, B. C. Miller, Edward T. Thompson, George Smith, W. D. Wigner, W. S. Henthorn, and James B. Aikman, ex-pilots, United States Mississippi squadron, United States Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 847) to authorize the Secretary of the Interior to expend $100,000 from the proceeds arising from the sale of lands belonging to the Great and Little Osage Indians, for their support and civilization; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 848) authorizing the Secretary of the Treasury to make transfer of certain funds belonging to the Kaskaskia, Peoria, Wea, and Piankeshaw Indians to the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 849) to prevent hazing at the Naval Academy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. MERRIMON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 850) to modify the rules of evidence in the Court of Claims; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 851) granting pensions to certain soldiers and sailors of the war with Mexico, and the widows of deceased soldiers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 852) to authorize a survey of the Susquehanna River from the Chesapeake Bay to the New York State line and through the Seneca Lake to the New York Canal; which was read twice by its title, referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 853) granting an increase of pension to Esther M. Shubrick, widow of Edward M. Shubrick, deceased, late captain United States Navy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. STEWART asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 10) proposing an amendment to the Constitution of the United States.

Mr. STEWART. I ask that it be read in full.

The Chief Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring therein,) That the following article be submitted to the Legislatures of the several States, and, when adopted by three-fourths of the States, shall become a part of the Constitution of the United States, and shall be known as article 16 of amendments to said Constitution:

ARTICLE 16. If any State shall fail to maintain a common-school system, under which all persons between the ages of five and eighteen years not incapacitated for the same shall receive, free of charge, such elementary education as Congress may prescribe, the Congress shall have power to establish therein such a system and cause the same to be maintained at the expense of such State.

The joint resolution was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

SURETIES OF CORNELIUS S. UNDERWOOD.

Mr. CONKLING. I ask that House bill No. 1193, for the relief of the estate of Cornelius S. Underwood, deceased, late major and additional paymaster United States Army, reported adversely a day or two ago from the Committee on Claims and postponed indefinitely, be placed upon the Calendar.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) If no objection be made that order will be made. The Chair hears no objection, and the bill will be placed on the Calendar, with the adverse report of the committee.

TEXAS PACIFIC RAILROAD.

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill (S. No. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes;" which I presume will take but a moment.

The Senate, as in Committee of the Whole, proceeded to consider the bill. The Committee on Railroads reported an amendment to strike out all of the bill after the enacting clause, and in lieu thereof to insert the following:

That the Texas and Pacific Railway Company is hereby empowered to secure, by one or more mortgages upon the whole or any portion of its line, the construction bonds heretofore authorized to be issued, and to cancel the mortgage now on record with the Secretary of the Interior so far as the same can be done without prejudice to existing rights, and to substitute therefor the mortgage or mortgages hereby authorized, which substituted mortgages shall expressly reserve all rights which may have been acquired under the existing mortgage: *Provided*, That the aggregate of the said bonds to be issued under and secured by said mortgage or mortgages shall not exceed the limit heretofore fixed by Congress; and said mortgages for the division east of Fort Worth shall embrace the roads and property of the Southern Pacific Railroad Company and of the Southern Transcontinental Railway Company, heretofore merged in and consolidated with the said Texas and Pacific Railway Company under the authority and requirements of the laws of the State of Texas; and which roads so merged as aforesaid shall for that and all other purposes be deemed and taken to be a part of the said Texas and Pacific Railway, and shall hereafter be subject to all the provisions and limitations of the act of Congress incorporating said company and of the supplements thereto.

Mr. EDMUNDS. I should like to hear that explained, particularly in respect to that part of it which declares that these other roads shall be taken to be a part of the Texas Pacific Railway Company for all purposes. I wish to know how that affects rights to public lands or any other of the rights which the Texas Pacific Company *per se* has obtained or is to obtain from the United States.

Mr. SCOTT. I will state very briefly the whole effect of the bill. The first clause of it authorizes the company to substitute for the existing mortgage anot er mortgage preserving all existing rights. The purpose of that is simply this: The original act under which the existing mortgage was placed upon the road fixed the amount at $40,000 per mile, and that is the amount which is now placed upon the road. Out of the funds obtained from subscriptions the company have constructed from three to four hundred miles of road, and now they are desirous of placing upon that end of the road a mortgage at a less rate than $40,000 a mile, because by doing so upon a completed and equipped line of road they can secure money at a much lower rate than upon a mortgage at $40,000 on the whole line.

That is the purpose of the first clause of the bill, and it is so evident that it needs no argument to show its propriety, and the bill itself requires that no existing rights shall be disturbed; indeed, that all existing rights shall be preserved. My information is that no bonds have been issued under the first mortgage except those which have been pledged as collateral security for some money advanced, and which are entirely within the control of the company.

The second part of the bill, about which the Senator from Vermont made special inquiry, gives no new rights so far as the United States are concerned to this company whatever. These companies have consolidated in pursuance of the acts of the Legislature of Texas which are named in that section. They are not strictly and technically upon the line which was originally designated in the act incorporating this company; that is, they are not upon, although near, the thirty-second parallel, but they make the continuous line from Marshall through to San Diego.

This bill was submitted to the Senator from Texas, [Mr. HAMILTON,] who is a member of the committee that reported the bill, and he finds no objection to it. He gave his assent to the reporting of the bill. The whole subject was fully considered in the Committee on Railroads, and no objection was found to reporting the bill in its present form, being a substitute for that which was originally introduced.

Mr. EDMUNDS. In order to protect the United States against some inconvenience that it has hitherto been subjected to by similar acts—not upon this line of railroad—I move to add this section:

SEC. —. That nothing in this act shall be construed or have the effect to entitle said corporation to any other or further rights to public lands or in any other respect as against the United States than such as by law it is now entitled to.

Mr. SCOTT. I see no objection to that.

The amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. SCOTT. Let me suggest to the Senator from Vermont that he include in his amendment, after the word "law," the words "and by virtue of this act."

Mr. EDMUNDS. Not at all. That is the very point I want to guard against. I do not intend, if I can help it, that this railway company or any other shall get further rights than the law gives.

Mr. SCOTT. As I caught the language originally, I thought there was no objection to the amendment; but I noticed the difficulty encountered by the Clerk in reading the language of the Senator from Vermont and feared it might not be entirely clear. Let it be read again.

Mr. EDMUNDS. I will read it:

SEC. —. That nothing in this act shall be construed or have the effect to entitle such corporation to any other or further rights to public lands, or in any other respect as against the United States, than such as by law it is now entitled to.

Mr. SCOTT. I have no objection to that.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

THE PENSION LAWS.

Mr. PRATT. I move that the Senate proceed to the consideration of the bill (H. R. No. 2453) to amend an act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It proposes to amend the fourth section of the act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873, by adding the following:

Provided further, That all persons who, under like circumstances have lost an arm at or above the elbow shall be rated in the second class, and shall receive twenty-four dollars per month.

The Committee on Pensions proposed to amend the bill in line 6, by striking out the word "thereto" and inserting the words "after the first proviso."

Mr. CONKLING. Mr. President, I do not know how often it shall fall to my lot to seem to interfere with the measures in charge of other Senators. It is not very agreeable to do so; but I feel bound, often enough to keep the Senate reminded of it, to call attention to the fact that legislation in this form is going to lead to confusion hereafter, and very likely to fail altogether. I do not think any such proviso will appear in the codification of the laws as the Senator refers to in this bill; I feel quite sure that no section will appear there numbered like that section; and therefore I suggest to the Senator from Indiana, as I have ventured to suggest sometimes before, that the true way to make this act effectual is, instead of this reference, to say in affirmative words, complete in themselves, what the law shall be as we mean to make it. If the purpose is to provide that soldiers who have been injured to a certain extent shall receive a certain grade of pension, that, I submit, is the way to state it; but if it be stated in this mode, it may fail altogether when the codified statutes shall become law, and if it does not fail it is certain by misreference and imperfect reference to lead to confusion, possibly to contrariety of understanding and hinderance and trouble.

As I said, it is not agreeable to be continually making suggestions to other members of the Senate in this regard; but if each Senator would reflect on this subject, it would relieve him and relieve me from the ungracious business of repeating these interruptions. Of course, I make the suggestion only in the interest of the bill.

Mr. PRATT. The Committee on Pensions of this body took this bill as it came from the House of Representatives. If they were to overhaul all these bills and cut them down to suit the views of the Committee on the Revision of the Laws, it would amount practically to a prevention of the bills being acted upon in this body during this session, because the Senate is aware that we have adopted a rule by which we meet at eleven o'clock, and that gives but a very small margin indeed for the committee work, especially of those committees who meet once a week. The Committee on the Revision of the Laws, I apprehend, will not abolish the existing statutes; that is to say, they will remain in existence for the purposes of reference. Now, there is not the least ambiguity in this bill. It simply takes up a certain class of invalids—those who have lost an arm above the elbow—and puts them in the second class of those who have received permanent specific disability, and so gives them, instead of eighteen dollars a month, twenty-four dollars a month pension. That is the simple proposition. I imagine nobody could be deceived in reading this bill, as to what it meant. I hope, therefore, the Senate will act upon the bill, and pass it in its present form.

Mr. CONKLING. I should complain of the Senator from Indiana if I supposed he meant exactly what he said, or said exactly what he meant. He spoke of overhauling the bills that come from the House to suit the Committee on the Revision of the Laws. That, I submit to him, is rather an odd mode of stating the point. What is it to the Committee on the Revision of the Laws any more than to any other committee? And what has the Committee on the Revision of the Laws done which makes any requirement of the Senate? Nothing. Under repeated statutes, passed the first of them eight or ten years ago, a revision of all the statutes of the United States has been made involving a large expenditure of labor and money. The House of Representatives has acted upon that revision; it is here now awaiting action by the Senate; and the importance of doing it has been affirmed by succeeding Congresses, and by the vote of the Senator from Indiana among others, for I think I am not mistaken in supposing that without any division the last statute passed under

which this work has been completed. Therefore the Committee on the Revision of the Laws have nothing to do with it except that they happen to be the members of the Senate intrusted with a somewhat vexatious, complex, and onerous piece of work.

Now if the Senator from Indiana thinks it is wise, after years have been devoted to codifying the statutes, after the other House has acted upon the revision and we are about to act upon it, to persist unnecessarily in putting our laws in such a form as to destroy the value of the work, I need not say to him that that is a matter of no more grief to the Committee on the Revision of the Laws than to the Committee on Pensions or any other committee of the Senate.

The Senator said that the proposition here was entirely simple, and he stated in a single breath what it was. Is not that the best of all arguments for stating it so on the record? Yet the Senator says the bill has passed the House in this form. Yes, a bill passed the House in this form which was here the other morning, which looked like a very complicated matter, a bill which was reported by the Senator from Michigan, [Mr. CHANDLER,] and this suggestion being made, we devoted ourselves to changing the form of it, and it required here in the Senate the labor of about ten minutes, I think, to do it, and then the bill was recast so as to conform to the necessity of the case.

One other word and I have done, because, especially in view of the remarks of the Senator from Indiana, I shall feel myself exonerated from rising on all occasions to remind Senators of what they understand as well as I do. The Senator says this is so simple and the reference is so obvious that it can never be mistaken hereafter. I want to repeat once more, and I wish every Senator to hear it, that the act to which reference is made here and every other statute of the United States is to be repealed. It has been repealed by the House; it is to be repealed by the Senate if we act favorably on the work. Why? Because having all been rewritten, recast, and condensed so as to go into a single volume, that and that alone is to constitute the whole body of statute law; and therefore this proviso will be repealed in terms, the act will be repealed in terms; and yet the Senator from Indiana, who is a distinguished lawyer, says to us there cannot be any doubt about it, the statute will exist to be referred to. Yes, I do not suppose anybody will go and burn up by the common hangman the present volume containing the statutes, but they not only will be disused and obsolete, but repealed in law and in fact, and as null as if they had never existed. Now, if the Senator from Indiana thinks it worth while to go on with this, I certainly have discharged my duty on this occasion, I think; and if any exception is taken by Senators to these reminders, I shall endeavor to make them very few in the future, for I certainly do not want to be officious in discharging the small measure of duty which may rest upon me in this regard; but if this legislation is to go on it will lead to confusion, and vitiate and in large part destroy all the usefulness of a work which has cost many thousand dollars and many years of labor.

Mr. PRATT. Mr. President, I have but a word to say in conclusion. There are a great many bills on our Calendar—I do not know how many—that are subject to the same objection which has been preferred to this bill by the Senator from New York. I repeat, if those bills are all to be overhauled, if they are to be sent back to the committees to be reconstructed so that they shall contain no reference whatever to existing laws, it will involve an immense amount of work and of delay. I wish to take the sense of the Senate upon this proposition now. I know that there are bills here that I have reported which contain the same objectionable feature pointed out by the Senator from New York. It will be a work of considerable art to construct an amendment to an existing law without making some reference to that law. That is precisely what the committee have done here. They have taken up an existing law patent to everybody, and said, we will extend one proviso to another class of disabled soldiers and raise their pension from eighteen dollars to twenty-four dollars a month. Now, that statute of March 3, 1873, will last as long as time lasts for the purpose of reference. It becomes incorporated in this bill. Therefore, as this question is going to be of frequent occurrence, I do not know a better time to ask the sense of the Senate upon the question than now. There does not seem to be any dispute about the language of this bill. I do not hear any objection upon that score.

Mr. CONKLING. Will the Senator allow me to interrupt him?

Mr. PRATT. Certainly.

Mr. CONKLING. I do it to correct an error, as I think, into which he falls. He seems to suppose that it is to be incumbent upon us always, Congress after Congress, to change the form of legislation. I hope it will be changed, but I correct the Senator in that respect. As soon as action is taken upon the codified laws, the revised laws, and they become a volume, if Senators want to refer to acts as they stand by the title they will then assume and by the number of sections which will then be borne, they can do so. The objection is only to doing it during this brief interval. I do not think we ever should return to it. I think legislating by relation is a vicious way of setting traps for people and indefensible under any system or under any circumstances. However, if the Senate is ready to do it, and it is thought desirable, in place of saying what you mean the law to be, that in section so and so of such an act amended by such an act such a word shall be stricken out and another word shall be put in, so that those who want to find out what the law is hereafter are compelled to go through a process not quite as complicated as calculating an eclipse, but a good deal like it—if the Senate are wedded to that, they can do it by referring to this volume as it will be. The point now is, as we are about to act upon that codification and it is about to come into being, and we cannot refer to them, it is unwise to refer to statutes which are not only superseded but themselves repealed in terms.

Mr. PRATT. I barely wish to say that this bill is no other or different from the bills that have been enacted from the formation of this Government, in its structure. Wherever a law has been amended it has been amended by reference. That has been the common practice, and it will be the practice hereafter.

This is all I have to say on this subject. If the Senate think proper to recommit the bill to the Committee on Pensions, that is the end of this measure at the present session, because it is impossible for us to go over our work again and reconstruct all of our bills and adapt them to the views of the Senator from New York.

Mr. SHERMAN. It seems to me the difficulty suggested by the Senator from New York might be gotten over very easily. Three words would change this bill so as to meet the difficulty made by the Senator from New York, and at the same time meet the concurrence of the Senator from Indiana. My objection goes to the merits of the bill itself.

One year ago Congress by a carefully revised law consolidated, codified, and amended the whole pension laws of the United States. It arranged the pensions into three distinct and well-defined classes. The first consisted of cases of total and absolute disability, where a person was unable to feed himself, or do anything without assistance, and required constant attendance. That was called a case of total disability. Then the second class consisted of those persons who could not get along in the ordinary functions of life without some assistance, who were compelled to have assistance to rise or to move about, who were not able to support themselves, who were deprived of all the means of locomotion, of both hands, of both arms, or both legs. These were cases of practical disability and constituted the second class. The third class consisted of those who had lost a leg or an arm, who were able to move about, who had the power of locomotion, who could use an artificial limb with facility, could earn a livelihood; for instance, one who had lost his left arm could still use his right arm for writing. These classes were carefully defined by law. One was to receive thirty-two dollars per month, one twenty-four, and the other eighteen.

A person who has lost an arm is included in the third class, and very properly so, because the loss of his left arm or his right arm does not absolutely disable him, nor is it within the middle class of disability which prevents him moving around so that he is required to have the constant attendance of some other person to aid him. The loss of an arm or a limb is a great misfortune indeed; but it is not a disability that disables a man from moving about and earning a livelihood in certain employments. Now, to change this classification by the exception made in this case, it seems to me, would mar the symmetry of the law. If you allow a person who has lost an arm at or above the elbow to enter into the second or third class of disability, you entirely change and mar the symmetry of the law and make other amendments necessary.

Mr. PRATT. Allow me to correct my friend at that point. If he carefully examines the law of March 3, 1873, which consolidates the pension laws, he will find the following proviso under the third class:

Provided, That all persons who, under like circumstances, have lost a leg above the knee, and in consequence thereof are so disabled that they cannot use artificial limbs, shall be rated in the second class, and shall receive twenty-four dollars per month.

Mr. SHERMAN. On the contrary I have read that, and it seems to me there is logic in that, because such a person cannot use an artificial limb; by losing his leg above the knee he is disabled of the power of locomotion, and therefore he may be rated in the second class; but can that be said of a man who has lost his arm above the elbow? Not at all; because if he has one arm still he is classed in the third class and properly described in the third class, being the case of one who has lost one leg or one arm, or is not so disabled but what he can move around and perform the ordinary functions of life.

I think therefore, in the kindness of heart of my friend from Indiana, we are running great danger of enlarging too much our pension-list. It requires some courage to stand up and resist a pension or even to deny that twenty-four dollars a month is too much for a man who has lost an arm in the service of his country. No one likes to do that; but there must be a limit to these pensions; there must be some defined rules which are just and equitable in themselves; and after long and laborious examination, after an experience of nine years since the close of the war, these rules were codified into a law passed at the last session which seems to have received the greatest care. It is logical all the way through. And now to take a class of persons who have suffered an injury by the loss of an arm above the elbow instead of below from the third to the second class, thus increasing the pension at the rate of six dollars per month or seventy-two dollars a year—for how many persons I will ask the Senator? How many are probably embraced in this provision? No doubt the Commissioner of Pensions can tell.

Mr. PRATT. I do not remember the number. I have a list among my papers of the different classes of permanent specific disabilities that I could refer to if I had a little time, but I do not remember now.

Mr. SHERMAN. I take it it is a pretty large number, because the disabilities by the loss of an arm must be very large in proportion to the whole number of pensioners. But that makes no difference as to the principle. Here is a proposition to increase the pension seventy-two dollars a year for every person so disabled; and it does not follow at all that a man who has lost his arm above the elbow is so much more affected than one who has lost it below, as to justify a discrimination by transferring him from the third to the second class.

I trust therefore that this bill will be allowed to rest where it is without being passed, and that the pension law which was only codified carefully a year ago will be left to work out its logical sequences. I desire to mention that my attention is called to the pension laws now because there are one or two features reported from the Pension Committee which involve an additional expense of six or eight millions a year and we must pause; we must look to it. There is one bill lying on our table, reported by the Senator from Indiana, that, if I am correctly informed—and he can correct me if I am not—will add to the pensions of the country, for a while at least, from six to eight million dollars a year. Under the circumstances I feel called upon to object to the passage of this bill unless there is some clear and logical reason for it.

As to the proposition of the Senator from New York it does seem to me that the Senator from Indiana ought to yield to it and state in a few simple words, which can be introduced by either Senator, what this law means, independent of the codification of 1873, by simply declaring that a person who had lost his arm above the elbow should be entitled to a pension in the second class. Indeed it could be worded in fewer words than are contained in the bill.

Mr. PRATT. I have looked among my papers since the Senator made the inquiry, and I find the following statement from the Commissioner of Pensions in a letter addressed to the chairman of the Committee on Invalid Pensions of the House of Representatives on the 15th of December last:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., December 15 1873.

SIR: In response to your request of the 11th instant, to be informed "how many there are totally disabled, or who are drawing pensions of $31.25 per month, under the first clause of section 4, act of March 3, 1873," I have the honor to state that an examination of the pension-rolls shows the names of 691 thus inscribed, and classified as follows:

Insane	35
For loss of both arms	32
For loss of both hands	3
For loss of both eyes	270
For loss of both legs	42
For other disabilities	309
Total	691

Very respectfully, your obedient servant,

J. H. BAKER,
Commissioner.

Hon. J. M. RUSK,
Chairman Committee on Invalid Pensions, House of Representatives.

This does not answer the precise question of the Senator from Ohio. I am not able to give him the exact number that this bill will affect, but I apprehend it cannot exceed two or three hundred. The testimony of all the soldiers with whom I have conversed is that in the practical affairs of life a man who has lost an arm above the elbow has a less capacity to earn his subsistence than a man who has lost his leg above the knee. That is the general testimony. I have had two or three interviews with the Pension Office upon this very question. Although they are not very decided upon the subject, yet the inclination of the medical referee and of the Commissioner of Pensions is to recommend the passage of this House bill increasing the pension of this class of invalids from eighteen dollars to twenty-four dollars per month.

Now, Mr. President, as the morning hour is about expiring, I hope the sense of the Senate will be taken on the merits of the bill as it comes from the House of Representatives.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Pensions.

The amendment was agreed to.

Mr. CONKLING. Does the Senator from Indiana adhere to his intention of leaving the bill in the form it is, referring to a proviso in a certain section of the act of March 3, 1873?

Mr. PRATT. I do.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. SHERMAN. If it is proposed to pass this bill, I submit to the Senator from Indiana that it is very easy to change it so as to read:

Be it enacted, &c., That from and after the passage of this act all persons now entitled to pensions under existing laws who shall have lost an arm at or above the elbow, shall be rated in the second class, and shall receive twenty-four dollars a month.

It will shorten the bill and avoid the objection of the Senator from New York.

Mr. PRATT. I have no objection to that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

THE MARBLE ROOM.

Mr. EDMUNDS. I offer the following order, which is the usual one to give the Senators the use of the Marble Room during the rest of the session:

Ordered, That the Sergeant-at-Arms be directed to exclude from the Marble Room and adjacent corridor during the sittings of the Senate, for the residue of the session, all persons not entitled to admission to the floor of the Senate.

The order was agreed to.

NAVAL APPROPRIATION BILL.

Mr. SARGENT. I ask leave to call up the report of the committee of conference on the naval appropriation bill.

The PRESIDENT *pro tempore*. The morning hour having expired the Senate resumes the consideration of the unfinished business, which is the deficiency appropriation bill.

Mr. SARGENT. I desire to proceed with that; but before we go on with it, I should like to act on this report of the committee of conference, which I believe is privileged, and will take but a moment.

The PRESIDENT *pro tempore*. The conference report will be read.

The Chief Clerk read the report of the committee of conference on House bill No. 1013, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from its amendments numbered 5, 8, 9, 12, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 13, 17, and 19.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out the word "fifteen," and in lieu thereof insert the word "eighteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Strike out the words "two hundred and fifty," and insert in lieu thereof the word "sixty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with the following amendment: Strike out of said amendment the words "and sixty-five;" and the Senate agree to the same.

A. A. SARGENT,
LOT M. MORRILL,
H. G. DAVIS,
Managers on the part of the Senate.
EUGENE HALE,
J. HANCOCK,
Managers on the part of the House.

The report was concurred in.

THE CONGRESSIONAL PRINTER—EXPLANATIONS.

Mr. HOWE. Mr. President, I find in the Washington Chronicle of this morning a letter addressed to myself, which seems to me to call for a brief statement or explanation.

In the course of a debate which took place here on the 19th instant, the Senator from Vermont [Mr. EDMUNDS] referred to some charges which as he understood were pending against the Congressional Printer and were under investigation. I did not remember any such charges at the time, and took occasion to say so. That correction or attempted correction of mine has brought out a letter from F. & J. Rives & George A. Bailey, proprietors of the Globe. It appears in the Chronicle of this morning. The original letter I believe came to my hands on Friday last, while I was preparing some notes from which I intended to address the Senate and did address the Senate on the next day. I saw that the letter was from this firm; I saw that it was quite lengthy, that it was accompanied by a printed pamphlet; and not having the time to attend to it then, I laid it upon the table in the committee-room; and as you are aware the Senate was kept here from its meeting on Friday morning until a late hour on Saturday morning, and I went to my home and only saw the committee-room this morning. So it happens that the first time I had the pleasure of perusing this letter was when it was placed in my hands this morning in the Washington Chronicle.

Mr. President, this letter seems rather to impeach the accuracy of the statement I made to the Senate the other day. That statement was in substance that I was not aware of any charges pending against the Congressional Printer. By way of correction this letter says that—

On the 31st of January last we placed before Senator ANTHONY several examples (out of many scores) of the Congressional Printer's method of accounting for the paper used in his office, and showing how he has for years systematically charged it in his accounts at a very much higher rate than its cost.

This allegation is that this information was laid before the chairman of the Committee on Public Printing. The chairman of the Committee on Public Printing is present; I have never known him disabled to speak for himself; and I think I shall leave him to speak in reference to this point in the letter. The letter goes on to say that—

Something over two months ago the House passed a resolution without a dissenting voice, after the same had been unanimously reported by its Committee on Printing, directing the joint committee to investigate the alleged abuses existing at the Government Printing Office. When this resolution reached the Senate it was referred to your committee, and to the best of our information it slumbers there yet.

Mr. President, I think the writers of that letter were somewhat mistaken. On the 11th of March a resolution was passed in the House of Representatives, which reads as follows:

Whereas it is alleged that grave abuses exist in the Government Printing Office; and whereas the abolition of the franking privilege will largely reduce the amount of public printing: Therefore,

Resolved by the House of Representatives, (the Senate concurring,) That the Joint Committee on Printing be required to report, by bill or otherwise, whether the Government Printing Office cannot be discontinued, and whether large sums of money cannot be annually saved by a change in the method of doing the public printing; and that said Joint Committee on Printing have power to send for persons and papers.

This resolution reached the Senate, and was on the 18th of March referred to the Senate Committee on Public Printing. It was not accompanied by any charges or specifications setting forth what the "grave abuses" were, but it simply stated that it was "alleged" that such "grave abuses exist." The Senate Committee on Public Printing was at that time engaged in investigating certain specific charges made against the management of the Government Printing Office, and it was known to us that the House Committee on Printing was also engaged in investigating the cost of publishing the debates of Congress, in which investigation the entire management of the Government Printing Office had been called in question. The Senate Committee on Public Printing consequently decided not to recommend a concurrence in the resolution passed by the House until after the distinct investigations being made by the two committees should have been completed, when any distinct or direct charges not already examined by one or the other committee could be presented as a legitimate basis for an investigation.

The letter next goes on to say:

On the 13th day of April, about five weeks since, in our closing argument before the House Printing Committee, having under consideration the question of the publication of the debates, we distinctly and directly charged the Congressional Printer, in his very presence, with being a defaulter to the Government in his paper accounts to the extent of $49,000, and this, too, entirely exclusive of the overcharge for the paper consumed.

Now, Mr. President, all I have to say about that is these two things: First, that I have heard of it for the first time as I find it stated in this paper; that allegation was made in the course of an argument, says the letter, made before the House Committee on Printing, of which I am not a member, and at a time when I was not present. It is now given to the public through the columns of a public journal. It is communicated to me I suppose directly by letter, for I take it for granted this is a true copy of the letter addressed to me. That seems to be a direct allegation of misconduct in the Public Printer; and all I can say further to satisfy these gentlemen and the public is that I shall be quite in favor of inquiring into the truth of that charge, and I shall regard the issue to be simply this: whether the Public Printer is a defaulter, as this letter alleges, or whether the writers of this letter are liars. They make a direct charge; it is true or it is not true; and as an individual I am only anxious of knowing which it is. One of these two conclusions I think the committee will come to. This is all I have to say.

Mr. ANTHONY. Mr. President, as some of these charges seem to be made against me, I have a word to say. I will read these sentences of the letter:

On the 31st of January last we placed before Senator ANTHONY several examples (out of many scores) of the Congressional Printer's method of accounting for the paper used in his office, and showing how he has for years systematically charged it in his accounts at a very much higher rate than its cost; in some instances at three times its cost. We did not "insinuate" this, nor say we had a "suspicion" it might be so, but we made a direct charge that such was the case. We were ready then—we are ready now—and we shall be ready at any time—to maintain it. Almost four months have passed, and we have not yet heard that any action has been taken by Senator ANTHONY, or by your committee, in relation to the matter.

This is signed by the former publishers of the debates of Congress, the proprietors of the Congressional Globe, who are very respectable and exceedingly persistent gentlemen. Their complaint seems to be that the Committee on Printing have not followed their directions in a matter which they saw fit to place before us. Although I have great regard for the character of these gentlemen, and have more than once defended them against aspersions unjustly made upon them on this floor, I think that their constitutional right to instruct a committee of this body might be disputed by a strict constructionist.

It is true that a member of that firm called upon me, doubtless at the date which he states, brought up a number of packages of books and said that he had detected great fraudulent representations on the part of the Congressional Printer in respect to the amount of paper used by him, showed me certain public documents, and gave me his estimate of the amount of paper that was required to print them, and compared that with the amount returned as the cost in the report of the Congressional Printer. I was surprised at that statement, and I said that I knew of but one way of proceeding in such a case and that was to do it openly, to place it before the Congressional Printer and to ask him what his explanation was, to which he assented. I asked him to give me the details by which he arrived at the result. It was some time before I received those details. Immediately after receiving them, and after consulting with my colleagues, I directed the Congressional Printer to furnish us his detailed estimate of the cost of the paper used in printing the same books. I am not sure whether I showed him the estimate of Mr. Bailey or not at that time. I did then or afterward.

The general subject of the conduct of the Congressional Printer was then under investigation before the committee upon a memorial of certain employing printers of this city. They appeared before us and also made allegations similar to those of Mr. Bailey, in respect to the cost of paper rendered in the report of the Congressional Printer. We asked them to furnish their detailed statement. They did so; and on the 13th of April I made in behalf of the committee a report of fourteen printed pages, a considerable portion of it upon this subject, on which Messrs. Rives & Bailey "have not yet heard that any action has been taken by Senator ANTHONY or the committee." In this report is given at length and in full detail the estimate made by the employing printers, which did not differ materially from that of Messrs. Rives & Bailey. There is also the detailed estimate of the Congressional Printer on the same documents. Both are given in this printed report which has been before the Senate and the public for five or six weeks.

There has been no allegation brought against the Congressional Printer before the Committee on Printing upon any authority, with any specification, with any offer of proof, that we have not fully investigated. We investigated all the charges brought by the employing printers against him; and the result is in the printed report which I hold in my hand. Senators who desire to know the difference between the estimates made by the two authorities will find it there, the full calculations, the multiplications, and the divisions, and the additions all set out at length. We had that done and had it put into this report so that it might be comprehended by any one, however little he might be acquainted with the calculations of printing.

The employing printers supposed that the cost of the paper was six dollars a ream, and the Congressional Printer shows by the contracts that it was $8.90 per ream.

He says:

In charging the cost of paper Mr. Judd (he was chairman of the committee of employing printers) has adopted the price for which the contracts were awarded that are published in the same report, and he has also figured as uncalendered forty-five pound paper for one "example," when calendered fifty-three pound paper was used.

The contracts for paper are awarded by the Joint Committee on Public Printing late in January of each year. As it would not be desirable to have the office destitute of paper, there is generally enough of the previous year's supply on hand to use until the new contractors can manufacture and deliver what is ordered of them, which is often ten or twelve weeks. It thus happens that of the paper used in a year some has been purchased under the contracts of the previous year, and the remainder under the contract of that year. An average is consequently made of the cost and probable quantity used under each contract, upon which the figures of the estimates are based.

It was the opinion of the Committee on Printing that the explanation of the Congressional Printer as to the amount of paper he used was satisfactory. Mr. Bailey, who first called my attention to the alleged irregularities, also made another allegation as to the cost of the paper of the Coast-Survey Report, which he arrived at by taking the cover off the book, weighing the book, and multiplying that weight by the number of copies printed, which he thought ought to account, at least approximately, for the amount of paper used. I told him that he might as well weigh a suit of clothes to tell how much wool there ought to be in it.

I wish to say for the Committee on Printing—and I am sure my friend on the other side [Mr. SAULSBURY] will indorse what I say—that while we have investigated every charge that has been brought to us upon any respectable authority, upon any specific allegation, upon any offer of probable proof, we have not thought it our duty to repeat what we did do three or four years ago, at the request of certain printers in this city, who thought that the work which was done at the Congressional Printing Office might be done more cheaply for the Government and certainly more profitably to themselves by private establishments—we did not again throw out a drag-net to bring witnesses here without knowing or without being informed what they were to testify to, and then allow the prosecutors to try and find out something from them, that they did not know and only guessed at. Although our pay is not very high and perhaps our time is not very valuable, I think that the time of a committee of this body is worth more than to be wasted in investigations of that kind, where there is no charge, no proof, no accuser. We were asked in the course of this investigation to apply for permission to send for persons and papers, and to summon before us the heads of all the executive departments and the foremen of each department in the Government Printing Office, and then the person who made this modest request—it was not from the Globe office—thought he would be able to find out something that would be interesting to us. That we declined to do.

CENTRAL BRANCH, UNION PACIFIC RAILROAD.

Mr. SARGENT. I now call for the unfinished business.

Mr. WRIGHT. Before the Senator from California proceeds with his bill, I wish to give notice of my intention to call up a bill. On the 10th of March I reported from the Committee on the Judiciary a bill (S. No. 587) declaring the true intent and meaning of the Union Pacific Railroad acts, approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other purposes. I then gave notice that it was my intention to call up that bill at an early day. I have not called up the bill for the reason that the Senator from Massachusetts [Mr. BOUTWELL] has been somewhat indisposed, and he asked that its consideration be postponed. The same request has been made by the Senator from Kansas, [Mr. INGALLS.] I give notice now that it is my purpose to call up that bill at least during the morning hour on Wednesday for the purpose of getting consideration to it by the Senate. I give the notice at this time at the request of the Senator from Kan-

sas, who I understand proposes to submit some remarks upon the bill. I wish to say to Senators now that they will find the whole subject very fully discussed in Senate Report No. 169, and it will save time in the discussion of the question if Senators can give time between now and then to read that report, inasmuch as all of the statutes governing the case are there recited, and the several questions that are raised on either side are discussed. I shall attempt on Wednesday morning to call up that bill.

Mr. INGALLS. I give notice that when the bill to which the Senator from Iowa has referred is called up it is my purpose to move to substitute for the bill reported by the committee a bill introduced by me on the same subject, the number of which I have now forgotten, proposing to refer the whole matter to the Court of Claims for adjudication.

SENATOR FROM ALABAMA.

Mr. HAMILTON, of Maryland. I desire to state that after the expiration of the morning hour on Wednesday I shall call up the Alabama contested election case.

REVISION OF THE LAWS.

Mr. CONKLING. Mr. President, the Committee on the Revision of the Laws have directed me to report to the Senate three bills which I will name by their titles: First, a bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873. This bill, one of three which I am going to report, contains fourteen hundred and thirty-two printed pages. I report also the bill (H. R. No. 3349) to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia in force on the 1st day of December, in the year of our Lord 1873; and a like act from the House (H. R. No. 2879) revising and embodying all the laws authorizing post-roads in force on the 1st day of December, 1873. The three bills make an aggregation of matter which I hold up that Senators may see it.

In reporting these bills I wish to give notice that I shall ask—I do not ask now, because of the absence of many Senators—unanimous consent to dispense with the reading of the bills; a thing not unknown in our parliamentary history, although no such occasion for it as this ever arose before. The Senate will see that to read these bills *in extenso* would take a week, perhaps a fortnight, and nobody would listen to them. They have all been put in print and furnished weeks ago to every member of the Senate. Since that time I should say, however, many changes have been made, made with a pen, erasing sections, amending sections, and changing throughout the numbers of sections, so that Senators, if they wish to see the very words of the act as it has come from the House of Representatives will be compelled to resort to the Secretary's table and read for themselves from this copy, as to reprint it would be very costly and very onerous, and not attended with any compensation of convenience or value. The committee, as soon as the pending deficiency bill shall be disposed of, will ask the Senate to take up these three acts; and ponderous as they are, the work for the Senate will be, I might almost say, formal, because the Senate will be compelled to rely upon the action of the three sets of commissioners who have been employed upon this work, and the action of the joint committees of the two Houses during the last year, along with the amendments adopted in the House pursuant to recommendations made by their committee. The Senate will be compelled to take, as they are, these bills, or I fear to abandon them for this session. If we amend them here, the bills may fail in the other House, and the committees believe that they are now as nearly right as we can hope to get them by any additional process to which they can be subjected.

Mr. MORTON. I desire to ask the Senator from New York a question for information, as I do not know how this revision has been made. I inquire whether these commissioners or the joint committee have condensed the statutes, changing their phraseology and clothing them to any considerable extent in new language? I understood the Senator to say this morning that the whole statutes would be reduced to one volume in size; and from that I infer that there has been a condensation and necessarily a change in the phraseology of the laws.

Mr. CONKLING. If I understand the Senator, he is right in his conjecture. The commission finding, if you please, a page of sections relating to a particular subject, have condensed the true intent and meaning of that page of sections into words as few as they could employ for that purpose. Such has been the aim and object of the work. And now the whole body of statute law is to be in a volume not as large as that which I hold up; because this print is larger in size and the margin wider than it will be when it becomes a law-book. That portion of this volume [exhibiting to the Senate] will probably represent the size of the single volume into which the whole body of the statute laws has been carried, assuming the work to be perfect and effectual; and although phraseology of course has been changed, the aim throughout has been to preserve absolute identity of meaning, not to change the law in any particular, however minute, but to present in miniature or in condensation the law in all its parts as it was actually found to exist dispersed through seventeen volumes of statutes.

I will send these bills to the desk, saying to Senators that they will be left there, although they must not expect to see them printed and find them on their desks, in the hope that Senators will look at them; and I will say that I think it would be well for Senators to look at the last page and a half of the larger one of these acts, that page containing repealing and saving clauses, so that no right shall be lost by any inadvertence or oversight, and at the same time repealing all statutes except those now to be found in these revised statutes, so as to make them complete in themselves without reference to anything else.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The Senator from New York, from the Committee on the Revision of the Laws, reports several bills to go on the Calendar, and gives notice that at the conclusion of the pending bill he will seek the floor to call up those bills.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 87) to facilitate the execution of and to protect certain public works of improvement at the mouth of the Mississippi River:

A bill (S. No. 249) authorizing and directing the Secretary of War to give to George A. Armes, late captain Tenth United States Cavalry, an honorable discharge, to date the 7th day of June, 1870;

A bill (S. No. 477) granting a pension to Jemima Maxwell;

A bill (S. No. 540) granting a pension to Fanny Newcomb, mother of Irenus Newcomb, late of Company H, Sixth Regiment Vermont Volunteers; and

A bill (S. No. 568) granting a pension to Hugh P. Lytle, late a private in Company H, Thirty-second Ohio Volunteers.

The message also announced that the House had passed the bill (S. No. 510) donating condemned cannon and cannon-balls to the posts of the Grand Army of the Republic, of Philadelphia, and other associations, for monumental purposes, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 773) to reduce the area of the military reservation of Fort Sanders, and providing for the survey of said reservation as reduced;

A bill (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri;

A bill (H. R. No. 844) to authorize the promulgation of the general regulations for the government of the Army;

A bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery;

A bill (H. R. No. 958) for the relief of Robert Sutherland;

A bill (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts;

A bill (H. R. No. 1108) for the relief of Alfred Fry;

A bill (H. R. No. 1410) fixing the salaries of the clerks at the United States armory in Springfield, Massachusetts;

A bill (H. R. No. 1511) allowing brevet commissions for distinguished services in Indian warfare;

A bill (H. R. No. 1620) for the relief of John L. T. Jones, of Montgomery County, Maryland, for rent and damages sustained by the destruction of a dwelling-house by accidental fire while the same was being occupied by United States troops for quarters;

A bill (H. R. No. 1698) for the relief of the L'Anse and Vieux de Sert bands of Chippewa Indians, in the State of Michigan;

A bill (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy;

A bill (H. R. No. 2170) for the relief of Timothy D. Crook;

A bill (H. R. No. 2292) for the relief of William Walker;

A bill (H. R. No. 2420) allowing Army officers to wear certain emblems indicative of honors conferred upon them;

A bill (H. R. No. 2506) for the relief of Rev. John R. Hamilton;

A bill (H. R. No. 2532) granting a pension to Ira Foster, a private in the war of 1812;

A bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds;

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims, under the act of Congress of March 3, 1871;

A bill (H. R. No. 2844) granting relief to Francis Dodge;

A bill (H. R. No. 3002) for the relief of Isaac Riseden, late first lieutenant of the Eleventh Tennessee Cavalry;

A bill (H. R. No. 3003) for the relief of George A. Bacon;

A bill (H. R. No. 3004) for the relief of John C. Griffin, late second lieutenant Third Regiment East Tennessee Volunteers;

A bill (H. R. No. 3005) for the relief of the heirs of Mary B. Belfield, of Virginia;

A bill (H. R. No. 3007) granting a pension to Cordelia Wilkins;

A bill (H. R. No. 3008) granting a pension to John J. Bottgar;

A bill (H. R. No. 3009) for the relief of Michael Bannon, of Dayton, Ohio;

A bill (H. R. No. 3010) for the relief of John Downey, of Dayton, Ohio;

A bill (H. R. No. 3011) granting a pension to Mrs. Letitia Carr;

A bill (H. R. No. 3012) granting a pension to John Heddinger;

A bill (H. R. No. 3013) granting a pension to Samuel P. Kemp;

A bill (H. R. No. 3014) to place the name of Mrs. Caroline Duncan on the pension-roll;

A bill (H. R. No. 3015) granting a pension to Margaret A. Chantry;

A bill (H. R. No. 3016) granting a pension to Ira Douthart;

A bill (H. R. No. 3017) granting a pension to Jacob Grosch;

A bill (H. R. No. 3018) granting an increase of pension to Jacob Parrott;

A bill (H. R. No. 3019) granting a pension to George H. Reynolds;

A bill (H. R. No. 3020) granting a pension to George Pomeroy;

A bill (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864;

A bill (H. R. No. 3022) granting a pension to Sarah A. Timmons;

A bill (H. R. No. 3023) for the relief of Andrew Mason;

A bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri;

A bill (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa;

A bill (H. R. No. 3176) for the relief of William Green;

A bill (H. R. No. 3177) for the relief of DeWitt C. Chipman;

A bill (H. R. No. 3178) for the relief of the children of Baker White;

A bill (H. R. No. 3179) granting relief to John L. Williams, of New York;

A bill (H. R. No. 3180) for the relief of N. H. Dunphe, of Massachusetts;

A bill (H. R. No. 3181) for the relief of Mrs. Mary A. Thayer;

A bill (H. R. No. 3183) for the relief of Jonathan D. Hale;

A bill (H. R. No. 3429) to put retired officers of the Army on duty;

A bill (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849;

A bill (H. R. No 3430) for the relief of settlers on the abandoned Fort Sumner military reservation, in the Territory of New Mexico;

A bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes;

A bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction;

A bill (H. R. No. 3433) relating to certain brevet appointments;

A bill (H. R. No. 3434) to provide for the sale of the Rush Valley military reservation, in the Territory of Utah;

A bill (H. R. No. 3435) to provide for the sale of the buildings and grounds known as the Detroit arsenal, in the State of Michigan;

A bill (H. R. No. 3436) for the designation of non-resident judges to hold circuit and district courts in the northern district of New York, and for additional terms of said courts;

A joint resolution (H. R. No. 63) detailing an Army officer to continue the survey and exploration of Palestine on the east side of the Jordan; and

A joint resolution (H. R. No. 101) construing the joint resolution entitled "Joint resolution amendatory of joint resolution for the relief of certain officers of the Army, approved July 26, 1866," approved July 11, 1870.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2078) for the benefit of occupying claimants; and

A joint resolution (H. R. No. 103) authorizing the President to issue Army rations and clothing to the destitute people on the Tombigbee, Warrior, and Alabama Rivers.

DEFICIENCY APPROPRIATION BILL.

Mr. SARGENT. I ask that we proceed with the deficiency bill, and that the amendments of the Committee on Appropriations be acted upon as the bill is read in order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The amendments of the Committee on Appropriations will be acted upon as they are reached in order in the reading of the bill; and the Clerk will proceed with the reading.

Mr. WRIGHT. I beg to suggest, if it suits the convenience of the Senator from California having the bill in charge, whether it might not expedite its consideration if before its reading commences he explains the changes proposed by the committee, and the entire amount of appropriations contemplated by the bill. I of course desire to consult his convenience and preference on the subject.

Mr. SARGENT. I did not desire to take up the time of the Senate by remarks on the bill; but I shall very readily yield to the suggestion of the Senator from Iowa by stating that the amount of the deficiency bill of last year was $11,000,000, and before that I remember one deficiency bill within a few years which amounted to $20,000,000; while this bill as it comes from the hands of the Senate Committee on Appropriations, and as we recommend that it pass the Senate, will appropriate less than $4,000,000, an enormous saving in the way of deficiencies. There are few changes in the bill from the form in which it came from the House. It is printed of course with all the amendments which have been reported by the Senate committee up to the time we reported it back to the Senate. There are some other deficiencies which have been developed since which we shall recommend to provide for by verbal amendments.

The principal item of increase in the bill is for taking care of the Apache Indians. There the increase is some $300,000. That is the principal item of increase, and accounts for the larger figures of the bill in the Senate from the form in which it passed the House. When that amendment is reached, I propose if necessary to submit some considerations and facts to the Senate which I think will convince the Senate that the increase ought to be allowed.

Mr. CONKLING. Will the Senator allow me to ask him how much appropriation does the bill contain as it came from the House?

Mr. SARGENT. Three million three hundred and seventy-two thousand one hundred and fifty-five dollars and some cents.

Mr. CONKLING. How much now?

Mr. SARGENT. As reported back in the Senate from the committee it appropriates $3,850,863 and some cents. We propose by some amendments which have been offered by Senators and referred to the committee and adopted by it, to increase the amount to a figure less than $4,000,000. The amendments generally are small, and I do not think it worth while to take up the time of the Senate in speaking in detail of them. If any Senator will send for the printed bill as reported back, he will have the bill and amendments of the Senate committee before him. For instance, look at the items on the second page; although they occupy a good deal of room, it will be found that they are quite small items, one item of $668.84; another of $3,083.44; the next item is $148.82. These arise from the loss of exchange. It will be found that sometimes a whole page of the bill contains but very few dollars indeed, and the items are for the settlement of vouchers which have been approved in accounts that are regular according to law, and these amounts are necessary in order to square the books.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was to insert after line 45, the following clause:

For salaries of United States consuls for fiscal year 1872, being amount due F. A. Perkins, late United States consul at Tahiti, eighty-nine dollars.

The amendment was agreed to.

The next amendment was to insert after line 59:

That the unexpended balance of the appropriation for a lithographic press and necessary materials, and for lithographic pressmen and laborers, in the act making appropriations for sundry civil expenses of the Government for the fiscal year 1874, and for other purposes, approved March 3, 1873, is hereby made available for the purchase of a second lithographic press and the necessary materials.

The amendment was agreed to.

The next amendment was to insert after line 118:

For incidental and contingent expenses of the mint at San Francisco for the fiscal year ending June 30, 1873, $1,168.02.

The amendment was agreed to.

The next amendment was to insert after line 217:

For legislative expenses of Dakota Territory, for fiscal year 1872, being amount required to pay Brookings & Carney for articles furnished the late secretary of Dakota, as per finding of the accounting officers of the Treasury, seventy-one dollars.

The amendment was agreed to.

The next amendment was in line 272 to increase the appropriation "for furniture and repairs of same, carpets, and similar necessaries for public buildings under the control of the Treasury Department," from $10,000 to $30,000.

The amendment was agreed to.

Mr. SARGENT. I am directed by the Committee on Appropriations to offer the following amendment, to come in after line 441:

For compensation of the two commissioners appointed from civil life on the military-prison board, under the second section of "An act to provide for the establishment of a military prison and for its government," approved March 3, 1873, while actually on duty, $460. For traveling expenses of said commisioners and of the Secretary of War under said act, $1,500: *Provided*, That the duties of said commissioners shall cease after the expiration of the current fiscal year.

The amendment was agreed to.

Mr. SARGENT. I am directed by the Committee on Appropriations to offer the following amendment, to come in after line 473:

For this amount, or so much thereof as may be necessary, for the removal and subsistence up to July 1, 1874, of the Kickapoo Indians who have been removed from the borders of Mexico and Texas to the Indian Territory, said account to be expended under the direction of the Secretary of the Interior, $25,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 475, to insert after the word "subsisting" the words "and civilizing;" in line 476 to strike out, after the words "Red Cloud," the word "and;" and in the same line, after the word "Whetstone," to insert the words "and other Sioux;" so as to make the clause read:

For this amount, to be expended under the direction of the Secretary of the Interior, in subsisting and civilizing the Sioux Indians at the Red Cloud, Whetstone, and other Sioux agencies up to the 1st of July next, $200,000.

The amendmant was agreed to.

The next amendment of the Committee on Appropriations was on

page 21, line 487, to increase from $200,000 to $500,000 the appropriation "for this amount, or so much thereof as may be necessary, to meet the deficiency in the appropriation for the fiscal year ending June 30, 1874, to subsist and properly care for the Apache Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico and Arizona, provided that this appropriation shall be expended only in behalf of those Indians who go on and remain upon said reservations and refrain from hostilities."

Mr. INGALLS. I hope we shall have some explanation from the Committee on Appropriations of the enormous sums that are appropriated in this bill for the deficiency in collecting and subsisting the Apaches of Arizona and New Mexico. In the section now under consideration the sum proposed by the committee is $500,000. On page 23, line 541, there is a still further appropriation of $423,426.32, and in line 550 a still further appropriation of $45,731.83; making in all for the years 1873 and 1874 an aggregate of $969,158.15 deficiency alone. It seems to me that the sum is so large that it requires some explanation from the committee as to the reason why it is now required.

Mr. SARGENT. As will be observed, the amounts referred to are for different fiscal years. The amount of deficiency for this fiscal year is not so great as the amount for the last fiscal year by some one hundred or one hundred and fifty thousand dollars, because we are getting a measurable degree of peace in Arizona Territory. I have in my committee-room, and can obtain in a few moments, a statement of the condition of affairs in Arizona in 1870 and 1871. Murders by the Apaches of men, women, and children, of Government employés, of peaceful settlers and travelers through the Territory, were so common, that they amounted to one or two a day. It was a most terrific condition of things, not merely retarding the development of the Territory, but utterly preventing it, preventing people going in there, and making it entirely unsafe for those who were brave enough to remain. This condition of things has ceased; and the papers in Arizona which most fiercely fought what was called the "peace policy" of the Government now say that during the last year they have had a condition of peace which was favorable to the development of the Territory, so that the people of it can travel in any part of the Territory with safety; that business of all kinds has revived and increased; and that the Government deserves the kind thanks of the people of Arizona for rescuing them from the terrible condition of things to which they were subjected under the old system.

The policy of the Government has been to take these Apaches, who amount to between nine and ten thousand—a very large body—from roaming over the Territory, and to put them upon four reservations in Arizona and New Mexico. They are the Cochise Apaches, and they are probably as brave men as ever were upon this continent. They are as reckless as devils, and they are as cruel. They think, and perhaps with some show of justice, that in the earlier history of these operations they were imposed upon and treacherously treated by the Government or officers of the United States or by irresponsible persons; and thinking that they had been deceived, that their wives and children had been violated and murdered either because of the carelessness of the Government of the United States or by its connivance, they became most implacable enemies of the Government and people of the United States, and swore eternal vengeance, and they carried this out for a number of years, making the Territory a slaughter-pen.

General Crook has taken these Indians under the orders of the President, and segregated them from the rest of the people, and put them on the reservations, and has announced to them "if you leave the reservations and are found in any other part of the Territory, you will be shot." The orders are to shoot them down like dogs or like wolves. On the contrary he has promised to them, "If you will remain on the reservation, we will provide you means of subsistence." The reservations themselves are not fertile, as very little land in the Territory is fertile; but what little there is of it is not given up to the Indians under this arrangement; but there is an actual necessity to subsist them in every particular. Of course this must be expensive. It would be expensive if this were done here in the city of Washington in the commonest manner. In that country where transportation is expensive, which is so very far off from the center of civilization, of course these expenses increase; but there is the same necessity in order to maintain peace in the Territory that we keep these Indians upon the reservations, and keeping them there that we feed them. Necessity and humanity both plead for that.

There is the same necessity in the case of these Indians that there is in the case of the Sioux. In the regular Indian appropriation bill for the current year we appropriated to feed the Sioux, and there are some twenty thousand of them, I think $1,500,000; and the bill passed by the House for the next fiscal year appropriates $1,200,000, and unquestionably the amount is too small and will have to be raised in the Senate. We have either to keep our promise to them when we segregated them on these reservations, or we have to fight them, and fight them with the right on their side.

If Senators know how expensive it is to fight Indians, there is no necessity of arguing on that point; if they they do not I should like to say that in the years 1864, 1865, and 1866 we had a Sioux Indian war, and we succeeded in killing forty-five Indians at an expense of $45,000,000. A commission which went out and examined into the whole matter, having at its head General Sherman, reported that this was the fact, that we had succeeded in killing that number of Indians at that enormous expense. In Arizona two or three years ago, before we gave these liberal appropriations, as they may be called, (and yet they are only about seventy-five or eighty dollars to an Indian to feed and to clothe him for a whole year,) we maintained three regiments of cavalry and a regiment of infantry. Now we maintain but two regiments of cavalry. The cost of a regiment of cavalry for nine months is more than the whole amount we appropriate in the regular bill and in the deficiency bill for these Indians.

If we prefer to make large expenditures for the military service rather than to make them for the Indian service, then it will be legitimate to object to these amendments; but if we prefer to save two-thirds of the amount which must necessarily be expended and to save the blood of our citizens which is shed upon the highways, and even where their little hamlets are invaded, and to save their wives and their children from being subjected to the horrors and barbarities of Indian war and do it by the cheapest and most humane system, then we must make these appropriations adequate to the needs of the service.

I believe there is no difference of opinion on the part of those who have examined this matter—the board of Indian commissioners, the Secretary of the Interior, the Commissioner of Indian Affairs, the Committees on Indian Affairs and on Appropriations of both Houses, and the President of the United States. These matters have been passed upon by all of them, and the conclusion is the amendment which is here reported. It is less than the amount appropriated last year, and I am afraid it is rather cutting the cloth close, but still I recommend it with great earnestness to the Senate.

Mr. INGALLS. It seems that there is some difference between the Committees on Appropriations in the two Houses from the fact that the committee of the Senate, as I understand, report an increase of $300,000 in the first item alone. What I desire especially to know from the Senator from California is, what is the reason that so great an amount of deficiency is required, why so large an amount was expended over and above the original appropriations that were supposed to be sufficient; and also I should like in that connection to know what amount was originally appropriated.

Mr. SARGENT. The amount originally appropriated was $250,000. The amount appropriated last year was $800,000. To meet immediate emergencies, when Congress met the Commissioner of Indian Affairs and the Secretary of the Interior sent in an estimate for a deficiency appropriation, urging that the sum of $200,000 be immediately appropriated to tide over the difficulty. It was not immediately acted upon, and a subsequent deficiency estimate was sent in of $300,000, making the amount which the Senate committee has recommended. That is the result of the addition of the items. Unquestionably if the full estimates had been sent in originally to the House, they would have put in the bill the $500,000 as we have done.

Mr. INGALLS. Then I understand this entire amount of $969,000 has been already expended in excess of the original appropriations, amounting to over $1,100,000 for the two years.

Mr. SARGENT. For the two years unquestionably; and what are you to do? Here the military puts upon four reservations ten thousand Indians.

Mr. INGALLS. I want to say right here that the report of the Commissioner of Indian Affairs shows less than nine thousand, including men, women, and children.

Mr. SARGENT. The difference between nine and ten thousand is very slight. I think there are ten thousand, and so state. I think the nine thousand is an underestimate, but the difference between nine and ten thousand is of such little consequence that, to oblige the Senator, I will put it at nine thousand wild Indians.

Mr. INGALLS. They are not on reservations.

Mr. SARGENT. They are on reservations.

Mr. INGALLS. The report of the Commissioner shows that they are not.

Mr. SARGENT. I do not know anything about the report of the Commissioner. I state that they are on reservations—the great bulk of them. The matter, however, as the Senator will observe, is made flexible in this: that the clause provides only for the Apaches "who have been or may be collected on reservations in New Mexico and Arizona." I do not know to what date the Senator refers, but I know that the condition of affairs now is that these Indians are on these four reservations with trifling exceptions; that they are kept there by the force of the bayonet; that the reservations are barren, giving not even a grasshopper for subsistence, and that we must feed them, and that the amount appropriated last year and the amount appropriated this year is no more than sufficient for it, and you necessarily compel them to burst their bonds through the lines of bayonets, to carry blood throughout the Territory, and employ your Army to suppress them at an immense cost, or else you have to carry out your promise and feed them, and to feed them this is not too much money.

Gentlemen talk about exceeding the appropriations. Will you tell me how in such a case, where the military under your laws and under the requirements of the President of the United States put Indians upon a reservation and call on the Indian Department to feed them, it could do otherwise than exceed the appropriations? Further on in the bill is a section which we propose to strike out, providing that any officer shall pay a fine of $2,000 if he expends any money or involves the Government in a contract calling for expending more than the amount appropriated. What would you do in case a war breaks out with Spain, as was threatened recently? I should like to know what

you would do when the Modocs were ravaging through Northern California and Southwestern Oregon? What would you do in a case like that of these very Apaches where they are restrained by your military force within certain bounds with a dead line as effective as that about Andersonville, and left to starve there because your public officers must go to prison or pay an enormous fine out of their private fortunes if they make any contract to furnish any supplies whereby they may be fed? If we were managing here a district school, I could understand such discipline; but when we are handling the affairs of a great Government, it seems to me we have to act on larger principles, on broader ideas. We have got to recognize the condition of the country and make our appropriations correspond with its great necessities.

If the condition of these Indians is what I have stated, the amount expended for last year was no more than was absolutely necessary and the amount we ask for this year is less than the amount then expended; and perhaps the department can pull through with it.

Mr. INGALLS. I understand the Senator to say that the Indians now upon reservations are kept there by military force.

Mr. SARGENT. Yes, sir.

Mr. INGALLS. How many troops are required now for that service?

Mr. SARGENT. There is a regiment of cavalry and one of infantry now in Arizona.

Mr. INGALLS. At an expense of a million dollars per annum, I understand.

Mr. SARGENT. Unquestionably; and you would have to treble that amount if you have war, besides the loss of the lives of your soldiers, as we know by recent experience from which we have just emerged.

Mr. INGALLS. So that during the past two years the amount appropriated for the purpose of keeping these Indians upon reservations, including the military force and the amount required for their subsistence, has been something like $5,000,000.

Mr. SARGENT. Three or four millions for the last three years.

Mr. INGALLS. Will the Senator further inform me for what these amounts of money have already been expended in excess of the appropriations?

Mr. SARGENT. Because they were required to put them on the reservations, feed them, and keep them there.

Mr. INGALLS. For what has the money been expended?

Mr. SARGENT. A very important consideration, and I call attention to it, is that in carrying out this policy it has proved to be an economical policy in that the Government thereby has saved millions and millions of dollars, besides the lives of its citizens.

Mr. OGLESBY. Mr. President, I have no further desire about this appropriation for the Indian service of the Government than to understand just what we are doing. I think the Senator from California, having this deficiency bill in charge, in one of the statements he made a short time ago, was somewhat hasty in saying that the Committees on Indian Affairs of both the Senate and House had concurred in this recommendation.

Mr. SARGENT. If the Senator will allow me, I meant the policy which has been pursued with regard to these appropriations. I did not mean to say that this specific item had been referred to the Committee on Indian Affairs.

Mr. OGLESBY. Then I misunderstood the Senator. This very item now pending here in the deficiency bill as it comes from the House, providing for an appropriation of $200,000, was submitted early in this session to the Committee on Indian Affairs of the Senate, and the Committee on Indian Affairs of the Senate declined, by a vote of that committee, to recommend that the appropriation be allowed. Whether we were correctly informed or not, and therefore acted wisely, is another question. We went upon the theory that after the estimates had been made by the Indian Department of the necessary appropriations for the fiscal year ending June 30, 1874—the present fiscal year—the Indian Department, conversant with the number of the Apache Indians in Arizona and New Mexico, with their character and habits, would make estimates for such appropriations as would carry out the policy of gathering up those Apache Indians and putting them on reservations at a fair and reasonable cost to the Government. From the 1st day of July to the 1st day of December, 1873—a period of something less than six months—the $250,000 appropriated by Congress for the purpose of gathering the Apache Indians on a reservation had been exhausted by the agents of the Government, before the fiscal year had half expired.

It struck the Committee on Indian Affairs of the Senate that there must be some extravagance somewhere; that there was a want of proper supervision by the Indian inspectors who had come into existence within the last year, and that the Indian agents who had control of this matter of gathering up and moving the Apache Indians upon these reservations were not acting judiciously; that there was not a proper supervision over them; that they were extravagant in their contracts, extravagant in their expenditures; and we thought it wholly unwarrantable in Congress now to go back and appropriate upon their mere say-so as many hundred thousand dollars as they might ask in addition to what had been given them to remove some seven thousand Apache Indians in Arizona, and some two thousand in New Mexico, making about nine thousand in all, as we were informed, including men, women, and children. They are a wild, ferocious, and brave tribe of Indians, That is no reason why the greatest possible economy should not be exercised by the agents of the Government treating with them. That is no reason why these administrative officers of the Government should be permitted to go and spend money right or left, with nothing before this body to show how they have spent it, except that the sum total is gone.

Let me say to the Senator from California that I have no earthly interest in this subject except as one Senator or one citizen of the country. Two hundred thousand dollars have been appropriated for the year 1874, and this deficiency bill asks for $300,000 more to be added. That will make $500,000 in addition to the $250,000, making $750,000. I do not know what the provision was for 1873, but this bill now asks for $450,000 for 1873. Here is over $900,000 in money to be expended upon about seven thousand Apache Indians in Arizona—between seven and eight thousand, I think the number is nearer seven thousand—for one and two years; and it did seem to me that the Committee on Appropriations ought to have been able to show to the Senate just how the fiduciary officers of the Government had expended the money, what their contracts were, what they had paid for beef, how they had gathered the cattle together, how they had distributed them, what they had paid for flour, what they had paid for meal, the character of the articles they had purchased for these Apaches, and whether the prices were extravagant or not. I am wholly opposed to permitting any agent of this Government under any ordinary circumstances to exceed the appropriations deliberately recommended by the heads of Departments and deliberately passed by act of Congress. Here we have an Indian service——

Mr. SARGENT. Will the Senator do the department the justice to say that Congress did not appropriate half the amount the department estimated for? You cut down your appropriations arbitrarily.

Mr. OGLESBY. Does the Senator know what amount they asked for in 1873?

Mr. SARGENT. Yes, sir; exactly.

Mr. OGLESBY. What was the amount?

Mr. SARGENT. Five hundred thousand dollars.

Mr. OGLESBY. In 1873?

Mr. SARGENT. Yes, sir.

Mr. OGLESBY. What did they ask for in 1874.

Mr. SARGENT. Seven hundred and fifty thousand dollars. That is my recollection. Here is the Book of Estimates.

Mr. OGLESBY. What do they ask for the year 1875?

Mr. SARGENT. The Senator from Minnesota [Mr. WINDOM] has charge of the Indian appropriation bill, and will report it to the Senate in a few days. I have not the charge of that bill.

Mr. OGLESBY. As I stated in the commencement of my remarks, I do not know what they asked for in 1873. Perhaps the Senator may be right in saying that they asked for $500,000. I am not sure about that. I know that they asked for $500,000 or more for 1874, and I know that $250,000 was voted to them, and I know that they went on pell-mell and spent the money before the 1st day of December, 1873, and I know that they come back here now and ask us to give them $500,000 more for that same year for this wild, savage tribe of Apache Indians in New Mexico. Although the Senator stated with considerable earnestness this morning that they are all now upon reservations, my recollection is that the argument made by the Commissioner of Indian Affairs to the Senate Committee on Indian Affairs was that it was necessary to appropriate this amount to keep the Apaches now on reservations and to take care of them, so that through their instrumentality the roving bands of Apaches might be induced to go on the reservations. I understand that large portions of them are not on the reservations. The Senator can very well and very truthfully say they are upon them, but I do deny that they are all upon them; and it seems to me extravagant to vote $300,000 more simply because these officers have asked for it, without presenting their accounts before this body to show how they have expended the money heretofore appropriated.

I do not know what is the character of those agents of the Government; but I for one shall vote to retain the sum in the bill as it came from the House—$200,000—and not to make it $500,000 for the fiscal year 1874. I think it would be proper and right to refuse to concur in the committee's recommendation to increase that appropriation by $300,000 for those seven thousand Indians there. It will feed them on bread; it will feed them on bread made of wheat and bread made of corn; it will give them beef every day. They will live better than they ever did before in their lives, if you figure down the amount each Indian man, women, and child will receive. They are to be put upon reservations and fed in this sort of style by these agents of the Government, and we have no account before us to show how the money has been expended. I have no doubt the agents have reported to the Indian Commissioner exactly the amounts they have expended; I presume they have; but it is their own solitary report; it is their own statement of their expenditures. It strikes me that the Indian agents, or the men having control of these Indians, are taking considerable liberty to themselves when they go forward and exceed the appropriations for 1873, and exceed the appropriations for 1874, and then come back and ask us to vote them the money necessary to carry out such contracts as they have chosen to make with the Indians.

I listened to the Senator from California very attentively. He has given some information on the subject that I did not have, but I feel that the matter is not yet clear.

Mr. SARGENT. I do not know how the matter can be made clearer unless I get a team and bring up all the vouchers which are in the Indian Department. Those are just as accessible to the Senator, and it is as much his duty to look into them as a member of the Committee on Indian Affairs as it is mine as a member of the Committee on Appropriations. I have been examining this subject for some years, and have spent a great many hours of my time in the Interior Department looking over vouchers, looking over accounts, and endeavoring to arrive at the correctness of the estimates which were made. I have pursued that course so far as was necessary in this particular instance, and am satisfied that these amounts were necessarily expended; that the contracts were fair and honest; that a reasonable price was paid for these supplies; and that not a dollar more has been expended for these purposes than was absolutely necessary.

I furthermore recall to the Senator's mind as having some force in this case, when he talks about the department not expending a dollar more than was appropriated, the fact that they themselves estimated double the amount which we appropriated; that the House this very year has done the same thing, appropriated only one-half the estimates, I suppose to make a fine show for the coming elections when they want to be re-elected, or for some other reason better than that. Certainly for some reason they go on and arbitrarily shave down items that are not flexible at all; and if no more is expended than the amount which they provide we have a war upon our hands or other consequences of a very serious nature. I do not think it is a good plan to cut down the annual appropriation bills in order to put the amount in a deficiency bill; and I call the attention of the Senator again to the fact that notwithstanding this amount, over which there is so much quarrel and which is the principal item in the bill, this year we have a deficiency bill of less than $4,000,000, while last year it amounted to $11,000,000, showing that there is responsibility, that there is care in the administration of the different Departments of Government.

I know that Senators who live in the interior of the continent, far away from any danger to themselves or their property or their interests, from assaults by Indian tribes, can feel very comfortable over the alternative which is left us of some seven, eight, nine, or ten thousand wild Indians in the mountains bursting upon the towns and peaceful communities in this distant region, and carrying blood and devastation and conflagration in their track. I know that my friend from Illinois who represents the city of Chicago is not likely in his whole life-time to see any wild Indians unless he comes up to the Sioux country or goes down to Arizona. They never would hunt him up. He is in the position of the boy who told his father that "The fish would bite well that day," and his father said to him, "You go to school and they will not bite you." [Laughter.] So my friend, if he does not go where the Indians are, is not in any danger of being bitten by them. His interests are entirely safe. His constituents are safe, unless some of them should be traveling in the pursuit of business or pleasure in these far-off regions. But, sir, it is a very serious question to thousands of people in Arizona. It is a very serious question to all the people who live along the line of the Northern Pacific road whether we shall have an Indian war, which at best is bloody, which at best destroys the material interests of the region over which it ravages. It is a very serious question to them whether we shall have such a war; and they cannot take matters as cooly as Senators more happily situated and persons remote from these scenes, because it is with them a question of life and death, involving their existence as a community.

What the Apaches can do is evident from the fact that they held at bay three regiments of cavalry and two regiments of infantry, and compelled us by that more expensive method to pay twenty times the amount in supplies to keep these troops in the field. The question of the transportation of supplies now is swallowed up in the item which is necessary for the transportation of your troops and the supplies of those troops. And after all you kill very few Indians. They go from one mountain to another, from one fastness to another, and when the troops follow them they return. It is to save that expensive system that we propose that this amount shall be appropriated.

Furthermore, I say it is unbecoming the dignity of this great people, forty millions strong, with enormous resources, in dealing with these few savage, ragged tribes that we drive into the desert and hem in with our bayonets, to violate our promise to them. It is unworthy of us. If it is necessary to feed them at the expense of twenty cents a day per Indian—and that is the amount of this appropriation—suppose it is too much; it is unworthy of us to retain the twenty cents; it is unworthy of us, having made the promise to them and forced it upon them in spite of themselves, now to violate it and say that we will only pay ten cents a day, and if they starve let them starve.

I plead, therefore, for the good name of the United States. I plead for the peace of the country. I plead that we keep our promise to these Indians and give them the amount necessary to feed them. Sir, I will vote twenty times this amount if it is necessary to prevent an Indian war, for I know that thereby we save at least the amount which we may vote, and we save that which is far more precious than money, the blood of the women and children on our frontiers. I trust, therefore, this amendment will be adopted.

Mr. BUCKINGHAM. I wish it were possible for the officers connected with our Government to make correct estimates of what money they want to carry on their plans. I do not believe it is possible, particularly in connection with the Indian Department. If it is deemed desirable on the part of the Government to gather the Apaches in all that country over which they roam and bring them on reservations, when the Secretary of the Interior sends in his estimate of what is needed, he bases it upon certain facts which he has before him; but it is not possible for him to have all the facts so as to form a correct estimate. He does not know and cannot know how many Indians will be removed, how many will go on the reservation. Therefore he cannot determine how much money will be needed to feed them on the reservation. Then it is very easy for those who are sent out for the purpose of gathering the Indians to gather more than the number estimated by the Department. Nor is that all. It is impossible for those who are sent on this errand to know how long they will be in gathering these Indians together. I understand they are scattered all through Mexico, some of them five or six hundred miles from the border, and so those who go after them and reach them far distant from our line and persuade them to come back and go on reservations. I say it is impossible for the Secretary of the Interior or the Commissioner of Indian Affairs or for any other man to estimate accurately the amount of money which is necessary for this purpose.

Mr. INGALLS. Will the Senator allow me to ask him a question?

Mr. BUCKINGHAM. Certainly.

Mr. INGALLS. The remark that the Senator makes in regard to the impossibility of estimating precisely the amount necessary to be expended in advance is very true; but is it not likewise true that after the amount has been expended it will be possible for the department to send in the exact amount they desire to have appropriated? Now here is an appropriation for a deficiency for the fiscal year ending June 30, 1874, of $500,000.

Mr. BUCKINGHAM. Will the Senator put his question again?

Mr. INGALLS. I ask if it will not be possible for the Commissioner of Indian Affairs or the Secretary of the Interior to furnish the Senate the actual amount that has been expended? This is a deficiency of an appropriation in advance, and certainly the Secretary ought to furnish us with the amount that has been expended, and not ask us to appropriate a gross sum leaving the amount to be computed hereafter when the vouchers are ascertained.

Mr. BUCKINGHAM. I do not see any difficulty in that. I do not know why the Secretary may not furnish, and he probably would furnish to any Senator who should ask it, the amount which has been expended.

Mr. BOGY. If the Senator will allow me, that statement was furnished to our committee asking an additional appropriation of $200,000 by the Secretary of the Interior. A full statement was given of the number of Indians, the amount expended, and why it had been expended, and upon that information at that time a majority of the committee declined to make the appropriation; but the information was given to our committee. The appropriation of $200,000 then asked for was only a temporary appropriation. It was not intended to be enough to carry us on to the 1st of July, 1874, but only to cover the amount of money which up to that time had been expended. That was the information given by the Secretary at length, and the papers are now with the Committee on Indian Affairs.

Mr. BUCKINGHAM. I was going to state still further, rather to confirm the statement of the Senator from California in what he said, that this appropriation in the gross amount is certainly very large, and it surprises some of us to imagine how such an amount can be needed; and yet our surprise will cease when we remember that these Indians are to be placed on a reservation and held there: that they must be fed, for if they are starving they must of necessity, to save life, leave the reservations and prey upon their white neighbors and suffer themselves to be shot down by our Army. It is far better to feed them than to suffer them to wander from their reservations. To hold them there will require not less than the amount estimated by the Senator from California and reported by the committee, as it seems to me. It is, as he says, only twenty cents a day for each one. The $500,000 divided among the nine thousand Indians is less than sixteen cents a day; but if you add to that the $250,000 which may have been expended for their support during the last year, it is for the entire year less than twenty-five cents each. Therefore, much as I regret the necessity of taking this great amount from the public Treasury, yet it seems to me it is a wise expenditure on the part of the Government.

The PRESIDING OFFICER (Mr. BOREMAN in the chair) put the question on the amendment, and declared that the ayes appeared to prevail.

Mr. INGALLS. I call for a division.

Mr. ALLISON. Before the vote is taken I should like to ask the Senator from California if he has an estimate of the amount required for this fiscal year?

Mr. SARGENT. I have. I have looked into the amount; I have looked into the prices which were paid; I have looked into the whole question knowing that it was a grave one, that this was a considerable amount. I have looked into the reason why the House committee reported $200,000 instead of $500,000, and found that the estimate on which they acted was an estimate sent in last December, immediately on the meeting of Congress, stating that it was for an immediate emergency, and the subsequent estimate sent in by the

Interior Department to cover the full year with the $200,000 made $500,000. The House simply acted on the first estimate.

Mr. INGALLS. Why does not the committee report the exact amount required?

Mr. SARGENT. We have reported $500,000 as the exact amount required. Would it please the Senator better if we should fix it at $500,000.06?

Mr. INGALLS. I should like to know the exact amount.

Mr. SARGENT. There is the amount in the bill. We have reported the amount; and I wish to say that the Committee on Appropriations have given as much care to this item as the amount involved required, and that was a great deal. I myself have made it a matter of study for several weeks. I have made frequent visits to the Interior Department on that very point. I have talked with gentlemen from Arizona in reference to it; I have talked with the Commissioner of Indian Affairs in reference to it; I have talked with the Delegate from Arizona in the House in reference to it; and I am satisfied that the appropriation is absolutely necessary. I am no more disposed than the Senator himself to appropriate one dollar that is unnecessary; but where it is necessary for the service, where the national honor is involved, where the lives and property of our frontier citizens are involved, then it makes no difference to me, if the amount is necessary, whether it is $200,000, or $500,000, or $5,000,000. There are supreme objects of government which must be carried out by our legislation. There is a right which our frontier citizens have that they shall be protected in their lives and property; and when you put the Indian upon a barren reservation and say to him, "If you leave this dead-line which we put around you, you shall be slaughtered, you shall be shot like a wolf, but if you stay there we will feed you," the Indian has the right to require of us, even if it costs us $500,000 deficiency, that the amount of cattle and the amount of flour necessary for that purpose shall be given to him. Twenty cents a day is the amount required. My friend from Connecticut calculates it at sixteen cents a day. I made it twenty cents, because I made the number of Indians a little different from what he does. I say the Indian upon that reservation has a right to require that we keep our promise to him, and humanity requires it also.

Mr. ALLISON. I only desire to say a word with reference to this particular paragraph. Early in the winter I had my attention called to this deficiency in the appropriations for the Indians of Arizona and New Mexico. The appropriation made last year for this fiscal year was $250,000. Now what I object to in these appropriation bills is that in an annual appropriation bill we provide for $250,000 and then in the deficiency bill for a deficiency of half a million.

Mr. SARGENT. If my friend will study the Book of Estimates, which he had the opportunity to do upon the Committee on Appropriations, he will find that last year we did not appropriate more than one-third the amount of the estimates. There is the trouble.

Mr. ALLISON. I do not desire to study the Book of Estimates for the purposes of this argument. What I desire to call attention to is the fact that we appropriate annually a quarter of a million and then for a deficiency half a million. I called upon the Commissioner of Indian Affairs early in the session, I should think in December, and I found from actual investigation of the accounts that of that $250,000 appropriated for the entire fiscal year of 1874 the whole had been expended, with the exception of $9,000, as early as the 1st day of November.

Mr. SARGENT. Will my friend tell me how the department could help it? The Indians had to be fed. Congress appropriated $250,000 for that purpose. The department had shown Congress that that was not sufficient. What were they to do? Were they to leave the $250,000 in the Treasury?

Mr. ALLISON. I desire to call attention to these facts with a view of showing the necessity that we shall have in advance the amount of these appropriations. I have no doubt the Senator from California has made a careful estimate on this subject, and I presume that this entire sum will be expended by the 1st of July next, and probably necessarily expended; but I think it is an incorrect way of appropriating money to appropriate so large a sum as a deficiency.

Mr. BUCKINGHAM. I think I can illustrate by one single fact the difficulty of making correct estimates and the difficulty in stopping when you have expended all the money which has been appropriated. Take for instance the removal of the Kickapoos. A certain amount was appropriated for their removal and it was limited to a certain time. On the 1st of July last that portion of the appropriation for the removal of the Kickapoos which had not been expended at that time was covered into the Treasury. A portion of the Kickapoos were then on their way to the Indian Territory. Now what should be done? You must stop them on the plains or press them on. If you stop them on the plains, you stop them where your appropriation stops; but that would not be wise; and although we should regret the necessity of pushing them on and going beyond the sum appropriated, yet the necessity would be upon the officers of the Government to do it, and they had better go on, even if by going on and conducting them to the Indian Territory and locating them there should be presented to Congress a deficiency in the appropriation.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Appropriations, upon which question a division has been demanded. Is it insisted upon?

Mr. INGALLS. Yes, sir.

The question being put, there were on a division—ayes 19, noes 5; no quorum voting.

Mr. SARGENT. I will ask the Senator from Kansas if he insists on a further count?

Mr. INGALLS. No, sir.

The PRESIDING OFFICER. There does not appear to be a quorum present.

Mr. SARGENT. The Senator from Kansas does not insist on a further count.

Mr. INGALLS. I withdraw the call for a division.

The PRESIDING OFFICER. But the fact of the absence of a quorum being discovered, no business can be transacted until a quorum is present.

Mr. SARGENT. That fact can be ascertained by a count, if the Chair will count the Senators present. Quite a large number of Senators did not vote.

The PRESIDING OFFICER. The Chair will count the Senate again on the same question, with a view of ascertaining whether there is a quorum present, and every Senator is requested to vote in order to ascertain whether a quorum be present or not.

Mr. INGALLS. I have withdrawn the request for a division.

The PRESIDING OFFICER. We cannot proceed with business, however, without a quorum being present, and it is necessary to ascertain it in some way.

Mr. SARGENT. There being no request for a division, it seems to me it might be presumed that a quorum is present.

Mr. INGALLS. The call for a division being withdrawn, there is nothing before the Senate.

The PRESIDING OFFICER. Business cannot proceed until it is known that there is a quorum present.

Mr. MORRILL, of Maine. The Clerk can ascertain the fact by a count.

The PRESIDING OFFICER, (after a count by the Clerk.) It is now ascertained that there is a quorum present; and if no division be called for the amendment is agreed to.

Mr. SARGENT. In line 482 of this clause, page 20, after the word "Apache," I move to insert the words "and other," so that the clause will read "Apache and other Indians."

The PRESIDING OFFICER. That amendment will be made if there be no objection.

The Chief Clerk resumed the reading of the bill, as follows:

For this amount, or so much thereof as may be necessary, to provide, under the direction of the Secretary of the Interior, clothing, food, agricultural implements, and seeds for the Modoc Indians that have been removed to and are now residing within the Indian Territory, $10,000.

Mr. SARGENT. After the word "Interior," in line 491 of that clause, I move to insert the word "settlement," so as to make it correspond with the other provisions.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 499, to increase the appropriation "to subsist and properly care for the Kiowa and Comanche, Cheyenne and Arapaho, and Wichita and other affiliated bands of Indians in the Indian Territory during the fiscal year ending June 30, 1874," from $50,000 to $75,000.

The amendment was agreed to.

The next amendment was in line 594 to strike out $693,838.28 and insert $1,018,838.28, as the total appropriations for the Indian service.

Mr. SARGENT. That is a mistake. It was supposed that the footing there needed correction; but afterward, on more narrowly scanning it, we found that it was not necessary. That amendment need not be concurred in. A footing there makes confusion, and it ought to be stricken out. Therefore the committee instruct me to move to strike out all after the word "cents," in line 593 to the end of line 603.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The amendment will be so modified if there be no objection. The question is on the modified amendment of the Committee on Appropriations, to strike out the words which will be read.

The Chief Clerk read the words proposed to be stricken out, as follows:

In all, $693,838.28: *Provided*, That none of the moneys hereby appropriated for the payment of deficiencies in the Indian service shall be paid until the necessity for the expenditures shall have been examined into by the Secretary of the Interior and the board of peace commissioners, and approved by them, and the vouchers therefor approved by the Secretary of the Interior and the said board of commissioners. And the said board of commissioners are hereby required to make such examinations.

The amendment was agreed to.

Mr. SARGENT. I am directed by the Committee on Appropriations to offer the following amendment, to come in after line 615:

To enable the Secretary of the Interior to pay Zebulon B. Sturgess, assistant secretary to sign land patents for the President, for the month of November, 1873, $122.20.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

Mr. SARGENT. The Committee on Appropriations instruct me to move to strike out "$554.02" in line 631, in the item of deficiency for surveying the public lands in Oregon, and to insert "$1,162.95."

The amendment was agreed to.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Appropriations was after line 632 to insert:

For office of surveyor-general of California: For rent of office, fuel, books, stationery, and other incidental expenses, for the fiscal year ending June 30, 1873, $957.13.

For office of surveyor-general of Washington Territory: For clerks in his office for the fiscal year ending June 30, 1872, $701.09.

For office of surveyor-general of Louisiana: For clerks in his office for the fiscal year ending June 30, 1874, $2,000.

The amendment was agreed to.

The next amendment was to insert after line 683 the following:

To complete the grading and erection of a stone wall around the Columbia Hospital, $8,500.

For defraying the expenses of the board of health of the District of Columbia, for the fiscal year ending June 30, 1874, $31,570.

Mr. WRIGHT. I wish to call the attention of the Senator from California to the last clause of this amendment. I understand that by this clause it is proposed to appropriate $31,570 in addition to prior appropriations for the board of health of the District of Columbia. I should be very glad if the Senator would advise us what was the amount appropriated for the board of health by the last appropriation bill and why it becomes necessary to make this additional appropriation for a purpose that it seems to me we ought to get rid of as soon as possible.

Mr. SARGENT. The Senator of course knows, and so I presume does the Senate, that the board of health is a board created by Congress, the members of which are nominated by the President and confirmed by the Senate, having charge of the sanitary regulations of the District of Columbia, especially the city of Washington. The law creating them requires that they shall see that garbage is removed, that diseased meat is not sold, and that they shall attend to sanitary regulations generally. Their duties as provided by the law are quite extensive, and there is no suggestion in the law of the manner in which they shall be paid. In practice heretofore they have been paid about two-thirds by the District and about one-third by Congress.

The amount appropriated by the District heretofore has been for the ordinary and contingent expenses of the board, $83,000; for the garbage service, $65,000; for the pay of vaccine physicians, $7,316; making $155,416. Congress in 1873, by the deficiency act of March 3 of that year, appropriated $39,300, and for the current fiscal year and in the sundry civil bill at the commencement of the year appropriated $30,000, so that the total amount appropriated by Congress for this service has been $69,300 against $155,416 by the District. It would seem therefore that the District itself has paid and would appear to be willing to pay its full proportion at any rate of the expenses of this board, because it has paid $86,000 in excess of the amount paid by Congress. The estimate of the present board for this current fiscal year to cover deficiencies amounted to $95,000.

This board is not made up of politicians, as is well known. They are among the most eminent, if not the most eminent physicians in this District. The duties they are charged with are very onerous, and have been discharged with very great intelligence. For instance, we had the epidemic small-pox here last year, which was not stamped out finally until September. The deaths were between two and three a day. By their care it was, to use a phrase I used a moment ago, stamped out; and I believe that not a member of the family of any Senator or Representative was troubled with that disease, a most remarkable circumstance, as it was in all parts of the city and assumed a most threatening and dangerous form; but by their prompt measures, by their vaccination of ten thousand persons, by their segregating by means of the appropriation that we and the District gave them the persons who were attacked with small-pox from the common body of the community, establishing their small-pox hospitals distant from the town and defraying all the expense out of these appropriations, they succeeded in circumscribing and finally destroying the disease so that last September it vanished. Their expenses ran over into this fiscal year. From June to September the disease was exceedingly violent and dangerous, covering three months of the present fiscal year.

Now, to show the great value of the services of these gentlemen, the amount which they have reduced the tables of mortality in this District is very surprising. In 1870 the table of mortality against 1,000 individuals was 23.81, nearly 24 persons dying out of 1,000. In 1871 after this board went into operation the mortality was reduced to 21.09; in 1872 it was reduced still further down to 18.42; in 1873 it was reduced down to 16.12, and for the first six months of this year to 14.38. The last part of this year will probably be heavier, so that the death rate for the whole year will be about 15 per thousand. There are only two places on the continent as healthy as that; I believe none more so. The figures as to the comparative rates of mortality in other cities are given in one of the morning papers, and I do not know how I can verify them. This statement which I have made, however, I get from official sources.

We have great interest in the health of the Government officers, of whom we have thousands here, in the sanitary regulations of the city, the safety of the seat of Government, and in our own comfort and safety when we bring our families here, as we do, to remain about six months each year, and ourselves constantly visiting here.

The board, from all the investigation I can get, seems to be most economically and skillfully administered. Its members have very important and very extensive duties to perform, as for instance in removing all the garbage, night-soil, &c., from the city, which formerly was carried down and discharged upon the bank of the Eastern Branch and along the Potomac River, and any Senator riding out at any time going there will find crusted heaps of it yet a foot or two deep, where it is not yet taken off by the tides, a pestilence-breeder. Instead of pouring out all this vile and filthy fever-breeding substance along the margin of the rivers as heretofore, or dumping it in alleys, the most strict sanitary regulations are made as to discharging such stuff into the alleys, and the mass of it is taken in covered carts and carried down to the river, put on board close vessels made for the purpose, carried down the river and taken ashore and buried in pits made for that purpose. Of course, this is somewhat expensive, but the amount which it costs Congress to guard the health of this District and of its employés here, and to reduce the mortality in the way I have indicated, to make the District safer, to make this one of the healthiest cities on the continent, amounts to about $60,000 a year. At the commencement of the year we did not appropriate the amount that was asked for, which was about the amount appropriated in this deficiency appropriation bill and a little more. They have been extremely careful, economical, and close, rather too much so perhaps. This is on account of the embarrassment for want of funds. This amount, however, is honestly necessary, and I trust there will be no question in making such an appropriation.

Mr. WASHBURN. I wish to ask the Senator how he gets at the item of $31,000 rather than any other item as the proportion of the Government?

Mr. SARGENT. I do not get at the proportion of the Government. I do not know that it is not the duty of the Government to pay one-half; I do not know that the Government would be doing too much if it were to pay two-thirds, because we have such great risk in the lives and health of the people we bring here in official relations; and this amount is less than one-third. I have not calculated that accurately.

Mr. WASHBURN. What I mean is, how is it determined what proportion the Government shall pay? How does the gentleman get at this sum rather than any other?

Mr. SARGENT. After the District had made a much larger appropriation than we have, one-half, this deficiency is necessary in order to enable the board to go through the year. That is the reason why we recommend that this amount shall be appropriated, without any nice calculation as to the proportion.

Mr. WASHBURN. This is a deficiency without any reference to the District government, then?

Mr. SARGENT. Yes, sir; this is necessary to finish up their work for the year.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was agreed to.

The Chief Clerk proceeded with the reading of the bill.

Mr. SARGENT. After line 711, by direction of the Committee on Appropriations, I offer the following amendment:

For repairing and finishing in a thorough and complete manner the bronze statue of Jefferson, placing the same in the National Statuary Hall, and procuring a suitable marble base and pedestal therefor, $10,015.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was in line 741, after the word "Washington," to insert "not before in use by the Government;" so as to read:

And hereafter no contract shall be made for the rent of any building or part of any building in Washington, not before in use by the Government, to be used for the purposes of the Government, until an appropriation therefor shall have been made in terms by Congress.

The amendment was agreed to.

The next amendment was to insert after line 800 the following:

Senate:

For clerks to committees, pages, horses, and wagons, for the fiscal year 1873, $8,000.

For expenses of heating and ventilating apparatus, for the fiscal year 1873, $63.83.

To pay John L. Hickman for services as laborer during the Forty-first Congress, as allowed by resolution of the Senate of March 3, 1873, $376.40.

To pay Rev. E. D. Owen for services as acting chaplain of the Senate, seventy-five dollars.

For clerks to committees and pages, $21,065.97.

For labor, $13,000.

For furniture and repairs, $4,000.

For mileage of Senators who took their seats after the passage of the act approved January 20, 1874, $1,155.20.

For reporting the proceedings and debates of the Senate for the Forty-third Congress, $36,000, to be paid according to the terms of the contract for such service.

Mr. SARGENT. I wish to amend the amendment before it is acted upon. After line 817 I move to insert:

For coal for the heating and ventilating apparatus for the fiscal year 1874, $500.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was in lines 841 and 842, to strike out "$25,185" and insert "$16,815" as the appropriation "to pay the five Official Reporters of the proceedings and debates of the House," &c.

The amendment was agreed to.

The next amendment was in lines 878 and 879, to strike out "$18,386.58" and insert "$31,772.29" as the appropriation "to reim-

burse the fund of the Reform School in the District of Columbia for work done and materials furnished in the erection of the building for the same," &c.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out the second section of the bill, in the following words:

SEC. 2. That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriation. And any violation of the provisions of this section by any officer of the Government shall be deemed a misdemeanor, and be punished in the manner provided for violations of section 3 of the act approved July 25, 1868, and entitled "An act making appropriations, and to supply deficiencies in appropriations, for the service of the Government for the fiscal year ending June 30, 1868, and for other purposes."

Mr. SHERMAN. I should like to know from the Senator from California for what reason the committee strike out this section. The section simply provides that the officers of the Government shall not violate the Constitution of the United States. I do not think it is necessary to debate it at any length. The provision of the Constitution is that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law." This section simply declares "that it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriations." In other words, there is nothing in this section except to declare that no officer of the Government shall violate the Constitution of the United States by using money in the Treasury not appropriated by law.

Since the war and during the war, some laxity has grown up in different Departments of the Government in regard to public money. An officer of the Government has no more right to order money to be taken from the Treasury of the United States for any purpose, except in pursuance of an appropriation made by law, than he has a right to commit murder, arson, or any other crime. It is just as much stealing to divert money from the Treasury of the United States for a purpose not authorized by an appropriation, as it is to rob your neighbor.

If this was entirely omitted, if there was no provision of this kind in the bill, then a motion to put it in would be different; but it is an offense of the highest grade to use public money except in pursuance of an appropriation. All the House intended to do was simply to declare that this violation of the Constitution should not be committed by any officer of the Government except upon the ordinary pains and penalties of a misdemeanor. It is rather singular indeed that such a provision is necessary. The only argument I know of in favor of striking out this clause is, perhaps, that it should not be implied by providing for punishing such an act as this that any officer of the Government would so violate the Constitution. It is here classed as an offense and punished as a misdemeanor.

It seems to me that probably in the last clause of the section the House has gone beyond the necessities of the case. I think it would be better to leave the section with the simple provision that any violation of the section by any officer of the Government shall be deemed a misdemeanor so as to subject him to the impeaching power of the House. It seems to me that to strike out this section entirely, without any provision whatever to prevent the misapplication of the public moneys, would be to invite the misapplication, especially as the fact has occurred in the last ten or twelve years that such violations of law have taken place. Perhaps if they be not punished or checked in some way they may occur again, so as to startle the country. If you assert the converse of this proposition, that any officer of the Government may expend money without an appropriation by law, you destroy the Government because the foundation of our Government, as well as of the British government, is that the law-making power shall have absolute control over all disbursements of public money. That was one of the things for which the barons at Runnymede fought; it is a principle of the British government at the foundation of it. They carry it to such an extent that the House of Commons will not allow a dollar to be taken out except in pursuance of an appropriation made in the regular budget. Everything has to be there defined. We have copied them to some extent; and no power, no right has been guarded with more anxious care by the founders of our Government than the power of the Legislature over the money that goes out of the Treasury. No money can be taken from the Treasury of the United States except in pursuance of an appropriation made by law.

Now, to say that it is no offense, that it shall not be punished as an offense, or that it is beneath the dignity of Congress to declare a violation of this provision of the Constitution an offense, it seems to me is not exactly logical. If there are occasions, as I would admit, when extraordinary power may be exercised, it ought to be done at the peril of the executive officer; and all such cases ought to be reported to Congress at once, and in my judgment the old English fashion of having a bill of indemnity ought to be required. Wherever in England an extraordinary power of this kind is used, a bill of indemnity is presented as a matter of course; and if the case justify it so as to make it an exception to the general rule, it is ordinarily passed.

It seems to me that to strike out this section put in by the House now would only be to invite the free use of the public money. No officer of the Government, from the highest to the lowest, from the President down to the humblest disbursing officer, ought to think it within the range of possibility that he could use under any circumstances public money except in pursuance of an appropriation made by law. If the amount appropriated is not sufficient for the purpose, Congress should be called upon to make it good. If there is an absolute impending necessity for the use of money, it ought not to be expended from the public Treasury until that necessity is met by an appropriation, or if the case be so extraordinary as to demand it, as in case of war or the like, Congress ought to be convened or the circumstances ought to be at once submitted to Congress at its meeting, and some provision in the nature of a deficiency bill or bill of indemnity ought to be provided.

Mr. OGLESBY. May I interrupt the Senator for a moment?

Mr. SHERMAN. Certainly.

Mr. OGLESBY. The second section says:

That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriation.

This deficiency bill provides for paying some $900,000 for the years 1873 and 1874 for the Apache Indians of Arizona upon contracts made by agents under the control of the Indian Department, which is under the direction and management of the Interior Department. The contracts have been made; the provisions and supplies, as it is insisted, have been delivered, the money expended, the Indians have had the benefit; and we are now called upon to vote for 1873 and 1874 nine hundred and odd thousand dollars. I ask the honorable Senator from Ohio if that does not come within the purview and almost the letter of this section, and is not this section intended to prohibit a repetition of that sort of liberty?

Mr. SHERMAN. It is claimed by the proper executive officers that Congress by law has authorized these contracts to be made in certain cases. There are certain contracts that by law are authorized to be made in advance of an appropriation; but I would ask my honorable friend whether he would allow any officer of the Government to make a contract in advance of an appropriation that would commit the Government of the United States to expend large sums of money without law?

Mr. OGLESBY. I will answer the honorable Senator. When the vote was taken half an hour ago on the amendment introduced here by the Committee on Appropriations for $300,000 for the Apaches I voted against the exercise of that power by the agents. I voted against allowing it because I thought it a violation of law, and I think this section ought to be retained in the bill to prohibit such violations. There was no previous contract between the Government and the Apache Indians. There was an appropriation made by Congress. The Secretary of the Interior directed the Commissioner of Indian Affairs to place that appropriation in the hands of the Indian agents. The Indian agents made contracts by which they exhausted the $250,000 appropriated and exceeded it by over $900,000. The question I ask the Senator from Ohio is whether that excess of appropriation by those Indian agents was not a violation of the Constitution; was it not just such a case as this section is intended to punish? I am in favor of the section, and I hope it will be retained.

Mr. SHERMAN. As I understand, under the law as it now stands and the laws relating to Indian affairs, certain powers are given to the Commissioner of Indian Affairs to make contracts in anticipation of appropriations. I doubt very much whether the assertion that these contracts were made without law is justified in fact.

Mr. OGLESBY. Does not the Senator understand that they were made for supplies in excess of the appropriations made by Congress?

Mr. SHERMAN. I know that if any officer of the Government takes the liberty of binding the Government of the United States to spend money in advance of appropriations or without appropriations being made, and without authority to make such contracts in advance, he violates the fundamental principles of the Government, and there are statutes now upon the book which denounce the penitentiary for the use of the public money for public buildings and various other purposes in advance of appropriations.

Mr. OGLESBY. I did not want to interrupt the Senator from Ohio, but it struck me that there was great wisdom in keeping this section in the bill, and it struck me that this deficiency bill which requires us now to vote $900,000 in excess of regular appropriations for the Apaches shows the necessity of just such a section as this.

Mr. SHERMAN. I entirely agree with the Senator from Illinois as to this section. I think it ought to be acted on in the bill, although in my judgment it would be better to declare that such a violation of the law should be simply a high misdemeanor, so as to make it clearly within the language of the Constitution an impeachable offense. I do not like the idea of sending our officers of the Government before minor judicial tribunals to be punished for this violation of the Constitution. I think it would be better just to declare in the language of the Constitution that such an offense is a high misdemeanor; and everybody knows that the result of that would be to make the officers responsible to Congress and to the power of impeachment.

I was not present, I would say, half an hour ago and did not hear the debate on the Apache question. I trust that the Committee on Appropriations will allow this section to stand, or modify it only so as to provide that instead of being punished in the courts in the man-

ner here provided, the offense may be declared to be a high misdemeanor.

Mr. BUCKINGHAM. I certainly should be very sorry to have a penalty inflicted upon any officer of this Government if he was ordered to carry out a contract and that contract should imply an expense over and above the appropriation made to carry it out. If that should be the law, I do not think you would find many men ready to take the responsibility which rests upon officers in these high positions. I do not know how you could carry on the system we have in view with regard to Indian affairs if you restrict the public officer so that he shall stop his work when he has expended a given amount of money named in the appropriation bill. You order the Commissioner of Indian Affairs or the Secretary of the Interior to do a certain thing, and you appropriate a certain amount of money to pay for doing that. Where is his restriction? The limit of money is his restriction as to expenditure from the Treasury, but is he restricted from doing the thing? Certainly not. So it appears to me he must go on and do the thing commanded or authorized by the Government, even if it should cost more than the appropriation.

Now, do you mean by this section to hold the Secretary of the Interior responsible and make him a criminal for any such act? His duty would be this: he should not draw from the Treasury any more money than the amount which has been appropriated; and the balance which is due would be properly a claim on the Government, and he could come here in the form of a deficiency bill and ask that it be made up. I do not want any act to prevent that course of proceeding.

Mr. SHERMAN. There is not the slightest practical difficulty in this matter. This deficiency bill is perfectly proper. For instance, take the case of the Indians. Suppose $300,000 is appropriated for feeding the Apaches for the current fiscal year; and that by the 1st of October the $300,000 is expended. They have no right to go to the Treasury and get the money that they think is necessary to feed the Apaches; on the contrary, they must come to Congress, and Congress at once does what the Committee on Appropriations has done—supply the deficiency. That is perfectly proper.

Mr. SARGENT. Suppose Congress does not meet until the following December, what is to be done after the 1st of October?

Mr. SHERMAN. The Constitution provides that Congress shall meet every year. The money is appropriated for a year ahead. My honorable friend mentions to me the Modoc war, and another Senator mentions the case of the naval expenditure last fall. The Navy expenditure of $4,000,000 was made in strict accordance with law, because the money appropriated for the regular service of the Navy was not all expended. There were certain funds which by law were placed within the power of the Secretary of the Navy, which he transferred for that purpose; and under the law as it then stood the Secretary of the Navy was perfectly justified within the limits of the law in expending the $4,000,000 which he did. Congress did not think it was a wise expenditure, but it was perfectly within the limits of the law, because the law allowed at that time the balances of unexpended appropriations to be used for that purpose, and therefore there was no violation of law.

So with the Modoc war. The Modoc war certainly threw on the Army largely increased expenditures not contemplated when the appropriation act for the year was passed. Did that embarrass the Government? Not in the slightest. Large sums of money—sufficient had been appropriated for the whole fiscal year as was supposed; but within the fiscal year they had to absorb a large portion of the whole expenditure in a short period of the year; but before the year expired Congress met and the deficiency was made good. I have no doubt that many of the hundreds of thousands of dollars in this bill are to supply deficiencies in the Army arising from that cause.

Mr. SARGENT. Allow me to ask a question. Suppose instead of the Modoc war costing just what it did it had cost two or three times that amount, as it might readily; would you stop the war until Congress could meet?

Mr. SHERMAN. Would the Senator dissolve the Committee on Appropriations, and say that any executive officer shall expend all the money that is necessary to meet a contingency of this kind? It will never do. The whole power over the appropriations is in Congress. Congress makes the appropriations a year ahead. Congress may make mistakes, it may appropriate too little. But by the Constitution Congress always meets necessarily six months before the appropriations expire, and then it is the duty of Congress, and the duty devolves on Congress, to make good any deficiency that in its judgment should be provided for.

Sir, it is not in the nature of things to anticipate all that may occur a year ahead. Our Government is so framed and so organized that the power to appropriate money is always called into being at least seven months before the appropriations expire. At one time, according to the former practice, the appropriations all ran for the calendar year and expired on the 1st of January. That habit was changed more than thirty years ago because of the fact that it was known that sometimes unexpected demands were made during the recess of Congress, and if the appropriations were not made sufficiently far ahead it might compel executive officers to use money without an appropriation. Therefore the whole manner of making the appropriations was changed and the time for which they were made was postponed; and now the appropriations are made from the 1st of July to the 30th of June. If there is a deficiency in any item Congress meets in time to make good that deficiency. But let me warn Senators that if they once consent to a violation of this fundamental principle of our Government, so that an executive officer may take money out of the Treasury of the United States without an appropriation, we are at sea.

Mr. SARGENT. Allow me to ask another question. Does not the Senator know that there is no power now and could be none, whether this section be adopted or not, for any officer to take any money out of the Treasury of the United States without an appropriation by Congress? Does he not know that is not what it is proposed to guard against?

Mr. SHERMAN. What, then, is the objection to this section?

Mr. SARGENT. There is another proposition in it.

Mr. SHERMAN. If the section was not here I would say that no officer dare do it, but here is a section in plain apt words, put in the bill by the House of Representatives, and to meet cases that have actually arisen:

> That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year.

Do Senators propose that any head of Department or any officer of this Government shall expend money not appropriated by Congress? Is it proposed to make make lawful the act of taking from the public Treasury money not appropriated by Congress?

Mr. SARGENT. They cannot do it now; the Senator knows that.

Mr. SHERMAN. What is the objection then to declaring it to be unlawful?

Mr. SARGENT. Because that is not what they declare unlawful. It is another thing entirely.

Mr. SHERMAN. No; I will read it again:

> That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year.

That is one question. Does any one want to make it lawful to do that thing?

Mr. WEST. That is the law already.

Mr. SHERMAN. Suppose it is violated? The section goes on—

> Or to involve the Government in any contract for the future payment of money in excess of such appropriation.

If the contract is authorized by a previously existing law, as a matter of course it is not covered by this language; but what right have these officers to make contracts that will compel the Congress of the United States to make future appropriations? They ought to make no contracts unless they are authorized to make them by law, or unless an appropriation has been made to carry them into effect. There may be some verbal criticism as to the language of the section; but this prohibition on the executive officers from expending money or from making contracts in anticipation of appropriations is fundamental.

Mr. CONKLING. I wish the Senator would tell me—I ask only for information—how do the words used here change the law as it stands now? Down to the word "appropriation" on line 6, of which the Senator has been speaking, how does the section change the law?

Mr. SHERMAN. I say it does not. I say it is the fundamental law, made so by the Constitution of the United States. But the House of Representatives have put in this section; it is simply the provision of the Constitution of the United States, and a declaration that any violation of this fundamental principle shall be an offense. If such violations have occurred, certainly they are offenses. I cannot anticipate that such violations have occurred. I cannot say that they have. The cases that have been put to me are not violations of law. The case put to me by the Senator from Connecticut is not a violation of law. Executive officers are perfectly at liberty to expend the whole appropriation made for a fiscal year in one month of that year, and may come to Congress to make good that deficiency; but we have it in our power to say whether or not they were justified in doing so; but that is not a violation of the law.

Mr. BUCKINGHAM. Let me ask a question. The language is "or to involve the Government in any contract for the future payment of money in excess of such appropriation." Would going on to complete a contract after the appropriation was expended be a violation of this section?

Mr. SHERMAN. No, sir. Take the case put a moment ago. Suppose Congress should declare that the Secretary of the Interior should feed the Apache Indians and should appropriate $300,000 for that purpose; does he say that the Secretary of the Interior might use that $300,000 and then use as much more as was necessary to feed the Indians?

Mr. BUCKINGHAM. He could not draw it from the Treasury.

Mr. SHERMAN. That is precisely the thing that ought to be prohibited. There is one criticism on this language that I think might be made, for I certainly do not want to embarrass any of the operations of the Government. The language is, "or to involve the Government in any contract for the future payment of money in excess of such appropriation." That ought to be "any contract not authorized by law," and then the section would be perfectly right. There are cases where the executive officers have the power to make contracts in advance of an appropriation, and this section ought not to apply to such cases. There is not the least objection to having them excepted. Where a contract is made in pursuance of law, although the amount involved in that contract is greater than the amount appropriated,

there the officers are perfectly justified. That is the case in regard to Army supplies, the purchase of food and clothing, and a great many other things as to which the officers are authorized by law to make contracts for two or three years, although the appropriation may be annual; and this clause ought not to interfere with these cases. But they have no right to make a contract in anticipation of an appropriation unless that contract is specifically authorized by law. If they do, they violate a fundamental principle of our Government.

As I said a moment ago, I do not anticipate a violation of law in this respect, though this is a plain mandatory provision of the Constitution; and therefore, instead of providing for punishment by ordering the executive officers to be tried before a justice of the peace or other tribunal of that kind and harassed and worried by a prosecution, I would simply declare that any violation of that fundamental principle of the Government should be a high crime and misdemeanor, and there stop; and the Constitution comes in and asserts what shall be done in such a case as that if the case should arise. I know of no such case.

Of course there is possibility of an impending calamity befalling the country, an overriding necessity that might compel a violation of law. Such a case as that may arise, and there Congress ought to be called on to pass an indemnity bill or a deficiency bill or some other bill to cover this great overriding necessity; but I do not know of any such case. It is not an ordinary case of deficiency.

Mr. BOUTWELL. I ask the Senator from Ohio whether he thinks that any executive officer of the Government would take the responsibility in the presence of such a statute as this of expending any money for any purpose unless there was an appropriation authorizing the expenditure? Would he take the risk? The President has occasionally used the public property without authority of law, without an appropriation, to relieve the necessities of people in distress.

Mr. SHERMAN. If the Senator will tell me a case that can occur under our form of government where such a thing has been done I should like to know it. The cases that have been mentioned are not those cases. Appropriations are made a year ahead. The appropriations in the ordinary appropriation bills are for a year from the 1st of July next, and that covers the whole of another session of Congress. As I said before, there may be a deficiency in those appropriations, a thing that happens every day and may happen a thousand times a year. It is provided for by this bill to the amount of $4,000,000. Congress may be called upon to make a deficiency appropriation. The estimates that have been made have been made far in advance. The money may be expended even by the time Congress meets at the next session, and then the ordinary remedy of a deficiency bill comes in. But I do not know any case now in the history of our Government except it was that of Mr. Lincoln at the beginning of the rebellion, and even then he felt himself called upon to convene Congress.

Mr. SARGENT. Does the Senator say that he knows of no instance where the President himself has taken the responsibility of ordering the expenditure of money where there was no appropriation?

Mr. SHERMAN. If he does, he does it at his own risk.

Mr. SARGENT. I can show you that President Grant has done so.

Mr. SHERMAN. In what case?

Mr. SARGENT. In the case of Indian disturbances on the plains, where he has ordered extraordinary supplies for the Indians, there being no appropriation. He did it by express order.

Mr. SHERMAN. There can be no case of that kind, for the furnishing of those supplies always comes from the Army supplies. I do not believe General Grant ever violated the Constitution of the United States in this particular in his life.

Mr. SARGENT. I do not say General Grant violated the Constitution or violated his duty, but I say he did just the thing that I have stated.

Mr. SHERMAN. If General Grant took money from the Treasury of the United States without authority of law he did violate the Constitution; and I do not believe he did. He is too careful, too watchful. He may have made a large purchase of supplies or a large purchase of arms; he may have caused an unusual movement of troops; he may have purchased an unusual amount of supplies; but to say that he took money from the Treasury of the United States without authority of law is to charge him with a crime of which I do not believe he is guilty.

Mr. SARGENT. The Senator is talking about one thing and insists upon talking about that, and I am talking about another. The President did just this: he laid the Government under obligations to pay in one year more than the appropriations which were provided by Congress. He did not take money from the Treasury in violation of the Constitution; and that is not what this section prohibits. Of course not a dollar can be taken from the Treasury and pass the hands of the accounting officers without an appropriation; but expenditures may be authorized to be settled afterward, if Congress sees fit. In the case of the President's order to which I referred, (proof of which I will get and lay before the Senate and the Senator if need be,) when the President made the order he simply made an obligation which Congress would or would not pay, as it saw fit. But he took the responsibility of exceeding the amount of the appropriation.

Mr. EDMUNDS. Would that come within this section?

Mr. SARGENT. Certainly; because this section provides:

That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriation.

The President did just that, but he did not violate the Constitution.

Mr. SHERMAN. In my judgment that was clearly in accordance with law. I cannot now turn to the statutes, but the law itself authorizes the President of the United States to make contracts for Army and Navy supplies for two years. It meets the very case. Senators may look at cases where the President has exercised the power to order a large purchase of supplies, but that is not in violation of law. It may be in perfect accordance with law. But, after all, the President of the United States never, in my judgment, and Senators will find it very difficult for them to show a single case in which he ordered public money to be used except in pursuance of an appropriation, or in which he ordered contracts to be made in the name of the United States except in pursuance of an authority conferred by law.

Senators, these are fundamental propositions. I would not have offered such a section as this, because I do not know the case of such an act by an executive officer, and unless I did know of such a case I would not provide a remedy; but the House of Representatives have put it here, declaring that no executive officer shall do what he has no power to do, and certainly when such a provision is in the bill it ought to be left in, although the remedy pointed out may not be the best in the world.

Mr. WEST. Will the Senator allow me to inquire of him how that will fortify the act of July 12, 1870, which in the same terms precisely makes that provision? What is the occasion to re-enact it?

Mr. SHERMAN. Please read that section.

Mr. WEST. Section 5 of the act of July 12, 1870, reads:

That all balances of appropriations contained in the annual appropriation bills, and made specifically for the service of any fiscal year and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year or to the fulfillment of contracts properly made within that year and such balances not needed for the said purposes shall be carried to the surplus fund.

Mr. SHERMAN. I am sorry to say that that law of 1870, with which my friend from Maine [Mr. MORRILL] and I are perfectly familiar, has not been observed in every case. These balances have not always been carried into the Treasury and controversy and difference of opinion have arisen; indeed, constructions have been given to that act which substantially make it nugatory. For instance, under the next section to that read by the Senator from Louisiana it is held by the Treasury officers that if an appropriation of a million dollars remains on the books of the Treasury, and that appropriation has been drawn against to the amount of $1,000, no part of the million dollars shall be transferred to the general fund by reason of the outstanding draft of $1,000.

Mr. WEST. Let me suggest to the Senator that within ten days he assisted here in this Chamber in obviating that very objection by an amendment on another bill.

Mr. SHERMAN. I know that.

Mr. WEST. That point is out of the way, then.

Mr. SHERMAN. At the same time, when the House of Representatives call attention to the fact that there is or may be a possible violation of the provision of the Constitution which guards the public Treasury, more sacred than anything else, is it not wise to put some declaration on the statute-books that that provision of the Constitution, that provision of the fundamental law, shall not be violated by anybody except upon penalties? There can be no danger in it. I do not believe myself that any case has occurred where any executive officer of this Government has violated specifically this law, although I say that the law is open to amendment and open to criticism, especially that part which provides that no head of a Department shall involve the Government in any contract for the future payment of money in excess of the appropriation. I think that ought to read, "or to involve the Government in any contract not authorized by law." That would cover the case and remove the only objection that has been made to the section.

There are certain contracts authorized by law in which they have a right to go beyond the appropriations where they observe those laws. For instance, sometimes in some appropriation bills providing for the construction of a light-house, the law itself expressly authorizes contracts to be made for the entire building, although only a partial appropriation is made. Those cases ought to be excepted from the operation of this section, so that where the head of a Department is authorized by the law to make a contract for more than the appropriation, it ought not to be affected by the mere want of an appropriation. All the head of a Department can do in such a case is when the money runs out to stop the work, and wait until Congress meets and provides for the deficiency, as would be done in the ordinary course of the operations of the Government.

Mr. BUCKINGHAM. I do not know but that I shall be willing to accept the interpretation of the law given by the Senator from Ohio; and yet it does not bear that interpretation, I think. If I were the head of a Department and were ordered to build a light-house and an appropriation was made for that purpose, with this law staring me in the face, I should stop when that appropriation was exhausted, though it was a positive injury to the work of the Government. I should feel under this law that if I did not stop then I should be violating the provisions of this act and be subject to a high crime. Therefore

I do not like this section of the act at all. I believe there are circumstances under which the officers of the Government must, as it were, get the Government in debt beyond the appropriations; not that they must take the money from the Treasury. Whether the Government shall pay that indebtedness is for Congress to determine; but that officers of the Government when directed to do a certain work should under certain circumstances perform it, though it may involve a greater amount of money than is appropriated for the work, I consider necessary.

Mr. KELLY. I shall vote for striking out this section, and I will state the reason why. I do not consider that simply contracting for the payment of money is drawing money from the Treasury; and I will state a case as a mere illustration of the propriety for striking out this section. In the year 1872 there were several bands of Indians collected together by the superintendent of Indian affairs, and placed on what is now known as the Malheur reservation. But no money had been appropriated for the purposes of their subsistence. They had long been hostile. They were subdued by the United States military forces, and then collected together as I have stated. The question was simply whether those Indians should be turned loose upon the community or kept upon the military reservation and there starve to death. They could not subsist, and it was simply an act of humanity on the part of the Government to anticipate appropriations and subsist them until Congress should pass a deficiency appropriation bill. I have an amendment to offer by and by to this bill for subsistence for that very purpose. I am very well satisfied that the Indian Department could not have done otherwise unless they turned the Indians loose again upon the community or permitted them to starve where they were. I do not think any evil will result from striking out this section. Indeed when any head of a Department knows that there is no appropriation he will be more circumspect and cautious about contracting for the expenditure of money, and this is simply authorizing a contract to be made to be paid in the future. Therefore I can see no policy in prohibiting it.

Mr. SHERMAN. I will read to my friend the law to show that the claim I made has been the law for over forty years. The sixth section of the act of May 1, 1820, which I find in Brightly's Digest, which was modified during the war, provides:

> That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfillment; and excepting, also, contracts for the subsistence and clothing of the Army or Navy, and contracts by the Quartermaster's Department, which may be made by the Secretaries of those Departments.

That has been the law for forty years, and it was modified during the war in some particulars, but I do not know how now without a reference to the act. Then there is a law which authorizes the Postmaster-General to make contracts for the postal service—contracts for rooms for post-offices and the like. They are authorized specifically by law.

There is a general prohibition of law now against any contract being made by any head of a Department, except in the cases I have mentioned, which are mainly supplies for the Army and Navy.

Mr. BUCKINGHAM. Is there any necessity, then, for this section?

Mr. SHERMAN. I think there is. If the case has ever occurred within the knowledge of any one of a violation of the law, I think there is a case for prescribing a penalty.

Mr. SARGENT. I think the difference between the Senator from Ohio and the Committee on Appropriations results rather from a different point of view than a different purpose. He cites the provision of the Constitution which prohibits the taking of money from the Treasury except in pursuance of appropriations made by Congress, and says this section is designed to prevent an infringement of that provision of the Constitution. I do not so understand it. I do not understand that there ever has been an instance where money has been taken from the Treasury of the United States except in pursuance of an appropriation. If the Senator from Ohio is aware of any instance or any class of cases where this has happened, I should be very much obliged to him if he would inform the Senate what those cases are. If he knows of any case where money has been taken from the Treasury of the United States except in pursuance of an appropriation by Congress, I should be very glad to hear the instance.

Mr. SHERMAN. I said before that I did not know of any such case. The Senator said the President of the United States had done it, as I understood him, but he afterward changed his position.

Mr. SARGENT. No, sir; I did not say it originally and consequently did not need to change it. I said the President of the United States had authorized certain expenditures, not paying certain amounts, in view of threatening Indian hostilities, which expenditures were not authorized by any appropriation up to that time made by Congress, and when Congress met it was in its discretion whether it would recognize that act of the President of the United States, for the President exercised this power under the law of Congress which provided that he might do it under certain conditions.

Mr. SHERMAN. I say now that I do not know of any case where any head of a Department, certainly not the President, has drawn money from the Treasury without an appropriation, and I do not believe he could under the laws and regulations of the Treasury Department. But I suppose there are cases where contracts have been made without law.

Mr. SARGENT. I have no doubt that there are often cases where expenditures are incurred by that safer system of making regular contracts instead of leaving it to a mere *quantum meruit*, and the United States is required subsequently by its Legislature to appropriate money in order to pay off those expenditures. If there were no unforeseen emergencies arising I suppose this provision would be all right.

Mr. MORTON. Will the Senator allow me a word?

Mr. SARGENT. Certainly.

Mr. MORTON. The first part of this section that the committee proposes to strike out reads:

> That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year.

I understand the Senator from Ohio admits that that is the law now.

Mr. WEST. Word for word.

Mr. MORTON. If it is the law, there is no use in re-enacting it. You cannot make it any stronger. Now we come to the remaining part——

Mr. SHERMAN. That is in the Constitution, I will say to my friend, but there is no penalty attached to its violation by law.

Mr. MORTON. The remaining part reads:

> Or to involve the Government in any contract for the future payment of money in excess of such appropriation.

I understand the Senator from Ohio says that that will encroach upon the special authority given by law in certain cases to make contracts in advance of appropriations. If that is the case it ought to be stricken out. Therefore I think the whole ought to come out.

Mr. SHERMAN. To avoid that criticism, I will move after the word "contract," in line 5, to insert "not authorized by law."

Mr. EDMUNDS. Say "not expressly authorized by act of Congress."

Mr. SHERMAN. Very well. I think the words of the Senator from Vermont are better.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

Mr. BOUTWELL. I wish to call the attention of the Senator from Ohio to what I fear will be a practical difficulty under this section even if amended as proposed by him. For example, contracts are made for the material for public buildings, as the new State Department. That contract was made, of course, by the Secretary of State; and, as I understand, it was in this form: The person with whom the contract was made for the stone was to furnish the stone for the entire building at prices stipulated according to bids upon advertisements made. The appropriation was probably not equal to more than a tenth of the expense to be incurred in purchasing stone. The Department made a contract that the party was to deliver a certain quantity of stone within a specified time at a certain price, which price in the aggregate could be met by appropriations then made; but there was also an agreement in the contract that he was to furnish additional quantities of the stone for the completion of the building, subject to appropriations afterward to be made by Congress, and there was also a provision that in case the contractor did not furnish the stone according to the contract the Government might enter upon the quarry, take possession of it, and work it upon its own account.

This, as will be seen by the Senate, is a provision absolutely essential to the security of the Government; for if a contract were made under an appropriation for a tenth part of the quantity of stone necessary for the construction of a public building and there were no authority in the officers of the Government to go beyond that point, then the Government would be in the hands of the person who had furnished so much stone as had been agreed for under the contract.

Mr. EDMUNDS. Could not the contract be made provisional, so that it could be met if future appropriations were made?

Mr. BOUTWELL. That is the condition now, too; but will not this section put it out of the power of the officers of the Government to involve—that is the language—"to involve the Government in any contract" beyond appropriations already made? There is a contract unquestionably; it is a contract contingent in a certain sense, but nevertheless a contract.

Mr. SHERMAN. That is a contract subject to the option of the Government.

Mr. BOUTWELL. I want to know whether as matter of law that would not be in the face of this statute if this section becomes a statute?

Mr. EDMUNDS. It would not, in my opinion.

Mr. SHERMAN. I should think that would be a very proper exercise of the authority of the Department to make a contract for the amount of stone authorized in the appropriation, and then with the option on the part of the Government to take further quantities if the Government should desire them or Congress should appropriate the money. I would not consider that a violation of the law at all. Indeed, I submit to the Senator himself, would he be willing or does he claim that any officer of the Government or head of Department should make a contract for the whole of the stone of the State Department merely because Congress appropriated $200,000 to commence the building?

Mr. BOUTWELL. I imagine it never has been done. Moreover, I

do not believe that from the beginning of the Government until now there has been ever a dollar of money drawn out of the Treasury in excess of appropriations. It is so near an impossibility as a business matter that Congress may safely rest in the belief that it never can be done. Property may be taken and used for purposes not authorized by law; but money cannot be got out of the Treasury except by an appropriation. It is so near an impossibility that we need not concern ourselves about it.

Mr. SHERMAN. I have no doubt about that, and I have no doubt the abuses that have occurred heretofore have been by the transfer of appropriations and by the use of appropriations for one purpose for another, or what is called the lapping over of appropriations from year to year. I have no doubt that nearly all the abuses about which complaints have been made have grown out of those things. I do not see myself how it is possible for any officer of the Government to get money from the Treasury of the United States except in pursuance of an appropriation by law.

Mr. BOUTWELL. There are at least three offices in the Treasury, managed by different persons, where an account of every appropriation is kept and the balance shown, and no money can be drawn out the Treasury upon a given appropriation except the requisition or warrant passes through each of these three offices and subject to the inspection of three different and independent sets of men, and their approval must be required; and when an appropriation is exhausted it is checked in the first office it goes to.

Mr. SHERMAN. The difficulty does not arise in the Treasury Department, because there the money is guarded so that it is impossible to get money out without an appropriation; but the Government is often bound by contracts in such a way that it cannot avoid payment, and we are called upon to make appropriations for deficiencies, when if the whole matter was left to Congress they never would have provided for the expenditure. That has occurred very often; and I think every provision of law which tends to guard the Treasury, which tends to protect the Government from these expenditures, ought to be enacted, and especially by the Committee on Appropriations, who have charge of these matters and who must feel sometimes the trouble about being called upon for deficiencies for objects not contemplated. It seems to me they ought to be willing to agree to this section.

Mr. MORRILL, of Maine. Mr. President, it has been said that the law is as provided in this section substantially. My friend from Ohio thinks it is so essentially, but I do not think it is so at all, or ever has been; nor do I think that the administration of public affairs would be at all practicable or possible with any such provision of law. More than that, this law itself by its necessary and inevitable logic and results would put every Department of the Government in the pillory, morally and legally. If my honorable friend will look to the existing law he will see why the Committee on Appropriations propose to strike this section out. Let us look now to all the law there is on this subject, and see if the Committee on Appropriations are not right in supposing that this section creates a public embarrassment instead of a protection. The act of May 1, 1820, referred to by the Senator from Ohio, is in this language:

> That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy.

That takes in all the Executive Departments except those created since. Now, if we stop there, we have exactly what this section is: no Department of the Government shall expend any money beyond the appropriations or involve the Government in any contract; and there it stops.

Mr. EDMUNDS. That is the law now so far.

Mr. MORRILL, of Maine. No; not by a great deal.

Mr. WEST rose.

Mr. MORRILL, of Maine. I know what my honorable friend proposes to refer to, and I will come to that directly.

If you stop there, you see there is an arbitrary rule that no Department shall expend any money beyond a specific appropriation, and no Department shall involve the Government in a contract. Now, I undertake to say that, according to the construction of this Government of the powers that are devolved upon the Executive Departments, you could not run the Government a year on that law. They do exercise a discretion; they are authorized to exercise a discretion; and they are expected to exercise a discretion in every public emergency; and yet you say that if in any of these instances they do any of these things, they shall be guilty of a misdemeanor and liable to six months' imprisonment and to $2,000 fine.

Now, let us see whether there ought not to be some exception to that rule. There is none. It is absolutely inexorable. Mind you, it is not confined to the Executive Departments; it applies to all departments of the Government. In 1820, when the law to which my honorable friend from Ohio refers was enacted, they had this idea in their mind, but they had not the extreme notion which seems to pervade the parties who put this section in the bill. They proposed to say, very much in the language of this bill, that no contract should hereafter be made by any of these Departments "except under a law authorizing the same, or under an appropriation adequate to its fulfillment; and excepting also contracts for the subsistence and clothing of the Army or Navy, and contracts by the Quartermaster's Department, which may be made by the Secretaries of those Departments."

Now here comes in a bill which proposes to repeal all that and put these Departments under an absolute edict that they shall not exercise in any emergency the slightest discretion, no matter what the public service demands. Which is the wiser, then? Do you not see, so far as the Government is concerned, so far as the law is concerned, it is all right and all well? There is the inhibition contained in the first part of the section, and there are the necessary and salutary exceptions; and therefore the Committee on Appropriations thought we had on this subject all the legislation necessary. There is an inhibition against the spending of anything beyond the appropriations, or making contracts without law, already upon your statute-book, and it is accompanied with a salutary exception necessary for the demands of the service, and there it rests. This bill comes in and repeals the whole thing, and says that if any officer dare do any of these things, no matter what the demands of the public service, he shall be guilty of a misdemeanor and liable to fine and imprisonment. For that reason it seemed very obvious to the Committee on Appropriations that this section was not necessary.

But, Mr. President, there is reason outside of this statute why this section ought not to be adopted. You will see that the exception in the act of 1820 applies to the War, the Navy, and the Treasury Departments. What do you say of the Interior Department, which has grown up since that time? Should not the rule apply equally to that Department? Is not the rule so far as domestic affairs are concerned more urgent on that Department? What is to be done with all your Indian relations? Look at the deficiencies in this very bill. In making appropriations in regard to that service it is utterly impossible for any mortal man to tell precisely what they ought to be; no man can tell. We make the best guess we can with regard to the Indians. It is not an exact service in any sense whatever. You could neither make a just administration, nor a wise, or expedient, or economical administration, without the exercise of a very broad discretion in regard to that service. And yet you perceive this section would put the Secretary of the Interior into the pillory if he undertook to exercise any discretion whatever in regard to a service that must necessarily, to be beneficial or economical, be flexible to some extent.

Mr. SHERMAN. I should like to ask my friend a question. Is there any difficulty, Congress being in session during the whole of one session after an appropriation is made, in providing as in this bill for deficiencies for the current service of the fiscal year? You have in this bill a million dollars appropriated in that way.

Mr. MORRILL, of Maine. Let me give you an instance, and I can give you hundreds in regard to the Indian service. Here is an item for a deficiency of $500,000 for the Apaches. Could anybody foresee that? My friend says it is a million for two years. Very well; be it more or less, that does not answer the question. It is a flexible service. Take the Apaches. That is a good illustration. We have been maintaining in the Territory of Arizona three regiments of troops at an expense of about four millions annually, for the last five or six years. Two years ago, I think very wisely, without any warrant of law except in a very general way, the President sent out a commission to that country to make certain contracts with those Indians, and by force of authority, under the general provision of law, to exercise the discretion he had to induce those Indians to go on a particular reservation. He authorized that commission to make a contract with those Indians in a general way, coming of course occasionally within the inhibition here.

Mr. EDMUNDS. That was a treaty, you mean?

Mr. MORRILL, of Maine. No; we had no authority to make a treaty.

Mr. EDMUNDS. What does the Senator mean? He had authority to negotiate one and submit it to us, had he not?

Mr. MORRILL, of Maine. That has been questioned.

Mr. EDMUNDS. But does the Senator question it?

Mr. MORRILL, of Maine. My honorable friend knows that the Congress of the United States has recently resolved that no more treaties shall be made with Indians. I do not think it touches the constitutional authority of the President to act. That is my belief.

Mr. EDMUNDS. Then the President had a perfect right to do what he did.

Mr. MORRILL, of Maine. But it is equivalent to that, because the Senate of the United States having been a party consenting to that law, of course we would not exercise the authority of ratifying treaties afterward. But he did not undertake to make a treaty; he made an arrangement.

Mr. EDMUNDS. That is merely another name for the same thing.

Mr. MORRILL, of Maine. I do not controvert the point, because it has nothing to do with what I am about to say.

Now, what was involved in that? A very large expense, and we are appropriating for it here to-day. The idea was to get rid of that military rule. The idea was to get rid of maintaining three regiments in Arizona at an expense of $4,000,000 annually. It has worked well thus far. The Indians who have been on the war-path for many years in Arizona are quiet to-day. They have gone upon their reservations. We made an appropriation last year in the judgment of some people, in the judgment of the majority of Congress, ample for the support of these Indians; but as a matter of fact it turned out not to be ample. Now, what is to be done?

Mr. SHERMAN. I ask my friend again, is not that to be provided for by the very remedy he has provided; that is, by a deficiency bill during the current fiscal year?

Mr. MORRILL, of Maine. But the expenditures had to be made before Congress met. There is the difficulty.

Mr. SHERMAN. The Senator will see that, no matter if the amount was expended before we met, that was the amount that had been appropriated for the current year, but it ran out before the year was over.

Mr. MORRILL, of Maine. But my information on the subject is that very large expenditures beyond the amount appropriated had been made; contracts had been made for supplies and all that sort of thing, and this appropriation is to meet those expenditures. Now, would anybody say it is wise on the part of Congress to apply this rigid rule to that Department, when it is not applied to the other Departments under the act of 1820? The absurdity of this proposition is that it undertakes to change the law in regard to the administration of public affairs, particularly in these Departments. It changes the whole rule of the law of 1820. There you will find the reasonable exceptions which are calculated to adapt the law to the practical affairs of administration, and without those exceptions there can be no such thing as a wise, economical, or beneficent administration of public affairs. That is the objection to this section. That is the reason, not to extend this discussion, why the committee thought on the whole that all that was necessary was substantially provided for by the act of 1820, and was not proper to be re-enacted here.

Another thing, Mr. President, I will advert to while I am up. I have gone on all fours with my honorable friend from Ohio in this attempt to confine the expenditures to the appropriations. I think within the last five or six years most wholesome regulations have been adopted to that end. By the act of 1870, referred to by my honorable friend from Louisiana, the spirit of this law is enacted, but it applies specifically to the expenditures of appropriations.

Mr. WEST. I hope the Senator from Maine now will allow me to interrupt him a moment on the subject I wanted to speak upon a moment ago.

Mr. MORRILL, of Maine. Certainly.

Mr. WEST. The first six lines of this section, which the Committee on Appropriations have recommended to strike out, are just, word for word and letter for letter, the language of the act of July 12, 1870.

Mr. SHERMAN. No penalty was provided.

Mr. WEST. Then you here provide the penalty. That is the reason I voted to strike out the section in committee—for the reason that the law worked efficiently without a penalty, and I did not see any necessity to provide one.

Mr. MORRILL, of Maine. It will be seen then, Mr. President, that Congress has not been lax in this regard. It is true that an interpretation was put upon the act of 1870 by the Treasury Department the operation of which was different from what was contemplated by Congress. We found that while it was our purpose at the end of two years that all balances should be covered into the Treasury, as a matter of fact it turned out that under the practice of the Departments that applied only to appropriations against which nothing had been drawn for the two years. This year we have remedied that. With every disposition to co-operate with my honorable friend from Ohio upon this subject, my own belief is that this provision ought to be stricken out; that it gives no security whatever to the administration of public affairs, while it could not but be a very great embarrassment thereto. I hope, therefore, the Senate will concur with the committee.

Mr. SHERMAN. Before the question is put on striking out the section, I will ask to have the question put on the amendment I offered.

The PRESIDING OFFICER. That is the pending motion.

Mr. SHERMAN. I presume there is no objection to that; and then I wish to move another amendment to the section.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. SHERMAN. Now, I move to strike out all of the section after the word "misdemeanor," in line 8, and to insert before the word "misdemeanor" the word "high."

It seems to me, after the discussion we have had, there ought to be very little controversy about this matter. Under the law as it now stands there is no penalty for the violation of this prohibition. We have at least four laws prohibiting the misapplication of appropriations, and heretofore it has never been deemed wise, or it has never been done, to provide a penalty. I propose to insert after the words "the law" these words, now in the bill:

> And any violation of the provisions of this section by any officer of the Government shall be deemed a high misdemeanor.

That will bring his case clearly within the power of Congress to examine into it, and if proper cause should arise to impeach him. I think there is objection to compelling the officers of the Government to be called before ordinary municipal tribunals; but I think a violation of a constitutional provision of this kind ought to be declared an impeachable offense.

Mr. EDMUNDS. I certainly shall vote against the amendment now proposed by the Senator from Ohio. He is mistaken in supposing that we have not provided penalties against public officers charged with the management of the business of the Government for a failure to perform their duty. The act of 1846, the sub-Treasury act, which provides for the regulation of the duties of almost all the disbursing and contracting officers of the Government, provides severe penalties to be imposed by indictment and information. The Senator shakes his head. Well, I will get the act of 1846 and see.

Mr. SHERMAN. The act is very severe against disbursing officers.

Mr. EDMUNDS. Very well; they are officers charged with the performance of duty under the law, the protection of Government moneys. So the Senator is incorrect in saying that we have no precedents in the course of the Government for providing for punishing the executive officers of the Government for disobeying the requirements of law. The statutes are full of them. The sixteenth section of the act of 1846—a very long section which I will not now read—provides penalties against disbursing and receiving and all other officers charged with the care as well as the disbursement of the public moneys of the United States. Then when you come to the act of 1868, to which reference is made in this section for the amount of penalty, we find this express provision:

> And if any officer of the Government shall knowingly contract for the erection, repair, or furnishing of any public building, or for any public improvement which shall bind the Government to pay a larger amount than the specific sum appropriated for such purpose, such officer shall be deemed guilty of a misdemeanor, and, upon conviction thereof by a court of competent jurisdiction, shall be punished by imprisonment not less than six months nor more than two years, and shall pay a fine of $2,000.

Mr. CONKLING. What act is that?

Mr. EDMUNDS. The act of the 25th of July, 1868, volume 15, Statutes at Large, page 177. This act of 1868 was leveled at the only abuse which then occurred apparently to Congress, of running the Government in debt in spite of the will of Congress, and for which in justice toward the people, who could not inquire into the authority of public officers, we were bound to pay money out of the Treasury. It was merely an indirect way of getting money out of the Treasury which Congress had not appropriated, and making the Executive Departments of the Government the judges of how much the public interests should be subserved by expenditures, instead of Congress, to which the people and Constitution had remitted it. That was the evil.

There undoubtedly may be cases where it would be very inconvenient to have the law that way. Some great emergency may arise; but the Constitution has provided for that emergency, because it has authorized the President on any extraordinary occasion to convene that body, the legislative body of the Government, to whom the people and the Constitution have intrusted the management of their affairs in respect to how many contracts and how much money shall be made and expended. That is the redress, the remedy for any great emergency to which Senators refer about the Indians or anything else.

But leaving the law as it now stands and the practice as it now stands, without any penalties or punishments, we, in effect, as we find by yearly experience, leave to the discretion of the Executive Departments of the Government the very thing which the Constitution has left solely to our discretion; and that is the expenditure of public moneys out of the Treasury. It is perfectly true, as the Senator from Massachusetts [Mr. BOUTWELL] says, that the actual money does not get out of the Treasury until it is appropriated, but if there is an actual obligation of the Government incurred, so that our honor and good faith toward the people with whom our officers deal require us morally to vote the money from the Treasury when we meet to make good these engagements which the law has not warranted that have been entered into, then in substance and effect it is exactly the same thing, so far as the people and their interests are concerned, as if the officers had got the money out of the Treasury in violation of law and spent it, because then all we could do would be either to let it alone or pass an act of indemnity.

We ought not to leave the law in that way, Mr. President. All the value there is in this second section now is in this punitive part of it; because the Senator from Ohio is perfectly well aware, aside from the amendment he has just put into it to make it more clear, that it is literally the existing law under the act of 1870, word for word. The seventh section of the act of July 12, 1870, for reference to which I am obliged to my honorable friend from Louisiana [Mr. WEST] who has it before him, is literally *verbatim et literatim* the first six lines of the second section of this bill.

Then there is the act of 1868, which precedes the act of 1870 to be sure, which is specially directed against contracts for public buildings; but there it stops. Now, is that limited application of prevention and punishment sufficient for public purposes? If there is any reason upon which there ought to be a limitation in respect to contracts for public buildings, that reason applies to all branches of the public service. The Executive Departments of the Government from their very nature are authorized by the Constitution and the law to execute the law and to do nothing else. They are not authorized to execute their own will and to do that which the law does not provide for. They are the mere instruments (who have no jurisdiction or authority whatever that the law does not confer upon them) to carry into effect the will of the people of the United States expressed by an act of Congress. That is their mission; and the sooner the Executive Departments of this Government learn, if they need to be taught—I do not say they do; I am not making any complaint of them—the sooner the Executive Departments of this Government come to understand perfectly that their mission is terminated when they have exhausted faithfully that which the law imposed upon them and stop there, the better it will be for the Government of the

United States, the better it will be for public opinion, the better it will be for themselves.

Then, if an extraordinary emergency arises, the Constitution has pointed out the way by which it can be fairly met; that is to say, the two Houses of Congress are assembled by the President, which, in the present condition of the country, can be done at any time in eight days. The remotest Senator can get here in eight or ten days, and a quorum can get here in half the time; and they can provide, as the Constitution has intended they shall provide, for any public exigency that may arise.

Now, the Senator from Ohio says, in view of all this, agreeing with me so far, "I will lay down the prohibition, but I will not impose any penalty for the violation of it." It seems to me that that is altogether illogical. If he is to stand merely on an impeachment by the House of Representatives of every Indian agent, of every superintendent of Indian affairs, of every Commissioner of Indian Affairs, and so on, we do not need this section at all, because, with the exception of the verbal amendment he has just made in the first part of the section, we have got the prohibition already. All that we need is something which will enforce the prohibition upon the parties who violate it. We have got the remedy of impeachment already. It does not require an act of Congress to authorize the House of Representatives to impeach anybody who violates a prohibition of a statute, I take it. We do not have to provide by law that a particular misdemeanor by a judge or by a head of a Department in doing that which the law forbids shall be a misdemeanor, in order that under the Constitution of the United States the judge or the head of a Department may be impeached for it, I take it. If so, it would always be impossible to impeach a judge, because I do not know of any statute which declares that corruption in office by a judge of a United States court shall be a misdemeanor. There is not any such statute, of course.

Therefore, Mr. President, we now have, without this section, the prohibition that its first six lines create here. We have as respects public buildings the prohibition against contracts and punishment for the violation of it; but as to every other department of the public service we have the prohibition and no penalty. Now, if we are to have anything else, as we do in all other cases respecting public officers doing their duty, charged with the expenditure and keeping of public money and doing the same thing in the making of contracts, let us provide that there shall be a reasonable and proper penalty for the violation of this act. No honest officer need fear it; every dishonest officer ought to bear the punishment.

Mr. CONKLING. Mr. President, I would like to agree with everything said by the Senator from Vermont, as I do agree with much that he said; and yet I think the Committee on Appropriations have recommended wisely in respect of this section.

This is an era of reform; or if not an era of reform, it is an era of restlessness and change. I know of nothing that exists which there is not a disposition somewhere to revolutionize. If Pope were living now he would never dare to say that "whatever is, is right." If he wished to conform to the prevailing spirit he would have to reverse it and affirm that whatever is, is wrong.

What is there now upon this legislation that summons Congress to make any change? In 1820 a prohibition was put upon the statute-book against all expenditures and contracts in excess of appropriations save only in certain instances there reserved. Those reservations were deemed necessary. Under those reservations we went on for a long time. In 1868 it was deemed proper to apply specifically and by name that inhibition to public buildings and one or two other topics, improvements and so on. In 1870 it was thought wise to go still further and to denounce as unlawful the making of any contract to be answered in a sum of money, other than that for which appropriation had been made. Upon those three sections, as I understand them, with another section to which I shall refer in a moment, we rest to-day.

What is the criticism upon them? What harm has come out of them? The Senator from Ohio says that a section of the act of 1870 preceding that to which I have just referred, has been construed diversely or erroneously—the section touching unexpended balances; and he says that where a fund has been drawn upon in part it has been held to be so treated that this section does not act upon it. Admit it; admit if you please for the sake of the argument, that the interpretation has been not only mistaken but perverse, does the section now pending correct that? Not at all.

Mr. SHERMAN. That has been amended by a law passed at this session.

Mr. CONKLING. So I was going to say; that has already been corrected at this session. Therefore, no reference in reason can be made to that as excuse or vindication for this. It has nothing to do with it.

That supposed misconstruction of the act of 1870 having been corrected and prevented for the future, what else remains? The Senator from Vermont has found—and that is the last resting place of reason; it is the only thing upon which an argument or a piece of an argument can be founded—that this section of the act of 1870 which renders illegal, unauthorized, and legally impossible all contracts in excess of appropriations, does not also contain a denunciation of penalties of its own. I have two answers to that suggestion. Has anybody violated this section that ought to be punished and has not been? Has any difficulty occurred under it? Who is the man and what is the instance? If it exists, it summons the House of Representatives to its feet to explain to us why the grand inquest of the nation acting under the constitutional power to which reference has been made so often, has not redressed that wrong.

Is it true that some head of a Department has been violating this statute, and that we are paralyzed by the fact that no police justice is authorized to deal with him? The Constitution says that that is the very case upon which a presentment shall occur by the grand jury of the nation, the House of Representatives. Is there any evidence here, first, that an officer has violated the section, and second, that he cannot be dealt with because the House of Representatives has violated its plain duty, and therefore we must invoke the prerogatives of a justice of the peace or a United States commissioner to deal with him? I have heard no such thing. Several Senators, I think, have disclaimed all knowledge or information in that direction; and yet, with nothing moving us, we are now asked to incorporate in the statutes a provision—

That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriation.

And to follow that with a penalty, to be enforced by whom? Not by impeachment, as my friend from Ohio proposes; a work entirely of supererogation, as I submit to him. We cannot confer upon the House of Representatives any power of impeachment. The whole power that resides in that House, be the same more or less, is conferred by the Constitution, and these are mere idle words in respect to that. But as the section came to us from the House, a police court of some sort is to deal with these men. Why? It was suggested that instances have occurred where executive officers had taken the responsibility, without warrant of law and perhaps in violation of the letter of the law, of doing acts which they deemed right, urgent, unanswerable in their necessity. Suppose it were true when Chicago burned that one of the Executive Departments allowed food and raiment to be consumed by those who in an hour were prostrated from affluence to penury and starvation?

Mr. EDMUNDS. This act, let me tell the Senator, would not meet that.

Mr. CONKLING. I do not say it would, and if my friend will pardon me for a moment he will see that that is not the point of my observation. Suppose in a case of emergency like that, which would violate technically the act of 1870 or this act, in place of the executive officer trusting, as I think he may trust as long as this country remains a Christian country, and as long as we do not run stark mad about everything, that Congress coming together and finding he had acted in good faith and upon proper principles would by a deficiency bill or some other bill make him whole, we make the law in such wise that in lieu of that any informer or enemy may drag him into a police court and have him fined and imprisoned for an act entitled to the applause of the whole nation, and which in place of making him a criminal ought to make him the subject of universal commendation? As the law stands now, there is no difficulty about it.

It is said in history—perhaps that may cast some doubt upon it—that when an oath in ancient times was tendered to a public agent, he waived off the oath in terms, and took in place of it an oath to preserve the republic; and from that hour to this the public sense distinguishes between a violation of law blamable and vicious and that technical departure from the letter of the law which is only a deference paid to some supreme emergency. As the law stands now, every officer is free, at his peril and for reasons which must be not only satisfactory to him, but satisfactory to the law-making power, to take into his hands, in the presence of an immediate and sudden emergency, more than the literal power conferred by law, and to answer for it, whether it be by giving clothing to the drowning people of Louisiana, or whether it be by fitting out a gun-boat or arming a ship in order to prevent complications with Spain, and in order to prevent a national quarrel hurtful to our interests and threatening in blood, and he may feel tolerably sure that no diligent commissioner, no personal enemy, no prying and officious informer will be able to have him bound over by an examining magistrate, or indicted by a grand jury, or convicted by a petit jury, before Congress can meet and revise his act and pronounce judgment upon the question whether justifiably or excusably or otherwise he ventured upon the act he did.

A provision arming the House of Representatives with the right to impeach and the Senate with the right to try such a case is, it seems to me, as foreign to any useful purpose as words could be. A provision such as the committee found in the bill committing it to police courts to pursue the executive branch of the Government and visit punishment upon the executive branch of the Government for acts every one of which is cognizable by the House of Representatives and by us, it seems to me, in place of making a wise addition to the statute, is the doing of an unnecessary and a vicious thing. An event may arise in which it ought to be done, and I can specify that event exactly. It should be done whenever it turns out that the House of Representatives has not the courage, nor the virtue, nor the intelligence to impeach for high crimes and misdemeanors those who are guilty, or when it turns out that this body has sunk so low that it will not try and firmly adjudge of such accusations.

My impression is that if there be fault in this legislation, in place of there being too little of it already, there is too much. My belief is that had the legislation stopped with the act of 1820 and the act of 1868 extending the prohibitions to public buildings, public improvements, and so on, it would have been adequate and safer than it is now; but when we take into consideration the act of 1870, which deals with the matter of unexpended balances, and which has been re-enforced at this session, and which in the next section makes all contracts unlawful by whomever made unless they be within appropriations and the time covered by appropriations, it seems to me that we may safely rest, at least until we find that that law has been violated for want of a penalty, and find that the House of Representatives and the Senate together are unable to cope with such offenders as may be found. In the mean time I feel sure that we can get along without commissioners or prosecuting attorneys to supervise and intervene between us and the Executive Departments and see whether a warrant ought to be sworn out against any man for violating these provisions.

Mr. SARGENT. I move to confine debate on amendments to the pending bill to five minutes by any Senator on the pending motion, under the rule recently adopted.

Mr. EDMUNDS. I wish the Senator had waited until the other side had been heard a little first.

Mr. SARGENT. This matter has been discussed for about an hour, and very impartially. I have confined myself to three minutes.

Mr. EDMUNDS. Very well; I can stand it if the rest can.

Mr. SARGENT. I should like to get through with this bill to-day.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Ohio [Mr. SHERMAN] to the second section of the bill.

Mr. EDMUNDS. If I can have the ear of the Senate for a minute or two in reply to the Senator from New York, I should like it. It is now a quarter past four o'clock.

The Senator from New York, it seems to me, in effect, maintains a doctrine which, if carried out, would lead us to confer all power on the Executive Departments of the Government, without any restraint at all, upon the theory that when they abused them the Senate and the House of Representatives together could correct it, because he argues that we ought not to have any punishment for offenses of this kind or violations of the acts of Congress at all inasmuch as the punishment by impeachment is sufficient, and if that fails, then we can pass a law providing for punishment by indictment and so on. Mr. President, when the House of Representatives and the Senate get so, as he says, that they fail on impeachments, they will be very likely to be in a condition, so corrupted, as not to pass any punitive laws for such offenses, certainly not for those that have taken place already. Has the Senator forgotten that the Constitution of the United States itself provides that impeachments shall not have the effect to prevent criminal punishments, but that they are both to go together; that the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law? The Constitution undertook to defend the people of this nation by punishments for violations of acts of Congress, and it has always done so, and has made no distinction between high officers or low ones in respect to the duties it has imposed upon them.

Here we have an act which merely provides for punishing an offense against the laws of the United States. The Senator asks what could be done if the President and Executive Departments have not this discretion? What could have been done about Chicago? Why, sir, what the President did about Chicago does not come within this act, or would not have come within the act of 1870 if it had been in force then. This act and the act of 1870 only provide for the expenditure of money unlawfully and for the making of contracts for which provision has not been made by law; that is all. If the President of the United States, in great emergencies, chooses to employ some part of the public property that is in hand to aid distress and suffering, this law does not affect him at all.

There is no need, therefore, to cite cases of that kind and ask us not to pass this law on that account, because they do not apply. So of the floods on the Mississippi. All that is perfectly well provided for. So about the arming of ships for Spain. I undertake to say that I believe the Secretary of the Navy did not violate any law by incurring any expenditures or making any contracts that the law had not authorized. He acted, up to the time Congress provided for him, within the appropriations that he had, as I understand. I am sure the Secretary of the Navy did not violate any law on that occasion, and yet the act of 1870 was on the statute-book. If he did, it would be one good reason in my mind for passing an act of this kind, because I believe it to be of a most dangerous character for any Executive Department to put the Government of the United States on what you may call a war footing by raising armies or by fitting out navies, in order to be ready to engage in hostilities against a friendly power until the Congress itself shall have provided for that sort of thing, because if you are all ready it only takes one step more to involve the people in war by mere Executive interference. That is not right. There is no safety in that. Therefore I should not wish to have the instance of the Secretary of the Navy brought in question here as showing that such an authority as this ought to exist to authorize him to make use of money which Congress had not appropriated, or to incur expenses which Congress had not provided for.

If there is an emergency which involves the national honor, the Constitution, as I have said, requires the President of the United States to call Congress together to defend the national honor; and, as I have said, it can be done in a week as this country is now situated. Shall we therefore hesitate to protect the public Treasury against indiscreet expenditures of money, or in some future time criminal expenditures of money or the criminal incurring of obligations, and say that we will wait until some emergency arises? No, Mr. President, the time to pass good laws to protect the Treasury is in the time of good administrations, which the good laws will not harm, but whom they will aid to uphold, and then, by-and-by, if the evil day should ever come that you have a bad administration, you have a law that is ready for the offending officer to protect the people, and there would be a punishment that is already provided for the crime; whereas if you wait until he commits the crime, you cannot affix a penalty which will impose the punishment. I hope, therefore, that we shall stand upon this section as it now stands, leaving it as it ought to be if we really intend to protect the Treasury.

Mr. MORRILL, of Maine. Will the Senator allow me to ask him one question?

Mr. EDMUNDS. Yes, sir; I have half a minute left.

Mr. MORRILL, of Maine. You can take the answer out of my time. I want to ask the Senator whether, in his judgment, this act if it should pass repeals the sixth section of the act of 1820 which I read.

Mr. EDMUNDS. What is the sixth section of the act of 1820?

Mr. MORRILL, of Maine. I will read it again.

That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfillment, and excepting also contracts for the subsistence and clothing of the Army or Navy, and contracts by the Quartermaster's Department, which may be made by the Secretaries of those Departments.

Mr. EDMUNDS. No, sir; it does not repeal that act.

Mr. MORRILL, of Maine. Is it not inconsistent?

Mr. EDMUNDS. I do not think it is. It is in aid of it instead of being inconsistent.

Mr. MORRILL, of Maine. This section reads without qualification "that it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for any fiscal year, or to involve the Government in any contract."

Mr. EDMUNDS. The Senator asks me——

The PRESIDENT *pro tempore*. The five minutes of the Senator from Vermont have expired.

Mr. MORRILL, of Maine. Now if the Senator will interrogate me, he can do so in order.

Mr. EDMUNDS. I stand by the rule of the Senate.

Mr. MORRILL, of Maine. It is very obvious to my mind that this section repeals the act of 1820. It cannot be otherwise, I think, because it is absolute in its terms and is to the effect that it shall not be lawful for any of these Departments to involve the Government in any contract. By the act of 1820 it was lawful to involve the Government in a contract for certain purposes, contracts for subsistence and clothing, &c.

Mr. EDMUNDS. When the Senator is through, I can then make a motion which will enable me to reply to his question.

Mr. MORRILL, of Maine. I was through. That was the only object I had in asking the Senator the question.

Mr. EDMUNDS. I move to perfect the clause proposed to be stricken out by inserting at the end thereof: "but this act shall not be construed to repeal the act of 1820."

Mr. MORRILL, of Maine. By which I understand the Senator to think as I do.

Mr. EDMUNDS. If the Senator will not interrupt me, in five minutes I will tell him what I think.

Mr. MORRILL, of Maine. I know enough to be aware that interruption does not embarrass the Senator.

Mr. EDMUNDS. But it takes my time, which perhaps is to a better purpose. I will only occupy a moment on this amendment.

The act of 1820, which I have moved to except from the operation of this section, provides just what this act does in substance and in spirit for two or three of the Departments. It makes an exception as to two other Departments which might proceed to clothe the Army and to do the other thing there named without the limitation imposed by the act of 1820. Now I say that this provision in this section does not repeal the act of 1820. It may override that last clause and put all the Departments upon an equal footing; but as the Senator from Ohio suggests, that is not very easy to be said after the fact that the section now says that no officer shall involve the Government under any contract not expressly authorized by act of Congress. If that contract is expressly authorized by act of Congress, as it seems to me, he may still go on and do so. But what I wish to do—and if this is the effect of overriding that act I shall be very glad of it—is to put every Department on an equal footing. That is to say, when Congress has determined how much shall be spent in a year, they shall not in effect oblige us to spend more until we have the opportunity to judge whether it is right or not.

Mr. MORRILL, of Maine. But my friend will see that the act of 1820 does *eo nomine*, in terms, give to these Departments a discretion. The Secretary of War may make contracts for subsistence and clothing of the Army; and so the Secretary of the Navy. That is an exception.

Mr. EDMUNDS. Very well.

Mr. MORRILL, of Maine. Now, my query was whether this section did not repeal that exercise of discretion?

Mr. EDMUNDS. The act of 1870 repealed that act if it stands in conflict with it, and I think it does.

Mr. MORRILL, of Maine. I do not think it did repeal it, but perhaps it did.

Mr. EDMUNDS. It must have been so if this act does, because they are literally the same.

Mr. MORRILL, of Maine. Now my remark in the beginning was that this section is against the settled policy of the law. For that reason we proposed to strike it out.

Mr. EDMUNDS. If the Senator will excuse me now in my time, which has only a minute left, I wish to tell him that this section is according to the settled policy of the modern law, as I understand, since the act of 1868 about public buildings. When we found under a different administration, one that had gone before the present Administration, that things had been done which required to be stopped, we enacted the act of 1868 to stop them. Again, we find in 1870 that the best policy is in a well-regulated administration to have no Department permitted to involve the Government in expense, either directly or indirectly, until Congress shall have made provision for it, and so we say as to contracts and expenditures in 1870, it shall not be done. Now we say in 1874, if anything of this kind is done, we punish it as we do other misdeeds. That is all there is to it. Now I withdraw the amendment I proposed.

The PRESIDENT *pro tempore*. The Senator from Vermont withdraws his amendment.

Mr. MORRILL, of Maine. I renew it for the purpose of saying that the case the Senator puts is not analogous at all. It establishes no such theory whatever. The act of 1868 applies to specific appropriations, and its policy can be well extended to that extent. When you make an appropriation for a public building you know what you are about. There is no flexibility to it, and none necessary at all; but when you come to deal with the public service such as that of the Army, you must have a discretion. So the policy of the law has established it in regard to all these Departments. It is equally true in regard to the Indian service.

Mr. EDMUNDS. May I ask the Senator if he meant——

Mr. MORRILL, of Maine. I will be a little more generous than my honorable friend was. I am not very saving of time.

Mr. EDMUNDS. The Senator will excuse me. The generosity of the Senator took more than half of my time.

Mr. MORRILL, of Maine. Call on me for any generosity as to time.

Mr. EDMUNDS. Is he not himself one of the worthy authors of the act of 1870, which made the sweeping provision which this act contains except the penalty?

Mr. MORRILL, of Maine. I do not feel the slightest embarrassment about that. I would have excepted then what I would except now. What I am addressing myself to my honorable friend is to show that we ought to have made an exception, and that no just or expedient or economical or safe administration it seems to me can be carried on without it.

Mr. EDMUNDS. We have carried on since 1870 under it without the least difficulty.

Mr. MORRILL, of Maine. But upon an oversight. I withdraw the amendment that I offered.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, [Mr. SHERMAN.]

The Chair put the question, and declared that the negative appeared to prevail.

Mr. MORRILL, of Maine. Let us have a division.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. What are we to vote on now?

The PRESIDENT *pro tempore*. On the amendment offered by the Senator from Ohio.

Mr. MORRILL, of Maine. Let that be read.

Mr. EDMUNDS. The chairman of the committee insists upon having a division. I thought the vote was right; but if we are to divide, I prefer to have the yeas and nays.

Mr. CONKLING. The vote was in the negative on the amendment of the Senator from Ohio putting this as a high crime and misdemeanor. Does the Senator from Maine want to make a record of the yeas and nays upon that?

Mr. MORRILL, of Maine. I understand the motion of the Senator from Ohio is to strike out that part of the clause which affixes a penalty.

Mr. SHERMAN. To strike out all after the word "misdemeanor."

Mr. CONKLING. That amendment has failed.

Mr. MORRILL, of Maine. It strikes out all that part which provides for proceedings in a criminal court.

Mr. CONKLING. And makes the offense impeachable. That amendment has failed. Is the Senator from Maine in favor of the amendment?

Mr. MORRILL, of Maine. He strikes out all after the word "misdemeanor."

Mr. CONKLING. But is my friend from Maine in favor of the amendment of the Senator from Ohio?

Mr. MORRILL, of Maine. Yes, I am in favor of striking out all that part of the section.

Mr. CONKLING. And making it a high misdemeanor?

Mr. MORRILL, of Maine. It improves it to strike out that much.

Mr. CONKLING. It must be bad enough if that improves it.

The question being taken by yeas and nays, resulted—yeas 21, nays 17; as follows:

YEAS—Messrs. Allison, Bogy, Boreman, Boutwell, Chandler, Cooper, Davis, Flanagan, Kelly, Lewis, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Ramsey, Sargent, Scott, Sherman, Tipton, and West—21.

NAYS—Messrs. Buckingham, Carpenter, Conkling, Conover, Edmunds, Hager, Hamlin, Harvey, Howe, Ingalls, Oglesby, Patterson, Robertson, Spencer, Wadleigh, Washburn, and Wright—17.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Brownlow, Cameron, Clayton, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Johnston, Jones, Logan, Morton, Norwood, Pease, Pratt, Ransom, Saulsbury, Schurz, Sprague, Stevenson, Stewart, Stockton, Thurman, and Windom—35.

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Committee on Appropriations, to strike out the section as amended.

Mr. EDMUNDS. Let the whole remnant there is left of it be read.

The Chief Clerk read as follows:

SEC. 2. That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract not expressly authorized by act of Congress for the future payment of money in excess of such appropriation; and any violation of the provisions of this section by any officer of the Government shall be deemed a high misdemeanor.

Mr. CONKLING. Did the amendment of the Senator from Ohio prevail?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. CONKLING. So that there is nothing left in the section except what has been read by the Clerk. Then I should like to inquire whether there is any thing in it beyond that which is to be found in the act of 1870?

Mr. MORRILL, of Maine. Only characterizing the act.

Mr. SHERMAN. It is made a high misdemeanor.

Mr. EDMUNDS. It is "high."

Mr. CONKLING. The Senator from Vermont suggests that the word "high" is to be found in it. [Laughter.] It seems to me that actually and legally it is the same thing. It is simply repeating over the enactment, and then making upon it the general observation that to violate that or any other act would be a misdemeanor. That is the law now. If it is worth while to re-enact it, so be it.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I offer the following amendment, to come in after line 874:

For the purchase of the original lot No. 1, square No. 683, in the city of Washington, containing about fifteen thousand superficial feet, with the improvements thereon, for a site for fire-engine house and for stables for mail-wagons and horses for the Senate, $18,000.

A single word in explanation of this amendment. The stables that are now occupied by the Sergeant-at-Arms and Postmaster of the Senate for the horses used in carrying the mails will soon have to be removed. They are upon the right of the public grounds, and it is rather important that they should be near the Capitol. In addition to that, there is the engine-house that stands upon the south side, that it is provided in this amendment shall be removed at once. It is therefore necessary that some other spot of ground should be provided for this engine-house. There is no other in this part of the city, and the Government of the United States has a very great interest at stake here in the Capitol, Government Printing Office, and navy-yard. In the present position of affairs of the District of Columbia it is perhaps more than we have a right to expect to suppose that the District will be able to make provision in time at all events for this removal, and it may be just on the part of Congress to at least provide a site, and possibly to put up the building, for the engine-house and give it to the District, for the sake of having an engine-house where it will be within convenient distance in case of any fire at the Government Printing Office, which is a very large building and very much exposed, as there are many large rooms connecting and communicating on each story with masses of combustible matter, so that if a fire should get in it would be almost impossible to prevent the entire building from being burnt up.

In addition to this, the lot here mentioned is owned by our Chief Clerk, and you are aware that the streets have been cut down so that the house must come down. We have felt under the circumstances that, while it was right for the Government to obtain a site that would be convenient for the purpose I have already indicated, it would not be right to pay more for the land than it is worth. The amount of land that is in this lot is 14,911¼ feet, so that if the purchase is made we really buy the land as low as it can be bought anywhere in this vicinity, as the price will not amount to more than $1.25 a foot.

Under these circumstances, I have no doubt that the public will be accommodated, not only for the stables but for this engine-house, which there will be ample room to locate on this site, and also for an office, if it should be required, for the architect of the Capitol extension.

The architect of the Capitol extension informs me that there will be material enough in the building now standing upon this lot to put up the stables for the use of the Sergeant-at-Arms and the Postmaster of the Senate.

Mr. SHERMAN. Where is it?

Mr. MORRILL, of Vermont. Just one square, off the Capitol grounds, on Delaware avenue, between that avenue and North Capitol street.

The amendment was agreed to.

Mr. ALLISON. I offer the following amendment to be inserted after line 455:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to pay for the subsistence supplies purchased by the United States Indian agent for the Yankton Indians, and issued to them by the Indian peace commissioners between the 1st day of November, 1866, and the 10th day of May, 1867, $11,329.

Mr. EDMUNDS. Is that in order? It is a private claim.

The PRESIDENT *pro tempore*. Has the amendment been referred to the Committee on Appropriations?

Mr. ALLISON. It has been referred to the Committee on Appropriations.

Mr. SARGENT. It has been, but at so late an hour that I have had no time to examine it. I will inquire if there is any letter from the Secretary?

Mr. EDMUNDS. Is it reported from a committee?

Mr. SARGENT. We have not had time to examine it.

Mr. EDMUNDS. That it not the question.

The PRESIDENT *pro tempore*. Does the Senator from Iowa report this from any committee?

Mr. ALLISON. I will say that I do not report it from any committee.

Mr. EDMUNDS. Then it is not in order.

The PRESIDENT *pro tempore*. The amendment is not in order.

Mr. MITCHELL. I desire to offer an amendment to this bill, to be inserted after line 644:

For office of surveyor-general of Oregon: For clerks in his office for the fiscal year ending June 30, 1872, $600; and for the fiscal year ending June 30, 1873, $350.

Mr. EDMUNDS. Is that in order?

Mr. MITCHELL. I submitted this amendment some four days ago to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Does the Senator report it from any committee?

Mr. MITCHELL. I was about to state the facts in regard to it. I submitted the amendment some four or five days ago, and had it referred to the Appropriation Committee of the Senate.

The PRESIDENT *pro tempore*. Does the Senator from Oregon report the amendment from any committee?

Mr. MITCHELL. I do not.

The PRESIDENT *pro tempore*. It is not in order.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. CONKLING. I ask my friend from Vermont to withdraw that motion.

Mr. EDMUNDS. I withdraw the motion. I know what my friend from New York wishes.

Mr. SARGENT. I have one amendment from the Committee on Appropriations, on page 24——

Mr. CONKLING. Let me inquire if the Senator from California is anxious to go through with the bill to-night?

Mr. SARGENT. I think we can conclude it in a few minutes.

Mr. WINDOM. I have an amendment to offer.

Mr. CONKLING. There are other amendments evidently.

Mr. SARGENT. Understanding the wish of the Senator, I will most gracefully yield to his desire and will call up the bill to-morrow morning.

Mr. CONKLING. I suggest that the bill be laid aside informally so as to remain the unfinished business.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent to lay aside the bill informally. The Chair hears no objection.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 773) to reduce the area of the military reservation of Fort Sanders, and providing for the survey of said reservation as reduced;

A bill (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri;

A bill (H. R. No. 844) to authorize the promulgation of the General Regulations for the Government of the Army;

A bill (H. R. No. 958) for the relief of Robert Sutherland;

A bill (H. R. No. 1108) for the relief of Alfred Fry;

A bill (H. R. No. 1410) fixing the salaries of the clerks at the United States armory in Springfield, Massachusetts;

A bill (H. R. No. 1511) allowing brevet commissions for distinguished services in Indian warfare;

A bill (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy;

A bill (H. R. No. 2420) allowing Army officers to wear certain emblems indicative of honors conferred upon them;

A bill (H. R. No. 2506) for the relief of Rev. John R. Hamilton;

A bill (H. R. No. 3002) for the relief of Isaac Riseden, late first lieutenant of the Eleventh Tennessee Cavalry;

A bill (H. R. No. 3003) for the relief of George A. Bacon;

A bill (H. R. No. 3004) for the relief of John C. Griffin, late second lieutenant Third Regiment East Tennessee Volunteers;

A bill (H. R. No. 3178) for the relief of the children of Baker White;

A bill (H. R. No. 3181) for the relief of Mrs. Mary A. Thayer;

A bill (H. R. No. 3183) for the relief of Jonathan D. Hale;

A bill (H. R. No. 3429) to put retired officers of the Army on duty;

A bill (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849;

A bill (H. R. No. 3430) for the relief of settlers on the abandoned Fort Sumner military reservation, in the Territory of New Mexico;

A bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona, no longer required for military purposes;

A bill (H. R. No. 3433) relating to certain brevet appointments;

A bill (H. R. No. 3434) to provide for the sale of the Rush Valley military reservation, in the Territory of Utah;

A bill (H. R. No. 3435) to provide for the sale of the buildings and grounds known as the Detroit arsenal, in the State of Michigan;

A joint resolution (H. R. No. 63) detailing an Army officer to continue the survey and exploration of Palestine on the east side of the Jordan; and

A joint resolution (H. R. No. 101) construing the joint resolution entitled "Joint resolution amendatory of joint resolution for the relief of certain officers of the Army, approved July 26, 1866," approved July 11, 1870.

The PRESIDENT *pro tempore*. There are a number of other bills on the table, which, if there be no objection, will be considered as read twice and referred to the appropaiate committees.

Mr. EDMUNDS. What are those bills?

The CHIEF CLERK. Principally pension bills.

Mr. EDMUNDS. I do not believe in that method of doing business at all.

The PRESIDENT *pro tempore*. The bills will be reported by their titles.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery;

A bill (H. R. No. 2292) for the relief of William Walker; and

A bill (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts.

The following bills were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa;

A bill (H. R. No. 3176) for the relief of William Green; and

A bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. No. 3023) for the relief of Andrew Mason;

A bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri; and

A bill (H. R. No. 3177) for the relief of DeWitt C. Chipman.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871;

A bill (H. R. No. 1620) for the relief of John L. T. Jones, of Montgomery County, Maryland, for rent and damages sustained by the destruction of a dwelling-house by accidental fire while the same was being occupied by United States troops for quarters;

A bill (H. R. No. 2170) for the relief of Timothy D. Crook;

A bill (H. R. No. 2844) granting relief to Francis Dodge;

A bill (H. R. No. 3005) for the relief of the heirs of Mary B. Belfield, of Virginia;

A bill (H. R. No. 3179) granting relief to John L. Williams, of New York; and

A bill (H. R. No. 3180) for the relief of N. H. Dunphe, of Massachusetts.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 2532) granting a pension to Ira Foster, a private in the war of 1812;

A bill (H. R. No. 3007) granting a pension to Cordelia Wilkins;

A bill (H. R. No. 3008) granting a pension to John J. Bottgar;

A bill (H. R. No. 3009) for the relief of Michael Bannon, of Dayton, Ohio;

A bill (H. R. No. 3010) for the relief of John Downey, of Dayton, Ohio;

A bill (H. R. No. 3011) granting a pension to Mrs. Letitia Carr;

A bill (H. R. No. 3012) granting a pension to John Heddinger;

A bill (H. R. No. 3013) granting a pension to Samuel P. Kemp;

A bill (H. R. No. 3014) to place the name of Mrs. Caroline Duncan on the pension-roll;

A bill (H. R. No. 3015) granting a pension to Margaret A. Chantry;

A bill (H. R. No. 3016) granting a pension to Ira Douthart;

A bill (H. R. No. 3017) granting a pension to Jacob Grosch;

A bill (H. R. No. 3018) granting an increase of pension to Jacob Parrott;

A bill (H. R. No. 3019) granting a pension to George H. Reynolds;

A bill (H. R. No. 3020) granting a pension to George Pomeroy;

A bill (H. R. No. 3021) granting pensions to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864; and

A bill (H. R. No. 3022) granting a pension to Sarah A. Timmons.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds—to the Committee on Public Lands.

The bill (H. R. No. 3436) for the designation of non-resident judges to hold circuit and district courts in the northern districts of New York and for additional terms of said courts—to the Committee on the Judiciary.

The bill (H. R. No. 1698) for the relief of the L'Anse and Vieux de Sert bands of Chippewa Indians in the State of Michigan—to the Committee on Indian Affairs.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 510) donating condemned cannon and cannon-balls to the posts of the Grand Army of the Republic of Philadelphia, and other associations, for monumental purposes.

Mr. SARGENT. I move the reference of the bill and amendments to the Committee on Military Affairs.

Mr. HAMLIN. Those bills have all passed at separate times and the House have grouped them together in one bill, which is now before us. I suggest that we dispose of it at once.

Mr. SARGENT. I will not object to its being considered in the morning hour to-morrow.

Mr. HAMLIN. I think we had better let it go through now.

Mr. SARGENT. I should like to finish the deficiency bill to-night if Senators will allow me. I will not object in the morning hour to-morrow.

Mr. HAMLIN. Very well.

The PRESIDENT *pro tempore*. The Senator from California moves that the bill and amendments be referred to the Committee on Military Affairs.

Mr. SARGENT. No; let the bill lie on the table for the present.

The PRESIDENT *pro tempore*. It will lie on the table.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting a letter from the chairman of the civil-service commission in response to the resolution of the Senate of the 18th instant requesting "the answer in full received by the civil-service commission in reply to their circular addressed to the various heads of Departments and Bureaus requesting a report as to the operation and effect of the civil-service rules in the several Departments and offices;" which was referred to the Committee on Printing.

He also laid before the Senate a message from the President of the United States, transmitting, in response to a resolution of the Senate of the 15th instant, all papers and correspondence relating to the troubles in the State of Arkansas not heretofore communicated to either House of Congress; which was referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BUCKINGHAM submitted an amendment intended to be proposed by him to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which was referred to the Committee on Commerce.

Mr. ALLISON and Mr. BOUTWELL submitted amendments intended to be proposed by them to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

DEATH OF HON. DAVID B. MELLISH.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, communicated to the Senate intelligence of the death of Hon. DAVID B. MELLISH, late a member of the House from the State of New York, and transmitted the resolutions of the House thereon.

Mr. CONKLING. I ask that the resolutions of the House of Representatives be read.

The PRESIDENT *pro tempore* laid before the Senate the following resolutions, which were read:

IN THE HOUSE OF REPRESENTATIVES, *May* 25, 1874.

Resolved, That a committee of five members be appointed by the Speaker of the House to take order for superintending the funeral of Hon. DAVID B. MELLISH, late a member of this body, which will take place to-morrow, (Tuesday,) at four o'clock p. m., and that the House will attend the same.

Resolved, As a further mark of respect entertained by the House for the memory of Hon. DAVID B. MELLISH that his remains be removed to Auburn, Massachusetts, in charge of the Sergeant-at-Arms and attended by the said committee, who shall have full power to carry this resolution into effect.

Resolved, That the Clerk communicate these proceedings to the Senate, and invite the Senate to attend the funeral ceremony in the Hall of the House of Representatives to-morrow, at four o'clock.

Resolved, That as an additional mark of respect to the memory of the deceased the House do now adjourn.

Mr. CONKLING. Mr. President, the time and the occasion are not suited to a notice of the life or character of him to whose funeral we are thus invited. The death of Mr. MELLISH is one especially distressing. He came to congressional life first in December last, at the opening of the present session. He came with health and vigor. The excitement and the labor of his public life wore away his existence. He died of those perplexities and harassing demands of which so little is known except by those who endure them. A commercial revulsion had visited the country, and many persons believed that to Congress belonged the duty and the power of creating prosperity. Mr. MELLISH addressed himself with all his ardor and all his energy to the schemes financial in character which week after week crowded upon both Houses. The problems, the plans, the questions, the interests concerned, preyed upon him, absorbed his whole mind and attention, and became the themes upon which he labored by day and by night. After a few months his health was undermined by his exertions and the excitement which ensued; and he sank and died.

Of the lessons which this event teaches, I forbear to speak. It would not be proper, however, for me to omit to state that Mr. MELLISH was a painstaking, conscientious, industrious man, enjoying the warm regard of those who knew him, and he was known by many; and I must say too that his death and the manner of it carry deep distress to a large circle.

The nature of the resolutions sent us by the House suggests as the most appropriate notice to be taken of the event a resolution by the Senate which I have drawn up; it now lies upon the table, and I offer it.

The PRESIDENT *pro tempore*. The Senator from New York offers a resolution which will be read.

The Chief Clerk read as follows:

Resolved, That the Senate has received with deep sensibility the announcement of the death of Hon. DAVID B. MELLISH, late a member of the House of Representatives from the State of New York; and that it will attend the funeral ceremony in the Hall of the House of Representatives to-morrow at four o'clock.

Resolved, That as a further mark of respect for the memory of the deceased, the Senate do now adjourn.

The resolutions were agreed to *nem. con.*, and the Senate (at four o'clock and fifty minutes p. m.) adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 25, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at ten minutes after eleven o'clock.

MARY TARBLE.

Mr. DUELL introduced a bill (H. R. No. 3439) granting a pension to Mary Tarble; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHINA MAIL SERVICE.

Mr. ALBRIGHT presented the remonstrance of the Legislature of the State of Pennsylvania against any cancellation of the contract for China mail service, and appeal for the ship-building interests of the United States; which was referred to the Committee on Appropriations, and ordered to be printed.

NATURALIZATION.

Mr. SPEER introduced a bill (H. R. No. 3440) amendatory of the acts for the naturalization of aliens, providing that a residence of three years shall be sufficient to entitle an alien, being a free white person, to become a citizen; which was read a first and second time.

Mr. SPEER. I ask that the bill may be read at length.

The bill was read at length, and was referred to the Committee on the Judiciary, and ordered to be printed.

PETER H. WHITEHURST.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 3441) for the relief of Peter H. Whitehurst, a citizen of Norfolk, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHANGE OF NAME OF STEAM-TUG.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 3442) changing the name of the steam-tug Agnes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GRORGE H. COOPER.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 3443) authorizing the President to place George H. Cooper, a mate on the active list of the Navy, on the retired list of the Navy, with rank of master; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EASTERN CHEROKEE INDIANS.

Mr. VANCE introduced a bill (H. R. No. 3444) for the relief of Old Bushy Head and other Eastern Cherokees; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ARSENAL AT ROME, GEORGIA.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 3445) to provide for the examination of Rome, Georgia, with a view to the establishment of a manufacturing arsenal at that point; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRE-EMPTION RIGHTS AND HOMESTEAD ENTRIES IN ALABAMA.

Mr. WHITE introduced a bill (H. R. No. 3446) to ratify and confirm pre-emption rights and homestead entries to certain lands in the State of Alabama; which was read a first and second time.

Mr. WHITE. I ask that the bill be referred to the Committee on the Judiciary.

Mr. CLYMER. I would suggest that it should more properly be referred to the Committee on the Public Lands.

Mr. WHITE. There is a legal point involved in the bill, which requires I think that it should go to the Committee on the Judiciary.

Mr. CLYMER. I ask that the bill may be read.

The bill was read.

Mr. CLYMER. The Committee on the Public Lands have had this subject under consideration. I move to amend the motion of the gentleman from Alabama by inserting "Committee on the Public Lands" in lieu of "Committee on the Judiciary."

The question being taken on the amendment, there were—ayes 35, noes 16; no quorum voting.

Tellers were ordered under the rule; and Mr. CLYMER and Mr. WHITE were appointed.

The House again divided; and the tellers reported—ayes 83, noes 63.

So the amendment was agreed to.

The motion, as amended, was agreed to; and the bill was referred to the Committee on the Public Lands, and ordered to be printed.

MRS. ELIZA H. SCOTT.

Mr. HAYS introduced a bill (H. R. No. 3447) for the relief of Mrs. Eliza H. Scott, of Perry County, Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REFUNDING OF COTTON TAX.

Mr. SHELDON introduced a bill (H. R. No. 3448) to refund the cotton tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SUFFERERS BY MISSISSIPPI OVERFLOW.

Mr. MOREY introduced a bill (H. R. No. 3449) making an additional appropriation to enable the Secretary of War to carry out the provisions of the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River, and for other purposes;" which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

HOMESTEAD SETTLEMENTS.

Mr. MOREY also introduced a bill (H. R. No. 3450) to amend an act entitled "An act for the disposal of the public lands for actual homestead settlements in the States of Alabama, Mississippi, Louisiana, Florida, and Arkansas," approved June 21, 1856; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RELIEF OF SETTLERS ON THE PUBLIC LANDS.

Mr. SHEATS introduced a bill (H. R. No. 3451) for the relief of settlers on the public lands in the States of Alabama, Mississippi, Arkansas, Louisiana, and Florida; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CONSULAR CLERK AT RIO DE JANEIRO.

Mr. SHEATS also introduced a bill (H. R. No. 3452) to provide a consular clerk at Rio de Janeiro; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ENTRIES OF PUBLIC LANDS.

Mr. SHEATS also introduced a bill (H. R. No. 3453) to revive an act to confirm entries of public lands in certain cases, in the State of Alabama; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHARLES MORGAN.

Mr. SYPHER introduced a bill (H. R. No. 3454) for the relief of Charles Morgan; which was read a first and second time, referred to the Committee on Ways and Means, and, with the accompanying papers, ordered to be printed.

PAYMENT FOR DRAFT OF SLAVES, ETC.

Mr. CROSSLAND introduced a bill (H. R. No. 3455) to repeal the joint resolution approved March 30, 1867, suspending all proceedings under the act approved February 24, 1864, providing payment to loyal masters for their slaves drafted or received as volunteers in the military service of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREDERICK D. STEWART.

Mr. DURHAM introduced a bill (H. R. No. 3456) for the benefit of Frederick D. Stewart, of the District of Columbia; which was read a first and second time, referred to the Joint Committee on the Library, and ordered to be printed.

CATHARINE SIZEMORE.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 3457) granting a pension to Catharine Sizemore, of Hawkins County, Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. DODSON.

Mr. KNAPP introduced a bill (H. R. No. 3458) for the relief of James F. Dodson, late of Company C, One hundred and twenty-second Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JURISDICTION OF STATE COURTS.

Mr. CLEMENTS introduced a bill (H. R. No. 3459) declaring all corporations doing business in any State subject to the jurisdiction of the State courts of said State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TRUSTEES OF WILLIAM JEWELL COLLEGE.

Mr. COMINGO introduced a bill (H. R. No. 3460) for the relief of the trustees of William Jewell College, of Liberty, Clay County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REESE HUGHES.

Mr. HANCOCK introduced a bill (H. R. No. 3461) for the relief of Reese Hughes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARGARET CAHILL.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 3462) for the relief of Margaret Cahill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JURISDICTION OF COURT OF CLAIMS.

Mr. HOUGHTON introduced a bill (H. R. No. 3463) conferring certain jurisdiction on the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAMOAN ISLANDS.

Mr. HOUGHTON also introduced a bill (H. R. No. 3464) to authorize the purchase of harbor privileges and land for the establishment of a naval and coaling station in the Samoan Islands; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

SETTLERS—SOUTHERN PACIFIC RAILROAD.

Mr. LUTTRELL introduced a bill (H. R. No. 3465) for the protection of homestead and pre-emption claimants on lands granted the Southern Pacific Railroad by the act of July 27, 1866; which was read a first and second time.

Mr. LUTTRELL. I move that the bill be referred to the Committee on the Public Lands.

Mr. HOUGHTON. I move to amend that motion so as to refer the bill to the Committee on the Pacific Railroad, where it belongs.

The question was taken on the amendment; and upon a division there were—ayes 26, noes 17; no quorum voting.

Mr. HOUGHTON. I call for tellers.

Tellers were ordered; and Mr. LUTTRELL and Mr. HOUGHTON were appointed.

Mr. LUTTRELL. This is in the interest of settlers in California, and I ask all who are in favor of the settlers to vote to refer this bill to the Committee on the Public Lands.

The House again divided; and the tellers reported that there were ayes 38, noes not counted.

So the amendment was not agreed to.

The motion of Mr. LUTTRELL was then agreed to; and the bill was accordingly referred to the Committee on the Public Lands, and ordered to be printed.

POSTAL LAWS.

Mr. LUTTRELL also introduced a bill (H. R. No. 3466) to amend sections 244, 245, 246, and other sections of an act to revise, consolidate, and amend the statutes relating to the Post-Office Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CHARLES C. ARNOLD AND OTHERS.

Mr. PHILLIPS introduced a bill (H. R. No. 3467) for the relief of Charles C. Arnold and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALE OF LANDS IN INDIAN TERRITORY.

Mr. PHILLIPS also introduced a bill (H. R. No. 3468) to provide for the appraisement and sale of certain lands in the Indian Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LANDS FOR THE SUPPORT OF SCHOOLS.

Mr. HEREFORD presented a joint resolution of the Legislature of the State of West Virginia, in favor of an appropriation of public lands for the support of free schools in that State; which was referred to the Committee on Education and Labor, and ordered to be printed.

WATER PRIVILEGES AT HARPER'S FERRY.

Mr. HEREFORD also presented a joint resolution of the Legislature of the State of West Virginia, in favor of the passage of a bill to resell the water privileges at Harper's Ferry; which was referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS TO SOLDIERS OF THE WAR OF 1812.

Mr. HEREFORD also presented a joint resolution of the Legislature of the State of West Virginia, in favor of a modification of the act of Congress approved February 14, 1871, in relation to pensions to soldiers of the war of 1812; which was referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

INDIAN DEPREDATIONS IN NEW MEXICO.

Mr. ELKINS introduced a bill (H. R. No. 3469) for the relief of certain persons in New Mexico for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for bills and joint resolutions for reference having been concluded, the Chair will now entertain propositions to refer bills and joint resolutions by gentlemen who were not in their seats when their States were called.

MAGDALENA STAETZER.

Mr. CROOKE introduced a bill (H. R. No. 3470) for the relief of Magdalena Staetzer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JONATHAN SKINNER.

Mr. WARD, of New Jersey, introduced a bill (H. R. No. 3471) for the relief of the heirs of Jonathan Skinner, deceased, late of New Jersey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADDITIONAL BOUNTY, ETC.

Mr. WARD, of New Jersey (at the request of his colleague, Mr. SCUDDER,) also introduced the following bills; which were severally read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed:

A bill (H. R. No. 3472) to extend the time for filing claims for additional bounty under the act of July 28, 1866; and

A bill (H. R. No. 3473) for the relief of soldiers who have been in the service of the United States, and others having claims by, through, or under them.

ATLANTA, GEORGIA.

Mr. FREEMAN introduced a bill (H. R. No. 3474) to establish Atlanta, in the State of Georgia, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

B. F. MARTIN.

Mr. CRUTCHFIELD introduced a bill (H. R. No. 3475) for the relief of B. F. Martin, of Charleston, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GRANGE NATIONAL FIRE INSURANCE COMPANY.

Mr. FOSTER introduced a bill (H. R. No. 3476) to incorporate the Grange National Fire Insurance Company of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NELSON TIFFANY.

Mr. G. F. HOAR introduced a bill (H. R. No. 3477) for the relief of Nelson Tiffany; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PACIFIC MAIL STEAMSHIP COMPANY.

Mr. TOWNSEND presented a joint resolution of the Legislature of the State of Pennsylvania against the cancellation of the contract for extra postal service made by the Post Office Department with the Pacific Mail Steamship Company; which was referred to the Committee on Commerce, and ordered to be printed.

PARTIES IN COURT OF CLAIMS.

Mr. LAWRENCE introduced a bill (H. R. No. 3478) in relation to parties in the Court of Claims; which was read a first and second time, referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

AQUILLA LOCKWOOD, DECEASED.

Mr. HUNTON introduced a bill (H. R. No. 3479) for the relief of the legal representatives of Aquilla Lockwood, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RESTORATION OF PENSIONERS OF THE MEXICAN WAR.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 3480) to restore to the pension-rolls the names of invalid pensioners of the Mexican war stricken therefrom for disloyalty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SALEANA BOOKER.

Mr. SENER introduced a bill (H. R. No. 3481) granting a pension to Mrs. Saleana Booker; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

HENDERSON & ENNISS.

Mr. ROBBINS introduced a bill (H. R. No. 3482) for the relief of Henderson & Enniss, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BAKER CANFIELD.

Mr. FIELD introduced a bill (H. R. No. 3483) for the relief of Baker Canfield, of Detroit, Michigan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE A. LAMPER.

Mr. McNULTA introduced a bill (H. R. No. 3484) granting a pension to George A. Lamper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AARON H. FULLER.

Mr. McNULTA also introduced a bill (H. R. No. 3485) granting a pension to Aaron H. Fuller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARTHA A. STEVENS.

Mr. HARRISON introduced a bill (H. R. No. 3486) for the relief of Mrs. Martha A. Stevens; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDINGS AT SHREVEPORT, LOUISIANA.

Mr. SMITH, of Louisiana, introduced a bill (H. R. No. 3487) authorizing the erection of a public building at Shreveport, Louisiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BRIDGE ACROSS RED RIVER.

Mr. SMITH, of Louisiana, also introduced a bill (H. R. No. 3488) authorizing the Shreveport Bridge Company, of the State of Louisiana, to construct a draw-bridge across the Red River, and to establish the same as a post-road; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

EDWARD ELLIOTT.

Mr. BUNDY introduced a bill (H. R. No. 3489) for the relief of Edward Elliott, postmaster at Vinton Station, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS LEACH.

Mr. BUNDY also introduced a bill (H. R. No. 3490) granting a pension to Thomas Leach, of Jackson County, Ohio; which was read a

first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERMINATION OF A TREATY WITH BELGIUM.

Mr. ORTH submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Foreign Affairs are hereby instructed to inquire into the expediency of authorizing the President to give the requisite notice to the kingdom of Belgium for the termination of the treaty between the United States and the King of the Belgians, concluded at Brussels, May 20, 1863, in accordance with the seventeenth article of said treaty, with leave to report at any time.

HOSPITAL AT CLEVELAND, OHIO.

Mr. PARSONS. I desire the attention of the House——

Mr. RANDALL. I object to debate.

Mr. PARSONS. I move then to suspend the rules so that the Committee of the Whole may be discharged from the further consideration of the bill (H. R. No. 2210) authorizing the lease of the marine hospital and grounds at Cleveland, Ohio, to the city of Cleveland for hospital purposes; and that the House pass the same.

Mr. RANDALL. I raise the point of order that this bill dispossesses the United States of property.

The SPEAKER. The motion is to suspend the rules and pass the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into a written contract, on behalf of the United States, with the mayor and common council of the city of Cleveland, in the State of Ohio, providing for a lease of the Government marine hospital and grounds at Cleveland to the city of Cleveland aforesaid, at and for the period of ninety-nine years, at the nominal rent of one dollar per year, to be paid to the United States by said city; and said lease shall provide that said marine hospital and grounds shall be used during said lease as a general hospital, and only for hospital purposes. All sick and disabled seamen and sailors shall be admitted into said hospital, in the same manner as is now provided by law for admission into the marine hospitals of the United States; and for the care, board, and medical treatment of said sailors and seamen, the United States shall pay the city of Cleveland at the rate of fifty cents per day each, payable quarterly at the office of the district collector of the city of Cleveland. The city of Cleveland shall bind itself to keep said building and grounds in good repair and condition during the continuance of said lease; and at any time, on the failure of the city of Cleveland to perform any of the covenants of said lease, and to provide properly, in accordance with law, for the care and attendance of such sailors and seamen as aforesaid, then the Secretary of the Treasury shall make complaint of the same to the United States district judge of Northern Ohio, who shall hear and examine said complaint; and if the same be found true in law and fact, he shall cancel said lease on the part of the Government of the United States, and order the said marine hospital and grounds to be placed, without delay, in the custody and control of the United States. And the city of Cleveland is hereby authorized to extend Summit street across and through the northerly line of the lands owned by the United States, and used for marine-hospital purposes as aforesaid: *Provided*, That nothing contained herein, or in the lease to be executed in pursuance thereof, shall in any manner affect the right of any railroad companies to the use and occupancy of the land now used by them and owned by the United States, belonging to the grounds of said marine hospital at Cleveland.

The question recurred on seconding the motion to suspend the rules.

Mr. RANDALL. Is it on the suspension of the rules to consider the bill or to pass it?

The SPEAKER. To pass it.

Mr. PARSONS. I desire to say the Secretary of the Treasury has sent a letter——

Mr. FIELD. I object to debate.

The SPEAKER ordered tellers; and appointed Mr. RANDALL and Mr. PARSONS.

The House divided; and the tellers reported—ayes 117, noes 31.

So the motion to suspend the rules was seconded.

The question recurred on suspending the rules and passing the bill.

Mr. FIELD demanded the yeas and nays.

The House divided; and there were—ayes 22, noes 102.

Mr. RANDALL demanded tellers.

Tellers were ordered; and Mr. RANDALL and Mr. PARSONS were appointed.

The House again divided; and the tellers reported—ayes 35, noes 137.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 125, nays 99, not voting 65; as follows:

YEAS—Messrs. Albert, Banning, Barry, Berry, Bland, Bradley, Bromberg, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, Clymer, Conger, Corwin, Cox, Crooke, Crounse, Curtis, Danford, Donnan, Duell, Dunnell, Eames, Farwell, Foster, Frye, Garfield, Eugene Hale, Hancock, John T. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Hendee, Hereford, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hynes, Kasson, Kellogg, Lamison, Lamport, Lawrence, Lawson, Lewis, Luttrell, Lynch, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Mitchell, Monroe, Moore, Morey, Niblack, Niles, Orr, Packard, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Phillips, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Ransier, Rapier, Ray, Ellis H. Roberts, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Henry J. Scudder, Sessions, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, Smart, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Stanard, Stone, Strait, Swann, Charles R. Thomas, Townsend, Tremain, Wallace, Walls, Wells, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, James Wilson, Wood, and Woodworth—125.

NAYS—Messrs. Adams, Albright, Archer, Ashe, Atkins, Barrere, Bell, Biery, Blount, Bowen, Bright, Buckner, Buffinton, Burchard, Burleigh, Caldwell, Cason, John B. Clark, jr., Clements, Coburn, Cook, Cotton, Crittenden, Crossland, Crutchfield, Dobbins, Durham, Eden, Eldredge, Field, Fort, Giddings, Glover, Gooch, Henry R. Harris, Harrison, Hatcher, Gerry W. Hazelton, John W. Hazelton, Herndon, Hunter, Hunton, Hyde, Kelley, Kendall, Killinger, Knapp, Lamar, Leach, Loughridge, Lowe, Lowndes, Magee, Marshall, Martin, McLean, McNulta, Milliken, Mills, Myers, Neal, Nunn, O'Neill, Orth, Packer, Page, Randall, Read, Rice, Richmond, Robbins, Henry B. Sayler, Sener, Shanks, Sheats, Sloan, Sloss, A. Herr Smith, William A. Smith, Speer, Standiford, Storm, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Tyner, Vance, Waddell, Marcus L. Ward, White, Whitehead, Whitthorne, Charles W. Willard, William Williams, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—99.

NOT VOTING—Messrs. Arthur, Averill, Barber, Barnum, Bass, Beck, Begole, Brown, Cannon, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Comingo, Creamer, Crocker, Darrall, Davis, Dawes, DeWitt, Elliott, Freeman, Gunckel, Hagans, Robert S. Hale, Hamilton, Harmer, Benjamin W. Harris, Hersey, Hodges, Holman, Jewett, Lansing, Lofland, Maynard, McJunkin, Merriam, Morrison, Negley, Nesmith, O'Brien, Pike, Potter, Rainey, William R. Roberts, Milton Sayler, John G. Schumaker, Isaac W. Scudder, George L. Smith, Snyder, Sprague, Starkweather, Stephens, St. John, Stowell, Strawbridge, Sypher, Waldron, Jasper D. Ward, Wheeler, Whitehouse, Wilshire, Jeremiah M. Wilson, and Woodford—65.

So the rules were not suspended, two-thirds not voting in favor thereof.

IMPROVEMENT OF THE MOUTH OF THE MISSISSIPPI RIVER.

Mr. STANARD. I move to suspend the rules for the purpose of putting on its passage Senate bill No. 87, which has been recommended by the Committee on Commerce. It is a bill to facilitate the execution of and to protect certain public works of improvement at the mouth of the Mississippi River.

The bill, which was read, provides that from and after the passage of the act the Secretary of War is directed to assume full control over the particular channel at the mouth of the Mississippi River in course of excavation or improvement by the Government of the United States, so far as may be necessary to the carrying on and protection of such excavation and improvement and until the same be completed, and he may establish such regulations respecting the use of or passage through such channel as he shall deem needful to fully protect the channel and to facilitate the excavation, improvement, and use thereof. Such regulations shall be promulgated by publication thereof for ten days consecutively in two daily papers published in New Orleans, Louisiana, and the same may in like manner be changed from time to time; and any person interfering with, or obstructing, or attempting to obstruct, the said improvements, and any person who shall willfully or negligently strand or sink any boat or craft in said channel, or who shall willfully or negligently obstruct said channel, or cause any impediment, injury, filling up, or shoaling therein, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $500, or imprisonment for not more than six months, or both, in the discretion of the court.

The motion to suspend the rules was seconded.

The rules were suspended and the bill passed, two-thirds voting in favor thereof.

CUSTOMS AND INTERNAL-REVENUE DUTIES.

Mr. DAWES. I am directed by the Committee on Ways and Means to report a bill (H. R. No. 3491) to amend existing customs and internal-revenue laws, and for other purposes.

The bill was read a first and second time.

Mr. DAWES. Under the ruling of the Chair on Saturday I desire unanimous consent that this bill be ordered to be printed and considered in the House under the five-minute rule to-morrow when business from the Committee on Ways and Means exclusively will be in order.

Mr. SPEER. Does this bill provide for an increase or reduction of duties?

Mr. DAWES. Reduction in some and increase in others.

Mr. FIELD. Does the gentleman's motion require unanimous consent?

The SPEAKER. It does.

Mr. FIELD. Then I object.

The SPEAKER. There will be no difficulty in reaching the bill in Committee of the Whole under the special order assigning to-morrow for business of the Committee on Ways and Means.

Mr. DAWES. Then this bill may go to the Committee of the Whole under the rules, and I move to so suspend the rules that matters in Committee of the Whole from the Ways and Means Committee shall be in order to-morrow to the exclusion of all other matters.

The bill was referred to the Committee of the Whole on the state of the Union.

The rules were suspended, (two-thirds voting in favor thereof,) and the order requested by Mr. DAWES was made.

REDUCTION OF THE ARMY.

Mr. COBURN. I offer the following resolution:

Resolved, That the rules be suspended so as to discharge the Committee of the Whole from the further consideration of the bill of the House (H. R. No. 2546) to provide for the gradual reduction of the Army of the United States, and to enable the House to consider the same on Thursday, the 28th day of May instant, one hour after the reading of the Journal, and from day to day thereafter until the same is disposed of.

The motion to suspend the rules was seconded—ayes 104, noes 41.

The question being taken on suspending the rules, there were—ayes 109, noes 42.

So (two-thirds having voted in favor thereof) the rules were suspended and the order was made.

SAINT PAUL AND PACIFIC RAILROAD COMPANY.

Mr. DUNNELL. I move, in pursuance of the notice which I gave on Thursday last, to suspend the rules so as to take from the Speaker's table and pass the same the bill (S. No. 486) to extend the act of March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its road."

The bill was read. It revives and extends the provisions of the act of Congress approved March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its road," until the 3d day of March, A. D. 1876, and no longer, upon the following condition: That all rights of actual settlers, and their grantees, who have heretofore in good faith entered upon and actually resided on any of said lands prior to the passage of the act, or who otherwise have legal rights in any of such lands, shall be saved and secured to such settlers or to such other persons in all respects the same as if said lands had never been granted to aid in the construction of the said lines of railroad; and that the company taking the benefits of this act shall, before acquiring any rights under it, by a certificate made and signed by the president and a majority at least of the directors, and under the seal of the corporation, accept the conditions contained in the act and file such acceptance in the Department of the Interior for record and preservation.

The motion to suspend the rules was seconded.

The question was on suspending the rules and passing the bill.

Mr. SPEER. Is the motion to pass this bill without debate?

The SPEAKER. It is.

Mr. COX. How often has this grant been extended?

Mr. DUNNELL. Once.

Mr. SPEER. Three times.

The question being taken on suspending the rules, there were—ayes 113, noes 38.

Mr. SPEER. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SPEER. I ask that the bill may be again read.

The bill was again read.

The question was taken; and there were—yeas 114, nays 97, not voting 78; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barrere, Barry, Berry, Biery, Bradley, Bundy, Burleigh, Roderick R. Butler, Cain, Cessna, Comingo, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Donnan, Duell, Dunnell, Eames, Eldredge, Farwell, Freeman, Frye, Giddings, Gooch, Gunckel, Eugene Hale, Hancock, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Houghton, Howe, Hubbell, Hynes, Kelley, Lamison, Lamport, Lawson, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McLean, Mitchell, Moore, Morey, Myers, Nesmith, Niles, O'Neill, Orr, Packard, Parsons, Pendleton, Perry, Phelps, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ross, Sawyer, Scofield, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Sloss, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Stanard, St. John, Strait, Taylor, Townsend, Tremain, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, and William Williams—114.

NAYS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Beck, Bell, Bland, Blount, Bowen, Bright, Buffinton, Burchard, Caldwell, Cannon, Cason, John B. Clark, jr., Clements, Clymer, Cox, Crittenden, Crossland, DeWitt, Dobbins, Durham, Eden, Field, Glover, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, John W. Hazelton, Hereford, Holman, Hunton, Hyde, Kasson, Kellogg, Kendall, Killinger, Knapp, Lamar, Lawrence, Leach, Luttrell, Magee, Marshall, MacDougall, McNulta, Merriam, Milliken, Mills, Monroe, Morrison, Neal, O'Brien, Packer, Page, Hosea W. Parker, Pelham, Pike, Randall, Read, Robbins, Ellis H. Roberts, James W. Robinson, Henry B. Sayler, John G. Schumaker, Sener, Sheats, Sherwood, Smart, J. Ambler Smith, Southard, Speer, Sprague, Starkweather, Stone, Storm, Swann, Christopher Y. Thomas, Thornburgh, Todd, Tyner, Vance, Waddell, Whitehead, Whitthorne, Willie, James Wilson, Wolfe, Wood, Woodworth, and John D. Young—97.

NOT VOTING—Messrs. Banning, Barnum, Bass, Begole, Bromberg, Brown, Buckner, Burrows, Benjamin F. Butler, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Cook, Creamer, Crocker, Danford, Darrall, Davis, Dawes, Elliott, Fort, Foster, Garfield, Hagans, Robert S. Hale, Harmer, Benjamin W. Harris, Havens, Hersey, Hoskins, Hunter, Hurlbut, Jewett, Lansing, Lewis, Lofland, Loughridge, Lowe, Lowndes, McJunkin, McKee, Negley, Niblack, Nunn, Orth, Isaac C. Parker, Pierce, Potter, William R. Roberts, James C. Robinson, Rusk, Milton Sayler, Henry J. Scudder, Isaac W. Scudder, Sloan, Small, Snyder, Standiford, Stephens, Stowell, Strawbridge, Sypher, Charles R. Thomas, Waldron, Walls, Wells, Wheeler, White, Whitehouse, William B. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Woodford, and Pierce M. B. Young—78.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

CURRENCY AND FREE BANKING.

Mr. MAYNARD. I am instructed by the Committee on Banking and Currency, under the authority given to the committee to report at any time, to report back the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, with an amendment by the Senate; and I am instructed to recommend that the Senate amendment be concurred in, with an amendment in the nature of a substitute, and upon that I call the previous question.

I ask that the substitute of the committee be read, and in connection with the reading of it I will state for the information of gentlemen——

Mr. GIDDINGS. I object to debate.

The SPEAKER. The gentleman from Tennessee has the right to debate.

Mr. MAYNARD. I desire to state for the information of the House that the substitute is Printer's No. 3540, and that it is accompanied by the Report No. 600.

The committee's substitute for the Senate amendment to the bill was read, as follows:

Be it enacted, &c., That the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be hereafter known as "the national-bank act."

SEC. 2. That section 31 of "the national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects as provided for in the said section.

SEC. 3. That section 22 of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed; and the proviso in the first section of the act approved July 12, 1870, entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," prohibiting to banks hereafter organized a circulation over $500,000; and the proviso in the third section of said act limiting the circulation of banks authorized to issue notes redeemable in gold coin to $1,000,000; and section 6 of said act, relating to the redistribution of twenty-five millions of circulating notes, be, and the same are hereby, repealed; that every association hereafter organized shall be subject to and be governed by the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national-bank act."

SEC. 4. That every association organized or to be organized under the provisions of the said act, and of the several acts in amendment thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of such circulation; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of $1,000, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally on the 1st day of each month, or oftener, at his discretion, of the amount of such redemptions; whereupon each association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation, shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by whom they were issued; but if such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer.

SEC. 5. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of "the national-bank act;" and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below $30,000.

SEC. 6. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 7. That the entire amount of United States notes outstanding and in circulation at one time shall not exceed the sum of $382,000,000; and within thirty days after circulating notes to the amount of $1,000,000 shall, from time to time, be issued to national-banking associations under this act, in excess of the highest outstanding volume thereof at any time prior to such issue, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to 40 per cent. of the circulating notes so issued, which shall be in reduction of the maximum amount of $382,000,000 fixed by this section; and such reduction shall continue until the maximum amount of the United States notes outstanding shall be $300,000,000; and the United States notes so retired shall be canceled and carried to the account of the sinking fund provided for by the second clause of section 5 of the act approved on the 25th of February, 1862, entitled "An act to authorize the issue of United States notes, and for the redemption and funding thereof, and for funding the floating debt of the United States," and shall constitute a portion of said sinking fund.

SEC. 8. That on and after the 1st day of July, 1878, any holder of United States notes to the amount of fifty dollars, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon he shall be entitled to receive, at his option, from the Secretary of the Treasury, in exchange of said notes, an equal amount of either class of the coupon or registered bonds of the United States provided for in the first section of the act approved on the 14th day of July, 1870, entitled "An act to authorize the refunding of the national debt," and the act amendatory thereof, approved the 20th day of January, 1871: *Provided, however*, That the Secretary of the Treasury, in lieu of such bonds, may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue the United States notes so received, or, if they are canceled, shall issue United States notes to the same amount, either to purchase or redeem the public debt at par in coin, or to meet the current payments for the public service.

SEC. 9. That nothing in this act shall be construed to authorize any increase of the principal or interest of the public debt of the United States.

Mr. BECK. I rise to make a parliamentary inquiry.

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Kentucky?

Mr. BECK. I do not ask him to yield to me; I believe I have the right to make a parliamentary inquiry.

Mr. MAYNARD. I desire to say that I make the demand for the previous question under the instructions of the Committee on Banking and Currency, whose organ I am.

Mr. BECK. My parliamentary inquiry is this: whether the bill is now being reported as the regular order under the right to report at any time?

The SPEAKER. It is.

PAYMENT OF CUSTOMS-DUTIES IN LEGAL TENDERS, ETC.

Mr. BECK. Then I move that the rules be suspended for the purpose of putting upon its passage the bill which I send to the Clerk's desk

Mr. MAYNARD. Can I be taken off the floor in this manner?

The SPEAKER. A motion to suspend the rules would take precedence on Monday; but the Chair would immediately recognize the gentleman from Tennessee so that he might have an opportunity of testing the question whether the House will allow his committee to report the bill to-day.

Mr. MAYNARD. I make the motion to suspend the rules now.

The SPEAKER. The motion of the gentleman from Kentucky [Mr. BECK] takes precedence.

The Clerk read the title of the bill offered by Mr. BECK, as follows: "A bill authorizing the payment of one-third of all duties on imports in legal-tender or national-bank notes instead of gold."

The bill, which was read, provides that hereafter one-third of all duties on imports may be paid in legal-tender or national-bank notes instead of in gold as now required by law.

Mr. BECK. I move that the rules be suspended so as to bring that bill before the House for consideration at the present time.

Mr. DAWES. I rise to make a parliamentary inquiry. If this bill is brought before the House for consideration, will not the gentleman from Tennessee have a bill before the House for consideration at the same time?

The SPEAKER. The gentleman from Tennessee, by consent as the Chair supposed, was reporting the bill from the Committee on Banking and Currency under the right to report at any time; but that is not of as high privilege as a motion to suspend the rules on Monday. When the motion of the gentleman from Kentucky shall be disposed of, if any time is left, the Chair will recognize the gentleman from Tennessee to move to suspend the rules so that he may report his bill from the Committee on Banking and Currency.

Mr. DAWES. I understand that the bill which I hold in my hand has been brought before the House by the gentleman from Tennessee.

The SPEAKER. The right of the gentleman from Tennessee to report that bill is not so high on Monday as is a motion to suspend the rules.

Mr. DAWES. I am aware of that, but the motion of the gentleman to suspend the rules only has the effect to bring the bill before the House for consideration.

The SPEAKER. That is the motion of the gentleman from Kentucky in regard to his bill.

Mr. DAWES. Then will there not be two bills before the House at the same time?

The SPEAKER. Strictly speaking the House could vote to suspend the rules upon either bill. It is for the House to judge which bill they will consider, that of the Committee on Banking and Currency or that of the gentleman from Kentucky.

Mr. ELDREDGE. Will the Chair state what the proposition of the gentleman from Kentucky [Mr. BECK] is?

The SPEAKER. It is that the rules be suspended and the bill which he offered, and which has been read, be brought before the House for consideration.

Mr. ELDREDGE. For consideration, when?

Mr. BECK. At this time.

The question was taken on seconding the motion of Mr. BECK; and on a division there were—ayes 68, noes 92.

Mr. BECK. I call for tellers on my motion.

Tellers were ordered; and Mr. BECK and Mr. MAYNARD were appointed.

The House divided; and the tellers reported—ayes 79, noes 109.

So the motion to suspend the rules was not seconded.

CURRENCY AND FREE BANKING.

Mr. MAYNARD. I now move to suspend the rules so as to enable me on behalf of the Committee on Banking and Currency to exercise the right of the committee to report at any time an amendment in the nature of a substitute for the amendment of the Senate to the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes.

The SPEAKER. That will leave the report subject to the rules of the House.

The question was taken upon seconding the motion to suspend the rules, and it was seconded.

The question recurred upon suspending the rules so as to enable the Committee on Banking and Currency to submit their report; and being taken, there were—ayes 110, noes 63.

Before the result of the vote was announced Mr. CESSNA called for tellers.

Tellers were ordered; and Mr. BECK and Mr. MAYNARD were appointed.

The House divided; and the tellers reported—ayes 131, noes 76.

Mr. CESSNA. I call for the yeas and nays.

The yeas and nays were ordered, forty-five members voting therefor.

The question was taken; and there were—yeas 131, nays 101, not voting 57; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barrere, Barry, Biery, Bradley, Bromberg, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crounse, Crutchfield, Curtis, Donnan, Duell, Dunnell, Durham, Farwell, Fort, Foster, Freeman, Frye, Garfield, Gunckel, Eugene Hale, Hancock, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Killinger, Lamport, Lawrence, Lewis, Loughridge, Lowe, Marshall, Martin, Maynard, McCrary, James W. McDill, McNulta, Merriam, Mitchell, Monroe, Moore, Morey, Myers, Orr, Orth, Packard, Packer, Isaac C. Parker, Pelham, Phelps, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Ransier, Rapier, Ray, Rice, Richmond, Robbins, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Stanard, St. John, Strait, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Tyner, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, Whiteley, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—131.

NAYS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Buckner, Buffinton, Benjamin F. Butler, Caldwell, John B. Clark, jr., Clymer, Comingo, Cox, Crittenden, Crossland, Danford, DeWitt, Eames, Eden, Eldredge, Field, Giddings, Glover, Gooch, Hamilton, Henry R. Harris, Hatcher, Joseph R. Hawley, Hendee, Hereford, Herndon, E. Rockwood Hoar, Gorge F. Hoar, Holman, Hooper, Hoskins, Hunton, Kelley, Kellogg, Kendall, Knapp, Lamar, Lawson, Leach, Lowndes, Luttrell, Lynch, Magee, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, O'Neill, Page, Hosea W. Parker, Pendleton, Perry, Pierce, Pike, Rainey, Randall, Read, James C. Robinson, James W. Robinson, Milton Sayler, Sloss, Small, Smart, J. Ambler Smith, Southard, Speer, Standiford, Starkweather, Stone, Storm, Swann, Christopher Y. Thomas, Townsend, Tremain, Vance, Waddell, Whitehead, Whitthorne, Charles W. Willard, Willie, Wolfe, John D. Young, and Pierce M. B. Young—101.

NOT VOTING—Messrs. Barnum, Bass, Begole, Brown, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Cook, Creamer, Crocker, Crooke, Darrall, Davis, Dawes, Dobbins, Elliott, Hagans, Robert S. Hale, Harmer, Benjamin W. Harris, John T. Harris, Hersey, Howe, Hynes, Jewett, Lamison, Lansing, Lofland, Alexander S. McDill, MacDougall, McJunkin, McKee, Negley, Niles, Nunn, Parsons, Potter, Ellis H. Roberts, William R. Roberts, John G. Schumaker, Isaac W. Scudder, Sheldon, Sloan, Stephens, Stowell, Strawbridge, Waldron, Walls, Wheeler, White, Whitehouse, Wilber, Wilshire, Ephraim K. Wilson, Wood, and Woodford—57.

So the motion to suspend the rules was not agreed to, two-thirds not voting in the affirmative.

Mr. MAYNARD. I desire to say that as I will be liable to be taken off the floor if I report this bill to-day I will not do so, but will endeavor to report it to-morrow after the reading of the Journal. I now ask that the bill as it went from the House to the Senate be printed, together with the Senate amendments and the amendments proposed by the Committee on Banking and Currency.

No objection being made, it was so ordered.

CIVIL RIGHTS.

Mr. BUTLER, of Massachusetts. I desire to ask unanimous consent——

Mr. GARFIELD. I desire to move that the House now resume the consideration of the amendments of the Senate to the legislative, executive, and judicial appropriation bill.

Mr. BUTLER, of Massachusetts. I believe I have the floor. I ask unanimous consent that Senate bill No. 1, supplemental to an act entitled "An act to protect the citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866, be taken from the Speaker's table and referred to the Committee on the Judiciary, to be reported upon as the bill of the House now before that committee.

Mr. SPEER. Does that require unanimous consent?

The SPEAKER. The gentleman asks unanimous consent for that purpose.

Mr. SPEER. I object.

Mr. BUTLER, of Massachusetts. Then I move that the rules be so suspended as to take up the bill and refer it with that privilege to the committee.

Mr. RANDALL. Have not the Committee on the Judiciary the right to make reports on Wednesday next?

The SPEAKER. They have.

Mr. BUTLER, of Massachusetts. We now have the right to report the House bill on this subject at any time. What I ask is that the Senate bill on the same subject be referred to the committee with the same right. I move to suspend the rules for that purpose.

Mr. BECK. I call for tellers on seconding the motion to suspend the rules.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. BECK were appointed.

The House again divided; and the tellers reported that there were—ayes 111, noes 75.

So the motion was seconded.

The question was upon suspending the rules and making the order indicated.

Mr. RANDALL. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 85, not voting 52; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Cason, Cessna, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Danford, Dawes, Donnan, Duell, Dunnell, Eames, Field, Foster, Frye, Garfield, Gooch, Gunckel, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hyde, Kasson, Kelley, Kellogg, Killinger, Lamport, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Niles, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, John Q. Smith, Snyder, Sprague, Stanard, Starkweather, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Todd, Townsend,

Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—152.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Buckner, Roderick R. Butler, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, DeWitt, Durham, Eden, Giddings, Glover, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Kendall, Knapp, Lamar, Leach, Lowndes, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Mitchell, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Randall, Read, Robbins, James C. Robinson, Milton Sayler, Sener, Sloss, J. Ambler Smith, William A. Smith, Southard, Speer, Standiford, Stone, Storm, Strait, Swann, Christopher Y. Thomas, Thornburgh, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—85.

NOT VOTING—Messrs. Barnum, Bass, Begole, Brown, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Creamer, Crocker, Darrall, Davis, Dobbins, Eldredge, Elliott, Farwell, Fort, Freeman, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Benjamin W. Harris, Havens, Hersey, Hurlbut, Hynes, Jewett, Lamison, Lansing, Alexander S. McDill, McJunkin, Negley, Nunn, Phelps, Potter, William R. Roberts, John G. Schumaker, Isaac W. Scudder, Sloan, George L. Smith, H. Boardman Smith, Stephens, Strawbridge, Waldron, Wheeler, Whitehouse, Wilshire, Jeremiah M. Wilson, and Woodford—52.

During the roll-call the following announcements were made:

Mr. CLEMENTS. On this question I am paired with the gentleman from New York, [Mr. POTTER.] If he were here he would vote "no," and I should vote "ay."

Mr. DUELL. My colleague, Mr. LANSING, is detained from the House by sickness. If he were here he would vote "ay."

Mr. DURHAM. My colleague, Mr. BROWN, who is absent to-day, is paired with the gentleman from New York, [Mr. HALE.] Mr. BROWN if present would vote "no."

Mr. HAZELTON, of New Jersey. My colleague, Mr. CLARK, who is necessarily absent, would if here vote "ay."

Mr. MERRIAM. My colleague, Mr. HALE, of New York, is paired on this question with the gentleman from Kentucky, Mr. BROWN. Mr. HALE if here would vote "ay;" and I presume Mr. BROWN would vote "no."

Mr. MOREY. My colleague, Mr. DARRALL, is unavoidably absent from the House to-day. If here he would vote "ay."

Mr. MACDOUGALL. My colleague, Mr. BASS, is absent by leave of the House. If here he would vote "ay."

The result of the vote was announced as above stated.

SUSAN B. ANTHONY.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 3492) for the relief of Susan B. Anthony; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARCUS OTTERBOURG.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 3493) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico, and minister to the republic of Mexico; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

SETH DRIGGS.

Mr. BANNING, by unanimous consent, reported back from the Committee on Foreign Affairs the memorial of Seth Driggs, praying the intervention of Congress in respect to a claim against the late Colombian Confederacy; which was laid on the table, and ordered to be printed.

SAINT PHILIP'S CANAL.

Mr. SHELDON, by unanimous consent, introduced a bill (H. R. No. 3494) for the construction of the Saint Philip's Canal, in the State of Louisiana, and its maintenance as a national public highway; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. HOUGHTON, by unanimous consent, introduced a bill (H. R. No. 3495) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes;" which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

FRANK Y. COMMAGÈRE.

Mr. SHERWOOD, by unanimous consent, introduced a bill (H. R. No. 3496) for the relief of Frank Y. Commagère; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COURT OF CLAIMS.

Mr. MOREY, by unanimous consent, introduced a bill (H. R. No. 3497) in reference to the jurisdiction of the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDINGS AND GROUNDS.

Mr. PLATT, of Virginia. I move to suspend the rules and adopt the following resolution:

Resolved, That Tuesday, June 2, next, from one hour after the reading of the Journal is concluded, be set apart for the consideration of reports from the Committee on Public Buildings and Grounds, and that it shall be in order on the same day to move that the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of reports from the said committee to the exclusion of all other orders.

Mr. GARFIELD. I cannot consent to that, unless appropriation bills are excepted.

The question being taken on seconding the motion to suspend the rules, there were—ayes 68, noes 30; no quorum voting.

Tellers were ordered; and Mr. POLAND, and Mr. PLATT of Virginia, were appointed.

Mr. PLATT, of Virginia. Before the vote is again taken I wish to say that I accept the proposition of the chairman of the Committee on Appropriations, [Mr. GARFIELD,] and modify my resolution by excepting appropriation bills.

The House again divided; and the tellers reported—ayes 119, noes 37.

So the motion to suspend the rules was seconded.

The question then recurred on agreeing to the motion.

Mr. WILLARD, of Vermont. I call for the yeas and nays.

The yeas and nays were not ordered.

The motion to suspend the rules was agreed to, (two-thirds voting in favor thereof,) and the resolution was accordingly adopted.

DEATH OF HON. DAVID B. MELLISH.

Mr. TREMAIN. Mr. Speaker, the mournful duty devolves upon me of announcing to this House the death of Hon. DAVID B. MELLISH, a Representative in Congress from the ninth district of the State of New York, who died in this city on Saturday last, and to request that the usual and proper action may be taken with reference to this event. The time is so recent since we were accustomed to see our deceased colleague in his seat upon the floor of the House, that we find it difficult to realize the fact that we shall never again see him moving in our midst, and that the place which he recently filled will know him no more forever!

My acquaintance with Mr. MELLISH was so recent, never having known him prior to the assembling of the Forty-third Congress, that I do not consider myself competent, even if the occasion were appropriate, to pronounce a formal eulogy upon his life and character. It affords me, however, pleasure to attest that no member of the House was more regular in his attendance here or more earnest and devoted in the discharge of his official duties. He was a laborious student; and we know from the speeches prepared by him during this session, and from information received from other sources, that he gave all his time, and dedicated all his mental powers to the consideration of the important financial and other measures for the relief of the country which were pending before Congress.

Indeed, we have too much reason to apprehend that his excessive mental anxiety arising from the condition of the country, united with severe intellectual labors in the discharge of what he regarded as his official duty, contributed to derange his nervous system and finally to produce his untimely death. We who were his colleagues in the House can now recall eccentricities of conduct on his part during the later period of his service which indicated the presence of a mental malady springing from an overworked condition.

This is the second occasion during this present session that death has entered the Halls of Congress and striken down a representative of the people while at his post of duty. In the first case the victim was a Senator of Massachusetts, whose name was known and honored throughout the world; who had reached the highest position in the temple of fame; who was gathered to his fathers after a long and honorable career in the service of his country; and whose death was mourned, not only by the cultured, the learned, and the exalted citizens of the country, but also by millions of the humble and the lowly, who felt that they had lost their best earthly friend. In this case the victim was also a native of Massachusetts, who had become a citizen of New York, and had been chosen by the people of his adopted city to represent them in the national Legislature. He was taken at the commencement of his official life, while in the prime of his usefulness and vigor, full of ambition and hopes, and struggling to obtain an honorable name among the statesmen of his country. The lessons which these events are calculated to impress upon us are too obvious and too instructive to require comment from me.

I am certain that we shall all retain none other than the kindest recollections of our deceased colleague, of his gentleness, his devotion to duty, and his many virtues; and that our warmest sympathies will be extended to the bereaved widow and fatherless children who survive.

I submit the following resolutions:

The Clerk read as follows:

Resolved, That a committee of five members be appointed by the Speaker of the House to take order for superintending the funeral of Hon. DAVID B. MELLISH, late a member of this body, which will take place to-morrow, (Tuesday,) at four o'clock p. m., and that the House will attend the same.

Resolved, As a further mark of respect entertained by the House for the memory of Hon. DAVID B. MELLISH, that his remains be removed to Auburn, Massachusetts, in charge of the Sergeant-at-Arms, and attended by the said committee, who shall have full power to carry this resolution into effect.

Resolved, That the Clerk communicate these proceedings to the Senate, and invite the Senate to attend the funeral ceremony in the Hall of the House of Representatives, to-morrow, at four o'clock.

Resolved, That as an additional mark of respect to the memory of the deceased the House do now adjourn.

Mr. WOOD. Death always presents itself in melancholy aspects. It is at no time welcome, however relieved of attendant horrors, or

however anticipated by preparation. Whether in the discharge of a high and noble duty on the field of battle, or on the bed of protracted illness, assuaged by kindness and the assurances of a peaceful hereafter, it brings pain to the dying and anguish to the living.

But when it comes in the form of that dark and mysterious power which no man can understand and no man combat—when the physical and the mental attributes both alike fall beneath its shadow and lay prostrate before its presence—it excites our deepest interest, and commands our awful reverence. It was to such a power that our deceased brother and associate yielded up his life. He fell before the great enemy of us all—dethroned of reason, unable to resist. Thus the circumstances of his illness and demise present unusual and melancholy features; it comes to us both as an admonition and an affliction. It forces the subject upon our presence in the midst of the discharge of the high duties imposed upon us in a way that compels us to pause to consider the obligations to a higher authority than the state; to a more august and exacting master than our own ambitions or personal responsibilities to the people we represent. But yesterday he sat in our midst. In yonder vacant chair he was to be observed an attentive and industrious member. It was there he commenced his career as a public man; a career which, though brief, has been more productive of personal sacrifices than has ever fallen to any other member of this or any other deliberative body within my recollection.

May his soul rest in peace, and his example of gentleness and kindness of heart be followed by others; and may the lesson taught us in his sudden separation from our councils impress us with the folly and wickedness of personal controversy, and the obligation which rests upon us of "charity and good will to all men."

Mr. KELLEY. Mr. Speaker, when a little more than a fortnight ago I obtained leave of the House to absent myself from its sessions and seek for a season, needed repose in the quiet of my home Mr. MELLISH, whose death we mourn, was occupying his seat and had given no premonition that his career was to end so soon and so sadly. In the seclusion of my chamber I read with surprise the announcement of the manner in which he had been attacked, and watched from day to day the telegraphic accounts of the progress of his disease. On Sunday I learned that he was no more to mingle with us in our councils here.

My acquaintance with Mr. MELLISH began with the organization of this House. I soon marked him as a man of industry and of great simplicity of character and manner. Common interest in some of the questions before the House brought him into probably as intimate connection with me as with any other gentleman on this floor who is not a member of the committee upon which he served, and I found in him characteristics that are admirable in any sphere of life.

He was a laborious man. His brief biography in the Congressional Directory tells us that on finishing his academic course he went as a teacher from his native Massachusetts into my native State, Pennsylvania, and thence in the same capacity to Maryland. He then found employment in New York in the laborious employment of a phonographic reporter for one of the leading journals. He had been bred in a printing office—that of the Worcester Spy—which has graduated so many Representatives from different States to this Hall. At the end of what seems to have been an honorable career in his connection with the Tribune he found public employment as a phonographer, and subsequently in another position in connection with the customs of New York—a humble position, it was yet honorable. Thence he came here, and the characteristics he disclosed in this new and enlarged sphere proved how faithful and true had been his industry. I have rarely or never met so industrious a collater of opinion and fact, and I have rarely met one who presented the opinions and facts he had gathered with such singular fairness.

Now that he has gone from our midst it may be a study to some of us to turn to his speeches—very voluminous—some of them marred by defects of taste, but all illustrating a wonderful amount of labor and a fairness which was absolute in stating opinions whether they made for or against his own conclusions.

His career in his humble way had been an eventful one. The circumstances of his death proved it had been an honorable one. By accident during last week I saw a letter from him, written some three or four weeks ago, manifesting a desire to obtain, at least for temporary use, certain scarce volumes and deploring, in touching terms, the fact that though his life had been laborious it had not earned him the means wherewith to purchase admission to such libraries as would insure him general access to the books he desired to consult. The story I have heard since my return confirms that fact, and proves that while he had gathered knowledge and sought spheres of usefulness, he had not managed to gather about him the good things of this world.

As I remember him, moving round so quietly among us, it seems to me impossible that during my absence he should have passed hence forever; and brief as my acquaintance has been with him there have been instances in connection with him and there was that in the character he disclosed which will make me remember him as long as I shall remember those with whom I have had longer and more intimate acquaintance on this floor. Mr. MELLISH was in every sense a worthy man.

Mr. LAWRENCE. Mr. Speaker, I rise to pay a melancholy tribute of respect to the memory of a departed friend. I do so in obedience to the impulses of affection and the demands of merit. An honored member of this House has been stricken down in the early years of matured manhood, and in the midst of arduous labors and of usefulness. Again we are admonished that official position can give no immunity against the fell destroyer, Death. The lesson of the hour teaches the uncertainty of life, and reminds us that we should ever be ready for the summons to that world—

> ——from whose bourn
> No traveler returns.

I first made the acquaintance of Hon. DAVID B. MELLISH at the opening of this session of Congress. He and I were associated together as members of the same Committee on War Claims, and I had many opportunities to read his character and learn his qualities of head and heart. Nature had endowed him with an active, ardent temperament, and he entered into the performance of every public duty with an earnest zeal rarely excelled. The unremitting labor which he gave to his public duties were too great for his physical powers of endurance, and doubtless hastened if it did not originate the causes which brought his untimely demise. His vigorous and cultivated mind investigated and grappled with many public questions, and he has left in the published record of the congressional proceedings some of the results of his industrious researches.

In the labors of the committee-room he was no less earnest, careful, faithful, and devoted than in the performance of those duties with which the members of the House and the public are more familiar.

Here, as elsewhere, he exhibited a sincere respect for the opinions of others and a tender regard for their feelings. I think I venture on no uncertain or doubtful ground when I express the unequivocal opinion that in all that he said and did he was actuated by an honest purpose and a conscientious, upright sense of duty. He rests from his labors. And now we mingle the grateful memory of his virtues in public and private life with condolence for those who, more closely allied to him by ties of kindred, are called by a dispensation of Providence to mourn his sudden decease.

Mr. G. F. HOAR. Mr. Speaker, I have been asked by the delegation from the State of New York to say a few words on this occasion, I suppose because our deceased associate was a native of the district which I represent and his kindred and friends are my near neighbors and constituents. But I cannot add anything to the impressive lesson of the occasion.

Mr. MELLISH was born in the town of Oxford, Massachusetts, in the year 1831. That community is perhaps one of the best types of New England character. The town was settled by a company of French Huguenots driven out from France after the revocation of the edict of Nantes, and the blood of the French Protestants, mingled with that of the Puritans, has descended to many of that people to the present day.

The character of the young man and of the town where he was born—as is the case with many of our best New England citizens and New England communities—was largely shaped by the influence of a Congregational clergyman who for many years ministered to the people there, and at whose church Mr. MELLISH and his parents and family were attendants. There could be traced in his character many qualities which came from the instruction which he must thus have received in early life.

Afterward he learned the trade of a printer in the office of the Worcester Spy, a paper founded by the celebrated Isaiah Thomas, in 1770, at Boston; driven from Boston at the breaking out of the revolutionary war by the British occupation, and from that day to the present famous throughout the entire country as a constant and influential advocate of civil liberty.

During Mr. MELLISH'S term of service in that office he must have had occasion to see and to know intimately that wisest of the sons of Massachusetts of the present generation, a man who for intellectual force, for enthusiastic love of liberty, has had no superior and scarcely an equal, Hon. Charles Allen, whose office was in the same building, and whose advice and friendship were much prized by the conductors of the paper. Trained in such a school, and under the influence of such examples, Mr. MELLISH could hardly do otherwise than acquire and carry into life the qualities which were in him so conspicuous.

The people of the district of the State of New York which he represented turned to Mr. MELLISH not as the representative of the prevalent political opinion of that district, but as a person for whose honesty, for whose kindness of heart, for whose popular qualities they entertained such respect that they were willing to send him to represent them in this House. His life since he took his seat here is known to the rest of his associates as it is to me. Industry, fidelity, honesty, plainness, and simplicity of life, kindness of heart, contentment with honorable poverty—certainly the most ambitious of us might well be willing at the close of life to exchange the most exalted objects of human ambition for the possession of such qualities and such a character.

His public career was brief. Yet that life was surely long enough for him which had ripened and matured such a fruitage. He was in mercy spared the consciousness of his danger. But, if he could have looked with unimpaired intellect into the face of the death he was

about to meet, I am sure he could have truly said in the language of one of the great lights of the Catholic church:

Non ita vixi ut me vixisse pudeat, nec mori timeo quia bonum habemus dominum.

Mr. COX. Mr. Speaker, there is a double sadness in the announcement just made of the death of our colleague of New York, for his mind was gone before his life. It is a double death we deplore. God "put out the light, and then—put out the light." The immortal part—the reasoning faculty—that which distinguishes man, so express and admirable, the apprehension angelic, was quenched before the heart had ceased to beat or the pulse to throb.

My colleague's gentle life closed under a cloud almost as weird in its boding and gloom as that which enshrouded the Capitol to-day.

I had little personal knowledge of the deceased before we met here. His uniform gentleness, mixed with his strange reserve; his readiness when approached to meet and reciprocate cordially all approaches toward friendship; the sweetness of his domestic life and his studious habitudes, marked him among us as a man of no ordinary mold. His aptitude for peculiar employments—type-setting and phonography—requiring the nicest physical and mental tension and attention to learn and practice, and to which he added the most conscientious, honest, and vigilant discharge of duty here, give to his character an individuality which does not often mark men in public or private life.

Doubtless, his sense of duty, and studious habits, contributed to that fatal malady which destroyed his reason and life. His death is an additional proof and warning that in all intellectual labor it is of the first consequence for advance in knowledge and learning that the mind, like the body, should be nourished with various kinds of food; that it is as indispensable to the bodily as to the spiritual health, to the sanity of the mind as well as to the body.

In the effort to endear his name to his constituents and gratify a laudable ambition his mind was fractured and his body fell. Yet who shall say, when he remembers what thin partitions divide wit from madness, who that knows under the harassing vicissitudes and trials of life how near we each and all may be to the terrible dethronement of reason, will not pause to reflect upon this singular career and end of my colleague? May we not commend his struggles in the line of honest duty as a pattern to imitate, while we avoid that oversedulous attention in one line of thought which invariably destroys? Especially should we, his companions here, send to his bereaved wife and family our sorrowing sympathy for their irreparable loss.

I am happy to-day, Mr. Speaker, in only one regard: the privilege of laying a May rose upon his bier.

The question being taken on the resolutions, they were adopted unanimously.

The SPEAKER. The Chair appoints as the committee of five members directed to take order for superintending the funeral, Mr. SMART of New York, Mr. COX of New York, Mr. CLEMENTS of Illinois, Mr. HARRIS of Massachusetts, and Mr. MAGEE of Pennsylvania.

And, in accordance with the resolutions, (at three o'clock and thirty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBRIGHT: The petition of Annie Farley, widow of Peter M. Farley, late of Eighth Pennsylvania Cavalry, for a pension, to the Committee on Invalid Pensions.

By Mr. BUTLER, of Massachusetts: The petition of James Gannon, for the pay of second lieutenant, to the Committee on Military Affairs.

Also, the petition of Arthur Thompson and others, of Washington, District of Columbia, for reduction of the number of hours of labor by street-car employés in the District of Columbia, to the Committee on the Judiciary.

By Mr. CLEMENTS: The petition of citizens of Cairo, Illinois, for the passage of the bill defining a gross of matches and providing uniform packages for the same, to the Committee on Ways and Means.

By Mr. COMINGO: The petition of the governor and Legislature of Missouri and others, that compensation be made for the occupancy of William Jewell College by Federal troops during the late war, to the Committee on War Claims.

By Mr. COTTON: The petition of citizens of Muscatine County, Iowa, in regard to the manufacture, use, and sale of patent-right articles, to the Committee on Patents.

By Mr. CROOKE: The petition of Magdalena Staetzer, for a pension, to the Committee on Invalid Pensions.

By Mr. CRUTCHFIELD: The petition of B. F. Martin, for relief, to the Committee on War Claims.

By Mr. DURHAM: The petition of Frederick D. Stuart, to be compensated for services as assistant to Admiral Wilkes in the preparation of the results and publication of the works of the Exploring Expedition, to the Committee on the Library.

By Mr. FIELD: Papers relating to the claim for difference of pay of Baker Canfield, late blacksmith Fifth Michigan Cavalry, to the Committee on War Claims.

By Mr. HARRISON: The petition of Martha A. Stevens, of Nashville, Tennessee, for relief, to the Committee on War Claims.

By Mr. HAYS: Papers relating to the claim of Mrs. Eliza H. Scott, for compensation for two hundred bales of cotton destroyed at Tuscaloosa, Alabama, by Federal troops, to the Committee on War Claims.

By Mr. HUNTON: Papers relating to the claim of Aquilla Lockwood, for compensation for occupancy and injury to his property in Fairfax County, Virginia, by Federal troops, to the Committee on War Claims.

By Mr. LEWIS: The petition of the Chamber of Commerce, Memphis, Tennessee, for congressional aid to complete the Texas and Pacific Railway, to the Committee on Railways and Canals.

Also, the petition of E. Urquart & Co. and others, of Memphis, Tennessee, for the substitution of specific for *ad valorem* duties on tin plates, to the Committee on Ways and Means.

Also, the petition of the trustees of the Baptist Church at Grand Junction, Tennessee, for compensation for occupancy and injury of church building by Federal troops, to the Committee on War Claims.

Also, the petition of Mary Finley, of Holly Springs, Mississippi, for compensation for stores furnished United States Army, to the Committee on War Claims.

Also, the petition of Samuel McKenna, of Memphis, Tennessee, for compensation for property taken by United States troops, to the Committee on War Claims.

Also, the petition of Virginia Elmeto Spain, for compensation for stores furnished United States Army, to the Committee on War Claims.

Also, the petition of Robert C. Brinkley, for compensation for lumber taken by United States forces, to the Committee on War Claims.

Also, papers relating to the claim of Mary L. Rodner and Caroline Keho, to the Committee on War Claims.

Also, the petition of Lucy A. Jameson, for compensation for property taken by United States troops, to the Committee on War Claims.

Also, the petition of W. G. Ford, of Memphis, Tennessee, for compensation for fifty bales of cotton taken by United States authorities, to the Committee on Claims.

By Mr. MARTIN: The petition of 150 citizens of Bond County, Illinois, that a pension be granted Sarah McAdams, widow of Samuel G. McAdams, late captain One hundred and thirty-fifth Illinois Volunteers, to the Committee on Invalid Pensions.

By Mr. McNULTA: The petition of George A. Lamper, for a pension, to the Committee on Invalid Pensions.

By Mr. PLATT, of Virginia: The petition of George H. Cooper, jr., mate in the United States Navy, to be placed on the retired list with the rank of master, to the Committee on Naval Affairs.

By Mr. ELLIS H. ROBERTS: The petition of citizens of Lenawee and Hillsdale Counties, Michigan, in favor of arbitration and an international code, to the Committee on Foreign Affairs.

By Mr. ROSS: Resolution of the Legislature of the State of Pennsylvania, opposing any cancellation of the contract made by the Postmaster-General for carrying the mails to China and Japan, to the Committee on the Post-Office and Post-Roads.

By Mr. SMALL: The petition of citizens of Dover, Portsmouth, and other towns in New Hampshire, for relief for Miss Sally Tripe, daughter of the inventor of the diving-bell, to the Committee on Claims.

By Mr. SMITH, of Louisiana: A paper for the establishment of certain post-routes in the State of Louisiana, to the Committee on the Post-Office and Post-Roads.

By Mr. SYPHER: Papers relating to the claim of the Morgan Lines United States mail steamers for general average on $5,671 coin shipped May 13, 1871, by the collector of customs, Corpus Christi, Texas, to the United States assistant treasurer at New Orleans, Louisiana, per steamship Alabama, which steamship was stranded on the voyage, to the Committee on Ways and Means.

By Mr. VANCE: Papers relating to the claims against the United States of certain Indians in Cherokee County, North Carolina, to the Committee on Indian Affairs.

By Mr. WARD, of New Jersey: The petition of Serepta Cleveland, daughter of Jonathan Skinner, deceased, for compensation for a dwelling-house and other property burned by British troops in the war of the Revolution, to the Committee on War Claims.

By Mr. WILLIAMS, of Wisconsin: The petition of Margaret Cahill, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *May* 26, 1874.

The Senate met at eleven o'clock, a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

The PRESIDENT *pro tempore* laid before the Senate the following amendments of the House of Representatives to the bill (S. No. 510) donating condemned cannon and cannon-balls to the posts of the Grand Army of the Republic of Philadelphia, and other associations, for monumental purposes:

Strike out "four," in fifth line, and insert "two."

Strike out "sixteen," in fifth line, and insert "eight."

At the end of the nineteenth line insert "and four condemned cannon and sixteen cannon-balls to each of the following organizations, namely:"

Strike out the word "and," in the twenty-first line.

At the end of the twenty-second line, add the following:

To the Northumberland County Monument Association, of Pennsylvania;

To Fuller Post, No. 74, Grand Army of the Republic, Catasauqua, Pennsylvania;

To Delaware County Soldiers and Sailors' Monument Association, at Chester, Pennsylvania;

To Chapman Post, No. 61, Grand Army of the Republic, at Mauch Chunk, Pennsylvania;

To Doubleday Post, No. 189, Grand Army of the Republic, at Tamaqua, Pennsylvania;

To the Monumental Association at York, Pennsylvania;

To Post No. 30, Grand Army of the Republic, at Cambridge, Massachusetts;

To Post No. 68, Grand Army of the Republic, at Boston, Massachusetts;

To the Soldiers' Monument Association, at Springfield, Massachusetts;

To Post No. 122, Grand Army of the Republic, at Amesbury, Massachusetts;

To the trustees of the soldiers' monument fund, at Akron, Ohio;

To the officers of the Soldiers' Monument Association, at Chilmith, Louisiana;

To the Soldiers' Monument Association, at Pomeroy, Ohio;

To Post No. 63, Grand Army of the Republic, at Natick, Massachusetts;

To Post No. 5, Grand Army of the Republic, at Morgantown, West Virginia;

To Post No. 89, Grand Army of the Republic, at Beverly, Massachusetts;

To the Soldiers' Monument Association, at Binghamton, New York;

To the Soldiers' Monument Association, at Alliance, Ohio.

Mr. LOGAN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. SCHURZ presented the memorial of Charles Trumbull Hayden, concerning certain reforms which he considers necessary in the public service in the Territory of Arizona; which was referred to the Committee on Territories.

Mr. BUCKINGHAM presented a preamble and resolutions of the general council of the Indian Territory, protesting against the passage of the bill (H. R. No. 2870) to authorize nations and tribes of Indians in their corporate capacity, and individual members and citizens thereof, to sue and be sued in the courts of the United States of America; which were referred to the Committee on Indian Affairs.

Mr. INGALLS presented the petition of Challiss & Brother, and other merchants of Atchison, Kansas, praying the passage of a bill to define a gross of matches and to provide for uniform packages; which was ordered to lie on the table.

Mr. CONKLING presented the petition of Manuel C. Causten, of Washington, District of Columbia, grandson and heir, and for the coheirs of Isaac Causten, late of Baltimore, Maryland, deceased, praying to be indemnified for spoliations committed by the French prior to the year 1801; which was ordered to lie on the table.

Mr. FLANAGAN presented a resolution of the Legislature of Texas, in favor of the speedy reimbursement of Henry Warren, for losses incurred by reason of the destruction of his wagon train and other property by the Comanche, Kiowa, and Cheyenne Indians; which was referred to the Committee on Indian Affairs.

Mr. CLAYTON presented a memorial of certain Indian delegates, asking the repeal of so much of certain railroad charters as make conditional grants of Indian lands to railroads; which was referred to the Committee on Indian Affairs.

Mr. PATTERSON presented resolutions of the Chamber of Commerce of Charleston, South Carolina, asking that the United States Government shall order a survey for a double-track railroad from below the junction of the Tennessee and Hiawassee Rivers to Clayton, Georgia, with branches to Athens, Georgia, and Anderson, South Carolina; which were referred to the Select Committee on Transportation Routes to the Sea-board.

The PRESIDENT *pro tempore* presented resolutions adopted by the workingmen of the city of Saint Paul, Minnesota, in favor of general legislation by Congress and certain amendments to the Constitution for the promotion of the industrial interests of the country; which were referred to the Committee on Education and Labor.

THE CONGRESSIONAL PRINTER.

Mr. HOWE. I have received a communication to which I referred yesterday signed by F. & J. Rives & George A. Bailey, touching the official conduct of the Congressional Printer. I submit it to the Senate and move that it be referred to the Committee on Printing, and that the Committee on Printing be directed to investigate the truth of the charges made in this communication, and that for that purpose they have authority to send for persons and papers and to employ a short-hand reporter.

The PRESIDENT *pro tempore*. The Senator from Wisconsin presents certain papers and moves that they be referred to the Committee on Printing, with the powers he has stated.

Mr. HOWE. As I take the floor for this purpose, I want to call the attention of the Senate to another misfortune that has overtaken me. Yesterday I tried to correct in the mind of the Senate, and I was in hopes to correct to some extent in the public mind a misapprehension growing out of a communication in the papers. I therefore read what Messrs. Rives & Bailey had communicated to the Chronicle yesterday, and I tried to contradict the material points in that communication. I have not looked at the record made up against me by those readiest of all writers who sit before me and in front of the Secretary's desk, and therefore what I actually did say I do not know; but I find in the Chronicle this morning that I am reported to have—

Called attention to a letter addressed to him by Messrs. Rives & Bailey, of the Globe, making serious charges against Mr. Clapp, the Congressional Printer, and stating that the Joint Committee on Printing had been made acquainted with these charges and the facts to sustain them, but had delayed to take action thereon.

Now, Mr. President, all I can venture to assert is that I did not mean to say anything like that. If I had not seen it in the newspapers I would not have believed that I did say anything like that; and if any correction should appear in the newspapers to-morrow morning as having been made by me, I want it understood by the Senate that I reserve the right to correct it the morning after. [Laughter.]

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin.

Mr. MORRILL, of Maine. Does the Senator from Wisconsin propose to send this matter to a joint committee?

Mr. HOWE. No, sir; a committee of the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SPENCER. The Committee on the District of Columbia, to whom were referred a petition of citizens of the District, praying an appropriation for the construction of a bridge across the Anacostia or Eastern Branch of the Potomac River at or near the site of the present navy-yard bridge; and the bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia or Eastern Branch of the Potomac River at or near the site of the present navy-yard bridge, have instructed me to ask to be discharged from the further consideration of the petition, and to report the bill with an amendment. I ask the immediate consideration of the bill. There is necessity for it.

Mr. EDMUNDS. We have so many bills on the Calendar that have been reported for a great many days, some of which I feel bound to reach, if I can, for the sake of the committees from whom they are reported, that I think we ought to take up those already reported first.

Mr. SPENCER. I appeal to the Senator from Vermont. There is a necessity for the construction of this bridge. The bill will take very little time.

Mr. EDMUNDS. It will not take any time to reach the bills on the Calendar that have been reported, if we can only begin on them.

The PRESIDENT *pro tempore*. The Senator from Vermont objects; and the bill will go on the Calendar.

Mr. MORRILL, of Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875, reported it with amendments.

Mr. BUCKINGHAM, from the Committee on Commerce, to whom was referred the bill (S. No. 775) to authorize the construction of a railroad bridge over the Willamette River, at Portland, in the State of Oregon, reported it with amendments.

He also, from the same committee, to whom was referred the petition of George W. Hume, of Astoria, Oregon, praying the passage of an act authorizing the Secretary of the Treasury to direct the issue of an American register to the French brig Sidi, of Havre, recently wrecked at the mouth of the Columbia River, reported a bill (S. No. 855) authorizing an American register for the French brig Sidi, and a change of the name of said brig to that of Sea Waif; which was read, and passed to a second reading.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2704) for the relief of Selden Connor, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1051) for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (heavy,) and directing their honorable muster out of the service of the United States as of the date of their dismissal, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. COOPER, from the Committee on Public Buildings and Grounds, reported a bill (S. No. 856) to incorporate the Oxygen Gas Company; which was read, and passed to the second reading.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the motion to print the message of the President of the United States, transmitting a letter from the chairman of the civil-service commission in response to the resolution of the Senate of the 18th instant requesting "the answer in full received by the civil-service commission in reply to their circular addressed to the various heads of Departments and Bureaus requesting a report as to the operation and effect of the civil-service rules in the several Departments and offices," reported in favor of the motion; and it was agreed to.

He also, from the same committee, to whom was referred a motion to print the message of the President of the United States, transmitting, in response to a resolution of the Senate of the 15th instant, all papers and correspondence relating to the troubles in the State of Arkansas not heretofore communicated to either House of Congress, reported in favor of the motion; and it was agreed to.

Mr. ANTHONY. The same committee, to whom was recommitted a report with the draught of a bill, have instructed me to report a bill to provide for the sale of extra copies of public documents and for the distribution of the regular official editions thereof.

The bill (S. No. 857) to provide for the sale of extra copies of public documents and for the distribution of the regular official editions thereof was read, and passed to the second reading.

Mr. ANTHONY. I shall ask in the course of a week to have that bill taken up and disposed of.

Mr. CAMERON. I ask that the bill be read.

Mr. ANTHONY. It is very long.

Mr. CAMERON. Then never mind.

PONTON BRIDGES ON MISSISSIPPI RIVER.

Mr. BUCKINGHAM. The Committee on Commerce, to whom was referred the bill (H. R. No. 2538) to legalize and establish a ponton railway bridge across the Mississippi River at Prairie du Chien, have had the same under consideration, and have instructed me to report it back with amendments and to recommend its passage.

Mr. ALLISON. I ask unanimous consent to consider that bill. It will take but a moment. It is almost impossible for me to be present continually on account of my committee duties.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Commerce reported the bill with amendments.

The first amendment was in line 12 to strike out "two hundred and fifty," and to insert "three hundred and ninety-six;" and in line 13 to strike out "three hundred and twenty" and insert "four hundred and eight;" and to change the word "draw" to "draws;" so as to make the clause read:

Provided, That the said John Lawler and the said Prairie du Chien and McGregor Railway Company shall keep up and maintain a suitable ponton draw of not less than three hundred and ninety-six feet in length in the eastern channel and one not less than four hundred and eight feet in length in the principal or western channel of said river, and that said draws shall be opened promptly, &c.

The amendment was agreed to.

The next amendment of the committee was to insert as a new section the following:

SEC. —. That the bridge heretofore authorized to be erected across the Mississippi River at or near Clinton, Iowa, by section 1 of an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across said river, and to establish them as post-roads," approved April 1, 1872, may be constructed and maintained as a pile and ponton bridge, subject to the terms, conditions, and requirements contained in the foregoing sections of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to legalize and establish a ponton railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa.

BILLS INTRODUCED.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 858) to provide for the prepayment of postage on printed matter, and for other purposes; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HAMILTON, of Texas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 859) for the relief of Rice Hughes; which was read twice by its title, and referred to the Committee on the Judiciary.

BILL RECOMMITTED.

On motion of Mr. WINDOM, it was

Ordered, That the bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain be recommitted to the Committee on Public Lands.

EASTERN BRANCH BRIDGE.

Mr. EDMUNDS. I understand that during my temporary absence from the Senate the Senate has passed one or two bills immediately on the report of the committee, without thinking it best to go to the Calendar. I therefore wish to withdraw the objection that I made to the bill of the Senator from Alabama, [Mr. SPENCER,] because I do not wish it to stand in any worse attitude than the others.

The PRESIDENT *pro tempore*. The Senator from Vermont withdraws the objection he made to the consideration of the bill reported by the Senator from Alabama.

Mr. EDMUNDS. I do not know anything about the merits of the bill, but I think the Senator from Alabama ought to stand on an equal footing with others.

The PRESIDENT *pro tempore*. The bill reported by the Senator from Alabama will be read.

Mr. SAULSBURY. I should not like to consent to the bill of the Senator from Alabama being taken up without knowing something about it.

Mr. SPENCER. I believe that bill is now before the Chair.

The PRESIDENT *pro tempore*. The bill will be read for information.

The bill was read; and also the amendment reported by the Committee on Commerce, which was to strike out all after the enacting clause and in lieu thereof to insert:

That the Secretary of War be, and he is hereby, authorized and required to cause to be constructed across the Anacostia River, at or near the site of the present navy-yard bridge, in the District of Columbia, a substantial iron and masonry bridge and causeway; and the sum of $146,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of such bridge: *Provided*, That the said Secretary shall construct a bridge upon such plan as shall cost no more than the amount herein appropriated. *And provided also*, That the said bridge shall be so constructed as not to interfere with the usual navigation above said bridge.

Mr. SAULSBURY. I do not want to object to the bill, but I want to know something about the necessity for this bridge. I know nothing personally about its necessity.

Mr. SPENCER. I will state for the information of the Senator from Delaware and others, that the present bridge across the Anacostia River is in a dangerous condition. Engineers say it is dangerous to cross on it at all at the present time. Last year we appropriated some $15,000 to make the bridge last until the present time. There is a letter with the papers from General Babcock, which states that there is an absolute necessity that a new bridge should be built immediately. There are two forts, a Government magazine, and the Government Insane Asylum on the other side of the river.

Mr. CAMERON. I move that that bill be referred to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the bill be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

QUARTERMASTER'S CORPS.

Mr. LOGAN. I ask the Senate to allow me to call up and have disposed of now a bill which was being debated the other day when the morning hour concluded. It is House bill No. 3166. I will say to the Senate that I think it will take but a moment, because an amendment has been agreed upon which I am sure will be satisfactory to all persons.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army, the pending question being on the amendments of the Committee on Military Affairs to the preamble of the bill.

The amendments were agreed to.

Mr. LOGAN. Now I have agreed to offer the following, which has been agreed on unanimously by the Committee on Military Affairs, as a proviso:

Provided, That all appointments not conflicting herewith in the Quartermaster's corps made by the President, and confirmed by the Senate under the act of July 28, 1866, entitled "An act to increase and fix the military peace establishment of the United States," with amendments thereto, are hereby confirmed and declared to be lawful and valid as they stand on the list, and shall be hereby deemed to be such in the assignment of rank and the making of promotions.

That legalizes what has been done, and leaves the corps standing as it does now, with the exception of the particular officer covered by this bill.

The amendment was agreed to.

Mr. WADLEIGH. I move to strike out the preamble to that bill.

The PRESIDENT *pro tempore*. That motion can be made when the bill is reported to the Senate.

The bill was reported to the Senate as amended; and the amendments made as in Committee of the Whole were concurred in.

Mr. WADLEIGH. I now move to strike out the preamble to the bill.

The motion was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

COMMITTEE ON FINANCE.

On motion of Mr. SHERMAN, it was

Ordered, That during the residue of the present session the Committee on Finance have leave to sit during the sittings of the Senate.

CONTRACTORS FOR WAR VESSELS.

Mr. CRAGIN. I move that the Senate proceed to the consideration of the bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and machinery.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CRAGIN. I move to amend the bill by striking out all after the word "parties," in the tenth line, and inserting the following:

Provided, however, That the investigation of said claims shall be upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by said contractors for the building of said vessels of war and in the construction of steam machinery, in the completion of the same by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by the delay resulting from the action of the Government, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: *And provided further*, That the compensation fixed by the contracts between the contractors and the Government for specific alterations shall be conclusive as to the compensation to be made therefor: *And provided further*, That all moneys paid to said contractors by the Government, over and above the original contract price for the building of said vessels and the construction of said machinery shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated; and if the amounts so to be deducted in any case shall exceed the amount allowed by said court, judgment shall be entered for the excess against such claimant in favor

of the United States; and said court is directed to certify such judgment and record to the circuit court of the circuit where such claimant resides, and said circuit court is hereby vested with authority to issue execution and to enforce its collection the same as if said judgment had originally been rendered therein: *And provided further*, That if any of such changes caused less work and expense to the contractors than the original plans and specifications, a corresponding reduction shall be made from the contract price, and the amount thereof be deducted from any allowance to be made by said court to said claimants: *And provided further*, That all claims under the provisions of this act shall be presented within one year from the passage thereof and not afterward; and the claimants in their petitions shall stipulate and agree to accept and abide by all the provisions of this act.

Mr. BOREMAN. I should like to have the first part of the bill, the portion not to be stricken out, read.

The PRESIDENT *pro tempore*. The Secretary will read that portion of the bill which will remain if this amendment should be agreed to.

The Chief Clerk read as follows:

That the claims for building vessels of war and constructing steam-machinery, referred to and embraced in the act entitled "An act for the relief of certain contractors for the construction of vessels of war and steam-machinery," approved March 2, 1867, be, and the same are hereby, referred to the Court of Claims, which is hereby vested with authority and jurisdiction to hear and determine the respective claims of the several parties.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from New Hampshire, [Mr. CRAGIN.]

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. RAMSEY and Mr. MORRILL, of Maine, submitted amendments intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. LOGAN, from the Committee on Military Affairs, submitted an amendment intended to be proposed to the bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations.

SAINT CROIX AND BAYFIELD RAILROAD.

Mr. SPRAGUE. I move that the Senate proceed to the consideration of Senate bill No. 654.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 654) to extend the time for the completion of a railroad from the Saint Croix River or Lake, between townships 25 and 31, to the west end of Lake Superior and to Bayfield, in the State of Wisconsin.

The bill proposes to extend the time for the completion of the railroad from the Saint Croix River or Lake, between sections 25 and 31, to the west end of Lake Superior and to Bayfield, in the State of Wisconsin, six years from its passage.

The Committee on Public Lands reported the bill with an amendment, to strike out "six" and insert "five," before "years."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY TELEGRAPH LINE IN TEXAS.

Mr. HAMILTON, of Texas. I ask unanimous consent of the Senate to take up House bill No. 1590, being a bill for the better protection of the frontier of Texas. It will take but a moment, and I hope the Senate will consider the bill at once.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill (H. R. No. 1590) to provide for the better protection of the frontier settlements of Texas against Indian and Mexican depredations. It proposes to authorize the Secretary of War to construct and operate a line of telegraph, beginning at or near the city of Denison, in Grayson County, Texas; thence by the nearest practicable route to Fort Sill, Indian Territory; thence to Fort Richardson, Texas; thence along the northern frontier-line of settlements to Forts Griffin and Concho; thence to the Pecos River, at or near the mouth of Toyah Creek; thence to Fort Clarke, on Las Moras Creek; thence to Fort Duncan, on the Rio Grande; thence down the Rio Grande, via Fort McIntosh and Ringgold Barracks, to Brownsville, so as to connect the military posts which are now, or may hereafter be, established on the line with the military headquarters of the district; and appropriates $100,000, or so much thereof as may be necessary, for the purpose.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. MORRILL, of Maine. I should like to hear some statement about it.

The PRESIDENT *pro tempore*. Does the Senator object to its present consideration, or not?

Mr. MORRILL, of Maine. I do not like to object if it is not likely to lead to discussion.

Mr. HAMILTON, of Texas. I hope the Senator will interpose no objection. It is a matter of some importance.

Mr. MORRILL, of Maine. What is it?

Mr. HAMILTON, of Texas. It is an appropriation of $100,000 to construct a telegraph line connecting the military posts on the western frontier of Texas. It is considered that it will increase the efficiency of the Army.

Mr. MORRILL, of Maine. I remember about it. It was up here last year. I withdraw any objection to it.

The PRESIDENT *pro tempore*. There being no objection, the bill is before the Senate as in Committee of the Whole.

Mr. CAMERON. I cannot see how they will use $100,000 in making a telegraph line along there. I move that the sum be reduced to $50,000.

Mr. HAMILTON, of Texas. As the bill was reported in the House of Representatives, as I understand, from the Committee on Military Affairs, $200,000 was considered necessary by the officers of the Government; but it was cut down to $100,000, because it was supposed the Army could do the work. One hundred thousand dollars was supposed to be sufficient to purchase the material, and as I understand the Secretary of War proposes to build the line by the labor of the troops.

Mr. INGALLS. How long is the line?

Mr. HAMILTON, of Texas. It will be more than a thousand miles, twelve hundred I should think, probably fifteen hundred; it is zigzag. If the appropriation will purchase the material I shall be very well satisfied, and the Army will do the work. I think myself that this is a very meagre appropriation for the work to be done.

Mr. CAMERON. I withdraw my motion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRE-EMPTORS ON MAKAH RESERVATION.

Mr. MITCHELL. I ask consent to call up the bill (H. R. No. 2999) for the relief of Henry A. Webster, V. B. McCollum, and A. Colby, of Washington Territory, pre-emptors on the Makah Indian reservation. I am sure it will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which directs the Secretary of the Interior to examine and consider the claims of Henry A. Webster, V. B. McCollum, and A. Colby, for valuable improvements taken possession of and used by the United States in enlarging the Makah Indian reservation on the Pacific coast and Straits of Fuca, in Washington Territory, by executive order of the President, dated October 21, 1873, and to adjust and settle the same on principles of equity, in view of the appraisement made by authority of the Commissioner of Indian Affairs, dated April 25, 1873, not to exceed the sum of $23,608.34.

Mr. MORRILL, Maine. There ought to be some statement about that bill.

Mr. SCOTT. From some little experience about the amount of claims made for entries of Indian reservations in that region, I should like to hear from the chairman of the committee that reported the bill some explanation in reference to it.

Mr. BUCKINGHAM. I will simply state that a reservation was set aside for these Indians, but when they were placed upon it it was found entirely barren, and there was no possibility of sustaining them on the reservation. The President, by authority invested in him, added to the reservation a small portion of territory which was tillable, and on which they could do something toward sustaining themselves. Upon that addition to the reservation there had been some improvements. The improvements were made principally by these three men. Commissioners were appointed to appraise the improvements which had been made. One of them, if I remember aright, was appointed by the owners of the property and another by the Secretary of the Interior, and they selected the third. That appraisement has been made, and submitted to the Secretary of the Interior and approved by him. The bill has been approved also by the House of Representatives, and according to the examination which I have been able to give it, I have no doubt that it is a just and equitable claim. I have no doubt that the territory which was added was essential to the interests of the Indians, and that this is as fair an amount as we can reach to meet the justice of the case.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSION BILLS.

Mr. FERRY, of Michigan. I ask the Senate to proceed to the consideration of Senate bill No. 28.

Mr. PRATT. Before the bill is read, I wish to ask unanimous consent that Saturday afternoon, after three o'clock, may be set aside for the consideration of bills, general and special, emanating from the Committee on Pensions. There are between thirty and forty of them on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Indiana asks that, by unanimous consent, it shall be agreed that on Saturday next, after three o'clock, the Senate shall proceed to the consideration of bills reported by the Committee on Pensions.

Mr. PATTERSON. I suggest to the Senator from Indiana that Saturday is Decoration Day, and we shall not be likely to be in session then.

Mr. PRATT. I forgot that. I withdraw the motion, then, and suggest Friday.

Mr. MORRILL, of Maine. I do not wish to make an objection, but I wish to call to the recollection of the Senator from Indiana a general arrangement, I believe on all hands, that no special orders shall be made to the detriment of the appropriation bills. If he desires so small a fraction of a day as after three o'clock on Friday or on Saturday, I should hardly expect it would be such an interruption as those having charge of the appropriation bills would be disposed to interfere with. Still I should like to have the order made, if at all, subject to the general understanding that it is not to interfere with the appropriation bills.

Mr. PRATT. I have no objection to that.

Mr. RAMSEY. I suggest to the Senator whether he had not better make a motion more comprehensive, to proceed to the consideration of unobjected bills on the Calendar. His would fall under that class, and he would secure the passage of all of them, and interest the rest of us in staying with him to keep a quorum. Something ought to be done to dispose of the Calendar.

Mr. PRATT. I have one objection to that which I will frankly state. There is upon the Calendar a general bill enlarging greatly the scope of the act of 1871 giving pensions to the soldiers of the war of 1812. It is a bill in which the whole country is interested; that is to say all that portion of the country where there are surviving soldiers and widows of soldiers of that war. I am very much pressed on all hands to call up that bill. It will give rise to some debate. The private bills can be easily disposed of. There are reports in every case; and I presume there will be no objection to the private bills, and we can dispose of those in the course of half an hour, but this general bill will give rise to some debate; and that is the reason why I wish to have a part of a day assigned especially to the consideration of these bills.

The PRESIDENT *pro tempore*. Is there objection to an understanding that on Friday next at three o'clock the Senate will proceed to the consideration of bills reported from the Committee on Pensions, provided it does not interfere with any pending appropriation bill? The Chair hears no objection.

MACKINAC NATIONAL PARK.

Mr. FERRY, of Michigan. Now I ask the Senate to proceed with the consideration of the bill I have referred to.

The Secretary read the bill (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park, and the amendment reported by the Committee on Military Affairs.

Mr. SARGENT. Has the Senate agreed to the consideration of this bill at the present time?

The PRESIDENT *pro tempore*. The Chair heard no objection to its present consideration.

Mr. SARGENT. I think it is a bill that it will require more than one minute to consider.

Mr. FERRY, of Michigan. It has been before the country since the special session of the Senate of March, 1873, when the Secretary of War was invited to examine the case, and reported favorably. The Military Committee have reported in its favor and have reported an amendment which covers any objection that may be offered. The Government now holds two thousand acres out of six thousand on this island. The bill only gives the Military Department special charge of that land, that it shall be kept free from obstruction.

Mr. SARGENT. Bills of this character are the entering-wedge to subsequent appropriations annually made and swelling to a very large amount. The other day I had occasion to object—I dislike to do so because I dislike to interfere with other Senators who seem to be earnest in their measures—to a very large appropriation and other legislation concerning the Yellowstone Park.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. SARGENT. I wish to be heard on the bill of the Senator from Michigan.

Mr. FERRY, of Michigan. I suggest to the Senator from California that the amendment proposed by the Committee on Military Affairs cuts off any expenditure on the part of the Government. There is no need of expense. It is only to take charge of the shrubbery. There are already drives throughout the grounds, and there is no necessity for any expenditure. The Government has a company of soldiers there. The Secretary of War and the General of the Army and the local officers have recommended it, and the Legislature of Michigan have also requested Congress that it should be set apart. I hope the Senator from California will not object.

Mr. SCOTT. This national-park business is getting to be a little larger probably than we are aware of. We had a few days ago a proposition to incorporate something like a national park at San Francisco, or at least to give San Francisco the privilege of making a park out of what is now a military reservation. This is a similar proposition, and I think it would be well that we group them together and see how much they are going to be before they are considered; and as the morning hour has expired, I am hardly making an objection to the bill.

The PRESIDENT *pro tempore*. The morning hour having expired, the Chair calls up the unfinished business of yesterday.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

Mr. SARGENT. On line 285, after the word "currency," I move to insert "for the fiscal year ending June 30, 1873."

The amendment was agreed to.

Mr. SARGENT. I am instructed by the Committee on Appropriations to offer the following amendment, to come in after line 287:

For paper, engraving, printing, express charges, and other expenses of making and issuing the national currency required to complete the service of the fiscal year ending June 30, 1874, $20,000.

The amendment was agreed to.

Mr. SARGENT. By direction of the committee, I move to strike out in lines 568 and 569 "$37,907.48," and insert "$49,005.28," being an increase of $12,000 in the appropriation for incidental expenses of the Indian service in Oregon.

Mr. EDMUNDS. Will the Senator please explain that amendment?

Mr. SARGENT. This deficiency in the incidental expenses of the Indian service in Oregon arises from the fact that by a law of Congress a new reservation, called the Malheur reservation, was set aside for certain Indians in the State of Oregon, and the department was required to move the Indians to this reservation. This was accomplished before any appropriation was made for the purpose in the appropriation bill. An appropriation is now made for the support of that reservation; but between the time that appropriation became available and the time these Indians were put on the reservation this expenditure became necessary. That is the simple statement of the fact as I have it from the office.

Mr. EDMUNDS. I should like the Senator to explain how it happens that the House did not provide $49,000 instead of $37,000. How did the House get $12,000, in round numbers, below what was the true deficiency?

Mr. SARGENT. The only reason that I know of is that this item of deficiency was not called to their attention. I presume that to be the case. I do not understand that they cut out this item, but simply that it was not submitted to them.

The amendment was agreed to.

Mr. SARGENT. I am also instructed by the committee to move to insert after line 644 the following item:

For office of surveyor-general of Oregon: For clerks in his office for the fiscal year ending June 30, 1872, $600; and for the fiscal year ending June 30, 1873, $350.

These amounts, I am informed at the Land Office, were necessarily and honestly incurred, and that the clerks employed performed their duty to the satisfaction of the department. So far as these amounts are concerned, $600 for 1872 and $350 for 1863, in each case they are in excess of the appropriation made for that year. It seems, however, that the services were justly rendered and have been accepted by the Government, and as the amounts are small, the committee thought we had better appropriate for them.

Mr. EDMUNDS. I should like to ask the Senator whether the salaries of the clerks in the various offices of the surveyors-general are fixed by law?

Mr. SARGENT. The amount which is allowed to clerks is fixed by the Commissioner of the General Land Office. This deficiency is not caused by a variation in their salaries, but simply by the temporary employment of clerks to this amount. In all the offices of the surveyors-general the amount of service of clerks varies according to the seasons of the year. In inclement seasons, when there is very little surveying in the field, there is less work, and then it is usually the case that they discharge all the clerks they can. They are paid by the month at so much a year; I think $1,200 a year. Some of them run as high as $1,500 a year. That makes an irregular amount, and it is sometimes difficult to calculate exactly how it will come out at the end of the year. This deficiency, I understand, is not caused by any increase of salaries, but from the circumstances which I have mentioned.

Mr. EDMUNDS. Then I understand the Senator to say that the law does not fix the salaries of the subordinate officers in the surveyor-general's office.

Mr. SARGENT. No, sir; it fixes the salary of the surveyor-general only. That is my impression.

Mr. EDMUNDS. And it is left, then, to the discretion of the department of public lands to regulate the salaries to be paid to the clerks?

Mr. SARGENT. Yes, sir.

Mr. EDMUNDS. As well as the number of clerks employed?

Mr. SARGENT. Yes, sir; within the appropriation.

Mr. EDMUNDS. But they do not keep within the appropriation.

Mr. SARGENT. The surveyor-general is notified of the amount of the appropriation and required to keep within it.

Mr. EDMUNDS. But he says he does not.

Mr. SARGENT. Exactly; sometimes there will be a small deficiency, and sometimes a small amount will lapse into the Treasury. It is very difficult to come out within a cent of the appropriations for a year, as anybody must see in managing the affairs of a considerable office. We find that same difficulty in carrying out treaty stipulations. We direct that $20,000 shall be appropriated to pur-

chase certain articles. On account of the variation of the market, they sometimes cost one hundred or two hundred dollars less, and sometimes one hundred or two hundred dollars over. I think myself that is a pretty close calculation, although I would rather they would keep within than go over the appropriations. I understand the salaries paid to these officers are about the same as those paid in Washington; for instance, for female copyists, $900; for clerks, usually $1,200, though there may be some second-class clerks. The department, however, vouches that this appropriation is necessary, and states frankly the reason of the deficiency as I have stated it.

Mr. EDMUNDS. The statement of the Senator in charge of this bill, while it may be a satisfactory explanation of the necessity of paying this particular money, is certainly, if Senators will give attention to it, a very powerful argument in favor of retaining the last section in the bill as it came from the House; because it appears from his statement, which I have no doubt is correct, that we put our limitations upon the surveyor-general in the various States and Territories not by fixing in the law in advance how many clerks should be employed and at what salaries, as we do in the Treasury and other Departments, but merely by the amount of money appropriated for those purposes, and do not allow them to exceed the appropriation. Their only warrant in fact to employ anybody at all is to be found in the appropriation of money for such a purpose. Then, according to their own judgment of what the public service requires, they proceed to employ in excess of the appropriation and bind Congress to foot the bills in the end.

Mr. WEST. They do not bind Congress.

Mr. EDMUNDS. The Senator on my left says they do not bind Congress. If he is talking about the Constitution and the law, he is perfectly correct; but if he is talking about the course of human business affairs, he is not correct; and it comes pretty near being a technicality, if I may use such a word, to say that Congress is not bound. When you have a surveyor-general in Louisiana, if you please, for whom I see there is a deficiency of $2,000 here, we are not bound to make good that deficiency; but when he has employed a clerk, the clerk having been employed in good faith so far as the clerk is concerned, and that surveyor-general, too, if you please, and the clerk having done the service, Congress has never refused in such a case as that to pay, because it feels bound in honor to pay, and not suffer the employé, who has not been guilty of any wrong, to be cheated out of his labor and his time by the fact that the official agent of Congress exceeded his duty. It does not do to say that we are not bound. We are bound, and it is precisely because we are bound that the Senator from California very properly puts these sums in, which are due to these clerks.

I repeat, therefore, (and Senators cannot escape the consequences of this thing,) that this appropriation fortifies, if it needed any fortification, as it seems it does, the necessity of having a statute which shall absolutely prohibit, and punish as well as prohibit, the misdoings of these subordinate officers who undertake to judge, in the place of Congress, how much expenditure of money the public interests require. That is the point which I wish to make now; not to oppose the paying of these people who have been employed. That undoubtedly ought to be done. But I do commend to the attention of Senators, who are desirous of conducting this Government upon principles which alone can insure its safety in respect to financial affairs, to provide by law for some redress and remedy for this evil which it seems crops out in the service of the Government in whatever branch you turn to. I do not mean to say that the times are any worse now than they ever have been before. They are no doubt a great deal better. But, as I had occasion to say yesterday, now is the time, when you have an Administration that is endeavoring to improve the condition of the administrative affairs of the country, and a Congress that is desirous of retrenchment and of reforming abuses that may have grown up during long administrations; now is the time of all others, rather than in more difficult and dangerous and worse times, to so adjust the law that there shall be absolute protection to the Treasury, and an absolute prohibition against these officials from running the United States in debt when Congress has not provided the money for it. That is what I wish to call the attention of Senators to once more, if I may be pardoned for doing so.

Mr. MORRILL, of Maine. On that point I will call the attention of the Senator from Vermont to the general plan upon which these appropriations are made. Looking at the land service, the estimates provide, and it is uniform and always has been, for the office of a surveyor-general say for Oregon, as I have that before me: "Salaries, office of surveyor-general, $2,500; clerks in his office, $3,000." This comes from Oregon. There is nothing specific about it. The estimates for clerks vary all the way from $3,000 to $2,000, depending on the character of the business. Now, does not the Senator perceive that we touch a branch of the service in that particular where it is impossible for the Department to make an exact estimate? It is so variable in its character necessarily that it cannot be done. It is not a fixed service.

The Senator says this falls within the mischief of the rule which he would lay down absolutely in regard to all the service of the United States. I think it illustrates perfectly the impropriety of such an absolute rule. Does it fall within any supposed real abuse? The Senator from Vermont thinks that the fact that in the very case in point here you come for a deficiency illustrates precisely the necessity of such an absolute rule.

Now, Mr. President, let us look at this claim which is before us. These parties do not come here saying they have performed a service which had been provided for. They knew themselves that no appropriation had been provided for them. They could not go to the Court of Claims. The Land Office did not undertake to employ these men beyond the appropriation. They did not undertake to bind the Government. They simply state the fact that the Government having appropriated $3,000 for the service of clerks, they worked that out, and then it fell short, and these people worked on, not under contract with the Department that they should be paid, not attempting to bind the Government at all. They come here and state the fact that the appropriation was by so much too small; and that addresses itself precisely to the sense of Congress, the justice of Congress, if you please. If we think that it was injudicious and wrong, that it was not in harmony with the public service, that it was not a *quantum meruit*, in other words, we ought to reject it. If we think it of evil example, we ought to reject it. But if on the whole it was an oversight on the part of Congress in not appropriating so much, or, in other words, if the service was of that uncertain character that we could not tell precisely how much, and did not undertake to tell precisely how much, ought to be appropriated and in the nature of the case could not do it, and it fell short by $600 in the year 1872 and $350 in the year 1873, then I submit it is neither of evil example nor is it an illustration of a bad example, or in any way a bad practice on the part of the Government that it should be allowed. The Committee on Appropriations, looking at the thing, thought that the appropriation had honestly fallen short so much, it not being specific in its character but general, as all these appropriations are—I mean all for this particular branch of the service—and therefore felt disposed to consider that these clerks had outside of the appropriation performed the service and might fairly and properly be recompensed.

Mr. EDMUNDS. Mr. President, I am sorry to see the respected chairman of the Committee on Appropriations, under whose banners I used to labor as a private soldier in defending the Treasury against exactly this sort of thing and in passing acts which should prohibit it and cut it up, appear on the opposite side, under the flag of an unlimited discretion to the executive officers of the Government, and saying to them what is equivalent to declaring, "We give you a general authority to employ clerks; we will provide as much money as we guess at this time, without knowing anything about it, may be sufficient; but it does not make any difference whether it is sufficient or not, we give you general authority to employ clerks; go on and employ as many as you like, and at the end of the year whatever remains to be made up we will make up, unless we are satisfied that you have been guilty of bad faith"—that is what it amounts to—"in employing these people." It may be a high political year, and there may be a land office where public lands are scarcely sold at all, as in some of the Southern States. I take Louisiana as an illustration, because it is under my eye, without any idea of the particular circumstances of the case. Certainly there are not vast amounts of public lands being sold there, and we find under this general discretion, after giving them $8,000 for clerks last year—that may have been for Oregon——

Mr. MORRILL, of Maine. That was for Oregon.

Mr. EDMUNDS. We now propose to give a deficiency of $2,000 more. How much was it in Louisiana?

Mr. MORRILL, of Maine. Six hundred dollars.

Mr. EDMUNDS. Then the deficiency amounts to over three times the amount of the appropriation judged by Congress to be suitable for the last year.

Mr. SARGENT. The Senator is mistaken in the figures.

Mr. MORRILL, of Maine. The appropriation was $8,000; the deficiency here is $600.

Mr. EDMUNDS. I am speaking of Louisiana.

Mr. WEST. The appropriation was $2,500 and the expenses were $4,500.

Mr. EDMUNDS. Very good; that is it. The appropriation last year, what Congress thought was adequate, what Congress judged to be the proper necessities for the public service, was $2,500 and the expenditure was $4,500; in round numbers, 100 per cent. of deficiency. Now, under the bland notions of the chairman of the committee, apply that to all the Departments of the Government—and I do not know why you should not; it is a poor rule of equity that will not diffuse itself through all the administrative branches of the Government—and instead of spending $300,000,000 or $400,000,000, or whatever it may be, for the expenses of the Government, you will spend $500,000,000 or $800,000,000, and every regular bill coming back at the end of the session to be just doubled for deficiencies, we shall be told in the end, "This is the true way to do business; you must repose confidence in the executive branches of the service of the Government and they have expended this money in good faith; they thought the public service required it; now pay it; impose your taxes upon tea and coffee and other things and foot the bills, because the true theory of the Government is that the executive officers are to judge what the public necessities require, and the business of Congress is to furnish the money to pay for it."

That was the English royal theory precisely, that His Gracious

Majesty was to determine what the public service required to be done in the way of armaments and expenses and improvements, and then it was for his faithful people, being called upon, to vote these supplies. It is true, as the Senator from Louisiana would have said if he had been in the House of Commons or in the House of Lords in those days, "Why the Commons are bound to vote this money; to be sure the nation has run in debt; the executive departments have caused this money to be made due to persons who have performed the service in good faith; and therefore nothing remains but to tax the people and pay it."

I submit that that is not a sound principle. Of course the particular subject over which this question now arises is one which is merely incidental and trifling, and in order to make it seem more so the honorable Senator from Maine has taken the $600 item as a basis upon which to found his speech as a very slight case. I on the same principle, in order to get the average, may take the Louisiana item, where it appears the deficiency in round numbers is equal to the total appropriation, and in a State where I suspect the returns of moneys received from the sale of public lands would not show very much for the last year.

I do not make these remarks in any sort of criticism of the committee, I beg them to understand; but I am rather appealing to them to see, if they can, that there is some force in providing in some way to have a better control over this question of expenditures than we have if you strike out entirely the second section of the bill.

Mr. MORRILL, of Maine. My honorable friend accuses me of artfulness in selecting the case of Oregon.

Mr. EDMUNDS. No; it was nature, not art.

Mr. MORRILL, of Maine. Well, adroitness, dexterousness, something of that sort. The real fact is that the Oregon deficiency was the very question before the Senate; and therefore I took it properly for an illustration.

I agree with my honorable friend in the general principle which he advocates. I know how earnestly he has co-operated in that direction, and I certainly am as earnest as he is in the same direction. Mr. President, these deficiencies arise not from an abuse of this service by the executive department, but from the very character of the service and the very manner in which we appropriate. There is such a thing as a land service fixed by law, a land office in the several Territories and in many of the States. The service is irregularly provided for. We say that there shall be a land office in Oregon, and that there shall be a surveyor-general of that land office, and we fix his salary. We do not know precisely how much the business of the office will amount to. We cannot average that, or we have not attempted to do it, but we say that for the incidental expenses of that office, and for clerk hire, there shall be appropriated five, six, eight, or ten thousand dollars, according to our judgment or the judgment of the Commissioner of the Land Office, which itself must be imperfect, because the character of the service is not definite and certain. We give him a gross sum and tell him to do the work of that office. The sum runs out; the work increases during that year, and it turns out that it is absolutely inadequate to the performance of the service. What is to be done? One of two things: either to stop the service or allow him to go on with it and trust to luck.

Mr. President, in this instance the remedy is in our own hands. We do not authorize—no Department of this Government is authorized to spend one shilling beyond the appropriation made. In this instance they have not undertaken to spend any money beyond, but they have allowed the office to go on, they have allowed the business of the office to go on without an appropriation and without the promise of any payment on the part of the Department. If we believe that this is of bad example, we ought not to make this appropriation, and then these land officers will understand that the rule of Congress is inexorable, that the business must stop whenever the appropriation runs out. If that is considered sound policy, then we ought not to make this appropriation. If, from the very manner in which we conduct this service, there is in itself a margin of discretion, then I think the appropriation ought to be made.

Mr. SARGENT. I believe there is no objection to the item under consideration. I do not understand that the Senator from Vermont makes any objection to that; and perhaps it would be better for the other question to be raised directly when the bill shall be reported to the Senate. I should like, however, to make one remark with reference to the deficiency for Louisiana. If the Senator from Vermont will look at the previous Book of Estimates or look at the statutes, he will find that we appropriated for Louisiana the previous year somewhere about $4,500, and then we cut them down to $2,500. Congress is too capricious in making these appropriations. Sometimes, when there is a showing that there is likely to be more business before a land office than usual, or that it is desirable to close up the business of the land office and it can be done in a couple of years, Congress will increase the appropriation for the first year, and then the next year reduce it, passing the appropriation bill probably in the very last hours of the session, just before the new fiscal year begins to take effect. Notice does not get to the land office that Congress has cut down the appropriation, for some time. They have been running for the fiscal year, we will say, on $4,500. Congress forgetting that it had adopted a system of closing up the land office, and had increased the appropriation for one year intending to do the same for the next year, has not increased it for the second year. The land office goes on, the surveyor-general goes on in perfect good faith, and incurs obligations for the first month or two, before he gets notice that he is cut down and limited in the amount which he can expend, more than he would have incurred if he had known what his resources would be for the whole year. Consequently, when he comes to the end of the year, on account of this fickleness, if I may call it so, of Congress in changing the amount of appropriation, he finds that he has not enough really to carry him through to the end of the year, having expended more at the beginning of the year than he would have done if notified in advance of the exact amount he would have for the year.

I think we are a little to blame by making appropriations so capriciously, not following the same system. I believe it would be good policy to wind up the business in the Louisiana land offices in the course of two or three years. I think it could be done by somewhat increasing the appropriations we now make. The business there left is somewhat fragmentary. It is in surveying boundaries of Spanish grants, segregating them from the public domain, in picking out and making available to the Government the fractional sections and quarters of sections which are sold and the money goes into the Treasury. There is no necessity for dragging that along for five or ten years by making an appropriation just large enough to keep a little vitality in the office. It would be very much better to appropriate four or five thousand dollars a year and in two or three years close it up. But if some Senator, arguing in this manner, should persuade Congress to make such an appropriation for the first year, the next year Congress would very likely cut it down to an inadequate amount or to a less amount, and the surveyor-general would find after a month or two of his administration of the next year that his resources had been limited and that he had exceeded really the appropriation without intending to do it.

One other remark and I shall leave this general subject. I think it is a very fortunate circumstance that we are able to bring down the amount of deficiencies at the close of a fiscal year to 1 per cent. of the whole expenditures of the Government. That is about what this bill amounts to. It is about 1¼ per cent. That certainly implies no very considerable carelessness, and surely no corruption. I think this a matter of congratulation that at this end of the fiscal year 1874 we are able to wind up a deficiency bill in the Senate of the United States, after it has passed the House of Representatives, with less than $4,000,000 of deficiency, a saving of $7,000,000 of deficiency over the last fiscal year. But there seems to be no objection on the part of any one to this particular amendment, and I trust we shall have the vote.

Mr. WEST. Mr. President, the facts in connection with the land office business in my State have scarcely been properly represented to the Senate. The Senator who has just spoken said the principal business there now was in the survey of Spanish land claims. The truth is that the principal business is the adjustment as between the United States and the State of Louisiana of the ownership of swamp and overflowed lands, and the surveyor-general of that State has already recommended such an appropriation as would enable him to close his business within one year, amounting to some $15,000.

Mr. EDMUNDS. Do the swamp lands have to be surveyed at the expense of the United States?

Mr. WEST. All the lands have to be surveyed at the expense of the United States Government to determine which are the swamp lands, and then they are to be ceded to the State; otherwise the United States would want to reserve its ownership, and it is interested in it. In this particular case the estimate for the year was $9,100, and Congress arbitrarily cut it down to $2,500. In lieu of the $5,600 he asked for, he comes in with a deficiency of only $2,000. So much for that State. Now with reference to the general principle that has been at issue here between the Senator from Vermont on the one side and the Senators from California and Maine on the other. I think the affirmative side has been sufficiently supported by them in reference to the second section.

Mr. EDMUNDS. While we are on this subject, I want to show you how much business the land offices in Louisiana, of which there are three it appears, did in the last fiscal year. I find by the Land Office report that the quantity of land sold for cash and bounty-land scrip at and above the minimum price of $1.25 per acre for the first half of the fiscal year ending June 30, 1873, was 492.68 acres. That was at the whole three land offices. At the Natchitoches land office they sold 4.12 acres. The total price was $1,943.82, all of which was received. Then of homestead entries there were 55,518 acres, for which the fees were $4,058, and the registers and receivers' fees were $1,481, making $5,539. The aggregate disposed of for cash and bounty scrip and homesteads was 56,000 acres, and the cash received $7,483.

So you perceive, Mr. President, that the amount of business done in the Louisiana land districts, for which we pay these thousands of dollars per year, is not nearly great enough to pay the expenses of the offices. We do not nearly get cash enough out of the public-land system in Louisiana according to the last report to pay the expenses of running it. Of course, as to homesteads, that ought not to be considered. We have provided by law that the homestead settlers shall be entitled to locate, and there shall be land offices where they can, and we ought to pay that expense. That ought to be taken into consideration, of course; but when you come to the business of disposing of the public lands by sale in that State, as I supposed, practically

it is nothing at all. All that there is left of it is the homestead entries. What is the quantity of public lands in Louisiana I do not know; perhaps the Senator from Louisiana can tell me in round numbers?

Mr. SARGENT. I have been in favor for several years of closing the business of our Florida and Louisiana land offices. I agree with the Senator that it is unprofitable.

Mr. EDMUNDS. I understand the Senator, then, to be acting in this bill now under the impression that what he has provided will effectuate the purpose of closing up those land offices?

Mr. SARGENT. I think it will do much toward it. I think this appropriation of $2,000 will go toward that end, and I think in the coming sundry civil bill we ought to pursue some policy making an appropriation of $5,000 a year for three years and wind it up.

Mr. EDMUNDS. Why do we have two separate appropriations, one in the legislative bill and another in the sundry civil bill?

Mr. SARGENT. On reflection, I suppose it is in the legislative bill; but I did not have charge of that bill.

Mr. EDMUNDS. The Senator is entirely correct, because I observe by the statutes that in the fiscal year preceding the current year the Louisiana land offices and several others were provided for in both the legislative bill and the sundry civil bill.

Mr. SARGENT. I will tell the Senator the distinction. The actual surveying is in the sundry civil bill, and they surveyor-general's salary and that of the clerks in his office is in the legislative bill.

Mr. EDMUNDS. The Senator will find on looking at the two bills that the very same items, word for word, are introduced. I do not mean to say that all of them are, but a great many.

Mr. SARGENT. I remember the occasion now to which the Senator refers; and it was in pursuance of the policy of encouraging the settlement of the public lands in the Territories that larger appropriations were made, and consequently it looked like duplicating appropriations for the same objects, but in Louisiana and Florida the effort was to appropriate money enough to wind up the business.

Mr. EDMUNDS. Have we got any nearer winding up than before?

Mr. SARGENT. I think so, because every amount of business done of course completes it to a certain extent.

Mr. EDMUNDS. I do not see it.

Mr. SPRAGUE. There is an error, it seems to me, in confining the discretion of the surveyors-general of the land offices. Whenever these offices are constituted, the sum of money for clerk hire is definitely determined and in many cases the number of clerks; and the estimates are furnished to Congress based upon the law as agreed upon when the surveyor-general's office is constituted.

Mr. WEST. The Senator from Vermont has cited the meager business that is done in the land offices in Louisiana as a reason why appropriations in that direction should cease, at the same time admitting that the laws with reference to homesteads are of that character to make it incumbent that the Goverment should be represented and have land offices open to afford facilities to settlers. Well, sir, I might with the same propriety quote some one-horse postal road in the State of Vermont, where we probably pay $1,000 a year for a contract to carry the mails and do not get probably $250 in return. Is not a facility to the Senator and his constituents effected? Is it not a facility that the law accords? And that he should rise here in his place and say that there is no necessity for this thing is strange. Let him carry out his doctrines through all the service; let us abolish all post-roads unless they pay; let us abolish all the service of the Government unless there is some equivalent return in dollars and cents. The return is in the general benefit that accrues to the community; and in my State particularly there is a division, as I stated before, going on between the United States and the State, and it is with that view that we should have this money appropriated. A year more or two years more will enable us to conclude the business of the land offices there, and then you will be bothered neither with appropriations nor deficiencies.

Mr. EDMUNDS. One single word and I shall have done. I will not speak of the public lands; I will only speak of post-offices and post-roads. I should be very glad to unite with the Senator in an economic point of view to provide for diminishing very largely that part of the postal service which is run at a great loss to the Government; and if we did it, I would suggest that in a very large region of country—I will not state where it lies—there would not be a post-route left. The Senator can guess where it is.

Mr. WEST. In Vermont, I presume. [Laughter.]

Mr. EDMUNDS. The Senator is entitled to his guess. [Laughter.]

The amendment was agreed to.

Mr. SARGENT. I have one more amendment to offer from the Committee on Appropriations.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Chair would call attention to the resolution adopted on the 18th of May, and not heretofore enforced, limiting debate upon amendments to appropriation bills to five minutes by each Senator. Unless there is some change in that resolution the Chair will enforce it hereafter.

Mr. SARGENT. By order of the Senate, yesterday, it was to be enforced on this bill.

The PRESIDING OFFICER. It has not been enforced this morning in the pending debate; and the Chair has called attention to that fact and notifies the Senate that it will be enforced hereafter.

Mr. SARGENT. I shall be happy to conform to it. After line 711 I move the following amendment:

For foundation and pedestal for the bronze statue of the late General John A. Rawlins, authorized by act of Congress approved Apr'l 10,1872, $3,000; and the Secretary of War is authorized to place the same in Rawlins Square, or such other reservation in the city of Washington as he may select.

The amendment was agreed to.

Mr. WINDOM. I offer from the Committee on Appropriations the following amendment, to come in at the end of line 711:

To pay Captain James L. Fisk, of Montana Territory, the amount due to him on settlement of his accounts as officer in charge of overland emigrant expedition, $7,862.37.

The amendment was agreed to.

Mr. BOUTWELL. At the request of the chairman of the Committee on Ways and Means of the House of Representatives, I offer an amendment to come in after line 846. The language of the amendment explains itself:

For compensation to C. H. Evans, statistician, the sum of $500 for services rendered the Committee on Ways and Means for procuring statistics during the Forty-second Congress.

Mr. SARGENT. I should like to have some explanation of who this gentleman is and what services he rendered and who employed him.

Mr. EDMUNDS. I make the point of order that it is a private claim.

The PRESIDING OFFICER. The Senator from Vermont raises the point of order that this is a private claim. The Chair holds that under Rule 30 the point is well taken, and the amendment cannot be entertained.

Mr. BOUTWELL. I shall have to submit.

The bill was reported to the Senate as amended.

Mr. EDMUNDS. I wish to reserve for a separate vote the amendment striking out section 2 of the bill.

The PRESIDING OFFICER. The Senator from Vermont reserves the amendment striking out section 2.

Mr. EDMUNDS. I wish to reserve on the thirty-first page the amendment in lines 741 and 742 for the purpose of explanation at least.

The PRESIDING OFFICER. The exceptions will be noted. The question is on concurring in the amendment made as in Committee of the Whole with the two exceptions stated by the Senator from Vermont.

The unexcepted amendments were concurred in.

The PRESIDING OFFICER. The question now is on the amendment striking out section 2.

Mr. EDMUNDS called for the yeas and nays; and they were ordered.

Mr. SARGENT. Had we not better take the question upon the amendment on the thirty-first page first?

Mr. EDMUNDS. I do not care.

The PRESIDING OFFICER. The Chair has put the question on concurring in the amendment made as in Committee of the Whole, striking out the second section.

Mr. EDMUNDS. Let the section be reported.

The CHIEF CLERK. The Senate, as in Committee of the Whole, struck out section 2 of the bill, as follows:

SEC. 2. That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriation. And any violation of the provisions of this section by any officer of the Government shall be deemed a misdemeanor, and be punished in the manner provided for violations of section 3 of the act approved July 25, 1868, and entitled "An act making appropriations, and to supply deficiences in appropriations, for the service of the Government for the fiscal year ending June 30, 1868, and for other purposes."

Mr. MORRILL, of Maine. That is not the section as I understand that was stricken out. Before it was stricken out, it was amended. The motion now is to strike out the section as it was amended.

The PRESIDING OFFICER. The Chair understands that the section was amended and subsequently stricken out; and now the question is upon agreeing to the report of the Committee of the Whole striking out the section as amended.

Mr. EDMUNDS. Striking out everything.

The PRESIDING OFFICER. Upon this question the yeas and nays have been ordered.

Mr. EDMUNDS. Mr. President, I merely wish to say, as the Senator from Maine has alluded to the matter, that if the Senate is not satisfied with the section as it stands and wants anything left on the subject at all, it of course will vote against striking it all out and then we can proceed to amend it as shall be thought proper, if it needs any amendment.

Mr. CONKLING. I raise a question of order, not so much for its value in this instance as otherwise. In Committee of the Whole, on the motion of the Senator from Ohio, [Mr. SHERMAN,] about one-half perhaps in words of that section was stricken out. Then a motion was made to strike out the residue, and that motion prevailed. The question now, I submit, is upon concurring with the Committee of the Whole in what the committee did, not by two votes but by one vote; that is, the last vote. What did the committee do? It struck out all that remained of that section. What remained? The whole section less that part of it which had previously been stricken out. I submit to the Chair that if the question were to be put as suggested, the Senate would lose the opportunity of voting upon the real ques-

tion; and if I may so say—of course I do not use the expression offensively—the question would be falsely put to the Senate, because the Committee of the Whole having stricken out a section as it then stood which had come to be only five lines for example and to mean a certain thing, would be compelled to vote upon striking out a different section, to wit, those five lines with five other lines, meaning another thing.

So I suggest to the Chair that the first question must be upon concurring with the amendment made in Committee of the Whole. What was that amendment? It was to strike out the second section as it had been amended; not to strike it out as it had not been amended; and although in this case the point may not be of much value, I submit to the Chair it would introduce great disorder into the proceedings of the Senate if in place of voting in the Senate on the actual amendment adopted in committee, we were not to be allowed to vote upon that at all but to vote upon a different amendment.

Mr. MORRILL, of Maine. I have understood the Chair already to rule that the question is upon striking out the section as amended.

The PRESIDING OFFICER. That was the ruling of the Chair. The present occupant was not in the chair when this action was had yesterday in Committee of the Whole. Of course he has no desire other than to carry out the action of the committee. He has already ruled that the question was upon agreeing to the amendment made by the Committee of the Whole, which was to strike out the section as it had been amended by previously striking out the latter part.

Mr. CONKLING. Then I agree with the Chair entirely.

Mr. EDMUNDS. I respectfully do not agree with the Chair. I do not wish to appeal, for it is of no practical consequence here; but I do not want it drawn into precedent. What would be the result? Suppose we choose to strike out the whole of this bill after the enacting clause in committee, section by section, vote by vote; the idea that when the bill is reported to the Senate we have got more than one amendment altogether to the bill is to my mind an unsound idea. All that the committee has done, when you put it all together, is to strike out the whole bill after the enacting clause. The question then would be on agreeing to that amendment, just as when on the other hand we make a general amendment to a bill by forty different votes in committee on a substitute reported from a committee. When it is reported to the Senate it is one single amendment; we do not vote on all the branches that made it up. Just so in committee on striking out section 2 in this bill. We struck section 2 entirely out; we did it by two steps; that is, we first voted to strike out the last part, and second we voted to strike out the first part; and it was all out. Now the question is, when it comes into the Senate, whether the pending question is on retaining the part that stood last in the bill or retaining the whole question. I think the pending question properly and lawfully is whether we will agree to the amendment made in Committee of the Whole, which by two votes was to strike out that whole section as an entirety. But practically I do not care, so that I understand precisely what the question is that is to be submitted to the Senate. If the Chair thinks he will only submit to the Senate that which we struck out last, that is, the first paragraph, and will so state it so that we all understand it, it practically comes to the same thing.

The PRESIDENT *pro tempore*. There is no misunderstanding between the Chair and the Senator from Vermont; and the question submitted by the Chair is in accordance with his understanding of the case as it now stands. The Chair understands that the question is upon concurring in the amendment made by the Committee of the Whole to the bill to strike out section 2, upon the last page of the bill, that section having been previously amended in Committee of the Whole by striking out the latter part of the same. The yeas and nays having been ordered, the Secretary will call the roll.

Mr. CONKLING. And also, if the Chair will pardon me, the section having been amended before a portion was stricken out, by the insertion of another word which I think fortifies the ruling of the Chair. The Chair may remember that the Senator from Ohio moved to strike out all after certain words and to insert previously the word "high," so that it would read "shall be a high misdemeanor." So new matter has been put in; and therefore, also, I submit that the ruling of the Chair is clearly right as to the mode of presenting the question.

Mr. EDMUNDS. We disagreed to the motion to amend by putting in the word "high," did we not?

Mr. CONKLING. Not at all; we adopted it.

Mr. EDMUNDS. I do not care how that is; I only wish to understand the question. I now understand the Chair to rule that the question upon which we are to vote by yeas and nays is whether we will strike out the first six lines of this section, the first clause, which was the last part that was voted on in committee.

Mr. CONKLING. As amended.

The PRESIDING OFFICER. As amended by striking out the latter part of the section previously.

Mr. CONKLING. And inserting the word "high" so as to make the offense a high misdemeanor.

The PRESIDING OFFICER. If there is no appeal from the decision of the Chair, the Secretary will call the roll.

Mr. SPRAGUE. I desire to have the section reported.

The PRESIDING OFFICER. The Secretary will report it.

The CHIEF CLERK. The first six lines of the section are as follows:

SEC. 2. That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract not expressly authorized by act of Congress for the future payment of money in excess of such appropriation.

Mr. SARGENT. The only information the Senate can have from its Committee of the Whole is the final action of the Committee of the Whole. The Committee of the Whole determined to strike out the whole section. That is reported to the Senate, and only that. The Committee of the Whole do not report the processes by which it succeeded in striking out the whole section; first a third, then another third, and then the remaining third. The Committee of the Whole simply reports that it struck out the second section; and the question of concurrence with the Committee of the Whole is in its action in striking out the second section.

Mr. CONKLING. May I ask the Senator from California a question? Suppose in Committee of the Whole an amendment had been moved and carried to strike out in the second section all after the first word and insert provisions touching for example the Coast Survey; and subsequently on motion the section thus amended had been stricken out. Does the Senator think that the true question here would be on striking out the second section as it originally stood, or as it actually was when the committee struck it out?

Mr. SARGENT. I think the question would be simply on striking out the second section. I will give the Senator an example. Take the very instance that he supposes. What report would you make to the House of Representatives if you amended their bill? In the process of our legislation, we in the first place amend the second section and then strike out the whole section. What do you report to the House of Representatives? You report that by your amendment you have struck out the second section of the bill, and all the House have to act upon is that amendment striking out the second section, and they have no information officially as to the antecedent steps that you took, that you put it in this shape, and then in that shape, and turned it over a dozen times, until finally you struck it out. You send the bill back to them amended by striking out the second section.

Mr. CONKLING. I agree with my friend there; but his point of departure, I submit, and where his argument fails is in this: He says the question would be on striking out the second section. Of course it would; but the question is what is the second section? Is it what you did in fact strike out, or what you did not strike out? When you come to make report to the House of Representatives, of course he is right in saying that the report is that the second section of the bill was struck out. But the point at present between us, not relating to the House at all, relates simply to the verity of our proceedings. Can it be possible that when in Committee of the Whole we struck out a section which relates to the Coast Survey and the question is whether the Senate will agree with what the Committee of the Whole has done, we are to vote upon striking out a totally different section relating to a totally different topic, so that we can never know whether the Senate does confirm what the Committee of the Whole has done or not?

In this case, instead of the section being left as it has been read by the Clerk it was left in this way: the words which he has read, with the words following that whoever violated this provision should be deemed guilty of a high misdemeanor, and there the clause stopped; and the word "high" was inserted before "misdemeanor," so that it read that whoever should violate this section should be deemed guilty of a high misdemeanor.

What were the arguments made upon that? The Senator from Vermont and others suggested "That is wholly unnecessary. The power of impeachment does not reside in a statute; it resides in the Constitution; and how superfluous it would be for us to enact a provision of that sort!" Thereupon the Senate struck it out. Now the Senator says the question is not whether the Senate will agree with what the Senate did in Committee of the Whole, but whether the Senate voting upon a wholly different thing will agree that a section different in character ought to have been stricken out if it had been, which in truth it was not, in Committee of the Whole. I submit that if there is any rule which requires that, it is wrong.

Mr. SARGENT. The Senator raises no difficulty in the matter. We have only to do with the final action of the Committee of the Whole as reported to the Senate. Before that time there was a section before the committee. We put one word in this line and struck out another in another line. We turned the section over in all directions and could not get it to suit us, and finally struck it out. It was the final striking out that was reported to the Senate; and that is the question now before us.

Mr. CONKLING. I do not want to prolong this debate, but in order to show that I am not mistaken, in view of what the Secretary read I beg now to read from the RECORD of yesterday's proceedings:

Mr. EDMUNDS. Let the whole remnant there is left of it be read.

The Chief Clerk read as follows:

SEC. 2. That it shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract not expressly authorized by act of Congress for the future payment of money in excess of such appropriation; and any violation of the provisions of this section by any officer of the Government shall be deemed a high misdemeanor.

Then followed the question upon striking out that, simply that; the Senator called it a remnant, a part of the second section as it stood, with the word "high" interpolated into it in order to change

entirely the jurisdiction at which it was aimed to make it applicable to proceedings by impeachment in place of being applicable to ordinary proceedings before judicial courts. The Senator from Louisiana [Mr. WEST] hands me his bill which he marked at the time and marked in accordance with the suggestion that I have made. The Committee of the Whole adopting an amendment, which amendment was to dispense with a part of the section and to change and perfect the residue, the question was when that amendment prevailed upon striking out what had then come to be the second section. Now the suggestion is that the Senate is to vote, not whether it will concur with the Committee of the Whole in striking out the second section as the second section was and was voted upon, but whether it will concur with the Committee of the Whole in a vote which never took place in Committee of the Whole, for the Committee of the Whole never voted to strike out the second section as it originally came from the Committee on Appropriations; and thus if the Senator from California be right, while the Committee of the Whole did one thing, under guise of concurring or disagreeing in that we are to pass upon a wholly different thing.

Mr. EDMUNDS. Mr. President, the effect of following the logic of the Senator from New York by the Senate now would be to take a vote as it stands here in the bill on the first half of this section. Suppose we agree to the recommendation of the Committee of the Whole as he styles it, and that is the recommendation confined to these six or eight lines; and suppose the Senate vote in the affirmative and concur with the committee, what is the standing then? What has become of the rest of this section of the House bill? Has the Senate ever voted upon it? No; the committee voted upon it, but that is not the Senate. There is no question, then, left for the Senate on a certain important part of this House bill to vote upon at all that cannot be so on the text of a bill coming from the other House or the text of a Senate bill. It is true undoubtedly—and probably that is what leads my honorable friend from New York into the position that he occupies, I think falsely—that the words which we once inserted in committee, we having finally struck them all out again, are lost and gone; they are not before the Senate at all because they never get here; they did not come from the Senate as in Committee of the Whole. The Committee of the Whole invented the words proposed by the Senator from Ohio, and then got sick of them and discharged them; and we discharging them discharged the text of the whole section. Now, when we come into the Senate those words that the Senate disagreed to and reconsidered, though not in form reconsidered but finally rejected, are not before the Senate at all, no matter which way we vote upon the question now pending. If we vote nay upon the question that is now pending, then we retain in the bill the words which the Chair submits to us, or as I think he ought to submit to us the whole section, then we retain that, and can amend it as we think may be desirable afterward. But if we do not vote so, then, as I said before, we have voted in the Senate upon one-half of a section of a House bill, and upon the other half we take no vote at all. Although we did vote upon it in Committee of the Whole and acted upon it, and yet we never have any right to act upon it in the Senate. That cannot be so, I respectfully submit.

But, as I said, I did not rise to have any contest with the Chair upon which way he may think it best to put the question. If, as I understood the Chair to rule, the question now submitted is upon the first six or eight lines, and that is all the effect of this vote now ordered to be taken is, then I wish to move an amendment. But if I understand the Chair to mean that these words that the Senate in Committee of the Whole inserted have been lost altogether by being finally rejected with the rest, the question now is on retaining or striking out the whole of this section as it stands in print simply, which I understand to be the true question, then of course I do not wish to move an amendment. If the Chair holds me to his ruling, I wish to amend the part proposed to be stricken out by adding the very print of the residue of the section.

The PRESIDING OFFICER. The Chair has no other object than to carry out the wishes of the Senate.

Mr. EDMUNDS. Of course not. I did not mean to intimate otherwise.

Mr. SARGENT. What is the ruling of the Chair?

The PRESIDING OFFICER. The Chair has ruled that the question is on concurring in the amendment made by the Senate as in Committee of the Whole to the bill, as amended, by striking out the second section of the bill after it had been amended by the committee by striking out the final clause after the word "misdemeanor," in line 8.

Mr. SARGENT. What becomes of the final clause?

Mr. MORRILL, of Maine. It is out.

Mr. SARGENT. If it is out, I do not care about raising an issue on words.

Mr. WEST. I do not rise to elucidate the precise point of order that is raised; but I rise to lay before the Senate the particular steps that the Senate took in Committee of the Whole to amend this section.

The Senator from Vermont speaks of two steps. There were positively three steps, and in this order: The Senator from Ohio [Mr. SHERMAN] moved to insert and strike out. He first moved to insert the words "not expressly authorized by act of Congress," and then to insert "any violation of the provisions of this section by any officer of the Government shall be deemed a high misdemeanor," and then to strike out from line six. The vote was taken on the motion of the Senator from Ohio first to insert, then to strike out, and then on a subsequent motion to strike out the whole section. Now it is for the Senate to determine what will be its action in the Senate upon the subject as it was left upon the motion of the Senator from Ohio, which was a vote of insertion and striking out. That may have some bearing upon the case.

Mr. EDMUNDS. I understand the ruling of the Chair now to confine this vote to all that part preceding the penalty.

The PRESIDING OFFICER. Preceding the penal clause.

Mr. EDMUNDS. Then I move to amend the part proposed to be stricken out by adding the punitive clause as it stands in the printed bill, which I ask may be read from the desk.

Mr. SARGENT. I suggest that that is not in order until we find out first whether we concur with the action of the Committee of the Whole.

Mr. EDMUNDS. I beg pardon of the Senator. When the question is before the Senate on concurring in an amendment made as in Committee of the Whole it is open to amendment and to concur with an amendment.

Mr. SARGENT. I am open to correction on that matter. My judgment would be the other way.

The PRESIDING OFFICER. The Chair holds that the motion made by the Senator from Vermont is in order.

Mr. EDMUNDS. Then I hope the words I propose shall be inserted will be reported.

The Chief Clerk read the words proposed to be added, as follows:

And be punished in the manner provided for violations of section 3 of the act approved July 25, 1868, and entitled "An act making appropriations and to supply deficiencies in appropriations for the service of the Government for the fiscal year ending June 30, 1868, and for other purposes."

Mr. EDMUNDS. If this amendment is agreed to, I shall then move to strike out the word "high."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Vermont.

Mr. BUCKINGHAM. I do not know that I understand the effect of this amendment; but it seems to me to be this, that you hold the head of a Department responsible for all that is done under him, responsible for the acts of all his subordinates. If a subordinate should be guilty of an act prohibited by this section, would the subordinate be punished, or would the head of the Bureau or Department be held responsible? I think that is of some consequence. I do not like the provision at any rate.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

Mr. EDMUNDS. This is so important, that I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. SARGENT. What is the question before the Senate?

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made in Committee of the Whole striking out the second section of the bill.

Mr. EDMUNDS. I moved an amendment to that by adding the words which stand in the last six lines of the print, the Chair having ruled that those words were not before the Senate on the motion to concur with the action of the Committee of the whole, but that the first eight lines were before the Senate. Thereupon I moved to add from lines 8 to 14, inclusive, to the pending proposition.

Mr. SARGENT. I raise the point of order that the motion of the Senator from Vermont is not in order, and that the true question is, Shall we concur with the action of the Committee of the Whole striking out the second section.

The PRESIDENT *pro tempore*. The present occupant of the chair since coming in has consulted with the Senator who was presiding at the time this question was raised, and now has his concurrence in reversing the former ruling, and holding that the question before the Senate is, Will the Senate concur in the amendment which was made in Committee of the Whole. Now, the question is what was that amendment which was made? It was first moved to strike out the second section. Then, to defeat that motion, in Committee of the Whole it was moved to perfect the part proposed to be stricken out. It was perfected by amendments. Nevertheless the main motion in the Committee of the Whole to strike out the second section prevailed, and that was what was done in Committee of the Whole: the second section was stricken out. Now, the Chair is of opinion that the question in the Senate is, Will the Senate concur in the amendment made as in Committee of the Whole, which was to strike out the second section.

Mr. EDMUNDS. May I ask the Chair if the amendments made in Committee of the Whole by the introduction of the words offered by the Senator from Ohio are now before the Senate?

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. EDMUNDS. I entirely agree with the Chair. That is what I insisted on in the first place.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the Committee of the Whole to strike out the second section of the bill, upon which the yeas and nays have been ordered.

Mr. MORRILL, of Maine. On that question I should like to know where we shall be, provided the Senate concur?

The PRESIDENT *pro tempore*. The second section would undoubtedly be stricken out of the bill.

Mr. MORRILL, of Maine. If we do not concur, then where shall we be? What will be the condition of that section? Will it be left as it was amended in Committee of the Whole?

The PRESIDENT *pro tempore*. If the Senate do not concur, the section will stand in the bill, and be subject to amendment in the Senate.

Mr. MORRILL, of Maine. Stand entire? What becomes of the amendment that was made in committee which does not come up here?

The PRESIDENT *pro tempore*. The Chair is of opinion that the section will stand entire as it is in the bill, subject to amendment in the Senate like any other section.

Mr. CONKLING. Although it had been amended in Committee of the Whole?

The PRESIDENT *pro tempore*. The amendments of the Committee of the Whole to the part proposed to be stricken out were merely intended to defeat the motion which was made there to strike out the second section. They did not have that effect, however. The Senate did, notwithstanding the amendments, strike out the second section, and the question in the Senate is, will the Senate concur in striking out the second section? If the Senate do not agree to that, then the second section stands in the bill as it is, not as it was amended in Committee of the Whole.

Mr. MORRILL, of Maine. Allow me to suggest the precise condition of that section. When the vote to strike it out took effect upon it, it was, I suggest, on the section as perfected by the Senate, to use that language, or as amended by the Senate by striking out the final clause of the section; so that when the vote we are now to take upon it operated, it operated only upon the second section as amended. Now my query is, whether the vote to concur with the vote of the Committee of the Whole striking out the second section covers anything more than the second section as it was after it was amended?

The PRESIDENT *pro tempore*. Suppose it had first been moved in Committee of the Whole to strike out the last five lines of the section, and that had carried. Then in Committee of the Whole it was next moved to strike out the first five lines, and that had carried. It was then moved to strike out the rest of the section, and that had carried. Then the whole second section would have been out of the bill by an amendment in Committee of the Whole; and coming into the Senate the question would be whether the Senate would concur in the amendment striking out the second section. In other words, the second section was stricken out by several processes in the case I suppose; but here the Chair understands the amendments which were made in Committee of the Whole to the part proposed to be stricken out were mere attempts to defeat the motion to strike out the whole of the second section. They did not, however, have the effect to defeat that motion, because the Committee of the Whole, even with the amendments, struck out the whole second section. The vote therefore was on that. The committee amended the bill by striking out the second section. Now the question is, will the Senate concur in that amendment which struck out the second section?

Mr. MORRILL, of Maine. The difficulty in my mind is just this: that the amendments to the section had perfected the second section so that the second section when the vote striking it out took effect upon it was a different thing altogether from that upon which the Senate acted in the first place; and the question which survives and comes up here is the one which struck out the second section as amended; and by no possibility, I suggest, can it revive that part which did not come here, nor does the motion of my honorable friend from Vermont cover it. He reserved the vote by which the second section was stricken out; and thereupon I made the inquiry whether any other reservation was made in the bill except that one and another proposition. So I suggest again that that portion of the second section which had been stricken out by a vote theretofore does not by any possibility reach the Senate.

The PRESIDENT *pro tempore*. The Chair will state that this section being in the bill, the question is, will the Senate concur with the Committee of the Whole in striking it out. That is the pending question now. Any Senator can move any amendment he pleases to the second section to prevent its being stricken out, and he may if he pleases move the same amendments which were moved to it in Committee of the Whole, and the Senate may adopt those amendments, and then the question will come whether the second section, as amended, shall be stricken out.

Mr. ALCORN. At the risk of detaining the Senate a moment, I will say something in regard to the question before the Senate, more for the purpose of testing my judgment in regard to the rule. An amendment was pending in Committee of the Whole. There was an amendment adopted to the section. Then there was a subsequent amendment offered, and that was also adopted, as I understand. Then a motion was made to strike out the section as an entirety; and that motion prevailed. Now we come into the Senate; the question is whether the Senate will concur in the action of the Committee of the Whole, in striking out the section. Should that motion carry, the next question comes then, will the Senate concur with the committee in adopting the first amendment that was adopted; and will it concur finally in the adoption of the second amendment. And so we have three votes in the Senate precisely as we had three votes in the committee, if perchance we shall fail to concur with the Committee of the Whole in striking out the section as an entirety. I merely suggest this to see whether I have up to this time caught the correct idea, for I do not read the rules; I take them in rather by absorption. I wish to see now whether I have absorbed an idea in regard to the correctness of this ruling.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made to this bill in Committee of the Whole by striking out the second section, upon which the yeas and nays have been ordered.

Mr. MORRILL, of Maine. The Chair will pardon me a moment. The Senator from Vermont has withdrawn his amendment, I understand.

Mr. CONKLING. The question is on striking out the original section.

The PRESIDENT *pro tempore*. The Senator from Vermont has no amendment pending.

Mr. MORRILL, of Maine. Those who favor the action of the Senate as in Committee of the Whole will vote "yea."

The PRESIDENT *pro tempore*. Those who wish to strike out the section will vote "yea," which is for concurring in the action of the Committee of the Whole in striking out the section.

Mr. EDMUNDS. And those who wish to have it stand will vote "nay."

The question being taken by yeas and nays, resulted—yeas 36, nays 15; as follows:

YEAS—Messrs. Boreman, Boutwell, Buckingham, Cameron, Carpenter, Chandler, Clayton, Conkling, Conover, Cooper, Davis, Dennis, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamlin, Hitchcock, Jones, Kelly, Logan, McCreery, Merrimon, Mitchell, Morrill of Maine, Morton, Norwood, Patterson, Ramsey, Robertson, Sargent, Saulsbury, Scott, Tipton, West, and Windom—36.

NAYS—Messrs. Alcorn, Edmunds, Fenton, Hager, Harvey, Ingalls, Morrill of Vermont, Oglesby, Pratt, Schurz, Sherman, Sprague, Wadleigh, Washburn, and Wright—15.

ABSENT—Messrs. Allison, Anthony, Bayard, Bogy, Brownlow, Cragin, Dorsey, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Howe, Johnston, Lewis, Pease, Ransom, Spencer, Stevenson, Stewart, Stockton, and Thurman—22.

So the amendment of the Committee of the Whole striking out the second section was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be read.

The Chief Clerk read the next reserved amendment, which was in lines 741 and 742 to insert the words "not before in use by the Government;" so that the clause will read:

And hereafter no contract shall be made for the rent of any building, or part of any building, in Washington, not before in use by the Government, to be used for the purposes of the Government, until an appropriation therefor shall have been made in terms by Congress.

Mr. EDMUNDS. I should like the Senator in charge of the bill to explain why those words were inserted by the committee. It appears to me, at the risk of being impertinent in looking after this legislation at all——

Mr. SARGENT. I cannot hear the Senator.

Mr. EDMUNDS. I say, at the risk of suffering for impertinence in looking into this bill, I wish to ask the Senator from California what the purpose of the Committee on Appropriations was, and the grounds of that purpose, in inserting the words which have been inserted in Committee of the Whole. The clause as it came from the House reads:

And hereafter no contract shall be made for the rent of any building, or part of any building, in Washington, to be used for the purposes of the Government until an appropriation therefor shall have been made in terms by Congress.

Now, the committee propose to insert "not before in use by the Government;" so that if any contracts have already been made, there may be relettings, or rehirings rather, by the Government for any length of time and at any price, and with any favorite, without the previous authority of Congress and providing for the means. That is the effect of the amendment of the committee. The necessity for this legislation, if it exists at all, it appears to me is just as great in respect to any building now occupied after the lease runs out as for any building which has not already been occupied by the Government. It so struck me, and I therefore reserved the amendment in order that the Senator from California might give us an explanation on the subject.

Mr. SARGENT. I will give the reason which influenced the committee. I am not entirely sure that the legislation itself is called for by any public necessity; but the committee assumed with reference to buildings now occupied by the Departments, as we had made appropriations for them year after year right straight along, that we had sanctioned the use of those buildings. Of course no Senator can doubt that these buildings are absolutely essential for the uses of the Departments, at any rate as a rule. I do not know but that they might be crowded into a little less space. Perhaps instead of using a building containing thirty rooms, they might possibly get along with fifteen or twenty rooms; but as a rule we assumed that as Congress had made the appropriations year after year for buildings now in use by the Government, it had sanctioned the use of those buildings and the contracts for their use and occupation. Therefore we did not wish to imply that the Departments had done wrong in that matter.

Furthermore, right in the midst of the season, before Congress

meets, or in the absence of Congress, or before any legislation could be obtained in the matter, a lease might expire of a building which had been occupied by the Government perhaps for three or four years, and to turn the Government into the street, which would be the right of the landlord of course if there was no contract for rent and no payment of rent, might very seriously embarrass the Government. As Congress seemed to have sanctioned these contracts up to this time for buildings in use and to admit that the accommodations that are now used are necessary for the purposes of the Government, the committee thought we ought not to forbid the further use of those buildings. Of course if an improvident contract is made for any building heretofore in use by the Government and too large a rent is paid, it is within the control of Congress, and we can refuse to pay the rent they charge and get other accommodations on our attention being called to it.

These, I believe, are the only reasons which governed the committee in their action on this subject.

Mr. EDMUNDS. Does the Senator mean to say that we make specific appropriations for each one of the buildings that are hired for the various Departments in this city?

Mr. SARGENT. No, sir; I mean to say, however, that in most cases we do so, and if the Senator will look through the appropriation bills, he will find that we appropriate in the different bills for the rent of such a building and such a building. Some small buildings with limited accommodations I think are covered by the contingent appropriations, and in that case it is mentioned in the contingency. I think if the Senator will refer to the appropriation bills, he will see hatt in many cases we make specific appropriations for particular buildings.

Mr. EDMUNDS. It may be that the House is entirely wrong in putting any limit upon the rental of buildings or upon the prices that are to be paid for them. The judgment of the Senate, I imagine, is that way from its vote on striking out the second section, and that the true plan is to repose an unlimited discretion in the various officers in the Executive Departments. If that is the will of the Senate, of course I have not a word to say. But if there is any wit in the House proposition at all, it applies just as much to buildings that we may have occupied at some stage or other, for this amendment actually runs back to any time, as to buildings that may hereafter be occupied. The language is "not before in use by the Government." It does not say not now in use by the Government, but any building that at any time, during any reasonable period back, going back to 1860, we may have hired would be open to hiring under this bill as the amendment of the committee is, although we may not have occupied it for five years. So that if there is any value in the clause of the House at all, if it is a move in the right direction, I certainly speak with great deference to the views of the Senate on that subject; it may be a move in the wrong direction, because it certainly is in the direction of limiting the discretion of the executive officials in the various Departments of the Government, and that may be a wrong theory; but if it is a right theory, as the committee appears to have considered it to be by leaving it to stand, then the theory ought to apply as well to future contracts for buildings that we may have occupied before as to future contracts for buildings that we have not occupied. The real question is not as to the nature of the building; the real question is as to the economy of expenditure, and that has not any connection with the fact that we are in that building or may wish to go into another. It has relation only to the question of the value of the building. That being the case, we may be just as much injured in point of money by a rehiring of a building by a Department as by the hiring of a new one, I submit to the Senate. But, as I said, I do not want to occupy the time of the Senate upon a subject which is perhaps already decided.

Mr. SARGENT. I listened with great deference to the views of the Senator, and I will make a suggestion which I think will obviate one of the objections he makes; and that is, that instead of the word "before" the word "now" be inserted, so as to read, "not now in use by the Government." This language was drawn up by myself. It was not intended to sanction the reoccupation of any building that may have been heretotore occupied by the Government that was not occupied at the time of the passage of the bill. That modification I think will obviate the principal objection the Senator makes. I therefore move to amend the amendment made in Committee of the Whole in line 471 by inserting the word "now" instead of the word "before."

The PRESIDENT *pro tempore*. If there be no objection that amendment will be regarded as agreed to. The question now is on concurring in the amendment as amended.

The amendment was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 18th instant, a report of the Chief of Engineers of the Army relative to the preservation of the Falls of Saint Anthony.

Mr. RAMSEY. I move that that lie on the table for the present without any further order.

The motion was agreed to.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting a communication from the Secretary of State with a copy of the report of the commissioners to inquire into depredations on the frontiers of Texas; which was ordered to lie on the table, and be printed.

He also laid before the Senate a message of the President of the United States, transmitting a report from the Secretary of State, and accompanying it copies of all papers on file or on record in the Department of State respecting the claim on Brazil concerning the Caroline; which was ordered to lie on the table, and be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 249) authorizing and directing the Secretary of War to give to George A. Armes, late captain Tenth United States Cavalry, an honorable discharge, to date the 7th day of June, 1870;

A bill (S. No. 477) granting a pension to Jemima Maxwell;

A bill (S. No. 540) granting a pension to Fanny Newcomb, mother of Irenus Newcomb, late of Company H, Sixth Regiment Vermont Volunteers;

A bill (S. No. 568) granting a pension to Hugh P. Lytle, late a private in Company H, Thirty-second Ohio Volunteers;

A bill (H. R. No. 2181) granting a pension to Jennet H. Nisbet;

A bill (H. R. No. 2202) for the relief of William B. Thomas, late collector of customs at the port of Philadelphia; and

A bill (H. R. No. 2738) for the relief of the Foundry Methodist Episcopal church of Washington City.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 2343) making appropriations for the current and contignent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, to report it back with sundry amendments. I give notice that I will call this bill up for action of the Senate at the earliest practicable moment.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, reported amendments intended to be proposed to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes; which were referred to the Committee on Appropriations.

Mr. SAULSBURY and Mr. CONOVER submitted amendments intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

CENTENNIAL CELEBRATION.

Mr. MORRILL, of Maine. I reported a bill from the Committee on Appropriations yesterday or the day before, in regard to the centennial celebration. I gave notice at that time that I should ask the attention of the Senate to the bill at an early moment, and I think it due to the subject that I should call it up at the present time. I move that the Senate proceed to the consideration of that bill.

Mr. CONKLING. I gave notice yesterday that at the conclusion of the deficiency bill I should move to take up in order three bills which lie on the table. I understand, however, that the senior Senator from Pennsylvania [Mr. CAMERON] wishes to be absent upon some call which he cannot avoid, and therefore wishes to proceed at once with the consideration of this bill. I do not feel at liberty, if I were able to do so, to stand in the way of his wish, and therefore I say that upon the centennial bill being disposed of I shall ask the Senate to take up these other bills, all Senators observing that my purpose will be accomplished in a very short time, because unless it be the pleasure of the Senate to accept the bills as they stand, they must fail, and accepting them, of course the consideration will be very brief. They will not stand in the way of the Senator from Maine or anybody else. He will see that final action in substance must result one way or the other immediately.

The PRESIDENT *pro tempore*. The Senator from New York gives notice that after the centennial bill is disposed of, he will move that the Senate proceed to consider the bills reported from the Committee on the Revision of the Laws, and will ask unanimous consent that the reading of the bills be dispensed with.

Mr. BOREMAN. I give notice that as soon as the bills referred to by the Senator from New York are disposed of, I shall ask the Senate to proceed to the consideration of the bill (S. No. 44) to establish the Territory of Pembina, and to provide a temporary government therefor.

Mr. RAMSEY. I want to appeal to the Senator from New York to allow me to call up the bill (S. No. 651) to provide for the transmission of correspondence by telegraph before the matter comes up of which he gives notice.

Mr. CONKLING. I do not understand the Senator.

Mr. RAMSEY. I ask the Senator to allow me to call up this bill when the time comes, in lieu of the bill to which he refers.

Mr. CONKLING. What is it?

Mr. RAMSEY. It is the bill to provide for the transmission of correspondence by telegraph.

Mr. CONKLING. The franking privilege being now disposed of and this lying next to that in the heart of the Senator, of course we shall all rush as he will to the consideration of that bill, whenever it is convenient for the Senate to do so.

Mr. RAMSEY. I understand, then, that the Senator will allow me to call up this bill in lieu of the one he proposes to take up? [Laughter.]

Mr. CONKLING. I will hold on to mine.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the centennial bill, so-called?

Mr. SARGENT. I object.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of the centennial bill.

Mr. SARGENT. Is that motion debatable?

The PRESIDENT *pro tempore*. It is debatable within the rule, not affecting the merits of the bill.

Mr. SARGENT. Mr. President, by joint resolution of both Houses the time has been fixed for the adjournment of Congress, and it is very obvious unless Congress pays attention to the great and pressing matters which are before it, to the exclusion of mere fanciful or doubtful schemes, we shall be compelled to rescind the resolution by which we agreed to adjourn on the 22d of June, or else to leave very much important public business undisposed of.

For several days the centennial matter was debated in the Senate. There was a full and fair discussion upon it. The necessity of an appropriation by Congress to carry out the centennial scheme was urged upon our attention by all the arguments which the able Senators from Pennsylvania could produce, re-enforced by pamphlets and personal solicitation by outsiders, who pressed upon us in every direction about the Capitol and our homes; and, notwithstanding, the Senate, by a two-thirds vote save one, with the obvious intention of killing the bill, referred it to the Committee on Appropriations. There can be no doubt of the purpose of the Senate in the vote which it took at that time. The consummation of that vote was most strenuously resisted by the Senators from Pennsylvania and all the friends of the centennial bill in Congress and out of it, under the representation that such action would be to destroy the chance of any success of this scheme and entirely destroy any hopes of its realization.

After that careful and elaborate debate, which at that early stage of the session we were able to give the subject, it seems to me that it is not wisdom to bring up the proposition again toward the close of the session, when we are crowded by important business of the highest character, without time sufficiently to deliberate, under the speculative idea that the Senate may be induced to reverse its well-considered opinion at that time, not upon any new arguments that have been advanced or any new showing made, but upon the bald, naked skeleton of facts which then was held up to the Senate. Not a fact has happened within the last month and a half relating to centennial matters which was not then known and discussed during that debate. There is not an argument which can now be made in this body which was not then presented to the Senate. Ability and ingenuity were both exhausted in lauding the scheme and in pressing it upon the Treasury of the United States.

Sir, this scheme is not more attractive now than it was then. It demands no less a sum from the Treasury of the United States now than it did then. It is no less now than before an inappropriate celebration of the centennial anniversary of national independence. It is no less true now than it was then that Congress had declared by successive bills that under no circumstances whatever should it become a charge against the Treasury of the United States. All these considerations of force then are of force now. In view of all these facts I ask if Senators are disposed to occupy the time of the Senate for several days to come, as must be the case if it is insisted upon, in the consideration of this bill. There certainly need to be some potent arguments advanced in favor of it to so influence the minds of Senators, and under the rules those arguments cannot now be advanced, because the merits of the proposition cannot be discussed on the pending motion. The simple proposition before the Senate is, shall we from importunity inside these Halls or outside of them give more time to the discussion of this matter, which heretofore we have discussed so amply and which we fondly hoped we had disposed of at least for this session, and certainly many of us hoped forever?

Now, sir, I am opposed to this. I am opposed to this bill in every stage of its progress.

The PRESIDENT *pro tempore*. The Chair thinks that is discussing the merits of the bill.

Mr. SARGENT. I am opposed to taking up this bill, and to its passage; and now, at one stage of the progress of the bill, I make these objections. When in order I shall say that I shall oppose the bill in other stages of its progress, and give reasons therefor.

Mr. CAMERON. I do not know whether I shall be out of order when I state a conversation which took place between the Senator who has just spoken and myself in regard to this bill in committee.

Mr. HAMLIN. I would not state that.

The PRESIDENT *pro tempore*. The Chair thinks the Senator should not disclose what took place in committee.

Mr. CAMERON. I think it is but fair that I should say that a member of that committee agreed to make the report which is here now.

The PRESIDENT *pro tempore*. The Chair thinks that is out of order. The transactions of a committee are privileged and secret.

Mr. CAMERON. I suppose I may say that the bill provides that in no event——

Mr. MORRILL, of Maine. I suppose it is in order to have the bill read for information. Let it be read for information from the desk.

Mr. CAMERON. I will first state that the bill provides "that the United States shall not be liable, directly or indirectly, for any expenses attending such exposition, or by reason of the same;" and I may say also that the people of Pennsylvania will carry on this exhibition themselves if they are prohibited from expecting any money from the United States by the bill. Now I ask that the bill be read.

The Chief Clerk read the bill and the amendment reported from the Committee on Appropriations.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of this bill?

Mr. MORRILL, of Maine. I will make a single observation. I think, under all the circumstances, the Senate ought to take this bill up at the present time and settle it one way or the other.

Mr. SAULSBURY. I desire to say that I shall vote to take up the bill because I believe the Senators from Pennsylvania and others who have this matter in charge ought to be heard on this subject before the Senate. I do that, however, without being committed to the bill. I have heretofore been opposed to it, and I expect to vote against it when it comes up; but I will do this in justice to Senators.

The PRESIDENT *pro tempore*. That borders on discussion of its merits.

Mr. SCOTT. There is one reason why I wish this bill taken up, and I will endeavor to state it, and I think it ought to be taken up if there were no other reason. The Senate has been told that we ought not to take it up because it is a doubtful or fanciful scheme, because it was referred to the Committee on Appropriations with the obvious intention of killing the bill, because it is now sought to be taken up through importunity; and I wish the opportunity of showing that all these reasons are not correct, and I think it is due to those who are interested in this measure that after such reasons having been assigned for its not being considered, the bill ought to be considered at once.

The PRESIDENT *pro tempore*. The question is on the motion to take up the bill.

Mr. SARGENT. I ask for the yeas and nays on the motion.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 8; as follows:

YEAS—Messrs. Alcorn, Boreman, Boutwell, Buckingham, Cameron, Carpenter, Clayton, Conkling, Conover, Cooper, Davis, Flanagan, Frelinghuysen, Gilbert, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Ingalls, Jones, Logan, Mitchell, Morrill of Maine, Morton, Patterson, Ramsey, Robertson, Saulsbury, Scott, Spencer, Sprague, Washburn, West, and Windom—34.

NAYS—Messrs. Edmunds, McCreery, Merrimon, Norwood, Pratt, Sargent, Tipton, and Wadleigh—8.

ABSENT—Messrs. Allison, Anthony, Bayard, Bogy, Brownlow, Chandler, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Howe, Johnston, Kelly, Lewis, Morrill of Vermont, Oglesby, Pease, Ransom, Schurz, Sherman, Stevenson, Stewart, Stockton, Thurman, and Wright—31.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1394) in relation to the centennial exhibition.

The bill was reported from the Committee on Appropriations with an amendment to add the following proviso:

Provided, however, That the United States shall not be liable, directly or indirectly, for any expenses attending such exposition, or by reason of the same.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The bill was reported to the Senate, as amended and the amendment was concurred in.

Mr. EDMUNDS. I certainly do not want to interfere with this bill of the Committee on Appropriations, but the reading of it reminds me of a description a friend of mine gave to me of it this morning. He said, "I invite you to dinner with me to-morrow, but you must dine at your own expense." It reads thus:

That the President of the United States be requested to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876: *Provided, however*, That the United States shall not be liable, directly or indirectly, for any expenses attending such exposition, or by reason of the same.

We invite our foreign fellow-nations to attend a grand repast and dinner on the 4th of July, 1876, with a proviso that it shall be at their own expense. Mr. President, I move to strike out the proviso of this bill.

Mr. MORRILL, of Maine. Has not that just been adopted?

The PRESIDENT *pro tempore*. The Chair understands that it has been.

Mr. MORRILL, of Maine. Is the motion in order?

The PRESIDENT *pro tempore*. Does the Senator raise a point of order on the amendment?

Mr. MORRILL, of Maine. I raise that question, whether the proviso having just been adopted, it is not now in order to strike it out.

The PRESIDENT *pro tempore*. The Chair thinks not if the point is made.

Mr. MORRILL, of Maine. I do make the point. Mr. President, there is more apparent than real wit in the comment that the friend of my honorable friend from Vermont lavished upon the bill this morning. There is a little bit of history connected with this bill which renders it readily to be understood that there is no very essential wit in that remark.

The necessity for this bill is supposed to arise in the minds of the centennial commission, from the assumed fact that a misapprehension exists in the governments abroad as to the real relation of the Government of the United States to the international exposition contemplated in the act of 1871. It is said that owing to certain transactions on the part of the State Department—very proper in themselves I think, and which do not in any sense whatever reflect on that Department—the American representatives abroad had got the impression, and had communicated it to foreign governments, that this was not a Government affair; and the inference drawn from that was that the Government of the United States was anxious to rid itself of all connection with it.

Mr. EDMUNDS. Have you any papers showing that fact?

Mr. MORRILL, of Maine. I am only saying at this moment what the understanding of the centennial commission is and not saying whether that is the fact or not. They assert that they are greatly embarrassed by that fact. Hence the necessity for this bill. They think it is necessary. Under these circumstances it came from the House of Representatives to obviate that supposed necessity, either real or imaginary. It is known to members here that the Senate hesitated to adopt it and sent it to the Committee on Appropriations, not to ascertain that fact particularly, but I suppose to consider all the facts that were properly to be considered in connection with the whole subject.

Now, Mr. President, I am only to allude to two or three principal facts in this case, in order to explain the views of the committee on this subject. Beyond all question, the Congress of the United States is committed by the act of 1871 to the holding of an international exposition by way of celebrating the centennial anniversary of the declaration of independence. It is so expressly declared. I will read the first section:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an exhibition of American and foreign arts, products, and manufactures shall be held, under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876.

It would not seem that the question of the propriety or fitness, so far as the Government of the United States is concerned, of holding an international exposition by way of celebrating the centennial of the declaration of independence, is now an open question. Congress in the most solemn manner did declare that fact. That is a principal fact lying at the foundation of any consideration of this question. And it provided for certain other things in connection with it to that end. Having declared that, it provided for a centennial commission, which commission was authorized to make rules and regulations to provide for the exposition, &c. Thereupon the President of the United States was requested, such rules and regulations having been authorized and certain other proceedings having been had by the centennial commission, to make public proclamation and to direct the Secretary of State to communicate those facts and the principal facts that such international exposition would be held under the auspices of the Government of the United States in 1876, in the city of Philadelphia.

Mr. EDMUNDS. What does the Senator understand to be the meaning of the word "auspices?" What is it to be "under the auspices of the Government of the United States?"

Mr. MORRILL, of Maine. Under its favor, under its sanction, under its authority to some extent, probably; but there is no reason to doubt what it means in this case. It does not mean that it is to be under the direction of the Government of the United States. It is under its sanction. It is not left, I think, if you look into the history of the two acts of Congress, in any doubt whatever as to the actual condition of the Government of the United States. It intended to favor, it intended to promote it indirectly by its good offices, to sanction it and promote it by its good offices, taking care at the same time, in the same acts, to say that it would not be involved in any of the expenses which might arise out of that transaction.

Having declared in the act of 1871 that such international exposition should be held under the auspices of the Government of the United States, it went on to provide the machinery for carrying out this enterprise. I may say here that the Government of the United States was not swift to move in the enterprise. It originated in 1870. In December, I think, of that year a memorial was presented to both Houses of Congress from the State of Pennsylvania, the city of Philadelphia, and the Franklin Institute of that city, proposing this international exhibition by way of celebration. As I have already stated, Congress seems to have adopted it and declared accordingly in 1871. Having provided for this, and having provided also that the Government of the United States should incur no expenditures in regard to it, that its Treasury should not be involved directly or indirectly in any expenses attending it whatever, it became necessary to provide the ways and means for holding this international exposition.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. MORRILL, of Maine. Certainly.

Mr. EDMUNDS. Notwithstanding the legislation to which the Senator refers, like this proviso, that the United States should not be involved in any expense, were we not immediately applied to and urged to make provision for the expenses by the same people?

Mr. MORRILL, of Maine. I am not aware of anything of this sort until this session, when there has been a strenuous effort——

Mr. EDMUNDS. Is not the Senator aware that on an appropriation bill within two or three years past there was an attempt to make provision for $20,000 for the printing of this centennial commission stock?

Mr. MORRILL, of Maine. If that was ever brought to my attention it has escaped my recollection entirely; but it may be so.

Mr. EDMUNDS. It is a fact.

Mr. MORRILL, of Maine. But, Mr. President, it will be seen by what took place in 1872 that the Government of the United States did not undertake any part of the expenditures; but on the other hand, while it declared that this great exhibition might take place under its auspices, and in the language of the act that it should be held under its auspices, and that it would extend to it its good offices, it did provide in the original bill that the Government should not be liable for any of the expenses. By the act of 1872, which is an act of incorporation of a company called the centennial board of finance, the ways and means were provided; and a reference to that act shows clearly that the Government of the United States in 1872 was still carrying out its purpose, extending its good offices, but at the same time not involving the Treasury of the United States in any expenditure. By that bill it will be seen that for the means to carry on this enterprise an appeal was to be made to the American people, and very properly I think. So this act incorporated certain gentlemen in different parts of the country, whose business it was to be to sell the stock necessary to raise the funds, to wit, some $10,000,000, supposed to be sufficient to carry out the enterprise.

The present bill came to the Committee on Appropriations under these circumstances. They came to the conclusion that there was no liability on the part of the Government incurred to make any expenditures in this behalf. On the other hand, it did seem to the committee that the Government had gone so far in the declaration that this international exposition should be holden under its auspices, that it was hardly expedient to say, under all the circumstances, after all that had been done on the part of Pennsylvania and the people of the country, that Congress would withdraw its sanction and refuse to pass an act which those who are managing the matter under its auspices really believe to be essential.

Mr. EDMUNDS. May I ask the Senator what he means by Congress withdrawing its sanction? Have we been asked to pass any bill repealing what we had done?

Mr. MORRILL, of Maine. Perhaps I am not quite accurate in my statement as to withdrawing its sanction. Perhaps I did not express myself very felicitously in saying that Congress is asked to withdraw its favor. In other words, these people understand, as I have already stated, that the relations of the Government of the United States to this enterprise are misunderstood abroad.

Mr. EDMUNDS. What evidence has the Senator of that?

Mr. MORRILL, of Maine. The evidence that our representatives abroad say so.

Mr. EDMUNDS. Will the Senator read us a letter from any representative of that kind?

Mr. MORRILL, of Maine. I have not got any here.

Mr. EDMUNDS. Has the Senator seen any?

Mr. MORRILL, of Maine. Yes, sir; I have seen the debates in the other House of Congress, and I have numerous statements here to that effect from persons who have come before the committee, and I think there is one in the volume before me.

The committee under all the circumstances, as these people believed they were embarrassed in foreign countries from the fact that a misapprehension had sprung up there as to whether the Government of the United States intended to countenance this enterprise or not, whether it was being carried on by a private corporation, or whether it was under the auspices of the Government, believed it but a reasonable thing that the Government should make that clear, and at the same time reserve its original position that it would not involve the Treasury of the United States in the expenditures.

Mr. EDMUNDS. Is this the relief that these people, as the Senator calls them, applied for to Congress in the first instance, or was it something else that they insisted we should do?

Mr. MORRILL, of Maine. I have no knowledge of anything prior to that.

Mr. EDMUNDS. What was the bill that was debated before? Was it this bill?

Mr. MORRILL, of Maine. This is the bill—the bill now before the Senate.

Mr. EDMUNDS. Was there no application for assistance in the way of funds?

Mr. MORRILL, of Maine. None whatever, that I am aware of.

Mr. EDMUNDS. So that the centennial commission, or this corporation, as the Senator understands, have always faithfully observed

the provisions of the old act of Congress which gave them existence, in not undertaking to call upon the United States, or authorize anybody else to do so, to furnish any funds for this affair.

Mr. MORRILL, of Maine. It is sufficient for me to say that there is no proposition of that kind before the Committee on Appropriations; and there is none that I am aware of in this body.

Mr. EDMUNDS. Does the Senator understand himself that this proviso is understood by all parties, the applicants and all, as being a real provision which is to free us hereafter from any demands upon the Treasury?

Mr. MORRILL, of Maine. I understand this——

Mr. CAMERON. If the Senator will allow me——

Mr. EDMUNDS. Let me hear the Senator from Maine first.

Mr. MORRILL, of Maine. My understanding is that there is no liability on the part of the Government of the United States whatever; but as this is a distinct proposition to give an invitation in distinct terms, the Committee on Appropriations, believing that the Government of the United States ought to keep its original position intact, thought it worth while to make this declaration of the Government that it would not be responsible, in order to be in harmony with the original proposition of the Government.

Mr. EDMUNDS. Do I understand the Senator to mean that the people who ask for this legislation in aid of their enterprise are satisfied with this proviso and assent to the understanding that the United States is not to be responsible in any way in point of money, but only to give the concern its favor and friendly good offices in the way provided by this bill?

Mr. MORRILL, of Maine. My friend——

Mr. EDMUNDS. This a matter between a private corporation and the United States, and I want to know for one precisely what the real truth is about the terms on which this act is to be accepted.

Mr. MORRILL, of Maine. I will state to the Senator with the utmost candor what I believe on this subject. These people came before the committee and were told that as this was a proposition before the Committee on Appropriations, the Senate of the United States might probably think it had some relation to appropriations, either present or prospective, and that they would be good enough to tell us exactly the condition of their finances, the condition of the whole enterprise, what their prospects were in regard to it, how much funds they had, what the expenses of the whole enterprise would be, how far they had resources, and what their reliance was. It was apparent that the gentlemen connected with this enterprise were looking to the Congress of the United States for some aid, because at the very time when this bill was before the committee a bill to that effect had been introduced into the other branch, if I may be permitted to allude to it, for an appropriation of $3,000,000. It could hardly therefore be disguised from the committee or from this body that these people would be very glad if Congress could see its way clear to aid the enterprise by an appropriation in money; but that is not necessarily involved in this proposition. Morally it may be; and that is for each Senator to judge for himself. The committee did not feel authorized under all the circumstances to report the bill back and recommend its passage, without an express declaration on the face of it that it should not be construed to mean an appropriation either present or prospective.

Mr. EDMUNDS. But does or does not the Senator understand, as he has been in communication with these gentlemen, that notwithstanding this proviso, if it turns out that they do not have funds enough to meet the results of the operation, they will apply to Congress to make up the deficiency in the end?

Mr. MORRILL, of Maine. What their understanding on that subject is, I have no right to say. I do not think myself that it is at all beyond the probabilities that they may come back to Congress another year and ask for an appropriation.

Mr. CAMERON. I wish the Senator from Maine would let me reply to the Senator from Vermont.

Mr. MORRILL, of Maine. With great pleasure.

Mr. CAMERON. I say that this bill will be accepted in good faith. I do not believe that the people of Pennsylvania will ever ask for one cent. I assure the Senator if I am here as a Senator, as I likely shall be, I will not ask for one cent, nor will I in any way be accessory to passing any appropriation for this purpose.

It will be remembered that this bill when it was here originally was placed in the hands of the Committee on Appropriations against the wishes of the friends of the bill. About the same time there was a bill pending in the House proposing an appropriation of $3,000,000. That bill was defeated, and after its defeat the people of Philadelphia and the people of Pennsylvania went to work in their own way to raise the money among themselves. They have subscribed $4,570,000, and I feel sure that if they get no help from other States the State of Pennsylvania will foot the bill and pay it.

This proviso was put into the bill by my consent. Representing the people of Philadelphia who have charge of this affair, I went to the committee and I was told by a member of the committee that he would agree to report the bill if he might be permitted to make such an amendment as has been presented. So it is before the Senate now, only asking authority to carry out the machinery of two separate bills enacted by Congress heretofore.

I ask the Clerk to read the paper sent here by the gentlemen in charge of the exhibition which expresses their views and wishes probably better than I can, and then perhaps I will say a word more.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The communication will be read if there be no objection.

The Chief Clerk read as follows:

PHILADELPHIA, *May* 21, 1874.

To the honorable the Senate of the United States:

The memorial of the United States centennial commission, in session at Philadelphia, respectfully shows:

That by act of Congress approved March 3, 1871, the President was authorized to appoint a commission "whose duty it should be to prepare and superintend the execution of a plan for holding an exhibition of American and foreign arts, products, and manufactures under the auspices of the Government of the United States." That your memorialists were duly appointed such commissioners by the President, and that the especial duty imposed on them by the act creating them was to conduct an exhibition the great feature of which should be its international character. In all of their official acts since organization, they have recognized and proceeded upon this idea. That the same act provided for a proclamation by the President of the United States of the fact of such an exhibition being determined upon and the communication of such proclamation to foreign governments through the Department of State. In accordance with this provision, the President, on the 3d of July, 1873, issued his proclamation "cordially commending the celebration and exhibition in behalf of the United States to all nations," and the State Department communicated the same to all nations, together with the regulations adopted by the commission. That numerous foreign governments, acting on the proclamation and believing from it as well as from the words of the act which authorized its issuance, have accepted what they supposed to be an invitation from the Government of the United States; while in our own country patriotic citizens have subscribed largely to the stock of the board of finance under the belief that they were contributing to the holding of an international exhibition.

On the 3d of November, 1873, after the proclamation had been communicated and accepted and the subscriptions made, the Secretary of State, influenced by a sense of official duty, issued instructions to the diplomatic representatives of the country, directing them to explain to the several governments to which they were accredited that the Government of the United States had extended no invitation to them to participate in the proclaimed exhibition, and subsequently the duties connected with the international exhibition were transferred to the Department of the Interior. By this action the only channel through which the commission could carry out the duty imposed on it with foreign nations has been closed, the means necessary to the successful conduct of an international exhibition taken away, and the holding of such an exhibition rendered impossible. Unless this channel be reopened, it is idle for them to attempt to secure any representation from other nations. The result of such an action is too clearly evident. The international feature must of necessity be abandoned; the subscriptions heretofore made be either lost or greatly endangered, and the official duty of your memorialists crippled and their functions destroyed. Having acted under the sanction of the very words of the acts of Congress and under the indorsement of the solemn proclamation of the President, on a line of policy consistent since their organization, your memorialists now find themselves in a position in which either honorable retreat or further advance is impossible. They would therefore earnestly pray your honorable body to take immediate action on the bill now pending before the Senate, which is designed to remove the obstacle now interposed, which is entitled "An act relating to the centennial celebration." Unless a decision is made during the present session, its future passage would come too late to secure the object desired.

If, therefore, it is the intention of your honorable body to have the commission continue to discharge the duty originally imposed upon it, your memorialists feel they have the right to respectfully ask the immediate passage of the pending bill to enable them to conduct an international exhibition. And they will ever pray, &c.

In obedience to the unanimous vote of the commission.

JOS. R. HAWLEY,
President United States Centennial Commission.
A. T. GOSHORN,
Director-General.
JOHN L. CAMPBELL,
Secretary.

Mr. CAMERON. I now return the floor to the Senator from Maine.

Mr. MORRILL, of Maine. I was about to state one or two facts probably in regard to the situation of affairs in connection with this enterprise, which I think due to the parties who are managing it. It may be some answer to the inquiry of the Senator from Vermont also, as to the probable fear of any liability of the Government hereafter. I do not think the Government is under any liability; and I think so far as this action is concerned it will be kept in that status; but as to the probability that Congress will be called upon hereafter, he has the assurance of the Senator from Pennsylvania, and he can judge of the probabilities from the general statement I will make.

Mr. EDMUNDS. Now, if the Senator will excuse me, perhaps I can save him the trouble of making any further speech on that subject. Certainly after what the Senator from Pennsylvania has stated, speaking for these gentlemen and pledging their faith, and that of the citizens of the State of Pennsylvania whom he represents, to the fact that this proviso is a real one and not a device, and that it is intended to express the mutual idea that these gentlemen take this concern upon their own pecuniary responsibility with no expectation or intention of calling upon us, and that we understand it alike on both sides, there is certainly not a word of criticism to be made or fault to be found with the position of the Senator from Pennsylvania.

Mr. MORRILL, of Maine. From all I have seen, I think the gentlemen connected with this international exposition are men of the very highest respectability and are acting in the utmost candor and good faith toward the Government of the United States. That is my belief about it, and they have made very great advances in this enterprise. I will state in a brief word or two their resources at the present time. I understand them to be in detail something like this: The State of Pennsylvania has appropriated $1,000,000. The city of Philadelphia has appropriated half a million. These appropriations are for the specific object of an art building. They are not exactly in harmony with the purposes of the centennial commission, not exactly what it would desire they should be; but as an art building was necessary, although the erection of this building is under the

government of the State of Pennsylvania and is only so far subjected to the control of the commission as to be auxiliary, still they estimate its value, and I believe its value to the exposition is perhaps half a million dollars. That, therefore, I put down at $500,000. Then there is a general subscription of $1,574,440 which I estimate at $1,000,000; they estimate it more largely.

Mr. EDMUNDS. Why is this material to us after what the Senator from Pennsylvania has said?

Mr. MORRILL, of Maine. Perhaps it may not be material to the Senator from Vermont; but other gentlemen may take a different view of it, and if he will pardon me I will make my statement.

The additional subscription of citizens are put at $150,000; then guaranteed by the citizens of Philadelphia to the general subscription $250,000. Then by an ordinance of the city councils of Philadelphia of April 3, 1874, $1,000,000. The State of New Jersey has voted $100,000, and an additional subscription of $40,000. Here are in all $3,040,000, which I think, so far as we have evidence upon the subject, may be relied upon as a fund contributed toward this enterprise. These are the real resources, what they call and deem actual resources, and which I think rest upon very probable certainties.

Then the prospective revenues are estimated from admissions at $2,500,000. I think that is a little large. From an examination of the receipts of other exhibitions my own judgment is that they will not realize more than $2,000,000 from this source. Then from the sale of the old buildings they estimate $500,000 more, making in all, actual and prospective, $5,540,000. The original estimate of expenditures was between eight and nine millions, but upon a revision of the estimates, made by the centennial commission, they have reduced the expenditures to $6,100,000, which they believe will cover the entire expense.

If I am right in supposing that they have real subscriptions of $3,040,000, you will see that they have provided already, from the State of Pennsylvania and the city of Philadelphia chiefly, for one-half the funds, and prospectively, according to my estimate arising from the receipts for admissions, $2,000,000, and from the sale of buildings, $500,000, to be added to the $3,040,000. Thus it will be seen that, actually and prospectively, these parties, if they keep themselves within their estimates, have provided within less than a million of dollars for the entire expenditures of the whole enterprise. Gentlemen must judge for themselves as to the probability of its being kept within these sums.

I do not know, Mr. President, as the Senator from Vermont suggests, that that is very material in any way except that it does disclose this fact, that these people have not come back to Congress having done nothing. They have done much. In the line of the enterprise indicated by Congress they have gone forward, and they believe that without any aid whatever from Congress they can make it a success if Congress will continue to give it the favor of its countenance and its friendly auspices.

Mr. ALCORN. Mr. President, the purposes and objects of this centennial exposition are of themselves commendable. Being called upon to vote, however, on the bill that is now before the Senate, and not being able to give it my approval in the form in which it stands, I propose briefly to state the reasons.

The bill starts out with a "whereas," and declares that—

> Whereas at various international exhibitions which have been held in foreign countries the United States have been represented in pursuance of invitations given by the governments of those countries and accepted by our Government—

Then comes this—

> That the President be requested to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876: *Provided, however*, That the United States shall not be liable, directly or indirectly for any expenses attending such exposition, or by reason of the same.

Standing across the ocean and reading an act like this, with a proviso like this, I should take it to be a Yankee trick, that was intended to get me here for the purpose of getting some advantage of me. I might, if I were somewhere else, use language even so strong as a Senator suggests, when he whispers "to pick my pocket." I know very well that no such thing is intended. I know very well the patriotic motive that moves gentlemen to go forward in this measure; but I do protest that the Government of the United States shall not put itself in an attitude before the world of laying itself liable to an imputation like this.

Why, sir, I have heard it said here that there are precedents for almost every character of legislation; but I should like to know whether any antiquarian here can find a precedent for legislation of this description. In the legislation of all the nations of this earth I ask whether there can be found an invitation given under the authority of any sovereign or power and given cordially to the other nations to come to it for the purpose of exhibiting their workmanship, their manufactures, their productive industries, and at the same time to remind them of the fact that they must pay their own expenses, and that if expenses shall be incurred in the exhibition, to remember the fact that the Government inviting them stands not forth to protect them against the extortions that may be practiced upon them?

This exposition will be attended with large expense. I contend that if the Government of the United States intends to invite people from abroad, if the Government of the United States through its President intends to extend an invitation to foreign powers to come here and witness the exhibition, even though it may not intend to pay the expenses, it should not put forth the declaration that it will not at the same time that the invitation is given.

The honorable Senator from Vermont stated the case, and he stated it well when he said that it was like inviting a gentleman to dine with you, and notifying him at the same time that he should dine at his own expense. I repeat, if the Government of the United States intends to invite foreign nations to come here and witness and attend this exhibition, the Government of the United States owes it to itself to be ready to foot the bill necessary to make the exposition such as represents the hospitality, such as represents the character, such as represents the wealth of this great nation. If the occasion is one worthy to be commemorated in this manner, I say it is worthy to be celebrated in the name of the nation in a due and proper form, and let the nation pledge itself, at the same time that the invitation is given, that the guests who shall respond to that invitation will be treated as the guests of the nation, and will receive that care and attention and that comfort which the nation will owe to them. When these people come from abroad in response to the invitation that is extended to them, they come here guests of this nation, they are under the protection of this nation, they are under the care and here by the courtesy of the nation; and it is an insult to them to say that they shall when they come here pay their own expenses, and that the Government of the United States will not, under any circumstances, be bound for one single dime of the expenses that they may incur while they are here.

With this bill standing before the Senate, with this proviso as it is, I for one shall vote against it. The Senator from Pennsylvania states that he accepts the proviso. He accepts it in behalf of the people of the city of Philadelphia and of the State of Pennsylvania. That is well. For myself, representing a separate constituency upon this floor, however tenderly I may regard the feelings of the honorable Senator from Pennsylvania and the people of the city of Philadelphia, I will not commit my constituents to any such invitation as this.

Mr. SCOTT. I do not wish to prolong this discussion, but simply to remove what was not intended as an imputation, but may be considered as such, upon the conduct of some gentlemen heretofore in this case. It was stated that as soon as the act of 1872 was passed they came here asking for an appropriation for expenses. That is a misapprehension. There was a provision in the bill incorporating the centennial board of finance that the Secretary of the Treasury should issue certificates, and there was an item in an appropriation bill intended to cover that; but the centennial board of finance never came here asking anything for themselves.

My colleague has been in consultation with the Senator in charge of this measure, and has seen proper to state that he accepts this proviso disclaiming the liability of the United States for expenses, the same proviso which is in the original bill; and he has gone further and stated that, so far as Philadelphia and Pennsylvania are concerned, he will never come here to ask anything for this measure. He of course states what he feels himself authorized to state. There are many others connected with this exposition, commissioners for all the thirty-seven States, who are in Philadelphia, and who go to Philadelphia, and whose expenses have been borne by the money contributed by Pennsylvania and Philadelphia for carrying on this national and international enterprise; and so far from pledging myself to any particular course of action in the future, I shall hold myself ready to do and vote as I believe right upon any application that may come from any place outside of Pennsylvania upon this question.

The bill, as we now have it, disclaims any liability by reason of this act, as it did by reason of the former act; and it is accepted by my colleague, and I have no doubt in entire good faith, as the original act was accepted; and I trust when this invitation shall be given in pursuance of this act, it is the last time we shall hear of this bill or anything else connected with it in the Senate or anywhere else in Congress. That is my hope.

Mr. HAGER. Mr. President, I have no desire to take any part in the debate, if it may be called such, upon this bill; but I do desire to propose one amendment. I have heretofore voted against any effort that has been made to obtain an appropriation from the Government toward an international centennial exhibition. I would favor an appropriation for a centennial celebration simply as such; but when it is made international, it has lost its character as an American institution in my estimation. When we come together one hundred years after the enunciation of the Declaration of Independence to celebrate so important an event as that centennial, it should be, in my opinion, entirely national; and when we make it international by inviting the crowned heads of Europe or others to join us in that celebration, we depart from what should be the proper purpose of the occasion. It is not an occasion for the parade of royalty. It is not an occasion to contrast republican institutions with the monarchical. It is simply a celebration of the triumph of the American idea of government, which is that republican in form as contradistinguished from the monarchical or the imperial.

For that reason, and that alone, I have heretofore voted against any appropriation for or any apparent recognition on the part of the Government of an international celebration of the Fourth of July. If it had been simply an American institution, as I said before, I would have cheerfully voted for an appropriation, believing that the

Government would be empowered to make an appropriation of that kind, in accordance with precedents which had been heretofore well established. If we can make an appropriation for a statue, we can make an appropriation, in my opinion, for the celebration of the Fourth of July on an occasion like this centennial

But I propose to strike out the clause "under the auspices of the Government of the United States." I do not wish it to be regarded as under the auspices of the United States unless it be really under the auspices of the United States. It is a celebration that is to be conducted by the sovereign State of Pennsylvania, as I understand, and not by the United States; and so let it stand as a celebration on the part of the sovereign State of Pennsylvania, with the consent of the Government of the United States, in pursuance of the law that now stands on the statute-book. I have seen some of these expositions, and I am very well satisfied that they are very expensive affairs, and that they are attended with a great deal of trouble. I am fearful that this will be a failure, inasmuch as it is to be international, and is to be a failure for want of funds, so far as I can see. I do not wish to say anything that is calculated to damage the matter.

Mr. MORRILL, of Maine. Allow me to call the Senator's attention to the act of 1871, with a view of seeing whether his proposition is quite in harmony with that act:

Be it enacted, &c., That an exhibition of American and foreign arts, products, and manufactures shall be held, under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876.

Does the Senator propose to repeal that act?

Mr. HAGER. No, sir. I remember that that is in the law now; but does it not provide for an invitation to be extended to foreign nations?

Mr. MORRILL, of Maine. Not in words.

Mr. HAGER. On the happening of certain contingencies.

Mr. MORRILL, of Maine. Substantially I think it does.

Mr. HAGER. At all events if this clause be in the law as it stands, why repeat it? Why re-enact it? It might be argued that inasmuch as the Government has again passed an act by which it appears that this exposition or exhibition is to be held under the auspices of the Government an appropriation should be made for it in an appropriation bill; and I presume that will be the next step. Somebody, perhaps not the Senators from Pennsylvania after what has been declared here to-day, but some other sympathetic Senator or Member of the House, will propose in some appropriation bill an appropriation to carry out this international exhibition.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from California to strike out the words "under the auspices of the Government of the United States."

Mr. MORTON. It seems to me to be very plain that the bill now before us is but a re-enactment of what has been made a law before, the necessity for which is given in the explanation made by the Senator from Maine, on account of a circular subsequently addressed by the Secretary of State to foreign nations to which communication had before been made. The proviso is in these words:

That the United States shall not be liable, directly or indirectly, for any expense attending such exposition or by reason of the same.

The seventh section of the act of March 3, 1871, contains this language:

And the United States shall not be liable for any expenses attending such exhibition or by reason of the same.

So far, that is a mere re-enactment of what goes before. This invitation which is to be extended to foreign nations to attend this international exhibition to be held at Philadelphia, under the auspices of the Government of the United States, is a re-enactment almost in terms of a portion of the act of March 3, 1871, which declared "that an exhibition of American and foreign arts, products, and manufactures shall be held under the auspices of the Government of the United States in the city of Philadelphia in the year 1876."

We have heard a great deal of late in regard to good faith and national faith, without very much occasion for it; but the national faith is very fully and very strongly committed to this international exhibition at Philadelphia. In the preamble of the first act, in the preamble of the second act, and almost in every section of both acts this exposition is described as being international in its character. That was the central idea with which the exposition started out, and we cannot now take from it that character without at least being guilty, I think, of a breach of faith toward the people of Pennsylvania and of other States who have subscribed their money, and have already gone to large expense and great trouble upon the strength of what has been done by the Government of the United States.

Mr. HAGER. Will the Senator allow me to interrupt him a minute?

Mr. MORTON. Certainly.

Mr. HAGER. I did not undertake to take any position contrary to what the Senator has stated, but merely to explain my views why I would oppose an appropriation for an exhibition of that character, it being international. I do not dispute that such was the law on the statute-book; but I said that I would not favor an international exhibition, but would a simply national one. I was explaining my own position.

Mr. MORTON. I understood the Senator so to state. So far as the international character of this exhibition is concerned the Government cannot be committed to it any more fully than it is now, except by making an appropriation of money. We agreed in the act of 1871 that it should be under the auspices of the Government of the United States; but that act contained the condition that this act does, that it should be at somebody else's expense. We were willing to lend our name and invite them, but it was not to be at the expense of the Government of the United States. I will not say that this was remarkably liberal and generous in the beginning; but I simply mean to say that the bill now before the Senate does not change in the least the character of this undertaking.

Mr. SAULSBURY. I shall not deny that the law warrants to some extent the idea which is contended for by the Senator from Indiana. It may be that a proper construction of the language of the act of 1871 perhaps warrants the idea that the Congress at that time contemplated that this proposed celebration should not only be international but also under the auspices of the Government. I am not prepared to say but that the language of the act of 1871 would warrant such a construction; but so far there has been no proceeding under the law of 1871 that commits the Government either to the expenditure of money for the purpose of a celebration or commits it to foreign powers by any invitation to join in any celebration.

The Senator from Indiana insists that the proclamation of the President issued under the authority of that act did commit the Government of the United States to the invitation which he supposes him to have extended in that proclamation to foreign governments to attend and to participate. That is not the view, I think, which is taken of it by the Executive Department of this Government. I have before me the letter of the Secretary of State directed to the diplomatic officers of the United States abroad, in which he says:

I regret to find that misapprehension has arisen in a certain quarter as to the meaning of the proclamation of the President, of the 3d of July last, relative to the centennial exposition, to be held in Philadelphia, in commemoration of the declaration of the independence of the United States. It is therefore deemed necessary to make the following communication for your information and guidance.

And then the Secretary of State makes use of this language:

It will be observed that the President in his proclamation has extended no invitation to foreign powers to participate in the exhibition. He was not authorized so to do; and, while he desires to attract as much attention and interest as possible thereto, he carefully confines himself to "commending" the celebration of the centennial anniversary of American independence, and the exhibition which is to be held in connection therewith, to all nations who may be pleased to take part therein.

I therefore differ with the construction put upon that proclamation by the Senator from Indiana. The executive department of this Government did not understand the proclamation issued by the President as extending any invitation; and when they found that this proclamation had by some of our foreign consular and diplomatic agents been misinterpreted, the Secretary of State immediately issued his circular to correct any such misapprehension on their part; so that, so far as the executive department of the Government is concerned, it is not committed to the measure by extending invitations to any foreign government to be represented at the celebration.

Mr. MORTON. I ask my friend if the whole act of 1871 and the act of 1872 are not essentially in their nature an invitation—the acts of Congress themselves?

Mr. SAULSBURY. The acts of Congress themselves could not be an invitation to foreign powers. Those acts only on their face propose that the President should issue a proclamation and, according to the construction of the Senator from Indiana, extend an invitation; but our statutes are no invitations to foreign powers. If they are, then wherefore the necessity for the present enactment authorizing and requesting the President to extend invitations? None, as I conceive.

So far, therefore, as the proclamation of the President is concerned, and so far as the statutes of this country are concerned in reference to this subject, there has been no invitation extended to foreign powers, and certainly so far as that part of the argument of the Senator from Indiana is concerned it falls to the ground because it is not sustained by the facts in this case.

Then are we committed by the statutes passed in connection with this subject to the expenditure of money? There is an express exclusion of that idea in the statutes themselves, just as there is in this bill. Therefore we are not committed to the expenditure of money to the persons having charge of this matter, nor are we committed by the statutes we have enacted, or by the President's proclamation, or by anything that has been done by the executive department to foreign powers by any invitation extended.

If that is true, we are left to judge of this matter upon its merits without any reference to what has taken place under the act of 1871. And now I come to that point. Shall we by this bill now commit ourselves to foreign governments by directing the President to extend to them an invitation; and will not such an invitation extended under the authority of Congress by the President of the United States commit us not only to foreign governments that the exhibition shall be all that shall comport with the dignity and character of this Government, but will it not impliedly commit us to the expenditure of money to make it so? Most unquestionably both these results will follow. When this bill proposes to direct the President of the United States "to extend in the name of the United States a respectful and cordial invitation to the government of other nations to be represented

and take part in the international exposition to be held in Philadelphia," we would by such action fully commit ourselves to every foreign government that that exposition to which they are invited shall not only comport with the true character and dignity of this country, but that it shall be such as to satisfy the just expectations of foreign powers who may choose to be represented. I say the moment we pass such a law, notwithstanding the disclaimer of any intention to make the Government responsible for any expenditure of money, we do stand pledged to foreign powers that the exposition shall be all that would be required to satisfy their just expectations; and that would be true even if the amendment of the Senator from California were adopted and the words were stricken out that it shall be "under the auspices of the General Government." The very fact that the invitation was extended would justify foreign powers in supposing that the Government of the United States intended that the celebration should be such as would be worthy of their visit to this country.

Then is it proper that we should by this legislation, by the passage of this bill, either directly or indirectly commit ourselves to the expenditure of the amount of money that would be necessary to make the exhibition such as it should be if invitations are extended to foreign powers? Now, sir, the Treasury of this country is not overflowing with money. The Treasury of this country is replenished by taxes drawn from the people. There is no surplus there now. In fact there is an apprehended deficit of the revenues of this country. Under these circumstances, with that fact staring us in the face, with the full knowledge that the money which must be appropriated by Congress to make this exposition such as it should be must be drawn from the people by taxation, is it proper and right, is it just to the people themselves, ninety-nine hundredths of whom cannot see this exhibition, is it just to the men who pay the money into the public Treasury which is to defray expense of this exhibition that we sitting here in the Halls of Congress should appropriate the necessary funds to make the exhibition all that it should be? I think not. Even if we had power under the Constitution to appropriate money for such a purpose, I believe that it would be impolitic, unwise, and inexpedient to make such an appropriation.

Sir, in taking this position I have no opposition to that celebration being held in Philadelphia if a celebration must be had. On the contrary, it is the proper point in my judgment to hold such an exhibition if one is to be held under the auspices of the Government of the United States. Personally I would prefer that it should be held there to any other point. If we go into this measure and determine to have under the auspices of the Government of the United States and at the expense of the United States an exposition, I believe that Philadelphia is the proper point where it should be held.

But now have we the authority? Is there any authority in the Constitution of the country to appropriate money for any such purpose? I think not. I have heard the arguments that have been made in this Chamber in reference to the power of Congress to appropriate money for such purposes, and I confess that I have not had any clause of the Constitution which would authorize the appropriation of money for such purposes pointed out. I know it has been claimed by some gentlemen that under the power, as they call it, to provide for the general welfare this money might be appropriated. Without going into what I conceive to be the true meaning of that clause of the Constitution, I may be permitted to say that I think there is a very great misapprehension in reference to what was meant by that clause in the Constitution which authorizes the collection of taxes to pay the debts and to provide for the general welfare and common defense. That clause occurred first in the Articles of Confederation, the eighth article providing—

> All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of the common Treasury.

The meaning in that connection of the Articles of Confederation was that the moneys paid into the Treasury by the Colonies should be appropriated for the *common benefit of all the Colonies*, should be paid out of a common fund to be furnished by the people of the different Colonies for the "general welfare" in contradistinction to local objects. That was the true meaning of it in the Articles of Confederation, and it was afterward transferred with the same meaning to the Constitution of the United States; and therefore under that clause, even considering it as a substantive grant of power, giving it the construction and meaning which it had at the time it was incorporated in the Constitution, there is nothing that would warrant the application of money for such purposes. I know that for various objects money has been appropriated by Congress perhaps as wholly indefensible as would be an appropriation to the object under consideration; and so you can find precedents for the appropriation of every dollar now or likely to be soon in the Treasury. In fact you could not keep any money in the Treasury if you took the precedents of appropriations as the rule of action in reference to this and other subjects.

I find no warrant, therefore, in the Constitution, and I disclaim the binding force of the precedents that have been cited for my action in reference to the vote I shall cast on this occasion. I cannot vote for this bill, because by so doing I should feel that I was committing the Government of the United States to the expenditure of money that I believe it has no right to expend in the first place, and second, that it would be unwise and impolitic to expend if we had the power, considering the present condition of the public Treasury and the finances of this country.

I have said, Mr. President, all that I desire to say in connection with this bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California.

The amendment was rejected.

The amendment was order to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. SARGENT. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. SARGENT. I do not know that I wish to prolong the debate, but it seems to me that the bill in the inconsistent shape in which it is before the Senate deserves more consideration than would be implied by hurrying its passage after an hour or so of debate. As it now is before the Senate, an invitation in the name of the United States is to be extended to all people to be in Philadelphia for some months during the summer of 1876 to attend a celebration there to be held under the auspices of the United States. It is said that with this proviso attached to this legislation that it shall not cost us anything, if this invitation is generally accepted, the Treasury of the United States is safe; and one of the Senators from Pennsylvania goes so far, I understand him, as to pledge himself on the floor of the Senate that there never shall be a call upon the Treasury of the United States to pay for the expense of this exhibition. The senior Senator from Pennsylvania nods his head in sign of assent that that is the pledge.

Mr. CAMERON. I assent to all that I said.

Mr. SARGENT. That certainly is very valuable so far as the opinion of an individual Senator is concerned. His colleague, however, does not have that view, and refuses to be bound by any such understanding; refuses, so far as one of the Senators from Pennsylvania is concerned, to be considered as implying that the United States will not be called upon to pay $3,000,000, according to the bill which I presume I am in order in stating is given in a pamphlet which was laid upon our desks by the board of centennial commissioners, and which pamphlet informs us that this bill is pending in the House of Representatives and calls for a first draught of $3,000,000 upon the Treasury of the United States. So far as the junior Senator from Pennsylvania is concerned he will not commit himself to a course which will preclude him from urging that bill at the next session of Congress or this one, provided he shall have time to do it.

Furthermore, there is no pledge here so far as the centennial commission are concerned, who in this pamphlet insist with a great deal of earnestness that they have been entrapped by our legislation into a position which compels them to father a scheme devised by the Government of the United States and put into their hands to carry out without the necessary funds to discharge the obligation which we have laid upon them. So far as these gentlemen are concerned they retain their old position, the position which they have assumed since the legislation was originally perfected, of being applicants at the door of the Treasury of the United States for millions of money to carry out the purpose of the corporation which they are required by our laws to manage.

Now, Mr. President, I do not think that the promise of the senior Senator from Pennsylvania that he will not urge these schemes amounts to any protection of the Treasury hereafter. In the former debates on this bill it was shown beyond dispute, beyond all cavil, that the expense of an exhibition of this kind must be somewhere near $10,000,000. I contended with a pretty good showing of evidence, from the cost of similar expositions elsewhere, that it would exceed this amount; but it seemed to be pretty generally admitted that $10,000,000 was not an extravagant sum.

It is said that four millions and odd of this amount, or whatever amount may be necessary to carry out this exposition, have been subscribed by the city of Philadelphia and the State of Pennsylvania and citizens thereof, excepting a small amount contributed by citizens of other States. The fact remains, is unchanged, that the contributions of the State of Pennsylvania and the city of Philadelphia are tied up so that they are not liable, as any amount which we may appropriate here, to make good any deficiencies subsequently by realization from the sales of the property. Those facts which were well illustrated in the debate before exist to this present day; they have not been modified in any particular; and we are required now, as it was insisted we would be required before provided this pledge of which I speak is not effective and this proviso is not effective, to put our hands into the Treasury and to pay not only the millions of dollars required at first, but to make up deficiencies arising from the full lack of patronage, and see the property which is put up by the State of Pennsylvania and the city of Philadelphia abstracted from the assets of the concern and remain there as perpetual memorials for the use of those localities. Now, sir, there is an element of unfairness about that. That unfairness still exists. That is not explained; and certainly it ought to be explained before this bill shall become a law.

As I have said, I have no doubt the proposition is made in perfect good faith by the senior Senator from Pennsylvania, so far as he is concerned; that we shall never find him hereafter after this bill passes

coming here and insisting on appropriations; that he will not come to the Committee on Appropriations of the Senate, that he will not come to members in their seats and on the floor of the Senate insisting that one dollar shall be given for this purpose. I believe what he says is in perfect good faith, and I believe also he has sufficient firmness to adhere to that resolution; but when all is done, the other Senator from Pennsylvania will come to us with this appeal, and this centennial board which we have created will come here and say, "After you knew that we could not raise these funds, after you knew that Pennsylvania and Philadelphia had failed, after you knew that the citizens of the other States did not respond with enthusiasm, did not come forward with their treasure to erect these buildings and to put this institution upon a sound footing, after all this failure, you again, at our suggestion, invited all the powers of the earth to come here, you again sanctioned all we had done, in view of the failure up to the moment that you did it; you asked these powers to come here, and it made no difference if one Senator from Pennsylvania said he was tired of asking for appropriations, nevertheless by that act you bound yourselves all the more strongly, and the proviso must be mere waste paper and could amount to nothing because you are brought face to face with the great moral fact that you then required us to proceed although we said your action in not passing this bill would be equivalent to releasing us; you passed the bill, thereby holding us to these duties, and therefore you are under the highest obligations which you cannot avoid to appropriate whatever sum of money is necessary for this purpose."

Mr. President, I do not believe that the failure of this institution up to this time arises from the circumstance which is alleged; that is, that it was under the full tide of success and that the money would have been contributed by the States of the Union to this exhibition if it had not been for the panic. The panic was a mere transient disturbance in our business affairs. It lasted but a month or two, and then passed away. All traces of it have gone. Its effects can scarcely be said to exist now. If its results exist, it is in the wreck here and there, far between, of the private fortune of some individual; but the great monetary power of the nation was untouched; the great resources of the nation were unaffected. There was the same ability two months after the panic that there was two months before on the part of the States of the Union and of the cities of the Union and the wealthy men of the Union to respond to this call. I know that one man, Jay Cooke, had subscribed a few thousand dollars to the centennial fund; but there is scarcely another instance, certainly not another notable instance, of any person who had subscribed to any degree who is in the list of failures. Most of the subscriptions have been in extremely small sums; and there were few persons whose capital was swallowed up by the failure of railroads or by the great commercial convulsion.

Sir, the trouble was that there was not then, that there never has been, that there is not now, an enthusiastic response on the part of the people of the country to this method of celebration. They have never believed in it. There has never been any evidence of it. The only reason why it has any power in the two Houses of Congress, aside from the personal merits of the gentlemen who represent that State and which I do not wish to detract from by anything I may say, is that by the ingenious system which was originally devised to carry out this plan there were men of considerable force of character selected from different States whose interest it was made to urge this thing upon Congress, and to create an appearance of interest coming from those different States for the success of the measure. Consequently, when JOSEPH R. HAWLEY, the president of the commission, a man of a great deal of force of character, a man of adroitness and nimbleness of mind and of energy, is put at the head of this institution, and has the advantage of a seat in the other House, he stands there to urge, and he does urge it day and night with great force; but does he speak for Connecticut therein? Look at your subscriptions from Connecticut and find out if that is so. And so you can go through the whole list. You will find men of strength from my own State, from the State of Nevada, the State of Maine, the State of Louisiana, and all of the States, who were picked out with peculiar felicity by the originators of this scheme, men adapted to the end put into the harness of this concern, and they have insisted over and over again, with all the ability in their power, that Congress should come forward and make this thing a success. Thus it was, not to speak with the slightest disrespect—for I do not mean it at all in any offensive sense—that this body of lobbyists whom we ourselves created, coming from different States, were able to make a fictitious interest or a factitious interest in this institution which was not responded to by the people and which had no root in their affections. If it had, why do not your subscriptions pour in? Why was Philadelphia or Pennsylvania left to realize the original prediction of the Senator from Pennsylvania that Philadelphia and Pennsylvania would pay the whole bill.

No, sir; the failure was not on account of the panic. That was a mere slight transient circumstance. If the panic had not occurred there would have been just the same failure. Business has resumed its ordinary sway; nobody can say that the country is not now prosperous, and prosperous to a high degree; and still there is a failure of response in this particular.

But, sir, there is one reason why I do not think this bill should pass to which I desire to call the attention of the Senate, and that is, that it is an intentional reflection upon the Secretary of State, who I believe in this matter has acted conscientiously and with a desire to observe exactly the obligations which were imposed on him by the laws we have passed. I say it is an intentional disrespect to him, because in the leading paper of Philadelphia, the North American and Gazette, within two or three days past, I read a leading article on this subject, wherein they spoke of the necessity of rebuking the Secretary of State for the action he has taken in this matter. I am not prepared to rebuke the Secretary of State for any action he has taken in this matter, and I do not think the Senate will admit that he deserves such a rebuke. There is no question whatever but that he obeyed the law which required that this exhibition should be commended to the powers of the earth. He used the very language which was used in the law of Congress. It was commended by the President of the United States under the seal of the Secretary of State. Some of the American ministers and consuls abroad misunderstood the spirit of that proclamation, which was guarded, as the language of Congress was guarded, and necessarily guarded, because this was not a Government institution, but simply an institution under a corporation created by the Government, wherein the responsibility for any expenditure or any control was expressly disclaimed by the Government. I say that his proclamation exactly followed the limitations of the law of Congress, and so far and up to that point there could be no criticism of his act. But when some of the least experienced of these ministers and consuls supposed that on account of that commendation of this exhibition they were made missionaries to preach a new crusade in all parts of the world, to stir up an expectation which could not be realized and which was not contemplated by the spirit of the legislation of Congress on this matter, the Secretary of State addressed them a letter which I hold in my hand, wherein he called attention to the fact that the President of the United States commended this exhibition, but that it was not an invitation in the name of and at the expense of the Government of the United States for these persons to come here and attend it. Let us see how his letter reads. This letter itself was not intended to be handed to foreign powers; it was simply an admonition to our own agents abroad, which he had a perfect right to send. He says:

> It is presumed that you will not have failed to observe the guarded language of the President's proclamation, and the difference between it and that which would be used in extending an invitation to other powers.

The guarded language of the President's proclamation was the guarded language of the statute. Were we to legislate that this exhibition should be commended to other powers and our ministers or consuls abroad act ministerially, that it should not merely be a commendation of it but that it should be a warm and cordial invitation to come and come at our expense? Was there no distinction? Was there no force in the distinction which Congress itself drew? He says:

> You should be aware, also, that the exhibition is under the control of a commission created into a corporate body—

Was it not under the control of a commission? Was it not created into a corporate body?

> and that it is not national in the sense of being governmental, or under governmental control.

Is there any Senator here who can deny that? Is it under Government control? If it is, then why call upon the citizens of Philadelphia or Pennsylvania to contribute one dollar for it? Do we ask them to sustain our courts? Do we ask them to sustain our missions abroad, or to pay the expenses of running the national Capitol or Congress? Those are Government institutions, and we make appropriations from the Treasury for them, and they are under Government control; but this exhibition was put under the control of a corporation, and put there at the request of the people of Pennsylvania and Philadelphia, shaped to suit themselves; and when some of us had misgivings as to whether the tendency of it was not to involve the Treasury and to imply Government control, they readily assented to the insertion of language which sheared it of any such presumption. Therefore the Secretary of State was right in his position on this matter so far as I have read. He continues:

> With the exception that Congress created the commission into a body corporate, and that the delegates or commissioners (who are named by the governors of the several States and Territories) are commissioned by the President, and that Congress authorized the proclamation made by the President, and sympathizes with the sentiment of the people in a general but deep interest in the success of the exhibition, the national Government has no connection with the commission; it has no control over it, and is in no way whatever responsible either for its management or its results.

The tone of this is kindly. It recites every fact which makes in favor of the exhibition, while it asserts the fact that the Government is in no wise responsible either for its management or its results. Will any one say we are responsible for its management or its results? If we are, then we should appropriate all the money for it; we should take it into our own hands instead of giving it to a corporation which has no soul, which is irresponsible necessarily, which does not amount to the aggregate responsibility of its members, but is a species of artificial entity which you can hold to no responsibility. If the Government is responsible for its management, it ought to manage it. If it is responsible for its results, then the legislation of

Congress should expressly so declare; whereas it negatives that idea in every point. If it is responsible for its results, it is responsible for every dollar of deficiency which may be created by it; and in the case of the Vienna exposition, where everything was cheaper, and where there was an enormous mass, hundreds of millions of people to draw by their attendance money into its treasury, there was a deficiency of fifteen million florins. If we are responsible for this exhibition and its results, then one of those results may be an enormous deficiency, and that would be a deficit from the Treasury of the United States.

He says further:

It is important that you should correctly appreciate this fact, for, while the President feels a deep and sincere interest in the success of the exhibition, and Congress has given to it the sanction of its approval of its object and design, neither the President or Congress has authorized any invitation on behalf of the Government to be given to foreign powers, nor assumed any responsibility of the management or control of the exhibition.

That is the literal, frozen truth. In the theory of this bill the exact opposite is asserted, that this exhibition is to be under the control of the United States, for that is what "auspices" means here. If it is asserted that we are responsible for the results, including any deficiencies which may arise, then, sir, any pledge given that hereafter no money will be asked from the Treasury will be as idle and vain as those which have gone before, notwithstanding we endeavor to put them in a statute, in the solemn form of a statutory contract which would protect the Treasury of the United States.

Now, sir, I am not prepared for one to censure the Secretary of States, even at the request of the leading newspaper of Philadelphia, for having issued that state paper. It was a document drawn out from the Secretary of State by the necessities of the case, by the fact that these persons were assuming to go far beyond the authority given by Congress and the instructions given to them by the State Department. The publication of this document was drawn out by Mr. HAWLEY, the president of the commission, in a letter to the Secretary of State asking to know what construction he had put upon the proclamation of the President. Therefore, if any scandal arises from its publication, it goes right back at once to the centennial board which called it out. But there can be no scandal in doing right; there can be none in a correct interpretation of the laws of Congress; there can be no impropriety in an executive officer living squarely and exactly up to the spirit of the legislation of Congress and excluding an idea the prevalence of which would deplete the Treasury of the United States of untold millions.

Mr. President, the bill in its present form certainly is illogical. If that which has gone before has not been, this now assumes the form of a monstrosity. It is a mermaid, a woman to the waist and a fish below. It is a most cordial invitation extended to foreign powers, "Come and be our guests; come and dine at our table; come at our expense;" and then it says to them, "You must pay your own expenses, and we will set no table for you; we will not entertain you." It seems to me that it would be a stultification on the part of the Senate to pass this bill in the shape in which it now stands. I do not desire to urge anew all the many and powerful arguments which were urged against it on this floor before by the then Senator from Massachusetts, [Mr. Sumner;] I do not wish to repeat the arguments that I advanced at that time, or those of the able Senator from Kentucky, [Mr. STEVENSON;] but I know at that time they convinced the Senate of the United States. Since that time this bill has got into such an illogical shape that it looks like stultification on the part of Congress to enact it. In any event it ought not to be passed if it reverses what we have done before, if it reverses the action of the Secretary of State on this matter, so well considered, and following so closely the spirit of our statutes. It ought not to be passed extending an invitation with one hand and showing a clenched fist with the other.

Mr. TIPTON. I only desire to say, Mr. President, that the novelty of this bill strikes me very forcibly; and as I have in common with all western men who have not grown up under the shadow of Yale and Harvard a short way of arriving at conclusions, one of nature's indications, you must permit me to give to the Senate the view I have of the question. It is this: My son desires to give a large and splendid entertainment. He comes to me and asks me if I will advance the means or a large part of the means to aid him in his undertaking. I tell him no; that I cannot and will not. He then goes forward alone and determines to make the entertainment a success on his own part. I allow him to do so; and then he comes to me and asks me if I will please be so kind as to assume the responsibility of sending out the cards of invitation. I tell him that is rather a delicate matter for me; I have washed my hands of the whole affair in refusing to furnish any means to help him carry it on, and I therefore must be excused from sending out the invitations to the entertainment. I could not do that under those circumstances. I think I cannot do it under these.

Mr. WADLEIGH. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator will recollect that a resolution was passed yesterday providing that the Senate would attand a funeral at four o'clock to-day in the House of Representatives.

Mr. WADLEIGH. Yes, sir; and for that reason I make this motion.

The PRESIDENT *pro tempore*. The usual course has been for the Senate to go in a body, without adjournment, to the House; and after the funeral to return here and then adjourn. That has been the invariable practice. Does the Senator insist on his motion?

Mr. WADLEIGH. No, sir.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. COOPER. On this question I am paired with my colleague, [Mr. BROWNLOW.]

Mr. ALCORN. I wish to state that the Senator from Indiana [Mr. MORTON] and myself are paired. If he were here he would vote "yea," and I should vote "nay."

Mr. PRATT. On this question I am paired with the Senator from Oregon, [Mr. MITCHELL.] Were he here he would vote "yea," and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 25, nays 17; as follows:

YEAS—Messrs. Boutwell, Buckingham, Cameron, Conkling, Conover, Cragin, Davis, Dennis, Dorsey, Flanagan, Frelinghuysen, Gilbert, Harvey, Hitchcock, Ingalls, Kelly, Logan, Morrill of Maine, Patterson, Ramsey, Robertson, Scott, Spencer, Washburn, and Windom—25.

NAYS—Messrs. Boreman, Carpenter, Chandler, Edmunds, Fenton, Hager, Hamilton of Texas, McCreery, Merrimon, Morrill of Vermont, Norwood, Sargent, Saulsbury, Sherman, Tipton, Wadleigh, and Wright—17.

ABSENT—Messrs. Alcorn, Allison, Anthony, Bayard, Bogy, Brownlow, Clayton, Cooper, Ferry of Connecticut, Ferry of Michigan, Goldthwaite, Gordon, Hamilton of Maryland, Hamlin, Howe, Johnston, Jones, Lewis, Mitchell, Morton, Oglesby, Pease, Pratt, Ransom, Schurz, Sprague, Stevenson, Stewart, Stockton, Thurman, and West—31.

So the bill was passed.

REVISION OF THE LAWS.

Mr. CONKLING. I now move to proceed to the consideration of the larger bill, a bill to consolidate the statutes of the United States, reported yesterday from the Committee on the Revision of the Laws.

The PRESIDENT *pro tempore*. The Senator from New York moves to take up the bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. CONKLING. The Senate will remember that an invitation has been accepted to attend in the House of Representatives a funeral which occurs at four o'clock. Of course therefore no considerable progress can be made with this bill now. I shall, however, accomplish a very important object if I can obtain, as I now ask, unanimous consent to dispense with the reading *in extenso* of the bill; and before the Chair asks for consent, I wish to suggest to one or two Senators who were not here yesterday that the proportions of the bill, which will now be seen in the hands of the Secretary, are such that to read it would occupy many days, and of course it would not be listened to. Therefore I hope that no Senator will object to waiving the reading of the bill.

Mr. EDMUNDS. I think this matter had better go over until the morning. I do not expect to ask that the bill be read. I think myself that would be useless; but I think we ought to reserve the right to have any portion read that Senators may desire, as a matter of right. All I wish to hear read is the last chapter or two which relate to repeals.

Mr. CONKLING. Then I ask that by unanimous consent the reading of the bill be waived, except so far as the reading of specific parts of it may be called for by Senators.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the reading of this bill may be dispensed with except as particular parts may be called for in the consideration of the bill before the Senate. Is there objection? The Chair hears none, and it is so understood.

Mr. CONKLING. Now to leave this bill the unfinished business, although I beg to say to Senators it will take but a very short time to-morrow and therefore it will not impede as I think seriously anything behind it, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Chair will remind the Senator that the usual course on such an occasion has been not to adjourn, but for the Senate as a Senate to attend the funeral and then return to the Chamber and adjourn.

Mr. CONKLING. Then I make the motion in that form.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate now proceed to the House of Representatives to attend the funeral.

Mr. SHERMAN. We have not been notified that they are ready to receive us.

Mr. CONKLING. We have accepted the invitation to be there at four o'clock.

FUNERAL OF HON. DAVID B. MELLISH.

The PRESIDENT *pro tempore*. Pursuant to the resolution adopted yesterday, the hour of four having arrived, the Senate will now proceed to the House of Representatives.

The Senate thereupon proceeded to the Hall of the House of Representatives to attend the funeral ceremonies of Hon. DAVID B. MELLISH, late a member of that body from the State of New York.

When the services in the House of Representatives were concluded, the Senate having returned to its Chamber,

Mr. CONKLING. Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 26, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read.

ASSIGNMENT OF BUSINESS.

Mr. GARFIELD. I desire to make an amendment to the Journal. The order assigning a day to the Committee on Military Affairs was, upon my motion, accepted by the chairman of the Committee on Military Affairs, made to except reports from the Committee on Appropriations. It is not so entered upon the Journal.

The SPEAKER. The Chair thinks the gentleman must refer to the order made in regard to the Committee on Public Buildings and Grounds.

Mr. GARFIELD. Perhaps I make that mistake. I thought the same exception had been made in regard to the Committee on Military Affairs.

The SPEAKER. The Chair has a distinct recollection of the fact. The exception made was in the case of the Committee on Public Buildings and Grounds.

The Journal of yesterday was then approved.

ORDER OF BUSINESS.

Mr. POLAND. I call for the regular order.

The SPEAKER. The regular order being called, the House will resume the consideration of the bill in relation to the Sanborn contracts, on which the gentleman from Kentucky [Mr. BECK] is entitled to the floor.

Mr. GARFIELD. I hope we will be allowed to finish the consideration of the amendments to the legislative appropriation bill, that it may go to a committee of conference.

Mr. FOSTER. We cannot do that.

Mr. BECK. I yield to my colleague [Mr. DURHAM] to make a report.

MIDDLE DISTRICT OF ALABAMA.

Mr. DURHAM, by unanimous consent, from the Committee on Expenditures in the Department of Justice, presented a report in writing as to the middle district of Alabama; which was ordered to be printed and recommitted to the same committee, not to be brought back on a motion to reconsider.

CONTINGENT FUND IN THE DEPARTMENT OF JUSTICE.

Mr. DURHAM also, by unanimous consent, on behalf of a majority of the Committee on Expenditures in the Department of Justice, presented a report as to the expenditures of the contingent fund in said Department; which was ordered to be printed and recommitted to the same committee, not to be brought back on a motion to reconsider.

DEPREDATIONS ON TEXAS FRONTIER.

Mr. HANCOCK, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States be, and he is hereby, requested to transmit to this House the report for the year 1873 of the commissioners appointed to inquire into depredations committed by Mexicans or Indians on the frontier of the State of Texas.

PURCHASE OF A BUILDING IN WASHINGTON.

On motion of Mr. YOUNG, of Georgia, by unanimous consent, the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill (H. R. No. 3345) to provide for the purchase of a building adjacent to the Army Medical Museum, in the city of Washington, for scientific purposes; and the same was referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill (S. No. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of that road," and for other purposes; in which he was directed to ask the concurrence of the House.

The message further announced that the Senate had passed the bill (H. R. No. 2453) to amend an act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873, with an amendment, in which he was directed to ask the concurrence of the House.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes.

The message further communicated to the House the following resolutions of the Senate on the announcement of the death of Hon. DAVID B. MELLISH, late a member of the House of Representatives.

Resolved, That the Senate has received with deep sensibility the announcement of the death of Hon. DAVID B. MELLISH, late a member of the House of Representatives from the State of New York; and that it will attend the funeral ceremony in the Hall of the House of Representatives to-morrow at four o'clock.

Resolved, That as a further mark of respect for the memory of the deceased, the Senate do now adjourn.

COLLECTION OF MONEY DUE THE UNITED STATES.

The House then resumed the consideration of the bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting money withheld, and for other purposes.

[Mr. BECK addressed the House. His remarks will appear in the Appendix.]

Mr. FOSTER. I ask the previous question on the bill, and I desire to have it seconded and the main question ordered, and then to have the bill go over until to-morrow.

Mr. DAWES. Will the bill go over?

The SPEAKER. It can do so.

Mr. DAWES. But will it unless by unanimous consent?

The SPEAKER. It will not except by unanimous consent.

Mr. DAWES. Then I would like to have it understood that if the main question is ordered the bill shall go over until to-morrow.

Mr. POLAND. I object, because I desire to have a vote on the bill now.

Mr. FOSTER. Then I give notice that I shall call the previous question to-morrow.

Mr. POLAND. I supposed debate was exhausted; if the bill is to be further debated, I withdraw my objection.

The previous question was seconded and the main question ordered, with the understanding that the bill should go over until to-morrow.

Mr. FOSTER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GARFIELD. I desire to call up the legislative, &c., appropriation bill.

The SPEAKER. By order of the House, the Committee on Ways and Means are entitled to the floor for the remainder of to-day.

BUSINESS OF THE COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. PACKARD. I ask unanimous consent of the House that there may be an evening session on Tuesday next for reports from the Committee on Private Land Claims.

Mr. GARFIELD. I do not think we ought to do that in the present state of public business; but I will not object.

Mr. WILLARD, of Vermont. That, I suppose, would not obviate any points of order on any bill that might be reported from the Committee on Private Land Claims?

The SPEAKER. The gentleman from Vermont reserves all points of order, which the gentleman from Indiana will observe will send everything to the Committee of the Whole that contains an appropriation, either directly or indirectly.

Mr. PACKARD. I expected that.

No objection was made to the request of Mr. PACKARD.

IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

Mr. HURLBUT. I desire to have a day assigned by the House when the Committee on Railways and Canals can report back the bill in relation to the improvement of the mouth of the Mississippi River, and I ask that the first vacant day may be assigned for that purpose, which is Wednesday of next week, the 3d of June, to the exclusion of all other business.

Mr. DAWES. Except business from the Committee on Ways and Means.

Mr. HURLBUT. I cannot make that exception.

Mr. DAWES. Then I object.

SHIPPING COMMISSIONERS ACT.

Mr. COX. I ask unanimous consent that the bill (H. R. No. 3160) in reference to the operations of the shipping commissioners act, approved June 7, 1872, with the amendment of the Senate thereto, be taken up and referred to the Committee on Commerce.

Mr. SHELDON. I object.

The SPEAKER. The regular order of business is a matter which ought to be settled, and the Chair will state precisely the attitude of business.

Mr. SHELDON. I withdraw my objection to the request of the gentleman from New York, [Mr. COX.]

Mr. ARCHER. The bill is not to be brought back by a motion to reconsider?

Mr. COX. No, sir.

No further objection being made, the bill was taken from the Speaker's table and, with the amendment of the Senate, referred to the Committee on Commerce, not to be brought back by a motion to reconsider.

ORDER OF BUSINESS.

Mr. HURLBUT. I now renew the request that Wednesday of next week be assigned for the consideration of the bill reported by the Committee on Railways and Canals in regard to the improvement of the mouth of the Mississippi River.

Mr. DAWES. I would not object to that request but the Committee on Ways and Means will lose a large part of this afternoon which was assigned to us.

Mr. MAYNARD. I would like the Chair to state the order of public business.

The SPEAKER. The Chair was about to do so for the benefit of members, so that they may act intelligently in assigning time for the consideration of bills, because the House may not wish to get into confusion. To-day belongs to the Committee on Ways and Means. To-morrow, at the expiration of one hour after the reading of the Journal, belongs to the Committee on the Judiciary, but the bill in relation to the Sanborn contracts goes over and of course will take what would otherwise be the morning hour of to-morrow. On Thursday the Committee on Military Affairs have the right to report on the reduction of the Army. The gentleman from Vermont [Mr. POLAND] has already before the House the bill in relation to courts in Utah, which will come up immediately after the Sanborn contracts matter is disposed of. On Friday private bills will be in order. On Saturday, the Chair presumes, there will be no session, that being Decoration Day. Monday will be for suspensions of the rules. Tuesday has been assigned to the Committee on Public Buildings and Grounds, and the Chair does not see when within that time it will be possible for the gentleman from Tennessee to report the currency bill.

Mr. GARFIELD. The House has assigned every day until Tuesday without leaving a moment for the appropriation bills to be got forward with.

The SPEAKER. The gentleman from Tennessee is anxious to report the currency bill. The Chair does not see how he can have an opportunity of doing so this week, unless other business shall be postponed. The House can postpone the Utah bill and place the currency bill ahead of it.

Mr. MAYNARD. I must object then to assigning any more special orders.

Mr. McCRARY. I would inquire of the Chair whether the motion to reconsider the vote by which the bill for the improvement of the mouth of the Mississippi River was referred to the Committee on Railways and Canals is not a privileged motion?

The SPEAKER. It is; it is a privileged motion under the rules, and all these assignments which the Chair has spoken of were made by suspensions of the rules.

Mr. McCRARY. I desire to remind the Chair that that subject was made the special order for the 21st of April. It came up on that day, and on my suggestion was referred to the Committee on Railways and Canals, with the understanding that it should not lose any of its rights, but that it should come back with the same status it then had, and I believe it is the first special order.

The SPEAKER. But the trouble is that all the assignments the Chair has been enumerating have been made under a suspension of the rules, among them the rule under which the bill of the gentleman had precedence.

Mr. McCRARY. So the order making that bill the special order on the 21st of April was under a suspension of the rules?

The SPEAKER. But that was waived because it was not reached, and a recommittal (with a motion to reconsider entered) accepted in its stead. The bill will undoubtedly be reached, but not this week while these special orders are pending.

Mr. McCRARY. I think the suggestion of my colleague on the committee [Mr. HURLBUT] a very good one, to fix the bill for a day certain, after these orders have been disposed of.

The SPEAKER. That is the proposition which the Chair submitted to the House, and it was objected to by the gentleman from Tennessee, [Mr. MAYNARD,] who has charge of the banking and currency bill.

Mr. POLAND. I call for the regular order.

Mr. DAWES. I will yield to my colleague on the Committee on Ways and Means [Mr. KELLEY] for a matter which he thinks will give rise to no debate.

ZOOLOGICAL SOCIETY OF PHILADELPHIA.

Mr. KELLEY. I am instructed by the Committee on Ways and Means to report a bill to authorize the importation of certain animals for the Zoological Society of Philadelphia, Pennsylvania, free of duty.

The SPEAKER. The bill will be read, after which objections will be in order to its present consideration.

The bill provides that all animals, birds, and reptiles which shall be imported by the Zoological Society of Philadelphia in good faith for exhibition, and not for sale, at their garden in Fairmount Park, Philadelphia, Pennsylvania, shall be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe; and that in case any animal, bird, or reptile imported under the provisions of this act shall within three years from the date of its importation be sold it shall be subject to the duties, if any, imposed upon such object under the revenue laws in force at the date of the importation; and in case any animal, bird, or reptile imported under the provisions of this act shall be sold within the said period without payment of duty as required by law, all the penalties prescribed by the revenue laws shall be applied and enforced against such article and against the said Zoological Society of Philadelphia.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] asks unanimous consent that the bill just read be considered at this time.

Mr. FIELD. I object.

Mr. KELLEY. I think the gentleman will withdraw his objection when I tell him that these objects are imported at great cost for public exhibition by this society.

Mr. FIELD. Let it pay the duty, then.

Mr. KELLEY. For gratuitous exhibition.

Mr. FIELD. Fine horses and cows.

Mr. KELLEY. No, sir.

Mr. FIELD. The bill says "all animals."

Mr. KELLEY. Horses and cows are not likely to be imported and maintained by the Zoological Society for the purpose of illustrating science.

Mr. FIELD. I will not object if the gentleman will amend the bill so as to except horses and cows.

Mr. KELLEY. If the gentleman will show that horses and cows are likely to be imported to be exhibited by a public zoological society I will accept his amendment.

Mr. COX. And also give the same privilege to the New York Hippodrome to import animals for public exhibition.

Mr. KELLEY. I will agree to the amendment of the gentleman from Michigan, [Mr. FIELD,] and add "mules."

Mr. FIELD. I object to the consideration of this bill now.

Mr. KELLEY. I will withdraw the bill, and it will appear with an amendment.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 249) authorizing and directing the Secretary of War to give to George A. Armes, late captain Tenth United States Cavalry, an honorable discharge, to date the 7th day of June, 1870;

An act (S. No. 477) granting a pension to Jemima Maxwell;

An act (S. No. 540) granting a pension to Fanny Newcomb, mother of Irenus Newcomb, late of Company H, Sixth Regiment Vermont Volunteers;

An act (S. No. 568) granting a pension to Hugh P. Lytle, late a private in Company H, Thirty-second Regiment Ohio Volunteers;

An act (H. R. No. 2181) granting a pension to Jennet H. Nisbet;

An act (H. R. No. 2202) for the relief of William B. Thomas, late collector of customs at the port of Philadelphia; and

An act (H. R. No. 2738) for the relief of the Foundry Methodist Episcopal church, of Washington City.

TARIFF AND INTERNAL REVENUE.

Mr. DAWES. I move that the rules be suspended, and the House now resolve itself into Committee of the Whole upon the bill (H. R. No. 3491) to amend existing customs and internal revenue laws, and for other purposes, and pending that motion I move that all general debate on the bill shall be limited to thirty minutes.

The motion to limit debate was agreed to; and the motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. TYNER in the chair.)

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill (H. R. No. 3491) to amend existing customs and internal revenue laws, and for other purposes. By order of the House all general debate on the bill is limited to thirty minutes.

Mr. DAWES. I ask unanimous consent that the first formal reading of the bill be dispensed with.

Mr. FIELD. I object.

The CHAIRMAN. The Clerk will read the bill.

The Clerk began the reading of the bill; before concluding,

Mr. DAWES said: I ask the gentleman from Michigan [Mr. FIELD] to be kind enough to save us time by withdrawing his objection to dispensing with the formal reading of the bill.

Mr. FIELD. It is an important bill, and I think it should be read.

Mr. DAWES. It will be read again by sections for amendment.

Mr. FIELD. If it had been brought in a week ago, as it ought to have been, I would not object.

The Clerk resumed the reading of the bill; before concluding,

Mr. SPEER said: I renew the request that this formal reading of the bill be dispensed with.

Mr. FIELD. I insist upon my objection; I want to hear the bill read.

The reading was again resumed; but before being concluded,

Mr. FIELD said: I withdraw my objection to dispensing with the further reading of this bill at this time.

The CHAIRMAN. The gentleman from Massachusetts [Mr. DAWES] is entitled to the floor for general debate on this bill, which by order of the House is limited to thirty minutes.

Mr. DAWES. Mr. Chairman, I regret exceedingly to be obliged to call the attention of an impatient House to a consideration of the revenues of the country. This question of our revenues and the duty

of the House of Representatives in connection therewith have not passed without the notice of the Ways and Means. They have not failed to hear the criticisms of members of the House upon their apparent indifference to the condition of the Treasury. They have borne with such patience as they were able to command the unkind remarks of gentlemen of the House to the effect that they had not the courage to bring in a tax bill. For many months past they have spent most of the time that they could command in determining as well as they could what it was their duty to do in reference to the revenues of the country, whether it would be wise for them to ask Congress to increase internal taxes and customs duties, or whether it would be best for the Government to take the revenues and expenditures as they are, and endeavor to get along during the year as best it may. The committee have heard many parties concerned in large business interests, always affected by the tariff and by internal-revenue taxation. The leading manufacturing interests of the country have been represented before the committee and have been heard patiently and thoroughly. The committee have also heard, on the other hand, the officers of the Treasury Department, who are anxious, as we had occasion heretofore to say to the House, that increased taxation should be the policy of Congress. After weighing as well as we might all the arguments for a change in the tariff, we have come to the conclusion that it is not wise at this time to introduce any material change; and if it were practicable, the Committee on Ways and Means, instead of calling the attention of the House to any measure of this nature, even the small one now before the Committee of the Whole, would have asked the House earlier in the session to indicate in some more formal way what was expressed in a resolution adopted in the early part of the session—its intention to avoid additional taxation altogether.

The currency of the country has been in a most uncertain state. All branches of business—commercial, manufacturing, and others, uncertain as well with reference to what we might do as what was possible to be done in regard to the currency of the country—have been hesitating, diffident, distrustful, and unwilling to embark in the industries and enterprises of the coming year, thus affecting very much the general prosperity of the country. A general revision of the tariff and internal duties at this time would, in the opinion of the committee, have added to this distrust and uncertainty and this disturbance of values in the present and in the future to such an extent that the committee felt it incumbent upon them to find some way to avoid any addition, by legislation from that committee, to the sources of disquietude and uncertainty already prevalent throughout the country.

On the other hand, the committee were of opinion that the deficit in the Treasury was largely due to temporary and accidental causes, not to any general and permanent lack of taxation to meet the current expenses of the country. They have observed since the first effects of the panic began to pass away a general and constant increase in the revenues of the country—a nearer approach every day to making the current receipts meet the current expenses. They have felt also the benefit of an earnest, efficient, and successful effort upon the part of the Committee on Appropriations and the executive department of the Government to cut down current expenditures to the lowest possible mark. The result has been that although when we came together in December there was a deficit in the Treasury of $11,000,000, that deficit has been steadily growing less and less, until at the end of last month—as I had occasion to state to the House not long ago—this deficit was within about $2,000,000 of being entirely wiped out. I believe I am authorized to state that at the close of this month it will be more than extinguished; so that the current receipts will not only equal the current expenditures but will a little more than do so. At the end of next month, or at the end of the fiscal year, there will be some considerable accumulation toward the sinking fund; not enough, I am aware, to meet the solemn pledge of the Government to put into the sinking fund $29,000,000 annually, but much more than any of us could reasonably have expected or hoped at the beginning of this session. So that if we keep down our expenditures to the lowest figure till the end of the session, and avoid any unnecessary or extraordinary appropriations, we shall, without resorting to any increase of taxation, have done something considerable toward meeting the pledge of the Government in reference to the sinking fund.

Under these circumstances, the Committee on Ways and Means come before the House to-day with much more cheerful heart than at the beginning of this session they had supposed they would be able to do. They are able to state to the House that without any increase of taxation, if my friend from Ohio, [Mr. GARFIELD,] chairman of the Committee on Appropriations, shall hold the House in rein to the conclusion of the session as well as he has done up to the present time, and if the receipts of the Government shall go on increasing in the manner they have done, the Treasury will be able at the end of this fiscal year to apply five, six, or seven million dollars of the current receipts of the Government to the sinking fund. For this reason the committee were disposed to come before the House and state that they would at this session propose no alteration whatever in the tariff or internal-revenue laws; and the bill which we have reported and ask to have considered to-day makes no material change in either of those subjects of legislation. It changes *ad valorem* to specific duties in a few instances; it provides in a few other instances against evasions of the law; in one or two cases it puts upon the free-list articles which were not there before; and it imposes a slight duty upon some articles which have been on the free-list. But altogether the aggregate effect with reference to the receipts of the Government is as near nothing as well could be. The measure, therefore, disturbs values in this country as little as it is possible to do. It does not hold out to any importer any facilities for making money from changes in the duties, or to any manufacturer the promise of a material increase in his profits by excluding from competition with him the foreign article. The object of the bill, so far as the tariff is concerned, is to remedy defects, not to add to the duties now imposed or materially to reduce them. As the separate items come up I will explain to any gentleman who may desire it each one of those items.

Mr. TREMAIN. Is the general effect of the measure an increase or a decrease of the revenues?

Mr. DAWES. As I have said, the effect in that respect is about as near nothing as it can be; in other words, there will be about as much increase on certain articles as there will be decrease upon others. In making the changes from *ad valorem* to specific duties it has been the purpose of the committee to arrive at as near an equivalent as possible; of course an absolute equivalent in all cases is an impossibility. And where they have changed an *ad valorem* to a specific duty it has not been their intention to let this specific duty fall below the *ad valorem* duty. When it has been necessary to make any difference it has been a slight increase.

Mr. MAYNARD. Does not the bill in the first section still keep up *ad valorem* duties on silk in its various forms?

Mr. DAWES. There is a provision here in reference to silk which will put money into the Treasury.

Mr. MAYNARD. I wish to ask the gentleman whether this section increases or diminishes the tariff upon silk?

Mr. DAWES. This first section of the bill which refers to silk will stop a leak and that is all. By construction of the revenue laws within the last year or so there has escaped from the Treasury of the United States about a million and a half of dollars. This puts a stop to any such construction in reference to silk ribbons and other kinds of silk. The bill puts a stop to that leak. It repeats the phraseology of the old law. When the section comes up for amendment, however, I will tell the gentleman what the operative words are, and I know he agrees with me entirely in the object for which the section is designed.

Mr. MAYNARD. That is precisely what I wish to know, whether this would keep up the construction we have heretofore had in reference to these silks.

Mr. DAWES. If my friend will turn to the latter part of the section he will find these words:

> On all goods, wares, and merchandise not otherwise herein provided for, made of silk, or of which silk is the component material of chief value, irrespective of the classification thereof for duty by or under previous laws, or of their commercial designation, 60 per cent. *ad valorem*.

"Irrespective of the classification thereof for duty by or under previous laws, or of their commercial designation," are the operative words.

Mr. MAYNARD. The proviso refers to the proportion of the adulteration.

Mr. DAWES. Yes, sir; it provides that this act shall not apply to goods, wares, or merchandise which have, as a component material thereof, 25 per cent. or over in value of wool or worsted.

This section does precisely what the gentleman labored with me to have done during the last Congress. What he failed to do then is as we believe accomplished in this section.

Mr. MAYNARD. Is it convenient to the gentleman to turn to that portion of the bill relative to internal revenue?

Mr. DAWES. Certainly. I was going to say in reference to the internal revenue the committee have made no change affecting the tax at all except in one instance, and that is to allow the man who raises tobacco to sell on his own premises an amount not exceeding $100 worth, a provision which I think will not be objected to by my friend from Tennessee.

Mr. MAYNARD. On page 14, section 19, there is a provision that every person, firm, association, corporation, State bank, or State banking association, and also every national-banking association, shall pay a certain tax. Our national-bank associations are also known as associations, and may not this be construed to refer to them?

Mr. DAWES. It is not intended to include them, and when we come to that I will leave it to the gentleman to suggest the proper phraseology.

Mr. HEREFORD. I wish to ask the gentleman from Massachusetts a question in reference to section 24, that from and after the passage of this act any farmer or planter may sell at the place of production tobacco of his own growth and raising at retail directly to consumers to an amount not exceeding $100 annually. This provides that he may sell at the place of production. Will this accomplish the object which so many of us desire? I have no doubt this section has been drawn to carry out that object. I introduced a bill myself on this very subject. I fear the construction which will be placed on this section will be that the farmer who raises $100 worth of tobacco must sell it on his farm, and it will not allow him to take it to the school-master or the country store to sell it for the necessaries of life.

Mr. DAWES. Wait until we get to that section of the bill. I now yield for ten minutes to the gentleman from New York, [Mr. COX.]

Mr. COX. Mr. Chairman, I do not propose to take more than ten minutes. This bill of itself ought not to involve a large debate. It should be amended. I am not now certain that it may be amended except in regard to the articles specified in the bill itself. Therefore I confine my remarks in reply to what has been said by the gentleman from Massachusetts, and to the multifarious character of this bill.

The gentleman says this bill so far as it brings anything in the Treasury really amounts to nothing as to revenue, in the aggregate, substantially nothing. I am sorry to hear that confession made by the chairman of the Committee on Ways and Means—Ways and Means, whose business it is to raise "means" and contrive "ways."

Mr. DAWES. That is the most gratifying feature of the whole bill to me.

Mr. COX. It should be gratifying to the gentleman not to raise taxes; but I look on the tariff in a somewhat different light from that of the gentleman. Many of these taxes in the shape of customs duties are actually prohibitory; many of them are so high as to be *pro tanto* prohibitory; many do not pay the cost of collection; many contribute to smuggling and fraud. And so we come back to the proposition which I sent to his committee at the beginning of the session, that if we would put money into the Treasury to pay our deficiencies and save us from bankruptcy, we might well reduce the tariff and thus enhance the revenue. That has been demonstrated in England, and could be demonstrated by the Committee on Ways and Means if they gave it a proper and patient examination.

This bill, sir, amounts really to nothing as to revenue and otherwise. What substantial relief does it give to the country? When our industries are dead or at least paralyzed; when our shipping is almost gone; when English ship-owners take what is equivalent to $75,000,000 out of our pockets every year for foreign transportation; when our laborers cry aloud in the streets; when our farmers are complaining in regard to the small prices for their products and the high prices for their transportation, it is, sir, at this time of continued panic and disaster that we patiently listen to the statement to the House through its organ that their legislation really amounts to nothing, nothing, nothing!

Sir, this committee should have given in this long session abundant care and unremitting attention to the reduction of the tariff. If they would relieve the people, and at the same time add to the revenues, why do they produce such an abortive measure?

I have discussed this matter here ever since 1857; I have debated it again and again; not always fruitlessly. I have seen some reforms made and some progress in public opinion. I have never yet been discouraged as to the ultimate verdict of an intelligent Congress, properly elected, on this and other revenue questions. I can see that even New England is approaching free trade. Her interests are drawing her into the domain of honest economy. If we cannot altogether sail into a star, we can sail by it. The great principle of a revenue tariff, or in other words, of free trade; of removing the slave shackles from trade and commerce, to use what might be less objectionable language—this principle is progressing in New England and in the West.

Years ago, in 1864, when a member of Congress from the West, I urged—

> That the West could take care of itself. It is rich by nature in its resources; and if the people of Pennsylvania cannot live by working their forges with their own natural resources, and if the people of New England cannot live by working their spindles, with their natural ingenuity, without the aid of other classes of industry and the bounty of the Government, let them move to the West, and there the God of nature will protect them in the cultivation of the soil, if they have the industry to work and the frugality to save.

Mr. STARKWEATHER. Whose speech has the gentleman read from?

Mr. COX. The speech of a member from Ohio in 1864.

Mr. STARKWEATHER. What was his name?

Mr. COX. It would be personal to mention it just now, and the gentleman will excuse me.

Mr. STARKWEATHER. He is not a member of the House now, is he?

Mr. COX. Not as a member from Ohio.

At that time I laid before the House certain carefully framed general propositions, and which I maintain now as I did then were in the interest of agriculture and commerce. I will say here to gentlemen on the other side that these propositions will enter into every canvass this fall. You cannot escape them; nor will Congress escape them. I remember the repeal of the corn laws in England, in 1846, and remember that for thirty years one man—Mr. Villiers—came forward in Parliament at every session and brought in the same old motion for the repeal of the corn laws amid derisive cheers; until at last the flood came, and with it Cobden, and Bright, and Ebenezer Elliot, and statesmen like Sir Robert Peel, swept by its vehemence, came forward and destroyed the obsolete ideas of the monopolists and gave England a "cheap loaf" under free trade! In the light of such an example it will not do to be discouraged. Let us keep on fighting for the liberalities of commerce and exchange. Time and science work with us. We have between our States a perpetual emphasis to these doctrines in their cordial and prosperous intercommerce.

But, sir, let me come to the propositions referred to, which I shall perhaps take the liberty of illustrating when it comes to the five-minute debate on amendments.

The elements of cost upon merchandise imported from foreign countries into the United States are: First, the first cost abroad; second, difference of exchange; third, duty; fourth, freight, insurance, and other charges of importation; and fifth, the importer's profits on all the preceding items, which we reckon at 10 per cent.

At this point of cost the imported article comes in competition with the corresponding article of the home manufacturer in the American market. And the aggregate of the items above mentioned constitutes the protection or bounty which the tariff system gives to the manufacturer. The consumers of the domestic article, of course, pay this bounty to the manufacturer. This is now reduced to an axiom in political economy. It is as clear as the proposition that the object of a tariff for protection is to increase the price of the article. If this were not the case, who would care for protective bounties? Not the manufacturer, certainly. If not he, who then?

I might show you what particular sections of the country are benefited by this particular mode of making or rather as in this bill of not making revenue. But one thing is sure, that on some articles, as steel, for instance, New England itself is moving, as it is moved sometimes in a pinch with respect to coal. I might refer you, too, to the matter of hardware, which is not touched by this bill, but should have been reduced for the purchasers. Let me give to some of these gentlemen who have to go West to meet their constituents this fall the effects of the present tariff on hardware articles.

Take padlocks for instance, the duty on which is 45 per cent., less 10 per cent. This is for the protection of three makers only who have combined. Handsaws; the duty is over 50 per cent., principally for the benefit of one maker in this country. Knives and forks, 35 per cent., less 10 per cent., for the benefit of a compact of makers not to sell under prices. Cotton-hoes, 45 per cent., less 10 per cent., a combination of the principal makers. Curry-combs, 35 per cent., less 10 per cent., two makers in combination. Tea-trays, 40 per cent., less 10 per cent., two makers in combination. Powder-flasks, 40 per cent., close monopoly. Iron squares, 50 per cent.; two Vermont makers have the sole control. Pocket-knives, 50 per cent., less 10 per cent.; the makers have been in combination but were broken by the panic. Screws, over 50 per cent. We all know about that matter. It is no new theme of discussion here. The American Company sell in Canada at a less price than in the United States, and have had a very profitable business for the three companies in the monopoly. Sledge-hammers and vises, about 35 per cent.; but two makers of any importance in the country. Files, over 50 per cent.; two or three makers of importance. All of these and various other articles manufactured of iron have been diverted from paying income to the Government. My correspondent informs me that a reduction of 25 per cent. duty would double the receipts of revenue from this branch alone. I might call attention to other articles.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. I want just two minutes more to call the attention of members of the House to one part of this bill relating to the internal revenue.

This bill proposes not simply to put an extra tariff on hops, I suppose striking at the German constituency; not merely putting a tax on vermicelli and macaroni, for the protection of one or two little factories in this country which make a very bad article; it not only proposes to tax various articles, and raise some revenue thereby, which perhaps are equalized or nullified by what is put on the free list; not only that, but in the fourteenth and sixteenth sections of the bill, the committee go to work to establish a sort of a code, as if we were a little municipality here, taxing the wholesale and retail dealers of spirituous and malt liquors, and actually forfeiting all the premises of parties who may distill or be connected by proximity of premises with distilleries. I do not know in whose interest that is, perhaps in the interest of the crusaders. But certain it is that kind of tax will not be acceptable to the German part of our population.

Mr. DAWES. I am sorry my friend does not know more about beer than he seems to know.

Mr. KELLOGG. Cannot the chairman of the Committee on Ways and Means [Mr. DAWES] yield to me for one moment?

Mr. DAWES. I do not see how I can.

Mr. KELLOGG. Then I will take it some other time.

Mr. DAWES. That is right. If the gentleman from New York [Mr. COX] will accept a suggestion, I would suggest to him to turn to the internal-revenue law as it exists and read it, and he will see that this bill which he complains of is greatly to the relief of his German constituents.

Mr. COX. Why not relieve them altogether?

Mr. DAWES. One objection to relieving them altogether is the necessity of having some revenue; that is one objection.

Mr. COX. I could undertake if I had time to debate it to point out where you might raise the tax.

Mr. DAWES. My friend wants absolute free trade at one end and absolute freedom from internal tax at the other, and then he would pay the current expenses of the general Government by drafts on the Treasury.

Mr. COX. No, sir; I have told the gentleman again and again how

it could be done. I have voted to put the tax on tea and coffee, and you dare not do that, because it is a pure revenue tax. That has been attested and demonstrated. When the tariff was removed from them it did not lessen the cost of tea and coffee to the consumer. Why? Because the producers abroad raised on us. By such a tax you might put $20,000,000 into the Treasury.

Mr. DAWES. I voted with the gentleman on that.

Mr. COX. Then why reproach me, as if I had no plan to help the revenue, in the place of your bounties to the favored?

Mr. DAWES. I do not reproach the gentleman. It is one of the few things I am glad to commend him for.

The CHAIRMAN. All general debate by order of the House is closed upon this bill. The Clerk will read it by paragraphs and sections for amendment.

The Clerk read the first section, as follows:

That from and after the date of the passage of this act, in lieu of the duties heretofore imposed on the importation of the goods, wares, and merchandise hereinafter specified, the following rates of duties shall be exacted, namely: On spun silk, for filling, in skeins or cops, 35 per cent. *ad valorem;* on silk in the gum, not more advanced than singles, tram, and thrown or organzine, 35 per cent. *ad valorem;* on floss silks, 35 per cent. *ad valorem;* on sewing silks, in the gum or purified, 40 per cent. *ad valorem;* on lastings, mohair cloth, silk, twist, or other manufactures of cloth, woven or made in patterns of such size, shape, or form, or cut in such manner, as to be fit for buttons exclusively, 10 per cent. *ad valorm;* on all goods, wares, and merchandise not otherwise herein provided for, made of silk, or of which silk is the component material of chief value, irrespective of the classification thereof for duty by or under previous laws or of their commercial designation, 60 per cent. *ad valorem: Provided*, That this act shall not apply to goods, wares, or merchandise which have, as a component material thereof, 25 per cent. or over in value of wool or worsted.

Mr. KILLINGER. I move to amend this section, by adding the following:

And provided further, That the second section of the act entitled "An act to reduce the duties on imports and to reduce internal taxes, and for other purposes," approved June 6, 1872, shall be, and is hereby, repealed; it being the intent of this act to restore the duties upon the goods, wares, and merchandise mentioned in said section which were by law levied, collected, and paid prior to the passage of the act of which said section is a part.

Mr. DAWES. I suggest to my friend to withhold his amendment until we get to the end of the tariff portion of this bill.

Mr. KILLINGER. I consulted with the chairman of the Committee on Ways and Means [Mr. DAWES] as to that matter a few moments ago, and he said that it would come in at the end of this section.

Mr. DAWES. I know that; but upon reflection I think it would come in better at the other place.

Mr. KILLINGER. Then I will withdraw the amendment.

The CHAIRMAN. The section is still open to amendment.

TEN PER CENT. REDUCTION OF DUTIES.

Mr. KILLINGER subsequently asked and obtained leave to have printed the following remarks:

The second section of the tariff act of June 6, 1872, provides that from and after August 1, 1872, but 90 per cent. of the then existing duties upon the articles there enumerated shall be collected. This reduction of 10 per cent. affected cotton goods, wools and the manufacture thereof, iron and steel and the manufactures thereof, paper with certain exceptions, rubber and straw goods, glass, leather, and several other articles of domestic industry.

Under the operation of this reduction the Treasury of the United States has lost in revenue probably $12,000,000. It has in no way benefited the consumer, for no reduction in price has been effected thereby. Applying mostly to staple articles, which are largely imported and which enter into competition with home products, it has imposed heavy burdens upon our own people, while it has relieved the foreign manufacturer and discriminated in his favor very considerably.

One would suppose that Congress would not hesitate, with these facts pressing themselves upon our attention, to repeal this unjust and ill-advised piece of legislation. In the early part of the present session I introduced a bill to effect the repeal, which was committed to the Committee on Ways and Means. Strange to say, that committee has not acted on the bill so referred to it; at least no report of any action thereon has been submitted to the House. I have seen it stated in the newspapers that the committee had disposed of the proposition negatively, only two of the members present having voted for it. If this statement be correct, then, Mr. Chairman, have the friends of American industry been betrayed in the house of their supposed friends. In instituting that committee we had reason to believe that you, sir, intended to recognize the policy and necessity of legislating on the side of home industry. Your instincts we know to be right, and we regret that your Committee on Ways and Means has by its action, or rather want of action, jeopardized a great principle, and failed to respond favorably to this demand of the laboring and manufacturing people of the country.

I remember very well the circumstances under which the reduction was made. We were on the eve of the presidential election, and it was supposed to be necessary to conciliate a faction then known as revenue reformers. The election of General Grant on a basis of protection not only extinguished that faction, but demonstrated how utterly mistaken was the theory upon which our republican friends then acted.

And now the altered circumstances of the country appeal to us to undo the great wrong then inflicted upon our people. The repeal is now a revenue measure, and demanded by the wants of the national Treasury. In the ill-advised veto of the President he recommends the increase of our revenues, which I suppose means the imposition of taxes upon the people. If he means to restore the burdens which Congress has from time to time taken off, he will fail to be supported in his recommendation by Congress or the people. In lieu thereof I point this House to the source of revenue indicated in my proposition to repeal the 10 per cent. reduction.

This Government cannot afford to encourage foreign manufactures at the expense of home interests in the present financial crisis. Thousands of workingmen are out of employ and business of every kind is dull. Confidence is wanting and trade is stagnant. The President's veto has still further depressed our great industries, and brought discouragement to our people. Both increased demands for our manufactures and the pacification of labor were expected to follow the adoption of a judicious policy of expansion of the currency. The importing interests, especially the American agents of foreign manufacturers, uniformly approve the present condition of things, seeing in it the prospect of increased business for them. The greater the stagnation of domestic manufactures the better will be their chance for controlling our markets.

I have faith enough in the wisdom of General Grant and the American Congress to believe that some measure of financial legislation may yet receive their united approval which will tend to revive the drooping enterprise of the country. But no financial measure that may be adopted will secure this result, unless accompanied by such legislation as will fortify our home industries in the great struggle for the mastery with foreign manufactures. And the republican party, that has met and mastered so many great questions in the past, must array itself on the side of American labor; or Ichabod will be written on its walls, and its glory will have departed forever.

Mr. KELLOGG. I would inquire of the gentleman from Massachusetts what is the change in the duty on silks and silk goods which will be produced by this section?

Mr. DAWES. There is no change at all in the duty on any article of silk. The change is in the construction given at the Treasury Department as to what constitutes silk goods, so that silk goods are allowed to come in under another name.

Mr. BURCHARD. I move to amend the proviso of this section by striking out "25" and inserting "10;" so that it will read:

That this act shall not apply to goods, wares, or merchandise which have as a component material thereof 10 per cent. or over in value of wool or worsted.

The amendment that is proposed by this bill to the present law would raise the duty on three classes of silk goods. One is silk buttons that now come in upon a duty of 50 per cent. *ad valorem;* Another class, silk ribbons, which I presume the special object of this section is to reach. The third class is silk goods made of silk mixed with India rubber and of silk mixed with wool or worsted. If this section was confined to silk ribbons, and proposed to obviate what are called the frauds or evasions of the present law, I should have no objection to it; but it affects importations of goods composed of silk mixed with other articles to the value of about $10,000,000, increasing the duty from 50 to 60 per cent. *ad valorem.* The Commissioner of Customs, when before the Committee on Ways and Means, told us that this increase would actually reduce the revenue. His opinion was that 50 or 55 per cent. duty would bring in as much or more revenue than 60 per cent. The duty on silk-covered buttons has heretofore been 50 per cent. and by this bill is enhanced to 60 per cent. The amount of duties received on silk buttons was $129,000; on India-rubber goods, $121,000; on mixed goods, $3,643,657. The increase of duty applies to $10,000,000 worth of silk-mixed goods. I do not think we ought to increase the present duty upon these goods.

It may be said that silks are a luxury. The truth is that silk goods and ribbons are more or less worn by the poorest girl in the land. Will Congress say that they ought not to do so; that the wives and daughters, your laborers and your factory operatives, that sewing-girls and even house servants in the country ought not to adorn themselves or trim their bonnets with silk ribbons? Must the price of the cheaper silk-mixed goods they wear be increased for the benefit of silk manufacturers? The protection is now adequate and ample. The raw silk that comes in free of duty is worth between five and six dollars a pound; that is, admitted free. Silk goods having 50 per cent. protection on the manufactured product have on the labor from 150 to 200 per cent. protection. That is enormous. The amount of manufacture is increased from a capital of $3,000,000 not many years ago to $25,000,000. It seems to me that protection is adequate and even excessive as the law stands.

Now to come down to this particular provision and amendment, namely, to strike out "25" and insert "10" where I have indicated, and explain its intended effects. In case the value of the wool, worsted, cotton, flax, or other material in silk-mixed goods is 10 per cent. of the value of the article, such mixed material must compose more than half the weight and bulk of the fabric. This will secure the avowed object in proposing the modification of the silk tariff. It will prevent goods being brought in as silk-mixed goods made almost wholly of silk or having a single thread run along on the selvage of some other material. In fact we might reduce to 5 per cent. and still accomplish this object.

It seems to me that the duty on all silk-mixed goods, amounting to six or seven million dollars in value, ought not to be increased

from 50 to 60 per cent. *ad valorem* for the purpose of avoiding this evasion of the law. I have offered this amendment in good faith for that purpose. I shall offer another amendment also in the same connection, to extend to other material the proviso which excludes mixtures from the 60 per cent. duty having 25 per cent. value of wool or worsted.

Mr. DAWES. The whole matter was considered by the committee. This was put in after full examiation and upon full information from the Treasury Department. The object was to prevent importers getting through goods which were substantially silk, because there were a few threads of cotton in them, like the statement I have before me. They were allowed to come in at a lower rate of duties because there was a cotton thread along the edge of the goods. And right by the side of it, I have the advertisement of the article after it had got through, in these words:

The following line of colored edge-ribbons are fresh goods, warranted all silk.

These goods after they get through the custom-house were "warranted all silk." This pamphlet which I hold in my hand is full of such advertisements by silk houses of ribbons precisely like this that came through at the reduced rate after the Treasury Department had decided that they were not all silk, having a thread of some other material running through them.

Now, we propose to provide that this reduced duty shall not apply unless the article contains a quarter in value of some other material. My friend from Illinois [Mr. BURCHARD] wants to provide that if the article contains 10 per cent. of some other material it shall come in at the reduced rate. He might just as well strike out the whole provision. The view of the committee was that when the article contains 25 per cent. in value of a cheaper material, it of course cannot pass in the market as all silk; it will take its place in the market for what it is worth. But if it contains only 10 per cent. in value of inferior material it may still be sold in the market as all silk, and the consumer will pay for it as such although the Government does not receive duty upon it as such. I hope the amendment will not prevail.

Mr. KELLOGG. Will not the effect of the amendment of the gentleman from Illinois be to produce frauds not only on the Treasury, but upon the people who use the gooods?

Mr. DAWES. Yes, sir; that is just what I was saying. Goods containing 10 per cent. of an inferior article will be brought so near the line as to tempt the importer to cheat the people who purchase them.

Mr. BURCHARD. I move a further amendment, to insert in the same line before "wool or worsted" the words "cotton, flax;" so as to read "cotton, flax, wool, or worsted."

Now, in regard to the frauds of which the chairman of the committee [Mr. DAWES] speaks, there is no possibility of defrauding the revenue in this case. No one will claim that it is a fraud to import goods made of silk mixed with other material. If the mixture of other material were so slight as to be merely an evasion, it would not amount to 1 per cent. of the value, and the article would have to pay, with the amendment I propose, the same duty as if manufactured entirely of silk. But it is sufficient to require that 10 per cent. of the value of the mixture should be other material, and to charge 60 per cent. duty upon silk-mixed goods having less than 10 per cent. of other material. It is proposed to increase the duty upon all silk-mixed goods 10 per cent., that is one-fifth. At present goods of which silk is the component material of chief value but mixed with worsted, wool, or other material, are imported at 50 per cent.; and during the last three years—not to go further back—several million dollars' worth of these goods have been annually imported. Now it is proposed to require that 25 per cent. in value of these mixed goods shall be wool or worsted, excluding entirely mixed goods of cotton or flax. What will be the effect? In the case of wool at, say, 50 cents a pound and silk at $5.50 a pound, goods composed of an equal mixture in weight of silk and wool would have eleven-twelfths of their value silk and one-twelfth wool. In other words, with wool and silk at the relative prices I have given, the wool is 8⅓ per cent. of the value and one-half of the material in weight. There could be no fraud or evasion in admitting silk goods containing a mixture of 10 per cent. in value of other material at the present duty of 50 per cent. *ad valorem*, since over half the mixture must then be other material.

[Here the hammer fell.]

Mr. KELLEY. The language of the law on this subject at present is:

On all dress and piece silks, ribbons, and silk velvets or velvets of which silk is the component material of chief value, 60 per cent. *ad valorem*.

Now, sir, the section under consideration in this bill is an attempt to correct what I cannot help regarding as a fraudulent interpretation of the law by the Treasury Department. I intend no charge against the Secretary of the Treasury. That Department has become so large that no man can comprehend all the details of its management; but I do say that the subordinate to whom the question was referred has perpetrated a fraud both on the people who use the goods and upon the revenue. For six years there have been attempts to secure the passage of a law allowing a refund of duty on certain silk goods because a thread of cotton or other substance ran along the edge to give a raising to that edge. Turned out of the committee of three Congresses, the proposition was at last introduced upon this floor and was scouted from the House as a fraud involving a million dollars, when suddenly it was discovered that a subordinate in the Treasury Department had prepared a letter putting his initials on it, and the Secretary of the Treasury according to the mode of administering the business of that Department had signed it, and more than a million dollars was flowing from the Treasury. One of the parties who received a refund of duties under this action testified before the committee that he and his firm were called upon by a firm of lawyers and requested to enter an appeal and protest on all importations of silk ribbons with raised edges; and on an agreement to give that firm of lawyers one-half of what might be obtained, the lawyers taking the risk, these importers did protest and appeal. They waited six or eight years with no returns; but when that subordinate of the Treasury had written his letter and put his initials on it, and when the Secretary had signed it, that importing house recovered $25,000, the lawyers getting also $25,000, although the firm had only obtained a part of its reclamation. That fraudulent letter of that subordinate of the Treasury Department, thus signed by the Secretary of the Treasury, took nearly $2,000,000 from the Treasury, one half of it going to lawyers whom a suspicious man might believe to have been in conspiracy with that subordinate who writes the letter which the Secretary has to sign.

Under the tariffs of 1828 and 1832 like questions were raised, and the Secretary of the Treasury then ruled that such palpable attempts at a fraudulent evasion of the law were not to be encouraged, but reprehended. And so have our Secretaries done until it became the usage of the Secretary of the Treasury to act as mere registering clerk for his subordinates, when one of them found opportunity to transfer to a conspiring firm of lawyers nearly a million of dollars, and to cheat not only the Treasury but the consumers of silk goods.

[Here the hammer fell.]

Mr. KELLOGG. If the gentleman will withdraw the amendment I will renew it.

Mr. BURCHARD. I withdraw the amendment as to the 25 per cent., but will allow the gentleman to renew my amendment in reference to the insertion of the words "cotton, flax," before the word "wool."

Mr. KELLOGG. I renew that amendment, for I care not if that is adopted. Mr. Chairman, I certainly do not wish to delay the committee in regard to this matter. I think the provision as reported from the committee is well drawn to prevent fraud being practiced by the importers of these goods upon the Treasury Department. If the amendment reducing the 25 per cent. to 10 should prevail, however, and you reduce to 10 per cent. the amount of wool or worsted fabric, you will then, in my judgment, put it in the power of these importers to produce even more flagrant frauds than they have done. And it is not only a fraud upon the Treasury Department which will be carried out if the amendment of my friend from Illinois as originally offered by him shall prevail, but it will be a fraud upon his dear friends and upon my dear friends, the ladies of our families, and upon all the ladies in the land who buy the kind of goods he talks about. In reference to these silk ribbons and other silk goods, if you reduce the amount of mixture to 10 per cent. of worsted or other cheaper material and agree to let them come in at a lower rate of duty, my friend from Illinois must see, and the House must see, that we will get the amount of mixture down so small that no person can tell, unless skilled in such articles, whether they are pure silk or articles made up of a mixture of silk and other materials. I say there should be a sufficient amount of mixture of other material to make it apparent, and I think the committee have well fixed it at 25 per cent. in order to bring it in at a lower rate of duty, both to prevent frauds upon the Treasury Department and frauds upon the consumers all over the country who buy this class of goods. I hope the provision, therefore, will stand as reported by the committee.

Mr. BURCHARD. I will withdraw my first amendment.

Mr. KELLOGG. I have renewed the latter part of the gentleman's amendment, to which I have no objection.

Mr. BURCHARD. My amendment is to insert before the word "wool" the words "cotton, flax."

Mr. DAWES. I hope we will keep it as near as we can to what the committee reported it.

Mr. BURCHARD. The act of 1862, so far as it relates to silk-mixed goods and all mixed goods of which silk is the component material of chief value, provides for 50 per cent. *ad valorem*. That is a broad provision, applying to all mixed goods. This section as it stands with the amendment I offer would leave it without any limitation, without any allowance for mixture. My proposition would leave the law as it stands, with a limitation to 25 per cent.

Mr. DAWES. I understand the gentleman's amendment is to insert the words "cotton, flax," and I hope that amendment will be adopted, and let us go on.

The amendment was agreed to.

Mr. FIELD. I move to strike out the proviso altogether. It seems to me this provision will make confusion among our officers who have to collect the revenue. In my judgment it is wholly unnecessary. I believe when goods come in as silk goods they should bear this duty, but if we admit this proviso and it becomes a law, it will be impossible for our officers to collect the revenues as they ought to be collected. Who can determine as to the mixture of worsted or cotton in these goods? If they are silk goods, they should bear 60 per cent. *ad valorem*. I therefore think the proviso should be stricken out. By striking it out we can save a large amount of revenue.

Mr. DAWES. I rise to oppose the amendment. Let us have a vote.

Mr. MAYNARD. I rise *pro forma* to oppose the amendment. I do not think the trouble will be with those who have the duties to collect, but it will practice fraud in this way: Our wives and daughters, who will imagine they have silk dresses and silk ribbons at the expense of their husbands and fathers, will in fact be wearing goods only 75 per cent. of which will be silk. In other words, we shall have large quantities of silk goods put on the community, so sold, so represented, so bought and paid for, when in the point of fact we will have a deteriorated article of diminished value and diminished worth as will be disclosed in the wearing of them. In other words, it will provide for bringing into the country an inferior class of silk goods, which we purchase and pay for when we desire to make valuable presents to members of our families. I think that will be the practical effect of this proviso.

The amendment of Mr. FIELD was disagreed to.

The Clerk read the second section, as follows:

SEC. 2. That from and after the passage of this act, in lieu of the duties now imposed by law on the merchandise hereinafter enumerated imported from foreign countries, there shall be levied, collected, and paid the following duties; that is to say:

On all still wines imported in casks, 40 cents per gallon.

On all still wines imported in bottles, $1.50 per case of one dozen bottles, containing each not more than one quart and more than one pint, or twenty-four bottles, containing each not more than one pint; and any excess beyond those quantities found in such bottles shall be subject to a duty of 5 cents per pint or fractional part thereof; but no separate or additional duty shall be collected on the bottles: *Provided*, That any wines imported containing more than 22 per cent. of alcohol shall be forfeited to the United States: *Provided also*, That there shall be an allowance of 2 per cent. for leakage on the quantity which shall appear by the gauge to be contained in any cask of wines, and 5 per cent. on all wines, liquors, cordials, and distilled spirits in bottles, to be deducted from the invoice quantity, in lieu of breakage.

Mr. COX. I move to insert between lines 5 and 6 of that section, after the words "that is to say," the following:

On steel in ingots, bars, coils, sheets, and steel wire of all sizes, 2 cents per pound.

In 1872 there were imported into this country for consumption 50,000,000 pounds of this kind of steel. The proposed duty of 2 cents a pound would add to the revenue $1,000,000 from that source. If the Committee on Ways and Means wanted revenue, here was a chance to reduce the tariff and get it. Besides, it would have afforded relief to the general interests of the country. Let it be remembered that mechanical tools and agricultural implements have all more or less of steel in them. I have received letters, and I have no doubt that the Committee on Ways and Means have had authoritative statements from men in the business of manufacturing saws, knives and forks, axes, and what not, made of steel. They show that we could export their hardware and implements if we gave them a fair chance to buy steel abroad. I do not know what the Committee on Ways and Means have done on this subject. I know what they ought to have done, since they pretend so much. If they had given a fair hearing and made a careful examination, they must have come to the conclusion that by some remedial measure they would have added $1,000,000 to the revenue; given an impulse to manufacture, trade, and exports; and benefited the people North, East, South, and West by cheaper and better articles. The steel men whose petition I have before me call attention to the vast importance of the export trade in articles purely American in manufacture, but into which foreign steel enters as the chief component part. They refer to the manner in which the present tax bears so heavily upon them; how it favors the foreign makers of such goods to our disadvantage. They also ask certain specific relief, so that their business may be uninjured by frauds. Was their prayer heard? Where is the clause in this bill?

What response is made to their appeal? This committee propose no relief whatever. This bill, upon the confession of the gentleman from Massachusetts, amounts to nothing so far as revenue is concerned; and yet how he boasted of his courage to come in here and tax! Why does he in this bill impose these fresh and added taxes? Not to get revenue. No? If we are to pay taxes, the money derived from them should go into the Treasury. I do not disfavor the free list which the gentleman's bill proposes to enlarge. Indeed, I would enlarge it so as to approximate that of England, which has only thirteen articles for customs duties. We would thus reduce the cost of their collection, avert fraud, and so energize our prostrate industries as to make the taxing power potential for revenue without destroying and bankrupting business interests.

But, sir, this matter of steel is worthy of the consideration of this House, and unless we are utterly indifferent to the interests of our constituents we should vote in favor of this amendment.

Mr. DAWES. Nothing would gratify the Committee on Ways and Means more than to have the aid of the gentleman from New York, but he sees only one side, and does not see all of that side. He has stated to the House that we got $50,000,000 of revenue from this source alone.

Mr. COX. No, sir; I said that fifty million pounds of these articles were consumed in 1872.

Mr. DAWES. Fifty millions were consumed in 1872?

Mr. COX. Of steel in ingots, bars, sheets, &c., fifty million pounds were imported for consumption in 1872, and on those articles I propose a duty of 2 cents a pound, which would yield a revenue of $1,000,000.

Mr. DAWES. Will my friend tell me how much he will get of revenue from a duty of 2 cents per pound? He is anxious to have something go into the Treasury. He has reminded me six times since this debate commenced that this bill does not bring anything new into the Treasury. Will he tell me how his proposition will affect the Treasury? I would like his aid in supplying the Treasury; will he tell me how his amendment would affect the Treasury—either put money into it or take it out?

Mr. COX. It would put money into the Treasury by way of revenue in the increased importation, because there would be a greater use of steel of this character.

Mr. DAWES. What would be the effect on the revenue?

Mr. COX. I give the gentleman only the results obtained from men engaged in this business. I do not speak as an expert in steel manufactures, but I got the best intelligence I could obtain and the gentleman must have had that intelligence also.

Mr. DAWES. My friend of course means to get right, but it is not exactly safe to depend on little scraps from newspapers. The Committee on Ways and Means had a long hearing, a week or ten days, and heard all the importers of steel and all the manufacturers of steel, and they found it a very difficult question to settle. They were in a good deal of doubt as to what was the best measure to recommend to the House. They did not find themselves able to jump at a right conclusion upon a little slip of newspaper about as long as a small piece of poetry. About seven-eighths of all the steel used in the United States is made here to begin with, and the foreign steel costs just about one-fourth more than the American steel, so that every pound of foreign steel that goes into the manufacture of axes, plows, hoes, harrows, mowing-machines, and sickles adds a quarter to the price to the dear farmers and grangers. That is one thing to be looked to.

Another thing to be looked to is this: that American steel is not quite as good as foreign steel, and that it is a necessity to use foreign steel for some articles and pay this extra price for it. In the manufacture of some articles they must use foreign steel. In a great majority of articles the low grade of American steel is just as good as the low grade of foreign steel, and it is still cheaper, so that it will not do to have it all of one kind or all of the other kind.

If my friend from New York could have had the benefit of listening to all these men, as the Committee on Ways and Means did, he would have seen that there is more difficulty than he supposes in getting at this matter exactly. I will tell the gentleman what was the conclusion of the Committee on Ways and Means about this matter.

Mr. COX. I have heard that the committee voted for my proposition. I suppose the gentleman cannot tell what occurred in the committee?

Mr. DAWES. I will tell the gentleman what was the conclusion of the committee.

Mr. COX. I am assured that they did actually vote for my proposition. They are entitled to more credit for wisdom than I gave them.

Mr. DAWES. If my friend from New York is not willing I should tell him the conclusion of the committee, I will tell it to the rest of the House. The committee found the question so difficult and complicated, entering so largely into the industries of the country, that they would not jump to the conclusion of the gentleman from New York, putting all these articles at 2 cents a pound, thereby reducing the revenue somewhat, or else increasing to a corresponding extent the foreign importation and disturbing the whole American manufacture. They concluded therefore that they would not report a proposition on that subject in this bill, but would mature some plan for a future session of Congress. This was the best they could do after hearing for a week or ten days various parties interested. We did not have the benefit of a consultation with the gentleman from New York, or perhaps we should have been able to arrive at the result which he has reached. I hope the House will not, upon the brief consideration which the gentleman from New York has been able to give to the subject in a five-minute speech, introduce this revolution in the whole steel trade and manufacture of the United States.

The question being taken on the amendment of Mr. COX, there were—ayes 29, noes 81; no quorum voting.

Mr. COX. As I have failed to get the aid I expected from gentlemen on the other side in this matter vital to farmers and mechanics, I do not insist on a further count.

The amendment of Mr. COX was not agreed to.

The Clerk read as follows:

SEC. 2. That from and after the passage of this act, in lieu of the duties now imposed by law on the merchandise hereinafter enumerated, imported from foreign countries, there shall be levied, collected, and paid the following duties; that is to say:

On all still wines imported in casks, 40 cents per gallon.

Mr. FOSTER. I move to amend by striking out "40" in the clause just read and inserting "50," so as to make the duty on all still wines imported in casks 50 cents per gallon. The present duties on still wines are 25 cents a gallon for wines worth 40 cents a gallon and less; on wines worth more than 40 cents a gallon and less than $1 a gallon, the duty is 60 cents per gallon; on wines worth $1 per gallon or more, $1 per gallon, to which is added 25 per cent. *ad valorem*. The proposition of the Committee on Ways and Means is that instead of the present duty, which is somewhat on the *ad valorem* principle, we shall substitute a specific rate to which I believe the committee unani-

mously assent. The committee at first agreed to report and did report to the House a bill fixing the rate at 50 cents per gallon. Subsequently, and before the bill upon which we are now acting was reported, the rate was changed by the committee to 40 cents.

I hold in my hand the statistics of the importations of still wines into this country for the last five years; I will only stop now to say that the average cost of those wines during that time has been 33.05 cents per gallon. The importations for the last year were 8,210,000 gallons, at a valuation of less than 40 cents, and 920,000 gallons at a valuation of over 40 cents; thereby showing that eight-ninths of the wines imported last year were of a valuation under 40 cents, and thus paid the lowest rate of duty.

Now, Mr. Chairman, the grape crop in Europe has been short for the last two years, and the value of wines has largely increased, while at the same time the importation has largely decreased. For the month of January of this year the importation was 320,000 gallons, as against 580,000 gallons last year, a reduction of 40 per cent.; and the average value of the wines imported during that month was over 40 cents a gallon. A like result is shown by the statistics of February and March. In each case the importations have largely decreased, while the price has largely increased. So that instead of wines being now imported into the country at 25 cents a gallon, the importers are actually paying 60 cents a gallon. In this situation they come to us and ask for a specific rate. We can understand the reason for this request; it is to get a less rate of duty. I advocate this amendment as a revenue measure, and I suppose every member on the floor who supports it will do so for the same reason—as a revenue measure. I undertake to say that every gallon of wine that would be imported at 40 cents per gallon will be imported at 50. I therefore favor 50 cents a gallon as the rate to be fixed.

Mr. KASSON. I regret, sir, that my colleague on the committee [Mr. FOSTER] has felt obliged to dissent from the conclusions of the majority of the committee on this subject. The facts bearing on this question are, I think, perhaps as conclusive as they could be on any subject in its nature disputable. We have had for the last year an importation of more than 8,000,000 gallons of cheap wines paying 25 cents per gallon. Of still wines paying a larger rate—60 cents per gallon and 25 per cent. *ad valorem*—there have been less than 1,000,000 gallons imported. The receipts on both classes of wines were, in round numbers, $2,840,000. Upon the basis of a like importation of the same grades of wines, at the same cost, the revenue at 40 cents would be $3,711,000. Consequently in the same importation there would be under the proposition of the committee an increase of the revenue to the extent of more than $800,000. The question then as one of revenue simply is, how far is it safe for us to go in levying a duty upon a cheap article of wine without at the same time diminishing the importation?

My answer to that is this: We believe we have gone to the extreme limit which will not result in a diminution of revenue to the Treasury of the United States. And for this reason: when you put the duty upon a cheap wine consumed by the laboring classes, largely consumed by the German, French, and foreign residents of our cities from New Orleans to Boston, you certainly can come to a point where they will cease to buy for their current consumption these genuine wines. One of two results will follow: either they will change entirely their beverage, abandon wines entirely, or else they will import what is known as heavy-bodied wines and then dilute them one-half as they do in such cases in order to give an adulterated article for consumption which can and will be beyond a certain amount.

Now, in answer to the question just put to me, I will say there has been such an opportunity of fraud as in all cases of *ad valorem* duties and the committee have diligently sought in every case possible to substitute specific for *ad valorem* duties. For example, a wine which ranges above 40 cents a gallon is apt, when there is a difference of 35 per cent. in duty, to be fraudulently invoiced at 39 cents when in point of fact it costs 41 cents. We have reason to believe that temptation, as in all other cases, is found in regard to wines. Our fixing it at these figures is based upon the best evidence we can get as to the consumption. If the consumption will bear no more than 40 cents a gallon duty the conclusion is clear that the raising of that valuation, that rate of duty, to 50 cents, in addition to fluctuation and enhanced value here mentioned, will result in stopping its consumption to a great extent. As a question of revenue, the committee have come to the conclusion, which appears in their report, that it is not safe to go at this time above 40 cents duty without loss to the revenue.

I believe I have spoken in reference to what is necessary, except a single point, and that is the rate of duty *ad valorem* comes much higher as proposed by the bill upon low grades of wine than upon the higher grades.

[Here the hammer fell.]

Mr. BECK. I move to amend the amendment by striking out "$1.50" and inserting "$2;" so as to make it read 50 cents a gallon in casks and $2 in bottles.

Mr. Chairman, I wish to say a word in support of the amendment of the gentleman from Ohio, [Mr. FOSTER,] for his amendment and mine mean the same thing. If you make the tariff 50 cents a gallon when imported in casks, it ought to be $2 or $2.10 when imported in bottles.

I do not know that it is fair to tell what oscillations and disagreements we had in committee on this question. I may be allowed to say that we have had more trouble over this than anything else, when it is considered that we all desired the same end. The importations for last year as shown by the book furnished by the Bureau of Statistics, which I have in my hand, were as follows: 8,323,273 gallons, valued at not over 40 cents, paying a duty of 25 cents per gallon; its value was $2,673,195, which paid a duty of $2,080,818. Of wine valued over 40 cents and not over $1 per gallon, duty at 60 cents per gallon, there were 737,458 gallons, valued at $509,739, which paid a duty of $442,775. Of wine valued at over $1 per gallon, which paid $1 and 25 per cent. added, there were 197,132 gallons, valued at $397,790, which paid a duty of $296,579. The total importation of still wines for the fiscal year ending June 30, 1873, was $9,257,863, on which there was collected a duty of $2,820,172. If the duty is fixed at 50 per cent. and the quantity should remain the same we imported last year, the duty would amount to $4,628,936, or an increase of revenue of $1,808,764. If it is placed at 40 cents as now proposed, it will be a loss of $925,791, or nearly $1,000,000, from what 50 cents would produce.

The only question is, would as much be imported at 50 cents as was imported heretofore, or as much as will be imported at 40 cents? If we put it at 50 cents per gallon in casks and $2 a dozen in bottles it will produce an increase in the revenue of nearly $1,000,000 a year. The simple question is, would the imports fall off? I think they would not; the facts all go to show they would not. The wine brought in now at 25 cents a gallon has been of a sort (as a class) that almost equaled that which paid 60 cents a gallon duty. Several gentlemen engaged in this business, who came before us, told us the change in the value of gold in France had almost ruined them, and that they had so much to pay for the low-priced wines that it brought the duty up to 60 cents; in other words, they said that wine formerly imported at 25 cents a gallon now had to pay 60 cents a gallon, because of the change in the value of money, which proved how close to the line they ran. Of course the consumers were charged as much for it as if it had paid 60 cents. No man could tell the difference between wine worth 39 cents abroad and wine worth 41 cents; it sells at retail here at the same price, the duty saved going into the pocket of the importer.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. No. 510) donating condemned cannon and cannon-balls to the posts of the Grand Army of the Republic of Philadelphia, and other associations, for monumental purposes.

The message also announced that the Senate had passed the bill (H. R. No. 2999) for the relief of Henry A. Webster, N. B. McCollum, and A. Colby, of Washington Territory, pre-emptors on the Makah Indian reservation; and the bill (H. R. No. 1590) to provide for the better protection of the frontier settlements of Texas against Indian and Mexican depredations.

The message also announced that the Senate had passed bills of the House of the following titles, with amendments in which he was directed to ask the concurrence of the House:

The bill (H. R. No. 2538) to legalize and establish a ponton railway-bridge across the Mississippi River at Prairie du Chien; and

The bill (H. R. No. 3166) to correct the date of commissions of certain officers of the Army.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and steam machinery; and

A bill (S. No. 654) to extend the time for the completion of the railroad from Saint Croix River or Lake, between townships 25 and 31, to the west end of Lake Superior, and to Bayfield, in the State of Wisconsin.

TARIFF AND INTERNAL REVENUE.

Mr. WOOD. I hope the amendment offered by the gentleman from Ohio [Mr. FOSTER] to the bill as reported by the committee in this regard will not be adopted. This question is a very simple one, and easily comprehended, I think, by the committee, and in my judgment can admit of no doubt. It is simply a question of revenue, neither more nor less. It is to adjust the duty on still wines to that limitation which would produce the most money to the Treasury, and that is all there is of it.

When this subject came before the Committee on Ways and Means it was placed in my charge, and for the purpose of obtaining information from that Department of the Government best informed upon all questions of revenue from import duties I addressed the Secretary, and have received two replies, which I ask the Clerk to read in the order of their dates.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., February 24, 1874.

SIR: I am in receipt of your letter of the 20th instant, in which you state that a delegation of wine importers of the city of New York have lately had a hearing before the Committee on Ways and Means of the House of Representatives, in which they requested "a change of the now existing rates of *ad valorem* duties on still wines into a specific one of 40 cents per gallon."

In reply to your inquiry how far the above proposition meets with my views relative to the revenue and the convenience of the importing trade, I have to say that

the imposition of simple specific duties is desirable in all cases where it can properly be done, and it seems to me that this is a case where the convenience of the trade and that of the customs officers would be promoted by the change proposed, and would avoid complications which now arise in regard to the value.

I have therefore to recommend such a change in the law as will fix one specific duty upon all still wines.

As to the rate of duty per gallon which should be fixed in place of that now established, I have to say that in the memorial of the points made before your committee by these parties it is stated that the average amount of duties per gallon collected for five years, between 1868 and 1872, ranged from 35.33 cents in 1868 to 30.89 cents in 1872. Upon the basis of this statement it seems to me that the rate of 40 cents per gallon would be a proper one, and would yield an increase of revenue over that now collected under the rates established by law.

I am, very respectfully,

WM. A. RICHARDSON,
Secretary.

Hon. FERNANDO WOOD,
House of Representatives.

TREASURY DEPARTMENT,
Washington, D. C., March 5, 1874.

SIR: I am in receipt of your letter of the 4th instant relative to the proposed change in the present mixed duties on still wines.

You state that by direction of the Committee on Ways and Means you have reported a bill to the House fixing the duties at 50 cents per gallon in casks and $2 per dozen in cases, but that the wine and spirit traders' society have protested against these rates as almost prohibitory, and insist upon the duty being fixed at 40 cents per gallon and $1.50 per case, or that the present law shall remain unaltered. You ask my opinion as to whether the revenue of the country would be increased by the duties they propose, and what would be the effect if the duties were fixed at the higher rates stated in the bill reported by you.

From the report of the Bureau of Statistics it appears that the total quantity of still wines imported during the fiscal year ended June 30, 1873, was 9,257,863 gallons, which paid duty as follows: 8,323,273 gallons at 25 cents, 737,458 at 60 cents, and 197,132 gallons at $1 and 25 per cent. *ad valorem*. It will thus be seen that the revenue derived from the importation of wine paying 25 cents duty was $2,080,818, about five-sevenths of the total revenue from that source. The rate of 40 cents per gallon would, upon the same quantity, yield an addition to the revenue of $1,248,491.15, from which deduct the reduction of duty of 20 cents per gallon on the second grade and 60 cents per gallon and 25 per cent. *ad valorem* on the higher grades, would still give a net gain of $883,172.79.

The gain would, however, be somewhat more than this, as under the present law still wines in bottles are not subject to *ad valorem* duty. These figures would also be further varied by the fact that the above calculation is based entirely on 40 cents per gallon, which is not the exact equivalent of $1.50 per case. I do not apprehend, so far as I am now able to judge, that the rate of 40 cents would check importations of the lower grades of wines to any considerable extent, while it would undoubtedly stimulate the importation of the better grades of wine. The imposition of 50 cents per gallon and $2 per case would not lessen the importation of the better grades; but I fear that it would curtail the shipments of the lower grades to a great extent, and so much so that the rate of 40 cents would be more advantageous as a matter of revenue than that of 50 cents.

I am, very respectfully,

W. A. RICHARDSON,
Secretary.

Hon. FERNANDO WOOD,
House of Representatives.

Mr. WOOD. That is the best argument I could address to the committee in behalf of letting the bill stand as it was reported by the Committee on Ways and Means.

[Here the hammer fell.]

Mr. FOSTER. I withdraw my amendment.

Mr. ELLIS H. ROBERTS. I renew the amendment. Let us understand, Mr. Chairman, precisely what we are asked to do. According to the importations for January, February, and March, the value of wine which will be reached by the section which we are considering would be above 40 cents; would be for January; a little rising 40 cents; for February, a little rising 41 cents; for March, a little rising 42 cents; so that under the exising law the duty is 60 cents a gallon. We are asked by the section as it stands in the bill to make the duty 40 cents; but the Committee on Ways and Means, by a bill reported to this House on the 4th of March, recommended that the duty should be 50 cents on all still wines imported in cask, and on all still wines in bottles $2 per case of one dozen bottles, so that the Committee on Ways and Means has given its indorsement to the amendment which I renew quite as much as it has to the proposition in the bill.

We all agree that there should be a specific duty, as is recommended by the officers of the Treasury. We ask that it shall be put at such a figure as will produce the most revenue. The British tariff is not regarded as a protective tariff, yet the tariff put a few years ago on red and white wines in Great Britain was $1.32 in gold per gallon, or 5*s.* 6*d.* English. The present British tariff on wines is from 1*s.* to 2*s.* 11*d.*, the average being 2*s.* 6*d.*, which is 60 cents a gallon in gold. We are asked here to reduce the duty on wines—because this proposition is for a reduction—below the figures of the British revenue tariff.

These gentlemen tell us that this will reduce the consumption. What is the difference between the figures of the gentleman on the other side and our figures? It is 2 cents a bottle on wine. Are the consumers of wine to be prevented from drinking their wine by a difference of duty of 2 cents a bottle? It is absurd.

Mr. KASSON. Let me call the attention of the gentleman to the fact that we first had 15 cents; and on his theory we could add 2 cents at a time until we got it up to $10.

Mr. ELLIS H. ROBERTS. On the contrary, I call attention to the fact that the British duty now is 60 cents a gallon. This proposition for a specific duty comes from the gentlemen who also ask for its reduction. We grant them the specific duty. I do not propose to make it less than the British free-trade tariff.

Mr. KASSON. Which is 24 cents a gallon.

Mr. ELLIS H. ROBERTS. Which on wine exceeding 15 per cent. and not exceeding 24 per cent. of alcohol is 2*s.* 6*d.* per gallon, or 60 cents. Now, there is another point. It was found in the experience of England that when the duty on wine was reduced from $1.32 to 60 cents a gallon wine came in direct competition with the beers of the country. I desire to call the attention of those gentlemen who want to favor our German friends, that this proposition is one directly in antagonism with the manufacturers of beer, an article which is manufactured from the grain of the West.

[Here the hammer fell.]

Mr. SHELDON. I do not by any means charge the gentleman from New York [Mr. ELLIS H. ROBERTS] with misrepresenting the true position of things; but his remarks are calculated to mislead, and undoubtedly will mislead. It may happen that by reason of a short crop, or some other exceptional cause, the price of wine which paid a duty of 35 cents per gallon heretofore now goes beyond its former price; it so happens at this moment.

Mr. ELLIS H. ROBERTS. It has not been so until the last three months.

Mr. SHELDON. Suppose that it happens this year. I say this is unfair, because in the contemplation of the statute it is assumed that there is a class of wine that will at all times be below 40 cents a gallon in price. Now, let me ask the gentleman this question? He has given us the price of wine for the three months preceding the 1st of April. What was the importation of the lower grades of wine? It fell off. That is the history the world over.

Mr. ELLIS H. ROBERTS. The gentleman from Ohio [Mr. FOSTER] has the figures.

Mr. SHELDON. I cannot be interrupted now. That is the fact; the importers complain that they cannot import the lower grades of wine at the duty which the law fixed at the present prices of wine. This is the exact condition of things. For five years, beginning in 1868 and ending in 1872, the average duty upon all grades of still wines was 33.05 cents per gallon. This bill is an actual increase of that duty of about 7 cents. For the year 1872 the average rate of duty was 30.89 cents per gallon. This bill, therefore, proposes an increase of duty of over 9 cents per gallon.

Now, it was not the intention of the Committee on Ways and Means, as announced by the chairman, [Mr. DAWES,] to increase any of the duties imposed by our laws. They fix this at 40 cents per gallon, because they thought it perhaps a better figure than any other. But there is something besides revenue to be considered in this matter. The duty of 50 cents per gallon will practically deny the use of cheap wines to the poor people of this country, and it will let in only valuable wines in greater abundance for the rich people and at a cheaper rate. The result will be that those people who desire some stimulant in the shape of wine will be driven to drinking Bourbon whisky or the higher-priced wines produced in Ohio or somewhere else.

Mr. BUTLER, of Massachusetts. I move to amend so as to make the rate 55 cents per gallon. I am impelled to take the floor simply to call the attention of the Committee of the Whole to the fact that there can be no reliance whatever placed upon the returns of values of wines by the importers. It is probably as well known a fact as any fact in existence that the people of this nation drink more high-priced wines in proportion to their number, and perhaps without that qualification, than any other nation in the world. Yet, if you look at the statistics, it will be found that we import more low-priced wines in the same proportion than any other nation in the world. Why is that? It is because we are almost the only nation that has an *ad valorem* tariff on wine. If that was the case with wine alone one might look to other causes for this difference.

But there is another fact: that the people of this nation wear more high-priced silks, satins, velvets, flannels, linens, cambrics, calicoes, laces, embroideries, than any other nation in the world. And yet the average price of these articles that we import is only 50 per cent. of what is imported into other countries. Why is this? Because again we are the only nation that has an *ad valorem* tariff on those goods, importing them at a certain duty if they cost so much, and at a certain higher rate of duty if they cost so much more. Therefore the rule is precisely that an *ad valorem* duty brings undervaluation. Yet there are figures to-day in the Treasury Department, which can be obtained by the Committee on Ways and Means if they will call for them, showing the difference between these rates of valuation on the same articles in this country and in Europe, figures obtained by a gentleman who was sent over there. And it would appear that we do not collect upon the same goods under an *ad valorem* tariff more than 50 per cent. of what we ought to collect. Therefore I say that this mode of valuing wines as a basis for our tariff is entirely illusory. Let us fix a specific rate of duty. The difficulty with the present mode of levying duty on these articles is that it makes the cheaper class too dear, while it allows the more expensive class to come in at too low a rate. I think that with a duty of 50 cents a gallon, three-fourths of a million dollars, or one million dollars, or possibly one million and a half of dollars more can be collected on these wines than with a duty of 40 cents. The moment you make it immaterial to the importer what the price of the wine is, you will find the valuation of the wines coming to this country will be increased at least 25 per cent., and I think 50 per cent. I desire to collect this million or more of dollars upon wine, which is a luxury, not a necessary; and I wish to hear no more

of a tax of a million dollars on friction matches. There will be no difficulty in collecting this amount from wines the moment there is no opportunity to have any wrong done in the valuation.

A single word more——

[Here the hammer fell.]

Mr. KASSON. The gentleman from Massachusetts [Mr. BUTLER] gives his own opinion that there will be just as much wine consumed under a duty of 50 cents per gallon as under a duty of 40 cents. Every gentleman on this floor has of course the right to his own opinion; and no one will undertake to interfere with that right; but, as against the individual opinion of any gentleman, I submit to the House the fact that the entire trading interest in this article, while demanding a duty of thirty to thirty-five cents per gallon, has assented to a duty of 40 cents as the highest which will enable the dealers to continue in the trade. These gentlemen who import to sell again have simply one interest; that is to sell as much as possible. A difference of two or three cents one way or the other is nothing to them, provided it does not affect the amount sold. In the second place, not only is this the opinion of persons in the trade, but the opinion of the Treasury Department, which is supposed to represent the interest of the United States, gives 40 cents as the maximum; and the majority of the Committee on Ways and Means have agreed upon that rate. I give these facts in order that gentlemen who have not entire confidence in their indiviual opinions may have something upon which to base their conclusions.

Mr. BUTLER, of Massachusetts. Who of all the people of the United States appeared before the gentleman's committee asking a higher rate of duty; and who appeared asking a lower rate? Who has been considered as representing the opposite side to that of the importers and others interested in the business?

Mr. KASSON. I do not know, except so far as the interest of the United States has been represented by its proper officers.

Mr. BUTLER, of Massachusetts. Who are they?

Mr. KASSON. The officers of the Treasury Department. The other interest that has asked an adjustment of specific instead of *ad valorem* duties is the interest of the trade as represented by men from New York, from New Orleans, and from all the cities in the country.

Mr. BUTLER, of Massachusetts. I withdraw my amendment.

Mr. LUTTRELL. I move to amend so as to make the duty 60 cents per gallon. I do not propose to detain the committee more than two or three minutes. I am by principle a free-trader; but so long as we have a tariff, I believe in protecting equally every interest of our country. I do not believe it right to protect the iron interests of Pennsylvania or the manufacturing interests of New England, unless we also protect the agricultural and vinicultural interests of the great West. So long as we have a tariff I believe in protecting all interests alike. I am satisfied that by fixing this duty on wines at 60 cents we shall increase the revenues of the Government at least a million or a million and a half of dollars, while at the same time it will aid the wine producers of our country in producing a pure and unadulterated article of cheap wine. Gentlemen tell us that we ought to import wines. Why, sir, what kind of an article do we receive from abroad? It is next to impossible to buy a drop of pure imported port wine in the market; almost every drop is adulterated, as you will find if you take your chemists and examine it. We can produce in the United States all the wine that we desire. Is it not, then, better to produce them at home than to import them? I contend that it is. We in California can produce all the wines needed for the consumption of this country. We have fourteen million acres of land well adapted to the growing of grapes. We can produce upon those lands six hundred gallons to the acre, and we do produce in that proportion; while in Europe they produce only one hundred and sixty to two hundred gallons per acre; and this is their production in only one crop out of three, while our crop never fails. I send to the Clerk's desk and ask him to read a letter on this subject which I have received from an importing house in New York City. This letter speaks the sentiments of the wine-growers of California.

The Clerk read as follows:

NEW YORK, *March* 5, 1874.

HONORED SIR: We have noticed in the public prints that Mr. WOOD, of New York, has introduced a bill (No. 2113) to regulate duties on imported wines, the object of which is to change the present duties of specific and *ad valorem* tax to a strict specific duty of 40 cents per gallon on all still wines. You are, we suppose, perfectly acquainted with the present rates, but we will, however, recapitulate them. Wines costing less than 40 cents per gallon are liable to 25 cents duty; wines costing less than 60 cents per gallon are liable to 60 cents duty; wines costing less than $1 per gallon or more, $1 duty and *ad valorem*. The bill of Mr. WOOD is offered by the importers of this country from the fact that no good, sound wines can be purchased under 40 cents now, and may not be for some years to come, on account of the short crops in Europe. They, of course, will be vastly benefited by introducing all wines at the rates which Mr. WOOD's bill proposes. Against this we have naught to complain, but would only call your attention to the extreme low duty that they wish placed on higher grades of wine.

You are, we suppose, well aware that the California vintners have been for the past few years endeavoring to raise a superior quality of wine, and have eventually succeeded in doing so. They now compete successfully with the low grades of imported wines, and are fast reaching that point where they can compete with these wines that are at present imported under the 60-cent clause, but if Mr. WOOD's bill passes in its present shape they will be driven out of the market entirely. If the law is changed at all, and we see no reason why a specific duty should not be agreed upon, it should be at a higher rate than the one proposed; 50 or 55 cents should be the very lowest figure of duty on all wines. We will give you an example: California Riesling can now be sold in New York at $1.05 to $1.12½, currency, per gallon; a like quality of Rhine wine is sold for similar price. Make the duty 40 cents, and the importers can sell at 85 and 90 cents, for which our California cannot be produced. Another: We sell now a pure-juice port at $1.20, currency. Imported ports (not pure juice) are selling at 90 and 95 cents, gold; the duty proposed will allow them to be sold at a slight advance on those prices, but will prevent our pure port coming into the market, while adulterated European wines will continue to hold sway.

We have not had the time to consult our vintner friends in California or we should be able to present for your consideration a petition as long nearly in inches as our great State has miles. We trust you will endeavor to protect the interests of the vintners of our State, as you have already endeavored to do, in lowering the tax on brandies, and see that the duties (if changed) will not be under 50 or 55 cents per gallon.

You will, we trust, pardon us with taking up so much of your valuable time.

With the highest consideration, we are, yours, truly,

B. DREYFUS & CO.

J. K. LUTTRELL, Esq., *Washington, D. C.*

Mr. LUTTRELL. Mr. Chairman, the vinicultnrists of the Pacific coast demand protection. Adopt the amendment; fix the duty on still wines at 50 cents per gallon, and in less than ten years we will export millions of gallons of cheap wines. I am a free-trader, but so long as we have a tariff, so long as the duty on iron is kept up to protect the iron interests of Pennsylvania, or to protect the manufacturing interests of the country, or the hemp producers of Kentucky and Iowa, I will demand protection for the wine producers of California. I demand for the farmers and wine-growers of the Pacific States the same equal privileges and protection that are enjoyed by any other industrial interests of our great Commonwealth.

[Here the hammer fell.]

Mr. BECK. I rise to oppose the amendment of the gentleman from California, [Mr. LUTTRELL.] When last upon the floor I was going on to show that the average rate of 40 cents per gallon, while of course it will produce an increase of revenue over what we are now receiving from this source, will yield a million dollars less than we would receive at 50 cents a gallon. It is a well-settled fact, as shown before the committee, that almost all the lower grades of wine are put so close to 40 cents a gallon that the recent change in the currency in France and Germany has thrown them into the higher grades, paying a duty of 60 cents, so that these men are now begging to be relieved from the duty which they are thus compelled to pay. There is no man who can tell the difference between a wine costing 39½ cents a gallon which comes in at a duty of 25 cents, and wine costing 41 cents a gallon which pays a duty of 60 cents.

The amount of increase from 40 to 50 is $1,000,000. Why should not wine bear that much? Whisky is paying a duty of 70 cents a gallon, when the corn of Illinois and Iowa can be sold for 30 cents a bushel. They are required to make three and a half gallons of whisky or alcohol out of a bushel of corn. Government gets a duty of $2.45 from the whisky or alcohol manufactured from a bushel of corn, which bushel of corn only pays to the farmer 30 cents. If the Government charges $2.45 on the product of that bushel of corn, why should not 50 cents be put on wine coming from foreign countries, and especially when you allow madeiras and sherries and all such fine wines to come in at that rate?

As to letters written by the Secretary, the committee know and the House knows they are the mere opinions of some clerk in the Bureau of Statistics, signed as a matter of routine by the Secretary. The value of that opinion is worth no more than the value of any opinion obtained from this book. We know there will not be a gallon of wine which would be imported at 40 cents that will not come in at 50 cents.

Importers are clamoring, as it appears, for 40 cents. If they get it at 40 cents they will still charge as high a price as if they paid 50 cents. The consumer will never know anything of the 10 cents difference in the tax. He will never know whether they paid 40 or 50 cents for it. The revenue, however, will know to the extent of $1,000,000. If we make it 50 cents we will get that much more money, which is more than we get from coal and salt both put together.

Mr. LUTTRELL. I withdraw the amendment.

Mr. DAWES. I renew it. Whereas it has been agreed that we shall have a specific instead of an *ad valorem* duty, the strong argument of my colleague from Massachusetts [Mr. BUTLER] in support of specific against *ad valorem* duty need not be considered. It is an able argument. It was that which led the committee to its conclusion. The debate here is whether it should be 40 or 50 cents. If you have a specific duty it results in the nature of things in letting a higher grade in at a lower rate and the lower grade is put up to a higher rate. Everything that costs less than 40 cents under the present law pays 25 cents duty. Therefore there will be 15 cents added to the duty on all cheap wines by the proposition of the committee. It is proposed by the amendment to make it 25 cents instead of 15 cents; that is, to add 25 cents to every gallon of cheap wine. My colleague says it will add a million and a half to the revenue and the gentleman from Kentucky says that it will add a million dollars. The revenue all told on still wines was less than three millions, and the statisticians of the Treasury and of the custom-houses, those who furnish these statistics which guide us in the speculations upon which we run riot, say it you put it at 50 cents you will decrease the revenue. That is their opinion. I know it is not worth much. The gentleman from Kentucky says it is not worth anything. My colleague says it is not worth much. I do not know that it is. I do not know mine is worth much. Nevertheless, sir, we have been going for the last four or five years to these sources of information.

I got a little help from my friend from New York, who wants it at 50 cents, for he says since the wines from some circumstance have gone beyond 40 cents to the other line and took a higher rate and become

subject to the higher duty, the aggregate duties have fallen off. So I expected they would. So I reasoned it. So they will fall off if you raise from 40 to 50 cents just in the same way.

Mr. ELLIS H. ROBERTS rose.

Mr. BUTLER, of Massachusetts. He wants to tell you the reason.

Mr. DAWES. He told me that a great many times. I do not see it after all. If the moment they get up above 40 cents and pay increased duty they have fallen off, so they will now. I may be mistaken.

Mr. ELLIS H. ROBERTS. Will the gentleman allow me to ask him a question?

Mr. DAWES. O, no; the trouble is that my friend puts hard questions. What I have stated is a stubborn fact. If you add 15 or 25 cents to the value of the cheap wine you cannot bring it in and sell it in competition with California cheap wines, or the wines of the district of my kind friend here from Ohio, [Mr. FOSTER.] The whole effect of it will be to exclude cheap wines from consumption in this country. But our object should be to put it at some intermediate point, and that intermediate point you cannot cipher out in arithmetic; you have to estimate it from the best data you have, and those who know most about the business will give us the best data; those engaged in the business, if they are honest, will give us the best data. Now, they say if you put it at 25 cents you diminish the revenue, and that if you put it at 40 cents, that is, 15 cents additional protection to the Ohio wines and the California wines, it will hold the revenue just about where it is now. This may not be good for anything. The gentleman from New York does not think it is worth a copper, nor does the gentleman from Ohio. But that is what those who are in the business of collecting our duties tell us, and it seems to me that it is in the nature of the case true. Why, there are cheap wines all over Europe, so cheap that if you did not put this duty on them they would come in here and be used at our tables as a common drink, just as water is now used.

Mr. FOSTER. Not in Ohio.

Mr. DAWES. No, but in other places.

Mr. ELLIS H. ROBERTS. Perhaps in Massachusetts.

Mr. DAWES. It would take the place of water on our tables. Why is it not used here now? Because you put 40 cents duty on it. If you put such a duty on it as to preclude its importation and make it too expensive, what will take its place? Why, a poor kind of another article, which would be fatal to this argument if I should name it.

Mr. POTTER. I rise to oppose the amendment of the gentleman from Massachusetts, which I understand was only offered *pro forma*. The gentleman from Massachusetts was quite right in saying that everybody who has spoken in respect of this question is in favor of a specific duty on wines. I quite agree that if it is ever desirable to have a specific duty at all it is so in the tariff on wines, and I am glad that so far the Committee on Ways and Means have made progress in the right direction.

On the question whether this duty should be forty or fifty cents a gallon, it seems to me that the authorities cited to the House are all one way; and that is that the duty should be 40 cents a gallon. The only argument advanced for the higher duty is that if we advance the duty the same amount of wine will be consumed, and thus give a larger amount of revenue than can be had under the 40 cents duty. But that is not the opinion of experts in the trade, who ought to know most about it, and it is not the opinion of the Treasury officers nor of the Committee on Ways and Means, and for once, at any rate I think, that the Treasury officers and the committee are right.

Besides, the House should bear in mind that if we put the duty at only 40 cents, we shall then be increasing the existing duty 60 per cent. on seven-eighths of the wine imported. The great bulk of the still wines come in now at 25 cents a gallon. I believe I am entirely right in saying that out of the still wines which came in under the existing tariff seven-eighths came in at 25 cents a gallon.

Mr. FOSTER. They did last year, but they do not now.

Mr. DAWES. They have risen above that lately.

Mr. POTTER. Yes, and the importation has fallen off lately correspondingly. Now why was the duty on wines recommended by the committee to be so greatly increased as from 25 to 40 cents a gallon? Because a large portion of the low-priced wines brought in under this duty of 25 cents a gallon have been manufactured wines, not genuine wines; and genuine wines could not be furnished while the duty was but 25 cents on cheap wines to compete with the manufactured wines; but it is believed that a uniform duty of 40 cents a gallon will have the effect of inducing only sound and genuine wines to come in, and yet keep the price within reach of that portion of our people by whom the cheap wines are consumed, that is those of small means who habitually consume wine, and who are chiefly persons of foreign birth. This is not a class of our people who would consume whisky under any circumstances; so that the gentlemen from the distilling districts need not fear the competition of those foreign wines, but the bill proposed is in the interest of that class of citizens who consume wine every day and will injure nobody else.

Now to raise the duty on wines to 50 cents per gallon will be to make the duty on low-priced wines double what it now is. That is to double the duty on seven-eighths of all the still wine imported. That, it seems to me, would be an extraordinary measure of protection. As it is, the committee's bill increases the duty nearly 60 per cent., and I am satisfied that this is as much increase in the tariff as should now be made on this article, and that the Committee on Ways and Means are entirely right when they say that the duty ought not to be more than 40 cents, and that if we put it at 50 cents we should lose, instead of gain revenue by it.

[Here the hammer fell.]

Mr. WOOD. I move to amend the amendment, so as to make the tax 25 cents a gallon.

The CHAIRMAN. No further amendment is in order.

The question was taken on Mr. LUTTRELL'S amendment to the amendment to strike out "40" and insert "60," and it was not agreed to.

Mr. NIBLACK. I move to amend the amendment so as to make the sum 45 cents. I have been charged by my colleague on the Committee on Ways and Means from Kentucky [Mr. BECK] with being on both sides of this question, and to some extent, sir, that is true. When it was first proposed to change the duty on still wines from an *ad valorem* rate to a specific duty of 40 cents a gallon, it struck me unfavorably in some respects.

In the first place, I have for some years entertained the theory that *ad valorem* duties were on the whole the fairest way of imposing tariff taxes. But further investigation has convinced me that for a large class of articles specific duties are the best and fairest taxes, and furnish the only practicable way of honestly collecting money of our tariff taxes which we are compelled to impose for the purpose of raising revenue. So I have yielded my objection to imposing specific duties.

But I still dislike the idea of placing the higher classes of wines, such as sherry and Madeira, on the same level with other wines. At one time I was disposed to favor a duty of 50 cents per gallon as perhaps the fairest compromise between the two extremes. But upon looking further into the matter I ascertained that only a small portion of the revenues at present derived from the duties on wines is derived from the higher grades, and having given this subject a great deal of consideration I have come to the conclusion that perhaps the fairest experiment—for it is only an experiment—will be a duty of 40 cents a gallon. That is the rate recommended by the Treasury Department; that is the rate recommended also by some of those connected with the trade, who are evidently gentlemen of intelligence, and whose statements to the committee appeared to be very fair and reasonable.

If I was absolutely certain or even reasonably sure that we would import the same amount of wine with a duty of 50 cents per gallon and would get a million dollars more of revenue, the temptation to me would be very great to try the experiment of fixing the duty at 50 cents per gallon. But our experience in cases of this sort has demonstrated to us the fact that as a rule an increase of the rates of duty on any article does to some extent at least tend to diminish the amount of the article imported, and therefore I am not satisfied that the proposed increase of duty to 50 cents per gallon would not have the effect of decreasing the amount of wine imported and at the same time afford an unnecessary protection to the wine producers of this country. I am willing to afford some protection to that interest, but not to interfere in any degree with the revenue to be collected.

Although, as the gentleman from Kentucky [Mr. BECK] has said, I may have been upon both sides of this question, I am now settled down upon 40 cents per gallon and disposed to adhere to that rate for the present.

Mr. WOOD. I rise to oppose the amendment. I call the attention of the Committee of the Whole to the fact that this proposed duty of 40 cents per gallon would make these wines pay a higher *ad valorem* duty than any other article imported into the United States. There are now imported on an average 9,000,000 gallons of wine yearly, of which 8,000,000 gallons are wines of the lower grades. Therefore, when we fix a specific instead of an *ad valorem* duty, it is necessary that we should impose one duty upon all wines irrespective of quality. These lower grades of wine cost at the place of exportation not over 20 cents per gallon. Under existing law we impose a duty of 25 cents per gallon, or over 100 per cent. *ad valorem*. By this bill it is proposed to increase the duty to 40 cents per gallon, or 200 per cent. upon the value of the article at the place of exportation. I repeat, that throughout the whole tariff there is not a single other article that pays so heavy a duty in proportion to its actual value as this article will pay, should this proposition of the Committee on Ways and Means be adopted.

The arguments of gentlemen here show how groundless is the foundation upon which the opposition to this proposition stands. One asks us why should whisky be taxed so much and wine only so much. Whatever such arguments may be worth I leave the House to determine. The gentleman from Kentucky [Mr. BECK] tells us that wine is a luxury. Sir, this wine is not a luxury. It embraces the common Rhine wine consumed by Germans in this country, the poorer classes, who in their own country have been in the habit of consuming it as a common beverage like water. So with the common red wine used by the poorer classes of French and German immigrants. These wines go upon no rich man's table whatever; he has a higher grade of wine, which may properly be considered a luxury, and he can justly be made to pay for it. I deny, however, that this class of wines is a luxury, or that it comes in competition with whisky. I hope the report of the Committee on Ways and Means will stand.

Mr. NIBLACK. I withdraw my amendment to the amendment.

Mr. MAYNARD. I move to amend the amendment so as to make the rate of duty 55 cents per gallon. The idea that wine paying a duty of 40 cents per gallon will be one of the luxuries even of poor people, is an idea that I venture to say was never promulgated anywhere except in this House to-day. If anybody will cipher upon the question a little he will see the force of that idea at once.

I have come to the conclusion that as a matter of fact wine as a beverage is beneficial to the general morals of the community; in other words, that people who drink had better drink wine than what is know as "strong drinks," distilled spirits. Therefore I think it is well to encourage the production of wines in our own country. We know already that its production is a very considerable branch of industry in the States along the Ohio and Mississippi Rivers, as well as on the Pacific coast. A specific duty of 50 or 55 cents per gallon, as the case may be, tends to exclude from importation the cheap, low-priced, inferior wines, while those that will be introduced into this country will be the better class and more valuable wines. In other words fixing a specific duty of 50 or 55 cents per gallon will give us an importation of good wines for those who can afford to drink them and can afford to pay the tax into the Treasury of the United States, and the inferior wines—the cheap wines of our German friends, who seem to have so many advocates upon this floor to-day—must be produced from our own vineyards that are generally cultivated by our German friends and others who come from the wine-producing districts of the Old World, and who have attempted and to some extent have succeeded in producing wines in this country.

Now, sir, I would give every encouragement to that class of industry; I would stimulate those men to crown our hills with vines and produce native wines which they can have in their gardens and in their houses. Let the wines that may be imported from abroad go to the tables of the wealthy and to the saloons of fashion. Let those whose purses are well-filled use these expensive drinks and pay a corresponding tax. I am glad to see that the bill has taken this direction; but I think that it would have been better if the duty, instead of being fixed at 40 cents had been 55 at least, if not 60 cents. But as the gentleman from Ohio [Mr. FOSTER] proposes in his amendment to make the duty 50 cents, I withdraw my amendment.

[Here the hammer fell.]

The question being taken on the amendment of Mr. FOSTER, it was agreed to, there being—ayes 107, noes 48.

Mr. FOSTER. I ask that "8" be inserted instead of "5" in line 12, and that the other changes necessary to correspond with the amendment just adopted be made.

Mr. KASSON and others objected.

Mr. FOSTER. Well, I do not press the proposition.

The Clerk read as follows:

SEC. 3. That all imported wines of the character provided for in the preceding section which may remain in public store or bonded warehouse on the day this act shall take effect shall be subject to no other duty upon the withdrawal thereof for consumption than if the same were imported after that day: *Provided*, That any such wines remaining on shipboard within the limits of any port of entry in the United States on the day aforesaid, duties unpaid, shall, for the purposes of this section, be considered as constructively in public store or bonded warehouse.

Mr. BUTLER, of Massachusetts. I move to amend by striking out in the second line of the section just read the words "may remain" and inserting "were;" also by striking out in the third and fourth lines the words "day this act shall take effect," and inserting "25th day of May, 1874;" so that the section will read:

That all imported wines of the character provided for in the preceding section which were in public store or bonded warehouse on the 25th day of May, 1874, shall be subject &c.

I will state my reason for offering this amendment. This bill was reported to this House on yesterday, the 25th of May. While it is going through the House and the Senate there will be a great accumulation of wines in warehouses and on shipboard with a view to the taking effect of this new duty. There will be every endeavor to get in wines from various parts of America contiguous to us, if not from Europe. Hence I think it proper that the act should take effect from the day the bill was reported. This provision would be fair to everybody, and would enable no one to make any special profit out of the change in the tariff.

Mr. BURCHARD. I will suggest to the gentleman from Massachusetts this will apply to that wine the duty on which is higher. It would actually allow them to take wine out of bond at the reduced rate.

Mr. BUTLER, of Massachusetts. No, sir.

Mr. KASSON. The amendment is incomplete to accomplish the object the gentleman has in view.

Mr. BUTLER, of Massachusetts. I would like to be instructed on that matter.

Mr. BURCHARD. It now reads "shall be subject to no other duty upon the withdrawal thereof for consumption than if the same were imported after that day." After that day the duty is to be increased.

Mr. DAWES. They should pay the duty prescribed by law up to that time.

Mr. BUTLER, of Massachusetts. I should not have drawn that provision as it is. I can draw the amendment in the proper phraseology in a moment. My object is to provide that wines which are in store shall pay the increased duty.

Mr. DAWES. That is right.

Mr. MAYNARD. I suggest in order to perfect the amendment the gentleman strike out "no other" and insert "same," and also strike out in line 5 the word "than" and insert "as;" so it will read:

Shall be subject to the same duty upon the withdrawal thereof for consumption as if the same were imported after that day.

Mr. BUTLER, of Massachusetts. I think I have it—that it shall be subject to the duty herein provided.

Mr. KASSON. No, sir; that will not answer.

Mr. DAWES. That reduces all the higher grades.

Mr. BUTLER, of Massachusetts. There will not be so many there, then.

Mr. KASSON. Let the gentleman move his amendment substantially as the gentleman from Tennessee suggests, so that we may preserve the duty.

Mr. CONGER. Will it be proper to pass this over until gentlemen get the proper amendment?

Mr. BUTLER, of Massachusetts. I move to pass this over for the present.

There being no objection, it was ordered accordingly.

The Clerk read the fourth section of the bill, as follows:

SEC. 4. That on and after the date of the passage of this act, in lieu of the duties imposed by law on the articles in this section enumerated, there shall be levied, collected, and paid on the goods, wares, and merchandise in this section enumerated and provided for, imported from foreign countries, the following duties and rates of duties; that is to say:

On alizarine, 10 per cent. *ad valorem*.

On hops, 10 cents per pound.

On macaroni and vermicelli, 3 cents per pound. On preparations similar thereto, 5 cents per pound.

On nitro-benzole, 10 cents per pound.

On tin in plates or sheets and on terne and taggers' tin, 1½ cents per pound.

On anchovies and sardines, packed in oil or otherwise, in tin boxes; 15 cents per whole box, measuring not more than five inches long, four inches wide, and three and one-half inches deep; 7½ cents for each half-box, measuring not more than five inches long, four inches wide, and one and one-half inches deep; and 4 cents for each quarter-box, measuring not more than four inches and three-quarters long, three and one-half inches wide, and one and one-eighth inches deep; when imported in any other form, 60 per cent. *ad valorem*.

Mr. DAWES. I move to strike out "on alizarine, 10 per cent. *ad valorem*," and I do it for the purpose of putting it on the free list.

Mr. FIELD. I object to striking that out.

The amendment was agreed to.

Mr. COX. I move to strike out "on hops, 10 cents per pound."

Mr. Chairman, there is little importation of hops except in a time of dearth in this country. I do not think we should put any special obstruction on their importation. We all know the object of hops. We all know why they should not be taxed. I move to strike it out.

Mr. HAZELTON, of Wisconsin. I rise to oppose the amendment of the gentleman from New York, and I do so in the interest alike of the producer and the consumer of this article. I have not time in five minutes to go into any extended argument on this question. The members of the Committee on Ways and Means know very well that a large number of petitions have been sent from different States to Congress during the present session asking the duty on hops might be increased from 5 to 10 cents per pound. These petitions have been prompted, I have no doubt, by the fact that the importation of hops has increased from 1870 to the present year very largely.

I hold in my hand some statistics on this subject which I will trouble the committee to listen to:

Statement of imports and exports of hops during the fiscal years ending June 30, from 1869 to 1873, inclusive.

Years.	Pounds.	Value.	Duty.
IMPORTS.			
1870	21,568½	$2,965 75	$1,078 43
1871	100,884	12,811 00	5,044 20
1872	1,999,457½	785,535 01	99,972 88
1873	5,608,902	1,310,627 27	280,445 10
EXPORTS.			
1870	16,356,231	2,515,734 00	.....
1871	3,273,653	316,288 00	.....
1872	3,061,244	408,305 00	.....
1873	1,795,437	272,403 00	.....

According to the census returns the quantity of hops produced in the United States in the year 1849 was 3,497,029 pounds. In 1859 the amount was 10,991,996 pounds, and in 1869 the amount was 25,456,669 pounds, of which amount New York produced in 1869 17,558,681 pounds, and Wisconsin produced 4,630,155 pounds. These facts have awakened a degree of anxiety on the subject of this important industry not hitherto experienced, and force upon us the query whether our own producers are really to be compelled to abandon this product.

It is well known that the hop crop loses its value if not used within the year following its production. The new crop drives the old one from the market. Hence it is a matter of necessity that each crop shall be disposed of before another is ready. It is all-important, therefore, to the large class of persons engaged in raising this crop, that they shall know and understand with some accuracy what the demand will be each year; that is to say, the aggregate demand, in order that the supply may be gauged and determined. This is impos-

sible if the market may at any time be flooded with the foreign product. It becomes an element of uncertainty, upsetting all calculations as to the quantity which may safely be raised by our own producers.

If the rate of importations continues to increase as it has been doing, it will not be long before hop-raising within our borders will be unknown, or nearly so, and the purchaser rendered dependent on the foreign producer. Then prices will advance beyond precedent, and our people will be the sufferers. There is no help for it.

Hence the real question is not between the producer and consumer, but between the home producer and the foreign producer. Just as soon as it ceases to be profitable to cultivate this crop in this country the market will be commanded by the foreign producer, and in that event the price of the product will be increased rather than diminished, and unfortunately the increase will inure, as I have said, to the advantage of the foreign producer instead of aiding any class or industry at home.

Now, it is very well known that there are those on this floor, and the gentleman from New York among them, who claim that under any system of protection that has been yet devised the great producing class in this country reap no benefit whatever; that they are excluded from the advantages of any tariff adjustment which has ever been made. Now, here we have a proposition to benefit the producing classes in this country. It is right in the line of protection to them, and this without injury to any other class, and yet it does not satisfy the gentleman. I trust the committee will see the importance of defeating the motion of the gentleman and adopting the bill as it stands.

Mr. CONGER. I move, *pro forma*, to amend by striking out the last word. All the members of the House in whose districts hops have been produced to any great extent will remember that some two years ago, after this product had been introduced, and the raising of hops had been commenced all over the Northwestern States, there was an importation of hops from foreign countries so great as to reduce the price of hops to 4 and 5 cents a pound. The great hop-fields, containing thousands of acres in some counties in the West, were torn up next year, because it was an unremunerative crop. Many members will recollect that just after the raising of this product was destroyed by the introduction of hops into this country at a ruinous price to the importers, except that they had an ulterior object, the price went up to 25, 40, 50, and even as high as 75 cents a pound. I do not know but that it reaches somewhere in that neighborhood now. But all who are familiar with the subject know that the introduction of hops at an unusually low price broke up the production in this country for a year or two, and immediately thereafter the price of hops went up to an unreasonable height. Why? Because the demand continued as of old, and production had entirely ceased on account of the unusual importation and the consequent reduction of price in this country. Since that time the production has gradually extended all over the States which have a temperate climate. But the same cause may at any time lead to the importation of the article, which, as has been stated, is only valuable in the year during which it is grown, and it is worthless after the year in which it is grown. The same reasons may again lead to the introduction of the article into the country at a low price and break up the entire production of those who have commenced the production again, and will again raise the price of the article. I hope, therefore, that the duty as fixed in this bill may be allowed to remain for the benefit of the producers.

Mr. COX. I oppose the amendment of the gentleman from Michigan.

Mr. CONGER. After the gentleman has opposed the amendment I will withdraw it.

Mr. COX. All right. I want to vote on my motion to strike out the whole of this clause. The gentlemen who indicate this peculiar legislation do it on the old ground of protection, and protection in the interest of a class of men who have received very little from the Government—a small portion of the farmers of a part of this country who are in the hop business. But I would say to him, and I think I can speak in behalf of the farmers whose confidence I have never yet forfeited, that they as a class never ask for protection.

Mr. WILBER. Then why have so many petitions been sent to Congress asking for it on this very subject?

Mr. COX. On a principle of this kind: that whereas on various articles which they use and consume you have ground them down by high protective duties to benefit a few favored classes and sections, and finding that they cannot get even with you on account of your iron leagues with such classes and sections, then they come and pray: "Since you will steal from us, we want to make it up by a little pillage on others."

Mr. WILBER. The petitions I refer to were from farmers asking an increase of this duty from 5 to 10 cents.

Mr. COX. The farmers in some few localities may ask it on the principle I have mentioned; but the great bulk of the farmers do not want to be placed in the predicament in which such abject craving would place them. They are not paupers, to be cringing around committees and about this House to be relieved of the troubles you have made for them by adding other burdens of the same nature.

Mr. MERRIAM. Does the gentleman speak for the farmers of the city of New York?

Mr. COX. I speak for all the farmers and for all the grangers on this subject. They have passed resolutions in regard to it. Their meaning is perfectly clear. I was familiar with the farmers of the West years and years before you were heard of, and I know exactly what they want. I have represented them before, as I now represent them, on this subject. They do not want their mouths closed by a poor-man's plaster; for that is what this is. You make a tariff which gives a pretentious and frivolous protection to their wheat! It is a contemptible tub thrown to the whale. What do they care about your protective duties against foreign wheat? You give protection on potatoes—so much a bushel! Now you could increase it on hops and other small produce to tickle the farmers. Then you may with impunity play the vampire, and draw the blood from the great interests of this country. Thus you would by breaking the principle and inaugurate the reign of selfishness and greed.

Such are your tariffs! The gentleman from Massachusetts [Mr. DAWES] shakes his head. Ah! he has heard that figure perhaps in the House before. He will hear it again until he brings in some other kind of bill than this.

This is such a beautiful bill! My friend sneered at me a while ago, because I was not before the Committee on Ways and Means to instruct them. He wondered if they would not have done better if they had heard the information which I have imparted. It is my privilege as a member from New York City, where 67 per cent. of all the customs dues are collected, to speak freely both for importers and sellers and consumers. It will not do, after the gentleman says his bill produces no revenue, to sneer or satirize my small information. What does his bill amount to? What good does it do? It tinkers, tinkers, tinkers with your tariff, and thus unsettles your industries. Does it make steady anything? The way to legislate on such a subject is to revise the whole tariff system, and cut down with a great swath all through your useless tariffs, where you can lop off the expensive and useless items of taxation. You should make a new tariff, and one for revenue only, even if you have to put a tax on tea and coffee again, which is a purely revenue tax and not for protection. You should furthermore enforce honestly the execution of the law in some other mode than that which has fixed everlasting shame on our whole revenue system.

Sir, I think the next Congress will be composed of men who may have a Committee on Ways and Means who will take this matter up and resettle it for the interest of the great body of the mechanics and farmers of the country, and not so as to gratify the agriculturist in one part of the country and another interest in another part, on the baseless and base plea "that as you have stolen from me I will steal from you."

Mr. CONGER. I withdraw my amendment.

Mr. WARD, of Illinois. I renew it. There are some considerations which I desire to present to the members of this committee. It is not because I do not believe the farmers who raise hops want no protection, as the gentleman from New York [Mr. COX] states; nor is it because I especially antagonize the principle of protection; nor is it because I am a free trader. But it is because I desire to have some system of fairness in the levying of taxes and the raising of revenue.

I know that there is a portion of the Northwest where hops are raised. But there is a vastly greater portion of the Northwest that does not raise hops but consumes them. The present tariff duty on hops is 5 cents per pound, and under that tariff the hop interest has grown and extended, as has been stated by the gentleman from Wisconsin, [Mr. HAZELTON,] and I believe it will continue to flourish as long as it is profitable. This additional tax upon hops will impose another burden in addition to those already sustained by the Northwest, and will force us to pay still more money into the Treasury.

Now to show the inequality of the tendency of legislation here in reference to the Northwest, whenever an additional tax is needed to supply a deficiency in the revenues, it is somehow laid upon some of our productions, while the productions of other portions of the country are allowed to escape. I have compiled some statistics from this remarkable book on the subject of taxes. I find that eight or nine of the States in the Northwest pay, upon fermented liquors alone into the manufacture of which these hops enter, the enormous tax of over $3,000,000, almost as much but not quite as all the taxes paid by all the New England States.

Mr. KELLOGG. Do you drink it all out there, or do we help you drink it?

Mr. WARD, of Illinois. We drink our share of it, and pay our share of taxes. We make our whisky and send it to you. We prefer to drink beer, which we know to be an element and agent of temperance, more so than whisky which you New England men mix with your rum or something else and get tight on. We drink beer and do not get tight.

I believe that the present duty on hops is sufficient to properly guard and protect the country against the condition of things to which the gentleman from Michigan [Mr. CONGER] has called attention. I remember the circumstance to which he refers, and do not wish to see it recur. But I also remember that since then the hop-producing interest has revived, and it is now going on promisingly. It may be the purpose of my friend from Wisconsin [Mr. HAZELTON] to take care of the interest of the farmers in the Northwest, in the district he represents, but I do not believe that is the intention of the Committee on Ways and Means. The object of the chairman of the Committee on Ways

and Means [Mr. DAWES] and others here is to raise taxes from the people of the Northwest in order that the purse-proud constituents they represent may escape.

Now I desire to call attention to this subject and the condition of things as I understand it. It is proposed to increase the duty on the article of hops, which enters as an element in a product consumed largely in the Northwest, that pays more tax upon fermented liquors alone in a year than all the taxes paid by New England. Of course the increased taxation will come from Ohio and other States that consume this product.

[Here the hammer fell.]

Mr. DAWES. Now let us have a vote.

Mr. WARD, of Illinois. I withdraw my amendment.

The question was upon the motion of Mr. COX to strike out the clause relating to the duty on hops; and being taken by a *viva voce* vote, the Chairman announced that the noes appeared to have it.

Mr. COX. I must call for a division on this question.

Mr. FIELD. I desire to move to amend this clause by striking out "10" and inserting "15," so as to make the duty 15 cents per pound.

The CHAIRMAN. The committee is now dividing on the motion to strike out, and no amendment is in order.

The committee divided; and there were—ayes 59, noes 111.

So the motion to strike out was not agreed to.

Mr. WARD, of Illinois. I do not know whether anybody else was misled. Perhaps I was a little excited, and nobody else was. I move to amend the paragraph in relation to the duty on hops by reducing it from 10 to 5 cents per pound.

Mr. DAWES. That is the existing law.

Mr. WARD, of Illinois. I know that; but if the amendment is in order I move it

Mr. CONGER. Is it in order to strike out a portion of a clause which the committee has just refused to strike out?

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. TREMAIN, (at twenty minutes before four o'clock.) I desire to call the attention of gentlemen to the necessity of the committee rising soon, on account of the funeral services to take place this afternoon.

Mr. DAWES. Let us dispose of the amendments to the pending clause.

The amendment of Mr. WARD, of Illinois, was not agreed to; upon a division—ayes 45, noes 105.

Mr. DAWES. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TYNER reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the bill (H. R. No. 3491) to amend existing customs and internal-revenue laws, and for other purposes, and had come to no resolution thereon.

Mr. DAWES. I ask unanimous consent that there may be ordered a session for to-morrow evening to continue the consideration of the tariff and internal-revenue bill.

Mr. FIELD. I object.

The SPEAKER. That matter will be in the control of the majority of the House to-morrow. The House can take a recess instead of adjourning at the close of the session to-morrow afternoon.

Mr. FIELD subsequently withdrew his objection.

Mr. O'BRIEN renewed it.

Mr. DAWES. Unless we have an evening session to-morrow for the disposition of our business, there will probably be no day when we can bring it before the House.

Mr. O'BRIEN. My reason for objecting, was that I preferred some other evening should be fixed. But I withdraw my objection.

There being no further objection, the order proposed by Mr. DAWES was accordingly made.

JUDICIAL PROCEEDINGS IN UTAH.

Mr. POLAND. I ask unanimous consent that some amendments proposed to be reported by the Committee on the Judiciary to the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah may be ordered to be printed.

There being no objection, the order was accordingly made.

GIRLS' REFORM SCHOOL IN THE DISTRICT OF COLUMBIA.

Mr. PLATT, of Virginia, by unanimous consent, reported from the Committee on Public Buildings and Grounds a bill (H. R. No. 3498) providing for the construction of a building for the use of the Girls' Reform School in the District of Columbia; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

COMPENSATION OF REPRESENTATIVES IN CONGRESS.

Mr. BUTLER, of Massachusetts, by unanimous consent, reported from the Committee on the Judiciary a joint resolution (H. R. No. 104) relative to the compensation of Representatives in Congress; which was read a first and second time, and recommitted.

GEOLOGICAL AND GEOGRAPHICAL SURVEY.

Mr. TOWNSEND, by unanimous consent, submitted a report from the Committee on the Public Lands on the message of the President of the United States concerning the geological and geographical survey west of the Mississippi; which was referred to the Committee on Appropriations, and ordered to be printed; and the Committee on the Public Lands was discharged from the further consideration of the subject.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was presented by Mr. BABCOCK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 1122) granting a pension to Mrs. Martha E. Northup, widow of First Lieutenant Edward B. Northup, late of the Seventeenth United States Infantry;

An act (H. R. No. 1404) for the relief of William F. Kerr;

An act (H. R. No. 2074) to amend an act entitled "An act to provide for the establishment of a military prison and for its government," approved March 3, 1873;

An act (H. R. No. 2100) for the relief of Martin Hoff, Casper Doerr, and George Gebhart, citizens of Saint Louis, Missouri;

An act (H. R. No. 2205) for the relief of P. Hornbrook;

An act (H. R. No. 2346) repealing the act entitled "An act fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress;" and

An act (H. R. No. 3139) for the relief of the owners of the steam ferry-boat A. Burton.

The message also announced that bills of the following titles, having been received by the President on the 13th instant and not having been returned by him within ten days to the House in which they originated, had in pursuance of the Constitution become laws without his approval:

An act (H. R. No. 345) to relieve certain persons therein named, late members of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, from the charge of mutiny;

An act (H. R. No. 1776) for the relief of George Yount; and

An act (H. R. No. 2094) for the relief of William A. Snodgrass, late lieutenant Company H, Thirty-ninth Regiment Ohio Veteran Volunteer Infantry.

EXAMINATION AT WEST POINT.

The SPEAKER. It is the duty of the Speaker annually to name three members of the House to attend the examination of cadets at the United States Military Academy at West Point. In pursuance of this obligation, the Chair names for that duty the gentleman from New York, Mr. HALE, the gentleman from Massachusetts, Mr. G. F. HOAR, and the gentleman from Georgia, Mr. YOUNG.

DEPARTMENT OF MANUFACTURE AND MINING.

Mr. BIERY. On behalf of the Committee on Manufactures, I ask unanimous consent to report back a substitute for the bill (H. R. No. 1246) to establish at the seat of Government a Department of Manufacture and Mining, and for other purposes; and also ask consent that the bill be considered by the House, as in Committee of the Whole, on Wednesday evening of next week, the session to be occupied in debate only and the previous question to be considered as operating the following morning, when the vote shall be taken without further debate.

Mr. GARFIELD. I object.

Mr. BIERY. Then I modify the motion and ask for a session for debate only on the evening named.

Mr. GARFIELD. I must object, because we do not know but that on the evening named a session for business may be necessary.

JURORS IN UNITED STATES COURTS.

Mr. POTTER, by unanimous consent, introduced a bill (H. R. No. 3499) in relation to the qualification of jurors in the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANIMALS FOR PHILADELPHIA ZOOLOGICAL SOCIETY.

Mr. KELLEY, by unanimous consent, reported from the Committee on Ways and Means a bill (H. R. No. 3500) to authorize the importation of animals for the Zoological Society of Philadelphia, Pennsylvania, free of duty; which was read a first and second time, ordered to be printed, and recommitted.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 87) to facilitate the execution of and to protect certain public works of improvement at the mouth of the Mississippi River; and

An act (S. No. 510) donating condemned cannon and cannon-balls to the posts of the Grand Army of the Republic of Philadelphia and other associations for monumental purposes.

LIGHT-SHIPS AND LIGHT-HOUSES.

Mr. HOOPER. I am instructed by the Committee on Commerce to report back the following bills with a favorable recommendation, and to move that they be referred for suitable appropriations to the Committee on Appropriations, together with the accompanying recommendations of the Light-House Board: A bill (H. R. No. 874) to establish

a light-ship at Winterquarter Shoals off the Accomack coast, Virginia; a bill (H. R. No. 879) to establish a light-house and day-beacon on the Potomac River at or in the vicinity of Mathias Point, Virginia; a bill (H. R. No. 2281) to authorize the construction of a light-ship at the mouth of Thunder Bay River, Michigan; and a bill (H. R. No. 2515) to replace the light-ship Wreck of the Scotland near the entrance of New York Harbor, and for other purposes.

There being no objection, the motion of Mr. HOOPER was agreed to.

DEPREDATIONS ON TEXAS FRONTIER.

The SPEAKER laid before the House a message from the President of the United States, transmitting a communication from the Secretary of State and a copy of the accompanying report of the commissioners to inquire into depredations on the frontiers of Texas; which was referred to the Committee on Foreign Affairs, and, with the accompanying documents, ordered to be printed.

RECESS.

Mr. TREMAIN. In order that there may be proper opportunity to prepare the Hall for the funeral services of my deceased colleague, Mr. MELLISH, I move that the House now take a recess until four o'clock.

The motion was agreed to.

The House accordingly took a recess.

FUNERAL SERVICES OF MR. MELLISH.

At four o'clock the House assembled.

At five minutes past four the members of the Senate, preceded by the Sergeant-at-Arms and headed by the President *pro tempore* and Secretary, entered the Hall and were conducted to the seats assigned them.

At four and a half o'clock, the casket containing the remains of the deceased Representative was brought into the Hall, preceded by the Chaplains of the two Houses and the Committee of Arrangements, and accompanied by the widow, children, and immediate relatives of the deceased.

Rev. BYRON SUNDERLAND, D. D., Chaplain of the Senate, offered the following prayer:

O Lord God Almighty, Father of our spirits and former of our bodies, we Thy creatures, Thy children, are assembled here now in the presence of the solemn dispensation of Thy providence to pay the last duties we can ever pay to one of our fellow-men now departed from this scene of life.

We are silent before the word of Thy providence. We come to bow ourselves in Thy presence and to invoke Thy blessing upon us in these solemn services.

Remember, O Lord, all these Thy servants, the Presiding Officers and members of the Senate and House of Representatives here convened; and do Thou grant that in this solemn pause of the daily business transacted in these Halls, we may listen to the voice of that Divine wisdom which speaks to us in these dealings of God with the men who are in the high places of the nation, and so, Lord, wilt Thou apply our hearts to the wisdom of that lesson which Thou dost here teach to all of us, in the name of our Lord Jesus Christ. Amen.

Rev. Dr. RANKIN, of the First Congregational Church, read appropriate selections from the Bible.

Rev. J. G. BUTLER, Chaplain of the House of Representatives, then said:

Our sympathies gather around these bereaved ones to-day. God speaks to us as man cannot speak. We turn our ear and incline our heart to Heaven's voice as we are reminded of our own mortality. The excitement of this Hall is hushed to-day as we gather with sorrowing hearts around this casket. In the light of this Word we learn our immortality.

The Master says, "not dead, but sleepeth." We commit dust to dust, ashes to ashes, earth to earth—the remains of a true, faithful, noble man. God in His providence makes us to pause and consider amid our pressing duties, and as we lay the tribute of our affection upon the coffin and the grave, as we cherish the memory of the worth of the departed one, we form new resolves to be faithful to conscience, faithful to duty, faithful to God, so that when the end comes death may be to us only a sleep. "Not dead, but sleepeth," says the Master.

The Lord comfort those who are bereft. The Lord teach us so to number our days that we may apply our hearts unto wisdom. The Lord so fill us with His spirit that occupying these high places we may prove ourselves true, pure, faithful, noble, Christ-like men, so that at the end it may be said of us, "He hath done what he could."

Let us pray.

O Thou who livest and was dead, and art alive forevermore—our compassionate Saviour, who art touched with the feeling of our infirmities, who dost ever weep with those who weep—we commend to Thee these whose hearts are full of sadness to-day. Thou knowest, O Lord, their need, and we rejoice that Thou dost enter into our trial. Thou, the great burden-bearer, hast borne our griefs and carried our sorrows, and in this time of sorrow we come to roll another burden upon Thee. O, give comfort and peace. Grant the consoling and healing influence of Thy truth and of Thy spirit in this hour of darkness.

And we entreat Thee, O God, teach us the lessons of wisdom which this providence is designed to impress. Help us every day to walk humbly and obediently, looking up to Thee for wisdom and guidance and strength and grace. Help us to understand the truth; make us valiant for the truth; diligent in duty; patient in suffering, and seeking above all the approbation of God and peace in our own consciences.

We entreat Thee, our Father, make the providence which is so painful a blessing to every one of us. Remember in mercy these Thy servants, the daily companions of the departed one. As we move among the open graves, may we live as mortal men, yet knowing that Thou art the resurrection and the life. We pray that we may be brought into subjection to Thy divine and righteous will; that every power of body, mind, and soul may be in accord with the interests of truth and righteousness.

Lord, help us to live so that we may impress lessons of truth and wisdom, of patriotism and piety upon those who shall survive us. Remember us in all our interests and in all the relations of life. Animate those who enact and execute our laws with Thy Spirit that God's blessing may abide upon this great nation, and that we among the nations of the earth may be a pattern of all that is true and just and right. Have in Thy holy care and keeping those who go with these remains to their last resting-place. And finally may we be gathered to the enjoyment of Thy blessed rest. We ask it in the name of Christ, our Saviour; who has taught us to pray: Our Father who art in heaven, hallowed be Thy name; Thy kingdom come; Thy will be done on earth as it is in heaven; give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us; and lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory, forever.

May the grace of our Lord Jesus Christ abide upon us and all who love God henceforth and forever. Amen.

The SPEAKER. The remains of our late associate and friend are left in charge of the committee of the House of Representatives, who will attend them to their last resting-place.

After the body had been removed from the Hall, the Senate retired in the order in which it entered.

Mr. TREMAIN. I move the House do now adjourn.

The motion was agreed to; and accordingly the House (at five o'clock p. m.) adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CROUNSE: The petition of 1,006 soldiers of Nebraska, for the passage of a soldiers' bounty-land law, to the Committee on Military Affairs.

Also, petitions from grange organizations in Johnson, Richardson, and Gage Counties, Nebraska, for the construction of the Continental Railway and passage of the House bill therefor, to the Committee on Railways and Canals.

By Mr. FIELD: Resolutions adopted at a mass meeting of the workingmen of the city of Detroit, Michigan, in regard to the objects sought to be accomplished by the industrial congress and in favor of the necessary legislation to carry them into effect, to the Committee on Education and Labor.

By Mr. FORT: The petition of 2,551 soldiers of Illinois, for the passage of a soldiers' bounty-land law, to the Committee on Military Affairs.

By Mr. KELLEY: The petition of Elisha M. Luckett, of Philadelphia, for arrearages of pension, to the Committee on Invalid Pensions.

By Mr. LUTTRELL: The petition of settlers in Tulare, Fresno, and Kern Counties, California, for relief, and for the protection of homestead and pre-emption claimants of said counties within the limits of the Southern Pacific Railroad grant, to the Committee on the Public Lands.

By Mr. McCRARY: The petition of grange organizations in Washington County, Iowa, for the construction of the Continental Railway and passage of the House bill therefor, to the Committee on Railways and Canals.

By Mr. McDILL, of Iowa: The petition of grange organizations in Pottawatomie County, Iowa, of similar import, to the Committee on Railways and Canals.

By Mr. ORTH: The petition of Manuel C. Causten, for the payment of the French spoliation claims, to the Committee on Foreign Affairs.

By Mr. PARKER, of Missouri: The petition of 742 soldiers of Missouri, for the passage of a soldiers' bounty-land law, to the Committee on Military Affairs.

By Mr. RUSK: The petition of 1,314 soldiers of Wisconsin, for the passage of a soldiers' bounty-land law, to the Committee on Military Affairs.

By Mr. SENER: The petition, with accompanying papers, of John J. Berrey, for compensation for services as postmaster at Fredericksburgh, Virginia, during part of the year 1865, to the Committee on War Claims.

By Mr. STANARD: The petition of sundry merchants of Saint Louis, Missouri, for the passage of a law to define a gross of matches and provide uniform packages for the same, to the Committee on Ways and Means.

By Mr. WARD, of Illinois: The petition of 42 business men and firms of Chicago, for the passage of a law to define a gross of matches and provide uniform packages for the same, to the Committee on Ways and Means.

IN SENATE.

WEDNESDAY, *May* 27, 1874.

The Senate met at eleven o'clock a. m.

Prayer by Rev. L. H. ANGIER, D. D., of Boston, Massachusetts.

On motion of Mr. MORTON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

CENTRAL BRANCH UNION PACIFIC RAILROAD.

Mr. WRIGHT. In accordance with the notice given on Monday morning I ask leave to call up, subject to the morning business, the bill (S. No. 587) declaring the true intent and meaning of the Union Pacific Railroad acts approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other purposes, for present consideration. I make the motion because I understand the Senator from Kansas desires to address the Senate on the subject.

Mr. INGALLS. This subject is one of very great importance, involving a large amount of money and the consideration of abstruse legal questions; and I desire to make an appeal to the Senator from Iowa to allow the matter to be postponed until it can be considered on some occasion when there will be longer time to devote to it than can be given in the morning hour. I desire that the matter may be postponed for a few days and receive that discussion which I think the importance of the case merits.

Mr. WRIGHT. If my friend from Kansas is not prepared to proceed at present with the discussion of the question, I shall not insist on the motion, but I should like to have an understanding now that at all events I may be allowed to call it up on Monday morning, and that he will not ask for its further postponement.

Mr. INGALLS. I should prefer to have it called up after the morning hour. I do not think the matter can be disposed of within the morning hour.

Mr. WRIGHT. At all events, to accommodate the Senator from Kansas, I shall insist on Monday next upon taking up this bill.

PETITIONS AND MEMORIALS.

Mr. CARPENTER presented the petition of Mary L. Moore, widow of Robert Moore, late of Company C, Fifteenth Michigan Volunteers, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. CONKLING presented the petition of Margaret S. Hastings, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HAMLIN. I have received and been requested to present a memorial very numerously signed by shipmasters of Maine and Massachusetts, in which they respectfully and earnestly petition, first, that the appointments of shipping commissioners may be made by the Secretary of the Treasury under what is known as the shipping act; second, that the offices of the shipping commissioners shall be located at the custom-houses to the end that the clearing of vessels and ratifying the engagements of the crew may be accomplished at the same time. I move the reference of this memorial to the Committee on Commerce.

The motion was agreed to.

Mr. TIPTON presented the petition of Marcus Walker, praying compensation for ninety-nine bales of cotton taken possession of by the Government; which was referred to the Committee on Claims.

Mr. HITCHCOCK presented a petition of citizens of Nebraska engaged in the transportation of swine by railroad, praying the passage of a law exempting swine from being unloaded while *in transitu;* which was referred to the Committee on Commerce.

Mr. SPRAGUE presented a letter of the Secretary of the Interior, addressed to the chairman of the Committee on Public Lands, communicating an estimate of appropriations for additional clerical force to enable him to answer the resolution of the Senate of March 30, 1874, calling for a report concerning school lands inuring to the State of Missouri under the act of May 20, 1826; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, reported a bill (S. No. 861) to establish a commission to regulate steam-railway tracks and horse railways in the city of Washington; which was read and passed to a second reading.

He also, from the same committee, to whom was referred the bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States marine hospital, at Detroit, Michigan, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BOGY, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 714) to authorize the Attorney-General of the United States to inquire into the condition and title to the lands of the ex-mission of San Buenaventura, in the State of California, reported adversely thereon; and the bill was postponed indefinitely.

Mr. OGLESBY, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 680) for the relief of certain persons of African descent resident in the Choctaw and Chickasaw Nations on the 28th day of April, 1866, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 811) for the relief of Jesse S. Fort, reported adversely thereon; and the bill was postponed indefinitely.

Mr. ROBERTSON, from the Committee on the District of Columbia, submitted a report to accompany the bill (S. No. 304) relative to the Metropolitan police of the District of Columbia; which was ordered to be printed.

Mr. SPRAGUE, from the Committeee on Public Lands, to whom was referred the bill (H. R. No. 2019) to forfeit certain public lands granted to the Stockton and Copperopolis Railroad, in the State of California, reported it without amendment.

CHANGE OF A BANK'S NAME AND LOCATION.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 3267) changing the name and location of Irasburgh National Bank of Orleans, county of Orleans, State of Vermont, to report it back without amendment. As it is merely a change of location of a national bank from one town to another on a railroad, and is unanimously reported by the Committee on Finance after its passage by the House, I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill by which the Irasburgh National Bank of Orleans, now located in the town of Irasburgh, county of Orleans, Vermont, is authorized to change its location to the town of Barton, in that county and State.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HAZING AT NAVAL ACADEMY.

Mr. SARGENT. The Committee on Naval Affairs, to whom was referred the bill (S. No. 849) to prevent hazing at the Naval Academy, have instructed me to report it back without amendment, and to ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in all cases when it shall come to the knowledge of the Superintendent of the Naval Academy, at Annapolis, that any cadet midshipman or cadet engineer has been guilty of the offense commonly known as hazing, it shall be the duty of the Superintendent to order a court-martial, composed of not less than three commissioned officers, who shall minutely examine into all the facts and circumstances of the case and make a finding thereon; and any cadet midshipman or cadet engineer found guilty of the offense shall, upon recommendation of the court, be dismissed; and such finding, when approved by the Superintendent, shall be final; and the cadet so dismissed from the Naval Academy shall be forever ineligible to reappointment to the academy.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

DUTIES UNDER ACT OF JUNE 6, 1872.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 1560) to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports and to reduce internal taxes, and for other purposes,'" approved March 3, 1873, to report the same back without amendment. This is a House bill similar to a bill sent by the Senate to the House some time ago and laid on the table in the House by reason of some question as to whether it was not a revenue bill. As it has therefore really been already passed by both Houses, I ask the Senate to take up this House bill and pass it at once.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to amend section 3 of an act entitled "An act to amend an act entitled 'An act to reduce duties on imports and to reduce internal taxes, and for other purposes,'" approved March 3, 1873, so as to read as follows:

SEC. 3. That foreign merchandise which arrived at a port of the United States on or before the 31st day of July, 1872, and upon which duties were not paid prior to August 1, 1872, though the same were not entered or transferred to a public store or bonded warehouse, shall be entitled to the benefits provided for in the eighth section of the act entitled "An act to reduce duties on imports and to reduced internal taxes, and for other purposes," approved June 6, 1872, the same as such merchandise would have been entitled to had it actually been in public store or bonded warehouse on or prior to the 31st day of July, 1872: *Provided*, That the owner of such merchandise shall, within thirty days from the passage of this act, make application therefor in writing to the collector of the port at which such merchandise arrived.

The bill was reported to the Senate, and ordered to a third reading.

Mr. SHERMAN. Perhaps it is due to the Senate that I should say that the only change in the existing law made is that this bill allows the cargoes of certain vessels that arrived in the port of San Francisco, on the 31st of July, 1872, the day before the tariff act took effect, to be entered subject to the duties fixed by the law. There were two or three vessels in the port that could not in the ordinary course of business be formally entered before the 1st of August, so as to entitle themselves to the benefit of the reduction of duties made by the act referred to. It only affects two or three cargoes in San Francisco, I think.

Mr. BOUTWELL. I wish to say that as I understand it this is a concession to the owners of certain vessels that happened to arrive the day before the law took effect, giving them the benefit of the statute.

Mr. SHERMAN. They arrived, but could not make the formal entry so as to entitle themselves to the benefit of the law.

Mr. BOUTWELL, I think it will turn out that a great many merchants paid their duties under precisely the same circumstances.

Mr. SARGENT. This was recommended by the Secretary of the Treasury when the Senator from Massachusetts was Secretary of the Treasury, and his letter is on file with the papers.

Mr. BOUTWELL. Then I suppose I gave some good reason for it, and I should like to know what it is.

Mr. SARGENT. The amount involved is about $4,000. I will state further that exactly a similar bill was passed when the tariff act before this went into effect, in order to relieve vessels then which were in harbor and anxious to enter their cargoes but were not able to do so on account of the crowd of business at the custom-house. Exactly this precedent was set, as I can show.

Mr. EDMUNDS. Let the letter of the Secretary of the Treasury be read.

Mr. SCOTT. The bill itself is to correct an error in a law which we passed at the last session and that only. I believe it is right; but there is a point of right between the two Houses in regard to this bill against which I desire to enter my protest before this bill passes. A bill in terms and I believe in words identical with this was introduced in the Senate and passed. It went to the House of Representatives where they refused to consider it upon the ground that we had not the right to originate a bill here, even correcting a reference to a section in a revenue act, and therefore they passed this bill in the House as a House bill, and sent it over here. I refused in committee to permit this bill to be reported because I wish to maintain the rights of the Senate and not to yield upon that point. The bill itself is right, and I make no objection to it, but I do not wish it to pass without my protest on that subject.

Mr. SHERMAN. The Committee on Finance were at first disposed to make a point with the House upon what we consider a technical and unfounded objection to our right to originate a bill like this, which is not a revenue bill, or a bill raising revenue; but on the appeal made by the Senator from California that this bill affects his constituents and involves but a small amount, and as the bill is perfectly right, we concluded to report it. There is no reason in the world why a vessel that happened to arrive on the day before this law took effect and had not opportunity to make a formal entry so as to comply with the law should not have the benefit of the reduced rates of duty. We thought on the whole we had better waive the point of privilege and not raise a question with the House on so small a matter as this.

Mr. EDMUNDS. Suppose by stress of weather the vessel was kept off the entrance of the harbor twenty-four hours by a mere accident, the act of God keeping it from getting in when under ordinary circumstances it could have done so; why not provide for that case?

Mr. SHERMAN. There might be many cases of hardship; but we have heretofore allowed all vessels actually in a port of entry to avail themselves of the reduced duties. It is pretty hard, the Senator can see, to refuse to allow a vessel actually in port, but which on account of the customs of the custom-house could not be formally entered on the day of her arrival to have the benefit of a law which takes effect on the next day.

Mr. EDMUNDS. It is not any more hard than it is if you have the law in the first place that any vessel in port should have the benefit of the law to take effect the next day and declared that any vessel that had not entered the port should not, and then you found that a vessel was in quarantine, if you please, or just outside the port, or standing off in a gale that suddenly came up. It would be very hard to say to that vessel, "You must pay the increased duties." In fact it is hard to pay duties at all; but you must lay down a line somewhere which must be absolutely inexorable, and, if you move it off one degree, you must make it inexorable there.

Mr. SHERMAN. It is only a question whether it is not fairer to allow a vessel that is actually in port to have the benefit of the reduction, and to take the actual entry in the port rather than the formal entry at the custom-house as the test. There must be an arbitrary line drawn somewhere, and we thought it better, as a similar remedy had been granted in former cases, to allow the vessels that were actually in the port, although they had not made the formal entry, the benefit of the act. I am quite sure the Treasury Department recommended the bill, but I think the Senator from California is mistaken about its having been done when the Senator from Massachusetts was Secretary.

Mr. BOUTWELL. I suggest that the bill be allowed to lie over until to-morrow.

Mr. SARGENT. I have no objection to its going over until to-morrow, and I will get the letter of the Secretary of the Treasury and the precedent on the statute-book of a law *in hæc verba* like this.

Mr. SARGENT. I have no objection to its going over.

Mr. EDMUNDS. I beg the Senator from California not to understand that I am opposing the bill in any way; but certain considerations occurred to me that I suggested to the chairman.

The PRESIDENT *pro tempore*. The bill will be postponed until to-morrow.

Mr. SARGENT subsequently said: The Senator from Massachusetts [Mr. BOUTWELL] having examined the bill which was reported from the Committee on Finance this morning informs me, and I have no doubt will inform the Senate, that he withdraws his objection to it. As the bill is on its third reading and will take but a moment, I ask that it be passed. The only occasion for the bill, as the Senator from Massachusetts now understands, and so does the Senator from Vermont, is that in passing a bill last year "section 2" was inserted instead of "section 8;" and this simply corrects a mistake in the legislation of last year.

Mr. EDMUNDS. That is all right, I think.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill is again before the Senate.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. CONKLING (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 862) granting a pension to Margaret S. Hastings; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 863) granting a pension to William J. Mayfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 864) to aid the improvement of the Wisconsin and Fox Rivers, in the State of Wisconsin; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 865) to create the Bozman land district, in the Territory of Montana; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 866) granting a pension to Margaret E. Alexander; which was read twice by its title, and referred to the Committee on Pensions.

CANNON FOR A MONUMENT.

Mr. ANTHONY. I ask unanimous consent to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 860) granting one condemned cannon to Prescott Post No. 1, Grand Army of the Republic, for the erection of a monument at Providence, Rhode Island.

Mr. ANTHONY. This bill is in the same words as a bill passed providing for a number of such cases yesterday. I was not provided with the data to offer this bill at that time. It gives for monumental purposes a single cannon. I hope it may be put on its passage.

By unanimous consent, the bill was read three times, and passed.

Mr. ANTHONY afteward said: The Senate were kind enough to pass a bill by unanimous consent giving a condemned cannon to a post in Providence, but upon consulting with my friend the chairman of the Committee on Military Affairs I am informed that it is not for the public interest to designate the caliber of the gun, as is done in this bill. I therefore ask that by unanimous consent the bill may be amended by striking out "the said cannon to be of the class known as 42-pounders."

The PRESIDENT *pro tempore*. Is there objection to this amendment of the bill? The Chair hears none, and it will be so amended.

PRINTING OF A BILL.

On motion of Mr. KELLY, it was

Ordered, That the bill (S. No. 832) providing for the adjudication and issue of patents in mission land cases in the State of Oregon and the Territories of Washington, Idaho, and Montana be printed.

COMMITTEE ON THE JUDICIARY.

On motion of Mr. EDMUNDS, it was

Ordered, That during the residue of the present session the Committee on the Judiciary have leave to sit during the sittings of the Senate.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. MORRILL, of Vermont. I ask that the same order be made for the Committee on Public Buildings and Grounds for the next two or three days.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection. The Chair hears none.

EDMUND RANDOLPH.

Mr. EDMUNDS. I now move to take up the bill (S. No. 447) to provide for the payment of legal services rendered by Edmund Randolph to the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on the Judiciary propose to strike out all after the enacting clause of the bill, and in lieu thereof to insert the following:

That there shall be paid, out of any money in the Treasury not otherwise appropriated, the sum of $12,000 to the legal representatives of the late Edmund Randolph, of California, in full satisfaction and discharge of balance of professional services rendered by him in the cases of the United States *vs.* John Parrott and others, and Andres Castillero *vs.* the United States: *Provided*, That on receipt of said sum the said legal representatives shall execute a full discharge of all claims in favor of the estate of said Randolph against the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read a third time, and passed.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, submitted an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORRILL, of Vermont, also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT OF RULES.

Mr. SARGENT. I submit the following amendment to the rules, to be referred to the Committee on Rules:

Resolved, That the first rule of the Senate be amended so that it shall read as follows:

1. The Presiding Officer having taken the chair, the Journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries. No business except reading the Journal shall be transacted unless a quorum shall be present.

A quorum shall consist of a majority of the Senators duly chosen and sworn.

I should like to say that the object is to proceed with the reading of the Journal in the absence of a quorum.

Mr. EDMUNDS. How can we correct it if we do not hear it? If the Senators are not here to hear it how can it be corrected?

Mr. SARGENT. If any question arises as to the correction of the Journal, it must be reserved until a quorum is present, and then, a quorum being present, the whole matter may be explained.

The resolution was referred to the Select Committee on the Revision of the Rules.

JAMES L. DAY.

Mr. BUCKINGHAM. I move to take up Senate bill No. 277, a very short bill, which will occupy but a moment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 277) making an appropriation for the payment of $792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route numbered 8151.

Mr. EDMUNDS. Where was that post-route?

Mr. BUCKINGHAM. The report is very short and it may be read.

The Chief Clerk read the following report, submitted by Mr. HAMLIN on the 15th instant:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 277) for the relief of Mrs. Nancy Day, submit the following report:

It appears from the evidence submitted in this case that James L. Day contracted with the Postmaster-General to carry the mail in the State of Louisiana, on route 8151, from New Orleans to Mobile, by steamboat. Said contract term was from 1858 to 1862. The service thereon was discontinued by an order of the Postmaster-General dated May 20, 1861. At the time when the service was so discontinued there was due said Day the sum of $792.46, with which sum he now stands credited at the Post-Office Department, and which sum the Postmaster-General would pay, if he had the funds for so doing.

Said Day was loyal to the Government, and suffered largely in pecuniary matters in consequence of his loyalty; his steamboats were seized and taken from him by the confederate government. He left Louisiana and went to Connecticut, where he resided during the war, and supported the Government until the time of his decease. The said Day being now deceased, the committee report back the bill for the relief of Mrs. Nancy Day, widow of said James L. Day, deceased, without amendment, and recommend its passage.

Mr. EDMUNDS. That is a good case.

Mr. SCOTT. From what committee does that come?

The PRESIDENT *pro tempore*. From the Committee on Post-Offices and Post-Roads.

Mr. SCOTT. I wish to make an inquiry, as I did not hear the whole of the report. A number of cases have been presented, some of them to the Committee on Claims, in which the claimants, where the contract had been abrogated by the Postmaster-General under the terms of the law, have claimed an additional month's pay for the abrogation of the contract, although the contracts were to be executed in the then rebellious States. I wish to know whether this bill contains any appropriation which would cover that principle, because it is one which has been giving us some trouble in the Committee on Claims.

Mr. HAMLIN. It does not.

Mr. EDWARDS. The report states that this is for service actually performed.

Mr. SCOTT. Then I have no objection.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PRE-EMPTORS IN MINNESOTA.

Mr. RAMSEY. I move to take up for consideration the bill (H. R. No. 2782) in relation to pre-emptors on public lands in the State of Minnesota.

The motion was agreed to; and the bill (H. R. No. 2782) to extend the time to pre-emptors on the public lands in the State of Minnesota to make final payment was considered as in Committee of the Whole. It extends for two years the time at which pre-emptors on the public lands in the State of Minnesota, including the lands within Fort Ridgely and Sioux Indian reservations, are now required to make final proof and payment.

Mr. HITCHCOCK. I should like to inquire of the honorable Senator from Minnesota whether that includes all pre-emptors in that State?

Mr. RAMSEY. It does; but there are not a great many reached by this after all, as lands are largely taken up under the homestead cases. I hope the Senator will not interrupt the bill. It has passed the House.

Mr. HITCHCOCK. I should like to inquire whether this privilege has not been heretofore granted, at least on one occasion?

Mr. RAMSEY. I am not aware that it has to these particular people. I hope the Senator will allow this bill to pass.

Mr. HITCHCOCK. Will the Senator allow me to propose——

Mr. RAMSEY. The Senator knows the condition of western settlers well enough to be aware of the great hardships which they encounter, and the necessity for their relief occasionally.

Mr. HITCHCOCK. Allow me to add the State of Nebraska as an amendment.

Mr. RAMSEY. I hope not upon this bill. At any other time I shall be very glad to help the Senator; but I trust he will not obstruct this bill.

Mr. HITCHCOCK. I should like to add the State of Nebraska.

Mr. RAMSEY. I want to appeal to the Senator. I prefer that he should let this bill pass without amendment. To me it is a matter of some little importance. To-day is the twenty-fifth anniversary of my landing on the soil of Minnesota, and I desire this day to do something for my constituents who have done so much for me.

Mr. HITCHCOCK. I have no objection to allowing the Senator to do this little act for his State, but I should like to be allowed to do a little act for my own State.

Mr. RAMSEY. Why should the Senator interrupt the bill and send it back to the House?

Mr. HITCHCOCK. Very well.

The bill was reported to the Senate, and ordered to a third reading.

Mr. EDMUNDS. Before the bill is read the third time, I wish to be heard. I desire to ask the Senator from Minnesota, although this is a great anniversary, how many times Congress has already put off this period of payment for these precise settlers?

Mr. RAMSEY. I am not aware that Congress has ever done so for these precise settlers.

Mr. EDMUNDS. Does not the Senator remember that we passed an act like this for the pre-emptors on these lands?

Mr. RAMSEY. The Senator knows very well that this is only an indulgence as to the time of payment. It does not relieve the settlers from payment.

Mr. EDMUNDS. That is not the question. What I wish to know from the committee who reported this bill—perhaps the Senator from Minnesota nearest me [Mr. WINDOM] can answer—is whether we have not extended the time for payment for the lands embraced in this bill once already before?

Mr. WINDOM. We have extended the time for certain settlers; and I think that act embraces a portion, if not all of those contained in this bill; but notwithstanding that fact, I think it a very meritorious case. The bill can do nobody any harm; it is only an extension of time to the settlers for the payment of their lands; and I think in favor of settlers, situated as these are, especially on the anniversary of my colleague's landing on that soil, the Senate should pass the bill.

Mr. EDMUNDS. If you extend it forever they need never pay. But I assume that the Senator from Minnesota [Mr. RAMSEY] merely wants to pass this bill as a memento of his entrance into that happy land, and that hereafter his constituents will pay when the time comes around.

Mr. RAMSEY. We can compromise on that ground.

The bill was read the third time.

Mr. TIPTON. I desire to say a word in favor of this bill. When I consider the inhospitable character of the country to which my friend emigrated twenty-five years ago and the almost utter impossibility of the settlers being able there to make a living at all, I would be willing to give their lands and not require anything from them. [Laughter.] Consequently I shall be in favor of the extension.

The bill was passed.

BALTIMORE AND OHIO RAILROAD.

Mr. JOHNSTON. I move to take up the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch, and to change the location of its road within the District of Columbia, and for other purposes.

The motion was agreed to; and the consideration of the bill was resumed as in Committee of the Whole.

Mr. MORRILL, of Vermont. I was bound by agreement to assist the friends of this road to take up this bill, but I shall also feel bound to resist its passage at the present time. The road now comes into the city on the northeast by two branches, and cuts across six or eight streets on the northeasternmost branch until it reaches Delaware avenue. The other branch of the road, coming in upon the Tiber Creek I think, cuts through an equal number of streets until it reaches Delaware avenue, and then goes down to the present depot. My own impression is that we ought not to grant any further privileges either to steam railways or horse railways in this city until we have adopted some system by which they shall be regulated. If Senators would take the pains to see how the horse railroads and steam railroads come into this city, they would infer that a crazy man had adopted the system by which they were established. We have the whole city tangled up with these roads, and yet large portions of it are left without any reasonable and proper accommodations.

Mr. President, it has been supposed heretofore that we might have some system by which there should be a common railroad depot to accommodate all the steam railways coming into the city. That has not yet been possible. But it is evident that the Baltimore and Ohio Railroad depot ought to be placed further back from its present position. The company do propose to go back one square further, and yet they propose to go across Massachusetts avenue at the point where Delaware avenue crosses it, and where four or five other streets cross, and it will have the effect to clog and barricade that large avenue and all those streets for all coming time if they are allowed to do so. Under these circumstances I think there ought to be some legislation by which this company should be compelled to build its depot north of Massachusetts avenue, unquestionably the finest avenue in this city, and which will be, perhaps, when finished, the finest avenue in any city of the world.

I have seen the vice-president of the railroad company, and I supposed that if he insisted upon still coming in upon any portion of Delaware avenue, we had reached an agreement. I had suggested to him that I thought there would be no objection on the part of Congress, or of the Senate at least, if he would provide that both of these branches should connect outside of the city and come in together on Delaware avenue. This bill does not provide for that. It provides that they may have a union on the outside of the city, but still there will be a branch that comes through here and crosses ever so many streets until it gets to Delaware avenue.

Mr. DAVIS. May I ask the Senator a question?

Mr. MORRILL, of Vermont. Certainly.

Mr. DAVIS. The Senator addresses himself to the question of the location of this road inside of the city. Now I understand that in the talk that the vice-president of the Baltimore and Ohio Railroad Company had with the Senator from Vermont he agreed to abandon for the present anything within the city limits and asked only in this bill to connect the two roads, the one leading to Baltimore, and the one leading to the Ohio River west, at a point outside of the city limits; that inside the city, for the present, until some definite plan can be devised by a commission or otherwise, he asks no legislation whatever. Now I ask the Senator, as the morning hour has nearly expired, if he will not consent to take a vote on that part of the bill, and leave that portion which refers to the city for some future bill or commission?

Mr. MORRILL, of Vermont. No, sir: for the reason that they propose to have a connection on the outside of the city, so that it will still leave the company at liberty to cross all of these streets before the road reaches Delaware avenue; and for another reason——

Mr. DAVIS. I ask the Senator whether that is not the case now, and if he can prevent it in any way? If you defeat this bill, it will only prevent the railroads from connecting outside the city, and prevent such trains as may come from the West going South or come from the South going West coming into the city; whereas if there was a connection outside of the city, there would be no such necessity of bringing cars into the city.

Mr. MORRILL, of Vermont. I was disposed to yield the question so far as any action of the Senate on the depot question at the present time was concerned. But it will cost the company several hundred thousand dollars—$250,000 I think—to make this connection. If they make it so as still to compel them to go across the several streets which I have mentioned, it will be a difficult matter and rather onerous on the company for Congress next year to impose the burden upon them of building a new track. Therefore I insist that if they are to come in here, and we are to give them the use of these avenues without cost for the line of travel, we should compel them to go where it will impose the least inconvenience upon the city; we should compel them to put all their tracks upon one avenue, and not scatter and branch out all over the city. It will cost them no more to come in altogether on Delaware avenue than it would to make the connection and come in as they now do.

Under these circumstances, and in view of the fact that the Committee on Public Buildings and Grounds have proposed that there shall be a commission appointed consisting of the Chief Engineer of the Army, the officer in charge of the public buildings and grounds, and three other competent and impartial persons, to say where these roads shall come in and what streets they shall occupy and what public grounds they shall not cross or interfere with, I think it would be wiser for the Senate to postpone any action on these railroad bills of any character whatever. We have at least four projects more for street railways, every one of them, as will be evident from the tracks they propose to occupy, designed merely to promote the private interests of some man who owns a large tract of property in one section or another of the city. I do not desire to cripple or to diminish the accommodations of the city; I desire that the people here shall have full and complete accommodations of railways, whether steam or horse railways; but I do insist, now that the city has been at such a vast expense in improving the streets, that they shall not be torn up again until there is some safe and proper system adopted by which these roads are to be located and regulated hereafter. Under these circumstances I hope it will be the pleasure of the Senate to postpone the consideration of any of these railway bills until the next session of Congress.

Mr. SHERMAN. I will avail myself of the moment of time left of the morning hour to say to the Senator from Vermont that in my judgment he ought to be prepared to offer some amendment to this bill that will carry out his views. I think it is very unjust to the Baltimore and Ohio Railroad and the public generally to leave the present condition of affairs remain as it is. The Baltimore and Ohio Railroad Company propose to expend a large sum of money and to make very important improvements in this city. Their agent spoke to me on the subject, and stated to me the general purpose and plan they had in view. They are now awaiting the action of Congress. It is therefore no more than right that whatever action is taken by Congress should be taken immediately. I think myself, with the Senator from Vermont, that a designated place ought to be pointed out where this company should be required to erect its buildings, and that should be convenient to them and convenient to the public; but it seems to me it ought not to be delayed until the next session of Congress. They ought to have the power to make the necessary arrangements at once, to enable them to locate a proper depot at a proper place in this city and to carry on their improvements, because they are now laboring under very great disadvantages, caused by the action of the Government and also caused by the action of the city authorities. It is to be remembered also that the Government have given to another railroad, and I voted for that proposition, the right to build a depot very convenient to Pennsylvania avenue, and it is but right to give to these competing railroads equal facilities and equal advantages. I hope, therefore, that if this bill is to be postponed, as I suppose it will be by the expiration of the morning hour, the Senator from Vermont will put his idea on the subject in definite form and let us vote upon it when the bill shall again be taken up.

Mr. MORRILL, of Vermont. I could not do it this morning; but I would be able to do it perhaps by the day after to-morrow.

Mr. SHERMAN. I think myself this question ought to be settled at this session of Congress.

Mr. LEWIS. I did not hear the last remark of the Senator from Vermont. I ask him when he will be ready to present the amendment that he suggests?

Mr. MORRILL, of Vermont. I understand that some agreement was made between the vice-president of this railroad company and the governor of the District that the road might go through Delaware avenue, provided it was parked, watchmen placed at the crossings of streets, and the cars not go beyond a certain rate of speed, and that they should have all their tracks upon that avenue. I think I could perhaps be able to obtain the requisite data on which to propose an amendment by the day after to-morrow.

Mr. LEWIS. The Baltimore and Ohio Railroad Company do not propose now to touch the matter of coming within the city. This bill is entirely outside of anything the Senator from Vermont has alluded to.

I want to call the attention of the Senate to another thing. The Committee on Public Buildings and Grounds have arrogated to themselves all the duties of the Committee on the District of Columbia. Only yesterday morning a bill was referred there, while I was temporarily absent from the Chamber, which should have gone to the Committee on the District of Columbia, and so it has been on several occasions; but I shall speak on this probably to-morrow morning or at some other time.

This bill as it is to be amended does not propose anything as to the road coming within the city limits at all. I hope that the Senate will act upon it this morning, and give this railroad company privileges which have been granted to others.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is the bill to revise the statutes.

Mr. DAVIS. I hope we shall be allowed a few moments now to finish this bill. I think it will take but a very brief time. I will make a motion to that effect.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves to postpone all prior orders, and proceed with the bill which was under consideration at the close of the morning hour.

Mr. CONKLING. There are two or three objections to that, and some of them apply to the pending bill and some of them do not. Some time ago the Senator from Delaware [Mr. SAULSBURY] gave notice, which notice was more recently repeated by the Senator from Maryland, [Mr. HAMILTON,] that this day a question of high privilege, being a contest about the seat of the Senator from Alabama, [Mr. SPENCER,] would be called up. It ought to be taken up, and it ought to be disposed of; and if the unfinished business were likely to consume much time, I should be bound to yield in some form in order that that contested-election case might proceed and be settled. Now if the Senator from West Virginia induces us to take up this railroad bill and it is to lead to further debate, as I apprehend it is, then we are so much the more embarrassed with the business of the day.

As I am on my feet, I wish to say to the Senator from West Virginia who is interested in the railroad bill that, whether there be anything on that point in this bill or not, if it tends to allow the Baltimore and Ohio Railroad Company to establish a depot this side of Massachusetts avenue, I want to be heard upon it myself, and I want to say anything that I can say and do anything that I can do to prevent it.

In the same connection, I venture to make another remark. A bill did once pass the Senate, as the Senator reminds us, in behalf of another company enabling them to fix a depot at a place very conven-

ient to Pennsylvania avenue. I wish to say now that when I get the opportunity, unless that railroad company will sink its tracks and hide from the public eye the inconveniences and the unsightly effects of their proceedings, I will vote to rescind and cut up the authority granted to them. I believe in giving conveniences to railroad companies to come into the city; but I do not believe in having the town gridironed with tracks right on the top of the ground across which engines are to run; nor do I believe in having depots so put that an avenue like Massachusetts avenue is to be thronged and crossed and recrossed all day long by railway-tracks.

Mr. DAVIS. I desire to ask the Senator to yield to me a moment. I will move to strike out of this bill all that relates to the running of tracks within the city limits.

Mr. CONKLING. Then what will be the effect of the bill?

Mr. DAVIS. The effect will be this: that the Washington Branch and the Metropolitan Branch of the Baltimore and Ohio Railroad Company may connect their tracks outside the city limits, so that produce going South or coming from the South will not have to come into the city and back out again to its destination. The Senator perhaps is aware that the Baltimore and Ohio Railroad Company has built from the neighborhood of Bladensburgh a track for its southern travel and southern freight which leaves the Washington Branch there and goes to Alexandria, crosses the Potomac there, and connects with the Virginia railroads. The result of this connection outside of this city will be that if a train of freight is coming from the South or from the West it need not come into the city as it does now, and back out on the other track. For the present I understand that the railroad company is willing to accept that much to facilitate their trade.

Mr. CONKLING. And the Senator assures us that the bill, as he will move to amend it, will mean that and nothing more?

Mr. DAVIS. Nothing else in the world.

Mr. HAMILTON, of Maryland. That is all.

Mr. CONKLING. Then I will consent, if no other Senator objects, that the unfinished business lay aside informally provided we may have a vote without debate.

Mr. MORRILL, of Vermont. I trust the Senate will not undertake to pass this bill in that crude shape, which inevitably makes it necessary for us to legislate hereafter at both ends—that is, at this end where the depot is, and at the other end where the branches come into the city. If it be the pleasure of the Senate to postpone this bill until the day after to-morrow, until I can have time to see the requisite data upon which to frame a proper amendment in relation to Delaware avenue, I shall be prepared to offer an amendment which I think the railroad company ought to accept and which I hope will be acceptable to the friends of this bill.

Mr. DAVIS. I move to strike out——

The PRESIDENT *pro tempore*. The question is, will the Senate postpone the pending order and proceed with the consideration of the railroad bill?

Mr. CONKLING. I consent to the unfinished business being laid aside informally, subject to demand.

The PRESIDENT *pro tempore*. Senate bill No. 571 will be considered as before the body unless objection be made.

Mr. DAVIS. I move to strike out all after the word "and" in the seventh line down to the word "provided" in the sixteenth line, being all that relates to the city, which will be followed by another motion.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is to strike out, commencing in line 7 of section 1, the following words:

> And, also, with both said branch roads, to enter the city of Washington at a point on its northeastern boundary, between the points where said two roads now enter said city, and to locate and construct said roads upon such new route, and with such number of tracks in said city as may be agreed upon between said company and the board of public works of the District of Columbia, to its present passenger depot, or such other as may be constructed on square 681.

So as to make the section read:

> That the Baltimore and Ohio Railroad Company be, and it is hereby, authorized to construct a lateral road, from any point on its Washington branch, (into the county of Washington, in the District of Columbia,) to intersect the Metropolitan branch thereof at any point in said county and District: *Provided*, That such work shall be completed within five years after the passage of this act.

Mr. SARGENT. It ought to say, "and outside the limits of the city of Washington."

Mr. DAVIS. It does that by speaking of "the county;" but I have no objection to inserting "and outside the corporate limits of the city of Washington."

Mr. MORRILL, of Vermont. I move to postpone this bill until the day after to-morrow.

Mr. CONKLING. Then I had better demand the regular order.

Mr. DAVIS. I hope not, because it will only take a few moments longer to dispose of the bill.

Mr. CONKLING. My friend from West Virginia will observe that my friend from Vermont moves to postpone the bill until the day after to-morrow. Of course that means that he is going to debate and oppose this amendment. Surely my friend from West Virginia will not ask me to give way longer under those circumstances.

Mr. SHERMAN. I desire myself to contribute with the Senator from West Virginia to the passage of a bill that will secure to the Baltimore and Ohio Railroad Company equal facilities with any other company. I wish to see them have an opportunity to build a good depot at a proper place in this city; and in my own judgment the whole thing had better be considered at once. While we are giving them the right to make this lateral road, indispensably necessary for the connection of the southern and western trade, we ought also to fix the terms and conditions and place where the depot is to built, and give them all reasonable facilities to reach it. Let them not lose this opportunity, which I think they now have, to secure a permanent depot at the junction of Delaware avenue and Massachusetts avenue—the very best place in the city for a depot. It seems to me it is better and wiser for the public at large, for this railroad company, and for all concerned, that the legislation on the subject should be made at once. The place where this depot is to be constructed should be fixed and clear, and the legal right given to the company to establish it there, and then they should have every advantage which any railroad can properly have.

Mr. HAMLIN. I want to add one word to what the Senator from Ohio has said. I voted myself in favor of allowing a depot to be established on Sixth street, and I am desirous to give equal or as generous facilities to every competing road that comes into this city. I would give to the Baltimore and Ohio road that which is just and right; and wishing to accomplish that precise object, I think the Senator from West Virginia had better let the bill go over until the day after to-morrow, when we may look the whole matter over and accomplish that which shall be in the very best interest of the road.

Mr. DAVIS. Adopting the suggestions of the Senators who have just spoken, I will consent that the bill shall go over until the day after to-morrow, with the understanding that after the morning hour on that day it shall be taken up, if the appropriation bills are not in the way; and I would say now that this bill has been this whole session before Congress and nothing has been done, and for a week it has been asked each morning by some gentleman to put it off until the next morning, and the session is nearly at a close.

Mr. CONKLING. I call for the regular order.

REVISION OF THE LAWS.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The unfinished business of yesterday is the bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873, which is before the Senate as in Committee of the Whole.

Mr. CONKLING. The Chair may not be aware that by unanimous consent the reading of the bill at large was waived, any Senator of course being at liberty to call for the reading of any part he desires.

Mr. EDMUNDS. The repealing chapter was excepted, to be read.

Mr. CONKLING. The Senator from Vermont calls for the reading of the seventy-fourth chapter.

The Chief Clerk read "Title 74, repealed provisions."

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I wish to ask the chairman of the Committee on the Revision of the Laws, if he will not think it implies any inference on the committee, as it does not, how sure the committee is, as we necessarily take this revision entirely on trust, that it does embrace existing law and nothing new?

Mr. CONKLING. That is not a very easy question to answer: "how sure is the committee?" I scarcely know how to answer that. It is a question I have heard put to a witness sometimes, and always excluded when objected to, it relating to comparative degrees of assurance. Certainly I can only say, as the Senator from Vermont well knows, that this work has engaged the attention of three sets of commissioners, and the examination of the committees of the two Houses, and of the committees of the two Houses acting jointly, and of the House special sessions being set apart for many days for its consideration; and all those concerned, as far as I can judge, tried to do their duty in regard to it. But when the Senator asks me to state how sure I am, or how sure they are that this immense volume, made of the gathered meaning of seventeen or eighteen volumes of statutes, contains no blunder, I repeat the question is difficult to answer. There is upon the second page of the bill, or preceding the second page as it stands, a list of errors called "errata," which are to be corrected in the reprinting; and many other errors have been found and have been corrected.

Perhaps I should be more candid in my answer if I were to say to the Senator from Vermont that I have no expectation that this work is free from error. I have never known any revision of laws that was. We have had several revisions in the State of New York conducted by very eminent and expert men usually, and we never had one which did not contain errors. I think the Senator from Massachusetts [Mr. BOUTWELL] will bear me out in saying that although they revise very carefully, in spite of all their processes, errors are found. I presume errors will be found here; and as they are developed they must be corrected by future legislation.

Mr. SHERMAN. I would ask the Senator from New York—for I have not given sufficient attention to know—whether he has been careful to preserve rights which have accrued under the law as it stood at the time the revision took effect?

Mr. CONKLING. I think the Senator will be satisfied that in that regard there is no danger from the bill. The repealing and saving clauses are very careful and very broad, preserving all accrued rights on both sides, preserving penalties where they have accrued, preserving rights and opportunities where they have accrued, and providing

with I think very thorough carefulness of language that no person and no right shall suffer by any *casus omissus* or the like which may be found in the work.

Mr. EDMUNDS. Of course there does not seem to be any other way to dispose of this subject than the way recommended by the committee; at any rate, no practical way at this session. It would take all the rest of the session, no doubt, to go through with it in the ordinary way as theoretically and justly I think ought to be done. And when I say that, I mean also to add that I have no doubt the committee has given it the most careful criticism and attention; and the only advantage of going over it again, having entire faith in that committee, is the advantage of having seventy-three men having different ideas and thoughts, and different objects and motives in their minds, hear it read and examine it and criticise it, rather than five or seven. Of course, there would be a great advantage in that against error and slip over an examination by a smaller number of persons. Everybody understands that.

But it is impracticable, as a fact, to do that at this session of Congress; and the question therefore recurs whether we are to let it go, or whether we are to take it, as the committee ask us to do, in bulk, without reading or knowing its contents otherwise. I am disposed, for one, to take it, because, as the Senator from New York says, it undoubtedly does contain in the main a mere condensation of existing law, and it does contain a very carefully prepared saving of all created and existing rights of everybody; and if there are errors, of course they can be corrected hereafter, although that is not a good way to legislate, as a rule.

On the other hand, one cannot help remembering that two chapters of this revision—I do not mean of this particular book, but of the revision—have passed Congress already. Whether they are reenacted in this book, I do not know. I presume they are. I suppose that the chapter about the Post-Office Department is in this book.

Mr. CONKLING. Yes, sir.

Mr. EDMUNDS. And the chapter about the Patent Office?

Mr. CONKLING. Yes, sir. If you mean about the Post-Office Department, that is here; but if you mean post-roads, that is a separate bill.

Mr. EDMUNDS. But the general post-office act is here?

Mr. CONKLING. Yes, sir.

Mr. EDMUNDS. We passed under the revision idea a bill regulating Patent Office affairs and another regulating the Post-Office. We passed those, although, of course, not a quarter as long as this is, without going through a careful revision in the Senate; I believe without even reading them. If they were read, it was a very formal and hurried reading indeed. It turned out that in the Patent Office act the statutes repealed by it were many of them most important to the interests of the United States and not having the slightest reference to patents except that in some section of one of them which I have in mind there was a provision that patent fees should be paid into the Treasury; and in the post-office act it was afterward discovered that there had been introduced what was not the existing law before, a provision conferring power upon the Postmaster-General in reference to making contracts, which I do not think would have received the assent of a majority or even of a small number of the Senators and Representatives in Congress if they had understood its provisions.

Of course, these are difficulties that we are obliged to meet, and this is the experience which we have had in respect to two chapters of the revision, not in this book, because I presume they are corrected in this, but I do not know. Of course it is an unpleasant experience, and it is with a great deal of doubt as to the propriety of any Senator of the whole body of Senators not being willing to sit down patiently and have the committee go over with us the whole of this work, chapter by chapter, and consider it and discuss it as if we were a Committee of the Whole to whom had been committed this business, that I, taking my share of the responsibility for passing it in the end, do not insist upon that and allow the thing to go. I do not say this to lay an anchor to windward, so as to be able to say hereafter, "I told you so," but to say, taking my share of the responsibility as one Senator that it is a kind of legislation which I hope will be very rarely resorted to indeed. It ought not in truth to be resorted to at all; but I do not see any other way, as the Senator from New York says, at this time but to take it.

Mr. MORTON. Mr. President, I cannot but feel that this is a somewhat dangerous business. Conceding, as I have no doubt is the case, that the committee has devoted a great deal of labor and time to the consideration of this volume, it is, after all, substantially, and must be, the work of three commissioners. I believe that was the number appointed to codify the laws. We are told that some fifteen or sixteen volumes have been boiled down substantially into one. This involves great condensation. It involves changing of phraseology, putting the statutes into new language, and shortening them as far as possible. This volume must in the nature of things, therefore, be a digest, and nothing more. We all know the difficulty the courts have, and sometimes it takes them years to settle upon the construction of a single statute; but here these commissioners are allowed to give their construction to all the statutes of the United States, and to change their language, to clothe them in new phraseology, and we take all their work upon trust. We take their construction, their views of the meaning of these laws. Where courts have long differed and will continue to differ in regard to the meaning of a single section, we are to take the views of three men, without consideration, without opportunity of review, in regard to the whole statutory code of the United States. It is a laborious business; there are great difficulties around it; but, for one, I feel that it is a very unsafe business. If the language of the statutes is to be changed, it ought to be considered by Congress, and each session some part of the work should be done. We should not undertake to do it all at one session, but it should be divided out, running through a series of sessions in Congress. It is much more important to have this work done correctly than to have it done in a lump and all at once.

Mr. CARPENTER, (Mr. ANTHONY in the chair.) The Senator from Indiana says this is a dangerous thing. That is undoubtedly so. It is dangerous to pass any law, because there may be a mistake in it that will harm somebody. That danger is inherent. We cannot avoid that difficulty. Every exercise of sovereign power is dangerous in that sense, that if there is an error lurking in it and if it is not discovered it may do harm.

The Senator says this work has been done by three commissioners, and from that he derives an objection to it. I think it would have been an improvement if it could have been done by one competent man. Where you have got one thing to do, whether it be to carve a statue or paint a picture or revise the laws of Congress, if it can be done by one mind, you are more likely to have it correct than you are if it is participated in by more than one.

Now, what does the Senator suppose would become of that revision if it were to come in here and take the fate of ordinary bills in the Senate Chamber? The youngest boy born in this country to-day never would live to see it disposed of. Suppose it were put into installments, part of it taken up one session and part another, by the time you had gone through two or three sessions your accumulated legislation would make a new revision absolutely necessary; you never would end anything and never would come to any conclusion.

Undoubtedly there will be found errors in this revision. There never was a revision made, as the Senator from New York has said, that did not have errors. It is not in the nature of things that the revision of so many statutes should be absolutely perfect. All that we can do is to give it every guarantee that such a work ever can have, that it is correct. The great benefit of it is that it gives us a starting point for the law, and if errors are discovered, as undoubtedly there will be more or less, they are to be corrected by subsequent legislation, and every man, every citizen, every lawyer, every judge knows what he has got to start with to find what the law is. He is to start with that volume, and then subsequent legislation is all he has got to discover. Tell any common man in the complicated relations of official life, who is an internal-revenue collector if you please or has something to do with the distilling business, that he is supposed to know all the law on that subject and it is to be found in seventeen volumes, and he is to be indicted if he omits a single particular or mistakes a single provision, and he would as soon go to the insane asylum at once as attempt to wade through it. Now, then, he has got a start; he has got the statute of revision; and then he has got to look to subsequent legislation and nothing else, and is certain he has all the enactments on the subject before him.

Mr. SARGENT. I think it would be wisdom for the Senate to adopt the recommendation of the committee and pass the code as it is, for I think great care has been given to this revision. Nevertheless, on an examination of some parts of the code with which I am more familiar from my former occupations, I think I find that it is not an entire codification so much as it is the insertion of parallel passages, if I may so express myself; and I will illustrate by a single instance which I have in my hand. I do not know but that I should be somewhat puzzled as a lawyer, perhaps any one would be puzzled, to know exactly what the law would be in the instance which I call to the attention of the Senate on page 541 of the revision with reference to mining claims. Section 2354 in the original numbering reads, part of it, thus:

> But no location of a placer claim made after the 9th day of July, 1870, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys.

That authorizes a person or an association of persons to take one hundred and sixty acres, and that was the law for a number of years. Finally Congress thought that one hundred and sixty acres of mining land was too much for one person. That might be a matter of doubt. At any rate they changed the law subsequently, as I remember by the history of the legislation as well as finding it here, and they provided—

> That all claims located after the 10th day of May, 1872, shall conform as near as practicable to the United States system of public land surveys and the rectangular sub-division of such surveys, and no location shall include more than twenty acres for each individual claimant.

Mr. CONKLING. Subsequent to 1872.

Mr. SARGENT. No. The first act says subsequent to the 9th day of July, 1870, but the second one says subsequent to 1872.

Mr. CONKLING. Does not the Senator see that there is an interval required to be covered by the first statute?

Mr. SARGENT. Exactly, but that is not the principle of the original law. The second act which I have read was intended to repeal and did in fact absolutely repeal the former one.

Mr. CONKLING. Then it contains something the Senator has not read.

Mr. SARGENT. No, sir.

Mr. CONKLING. He has read nothing that comes within eight rows of apple trees of repealing it, if the Senator will pardon me.

Mr. SARGENT. I have been unable to find anything further on the subject. But I mean to say that the second law to which I have referred, which made this second regulation and confined the location to twenty acres, did contain a repealing clause of the former legislation, and since that time all locations have been made to each party of twenty acres. If, however, under a fair and reasonable construction of this law, it still remains at twenty acres, then my criticism would have no force.

Mr. MORTON. It repeals the former law necessarily, without any repealing clause.

Mr. SARGENT. But here both are reproduced. Which prevails, the first or second section of this bill? As they are passed contemporaneously, there is no question of time to assist the construction. I mention that to show that there are crudities in this revision. A person understanding that subject thoroughly, and his attention having been drawn to it, could put it in one section, so as to have no confusion. As it is now, we shall have to rely on the judgment of the executive officers in construing the law. This may be the only instance of the sort in this volume; but it is one that struck my attention more particularly.

But, Mr. President, considering the very careful revision that has been given to this code and believing it to be the best thing we can do on the subject, I shall vote with the gentleman who reports it.

Mr. CONKLING. If my friend from Indiana had not spoken so quickly and so positively about this one repealing the other without any repealing clause, I should have been ignorant enough to read this over a good many times without finding it out, and I should not be surprised if some other Senators, even the Senator from Indiana, should be in the same position if he will take this and look at it. Let us see:

> But no location of a placer claim made after the 9th day of July, 1870, shall exceed one hundred and sixty acres for any one person or association of persons, &c.

Then in the next section we find:

> Where placer claims are upon surveyed lands and conform to legal subdivisions no further survey or plat shall be required, and all placer mining claims——

Mr. SARGENT. It is the same thing.

Mr. CONKLING. Not at all. My friend remarks that it is the same thing. I made no affirmation about it. I merely read what the bill says:

> And all placer mining claims located after the 10th day of May, 1872—

That is, located after a different day, more than two years after the first.

Mr. SARGENT. Of course; that is what I said.

Mr. EDMUNDS. That refers to the act of 1872, which was a general act on the subject of mining.

Mr. MORTON. One law modified the other, of course.

Mr. CONKLING. This is getting very interesting. The Senator from Indiana now says "one law modifies the other." Of course, it does; but what he said first was that one law repeals the other.

Mr. MORTON. It does to the extent that it modifies it.

Mr. CONKLING. Even though there was no repealing clause, he said one repealed the other. He does not mean that. He does not mean that when one statute says, even if it relates to precisely the same thing—whether it does or not, I do not stop to consider, although apparently it does not—he does not mean, when a statute relating to one thing requires that after a certain day in 1870 certain claims and rights shall exist, and another statute provides that after a day two years later than that all those rights shall be governed differently, one statute repeals the other. He means that it modifies, as he last says, the other, taking effect upon what shall be in the future the effect of the latter statute. A statute of a State which did that would probably be void by the Constitution of the United States; a statute of the United States which did it might be supposed to be void under another provision of the Constitution for taking away property without compensation. Therefore, the man who after 1870 took one hundred and sixty acres under that statute had just as good a title to it forever as the man who after 1872 took twenty acres under the subsequent statute, and they would not repeal each other, I submit, at all.

Mr. MORTON. I do not suppose anybody can have misunderstood what the Senator from California said about it, or my remark. The second statute was intended to change the first statute and reduce the number of acres in the way of a placer claim that any one could take. The Senator from California called attention to the fact that both of these statutes are placed there together. A dispute has already arisen. The Senator from New York is on hand of course to make it all clear; but he will not always be on hand to make these things clear when these difficulties arise. That is a single instance of confusion already arising upon this code, and perhaps is an illustration of the danger of taking a codification made by three men involving a change of phraseology of all the statutes of the United States that have been carefully considered at different sessions of Congress for some sixty or seventy years. As I said before, I think it is a very dangerous business; and if we wanted an illustration of it we find it in the little colloquy that has just taken place.

Mr. MORRILL, of Vermont. May I ask the Senator from New York whether the reduction in the tariff, made two years ago, of 10 per cent. on certain articles therein specified is taken off each article in this codification, or whether provision is made by which that reduction shall be made as it was in the act? I have not been able to find it.

Mr. CONKLING. It is made by being incorporated in the chapter, so to call it, which relates to the collection laws.

Mr. MORRILL, of Vermont. I was not able to turn to it. I supposed that was the way it would be. I saw it was not on each specific article.

The bill was ordered to a third reading, read the third time, and passed.

Mr. CONKLING. I move now to take up the next bill in order for the revision of the statutes of the District of Columbia.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) That bill will be considered as before the Senate if there be no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3349) to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the 1st day of December, in the year of our Lord 1873.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CONKLING. There is a remaining bill relating to post-roads, which I now move to take up.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2879) revising and embodying all the laws authorizing post-roads in force on the 1st day of December, 1873.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had this day approved and signed the act (S. No. 253) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the Northern Pacific Railroad at or near Tenino.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1196) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes;

A bill (H. R. No. 1898) to authorize the Secretary of the Treasury to approve certain bills incurred by the direct-tax commissioners;

A bill (H. R. No. 2442) to protect persons acting in the interest of the United States;

A bill (H. R. No. 3221) to relieve Raphael Semmes, of Alabama, of political disabilities;

A bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes;

A bill (H. R. No. 3499) in relation to the qualification of jurors in the courts of the United States;

A bill (H. R. No. 3501) relative to the compensation of Representatives in Congress;

A bill (H. R. No. 3503) in regard to crimes committed by persons in the military and naval service of the United States;

A bill (H. R. No. 3504) to provide for deductions from the terms of sentence of United States prisoners;

A bill (H. R. No. 3505) for the relief of the colored residents of the Choctaw and Chickasaw Nations;

A bill (H. R. No. 3507) to provide for the manner of fixing the terms of the district courts in the Territory of Washington, and for other purposes;

A bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes;

A bill (H. R. No. 3510) to amend an act entitled "An act to further the administration of justice," passed June 1, 1872; and

A bill (H. R. No. 3511) regulating the removal of causes from State courts to the circuit courts of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 87) to facilitate the execution of and to protect certain public works of improvement at the mouth of the Mississippi River; and

A bill (S. No. 510) donating condemned cannon and cannon-balls to the posts of the Grand Army of the Republic of Philadelphia and other associations for monumental purposes.

SENATOR FROM ALABAMA.

Mr. HAMILTON, of Maryland. I move now that the Senate proceed to the consideration of the Alabama contested-election case. I gave notice the other day that I should do so to-day.

Mr. BOREMAN. I gave notice a day or two ago that at the conclusion of action upon the codification of the laws I should move to take up the bill to establish the Territory of Pembina; but I suppose a contested-election case is in the nature of a privileged question. Therefore I will not antagonize this bill to that question; but I shall seek the earliest opportunity to call up this bill immediately after the ending of the contested-election case.

The PRESIDING OFFICER. The question is on proceeding to the consideration of the Alabama contested election.

Mr. MORRILL, of Maine. Is that a question of privilege?

The PRESIDING OFFICER. Certainly it is a question of privilege; but it is in the power of the Senate to act upon it as upon any other question.

Mr. MORRILL, of Maine. I have an appropriation bill here ready to go on with, and from the character of the bill it is not likely to occupy much time; and I hardly know whether I ought to interpose against the motion of the Senator from Maryland. I think I will submit it to the sense of the Senate. I am ready to go on with it.

Mr. SARGENT. I understand this case will probably be finished to-day, and I suggest to the chairman of the Committee on Appropriations that it would be well perhaps to allow it to be disposed of.

Mr. CONKLING. What is the question before the Senate?

The PRESIDING OFFICER. The question is, Will the Senate proceed to the consideration of the Alabama contested-election case?

The motion was agreed to.

The PRESIDING OFFICER. The Committee on Privileges and Elections ask to be discharged from the further consideration of this subject.

Mr. CONKLING. Is that the only resolution reported?

The PRESIDING OFFICER. That is the only resolution reported.

Mr. MORTON. There is a minority report.

The PRESIDING OFFICER. The views of the minority have been submitted with the report of the committee. The Secretary will read the closing paragraph of the report of the committee.

The CHIEF CLERK. The closing paragraph of the report of the committee is in these words:

So that, in any view of the matter which your committee can take, we are of opinion that Mr. Sykes makes no case entitling him to the seat now occupied by Mr. Spencer, and your committee ask to be discharged from the further consideration of the memorial of Mr. Sykes.

Mr. HAMILTON, of Maryland. I ask that the resolution proposed by the minority of the committee be read.

The PRESIDING OFFICER. It will be reported.

The Chief Clerk read as follows:

Resolved, That Francis W. Sykes, having been duly and legally elected a Senator from the State of Alabama for the constitutional term commencing March 4, 1873, is entitled to the seat in this body now held by Hon. George E. Spencer.

Mr. HAMILTON, of Maryland. I desire to submit an amendment to that resolution or an additional proposition, if it is in order to do so.

The PRESIDING OFFICER. The resolution is not before the Senate; but it can be submitted by the Senator from Maryland in the form reported by the minority of the committee or in any amended form.

Mr. HAMILTON, of Maryland. Then I will submit a resolution on the subject. It is not customary unless required that the report of the committee should be read. I do not care about it myself.

The PRESIDING OFFICER. That will depend entirely on the pleasure of the Senate.

[Mr. HAMILTON, of Maryland, addressed the Senate. His remarks will appear in the Appendix.]

The PRESIDING OFFICER, (Mr. BOREMAN in the chair.) The Senator from Maryland offers resolutions, which will be read.

The Chief Clerk read as follows:

Resolved, That Hon. George E. Spencer, not having been elected a Senator from the State of Alabama by the lawful Legislature of that State, is not entitled to a seat in this body.

Resolved, That Francis W. Sykes, having been duly and legally elected a Senator from the State of Alabama for the constitutional term commencing March 4, 1873, is entitled to the seat in this body now held by Hon. George E. Spencer.

Mr. MORTON. Mr. President, it is somewhat late. My friend from Maryland has occupied I believe about three hours, and to that I have no objection, for he had a very great task to perform. I shall hope, however, to be able to conclude this argument to-night.

This case is not partisan. I do not approach it in any partisan spirit; and in referring to the democratic party and to the republican party, I shall simply refer to parties as a part of the current history of this case. The question of a title to a seat in this body ought to be above all party considerations; and if I know myself I intend to treat it from a higher stand-point than that of mere party success. I shall have occasion to refer to the status of the republican party in Alabama and in two or three counties as a part of the history of the case, for the purpose of illustrating the facts and applying the law.

I may remark in the beginning that a decided majority in any State has a political and moral right to be represented upon this floor by a Senator reflecting their political views. The democratic party has a decided majority in the State of Maryland, and if by any chicanery, by any intrigue, management, or fraud, a republican Senator was smuggled into this body to represent the democratic majority of Maryland, it would be a fraud upon that majority which should not be countenanced by men of any party; and what would be true in regard to Maryland is equally true in regard to Alabama. Alabama had a decided republican majority. General Grant carried that State in 1872 by something over 10,000 majority, the republican State ticket was elected by over 9,000 majority; and ordinarily that majority would have a moral right to be represented upon this floor by a Senator reflecting their sentiments, and would be so represented unless there was something in the apportionment of the State or something in the management of the election that would prevent such representation.

Mr. President, I am compelled to speak plainly; and, as I before remarked, I do not do it in any partisan sense; but I am compelled to speak plainly, and I must say that the whole trouble in the State of Alabama grew out of a conspiracy—I do not say it was very extensive—a conspiracy by fraud to secure a democratic majority in that Legislature with a view of controlling the organization of the Legislature, the patronage of the Legislature, and more particularly the election of a United States Senator. I do not mean to intimate that Dr. Sykes had any connection with that conspiracy; I have no reason to suppose that he had, nor do I intimate that the board of supervisors of Barbour County were connected with it, and that conspiracy may have embraced but a few men, but the evidence or the papers can leave no doubt in the mind of any impartial man that that conspiracy existed; nor do I mean to intimate that such frauds and conspiracies are confined to any one party, or that my own party has been entirely free from them. I pretend to no such thing; but here is a clearly defined and proven conspiracy equal to and worthy of Louisiana and New York in their very best days.

Mr. President, under the constitution of Alabama the house of representatives consists of one hundred members, requiring fifty-one to constitute a quorum; and the senate consists of thirty-three members, requiring seventeen to constitute a quorum. It so turned out in the election in the State of Alabama that the political complexion of the Legislature depended upon the result of the representative election in the counties of Marengo and Barbour, and of the senatorial election in the two counties of Butler and Conecuh. If republicans were returned from those counties and from that senatorial district, the republicans would have a majority of the Legislature. If democrats were returned, the democrats would have a majority of the Legislature. This was the simple status of the case on the day after the election.

The law of Alabama provides that the supervisors of election in each county shall, within five days after they receive the ballot-boxes sealed up, count the votes and transmit a statement of the exact number of votes to the secretary of state. That is to be done within five days after they receive the ballot-boxes. The law then provides that the secretary of the State, within ten days after he receives the returns from these county supervisors, shall make out his certificates of the persons who have been found to be elected, according to those returns, from the several counties. It is important to bear these things in mind.

On the fourth day after the ballot-box had been placed in the hands of the board of supervisors in the county of Barbour an injunction was taken out before the chancellor of the county, a law officer that we have not got in our State. That injunction restrained the board of supervisors from counting the votes in the precinct of Eufaula, in the city of Eufaula in that county, restrained them from counting those votes as to senators and representatives, but still permitting them to count the votes in that box as to State officers and all other officers. The injunction was fraudulent upon its face. If there was any objection to counting the votes in that box in the Eufaula precinct, that injunction would be equally good as to State officers as to members of the Legislature; but it was confined to members of the Legislature and solicitor for the county. So the injunction, on its face, to begin with, was bad for fraud. It was, besides that, an unheard-of proceeding. Such a thing I had never heard of before, and I doubt if any Senator on this floor had, of an injunction being taken out to prevent the board of supervisors on the inspection of an election from counting the votes in a particular precinct. They could throw the votes out perhaps under the law, or the election might be contested for some illegality or fraud; but the idea of a court interfering to prevent the proper officers from counting the votes of the candidates upon those tickets while allowing them to count the votes on those tickets as to other candidates, was something never heard of before, and was fraudulent upon its face; and it requires only to be stated that everybody may understand it.

The injunction was granted; it was served upon the board of supervisors; and they then made out a return to the secretary of state giving the votes in all the boxes, including this box as to State officers, but giving only the votes in the other precincts as to members of the Legislature, the effect of which was to elect the democratic members. If the votes of that precinct were counted for members of the Legislature the republicans were elected by about 300; if they were excluded the democrats were elected by between 200 and 300.

Mr. HAMILTON, of Maryland. Will the Senator allow me to interrupt him?

Mr. MORTON. Yes, sir.

Mr. HAMILTON, of Maryland. Is he aware of the fact that each candidate running for senator in that county was a republican? Both candidates for senator were republicans; and the chancellor who granted the injunction was a republican also.

Mr. MORTON. My friend is mistaken.

Mr. HAMILTON, of Maryland. No; that was a republican contest.

Mr. MORTON. My friend means well, but he is mistaken. We do not run two republican candidates against each other. We are not in the habit of doing that.

Mr. HAMILTON, of Maryland. One was called a liberal republican.

Mr. MORTON. Yes, a liberal republican—a republican running on the democratic ticket. With that explanation, I accept the statement.

Mr. HAMILTON, of Maryland. He was not a democrat. We cannot help that.

Mr. MORTON. He had been a republican, but had deserted our camp and gone over to the other. My friend has not materially hurt my statement, I think. Excluding the votes in this box, the count elected the democratic candidates; counting them, it elected the republicans. So this injunction was taken out to prevent the counting of the votes in this box for members of the Legislature, allowing them to be counted for every other office. That was taken on the fourth day after the ballot-boxes came into the hands of the supervisors. They made out the returns, as I before stated, and sent them to the secretary of state. The law gave to the secretary of state ten days after receiving these returns in which to consider them before making out his certificate to the persons who had the highest number of votes. He had ten days to go on. These returns made by the supervisors showed that the Eufaula box had not been counted; they expressly stated that they had been enjoined from counting that box; but the secretary of state, on the very first day he gets that return, makes haste to issue the certificate to the democratic candidates that they had been elected to the Legislature. The injunction was granted on the 11th of November. On the 13th day of November, two days afterward, the chancellor dissolved that injunction, and then the supervisors of Barbour County went on and counted the votes in that box and certified them up to the secretary of state; but that result got there one day too late. There was an interregnum of two days, but in the mean time the secretary of state had improved the opportunity and had issued the certificate to the democratic candidates for the Legislature, and when the correct returns came, showing that the other candidates had been elected by some 300 majority, the work had been done, and he refused to correct the certificates he had wrongfully issued.

It requires but a simple statement of these facts to show the conspiracy. I think I had better read the returns of these supervisors. Their first return was as follows:

STATE OF ALABAMA:

At a legal election by the inhabitants of the county of Barbour, qualified by the constitution and laws of this State to vote for superintendent of public instruction, commissioner of industrial resources, members of the board of education, senators, representatives in the General Assembly, and county solicitor, held on the first Tuesday after the first Monday of November, A. D. 1872, the said inhabitants gave in their votes for said officers, and the persons voted for severally received the number of votes following, namely:

For superintendent of public instruction—Joseph Hodgson, 2,338; Joseph H. Speed, 2,760.

For commissioner of industrial resources—Edward F. Comegys, 2,337; Thomas Lambert, 2,759.

For member of the board of education—Willis Brewer, 2,342; George T. Gibson, 2,760.

For senator—James W. Mabry, 2,172; Jacob Black, 1,981.

For representatives in the General Assembly—Jere N. Williams, 2,180; S. H. Dent, 2,157; M. Cody, 2,183; A. E. Williams, 1,983; Thomas J. Clark, 1,981; Samuel Fontroy, 1,970.

For county solicitor—Alto V. Lee, 2,161; R. D. Locke, 1,985.

They then proceed to quote the injunction, as follows:

JAMES W. MABRY *et al.* } In chancery, at Clayton.
vs.
H. C. RUSSELL *et al.* }

To H. C. Russell, judge of probate; Joseph C. Flournoy, sheriff, and A. T. Spence, clerk of the circuit court in and for Barbour County, Alabama, greeting:

Whereas James W. Mabry, Jere N. Williams, M. Cody, S. H. Dent, and Alto V. Lee have filed their bill of complaint in the chancery court for the ninth district of the eastern chancery division of the State of Alabama, praying, among other things, for the writ of injunction to issue to you; and whereas such writ of injunction has been ordered to be issued by Hon. B. B. McCraw, chancellor of said division, upon a condition-precedent which has been complied with:

Now, therefore, you, the said H. C. Russell, James C. Flournoy, and A. T. Spence, are hereby enjoined and restrained from opening, comparing, and counting the votes or ballots cast at box No. 1 in the city of Eufaula, at the election held at said box on the 5th day of November, A. D. 1872, so far as the election for senator and representatives to the General Assembly of the State of Alabama for Barbour County is concerned, and so far as said election for solicitor for Barbour County is concerned. And you and each of you are hereby enjoined and restrained from giving to any person any certificate of election predicated upon the votes or returns in said box No. 1 for senator and representatives to the General Assembly of Alabama as aforesaid, or to any person for solicitor for said Barbour County as aforesaid, until the further order of this court.

Herein fail not, under the pains and penalties prescribed by law.

Witness my hand, at office, at Clayton, this 11th day of November, A. D. 1872.

JOHN A. FOSTER, *Register.*

To any lawful officer of the State of Alabama, greeting:

Execute this injunction by serving a copy thereof upon each of the defendants and make due and legal return thereof.

Witness my hand, at office, at Clayton, this 11th day of November, 1872.

JOHN A. FOSTER, *Register.*

Now I come to the concluding part of the first return made out by these supervisors, showing that the secretary of state had notice. I do not believe that the supervisors of Barbour County were a party to a fraud; I exonerate them; but they were used. They go on to say that they set forth all the votes—

Except as to James W. Mabry and Jacob Black, who were voted for severally for senator from said county, and also except Jere N. Williams, S. H. Dent, M. Cody, A. E. Williams, Thomas J. Clark, and Samuel Fontroy, who were severally voted for for representatives from said county in the General Assembly of said State, and also Alto V. Lee and R. D. Locke, who were voted for severally for solicitor in said county, and as to all the persons above named as having been voted for severally for senator and representatives from said county in the General Assembly of said State, and the office of solicitor, the said supervisors certify that they are unable to report or certify the result of the election in said county on the 5th instant, the said supervisors being enjoined from counting the votes in box No. 1 in the city and precinct of Eufaula, in said county, as appears from the copy of said injunction and of the box on which said injunction issued from the chancery court for said county, which copies are made part of this report and certificate.

I think I heard my friend from Maryland some time ago descant with great eloquence upon the corruption and wickedness of Judge Durell interfering in Louisiana. I expected to hear him come down on this court in Alabama with something of the same power; but the Senator wholly failed to do so. You cannot conceive of a more fraudulent and corrupt proceeding than that was to get a return sent up, although it should stand but two days in the office of the secretary of state, and in the mean time he should issue a fraudulent certificate to four members, one senator and three representatives from that county. In that way they got three representatives and one senator.

Now I come to the county of Marengo; and by the way I will state further that the county of Marengo and the county of Barbour were notoriously republican. The county of Marengo was one of the strongest republican counties in the State of Alabama, voting from 1,000 to 1,200 majority for the republican ticket generally, and on this occasion 1,050 majority for the State ticket. The secretary of state knew just as well, when that return came to him, that it was a fraud as if he had committed it himself. If he knew anything about the politics of Alabama, he knew that Marengo was republican by a large majority, and the newspapers contained returns from that county showing that the republican party had carried it by over 1,000 majority, and even the democratic papers had contained returns showing that the republicans had carried that county; and here came a certificate from Marengo County showing that the democratic candidates for the Legislature—three representatives and one senator—had been elected by a small majority. He made haste to issue that certificate also. It turned out that the supervisors of election in that county threw out right and left nearly 1,100 republican votes upon the ground that one ballot-box had got wet in being transmitted from some country precinct to the town, and the rest of them upon the ground that the names of the voters were not registered, when in point of fact there is no law in Alabama, and was none at that time, requiring a registration of voters, and when it was notorious that the registry lists had not been sent there at all—a palpable fraud, a bold fraud. You cannot conceive of anything more barefaced than that was; and here four additional members were secured.

Now I come to the senatorial district of Butler and Conecuh. Escambia County had taken a part of Conecuh County and a new county had been carved out. In that county the vote for the democratic candidate for senator had been put upon separate tickets, and I think the report shows a very clear violation of the law. It would be a violation of the law in nearly every State in the Union to put the vote upon separate tickets, voting for State officers and members of the lower house on one ticket and then voting for senator upon a separate ticket. The democratic votes in Escambia County were put upon separate tickets. The republican votes were put upon the same ticket along with the others, as they ought to have been; and I think the report of the committee shows that very clearly. But when the supervisors of Escambia County came to count the votes they threw out the votes for the republican candidate for the senate on the ground that they had been put upon the same ticket along with the votes of the other candidates. When they came to contest the matter in the Legislature, it was decided that the votes should all go upon one ticket; that it was unlawful to put them on separate tickets.

This is the state of the case. There was a conspiracy to secure a democratic majority in that Legislature, chiefly, I have no doubt, for the purpose of electing a United States Senator. Now, how was it to be met? When the different members came to the capital at the time the Legislature was to meet, the democratic members assembled in the state-house; the republican members including the nine, four from Marengo, four from Barbour, and one from Butler and Conecuh, assembled in different court-rooms. The Legislature that elected Dr. Sykes met in the capitol, and so far they had the form on their side. But there is no law in Alabama requiring the Legislature to meet in the capitol. The counsel for Dr. Sykes were unable to find any law to that effect, but the law simply requires the Legislature to meet in the city of Montgomery. If they meet anywhere within that city they are within the terms of the law. So the mere fact of one body meeting in the capitol and the other body meeting in the United States court-house makes no sort of difference, so far as the legality is concerned. That must depend upon other considerations.

Then it is true that under the constitution the speaker of the old

house and the outgoing lieutenant-governor hold their offices until the new Legislature is organized; but it was not pretended in the argument and will not be pretended here that their absence would make the organization of the Legislature invalid. If they appeared at the place where the true Legislature was being organized, they would have a right to preside over each body; but if they did not appear, each body had a right to elect provisional presiding officers, just as this Senate has the right to do in the absence of the Vice-President or the ordinary Presiding Officer, or the House of Representatives in the absence of the Speaker. This principle of law is too familiar to require any further remark. It was the duty of these presiding officers to hunt up the true Legislature, not the duty of the Legislature to hunt up the presiding officers; and if they did not go to where the Legislature was organized, it was their fault, and not the fault of the Legislature.

Mr. President, the two Legislatures were organized. How did the matter stand? In the capitol Legislature, so to speak, they had fifty-four members in the lower house holding certificates from the secretary of state; they had nineteen senators holding certificates, being three over a quorum in the house and two over in the senate. In the other Legislature they had forty-seven members holding certificates in the lower house from the secretary of state and six members who were elected, confessedly so, but had no certificates. In the senate they had fourteen senators who had certificates, and they had three senators who were notoriously elected but who had no certificates, and who were afterward found and determined to be elected. Here, then, were the two bodies. The court-house Legislature had a quorum in each house of members actually elected, afterward confessed by all parties to be elected, and about which there was no subsequent dispute. In the other they had seven members who were not elected but who fraudulently held certificates.

My friend from Maryland said that these men were not to blame for taking seats in the capitol Legislature although they were not elected, because they had certificates. Every man of them knew that he was not elected. Every man of them who took a certificate knew that he was not elected, knew that the votes of his county were against him, but they took these certificates in fraud and took their seats in fraud of the men who were actually elected.

Now, Mr. President, I come to another principle involved in the case, to which I beg the attention of the Senate, and that is not disputed by the Senators on the other side; and that is, that the title to the office of senator or representative does not depend upon the certificate but depends upon the election. The certificate is but evidence of the election. It may be fraudulent; it may be false; but it was expressly held by the Supreme Court of the United States as long ago as the case of Marbury *vs.* Madison that the title to an office does not depend upon the commission, but depends upon the election or the appointment; and the members who were elected from these counties of Marengo and Barbour held the title to their office through their election by the people, and that title could not be taken away from them or given to them by a mere certificate, and when a certificate is brought in any case to a deliberative body like this, or to the Legislatue of Alabama, that body has the exclusive right to determine the election and qualification of its own members, and it may throw the certificates aside, determine them to be fraudulent and of no effect, as it did in this case, and admit the men who were actually elected.

Here is a case, then, where one Legislature has a quorum in each house actually elected, and who are the members in point of fact and in point of law from those counties. The other Legislature has not a quorum of men actually elected, but a portion of those holding seats hold them in fraud of the law and in fraud of the people.

Now, what is the true question here? I desire particularly to call the attention of the Senate to it? The true question is not that we are to decide who was elected to one branch of the Legislature of Alabama or the other, but we are to decide between two rival bodies which was the Legislature of Alabama. It is not the ordinary case where a man wants to take his seat in the Legislature where there is but one Legislature and he holds the *prima facie* evidence. That is not the case. Here are two rival bodies each claiming to be the Legislature, and the question for us to determine is now not which appeared at first to have the legal right, but which in point of fact was the true Legislature of Alabama, which body had the quorum of men who were actually elected? Upon that question there is no sort of difficulty at all. It is not which Legislature appeared at the time to be legal, but which was the true Legislature, which one proved to be the true and legal Legislature. There is no question at all in regard to that fact. The Senator from Maryland admits to-day that the republican members from Marengo and Barbour Counties were elected; that the other men obtained the certificates without being entitled to them. He admits the fact that Mr. Spencer was elected by that Legislature which had a quorum in each house of men who were lawfully elected.

Mr. SAULSBURY. Will the Senator allow me? I beg to call his attention to the fact that the Senator from Maryland expressly and distinctly denied that Mr. Miller ever had received a majority of the votes in the senatorial district composed of Butler, Conecuh, and part of Escambia, and therefore there never was a majority of elected members in the court-house senate.

Mr. MORTON. My friend from Maryland did say that, and in saying that he expressly crossed his path and took back the position which he had labored here to establish, which was that we could not inquire who was elected from the particular county, but he said each House must determine that question for itself. In the case of the senator from Butler and Conecuh Counties there was a contest in pursuance of the law of Alabama, a regular contest, and that contest on the law and the facts was decided in favor of Mr. Miller, and I leave it there. I am satisfied, from reading the report both of the majority and the minority of the committee, that that contest was decided according to law. I do not think there is a doubt about that. I take it for granted it was decided correctly. There was a regular contest, and I treat him as being the lawful senator, and the lawful senator from the first.

Now, I want to call your attention, Mr. President, and the attention of the Senate to another proposition of law, and that is that whoever is found to be the member legally elected, his term of office in contemplation of law begins the day after his election. He may have to struggle for it from the hour of his election until the day his term of office expires; but when he is decided to be the lawfully elected member, in contemplation of law his term began on the day after the election. I read from the constitution of Alabama:

SEC. 3. Senators and representatives shall be elected by the qualified electors on the Tuesday after the first Monday in November. The term of office of the senators shall be four years, and that of representatives two years, commencing the day after the election.

The members from Marengo and Barbour Counties had not certificates; they were kept out of them fraudulently; and the fact was subsequently admitted by all parties that they were elected, and they were the members from the day after the election, and were the members at the time Mr. SPENCER was elected.

I wish next to consider another question. It is of public notoriety, although it has not been adverted to by the Senator from Maryland, that some weeks after this difficulty took place a compromise was made, by which both of these bodies gave up their organization and formed a new Legislature—I believe keeping on the same officers, but all went into a Legislature—and there was but one body left. When they went into that Legislature, by the unanimous vote of all parties, democrats and republicans, the members from Marengo and Barbour Counties were seated. That is an important consideration. There is a starting-point. The fraud was so notorious in regard to those counties that there was not even a contest. Those members were seated by the votes of both parties.

Which was regarded and treated as the Legislature of Alabama? The court-house Legislature. It has been so held by the supreme court of the State in a case of which that court had jurisdiction. I have the opinion of the court here. The court-house Legislature proceeded to elect a State printer. His right to the office was contested. It went before the supreme court, and the question was decided by that court upon the ground that the court-house Legislature was the Legislature of Alabama. I ask the Secretary now to read an extract from the opinion of the chief justice which I have marked with pencil, to which I invite the attention of the Senate. It is upon the very question as to which was the Legislature of Alabama.

The Chief Clerk read as follows:

This result I now proceed to read, as follows, to wit:

First. Every officer who, by the constitution or laws of the State, is required to be elected by the people, derives his right to the office by his election, and the evidence of his election, in the first place, usually is the certificate of the proper officer, or if he is an officer who by the constitution or laws is required to be commissioned by the governor, then his commission is the evidence. This evidence—the certificate or commission—is not conclusive, but *prima facie* evidence only, which may be overcome or destroyed by better evidence, to wit, by the judgment of a competent court; if he is an executive or judicial officer, if a legislative officer, a senator or representative of the General Assembly, then such better evidence is the determination of the legislative body of which he claims to be a member, to wit, the senate or house of representatives, declaring him to be or not to be a member of said body. Each house of the General Assembly is by the constitution made the sole judge of the qualifications, elections, and returns of its own members. (Article 4, section 6, Constitution.) When, therefore, either house declares that a certain person is a member of its body, that is final and conclusive, and no court can go behind it.

The senate and house of representatives each, since their organization under the proposal of the Attorney-General of the United States made for that purpose, has declared that certain persons who had no certificates of election were elected by the people and certain other persons who had certificates of election were not elected by the people, and the first-named persons have been declared and recognized as members of the respective houses. This is conclusive upon us, and we have no power to review or revise what has thus been done. These persons, if elected by the qualified electors, were members of the General Assembly from the day of their election, and being members, then the two bodies who convened and organized at the court-house in Montgomery had a majority in both houses, and having such majority, when recognized by the governor, were a constitutional General Assembly, and were competent to do any act as a General Assembly, except such acts as can only be done by a majority of two-thirds of the members of each house. They could elect a public printer or a Senator to the Congress of the United States.

Mr. MORTON. In this very clear opinion the chief justice states the principle that their title to the office resulted from the election and not from any certificate, and that they were members from the day after the election. Now I wish to refer the Senate to an extract from the dissenting opinion in the same case. One of the judges, Judge Saffold, dissented, not upon the ground that the capitol Legislature was a Legislature, because he expressly denied that, but of necessity that neither of them was for two reasons, neither of which has been adverted to by the Senator from Maryland, and which will not be insisted on before the Senate I am quite sure. Judge Saffold stated two or three propositions to which I wish to call the attention of the Senate, because they are well stated and because they are in the dissenting opinion.

I concur with the chief justice in the following propositions: First. That it is not indispensable to the organization and existence of the General Assembly that it should meet at the capitol, or be presided over in the senate by the lieutenant-governor and in the house of representatives by the speaker, or be recognized by the governor. Secondly. That the members thereof derive their authority to act as such from their election by the people, and not otherwise.

But I maintain that there are cases in which there is no General Assembly, notwithstanding a majority of each house may meet at a time and place appointed by law and organize and assume to be the General Assembly, and that the present is such a case.

We know now—

I call the attention of my friend from Delaware to this—

We know now who are entitled as members thereof to compose the General Assembly, because it has been ascertained by an undoubted General Assembly. It appears from the finding that the prior assemblage at the capitol lacked the indispensable requisite of a General Assembly, to wit, a majority of the members of each house. This was the only defect of that assemblage, either in form or substance. But it is vital, and fatal to its claim to be the General Assembly.

Then he goes on to say:

The assemblage at the United States court-room, lacking every mere form in its organization, had, as has been subsequently ascertained, a majority of the duly-elected members of each house. In refusing to attend at the capitol, and in organizing at another place, its members staked their defense upon the truth of their claim to be a majority of each house.

That is a good statement of it.

The result of a proper investigation vindicated this claim, and prevented the other body from constituting the General Assembly.

Now I come to the reasons why he said the court-house Legislature was not a Legislature:

Necessity is a law. But the validity of acts dependent alone upon it fails if there was not the necessity. The court-house assemblage might have been held to have been the Legislature, if nothing else had transpired within a reasonable time.

Then he goes on say that the court-house Legislature had not two-thirds of all the members and therefore they could not do those things that the constitution of Alabama required to be done by two-thirds of the whole number of members. We know that that reason is not a good one, that this is a Senate, although there is a bare majority of the members elected here while they are not two-thirds of the whole number of members that may be elected. So with regard to every other deliberative body of a country. It was singular that he should fall into that error. But these were the two reasons why he held that the court-house Legislature was not a Legislature. But the propositions that he lays down establish the soundness of the judgment of the majority of the court and overrule utterly any pretense that the Legislature that met at the capitol was the Legislature of Alabama.

Here, Mr. President, we have concurring the fact that the highest judicial tribunal in the State of Alabama accepted this as the Legislature of Alabama, and we have the truth confessed upon all hands and not denied upon this floor that it contained a quorum of legally elected members of each house. It met in the city of Montgomery, the place fixed by law. It met on the day fixed by law. It contained a majority of the actual members of each house; and upon every principle of law and every principle of justice it was the Legislature of Alabama.

Now suppose we come to the other conclusion, what is the effect of it? The effect of it is simply to ratify and make successful a conspiracy and a fraud. Ten thousand republican majority in the State, a majority of the members elected, as was subsequently shown, republicans, and yet by an intrigue and a fraud it was attempted to control the election of the Senator of the United States! If it succeeds here, the result is to make that notorious fraud successful in the face of the law, in the face of the majority of the State of Alabama. I know that this view of the case does not commend itself to a single honorable Senator on this floor. I know my democratic friends will turn from it with the same aversion that I do. While in their own States they represent a majority of the people that have sent them here according to law, they will not tolerate placing a man on this floor who represents the minority when that is done by a conspiracy and a fraud so open, notorious, and unblushing as this was.

I have just one thing further to say; it is unnecessary to protract this argument further. Mr. Spencer received the vote of every member of the court-house Legislature; he received the votes of seventeen senators and fifty-three representatives; he received the votes of a lawfully elected majority of each house. Mr. Sykes received the votes of the capitol Legislature, but they lacked seven votes of being a majority of the lawfully elected members of the Legislature.

Mr. NORWOOD. The Senator from Alabama [Mr. GOLDTHWAITE] was in the Senate this morning, but being unwell went back to his room; but before leaving he requested me to state to the Senate that he desired to speak on this question, and not being able to do so to-day he wished the opportunity to-morrow.

The PRESIDENT *pro tempore*. The question is on the resolutions of the Senator from Maryland.

Mr. SAULSBURY addressed the Senate. Having spoken till five o'clock,

Mr. CONKLING. Will the Senator from Delaware yield to me a moment?

Mr. SAULSBURY. Yes, sir.

Mr. CONKLING. There is occasion for a short executive session; and if it be the Senator's purpose to continue for any length of time, and he will give way now, I will move that the Senate proceed to the consideration of executive business.

Mr. SAULSBURY. I will give way. I do not propose to occupy any great length of time.

[Mr. SAULSBURY's speech will appear in full hereafter.]

Mr. CONKLING. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before submitting that motion the Chair will lay before the Senate certain House bills for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 1898) to authorize the Secretary of the Treasury to approve certain bills incurred by the direct-tax commissioners—to the Committee on Finance.

The bill (H. R. No. 3501) relative to the compensation of Representatives in Congress—to the Committee on Privileges and Elections.

The bill (H. R. No. 3503) in regard to crimes committed by persons in the military and naval service of the United States—to the Committee on Military Affairs.

The bill (H. R. No. 3505) for the relief of the colored residents of the Choctaw and Chickasaw Nations—to the Committee on Indian Affairs.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 1196) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes;

A bill (H. R. No. 2442) to protect persons acting in the interest of the United States;

A bill (H. R. No. 3221) to relieve Raphael Semmes, of Alabama, of political disabilities;

A bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes;

A bill (H. R. No. 3499) in relation to the qualification of jurors in the courts of the United States;

A bill (H. R. No. 3504) to provide for deductions from the terms of sentence of United States prisoners;

A bill (H. R. No. 3507) to provide for the manner of fixing the terms of the district courts in the Territory of Washington, and for other purposes;

A bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes;

A bill (H. R. No. 3510) to amend the act entitled "An act to further the administration of justice," passed June 1, 1872; and

A bill (H. R. No. 3511) regulating the removal of causes from State courts to the circuit courts of the United States.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, recommending the enactment of a law authorizing the transfer of the Fort Dalles military reservation, at The Dalles, Oregon, to the Secretary of the Interior, to be disposed of for cash under existing laws; which was referred to the Committee on Military Affairs.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, submitted an amendment intended to be proposed to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at five o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 27, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. No. 1394) in relation to the centennial exhibition; and

A bill (H. R. No. 3030) making appropriations to supply deficiencies

in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD. I move that the amendments of the Senate to the deficiency appropriation bill be referred to the Committee on Appropriations and ordered to be printed.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. POLAND. I call for the regular order of business.

Mr. HALE, of Maine. I rise to make a privileged report.

The SPEAKER. The regular order of business is the consideration of the bill reported by the Committee on Ways and Means, repealing the Sanborn contracts, on which the previous question is operating.

Mr. HALE, of Maine. I desire to make a report from a committee of conference.

Mr. MAYNARD. Is it in the power of a majority of the House to postpone the pending business upon motion?

The SPEAKER. Not while the previous question is operating.

Mr. HALE, of Maine. The gentleman from Ohio [Mr. FOSTER] is very anxious to go on with the regular order, and I will withdraw my report.

COLLECTION OF MONEY DUE THE UNITED STATES.

The House then resumed the consideration of the bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting money withheld, and for other purposes.

The SPEAKER. The gentleman from Ohio [Mr. FOSTER] is entitled to one hour to close the debate.

Mr. FOSTER. I yield fifteen minutes to the gentleman from Indiana, [Mr. NIBLACK.]

Mr. NIBLACK. Mr. Speaker, I regret exceedingly that the time allowed for debate upon this question has been so short. I will endeavor, so far as I am concerned, to say what I feel compelled to say within the brief time allotted to me.

During the Forty-first Congress, sir, I had the honor to serve on the Committee on Appropriations with Hon. William H. Kelsey, of the State of New York; and I take pleasure in saying that I found him a careful and economical man as a member of that committee upon all questions of the expenditure of money, and I was therefore at the end of that Congress, when we were separating, and he was going out of Congress, prepared to receive with favor any ordinary proposition he might submit to me which would involve the expenditure of the public money. After the organization of the Forty-second Congress, and I think at the commencement of the second session, on the first Monday of December, 1871—although Mr. Kelsey's memory seems not to be very clear on that point, and I do not claim that mine is—I met Mr. Kelsey here with a proposition similar to that which is embraced in the first clause of this law under which what are known as the Sanborn contracts were made. He produced to me a draught of the legislation he desired to have on that subject, and urged upon me the propriety of adopting something of the kind. I said but little on the subject at the time in response to what he said to me, preferring to take the matter under advisement. Candor compels me to say that the proposition struck me from the first very unfavorably. It looked to me like inaugurating a roving commission to go about the country and do many things which ought not to be done in the name of law and especially in the interest of revenue; and at some time or other I expressed to him that view of the case.

Soon after the organization of the Committee on Appropriations that year, of which the gentleman from Ohio [Mr. GARFIELD] became chairman, I communicated to that committee the substance of the proposition which Mr. Kelsey had shown me, and expressed to the committee my decided disapprobation of any such legislation, and I invited the attention of the committee to the subject if it should ever be presented to them. I think there was at the time a very general expression of dissent to any scheme of the kind, and when the matter was afterward presented to us, as it was, it was, I think, unanimously rejected. We heard no more of it for a time. When the legislative bill, however, reached the Senate some gentleman—I am not sure who; I never took the trouble to look it up closely, but I am informed that it was one of the Senators from California, Mr. Cole, but of that I cannot speak advisedly; he was chairman, at all events, of the Committee on Appropriations, and he or some other gentleman presented the first clause of the proposition which afterward became a law as an amendment, and it was adopted by the Senate. I will now ask the Clerk to read that first clause.

The Clerk read as follows:

And from and after the passage of this act the Secretary of the Treasury shall have power to employ not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States whenever the same shall be withheld by any person or corporation, upon such terms and conditions as he shall deem best for the interest of the United States; but no compensation shall be paid to such persons except out of the money and property so secured.

Mr. NIBLACK. That amendment was adopted by the Senate and came back to the House as one of the many amendments of the Senate to the bill. It was referred to the Committee on Appropriations. The committee again objected to the amendment, and recommended non-concurrence in it, and the House non-concurred. That recommendation of the committee, I am reminded, was unanimously made. The amendment, with a large number of others, went to a committee of conference, of which the gentleman from Ohio, [Mr. GARFIELD,] the gentleman from New York, [Mr. FREEMAN CLARKE,] and myself, were the members on the part of the House. After several sessions, in which a number of points of difference were discussed, this amendment came up for consideration. The conferees on the part of the House again objected to it. Thereupon, some member of the committee on the part of the Senate, I cannot now exactly recollect who, although I think I remember, but I will not venture to name him, submitted an addition to the proposed amendment of the Senate, which I ask the Clerk to read.

The Clerk read as follows:

And no person shall be employed under the provisions of this clause who shall not have fully set forth in a written statement, under oath, addressed to the Secretary of the Treasury, the character of the claim out of which he proposes to recover, or assist in recovering, moneys for the United States, the laws by the violation of which the same have been withheld, and the name of the person, firm, or corporation having thus withheld such moneys; and if any person so employed shall receive or attempt to receive any money or other consideration from any person, firm, or corporation alleged thus to have withheld money from the United States, except in pursuance of the written contract made in relation thereto with the Secretary of the Treasury, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $1,000 or imprisoned not less than two years, or both, in the discretion of any court of the United States having jurisdiction; and the person so employed shall be required to make report of his proceedings under such contract at any time when required to do so by the Secretary of the Treasury.

Mr. NIBLACK. The committee on the part of the Senate urged that the proposed addition to the amendment would obviate all the objections made to it on the part of the House of Representatives. There was some discussion about it, not very protracted, for we had not a great deal of time for discussion. Substantially the same arguments were used, however, in support of the proposition that I heard urged from gentlemen outside, in the first instance from Mr. Kelsey, that a large amount of money could be saved in this way that could not be reached by the ordinary officers of the Government in charge of the collection of internal revenue. After a great deal of hesitation, and after all the other amendments had been disposed of quite satisfactorily, I consented to sign the report as a whole, expressing, however, my regret at this particular provision, not being personally satisfied with it, but feeling compelled to yield something, as did the gentleman from Ohio [Mr. GARFIELD] and the gentleman from New York, [Mr. FREEMAN CLARKE,] they both, like myself, signing the report reluctantly.

Upon the report being presented to the House I communicated with the gentleman from Pennsylvania [Mr. RANDALL] who had consulted with me before about the matter, and stated to him the result of the action of the committee upon this particular amendment. Thereupon he inaugurated an active contest against the report of the committee of conference, basing his opposition exclusively upon those portions which I have just had read. I stated on that occasion that I was personally opposed to it, and I gave a history of the subject as far as I could. In answer to a question addressed to me by some one I stated that I understood the Secretary of the Treasury was opposed to it. I stated the reasons why I felt compelled to yield my assent to the report as a whole embracing this proposition. After a sharp contest the report was rejected by one majority, I believe, and the bill was recommitted to the same committee.

When we again met the committee on the part of the Senate, I made the point that the House having rejected the report on account of this clause in the bill, exclusively on account of that, so far as the debate showed, the Senate conferees ought not further to press us on that question. Very much to my surprise, and I think to the surprise of my colleagues who took the same view of the matter substantially, the Senate committee still insisted upon the provision. I confess that with that persistence on their part I became a little annoyed, although it is perhaps not kind in me to say so now. I feel not a little surprised that a proposition coming from outside parties, not backed up by any official communication, a proposition so very remarkable to say the least of it, and one in regard to which I felt the committee of the Senate must have been unduly impressed by some influence or other which I could not understand, and therefore I declined to sign the second report on account of its containing this clause as an amendment again to be recommended to the House.

The subsequent record of the proceedings will show that the second report, which was finally adopted in the House by a majority of ten, was signed by but two conferees on the part of the House, the gentleman from New York, [Mr. CLARKE,] and the gentleman from Ohio, [Mr. GARFIELD,] and not by myself. They yielded solely because they wanted to end a long-protracted controversy, and to save the bill without going through another conference or other delays. I have no doubt they signed it very reluctantly. My recollection is that they did so reluctantly.

I have very little to add further than to say that with all respect to everybody connected with this matter, in either branch of Congress, and especially to the conferees on the part of the Senate, there was something from the beginning about this proposition that carried with it an atmosphere which created in my mind an indefinite suspi-

cion which nothing that afterward occurred was able to remove. It was not that anybody connected with the Senate conference committee was governed by improper considerations, but I felt that some outside and unseen influence was pressing this matter upon both Houses of Congress, looking to results which I regarded as not legitimate, out of which I feared some trouble would come hereafter. I feel bound in candor to make this further statement, that the very fact that the proposition came here through the agency of an ex-member of Congress, having about it what seemed to me something of the odor of a job, had very much to do with influencing my mind against the scheme in all its forms. I say that with all due respect to Mr. Kelsey I should say the same about any other ex-member. I trust that when I become an ex-member, which I will do at no distant day, I will be met by the same prejudice, if you please, if I am ever found here advocating anything which may be construed into a moneyed job of any sort or may look like an unseemly raid on the Treasury.

A few words in conclusion, as my time is nearly out and other gentlemen desire to speak. I am not at all taken by surprise by the developments which have come out of this investigation. Indeed, I always had a shadowy impression that some time or other we should hear of this matter again in some way which would not be creditable to the Government, and which would demonstrate very clearly that the legislation itself was a mistake. Candor, however, compels me to make this additional remark: that if the law had been carefully and prudently administered no great harm could have been done, and good might have resulted in some cases. I say this in the presence of gentlemen who have investigated this subject with me. I regard all these developments which have brought so much scandal upon the Treasury Department in connection with these contracts as presenting a most remarkable case of official negligence and maladministration. The whole theory of the law has been perverted by somebody. Who is responsible I do not pretend now to say. But instead of these men being required to assist the proper officers of the Government, as the law contemplated, the Government officials have been made to assist them; the whole machinery of the Government, so far as it could be made available, was subordinated to the interests of Mr. Sanborn and his associates under this contract. This theory runs through everything connected with the administration of the law; and out of this theory most, if not all, this scandal has arisen.

But, Mr. Speaker, my time is out, and therefore I yield the floor.

Mr. FOSTER. I yield ten minutes to the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. KELLOGG Mr. Speaker, in the few minutes allowed to me I cannot say all that I might wish to say in reference to this subject. I expect, and I suppose almost every member of this House expects, to vote for the repeal of this law; and I should have been very glad to have voted for its repeal four months ago if the Committee on Ways and Means had given us a chance to do so. I think they should have reported a bill for the repeal of this law as soon as the manner in which it was being carried into effect and the results that were being accomplished under it were brought to their notice. Some of us, I will admit, had almost come to the conclusion, much as we respect and esteem personally every member of that committee, that it would take about eight or nine months at least for that committee to bring forth anything for the consideration of this House. They have reported at last, and we gladly welcome their report. I presume the House will stand by their report and vote almost, if not quite, unanimously for the repeal of the law. But there are one or two things contained in this report, and some things which have been advanced by gentlemen of that committee who have spoken upon it, in reference to which, in the absence of any gentleman from Massachusetts to say a word in behalf of his own citizens, I deem it my duty, although I am liable to misrepresentation, to give my own views in a very few words.

In the first place, Mr. Speaker, this report says that the Secretary of the Treasury deserves "severe condemnation." I shall not speak upon something else which I should have spoken upon, if it had been reported from that committee here; and I might not say what I do now, but for the speech delivered yesterday by the gentleman from Kentucky, [Mr. BECK.] But when in addition to the language of that report calling for the "severe condemnation" of the Secretary of the Treasury, the gentleman from Kentucky—although I do not find his speech in the RECORD this morning—says that he will make the record of the Secretary of the Treasury so black that no administration or party can longer palliate his crime, I have felt it my duty to look carefully at the report and the evidence to see whether this officer deserves any such "severe condemnation." The gentleman from Kentucky has been long enough engaged upon this speech of his to give it in the RECORD the next morning. I say that the gentleman from Wisconsin [Mr. ELDREDGE] was right when, interrupting the gentleman from Kentucky yesterday, he said that if what that gentleman said was true, the duty of the committee was to bring in articles of impeachment and have them sent to the Senate, so that this officer might be tried for criminal omission of duty at least, if not for direct crime. That has not been done yet. I say they should do it or else they should modify the language of their report; and the language of the speeches they have made here should have been less violent, and less condemnatory of the Secretary.

Now, Mr. Speaker, when we come to "severe condemnation" in regard to this law, I think we should first look at ourselves. Some of us were members of the last Congress and voted for the passage of this law. I was one of those; and I found myself in good company, along with the chairman of the Committee on Ways and Means, the chairman of the Committee on Appropriations, and many other leading members of this House. I voted for the law as many others did, merely to save an appropriation bill, and had no more idea of what would be accomplished under that law than I had that the sun would rise in the west the next morning. I was not here when it was discussed on the first report of the committee of conference. I never heard it discussed or knew of it, but I was here and voted on the final report. I presume that not one man in this House dreamed that there would ever be any such results as have followed from the passage of that law. We voted for that law, and we put it upon the Secretary of the Treasury to make contracts with three persons to aid in collecting certain back taxes. If gentlemen had done justice to the Secretary of the Treasury they would have stated that the whole object, and the instructions of the Department given under the law as the evidence shows, was to collect taxes that were not found upon the books of the collectors. And, sir, we should, in passing judgment upon this case, recognize our own want of foresight, our own want of judgment, in passing any such a law as that. The law has been perverted from what either Congress or the Department expected would be its effect; and it was our duty to repeal it at once, as soon as its operation was known. And the Secretary of the Treasury recommended its repeal early in the session—I give his language as found on page 88 of the evidence, advising "its absolute and unconditional repeal."

Does any member of the House believe the honorable gentleman from Indiana [Mr. NIBLACK] who just took his seat would have consented to that report as one of the committee of conference, or voted for the report of the committee of conference, as he did on the yeas and nays at the first report, if he dreamed any such result would have happened under this law? Does any man suppose the chairman of the Committee on Ways and Means, [Mr. DAWES,] or the chairman of the Committee on Appropriations, [Mr. GARFIELD,] or their colleagues who voted for this law, would have voted for it if any man of them supposed this would have been the result?

If my friend from Kentucky [Mr. BECK] had wanted to treat the Secretary of the Treasury fairly, why did he not say not only did the present Secretary, but his predecessor, Secretary BOUTWELL, when they first came into office under this Administration, find contracts of this same character, made without any law whatever, running way back to the days of that good, honest man of Kentucky, James Guthrie, beyond the administration of James Buchanan and in the days of Franklin Pierce—and James Guthrie was a man whose honesty was never questioned? Another contract was made under James Buchanan. They found half a dozen contracts made by Secretary McCulloch. They found a dozen or more of contracts, as the evidence shows, of this same character when they came into office, and all made without any law of Congress to authorize them. Why do they not say Secretary BOUTWELL and Secretary Richardson, when they came in, annulled every one of those contracts, finding no authority of law for them—that they have annulled every one of them, and made known their opposition to all this class of contracts and all this sort of legislation, and their action and opinions were known to Congress when this law was passed?

What did Congress do? In 1870, we passed a bill providing for the collection of captured and abandoned property or the proceeds of it on this same principle. Under that law contracts were made. It will be borne in mind under all those contracts nothing was collected of any amount; the Treasury was not robbed—no harm was done; but in May, 1872, after a full discussion, after report had been made to the House a second time by a committee of conference, we by a majority on this floor passed the present law; and those of us who voted for it I wish to say—and I am one of the number—are more responsible than the present Secretary of the Treasury. We voted for that bill saying to the Secretary of the Treasury that he should be authorized to make contract with three persons to collect back of unpaid taxes which they might discover; and Secretary BOUTWELL, then in office, followed our instructions and made the contracts; and the present Secretary followed the course already adopted when he took the office.

Mr. ELDREDGE. Let me ask the gentleman from Connecticut a question.

Mr. KELLOGG. Do not interrupt me; I have only fifteen minutes.

Mr. ELDREDGE. I understand the gentleman to say those who voted for this bill had no idea any such construction would be put upon it. Is it not the greater responsibility, then, upon those who construed it in this dangerous way?

Mr. KELLOGG. I am coming to that in a moment; do not interrupt me any further. I think the Secretary was misled as much by the action of interested parties outside, aided perhaps by some officers in subordinate positions, as even Congress was in passing the law.

Mr. Speaker, I have read this evidence carefully, as I have read the report, and I say no unprejudiced man can read the evidence without coming to the conclusion that the Secretary was as entirely innocent of the results which flowed from these contracts as the members of this House who voted for that bill. I have not the slightest idea he could have known anything about them until it was made public so that we all could know it. And although it may be un-

popular to state it here, and although I may be liable to misrepresentation, I believe Secretary Richardson to be as pure and honest a man as ever filled an office in the employment of this Government. Are you going to impeach him on the evidence you have? Do it if he has been guilty of anything deserving of it; but do not undertake, I would say to my friend from Kentucky, by denunciation and declamation to draw black lines around his character, or by coming in here with your baby resolutions of censure. Do it according to law, and do it like men.

Mr. O'BRIEN. I desire to ask the gentleman a question, as I have not a minute to discuss this matter.

Mr. KELLOGG. What is it?

Mr. O'BRIEN. In the course of this discussion a member of the Committee on Ways and Means stated the fact to be found in the evidence that there have been on the part of these officers of the Government "usurpation of authority," "defiance of and trampling upon the laws," "perjury piled upon perjury." Who is responsible for all that?

Mr. KELLOGG. I cannot yield any longer. I find no such evidence as to the Secretary of the Treasury. If there, the committee should have brought in articles of impeachment.

Mr. DAWES. Let me ask a question of my friend from Connecticut.

Mr. KELLOGG. One at a time.

Mr. DAWES. Are you opposed to the repeal of this law?

Mr. KELLOGG. If the gentleman had paid attention to what I have said—he does not often do it perhaps, and it may not be worthy of his distinguished attention—he would have found that at the very outset I said that I was in favor of the repeal of the law and should gladly vote for it. I also said that the committee ought to have reported a repeal long ago and not taken the whole session to report it. We will vote for that repeal now, as soon as we can get to it.

Mr. DAWES rose.

Mr. KELLOGG. Not any more questions in fifteen minutes, unless you will extend my time. I ask my friend from Massachusetts to consider the position of the Secretary of the Treasury. They seek to hold him responsible for all the details of his office, ramifying and branching all over the country—for all the details of the conduct of all the employés of that office.

Mr. Speaker, I say that I do not care how great a man may be, he may have the brains of Alexander Hamilton and Daniel Webster combined, and no man can take the position of head of that Department and not rely on his subordinates for the execution of the details of this or any other law. It is impossible for him to follow out the details of the operation of any tax law until brought to his notice by his subordinates or otherwise. We have the testimony of Secretary Richardson here, showing that from five to seven hundred letters a day pass under his supervision. He cannot examine them all personally. He cannot attend to the details of the execution of contracts of other kinds, and to all the business growing out of the loans of the Government. It is impossible for him or any other man in this position to know the details of the business of his Department. And yet Secretary Richardson has been branded all over the country for not knowing anything about his Department. If you look at the evidence as he gave it, you will see with what simplicity and honesty he told the committee exactly how it was; and so it would be with the ablest man at the head of the Department. Some gentlemen I know have said that he should have said to the committee, "Gentlemen, you passed the law; I suppose you meant something by it; I undertook to carry it into effect as I supposed you would have me do," and that he would have stopped there; but he told them just what the position of the Secretary of the Treasury was. You might as well compare the Treasury Department now with what it was in the time of Alexander Hamilton as to compare A. T. Stewart's store in New York to-day with what it was forty years ago; or to compare a manufactory with from fifteen hundred to two thousand operatives with the little machine-shop with fifteen hands out of which it sprung. I do not believe that the Secretary of the Treasury knew anything about the amount of money being collected, or the different taxes that were collected, or could know it, unless by accident, until the matter became public, when we all know it.

Sir, let us allow the Secretary to speak for himself a moment as to his views upon this class of contracts and of this law. I quote the first part of his evidence, given as long ago as March last, on page 87 of the evidence:

The CHAIRMAN. We are examining the propriety of repealing, amending, or continuing as it is, the law under which the Sanborn contracts, as they are called, were made. If you have views or facts that you deem of service to the committee, we would like to have you state them.

Mr. RICHARDSON. All I can say on that subject is that I have been always entirely opposed to that whole class of legislation. When I came here in 1869, as Assistant Secretary of the Treasury, I found a good many contracts of the kind outstanding which have never yielded anything; I thought that they were exceedingly objectionable, and I think that in every instance where the matter was brought to my attention I declined to make any contract. The legislation is objectionable for several reasons. It brings odium on those who make it. In order to enforce it, even though you may employ, appoint, and contract with very good men, they must of course afterward employ detectives, spies, informers—a class of people as to whom you never can tell what they will do. After the contract is made the whole matter passes into the hands of subordinates; you never can know what will become of it. It is entirely out of the hands of the Secretary of the Treasury; he cannot watch everything; he cannot watch anything, in fact, for he knows nothing about them. I suppose that the system affords revenue to the Government to some small extent, but it is questionable whether it does not cost more of trouble than all that is derived from it. I came to this conclusion long before this matter came up.

The CHAIRMAN. Would you advise its absolute repeal?

Mr. RICHARDSON. I should advise its absolute and unconditional repeal.

I have no words of palliation or excuse for the way these Sanborn contracts were applied in the collection of taxes. I never heard of Sanborn until after this resolution of inquiry came up at this session. It was doubtless a job got up by outside parties to get all they could of taxes that ought to have gone into the Treasury; and they may have had confederates among officers outside of the Department here. It is admitted by the report that no evidence is found proving that any high official in the Treasury Department had any corrupt connection with these contracts in any manner or form whatever; and it is expressly stated by the report that the committee "find nothing impeaching the integrity of Secretary BOUTWELL's or Secretary Richardson's action." I cannot well reconcile this with the violent manner in which the gentleman from Kentucky [Mr. BECK] addressed the House yesterday. One of the worst charges is that Sanborn took five hundred and ninety-two railroad companies from a railway guide, and was told by the officers of the Treasury Department to put them all in, when he had knowledge of the delinquency of only one hundred or one hundred and fifty of them. The report is as follows:

It further appears from the testimony of Sanborn, that when he applied for this railroad contract, he furnished a list of railroads, taken from a railroad manual or guide, comprising the names of five hundred and ninety-two railroad companies, being substantially the entire list of railroads within the United States; that while he had knowledge of the delinquency of only one hundred to one hundred and fifty of them, he had no knowledge whatever of the delinquency of the remaining four hundred or four hundred and fifty. It also appears that when he so represented it to the officers of the Treasury Department, he was there told that "it didn't make any difference, and to put them all in;" whereupon he made affidavit that the entire five hundred and ninety-two railroad corporations were delinquent and were indebted to the Government. They were accordingly added to his contract.

Yet, if I understood the gentleman from Kentucky yesterday, he charged that Secretary Richardson told him to put them all in, and he then made oath to it. One other member of the committee has made the same statement, I think. Sir, I do not understand this evidence as proving any such thing. The names were put in on the advice of other parties, and the oath was made in New York City. Secretary Richardson swears he had no conversation with Sanborn about this or any other contract. And what does Sanborn himself say? I give his evidence, as found on pages 151 and 152, in his first testimony; and if he afterward said that Secretary Richardson told him to put them in, no fair-minded man would or could believe his testimony, unless carried away in the zeal of investigation after reading carefully the questions and answers found on those pages. Here they are:

Question. You have a list, as you answered Mr. FOSTER a while ago, of five hundred and ninety-three railroads?

Answer. Yes.

Q. Where did you get that list?

A. That list was made up, as I answered Mr. FOSTER, after an examination of quite a number of cases—I think one hundred and thirty or one hundred and forty at least, or perhaps one hundred and fifty cases. There was not a case of those examined, but it was found that they owed the Government something—some more and some less; and I, by my attorneys, made up this list from Appleton's Guide, or somebody's guide.

Q. Taking all the railroads they could find in the United States?

A. I told them so, and that is the reason I objected to the filing of it; I objected myself to doing anything of the kind. I didn't propose to do it, but they said it had better be filed.

Q. Who said it had better be filed?

A. Well, my friends.

Q. Who were they?

A. A couple of attorneys; my lawyers.

Q. Who were they?

A. Well, sir; one of them was Mr. Prescott.

Q. Where does Mr. Prescott live?

A. He lives in Boston.

Q. Was it his opinion as a lawyer that you had a right under the law of Congress to throw in all the railroads you could find in Appleton's Guide, and claim half of what you could make out of them? Did he tell you so?

A. I don't know that he gave me his opinion as a lawyer, but we concluded to put the list in, and I took it to the Department, and it lay there a long while.

Q. In filing your list at Washington you made an affidavit, which I will read, for I want to see how accurately you swear.

Addressing Hon. William A. Richardson, Secretary of the Treasury, you say:

I have the honor herewith to inclose a list of railroad corporations doing business in the United States which are indebted to the Government upon taxes upon dividends and interest paid upon bonds, which they have heretofore withheld and refused to pay.

I would respectfully ask that the inclosed list be added to my said contract made with the Secretary of the Treasury, said contract bearing date August, 13, 1872, and so amended October 30, 1872.

Very respectfully, your obedient servant,

JOHN D. SANBORN.

Subscribed and sworn before me, a legally appointed notary public for the city and county of New York, this 3d day of July, in the year 1873.

WM. H. STINER,
Notary Public.

Q. You made that oath before that notary?

A. Yes, sir.

Q. And you therefore swore that these roads were indebted to the Government?

A. That I believed so.

Q. And that they had withheld their debts to the Government and refused to pay them?

A. I believed that they were doing so.

Q. I thought you said that you objected to this large list being put in by your counsel?

A. I did at first.

Q. And you now assert that you believed that they were indebted and refused to pay?

A. I objected at first, but after I was informed that they must be all the same, I consented to do it.

Q. You now tell this committee that with the exception of about a hundred and odd railroads on this list you knew nothing about the balance of the five hundred and ninety-three, and that they were put in from Appleton's Guide-book against your consent; and yet you swore as a fact that they were all indebted, and had withheld and refused to pay. Is not that the oath?

A. Yes, sir; that is the oath. I submitted the list to the Department, and it lay there some time.

Mr. BECK. It ought to have lain there a good while longer.

The WITNESS. I asked them if they desired that I should select out the roads that I knew beyond a doubt were indebted, and I think I was told that it did not make any difference—to let it go at that.

Q. What officer of the Department told you that?

A. I cannot remember.

Q. I wish you would try to remember. That may be quite important. At any rate you did it by the advice of the chief officers of the Department?

A. I was there two or three days about it.

Q. And that advice you got from some one high in authority in the Department. In whose office was it that you had this conversation when you were advised to "let it go?"

A. I can't tell.

Q. It was either the Secretary or the Assistant Secretary or the Solicitor that gave you that advice?

A. I don't remember.

Q. Do you remember that it was not either of those?

A. I don't remember; I know I was there talking about the matter two or three days.

Q. To whom did you talk?

A. I talked with the Solicitor and the Secretary about it.

Q. Those were the only men that you consulted, were they not?

A. Yes, sir.

Q. It was one of those officers that advised you to put the roads all in?

A. I can't tell you about that.

Mr. BECK. That was in 1873. Mr. Richardson was Secretary then, of course.

The WITNESS. I wanted it returned, and I told them if they wanted the list revised and cut down to just the number that I knew about, I would do so.

Q. And they advised you to put them all in?

A. Mr. Richardson accepted the whole report.

Q. After his attention was called to the fact that there were a large number of those roads that you knew nothing about?

A. I don't remember whether it was he or some one else that I talked with about that.

I have said what I have upon this matter because I believe that the committee, while they have been faithful and zealous in their endeavors to seek out and stop all iniquity in this matter, have not quite done justice to the Secretary of the Treasury, and because I believe popular clamor is doing him still greater injustice. When I see a man who has borne so spotless a character through life as the Secretary of the Treasury has done unjustly assailed, as I think, if no man else will say a word in his behalf, I for one will not stand silently by or drift along with the current against the convictions of my own conscience.

Mr. FOSTER. I now yield ten minutes to the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. KELLOGG. It was agreed that I should have fifteen minutes, and I hold my friend to that agreement.

Mr. CLYMER. I believe I have the floor.

Mr. KELLOGG. I have but a few words more to say; but I insist that I am entitled to fifteen minutes.

Mr. PAGE. I move that the time of the gentleman from Connecticut be extended.

The SPEAKER. The gentleman from Ohio [Mr. FOSTER] has entire control of the floor.

[Mr. CLYMER addressed the House for ten minutes. His remarks will appear in the Appendix.]

Mr. FOSTER. I now yield a few minutes to my colleague, [Mr. GARFIELD.]

Mr. GARFIELD. I desire only to call the attention of the House to a single further fact in addition to what was said by the gentleman from Indiana [Mr. NIBLACK] in regard to the ground upon which the provision under discussion held its place in the report of the committee of conference. The gentleman has called attention to the restrictions which the committee put upon the original amendment of the Senate, that very specific information should be furnished, certified to under oath, showing what tax had been withheld, on what ground, and in what way the tax had been covered up and concealed from the officers of the Treasury, and all this was made a necessary preliminary before the Secretary should authorize any contract for the discovery and collection of such concealed and unpaid tax. In this connection, and in order to show the object to which the law was to be directed and the reason for its enactment, I will quote a passage from the remarks of the gentleman from Indiana, [Mr. NIBLACK,] made at the time the report of the committee of conference was considered by the House.

Mr. NIBLACK. The first report of the committee of conference?

Mr. GARFIELD. Yes; the first report. The statements made by the gentleman concur with my own recollection of the case. In those remarks he states that it was alleged on the part of the Senate conferees that several great railroad companies—I remember that one was distinctly named—had covered up their annual profits under the name of repairs or of stock certificates, or in some way under their system of book-keeping, which so concealed their income that nobody but a person thoroughly acquainted with the management of the railroad and its manner of keeping books would understand the facts in regard to income. Therefore the first great necessity was to have some arrangement by which to discover the fraudulent concealment of the income and then to collect the tax thereon. It was said that this knowledge was possessed by men not connected with the Government, and who would not undertake to expose and discover it unless by some special arrangement like this they were authorized to do so and were paid liberally for their work. It was that to which the gentleman from Indiana referred in his remarks as the "extraordinary statement" made by the Senate conferees that led the House conferees reluctantly to allow that clause to remain in the law.

Though this legislation was in my judgment unwise, yet, looking at it in the light of experience, I believe that if this provision of the law, as we at last amended it in conference, had been strictly complied with, not one of the great evils in the administration of this law now complained of would have resulted. The following are the remarks of the gentleman from Indiana, to which I refer:

> No man objects more strenuously to perpetuating the late and present system of spies and informers than I do. This, however, seems to rest upon ground a little different from the case of ordinary informers and spies. It is represented to us, very earnestly, too, that there are certain great corporations in the country—I need not name them here—which have so managed their business during the last eight or ten years, since the law in regard to income tax has been enforced, as not to return all the incomes for which they ought to pay taxes to the General Government; in other words, that large amounts of money by systems of either false entries in books or by some other means equally fortunate, have been covered up, representing considerable amounts to which the Government of the United States is fairly entitled under our internal-revenue law.
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> I am opposed to this whole system; but I say that, in view of the extraordinary statements made to us as to what would probably be accomplished by the amendment, I did not feel justified in standing out longer against it. If anything comes of it, of course no harm is done. If any good comes of it, of course it will be worth whatever it amounts to. On the contrary, if this particular measure shall prove to be not for the interests of the Government, then it will be the end of such legislation. In fact, it is the expiring effort on the part of the Government to get hold of such information as the Government is entitled to but cannot get in any other way.

Mr. FOSTER. I yield fifteen minutes to the gentleman from New York, [Mr. ELLIS H. ROBERTS.]

Mr. ELLIS H. ROBERTS. Mr. Speaker, the bill now pending before the House is for the repeal of the law under which the so-called Sanborn contracts were made. That law embodies three chief points: First, that the Secretary of the Treasury may employ not exceeding three persons to assist the proper officers in doing certain work; second, that work involves, first and chiefly, the discovery of moneys withheld; and third, that the collections under this law must be of moneys withheld in violation of law. Those are the substantial points of the statute which we now ask the House to repeal.

Previous to the passage of that law, previous to the incoming of this Administration, a practice prevailed of giving contracts for the collection of money; and when this Administration came into power such contracts were found still in force. By the evidence of ex-Secretary BOUTWELL, on page 299 of report 559, it appears that one of his first acts as Secretary was to cancel all such contracts then in force; and Mr. Solicitor Banfield in his evidence on page 37 of the same report gives a list of the contracts which had been made previous to the incoming of this Administration. These go back as far as 1855 when Mr. Guthrie was Secretary of the Treasury, and to 1858 when Howell Cobb occupied that position. This practice had prevailed without law, if not in defiance of law.

Mr. CLYMER. Will the gentleman permit me to ask one question?

Mr. ELLIS H. ROBERTS. Yes, sir.

Mr. CLYMER. From the time the gentleman mentions up to last year, did the Secretary of the Treasury ever order the persons officially charged with the collection of the revenues of the Government to lend to persons holding such contracts all their assistance and the aid of all the machinery of the Government?

Mr. ELLIS H. ROBERTS. I do not see how the question bears upon what I am stating. I am stating now (and I must decline to yield further to questions which are not pertinent) that contracts were in force without law if not in direct violation of law as far back as 1855; so that when it was proposed to pass the statute which we are now considering the claim was made that it was for the regulation and restriction of an established policy of the Government; and the claim was made besides that by such a law much money that otherwsie could not be collected might be brought into the Treasury. That was the motive for the passage of the law. With our present experience there is hardly a man upon this floor who would vote for that provision. But it is only within a week that we have repealed with reference to customs this same principle of moieties which is embodied in this statute, and which is as old as the Government.

It was a mistake to pass the law; but the law might have been upon the statute-books and might have been enforced without scandal and without odium. If the Secretary of the Treasury had insisted that these contractors should assist the proper officers and not take control of them; if he had demanded that they should discover the moneys which they were to collect, instead of taking the records of courts, instead of copying railway guides and making general claims upon them; if he had required them to collect moneys withheld, instead of seizing on those on their way to the Treasury; if he had scrutinized their claims to moieties, and only allowed them for service actually rendered, the statute might have stood and been productive. But this was not the method of procedure.

So the doors were opened wide to abuses; and those abuses came like doves to the window. The law was in legislation like nitro-glycerine in strong hands—dealing vigilantly, it might have been useful; without care, without the greatest discretion, it was calculated to prove, as it did prove, dangerous and destructive.

When the House called for the correspondence and records with reference to these contracts, the Committee on Ways and Means gave them immediate attention and agreed to report a bill for the repeal of this provision. It was upon the request of the chief contractor that delay occurred. He desired to be heard by himself and by witnesses against the repeal; and he was heard. A thorough and complete investigation was made. The result is in the report before you. It is not the fault of the Committee on Ways and Means that the bill which the House is to-day considering was not before it early in March. The committee bring it forward now, and ask for the indorsement of the House upon their report as embodied in the bill as now submitted.

Not only here but in all free countries it is the province of the legislature not simply to pass laws, but to see that they are properly administered. In another free country it has been said of the legislature—

Ours is not a council of sages for framing laws and planning amendments of the constitution, but a free and vigorous parliament, which watches over the destinies of an empire. It arraigns ministers, directs their policy, and controls the administration of affairs; it listens to every grievance, and inquires, complains, and censures. Such are its obligations to freedom and such its paramount trust and duty. Its first care is that the state be well governed, its second that the laws be amended. (May, volume 2, page 577.)

Not only so, Mr. Speaker, but the Constitution gives to Congress more than the power to legislate—the authority to supervise administration. It is Congress which has power not only to "lay taxes," but to "collect" them. No money can be "drawn from the Treasury but in consequence of appropriations made by law." Congress, then, must have the substantial control of the Treasury in all its branches. I waive now the provision that the House of Representatives has the "sole power of impeachment" of "all civil officers." The power to enforce the laws involves the right to direct administration. Above that is the right to estimate methods, to criticise procedure. Does any one deny our authority to correct evils, to suggest reforms? Surely not. Then we may discover evils, and may expose them. This House has not abdicated the privileges of its individual members to form opinions and to express them. In order to punishment, certain proceedings are essential. But an offense that may not reach to the altitude of a crime may deserve to be criticised. It is well that the voice of this House should be heard in counsel, in complaint, even in emphatic criticism; for thus the lesson of official accountability will be most clearly taught. And all this is the undoubted right and duty of the free representatives of a free people.

Mr. Speaker, I call attention to the fact that not one syllable has been urged against the bill which is now pending. The unanimous report of the Committee on Ways and Means upon the whole subject of the Sanborn contracts has been referred to in this debate, as it has been in the private deliberations of members upon this floor It meets with the substantial approval of all parties. It is judicial in its severity and in its fairness. Only the extremest partisans upon either side take exception to any part of it.

Mr. FORT. Let me ask the gentleman from New York a question.

Mr. ELLIS H. ROBERTS. Certainly.

Mr. FORT. Does he know of one single member of this House who proposes to vote against this bill of repeal?

Mr. ELLIS H. ROBERTS. I do not.

Mr. FORT. Then I hope the committee will crown itself with laurels, retire from the field, and let the bill be passed.

Mr. ELLIS H. ROBERTS. I am glad, Mr. Speaker, to have the indorsement of the gentleman from Illinois of the work of the Committee on Ways and Means, and to have his statement beside that there is not one man upon this floor who will oppose the bill which that committee ask shall now be passed. His statement is all the more noteworthy, because proclamation was long made that the bill would be trodden under foot.

Mr. FOSTER. I ask for a vote.

Mr. FORT. Let us have the yeas and nays, so we may know who will vote against it.

Mr. FOSTER. This bill has occupied but three hours of the time of the House.

Mr. FORT. O, no; it has been up for three or four days.

Mr. FOSTER. Three hours is all the time it has occupied.

The SPEAKER. The previous question is operating, and the first question is on the amendment of the gentleman from Kentucky, [Mr. BECK,] which the Clerk will read.

The Clerk read as follows:

Add to the bill the following:

SECTION —. That no Senator, Representative, or Delegate to Congress shall, after his election or during his continuance in office, act as agent, attorney, proctor, advocate, solicitor, or counsel, for any person against whom suits or proceedings other than criminal may have been or are about to be commenced for violation of the revenue laws, or who has any claim for drawbacks or reclamations for duties, taxes, or excises paid or demanded, or for the United States, or any agent, employé, informer, officer or officers, of the revenue or customs service of the United States, in any suit or proceeding relating to the customs dues, excises, or taxes; nor shall he receive any compensation, gift, or reward from such persons or officers for any service, advice, counsel, or aid afforded such person or persons, officer or officers, agent, informer, or employé. And any person offending against this provision shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by fine not exceeding $5,000, and imprisonment for a term not exceeding ten years, at the discretion of the court trying the same, and shall be forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States. And any person who shall pay, or cause to be paid, to any Senator, Representative, or Delegate, or to any person for his use or benefit, directly or indirectly, any sum of money or other thing of value because of such service or advice, relating to any of the matters aforesaid, shall have the right at any time to bring suit for the recovery thereof or its value, in any court of the United States, against such Senator, Representative, or Delegate, or the person or persons who received the same, or may unite all such persons in the same suit.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. SPEER demanded the yeas and nays on the passage of the bill, and tellers on the yeas and nays.

Tellers were ordered, and the yeas and nays were not ordered.

The bill was passed.

Mr. FOSTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORNING HOUR.

The SPEAKER. Reports are now in order from the Committee on the Judiciary, it being one hour after the reading of the Journal.

CIVIL-RIGHTS BILL AND GENEVA AWARD.

Mr. BUTLER, of Massachusetts. I desire to say for the information of certain gentlemen who have asked me that the civil-rights bill and the Geneva award bill are not to be reported from the Judiciary Committee on this call to-day. I say that so everybody may know.

Mr. GARFIELD. Does the gentleman's committee expect to take up the whole day?

Mr. BUTLER, of Massachusetts. Yes, sir; and more too.

Mr. GARFIELD. I want before the day is over to get in and finish the legislative, &c., bill.

Mr. BUTLER, of Massachusetts. I hope you may.

COMPENSATION OF REPRESENTATIVES IN CONGRESS.

Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, reported a bill (H. R. No. 3501) relative to the compensation of Representatives in Congress; which was read a first and second time.

The bill, which was read, provides that whenever any member of the House of Representatives dies after the commencement of a session of Congress the compensation to which he would have been entitled up to the date of the election of his successor shall be paid to his widow, or, if no widow survive him, to the heirs at law; provided that the person elected to fill the vacancy shall be compensated only from the date of such election.

Mr. SPEER. Will that reach the case of the gentleman from New York, lately deceased?

Mr. BUTLER, of Massachusetts. It will.

Mr. SPEER. It seems to me only to apply to future cases.

Mr. HEREFORD. It does not reach this case.

Mr. SPEER. Let it be again read.

The bill was again read.

Mr. SPEER. I suggest to the gentleman that he insert the words "present or any succeeding Congress."

Mr. CONGER. I would ask the gentleman to make an exception in the case of the late Mr. Mellish. I wish that the committee should report a resolution that his salary for the remainder of his term shall be paid to his widow, who is in very indigent and straitened circumstances, and I think the House would unanimously join in such an amendment as that to this bill.

Mr. BUTLER, of Massachusetts. I will state that in the opinion of the Committee on the Judiciary this bill will cover Mr. Mellish's case up to the date of the election of his successor some six months hence, and will also cover all cases arising in the future. Heretofore the law has been that when a member dies his pay has been taken back by his successor from the date of his death, which is the most odious of all the odious features of back pay. We desire to give the pay of the deceased member to the widow or heirs up to the time the new member is elected, and give it to the new member forward from that date. We have used the language of the constitutional amendment on the question of citizenship, which applies to all that have been born or shall hereafter be born. But in order that there may be no mistake, I am willing to insert the words "has died, or shall die." We cannot provide for a special case in a general law.

Mr. SPEER. I ask the gentleman from Massachusetts to accept this amendment: to insert the words "that this act shall apply to the members of the present Congress."

Mr. BUTLER, of Massachusetts. It might be made to read: "when any member of the present or succeeding Congress has died or shall die."

Mr. CONGER. That will cover the case of Mr. Mellish.

Mr. BUTLER, of Massachusetts. That case was covered before; but if gentlemen will allow me I will get this general bill through, and at a later hour in the day I will report a bill to meet the special case of Mr. Mellish.

Mr. SPEER. I simply desire to say that I had the same object in view that the gentleman from Massachusetts says he has.

Mr. COBURN. Does this bill apply also to the case of minor children?

Mr. BUTLER, of Massachusetts. It applies to the widows and heirs at law.

The SPEAKER. The amendments are withdrawn, and the gentle-

man from Massachusetts gives notice that in a later part of the day he will introduce a bill covering the case of the late member from New York.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAPHAEL SEMMES.

Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 3221) to relieve Raphael Semmes, of Alabama, of political disabilities.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was put upon the passage of the bill; and on a division there were ayes 102, noes not counted.

So (two-thirds voting in favor thereof) the bill was passed.

CHANGE OF REFERENCE.

On motion of Mr. BUTLER, of Massachusetts, the Committee on the Judiciary was discharged from the further consideration of the memorial of H. M. Turner, John H. Deveaux, and others, of Georgia; and the same was referred to the Committee on Military Affairs.

CONSTITUTIONAL GUARANTEE.

Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, reported adversely on the petition of citizens of Louisiana asking for the application and enforcement of the guarantee contained in section 4 of the articles of amendment to the Constitution of the United States; and the same was laid on the table.

INSPECTION OF THE CONDITION OF PRISONERS.

Mr. BUTLER, of Massachusetts, from the same committee, reported a bill (H. R. No. 3502) to provide for the inspection of the condition of prisoners punished for offenses against the United States; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

MILITARY AND NAVAL SERVICE.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported (as a substitute for House bill No. 3128) a bill (H. R. No. 3503) in regard to crimes committed by persons in the military and naval service of the United States; which was read a first and second time.

The bill was read. It provides that hereafter general courts-martial be invested with a jurisdiction, concurrent with that of the courts of the State or Territory in which the crime is committed, of the crimes of murder, manslaughter, mayhem, rape, arson, robbery, burglary, larceny, and assault and battery, as well as of attempt to commit an assault and battery with intent to commit any of said crimes, when the same are committed by persons in the military and naval service of the United States or subject to the Articles of War; provided that the punishments for such offenses shall not exceed those authorized by the laws of the State or Territory in which the crime was committed; and that in all cases where the civil courts have obtained, or shall obtain at any time before conviction, jurisdiction of the aforesaid offenses, the trial shall proceed only in such civil courts, and all proceedings in the courts-martial shall at once cease.

Mr. BUTLER, of Massachusetts. A similar bill to this was referred by the House to the Committee on the Judiciary upon some question of the right of Congress to provide for courts-martial for the trial of crimes committed by persons in the military and naval service of the United States, or, as the Constitution expresses it, "in the land and naval forces of the United States." The committee after examination came to the conclusion that there was no constitutional impediment, and have accordingly reported this bill. Unless some gentleman desires to discuss it, I will call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FOURTH JUDICIAL CIRCUIT OF THE UNITED STATES.

Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, reported back, with a recommendation that the same do pass, House bill No. 1196, to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that a term of the circuit court for the district of South Carolina shall be held at the city of Charleston on the first Monday in April and on the first Monday in November in each year; that a term of the circuit court for the eastern district of North Carolina shall be held at Raleigh on the third Monday in April and the third Monday in November in each year; that a term of the circuit court for the western district of North Carolina shall be held at Greensborough on the first Monday of May and the second Monday of December in each year; that a term of the circuit court for the eastern district of Virginia shall be held on the last Monday in May and the first Monday in January of each year; that a term of the circuit court for the western district of Virginia shall be held at Lynchburgh on the third Monday in January in each year; that there shall be a term of the circuit court for the district of West Virginia held at Parkersburgh on the first Monday in February in each year; that there shall be a term of the circuit court for the district of Maryland held at Baltimore on the first Monday in June and the first Monday in October in each year; that all cases now pending in the circuit courts for said districts shall stand for trial at the term next ensuing after the passage of this act, and all writs and process returnable to the terms of court now fixed by law shall be returnable to the term next ensuing after the passage of this act; that all acts inconsistent herewith, and acts giving circuit-court powers to the district courts in said circuit, are hereby repealed; and that the actual traveling expenses of the circuit judge in going from place to place to hold said courts shall be defrayed out of any money in the Treasury not otherwise appropriated.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DIRECT-TAX COMMISSIONERS.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported back, with a recommendation that the same do pass, House bill No. 1898, to authorize the Secretary of the Treasury to approve certain bills incurred by the direct-tax commissioners.

The question was upon ordering the bill to be engrossed and read a third time.

The bill authorizes the Secretary of the Treasury to approve all bills for necessary and proper expenses incurred by the direct-tax commissioners while collecting the direct taxes in the late insurrectionary States, notwithstanding the bills for such expenditures were not presented for approval prior to payment.

Mr. WILLARD, of Vermont. Does that change the law in any respect except as to the time of approval?

Mr. BUTLER, of Massachusetts. It does not alter the law except in regard to certain bills which were paid before they were approved. This bill provides that they may be approved now, after they have been already paid. It is simply a matter of book-keeping; that is all.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEDUCTIONS FROM SENTENCES OF PRISONERS.

Mr. BUTLER, of Massachusetts, from the same committee, reported a bill (H. R. No. 3504) to provide for deductions from the terms of sentence of United States prisoners; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that all prisoners who have been or shall hereafter be convicted of any offense against the laws of the United States, and confined in execution of the judgment or sentence upon such conviction in any prison or penitentiary of any State or Territory, which has no system of commutation for its own prisoners, shall have a deduction from their several terms of sentence of five days in each and every calendar month during which no charge of misconduct shall have been sustained against each severally, who shall be discharged at the expiration of his term of sentence, less the time so deducted; and the certificate of the warden or keeper of such prison or penitentiary of such deduction, shall be entered on the warrant of commitment; provided that if during the term of imprisonment a prisoner shall commit any offense for which he shall be convicted by a jury, all remissions theretofore made shall be thereby annulled.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLORED RESIDENTS OF CHOCTAW AND CHICKASAW NATIONS.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported a bill (H. R. No. 3505) for the relief of the colored residents of the Choctaw and Chickasaw Nations; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that all colored residents within the limits of the Choctaw and Chickasaw Nations, at the time when the thirteenth article of amendment to the Constitution took effect, and their chil-

dren, shall be, and are thereby, declared a part of said nations or tribes, with all the rights to vote, hold office, send their children to the public schools, and all other rights now enjoyed by said Indians; and the denial to any of those colored residents of said nations by any person or persons whatever of any of the rights or privileges mentioned in the act shall be deemed a misdemeanor, and the person or persons so offending shall be liable to indictment in the United States courts having jurisdiction over said nations, and upon conviction shall be punished by a fine of not less than $500 or by imprisonment not less than one month nor more than one year.

Mr. SHANKS. It seems to me that this bill is in violation of the treaty provision with these nations.

Mr. BUTLER, of Massachusetts. No, sir; it is exactly in accordance with them.

Mr. SHANKS. I would like to hear the gentleman explain how it is in accordance with them.

Mr. BUTLER, of Massachusetts. I will explain it in a moment. When the Choctaw and Chickasaw Indians were removed under the treaty there were certain provisions in the treaty as to slaves they owned and as to their treatment. Those slaves have now become freemen under the Constitution of the United States, but being a part of the Choctaw Nation they are not entitled to the same rights and privileges among the Indians that they would be among white men if resident among them.

That being so, the committee have provided that the colored persons formerly the slaves of the Chickasaw Nation shall have the same rights among the Indian tribes that they would have if they were in any other part of the United States.

Mr. SHANKS. If I recollect aright, the treaty of 1868—the last one made with the Choctaw and Chickasaw Indians—provides the special terms on which negroes may become citizens of that country; and it provides specially that they shall have a certain amount of land, but that they shall not participate in the moneys of the Indians.

Mr. BUTLER, of Massachusetts. This bill does not affect that.

Mr. SHANKS. But this bill makes them citizens of the Choctaw Nation, which by the treaty it is provided they may become within two years; that is, within two years the Choctaw Nation may make them citizens, or, if not, they may retire from the country. I am not advocating that the negroes should be compelled to leave that country; I think they ought to be citizens of that country, as I would say that the colored people who have been in bondage in other parts of the United States ought to be citizens there. But what I now desire is that the treaty made by the United States shall not by the act of this House be openly and forcibly violated. Hence I have sought to ascertain whether the Judiciary Committee desire by the bill introduced here to break down the treaty, or whether it is the opinion of the committee that the bill is in conformity to the treaty. I understand from the statement of the chairman of the committee that he believes the bill to be in conformity to the provisions of the treaty. If that is so I have not a word to say against the proposition; but I did not so understand the bill when I heard it read.

Mr. ELDREDGE. I wish to say on behalf of myself and also of the gentleman from New York [Mr. POTTER] that this is the first time that either of us has heard of the bill just reported. We were not present when this matter was considered in committee; and I am not prepared to say what will be its effect. Whether it does conflict or not with any treaty made with the Indian nations I do not know; for I have not considered the bill at all.

It seems to me, however, that the bill contains some very peculiar provisions. I suppose that the colored persons residing among the Choctaws or other Indian nations in the Indian Territory are by the amendments to the Constitution made citizens of the United States. This bill not only provides that they shall be entitled to the privileges and immunities of other persons in the Indian Territory so far as schools, &c., are concerned, but it makes them citizens of that country as well as citizens of the United States. I suppose it makes them equal to an Indian, and equal to a white man, and, as the gentleman from New York [Mr. POTTER] suggests, with all the privileges of both. This is the way the proposition strikes me from the reading of the bill.

Mr. SHANKS. I ask the Clerk to read the third article of the treaty of 1866 with the Choctaw and Chickasaw Indians.

The Clerk read as follows:

ART. 3. The Choctaws and Chickasaws, in consideration of the sum of $300,000, hereby cede to the United States the territory west of the ninety-eighth degree west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than 5 per cent., in trust for the said nations, until the Legislatures of the Choctaw and Chickasaw Nations respectively shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by, or belonging to, said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, forty acres each of land of said nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land, after the Choctaws and Chickasaws and Kansas Indians have made their selections, as herein provided; and immediately on the enactment of such laws, rules, and regulations, the said sum of $300,000 shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter—less such sum, at the rate of $100 *per capita*, as shall be sufficient to pay such persons of African descent before referred to as within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually remove from the said nations respectively. And should the said laws, rules, and regulations not be made by the Legislatures of the said nations respectively, within two years from the ratification of this treaty, then the said sum of $300,000 shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said Territory in such manner as the United States shall deem proper—the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining or returning after having been removed from said nations to have no benefit of said sum of $300,000, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations.

Mr. BUTLER, of Massachusetts. I do not see that this bill is at all in contravention of that treaty. The bill may be said to be a civil-rights bill for the negroes in the Indian country; that is all. It is to give them the same rights in the Indian nation with reference to the Indians that they would have had if they had been slaves among us. Now, unless we want to have the Indians a privileged class, I do not see that there can be any objection to this measure.

Mr. ELDREDGE. Will the chairman of the committee [Mr. BUTLER, of Massachusetts] allow me to ask him a question?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. ELDREDGE. I wish to inquire whether these colored persons to whom this bill relates are not now citizens of the United States under and by virtue of the amendments to the Constitution?

Mr. BUTLER, of Massachusetts. Just as much as the Indians, no more and no less.

Mr. ELDREDGE. I suppose they are more.

Mr. BUTLER, of Massachusetts. No, sir.

Mr. ELDREDGE. The Indians are not covered at all by the amendments to the Constitution. Those amendments do not relate to Indians; they refer to the colored people. Those amendments have abolished slavery and made those people citizens of the United States. This bill, as I understand, destroys in effect their citizenship of the United States and puts them on an equality with the Indians.

Mr. BUTLER, of Massachusetts. It puts them on an equality with the Indians, no more.

Mr. ELDREDGE. And gives them all the privileges of Indians. Now, in doing so, does it take away from them the privileges conferred upon them by the amendments of the Constitution abolishing slavery and conferring citizenship?

Mr. BUTLER, of Massachusetts. Giving a man something never takes anything away from him.

Mr. ELDREDGE. I do not know about that.

Mr. SHANKS. By the provisions of the treaty of 1866 the door is opened for the Choctaw and Chickasaw councils to adopt these people as citizens of their government and give them all privileges under it; or, if they do not do so, then within two years the opportunity is given and money is offered to these colored people to leave that country. Two years have passed. The Choctaws and Chickasaws have refused to admit these colored persons as citizens of their tribe. The time has passed and the negro has not gone out of the Indian Territory. It leaves the matter in the condition in which it now is. Three hundred thousand dollars appropriated to pay for certain lands of the Choctaws and Chickasaws now lies unexpended. It is unexpended because the Choctaws and Chickasaws refused to admit these people as members of their tribes, and because the negroes themselves have not gone away.

The treaty of 1866 itself provides how it shall be executed. It has not been carried out. These colored men have been made citizens of the United States as all other colored men have been. It detracts from the rights given them by the power of the Government itself when you say they are anything less than American citizens. By this proposition you attempt to fasten upon these American citizens something else. That is what I wish to call attention to. In doing that we violate, as I think, the treaty stipulations made in 1866, being the last treaty we had with these people.

These Choctaws and Chickasaws have the title in this land. They hold it under patent of the Government. We are proposing here by this bill to force upon them a people they are not willing to receive into their tribe. We attempt to force upon their farms and upon their lands these negroes whom they do not want. We attempt to force upon these Indians a division of their property without their consent. That is what is complained of.

Mr. BUTLER, of Massachusetts. I resume the floor.

Mr. Speaker, this bill is simply to give to the slaves of the Choctaws and Chickasaws the same rights among the Indians that the Constitution of the United States has given to the negro slaves among white men. If they are citizens of the United States they are not citizens of that tribe. In order to make them portions of that tribe which held them in slavery this bill is offered. It takes away no right from them; it adds no right to them except to be a portion of the tribe of their Indian masters who heretofore held them in bondage.

Mr. McKEE. Does it take away any right of property from these Indians?

Mr. BUTLER, of Massachusetts. It takes away no right of property at all. This treaty which is brought up, and which is skillfully drawn, provided that the Indians might either adopt these slaves as part of the tribe or they would give the negro so much to go away. They neither adopted him nor did the negro go away. He staid at his home; they would not take him into their councils; they would not take him into the nation. Now we propose to give him the same rights

in that Chickasaw and Chocktaw Nation he would have among us if he lived among us.

We are answered it is a solemn treaty. We can repeal treaties, if we choose, by law at any time. No one doubts that if there is any treaty in the way, which I deny. I insist that treaty ought not to prevent us from doing justice to these people who were held in bondage. And as the Indians will not give them their rights in the tribe where they held them as slaves, I wish the Congress of the United States to do so.

Mr. SHANKS. I ask the gentleman to permit me to introduce this amendment: "Provided no provision of the treaty of 1866 shall be affected by the provisions of this act."

Mr. BUTLER, of Massachusetts. I am quite content with that.

Mr. SHANKS. Then I have nothing further to say.

Mr. HEREFORD. Let me ask the gentleman a question.

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. HEREFORD. There is a matter here in reference to which I do not see my way clear. If these Indians reside in the Indian Territory, which is as much their own as any ground we have, what power has the General Government to interfere simply by law with their rights one way or another?

Mr. BUTLER, of Massachusetts. The right to do what?

Mr. HEREFORD. In anything.

Mr. BUTLER, of Massachusetts. Pardon me. The General Government in my judgment has a right to do what it pleases with anybody within its jurisdiction, and the Indian is within its jurisdiction. The General Government can take if it pleases the shirt off my friend's back, and it cannot do more to the Indians than to anybody else.

Mr. HEREFORD. I understand that these Indians live in the Indian Territory, and that the General Government has made certain treaties by which they say that the Congress of the United States will never interfere with these rights.

Mr. BUTLER, of Massachusetts. O, pardon me; you are interfering with their rights every day.

Mr. HEREFORD. I would like to know how?

Mr. BUTLER, of Massachusetts. Well, sir; I cannot tell you.

Mr. HEREFORD. We do not do it except in so far as we have power to do it by virtue of the treaties. We have never interfered one step further than we are authorized to do it by virtue of the treaties.

Mr. BUTLER, of Massachusetts. Why, sir, we have abrogated forty treaties.

Mr. HEREFORD. For instance, by virtue of one of the treaties the General Government agrees and binds itself that it will never organize in this Territory any territorial form of government without the consent of the Indians. Now, sir, could we do that?

Mr. BUTLER, of Massachusetts. Yes.

Mr. HEREFORD. If we can do it, it is simply because might makes right.

Mr. BUTLER, of Massachusetts. O, no.

Mr. HEREFORD. In no other way, because the Indians have our plighted faith that we will not do it, and when we gave them these lands they gave us in exchange for them some of the most valuable lands in the United States, and we gave them titles and deeds to every acre of land that they hold, and we at that time agreed that we never would legislate in a certain direction and they have our plighted faith. True, we can do it; but if we do we are responsible in the eyes of God and of all civilized nations for having violated our plighted faith, and this bill, to my mind, looks in that direction.

Mr. BUTLER, of Massachusetts. I must resume the floor. I cannot spend the whole day over the rights of a few negroes and the fancied right of a few Indians.

Mr. COBURN. I desire to ask the gentleman a question. Is not this property held in common stock, and are we not now forcing into the tribe a number of negroes who would divide with them their property in case of a division?

Mr. BUTLER, of Massachusetts. Nothing of the sort.

Mr. COBURN. Well; these Indians hold their property in common.

Mr. BUTLER, of Massachusetts. There is nothing about property in this bill.

Mr. COBURN. But if these persons become members of the tribe, do they not share with the other part of the tribe in the property of the tribe in case a division takes place?

Mr. BUTLER, of Massachusetts. My friend from Indiana [Mr. SHANKS] has provided for that by his amendment.

Mr. KASSON. I would ask the gentleman if he has any objection to striking out the minimum punishment? Owing to the general character of the rights conferred and penalties imposed, I think the minimum ought to be stricken out.

Mr. BUTLER, of Massachusetts. I have not the slightest objection.

Mr. KASSON. Then strike out the words "not less than one month" and also the words "not less than $100;" so as to fix a maximum instead of a minimum punishment.

Mr. BUTLER, of Massachusetts. Very well; if any gentleman thinks he is in danger he may move to strike out those words.

Mr. KASSON. The gentleman can do it himself.

The amendment suggested by Mr. KASSON was agreed to.

Mr. WILLARD, of Vermont. I move to insert the words "while so resident," to come in after the word "declared," near the beginning of the bill.

The amendment was agreed to.

The amendment offered by Mr. SHANKS was also agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HEREFORD. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 67, not voting 82; as follows:

YEAS—Messrs. Albright, Barber, Barrere, Barry, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Benjamin F. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Stephen A. Cobb, Coburn, Corwin, Cotton, Crooke, Crounse, Danford, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Hagans, Harmer, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Hunter, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamport, Lansing, Lawson, Lewis, Lofland, Lynch, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Moore, Myers, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Pendleton, Pierce, Pike, Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Rice, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Scofield, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, A. Herr Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Stanard, Starkweather, St. John, Stowell, Strait, Sypher, Taylor, Charles R. Thomas, Chrisopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Woodford, and Woodworth—140.

NAYS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Crittenden, Crossland, DeWitt, Durham, Eden, Eldredge, Giddings, Glover, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Kendall, Knapp, Lamison, Leach, Luttrell, Marshall, Milliken, Mitchell, Morrison, Neal, Nesmith, Niblack, O'Brien, Potter, Randall, Robbins, James C. Robinson, Sloss, Southard, Speer, Standiford, Stone, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—67.

NOT VOTING—Messrs. Adams, Albert, Averill, Barnum, Bass, Brown, Burrows, Roderick R. Butler, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Conger, Cox, Creamer, Crocker, Crutchfield, Curtis, Darrall, Davis, Elliott, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Hersey, George F. Hoar, Howe, Hubbell, Hunton, Hurlbut, Jewett, Killinger, Lamar, Lawrence, Loughridge, Lowe, Lowndes, Magee, Martin, McJunkin, McLean, Mills, Morey, Negley, Hosea W. Parker, Parsons, Perry, Phelps, Phillips, James H. Platt, jr., Pratt, Purman, Ray, Read, Richmond, William R. Roberts, Ross, Milton Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sheats, Small, Smart, George L. Smith, J. Ambler Smith, Stephens, Storm, Strawbridge, Tyner, Waldron, Wheeler, Wilber, William B. Williams, Wilshire, Jeremiah M. Wilson, and Wood—82.

So the bill was passed.

During the roll-call the following announcements were made:

Mr. BANNING. My colleague, Mr. SAYLER, is detained at home sick.

Mr. BROWN. I am paired with Mr. HALE, of New York. I would vote "no" on this bill.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALARY OF THE LATE MR. MELLISH.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to submit the following resolution for adoption at this time:

Resolved, That the Clerk of the House be, and he is hereby, directed to cause to be paid from the contingent fund of the House to the widow of David B. Mellish, deceased, late a member of this House, a sum equal to the amount of his salary as a member of this House from the date of his death to the end of the Forty-third Congress.

Mr. GARFIELD. I suggest to the gentleman to ask authority for such a provision to be put on the deficiency bill, which will be up for consideration in a few days. We cannot pay that out of the contingent fund of the House very well without having trouble with the accounting officers of the Treasury. If he will just ask consent of the House to let it be put on the deficiency bill I think it would be better.

Mr. BUTLER, of Massachusetts. I will do so.

No objection being made, leave was accordingly granted.

Mr. BUTLER, of Massachusetts, moved to reconsider the order just made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF GOVERNMENT AGENTS, ETC.

Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, reported back, with a recommendation that the same do pass, House bill No. 2443, to protect persons acting in the interest of the United States.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that when any person has been or may be prosecuted, either at law or in equity, in any court, by any party, for any act done, or omitted to be done, to any captured or abandoned property or property claimed to belong to the United States, or because of any act concerning such property or injury thereto, and it shall be made to appear to the Secretary of the Treasury that the acts done by the person so prosecuted were done by him in good faith in order to deliver up or preserve the property for the use of the United States, the Secretary of the Treasury may direct the district attorney of the proper district to defend such suit in behalf of the United States; and if said suit shall have been brought in any State court, the dis-

trict attorney shall file a petition in that court to have the same removed to the circuit court for the district in which such suit is pending, setting forth the order or direction of the Secretary of the Treasury, and that the district attorney believes and has reasonable cause to believe that the subject-matter of said suit is for or concerning property hereinbefore described; and thereupon all further proceedings in said State court in said suit shall cease, and the process and all papers in or concerning the same shall be transferred to the circuit court, and the same shall have day and hearing therein the same as if brought in said circuit court, with like effect to the defendant as is provided in the case of suits against an officer appointed or acting by any revenue law of the United States or a person acting under the authority of such officer.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. POTTER, from the Committee on the Judiciary, reported adversely upon the following; and the committee was discharged from the further consideration of the same, and they were laid upon the table:

The memorial of Julius Francis and others, citizens of Buffalo, asking that the 12th day of February, being the birth day of Abraham Lincoln, be declared a national holiday;

Joint resolution (H. R. No. 86) proposing an amendment to the Constitution of the United States providing for the election by the people of Senators of the United States;

A bill (H. R. No. 3042) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, and to fix the compensation of the President of the United States; and

A bill (H. R. No. 2802) to incorporate the Anglo-American Mutual Company.

ROSA V. JEFFREY AND OTHERS.

Mr. POTTER. from the same committee, reported back the petition of Rosa V. Jeffrey, late Johnson, and the children of Claud M. Johnson, of Lexington, Kentucky, for relief; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on War Claims.

The motion was agreed to.

WILLIAM TOD HELMUTH.

Mr. SCHUMAKER, of New York, by unanimous consent, introduced a bill (H. R. No. 3506) for the relief of William Tod Helmuth, of New York; which was read a first and second time, and referred to the Committee on the Library, not to be brought back on a motion to reconsider.

QUALIFICATION OF JURORS.

Mr. POTTER. I am instructed unanimously by the Committee on the Judiciary to report back with an amendment House bill No. 3499 in relation to qualifications of jurors in the courts of the United States.

The bill provides that no person shall hereafter be qualified to sit as a juror in any court of the United States who cannot read and write the English language.

The amendment was to strike out the words "hereafter be qualified to sit," and to insert in lieu thereof the word "serve."

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time.

Mr. CONGER. I object to this bill, and if in order I desire to offer an amendment. It requires an educational qualification entirely unnecessary. If a man can talk and understand the English language he is as well qualified to serve as a juror as if he could read it.

Mr. BUTLER, of Massachusetts. How could he write a verdict?

Mr. POTTER. It was suggested to the committee, and it was a suggestion of great weight, that educated foreigners who speak the English language first learn to read it and write it.

Mr. CONGER. That is not the case. There are foreigners who speak the English language as well as the gentleman from New York [Mr. POTTER] does, and that is saying a great deal, but who cannot read and write it. They are as well qualified to sit upon a jury as any member of this House.

Mr. POTTER. No portion of our naturalized citizens are so anxious in regard to the qualifications for jurors as are the Germans. I received the other day a copy of a leading German paper having an article upon this subject, which I did not read, because I could not read German, urging much broader qualifications than these.

Mr. FORT. It would be very hard to get a jury in New Mexico under this bill.

Mr. CONGER. Will the gentleman allow me to offer an amendment?

Mr. POTTER. What is it?

Mr. CONGER. To strike out the words "read and write" and insert the words "speak and understand" before the words "English language."

Mr. POTTER. I cannot do that.

Mr. CONGER. I would like to test the sense of the House on that amendment.

Mr. POTTER. That would be absolutely unnecessary. No judge would take a man on a jury who cannot understand the English language.

Mr. CONGER. The committee extend the qualifications further than the court would do.

The SPEAKER. The Chair will take the sense of the House on reconsidering the vote by which the bill was ordered to be engrossed, in order to give the gentleman from Michigan [Mr. CONGER] an opportunity to offer his amendment.

The motion to reconsider was not agreed to.

The bill was then read the third time, and passed.

Mr. POTTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS ON SAN BUENAVENTURA LANDS, CALIFORNIA.

Mr. POLAND. I am directed by the Committee on the Judiciary to report back adversely the petition of Charles O'Hara and others, and the petition of E. H. Daley and others, settlers upon land included in a survey of the ex-mission of San Buenaventura, California, asking the passage of an act providing for contesting a Mexican title under which adverse claims to the lands have been sustained as valid by the Supreme Court of the United States. I move that the petitions be laid on the table, and the report be ordered to be printed.

The motion was agreed to.

WOMAN SUFFRAGE.

Mr. POLAND. I am also directed by the Committee on the Judiciary to report back the petition of Sara J. Spencer, asking for the right of suffrage for women in the District of Columbia, and petitions of various persons all involving the question of woman suffrage. The committee instruct me to move that all these be laid on the table.

The motion was agreed to.

DISTRICT COURTS IN WASHINGTON TERRITORY.

Mr. POLAND, from the Committee on the Judiciary, reported a bill (H. R. No. 3507) to provide for the manner of fixing the terms of the district courts in the Territory of Washington, and for other purposes; which was read a first and second time.

The bill was read. It provides that the judges of the supreme court in the Territory of Washington, or a majority of them, shall, when assembled at the capital of said Territory, fix and appoint the several times of holding the several courts in their respective districts, and limit the duration of the terms thereof; provided that the judge or judges holding such courts shall adjourn the same without day at any time before the expiration of such terms whenever, in his or their opinion, the further continuance thereof is not necessary.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CRIMINAL COURT IN THE DISTRICT OF COLUMBIA.

Mr. POLAND, from the Committee on the Judiciary, reported a bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes; which was read a first and second time.

The bill provides that the criminal court of the District of Columbia shall have concurrent jurisdiction with the police court of the District of all crimes and misdemeanors committed in the District.

The second section provides that the provisions of the thirty-third section of the judiciary act of 1789 shall apply to courts created by act of Congress in the District.

Mr. POLAND. I will take no time in explaining this bill unless some gentleman desires it.

Mr. SPEER. Does the bill apply to pending cases? It should not do so.

Mr. POLAND. It has no effect upon pending cases in any way. I will state in a word the necessity for this bill. Three or four years ago Congress established a police court in this District, giving it exclusive jurisdiction over certain classes of crimes and misdemeanors. Very grave doubts are entertained as to the constitutionality of that law; and it is understood that the supreme court of the District has made a decision which squints in the direction of deciding that the police court has constitutionally no such jurisdiction. If that should be so held, there would be no criminal court in this District having jurisdiction over those offenses. Therefore we provide in this bill that the criminal court of the District of Columbia shall also have jurisdiction over the same cases.

Mr. SPEER. Does this bill affect the Buell libel case in any way?

Mr. POLAND. Not in the slightest degree.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURVEY OF PRIVATE LAND CLAIMS.

Mr. POLAND. I have been directed by the Committee on the Judiciary to report favorably upon the bill (H. R. No. 973) to expedite the survey of private land claims. The committee have made some slight amendments which are incorporated in the bill; and for the purpose of saving time I report the amended bill as an original bill.

The bill (H. R. No. 3509) to expedite the survey of private land claims was read a first and second time.

The bill was read in full, as follows:

Be it enacted, &c., That in all cases where a claim to land by virtue of any right or title derived from the Spanish or Mexican authorities has been or shall be finally confirmed, either by the tribunal or tribunals of the United States, or by any act of Congress, and the survey thereof has not been made and established prior to the passage of this act, it shall be the duty of the surveyor-general of the United States for the State, Territory, or district within which the land claimed is situated to cause the claim to be accurately surveyed, and a plat thereof made, whenever directed so to do by order of the district court of the United States for the district or Territory; or if the land be situated partly in two districts or Territories, the survey may be ordered by the court aforesaid in either of the said districts or Territories; and such district court shall direct such survey and plat to be made upon the application of the owner or owners of such claim, in writing, setting forth the nature and extent of the claim, where the land is situated, and when the claim was confirmed, and by what tribunal or tribunals or by what act of Congress.

SEC. 2. That the district court aforesaid shall designate a reasonable period within which the survey and plat, directed as provided in the preceding section, shall be made and returned to the court, and may enforce the execution of its order by any appropriate process; and it shall be the duty of the surveyor-general, in person or by deputy, to make such survey and plat, and return the same into court within the time designated, if practicable, or such further time as the court may allow, and to enable him to do so he may appoint such special deputies as he may judge necessary.

SEC. 3. That when the survey and plat shall have been made, as hereinbefore provided, and returned into court, the surveyor-general shall give notice that the same has been done, by a publication once a week for six consecutive weeks in two newspapers published in the district or Territory where the land is situated, to be designated by the court, and by delivering a copy of such notice to the district attorney of the United States of the district or Territory; and within that period the owner or owners of the claim, the said district attorney on behalf of the United States, and any party claiming to have an interest in land adjoining such claim, with the boundaries of which the survey returned conflicts, may file with the clerk of the court objections to the survey, which objections shall set forth distinctly the errors alleged in the survey; and, if filed by any party other than the United States, shall also set forth the extent and nature of the objector's interest, and shall be verified by the objector or some one cognizant of the matters of fact alleged in his behalf. On the expiration of the said period of six weeks, and on proof of due publication, as hereinbefore required, of the notice aforesaid, and of the delivery of a copy of such notice to the district attorney of the United States for the district or Territory at least thirty days previously, the court shall appoint a day for the hearing of parties on the survey and plat returned, and any objections filed thereto: *Provided*, That where the land is situated in any Territory of the United States, it shall be the duty of the judge by whose order the survey has been made to give due notice of the time and place for such hearing to the other judges of the supreme court of said Territory, and said judges shall meet at the appointed time and place. On the hearing the court may examine the surveyor-general or deputy who made the survey, and any witnesses produced in support of the survey or of the objections filed thereto. If the objections filed be overruled, and the survey and plat be found correct, the judge of said court, or the presiding judge thereof, if there be more than one judge, shall indorse his approval thereon; but if in the opinion of the court the survey be erroneous in any particular, the court may order it to be corrected in such particular, or may order a new survey to be made, and upon the return of such corrected or new survey, made in accordance with its opinion, the like approval as aforesaid shall be indorsed thereon.

SEC. 4. That from the decrees of the district court or supreme court of the Territory approving or correcting the surveys, as provided in this act, an appeal shall be allowed within ninety days after their entry on behalf of the United States, or the owner or owners of the claims confirmed, or any party objecting to the survey approved, as hereinbefore provided, or aggrieved by the decision of the court, to the circuit court of the United States for the circuit embracing the district, or, if the decision be rendered by the supreme court of the Territory, to the circuit court of the United States for the adjoining circuit; and the decision of the circuit court shall be final: *Provided*, That where a decree confirming a survey has been heretofore entered by the district court, but has not become final at the date of the passage of this act, appeal shall be allowed within ninety days after the passage of this act, but not afterward.

SEC. 5. That the survey and plat of any claim, when finally approved as provided in this act, shall be forwarded to the Commissioner of the General Land Office, and thereupon it shall be his duty to cause a patent to issue for the land to the owner or owners thereof, as soon as practicable thereafter; and until such patent is issued the said survey and plat approved shall have the same effect and validity as a patent.

SEC. 6. That this act shall apply to all confirmed claims to land, by virtue of any right or title derived from Spanish or Mexican authorities, excepting where such claims have been patented, or have been surveyed, and the survey thereof has been finally approved by a district or circuit court of the United States or the Commissioner of the General Land Office, or, in case of appeal from the Commissioner, by the Secretary of the Interior, or by the expiration of the time in which to file objections: *Provided*, That where surveys have already been made, but not so approved, the same shall be returned to the court as herein provided for surveys ordered by said court without further survey: *And also provided*, That this act shall not apply to cases where surveys have already been returned to and are now pending before the Commissioner of the Land Office, or on appeal before the Secretary of the Interior.

SEC. 7. That all cases other than those excepted in the last section where a claim to land by virtue of a right or title derived from the Spanish or Mexican authorities has been or shall be finally confirmed, and a survey is not made of the land claimed as heretofore provided for in this act, or proceedings taken under this act, to obtain such survey within six months from the passage hereof, if the claims have been already confirmed, and within six months after their final confirmation, if hereafter confirmed, it shall be the duty of the court, upon the application of any settler on the land claimed, or in the vicinity thereof, having an interest in having such survey made, to order the surveyor-general of the United States for the district or Territory to make the survey thereof in like manner as hereinbefore provided; and upon the return of such survey the like proceedings shall be had in all respects as hereinbefore provided.

SEC. 8. That all expenses incurred in making any survey, or modification of any survey under the provisions of this act, shall be paid for out of the Treasury of the United States. All the other costs of the proceeding shall be paid by the parties thereto, and the court may apportion them as shall be just and equitable.

SEC. 9. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. HOLMAN. It occurs to me that these extensive surveys which are for the benefit mainly of private individuals should be made at the expense of the parties interested, not at the expense of the Government.

Mr. POLAND. The provision of the bill in that respect is in accordance with existing law. In that particular we make no change in the law. Wherever a title is established which takes land out of a large body of public lands the survey is always made under the direction of the surveyor-general at the public expense. The whole point of this bill is this: when a title has been established and the only remaining question is about the boundary, we provide that instead of sending the case here to the Land Office to be heard upon *ex parte* evidence, to run through a long period of time and to be attended with great expense, the survey shall be returned into the local court and be determined there. In relation to the expense of the survey, the law now provides that it shall be paid by the Government.

Mr. HOLMAN. I do not attach any importance to what the law may be at the present time. The question is what should be the law in such cases? The surveying of this tract of land, embracing forty or fifty thousand acres, and the fixing of boundaries is a matter of private rather than public concern; and it seems to me that the parties for whose benefit the survey is made should pay the cost. This appears to me a matter of common justice.

Mr. POTTER. I wish to put a single question to the gentleman from Vermont. He spoke of the survey being returned into court. Does this bill provide that the survey shall be filed with the clerk of the court, or is it to be filed at all?

Mr. POLAND. When the survey is made it is to be turned into court.

Mr. POTTER. What court?

Mr. POLAND. Into the district court of the district.

Mr. POTTER. To be kept among the clerk's papers?

Mr. POLAND. No; when the survey is established it is to be certified to the Land Office to issue the patent.

Mr. POTTER. Is that provided for in the bill?

Mr. POLAND. Yes, sir.

Mr. POTTER. Frequently years elapse between the making of the survey and the establishing of it; is there any provision for keeping the survey papers in the meanwhile?

Mr. POLAND. No, sir; except the general provision that the court shall keep its files.

Mr. POTTER. Does the bill provide the surveyor shall keep the papers?

Mr. HOUGHTON. Permit me to answer that point.

Mr. POLAND. Certainly.

Mr. POTTER. That is all I wish.

Mr. HOUGHTON. The survey is made under the direction, in the first instance, as provided by the bill, of the surveyor-general of the United States of the State or Territory within which the land is located. He certifies a copy of the plat of the survey to the district court of the United States upon objection being made to the survey by any party in interest.

Mr. POTTER. What becomes of the original?

Mr. HOUGHTON. The original is retained in the office of the surveyor-general of the United States.

Mr. POTTER. That is provided in the bill?

Mr. HOUGHTON. Yes, sir.

Mr. POTTER. That is as I think it ought to be. This meets, I understand, with the views of the Committee on Private Land Claims as far as they understand it.

Mr. HOUGHTON. I have heard no objection to it.

Mr. POLAND. The bill was passed in the last Congress.

Mr. POTTER. There was a bill which came from the Committee on Private Land Claims, and as I understand my friend from Vermont it was referred to the Committee on the Judiciary, and this is meant to cover the same.

Mr. POLAND. That was another bill and not this bill.

Mr. POTTER. But this is intended to cover this very matter of surveys?

Mr. POLAND. Yes, sir.

Mr. HOUGHTON. This is a more comprehensive bill and covers the whole ground.

Mr. POLAND. Let me say a word to the gentleman from Indiana, [Mr. HOLMAN.] As the bill was drawn it provided all the expenses of the court, aside from the survey which everybody understands is a Government expense, might be charged upon the Government, and therefore we put an amendment in the bill providing all the expenses of establishing this survey, except merely making the survey itself, shall be paid by the parties, and the court shall apportion that expense among the parties as shall be just and equitable.

Mr. HOLMAN. The gentleman from Vermont will see, while the general features of this bill are desirable, that after the return of the survey and notice is given a controversy has sprung up between adverse parties who are claimants, then all the costs of all this will be thrown upon the Government.

Mr. POLAND. The committee did not deem it wise to undertake

to change what has always, as we understand, been the universal practice and policy, and that is when any person is entitled to any portion of the public lands taken out of the general public land, it was always set off by the surveyor-general, and done at the expense of the Government. If there is litigation springing up about it, at further expense, we provide by an amendment put into the bill it shall be apportioned among the parties making the dispute as the court shall deem to be just and right.

Mr. PACKARD. Mr. Speaker, I desire to say that some time ago a bill was reported from the Committee on Private Land Claims which was referred to the Committee on the Judiciary after it had been passed upon favorably by the Committee of the Whole. When the bill was brought into the House it was referred to the Judiciary Committee. I wish to know from the gentleman from Vermont whether the bill now reported from the committee does the same thing that bill did? If it does, and covers the same ground or more extensive ground to the same end, I have no objection.

Mr. POLAND. The committee thought this was a more comprehensive bill than that.

Mr. PACKARD. That was considered by the Private Land Claims Committee and was referred to the Committee on the Judiciary. If this bill answers the same end, the Committee on Private Land Claims, having considered it, of course do not object.

Mr. PAGE. Is there any appropriation now provided for the survey of private land claims, or will the surveys provided for in this bill be paid for out of the general appropriation made for the survey of the public lands?

Mr. POLAND. I suppose so; the bill makes no provision about that.

Mr. PAGE. I understand that, and the result will be that it will take all the appropriations made for surveys of the public lands to pay for these surveys.

Mr. POLAND. Where surveys are made in such cases they are paid for by the Government.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADMINISTRATION OF JUSTICE.

Mr. POLAND also, from the Committee on the Judiciary, reported a bill (H. R. No. 3510) to amend the act entitled "An act to further the administration of justice," passed June 1, 1872; which was read a first and second time.

The bill was read. It provides that the thirteenth section of said act shall be amended so as to read as follows:

That when in any suit in equity, commenced in any court of the United States, to enforce any legal or equitable lien or claim against real property, or to quiet title to, or determine any adverse claim, interest, or estate, or establish any equitable right, title, interest, or estate in land, situate within the district where such suit is brought, one or more of the defendants therein shall not be an inhabitant of or found within the said district, or shall not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant to appear, plead, answer, or demur to the complainant's bill at a certain day therein to be designated, which order shall be served on such absent defendant, if practicable, wherever found; or where such personal service is not practicable, such order shall be published in such manner as the court shall direct; and in case such absent defendant shall not appear, plead, answer, or demur, within the time so limited, or within some further time, to be allowed by the court in its discretion, and upon proof of the service or publication of said order, and of the performance of the directions contained in the same, it shall be lawful for the court to entertain jurisdiction, and proceed to the hearing and adjudication of such suit in the same manner as if such absent defendant had been served with process within the said district; but such adjudication shall, as regards such absent defendant without appearance, affect his property within such district only.

The second section provides that whenever a party in whose favor a final judgment or decree shall have been or shall be rendered by any circuit court shall have died, or shall die, before the time allowed for taking an appeal, or bringing a writ of error thereon, such appeal or writ of error may be taken without reviving the cause in the circuit court, and notice shall be given, and the same proceedings had in such case in the Supreme Court as are provided in cases of the death of a party after appeal taken or writ of error brought.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF CAUSES FROM STATE TO UNITED STATES COURTS.

Mr. POLAND also, from the same committee, reported a bill (H. R. No. 3511) regulating the removal of causes from State courts to the circuit courts of the United States; which was read a first and second time.

The bill was read. It provides that in any suit now pending, or that may hereafter be commenced, in any State court in which there is a controversy between citizens of different States, or between an alien and a citizen of one of the States of the United States, and the matter in dispute exceeds the sum or value of $500 exclusive of cost, any such alien defendant, or any one of the defendants who is a citizen of a State other than that in which the suit is brought, and who is a party to and interested in such controversy, may remove the suit from such State court to the circuit court of the United States held in the State and district in which such suit is commenced by presenting to such State court his petition and affidavit, and giving security, as required by the act of March 2, 1867, entitled "An act to amend an act entitled 'An act for the removal of causes in certain cases from the State courts,' approved July 27, 1866;" and the proceedings thereupon shall be as provided in said act and the act of which it is amendatory. All the provisions and requirements of said acts relating to the removal of cases from State courts shall apply to cases removed under this act. The right of removal herein provided for as to suits now pending may be exercised at any time before final trial and within six months after the passage of the act and not thereafter; and as to suits hereafter commenced, the application for removal may be made at the term or session of the State court at which the plea or answer is required to be filed, and not thereafter.

The second section provides that in all cases of application for removal of a case from a State court to the circuit court of the United States, the party making such application, in addition to the requirements of existing laws, shall execute bond with good and sufficient surety to be approved by the State court, conditioned that upon his failure to file a transcript of the record of the case in the circuit court of the United States on the first day of its next session, or, if the case shall be remanded by said circuit court to the State court because the same was improperly or wrongfully removed, he will pay to the opposing party any and all costs that may accrue by reason of such failure or wrongful removal; and such bond shall remain in the State court for the benefit of any party who is or may become entitled to the benefit thereof; and upon the failure of such party to file the transcript and enter the case on the first day of the next session of the circuit court, it shall be the duty of such court, on motion of the opposing party and upon the production of a duly-certified transcript of the petition for removal, to remand the case to the State court, and the same shall not thereafter be removed; and upon making an order remanding a case to a State court, the circuit court shall cause to be made a taxation of the costs sustained by the party on whose motion the order remanding the case is made, including a reasonable attorney's fee, and the same shall be paid by the party seeking the removal, and the bond aforesaid shall be a security therefor.

Mr. POLAND. This bill, or substantially the same bill, was brought before the House by the Committee on the Judiciary in the early part of the session and was recommitted. The first section of the bill changes the law in this: under the old judiciary act if a suit was brought against a defendant who resided in the State and another defendant who resided out of the State, the defendant who lived out of the State had no right to remove the cause from the State court into the circuit court. The substance of this section, the change that it would make in the existing law if passed, is this: that it authorizes the defendant who resides out of the State where the suit is brought to remove the case into the courts of the United States, although there may be another defendant who lives in the State.

When this bill first came before the Judiciary Committee I voted against it myself in the committee, and my impression was against it. But more reflection on the subject and conversation with gentlemen from other States and other portions of the country, that are somewhat differently affected from what we are in New England, has satisfied me that this is a wise provision. When the bill was before the House at the former time that I speak of, the gentleman from Massachusetts [Mr. E. R. HOAR] opposed this section, and opposed it on the ground that it would be in violation of the Constitution. The Constitution provides that the judicial powers of the courts of the United States shall extend to controversies between the citizens of different States. The language used in the judiciary act which was passed soon afterward was very different from that in the Constitution, and it is very clear I think, if it were now a new question, that under the judiciary act of 1789 all the defendants must reside out of the State in order to have the right of removal.

In my judgment it is clear that the language of the Constitution is broad enough to authorize Congress to provide for the removal of cases where one of the parties to the controversy on one side is a citizen of another State. This question has been before the Supreme Court this last winter in a case under the act of 1867, which it was claimed gave the very power which the first section of this bill gives directly. The question was argued before the Supreme Court as to whether Congress had the constitutional power to do this. The court was not under the necessity of deciding that question, because they decided that under the act of 1867 Congress had not attempted to enlarge, and had not at all enlarged, the scope of the judiciary act of 1789 in that respect.

Mr. MAYNARD. As the law now stands, is it not posssible for a suit to be brought in a State court against a non-resident owner of real estate jointly with a tenant he has in possession, and thereby prevent the real defendant, the non-resident owner, from getting his case into the Federal court and giving it Federal jurisdiction?

Mr. POLAND. I suppose that is so.

Mr. MAYNARD. Will not this bill operate to prevent that?

Mr. POLAND. That is one of the difficulties which this bill is intended to cure.

Mr. MAYNARD. If the gentleman will allow me, I will call his attention to another point in the bill. I see that it requires that a

transcript of the record shall be taken to the Federal court on the first day of the succeeding term.

Mr. POLAND. I will come to that hereafter; that is in another section of the bill. I say this question was argued last winter before the Supreme Court, and my friend from Massachusetts [Mr. E. R. HOAR] was one of the counsel who argued it, and he satisfied himself that it was clear that Congress had no constitutional power to do this thing, and he undertook to satisfy the court that it was so, and I believe my friend thinks he did satisfy a majority of the judges that it was so—that Congress had no constitutional power to do this. But the information I have upon that subject is directly the other way from that of my friend from Massachusetts. I understand, so far as it is proper for anybody to understand anything about it, that the opinion of a majority of the judges was that it was within the constitutional power of Congress to pass just such a law as the first section of this bill.

Now, whether it is wise and judicious to do such a thing or not is a fair subject for difference of opinion. On the one side it is said that parties will be joined in a suit for the purpose of preventing a removal; and on the other side it is said that parties will be left out for the same purpose. The Committee on the Judiciary were not exactly unanimous in regard to the first section of this bill. Those who were opposed to it said that it would afford an opportunity for jurisdiction to be changed at the will of the parties by the form of bringing their suits, and by putting in fictitious parties. And precisely the same argument may be made on the other side.

The second section of this bill merely makes a further provision in relation to the security to be given, to which I understand there is no objection. The third section of this bill provides that in all actions hereafter brought the application for removal shall be made at the first term of the court thereafter. That was the old law of 1789, that when the defendant sought a removal of the cause he must do so at the time of entering his appearance. But in later statutes, especially those passed during and since the war, we have provided that applications for removal may be made at any time before trial; which I think, and the committee think, is very mischievous in its consequences. A party will let his case run on in a State court until he is satisfied that he will be beaten, and then dodge off into a Federal court. The third section of this bill provides that in all suits hereafter commenced the practice shall go back to the act of 1789, and parties seeking the removal of causes shall do so at the very outset.

Mr. SPEER. Does not this bill apply to pending cases? Parties may be ready for trial, having entailed on themselves large costs and expenses for witnesses, &c., and without a day or an hour of notice parties may change their causes from one court to another. I think this class of legislation is always objectionable, where it affects rights which have become quasi vested rights under the law which existed when the cause arose.

Mr. POLAND. The amount of change will be very small. In all pending causes, where the parties have not applied for a removal, they would have the right to do so now, except in the particular class of cases to which the first section of this bill applies, where there are several defendants, some of them living in the State where the suit is brought and some residents of other States. In that class of cases it would extend the right of removal to cases to which the law does not now extend it, cases that are now pending, undoubtedly a very small and limited class of cases.

Mr. POTTER. I hope the House will give some attention to this bill, for it proposes to reverse the nearly uniform practice and policy of the country in regard to the jurisdiction of the Federal courts from the time the Government was established until now. We have indeed authorized parties to remove into the Federal courts cases in which but one of the defendants was a non-resident of the State in which the plaintiff has brought the action. But it has with a few special exceptions been only in that class of cases which admitted of being divided, and which could be carried on in the Federal court with the non-resident defendant and continued in the State court with the resident defendant.

But here is a bill which provides that if one of several defendants be a non-resident of the same State with the plaintiff, then the whole cause may be removed at his instance into the Federal court. The gentleman from Vermont [Mr. POLAND] says that the language of the Constitution, "citizens of different States," clearly includes, as he thinks, a case in which but one of the defendants is a citizen of a different State from the plaintiff. I shall not now discuss that question. Certainly that has not been the general view of the lawyers of the country. But as that question has been discussed incidentally in the Supreme Court of the United States, and one of the counsel was the distinguished gentleman from Massachusetts [Mr. E. R. HOAR] who was formerly Attorney-General of the United States, I leave it to him, as especially familiar with this question, to speak to the House upon it. It seems to me the true construction of the Constitution is not clearly in the direction the gentleman from Vermont indicates.

But, even supposing that we have the constitutional power, I beg the House to look at the practical effect of such a law as this bill provides for. Take the ordinary case of a person in any State who files a bill in equity to foreclose a mortgage. What is necessary for him? To make as parties the debtor and also the person in possession of the land, and everybody having any lien upon the land. These must all be made parties to the proceeding. There may be in some cases—indeed there often are in these foreclosures—as many as twenty, thirty, or forty or more defendants. Now, if any defendant in such a case having some claim on the property, be it never so small, happens to reside outside of the State, the effect of this bill if it become a law will be that the suit may be taken by this non-resident defendant into a Federal court, and the thirty-nine other defendants may be compelled to go far away from home, perhaps to the other end of their State, into a jurisdiction with which they are not acquainted, and under a practice which is strange to their attorney, to determine their rights in this ordinary action of foreclosure.

Besides, in such a case how is the Federal court going to get jurisdiction of all these other thirty-nine defendants, who, in the case I have supposed, would be residents of the same State with the plaintiff? For my learned friend from Vermont, although he has asserted that in his view it is clear that there may be Federal jurisdiction when one defendant is a citizen of a different State from the plaintiff, has not asserted, and I do not know that he will assert, that the Federal court would thereby acquire jurisdiction over the thirty-nine other defendants who are citizens of the same State with the plaintiff.

Mr. POLAND. That is precisely the same puzzle, with the other end up.

Mr. POTTER. Yes; it is the same puzzle with the other end up, but with the most serious end up. I have known exactly such a case, in which a railway company was defendant, which had been removed into a Federal court under the existing law when it was alleged the plaintiff could not get a fair trial in the State court, and the Federal court flung the case out as to all the other defendants, because it said it had no jurisdiction over those other defendants residing in the same State. Apart from this, to carry into a Federal court such an action as I have alluded to, wherein the man who holds the mortgage, the man who owns the land, and all the codefendants except one are residents of the same State, would, it seems to me, amount in many cases to a denial of justice.

Mr. ELDREDGE. I understood that it was agreed in committee that this provision of the bill should be struck out, so that in this respect the law should remain as it now stands. I remember very well the argument that was made upon the question; and the result, as I supposed, was an agreement of the committee that this provision should be struck out.

Mr. POLAND. The gentleman from Wisconsin [Mr. ELDREDGE] is entirely mistaken. It was, however, agreed in the committee that gentlemen who are opposed to this section should have leave in the House to move to strike out the section.

Mr. ELDREDGE. Perhaps that was the understanding. I certainly could not assent to such a provision; and I suggested in the committee that in addition to such a case as that suggested by the gentleman from New York, [Mr. POTTER,] this case might arise: A party might be procured by fraud to allow his name to be used for the very purpose of taking the case out of the jurisdiction of the State court and into a Federal court. This bill would enable a person nominally made a party to the suit to make his application for the removal of the case, although he knew there was no liability to which he could be subjected.

Mr. POTTER. Yes, sir; as the gentleman from Wisconsin suggests, a plaintiff wanting for any reason to take his case out of the ordinary jurisdiction of the State court might procure some person outside of the State, with some real or fancied claim on the property, to be made a defendant, and thus enable the defendant in his interest to oust the State court of its jurisdiction. Any number of like instances in which the jurisdiction of the Federal court would be extended over a controversy substantially between citizens of the same State may be reasonably supposed. It seems to me there could be few more dangerous propositions than to change the practice of the country for the last seventy-five years, and put the jurisdiction of all ordinary suits into the Federal courts whenever a non-resident is made a defendant. Nothing, it seems to me, could in this respect be more dangerous than just the first section of this bill.

It was before the House on a former occasion, and was referred back to the Judiciary Committee because of this particular clause. It is now here again. The House, so far as I am concerned, may as well consider it at one time as another. But it is in fact a revolution in what has been the judicial practice of the country; a revolution not only without cause, but it seems to me in the interest of injustice; for it will alike deprive parties entitled to the benefit of the courts of their own State of that benefit in many cases, but will so crowd and clog the Federal courts as in effect to amount to a denial of all justice.

Mr. ELDREDGE. In connection, then, with the understanding in committee, I move to strike out the first section of the bill.

Mr. POLAND. I yield to the gentleman for that motion.

Mr. ELDREDGE. My impression was (I presume, however, that the gentleman from Vermont is right and that my memory is at fault) that the committee agreed to strike out this section. It certainly ought to be struck out, for the reasons suggested by the gentleman from New York, and for the reason which I before suggested, which is, that a plaintiff having a cause of action coming within the jurisdiction of a State court may procure a non-resident to allow himself to be sued in conjunction with the party against whom the real cause of action exists; and thus the case may be taken into a Federal court by the fraudulent procurement of the plaintiff in the action.

Mr. E. R. HOAR rose.

Mr. POLAND. How long does the gentleman from Massachusetts want?

Mr. E. R. HOAR. I should like to make a statement.

Mr. POLAND. For how long?

Mr. E. R. HOAR. Until I get through—I cannot tell. I do not wish to make a bargain with the gentleman from Vermont. If he does not wish to allow me to address the House on a legal point——

Mr. POLAND. My friend is the last man in the world I would be discourteous to, if to anybody; but there are many gentlemen on the Judiciary Committee who wish to make reports.

Mr. E. R. HOAR. I will not be longer than I can help; but this is an important matter, in my judgment, because upon the best consideration I can give to it I desire to say to the House, and I ask the attention of the lawyers of the House especially, that this first section of the bill is a violation of the Constitution which we are sworn to support. Entertaining that opinion I should not do my duty if I did not state that fact and the reasons which lead me to that conclusion.

I shall not follow the example of my friend from Vermont [Mr. POLAND] in stating what information I get of the private opinion of individual judges of the Supreme Court. I should not have deemed it proper in what I have to say to the House to say I understand it one way and he understands it the other. I did not authorize him to state to the House anything as to my understanding, and do not make any statement of that kind. I cannot say I consider his statement of his understanding as the proper thing to lay before the House.

Mr. POTTER. Understand what? The effect of a decision of the Supreme Court which is not yet announced?

Mr. E. R. HOAR. Their opinions about a question which is not before them for decision.

Mr. Speaker, this is the question exactly, and I ask the attention of the House to it for a moment. By the Federal Constitution the judicial power of the United States extends to controversies between citizens of different States. That is the only clause upon which the decision of this question depends. Now, under the judiciary act of 1789 it was provided that the circuit courts should have jurisdiction over suits between citizens of different States, differing from the language of the Constitution only in the use of the word "suits" instead of the word "controversies." Under that act for seventy-five years the Supreme Court have construed in one way what is meant by the phrase "between citizens of different States." They have uniformly held it was between parties all of which on the one side were citizens of a different State from all on the other; and there has never been a statute of the United States that has varied from that construction or has extended beyond it up to this bill now introduced. I say that advisedly, and I wish to state what the apparent but not real exceptions are. It has been provided, whenever a nominal defendant not essential as a party to the controversy has been made a party, notwithstanding he was a citizen of the same State with the plaintiff, the real suit and real controversy being wholly between citizens of different States, jurisdiction might be had in the circuit court. In the statute of 1866 Congress went one step further, and, in my judgment, as far as they could go, and provided where the subject of the suit is divisible, so that an entirely independent judgment may be given between the citizens of different States who are parties, that as between them it might be removed and the remainder of the suit remain for judgment in the State court. Then came the statute of 1867, in which it was thought by some persons, I suppose, that an attempt was made to go further. It provided—there using the words of the Constitution, no longer "suits" but "controversies"—that in any suit where there was a controversy between the citizens of different States any party to the controversy might remove it. Under that statute the supreme courts of five States held they must give the same construction to it as to the language of the judiciary act, and that all on one side must be citizens of a different State from those on the other. Two circuit courts of the United States—Judge Dillon, an eminent judge, formerly chief justice of Iowa, and Judge Blatchford, of New York—held the same. And the one exception to that uniform current of decision was a decision made by Judge Shipley, of Massachusetts, the other way, which was the cause of that question being carried to the Supreme Court of the United States. The constitutional question was argued fully before the Supreme Court of the United States, and also the construction of the statute. The court did not decide the constitutional question, as it did not become necessary; that is, it did not decide it in terms, but I submit to the House it did decide it in fact. The court decided that the statute of 1867, where one of the defendants was a citizen of a different State from the plaintiff, if there were other defendants who were citizens of the same State, did not allow that one to remove a suit to the circuit court. And that, under language which is exactly the language of the Constitution, where there is a controversy between the citizens of different States, in order to give the Federal courts jurisdiction of the suit, they must all on one side be citizens of different States from those on the other. Now, whenever the courts say what is the meaning of the language in the Constitution, and what is the extent of the judicial power on this subject, by reason of citizenship, they have already in effect decided that when it is a controversy between citizens of different States it must be between citizens, all of whom on one side are from different States from the parties on the other side.

Mr. Speaker, I am as much opposed to this bill on the ground of policy as I am of constitutional power. I can see that in some of the States which participated in the late rebellion, and where some classes of citizens claim that they do not have justice done them in the State courts, there may be a strong pressure to provide by special legislation for their relief. I hope we are going to have that system of things soon come to an end. But I cannot be in favor of extending all over this country a system which takes from State tribunals and from State domination what properly belongs to it, for the purpose of remedying what I hope is to be a temporary evil. We are in danger always of sacrificing great principles of government, of violating the lines which are drawn between State and national authority by reason of some temporary and particular exigency. I am in favor of protecting up to the line of the power of the General Government every citizen of this country against injustice or against inequality before the law. But I do not believe that we are to change our judicial system in such an important particular with a view to that. If remedies are necessary for such a state of things, I hope we shall afford them by more speedy and direct means. I hope very much more than that: that the condition of the country may soon be such as to need no remedy whatever.

Mr. POLAND. I desire to say a word in reply to the gentleman from Massachusetts before moving the previous question. I suppose the only controversy in reference to this bill is as to the first section.

The Judiciary Committee were unanimous in reference to the other portions of the bill, and therefore I take up no time as to that. My friend from Massachusetts is very much in the condition that I have found myself a great many times. I scarcely ever argued a case in court but what I convinced myself. I failed a great many times in convincing the court I was right; but I scarcely ever failed in convincing myself that I was on the right side, and my friend seems to have been equally fortunate in his adventure in the Supreme Court.

Now, the Constitution says that the judicial power of the courts of the United States shall extend to controversies between citizens of different States; but is it clear, as my friend says, that where there is a controversy between a citizen of a State and upon the opposite side of that controversy there are two parties, one living in the State and one out of the State, there is a controversy between citizens of different States. My friend has referred to the old judiciary act. I know that lawyers who have lived long enough to have their heads get white are very apt to refer to the old judiciary act of 1789 as a part of the Constitution, as about as sacred as the Constitution.

Mr. POTTER. That is a mistake that my young friend from Vermont has not fallen into.

Mr. POLAND. No; I do not refer to myself.

Now, the language of the Constitution is that the judicial power shall extend to controversies between citizens of different States. See how unlike that is to the language of the statute of 1789, "that if a suit be commenced in any State court against an alien, or by a citizen of the State in which the suit is brought against a citizen of another State, and the matter in dispute is above $500, the defendant may remove it." Now, my friend says that nobody ever thought of trying to amend the law so that one of the several defendants could remove the case until now, or at least until the act of 1866 was passed. Nobody ever thought of trying to amend the law so that a plaintiff could remove a case. There never was any provision of law from 1789 down to the time of the passage of the act of 1866 that authorized the plaintiff in a case to remove a cause, and still nobody ever doubted that the law of 1866, which allows the plaintiff as well as the defendent to remove a case, was entirely constitutional. And although this act of 1866, in describing the suit or action or whatever it was, between citizens of different States, used the word "controversy" instead of the word "suit;" still it was perfectly apparent, as I have always thought, and as the Supreme Court decided, that it was not intended to make any change whatever in the law, except to authorize the plaintiff as well as the defendant to apply for a removal.

Now, I am not going to take any time upon the argument of whether it is wise or unwise to make this provision. It is said that the jurisdiction of a court one way or the other can be turned by the way in which parties bring the suit. Is not that always in the control of the plaintiff? The plaintiff, when he brings the suit, selects the parties on both sides. And is there not very great danger that where the real substantial matter of controversy is with the citizen of another State there may be some pretense, some legal ground, as in the case put to me in the question of the gentleman from Tennessee, [Mr. MAYNARD,] where the owner of real estate living outside of the State has a tenant upon the land, the tenant is made a party to the suit with the owner, and by including the tenant who has no interest in the controversy, who is merely a nominal party, the real party who lives outside of the State is prevented from having this removed? I now call the previous question.

The previous question was seconded, and the main question ordered.

The first question was upon the motion of Mr. ELDREDGE to strike out the first section of the bill.

Mr. POLAND. I now yield five minutes to the gentleman from Iowa, [Mr. MCCRARY.]

Mr. McCRARY. In the short time allowed me I will not undertake

to discuss the constitutional question in this case, simply observing, however, that to say the least of it, it is a very grave question. But I desire to say a word or two about the policy or expediency of the provision proposed by the first section of this bill. It may do well enough in some parts of this Union to increase the facilities for taking causes out of the State courts and into the Federal courts. But I am sure I can speak for a large section of the country when I say that the people will complain bitterly if Congress shall increase these facilities to the extent proposed or to any extent.

Take my own State as an illustration. We have there but one circuit court which meets at the capital of the State. There is now upon the docket of that court about two thousand causes. Now, take these small controversies from every district in the State, where one of the parties on the one side or the other may be a non-resident, and carry them into the Federal court, and in a large class of cases it would be a practical denial of justice. I undertake to say here that even if Congress has the power to do this thing, it ought never to be done until there is some change in the judicial system of the United States which will secure the settlement of controversies promptly and at a reasonable expense and without unreasonable inconvenience in the Federal courts.

I have had a bill referred to the Committee on the Judiciary for the purpose of relieving the people of my own State from the great burden of which at this time they are complaining because of the vast accumulation of business in the Federal courts. There is no better judge in the country than the judge of that circuit; he labors almost incessantly; and yet business is constantly accumulating in that court to such an extent that litigants who enter it must be delayed year after year, and compelled to litigate at a place far from their homes.

I hope that upon this ground, saying nothing at all about the constitutional question, the House will not adopt the provisions contained in the first section of this bill. I have no question but that the business in the circuit court of the United States for the State of Iowa, and I presume it is so in all the Western States, will, if this section becomes law, accumulate to such an extent that every litigant who goes into that court will be delayed from three to five years before he can get a trial in any cause whatever. It will double and treble the number of causes to be carried into that court. For that reason alone, without discussing any other, I hope the first section of this bill will be stricken out.

Mr. POLAND. I now yield to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. I desire to say a few words upon this bill. I look upon it as a bill of great consequence to many portions of the country and being no harm anywhere. I cannot doubt that where two people in different States have a controversy with each other, that must be a controversy between citizens of different States, although joined in the controversy are two people of the same State. Therefore I have no difficulty about the constitutional question. But had I such a difficulty, I can only say that the courts have not yet decided it, although the case brought before them by my colleague [Mr. E. R. HOAR] gave them an opportunity to decide it if they had chosen to do so on that ground; but they did not. If we are wrong and have no constitutional power to do this, then we do no harm to anybody.

Now, what is the exact thing that is desired to be done? It is where, as in many States, in order to get control of the person of the defendant within the jurisdiction of the State court, parties come forward with their suits and join in them nominal defendants. The defendant never can join plaintiffs; the plaintiff always has charge of the litigation, and can bring into it whom he pleases. And when he catches a non-resident in his State, in order to keep the case in the State court, he may please to join him with a nominal party resident of the State, and keep him there until the case comes before a jury and then strike him out, when it is too late for the defendant. In that way great wrong is done. From Kentucky, Tennessee, Alabama, Georgia, South Carolina, the cry comes up to us for relief. Under the guise of State laws, parties in this way get around our removal acts. It is in answer to that cry that the Committee on the Judiciary after full consultation came to the conclusion that this bill ought to pass.

I have been asked will not this allow a plaintiff who has a claim to bring his debtor into the Federal courts in foreign states? By no means. It is a question of joining on the other side. They must have somebody who will conspire to do that, and that is most difficult. It is very easy to join a nominal party, without a conspiracy on either side. I hope that this first section will remain a portion of the bill.

Mr. SCUDDER, of New York. I am permitted by my friend from Vermont [Mr. POLAND] to occupy the attention of the House for a single moment, to present (and I trust the presentation will be considered before the House acts on this bill) the practical operation of the measure in the city in which I reside. We have in that city twenty thousand gentlemen doing business as members of firms there, but residing in the State of New Jersey or the State of Connecticut, and citizens of those States respectively. Now, I submit to the distinguished gentleman from Vermont that under this bill, if a simple collection suit should be instituted against one of those firms, that suit, upon the application of a single member of the firm a citizen of New Jersey or Connecticut, may be transferred to a Federal court. Thus a single circuit judge may be compelled to take jurisdiction of a vast multitude of actions amounting to thousands upon thousands, although in my State fifteen judges with co-ordinate or practically co-ordinate jurisdiction upon questions of collection and ordinary questions affecting property are unable to dispose of all the cases coming before them. Why, sir, suppose a Vermont man had sold wool or anything else to a firm in my city, and that a member of this firm, a citizen of another State, desired to prevent or defer the collection of the claim. In such a case I venture to affirm the claim could not be collected within the next ten years under the operation of the first section of this bill.

Apart from the great constitutional question, in which I have an abiding faith in the correctness of the opinion of the learned gentleman from Massachusetts, [Mr. E. R. HOAR,] I coincide entirely with the gentleman from Iowa, [Mr. MCCRARY,] as to the practical operation of this first section, which I submit should never be enacted into law. True enough, legislation is for the whole country and is not to be framed with special reference to the city in which it is my lot to reside. But I understand that the general course and tendency of civilization in this country is toward cities, and as a rule they are located and planted in contiguity to other States. There are aliens residing in the city of Boston; there are aliens, I have no doubt, residing in the city represented by the distinguished gentleman from Massachusetts; all these and others are to be affected in suits for mere collections.

If the bill provided that a single defendant, a citizen of another State, might remove the case, then it would supply a deficiency which has long existed in our statutory enactments with reference to the transfer of suits.

Mr. HAWLEY, of Illinois. The law now authorizes a single defendant who resides in another State to remove his case from the State court to the United States court.

Mr. SCUDDER, of New York. The gentleman will permit me to say that he is mistaken. It is the misfortune that there is no such law. I invite any man on this floor to show me wherein the existing law provides that a defendant a citizen of the State of New Jersey, who is sued in the State of Illinois by a citizen of New York, can have the case transferred.

Mr. HAWLEY, of Illinois. I agree with the gentleman as to the propriety of striking out the first section of the bill; and I hope that will be done.

Mr. POTTER. I wish to put to my colleague [Mr. SCUDDER] as a practicing lawyer one question. Does he not know that in the city of New York the passage of this bill would amount to a denial of justice in at least one-half the cases arising there?

Mr. SCUDDER, of New York. More.

The question being taken on agreeing to the amendment to strike out the first section, it was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; there being ayes 96, noes not counted.

The bill, being engrossed, was read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAXATION OF DEPOSITS IN SAVINGS-BANKS, ETC.

Mr. POLAND. I have been instructed by the Committee on the Judiciary to report back with certain amendments the bill (H. R. No. 2442) explanatory of the act of June 30, 1864. In this case as in others, the amendments have been incorporated with the bill, which is now presented as an original bill.

The bill was read a first and second time. It provides that all deposits made in institutions now existing which do business only as savings-banks, and are recognized as such by the laws of their respective States or by Congress, are hereby declared to be exempt from taxation on deposits in savings-banks, or institutions having no capital, although having a capital stock or bond for the additional security of their depositors, and paying dividends thereon; and no tax shall be assessed upon the deposits made in such institutions, or collected of them on said deposits, otherwise than as herein provided; provided that all the profits of such savings-banks, less the aforementioned dividends, are divided among their depositors, and that the capital stock is invested only in the same class of securities as is used for investing the deposits, and that interest at the rate of not less than 4½ per cent., to be made good if necessary from the capital stock, be paid to their depositors in all cases.

Mr. MAYNARD. That is rather a remarkable bill to come from the Committee on the Judiciary.

Mr. BURCHARD. I make the point of order that the bill changes the provision of the internal-revenue laws with regard to the taxation of deposits in banks.

Mr. POLAND. Mr. Speaker, there may be some question perhaps as to the liability of the bill to the point of order. But in explanation of the bill, I wish to say that a certain class of savings-banks have a small capital which they call a guarantee capital; they do no business as banks, but loan this small capital as they do their deposits. It has recently been held by the Commissioner of Internal

Revenue that under the act of 1864 these banks, having a capital, must pay taxes upon all these deposits, while in general the deposits of savings-banks are not taxed at all except above a certain amount.

In reply to the gentleman from Tennessee, [Mr. MAYNARD,] who thinks this a queer bill to come from the Judiciary Committee, I will state that it was sent to our committee, as I understand, upon the request of the Committee on Ways and Means, who first had the bill before them.

Mr. BURCHARD. The gentleman will allow me to say that a bill identical with this is now before the Committee on Ways and Means. It has been considered, and in a modified form was I think authorized to be reported, though I am not certain about that. At any rate the proposition should come from the Committee on Ways and Means if from any committee.

The SPEAKER. Does the gentleman from Illinois [Mr. BURCHARD] desire the reference of the bill to the Committee on Ways and Means or to the Committee of the Whole?

Mr. BURCHARD. I make the point of order that the bill should go to the Committee of the Whole.

Mr. POLAND. If the gentleman from Illinois insists on his objection, I withdraw the bill, giving notice that I shall move next Monday to pass it under a suspension of the rules.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of their clerks, notifying the House that that body had passed bills of the House of the following titles without amendment:

An act (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873;

An act (H. R. No. 2879) revising and embodying all the laws authorizing post-roads and in force on the 1st day of December, 1873;

An act (H. R. No. 3349) to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia in force on the 1st day of December, in the year of our Lord 1873;

An act (H. R. No. 2782) to extend the time to pre-emptors on the public lands in the State of Minnesota to make final payment;

An act (H. R. No. 1560) to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports and to reduce internal taxes, and for other purposes,'" approved March 3, 1873; and

An act (H. R. No. 3267) changing the name and location of Irasburgh National Bank of Orleans, county of Orleans, State of Vermont.

It further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

An act (S. No. 279) making appropriation for the payment of $792.46 due to James L. Day, of Connecticut, for transporting the mails over post-route numbered 8,151;

An act (S. No. 443) to provide for the payment of legal services rendered by Edmund Randolph to the United States;

An act (S. No. 849) to prevent hazing at the Naval Academy; and

An act (S. No. 860) granting one condemned cannon to Prescott Post, No. 1, Grand Army of the Republic, for the erection of a monument at Providence, Rhode Island.

ARKANSAS.

Mr. POLAND. I am directed by the Committee on the Judiciary to report the following resolution for adoption.

The Clerk read as follows:

Resolved, That a select committee of five members be appointed by the Speaker, who shall inquire into the disturbed condition of governmental affairs in the State of Arkansas, all facts relating thereto and the causes thereof, and whether said State has now a government republican in form, the officers of which are duly elected and as now organized ought to be recognized by the Government of the United States; and for this purpose said committee may, if necessary, send for persons and papers, and, if necessary, may proceed to said State, and have leave to report at any time by bill or otherwise.

Mr. POLAND. I demand the previous question.

The House divided; and there were—ayes 84, noes 61.

So the previous question was seconded.

The main question was ordered.

Mr. ELDREDGE. I ask the gentleman to yield to me.

Mr. POLAND. No, sir.

Mr. ELDREDGE. I ask the gentleman from Vermont to allow me to insert "South Carolina."

Mr. POLAND. I decline to yield.

Mr. HOLMAN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 134, nays 84, not voting 71; as follows:

YEAS—Messrs. Albert, Averill, Barber, Barrere, Barry, Begole, Berry, Biery, Bradley, Bromberg, Bundy, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Cessna, Stephen A. Cobb, Coburn, Conger, Cotton, Crooke, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Duell, Eames, Farwell, Field, Fort, Foster, Freeman, Frye, Gooch, Hagans, Harmer, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Hooper, Hoskins, Houghton, Howe, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Lamport, Lawrence, Lawson, Lewis, Lofland, Lowndes, Lynch, Maynard, Alexander S. McDill, James W. McDill, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Pendleton, Phillips, Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Richmond, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, George L. Smith, Snyder, Sprague, Stanard, Starkweather, St. John, Sypher, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Woodford, and Woodworth—134.

NAYS—Messrs. Archer, Arthur, Ashe, Atkins, Barnum, Beck, Bell, Bland, Blount, Bowen, Bright, Buckner, Buffinton, Burchard, Caldwell, Cannon, Clymer, Comingo, Cook, Crittenden, Crossland, Danford, DeWitt, Durham, Eden, Eldredge, Giddings, Glover, Eugene Hale, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Killinger, Knapp, Lamison, Marshall, McCrary, MacDougall, McLean, Milliken, Mitchell, Morrison, Neal, Niblack, O'Brien, Perry, Phelps, Pierce, Potter, Randall, Read, Rice, Robbins, Ellis H. Roberts, James C. Robinson, John G. Schumaker, Henry J. Scudder, John Q. Smith, William A. Smith, Southard, Speer, Standiford, Stone, Strait, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, James Wilson, John D. Young, and Pierce M. B. Young—84.

NOT VOTING—Messrs. Adams, Albright, Banning, Bass, Brown, Burrows, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Corwin, Cox, Creamer, Crocker, Curtis, Davis, Dunnell, Elliott, Garfield, Gunckel, Robert S. Hale, Hamilton, Benjamin W. Harris, Hendee, Hersey, George F. Hoar, Hubbell, Jewett, Kellogg, Kendall, Lamar, Lansing, Leach, Loughridge, Lowe, Luttrell, Magee, Martin, McJunkin, Mills, Negley, Nesmith, Niles, Hosea W. Parker, Parsons, Pike, James H. Platt, jr., Pratt, Purman, William R. Roberts, Ross, Milton Sayler, Scofield, Sener, Sloss, Smart, H. Boardman Smith, J. Ambler Smith, Stephens, Storm, Stowell, Strawbridge, Christopher Y Thomas, Waldron, Marcus L. Ward, Wheeler, Wilshire, Jeremiah M. Wilson, Wolfe, and Wood—71.

So the resolution was agreed to.

During the roll-call,

Mr. BROWN said: I am paired upon this question with Mr. HALE, of New York; otherwise I would have voted "no."

The result of the vote having been announced, as above stated,

Mr. POLAND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF IMMIGRANTS, ETC.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 3512) for the better protection of immigrants, and to prevent the importation of criminals into the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CENTRAL BRANCH UNION PACIFIC RAILROAD COMPANY.

Mr. FRYE, from the Committee on the Judiciary, reported a bill (H. R. No. 3513) to enable the Central Branch Union Pacific Railroad Company to submit its claims against the United States under existing laws to the decision of the Supreme Court; which was read a first and second time.

The bill was read, as follows:

Whereas the Central Branch Union Pacific Railroad Company, under and by virtue of the acts of Congress commonly called the Union Pacific Railroad acts, approved respectively July 1, 1862, July 2, 1864, and July 3, 1866, claim the right to enter on the public lands of the United States and extend their railroad from its present terminus to a junction with the Main Trunk Union Pacific Railroad at or near the one hundredth meridian of longitude, and for that purpose to take earth, stone, and timber from the public lands adjacent thereto; and that they will be entitled to grants of lands and issues of bonds from time to time as the road is built, and as is provided in said acts in regard to other roads built under the same; and whereas doubts have arisen as to the true construction of said acts and the rights and claims of the Central Branch Union Pacific Railroad Company under the same: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the said claims made by said Central Branch Union Pacific Railroad Company under said acts against the Government of the United States be referred to the Court of Claims, to be by them heard, adjudicated, and determined. For this purpose original jurisdiction is hereby conferred upon said court, with authority to hear and determine the questions of law and fact arising out of said claims of said Central Branch Union Pacific Railroad Company, to state its findings of law and fact, and to give the true construction of the said acts, and determine the obligations of the Government of the United States in relation thereto, and also to enter judgment upon the same in the manner prescribed by the law and the rules and practice of said court, which findings and judgment shall be binding upon the said company and also upon the Government of the United States and the executive officers of the same. In case the decision of the Court of Claims shall be in favor of the said railroad company, the Attorney-General shall appeal to the Supreme Court of the United States for such findings and judgment, in the same manner as appeals are taken in other cases from said Court of Claims to said Supreme Court, or under such regulations as the said Supreme Court may direct; and a like appeal may be taken by said company in case the judgment or decree of the Court of Claims are adverse to said company. Said Central Branch Union Pacific Railroad Company may prepare a bill setting forth their rights and privileges and claims under said acts, and present the same to said Court of Claims for adjudication as aforesaid; a copy of which bill shall be delivered to the Attorney-General of the United States who is directed to appear and represent the rights of the United States in the premises. Either party be allowed to take evidence according to the rules and practice of said Court of Claims, and each of the said courts is requested to give the precedence to said cause upon their respective calendars.

SEC. 2. That in case the final judgment of said courts shall decide the right of said railroad company to extend their road as aforesaid, then the time for finishing said road mentioned in the said acts shall be extended for a period equal to the time consumed in the adjudication of said claims, computing the same from the date of final decision already rendered by the Department of Justice.

Mr. SPEER. I raise the point of order on that bill that it involves $8,000,000, and must have its first consideration in Committee of the Whole.

Mr. BUTLER, of Massachusetts. I do not see how it does.

Mr. SPEER. The claims of this railroad company amount to $8,000,000.

Mr. HOLMAN. And there is to be no further action by Congress after this bill passes in relation to the payment of these claims.

Mr. SPEER. If they obtain a judgment they will have a right to take from the Government about $8,000,000 in bonds and land.

Mr. FRYE. This bill authorizes the settlement of their legal rights.

Mr. RANDALL. It involves the giving away of money.

The SPEAKER. Is this the same bill which was reported from the committee on the call for reports of a private nature?

Mr. SPEER. It is the same bill.

The SPEAKER. The bill was reported from the Judiciary Committee on private-bill day, and the point of order was then made that it was not a private bill and the Chair sustained it, because it had reference to the public lands of the United States, and bills of that character are always held to be public bills. The Chair understands that the bill refers for adjudication to the Supreme Court of the United States a question of rights under the laws as they now exist.

Mr. SPEER. To the Court of Claims.

The SPEAKER. With appeal to the Supreme Court.

Mr. SPEER. It refers the claim of this railroad company to the court for adjudication, and authorizes the court to enter judgment, and, of course, there will have to be an appropriation to pay that judgment.

Mr. RANDALL. No; they can get the lands without any further legislation.

Mr. HOLMAN. This bill involves, of course, the payment of the judgment.

Mr. SPEER. To the amount of about $8,000,000.

Mr. POLAND. If the court decides that the law is that we are to pay, why, of course, we are bound to pay. The court does not make the law or change it.

Mr. SPEER. But, at present, the company have no right to raise the question against the Government. This bill gives them a right to make a demand for $8,000,000.

Mr. LAWRENCE. Does not the bill go to the Committee of the Whole on the state of the Union?

Mr. SPEER. That is what I am contending.

Mr. RANDALL. It gives the public lands away without further action by Congress.

The SPEAKER. The Chair will direct the bill to be read again carefully, and asks the attention of the House thereto.

The Clerk again read the bill.

The SPEAKER. There are two points in this bill that involve different questions of order. The first is that it refers the claim of a railroad company to the Court of Claims for adjudication. The Chair does not perceive that there is any difference between the point involved in this case and that involved in such bills as that for the relief of the contractors for iron-clads who were given the right to go to the Court of Claims, and on that point he thinks the bill must have its first consideration in Committee of the Whole on the state of the Union.

But there is another point still more palpable which the Chair did not notice when the bill was first read, and that is that the bill extends the time for the completion of the road under its land grant, and a bill extending the time of a land grant has uniformly been held to be subject to all the same rules as the original land-grant bill. If there were any doubt on the first point the second would be entirely conclusive, and the Chair rules that the bill must go to the Committee of the Whole on the state of the Union.

The bill was accordingly referred to the Committee of the Whole on the state of the Union.

CONDEMNATION OF LAND FOR PUBLIC USE.

Mr. FRYE, from the Committee on the Judiciary, reported a bill (H. R. No. 3514) to provide for the taking of land by the United States for public use, and providing for just compensation to the owners thereof; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read. The first section provides that if any officer of the United States is authorized to build any public building, lighthouse, fort, or breakwater, or to occupy or cause to be occupied any land belonging to any person, corporation, or State for the use of the United States for any purpose, he shall make known to the attorney of the United States for the district in which the land or the principal part of it is situated, giving a description of the same by metes and bounds as near as may be, accompanied by an accurate plan thereof, that such designated parcel of land is needed for public use of the United States; whereupon said attorney shall file an information in behalf of the United States in the circuit or territorial district court of the United States for said district, setting forth as specifically as may be, and by metes and bounds where practicable, the lands sought to be taken for public use, together with the names of the owners of the same, and of all persons interested therein so far as known, describing the estate or interest so far as the same to him may be known, and the public uses for which said lands are sought to be taken, and asking that the value of the said lands, and the estate or estates or interests of every person therein, and the damages by the taking thereof to each may be determined; that upon the filing of such information the court shall order due notice to be given to all persons named as interested by serving a copy of said petition, with day and place of hearing, upon each of them personally, by a marshal of the United States, at least twenty days before the day of hearing of said information in said circuit or district court, if their residence is known; or if the residence of any person interested is unknown, then also by giving public notice for a like time in one or more of the principal newspapers in said district; that upon the return day of said notice, any party may appear and in a summary manner set forth his interest in writing in said lands, and ask for a jury to determine the value of his interest in said lands, and the damage to him occasioned by the taking thereof, which time of taking shall be the time of filing said information; whereupon said court shall frame an issue to the jury upon any question of conflicting title or interest in said land or the value thereof, or damage done by taking said land, or the advantage or betterment to be derived by any other lands of the same owner or party in interest lying in the neighborhood, which may be derived from the use by the United States, upon the request of the district attorney of the United States, or any party in interest; which issue may be heard and determined in due course of law, as in other cases of trial by jury; and that if neither party ask for a jury, the value of the land and the state of their interest, and all questions at issue between the parties, may be determined by the court.

The second section provides that in determining the damage sustained by any person in the taking of the land, the market value thereof at the date of the commencement of proceedings, disregarding any fictitious value given to it by the fact that it is required for public use, shall be the basis of such compensation; but regard shall be had to all damages done to such persons, whether by taking his property or injuring any part of it in any manner; and there shall be allowed, by way of set-off, the benefit, if any, to any other property of such by reason of the taking and use of said land; and in assessing the damages, the jury shall find a gross sum as a value for the land and the damage; and, if there is more than one party, shall divide that sum among the parties in interest according to their several estates and interests therein.

The third section provides that all the land required by the United States to be used for one purpose may be put in the same information, whether owned in several parcels, in common, or however otherwise; and that one and the same jury may determine the interests of all parties therein, and the several damages due to each therefor, by the taking thereof as hereinbefore provided.

The fourth section provides that from and after the filing of the information, the right to use and occupy the land described therein shall vest in the United States so long as it shall be devoted to public use, and for all purposes while so occupied the United States shall be held and deemed to be the owner thereof.

The fifth section provides that judgment shall be rendered upon the verdict in favor of each party interested, according to the amount assessed by the jury to be due him for the taking and damages to the land, subject to the set-off as before provided; which judgment shall be a debt due to him in severalty from the United States, and shall bear interest at the rate of 7 per cent. per annum from the date of the verdict; provided that a new trial may be granted to either party for any cause sufficient at common law.

The sixth section provides that in case any owner or party interested in the land taken is a minor, married woman, or insane person, or person otherwise incapacitated from appearing in court, the court may appoint some competent person as a guardian *ad litem* to appear and represent the person so incapacitated whose land is taken.

The seventh section provides that in case any question of law shall arise on such trial, whether the same be by the court or jury, the case may be carried therefrom to the Supreme Court of the United States by exceptions and writ of error, with like effect as in other cases.

The eighth section provides that the provisions of the act shall be applicable to all cases for the taking of land for the use of the United States, whether the same has heretofore been taken or used by the United States, or may hereafter be taken; and the proceedings therein provided shall take the place of, and be in lieu of, all other proceedings for the taking of land; provided that nothing contained in the bill shall hinder or prevent the purchase of any land by the United States for public use from the owner thereof at an agreed price.

Mr. CONGER. I wish to call the attention of the gentleman who reports this bill [Mr. FRYE] to a clause in the fifth section, if I remember it aright, where the interest on the amount found due is made to begin to run from the finding of the verdict. Yet the bill provides that the United States may take possession of the land from the commencement of the proceedings. The proceedings may run for months before the verdict is rendered, and the United States are virtually in possession of the land during all that time. I think it would be only just that the parties should be entitled to interest on the amount found due from the time the Government should take possession of the property. If the gentleman will permit me I will move to strike out the word "verdict" and insert the words "commencement of the proceedings."

Mr. FRYE. I do not know that there is any objection to that.

Mr. CESSNA. There is objection to that; the jury always allow interest.

Mr. CONGER. But this bill specially limits the payment of interest from the time of the verdict; it should be from the time of the occupation of the land.

Mr. BUTLER, of Massachusetts. You cannot occupy until after the verdict.

Mr. CONGER. The bill says the United States may take possession of the land at the commencement of the proceedings.

Mr. HURLBUT. The question of occupation enters into the question of damages.

Mr. CONGER. It does not appear so in the bill.

Mr. FRYE. Yes; it does.

Mr. CONGER. I ask that the fifth section be again read.

The fifth section was again read, as follows:

That judgment shall be rendered upon the verdict in favor of each party interested, according to the amount assessed by the jury to be due him for the taking and damages to the land, subject to the set-off, as before provided; which judgment shall be a debt due to him in severalty from the United States, and shall bear interest at the rate of 7 per cent. per annum from the date of the verdict: *Provided*, That a new trial may be granted to either party for any cause sufficient at common law.

Mr. CONGER. I ask the gentleman to permit me to insert the word "occupation" after the word "taking."

Mr. CESSNA. There is no objection to that.

Mr. FRYE. I will consent to that amendment.

The amendment was agreed to.

Mr. POTTER. If I understand the bill correctly, no provision is made for securing the consent of the State. Gentlemen assume that in any case where the United States requires land, it can be condemned against the citizen owning the land in the courts of the United States.

Mr. FRYE. No assent of the State is required.

Mr. POTTER. The gentleman assumes that none is necessary?

Mr. FRYE. Yes, sir.

Mr. POTTER. I will not say that is not correct, although it has been a serious question. The bill also provides, I believe, that on the question of damages the benefit to the remaining portion of the land shall not be considered by the court.

Mr. FRYE. That is so.

Mr. POTTER. The Constitution says that private property shall not be taken for public use without due compensation given. In many States it is held that due compensation means the value of the particular piece of property taken, without considering whether the rest of the property is thereby benefited or not. It might open too wide a door for estimating damages to leave the jury to say whether the property is benefited by taking off the particular piece. I think it is so held in most of the States in regard to condemnation of land for public use.

Mr. FRYE. In my State it has been held that juries may take that matter into consideration.

Mr. POTTER. And, on the contrary, the State of Indiana has repealed the railroad law on that very point.

Mr. FRYE. I have no objection to striking that out.

Mr. POTTER. I will examine the bill, and see what amendment is necessary.

Mr. GARFIELD. While the examination is being made, I desire to say that in the Committee on Appropriations we have had frequent occasion to come in contact with the difficulty that constantly presents itself in obtaining land for light-houses, post-offices, and other building purposes. Most of the action of the courts and of the Government hitherto in obtaining lands has been complicated by having no machinery of our own by which we can condemn lands for the use of the United States. If we wanted to build a little light-house in Michigan, for instance, it was necessary to get through the Legislature of Michigan permission to go before the courts of Michigan to condemn the land. I know that Judge Cooley has held, and I think he is right in that, that it is a violation of the Constitution to put the United States as a stranger in a State court to secure the right to a piece of land for a building for the use of the Government. I think where the sovereign has power to condemn private property for public use it must be for the public use of the sovereign, and that the United States does not need to ask the authority of a State to condemn the property of a citizen, in which property the State as a State has no interest; that the United States ought to have its own machinery for condemnation.

We had a case a few weeks ago in Cincinnati where there seems to have been a sort of a mixed effort, where a case was actually tried in the district court of the United States to condemn a piece of property for the post-office building. There was no law of the United States to regulate the proceedings, and they had to make a law *pro hæc vice*. They said that for that proceeding the law of Ohio should be employed by the court in making the condemnation. That at once raises the question of constitutionality. It was finally determined by the court that for that purpose the laws of Ohio became the laws of the United States. But when that case was ended there were no more cases to which it would apply. If this bill gives us that general provision of law which we need, I shall be glad of it.

Mr. CESSNA. That is just what it does.

Mr. FRYE. The gentleman from Ohio [Mr. GARFIELD] has explained the bill and the necessity for it better than I can do. I demand the previous question.

Mr. HOLMAN. I trust the gentleman from Maine [Mr. FRYE] will allow me to suggest that these purchases of ground for public purposes are all in pursuance of appropriations previously made. The gentleman seems to overlook the fact that the money is appropriated at the time the Government authorizes the purchase of the land. Hence interest could not accrue except in case of misconduct on the part of public officers. Our theory is that the debts of the Government are paid at the time they become due; therefore I submit to the gentleman that the interest feature of this bill ought to be struck out.

Mr. POTTER. O, no; there may be an appeal.

Mr. FRYE. I demand the previous question.

Mr. POTTER. I understood the gentleman from Maine [Mr. FRYE] to assent to my amendments.

Mr. FRYE. I do not like to assent to them; and I do not want to spend time in discussing them.

Mr. POTTER. It is not my fault that the gentleman from Maine must do one or the other.

Mr. FRYE. Well, I will not accept them.

Mr. POTTER. Then I move to amend——

The SPEAKER. Does the gentleman from Maine [Mr. FRYE] yield?

Mr. FRYE. No, sir.

Mr. POTTER. Without these amendments the bill is clearly and flagrantly unconstitutional according to the judicial decisions in our State, and, so far as I know, most of the States of the Union.

The question being on seconding the demand for the previous question, tellers were ordered; and Mr. FRYE and Mr. POTTER were appointed.

The House divided; and the tellers reported—ayes 66, noes 66.

So the previous question was not seconded.

ORDER OF BUSINESS.

Mr. MAYNARD. I ask the indulgence of the House to say that to-morrow morning immediately after the reading of the Journal I shall, if I can obtain the floor, move to lay aside all previous orders that the House may consider the currency bill. I shall renew substantially the motion that I made on last Monday, and test the sense of the House without further discussion upon the question. The amendments suggested by the Committee on Banking and Currency will be found in the reprint which was ordered by the House.

Mr. POLAND. And I give notice that I shall insist upon taking up the unfinished business that may go over.

The SPEAKER. The Chair will state the position of business, so that members may proceed intelligently. It will be within the power of the majority of the House to postpone other orders for the purpose of taking a vote upon the currency bill.

Mr. POLAND. As I understand, the bill reported from the Committee on the Judiciary in relation to judicial proceedings in Utah stands as the special order.

The SPEAKER. Precisely; but there is nothing to prevent the House from postponing it for two hours or for half a day or for six months.

Mr. RANDALL. And a postponement would let in the proposition of the gentleman from Tennessee, [Mr. MAYNARD.]

The SPEAKER. Yes; it would merely make the Utah bill subordinate to the bill of the gentleman from Tennessee if a majority of the House should so decide.

Mr. COBURN. I understood that to-morrow was fixed absolutely for the bill for the reduction of the Army.

The SPEAKER. It is; but the rules clearly provide that a majority may postpone any special order; which does not, however, thereby lose its priority. The bill of the gentleman from Indiana [Mr. COBURN] may be postponed for an hour or two in order that the bill of the gentleman from Tennessee may be voted upon. The House will observe that there is no necessary conflict in the disposition of business. The majority can decide which measure shall be first heard.

Mr. MAYNARD. I desire to repeat what some gentlemen around me seem not to have understood, that it is the purpose of the Committee on Banking and Currency to invoke the action of the House by calling the previous question without further discussion of the subject.

Mr. BUTLER, of Massachusetts. And without an opportunity to offer amendments?

Mr. MAYNARD. Without other amendments than those the committee propose.

REDUCTION OF THE ARMY.

Mr. COBURN. I ask unanimous consent that the bill for the reduction of the Army which I desire to bring up to-morrow may be reprinted.

There being no objection, the order was made.

CONDEMNATION OF LAND FOR PUBLIC USE.

The House resumed the consideration of the pending bill reported from the Committee on the Judiciary.

Mr. POTTER. I offer the amendments which I send to the desk.

The Clerk read as follows:

In section 2 strike out the words "and there shall be allowed by way of set-off the benefit, if any, to any other property of such, by reason of the taking and use of said land."

In section 5 strike out the words "subject to the set-off, as before provided."

Mr. HOLMAN. I desire to move an amendment to the provision in regard to the payment of interest.

The SPEAKER. There are two amendments pending. The amendment of the gentleman from Indiana [Mr, HOLMAN] can be received only by unanimous consent

Mr. BUTLER, of Massachusetts. I object.

Mr. POTTER called for the previous question on the amendments.

Mr. BUTLER, of Massachusetts. I call for the previous question on the bill and amendments.

The question being taken on the motion of Mr. BUTLER, of Massachusetts, the previous question was seconded and the main question ordered; and under the operation thereof the amendments of Mr. POTTER were agreed to.

Mr. HOLMAN. I call for the reading of the whole bill as amended, and I shall afterward call for the reading of the engrossed bill.

Mr. BUTLER, of Massachusetts. The committee consent that a vote shall be taken on the amendment of the gentleman from Indiana, if that will be satisfactory.

Mr. HOLMAN, by unanimous consent, moved to amend so that the clause in relation to payment of interest should read as follows:

And shall bear interest at the rate of 6 per cent. per annum from the date of the verdict in case of appeal therefrom.

The question being taken on the amendment, there were—ayes 30, noes 60; no quorum voting.

Tellers were ordered; and the Speaker appointed Mr. HOLMAN and Mr. FRYE.

The House divided; and the tellers reported—ayes 75, noes 93.

So Mr. HOLMAN'S amendment was rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STENOGRAPHERS FOR UNITED STATES COURTS.

Mr. FRYE also, from the same committee, reported a bill (H. R. No. 3515) to provide for stenographers for the courts of the United States; which was read a first and second time.

Mr. FRYE. As this bill will create discussion and make an appropriation, I ask that it be ordered to be printed and referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

ASSIGNMENT OF WAGES OF OFFICERS OF THE GOVERNMENT.

Mr. FRYE also, from the same committee, reported a bill (H. R. No. 3516) to make valid assignments of wages or salaries of officers, agents, or employés of the Government; which was read a first and second time.

The bill, which was read, provides that when an officer of the Army, Navy, Marine Corps, officer or clerk or other employé of the civil service of the United States, assigns his pay or any portion thereof it shall be part of the duty of the paymaster, disbursing officer, or pay clerk, by whom he is paid to pay the assignee without extra compensation, when the pay so assigned shall be due, on presentation of the pay receipt or voucher duly assigned, and all laws and parts of laws inconsistent with this are thereby repealed.

Mr. FRYE. This is asked for by nearly all the employés of the Government, and I see no possible objection to it.

Mr. KASSON. Is it not imposing a troublesome duty that the pay officer shall pay every case of assignment of a small or large portion of any indebtedness of an officer? It seems to me it goes beyond anything the Government has ever done before. It ought to be recommended by the Military Committee. They would examine it in connection with duties of the War Department as now imposed by law. Coming as it does from the Judiciary Committee, I presume the heads of the Departments have not been consulted.

Mr. FRYE. It was recommended by the Committee on the Revision of the Laws last year and by the Judiciary Committee this year. It is asked for by nearly all the employés of the Government in Washington, and the committee can see no earthly reason why the officers and employés of the Government should be put under guardianship any more than the employés of a factory, or why they should not be compelled to acknowledge assignments just as much as the employés of factories. Three or four brokers are scattered among the Departments, and when these employés are compelled to make assignments for their own sake, for the health of their children, to supply what they need, they are compelled to pay from 5 to 6 per cent. a month to these brokers. The only reason for it which is given is that these assignments the Government is not compelled to recognize. I know no reason in law or justice why these employés should not have what they ask even though it imposes on the officers of the Government a little extra duty. I demand the previous question.

Mr. COBURN. Let me ask whether this request also comes from officers of the Army or from the War Department?

Mr. BUTLER, of Massachusetts. It comes from all classses of officers.

Mr. FRYE. There are three thousand petitions. I demand the previous question.

Mr. LAWRENCE. This is an important measure and ought not to pass without deliberation.

The House divided; and there were—ayes 79, noes 29.

The Speaker ordered tellers; and Mr. FRYE and Mr. O'BRIEN were appointed.

The House again divided; and the tellers reported—ayes 100, noes 35.

So the previous question was seconded.

The main question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASERS AT HARPER'S FERRY.

Mr. FRYE also, from the same committee, reported back a bill (H. R. No. 2505) to authorize the Attorney-General to adjust the claims of the Government upon the purchasers of property at Harper's Ferry, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar.

ABOLITION OF CAPITAL PUNISHMENT.

Mr. FRYE also, from the same committee, reported adversely upon the following cases; which were laid upon the table.

A bill (H. R. No. 2163) to abolish capital punishment.

Memorial of the Yearly Meeting of the Society of Friends for the abolition of capital punishment.

JAMES MADISON WELLS.

On motion of Mr. FRYE, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 2251) for the relief of James Madison Wells, of Louisiana; and the same was referred to the Committee on War Claims.

LYDIA CRUGER.

On motion of Mr. FRYE, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 2568) for the relief of Lydia Cruger, executrix of Moses Shepherd, deceased; and the same was referred to the Committee on War Claims.

HENRY S. BULKLEY.

On motion of Mr. FRYE, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 2432) for the relief of Henry S. Bulkley and others; and the same was referred to the Committee on Claims.

MARY A. BUIE.

On motion of Mr. FRYE, the Committee on the Judiciary was discharged from the further consideration of the memorial of Mary A. Buie; and the same was referred to the Committee on War Claims.

JUDICIAL DISTRICTS OF VIRGINIA.

Mr. FRYE, from the Committee on the Judiciary, reported a bill (H. R. No. 3517) supplementary to the third section of the act entitled "An act to divide the State of Virginia into two judicial districts."

Mr. WILLARD, of Vermont. I understand that that bill provides for the creation of new officers, and I make the point of order that it must have its first consideration in Committee of the Whole on the state of the Union.

Mr. SENER. I do not think it does.

Mr. FRYE. Yes; it does.

The SPEAKER *pro tempore*, (Mr. DAWES in the chair.) The point of order is well taken, and the bill is referred to the Committee of the Whole on the state of the Union.

Mr. FRYE, from the same committee, reported a bill (H. R. No. 3518) to amend the act entitled "An act to divide the State of Virginia into two judicial districts," approved February 3, 1871; which was read a first and second time.

The bill was read.

Mr. WILLARD, of Vermont. I suppose that bill is subject to a point of order.

Mr. SENER. It is not subject to any point of order. No clerk is provided for; merely a deputy clerk.

Mr. WILLARD, of Vermont. It involves an expenditure of money; it creates a deputy clerk and provides for an office and extra terms of the court.

Mr. SENER. A deputy clerk at Richmond is already provided for by law, and under the existing law it is within the power of the Attorney-General to allow as many deputy clerks as may be necessary for the public service.

The SPEAKER *pro tempore*. The Chair thinks that the point of order is well taken, as this bill creates a deputy clerk, which is a new office, whatever other way of making deputy clerks there may be. The bill will be referred to the Committee of the Whole on the state of the Union.

The bill was accordingly referred to the Committee of the Whole on the state of the Union.

UNITED STATES COURTS IN MISSOURI.

Mr. FRYE, from the same committee, reported a bill (H. R. No. 3519) to provide for holding terms of the United States circuit court for the western circuit of Missouri at Saint Joseph and Kansas City, Missouri; which was read a first and second time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FRYE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

A LEGAL DAY'S WORK.

Mr. FRYE, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 2976) to define a legal day's work in certain cases, and fixing the minimum rate of compensation therefor.

Mr. WARD, of Illinois. I have the authority of the Committee on the Judiciary to present an amendment in the nature of a substitute for the bill.

Mr. FRYE. I withhold the motion to lay the bill on the table in order that the substitute may be offered.

The Clerk read the substitute, being a bill to define a legal day's work in certain cases. It provides that a legal day's work for conductors and drivers on all street-cars run and operated within the Territory of the District of Columbia shall not exceed ten hours, and that any such conductor or driver employed by any company or corporation within said limits who shall be required or permitted to labor more than ten hours per day shall have right of action against his principal for the value of any additional labor so performed, to be sued for and recovered like other debts, at any time within six years, any agreement, contract, or understanding to the contrary notwithstanding.

Mr. FRYE. I simply desire to say that I reported, in accordance with the instructions of the Committee on the Judiciary, adversely to the bill. I am personally in favor of the amendment offered by the gentleman from Illinois, and shall vote for it.

The question was taken on the substitute; and it was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARD, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF THE LAWS.

Mr. POLAND. The Senate has paid us the very high compliment of passing without amendment the revised statutes which the House sent to them some weeks ago. By a joint rule of the two Houses those three volumes are required to be written out on parchment, as they constitute bills. For the purpose of avoiding the expense and delay of doing that, I offer the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring,) That the joint rule of the two Houses, No. 6, which provides that after a bill shall have passed both Houses it shall be duly enrolled on parchment, be suspended so far as relates to bills of this House No. 1215, to revise and consolidate the statutes of the United States in force on the 1st day of December, 1873; No. 2879, revising and consolidating all the laws authorizing post-roads in force on the 1st day of December, 1873; and No. 3349, to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia in force on the 1st day of December, 1873; and that the same may be presented to the President of the United States as engrossed in the House of Representatives and passed in the Senate.

No objection was made; and the resolution was adopted.

Mr. POLAND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I now yield to the gentleman from Wisconsin, [Mr. ELDREDGE,] a member of the Committee on the Judiciary.

Mr. ELDREDGE. I desire to raise a parliamentary question for the decision of the Chair. The gentleman from Massachusetts [Mr. BUTLER] took the floor this morning at twelve o'clock and he has held it ever since, apportioning the time to such persons as he has seen fit. I have no fault to find with the manner in which he has disposed of it. But I would like to know what is the practice of the House on a question of that sort, whether, after a day is assigned to the Committee on the Judiciary to report, the chairman or any other member of that committee has the right to take the floor and hold it during the day, or for any length of time. I do not complain of the manner in which he has disposed of it, but I want the rule settled.

The SPEAKER. The organ of the committee in the House is the chairman. It is ordinarily the case that the chairman indicates the order in which reports are to be made from the committee; it is always assumed to be by agreement of the committee. Were any point raised, the Chair presumes that strictly the members of the committee would have the right to be called in the order in which they are named on the committee. If there is any dissatisfaction with the mode indicated by the chairman, the Chair does not know of any——

Mr. ELDREDGE. The assignment has not been in the order indicated by the Chair. I do not complain, but I only wish to know the rule.

The SPEAKER. In case objection was made to the assignment indicated by the chairman of the committee, the members of the committee would have a right to be called in the order named in the appointment of the committee.

ADVERSE REPORTS.

Mr. ELDREDGE, from the Committee on the Judiciary, reported adversely upon the following petitions; which were laid upon the table:

The memorial of De Lorma Brooks, of Wisconsin, for relief; and

The petition of certain citizens of Texas, asking for some inquiry into the condition of affairs in that State.

Mr. ELDREDGE. I am also instructed by the Committee on the Judiciary to report back three bills providing for general amnesty, and ask that they be laid upon the table, for the reason that the House has already passed a bill for that purpose which has been sent to the Senate.

Accordingly the following bills were laid upon the table:

A bill (H. R. No. 101) to remove the political disabilities imposed by the fourteenth amendment to the Constitution of the United States upon certain classes of citizens;

A bill (H. R. No. 118) for the removal of all disabilities imposed by the fourteenth amendment to the Constitution of the United States; and

A bill (H. R. No. 282) providing for general amnesty.

EXECUTORS' BONDS.

Mr. ELDREDGE, from the Committee on the Judiciary, reported back, with the recommendation that the same do pass, the bill (H. R. No. 3247) in relation to executors' bonds in the District of Columbia.

The question was upon ordering the bill to be engrossed and read the third time.

The bill was read, as follows:

Be it enacted, &c., That whenever, in any last will or testament, a request shall be made that the executor or executors be not required to give security, the judge of the orphans' court shall not require security of any executor unless on the application of some person interested or when from his own knowledge he thinks security should be required.

SEC. 2. That this act shall take effect immediately.

Mr. GARFIELD. I move to strike out the last section of the bill as not necessary.

Mr. ELDREDGE. I have no objection.

The motion to strike out was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELDREDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF DISABILITIES.

Mr. ELDREDGE, from the Committee on the Judiciary, reported a bill (H. R. No. 3520) to remove the political disabilities of General George E. Pickett and Dr. William H. Williamson, of Virginia; Thomas Hardeman, jr., and James Jackson, of Georgia; and John H. Reagan, of Texas; which was read three times and passed, two-thirds voting in favor thereof.

COURT OF CLAIMS.

Mr. ELDREDGE, from the Committee on the Judiciary, reported back, with the recommendation that the same do pass, a bill (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856.

The question was upon ordering the bill to be engrossed and read the third time.

The bill provides that any three judges of the Court of Claims shall constitute a quorum, and that the concurrence of three judges shall be necessary to the decision of any case.

Mr. CONGER. I will ask the gentleman whether the effect of the bill would not be, in case three judges were present and but two assented to a proposition, that an adverse decision would be the result?

Mr. ELDREDGE. The court as originally established consisted of three members, and it was provided that two should be a quorum. The court as now constituted has five members; and this bill proposes to require that three shall constitute a quorum.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. ELDREDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOHEMIAN-SLAVONIAN BENEVOLENT ASSOCIATION.

Mr. ELDREDGE, from the Committee on the Judiciary, reported back adversely the bill (H. R. No. 2005) to incorporate the national grand lodge of the Bohemian-Slavonian Benevolent Association; which was laid on the table.

BANKRUPT LAW.

Mr. TREMAIN. I am instructed by the Committee on the Judiciary to report back the Senate amendments to the bankrupt bill, with the recommendation that the House do non-concur in those amendments and ask for a committee of conference. I wish to occupy the attention of the House for only a few minutes on this question. I do not propose to discuss at all the merits of the proposition that the House

shall adhere to its own vote in favor of the repeal. I presume every gentleman has made up his mind upon that question. It will be remembered that among the first acts passed by this House at the commencement of the present session was the bill repealing the bankrupt law. The Senate, after retaining that bill for a long time, has finally returned it with certain amendments, and desires in that form to make the bankrupt law a fixed and permanent system of the country. The House, which was supposed to represent more immediately the public interest, passed by an overwhelming majority the bill for the repeal of the law, the vote being as five or six to one. When the amendments of the Senate were referred to the Judiciary Committee (I think I may properly say this without disclosing any of the secrets of the committee-room) we were anxious to perfect the Senate amendments so far as possible, and we have devoted several very laborious sessions to that work. But the more the subject was considered the more confirmed became the majority of the committee in their original conclusion that every effort should be made to procure a repeal of the law, and that only after we should have failed in all reasonable and laudable efforts in that direction should we occupy time in attempting to patch up this law.

As I have already said, I do not propose to discuss the merits of this question, unless it should be necessary by way of reply to what may be said by gentlemen who may be opposed to the action of the committee. But I take the first opportunity that has been presented to me to notice by way of explanation and of vindication a charge in relation to my connection with this bill, affecting my honor and integrity. The House will remember that I had both the honor and the misfortune to report from the Committee on the Judiciary the bill to repeal the bankrupt law; and this is the first proper occasion that has presented itself to allude to some extraordinary aspersions made during the progress of the debate on that bill and subsequently in regard to my connection with it.

When that bill was under discussion, it was stated by the gentleman from Indiana [Mr. WILSON] that it was introduced by the attorneys for Jay Cooke. This statement I desired to explain at the time, but as I had spoken once upon the bill I could only be heard in case no one objected. At the end of the two hours allowed for debate by the special order I obtained the floor for this purpose, when objection being made the gentleman from Indiana [Mr. WILSON] moved that five minutes be allowed me. But an objection was made by the opponents of repeal on the ground that an equal number of speeches had been made for and against the bill. As a single objection was sufficient, the opportunity which I sought could not be obtained.

On the following day the gentleman from Indiana [Mr. WILSON] made the following statement as the same is reported in the RECORD:

Mr. WILSON, of Indiana. Mr. Speaker, I wish to occupy a moment or two with a personal explanation. When the bill in relation to bankruptcy was under consideration yesterday I made some remarks, in the course of which I referred to the introduction of the bill by the lawyers of Jay Cooke & Co. What I said seems to have been misunderstood by some persons. Hence I desire to say this morning that I did not say, nor mean to be understood as saying, that any member of this House as an attorney of Jay Cooke & Co. was introducing bills here in the interest of that firm. What I meant was that lawyers of that firm, not members of the House, had brought a bill here and procured its introduction. I intended no reflection upon any gentleman whatever.

I now learn, Mr. Speaker, that in relation to this matter charges affecting my integrity and honor have been published broadcast throughout the length and breadth of the country. I have been denounced as a trickster. Accusations of bribery and corruption have been widely circulated. The statement has been published that the question which agitates Washington is how much I received from Jay Cooke & Co. It has been said that I alone was responsible for the bill, and that I had violated the instructions of the committee in reporting it. My silence in this House, which as I have stated was involuntary and the result of the special order limiting debate, has been cited as evidence against me. Certain organs of the democratic party in my own State, which have never failed to pursue me with vindictive hostility since that period twelve years since, when, disregarding party ties, I came to the aid of my country's integrity, have eagerly caught up these accusations and served them to their readers in every variety of form which fiendish malignity could suggest.

The New York World, one of the leading papers of this class, in a recent editorial on this subject headed "Exit Tremain," proceeds to hold me up as a "mere trickster;" to lament the destruction of the "bright hopes and high expectations" of my friends; to bewail my rapid fall from a high position to a place "lower than the Credit Mobilier swindlers and salary-grabbers;" to declare that "every move that I make in Congress will be looked upon with suspicion by all honest men;" and kindly to advise me "to resign, go home, and contemplate in retirement the suddenness of my fall."

These are only a few flowers plucked at random from the bouquets presented to me upon my first appearance in the Halls of Congress. The remainder, however, were equally fragrant, beautiful, and complimentary. As this is the first sprinkling of choice literature which has been showered upon me from the unpurchasable, discriminating, and independent press of the country, or rather from that portion of it which fails to recognize the distinction between the liberty and the licentiousness of the press, I receive it with all due humility as an earnest of the deluge which is likely to follow.

For my vindication I beg leave to state the history of my connection with this bill. At the first meeting of the Judiciary Committee the various bills relating to this subject were referred to a sub-committee of three, of which I was one. It so happened that I stood alone in favor of a repeal; and, on reporting the matter back to the whole committee, a majority decided after full discussion in favor of repeal, and the sub-committee were directed to prepare a bill. This was on Friday, and it was deemed important by the committee to report the bill on the following Monday, as that was the only day in the week when a motion to suspend the rules to receive the bill could be entertained.

It was my desire and I moved that the committee should meet the next morning to receive and adopt the bill that might be prepared, but I was overruled by the committee. The sub-committee proceeded immediately to perfect the bill. The bill which they reported was not introduced by the attorneys of Jay Cooke, nor by any other persons except the committee. Among the various bills on the table of the Judiciary Committee was one introduced by Mr. PARSONS, of Ohio, providing in a single section for the repeal of the bankrupt law. This was taken, and two new and original sections prepared in the handwriting of members of the Judiciary Committee themselves were added. Among other bills on the table was one providing for an amendment of the law, containing provisions which it was believed with proper alterations would be an improvement upon the old law as to pending cases. These sections were freely altered in important particulars, and were adopted by the sub-committee. The principles of the bill as reported were, first, a repeal of the bankrupt law; second, a provision for winding up all pending cases according to the terms of the old law except in the special cases provided for in the bill; third, a provision for pending cases by allowing a majority in interest of the creditors to make agreements as to the disposition of the bankrupt's estate, and subjecting him to examination at the instance only of the assignee chosen by such majority. These latter provisions it was believed would relieve the law from some of its present severe features, and enable creditors to realize much more from the estates than they would yield under the forced sale provided for under the old law. The bill was prepared on the same day and received the approval of every member of the sub-committee before the House adjourned. I then presented it to the chairman of the committee with a request that he would report it, but he gave it back, declaring that by parliamentary usage it had become my duty to report it; whereupon, neither seeking nor avoiding the post of duty, I reported it to this House.

The first knowledge, information, or suspicion I had that any provisions of the bill were supposed to be prepared in the interest of Jay Cooke, or that any bill had been introduced in his interest, was after the bill was reported to this body. The bill on the table, from which, as I have stated, certain sections were taken and altered, was printed and had been introduced in the ordinary manner by a member of the House. It was a bill not for repeal but for amendment, and I had no knowledge, information, or suspicion that it was introduced in the interest of any particular person, nor have I now any such knowledge except the statement of the gentleman from Indiana, [Mr. WILSON,] which was made on the floor of the House. The bill was prepared without consultation on my part with any person outside of the members of the committee. I had no acquaintance whatever with Jay Cooke & Co., or any of his attorneys or agents. His name had never been mentioned, nor his interests discussed by any member of the committee, so far as I knew or believed. I regret that the committee rejected my proposition to meet on Saturday and consider the bill. It was open to every member, and after it was prepared it was actually seen and examined by a majority of the Judiciary Committee, in fact was reported. I was not wedded in any manner to the details of the bill, and had no other desire or interest in it except to repeal the old law, or essentially amend it, (and I believe the former course to be in accordance with the wishes of my constituents,) and to make provision for pending cases, that should be as just and equitable as possible. When the charge was made that this bill had been prepared in the interest of Jay Cooke and no opportunity was offered to explain, I voted, as did, I believe, a majority of our committee, in favor of the amendment offered by the gentleman from Kentucky, [Mr. BECK,] which simply left the old law in force as applicable to pending cases, and reduced the cost and fees one-half, and the same majority of our committee, or at least I, a member of the committee, was entirely content with this disposition of the matter, and greatly pleased with the overwhelming majority given by the House for the bill as amended.

In taking leave of this subject, I will add in the broadest terms I can command that I challenge and invite the fullest scrutiny and investigation in relation to my action in connection with this bill, and I declare that there is not the slightest foundation for any charge, accusation, or insinuation whatever against me, no matter whether they originate in the brain of sensation, irresponsible newspaper correspondents, or in the malice of political editors, or from any other source whatever.

In making this explanation I carefully refrain from recrimination, as my only purpose is to set myself right before this House and the country, and to defend that reputation which is dearer to me than life. It is my earnest desire that courtesy and kindness shall prevail among those gentlemen who are brought together upon this floor as the law-makers for the nation; that the debates here shall be confined wholly to the intrinsic merits of the matters before us, and that

all our proceedings shall be conducted with that dignity which becomes the House of Representatives of the United States. If the high character of this body shall suffer detriment before the people, I would not aid in effecting such an injury, nor would I set the example of traducing it or any of its members. If the custom has heretofore prevailed in debate here of abusing fellow-members, of assailing their motives, and endeavoring to impair their usefulness, it seems to me a custom more honored in the breach than in the observance.

As to the New York World and its malicious libels I have only this answer to make. The World is the same organ which only a few years since was offered for sale in the market as a republican paper, but the republican leaders declined to purchase on the ground that it would be a poor investment. It is the same paper which assumes to be the leading newspaper of the democratic party, but by its pharisaical assumptions of superiority, it has disgusted the principal leaders and editors of that party. On the eve of a presidential election it has thrown its party into confusion by proposing to change front in face of its enemy, and to throw overboard the candidates who had been regularly nominated in national convention.

It was the organ of Tweed & Co. when they held supreme power in the city and State of New York. It represented the chiefs of the Tammany ring when they were at the zenith of their power, glory, and corruption. While the New York Times was nobly exposing these atrocious frauds which have since become historic, the World in the fancied strength and security of the ring sneeringly asked, "What are you going to do about it?"

During that period when patriotic men were struggling to preserve the life of the Republic this paper was engaged in vilifying, denouncing, and abusing President Lincoln, General Grant, and all the war measures of the administration. Having been able heretofore to survive the satanic and malignant attacks of this sheet, I hope I may outlive the present assault and any other attention from the same source, excepting always its commendation and approval.

Now, sir, if no gentleman desires to discuss the amendments to this bill I move the previous question.

Mr. RANDALL. Pending that, I move that the House take a recess.

Mr. SPEER. Does the gentleman from New York [Mr. TREMAIN] charge that the democracy in this House are responsible for Tweed?

Mr. TREMAIN. I spoke merely of the New York World, which has followed me with its libels and its calumnies. I retort, as the gentleman might retort, by asking, Who is my accuser?

Mr. SPEER. But I remember that the gentleman in his first speech here referred to "cell No. 36," (I believe,) occupied by Tweed; and now in his last speech he refers to Tweed again. What has Tweed to do with the repeal of the bankrupt law?

Mr. TREMAIN. If the gentleman had listened to me he would have found that Tweed was connected with the New York World, which has been my assailant; that the New York World, when the exposition was made of the frauds of Tweed, said, "What are you going to do about it?"

Mr. SPEER. Well, you convicted Tweed, and now you ought to let him rest.

The SPEAKER. The House will come to order; gentlemen standing in the aisles will resume their seats.

Mr. SPEER. Was not the New York World one of the first papers to denounce the wrong referred to by the gentleman from New York?

The SPEAKER. The gentleman from New York [Mr. TREMAIN] reports back from the Committee on the Judiciary the Senate amendment to the bankrupt bill, and asks that the House refuse to concur, and that the bill be sent to a committee of conference. Pending that motion the gentleman from Pennsylvania [Mr. RANDALL] moves that the House take a recess.

Mr. RANDALL. I desire to make a statement. I am one of those who believe that this law should never have been upon the statute-book——

Mr. WILSON, of Indiana. Will the gentleman yield to me for a moment?

Mr. RANDALL. In view of the circumstances, I yield to the gentleman.

Mr. WILSON, of Indiana. Mr. Speaker, I have been necessarily absent from the House during the day, and just this moment came upon the floor. I understand that my name has been used in some way by the gentleman from New York, [Mr. TREMAIN,] who has just taken his seat. I do not know what he has said with reference to anything I may have said heretofore.

Mr. TREMAIN. I have said nothing reflecting upon the gentleman at all.

Mr. WILSON, of Indiana. I was about to say that if upon an examination of the RECORD after the gentleman's remarks have been printed I should deem it necessary to say anything, I shall crave the indulgence of the House for that purpose.

Mr. RANDALL. I insist on my motion for a recess.

The SPEAKER. The Chair will remind members that, by an order of the House made by unanimous consent, the House meets this evening to go into Committee of the Whole on the tariff bill.

Mr. DAWES. For action on the bill, not for debate.

JUDICIARY COMMITTEE REPORTS.

Mr. BUTLER, of Massachusetts. I ask unanimous consent of the House that the Committee on the Judiciary may finish its work to-morrow evening. We are about half through. There are some important matters behind, such as the question of repealing the law about the payment of debts in the Southern States, and a number of court bills of great importance.

The SPEAKER. Is there objection to giving the Judiciary Committee to-morrow?

Mr. POTTER. That does not include the civil-rights bill?

Mr. BUTLER, of Massachusetts. No; nor the Geneva award bill.

Mr. HOLMAN. It seems to me that we had better settle it to-morrow.

The SPEAKER. The Chair will state the business of the committee. The gentleman from New York [Mr. TREMAIN] has just reported back a bill which the committee was authorized to do at any time. If it were merely confined to this day, the House adjourning, the bill would not be pending, because the reports of the Committee on the Judiciary were limited to this day. If the previous question were not called upon the bill it would not be before the House; but as the gentleman has the right to report it at any time, the Chair will give him early recognition to bring the question before the House. The Chair will again ask, is there objection to allowing the Judiciary Committee for reports to-morrow evening?

Mr. POTTER. Excluding the civil-rights and the Geneva award bills.

Mr. BUTLER, of Massachusetts. Of course.

Mr. ASHE. I object.

Mr. RANDALL. I would rather give them the morning hour to-morrow.

And then, on motion of Mr. RANDALL, (at five minutes to five o'clock p. m.,) the House took a recess until half-past seven p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m.

TARIFF AND INTERNAL REVENUE.

Mr. BURCHARD. I move that the House resolve itself into the Committee of the Whole on the state of the Union to resume consideration of the bill (H. R. No. 3491) to amend existing customs and internal-revenue laws, and for other purposes.

Mr. CONGER. I ask the gentleman to yield to me.

The SPEAKER *pro tempore*, (Mr. ELLIS H. ROBERTS in the chair.) It is not in order under the order of the House to take up any other business. The session this evening was set apart for the purpose of considering in the Committee of the Whole on the state of the Union the tariff and tax bill.

Mr. CONGER. It is quite important to have a bill I have printed, as the Committee on Patents will report on it Friday next.

Mr. BURCHARD. That can be done to-morrow.

Mr. CONGER. I ask for a division on going into committee.

The House divided; and there were—ayes 34, noes 15.

So (no further count being asked for) the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. TYNER in the chair,) for the purpose of resuming the consideration of the bill (H. R. No. 3491) to amend existing customs and internal-revenue laws, and for other purposes.

Mr. BANNING. I move to strike out "10" and insert "4;" so it will read:

On hops 4 cents per pound.

Mr. BURCHARD. That clause has been already passed, and I make the point of order it is not now amendable.

The CHAIRMAN. The Chair is informed the clause the gentleman from Ohio proposes to amend has been already passed.

Mr. HOLMAN. O, no.

The CHAIRMAN. The recollection of the Chair differs materially from the statement of the Clerk. The present occupant of the Clerk's desk was not here at the time, but the Chair is convinced, while the item had been read and discussed and several votes taken in the committee which were lost, it was left precisely as it is.

Mr. DAWES. I have the impression the committee had commenced reading the next clause, but I am not certain about that. The CONGRESSIONAL RECORD will show.

Mr. MAYNARD. The recollection of the Clerk would control.

Mr. BANNING. O, no; the CONGRESSIONAL RECORD would show.

The CHAIRMAN. The Chair is of the impression that the clause to which the gentleman from Ohio proposes an amendment may be amended, as the Committee of the Whole have not passed from it.

Mr. BANNING. I move, then, to strike out "10" and insert "4," so it will read "on hops 4 cents per pound."

Mr. Chairman, I am opposed to the imposition of additional duties upon hops. I make this opposition in the first place upon the general ground that it is an increased taxation bearing hard upon the consumer generally and especially upon my own constituents. These constituents are paying more into the Treasury of the United States than any same number in any part of the country. Against such increased taxation this Congress is justly pledged.

It was understood in the beginning of the session from the Committee on Ways and Means that the Government would be conducted upon its present revenues by an economical cutting down of expenditures. Upon this we have acted uniformly since, not with the success the country hoped for, but with probably as much as could have been expected.

Now, this proposition is a direct departure from that understand-

ing. It is a very unjust proposition, because it is unequal. A very deserving class of tax-payers have an unjust burden thrown upon them.

Were it generally understood that we were to have an increased taxation, the duty on tea and coffee would have been restored; this duty would have been general, the least felt and the most available, because readily collected. It goes directly into the Treasury. It is well known to all of us that putting tea and coffee upon the free list did not reduce the price of these articles to the consumer. It is probably as well known that to re-enact the duty would not enhance the value of the articles to the people.

These being the facts of the case, where is the justice of selecting one class and imposing such a burden as this is upon them? If it is meant to protect the growers of hops, it necessarily reduces the revenue. If it does not so protect, it is very partial and unjust.

Now, sir, why do the members from Michigan, Wisconsin, and the hop-growing districts of New York ask an increase of the duty upon hops? Are they prompted to this action in the general welfare of the country, or are they serving their sectional interests at the expense of the entire country, the manufacturers and consumers?

In 1870 the United States produced twenty-five million pounds of hops, of which New York produced seventeen millions, Wisconsin near five millions, and Michigan near one million; these three States producing twenty-two out of twenty-five million pounds produced. So that we see that the hop-growing interest is confined to a very small section of this country, and further examination will show that these hop-growing districts pay less revenue into the Treasury of the Government than any other sections.

Again, Mr. Chairman, I find in the little examination I have been able to give this subject that hop-raising is one of the most profitable and paying industries of the country.

A writer in the American Agriculturist, speaking of hops and the cost of raising, says:

> The cost of raising is from 4 to 6 cents per pound; the average crop all through the country is near 1,000 pounds per acre, where the work is well done, but I have seen 2,500 pounds per acre raised on a large yard. On two large yards in Morris, Oswego County, New York, the average for four years has been 1,700 pounds on the one and 1,800 pounds on the other.

The same writer says the price for the last forty years has been from 17 to 18 cents.

This would be, per acre	$170 00
Expense of raising, per acre	50 00
Net proceeds, per acre	120 00

This estimate is made upon an average price of 17 cents per pound for hops, under which an acre of ground yields a net profit of $120.

An examination of the market for the week ending Monday evening, May 20, 1874, shows the following report of the hop trade:

> The market is quiet but steady for prime to choice western and eastern, 28 to 33 cents per pound.

So that to-day the grower of hops who raises 1,000 pounds to the acre sells at $280 an acre; deduct cost of raising, $50, and he has a net profit of $230 an acre.

Suppose, Mr. Chairman, for the sake of argument the crop of hops in place of being an average crop was only a half-crop, in place of 1,000 pounds per acre was only 500 pounds, then we have to the producer at the present price a net profit of $115 per acre for his land. This is a very good return to the hop-raiser, and is a far better profit upon his investment than any other business or industry is yielding in this country at this time.

The gentleman from Wisconsin, in his speech upon this subject yesterday, tells us the question is not between the producer and the consumer, but between the home producer and foreign producer. An examination of this subject shows the gentleman to be entirely mistaken.

In the American Agriculturist, page 68, I find the following:

> A farmer writing from Northfield, says: "There were 30 acres of hops raised in that town in the past year, yielding an average of 1,000 pounds an acre, worth 40 cents a pound, amounting to $400 per acre. Cost of raising per acre in that town is estimated at $40. Some growers have realized as high even as $500 per acre. These estimates are far lower than the cost of raising hops in England, where rent of land, taxes, tithes, labor of cultivating, manure, &c., are much higher than here. The cost per acre there up to the time of picking is estimated at $150; while the cost of picking, drying, baling, storage, cartage, &c., is estimated at about $175 more. The cost of the kiln is often to the English grower not less than from $1,000 to $1,500, while the cost of the kilns here is rarely more than $75. Our growers expect ordinarily about a pound to a hill; they often get 1½ or even 5 pounds to a hill, making from 800 to 1,200 pounds to an acre. The general average yield in England is about 700 pounds per acre."

Thus we see hops are raised cheaper in this country than in Europe.

The following table shows the imports and exports of hops into and from this country during the fiscal years of 1867 to 1873 inclusive:

Fiscal year—	Imports.		Domestic exports.		Foreign exports.	
	Pounds.	*Dollars.*	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*
1867	865,016	267,102	1,101,603	362,946	238,157	13,852
1868	3,585,843	922,023	532,038	264,029	96,318	25,806
1869	.....	58,728	11,269,555	1,627,248	.....	.....
1870	.....	76,677	16,356,231	2,515,734	.....	64,572
1871	.....	14,524	3,273,653	316,288	.....	37,621
1872	.....	815,041	3,061,244	408,305	.....	15,700
1873	.....	1,386,136	1,795,437	272,403	.....	53,855

This table shows a large amount of exports of hops from this country every year. The amount has been decreasing every year since 1870, when we exported over two and one-half million dollars' worth. This is occasioned by the increased use and consumption of hops in this country, and not by the fact that cheap hops are shipped here from abroad. Hops are to-day worth 12 cents more a pound in this country than they were in 1870, when we exported the largest amount. Then hops were worth a little over 15 cents per pound; now they are worth over 28. Then hop-growers were satisfied to ship their hops to a foreign country and sell them for 15 cents a pound; now they want a protection of 10 cents a pound, when they are selling their hops at home for 28 to 33 cents per pound.

The gentleman from Wisconsin says a large number of petitions have been sent here in favor of the increase of duties to 10 cents. Mr. Chairman, every member upon this floor knows how cheap petitions generally are. I do not suppose that these petitions were cut out of a city directory or cut off of other petitions and pasted on, as I am told is often done, but I do think I have shown that the profits of hop-raising would enable the hop-growers to pay the expenses of a man to ride through the hop gardens to have a petition signed to increase their profits.

Sir, I submit to the members of this House that this demand of the hop-growers is uncalled for, unreasonable, unjust, and ought not to be sustained. It is an imposition upon a class of manufacturers who pay a large share of the revenues of this Government. It is taking more money from an already heavily taxed set of manufacturers and putting it in the pockets of a set of well-paid producers whose business does not pay one cent of revenue.

Mr. BANNING'S five minutes having expired before the conclusion of his remarks, Mr. WARD, of Illinois, took the floor and yielded his five minutes to him, when he concluded his speech.

Mr. STANDIFORD. Mr. Chairman this proposition to increase the duty on hops is one that I consider a very poor illustration of true political economy. It seems to me to be a measure for the special benefit of an exceeding small class of our producers; and while it may have the effect of adding a few dollars of profit to the hop-growers, it will just as surely take away from another and much more numerous class of farmers who are engaged in raising barley.

The hops produced in this country and those which we import are used almost exclusively in the manufacture of beer. The result of this increased duty will be an increase in the cost of making beer, and one of two things must occur: the price of the farmer's barley must be reduced or the price of beer advanced, either one of which will be a positive injury to western industry. Our farmers, especially of Kentucky, Ohio, Indiana, and Illinois, depend largely upon the production and sale of this staple, and Chicago, Cincinnati, and Louisville are the great barley markets of the United States, and any decrease in its price will work harm, for the farmer gets little enough now for his productions. I see no reason why one small class of producers should be legislated by Congress into the position of having the price of the productions of their labor advanced at the expense of the farmers of the West. There may be a morality in that way of doing, but I cannot understand it if there is.

Is this increase of duty for the purpose of increasing the cash receipts of the Government and replenishing the Treasury? If so, it is an absurdity as well as an act of gross injustice to the West; absurd because it is a practical prohibition of the importation of hops, and will lose to the Treasury the revenue collected now from that source, which amounts to about $285,000 a year. The burden of the tax thus imposed will fall upon the people of the West, and particularly of the section I have mentioned, which now pays nearly half of the Government tax; these States being the greatest beer-producing and consuming States in the country. It seems that every scheme of taxation has the West for its objective point, while the East, which has all the money, is very delicately touched and tenderly considered when the subject of taxation is under consideration.

If protection is the object of this increase of duty it is simply ridiculous. I have the greatest respect for the farmer. I am a farmer myself, and my sympathies and interests are all with him; but I do say that if he has come down here to this Congress and wants protection from these German hop-growers, if his broad acres cannot compete successfully in his own country with the two-acre farms of the Germans, and if the German hop-grower with his little patch of land, after supplying the immense demand of his own country, can bring his hops across the ocean and sell them so low that the American cannot profitably raise them, I say to the American hop-grower you had better turn your hand to something else.

If you intend to do this for the benefit of the farmer it is a failure, and the American farmer is too intelligent not to understand that it is really an increase of the burden of taxation under which he labors, and the most of which for the support of the government he pays.

I am neither an advocate of beer nor an opponent of it. It certainly enters largely into the domestic economy of the people of this country, and has been aptly called the "poor man's wine." Whenever we legislate so that the effect will be to increase the price of this article, or compel the production of an inferior article, we add another weight to the poor man's burden, or take from him a measure of enjoyment of which he has none to spare.

I trust the House will reject this proposed increase of duty on hops and leave the tariff where it is now. It is a measure which interests

advantageously an insignificant few of our people, and is positively injurious to a very large number.

I believe that if you raise this tax to 10 cents a pound it will have the same effect as did the tariff of $2 a gallon on whisky in respect to the collection of internal revenue.

Mr. HAZELTON, of Wisconsin. I do not desire to prolong the discussion upon this question.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HAZELTON, of Wisconsin. Then I move to strike out the last word, or rather I rise to oppose the pending amendment.

The CHAIRMAN. The amendment has already been advocated and opposed.

Mr. HAZELTON, of Wisconsin. All the speeches thus far have been in favor of the amendment and on one side; but I repeat that I do not rise to prolong this discussion. The whole subject was considered yesterday, and the figures and facts then presented to the attention of the House were sufficient, with other considerations that suggested themselves to members of the House, to secure a vote very largely in favor of the bill as it stands, as it came from the Committee on Ways and Means. It seems to me that there is nothing in the arguments and statistics presented to-day which to any extent militates against the force of the figures we had under consideration yesterday, and I hope the vote may be taken without further debate.

Mr. CONGER. I move to strike out the last word of the amendment. I supposed that we had passed over the hop question—hopped over it—but it seems to be revived to-night for some purpose, and that we are hopping back upon it, as the gentleman who has charge of the bill very properly says.

Now, I wish to call the attention of the House to the condition of the hop-trade for the last two years. I took occasion to say in the remarks which I made yesterday that two or three years ago there was an excessive importation of hops into this country, which reduced the price in the Western States to 4 and 5 cents a pound, with the same duty on it as there is now. I will read to the House what the price has been for the last ten years, the highest price and the lowest price of hops in the New York market, and they will see the great variation that has taken place with the same duty:

Years.	Highest, per pound.	Lowest, per pound.
	Cents.	*Cents.*
1864	37	26
1865	65½	10
1866	70	25
1867	70	40
1868	65	14
1869	20	8
1870	28	8
1871	30	8
1872	75	23
1873	55	35

In 1872 after the hop-fields of the United States were all destroyed, then low prices had prevailed for three years and the foreign producers had entire control of our market. For three years the lowest price of hops, the reigning price through the season, was 8 cents a pound in the city of New York, and in the region of the West and Northwest where hops were raised they were sold for 4 cents, 4½ cents, and 5 cents a pound, being even below the amount of duty. Almost the entire hop-fields of New York, Ohio, Michigan, Wisconsin, Northern Indiana, and Northern Illinois were plowed up and destroyed as hop-fields, and then commenced importation without any competition in this country. From that time, as you see, the price of hops ran up to 75 cents a pound. Now, what has been the importation since 1871? The following table will show:

In 1871, quantity imported, 100,884 pounds; value, $12,811; duty, $5,044.20; highest price, 30 cents; lowest price, 8 cents. In 1872, the amount imported was 1,999,457 pounds; value, $785,533.11; duty, $99,972.88; highest price, 75 cents; lowest price, 23 cents. In 1873, last year, with almost the entire hop-fields of the country destroyed, and no competition with foreign producers, there was imported into the United States 5,608,902 pounds; value, $1,310,627.27; duty, $280,445.10; highest price, 55 cents; lowest price, 35 cents.

Now, that is the history from the Bureau of Statistics. And I ask any gentleman who knows that the value of the product of a single year, if it is not sold in that year, is destroyed because of the perishable quality of the hops, whether the destruction of our hop-fields by the introduction of hops from foreign countries, until it was worth in the places where produced less than the duty itself, does not call for the action of this House to raise the duty at least so as to protect in some measure this very important industry, and save this million and a half of dollars to our own production?

Now, that is all there is of this. I care nothing for the theories of gentlemen. I have read the facts and figures in this case from the Bureau of Statistics, which gentlemen will find in the report on commerce and navigation for this year, and they cannot be gainsaid.

[Here the hammer fell.]

Mr. WARD, of Illinois. I desire to say——

Mr. HAZELTON, of Wisconsin. I raise the point of order that the gentleman has spoken once on this subject.

The CHAIRMAN. The Chair overrules the point of order; the gentleman has a right to oppose the pending amendment.

Mr. WARD, of Illinois. I desire to offer a substitute for the amendment of the gentleman from Ohio, [Mr. BANNING;] or, if he will withdraw his amendment, I will offer one in its place.

Mr. BANNING. I will withdraw my amendment.

Mr. WARD, of Illinois. Then I will move an amendment which I understand will be satisfactory to the gentleman from Ohio, [Mr. BANNING.] It is to add to the pending clause the following:

Until the 1st of June, 1874, after which time the duty shall be the same as now provided by law, 5 cents per pound.

My object in offering this amendment is that I desire, and I believe the majority of those who are opposed to this increase of duty are willing, that the duty on hops should remain as it is now. I desire to call the attention of this committee briefly to some of the facts connected with this proposed legislation. There are about three counties in Wisconsin, two or three counties in Michigan, and a few counties in New York that raise hops, while there are hundreds of counties all through the East and Northwest and South that do not raise hops but consume them. I am neither a free-trader, like the silver-tongued gentleman from New York, [Mr. COX,] nor a protectionist in the sense that our able friend from Pennsylvania [Mr. KELLEY] is. I do not desire a free-trade tariff, and do not propose this amendment on that ground. I am for a prosperous condition of affairs, if we can determine what that is. We have that now in relation to the hop production; there is a sufficient protection on that article now to make hop-raising a living, thriving, and profitable industry in the country. And to add 5 cents a pound to the duty upon hops is doing a great injustice to the vast majority of the whole country, of the Northwest especially.

Mr. WILBER. Will the gentleman state how much it costs to grow a pound of hops?

Mr. WARD, of Illinois. I am not going into the details of this question now. That matter has been elaborately stated by the gentleman from Ohio, [Mr. BANNING,] and the gentleman from New York [Mr. WILBER] will find it in the RECORD if he does not know it now, though I believe he does know it. It may cost 5 or 10 or 20 cents a pound to raise hops; I do not care what it may cost. The hop trade is now prosperous; and the attempt is being made here to place a double tax upon it; for what? To provide against some possible contingency that may arise in the future, a failure of the crop or an increased importation from abroad. Sir, legislation should not be based on any such principle. It is unjust to the vast majority of the people of this country to legislate upon such considerations as those.

If it is said that this is done for the purpose of raising revenue, then, as I said yesterday when this subject was under consideration, it is simply an ingenious method on the part of gentlemen whose constituents do not raise hops and do not use them particularly, to get out of the overburdened people of the Northwest more money to put into the Treasury. This is not in the interest of the farmers; it is not for the purpose of protecting the three counties in Wisconsin or the two counties in Michigan that we are asked to increase the duty on hops. It is a mere pretense, to set the rights of a few men who raise hops above the rights of everybody else in the country. It is unfair and unjust, and I protest against it.

[Here the hammer fell.]

Mr. DAWES. I think this question has been presented as ably and fully as the friends and the opponents of this measure can desire. As the representative of the Committee on Ways and Means I will simply restate the reasons which governed the committee in reporting this provision, and then I hope the Committee of the Whole will take a vote, and whatever they may do will be satisfactory to the Committee on Ways and Means.

The Committee on Ways and Means were of the opinion that nothing would be of so much service to the consumers of hops themselves, those who make beer, as to have a steady uniform price of the article. Whether it be a low price or a high price, if it be a steady uniform price, so that the consumers of hops may know just what it will be, that would be the best thing for those who use this article. And we thought there was no way to secure this except to secure a home production, and no way to secure the home production except to let the home producer know that the man abroad cannot at his will put his hand on the price, cannot at his will hold it all back and put up the price of hops 100 or 150 per cent., or, as has been done sometimes, 300 or 400 per cent. That was what moved the committee to put this additional protection on this article, in order that the producer of hops in this country might feel that there was such a margin between him and the producer abroad that he could look to a profitable return when he planted his hops. I understand it takes three years to bring hops to maturity. I do not know more about hops than I do about many other things in the world. And the allusion of my friend from Illinois [Mr. WARD] to me has no bearing at all, for I have no voice in this matter except as the representative of the Committee on Ways and Means.

I understand that it takes three years to mature a hop crop; and if between the foreign producer who employs to pick the hops children who are almost babes and gives them as compensation for their labor merely enough to keep them from starving—if between the foreign producer and himself the domestic producer can see this home

market, then he can go on uniformly in the production; the price will be regular; the maker of beer will know that he can at all times obtain the hops at just that price which the supply and demand will regulate in this as in every other branch of business. This in the view of the committee would be a desirable result; and with this purpose we have reported the proposition.

Mr. BANNING. Is the gentleman aware that hops are now 15 cents a pound higher in New York than they were in 1870 when we imported $2,000,000 worth?

Mr. DAWES. Yes, sir; I am aware of that.

Mr. BANNING. And does not the gentleman know that this increase in the price has resulted from the increased comsumption in this country?

Mr. DAWES. I will tell the gentleman what we understand to be the reason of this increased price. It is because the foreign raisers of hops for a while put down the price so low that the hop-men of this country abandoned the raising of hops; then the foreign producers as soon as the field was clear put up the price, which has started the farmers in this country to planting hops again; but it will take two or three years before this home crop can come to maturity; and when that time arrives, if there is nothing to protect the home producer from the foreign producer, the latter will again put down the price so low as to ruin the domestic producer, who will become discouraged and say, "I will plant no more hops." And when things are in that condition, the foreign producer will again put up the price of hops.

Mr. STANDIFORD. Can the gentleman from Massachusetts tell us why barley, which two years ago was worth 60 cents a bushel, is to-day worth $1.75?

Mr. DAWES. I have not examined that question. While I do not desire to control the action of the Committee of the Whole, I think that gentlemen who oppose the increase of the duty have presented their side of the question, and so far as I know the views of the committee have been presented. Therefore I hope we shall have a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, [Mr. WARD.]

Mr. KASSON. I suggest that by common consent the vote be taken on a motion to strike out the line.

Mr. DAWES. Yes; let the question be between 5 cents (which is the present duty) and the rate which is proposed in the bill.

Mr. WARD, of Illinois. That will satisfy me. The form in which I put my motion was to prevent a parliamentary objection.

Mr. DAWES. Striking out the line will leave the duty at 5 cents; retaining the line will make the duty 10 cents.

The question being taken on agreeing to the amendment of Mr. WARD, of Illinois, as modified, there were—ayes 43, noes 88; no quorum voting.

Mr. WARD, of Illinois. I insist on a further count; but I desire to say——

Mr. ALBRIGHT. I object to debate.

Mr. DAWES. Before a further count is taken I wish to say that if it will satisfy gentlemen on the other side I will agree to have a vote by yeas and nays in the House on this question.

Mr. WARD, of Illinois. That is all I want. I was about to make that proposition.

Mr. ELLIS H. ROBERTS. I do not think that ought to be insisted upon. The proposition has been beaten on a fair vote.

Mr. WARD, of Illinois. Then I call for a further count.

Mr. DAWES. I think that this question has been fairly argued on both sides and that it would be right for gentlemen to accept the judgment of the Committee of the Whole; but I will agree to allow a vote by yeas and nays in the House.

Mr. WARD, of Illinois. If the chairman of the committee will allow me to offer an amendment in the House to strike out this line and to have a vote upon it, that is all I ask.

Mr. DAWES. I will do that.

The CHAIRMAN. No further count being demanded, the amendment is rejected.

Mr. O'BRIEN. I move to amend by inserting after the pending paragraph the following:

On chromate and bichromate of potassa, 4½ cents per pound.

This amendment is offered to encourage and foster the manufacture of this chemical, which enters largely into the printing of cottons and woolen manufactures; it is a protection which is demanded in the interest of the consumers. This article in the ore is mined in Maryland and Pennsylvania, and Maryland enterprise has established the only manufacture in this country. In Baltimore, over half a million dollars capital has been invested, and after many difficulties we can boast the manufacture of an article superior in quality to the foreign importation and at a price to the consumer less than one-half that which was paid before this Maryland production was attempted. In Glasgow, Scotland, there are two wealthy manufacturers of this important chemical, who have monopolized the whole production abroad, and it remains to be seen whether this Congress will admit of the crushing out of this home manufacture which is now threatened, the effect of which will inevitably give to the English capitalists and producers control of our markets, and when the monopoly becomes complete, then an advance in price to the rate of a few years ago will follow.

The present duty is 3 cents per pound; the amendment asks for 4½ cents per pound. While during the war the cost of mining the ore and labor in manufacture was doubled, and still remains at the highest rate, no protection was asked or given. It is only now, when extermination of our domestic manufacture is sought, that I ask for this Maryland enterprise the same measure of justice that is lavishly dispensed in other quarters. Mr. Chairman, I am not here to demand even the same average protection which like articles are afforded by our laws; but in the interest of the whole country, and for the benefit of all who will share alike in the advantages of the development of our manufactures, to sustain our citizens in their attempts to compete with the foreign producer and thus add to our common prosperity, I ask the adoption of this amendment. Will this small measure of support be denied and our domestic interest in this manufacture sacrificed because the Ways and Means Committee did not report it in their bill; for there is no valid reason or argument that can be advanced against the amendment I have proposed? My constituents are largely interested in this production; the pay-roll of the works in my district average $10,000 monthly. I have a pride in sustaining every enterprise into which Maryland capital enters, but, Mr. Chairman, a higher motive urges me forward in sustaining this amendment. It will secure the successful competition of domestic with foreign manufacture; it will develop and sustain an American production which will to a large extent add to the resources of our country, and in case of war with Great Britain leave us independent of the foreign supply; otherwise we would be deprived of an article so necessary to our welfare. I trust, Mr. Chairman, that the amendment will be adopted.

I will say, Mr. Chairman, I am not much on tariffs. I rather incline to the doctrine of free trade; but there are industries, and I think this is one of that character, which should be nursed and fostered and sustained, at least until they become self-sustaining. Then I would have free trade in this article, as I would have it in all others when the prosperity of the country would permit it.

Mr. BIERY. Is this one of the industries which ought to be protected because it is a Maryland industry?

Mr. O'BRIEN. Not by any means. In sustaining any Maryland enterprise or any enterprise into which Maryland capital may properly and legitimately be put, I sustain it because it is for the benefit of the whole country by enabling the consumer to obtain it at a much less price than if the tariff remains where it is now.

[Here the hammer fell.]

Mr. KASSON. I wish to state, Mr. Chairman, before the House votes on this question, that the duty on the article is now 3 cents per pound; that it is produced almost exclusively in this country by this concern in Maryland to which allusion has been made; that it had at one time a hard struggle undoubtedly to sustain itself against competition from abroad; and that that effort has resulted thus far in sustaining it and enlarging its production. The proprietor of these works, however, claims he has sustained himself at a very considerable loss in the presence of these occasional attacks upon the market which come from two wealthy manufacturers in a foreign country, who avail themselves of a dull market abroad to flood this market and put the price so low that in one single season he affirms he lost $50,000. Under these circumstances the committee were disposed to treat the question with absolute impartiality and fairness. Perhaps I ought to say there is some difference of opinion in the committee on the subject whether an additional cent per pound is needed to sustain this American industry. I will only speak for myself in saying I think 4 cents a pound would be no more protection, as long as you insist on the theory of the protection of this industry, or in fact as much as you are in the habit of giving to other industries which are competing with like industries abroad.

The question, therefore, is simply between 3 cents and, as the motion puts it, 4½ cents per pound. All competition in this enterprise has diminished year by year. This spring it shows an increase in the last few months of the imported article, and this has subjected him again to the danger which he has been subjected to before at considerable loss.

I only undertake in what I now state of what ought to be done to speak for myself. Other members of the committee speak differently. I would be willing myself to give 4 cents per pound on the basis I spoke of, that it gives him only that portion of protection which in my judgment sustains him against destruction by competition which other like industries have obtained. I only apply the principle as I find it, and say upon that application it requires another cent per pound.

[Here the hammer fell.]

Mr. BURCHARD. I move to strike out 4½ cents and insert 3, and I desire to present to the committee the considerations which led to the action of the Committee on Ways and Means.

Mr. O'BRIEN. The present law fixes it at 3 cents per pound.

Mr. BURCHARD. I am aware of that fact. The reasons which influenced the committee in deciding after full consideration and hearing the party who was interested in increasing the duty to let the duty remain as it is at the present time are these: From the statements of the proprietor, or one of the proprietors, it appears the manufacture of bichromate of potassa commenced about twenty-five years ago with a limited capital; that now they have, partly by addition to their capital, and partly from investment of the returns

of the business, increased the capital to about one-half a million dollars. They commenced the manufacture under a duty of 20 per cent. *ad valorem* under the tariff of 1846, and they continued year after year under the reduced tariff of 1856, of 15 per cent. *ad valorem*, which in 1861 was increased to the present rate of 3 cents per pound. Now they ask for an increase of duty. The manufacture of their product is increasing from year to year. Hence it seems to me there is no necessity and no reason why, with a flourishing and increasing manufacture from time to time, they should have any claim upon Congress and the people to have the duty increased. It has been the policy of Congress within the last three or four years rather to reduce than to increase duties. Upon consideration of the whole subject, the committee believe the duty should be left as it is at the present time.

Another thing is that it is an article used largely in other manufactures. It is used as a mordant in dyes and for chemical purposes, and the duties upon all the articles that enter into these manufactures have been adjusted as nearly as can be with regard to the duties on other articles used in the same manufactures, and it would be unjust to other industries to single this article out at this time and increase the duty upon it.

Mr. MAYNARD. I rise to oppose the amendment of the gentleman from Illinois. This is a subject which has attracted my attention heretofore, and I cannot do better, perhaps, than to recall and reproduce some remarks I made upon it four years ago. I will ask the Clerk to read the passage I have marked in the Congressional Globe

The Clerk read as follows:

There is another intermediary manufacture—that of the chromate and bichromate of potassa—used as a mordant in printing calicoes and in certain classes of wool-dyeing. This article was formerly produced by only one establishment, in the neighborhood of Glasgow, in Scotland, and was sold for 37 cents a pound. A Baltimore gentleman discovered a deposit in Maryland and another in Pennsylvania, and commenced the manufacture of it. The result was that the price to the consumer went down from 37 to 18 cents. There is a duty on it at this time of 3 cents a pound. The original manufacturer is now dead and his sons are carrying on the business. The price in our market is now reduced to 16 cents a pound, with sharp competition between them and their Scotch competitor. The cost of this article nearly all arises from labor, and I am informed that the monthly pay-roll reaches from $6,000 to $8,000, disbursed in a comparatively poor part of the State of Maryland.

Mr. MAYNARD. Mr. Chairman, this is not to be classed among the larger productions; but yet it is a very important one. It is limited in its extent partly by its use, but especially by the source from which it is derived. The result of the discovery by this gentleman, the father of the present manufacturers, and the establishment of the manufactory in this country, has been to reduce the article at least one-half in price. The duty that was placed on it at 3 cents was placed on it before the war and has not been raised since, amounting to nearly 16 or 18 per cent.; about one-half of the average rate per cent. on the various articles which are subjected to tariff duties.

As a matter of fact the statement made by the gentleman is not overdrawn. The struggle to keep up this establishment against a foreign rival, supported by much heavier capital and much cheaper labor, has been constant and very great; and if we give what is asked for by the gentleman from Maryland, 4½ cents per pound, it gives a duty of but little more than 25 per cent., which is scarcely two-thirds of the duty that is imposed upon the average products of the foreign market that are imported into this country.

There is no reason which I can see, none whatever, why we should not protect this establishment; because if it were permitted to go to pieces it would put all our printing establishments and all the branches of the dyeing business into the power of a concern which has a monopoly in Europe and which has been striving to secure the monopoly of the world. It is in the interest of competition, it is in the interest of keeping prices down, that this amendment is offered, and I trust that it will prevail.

Mr. DAWES. Now let us have a vote, and I trust that all amendments will be withdrawn except that offered by the gentleman from Maryland.

Mr. BURCHARD. I withdraw the amendment to the amendment.

The question was taken on Mr. O'BRIEN'S amendment, and there were—ayes 97, noes 33.

Mr. BECK. I believe no quorum voted.

The CHAIRMAN. Is a further count demanded?

Mr. BECK. Yes; I am opposed to raising the tariff 50 per cent. for the benefit of one man.

Mr. DAWES. I hope the gentleman will accept a vote on the amendment in the House, and let it pass in the committee.

Mr. BECK. That is all I want, a vote in the House.

The amendment was agreed to.

Mr. DAWES. Before we go further, I ask unanimous consent to go back for the purpose of striking out a comma, which comes in just like that between fruit and plants, in the thirteenth line on the second page, by which silk twist has got made into two articles by a comma. I move to strike out that comma.

The amendment was agreed to.

Mr. TOWNSEND. I move to insert after the amendment last adopted the following:

On mustard packed in any package of less than 30 pounds or in glass or tin, 20 cents per pound.

Mr. Chairman, the duty upon mustard in bulk is to-day 10 cents a pound, and in cases of glass or tin it is 14 cents a pound. The European manufacturers are making it now in cans of a quarter of a pound, and it would cost the American manufacturer, in competing with them, from 4 to 5 cents on the quarter of a pound to make that kind of tin case or glass jar in which to put it. The result of this is that the foreign manufacturer is now engrossing the market almost entirely, and unless we can raise the duty up to about 20 cents a pound the American manufacturer will be entirely excluded.

And it is with that view, in order to put our manufacturers upon an equal footing with the European manufacturers, that I ask that mustard when sold in packages of one-quarter of a pound or anything less than thirty pounds, shall pay a duty of 20 cents a pound instead of 14 cents a pound. If we do not do that, the American manufacturer will be driven entirely out of the market.

Mr. DAWES. In reply to the gentleman from Pennsylvania [Mr. TOWNSEND] I have this to say: The moment we branch out upon matters that have not been considered by the Committee on Ways and Means we will be all at sea, and it would take six weeks to get through with this bill. I did not object to the amendment offered by the gentleman from Maryland, [Mr. O'BRIEN,] because that subject had been before the Committee on Ways and Means and examined by us, and at one time we had put it into the bill. That is the reason I did not make a test question upon that amendment, as I do now upon this.

Now, if we take up new matters that have not been considered by the Committee on Ways and Means, we open this tariff bill so wide that we might just as well throw it up to-night and spend no more time upon it. This subject has not been heard before the committee. I ask the Committee of the Whole to decide upon this matter without going into the merits at all, and determine whether they care to have corrected these important matters of errors in the tariff by which $1,500,000 within six or eight months have leaked out of the Treasury upon a clerical construction, and whether they will have made the changes proposed in the internal-revenue law, or whether we will abandon the whole thing, by merely taking up what may be proper in itself but which has not been considered by the Committee on Ways and Means. I do not speak in reference to this particular article, because I am not talking about the merits of the article, but upon the question whether the Committee of the Whole will say they will only alter and modify what the Committee on Ways and Means have brought in here, and which we think is right, or take up new matters that have not even been before the committee.

The question was then taken on the amendment moved by Mr. TOWNSEND, and it was not agreed to.

The Clerk read the following:

On nitro-benzole, 10 cents per pound.

Mr. ELLIS H. ROBERTS. I move to insert after the word "benzole" the words "or oil of mirbane." That is another name for the same article. I do not propose to change the duty.

Mr. HAWLEY, of Connecticut. Will the gentleman explain the necessity for this amendment?

Mr. DAWES. It is only a different name for the same thing.

The amendment was agreed to.

Mr. KENDALL. I move to insert after the line just read the following:

On crude borax and boracic acid, 5 cents per pound.

I wish to say a word in regard to the amendment which I have offered, and to state why it should be adopted and incorporated into this bill. I will state a few considerations why the amendment should be adopted. According to the present law the duty upon refined borax is 10 cents per pound, while crude borax and boracic acid are admitted free. I am informed that in many of the Atlantic cities crude borax and boracic acid being admitted free, the refined article is manufactured therefrom in our country and comes in direct competition with our own home production.

Now, in regard to the amount of revenue derived from the imposition of a tariff of 10 cents per pound on refined borax, let us see how insignificant it is. The amount of refined borax imported into this country during the fiscal year ending June 30, 1873, was in value $2,152, yielding a revenue, at 10 cents per pound, of only $928. The value of boracic acid and crude borax imported during the same period was $21,382. This yielded no revenue.

Mr. MAYNARD. The gentleman will aid some of us if he will have the goodness to state what amount of borax can be produced on the Pacific coast.

Mr. KENDALL. I will come to that directly. I thank the gentleman for suggesting it.

Mr. MAYNARD. I think there is an impression that practically the production of this article on the Pacific coast has been a failure.

Mr. KENDALL. My amendment proposes to fix a duty of 5 cents per pound upon this article. During 1873 there were imported 131,085 pounds of crude borax, which with a duty of 5 cents per pound would yield a revenue of $6,554.25, instead of the insignificant sum of $980. I am aware that if a duty is imposed upon this article the amount imported will for a time be somewhat less. But I present this as an approximate estimate.

Now in regard to the question proposed by the honorable gentleman from Tennessee [Mr. MAYNARD] and which I am very glad to answer. As to the supply of crude borax in our own country, why, sir, it is

unlimited. I am surprised that any gentleman should labor under the impression that our domestic supply has been exhausted. My friend from Pennsylvania, [Mr. KELLEY,] who supports this amendment, knows very well that all over those western plains the supply of crude borax is absolutely inexhaustible. But on account of the high price of labor in our part of the country, coming, as we do, into competition with the manufacturer who takes advantage of the crude article coming to his hand free of duty, we are unable to get our own production to market.

[Here the hammer fell.]

Mr. DAWES. I would inquire what is the present duty on this article?

Mr. KELLEY. It was put on the free list, evidently in ignorance of the great resources of the borax lakes of California and Nevada. I heartily concur in the amendment proposed by the gentleman from Nevada, [Mr. KENDALL.]

Mr. KASSON. I should like to call attention to the question of revenue as connected with this proposition. When the duty was 5 cents a pound the importation of the article in 1870 was 2,616 pounds; in 1871, 5 pounds. Consequently gentlemen will see how much revenue we should get from this article with the duty at 5 cents a pound.

Mr. KENDALL. In 1873 the importation was over 130,000 pounds.

Mr. KASSON. That was after we had put it on the free list. When the duty was 5 cents a pound we imported practically none of this article.

Mr. DAWES. I ask the Committee of the Whole to adhere to the rule adopted when the gentleman from Pennsylvania [Mr. TOWNSEND] offered his amendment. I do this the more cheerfully because it will be no hardship. I do not see how it can be a hardship to California and Nevada, with mountains of pure borax and lakes of pure boracic acid. When I visited that region of country two or three years ago I was told that right within sight of where I was there was a mountain three miles round composed of pure borax, so that there was nothing to do but to shovel it up, and that one could bathe himself in lakes of pure boracic acid in pure delight. Now I cannot see any reason in the world why our friends over there cannot supply us, when all they have to do is to ladle it up on the one side and to shovel it up on the other. Hence, I do not think it would be any hardship in this case to adhere to the rule not to introduce any new matter.

Mr. KENDALL. Is not the gentleman from Massachusetts aware—I know he must be—of the advanced rates of wages in our portion of the country as compared with the Atlantic region?

Mr. DAWES. I admit there is considerable difference in that respect. These gentlemen want this duty because labor is a great deal higher in this country than it is abroad. But then we ought to consider the abundance of the natural supply in this country. If our friends of the Pacific coast who delight to dig gold much more than to shovel borax had the energy of the Yankees—I say this with no disrespect—they would spread their supply of borax all over the country because, that supply is inexhaustible; and I do not think there is any distressing necessity for our going outside for this article.

The question being taken on the amendment of Mr. KENDALL, it was not agreed to; there being ayes 33, noes not counted.

The Clerk read as follows:

On tin in plates or sheets, and on terne and tagger's tin, 1¼ cents per pound.

Mr. KELLOGG. I move to amend by striking out "1¼ cents per pound," and inserting "and on the boxes containing the same 1 cent. per pound."

If the Committee of the Whole will give me their attention for a moment, (and I think they will because this is a reduction of duty instead of an increase,) I will say that I offer this amendment at the instance of the gentleman from New York, [Mr. TREMAIN,] who is detained from the House to-night by sickness. All the tin we use in this country has to be imported, and the present duty is 15 per cent. *ad valorem*. But there are difficulties about the importation as we know—conflicts between the importers and the custom-house authorities, out of which have grown some of the troubles in New York within the last year or two. The returns of the imports of tin in 1872 and 1873 show that a duty of 1 cent. a pound will give an increase of over $70,000 a year in the amount of duties. Now, when tin pans and various other articles of this material are used by the workingman, I think it right that this duty should be no higher than 1 cent a pound.

For the purpose of avoiding any trouble between the importers and the custom-house authorities, the amendment contemplates that the boxes shall be weighed and shall pay a duty of 1 cent a pound. With the weight marked on the boxes there can be no trouble between the custom-house authorities and the importers. If the duty be raised to 1¼ cents a pound the result is an increase of duty in the higher priced tin of at least 20 per cent. over the present rates of duty, and on the cheaper qualities of tin 40 or 50 per cent. I do not believe we want to raise the tariff on this article. I know that my friend from Kentucky [Mr. BECK] and other gentlemen on that side, when they have a chance for once to vote for a proposition for a reduction of duty coming from a member from Connecticut, will do so. I repeat that in offering this amendment I act as the proxy of the gentleman from New York, [Mr. TREMAIN,] who would have offered it if he had been here.

Mr. BURCHARD. The object of the Committee on Ways and Means in inserting this provision in regard to tin is simply to change the *ad valorem* duty to a specific duty, which shall be as nearly as possible the equivalent. During the last fiscal year we collected from these items enumerated in this provision $2,353,010. There were imported, as the returns show 1,824,576 hundred-weight. A duty of $1.25 the hundred-weight would be lacking about $55,000 of giving that amount of duty. The committee first considered whether they should make the duty $1.25 a hundred-weight. One cent per pound would fall short of giving the same duty about $300,000. The boxes, as I am informed by a leading importer in this trade, numbered about 1,400,000, averaging about 5 pounds per box. The duties on the boxes would be about $70,000 only. Adding the boxes at one cent per pound, it would fall short over $200,000. Making it 1¼ cents gives a little gain. The exact equivalent would be about $1.15, or a little over that. While we were complying with the request of the trade and the request of the importers and manufacturers of the country when we were changing an *ad valorem* to a specific duty, and that was the only object we should not allow the revenue to fall short of the amount now received, especially when we are lacking money. These were the reasons which influenced the committee in fixing this rate.

[Here the hammer fell.]

Mr. BECK. I move to amend the amendment by striking out "1¼" and inserting "1 cent."

Mr. KELLOGG. That is my amendment. I make it 1 cent per pound including boxes.

Mr. BECK. I make it 10 per cent. for boxes then instead of 5. I was the only one of the committee who voted against 1¼. I thought 1 cent, with 1 per cent. added for boxes, would be the exact equivalent of the duty we now obtain. I had it made out by a man of uncommon intelligence, and I believe in the statement he makes.

By the latest importations of tin plates, that is for the last seven months, according to the statistics furnished by the Bureau of Statistics for the seven months ending January 31, 1874, that is from the beginning of the fiscal year to the end of the month of January last, the total importations of tin plates, net weight, were 114,112,320 pounds, of which the foreign value was $6,689,569, and the duty collected at 15 per cent., $1,003,435. The above importations at a specific rate of duty of 1 cent per pound gross, including boxes, would be total net weight 114,112,320 pounds; adding 5 per cent. for boxes, 5,705,516 pounds, would make a total gross weight of 119,817,836 pounds, which, at 1 cent per pound, is $1,198,178, or an increase of $194,743.

Mr. BURCHARD. What is that 5 per cent. upon?

Mr. BECK. Upon the whole amount.

Mr. BURCHARD. Five per cent. upon the boxes—upon the valuation of the boxes?

Mr. BECK. Upon the value of the tin itself.

Mr. BURCHARD. You have an *ad valorem* and a specific duty combined.

Mr. BECK. No, sir; I add 5 per cent. to the net weight of the tin for boxes.

Mr. DAWES. Then I understand you add the percentage of the whole for the boxes.

Mr. BECK. Certainly; 5 per cent. of the tin for boxes. When you add that to the amount of tin it makes the gross weight.

Mr. DAWES. Then you have this difficulty, that you cannot ascertain the weight of the tin until it is out of the boxes.

Mr. BECK. You know the weight from the invoices from abroad.

Mr. DAWES. That opens it up to the frauds we have been hearing about.

Mr. BECK. You get all your invoices from abroad. At 1 cent per pound and 5 per cent. of the weight of the tin for boxes, the increase of revenue on the proposition of the gentleman from Connecticut which I advocate would be $194,743 over what we have had at 15 per cent.

Mr. DAWES. I will state what influenced the committee to recommend 1¼ cents per pound. A specific duty brings less revenue from that which enters into every-day wear, such as tins and milk-pans, which are made of a higher quality of tin. But the poorer and cheaper tin pays the same duty. Now, that is just the reverse of what ordinarily happens. The poor man gets the duty lower on his tin by the specific duty than the rich man, a thing which scarcely happens in anything else. But on the question of whether it shall be 1 cent or 1¼ cents the committee find that if it were put at 1 cent we should not get so much revenue as we get this year. It is said by the importers of tin that this year tin is higher than it has been for years past. That may be true, but there is no promise that it will be lower after this year. I think that the difference between 1 cent, which will lose us some $200,000 of revenue, and 1¼ cents, which will give us less than $100,000 more, the importers of tin ought to be reconciled to, and say not a word against it, when we relieve them from all the complications of the old tariff by this operation and give them the simple mode of merely paying 1¼ cents on every pound that they import. This trouble, which is illustrated in the moiety case, where $271,000 penalty was paid for not conforming to the law as to $1,600 worth of duties, all arose out of the complication and difficulty of conforming to the very many requirements of that law. Now all that is done away with, and yet these tin men want us to come a

little below the present duty. The Committee on Ways and Means thought they could afford to come a little over it if they had all this conceded to them, and that more than anything else induced the committee to adhere to this proposition. Suppose the Committee on Ways and Means should continue the present complicated tariff, which involves them in all these difficulties and these reproaches; but instead of that they are required to pay only 1½ cents duty, little more than the price paid heretofore. I hope, therefore, that the Committee of the Whole will adhere to this duty of 1½ cents per pound.

[Here the hammer fell.]

Mr. KELLOGG. I move to strike out the last word of the amendment offered by the gentleman from Kentucky, [Mr. BECK.]

The CHAIRMAN. Such an amendment is not in order, as there are two amendments pending.

Mr. BECK. I withdraw the amendment to enable the gentleman from Connecticut to renew it.

Mr. KELLOGG. I renew the amendment for the sake of saying a few words upon this question, if the committee will hear me for a moment. I think the Committee on Ways and Means have done well in making this a specific duty; but the trouble is that they put it from 20 to 40 per cent. higher than the existing duty, if you take the average for the last three years.

Several MEMBERS. O, no.

Mr. KELLOGG. I have the figures, computed by as good an accountant as there is in New York, and if you go back three years, an average of 1 cent a pound will yield you $70,000 more duty than you get now.

Now, for the purpose of simplification we say, put the duty at 1 cent a pound box and all; and then there can be no question between the importers and the custom-house authorities. If you put the duty at 1 cent on box and all, I have the figures to prove beyond question that you will get more revenue than you get now, you will make it more simple and you will not put an additional duty on the consumers all over the country; and the consumers are more interested on this question than the importers. I now withdraw the amendment as offered by the gentleman from Kentucky, and call for a vote on my original amendment.

Mr. KELLEY. Not until I have opposed it.

Mr. KELLOGG. Very well; I will wait until the gentleman opposes it.

Mr. KELLEY. In 1872 the duty on tin was 25 per cent. The importers of tin then came and convinced the Committee on Ways and Means in the House that it should be reduced to 15 per cent. They now come and ask not only that it be modified to a specific duty, to relieve them from the troubles and embarrassments to which the chairman of the Committee on Ways and Means has alluded, but they agreed in terms with the committee that the duty should be so adjusted as to compensate fully for the 15 per cent. *ad valorem*, and the committee prepared this bill in accordance with that agreement. Now, having had the duty reduced from 25 to 15 per cent., and having themselves shown what would be equivalent to the 15 per cent., they come into the House and are attempting to effect a further reduction. I think it unfair and inequitable, and hope that as the gentleman from Connecticut withdraws his amendment the committee will sustain the provision as reported by the Committee on Ways and Means.

Mr. KELLOGG. I withdraw the amendment originally offered by the gentleman from Kentucky and which I renewed, and now call for a vote on the amendment which I offered originally to put the duty at 1 cent a pound including the boxes.

The question was taken on the amendment; and on a division there were—ayes 80, noes 99.

So the amendment was not agreed to.

Mr. WOODFORD. I offer the following amendment:

After line 13, insert the following:

On steel in ingots, bars, coils, sheets, and steel wire of all sizes, 2½ cents per pound.

Mr. Chairman, I desire the attention of the committee for one moment, and I will endeavor to be as compact and concise in the statement that I seek to make to the House as possible. At present the duty on steel, which is largely a raw material in our varied manufactures, is partly specific and partly *ad valorem*. Steel that is worth 7 or less than 7 cents per pound pays 2½ cents duty, less 10 per cent. Steel that is worth between 7 and 11 cents per pound pays 3 cents per pound with a reduction of 10 per cent. Steel that is worth over 11 cents per pound pays 3½ cents per pound with an addition of 10 per cent. *ad valorem*, and then a reduction of 10 per cent. upon the gross amount.

Now, sir, after a very careful examination of this question it is found not possible to collect this revenue, as it is now paid, without great possibilities of fraud. The temptation to this is continuous. A class of customs officers largely skilled and very acute are rendered necessary. From the very moment the importation is ordered on the other side until it has passed the custom-house here the door is open to fraud. In place of that there should be a specific duty.

Now, let me state a little of that which has fallen within my own personal knowledge. Steel comes here mostly in bars. Take the bars of the two higher classes, those which range between 7 and 11 cents on the one hand and over 11 on the other. Break these bars with a sudden blow, allow the granulated edges only to be seen, place the two classes together, and there is no living expert who can tell which steel is worth from 7 to 11 and which is worth over 11. Whether you will or not, you have got to rely upon the oath of the importer, upon the consular certificate, and upon the proof of the market value upon the other side. These opportunities for fraud should be done away, and a specific duty should be placed on the article.

Now, what specific duty should be put there? The importation is about 50,000,000 pounds per annum. At 2 cents per pound, which was the amendment moved yesterday by the gentleman from New York, [Mr. COX,] the revenue would be about $1,000,000. That is less than the revenue which we now collect, and therefore we cannot afford to fix the duty at that figure. At 2½ cents per pound upon the entire importation we should get $1,125,000, which is but a trifle more than we now get. At 2½ cents per pound the revenue would be $1,250,000, which is from $125,000 to $130,000 more than we get at the present time.

If you are laying your tariff in the interest of protection, then protect the capital and labor which are engaged in this industry. Let me call the attention of the committee to a few figures on this point.

The census of 1870 shows that at that time there were employed in the production of steel in this country about 2,400 men, and in the manufacture of tools and articles that are made from steel there were employed 13,521 men. The capital invested in production of steel was $6,000,000, and in the manufacture of tools made from steel $16,000,000.

[Here the hammer fell.]

Mr. CROOKE. I take the floor for the purpose——

Mr. MAYNARD. Before the gentleman takes his seat I would like to ask him a question.

Mr. CROOKE. I yield my time to my colleague, [Mr. WOODFORD.]

Mr. DAWES. I do not want to interrupt my friend, but if he goes on in that way and takes ten minutes to advocate his amendment he will entirely pervert the rule and make it necessary to have ten minutes to oppose it.

Mr. CROOKE. Have I a right to the floor?

Mr. DAWES. As this is an important matter——

Mr. CROOKE. It is so important a matter that I take the floor for the purpose of yielding my time to my colleague, [Mr. WOODFORD;] otherwise I would not do it.

Mr. DAWES. I will not insist upon the rule now.

Mr. WOODFORD. I thank my colleague [Mr. CROOKE] and the members of the committee for their courtesy. Allow me to go on one moment with the chain of my argument and then I will close. This matter of tariff would work in this way: To-day American steel sells at 15½ cents per pound and English steel costs nearly 20 cents per pound. The difference in favor of American steel is almost 5 cents per pound. Then why is English steel required? Because for certain tools, for certain articles, for some axes, for certain kinds of saws, and for those industries which employ so many laborers all over our land, the English steel at the higher price is to-day required in the American market. And when we lay this tariff of 3½ cents per pound and then place 10 per cent. *ad valorem* duty upon that, and then go through the mathematical problem of taking off 10 per cent. of the whole, you will go far toward demoralizing and disorganizing that branch of American industry. To-day we are making at Cohoes, in New York, tools that undersell the Sheffield manufactures in Australia. We are making axes that undersell Sheffield axes all over the world. The head of the ax is made of American iron, while the edge is most generally made of English steel. This is part and parcel of the industry of our country, and in behalf of that great industry, in behalf of that American enterprise which would enable us to sell our products all over the world and to compete successfully with English products, I ask this committee here and now to do justice on the one hand to the steel consumers, and upon the other to shut the door against the giant possibility of fraud under the *ad valorem* system.

Mr. MAYNARD. Will the gentleman from New York [Mr. WOODFORD] now answer my question? He has stated, and stated very truly, that by the eye the quality of steel cannot be determined; but does he not know that there is a test of the different qualities of steel that is indisputable? I mean the test of fire; and it is a test very easily made by one who knows anything about steel.

Mr. WOODFORD. Precisely; and were it possible to erect forges in every custom-house; were it possible to kindle a fire that ought to burn out the corruptions of the custom-houses, we might test alike the steel and the steal. We have tested it a good deal in a good many ways, spell it as you will. We cannot have the fire; we do have the custom-house frauds. Now, let us have a tariff under which we cannot have the frauds we have had. Let us do what we can to substitute specific for *ad valorem* duties.

Mr. MAYNARD. How much fire would it take to operate a blowpipe to test the quality of steel?

[Here the hammer fell.]

Mr. DAWES. *Pro forma*, I move to make the duty 2½ cents.

Mr. ELLIS H. ROBERTS. I desire now to enter my protest against gentlemen obtaining the floor to oppose an amendment and then yielding to gentlemen who advocate the amendment.

The CHAIRMAN. The Chair will enforce the rule; he has only indulged gentlemen by the unanimous consent of the committee.

Mr. DAWES. I see the necessity of enforcing the rule, although it is pretty hard to answer these objections in five minutes.

When this matter was before the Committee of the Whole yesterday I stated the reasons which had induced the Committee on Ways and Means to postpone this question of the duties on steel by keeping it out of this bill. There are a great many views to be taken of this question which the gentleman from New York [Mr. WOODFORD] in his brief examination of it has not, I fear, considered. In the face of the gentleman's statement that the quality of American steel is so poor that it cannot be used for edge tools it was demonstrated before the Committee on Ways and Means that of the edge tools manufactured in this country about three-fourths of them are made from American steel.

There is another thing which the gentleman does not seem to have taken into account. He proposes to put all the steel that now pays 2 cents a pound up to 2½ cents. Of all the steel coming into this country about three-fourths is the low grades of steel paying 2 cents. The gentleman proposes to add to those grades of steel ½ cent a pound. Now, all the low grades of steel, both foreign and American, enter into the every-day use of the people of this country; enter into all the farming utensils of the country; enter into all the use and consumption of steel in the country except that of the highest quality. So that the gentleman's proposition is not only to put an increased duty upon the lower grades of steel, but to raise consequently and necessarily the price of the lower grades of American steel. Every farmer's hoe and plow and pitchfork—I wish my friend from New York [Mr. COX] were here to talk about this matter—will be raised in price by this proposition. Now, while it is true that up to this time certain branches of manufacture have demanded and must have the highest quality of imported steel whatever may be the cost, that is not a general truth, applying to all branches of manufacture.

Mr. CONGER. Does the gentleman mean to say that adding to the duty upon an article necessarily increases its price?

Mr. DAWES. I mean to say that it does in the first instance increase the price of an article to put a duty upon it; and I mean to say also that by holding the duty there, if it be an article that can be manufactured in this country, the ultimate result will be to bring it down. At the same time I mean to say that within the last ten years, under the fostering care of our tariff laws, American steel has advanced from one-tenth part of the consumption of the country until to-day it is four-fifths or seven-eighths of that consumption. Ten or fifteen years ago hardly a tithe of the steel consumed in this country was made here.

But the immediate effect of the proposition of my friend from New York is to add just the amount of the increased duty to the price of every article that the farmer and the mechanic of this country use, while on the highest qualities of steel—on the razor and that species of steel—the duty will be reduced. So that there are a great many sides to this question.

I beg the House to take another view of this subject. Suppose that we to-day change the whole system of our tariff on this large industry, leaving other industries, for want of time or care or disposition, as they are. By thus singling out this one industry and bringing down the duty, you put it to struggling with all other industries which continue at existing rates. This to my mind is a very strong objection to taking up this particular industry when there is no disposition to take up all the industries of the country and treat them all alike—lifting them all up or lowering them all together. That was the philosophy of the 10 per cent. reduction two years ago. It treated all these industries alike. It let them all down gently just 10 per cent. and no more. [Here the hammer fell.] I withdraw my *pro forma* amendment.

Mr. KELLEY. I desire to state to the committee, Mr. Chairman, that a large majority of the steel consumers of the country have petitioned this House in favor of the maintenance of the present tariff on steel. Their petition was referred to the Committee on Ways and Means. It embraced signatures of manufacturers of steel into commodities from nearly all the States in which such manufacture is conducted. Why was this? Why, it is because the development of steel-making in this country under a protective tariff has cheapened their material to a rate below what they had been getting it from England or what they can now get it for. It has given them a supply of the various qualities right at their own door. It was in testimony before the committee from many sources that the best class of American steel is superior to the best class of English steel. It was said and circumstantially shown that our American product encounters prejudice and has been condemned by workmen when sent into the shop as American steel, but when it had been salted so as to make it rusty and a British label had been put upon it, it was pronounced the best steel the same workmen had ever worked. Protection is needed against our own prejudice.

Now, the amendment of the gentleman from New York, [Mr. WOODFORD,] as the chairman of the committee has shown, would add 50 per cent. to the duty upon the lowest grade of steel. It would derange the entire industry in the production of steel, by removing all protection from the higher grades by reducing the duty from 3 cents per pound and 10 per cent. to 2½ cents, and raising the duty on the lower grades from 2 to 2½ cents. The Committee on Ways and Means heard all parties on this subject and found it was difficult to decide. Their conclusion was that wisdom, duty to the industries of the country, duty to the public revenue, required them to omit it from this bill and give it more deliberate consideration.

I ask the Committee of the Whole to free themselves from the magnetic influence of the eloquent gentleman from New York, [Mr. WOODFORD,] and decide again as they did deliberately yesterday, that the Committee on Ways and Means acted wisely in handling with consideration an interest, or whole groups of interests, so important to the industries of the country, so important to its revenues.

Sir, the iron trade is very sadly depressed at this time. In the whole history of Pennsylvania there have never been so many unemployed men at one time as now. Ralroad construction has been abandoned and the numerous rail-mills of the country, most of them, are standing idle. Of the forges and furnaces in Pennsylvania more than one-third are blown out and standing idle.

You gentlemen of Illinois, I ask you what of the iron and steel works at Joliet, in your own State? The city of Joliet gave them the land and the people contributed funds to induce them to embark their capital there. Three million dollars are there and no dollar of it productively engaged. The mills are standing idle. The mines from which the ore came, the quarries from which the limestone for the flux was taken are unworked, and the body of skilled men thus attracted to your prairies are seeking employment elsewhere, or seeking public land upon which to compete with the farmer in further overstocking the depressed market for grain.

[Here the hammer fell.]

Mr. KASSON. The gentleman withdraws the amendment and I renew it. I approach the consideration of this question, Mr. Chairman, from a different point of view from that of the gentleman from Pennsylvania, [Mr. KELLEY.] It is a question of more interest to me, perhaps, than any other question which is touched in this bill, because the industry affected is fundamental, and the use of the product of that industry is almost universal in all the industries of the country, from the prairie to the crowded city.

I did believe, Mr. Chairman, and do still believe in the desirability of a specific duty. I did believe in our ability upon the data in our possession to provide a specific duty which would be just to all the interests of the country. I do not believe to-day, upon the evidence yet submitted to the committee, that we are able to do justice to the consuming interests of the country by arranging a specific duty in the manner proposed by the gentleman from New York, [Mr. WOODFORD.] There has always been a certain proportion preserved or attempted to be preserved between the duty upon the raw material and the duty upon the finished material in the way of tools. And, therefore, a specific duty upon the raw material deranges that proportion absolutely, without any knowledge on the part of the House as to the effect that is going to be produced. I desire myself a reduction of the duty on steel. I cannot up to to-night find a basis on which we can do justice on the one hand to the manufacturing interests, and on the other to the consuming interests, and until that basis is found I dare not act. If we raise to-night the duty on the low qualities of steel that enter into plows, hoes, and other agricultural implements, how shall we explain to the people of the West satisfactorily the reasons for that conduct? The lower-priced steels need less protection as a manufacturing industry than the high grades. If, on the other hand, you reduce the high grades, without knowing the proportion as to all the grades that enter into agricultural implements and the other great industries of the country, how will you be able to satisfy in turn that industry and the consumers of the products of that industry? I have only to say that I have shrunk from carrying out my own wishes from the simple fact that I dare not, upon the evidence before the committee now, propose a specific rate that shall be just to the consumers of steel, even irrespective of the interests of the manufacturers.

I go further, and I dare not strike down the duty so low as to destroy an American industry, for the reason that if I must be a slave to a monopoly I will be a slave to an American monopoly in preference to a foreign one. I have one duty from my point of view in the adjustment of the tariff, and that is to so adjust it that competition is promoted and not destroyed. You destroy it in either of two ways: you destroy competition when you make your duty so high that no foreign steel or other product can be imported; you also destroy competition, and I beg gentlemen to mark that, when you put your duty so low that your American industry is destroyed. Consequently, my whole study in the adjustment of the tariff question is to so arrange it that we do not prohibit the introduction of any article and do not prohibit the manufacture in America of that same article if it is within our power to manufacture it.

[Here the hammer fell.]

Mr. ELLIS H. ROBERTS. I rise to oppose the amendment, and call for a vote.

Mr. DAWES. I withdraw the amendment to the amendment.

The question was taken upon Mr. WOODFORD'S amendment; and it was not agreed to.

Mr. KENDALL. I offer the following amendment, to come in after the line last read:

On crude borax and boracic acid, 3 cents per pound.

I ask the attention of the committee for one moment while I endeavor to explain to gentlemen the necessity of this amendment, so far as one of the local industries in my district is concerned as well as an important interest in the State of California.

I understood from the chairman of the Committee on Ways and

Means that this question of the tariff upon crude borax and boracic acid was not considered in the committee. Am I correct in that?

Mr. DAWES. If I did state it my statement was not precisely accurate. We did hear one gentleman from California on that subject.

Mr. KENDALL. I want to state that if the subject was not fully considered in the Committee on Ways and Means it was no fault of mine; it was no fault of a single member of the whole California delegation, and we ought not to be cut off here without at least a hearing. Why, sir, there was a most respectful letter—a petition—addressed to the chairman of the Committee on Ways and Means, signed by every Member and Delegate from the Pacific States and Territories, asking that a tariff of 5 cents per pound be levied on this article. An amendment to that effect has been voted down. I ask now and ask urgently that the committee will consider the condition of that industry and grant what we now ask, a tariff of 3 cents per pound.

Sir, all over that western country, in my own State at least, there are large deposits—fields of this crude borax; but on account of the high price of labor we cannot enter into competition with the manufacturers in the eastern cities who import boracic acid free and manufacture it here and come directly in competition with our own producers.

Now, sir, I hope that gentlemen will consider that we who are presumed to know somewhat of our constituencies have petitioned for a tariff of 5 cents per pound, and I ask now for a tariff of 3 cents. Not only was this petition presented to the Committee on Ways and Means, but I presume there are on file with the clerk of that committee many and many letters from private parties, and from various companies engaged in the business in that country, asking for a similar duty.

Mr. COTTON. What percentage would this proposed tax be?

Mr. KENDALL. At 3 cents per pound it would be about 12 per cent. *ad valorem*.

Sir, if this important industry of my district is to be crippled because the committee refuse this small item which we so urgently ask, I shall be very sorry indeed.

Why, sir, the revenue derived from refined borax at a duty of 10 cents per pound, as I said when I was up before, amounts to the insignificant sum of $928.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KENDALL. Is my time up? I have watched the clock very closely and do not think I have spoken five minutes.

The CHAIRMAN. If the gentleman is keeping the time instead of the Chair——

Mr. KENDALL. I have observed the time pretty closely to-night, and have noticed that the Chair has sometimes allowed members to run on for nearly ten minutes.

The CHAIRMAN. The Chair desires to say to the gentleman from Nevada [Mr. KENDALL] that he has not permitted any gentleman to-night to speak ten minutes or to go beyond five minutes, except to close a sentence.

Mr. KENDALL. They were extremely long sentences then.

The CHAIRMAN. The gentleman from Nevada had spoken five minutes when the hammer fell.

The question was taken upon the amendment of Mr. KENDALL, and upon a division there were—ayes 51, noes 67.

Mr. KENDALL. I ask permission to have the yeas and nays in the House on this amendment. It proposes only a 10 per cent. *ad valorem* duty.

Mr. DAWES. I have no objection to the gentleman having the yeas and nays on his amendment in the House.

Mr. DUELL. I move to insert after the line last read the following:

On teazles, 10 per cent. *ad valorem*.

I admit that this is a small interest, but it is one which has heretofore received protection at the hands of Congress. By the tariff act of 1842 and the tariff act of 1846 teazles were subjected to a duty of 20 per cent., and under all the subsequent tariffs to a duty of 10 per cent., until 1872, when for the first time it was placed upon the free list. In my district there are some two hundred or three hundred farmers who are engaged in raising this article, which is invaluable to the manufacturers of cloth. It is used for the purpose of raising a nap on the cloth. In consequence of the duty being taken off this article, the farmers who in my district have been engaged in the raising of teazles have been compelled to stop their production, and at this time the manufacturing interests of this country are supplied almost entirely by importation from abroad.

I will say further, that at the commencement of this session I introduced a bill and had it referred to the Committee on Ways and Means, asking that a specific duty should be placed on this article. It has therefore been before that committee and is not liable to the objection raised by the chairman [Mr. DAWES] to the proposition of the gentleman from Pennsylvania, [Mr. TOWNSEND,] which he was opposed to considering or allowing to go upon the bill because it had not been considered by the Committee on Ways and Means. This has been before the committee.

Mr. DAWES. I hope we will have a vote on this amendment. It is a matter which has never been considered by the Committee on Ways and Means.

The amendment was not agreed to.

Mr. KENDALL. I move that the committee now rise.

Mr. DAWES. The gentleman is to have a vote in the House on his amendment, and I hope he will not press his motion that the committee rise. I want to say to gentlemen that this is the last night we can control for the consideration of this bill.

The motion of Mr. KENDALL was not agreed to.

Mr. STONE. I move to insert the following after the last line read:

On sheet steel, 2½ cents per pound.

The amendment was not agreed to.

The Clerk read the following:

On anchovies and sardines, packed in oil or otherwise, in tin boxes: 15 cents per whole box, measuring not more than five inches long, four inches wide, and three and one-half inches deep; 7½ cents for each half-box, measuring not more than five inches long, four inches wide, and one and one-half inches deep; and 4 cents for each quarter-box, measuring not more than four inches and three-quarters long, three and one-half inches wide, and one and one-eighth inches deep; when imported in any other form, 60 per cent. *ad valorem*.

Mr. BECK. I move to insert after the paragraph just read the following:

That hereafter one-third of the duties on imports may be paid in legal-tender notes.

Mr. DAWES. I believe that amendment is not germane to this bill. I beg my colleague on the committee [Mr. BECK] not to insist upon that amendment now.

Mr. BECK. Well, I will withdraw it.

The Clerk read the following:

SEC. 5. That yellow sheathing metal and yellow metal bolts of which the component part of chief value is copper shall be deemed manufactures of copper, and shall pay the duty now prescribed by law for manufactures of copper.

Mr. KELLOGG. I desire to offer an amendment to this section, and I will not make any speech if the chairman of the Committee on Ways and Means [Mr. DAWES] will say it is all right.

Mr. DAWES. I hope the gentleman will permit us to correct the phraseology of this section.

Mr. KELLOGG. My amendment is to add to the section that which I ask the Clerk to read.

The Clerk read as follows:

Provided, That any person or party exporting metals, rolled, sheet, or in the form of wire, to the Dominion of Canada, to be there used in the manufacture of articles, shall be entitled to receive back the scraps of the same metal so exported free of duty to an amount not exceeding one-half the weight of the metal so exported; the export of the metal and the import of such scraps to be made through the same custom-house, and under such regulations as the Secretary of the Treasury may prescribe.

Mr. DAWES. The Committee on Ways and Means have considered that amendment, and it is all right.

Mr. KELLOGG. I call for a vote.

Mr. BECK. I rise to oppose the amendment, and as a portion of my remarks I ask the Clerk to read a letter which I send to his desk. The gentleman from New York, [Mr. COX,] who was obliged to leave yesterday by order of the House, requested me, when this section was reached in Committee of the Whole, to have this letter read for him.

The Clerk read the letter, as follows:

NEW YORK, *May* 25, 1874.

SIR: In the amendatory tariff bill now with the Committee of Ways and Means we observe there is a section pertaining to yellow sheathing metal, in which it is proposed to make the duty on it the same as that now prescribed by law for manufactures of copper.

The duty on manufactures of copper is 45 per cent. *ad valorem*. At this rate the duty on yellow sheathing metal would be 7¾ cents, gold; the foreign cost being 8¾ pence.

The duty on yellow sheathing metal according to the present law is 3 cents, gold, per pound, less 10 per cent. This rate furnishes a measure of protection to the domestic manufacturer, and at the same time permits the importation and use of foreign manufactures when desired; but to advance the duty to the equivalent of 7¾ cents per pound would render the importation entirely prohibitory except in bond, and is an additional burden imposed on the commercial and shipping interest of the United States, which are already in a state of depression, rendering it most impolitic and unjust to impose any new burden of this kind.

We are your obedient servants,

GRINNELL, MINTURN & CO.

Hon. S. S. COX,
Washington, D. C.

Mr. DAWES. The Committee on Ways and Means have considered the particular matter referred to in that letter, and the gentleman from Maine [Mr. HALE] has an amendment which will meet their case.

The question was taken by a *viva voce* vote on the amendment moved by Mr. KELLOGG; and

The CHAIRMAN announced that the ayes appeared to have it.

Mr. FIELD. I call for a division upon this question.

Mr. KELLOGG. The Committee on Ways and Means have all agreed to it. What in the world do you want a division for?

Mr. FIELD. I will tell the gentleman.

The CHAIRMAN. The committee is dividing, and debate is not in order.

Mr. DAWES. I can state in one word what this amendment amounts to.

The CHAIRMAN. Debate is not in order except by unanimous consent.

Mr. DAWES. It only applies to the brass that is taken out of the country. It is to let in without paying another duty the scraps of the very brass which we have already paid one duty on.

Mr. ALBRIGHT. That will open a wide door to fraud.

Mr. KELLOGG. It is simply getting back our own metal to work it over again.

The CHAIRMAN. This debate is all out of order. The committee is dividing on the amendment.

The question being taken, there were on a division—ayes 78, noes 39; no quorum voting.

Mr. MAYNARD. I ask for a further count.

Tellers were ordered; and Mr. MAYNARD and Mr. KELLOGG were appointed.

The committee divided; and the tellers reported ayes 63, noes not counted.

Mr. KELLOGG. I will not insist on a further count. I will offer the amendment in a modified form.

The amendment was not agreed to.

Mr. HALE, of Maine. I move to amend by adding to section 5 the following:

And shall be entitled to the drawback allowed by law to copper composition metal whenever the same shall be used in the construction or equipment or repair of vessels built in the United States for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States.

Mr. DAWES. That puts this article on a level with all the others, in exact accordance with the letter just read at the Clerk's desk.

The amendment was agreed to.

Mr. FOSTER. I move to amend by inserting the following:

On jute butts, $6 per ton.

I do not care to debate this question. The committee stands 10 to 1 in favor of it. I ask for a vote.

Mr. KASSON. I have prepared an amendment similar to that, which I propose to offer at the proper place.

Mr. FOSTER. Then I withdraw my amendment.

Mr. KELLOGG. I move to amend by adding to the fifth section the following:

Provided, That any person or party exporting brass, or metal made partly of copper, rolled, sheet, or in the form of wire, to the Dominion of Canada, to be there used in the manufacture of articles, shall be entitled to receive back the scrap of the same metal so exported free of duty to an amount not exceeding one-half of the weight of the metal so exported, the export of the metal and the import of such scrap to be made through the same custom-house and under such regulations as the Secretary of the Treasury may prescribe.

Mr. ALBRIGHT. That is the same proposition we have already voted down.

Mr. KELLOGG. I beg my friends to hear me for just two minutes. There is no cheat or anything of that kind in this amendment.

Mr. FIELD. I raise the point of order that this is precisely the same amendment that has already been voted upon.

The CHAIRMAN. The form of the amendment has been modified.

Mr. KELLOGG. If my friends of the committee will hear me for a few moments, I think I can satisfy them that this amendment ought to pass. For the last three or four years our manufacturers of rolled and sheet brass have opened a trade with Canada; and that country admits all rolled and sheet brass for the purpose of being manufactured into other articles free of duty, precisely as such metal is admitted from England. Now the trouble is that wherever we sell this rolled brass or sheet-brass to be made into articles of manufacture, we have to take back the scrap, which amounts to one-third or one-half.

A MEMBER. Make it one-third.

Mr. KELLOGG. Well, I will modify the amendment by inserting "one-third" instead of "one-half." The proportion runs from one-third to one-half. It depends on the article manufactured. In order to get back this scrap from the Canadian manufacturers, precisely as we do from the manufacturers in New York or in any other State of the Union, we want such a provision as this. At present we are required to pay duty upon our own brass when it is returned to us as scrap from where it is manufactured. The difficulty which we encounter in this respect is what prevents us from competing with the English manufacturers. If you want to encourage the manufacturers of brass in your own country, for Heaven's sake give them this chance to bring back their own scrap free of duty as they would from New York or any other State. This is in accordance with the principle embodied in section 7 of this bill, where you provide that casks, barrels, carboys, grain-bags, and anything else in which our own goods are exported, may be brought back free of duty. We simply ask that this scrap may return free, to be worked over again.

Mr. BURCHARD. Why should not the gentleman make it a general proposition?

Mr. KELLOGG. If we may make it a general proposition it may open a door to fraud, so that scrap copper may be brought from Europe or some other country. This amendment prescribes that this scrap shall come back through the same custom-house at which the export was made, under such regulations as the Secretary of the Treasury may prescribe, the quantity not to exceed one-third of the amount of the original shipment.

Mr. CONGER. I do not know in what particular interest the gentleman from Connecticut makes this proposition; but I do know it is to furnish Canadian manufacturers with sheets and wire to that extent that they may make implements in the Dominion of Canada which they refuse to receive without prohibitory tariff from the United States. Now they will admit our copper sheets and our wire free of duty that they may manufacture it there, that they may have it there to compete with any articles we may send into Canada. The gentleman knows they lay a prohibitory duty on that as well as every other manufacture in the United States they can make themselves.

Mr. KELLOGG. We suffer for it because we make all that sort of goods.

Mr. CONGER. That is one objection to it. Here is another. Who can tell the scrap left is the same exported? Does it not open the way for the introduction of one-third at least of the importations to come back again in the shape of scrap copper wherever that copper came from? There is no doubt about that. The gentleman cannot identify the little remnants which are left. It would come back here like the five loaves and two fishes after the seven thousand had been fed—there would be many baskets full.

Mr. KELLOGG. It comes back from the same custom-house, from the same party, under the regulations of the Secretary of the Treasury.

Mr. MAYNARD. I move to strike out the last word in order to call attention to the modification which has been made of the amendment.

I hold in my hand the original draught which we voted down a little while ago and which reads thus:

Provided, That any person or party exporting metals, rolled, sheet, or in the form of wire, to the Dominion of Canada to be there used for the manufacture of articles, &c.

It now reads as modified, "that any person or party exporting brass or metal made partly of copper, rolled, sheet, or in the form of wire," &c. The statement made by the chairman of the Committee on Ways and Means when it was up before was that this was to be limited to brass.

Mr. DAWES. That is what I supposed it was.

Mr. MAYNARD. I suppose it was so represented to the gentleman. There is evidently a cat in this meal-tub which has not been drawn out. The singular manner in which this amendment was drawn in the first instance, with the statements in connection with it, and then the peculiar manner of amending it does not commend it to my judgment as a piece of wise legislation. I think we ought to take more time to consider it.

Mr. KELLOGG. I should like to know from the gentleman from Tennessee where his cat is?

The CHAIRMAN. The gentleman's time has expired.

Mr. KELLOGG's amendment was rejected.

Mr. MYERS. I move the following amendment:

That section 4 of the act entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved June 6, 1872, be, and the same is hereby, amended by striking out the thirtieth paragraph of said section in relation to the duty on Moisic iron; and from and after the passage of this act the duty on Moisic iron, of whatever condition, grade, or stage of manufacture, shall be the same as on all other species of iron of like condition, grade, or stage of manufacture.

Mr. Chairman, I ask the attention of the committee while I explain this amendment. In the act of 1872 I find on Moisic iron, made from sand ore, a duty of $15 per ton. This Moisic iron is found in Lower Canada and nowhere else, in black-sand ore. It is almost pure iron. There are estimated about 15,000,000 tons of it deposited there. As I have said, it is almost pure iron, so that it can be molded like wrought iron. It is almost pure iron, so that it can be molded and is malleable and it only needs one process, while other iron takes two; nature has advanced it as it were by one stage. A company which owns this property came here in 1872 and got through the House a provision placing the duty on this iron at $8 a ton. In the Senate it was found that there was something wrong, and it was put up to $15 per ton. Now, it is just like bloom iron, which is $20 a ton, and if this is allowed to stand in the law, this company which already has an advantage by which it can make iron cheaper than any other iron can be made, because two tons of this sand ore will make one ton of wrought iron, and there is less labor in it, it is granulated or sand iron—this company will have a monopoly over all others, foreign as well as domestic. I shall ask the Committee on Ways and Means whether I am not right in this statement, that if the duty is left as low as it is now, at $15 a ton, then with less labor the pure ore can be made into blooms and will come in here at $15 a ton, or $5.16 a ton less than bloom iron? Bloom iron is $20.16 a ton, and this is only $15 a ton. That is, there is an advantage of $5.16 over all other iron in this manufactory. I have drawn this section so that it will place it upon a par with other iron ore advanced to the same stage; and I call for a vote on it.

Mr. DAWES. I will just state that the alarm of the gentleman is altogether unnecessary; that at the very rate he has taken alarm at there has not been a single pound imported. The duty is entirely prohibitory, so that it is utterly impossible to bring in a single ton.

Mr. KELLEY. If the chairman of the committee will permit me, I will state that, though it may be true that none has been brought in, nevertheless here stands upon our statute-book a provision that iron made from one particular mine shall have an advantage over iron made from any other mine in the United States or elsewhere. The works are just ready to go into operation. The mine is at the mouth of the Moisic River, in Lower Canada, and the company organized are in the interior of New York, and their works are just being completed. Moisic sand is cast in one of the old-style furnaces, drips through, and by a squeeze is made into a bloom. It is equal to the highest grade of bloom iron made from rock ore in the world. There is a

specimen here on the desk of my colleague, and the iron-makers present may examine it. There is no iron made from rock ore in the United States that is equal to it, and we have given to this one company a monopoly against all the world, foreign and domestic, and such a law should be stricken from our statute-book.

Mr. DAWES. Let me just state what the reason of this statute was, and then the committee may do what they please with the amendment, as of course they have the power to do. What the gentleman from Pennsylvania says is true. Here is a specimen of the iron. It was thought by the committee who made the tariff two years ago that inasmuch as nature had in this particular case set up its own forge and had advanced this iron one stage, it was quite worth while for us to have the advantage of what the Lord had done to this iron, and so they tried the experiment of putting it at the rate which iron of that quality was at. The rate is $15 a ton, and it has proved prohibitory.

The gentleman from Pennsylvania says that these people in New York who own this iron which the Lord has made to this extent have just completed their works. The fact is that they got them done two or three years ago, and this tariff has proved prohibitory so that it has finished them up.

Now, I do not care whether you put in this section or leave it out. The duty of $15 a ton has finished up the works. Not a pound of this iron has been imported, and cannot be, and the works have gone where the woodbine twineth. I pray the committee not to spend much time about this matter, but either to put it in or leave it out.

Mr. KELLEY. I hope we shall strike it out.

Mr. CONGER. The gentleman thinks that this is a production which the Lord has made especially for the Canadians.

Mr. DAWES. No; but for us and for all mankind.

Mr. CONGER. This is a pulverized black oxide iron of the same kind that exists in the mountains of Michigan and Missouri. There is no special work of the Lord about it. Now I want to say that the chairman of the Committee on Ways and Means two years ago brought in a bill putting this kind of iron, which is a very pure iron, as has been stated, at $6 a ton, only $1 a ton more than pig-iron.

Mr. DAWES. The chairman of the committee brought in a bill which had a good many queer things in it.

Mr. CONGER. The gentleman did; I attribute it then to youthful ignorance, but he ought to know better now.

Mr. DAWES. I will say to my friend that it was not in the bill originally, but an outsider put it in.

Mr. KELLEY. It slipped in after debate had closed and there was no chance for anybody to open his head about it.

Mr. CONGER. The committee permitted it to come in.

Mr. DAWES. O, no; the House put it in.

Mr. CONGER. It got in in the House at $8 a ton.

Mr. DAWES rose.

Mr. CONGER. It is of all things the strangest in the world to me that my friend from Massachusetts [Mr. DAWES] is so opposed to receiving valuable information. Those who are interested in protecting the iron of Michigan and Missouri and other iron of like quality, even my friend from Pennsylvania, [Mr. KELLEY,] the hero of the iron interest, failed to see this. But several of us followed the matter to the Senate and there succeeded in getting the duty raised to $15 per ton. This is a purer and better iron than is made from any ores. I am told a large quantity of it has been imported into the United States, although I am not certain of it. I think it ought to be placed on the list with the very best quality of iron imported, and I join with the gentleman from Pennsylvania [Mr. MYERS] in the hope that this amendment will be adopted.

The question was taken upon the amendment moved by Mr. MYERS; and upon a division there were—ayes 94, noes 30; no quorum voting.

Mr. ROBBINS. I call for a further count.

The CHAIRMAN. No quorum having voted, and a further count being called for, the Chair will appoint tellers.

Mr. DAWES. If the gentleman will withdraw his call for a further count I will move that the committee rise.

Mr. ROBBINS. The gentleman can submit the motion that the committee rise pending the call for a further count.

Mr. DAWES. I move that the committee now rise.

The motion was agreed to.

The committee rose; and Mr. ELLIS H. ROBERTS having resumed the chair as Speaker *pro tempore*, Mr. TYNER reported that, in pursuance of the order of the House, the Committee of the Whole had had under consideration the Union generally, and particularly the bill (H. R. No. 3491) to amend existing customs and internal-revenue laws, and for other purposes, and had come to no resolution thereon.

Mr. DAWES. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. DURHAM: The petition of Henry C. George, guardian, for a pension to the minor child of James W. Decker, late of Company I, Fifth Kentucky Cavalry, to the Committee on Invalid Pensions.

By Mr. EDEN: The petition of Emanuel Klauser, late of Company H, Fifty-fourth Illinois Volunteers, for an honorable discharge, to the Committee on Military Affairs.

By Mr. LOWE: The petition of 3,000 soldiers of Kansas, for the passage of a soldiers' bounty-land law, to the Committee on Military Affairs.

By Mr. LUTTRELL: Resolutions of the Legislature of the State of California, in relation to pre-emption settlers on the lands known as the "Soscol rancho," to the Committee on the Public Lands.

By Mr. NEGLEY: Papers relating to the claim of James Millinger, of Philadelphia, Pennsylvania, to the Committee on War Claims.

By Mr. RICE: The petition of 1,200 citizens of Cook County, Illinois, for extension of letters-patent to Akins & Felthousen for new and useful improvements in sewing-machines, to the Committee on Patents.

By Mr. SCHUMAKER, of New York: The petition of William Tod Helmuth, of the city of New York, for the passage of a law to grant him the copyright of certain works, to the Committee on the Library.

By Mr. VANCE: The petition of William H. McClure and 300 other citizens of Clay County, North Carolina, for aid in building the Western North Carolina Railroad from Old Fort, North Carolina, to Ducktown, Tennessee, to the Committee on Railways and Canals.

By Mr. WILLARD, of Michigan: The petition of Thomas W. Collins and others, to be created a body-politic and corporate under the name and style of "The Oxygen Gas Company," to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMS, of Michigan: The remonstrance of Mrs. E. A. Caswell and 50 others, of Michigan, against the extension of patents where liberal compensation has been received by the inventors, to the Committee on Patents.

IN SENATE.

THURSDAY, *May* 28, 1874.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of the trades union of Lockport, New York, resolutions of a mass meeting of workingmen of the city of Syracuse, New York, and resolutions of the trades assembly of Louisville, Kentucky, in favor of general legislation by Congress for the promotion of the industrial interests of the country; which were referred to the Committee on Education and Labor.

Mr. BAYARD presented the petition of Custis W. Wright and other citizens of Sussex County, Delaware, praying that the law imposing a tax of 10 per cent. on State bank circulation may be repealed; which was referred to the Committee on Finance.

Mr. PEASE presented the memorial of S. M. Preston, late collector of internal revenue for the district of Mississippi, asking to be relieved from liability for public moneys embezzled from him by one of his deputies; which was referred to the Committee on Claims.

Mr. SAULSBURY presented the petition of John W. Hall and a large number of other citizens of the town of Frederica, Delaware, and the petition of H. Ridgely and a large number of other citizens of the town of Dover, Delaware, praying that the law imposing a tax of 10 per cent. on State-bank circulation may be repealed; which were referred to the Committee on Finance.

Mr. SCOTT presented the petition of the American Medical Association, asking for the appointment of a commission of scientific men to take action in regard to the cultivation of the cinchona tree in the United States; which was referred to the Committee on Agriculture.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 62) for the relief of Margaret E. West, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3432) to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction, reported it without amendment.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the bill (S. No. 833) granting a pension to Joseph Parez, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2355) granting a pension to Ann R. Voorhees, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Mary W. Jones, widow of Commodore Thomas Ap C. Jones, praying that her pension may be increased from thirty dollars to fifty dollars per month, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the peti-

tion of Ellen O'Connell, of Jamestown, New York, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Julez L. Williams, late a second lieutenant in the Forty-second Regiment United States Colored Troops, praying for an invalid pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. SCOTT, from the Committee on Claims, to whom was referred the memorial of Sallie A. E. Baley, administratrix, and S. P. Baley, acting administratrix, &c., of Richard Griffith, deceased, late marshal for the southern district of Missouri, asking that a law be passed authorizing the proper Department of the Government to examine, adjust, and settle the claims of Richard Griffith for reimbursement for expenses of United States courts paid by him, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the memorial.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the bill (H. R. No. 1955) for the relief of John Henderson, of New Orleans, submitted an adverse report thereon; which was ordered to be printed.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely, if there be no objection.

Mr. WEST. I ask that the bill be placed on the Calendar.

Mr. WRIGHT. Very well.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. DORSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 2088) for the relief of James Lillie, postmaster at Lisbonville, Ray County, Missouri, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 106) for the relief of Chauncy M. Lockwood, reported it without amendment, and submitted a report thereon; which was ordered to be printed, and the bill was recommitted to the committee.

Mr. BOUTWELL, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

He also, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2292) for the relief of William Walker, reported it without amendment.

Mr. MERRIMON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3176) for the relief of William Green, reported it without amendment.

Mr. HAMLIN, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 535) for the relief of Robert Murray, jr., of the State of New York, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 286) fixing the pay of civil engineers in the United States Navy, reported it without amendment.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes, have directed me to report it back with two or three amendments. I hardly think it necessary that the bill should be reprinted. I move that it be placed on the Calendar.

The PRESIDENT *pro tempore*. It will be placed on the Calendar.

BILLS INTRODUCED.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 867) to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. PEASE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 868) for the relief of Simon M. Preston, late collector of internal revenue for the first district of Mississippi; which was read twice by its title, and referred to the Committee on Claims.

CHANGE OF A SCHOONER'S NAME.

Mr. BOUTWELL. There is on the Calendar a House bill, No. 2692, to change the name of a tug. There is no objection, I presume, to its being done, and I desire to have the bill passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2692) to change the name of the schooner-yacht Quarantine to Welcome.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB HARDING.

Mr. PRATT. I move that the Senate proceed to the consideration of the bill (H. R. No. 2090) for the relief of Jacob Harding.

The motion was agreed to, and the bill was considered as in Committee of the Whole. It provides for the payment to Jacob Harding of $195, as compensation for his services as inspector of the distillery of Messrs. Gordon & Co., at Paris, Illinois, in the year 1867.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MACKINAC NATIONAL PARK.

Mr. FERRY, of Michigan. I move that the Senate proceed to the consideration of the bill (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

Mr. FERRY, of Michigan. There was an objection raised by the Senator from California which I believe he withdraws.

Mr. SARGENT. I withdraw the objection.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Military Affairs to insert as an additional section what will be read.

The Chief Clerk read as follows:

SEC. 3. That any part of the park hereby created shall at all times be available for military purposes, either as a parade or drill ground, in time of peace, or for complete occupation in time of war, or whenever war is expected, and may also be used for the erection of any public buildings or works: *Provided*, That no person shall ever claim or receive of the United States any damage on account of any future amendment or repeal of this act, or the taking of said park, or any part thereof, for public purposes or use.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'HARG.

Mr. FENTON. I move to take up the bill (S. No. 452) for the relief of John McHarg, late collector of internal revenue for the fifth collection district of the State of New York.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Finance proposed an amendment to strike out all after the enacting clause and to insert the following:

That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to allow, in the examination and settlement of the accounts of John McHarg, late collector of internal revenue of the fifth collection district of the State of New York, the sum of $41,092.76, shown to have been stolen or embezzled by his late deputy collector, John A. Phillips, without the default or negligence of said collector.

The amendment was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIERRA IRON COMPANY.

Mr. HAGER. I move that the Senate proceed to the consideration of the bill (S. No. 514) granting to the Sierra Iron Company a right of way through the public lands for a railroad and telegraph.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It proposes to grant the right of way through the public lands to the Sierra Iron Company, a corporation having its principal place of business in the city and county of San Francisco, State of California, its successors and assigns, for a railroad and telegraph from the company's iron mines in township 21 north, of range 11 east, Mount Diablo meridian, in Sierra County, in the State of California; thence easterly by way of Mohawk Valley, Humbug Valley, Sierra Valley, Beckwith Pass, and Long Valley; and thence southeasterly, in the most direct practicable route, to the town of Reno, in the State of Nevada, being an aggregate distance of about sixty miles.

The first amendment reported by the Committee on Railroads was in line 5, after the word "corporation," to insert "organized under the laws of the State of California and."

The amendment was agreed to.

The next amendment was to strike out in line 24 the word "four" and insert "five," so as to read "which stations shall not occur oftener than one in five miles."

The amendment was agreed to.

The next amendment was to strike out the proviso commencing in line 25 and ending in line 33, in the following words:

Provided, That this grant shall not exclude the passage through any cañon that this road may traverse of any other railroad: *Provided further*, That within six months from the passage of this act, the said Sierra Iron Company shall file with the Secretary of the Interior a map, to be approved by him, exhibiting the line of the railroad of said company as the same has been located: *And provided further*, That the said railroad shall be commenced and completed within three years from the passage of this act.

And in lieu thereof to insert:

Provided, That the grant hereby made shall not take effect on any lands to which any *bona fide* pre-emption or homestead claim has attached before the definite location of the line of road and the designation of the lands to be appropriated under this act: *Provided further*, That within six months from the passage of this act, the Sierra Iron Company shall file with the Secretary of the Interior a map to be approved by him, exhibiting the line of the railroad of said company, as the same has been located, and the ground to be occupied at the several stations: *And provided further*, That the said railroad shall be completed within four years from the passage of this act.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 2. That in case the right of way granted by this act extends through any cañon, pass, or defile, any other railroad corporation shall not be excluded from a passage through the same, or over and upon the track of the constructed road, upon equitable terms; and in case of disagreement, upon application of either of the parties, the same shall be adjusted by the Secretary of the Interior, after hearing, upon reasonable notice to the parties, whose decision may be enforced by a court of competent jurisdiction: *Provided*, That nothing herein contained shall be so construed as to enlarge or extend the corporate powers or privileges of the Sierra Iron Company beyond what may be contained in its charter or articles of incorporation under the laws of the State of California, or to authorize said company to make or construct any railroad, unless authority to do so shall have been first obtained either under the general laws or by special act of the Legislature of California.

Mr. BOUTWELL. I desire to ask that the Clerk may again report so much of the last amendment as relates to giving other roads a right to go through any pass.

The Chief Clerk read the second section down to the word "jurisdiction" in the ninth line.

Mr. BOUTWELL. I suggest it should read "over or upon any part of the track of the constructed road."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. EDMUNDS. Is there any provision giving Congress any future right to regulate the matter?

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. EDMUNDS. I will not undertake to offer any amendment at this time.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PATENTS FOR LANDS IN OREGON.

Mr. KELLY. I move that the Senate proceed to the consideration of the bill (S. No. 624) to authorize the issuance of patents for lands granted to the State of Oregon in certain cases.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that certain lands have heretofore, by acts of Congress, been granted to the State of Oregon to aid in the construction of certain military wagon-roads in that State, and that there exists no law providing for the issuing of formal patents for those lands; and the bill therefore provides that in all cases when the roads in aid of the construction of which those lands were granted are shown by the certificate of the governor of the State of Oregon, as in those acts provided, to have been constructed and completed, patents shall issue in due form to the State of Oregon as fast as the same shall, under the grants, be selected and certified, unless the State of Oregon shall by public act have transferred its interests in the lands to any corporation or corporations, in which case the patents shall issue from the General Land Office to such corporation or corporations.

The Committee on Public Lands reported an amendment to add to the bill the following words:

Upon their payment of the necessary expenses thereof.

The amendment was agreed to.

Mr. EDMUNDS. There ought to be a provision in that bill that this act shall not revive any land grant which has already expired, and providing that this bill shall create no new rights of any kind.

Mr. KELLY. I have no objection to such an amendment; but the bill only applies to roads already completed.

Mr. EDMUNDS. I will offer an amendment in this form:

Provided, That this act shall not be construed to revive any land grants already expired, or to create any new rights of any kind.

Mr. SARGENT. If you say "rights of any kind" there will be no effect in the bill. This bill gives the right to issue patents. There was an oversight in the original law by which it was not provided that any patent should issue although all the obligations required by the Government should be complied with. I think the last words of this amendment are so sweeping that they would prevent the bill having any effect at all.

Mr. EDMUNDS. Then add "except to provide for issuing patents for lands to which the State is already entitled."

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont will be so modified.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time; and passed.

AMERICAN FORK RAILWAY.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of the bill (S. No. 332) granting to the American Fork Railway Company a right of way through the public lands for the construction of a railroad and telegraph.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Railroads reported the bill with an amendment to strike out all after the enacting clause, and in lieu thereof to insert the following:

That the right of way through the public lands be, and the same is hereby, granted to the American Fork Railway Company, a corporation created under the laws of the Legislative Assembly of the Territory of Utah, its successors and assigns, for a railroad and telegraph now partially completed and in operation from a point on the line of the Utah Southern Railroad, in the Territory of Utah, at or near the town of American Fork; thence to the mouth of American Fork Cañon, in said Territory, and up said cañon to a point at or near the Sultana smelting works, in said cañon; said way is granted to said railroad to the extent of one hundred feet in width on each side of said railroad where it may pass through the public domain, including grounds for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations, to an amount not exceeding ten acres, not mineral lands, for each station, which stations shall not occur oftener than once in four miles: *Provided*, That this grant shall not exclude the passage through any cañon that this road may traverse of any other railroad that may hereafter be chartered: *Provided further*, That within six months from the passage of this act the said American Fork Railway Company shall file with the Secretary of the Interior a map, to be approved by him, exhibiting the line of the railroad of the said company as the same has been located: *And provided further*, That said company shall be permitted to extend their road, by the most feasible route, over the divide into the Little Cottonwood Cañon, on the same terms as above stated.

SEC. 2. That said American Fork Railway shall be a post-route and a military road, subject to the use of the United States for postal, military, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE OVER THE WILLAMETTE RIVER.

Mr. MITCHELL. I ask the Senate to proceed to the consideration of the bill (S. No. 775) to authorize the construction of a bridge over the Willamette River at Portland, in the State of Oregon.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill and the first amendment reported by the Committee on Commerce.

The PRESIDENT *pro tempore*. Is there objection to the amendment?

Mr. BUCKINGHAM. Although I reported that bill, I should like it to lie over.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the bill.

Mr. CONKLING. I hope not. I think the bill had better lie over for two or three reasons. Its history in part is this: It was referred to the Committee on Commerce, was considered by them very fully at a full meeting, and an adverse report made I believe unanimously. Subsequently, as an act of courtesy to the Senator from Oregon, a member of the committee——

Mr. MITCHELL. If the Senator will allow me, he is entirely mistaken in regard to this bill. That was another bill.

Mr. CONKLING. In reference to the same river?

Mr. MITCHELL. In reference to the same river, but at Salem, Oregon.

Mr. CONKLING. What was the other bill?

Mr. MITCHELL. The other bill was a bill authorizing the construction of a bridge across the Willamette River at Salem, Oregon. This is a bill authorizing the construction of a railroad bridge over the Willamette River at Portland, Oregon, fifty miles distant from the other point.

Mr. CONKLING. The other bill then referred to a bridge over this river, and this bill relates to a bridge over this river, although not on the same site. It was the judgment of the Committee on Commerce that Congress had nothing to do with the matter; that we could not enter upon the business of authorizing a bridge to be built over every creek and run in every State which might divide counties, not even if there was so much water in it as there is in this river, it not being an interstate river or a navigable stream in that sense which in the judgment of the committee called upon Congress to take charge of it one way or the other. Accordingly, the other bill was reported adversely, and I believe unanimously. This bill, which I supposed was the same one—but the Senator corrects me about that, and doubtless he is right and I am wrong—was reported by the committee, one or two members of the committee do not know precisely when, but at some time when there could not have been a full meeting, and I think it had better lie over at least until we can look at the map and see whether there be any distinction between this case and the other.

Mr. MITCHELL. I have no objection to its lying over. All I know in reference to the consideration of the bill is this: that it was introduced by myself, and I never appeared before the Committee on Commerce and never heard anything of the bill until I saw it on the Calendar as having been reported by the Committee on Commerce.

The PRESIDENT *pro tempore*. The bill will be laid aside.

NATHANIEL M'KAY.

Mr. BOUTWELL. I ask the Senate to take up for present consideration Senate bill No. 142, reported unanimously from the Committee on Claims in an amended form, and I propose to offer an amendment to that amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 142) for the relief of Nathaniel McKay.

The Committee on Claims reported the bill with an amendment to strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury be, and hereby is, authorized to refund to the

builders of the steamers La Portena, Edward Everett, F. W. Lincoln, Azalia, and N. P. Banks, a sum not to exceed $6,574, being the amount of revenue tax found to have been paid by them to the Government on the hulls and engines of said steamers; said payment to be made out of any funds in the Treasury not otherwise appropriated.

Mr. BOUTWELL. I move to amend the amendment by inserting the words "Nathaniel McKay, assignee of" before the words "the builders of" in the fourth line.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BOUTWELL. The title should be amended so as to read: "A bill for the relief of the builders of the steamers La Portena, Edward Everett, F. W. Lincoln, Azalia, and N. P. Banks."

Mr. SCOTT. Let me suggest to the Senator that the amendment in the title should conform to the amendment made in the bill, and it should read: "A bill for the relief of Nathaniel McKay, assignee of the builders of the steamers La Portena, Edward Everett, F. W. Lincoln, Azalia, and N. P. Banks."

Mr. BOUTWELL. Very well.

The PRESIDENT *pro tempore*. The title will be amended as suggested by the Senator from Pennsylvania, if there be no objection.

C. C. SPAIDS.

Mr. WRIGHT. I ask the Senate to proceed to the consideration of House bill No. 1582.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1582) for the relief of C. C. Spaids. It proposes to authorize the Secretary of the Treasury to pay to C. C. Spaids $633 for his services as second lieutenant of Company A, Fourth Illinois Cavalry Regiment.

The Committee on Military Affairs reported the bill with an amendment to strike out in lines 6, 7, and 8 the words:

Sum of $633, it being pay for his services as second lieutenant of Company A, Fourth Illinois Cavalry Regiment.

And to insert in lieu thereof the following:

Full pay and emoluments of a second lieutenant of Company A, Fourth Cavalry Regiment Illinois Volunteers, from the 3d day of June, 1863, to the 6th day of February, 1864, deducting therefrom any sum received by him for services rendered during the said period as sergeant or otherwise in said company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PAT. O. HAWES.

Mr. TIPTON. I ask the Senate to proceed to the consideration of the bill (H. R. No. 1934) for the relief of Pat. O. Hawes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Paymaster-General to pay Pat. O. Hawes, late second lieutenant in the Forty-fifth Kentucky Regiment of Volunteer Infantry, United States Army, the pay and allowances of a second lieutenant of infantry, from the 25th of September, 1863, until the 23d of January, 1864.

The bill was reported to the Senate, without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M. BOOK.

Mr. SCOTT. I move that the Senate proceed to the consideration of House bill No. 2208.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy.

The Committee on Naval Affairs reported the bill with an amendment to strike out the proviso, after the word "provided," in the following words:

That he shall have first successfully passed the examinations provided for in the first, second, third, and fourth sections of the act entitled "An act to amend an act entitled 'An act to establish and equalize the grade of line officers of the United States Navy,'" approved April 21, 1864.

And to insert in lieu thereof:

That he shall first be ordered to, and perform, actual sea-duty on some cruising vessel of war for the period of one year, and if at the expiration of such period of duty he shall be pronounced by proper naval authority to be no longer incapacitated for active service in any respect: *And provided further*, That he shall not receive any extra pay for the time he was on the retired list and not on active duty prior to his restoration under this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time.

Mr. SHERMAN. I do not think an officer ought to be restored to the Navy in this way without some statement being made of the facts to go upon the record.

Mr. CRAGIN. This officer is a young man who was retired for physical disability. That disability has been removed. This bill proposes to restore him on condition that he shall serve for one year, and thus prove that his disability is entirely removed. It is recommended by the Department.

Mr. SHERMAN. Did he apply to be retired?

Mr. CRAGIN. He did not.

Mr. SHERMAN. He was retired compulsorily?

Mr. CRAGIN. Yes, sir; on account of physical disability, which was supposed to be permanent; but it has been removed, and the Department now recommends that he be restored on probation for one year, and if in that way he prove that he is restored to health, then the President is authorized to nominate him.

The bill was passed.

JONATHAN L. MANN.

Mr. COOPER. I move that the Senate proceed to the consideration of House bill No. 1770.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army.

The bill proposes to direct the Adjutant-General of the United States Army to muster back Jonathan L. Mann, chaplain Ninth Tennessee Volunteer Cavalry to October 28, 1863; and it further proposes to direct the Paymaster-General of the Army to pay to Jonathan L. Mann, late chaplain Ninth Tennessee Volunteer Cavalry, the full pay and emoluments of a chaplain of volunteer cavalry in the Army of the United States from the 28th of October, 1863, to March 24, 1865, deducting therefrom any sum received by him for services rendered during that period in the Army of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FISK UNIVERSITY.

Mr. SPRAGUE. I move to proceed to the consideration of the bill (S. No. 313) to confirm the purchase by the executive department of three acres of land, more or less, in the vicinity of Nashville, Tennessee, known as the site of Fort Houston, and to donate and convey the same to the Fisk University for educational purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment reported by the Committee on Public Lands to strike out all after the enacting clause of the bill and in lieu thereof insert the following:

That the purchase by the United States, on the 21st day of August, 1865, from Russell Houston, of certain land, consisting of about three and one-fourth acres, situate in the city of Nashville, Tennessee, with the buildings thereon standing, and being the same premises described in a deed of said date from said Houston to the Chief Engineer of the Army, in trust for the United States, recorded in book 35, page 241, in the register's office of Davidson County, Tennessee, be, and the same hereby is, ratified, sanctioned, and confirmed, so that the said purchase, and the said deed thereupon executed, shall have the same legal validity and effect as if the same had been by a previous act of Congress specifically authorized.

SEC. 2. That the Secretary of War be, and he hereby is, authorized and directed to grant and convey to the Fisk University of Nashville, Tennessee, all the right, title, interest, and estate of the United States in and to said tract of land for educational purposes: *Provided*, That no further expense relative thereto shall be incurred by the United States: *And provided further*, That the trustees of the said Fisk University be, and they are hereby, authorized to sell and dispose of the above-described property at their discretion, and to use the proceeds elsewhere for educational purposes in connection with the said Fisk University.

SEC. 3. That the purchase, by order of the executive department, under an authority supposed to be conferred by the act of February 20, 1862, making appropriations for the construction, &c., of certain fortifications, &c., of certain land at Fort Hamilton, New York, consisting of about twenty-one acres, as a site for additional batteries, and conveyed to the United States by deed of Julia Delaplaine, of September 9, 1862, which said deed has been pronounced by the Attorney-General, by opinion of November 22, 1862, to vest a good and valid title in the United States, and upon which said land the said batteries have been duly constructed, be, and the same hereby is, confirmed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm in the purchase of certain land at Fort Hamilton, New York."

HAYDEN'S CRETACEOUS FLORA OF THE WEST.

Mr. ANTHONY. I move to proceed to the consideration of the resolution for printing Hayden's report on the Cretaceous Flora of the West.

The motion was agreed to; and the Senate proceeded to consider the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound twenty-five hundred copies in quarto (uniform with the series) of Professor Hayden's report on the Cretaceous Flora of the West; one thousand copies for the Department of the Interior, one thousand copies for the Smithsonian Institution, and five hundred copies for the office of the United States geological survey of the Territories.

The pending question being on the amendment proposed by Mr. MORRILL, of Maine, to add the following proviso:

Provided, That such report shall not be distributed at the public expense, and only upon application therefor and upon payment of the cost of printing the same.

Mr. ANTHONY. I hope the Senator from Maine will withdraw that amendment. The "cost of printing the same" is almost nothing. The cost is in the plates which have already been printed and the expense paid for the appropriation for the survey. The cost of printing this number of copies is only estimated at $600. It is a scientific work, and should go to scientific men and scientific associations. It is to be largely distributed to them. I would be quite willing that the whole distribution should be by the Smithsonian Institution. There cannot be any better organ for distributing scientific publications. Moreover, almost every book that the Smithsonian Institution distributes abroad brings to us another volume for the Congressional Library. The Congressional Library has been largely increased by the exchanges through the Smithsonian Institution.

Mr. MORRILL, of Maine. This is not at all in harmony with the Senator's general bill reported a few days ago.

Mr. SARGENT. This will come under the general bill as soon as we pass it.

Mr. MORRILL, of Maine. But if we pass this now, it will not be under that bill.

Mr. ANTHONY. I do not think this ought to come under the regular bill. This is a scientific work by itself; it is not intended for popular distribution. It is a work that does great credit to the Government, and our Government has gained great credit with the world for its scientific publications.

Mr. MORRILL, of Maine. I agree with what my friend says about this work; but he has got a system for printing public documents; and now if this is to go on by piecemeal, we might as well abandon all idea of a system.

Mr. ANTHONY. This is the only resolution for printing extra copies before the Senate, I think.

Mr. MORRILL, of Maine. But the Committee on Printing, I understand, has reported a bill.

Mr. ANTHONY. Which bill I propose to call up to-morrow.

Mr. MORRILL, of Maine. Should not this be subjected to the provisions of that bill?

Mr. ANTHONY. I think this ought to be distributed through the scientific agencies of the Government.

Mr. MORRILL, of Maine. Will not the Senator consent to allow this matter to lie until he brings up the bill, and then we can see how far this ought to conform to the principles of that bill. My own conviction is that we ought not to provide for this printing of public documents by piecemeal. Some action has taken place in another direction, which I am not at liberty to speak of now, which is exceptional according to my own notion. If we go on in this way we shall find ourselves in a condition at last that that bill will be of very little consequence; and I attach the greatest importance to the proposition reported by the Senator from Rhode Island, which I certainly hope he will take occasion to urge at a very early period.

Mr. ANTHONY. I will call it up now if the Senate will permit me to do so.

Mr. MORRILL, of Maine. Nothing would be more agreeable to me.

Mr. ANTHONY. That would not be proper, I suppose, as the Senator from Delaware would be thereby interrupted in the midst of his speech. I will move to take it up after the Alabama election case is disposed of.

Mr. MORRILL, of Maine. Why not let this lie for the present?

Mr. ANTHONY. I do not think this case ought to come under the regular bill. When the Government makes a great scientific exploration at an expense of $100,000 and prints its results, I do not think the Government ought to peddle out the books. I think that they ought to be given to scientific men and scientific institutions where they will do the most good.

Mr. MORRILL, of Maine. I understand the principles of the Senator's bill certainly apply to this case. The books may be accessible to the people at large who choose to pay for them. Here is an entire issue which is to be distributed entirely to certain scientific institutions. I hope the Senator will allow this resolution to lie on the table until that bill is taken up.

Mr. ANTHONY. I must consent to that, I suppose, as it is now twelve o'clock.

The PRESIDENT *pro tempore*. The morning hour has expired, and the Senate resumes the consideration of the unfinished business of yesterday, which is the resolution in regard to the seat of the Senator from Alabama, on which the Senator from Delaware [Mr. SAULSBURY] is entitled to the floor.

ARMY STAFF PROMOTIONS.

Mr. LOGAN. I rise to ask the Senate to allow me to call up a bill to which I think there will be no objection, and it is a matter of some importance to the Army. It is the bill (S. No. 321) authorizing appointments and promotions in the Medical and Ordnance Departments of the Army of the United States, and for other purposes.

Mr. SHERMAN. That will take time.

Mr. LOGAN. I do not think it will.

The PRESIDENT *pro tempore*. Is there objection?

Mr. SHERMAN. I have no objection to having it read.

The Chief Clerk read the amendment reported by the Committee on Military Affairs as a substitute for the bill.

Mr. SHERMAN. I have no objection to considering that bill at this time; but undoubtedly a bill of that kind, reopening three corps of the Army to promotions, will lead to some debate and will require some explanation.

Mr. LOGAN. Very well; let it go over until to-morrow. The Senator does not understand the bill. It is not opening three corps to promotions; but I will not discuss it now.

Mr. SHERMAN. Probably if I heard the explanation I should be willing to vote for it; but it ought not to pass without explanation.

Mr. WEST. I have no objection to the bill going over to some future day; but I hope the chairman of the Committee on Military Affairs will not bring it up to-morrow, as I shall be necessarily absent from the Chamber, and I should like to be heard on the subject.

SENATOR FROM ALABAMA.

The PRESIDENT *pro tempore*. The regular order is before the Senate, being the Alabama contested-election case, and the Senator from Delaware [Mr. SAULSBURY] is entitled to the floor.

Mr. SAULSBURY resumed and concluded the speech begun by him yesterday. This speech in full is as follows:

Mr. SAULSBURY. Mr. President, I had not expected to take part in this discussion to-day, and the remarks which I shall make now will be necessarily brief. The Senator from Maryland, [Mr. HAMILTON,] who is associated with me on the committee, and myself united in the minority report, which presents at length our views of this case. Upon the statement of the law and facts as presented in that report I should have been content to rest the claim of Mr. Sykes to a seat in this body, but the remarks of the Senator from Indiana [Mr. MORTON] render it proper that I should reply to a few matters to which he has referred.

It was wholly unnecessary for the Senator from Indiana to disclaim that party considerations governed his action in this contest. I hope that no Senator on this floor when he is constituted a judge of private rights and when the responsibility is increased by being compelled also to judge of the rights of a sovereign State will be influenced in the slightest degree by any mere desire to advance the interests of a political party. It was therefore wholly unnecessary for the honorable Senator from Indiana to disclaim in this connection being influenced by such considerations.

The Senator from Indiana in the remarks just submitted assumes a position which is not tenable in the manner in which it was presented. He says that the majority of the people of a State have a right to be represented upon this floor. While it may be true that the majority of the people of a State have the right to be represented in the Senate if the Legislature of the State in the election of Senators represents the popular will, it is not true that the majority of the voters have such right in opposition to the will of the Legislature.

The Senate, under our system of government, represents the States in their sovereign capacity, and as a general rule the popular will finds expression through the action of the Legislature in the election of Senators; but if the Legislature does not choose to act in harmony with the will of a majority of the people, they have a right to do so. And instances could be named in which Senators now in this Chamber are not the representatives of the popular majority in their State. The majority of the voters in a State have no unqualified right to be represented by a Senator whose views are in harmony with their own, but their right is subordinate to the will of the Legislature authorized to elect a Senator.

Not only is the popular will in this regard subordinate to the will of the Legislature, but even the right of a State to representation on this floor is controlled by its own constitution and laws. Such right can only be secured through the action of its Legislature, organized and existing in conformity to the provisions of the constitution and laws of the State.

The honorable Senator says that all the trouble in Alabama grew out of a fraudulent conspiracy to defeat the will of the majority. That is an assumption that I think is not warranted by any proof that was before the Committee on Privileges and Elections. In fact there was no evidence on the question of fraudulent intent on the part of any election officer, and there was no allegation of fraud made and no evidence offered to sustain any such allegation. It is entirely gratuitous therefore on the part of the honorable Senator from Indiana to announce that this was the result of a fraudulent conspiracy. Before I get through I shall attempt to show that if there was any fraud at all in this case it was on the part of the court-house Legislature that elected Mr. Spencer. Certainly I think the documentary evidence, the legal proof, the record evidence, in this case will exonerate every person connected with the capitol Legislature, either as a member or an officer who assisted in the organization of the body, from any such sweeping allegation as that of having been connected with a fraudulent conspiracy to defeat the will and wishes of the people of Alabama.

In order to sustain this general allegation of a fraudulent conspiracy which is made for the purpose of strengthening the claim of Mr. Spencer, the honorable Senator referred to the injunction that was issued by Chancellor McCraw, restraining the supervisors of election from counting the returns of Eufaula in one of the counties of that State. My honorable friend forgot for the moment that the chancellor who issued that injunction was a member of his own party, and if there was fraud at all on the part of the chancellor, it certainly does not attach to the democratic party of the State of Alabama. He should also remember that there was no senatorial candidate in that county of the

democratic party, but there were two republicans running, and therefore if there was any fraud at all the fraud existed on the part of the republicans and not the democrats.

Mr. MORTON. I will state to my friend that the chancellor referred to may have acted in good faith. I do not say he did not; but if he did he found out that he had been used badly, for two days afterward he dissolved the injunction without anybody asking him to do it. My friend says he was a republican. He was of the same stamp of republican as Mr. Miller. He was an elector on the Greeley ticket.

Mr. SAULSBURY. I do not think either stamp of republicans have exactly correct ideas; but whatever training in political science the gentleman referred to may have had he received from republican tuition; and if he consented to become a party to a fraud, certainly that fact ought not to be charged to the democratic party of the State of Alabama.

But I apprehend, Mr. President, that there was no fraud on the part of the chancellor. I apprehend that the bill filed in his court alleged such a state of facts as not only warranted but demanded that he should issue an injunction; and it being only a preliminary injunction, he called it up at the earliest possible day, showing a desire to dispose of the question, and upon the preliminary hearing he dissolved the injunction. Is there a fraud committed because the complainant, who presents a case which commends itself to the chancellor upon the facts stated, which addresses him in such a manner as to make the impression on his mind that if the facts alleged in the bill of complaint could be established the injunction ought to be maintained, was not able to prove his allegations?

It is very frequently the case that upon the preliminary hearing of injunctions in all equity courts the facts presented do not warrant a continuation of the injunction; and that I presume was the fact in the case before Chancellor McCraw. I refer to this simply to say that there is no proper authority or justification for the allegation of fraud against the parties to this transaction.

When I come to notice the action of the supervisors of election and the action of the secretary of state in issuing certificates, I think I shall be able to demonstrate clearly that it was not only right and proper that they should perform the act they did at the time they did, but that it was made their duty under the penal statutes of Alabama to make the returns on the part of the supervisors to the secretary of state, and on the part of the secretary of state to issue the certificates to all the members to whom he did issue certificates.

So far as the secretary of state is concerned, to whom a part of this allegation of fraud is intended to be applied, let me say to the honorable Senator from Indiana that the presumption of the law is that all public officers perform their duty and are guilty of no fraud in the performance of their duty; and unless there was proof to the contrary, the secretary of state in issuing these certificates is presumed to have acted in good faith. Is there proof in this case that will justify the charge imputed to the character and which if true would certainly disgrace the secretary of state of Alabama in the eyes of all honest men? Is there any proof in this case that justifies such an allegation against his character? What did he do? Under the statutes of Alabama it becomes his duty within ten days after the supervisors of election made their report certifying to him who have received a majority of votes at the election to issue certificates of election to the parties returned as elected by the supervisors. Did the secretary of state act precipitately in this matter? In order to discharge his duty clearly within the letter and spirit of the law he took legal advice, not of one man alone, but he took the legal advice of three eminent counsel of the State; and let me say that one of these was Judge Rice, a prominent republican of Alabama. I have the opinion of the counsel whom he consulted in reference to his duty.

Mr. SPENCER. I beg the Senator's pardon for interrupting him, but I wish to state as matter of fact that the secretary of state immediately after going out of office left the State and never returned, and he is now a fugitive from the justice of the State of Alabama. Another error I wish to correct is that Judge Rice was a republican. Judge Rice stumped the State of Alabama for Greeley. He was part of his life a republican, but most of his life a democrat, and latterly has been a democrat.

Mr. SAULSBURY. It may be that Judge Rice voted for Mr. Greeley. I think a great many more republicans ought to have voted for him, and less democrats. [Laughter.] But my understanding is that Judge Rice has always been in connection with the republican party and that he is to-day a member of the republican party; but simply because he gave this opinion, I suppose, and voted for Mr. Greeley, he is to be read out of the republican party! Well, sir, we have got a great many recruits from the republican party in the democratic party, and I have no doubt from what I have learned of the eminent character of Judge Rice that he will be welcomed by the democrats of Alabama into their ranks whenever he wishes to join them.

Mr. SPENCER. I will state that Judge Rice voted for Seymour and Blair and voted for Mr. Greeley, and never voted a republican ticket but once, and that was for Governor Smith. I think that is the actual fact.

Mr. SAULSBURY. I do not choose to hold a private conversation now, while I am presenting my views upon this subject, in reference to the political status of any particular individual; but information that I deem reliable is that Judge Rice has always been a prominent republican of the State of Alabama since the republican party has had an existence there, and that he claims connection with that party and professes to owe allegiance to it to-day. Be that as it may, one thing is certain, he is a gentleman of character; he is a gentleman of standing; he is a gentleman eminent in his profession, and he would not give a legal opinion to any man biased and controlled by party considerations. It would be a reflection upon the character of a gentleman so eminent in his profession as Judge Rice that I would not be willing to make, and which I feel justified in repelling, however indirectly made. On the contrary, whether he be democrat or republican, every gentleman entitled to the respect and confidence of the people of his State is entitled to the respect and confidence of the Senate of the United States, and when such men give legal opinions involving their own legal reputation, involving their character as men, the allegation or insinuation that the opinion was not an honest one, that it was not given in good faith, but given to advance the political interests of any party or any man, is an imputation that ought not to be made against the character of any person so high and respectable as Judge Rice. I have the opinion. The secretary of state has been arraigned here as a party in complicity with fraud; and yet that officer before taking the responsibility of issuing these certificates took the legal advice of three eminent members of the legal profession in his State, to one of whom I have referred, and he acted upon their advice. I have it here before me. Three eminent lawyers of his State advised him in a written opinion that it was his duty, and especially because there was a penal statute in that State imposing a severe fine upon him if he failed to perform the duty of issuing the certificates.

With what show of consistency a charge of complicity with any fraud and conspiracy on the part of the secretary of state can be made I am wholly at a loss to understand. But I fully understand the reason which induces the charge to be made. The honorable Senator from Alabama interposes an objection that he is a fugitive from justice. Sir, I know the fact that the contestant, Mr. Sykes, through his counsel in this case offered to present the secretary of state here as a witness to testify upon this same question of his complicity with fraud, and I know that the offer on the part of the contestant was declined by the other side. I know nothing personally of that officer, but I understand he is a gentleman of character and responsibility; and while he may have left Alabama, I have heard of no insinuation against his character until this very moment, and I think it is not only gratuitous but unjust, when he has no chance to defend himself against such an allegation, when it failed to be made before the committee where he could have appeared and exonerated himself from a charge involving his character—it is not only gratuitous but it is unkind and unjust that it should have been lugged in here, I will not say for effect.

The honorable Senator from Indiana says that the title of a member to a seat in the organization of the Legislature does not depend upon the certificate of election but upon the election itself. I differ with the honorable Senator in this respect: I hold that the party holding a certificate from the proper officer is entitled to be seated in the Legislature upon that certificate, though he may not in fact have been elected; because that is the only test of his right to the seat required by the constitution and laws of Alabama. It is the *prima facie* evidence of title, and having therefore the evidence which the law required, even if the member has not been actually elected by the votes cast at the election, if he has in his possession the legal evidence of title to the possession of the office, he is legally entitled to be seated as a member until by a contest his right shall be disproved, the laws of Alabama providing for a contest whereby the party who has been improperly seated in the Legislature may be ousted by the party rightfully claiming the seat by virtue of an election.

It is an admitted principle of law—and no one knows it better than the honorable Senator from Indiana—that in reference to property one man may have the right of property, another man have the right of possession to that property, and still a third man may have the possession of the property, and each of them is entitled to be protected in his just rights. The man in possession, though he may have no legal title to the property, and though he may not have the right of possession, is yet entitled to be protected in his possession until a better right is set up, until the party entitled to the possession shall come in and oust him. So with the party entitled to the possession of property, where he may have no legal right to the property itself; yet having the legal right to the possession of it, he is entitled to be protected under the law until the person holding the title to the property, the right of property, shall become also entitled to the right of possession of the property, when he may be ousted from his possession. So, too, a man may have the evidence which entitles him to a seat in the Legislature just as these men in the capitol Legislature had. They have by that the right to the possession of the seat until some person who has been actually elected comes forward in the manner prescribed by the statutes of Alabama and sets up a better title by showing in a contest that he was not elected to the Legislature. While, therefore, it may be true that some of the gentlemen at the capitol Legislature who held certificates of election were not in fact elected by the votes cast at the election, still, having in their possession the only evidence which entitles members to be seated in the Legislature, they were entitled to take their seats; and every act of a member thus seated

was as valid and binding as though every man in his county or district had voted for him, until, as I before remarked, a contest was made, and upon such contest his right to the seat was disproved. There is no plainer principle of law than that.

The Senator from Indiana very properly states this case in the question he asks, Which was the legal Legislature, that at the court-house or that at the capitol? He directs the attention of the Senate by that question to the very point in issue. All the matters to which I have been replying, about the secretary of state's issuing certificates fraudulently, about the members from Barbour and Marengo not having been elected, are outside of the case; and the true question is that which was presented by the inquiry of the honorable Senator from Indiana, which was the true, *legal* Legislature? To that question I propose to address myself for a few moments.

Which of the legislative bodies, that which assembled at the capitol of the State in the senate chamber and in the representative chamber, or that which met at the United States court-rooms, was the true Legislature of the State of Alabama? That is the only question in my opinion which we can properly consider; it is the only question which we should consider in determining the rights between these contestants. Which of the legislative bodies, that which elected Mr. Spencer or that which elected Mr. Sykes, was the true and legal Legislature of the State? In order to determine that question, it is necessary to refer to the constitution and laws of Alabama. The honorable Senator from Maryland in his remarks this morning very fully went over that ground, and it is not necessary therefore that I should take up in detail all the constitutional and legal provisions applicable to this case; they are also fully stated in the minority report; and yet I may be permitted to remark that no one questions that the election was held in conformity with the requirements of the law, and no one questions the fact that the Legislature did assemble at the capitol, and that it had a quorum of members in each house of the Legislature, who held certificates of their election issued by the secretary of state in compliance with the provisions of the constitution of the State.

Now, what is the validity of these certificates? Did they entitle the members presenting themselves in the capitol Legislature as members to be seated? That is the question. If the evidence which they held was such as to entitle them to take their seats in the Legislature, and a quorum of such members was present in each house of the capitol Legislature, then unquestionably that Legislature must be regarded as the lawful General Assembly of the State of Alabama until, according to the provisions of the laws of Alabama, their right to seats in the Legislature should be shown not to be good.

It will be observed that the law of Alabama in reference to elections requires that the inspectors of elections shall count the votes and certify the poll-list to the board of supervisors, consisting of the judge of probate, the sheriff, and the clerk of the circuit court in each county. The supervising board, after examining the returns certified by the inspectors, make their return to the secretary of state. The only duty that the secretary of state has is to preserve the returns made to him, and within the time specified, within ten days from the reception of these returns, to issue the certificates. That is the machinery which the laws of Alabama provide in order to ascertain who have been elected members of the Legislature. It is a legal ascertainment of the members of the senate and house of representatives. No one questions—for it is admitted in the report of the majority—that the supervisors of election had made returns of the election to the secretary of state, that the secretary of state, in compliance with the duty imposed on him by the law of the State, had thereupon issued certificates to the parties shown by the returns of the supervisors to have been elected. Some of those persons thus certified to have been elected met in the capitol; and in each house, as I before said, there was a quorum competent to do business, having the only qualifications which the law requires. The senate and house of representatives thus organized were in legal contemplation the Legislature of the State of Alabama.

It is objected on the part of the Senator from Indiana that though the members may have had the certificates of election, some of them were not in fact elected. But the Senate in its inquiry can go no further than the constitution and laws of the State. All that we can do in determining this question between Mr. Spencer and Mr. Sykes, the contest being made, the Senate being constituted the judge of the elections, qualifications, and returns of its own members, is to go to the constitution and the statutes of Alabama, and ascertain which of those bodies was organized in conformity with the requirements of that constitution and those laws. We cannot, as was very justly said by the Senator from Maryland, go behind that fact. The moment we go behind the ascertainment of who were elected according to the laws of the State, and undertake to constitute ourselves judges of who was in fact elected to the house of representatives or to the senate of Alabama, we usurp the power and authority conferred by the constitution of the State upon the respective houses of the Legislature, because under the constitution of the State each house is made the judge of the elections, returns, and qualifications of its members; and the moment we attempt to go back to count the votes that were cast or to supervise the action of the returning boards, we usurp the functions which the laws of Alabama have placed upon others. We would by such proceedings usurp the authority of the respective houses of the Legislature of Alabama, and attempt to determine the *election* of the members of the General Assembly of that State. We cannot rightfully do this.

I propose to show that that is the view which the Senator from Indiana himself only twelve months ago in another case took of the law. I read now from the report in the Louisiana case made by the Senator from Indiana:

> After the Legislature became duly organized, as already stated, it was invested with power, expressly conferred by the constitution of Louisiana, to determine the qualifications and elections of its own members. This is in its nature an exclusive power. One house cannot divide it with the other, nor can the exercise of it be controlled by courts. From that time each house has the exclusive control over its membership, whether in the retention of old members or in the admission of new ones. If, in the original organization, a number of persons were admitted as members who had not been legally elected—

Mark the language—

> If, in the original organization, a number of persons were admitted as members who had not been legally elected, but whose names were on the list of persons furnished by the secretary of state returned as elected by the proper returning board, their seats were liable to contest, and such contest could only be determined by the house of which they claimed to be members; and under no circumstances could a court inquire into the expulsion of a member of either house or the admission of a new one. Such a power has never been recognized in any State or by any Federal court in regard to Congress. If a quorum in each house, who were on the list furnished by the secretary of state as having been returned as elected by the legal returning board, take their seats and proceed to the work of organization, such organization must, in contemplation of law, be held to be legal.

There is the legal proposition for which we contend most distinctly, most clearly, most forcibly presented by the Senator from Indiana himself, that if a majority of persons on the list furnished by the secretary of state—in other words, with the certificates of the secretary of state—present themselves, they are entitled to be seated, and their acts are valid, and the Congress of the United States have no power upon the ascertainment of that fact to go behind and to inquire into anything. That is sound law. But the Senator repeats it again in substance; and I propose to test this question partly by the views of the Senator from Indiana on another occasion, to make the Senator from Indiana on a former occasion refute the arguments of the Senator from Indiana on this occasion:

> When the constitution—

Says the Senator—

> of a State provides that each house of its Legislature shall be the judge of its election and qualification of its members, full faith and credit must be given to their action; and should the Government of the United States go behind their action to inquire whether the members have been lawfully elected to the Legislature, their independence would be wholly destroyed and the validity of their action made to depend upon the will of Congress.

Can language be more clear or forcible? And yet the Senator from Indiana, after uttering that sentence, deliberately penning it in a report a little over a year ago, comes into the Senate to-day and argues this question as if the Congress of the United States had a right to go behind the organization of the Legislature of Alabama and inquire into the election of members. We maintain that the only inquiry we can make is to ascertain whether either of these bodies was organized in conformity with the constitution and laws of that State; but the Senator from Indiana in his argument to-day apparently ignores the constitution and laws of Alabama, and, as a justification for so doing, seeks to go behind them and impress the Senate with the idea that there were frauds in all these elections, that there was fraud on the part of the returning boards, that there was fraud in the issuing of the injunctions which prevented the returning board from counting or ascertaining the vote in one district. Again said the Senator:

> So, when the laws of a State have constitutionally created a returning board to ascertain who are elected State officers and members of the Legislature, if Congress may go behind the decision of that board and inquire whether they had the returns before them, and whether they were acting in accordance with the laws of the State, the election of State officers and members of the Legislature would be placed absolutely under the control of Congress.

Mr. MORTON. Does the Senator mean to say that I have stated one word to-day in opposition to any of those principles there enunciated?

Mr. SAULSBURY. Yes, sir; according to my understanding.

Mr. MORTON. I stand by that doctrine. We place ourselves on that very doctrine, that this court-house Legislature determined that very question, determined that these members from Marengo County and Barbour County were elected, notwithstanding the others had the certificates, and they had a right to determine it, and the subsequent fusion Legislature determined the same thing, and the Senator himself does not deny it.

Mr. SAULSBURY. I will come to that point before I leave this discussion if I think of it; but I do not intend that the Senator shall shift the issue now.

Mr. MORTON. Let me ask my friend if he denies that fact himself, that the republican members were elected in Marengo and Barbour Counties?

Mr. SAULSBURY. I do not deny it. I suppose it may be true. I am not arguing it upon that ground. I say the argument of the Senator to-day goes to an inquiry as to who was elected, whereas in the argument which he presented in a written report a year ago he contended that we could not go on and inquire into the fact who was elected.

Mr. MORTON. The Legislature determines that as the court-house Legislature and the fusion Legislature did. We are simply accepting

their determination, and I referred to those things to show that they were right and that your men were not elected at all. My friend will not say that they were elected.

Mr. SAULSBURY. That is not the question.

Mr. MORTON. It is the question precisely.

Mr. SAULSBURY. The Senator from Indiana, in his report in the Louisiana case, emphatically said that the persons *upon the list returned by the secretary of state were entitled to be seated, and that this Senate could not go behind that fact;* and yet in the argument to-day he repudiates that doctrine, as I understand, and says that you may go behind the list or the certificates furnished by the secretary of state, and you may inquire into the election, you may inquire as to who was elected; because upon that depends the whole case on the part of Mr. Spencer. If there is no power in the Senate to go into the election to ascertain who was elected, then Mr. Spencer clearly is not entitled to the seat, and unquestionably, according to all the forms of law—and that is admitted in the report of the majority—Mr. Sykes and not Mr. Spencer was elected.

Mr. MORTON. Will my friend permit me to interrupt him?

Mr. SAULSBURY. Certainly.

Mr. MORTON. In the Louisiana case I took the ground, and that was argued here, that the *Legislature* had a right to go behind the certificates and the list, and in this very case the Legislature has gone behind them and determined the very question. My friend himself cannot dispute it.

Mr. SAULSBURY. No one is more ready to admit than I am that under the power to judge of the election, qualification, and return of their own members, the Legislature upon a contest made may go behind the return and certificates. There would be no use of a contest if that power did not exist. That is not the point. I say while the Legislature may go behind, while they may inquire who was elected, while they may inquire whether the supervisors of election acted properly or not, the Senate of the United States is precluded by the doctrines of the Senator from Indiana.

Mr. MORTON. My friend places himself now on this point, that the fraudulent Legislature in Alabama may go behind the certificates and inquire, but that the true one cannot. I call my friend back to the point, that it stands confessed by all parties that the court-house Legislature contained a quorum of lawfully elected members. If my friend can get over that with certificates, let him do it.

Mr. SAULSBURY. That is not confessed, nor is it admitted, nor can it be conceded or proved, so far as the *court-house senate* are concerned especially. If you go into the inquiry of who was elected, the records themselves will furnish indubitable evidence that so far as the senator from Butler, Conecuh, and part of Escambia was concerned Mr. Martin was elected, and Mr. Miller was not elected; but I stand upon the ground that this Senate cannot go into those questions. We can inquire which of those bodies claiming to be the Legislature of Alabama has been organized and existed under the laws and constitution of that State. If we find that either of those bodies possessed all the requisites required by the constitution and laws of Alabama, we are estopped from further inquiry and must determine, because we are judges, that that Legislature having those requisites required by the constitution and laws of the State and organized in conformity therewith is the lawful Legislature and vested exclusively with legislative power, and that any other body of men claiming to be the Legislature has no legal status. If this is true—and the doctrine laid down by the Senator from Indiana in his report from which I have read fully sustains it—then the capitol Legislature which elected Mr. Sykes was at the time of his election the rightful General Assembly of the State and competent to elect a Senator, and the court-house assemblage which elected Mr. Spencer had no claim to be regarded for any purpose as a legislative body. The Senator from Indiana now ignores his own doctrine in the Louisiana case, and begs the question by assuming that the court-house assemblage was the rightful Legislature.

While I am on this point—for I mean to sustain it not only by the opinion of the Senator from Indiana in the Louisiana case, but I mean to show judicial authority, the solemn judgment of courts sustaining the principle that the members having the legal status cannot be ousted of their right by any revolutionary body that may be set up against them—I will refer to a decision of the supreme court of Pennsylvania, the case of Kerr *et al. vs.* Trego *et al.*, (47 Pennsylvania State Reports.) In the city of Philadelphia the common council is elected for three years, a part of the common council going out at one year and part at another. Under the laws of Pennsylvania and under the usage of the common council of Philadelphia the members who held over were compelled to meet at the proper place for the assemblage of the body, for the purpose of receiving and inducting into office the newly-elected members. In January, 1863, there were twenty-three members holding over. It was their duty to meet at the city hall and to induct into office the newly-elected members. On the day they should have met the president of the common council and a majority of the members holding over did meet, with the clerk of the common council, for the purpose of performing the duty required of them by the laws and usages of the council, and a minority of the members who held over, from party considerations, determined that the majority should not conduct and control that organization, and hence they met at the same place and undertook to oust the chairman of the common council and the clerk of the common council from their offices by putting in nomination other officers, and thus they had a little rebellion or revolution in the room of the common council; whereupon a majority of the members holding over, headed by the president of the council, filed their bill to restrain these disorderly members in their disorganizing course; and the question was one upon which the public mind was agitated in Philadelphia, and the supreme court sat with a full bench even on the preliminary hearing of the injunction, in order that the same might be determined according to the right of the matter and the law of the land.

[Here the honorable Senator yielded for a motion to proceed to the consideration of executive business.]

Mr. SAULSBURY, (resuming.) Mr. President, in discussing this subject yesterday I was led by the remarks of the Senator from Indiana to consider the question which of the two bodies, that known as the capitol Legislature or that known as the court-house Legislature, was in fact the legal, proper, rightful Legislature of the State of Alabama. In the remarks submitted yesterday I assumed that if either of those bodies met and organized in conformity with the requirements and provisions of the constitution and laws of Alabama, such body thus organized and existing was and must be treated in this contest as the lawful General Assembly of that State; and if on inquiring into the rights of the contestants in this case the Senate came to the conclusion that either of those bodies met and organized in conformity with every requirement of the constitution and laws of the State of Alabama, then this Senate was estopped from any further inquiry in the case, and must treat that body thus organized and existing as the lawful Legislature of the State, vested with exclusive legislative power, competent to perform all the functions appertaining to the General Assembly of the State of Alabama. To support that position I had cited the views of the Senator from Indiana contained in his report in the Louisiana case, which fully corroborated and sustained the position which I assumed; and when I gave way to go into executive session yesterday I was about to present an authority from the supreme court of the State of Pennsylvania bearing upon the question under consideration.

I stated the substance of the complaint which led to that decision, and it is not necessary that I should repeat it now. I may be permitted, however, to say that it arose out of a contest which sprang up between members of the common council of the city of Philadelphia which split into two bodies, one of which attempted to control, contrary to the laws of Pennsylvania and the usages of the common council, the election of officers to be appointed by the common council. This attempt by one party caused a bill of complaint to be brought by the other party in order to have their right thus to interfere with the regular organization decided by the courts. The supreme court of Pennsylvania, in view of the great excitement which that contest created, as well as in view of the great principles involved in the contest, sat with a full bench, that they might hear and determine the matter. Without stating more particularly the details of the case brought before the court, I will proceed to read from the decision a few paragraphs bearing upon that case and bearing also upon this—in fact comprehending and deciding the very principle that is involved in this contest. The court, after disposing of the question of jurisdiction and deciding that they had jurisdiction to investigate the subject-matter of the bill of complaint, proceeded:

> In all cases of this kind, at least in all bodies that are under law, the law is that where there has been an authorized election for the office in controversy, the certificate of election, which is sanctioned by law or usage, is the *prima facie* written title to the office, and can be set aside only by a contest in the forms prescribed by law.

That meets this case exactly. It is conceded that every member of the capitol Legislature, a quorum of each house, was seated upon the certificate required to be furnished by the secretary of state. Then applying the principle of law which the court here lays down, that it is *prima facie* a written title to the office and can be set aside only by a contest in the forms prescribed by law, I am at a loss to know how it can be maintained in this argument that there could be any other legislative body in Alabama than that which met at the capitol or State-house, and the members of which body were seated upon the certificates which the law requires. The court say:

> No doubt this gives great power to dishonest election officers, but we know no remedy for this but by the choice of honest men. When party fealty is a higher qualification than honesty or competence, we must expect fraud and force to rule, and a man must be an Ajax or an Ulysses to be qualified for office.
>
> On the division of a body—

That is this case—

> On the division of a body that ought to be a unit, the test of which represents the legitimate, social succession is, which of them has maintained the regular forms of organization according to the laws and usages of the body, or, in the absence of these, according to the laws, customs, and usages of similar bodies in like cases, or in analogy to them. This is the uniform rule in such cases. It is always applied in the case of church divisions, and was so applied by us three times last year in the church cases already alluded to. The courts can never apply it to divisions in the supreme Legislature, because that body is subject to no judicial authority, and cannot be. They, too, ought to adhere to this rule, for order and regularity are always worthy of respect, and especially so in cases where there is no authority that can enforce their claims. But we need not dwell on this point, for it is admitted that this rule is the test of legitimate organization.

Applying these principles which govern the decisions of courts, I ask, can it be possible that the Legislature which met at the court-house and elected Mr. Spencer had any title? It is not pretended

that it had complied with the forms of law; but, on the contrary, it is conceded in the report of the committee, of which the Senator from Indiana is chairman, that every requisite, every requirement of the law and constitution of Alabama had been met and followed by the capitol Legislature. It is admitted in the report which I hold in my hand, it is not questioned in the argument on this occasion, that the capitol Legislature had been organized in strict compliance and conformity with every provision of law, with every requirement of the constitution of Alabama; and if that is true, then the doctrine of the supreme court of Pennsylvania applied to it must satisfy every Senator on this floor that the capitol Legislature alone was possessed of any legislative power, and that all of the legislative power and authority of the State were vested absolutely and indefeasibly in it.

I have enunciated the law as laid down by the supreme court of Pennsylvania in cases of this kind. Now, what are the facts? It is not disputed that the capitol Legislature met at the time appointed by law. It is not disputed that it met at the capitol of the State, in the senate chamber and in the hall of the house of representatives. It is not disputed that there was a quorum in each body having the certificates required by the laws of the State to be issued to members of the General Assembly by the secretary of state. It is in fact not disputed that the members there seated in the senate and house of representatives had all the legal and constitutional endowments requisite to constitute them members of the lawful General Assemby. They were, according to that decision, *prima facie* entitled to their seats. The lieutenant-governor, who under the constitution was required to be present and assist in the organization of the senate, could not rightfully, could not without the assumption of power not conferred upon him, object to any member of the senate who presented his credentials and the certificate of the secretary of state taking his seat as a member of the senate; nor could the speaker of the house of representatives, who under the constitution of Alabama holds over for the purpose of assisting in the organization of the succeeding Legislature, rightfully object to any member of the house presenting his credentials, presenting the certificate issued under the constitution by the secretary of state, taking his seat. They were on the face of their credentials entitled to take their seats in the body, just as Mr. Spencer a year ago on the face of his papers was entitled to take the seat which he now holds. Any other doctrine would place it in the power of a majority to exclude everybody opposed to them. The majority of any legislative body, if they are not required to pay any respect to the requirements of law, might prevent any one opposed to them in political sentiment from entering into the body at all. You see the consequences that might result under a high state of political feeling by an abnegation on the part of legislative bodies of the provision of the laws and the constitution appertaining to the organization of legislative bodies.

I could cite on this point many other authorities equally strong; but it is not necessary to detain the Senate by so doing. I think the principle is clearly settled that where a Legislature has been organized in conformity with the requirements of law, or, in the absence of law, in compliance with the usages of the legislative bodies of the State, such Legislature is entitled to be respected as the rightful Legislature, and all its acts ought to receive full faith and credit.

In the senate of Alabama thus organized there were nineteen members. The senate consisting of thirty-three, there was more than a quorum. In the house of representatives at the capitol there were fifty-four members. A full house consisting of one hundred, there was a full quorum present. The Legislature thus constituted, I again repeat, had all the legislative authority of the State. It contained a constitutional quorum in both houses at the time of the election of Mr. Sykes. No one will question that it had power to enact statutes, and had authority to perform all the functions of a Legislature. No one can rightfully question upon any hypothesis, upon any assumption whatever, that that Legislature, thus met and organized and existing in compliance with every requirement and provision of law, was possessed with the full powers and functions of the General Assembly of that State; that every act of that General Assembly thus constituted was of binding force. The governor of the State at that time, Governor Lindsay, so regarded it. He recognized it as the lawful General Assembly of the State and sent his annual message to it. It performed the functions of the General Assembly in counting the votes for the governor-elect, and the governor, lieutenant-governor, and all the State officials elected, upon whose vote it was to decide, accepted at its hands the offices which they now fill. This Legislature, therefore, performed one of the most delicate, one of the highest and most important functions that can be devolved upon a legislative body. The right of the capitol Legislature to count the votes for the executive officers of the State, and thus induct them into office, was accepted by the republican governor and the republican lieutenant-governor, who accepted their offices upon such count, although they afterward turned their backs upon the very Legislature that inducted them into office; I will not say from party considerations; I will leave to the inference of the fair and honest judgment of the country the reasons and motives of their refusal to recognize the very legislative body that had inducted them into office.

If there was any person claiming to have been elected, claiming that he ought to be a member of the Legislature, the laws of Alabama provided him a remedy in a contest. These gentlemen who were seated were entitled to hold their seats until the contest was made, and for such contest the laws of Alabama fully provide. The law of Alabama is:

SEC. 51. That any elector contesting the election of any senator or representative to the General Assembly, he must first give *security* for the costs of such contest, which must be acknowledged before, and approved by, the clerk of the circuit court of any county of the senatorial district, if such contest be for the election of a senator, or if the election of a representative, by the clerk of the circuit court of the county in which such election was held.

SEC. 52. That the contesting party must next give notice to the person whose election is contested, by having served on him, or left at his usual place of residence, by the sheriff or some constable, a copy of the grounds of contestation and affidavit as required by the provision of section 45 of this act.

And the fifty-fourth section states—

That the original statements of the grounds of contest and affidavit must, after such service, be returned to the office of the clerk of the circuit court, in which security for the costs has been given, with the return of the officer indorsed, which is presumptive evidence of the service.

So you see that persons seated upon certificates, after being thus seated have a right to the office, have a property in the seats they occupy, and cannot be displaced except in conformity with these provisions of law. No revolutionary body can break up their organization. They are the rightful members of the Legislature; they have a property in the office; and the law requires that before they shall be ousted from their seats, even upon a contest, they shall have the grounds of the contest laid before them. No such contest was made, and those members continued members of the capitol Legislature as the only rightful Legislature of the State until, in their liberality, they agreed, for the sake of preventing any discord in the State, to become merged under the arrangement proposed by the Attorney-General in what was afterward known as the fusion Legislature. But I wish to direct attention to the point that up to that time every act of the capitol Legislature was valid, was binding, was authoritative, and it was before that time that they elected Mr. Sykes. His election therefore being an election held by a legislative body rightfully and constitutionally organized and existing, entitles him clearly and unquestionably to a seat on this floor.

But it is said in the argument upon this case, and it is said in substance in the report of the committee, that these constitutional and legal requirements are but mere forms, the means of inducting into office the persons who have been elected. No, sir; they are the tests, the requirements of the laws and constitution of the State for the ascertainment of the result of the election. Did the Legislature of Alabama provide as a mere matter of form that the inspectors should certify their poll-lists and their ballots to the supervisors of elections? Did the Legislature of Alabama provide as mere form that the supervisors of election should sit in a judicial capacity and examine the poll-lists and the votes, compare them with the registration in the counties, throw out such votes as had been fraudulently cast, and certify their finding to the secretary of state? Did it provide as a mere matter of form that after all this machinery had been gone through with, the secretary of state should issue his certificates to the persons elected? Did it as mere form provide that an omission to perform this duty by any of these officers should meet the penalties of the law? Is that all form?

Why, sir, it is trifling with a great and grave subject. It is trifling with the rights of the people of Alabama; it is trifling with the rights of the Senator-elect, Mr. Sykes, to treat the legal ascertainment of who was elected to the Legislature as mere form, and thus seek to go behind that and inquire into matters appertaining to election officers. He must take a very narrow, a very contracted, a very one-sided view of constitutional and legal requirements w would seek to degrade them to the mere level of a matter of for that might be ignored and treated with contempt and derision. And yet it is absolutely necessary to treat all these requirements of the constitution and laws of Alabama in that respect as mere form, as non-essential, as of no binding force or validity, or otherwise no argument by any Senator upon this floor, however ingenious, can give the least color of right to the election of Mr. Spencer or to the legal existence as a legislative body of the court-house Legislature that elected him.

Was it mere form, Mr. President, that the people of that State had prepared a senate chamber and a hall for the house of representatives; that they had put into the constitution of the State that the lieutenant-governor should be present to assist in the organization of the senate, and that the speaker of the last house of representatives should hold over until the subsequent Legislature had met and was organized for the purpose of assisting in the organization of that subsequent Legislature? I repeat again, and I repeat it deliberately, that it is treating constitutional and legal requirements in a manner unworthy of this Senate, it is degrading them below the character the people of Alabama intended to give to them to so regard all the provisions of the constitution and laws of Alabama in reference to the ascertainment of who should be members of the General Assembly of the State, which was to make their laws, to protect their property, to protect their lives, and to protect their every interest.

Now, how was it with the Legislature that elected Mr. Spencer? Let us look at that Legislature for a moment. On the day appointed by law for the meeting of the General Assembly of the State, forty-six members elected to the house of representatives and holding the certificates of the secretary of state, and fourteen members of the senate holding the certificates of the secretary of state of their elec-

tion as members of the senate, knowing that a quorum of members in each house composed of gentlemen who were politically opposed to them would be present in the halls provided by the State of Alabama for the assembling of the Legislature, neglected and refused to meet in the senate chamber and in the hall of the house of representatives, but went to a different place, went outside of the jurisdiction of Alabama, not outside of its territorial limits, but went into the court-house belonging to the United States and under the control and authority exclusively of the United States. They there met and claimed to be a legislative body. They met without authority of law. They were not presided over by the officers required to preside over the senate and house of representatives. They did not meet in the place required for the meeting of the General Assembly of the State—at least required by implication arising out of the provision made for the senate chamber and for the hall of the house of representatives. They met in contempt of law. They met in defiance of law; and when they had thus met they claimed to be a legislative body. I hesitate not to say, testing it by the laws and constitution of Alabama, testing it by the usages of legislative bodies everywhere, testing its real character by every proper consideration, that it was a revolutionary body set up in defiance of the laws of the State, set up in derogation of the peace and honor of the State. And that is the body that elected Mr. Spencer. He was not elected by the fusion Legislature. He was elected by the court-house Legislature, that never had in it a quorum of persons in either house that had the legal endowment of members of the General Assembly.

Mr. President, the importance of this subject would justify me in trespassing for a much longer time upon the attention of the Senate, but I simply desire to present this case succinctly and plainly, so that when the Senate come to pass upon it they shall have a clear view of the questions involved. I shall, therefore, not travel over much of the ground that was occupied by the Senator from Maryland [Mr. HAMILTON] yesterday, who presented very ably and forcibly the right of the contestant, Mr. Sykes; but I wish to call attention to one point that was mentioned by the Senator from Indiana, [Mr. MORTON,] one of the considerations which he pressed in favor of retaining Mr. Spencer and against the seating of Mr. Sykes. He called our attention to the results that would follow, and declared that the seating of Mr. Sykes and thereby the recognition of the capitol Legislature as the lawful General Assembly of the State of Alabama would be the indorsement of a fraudulent conspiracy—that was his language—and that it would be making the Senate *particeps criminis* in what he deemed a great public crime. So far as conspiracy or fraudulent intent on the part of any one is concerned I commented upon that yesterday, and I do not desire to refer to it again; but I say here in the presence of the Senate that there is not a shadow of proof, not a tittle of evidence, that warrants the accusation of fraud against any party sitting in the senate or house of representatives in the capitol Legislature, or against the secretary of state or any election officer, or any person who had anything to do with the organization of that Legislature, even in the most incipient step. Therefore I repeat what I said yesterday, that the assumption that there was a fraudulent conspiracy is wholly gratuitous and unsustained by any facts in this case.

Why were not these allegations of fraud pressed before the committee? I do not wish to speak of anything that is not proper to speak of; but the sessions of that committee were public, and therefore I may speak of what transpired in the committee. I know full well that the pleas put in by those who represented Mr. Spencer did by implication raise the question of fraud, and I know that on the part of counsel who represented Mr. Sykes he invited the most thorough investigation and tendered the list of the witnesses by whom he would make proof to the contrary of any such insinuation; and after such an invitation, open, frank, manly, bold, and defiant, and which was not accepted, there was no desire to press the question, and the question of fraud was not raised in argument. Therefore, that fact being known to Mr. Spencer and all who represent his side of the question in this discussion, it is too late, and, as I said yesterday, it is not fair in this discussion that such insinuations should be made. Mr. Sykes is not here to consummate or to claim the benefits of fraud. I know personally but little of Mr. Sykes; but all I have heard of his character and reputation at home justifies me in saying that he is not the man who would accept as a gratuity the benefits of any fraud or even the benefits of anything that was not strictly his legal right.

But, sir, as results have been pointed out by the Senator from Indiana, I presume that I am at liberty to call attention to results which he did not name. What will be the results, what may be the consequences of the action of the Senate if it should determine by its decision in this contest that the Legislature of Alabama met in conformity with law, met in compliance with all the requirements of law, is not the legal Legislature of the State, but that a revolutionary body, which met without authority of law, met in contempt of law, is the Legislature of the State? Will it not be a proclamation on the part of the Senate of the United States that the members-elect of the Legislature belonging to any party dissatisfied with the results of an election, instead of complying with the law and assembling at the place and at the time required for the meeting of the General Assembly, may go into an out of the way place, there meet and proclaim themselves the Legislature of the State? Would not that be a very natural consequence to follow in every State where there was any great approach to equality in the votes of the different parties? Would it not follow as a natural and legitimate consequence of the action of this Senate in declaring that the capitol Legislature was not the Legislature, but that the court-house Legislature met without any authority of law, was in truth and in fact the Legislature of Alabama? Would it not encourage public disorder in the States, and would it not bring our form of government into contempt and into reproach? I have referred to these consequences in reply to the suggestions of the Senator from Indiana, and I call upon Senators to weigh well their action, not only because the private rights of Mr. Sykes, who was properly elected, are involved in this case, but because the rights of the people of Alabama and public order throughout the country may be involved in this question.

Mr. President, I will not trespass longer on the time of the Senate in this discussion. There are some other considerations to which I might properly direct attention, but I have already occupied more of the time of the Senate yesterday and to-day than I had intended. In fact I did not desire when the discussion commenced to participate in it at all. I now leave the matter with the Senate so far as I am concerned. I hope its decision will be such as will comport with its own character and with the just rights of Alabama and the parties immediately concerned.

The PRESIDING OFFICER, (Mr. TIPTON in the chair.) The question is on the amendment proposed by the Senator from Maryland, [Mr. HAMILTON,] which will be read.

The CHIEF CLERK. The amendment is to strike out all after the word "resolved" in the resolution reported by the committee, and to insert:

That Hon. George E. Spencer, not having been elected a Senator from the State of Alabama by the lawful Legislature of that State, is not entitled to a seat in this body.

Resolved, That Francis W. Sykes, having been duly and legally elected a Senator from the State of Alabama for the constitutional term commencing March 4, 1873, is entitled to the seat in this body now held by George E. Spencer.

Mr. HAMILTON, of Maryland. I suppose a separate vote will be taken on these resolutions?

The PRESIDING OFFICER. The question will be first taken on the first resolution in the amendment offered by the Senator from Maryland.

Mr. HAMILTON, of Maryland. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COOPER, (when his name was called.) On this question I am paired with my colleague, [Mr. BROWNLOW.] If he were here he would vote "nay" on this amendment, and I should vote "yea."

Mr. HAMILTON, of Maryland, (when the name of Mr. DENNIS was called.) On this question my colleague [Mr. DENNIS] is paired with the Senator from Mississippi, [Mr. PEASE.] If my colleague were here he would vote "yea," and the Senator from Mississippi would vote "nay."

Mr. SAULSBURY, (when Mr. GOLDTHWAITE's name was called.) I desire to state that the Senator from Alabama [Mr. GOLDTHWAITE] left here yesterday unwell, as I am informed by the Senator from Georgia, [Mr. NORWOOD,] desiring to speak on the subject; but he is not present and I suppose it is on account of sickness.

The roll-call having been concluded, the result was announced—yeas 11, nays 33; as follows:

YEAS—Messrs. Bayard, Bogy, Davis, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, McCreery, Merrimon, Ransom, and Saulsbury—11.

NAYS—Messrs. Alcorn, Anthony, Boreman, Carpenter, Chandler, Clayton, Conkling, Conover, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Harvey, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pratt, Ramsey, Scott, Sherman, Sprague, Stewart, Wadleigh, Washburn, West, and Wright—33.

ABSENT—Messrs. Allison, Boutwell, Brownlow, Buckingham, Cameron, Cooper, Cragin, Dennis, Edmunds, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hamlin, Hitchcock, Jones, Kelly, Lewis, Norwood, Pease, Robertson, Sargent, Schurz, Spencer, Stevenson, Stockton, Thurman, Tipton, and Windom—29.

So the first branch of the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the second resolution in the amendment of the Senator from Maryland.

The second branch of the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the resolution reported by the Committee on Privileges and Elections, that they be discharged from the further consideration of the memorial of Mr. Sykes.

The resolution was agreed to.

Mr. HAMILTON, of Maryland, submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That Francis W. Sykes, late contestant for a seat in this body from the State of Alabama, be allowed the salary of a Senator from the 4th day of March, 1873, up to the 28th day of May, 1874, and one mileage each way.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a concurrent resolution for the suspension of the joint rule of the two Houses, (No. 6,) which provides that after a bill shall have passed both Houses it shall be duly enrolled on parchment, so far as relates to bills of the House numbered 1215, 2879, and 3349, pertaining to the revision of the laws,

and that the same may be presented to the President of the United States as engrossed in the House of Representatives and passed in the Senate; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate;

A bill (H. R. No. 3509) to expedite the survey of private land claims;

A bill (H. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856;

A bill (H. R. No. 2976) to define a legal day's work in certain cases;

A bill (H. R. No. 3247) in relation to executors' bonds in the District of Columbia;

A bill (H. R. No. 3516) to make valid assignment of wages or salaries of officers, agents, or employés of the Government;

A bill (H. R. No. 3519) to provide for holding terms of the United States circuit court for the western circuit of Missouri at Saint Joseph and Kansas City, Missouri;

A bill (H. R. No. 3514) to provide for the taking of land by the United States for public use and providing for just compensation to the owners thereof; and

A bill (H. R. No. 3520) to remove the political disabilities of General George E. Pickett and Dr. Charles H. Williamson, of Virginia; Thomas Hardeman, jr., and James Jackson, of Georgia; and John H. Reagan, of Texas.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 2538) to legalize and establish a ponton railway-bridge across the Mississippi River at Prairie du Chien, with an amendment; in which it requested the concurrence of the Senate.

TERRITORY OF PEMBINA.

Mr. BOREMAN. I move to proceed with the consideration of the bill (S. No. 44) to establish the Territory of Pembina, and to provide a temporary government therefor, in pursuance of notice that I gave a few days ago.

The motion was agreed to; and the consideration of the bill was resumed as in Committee of the Whole.

Mr. MORRILL, of Maine. I desire to give notice that on the conclusion of this bill I shall ask the Senate to proceed with the consideration of an appropriation bill.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Territories, which will be read.

The CHIEF CLERK. The amendment is in section 11, line 26, to strike out the words:

> The governor shall receive an annual salary of $3,000; the chief justice and associate justices and the secretary shall each receive an annual salary of $3,000.

And in lieu thereof to insert:

> The governor, the secretary, the chief justice, and associate justices shall each receive the same annual salary as is now prescribed by law for like officers in existing Territories.

Mr. BOREMAN. That merely makes it conform to the existing law.

The amendment was agreed to.

Mr. BOREMAN. I move to strike out the last two sections in regard to a land office, a bill having been passed on that subject since this bill was reported.

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BOGY. I wish to propose an amendment. I move to strike out as name of the Territory the word "Pembina" wherever it occurs, and in lieu of that name insert "Algonquin."

Mr. BOREMAN. I have no objection to that amendment. That name seems to be preferred by the friends of the bill.

The amendment was agreed to.

Mr. STEWART. This is a bill to create a new Territory. Have we full information as to the extent of its capacity?

Mr. RAMSEY. Yes; there is a full report.

Mr. STEWART. I do not expect to defeat the bill; but I simply want to go on the record as making this remark, that we have too many Territories now, more than can ever become States. Idaho, it is admitted, will never have population enough to be a State. Even as to Montana, with all its extent of territory, it is doubted by some whether it will ever have sufficient population to make a State. Wyoming is clearly given up, or will be by anybody who goes over the Pacific Railroad. It is evident that people have not resources for a State. We have made a mistake in having too small Territories. I do not believe there is sufficient good land in the whole of Dakota Territory to make more than one State. Now you are dividing it. The result will be that these divisions of the country will have to remain permanently Territories, or you will have to consolidate them when they become States, which is a very difficult thing to do, or you will have to admit a lot of small States which will add very much to the inequality that now exists, and create great dissatisfaction.

I think a bill to consolidate these Territories into about half the number we have, and then admit some of them as States, would be better legislation than this. I do not think there is sufficient territory in Dakota to divide up with a prospect of having two good States. I say this not with any expectation of defeating the bill, because the object of the bill is a good one, to create more offices and provide for more politicians, and for that reason I do not expect to beat it. [Laughter.] But I do not believe it has any real merits.

Mr. SARGENT. I move to add to line 10 of section 5 the word "sex."

Mr. BOREMAN. That is understood, I apprehend, by members of the Senate.

Mr. SARGENT. I want it to be understood. Let it be reported.

The CHIEF CLERK. If the amendment be adopted, the clause will then read:

> *Provided*, That the Legislative Assembly shall not, at any time, abridge the right of suffrage, or to hold office, on account of sex, race, color, or previous condition of servitude of any resident of the Territory.

Mr. SARGENT. In the same connection I move in the first line of section 5 to strike out the word "male," so as to read "every inhabitant of the United States."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

Mr. SARGENT. At the time when the last national convention of the republican party assembled in Philadelphia which nominated the present President of the United States for his second term, there was assembled a body of able, respectable ladies of the United States, who urged upon that convention a consideration of the subject involved in the amendment which I propose; and as a concession to the demand made by those persons a plank was inserted in the platform whereby it was declared that the republican party would treat with consideration the claims of women to be admitted to additional rights.

Since that time, although the republican party has had a two-thirds majority in both Houses of Congress and elected the President of its choice at the succeeding election and now has full power and has had ever since the assembling of this Congress to carry out this promise, not one step has been taken in this direction. It has not been for want of petition or solicitation. It certainly has not been because the matter has not been called to the attention of both Houses of Congress, for petition after petition has been presented in this body and in the other House, and no action has been taken except adverse action in the other House, the committee reporting back those petitions with the recommendation that the prayer be not granted. In the Senate we have not yet been favored with the views of the committee to whom those petitions were referred. Considering the magnitude of the question—that a great constitutional question was involved—it might be assumed that these subjects would receive very early attention at the hands of the committees of the Senate; but up to this time we have had no light on the matter shed by them, and certainly there has been no congressional action in any direction looking to the redemption of this pledge.

I believe, Mr. President, that the amendment which I offer to this bill is justified by the organic law of the United States, and in fact required by that law. Before the adoption of the fourteenth and fifteenth articles of amendment to the Constitution of the United States women were hedged out of the ballot-box by the use of the word "male." Since that time another rule has been prescribed by the organic law, and it is made the right of all citizens of the United States to approach the ballot-box and exercise this highest privilege of a citizen. By the fourteenth article of amendment it is provided that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." This most important declaration is now the organic law of the United States. It does not say "all males born or naturalized in the United States," but "all persons," and it cannot be contended successfully that a woman is not a person, and not a person within the meaning of this clause of the Constitution.

This being the status of all individuals, male and female, they being citizens of the United States, it is provided that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law." Of course if any State is prohibited from doing this, any Territory should be prohibited from doing it, because no Territory can constitutionally do that which a State itself cannot do.

Then, if women are citizens of the United States and there is no right to abridge the privileges and immunities of citizens of the United States, as proclaimed by the supreme law of the land, what are these privileges and immunities? Grant White, in his able work on Words and Their Uses, defines, on page 100, the privileges and immunities of citizens, and among them gives the right to vote and the right to hold office. Webster gives the same definition of the word "citizen" and so does Worcester, and Bouvier's Law Dictionary speaks expressly of these rights of citizens of the United States to vote and hold office; and there is little adverse authority to these definitions.

The Constitution, if it needs construction at all—and it would hardly seem to need it in a case so plain as this—must be construed by the ordinary and authoritative use of the words contained in it; and here is both the ordinary and the authoritative use of those words.

This matter has not been without judicial construction. In the Circuit Court Reports, (4 Washington, 371,) it was held that these privileges and immunities included the right to hold office and to exercise the elective franchise; and this view was adopted by

Chancellor Kent in his Commentaries, volume 2, page 71. So that both by United States courts and the best and highest commentary upon the laws of the United States the construction which I contend for of the fourteenth amendment is insisted upon and ably illustrated.

The considerations which I have urged address themselves not merely to republicans, they address themselves with great force to my democratic friends who are such sticklers for the Constitution. Although that is true, nevertheless the republican party has pledged itself especially to a respectful consideration of these demands in its last national platform, and it has control of both Houses of Congress and of the executive department.

Passing from that consideration, we have all persons born or naturalized in the United States declared by the Constitution to be citizens; and we have the meaning of the word "citizen" given by our courts, by our lexicographers, by our law commentators; we have further their "privileges and immunities" settled by all these authorities to include the right to vote and the right to hold office.

In consonance with this organic law, the policy of which is not open to discussion because it has been adopted according to all the legal forms by the people of the United States, I offer this amendment. Were this the time and place, and were not the discussion foreclosed by the considerations which I have already advanced, I might speak at some length upon the advantage which there would be in the admission of women to the suffrage. I might point with some pride to the experiment which has been made in Wyoming where women hold office, where they vote, where they have the most orderly society of any of the Territories, where the experiment is approved by the executive officers of the United States by their courts, by their press, and by the people generally; and if it operates so well in Wyoming, where it has rescued that Territory from a state of comparative lawlessness to one of the most orderly in the Union, I ask why it might not operate equally well in the Territory of Pembina or any other Territory? I hope the time is not far distant when some of the older States of the Union like New York or Massachusetts or Ohio may give this experiment a fuller chance. But so far as it has gone, the experiment has been entirely in favor of legislation of this character, of admitting women to the ballot-box. And I do not believe that in putting these higher responsibilities upon women we degrade their character, that we subject them to uncongenial pursuits, that we injure their moral tone, that we tarnish their delicacy, that we in any way make them less noble and admirable as women, as wives, and mothers. I believe that by realizing the intention of the Constitution, which uses words that are so fully explained by our courts and by our writers upon the uses of words, we simply open a wider avenue to women for usefulness to themselves and to society. I think we give them an opportunity, instead of traveling the few and confined roads that are open to them now, to engage more generally in the business of life under some guarantee of their success. I believe that, instead of driving them to irregular efforts like those which they recently have made in many of the States to overthrow liquor selling and consumption and its desolation of their homes, it will give them an opportunity through the ballot-box to protect their families, to break up the nefarious traffic, and purify society. As it is now, their energies in this direction are repressed, and sometimes in order to have force are compelled to be exercised even in opposition to law. I would give them an opportunity to exercise them under the forms of law, and I would enforce the law by the accession of this pure element. I do not think that they would be corrupted by it, but rather that society and politics and your laws would be purified by admitting them to the ballot-box and giving them this opportunity.

I therefore trust that, in the spirit of the pledge that was made by us as republicans, in the spirit of the adhesion to the Constitution professed by our democratic friends, there may be an assent to this amendment, and that the United States will ingraft this feature in the organic law of this new Territory. There is nothing peculiar in the form of this proposition. All the original steps which we took toward circumscribing slavery were taken by ingrafting provisos on the organic laws of Territories, from the Nebraska Territory down, providing that the Territories when organized should not do this or that affecting the liberty of human beings. In the mode pursued by that legislation, and according to those precedents, I now propose that the Constitution shall be invoked; that women shall have the right in this Territory which is guaranteed by the organic law.

Mr. STEWART. If this region is to be created into a Territory, I think it eminently proper that this amendment should be adopted. The question of female suffrage is a question that is being seriously considered by a large portion of the people of the United States. We may think lightly of it here; we may think it never will be accomplished; but there are a great many earnest people who believe if females had the ballot they could better protect themselves, be more independent, and occupy useful positions in life which are now denied to them. Whether they be correct or not, it is not necessary for us to determine in passing upon this amendment. Here is a new Territory to be created and it is a good opportunity to try this experiment. If it works badly, when the Territory becomes a State there is nobody committed. It is not an amendment of the organic law of the nation. This is a bill simply providing for the organization of a Territory and for a preliminary government, and I should like for one to see this experiment tried up in the region near Minnesota where this new government is to be inaugurated. If it works well, it may spread elsewhere. It certainly can do no harm in that country. There are very few people there.

It is suggested by my friend on my right [Mr. CONKLING] that it cannot spread unless it is catching. [Laughter.] If it works well, if it succeeds in protecting females in their rights and enabling them to assert their rights elsewhere and obtain such employment as is suitable to them, I hope it will become catching and spread all over the country, if that is the light in which it is to be treated. I am in earnest about this matter. I think this new Territory is the place to try the experiment right here. If it works badly, we can see it and no great harm will be done. If it works well, the example will be a good one and will be imitated.

There is certainly no pressing necessity for the establishment of this Territory. I doubt the propriety of it very seriously. As I said before, we are making too many Territories. We are dividing this country up into small subdivisions that never can become States. But if we are to make this Territory, it affords us an opportunity to try a fair experiment on the subject of female suffrage. This Territory is up in the far North where people have to work pretty hard to live. It will be inhabited by a frugal and industrious people necessarily, if it be inhabited at all, and let this experiment there be tried. They are trying the experiment in Utah, and we are attempting to break that up on the ground that there are a large number of females voting there, that they are controlling politics, and it is not a fair thing. I do not think Utah is a fair place to try the experiment.

We first tried the experiment of negro suffrage in the District of Columbia, and it became catching and spread all over the South. Now, when there is a large portion of the people of the United States desirous of having this principle illustrated, here is a fair field for the illustration of it, that they may see and we may see whether there is anything in their arguments by the practical illustration of them for a few years until this new Territory shall become a State. I say let them have female suffrage there and try it. If it works well, their arguments will be vindicated; if it works badly, it need not be followed. It will do nobody any harm. It is a mere act of Congress that can be repealed at the next session if it works any injury.

I believe in Wyoming Territory, where the people themselves have adopted female suffrage, they are satisfied with it and do not want to repeal it. I believe they are holding on to it there. Now, let us in this far-off region in the North, among the frugal and hardy people who must settle there, recognize womanhood to the full extent; let us give them a chance to vindicate their rights and establish their own laws and see if they will build up a good society. I want to see the experiment fairly tried. I do not say that I am satisfied that it will work out all the good results that are expected by its advocates, but there are enough people in favor of it to justify us in allowing the experiment to be fairly tried in a place where nobody can be injured by it, and I think we may expect good results from it.

I hope the amendment will be adopted. I think it is but fair, when so large a portion of the people of the United States cherish this idea, that they should have a chance to see it illustrated in a country where it will be illustrated fairly, among the honest frugal people in the far North, in a country where they must all labor to live, and let us see whether they can build up a community that shall be more desirable having female suffrage than otherwise. I hope the Senator from Minnesota will consent that this shall become a part of the law. Let us try it. It will do no harm.

Mr. BOREMAN. I do not propose to enter into a discussion of the question of the constitutionality or unconstitutionality of woman suffrage, nor a discussion of the propriety or impropriety of the adoption of a provision in favor of it upon this bill. I think this is not a very good time to "try experiments," to use the language of the Senator from Nevada, and I trust we may have a vote upon this question. I suppose the mind of every Senator here is made up on it. I trust that we shall have a vote upon it and that the bill may be acted upon finally, and let us go to other business.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment proposed by the Senator from California.

Mr. SARGENT and Mr. SPRAGUE called for the yeas and nays, and they were ordered.

Mr. MORTON. I desire simply to state my views upon this amendment, views long entertained. I am in favor of the amendment upon what I regard as the fundamental principles of our Government, upon the theory upon which we have based our Government from the beginning. The Declaration of Independence says:

> We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.

The word "men" in that connection does not mean males, but it means the human family; that all human beings are created equal. This will hardly be denied. I remember it was formerly contended that the Declaration of Independence in this clause did not include black people. It was argued learnedly and frequently, in this Chamber and out of it, that the history surrounding the adoption of that declaration showed that white men only were intended. But that was not the general judgment of the people of this country. It was held to embrace all colors and all races. It embraces both sexes; not

simply males, but females. All human beings are created equal. That is the foundation principle of our Government. It then goes on to say:

That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

If these rights are fundamental, if they belong to all human beings as such, if they are God-given rights, then all persons having these God-given rights have a right to use the means for their preservation. The means is government: "To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

I ask you whether the women of this country have ever given their consent to this Government? Have they the means of giving their consent to it? The colored men had not given their consent to it. Why? Because they had not the right to vote. There is but one way that the consent to government can be given, and that is by a right to a voice in that government, and that is the right to vote.

I know it was argued in times past in regard to the South that the master gave the consent on the part of his slaves; that he represented them; that he had their good at heart, and that he gave their consent. We denied that. We know it was not true.

Now, sir, to come down to the main question, I ask if the women of this country have given their consent to this Government? You say they are consenting. I say they are assenting to it, the majority of them; but they have no means of giving their consent to this Government within the theory of the Declaration of Independence; and they cannot consent to it unless they have a voice, have a right to vote "yes" or to vote "no."

What was the old theory of the common law? It was that the father represented the interests of his daughter, the husband of his wife, and the son of his mother. They were deprived of all legal rights in a state of marriage, because it was said that they were taken care of by those who stood to them in these relations; but they never were taken care of. The husband never took care of the rights of his wife at common law; the father never took care of the rights of his daughter; the son never took care of the rights of his mother. The husband at common law was a tyrant and a despot. Why, sir, he absorbed the legal existence of his wife at common law; she could not make a contract except as his agent. Her legal existence was destroyed, and the very moment the marriage was consummated he became the absolute owner of all her personal property. What was the theory of it? The old theory of the common law, as given in elementary writers, was that if the wife was allowed to own property separate from her husband it would make a distinct interest; it would break up and destroy the harmony of the marriage relation; the marriage relation must be a unit; there must be but one interest; and therefore the legal existence of the wife must be merged into that of the husband. I believe a writer as late as Blackstone laid it down that it would not do to permit the wife to hold any property in severalty from her husband, because it would give to her an interest apart from his.

We have got over that. It took us one hundred and fifty years to get past that, and from year to year in this country, especially in the last twenty-five years, we have added to the rights of the wife in regard to property and in many other respects. We now give to her a legal status in this country that she has not in England or in any European country. She has now a legal status that she had not twenty-five years ago, and progress is still going on in that direction. While it was argued by old law-writers and old law-makers that to allow women to hold property separate from their husbands was to break up the harmony of the marriage relation, we know practically that it has not worked that way. We know that as we have made women independent, recognized her legal existence as a wife, secured her rights, and not made her the mere slave of her husband, it has elevated her. We know that instead of disturbing the marriage relation, it has improved it constantly; and I believe that the woman has the same natural right to a voice in this Government that the man has. If we believe in the theory of our Government that must be so. We say that all men, all human beings, are created equal; that they are endowed by their Creator with certain inalienable rights, and among these are life, liberty, and the pursuit of happiness, and that to attain these rights Governments are instituted, which derive their just powers from the consent of the governed; and yet here are one-half of the people of the United States who have no power to give their consent or their dissent. The theory of our Government is expressly violated in regard to woman. I believe that as you make woman the equal of man in regard to civil rights, rights of property, rights of person, political rights, you elevate her, you make her happier; and as you do that you elevate the male sex, her husband, her son, her brother, and her father.

This idea that women will be degraded by allowing them to go to the polls comes down to us from other countries and from remote periods of civilization. Why, sir, in countries now that claim to be civilized it is said that to allow the wife or the mother to go to the dinner-table with the husband and meet his guests face to face degrades her and degrades them. In some countries a woman must not appear upon the streets unless she is so closely veiled that she cannot be recognized; for it is said to allow her to go upon the streets barefaced or so thinly veiled that she can be recognized, subjects her to insult and degrades her; and in some countries to-day it destroys her character as effectually as other things would destroy her character in our country.

We know that is a prejudice; and the idea that woman will be degraded by giving her the right of suffrage is a remnant of that same idea. It is born of the same parentage. It has no sounder reason for it than these other nations have. I believe that to give women the right of suffrage would elevate the character of suffrage in this country. It would make the polls more decent, more respectable than they are now. Why, sir, fifty years ago the idea of women attending political meetings was intolerable to a great many people. The idea of her going to lectures of a scientific character was thought to be out of all reason. But now women go to political meetings. In almost every canvass in my State there are nearly as many women who attend the meetings as men. What is the effect of it? Are they degraded? On the contrary, their presence elevates the character of those meetings. It is an assurance of peace, it is a security against rowdyism and violence, because in this country men have to be very low if they are guilty of rowdyism or blackguardism in the presence of women. We have habitual respect for them; and I can testify from my own experience in politics that the attendance of women upon political meetings, so far from degrading them or affecting men injuriously, has elevated the character of political assemblages, has made them more respectable, has secured to them immunity from violence, and from degrading scenes and blackguardism, and so it will be at the polls. When a woman is allowed to go to the polls and vote her sentiments and convictions, it will have the same effect there that her presence has in society. There is not a bit of doubt about it. And there will be no more discord in the family circle than there was when in violation and against the old principles of the common law you gave a woman the right to retain her legal existence after marriage and to own property separate and apart from her husband. These old notions have been giving way one after another little by little, and we shall finally come down to the true theory of our Government in all respects, and that is to allow every person, man or woman, who is to be affected and controlled by the Government, whose interest or whose happiness is to be controlled by or depends on the administration of that Government, to have an equal voice in that Government. Therefore I give my vote heartily and cheerfully for this amendment.

Mr. FLANAGAN. I confess, sir, that I was delighted when my distinguished friend from California presented this amendment. Unlike my distinguished friend from Indiana, however, I am a new convert to this doctrine. He has been of this opinion long since, I am gratified to learn. I have reflected much on this subject, and within the last few months I have settled down in my determination, and that is to advocate this great measure. Why have I so recently arrived at that conclusion? In the last few months the women's war upon the whisky trade and intemperance at large has prompted me thus to declare unequivocally for them and their glorious efforts. It is from them and with them that I hope, judging from their success up to this time, to save this great nation from the worst curse known to the human family, that of intemperance; and I believe it is they and only they through Almighty God who can do it. Man has been found incompetent and unable to perform that great and desired object. And gratified am I to receive the idea from my distinguished friend that if women had the right to vote they would not be expelled from many pursuits as they are or required to go upon the streets as they now do seeking in self-defense the preservation of man.

There is one fact that might very well, it seems to me, be presented here. All power, if you please, with scarcely a modification necessary, would be within the province and would be controlled by the women of the country. Why, sir, they can say to this people, to this Government, to this generation, to this nation, "Thou shalt go no farther." They are able to control it. Man is not. I do not know that this idea would be very remote. The great Framer of the world, the Creator, created man first. Woman was an afterthought, if you please. But the idea I suggest is that women are not the inferiors of men, as is often alleged. The Deity does not do anything that does not prove to be superior in any sense of the word. They having been created second, I look upon them as the superior. The effect of this measure on politics has been so well described by the distinguished Senator from Indiana that I need not comment upon that branch of the subject. They would tend to purify the atmosphere morally, either at the ballot-box or anywhere else, I care not where it may be. They are more directly interested in good morals, in the temperance of the world and everything bearing on that line, than the husbands are. I think it is a right they are entitled to in every sense of the word, and from this time henceforth I am a woman's man.

Mr. MERRIMON. Mr. President, I will not yield to any Senator in the measure of my respect for and admiration of woman; I do not propose by any act or word of mine to detract from her dignity or to diminish the pleasures she may enjoy in this life; but I claim the right to be the judge, in conjunction with herself, of what is best calculated to elevate and protect her dignity and promote her happiness. I do not believe that woman herself believes that her dignity would be elevated or her happiness promoted by putting her upon an

exact equality, civilly or politically, in both points of view, with man; and very strong and controlling evidence of that fact is, that neither in this country nor in any country has woman—I mean the great mass of them—ever demanded such a state of things. Our Government has existed for about a hundred years, and the number of females who have demanded to be invested with equal political and civil rights and to be placed upon an exact equality with the male portion of our population, compared with those who have remained in retirement, who have staid at their homes and lived and ruled within that sphere in which it seems God intended that they should rule, is as a drop in the sea. So it appears in this conclusive way that the women of America do not demand this state of things. They do not protect themselves by votes, nor do they need to do so. They shape the man when he is a child, rule him with the power of love, and thus they shape, affect, and often control the destinies of men, nations, and empires. They rule in the domestic and moral world, and their invincible weapon is the power of holy love.

I do not propose, however, to go into a discussion in detail of what the women desire or what we ought to grant. My main purpose is to reply very briefly to some remarks that fell from the honorable Senator from Indiana [Mr. MORTON] in reference to the Declaration of Independence. I differ, with all respect, from the revolutionary construction which he puts upon that instrument. It is true, as he says, that the Declaration of Independence provides in these words:

> We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these, are life, liberty, and the pursuit or happiness.

Now, I maintain in the first place that we must put a reasonable construction on those words. What is the manifestly proper construction to put upon them? Plainly, to my mind, that all men are created equal in point of natural rights, certainly not equal in point of civil rights, not equal in point of political rights. By nature man has no civil or political rights.

Mr. MORTON. I spoke of natural rights.

Mr. MERRIMON. My friend did not say "natural rights."

Mr. MORTON. I meant that, and say it now.

Mr. MERRIMON. Natural rights are one sort of rights; civil rights are another sort of rights; and political rights are a third sort of rights. Every human being has a natural right to life and liberty; but every human being has not a natural right to government. He has not a natural right to the civil rights conferred and provided and defined by a system of government. When he becomes subject to civil government he surrenders a part of his natural rights—agrees that civil government may regulate these and then enjoys the benefit of civil rights conferred by civil government; but then he does not thereby necessarily become entitled to political rights. He cannot become entitled to political rights until they shall be conferred upon him by government.

Mr. MORTON. Will the Senator cite what follows?

Mr. MERRIMON. When our fathers adopted the Declaration of Independence, and declared these general truths, they had reference to the natural rights of man, and only to those rights. They well knew the distinctions to which I have adverted, had them in view and acted upon them, as I shall now proceed to show.

Mr. MORTON. It says that "to secure these rights" referred to, the right of life, liberty, and the pursuit of happiness, "governments were instituted which derive their just powers from the consent of the governed." Now, I ask if women are a part of "the governed?"

Mr. MERRIMON. Yes, sir; they are a part of "the governed," and I say that they have not only assented but they have consented to this system of government.

Mr. MORTON. How?

Mr. MERRIMON. I say so, because they have never raised their voice in opposition to it; they have given for nearly a century their highest moral sanction to it; we have had a moral expression from the American women with a degree of unanimity and cordiality that is striking. I am warranted in saying that nine hundred and ninety-nine out of every thousand have given their moral assent, in as full a measure as it was possible for them to do, to our system of government. They have sustained it under all circumstances with their love, their hands, and their hearts, with their smiles and their tears, educated their children to love it and to die for it. They have manifested their love for it in every form; it has never appeared, be it said to their honor, that they disliked or disapproved of it. They have had the right under the bill of rights of every State in the Union, they have had the right under the Constitution of the Union at all times to memorialize the States and to memorialize Congress, protesting against any abridgment of their natural or civil rights, if they deemed there was any abridgment of those rights. But I repeat what I said a while ago, the number who have thus memorialized Congress and the State governments, compared with those who have not opened their mouths on this subject but have given sanction to the system of government in every moral way they could, is as a drop in the sea compared to the waste of waters. They have yielded their assent to this system of government; they have yielded their consent to it; they have ratified it by every means in their power outside of exercising the political right to vote. I know that there are a few women in the country who complain, but those who complain, compared with those who do not complain, are as one to a million.

But to get back to the point I was at, I say that we are to place a reasonable construction on those words that the honorable Senator commented upon, and such as I have given them. We are not only left to that guide to come to the conclusion I have already stated as to their meaning, but those who devised and established the Declaration of Independence gave an exposition to their meaning—their view of it—and the most solemn exposition they could give to it. They gave an exposition to it in the formation and administration of the several State governments which they adopted. For years in those State governments they provided civil and political distinctions and discriminations; they provided that certain classes of white men should enjoy certain classes of rights, that certain other men should not enjoy the same rights. They provided that the male population should enjoy rights that the female should not enjoy. They provided that the white race should be free and that the black race should be slaves. They did that, and according to their action and according to the organic laws which they adopted, they said, I repeat, in the most solemn manner they could, that that system of government carried out the purposes they meant to carry out and to declare and define in the Declaration of Independence. They not only did that, but they had a right to do it, nor was it inconsistent with the declaration, for it referred only to natural rights, and when they instituted governments they provided civil and political rights, and therefore there was no contradiction and no practical absurdity as is suggested. Their theory was practical and adapted to the comprehension and protection of human rights. They were not visionary theorists but practical statesmen. They were not radical but conservative in their notions of government.

But not only the State governments did at first what I have indidated in pursuance of this declaration, but when the American people came to establish the Constitution of the United States they exercised their political powers in the same way. Again they provided in the Constitution a distinction and discrimination between the male and the female portion of the American people; they provided that the males should hold the offices, that the males should have the right to vote; and not only that, but by way of further exposition of their views of the nature, purposes, and meaning of the declaration they provided that the black race should be slaves. That Constitution recognizes negro slavery in three several provisions.

Mr. MORTON. Does the Senator speak of the Constitution of the United States?

Mr. MERRIMON. Yes, sir. In the matter of representation it was expressly provided for; it was recognized in another provision relative to prohibiting the importation of certain persons until after the year 1808; and in another provision which provided that those held to labor, escaping to another State, should be surrendered to their masters on demand. The Constitution of the Union, made in pursuance of this very Declaration of Independence and conforming to it, recognized a distinction between the races, between particularly the white race and the black race, and recognized and provided distinctions between the male and the female portions of the people of the American Union, and thereby in the most absolute manner drew the civil and political distinctions that have been kept up in one way or another from that day to this, and which I contend, with a view to good government so far as the male and female portions of the American people go, ought to be kept up and perpetuated.

I do not care to enlarge upon this point. It seems to me that any one who will take into consideration the facts to which I have called attention must see that the broad, radical construction which the Senator puts on the Declaration of Independence cannot be sustained by reason, authority, or practice in this or any country.

But, sir, I want now to refer to the position taken by the Senator from California, [Mr. SARGENT.] He says that under the Constitution, as amended by the thirteenth, fourteenth, and fifteenth articles of amendment, Congress has no power to deprive the females of this country of the right of suffrage. That I deny as emphatically as I can.

In the first place, there is a difference between civil rights and political rights, and the rights secured by the fourteenth amendment are civil rights. That this distinction exists in our Government and has always existed, is manifest not only to every one who has examined the nature of government, but it has been expressly so decided by the courts of this country. I will cite two or three authorities, and can cite at once. I read from Paschal's Annotated Constitution, page 65. In his notes he says:

> 18. But citizenship of the United States, or of a State, does not of itself give the right to vote; nor, *e converso*, does the want of it prevent a State from conferring the right of suffrage. (Scott *vs.* Sandford, 19 Howard, 422.)
>
> The right of suffrage is the right to choose officers of the Government, and it does not carry along the right of citizenship. (Bates on Citizenship, 4, 5.) Our laws make no provision for the loss or deprivation of citizenship. (*Id.*)
>
> The word *citizen* is not mentioned in this clause, and its idea is excluded in the qualifications for suffrage in all the State constitutions. (*Id.*, 5, 6.)

Mr. SARGENT. What clause is he commenting on?

Mr. MERRIMON. He is commenting on section 2 of article 1. He says further:

> American citizenship does not necessarily depend upon nor coexist with the legal capacity to hold office or the right of suffrage, either or both of them.
>
> No person in the United States did ever exercise the right of suffrage in virtue of the naked, unassisted fact of citizenship. (*Id.*)
>
> There is a distinction between political rights and political powers. The former belong to all citizens alike, and cohere in the very name and nature of citizenship. The latter (voting and holding office) does not belong to all citizens alike, nor to any citizen merely in virtue of citizenship. His power always depends upon extraneous

facts and superadded qualifications; which facts and qualifications are common to both citizens and aliens. (Bates on Citizenship.)

I read these hasty citations of authority which happen to be convenient to show that there is a distinction between political power and political rights, and in further support of the distinction between citizenship, or civil rights, and political rights.

Mr SARGENT. Will my friend allow me a moment?

Mr. MERRIMON. Yes, sir.

Mr. SARGENT. The author there is commenting on the second section of the first article of the Constitution, and I think his reasoning on that upon general principles may be correct; at any rate it is in consonance with the authority that he cites. But it will be observed that by the fourteenth article, section 1, it is provided that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

And then it says:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens.

Covering the whole broad ground. Whatever may be the privileges and immunities of citizens are covered and protected by this clause. This is subsequent to the article commented on there and changes the spirit of the old Constitution, is inconsistent with it, repeals it, or modifies it *pro tanto;* or else there would be no object in the adoption of the fourteenth article.

Mr. MERRIMON. I was just coming to the discussion of that amendment to the Constitution of the United States, and I will do it very briefly. The fourteenth amendment applies to civil rights. As I have shown, a citizen merely by virtue *of citizenship* does not enjoy *political* rights; neither the political right to vote nor the political right to hold office. The manifest object and purpose of the fourteenth amendment was to secure to all the American people equality of right in the States, equality of right under the United States, civilly, not politically; and that is made more manifest when we consider the second section of the fourteenth amendment. It is in these words:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. *But when the right to vote at any election* for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, *is denied to any of the male inhabitants of such State, being twenty-one years of age*, and citizens of the United States, *or in any way abridged*, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such *male* citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Thus it appears the amendments recognized the right of the State itself to regulate the political *right to vote.*

The fifteenth article of amendment still further confirms my view. It provides that "the right of citizens of the United States to *vote*"—and that word "*vote*" is material there—"the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State."

Note what follows: "*On account of race, color, or previous condition of servitude.*" The right of a citizen of the *United States* in the first place to *vote* shall not be abridged on account of three considerations, to-wit: *race, color, or previous condition of servitude.* Why was it limited to those three causes? Manifestly because the framers of this article saw that Congress had the power to abridge the rights of the colored race—indeed, any race—in the matter of voting and in the matter of holding office as well. Can it be contended that the United States would not have the power to-day to provide that a negro or an Indian or a Chinese or a Mongolian, if naturalized, and a citizen, should not hold office under the United States Government? It is plain they would have such power. But they cannot act upon the ground of race, color, or previous condition as to the matter of voting, and the restriction is to that alone. This clause provides expressly that as to voting the right of no human being shall be abridged *because* of his race, or his color, or his previous condition of servitude, but such right may be abridged for any other cause or consideration. This amendment did not impose a restriction simply on the power of the United States. In order to protect the colored race in the Southern States, and indeed I may say throughout the whole Union, this provision embraces the States as well as the United States, and provides that the States shall not have power to abridge the right to vote on any one of three accounts—race, color, or previous condition of servitude. But that does not imply that the States shall not have power to abridge this right for other causes. Each State has the power to-day to abridge the right to vote because a man cannot read, because he cannot write, or for any similar cause. The States have power to provide that a man shall not be allowed to hold office or to vote because he cannot read or because he cannot write or for any cause whatever. That is not only so according to the plain construction to be given to the fifteenth amendment, but some of the States exercise such power in this country to-day.

Mr. SARGENT. Will the Senator allow me to direct his mind to one consideration?

Mr. MERRIMON. I will.

Mr. SARGENT. The fifteenth amendment to the Constitution, which the Senator refers to, reads: "The right of citizens of the United States to vote shall not be denied or abridged." It does not create a right; it says "the right;" it speaks of something existing which shall not be denied. The right, then, to vote is the right of a citizen of the United States; the right exists. In other words, the right which exists of citizens of the United States to vote shall not be denied or abridged.

Mr. MERRIMON. There is no affirmative provision or principle in the Constitution that confers such a right, and my friend arrives at his conclusion by a simple inference; that is all. It is a simple inference; and I apprehend that a right of so much moment, contravening the whole policy of the Government heretofore and all our notions of government, cannot be established by a simple inference; and especially in the strength and in the face of the fact, however it might be as to other matters, that the United States shall not have the power to abridge the right for the cause mentioned. Besides this, if I concede what the honorable Senator says, he must acknowledge that it is within the power of the United States to abridge the right to vote for other causes than those stated.

But I wish to call attention to the fact that some of the States have exercised the power for which I am contending. I first call attention to the constitution of Connecticut. That constitution prescribes these qualifications: "Every white male citizen of the United States; one year's residence; freehold of the yearly value of six dollars; good moral character; *able to read any article of the constitution or any section of the statutes of the State.*

There a State provides many restrictions on voting; but if that State had undertaken to restrict the right to vote because a man was black or because he belonged to a particular race or because heretofore he had been subject to a condition of servitude, that would be absolutely null and void; or if they had put in that he should not vote because he was white it would be null and void.

I next call attention to the constitution of Massachusetts. In that State the right to vote is limited to "male citizens, (excepting persons or paupers under guardianship;) residence in the State one year; in the town or district six months; having paid all required taxes." That constitution has existed since 1780. It was provided further in that constitution that "no person shall have the right to vote or be eligible to office under this Commonwealth who shall not be able *to read the constitution in the English language and write his name.*"

So that the power which I insist belongs to the United States, and I think I have shown belongs to the States, not only exists, but is actually exercised by States, at least two States of the Union, at this moment; and indeed in nearly or quite all the States there are more or less restrictions of the right to vote; and the State and the Union have absolute power to abridge the political right to vote except for three causes only, and those three causes are race, color, or previous condition of servitude.

I say, then, that the broad revolutionary construction which the honorable Senator from Indiana puts upon the Declaration of Independence cannot be sustained. It cannot be sustained from the plain meaning of the Declaration of Independence. It cannot be sustained in view of the action of those who made that Declaration of Independence in the establishment of State governments and the establishment of the Constitution of the United States, and the practice of the American people from that day down to this. It appears further that the women of America have assented and consented to our system of government, and as a whole have never expressed to any considerable extent dissatisfaction with it or demanded any change; and I maintain, without going into any discussion of the subject, that their condition cannot be bettered by the suggested change. On the contrary, I maintain that it would be degrading to them. I doubt if they would exercise the right if it were conferred; and for one I do not want to see a race of Amazons in this country.

Mr. STEWART. I hope that the Senate will not suppose that there is any constitutional question here involved. It is simply a question of regulating the suffrage in a Territory, exclusively under the jurisdiction of the Congress of the United States. It does not raise any question as to constitutional powers. There is no doubt of the power of Congress to allow women to vote in the Territories, and I hope there will not be a great deal of time spent on that matter. I will say for the benefit of those who do not believe in it now that there will not be anybody in the Senate ten years from now who will be opposed to female suffrage. I venture to make that prediction. It is no joke.

Mr. MERRIMON. May I ask the Senator a question?

Mr. STEWART. Any question you please.

Mr. MERRIMON. I take it that you do not mean to force on American women this right. They have not asked for it.

Mr. STEWART. My friend from North Carolina may talk about the Constitution just as much as he pleases. The same thing was talked about when the question of colored suffrage was up. Just as many abstractions as you please may be discussed, but a principle that has been agitated as this has been and that has as many earnest advocates and as many reasons which are plausible at least whether you think them well founded or not at this time, will be accomplished in this country in less than ten years, and ten years from to-day there will be nobody in the Senate Chamber who will object to granting female suffrage. There is no doubt about that in my mind, whatever you may say about it. I say this to have it remembered; it will not be ten years until there will be no voice in America against female suffrage. The real arguments in favor of it multiply as attention is called to it. The argument in favor of it multiplies as our attention is called to the vast number of unemployed women in this

country. The argument is intensified when we see women without the means of support driven to mere sewing for a living, which does not afford sufficient to them for existence, and we see the male labor, which ought to be in the West on the farms adding to the wealth of the country, used for purposes where women's labor would be better, and they starving for want of labor. You see that condition of things, and the more you discuss it and agitate it the more these arguments will appear, and I am satisfied that they will certainly accomplish the result. I am in earnest in saying I should like to see the experiment tried in this Territory.

Mr. MERRIMON. Why do you want to go into a remote, sparsely settled Territory to make the experiment?

Mr. STEWART. Why try it everywhere? Why not try it in North Carolina? Because we cannot.

Mr. MERRIMON. Why not try it in this city?

Mr. STEWART. Because we have not the power to do it.

Mr. MERRIMON. You have in the District of Columbia.

Mr. SARGENT. We tried the question of negro suffrage on Nebraska first.

Mr. STEWART. Negro suffrage was opened in a Territory when there were less people in it than there are here, and see how that has spread.

Mr. MERRIMON. My friend did not hear my question. Why not confer suffrage on the women of the District of Columbia?

Mr. SARGENT. We will the first time we get a chance.

Mr. STEWART. The Senator from North Carolina asks, "Why not try it here?" The question has been suggested whether there is not a constitutional reason for not trying it here, and that constitutional question applies to males as well as females. The Constitution says that the Congress shall have exclusive power of legislation within the District of Columbia, and it shall exercise like power over places owned by the United States with the consent of the States for arsenals, dock-yards, and other needful buildings, making this District under the exclusive control of Congress. I think that nothing but the emergencies of the case could have justified the experiment we tried here with negro suffrage; but we did it. We now have a fair field in the West where the country is rich and inviting, as my friend from Minnesota says, a country that is able to become a State; the land fertile, as he says, the climate salubrious, and which is to be occupied by the very best people, and we can try it there under the most favorable auspices. It is a good chance to try the experiment.

Mr. CONKLING. May I ask a question?

Mr. STEWART. Most certainly.

Mr. CONKLING. The Senator has assured us so often that he is in earnest that I know he will be able to afford those like me who are following him, although they may be somewhat in the dark, the requisite information. Some Senator inquired of my friend why he did not try the experiment here, and he answered that Congress has power to legislate here, and therefore there is no experiment to try here. Now I know my friend does not mean to paddle out of anything because he has courage enough to stand up to it; and I submit to him that that is rather "thin." Under the organic law of this District men vote here annually; the things upon which they vote are prescribed; and if the Senator is in earnest, I should like to know some better reason why he does not try it here. An amendment is in order on this bill to try it here. We have confessedly in this District, exceptionally in this District the entire power upon this question; and if the Senator is in earnest, knowing as he does that under the organic law, of which as a member of the committee of investigation he has learned so much, voting is to be done and is now committed exclusively to men and denied to women, I beg him to state some broader and better answer to the question why he does not try it here. And let me remind him at the same time that under the rules of the Senate an amendment is in order to this bill; he need not go beyond this bill in order to insure the right in the District of Columbia.

Mr. STEWART. Inasmuch as the Senator from New York has designated me as the leader whom he is to follow, and I take it for granted he is in earnest in his question, I shall occupy the time of the Senate briefly in answering it. When the question arises for suffrage at all in this District, with my present ideas, I shall vote for female suffrage in this District. I was saying that I do not think there need be any popular voting at all in this District by males or females, for the reason that the great mass of people here are merely sojourners. I think we should govern the District directly by the Congress of the United States, that can pass all needful laws. When the question comes up properly as to the District it will be time enough to meet it. Here is the question directly up as to a Territory, and there is no doubt about this being a good opportunity.

Mr. CONKLING. I beg to inquire when ever in time or eternity that question will come up here, unless some champion who has the courage and genius of my friend brings it up? Who shall bring it up if he refuses to do it? And when a bill is pending to which that amendment is appropriate, and his attention is called to it, if he flinches, if he goes back, who shall we hope for to come hereafter who will break a lance in such a cause? I say to him that unless he wants to discourage me and other men of less courage who are trying to follow him, he must not flinch by saying that he cannot do anything about it until it comes on a motion to bring it up. He should bring it up himself.

Mr. STEWART. The only fear I have as to the Senator from New York is that he will not have sufficient courage to follow. [Laughter.] The question is up now. The question is squarely up on this amendment whether we will allow the females in this distant Territory to vote. I propose to vote for it. He has said that I was his leader. The only question now is whether he has sufficient courage to follow my lead, I following the lead of the Senator from California. I want to put his courage to the fullest test now. I only ask him to follow me in this one little step. If he breaks down there, I hope he will not say anything more about it; and I am afraid he will. I will say to him, however, that the time will come when he will look very much astonished if anybody questions the right of a female to vote; and that any one ever should have questioned it, will be a very remarkable circumstance. When that time comes, I shall never mention his past record to him because I do not mention unpleasant things to gentlemen. I say that for his benefit in case he should fall down and should not do the gallant thing he proposes to do of following me, I following the lead of the Senator from California. The question is squarely up, and is nothing more than this: will you give women a chance to try this experiment where it is admitted it can do no harm and where a large portion if not a majority of the people of the United States believe it will do a great good? Try this experiment there; and if the struggle which is inaugurated there shall spread over the country as the struggle that was inaugurated in Kansas spread over the country which finally terminated in the colored man having full rights, if it should have full effect on the rest of the country, so be it. I rather think it will.

Mr. MERRIMON. In the discussion in which I engaged, I was more anxious about the principle involved than I was about the particular amendment, and therefore I hardly mentioned it in the hasty argument which I submitted. In order to support my position now, I desire to read a report from the Judiciary Committee which embraces the very subject under discussion, the question of the power of the State governments and the Federal Government to abridge the right to vote or to hold office. The subject came before that committee in the way of a petition of certain citizens of the State of Rhode Island who insisted that their rights as citizens of the United States were abridged——

Mr. STEWART. Will the Senator allow me to ask him a question?

Mr. MERRIMON. Certainly.

Mr. STEWART. Suppose the American people come to the conclusion that it is right that females should vote, does not the Senator think there will be plenty of ways to accomplish it notwithstanding that report of the Judiciary Committee?

Mr. MERRIMON. O yes, I think so; but I do not care to debate that. My object was to throw light on this question. I do not want a wrong construction put upon the powers of the Government at this day. It is important that we should be upon the right line and keep upon it; and with a view to strengthen my argument I ask the Clerk to read the report which I send to the desk. It is very brief; and I beg leave to say now that it is well known to the Senate and must be known to the country that this committee embraces the ablest lawyers in this country on constitutional and other branches of the law.

The Chief Clerk read the following report submitted by Mr. EDMUNDS on the 26th of May, 1870:

The Committee on the Judiciary, to whom was referred the petition of citizens of Rhode Island setting forth, by reference, the fourteenth and fifteenth articles of amendment to the Constitution of the United States, and stating that "the State of Rhode Island, notwithstanding the provisions of the above-named amendments, persists, in and by the first section of article 2 of the constitution of said State, in denying and abridging the right of about ten thousand citizens of the United States to vote at any and all elections holden in said State," and praying that Congress will "pass such appropriate legislation as may be found necessary to obtain for, and secure to, the citizens of the United States resident in Rhode Island all the rights, privileges, and immunities guaranteed to them by the Constitution of the United States," respectfully report:

That the constitution of Rhode Island, adopted in 1842, prescribes two alternative classes of qualifications for voting. The first gives to *all* male citizens of the United States of a certain age, &c., the right to vote, if they own real estate of the value of one hundred and thirty-four dollars, or which shall rent for seven dollars per annum. The second gives to every male *native* citizen of the United States of a certain age, &c., the right to vote, if he pays a tax of one dollar a year, &c., although he may not own real estate. No man or party has ever questioned the right of the people of Rhode Island and of every other State to establish such a constitution of government as may be agreeable to their views of the public welfare in that State, although its provisions as to suffrage may not conform to the opinions of other States. At the time when this constitution of Rhode Island was adopted the right to regulate the qualifications of voters belonged exclusively to the respective States. The petition under consideration fully recognizes this, but it raises the question (although studiously framed in such a manner as not to declare or insist upon such a conclusion) whether, by the fourteenth and fifteenth amendments to the Constitution of the United States, natives of foreign countries who have become citizens of the United States are not entitled to vote in Rhode Island, without regard to the qualifications imposed by her constitution?

The committee is unanimously of the opinion that this question must be answered in the negative.

The "privileges and immunities of citizens of the United States" mentioned in the petition as secured by the fourteenth amendment do not include the right of suffrage. If they did, the right must necessarily exist in *all* citizens of the United States from the mere fact of citizenship, without the power in any State or in Congress to abridge the same in any degree; and in such case, therefore, no qualification of any kind could be imposed, and all persons (being citizens,) males and females, infants, lunatics, and criminals, without respect to age, length of residence, or any other thing, would be entitled to participate directly in all elections. Every provision in every State which experience has proved to be essential to security

and good order in society would thereby be overthrown. It is enough to say that the rights secured by this amendment to the Constitution are of an altogether different character.

The fifteenth amendment does apply to rights of suffrage, and to those only. By it the State of Rhode Island, in common with every other State, is forbidden to deny or abridge the right of citizens of the United States "to vote on account of race, color, or previous condition of servitude." But, plainly, the constitution of Rhode Island does not preclude any citizen from voting on either or any of the grounds thus prohibited. No fact of race, or color, or previous servitude prevents any citizen from voting in Rhode Island. Neither of these qualities depends in any degree upon the place of his nativity. This seems too obvious to need discussion. It is also a fact, appearing in the public records of Congress and doubtless known to the petitioners, that when the fifteenth amendment was under consideration by Congress it was proposed to embrace in it a prohibition of any denial of suffrage on account of "nativity," and that this proposition was not agreed to, for the reason that Congress did not think it expedient to restrict the ancient powers of the States in these respects any further than appeared to be absolutely needful to secure to the whole people the great results of the overthrow of the rebellion.

The committee is therefore of opinion that there is nothing in the provisions of the constitution of Rhode Island referred to in conflict with the Constitution of the United States.

Whether these provisions are wise or right in themselves is a matter over which neither the committee nor Congress has any control. That subject belongs to the people of Rhode Island, who it must be presumed will correct any and all errors that may from time to time be found to exist in her internal affairs.

Mr. MERRIMON. I think the Senator from Nevada will be unable to answer that position.

Mr. CARPENTER, (Mr. INGALLS in the chair.) Mr. President——

Mr. EDMUNDS. Before the Senator from Wisconsin proceeds with his remarks, I should like to ask the chairman of the committee whether he means to include Indians and Canadians? The language is "every inhabitant of the United States."

Mr. SARGENT. No, it is qualified further, as the Senator will see if the whole section is read.

Mr. EDMUNDS. Not as to the first election.

Mr. SARGENT. I think myself the section is very inartificially drawn.

Mr. EDMUNDS. I do not know but that it is very artificially drawn, if it is intended to include the Indian and the Canadian.

Mr. SARGENT. To answer the Senator from Vermont I ask that the final proviso of the section be read, which qualifies the part he referred to.

The Chief Clerk read as follows:

Provided, further, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared on oath, before a competent court of record, their intention to become such, and shall have taken an oath to support the Constitution and Government of the United States.

Mr. EDMUNDS. That does not relate to the first election.

Mr. SARGENT. That objection applies to the details of the bill; it does not apply to my amendment.

Mr. EDMUNDS. That is true.

The PRESIDING OFFICER. The Senator from Wisconsin is entitled to the floor.

Mr. CARPENTER. Mr. President, as the yeas and nays have been ordered on this question and I shall vote for this amendment, without going into any argument of the general question I desire to say one word as to the reason why I shall so vote.

I believe it is not one of woman's rights, but it is one of man's, that the franchise should be extended to women. I believe there is no situation in which man can be placed where the aid of woman is not beneficial; that in all the relations of life, in all the occupations and all the duties of life it was the intention of God in creating the race that woman should be the helpmate of man, everywhere and in all circumstances and occupations. Look through your country, look in your railroad cars, look in your post-offices, look in your dry-goods stores, and there you see everything decent and orderly and quiet. Why? Because women go there. The only place in this country from which they are excluded by law is the voting place, and in many of our large cities those places are the most disgraceful that can be found under our institutions. Now, I believe if the elections were open to ladies as well as gentlemen, to women as well as men, there would be as much order, quiet, and decency at the voting places as there is in a railroad car, and for precisely the same reason. If our wives and mothers and daughters were going to these election places there would be order and decency there, or there would be a row once for all that would make them decent. I have more confidence in the influence of women at the elections in New York City to reform the condition of things that exists there and bring about decency and order at the elections and the prevention of violence and fraud, than I have in all the Army and Navy that the President can send there under the election bill which was put through here by my honorable friend from New York, [Mr. CONKLING.]

Without enlarging on the subject, I shall vote for this amendment, not because this Territory is located, as some Senator has said, near Minnesota. I would vote for female suffrage in the District of Columbia to-morrow; I would vote for it in the State of Wisconsin; I would vote for it anywhere and everywhere if I had an opportunity to do so.

Mr. MORRILL, of Maine. Mr. President, I shall vote against this amendment, and for the reason that I do not consider the right of suffrage a woman's right or a man's right. I do not understand it to be a natural right at all. It is a political right; and I do not understand, as applied to women, that it is a privilege at all. It is akin to a service; and it is a very rough service. It is in its nature akin to militia service. The man who exercises the ballot must be prepared to defend it with the bayonet; and therefore the propriety of its being confined in all ages to men. That it is not a natural right is apparent to anybody who reflects upon it; and it never was so considered in any country in the world.

We talk about it here now as a natural right, and my honorable friend who sits next me [Mr. MORTON] has invoked the principles of the Declaration of Independence, and said that it stands with those rights which are called inherent, such as life, liberty, and the pursuit of happiness. It is not so in any sense whatever, and never was so regarded. If it were, do you not perceive that it applies as well to infants as to adults? If it is natural to all citizens, then it applies, as I have said, to infants as well as to adults. I regard it as strictly a political right. It does not inhere in man naturally, or in woman; and I do not propose, myself, to impose it on women. It is a severe, rugged service, which in my judgment ought not to be imposed on women.

My honorable friend from Wisconsin says there is no position in life in which the society of woman would not be an improvement. How is it on the deck of a battle-ship? How is it in military affairs? Should she be placed in the militia to enforce the results of a ballot? Is there any of us who believe that? Is there anybody here who would be glad to see a woman in the train-band, on the muster-field, at the cannon's mouth, or on the decks of your war-ships? That is what your argument means, if it means anything logically.

But, sir, I am not going to argue the proposition at all. I am going to vote against it because the right of suffrage is that rugged and severe service which man has no right to devolve upon woman. It is enough to say that when the American women want the ballot, when they come to hanker for it, and fall in love with the exercise of the ballot at the polls, I am in favor of their voting, but not until then; and I am not in favor of that sentimental sort of stuff which is gotten up somewhere or other by portions of the people who would force it upon the American women as a general proposition. Whenever they come to desire it, whenever the American women come to ask it, and particularly when they come to demand it, or even to solicit it, there will be no question as to what the American Congress will do; but until that time comes I shall vote steadily against it.

Nobody will be surprised at these sentiments from me who has had occasion to know the sentiments that I have expressed on this same subject on former occasions. I will send to the desk and ask to have read a paragraph or two from a speech made by me some years ago on the subject of suffrage.

The Chief Clerk read as follows:

Universal suffrage is affirmed by its advocates as among the absolute or natural rights of man, in the sense of mankind, extending to females as well as males, and susceptible of no limitation unless as opposed to child or infant. It is supposed to originate in rights independent of citizenship; like the absolute rights of liberty, personal security, and possession of property, it is natural to man. It exists, of course, independent of sex or condition, manhood or womanhood. To admit it in the adult and deny it to the youth would be to abridge the right and ignore the principle. Now, sir, in practice its extension to women would contravene all our notions of the family; "put asunder" husband and wife, and subvert the fundamental principles of family government, in which the husband is, by all usage and law, human and divine, the representative head. Besides, it ignores woman, womanhood, and all that is womanly; all those distinctions of sex whose objects are apparent in creation, essential in character, and vital to society, these all disappear in the manly and impressive demonstration of balloting at a popular election. Here maids, women, wives, men, and husbands promiscuously assemble to vindicate the rights of human nature.

Moreover, it associates the wife and mother with policies of State, with public affairs, with making, interpreting, and executing the laws, with police and war, and necessarily disseverates her from purely domestic affairs, peculiar care for and duties of the family; and, worst of all, assigns her duties revolting to her nature and constitution, and wholly incompatible with those which spring from womanhood.

Besides, the ballot is the inseparable concomitant of the bayonet. Those who practice the one must be prepared to exercise the other. To introduce woman at the polls is to enroll her in the militia; to transfer her from the class of non-combatants to the class of combatants.—*Congressional Globe*, part 1, second session Thirty-ninth Congress, 1866-'67, page 40.

Mr. SARGENT. I have no doubt of the consistency of my friend from Maine on this proposition and on every other. I have no doubt that the remarks which he made formerly on this subject he repeats to-day with the same idea of their entire correctness; but I differ with him upon both the propositions which he advances. He says that women do not desire the right of suffrage and there is no evidence before Congress that they do desire it. Why, sir, the tables of your committee-rooms have been loaded with petitions from every State in this Union on this subject, and they come forward day after day.

Mr. EDMUNDS. And remonstrances also.

Mr. SARGENT. Very few indeed.

Mr. STEWART. I suggest to my friend from California if the only question is whether women desire the right of suffrage or not, that can only be determined by submitting it to them. When we wish to ascertain whether the male citizens of the country desire a proposition, we submit the question to them and let them vote upon it.

Mr. SARGENT. That suggestion is very just. But the fact that there are remonstrances against the extension of the suffrage to women shows that there is agitation, and agitation shows interest in the matter. If this opinion were not in danger of prevailing, if it were not sweeping over the country, we would get no remonstrances; it would be looked upon as mere idle wind blowing nowhere and amounting to nothing. I say these petitions are coming here in every form. There are large and popular conventions, attended by ladies and at-

tended by a great many men, making strong efforts to this end. There is as much agitation on this point as there was for the abolition of slavery before the war broke out.

Now I come to the other proposition of my friend from Maine. He says the ballot and the bayonet go together, and that he who handles the one must be prepared to handle the other. What do you do with men who are past the years of military service and exempted by your laws? Do you deprive them of the ballot? That of itself is a sufficient answer to that argument. They are not inseparable. Fortunately for our country the necessity for the use of the bayonet occurs very seldom; but when it does occur there are large classes of male voters who are not called to the field, but are exempted by the policy of our law. No one believes that if women had this privilege, or this immunity, or this right—whatever you may call it—put into their hands we would therefore require of them to do things that would degrade or unsex them, or that would be improper for them to perform. I believe that men would have the same respect for women with the ballot in their hands as without it.

It is not for the few women who remonstrate from luxurious parlors, sitting upon sofas, in the glare of the gaslight, changing and choosing their phrases, but for the great class of laboring women in the country that I appeal for this redress. I appeal for the women who have been struggling on in these Government offices, doing the same work that men do, ay, and in many cases doing it better, for about one-half of the pay. Do you suppose if they had ballots they would not make their voices heard here and get for the same work the same pay? Who ever knew a labor strike of women to succeed? When women in New York City and other places are bowed down to the earth by their labor—making shirts at a shilling a day—and they strike for more pay, for more bread, for an opportunity to live, who ever heard of one of their strikes succeeding? Men strike from their workshops and they succeed, and why? Because they have the ballot; because they have political force; because they have the power of citizenship behind them in its fullest sense. Give these poor struggling women the same chance and they can make their way to a fair remuneration of wages in the public offices, and they can make their way in the workshops, and these toiling mothers, widows, and sisters supporting orphan brothers and sisters will have some opportunity to vindicate their rights and to procure not merely political rights, but a chance to live, and a chance to avoid infamy.

Senators talk about this question as if the ballot was not demanded for women. Will you tell me why it was that the great party which controls both branches of Congress and holds the Executive when it met in Philadelphia at that grand convention put a plank in its platform stating that these demands for further rights should be respectfully considered? Do you think there was no agitation, no desire on the part of women for the ballot when that great convention could be moved to a declaration like this:

> The republican party is mindful of its obligations to the loyal women of America for their noble devotion to the cause of freedom. Their admission to higher fields of usefulness is viewed with satisfaction, and the honest demand of any class of citizens for additional rights shall be treated with respectful consideration.

Was that mere euphuism, mere phrasing? Did that mean nothing? Did it respond to no demand? Ay, sir, did it not only respond to a demand which was there pressed, but did it not imply a duty, a pledge which this party ought to redeem?

But the Senator from Maine, as well as the Senator from North Carolina, asserts that the fourteenth amendment of the Constitution has no relation whatever to political rights, that it relates to something with reference to social equality, something in the far distance, but does not touch this question at all. When I called the attention of the Senator from North Carolina to the fifteenth amendment which says "the right of citizens to vote shall not be denied or abridged," assuming the right to exist, not saying that the right hereafter shall exist and shall not be abridged; but the right now existing by fair intendment shall not be abridged, he replied "that I deduced this right by an inference," and he thought a right of this kind ought not to stand on mere inference. His argument for the opposite construction, that the right to vote may be abridged for any other cause than those enumerated in the amendment, is drawn only by an inference from it. The affirmative language is that the right shall not be abridged for certain causes; and then by an inference the Senator says it may be abridged for others. In other words, his argument is that I am not at liberty to infer from the Constitution of the United States rights for women or rights for mankind. I shall not extend it by inference in favor of freedom, but any inference which will limit its operation, which will destroy or curtail its meaning, is legitimate.

Mr. MERRIMON. What clause of the Constitution does the Senator assert creates the right?

Mr. SARGENT. The first section of the fifteenth amendment declares that the right of citizens of the United States to vote shall not be denied or abridged—speaking of it as an affirmative right; not speaking of it as here established, but as a right which of course must have been established before that time in order to exist, and that right was established by the fourteenth amendment.

Now, sir, to show that I do not strain the interpretation of the Constitution I desire to refer to some few authorities even under the old Constitution, which go very far to answer the authority that the Senator cited. Bushrod Washington, a member of the United States Supreme Court, and well known as a jurist of high attainments and great powers of mind, in the case of Corfield *vs.* Coryell declared what I shall read, which is approvingly cited by Kent, the master writer upon American law, in the second volume of his Commentaries:

> It was declared in Corfield *vs.* Coryell that the privileges and immunities conceded by the Constitution of the United States to citizens in the several States were to be confined to those which were in their nature fundamental, and belonged of right to the citizens of all free governments. Such are the rights of protection of life and liberty, and to acquire and enjoy property, and to pay no higher impositions than other citizens, and to pass through or reside in the State at pleasure, and to enjoy the elective franchise according to the regulations of the laws of the State.

Those, according to the decision in Corfield *vs.* Coryell, cited approvingly by Chancellor Kent, are the rights and immunities of citizens of the United States. Then comes in the fourteenth amendment to the Constitution of the United States, which declares that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States," and further, that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

Now, sir, I quote from Bouvier's Law Dictionary, under the title of "citizen." He gives what the word means, first in English law, and then he comes down to American law:

> One who, under the Constitution and laws of the United States, has a right to vote for Representatives in Congress, and other public officers, and who is qualified to fill offices in the gift of the people.

In the face of authorities like these, who shall deny that the right to vote is one of those privileges and immunities of citizenship, or that citizenship itself carries with it that highest right? Go into literature and you find the same definition; as, for instance, in the work which I hold in my hand entitled "Words and their uses," by R. Grant White. He says:

> A citizen is a person who has certain *political* rights, and the word is properly used only to imply or suggest the possession of these rights.

Is it a mere question of privilege or immunity? It is a right which exists; and so it is considered in all the law; so it is treated in the well-considered decisions on the subject, and by the text writers.

By the pledge which was given by the dominant party of the country in their last national convention, by the allegiance which democrats themselves owe to the Constitution of the United States, by the higher benefit which will be conferred upon society, upon the women themselves who are struggling for a chance in life, and upon men themselves by the purification of society, I ask that this amendment be adopted.

Mr. BAYARD. I should like to ask the honorable Senator a question before he takes his seat. I understand that he denies the power of the Congress of the United States or of a State to exclude a female from voting, to make an exclusion based upon sex, because it would be an infringement of her rights as a citizen, under the meaning of that word in the Constitution, according to the construction given it by the courts. I should like to ask him whether he considers that an exclusion by reason of age is not just as arbitrary and unauthorized as the exclusion by reason of sex, and by what right can it be that a State or the United States shall arbitrarily fix a period in a person's life at which he shall attain his civil rights? In most of the States, and by the common law of England, the age of twenty-one years was fixed as what they term the majority, when a person becomes *sui juris*. Under the laws of the various States of this Union, following the laws of other civilized communities of older date, a period has been fixed in the life of man at which he attains his civil rights. Ordinarily it is at the age of twenty-one years; under the civil law it is twenty-five; it is so in France; it is so in Spain; it is so in the French and Spanish colonies. Among the English-speaking people the age of twenty-one years is the period fixed. If the rights which have been spoken of by the Senator from Indiana and the Senator from California are inalienable, natural rights, are part and parcel of those "privileges and immunities" referred to by the Constitution of the United States, how can it be that a law, a mere arbitrary enactment by a State or by Congress, shall exclude a man who is twenty years and six months old from exercising those inalienable rights, those privileges and immunities which six months after, by the mere difference of time, they permit him to enjoy? I have stated the question at length for the purpose of letting the Senator from California answer it more fully.

Mr. SARGENT. Mr. President, I do not think the Constitution prevents a regulation of the power to vote. The States unquestionably have a right to fix the time when voting shall take place, to fix the places where the voting shall be done, and they have the right to fix the age at which voting shall be exercised. But under the Constitution they have no power to prescribe a test which is not equally attainable by all persons. They have no right to say that only white men shall vote, for that would exclude black men. They have no right to say that only black men shall vote, for that would exclude white men. They have no right to say that only men shall vote, for that would exclude women. The Constitution says that all shall be put on an equality in this respect, that any test which may be required shall apply to all alike, men and women, black or white.

Mr. BAYARD. But the law does no such thing. There are classes, and a very large and great class in the State that the Senator represents, who cannot become citizens of the United States and cannot vote there.

Mr. SARGENT. Why not?

Mr. BAYARD. Because of their race; because they are Asiatics and not Africans.

Mr. SARGENT. The Constitution of the United States does not prevent it.

Mr. BAYARD. No; but the law of Congress prevents it. The Senator says they are all entitled under the law.

Mr. SARGENT. I will not detain the Senate now on the point referred to by the Senator. He has shifted his ground and I will not now follow him. Whenever legislation comes up on that subject I will discuss it. They are not citizens of the United States. I am dealing now with citizens whose privileges and immunities as such no one has a right to abridge.

Mr. FERRY, of Michigan. It is not my intention to speak on the merits of this proposition; but inasmuch as the Senator from Maine [Mr. MORRILL] has raised the question of consistency and appealed to his record, it reminds me of the fact that the question of woman suffrage appeared as early, I think, as 1858, before the Legislature of Michigan. I had the honor of holding a seat in the senate of the State at that time, and the question was referred to the committee of which I was a member, and it fell to my lot to consider the subject and report upon it. If my recollection serves me rightly the resolution favoring the right of women to vote was lost by but a majority of three in the Michigan senate.

Mr. EDMUNDS. Which way was the report?

Mr. FERRY, of Michigan. I am reminded by the Senator from Vermont that perhaps I have not intimated which side the report took. The report was in favor of woman suffrage, and it may be regarded as having contributed to so large a vote. To-day, sir, is the first time since that occasion that I have been officially called upon to record my judgment upon the same question. I have had no reason since that report was drawn to shake my belief that the right of suffrage will not be jeopardized or perverted if wielded by the hand of woman. Believing that now and desiring to act in accord with my action in 1858 in the senate of my native State, I am glad of the opportunity to prove my consistency by voting for woman suffrage to-day.

Mr. ANTHONY. Mr. President, I am quite content that this experiment of female suffrage should be tried in this new Territory. I believe that female suffrage is coming with the other ameliorations and changes which have been tending for so many years in the same direction. I have not taken any part in the measures which have been agitated to hasten that event. I think it will come in its own good time; but I should do very great injustice to myself if I should allow it to be supposed that my opinion is based upon some of the arguments that have been made here. I do not believe that suffrage is a natural right. I believe it is a right that grows out of society, a political right, and that it is within the body-politic to decide upon its limits, its modifications, and its conditions. The only question in my mind is whether it is proper and expedient. I think that the fourteenth amendment has nothing whatever to do with it.

Mr. MORTON. Mr. President, the Senator from Rhode Island, the Senator from Maine, and the Senator from North Carolina have all said that the right to vote is not a natural right, but merely a political right. Is not that a distinction without a difference? If I have a natural right, I have a right to use the necessary and proper means to enforce that right; it is a part of it. To say that I have a natural right but have not the right to use the means for its protection is illogical; it makes nonsense of it. The natural and proper means to enforce any right are a part of it. You say I have the right of self-defense. That is one of the natural rights; everybody concedes it. If I have the right of self-defense, the natural and proper and necessary means of self-protection are a part of it, and to take from me the natural and effective means of defending myself is to take from me the right itself.

Now, sir, the Declaration of Independence—and I come back to the great charter of our rights, our confession of faith in this country—goes on to define natural rights, the right of life, liberty, and the pursuit of happiness, and declares that to secure these rights governments are instituted, which derive their just powers from the consent of the governed. Government, therefore, is the means of securing natural rights, and the government should depend upon the consent of the governed. Therefore the right to give my consent or to withhold my consent is a part of the natural right; and taking that from me, what is the other worth?

Let us come down to the substance and put away these shadowy distinctions. To say that I have a right to defend myself, the right of self-defense, but that I have no right to use the knife or the weapon or the staff or any instrument necessary for that purpose to protect my life against the assassin, is nonsense. Whatever is the natural and proper means to execute the natural right becomes a part of it. So far as the right of government is concerned, the right to assent, to consent, or to dissent, the natural means under our system of government is the right to vote. You cannot conceive of any other. Therefore it is a part of the right and without that the other is worth nothing.

The Senator from North Carolina says that the women of the country have consented to our form of government. How so? Because they have not dissented. A great part of them, he says, have not dissented. How can they have the right and power to consent unless they have the power to dissent? They have got no power to dissent. They may scold; they may remonstrate; but it amounts to nothing.

Mr. EDMUNDS. I wish to ask the Senator from Indiana, if I do not interrupt him, whether persons under the age of twenty-one and eighteen years respectively have not all the natural rights that grown-up people have?

Mr. MORTON. I think I can answer that question very readily, if the Senator is through.

Mr. EDMUNDS. That is my only question at present.

Mr. MORTON. Every right must have some sort of regulation.

Mr. EDMUNDS. That does not answer the question.

Mr. MORTON. Wait until I get through. By the common consent of mankind certain ages have been fixed in different countries when men and women are supposed to be matured, in the full possession of their faculties, and then they are given the possession of their property and permitted to control their own actions. We have in our country, and I believe generally in Europe, certainly in England, agreed that twenty-one years is the age when they have come into the full possession of their understanding and are supposed to be so well informed that they can take upon themselves the government of their own fortunes and the control of their own property. The mere fact that this thing is to be regulated does not take away the right. The natural right to own and control property is regulated in that way. There must be some age fixed. We know the infant cannot do it; we know the child ten years old is not qualified, has not the necessary knowledge of the world or strength of understanding; and we have agreed upon a certain age as fixing the right when men and women come to the possession of their understanding and are able to take care of their own rights, whatever they may be.

Mr. EDMUNDS. May I ask the Senator, after all, what his opinion is, whether a child of tender years, say ten years of age, has not every natural right that a man of seventy has?

Mr. MORTON. Certainly.

Mr. EDMUNDS. Morally, legally, and every other way?

Mr. MORTON. To my mind that furnishes no argument at all.

Mr. EDMUNDS. I am not arguing it.

Mr. MORTON. It is merely putting an extreme case to say that a woman twenty-five years of age shall not have the right to vote because if she votes the child in arms has the right to vote. Is there any force in that?

Mr. EDMUNDS. I have not put any case at all. I am asking the Senator from Indiana, which he seems to be very unwilling to answer, whether a child of tender years has or has not, in his opinion, the same natural rights that a grown-up person has. That can be answered one way or the other without saying it is an argument.

Mr. MORTON. I suppose the child has. The child has the right, certainly the incipient right; but that amounts to nothing when you apply it to a child that is not able to exercise it, that has not the strength, the experience, the knowledge of the world, or the age to exercise it. I treat things in a common-sense point of view; and the common sense of mankind in this and every other country fixes a certain age when men and women shall be regarded as mature and qualified to take care of themselves.

Mr. EDMUNDS. They do not fix the same age, let me suggest to the Senator.

Mr. MORTON. Now, Mr. President, unless we are prepared to deny the very fundamental doctrine upon which our Government is based, we must admit that women have the same rights that men have. The Senator from North Carolina will not deny that women have the same natural rights that men have. The Senator admits that; he nods his assent. Then if that is so, they have the same natural right to use the means necessary to protect those rights that men have. That right, so far as men are concerned, is the ballot.

Mr. MERRIMON. Natural means.

Mr. MORTON. Whatever means are necessary and proper to the protection of a natural right are natural means.

Mr. BAYARD. Did the Senator from Indiana answer—I could not hear him; his back was turned to me—the Senator from Vermont in the affirmative or negative?

Mr. MORTON. I tried to answer him.

Mr. BAYARD. I merely ask the question. He says now very triumphantly to the Senator from North Carolina that the rights of men and women are the same, their natural rights are the same.

Mr. MORTON. Yes.

Mr. BAYARD. I ask are the rights of children different from those of men?

Mr. MORTON. I think not; but I do not think there is any force in that argument, as I said before. There is a certain common sense and a certain practical regulation of natural rights all the world over.

Mr. EDMUNDS. But is it the common sense of men alone? let me suggest to the Senator. The children may differ with us; they generally do on such questions.

Mr. MORTON. I will not spend any time on that argument.

Mr. EDMUNDS. I think that is wise.

Mr. MORTON. To say that the mature woman has not the right to vote because the child in arms must have the same right comes so near making nonsense of the whole business that I dismiss it, and I come back to the other statement, that women having the same natural rights that men have have the right to the use of the same

means for their protection; and as the means under our form of government for the protection of the natural rights of men is the right to vote, women should have the same right and power accorded to them. To say that women have the same natural rights, but have not the right to use the same means for their protection, I think is utterly illogical. The whole theory of natural rights is mere trash unless you shall give women the right and the power to protect them. The Declaration of Independence says that governments are instituted for that purpose, and that governments must depend upon the consent of the governed; and as the women are one-half of the governed, they have a right to give one-half of the consent.

The Senator from North Carolina remarked that the women did not ask it. I believe I have answered that before. They have no power to refuse their consent. They may remonstrate and scold about it, but that amounts to nothing; their consent one way or the other means nothing except so far as their influence may be concerned.

There were four and a half million of slaves who did not remonstrate against their bondage. Why? They had no means of doing it, and if they had it would not have amounted to anything. Would the Senator argue from that that they had no natural rights, or that they were consenting to their bondage? When you take into consideration the fact that men have all political power now and the other sources of influence and power that they have over women, it is not very strange perhaps that a majority of women are not asking for the right of suffrage.

One word further. Some women at least are asking for it, and a much larger number than the Senator from North Carolina admits. I know that very many women all over the country believe they have the right to vote and ought to vote who never go to political meetings and never sign petitions or anything of that kind. I would be willing to-day to submit the question to the votes of the women of the United States whether they should have that privilege or not. But suppose that a majority are consenting to the present state of things and do not want the ballot, how does that affect the rights of the minority who do want it. One woman cannot consent for another. If one woman has the natural right to take part in the Government, how can she be deprived of that by another woman who does not want it? A woman can only consent for herself; she cannot consent for her sister.

I believe that women never will have their rights in this country, they never will be allowed to enjoy the same equality of means for taking care of themselves and making an honest living in the world, until they have the right to vote. As soon as they have that right you will find that they will be placed upon an equality with men so far as all the means of getting along in this world are concerned, but never until that is done. The Senator from California refers to the fact, and it is a notorious fact in every State in this Union, that women are paid only about one-half for the same quantity and the same kind of labor that men receive. Does any man say that there is any sense or any justice in that distinction? Will that ever be remedied until woman has the right to vote? It never will.

I believe, Mr. President, in every point of view the right of suffrage should be extended to woman. I maintain that it is a God-given right to take part in the administration of that government which controls their earthly destinies and interests. I believe it is for the interest of the men, for the interest of children, for the interest of our country, for the interest of the race.

Mr. EDMUNDS. I think it rather a mistake to suppose, as the Senator from Indiana seems to do, that the females of this country are laboring under any species of tyranny at present growing out of any state of the laws. The Senator is undoubtedly aware that in the State of Indiana, which he so ably represents, females, except as to the question of voting, have a great many rights and privileges preserved to them that men do not possess in respect to the protection of their property and their power to dispose of it. For instance, it is not within the power of a married man in the State of Indiana to dispose of his property, excluding his wife from participation in it. It is in the power of a married woman in the State of Indiana to dispose of all her property and leave her husband penniless and to starve, as the expression is, when you reverse the case, without his having the power to prevent it. I could name a dozen other instances, all of which show that in all the States of this Union, speaking as a general rule, as it is in Great Britain and in almost all other civilized countries, the law instead of discriminating against womanhood, discriminates in its favor in every respect whatever except the political respect of voting. That is a fact that no man can truthfully deny who has studied the history of society or who knows anything about the history of legislation in civilized states. Therefore, it does not do to say that the right to vote, the privilege of voting, or the duty of voting—because I use those phrases as not having the peculiar meaning that the Senator from California imputes to them, is essential to the protection of the female sex as such, because—as I have said, the protection that the law gives them is now in all respects, where their rights or privileges come in collision with the rest of society, greater than is extended to men.

The Senator from Indiana insists—and he has a perfect right to do so of course—that the right to vote is a natural right, and therefore if females are excluded from voting, as they are by the constitutions and laws of the various States, it is an infringement upon natural right, and that that infringement ought to be abolished. Of course, his conclusion is correct if his premises are true; but is the right to vote a natural right? Can the Senator refer to any work of any philosopher or writer upon natural or municipal law which maintains any such doctrine? I am safe in saying that the Senator cannot. If he can, I wish he would give me the name of some such writer or work; and I pause, as the saying is, for a reply.

The PRESIDENT *pro tempore*. The Senator from Vermont asks the attention of the Senator from Indiana.

Mr. MORTON. I beg pardon. A Senator was conversing with me at the moment.

Mr. EDMUNDS. I was asking if the Senator from Indiana could refer me to the work of any writer upon natural or municipal law from the beginning of the world to the year 1860, which maintains, or asserts, or insinuates, or suggests that the right to vote in a political community is a natural right?

Mr. MORTON. I do not call to mind any author.

Mr. EDMUNDS. No; the Senator does not. With candor he says so, because the Senator, learned in history as he is, knows, as the rest of us know, that there is no such thing. He knows that in all the discussions and all the turmoils of society where the rights of men and women in political respects, the rights of society at large, have been discussed and turned over and over and all manner of experiments in government tried and suggested, it never has been suggested that the right to participate in the government of a political community is a natural right belonging to every human being.

Mr. MORTON. Will the Senator allow me to ask him a question in that connection?

Mr. EDMUNDS. Yes, sir.

Mr. MORTON. I ask the Senator, then, this question: If there are natural rights, do not the natural and necessary means to protect those rights become a part of them? What is the right worth if that be denied?

Mr. EDMUNDS. I answer no, in the broad sense in which the Senator has put it. If he asks of me as to a state of nature, without being organized into any social or political community whatever, then I answer yes, and every man is what we call a savage, what the civil writers called in old times a barbarian; and he is invested, (as the Senator logically puts it if he applies it to such a subject,) upon his own judgment and in his own right with the power of defending and affirming whatever natural rights he has against all comers, exactly as a nation stands in respect to another nation; no man has a right to impose upon him any restraint; no man has a right to demand from him any concession; he is absolutely independent; and when his rights or claims come in conflict with those of anybody else he "fights it out" or runs away. So far, there is natural right no doubt; but I hope the Senator has not gone back quite so far from the present condition of the world as to wish to discuss questions of that kind. That is not what he means. What he means by natural rights no doubt is what society recognizes, what organized communities recognize as things of natural right, and those are things which are inherent in the person but are regulated and limited and restrained according to the rights and necessities of all the other persons in the community. In an organized society the right of self-defense is not a natural right in the broad sense, so that under all circumstances A B or C D has a right to defend himself against all aggression. An officer may come to arrest me on a warrant issued by a court irregularly. I have not the right to slay the officer because he takes me on the warrant. My place to resist is not by my natural force, not by raising a mob, but by going to the court that issued the warrant and showing that it had been issued contrary to law. And yet on the Senator's notion every time a man is brought under the law, if he does not agree with the law his business is to fight. The community cannot get along in that way. There is no such right as that in society.

Mr. STEWART. I ask the Senator what right, whether it be a natural right or an acquired right, has one man to govern another, or has society to govern the individual?

Mr. EDMUNDS. What right?

Mr. STEWART. Is it a natural or acquired right?

Mr. EDMUNDS. No man has a natural right to govern another, or an acquired right, or a political right, or a civil right that I know of, unless he is appointed the guardian of somebody. Of course, of that the Senator has not any experience; certainly not on the side of being a ward.

Mr. STEWART. Then what right has society, the body of men, to govern an individual? Is it a natural right or an acquired right?

Mr. EDMUNDS. Suppose I should answer the Senator and say I do not know?

Mr. STEWART. What right have they to take from him his freedom in his savage state to do as he pleases? And if they have a right to take it from him, what right have they to take it from him and say he shall not participate with them equally in what resolution shall be made for his government?

Mr. EDMUNDS. I think that question is long enough now, and I will answer that part of it.

Mr. STEWART. My point is this——

Mr. EDMUNDS. If the Senator is coming to the point, I will hear him further.

Mr. STEWART. My point is that each individual of society has as high a right to participate in prescribing the rules for his conduct

as society itself has to exist. If they have a right to govern him he has a natural right—it is as near as anything can be, it seems to me—at any rate he has a right, whether it be natural or not, to have a voice in it if the principle of equality and fair play is one of the fundamental principles that should govern mankind.

Mr. EDMUNDS. I see the Senator's point which he has come to at last; and the substance of it is, if I correctly understand him, that if society has a right to govern him, he has a right to govern society, and that makes equality; and if the majority has a right to control him, he has a right to control the majority, and there is equality! Very well. I leave the Senator, with his point, to enjoy it.

Now, let us return to the subject. It is perfectly plain, if we leave off joking about this business, and nobody if it were not a question about ladies' rights would have thought of questioning it—it is perfectly plain that the right to vote is one which the existing body of society as it is organized is to determine by its fundamental laws. Society does determine, in the State of Vermont, if you please, that voting must only be exercised by males above the age of twenty-one years, those who are not in the penitentiary, those who are not in the lunatic asylums, those who are not idiots, and so on. The laws of Indiana may provide the same thing, or may declare that the age shall be twenty, or may declare as the Roman law used to do that it shall be twenty-five, and so on; or it may declare as the Constitution of the United States does as to the age of Senators and as to the age of the President of the United States. On the argument of Senators in favor of this amendment to this bill, there would exist no right whatever in constituted society to make any limitation upon the free exercise of political rights to vote and hold office in respect to age. Why say a man cannot be a member of the Senate until he is thirty years of age? Who can say he is not just as good at twenty-nine?

The Senator from Indiana says that common sense teaches that we must put some limitation on this. So it does; and common sense has taught that it is left to each political community to determine what are the qualifications and limitations upon the privilege of exercising political rights; and it has always been so, and it always will be so, because when the Senator proposes to say that the other sex may vote—which I admit he has a perfect right to say, and society may so say—he does not undertake to say that ladies of seventeen, instead of eighteen, shall vote, because they come of age in my State at eighteen and do in many of the States—the Senator does not propose to say that all ladies of seventeen shall vote; and yet it is impossible to say that there is any distinction in respect to intelligence as a matter of right, any philosophical distinction between one year and another. True, as the Senator says, you may run it down so far that at last you have reached a condition of infancy, and there everybody says this child is not wise enough to vote, is not wise enough to do anything without having guardianship and tutelage. But if you put it upon the ground of natural right, the child has just as good a right to say to you that he shall be the judge of it as you have to say to him that you must be; and this shows that the notion of any natural right of anybody of any age to participate in the government of society is an absolute absurdity. It is one of those figments of the imagination that have crawled into some people's brains within a very few years and will go out again as other delusions do.

Then when you come to the fourteenth amendment it is equally obvious that that has nothing to do with the subject. If anybody had thought it related to suffrage when the fifteenth amendment was passed, nobody would have voted for the fifteenth amendment, because on that theory the right to vote did exist in all colored persons, females as well as males; and yet nobody of any party or any creed pretended at that time when we proposed the fifteenth amendment that we had guaranteed the right to vote by the fourteenth. Nobody suspected it; nobody suggested it; and nobody believed in it, and very few people do now, for the simple reason that the fourteenth amendment was directed, as everybody knows, by its language, by its history, by its relation to other laws, to what are called civil rights; but I am not going to define what they are, because to do so takes time. So, Mr. President, the fifteenth amendment was passed in order to secure a right to vote without regard to race, color, or previous condition of servitude.

Then you come to the real question which is involved here; and that is the propriety of providing that females, limited in their description, twenty-one years of age, not idiots, not lunatics, not in the penitentiary—standing upon the same limitations that men do in these respects—are to vote. That presents a fair question, one that we have a perfect right to pass upon; and I have only said what I have in order to show, if I might, that we had not better run crazy over the idea that we were dealing with natural and inalienable rights and that we were violating human rights if we happened to say no, or that we were vindicating human rights in the sense now spoken of if we should say yes. We are merely considering a question of political expediency, as confessedly we have the power in governing the Territories to let anybody vote we choose. We can put the whole concern in Pembina, if we think it wise, into the hands of the madmen up there, and I do not know but that they are in the majority, for I certainly know nothing about it.

That brings me to the question which really is the one that the Senate ought to pass upon, for all this is incidental; and that is, what is the propriety of the bill at this time? There is an organized Territory, the Territory of Dakota. It has its governor, its judges, its Legislature, all the autonomy of government, its various places of holding courts; and the United States, speaking in a large sense, pays for it. Now you propose to double the expense to the United States of giving the people in that Territory a government. It is said that the Territory is large and that its various points are widely separated. So they are. So is the State of Texas large; I do not know but that it is as large as the Territory of Dakota.

Mr. MORRILL, of Maine. Larger.

Mr. EDMUNDS. And yet that is no reason why we should make haste to divide the State of Texas into two States. It depends upon how populous the State is, how prosperous it is, how necessary it is that the power should be separated from one part of the State and another. Now what does the committee show us upon that subject here? It shows us that there are a few thousand enterprising people at Pembina, on the Red River, and that all around them, on every side almost, there is yet an uncultivated desert; I do not mean desert in the sense of being barren land, but unoccupied land. Now I think that in the future, at a reasonable time, when the railways constructing there shall have brought some inhabitants, and society shall have become more organized and more strong, so that the community if you set them apart by themselves will have sufficient natural warmth, so to speak, to keep themselves alive and prosperous, it will be a very proper thing indeed out of that vast Territory to provide for another one, and so finally for another State; but in my opinion this movement at this time is altogether premature. We have not waited long enough. The railway only reached the Red River within the last year. If I am wrong the Senator from Minnesota can correct me.

Mr. WINDOM. Within two years, I should say.

Mr. EDMUNDS. Very well, two years. I think it would be wiser for the sake of these people themselves, instead of imposing on them the burdens and responsibilities of a separate government, to let them live under the protection of the United States and of the Territory they have and the aid of the whole body of the people of the Territory until they shall have acquired more strength, more numbers, more enterprise, more production, more of everything which the aid of a strong Territory can give them, and which if you turn them out by themselves they are quite likely to fail in obtaining, than to pass the bill at this time. Therefore, if no other Senator wishes to make any remarks, I move to lay the bill upon the table.

Mr. SARGENT. I ask for the yeas and nays on that motion.

Mr. HAGER. I hope the Senator from Vermont will withdraw his motion. I desire to make a few remarks.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) The motion is not debatable.

Mr. HAGER. I ask the Senator to withdraw the motion for a few minutes.

Mr. EDMUNDS. If the Senator will renew it when he finishes his remarks, I will do so.

Mr. HAGER. Very well.

Mr. EDMUNDS. I withdraw the motion.

Mr. HAGER. Mr. President, it seems to me strange that a question of so much importance as that raised by this amendment appears to be, from the positions taken by Senators on the floor, should be presented upon this bill. This bill is not sufficiently comprehensive to grasp the question. The bill, if it be amended as proposed, will not confer the right of suffrage upon females throughout the country; and for us to undertake to legislate upon this question in regard to a distant Territory where perhaps there are few or no women, unless they be of the Indian race, is to me a very astonishing thing.

It is asserted here that women, as a matter of right, should be entitled to suffrage. So the Senator from Indiana says. But does this confer it upon them? Does the organization of this Territory confer suffrage on women throughout the country? The bill will, if we so express it, confer suffrage on females in this new Territory; but if there is anything in the proposition that it, as a general thing, should be extended to females, this is not the way to get at that question. Let it come up as a distinct, independent proposition by itself, and then every Senator can take his position in regard to a question which affects the whole country, and not a distant Territory merely. That is the way, in my opinion, to get at it.

I do not think, sir, that by the Constitution suffrage is conferred upon females, nor are we bound in legislating under the Constitution to take charge of that question here. As I read the fourteenth amendment it is not applicable to this question. It provides that—

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

In connection with that the fifteenth amendment declares that—

The right of citizens—

Created by the fourteenth amendment—

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Does that deprive the States of all power of interference with the elective franchise? Does that take away from the State the right to say whether females shall vote or shall not? Does that confer upon the Congress of the United States a right to say that females may or may not vote in the States? I do not so understand it. The words "shall not be abridged by the United States or by any State" clearly

recognize that a State still has authority to some degree to legislate on the question of the elective franchise. Cannot a State so legislate as to provide that females may or may not vote? As far as the general question is concerned, therefore, I do not understand that the power is conferred on Congress so as to be comprehensive of the whole Union. Whether it may be exercised as to this Territory in its organization, is another matter; and really the question is here rather one of policy.

We agree that "man" is a generic term, and that all persons properly classed as belonging to the *genus homo* include females as well as males, and therefore all laws legislating in regard to "man" or to "persons" comprehend males as well as females. It is simply a question of policy whether we should extend suffrage to the females or not. There has been much discussion in books on that subject. John Stuart Mill has taken the ground distinctly that the suffrage should be conferred upon the whole race of man properly comprehended in the term "*genus homo*." He has not undertaken to say that it should be extended to the natives of India under the jurisdiction of Great Britain or to the Hottentots of Africa. Great Britain has never yet committed the folly of saying that suffrage should be extended to the whole human race without any regard to their condition. And, sir, we have presented to the world first in the history of mankind the singular spectacle of a superior race struggling to admit an inferior one to social and political equality, when they had not intelligence enough to demand it, and have not capacity enough to exercise it or understand it when it has been conferred. No English liberal has contended that all persons properly belonging to the *genus homo* are qualified to exercise the elective franchise. We have heard much of "manhood suffrage," but by the term "manhood" they mean the physical, moral, and mental maturity of a nation; and they are contending for the political preponderance of a power in the State well understood with us, the government of a free country by an intelligent people. No English reformer has contended that the elective franchise should be extended to the British native subjects in India or Africa.

Inasmuch as in the wisdom of the Government and people of the United States the right to the elective franchise has been conferred upon the black race in this country, I see no reason on the ground of qualification why it should not be conferred upon females. But it is argued that for certain social reasons it should not be conferred upon females. Therefore it is not a question of right. It is merely a question of policy; and that, in my opinion, is the only question here before the Senate, having first settled whether we have the power under the Constitution to legislate on this precise point in regard to the Territories.

I am unwilling to legislate by piecemeal in this manner. If there is any good in it; if, as the Senator from Indiana says, as a matter of right women should be entitled to the franchise, that right should be coextensive with the whole territory of the country, and not be limited to the little Territory of Pembina, which is not yet organized.

Mr. EDMUNDS. I renew the motion to lay the bill on the table.

Mr. SARGENT. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RAMSEY. I should like to appeal to the Senator from Vermont to withdraw the motion for five minutes.

Mr. STEWART. We will not lay it on the table.

Mr. RAMSEY. Very well; let the vote be taken.

The question being taken by yeas and nays, resulted—yeas 24, nays 24; as follows:

YEAS—Messrs. Bayard, Buckingham, Conkling, Conover, Cooper, Davis, Edmunds, Frelinghuysen, Hager, Hamilton of Maryland, Howe, Ingalls, Johnston, Jones, McCreery, Merrimon, Morrill of Maine, Norwood, Ransom, Scott, Sherman, Wadleigh, Washburn, and Wright—24.

NAYS—Messrs. Bogy, Boreman, Boutwell, Carpenter, Chandler, Clayton, Ferry of Michigan, Flanagan, Gilbert, Harvey, Hitchcock, Logan, Mitchell, Morton, Patterson, Pratt, Ramsey, Sargent, Spencer, Sprague, Stewart, Tipton, West, and Windom—24.

ABSENT—Messrs. Alcorn, Allison, Anthony, Brownlow, Cameron, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Texas, Hamlin, Kelly, Lewis, Morrill of Vermont, Oglesby, Pease, Robertson, Saulsbury, Schurz, Stevenson, Stockton, and Thurman—25.

So the motion was not agreed to.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) The question is on the amendment of the Senator from California, [Mr. SARGENT,] upon which the yeas and nays have been ordered.

Mr. BAYARD. Mr. President, it would seem scarcely credible that in the Senate of the United States an abrupt and sudden change in so fundamental a relation as that borne by the two sexes to our system of Government should be proposed as an "experiment," and that it should be gravely recommended that a newly organized Territory under act of Congress should be set aside for this "experiment" which is in direct, grossly irreverent disregard of all that we have known as our rule, our great fundamental rule, in organizing a government of laws, whether colonial, State, or Federal, in this country.

I frankly say, Mr. President, that which strikes me most forcibly is the gross irreverence of this proposition, its utter disregard of that Divine will by which man and woman were created different, physically, intellectually, and morally, and in defiance of which we are now to have this poor, weak, futile attempt of man to set up his schemes of amelioration in defiance of all that we have read, of every tradition, of every revelation, of all human experience, enlightened as it has been by Divine permission. It seems to me that to introduce so grave a subject as this, to spring it here upon the Senate without notice in the shape of an amendment to a pending measure, to propose thus to experiment with the great laws that lie at the very foundation of human society, and to do it for the most part in the trivial tone which we have witnessed during this debate, is not only mortifying, but it renders one almost hopeless of the permanence of our Government if this is to be the example set by one of the Houses of Congress, that which claims to be more sedate and deliberate, if it proposes in this light and perfunctory way to deal with questions of this grave nature and import.

Sir, there is no time at present for that preparation which such a subject demands at the hands of any sensible man, mindful of his responsibilities, who seeks to deal with it.

This is an attempt to disregard laws promulgated by the Almighty Himself. It is irreverent legislation in the simplest and strongest sense of the word. Nay, sir, not only so, but it is a step in defiance of the laws of revealed religion as given to men. If there be one institution which it seems to me has affected the character of this country, which has affected the whole character of modern civilization, the results of which we can but imperfectly trace and but partly recognize, it is the effect of the institution of Christian marriage, the mysterious tie uniting the one man and the one woman until they shall become one and not two persons. It is an institution which is mysterious, which is beyond the reach and the understanding of man, but he certainly can best exhibit his sense of duty and proper obligation when he reverently shall submit to and recognize its wisdom. All such laws as proposed by this amendment are stumbling-blocks and are meant to be stumbling-blocks in the way of that perfect union of the sexes which was intended by the law of Christian marriage.

Suffrage is a political franchise; it is not a right, because the word "right" is used in reference to voting in the fourteenth amendment to the Constitution that does not make it a right. It is in the very nature of government a political privilege confided, according to the exigency, the expediency, by the wisdom of those who control the Government, to a certain class. The suggestion of the Senator from Vermont to the Senator from Indiana was entirely sound, and it was unanswered by the Senator from Indiana and it is unanswerable by him or any one else. If this right to vote be what the Senator from Indiana declares it to be, a natural and inalienable right, then you have no more right to deny it to a person who is under the age of twenty-one than you have to deny it to a person who is over the age of twenty-one years. Sir, the difference is radical. Voting is no right; it is a privilege granted, a franchise which is granted to certain classes, more or less extended according to the supposed expediency which shall control the minds of those who frame the constitution of government for a people. There is no wrong done, so far as the abnegation of a right is involved, by denying this to certain classes of a community, whether on account of age or sex or any other supposed causes of disqualification. In this country the whole foundation of our institutions has been that the male sex when arrived at years of supposed discretion alone should take part in the political control of the country.

It is not necessary for me to speak now of other influences than those that come from politics; it is not necessary for me to dwell upon the actual and potential influences that control the fate of men and of nations. We all know they are not those most apparent. We all know that the human passions and affections are the true governors of the world, and not this power which you call voting. It is the passions, it is the affections, it is the sympathies and desires of the human heart and human ambition that control the vote, and not the vote that controls them. And now you propose to try an "experiment" upon a community composed of your own fellow-citizens; an experiment which is in defiance of all human experience, all suggestions of philosophy, of your own laws, and of every lesson you should have drawn from every civilized nation that has preceded you.

Under the operation of this amendment what will become of the family, what will become of the family hearthstone around which cluster the very best influences of human education? You will have a family with two heads—a "house divided against itself." You will no longer have that healthful and necessary subordination of wife to husband, and that unity of relationship which is required by a true and a real Christian marriage. You will have substituted a system of contention and difference warring against the laws of nature herself, and attempting by these new-fangled, petty, puny, and most contemptible contrivances, organized in defiance of the best lessons of human experience, to confuse, impede, and disarrange the palpable will of the Creator of the world. I can see in this proposition for female suffrage the end of all that home-life and education which are the best nursery for a nation's virtue. I can see in all these attempts to invade the relations between man and wife, to establish differences, to declare those to be two whom God hath declared to be one, elements of chaotic disorder, elements of destruction to all those things which are, after all, our best reliance for a good and a pure and an honest government.

As I said, Mr. President, I rose simply to express my astonishment that a measure of this kind could have received the assent which it apparently has received from the Senate of the United States in the vote just recorded. The subject is too broad, it is too deep, it is too serious to attempt to discuss it unprepared and within the time which

is now allotted to me. I sincerely hope that if this subject is to be acted upon, it will be after long, serious, severe, close consideration. Let all sides of the subject be viewed in all its vastness and far-reaching consequences. Let Senators consider the results, and let at least their aims in this matter be something higher than mere political and partisan considerations, which I fear have animated much of the discussion to which we have listened.

Mr. President, I trust sincerely that the vote just taken, indicating the refusal of the Senate to lay this bill upon the table, may not incate the will of the Senate in respect of this amendment. We have no right to subject this or any other portion of our fellow-citizens to so sad, so untoward, so unhappy an experiment as is here proposed. I have sat in this Chamber and seen laws leveled with the most serious and cruel penalties against a class of people practicing polygamy in our Territories. What will this law do? Will it not in fact sever those relations to which I have referred as being essential for the virtue and safety of a State? What is your State unless it is founded upon virtuous and happy homes? And where can there be a virtuous and happy home unless a Christian marriage shall have consecrated it?

No, Mr. President, I trust that this amendment will not be adopted, that we shall not trifle in this way with the happiness of a large portion of our fellow-citizens, that we shall not set what I must consider this indecorous example of government; and I trust that the vote of the Senate most emphatically will stop here, and I trust stop permanently, even the suggestion of granting the political franchise of voting to the women of America. They do not need it, sir. I cannot of course speak for all, but I know that I can speak the sentiment of many when I say that to them the proposition is abhorrent to take them from the retirement where their sway is so admitted, so beneficent, so elevating, and to throw them into another sphere for which they are totally unfitted and where all that at present adorns and protects them must be taken away by the rough and vulgar contact with those struggles which men are much better fitted to meet. No, sir; the relations of the sexes as they exist to-day in this country under the laws of this country have produced happy and stable Government, or at least are not responsible for the evil features which we witness. The best protection for the women of America is in the respect and the love which the men of America bear to them. Every man conversant with the practical affairs of life knows that the fact, that the mere fact that it is a woman who seeks her rights in a court of justice alone gives here an advantage over her contestant which few men are able to resist. I would put it to any man who has practiced law in the courts of this country; let him stand before a jury composed only of men, let the case be tried only by men; let all the witnesses be men; and the plaintiff or the defendant be a woman, and if you choose to add to that, even more unprotected than women generally are, a widow or an orphan, and does not every one recognize the difficulty, not to find protection for her rights, but the difficulty to induce the men who compose the juries of America to hold the balance of justice steadily enough to insure that the rights of others are not invaded by the force of sympathy for her sex? These are common every-day illustrations. They could be multiplied *ad infinitum*.

Mr. President, there never was a greater mistake, there never was a falser fact stated than that the women of America need any protection further than the love borne to them by their fellow-countrymen. Every right, every privilege, many that men do not attempt, many that men cannot hope for, are theirs most freely. Do not imperil the advantages which they have; do not attempt in this hasty, ill-considered, shallow way to interfere with the relations which are founded upon the laws of nature herself. Depend upon it, Mr. President, man's wisdom is best shown by humble attention, by humble obedience to the great laws of nature; and those discoveries which have led men to their chiefest enjoyment and greatest advantages have been from the great minds of those who did lay their ears near the heart of nature, listened to its beatings, and did not attempt to correct God's handiwork by their own futile attempts at improvement.

Mr. STEWART. Mr. President, I listened to the speech of the Senator from Delaware with great attention; I appreciate his feelings on the subject; and it has occasioned me to have some reflection upon this question during the time he was speaking. I want to call the attention of the Senator from Delaware and of the Senate and of the country to a few facts in regard to this matter of woman's rights, and to see whether it has not been well to change some of the ancient order of things.

There was a time among our Anglo-Saxon fathers when it was seriously discussed in the law-books what size the whip should be with which a husband could properly chastise his wife. If it was no larger than the thumb, I believe no action would lie. Those were the good old times, and those times you can see illustrated to-day all over the world where savages——

Mr. SARGENT. That was when we were near to nature.

Mr. STEWART. Yes; that was when man held sway, and when God's law of man's supremacy was omnipotent! Then harmony was preserved. If you will go out into my State and see the Indian women carrying the loads on their backs and the men riding on horses and the women doing the work, you will see the harmony of the supremacy of man!

Now, I undertake to say that there is no surer criterion of the civilization of any nation than the position which woman occupies; and the less dependent she is the more she has to do with the management of society, the more she is regarded as an individual, the higher that society stands, and you may take any place you please to illustrate; but where she depends exclusively on man and man's justice, there you have absolute barbarism. Do you think that women have been less loyal to their husbands, do you think that virtue has been less protected in this country since the rights of women were vindicated by the law, since they were entitled to hold property? Have they not been as good wives as they were formerly? Has society been injured thereby? So far as the rights of property are concerned, it elevates woman to own property and to have the protection of the law in it, and not to be made a pauper and a beggar by a drunken husband. I tell you that there is a matter for serious consideration. When it is said that the ways of the past were the best, I say history is marked by the position which woman occupied in each nation, and it is to-day. Show me the nation that elevates its women and acknowledges their rights and protects them by the law and severs them in point of protection from the caprice or the sympathy of men—show me that nation, and that nation shall be first. It is one of the evidences of the advance of civilization in America that woman does occupy the position she does here; and it is idle to say that society will be destroyed by recognizing her as having rights to protect.

It is very well for women who chance to have kind husbands and luxurious homes, under the flattery of their husbands to sneer at their less fortunate sisters who are debarred every right. It is very well for those who have luxury and power and wealth to trample upon the unfortunate that cry for bread and for help. It is very easy to philosophize about laws and say that women are not fit for this place and not fit for that; that it is indelicate, and all that kind of thing, to allow her to earn an honest living, or to have a place in a Department where she can do work; it is very well for us to say, "Here, we will give her only half-pay for the same labor;" but they who serve and they who suffer feel it differently. How is the voice of women on this subject to be heard? Shall it be heard from that class only who are satisfied with their protection, or shall the voice of the weak and the starving be heard? There is no way for it to be heard. We see it daily.

You talk about degradation. One of the great sources of the degradation of this country, one of the great sources of the breaking up of families and destroying society is your low groggeries and your gambling-houses and your places of resort for bad men, that are tolerated in spite of your laws and will be so long as men only vote. The women suffer by these things; and that consideration alone has often made me hesitate upon this question. I do believe that if the good women of America could speak to-day they would reform many evils that we wink at or allow to exist because we want the votes of the parties who are committing these sins against society. I say let the women have a voice; and when it is said that this is ill-considered, that this is not the proper time, and that it is too serious a business to be considered by the Senate of the United States on this bill, I tell you society is marching on to it, and as I remarked before it will not be ten years before there will be no voice in this Senate against female suffrage. It is necessary for women, if they are to be protected in society and not to be the prey of man, that they shall have the ballot to protect themselves. It is the only thing in a free government that can protect any one; and whether it is a natural right or an artificial right it is nonsense to discuss. It is a necessary right; it is necessary to freedom; it is necessary to equal rights; it is necessary to protection; it is necessary for every class to have the ballot if we are going to have a square deal and equal rights. If it is said that the spirit of discussion is not right, let us discuss it in the proper spirit, let us view questions as they are and meet the issue squarely. That this will come, however it may be laughed down now, I feel confident.

Mr. BOREMAN. Mr. President, I do not propose to discuss the subject of woman suffrage. I have my opinions as to the propriety or impropriety of the adoption of that principle. I expect to vote for this bill whether female suffrage is incorporated in it or not; but in answer to the remarks made by the Senator from Vermont [Mr. EDMUNDS] a short time since, I think it well, probably, to state a few facts in regard to this proposed Territory. He is certainly laboring under a misapprehension as to the condition of this Territory and as to its resources, and probably, too, as to the facilities that the people living in the section proposed to be incorporated in this new organization have for getting to that portion where the capital is located and the business of the territorial government transacted.

Sir, if you look on the map you will find that Dakota Territory, as at present constituted, is a parallelogram, some eight hundred miles in length and some four hundred miles in width. There are large settlements in either end. In the southern portion of the Territory, and very near the southern line, is located the present capital, Yankton, and near that a number of organized counties with many thousands of people, with a railroad penetrating to the capital and probably a few miles beyond. Between that and the northern half of the Territory is a comparative wilderness, through which there are no roads. There is no method of travel save by the Missouri River; and those persons who live in the Territory here proposed to be organized cannot get to their capital or to those portions of Dakota where the most of their business is transacted without going around through the State of Minnesota. They have to travel out of their own Ter-

ritory in order to get to its capital to see the officers there and transact whatever business calls them to the capital of the Territory. The intermediate country, as I remarked, is unsettled and impenetrable.

That is one consideration. Another is that there are within this part of the Territory of Dakota proposed to be set off, as the statistics that have been shown to the committee prove, from seven to ten thousand hardy, brave people of the class who were willing to go there and encounter the deprivations that meet the pioneers in the settlement of a new country, and they wish the ordinary facilities for transacting their business.

This proposition is not unprecedented so far as the population is concerned. I have gone to the trouble, as that member of the committee to whom the examination of this subject was confided, to examine into and ascertain the population and circumstances under which other Territories have heretofore been organized, and I find that this proposed Territory has a population to-day exceeding that of almost any Territory that has ever heretofore been organized. Mississippi Territory was organized in 1789 with a population of 8,850; Indiana with 5,641; Michigan with 4,000; Wisconsin with 7,000; Minnesota with 6,077; Washington Territory with 1,201; Dakota organized in 1861 with 4,837; Nevada in the same year with a population of 6,857; and Arizona in 1863 with a population of 5,000.

Mr. STEWART. The Senator gives the figures of the preceding census as to Nevada. Nevada had at least fifty thousand people when she was organized.

Mr. BOREMAN. I speak from the report made on this subject by the proper committee. If Nevada at that time had fifty thousand people, I apprehend the population has been decreasing since that time, for the recent census shows that it had not in 1870 a population of over forty thousand. I was speaking of the time it was organized into a Territory, in 1861.

I refer to these statistics to show that the committee were justified, so far as the number of the population was concerned, in making the report they have submitted. Within the last two years the Northern Pacific Railroad has been completed about half-way the length of this Territory, penetrating it to the Missouri River at a thriving town called Bismarck, two hundred miles from the border of Minnesota. That town is growing rapidly. There are other towns situated in other portions of the Territory. From the proposed division line of this Territory to the British possessions is about four hundred miles, and on that northern line of this Territory there are considerable settlements, some towns and villages. There are published within this Territory some three or four newspapers, showing a state of civilization somewhat advanced, showing that these people are trying to take care of themselves, and to prove to the world what they are doing and what they propose to do if allowed the ordinary facilities.

Mr. President, in addition to this condition of affairs to which I have referred, the people who are thus located and situated desire that this Territory shall be created not simply, as has been suggested, for the purpose of making a few more offices, but for their convenience as citizens of this country. I will also state that the Legislature of Dakota has twice petitioned Congress to organize this new Territory, cutting off one-half of that Territory. Some two or three years since, at a sitting of the Legislature, they sent a petition here, and a report was then made in favor of organizing this Territory; and at the last session of the Legislature they passed a memorial to the same effect, I believe unanimously. The Delegate (if I may refer to that, and I suppose it is legitimate in that connection) representing the Territory, living south of the line and therefore not interested in this matter I apprehend, urges it as the sentiment of his people and the desire of those who are interested particularly.

Now I say, after having looked into the history of the organization of nearly every Territory since the foundation of the Government to get the statistics and circumstances which Congress has decided sufficient to justify the organization of a Territory, that I think this is not inferior to any of them in all the elements that are usually regarded as sufficient to justify the organization of a Territory. I have not referred to the Territories of Kansas and Nebraska, because they were organized under peculiar circumstances. They were abnormal in their situation, and it is not necessary to refer to them; but I have taken the cases from the foundation of the Government up to this time, and I say that the circumstances which have induced the committee to report this bill have uniformly been considered heretofore as sufficient to justify Congress in organizing a Territory.

This much I have thought it necessary to say in vindication of the report of the committee. I had not intended to utter a word. I supposed the bill would pass upon the report which was made by the committee. I am inclined now to think that if it had not been for the unfortunate, if I may say so, amendment offered by my friend from California [Mr. SARGENT] it would have passed long since. But this question of woman suffrage is one upon which all our friends probably do not desire to vote either one way or the other, and it is a very convenient way to get rid of voting on the question directly to lay this bill on the table. Fortunately that question has been settled for the present, and I am glad the Senate has seen fit not to lay the bill on the table.

Mr. EDMUNDS. The Senator speaks about people not wishing to vote on the amendment directly; and as I made the motion to lay on the table I assume that he refers to me. I beg to disabuse his mind on that subject, inasmuch as I am opposed to the amendment and am perfectly free to vote against it, and in doing so I suppose I represent, according to the latest advices I have, a very large majority of the people of Vermont.

Mr. BOREMAN. I agree with the Senator from Vermont on the subject of woman suffrage myself.

Mr. EDMUNDS. Then I hope the Senator will not suggest that I am trying to dodge the question by moving to lay the bill on the table.

Mr. BOREMAN. Not at all. I did not allude to the Senator who made the motion; and the remark I made was more intended to be playful than serious. I simply thought that probably the bill had enough friends to pass it if that subject was not mooted. I may be mistaken. However, I shall be glad to have a vote on the bill either with or without woman suffrage incorporated in it. I shall vote against incorporating it, but if it is put there I shall nevertheless be gratified to have the bill passed. I feel no interest in it except as representing what I believe to be the interests and wishes of those to be affected by it. I think the circumstances are such as to justify Congress in organizing this Territory, else as representing the committee I should not have reported the bill. That is all I desire to say.

Mr. RAMSEY. I desire simply to add to the clear and forcible statement of the case just presented by the chairman of the Committee on Territories that in my judgment Congress owes it to the people inhabiting this region of country to give them some protection, which they can only get through an organized government. You have in that country a more advanced population than you have had I think in any Territory you have ever heretofore established under this Government. You have ten thousand people—a busy, active, bustling population there—partly collected in towns, of which there are four or more. One of the towns on the Missouri River has a population of over a thousand people. Every pursuit that is followed anywhere else is conducted by those people. They inhabit one of the best agricultural countries in the Union, and yet they are cut off by an uninhabited, unsettled country between themselves and Southern Dakota, where the whole machinery of the territorial government now lies, so that they are entirely without any protection. I do not see how Congress can deny these people the protection which a local government like this would give them.

Mr. TIPTON. How many miles are they from the capital?

Mr. RAMSEY. The necessary travel for officials, prisoners, witnesses, marshals, and judges annually from Yankton, the seat of government of the present Territory of Dakota, up to Northern Dakota, in going to hold court and returning, amounts to fifteen hundred miles. Why, sir, the expense of this condition of things is infinitely greater than the expense of carrying on the territorial government, which, as the report of the chairman of the Committee on Territories shows, does not amount generally to more than $20,000, or $23,000 a year.

Mr. EDMUNDS. Why do prisoners have to be transported?

Mr. RAMSEY. They take them down to the penitentiary of Dakota, if the honorable Senator desires to know. There is but one penitentiary in the Territory of Dakota, and when men are convicted in the court held in the north, they must of course be transferred to the prison in the south.

There are three or four towns, and very respectable towns, in Algonquin, or Pembina. There are navigable rivers with nearly a thousand miles of steamboat navigation upon them; and in view of the population that that kind of trade and commerce always produces, the protection of the law is required. Now simply because you have sprung up an irrelevant debate here on a side issue, the Senate has become weary and seems disposed to slaughter this bill. I hope Senators will reconsider that determination and pass the bill. There are two hundred miles of railroad in this Territory. Every one will at once admit that all these interests and the population that clusters around them must have some government. I hope the Senate will pass the bill.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from California, [Mr. SARGENT,] upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. JOHNSTON, (when his name was called.) On this question I am paired with the Senator from Alabama, [Mr. SPENCER.] If he were here he would vote "yea" and I should vote "nay."

Mr. BOGY, (after having first voted in the negative.) I rise to withdraw my vote. At the time I voted I forgot that I was paired with the Senator from Arkansas, [Mr. DORSEY.] I should have voted "nay" and he would have voted "yea."

The PRESIDING OFFICER. The vote will be withdrawn if there be no objection.

Mr. MORRILL, of Maine, (after having first voted in the negative.) It occurs to me that I am paired with the Senator from Illinois, [Mr. OGLESBY.] If he were here he would vote "yea" and I should vote "nay." I ask leave to withdraw my vote.

The PRESIDING OFFICER. Leave will be granted if there is no objection.

The roll-call having been concluded, the result was announced—yeas 19, nays 27; as follows:

YEAS—Messrs. Anthony, Carpenter, Chandler, Conover, Ferry of Michigan, Flanagan, Gilbert, Harvey, Mitchell, Morton, Patterson, Pratt, Sargent, Sprague, Stewart, Tipton, Washburn, West, and Windom—19.

NAYS—Messrs. Allison, Bayard, Boreman, Boutwell, Buckingham, Clayton, Conkling, Cooper, Davis, Edmunds, Frelinghuysen, Hager, Hamilton of Maryland, Hitchcock, Jones, Kelly, McCreery, Merrimon, Morrill of Vermont, Norwood, Ramsey, Ransom, Saulsbury, Scott, Sherman, Wadleigh, and Wright—27.

ABSENT—Messrs. Alcorn, Bogy, Brownlow, Cameron, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Texas, Hamlin, Howe, Ingalls, Johnston, Lewis, Logan, Morrill of Maine, Oglesby, Pease, Robertson, Schurz, Spencer, Stevenson, Stockton, and Thurman—27.

So the amendment was rejected.

The PRESIDING OFFICER. The question now is on ordering the bill to be engrossed for a third reading.

Mr. MORTON called for the yeas and nays; and they were ordered.

Mr. EDMUNDS. I ask the chairman of the committee if the clause still stands in the bill which authorizes all the male inhabitants of that Territory to vote at the first election?

Mr. BOREMAN. I think the Senator is mistaken about that.

Mr. EDMUNDS. I am not asking whether I am mistaken or not; I am asking if the clause remains as it stood reported by the committee?

Mr. BOREMAN. Yes, sir.

Mr. EDMUNDS. That is enough for me.

Mr. RAMSEY. There is nothing new in that.

The question being taken by yeas and nays, resulted—yeas 19, nays 29; as follows:

YEAS—Messrs. Bogy, Boreman, Chandler, Clayton, Ferry of Michigan, Flanagan, Harvey, Hitchcock, Jones, Kelly, Logan, Mitchell, Patterson, Pratt, Ramsey, Sherman, Tipton, Wadleigh, and Windom—19.

NAYS—Messrs. Anthony, Bayard, Boutwell, Buckingham, Carpenter, Conkling, Conover, Davis, Edmunds, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Ingalls, Johnston, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Ransom, Sargent, Saulsbury, Scott, Sprague, Stewart, Washburn, West, and Wright—29.

ABSENT—Messrs. Alcorn, Allison, Brownlow Cameron, Cooper, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Texas, Hamlin, Howe, Lewis, Morton, Oglesby, Pease, Robertson, Schurz, Spencer, Stevenson, Stockton, and Thurman—25.

So the bill was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HORACE MAYNARD of Tennessee, Mr. C. B. FARWELL of Illinois, and Mr. HIESTER CLYMER of Pennsylvania, managers at the same on its part.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall; and

A bill (H. R. No. 3522) to extend the jurisdiction of the Light-House Board.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2782) to extend the time to pre-emptors on the public lands in the State of Minnesota to make final payment;

A bill (H. R. No. 1560) to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports and to reduce internal taxes, and for other purposes,'" approved March 3, 1873;

A bill (H. R. No. 8267) changing the name and location of Irasburgh National Bank of Orleans, county of Orleans, State of Vermont;

A bill (H. R. No. 2999) for the relief of Henry A. Webster, V. B. McCollum, and A. Colby, of Washington Territory, pre-emptors on the Makah Indian reservation; and

A bill (H. R. No. 1590) to provide for the better protection of the frontier settlements of Texas against Indian and Mexican depredations.

BALTIMORE AND OHIO RAILROAD.

Mr. MORRILL, of Vermont, submitted an amendment intended to be proposed by him to the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch, and to change the location of its road within the District of Columbia, and for other purposes; which was ordered to be printed.

PRESIDENTIAL ELECTIONS.

Mr. MORTON. Mr. President, on the 10th of March, 1873, the Senate of the United States adopted the following resolution:

Resolved, That the Committee on Privileges and Elections be instructed to examine and report, at the next session of Congress, upon the best and most practicable mode of electing the President, and providing a tribunal to adjust and decide all contested questions connected therewith, with leave to sit during vacation.

On behalf of the committee I now beg leave to submit a report on that subject.

The PRESIDENT *pro tempore.* The report will be laid on the table and printed.

Mr. MORTON. I move that five thousand additional copies of the report be printed.

The PRESIDENT *pro tempore.* That motion will be referred to the Committee on Printing.

HOUR OF MEETING.

Mr. EDMUNDS. I move that when the Senate adjourn to-day it be to meet at twelve o'clock to-morrow. There are so many committee meetings necessary that I think we had better meet at twelve o'clock to-morrow.

The PRESIDENT *pro tempore.* For to-morrow only?

Mr. EDMUNDS. I make the motion for to-morrow only inasmuch as the day following being Decoration Day we probably shall not meet.

The PRESIDENT *pro tempore.* The question is on the motion that when the Senate meet to-morrow it be at twelve o'clock.

The motion was agreed to.

SENATOR FROM ALABAMA.

Mr. MERRIMON. I desire to state that I have received a note from the Senator from Alabama [Mr. GOLDTHWAITE] stating that he is too ill to be here to-day. He desired to be present and to take part in the discussion touching the Alabama senatorial election; but he has been unable to come on account of illness.

REVISION OF THE LAWS.

The PRESIDENT *pro tempore* laid before the Senate the following resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That the joint rule of the two Houses, No. 6, which provides that after a bill shall have passed both Houses it shall be duly enrolled on parchment, be suspended so far as relates to bills of this House No. 1215, to revise and consolidate the statutes of the United States in force on the 1st day of December, 1873; No. 2879, revising and consolidating all the laws authorizing post-roads in force on the 1st day of December, 1873; and No. 3349, to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the 1st day of December, 1873; and that the same may be presented to the President of the United States as engrossed in the House of Representatives and passed in the Senate.

Mr. CONKLING. I suppose there will be no objection to acting on that resolution now.

Mr. EDMUNDS. I think we had better let it wait until to-morrow morning. I move that the Senate adjourn.

Mr. ANTHONY. Allow me to make a suggestion in regard to this matter?

Mr. EDMUNDS. If we lay it over until to-morrow, the suggestion can be made then.

Mr. ANTHONY. Very well.

The PRESIDENT *pro tempore.* Will the Senator allow the Chair to dispose of the business on his table?

Mr. EDMUNDS. I think we had better adjourn.

Mr. MORRILL, of Maine. Will the Senator allow me to call up an appropriation bill?

Mr. EDMUNDS. I will, if the purpose is to leave it as the unfinished business.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. MORRILL, of Maine. I move that the Senate proceed to the consideration of the bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875.

The motion was agreed to.

Mr. EDMUNDS. That bill being taken up, I renew my motion that the Senate adjourn.

The motion was agreed to; and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 28, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ADMISSION OF COLORADO AS A STATE.

Mr. CHAFFEE, from the Committee on the Territories, by unanimous consent, reported a bill (H. R. No. 3521) to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Territories, not to be brought back on a motion to reconsider.

EVENING SESSIONS.

Mr. DAWES. I ask unanimous consent of the House that a session be held this evening for the purpose of proceeding with the consideration of the tariff bill.

The SPEAKER. To be accompanied by an order that at half past four o'clock, without further motion, the Speaker shall declare a recess.

Mr. DAWES. Certainly.

No objection being made, it was so ordered.

Mr. DAWES moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. I ask that to-morrow evening a session be held for the purpose of considering reports from the Committee on Appropriations, with the same order in regard to the Speaker declaring a recess at half past four o'clock.

No objection was made, and it was so ordered.

ADDITIONAL LAND DISTRICT IN COLORADO.

Mr. PHILLIPS. I ask unanimous consent to report back from the Committee on the Public Lands, for consideration at this time, House bill No. 1507, with amendments, to create an additional land district in the Territory of Colorado. It is recommended by the General Land Office.

The bill as proposed to be amended was read, as follows:

Be it enacted, &c., That all that part of the Territory of Colorado commencing at a point on the south boundary line of Colorado Territory, between ranges 69 and 70 west of the sixth principal meridian; thence running north to the northern boundary of township 28 south; thence west, on a line between townships 27 and 28 south, to the western boundary of range 73 west; thence north, on said boundary of range 73 west, to a point where the line between townships 48 and 49 north, New Mexico meridian, will intersect the same; thence west, between said townships 48 and 49 north, to the western boundary of the Territory; thence south, with said boundary line, to the southwest corner of the Territory; thence east, on the line of the southern boundary of the Territory, to the place of beginning, shall constitute a separate land district, to be called Del Norte land district, the office of which shall be located at Del Norte, in Conejos County: *Provided*, That the President of the United States may change the location of said land office from time to time, as the public interests may require.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, or in the recess of the Senate, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and shall receive the same fees and emoluments as the like officers now receive in the other land districts in said Territory.

SEC. 3. That all persons in said district who, prior to the opening of said Del Norte land office, shall have filed their declaratory statement or application for preemption or homestead rights in any other land office in said Territory, shall thereafter make proofs and entries at said Del Norte land office; and all unfinished business in any other land office relating exclusively to lands in said Del Norte land district shall be transferred to said Del Norte land office when notified by the officers of the opening thereof.

Mr. WILLARD, of Vermont. I ask the gentleman to consent to an amendment in the second section, providing for the appointment of a register and receiver by the President, to strike out the words "or in the recess of the Senate."

Mr. PHILLIPS. I have no objection to that.

No objection being made, the bill was received, the amendments agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PHILLIPS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL IRON-MOLDERS' UNION.

Mr. FIELD, from the Committee on Education and Labor, reported a bill (H. R. No. 3522) to incorporate the National Iron-Molders' Union; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Education and Labor, not to be brought back on a motion to reconsider.

JURISDICTION OF LIGHT-HOUSE BOARD.

Mr. HOOPER. I ask unanimous consent to report for consideration at this time, from the Committee on Commerce, a bill to extend the jurisdiction of the Light-House Board.

The SPEAKER. The bill will be read, after which objections will be in order to its present consideration.

The bill provides that the jurisdiction of the Light-House Board, created by the act entitled "An act making appropriations for light-houses, and providing for the erection and establishment of the same, and for other purposes," approved August 31, 1852, shall be extended over the Mississippi, Ohio, and Missouri Rivers for the establishment of such beacon-lights, day-lights, and buoys as may be necessary for the use of vessels navigating those streams, and for this purpose the board shall be required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house system, and shall be authorized to lease the necessary grounds for all such lights and beacons as are used to point out changeable channels, and which in consequence cannot be made permanent.

Mr. WILLARD, of Vermont. Does this bill enlarge the power of the board at all, or only extend its territorial jurisdiction?

Mr. HOOPER. It simply extends the territorial jurisdiction of the board.

Mr. RANDALL. I wish to ask whether this bill dedicates the land by act of the Federal Government without consent of the State?

Mr. HOOPER. O, no; not at all.

There being no objection, the bill (H. R. No. 3523) was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOOPER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. ELIZA B. DYER.

Mr. CLARK, of Missouri, by unanimous consent, introduced a bill (H. R. No. 3524) granting a pension to Mrs. Eliza B. Dyer, widow of the late Brevet Major-General Alexander B. Dyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND CLAIMS IN MISSOURI.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 3525) to confirm certain land claims in the State of Missouri; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

PUBLIC SALES OF PINE TIMBER.

Mr. CLYMER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be directed to report to this House whether sales of pine timber have been made from lands included within forfeited or lapsed railroad grants, or whether money has been collected or is due on account of timber-cutting upon such lands; and if so the amount of such sales or collections or amounts due, and what disposition has been made of the funds derived therefrom, if any; and whether any steps have been taken to cover the same into the Treasury of the United States.

PONTON BRIDGES ON MISSISSIPPI RIVER.

Mr. SAWYER. On behalf of the Committee on Commerce, I ask unanimous consent to have taken from the Speaker's table Senate amendments to the bill (H. R. No. 2538) to legalize and establish a ponton railway-bridge across the Mississippi River at Prairie du Chien.

There being no objection, the House proceeded to consider the amendments, which were read.

The first amendment was in line 12 to strike out "two hundred and fifty," and to insert "three hundred and ninety-six;" and in line 13 to strike out "three hundred and twenty" and insert "four hundred and eight;" and to change the word "draw" to "draws;" so as to make the clause read:

Provided, That the said John Lawler and the said Prairie du Chien and McGregor Railway Company shall keep up and maintain a suitable ponton draw of not less than three hundred and ninety-six feet in length in the eastern channel and one not less than four hundred and eight feet in length in the principal or western channel of said river, and that said draws shall be opened promptly, &c.

The amendment was concurred in.

The next amendment was to insert as a new section the following:

SEC. —. That the bridge heretofore authorized to be erected across the Mississippi River at or near Clinton, Iowa, by section 1 of an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across said river, and to establish them as post-roads," approved April 1, 1872, may be constructed and maintained as a pile and ponton bridge, subject to the terms, conditions, and requirements contained in the foregoing sections of this act.

Mr. SAWYER. I move that this amendment be concurred in with an amendment adding the following:

Provided, That in the bridge mentioned in this section only one draw shall be required unless otherwise determined by the Secretary of War, which draw shall be located as he may direct, and be not less than four hundred and eight feet in width.

The amendment to the amendment was agreed to; and the amendment of the Senate, as amended, was concurred in.

The next amendment was to amend the title so as to read "A bill to legalize and establish a ponton railway-bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa."

The amendment was concurred in.

Mr. SAWYER moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COPYRIGHTS.

Mr. CONGER, by unanimous consent, reported from the Committee on Patents a bill (H. R. No. 3526) to amend an act to revise and consolidate the statutes relating to copyrights, approved July 8, 1870; which was read a first and second time, ordered to be printed, and recommitted.

MERCY ANN HALL.

Mr. SCOFIELD. I rise to a privileged question, and call up the motion to reconsider which was entered in reference to the bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall. I will take but a minute or two in explaining the bill, and then if it should appear likely to occupy any considerable time I shall give way to the gentleman from Vermont, [Mr. POLAND.]

The bill contains two sections. The first provides that Mrs. Hall shall draw her husband's pay down to December 31, 1873, the time when the officers and crew of the Polaris were discharged. She would receive under this section $1,836.

The second section authorizes the Secretary of the Navy to negotiate with Mrs. Hall for the purchase of all of Captain Hall's papers (including his records of his two arctic expeditions prior to his entering upon this service for the Government) at a sum not to exceed $15,000. These papers are believed to be very valuable. The bill provides that if the purchase be made they shall be handed over to the Smithsonian Institution, to be examined by the professors or officers of that institution, who shall report to Congress what should ultimately be done with them. While one object of this provision is the advancement of science, it is also designed, I may say, to do some-

thing for the widow of this arctic explorer, whose history in connection with these explorations is so familiar to members of the House. Mrs. Hall is left in very destitute circumstances, with two children dependent upon her. We propose to pay her the balance of her husband's pay down to the time when the officers and crew of the Polaris were discharged and also to buy these papers, if she chooses to sell them for $15,000. The arctic explorer, Dr. Kane, made, I think, some $70,000 or $75,000 from his accounts of his explorations. The amount proposed to be paid for the papers of Captain Hall is supposed to be moderate, and the purchase is recommended by literary people who have had access to the papers.

The bill, which was read, provides in the first section that the Secretary of the Navy be authorized and directed to allow and settle the salary of Charles F. Hall, late in command of the Polaris expedition, to December 31, 1873, and pay the balance to his widow, Mercy Ann Hall. The second section provides that the Secretary of the Navy be authorized to purchase from the said Mercy Ann Hall the manuscripts of said Charles F. Hall relative to his several voyages and explorations in the north seas at a price not exceeding $15,000, and in case of purchase, to deposit the same with the officers of the Smithsonian Institution for safe-keeping, examination, and report to Congress. The third section provides that the sum of $16,936, or so much thereof as may be necessary, be appropriated to carry out the provisions of the act.

The SPEAKER. The question recurs on the motion to reconsider the vote by which this bill was referred to the Committee of the Whole on the Private Calendar.

The motion was agreed to; and the bill was brought before the House.

Mr. WILLARD, of Vermont. I am not disposed to make the point of order against this bill that it calls for an appropriation of money, but I ask the attention of the House to it. The bill really proposes to give a gratuity of $15,000 to Mrs. Hall, although it does it under the disguise of paying her that sum for the manuscripts of the late Captain Hall. I am not aware of any precedent for this. Captain Hall was not in the service of the Government; and his expedition was set on foot and aided by the Government at his request and by the importunity of persons outside of the Government. It was not intended to subserve, nor has it subserved, any purpose for which the Government was instituted. The expedition was organized wholly in the interest of science and in the hunt for the northwest passage. I have always doubted whether it was kindness to enthusiasts like Captain Hall or was really any aid to science to encourage these arctic explorations; and the disastrous results of this last attempt will perhaps be cheaply bought if it discourages any further ventures of that sort.

Captain Hall was in no sense in the service of the Government except at his own solicitation, and not in any way which, as I am aware, has hitherto established an equity in favor of his widow or children. In fact, the surviving widow of any civil employé of the Government has the same claims to consideration as has Mrs. Hall. It is true that this is not a gratuity in terms, but it is in fact, as there is no reason to suppose that the manuscripts of Captain Hall are worth the sum proposed in the bill; for if they are worth that sum any publisher would be glad to purchase them, and the widow would not need this measure of relief. Dr. Kane and his family realized $75,000 from his book, but the Government contributed nothing to their relief.

I know, however, that such a bill as this is sure to pass, and I have only sought the floor to put on record my views upon it, rather than to take time to get a record by yeas and nays.

If Congress is ready to establish the principle of giving these gratuities to every person whose application appeals to our sympathies, this case is as good as any with which to begin that kind of legislation. Mrs. Hall is as worthy as any person who will ever apply for relief, and every one's sympathies respond to her appeal. I can but look upon it, however, as a precedent of dangerous example, and likely to be quoted hereafter in support of much more questionable gratuities.

Mr. SCOFIELD. Captain Hall was appointed by the President of the United States to command this polar expedition under a law of Congress which authorized him to appoint some suitable person for that purpose. Two former expeditions, the manuscripts relating to which we propose to buy, were undertaken by private individuals. Mr. Grinnell was the principal patron. Those papers, which are voluminous, are said by Professor Henry, by Dr. Parker, and other men of learning capable of judging who have examined them, to be of considerable value. I know that Dr. Kane wrote a popular book, the sale of which produced a large sum of money. That I take to be evidence these manuscripts are equally valuable. The widow of Captain Hall, unlike Dr. Kane, is unable to write a book and to put it before the world, but is willing to dispose of these manuscripts in order, as she is in great need, to realize something in that way for the support of herself and children; and I can see no reason why anybody should object to the passage of this bill. I therefore demand the previous question.

Mr. GARFIELD. I hope the bill will pass.

Mr. MYERS. I hope there will be no objection. The committee are unanimously in favor of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCOFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COURTS IN UTAH.

Mr. POLAND. I intended to proceed with the Utah bill this morning, which is the regular order, but as the gentleman from Tennessee, [Mr. MAYNARD,] chairman of the Committee on Banking and Currency, gave notice yesterday he would endeavor to displace the regular order to take up the currency bill, I now desire to ask, Mr. Speaker, if I yield to the gentleman from Tennessee for that purpose, whether the Utah bill will lose its place?

The SPEAKER. It will not lose its place, but will have to give way to a vote on the Army bill, which is not to take up any time, and then this bill will be the regular order.

CURRENCY AND FREE BANKING.

Mr. MAYNARD. I am directed by the Committee on Banking and Currency to report the amendments of the Senate to House bill No. 1572, to amend the several acts providing a national currency and to establish free banking, and for other purposes, with a substitute.

Mr. HOLMAN. The substitute, I understand, is a substitute for the whole bill.

The SPEAKER. It is.

Mr. HOLMAN. The question will recur first on the substitute from the Committee on Banking and Currency.

The SPEAKER. It will.

The Clerk read the substitute, as follows:

That the act entitled "An act to provide a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be hereafter known as "the national-bank act."

SEC. 2. That section 31 of the "national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects as provided for in the said section.

SEC. 3. That section 22 of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed; and the proviso in the first section of the act approved July 12, 1870, entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," prohibiting to banks hereafter organized a circulation over $500,000; and the proviso in the third section of said act limiting the circulation of banks authorized to issue notes redeemable in gold coin to $1,000,000; and section 6 of said act, relating to the redistribution of $25,000,000 of circulating notes, be, and the same are hereby, repealed; that every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national-bank act."

SEC. 4. That every association organized, or to be organized, under the provisions of the said act, and of the several acts in amendment thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of such circulation; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of $1,000, or any multiple thereof, to the Treasurer of the United States, the same shall be redemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; whereupon each association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by whom they were issued; but if such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation, and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer.

SEC. 5. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the "national-bank act;" and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below $30,000.

SEC. 6. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 7. That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $382,000,000; and within thirty days after circulating notes to the amount of $1,000,000 shall, from time to time, be issued to national banking associations under this act, in excess of the highest outstanding volume thereof at any time prior to such issue, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to 40 per cent. of the circulating notes so issued, which shall be in reduction of the maximum amount of $382,000,000 fixed by this section; and such reduction shall continue until the maximum amount of the United States notes outstanding shall be $300,000,000; and the United States notes so retired shall be canceled and carried to the account of the sinking fund provided for by the second clause of section 5 of

the act approved on the 25th of February, 1862, entitled "An act to authorize the issue of United States notes, and for the redemption and funding thereof, and for funding the floating debt of the United States," and shall constitute a portion of said sinking fund.

SEC. 8. That on and after the 1st day of July, 1878, any holder of United States notes to the amount of fifty dollars, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon he shall be entitled to receive, at his option, from the Secretary of the Treasury, in exchange of said notes, an equal amount of either class of the coupon or registered bonds of the United States provided for in the first section of the act approved on the 14th day of July, 1870, entitled "An act to authorize the refunding of the national debt," and the act amendatory thereof, approved the 20th day of January, 1871: *Provided, however*, That the Secretary of the Treasury, in lieu of such bonds, may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue the United States notes so received, or, if they are canceled, shall issue United States notes to the same amount, either to purchase or redeem the public debt at par in coin, or to meet the current payments for the public service.

SEC. 9. That nothing in this act shall be construed to authorize any increase of the principal or interest of the public debt of the United States.

Mr. MAYNARD. I now move the previous question.

Upon seconding the previous question tellers were ordered; and Mr. SPEER and Mr. MAYNARD were appointed.

The House divided; and the tellers reported—ayes 95, noes 78.

So the previous question was seconded.

The question recurred upon ordering the main question.

Mr. RANDALL. Upon that question I ask the yeas and nays.

The yeas and nays were ordered.

Mr. HURLBUT. I rise to a parliamentary inquiry. I suppose that the first question is on agreeing to the amendment of the House to the Senate amendment, and if that fails then the question will come on concurring in the Senate amendment.

The SPEAKER. The Chair will state the position of the question. The first question is on agreeing to the amendment proposed by the Committee on Banking and Currency as a substitute for the Senate amendment. Should the House vote to agree to it, then there will be a second vote on agreeing to the Senate amendment as amended. If the House should negative the amendment of the Committee on Banking and Currency, the question will then be on concurring in the amendment of the Senate.

Mr. RANDALL. I desire to withdraw the call for the yeas and nays.

Mr. HURLBUT. O, no; we want the yeas and nays on ordering the main question.

Mr. RANDALL. Then I move to reconsider the vote by which the yeas and nays were ordered.

Mr. KELLEY. Let us have the yeas and nays.

The SPEAKER. Is there objection to withdrawing the call for the yeas and nays which have already been ordered?

Mr. KELLEY. I withdraw my objection.

No further objection was made.

Mr. BUCKNER. I renew the demand for the yeas and nays.

Mr. MAYNARD. I rise to make a proposition. I suggest that by general consent we take the yeas and nays on every question affecting the bill.

The SPEAKER. As well as on the main question?

Mr. MAYNARD. No; that we consider the main question ordered and then take the yeas and nays upon the amendment.

The SPEAKER. The House will settle that question.

The question was again put upon ordering the yeas and nays, and only 19 members voted therefor.

So the yeas and nays were not ordered.

The main question was then ordered to be put, being first on agreeing to the amendment reported by the Committee on Banking and Currency as a substitute for the amendment of the Senate.

Mr. RANDALL. On that question I ask for the yeas and nays.

The yeas and nays were ordered,

The question was taken; and there were—yeas 111, nays 118, not voting 60; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barry, Biery, Bradley, Bromberg, Buffinton, Burchard, Burleigh, Cain, Cessna, Amos Clark, jr., Clinton L. Cobb, Conger, Cook, Cotton, Crooke, Crutchfield, Curtis, Danford, Darrall, Dawes, DeWitt, Dobbins, Duell, Dunnell, Eames, Farwell, Foster, Freeman, Garfield, Gooch, Hagans, Eugene Hale, Hamilton, Hancock, Harrison, Hathorn, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Hubbell, Lamport, Lansing, Lawson, Lofland, Lynch, Maynard, McCrary, James W. McDill, MacDougall, McKee, Merriam, Mitchell, Monroe, Morey, Niles, Nunn, Orr, Packard, Packer, Pendleton, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Rusk, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, John Q. Smith, Snyder, Starkweather, St. John, Strait, Taylor, Thornburgh, Tremain, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Woodford—111.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Barrere, Bass, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Buckner, Bundy, Benjamin F. Butler, Caldwell, Cannon, Cason, John B. Clark, jr., Stephen A. Cobb, Coburn, Comingo, Corwin, Crittenden, Crossland, Crounse, Donnan, Durham, Eden, Eldredge, Field, Fort, Giddings, Glover, Harmer, Henry R. Harris, John T. Harris, Hatcher, Havens, Joseph R. Hawley, Hereford, Herndon, Holman, Hooper, Hunter, Hunton, Hurlbut, Hyde, Kelley, Kellogg, Kendall, Knapp, Lawrence, Leach, Loughridge, Lowe, Luttrell, Marshall, Martin, McNulta, Milliken, Morrison, Myers, Neal, Nesmith, Niblack, O'Neill, Orth, Page, Isaac C. Parker, Perry, Phillips, Pike, Potter, Pratt, Randall, Read, Robbins, James C. Robinson, James W. Robinson, Henry B. Sayler, Sener, Shanks, Sherwood, Sloss, Small, H. Boardman Smith, Southard, Speer, Sprague, Stanard, Standiford, Stone, Swann, Sypher, Christopher Y. Thomas, Townsend, Tyner, Vance, Waddell, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, William Williams, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, and John D. Young—118.

NOT VOTING—Messrs. Begole, Burrows, Roderick R. Butler, Freeman Clarke, Clayton, Clements, Clymer, Cox, Creamer, Crocker, Davis, Elliott, Frye, Gunckel, Robert S. Hale, Benjamin W. Harris, Hersey, George F. Hoar, Howe, Hynes, Jewett, Kasson, Killinger, Lamar, Lamison, Lewis, Lowndes, Magee, Alexander S. McDill, McJunkin, McLean, Mills, Moore, Negley, O'Brien, Hosea W. Parker, Parsons, Pelham, Purman, William R. Roberts, Ross, Milton Sayler, John G. Schumaker, Sessions, Smart, A. Herr Smith, George L. Smith, J. Ambler Smith, William A. Smith, Stephens, Storm, Stowell, Strawbridge, Charles R. Thomas, Todd, Waldron, Wheeler, Wilshire, Wood, and Pierce M. B. Young—60.

So the substitute was not agreed to. During the roll-call the following announcements were made:

Mr. BANNING. My colleague, Mr. SAYLER, is still confined to his room by sickness.

Mr. SOUTHARD. My colleague, Mr. JEWETT, has been necessarily called home to Ohio.

Mr. CLYMER. I desire to say that upon this question I am paired with my colleague, Mr. ROSS, who has been unexpectedly called home. Had he been here he would have voted "ay," and I would have voted "no."

Mr. POTTER. My colleague, Mr. WOOD, is detained at home by illness in his family. I desire to state further that my colleague, Mr. W. R. ROBERTS, is detained at home by severe illness, which confines him to his bed.

Mr. WILLIAMS, of Michigan. My colleague, Mr. BURROWS, is absent by leave of the House. If present he would vote "ay."

Mr. MARTIN. My colleague, Mr. CLEMENTS, is absent by direction of the House; if present he would vote "no."

Mr. CONGER. My colleague, Mr. WALDRON, is absent by leave of the House; if present he would vote "ay."

Mr. SCOFIELD. I wish to announce that my colleague, Mr. KILLINGER, is detained from the House by sickness.

Mr. HALE, of Maine. My colleague, Mr. FRYE, is unavoidably absent; if here he would vote "ay."

The question was upon concurring in the amendment of the Senate.

Mr. BUTLER, of Massachusetts. Is that subject to amendment?

The SPEAKER. It is not, the previous question having been ordered and being not yet fully executed.

Mr. MAYNARD. I desire to say that if the House should not concur in the amendment of the Senate I will then ask for a committee of conference upon the disagreeing votes of the two Houses.

Mr. ELLIS H. ROBERTS. Upon this question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 164, not voting 55; as follows:

YEAS—Messrs. Barber, Barrere, Barry, Biery, Bradley, Bundy, Benjamin F. Butler, Cain, Cannon, Cason, Cessna, Stephen A. Cobb, Conger, Crounse, Crutchfield, Darrall, Donnan, Fort, Harmer, Harrison, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Howe, Hunter, Hurlbut, Hyde, Hynes, Kelley, Loughridge, Lowe, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, McKee, McNulta, Myers, Orr, Orth, Packard, Isaac C. Parker, Phillips, Pratt, Purman, Ray, Henry B. Sayler, Isaac W. Scudder, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Snyder, Sprague, Stanard, Strait, Sypher, Taylor, Thornburgh, Tyner, Walls, Whiteley, William Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—70.

NAYS—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Bass, Beck, Begole, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Burchard, Burleigh, Caldwell, Amos Clark jr., John B. Clark, jr., Clymer, Coburn, Comingo, Cook, Cotton, Crittenden, Crooke, Crossland, Curtis, Danford, Dawes, DeWitt, Duell, Dunnell, Durham, Eames, Eden, Eldredge, Farwell, Field, Foster, Freeman, Garfield, Giddings, Glover, Gooch, Hagans, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Joseph R. Hawley, Hendee, Hereford, Herndon, E. Rockwood Hoar, Hodges, Holman, Hooper, Hoskins, Houghton, Hubbell, Hunton, Jewett, Kasson, Kellogg, Kendall, Knapp, Lamison, Lamport, Lansing, Lawrence, Lawson, Leach, Lofland, Luttrell, Marshall, Maynard, MacDougall, Merriam, Milliken, Mitchell, Monroe, Morrison, Neal, Nesmith, Niblack, Niles, Nunn, O'Neill, Packer, Page, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Rainey, Randall, Ransier, Rapier, Read, Rice, Richmond, Robbins, Ellis H. Roberts, James C. Robinson, James W. Robinson, Rusk, Sawyer, Scofield, Henry J. Scudder, Sener, Sloan, Sloss, Small, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Standiford, Starkweather, St. John, Stone, Swann, Christopher Y. Thomas, Townsend, Tremain, Vance, Waddell, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Woodford, and John D. Young—164.

NOT VOTING—Messrs. Bell, Burrows, Roderick R. Butler, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Corwin, Cox, Creamer, Crocker, Davis, Dobbins, Elliott, Frye, Gunckel, Robert S. Hale, Benjamin W. Harris, Hersey, George F. Hoar, Killinger, Lamar, Lewis, Lowndes, Magee, McJunkin, McLean, Mills, Moore, Morey, Negley, O'Brien, Hosea W. Parker, Parsons, Pelham, William R. Roberts, Ross, Milton Sayler, John G. Schumaker, Sessions, Smart, A. Herr Smith, George L. Smith, William A. Smith, Stephens, Storm, Stowell, Strawbridge, Charles R. Thomas, Todd, Waldron, Wheeler, Wilshire, Wood, and Pierce M. B. Young—55.

So the amendment of the Senate was not concurred in.

During the call of the roll the following announcements were made:

Mr. CLYMER. I desire to state that my colleague, Judge ROSS, who is absent and with whom I am paired, would if here vote "no." I also vote "no."

Mr. POTTER. I desire again to announce the absence of my colleagues, Mr. WOOD and Mr. WILLIAM R. ROBERTS, both of whom are detained by sickness.

Mr. MARTIN. My colleague, Mr. CLEMENTS, is absent by direction of the House; if present he would vote "ay."

Mr. HALE, of Maine. On this question my colleague, Mr. FRYE, who is unavoidably absent would if here vote "no."

Mr. DAWES. My colleague, Mr. CROCKER, is necessarily absent. If present he ought to vote "no."

Mr. WILSON, of Maryland. My colleague, Mr. O'BRIEN, is detained in his room by indisposition; if here he would vote "no."

Mr. MAYNARD. I move that a committee of conference be requested upon the disagreeing votes of the two Houses upon this bill.

Mr. RANDALL. I ask for the reading of the rule governing the appointment of committees of conference.

The SPEAKER. There is no rule governing the appointment of such committees.

Mr. RANDALL. What is the custom?

The SPEAKER. The Clerk will read from the Digest upon that subject.

The Clerk read as follows:

The usual course of proceeding previous to a conference is for one House to disagree to the other's amendment, and for the amending House to insist upon its amendment and ask a conference. * * * * * *

It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them.—*Manual.*

The SPEAKER. It is wholly a matter of discretion.

Mr. RANDALL. No, sir; so far as my memory goes——

The SPEAKER. Ah, the majority of conferences are asked at this stage of the proceedings. For instance, on all the appropriation bills conferences are asked at this stage.

Mr. MAYNARD. It is very seldom that an amendment goes back to be reacted upon.

The SPEAKER. The matter is one wholly of discretion; one for the majority of the House to determine, and not for any rule.

Mr. SPEER. Is it in order to ask for the yeas and nays upon requesting a conference?

The SPEAKER. It is; that is a matter to be decided by the majority.

Mr. SPEER. Then I ask for the yeas and nays.

The SPEAKER. The attitude of this question is this: The House stands insisting upon the original currency bill passed by it, and disagreeing to the amendment proposed by the Senate. On this state of disagreement the gentleman from Tennessee [Mr. MAYNARD] asks that the subject may be referred to a committee of conference. On that question the gentleman from Pennsylvania [Mr. SPEER] asks for the yeas and nays. The previous question is now exhausted.

Mr. RANDALL. I move to reconsider the various votes which have been taken this morning upon this subject, and to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. MAYNARD. I call for the previous question upon the request for a committee of conference.

The SPEAKER. The previous question is rarely ever called, for such a request is never debated.

Mr. MAYNARD. Then I withdraw the call.

The SPEAKER. The question is upon ordering the yeas and nays.

The yeas and nays were ordered; there being ayes 36, noes not counted.

The question was taken; and there were—yeas 133, nays 82, not voting 74; as follows:

YEAS—Messrs. Albright, Arthur, Averill, Barber, Barrere, Barry, Begole, Bell, Biery, Bland, Bowen, Bradley, Brown, Bundy, Burchard, Burleigh, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crittenden, Crounse, Crutchfield, Curtis, Danford, Darrall, Donnan, Duell, Dunnell, Farwell, Field, Fort, Foster, Freeman, Hagans, Harmer, Henry R. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Holman, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kasson, Lamison, Lamport, Lansing, Lawrence, Leach, Lofland, Lowe, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McKee, McNulta, Merriam, Monroe, Myers, Niles, Nunn, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Phillips, James H. Platt, jr., Thomas C. Platt, Rainey, Ransier, Rapier, Ray, Richmond, Robbins, James W. Robinson, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sener, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stanard, St. John, Strait, Taylor, Thornburgh, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Whitehead Wilber, George Willard, Charles G. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—133.

NAYS—Messrs. Adams, Albert, Archer, Ashe, Atkins, Barnum, Bass, Beck, Blount, Bright, Bromberg, Buckner, Buffinton, Benjamin F. Butler, Cain, Caldwell, Comingo, Cook, Crooke, Crossland, Dawes, DeWitt, Durham, Eames, Eldredge, Giddings, Glover, Eugene Hale, Hamilton, Joseph R. Hawley, Hendee, Hereford, Herndon, E. Rockwood Hoar, Hooper, Hoskins, Kelley, Kellogg, Kendall, Knapp, Lawson, Luttrell, Marshall, MacDougall, Milliken, Morrison, Neal, Niblack, O'Neill, Pendleton, Perry, Phelps, Pierce, Pike, Poland, Potter, Randall, Read, Rice, Ellis H. Roberts, James C. Robinson, John G. Schumaker, Scofield, Henry J. Scudder, Sloan, Small, H. Boardman Smith, Southard, Speer, Starkweather, Stone, Swann, Townsend, Tremain, Vance, Whitehouse, Whitthorne, Charles W. Willard, Willie, Wolfe, Woodford, and John D. Young—82.

NOT VOTING—Messrs. Banning, Berry, Burrows, Roderick R. Butler, Freeman Clarke, Clayton, Clements, Clymer, Cox, Creamer, Crocker, Davis, Dobbins, Eden, Elliott, Frye, Garfield, Gooch, Gunckel, Robert S. Hale, Hancock, Benjamin W. Harris, John T. Harris, Hersey, George F. Hoar, Killinger, Lamar, Lewis, Loughridge, Lowndes, Magee, McJunkin, McLean, Mills, Mitchell, Moore, Morey, Negley, Nesmith, O'Brien, Hosea W. Parker, Parsons, Pratt, Purman, William R. Roberts, Ross, Rusk, Milton Sayler, Sessions, Sheats, Sloss, Smart, A. Herr Smith, George L. Smith, William A. Smith, Standiford, Stephens, Storm, Stowell, Strawbridge, Sypher, Charles R. Thomas, Christopher Y. Thomas, Todd, Waddell, Waldron, Wheeler, White, Whiteley, John M. S. Williams, Wilshire, Ephraim K. Wilson, Wood, and Pierce M. B. Young—74.

So the motion of Mr. MAYNARD, that a conference with the Senate be asked on the disagreeing votes of the two Houses, was agreed to.

During the roll-call the following announcements were made:

Mr. CLYMER. On this proposition my colleague, Mr. Ross, with whom I am paired, would, if present, vote "ay," while I should vote "no."

Mr. SPEER. My colleague, Mr. STORM, who is called home by sickness, would, if present, vote "no." My colleague, Mr. MAGEE, who is absent by order of the House attending the burial of Mr. Mellish, would, if present, vote "no."

The result of the vote was announced as above stated.

Mr. MAYNARD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Some time subsequently

The SPEAKER said: The Chair desires to announce the conferees on the part of the House upon the disagreeing votes of the two Houses upon the banking and currency bill. The votes on which the selection of conferees is based are the original votes given April 14 on the bill of the House, and the vote given to-day by which the Senate amendment was disagreed to. Upon those votes the following gentlemen represent the action of the House: Mr. MAYNARD of Tennessee, Mr. FARWELL of Illinois, and Mr. CLYMER of Pennsylvania.

EVENING SESSION FOR BUSINESS OF JUDICIARY COMMITTEE.

Mr. BUTLER, of Massachusetts. I ask unanimous consent that the House hold a session on Monday evening next, commencing at seven and a half o'clock, for the consideration of reports from the Committee on the Judiciary.

Mr. RANDALL. I object.

Mr. BUTLER, of Massachusetts, subsequently said: I understand that the gentleman from Pennsylvania [Mr. RANDALL] withdraws his objection.

Mr. RANDALL. I do so with the understanding that the civil-rights bill is not to be brought up at the proposed evening session.

Mr. BUTLER, of Massachusetts. Neither that nor the Geneva award bill.

The SPEAKER. With that understanding the order will be made, if there be no objection.

Mr. WILLARD, of Vermont. This order will not obviate any point of order to which any bill reported on that evening may be liable?

The SPEAKER. Of course not.

There being no objection, the order was accordingly made.

PERSONAL EXPLANATION.

Mr. KELLOGG. I ask unanimous consent to make a personal explanation.

The SPEAKER. For how long?

Mr. KELLOGG. Two minutes.

There being no objection, leave was granted.

Mr. KELLOGG. This is the first time I have ever risen to make a personal explanation since I have been a member of Congress, and I presume it may be the last, in relation to anything appearing in regard to me in a newspaper. I find in the Associated Press dispatch of yesterday in the New York Evening Express a statement of a speech which is attributed to me, and which I shall ask the Clerk to read. I will state that I do not rise now to make any explanation on my own account; for I prefer generally to let these things pass by without calling to them the attention of the House. I was called "Mr. Kellogg, of Louisiana," in one of the leading papers of New York for one whole session; and I never made any objection to that even, and never rose to a personal explanation, though a man might prefer to have his own State recognized. But on behalf of my friend from Pennsylvania, [Mr. CLYMER,] whose thunder I do not wish and he does not wish any republican to steal, and certainly not to steal it myself, on his account solely I rise for this explanation. I ask the Clerk to read the extract I send to the desk. It is the Associated Press dispatch, mixed up probably after it left here, as it appears this morning in the New York Evening Express.

The Clerk read as follows:

THE MOIETY LAW.

Mr. KELLOGG (Republican, Connecticut,) presumed that few members, if any, would vote against the repeal of the law and the annulment of the contract.

He believed that the charges would have been sustained. It was an astounding thing that the President had not yielded to public opinion and removed these officials, instead of acting in defiance and disregard of it. It was only within a day or two that the President had removed a District official for attempting to tell the truth. This question, he said, would not be finally determined here. It would go elsewhere, and to that other tribunal, if justice were not obtained here, he would go with confidence.

Mr. KELLOGG. I only wish to say that the speech there reported is that of my friend from Pennsylvania, [Mr. CLYMER,] not mine.

Mr. RANDALL, (to Mr. KELLOGG.) If it were yours, it would be the best speech you ever made.

Mr. CLYMER. I so rarely trespass upon the indulgence of the House that I am not unwilling to claim the paternity at least of the little I ever do say here. With regard to this matter I should have felt very much worse if what my friend from Connecticut [Mr. KELLOGG] said had been attributed to me. Under the circumstances I do not feel at all aggrieved.

NAVY CHAIN-CABLES.

Mr. BUNDY, by unanimous consent, introduced a joint resolution (H. R. No. 105) in relation to the purchase of iron for the manufacture of chain-cables for the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PRESERVATION OF BALLOTS.

Mr. TREMAIN, by unanimous consent, from the Committee on the Judiciary, reported back a bill (H. R. No. 1979) to preserve ballots cast at, and all papers connected with, elections held for Representatives or Delegates to Congress, and for other purposes; which was ordered to be printed and recommitted.

REDUCTION OF THE ARMY.

Mr. RANDALL. I call for the regular order.

Mr. COBURN. In pursuance of notice already given and of leave obtained from the House, I report back from the Committee on Military Affairs the bill (H. R. No. 2546) providing for the gradual reduction of the Army of the United States.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the cavalry, artillery, and infantry regiments of the Army of the United States there shall be no new commission, no promotion, nor any enlistment until the number of regiments of cavalry shall be reduced to nine; the number of regiments of artillery to four; and the number of regiments of infantry to twenty. And the Secretary of War is hereby directed to reduce, by consolidation, the present numbers of these regiments, respectively, to the numbers hereinbefore stated, as rapidly as the requirements of the public service and the reduction of the number of officers will permit.

SEC. 2. That the number of enlisted men in the Army of the United States shall be reduced, on or before the 1st day of January, 1875, to the number of twenty-five thousand men; and this number shall not be increased except by law.

SEC. 3. That the President of the United States be, and he is hereby, authorized, at his discretion, to discharge honorably, from military service, all Army officers who may apply for a discharge on or before the 1st day of January next; and such officers, so discharged under the provisions of this act, shall be entitled to receive, in addition to the pay and allowances due them at the date of their discharge, one year's pay and allowances.

SEC. 4. That the grade of regimental adjutant and quartermaster and the grade of company wagoner are hereby abolished; and the lieutenants now holding the offices of regimental adjutant and quartermaster may be assigned, for duty, to companies in their regiments, and shall fill the first vacancies that shall occur in their respective grades therein; and nothing herein shall effect their relative rank with other lieutenants of their grade.

SEC. 5. That each regiment of cavalry shall have two majors, and the present number shall be reduced as vacancies occur; and no appointments shall be made to fill the same until the number of such majors shall be reduced to eighteen; and that number thenceforward shall be the total number of majors of cavalry; and that each regiment of artillery shall have two majors; and the present number shall be reduced as vacancies occur; and no new appointment shall be made to fill the same until the number of such majors shall be reduced to eight; and that number thenceforward shall be the total number of majors of artillery.

SEC. 6. That the number of aids of the General of the Army shall not hereafter exceed three; the number of aids of the Lieutenant-General and of the several major-generals shall not exceed two for each; and each brigadier-general shall have one aid. The rank, pay, and emoluments of the aids herein provided for shall be the same as officers of cavalry of the same grade, and no more.

SEC. 7. That the Adjutant-General's Department of the Army shall hereafter consist of one Adjutant-General, with the rank, pay, and emoluments of a brigadier-general; one assistant adjutant-general, with the rank, pay, and emoluments of a colonel; one assistant adjutant-general, with the rank, pay, and emoluments of a lieutenant-colonel; and four assistant adjutants-general, with the rank, pay, and emoluments of majors. As vacancies occur in the grade of major, no appointment to fill the same shall be made until the number shall be reduced to four; and thereafter the number of permanent officers in said grade shall continue to conform to said reduced number. And there shall be in addition eight assistant adjutants-general, with the rank, pay, and emoluments of captains of cavalry, to be detailed from the officers of the line of the Army.

SEC. 8. That the Inspector-General's Department shall consist of one colonel, two lieutenant-colonel, and two majors, with the rank, pay, and emoluments of officers of said grades; and the Secretary of War may, in addition, detail officers of the line, not to exceed four, to act as assistant inspectors-general: *Provided*, That officers of the line detailed as acting inspectors-general shall have all the allowances of cavalry officers of their respective grades; and no new appointment shall be made in the Inspector-General's Department until the number of inspectors-general is reduced to five.

SEC. 9. That the Bureau of Military Justice shall hereafter consist of one Judge Advocate General, with the rank, pay, and emoluments of a brigadier-general; and the said Judge Advocate General shall receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and shall perform such other duties as have been heretofore performed by the Judge Advocate General of the Army. In the corps of judge advocates no appointment shall be made as vacancies occur until the number shall be reduced to four, which shall thereafter be the permanent number of the officers of that corps.

SEC. 10. That the Quartermaster's Department of the Army shall hereafter consist of one Quartermaster-General, with the rank, pay, and emoluments of a brigadier-general; three assistant quartermasters-general, with the rank, pay, and emoluments of colonel; six deputy quartermasters-general, with the rank, pay, and emoluments of lieutenant-colonels; ten quartermasters, with the rank, pay, and emoluments of majors; and twenty assistant quartermasters, with the rank, pay, and emoluments of captains of cavalry; and there shall be in addition ten assistant quartermasters, with the rank, pay, and emoluments of first lieutenants of cavalry; and no appointments to fill the same permanently shall be made, but the same shall be filled by detail from the lieutenants of the line of the Army.

SEC. 11. That the Subsistence Department of the Army shall hereafter consist of one Commissary-General of Subsistence, with the rank, pay, and emoluments of a colonel; three assistant commissaries-general of subsistence, with the rank, pay, and emoluments of lieutenant-colonels; five assistant commissaries of subsistence, with the rank, pay, and emoluments of majors; and fourteen commissaries of subsistence, with the rank, pay, and emoluments of captains of cavalry. As vacancies shall occur in the grade of captain, no appointment to fill the same shall be made until the number shall be reduced to eight; and thereafter the number of permanent officers in said grade shall continue to conform to said reduced number; and the remainder, six in number, shall be filled by detail.

SEC. 12. That the Medical Department of the Army shall hereafter consist of one Surgeon-General, with the rank, pay, and emoluments of a brigadier-general; one assistant surgeon-general, with the rank, pay, and emoluments of a colonel; one chief medical purveyor, and two assistant medical purveyors, with the rank, pay, and emoluments of lieutenant-colonels, who shall give the same bonds which are or may be required of assistant paymasters-general of like grade, and shall, when not acting as purveyors, be assignable to duty as surgeons by the President; fifty surgeons, with the rank, pay, and emoluments of majors; one hundred and fifty assistant surgeons, with the rank, pay, and emoluments of lieutenants of cavalry for the first five years service, and with the rank, pay, and emoluments of captains of cavalry after five years' service; and four medical store-keepers, with the same compensation as is now provided by law; and all the original vacancies in the grade of assistant surgeon shall be filled by selection by competitive examination; and the Secretary of War is hereby authorized to appoint, from the enlisted men of the Army, or cause to be enlisted, as many hospital stewards as the service may require, to be permanently attached to the Medical Department, under such regulations as the Secretary of War may prescribe. And the number of contract surgeons shall be limited to seventy-five on or before the 1st day of January, in the year 1875; and thereafter no more than that number shall be employed.

SEC. 13. That the Pay Department of the Army shall hereafter consist of one Paymaster-General, with the rank, pay, and emoluments of a colonel; one assistant paymaster-general, with the rank, pay, and emoluments of a lieutenant-colonel; two deputy paymasters-general, with the rank, pay, and emoluments of majors; and thirty paymasters, with the rank, pay, and emoluments of majors.

SEC. 14. That from and after the 1st day of July, 1874, all muster and pay rolls, when made out, shall be forwarded to the paymaster of the department for which such muster and pay rolls are made out, and the said paymaster shall make out drafts, drawn on the Treasury of the United States, for the amount due to each person respectively whose name shall appear on said muster and pay rolls; and each of said drafts shall be made payable to the person who shall be entitled to receive such amount. And the said paymaster shall immediately send all such drafts, together with the aforesaid muster and pay rolls, to the officer by whom such muster and pay rolls were made out; and the said officer shall deliver such drafts severally to the persons who shall be entitled to receive them, and who shall have signed the proper pay-roll; and, at any time after receiving such draft, the payee, at his discretion, may indorse it in the presence of his commanding officer, who shall attest such indorsement by his signature: *Provided*, That the Secretary of War may, in his discretion, in cases where troops are located at remote points, or where payments as hereinbefore provided would work hardship to the men, direct payment in currency, as heretofore.

SEC. 15. That the Ordnance Department shall consist of one Chief of Ordnance, with the rank, pay, and emoluments of a brigadier-general; three colonels, four lieutenant-colonels, ten majors, fifteen captains, sixteen first lieutenants, and ten second lieutenants, with the same pay and emoluments as now provided by law. And as vacancies occur in the grade of first lieutenant no appointment to fill the same shall be made until the number shall be reduced to ten; and thereafter the number of permanent officers in said grade shall conform to said reduced number; and the remainder, six in number, shall be filled by detail from the officers of the line of the Army; and as vacancies shall occur in the grade of second lieutenant no permanent appointment shall be made to fill the same until the number shall be entirely reduced; and thereafter the same, as far as shall be required by the exigencies of the service, shall be filled by detail from the officers of the line of the Army: *Provided*, That no new appointment of ordnance store-keeper shall be made until otherwise provided by law.

SEC. 16. That whenever a vacancy shall occur in any department or corps of the staff which is to be filled by detail, it shall be the duty of the Secretary of War to fill the same from the officers of the line of the Army of the same or the next lower grade, for a period not to exceed four years with the same officer. And he shall appoint a board of not less than five officers, three of whom shall be of the line and two of the staff, to conduct competitive examinations of all officers who may be applicants or may be recommended to be detailed to fill such vacancies. And the Secretary of War shall detail those having the most favorable recommendations of said board, and not more than five officers from one regiment shall be so detailed at one time. And at the end of four years, any officer so detailed may be transferred to other staff duties for another term of four years, at the end of which time he shall be returned to his duties with his regiment unless he shall be appointed permanently to fill a vacancy in the staff. And no officer shall be detailed or appointed to serve in any department or corps of the staff until he shall have served at least four years in the field with the troops if above the grade of second lieutenant, and if a second lieutenant at least two years upon such duty consecutively. And no officer shall serve in any one department or corps of the staff by detail for a longer period than four years consecutively.

SEC. 17. That no officer now in the service shall be reduced in rank or mustered out by reason of any provision of law herein made reducing the number of officers in any department or corps of the staff, or by reason of the consolidation of regiments as hereinbefore provided.

SEC. 18. That the General of the Army and commanding officers of the several military departments of the Army shall, as soon as practicable after the passage of this act, forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties from any cause except injuries incurred or disease contracted in the line of their duty, setting forth specifically in each case the cause of such unfitness; the Secretary of War is hereby authorized and directed to constitute a board, to consist of one major-general, one brigadier-general, and three colonels, three of said officers to be selected from among those appointed to the regular Army on account of distinguished services in the volunteer force during the late war; and on recommendation of such board, the President shall muster out of the service any of the said officers so reported, with one year's pay; but such muster-out shall not be ordered without allowing such officer a hearing before such board to show cause against it: *Provided*, That any officer who shall have served in the Army thirty years, and who may be removed from service under the provisions of this section, may be placed upon the retired list of the Army.

SEC. 19. That as vacancies shall occur in any of the grades of any department or corps of the staff, no appointments shall be made to fill the same until the numbers in such grade shall be reduced to the numbers which are fixed for permanent appointments by the provisions of this act; and thereafter the number of permanent officers in said grades shall continue to conform to said reduced numbers.

SEC. 20. That for the purpose of promoting knowledge of military science, the President may, upon the application of an established college or university within the United States, with sufficient capacity to educate at one time not less than one hundred and fifty male students, give a leave of absence to any officer of the Army to act as president, superintendent, or professor of such college or university; that the number of officers so detailed shall not exceed one to each State at any time, and shall be governed by general rules, to be prescribed from time to time by the President of the United States; and the officers so having such leave of absence shall receive when on such duty the same pay and allowances as other officers on leave of absence. Preference shall be given, as far as practicable, to institutions controlled by the several State governments.

SEC. 21. That this act shall take effect and be in force from and after its passage.

Mr. BUTLER, of Massachusetts. I suggest to the gentleman to move to strike out the last section, as all acts take effect from their passage.

Mr. COBURN. Certainly.

The SPEAKER. It will be stricken out.

Mr. COBURN. The House, so far as I am informed, does not desire any lengthy discussion on this measure. I do not propose to make any extended argument showing the necessity and importance of this reduction of the Army. That question has been practically settled some time since by both Houses of Congress, and the reduction has in fact been made in the Army appropriation bill.

Let me say now to the House in considering this reduction of the Army that perhaps a false impression may have been created or attempted to be created in the public mind that those engaged in this

work of attempting to reduce the Army have a spirit of hostility toward the Army. I am here now to disavow on the part of the committee and every person connected with this matter here any such disposition of hostility. On the contrary, nothing but profound respect and honor so far as the Army is entitled to it is accorded to it not only by the committee but by all persons who have taken an interest in reducing it. The object now is a more economical management of the Government. The object is to cut down expenses as far as possible; and in every branch of the Government, whether in the Army, Navy, or civil service, to dispense with all officers or employés who can be dispensed with. It has occurred to the House, therefore, that there could be a considerable reduction not only in the civil but in the military service as well.

Some time since, in 1866, the size of the Army was much greater than it is now. It was then composed of fifty-one thousand men, in five regiments of artillery, twelve regiments of cavalry, and forty-five regiments of infantry. In 1870, four years after that, the Army was reduced to thirty thousand men, which is the present number, with twenty-five regiments of infantry, five regiments of artillery, and ten regiments of cavalry. Now, after the expiration of four years more, a similar reduction is proposed to be made. The reduction from 1866 to 1870 was twenty-one thousand, and we now simply propose a reduction of five thousand, with a proper proportion of officers. My own judgment is that the reduction is not great enough. I think we could get along with a smaller army, and protect the peace and honor of the country as well as with twenty-five thousand men. Outside of taking care of the Indian frontier there is very little to be done by an army. I cannot for my life see what else there is except to preserve the skeleton, and to have on hand a corps of officers educated and trained with ability sufficient to take command in time of danger and emergency and war.

It is not a beggarly thing in the present condition of our affairs to attempt to save money. Every man feels we must economize, and though the officers proposed to be mustered out of the service—not mustered out but to go out gradually—although they may be meritorious men, yet along with everybody else in the country they must put up with cessation of promotion and stoppage of advancement for a time. They too must join the throng of those who would save the nation's credit and purse by a little self-denial—quite as honorable as facing danger and defying hardships.

The whole country is engaged in a work similar to the one we are proposing to do in the Army, and that is to stop promotions and to decrease expenses until it is reduced down to the proper standard.

Now, this measure of the reduction of officers is not in the nature of a compulsory muster out or discharge; but it is expected to be accomplished by natural causes, by death, by resignation, and the other means by which the Army is rid of its officers. There is indeed a provision in the bill that authorizes a board to examine officers, and the only compulsory feature in it is this: that worthless or unfit officers may be put out of the service by its action with the sanction of the President. That will apply to but few cases and will operate in no one as a hardship, because the officers who will be thus discharged are unfit to be in the service. The presumption is and the fact is that a vast majority of the officers in the service are good, faithful, efficient, and honorable men, and those officers will remain until discharged by natural causes.

Now there is another provision in the bill to the effect that any officer who desires to resign can have a year's pay on so doing. That provision enabled the Army to get rid of a number of officers when it was reduced before. With the exception of these two cases the reduction is to be entirely from natural causes, and therefore no officer in the Army and no friend of any officer has a right to complain that any officer is treated with the least degree of hardship. On the contrary, their interests have been more tenderly regarded in this bill than generally the friends of reduction thought was necessary. I say therefore, Mr. Speaker, that so far from there being any hostility of feeling or any desire to injure anybody in the Army, the sentiment has been exactly to the contrary; one of kindness and regard for those gentlemen, many of whom have spent the best years of their lives in the service of their country, who have braved many dangers, who have patiently endured many toils, and who deserve the gratitude of their countrymen for meritorious and noble conduct.

Now the first reduction contemplated is that of regiments, of organizations; and the first section of the bill provides that there shall be a diminution of five regiments of infantry, one regiment of artillery, and one of cavalry. The number of men in these regiments is about five thousand. The number of officers in a cavalry regiment is forty-three, in an artillery regiment fifty-six, and in an infantry regiment thirty-five. The number of men in a cavalry regiment is one thousand and thirteen, in an artillery regiment seven hundred and sixty, and in an infantry regiment six hundred and five. The House, taking these data, can very readily calculate what the reduction in the expense will be. The officers, as I said before, of these regiments remain in the service until they go out by natural causes or are discharged on the report of the board as being worthless.

Now, that will leave forty-three officers of cavalry, fifty-six artillery officers, and one hundred and seventy-five infantry officers without any duty to perform. The method next adopted is to consolidate these officers and men with the regiments that remain in the service. There will not, however, be much consolidation of men in the service, because the reduction of the Army, according to the Adjutant-General, is very much greater in a single year than five thousand men, and there will be no necessity of transferring men from one regiment to another. Over seven thousand will be mustered out this year. But the bill provides that the officers may be consolidated or transferred to other regiments and put on duty, and after this is done still a large number will be left without any duties whatever to perform.

The next provision of importance in the bill relates to regimental adjutants and quartermasters. The testimony given before the committee was to the effect that these officers were extra, and I mean by the word extra that they are performing duties that might be performed by other lieutenants of the line; and the committee have thought it best, therefore, to report this fourth section, providing that the duties shall be performed in that way, and that these officers shall go out of this branch of the service. The testimony of some of the best officers of the Army was to the effect that these officers were not needed, and the Secretary of War has twice, I believe, recommended this provision. Quite a large saving will take place from abolishing these offices.

The next important provision is in relation to majors. The regiments of cavalry and artillery have each three majors, and it is the opinion of many officers and of many men who have knowledge on the subject that even one major would be enough, especially in time of peace, for every cavalry and artillery regiment, just as the infantry regiments have at present only one major. The office, at best, is not a very important one, and it is believed that in time of peace the number of majors in cavalry and artillery regiments might be cut down to one for each regiment. This will reduce the number of majors in each cavalry regiment to two, which makes a reduction in the ten cavalry regiments of ten majors, and in the five infantry regiments of five majors.

The next provision is in relation to the aids of the General of the Army. They have by law the rank of colonel. The committee supposed that those officers performed a duty which at best is a very light and pleasant one, and is quite desirable. And they supposed they might do with the same pay that they are entitled to in the ordinary line of service. They ought to be satisfied with their proper rank and pay in their own commands.

The next reduction is in the department of the Adjutant-General. There are now in the Adjutant-General's Department sixteen officers. The bill provides for fifteen, of whom eight are to be detailed and the others to be permanent. That brings up a point in the discussion of this bill that is somewhat interesting. As I said before, quite a large number of officers by this reduction will be thrown out of service, some two hundred and fifty or more. It is thought best that there should be selected from those officers some who may discharge staff duties. Certainly out of so large a number a few can be selected who will perform staff duties of any kind well. The Government must pay those officers whose commands are abolished, and should receive their services if they can be secured. They can get them in the staff in as profitable a way as anywhere else, perhaps more so. In addition to that there is this consideration, that officers of the line thereby become acquainted with staff duties, and with duties of every branch of the Army and every important matter connected with it. Nothing can be more valuable to an officer than to become acquainted not only with the duties of the line but also of the staff. That acquaintance fits him at once to take high command and to occupy important positions in the Army. The great danger in the Army is this: men being confined to a specialty, whether in the line or in the staff, may have their minds narrowed and their capacity too much confined and cramped, so that in time of danger they may become less capable of assuming important responsibility and holding high commands than if their duties were more varied.

The Committee on Military Affairs of the House last Congress investigated the subject of staff organization thoroughly, and made a report containing the views of many of the most eminent and able officers of the Army. This report was published, and I now call the attention of the House to some of these opinions showing the feasibility of detailing officers of the line for staff duty. The statements I shall quote are confirmed by the testimony of many other officers whose names need not be mentioned at this time.

I verily believe that it would be good policy to detail at least half of the staff in all branches except those of engineering, medicine, and law. By this means the highest degree of training could be brought about for all of our young officers, and a thorough knowledge of all the essentials for high command imparted to them.

General Ord says that the President should be allowed to transfer officers of the same rank from the staff to the line, or the reverse, at his option. This would be a check on disbursing officers, would result in the selection of men better fitted for the places, besides giving them instruction.

General Upton says in special corps, like the Engineer or Medical Corps, officers are unquestionably more efficient who are educated, trained, and promoted specially for these services. But in order to increase the amount of staff knowledge in the Army, and to keep the officers of the staff corps acquainted with the wants and requirements of the line, transfers from the staff to the line, and the reverse, for a period not exceeding four years, would in the highest degree be beneficial. The duties of the adjutant and inspector generals, quartermasters, commissaries, and paymasters are in no degree scientific, and can be learned by officers detailed from the line. Promotions to the grade of first lieutenant in the Ordnance and Engineer Corps should

be made not from the Military Academy, but by competitive examination from first and second lieutenants who have served three years in the line. Cadets who graduated with high honors may become indolent; but three years' continuous preparation for examination for promotion would be highly advantageous.

General Stanley is of the opinion that the effect of continuing the same officers in a particular department or corps of the staff, and of allowing only promotions therein, is to produce a set of narrow-minded and inefficient men, who, enjoying great ease and comfort during peace, are totally unfitted for war. A law making transfers between line and staff, and from one staff corps to another up to the rank of major, would stimulate ambition and would promote study and efficiency. The Prussian practice is the correct one, *i. e.*, to place the staff officers on the most varied duties, and especially to serve a proper time in the line. Transfers should be made between the engineers and the line when engineer officers proved unapt, and the line officer gave evidence of the necessary qualities as proved by examinations.

General Gibbon thinks that officers should be transferred from the staff to the different arms of the line so as to serve for a term of years in each. The staff of an army should consist of the very first brains of the service, thoroughly conversant with all of its details; and such a knowledge can only be attained by service in the different arms. When a vacancy occurs in the staff it should be filled not by promotion, but by selection from all of those of the next lower grade in both line and staff, the General-in-Chief making the selection from a certain number, say three, nominated by an advisory board. This would promote efficiency, put the best ability on the staff, and restore sympathy between the staff and line. Staff positions are a prize, and thus can be obtained by the deserving. This system should be adopted only with reference to those branches of the staff corps which, from the nature of their duties, are most intimately connected with the line, namely, the Adjutant's, Quartermaster's, Subsistence, Judge-Advocate's, and Inspector's Departments. This method of selection should be for grades below that of colonel. All persons educated, trained, and promoted for a specialty are more efficient for that specialty; but officers of the Army are not more efficient as military officers from being so educated. Their efficiency should be increased by a greater freedom of detail and transfer.

General Hazen thinks that the effect of permanent and exclusive staff organizations is to raise up special class interests both unmilitary and antagonistic to the Army itself. It subtracts from the Army many of its best soldiers, who cease to be military men; they become routine office-men, incapable of rising to meet great emergencies. Staff officers should never be entirely or permanently detached from the troops, but have regular alternate periods of duty with them. Duty with the troops, not on the staff, is the permanent business of the soldier. The special term staff officers should embrace only those who do purely military duty of an executive nature.

General McClellan says that the functions of the lower grades in the various staff corps should be performed by officers detailed from the line for a period long enough to instruct them fully; and that the higher grades should be permanently filled by selections from among the best of the line officers who have been thus detailed. These details should not continue longer than four years. In this manner the knowledge of staff duties would be widely spread through the line to the benefit of the whole service. To provide for this without injury there should be a sufficient number of supernumerary officers.

General Reynolds advises a greater freedom of detail and transfer in the staff; thinks that the present organization begets no common interest or common feeling in the Army. The most universal desire is to get away from the troops and into the cities among papers. The reason for this unnatural tendency is seen in the defective organization, when the latter positions will bring rank, light duties, and all the attractions of civilization and society. What encouragement is there for an officer to remain with what constitutes the effective part of an army, namely, the legal organization composed of men under arms? High military rank should not be attained by an officer except by service with the troops, and the principal part of the service should be with them. The amount of rank in the staff corps is detrimental to the best interests of the service. A better system than the present for the efficiency and harmony of the service would be to have the duties of staff departments referred to performed by officers detailed for that purpose, and not to be retained on such duty for a longer time than four years for one term of staff duty.

General Hunt says the proper school for acquiring administrative knowledge as well as command is in the regiment. It will be perceived by reference to Cullom's Biographical Register of the graduates of the Military Academy from 1821 to the adoption of "specialties for everything," that regimental officers found constant employment of a useful and improving character, thus diffusing throughout the Army an amount of knowledge and a degree of efficiency, both military and special, previously unknown. He says the readjustment of the staff and duties would simplify army administration, make it more efficient, and go far toward securing all the principal benefits expected from consolidation without sacrificing the special advantages claimed for the present system, and would prove beneficial in securing a greater freedom of detail and transfer than at present exercised.

General Sherman, in answer to interrogatories, has made the following statements:

Question. In your judgment do the duties of the Ordnance and Engineer Corps, being scientific specialties, require their separation from the ordinary routine of Army duties? Do they require seclusion, as it were, from the Army?

Answer. I think not; I think on the contrary that all officers of the Army, in their own interest, should know what a soldier can do in order to know what works of defense and offense are proper. I asked the question of Field Marshal Von Moltke, in Prussia, who I suppose at this moment stands at the very head of the military profession. I said to him: "You are chief of the staff, which embraces all the staff departments of the Prussian army. You bring your young officers to Berlin to school as we send our young men to West Point. Do you ever send them to their regiments?" His reply was, "O, yes; they go to their regiments. We never separate an officer from troops, except *by way of detail*. He goes back to his troops again as soon as the special service is ended. *No officer is permanently out of the line* of the army." My understanding from the conversation I had with Von Moltke and others, however, was that officers of the staff departments in the Prussian army are detached as chiefs of staff and assigned to generals of corps, generals of divisions and brigades; but that *these officers are at no time for a very long period separated from the troops of the line*. In other words, every staff officer is required for a considerable period of his life to serve with soldiers. In our Army, as I have said, an ordnance or engineer officer knows no more about commanding soldiers and of the conduct of the men who carry muskets than other well-educated gentlemen.

Q. Would you advise a change or transfer of the officers of these corps into the line and the officers of the line into these corps as a general rule?

A. I would insist upon every officer of the Ordnance or Engineer Departments, for his own good and to enlarge the sphere of his usefulness, serving a portion of his time on duty with troops and upon their not being kept so distinct and separate. They go to West Point and graduate after four years' instruction. They then go into the Ordnance or Engineer Departments and settle down into ordnance and enneer officers; that is all and nothing more. They are perfectly qualified for these duties; but, as I have said, they can know nothing about commanding soldiers except by inspiration. My own preference would be to require these graduates to serve for a length of time in the line of the Army before being eligible to either of these staff departments, and I would then require them, after a certain period of time, to be sent back to the line of the Army to serve for another period, when they might again be re-eligible in the ordnance or engineer service.

Q. It has been suggested by some of the officers who have answered questions to this committee that the term of staff duty be prescribed, and that officers should be limited to a short term of duty and then sent back to the troops. Would you regard that as a good policy?

A. I would regard that as an excellent policy.

Q. Have you looked at the law to see what changes would be effectual to secure this result?

A. I have not, and I should not like even to suggest such a change, because to frame a law or to criticise a law presumes a knowledge of the principles of government greater than I aspire to. I merely say that such a law as would result in bringing harmony into all parts of the Army would be most desirable. Under our democratic form of government it does seem a little hard when troops, having been away in a difficult service, exposed to hardships and discomforts, and coming to an arsenal, find that they cannot enter it without permission of a junior officer in charge. It tends to create discontent when they find a captain or lieutenant living in a fine mansion, with all the comforts and elegance of a gentleman, while the colonel or major in command of the troops in the same Army must sleep out under the fence, it may be. If a regiment of troops is quartered in the vicinity of an arsenal the colonel will take a shanty or quarters in rough barracks, while the captain or lieutenant of ordnance lives in an elegant mansion, with gardens and hot-houses all around him. I say that it naturally produces discontent in a democratic country like ours.

Q. Do you think anything substantial is to be gained by confining these staff officers to special duty in their corps for a great length of time?

A. No, sir; they should go back and serve with the troops of the line a fair proportion of their period of service.

Q. How would you regard a provision of law requiring every officer in the Engineer or Ordnance Corps below the grade of major or lieutenant-colonel to serve at least two out of every four years with the troops?

A. I think every officer should serve with troops four years before he is eligible to detail in any of the staff corps, and that having remained on staff duty for four years, he should then return to the line and serve four years more before becoming re-eligible for staff duty of a higher grade.

Q. Do you think the system of competitive examination for these staff positions would be an advantage?

A. I do, but if you subject them to competitive examination and then commission them, it would be very difficult to change them afterward. I want to repeat that I believe the officers of the Engineer and Ordnance Corps are well qualified for their respective positions. They are taken from the head of their classes at West Point. They are good scholars, but the difficulty is that they are put into these favored corps and begin directly to look down upon the rest of the Army. They themselves fail to acquire that practical experience with soldiers which every officer ought to have. They pass directly from the Academy into the Engineer or Ordnance Corps, and they never see troops except as a curiosity.

The opinions of these men, and such as they, must ultimately bring about a reorganization of the staff upon the principles indicated. We need an army capable of expansiveness, with officers trained to all the varied duties. It must needs be small, but it should be a perfect nucleus. We cannot give our officers the daily training and experience only to be acquired in handling a large standing army, as the Prussians do, but we can, even in our small force, vary the duties, studies, and responsibilities so as to fit the *élite* of our Army to any purpose required in a great war.

The number of officers in the Adjutant-General's Department is reduced one. At present there are sixteen officers there and we propose that there shall be fifteen, eight of them to be by detail. This matter of detail does not meet with the universal approval of officers, especially of the staff, because they desire that the staff shall be permanent, that officers shall go in there and stay all the days of their lives. It is, however, I believe the opinion of the majority of the best officers of the Army that a system of detail into the staff would be most advantageous both to the staff and to the line. The committee therefore have provided for detail in several branches of the staff. In the Adjutant-General's office, the Inspector's, the Quartermaster's, Subsistence, and Ordnance Departments there are provisions in the bill for detailing officers.

The Quartermaster's Department is the next one I shall notice. The present number of officers in that department is fifty-seven. The bill provides for forty permanent and ten detailed officers in it, making fifty in all. That is a reduction of only seven officers in that department. In the Subsistence Department there are at present twenty-five officers. The bill provides for twenty-three, six of whom

shall be detailed. That is a reduction in number of only two. Certainly these reductions furnish no ground of complaint.

The Medical Department of course cannot be filled by detail, for that is a scientific specialty. Neither can the Bureau of Military Justice be filled by detail. Lawyers and doctors are not men who obtain their knowledge or experience by training in the Army. So with the Engineer Department; that is a high scientific specialty, and no provision is made for detail there.

I will pass on to the Ordnance Department. It is the opinion of the committee that lieutenants could be detailed to advantage for that department, and provision is made that there shall be details to the number of sixteen, so that officers in the line of the Army may have an opportunity to obtain a knowledge of the structure and management of ordnance. The number of officers now in the Ordnance Department is fifty-seven, and the number proposed by the bill is fifty-nine, sixteen of whom are to be detailed. It is believed that the knowledge thus obtained will be of great value to the officers put on duty in this corps of the staff.

Now, as the House may not understand the operation of the system of details, let me remark that the entire expense and cost of these officers who may be detailed is saved by this system. There would be the regular number of officers in the line, in addition to those on the staff, if there were none detailed. The detailed officers get their pay in the line and get no more by being detailed on the staff. The House will therefore see that this is a measure of economy, saving exactly the pay and allowances of the number of officers detailed. Take for instance the Adjutant-General's Department; say that it is reduced one-half of the permanent officers, and that half of the number of officers are detailed. The House will see at once that if the officers were of equal rank the saving would be just one-half of the pay and expenses of the Adjutant-General's Department.

I now want to call the attention of the House for a short time to what will be saved by the proposed reduction. I have in my hand a statement of General Townsend as to the yearly cost of a regiment of each arm of the service, showing what would be saved by reducing the same. What I read now has no reference to the officers, but to the men alone. The cost of a regiment of cavalry is $842,000 per annum besides the pay of the officers. "The cost of a regiment of artillery is $490,252; the cost of a regiment of infantry is $397,141; both without the officers." So that the cost of three regiments, a regiment of cavalry, a regiment of artillery, and a regiment of infantry, would be $1,729,000, besides the cost as to the officers.

To show what is the comparative cost of officers and men, so that the House can make an estimate on this subject, I will read a statement of the Paymaster-General:

In reply to your inquiry of the 15th instant, I will state that the aggregate pay of officers for the last fiscal year is $4,086,000; the aggregate pay of enlisted men $4,080,000.

So that the House will see that the pay of officers is about equal to the pay of the men. No calculation can be made to show exactly the pay and all the allowances of the officers who would be discharged, for the reason that an annual increase is put upon the pay of every officer in the Army; and, until you can designate the particular men who are to go out of service, you cannot make a precise estimate as to what the reduction in the pay will be. The prices of forage and fuel also vary. But it may be said, taking it altogether, that the reduction in the pay and expenses of officers to the Government would about equal the reduction in the expense of the men.

I have made some calculations in connection with this subject; but these calculations do not include the amount of forage and fuel allowed to officers. This is a matter that is somewhat at sea. The prices of fuel and forage vary in different places. The Paymaster-General states that the average cost of fuel, quarters, and forage is $110 a year for each officer. I call the attention of the House to this calculation of the reduction made by the bill, not including forage and fuel and not including the increased percentage of pay, because no man can tell what that would be unless he could designate the particular officers who would be mustered out.

Summary of saving by the proposed reduction of the Army.

	Expense under existing law.	Expense by provision of bill.	Reductions.
Majors, adjutants, quartermasters, and company wagoners	$415,560	$109,864	$305,696
Adjutant-General's Department	87,348	27,900	59,448
Inspector-General's Department	42,492	15,380	27,112
Bureau of Military Justice	34,192	14,456	19,736
Quartermaster-General's Department	279,924	148,024	131,900
Subsistence Department	116,548	67,986	48,562
Medical Department	726,600	148,684	177,916
Pay Department	258,308	134,092	124,216
Ordnance Department	159,036	69,240	89,796
Annual cost of one regiment of cavalry	842,200	None.	842,200
Annual cost of one regiment of artillery	490,250	None.	490,250
Annual cost of five regiments of infantry	1,985,700	None.	1,985,700
Total	5,438,158	1,135,626	4,302,532

To this is to be added the pay of the officers of the regiments abolished.

One regiment cavalry	$75,800
One regiment artillery	97,400
Five regiments infantry	298,000
Total	471,200

This sum covers only the pay at the lowest rate of these officers and none of their increase or allowances, whichwould make it at least one-fourth more, or about $600,000 in all. To this is to be added the cost of recruiting five thousand men every year, which would be $100,000 more. In addition to this there is the forage and fuel to which these officers would be entitled. Thus the House will see that the saving which will accrue to the Government from this reduction will be in the neighborhood of $5,000,000.

This, I believe, covers the amount of saving in the reduction of officers. In addition to that, let me call the attention of the House to the provision in the bill that the number of contract surgeons shall be limited to seventy-five. At present there are one hundred and seventy-three. The number of surgeons in the Army is one hundred and fifty-five, the bill proposes to increase the number of these to two hundred and nine; and to limit the number of contract surgeons to seventy-five, so that the whole force in the Medical Department, if this bill is carried out, will be two hundred and eighty-four, while at present it is three hundred and twenty-eight. In view of the large reduction in the number of posts that will follow the reduction and consolidation of the Army, the West drawing upon the East and South as a necessary result of the legislation of Congress, the number of surgeons will not need to be so great as it has been heretofore. In that respect there will be a considerable saving.

In connection with the Pay Department a new provision has been inserted, and one that meets the decided hostility, I may say, of all the officers of the Pay Department. In the first place they are opposed to a reduction of the Pay Department, but desire an increase. There are now in that department three colonels and forty-four majors. The bill proposes to cut the number of paymasters down to one colonel, one lieutenant-colonel, and thirty-two majors, making a force of thirty-four instead of forty-seven. In addition to that there is a provision that where it is possible the troops shall be paid by drafts upon the Treasury, as pensioners are now paid. Under the new practice of the Government which has prevailed within the last few years in the payment of pensioners, a very large number of them have been paid by draft with the greatest facility. The amount paid for pensions during the last year was $29,185,289; the number of pensioners is 238,411, who are paid by a not very much greater number of pension agents than the paymasters of the Army. The total cost to the Government of paying these pensioners is $462,000; yet it is found that in order to pay 30,000 soldiers it costs over $320,000, almost as much as it does to pay all the 238,000 pensioners. Now it has been thought that wherever our Army is in places where drafts can be used, drafts can be made out in accordance with the pay-rolls, can be sent to the soldiers and cashed very readily. This subject of paying the troops has had the careful consideration of our committee. The very same objection, it seems to me, might be raised to the payment of individuals by drafts that would be raised to the payment of soldiers in that way. At present a large number of our soldiers are within reach of moneyed institutions. There are but one hundred and seventy-five posts where soldiers are found, while there are 238,000 pensioners scattered in different places all over the country; and every one of these must have a separate certificate of pay mailed to him. So far as this part of the business is concerned the advantage is in favor of paying the Army by drafts.

Now, why cannot it be carried out practically in the Army as in private life, so that soldiers shall be paid as pensioners? Each man gets his certificate, and everywhere through the country it is found these drafts are considered to be just as good as "greenbacks," as good as bank-notes, as good as the ordinary currency of the country. They pass in stores and everywhere else at par. This is the universal testimony. Some of the officers of the Army have expressed the decided opinion that in many instances the pay of the soldiers could be made in this manner.

Soldiers, it is true, are under command. It is true they do not have the liberty to go and come to and fro as others do, but these men have officers whose duty it is to care for them and who can look to their interests. If they need to have their drafts cashed it can be done by the help of the officers easily. I see no difficulty in the way worthy of note. It seems to me these objections in nine cases out of ten are imaginary. In many cases it will be found the Army is stationed in the neighborhood of cities, railroads, or rivers, and certainly in the neighborhood of business men. So much for that. It may be considered to be a defect in the bill, but it is submitted to the judgment of the House with the belief that it will work well in a large number of cases. The bill provides that this method of pay is to be adopted at the discretion of the Secretary of War.

In looking at all the aspects of the Pay Department I cannot but ask myself, Why does it cost less than two dollars a head to pay scattered pensioners and more than twelve dollars a head to pay grouped soldiers? The soldiers are to be found in less than two hundred posts, the pensioners are everywhere. At first glance it would seem that it would be much easier to pay soldiers by draft by mail than citizens. I have here a table prepared by the Commissioner of Pensions at my request, which shows the facts as to the payment of pensions. I submit it for the consideration of the House:

Statement of the amount disbursed at each agency for paying pensions, number of pensioners on the rolls June 30, 1873, number of vouchers paid at each agency during the fiscal year ending June 30, 1873, with the compensation accruing to each agent under acts of Congress.

Town and State.	Amount disbursed.	Number of pensioners on roll June 30, 1873.	Number vouchers paid.	Compensation.		
				Acts July 17, 1862, June 30, 1864.	Fees, act July 8, 1870.	Total compensation.
Little Rock, Arkansas	$129,970 51	747	2,351	$2,750 00	$705 40	$3,455 40
Hartford, Connecticut	441,801 22	3,740	14,542	4,000 00	4,362 70	8,362 70
San Francisco, California	69,095 88	532	1,355	1,872 20	406 48	2,278 68
Washington, District of Columbia	791,504 21	4,143	18,588	4,000 00	5,576 30	9,576 30
Wilmington, Delaware	72,545 61	574	2,283	1,908 24	684 86	2,593 10
Indianapolis, Indiana	1,216,103 50	10,257	43,261	4,000 00	12,978 25	16,978 25
Madison, Indiana	416,880 26	3,316	12,750	4,000 00	3,825 00	7,825 00
Fort Wayne, Indiana	452,453 71	3,671	12,889	4,000 00	3,866 80	7,866 80
Springfield, Illinois	573,228 45	4,526	17,024	4,000 00	5,107 23	9,107 23
Chicago, Illinois	779,565 32	6,435	23,981	4,000 00	7,194 30	11,194 30
Salem, Illinois	794,964 27	6,195	17,289	4,000 00	5,186 80	9,186 80
Quincy, Illinois	437,070 06	3,332	11,933	4,000 00	3,580 00	7,580 00
Des Moines, Iowa	309,270 96	2,358	8,111	3,750 00	2,433 30	6,183 30
Fairfield, Iowa	351,297 46	2,822	10,008	3,750 00	3,002 40	6,752 40
Marion, Iowa	370,347 68	2,936	10,880	4,000 00	3,263 90	7,263 90
Louisville, Kentucky	562,448 32	4,119	15,183	4,000 00	4,554 70	8,554 70
Lexington, Kentucky	379,379 65	2,583	9,874	4,000 00	2,962 00	6,962 00
Topeka, Kansas	268,061 30	1,974	7,293	3,500 00	2,187 90	5,687 90
New Orleans, Louisiana	122,878 83	792	2,150	2,750 00	645 00	3,395 00
Augusta, Maine	417,212 01	3,552	12,724	4,000 00	3,817 20	7,817 20
Portland, Maine	469,740 77	3,983	15,542	4,000 00	4,662 60	8,662 60
Bangor, Maine	359,050 84	3,325	12,536	4,000 00	3,760 90	7,760 90
Boston, Massachusetts	1,466,214 66	13,310	47,083	4,000 00	14,124 80	18,124 80
Baltimore, Maryland	396,689 88	3,111	11,733	4,000 00	3,519 90	7,519 90
Vicksburgh, Mississippi	85,039 49	523	3,150	2,139 11	944 95	3,584 06
Saint Louis, Missouri	599,623 37	4,735	15,281	4,000 00	4,584 20	8,584 20
Macon, Missouri	408,455 07	2,846	9,958	4,000 00	2,987 50	6,987 50
Detroit, Michigan	799,591 37	8,686	32,749	4,000 00	9,824 70	13,824 70
Grand Rapids, Michigan	234,289 88	1,881	7,427	3,250 00	2,228 30	5,478 30
Saint Paul, Minnesota	278,482 88	2,228	7,620	3,500 00	2,286 10	5,786 10
Concord, New Hampshire	431,182 32	3,865	14,492	4,000 00	4,347 60	8,347 60
Portsmouth, New Hampshire	129,429 53	1,150	4,195	2,750 00	1,258 50	4,008 50
Albany, New York	1,498,809 24	12,572	47,098	4,000 00	14,129 45	18,129 45
Canandaigua, New York	1,377,174 64	11,908	44,417	4,000 00	13,325 10	17,325 10
New York, New York	1,075,739 32	8,686	32,281	4,000 00	9,684 27	13,684 27
Brooklyn, New York	393,279 64	3,113	11,382	4,000 00	3,414 60	7,414 60
Trenton, New Jersey	605,965 99	4,986	18,309	4,000 00	5,492 90	9,492 90
Raleigh, North Carolina	133,924 87	867	2,569	2,750 00	770 70	3,520 70
Omaha, Nebraska	53,108 21	368	1,339	1,031 34	401 70	1,433 04
Santa Fé, New Mexico	6,999 13	48	146	139 94	43 73	183 67
Columbus, Ohio	831,135 47	6,765	26,450	4,000 00	7,935 00	11,935 00
Cincinnati, Ohio	1,253,134 11	10,104	36,148	4,000 00	10,844 40	14,844 40
Cleveland, Ohio	759,475 54	6,246	22,722	4,000 00	6,816 60	10,816 60
Oregon City, Oregon	13,395 95	102	329	264 34	98 79	363 13
Philadelphia, Pennsylvania, (invalids)	1,149,020 94	10,710	40,905	4,000 00	12,271 70	16,271 70
Philadelphia, Pennsylvania, (widows)	1,336,447 81	10,252	38,814	4,000 00	11,644 00	15,644 00
Pittsburgh, Pennsylvania	908,076 01	7,406	25,885	4,000 00	7,765 40	11,765 40
Providence, Rhode Island	160,419 87	1,350	4,856	3,000 00	1,456 80	4,456 80
Nashville, Tennessee	288,653 48	2,134	6,672	3,500 00	2,001 58	5,501 58
Knoxville, Tennessee	454,319 30	4,181	11,302	4,000 00	3,390 60	7,390 60
Montpelier, Vermont	283,601 00	2,529	9,657	3,500 00	2,897 00	6,397 00
Burlington, Vermont	235,471 57	2,068	8,032	3,250 00	2,409 60	5,659 60
Richmond, Virginia	276,893 20	2,076	7,457	3,500 00	2,237 10	5,737 10
Wheeling, West Virginia	510,412 49	4,067	15,671	4,000 00	4,701 30	8,701 30
Madison, Wisconsin	334,749 71	2,581	10,815	3,750 00	3,244 60	6,994 60
Milwaukee, Wisconsin	458,416 47	3,661	13,287	4,000 00	3,986 10	7,986 10
La Crosse, Wisconsin	167,002 29	1,324	4,626	3,000 00	1,387 80	4,387 80
Vancouver, Washington Territory	5,854 02	60	97	114 21	29 10	143 31
Total	29,185,289 62	238,411	877,501	199,719 38	263,250 49	462,969 87

MAY 14, 1874.

JOSEPH LOCKEY,
Acting Commissioner of Pensions.

But, again, why shall we increase the Pay Department if we diminish the Army? At present, with thirty thousand men we have forty-two paymasters. Cannot one paymaster, with the help of a clerk, pay a thousand men six times a year? The question itself is almost ridiculous. But under the reduction he will not have six hundred men to pay. It seems preposterous to increase the number of paymasters and diminish the Army. To say nothing of the expense, it is beyond belief that a paymaster with such duties to perform can be employed his full time.

I believe I have gone over the material provisions of the bill. If I have omitted anything material it has not been my intention to do so.

I have here a statement of the entire number of officers in each staff corps of the Army, and I will read for the information of the House the totals of the various staff corps, so the House may see the condition of our staff corps at a glance.

The Adjutant-General's Department in 1860 had fourteen officers, in 1866 thirty officers, in 1874 sixteen officers. We propose only to cut that down one, a part being detailed. In the Inspector-General's Department in 1860 there were two officers, in 1866 nine, and now there are eight. We propose to make the number five. In the Judge Advocate General's Department there was one officer in 1830, in 1836 twelve, and now we propose to cut it down to five. The signal service remains as it is. In the Quartermaster's Department there were forty-four in 1860, ninety-two in 1865, and there are now sixty-six officers. The bill proposes to cut it down to fifty, ten to be detailed. The Subsistence Department in 1860 had twelve officers, twenty-nine in 1866, and at present has twenty-five. The committee propose to cut that down to twenty-three, six of whom shall be detailed. The Medical Department in 1860 had one hundred and ten, in 1866 two hundred and twenty-two, and now has one hundred and fifty-five, with one hundred and seventy-three contract surgeons in addition. It is proposed to increase that department by making the number two hundred and nine, and reducing the contract surgeons to seventy-five. The Corps of Engineers had in 1860 forty-eight officers, in 1866 one hundred and five, and has now one hundred and four. That is left intact. The Ordnance Department had in 1860 fifty-nine, in 1866 seventy-seven, and has now fifty-seven. It is proposed to cut that down to forty-three permanent officers and sixteen detailed, making the whole number in that corps fifty-nine, which does not reduce it at all in the number of officers in the service.

That will give the House a bird's-eye view of the condition in 1860, 1866, and 1874. The whole number of officers in the staff corps in 1860 was three hundred and sixty-nine, in 1866, six hundred and thirty-seven, and is at present four hundred and eighty-nine. It is proposed to make it four hundred and sixty-five permanent officers. So no complaint can be made on that score. Indeed I believe a larger number of officers could be detailed to some of the departments than is proposed by the provisions of the bill. If there were, it would be a saving of just that much money. The House must bear all the time in mind about this matter of detail that we have over two hundred and fifty supernumerary officers who will have no duty to perform if the provisions of the bill are carried out unless put by detail into the staff, where they can work efficiently and regularly and with great advantage to themselves and the service.

I submit with my remarks a table prepared by the Adjutant-General as to the numbers of staff officers at different dates:

DECEMBER 31, 1860.

Corps.	Brigadier-general.	Colonel.	Lieutenant-colonel.	Major.	Captain.	Store-keeper	First lieutenant.	Second lieutenant.	Total.
Adjutant-General's Department	....	1	1	4	8	....	....	....	14
Inspector-General's Department	....	2	....	.....	.....	....	....	....	2
Judge Advocate	....	....	....	1	.....	....	....	....	1
Signal Officer	....	....	....	1	.....	....	....	....	1
Quartermaster's Department	1	2	2	4	28	7	....	....	44
Subsistence Department	....	1	1	2	8	....	....	....	12
Medical Department	....	1	....	30	49	....	35	....	115
Pay Department	....	1	2	25	.....	....	....	....	28
Corps of Engineers	....	1	2	4	16	....	12	13	48
Topographical Engineers	....	1	1	4	19	....	10	10	45
Ordnance Department	....	1	1	4	17	15	12	9	59
Aggregate	1	11	10	79	145	22	69	32	369

JULY 28, 1866.

Adjutant-General's Department*	1	2	4	*a* 13	.....	....	....	....	20
Inspector-General's Department*	....	*b* 4	3	2	.....	....	....	....	9
Bureau of Military Justice	1	1	....	*c* 10	.....	....	....	....	12
Chief of staff to General	*a* 1	....	....	.....	.....	....	....	....	1
Signal Officer	....	1	....	.....	.....	....	....	....	1
Quartermaster's Department*	1	*e* 6	*e* 10	*e* 15	*e* 44	16	....	....	92
Subsistence Department*	1	2	2	8	16	....	....	....	29
Medical Department*	1	1	*f* 5	60	*f* 70	5	*f* 80	....	222
Pay Department*	*g* 1	2	2	60	.....	....	....	....	65
Corps of Engineers*	*h* 1	6	12	24	30	....	26	10	109
Ordnance Department*	1	3	4	10	20	13	16	10	77
Aggregate	9	28	42	202	180	34	122	20	637

APRIL 20, 1874.

Adjutant-General's Department	1	1	3	*a* 11	.....	....	....	....	16
Inspector-General's Department	....	*b* 5	1	2	.....	....	....	....	8
Bureau of Military Justice	1	1	....	*c* 8	.....	....	....	....	10
Signal Officer	....	1	....	.....	.....	....	....	....	1
Quartermaster's Department	1	*e* 5	*e* 8	*e* 14	29	9	....	....	66
Subsistence Department	....	2	2	8	13	....	....	....	25
Medical Department	1	1	*f* 3	52	94	4	....	....	155
Pay Department	....	*g* 3	....	44	.....	....	....	....	47
Corps of Engineers	1	6	12	24	30	....	26	5	104
Ordnance Department	1	2	2	8	15	11	11	7	*57
Aggregate	6	27	31	171	181	24	37	12	489

NOTES.—*Amendments to the act of July* 28, 1866.

* Section 6, act March 3, 1869, placed a bar on all new appointments and all promotions in the Adjutant-General's, Inspector-General's, Quartermaster's, Subsistence, Medical, and Pay Departments, Corps of Engineers, and Ordnance Department, but by subsequent legislation these restrictions have been modified, as will appear below.

a The act of March 3, 1873, authorized the appointment of an assistant adjutant-general with the rank of major.

b The act of June 8, 1872, authorized the appointment of an Inspector-General, with the rank of colonel, provided that no promotion be made until the number of colonels is reduced below four.

c The act of April 10, 1869, fixed the number of judge-advocates at eight.

d The act of April 3, 1869, abolished the office of chief of staff to the General.

e Section 13, act July 28, 1866, provided that as vacancies occur in the grades of major and captain in the Quartermaster's Department no appointment to fill the same shall be made until the number of majors shall be reduced to twelve and the number of captains to thirty.

By the act of March 3, 1871, Major James Belger, quartermaster, was restored to service, and by the act of June 3, 1872, two colonels, five lieutenant-colonels, and three majors were added to the number of officers of said grades in the Quartermaster's Department, these being the grades the officers so appointed would have held had the vacancies created by the act of July 28, 1866, been filled by promotion according to seniority.

f The act of March 12, 1872, authorized the appointment of a Chief Medical Purveyor with the rank of lieutenant-colonel. Assistant surgeons have the rank, pay, &c., of lieutenant for the first three years' service, and of captain after three years' service. [Section 17, act July 28, 1866; section 5, act March 2, 1867.] All the assistant surgeons now in service have attained the rank of captain.

g The act of June 4, 1872, authorized the appointment of a Paymaster-General with the rank of colonel, (grade of brigadier-general abolished.)

h By the act of June 10, 1872, so much of section 6, act March 3, 1869, as prohibits new appointments and promotions in the Corps of Engineers was repealed.

E. D. TOWNSEND,
Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE. *April* 22, 1874.

It seems to me that out of so many officers a sufficient number of excellent ones can be obtained to fill up not only the permanent positions of the staff, but all details as they may be required.

We have now an excellent opportunity for the beginning of a reorganization of the staff. The large number of officers off duty will amply supply the needs. Those opportunities so long denied may now be enjoyed by officers of the line to change the old routine of their service for the more agreeable and less exposed duties of the staff.

This bill then provides for a reduction of seven regiments, five thousand men, beside officers of the line and staff, about three hundred in number. It looks to two new features of reorganization: that of dividing the staff into permanent and detailed officers, and that of paying the troops in part by drafts. It is submitted that these are not mere innovations, but are the result of experience, and are steps of progress worthy to be taken.

I have only a word further to say about what I propose to do in the conduct and management of the bill. I desire to call the previous question, and will do so unless some gentleman indicates that he desires to make a speech.

Mr. ALBRIGHT. I desire to submit a few remarks.

Mr. COBURN. I understood that some members of the committee desired to be heard.

Mr. SPEER. I desire to ask the gentleman from Indiana if his bill provides that when an officer of the Army is detailed to duty in civil life he ceases to hold position in the Army or not?

Mr. COBURN. There is nothing in the bill on that subject except in this: If the gentleman will look at the twentieth section of the bill as reported he will see that where officers are assigned to colleges, they are not detailed but given leave of absence, which gives them only the pay of officers on leave of absence.

Mr. SPEER. Does not the gentleman think that the detailing of officers to civil life and allowing them to retain their positions and pay in the Army a great abuse?

Mr. COBURN. The testimony of the Adjutant-General was to the effect that it was not an advisable system; but whether it is an abuse or not, it is a matter of law; and the committee propose to change the law in that respect, so that when officers are thus detailed they can get the pay only of officers on leave of absence. I will say before I yield the floor that unless there be objection I will be glad to move the previous question this evening.

Mr. HARRIS, of Virginia. I would ask the gentleman whether this bill restores promotion in the staff of the Army or not?

Mr. COBURN. It does, in all branches; it opens them all to promotion.

Mr. RANDALL. Does not the gentleman propose to take up the bill by sections?

Mr. COBURN. My disposition would be to consider it by sections, but at present I cannot say what I shall do in that regard.

Mr. RANDALL. My attention has been directed to the reduction in the Adjutant-General's Department, and I should like to have an opportunity of amending the section in regard to that department.

Mr. COBURN. Well, I will leave it an open question for the present.

Mr. LAWRENCE. Does this bill make any provision for promotion for subordinate officers in the Commissary Department?

Mr. COBURN. It does.

Mr. LAWRENCE. I think that is right.

Mr. COBURN. I now yield the floor.

Mr. ALBRIGHT. Mr. Speaker, I agree with the gentleman who has just addressed the House with regard to the main features of this bill. If it were an original proposition before the House to-day to reduce the Army by organizations, I should feel myself compelled to oppose it for the reasons for which I opposed it when the Army appropriation bill limited the enlistments to twenty-five thousand men. But as you have provided for the payment of only twenty-five thousand men, and as the company organizations are already reduced to so small a limit that to reduce them to a less number would make the companies in all probability unserviceable to a great extent, I do not see that there is any alternative left to the House but to agree to the reduction of the Army by organizations.

The number of men since the last reduction of the Army to which a cavalry regiment is limited amounts to one thousand and thirteen, an artillery regiment to seven hundred and forty nine, and an infantry regiment to six hundred and five. Reducing the Army five thousand will necessarily reduce those companies one-sixth, so that if you did not reduce by organizations a cavalry company would number but seventy men, an artillery company but forty-three men, and an infantry company but fifty men. There are no company organizations belonging to any army among civilized nations as small as our companies here. Take the German army, for instance, and an infantry company there now numbers, in time of peace, one hundred and thirty-two men and three officers, and in time of war two hundred men and upward. Here you have with the same number of officers an infantry company reduced to forty men. The reduction of the Army has been and is one of the evils of legislation in this country. We have never had a fixed standard as to how many men a company shall consist of. It has always depended upon the caprice of Congress to determine whether a company should consist of one hundred or of fifty men or of even less than that number, and that has no doubt very much affected the *morale* and tone of our Army.

It is not contended, I imagine, that the same number of regiments ought to be maintained and that these company organizations should be still more reduced, because the maintaining of regiments does not give more men. According to the figures which I have prepared upon this subject, if you reduce the Army as proposed by this bill you will save $2,318,000 and you will dispense with two hundred and seventy-four officers. Now it is true that this will work hardship upon some classes of officers. But as you have already determined in the Army appropriation bill that you will not give them men to command, why should you retain them? I do not like the premises, but the conclusion seems inevitable if the saving of money at this time is the only thing to be considered.

What occasion to retain them, if you reduce the force they are to command? Many of these officers may be saved by consolidating the regiments. No doubt a great many of the young men now in the Army will take advantage of this opportunity to retire by resignation and take a year's pay, and enter other professions in life and follow other avocations. To show that it is not desirable to reduce

the number of men in a company, I will read a short extract from a letter which I hold in my hand from a very distinguished officer of the Army who has carefully considered this matter. He says:

When I came in the service in 1854, there were fifteen regiments of cavalry, artillery, and infantry, with companies much fuller than now; I mean more men to the company. The Army was increased two regiments of cavalry and two regiments of infantry.

He therefore does not approve of reducing the number of men in a company; but if it must be, he would rather reduce the number of officers, hard as it will be upon very many meritorious officers. If the thing is inevitable, he would rather that the officers who remain in the service shall have more men to command than that these few men should be scattered among so many regiments. Besides, it is the opinion of the Secretary of War that if there is to be a reduction to the extent of five thousand men, the most advantageous way is to reduce the number of organizations.

I do not quite agree with the distinguished gentleman from Indiana, [Mr. COBURN] who has just taken his seat, with regard to what he calls the specialties of the Army. He seems to indicate that men who are trained to a special profession become cramped and limited in their intellects.

Mr. COBURN. I beg leave to correct the gentleman; I said nothing of the kind.

Mr. ALBRIGHT. I am very glad if I misunderstood the gentleman on that subject. The specialties of the Army are places where in many instances officers, the most scientific and most intellectual, find places suited to their capacities and the country got the best service.

Mr. COBURN. The gentleman need not defend the Army from any aspersions I have cast upon it; I have said nothing of the kind. I said that the value of officers of the Army as well as other persons is largely promoted by variation of intellectual employment.

Mr. ALBRIGHT. I accepted the gentleman's correction and was going on to show the necessity for these specialties in the Army, such as the Engineer and Ordnance Corps, which are branches of the service where preparations are made for war. Those corps embrace to a very great extent the scientific men of the Army. They are the men who prepare the munitions of war, who prepare our artillery and our cannon and perfect improvements in that branch of the service. It has never been found very judicious even in time of peace to reduce the number of men who are in those branches of our military service. And the Engineer Corps, which is not embraced in this bill, has already had the justice done to it which it is barely proposed to do in this bill.

It has been argued by some that the Artillery and Ordnance Corps could be combined. That experiment was tried from 1821 to 1832, I believe. The idea was then abandoned on the ground that it did not work to the best advantage of the service. We have at this time twenty arsenals scattered all over the country. To take charge of all those arsenals we have to-day but forty-three officers; one of them, who was chief of the Bureau of Ordnance has recently died. Those arsenals comprehend all branches of manufacture connected with the Ordnance Department of the Army, such as arms, ammunition, harness, gun-carriages, and things of that kind. They have in charge nearly $53,000,000 worth of property. Although the service actually requires that there should be two or more officers at each of these arsenals, at many of them there is but a single officer with many skilled mechanics under his charge and control. If you reduce this corps of the Army to the extent proposed by some, you will deprive some of the arsenals of some of these scientific and educated men. The experience and skill which were acquired before the war by ordnance officers contributed very largely to our success in the late rebellion. I have said that these twenty arsenals were scattered all over the country. I call attention to the following schedule, which will give a great deal of valuable information to members of this House and the country upon this subject:

Name and locality.	Officers on duty.	No. of enlisted men.	Character of the establishment.	Value of lands and buildings.	Value of ordnance stores.	Total value.	No. of hired workmen.
Alleghany arsenal, Pittsburgh, Pa.	Col. R. H. K. Whiteley and Lieut. O. E. Michaelis	30	Manufacture of leather-work, artillery ammunition and pyrotechny. Arsenal of deposit and repair.	$1,007,895 00	$2,064,589 36	$3,072,484 36	14
Augusta arsenal, Augusta, Ga.	Capt. R. M. Hill and Lieut. John E. Greer.	20	Manufacture of artillery carriages and implements: preparation of stores for issue. Arsenal of deposit.	242,450 00	187,916 99	430,366 99	4
Benicia arsenal, Benicia, Cal...	Maj. J. McAllister, Capt. J. Arnold, and Lieut. J. C. Clifford.	35	Designed as a large arsenal of construction, deposit, and repair for the Pacific coast.	514,673 00	2,064,858 53	2,579,531 53	45
Columbus arsenal, Columbus, O.	Maj. John McNutt.....	13	Arsenal of deposit.....	442,943 58	1,411,317 31	1,854,260 89	8
Detroit arsenal, Dearbornville, Mich.	Maj. J. W. Todd.....	8	Arsenal of deposit.....	142,950 00	132,891 19	275,841 19	2
Fortress Monroe arsenal, Old Point Comfort, Va.	Maj. T. G. Baylor, and Capt. F. H. Parker.	13	Experimental artillery firing: manufacture of iron sea-coast carriages. Arsenal of deposit and repair.	102,357 92	890,445 51	992,803 43	152
Frankford arsenal, Philadelphia, Pa.	Maj. T. J. Treadwell, Lieut. F. H. Phipps, Lieut. Wm. Prince, and Lieut. M. L. Poland.	30	Manufacture of small-arm ammunition, artillery ammunition and pyrotechny, and fabrication of Woodbridge gun; experimental small-arm firing. Arsenal of deposit,	713,948 00	2,505,538 95	3,219,486 95	206
Indianapolis arsenal, Indianapolis, Ind.	Capt. A. R. Buffington.....	13	Arsenal of deposit.....	440,969 50	450,388 24	891,357 74	3
Kennebec arsenal, Augusta, Me.	Capt. J. M. Whittemore.....	8	Arsenal of deposit	155,961 00	733,896 91	889,857 91	0
Leavenworth arsenal, Leavenworth, Kan.	Capt. A. Mordecai, and Lieut. A. L. Varney.	20	Manufacture of leather-work. Arsenal of deposit and repair.	125,250 00	862,377 90	987,627 90	8
National armory, Springfield, Mass.	Maj. J. G. Benton, Capt. J. R. Edie, Lieut. Geo. W. McKee, Lieut. Geo. D. Ramsay, jr., and Lieut. H. Metcalfe.	.....	Manufacture of small arms and ammunition; experimental firing. Fabrication of Hitchcock gun. Storage.	1,360,410 00	6,558,730 56	7,919,140 56	443
Rock Island arsenal, Rock Island, Ill.	Capt. D. W. Flagler, Capt. J. P. Farley, Lieut. E. M. Wright, Lieut. Charles Shaler, jr.	70	Designed as a large arsenal of construction, deposit, and repair for the Mississippi Valley.	4,639,850 00	900,468 09	5,540,318 09	294
Saint Louis arsenal, Jefferson Barracks, Mo.	Capt. L. S. Babbitt.....	30	Powder depot and limited storage.....	702,400 00	2,139,065 78	2,841,465 78	20
San Antonio arsenal, San Antonio, Tex.	Capt. Clifton Comly.....	.....	Arsenal of deposit and repair for service on Texan frontier.	85,098 00	173,385 78	258,483 78	25
Vancouver arsenal, Vancouver, Wash. Ter.	Lieut. John A. Kress.....	14	Arsenal of deposit for territory of the Northwest.	31,400 00	227,326 65	258 726 65	1
Washington arsenal, Washington, D. C.	Lieut.-Col. F. D. Callender, Lieut. C. E. Dutton.	43	Manufacture of artillery carriages and implements, and artillery ammunition. Arsenal of deposit and repair.	618,900 00	2,428,678 93	3,047,578 93	20
Watervliet arsenal, West Troy, N. Y.	Col. P. V. Hagner, Capt. James H. Rollins, Lieut. John Pitman.	35	Manufacture of artillery carriages and implements, and artillery ammunition. also leather-work. Arsenal of deposit and repair.	991,097 00	7,020,854 41	8,011,951 41	202
Watertown arsenal, Watertown, Mass.	Lieut.-Col. T T. S. Laidley, Capt. W. A. Marye, Lieut. C. Bryant.	30	Manufacture of iron sea-coast carriages. Arsenal of deposit and repair.	528,986 63	2,695,939 97	3,224,926 60	137
New York agency and arsenal, New York, N. Y.	Maj. Silas Crispin, Lieut. John G. Butler.	.....	Purchasing agency of the department; selling condemned and unsuitable ordnance stores; fabrication of Moffatt, Satcliffe and Thompson breech-loading guns. Arsenal of deposit.	86,416 41	5,535,158 57	5,621,574 98	72
Ordnance office, Washington, D. C.	Gen. A. B. Dyer, Chief of Ordnance, Maj. S. V. Benét, and Capt. S. C. Lyford.	12	Headquarters Ordnance Department U. S. Army.	.....	.....	.....	.....
Total.....	.....	424	.....	12,933,956 04	38,983,829 63	51,917,785 67	1,656

The Ordnance Department, besides the duties assigned to it by law, under the Secretary of War, in the manufacture and procurement otherwise of all ordnance and ordnance stores for the United States, to be held as reserves for the wants of existing and probable wants of future armies, the providing of armaments and material for sea-coast defenses, and material for arming and equipping the militia, the control of the Government arsenals, armories, and ordnance depots, and all experimental duties connected with war material, is also charged with the administration service in supplying warlike stores for all the land forces of the United States, either in time of war or peace. It is also charged with the mounting of the heavy armaments of our sea-coast defenses, in which duty several of the officers of the department are now engaged

I wish now, and I desire to do it with all kindness, but I must do it very emphatically, to say that I antagonize the provisions of this bill, so far as it relates to the Pay Department. It proposes to reduce the Pay Department to thirty officers, there now being but forty-four, some of these sick, and the corps at this time closed to promotion. There were sixty officers in that department when the prohibition was introduced in reference to promotions in the staff corps of the Army. The gentleman from Indiana [Mr. COBURN] bases his argument for this reduction mainly upon the idea that the pensioners are paid by checks, which is cheaply done, and therefore the soldiers may be paid in the same way. In my judgment no more demoralizing feature could be introduced into the Army than to attempt to pay the men by checks. And why? Because if you pay them by checks, when they are stationed in the neighborhood of cities and places where there are banks, you may injure the soldier in two ways; first, the commanding officer may deprive him of the opportunity of going to the bank and drawing the money on the check, for he has the check and is the one to draw the money on it. He must present the check to the bank. When he goes there with the check he may be compelled to be identified. He indorses his name on the check; but the bank officer says, "Who are you?" He has to be identified. Then when he has obtained his money another difficulty arises. In this view the system proposed may be offering a reward either for desertion or for drunkenness and insubordination. If a man is tired of the service and wants to desert, he thinks when he gets his money "now is the chance." With that money he perhaps goes to some place where he spends it partly in drink and the remainder is probably stolen from him. Then he is arrested and court-martialed for drunkenness, and an additional expense is entailed upon the Army for detailing officers to try this man and punish him, besides the probability of being deprived of his service.

If a soldier is entitled to his pay at all, he is entitled to receive it in the currency of the country. He is entitled to have that sort of money which you pay to everybody else. He ought not to be compelled to receive a check which may be unserviceable to him. Besides what is paid to a pensioner is a gratuity, while what is paid to a soldier is a debt.

But, Mr. Speaker, the argument fails in force when you apply it to another branch of the service—the Navy. I find that in the Navy there are seventy-four paymasters holding higher rank than these officers in the Army. There are fifteen paymasters in the Navy holding rank equal to that of colonel, and there is one Paymaster-General who holds a rank equal to that of a brigadier-general. By this bill you reduce the pay force to thirty, and you say that the chief of the Pay Department shall be but a colonel; while in the co-ordinate branch of the service you provide for fifteen paymasters having rank equal to that of colonels, and one chief with the rank of commodore. Besides, you have in the Navy Department fifteen paymasters who hold rank equal to that of lieutenant-colonel; fifty who hold rank equal to that of major; twenty-three holding rank equal to that of captain, and twenty-one holding rank equal to that of first lieutenant.

Now, Mr. Speaker, it would be just as appropriate to pay the men engaged in the naval service with checks as to pay those in the Army in that way; and those in the naval service could perhaps use the checks to better advantage. This undertaking to save a few dollars by paying the soldiers with checks is not an act of justice. If it is an act of justice to the soldier it ought to be so to the sailor. There is no sort of analogy between a pensioner who never can go into the service again and a soldier who may be upon the remote border of our country.

The bill, so far as it relates to the Pay Department, proposes to degrade that department as compared with the Pay Department of the Navy. When people are discussing the legislation of Congress we are often the subject of very just criticism because of the discrimination made between these two branches of our service.

But there is another objection, Mr. Speaker, to a reduction of the pay force. If you reduce the Army five thousand men you do not reduce the posts. The question is not so much the time that it takes to pay the men as the time that it takes to reach the places where the men are to be paid.

This matter of reducing posts in the Army has been fully discussed by officers of the Army. The General of the Army says that you cannot at this time reduce the posts of the Army. These posts are scattered along the frontier and along the coast, extending away up into Alaska. A paymaster has to go to Alaska once every two months to make payment to two companies of troops—probably one hundred men. Thus it will be seen, Mr. Speaker, that the thing to be considered is not the number of men to be paid, but the distance to be traveled, and the amount of work to be done. If you reduce the number of paymasters to thirty, you virtually provide that some of the troops shall not be paid every two months; and, as a gentleman near me suggests, regularity is very desirable to keep troops contented and satisfied.

I have here and will publish a statement showing the number of paymasters, where they are, and the number of miles they have to travel in making each payment. In some instances these men are occupied over a month in making the journey:

Statement showing posts visited, miles traveled, and time consumed by each officer of the Pay Department, United States Army, in making the regular bi-monthly payments to troops.

Rank.	Name and grade.	Station.	Division or department.	Ports visited.	Miles traveled.	Time consumed.
						Days.
Colonel..	*N. W. Brown, assistant paymaster-general.	New York City.....	Division of the Atlantic.	West Point, N. Y.; David's Island, N. Y. H.; Forts Monroe, (Va.;) McHenry, and Foote, (Md.;) Carlisle barracks, Alleghany, and Frankford arsenals, Penn.	1,559	8
Major....	Henry Prince, paymaster.	New York City.....		Forts Trumbull, (Conn.;) Adams, (R. I.;) Warren, Independence, (Mass.;) Preble, (Me.;) Watertown, (Mass.,) Kennebec, (Me.,) Watervliet, (N. Y.) arsenals; Plattsburgh barracks, N. Y.	1,172	18
Do...	Henry C. Pratt, paym'ter.	Detroit, Mich.....		Forts Wayne, Gratiot, (Mich.;) Porter, Niagara, and Ontario, (N. Y.;) Madison Barracks, (N. Y.,) Columbus, (O.,) and Indianapolis, (Ind.,) arsenals.	1,338	11
Do...	P. P. G. Hall, paymaster.	New York City.....		Forts Columbus, Wood, Hamilton, and Wadsworth, and Willet's Point, New York Harbor.	82	4
Colonel..	*D. McClure, ass. pay. gen.	Louisville, Ky.....	Department of the South.	Local payments.		
Major....	W. B. Rochester, paym'r.	Louisville, Ky.....		Newport barracks, Frankfort, Ky	348	3
Do...	H. B. Reese, paymaster...	Louisville, Ky.....		Lebanon, Lancaster, Ky.; Nashville, Humboldt, Chattanooga, Tenn., Huntsville, Ala.; Atlanta, Savannah, Ga.; Saint Augustine, Fla.	2,172	31
Do...	J. R. Mears, paymaster...	Charleston, S. C.....		Raleigh, Charlotte, Forts Macon and Johnston, N. C.; Columbia, Yorkville, Newberry, S. C.; Augusta arsenal, Ga.	970	13
Do...	*Geo. L. Febiger, paym'ter.	New Orleans, La....	Department of the Gulf.	Jackson, Miss.; Little Rock, Ark.; Mount Vernon arsenal, Ala.; Barrancas barracks, Fla.; Saint Martinsville, La.	2,160	18
Do...	W. H. Johnston, paym'ter	New Orleans, La....		Baton Rouge, Colfax, La.; Key West, Fla	2,544	20
Do...	* W. R. Gibson, paymaster.	San Antonio, Texas.	Department of Texas.	Local payments.		
Do...	E. D. Judd, paymaster....	San Antonio, Texas.		‡ Austin, Forts Richardson, Griffin, (Texas,) Sill, and Gibson, (Ind. T.)..	2,250	34
Do...	G. E. Glenn, paymaster...	San Antonio, Texas.		‡ Forts Clark, Duncan, Concho, and McKavett, camp near Kerrville, Camp on the Sabinal, Texas.	760	32
Do...	J. W. Nicholls, paymaster.	Fort Brown, Texas..		Edinburgh, Roma, Ringgold barracks, King's Ranche, F't McIntosh, (Tex.)	480	22
Do...	W. P. Gould, paymaster..	Fort Stockton, Texas		Forts Davis, Quitman, and Bliss, Texas	600	11
Do...	* F. E. Hunt, paymaster...	Leavenworth, Kan..	Department of the Missouri.	Local payments.		
Do...	J. B. M. Potter, paymaster.	Santa Fé, N. Mex..		Forts Union and Bascom, New Mexico	603	5
Do...	V. C. Hanna, paymaster...	Chicago Illinois....		Rock Island arsenal, Illinois, Saint Louis, Jefferson barracks, Mo.....	406	7
Do...	C. M. Terrell, paymaster...	Leavenworth, Kan..		Forts Larned and Dodge, Kansas, Camp Supply, Ind. T., stations along line of Atchison, Topeka, and Sante Fé Railroad to Grenada.	1,024	14
Do...	E. H. Brooks, paymaster..	Leavenworth, Kan..		Forts Riley, Hays, Wallace, Kansas, Lyon, and Garland, Colo., Pueblo, Colo., stations along line of Kansas Pacific Railroad to Denver, Colo.	1,628	17
Do...	A. B. Carey, paymaster....	Santa Fé, N. M.....		§ Forts Craig, McRae, Bayard, Cummings, Tulerosa, Selden, and Stanton, New Mexico.	1,776	20
Do...	F. Bridgman, paymaster..	Santa Fé, N. M.....		§ Fort Wingate, New Mexico	366	8
Do...	* A. H. Seward, paymaster.	Saint Paul, Minn....	Department of Dakota.	Local payments.		
Do...	Rodney Smith, paymaster..	Saint Paul, Minn....		Forts Snelling, Ripley, (Minnesota,) Wadsworth, Abercrombie, Seward, Totten, and Pembina, Dakota Territory.	1,612	20
Do...	R. C. Walker, paymaster..	Helena, Mont. Ter...		Forts Ellis, Shaw, and Benton, Camp Baker, Montana Territory.....	586	23
Do...	W. Smith, paymaster.....	Saint Paul, Minn ...		Forts Rice, A. Lincoln, Stevenson, and Buford, Camp Hancock, Bismarck, Dakota Territory.	3,366	27
Do...	Geo. W. Candee, paym'r..	Sioux City, Iowa....		Forts Randall and Sully, Lower Brulé, Cheyenne, and Grand River agencies, Dakota Territory.	866	13

Statement showing posts visited, miles traveled, and time consumed by each officer of the Pay Department, &c.—Continued.

Rank.	Name and grade.	Station.	Division or department.	Posts visited.	Miles traveled.	Time consumed.
						Days.
Do ..	*Simeon Smith, paymaster.	Omaha, Neb	Department of the Platte.	Fort McPherson, Nor'h Platte, Sidney barracks, Nebr	828	4
Do...	T. H. Stanton, paymaster.	Cheyenne, Wy'o Ter.		Forts D. A. Russell, Laramie, Fetterman, and Sanders; Red Cloud and Spotted Tail agencies, Wyoming Ter.	450	17
Do...	Israel O. Dewey, paymast'r	Salt Lake City, Utah		Forts Bridger and Fred. Steele; Camps Stambaugh and Brown, Wyoming Territory, Camp Douglas, Beaver City, Utah Territory,	742	22
Do ..	†Samuel Woods, paymast'r.	San Francisco, Cal...	Department of California.	Local payments.		
Do...	Brantz Mayer, paymaster	San Francisco, Cal...		Benicia barracks and arsenal, and posts in harbor of San Francisco.....	56	2
Do...	C. W. Wingard, paymaster	San Francisco, Cal...		Camps Independence, Wright, and Gaston, California	1,936	30
Do...	*W. A. Rucker, paymaster.	Portland, Oregon....	Department of the Columbia.	Sitka, Alaska Territory	2,800	25
Do...	J. P. Canby, paymaster...	Portland, Oregon....		‖Vancouver arsenal, Forts Vancouver, Cape Disappointment, Walla-Walla, Colville, W. T., Forts Stevens, Oregon, Lapwai, Idaho, Camp San Juan Island	1,822	41
Do...	V. S. Eggleston, paymast'r.	Portland, Oregon....		‖ Forts Klamath, Oregon, and Boise, Idaho Territory; Camps Warner, Harney, Oregon, and Bidwell, California	1,450	32
Do...	*C. J. Sprague, paymaster.	San Francisco, Cal...	Department of Arizona.	Forts Yuma, Cal., and Hall, Idaho Ter.; Camps Halleck & McDermit, Nev.	2,406	30
Do...	J. H. Nelson, paymaster ..	Prescott, Arizona Tr.		Fort Whipple, Ehrenberg; Camps Beale's Springs, Mojave, and Verde, Arizona Territory	600	14
Do...	David Taylor, paymaster..	Tucson, Arizona Tr..		Camps McDowell, Bowie, Grant, and Apache, Arizona Territory	700	25
Do...	Chas. T. Larned, paymast'r	Washington, D. C. ..	Paymaster-General's office.			
Do...	J. H. Eaton, paymaster ..	Washington, D. C. ..				
Do...	R. D. Clarke, paymaster ..	Washington, D. C. ..	Post paymaster.			
Do...	J. P. Brua, paymaster.....	Sick and off duty...				
Do...	N. Vedder, paymaster					
Do...	T. H. Halsey, paymaster..					
Do...	J. E. Burbank, paymaster					

* Chief paymaster of department. † Majors Judd and Glenn alternate in making the payments indicated in their respective tours of duty. ‡ Chief paymaster Division of the Pacific and of the Department of California. § Majors Carey and Bridgeman alternate in making payments indicated in their respective cases. ‖ Paymasters in Department of Columbia alternate in making payments indicated above.

Now, while upon the subject of the expense of the Navy, I find there are but eight thousand enlisted men, yet it costs almost $300,000 to pay them. Thus it will be seen that the comparison fails as between that force and the pensioners. Besides, the paymasters in the Navy receive a ration a day after they have been in the service five years, which is commuted at thirty cents a day.

Mr. BUTLER, of Massachusetts. Do not the paymasters in the Navy correspond not only to the paymasters in the Army, but to the quartermasters in the Army? Do they not furnish all the supplies to the sailors, such as clothing and everything of that sort? Are they not general disbursing officers, the sole disbursing officers of the Navy?

Mr. ALBRIGHT. I think not.

Mr. BUTLER, of Massachusetts. O, yes.

Mr. ALBRIGHT. The purser is a disbursing officer in the Navy.

Mr. BUTLER, of Massachusetts. A paymaster in the Navy is a purser, *ex officio*, and a purser is a paymaster. This officer is the sole disbursing officer of the ship or fleet.

Mr. MACDOUGALL. Does a paymaster in the Navy, supposing that he acts as quartermaster, have to transport his stores so far as a quartermaster in the Army?

Mr. BUTLER, of Massachusetts. O, no; he does not transport the stores, but he has charge of them while in the ship, and he has to keep the accounts. All the accounts are kept by the paymaster in the Navy, while in the Army the accounts are kept by the Army officers.

Mr. ALBRIGHT. The Army paymaster has to keep an account with each man, and these accounts are to be forwarded to the Paymaster-General here, and must be verified. He keeps an account with each officer of the Army. Perhaps he keeps more individual accounts than the paymaster does in the Navy. I think he does in proportion to the number of paymasters of the Navy. We have now thirty thoutand troops, and in the Navy eight thousand enlisted men and swo thousand marines, so that there are more men to be paid in the Army than in the Navy, although there is a greater number of paymasters in the Navy. There are fewer paymasters and more men to be paid in the Army.

I will pass now, Mr. Speaker, to another branch of the bill, relating to the Medical Department. On this subject you will find by reference to a table which I will submit that there is no equality in the Army as compared with the Navy or in the Army as compared with European armies. In the Medical Department of the Navy there is one surgeon with the rank of commodore on the active list, fourteen with the rank of colonel, and fifteen with that of lieutenant-colonel, fifteen ranking as major, fifty as captain, and fifty as lieutenant, making a total of one hundred and eighty. On the retired list there are twenty-nine, sixteen of whom are equal in rank to a brigadier-general, and draw pay according to that rank. Now in the Army there is but a single surgeon who has the rank of brigadier-general and who draws that pay, and only one of that kind on the retired list.

There are in the Army according to the Adjutant-General's report two hundred and thirty-seven posts where there are troops and medical officers and where medical men must be. If there are not enough surgeons or assistant surgeons to do the duty pertaining to the Medical Department, the Surgeon-General is compelled to hire contract surgeons to go to posts unsupplied by Army surgeons. There are one hundred and thirty-five contract surgeons.

Now, the Medical Department of the Army wants what is done in the Navy and is proposed to be done in all other corps of the Army, and that is that the service shall be open to promotion, so that young men may come into the Medical Corps and become surgeons of the Army with chance of promotion. Because after all, Mr. Speaker, that is one of the great motives which impels men to do and dare, the fact that there is a higher position which may be reached feeds laudable ambition to exertion. Every man desires to obtain a higher place. If you say a surgeon of the Army shall never have any higher rank than that of captain, then the Army will be deprived of many excellent and scientific men.

Let me say, Mr. Speaker, right here that the Medical Department of the Army has shed more light on medical science than almost any medical college in the country. The scientific books of research made by the Medical Department of the Army are full of light and are sought after by every medical man in the country. Now the objection which exists to this provision of the bill is this, and I wish to call attention to it. I believe members of Congress would not cut down a useful branch of the service or cripple it so far as any provision may be made for surgeons and assistant surgeons. This proposition limits the number of contract surgeons to one hundred. According to the statement I have in my possession here, showing where every surgeon and assistant surgeon is, if you provide only one hundred contract surgeons you will leave some posts and some places unsupplied with medical assistance. Do you mean to do that? Do you mean to send men on the very verge of civilization to maintain the integrity of the nation, to stand up for our flag, to protect the settlers upon the frontier, and not give them medical attendance when sick? Yet you will do that very thing if you pass this bill as it is. If you say there shall be one hundred contract surgeons and no more, then many posts will be left without any medical assistance. Surgeons for the Army are to be admitted upon competitive examinations, and the filling up of this corps will necessarily be slow, and hence the necessity for a greater number of contract surgeons. It is safe to leave this matter with the Surgeon-General.

If you insist that there shall not be so many contract surgeons, I ask you what shall the Surgeon-General do when he has not surgeons whom he can detail, and has not the power to employ contract surgeons to send to places where they are needed?

Mr. HURLBUT. Will the gentleman allow me to ask him a question?

Mr. ALBRIGHT. Certainly.

Mr. HURLBUT. Why is it that this committee have not ordered the surgeons to be attached to their regiments, as they should be?

Mr. ALBRIGHT. Well, sir, I am not prepared to answer for the committee in all respects. I know that so far as the bill relates to the surgeons that are provided for I agree with the committee, but so far as it relates to contract surgeons I deny that it is just and right, and therefore when we come to that section I shall ask that it may be amended.

I append a table from the Medical Record:

In order to show the relation the medical officers of our Army bear to the same officers of the English army as to rank, (and consequently pay,) and also to the other staff corps of the Army and Navy, we have taken pains to present the following table, which speaks for itself:

Statement showing the relation the medical officers of our Army bear to the same officers of the English army as to rank, (and consequently pay,) and also to the other staff corps of the Army and Navy.

Medical Department.	Major-general.	Brigadier-general.	Colonel.	Lieutenant-colonel.	Major.	Captain.	Lieutenant.	Total.	Ratio to whole number of active and retired.		Ratio of whole number of active officers.	
									Colonels.	Lt.-cols.	Colonels.	Lt.-cols.
English army—active	5	6	16	121	408	451	702	1,709	.....	.....	1 to 107	1 to 14
English army—retired	.....	14	31	117	61	.....	.....	223	.....	.....	.....	.....
Total	5	20	47	238	469	451	702	1,932	1 to 41	1 to 8	.....	.....
United States Navy—active	.....	1	14	15	50	50	50	180	.....	.....	1 to 13	1 to 13
United States Navy—retired	.....	16	4	.....	6	3	.....	29	.....	.....	.....	.....
Total	.....	17	18	15	56	53	50	209	1 to 11	1 to 14	.....	.....
United States Army Medical Department—active, (act July, 1866)	.....	1	1	5	60	50	100	217	.....	.....	1 to 217	1 to 44
United States Army Medical Department—retired	.....	.....	1	2	3	5	.....	11	.....	.....	.....	.....
Total	.....	1	2	7	63	55	100	228	1 to 114	1 to 32	.....	.....
United States Quartermaster's Department—active	.....	1	5	10	14	30	.....	60	.....	.....	1 to 12	1 to 7
United States Quartermaster's Department—retired	.....	.....	6	.....	.....	.....	.....	6	.....	.....	.....	.....
Total	.....	1	11	10	14	30	.....	66	1 to 5½	1 to 6	.....	.....
United States Commissary Department—active	.....	1	2	2	8	13	.....	26	.....	.....	1 to 13	1 to 13
United States Commissary Department—retired	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	.....	1	2	2	8	13	.....	26	1 to 13	1 to 13	.....	.....
United States Engineer Department—active	.....	1	6	12	24	30	26	99	.....	.....	1 to 16	1 to 8
United States Engineer Department—retired	.....	.....	1	1	1	.....	.....	3	.....	.....	.....	.....
Total	.....	1	7	13	25	30	26	102	1 to 14	1 to 8	.....	.....

Mr. ALBRIGHT. Mr. Speaker, I wish to call your attention to another matter. In the sixteenth section of the bill, where provision is made for examination of officers for promotion into the staff corps, you will notice that it is provided that upon that board there are to be three line officers and two staff officers. Now, that is unjust to the staff. The staff will then be at the mercy of and in the hands of the line officers. It would be as unjust to the officers of the line if you were to provide that a majority of the examining board for that branch of the service should be of the staff. You ought, as a simple matter of justice, give the staff three members of this board and the line two.

There are other features of the bill that will come up no doubt in its discussion, when it will be read by sections, which will justly call for amendment. But at this time I content myself with having called the attention of the House to what I conceive to be the objectionable features of the bill, and with having urged the reasons why that portion of the bill in relation to the staff corps should be adopted and that the restrictive features which are put upon the staff officers should be removed. If the bill is passed I do not know that I shall have any objection to the changes proposed to be made in the Adjutant-General's Department. But I believe that if the bill is passed so as to do justice to the staff corps of the Army, the Army will be satisfied with it. I know that there is jealousy between the staff and the line, and I suppose there always will be; because all men cannot be staff officers, and therefore some men will be dissatisfied with those who can. It is the war over again between the different members of the body; the hands complain of the feet, and so on. But as near as may be you overcome that difficulty if you open the departments to detail and then to absolute promotion. Before I take my seat I will ask to have read an amendment, which I propose to offer at the proper time, as a substitute for the thirteenth section of the bill.

The Clerk read as follows:

That the Pay Department of the Army shall hereafter consist of one Paymaster-General, with the rank, pay, and emoluments of a colonel of cavalry; one assistant paymaster-general, with the rank, pay, and emoluments of a lieutenant-colonel of cavalry; two deputy paymasters-general, with the rank, pay, and emoluments of major of cavalry; and fifty paymasters, with the rank, pay, and emoluments of major of cavalry.

Mr. NESMITH obtained the floor.

Mr. BUTLER, of Massachusetts. Before the gentleman from Oregon proceeds I desire to indicate an amendment, to which I think there will be no objection. It is to add to section 13 these words:

The headquarters of the Army of the United States shall never be moved from the capital of the nation, except in time of war.

Mr. NESMITH. I am opposed to the main principles of the bill, and to most of its details; and I shall detain the House but a few minutes to state the reasons by which I am actuated in that opposition. I would like to live in a country, if there was any such Utopia, where no army existed, and where there was no necessity for one. But in the present condition of this country, notwithstanding our isolated position and the impossibility of our being invaded by any foreign nation, notwithstanding that great difference between our condition and that of European governments, there is still a necessity that we should have at least a skeleton organization of a regular army. I think it is a necessary evil; but I also think that if it were possible to get along without it, it would be better for all classes of our community. I believe that the institution itself is an unmixed evil, and, as I stated before, I should like to see that condition of affairs exist where it would be unnecessary in the Government to invoke force for any purpose.

But, sir, we have a large frontier, and I may say a constantly extending frontier. When I say constantly extending, I do not mean that the soil is being extended, or the limits of our territory enlarged. But I mean that the peculiarity of settlements do increase the area of our frontier for defense.

Why, sir, when we had an army of fourteen or fifteen thousand men, when I first crossed the frontier, that frontier extended from Texas up along just west of the Mississippi River, and along the western boundary of Missouri and Iowa. Beyond there it was a wilderness occupied entirely by savages; and all the protection then required was required for the frontier of Arkansas, Missouri, and Iowa. Since then our settlements have extended all over that vast region west of the Mississippi to the Pacific Ocean. Our frontier now extends from the Rio Grande River in Texas along the southern boundary line to California, up along our northwestern frontier, and then it doubles back nearly that entire distance. The frontier of to-day exceeds the frontier of that day three or four fold. It extends from Texas across the southern portion of New Mexico and Arizona, then up along the eastern frontier of California through Nevada, Oregon, Washington Territory, and along the British possessions, making a frontier exceeding five or six times that which we had at the period when we had a small and diminutive army.

It is in the interest of the people upon that frontier that I now speak; and I protest against the reduction of the Army in behalf of those people who are settlers upon the public lands, and to whom protection is an absolute necessity. I am therefore opposed to any reduction of the Army. I am opposed to it upon the principle that we have not now a sufficient Army to properly protect the frontiers. It would not be in the interest of economy to reduce the Army if the present condition of things continues in reference to these Indians, who, as General Sherman said in his testimony, were in a constant state of turmoil and war with the frontier settlements, for if the Army is reduced we will be compelled to give protection by the next best means, the temporary employment of volunteer troops for the purpose.

A reduction of our Army, now diminutive, by seven regiments, would bring it almost to a point of uselessness. General Sherman said before the Committee on Military Affairs that he would rather see the first twenty pages torn out of the Army Register and dispense with the entire staff department of the Army than to be deprived of a single regiment of cavalry. You propose to reduce the Army without making corresponding reduction of posts. Those posts must be occupied. General Sherman, when before your committee, showed where every company of every regiment was stationed. When called upon to say which of those posts he could dispense with, he was unable to indicate a single post of the hundreds scattered all over the great western frontier of the country that could be dispensed with.

Having said this much on the subject of the old and new frontiers of the country, of the necessity of at least keeping our Army up to its present standard, without stopping to enter upon a discussion of the details of this bill, I desire to say a few words in reference to the

Army generally. Every Congress seems to be imbued with the idea of a necessity to do something to reorganize the Army. And if this continual reorganizing, this continual tinkering of the Army is to be kept up, then you had better abolish the Army at once, and let the Indians take possession of our frontiers. So far as the Army is concerned, by this constant and incessant tinkering you destroy its *esprit du corps*, you keep its officers in a constant struggle for existence, for no one of them can tell in the interval between one session of Congress and another whether he will be legislated out of the service or be permitted to remain in it. No man of spirit, no man of culture, no man who is fit to be an officer, desires to remain in your Army if that condition of affairs is to be maintained. The best men you now have are seeking employment in other pursuits, seeking other opportunities to make their living by the exercise of their intellect and culture, instead of being longer kept in this constant struggle for existence. As a friend near me suggests, they are now made foot-balls of, knocked and cuffed about and played with as battledoor and shuttlecock. None of them can tell whether their official positions are permanent or not; and I say that if this condition of things is to be continued, if Congress is to be constantly intermeddling with the rank and position of these men, then you had better retire them all to private life at once.

I am no defender of the wrongs connected with the Army, if there are any. I do not say it is not an aristocratic institution, that it does not embrace many officers who are leading lives of idleness, being pillars of State in time of war and perhaps its caterpillars in times of peace. But I do know that so far as we on the frontier have been brought in contact with them we regard them as an absolute necessity. I would have preferred, if the Army was not to be increased, at least to have kept it at its present force. If, as has been said, we have an army of officers, too many to command the small army of men that we have, there are other employments in which they can be legitimately and usefully engaged. They could be made the disbursing agents of your Indian Department; they could be given the entire charge of your Indian Department; for I believe they are the legitimate and proper persons to control it.

But I am trenching upon dangerous ground. After listening to the eloquent remarks of my friend from Missouri [Mr. PARKER] and my friend from Iowa, [Mr. LOUGHRIDGE,] who passed such glowing eulogies upon the character of the Indians that I thought we were going to have three or four days of eulogies in succession, it seems that gentlemen who live most remote from the Indians and know the least about them assume to be the best judges of their character. Those gentlemen in their speeches delineate characteristics of the "noble red man" which I have failed to discover. My friend from Indiana [Mr. SHANKS] is also, I believe, included in the category of Indian eulogists. But I do not desire to stir up any controversy with those gentlemen. I am not aggressive in my character. I wish to say, however, that if the entire Indian Department were placed under the control of your Army officers you would have a more honest disbursement of your public funds than you have to-day. I have never heard the honesty or integrity of the officers of our Army questioned upon this floor; but upon almost all occasions when that subject has been brought up it has been universally conceded that they are generally men of strict integrity. The history made by them as disbursing officers during the late war is one of which not only the Army but the country should be proud.

Mr. LOUGHRIDGE. I believe the gentleman from Oregon [Mr. NESMITH] was one of a committee who went out in 1865 from the Senate for the purpose of examining the Indian question very thoroughly; that that committee took a great deal of evidence, and united in a report which stated that they were unanimously of the opinion that it was not for the interests of the Indians that they should be turned over to the War Department. Am I not correct?

Mr. NESMITH. The gentleman comes within two years of the correct date, and that is pretty near for a gentleman who is as fond of the Indians as he is It was in 1865, not in 1867, that I went out as a member of a committee on an inspecting tour. I was directed to inspect Indian affairs in Utah, Idaho, Oregon, and Washington Territories. I went alone, and I made up a report in which I unanimously concurred. But I did not entirely concur in the report that was made by the chairman of the committee—a large portion of which report I never saw.

Mr. COBURN. Does the gentleman say that that was not the report of the committee, but merely the report of the chairman?

Mr. NESMITH. I have said nothing of the sort. I say there were many things in the report in which I did not concur. But even if I did express then an opinion different from my present view, eight years is a long time for a man to remain of one opinion in this country, particularly if he has any claims to being a politician, which I am happy to say I have not.

But I have never concurred in the sentiment uttered here by gentlemen on the other side in discussing this question, to the effect that the Indians should not be controlled by the Army. I believe they are a cowardly, depredating, breech-clouted set of thieves and scoundrels; and you can only control them by their fears.

Gentlemen in their eulogies of the Indians the other day said, "Give them the Bible; give them the Bible." Why, sir, the Indians have no conception of the Bible. If you desire to control them, you can never do so with the inspiration of the Bible. They can only be controlled by superior physical force. Talk about your missionaries and your peace-men controlling the Indians! Why, sir, do they not every day call upon the Army for military force to protect them and the people at their agencies? Those peace-loving, God-fearing, Christian men may be very good men in their places; I do not deny that; but I say that their qualifications are not such as enable them to control the Indians. A man must have some practical adaptation to the purposes to which you are going to apply him. Why, sir, we read in this same Book which our friends are going to give to the Indians that Nebuchadnezzar fed upon grass; but we never heard that he was fit for beef or made a good milch-cow.

I do not desire to go into the details of this bill, but merely to say a few words in the interest of a great and scattered community which I in part represent. In fact, all that country north of the Pacific Railroad to the British possessions and down to the frontier States on the Pacific Ocean—a country embracing almost one-fourth of the Union—is represented by the single vote which I cast upon this floor; and I am sorry, Mr. Speaker, that that vote is not more potent. Those poor, isolated people, in their sparse and scattered settlements, with their wives and children and their household gods, are beyond the reach of your strong Army. They are are murdered ruthlessly, as we hear every day, and without an opportunity to appeal to you. Those are the people in whose interest I speak.

I know that it is common for men who know nothing about the condition of those people to say in frothy, noisy declamation here that the people upon the frontier themselves inaugurate those Indian wars; that they bring them on for the purpose of public plunder. In God's name, what has an Indian got that a white man wants to plunder him of? The poor settler, living perhaps five or ten miles away from any other man with his wife and his children, with nothing to sell more than he himself produces, why does he want to inaugurate an Indian war and bring down upon himself and his unprotected family the hostility of the Indians? The history of the Indian wars in my section of the country—I do not undertake to speak for other portions of the Union—has been that the Indians have been the aggressors. I see that this interests my friend from Indiana, [Mr. SHANKS.]

Mr. SHANKS. I want to call the attention of the gentleman to the fact that in 1857 he made a report in which he states that the aggressions of the Indians were because the United States made treaties with them and did not carry them out. That is his own report.

Mr. NESMITH. I admit that slightly. I admit I did make that report.

Mr. SHANKS. Very well.

Mr. NESMITH. I admit that the United States failed to carry them out in many respects; but can we allege it to be the trouble of the frontiersmen? It rests upon you, sir, and other gentlemen who cast votes upon this floor. If you make a treaty for the purchase of the Indian's land and then fail to pay him an equivalent as you have agreed to do, it is your fault, and not that of those who live upon the frontier.

Mr. SHANKS. But the gentleman just now said the Indian was the aggressor. He then said, when he was in the employ of the Government, when the Government paid him for his services, that the Government was the aggressor. Now, when he is looking to his constituency for re-election, he said the Indian was the aggressor.

Mr. NESMITH. The gentleman is drawing very fine distinctions.

Mr. SHANKS. I intend to draw them while I am here.

Mr. NESMITH. Very well; the gentlemen is drawing very fine distinctions. I said in that report that the Government in many instances had failed to comply with conditions of the treaties made with the Indians. That was what I was talking about when I wrote the report in 1865. Now I am speaking with reference to who is to blame for these Indian wars—not as to the Government or whether it is the white frontier settler or the Indian enemy. I have not attempted to trace them back to real causes.

Mr. SHANKS. General Canby said the Indians had great provocation for what they had done prior to the time they killed him.

Mr. NESMITH. I think General Canby was under great misapprehension. All of the inception and inauguration of this Modoc war, over which my friend from Indiana and myself had a scuffle on the floor some time ago, I think the report shows so far as settlers are concerned the Indians were in absolute wrong.

Mr. SHANKS. The settlers were organized and came in marching companies and made an attack upon the Indians the evening before, and murdered——

Mr. NESMITH. I deny every word of it.

Mr. SHANKS. I assert it.

Mr. NESMITH. I was there or near there and the gentleman from Indiana was not.

Mr. SHANKS. The report says the civilians were armed and were on hand at the time. An attack was made on these Indians, and there was then no murder committed by them; and there was no murder committed until after that, when these Indians had been shot down in camp.

Mr. NESMITH. You are mistaken about the facts.

Mr. SHANKS. The reports and the President's message give me that information.

Mr. NESMITH. Major Jackson went under orders of the Government to arrest the Modocs on Lost River and take them to their reservation, where they were bound to remain under a treaty which they themselves made. Then the Indians fired upon Jackson, and they

had a fight. They dispersed over the State of Oregon; and in place of finding citizens organized and ready to receive them, they shot men down at the plow and in the fields who expected no hostile demonstration any more than my friend from Indiana does if I were now to seek him out with a double-barreled shot-gun.

Mr. SHANKS. They were armed and organized for that purpose. I wish to say to the House that the gentleman has called attention to the fact that he is the only Representative on this floor of all that territory north of the Pacific Railroad and west of the Rocky Mountains. In reply, I wish to say that the people of whom he has spoken as thieves and scoundrels have no representative here at all. They have no one to speak for them or to vote for them except myself of course, as some one has said. He has called attention to the fact that these people have but one Representative. I wish this House to know the Indians have none.

Now, he wants to know what these people wanted to attack the Indians for. He asked what they could get from them. I will tell you what they get from them. Those people out there have obtained every foot of soil from the Indians upon which they lived. They have not a foot of land which was not taken from the Indians.

Mr. NESMITH. I believe I have the floor. When I said I was the solitary Representative I did not exactly state what is the entire fact. There are several worthy, able gentlemen on this floor who represent Territories embraced within that region. What I meant to be understood as saying, if I did not say it, was that I cast the solitary vote here for that entire country.

Mr. SHANKS. That is just what you said.

Mr. NESMITH. I decline to yield to the gentleman.

Mr. SHANKS. I do not want you to yield.

Mr. NESMITH. But as far as representation is concerned, I know of no people so worthily and so ably represented as the breech-clouted, blanketed thieves I have spoken of are represented by my friend from Indiana. He seems to avail himself of every opportunity to denounce his own race and to denounce the people living on the frontier, and to arrogate to himself the representation of these people, and I say that I know of no people more worthily represented than they are by my friend from Indiana.

I have occupied more time on this subject than I desired. I am as good a friend to the Indian as my friend from Indiana is when the Indian behaves himself; but when the Indian without provocation and in cold blood murders the isolated and defenseless people scattered over that vast region, then I am opposed to him, and if my friend from Indiana, following out the instincts of the people whom he represents, should join them in perpetrating these outrages, I should oppose him too.

But, sir, I have been diverted from the subject on which I started. I proposed when I took the floor to occupy a few minutes in relation to the Army bill. I had given the reasons why I desired that there should be at present no legislation on this subject, or at least no reduction of the Army, and, as I said at the time, I was, perhaps, stepping upon dangerous ground when I spoke of the desire of the western people to have the Indians controlled by the Army rather than by those people who claim to represent the peace policy. I now surrender the floor.

Mr. MACDOUGALL. I desire to offer the amendment which I send to the Clerk's desk.

The SPEAKER. There are two amendments already pending. Is there objection to the gentleman from New York offering an amendment?

Mr. COBURN. I understand that the amendments are merely read for information.

The Clerk read the amendment proposed by Mr. MACDOUGALL, as follows:

Strike out section 7 of the bill, and insert in lieu thereof the following:

That the Adjutant-General's Department of the Army shall hereafter consist of one Adjutant-General, with the rank, pay, and emoluments of a brigadier-general; two assistant adjutants-general, with the rank, pay, and emoluments of colonel; four assistant adjutants-general, with the rank, pay, and emoluments of lieutenant-colonel; and ten assistant adjutants-general, with the rank, pay, and emoluments of major.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army;

A bill (H. R. No. 1794) for the relief of Pat O'Hawes;

A bill (H. R. No. 2090) for the relief of Jacob Harding; and

A bill (H. R. No. 2692) to change the name of the schooner-yacht Quarantine to Welcome.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 1582) for the relief of C. C. Spaids; and

A bill (H. R. No. 2808) authorizing the President to reinstate George M. Book on the active list of the Navy.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 28) to set apart a certain portion of the Island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park;

A bill (S. No. 142) for the relief of Nathaniel McKay, assignee of the builders of the steamers La Portena, Edward Everett, F. W. Lincoln, Azalia, and N. P. Banks;

A bill (S. No. 313) to confirm the purchase of a portion of the site of Fort Houston, at Nashville, Tennessee, and to provide for the donation of the same to the Fisk University for educational purposes; also to confirm the purchase of certain land at Fort Hamilton, New York;

A bill (S. No. 332) granting to the American Fork Railway Company a right of way through the public lands for the construction of a railroad and telegraph;

A bill (S. No. 514) granting to the Sierra Iron Company a right of way through the public lands for a railroad and telegraph; and

A bill (S. No. 624) to authorize the issuance of patents for lands granted to the State of Oregon in certain cases.

REDUCTION OF THE ARMY.

Mr. BANNING. Mr. Speaker, the Secretary of the Treasury, in his letter to Congress giving estimates of appropriations required for the fiscal year ending June 30, 1875, asks for the military establishment the sum of $34,881,618.10. Our Committee on Appropriations reported a bill, which has passed this House with some amendments, appropriating $28,449,916.60, being more than six millions less than the amount asked for by the Secretary; a commendable saving, because the financial condition of the country calls for retrenchment and reduction of expenses.

An examination of our military establishment and the testimony of military officers before the Committee on Military Affairs prove conclusively that a large reduction of our Army and its expenses may be made. That the safety of this Government depends upon our standing Army is now and always has been doubted by our ablest and best men. On April 2, 1802, Thomas Jefferson, in writing to General Kosciusko relative to the Congress then in session, said:

They will pretty completely fill all the desires of the people. They have reduced the Army and Navy to what is barely necessary; they are disarming executive patronage and preponderance by putting down one-half of the officers of the United States which are no longer necessary. These economies have enabled them to suppress all internal taxes.

In his inaugural address, Mr. Jefferson said of the regular Army:

For defense against invasion their number is as nothing—nor is it needful or safe that a standing Army should be kept up in times of peace for this purpose.

General Hazen, one of the most distinguished officers of the regular Army, in his interesting work on the Franco-Prussian war, says:

The busy commercial life and experience of the nation is its strongest arm, and is what it must inevitably depend upon in time of war to supply the wants of its armies.

In peace, while the line of the Army is resting out for want of occupation, it is an open question whether the regimental organization, with well-chosen depots in the hands of business men and an able corps of inspectors, is not ample for all purposes.

Sir, neither the Canadians nor the Mexicans will ever invade us. Situated as we are far away from any powerful nation, with an ocean rolling between, we would have ample time to rally our people to arms for the national defense before a foreign army could reach our shores.

In our late war we learned that educating Army officers at Government expense to put down a civil war was a dangerous experiment. In that war our Army furnished her full quota of officers to both sides; and through Lee, Jackson, Johnson, Longstreet, Hood, and others, West Point contributed quite as much toward supporting as she did toward suppressing the rebellion. All the army we need is an army of sufficient numbers to guard public property and protect the frontier. How large an army is required to protect the frontier is a question not readily answered. Judging from our late campaign against Captain Jack a very large army would be required; but Captain Jack is dead, his sixty warriors dispersed, and the lava-beds in our possession.

The peace commissioners and Quaker policy of our Administration, most expensive of money and wasteful of human life, has proven a failure, and the frontiersman finds now, as he has found from the earliest history of this country, that his own strong arm and trusty rifle must protect his cabin and his family.

It has been claimed that we need an army to protect the civil authority and enforce the law; this has lately been proven, and well proven, not to be true. The condition of affairs in the State of Louisiana is the best evidence that the interference of the Army or the use of Federal bayonets in civil affairs is pernicious and dangerous to the proper administration of a republican government; while the refusal of the Administration to interfere with affairs in Texas has enabled the people of that State to show to the country and the world that they are fully capable of self-government.

The governments of Texas and Georgia and others of the Southern States may not be, and are not, administered by those belonging to the party in power, but they are governments of the people, administered by the people's representatives, quiet, peaceable, dignified. Then we need no army to preserve peace and order in the Southern States. The people of the South are not only ready to assist in preserving the union of the States, but will keep peace, order, and good government in the South if permitted to do so.

Our Army is now more than twice as large as it was in 1860. Then we had about thirteen thousand soldiers; now we have more than thirty thousand. Then we had need of quite as large if not a larger army than now. We had the same territory to protect, as many if not more Indians to watch and guard against. The constant danger

of a slave insurrection was upon us. The troubles which eventually culminated in our civil war called for a heavy force of armed police to sustain the law. *Then* our people were ignorant of military drill and discipline. A call to arms brought to the field an army of men who knew little of the use of arms and nothing of the art of war. *Now* we are a nation of soldiers, drilled, disciplined veterans, whose five years' experience in the field would be worth more in actual war than twenty years' West Point training—soldiers who fought with Grant, Sherman, Thomas, Sheridan, and McClellan; soldiers who fought with Lee, Jackson, Longstreet, and Hood.

If war should occur, a call to arms would bring immediately to the field five hundred thousand trained soldiers from the North and South, soldiers who fought against each other, but who would now go to battle like brothers, and fight for each other and with each other for a common country, each endeavoring to show the greater devotion by superior deeds of valor and heroism. Surely, sir, we never had so little need of an army as now. We have no internal dissensions, are at peace with the world, and since we have demonstrated in our late civil conflict our power as a war Government, it is not likely we will be provoked to arms by any interference from abroad.

There is another fact which goes to show a reduction of the Army practicable, and retrenchment in the useless extravagance of the present system called for. In the report of the Secretary of the Treasury during our war with Mexico for the year ending June 30, 1846, the total expenditures of the Army for that year were $4,487,286.83, and for the fiscal year ending June 30, 1847, the total expenditures were $19,080,865.58. This with an army numbering 44,917 men, of whom 43,536 were in active operations in the field; while now this House has appropriated over $28,000,000 to maintain an army of less than 32,000 men on a peace footing. Sir, our Army is too large, too numerously officered, and too expensive. The officers of our Army, numbering 2,496, which is a commissioned officer to about every ten enlisted men, draw more pay than all the private soldiers and non-commissioned officers put together, as an examination of the Army Register will show, and the following letter of the Paymaster-General will verify:

DEAR SIR: In reply to your inquiry of the 15th, I would state that the aggregate pay of the officers of the Army for the last fiscal year was $4,086,551.91, and the aggregate pay of the enlisted men for the same period was $4,080,124.57.

Very respectfully, your obedient servant,

BENJ. ALVORD,
Paymaster-General.

Hon. JOHN COBURN.

General LOGAN, in his speech of 1871, estimated the pay of twenty-three general officers of the Army at $178,681, while the subjoined letter and table, furnished by General Bingham, Acting Quartermaster-General United States Army, show a fearfully extravagant expenditure of money for the use of buildings occupied as quarters by officers of the Army for the purposes of storage, offices, stabling, &c., at the headquarters of the several military divisions and departments of the Army:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 12, 1874.

SIR: In compliance with your request, I have the honor to submit the following statement of the annual expenditures of the Quartermaster's Department, for rent of buildings occupied as quarters by officers of the Army, and rent of buildings hired for purposes of storage, offices, stabling, &c., at the headquarters of the several military divisions and departments of the Army. Also, a similar statement of the rents paid in this city:

Location of headquarters.	Divisions.	Departments.	Officers' quarters.	Offices, &c.	Total.
New York City	Atlantic	1st district.	$32,948 00	$35,700 00	$68,648 00
Boston, Massachusetts	....do	2d district.	7,128 00	1,200 00	8,328 00
Philadelphia, Pennsylvania	....do	3d district.	14,256 00	4,999 92	19,255 92
Detroit, Michigan	....do	4th district.	8,424 00	1,769 88	10,193 88
Buffalo, New York	....do	5th district.	3,888 00	648 00	4,536 00
Total Division of the Atlantic.	.....	.....	66,644 00	44,317 80	110,961 80
San Francisco, California	Pacific ..	California .	39,280 00	39,876 00	69,156 00
Portland, Oregon	....do	Columbia..	10,800 00	10,176 00	20,976 00
Prescott, Arizona	....do	Arizona*..	.....	.....	.....
Total Division of the Pacific.	.....	.....	40,080 00	50,052 00	90,132 00
Chicago, Illinois	Missouri.	.....	14,040 00	13,800 00	27,840 00
Saint Louis, Missouri	....do....	.....	4,104 00	10,800 00	14,904 00
Leavenworth, Kansas	....do....	Missouri ..	3,456 00	1,680 00	5,136 00
Omaha, Nebraska	....do....	Platte	11,232 00	4,455 96	15,687 96
Saint Paul, Minnesota	....do....	Dakota....	14,256 00	5,947 92	20,203 92
San Antonio, Texas	....do....	Texas	10,584 00	14,070 00	24,654 00
Santa Fé, New Mexico	....do....	Dist. New Mexico.*	.....	.....	.....
Total Division of the Missouri.	.....	.....	57,672 00	50,753 88	108,425 88
Louisville, Kentucky	South ...	South	12,744 00	8,079 96	20,823 96
New Orleans, Louisiana	....do....	Gulf	13,176 00	9,720 00	22,896 00
Total Division of the South	.....	.....	25,920 00	17,799 96	43,719 96

*Public buildings occupied; nothing paid for rents.

The annual amount paid for rents at Washington for officers' quarters is $62,616, and for other buildings $48,160.08, making a total of $110,776.08.

RECAPITULATION.

Total amount Division of the Atlantic	$110,961 80
Total amount Division of the Pacific	90,132 00
Total amount Division of the Missouri	108,425 88
Total amount Division of the South	43,719 96
Total amount depot at Washington	110,776 08
Grand total	464,015 72

In reference to the expenditure by the Quartermaster's Department on account of the Signal Corps of the Army, it is estimated at $123,325 per annum.

Very respectfully, your obedient servant,

J. D. BINGHAM,
Acting Quartermaster-General, Brevet Brigadier-General, U. S. A.

Hon. JOHN COBURN,
Chairman Committee on Military Affairs, House of Representatives.

It appears to me, Mr. Speaker, that if the General of the Army were to start out an inspector in the interest of economy, with an ambition to reduce expenditures so that our expenses might be brought within our income, he might cut down this expense of offices and officers' quarters at least one-quarter of a million. For my own part I can see no necessity whatever for keeping up any of these officers' quarters or offices named in the foregoing list of General Bingham, unless it be the Washington depot, the headquarters of the General of the Army.

If we were to make full inquiry we would find that $110,776.08, the amount paid in this city alone, would, if spent with economy, rent a very large number of offices and officers' quarters in this city, where there are so many empty houses adorned with notices "To let." I have understood that Willard's entire hotel is leased for less than $30,000 a year; a building large enough to furnish offices and quarters for all the officers of the Army. This being the fact, wherein is the necessity for paying for officers' quarters alone the sum of $62,676 and for other buildings the sum of $48,160.08, making a total expenditure in this city alone of $110,776.08. I do not know where all these officers' quarters and offices spoken of in this report are, but I suppose they are located in the fashionable portions of the city, as the rents would indicate. I hope the occupants are comfortable; they should be, because the amount paid for the rent of their quarters is the interest on $1,846,266, which sum would purchase a large amount of real estate in Washington these hard times.

I am not complaining of the officers who enjoy these expensive quarters; it is their privilege to occupy them, and I do not find fault with them for so doing. It is our duty, however, to inquire into all these affairs, and prevent all waste and unnecessary expenditure of the public money. The condition of our Treasury makes it necessary for us to economize and reduce expenses, and this seems to me a reduction we may well make.

Mr. Speaker, I am satisfied we can make a large reduction in the number of Army officers and in Army officers' pay without endangering the safety of the country, to the advantage of the tax-payer, and in so doing add to the efficiency and usefulness of the Army itself. The reduction need only be of the supernumerary officers and men whose names adorn the pay-roll, whose extra duty seems to be to dress well, and whose real duty seems to be to draw their pay regularly. An experienced writer upon the expenses of our War Department says:

What need, for example, can the War Department have for five hundred and seventy seven clerks? Our regular Army consists of only thirty-two thousand men, and is thoroughly officered at the different points in which it is distributed not only with staff and regimental officers, but with clerks of the Quartermasters' and Commissary Departments. Yet, if we compare the number of clerks employed in the War Department and supposed to attend to the correspondence and other business connected with military affairs with the actual number comprising our standing Army, we shall find that the Secretary of War employs one clerk at Washington to every fifty-six men in the field.

In England, which has the name of being the paradise of office-holders and sinecures, the war office employs only five hundred and ninety clerks of all grades, and that, too, with a standing army one hundred and twenty-nine thousand strong, besides reserve force, militia and volunteer corps, to the aggregate number of three hundred thousand more. The government of Great Britain, with all its extravagance and with ever so many supernumeraries of the barnacle family in office, gets along in its war department with only one clerk to every two hundred and twenty soldiers, while in our republican and economical Government we must have one clerk to every fifty-six soldiers.

Notwithstanding this large number of clerks, applicants for back pay, bounties, and pensions find that they must not only furnish full proof for the establishment and collection of their claims, but must exercise a patience and endure a delay which wearies and discourages them, and weakens their confidence in the honesty of the administration of our Government. Why then, sir, do we keep up so large an army, or, in the language of a late Assistant Secretary of War—

What justification is there, then, for the existence of our Army of thirty thousand men? There are wandering, thieving, murdering bands of Indians within our territory which require watching and punishing. Eight thousand men will amply suffice for this work. Twenty-two thousand men, therefore, are maintained by our tax-payers in lives of the most unprofitable idleness. They should be sent back to useful labor forthwith. A large standing army in the United States in time of peace is a solecism unworthy of a rational people. It is an absurd, costly sham, which should be attacked by every man in the country who honestly desires to stop the waste of the public money.

The argument has been and is made that a standing army is necessary for the purpose of having a foundation upon which to build a military force in time of war. The fallacy of this statement was proven in our late civil conflict. When war came upon us, instead of

building up from our regular Army a force sufficient to defend the Union, we found, to say the least, that that Army and its entire system was of no use whatever. The Government was forced to call upon the militia. Raw volunteers brought into the field had to be drilled and disciplined precisely as they would have been without a regular Army in existence. The patriotic citizens of the United States, both officers and men, were taught their duty in the field and under fire.

The fact is, sir, we have been taught by hard experience, as well as by the example of the war powers in Europe, that to make an efficient army we must create and educate the private soldier. France, that conquered Europe, and Germany, that has since conquered France, have been for a thousand years making and educating the private soldier. In the discipline and drill of the men will be found the power of the Army. Disregarding this lesson or fact, we seek to do this work by educating an officer. When the officer is made the Secretary of War comes down to Congress and asks appropriations for an army, and in this lies the whole secret of our trouble. Having made the officer we are called upon to furnish him with men, instead of drilling the men and furnishing from among them an officer.

As I have said before, we have entirely too many officers for our Army, and this disproportion grows upon us until after a while we will have more officers than men. The process is as follows: Each congressional district is entitled to a cadet at West Point; in addition to this the President appoints at large; after four years' study at West Point these young gentlemen graduate as officers, and have not only to be paid by the General Government but furnished employment. What time then would be necessary to bring about this result of more officers than men becomes a mere mathematical calculation which each person can make for himself.

The wants, then, of a large army are not in the needs of the country, but those of the officer; he must have men or he has no employment. Perhaps, sir, we could disband the entire force of privates and do all that is necessary to be done by the officers. An army made up of the intelligence and gallantry found under the epaulet would more than compensate for the loss of numbers of mercenary soldiers. What a magnificent army it would be of five thousand officers and clerks brigaded under our gallant general marching out to the defense of our flag! How the hearts of the country would go with them!

Jesting aside, sir, if we seek a thorough reform that will give us an efficient force in accordance with the simplicity and economy of a republic, it will be necessary to remodel the entire War Department. This the people of the United States demand, the good of the Army service demands, and the depleted condition of our Treasury makes necessary. How, then, shall this reduction be made? It is said it cannot be done without dealing unfairly by the officer; that his life has been devoted to his profession, and now he cannot adapt himself to any other profession or calling. The history of the most distinguished officers in our late war stand as strong evidences that American Army officers are not so shiftless and incapable of taking care of themselves as some of their would-be defenders would make them out. Among the most brilliant and distinguished officers of the Union Army were Grant, Sherman, Rosecrans, Mitchell, and McClellan, all of whom had resigned from the Army and turned their attention to civil pursuits, while the confederate army found its great captain, Stonewall Jackson, a resigned officer of the United States Army, making himself useful and earning a living as a professor in the University of Virginia.

Mr. Speaker, there are wounded and disabled Army officers to whom the nation is indebted, whose infirmities she never can make good, and to whom liberal payments will always be made. The statement, however, that the Army officer only understands the art of war, and outside of the Army cannot earn a living, may be a compliment to the laggard, but it is an insult to the intelligent capable officer. If it were true, it would be a sufficient reason in itself for our withholding any further appropriations to our Military Academy upon the Hudson. Why should the officer who has been educated by the Government have, in addition to his free education, the advantage through life over other citizens? Does it follow as a logical and necessary conclusion that because the Government has educated, she is therefore bound to support him? Must the Government pay the officer when it does not need his services, to have his support when required? The farmer, the mechanic, the merchant, the doctor, the lawyer, all self-educated and self-supporting, owe allegiance and service if the country calls—why not the Army officer?

And now as to the manner of reducing expenses of the Army. Believing that it will be perfectly safe to reduce the Army, and that no person will suffer by reason of the reduction except Army officers for whose faithful service the country is grateful, against whom I would not raise my voice, and with whom the country expects us to deal justly, but who must not in this hour of the country's financial trial expect more than the country can perform, or stand in the way of reduction, retrenchment, and reform, this reduction may be accomplished by stopping all recruiting. This will cut off from the appropriations recommended by the Secretary $175,000, and will reduce the Army in one year, according to a statement made by Adjutant-General Townsend in his examination before the Military Committee, if the same casualties should occur next year that occurred last year, to about a proper peace footing. On page 37 of his examination he furnishes a statement showing the number of casualties per year in the United States Army:

Statement showing the average number of casualties per year in the United States Army.

Arm of service.	Died.	Discharged.			Deserted.
		Expiration of service.	For disability.	Other causes.	
Cavalry	130	1,077	277	478	1,910
Artillery	47	582	200	231	1,011
Infantry	239	2,120	503	1,100	3,515
Miscellaneous	65	408	133	472	1,377
Total	481	4,187	1,113	2,281	7,813

According to this statement the average yearly casualties are 15,875. Of these casualties, most remarkable and as proof of the low standard of the men recruited, 7,813 are deserters. Think of it, sir, more than one-fourth of our Army deserting annually! Should not the American heart swell with pride, and should not every American citizen be inspired with feelings of safety as he looks with admiration upon these gallant defenders of his country, when he turns to page 37 of this book and reads that 7,813 of our Army, more than one-fourth, desert annually!

Sir, when we take into consideration the character of our military as shown by this table of the Adjutant-General, it is easy to understand why we were so long in whipping Captain Jack! Indeed, sir, it is hard to understand how we ever whipped him. In fact, if the character of our Army is correctly portrayed in this report, the wonder is that Captain Jack was not re-enforced in place of being captured.

And is this the foundation upon which gentlemen would have us build for the national defense in the event of war; a foundation which, like that of 1861, would divide upon the firing of the first gun? Why is this, sir? Why all these desertions? Why is the rank and file made up of such bad material?

I have said before that we exhaust ourselves in making the officer. We have not followed the example of the war powers in Europe, or devoted our energies and intellect in making the soldier. In Europe the private soldier's ambition is appealed to, his self-respect is cultivated. In Germany the nobleman is subjected to the same military discipline as the peasant; while in France the great Napoleon said that the common soldier carried in his knapsack the baton of a marshal. With us, sir, there is no promotion from the ranks. Our promotions are from West Point. Our officer is made an aristocrat by law, and our common soldier a slave by necessity. I know gentlemen can take the Army Register and point out a large number of officers commissioned from civil life, but these are exceptions, and I am speaking of the system and not the exception. The late war demonstrated the want of efficiency in this very system.

Now, sir, the rank and file being reduced by its own casualties, let the list of officers be reduced in proper proportion. The problem to be solved is, how shall this be done? An old soldier said to me while conversing upon this subject, "A reduction of the Army you think is highly proper and necessary. Suppose you go on and try it. You will find it does very well to talk about; but when it comes to mustering out, every Congressman will be standing in for and protecting his favorite officer, until at length they will find it necessary to repeal the law to protect their friends."

Mr. Speaker, the power of the "lobby" is very great, but not so strong I think but that the virtue of this Congress can resist and defeat it.

Sir, according to this same report of the Adjutant-General the yearly casualties among the officers, if no new appointments are made, would make a rapid reduction. The casualties yearly among Army officers according to this book, page 37, are eighty-three. And for the more rapid reduction let the General of the Army take it in charge. He will strike off the dead branches. He will drive the drones from the hive and retain the intelligent working material, as this answer of his before the committee well shows:

General SHERMAN. If reduction is forced upon the Army by the financial condition of the country, (of which Congress must be the sole judge,) I unhesitatingly say that you had better cut off at the head than at the foot; that the most valuable part of our military establishment is in the inverse order of its general arrangement. I look upon two cavalry regiments or even infantry regiments as worth more than the whole general staff, *myself* included. I would rather see Congress abolish me and my office, and turn me loose to get my own living, and tear out the first thirty-eight pages of the Army Register, than to see it disband two such regiments. But that, of course, is not the answer you want. I think you ought to take each of these staff departments by itself and ascertain the number of officers of every rank required in each of them, and fix them at that and then repeal the other law prohibiting promotion, and let the President conform the reorganization of the staff of the Army to suit the new law. To repeal that law, (prohibiting promotion,) as to one department, (as you did for the engineers,) and not for the others, is a discrimination in violation of the fourteenth amendment of the Constitution, in my judgment. The Ordnance Department now seeks to obtain the same repeal as to itself. In my judgment there is not a bit of necessity for such favoritism. They have got plenty of ordnance officers for every probable contingency that can arise in the next year.

Mr. HAWLEY, of Illinois. The President in his message speaks of it.

General SHERMAN. Yes; because he is very much pressed by mothers and aunts who want to get their sons and nephews into some soft place. The Ordnance Department is the softest place in the Army, and they all want to get into it, especially young men with influential congressional friends. I may as well use plain language. There are sixty-one ordnance officers now, and how they find employment for them all I don't know.

And now, sir, as the noble volunteer who survived laid down his musket and resumed his citizenship, so the people expect this Government to return to the military establishment of the fathers, who framing our Government warned us against the exigencies and dangers of military glory.

I would suggest, Mr. Speaker, before closing that we have it in our power by rearrangement of business properly belonging to the War Department to not only save large sums of money to the Government, but secure a better administration of two very important departments of the Government. I refer to the *Indian* and *Pension Bureaus*. As these now are, the country is startled by their heavy expenditures and loose administration. It is admitted, indeed it cannot be denied, that they are to a large extent mere political machines of value to parties through their patronage. This, sir, we all acknowledge to be wrong.

The shortest, plainest, simplest remedy is a transfer to that arm of the Government where they properly belong—the War Department. I need not occupy the attention of the House in stating what the late war and years of experience has taught us, that the boys educated at West Point for the public service as a general thing are honest. We have seen millions of money passing through their hands without leaving a stain upon their fingers. I hold, sir, that the most honorable national record—the one least tinged with dishonesty, the one to which we may point with the most pride—is that which gives the history of the Quartermaster, Commissary, and Pay Departments of our regular Army during the late war. The strongest argument in favor of a civil service where the official agent is removed from the political arena is to be found in this experience. Unfortunately too many men who leave business for offices expect to speculate and make money; the habits of money-getting too often accompanying such official to the loss of the Treasury and the disgrace of the service. I need not elaborate this argument; the mere statement of the fact is sufficient.

Now, sir, all that has been done to the injury of the Indian service comes from speculators and political adventurers. All that has been accomplished of real service we owe to the Army and the Army officer. And if to-day the entire business was transferred to where it properly belongs, this Indian business, in my opinion, would cease to be a complication.

As for the pensions, the country is justly alarmed at their immense expenditure. It is charged, and by high authority, that a very large percentage of them are fraudulent. Now the business belongs naturally to the War Department. Under the Surgeon-General, aided by his medical staff and the Army officers out of employ, this business could be done thoroughly and honestly, and so far as economy is concerned, of immense saving to the Government. We would not only put a stop to dishonest practices through which so much money is wasted, but we would disperse an army of paid officials, and transfer the business to officers already in the service, already compensated.

Mr. HAWLEY, of Connecticut, obtained the floor.

Mr. BLAND. I ask the gentleman to yield to me to offer an amendment.

Mr. HAWLEY, of Connecticut. I will yield for that purpose.

Mr. BLAND. I give notice that at the proper time I will offer the following amendment:

In section 20, lines 11, 12, and 13, strike out the following words:
And the officers so having such leave of absence shall receive when on such duty the same pay and allowances as other officers on leave of absence.

Mr. HAWLEY, of Connecticut. I hardly anticipated that any one would be called upon to make a speech in defense of an army, or to argue the necessity of preparing for war in time of peace. I hardly know how to understand the speech of the gentleman from Ohio, [Mr. BANNING.] I heard him argue that we needed no standing army whatever, and I heard him refer to the example of Germany and France and other continental nations, who certainly maintain great armies and instruct all their people as far as possible in the art of war. I heard him say that there is no harm in turning out Army officers at any time, and yet I heard him justify the educating of Army officers at the expense of the Government, and I heard him commending the great services that they had rendered the nation.

Now, sir, having educated these men and fitted them for this specialty, having continued them in the service ten, fifteen, or twenty years, and having by that course really unfitted them for the pursuits of civil life, I hold that there is something in the nature, if not of a legal, at least of an equitable contract, by which the Government is bound to retain their services. The country will never be well served if officers who have served it long and faithfully are turned out in this manner; and every threat of this kind of legislation, even the partial tending in that direction, demoralizes the Army.

Every day or two in the debates in this House I hear compliments from both sides and from all men of all parties bearing witness freely to the fidelity, integrity, and capacity of the officers of the Army. The wonder, sir, is that we are so well served, that we have a body of men who really deserve all this praise after our incessant tinkering in Congress with this subject. Let us, I pray, if this bill be not right—and I do not say it is—let us, if it be possible for human ingenuity to do it, devise some permanent policy that shall give to the men in our Army permanent honorable positions, and give them a fair chance of promotion. The gentleman says that we need not keep up the Army in time of peace. The whole history of the world answers that. He says that our experience in the late rebellion shows the danger of educating officers at the Government expense. Well, sir, all that matter has been argued time and time again. Of course, that was an exceptional case. We are not ordinarily educating men with a view to their service for or against a rebellion. That is not one of the things we should take into consideration in framing our policy. Consider the history of West Point. More men were faithful to their pledge, a larger proportion of the graduates of West Point were faithful to the flag in that day of trial than in any other branch of the service; a larger proportion of them than of members of Congres, a larger proportion of Army officers than of men who had been in the diplomatic service.

Mr. SHANKS. Will the gentleman allow me a question?

Mr. HAWLEY, of Connecticut. Yes.

Mr. SHANKS. I have understood that according to the history of the rebellion not a single private soldier betrayed his trust, while there were quite a number of military officers educated at West Point who did desert the flag. If I am mistaken in that I want to be corrected.

Mr. HAWLEY, of Connecticut. I have heard that, but I do not know the particulars. I have heard of no body of private soldiers of the United States Army who went over to the enemy. It is a fact, established by statistics, that a larger proportion of our West Pointers were true to the flag than of any other class of citizens. Now, let us lay aside all controversy on that point and have no more about it.

The gentleman referred to our being able to dispense with the Army in time of peace, saying that it is not necessary to have an Army to preserve peace among ourselves. I will not stop to argue the Louisiana question, or to say whether the President did wisely or not in that matter. I do not see how he could have avoided what he did, especially after the decision of what was called the United States court. Suppose there had been no United States troops in Louisiana. Will any man tell how much or how little of civil war and bloodshed there would have been there? Look at the last illustration in Arkansas. Will any man tell me how much or how little bloodshed they would have had at Little Rock if it had not been for the presence of one single captain or colonel of the Federal Army, Colonel Rose? I believe by all accounts that he conducted himself with singular discretion, courage, and wisdom. I am inclined to believe, though it is all mere conjecture, that you had better have paid for the Army one whole year than not to have had Rose's small detachment of troops at Little Rock. I am inclined to believe that but for him we would have had there a chapter of crime and disgrace that would have been held up for our reproof years hence.

I need not try to explain how much we need the Army for the defense of the frontier. The gentleman was mistaken in saying that we did not want more of an army to take care of the Indians now than we had in 1860. If the gentleman will sit down and take the map and look at our straggling posts and lines of settlers and the places occupied by Indians now, they will see that we have not less than four times as much frontier to take care of now as we had fifteen years ago. Then a line running from somewhere we will say in the vicinity of Saint Paul, perhaps Pembina, down to the Texas frontier, with a few squads out on the Pacific coast, would have answered the purpose. Now you must preserve a line from Pembina along down to Texas and across through New Mexico and Arizona to the Pacific Coast; then a line running up to Oregon and a line along the northern frontier back to the place of beginning, with various cross and diagonal lines over the continent—all of which are to be occupied and guarded. The General of the Army will take a map and show you long lines of say five hundred or a thousand miles held by each regiment, broken up into fifteen or twenty detachments—a line that has its significance as preventing the encroachments of Indians in certain directions or of protecting certain fertile valleys, to say nothing of Alaska, as the gentleman from Massachusetts [Mr. BUTLER] suggests. I do not think many soldiers are required there.

My purpose in rising was only to suggest an amendment or two which I propose to offer in due time if possible. One of them refers to the Medical Department. There is on page 7 of the bill a provision that the number of contract surgeons shall be limited to seventy-five. There is, I believe, a general reduction of the Medical Department besides; but it winds up by providing that there shall be only seventy-five contract surgeons. Now, whatever you may make your regular medical staff, you ought to leave this department with some sort of elasticity. It is very idle to say that there shall be only seventy-five contract surgeons. We are to maintain very nearly the same number of posts hereafter as we have had with an army of thirty thousand men; this reduction of five thousand will make very little difference in the extent of country you have to protect. You might just as well say that the chief medical officer shall use only so many ounces of quinine in the course of a year and so many bottles of castor oil as to limit in this way the number of contract surgeons. Why should you undertake to adopt such a restriction? Can you not trust the chief medical officer? There are other fields in which he spends a great deal more money perhaps than in the employment of contract

surgeons; but the latter you can see, the other you cannot. Leave him some discretion. If you pass the bill with this provision the inevitable result will be that a number of posts will be entirely without physicians and surgeons. The provision is altogether impracticable and mischievous—nothing else than mischievous. You must leave such a matter to the discretion of the commanding general or the chief medical officer of the Army.

Then there is on the third page a provision which some of you, I have no doubt, will consider a small matter. I refer to section 6, which provides—

That the number of aids of the General of the Army shall not hereafter exceed three; the number of aids of the Lieutenant-General and of the several major-generals shall not exceed two for each; and each brigadier-general shall have one aid. The rank, pay, and emoluments of the aids herein provided for shall be the same as officers of cavalry of the same grade, and no more.

I would amend that section by changing the number somewhat; and I have an amendment which I shall endeavor to offer providing that these officers shall have at least the pay, rank, and emoluments of majors of cavalry. If a general or major-general of the Army desires to detail for service on his staff some excellent captain or lieutenant, I think it but fair that in going to this new position where the duties are increased and the expenses inevitably enlarged the young officer detailed should have a little more pay. Suppose this case—and I may as well say it is an actual case—there is an officer now on staff duty, a man very highly prized by his general, who served during the war of the rebellion and rose to the rank of colonel, a very brave and capable officer I am told; I do not know him and never saw him. For the sake of continuing in the Army (for he had fallen in love with the military service, and had deranged his plans in civil life by entering the war) he consented, because he could do no better, to take the place of a lieutenant in the regular Army. As we know, promotion is very slow; of course it is slower and slower as we continue these reductions of the Army. It may be years before this man will become even a captain. But his general, commanding his services during the late war, wanted him to continue in the regular service, and he put him upon his staff. He is now enjoying the rank, pay, and emoluments of a colonel, as he did during the war. By this bill you reduce him to the rank, pay, and emoluments of a first lieutenant. I say that you can never have officers of the Army such as you ought to have if you treat them in this way. You must pay some sort of consideration to rank. Rank may be nothing in your estimation if you have never been in the service; and even if you have, you may care nothing about it. But when a man expects to serve in the Army during his life-time, he likes to see before him the prospect of becoming perhaps a captain at thirty, a major at forty, a lieutenant-colonel at fifty, a colonel at sixty. It is very slow work at best. You would not be satisfied with such advancement in civil life. But do not shut the door to even this slow advancement. If you want a good Army system you must have one with these possibilities of promotion.

There are one or two more very vicious sections in this bill; for instance, sections 13 and 14, more particularly section 14, which provides for a mode of paying the Army by checks or drafts. The provision is—

That from and after the 1st day of July, 1874, all muster and pay rolls, when made out, shall be forwarded to the paymaster of the department for which such muster and pay rolls are made out; and the said paymaster shall make out drafts, drawn on the Treasury of the United States, for the amount due to each person respectively whose name shall appear on said muster and pay rolls; and each of said drafts shall be made payable to the person who shall be entitled to receive such amount.

In other words, this is an attempt to have a paymaster sit down here in Washington, make out his pay-roll, draw a large bundle of checks or drafts and send them out to Louisville or to San Antonio or to Pembina or to Cheyenne, to be delivered there to the soldiers. It is expected that we are to save something in this way. And then the number of paymasters is cut down to thirty. I cannot see that it is necessary to argue to any man who has ever been in the service the unwisdom of that provision. The soldier wants his money for three purposes: he wants some of it to expend during the next month or two or three or four months; he wants part of it to send home; and under the wise provisions of law now existing he wants another part to leave in the hands of the paymaster as a deposit on interest.

We have a very admirable statute which has been doing good service in the Army providing that a soldier may leave part of his pay, not less than five dollars at a time, in the hands of the paymaster to be put on interest and paid to him at the end of his term of service. Here is one of the little blank-books which the paymaster keeps for that purpose. The blank is as follows:

——, ——, 187–.

Received this day —— dollars from —— ——, Company —, ——, U. S. —, for deposit under act of May 15, 1872.

—— ——,
Paymaster, U. S. A.

Attest:
—— ——.
—— ——,
Commanding Company.

This account is kept with the soldier. At the end of the time the man is paid in full, with 4 per cent. interest. The soldiers in the regular Army are leaving money in the hands of the paymasters at the rate of $25,000 a month under that provision. The deposits are constantly increasing as the soldiers become familiar with the law. It is a useful one. It is a great check on desertion.

This is one only of half a dozen of the many wise provisions introduced from time to time in the Army for the sake of giving some sort of pride and character to the common soldier. If you are going to maintain an Army you must do more in that direction. Now you will break up the proposed provision of this bill. The paymaster cannot tell at the distance of Washington from Cheyenne or Pembina how much the soldier wants to leave on deposit in this sort of savings-bank, how much cash he wants to spend, and how much to send home. You will break up this savings fund, one of the wisest provisions made for the Army.

How is it going to work under the most favorable circumstances? Suppose you pay a company of soldiers at Pembina. The sutler in two days will have every one of these checks at from 10 to 40 per cent. discount. You cannot devise a more perfect scheme to rob the soldier of his wages. That will be the case upon the frontier. But take the best case you can imagine. Take the case of Governor's Island, in New York Harbor. You send down checks to pay off two hundred soldiers there; what is the result? In two days the checks will be sold at from 5 to 50 per cent. discount, or you will have to give the soldiers leave to go to the city. They will all want to go. They will want some money to spend and to send home. You will have two hundred soldiers on leave to go to the city to get their money. You know some of the boys will get drunk and some will run away. You will lose a heavy percentage within the next three days. That will be the inevitable result.

Who is going to identify the soldier at the bank? The upshot of it will be that the commanding officer on Governor's Island will have to march the whole squad up to the city to the bank, calling up one by one and identifying them to the cashier that they may receive their pay. Is that cheaper than to have one paymaster go down to Governor's Island and have the men march past his quarters and be paid off? It is idle, wasteful, and tends to the robbery of the soldier. Yes; it is ridiculous; there is no sense whatever in it. We should have that stricken out. The pending amendment, moved by my friend from Pennsylvania, [Mr. ALBRIGHT,] I will support for that purpose.

There is a trifling amendment I should like to offer at the end of section 11, intended to correct a little irregularity in the existing law. It so happens an ordnance officer detailed as acting commissary of subsistence cannot receive the extra allowance given to other acting commissaries. It is owing to some defect in the law. In many cases ordnance officers at various arsenals have to perform various functions, and one of them is detailed as acting commissary of subsistence. He ought to have the allowance made to an infantry officer or engineer officer detailed as acting commissary under existing law. It is a matter of interest to some thirty or forty officers in the Army. I propose to amend by providing that the existing provisions of law providing for the compensation of officers detailed as acting assistant commissaries of subsistence shall apply to officers of all branches of the service who shall have been or may be so detailed. With this and a few other amendments I may vote for the bill, but I will not promise to do it even then.

Mr. DONNAN. Mr. Speaker, at this late hour of the day, when we are at the last month of the session, I deem it unnecessary to occupy any length of time in the discussion of the question before the House as to whether we shall have an army somewhat reduced from its present establishment, or, as was suggested by the gentleman from Ohio, [Mr. BANNING,] a reduction equivalent to no army at all. I shall content myself with simply calling the attention of the House to two or three points in the bill. I think the major portion of its provisions will meet with the approval of the House, and that perhaps with explanation, we shall be able to arrive at a wise and favorable conclusion in regard to them.

I desire to call attention first, and only for a moment, to the provision which has just been attacked by the gentleman from Connecticut [Mr. HAWLEY] who has just taken his seat, that in regard to the pay of the Army. I voted in the committee for this provision; but it is only an experiment. The committee are striving to get at some more economical mode of paying the Army. The disbursements of the Army last year were only a little over $13,000,000, and yet it required more than $328,000 to pay them. The disbursements for pensions amounted to over $30,000,000, and the percentage for the payment of that amount was a little over half what it cost to pay the Army. It takes now about one and a half paymasters to a regiment to pay the Army. The committee thought that there ought to be some remedy for this expensive mode of payment, and they believe that it was wise to make this experiment so that the Army might be paid as the pensioners of the country are paid; but I beg the House to remark the care with which the committee has prescribed that the Secretary of War may, in his discretion, in cases where troops are located at remote points, or where payments as hereinbefore provided would work hardship to the men, direct payment in currency, as heretofore. I hope, therefore, that the House will sustain this provision of the bill in order to test this question as an experiment whether we cannot devise some more economical way of paying the Army than the present mode. If we can do so we shall be able largely to reduce the Paymaster's Corps in the Army.

I desire now to call the attention of the House to that portion of the bill to which I am most seriously opposed. I should be quite well satisfied that this bill might become a law with the exception of those

sections in relation to the staff corps of the Army. Will any member of this House tell me that the duties of the staff corps to-day in the different departments of the Army are largely increased above what they were in 1860? I think every member will agree with me that they are not materially changed; and yet, sir, to-day you have a largely increased staff corps compared with what it was in 1860. Then you had but one brigadier-general, eleven colonels, ten lieutenant-colonels, seventy-four majors, one hundred and forty-six captains, and seventy first lieutenants, constituting the entire staff corps, and amounting in all to three hundred and fourteen.

Mr. MACDOUGALL. I would ask the gentleman if the duties of the staff corps were not largely increased during the war?

Mr. DONNAN. The duties of the staff corps would necessarily be increased with the increase of the Army, and they were necessarily increased when our volunteer army was swelled to over a million men; but now that the Army has been reduced from a million and a half men to twenty-five thousand men, why should you maintain any such staff corps as you had during the war or immediately upon its close, when you had more than twice as large an army as now proposed?

I was calling the attention of the House to what will be the organization and size of the staff under the pending bill, if it becomes a law. Under the provisions of this bill you will have six brigadier-generals at the head of the different staff corps, seventeen colonels, thirty-two lieutenant-colonels, one hundred and forty-one majors, one hundred and fifty-four captains, and one hundred and forty-seven first lieutenants, making a total of four hundred and ninety-seven. That will be an increase of brigadier-generals of five, an increase of colonels of six, an increase of lieutenant-colonels of twenty-two, an increase of majors of sixty-seven, an increase of captains of eight, and an increase of first lieutenants of seventy-five, making an increase of officers since 1860 in the staff corps department of one hundred and eighty-three.

Now, those members of the House who were members of the last Congress will recollect that this question was quite distinctly brought before us on a proposition to authorize the President to appoint a paymaster-general, with the rank, pay, and emoluments of a brigadier-general. The position was then taken that the heads of the staff corps ought to be reduced in rank, and that the staff corps department ought to be reduced to somewhere nearly, if not quite, where they were prior to the breaking out of the rebellion; and although the Senate disagreed with the House upon that question, yet when it went to a committee of conference and was considered there it was readily conceded that the staff corps ought to be fixed nearly where it was in 1860, and that the chiefs of these corps should only have the pay and emoluments of a colonel.

Let me say that when we reach these several sections I propose to submit amendments reducing the heads of the staff corps to the grade of colonel. Let me say further that the bill does not propose to disgrade any of the present occupants of these positions who are brigadier-generals, who were distinguished officers in the late war, and who were promoted in view of their merits. It is proposed that they shall fill these positions during life or until resignation. But I hope the House will take the ground that whenever vacancies occur in the different corps the appointees as chiefs of those corps shall only have the rank of colonel and their subordinates corresponding rank. Further, I hope the House will agree with me that promotion ought to be most rapid in the line of the Army, but by the proposed establishment you render promotion most rapid in the staff corps.

We will have men seeking these positions, which are far easier, more acceptable, and more sought after than others; positions in the city at the seat of Government rather than in the field, where men have to endure the hardships of the frontier.

The chairman of the committee [Mr. COBURN] reminds me that he desires to call the previous question on this bill. I will therefore yield the floor to him, with the understanding that as we reach the different sections I have his consent to offer the amendments I have suggested, so as to bring these staff corps to the grades I have indicated.

Mr. STRAWBRIDGE. I desire to offer an amendment.

Mr. COBURN. I will hear it read.

The Clerk read as follows:

Insert in section 12 after the word "surgeons" and before the words "with the rank, pay, and emoluments of majors:" "those having served thirty years and upward from the date of their original entry into service shall have the rank, pay, and legal allowances of colonels; those having served twenty years and upward from the date of their original entry into service shall have the rank, pay, and legal allowance of lieutenant-colonels; and all other surgeons."

Mr. COBURN. I do not yield to allow that to be offered; only to be read. I now call the previous question on the bill and pending amendments.

NICHOLAS FOUQUE AND MARC ANTOINE FOUQUE.

Mr. BUTLER, of Massachusetts, by unanimous consent, reported back from the Committee on the Judiciary, with a recommendation that the same do pass, House bill No. 2860, for the relief of the heirs of Nicholas Fouque and Marc Antoine Fouque; which was referred to the Committee of the Whole on the Private Calendar, and the report accompanying the same ordered to be printed.

NICHOLAS JOSÉ MEVRIMET.

Mr. BUTLER, of Massachusetts, also, from the same committee, reported a bill (H. R. No. 3527) for the restoration of the property of Nicholas José Mevrimet; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

REDUCTION OF THE ARMY.

The House resumed the consideration of the bill for the reduction of the Army, the question being upon the motion for the previous question.

Mr. MCKEE. Are there any other amendments to be offered?

The SPEAKER. There are two amendments pending now, one by the gentleman from Massachusetts [Mr. BUTLER] and one by the gentleman from Pennsylvania, [Mr. ALBRIGHT;] those are all that the rules permit to be offered.

Mr. MCKEE. I move that the bill be recommitted to the Committee on Military Affairs.

The SPEAKER. That motion will be in order if the previous question is not seconded.

Mr. MACDOUGALL. I move the bill be laid on the table.

The motion to lay on the table was not agreed to upon a division, ayes 32, noes not counted.

The previous question was then seconded and the main question ordered.

AFFAIRS IN ARKANSAS.

The SPEAKER announced the following as members of the committee authorized by the resolution adopted on yesterday in regard to affairs in Arkansas:

Mr. POLAND of Vermont, Mr. WARD of Illinois, Mr. WOODFORD of New York, Mr. SAYLER of Ohio, and Mr. SLOSS of Alabama.

PATENTS, TRADE-MARKS, AND COPYRIGHTS.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 3528) amending the law relating to patents, trade-marks, and copyrights; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1560) to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports and to reduce internal taxes, and for other purposes,'" approved March 3, 1873;

An act (H. R. No. 1590) to provide for the better protection of the frontier settlements of Texas against Indian and Mexican depredations;

An act (H. R. No. 2782) to extend the time to pre-emptors on the public lands in the State of Minnesota to make final payment;

An act (H. R. No. 2999) for the relief of Henry A. Webster, V. B. McCollum, and A. Colby, of Washington Territory, pre-emptors on the Makah Indian reservation; and

An act (H. R. No. 3267) changing the name and location of Irasburgh National Bank of Orleans, county of Orleans, State of Vermont.

The SPEAKER. By order of the House a recess is to be taken to-day at half past four o'clock until half past seven o'clock this evening, when the House will hold a session for the consideration of the tariff bill, no other business whatever to be in order. The hour of half past four o'clock has now arrived, and the House will accordingly take a recess.

The House took a recess until half past seven p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m., Mr. ELLIS H. ROBERTS taking the chair as Speaker *pro tempore*.

TARIFF AND INTERNAL REVENUE.

Mr. DAWES. I move that the House resolve itself into the Committee of the Whole on the state of the Union to resume consideration of the bill amending the customs and internal-revenue laws.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. TYNER in the chair,) and resumed the consideration of the bill (H. R. No. 3491) to amend existing customs and internal-revenue laws, and for other purposes.

Mr. DAWES. When the committee rose last evening they were in the act of dividing on an amendment relative to the duty on Moisic iron. The committee is now very thin; and it would not be proper to try to get a division. I therefore suggest that we turn over to that part of the bill relating to internal revenue, on which I think there will not be much debate. We might go on with that upon the understanding that we shall return to the pending amendment as soon as the committee is full.

Mr. DURHAM. I object; I insist on the regular order.

Mr. ELLIS H. ROBERTS. I suggest that we take up such parts of the internal-revenue provisions as may be passed without objection.

Mr. WILLARD, of Vermont. The difficulty is that gentlemen who may be interested in that part of the bill did not expect it to be reached for an hour, and for that reason probably are not here.

The CHAIRMAN. The Chair understands the gentleman from Kentucky [Mr. DURHAM] to object to anything but proceeding regularly with the consideration of the bill. The Chair will therefore announce

that when the committee rose last evening an amendment offered by the gentleman from Pennsylvania [Mr. MYERS] was pending upon which a rising vote had been taken and a further count demanded. The Chair directs that the amendment be read.

The Clerk read as follows:

That section 4 of the act entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved June 6, 1872, be, and the same is hereby, amended by striking out the thirtieth paragraph of said section in relation to the duty on Moisic iron; and from and after the passage of this act the duty on Moisic iron, of whatever condition, grade, or stage of manufacture, shall be the same as on all other species of iron of like condition, grade, or stage of manufacture.

Mr. O'NEILL. Mr. Chairman——

The CHAIRMAN. No debate is in order. On the pending amendment the gentleman from North Carolina [Mr. ROBBINS] had demanded a further count. Is that demand insisted on?

Mr. VANCE. My colleague [Mr. ROBBINS] is not present; I presume he would not insist on a further count.

Mr. DAWES. It is very evident that we cannot have a division at this time.

Mr. VANCE. I withdraw the demand on behalf of my colleague.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. DAWES] suggest that this proposition be passed over to be returned to hereafter?

Mr. MYERS. The amendment was mine and——

The CHAIRMAN. No debate is in order.

Mr. MYERS. The amendment was carried by a very large majority.

The CHAIRMAN. If no further count is demanded, the Chair will consider the amendment as agreed to.

There was no objection.

Mr. PENDLETON. I move to amend by inserting after the pending section the following as a new section:

SEC. —. That the second section of the act entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved June 6, 1872, shall be, and is hereby, repealed, it being the intent of this act to restore the duties upon the goods, wares, and merchandise mentioned in said section which were by law levied, collected, and paid prior to the passage of the act of which said section is a part.

Mr. ELLIS H. ROBERTS. I trust the gentleman from Rhode Island [Mr. PENDLETON] will withdraw his amendment until the committee is fuller.

Mr. PENDLETON. If there is no objection it can be adopted now, and a vote taken on it in the House.

Mr. DAWES. It will come in at the end of the tariff part of the bill just as well as here; and when that part of the bill is reached the committee may be full. I suggest to the gentleman that he withdraw it for the present.

Mr. PENDLETON. I think this is the most proper place for the amendment, but I do not wish to urge the matter unduly. I will withdraw it if I can have an opportunity to offer it hereafter.

Mr. RANDALL. It might be adopted now with an understanding that a vote shall be taken on it in the House. There will be perhaps a vote on this question in some manner in the House.

Mr. PENDLETON. I withdraw the amendment for the present.

Mr. LAWRENCE. We are proceeding under a mistake. The amendment of the gentleman from Pennsylvania [Mr. MYERS] was not agreed to last evening. The RECORD shows (and it agrees with my recollection) that when a vote was taken a majority by the sound appeared to be for it, but a call was made for a division——

The CHAIRMAN. The clerk will read the RECORD on the question.

The Clerk read as follows:

The question was taken upon the amendment moved by Mr. MYERS; and upon a division there were—ayes 94, noes 30; no quorum voting.

The CHAIRMAN. The Chair understood the gentleman from Ohio [Mr. LAWRENCE] to raise the question that the majority vote last evening was in the negative. The RECORD, however, shows that it was in the affirmative. The amendment is agreed to.

Mr. KASSON. I have an amendment to offer by direction of the Committee on Ways and Means, and I think it properly comes in here. I move to amend by inserting, as a separate section, after the pending section the following:

SEC. —. That the duty on jute-butts shall be six dollars per ton: *Provided*, That all machinery adapted exclusively to manufactures from the fiber of the ramie, jute, or flax may be admitted into the United States free of duty for two years from the 1st of July, 1874: *And provided further*, That bags, other than of American manufacture, in which grain shall have been actually exported from the United States may be returned to the United States free of duty, under regulations to be prescribed by the Secretary of the Treasury.

As originally prepared the three provisions went together. When this first clause was left out the others were attached to section 7 as the only proper remaining place. I move to strike out the provisions in section 7 and to put it all together as the committee prepared the section. I move its adoption.

Mr. CLARK, of Missouri. I move to strike out "six" and insert "ten."

Mr. KASSON. I withdraw my amendment in order to move it when we have a fuller House. If there is to be discussion, however, let it go on.

The CHAIRMAN. Does the gentleman from Iowa withdraw his amendment or not?

Mr. KASSON. As the committee is disposed to discuss it I will let it remain.

The CHAIRMAN. Then the gentleman from Missouri is entitled to the floor.

Mr. CLARK, of Missouri. I move to strike out "6" and insert "10."

Mr. Chairman, I am opposed to a protective tariff; but as the policy has been adopted in previous legislation by this Congress, I do not think I would be doing justice to my constituents unless I endeavored to secure part of the benefits of that policy to them, especially as they have to pay an enhanced price for those articles upon which we have put a higher duty in order to protect their manufacture in this country. On principle the agricultural interest of the country should be entitled to as much consideration and to the fostering care of the Government as any other branch of industry. It is one, I might say, entitled to the very first consideration, because all other branches of industry depend so much on the amount of raw material which is produced, that if you paralyze the hand of the producer every other interest must languish and die with it.

I believe if we must have a protective tariff and high duties on different articles, then that tariff ought to be distributed fairly and justly over the whole country, so that every interest should be benefited as nearly alike as possible. I have introduced this amendment in order that this Congress might take into consideration the agricultural interest of the country as well as the manufacturing.

Now, Mr. Chairman, many members of this House are aware the production of hemp and flax was one of the most important and valuable in many of the Western States. It was the best crop years back which could be made in that section of country. It was certain, subject to no blight, and there were thousands of farmers engaged in this production. That interest, however, has declined, and unless something is done to foster it, it will be abandoned entirely. Thousands of dollars invested in machinery will have to lie idle or go to waste. I am told by farmers in my district, who have been hemp-growers, it is impossible in its production to make it meet the ordinary expenses of raising it, or at least it leaves no margin for any profit to the producer. These farmers have tried different crops, but notwithstanding their efforts they have found no other which will produce equal results as when hemp and flax were the chief productions of that section of country. On account of the extraordinary fertility of the soil in the Western States it is peculiarly adapted to the cultivation of hemp and flax. This is particularly so in the district I have the honor to represent. We have as fine hemp land as can be found in this or any other country. If you are to have a protective tariff let us give the farmers engaged in this production such encouragement that they will go on and increase the production of this most valuable and remunerative crop. If we are to have protection on articles which are manufactured in different parts of the country, it is nothing but justice, it is nothing but fair, it is nothing but equitable if any benefits result from it that these benefits shall be distributed fairly all over the country, and that the agricultural interest shall be protected as well as any other interest in the country.

[Here the hammer fell.]

Mr. SAYLER, of Indiana. Mr. Chairman, from 1862 to 1872 the tariff upon jute-butts was $6 per ton. Under that rate of duty the amount received from customs started in at $133.95. From that it regularly increased year after year, until in 1872 it amounted to more than $118,000. In 1873 nearly 5,000 tons of jute-butts were admitted free of duty. The estimated loss of revenue to the Government was nearly $300,000. I send to the Clerk's desk statistics on this subject from the Bureau of Statistics to be read and made a part of my remarks.

The Clerk read as follows:

Statement of the amount of duty derived from jute-butts for the fiscal years from 1863 to August 1, 1873, inclusive.

1863	$133 95
1864	408 52
1865	1,382 74
1866	11,260 12
1867	12,918 60
1868	8,967 60
1869	34,272 15
1870	54,534 19
1871	78,843 00
1872	118,718 78
1 month of 1873, (August)	3,522 01
Total	324,961 66

Admitted free of duty in 1873, 4,876 11/20 tons; estimated loss of revenue $292,564.20.

We have no statistics of the duty on this article previous to the fiscal year 1863, it being included in the "unenumerated."

EDWARD YOUNG,
Chief of Bureau of Statistics.

Hon. H. B. SAYLER, M. C.,
House of Representatives.

Mr. SAYLER, of Indiana. It will be observed that under the $6 rate there was a rapidly increasing revenue to the Government, and at the same time there was a very rapid development of the production of flax in this country. Jute-butts come directly in competition with the tow or lint of flax, and throughout the section of country where I am more particularly acquainted than anywhere else the production of flax increased in a very rapid ratio, because of the fact that the straw brought from $5 to $10 an acre. But by placing this article upon the free-list it took from the products of our farming community the production of this commodity and utterly destroyed the value of the flax straw. Every flax-mill has been shut down for at least eighteen months past. My idea of a tariff upon matters of

this kind is that we should blend the two conditions of an increase of home production and the receipt of revenue, and at the rate of $6 per ton our experience from 1862 to 1872 has shown that we achieved both objects, receiving a rapidly increasing amount of duty from this article and at the same time rapidly developing the growth of flax throughout the country.

I have been requested to state what jute-butts are. I suppose that most gentlemen know what they are. Jute-butts are the lint from the stump of the jute, stripped and put in packages, and shipped to this country from Southern India where it is grown, and the shippers generally prefer it as ballast to anything else. I am advised that shippers will carry it at almost a nominal rate if it be put on board their vessels without expense to them, because it serves as ballast better than anything else they can use for ballast.

Now we have an opportunity in the light of experience to bring to the revenue a considerable sum of money, and at the same time to encourage a very large agricultural interest in this country.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I move to amend the amendment.

The CHAIRMAN. There are two amendments already pending.

Mr. CLARK, of Missouri. I withdraw my amendment.

Mr. WILSON, of Iowa. I renew the amendment.

During and since the war the cultivation of flax has increased very rapidly in the Western States. The oil is extracted from the seed and the oil-cake exported to England, where it is used principally in feeding cattle during the last six months of their life. The American farmer has not observed the superior value of oil-cake for feeding purposes, or not a pound would be exported. Oil-mills have been put in operation in many counties of Iowa, and some mills have been built and operated in manufacturing tow from the flax-straw after the seed had ripened. The mill-owners paid about $8 a ton for the straw. The extent of the culture of flax has increased so fast that the census of 1870 furnishes no intelligent data from which to calculate the acreage at present, but in one county the owners of one mill have loaned to farmers 27,000 bushels of flax-seed to still further increase its area. Since the import duty was taken off jute-butts the tow-mills have stopped and the straw has rotted in the fields. This is an industry that should be encouraged for several reasons, the most obvious of which is that we paid for flax-seed in 1873 $4,318,030, the amount imported being 2,936,421 bushels, and of raw flax 41,171 tons, at a cost of $1,137,737. We also imported to take the place of the flax-straw that is permitted to go to waste 35,360 tons of jute-butts, costing $1,197,773, and raw hemp 20,573 tons, costing $3,347,973, an aggregate of over $10,000,000.

The United States in 1870 produced 27,133,034 pounds of flax, 1,730,444 bushels of flaxseed, 12,746 tons of hemp; in 1873, 2,500,000 bushels and 62,500,000 pounds of fiber.

A further reason why encouragement should be given to the cultivation of flax and kindred plants is that it will be an additional means of diversifying the industries of our rural population, both in the production of the plant and the manufacture of the seed and fiber. It would not be possible to raise the large quantities that are now raised were it not for the high state of perfection to which invention and application have brought our farming machinery and the readiness with which our implements can be used in preparing the land as well as harvesting the crop. The great flax-raising country in Europe is Russia, where machinery is very rude but labor is very plenty and very cheap. British India produces flax extensively with labor at ten cents per day, and sends us jute-butts gathered at this price free of duty.

In Ohio, Indiana, Michigan, Illinois, Wisconsin, and Iowa there are about ninety tow-mills, with a capacity of about 8,000 tons per annum. Since the war the importation of jute from India has driven western flax-tow from the market, with the exception of a light demand in the rope and bagging factories of Louisville and Saint Louis. In mixing with hemp 59,000,000 pounds have been wasted during the last year, because jute free of duty was cheaper.

The hemp crop that once amounted to 30,000 tons in Kentucky and Missouri has fallen off to 7,500 which could be easily restored by proper encouragement. It seems strange that this industry that might be fostered in the Northwest till all the fiber from which to manufacture the sacks necessary to handle our grain might be prepared, and all the flaxseed necessary to meet the demands of home consumption at least might be produced, is permitted to languish while we pay ten millions annually for foreign seeds and fibers.

As illustrative of the position flax and hemp occupies in the agricultural economy of the leading European grain-producing country, the exports of flax-tow and linseed from Russia between 1844 and 1848 was 17,500,000 rubles, (1 ruble equal to 75 cents;) from 1849 to 1853, 20,500,000, and from 1860 to 1865 it amounted to 33,500,000 rubles. In 1869 the flax production of Russia was estimated at 432,000,000 pounds, one-half of which is exported, and the flaxseed at 900,000,000. Russia exports to England, France, and Belgium.

Hemp is cultivated in great part in Central Russia, and its production reaches 252,000,000 pounds. The export of hemp in 1869 reached 4,500,000 rubles from the Baltic ports.

Mr. BUTLER, of Massachusetts. I rise to oppose the amendment. I think the House have only to understand this question to come to a conclusion upon it. It is supposed that jute-butts upon the one side are used as ballast, and on the other side that they come in competition with flax. Pardon me, sir; but in my judgment—and we import the manufacture to a small extent in my district—neither is true. Jute-butts are used exactly the opposite to ballast. They come from India, from whence a large quantity of linseed and saltpeter is imported, and the jute-butts are used as a deck-load on account of their lightness, precisely as when we ship granite we put in bits of cord-wood among the granite to lighten up the load, and to prevent its being so heavy that in the pitch of the sea it will go through the bottom of the ship. It is not possible to bring the linseed, out of which our oils for paint are made from India, without jute-butts, and the use of jute-butts here is to spin up the fiber into a coarse cloth, known as gunny-cloth, and the fiber is used to adulterate manila, but it bears the same relation to manila that shoddy does to wool. It runs in competition in some degree to the tow of flax, as the gunny-cloth made in India by the natives out of this material is used very largely at the South and West for putting up or bagging cotton.

Mr. LAWRENCE. Made out of jute?

Mr. BUTLER, of Massachusetts. Yes, out of jute. The gunny-cloth made at home is made out of flax, and the gunny-cloth as it is sold abroad is a coarse bagging made out of jute. There is this peculiarity about the jute bag, that it is the only bag in which you can put corn and not have it sweat. It is like putting corn in a net. And so in putting corn up in bags it is found that jute is the best of all things to make the bags of, that gunny-bags are the best for that purpose. The cotton and tow sacks are found to be too tight, and make the corn sweat. So you must look out, some of you gentlemen that go against jute, or the farmers of the West will make you sweat in the same way that too tight bagging makes corn sweat.

Now, this gunny-cloth, being a very cheap article, is very largely used for bagging cotton. It answers all the better now, although formerly it was regarded as a little too tender; but since they have got to putting up cotton with iron hoops for binders it is now strong enough. The only objection to it, as a material to put up cotton in, is that it is too open, and the cotton is apt to catch fire from the sparks getting through the cloth.

[Here the hammer fell].

The CHAIRMAN. The gentleman's five minutes have expired.

Mr. BUTLER, of Massachusetts. I would like to say a few words more.

Mr. WILSON, of Iowa. I withdraw the amendment.

Mr. KELLEY. I renew it.

Mr. KELLOGG. Will my friend yield to me to make a request?

Mr. KELLEY. Not in my five minutes.

Mr. KELLOGG. I only want to ask permission, when I come back from the cars where I am about to go to see my family off, to offer an amendment.

Mr. KELLEY. Go and see your family off, and I will make no objection to your offering an amendment.

Mr. KELLOGG. That is all I wish to ask.

Mr. KELLEY. Since the invention of Whitney's cotton-gin there there has been nothing which has so much affected the fibrous industries of the country as the discoveries in the use of the jute and the ramie plant, to the production of both of which the two coasts of our country are specially adapted. Dundee, from being a little sea-side fishing town, has become one of the most remarkable manufacturing cities in the world by having appropriated the manufacture of jute into carpet and other cloths. In Italy the ramie fiber is interwoven with silk, with worsted, with cotton, and with flax, producing in each case an independent and characteristic fibrous article. The culture of that plant is also adapted to the coast of California and the Gulf States in this country.

Jute-butts are more largely used in this country for the making of paper than for the making of fiber; yet they are largely used in fibrous industries, and enormously used in the district of my friend from Brooklyn, [Mr. CROOKE,] being interwoven with manila hemp in the manufacture of cordage.

Mr. BUTLER, of Massachusetts. And making back-hair.

Mr. KELLEY. O, yes; not only for black hair, but for red hair, and hair of all colors.

Mr. BUTLER, of Massachusetts. Not black hair, but back-hair.

Mr. KELLEY. Nine-tenths of the beautiful switches hanging at the backs of ladies, which we admire so much as we walk the avenue, are made of jute ingeniously colored. And in one or two instances the insect which is sometimes found in jute, and which is almost like the trichina, has gone from the switch into the real hair, and is said to have penetrated the skull, verifying the theory that all is not hair that waves in the wind from the back of a lady's neck.

When jute-butts were about being put on the free list I united with others in saying to the Committee on Ways and Means and to this House that it would destroy the flax industries in many portions of the country, and my prediction has been fully verified. These jute-butts, or butts clipped from near the root or stump of the tree, which yield a coarse fiber, have supplanted the flax tow, which is now being burnt up by the ton and by the acre. So long as flax was cultivated and they could use the tow for bagging and the seed for oil, the cultivation was profitable. But when they ceased to be able to use the tow, because of the competition of jute-butts, the production of flax fell off materially. Gentlemen from the Western States can tell you how the bagging factories and the bag factories of their States have been embarrassed by the interference of this plant.

Mr. SAYLER, of Indiana. They have been almost entirely stopped.

Mr. KELLEY. Now, sir, so far as jute is used in my district it is used for making paper, and my constituents want it to come in free of duty. But I believe that their interests are involved in maintaining a generous system of protection. Therefore, while I ask Congress to protect their iron and their steel and their other productions, I feel bound to stand up here and in their name vote protection to the few materials raised by the farmers which can be protected. And for that purpose I ask that jute-butts be taken from the free list and put under a duty of $6 a ton.

Mr. HAWLEY, of Connecticut. Mr. Chairman, I am opposed to this duty, whether it be $10 or $6; and my first reason is that according to my view Congress should make up its mind to have on this subject of the tariff a policy which should last—well, to be reasonable, say five years. I open the Congressional Globe and find that in April, 1870, this very question was discussed very fully, member after member taking part in the debate; and although I have not looked far enough to find out the result, my impression is that you settled the question by admitting jute entirely free of duty.

Mr. SAYLER, of Indiana. In 1862 the duty was put at $6 and remained at that I believe until 1872.

Mr. HAWLEY, of Connecticut. I understand there was a change in 1870 and a change in 1872.

Mr. SAYLER, of Indiana. I do not know anything about a change in 1870; I know that in 1862 the duty was fixed at $6.

Mr. HAWLEY, of Connecticut. Well, it appears that the tariff with respect to this article has been changed twice within the last four years. The last change was to put it on the free list. It is now free of duty. I speak for my district, as every man here speaks for his district or section. In my district there are large interests engaged in the manufacture of manila, chiefly into paper. We import this jute and use it in our manufactures. Now, it is proposed to impose this duty, not by a bill which has been printed and before the House, of which my constituents could have notice. The bill which was laid before us in print led me to suppose that my district was not to be interfered with in any way by this change in the tariff. But I learned last night that the committee had privately decided—as privately as usual—had decided quietly, without the knowledge of the rest of us, upon an amendment imposing a duty of $6 per ton on this article, tons of which are used in my district every week.

Is this the way you are going to treat the interests of the country? I am not here begging for any additional duty. I am not haggling about tariff or free trade or anything of the sort. I have never, since I have been on this floor, begged an additional duty to protect anybody in my district; but I will say in behalf of New England, as I might say in behalf of any other part of the country, "Make your duty to suit yourselves; I do not ask any additional duty for my part of the country; fix the duties to suit yourselves, and stick to them." When you have fixed your duties, stand by them ten or fifteen years—long enough to allow people to build an engine-house, erect their engines, and start a new manufacture. I say that this fluctuating, dodging legislation, under which an article is for two or three years subject to duty, and then for two or three years free of duty, is a wrong to the country.

Mr. CLARK, of Missouri. The duty of $6 per ton on this article was taken off in 1872.

Mr. HAWLEY, of Connecticut. Yes, sir; we have made a change with reference to this interest within the last two years; and now it is proposed to put the duty on again. This bill may pass here to-night, may be passed by the Senate to-morrow night; and within a week we may thus change the price of all the articles that those engaged in this branch of business have on hand; we may change in this way the market value of every ton of jute that is now on the way from Calcutta, or is in bond at New York, or is in the factory. We may change the price of every pound of paper that the manufacturer has on hand. What satisfaction or safety can there be in engaging in manufactures under these circumstances?

[Here the hammer fell.]

Mr. MONROE. Mr. Chairman——

The CHAIRMAN. No further debate is in order.

Mr. KELLEY. I withdraw my amendment if the gentleman from Ohio [Mr. MONROE] will renew it.

Mr. MONROE. I renew the amendment. I entirely agree with my distinguished friend from Connecticut [Mr. HAWLEY] that a constantly changing or fluctuating policy in regard to the tariff is very undesirable. We only differ as to when we should allow changes of this kind to be made. The speech which the gentleman from Connecticut has just made against frequent changes in the tariff is just about such a speech as a colleague of mine from Ohio, (Mr. Upson,) who then represented a part of the district which I now represent, made when Congress proposed to take the duty off jute-butts. That was the time the speech was very appropriate. That was the time when the fluctuating policy in regard to this interest was adopted.

With this duty upon jute-butts there sprang up in two counties of my present district, and in other counties of the State of Ohio, and in other States of the West, a very large manufacturing interest which employed hundreds of people, which added to the profit of farming on account of the increased breadth of land devoted to flax culture; but when the duty was taken off jute-butts by the last Congress, the fact was—whatever my distinguished friend from Massachusetts [Mr. BUTLER] may say as to the logical connection—the fact was that those mills were shut up and this most important interest was destroyed.

Now, sir, I merely ask that a very short letter which was sent to my colleague in the last Congress from manufacturers of cotton-bagging, as it is called, from flax, be read to the House, as it contains several important facts illustrating this whole subject.

The Clerk read as follows:

CUYAHOGA FALLS, OHIO, *March* 28, 1872.

DEAR SIR: Your esteemed favor of 26th instant, is at hand. Our business is now confined to the manufacture of bagging. The small duty levied on jute and jute-butts has resulted in great benefit to Ohio. Previous to 1867 the flax-straw of this State was mostly burned as valueless, but the duty on jute and jute-butts caused machinery to be employed for producing the flax fiber, and we now use in our establishment 2,600,000 pounds annually, or the produce of full 10,500 acres of land.

We employ about one hundred and twenty persons, and at least six hundred are measurably dependent on our business. The value of our annual product is about $187,000, sold mostly in the markets of Cincinnati, Louisville, Memphis, and New Orleans, but occasionally in New York when we come in competition with manufacturers of jute and jute-butts, whose united efforts are now making to get jute and jute-butts placed on the free list. There are eight other flax-bagging manufactories in Ohio, two in Illinois, one in Indiana, and three in Kentucky. The hemp manufacturers in Kentucky and Missouri are equally interested in having the duty retained on importations of jute and jute-butts. We have abandoned the business of yarn and twine, but hope for the continuance of its manufacture in other hands, and that the present duties on flax, hemp, and jute goods and twine will not be lessened.

Very respectfully, your obliged,

JOHN HINDE & SONS.

Hon. W. H. UPSON, M. C.,
Washington, D. C.

Mr. MONROE. I will say this was a remonstrance coming from manufacturers engaged in this industry against the fluctuating policy which my friend from Connecticut [Mr. HAWLEY] as well as myself condemns.

[Here the hammer fell.]

Mr. DAWES. The gentleman from Pennsylvania [Mr. KELLEY] and myself are both protectionists, but we arrive at it in a different way. His is to pile up duties on manufactured articles and mine is to take it off the raw material. My theory is, every raw material in the world upon which we can bestow our industry and which is not raised here should come in free. In that way we arrive indirectly at all the protection which my distinguished friend from Pennsylvania gets by piling it up on the manufactured article. When jute-butts were made free two years ago they entered into the manufacture of paper and entered into the manufacture of grain-bags and bags for cotton. Of course if jute-butts come in free and enter into the manufacture of paper they make paper cheaper. They make every country newspaper in the land cheaper.

Our friends who raise flax say they make grain-bags so cheap that they cannot make a bag of tow of flax unless they make it for nothing. Therefore the object of putting $10 a ton on jute-butts is to raise the cost of every grain-bag that every farmer uses just 40 per cent. in order that they may sell grain-bags made of tow 40 per cent. higher to the farmer. That is just what it is. That is the purpose and effect of it and nothing more. If you put this duty on to enable you to sell grain-bags made of tow of flax, then it makes these grain-bags so much higher to the man who raises the grain. You just put this tax additional upon every farmer.

So far as the East is concerned, I do not think it will help them one particle. My distinguished friend from Philadelphia who comes here and sacrifices the interest of his constituents upon the altar of patriotism does it to the extent of 44 tons a year. That is all. He will survive such a sacrifice as that.

Mr. KELLEY. How does the gentleman get at his figures?

Mr. DAWES. I get them out of the book.

Mr. KELLEY. That may be the amount directly imported into Philadelphia.

Mr. DAWES. We ought to understand exactly this proposition to put 10 per cent. duty on jute-butts. It makes every grain-bag and every bag for cotton 40 cents more, and it enables you to make it of tow of flax, and sell it 40 cents higher. It enables you to use the tow of flax, but the men who raise the grain will have to pay the tax on the grain-bags they use.

Mr. FOSTER. How does the gentleman get the 40 per cent?

Mr. DAWES. I will tell you.

The CHAIRMAN. The gentleman's time has expired.

Mr. MONROE. I withdraw the amendment which I renewed.

Mr. KASSON. If any other gentleman wishes to speak upon this subject I desire to give them the opportunity, having been authorized to represent the views of the committee on this question; but I desire to ask for a vote as early as possible.

Mr. HEREFORD. I renew the amendment to strike out "six" and insert "ten," so as to make the duty on jute-butts $10 a ton. The gentleman from Massachusetts complained that this House seemed to have no definite policy on the subject of the tariff. I desire to call his attention to the fact that during the last presidential campaign one of the political parties of the country, that upon which Mr. Greeley stood, laid down the platform that the question of the tariff was remitted to the people of each congressional district.

Mr. HAWLEY, of Connecticut. Shake not thy gory locks at me.

Mr. HEREFORD. I see that in this House both democrats and republicans are verifying every day and in every speech and in every amendment offered the verity and truth of that platform thus laid down, and that is that each congressional district is to be governed

on the question of the tariff according to its own interests. We see that if it is to the interest of one congressional district to have a high duty on jute, the member from that congressional district, be he democrat or republican, votes for a high tariff on jute, and *vice versa* with each congressional district throughout the United States. During the discussion on the tariff in this Congress last evening and this evening, the wisdom of that platform has been demonstrated and acknowledged by the representatives of both of the great parties of this country.

Mr. LUTTRELL. The California delegation have been instructed to vote in favor of free trade so far as jute and burlaps are concerned. I hope the amendment will not prevail. In California we differ from the farmers in many other States in this, that we are compelled to ship our grain around Cape Horn many thousands of miles by sea, and therefore we ship it in sacks and not in bulk, as the western farmers do. Consequently we are compelled to purchase sacks, and burlaps for the manufacture of sacks, at Dundee, in Scotland. Now, we are instructed by our Legislature to vote to admit sacking material free of import duty. It will cost the farmers of California nearly $1,600,000 duty on burlaps and grain-sacks required for shipping our present crop. As the gentleman from West Virginia [Mr. HEREFORD] has remarked, we all vote here to represent our individual interests, or, in other words, the interests of our respective districts.

Mr. BIERY. When the question of wine was before the House the gentleman was not in favor of free trade.

Mr. LUTTRELL. No, sir; it is our interest to raise it, and we are crusaders there.

Mr. BIERY. Then the gentleman is for protecting the interests of his own district, but for free trade everywhere else.

Mr. LUTTRELL. We were then representing the crusader interest. We wanted to stop the importation of the adulterated article and produce a pure article of wine, and now we want to admit free the articles burlaps and jute so that we may manufacture our own sacks and give employment to our own mechanics.

Mr. BIERY. If the gentleman was instructed to vote for free trade, why did he go against free trade in wine?

Mr. LUTTRELL. I was instructed, and so were my colleagues, [Mr. PAGE and Mr. HOUGHTON,] who represent agricultural districts, to vote to admit these articles free, and therefore I shall be compelled to vote against the amendment, and hope it will not pass.

Mr. KASSON. I now call for a vote.

The question was taken on the amendment originally offered by Mr. CLARK, of Missouri, and renewed by Mr. HEREFORD; and it was not agreed to.

Mr. KASSON. I beg the attention of the committee for a single moment, inasmuch as I have undertaken to represent the views of the committee on this question. The amendment proposed by the bill is to put this duty at the rate of $6 per ton, and that amendment is simply a restoration of the duty as it remained from 1861 to 1872; perhaps it was once at $5, but I think it was always at $6 a ton. Under that stimulus our farmers commenced raising flax in the West to a very large degree, and on my motion in either the Thirty-eighth or Thirty-ninth Congress, that Congress authorized the introduction of machinery for the manufacture of flax, which they understood well abroad and which we did not understand here, free of duty for one year. Upon the passage of that act, the farmers of the West commenced this manufacture and developed the finest manufacture of the fibers of flax. And this interest grew into a large one in the Northwest. We believed that the duty of $6 a ton would be kept up, but by one of those sudden spasms of change, to which the gentleman from Connecticut has worthily and properly alluded, Congress suddenly cut off the duty of $6 a ton and let jute-butts in entirely free.

Since that time, as we learn from our own constituents throughout a large region of country, they have stopped saving the fiber of flax and raise flax for nothing but the seed. The agricultural interest has a just cause of complaint against this action of Congress. The proposition now is to give that interest the same protection now that they had before, in order to save the enormous waste of the fiber of the flax.

Jute-butts are used largely in the manufacture of paper. The grain-sacks spoken of here are not now manufactured in this country, but they are imported. The farmers pay 40 per cent. duty on their grain-sacks.

Mr. DAWES. Let us have a little arithmetic. The dutiable value of jute is $37 per ton, and you propose to put on a duty of $10 per ton.

Mr. KASSON. That does not even make a duty of 40 per cent. I desire to give this protection to the agricultural interest so far as to restore this moderate duty of $6 per ton.

Mr. EAMES. I move to amend the amendment of the gentleman from Iowa [Mr. KASSON] by inserting after the word "machinery" the words "not now manufactured in the United States." The proposition submitted by the gentleman from Iowa embraces two things, in one part it is a protection of $6 per ton to flax and ramie and jute, and in the next line he proposes to strike down another industry by allowing to be imported free into this country machinery to manufacture these fibers. I do not myself know what kind of machinery is used for this manufacture. If it is the same kind of machinery used in spinning cotton and weaving wool, then there is a very large interest in the section of country which I represent, and I think in New York, and I know there is a very large interest in Massachusetts that ought to be protected.

I have endeavored since I have been here, and these questions have come up in relation to protection, to follow one principle, and only one, because I believe that principle followed out will inure to the best interests of all the industries of the country. That principle is to discriminate in raising revenues in favor of home industry, whatever it may be, whether a manufacturing, a mechanical, or an agricultural interest. And if the home production of flax, or ramie, or jute, needs protection against the foreign production, whatever protection is needed to enable the article to be produced in this country I am in favor of giving that protection to it.

In passing upon this matter I hope this Committee of the Whole will be consistent with itself in any event, and while it protects jute and flax and ramie I hope it will not take off the protection now given to machinery. It should not be taken off; the duty on machinery now is hardly sufficient to enable the workshops in the country to keep going. And if the duty is reduced from what it is now, 35 per cent. on the manufactured article, you will shut up every shop and destroy that whole industry. If the machinery used in the manufacture of this fiber is the ordinary machinery used in the spinning of cotton and the manufacture of woolen cloths, then I hope the amendment I have offered will be adopted, so as to limit the importation of this machinery to that which is not manufactured in the United States.

Mr. PAGE. I hope this amendment of the gentleman from Iowa [Mr. KASSON] will not be adopted. It has been suggested by my colleague that the California Representatives have been instructed by the Legislature of our State to oppose any duty on jute-butts and burlaps. Sir, it does not require resolutions of the Legislature of California to convince its Representatives here that this amendment would be a gross injustice to the people of that State.

The grain crop of the State of California for this year is estimated at 30,000,000 bushels of wheat. California uses this article almost entirely for bagging. We are differently situated from almost any other of the grain-producing States. We sell our grain in sacks, all of it, without any exception. The sacks are not returned to the farmer after the grain has been taken to market. The State of California pays annually one and a half million dollars duty on burlaps and other materials from which the sacks are manufactured which are used in that State. I think it would be an act of injustice to adopt this amendment, and lay a duty of $6 per ton on jute, for the purpose of encouraging the interest of a very small portion of the community, imposing a burdensome tax upon the great grain-producing regions of the West. I hope the amendment of the gentleman from Iowa will be voted down.

Mr. DAWES. I think the committee fully understand this question. I move that the committee rise for the purpose of obtaining from the House an order to close debate, unless that can be now done by unanimous consent.

The CHAIRMAN. The Chair thinks the vote can be now taken without further debate.

The question being taken on the amendment of Mr. EAMES to the amendment of Mr. KASSON, it was agreed to; there being ayes 75, noes not counted.

The question being taken on the amendment of Mr. KASSON as amended, there were—ayes 106, noes 42.

Mr. PAGE called for tellers.

Tellers were not ordered.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That on and after the date of the passage of this act the importation of the articles enumerated and described in this section shall be exempt from duty; that is to say:

Extract of hemlock bark.

Mr. PLATT, of Virginia. I move to amend by inserting the following:

Pease exclusively for seed purposes.

In explanation of this amendment I desire to say——

Mr. DAWES. I suggest to the gentleman from Virginia that this had better be inserted, if at all, in its alphabetical order.

Mr. PLATT, of Virginia. I would be much pleased to assent to the suggestion of the chairman of the committee, but the Committee on Public Buildings and Grounds desire to hold a meeting this evening and my colleagues have been pressing me during the last hour. I have been waiting for an opportunity to offer this amendment, and I must ask a vote on it now. I desire to say in explanation of the amendment that my constituents in the district I have the honor to represent, in common with the whole State of Virginia and all the Southern States, are interested in the introduction of pease for seed purposes. We cannot in that section raise our seed; we are obliged to get them from abroad; and hence we are interested in obtaining them free of duty. There is now a duty of 20 per cent. upon pease for seed purposes, and 10 per cent. upon pease for domestic use. I ask that pease coming into the country for seed purposes exclusively may be placed upon the free list.

Mr. DAWES. I trust the Committee of the Whole will adhere to the rule adopted last night, not to introduce any new matter. This amendment will let in all the seed that can be used throughout the country; and I think a proposition like this, which has not been pre-

sented at all to the Committee on Ways and Means, had better be rejected.

The question being taken on the amendment of Mr. PLATT, of Virginia, it was agreed to; there being ayes 69, noes not counted.

Mr. DAWES. I move to amend by inserting before the amendment of the gentleman from Virginia [Mr. PLATT] "alizarine." I have promised to tell the House what this article is. It is a coloring matter made from coal-tar. It has exactly the same chemical properties as madder, which has been put on the free list, and it is right that this should also be there.

The amendment was agreed to.

Mr. CONGER. I move to amend by striking out the line "extract of hemlock bark." Mr. Chairman, within the last ten years it has been discovered that this extract can be made from the bark of the hemlock tree, from the limbs, and from the twigs or branches; so that the whole tree may be utilized. In this way hemlock trees in remote and almost inaccessible places may be made productive; tannin may be prepared in the forests by machinery designed for the purpose, and may be taken in condensed form to every part of the Union at so cheap a price as to be used in the tanneries wherever they may be erected.

The duty upon the extract of hemlock bark has been up to this time and during the whole period of these experiments 20 per cent. Hemlock is found growing from Maine all through the northern portions of the United States to Minnesota, all along the Alleghany range through all the Middle States to the Azark Mountains. Throughout all this region a large number of people are engaged in extracting from the hemlock tree this tannin, so that it is now furnished to the tanners of the country at less than half the price of the article before this improved process of making the extract was discovered. In fact until very lately hides that were tanned by the hemlock process had to be sent from the prairie States and the older regions of the country, where there was no hemlock, to the regions where the hemlock grows and then returned to the curriers for the preparation of the leather. There are many thousand people engaged summer and winter (for it may be carried on at all seasons of the year) in the preparation of this extract. There are hundreds of thousands of dollars invested in the machinery necessary to prepare this extract.

Mr. MAYNARD. Where does the importation come from?

Mr. CONGER. It comes across our rivers and lakes from Canada and from Nova Scotia and New Brunswick.

Now, this invention is American. It has been developed among our own citizens, and by it the price of tannin has been reduced more than by any other process before invented. And just at this time when it is becoming almost a universal practice along the frontiers of our Northern and Middle States, where the hemlock grows, for the farmer to cut down the trees and carry the branches and the bark in the winter to wherever the factories are established—just at this time, without any recommendation from any source so far as I have been able to ascertain except a letter from one shoemaking establishment and from two or three Canadians, the Committee on Ways and Means, whose duty it is I believe to protect the new and growing useful industries of the country, propose to put this article upon the free list.

[Here the hammer fell.]

Mr. MERRIAM. I move to amend by inserting "and the duty on the extract of hemlock bark shall be 20 per cent. for ten years from June 1, 1874."

Mr. Chairman, the venerable chairman of the Committee on Ways and Means announced to the House in his opening speech that he did not propose to make any great change in the tariff laws, but that he simply proposed to change from *ad valorem* to specific duties, and to change the phraseology of some laws so that errors which had crept in and the abuses now existing would be corrected. But, lo and behold, with all his innocent eloquence we find he has struck a blow at one of the young and struggling industries of the country which will destroy it. Why, Mr. Chairman, I ask you to look into the face of my venerable friend and see whether you would believe he could knowingly do a wrong; that he could purposely go into my district and drive my neighbors out of their homes and factories, drive them impoverished into the world, and destroy their ability to produce this extract of hemlock bark? My own colleague on the committee [Mr. ROBERTS] could not knowingly do an injustice; any child would in his presence only learn to love him, and if we could break the secrets of his committee I am sure we would find that he did not vote to destroy this industry. Yet this Committee on Ways and Means have gone into my district, and, if successful, would rob my neighbors by taking industry which is their own and giving it to other people. Some of the finest young men I know have put every dollar they are worth in the world into this manufacture, and this bill would if enacted into law take away their all. The duty is 20 per cent., and the profit is but from 5 to 10 per cent. Take off this 20 per cent. duty and you let in foreign productions to an advantage, which would drive every one of the producers into the street. There would be no profit to our Treasury in this. It is to let in from New Brunswick some sixty thousand barrels of the extract of hemlock bark free of duty. Last year the same thing was attempted on a tariff bill, and my constituents learned that these men were holding it for the purpose of bringing it in without payment of duty, and I presume it is the same now.

Mr. Chairman, this is a species of reciprocity with Canada I do not commend. None of our fishermen can go within three miles of the shores of the Dominion of Canada without paying the penalty if they should catch a fish, and yet you propose to open our ports free to Canadians, you propose to allow the Canadians to bring in this extract free and destroy this American industry. And for what? Simply that a few shoemakers in New England may make a few more dollars. I believe the shoemakers in Massachusetts are prosperous, that they are doing well; let other industries also prosper. I doubt whether the shoemakers in New England are *very poor*. My friend from Connecticut [Mr. KELLOGG] said last night that the *poor* people of his district wanted the duty on tin reduced, so they might have their houses and barns covered with tin roofing. The *poor* people elsewhere do not use tin for roofing their houses and barns. The shoemakers in New England are well off. You are coming here now at a time when the Treasury needs revenue to strike down a young industry and at the same time take away a revenue. A host of as noble young men as are in the world have put every dollar they are worth into this business—this bill makes them beggars, and simply to enrich a few shoemakers in Massachusetts. This is not the kind of protection to American industries I advocate.

Mr. WHITEHEAD. The duty on the extract of hemlock bark is 20 per cent. The proposition of the Committee on Ways and Means is to make it free of duty. I was very much pleased in the confusion which has taken place between different gentlemen on this bill to hear the remarks of my friend from West Virginia, [Mr. HEREFORD.] On thing is certain about this question of the duty on the extract of hemlock bark. Some gentlemen in favor of the tariff seem to be actuated by the same principle as the lawyer mentioned in the old spelling-book who had an ox gored by another man's bull. Circumstances, Mr. Chairman, alter cases. It depends upon whose ox is gored.

There is a tariff of 15 to 35 cents upon leather which is tanned by this extract of hemlock bark. A good deal is tanned by sumac—a bark which comes from my county—which is the living of some of the poorest people of the whole country. The object of this is to lessen the price of the article by which this leather is tanned. I have not heard a single man on that Committee on Ways and Means propose to take off the duty on leather. We heard a good deal about the enormity of the tariff on jute-butts. I do not hear a single man say a word about taking the duty off leather or off paper except by my honest friend from Pennsylvania, who said he would stand by his principles. He is the first man who said he would stand by principle on this subject. They propose to take the duty off jute-butts, and now it is proposed to take it off the extract of hemlock bark. Why do they not propose to take it off leather?

Mr. HEREFORD. Well, that is part of our platform.

Mr. WHITEHEAD. I know it is part of our platform, but as I understand that platform we represent the men who raise the sumac bark which enters into the manufacture of leather, and when you bring this extract from Canada, and Nova Scotia—and last year you imported 167,000 cords of hemlock bark—when you propose to do that, I say that if protection is to be granted let it be on both sides, to the farmers and agriculturists of our country who get this bark and produce this sumac which enters into the manufacture of leather and the leather also. The gentleman asks further protection for the leather interest by giving them this extract free of duty to manufacture leather with, while he does not propose to take one cent off the duty on leather so as to make it cheaper.

Now, I say that when he has the benefit of a tariff for the protection of leather, let the gatherers of sumac in this country and the manufacturers of this extract have the same benefit of a tariff, so that they may be protected to the same extent that he is protected in his leather. It is a bad rule that will not work all round. When these gentlemen who are interested in the manufacture of leather ask that this material shall come in free of duty, let them take off the duty from the manufacture of leather. If we are to have iron and steel free, let us have pocket-knives free also. I am perfectly willing to stand it on either ground; but while protection is given to leather, I do insist that protection shall also be given to this article which enters into the manufacture of leather.

Mr. BUTLER, of Massachusetts. I desire to say a word in favor of the hemlock forests. It is proposed to put a tax on this material which is necessary to make the shoes that are worn by everybody. It is said that it is in the interest of shoemakers that this article should be free. You make a great mistake about that, for we make the people pay for our shoes what they cost us *plus* the profit, and whatever you put additional on the cost of shoes we make other people pay for, and if you add to the cost of tanning leather you add to the cost of shoes, so that you are now really putting a tariff on to an article which everybody needs and must use.

But I do not mean to speak for that interest alone. I desire to speak for another interest. We have been dealing with our hemlock forests as if they were inexhaustible. There is only a small belt of land as compared with the world in which the hemlock and the pine grow, and we have used our pine so lavishly that whereas forty years ago the State of Maine thought she could supply all the United States with it, now Maine has to import pine lumber. Michigan was in the same position. She thought she could supply the whole world with pine lumber, and now pine lumber is up in price to-day, so that in this very city it costs $100 for 1,000 feet. You are stripping the

whole belt of pine and hemlock forests, and in order to make this extract you are going through the whole tract of the hemlock and stripping the bark off, and letting the trees rot.

Mr. MERRIAM. There are one hundred and twenty-five miles square of it in my State.

Mr. BUTLER, of Massachusetts. What are one hundred and twenty-five miles square?

Mr. MERRIAM. Large enough to lose Massachusetts in.

Mr. BUTLER, of Massachusetts. That is the size of the gentleman's district, and it would not make extract enough to keep a Lynn shoe-shop running one year. It cost them $18,000,000 last year for shoe-strings alone. What is one hundred and twenty-five miles square? Why it is a belt about three hundred miles wide, running around this whole continent, and the pine and hemlock has been so depleted that the price of lumber has already doubled within my life-time To-day in the city of Lowell, where forty years ago the best kind of lumber could be got for $10 a thousand feet, it now costs $100 a thousand feet.

Mr. MERRIAM. What is the price of hemlock? We are not discussing pine.

Mr. BUTLER, of Massachusetts. Hemlock lumber was never valuable but for two purposes: for fencing and for lathing before we had laths. It was used to make the thin boards for lathing, but not very much, and it was used for coarse-board and fencing stuff. The trouble is that you are putting a premium here, by putting a tax on this article, on the destruction of your whole hemlock country.

Mr. MERRIAM rose.

Mr. BUTLER, of Massachusetts. I cannot yield to the gentleman.

Mr. MERRIAM. I will give you all the time I have to spare.

Mr. BUTLER, of Massachusetts. You have not more time than you have hemlock.

Mr. MERRIAM. If it is not good for anything what do you want to save it for?

Mr. BUTLER, of Massachusetts. We want it for tanning purposes. Why should we not have this raw material free?

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I withdraw the amendment.

Mr. CONGER. I rise to oppose the amendment.

Mr. BUTLER, of Massachusetts. You have spoken once on the question.

Mr. CONGER. Not on your proposition. I object to the gentleman withdrawing his amendment.

Mr. BUTLER, of Massachusetts. Very well.

Mr. CONGER. The gentleman need not be afraid of what I have to say.

Mr. BUTLER, of Massachusetts. I certainly am not afraid.

Mr. CONGER. The gentleman is timid all at once.

Mr. BUTLER, of Massachusetts. Not at all.

Mr. CONGER. Then, I will go on. In the State of Michigan there are hemlock forests from which if I had the honor to lead my friend from Massachusetts [Mr. BUTLER] into them and leave him in the center, he never would return to bless the world more; he would be lost forever to the world.

A MEMBER. And to himself.

Mr. CONGER. And to himself.

Mr. DAWES. "Lost to sight, to memory dear."

Mr. CONGER. I accept the amendment. One fire in the State of Michigan three years ago burned up and destroyed hemlock enough to make all the tannin that could be used by all the shoemakers in the United States for the next twenty years.

Mr. BUTLER, of Massachusetts. They do not use tannin; they use leather.

Mr. CONGER. It was burned up and destroyed. In the progress of settlements all along in the new countries of the Northwest, and perhaps in the Northeast, there is more hemlock destroyed every year, burned up and wasted by the farmers necessarily in clearing their lands, than would make all the extract of tannin which the United States could use for the next fifty years.

The pine of Michigan gone! Why, sir, we furnish 2,000,000,000 feet year by year, and we have enough to furnish that for the next one hundred years. The gentleman said that pine in this city is worth $100 a thousand. Why, sir, we are glad to sell it from our mills at $13. From whom does the gentleman buy it here? How much could my constituents sell here at half the price he speaks of? But I will not dwell upon that.

All through the Middle States of this Union, through the mountain regions, hemlock is to be found, useless for any other purpose but for obtaining tannin, continually destroyed by fires. There is scarcely a Representative here but what represents a State some part of which may utilize this industry. It costs from $15,000 to $35,000 to prepare the machinery, and there are hundreds of thousands of dollars invested in the machinery to-day.

Mr. BUTLER, of Massachusetts. Allow me to ask a question.

Mr. CONGER. One question, if it does not come out of my time.

Mr. BUTLER, of Massachusetts. The gentleman said when he was up before that the supply of hemlock had got so low up in Michigan that they were utilizing the twigs and branches of the hemlock tree. How is it, then, that the supply is inexhaustible?

Mr. CONGER. Because by so doing the farmers in clearing their lands can get a profit from the whole tree. They can save their hemlock while clearing their lands. By this process we hope to enable the settlers in the wooded evergreen regions to clear their lands with a little profit from stripping the bark and clearing the limbs and twigs from the hemlocks for the purpose of extracting the tannin, and using the logs for lumber, thereby utilizing the whole tree.

Why will my friend here withdraw his attention from the Geneva award, and from the great questions committed to him, and stand up here in defense of the trembling, delicate hemlock tree? What shoemaker stands behind him?

Mr. BUTLER, of Massachusetts. None; our shoemakers do not use tannin.

Mr. CONGER. What interest does he represent here that makes him plead the cause of the hemlock tree, lifting his hands to heaven and saying, in the beautiful language of my friend, the poet from Massachusetts, [Mr. DAWES]—

Woodman, spare that tree?

[Here the hammer fell.]

Mr. BRADLEY. I want to ask my colleague [Mr. CONGER] if it is not true that there are hundreds of thousands of dollars' worth of machinery standing idle in Michigan to-day that has been erected for the exclusive purpose of manufacturing this extract of tannin? And is it not true that gentlemen from Michigan during the last fall were offering to the constituents of the gentleman from Massachusetts [Mr. BUTLER] barrels of this extract by the thousand at their own price, and they could not sell it because there was no demand?

Mr. CONGER. I will answer the question in this way: I am informed that the price paid for tannin is reduced to the lowest possible figure which will in any manner pay for its manufacture.

Mr. BUTLER, of Massachusetts. I can answer the question. It was so thin and poor that it soured and our people would not buy it.

Mr. BURCHARD. Two years ago Congress reduced the duty on leather from 35 per cent. *ad valorem* to 15 per cent. *ad valorem*. It made hides free and it put hemlock bark on the free list.

Mr. CONGER. Where it is now.

Mr. BURCHARD. Three years ago the importation of hemlock bark, then paying a duty of 10 per cent., was about $100,000 worth. The next year after it was made free the importation increased to $196,000. During the last fiscal year $203,000 worth was imported free of duty. Now, there is a very small trade in this article of extract of hemlock bark. Only $24,000 worth was imported last year and the duty was only $5,000. But the price of bark has largely increased.

Mr. CONGER. The value of the importation of the bark last year was $157,000.

Mr. BURCHARD. And $46,000 more you will find just below in the import statement, which add to that makes the amount $203,000. The bark has increased from $4 a cord to $5 a cord. The bark and extract evidently are advancing in price. I cannot see how it is going to injure this interest connected with the extract of tannin or extract of bark to put this article on the free list, any more than it injured the hemlock forests when we put hemlock bark on the free list. I, for one, think that we should carry out the policy we adopted two years ago in reducing leather in the interest of the manufacture of leather. If I believed with some gentlemen here that the Canadians paid this duty, my view might be different. But I agree with the gentleman from Massachusetts [Mr. BUTLER] that the consumers in this country pay it. For that reason I think we ought to make the duty as light as possible.

Mr. DAWES. I hope that now we shall have a vote.

Mr. MERRIAM. I withdraw my amendment that my colleague from New York [Mr. SMITH] may renew it.

Mr. SMITH, of New York. I renew the amendment. The gentleman who has last spoken [Mr. BURCHARD] inquires what harm is to be done by putting extract of hemlock bark upon the free list. I can bear witness for one that some harm will be done. In my own district—I do not speak critically, but I judge that from $200,000 to $300,000 has been invested within eighteen months in establishments for the manufacture of the extract of hemlock bark; and this little amendment putting that article on the free list wipes out that property of my constituents to the amount of $200,000 or $300,000.

A protective tariff has been defined to be "a combination of jobs." Of course that is a false definition, yet it contains a vast deal of truth. What is the sort of protective tariff that this Committee on Ways and Means advocates? It seems to be, as my colleague has said, a tariff which shall protect the interests of the tanners upon the sea-shore of Massachusetts, while it ignores the interests of these property-holders throughout the Middle and Northern States and wherever this hemlock grows. The gentleman from Massachusetts, [Mr. DAWES,] whose disposition to protect the people of this country touches the sublime, proposes to protect them by making their property worthless, so that they cannot sell it. It strikes me that this is a sort of protection of which we do not desire very much.

Mr. Chairman, the farmers of this country, the settlers in our new Territories, find it necessary to sell their hemlock bark in order to pay the expenses of clearing their lands. The establishments in Canada, in the midst of hemlock forests exceeding millions of acres, fell the forests for the hemlock bark alone. We cannot compete with them;

and when you allow the extract of hemlock bark to come in free you not only drive out of existence all the manufactures of the extract in this country, but you render comparatively worthless every acre of land throughout this Union that grows hemlock. I sincerely hope that the protection which our friends demand for the manufactures of New England may be extended also to the manufactures in the Middle and Western States.

Mr. MERRIAM. I withdraw my amendment.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Michigan [Mr. CONGER] to strike out the clause placing extract of hemlock bark on the free list.

The amendment was agreed to.

The Clerk read as follows:

Quicksilver.

Mr. MERRIAM. I move to amend by striking out quicksilver. I cannot understand why the Committee on Ways and Means propose to put quicksilver on the free list, and thus take away some $15,000 per annum of revenue. I would like the chairman of the committee to explain the reasons to us; for the facts in regard to quicksilver are simply these: Spain produced last year 36,000 flasks; Russia 11,000 flasks; Austria 9,000 flasks—all produced by convict labor, against which well-paid American labor must compete. Our own industry engaged in the production of quicksilver on the Pacific coast is struggling to maintain itself. One of the principal companies, the New Almaden, has not paid but one dividend for over ten years, although it has several millions of dollars invested. Let me state the production of the companies in the United States last year: The New Almaden produced 11,500 flasks; the Idria 9,000 flasks; the Redington 5,500 flasks; other mines 8,000 flasks; making 34,000 flasks. The entire production of the world is about 90,000 flasks—not enough to supply the demand of the world. Our miners want it cheaper; but if they knew the fact that if we do not collect a duty from it the Rothschilds get the difference and they would not gain a dollar, they would be the last men in the world to ask us to do it.

The mines of Spain are owned by the Rothschilds, who are so wealthy and produce so much quicksilver that they establish the price everywhere. Whenever our mines cease to produce what is required here the Rothschilds send us quicksilver; otherwise they do not. Now, if we take off the duty, the Rothschilds get this 15 per cent. instead of our own bleeding and suffering Treasury. This is the whole fact in regard to the matter, and I do not see the policy or philosophy of the charity proposed by the Committee on Ways and Means.

Now, these gentlemen have been told there is a monopoly among quicksilver-producing mines in this country. At one time it was so. Three or four years ago the New Almaden, the principal quicksilver mine in the country, ran behind some three or four hundred thousand dollars, which it owed to the Bank of California. That bank was about to foreclose, take possession, and own the mine. They made a bargain with the New Almaden mine that they should have the entire production for two and a half years at $31 a flask. They had no sooner made the bargain than they put the price up to $85 a flask. The Rothschilds joined them. The miners throughout the country were obliged to pay an enormous price for quicksilver. That monopoly has expired, and none of these men are connected with each other, and there exists no monopoly now. They are entirely distinct, and each American mine is independent of any other. The fact is there is not quicksilver enough in the world to supply the demand. Our mountains are full of it, and it is an industry that needs protection. We should encourage the searching of our mountains for this metal, which in former days was called a noble metal.

[Here the hammer fell.]

The question was then taken; and Mr. MERRIAM'S amendment was rejected.

Mr. VANCE. I move to amend in section 6, page 5, by adding "salt in bulk or packages" after the word "quicksilver."

Mr. Chairman, it would appear as if an unnecessary thing to argue the propriety of repealing the tax on salt. This matter has been discussed frequently in the American Congress. Mr. Benton labored for a number of years to get it abolished and finally succeeded. The question was likewise discussed in England, and the Parliament at last removed the tax; a wise step, and one which brought honor to that body. It is impossible in five minutes to enter upon the question fully, and I shall content myself with calling the committee's attention to the following facts:

First, salt is of prime necessity to the life of man and beast. It enters largely into the composition of food, and is absolutely essential to health. The Almighty has made it a necessity to sustain animal life and health, and, to carry out His wise provision, He has made it abundant around the globe. It is mentioned, I believe, as a medical fact that the want of salt some years since was the origin of that dreadful scourge, Asiatic cholera.

Secondly, it is used by all classes. Not a single person in our broad land can do without it. The poor widow, struggling to support her children, is compelled of necessity to purchase salt.

This tax, therefore, lays a burden upon that which sustains existence, and places embarrassment and trouble upon the poorest of the poor. Its free admission would in a great measure re-establish the trade between our southern ports and the West Indies; a very desirable thing to those living in the South Atlantic States, and which would help them to regain some of their lost prosperity, and thus enable them to pay more taxes into the Treasury. It would also by its free introduction and consequent reduction of price be of value to the farmer as a fertilizer, used in connection with lime. The price of salt at New Berne, North Carolina, in 1861 was 16 cents per bushel, and now it is from 37 to 50. In my own district the price ranges from 62½ cents to $1 per bushel. This makes it quite a burden upon the people.

I would much prefer to see the tax remain on matches and bank-checks and see it taken off salt.

The present revenue is, I think, with an average *ad valorem* duty of 158 per cent., about $742,000. If you inquire how that shall be made up, I say place it on salaries and incomes, and stocks and bonds.

The Forty-second Congress did a good work in reducing the tax. Let us do a better and abolish it entirely.

Mr. MAYNARD. I am glad this subject has been brought up entirely in the way it has. This argument in reference to the duty on salt is one which has been made in our part of the country a great many years back. The same argument which was very well stated here this evening we have heard a great many times before. It prevailed so far prior to the late war. We depend almost entirely upon the foreign supply for our domestic purposes. A distinguished citizen of my own State once remarked in a discussion that the poor man's cow consumed more salt than a banker of Wall street. What was the result? I appeal to gentlemen living in that part of the country. When the war came on and the blockade closed around us so our foreign supply was cut off our people were famished for want of this article, although there were salines in the South capable of supplying all the salt we wanted, all the salt of the country. I will never vote in favor of, or sit silent without protesting against, any policy which will make our portion of the country dependent on any other part of the world for its supply of this so necessary article. For in case of any calamity coming upon us, as in the case of the calamity of war cutting it off, we will be placed in a most deplorable condition to which I do not want to see my neighbors reduced again.

Instead of taking the duty off salt, as a representative of the southern portion of our country, with our salines so fruitful, so abundant, I would encourage the manufacture of the article by every possible expedient of legislation we may devise.

Mr. HEREFORD. I move to strike out the last word. The argument of the gentleman from North Carolina [Mr. VANCE] in favor of free salt applies just as well to every other article on our tariff list. He says it should be made free because it is one of the prime necessities of life. So is iron one of the prime necessities of life. It is a part and parcel of the blood itself. Salt has to be manufactured before it can be made useful. So does iron have to be manufactured before it can be made useful. So throughout the whole list.

This tariff, if it is for the purpose of protecting the labor, the industry, the manufacturing industries of the country, applies with equal force to salt as it does to iron or to any other article that is manufactured throughout our land. And I come now again to exemplify in my own person and to furnish certainly a practical demonstration of the platform of one of the great political parties in the last presidential campaign that this question of the tariff was remitted to each congressional district to decide it for itself. The district that I represent objects that salt should be made free; and I see that my friend on the opposite side of the Ohio River has an interest identical with my own.

Mr. HARRIS, of Virginia. I would ask the gentleman why it is the interest of his district that salt should not be made free?

Mr. HEREFORD. I will tell you. Almost while I am talking and for years several of the salt-furnaces of my district have been lying idle on account of the low price of salt, and hundreds and hundreds of men are thrown out of employment who were engaged in the manufacture of salt, and in the hundreds of other means of employment that are necessarily used in the manufacture and production of salt. I do not see why the gentleman should strike at the article of salt, which is one of the few articles that should have protection if there is any at all. I am opposed to the amendment that the gentleman from North Carolina has offered, and hope it will not prevail. It is not in the original bill, and in the spirit of the chairman of the Committee on Ways and Means, I say that we should not add any new articles to this list. If we do, our labors will be interminable, and we will not get away from here until the summer shall have passed by.

Mr. DAWES. Mr. Chairman, I desire to make one more appeal to the committee to say by their votes on this amendment whether they desire to have any bill at all. It is perfectly apparent that unless we restrict ourselves within some limits it is quite useless to spend our evenings here. We cannot go on and revise the whole tariff. It would not be wise for us to do it if we had the time. It is utterly impossible for us to do it; and therefore for us to spend time here in picking out this industry and that industry, and putting it into the bill without consideration by a Committee of this House at all, is as useless a labor as could possibly be engaged in.

This whole matter of salt was before the Committee on Ways and Means two years ago, and the committee spent weeks in hearing those interested in that article. The question has not been before the com-

mittee this session. No man has asked the committee to consider the question of touching it this year and to bring it into a bill, the object of which is to correct mistakes in the tariff, and to spend our time in that way is entirely throwing it away. We shall lose what we have gained in reference to silk and other matters, and we might just as well conclude that when the committee rises to-night the three days and nights we have spent on this bill have been thrown away, for I do not think the Committee on Ways and Means will feel disposed to ask the House to go into committee again on this bill, if the purpose and intent of the committee is to take up any new thing.

Of course, the Committee on Ways and Means know that it is in the power of the House to load this bill down with new matter. They do not expect that their conclusions on these items will be adopted without debate or change. They do not ask that, but they do ask of the House that matters that never have come before any committee of the House shall be left out of the bill. If the House decides otherwise, the Committee on Ways and Means sees, if the House does not, that it is utterly impossible for them to go on. Let us therefore have a vote that will settle the question.

Mr. HARRIS, of Virginia. I rise to oppose the amendment.

The CHAIRMAN. The amendment has already been opposed.

Mr. HARRIS, of Virginia. I rise to a question of order. Only one speech has been made on the amendment of the gentleman from West Virginia, [Mr. HEREFORD.] He offered an amendment to strike out the last word, and spoke to it; and that is the only speech that has been made on that amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. DAWES] spoke in opposition to it.

Mr. DAWES. I hope the gentleman from West Virginia will withdraw his amendment and let the gentleman from Virginia renew it.

Mr. HEREFORD. I withdraw my amendment.

Mr. HARRIS, of Virginia. I renew it. Mr. Chairman, I have not been of those who have interfered with the report of the Committee on Ways and Means, and perhaps after this amendment we may receive the admonition of the chairman of that committee, and not hereafter interfere with its report. But this question is now before the committee and we are called to vote upon it, and therefore I desire to give the reasons why I shall vote for the amendment of the gentleman from North Carolina, [Mr. VANCE.] Salt is an article of prime necessity, used by everybody as much or more than tea or coffee. Tea and coffee can be dispensed with, but salt can be dispensed with by neither man nor beast. It is an article that goes into the household of everybody, rich and poor; and the very reasons stated by my friend and colleague—if I may call him so—from West Virginia why it should not prevail to my mind are conclusive that the amendment should prevail. Why? Because he says it will make salt cheaper, and he wants the tariff to remain on salt in order to protect one or two manufacturers in his district at the expense of all his constituents; thus making the people of his district and the people of the United States pay tribute to one or two manufacturers. We manufacture salt extensively in my State, more extensively than in any other State of the South, and perhaps as much so as in any State in the Union. Yet Virginia asks no protection for that manufacture. She considers the interest of the ninety-nine hundredths of her citizens as of more importance than the interests of a few manufacturers in the State who make salt.

Mr. HEREFORD. Have you any salt manufactories in your district?

Mr. HARRIS, of Virginia. No; but I speak here not only for my district but for the people of my State, while the gentleman would put the interest of a few persons in his State against the interests of all the people of his State. I hope that it will be the pleasure of this committee to put salt on the free list as they did last year along with sugar and coffee.

Mr. HEREFORD. We did not put it on last year.

Mr. HARRIS, of Virginia. The House put it on but the Senate did not concur.

Mr. DAWES. The gentleman from Virginia [Mr. HARRIS] suggested that I wanted to give the House an admonition. I have no disposition to do that. Of course every gentleman in the House has his own judgment about what his duty is. I suggested, from my experience in tariff bills, that it would be utterly impossible for us to pass this bill if the committee took up matters which had never been considered by the Committee on Ways and Means. If the Committee of the Whole differ with me, as they have a perfect right to do, then they can do as they please about it. But let us have a vote.

Mr. FORT. I would inquire of the gentleman how much revenue we derive from salt?

Mr. DAWES. I cannot tell how much.

Mr. FORT. About how much?

Mr. DAWES. I cannot tell.

Mr. VANCE. I would like to explain the reason why I offered my amendment.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. HARRIS, of Virginia. I withdraw the amendment to the amendment.

Mr. FIELD. I move to strike out the proposition in regard to salt and insert the words "on quicksilver, 15 per cent." It appears that last year we realized in duties on quicksilver $10,000. I fail to perceive in what way we are to be benefited by striking off the duty on that article.

Mr. SMITH, of Ohio. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH, of Ohio. Is the amendment of the gentleman from Michigan [Mr. FIELD] pertinent to the amendment of the gentleman from North Carolina, [Mr. VANCE?]

The CHAIRMAN. The Chair thinks it is.

Mr. DAWES. Will the Chair please state the amendment.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Michigan, [Mr. FIELD.]

The Clerk read the amendment, as follows:

Strike out the proposition in regard to salt, and insert "on quicksilver, 15 per cent."

The CHAIRMAN. The Chair misunderstood the amendment. It is not in order.

The question was then taken upon the amendment moved by Mr. VANCE; and upon a division there were—ayes 51, noes 56; no quorum voting.

Mr. VANCE. I call for tellers.

The CHAIRMAN. No quorum having voted, the Chair will appoint the gentleman from North Carolina, Mr. VANCE, and the gentleman from Massachusetts, Mr. DAWES, to act as tellers.

Mr. BUTLER, of Massachusetts. I ask that the amendment be again read.

The amendment was read, to insert in the free list these words:

Salt, in bulk or in bags.

The committee proceeded to vote by tellers, but before the result was announced,

Mr. VANCE said: If I can have an opportunity to offer my amendment in the House and have a vote upon it I will withdraw my demand for a further count.

Mr. DAWES. I will not object to that.

The CHAIRMAN. Then the Chair understands that the amendment of the gentleman from North Carolina [Mr. VANCE] will be considered as agreed to, and a separate vote will be taken on it in the House.

Mr. CONGER. I object to that.

Mr. DAWES. On the count before the call for tellers the majority was against the amendment. The gentleman from North Carolina called for tellers, but before any quorum had voted by tellers he said that he would withdraw his call if I would permit him to offer the amendment in the House and have a vote upon it, to which I consented.

The CHAIRMAN. The Chair will again submit the proposition to the committee. It is that the amendment of the gentleman from North Carolina [Mr. VANCE] be considered as adopted, and a separate vote be taken on it in the House.

Mr. CONGER. I object to any understanding that the amendment is agreed to. The proposition, as I understand, is that the gentleman from North Carolina would withdraw his call for a further count if he could have an opportunity to offer his amendment in the House.

Mr. RANDALL. The shoe is on the other foot. He had a majority for his amendment.

Mr. CONGER. Not so.

Mr. DAWES. I move that the committee now rise.

The motion was agreed to.

The committee rose; and Mr. ELLIS H. ROBERTS having resumed the chair as Speaker *pro tempore*, Mr. TYNER reported that, in pursuance of the order of the House, the Committee of the Whole had had under consideration the Union generally, and particularly the bill (H. R. No. 3491) to amend existing customs and internal-revenue laws, and for other purposes, and had come to no resolution thereon.

Mr. DAWES. I move that the House now adjourn.

The motion was agreed to; and accordingly (at nine o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. COBB, of North Carolina: The petition of Tod R. Caldwell, governor of North Carolina, for the passage of an act to refund to the State of North Carolina the value of certain cotton bought by the State during the late rebellion and seized by agents of the Treasury Department, with interest from the date of seizure, to the Committee on War Claims.

By Mr. COBB, of Kansas: The petition of grange organizations of Butler County, Kansas, for the construction of the Continental Railway and passage of the House bill therefor, to the Committee on Railways and Canals.

By Mr. HAYS: A paper for the establishment of certain post-routes in Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: The petition of Elizabeth Dougherty, widow of Charles Dougherty, late sergeant Company C, Sixty-ninth Pennsylvania Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. WOLFE: The petition of William T. Daniels, Samuel Conn,

and others, of New Albany, Indiana, that the Chinese indemnity fund be appropriated to the education of the Chinese within the United States, to the Committee on Foreign Affairs.

By Mr. ——: The petition of F. E. Heath, and others, of Webster Parish, Louisiana, for a post-route from Minden, Louisiana, to Palestine, Arkansas, to the Committee on the Post-Office and Post Roads.

Also, the petition of citizens of Webster and Bienville Parishes, Louisiana, for the establishment of certain post-routes in Louisiana, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

FRIDAY, *May* 29, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. SHERMAN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PETITIONS AND MEMORIALS.

Mr. CONKLING presented the petition of the American Seamen Friends' Society, praying an appropriation for the cost of repairing the Seamen's Bethel church at Norfolk, Virginia, used for military purposes from 1862 to 1865; which was referred to the Committee on Claims.

Mr. BUCKINGHAM. I present a communication from the freedmen residing among the Chickasaws and Choctaws, addressed to the chairman of the Committee on Indian Affairs, representing that they are still slaves except in name, and asking the Government to pay the expenses of a delegation to Washington that they may present their grievances. I move its reference to the Committee on Indian Affairs.

The motion was agreed to.

Mr. SAULSBURY presented the petition of H. C. Harvey and 160 other citizens of Camden, Delaware, praying that the law imposing a tax of 10 per cent. on State-bank circulation may be repealed; which was referred to the Committee on Finance.

INDIANS IN NORTHERN SUPERINTENDENCIES.

Mr. BUCKINGHAM. I desire to give notice that at the conclusion of the morning business I desire to call up the bill (S. No. 154) to amend the act entitled "An act for the relief of certain tribes of Indians in the northern superintendency," approved June 10, 1872, which is regarded as very important by the Secretary of the Interior.

The PRESIDENT *pro tempore*. The unfinished business at the expiration of the morning hour is the Military Academy appropriation bill. The Senator from Connecticut gives notice that he will ask to lay that bill aside informally and take up the bill indicated by him.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 3171) to amend the customs-revenue laws, and to repeal moieties, to report it back with sundry amendments; and I also give notice that on Tuesday next, at the expiration of the morning hour, I shall ask the Senate to take up this bill for action.

Mr. BUCKINGHAM, from the Committee on Commerce, to whom was referred the bill (S. No. 809) to incorporate the Island and Seaboard Coasting Company of the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. FERRY, of Michigan, from the Committee on Finance, to whom was referred the bill (H. R. No. 3237) to authorize the First National Bank of Seneca to change its name, reported it without amendment.

He also, from the same committee, who were instructed by a resolution of the Senate to inquire and report as to the repeal of the law forbidding the producers of tobacco from selling to persons other than licensed dealers, submitted a report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the subject.

Mr. CONOVER, from the Committee on Revolutionary Claims, to whom was referred the bill (S. No. 314) for the relief of the heirs at law of Mathieu Alexis de Rochefermois, reported it without amendment.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 393) to provide assistance to circuit judges in certain cases, reported adversely thereon; and the bill was postponed indefinitely.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1217) providing for an appeal from the circuit court to the Supreme Court in certain cases of *habeas corpus*, reported adversely thereon; and the bill was postponed indefinitely.

Mr. EDMUNDS. The same committee, to whom was referred the bill (H. R. No. 854) relating to circuit and district courts of the United States, and containing a variety of provisions, most of which, the committee think, are the law already, and the others unnecessary, have directed me to report it back adversely and to move its indefinite postponement.

The motion was agreed to.

Mr. KELLY, from the Committee on Public Lands, to whom was referred the bill (S. No. 135) relating to certain public lands bordering on Lake Pontchartrain, in the city of New Orleans, reported it with amendments.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 309) to extend the time for proof and payments on pre-emption claims upon the public lands, reported adversely thereon.

The PRESIDENT *pro tempore*. If there be no objection the bill will be indefinitely postponed.

Mr. HITCHCOCK. I ask that that bill be placed on the Calendar.

The PRESIDENT *pro tempore*. It will be placed on the Calendar with the adverse report of the committee.

TIME OF HOLDING COURTS IN VERMONT.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3169) changing the time of holding circuit and district courts in Vermont, to report it back without amendment. If there be no objection, as the bill only changes the time of holding existing courts and does nothing else, at the request of the judges, I ask for its present consideration. If any gentleman desires the bill to go over in order that he may look into it, of course I do not ask it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It provides that the term of the circuit court holden at Rutland on the 3d of October shall be held on the first Tuesday in October, and the term of the district court holden at Rutland on the 6th of October shall be held on the first Tuesday of October; the term of the circuit court holden at Windsor on the fourth Tuesday in July shall be held on the third Tuesday in May; and the term of the district court held at Windsor on the Monday after the fourth Tuesday of July shall be on the third Tuesday in May; but the act is not to apply to the next terms of the circuit and district court to be holden at Windsor, but they shall be held at the times now provided by law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGALIZATION OF HOMESTEAD ENTRIES.

Mr. SPRAGUE. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 3354) to legalize entries of public lands under the homestead laws in certain cases, to report it back without amendment, and I ask the attention of the Senate to the bill at this time.

Mr. SCHURZ. I hope the Senate will proceed to the immediate consideration of that bill.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill.

In all cases of entries of public lands made under the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, where the affidavit required by section 2 of the act was made before the clerk of the county of the residence of the person making the entry, without having first made the settlement and improvement required by the provisions of section 3 of the act entitled "An act amendatory of the homestead law, and for other purposes," approved March 21, 1864, the bill proposes to legalize and confirm those affidavits, so as to have the same force and validity as if the provisions of the last-named act had been strictly complied with.

Mr. EDMUNDS. What is the effect of that? I should like to have it explained.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I do not object to its consideration.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. SCHURZ. I will explain it. Under the amendatory act of 1864 certain parties could enter lands under the general homestead law, by making the preliminary affidavit before the clerk of the county where the party might reside, but in such case the party must have first settled on the land. Under previous acts this settlement was not required if the affidavit was made before the register or receiver. This distinction as to settlement was not understood, and entries were made under the act of 1864 without settlement, just as might be done properly if the affidavit were made before the register or receiver. Now, the want of previous settlement renders the affidavits invalid, though they would have been proper if made before the other officers. The only mistake of the parties specified under the act of 1864 was that they made the affidavit before, instead of after, settlement. In all other respects they complied with the law.

Since that time a law has been passed by Congress granting certain lands to the Atlantic and Pacific Railroad Company, and in consequence of the irregularity committed by these homesteaders the Atlantic and Pacific Railroad Company claim these lands and they will fall into their hands unless that irregularity be legalized by Congress. So that here we have a number of *bona fide* settlers who were misled by a legislative act as to the necessity of making their affidavits before the receivers and registers and made them as that act

permitted before the clerks of the counties in which they resided, and unless we pass this remedial act the lands may be taken away from the homesteaders and fall into the hands of the railroad company. That is the whole case.

Mr. EDMUNDS. This, as stated by the Senator from Missouri very frankly, is rather a serious question. It appears that these settlers did not enter the lands so as to acquire a legal title to them. Then came along a railroad company having certain rights under a land grant I suppose, and took possession of the same lands or took such legal steps as entitled them to the same lands as against this invalid title of the settler. Now, Congress is asked to say, "we will validate the title of the settler, and, supposing we have the constitutional power, we will turn out the railway which has now got the valid title." What is the railway to say to that? What demand will be made upon us by the railway people to make good to them this wrong that we have committed against rights that they had legally acquired? I should like to hear the Senator from Missouri on that point.

Mr. TIPTON. If the Senator will allow me, the act granting the lands to the railroads saved all the rights of actual settlers.

Mr. EDMUNDS. Yes, Mr. President; but according to this bill and according to the law as stated by the Senator from Missouri, these actual settlers had no rights to be saved, because they had entered into the possession of the lands, if they did enter, or had made their entries in the land office under circumstances that the law did not allow to create a good title; that is to say, they made certain affidavits when they had not settled on the lands and taken them up, instead of having settled on the lands and taken them up and then made affidavit of that fact, as I suppose, as showing that they were entitled to that homestead grant.

Mr. TIPTON. The claim in this case is that the affidavit was invalid because it happened to have been taken before the county clerk instead of before the register.

Mr. EDMUNDS. So I understand. The law required, in entries of this kind, that the settler, as stated by the Senator from Missouri, should first make settlement upon the land and occupy it, and then he should make an affidavit before the clerk of the county in which the land was situated of certain facts, and upon that affidavit and those facts the settler became legally entitled to the land as a homestead, subject, I suppose, to his vacating if he did not live upon it the requisite length of time. The result is that the particular settler who did not occupy the land in conformity to the statute which pointed out his method of occupation did not acquire a legal title to it. The railway coming in, then, subject to legal rights, enters these same lands as part of its land grant. The railway, therefore, has the legal title, and the settler has not, because he has acquired the land not in conformity to law.

Now, this bill proposes to make the occupation by the settler valid, which I should doubt very much the right of Congress to do if the other party has acquired a right. We cannot take the property of a citizen or of a corporation without due process of law; and an act of Congress is not due process of law. On the case as it is stated, the Atlantic and Pacific Railway Company has the legal title to this land. On the case as the bill makes it, we propose to say that the settler and not the Atlantic and Pacific Railway Company shall have the legal title to the land. That may be right as a matter of fact; but as a matter of law, if that is the state of the case, in my opinion it would be nugatory; and if not nugatory, we ought to consider what claims we are creating in behalf of the Atlantic and Pacific Railway Company against the United States for dispossessing them of land to which they were legally entitled.

Mr. SCHURZ. There is a certain class of cases in which the parties making these entries abandoned their entries after the passage of the law making the railroad grant, and then the Secretary of the Interior held that the lands reverted to the Government and did not inure to the railroad company, and held the lands subject to entry by other parties and they were accordingly taken up in good faith as public lands under express instructions of the Commissioner to the local land officers. Thus it appears that the Secretary of the Interior held that although Congress had passed a land grant and invested the railroad company with certain legal rights, yet when settlers who had so entered the lands abandoned their claims the lands did not revert to the railroad company but to the Government. It was expressly provided that all land affected by homestead rights should be excepted from the railroad grant. Here; therefore, we have a direct issue between *bona fide* settlers and a railroad company. Unless we give them relief by congressional legislation the lands may go to that company and the settlers be ousted. There are, as I am informed, hundreds of such people who in good faith settled on the lands who will lose their homesteads, improvements and all, unless we pass such a bill as this.

Mr. BOGY. I believe the position taken by the Senator from Vermont would be correct if the statement of facts made by him be as he put it. The law as stated by the Senator from Vermont is correct on the facts understood by him. That is to say, if the entries made by these parties were at the time they were made and are yet void, any legal right acquired since that time by the railroad company of course cannot be affected by any law we may pass at this time. I agree that there can be no doubt about the correctness of that position. But what are the facts? The law donating lands in the State of Missouri to this railroad company protects all the rights of preemptors and persons who made locations as homesteaders. The company cannot interfere with persons having pre-emption rights or who have made any location as homesteaders. These persons are yet residing on this land. They have made a location according to the law granting homestead rights, have made great improvements, have complied with all the laws, the certificate of entry has been given to them; but the affidavit, which it appears now the law required to be made before the register or receiver of the land office, was in these cases made before some county officers having the right to administer oaths, but not the person designated by the law regulating the location of homesteads. The railroad company cannot make any location upon any land thus situated. Therefore the railroad company can have no legal right, and it is yet competent for Congress to enable these persons to complete by a mere legal formality that which already exists. It is a homestead location that the railroad company cannot take, but if abandoned of course it becomes a nullity, and then it will lose its character of a location under the homestead law and the lands will fall into the hands of the railroad company.

Mr. SCHURZ. I believe that the railroad company has in no case perfected its title to any of these lands since.

Mr. BOGY. I know they have not; but if the homestead right be abandoned or be done away with, as a matter of course the lands will fall into the hands of the railroad company. It is a contest, in other words, between the railroad company and the homesteaders. That is the simple question. The persons having the homestead rights did not exactly comply with the law as to the party before whom their affidavits should be made. Up to this time the railroad company has no right to make a location or take that land within its grant, and I hold that it is perfectly competent, perfectly proper, perfectly legal to pass this law, and if there be a question let the courts settle it.

These persons have made these locations in good faith, have made these improvements, have complied with the law. They supposed at the time and the officers of the Government believed that it was all right; but the affidavits were made not before the register or receiver as required by law, but before county officers. They were believed to be correct; but whether correctly made or not, the homestead is a legal fact, which fact prevents the land from being subjected to the railroad grant. The bill I think is perfectly proper, and I hope the Senator from Vermont will withdraw his objection. It is a contest between this railroad company and these poor people who have made these locations.

Mr. EDMUNDS. I ask that the letter of the Commissioner of the General Land Office on this subject, addressed to the honorable chairman of the Committee on Public Lands, may be read.

The Chief Clerk read the following letter:

DEPARTMENT OF THE INTERIOR,
General Land Office, Washington, D. C., May 23, 1874.

SIR: I have the honor to return herewith the bill which you recently left in this office, H. R. No. 3354, entitled "An act to legalize entries of public lands under the homestead laws in certain cases."

The homestead law of the 20th of May, 1862, as a general rule wisely requires that parties desiring to avail themselves of the benefit of that law in the entry of public lands, shall first appear and make affidavit as therein prescribed before the register or receiver of the district land office for the land district in which the desired tracts are situated, thereby enabling the register and receiver, sworn officers of the department, responsible to it and acting directly under its instructions, with the law records of the district before them for their enlightenment, in every case more effectually to guard against the occurrence of irregularities in the inception of claims, as well as to detect and defeat the fraudulent devices resorted to by parties not entitled to the benefits of the law, yet seeking to turn its provisions to their advantage by making entries of public land thereunder. Under the amendatory act of the 21st of March, 1864, third section, the rule is relaxed in certain exceptional cases, where the family of the applicant, or some member thereof, is residing on the land upon which a *bona fide* settlement and improvement have been made, and where from distance, physical infirmity, or other good cause, the applicant is prevented from attending at the district land office, whereby the applicant is permitted in such exceptional cases to make the required affidavit before the clerk of the court for the county in which he resides. Now it happens that certain parties in cases not characterized by the exceptional circumstances thus provided for in the act of 1864, cases in which neither the party's family, nor any member thereof, was residing on the land, effected homestead entries on affidavits not taken before the register or receiver, as the law requires in such cases, but before the clerk of the county court, as if their cases were of the class provided for in the act of 1864, which they were not. And the object of the inclosed bill is to legalize the affidavits in these cases, and render them as effective as if made in strict conformity to law. The parties it proposes to benefit now stand on the same footing in this respect with others seeking to acquire title to public land under the homestead law. Under the regulations of this office, they may even now perfect their entries by going to the district land office and making their proper affidavit before the register or receiver as others are required to do in similar cases, or where this cannot be done, from special circumstances, if the requirements of the law in other respects have been complied with, the entries will be confirmed on proper showing made by the board of equitable adjudication under the acts of the 3d of August, 1846, and 26th of June, 1856. This bill, if enacted, would place them at an advantage as compared with homestead parties who are required to attend at the district land office, to make the affidavit, in exempting them from such requirement. For giving them this advantage, by special legislation, I can see no sufficient reason. On the contrary, it appears to me objectionable inasmuch as it may be viewed as sanctioning and rewarding the irregularity and evasion of law which attended the making of their entries. I am therefore of opinion that it should not be enacted.

Very respectfully, your obedient servant,

W. W. CURTIS,
Acting Commissioner.

Hon. WILLIAM SPRAGUE,
United States Senate.

Mr. BOGY. It is as I stated. The entry is all proper and legal excepting that the affidavit was made before persons not authorized by law. Nevertheless, these entries were authorized to be completed; the officers in the land offices in Missouri believed them to be in compliance with the law; otherwise they could not have effected the

entry. The register and receiver received these applications, and I say of my own knowledge that it is very difficult to ascertain that the affidavits were not proper, because in some cases the affidavits may be made before county officers. Where the party making the application states certain facts, the statement is conclusive that he comes within the exception; but in this case it seems they did not state the fact that they could not go to Boonville or Springfield or wherever the land office was. It was a mere form that was not complied with. It is true in some cases these entries could be perfected now; but the reason they are not is simply this: it is possible that rights in other parties may have accrued between the original entry and the present time. They could go now and make the affidavit *de novo* and date their rights from to-day; but it it possible that in the mean time other parties may have acquired rights. And if that were done, they would be postponed for five years before they could perfect title to the land, whereas if this bill is passed they have the advantage of the time, and the railroad company can have acquired no legal title to this land because their subsidy was based upon lands not subject to pre-emption or homestead location.

Mr. EDMUNDS. We know, Mr. President, that all that appears to be homestead is not always such, that the actual settler on paper is sometimes an eastern speculator, and that an apparent settlement is made and the law partially complied with and some fabricated papers got up, and the land is held, instead of being cultivated and built up for the benefit of the State or Territory where it is. Therefore I do not think we ought to act on this bill upon the score of any special sympathy for anybody who has unwillingly been drawn into a legal difficulty. We must act on the principle that everybody understands his rights and intends the natural consequences of his own acts. The law has provided certain restrictions upon making homestead entries, the theory and object of the law being that a homestead entry should be a real one for settlement, for cultivation, for permanent occupation and improvement; and all these guards set about the thing were intended to preserve that idea. Otherwise we could just say by an act of Congress that anybody could take up any amount of public land where he pleased to have it and be done with it; that he could file an affidavit before himself and put it in his pocket, and call that his title and when anybody undertook to oust him show it. Of course there are a thousand ways of getting rid of the protective provisions of the statute if you wish to do it.

Now, as the Commissioner of the General Land Office shows to you most clearly, the people covered by this bill undertook to acquire title to this land in a different way from that which the law provided, and in a way which the Commissioner says gives them a great advantage over other people who undertook to acquire their lands in the way that the law does provide. Now you step in and say that the people who do not choose to comply with the law, and who thereby gain an advantage over other people similarly situated, shall be regarded as entitled to the same equity and to the same right and that you will pass a law which will cover all their illegal proceedings. I do not believe in that, and I do not think the Senator from Missouri does, because I know the Senator to be a right-minded man as a general rule. The Commissioner of the General Land Office tells you he does not think this bill ought to pass, and he explains the reasons why he thinks it ought not to pass, which to my mind are conclusive; and yet without having that in print, the bill being reported this morning, we are asked to pass it in a hurry.

Another thing to which the attention of the Senate perhaps has not been drawn is that as this bill now stands it is a perpetual act for the future as well as the past, and this illegal practice as it has been can be continued and legalized for all time to come under this bill if it passes; and any man, whether he comes under the act of 1864 or not, can file his affidavit in a county clerk's office before he takes possession and take possession at his leisure. This is not a bill merely to legalize some little irregularity that has occurred heretofore, but it is a bill which extends in terms to all cases of the entries of public lands hereafter as well as those which have passed heretofore. Do we wish to make this change in the law? Is that the intention of the honorable Senator from Missouri? I presume not; yet that is the effect. I suggest, therefore, that the bill lie over until to-morrow for consideration and we can think of it. I move to postpone it until to-morrow.

Mr. SPRAGUE. I wish to say a word in answer to the last remark of the Senator from Vermont. By a bill recently passed by the House and agreed to by the Senate Committee on Public Lands, all officers having an official seal are authorized to take affidavits in these cases. This bill confines it to the county clerk, who of course has an official seal; so this action is in the spirit of the legislation already agreed on.

It was observed by the Senator from Missouri that these lands having had the settlement provided for by law, and the settlers being disqualified only by the want of a proper affidavit, when abandoned by the settlers reverted to the Government and not to the railroad company. By the report of the Commissioner I doubt if these lands would go to the railroad company. That is an open question. Lands that were abandoned by parties standing in the same relation to the grant as these parties did reverted to the Government and were thereupon rehomesteaded.

In the judgment of the committee there is nothing in this bill but what it purports to be. It purports to legalize a defect from non-compliance with a technicality in the law. All the parties who located and settled on these lands were *bona fide* locaters and settlers and made their improvements, and were only informed later that they had not complied strictly with the law. This bill is to remove that technicality, which it is perfectly competent for Congress to do, and which it should do, in the judgment of the committee.

Mr. SCHURZ. The Senator from Vermont made a remark which led me to conclude that he suspected some trick of speculators under this bill to get hold of lands. It is just the reverse. There are no speculators interested in this bill, but on the contrary there are actual settlers interested in it as against speculators.

Now, as to the homestead act, the first requirement is that he who wants to claim and own a certain quantity of land under that act has to settle upon it. This was done. But those who settled on these lands and cultivated them as farms and made improvements simply made a mistake, and a very natural and excusable one, in fulfilling provisions of technicality and nothing else; and all that they ask is that relief should be granted them so that in consequence of their mistake as to a technical point of the law they shall not lose the land they have inhabited, they have cultivated, they have improved, and which they thought they owned, so that they shall not be deprived of all they have by a corporation. That is all.

Mr. BOGY. The Senator from Vermont says that the Commissioner of the General Land Office is opposed to this bill. That is true; but the Committee on Public Lands, by a unanimous vote, have recommended the passage of the bill. Which of the two bodies should have the most weight? I say the committee, for they have investigated the subject and have made a unanimous report. The very argument of the Commissioner of the General Land Office is only a matter of form as to affidavits. We admit that the affidavits were not made before the persons authorized to take them, but nevertheless the land officers in Missouri received those affidavits and permitted those locations to be made, and if there be any fault to be found it is with the officers of the Government, and not with these individual locaters, who are not men generally very well versed in the law, but who act in entire good faith. The officers of the Government received these affidavits and permitted the locations to be made, and hence the Committee on Public Lands have made a unanimous report, and I hope the bill will not be postponed, but will be passed this morning.

Mr. PRATT. When this bill was before the committee, I was troubled with the same scruple that the Senator from Vermont has just given expression to. I apprehended that the Atlantic and Pacific Railroad Company might make reclamation upon the Government for any lands that were lost to them under this bill. But upon further consideration, it seemed to me a conclusive view was this: that at the time the grant of alternate sections of the public lands was made to the Atlantic and Pacific Railroad Company, these homestead settlers were upon these lands in their actual occupancy, having complied with all the conditions of the homestead law except in the simple fact of having made the requisite affidavit before the wrong officer. I believe there had been some change in the homestead law which misled them, whereby they made the requisite affidavit before the county clerk instead of making it before the register or the receiver of the land office.

The fact was patent to the railroad company at the time they received this grant from Congress that these men were upon these lands claiming title by virtue of the homestead law, and they took the grant from Congress subject to that fact. And, sir, there is no complaint made that the affidavits, as made before the county clerks, were not in strict conformity with the law. Every condition was complied with by the settlers except the simple fact, as I stated before, that the affidavit was made before the wrong officer. They had at that time actually made settlements upon these lands, done everything to entitle themselves to a patent from the Government at the expiration of five years, except simply having made the affidavit before a wrong officer. The local land officers took no exception to these affidavits; they received them as a valid compliance with the existing law; but the railroad company now sets up a claim that, inasmuch as there was a technical failure to comply with the law in force at that time, although these settlers acted in good faith, therefore they must lose the benefit of their settlement, they must lose not only their land, but must lose all their improvements, and the railroad company succeed to all. That would work a very great injustice to these settlers; and for myself I would sooner run the risk of reimbursing this company than that these homestead settlers who have made these improvements in good faith should be turned out without any compensation whatever.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to postpone the bill until to-morrow.

Mr. FRELINGHUYSEN. There was one remark made by the Senator from Vermont which would control my vote on this measure. I understand him to say that this bill changes permanently the law. That I certainly would not vote for. But it seems to me that, with that exception, the bill is a mere remedial act. It seems to me that these settlers had a right, by virtue of their settlement, the same as if they had paid a consideration for it, and that this law is like to an act making an acknowledgment before a justice of the peace, when the law required it to be before a judge, valid and good.

The motion to postpone was not agreed to.

Mr. EDMUNDS. I have done my duty so far. I will try again. I

move, in conformity to what has been asserted here that this does not affect other people's rights, to add after the word "with," at the end of the sixteenth line, this proviso:

Provided, That nothing in this act shall have the effect or be construed to impair the valid adverse rights of any person or corporation to any such lands.

Mr. BOGY. I hope that amendment will not be adopted. I think this corporation will get all it is entitled to without it.

Mr. SCHURZ. I think one of the purposes of this act is to prevent litigation and not to invite it, and by this amendment you would clearly invite litigation. You would say to this railroad company, "Now, we think you may have a right to these lands, and we invite you to make use of what power you have to have that right confirmed by the courts." In other words, it is to involve the settlers now holding these lands in endless litigation. For that reason I think the amendment ought not to be adopted.

Mr. EDMUNDS. I do begin to believe that there is something in this bill, as the Senator from Missouri suggests. In the first he has told us that the Atlantic and Pacific Railroad Company was going to turn these settlers off, that they set up some claim. Then I say to him, "How is it that we are going to take away the land of a corporation, even if it be a corporation, and give it to private persons?" Then he replies, and so does the other Senator from Missouri, [Mr. BOGY,] "They have not got any rights; we are not impairing their rights." Very well; then I say, "Say so in the bill, that you do not undertake to take the property of A, by act of Congress, and give it to B." If anybody has a valid adverse right to these lands, let him maintain it and do not take it away from him by act of Congress. Then the honorable Senator from Missouri [Mr. SCHURZ] rises and says, "That will not do; that will lead to litigation." In other words, if Congress does not act in a judicial capacity and give these lands to these settlers in spite of its former grant, if there be any, then there will be a contest. Why? Because some railway company or somebody else sets up a valid adverse claim to the land. What will be the consequence, Mr. President? The consequence will be one that we have experienced before now in similar cases; we shall have undertaken to dispose of the public lands of the United States twice, and that will lead to reclamations, as the honorable Senator from Indiana has suggested, and the United States will be called upon to make good to one party, and perhaps to both, by fresh indemnifications, the loss that they have sustained on account of the passage of this bill.

I confess I am surprised, when you are going to validate what it is said is a technical difficulty, that any Senator should object to the usual saving clause, that we do not hereby undertake to take one man's property that he has a legal right to and give it to another. I ask for the yeas and nays on the adoption of this amendment.

Mr. TIPTON. I stand in this matter on the decision of the Secretary of the Interior, that in a case where some of these settlers went off their lands they could not be claimed by the railroad company, but they reverted to the Government of the United States and were open for other settlers.

Mr. EDMUNDS. Then this proviso does not harm them.

Mr. TIPTON. I do not propose by my vote that anything shall come into the bill which will recognize any claim on the part of the railroad company when it has been so decided by the Interior Department. I stand by the settler and the right of the settler, and the whole Committee on Public Lands, after a most careful examination of this question and of the interests of the railroad, and with no hostility to railroads as such, have decided that these people need just this bill—nothing more, nothing less.

Mr. LOGAN. I should like to ask a question of the Senator from Vermont for information merely. If in the original grant to the railroad company these lands were embraced at that time and the railroad company performed its part of the contract, would it not have a right of action although this bill should pass if the lands in law at that time inured to its benefit by its complying with the grant?

Mr. EDMUNDS. That opens a question which is perhaps doubtful. If the right of the railway company has become vested, absolutely vested, then, in my opinion, Congress, although it can impair the obligation of contracts under the Constitution, or certainly some contracts, cannot divest the title which exists in somebody else. But there is a difference of opinion among people about that; it has been often discussed, and particularly where there is an inchoate title on one side and an act of Congress making an absolute grant of a patent on the other. It may be open to question there whether the patentee would not hold even against the right that the other party had, and that sends the other party to the person who has wronged him, with a demand for indemnification. I cannot say positively what the law is, because I think no man can say certainly how that question will be decided. Therefore I had supposed that nobody who was sincere about this business would object to providing that any valid existing right should not be disturbed by this legislation. If there is a valid existing right to the injury of these settlers, and they have any claim upon us, we ought to make a different provision from this. We ought not to take the land which belongs to the railway company, if it be a railway company, and give it to them; but if we have wronged them by allowing a railroad company to get land which they in equity ought to have, we ought to make some other provision for them.

Mr. LOGAN. Leaving the bill as it is, it would leave the question, if there was a question as to who had the legal title, to be decided by the courts; but if you put on this proviso the railroad company will probably come before Congress for indemnity, and the construction might be very liberal when in a court it might not be. It makes that difference certainly, in my judgment, which is very material. By thus providing you invite the railroad company, as was very well said I think by the Senator from Missouri, to litigation. It may be litigation before the courts, or it may be a claim against the Government for indemnity, which will come before Congress. I would much rather trust it the other way myself.

Mr. EDMUNDS. They could certainly have no right to come to Congress if by this act we declare that we do not affect any legal right they have.

Mr. BOGY. I did not hear what transpired between the Senator from Illinois and the Senator from Vermont in their private conversation on the other side; but I would say in answer to the amendment of the Senator from Vermont that if the railroad company or anybody else has any rights now, no law we may pass here can affect those rights, and his amendment amounts to nothing at all beyond a mere invitation to the company to litigate with the parties who have made these entries. We cannot impair their rights, and it is not necessary to say that we do not intend to impair their rights. If the law does take away any rights they have, our saying that we do not intend to take them would not affect it. We do not want to insert an amendment of this kind, which would be nothing in the world, as stated by my colleague, but an invitation to this corporation who may claim this land—because the contest will be between them and the pre-emptors after all—to litigate with these people until they will be compelled to abandon their lands. That will be the whole effect of it. The amendment amounts to nothing in law. The result of it will be that the proviso will be a mere invitation to litigation. I hope it will be voted down.

The PRESIDENT *pro tempore*. The Senator from Vermont calls for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CONKLING. I have not been able to attend fully to everything that has been said; but I see one thing in this bill to which I think I ought to call attention. If it has been covered by the explanations which have been made, some Senator will be kind enough to suggest it. The bill provides that—

Where the affidavit required by section 2 of said act was made before the clerk of the county of the residence of the person making the entry, without having first made the settlement and improvement required by the provisions of section 3 of the act entitled "An act amendatory of the homestead law, and for other purposes," approved March 21, 1864, said affidavits be, and the same are hereby, legalized and confirmed, so as to have the same force and validity as if the provisions of said last-named act had been strictly complied with.

I supposed when the bill was read and I heard a Senator observe upon it, that its whole purpose was to validate those affidavits as explained. Am I right in that?

Mr. SCHURZ. Yes, sir.

Mr. CONKLING. Then I beg to call attention to what I think is the remarkable language found in this line: "so as to have the same force and validity as if the provisions of said last-named act had been strictly complied with." One of the provisions I see of the last-named act is that, apart from making the affidavits, a settlement is to occur, improvements are to be made. Then, if I understand this language, the effect is to be not only to cure all infirmity in the affidavit as to time and otherwise, but to obviate entirely all that the claimant would have found it necessary to do had his affidavit been regular, timely, and perfect in all respects. Can that be the design, to take a class of claimants as to whose affidavits there is some defect, and not only cure that defect, but put them on a footing occupied by nobody else and dispense with all obligation to settle upon the land or improve it?

Mr. SCHURZ. The Senator from New York undoubtedly refers to the provisions in this act that all the other provisions of the homestead act should have been complied with aside from the affidavit. Is not that it?

Mr. CONKLING. Stated in another form, yes. If the whole object is that avowed by the Senator a moment ago in answer to my question, obviously it seems to me those who are promoting this bill should make a provision tantamount to that indicated by the Senator; that is, they should correct the particular defect complained of, and not under guise of that defect proceed to confer upon these parties benefits and advantages conferred by the law upon nobody else, and which they could never have had their papers been regular.

The PRESIDENT *pro tempore*. The morning hour having expired, the unfinished business of yesterday is before the Senate.

Mr. SPRAGUE. I move that it be laid aside informally to continue the consideration of this bill.

The PRESIDENT *pro tempore*. That requires unanimous consent.

Mr. MORRILL, of Maine. I can consent to that only upon the supposition that the bill will not lead to further debate. If the debate is continued I shall call for the regular order.

Mr. DAVIS. It will be recollected that two or three days ago this morning after the morning hour was designated for taking up the bill relative to the Baltimore and Ohio Railroad Company, and I ask for its consideration now.

The PRESIDENT *pro tempore*. As the introduction of bills has not been reached this morning, the Chair will receive bills before presenting the unfinished business.

BILLS INTRODUCED.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 869) granting to the Wasatch and Jordan Valley Railroad Company the right of way through the public lands for the construction of a railroad and telegraph; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 872) to quiet the title of settlers on certain railroad lands; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 873) to amend an act entitled "An act to authorize the President of the United States to cause to be surveyed the tract of land in the Territory of Minnesota belonging to the half-breeds or mixed-bloods of the Dakota or Sioux Nation of Indians, and for other purposes," approved July 17, A. D. 1854, and to confirm sales of the certificates issued under said act, and for other purposes; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 870) giving the assent of Congress to the acceptance by the officers of the United States ship Monocacy of silver medals presented to them by the King of Siam; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 871) granting the right of way through the public lands to the Arkansas Valley Railway Company; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. KELLY. I give notice that after the conclusion of the morning business on Thursday next I shall ask the Senate to proceed to the consideration of the bill (S. No. 331) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph, and for the performance of all Government service free of charge.

ANGLO-AMERICAN MUTUAL COMPANY.

Mr. PATTERSON submitted an amendment intended to be proposed to the bill (S. No. 668) to incorporate the Anglo-American Mutual Company; which was ordered to be printed.

SENATOR FROM ALABAMA.

Mr. HAMILTON, of Maryland. I am directed by the Committee on Privileges and Elections to report the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Francis W. Sykes, late contestant from the State of Alabama, out of the appropriation for the compensation and mileage of Senators, the sum of $3,374.80, being the salary of a Senator from the 4th day of March, 1873, to the 28th day of May, 1874, inclusive.

Mr. CONKLING. That resolution is to pay eight thousand and odd dollars of salary to a man who the Senate has declared was never a Senator, and for a service not one day of which he ever rendered. I ask that the resolution lie over, and when it comes up I shall venture to divide the Senate upon it, in the hope that upon that resolution or some resolution very soon, we shall come to the time when we shall no longer vote back pay or pay as a member of the body to a person never a member of it and for service no part of which was rendered.

The PRESIDENT *pro tempore*. The resolution will lie over.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WRIGHT, it was—

Ordered, That the papers relating to the claim of Thomas Hughes, for pay as an officer in the late war, be taken from the files and referred to the Committee on Claims.

PRINTING OF A DOCUMENT.

Mr. SHERMAN. I ask for an order to print a document which will be important to us in the consideration of the bill I reported a short time ago. It is a tabular statement showing the compensation of collectors and surveyors of the customs and naval officers in the several collection districts of the United States for the year ending June 30, 1873. I ask that it be printed and referred to the Committee on Finance. I shall ask that the bill be recommitted, after it is printed, to the Committee on Finance.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

COTTON PERMITS.

Mr. ALCORN. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish the Senate with copies of all cotton permits issued by Presidents Lincoln and Johnson; also the names of agents appointed by the Secretary of the Treasury to purchase cotton in the Southern States, with copies of the forms used by said purchasing agents, and with a copy of any instructions from time to time issued by the Secretary of the Treasury or officers under him to said purchasing agents.

Mr. EDMUNDS. I think that resolution had better go over until to-morrow that we may see what it is.

The PRESIDENT *pro tempore*. Objection being made, the resolution will lie over.

Mr. ALCORN. I ask that it be printed.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

ADJOURNMENT TO MONDAY.

Mr. LOGAN. I move that when the Senate adjourns to-day it adjourn to meet on Monday next at twelve o'clock, to-morrow being Decoration Day.

The motion was agreed to.

TERRITORY OF PEMBINA.

Mr. WRIGHT. Yesterday the Senate refused to order to a third reading Senate bill No. 44 to establish the Territory of Pembina and to provide a temporary government therefor. Not committing myself at all to the bill, yet in view of the circumstances under which that vote was taken I move a reconsideration of that vote. I do not ask action at this time. I simply desire the motion to be entered.

The PRESIDENT *pro tempore*. The motion will be entered.

ORDER OF BUSINESS.

Mr. ANTHONY. I believe the Military Academy appropriation bill is before the Senate.

The PRESIDENT *pro tempore*. No; the bill reported by the Senator from Rhode Island [Mr. SPRAGUE] was before the Senate, and a request was made to continue it.

Mr. ANTHONY. I thought that had been disposed of.

Mr. SPRAGUE. No; it is still pending.

Mr. ANTHONY. Then when that is disposed of, I wish to ask the Senator from Maine to allow me to take up the bill of which I gave notice to provide for printing extra copies of public documents for sale. I do not think it will take long to dispose of it.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Vermont demands the regular order, which is the Military Academy appropriation bill.

Mr. DAVIS. The day before yesterday it was unanimously understood that after the morning hour this morning Senate bill No. 571, to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes, should be taken up and disposed of. Now I understand the Senator from Maine who has charge of the appropriation bill is willing to allow it to lie aside informally for that purpose. I think it will only take a few moments to dispose of Senate bill No. 571. It will be remembered that this bill has been before the Senate four or five times during the session, and each time by the request of some Senator it has been postponed to a day named. We are now near the close of the session, and the bill must go to the House, and if anything is to be done it ought to be done at once. Inasmuch as it was the unanimous understanding that the bill should be proceeded with to-day, I ask the Senate now to proceed to its consideration.

The PRESIDENT *pro tempore*. The regular order is called for.

Mr. SPRAGUE. The regular order I believe is the West Point Academy appropriation bill. It usually takes about three minutes to dispose of that bill. I believe the chairman of the Committee on Appropriations has no other appropriation bill that he is ready to take up.

Mr. MORRILL, of Maine. O, yes; there are two others.

Mr. WINDOM. The Indian appropriation bill is ready; and I give notice that immediately after the Military Academy bill is disposed of I expect to call up that bill.

Mr. SPRAGUE. The regular order is of no particular account. We have already taken up three-quarters of an hour upon this bill in relation to affidavits in entries of public lands, and I trust the Senate will resume its consideration and pass it or reject it.

Mr. WRIGHT. I understand the regular order is before the Senate at this time.

The PRESIDENT *pro tempore*. It is.

Mr. WRIGHT. Before it is taken up I trust I shall be pardoned for suggesting that the bills on the President's table ought to be submitted for reference.

The PRESIDENT *pro tempore*. As soon as the Chair can ascertain what proceeding is to be had on the bill the Chair will do so.

Mr. SPRAGUE. I move that the regular order be postponed for the purpose of resuming the consideration of the bill which was under consideration during the morning hour.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to postpone all prior orders and proceed to the consideration of the bill indicated by him.

Mr. MORRILL, of Maine. I hope that will not be done. I wish to say one word on the subject.

Mr. EDMUNDS. It is not necessary to say anything.

Mr. MORRILL, of Maine. Very well. I was willing that this bill should be disposed of if it could be without controversy; but if there is to be a controversy about it, I think we should proceed with the appropriation bill.

Mr. EDMUNDS. That bill was only reported this morning, and I submit it is rather ungracious to insist on considering it now when there is serious question about it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island.

The motion was not agreed to.

REVISION OF THE LAWS.

The PRESIDENT *pro tempore*. The appropriation bill is regularly before the Senate; but prior to proceeding with it the Chair will lay before the Senate a concurrent resolution from the House of Representatives:

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the joint rule of the two Houses, No. 6, which provides that after a bill shall have passed both Houses it shall be duly enrolled on parchment, be suspended so far as relates to bills of the House No. 1215, to revise and consolidate the statutes of the United States in force on the 1st day of December, 1873; No. 2879, revising and consolidating all the laws authorizing post-roads in force on the 1st day December, 1873; and No. 3349, to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the 1st day of December, 1873; and that the same may be presented to the President of the United States as engrossed in the House of Representatives and passed in the Senate.

Mr. CONKLING. I wish I could have the attention of every Senator to this resolution, because if it be adopted I wish the Senate and all its members to assume the responsibility, and not to have it done by the urgency or request of the committee having charge of the subject to which it relates.

The Senate is aware that the large volumes to which the resolution refers, and which were recently adopted by the Senate as bills, were printed in the main last autumn. A thousand copies, perhaps fifteen hundred were printed, enough to furnish one to every member of both Houses and enough to enable us to send one to each of the persons upon a list which the committee made up with some care extending over the whole country and embracing those who we thought would be most likely to give attention to this work and to make suggestions with regard to it. This edition of printed volumes has been in both Houses the foundation of action. The bills have not been engrossed, nor has there been any change made in this original print except changes made with a pen. The number of every section from beginning to end has been changed to conform it to amendments which were adopted. Interlineations have occurred and erasures, and in some instances interlineations too copious to be written upon the margin are carried upon a separate bit of paper, although these are few, and securely fastened in as part of the book, or bill, or act, as it has now become.

Having received the final action of both Houses, not under a statute, for no statute requires it, but under the rules of the two Houses, it would naturally be enrolled with a pen upon parchment. The purpose of this resolution is to obviate that necessity; and now if I can have the attention of the Senate I wish to state two or three facts, a memorandum of which has been given to me by the enrolling clerk of the House of Representatives. He says:

First. At eight hours a day it would take one hundred and eighty days' labor according to an estimate I have made from my own experience to enroll the bill.

Second. It would cost at the lowest rate $800 for parchment.

Third. These laws in their uncodified condition, as in the Statutes at Large, are now on file in the State Department in parchment rolls, and there is no necessity for their duplication in that shape.

Fourth. Greater accuracy will be secured by sending them in their present revised and corrected shape as passed by both Houses, thus avoiding any risk of errors in transcribing so voluminous a work.

He makes some other observations which are rather of argument than of fact.

Now it is for the Senate to say whether it is worth while to transcribe upon parchment these three bills which together I think constitute about three thousand large, closely-printed pages. It may be said, on the one hand, that there is risk in committing to the printer and to the President to sign the present copy of the bill upon which action has been taken, and that the same argument which makes it well to enroll other bills would make it well to enroll these. On the other hand, it is to be said, first, that the labor is so enormous, it is to extend over so many weeks and months that the liability to error is very great; that a comparison of this work would be so interminable and laborious that it may well be doubted whether any two minds can be kept concentrated so closely upon it as should be the mind and the eye of the proof-reader or of him who compares not only literally, but as to matter of punctuation and absolute exactness.

Again, it may be said that after the enrollment has occurred, making, as it will of course, a stack of parchment which cannot be bound together as a volume, which cannot be contained except in a space and bulk and weight too great to be handled, there is not any use practically to be made hereafter of that which would justify the expenditure of money and time in its creation.

I said the other day that we must all be prepared for errors in this work; there is no doubt of it; and the errors will be in the ratio of its magnitude. All revisions in States, comparatively diminutive, have left much work for the gleaners to do afterward. Here is a much greater work than we know of in the history of State revision, and no doubt the errors will be multiplied in proportion. If in the printing of this bill errors of type shall occur, they will be added to those errors which we are certain to be called upon to confront and which we must hereafter correct by legislation.

I know of nothing else that I can say about this matter. I have no motion to make in regard to it in the sense of a recommendation, because everything concerning it is as patent to every Senator as it is to me or to any member of the committee.

The Senator from Maine at my side [Mr. HAMLIN] asks me to state precisely what this resolution does. I will tell him. It speaks of three bills in separate items, as there are three; I will speak of them together. The provision is that in place of being enrolled upon parchment they shall be carried as they are, the identical paper that passed the two Houses, to the President for his signature and shall thus be deposited as the original bill, or rather the enrolled bill, as it would be should it be enrolled on parchment under the rules of the two Houses.

Mr. ANTHONY. I think there is no objection to the presentation of these bills to the President in type rather than in manuscript. In my opinion that would be an advantage, and I think all our bills ought to be enrolled in print and ought to be engrossed in print to pass from one House to the other. It would insure much greater accuracy, although it would cause some little delay. But I perceive one difficulty in this proposition which strikes me as pretty serious. There are in this volume many emendations in manuscript. Not only have all the sections been renumbered, but I understand the Senator from New York to say that there are interlineations, and there are some emendations so voluminous that they could not be placed between the lines, but have been placed upon separate paper and fastened in the book. That offers a very dangerous facility for subsequent alterations. We all know that the erroneous or fraudulent—I do not know that it was ever decided which it was—insertion of a comma between two words in an act passed a few years ago cost the Government $300,000; and if there are emendations in this enrolled bill in manuscript, fraudulent emendations can be put in, and we may readily conceive of a case in which it would be worth millions of dollars to alter a word or two in some act.

I do not say this by way of objection. I acquiesce fully in the necessity of passing these bills as we did. It occurs to me that these emendations in manuscript should all be noted in a foot-note the same as alterations in a deed are sometimes, and that that note should be in print, because if the note is in manuscript, the note itself may be altered. That would be a security. If every emendation that is made in manuscript is enumerated, referred to, and placed in print at the foot of the bill, made a part of the enrollment, it would give a considerable security. But it does seem to me that it would be a very dangerous thing—I do not know but that it is necessary—to have the whole body of the laws of the Republic, affecting every man's rights and duties and obligations, laws to affect a man's liberty and his life as well as his property, all in a volume to which there are emendations of such a character that they can be imitated.

I make this suggestion in the hope that the chairman of the committee will consider it frankly, and if there be any remedy other than the one I have suggested, that it may be proposed. I do not know myself what would be the effect of delaying this matter until the next session, that the whole might be put in print precisely as the law stands without any alterations in manuscript. I do not know whether that is practicable. I do not know what effect it might have upon the revision; but if it is practicable, it certainly would be desirable.

I wish to say one thing more before I conclude, on a wholly different branch of this subject, which I intended to say yesterday. By existing law this which is an act of a public nature is liable to be printed, and I suppose it is obligatory on the Secretary of State to print it in the newspapers that print the laws. That would cost $9,400,000.

Mr. CONKLING. That has already been corrected in an appropriation bill for the future, and I have spoken to the chairman of the Committee on Appropriations who will bring in a section in one of the bills which will also take this in. The present provision speaks onward from the end of this year. To cover this, it should no doubt be made to apply to this session, and that the honorable chairman of the committee, the Senator from Maine, says he will attend to.

Mr. MORRILL, of Maine. That had not occurred to me, but I will attend to that.

Mr. WRIGHT. I do not know that there is any way to avoid the passage of this resolution or something like it; and yet I must say that it strikes me as being most extraordinary that when we have prepared a code of laws covering every subject of legislation of a general character, and when we have passed it here in this body, I think I can say safely with perhaps not one in twenty having examined it, having to pass it necessarily without reading—a code of laws that affects every man in this entire nation, every person in the nation in his life, liberty, and property, and in all the rights he has—I say it does strike me as being most extraordinary that we are asked to take a printed copy with interlineations all through that printed copy, as I understand, and without any examination, such as bills receive that affect even in the slightest degree individuals or their property, by a committee of this body when bills are enrolled, we are asked to take it all upon trust; and because it may cost a few thousand dollars to have the bill enrolled or take some time, we propose to depart from the rule that we adopt with reference to every other bill that has passed through Congress and take this bill without an enrollment. I say I do not know but that it is right; I do not know but that we shall be compelled to do it; but it does strike me as being most extraordinary.

Sir, it seems to me, if there is any bill that ever has passed this body that should require enrollment and most careful scrutiny, this is that bill of all others. It affects the entire machinery of the Government; it affects every man in his relations to the Government; it affects every man in his obligations to the Government; and when we know how easy it is by mispunctuation, or the omission of a word or a letter, to affect the most sacred rights of individuals and also to affect the nation in its interests, it seems to me that, in view of the importance of this bill, if possible this resolution should be avoided. I do not know that it can be, and I do not know but that I shall be compelled to vote for it; but I think it proper to call attention to these things so that we may see where we are. These bills have passed as they are now; they are not enrolled; we take them with all of the interlineations that have been made, with all the errors notwithstanding the care that has been exercised, with all the foot-notes as to errata; we accept them on trust largely. Perhaps we are compelled to accept such a work upon trust; but there never was anything in the history of legislation or in the experience of men that tends to show the fast hurrying disposition of our people more than this very thing. Here, as I have said, is a law of the magnitude I have spoken of, and we cannot take time to observe the rules that are required to protect, certainly or as far as it is possible by rules, the rights of individuals and protect the Government also. I think if possible some other means ought to be adopted.

Mr. SHERMAN. I should like to ask the Senator from Rhode Island if there is any practical difficulty in putting these bills, as they now stand, with the interlineations, with new numbers of the sections, &c., in printed form. In other words, I ask him if the original type, the original basis of this compilation, is still standing, or is it stereotyped?

Mr. ANTHONY. I am not sure whether the original type is standing or not, and the Congressional Printer is not sure. I can ascertain in a short time by telegraphing.

Mr. SHERMAN. I will ask the Senator also how long it will take to set up the type or compose it again in case the type has been distributed?

Mr. ANTHONY. The book, I suppose, contains about three thousand pages. I think the printer could get off two hundred pages a day. I think he could do it in twenty days certainly.

Mr. SHERMAN. If the original type is still standing, I suppose there will be no difficulty in inserting all the amendments, correcting all the errata, and numbering the sections as they will stand finally, and thus give us a clean printed copy within a few days.

Mr. ANTHONY. If the original type is standing, that could be done in a few days, and that would make the most perfect enrollment we could have, without any erasures.

Mr. SHERMAN. I think there is some force in the objections that have been made to putting on file in the State Department as an enrolled bill the final bill passed, a bill with a great many interlineations, writings, &c., in it. It may give rise to controversies hereafter. Some future changes may be made upon this single copy. I think it would be a great deal better, if it is practicable, to have this bill put in type. If the type is now standing it could be very easily done, and all these amendments could be noted, and then the President could sign a clean bill, and it would be impossible ever hereafter to change that bill, because there would be other copies printed in the same form, and it would be impossible to have any dispute about it, except possibly on account of mistakes made in the printing of the amendments, but they could not be very dangerous.

Mr. FRELINGHUYSEN. If the type is standing I should think the amendments might be printed and a perfect volume made with those copies we have.

Mr. SHERMAN. According to the statement made by the Senator from Rhode Island, two hundred pages a day could be set up, and there being three thousand pages, it might be done in the course of two or three weeks, and then it would be perfect, and the completed book could be printed from that type; so that I think there is no expense lost and only a little delay.

Mr. ANTHONY. I think if the interlineations and amendments do not occur upon a very large proportion of the pages, the pages upon which they do occur might be reprinted and inserted in lieu of the existing pages, and then there would be no alterations with the pen except the enumeration of the sections.

Mr. SHERMAN. It all depends on whether the type is still standing.

Mr. CONKLING. The bill was printed several months ago, and they could not spare so much type.

Mr. EDMUNDS. It does not appear to me that there is any difficulty in enrolling this bill in the regular way except the difficulty of hard work by several persons. It will take one hundred and eighty days, the Senator from New York says. Well, if you employ fifty clerks they can do it in four days, because it is of such a nature that you can take various copies of the print where there are not interlineations and erasures, and copy them; and you could employ, if you wanted to do so, five hundred people, and there are enough scriveners who are competent and worthy that can be obtained in this town at a day's notice.

Now look at the importance of the thing. Here is this print not only with interlineations which are in one handwriting, I will assume, or in some known handwriting, but here are a great many erasures of printed lines where nothing comes in in their place. Now suppose this goes to the State Department in this form, and a year hence, I being interested in some lawsuit, or right or title, do not want to have the law as it is and I hire somebody to get access to this one copy—as you can; it is done sometimes; you can get access to anything if you have money enough—and run a pen through five or six lines or through a whole section, just as may be the case with the next section. Neither the man who drew that law in committee nor any of us can tell whether he did it or whether it was done afterward. It does not need to imitate anybody's handwriting, but it stands exactly like the rest of it, and it is totally impossible to detect a crime committed in that way.

This is to be a perpetual memorial of what this code of laws is, in case of any dispute on a printed statute. We all understand how the law is. If there is any dispute whether a statute printed by authority is exactly as the law is, a reference is made to the original paper signed by the President and deposited in the State Department to see what the law is. Now we are to be sent to this print. Another line is erased. The statute does not conform to the original roll. The original roll controls, and no oral evidence can be admitted; and you could not get it if it could be admitted. That is extremely dangerous, and it is only met by the suggestion, so fairly made by the Senator from New York, who sees himself the danger of this thing, that it is troublesome to have this measure carefully transcribed in full, examined by the committee, and sent to the President. All that can be done in a week. I hope, therefore, we shall disagree to this resolution and let the very competent Clerk of the House of Representatives, whose business it is, see that this bill is regularly enrolled and regularly presented to the President.

Mr. MORTON. It occurs to me that there is more danger to result from the hasty transcription of this immense volume by writers who are picked up here and there for the occasion, and done in hot haste, than to take it in its present form. I admit the dangers resulting from placing these bills on file in their present form; but I think we need not hesitate now very much. It is straining at a comparatively small gnat after having swallowed this immense camel of a volume without knowing what it was, adopted an entire code, taking it upon the trust of three commissioners.

Mr. EDMUNDS. We want to know what it is hereafter.

Mr. MORTON. After we have done that, I should think we need not be afraid of small dangers, such as have been pointed out by Senators.

Mr. CONKLING. I am very glad that other members of the Senate have expressed their opinion as far as they have done on this subject. I took occasion to say before that I made no motion about this resolution, and I say now that I am quite unwilling to have the resolution adopted by the Senate either upon my motion or upon my advice or recommendation in any form. That this is a dangerous mode of proceeding and preserving in the archives of the Government an original authentic record of a bill so important and grave as this, no one can doubt. I felt bound to state, as I have done, to the Senate the considerations which had been suggested in regard to it; and now having heard the suggestions which have been made, I venture to make this further proposition: If it would take one clerk one hundred and eighty days to enroll this, it would take eighteen clerks ten days, would it not?

Mr. EDMUNDS and others. That is good arithmetic.

Mr. CONKLING. That is certified by Senators here who are known arithmeticians. Even the Senator from Vermont agrees to that; and it must be unquestionable. Then, Mr. President, it is possible to take this volume and by separating its leaves, separating it into chapters or what the printers would call signatures, and committing each one to a clerk to enroll, to accomplish it except so far as the pages of parchment would mismatch; and there is something not to be overlooked. Senators have spoken of the readiness with which a word might be added, a change made. When you have copied upon almost countless pages by different hands, of course in different handwritings, this bill, leaving on a page perhaps an inch of unoccupied margin——

Mr. EDMUNDS. That must be marked.

Mr. CONKLING. On another carrying it all the way down, although as the Senator from Vermont says it would be very easy to resort, as we do in filling up a blank or even a check, drawing a line or transverse lines which would fill the space, still every one must see that here is a piece of work accessible to error and accessible to wrong. There is trouble about it in any way. If you commit it to a single clerk to copy, one hundred and eighty days beside Sundays, assuming that he pursues his work every day, would elapse. The printing is not to begin till after that; and meanwhile here is a great space with the law buried away where nobody can read it or have access to it. That is objectionable. Having it done by contemporaneous and various copyists is objectionable; and having it done in the way proposed in the resolution is objectionable.

Now, making no motion myself about this resolution and asking the Senate to dispose of it, I leave it, with an inclination, I will say before taking my seat, to believe that upon the whole, the safest, the most cautious thing we can do is to leave the acts for enrollment as an enrollment can best be made by as many hands as can be applied to the work under the direction of the committees of the two Houses having charge of enrolled bills.

A suggestion occurs to me which I believe nobody has yet made, and, if I am right in it, I wonder that it has occurred to no one else. The session is to terminate on the 22d of next month. These bills are to fail unless they be signed or ten days elapse while Congress is still in session. If the President washes his hands of a bill for ten days, Congress being present, it becomes a law; but if the Senate adjourns meanwhile and he does not sign it, it fails to become a law. Now I ask the question whether any mode of enrolling these bills which has been suggested is likely to reach their enrollment so as to have them presented for the signature of the President in season not to have the whole enactment perish for lack of the executive signature.

Mr. SHERMAN. Is there any practical difficulty in having this whole law as it now stands put in type, so that a clean printed copy may be presented to the President?

Mr. CONKLING. I observed that suggestion of my friend a moment ago, and this struck me and I think it will strike him: In the first place suppose you can set up two hundred pages a day, it will take two or three weeks. Now I ask the Senator who is going to read it, who is going to traverse minutely a greater body of printed matter than is contained in the Old and New Testaments both put together, so as to know that it is right in punctuation? The Senator from Rhode Island [Mr. ANTHONY] called attention to the harm that a comma did. Who is to study the commas on three thousand octavo pages, after it has taken three weeks to set them up, and have the result of that study ready to submit for the signature of the President before the 22d of June?

Mr. SHERMAN. It would be difficult to prevent the possibility of some mistakes being made in the printed copy; but we avoid the great danger which is to be feared from the manner proposed. It will not be possible to have that printed copy, which will be signed by the President, altered, because being in print, without erasure; no copying can change it; and if there is any defect in the law it will be very quickly ascertained and may be immediately corrected. But if you adopt the method proposed by the House of Representatives, a controversy may arise after this in regard to what were the identical provisions of the law.

Mr. CONKLING. Would the Senator under his suggestion take the hazard of presenting from the printing house to the President, without its being read, such a copy as would there be made?

Mr. SHERMAN. Undoubtedly there is danger; but it must be done under the Committee on Enrolled Bills.

Mr. CONKLING. They have nothing to compare by.

Mr. SHERMAN. The copy now here can be duplicated in exact form, and this copy will not be sent to the printer.

Mr. FRELINGHUYSEN. What is the objection to printing the whole book?

Mr. CONKLING. Of course, absolute identity is the object we seek. In the first place, on every page of the printed book changes have been made several times on a page, in the numbering of sections, for example. Of course if you take the printed book as it is, and go on with a pen and make all those changes, then you have simply duplicated the very thing that we have. Then if you reprint wherever a considerable interlineation occurs and reprint nothing else, you have still substantially the same uncertainty that there is. Therefore if you are to produce, as the Senator from Ohio suggests, one complete and clean copy in print, the type having been distributed, you must set it all up again, because if you reprint merely those pages on which the alterations are most numerous you must then take the newly printed pages and bind them up together with other pages on every one of which alterations have been made with the pen in respect of the numbers of the sections, not to speak of anything else.

Mr. FRELINGHUYSEN. The alterations in the numbering of sections are not material; but wherever a change is made in the text, I would print that so as to have a perfect printed copy with the exception of the numbering of the sections.

Mr. CLAYTON. I do not see why this printed copy which we have may not be duplicated. The amendments in it are not numerous. I do not see why another printed copy may not be taken and these amendments inserted in that printed copy. These two printed copies, the original and the duplicate, could be examined by the proper committee and verified; and then I do not see why a sufficient number of printers cannot be put at work on this verified copy and a fair print made of the whole revision. That fair print before it is sent to the President for his signature can be verified by the proper committee, and it seems to me certain that as many printers can be put on this work as you can put clerks at copying. The work will be taken to pieces and put in the hands of separate printers; and there can be no difficulty in the proper committee taking the original print and taking another printed copy and interlining the amendments as they have been interlined in the original, making an exact duplicate of the original, taking that duplicate to the printing office and having a fair copy produced in print and then examined by the proper committee in comparison with the original, and if it be found correct, let it be sent to the President for his signature. It seems to me that might be done in eight or ten days, or two weeks at the outside.

Mr. CARPENTER. I am satisfied on reflection and listening to the suggestions which have been made that the only safe way is to have these bills enrolled in the usual mode. It is not to the mistakes that may be made that we are to look for the great danger; but it is to alterations that may be made twenty years hence in the original document; and as has been already suggested, while the interlineation of words might be traced because handwriting is always some guide to its authenticity, mere erasures cannot be traced, and a section may be stricken out of this document twenty years from now and it would be utterly impossible to determine whether it had been altered or not. There is to be no copy kept anywhere to compare it with. The rule of law is well settled, that where statutes printed by authority are supposed to be erroneous, that question must be settled by a reference to the original document in the possession of the Secretary of State, and that would be so here.

As to the inconvenience of doing this, of course it is inconvenient. There are inconveniences all around this subject, and must necessarily be. The Clerk of the House, if need be, if he cannot find sufficient force without doing that, can apply to the Secretary of the Treasury and have twenty-five clerks detailed to enroll this document, who will make good engrossing clerks, whose profession is to copy papers, and who will copy accurately. He can get twenty-five or he can get fifty clerks from the Departments detailed on simple application on a necessity of this kind. There is no insurmountable difficulty in the way of enrolling these bills in the usual way; and certainly the mere expense of doing it ought not to weigh one moment, it seems to me, considering the great importance of having a permanent record of these bills in a form that cannot easily be forged or changed. I shall therefore vote against this resolution.

Mr. SHERMAN. If it is in order, I move that this matter be referred to the Committee on Printing for the purpose of seeing whether a printed copy cannot be procured in time.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Ohio moves that the resolution be referred to the Committee on Printing.

Mr. ANTHONY. I think it had better be referred to the Committee on the Revision of the Laws.

Mr. SHERMAN. Or the Committee on Enrolled Bills. I think the better way is to present this revision in type and give us an example of the reform we have been told so often about, of printing bills instead of enrolling them on parchment. The committee can learn whether this bill can be printed and a complete printed copy, that cannot be altered, presented to the President in a week or two. If so, it solves the question.

Mr. ANTHONY. I am quite willing to entertain the question; but it seems to me that the Committee on the Revision of the Laws, who have had this whole subject under consideration and have been consulting with Senators on other committees, would be the proper committee to consider that question.

Mr. CONKLING. How does this pertain to the Committee on the Revision of the Laws? I think that committee in a manifest sense has very fully discharged its duty, whether well or not, on this subject. This now is a matter merely of enrollment. The same question might arise upon any other bill. Here is the Committee on Enrolled Bills, of which the Senator from Arkansas [Mr. CLAYTON] is chairman. This behooves him, not the Committee on Revision any more than if the bill had come from the Committee on Finance it would behoove the Committee on Finance to see to its enrollment.

I simply call the attention of the Senator from Rhode Island to the fact that this has now reached that stage which ordinarily pertains to the Committee on Enrolled Bills. If anything is to be done touching its printing, that goes to the Committee on Printing, and there is no knowledge that the Committee on the Revision of the Laws has, nothing which is to be found in the particular provisions of the bills, to change the question at all. The question is whether these great bills, enormous as they are in volume, no matter what their contents are, are to be enrolled in one way or another.

Mr. BOUTWELL. This discussion has demonstrated that it is practicable to pursue the usual course in regard to these bills, and therefore for one I should be indisposed to accept the suggestion to try the experiment of enrolling these bills in print. As this is perhaps the most important legislative act that has ever been performed, if we are to introduce a new system it had better be upon matters of ordinary legislation. In the first place it is possible to employ enrolling clerks in sufficient number to do this work. We can employ readers. Of course it is not possible for the Committee on Enrolled Bills to examine the enrollment; but it is possible to employ competent readers, distinct from the enrolling clerks, who shall examine the work and compare it with the bills which have passed both Houses of Congress.

The dangers of willful alteration in these bills are not as large at the present moment as they often are in matters of legislation affecting immediate interests. This bill mostly relates to public interests in which private parties for the moment have no special concern, and therefore the danger that enrolling clerks would be tempted or bribed to make alterations is very slight. But when these bills, thus constructed, with erasures, interlineations, additions, shall have been deposited in the Department of State, and questions shall arise hereafter affecting the right, the liberty, or the life of persons, then the temptation will be very great to cause alterations to be made in the original of the statutes; and that danger we ought now to guard against, and I believe we guard against it most perfectly by pursuing the usual course. The danger of a subsequent alteration of an enrolled bill upon parchment is very slight indeed. I consider it so

slight that it is not worth the consideration of the legislative branch of the Government; and inasmuch as it is practicable to do this work in the ordinary way, I hope we shall decide to-day, so far as the Senate is concerned, that there shall be no departure from the usual course.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to refer the resolution to the Committee on Printing.

Mr. CONKLING. If the Senator from Ohio will allow me, let me suggest a motion to disagree to this resolution. It is the only motion which it occurs to me will be communicated to the other House; and inasmuch as the matter is in charge of the House, we ought not to postpone the resolution or lay it on the table or let it slip so that they would not have notice of its disposition. If we disagree, that fact will be communicated to the House and they can go on with diligence and see what ought to be done.

Mr. SHERMAN. I withdraw my motion.

Mr. CONKLING. I move to disagree to the resolution of the House of Representatives.

Mr. SHERMAN. That will leave to the House the determination of what is to be done.

Mr. EDMUNDS. It will leave the House to do its duty; the Clerk of the House to enroll these bills.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New York.

The motion was agreed to, and the resolution was disagreed to.

FREE BANKING—THE CURRENCY.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, and asking a committee of conference on the disagreeing votes of the two Houses thereon.

Mr. WRIGHT. I move that the Senate insist on its amendment to the House bill and grant the request for a committee of conference. I wish to say——

Mr. SARGENT. I move to amend by proposing that the Senate adhere.

The PRESIDENT *pro tempore*. That motion is not in order.

Mr. EDMUNDS. Why not? That motion takes precedence.

Mr. SARGENT. Does the Chair rule that the motion to adhere is not in order?

The PRESIDENT *pro tempore*. The Chair holds the motion to be out of order. The question is on the motion of the Senator from Iowa, that the Senate insist on its amendment and agree to the conference asked for by the House of Representatives.

Mr. SARGENT. Does the Chair rule that my motion is out of order as an original motion or as an amendment?

The PRESIDENT *pro tempore*. As an amendment.

Mr. SHERMAN. I understand both motions can be made contemporaneously, that a motion to insist takes precedence, but both motions are in order and both may be pending at the same moment, as I understand.

The PRESIDENT *pro tempore*. The motion to insist takes precedence. If that fails, the other motion can then be made in order.

Mr. SHERMAN. Both motions can be made at the same time.

The PRESIDENT *pro tempore*. Certainly.

Mr. SARGENT. I ask for the yeas and nays on the motion of the Senator from Iowa.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa that the Senate insist on its amendment and grant the conference asked by the House of Representatives.

The yeas and nays were ordered.

The Chief Clerk proceeded to call the roll.

Mr. DAVIS, (when his name was called.) On this question I am paired with the Senator from Louisiana, [Mr. WEST.] If he were here he would vote "yea" and I should vote "nay" on this motion.

The roll-call was concluded.

Mr. KELLY, (who had voted in the negative.) I wish to withdraw the vote I gave. I forgot that I was paired with the Senator from Maryland [Mr. DENNIS] now absent. He would vote for the motion; I should vote against it.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

The result was announced—yeas 31, nays 24; as follows:

YEAS—Messrs. Alcorn, Bogy, Carpenter, Clayton, Conover, Dorsey, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Sprague, Tipton, Windom, and Wright—31.

NAYS—Messrs. Anthony, Bayard, Boutwell, Buckingham, Chandler, Conkling, Cooper, Edmunds, Fenton, Flanagan, Frelinghuysen, Hamilton of Maryland, Hamilton of Texas, Hamlin, Morrill of Maine, Morrill of Vermont, Sargent, Saulsbury, Schurz, Scott, Sherman, Stewart, Wadleigh, and Washburn—24.

ABSENT—Messrs. Allison, Boreman, Brownlow, Cameron, Cragin, Davis, Dennis, Ferry of Connecticut, Hager, Howe, Jones, Kelly, Lewis, Spencer, Stevenson, Stockton, Thurman, and West—18.

So the motion was agreed to.

Mr. WRIGHT. I suppose the next question is how shall the committee be appointed. I trust there will be no objection to the Chair appointing the committee in the usual way.

Mr. CONKLING. Nobody has made any objection to it, I think.

Mr. WRIGHT. Then I suppose it will be understood that the Chair appoints the committee.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the committee of conference be appointed by the Chair. Is there objection? The Chair hears none; and it is so ordered.

Mr. WRIGHT. I desire to say before the matter passes from the consideration of the Senate that I suppose ordinarily I should be entitled to a place on the committee, having made the motion; but in view of my engagements upon the Judiciary Committee and the Committee on Finance, both of which committees have leave to sit during the sessions of the Senate, I ask to be excused from serving on the committee.

The PRESIDENT *pro tempore* appointed Mr. MORTON, Mr. SHERMAN, and Mr. MERRIMON as the conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 3422) for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall—to the Committee on the Library.

The bill (H. R. No. 3522) to extend the jurisdiction of the Light-House Board—to the Committee on Commerce.

The bill (H. R. No. 3509) to expedite the survey of private land claims—to the Committee on Private Land Claims.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856;

A bill (H. R. No. 3247) in relation to executors' bonds in the District of Columbia;

A bill (H. R. No. 3514) to provide for the taking of land by the United States for public use and providing for just compensation to the owners thereof;

A bill (H. R. No. 2976) to define a legal day's work in certain cases;

A bill (H. R. No. 3516) to make valid assignment of wages or salaries of officers, agents, or employés of the Government;

A bill (H. R. No. 3519) to provide for holding terms of the United States circuit court for the western circuit of Missouri at Saint Joseph and Kansas City, Missouri; and

A bill (H. R. No. 3520) to remove the political disabilities of George E. Pickett, and Dr. Charles H. Williamson, of Virginia; Thomas Hardeman, jr., and James Jackson, of Georgia; and John H. Reagan, of Texas.

PONTON BRIDGES ON MISSISSIPPI RIVER.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. No. 2538) to legalize and establish a ponton railway-bridge across the Mississippi River at Prairie du Chien:

The amendment of the House was to add to section 4 of the Senate amendments the following proviso:

Provided, That in the bridge mentioned in this section only one draw shall be required unless otherwise determined by the Secretary of War, which draw shall be located as he may direct, and be not less than four hundred and eight feet in width.

Mr. BUCKINGHAM. I move that the Senate concur with the House in the amendment to the amendment of the Senate to that bill.

The motion was agreed to.

BALTIMORE AND OHIO RAILROAD.

Mr. DAVIS. According to the understanding that we would take up to-day Senate bill No. 571, I move now to proceed to the consideration of that bill.

Mr. MORRILL, of Maine. I call for the regular order.

Mr. DAVIS. I appeal to the Senator from Maine to give way for a few moments. It will only take a few moments to dispose of Senate bill No. 571. It is well known to the Senate that this is the third or fourth occasion when a time has been set for the consideration of the bill, and I appeal to the Senator from Maine to give way.

Mr. MORRILL, of Maine. I will give way if it is not to occupy time. My honorable friend thinks he can dispose of it without discussion. If so I will yield, reserving the right to call for the regular order.

The PRESIDENT *pro tempore*. The appropriation bill will be laid aside informally.

Mr. EDMUNDS. As the appropriation bill was up, my colleague, who has an interest in this railroad bill proposed by the Senator from West Virginia, has stepped out, and I hope we shall go on with the regular order until he comes in.

Mr. MORRILL, of Maine. If there is any hitch about it, I will call up the regular order.

Mr. EDMUNDS. I have sent for my colleague. I suppose he had no idea that this bill would be called up at this moment.

Mr. DAVIS. There are amendments to which we all agree to perfect the bill, and we can act on them before the Senator comes in.

Mr. EDMUNDS. It may be that the Committee on Public Buildings and Grounds will not want those amendments. I submit to the Senator from West Virginia whether he himself thinks it would be

quite the thing to suddenly start off with this bill when another subject was before the Senate until the chairman of the Committee on Public Buildings and Grounds shall have an opportunity to come in.

Mr. DAVIS. Let the bill be read. The Senator will be here in a moment, I suppose.

Mr. EDMUNDS. If the Senator insists, I think it my duty——

Mr. DAVIS. Here he is now.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch, and to change the location of its road within the District of Columbia, and for other purposes, the pending question being on the amendment of Mr. DAVIS to strike out the following words commencing in line 7 of section 1:

> And, also, with both said branch roads, to enter the city of Washington at a point on its northeastern boundary, between the points where said two roads now enter said city, and to locate and construct said roads upon such new route, and with such number of tracks in said city as may be agreed upon between said company and the board of public works of the District of Columbia, to its present passenger depot, or such other as may be constructed on square 681.

Mr. STEWART. I should like to hear an explanation of that bill and the amendment. I do not know that I understand this bill now.

Mr. DAVIS. The whole explanation is that as the bill is proposed to be amended it permits the two roads of the Baltimore and Ohio Company, the one leading from Baltimore and the one leading from the West, to connect outside of the city limits. That is the intention of the bill, and it will do nothing else as it will be perfected when the amendments are made. The bill does not propose to touch at present anything within the limits of the city.

Mr. STEWART. If that is the bill, I have no objection.

Mr. HAMILTON, of Maryland. That is all of it.

Mr. MORRILL, of Vermont. I move as a substitute for the bill to strike out all after the enacting clause and insert what I send to the Chair.

The PRESIDENT *pro tempore*. That motion is not in order at the present time.

Mr. HAMILTON, of Maryland. Let us perfect the bill.

Mr. DAVIS. The Senator will have an opportunity to offer his amendment after the bill is perfected.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from West Virginia, [Mr. DAVIS.]

Mr. MORRILL, of Vermont. I desire, then, to make an explanation of this bill. As it now stands, the bill proposes to grant to the Baltimore and Ohio Railroad Company the right to bring together their two branch roads outside of the District, but it does not propose to remove either of the branches that come into the city upon the right and left of Delaware avenue, and proposes to leave the depot on New Jersey avenue as it is now and until there shall be some future legislation.

I had supposed that the vice-president of the Baltimore and Ohio Railroad Company would at once accept the proposition that is made in my amendment, which Senators can get by application to the Clerk if it is not on their desks, which provides that these roads may be connected outside of the District and come in on Delaware avenue, and then gives them the right to condemn any amount of lands on the northeast of Massachusetts avenue to take one or more squares as may be necessary on either side of Delaware avenue. But I find that the representative of the Baltimore and Ohio Railroad is unwilling to do anything to relieve the District either at this end of the road or the other, but desires that we shall grant them the privilege of intersecting outside of Washington and in the District. It has appeared to me that it would be better for us to settle this question now rather than to postpone it and to ask for action at the short session of Congress next winter.

It does seem to me that the railroad company need have no apprehension of future legislation provided they build their depot northeast of Massachusetts avenue, a central spot where two large avenues cross each other and several other streets; that will give them access to the central portion of the city, and certainly it seems to me to afford the best accommodations that any railroad need require if it is coming into the city at all. I may say that the general sentiment of the world is adverse to the idea of railroads coming into large cities at all, unless they come underground or over the tops of buildings. In Europe I believe it is almost universally the case now that railroad companies have been compelled to build their depots on the boundary lines of cities, or to come in underground or over the tops of houses and stores and other buildings.

Under these circumstances, several of the best citizens of this city have written to me since the discussion we had the day before yesterday, urging that this road ought not to be permitted to come even as far as Massachusetts avenue, but that it ought to be kept back to K street or to the outside boundaries of the city. If, as the amendment which I have proposed provides, we allow both these roads to connect outside of the city and to come in on Delaware avenue, and come down to the northeastern side of Massachusetts avenue, it seems to me that is all that ought to be required; and I presume that for the next twenty-five years there will be no complaint about it.

I therefore trust that if this bill is to pass at all, it will pass in the shape I have presented in the amendment I have submitted. I have certainly endeavored, on consultation with several members engaged in the discussion on the day before yesterday, to make it so that it will give all the favors that any reasonable party ought to require; that is to say, to give the company an opportunity to purchase any land that they desire or to have it condemned under process of law. Under these circumstances I trust that the Senate will adhere to the idea that we ought to have some care for this city after it has been to such vast expense in improving the various avenues and streets; and that we shall not allow them to remain incumbered by nuisances or to allow new ones to be constructed and built up.

Mr. SHERMAN. My attention was first called to this matter yesterday; and I looked with the Senator from Vermont over the papers and documents relating to it. The request now made by the Baltimore and Ohio Railroad Company is to allow them to connect their two outside railroads that do not come within the city of Washington at all. They have one route from the West called the Metropolitan Branch which approaches the city on the north; they have also their route from Baltimore which approaches the city on the northeast, both outside the city. Before they reach the city of Washington they come within three or four miles of each other. This bill authorizes them to connect those two branches so that the freight trains instead of all coming into Washington and backing out again may form a connection outside and pass on to Baltimore or around the city to their southern connections. In other words, the idea is that their western trade may connect with the South and with Baltimore without coming through this city. To refuse that it seems to me would be very hard indeed. The Senator from Vermont does not propose to refuse it in his amendment. He gives them what they ask in that respect. All the company ask of us is simply the authority to build a lateral road connecting their two branches outside of the city, most of it in the State of Maryland but touching the District for some two or three miles. There is no objection to the proposition made by the railroad company. But the Senator from Vermont desires as a condition to granting them not this favor, but what would appear to be a right, to compel them to locate their depot in a particular place. He wants as a condition-precedent to granting them what everybody would say they ought to have, to compel them to locate their depot at the corner of Massachusetts avenue and Delaware avenue. I am rather inclined to think it is better for the Baltimore and Ohio Railroad, better for the community, better for all parties, that they should locate their depot, when they move their present one, at the place designated by the Senator from Vermont; but I appeal to him whether it is right to delay granting a reasonable request, a request that he himself says is reasonable, that he is willing to concede, merely to compel them to remove their present depot beyond Massachusetts avenue.

Mr. MORRILL, of Vermont. No. I consulted with the Senator from Ohio yesterday, and I thought he was agreed upon the amendment which I presented and expressed to me his approbation of it.

Mr. SHERMAN. Certainly.

Mr. MORRILL, of Vermont. I do not agree that it is reasonable and right that they should come in on two tracks and cross over fifteen or twenty streets with the two roads now or at any other time. I think when we give up a whole avenue and blot it out for all useful purposes and that without price, they ought to be compelled to come in on that, and not put the city to great inconvenience in relation to travel in two other directions instead.

Mr. SHERMAN. Undoubtedly when they make this lateral track at great expense they will come in in that way, and that will necessarily lead to the abandonment of the track they now use. But look at the other point. While I am disposed to agree with the Senator from Vermont that the best place for the location of the Baltimore and Ohio depot is north of Massachusetts avenue at the intersection of Delaware and Massachusetts avenues, there are some facts which the Senator from Vermont did not tell me yesterday but which I have learned since, and I will ask him whether they are facts or not.

In the first place, the Baltimore and Ohio Railroad Company are compelled by the change of grades in this city to remove their depot from its present location. They have had earth piled up on two sides of them and are threatened to be overflown, and are required to build large embankments. Indeed, the grade of the city runs over their track so that it is impossible that they can carry on business at the present depot. They are compelled to move; they are compelled to seek another place for locating their depot.

Then two or three years ago Congress granted to their rival, the Baltimore and Potomac Railroad Company, a very favorable location within two hundred yards of Pennsylvania avenue. I voted for that proposition. I thought it was right at the time, although I see myself now that it is making a much greater obstruction to the Mall than I supposed at the time. Perhaps when the improvements are made that they contemplate it will not be so much so; but it is a serious objection now to crossing the Mall. At any rate that privilege was granted to them. At the same time we passed laws which compelled the Baltimore and Ohio Railroad Company to abandon their present property without any compensation. The Baltimore and Ohio Railroad Company, according to statements made to me, went to work and purchased a square of ground which cost them over $100,000. They did that after consulting with the District authorities, who by law are authorized to fix the site. They had the grant of power to go to their present depot, crossing over the very route now occupied, and they have occupied that ground for thirty years. They have purchased ground which cost them $100,000 which hap-

pens to be this side of Massachusetts avenue. They have arranged with the District government for all their crossings, for parks, for avenues, for grades. They have compounded and arranged with the District government so as to allow them to build their depot on the site selected, and they have purchased the ground.

If these are facts, it seems to me they give to this railroad company a very strong equity against the proposition now made by the Senator from Vermont to require them to abandon the purchase they have made and to remove their depot beyond Massachusetts avenue.

But let us go a little further. I understand that the Baltimore and Ohio Railroad Company do not deny that Congress may require them to remove their depot beyond Massachusetts avenue, to abandon the purchase they have already made, and to comply with whatever requirements may be made by Congress; but pending this matter, the Senator from Vermont introduces a proposition that this whole subject be referred to a commission, that the question of the right of the Baltimore and Potomac Railroad to retain its present advantageous location shall be referred to a commission and also the question of a site for a depot as a union depot or for a depot for each, and all the questions which relate to the right of these various companies. The whole question of the location of depots and the construction of routes he proposes shall be referred to a commission, and that bill is pending. As I understand, the representatives of the Baltimere and Ohio Railroad are perfectly willing and anxious to have that bill passed, so that their rights may be fixed definitely with the rights of other railroad companies whose roads come into the District.

Under these circumstances, I submit to the Senator from Vermont whether it is not reasonable to postpone action upon this compulsory process, requiring this company to abandon the purchase already made at an expense of $100,000, requiring them to abandon the legal arrangement they have made with the District authorities and locate their depot at the point where he and I think it ought to be, till a general examination shall be made under the bill the Senator himself proposes to pass, when the whole subject can be examined into and a final location of these depots be fixed by law.

Under the circumstances I think it would be unjust to delay the granting of authority to the Baltimore and Ohio Railroad to build this lateral branch until the question of the final location of their depot shall be settled. All this bill proposes, as I understand it, is to authorize them to connect their tracks outside of the city, leaving the question as to the location of the depot, the question as to all the tracks within the city and all the authorities conferred by law within the city, both by the District government and the General Government, to be settled by the future legislation of Congress. It seems to me that, having dealt so liberally with the Baltimore and Potomac Railroad, we ought to give the Baltimore and Ohio Railroad the facility of making a lateral road to connect their different branches, and without embarrassment by legislation that would create delay, and that is evidently hostile to them and will delay their operations in the construction of their lateral branch.

Mr. MORRILL, of Vermont. I do not agree at all with the Senator from Ohio that the District of Columbia has any authority whatever in relation to this matter. It is true, I suppose, that this railroad company have purchased a lot of land, but it is not true that they will suffer any loss from it, because if they were to remove their depot and locate it where it is proposed they may locate it, the land that they have purchased will be worth a great deal more than they gave for it.

But I do not desire to prolong the discussion. It is and must be clearly understood by all Senators present that this road demands privileges and yet will not concede one jot or tittle to the convenience of the city. I desire to see and shall ask for a record of the vote whether we are prepared in all cases to yield whatever may be demanded by railroads and to ask nothing in return.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment of the Senator from West Virginia, [Mr. DAVIS.]

The amendment was agreed to.

Mr. MORRILL, of Vermont. Now I move my amendment as a substitute for the entire bill.

Mr. DAVIS. I have another amendment to offer to perfect the bill.

Mr. SHERMAN. I suggest that the amendments of the Senator from West Virginia be disposed of first before the proposition of the Senator from Vermont is made.

The PRESIDING OFFICER. It is first in order to perfect the bill.

Mr. DAVIS. My amendment is to the second section, to strike out all after the word "company" on line 10, as follows:

Of the roads hereby authorized to be constructed, or "to enter said city of Washington on its northeastern boundary, at Delaware avenue, and to construct said road along Delaware avenue, with as many tracks as may be necessary to connect with that portion of said Washington branch now located on said avenue.'

The amendment was agreed to.

Mr. DAVIS. Now I propose an amendment to the first section. On the seventh line, after the word "District," I move to insert "outside of the city of Washington."

The amendment was agreed to.

Mr. STEWART. I should like to hear the bill read as amended.

The Chief Clerk read as follows:

That the Baltimore and Ohio Railroad Company be, and it is hereby, authorized to construct a lateral road, from any point on its Washington branch, into the county of Washington, in the District of Columbia, to intersect the Metropolitan branch thereof at any point in said county and District outside of the city of Washington: *Provided*, That such work shall be completed within five years after the passage of this act.

SEC. 2. That all the provisions of the several acts of Congress relating to the lateral road authorized to be built into and within the District of Columbia by an act passed March 2, 1831, entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio road into and within the District of Columbia," and the supplements thereto, be, and they are hereby, declared to apply, as far as they are applicable, to the location, construction, and use by said company of the roads hereby authorized to be constructed.

Mr. STEWART. I do not think the language is exactly what is intended. It speaks of intersecting outside of the city of Washington. The construction should be outside too. I do not think that is covered by the language used.

Mr. SHERMAN. It cannot be otherwise.

Mr. STEWART. That ought to be amended.

Mr. DAVIS. There is no objection to the Senator's suggestion. That is the intention and meaning.

Mr. STEWART. I know it is the intention, but I want no doubt about it being expressed that the road shall be entirely outside of the city limits. Let the clause read:

To intersect the Metropolitan branch thereof at any point in said county and District, the whole of said branch road being outside of the city of Washington.

The PRESIDING OFFICER. If there be no objection this amendment will be agreed to. It is agreed to.

Mr. MORRILL, of Vermont. I move to insert in line 9 of section 2, after the word "applicable," the words "and in conformity to the provisions of this act."

Mr. HAMILTON, of Maryland. I see no objection to that.

Mr. DAVIS. Let the clause be read as it would be if amended.

The CHIEF CLERK. The amendment will make the clause read:

SEC. 2. That all the provisions of the several acts of Congress relating to the lateral road authorized to be built into and within the District of Columbia by an act passed March 2, 1831, entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio road into and within the District of Columbia," and the supplements thereto, be, and they are hereby, declared to apply, as far as they are applicable and in conformity to the provisions of this act, to the location, construction, and use by said company.

The amendment was agreed to.

Mr. MORRILL, of Vermont. I am very reluctant to correct the grammar of the Committee on the District of Columbia; but I really do not understand this language: "and the supplements thereto be, and they are hereby, declared to apply." I should like to know exactly what that means. I suppose that it means "shall apply and they are hereby declared to apply."

Mr. DAVIS. I have no objection to such an amendment.

Mr. MORRILL, of Vermont. I move to amend by striking out "be" in line 8 and inserting "shall apply."

The amendment was agreed to.

Mr. MORRILL, of Vermont. Now I move the amendment proposed by me as a substitute for the entire bill.

The PRESIDING OFFICER. The words proposed to be inserted will be read by the Clerk.

The CHIEF CLERK. The amendment is to strike out all after the enacting clause, and in lieu thereof to insert the following:

That the Baltimore and Ohio Railroad Company be, and hereby is, authorized to construct a lateral road from any point on its Washington branch, in the District of Columbia, to intersect the Metropolitan branch of said company at any point in said District outside of the city of Washington; and, when so united, to enter the city of Washington with both of said branch roads at a point on the northeastern boundary of said city, on Delaware avenue, removing all branch roads which now enter the city elsewhere, and may locate and construct said roads with four tracks upon said avenue, occupying not more than forty-four feet of the central portion thereof, to any convenient point or terminus northeast of Massachusetts avenue; and said railroad company may, and shall, within two years from the passage of this act, remove their present tracks and depot and construct, at the terminus of the branch roads herein authorized, a depot at some point or place upon any square or squares on either side of Delaware avenue northeast of Massachusetts avenue.

SEC. 2. That the tracks on Delaware avenue as afcresaid shall be so constructed, upon the established grade, as not to impede the passage or transportation of persons or property across the same, and shall be fenced or parked, except at the crossings of streets, which shall be guarded by flagmen, to give warning of the approach of trains; and any pavement that may be taken up or removed shall be restored and replaced and kept in good and complete order, on Delaware avenue, to the extent of the ground occupied by said tracks and two feet on either side of the same; and all trains moved by steam-power of this or any other railroad company shall be allowed no greater speed than at the rate of six miles per hour within the limits of the city of Washington.

SEC. 3. That all the provisions of the several acts of Congress relating to the lateral road authorized to be built into and within the District of Columbia, by the act passed March 2, 1831, entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio Railroad into and within the District of Columbia," and the supplements thereto shall apply, as far as they may be applicable and not inconsistent with any of the provisions of this act, to the location, construction, and use, by said company, of the branch roads and passenger depot hereby authorized to be constructed, and for the purchase or acquisition by other legal process of any real estate on either side of Delaware avenue northeast of Massachusetts avenue, for the purpose herein mentioned, and no other.

SEC. 4. That Congress may at any time alter, amend, or repeal this act.

Mr. MORRILL, of Vermont. I merely desire to call the attention of the Senate to what will be the practical result of the passage of the first bill proposed and which has been read and perfected here. It will leave the question of the depot to remain a great annoyance and nuisance, so far as the completion of all streets in this neighborhood is concerned, for another year at least. It will also leave at the further end of the city these two tracks to come in on the right and

the left of Delaware avenue. It is a postponement of the question. It is no relief at any one point of the present inconveniences of this road. I do not see why the question cannot as well be determined now as at any time. I do not understand that the company or any friend of the company objects to the proposition that has been made by me as unjust, as improper, or even as likely to be changed hereafter if it should be adopted now. Then why not act upon it now? Why postpone it for another year? Why can we not have one question in relation to railroads settled, and settled somewhat as the wishes of Congress may seem to deem correct?

Mr. HAMLIN. I am going to vote against the proposition of the Senator from Vermont for the very reason which he has alleged, upon the very statement he has made, because I wish to know a little more definitely what justice and equity require in relation to this road when contrasted with what we have done by other roads that come into the city, before I am willing to vote for the amendment which the Senator has presented. I do not know that upon mature consideration I shall not agree to do at some future time precisely what this amendment proposes; I give no opinion now. My opinions probably differ from those of any other Senator in this body. I have no horror of railroads coming into this city. I remember when this railroad came down to Pennsylvania avenue, and it would have my vote to come there now. I believe that when you accommodate railroads you accommodate the public. I believe railroads are entitled to accommodations as well as individuals. I voted to bring in the railroad of the Baltimore and Potomac Company to Sixth street, and I would vote to-day to do that very thing. It was an accommodation to that road, but it was a vastly greater accommodation to the public. When you bring as near as you may to the central portions of your city your modes of communication, you do what? You accommodate those who have occasion to use those roads.

Now, as I understand the proposition, the bill as perfected in the Senate simply allows the roads of this company going north and south around this city to make their connection north and south outside the city limits. That is all there is in the bill. If you add to this now what the Senator proposes, you get in a controverted question, which would not trouble me, but a question which in all human probability will defeat the bill for this session, and then you go over a year, leaving this railroad in a position which is objectionable to my friend from Vermont; but you leave the whole of it; the whole goes over. Instead of one-half of the proposition, the whole of it goes over another year, and I do not know but that it will go to the end of time.

I would give the facilities that these roads want to make connection so that they may go north and south outside of the limits of the city, and I would leave it to subsequent legislation to determine well and wisely what we shall do. If we are disposed to apply the power which we possess to this road we may do it hereafter, though the power which I would apply would be one of a very gentle character, because I have none of the alarm that troubles other gentlemen so much about allowing railroads to come into the city for the purpose of accommodating the city.

These are my views, and for these reasons I shall vote for the bill as it has been perfected and against the amendment of the Senator from Vermont.

Mr. STEWART. I am inclined to think that the bill had better be passed as perfected without the amendment. I agree in part with the Senator from Maine, that railroads coming into a city need excite no horror wherever they come in right, and engineering can determine that question. I have observed in cities where they come in underground or overground they do not disturb travel, and if they have handsome depots they are not a nuisance in a city. I believe the Senator from Vermont is on the right track with his bill for a plan. It may be that the plan which the engineers will suggest will be not to remove the depots so far out, but to put them where they will not destroy the symmetry of the city, not interfere with travel, not endanger life, and they should be located in such a manner as will accommodate the railroads and the people. If that plan be separate depots or that a portion of the city should be dedicated for that purpose, or any plan consistent with convenience and beauty, as it undoubtedly would be with the provision suggested by him, we can carry it out. I believe in making both these roads comply with those terms. We legislated rather liberally for the Baltimore and Potomac Railroad, and we have got them in a place where they have injured the Mall more than we intended. That has to be remedied in some mode; there is no doubt of that. The situation there has got to be remedied. This location on New Jersey avenue has got to be remedied too. The present situation is inconvenient and unsightly, and it cannot remain as it is.

Inasmuch as the question must be dealt with, I suppose we had better deal with it as a whole after the report of the engineers. I believe there is no objection in the mean time to letting these two branch roads of the Baltimore and Ohio come together. As for having the Baltimore and Ohio Railroad destroy the principal avenues by running across them so as to obstruct view or travel, it is out of the question. If the bill as it was orginally presented were passed allowing them to establish a depot very near the present one, they would be insecure. It would be a vain thing for them to do, and a foolish thing for us to talk about. We cannot tolerate railroads coming into the city in such a way as to destroy the main avenues or injure life or property. If they come in, they must come in underground or overground in such a manner as shall be consistent with the wants of the city and the safety of the people. I think the best way is to let the bill go through as it is perfected and let the immediate wants of the company be attained by the junction of the two roads, and then I hope the Senator from Vermont will press his bill to meet the whole question.

Mr. MORRILL, of Vermont. I will withdraw the amendment, and after this bill shall have passed I will ask the Senate to pass the bill appointing a commission.

The PRESIDING OFFICER. The amendment offered by the Senator from Vermont is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred it.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MORRILL, of Vermont. Now I ask the Senate to take up the bill (S. No. 861) for a commission to regulate and arrange tracks and depots and steam-railways within the city of Washington.

Mr. ROBERTSON and Mr. JOHNSTON. I object.

The PRESIDING OFFICER. The bill is objected to.

Mr. MORRILL, of Vermont. Then I move to take it up.

The PRESIDING OFFICER. The Senator from Vermont moves to proceed to the consideration of the bill indicated by him.

The motion was not agreed to.

Mr. MORRILL, of Vermont. Then I enter a motion to reconsider the vote on the bill just passed.

The PRESIDING OFFICER. The Senator from Vermont enters a motion to reconsider the vote on the passage of the bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch and to change the location of its road within the District of Columbia, and for other purposes.

Mr. ANTHONY. I move that the Senate proceed to the consideration of the bill (S. No. 857) to provide for the sale of extra copies of public documents and for the distribution of the regular official editions thereof. I see the Senator from Maine has possession of the floor; I suppose for his appropriation bill; but I ask that that be laid aside informally.

Mr. MORRILL, of Maine. I would suggest that the Senate made a special assignment for the business of the Committee on Pensions at three o'clock to-day, subject to appropriation bills only. I had rather made up my mind not to interfere with the business of that committee this afternoon.

Mr. ANTHONY. I hope the Senator will give me, as the time of the Senate necessarily belongs mainly to him, the opportunity to bring up this bill.

Mr. MORRILL, of Maine. I will; and I will indicate to the Senator when that can be done.

Mr. ANTHONY. I withdraw the motion.

Mr. JOHNSTON. I objected to the consideration of the bill of the Senator from Vermont for these reasons: The subject is an important one, and I do not think the bill ought to be passed in a hasty manner. Besides, it relates to a subject appertaining to the Committee on the District of Columbia and it has not been considered by that committee, and as a member of that committee I object to any other committee of the Senate undertaking to take jurisdiction of what properly belongs to it and report bills which should come from that committee.

Mr. PRATT. Now that the hour of three has arrived, I ask that the Senate proceed to the consideration of pension bills.

The PRESIDING OFFICER. The Senate proceeds to the consideration of the bills reported by the Committee on Pensions specially assigned for this hour.

Mr. DAVIS. I desire to know whether the Senator from Vermont has entered his motion to reconsider the bill just passed?

The PRESIDING OFFICER. That motion has been entered.

Mr. DAVIS. I believe that it is in order to ask that that motion be considered now. It is a motion, I was going to say, made merely out of spite. The Senator should reflect that his bill was only introduced this morning; it probably has come from no committee, but is presented on his responsibility, and he asks the Senate to pass it; and because one member objects he moves to reconsider a bill which he himself has no objection to. I ask the Senate to settle that question by proceeding to vote on that motion. That will be the end of it.

The PRESIDING OFFICER. By unanimous consent of the Senate the hour of three o'clock this afternoon was assigned for the consideration of bills reported by the Committee on Pensions. That hour having arrived, the Senator from Indiana is now entitled to the floor.

Mr. DAVIS. I ask the Senator from Indiana to allow a vote to be taken on the motion to reconsider and let the matter be settled.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from West Virginia?

Mr. PRATT. I cannot.

Mr. DAVIS. Then I move, as it is a matter that ought to be settled and as the Senate was almost unanimous in passing the bill, to postpone the pending order and take up the motion to reconsider.

The PRESIDING OFFICER. The Senator from Indiana was on the floor and did not yield to the Senator from West Virginia for that purpose. The Chair cannot entertain his motion. The Senator from Indiana is entitled to the floor.

Mr. DAVIS. Then I give notice that as soon as the floor is yielded by the Senator from Indiana I shall make the motion.

ANN CRANE.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 280, granting a pension to Ann Crane.

Mr. DAVIS. Now, Mr. President, am I entitled to the floor?

The PRESIDING OFFICER, (Mr. INGALLS.) The Senator from Indiana has made a motion to proceed to the consideration of the bill named by him. The bill will be read for information.

Mr. EDMUNDS. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Vermont will state his point of order.

Mr. EDMUNDS. My point of order is that the Senator from Indiana cannot retain the floor to have a bill brought before the Senate until other Senators can discuss the question.

The PRESIDING OFFICER. The Senator from Vermont may not remember that to-day after the hour of three o'clock was specially assigned by the Senate for the consideration of cases reported by the Committee on Pensions, and that hour having arrived, the Senator from Indiana asked the attention of the Chair and received the floor.

Mr. EDMUNDS. Yes; he has the floor and has made a motion. Now I ask the Chair if that motion is not debatable?

The PRESIDING OFFICER. The Chair supposes that it is.

Mr. EDMUNDS. Very well. Then, the motion being debatable, I suppose any Senator would have the right to take the floor and debate it.

The PRESIDING OFFICER. If the Senator from Indiana yields the floor.

Mr. EDMUNDS. But the Senator cannot retain the floor while the bill is being read, I submit. He certainly cannot hold the floor until his bill is passed and prevent all debate.

The PRESIDING OFFICER. The bill was in the act of being read.

Mr. EDMUNDS. What is the question then?

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of House bill No. 280. That is the motion, and pending that motion the Clerk was about to report the bill for information.

Mr. EDMUNDS. If that is a motion, it is certainly debatable, is it not?

The PRESIDING OFFICER. The Chair has so held.

Mr. EDMUNDS. Then, if it is debatable, I object to anything being read until the Senator from Indiana finishes his speech, if he is retaining the floor, and when he has yielded, then of course it is open to other Senators. I make this point in the interest of the Senator from West Virginia, [Mr. DAVIS,] who insists that he has the right to get the floor to make a motion to postpone or to argue against the taking up of this bill. I do not think the Senator from Indiana can keep the floor and have a bill go through without some other person being entitled to make a motion.

The PRESIDING OFFICER. The Chair did not say that. It is undoubtedly in the province and power of the Senate to postpone this order and take up any other business it pleases.

Mr. DAVIS. Am I now entitled to the floor?

The PRESIDING OFFICER. The Senator from Indiana has moved that the Senate proceed to the consideration of the bill indicated by him, and that motion is now pending.

Mr. DAVIS. Now I move to postpone that and all other motions and proceed to consider the motion to reconsider the bill which has just passed.

Mr. PRATT. I hope my friend from West Virginia will not press his motion.

Mr. DAVIS. It will only take a moment.

Mr. PRATT. There are between thirty and forty private bills here to which there is no earthly objection, and we can run them through in the course of half an hour. Then there are some general bills which will come up for consideration and will lead to debate.

Mr. DAVIS. The Senator knows that it will only take a moment to vote on the motion to reconsider. All we ask is to have that vote taken. I move to take up the motion to reconsider the vote on the passage of Senate bill No. 571.

Mr. PRATT. I have only to say in opposition——

The PRESIDENT *pro tempore*. The Senator from Indiana moved to proceed to the consideration of a bill. The Senator from West Virginia moves to postpone that motion and proceed to the consideration of another bill, which motion is not in order. That end can be reached by voting down the motion of the Senator from Indiana.

Mr. EDMUNDS. Or he can make his motion after the bill is taken up.

The PRESIDENT *pro tempore*. Certainly, after the bill is taken up, the motion will be in order. The question now is on the motion of the Senator from Indiana.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. DAVIS. I now move to postpone the present order and proceed to the consideration of the motion to reconsider the vote on Senate bill No. 571.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from West Virginia.

Mr. STEWART. I will vote for it on condition that I understand my friend from West Virginia is in favor of the amendment of the Senator from Vermont.

Mr. DAVIS. Yes, sir.

Mr. MORRILL, of Vermont. I withdraw the motion to reconsider.

The PRESIDENT *pro tempore*. The motion to reconsider is withdrawn.

Mr. DAVIS. That is all right then.

The PRESIDENT *pro tempore*. The bill taken up on the motion of the Senator from Indiana will now be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 280) granting a pension to Ann Crane. It directs the Secretary of the Interior to place upon the pension-roll the name of Ann Crane, widow of the late Benson B. Crane, of Pickens County, South Carolina, and to pay her a pension at the rate of fifteen dollars per month; to commence from the approval of the act, and to continue during her widowhood.

The Committee on Pensions reported the bill with an amendment, in line 6 to strike out "fifteen" and insert "eight;" so as to read, "a pension at the rate of eight dollars per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

MARY STORRS.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 1228.

The motion was agreed to; and the bill (H. R. No. 1228) granting a pension to Mary Storrs was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place upon the pension-roll, subject to the limitations and provisions of the pension laws, the name of Mary Storrs, mother of Charles Storrs, late private in Company K, Seventh Regiment Vermont Volunteers, and of Gilman D. Storrs, late private in Company B, Tenth Regiment Vermont Volunteers; and to pay her at the rate of eight dollars per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN M. BRACKETT.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 1949.

The motion was agreed to; and the bill (H. R. No. 1949) granting a pension to Ann M. Brackett was considered as in Committee of the Whole.

The Secretary of the Interior is directed by the bill to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann M. Brackett, widow, mother of John M. Brackett, late a private in Company F, Eighth Regiment Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN V. JACKSON.

Mr. PRATT. I move that the Senate proceed to the consideration of Senate bill No. 658.

The motion was agreed to; and the bill (S. No. 658) granting a pension to Martin V. Jackson was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin V. Jackson, late a first lieutenant in Captain N. J. Roscoe's Company, Second Regiment of Kansas State Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS SMITH.

Mr. PRATT. I move that the Senate proceed to the consideration of Senate bill No. 690.

The motion was agreed to; and the bill (S. No. 690) granting a pension to Thomas Smith was read the second time, and considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Smith, late a private in Company C, First Regiment of Michigan Light Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed

JOHN FOLGER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 1439.

The motion was agreed to; and the bill (H. R. No. 1439) granting a pension to John Folger was considered as in Committee of the Whole.

The Secretary of the Interior is directed by the bill to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Folger, late a private in Company K, One hundred and twenty-second Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EZRA H. FOSTER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 1719.

The motion was agreed to; and the bill (H. R. No. 1719) granting a pension to Ezra H. Foster was considered as in Committee of the Whole.

The bill is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ezra H. Foster, late private in Company I, First Wisconsin Cavalry and in Thirteenth Wisconsin Battery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DENNIS M'CARTHY.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 1866.

The motion was agreed to; and the bill (H. R. No. 1866) granting a pension to Dennis McCarthy, a soldier of the Mexican war, was considered as in Committee of the Whole.

The Secretary of the Interior is authorized by the bill to place the name of Dennis McCarthy, Company D, Captain William M. Robinson, First Regiment Virginia Volunteers, upon the pension-roll at eight dollars per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY BRUCKNER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 2217.

The motion was agreed to; and the bill (H. R. No. 2217) granting a pension to Henry Bruckner, late a private of Company F, Fifty-eighth Regiment Illinois Volunteers, was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Bruckner, late a private of Company F, Fifty-eighth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA JONES.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 1843.

The motion was agreed to; and the bill (H. R. No. 1843) granting a pension to Lucinda Jones, widow of Thompson M. Jones, late a private of Company G, Twenty-second Regiment Illinois Volunteers, was considered as in Committee of the Whole.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Jones, widow of Thompson M. Jones, late a private in Company G, Twenty-second Regiment Illinois Volunteers, at the rate of eight dollars per month, and two dollars per month for each child until arriving at the age of sixteen years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. JANE DULANEY.

Mr. INGALLS. I appeal to the chairman of the committee to allow me to have the opinion of the Senate upon House bill No. 2680, granting a pension to Mrs. Jane Dulaney.

Mr. PRATT. If my friend will give way until we pass other pension bills, he certainly shall have that opportunity.

Mr. INGALLS. Very well.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits and amendatory of the acts in relation thereto.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 1512) for the relief of C. C. Spaids; and

A bill (H. R. No. 2356) granting a pension to Edwin Jardine, late colonel and brevet brigadier-general United States volunteers.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado; and

A bill (H. R. No. 3500) to authorize the importation of certain animals for the Zoological Society of Philadelphia, Pennsylvania, free of duty.

WITHDRAWAL OF PAPERS.

On motion of Mr. DAVIS, it was

Ordered, That the petition and papers of James P. Gillespie be taken from the files and referred to the Committee on Claims.

Mr. JOHNSTON. I ask for the adoption of the following order:

Ordered, That Matilda Barnett and sister have leave to withdraw from the files papers in relation to their claim.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. JOHNSTON. There has been.

The PRESIDENT *pro tempore*. Then copies will be retained.

HELEN M. STANSBURY.

Mr. RAMSEY. I desire to have an order made recommitting the case of Helen M. Stansbury, widow of Howard Stansbury, late major in the Topographical Engineer Corps, to the Committee on Pensions. The House of Representatives passed a bill giving her a pension, and it was by the Committee on Pensions reported on adversely. I have had a conversation with the chairman of the committee on the subject, and he agrees to the motion. I desire to move that the order discharging the committee be reconsidered, and that the bill be recommitted to the Committee on Pensions with the papers in the case.

Mr. PRATT. I understand from my friend from Minnesota, that there is new testimony in the case.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the vote discharging the Committee on Pensions from the further consideration of the bill (H. R. No. 1943) granting a pension to Helen M. Stansbury be reconsidered.

The motion was agreed to.

Mr. RAMSEY. I now present additional papers in the case, and I move that they be sent with the bill to the Committee on Pensions.

The motion was agreed to.

THOMAS M'KINSTER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 2676.

The motion was agreed to; and the bill (H. R. No. 2676) granting a pension to Thomas McKinster was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas McKinster, late captain of Company D, Fourteenth Regiment of Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN BENNETT.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 1414.

The motion was agreed to; and the bill (H. R. No. 1414) granting a pension to Susan Bennett was considered as in Committee of the Whole.

The Secretary of the Interior is directed by the bill to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan Bennett, mother of Peter V. Bennett, late a private in Company I, One hundred and seventy-seventh Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LLEWELLYN BELL.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 2792.

The motion was agreed to; and the bill (H. R. No. 2792) granting a pension to Llewellyn Bell was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Llewellyn Bell, late a private in Company C, Thirty-third Ohio Veteran Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

URIAH W. BRIGGS.

Mr. PRATT. I move that the Senate proceed to the consideration of Senate bill No. 533.

The motion was agreed to; and the bill (S. No. 533) granting a pension to Uriah W. Briggs was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Uriah W. Briggs, of Gorham, New Hampshire, late captain of Company F, Seventeenth Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED BOLDER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 551.

The motion was agreed to; and the bill (H. R. No. 551) granting a pension to Alfred Bolder was considered as in Committee of the Whole.

The bill is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alfred Bolder, late a private in Company C, Forty-third Regiment United States Colored Troops, at the rate of eight dollars per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. S. LOOMIS.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 2672.

The motion was agreed to; and the bill (H. R. No. 2672) granting a pension to Mary A. S. Loomis was considered as in Committee of the Whole.

The Secretary of the Interior is directed by the bill to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. S. Loomis, widow of Colonel Gustavus Loomis, late of the United States Army, and to pay her a pension at the rate of thirty dollars per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER J. CRATZER.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 196.

The motion was agreed to; and the bill (H. R. No. 196) granting a pension to Peter J. Cratzer was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter J. Cratzer, late a private in Company K, One hundred and thirty-eighth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. LASLEY.

Mr. PRATT. I move that the Senate proceed to the consideration of Senate bill No. 767.

The motion was agreed to; and the bill (S. No. 767) granting a pension to Andrew J. Lasley was read the second time, and considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Lasley, late a private in Company K, Second United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. LONG.

Mr. PRATT. I move that the Senate proceed to the consideration of Senate bill No. 768.

The motion was agreed to; and the bill (S. No. 768) granting a pension to John S. Long was read a second time, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John S. Long, late of Company D, First Battalion Twelfth United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW J. BALDWIN.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 2220.

The motion was agreed to; and the bill (H. R. No. 2220) granting a pension to Andrew J. Baldwin was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Baldwin, late a corporal in Company G, Tenth Indiana Cavalry Regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GUADALOUPE TORRES.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 1335.

The motion was agreed to; and the bill (H. R. No. 1335) granting a pension to Guadaloupe Torres was considered as in Committee of the Whole.

The bill is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Guadaloupe Torres, at the rate of eight dollars per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH HACKLEMAN.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 1832.

The motion was agreed to; and the bill (H. R. No. 1832) granting a pension to Elizabeth Hackleman was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Hackleman, widow of Robinson Hackleman, deceased, late a private in Company —, Sixteenth Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH W. SUMNER.

Mr. PRATT. I move that the Senate proceed to the consideration of Senate bill No. 615.

The motion was agreed to; and the bill (S. No. 615) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner, who died March 21, 1863, while in command of the Department of the West, was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place on the pension-rolls the name of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner, who died March 21, 1863, while in command of the Department of the West, at the rate of fifty dollars per month, to continue during her widowhood, and to be in lieu of the pension heretofore granted to her under the provisions of the general pension laws.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAGDALENA DOCKS.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 2116.

The motion was agreed to; and the bill (H. R. No. 2116) for the relief of Magdalena Docks was considered as in Committee of the Whole.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Magdalena Docks, widow of Francis Docks, late a private in Company A, Third Regiment Pennsylvania Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. FARNAM.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 240.

The motion was agreed to; and the bill (H. R. No. 240) granting a pension to John C. Farnam was considered as in Committee of the Whole.

The Secretary of the Interior is directed by the bill to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of John C. Farnam, of Westmoreland, New Hampshire, who was a private in Company E of the Fifteenth Regiment of New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EBENEZER W. BRADY.

Mr. PRATT. I move that the Senate proceed to the consideration of Senate bill No. 814.

The motion was agreed to; and the bill (S. No. 814) granting a pension to Ebenezer W. Brady was read the second time, and considered as in Committee of the Whole.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer W. Brady, late a chaplain of the One hundred and sixteenth Regiment of Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DOROTHEA IRONS.

Mr. PRATT. I move that the Senate proceed to the consideration of House bill No. 2925.

The motion was agreed to, and the bill (H. R. No. 2925) granting a pension to Dorothea Irons, mother of Lieutenant Joseph F. Irons, was considered as in Committee of the Whole.

The Secretary of the Interior is directed by the bill to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dorothea Irons, mother of Joseph F. Irons, first lieutenant of the First Regiment United States Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PRATT. At the last meeting of the Committee on Pensions on Thursday there were several cases considered and favorable reports agreed upon, but I suggested to the members of the committee who were prepared to make reports to hold them up until this afternoon and ask present action. My friend from Illinois has some of those cases.

HARRIETTE A. WOODRUFF.

Mr. OGLESBY. I am instructed by the Committee on Pensions to report favorably on several bills from the House of Representatives, adopting the House report in each case, and I shall ask action at once on these bills. The first one I will report will be House bill No. 2899, and I ask that it be considered now.

There being no objection, the bill (H. R. No. 2899) granting a pension to Harriette A. Woodruff was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriette A. Woodruff, mother of Eugene A. Woodruff, late a first lieutenant in the Corps of Engineers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY ABBOTT.

Mr. OGLESBY. I am directed by the same committee, to whom was referred the bill (H. R. No. 2790) granting a pension to Nancy Abbott, to report it back without amendment, and ask its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Abbott, mother of Amos W. Abbott, a sergeant of Company A in the Ninth Regiment of Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEBORAH A. SWAN.

Mr. OGLESBY. I am also directed by the same committee to whom was referred the bill (H. R. No. 2669) granting a pension to Deborah A. Swan, to report it back and ask its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Deborah A. Swan, widow of Levi Swan, late a private in Company D, Fifty-eighth Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES HERBERT.

Mr. OGLESBY. I am also directed by the same committee, to whom was referred the bill (H. R. No. 2678) granting a pension to Charles Herbert, to report it back and ask its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Herbert, late a private in Company C, Sixty-ninth Regiment New York Volunteers, at the rate of twenty-four dollars a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY B. HAVENS.

Mr. OGLESBY. I am also directed by the same committee, to whom was referred the bill (H. R. No. 1907) granting a pension to Henry B. Havens, late a private of Company K, Twelfth Regiment Wisconsin Volunteers, to report it back and ask its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to place on the pension-roll the name of Henry B. Havens, of Grant County, Wisconsin, late a private of Company K, Twelfth Regiment of Wisconsin Volunteers, disabled while in service and line of duty, at the rate of eight dollars per month, subject to the limitations and restrictions provided by law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORNELIA A. WASHBURN.

Mr. JOHNSTON. I should like to ask the Senator from Indiana if he has overlooked House bill No. 2216, granting a pension to Cornelia A. Washburn?

Mr. PRATT. I have not overlooked that bill, but after the private bills are disposed of I intend to call up the general bills, and that among the number, for the consideration of the Senate.

LUCY ANN CUMMINGS.

Mr. PATTERSON. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. No. 2353) granting a pension to Lucy Ann Cummings, to report it favorably, adopting the House report, and I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucy Ann Cummings, mother of A. Boyd Cummings, late lieutenant-commander United States Navy; the pension in her behalf to take effect from the date of the death of the widow of Lieutenant-Commander Cummings.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN COLAHAN.

Mr. PATTERSON. The same committee have instructed me to report a bill granting back pension to John Colahan, and I ask for its consideration at this time.

There being no objection, the bill (S. No. 874) granting back pension to John Colahan was read twice, and considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Colahan for back pension from January 1, 1863, the date of his discharge, up to April 30, 1868, the date when his present pension commenced, at the rate of fifteen dollars per month.

Mr. PRATT. I wish to inquire of the Senator from South Carolina whether that bill was ever agreed upon by the committee?

Mr. PATTERSON. Yes, sir; it was reported on the 14th of May, and I hold the printed report in my hand; but the bill reported on that day was in some way mislaid.

Mr. PRATT. I notice that it is a departure from the general rule of the committee in granting arrears of pension.

Mr. PATTERSON. This is a case where the party filed his papers, but his attorney failed to present them. His attorney was afterward put in the penitentiary.

Mr. PRATT. Was it the direction of the majority of the committee that the bill should be reported?

Mr. PATTERSON. Yes, sir.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANN HUMPHREYS.

Mr. INGALLS. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. No. 2214) granting a pension to Ann Humphreys, of Philadelphia, to report it back favorably and ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Humphreys, widow of Lawrence Humphreys, late a private in Company H, Ninety-first Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOUNTY-LAND WARRANTS.

Mr. PRATT. By direction of the Senate the bill (S. No. 763) explaining the intent and meaning of the fourth section of the act entitled "An act in addition to certain acts granting bounty-land to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855, was recommitted to the Committee on Pensions. The committee have had the bill under consideration and have directed me to report it back with an amendment in the nature of a substitute, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment of the Committee on Pensions was to strike out all after the enacting clause and insert the following:

That all military bounty-land warrants granted or to be granted under and pursuant to any act of Congress to officers, musicians, and privates, whether regulars, rangers, or militia, and to the officers, seamen, flotilla-men, clerks, and landsmen in the Navy, or to other persons enumerated in any such act for services in any of the wars in which this country has ever been engaged since 1790, and the lands obtained by said warrants, shall be exempt from the payment of any debt or liability incurred by such officers, sailors, seamen, or other persons named in such warrant, prior to the issue of patents for said lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed. Its title was amended so as to read, "A bill to exempt military bounty-land warrants, and the lands obtained thereby, from sale or execution by virtue of any order or decree of court."

EQUALIZATION OF PENSIONS.

Mr. PRATT. I move that the Senate now proceed to the consideration of House bill No. 2452.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2452) to equalize pensions in certain cases.

The bill proposes to declare that all persons entitled to pensions under special acts fixing the rate of such pensions, and now receiving, or entitled to receive, a less pension than that allowed by the general pension laws under like circumstances, shall, in lieu of their present rate of pension, be entitled to the benefits and subject to the limitations of the general pension laws entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873; but this is not to be construed to reduce any pension granted by special act.

Mr. DAVIS. I should like the Senator from Indiana to explain the provisions of that bill.

Mr. PRATT. This bill was reported by my friend from Kansas, [Mr. INGALLS,] who will explain the operation of it.

Mr. INGALLS. The only explanation the bill requires is found in the fact that certain persons entitled to pensions have heretofore been the recipients of pensions at a lower rate under special laws than they would be entitled to receive under the general law had they been so pensioned. This bill proposes to remedy that inequality by allowing persons who would be entitled to a higher rate under the general law to receive that rate under the special act.

Mr. DAVIS. To what number does it extend? How much will it increase the pension-rolls?

Mr. INGALLS. I cannot tell the precise number, but the number is very few. The bill was referred to the Commissioner of Pensions, and received his approbation.

Mr. DAVIS. Can the Senator approximate to the number?

Mr. INGALLS. I cannot.

Mr. DAVIS. May it not be ten thousand?

Mr. OGLESBY. O, no; not two hundred.

Mr. INGALLS. The number is very small.

Mr. OGLESBY. In addition to what the Senator from Kansas has said, I will state that there are several cases in which persons have been granted pensions by special act of Congress; I have one case in my mind now where the pension granted was seventeen dollars a month. The Senator from West Virginia will remember that in 1873 a general pension law was passed, a new law, including all the former laws on the subject, a revision of all the pension laws; and in that law a provision was inserted increasing the rate of pensions to persons who were totally disabled, who had a total general disability or a total specific disability. The pensions of those persons were increased to eighteen, twenty-four, and thirty-one dollars a month, according to class. Now I have in my mind one of the cases that this bill will benefit; a man who was excluded from the benefits of the pension law on account of being a contract surgeon, and a special act of Congress

was passed some years ago giving him a pension of seventeen dollars a month. The general pension law of 1873 included contract surgeons, and he, laboring under a total specific disability, would be entitled under the general law to get the pension of his class provided for in the general law; but the Department decides against him, because the special act that gave him a pension two or three years ago at seventeen dollars a month confines him to the benefits of that act. The number of these cases is very limited; and instead of passing over and over special acts to bring them within the class of pensioners provided for under the general law, we have presented this bill to entitle them to the benefits of the general law without having a special law passed in each case; that is where the case is a clear one, where the evidence on file in the office of the Commissioner of Pensions is unquestioned, where the Commissioner believes that the parties are entitled to the additional pay, but cannot get it because they are limited and confined within the special acts of Congress. This bill lifts them out of the boundaries and limitations of the special law, and puts them under the provisions of the general law of 1873; and I say again the number is very limited. I should not like to state definitely the amount, but it is nothing like a thousand—far below that; probably not more than two hundred.

Mr. DAVIS. Who is to judge of the class that they belong to?

Mr. OGLESBY. The Commissioner of Pensions undoubtedly. They must have a clear case, showing their degree of physical disability, to entitle them to the pensions. In the case I have mentioned the man is paralyzed, totally helpless, has to be carried about, cannot be moved, and he is granted a pension of seventeen dollars a month under a special law passed when contract surgeons were not allowed a pension by general law. If he had not received the benefit of a special act, the general law of 1873 would have taken him up and given him the increased rate fixed for that class by that law. That case is a clear one, and so were several that came before us, in which the evidence now before the Pension Bureau is unquestionable, and they would be entitled to increased pensions under the general law if they were not laboring under the disability of a special act.

Mr. DAVIS. I do not know that I shall object to this bill; but I desire to call the attention of the Senate to the fact that we are getting further and further from the war, and the minor children who were entitled to pensions must be coming of age and others entitled to pensions must be dying off. While we ought to be just to all who are entitled to pensions properly, yet our pension-roll is increasing yearly, I believe, when, as I think, it ought to be decreasing from the fact that many each year are dropping off by death and many minor children becoming of age. I should like to ask the Senator from Illinois what he means by contract surgeons who will get the benefit of this act?

Mr. OGLESBY. During the war there were certain regimental surgeons and assistant surgeons appointed to each regiment in the service. There were times when there were soldiers on detachments, or in garrisons, or in hospitals, where regimental surgeons could not be detailed or detached from their regular service, and contract surgeons were employed under the direction of the Surgeon-General of the Army by contract. They went into the service under a contract, and of course performed the same service that a regimental surgeon or an assistant surgeon performed; but the law did not provide for that class of surgeons originally. The act of 1873, however, which consolidated and revised all the pension laws, admitted them justly enough. Before that time several special bills were passed through Congress recognizing that they were a meritorious class of sufferers, and granting them pensions according to the rate of second lieutenant's pay, seventeen dollars a month. Some of those surgeons are men now in the condition of being totally disabled, as if both eyes were out, or both arms off, or both legs off, who require the personal attendance of somebody to take care of them. It is obvious to the Senate at once that seventeen dollars a month is not a just pension to such a man, who must pay nearly the whole sum for personal attendance. Now, instead of passing special acts in every one of these cases for that class of men, we propose to pass this one general law. The honorable Senator from Texas [Mr. HAMILTON] assures me that the number is less than 5 per cent. of those on the pension-roll. We give them by this bill the benefit of the general law. The bill is meritorious in every sense.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TOTALLY DISABLED PENSIONERS.

Mr. PRATT. I move to proceed to the consideration of the bill (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The Committee on Pensions reported the bill with amendments.

The first amendment was to strike out the following words from lines 8 to 14:

Shall have lost the sight of both eyes, or shall have lost the sight of one eye, the sight of the other having been previously lost, or shall have lost both hands, or shall have lost both feet, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the regular personal aid and attendance of another person, shall be.

And in lieu thereof to insert:

Shall have been so permanently and totally disabled as to require the constant personal aid and attendance of another person, by the loss of the sight of both eyes, or by the loss of the sight of one eye, the sight of the other having been previously lost, or by the loss of both hands, or by the loss of both feet, or by any other injury resulting in total and permanent helplessness, shall be.

So as to read:

That section 4 of the act entitled "An act to revise, consolidate, and amend the laws relating to pensions," and approved March 3, 1873, be so amended that all persons who, while in the military or naval service of the United States and in the line of duty, shall have been so permanently and totally disabled as to require the constant personal aid and attendance of another person, by the loss of the sight of both eyes, or by the loss of the sight of one eye, the sight of the other having been previously lost, or by the loss of both hands, or by the loss of both feet, or by any other injury resulting in total and permanent helplessness, shall be entitled to a pension of $50 per month; and this shall be in lieu of a pension of $31.25 per month granted to such person by said section.

The amendment was agreed to.

The next amendment was to insert the following proviso at the end of the bill:

Provided, That the increase of pension shall not be granted by reason of any of the injuries herein specified unless the same have resulted in permanent total helplessness, requiring the constant personal aid and attendance of another person.

The amendment was agreed to.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JANE DULANEY.

Mr. INGALLS. I ask for the present consideration of the bill (H. R. No. 2680) granting a pension to Mrs. Jane Dulaney.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane Dulaney, widow of William Dulaney, late colonel United States Marine Corps.

Mr. PRATT. I ask that the report in that case be read. The Committee agreed upon a report adverse to the bill.

Mr. INGALLS. A majority of the committee.

Mr. PRATT. A majority means the committee.

Mr. INGALLS. A very respectable minority, including myself, did not agree to the report.

Mr. PRATT. I ask that the report of the committee in the case may be read.

The Chief Clerk read the following report, submitted in the House of Representatives by Mr. O'BRIEN on the 27th of March:

The Committee on Invalid pensions, to whom was referred the petition of Mrs. Jane Dulaney, having considered the same, submit the following report:

Jane Dulaney, applicant, is the widow of William Dulaney, colonel United States Marine Corps, who died on the 4th of July, 1868. The proof shows that he entered the corps June 10, 1817, as second lieutenant; served continuously on shipboard and at different naval stations, (having been promoted during the period to first lieutenant, captain by brevet, and captain;) was on the Brandywine with La Fayette, (1825,) and commanded the guard of United States frigate Constitution, December, 1825, to July, 1828; was the first officer of the Marine Corps to volunteer his services for field-duty in co-operation with the Army at the breaking out of the Florida war; that he served with conspicuous gallantry and untiring devotion throughout that war, 1836, 1837, 1838, commanding the marines and a portion of the Army; that Fort Dulaney was named in his honor, and he was complimented by Major-General Jesup in General Orders 102, and tendered the thanks of the country therein, General Persifor F. Smith also testifying in the highest terms to the Navy Department his appreciation of his brilliant services; that during these campaigns he was prostrated by disease, and advised by surgeon's certificate that to remain longer in that malarious climate would endanger his life; he, notwithstanding, continued in the field until the close of the war, when he returned in command of his force.

That while in command of Fort Pickens, Florida, (1846,) he was again the first marine officer to tender his services for the Mexican war; that in this war he likewise commanded the marines with marked gallantry, and (having in the mean time been promoted and commissioned major by brevet and major) for gallant and meritorious conduct at the storming and capture of the castle of Chapultepec and the capture of the Belen Gate and the city of Mexico received the brevet of lieutenant-colonel.

That after the close of the Mexican war he served continuously in command of the marine barracks at New York, Boston, and Portsmouth, New Hampshire; that he was a native of Virginia; that at the firing of the first gun on Fort Sumter he telegraphed his services for duty in the field; that he was commissioned a colonel of the corps by President Lincoln, (to rank from July 26, 1861,) and in command of the marine battalion at Norfolk, Virginia, from October 1, 1862, until November 8, 1865, having been placed on the retired list June 6, 1864, under the act of Congress retiring officers of forty-five years' service. That he died in service, as above stated, July 4, 1868, and has left a widow of advanced age, in very indigent circumstances, and with a large family of children.

In consideration of the gallant and valuable service rendered to the country by her husband, covering a period of half a century, (aside from the fact that he was a volunteer in the war of 1812 while yet a boy,) your committee are of opinion that the venerable widow is entitled to and should have relief in her need. They therefore recommend the passage of the accompanying bill.

Mr. PRATT. I ask the Clerk to read the bill again. I do not remember the amount of the pension granted.

The Chief Clerk read the bill.

Mr. PRATT. I would inquire of my friend from Kansas who made that report?

Mr. INGALLS. That is a House report which was on file among the papers and submitted to the Senate Committee on Pensions, and after being heard by them a majority of the committee instructed an adverse report to be made on the bill, to which I did not assent, and upon my suggestion and request the bill was placed upon the Calendar with the adverse report. It appears to me that after hearing read the military history of this man, his long and meritorious serv-

ices, and the indigent condition of his widow and family, no Senator who honors valor can refuse his assent to this bill. I hope the Senator from Indiana will withdraw his opposition and permit it to pass.

Mr. PRATT. Mr. President, there is a fatal defect in this case, and that is that there is no evidence whatever that this officer died in consequence of any wound received or disability incurred in the service. That is my general recollection.

Mr. INGALLS. The reason why a majority of the Senate committee thought the bill should not be passed arose from the fact that Colonel Dulaney had been placed upon the retired list and was therefore not technically the subject of a pension. There was no question about his long and laborious service, or about the fact that his health was seriously impaired while he was engaged in the discharge of his duty, and that he died in consequence of the hardship he suffered and the exposure he endured.

Mr. PRATT. May I inquire of my friend at what age he died? Was it seventy or eighty?

Mr. INGALLS. The report will show that he entered the service in 1818, and served continuously through four wars and was retired in 1865, and died at a very advanced age.

Mr. PRATT. This is one of a class of cases that come before the committee in which officers have died of pure old age in the natural order of events, and a case is attempted to be trumped up of their having died in consequence of disabilities incurred while in the service. The facts in this particular case are not very fresh in my mind now; and that was the reason of my inquiry to my friend from Kansas, whether there was any evidence whatever before the committee that this gentleman died of any disability incurred while in the service. My general recollection is that he died in the ordinary course of human events.

Mr. INGALLS. Every man may be said to die in the ordinary course of human events. I suppose on that proposition there could be no difference of opinion between the Senator from Indiana and myself. But when he intends to convey the impression that Colonel Dulaney did not die in consequence of exposures and hardships that he suffered and incurred during his long and arduous service in the cause of his country, he is entirely outside of the record, because my recollection is that the medical testimony was very strong upon that point and was satisfactory at least to my mind.

Mr. DAVIS. I understand that this is a case which does not come within the usual rules of the committee and that an adverse report was made upon it. Am I correct in that?

Mr. PRATT. Entirely so.

The bill was reported to the Senate.

Mr. HAMILTON, of Texas. I should like to ask the Senator from Kansas what the lady's family consists of, whether grandchildren or great-grandchildren? Her own children must have been grown up many years ago.

Mr. INGALLS. I have the honor of a personal acquaintance with the reputable widow of Colonel Dulaney. She is a lady of now somewhat rising sixty years of age. She is nearly blind. She is in indigent circumstances. She has a minor child.

Mr. HAMILTON, of Texas. I make no reference to her character; but it was stated in the report that she had a very large family.

Mr. INGALLS. She has one minor daughter with whom I am acquainted, now about sixteen years of age. As to the rest of her family I know nothing.

The bill was ordered to a third reading.

On the passage of the bill a division was called for, which resulted—ayes 9, noes 19; no quorum voting.

Mr. INGALLS. I suggest that by general consent the bill lie over, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. No business can be transacted until the presence of a quorum is ascertained.

Mr. DAVIS. I think if the vote is taken again a quorum will be found to be present.

Mr. INGALLS. I ask that by unanimous consent the bill be laid aside informally.

The PRESIDENT *pro tempore*. No business can be done until a quorum is found to be present.

Mr. BOREMAN. I move that the Senate adjourn.

Mr. SCOTT. I hope the Senator will withdraw that motion. It is in order yet to call for the yeas and nays on the passage of that bill in order to ascertain the presence of a quorum.

The PRESIDENT *pro tempore*. The yeas and nays can be called upon the motion to adjourn. The Senator from West Virginia moves an adjournment, and the Senator from Pennsylvania calls for the yeas and nays.

Mr. SCOTT. I appealed to the Senator from West Virginia to withdraw his motion to adjourn so that I might call for the yeas and nays on the passage of the bill and thus procure a quorum.

The PRESIDENT *pro tempore*. The Senator from Kansas desires the bill to be laid aside informally; and the yeas and nays can be taken on the adjournment.

Mr. RAMSEY. Would it be in order to make a motion to go into executive session?

The PRESIDENT *pro tempore*. Not now.

Mr. SCOTT. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered; and being taken, resulted—yeas 7, nays 31; as follows:

YEAS—Messrs. Boreman, Cooper, Flanagan, Hamilton of Texas, Hitchcock, McCreery, and Wright—7.

NAYS—Messrs. Alcorn, Anthony, Bayard, Bogy, Carpenter, Chandler, Davis, Gilbert, Goldthwaite, Gordon, Howe, Ingalls, Johnston, Kelly, Logan, Merrimon, Mitchell, Morrill of Vermont, Oglesby, Patterson, Pease, Pratt, Ramsey, Ransom, Robertson, Scott, Sherman, Stewart, Tipton, Washburn, and Windom—31.

ABSENT—Messrs. Allison, Boutwell, Brownlow, Buckingham, Cameron, Clayton, Conkling, Conover, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Hager, Hamilton of Maryland, Hamlin, Harvey, Jones, Lewis, Morrill of Maine, Morton, Norwood, Sargent, Saulsbury, Schurz, Spencer, Sprague, Stevenson, Stockton, Thurman, Wadleigh, and West—35.

The PRESIDENT *pro tempore*. The Senate refuses to adjourn and a quorum is present. The Dulaney bill will be considered as laid aside informally.

PENSIONS TO SOLDIERS OF 1812.

Mr. PRATT. I move that the Senate proceed to the consideration of the bill (H. R. No. 2190) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty.

Mr. RAMSEY. As that bill will occupy more time probably than the Senate desires to stay here this evening, I move that the Senate now proceed to the consideration of executive business.

Mr. RANSOM. I hope not.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. ANTHONY. I call for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 10, nays 24; as follows:

YEAS—Messrs. Anthony, Boreman, Carpenter, Chandler, Gilbert, Hitchcock, Ramsey, Scott, Sherman, and Wright—10.

NAYS—Messrs. Alcorn, Bogy, Cooper, Davis, Flanagan, Goldthwaite, Gordon, Hamilton of Texas, Ingalls, Johnston, Kelly, Logan, McCreery, Merrimon, Mitchell, Oglesby, Patterson, Pease, Pratt, Ransom, Robertson, Tipton, Washburn, and Windom—24.

ABSENT—Messrs. Allison, Bayard, Boutwell, Brownlow, Buckingham, Cameron, Clayton, Conkling, Conover, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Hager, Hamilton of Maryland, Hamlin, Harvey, Howe, Jones, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Sargent, Saulsbury, Schurz, Spencer, Sprague, Stevenson, Stewart, Stockton, Thurman, Wadleigh, and West—39.

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. SHERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 29, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

PACIFIC RAILROAD.

Mr. HOUGHTON. I give notice that on next Monday I shall move to suspend the rules and pass the bill (H. R. No. 3279) amendatory of and supplemental to the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and for other purposes.

ADJOURNMENT TILL MONDAY.

Mr. DAWES. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

Mr. DAWES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to:

VENTILATION OF THE HALL.

Mr. TYNER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed to examine the feasibility of the plan proposed by Robert S. Crawford for improved ventilation of the Hall of the House of Representatives, and if approved by them, to report by bill or otherwise.

KANSAS INDIAN LANDS.

Mr. PHILLIPS, by unanimous consent, reported from the Committee on the Public Lands a bill (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

MRS. MARY J. ORR.

Mr. ORTH, by unanimous consent, reported back adversely from the Committee on Foreign Affairs a bill (H. R. No. 1456) for the relief of

Mrs. Mary J. Orr, widow of Hon. James L. Orr, late envoy extraordinary and minister plenipotentiary of the United States to Russia.

The SPEAKER. If there be no objection, the bill will be laid on the table.

Mr. RANDALL. I object, and ask that the bill be referred to the Committee of the Whole on the Private Calendar.

The SPEAKER. The gentleman has that right.

Mr. ORTH. The report is adverse.

Mr. RANDALL. I understand that; but under the rule any member may object to laying on the table a bill reported adversely, and may insist that the bill be placed on the Private Calendar. The House may be disposed to reverse the action of the committee.

The SPEAKER. The gentleman has the right to have the bill referred to the Committee of the Whole on the Private Calendar, and it will be so referred.

ORDER OF BUSINESS.

Mr. HOLMAN. Toward the close of the session the necessity for adhering to the regular order of business is imperative; and I therefore give notice that after this morning I shall insist on the regular order.

Mr. BECK. The House sat last night two hours and a half in Committee of the Whole to consider business of the Ways and Means, and there was no quorum present. Sessions have been fixed for to-night and Monday night on important business. I desire to give notice that business of the Committee on Appropriations or the Committee of Ways and Means shall not with my consent go on without the presence of a quorum. Unless a quorum shall be present to-night, I shall demand a call of the House.

SWAMP LANDS IN MISSOURI.

Mr. BLAND, by unanimous consent, presented a memorial of the county court of Franklin County, Missouri, asking the confirmation of title to swamp lands in Missouri; which was referred to the Committee on the Public Lands.

SURVEYS OF THE TERRITORIES.

Mr. TOWNSEND, by unanimous consent, submitted the following resolution; which was referred, under the law, to the Committee on Printing:

Resolved, That there be printed one thousand extra copies of the report of the Committee on the Public Lands on the subject of the geographical and geological surveys of the Territories west of the Mississippi; five hundred copies to be for the use of the Department of the Interior and five hundred copies for the use of the War Department.

REDUCTION OF THE ARMY.

Mr. HAWLEY, of Illinois. I call for the regular order.

The SPEAKER. The regular order being called for, the House resumes the consideration of the bill (H. R. No. 2546) reported from the Committee on Military Affairs, providing for the gradual reduction of the Army of the United States. The previous question has been ordered on the bill and amendments. The gentleman from Indiana [Mr. COBURN] is entitled to one hour to close the debate.

Mr. RANDALL. Would it be in order to have the amendments read?

The SPEAKER. There are only two amendments; they will be read when submitted to a vote.

Mr. COBURN. I yield for twenty-five minutes to the gentleman from Illinois, [Mr. HURLBUT.]

Mr. HURLBUT. Mr. Speaker, in the short time allotted to me for the discussion of this measure it will not be possible for me to give as thorough examination of the various provisions of this bill as perhaps in the opinion of the committee they may deserve. But I am gratified that I have been saved a good deal of trouble by the thorough dissection which the bill has received from every member of the committee who has spoken on the subject, each of whom, with the exception of the chairman, has found fault with some important provision in it.

But, sir, I rise to antagonize this bill upon the fundamental principle which underlies it. I deny either the wisdom or the expediency or the economy of reducing the Army permanently at this time. Some things which are done under the false idea of economy are the most wasteful and expensive that Congress can indulge in. I remember very well, sir, that lugubrious afternoon when the chairman of the Committee on Ways and Means [Mr. DAWES] gave this House his melancholy picture of the finances of the country. Sir, on that occasion the honorable gentleman radiated darkness over the financial status of the nation. That blackness is past. The dawn of a better day is here. The funereal countenance has disappeared. He no longer performs the function of chief undertaker—I am sorry he did not take the part of chief mute—at the funeral of the national credit. He says more lately and in more cheerful tones that the country is able and willing to carry out all honorable engagements and to meet whatever duty we are called upon to discharge.

Mr. DAWES. If my friend from Illinois means to say that I ever said this country was neither able nor willing to discharge in good faith every obligation of every kind he has totally misunderstood me.

Mr. HURLBUT. I have no time to turn away from the main purpose of this discussion to this side issue with the gentleman from Massachusetts. The substantial question now before the House is, whether or not we shall enact into a law a provision which shall break up not only the organization of the Army but the spirit of the Army.

Now, sir, I am not going to speak here in behalf of any of these staff corps. Their social position, power, and location here in Washington give sufficient strength to them to secure whatever rights justly belong to them. But I speak in behalf of a body of men who have no organized agency here—the great mass of the effective fighting army of this United States. It is the important branch of it, because it is for the fighting army of this United States that these staff corps are created. They exist because the Army exists. The Army does not exist for their benefit.

I heard I think the other night some reflection attempted to be cast upon the regular Army of the United States. I do not think the Army needs any defense at my hands. Gentlemen like myself, who have served in the volunteer service of the United States, ought to know that at this present speaking the majority of the officers of the regular Army of the United States are not graduates from our military school at West Point, but graduates from that sublimer school of actual service of four long years, by meritorious conduct in which they have been transfered and now hold their positions in the regular Army of the United States.

It is not a question and cannot be made a question between the regulars and volunteers. It is, however, a question of good faith and fair dealing with a body of men to whom Congress has substantially pledged its faith. It has said to them if you go into the service of the United States and do your duty there we will keep you there so long as you do that duty, or if you retire from failing constitution or casualty or injury received in war, we will not desert you in your old age. It is the highest and most solemn pledge a nation ever gave to its employés, and it is by reason of that pledge, by reason of that security of position, largely by reason of that, we are enabled to maintain that sentiment of high honor or that appreciation of the position which the uniform and duty cast upon them which has hitherto been able to hold the great mass of our officers clear from any imputation of base or sordid transactions under the most appalling temptation.

Now, sir, if you strike at that security you damage to a great extent the *esprit de corps*, that professional honor which belongs and is an essential and necessary part of the office.

I do not believe with the gentleman whom I indistinctly heard speaking from the other side of the House that Congress can if they choose diminish or reduce these officers—I mean I do not deny their legal rights; but in determining how many officers and how many men you need for the military service of the United States Congress is to be governed by the testimony of witnesses who know of what they speak. They are not to give an arbitrary decision. I may think twenty-five thousand men enough. The gentleman from Ohio, [Mr. BANNING,] if I understood him, thought we did not want any. Some other gentlemen think five thousand enough, and some may think ten thousand sufficient. We sit here as a tribunal to decide upon evidence competent to tell us, and I challenge the Military Committee to deny what I now say, that all the officers of the Army who have anything to do with the administration and effectiveness of that Army universally and of one accord say a reduction from the present standard will throw a burden upon the small remnant which remains which they are incapable of performing and doing their duty by the country.

It is folly, sir, for any man to contrast the position which this country occupies now with the position it occupied in 1860. Our Army is charged with duties now that it had not then. We have detachments scattered over all parts of the country, performing every class and description of duty. We are not only covering our seaports but the whole vast line by which civilization presses into these new countries, penetrating wherever discoveries are made, pushing wherever any land can be appropriated to any profitable use. And on all this indented line, covering infinitely more surface by the mere fact of the indentations than if it were a straight line, it is necessary to keep up and we must keep up a sufficient force to protect our own people and to protect the Indians themselves.

That is not all. The Army of the United States is scattered through the various States of this Union not merely for the purpose of keeping the peace, but for the purpose of acting as a *posse comitatus*, if I may so say, to enforce your revenue laws. There are belts of country scattered all along on this fringe of our society where constant evasions are made of your revenue and internal-revenue laws, and the Army is constantly being called upon to enforce those laws. And not only there, but it is within the last two years that I have seen that even in the city of Brooklyn, New York, the Army of the United States has been called out to enforce the process of the Internal-Revenue Department. I call the attention of gentlemen who live on the sea-board to the condition of the whole line of fortifications that extends along our coast. At the fort which guards the entrance to New York Harbor, Fort Hamilton, there are but ninety artillerists to garrison it; and yet this bill proposes to strike out one regiment of artillery. Take the whole frontier that lies all along the vast State of Texas bordering upon Mexico, with a river fordable nine months in the year for more than two hundred and twenty-five miles, with bad neighbors and worse friends, with raiding bands perpetually crossing at every point where they can reach the settlements of our people, and who can only be controlled, and put down by the use of cavalry, the only arm of the service capable of rapid motion and constant action; will the gentlemen from Texas, or will any men who have an interest in the progress of our civilization and the main-

tenance of our line, desire to reduce this effective arm, this right arm of the service? So, too, along the whole Indian frontier, where the mounted Indians are. I believe my friend from Indiana [Mr. SHANKS] does not object to my abusing the horse Indians. All these predatory, dangerous, warlike tribes can only be reached and either driven back to their haunts or kept off from the settlements by the use of cavalry.

Now, sir, if it be true, as I have stated, that every officer of our Army from the General commanding down who has anything to do with the disposition of troops affirms to you that all those posts are necessary that are now established, and that the garrisons in them are as light as they possibly can be, how is this House going to get over that class of testimony?

Sir, I desire to say one other thing. This bill in itself is evidently a compromise in the Committee on Military Affairs of conflicting opinions. There is no system in it. Each member of the committee evidently wanted either to hit or protect some particular staff department, and they all united in cutting down the effective rank and file. Now that reminds me of the kind of surgery that we had in the Army in the early part of the war. Then, if a man got a wound in an arm or a leg the butchers that we had at that time thought it was economy of time to cut the leg or arm off. So it is in this case. I admit that there are defects in our Army organization. I wish I had time to show the House what I think they are, but I have not. But the defect is not in the limbs; it is not in the arms or legs. It may be that there is some paralysis in the administration of our military affairs; but paralysis always comes from the head, and he would be a very bad physician, who, if he found a man dragging one limb after the other, knowing that the disease was in the brain, should for the sake of economy of time cut off the leg at the thigh.

That there are defects I have no doubt, and I will tell the House what from my observation I consider to be the prominent cardinal defects in our military system. The cardinal defect is that we have not that direct, immediate, individual responsibility that we ought to have. The cardinal defect is, that the staff corps and the staff department naturally—I am not blaming them—but naturally assume to themselves power and independence which are inconsistent with military discipline and military order. And this thing goes back many years in the history of this country.

There is no law and there never was a law authorizing the Secretary of War to give military orders; but he does it every day. The General of the Army, who by your laws is made responsible for the condition of the Army, has no power to get even a report from one of the staff departments. The General of the Army, whom you hold responsible, may never know of orders in relation to the movements of troops until he sees them in the newspapers. The General of the Army, who is responsible for the good order and conduct of his officers, knows nothing about charges and specifications and the trial of his own officers until they have passed through the Bureau of Military Justice and the findings of the courts-martial have been approved by the Secretary of War. All that is wrong, and all that thing will be corrected whenever the Committee on Military Affairs or any other committee choose to reach down to the real thing which lies at the bottom of the whole matter. And yet these staff departments are charged with a great deal more delinquency than belongs to them. The appropriations for the Army are loaded down to-day with millions and millions of dollars that have nothing to do with the effectiveness of the Army. Your whole Signal Corps, valuable and advantageous as it is, is no part of the Army; it is not particularly under military control; it has nothing to do with the effective strength of the Army. It is for the benefit of commerce, internal and external. And yet a million dollars goes to them yearly, and it is wisely expended.

The Quartermaster's Department is charged with enormous expenditures, expenditures that are very heavy. Among them I will give you one single item. You appropriate properly $1,000,000 to be expended this year for head-stones for the graves of our deceased soldiers. That is not a military expenditure, and yet it goes toward increasing the burden of supporting the Army.

Your Engineer Corps, nominally a branch and an important branch of the Army, both in time of war and peace, is charged with innumerable civil surveys all over the country. All those things go to swell the amount of expenditures for the Army, and the fighting, effective force of the Army of the United States has to bear all that.

Now, I ask the House of Representatives to do simple justice in this case to the plain, hard-working men of the Army, and not by a single blow cut off this number of effective men from the Army and displace at a moment's warning the men to whom you have pledged your national honor. Nothing is so bad for the discipline and *morale* and character of the service as this constant apprehension that Congress at any time, by a single blow, may break up a man's whole life-plan and cast him adrift upon the world, for which you have prepared him not to be a good citizen and not to earn his living.

Mr. KASSON. That is true; every word of it.

Mr. HURLBUT. I desire to say a few words more in regard to some of the provisions of this bill. I do so because I happen to know that of which I aver. With regard to the provision of this bill, for example, providing for paying the troops by checks, I say it is the most unutterable swindle that ever was attempted to be perpetrated upon the enlisted men of the Army. It delivers them over hand and foot into the clutches of the money-changers, and the money-changers are post-suttlers and traders at all these distant points. I see that the committee have put in a proviso that the Secretary of War may order payments to be made in the regular way if this system does not work. But they take away from him the means by which that provision could be carried out. Enough of that.

Now one word in regard to what seems to me to be a peculiar cruelty in the provision which compels the General of the Army to dismiss three of his aids. I speak in regard to those gentlemen because I happen to know them thoroughly and well. General Sherman has no man about him who has not won every honor he has in the field of battle. He has taken his staff not from those who lay still and kept away from active service, but he has taken them from men who started in with him at Shiloh and were with him in every battle he fought during the entire war. And to compel him to exercise an invidious distinction in selecting three of his aids to be retained, and reducing his staff from six to three, I say is wrong. Although I do not profess to have any authority to say what the officers of the Army would prefer, yet I say that I would far rather this House should determine to reduce the salary of the General commanding the Army and all others in high positions. I admit that those salaries are high; grant it. But those salaries were given not to the office but to the men. They were given as a gratuity for glorious and meritorious service rendered by these individual men. And unless the House is willing to go back over the whole thing, they should not adopt the proposition to compel the General of the Army to single out three of his six aids, all of whom he has selected under these circumstances.

One other thing about this bill, for I have not time to go through the whole of it. I do not know whether the committee know it or not, but I affirm that under the provisions of this bill there is no possibility under heaven of assigning the class now graduating at West Point, and whom you have educated, to any position whatever in the Army. If gentlemen desire to break up that institution, that is one thing. But why educate men for four years at the expense of the Government and then render it utterly impossible for them to enter into the service for which you have educated them?

It is a great error to suppose that there are any idle officers in the Army. There are no idlers around General Sherman. There is no officer in the whole of our Army but what is constantly and fairly employed. Sherman is not a man to have idlers around him, as all of us who know him know well. There is no single man too much among the officers of our Army now to carry on the various duties which are devolved upon them by acts of Congress in addition to the duties devolved upon them simply as members of the military arm of the service. I do not know that I desire to say anything more about this bill.

[Here the hammer fell.]

Mr. COBURN. I yield to the gentleman from Illinois, [Mr. HAWLEY.]

Mr. HAWLEY, of Illinois. Mr. Speaker, I desire to address the House for a few moments in support of this bill. It has been prepared by the Committee on Military Affairs, and has received their patient and deliberate consideration. It is now recommended by that committee to the House as a bill proper and suitable to be passed. I was one of those who concurred in reporting it, and now believe it ought to be passed.

I have listened with a great deal of surprise to some of the remarks that fell from members of the committee yesterday, touching this bill and its various provisions. It could not be expected that in framing a bill consisting of twenty sections every member of the committee should be satisfied with every section and every part of every section; but at the same time it might well be expected that a bill of twenty sections could be framed which should receive the support of a large majority of the committee, and be such a bill as the House could well sustain. Doubtless the bill contains some things, perhaps many things, which I would not approve when taken separately. But the measure as a whole meets my approbation to such a degree that I support it warmly.

No gentleman of the committee who addressed the House is, so far as I understand, opposed to the bill as a whole. If any one of them is opposed to the bill as a whole, he did not say so. Those gentlemen oppose certain features of the bill. For instance, the gentleman from Pennsylvania [Mr. ALBRIGHT] is opposed to that feature proposing to pay the soldiers, where practicable, by checks or drafts. Now, Mr. Speaker, that is a very small matter. It is a very small question whether we shall undertake hereafter to pay the Army by checks or drafts in places where the system may be practicable, leaving it discretionary with the Secretary of War how far he will undertake to put the system into operation. It is a very small question, in view of the whole subject, whether we shall try that experiment or not. That is not a thing of such importance that a man should vote against this bill because that particular provision does not meet his approbation; for in any event the soldier will be paid.

Now, it was the opinion of the majority of the committee that this system might properly and safely be tried. The committee found that it had worked well in paying the pensioners; and they were not able to see why in the large cities and towns where soldiers are located they could not be as well paid under this system as the pensioners are. I would like any man to undertake to give me a reason why the system should not operate well in such cases. And when we find that in the Pension Bureau payments by this plan are made with

so much less cost to the Government than the payments in the Army, it is certainly an experiment worth trying.

But, Mr. Speaker, I do not propose to stand here to-day and take the time of the House in discussing that proposition at greater length. I shall vote for it because the bill provides that the Secretary of War may exercise his discretion in the matter so that the system shall not be applied except to posts and places where, in his opinion, it may be adopted with safety to the soldier and advantage to the Government.

Another objection is made to the bill, and an amendment is offered to meet it by the gentleman from Iowa, [Mr. DONNAN.] He thinks that the heads of different staff corps should all be colonels. But, sir, it is a very small question, in view of the whole subject, whether the heads of these staff departments should be brigadier-generals or colonels. Certainly that is not a point which ought to prevent any gentleman from voting for this bill; for upon the whole it is such a bill as is worthy of support.

But, sir, I proceed now to the merits of the bill, upon which I ask the attention of the House for a few moments. Both branches of Congress at this session have determined that the Army shall be reduced five thousand men. Now, what is the use of coming here to-day and discussing the question whether the Army should be reduced to that extent or not? That question has been discussed in the House and in the Senate; and both branches of Congress have deliberately declared by the appropriations they have made that the Army shall be reduced five thousand men. What, then, was the plain duty of the Military Committee of this House in view of that action of the two branches of Congress? It was to declare in pursuance of that action that the Army of the United States should consist of not exceeding twenty-five thousand men, and to go to work to reduce the officers of the Army to correspond with the reduced number of the rank and file. My colleague [Mr. HURLBUT] who has just addressed the House says that he speaks here in behalf of the rank and file of the Army, the private soldiers of the Army. Why, sir, does not my colleague know that the rank and file of the Army is depleted constantly at the rate of ten thousand men per annum by desertions and by the expirations of enlistments? This bill does not propose that any soldier shall be turned out of the service. But before the 1st of January next the Army will in the natural course of events be reduced more than the five thousand contemplated by this bill as the extent of the reduction.

As to the officers of the Army, no man feels more kindly toward them than I do. But, Mr. Speaker, we cannot, in the American Congress, in view of our duty to the people, say that because these officers have been educated at the expense of the Government, because they have been employed at the expense of the Government in positions of honor and trust during years past, therefore they must now be continued though their services are not needed.

Why, sir, suppose the Army consisted of fifty regiments, as it did a few years ago, would gentlemen stand up here and ask that the Army should be continued at fifty regiments? We have passed laws since the rebellion reducing the Army. Officers have been mustered out and officers must continue to be mustered out if the necessities of the service do not require that they should be kept on duty.

But it is said by gentlemen who have addressed the House that the Army is all needed, I do not believe that, Mr. Speaker; I do not believe it is necessary in this country in time of profound peace to have an army of thirty thousand men. As I have said before, the House and the Senate both have determined at this session that it is not necessary to have an Army of thirty thousand men. They have so voted by the reduction they have made upon the appropriation bill providing that recruiting shall not go on in the future to a greater extent than to recruit the Army to twenty-five thousand men.

It is said that the Army is necessary for the purpose of preserving order throughout the different portions of the country, and particularly in the Indian country. Those gentlemen who come from the West, and particularly my friend from Oregon [Mr. NESMITH] who sits at my side, think an Army of thirty thousand men is necessary to keep peace among the Indians. The Indian commission, in their report made last year, stated that of all the Indians now west of the Mississippi River there are not to exceed twenty-five thousand Indians of the whole number who are not upon Indian reservations. Why, sir, our exploring parties traverse that whole country without difficulty or danger. Major Powell, the great explorer, who was himself before the Military Committee at the present session of Congress in connection with questions touching the reduction of the Army, testified before the committee that he could go anywhere through the Indian country in the United States without the aid of the troops without any sort of danger to himself.

We have adopted what we call the peace policy. We have adopted the policy of feeding the Indians and in pursuance of that policy we have gathered the Indians upon reservations. There we feed them, and for that purpose make large appropriations annually. We provided large appropriations in the Indian appropriation bill at the last session and at the present session of Congress for the purpose of feeding and clothing the Indians instead of fighting them. There are, as we are told, but twenty-five thousand Indians west of the Mississippi River not now upon reservations. These are being gathered upon reservations as rapidly as possible. It is the policy of the Government to gather them upon reservations and feed them there, and so far as possible civilize them.

The gentlemen who have occupied the floor in the course of this discussion gave as the only reason why they considered it was necessary to keep an army of thirty thousand men that the Army now exists at thirty thousand men and it ought not to be reduced. Not one single gentleman who has yet addressed the House has given any good reason why it ought not to be reduced. If the Army be not needed for actual service, why should it be kept up, adding unnecessarily $5,000,000 annually to the expenses of the Government?

Now, Mr. Speaker, we have passed at this session a river and harbor appropriation bill containing less than $5,000,000 for all the rivers and harbors in the whole United States. All the money which Congress could afford to give was something less than $5,000,000 for the improvement of the Mississippi and the Ohio and all the great streams tributary to the Mississippi, for all the Atlantic sea-board and all the ports upon the great lakes, for all the rivers and artificial highways of the country so far as water communication is concerned. For all this Congress could hardly give something less than $5,000,000, while the people everywhere are calling for appropriations of money to carry on these great works of national improvement. No man who addressed the House to-day or yesterday has said that it is necessary to the wants of the country to keep the Army up to thirty thousand men. The Military Committeee, following in the line of the votes already given by the two Houses, provides for a reduction of the Army by which we can save $5,000,000 to the Treasury. In this bill they show you we can safely reduce the Army and save annually $5,000,000. Is not that worth saving? Is it a matter of no importance to the country that we can save in this one bill $5,000,000 annually, and not only for this but for every year hereafter? Shall we make this unnecessary annual expenditure when we are unable now to give adequate appropriations for great internal improvements and for other purposes?

Mr. MACDOUGALL. Let me ask the gentleman from Illinois whether we have not already reduced the Army in the appropriation bill by cutting it down five thousand men?

Mr. HAWLEY, of Illinois. I suppose we have, and this is only carrying out what has already been so well begun. Why did you move to lay the bill upon the table yesterday?

Mr. MACDOUGALL. There are officers who ought to be taken care of.

Mr. HAWLEY, of Illinois. This bill provides if they shall be mustered out that they shall be paid a year's salary in every case.

Sir, tell me of a government on all the earth that has dealt more honestly and liberally with its soldiers than ours has. If there be one I have never discovered it, and I should be glad to have some gentleman point it out. Look at the millions of money we have paid and are paying for pensions and bounty. There is now pending before this House a bill from the Committee on Military Affairs to equalize bounties, which will probably require an appropriation of over a hundred million dollars, and Congress has never hesitated to make these expenditures so far as the condition of the Treasury would permit. The gentleman from New York, [Mr. MACDOUGALL,] who is a member of the Committee on Military Affairs and who yesterday moved to lay this bill on the table, says that his only reason for so doing was because there are some officers affected by it. Now, the bill provides that a board of Army officers shall be appointed by the War Department for the purpose of weeding out such officers as may be in the Army who are unfit to remain in the service, and then the bill also provides that any officer who desires to resign his place may do so and receive one year's pay. There will be for a long time to come undoubtedly supernumerary officers, who will be employed by the War Department to any extent to which they can be used, but to tell me that you oppose a bill for the reduction of the Army simply because you are in favor of keeping in the service the officers necessary to officer the five thousand men whom it is proposed to discharge, strikes me as a very strange and remarkable proposition. It is to say that you will keep five thousand men in the service at the expense of $5,000,000 a year for the purpose of continuing in the service the officers necessary to officer these five thousand men. That it will be a saving of $5,000,000 no man will question, and that that saving can be made, and made without detriment to the public service, I have no doubt.

Sir, the people of this country are not in favor of a large standing army. The people of this country are in favor of keeping up so much of an army as is necessary for the purpose of maintaining peace and quiet throughout all sections of the country. I am in favor of that. I would not for a moment consent to reduce the Army to such an extent that any section of the country will suffer thereby. I believe the Army ought to be kept at such a standard as will secure peace and quiet all over the country; but we cannot keep up a large standing army for that purpose, nor is it necessary to keep up a large standing army for any such purpose.

My colleague [Mr. HURLBUT] who addressed the House this morning says that every Army officer who has been consulted on this subject thinks the Army ought not to be reduced. Sir, if the Army numbered fifty thousand men and you were to consult the officers of the Army in regard to its reduction, I have no doubt they would say with one loud acclaim that it ought not to be reduced. It is but natural

that they should magnify the importance of their branch of the service. Go to the Navy Department, and you will not find a man in that Department who does not think that the naval force ought to be increased. Go to the Treasury Department, and ask there if you can reduce the force, and they will tell you not a man, and that on the contrary you ought to increase it to the number of five hundred or one thousand men in the different Bureaus of the Department. Sir, this is natural everywhere. We know how hard it is for us who have friends who hold places either in the Army or in the naval service to vote for measures which will turn them out of that service. We know how hard it was to vote for the bill two years ago reducing the number of officials in the revenue service, and yet we had to take the knife and apply it to that service, because the time had come when the public interests could be as well subserved by a reduction of the force as by keeping it as it then stood. And that is just the condition of things here. The time has come in my judgment when the Army may be safely reduced five thousand men, with a corresponding reduction in the number of its officers. This is so clear a proposition that I think we shall fail in our duty if we fail to pass this bill.

Mr. COBURN. I desire to make a verbal correction or two in the bill to prevent any misunderstanding. I move to insert in section 1, after the words "there shall be no new commission," the words "except graduates of the Military Academy;" so that it will read:

That in the cavalry, artillery, and infantry regiments of the Army of the United States there shall be no new commission, except graduates of the Military Academy; no promotion, nor any enlistment until the number of regiments of cavalry shall be reduced to nine, the number of regiments of artillery to four, &c.

There is some question whether the graduates of the Military Academy could be put into the service. It was not intended to exclude them.

Mr. ALBRIGHT. The object of the amendment is simply to provide for the graduating class at West Point.

Mr. COBURN. The Department, I understand, have construed it in this way heretofore, but I offer the amendment to save all question.

The amendment was agreed to.

Mr. COBURN. I now move to amend section 20 by striking out the word "detailed" in line 8, and inserting in lieu thereof the words "having leave of absence;" so that it will read:

That for the purpose of promoting knowledge of military science the President may, upon the application of an established college or university within the United States with sufficient capacity to educate at one time not less than one hundred and fifty male students, give a leave of absence to any officer of the Army to act as president, superintendent, or professor of such college or university; that the number of officers so having leave of absence shall not exceed one to each State at any time, and shall be governed by general rules, to be prescribed from time to time by the President of the United States.

The object of the amendment is to make it correspond with the phraseology of the section.

The amendment was agreed to.

Mr. COBURN. To save all question about whether promotions will be opened by this bill and to show that the bill intends promotion, I offer the following as an additional section:

SEC. —. That section 6, of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes," approved March 3, 1869, be, and the same is hereby, repealed.

The amendment was agreed to.

The SPEAKER. The first amendment upon which the previous question is operating will be reported, offered by the gentleman from Massachusetts, [Mr. BUTLER.]

The Clerk read the amendment, as follows:

Add to the amendment offered by the gentleman from Pennsylvania [Mr. ALBRIGHT] the following:

The headquarters of the Army of the United States shall never be moved from the capital of the United States except in time of war.

Mr. HURLBUT. Is that the first amendment pending?

The SPEAKER. It is an amendment to an amendment.

Mr. ALBRIGHT. I offered an amendment in regard to the Pay Department.

The SPEAKER. The Clerk will read the amendment offered by the gentleman from Pennsylvania [Mr. ALBRIGHT] who belongs to the Committee on Military Affairs.

The amendment was read, as follows:

Strike out sections 13 and 14 and insert:

That the Pay Department shall hereafter consist of one Paymaster-General, with the rank, pay, and emoluments of a colonel of cavalry; one Assistant Paymaster-General, with the rank, pay, and emoluments of a lieutenant-colonel of cavalry; two deputy paymasters-general, with the rank, pay, and emoluments of majors of cavalry; and fifty paymasters, with the rank, pay, and emoluments of majors of cavalry.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] moves to add to that amendment what has been read by the Clerk.

Mr. HURLBUT. Is the amendment of the gentleman from Massachusetts [Mr. BUTLER] germane to the amendment of the gentleman from Pennsylvania?

The SPEAKER. It was allowed to be offered.

Mr. COBURN. It was allowed to be offered; that was all, and to be considered as pending if in order.

Mr. BUTLER, of Massachusetts. There was no such exception made at the time.

The SPEAKER. If it was allowed to be considered as pending, of course that excludes all points of order now. No point of order was made against it at the time.

Mr. COBURN. Of course not; but it was supposed that whenever the House came to act upon it the point of order could be raised.

The SPEAKER. O, no; not after the previous question has been ordered.

Mr. HAWLEY, of Illinois. I desire to say that I gave close attention yesterday when these various amendments were indicated. I was sitting near the chairman of the Committee on Military Affairs [Mr. COBURN] when the amendment of the gentleman from Massachusetts [Mr. BUTLER] was read, and I said to him, "You are not yielding for these amendments?" And he replied, "No; they are only read for information."

Mr. COBURN. And afterwards, by reason of it being the second amendment offered, it was considered as an amendment to an amendment; but I did not see that it had any pertinency whatever.

The SPEAKER. The gentleman from Iowa [Mr. MCCRARY] was occupying the chair. But the gentleman from Indiana [Mr. COBURN] ought to have kept a very close watch upon amendments to his own bill.

Mr. COBURN. The amendment of the gentleman from Massachusetts [Mr. BUTLER] was not understood to be an amendment to an amendment, but an amendment to the bill.

The SPEAKER. The gentleman from Massachusetts does not care to which part of the bill it is attached.

Mr. BUTLER, of Massachusetts. I am content to have it considered as a separate section.

Mr. COBURN. I will not object to that.

Mr. LAWRENCE. Is it too late to raise a point of order now?

The SPEAKER. It is too late.

Mr. BUTLER, of Massachusetts. I want to bring the House to a vote upon the question whether they want the headquarters of the Army taken away from the capital of the nation.

Mr. LAWRENCE. That has no pertinency to the bill.

Mr. COBURN. I will suggest that the two amendments be considered separately.

The SPEAKER. What amendments does the gentleman from Indiana consider as pending to the bill?

Mr. COBURN. These two only; the one offered by the gentleman from Pennsylvania [Mr. ALBRIGHT] and the one offered by the gentleman from Massachusetts, [Mr. BUTLER.] The gentleman from Iowa, [Mr. DONNAN,] who is on the committee, said that he would offer some amendments when the bill came up, and I told him that I would not object to their being offered at the proper time.

The SPEAKER. No additional amendment is in order except by unanimous consent.

Mr. COBURN. I hope the House will allow the gentleman from Iowa [Mr. DONNAN] to move a pertinent amendment.

Mr. BLAND. I object unless I can offer an amendment.

The SPEAKER. It requires unanimous consent.

Mr. DONNAN. It was the agreement when the previous question was seconded that I should have an opportunity to offer amendments.

Mr. DUNNELL. Is it in order to move to lay the bill and pending amendments upon the table?

The SPEAKER. It is.

Mr. DUNNELL. Then I make that motion.

The question was taken upon the motion to lay upon the table; and upon a division there were—ayes 68, noes 75.

Mr. RANDALL and Mr. HOLMAN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 71, nays 140, not voting 78; as follows:

YEAS—Messrs. Buffinton, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Amos Clark, jr., Clinton L. Cobb, Stephen A. Cobb, Creamer, Crooke, Crounse, Darrall, DeWitt, Dunnell, Farwell, Fort, Giddings, Gooch, Hancock, Hathorn, Hays, Gerry W. Hazelton, E. Rockwood Hoar, Hooper, Houghton, Howe, Hurlbut, Kasson, Kellogg, Lansing, Lowe, Luttrell, Lynch, Maynard, MacDougall, McKee, Merriam, Moore, Myers, Nesmith, Page, Perry, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Purman, Rainey, Ray, Rice, Richmond, Ellis H. Roberts, Rusk, Isaac W. Scudder, Sessions, Sloan, Sloss, George L. Smith, Stanard, Strait, Strawbridge, Todd, Townsend, Wallace, Walls, Marcus L. Ward, Whiteley, Wilber, John M. S. Williams, and Willie—71.

NAYS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Barrere, Barry, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burchard, Caldwell, Cannon, Cason, Cessna, John B. Clark, jr., Clymer, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Crittenden, Crossland, Crutchfield, Danford, Dawes, Dobbins, Donnan, Durham, Eames, Eden, Eldredge, Field, Foster, Freeman, Glover, Hagans, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, John W. Hazelton, Hendee, Hereford, Herndon, Holman, Hoskins, Hunter, Hunton, Hyde, Kelley, Knapp, Lamison, Lamport, Lawrence, Lawson, Lewis, Loughridge, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, McNulta, Milliken, Mitchell, Monroe, Morrison, Neal, Niblack, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Pendleton, Poland, Pratt, Randall, Ransier, Rapier, Read, Robbins, James C. Robinson, James W. Robinson, Sawyer, Henry B. Sayler, Sener, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Small, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Standiford, Starkweather, St. John, Swann, Christopher Y. Thomas, Thornburgh, Tremain, Tyner, Vance, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, William Williams, James Wilson, Wolfe, and John D. Young—140.

NOT VOTING—Messrs. Albert, Averill, Barber, Bass, Biery, Bromberg Burrows, Freeman Clarke, Clayton, Clements, Cox, Crocker, Curtis, Davis, Duell, Elliott, Frye, Garfield, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Benjamin W. Harris, Hersey, George F. Hoar, Hodges, Hubbell, Hynes, Jewett, Kendall, Killinger, Lamar, Leach, Lofland, Lowndes, Magee, McJunkin, McLean, Mills, Morey, Negley, Niles, Hosea W. Parker, Parsons, Pelham, Phelps, Phillips, William R. Roberts, Ross, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sherwood, Smart, H. Boardman Smith, J. Ambler Smith, William A. Smith

Snyder, Stephens, Stone, Storm, Stowell, Sypher, Taylor, Charles R. Thomas, Waddell, Waldron, Wheeler, William B. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, Woodford, Woodworth, and Pierce M. B. Young—78.

So the motion to lay the bill on the table was not agreed to.

During the roll-call,

Mr. POTTER said: I desire to announce in connection with this and other votes on the pending bill that my colleague, Mr. W. R. ROBERTS, is confined to his house by sickness; and my colleague, Mr. WOOD, is detained at his home by sickness in his family.

The result of the vote was announced as above stated.

The SPEAKER. The question recurs on the amendment of the gentleman from Massachusetts [Mr. BUTLER] to the amendment of the gentleman from Pennsylvania, [Mr. ALBRIGHT.] The amendment of the gentleman from Massachusetts will be read.

The Clerk read as follows:

The headquarters of the Army of the United States shall never be moved from the capital of the United States except in time of war.

Mr. COBURN. That amendment is not germane to the amendment of the gentleman from Pennsylvania, and should be voted on separately.

Mr. BUTLER, of Massachusetts. I prefer that it should be submitted as an independent proposition.

Mr. COBURN. I hope it will be.

The SPEAKER. Then the question will first be taken on the amendment of the gentleman from Pennsylvania.

Mr. HOLMAN. The amendment of the gentleman from Massachusetts was offered as an amendment to the amendment of the gentleman from Pennsylvania. I insist on its being so submitted to the House.

The SPEAKER. Under the somewhat doubtful posture of the question the Chair will allow the gentleman in charge of the bill to indicate his preference as to the manner in which the vote should be taken.

Mr. COBURN. It strikes me that the amendment of the gentleman from Massachusetts ought to be voted on as an independent proposition.

The SPEAKER. The Chair will follow the preference of the chairman of the committee on that point. The Clerk will read the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

Strike out sections 13 and 14, and insert the following:

That the Pay Department of the Army shall hereafter consist of one Paymaster-General, with the rank, pay, and emoluments of a colonel of cavalry; one assistant paymaster-general, with the rank, pay, and emoluments of a lieutenant-colonel of cavalry; two deputy paymasters-general, with the rank, pay, and emoluments of majors of cavalary; and fifty paymasters, with the rank, pay, and emoluments of majors of cavalry.

The question being taken on the amendment of Mr. ALBRIGHT, there were—ayes 52, noes 73; no quorum voting.

Tellers were ordered; and Mr. ALBRIGHT and Mr. HOLMAN were appointed.

Mr. ALBRIGHT. I will not insist upon a further count if a vote can be taken on striking out the fourteenth section.

The SPEAKER. The gentleman cannot now modify his amendment except by unanimous consent.

Objection was made.

The House divided; and the tellers reported—ayes 65, noes 80.

Mr. ALBRIGHT called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 110, not voting 90; as follows:

YEAS—Messrs. Albright, Averill, Barnum, Biery, Bradley, Buffinton, Burleigh, Roderick R. Butler, Cain, Amos Clark, jr., Clymer, Clinton L. Cobb, Conger, Crounse, Crutchfield, Darrall, Dobbins, Dunnell, Eames, Field, Garfield, Giddings, Gooch, Hancock, Hathorn, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hooper, Hoskins, Houghton, Howe, Kellogg, Lamport, Lansing, Lawrence, Lofland, Lowe, Luttrell, Maynard, MacDougall, Monroe, Moore, Myers, Niles, O'Neill, Packer, Page, Pendleton, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Purman, Rainey, Ransier, Rapier, Ray, Richmond, John G. Schumaker, Isaac W. Scudder, Sloan, Sloss, Small, George L. Smith, Starkweather, Strawbridge, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Wallace, Marcus L. Ward, Wells, Whiteley, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, and Willie—89.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barber, Barrere, Beck, Bell, Berry, Bland, Blount, Bright, Brown, Buckner, Burchard, Caldwell, Cannon, Cason, Cessna, John B. Clark, jr., Coburn, Comingo, Cook, Corwin, Cotton, Creamer, Crittenden, Crooke, Crossland, Danford, DeWitt, Donnan, Duell, Durham, Eden, Eldredge, Farwell, Fort, Freeman, Glover, Hagans, Henry R. Harris, John T. Harris, Harrison, Hatcher, John B. Hawley, Hereford, Herndon, Holman, Hunter, Hunton, Hyde, Kasson, Knapp, Lamison, Lawson, Lewis, Loughridge, Lynch, Marshall, Alexander S. McDill, James W. McDill, McNulta, Merriam, Milliken, Mitchell, Morrison, Neal, Nunn, O'Brien, Orr, Orth, Packard, Isaac C. Parker, Pratt, Randall, Read, Robbins, Ellis H. Roberts, James C. Robinson, James W. Robinson, Sawyer, Henry B. Sayler, Shanks, Lazarus D. Shoemaker, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Standiford, St. John, Stone, Swann, Tyner, Vance, Walls, Wheeler, White, Whitehead, Whitehouse, Whitthorne, Charles G. Williams, James Wilson, Wolfe, Woodworth, and John D. Young—110.

NOT VOTING—Messrs. Albert, Barry, Bass, Begole, Bowen, Bromberg, Bundy, Burrows, Benjamin F. Butler, Freeman Clarke, Clayton, Clements, Stephen A. Cobb, Cox, Crocker, Curtis, Davis, Dawes, Elliott, Foster, Frye, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Benjamin W. Harris, Havens, Hersey, E. Rockwood Hoar, George F. Hoar, Hodges, Hubbell, Hurlbut, Hynes, Jewett, Kelley, Kendall, Killinger, Lamar, Leach, Lowndes, Magee, Martin, McCrary, McJunkin, McKee, McLean, Mills, Morey, Negley, Nesmith, Niblack, Hosea W. Parker, Parsons, Pelham, Perry, Phillips, Rice, William R. Roberts, Ross, Rusk, Milton Sayler, Scofield, Henry J. Scudder, Sener, Sessions, Sheats, Sheldon, Sherwood, Smart, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Stephens, Storm, Stowell, Strait, Sypher, Charles R. Thomas, Waddell, Waldron, Jasper D. Ward, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, Woodford, and Pierce M. B. Young—90.

So the House rejected Mr. ALBRIGHT'S amendment.

The question next recurred on the amendment of Mr. BUTLER, of Massachusetts, to add the following:

The headquarters of the Army of the United States shall never be moved from the capital of the United States except in time of war,

The amendment was disagreed to.

Mr. SPEER. I ask unanimous consent to move an amendment to strike out the fourteenth section. That is the section authorizing payment by checks.

Mr. PLATT, of Virginia. I object.

Mr. DONNAN. I ask the House to take a vote on the amendment which I left at the Clerk's desk, and which was understood by the Chair to be pending before the previous question was called.

Mr. BLAND. I object.

Mr. MACDOUGALL. I ask to have my amendment considered in reference to the Adjutant-General's Department.

Mr. BLAND. I object, unless we can have a vote on my amendment.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. KELLOGG demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was then taken; and decided in the affirmative—yeas 119, nays 103, not voting 67; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barber, Barrere, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burchard, Caldwell, Cannon, Cason, Cessna, John B. Clark, jr., Clymer, Coburn, Comingo, Corwin, Cotton, Creamer, Crittenden, Crossland, Danford, Dawes, Donnan, Duell, Durham, Eden, Eldredge, Fort, Freeman, Glover, Hagans, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, John B. Hawley, Hereford, Herndon, Holman, Hunter, Hunton, Hyde, Knapp, Lamport, Lawrence, Lawson, Leach, Lewis, Loughridge, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, McNulta, Milliken, Morrison, Neal, Niblack, Nunn, O'Brien, Orr, Orth, Packard, Packer, Isaac C. Parker, Phillips, Pratt, Randall, Read, Robbins, James C. Robinson, James W. Robinson, Sawyer, Henry B. Sayler, Sener, Shanks, Lazarus D. Shoemaker, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Standiford, Starkweather, St. John, Stone, Swann, Taylor, Tyner, Vance, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Charles G. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, and John D. Young—118.

NAYS—Messrs. Albright, Averill, Barnum, Barry, Bass, Biery, Buffinton, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cain, Amos Clark, jr., Clinton L. Cobb, Stephen A. Cobb, Conger, Crooke, Crounse, Crutchfield, Darrall, Dobbins, Dunnell, Eames, Farwell, Field, Foster, Garfield, Giddings, Gooch, Hancock, Hathorn, Havens, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Kasson, Kelley, Kellogg, Lamison, Lansing, Lofland, Lowe, Luttrell, Lynch, Maynard, MacDougall, Merriam, Monroe, Moore, Myers, Nesmith, Niles, O'Neill, Page, Pelham, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Potter, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Rusk, John G. Schumaker, Isaac W. Scudder, Sessions, Sheats, Sloan, Sloss, George L. Smith, Stanard, Strait, Strawbridge, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Wallace, Walls, Marcus L. Ward, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, Willie, and Woodford—104.

NOT VOTING—Messrs. Albert, Archer, Bromberg, Burrows, Freeman Clarke, Clayton, Clements, Cook, Cox, Crocker, Curtis, Davis, DeWitt, Elliott, Frye, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hersey, George F. Hoar, Hodges, Hynes, Jewett, Kendall, Killinger, Lamar, Lowndes, Magee, McJunkin, McKee, McLean, Mills, Mitchell, Morey, Negley, Hosea W. Parker, Parsons, Poland, Purman, William R. Roberts, Ross, Milton Sayler, Scofield, Henry J. Scudder, Sheldon, Sherwood, Small, Smart, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Stephens, Storm, Stowell, Sypher, Charles R. Thomas, Waddell, Waldron, Wheeler, Whiteley, Wilshire, Ephraim K. Wilson, Wood, and Pierce M. B. Young—67.

So the bill was passed.

Mr. COBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ZOOLOGICAL SOCIETY OF PHILADELPHIA.

Mr. KELLEY. I ask by unanimous consent to have a bill passed now.

Mr. GARFIELD. I desire to ask whether the House is not willing to allow the Committee on Appropriations to go on this afternoon with the amendments of the Senate to the legislative, &c., appropriation bill in order to avoid, as a great many members wish to do, an evening session?

Mr. KELLEY. I do not yield for that purpose now. I ask to have put on its passage a bill (H. R. No. 3500) to authorize the importation of certain animals for the Zoological Society of Philadelphia, Pennsylvania, free of duty.

The bill, which was read, provides that all animals, birds, and reptiles which shall be imported by the Zoological Society of Philadelphia in good faith, for exhibition, and not for sale, at their garden in Fairmount Park, Philadelphia, Pennsylvania, shall be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe; and that in case any animal, bird, or reptile imported under the provisions of this act shall, within three years from the date of its importation be sold, it shall be subject to the duties, if any, imposed upon such object under the revenue laws in force at the date of the

importation; and in case any animal, bird, or reptile imported under the provisions of this act shall be sold within the said period without payment of duty as required by law, all the penalties prescribed by the revenue laws shall be applied and enforced against such article and against the said Zoological Society of Philadelphia.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KELLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS FROM COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. PLATT, of Virginia, by unanimous consent, from the Committee on Public Buildings and Grounds, reported bills of the following titles, which were severally read a first and second time, ordered to be printed, and recommitted to the committee, not to be brought back by a motion to reconsider:

A bill (H. R. No. 3529) to extend the limits as to the cost of certain public buildings and remove certain restrictions in regard to the construction of the same;

A bill (H. R. No. 3530) directing the Secretary of the Treasury to report upon the necessity for public buildings at certain places, and the cost of the same; and

A bill (H. R. No. 3531) authorizing the acceptance of certain sites for public buildings.

Mr. SESSIONS, by unanimous consent, from the same committee, reported a bill (H. R. No. 3532) to aid in the construction of a fire-alarm telegraph in the District of Columbia; which was read a first and second time, ordered to be printed, and recommitted to the committee, not to be brought back by a motion to reconsider.

UNITED STATES COURTS AT EVANSVILLE.

Mr. ELDREDGE, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 3533) to change the time of holding the circuit and district courts at the city of Evansville; which was read a first and second time.

The bill in its first section provides that the terms of the circuit and district courts of the United States for the district of Indiana, which are provided by law to be holden at the city of Evansville, shall hereafter be held at that city on the first Monday of April and October in each year.

The second section provides that all suits which stand for trial at and all writs, processes, and recognizances which are or may be made returnable to the next August term of the said court, shall stand continued and be returnable to the next term thereof provided for in the act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELDREDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVATE LAND CLAIMS.

Mr. PACKARD, by unanimous consent, from the Committee on Private Land Claims, presented a letter from the Acting Secretary of the Interior, transmitting in compliance, with the act of July 22, 1859, the report of the surveyor-general of New Mexico on land grants, being private land claim No. 87; and the same was recommitted to the committee, and ordered to be printed.

SURETIES OF JOHN L. ROBINSON.

Mr. WILSON, of Indiana. I ask unanimous consent to report from the Committee on the Judiciary, for passage at this time, the bill (H. R. No. 2069) for the relief of the sureties of John L. Robinson, late United States marshal for the district of Indiana.

The bill was read.

Mr. HAWLEY, of Illinois. That bill ought to go on the Private Calendar.

Mr. WILSON, of Indiana. The bill has been agreed to by the Committee on the Judiciary.

Mr. HAWLEY, of Illinois. I must insist that it should go to the Private Calendar.

The SPEAKER. To debate the bill is to object, and the bill is not before the House.

GEORGE CHORPENNING.

Mr. BUTLER, of Massachusetts, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 3534) to remit the claim of George Chorpenning against the United States to the jurisdiction of the Court of Claims; which was read a first and second time, ordered to be printed, and recommitted to the committee, not to be brought back by a motion to reconsider.

C. C. SPAIDS.

On motion of Mr. ORR, by unanimous consent, the bill (H. R. No. 1582) for the relief of C. C. Spaids, returned from the Senate with an amendment, was taken from the Speaker's table.

The amendment of the Senate was read.

It was to strike out the words "the sum of $633, it being pay for his services as second lieutenant of Company A, Fourth Illinois Cavalry Regiment," and to insert in lieu thereof the following:

The full pay and emoluments of second lieutenant of Company A, Fourth Illinois Cavalry Regiment, from the 3d day of June, 1863, to the 6th day of February, 1864, deducting therefrom any sum received by him for services rendered during said period as sergeant or otherwise of said company.

Mr. ORR. I ask that the amendment of the Senate be concurred in.

The amendment of the Senate was concurred in.

Mr. ORR moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD JARDINE.

On motion of Mr. RUSK, by unanimous consent, the bill (H. R. No. 2356) granting a pension to Edward Jardine, late colonel and brevet brigadier-general United States Volunteers, returned from the Senate with an amendment, was taken from the Speaker's table.

The amendment of the Senate was read. It was to strike out the following words:

And in the case of the death of the said Edward Jardine, the amount of pension allowed by this act shall be continued to his widow or minor children, under the provisions and limitations of the general pension laws.

The amendment was concurred in.

Mr. RUSK moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I call for the regular order of business.

Mr. BURCHARD. I rise to submit a report from a committee of conference.

The SPEAKER. The regular order being called for, the report of the committee of conference will be considered.

Mr. CONGER. Is not the regular order the unfinished business that comes over from Friday morning last?

The SPEAKER. The report of a committee of conference is of the highest privilege known under the rules.

EXPORTATION OF DISTILLED SPIRITS.

Mr. BURCHARD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto, having met, after a full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from their first amendment.

That the House recede from their disagreement to the second, third, and fourth amendments of the Senate, and agree to the same.

The committee further recommend the following as a substitute for the bill: Strike out all after the enacting clause, and insert the following:

That whenever the owner or owners of distilled spirits shall desire to withdraw the same from any distillery bonded warehouse for exportation, under existing law, such owner or owners may at their option, in lieu of executing an export-bond, as now provided by law, give a transportation bond, with sureties satisfactory to the collector of internal revenue, and under such rules and regulations as the Secretary of the Treasury may prescribe, conditioned for the due delivery thereof on board ship at a port of exportation, to be named therein; and in such case, on arrival of the spirits at the port of export, the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, and the name of the vessel upon which the same are to be laden, and the port to which they are intended to be exported. He shall, after the quantity of spirits has been determined by the gauger and inspector, file with the collector of the port an export entry, verified by his oath or affirmation. He shall also give bond to the United States, with at least two sureties satisfactory to the collector of customs, conditioned that the principal named in said bond will export the spirits as specified in said entry to the port designated in said entry, or to some other port without the jurisdiction of the United States. And upon the lading of such spirits, the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said spirits were withdrawn for exportation, a clearance certificate and a detailed report of the gauger, which report shall show the capacity of each cask in wine gallons, and the contents thereof in wine gallons, proof gallons, and taxable gallons. Upon receipt of the certificate and report, and upon payment of tax on deficiency, if any, the collector of internal revenue shall cancel the transportation bond. The bonds required to be given for the landing at a foreign port of distilled spirits shall be canceled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading, or any other port without the jurisdiction of the United States, or upon satisfactory proof that after shipment the same were lost at sea, without fault or neglect of the owner or shipper thereof.

SEC. 2. That on and after the 1st day of July, 1874, for the expense of providing and affixing the stamps to each cask containing distilled spirits for exportation, there shall be charged ten cents for each stamp instead of twenty-five cents, as now required by law.

H. C. BURCHARD,
JOHN A. KASSON,
JAMES B. BECK,
Managers on the part of the House.
GEORGE G. WRIGHT,
JOHN P. STOCKTON,
Managers on the part of the Senate.

The report of the committee of conference was adopted.

Mr. BURCHARD moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at twelve minutes before two o'clock.

Mr. GARFIELD. I ask the House to dispense with the morning hour, and proceed with the consideration of the Senate amendments to the legislative, executive, and judicial appropriation bill.

Mr. CONGER. I hope the House will give us the morning hour.

The SPEAKER. There is in the morning hour a private bill from the Committee on Patents. The gentleman from Ohio [Mr. GARFIELD] desires the House now to proceed with the consideration of the Senate amendments to the legislative, executive, and judicial appropriation bill, which are in the House as in Committee of the Whole. A majority of the House can determine that question.

Mr. GARFIELD. I want to save a night session.

Mr. CONGER. I do not know why every time the business of the House is going on regularly it should be interfered with, and the only day and the last day when we can consider private bills here for some time should be taken away from us. The Committee on Patents can dispose of their business during the morning hour of to-day, and then we can go into Committee of the Whole on the Private Calendar and attend to business of importance there. The gentleman from Ohio [Mr. GARFIELD] has the right at any time to call up his matters before the House.

Mr. GARFIELD. Eight days have passed since the House has done anything with this appropriation bill, except a short time on one day. If we do not send this bill to the Senate to-day it cannot be put in conference until next week by any possibility. Even if we hold a session to-night to consider the bill, it would not be put into conference this week. If before the Senate adjourn to-day the bill can be sent to them, a conference can be ordered, and the committee of conference can meet to-morrow and consider the bill. I do not think it will take more than an hour and a half to get through the bill.

Mr. CONGER. Very well; and we want but an hour.

Mr. GARFIELD. I desire to have this bill go to the Senate as soon as possible.

Mr. SENER. I call for the regular order.

The SPEAKER. The regular order being called for, the House must proceed to determine the question of order of business, no debate being in order.

Mr. MYERS. I have a right to say a word.

The SPEAKER. The gentleman has no right against the objection of other members.

Mr. MYERS. But other gentlemen have been heard.

The SPEAKER. Precisely, because nobody objected to them.

Mr. MYERS. I ask unanimous consent to say a few words.

No objection was made.

Mr. MYERS. What I desire to say is this: The House unanimously agreed that Friday of each week should be set apart for the consideration of private bills. The whole matter was discussed and the necessity for attending to public business considered at that time. Friday was fixed for the consideration of private bills, and Saturday taken away for that purpose. A new rule has been adopted this session by which, although committees have been able to present their reports, they have been referred to the Committee of the Whole and placed on the Private Calendar.

There are two objection days every month, and many of these bills are objected to; so that month after month people who have a right to be heard before Congress, who have interests pending here which affect the public as well as private parties, have their cases postponed. Thus the business of the session, which formerly before the new rule was adopted was attended to properly, is now shoved off. If we have public work to do let us wait here and do it, but let us also——

Mr. POTTER. The gentleman will allow me to ask him which is the most important, private or public business?

Mr. MYERS. They are both important, and we are paid a salary to remain here the whole year if necessary and attend to all our business.

Mr. POTTER. But let us do the public business first.

The SPEAKER. The Chair must correct the gentleman from Pennsylvania on one point. At no time within the last ten years has private business received so much attention as during this session.

Mr. MYERS. I stand corrected in only one respect. I spoke of bills objected to.

The SPEAKER. At no session during the last fifteen years have so many private bills passed as at this session.

Mr. MYERS. I ask the Chair whether under the former rule when committees were called they could not at once proceed with the consideration of their business, which is now impeded under the new rule? I admit that a large number of bills which were not objected to have been passed.

Mr. POTTER. There has never been so much private business done since I have known anything about Congress as at this session.

The SPEAKER. In the opinion of the Chair the new rule has proved highly favorable to the transaction of private business. The Chair repeats that the record of no session for the last fifteen or twenty years will show so many private bills passed as at this session. The Chair makes this remark because the gentleman from Pennsylvania seemed to reflect on the new rule, which was adopted by a very large majority of the House.

Mr. CONGER. But since the adoption of that new rule, under which business has progressed so rapidly, the House has taken away one private-bill day of each week.

The SPEAKER. Well, Saturday never amounted to much practically as a private-bill day.

Mr. MYERS. I was not reflecting on the new rule; I only want to have the rule enforced.

The SPEAKER. The Chair will observe that the rule still declares that Fridays shall be devoted to private business unless the House otherwise determines. The question is left for the House to decide.

Mr. CONGER. Now I ask the House to decide.

Mr. GARFIELD. That is all I ask.

The question being taken on the motion of Mr. GARFIELD to dispense with the morning hour and proceed to the consideration of the Senate amendments to the legislative, executive, and judicial appropriation bill, there were—ayes 85, noes 68.

Mr. SLOSS called for the yeas and nays.

The yeas and nays were not ordered.

So the motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. GARFIELD. It will be remembered that the House was dividing on the thirtieth amendment.

The SPEAKER. The pending amendment will be read.

The Clerk read as follows:

On page 15, after the words "two Assistant Secretaries of State, at $3,500 each," insert "and one additional Assistant Secretary of State, with like compensation, to be appointed by the President, by and with the advice and consent of the Senate, to be known as the Third Assistant Secretary of State."

The SPEAKER. In this amendment the Committee on Appropriations recommend non-concurrence.

Mr. GARFIELD. No, sir; concurrence. The Chair will remember——

The SPEAKER. The recommendation of the committee was misprinted.

Mr. RANDALL. No, sir. After the committee made their report they changed their mind.

Mr. GARFIELD. We recommended a formal non-concurrence before we had heard the Secretary of State.

Mr. RANDALL. I wish to say a single word. These amendments relating to the Department of State provide for one new Assistant Secretary of State and twelve additional clerks. In my judgment there is no necessity whatever for this increase. I hope therefore the House will non-concur.

The question being taken on concurring in the thirtieth amendment of the Senate, there were—ayes 61, noes 29.

Mr. HOLMAN. On this proposition, which is to create a new office, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 70, not voting 93; as follows:

YEAS—Messrs. Albert, Barber, Barry, Bass, Begole, Biery, Bradley, Buffinton Burchard, Burleigh, Benjamin F. Butler, Roderick R. Butler, Cason, Cessna, Amos Clark, jr., Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Creamer, Crooke, Crounse, Crutchfield, Danford, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Fort, Freeman, Garfield, Gooch, Hagans, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, E. Rockwood Hoar, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Lamport, Lawrence, Lawson, Lewis, Lofland, Lynch, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Monroe, Moore, Myers, Niles, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Pelham, Perry, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Rainey, Ransier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sener, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Starkweather, Stowell, Strait, Strawbridge, Swann, Taylor, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, and James Wilson—126.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barrere, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Caldwell, Cannon, John B. Clark, jr., Clymer, Coburn, Comingo, Cook, Crittenden, Crossland, Durham, Eden, Eldredge, Field, Giddings, Glover, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Knapp, Lamison, Luttrell, Marshall, Martin, Milliken, Morrison, Neal, Nesmith, Niblack, O'Brien, Packer, Phillips, Randall, Read, Robbins, James C. Robinson, Sessions, Sloss, Southard, Speer, Stanard, Stone, Christopher Y. Thomas, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, and John D. Young—70.

NOT VOTING—Messrs. Albright, Averill, Banning, Barnum, Bromberg, Buckner, Bundy, Burrows, Cain, Freeman Clarke, Clayton, Clements, Cotton, Cox, Crocker, Curtis, Darrall, Davis, Dawes, DeWitt, Elliott, Foster, Frye, Gunckel, Eugene Hale, Robert S. Hale, Hancock, Harmer, Benjamin W. Harris, Gerry W. Hazelton, Hendee, Hersey, George F. Hoar, Hodges, Hooper, Hunter, Hynes, Jewett, Kendall, Killinger, Lamar, Lansing, Leach, Loughridge, Lowe, Lowndes, Magee, McJunkin, McKee, McLean, McNulta, Mills, Mitchell, Morey, Negley, Nunn, Hosea W. Parker, Parsons, Pendleton, Phelps, Pratt, Purman, Rapier, Rice, William R. Roberts, Ross, Rusk, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Shanks, Sherwood, Smart, J. Ambler Smith, William A. Smith, Snyder, Standiford, Stephens, St. John, Storm, Sypher, Charles R. Thomas, Waldron, Wilber, Charles G. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wood, Woodford, Woodworth, and Pierce M. B. Young—93.

So the amendment was concurred in.

During the roll-call,

Mr. RANDALL. Mr. Speaker, in view of the fact that the republican side of the House take the entire responsibility of all this increase of the appropriation, I move to dispense with the reading of the names.

Objection was made.

The vote was then announced as above recorded.

Mr. KELLOGG. Mr. Speaker, I rise to make a personal explanation which will not take half a minute. The RECORD the other day, when this amendment was up, reported me as saying that we could not get competent men for Assistant Secretaries of State at the present salary. This is a mistake on the part of the RECORD. What I meant to say was that we had the very best men in the country, and ought to pay a better salary for competent men for that place. I have no doubt we will have a man of like character appointed to this position, but we ought to pay them a better salary than we do now.

The question next recurred on the thirty-first amendment of the Senate, as follows:

Strike out under the head of State Department these words:
Ten clerks of class four; nine clerks of class three; three clerks of class two; eight clerks of class one.
And in lieu thereof insert the following:
Twelve clerks of class four; six clerks of class three; eleven clerks of class one; and thirteen clerks, each of which thirteen shall receive a compensation at the rate of $900 a year.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence in that amendment.

Mr. RANDALL. They have changed front on that as they have on the others.

The SPEAKER. In what respect has the committee changed its action in reference to these Senate amendments?

Mr. GARFIELD. The committee now recommend concurrence in the thirty-first, thirty-second, and thirty-third amendments, and in the thirty-fourth with an amendment.

Mr. RANDALL. The question is now on the thirty-first amendment. It is an increase of twelve clerks.

Mr. GARFIELD. The whole question has been discussed, and the committee recommend concurrence.

Mr. HOLMAN. I demand a division.

The House divided; and there were—ayes 70, noes 40.

Mr. HOLMAN. On this question of increasing salaries $14,000 I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 120, nays 65, not voting 104; as follows:

YEAS—Messrs. Albert, Albright, Barber, Barnum, Barry, Bass, Begole, Biery, Bradley, Burchard, Burleigh, Roderick R. Butler, Cannon, Casen, Cessna, Amos Clark, jr., Clinton L. Cobb, Stephen A. Cobb, Conger, Cotton, Crooke, Crounse, Crutchfield, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Foster, Garfield, Gooch, Hagans, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hurlbut, Kasson, Kellogg, Lamison, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Lynch, Maynard, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Myers, Niles, Orr, Orth, Packard, Packer, Page, Perry, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Rainey, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Rusk, Sawyer, Henry B. Sayler, Sessions, Sheats, Sheldon, Sloan, Small, A. Herr Smith, George L. Smith, John Q. Smith, Stanard, Stowell, Strait, Taylor, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodworth—120.

NAYS—Messrs. Arthur, Ashe, Atkins, Barrere, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Buffinton, Caldwell, John B. Clark, jr., Coburn, Cook, Corwin, Crittenden, Crossland, Danford, Darrall, Durham, Fort, Freeman, Giddings, Glover, Hamilton, Henry R. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Hyde, Knapp, Leach, Marshall, Milliken, Moore, Morrison, Neal, Niblack, O'Brien, Potter, Randall, Read, Robbins, James C. Robinson, James W. Robinson, John G. Schumaker, Lazarus D. Shoemaker, Sloss, Southard, Speer, Standiford, Starkweather, Stone, Vance, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, and John D. Young—65.

NOT VOTING—Messrs. Adams, Archer, Averill, Banning, Bromberg, Buckner, Bundy, Burrows, Benjamin F. Butler, Cain, Freeman Clarke, Clayton, Clements, Clymer, Comingo, Cox, Creamer, Crocker, Curtis, Davis, Dawes, De Witt, Eden, Eldredge, Elliott, Farwell, Frye, Gunckel, Eugene Hale, Robert S. Hale, Hancock, Harmer, Benjamin W. Harris, John T. Harris, Hays, Hendee, Hersey, George F. Hoar, Hunter, Hynes, Jewett, Kelley, Kendall, Killinger, Lamar, Loughridge, Lowe, Lowndes, Luttrell, Magee, Martin, McCrary, McJunkin, McKee, McLean, McNulta, Mills, Mitchell, Monroe, Morey, Negley, Nesmith, Nunn, O'Neill, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Poland, Pratt, Purman, Ransier, William R. Roberts, Ross, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sherwood, Smart, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Sprague, Stephens, St. John, Storm, Strawbridge, Swann, Sypher, Charles R. Thomas, Waddell, Waldron, Wilber, Wilshire, Ephraim K. Wilson, Wood, Woodford, and Pierce M. B. Young—104.

So the amendment was concurred in.

During the roll-call,

Mr. DUNNELL. I move that the reading of the names be dispensed with.

The motion was agreed to.

The vote was then announced as above recorded.

The Clerk read the thirty-fourth amendment, as follows:

Insert "Rolls and Library, Statistics;" so it will read:
For six chiefs of Bureaus, (Consular, Diplomatic, Accounts, Rolls and Library, Statistics, and Indexes and Archives,) at $2,400 each, $14,400.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence by inserting after the word "archives" the words "and chief translator," and striking out "$14,400" and inserting "$16,800."

Mr. RANDALL. That amendment has not been printed.

Mr. HOLMAN. I rise to a point of order. This amendment of the committee is not applicable at all to the pending amendment of the Senate.

Mr. GARFIELD. In the original it is for six chiefs of Bureaus, Consular, Diplomatic, Accounts, &c. The Senate amend by inserting "Rolls and Library, Statistics." The amendment of the committee is to add "a chief translator."

Mr. RANDALL. Is that, or is it not, an additional office?

The SPEAKER. It is.

Mr. RANDALL. This is one more increase.

Mr. HOLMAN. Mr. Speaker, I rise to a point of order. The Committee on Appropriations have already increased the number of officers and of men who are to live off the Government; but I insist they have not the right to move to create a new office here. It is not in order, I insist, to amend the Senate amendment in this way. In the bill itself there is no increase. The original text provides for six chiefs of Bureaus, Consular and Diplomatic, Accounts, and Indexes and Archives.

That was the original language. The Senate simply strike out the words "Consular and Diplomatic, Accounts," and substitute the words "Rolls and Library, Statistics."

Mr. GARFIELD. The gentleman is mistaken. The words "Consular and Diplomatic" were not stricken out. They only strike out the word "and" between "Consular" and "Diplomatic."

Mr. HOLMAN. Then it reads:

For six chiefs of Bureaus, Consular, Diplomatic, Accounts, Rolls and Library, Statistics, and Indexes and Archives at $2,400 each, $14,400.

Now, then, the amendment of the Senate does not increase the number of officers, but leaves the number at six. This is a proposition to increase the number to seven, and to add the additional officer after the word "Archives," which is not a part of the Senate amendment, but is a part of the original text. The Senate amendment does not increase the number of officers, while the effect of this amendment is to add one more chief.

Mr. GARFIELD. I will say to the gentleman that this does not add a Bureau but it does add a translator. The Committee on Appropriations in the Senate sent word to us that they had omitted it by mistake, and that it was their intention to put it in on the recommendation of the Committee on Foreign Affairs.

The SPEAKER *pro tempore*, (Mr. WHEELER in the chair.) It is not competent for the House to add this amendment if it is objected to. It is clearly the creation of a new office. The Chair thinks the amendment is not in order.

Mr. GARFIELD. Very well; then we recommend that the amendment be concurred in.

The amendment of the Senate was concurred in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had concurred in the amendment of the House to the amendments of the Senate to the bill (H. R. No. 2538) to legalize and establish a ponton railway-bridge across the Mississippi River at Prairie du Chien.

The message also announced that the Senate had passed without amendment the bill (H. R. No. 3169) changing the time of holding circuit and district courts in Vermont.

The message further announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes; had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as the conferees on the part of the Senate Mr. MORTON, Mr. SHERMAN, and Mr. MERRIMON.

The message also communicated the following resolution adopted by the Senate:

Resolved, That the Senate disagree to the resolution of the House of Representatives for the suspension of the joint rule of the two Houses, No. 6, so far as it relates to the bills of the House H. R. No. 1215, to revise and consolidate the statutes of the United States in force on the 1st day of December, 1873; H. R. No. 2879, an act revising and consolidating all the laws authorizing post-roads in force on the 1st day of December, 1873; and H. R. No. 3394, to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the 1st day of December, 1873.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the legislative, executive, and judicial appropriation bill.

The thirty-seventh amendment of the Senate was read, as follows:

That from and after the 1st day of July next a fee of five dollars shall be collected for each citizen's passport issued from the Department. An account of these fees shall be kept, and the amount collected shall be paid into the Treasury of the United States at least quarterly.

Provided, That the Secretary of State may make such distribution of the clerks in the Department, and from time to time alter the same, as he may think proper. He may also prescribe duties for the Assistant Secretaries, the Solicitor, and the clerks of Bureaus, as well as for all the other employés in the Department, and may make changes and transfers therein when in his judgment it becomes necessary.

The Committee on Appropriations recommended concurrence in the amendment with an amendment, as follows:

Strike out of the proviso the words "make such distribution of the clerks in the Department, and from time to time alter the same, as he may think proper. He may.

Mr. GARFIELD. The House will see that what we propose to strike out is entirely unnecessary. The head of a Department has a right to prescribe special duties to his subordinates and transfer them from one Bureau to another in his own Department as he pleases.

Mr. WILLARD, of Vermont. The whole of that proviso ought to

be stricken out. The only point in it, so far as I can judge, is that part which applies to the Solicitor. The Secretary of State, like the heads of all the other Departments, does not need any provision of law to give him authority to regulate and prescribe the duties of the clerks and officials under him. He has that authority where the duties of his officials are not otherwise prescribed by law. But as the law now stands the Solicitor of the Department of State is an officer of the Department of Justice. That Department was created in 1870, after careful consideration by that Congress. It had been found prior to that time that the law-officers of each Department who were only subordinate to the heads of the Departments were furnishing in many cases conflicting opinions, and it was deemed advisable to create a Department of Justice, so that all the decisions of the law-officers of any one of the Departments should be examined by the Attorney-General or some one of his assistants. Under that law the examiner of claims, who was the law-officer of the State Department, was made an officer of the Department of Justice and subordinate to it.

Now this proviso is for the purpose of repealing the law creating the Department of Justice so far as the Solicitor of the State Department is concerned. I know it has been said, and I understand that the chairman of the Committee on Appropriations thinks so, that the whole law creating the Department of Justice ought to be repealed.

Mr. GARFIELD. No; I do not say that.

Mr. WILLARD, of Vermont. I am not prepared to say that if the question were brought before the House they would not decide that the whole law ought to be repealed; but I am decidedly of the opinion that it ought not to be repealed piecemeal in this way. This matter was brought to the attention of the Committee on Foreign Affairs in the bill for the reorganization of the State Department, which was made the basis of this amendment. The Committee on Foreign Affairs, without passing on the question whether the Department of Justice was on the whole a proper way of getting law opinions, thought that it was not proper to take out from that Department one officer who now belongs to it. I can understand that the Secretary of the Treasury does not enjoy very much having the Solicitor of the Treasury an officer of the Department of Justice. I presume the Postmaster-General would prefer that the law-adviser of that Department should not belong to the Department of Justice. I hope, therefore, that the whole proviso will be stricken out, unless some reason can be given for retaining it.

Mr. RANDALL. Does not the existing law give this control to the Secretary of State over all the officials named in this amendment except the Solicitor?

Mr. WILLARD, of Vermont. It does. The Department of Justice now has control of law-officers of every Department, and this proviso proposes to take out of his control only the Solicitor of the State Department.

Mr. MYERS. I simply want to say that the head of the Department of Justice, the Attorney-General, does not desire that these officers shall be charged to him and nominally under his supervision, when really he never sees them. He has said:

> While these officers are nominally subjected to the control of this Department, they are attached to and exclusively perform duties assigned to them by the heads of other Departments. Obviously this is an arrangement which not only creates a divided jurisdiction, but produces confusion in the transaction of the public business.

And he therefore urged the passage of some act to make the change. Now, sir, these officers should be remanded to their respective Departments.

Mr. WILLARD, of Vermont. Let it all be done at once.

Mr. MYERS. If there is a chance here, and it is asked for by the Department of State as well as by the Department of Justice, there is no reason why it should not be passed now. Certainly as soon as we can we ought to remand them all to their respective Departments, where they perform their duties.

Mr. SPEER. The Attorney-General was before the Committee on Expenditures in the Department of Justice, and his attention was directed to this subject. His statement was taken down and I believe it is now being printed by order of the House with the testimony taken before the committee. He did not say, and I believe at the time he was very careful not to say, that the Solicitors of these several Departments should be taken from under his control.

Mr. WILLARD, of Vermont. I do not understand that he says so.

Mr. SPEER. I say he seemed to be careful not to say so. I inferred from what he said and from his manner of saying it that he thought there was a desire on the part of the heads of the several Departments to control the Solicitors of their respective Departments. He expressed no approval of the present arrangement, but he thought and said that the policy of the Government upon this subject should be specifically declared, well understood, and adhered to. It is certainly an anomalous condition of things to have a Department of Justice with a head to it and yet take away the limbs of the Department and put them in other Departments, away from the head.

I think the recent investigation conducted by the Committee on Ways and Means shows the impolicy and the danger to the Government of any such distribution of its Solicitors. They should be under their legal superior, that is, the head of the Department to which the duties they perform more directly relate. For instance, the Secretary of State or the Secretary of the Treasury pays no attention to the legal matters of his Department. He refers them to the Solicitor of that Department. The Solicitor, however, does not refer them to the Attorney-General, but acts upon his own knowledge, upon his own responsibility, knowing at the time that his action will not be revised by his superior. I say the whole system is wrong. The law should stand as it now is, and Congress should reaffirm it with emphasis, giving to the Attorney-General not only the legal right over these Solicitors, but adding to that an expression of the public sentiment of Congress and of the country that all of these Solicitors should be responsible and subject to the head of the Department of Justice, their conduct and opinions to be revised by him, they submitting their reports to him instead of to the head of the Department for which they are Solicitors.

Mr. ORTH. It strikes me that there is an eminent propriety in the adoption of this provision. It provides that the Secretary of State shall prescribe the duties of the Solicitor of the State Department. It evidently refers to the duties of Solicitor inside of and under the jurisdiction of the State Department. While as a Solicitor he may have certain duties to perform under the direction of the Attorney-General, yet when his duties pertain exclusively to matters within the State Department they should be under the control and direction of that Department.

It has been the policy of this Government to have each one of its Departments separate, distinct, and independent of the others. I doubt the wisdom or the propriety of the law establishing the Department of Justice and authorizing it to send its deputies, its assistants, into the other Departments of the Government, there to perform duties for which the heads of those Departments are responsible, and yet they have no control over the Solicitors sent to their Departments. Who is immediately responsible for the conduct of the Solicitor of the State Department?

Mr. WILLARD, of Vermont. Would the gentleman have any objection to agreeing to the proviso with these words inserted after the word "Solicitor:" "not interfering with the subordination of the Solicitor to the head of the Department of Justice?"

Mr. ORTH. I have no objection to that.

Mr. GARFIELD. I want to say one thing in regard to this matter. It is simply impossible for the head of the Department of Justice to be reponsible for the legal opinions of six or seven Solicitors in the other Departments. He cannot do it.

Mr. SPEER. Why?

Mr. GARFIELD. It being a physical impossibility, he does not attempt to do it. Here is the Secretary of the Interior who is called upon to settle the meaning of an Indian contract, or the legality of a patent for land, or some one of a dozen questions arising day by day. Now the Secretary of the Interior should be able to say to him: "Look at this question; I must act upon it in an hour; give me your opinion and I will adopt it; I am the head of the Department, and I want you to help me in giving the law;" this is what the Secretary wants to do. Of course it is all subject to appeal and may be carried up to the Department of Justice.

As a matter of fact, there may be five or six different opinions on the same day on different subjects by five or six different men, all given in the name of the Department of Justice, and they may be conflicting opinions, and frequently they are. Now the Attorney-General says that he cannot be responsible for all these opinions; he cannot consider himself in that sense the author of all these opinions and the head of all that kind of business. But he can be made very properly the authority to which all these opinions are appealed whenever any question of appeal arises.

The Secretary of the Interior says, "I want my law officer at my elbow." The Postmaster-General says that he wants his law officer at his elbow; he wants him as the consulting lawyer of his Department. The Secretary of State very properly says, "If I am to have a Solicitor, a law officer, I must have him at my hand to examine such subjects as I may direct him to examine. I do not want to send over to the Attorney-General and get him to direct my Solicitor to examine the question for me. I cannot be bothered in that way." All the heads of Departments agree on this point, and as a matter of fact that part of the law is a dead letter. But I do not want the law repealed. I only want it modified to the extent of remanding each one of these officers to the immediate direction and control of the head of the Department to which he respectively belongs. But all the reports of these officers, everything going to make up the body of judicial statistics, will still go as now to the head of the Department of Justice.

Mr. SPEER. Does not the gentleman think it would be much better for all the Solicitors of these respective Departments to have their offices in the same building with the Attorney-General? Then any question referred to the Department of Justice by any of the Departments could be submitted by the Attorney-General to the Solicitor of that Department, who would submit his decision to the Attorney-General, and the latter would be responsible for its correctness.

Mr. GARFIELD. The gentleman will see that that would be simply impossible, with our public buildings scattered as they are through the city. The heads of these Departments have said to the Committee on Appropriations again and again that they must have the law officer at their elbow as their law mind, just as in any great business, that of a railroad company for instance, the solicitor of the company must be at hand at the command of the company to examine

questions as they arise. Personally I do not care about this matter, but I hope the last clause of the amendment will be retained.

Mr. O'BRIEN. I wish to ask the chairman of the Committee on Appropriations what is the authority of the Solicitor or law officer of a Department? I merely ask for information.

Mr. GARFIELD. Simply this: he is responsible to the head of the Department for the correctness of his opinions on all law questions. The head of the Department can overrule him if he chooses, or the question can be appealed to the Attorney-General, and the decision overruled by him.

Mr. O'BRIEN. Who has that right of appeal?

Mr. GARFIELD. The Secretary himself.

Mr. O'BRIEN. Has the party against whom the decision is made the right of appeal?

Mr. GARFIELD. I do not know that he has directly; but whenever the party asks for an appeal it is usually allowed by the Secretary. The right of appeal is in the Secretary himself.

Mr. O'BRIEN. But is it an ordinary practice for the head of a Department to overrule the decision of his Solicitor?

Mr. GARFIELD. It is not an ordinary practice, but it is done sometimes.

Mr. WILLARD, of Vermont. I move to insert after the word "Solicitor" in the proviso these words: "not interfering with his duties as an officer of the Department of Justice." This will obviate the objection made by the chairman of the Committee on Foreign Affairs, [Mr. ORTH,] and I think all the other objections that have been made.

The amendment was agreed to.

Mr. HAWLEY, of Connecticut. I move further to amend the amendment by striking out five dollars and inserting three dollars as the tax upon passports. I judge from some things that have been said on this subject that there is more or less misapprehension as to the necessity or utility of this tax. The tax has now been abolished for some time. If it is proposed to restore it, I think it should be put at a lower figure. It appears to be supposed by some gentlemen that nobody goes abroad except wealthy people. That is a mistake, as any one I think will find upon careful observation. Although it is said that those who go abroad are wealthy and can perfectly well afford to pay this five-dollar tax, yet it should be borne in mind that nowadays passports are to a great extent dispensed with in Europe; that is to say Government officers in very few instances stop a man at the frontier and require to see and *visé* his passport. The wealthy and more intelligent travelers care but little about passports, because they carry with them other means of identification, such as letters of introduction, or they may have personal acquaintance with ministers and consuls. But a passport is very valuable to a naturalized citizen who goes back to his native country on business or for pleasure; such a man desires a passport for the purpose of identifying him and establishing his citizenship in case any question in regard to it should arise. He is more likely to place value on a passport than the wealthy and more intelligent traveler.

Gentlemen speak as if this five-dollar tax were nothing. But at this time when a poor man can take passage across the Atlantic for twenty or thirty dollars, and when he calculates every dime in estimating the expenses of a trip to return to Germany or England, five dollars for a passport tax is quite an item in the estimate. I move my amendment because I think a tax of three dollars is quite enough to be borne by the poorer class of foreigners when leaving this country; and these are the people who most value a passport.

By the amendments to this bill we have added $14,000 to the expenses of the State Department for additional clerks, &c. That is well enough; I voted for those amendments. This passport tax is proposed in order to cover the expense of those additional officers. But at the rate proposed it will much more than do so. It will yield from forty to sixty thousand dollars a year. A tax of three dollars is therefore abundant for this purpose.

Mr. GARFIELD. The old tax was five dollars; it was never any less amount; and nobody ever complained of it. The chairman of the Committee on Ways and Means informs me that there was no request to strike it out when it was struck out. It went because it was in a group of internal-revenue taxes which were repealed as a group. It is manifest of the one hundred thousand people who go abroad only nine thousand annually take passports. None of those from the great countries whence emigrants come to us get passports.

Passports are only needed in Russia and Italy. In no other countries in Europe do they need passports. There are no Russians here except those who are wealthy. There are few Italians. Those who come from the great countries which principally supply us with emigrants need passports.

By the concurrent testimony of the men who have traveled and considered this subject it is only the wealthy classes who get passports. Therefore this five-dollar tax, (the rate at which it always stood,) which will bring $45,000 into the Treasury, is a thing not to be despised just now. I call now for a vote.

Mr. MYERS. Mr. Speaker, this matter was before the Committee on Foreign Affairs. It was not my good fortune to be present when the bills were reported from that committee in relation to this subject, and I rise now merely to say a few words. I am in favor of the imposition of this tax of five dollars on passports. There is no objection in my judgment to it. Inasmuch as it was said, however, that this tax is necessary in order to defray the expenses of the State Department, (and I find such a statement in the RECORD,) I wish to say just this one thing on that subject. These Executive Departments are not intended, as I understand, to be self-sustaining. The price of these passports is not intended to be fixed in order that we may pay the expenses of any Department. If that were so, then in the bill which was recently reported to the House and for which I voted in Committee of the Whole because I could not get anything better, and in reference to which the chairman of the Foreign Affairs Committee also wanted something better, as he has stated—if that were the rule, that these Departments should be self-sustaining, then the $200,000 we receive through the consular system in the way of fees in excess of expenditures ought to furnish to the men we send abroad a little better pay than they now receive. We should pay to our consuls out of the $200,000 of receipts in excess of expenditures a salary sufficient to enable them to live respectably when they are sent abroad to represent our country.

Therefore when I vote, as I shall vote, for this amendment in reference to imposing a passport tax and putting the price as it should be at five dollars, (because those who go abroad can afford to pay at least that sum for their passports,) I wish to say that it is not upon the principle that this tax is necessary in order to sustain the Government in running the State Department or is requisite for paying the current expenses of that Department.

Mr. HOLMAN. I move to strike out "five" and insert "two," and I do that in order to say a few words, because I am not in favor of imposing any such tax at all. Now, Mr. Speaker, every member knows that the persons going abroad from this country who require these passports are naturalized citizens of the United States who return to the places of their birth in Europe either on business or for pleasure. They require some certificate of their citizenship. Every member who hears me I have no doubt has more than once gone to the Department of State to obtain for some naturalized citizen who lives in his district a passport to be used abroad as evidence of citizenship.

By this bill we have added $14,000 in the way of salaries to the appropriations for the State Department. We have increased the salaries in that Department beyond what they were during the war. It is now proposed in addition that we shall impose a tax of five dollars for a passport upon the poorer class of our people who are compelled to go abroad to visit the homes of their childhood on business or who visit Europe on pleasure, and who very naturally may desire to take their wives and children with them.

Nothing seems to me to be so disingenuous as this legislation. We provide here for this passport tax because the Treasury wants money, and this will give us $45,000 additional, and yet at the same time the Committee on Appropriations have recommended an increase of salaries in this State Department beyond what were deemed sufficient in the most expensive period of our history, during the late war. I think under the circumstances this House would shrink from the idea of imposing such a tax. I am against making it two or three or five dollars. It will be a tax upon a great body of our naturalized citizens who go abroad. It will be greater than they are compelled to pay for similar certificates in other relations of life. It is disingenuous to impose such a tax after we have increased these salaries. While I have moved an amendment, I shall vote against imposing any tax at all upon passports. I am against the whole system.

Mr. BUTLER, of Massachusetts. I should move to raise this passport tax to twenty-five dollars if it were not for one thing, and that is that most of the countries in Europe have abolished the passport system, so that passports are very little needed anywhere. Russia and Italy are the only countries where they are needed. We have very few Russian naturalized citizens, and fewer still Italians, and when they go home they do not take passports. The passport is only for the traveler who goes abroad for the purpose of spending his money abroad. He not only impoverishes his country while he is abroad by what he takes out of it in gold to spend there, but while he is there he buys all his clothes, and his wife's clothes, and his aunt's clothes, and his neice's clothes, and his daughter's clothes, and brings them in free of duty. We not only lose what he otherwise would have spent here, that which he got from the country, but he defrauds the revenue actually when he comes back by filling up his trunks with clothing, which gets in free under our laws.

The difficulty is that we cannot make people take passports. If we could, I should desire to put the fee up to a sum which should render going abroad a little difficult.

Mr. O'BRIEN. Would it not do to prohibit people from going abroad altogether?

Mr. BUTLER, of Massachusetts. That would be quite convenient and proper under some circumstances. I never knew anybody to get any good from going abroad. They generally come home with a lot of notions that are anti-American, and I am more surprised than I can well express that my economical friend from Indiana, [Mr. HOLMAN,] whom I always expect to see on the side of the people, wants to cut down this rich man's pleasure-tax. Of all things in the world that he should do that! I could hardly believe my own ears when I heard him. I expected him to say, "Now, here is a luxury; let us tax that luxury; the money will go into the Treasury, and although we have agreed to pay $14,000 more for salaries, here is a way of getting the amount out of the rich man rather than the poor man." That is the speech I expected to hear from my friend from Indiana, and I was

never more surprised than to hear him insist on taking off the tax on the rich man's luxury, who goes abroad to spend his money abroad, to learn foreign fashions, to drink foreign wines, and to come home with foreign monarchical ideas against all granger notions. I was surprised and utterly astonished.

Now, if it had been any of these bloated bondholders that had defended such a thing I should not have wondered, for they are the very class who go abroad; but for my economical friend to do it surprised me indeed. I suppose he was only thinking of the naturalized citizen who goes abroad; but he hardly ever takes a passport, and when he does it does not do him any good. Witness the case of the poor Fenians. They chuck them into prison if they do anything there, passports and all, and pay no attention to the passports.

Mr. HOLMAN. I withdraw my amendment and renew it. We so seldom have the pleasure of hearing pleasant words from the gentleman from Massachusetts that one can well afford even a little misrepresentation for the purpose of hearing him talk cheerfully and pleasantly. I regard myself as fortunate in having made a suggestion that called out this exhibition of amiability and good nature. It is a happy quality, it is a good thing to exhibit on the floor of the House. I am a little surprised at his misrepresentation, for he was standing right before me while I was speaking, and I cannot imagine that he would intentionally misrepresent me even in a Pickwickian sense. I suggested, speaking right to the gentleman and pointing my finger at him, which is a bad habit of mine, that people of wealth who spend their money abroad and impoverish their own country should be compelled to take out passports. When the gentleman goes abroad or when persons of his class go abroad I would be in favor of putting a very high tax on them for passports.

Mr. BUTLER, of Massachusetts. But we pay no such tax at all. Passports are furnished to members of Congress and officials free of cost when they go abroad, and they always take them.

Mr. GARFIELD. My friend is mistaken. I had to pay for my passport when I went abroad.

Mr. HOLMAN. The gentleman from Massachusetts would go abroad without any passport; his face would be sufficient to carry him. Gentlemen on this floor going to Europe do not propose to take passports. But a naturalized citizen who wants to return to his old home-tree, feeling a pride in his new nationality, would desire to take out a passport. He would send to the gentleman from Massachusetts or some other member to obtain a passport for him as evidence of his right as a freeman in this Republic of ours. It is upon that class of our citizens the gentleman from Massachusetts would impose a tax, while members of Congress would escape scot-free, for he admits they would go abroad without passports. He would impose this tax for the simple purpose of excusing the extravagance and profligacy of expenditure on the part of the Government. In other words, the man who comes from a foreign land to our shores and identifies himself with our fortunes is to be taxed in order that a few more dollars may be added to the amount in the Treasury. I venture to say that putting on this tax is a mere pretense, and that if you reduce it to one dollar you will repeal it before a year is past. I protest against such legislation.

Mr. RANDALL. When the opportunity occurs I shall move to strike out the whole paragraph, because I consider it a miserably small matter for a Government like ours to levy a tax upon the people who want to go abroad. I can say this much, that I have never met a native or adopted citizen of this country who had been abroad who did not come back tenfold more in favor of our institutions and proud of the fact that he was an American citizen. I would facilitate American citizens, native as well as foreign born, going abroad. It has been urged here that the people who go abroad bring back clothing and all that sort of thing for their friends. That objection I think has no force. If there is an abuse in that respect then deal with it, not as you did perhaps with your Sanborn contract, but stop your smuggling in some way through the agency of law. Do not attempt to impose a tax of five dollars on every man who goes abroad, and under that subterfuge increase the number of officers in the State Department.

Mr. GARFIELD. I call the previous question on the Senate amendment with the pending amendment.

The previous question was seconded and the main question ordered.

The first question was on the amendment of Mr. HOLMAN to reduce the fee for passports from three dollars, as proposed by Mr. HAWLEY, of Connecticut, to two dollars.

The amendment to the amendment was not agreed to.

The question was then taken upon the amendment of Mr. HAWLEY, of Connecticut, to reduce the fee from five dollars, as proposed by the Senate, to three dollars; and it was not agreed to.

Mr. BUTLER, of Massachusetts. I would suggest that it would be well to add a provision giving a bounty of five dollars to every man who goes abroad, and take the tax on friction matches to pay it.

The next question was on the amendment recommended by the Committee on Appropriations to the proviso of the Senate amendment, to amend the proviso to read as follows:

Provided, That the Secretary of State may prescribe duties for the Assistant Secretaries, the Solicitor, and the clerks of Bureaus, as well as for all the other employés in the Department, and may make changes and transfers therein when in his judgment it becomes necessary.

The amendment of the Committee on Appropriations was agreed to

The amendment of the Senate, as amended, was concurred in upon a division—ayes 96, noes not counted.

Mr. GARFIELD. The next nine amendments relate to the office of the Secretary of the Treasury. The Senate has very considerably increased the force of that office, both in the number of persons employed and the amount of compensation. While the Committee on Appropriations admit that there should be some increase, they recommend non-concurrence in all the nine amendments. If the question can be taken upon all at once it will save time.

The paragraph to which the amendments relate, as passed by the House, was as follows:

Secretary's office:

For compensation of the Secretary of the Treasury, $8,000; two Assistant Secretaries of the Treasury, at $3,500 each; chief clerk and *ex officio* superintendent of the Treasury building, $2,500; five clerks, namely, of Appointments, of Warrants and Appropriations, of Revenue Marine, of Customs, of Navigation, at $2,500 each; five principal clerks, at $2,000 each; twenty-five of class four; two disbursing clerks, at $2,800 each; twenty-six clerks of class three; twenty-one clerks of class two; eighteen clerks of class one; thirty-one female clerks, at $900 each.

The Senate proposes to amend the paragraph so as to read as follows:

Secretary's office:

For compensation of the Secretary of the Treasury, $8,000; two Assistant Secretaries of the Treasury, at $3,500 each; chief clerk and *ex officio* superintendent of the Treasury building, $3,000; ten chiefs of divisions, namely, of Appointments, of Warrants and Appropriations, of Revenue Marine and Life-saving Stations, of Customs, of Navigation, of Internal Revenue, of Sub-treasury, of Stationery, Printing, and Blanks, of Files and Records, and of Mails, at $3,000 each; eight principal clerks of divisions, at $2,000 each; twenty-five of class four; two disbursing clerks, at $2,200 each; twenty-six clerks of class three; twenty-one clerks of class two; eighteen clerks of class one; thirty-one female clerks, at $900 each, &c.

Mr. HOLMAN. I understand from the remarks of the gentleman from Ohio [Mr. GARFIELD] what is to come; that is, a portion of this increase proposed by the Senate will finally be concurred in. I hope there will be such a vote upon non-concurring in these amendments that the committee of conference to be appointed will regard it as an instruction on the part of the House.

The question being taken, the amendments were not concurred in.

Mr. GARFIELD. I ask that the four amendments in relation to the First Comptroller of the Treasury may be all non-concurred in.

The paragraph as passed by the House was as follows:

First Comptroller of the Treasury:

For First Comptroller of the Treasury, $5,000; chief clerk, $2,000; nine clerks of class four; ten clerks of class three; ten clerks of class two; five clerks of class one; six copyists, at $900 each; one messenger; one assistant messenger; and two labores; in all, $67,600.

The Senate propose to amend it to read as follows:

First Comptroller of the Treasury:

For First Comptroller of the Treasury, $5,000; chief clerk, $2,000; ten clerks of class four; twelve clerks of class three; twelve clerks of class two; five clerks of class one; six copyists, at $900 each; one messenger; one assistant messenger; and two laborers; in all, $75,400.

The amendments of the Senate were non-concurred in.

Mr. GARFIELD. I ask that all the amendments relative to the First Auditor be not concurred in.

The paragraph as passed by the House was as follows:

First Auditor:

For the First Auditor of the Treasury, $3,000; chief clerk, $2,000; three clerks of class four; eight clerks of class three; eight clerks of class two; ten clerks of class one; one messenger; one assistant messenger; and one laborer; in all, $48,680.

The Senate propose to amend the paragraph to read as follows:

First Auditor:

For the First Auditor of the Treasury, $3,000; chief clerk, $2,000; three clerks of class four; ten clerks of class three; ten clerks of class two; thirteen clerks of class one; one messenger; one assistant messenger; and one laborer; in all, $58,280.

The amendments of the Senate were not concurred in.

Mr. GARFIELD. I ask also that the amendments in relation to the Fourth Auditor be not concurred in.

The paragraph as passed by the House was as follows:

Fourth Auditor:

For the Fourth Auditor, $3,000; chief clerk, $2,000; five clerks of class four; seventeen clerks of class three; ten clerks of class two; eight clerks of class one; six female clerks, at $900 each; one messenger; one assistant messenger; and two laborers; in all, $73,200.

The Senate propose to amend the paragraph to read as follows:

Fourth Auditor:

For the Fourth Auditor, $3,000; chief clerk, $2,000; five clerks of class four; eighteen clerks of class three; eleven clerks of class two; ten clerks of class one; six female clerks, at $900 each; one messenger; one assistant messenger; and two laborers; in all, $78,600.

Mr. DONNAN. I think the chairman of the Committee on Appropriations [Mr. GARFIELD] will agree with me that probably the Senate have stricken down the appropriations for the Fourth Auditor's office as much as it ought to be. I therefore would like to have the House concur in their amendments as a whole in relation to that office.

Mr. GARFIELD. I agree that in two or three instances the House has cut too deep. I am surprised, however, to find that in the particular office where the House cut the deepest, that of the Second Auditor, the Senate has not seen fit to make any increase at all, while in some of those where we cut less deep they have made an increase. I think that the amendments of the Senate are not properly adjusted with reference to the Treasurer's office and the Register's office. To put up the former and not the latter is manifestly unjust, because those two offices run *pari passu;* they do parts of the same business. To increase the force in one without increasing it in the other is

either wronging one or giving a superfluous force to the other. Whatever increase is made ought to be distributed between those two offices.

As to the Fourth Auditor's office, I am inclined to think that in the House we have cut a little too low; but I suggest to the gentleman from Iowa to let that matter pass, and I believe a compromise between the action of the House and that of the Senate can be reached.

Mr. RANDALL. I have here a paper which has been placed in my hands, bearing exactly on this case. It is quite voluminous; and I do not want to read it or insert it in the RECORD, but I propose to hand it to the gentleman from Ohio [Mr. GARFIELD] that he may consider it.

Mr. GARFIELD. I am receiving a great many letters from different sources in regard to these offices, and I am glad to receive them. I will endeavor to give proper consideration to any suggestions.

Mr. RANDALL. I only ask this as a matter of fair play.

The question being taken, the amendments of the Senate were non-concurred in.

The Clerk read as follows:

Amend in lines 567 and 568 by striking out "$1,990,542," and inserting "$2,190,542;" so that the paragraph will read as follows:

For salaries and expenses of collectors, $2,190,542.

Mr. GARFIELD. We recommend non-concurrence in this amendment. If the Committee on Ways and Means have any suggestion on the subject to make, I should be glad to hear it. The amendment makes a transfer from one fund to another, for which no sufficient reason has been given thus far. There may be reasons of which we have not been informed.

Mr. RANDALL. From what item is this $200,000 increase transferred?

Mr. GARFIELD. There is a reduction of $200,000 in the appropriation for salaries and expenses of supervisors, store-keepers, &c.; and this amount is added to the salaries and expenses of collectors. I ask that the House may non-concur; but before the bill is finally passed, I will try to get further information.

The amendment was non-concurred in.

The Clerk read the following amendment:

Strike out these words:

Hereafter no gauger shall receive a greater compensation than five dollars per day.

The SPEAKER *pro tempore*. The Committee on Appropriations recommend non-concurrence in this amendment.

Mr. RANDALL. The House had better divide on this question.

Mr. GARFIELD. We desire a division at least by a rising vote, so that we may know the sentiment of the House.

Mr. MAYNARD. If we concur in the Senate amendment the effect as I understand will be to leave the law as it is now in regard to the pay of gaugers. By non-concurring we reduce their pay to five dollars per day.

The question being taken on concurring in the amendment, there were ayes 36, noes not counted.

So the amendment was non-concurred in.

Mr. MERRIAM. I ask unanimous consent to offer the following amendment, to come in after line 676:

To enable the assistant treasurer in New York to retain the services of experts, $3,000; to be disbursed under the direction of the Secretary of the Treasury.

Mr. HOLMAN. I raise the point of order that the original text is not subject to amendment.

The SPEAKER *pro tempore*. It is not necessary to raise a point of order. The amendment cannot be offered except by unanimous consent.

Mr. MERRIAM. I consider it only fair that a provision of this kind should be adopted. There are now in the office of the assistant treasurer at New York experts to whom he is obliged to make an extra allowance out of his own salary for the purpose of retaining their services. This House, I think, will not consider it desirable that this burden should be longer imposed on that officer.

Mr. HOLMAN. There are millions of men in this country who are competent for public office and who would be glad to serve the Government without any increase of the salaries now allowed. I must object to the amendment.

The seventy-ninth, eightieth, and eighty-first amendments of the Senate were read, as follows:

Insert "for stamp clerk, $2,400;" strike out "four watchmen, $4,000;" and in lieu thereof insert "three night watchmen, at $1,500 each; for one day watchman, $960;" so the paragraph will read:

Office of assistant treasurer at San Francisco: For assistant treasurer, $6,000; for cashier, $3,000; for book-keeper, $2,500; for assistant cashier, $2,000; for assistant book-keeper, $2,000; for stamp clerk, $2,400; for one clerk, $1,800; for four watchmen, $4,000, three night watchmen, at $1,500 each; for one day watchman, $960; in all $22,760.

Mr. GARFIELD. The Committee on Appropriations recommend non-concurrence in these amendments.

Mr. RANDALL. We had better have a division.

Mr. HOLMAN. Let us have a rising vote.

The amendment was non-concurred in, no one rising in the affirmative.

The amendment of the Senate numbered 86 was read, as follows:

Under the heading "office of the Director of the Mint" insert "one clerk of class one."

Mr. GARFIELD. The Committee on Appropriations recommend non-concurrence.

Mr. POLAND. This little amendment was put in in the Senate on motion of one of my own senatorial colleagues, and some information was laid before the Senate by Dr. Linderman, Director of the Mint. which had not been communicated to the Committee on Appropriations at the time, but which has been since, and I understand they have no objection to concurring in the amendment.

The amendment was concurred in.

The amendments of the Senate numbered 88, 89, 90, 91, 92, 93, 94, 95, 96, and 97 were read, as follows:

Insert "superintendent, $3,500;" strike out "and melter and refiner," and in lieu thereof insert "who shall perform the duties of melter;" strike out "three" and insert "five," so it will read "five workmen;" strike out "3" and insert "5," so it will read "$5,000;" strike out "each;" strike out "15" and insert "18," so it will read "$18,000," insert "and principal calculator;" strike out "$2,400" and insert "$3,000;" insert "weighing clerk, $3,000; paying clerk, $2,200; bar clerk, $2,000;" and strike out "$36,001" and insert "$43,009," so it will read:

To reopen the branch mint at New Orleans, to be conducted hereafter as a mint, subject to the provisions and restrictions of the coinage act of 1873, the following appropriations are made: For salaries of superintendent $3,500; assayer, who shall perform the duties of melter, $2,500; wages of five workmen, $5,000; for fuel, lights, acids, chemicals, and crucibles, $2,000; and for repairs and apparatus necessary to put the mint in condition, $5,000; in all, $18,000.

Assay office at New York:

For salary of superintendent, $4,500; for assayer, $3,000; for melter and refiner, $3,000; chief clerk and principal calculator, $3,000; weighing clerk, $3,000; paying clerk, $2,200; bar clerk, $2,000; three clerks at $2,000 each; and four clerks at $1,800 each; for assistants to superintendent in assayer's room and weigh-room, $10,000; in all, $43,900.

Mr. GARFIELD. The Committee on Appropriations recommend non-concurrence in all these amendments.

Mr. HOLMAN. I insist on a quorum on all these questions. The only chance is right here, for whatever report is made by the conference committee will be rushed through without any opportunity for the yeas and nays on any one of these propositions. I wish by our action here to instruct that committee of conference. The Senate has put office after office upon this bill, and I am not willing to run the risk of having a report brought in here agreeing to all of them and rapidly rushed through.

The amendments were all non-concurred in, no one voting in the affirmative.

The amendment numbered 103 was read, as follows:

Under the heading "Quartermaster-General" insert "one female clerk, at $30 per month."

Mr. GARFIELD. The Committee on Appropriations recommend concurrence, with an amendment, as follows:

Strike out "eight" and insert "six."

The amendment was agreed to; and the Senate amendment, as amended, was concurred in.

The amendments of the Senate numbered 106, 107, and 108 were read, as follows:

Strike out "eight" and insert "nine;" strike out "one librarian, at $1,600;" strike out "$88,000" and insert "$87,880," so it will read:

In the office of the Surgeon-General:

One chief clerk, at $2,000; five clerks of class four; three clerks of class three; nine clerks of class two; one hundred and fifteen clerks of class one, (twenty of whom shall be temporary;) one chemist, at $1,800; one anatomist at the Army Medical Museum, at $1,600; one engineer in division of records and museum, at $1,400; one messenger, at $840; twenty-two watchmen and laborers, (six temporary,) at $720 each; in all, $87,880.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence. We stand by that recommendation unless the House shall otherwise order. The Committee on Reform in the Civil Service present another view of this case, and I am willing to hear them.

Mr. KELLOGG. The Senate made a mistake here. This is different from what they actually intended. A librarian is not wanted, but what is here appropriated is needed for another officer. If it be non-concurred in this can be made right in the committee.

Mr. GARFIELD. On this statement I think we had better not concur.

The amendments were non-concurred in.

The amendment of the Senate numbered 112 was read, as follows:

Under the heading of "Pension Office" strike out "30" and insert "45," so it will read:

For contingent expenses of the office, namely: For actual expenses of clerks detailed to investigate suspected attempts at fraud, as provided by law, $45,000.

Mr. GARFIELD. The Committee on Appropriations recommend concurrence, with amendments, as follows:

Strike out said amendment and insert "40;" strike out "12" and insert "10;" strike out "7" and insert "5;" strike out "24" and insert "18."

The committee in the Senate desired to use more of the contingent fund for investigating fraud on the Pension Bureau than the amount we assigned. The committee will remember hitherto this entire contingent fund has been given in a lump. This year we endeavored to separate it into parts, telling what should be used for each particular purpose. The Senate thought that we had appropriated too little for the purpose. We put it at $30,000; they propose to make it $45,000. That would increase the contingent fund. We came to the conclusion perhaps we had not set aside enough for the purpose of detecting frauds on the Pension Office. We now move to make it $40,000; and to do that we propose to cut down in other things. We propose to cut down on stationery, $2,000; on repairs, $2,000; and on other incidental expenses, $6,000, so as to make up this sum.

Mr. RANDALL. The original recommended was $30,000, which was based upon the fact that there were less than $30,000 expended last year. If my memory is correct, the House voted for $30,000. The Senate now demand $45,000, which is $17,000 more than was expended last year for the same purpose. The Committee on Appropriations, it seems, now recommend by way of compromise $40,000. I move that we insist on our former amendment.

Mr. GARFIELD. The committee recommended $45,000.

Mr. RANDALL. I know they did; and after discussion the House adhered to the recommendation of the Committee on Appropriations.

Mr. GARFIELD. But not by a very large vote. It was only voted down by a small majority, and the Committee on Appropriations therefore came to the conclusion, with all the facts before us, that we had better make the adjustment here.

Mr. RANDALL. I think we had better clinch the matter by non-concurring in the Senate amendment, so as to let the action of the House, fixing it at $30,000, stand as an instruction to the committee, for the reason that there was not so much money as $30,000 spent for like purposes last year.

The question was taken; and the amendment of the Senate was concurred in, with the amendments recommended by the Committee on Appropriations; there being, on a division, ayes 80, noes not counted.

The following amendment was read:

On page 60, line 1476, strike out the word "act," and insert in lieu thereof the word "paragraph;" so that it will read:

And no money appropriated by this paragraph shall be expended for advertising in newspapers published in the city of Washington other than the Patent Office Official Gazette.

The Committee on Appropriations recommended concurrence in the amendment.

Mr. RANDALL. That amendment will prevent the application of this proviso to the advertisements of the other Departments.

Mr. GARFIELD. Yes; it should only relate to the advertisements of the Patent Office.

Mr. RANDALL. I think it would be a wise provision if it applied to all the Departments.

Mr. GARFIELD. O, no; you do not want the advertising of all the Departments put in the Patent Office Gazette.

Mr. RANDALL. No; I am wrong.

The question was taken; and the amendment of the Senate was concurred in.

The following amendment was read:

Chief of division of postal stamps, $2,500.

The Committee on Appropriations recommended concurrence.

Mr. RANDALL. Does not that create a new office?

Mr. HOLMAN. Why, certainly it does.

Mr. GARFIELD. I will ask my colleague on the committee from Indiana, [Mr. TYNER,] who had charge of this matter, to answer the gentleman's question.

Mr. TYNER. I will answer the question of the gentleman from Pennsylvania by saying that the purpose of this amendment is simply to increase the compensation of a fourth-class clerk from $1,800 to $2,500. It will make a difference in the amount paid of just $700.

Mr. RANDALL. Then why not say what the increase is and appropriate that amount instead of appropriating $2,500?

Mr. TYNER. Because it is necessary that this officer shall be provided for.

Mr. WILLARD, of Vermont. I do not see in the bill any decrease in the number of fourth-class clerks.

Mr. TYNER. I will answer the gentleman from Vermont by stating that there was an omission on the part of the Committee on Appropriations in putting in only fourteen fourth-class clerks instead of fifteen. The only effect of this amendment is to increase the salary of a clerk $700.

The amendment was concurred in.

The following amendment was read:

Under the head of "contingent expenses of the Post-Office Department," strike out "6" and insert "4;" so that it will read "for gas, $4,500."

The Committee on Appropriations recommended non-concurrence.

Mr. RANDALL. That is a reduction; why not concur in it?

Mr. GARFIELD. We recommend non-concurrence for the reason that the Postmaster-General informs us that, having rented an additional building, more gas will be needed, and that the appropriation has been cut down too much. The committee think it has been cut down too much.

Mr. RANDALL. I think we had better concur.

Mr. GARFIELD. I do not care about it. If the committee choose to concur, so much the less work will there be for us in the committee of conference.

The question was taken; and the amendment was concurred in.

The following amendment was read:

Under the same head insert the following:

For rent of house No. 915 E street northwest, $4,200.

The Committee on Appropriations recommended concurrence.

Mr. RANDALL. Let us have some explanation of that.

Mr. GARFIELD. It was explained in the deficiency bill. This building was rented before the end of the fiscal year, and we put into the deficiency bill an appropriation to pay the rent for the balance of the fiscal year, and this is a provision for the rent for next year. We propose to concur in it.

The amendment was concurred in.

The following amendment was read:

For chemicals and apparatus for the use of the chemical division, $1,500.

The Committee on Appropriations recommended non-concurrence.

Mr. GARFIELD. I will say that since the committee has acted on this bill I have become satisfied that we ought to allow something for this purpose.

Mr. RANDALL. I think we had better have a division on the amendment, and instruct the chairman of the Committee on Appropriations.

Mr. GARFIELD. I would like to have the question settled now, and I hope the amendment will be concurred in.

The question was taken, and the amendment was not concurred in.

The following amendment was read:

For materials for the use of the microscopist, $300.

The Committee on Appropriations recommended concurrence.

Mr. HOLMAN. I ask for a division upon concurring in that amendment.

The question was taken; and on a division there were—ayes 54, noes 7.

So (no further count being insisted on) the amendment was concurred in.

The following amendment was read:

Increase the appropriation for official postage-stamps for the Department of Justice from $500 to $15,000.

The committee recommended that the amendment be concurred in, with an amendment, to make it $10,000.

Mr. HOLMAN. I desire to ask the gentleman from Ohio, [Mr. GARFIELD,] in charge of this bill, how the appropriations for the Post-Office Department are regulated in view of this expenditure. The amount appropriated for official postage-stamps is merely so much money given to the Post-Office Department less the actual cost of printing those stamps. In the various appropriation bills we have appropriated about $1,500,000 for that purpose. How is that taken into account?

Mr. GARFIELD. As revenue; so much for the sale of stamps other than official, and so much for the sale of official postage-stamps.

Mr. HOLMAN. That makes the whole revenue of the Post-Office Department $29,000,000.

Mr. GARFIELD. Including all these amounts.

Mr. HOLMAN. I admit that the only effect is to swell the appropriation, but it swells it to an extent that makes the appropriations for the Post-Office Department virtually without any limit; that is to say, we appropriated hundreds of thousands of dollars over and above what any gentleman on this floor understands to be the appropriations proper for the Post-Office Department.

Mr. GARFIELD. On the contrary, this system makes the appropriation show its full size. It even makes it show almost twice, because it appears as revenue in the post-office account. If we do not have it here, we should have to put it in a deficiency for the post-office appropriations. It is really nothing but a question of book-keeping. If we leave it out here, we should increase just by the amount we do not put in here the deficiency for the Post-Office Department. If we put it in here, it is added as so much to the revenue of the Post-Office Department. By this means a check is put on the amount of stamps used in the several Departments.

Mr. HOLMAN. I do not know that there is objection to the mode. Of course the House made a mistake in attempting to appropriate simply the cost of making these stamps. But we are not adhering at all to the estimates of the Post-Office Department. Instead of $25,000,000, we have already appropriated nearly $30,000,000, adding in the amounts for stamps for the various Departments.

Mr. GARFIELD. Last year we appropriated very nearly $2,000,000 for official stamps, because the Departments coul'd not tell how many stamps they would use, and made their estimates in the rough and liberally. We have cut down those estimates this year.

Mr. HOLMAN. But it is very manifest that there is a margin of $200,000 or $300,000 without any limitation growing out of this very manner of making appropriations.

The recommendation of the Committee on Appropriations was agreed to.

Mr. GARFIELD. I ask unanimous consent that the order of the House directing a recess to be taken at half past four be now rescinded, in order that we may finish this bill this afternoon and thus avoid a night session.

No objection was made, and it was so ordered.

The next amendment read was to section 2 of the bill.

The section was read, as follows

SEC. 2. That every clerk of the circuit or district court of the United States, United States marshal, or United States district attorney, shall reside permanently in the district where his official duties are to be performed, and shall give his personal attention thereto; and in case any such officer shall remove from his district, or shall fail to give personal attention to the duties of his office, except in case of sickness, such office shall de deemed vacant.

The Senate amendment was to add to the section, the following:

Provided, That in the southern district of New York said officers may reside within twenty miles of their districts.

The Committee on Appropriations recommend concurrence.

Mr. GARFIELD. I will explain the object of this amendment. It was found that this section of the bill, as passed by the House, would rule out a very important officer in the city of New York, who resided across the river, and an exception was made to save him.

Mr. POTTER. Instead of being twenty miles, it ought to be forty.

The amendment was concurred in.

The next amendment read was to section 3.

The section as passed by the House was as follows:

SEC. 3. That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law, or shall make any private use of such property, or of the services or labor of any person in the employment or service of the United States which service or labor is paid for by the United States: *Provided*, That this shall not be construed to deprive any officer of the United States of such fees as are or may be expressly provided by law in addition to the salary or compensation of such officer, or of the use of such property as may be expressly by law appropriated to the use of such officer.

The Senate propose to amend the section so that it will read as follows:

SEC. 3. That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law: *Provided*, That this shall not be construed to prevent the employment and payment by the Department of Justice of district attorneys as now allowed by law for the performance of services not covered by their salaries or fees.

The Committee on Appropriations recommended that so much of the Senate amendment be concurred in as adds to the section, and that the portion striking out be not concurred in.

Mr. RANDALL. I would like some explanation about this amendment. It seems to me to give a discretion to the Department of Justice to employ district attorneys and pay them.

Mr. GARFIELD. On motion of the gentleman from Massachusetts, [Mr. G. F. HOAR,] a provision was inserted by the House in the bill reported from the Committee on Appropriations, which provision the Senate has stricken out. It was to prevent the employment of any person for private use whose services are paid for out of the public Treasury, or the use of any public property for private purposes. That matter was discussed very fully in the Senate, and the provision was stricken out on this ground: for example, it was said—and I refer to the report in the RECORD—that if the House provision was construed strictly, it would make it unlawful for a member of either House or of any committee of either House to use pen and ink and a sheet of paper belonging to the Government for the purpose of writing a letter home to his family, for that would be employing public property for private use. After a great deal of discussion the provision was stricken out, and the Senate has added a clause in regard to the employment of district attorneys by the Department of Justice. The Committee on Appropriations recommend that the amendment of the Senate be non-concurred in so far as it proposes to strike out any portion of the section as passed by the House, and concurred in so far as it adds to the section. For one, I think that the words proposed to be stricken out are perhaps too restrictive. I think it would lead to little sins against the letter of the law. But, on the whole, the committee thought it better not to strike out those words. The gentleman from Massachusetts, [Mr. G. F. HOAR,] who I am sorry is not here, was very urgent that we should non-concur in all the Senate amendments. I have stated the case to the House, and if they desire to concur in the Senate amendment they can do so.

Mr. HOLMAN. I hope the question will be put on concurring in the amendment of the Senate.

The SPEAKER *pro tempore*. The first question is on the amendment of the Committee on Appropriations to the amendment of the Senate.

Mr. GARFIELD. Our proposition was to disagree to striking out, but to agree to what the Senate had inserted.

Mr. HOLMAN. I hope the proposition will be put in such a form as to enable us to vote on both propositions; that is, against striking out any part of the text, and in favor of retaining the words added by the Senate.

Mr. HAWLEY, of Connecticut. Are we to understand that the Committee on Appropriations recommend concurrence or non-concurrence?

Mr. GARFIELD. Concurrence in what the Senate added, but non-concurrence in striking out.

Mr. KASSON. I submit that we can only get at the result desired by concurring in the amendment with an amendment.

The SPEAKER *pro tempore*. The first question is on the amendment of the Committee on Appropriations.

Mr. GARFIELD. That is, to restore what the Senate struck out.

The amendment was agreed to.

The Senate amendment, as amended, was concurred in.

The Clerk read the following amendment:

Insert in section 4 the following words: "Except the second section of the act approved July 14, 1870, entitled 'An act to authorize the refunding of the national debt;'" so that the first clause of the section will read as follows:

That the act entitled "An act limiting the appropriation of certain moneys for the preparation, issue, and reissue of certain securities of the United States, and for other purposes," approved May 23, 1872, and all other acts and parts of acts making permanent appropriations for the expenses of the national loan, except the second section of the act approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," are hereby repealed, this repeal to take place on the 1st day of July next.

The SPEAKER *pro tempore*. The Committee on Appropriations recommend concurrence in this amendment.

Mr. HOLMAN. I would like to understand the effect of this amendment.

Mr. GARFIELD. There is really no necessity for this clause which the Senate has inserted. There are two statutes, one relating to refunding the national debt, the other referring to the expenses of printing the national bonds and notes. The House in this bill repealed the law making permanent appropriations for the expenses of the national loan; but we said nothing about the law relating to the refunding of the national debt. We did not wish to bring that into the same category. The Senate, fearing that our provision might be construed in some way as repealing the law in relation to refunding the national debt, has out of abundant caution inserted this additional clause.

Mr. KASSON. The gentleman will allow me to suggest the propriety of non-concurrence for this reason: In the Committee on Ways and Means we have found it necessary to change the form of our bills owing to the revision of the statutes, which has done away with all the old references by chapters or dates. In view of the expected adoption of that revision by both House, we have framed our bills so that they shall stand alone without reference to other acts. I suggest, therefore, that this amendment should be non-concurred in, so that this section may be framed in the manner I have stated.

Mr. GARFIELD. That is a wise suggestion. If there is no objection I will accept it and ask the House to non-concur.

The amendment was non-concurred in.

Mr. RANDALL. There are three amendments relating to the office of the Secretary of the Treasury; and as they make one group I ask that they be voted on together.

The Clerk read as follows:

In the paragraph relating to the office of the Secretary of the Treasury strike out "one clerk of loans and one clerk of currency, at $2,500," and insert "two chiefs of divisions, namely, of loans and currency, $3,000 each."

Strike out "$2,200" as the salary of two clerks and insert "$2,400."

Strike out as the footing of the paragraph "$33,933.50" and insert "$35,333.50."

The SPEAKER *pro tempore*. The Committee on Appropriations recommend non-concurrence in these amendments.

Mr. GARFIELD. I will say frankly that I think we ought to make some increase in the office of the Secretary of the Treasury, but not nearly so much as the Senate proposes. If the currency bill should become a law in any shape it will increase the work in that office.

Mr. HOLMAN. I hope then that there will be a vote of the House which shall be in the nature of instructions to the chairman of the Committee on Appropriations, who will of course be at the head of the conference committee on the part of the House.

Mr. GARFIELD. Of course the gentleman does not mean to say that any vote of the House must be regarded as imperatively binding upon the conferees in a general conference. The Senate would not agree to a conference in which the House conferees were to be bound up in that way. Conferences must be free. Of course we are glad to have any indication of the sentiment of the House.

Mr. HOLMAN. I have known cases where the House gave a direct instruction by resolution to a committee of conference.

Mr. GARFIELD. That can be done, of course.

Mr. CONGER. I ask that the vote be taken separately on the first of these amendments. Here are two heads of divisions in that Department—the only two that are not provided for; and their labors are equal to those of any other chiefs of divisions. They have very important duties to perform, and there is no reason, so far as I know, why they should not receive the same salary and be upon the same footing as other chiefs of divisions. I would like to hear any reason why a distinction should be made against these chiefs of divisions when all the others are provided for in the bill.

Mr. GARFIELD. The gentleman will remember that the House, on motion of the Committee on Appropriations, struck out $3,000 as the salary of these chiefs of divisions and inserted $2,500. They are now receiving $3,000 under the law.

Mr. CONGER. Does this amendment leave these two chiefs of divisions upon the same footing as the others?

Mr. GARFIELD. The gentleman will see by turning to page 17 of the bill that while the House provided for but seven chiefs of divisions in all, the Senate has increased the number to twelve.

The real issue between the House and Senate is this: Twelve chiefs of divisions at $3,000 say the Senate; seven at $2,500 say the House. We move to non-concur.

Mr. CONGER. If it leaves it as the other chiefs of divisions are, I withdraw my amendment.

Mr. RANDALL. They are on the same level and should stand together.

The amendment was non-concurred in.

The one hundred and thirtieth amendment of the Senate was read, as follows:

Strike out "seventeen" and insert "twenty-eight;" so it will read, "in the office of the Treasurer, twenty-eight clerks of class four."

Mr. GARFIELD. The Committee on Appropriations recommend non-concurrence.

Mr. MERRIAM. I am in favor, Mr. Speaker, of the largest possible reduction in every Department of the Government, whenever it can be done without danger to the interests of the public service, but

when as in the present case a wholesale reduction is made, I consider it a dangerous experiment. In reference to the Treasury Department, I have made a careful examination into all of the divisions to ascertain whether it would be possible or not for the Treasurer of the United States to do the work of his office with a reduction of his force of seventy-two as proposed. I understand the committee have been influenced in their conclusions by the force employed in the Treasury Department in 1865. I will say to the House that the work in the Treasury has vastly increased, and in greater proportion than the force has been increased. General Spinner has furnished me with some facts I wish to give to the House.

In the cash division the increase since 1865 has been fourteen persons. One reason for this is the care and redemption of one hundred and twenty-four national banks in voluntary and forced liquidation, which work was not done in 1865, and the counting and redemption of notes of two thousand national banks. In the division of loans there are thirteen additional clerks. Previous to 1868 all coupons were sent to the Auditor. By order of the Secretary of the Treasury, after July, 1869, the Treasurer was directed to make up the accounts of all paid coupons and to show the loan, date, and denomination of each coupon. Then there was the funding of the five-twenties into the new loan with *quarterly* payment of interest instead of semi-annual as formerly. In regard to the coupons of these bonds the greatest care is necessary to be observed by the clerks in the office for this reason, when we call in bonds, whether held in Europe or here, the interest is stopped. These coupons are sometimes cut off and sent through the bankers all over the United States to the Treasury for payment, and a single mistake would cause the Government to pay that which it is not obliged to pay. Last year there were manipulated 3,772,832 coupons, amounting to $57,912,933.39. The quarterly interest is paid by check. Then the establishment of the sinking fund required additional force. I wish to quote from General Spinner's letter on this subject:

In the division of issues there have been employed six ladies borrowed from the division of printing, and paid on the roll of that division for the last eight months, and yet, with this borrowed help, to-day I am not able to receive the new money as fast as it is printed for the want of sufficient help to do the counting.

Since the great defalcations by disbursing officers a rule has been established to compel all these officers to make weekly reports to their respective chiefs. These returns are all sent to this office, and the accounts of these officers as sent here by the various assistant treasurers, designated depositaries, and of national banks acting as such depositaries, are compared with each other and the amounts and discrepancies noted and certified on each by me. These number several hundred daily, and necessitate, with the large increase of the post-office business, eight additional persons in the division of accounts.

But it is the division of redemptions that demands and has the largest increase. The work of this branch has increased enormously. Formerly there were but four different kinds of fractional currency; now there are twenty-five separate and distinct kinds, each of which requires to be assorted by themselves.

Perhaps nothing will show more conclusively the reason for the increase of employés than the difference in the number of pieces of money redeemed in this division now as compared with the number of pieces redeemed in 1866, the year after the close of the war. In the last named year the number of pieces redeemed was 62,572,820, and in the last year it had risen to the enormous number of 176,089,086; this is nearly 200 per cent. increase, and yet the increase of the female counters has been from eighty to one hundred and fifty, or less than 100 per cent.

This, like bank-work, is work that must be done at once; it cannot lie over. Then, too, it is a work that cannot be hurried. Each individual piece must be critically examined to ascertain its genuineness. If it should be attempted to do the work with less hands, the result would be that the loss by reason of passing counterfeit notes through would probably be ten times the amount saved by the reduction of the force. The result would be that the work could not be done with any kind of safety.

The amendments to your bill, as made by the Senate, cut down my present force by seven persons; your bill cuts it down sixty-nine, exclusive of the six borrowed ones.

It is possible that a man may be found who can take this office and conduct the business pertaining to it successfully with the reduction, but I am positive that it cannot be done by your humble servant,

F. E. SPINNER,
Treasurer of the United States.

If General Spinner's statements are true, and no man ever questioned his word, I should like to know how there can be any reduction of force in his office when he is now obliged, in order to perform the work of that office, to employ men and women borrowed from other Departments. It is more than a dangerous experiment; it is criminal to trifle with a public necessity, and those who do it will be held responsible by the country.

Mr. GARFIELD. I desire to say the House must remember if the Committee on Appropriations shall find it necessary to increase any of the amounts cut down by this bill it will be mainly because the House refused to stand by it in increasing the hours of labor in the Departments. A considerable amount of reduction was made in the hope and upon the faith the House would stand by us in saying it should take at least seven hours to constitute an official day's work in the Departments.

Mr. HAWLEY, of Connecticut. It is hardly fair for the gentleman to charge that upon the House, when we only recognized that it was not just to compel the women who count the small currency to work seven hours a day. It is well known they cannot continue that kind of work longer in the day than they do now.

Mr. GARFIELD. My friend has used the only argument against the seven-hour plan. The Committee on Appropriations assented to the justice of that, and were willing to put in an amendment excepting those who were employed as counters in these Departments.

I say, therefore, if we find ourselves compelled to put back any part of the force we have taken off by reduction it will be chiefly and solely on that ground; and I want to say now that I hope the House, and particularly those gentlemen who voted to strike out that section, will not come back on the Committee on Appropriations in case in the conference committee we are compelled to admit a part of this increase, and blame us for what has thus been forced upon us.

Now I admit that if the old rule of five hours work a day, for that is really all we get, is to be followed, and the House has so decreed, General Spinner cannot get along with the force as it stands in our bill. But the Senate has put it up to a far greater increase than I, for one, am willing to tolerate. It has put the force in his office up where it was before and asks us to put in almost one hundred more persons than the House provided for.

Now General Spinner, as I have already said, does not need a force greatly larger than that required in the Register's office. The Register's office counts one side of the bills and General Spinner's office the other, and they must therefore work side by side. If you give one a large force without giving the other an equal force you gain nothing by it. You have either in the one case too many or in the other too few.

Now, whatever is done in this matter, this amendment ought to be put in to adjust this force between the Register's office and General Spinner's office. I say, therefore, we ought to non-concur in all these amendments, and whatever is done when we come to conference, we ought to make some adjustment between the two.

Mr. SOUTHARD. If I understand the gentleman's statement it is that the House refused some time ago to insert a provision for seven hours' work a day. I want to know if the statutes as they stand do not fix the hours of work at eight, and whether if we had put them at seven it would not have been a decrease?

Mr. GARFIELD. O, no; it is perfectly well understood that the law only requires the offices to be open. The provision as inserted in the bill required seven hours' work of clerks, and that is what the House refused to pass.

Mr. SOUTHARD. Is it under anything more than a custom of the Departments that the hours are six instead of eight?

Mr. GARFIELD. It is true it is a custom of the Departments, but the House by its action has sanctioned that custom.

Mr. SOUTHARD. What I want to know of the gentleman is, if the statute itself does not fix eight hours or ten hours; I am not sure which.

Mr. GARFIELD. Not for work. It simply says that the offices shall be open, and it has never been construed as mandatory upon the head of a Department. No Department has ever obeyed it in that sense. No head of a Department since 1835, the year when the law was passed, has ever construed it to require him to work his clerks eight hours.

Mr. SOUTHARD. It was understood by a large number of members of the House that the statute did require it, and they refused to vote for seven hours because the law fixed eight.

Mr. LAWRENCE. The law fixes eight hours now.

Mr. KASSON. I wish to make a suggestion to the chairman of the Committee on Appropriations. We are covering a large field of debate. I did not, as the chairman suggests, vote against the seven-hour rule in the nature of instructions, but simply from the fact that a Secretary may now require from his clerks, or any part of them, just so much work as is reasonable and for the dispatch of the public business; and in the State Department they have often in times of pressure been at work until eleven o'clock at night. And so in every other Department; the Secretary in his sound discretion may require of his clerks what work is necessary.

But I rose more particularly to say that, in view of what the gentleman from New York [Mr. MERRIAM] says of the inexpediency of a reduction of force in the Treasurer's office, and in view of the great confidence I have in that Treasurer, for I have known him a great many years, both officially and personally, I suggest that the Committee on Appropriations shall be left some discretion as to the amount of force that shall be allowed in that department. I therefore suggest that we agree with them in non-concurrence in the amendments of the Senate, but with the understanding that we do not do it in the nature of instructions against allowing any increase.

Mr. MERRIAM. I would rather test the sense of the House upon it now.

Mr. KELLOGG. I wish simply to say this: that I think the only course for the House to take is that suggested by the chairman of the Committee on Appropriations, and I will state the reason. This increase is put in the office of the Treasurer, and none is put in the Register's office, and none where the money is counted, in the Secretary's office. Those are three places where this counting has to be done, and to increase the force in only one place would not answer the purpose. This force should be distributed in the three rooms of the Department where this counting is to be done, and the only way to secure that is to non-concur in the Senate amendment.

Mr. RANDALL. It gives me pleasure to state that I have never met any officer more faithful, upright, and intelligent than General Spinner. Yet this amendment of the Senate involves nearly sixty employés, and an increase of $63,860. I concur with the gentleman from Iowa [Mr. KASSON] that it ought to go to the conference committee for adjudication.

Mr. HOLMAN. I trust that the vote of non-concurrence will be regarded by the committee of conference as an expression of the will of the House.

Mr. KELLOGG. An expression on the part of my friend from Indiana, [Mr. HOLMAN.]

Mr. MAYNARD. I desire to ask the chairman of the Committee on Appropriations [Mr. GARFIELD] a question, upon the answer to which will depend my vote, and I presume the votes of many other members of this House. Will the gentleman inform us what is the opinion of the Treasurer himself? Does he desire to have this additional number of clerks or not?

Mr. GARFIELD. He thinks he ought to have them. I will say, however, that nearly all the heads of Departments and Bureaus think that their force, if not increased, at least should not be reduced at all.

Mr. MAYNARD. I desire to say a word in that connection. I protest against the supplemental remarks of my distinguished friend from Ohio, [Mr. GARFIELD,] classing the Treasurer with all the other heads of Bureaus. I served in this House before the war for four years with General Spinner; most of that time I sat by his side. He was upon the Committee on Accounts. And I will say that it is utterly impossible, I might say physically impossible, certainly morally impossible, for him to state to the House or to any committee or any member of the House, that he needed a single clerk that in point of fact he did not need to carry on the business of his office economically and promptly and for the best interest of the public service. Now, if he tells us that he needs this increase in the number of clerks it is because he does need them and not because of any mere low ambition to keep up his clerical force. He knows what the public exigencies are, and he would not ask for a single clerk, of the lowest class even, that was not required to meet those exigencies. I think we should give him what he asks for.

Mr. GARFIELD. A single word. A brilliant and philosophical friend near me said, since my friend from Tennessee [Mr. MAYNARD] began to speak, that one of the most unfortunate things that could happen to the Government is to have a luminously honest man holding an office, because he was always sure to get all he wanted.

Mr. MAYNARD. And he ought to have it.

Mr. MERRIAM. And it is equally unfortunate to have elections pending this fall in some of the districts of members here.

Mr. GARFIELD. If anything of that sort is true of anybody it is doubtless true of General Spinner. I concur in all the gentleman has said about his honesty. But because he is honest this House ought not to give up its control over the various offices in the Departments and the number of clerks to be employed in them.

Mr. MAYNARD. I have not said he was only honest. He is also intelligent and well informed, and it is that enlightened judgment that we are bound to respect.

The amendment of the Senate was non-concurred in upon a division, ayes 7, noes not counted.

Mr. RANDALL. I suggest that all the amendments of the Senate in relation to the Treasurer's office be non-concurred in by a single vote.

Mr. GARFIELD. That is right.

The amendments of the Senate were accordingly non-concurred in.

The last amendments of the Senate were to section 5 of the bill.

The section as passed by the House was as follows:

SEC. 5. That from and after the passage of this act, and on the 1st day of July of each year hereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to river and harbor appropriations, or light-house appropriations, or public buildings, the appropriations for which shall only lapse according to the provisions of existing laws.

The Senate propose to amend the section to read as follows:

SEC. 5. That from and after the 1st day of July, 1875, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to any unexpended balance of the appropriation made by the act approved December 21, 1871, for expenses that may be incurred under articles 1 to 9 of the treaty with Great Britain concluded May 8, 1871, which balance the act approved March 3, 1873, authorized to be expended to enable the President to fulfill the stipulations contained in the twentieth, twenty-second, twenty-third, twenty-fourth, and twenty-fifth articles of said treaty: *And provided further*, That this section shall not operate to prevent the fulfillment of contracts existing at the date of the passage of this act; and the Secretary of the Treasury shall, at the beginning of each session, report to Congress any balances of appropriations for specific objects affected by this section that may need to be reappropriated.

The Committee on Appropriations recommend that the amendments of the Senate to the first part of the section, before the words "the Secretary of the Treasury," be concurred in with an amendment changing "1875" to "1874;" also that the amendment to the last part of the section be concurred in with an amendment to insert after the words "shall at the beginning of each session report to Congress" the words "in connection with his annual estimates of appropriations."

Mr. BECK. I hope the amendment of the Senate to section 5 of this bill, striking out 1874 and inserting 1875, will not be concurred in by the House. This is the same old matter to which I have called attention time and again, and I want to call the attention of the House to it once more, though I fear it will do no good. There is a large sum of money in the Treasury of unexpended balances of appropriations, amounting at the close of the fiscal year ending June 30, 1871, to over $50,000,000. After I had made a good deal of complaint about it, on the 12th of March last this House passed a resolution which came from the Committee on Appropriations reluctantly, but it had to come.

Mr. GARFIELD. What does the gentleman mean by saying "reluctantly?"

Mr. BECK. I mean that it was withheld for months, and until I had called the matter up in the House three different times.

Mr. RANDALL. The gentleman from Kentucky [Mr. BECK] said "Committee on Ways and Means."

Mr. GARFIELD. He said "Committee on Appropriations."

Mr. BECK. Yes, I did say "Committee on Appropriations."

Mr. GARFIELD. The gentleman from Kentucky was never more mistaken historically than he is about this matter.

Mr. BECK. Well, I will say then that the report came slowly.

Mr. GARFIELD. I appeal to the democratic members of the Committee on Appropriations to say whether that committee behaved either with reluctance or neglect in reporting on this subject. Without knowing at all what my friend from Illinois [Mr. MARSHALL] may remember about the matter, I appeal to him.

Mr. MARSHALL. I will state, Mr Speaker, that I believe the Committee on Appropriations acted on this subject promptly when it was called to their attention. It was not brought before them immediately; but as soon as their attention was called to it, on my motion, the committee acted promptly.

Mr. HANCOCK. It was acted on at the first meeting of the committee after their attention was called to it.

Mr. BECK. All I have to say is that I introduced this proposition at an early day of the session—as early as January. The records will show that. It was then referred to the Committee on Appropriations and lay there, though it should have been passed promptly, until I made a speech on the 7th of March, in which I showed that the Departments were illegally continuing to draw this money. Even that did not bring the report. Then on the 10th of March, as the RECORD will show, I made another speech, in which I called attention in detail to this matter. It never was reported until after both those speeches had been made, and when after the lapse of two months it had been developed that the Secretary and his associates were still drawing money in this way out of the Treasury. Therefore I say that the action of the Committee on Appropriations came slowly. I do not know which the committee first looked at; of course I could not know that. When I made my speech on the 10th of March, and made the case so plain that action could not be postponed any longer, then the proposition was reported, and reported promptly. The committee in reporting the resolution that the Secretary should state how much had been drawn in this way, added this clause: "and the purposes to which the money so drawn has been applied, so far as the records in his Department exhibit said purposes." That part of the resolution the Secretary of the Treasury has never yet answered; but he has shown this state of facts: that while only $1,030,000 had been drawn from those old balances at the time when I first called attention to the matter, as exhibited in his Book of Estimates, yet by the 1st of April the different Department officials had succeeded in drawing out $4,282,928.23, although we had appropriated $323,000,000 for the service of the current fiscal year; and he never yet has told us for what purposes this money was drawn. How much is gone by this time no man can tell. Now, after the House has inserted a provision requiring those balances to be covered into the Treasury from and after the passage of this act, and regularly each year thereafter, beginning July 1, 1874, the Senate amends by striking out "from and after the passage of this act," and also by striking out "from the 1st day of July, 1874," and they make the provision operate only from and after the 1st day of July, 1875, giving the Department still another year to draw upon those balances; and so far as appears by the printed report, the Committee on Appropriations recommend concurrence.

Mr. GARFIELD. O, no.

Mr. RANDALL. They recommend non-concurrence in the one hundred and seventy-fifth amendment.

Mr. BECK. It ought to be non-concurred in.

Mr. GARFIELD. The gentleman will allow me to state briefly the fact in regard to this matter, so that he may not blunder any longer, for it is painful to me, on his account, to see him fall into such inaccuracies.

The Committee on Appropriations recommend concurrence in striking out the words "the passage of this act and on;" for we are so near the end of the fiscal year that there would be no sense in requiring the Secretary of the Treasury to turn in the balances on the 22d of June next (supposing this bill to become a law about the time we adjourn,) and then again on the 1st of July following. But they also recommend concurrence in the one hundred and forty-sixth amendment, with an amendment striking out "5" and inserting "4," so that it will read "from and after the 1st day of July, 1874, and of each year thereafter." That is what we recommend. There is our "negligence," and there is the gentleman's discovery.

Mr. TREMAIN. Mr. Speaker, I hope that this amendment of the Senate will be concurred in. It will be observed that the Senate proposes to strike out the clause inserted by the House in regard to appropriations for public buildings, and for rivers and harbors.

Mr. RANDALL. We have not come to that yet.

Mr. TREMAIN. The gentleman will find that it is a part of this

general proposition. The Committee on Appropriations propose to concur in striking out that provision, but they also propose to change the Senate amendment, which postpones the operation of this new section till July 1, 1875. Our committee propose to alter that, so as to make it July 1, 1874. A moment's consideration will, I think, show that this proposed action is wrong. The Senate amendment which the committee propose to adopt provides that "the Secretary of the Treasury shall, at the beginning of each session, report to Congress any balances of appropriations for specific objects affected by this section that may need to be reappropriated."

Now that is very well; if you postpone its operation till July 1, 1875, no harm is done. But if you fix July 1, 1874, as the date, the Secretary of the Treasury will have no opportunity to report these necessary appropriations which ought not to lapse. By striking out our own amendment in regard to rivers and harbors and public buildings, and by adopting a portion of the Senate amendment and striking out the balance, you cover these necessary appropriations into the Treasury at the end of two years from the time they were made, without leaving to the Secretary of the Treasury any opportunity to report a recommendation that they be reappropriated. I think we ought to let the Senate amendments stand in full, which will postpone the operation of the section till July 1, 1875.

The House divided; and there were—ayes 95, noes 60.

So the amendment was agreed to.

The Senate amendment, as amended, was concurred in.

The Clerk read the amendment numbered 147, as follows:

Strike out "this provision shall not apply to river and harbor appropriations, or light-house appropriations, or public buildings, the appropriations for which shall only lapse according to the provisions of existing laws," and in lieu thereof insert: This provision shall not apply to any unexpended balance of the appropriation made by the act approved December 21, 1871, for expenses that may be incurred under articles 1 to 9 of the treaty with Great Britain, concluded May 8, 1871, which balance the act approved March 3, 1873, authorized to be expended to enable the President to fulfill the stipulations contained in the twentieth, twenty-second, twenty-third, twenty-fourth, and twenty-fifth articles of said treaty: *And provided further*, That this section shall not operate to prevent the fulfillment of contracts existing at the date of the passage of this act; and the Secretary of the Treasury shall, at the beginning of each session, report to Congress any balances of appropriations for specific objects affected by this section that may need to be re-appropriated.

Mr. GARFIELD. The committee recommend concurrence in that amendment, with an amendment to insert after the word "Congress" these words:

In connection with his annual estimates of appropriation.

Mr. CONGER. Mr. Speaker, I have no objection to the amendment proposed by the Committee on Appropriations inserting the clause they propose, but I do object to striking out what the House, by an almost unanimous vote, put in here, and which every man in this House, representing any interest in his own State wherever there is a river, wherever there is a harbor which is now receiving, or shall receive any appropriation, is interested in preserving. I ask there may be such a division that the clause inserted by the House, which it is proposed to strike out, shall remain in the bill, and the other can then properly come in as an addition by inserting the conjunction "and."

Gentlemen know very well that appropriations made for rivers and harbors, made in the middle of summer as they frequently have been, and as they will be made this year along in June, and as they have been in former years in July, cannot be used for the current year, and if the appropriation cannot go over to the next year, and the unexpended balances of appropriation cannot stand through one, two, or three years, but are covered back into the Treasury, then the work will have to stop. There never has been a provision that appropriations for rivers and harbors and for public buildings shall be covered into the Treasury at the end of the fiscal year, because they have not been made for the fiscal year, but to carry on work independent of time, and to be used while the work is being carried on. They have been appropriated for after careful discussion by every member of the House. They have been passed not only by committees of the House on reports of the engineers, but by the concurrence of the House, and in most cases by a very large majority of the House.

Now, I say to gentlemen of this House if they agree with the Senate in striking out this amendment, it will throw out all the appropriations made for river and harbor improvements in this country. Old members will remember the Senate has year by year, in passing our appropriation bills, inserted a clause requiring all unexpended balances of appropriations to be covered back into the Treasury at the end of the fiscal year, and year by year this House has stricken out that amendment of the Senate, as I trust they will this year and every year so long as the Government shall undertake to make appropriations for works done generally and not for works to be done in a single fiscal year.

Mr. Speaker, there are many reasons which I might adduce why this amendment should be retained, but it has been so recently discussed that I shall trench no further upon the time of the House. I move to concur, with the exception of striking out the proviso which was inserted by the House.

The SPEAKER. The gentleman moves to amend the amendment of the Committee on Appropriations.

Mr. CONGER. Certainly; I move to amend so as to retain the provision originally inserted by the House.

Mr. TREMAIN. I wish to be heard on that. My friend from Michigan has spoken in regard to rivers and harbors.

Mr. CONGER. The gentleman proposes to speak in regard to public buildings.

Mr. TREMAIN. Certainly; I desire particularly to call the attention of the House to the provision in regard to public buildings.

Mr. CONGER. That is in the same clause.

Mr. TREMAIN. I so understand. The House cannot fail to see on an examination the great injury which would result from striking out the clause adopted by this House in regard to our public buildings all over this country, and I know particularly how it is in Albany. Appropriations were made more than two years ago. Every effort has been made that could be in order to have these buildings constructed; but as yet no work has been done. The two years will expire the 1st of July, and they have not been able to comply with the other provision of the section in regard to making contracts.

Now, I received a letter yesterday informing me that on Tuesday next a deed is to be brought to this city from the city of Albany, for the purpose of handing over to the Government the title to a site for which the city of Albany has paid $150,000, and yet there is no valid contract made; there is a mere understanding with the Secretary, and consequently if this provision is not incorporated in the bill, on the 1st of July the whole appropriation will lapse into the Treasury.

Now, is that right? Is there any justice or principle in it? The House, by an overwhelming majority, put this in the bill. You have provided that hereafter at the commencement of the session the Secretary shall recommend what objects are of sufficient importance to require new appropriations. But he has had no chance to make a report in regard to this public building, because your law was not then in operation. The principle on which he has acted, and on which we have acted, is that where any part of an appropriation had been drawn it prevented the lapsing of the appropriation itself, and in this case he had drawn a few thousand dollars to pay the expenses of having a site condemned. I hope the amendment offered by the gentleman from Michigan to the amendment will be adopted.

Mr. GARFIELD. I am sorry to detain the House a moment longer. I was willing to let this matter be voted on, after the speech of the gentleman from Michigan, [Mr. CONGER.] But I wish to call the attention of the House to the significance of the point made by the gentleman from New York, [Mr. TREMAIN.] It is simply this, that we cannot trust Congress; that if money once appropriated, and for two years unused, goes back into the Treasury, we are afraid Congress will not reappropriate it, and therefore we do not want it to lapse. Congress makes an appropriation; two years pass, and it has not been used. Is not that good *prima facie* evidence that it ought not to be used, that it is not necessary? Is it not good *prima facie* evidence that it need not have been appropriated for two years, and is it not fair to say that after two years Congress ought to decide the question over again whether the money had better be appropriated or not?

Why, the Constitution of the United States provides that you cannot make an appropriation for the Army beyond two years. Without a word of law every appropriation in relation to the Army must necessarily be limited to two years. Why? Because the framers of the Constitution wanted the public purse in the hands of Congress, and that Congress should act upon appropriations as an original question at least once in two years.

Well, now, as a matter of wisdom it has been determined that we ought not to allow these large accumulations of balances. Why the gentleman from Massachusetts [Mr. DAWES] in 1870 found that in a single Bureau of this Government there were about $17,000,000 of unexpended balances that had been accumulating year by year and could be used for any and for all purposes. And now, as a matter of safe, prudent, careful, and business management of the great trust of the public Treasury, we provide here that once in two years the books shall be cleared up, a balance shall be struck, and all the sweepings shall be turned back into the Treasury. And in order to protect just such cases as the gentleman from New York represents we provide that they shall report year by year all the balances that are thus to be covered in.

Mr. TREMAIN. How can he report for this year?

Mr. GARFIELD. He can report next fall.

Mr. TREMAIN. And meanwhile we want to put up our building.

Mr. GARFIELD. The appropriation cannot be used except by a construction that is regarded by many of the best lawyers in the House as utterly strained and twisted. Now we ought not to go upon narrow, ambiguous, and uncertain constructions of law. When we come together next winter we shall add a column to the Book of Estimates; a column which says for this particular purpose there remains a balance, which if you want to reappropriate you can do it, of $100,000 or $50,000 or whatever the sum may be. Now that makes it square work. It is a plain business-like method of doing business and caring for the public money without regard to any local interest. I would be as glad to indulge the gentleman from New York as any other gentleman; but I think it is a matter of good statesmanship to pass this amendment.

[Loud cries of "Vote." "Vote."]

Mr. CONGER rose.

[Renewed cries of "Vote." "Vote."]

Mr. CONGER. When gentlemen get through calling "Vote," "vote,"

I will go on with my remarks. I can wait a reasonable length of time. The remarks of my friend, the chairman of the Committee on Appropriations, are very good. They sound well and read well all over the country, in his own district and everywhere else. His speech was high-toned and beautiful; and we have provided for every single case in this provision, and nobody opposes it. Then what is the use of a great speech on this subject?

Mr. GARFIELD. It never applied to light-houses.

Mr. CONGER. Nobody opposes at all these guards thrown around the Treasury. Why does the gentleman say it is like an army appropriation bill? Is the reason that you cannot appropriate money for the Army, anything connected with its being used, or left in the Treasury? No, sir; a higher and stronger reason exists, that a great fund shall not be accumulated for the Army to be under the control of the President. Does not the gentleman know that?

Mr. GARFIELD. I have heard of it.

Mr. CONGER. Yes; the gentleman must have heard of it. One word more. [Cries of "Vote!" "Vote!"] I know my friends want to vote, and I have no doubt they will vote on my side and take this way to let me know it. The river and harbor appropriations, the light-house appropriations, the appropriations for public buildings, are not made for the fiscal year.

Mr. GARFIELD. The gentleman is mistaken about light-houses. Appropriations for light-houses are always in the miscellaneous appropriation bill, and that is confined to the fiscal year. And the appropriations for public buildings are also confined to the fiscal year, for they are in the miscellaneous appropriation bill.

Mr. CONGER. They have not been so made heretofore. The appropriation for each building has been made in a special bill.

Mr. GARFIELD. O, no; only appropriations for rivers and harbors have been made in a special bill.

Mr. CONGER. I want to say this: According to this section, as the Committee on Appropriations propose to amend it, on the 1st of July next, about a month from now, all unexpended balances of appropriations will be covered into the Treasury. Now there are unexpended many appropriations for the improvement of the Ohio, Mississippi, Tennessee, and other rivers, the removal of the Red River raft, and hundreds of harbors and rivers I could speak of. And under this provision, on the 1st of July, all these balances must go into the Treasury.

Mr. MAYNARD. And allow me to suggest that the appropriations for the improvement of the navigation of many rivers can be expended properly only at certain seasons of the year, when the streams are low and the channels are accessible.

The question on the amendment moved by Mr. CONGER was then taken; and upon a division there were—ayes 101, noes 45.

Before the result of the vote was announced,

Mr. BECK called for the yeas and nays.

The yeas and nays were not ordered, there being only 10 in the affirmative.

So the amendment was agreed to.

The amendment of the Senate, as amended, was then concurred in.

Mr. CONGER. I suggest that the word "and" should be inserted after the words "according to the provisions of existing laws," and before the words "this provision shall not apply to any unexpended balance," &c.

Mr. GARFIELD. That is right.

The amendment was agreed to.

Mr. GARFIELD. I ask consent to go back to an amendment of the Senate, No. 116, in relation to the Post-Office Department. I was directed by the Committee on Appropriations to recommend concurrence in that amendment, with an amendment to make it read as follows:

Chief of division of postal stamps and statistician, $2,500 each.

I omitted to move concurrence with that amendment when the Senate amendment No. 116 was reached.

Mr. HOLMAN. I object. I believe the House non-concurred in the amendment of the Senate.

Mr. GARFIELD. I now move that the House request a committee of conference on the disagreeing votes of the two Houses on this bill.

The motion was agreed to.

The SPEAKER subsequently appointed the following as the conferees on the part of the House:

Mr. GARFIELD of Ohio, Mr. KELLOGG of Connecticut, and Mr. RANDALL of Pennsylvania.

LEAVES TO PRINT.

Mr. READ asked and obtained consent to have printed in the RECORD as a portion of the debates of the House some remarks he had prepared on the civil-rights bill.

Mr. McCORMICK asked and obtained leave to have printed in the RECORD as a portion of the debates of the House some remarks he had prepared upon the bill for the reduction of the Army.

ORDER OF BUSINESS.

Mr. GARFIELD. I am directed by the Committee on Appropriations to report back some papers improperly referred to that committee, and move that they be referred to the Committee on Claims.

Mr. CONGER. I shall have to object. I want to begin on my unfinished business in the morning hour. The gentleman has taken all the afternoon with his business, and I cannot yield to him any longer.

Mr. GARFIELD. Then I must move that the House now adjourn.

SHOSHONE RESERVATION IN WYOMING TERRITORY.

Mr. SHANKS. I give notice that on Monday next, June 1, 1874, I shall move to discharge the Committee of the Whole from the further consideration of House bill No. 2104, "A bill to confirm an agreement made with the Shoshone Indians (eastern band) for the south part of their reservation in Wyoming Territory," and shall move to suspend the rules and pass the said bill.

MODE OF CALLING THE ROLL.

Mr. HUBBELL, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the rules be so amended that the roll shall be called by States, taking the States alphabetically, and that only the surnames of members shall be called, except in the case of duplicate names, when the Christian name shall be added.

REVISION OF THE LAWS.

Mr. POLAND. The Senate has declined to concur in the resolution of the House in regard to the enrollment of the several bills relative to the revised statutes. I ask that a committee of conference be requested upon the disagreeing votes of the two Houses upon that subject.

No objection was made, and it was so ordered.

The SPEAKER announced the following members as the conferees on the part of the House: Mr. POLAND of Vermont, Mr. E. R. HOAR of Massachusetts, and Mr. KNAPP of Illinois.

STENOGRAPHERS FOR COMMITTEES.

Mr. RANDALL. I ask unanimous consent to refer the following proposed amendment of the rules to the Committee on Rules:

That the appointment and removal of the stenographers employed for the committees of the House of Representatives shall be vested in the Clerk of the House.

No objection was made.

TELEGRAPHIC COMMUNICATION WITH FOREIGN COUNTRIES.

Mr. COX, by unanimous consent, from the Committee on Foreign Affairs, reported a bill (H. R. No. 3535) relating to telegraphic communication between the United States and foreign countries; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Foreign Affairs, not to be brought back by a motion to reconsider.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles, with amendments, in which the concurrence of the House was requested:

A bill (H. R. No. 280) granting a pension to Ann Crane; and

A bill (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

A bill (H. R. No. 196) granting a pension to Peter J. Cratzer;

A bill (H. R. No. 240) granting a pension to John C. Farnam;

A bill (H. R. No. 551) granting a pension to Alfred Bolder;

A bill (H. R. No. 1228) granting a pension to Mary Storrs;

A bill (H. R. No. 1335) granting a pension to Gaudaloupe Torres;

A bill (H. R. No. 1414) granting a pension to Susan Bennett;

A bill (H. R. No. 1439) granting a pension to John Folger;

A bill (H. R. No. 1719) granting a pension to Ezra H. Foster;

A bill (H. R. No. 1843) granting a pension to Lucinda Jones, widow of Thompson M. Jones, late a private of Company G, Twenty-second Regiment Illinois Volunteers;

A bill (H. R. No. 1832) granting a pension to Elizabeth Hackleman;

A bill (H. R. No. 1866) granting a pension to Dennis McCarthy, a soldier of the Mexican war;

A bill (H. R. No. 1907) granting a pension to Henry B. Havens, late a private of Company K, Twelfth Regiment Wisconsin Volunteers;

A bill (H. R. No. 1949) granting a pension to Ann M. Brackett;

A bill (H. R. No. 2116) granting a pension to Magdalena Docks;

A bill (H. R. No. 2214) granting a pension to Ann Humphreys, of Philadelphia;

A bill (H. R. No. 2217) granting a pension to Henry Buckner, late a private of Company F, Fifty-eighth Regiment Illinois Volunteers;

A bill (H. R. No. 2220) granting a pension to Andrew J. Baldwin;

A bill (H. R. No. 2353) granting a pension to Lucy Ann Cummings;

A bill (H. R. No. 2669) granting a pension to Deborah A. Swan;

A bill (H. R. No. 2672) granting a pension to Mary A. S. Loomis;

A bill (H. R. No. 2676) granting a pension to Thomas McKinster;

A bill (H. R. No. 2678) granting a pension to Charles Herbert;

A bill (H. R. No. 2790) granting a pension to Nancy Abbott;

A bill (H. R. No. 2792) granting a pension to Llewellyn Bell;

A bill (H. R. No. 2899) granting a pension to Harriette A. Woodruff;

A bill (H. R. No. 2925) granting a pension to Dorothea Irons, mother of Lieutenant Joseph F. Irons; and

A bill (H. R. No. 2452) to equalize pensions in certain cases.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. No. 533) granting a pension to Uriah W. Briggs;

A bill (S. No. 615) to increase the pension of Mrs. Harriet W. Sum

ner, widow of Major-General Edwin V. Sumner, who died March 21, 1863, while in command of the Department of the West;

A bill (S. No. 658) granting a pension to Martin V. Jackson;

A bill (S. No. 690) granting a pension to Thomas Smith;

A bill (S. No. 767) granting a pension to Andrew J. Lasby;

A bill (S. No. 768) granting a pension to John S. Long;

A bill (S. No. 814) granting a pension to Ebenezer W. Brady;

A bill (S. No. 874) granting back pension to John Colahan;

A bill (S. No. 571) to authorize the Baltimore and Ohio Railroad Company to construct a branch, and to change the location of its road within the District of Columbia, and for other purposes; and

A bill (S. No. 763) to exempt military bounty-land warrants and the lands obtained thereby from sale on execution by virtue of any order or decree of courts.

LOUIS C. SARTORI.

Mr. PURMAN. I ask leave to report from the Committee on Naval Affairs, for passage now, a bill to restore Commodore Louis C. Sartori to his original position on the Navy Register.

Mr. HOLMAN. I object.

ROLLIN WHITE.

Mr. CONGER. I ask unanimous consent that on the bill relative to the patent of Rollin White, now pending in the morning hour upon the report of the Committee on Patents, the previous question may be considered as operating.

Mr. RANDALL and others objected.

BENEDICT & BENEDICT.

Mr. GARFIELD, by unanimous consent, reported back from the Committee on Appropriations papers in the case of Benedict & Benedict, and moved that the same be referred to the Committee on Claims.

The motion was agreed to.

OPPRESSION OF CHINESE EMIGRANTS.

Mr. ALBRIGHT. I ask unanimous consent to submit for adoption the following resolution:

Whereas it is alleged that great outrages are perpetrated upon Chinese desiring to leave San Francisco for China by the steamship companies requiring the exhibition of a permit from "The Six Chinese Companies," and for which permit the payment of a toll or tax is charged, and its payment enforced through the agency of said steamship companies: Therefore,

Be it resolved, That the Committee on Commerce be directed to inquire into the truth of the matter so alleged, and to ascertain what remedy, if any, should be provided against such practices, and report to this House by bill or otherwise.

Mr. HOLMAN. I must object. There is so much confusion that we cannot transact business intelligently.

NELSON GREEN.

Mr. BRADLEY, by unanimous consent, introduced a bill (H. R. No. 3536) for the relief of Nelson Green; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CAROLINE P. GERRISH.

Mr. SMALL asked, and by unanimous consent obtained, leave to withdraw from the files of the House papers in the case of Caroline P. Gerrish, asking a pension.

GREAT SALT LAKE AND COLORADO RIVER RAILWAY.

Mr. DUNNELL, by unanimous consent, reported from the Committee on the Public Lands a bill (H. R. No. 3537) to incorporate the Great Salt Lake and Colorado River Railway Company, and to grant to said company a right of way through the public lands; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

Mr. HOLMAN. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and thirty minutes, p. m.) the House adjourned.

PETITIONS, ETC.

The following memorial was presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. SWANN: The memorial of the mayor and city council of Baltimore, Maryland, with accompanying documents, asking that certain taxes erroneously paid by said city be refunded from the Treasury, to the Committee on Claims.

IN SENATE.

MONDAY, *June* 1, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES A. GARFIELD of Ohio, Mr. STEPHEN W. KELLOGG of Connecticut, and Mr. SAMUEL J. RANDALL of Pennsylvania, managers at the same on its part.

The message also announced that the House requested a conference on the disagreeing votes of the two Houses on the resolution of the House of Representatives in regard to the enrollment of the bills Nos. 1215, 2879, and 3349, relating to the revised statutes, and had appointed Mr. LUKE P. POLAND of Vermont, Mr. E. R. HOAR of Massachusetts, and Mr. ROBERT M. KNAPP of Illinois, managers at the conference on its part.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 2546) to provide for the gradual reduction of the Army of the United States; and

A bill (H. R. No. 3534) to change the times of holding the circuit and district courts at the city of Evansville.

PETITIONS AND MEMORIALS.

Mr. CLAYTON presented the memorial of the executive committee of the State Grange of the Patrons of Husbandry of the State of Arkansas, praying for an appropriation to improve the navigation of the Mississippi River; which was referred to the Select Committee on Transportation Routes to the Sea-board.

Mr. WINDOM. I present the memorial of the national agricultural congress held at Atlanta, Georgia, on the 13th, 14th, and 15th of May. As it is not very long, I will take the liberty of reading it:

MEMORIAL OF THE NATIONAL AGRICULTURAL CONGRESS.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, appointed a special committee to lay before the Congress of the United States the action had by the national agricultural congress, held at Atlanta, Georgia, on the 13th, 14th, and 15th days of May, 1874, on the subject of transportation, respectfully submit the following as a part of the proceedings of that congress, and earnestly solicit in their behalf your favorable consideration of the views therein set forth.

HENRY E. PEYTON, (*Chairman,*) *of Virginia.*
A. W. BISHOP, *of Arkansas.*
J. R. DODGE, *of District of Columbia.*
E. W. WEST, *of Illinois.*
C. W. GREENE, *of Indiana.*

REPORT OF THE COMMITTEE.

Whereas it is evident that cheap transportation of the commodities of a country is a necessity of agricultural prosperity and national development; that the agriculture of the interior of our country is now paralyzed for want of facilities for transportation of its products to the sea-board; that while we recognize the value of railroads and the necessity of further railway extension, we deem the cost of transporting the crude products of the field, the forest, and the mine so disproportionate to the cost of water carriage as to render imperative the duty of Congress to improve the navigation of the rivers of the interior, and connect them with the ocean by artificial water-ways, thus giving to the Mississippi Valley continuous lines of water transit to the sea-board; and that the railway system has engendered monopoly and unjust discrimination, the evils of which can only be corrected by competition of water lines under Government control: Therefore,

Be it resolved by the national agricultural congress. That it is the duty of the national Government, which has so long and so liberally fostered foreign commerce, to enter at once upon the work of constructing a system of water-ways adequate to the present and prospective wants of inland transportation, and to continue it by annual installments of aid to full completion, until unrestricted channels of trade shall be opened, not only through the entire length of the Mississippi, but connecting the great river with the Atlantic Ocean by way of the lakes, by the Ohio, Kanawha, and James, and by the Tennessee and Savannah Rivers.

Resolved, That this convention consider appropriations by Congress for such a system wise national investments, which will at no distant day repay the Government by increased revenues created by enhanced production and developed wealth of the country.

RESOLUTIONS ACCOMPANYING THE REPORT OF THE COMMITTEE.

Resolved, That this congress believes it within the power of the people of the United States to reform the corporate transportation systems by the same agencies which created them, *i. e.*, by State legislation, closely and immediately controlled by public opinion, and through the co-operation and joint action of the several commissioners, aided by the enlightened judgment of railway ow ners and operators themselves.

Resolved, That we oppose any legislation under the plea of regulating commerce between the States which shall interfere w ith or abridge the authority heretofore exercised by the States over roads entirely within or passing out of its borders.

ATLANTA, GEORGIA, *May* 15, 1874

This will certify that the foregoing memorial was favorably reported and adopted at the session of the national agricultural congress held here; and further, that Messrs. Colonel Henry E. Peyton of Virginia, General A. W. Bishop of Arkansas, J. R. Dodge of District of Columbia, E. W. West of Illinois, and Charles W. Greene of Indiana, were appointed a committee to present the same to the Congress of the United States.

By authority:

CHAS. W. GREENE,
Secretary.

This convention was composed of leading agriculturists and others, representing the labor interests of the country from nearly all the States of the Union. I move that the memorial be referred to the Select Committee on Transportation Routes to the Sea-board.

The motion was agreed to.

Mr. PRATT. I present the petition of Amos Hunt and other citizens of the District of Columbia, asking for the repeal of certain acts

of Congress regulating the government of the District of Columbia, and for other purposes. These petitioners ask that their petition may be referred to the Committee on Investigation into the Affairs of the District; but I do not suppose that committee would probably have jurisdiction to consider the matter. I move, therefore, that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. BOGY presented a memorial of Indian delegates from the Indian Territory, protesting against the adoption of the amendment proposed by the Senate to House bill No. 2343, providing for the appointment of a superintendent of schools in that Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LEWIS presented the petition of C. L. Stevenson, a citizen of Virginia, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore* presented two petitions of citizens of the United States, praying the repeal of the charter granted by Congress to the Masonic Hall Association of the District of Columbia, and the enactment of laws making the appointment to office of persons bound by oaths of secret organizations unlawful, and according the right of peremptory challenge of jurors who are members of secret societies, and for a law making a change of venue allowable where the presiding officer of the court is a member of such society; which were referred to the Committee on the Judiciary.

MISSISSIPPI RIVER LEVEES.

Mr. ALCORN. I ask unanimous consent to take up the bill providing for the appointment of a board of engineers to examine and report at the next session of Congress upon the subject of the levees of the Mississippi River.

The PRESIDENT *pro tempore*. The morning business is not yet concluded; and a motion to take up a bill is not now in order.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, suggesting objections to the passage of the joint resolution (H. R. No. 101) construing the joint resolution entitled "Joint resolution amendatory of 'joint resolution for the relief of certain officers of the Army, approved July 26, 1866,' approved July 11, 1870;" which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. WINDOM, from the Select Committee on Transportation Routes to the Sea-board, to whom was referred the bill (S. No. 820) to establish a Bureau of Internal Commerce, reported it with amendments.

Mr. KELLY, from the Committee on Public Lands, to whom was referred the bill (S. No. 584) providing for the permanent location of the southern terminus of the Oregon Central Railroad, and to amend the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville in the State of Oregon," approved May 4, 1870, reported it with an amendment.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2221) granting a pension to Mary B. Triplett, guardian of the minor heirs of John A. Tomlinson, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WASHBURN, from the Committee on Claims, to whom was referred the bill (H. R. No. 3005) for the relief of the heirs of Mary B. Belfield, of Virginia, asked to be discharged from its further consideration and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. WRIGHT. The Committee on Claims, to whom was referred the bill (H. R. No. 2997) for the relief of George A. Schreiner, have had the same under consideration and have directed me to report it back adversely and to recommend its indefinite postponement.

Mr. HARVEY. I hope that bill will be permitted to go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Jearum Atkins, praying to be allowed a reasonable sum for the use of his patent by the Government, asked to be discharged from its further consideration; which was agreed to.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of Rosa Vertner Jeffreys, praying damages for occupation of and damage to her property in Lexington, Kentucky, by the military authorities of the United States, submitted a report accompanied by a bill (S. No. 878) for the relief of Rosa Vertner Jeffreys.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3027) to remove the disabilities of Van Ranselear Morgan, Thomas M. Jones, and Charles M. Fauntleroy, of Virginia, and of A. S. Taylor, of Maryland, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3086) to remove the political disabilities of George E. Pickett, of Virginia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3172) to relieve Sardine G. Stone, of Alabama, of political disabilities, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3252) to remove the political disabilities of George N. Hollins, of Maryland, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3253) to remove the political disabilities of Richard T. Allison, of Maryland, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3406) to relieve Joseph Wheeler, of Lawrence County, in the State of Alabama, from all legal and political disabilities imposed by the fourteenth amendment to the Constitution, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3408) to relieve the political disabilities of L. L. Lomax of Virginia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3417) to relieve Thomas Claiborne, of Tennessee, of political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 755) to relieve James Jackson, of Georgia, of his political disabilities, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 764) to remove the political disabilities of Henry Heth, of Virginia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 823) to remove the political disabilities of John Forsyth, of Alabama, reported it without amendment.

Mr. EDMUNDS. I am directed by the same committee, to whom was referred the bill (H. R. No. 3091) to release J. W. Bennett from political disabilities, to report it favorably with an amendment. I will state that I do not return with this bill a petition for the removal of the disabilities of Mr. Bennett for the reason that the petition has been mislaid; but I am satisfied there was a proper petition, and so I report the bill, without the petition, favorably.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. I am directed by the same committee, to whom was referred the bill (H. R. No. 3254) to relieve the persons therein named of their political disabilities, to report it back with an amendment. The bill as it passed the House contained the name, among others, of A. W. Stark. The committee are unable to find that there is any petition by Mr. Stark. We therefore report an amendment striking his name out.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. I am also directed by the same committee, to whom was referred the bill (S. No. 781) for the relief of James M. Pugh, to report it favorably with an amendment. The name should be James L. Pugh, and both the title and body of the bill should be amended in that respect.

Mr. PRATT, from the Committee on Claims, to whom was referred the bill (H. R. No. 2891) for the relief of Mrs. Louisa Eldis, of Sandusky, Ohio, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. PRATT. The same committee, to whom was referred the bill (H. R. No. 2349) for the relief of Burke & Kunkel, have directed me to report it back to the Senate without recommendation, and ask that it be placed on the Calendar. They have also directed me to submit a report of the facts of the case for the information of the Senate, which I ask to have printed.

The PRESIDENT *pro tempore*. The report will be printed.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a motion to print five thousand additional copies of the report of the Committee on Privileges and Elections touching an amendment to the Constitution of the United States in regard to the election of President and Vice-President of the United States, to report back the motion without amendment, and ask its present consideration. The cost is only $100.

The motion to print was agreed to.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (S. No. 713) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," reported it with an amendment.

B. W. HARRIS.

Mr. BAYARD. I am instructed by the Committee on Finance, to

whom was referred the bill (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts, to report it back with an amendment, and ask for its present consideration. It is a small matter.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which is a direction to the proper accounting officers of the Treasury to adjust and settle the accounts of B. W. Harris, late collector of internal revenue for the second district of Massachusetts; and, on evidence satisfactory to the Government being produced by him of the loss by the Boston fire of November 9 and 10, 1872, of moneys in his hands, the accounting officers are further directed to audit and allow such sum or sums in the settlement of the collector's accounts.

The amendment reported by the Committee on Finance was to insert in line 11, after the word "sums," the words "not to exceed $346.53."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EASTERN BRANCH BRIDGE.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia, or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge, to report it back and recommend its passage with the amendment proposed by the Committee on the District of Columbia. This bill was not referred to the Committee on Public Buildings and Grounds at any suggestion of mine, and the only inquiry the Committee on Public Buildings and Grounds have felt it proper to make was in relation to whether there was any necessity for a draw-bridge or a pivot-bridge upon the ground that there might be some commerce above the bridge requiring an open draw; but upon inquiry it is ascertained that the channel is now all filled up above this point so that there is no commerce above the bridge of any sort of consequence, and a draw is entirely unnecessary. Therefore the Committee on Public Buildings and Grounds report back the bill and recommend its passage precisely as it was reported in the first place by the Committee on the District of Columbia.

Mr. LEWIS. I would ask that that bill be put on its passage at once.

The PRESIDENT *pro tempore*. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the District of Columbia was to strike out all after the enacting clause and in lieu thereof to insert the following:

That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed across the Anacostia River, at or near the site of the present navy-yard bridge, in the District of Columbia, a substantial iron and masonry bridge and causeway; and the sum of $146,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of said bridge: *Provided*, That the said Secretary shall construct a bridge upon such plan as shall cost no more than the amount herein appropriated: *And provided also*, That the said bridge shall be so constructed as not to interfere with the usual navigation above said bridge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS HUGHES.

Mr. WRIGHT. The Committee on Claims, to whom was referred the petition of Thomas Hughes, have had the same under consideration, and have directed me to report the bill. I propose to appeal to the Senate. This bill passed the Senate at the last session of Congress and was reported favorably in the House of Representatives. It only involves about $200; and I ask that it be put upon its passage.

By unanimous consent the bill (S. No. 875) for the relief of Thomas Hughes was read three times, and passed. It directs the accounting officers of the proper Department to settle and pay to the late Lieutenant Thomas Hughes, regimental quartermaster of the Twenty-eighth Iowa Volunteer Infantry, who was mustered out of service nominally on the 1st day of June, 1865, by General Order No. 82, current series, War Department, and who actually performed service under the order of Colonel Bonneville, commandant at Benton Barracks, until the 8th of July, 1865, his full pay and perquisites for all the time he actually served, whether he was legally bound to perform such service or not.

NAME OF A SCHOONER.

Mr. BOUTWELL. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. No. 3407) to change the name of the schooner Jacob Faithful to Eyvor, to report it back without amendment; and I ask that it be considered at the present time.

By unanimous consent the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE COPYRIGHT LAW.

Mr. WADLEIGH. The Committee on Patents have instructed me to report a bill; and to ask for its present consideration.

The bill (S. No. 876) to amend the law relating to patents, trademarks, and copyrights, was read twice, and considered as in Committee of the Whole.

The first section provides that no person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following if it be a book, or if a map, chart, musical composition, print, cut, drawing, engraving, photograph, chromo, statue, model, or design intended to be perfected and completed as a work of the fine arts, by describing upon some visible portion thereof or of the substance of which the same shall be mounted the following words: "Entered according to act of Congress in the year ——, by A B, in the office of the Librarian of Congress at Washington," or at his option the word "copyright," together with the year the copyright was entered and the name of the party by whom it was taken out.

Section 2 provides that for recording and certifying any instrument of writing for the assignment of copyright, the Librarian of Congress shall receive from the person to whom the service is rendered one dollar, and for every copy of an assignment one dollar, the fee to cover in either case a certificate of the record under the seal of the Librarian of Congress; and all fees so received are to be paid into the Treasury of the United States.

Section 3 provides that in the construction of the act the words "engraving," "cut," and "print" shall be applied only to pictorial illustrations or works connected with the fine arts; but no prints of labels designed to be used for any other article of manufacture shall be entered under the copyright law, but may be registered in the Patent-Office; and the Commissioner of Patents is charged with the supervision and control of the entry or registry of such prints of labels in conformity to the regulations provided by law as to copyrights of prints, except that there shall be paid for recording the title of any print or label not a trade-mark three dollars, which shall cover the expense of furnishing a copy of the records under the seal of the Commissioner of Patents to the party entering the same.

These provisions are to take effect on and after the 1st day of August, 1874.

Mr. BOUTWELL. I should like to inquire of the Senator from New Hampshire what the effect of this law will be upon the editions of works already published and which may not be sold until after this act takes effect and may never again be published by the proprietor?

Mr. WADLEIGH. I will explain in a word the provisions of this bill. I will say to begin with that it is reported by the committee at the request of the Librarian of Congress to obviate some very serious inconveniences affecting the mode in which business has been done in his office.

The first section simply provides that instead of putting upon works copyrighted "entered according to act of Congress in the year —— by A B, in the office of the Librarian of Congress at Washington," the words "copyrighted 18— by A B," may be used. That is to obviate the objection made by parties who procure copyrights for small photographs that the quantity of print which they are obliged to put upon them operates to deface them, and they desire that there may be some provision so that the words to be printed upon the photograph or picture copyrighted may be less in number.

The second section provides that for recording instruments in the Librarian's office there shall be paid one dollar for each instrument so recorded instead of fifteen cents for every hundred words, to obviate the necessity of counting the words in the instruments which are there copied. To this, of course, there can be no objection.

The third section provides that labels of this kind which I show to the Senate, [exhibiting a label,] printed by printers and sold to the trade, which are not trade-marks, shall be sent to the Patent Office and there recorded instead of being sent to the Library of Congress, they having nothing to do with works of art and having no place for them in the Library of Congress.

That is all there is of the bill. The Librarian is very anxious that it should pass at this session, as he has experienced much inconvenience from the present condition of things.

Mr. BOUTWELL. The Senator does not answer the question I put, how the proprietors of works now published are left as to the enforcement of their legal rights.

Mr. WADLEIGH. It has no effect upon them whatever. It only applies to what shall occur hereafter.

Mr. BOUTWELL. I should like to hear that part of the bill again read. I do not so understand it.

The PRESIDENT *pro tempore*. What section does the Senator refer to?

Mr. BOUTWELL. The first section.

The Chief Clerk read the first section.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH A. TIMMONS.

Mr. PRATT. The Committee on Pensions, to whom was referred the bill (H. R. No. 3022) granting a pension to Sarah A. Timmons, have directed me to report it back without amendment and recommend its passage, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Timmons, widow of Stephen D. Timmons, late a private in Company G, Fourth Regiment Tennessee Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS L. YAEGER.

Mr. PRATT. I notice upon the Calendar this morning two private pension bills that appear not to have been acted upon on Friday. They are marked upon my Calendar of last week as having passed the Senate, and there may be some mistake about it. I will inquire of the Chair whether House bill No. 1791, granting a pension to Augustus L. Yaeger, has passed? It appears on the Calendar this morning. I supposed it was passed on Friday.

The PRESIDENT *pro tempore*. The Chair is informed by the Clerk that that bill did not pass on Friday.

Mr. PRATT. Then I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1791) granting a pension to Augustus L. Yaeger. It proposes to direct the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Augustus L. Yaeger, late a sergeant in Company H, Two hundred and fifth Regiment Pennsylvania Volunteers, who became blind from exposure and disease contracted in the service of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIVANNA INGRAHAM.

Mr. PRATT. I notice that there is one other pension bill that was omitted on Friday last. It is Senate bill No. 536, granting a pension to Livanna Ingraham. I ask the Senate to consider it at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Secretary of the Interior is directed by the bill to place the name of Livanna Ingraham, of Lowell, Kent County, Michigan, mother of Douglass Ingraham, late a private in Company F, Third Regiment of Michigan Infantry Volunteers, on the pension-roll, and to allow and pay her a pension at the rate of eight dollars per month from and after the 13th of March, 1871.

The Committee on Pensions reported the bill with an amendment to strike out the words:

And allow and pay her a pension at the rate of eight dollars per month from and after the 13th day of March, 1871.

And to insert in lieu thereof:

Subject to the provisions and limitations of the pension laws, and pay her a pension from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA A. WASHBURN.

Mr. PRATT. I am reminded by the Senator from Massachusetts that I omitted to have passed on Friday last the bill (H. R. No. 2216) granting a pension to Cornelia A. Washburn. I supposed it was passed. I ask for its consideration now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cornelia A. Washburn, widow of Alfred Washburn, late acting master in the United States Navy.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN W. TRUITT.

Mr. OGLESBY. The Committee on Pensions, to whom was referred the petition of John W. Truitt, late of Company E, One hundred and forty-second Regiment Indiana Volunteers, praying for a pension, have had the same under consideration and have directed me to report a bill and ask that the bill be passed now, as it will take but a moment.

By unanimous consent, the bill (S. No. 877) granting a pension to John W. Truitt was read three times, and passed.

LOUISA H. CANBY.

Mr. OGLESBY. The Committee on Pensions, to whom was referred the bill (H. R. No. 2209) granting a pension to Louisa H. Canby, widow of the late General E. R. S. Canby, have had the same under consideration and have directed me to report it back and recommend its passage. I ask for its present consideration, as Mrs. Canby gets no pension until the bill passes.

By unanimous consent, the bill was considered as in Committee of the Whole.

The Secretary of the Interior by the bill is directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Louisa H. Canby, widow of Edward R. S. Canby, late brigadier-general United States Army, and pay her a pension at the rate of fifty dollars per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARTIN LAFFLIN.

Mr. OGLESBY. The chairman of the Committee on Pensions, usually so diligent and careful, overlooked still another case on last Friday; and by the indulgence of the Senate, I ask that it may be passed, and that will clean us off the Calendar. It is the bill (H. R. No. 1145) granting a pension to Martin Lafflin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin Lafflin, late a private in Company B in the Ninetieth Regiment of Illinois Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 879) for the relief of missionaries to the Indian tribes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 880) to provide for the payment of bounties to persons entitled thereto, but who have not received them by reason of having been transferred from the military to the naval or marine service; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HAGER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 881) fixing the times of holding the circuit court of the United States in the districts of California, Oregon, and Nevada; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 882) for the relief of the savings department of the Eagle and Phœnix Manufacturing Company; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 883) to carry out a resolution of Congress, passed August 5, 1786, to erect a monument to the memory of Nathanael Greene, at the seat of the Federal Government; which was read twice by its title.

Mr. ANTHONY. I desire to say that my immediate purpose in offering the bill is in the hope that the Committee on Public Buildings and Grounds will report the substance of it as an amendment to one of the appropriation bills now pending. I move that the bill be referred to that committee.

The motion was agreed to.

BILLS RECOMMITTED.

Mr. CHANDLER. I ask unanimous consent to reconsider the vote by which the bill (S. No. 809) to incorporate the Island and Sea-board Coasting Company of the District of Columbia was indefinitely postponed a few days ago, that it may be rereferred to the Committee on Commerce.

By unanimous consent, the reconsideration was agreed to; and the bill was recommitted to the Committee on Commerce.

Mr. CONKLING. I move to recommit to the Committee on Commerce the bill (S. No. 715) to repeal sections 3 and 6 of the act entitled "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1873," approved June 1, 1872.

The motion was agreed to.

COMMERCE ON NAVIGABLE STREAMS.

Mr. WRIGHT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Transportation be instructed to inquire whether any legislation is required to regulate commerce passing from one State to another across navigable streams, and to report by bill or otherwise.

THOMAS T. CRITTENDEN.

Mr. DAVIS. The bill (H. R. No. 1297) for the relief of Thomas T. Crittenden, of Missouri, is reported unanimously from the Committee on Claims, and also recommended by the Treasury Department. I ask that it be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the proper accounting officers of the Treasury to pass to the credit of Thomas T. Crittenden, late collector of internal revenue in the fifth collection district of Missouri, $21,641.56, in the adjustment of his revenue accounts, including the accounts of his deputy collector, John Montgomery, during the period that he was acting collector of that district, the records of their office having been destroyed by fire, and it being

impracticable under existing laws to equitably adjust those accounts; also, to credit Crittenden in the settlement of his disbursing account $298.50, the amount paid by him to Assistant Assessor John B. Beiderlinden for services rendered during the months of September, October, and November, 1866, and prior to taking the oath required by law.

The Committee on Claims reported the bill with amendments.

The first amendment was in line 8, after the words "twenty-one thousand six hundred and forty-one dollars and fifty-six cents," to insert "or such part of said amount as the Commissioner of Internal Revenue believes to be just and proper."

The amendment was agreed to.

The next amendment was to insert at the end of the bill the following proviso:

Provided, That the Commissioner of Internal Revenue is satisfied due diligence was used by Crittenden and the relief ought to be granted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM T. CHEATHAM.

Mr. McCREERY. I move to proceed to the consideration of the bill (S. No. 844) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham.

The motion was agreed to; and the bill was read a second time and considered as in Committee of the Whole. It provides for the payment to G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, of $164 in full for moneys wrongfully collected from Cheatham by the internal-revenue collector for the second district of Kentucky in 1870, as a tax for keeper of bonded warehouse in December, 1869, and January, 1870.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL S. MERSHON, JR.

Mr. CONOVER. I move to take up the bill (S. No. 134) for the relief of Daniel S. Mershon, jr.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It provides for paying to Daniel S. Mershon, jr., $46,715.08, in full payment and discharge of his claim for work done and material furnished in the construction of the side-wheel steamer Cimarron.

Mr. WRIGHT. I should like to inquire what committee that came from?

Mr. CONOVER. There is a report in the case.

Mr. WRIGHT. From what committee?

Mr. CONOVER. The Committee on Naval Affairs.

Mr. WRIGHT. I should like to have the report read.

The Chief Clerk read the following report, submitted by Mr. CONOVER on the 8th of April:

The Committee on Naval Affairs, to whom was referred the bill (S. No. 134) for the relief of Daniel S. Mershon, jr., have had the same under consideration, and submit the following report:

The claimant sets forth in his memorial that he is a resident of Bordentown, New Jersey, and claims that he has been greatly injured by the Government, owing to a violation of the terms of a contract entered into with the Navy Department, on the 12th day of October, 1861, for the construction of the side-wheel steamer Cimarron, involving a loss to him of $46,715.08.

It appears from the evidence submitted, that on the 8th day of August, 1861, the Navy Department published proposals for the construction of twelve side-wheel steamers, requiring bidders to furnish their own specifications, and thereupon the claimant made a proposition to the Department to build one of them for $120,000, which bid was rejected by the Department. On the 19th of September, 1861, he received a communication from the Navy Department proposing that he should build a vessel for $100,000, corresponding to the steamer Miami, then being built at the Philadelphia navy-yard, to which he replied as follows:

BORDENTOWN, *September* 21, 1861.

DEAR SIR: In answer to yours of the 19th instant, I have to say that I will build for the United States Government a side-wheel steamer for the sum of $100,000, to be the same size and dimensions as one you refer me to in Philadelphia navy-yard, to be completed in one hundred and ten days from date of contract. I wish further to state that the material and workmanship shall be equal to that which is being placed on the vessel now being built for the United States Government at the navy-yard in Philadelphia.

Respectfully yours, &c.,

D. S. MERSHON.

JOHN LENTHALL, Esq.,
Chief of the Bureau of Construction.

On the 30th day of September, 1861, as will appear from the following letter, the Navy Department accepted his offer without modification, namely:

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION, &C.,
September 30, 1861.

SIR: I am instructed by the Navy Department to notify you that your offer of the 21st for construction of a side-wheel steamer in conformity with the advertisement of the 8th August, for the sum of $100,000, will be accepted, with the understanding that all the conditions of the advertisement are to be included in the contract, and that any deficiency in the specifications as to the material or workmanship for hull, equipment, or machinery shall be made satisfactory to the Department in every respect, and shall be made to conform as far as practicable to the side-wheel steamer building in the yard nearest to you.

The displacement of the vessel to be not less than 30,600 cubic feet; but if you think it should be greater to insure the draught of water to 6 feet 9 inches, you can increase it and your dimensions, but the proportion of the displacement must not, in any case, be more than two-thirds of the circumscribing solid of the length of the water-line, the extreme beadth, and draught of water exclusive of the keel.

The contract will embody clauses for forfeiture for failure to fulfill the conditions of the draught of water, and the forfeiture on completion to be $200 for each twenty-four hours after the expiration of the contract time.

You will reply to this by return of mail, and the date of the contract will be two days after the notification from this Bureau.

Respectfully, your obedient servant,

JOHN LENTHALL,
Chief of the Bureau.

DANIEL S. MERSHON, Esq.,
Bordentown, New Jersey.

It therefore appears that the contract was to be based upon the proposition as made by the claimant, and the conditions as embraced in the above letter, namely, that the vessel to be built by him was to conform, as far as practicable, with the side-wheel vessel (the Miami) then being built at Philadelphia; that he, the claimant, was to furnish his own specifications, and further to use his own discretion, looking to an increased displacement of the vessel.

Upon the receipt of this acceptance of his offer by the Department, it appears that the claimant at once made his arrangements to construct the vessel, understanding that he was to prepare his own specifications, and incurred great expense in the purchase of material for the construction of the vessel. Upon the receipt of the contract for execution he found that the Department had also forwarded specifications, and from an examination discovered that they were in conflict with the advertisement and letter of acceptance by the Department. For the reasons assigned by the claimant in his memorial, he was induced to sign the contract, which was executed on the 12th of October, 1861.

Your committee, while admitting that the claimant may have been misled by the instructions of the Department, cannot recognize the fact that he has any claim upon the Government for losses sustained by him subsequent to the acceptance of his bid and prior to the signing of the contract. The latter was his voluntary act, and if losses accrued to him in conforming to it he alone is responsible. On the other hand, if there should be a violation of the terms of the contract on the part of the Government in requiring a modification of the plan of the vessel in length, width, or capacity, or increased size and weight of machinery, after the contract was signed and accepted, which resulted in increased cost and consequent heavy loss to the contractor, then the Government is responsible.

It appears from the facts submitted that a short time after said contract was executed the Miami (after which the Cimarron was to be built) was launched, and it was ascertained that she was deficient in strength by reason of too light timbers in the hull, and consequently so weak that she could not bear the machinery. The bottom of the Cimarron had to be built nearly anew of heavier timber, double the quantity, the floors closely laid, the stanchions supported by knee-timber both top and bottom, and many other alterations and additions from the original plans and specifications were ordered by the Department, causing not only delay in the completion, but subjecting the claimant to great expense and pecuniary hardships.

The hull by contract was to correspond in size to that of the Miami, but the plans were so changed, after the contract was made, as to increase the length of the Cimarron 16 feet 6 inches, her breadth 2 feet 10 inches, and 8 inches increased depth, as also an increase of 130 tons in capacity over that of the Miami, and which changes were made by the Department after the contract was entered into by the claimant. By the change of the dimensions of the vessel, as stated, the increased tonnage at $125 per ton, (a low price for the hull of a ship built during the war, when labor and material were at an advanced price and our national currency depreciated,) it subjected the claimant to an increased cost of $16,250.

The alterations on the hull, including the floors, the extra amount of timber necessary to strengthen the bottom, amount to $4,204.58.

The extra labor for pattern-makers, boiler-makers, machinists, and blacksmiths, at $3.25 per day for 2,131 days, the time necessarily employed as shown by the time-book to make these alterations, amounts to $6,924.42.

As the Miami was the model in the construction of the Cimarron, the following statement will show the difference in weight of machinery, with cost of the same at the time it was used and the vessel completed:

Parts.	Cimarron.	Miami.	Difference.	Cost.	Total.
	Pounds.	*Pounds.*	*Pounds.*		
Boilers	123,280	100,780	22,500	$0 15	$3,375 00
Smoke-stack	8,487	6,237	2,250	12	270 00
Coal-bunkers	34,792	24,422	10,550	10	1,055 00
Water-wheels	41,968	39,978	1,990	16	318 00
Iron castings	182,788	117,838	64,950	04	2,598 00
Brass castings	38,684	16,744	21,940	38	8,337 20
Forgings	70,355	47,805	22,550	15	3,382 50

Making a cost on machinery over and above that of the Miami of $19,336.10, and a total cost over and above that of the Miami of $64,715.10.

In support of the foregoing facts as to the increased length, breadth, tonnage, and weight of machinery of the Cimarron, and consequent violation of the terms of the contract by the Government, reference is made to the following letters from the Navy Department:

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, February 11, 1874.

SIR: In reply to your request to be furnished with the dimensions of the United States steamer Miami and the United States steamer Cimarron, the former built at the United States navy-yard, Philadelphia, and the latter by D. S. Mershon, jr., of New Jersey, for the Government, I have to state that the following are the dimensions of the Miami:

Length between perpendiculars, 202 feet 6 inches; greatest breadth, 33 feet 2 inches; depth, 11 feet 2 inches.

Dimensions of the Cimarron are:

Length between perpendiculars, 219 feet; greatest breadth, 36 feet; depth, 11 feet 10 inches. Tonnage of Miami, 730 tons. Tonnage of Cimarron, 860 tons.

The Cimarron is consequently one hundred and thirty tons larger than the Miami. It seems that the plans as well as the specifications were furnished by the Department, and that the size of the Cimarron was increased, after the contract was made, to the dimensions stated.

Very respectfully, your obedient servant,

I. HANSCOM,
Chief of Bureau.

Hon. JOHN H. BURLEIGH,
House of Representatives.

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., March 13, 1874.

SIR: It appears by the records of this Bureau that under date of October 12, 1861, Daniel S. Mershon, jr., contracted to build for the Government a double-ender gunboat, the workmanship and material to be equal to the Miami, then building in the Philadelphia navy-yard; that specifications were furnished the contractor which

gave dimensions somewhat larger than the Miami, and that after the contract was made those dimensions were increased to the size named in Mr. Mershon's claim, and that the size of materials used was also increased.

In building a larger vessel, necessarily increasing the cost above that contracted for, the claimant is entitled to the difference of cost.

Very respectfully, your obedient servant,

I. HANSCOM,
Chief of Bureau.

Hon. JOHN H. BURLEIGH,
House of Representatives.

It appears that upon the completion of the vessel, and its acceptance by the Government, the claimant made continuous applications for relief, and was precluded from appearing before a board of officers organized by the Navy Department pursuant to the resolution of the Senate of March 9, 1865, to determine the increased cost of vessels which were contracted to be built in the years 1862 and 1863, from the fact that his contract was made in October, 1861, and consequently not considered.

After the passage of the act of March 2, 1867, entitled "An act for the relief of certain contractors for the construction of vessels of war and steam machinery," the claimant presented his claim for the consideration of the board organized by the Navy Department, in pursuance thereto, and as appears from the findings of said board, his claim was not "considered within the province of the board," and for which he was not responsible.

The claim in this case was not for additional compensation based upon the advance in price of material and labor after the date of his contract, as was the case with a large number of contractors who obtained relief through the action of the board of officers referred to, but for violation of contract, and which fact he has satisfactorily established.

From the evidence submitted, and after a careful examination of the whole matter, the committee are impressed with the justice of the claim and recommend its payment; they therefore report the accompanying bill, and ask its passage.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN CRAWFORD.

Mr. BOREMAN. I move to take up the bill (H. R. No. 2800) for the relief of Benjamin Crawford.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Benjamin Crawford $5,000, in full compensation for the use by the Government of Crawford's patent steam-blower.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

NAVAL MONUMENT.

Mr. MORRILL, of Vermont. I move to take up the bill (S. No. 711) providing for the completion and location of the naval monument, for action.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that the officers of the Navy propose to procure a fitting monument to the memory of the officers, seamen, and marines of the Navy who gave up their lives in the defense of their country during the late civil war, and for this purpose have raised by voluntary subscription a sum sufficient to pay Franklin Simmons, the sculptor, therefor; and that it appears, from a communication from Admiral Porter, that the officers of the Navy would be willing that the monument referred to should be placed on some suitable part of the public grounds in Washington, provided the Government will assume the cost of the steps, platform, base, and shaft, or all that portion of the monument not included in the figures; and the bill therefore appropriates $25,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Navy, for the purpose of completing the steps, platform, base, and shaft of the naval monument, contracted for by the officers of the Navy with Franklin Simmons, and placing the same on some appropriate part of the public grounds in Washington. The Secretary of the Navy, the chairman of the Committee on Public Buildings and Grounds of the Senate, the chairman of the Committee on Public Buildings and Grounds of the House of Representatives, and Fred. Law Olmsted are appointed as a committee to select and designate such place upon the public grounds as in their judgment will be most appropriate, where the monument shall be erected.

Mr. MORRILL, of Vermont. I desire to offer a slight amendment, as I understand from the existing law this money will not be available after the 30th of June. It would be impossible that this could be completed before that time. I move to amend by inserting after the word "expended," in line 6, the words "at any time prior to June 30, 1875."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. MORRILL, of Maine. I call for the regular order, which is the appropriation bill for the Military Academy.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. ANTHONY. The Senator from Maine was good enough to say last week that he would indicate some time when he would be willing that I should call up the bill providing for the publishing of public documents for sale and regulating the distribution of official copies thereof. If it is a convenient time for him now, I should like to have him indicate; if not, I will await his pleasure.

Mr. MORRILL, of Maine. I would rather the Senator would allow me to decline that at this time. I wish to pass this appropriation bill now. He will have an opportunity.

The motion was agreed to.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. Before the appropriation bill is proceeded with, the Chair will, with the indulgence of the Senate, lay before the Senate the business on his table.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 3534) to change the times of holding the circuit and district courts in the city of Evansville, Indiana—to the Committee on the Judiciary.

The bill (H. R. No. 2546) to provide for the gradual reduction of the Army of the United States—to the Committee on Military Affairs.

The bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado—to the Committee on Public Lands.

The bill (H. R. No. 3500) to authorize the importation of certain animals for the Zoological Society of Philadelphia, Pennsylvania, free of duty—to the Committee on Finance.

REVISION OF THE LAWS.

The PRESIDENT *pro tempore* laid before the Senate the resolution of the House of Representatives insisting upon their former resolution in regard to the suspension of the joint rule No. 6, in regard to the enrollment of the three bills revising the statutes, and asking for a committee of conference thereon.

Mr. CONKLING. I see the chairman of the Committee on Enrolled Bills present on my left. This matter pertains to that committee more especially than to any other in this body. Perhaps the Senator from Arkansas as chairman of the committee will make some motion about this matter.

Mr. CLAYTON. I move that the Senate insist on its action and agree to the conference asked by the House of Representatives.

The motion was agreed to; and the President *pro tempore* being authorized to appoint the conferees on the part of the Senate, Messrs. CLAYTON, CONKLING, and BAYARD were appointed.

Mr. CONKLING. I ask to be excused from serving upon the committee of conference.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from New York? The Chair hears none.

Mr. EDMUNDS. Unless the Senator has some personal point about it, I do not see why that should be done. I am sure he is the very man who ought to serve on the committee.

Mr. CONKLING. Is there anything before the Senate?

The PRESIDENT *pro tempore*. The Senator from New York asks to be excused from service on the committee of conference.

Mr. CONKLING. And the Senate had voted to excuse me, and thereupon the Senator from Vermont indulged the Senate in hearing some remarks from him.

The PRESIDENT *pro tempore*. The Chair had not declared the result, and the Senator from Vermont rose to his feet perhaps to state an objection.

Mr. EDMUNDS. I do not think the Senator ought to be excused.

The PRESIDENT *pro tempore*. The Chair will put the question.

Mr. CONKLING was excused.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on the amendments to the bill (H. R. No. 2064) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes.

On motion by Mr. MORRILL, of Maine, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, disagree to the amendments of the House to other amendments of the Senate, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. MORRILL, of Maine, Mr. SARGENT, and Mr. DAVIS.

Mr. MORRILL, of Maine. I should like to have the House amendments printed.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

AMENDMENTS TO AN APPROPRIATION BILL.

Mr. BUCKINGHAM submitted amendments intended to be proposed to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

MILITARY ACADEMY APPROPRIATION.

Mr. MORRILL, of Maine. Now, I insist on the regular order.

Mr. JOHNSTON. There are some bills on the Calendar for the removal of political disabilities, six or seven of them, and I should be obliged to the Senator from Maine if he would allow us to pass them.

Mr. MORRILL, of Maine. The Senator will have an opportunity hereafter.

Mr. JOHNSTON. It will only take ten minutes, I think, to dispose of them.

Mr. EDMUNDS. There are a good many bills on the Calendar that are quite as deserving of consideration as bills to remove political disabilities for people who are entitled to some consideration at the hands of the Government; and yet as we pass bills every morning on reports now and never go to the Calendar, I do not think the Senator from Virginia ought to insist upon the Senator from Maine giving way on an appropriation bill to take up that particular class. If the Senator from Maine is willing to lay aside the appropriation bill altogether and take up the Calendar in its order, that is another thing; but to make a special exception for that particular class of bills would be a very extraordinary proposition.

Mr. JOHNSTON. We could have passed two bills while the Senator from Vermont was making his objection. It is very seldom that I ask anything of this body. I trust that even he will make no further objection.

Mr. EDMUNDS. I do not object to any Senator's asking anything from this body; and I hope the Senator from Virginia has been here long enough, as I have no doubt he has been, to know that his right to pass his bills is not a question of personal favor. He has no right to ask it as a personal favor, and the Senate has no right to grant it as a personal favor. The question is not one between us and the Senator from Virginia; it is a question between us and the public business in its regular and orderly administration. Therefore I hope the Senator from Virginia will not undertake to take those bills out of their place on the Calendar with the idea that it is due to him as a matter of personal courtesy or that we are guilty of a discourtesy to him if we do not take them up out of their place on the Calendar to the exclusion of everything else. I hope the Senator will not understand if I ask the Senate, in case we are to go to the Calendar at all, to go at it regularly and go through with it in order, that I am doing anything discourteous to him. That is the farthest thing from my intention.

Mr. MORRILL, of Maine. I must insist on the regular order.

The PRESIDENT *pro tempore*. The Military Academy appropriation bill will be proceeded with.

The bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875, was considered as in Committee of the Whole.

The Committee on Appropriations reported the bill with amendments.

The first amendment was in line 91, to insert the following proviso at the end of the clause making an appropriation for text-books and stationery and books of reference for the use of instructors for the department of law and ethics:

Provided, That the Secretary of War may assign one of the judge advocates of the Army to be professor of law.

The amendment was agreed to.

The next amendment was in lines 126 and 127 to strike out the following clause:

For renewing furniture for academic section-rooms and offices, $1,000.

The amendment was agreed to.

The next amendment was in line 132, to increase the appropriation for the continuation of the superstructure of the new hospital for cadets from $15,000 to $20,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. WINDOM. I move that the Senate now proceed to the consideration of House bill No. 2343, being the bill making appropriations for the current and contingent expenses of the Indian Department, &c.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The bill will be read at length.

Mr. WINDOM. Before entering upon the consideration of the Indian appropriation bill I ask the indulgence of the Senate to say that when this bill is disposed of I shall ask the Senate to consider the reports from the Select Committee on Transportation, and shall endeavor to secure a hearing on that subject as early as possible.

I desire to say that the bill now reported by the Committee on Appropriations appropriates $5,570,705.05, being an increase over the bill as sent to us from the House of Representatives of $504,943.55. The increase recommended by the Committee on Appropriations of the Senate is composed mainly of the following items: For the Apache Indians, $250,000; for the Arapahoes and Cheyennes, $50,000; for the Crows, $50,000; incidental Indian expenses in Arizona, $25,000, and in California, $40,000; making $415,000, leaving $89,000 which is made up of various small items in the bill. The revised estimates for 1875 were $6,165,000; so that the bill as reported from the Committee on Appropriations is $594,295 less than the revised estimates of the department. The appropriations in 1873 for the Indian service, including the deficiencies for that year, amounted to $7,021,177.16. The present bill as recommended by the committee is therefore $1,440,452.16 less than the actual expenditures for the year 1873. The expenditures in 1874, the current fiscal year, including the regular bill and the deficiencies, amount to $6,515,162.49. The present bill is therefore $934,457.44 less than the amount actually expended in 1874.

To recapitulate again, this bill is $1,440,452 less than the appropriations for 1873, and $934,457.44 less than the amount expended in 1874.

The PRESIDING OFFICER. If it be the pleasure of the Senate, the amendments reported by the Committee on Appropriations will be considered as they are reached in the reading of the bill.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was in line 10, to increase the number of agents of Indian affairs from sixty-seven to sixty-nine.

The amendment was agreed to.

The next amendment was in line 16, to increase the Indian agents for the tribes in Washington Territory from "four" to "five," and to insert after the word "Colvil," in the seventeenth line, the words "Nisqually, Puyallup, and other tribes;" so that the clause will read:

Five for the tribes in Washington Territory, namely, Neah Bay, Yakama, Colvil, Nisqually, Puyallup, and other tribes, and S'Kokomish agencies.

The amendment was agreed to.

The next amendment was in lines 31 and 32, to strike out the words "and Bannack agencies," and to insert the word "agency;" so that the clause will read:

One for the tribes in Wyoming, namely, Shoshone agency.

The amendment was agreed to.

The next amendment was in line 34, to change the name "Albiquin" to "Abiquiu."

The amendment was agreed to.

The next amendment was on page 3, line 43, to strike out the words "and Kickapoo" and at the end of the clause to strike out the words "and the duties to be performed by the agent of the Cherokees;" so that the clause will read:

Eight for the tribes in the Indian Territory, namely, Kaw or Kansas, Sac and Fox, Quapaw, Neosho, Kiowa and Comanche, Upper Arkansas, and Wichita agencies; and one for the Cherokees, Creeks, Choctaws and Chickasaws, and Seminoles.

The amendment was agreed to.

The next amendment was in lines 48 and 49, to strike out the word "Chippewa," and in lieu thereof to insert the words "White Earth;" so that the clause will read:

One for the tribes in Minnesota, namely, at the White Earth agency.

The amendment was agreed to.

The next amendment was in line 51, in the clause making an appropriation for one agent for the Sac and Fox of Iowa agency, to strike out the following words:

And $1,200 to build a school-house: *Provided*, That no salary be paid to the agent unless he lives near enough to the agency to teach and care for the tribe every day.

Mr. WRIGHT. With the consent of the Senator from Minnesota having the bill in charge, I ask that that amendment be passed over for the present. I should like to have an opportunity of conferring with my colleague on the subject.

The PRESIDING OFFICER. The amendment will be passed over, if there be no objection.

The next amendment was in line 63, to increase the aggregate appropriation for Indian agents from $96,000 to $102,000.

The amendment was agreed to.

The next amendment was in line 69, before the word "for" to insert the word "one;" in line 70 after the word "Lake" to insert the words "one for the Pillagers at Leach Lake;" in line 71 to strike out the word "and" before the word "one;" and after the word "Montana" in line 72 to insert the words "one for the tribes in Oregon, namely, Alsea; and two for the tribes in Washington Territory, namely, Tulalip and Qui-nai-elt;" and to strike out at the end of line 75 the word "four" and insert "ten;" so as to make the clause from lines 69 to 76 read:

For pay of special agents, one for the Chippewas at Red Lake, one for the Pillagers at Leach Lake, Minnesota; one for the Mission Indians in California; one for the Assinaboines and Gros Ventres at Fort Belknap, Montana; one for the tribes in Oregon, namely, Alsea; and two for the tribes in Washington Territory, namely, Tulalip and Qui-nai-elt, at $1,500 each, $10,500.

The amendment was agreed to.

The next amendment was on page 4, to strike out the following clause, commencing in line 77:

For three subagents, one for the tribes in Oregon, namely, Alsea subagency; and two for the tribes in Washington Territory, namely, Tulalip and Qui-nai-elt subagencies, $3,000.

The amendment was agreed to.

The next amendment was in line 87, to increase the number of interpreters from seventy-three to seventy-seven.

The amendment was agreed to.

The next amendment was in line 91, to increase the appropriation for the pay of interpreters for the Klamath, Grande Ronde, Siletz, Umatilla, Warm Spring agencies, and Malheur and Alsea subagencies, in Oregon, from $400 to $500 per annum each.

The amendment was agreed to.

The next amendment was in line 92, to increase the number of interpreters for the tribes in Washington Territory, to be assigned to such agencies as the Secretary of the Interior may direct, from six to seven, and in line 94 to increase the appropriation for their compensation from $400 to $500 per annum each.

The amendment was agreed to.

The next amendment was in line 97, to increase the appropriation for the compensation of two interpreters at the Nez Perce and Fort Hall agencies in Idaho from $400 to $500 each.

The amendment was agreed to.

The next amendment was in line 99, to increase the appropriation for pay of three interpreters for the tribes in Nevada from $400 to $500 per annum each.

Mr. EDMUNDS. I should like to inquire, if I shall not disturb the solemn order of procedure here in this full Senate, why this change is made? Four hundred dollars each for interpreters in those wild regions I should suppose ought to be enough; but I see there is a difference. In some places the committee make it $500 for some tribes and leave it at $400 for the others. Very likely there is very good reason for it, if the Senator having the bill in charge would be kind enough to tell us what it is.

Mr. WINDOM. The reason for it is that the law in certain cases fixes the compensation at $500 and in certain others at $400, and the Committee on Appropriations simply complied with the law. They declined to make this change from $400 to $500 until they were shown the law fixing the pay at $500. I cannot refer to it at present, but I have sent for it.

Mr. EDMUNDS. Is there any real ground for the distinction here between $400 and $500 on the merit of the thing, aside from the law?

Mr. WINDOM. It is so understood by the Commissioner that certain places are more expensive and more difficult, and we simply complied with the law. The Senate may change it, but the committee felt constrained to appropriate as the law provided for.

Mr. EDMUNDS. I should like to see the law.

Mr. WINDOM. I have sent for it.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 111, to increase the appropriation for an interpreter for the tribes in Wyoming at the Shoshone agency from $400 to $500.

Mr. EDMUNDS. I am not satisfied with the explanation of this increase. I think we ought to see the law before we agree to these amendments. There certainly cannot be any ground for having $400 in one place and $500 in another, seesawing here from one tribe to another; and I do not see any very good ground on the merit of the case, as it has been stated, for increasing the sum named in the House bill. If the law fixes the salary of these interpreters at these various agencies and for these tribes, then it would be much easier to change the law than it would be to increase the appropriation, I should suppose, unless it is really proper to pay $500 to an Indian for acting as an interpreter, which is about three times as much as he could earn in any other business; but perhaps this is professional. I must ask the Senate to take a vote on this amendment as a test.

Mr. WINDOM. I can only say that the committee declined to make this addition until the law was shown them in the committee-room. I have not the reference to it here now, but will have it before the bill is completed. These amendments were reported solely because the committee understood that the law provided for $500 salary for interpreters at these agencies.

Mr. EDMUNDS. Change the law then.

Mr. WINDOM. I have no doubt of the power of the Senate to change the law; but without reason for it I think it is hardly a proper thing to do.

The PRESIDING OFFICER. The question is on the amendment reported by the committee in line 111.

Mr. EDMUNDS. Let us have a division in order that we may see how the Senate stands on the subject.

The question being put, there were 12 ayes.

Mr. EDMUNDS, (to Mr. WINDOM.) I suppose you give it up.

Mr. WINDOM. No, I do not give it up. We may as well break up for want of a quorum now as at any other time.

The PRESIDING OFFICER. Those opposed to the amendment will rise.

Eight Senators rose.

The PRESIDING OFFICER. There is not a quorum voting.

Mr, SARGENT. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 5; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Boreman, Boutwell, Buckingham, Conkling, Cooper, Davis, Frelinghuysen, Gilbert, Goldthwaite, Hager, Hamilton of Texas, Hamlin, Harvey, Johnston, Merrimon, Mitchell, Morrill of Maine, Norwood, Oglesby, Pease, Pratt, Ramsey, Ransom, Sargent, Saulsbury, Stockton, Tipton, and Windom—31.

NAYS—Messrs. Anthony, Edmunds, Ingalls, Robertson, and Washburn—5.

ABSENT—Messrs. Allison, Brownlow, Cameron, Carpenter, Chandler, Clayton, Conover, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Gordon, Hamilton of Maryland, Hitchcock, Howe, Jones, Kelly, Lewis, Logan, McCreery, Morrill of Vermont, Morton, Patterson, Schurz, Scott, Sherman, Spencer, Sprague, Stevenson, Stewart, Thurman, Wadleigh, West, and Wright—37.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. CARPENTER entered the Chamber and said: Mr. President——

The PRESIDING OFFICER. The vote has been announced.

Mr. SARGENT. I suppose the only way we can obtain a quorum is by a call of the Senate or by a motion to adjourn.

The PRESIDING OFFICER. A motion to adjourn would be in order.

Mr. SARGENT. I prefer a call of the Senate, and I make that motion. I do not know that any remarks would be in order; but I think we ought to proceed with the appropriation bills if we expect to adjourn on the 22d of June.

The PRESIDING OFFICER. The Senator from California moves that the Senate be called.

The motion was agreed to.

The PRESIDING OFFICER. The call will proceed.

The Chief Clerk called the list of Senators; and the following answered to their names:

PRESENT—Messrs. Alcorn, Anthony, Bayard, Bogy, Boreman, Buckingham, Carpenter, Conkling, Cooper, Davis, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Goldthwaite, Hager, Hamilton of Texas, Hamlin, Harvey, Ingalls, Johnston, McCreery, Merrimon, Mitchell, Morrill of Maine, Morton, Norwood, Oglesby, Pease, Pratt, Ramsey, Ransom, Robertson, Sargent, Saulsbury, Sherman, Stockton, Tipton, Wadleigh, Washburn, Windom, and Wright—42.

The PRESIDING OFFICER. The call discloses the presence of a quorum. The Chair will therefore again put the vote on the amendment, upon which the yeas and nays have been ordered.

Mr. EDMUNDS. There is no need of having the yeas and nays again. It is evident the Senate wishes to pay these Indian interpreters $500 a year apiece, judging from the vote, and I hope there may be unanimous consent to dispense with the call for the yeas and nays.

The PRESIDING OFFICER. Is there objection to dispensing with the call for the yeas and nays? The Chair hears none; and the question is on the amendment.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was in line 112 to increase the appropriation for the interpreter for the tribes in Utah from $400 to $500 per annum.

The amendment was agreed to.

The next amendment was in line 114 to strike out the word "six" and insert "seven;" at the end of the same line to strike out "one" and insert "two;" at the end of line 115 to strike out the word "Albiquin" and insert "Abiquiu;" in line 117 to strike out the word "four" and insert "five" and in line 118 to strike out the word "Albiquin" and insert "Abiquiu;" so that the clause will read:

Seven for the tribes in New Mexico, namely, two for the Navajo agency, and one each for the Abiquiu, Cimarron, Mescalero Apache, Southern Apache, and Pueblo agencies, at $500 each per annum: *Provided*, That the Abiquiu agency shall be abolished after December, 1874.

Mr. WINDOM. I have before me now the law that was referred to a moment ago, to be found in the ninth volume of statutes, page 587:

SEC. 8. *And be it further enacted*, That from and after the 30th of June next, the salaries of interpreters lawfully employed in the service of the United States, in California, Oregon, Utah, and New Mexico, shall be $500 per annum, and of all so employed elsewhere, $400.

It was upon that statute that we increased these from $400 to $500.

Mr. EDMUNDS. When the matter comes into the Senate, if I am here, I shall ask to have these amendments reserved, and propose to put them all on a footing, by inserting in lieu of these amendments a provision repealing that statute and fixing the salary at $400.

The amendment was agreed to.

The next amendment was in line 122, to increase the appropriation for compensation of the interpreters for the Los Pinos and White River agencies from $400 to $500 each.

The amendment was agreed to.

The next amendment was on line 129, to reduce the number of interpreters for the tribes in the Indian Territory from "twelve" to "eight," and at the end of the clause to insert the following:

And $600, or so much thereof as may be necessary, to enable the Secretary of the Interior to supply temporary interpreters for the semi-civilized tribes.

The amendment was agreed to.

The next amendment was in line 135, to reduce the number of interpreters for the tribes in Wisconsin from "four" to "three," and in line 136 to strike out the name "Lac Flambeau;" so that the clause will read:

Three for the tribes in Wisconsin, namely, Green Bay, Lac Court Oreilles, and La Pointe agencies, at $400 each.

The amendment was agreed to.

The next amendment was in line 138, to strike out "three" and insert "four;" after the word "namely," in the same line, to insert "Boise Forte;" and in line 139 to add the letter "s" to the word "Chippewa;" in the same line, after the word "Chippewa," to strike out the words "agency and;" in the same line, before the words "Red Lake," to insert the words "White Earth;" and in line 140 to strike out the words "and Lake Winnebagoshish special;" so that the clause as amended will read:

Four for the tribes in Minnesota, namely, Boise Forte, Chippewas, White Earth, Red Lake and Pillager agencies, at $400 each:

Mr. WINDOM. Before that clause is passed the punctuation should be changed. The comma after Boise Forte should be stricken, out as there is but one tribe meant, "Boise Forte Chippewas."

The PRESIDING OFFICER. That correction will be made.

The amendment was agreed to.

The next amendment was in line 142, to reduce the number of interpreters of the Mackinac agency in Michigan from "three" to "two."

The amendment was agreed to.

The next amendment was in lines 145 and 146, after the word "Chiracahui," to strike out the words "Camp Verde" and to insert in lieu thereof the word "San Carlos;" in line 146, after the word "at," to strike out the word "four" and to insert "five;" in line 147, after the word "making," to strike out the words "seventy-three" and to insert "forty-one;" in line 148, after the word "each" to insert the words "thirty-six interpreters at $500 each, and $600 for temporary interpreters;" and in lines 150 and 151, after the word "all," to strike out the words "$29,200" and to insert in lieu thereof the words "$35,000;" so that the clause will read:

Six for the tribes in Arizona, namely, Colorada River, Pima and Maricopa, Moquis Pueblo, Chiracahui, San Carlos, and Camp Apache agencies, at $500 each; making forty-one interpreters, at $400 each; thirty-six interpreters, at $500 each; and $600 for temporary interpreters; in all, $35,000.

Mr. INGALLS. Does the law which the Senator from Minnesota just read apply to the interpreters in Arizona?

Mr. WINDOM. It does not.

Mr. INGALLS. Then I move that the Senate do not agree to the amendment. I see no reason why a change should be made in favor of these interpreters.

Mr. WINDOM. There may be some other law; but the law before me does not cover them. I have no objection to an amendment.

The PRESIDING OFFICER. The question is on the amendment striking out "four" and inserting "five."

The amendment was rejected.

The PRESIDING OFFICER. The question is on the other amendments to the paragraph.

The amendments were agreed to.

The next amendment was in line 192 to increase the appropriation for goods, provisions, &c., for the Arickarees, Gros Ventres, and Mandans from $75,000 to $85,000.

Mr. EDMUNDS. I should like to hear that explained.

Mr. WINDOM. The only explanation is that the amount in the House bill is not considered sufficient to take care of these Indians as the policy adopted by the Government requires. Last year there was $75,000 appropriated by the regular bill, and by the deficiency bill which passed both Houses recently $25,000 more, making $100,000 as the amount expended for the current fiscal year. One hundred and twenty-five thousand dollars was the amount asked for. There are about twenty-one hundred of these Indians situated in the neighborhood of the Sioux. They are friendly Indians, and stood as our aids and allies against the warlike Sioux. They make great complaint that liberal appropriations are made for the Sioux Indians who fight us, and that they are starved because they are our friends. The committee believe that $85,000 is not sufficient; but we felt that was all we could appropriate, and we therefore increased the appropriation of the House $10,000, making it still $15,000 less than the amount actually expended this year, and less than the amount ought to be, I think.

Mr. EDMUNDS. Then the Senator expects another deficiency.

Mr. WINDOM. I hope not. We provide in this bill against a deficiency; but certainly if we cut down these appropriations without reason, if we expect to keep the Indians peaceable by feeding them and do not give them money enough for them, we must expect either a deficiency or a war. I think a deficiency bill is cheaper than a war.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was in line 198 to increase the appropriation for the Apache Indians "who have been or may be collected on reservations," for those in Arizona, from $350,000 to $550,000; in line 200 to increase the appropriation for those in New Mexico from $100,000 to $150,000, and in line 200 to increase the total appropriation for the Apaches from $450,000 to $700,000.

Mr. EDMUNDS. I should like to hear that explained, if I am not impertinent in my questions.

Mr. WINDOM. We appropriated last year $250,000 for the Indians included in the first of these amendments, the Apaches in Arizona.

Mr. INGALLS. Will the Senator state what the deficiency appropriation bill of this year has been?

Mr. WINDOM. I was just about to state it. The deficiency bill appropriates $500,000, making $750,000 expended during this fiscal year for the Indians in Arizona and New Mexico.

Mr. EDMUNDS. For the Apaches alone?

Mr. WINDOM. For the Apaches in Arizona and New Mexico.

Mr. EDMUNDS. This is confined to the Apaches. How many are there?

Mr. WINDOM. About seventy-three hundred of those appropriated for in this item of the bill. The amount estimated for was $750,000 for the next year, being the same amount that has been expended during the present fiscal year. The committee have increased the House bill to a total of $700,000, being $50,000 for next year less than the appropriations made for the current fiscal year.

There is no way of ascertaining exactly what amount should be appropriated under these circumstances. It is a question merely, as we have often heard in the Senate, of feeding or fighting Indians. These Indians are very bad, perhaps none worse in the country. There are none others that will compare with them, I think, unless it be the Sioux Indians up on the Missouri River. As we have adopted the policy of gathering them on reservations and of shooting them if they go off the reservations, it seems but just that some reasonable appropriation should be made, if we expect to carry out that policy, for feeding them. The amount appropriated is believed by the committee to be as small as will possibly answer the purpose.

Mr. EDMUNDS. How many of those are there?

Mr. WINDOM. Seventy-three hundred. It is about $100 per Indian for the year.

Mr. INGALLS. Including women and children.

Mr. WINDOM. Yes, sir, and $50,000 less than was appropriated for this year. It is a question whether we shall carry out the peace policy we have inaugurated, and which I believe has saved many millions of dollars to the Government as against war with these Indians whether we shall act on our best judgment and appropriate such a sum as is necessary to keep them quiet and do something toward their civilization and improving their condition.

Mr. EDMUNDS. How many reservations are there upon which these Indians are gathered?

Mr. WINDOM. Four or five.

Mr. INGALLS. Four. I think the amendment reported by the committee ought not to be adopted. Since this matter was before the Senate on the deficiency appropriation bill, I have been at the trouble to investigate the expenditure for these Indians in Arizona and New Mexico during the past two years, and I will trouble the Senate with the items. The deficiency of 1872 was $185,000; salary for two superintendents for the two years, $9,500; ten Indian agents, $24,000; ten interpreters, $10,000; appropriations for 1872 and 1873, $500,000; incidental expenses of 1872, $125,000; the deficiency of 1873, $150,000; and an additional deficiency for 1873 and 1874 in the bill lately passed, $969,000. To this must be added the expense of four regiments of troops, two of cavalry and two of infantry, that have been maintained in that country at an expense we are assured of not less than $1,000,000 per annum for each regiment; and these expenditures, added to the appropriations, make the entire amount expended for these Indians for these two years $9,970,000, the Indians themselves not numbering to exceed seventy-three hundred, including women, and children; and of this number, as it appears by the reports of the Commissioner, not more than three thousand or thirty-five hundred at the outside have ever been on any of the reservations.

Mr. EDMUNDS. Seven thousand includes all the Indians?

Mr. INGALLS. All the Indians in these two Territories for which this appropriation is made, and I say that by the report of the Commissioner of Indian Affairs contained in the volume for 1873, made up from the statements of the commissioners and Indian agents in that Territory, not more than three thousand or thirty-five hundred at the outside have ever been on the reservations. Beyond that it appears from the testimony of these agents that the supplies which have been furnished them have been limited to half a pound of beef and one pound of shorts per day. Unless the Senator having this bill in charge can give some satisfactory explanation of these enormous and indefensible expenditures, I think the appropriation ought not to be increased.

Mr. SARGANT. Unquestionably the report of the Commissioner, which was submitted in 1873 before this system of appropriations had had any opportunity to work, before General Crook had had his severe fight with the Indians and compelled them to go on these reservations, did state approximatively the number of Indians then on the reservations; but the report of the Commissioner made since that time, and the latest accounts we have, and the accounts also from General Crook in command of the Army there, show that there are now about nine thousand Indians on these reservations, and altogether there are between ten and twelve thousand of them. The appropriations we have made were designed to be applied to those on the reservations now, and to those being removed there or who may be induced to go there, so that the amount is somewhat flexible; and the expenditure per Indian per day is about twenty cents.

The condition which the Territory has been rescued from under this policy, which combines force and humanity with the sword in the hands of General Crook and his soldiers and the means of subsistence of these Indians through the peace policy of the Government through its civil service, has shown a great improvement. I have in my hand a document which was printed by the Legislature of Arizona in 1871, relating to Indian murders and outrages which were committed in 1869 and 1870; and all through the numerous pages of this book they go on to give abstracts of the testimony of persons who were called in to testify who had suffered either by depredations on their property or by the death of some members of their families, farmers and others scattered through the Territory; and the account is certainly most harrowing to the feelings of any one who knows that the life of a wife or child on the frontier is as dear to the husband or father as it is in Kansas or any other State of the Union. I will call the attention of the Senate to one or two extracts from this report. It is sufficient to say that the papers in Arizona which fiercely denounced this policy at the time it was put in operation, which said that the only possible

cure for the evils under which Arizona was suffering was by war, by extermination, that the Indians must be exterminated, that any reservation system could not possibly bring peace—these same papers now declare (and I have extracts from them on my desk) that the condition of peace in the Territory during the last year has been most gratifying, that the outrages and depredations have ceased, and that the policy of the Government is a success. I will quote from this report:

W. A. Smith, sworn:

He is a farmer, and resides at the Cienega, in Pima County, Arizona; has resided there for three years; that the Apache Indians have committed depredations at and near his farm.

In his testimony he further says:

In January, 1869, the mail carrier's horse was shot from under him, and the United States mail taken and destroyed by the Indians.

In the spring of 1870 a United States soldier named Bernard Hogan was shot dead in the door of the house in which a picket guard was quartered.

In August, 1870, his house was attacked and two of the three inmates murdered, the witness only escaping by concealment; all the crops and everything destroyed about the premises.

WILLIAM MORGAN was sworn:

He is a farmer, and resides at Sonoita Valley, Pima County, Arizona, and is a member of the present Legislature.

He says further:

In May, 1869, E. G. and G. Pennington (father and son) were killed while plowing in their field, and all of the horses, mules, and other movable property belonging to the farm were taken.

In November, 1869, Benjamin Aikin and a Mexican (name unknown) were murdered while harvesting corn, and all their property taken.

The same year Joaquin Tapia and James Catterson were murdered while traveling on the road. Joseph Goldtree, who was traveling with them, escaped with his clothing riddled with bullet and arrow holes.

In the same year Thomas Vonday was murdered while standing in the door of his house, and the house robbed.

So he goes on enumerating in all some ten instances that came under his observation; and different witnesses, farmers and merchants, proceed to relate the murders and depredations by the Indians, showing the fearful condition of the Territory in 1869, 1870, and 1871. The Territory from end to end seemed open to the barbarous hostility of these enterprising, devilish bands, or rather numerous bands, of Indians; they carried murder and conflagration and destruction into every part of the Territory, so much so that the population of the Territory began rapidly to diminish.

The Government after having brought the Sioux to terms, after having shown by the success of an apparently unpromising experiment that twenty thousand Sioux, now claimed to be thirty thousand, could be treated with and induced to cease plundering and murdering on the frontiers, tried the same experiment upon the wild devils of Arizona, and the success has been, as I say, so great that during the past year there has been peace in Arizona. I believe there has been no murder in that time committed by these Indians. Cochise, contrary to all expectations and all previous experience of him, he who is the leader of the principal band of Apaches and has a species of patriarchal control over all of them, has kept his word, has kept his Indians upon the reservations, has prevented their raiding either in Arizona or across the line into the Mexican States; and the result is the Territory is really becoming prosperous; the miners are going in to develop the mines; grain is being grown, so that barley, which the Government three or four years ago paid nine cents a pound for as Army supplies, is now sold for a cent and a quarter a pound, and there is a promise of continued improvement in the Territory, and of continued subjection on the part of the Indians.

This policy has been brought about in two methods. First, by capturing the Indians as if they were individually felons at large, and carrying them upon four districts of land, separate from each other, which were set apart as Indian reservations, lands comparatively barren, where very little can be raised, for there is very little good land in the Territory, and what there is the people do not want to give up to the Indians. The Indians are stationed within these lines and told to keep there. The military promise them, and carry out the promise, that if they are found outside of those lines they will be shot like wild beasts. That the military does. On the other hand, they being kept within these lines where there is no possibility of hunting or subsistence of any kind, the Government feeds them; and it costs something about three-quarters of a million dollars per annum and will cost for several years to come three-quarters of a million dollars per annum to feed the nine or ten thousand Apache Indians. I am not speaking of the Mescaleros or Navajos or Pimas, but simply of the Apaches. It will cost that to feed them in Arizona and New Mexico, provided you want to continue this policy and this state of peace. But, on the contrary, if you think it is not economical, that these amounts ought not to be expended in this way, that it is better to have your cavalry there, then you will not make these appropriations; you will not make them in this bill; you will cut them down so that they will not be adequate; you will reverse the system; you will send more companies of cavalry there, where it costs this amount to keep one company nine months. The result will be more affidavits, more books, more murders, bloodshed, and destruction in this Territory.

Setting aside the question of national faith, the keeping of your promise with these Indians, setting aside any question of humanity; that they are human beings and have souls, although barbarous and merciless; forgetting that they have a sense of honor on their own part in that during the past two years, when it seemed that the Government was willing to keep its promises to them, they have kept their promises to the Government; setting aside considerations of that kind and coming down to the question simply whether more or less money shall go out of the Treasury, then I say this is the cheapest method you can pursue. It is cheaper, as all your military officers from Sherman down insist and as all experience shows, to feed them than to fight them. I need not allude again to the Modoc war which closed but a few months ago, where some of the best men, one of your best and noblest generals, and my friend Professor Thomas, a man of most exalted merits, were assassinated, and where three soldiers for one Indian were killed or wounded, where it cost $6,000,000 to subdue one hundred and forty Indians. We did not keep our promises to those Indians. We had told them if they would do certain things the Government would do certain things for them. They did the things which were required of them, and the Government, from some spasm of economy or some carelessness, neglected to keep its promises to them, and the result was they became restive, they began to raid on the neighboring settlers; that of course made difficulty; Government troops were sent to chastise them; and then came the war which cost us $6,000,000. That is the way these things grow up regularly.

During 1865 and 1866 we had an Indian war with the Sioux which cost over $45,000,000 by the official reports, and the list of casualties on the part of the Indian showed that there were forty-five of them killed—$1,000,000 to an Indian; and after it was all over we had to resort to the system of feeding them. We had to say it is cheaper to feed them rather than to spend $45,000,000 to fight them, where we incur not only enormous expenses, but the other necessary penalty of fighting them—the ravishment of our borders. It may be humiliating to us, a great nation as we are, to be compelled to feed our foes, to bribe them to keep the peace; but we protect our people by doing it, and Indians are not bound by the rules which we would apply to a civilized nation. They are savages. They simply understand that once they owned all this land, and now the Government makes certain promises that they shall own certain portions, and if they will relinquish the rest they shall be paid in certain proportions annually; but our miners seeking after mines invade their reservations, like the expeditions which went across lately; our farmers, thinking that there are perhaps more fertile valleys in these reservations than those they occupy, press on with an enterprising and careless spirit into the reservations, and then troubles come with the Indians; somebody is killed. You cut down your appropriations instead of making them adequate as the Indian office and the Interior Department and the Indian commission and the President tell you they ought to be, in order to maintain peace with the Indians and fulfill our obligations, but you cut them down below the figure by one-half or two-thirds. Then, I ask, if we do not look on with stupid wonder when some infuriated band of Indians plunges along one of your fertile valleys and kills men, women, and children, as the Indians generally formerly did, and as the Apaches did recently for years? Taught by costly experience, we came back to the policy of endeavoring to feed instead of fight the savages. It is just to make them some compensation for their yielding up the whole territory and taking a small part of it by giving them the subsistence which they cannot possibly get for themselves within the confines we assign to them.

Humanity, public faith, economy, all require that we shall make these appropriations; and the experience of the past justifies it, and Congress ought not to halt in the duty. Suppose that your Indian system does cost you seven millions per annum. If you want it to cost you forty millions per annum, fight all the Indians. Seven millions per annum, if it were entirely a benefaction given to the Indians, compares by no means in value to the thousands of millions of productive property now in the hands of the United States and citizens of the United States which we have acquired by various treaties from Indians.

What is the value of this talk about the Indian service costing $7,000,000? If you go through this bill you will find three or four millions that we do not appropriate of our money at all; that do not belong to us. It is interest on money which belongs to Indians, which is in the Treasury of the United States, and on which we pay them 5 per cent., the lowest interest we pay to anybody—their money which we sold their land for to settlers, put it into the Treasury, and agreed to pay them 5 per cent. on the principal. Go through this bill, and you will find those items will reduce your bill by one-half. I say there are two sides to this question, the Indian's side as well as the white man's side, and I trust we shall pursue the path not merely of humanity but of economy.

Mr. BOGY. I think that the amendment of the committee should be adopted. The policy of the Government has been since we acquired that Territory to take all these Indians upon the reservations. The Apaches are known to be very mischievous, wild, warlike Indians. Their number in Arizona is not less than ten thousand, and perhaps will reach twelve or fifteen thousand; certainly I think twelve thousand——

Mr. INGALLS. Does the Senator refer to the Apache Indians alone?

Mr. BOGY. The Apache Indians alone. The number of Apache Indians in Arizona will amount to twelve thousand, if not more. In that I include the Wallipies and other bands that separated many

years ago from the main tribe which we denominate the Apache tribe, but they are Indians of the same warlike body who roam the country. The bill does not make any provision for these little tribes that have seceded from the main nation of Apaches, and yet the intention of the Government is to take all these Indians upon reservations. That is its policy; and in carrying out that policy troops have been sent to that country. The policy is in a manner a success, at all events approaching to a success. Arizona a few years ago and until very recently was so infested with these marauding Indians that no white man felt safe in any part of that Territory. Peace, I may say, now reigns throughout Arizona, and immigration is beginning to pour into that country. Although not rich in lands, it is an extremely rich Territory in minerals, and it is of the very greatest consequence to the nation at large that the Territory should be settled by a white population. White people will not go there as long as these Indians are permitted to roam at large in the country. Hence the policy of the Government has been to drive these Indians on to reservations. Seventy-three hundred, according to the reports, are now upon the reservations. That statement is correct, but only to a certain extent. That is the minimum. In addition to that there is a little tribe of Indians called the Wallipies. They are Apache Indians, but are not under the same tribal organization. They are there on a reservation, and it is known that they amount to between one thousand and twelve hundred, making upward of eight thousand or eighty-five hundred on the reservations now. There are many of these Indians yet roving through the country. The policy of the Government is to drive them on to these reservations, and the object of the appropriation is not only to feed the Indians that are now upon the reservations but to feed those that may be compelled to go on to the reservations during the coming year, and the number of Indians will be not less than nine thousand perhaps before the next meeting of Congress.

I am very well satisfied that even the augmented appropriation is not sufficient to carry out the policy of the Government as it should be. It is not sufficient to bring about proper economy, because if the Indians are not fed they are compelled to rob and to steal and to murder. They have a right, in a certain sense, to do it. It is only according to a law of nature. We have driven them upon reservations; we have taken away from them the means of subsistence, that they inherited from their forefathers, by hunting and fishing; and if we do not subsist them they have the right to use such means as God and nature have put in their hands to subsist, which is by marauding and murdering and robbing and killing throughout the country.

It is therefore the policy of the Government and the economy of the Government to provide them with sufficient subsistence. If the appropriation should exceed the amount needed, I cannot doubt that the executive department of the Government would do its duty and not expend it. But if it be true, as I have no doubt the truth is, that there will be not less than nine thousand Indians on the reservations before the year is out, there being now upward of eight thousand, the appropriation of $550,000 is not sufficient. It is only from sixty to seventy dollars a head, not merely for subsistence but for all the means of living.

At this time the troops that are in Arizona have nothing to do. The policy of the Government is a success; but it will not remain a success unless these Indians are fed. The reservations on which they have been compelled to go are known to be unproductive, and I think in that there has been a great mistake committed, because if it is the intention of the Government to advance them in civilization, to enable them to earn a living by the cultivation of the soil, good soil should have been given to them; but where they are sent to nothing on earth will grow; they are totally dependent upon the small rations which they get from day to day. I say the appropriation of $550,000 for some eighty-five hundred or even for seven thousand Indians is entirely too small.

Mr. INGALLS. The appropriation is $700,000.

Mr. BOGY. The appropriation is $550,000 for the Indians in Arizona and $150,000 for the Indians in New Mexico, which is a great distance off. I am speaking of the Indians in Arizona. On the Indians in New Mexico another argument could be made, and I say the appropriation for the Indians of New Mexico is at least $100,000 too small to subsist those Indians, because in the Apache Indians are included four or five little tribes that were formerly Apaches of New Mexico that have separated from those Indians and are not included; and yet the policy of the Government is to drive them all upon reservations. I think it of the very greatest importance that the larger appropriation should be made. In my estimation the larger appropriation is even too small to carry out the policy of the Government as it should be. It is too small upon the score of economy, because if you are compelled to augment the number of troops there now, it will cost you ten times more.

It is said by the Senator from Kansas that there are four regiments there. There are not two complete regiments in Arizona. There are four parts of regiments in Arizona; but there are not two complete regiments in Arizona, there are not two thousand troops in Arizona to-day, although the number on paper is so. I am in correspondence with General Carr, who is an officer in that country, and the fact is, as he tells me, that there are not two thousand effective troops in Arizona to-day.

Mr. SARGENT. Ten thousand men cannot maintain as perfect peace in that Territory to-day as is done with those two thousand under this policy. There is better peace kept, with the expenditure of three quarters of a million dollars in this humane way, than there could be by maintaining on a war footing ten thousand troops.

Mr. BOGY. No question about it. On the score of economy the larger amount should be appropriated. As I have said once or twice during the few remarks I have made to the Senate, the policy inaugurated by the Government and carried out by General Crook is a success. Now, why not give it the fairest opportunity of making it a complete success? Certainly a few hundred thousand dollars is of no consequence; and if the Indians are not maintained on their reservations the result will inevitably be that you will have to send more troops there and fight and kill them. View it in any way, as a question of humanity, as a question of justice, as a question of high duty, as a matter of economy, as a matter of enlightened policy to induce the white people to go to that country, rich in minerals, it is the true course for this Government to make liberal appropriations, so that the object we set out to accomplish a few years ago when we acquired the Territory may be carried out, which is peace with these Indians. We fight them sometimes because it cannot be avoided; but the object is not to kill the Indians, but to maintain them at peace. A regiment will cost for a year more than this whole appropriation. At this moment I am informed by letters from the officers of the Army there that there is perfect peace throughout all Arizona. The policy is a success; and it would be a great misfortune really if the commanding officer of that department were not enabled to carry on the policy to a complete success.

Mr. ALCORN. Mr. President, we are all impressed with the importance of the Indian question. I rise simply to dissent from some of the views which have been expressed by the honorable Senator from Missouri, [Mr. BOGY,] especially in regard to the declaration which he makes that the policy of the Government with reference to the Indian tribes has been a success. It may have been temporarily successful, but that it will continue to do so I have not only doubts but convictions that it will all prove abortive in the end. How can it be a success? You speak of the civilization of the Indian, when the policy of the Government is to remove the Indian from the presence of civilization and corral him in the far West where there is no possibility for the cultivation of the soil, and where there is no possible hope of his ever changing the nature of the savage for that of the man of civilization. You put him there and surround him in his corral by soldiers, where his person, his property, his wife, his daughter, are held subject to the will of the soldier, away from the presence of civilization, and then come here and speak of the progress of the Government in civilizing the Indian.

The Indian, Mr. President, has moved from the presence of the white man from the day of the landing of the Pilgrim Fathers at Plymouth Rock to the distance of twenty-five miles on a base of three thousand miles. We have gone to the shores of the Pacific; and now he stands corralled upon the desert plains of the far West. The army around him will by friction wear his tribe away till there will be none of them left; but as long as there is an Indian there and the policy of the Government is kept up, just so long will murders and outrages be here recorded as against the Indian tribes in the West. It cannot be otherwise. If the Government instead of having corralled the Indians would to-day give the Indian his land, his quarter-section or his eighty acres, in a district of country where he could cultivate it, and make that title inalienable for a period of twenty years, place him there in the presence of civilization, the white race would go there, the Indian would become civilized, and the question of the Indian tribes would be settled by and by.

In the State in which I live there are Indian tribes. Several hundred Indians reside in the State of Mississippi who refused to go west. They are not paupers there. They have not reached a high point of civilization; but they are peaceable citizens, not an outrage in all the land being perpetrated by an Indian.

Mr. SARGENT. What tribe?

Mr. ALCORN. The Choctaws. They have shown that the Indian is susceptible of civilization, not of being elevated to that high point of civilization that the Caucasian race obtains, but a civilization that will at least strip him of the habiliments of the savage; that he can be tamed in the presence of civilization. He is kept a savage where you place him back and surround him with soldiery.

But, Mr. President, I only rose to say that as far as the policy of the Government is concerned, it is not a success in my humble judgment. While it may have been temporarily successful, it will prove abortive in the end. I am here to vote appropriations. I think the policy is a bad one; nevertheless it seems to be the best we can do now. Therefore I will vote appropriations where they are necessary in the estimation of those who are better acquainted with the subject than myself. I come here to do whatever I can do in the cause of humanity and as a duty which the Government owes to these people, the traces of whose blood occupy every foot of ground we tread. The fate of the poor Indian is fixed as is the fate of all other nations that have stood in the face of the Anglo-Saxon race.

Mr. BOGY. Mr. President, the Senator from Mississippi has opened a new field for discussion. The object of this bill is not to appropriate money for the civilization of the Indians at all. We are carrying out what he may well call a temporary policy. The object of the Government at this time is to take up the Indians as roving animals

in Arizona and put them on reservations so that the country may be opened for the settlement of the white race. That is the only object; and to carry out that object it is necessary that we should provide him with the means of existence, which is food. That this is the proper way to civilize the Indians I do not see, and I myself do not believe it. I had the honor once of having charge of the Indian Bureau, and indeed I remained there as long as the Senate allowed me to remain, and when I was rejected I left. I made the subject a study. It occupied much of my attention, and my views are in print on that subject. They are fixed. They are fixed from the observation of a life-time in the West, having been much among the Indians and knowing them well. It is not in accordance with my policy that the Indians of Arizona should be driven to a small reservation where the land is poor, where it is impossible for them to make their subsistence by their own labor. It is not in accordance with my views at all; but that is an utterly different question from the one that is presented by the bill. The object here is merely to provide food to carry out the object of the Government, which may be temporary.

We talk of civilizing the Indians. It has been a matter talked about for many years, and gentlemen of intelligence speak of it without having much reflected upon what civilization is. The civilization of the white race has been extremely slow. That appears to be the law of humanity. We are progressing and civilizing ourselves now from day to day. How long after Cæsar landed upon the shores of Britain before the inhabitants of the British islands were civilized? For hundreds of years—a longer period of time than we have known the Indians—all those people remained in perfect barbarism. Civilization is of slow growth; it is the perfection of humanity; it necessarily must be slow. My idea of civilizing the Indian is to put him on large reservations of productive lands and give him the means of becoming a shepherd, of raising stock. For the first few years the stock that you will give him to raise he will destroy; he will not take care of them. But he will gradually learn the value of that stock as the white race learned their value, and he will begin to raise food for the stock; and raise one cow, and then two, and then three, and so on, until he will become a great stock-raiser, which is the first step in civilization. Then put a hoe in his hand, put an ax in his hand; keep away the schoolmaster; do not build academies; he is not prepared for them; and no race on earth is prepared to be educated until that nation is localized, until it begins to live in houses, until it ceases to be a nomadic people. You must localize it, teach it how to work, give it habits of industry, before you can educate it. We have been attempting for many years and have spent vast sums of money to educate Indians. It is nonsense; it has not been a success. What can an educated Indian do among Indians? Suppose you took one of these Apache Indians and had him educated at Yale College, what could he do after he got his education? Going back to the Apache Indians, what could he do there? He would have lost the manly habits of his forefathers; he could no longer be a warrior. What would his knowledge of Latin and Greek and the sciences avail him among the Apaches, or Cheyennes, or Arapahos, or Snakes, or Diggers, or any of those tribes? He would be a lost Indian. I have known many such, and an educated Indian is *ex necessitate* a thief and a robber. There is no opening to him; no avenue. He is no longer a hunter, he is no longer a warrior; he is an educated Indian. He has no use for education; he cannot be a lawyer, or a doctor, or a merchant, or a member of Congress, or anything else. He is just a perfectly useless man among his own people. You must elevate the entire tribe, which is a slow work.

I make these desultory remarks in answer to the argument advanced by the Senator from Mississippi. The object of this bill is not to civilize Indians. That is not what we aim to accomplish by it. If that were the object, we are not using the proper means. I do not believe the Apache Indians are on the proper reservations in Arizona to-day. I think there location is a mistake. Time may correct it. Their reservations should be selected of fruitful land. Such I understand is not the character of their present reservations. Therefore I do not think they are on proper reservations; but they are there; they are at peace; and while they are there, having been brought there by the power of this Government, they must be fed, so that that country may be at peace and be opened to settlement by the white race. That is the extent of this bill, the extent of what we aim to accomplish, and nothing more.

Mr. OGLESBY. Mr. President, when the deficiency bill was before the Senate I did what I could in a reasonable way to prevent what I thought was an extravagant appropriation. I do not desire to prevent the expenditure of a single dollar that may be necessary to collect the Indians on reservations for the purpose of peace and for the purpose of their civilization. I believe in their capacity to receive instruction, elevation, civilization, and American citizenship; and I intend to vote at this session of Congress, if we shall succeed in getting it before the Senate, for the bill now on the Calendar admitting Indians, under certain conditions provided in the bill, to American citizenship.

I have been much pleased with the character of the remarks of the Senator from Missouri. They are very liberal in a general sense. I think he is something of a disbeliever in the capacity of the Indians for civilization and citizenship. I have adopted the other theory of belief. I think the only solution for the difficulty of the American Indian tribes to-day is to lift them up, as we have lifted up the colored race, to American citizenship, or extermination. There is not so much as the breadth of one hair of middle ground left between the two destinies for them.

Sir, I have not only sympathy for the colored race, but I have sympathy for the Indian race—true American sympathy; and I believe that they are now on the road to elevation and to citizenship. In the State of New York, in the State of Kansas, in the Indian Territory, in the State of Indiana, in the State of Michigan, in the State of Mississippi, in ten or twelve States in this Union, we have abundant proof of their desire for information and of their ability to receive civilization and the necessary instruction to become American citizens.

[At this point a delegation of Indians entered the gallery.]

Mr. BOGY. Here they are now; you had better be careful of what you say. [Laughter.]

Mr. OGLESBY. I welcome them with all my heart to the embrace of the Senators who oppose the doctrine I advocate. [Laughter.]

It does not follow, however, Mr. President, because the sentiment of our country is now in this direction, because we are adopting a peace policy and an elevating policy toward the Indian, that we should make extravagant appropriations for that purpose. I ask you, sir, what is the difference to-day between the wild, roving Apache Indian in Arizona Territory and the civilized Indian in the Indian Territory? Take the Creeks, the Seminoles, the Cherokees, the Choctaws, the Osages, who have gone lately from Kansas to the Indian Territory; the Seneca tribe of Indians in New York; the Mission Indians of South California, and many others that I could name who have been elevated and advanced, and they are altogether a different race from the Apache Indians of New Mexico. But it does not follow because we have adopted the policy of feeding these Indians and putting them on reservations that therefore money is to be voted out of the national Treasury at the mere beck, will, and request of men who spend it right and left without accountability. Nine hundred and fifty or nine hundred and sixty thousand dollars have already been voted at this session for a deficiency for that little band of Indians in Arizona and New Mexico. I believe to-day, on any just count that can possibly be made, there are not seven thousand men, women, and children of the Apache tribes and all the branches of the tribes, the bands, and subdivisions of them, in New Mexico and Arizona. What are the evidences to-day from Major Powell and from Mr. INGALLS in making searching investigations into the tribes of Indians in Colorado, Nevada, and Utah? It was supposed there were thirty-five or forty thousand Indians there, and yet an absolute count brings them down to eleven thousand, and that is all they could find alive on the top of the earth.

Mr. SARGENT. Where was that?

Mr. OGLESBY. In the western portion of Colorado and in the eastern portion of Nevada and Utah Territory. The report of Major Powell has been printed and is before us.

Mr. SARGENT. I do not think anybody ever put the number higher than that.

Mr. OGLESBY. They were put at from thirty-five to forty thousand.

Mr. SARGENT. Not by the census. I should think it rather an exaggeration.

Mr. OGLESBY. When the count came to be made, and the report has been made and published, it turned out that there were less than eleven thousand of them. We are guessing about the number of these Indians in Arizona Territory. We are guessing about the number of them in New Mexico. What does the Delegate from the Territory of New Mexico tell you now? That there is perfect peace in all the Territory of New Mexico; that the Apaches give them no trouble. Nearly all the Apaches in Arizona Territory are now on reservations. They are not such bad reservations as I had been led to suppose up to two or three days ago. The reservations they are on, as I am told by the Delegate from Arizona, are capable in some sense of supporting the Indians if they will work.

Mr. President, when these Apache Indians are got together in Arizona or New Mexico, or any other tribe of Indians are gathered together in the far western Territories or in the interior Territories of the Union and brought upon reservations, it is not expected that they are to sit down in laziness and idleness and do nothing. It is their duty to get to work the first day they arrive on the reservation. These Apache Indians have been in a civilized country all their lives. They have been upon the border of Mexico, and there are a great many white people scattered all over Arizona. It is a genial climate. It requires but little industry to cultivate the soil and the simplest and crudest agriculture. Are they to lay off in the shade and to be fed with a spoon by the Indian agent with this corn meal and bran flour and oatmeal flour, and beef, and do nothing? Are the Indians to be taught that they are to lie there in idleness from year to year and receive $750,000 a year simply for feeding them? How much do they require to be clothed? How have they been clothed heretofore when roaming over the Territory? When they have had to depend upon their own exertions you can imagine very well what their raiment has been and what their food has been. They had no such sustenance afforded to them ever before as the Government has given them during the last three years. There is not a buffalo in the country; there is scarcely any game except a big rabbit or so, a few horn-toads, lizards, snakes, and now and then a fat grasshopper, and that has been

the diet of these Apache Indians. They are now taken care of by the Government and fed on beef that is easily obtained from New Mexico and Texas at a cheap rate. With an appropriation of $500,000, instead of $750,000, every Apache on the reservations can have a pound of beef every day, and a pound of flour and the necessary salt, vinegar, pepper, and other Indian condiments that go to make their diet agreeable and digestible. [Laughter.]

We are making liberal appropriations for these Indians; I think too liberal. The House sent this bill here containing an appropriation of $350,000 for the Apaches in Arizona. The Senate Committee on Appropriations think they ought to raise it $200,000 more for those Indians. The House of Representatives sent us an appropriation of $100,000 for the Apaches in New Mexico. Our committee think they ought to raise it to $150,000. Instead of taking the appropriation of $450,000, as provided in the House bill, we propose to add on $250,000 more, making $700,000 for the next fiscal year. We have just appropriated $960,000 to pay back bills contracted by these agents. The supplies had all been furnished and those were accounts against the Government.

Now, sir, I do not intend or desire to interrupt the policy of the President and the policy of the American people, the policy which the Senator from Missouri wisely and forcibly approves, for that is the line which I intend to travel in, the pacific line, the line which will take the Indians from the Territories, break up the different tribes, put them on reservations, give them good homes, and start them on the road of American civilization. That is my policy with regard to the Indians. I have faith in their elevation. I believe they will not be exterminated. I believe the race will thrive and grow and become a part of American society and of the American people. That is the destiny that I prefer for them.

But, sir, it does not follow that we are to make these extravagant appropriations. I should like to have these Indian agents understand that for once they must keep within the appropriations made by Congress. Let them try to get along this year with the sum the House propose, and see whether we shall have a war or not. I predict that there will be no war and no trouble; the Indian will be fed and taken care of on the reservations as I believe. I am not capable of proving this; I cannot demonstrate it; but I reason about it, and I believe it is the correct course to pursue with regard to them.

These Indian agents and the managers of these Indian tribes in Arizona and New Mexico should be taught that, while the Government is willing to pursue the policy that we are advancing upon, we intend to pursue it economically, in the interest of the Indian alone, and not in the interest of anybody else. We do our duty if we give him coarse food, cheap food, but enough to keep him from running off the reservation. Abundance of food is not what keeps an Indian on the reservation. His natural disposition to hunt, his natural disposition to roam, will take him off the reservation, because that feeling that was born in him cannot be entirely eradicated in an hour, or a month, or a year, and I fear not for years to come. It is owing to his disposition to roam. It is not because he is not fed and kindly treated. Where is there an Indian reservation in the United States to-day on which the Indians have not been kindly treated, and yet how many Indians go off the reservations every year?

You have reports here now from the Indian Territory in regard to the Osage Indians or the Blanket Indians, asking you to make some further appropriation to them out of the trust fund that we hold to their credit, that they may be kept there, kept from their disposition to wander. It is not because they are not fed, not because they are not clothed, but because they have a disposition to wander on the plains when the hunting season comes. It is just so with the Apache Indians in Arizona, just so with the Apaches in New Mexico.

I should like very much to see this amendment of the Committee on Appropriations rejected. I should like to stand for this year on the House appropriation and see if we cannot get along on that. Let these Indian agents understand that we intend to keep a check upon them; that they must make cheap and reasonable contracts, and I venture the assertion that the Indians will be all kept on the reservations, and you will find more of them there than are there now.

Mr. WINDOM. I do not desire to prolong the general discussion of this subject, but only to refer to one or two matters of fact stated by the honorable Senator from Illinois. His statement is that we appropriated in the deficiency bill $950,000 for these Indians. If that were a correct statement of the facts it would be the strongest possible argument in favor of the larger amount recommended by the Committee on Appropriations in this bill, for if it required that much last year, certainly $700,000 cannot be an excess this year. The Senator, however, is mistaken in his figures. The total amount of deficiencies appropriated in that bill was somewhere near $950,000, $500,000 of which was for 1874, and $420,000 for 1873. The $950,000, therefore, spoken of includes the deficiencies for two years.

One other fact in reference to our expenditures for these particular tribes. In 1873——

Mr. OGLESBY. I beg the Senator's pardon; when I said that over $950,000 had been appropriated by the deficiency bill, I meant for the years 1873 and 1874.

Mr. WINDOM. I did not know that the Senator so understood it.

Mr. OGLESBY. O, yes, sir.

Mr. WINDOM. In 1873 we appropriated for these same Indians $824,000; for 1874, the present fiscal year, $750,000; and for the next fiscal year, under the bill as recommended by the Senate committee, we propose $700,000; so that the Senate will see we are decreasing as rapidly as we can.

When I first took the floor in answer to objections to this amendment I stated that there were seventy-three hundred of these Indians on the reservation. That statement was made from my memory of information received from the Commissioner of Indian Affairs, and from the reports of the Department; but I find upon a careful inquiry and revision of the estimate that there are over ninety-five hundred of these Indians as shown by the report. The Senator from Illinois thinks we are very much mistaken in the number, because the Indians of Colorado, I believe it was, were once very much overestimated. There never was any censustaken of the Indians in Colorado; they were guessed at; and these Indians in Arizona, as I am informed, were formerly guessed at at sixteen thousand, but their numbers are now actually known. They receive their rations upon roll-call. The officers in charge call the roll and the Indians appear and receive their rations; so that it is very easy to ascertain what the actual number is, and it is stated to be ninety-five hundred.

Mr. President, an appropriation of $700,000 for that number of Indians will give about seventy-four dollars per annum for each Indian, or at the rate of twenty cents per day. My honorable friend from Illinois, whose sympathies gush not only for the negro, but for the red man, certainly will not argue before the Senate that twenty cents a day to feed Indians in that distant country, where everything is expensive, where transportation costs so immensely, is a very exaggerated sum. I do not believe we can possibly get along for a less sum.

I believe also, as has been stated by others, that the amount we appropriate for these Indians is an economical appropriation. I believe it is a just appropriation. The policy of this Government hitherto has been to make treaties with the Indians, and this bill, as stated by the Senator from California, is full of appropriations under treaties, to pay interest on moneys belonging to Indians, to pay amounts stipulated under treaties; but in this case in Arizona we took possession of the whole of that Territory and made no contracts or agreements or treaties whatever with the Indian tribes. We simply took forcible possession, and now dole out to them this pittance at the rate of twenty cents per day to keep them from starvation. At no time has any treaty been made with the Apaches.

I have nothing further to say on this amendment.

Mr. BUCKINGHAM. I do not know that there is any part of the Indian service more expensive than that connected with the removal of the Apache Indians; but it appears to me there are very good reasons for it. The transportation is farther than that of almost any other tribe or nation. They are situated on the borders of Mexico; they wander into Mexico; and if the agents attempt to bring them together for the purpose of removing them to their reservations, they are often obliged to go hundreds of miles into Mexico for the purpose of securing ten or twenty of the Indians. As a matter of course, that is a very expensive operation.

Again, the citizens of Mexico who live on the borders make raids within the territories of the United States; and they like to have the Indians there to charge these raids upon them. They are opposed to the removal of the Indians, and that obstacle is very much in the way and increases the expense of removing these Indians.

Mr. INGALLS. Is not the Senator aware that the entire expense of collecting and removing these Indians is incurred under the military authorities of the country, and is not chargeable to this appropriation bill at all?

Mr. BUCKINGHAM. No; I was not aware that it was altogether under the military appropriations.

Mr. INGALLS. It is entirely under the control of the military authorities.

Mr. BUCKINGHAM. I was not aware of that. Is that a fact that they are gathering them in?

Mr. INGALLS. And for that purpose, as I have before stated this morning, there are four regiments of troops stationed in those two Territories, two of cavalry and two of infantry.

Mr. BUCKINGHAM. Do not the agents labor to bring the Indians together in certain places of rendezvous, for the purpose of transporting them?

Mr. INGALLS. The report of the Commissioner of Indian Affairs shows that that entire duty is discharged by the military authorities, that the Indians are collected and placed on reservations by troops stationed there for that purpose.

Mr. SARGENT. If my honorable friend from Connecticut will allow me, that is absolutely necessary where you are dealing with savages. In Arizona you are dealing with a very peculiar class. The Senator himself would not find his scalp safe an hour if he started out with civilians simply to bring in wild Apaches. The military are those who hunt them up and put them on reservations, and then they are turned over to the civil officers, and this expenditure commences.

Mr. INGALLS. If the Senator will pardon me, I was not doubting the wisdom or feasibility of that method of taking care of the Indians. I was merely making a suggestion in reply to the statement made by the Senator from Connecticut, that the expense of removing and collecting Indians was included in the appropriation bill we are now considering.

Mr. SARGENT. I was simply remarking that you cannot handle

that dangerous element except with the mailed hand; you must use force.

Mr. BUCKINGHAM. I merely wished to justify the appropriation which is made in this bill by the committee, on the ground that it is a more expensive operation to collect and transport the Apache Indians to their reservations than any others. It is a more expensive service, and being a more expensive service, it must as a matter of course fail unless we make a larger appropriation.

Mr. MORRILL, of Maine. I listened to the remarks of the honorable Senator from Kansas, and am not at all surprised at the view he takes of the general expensiveness of this Indian service. It has nearly doubled since 1867. In order to understand whether it is reasonable or unreasonable you need to consider what has taken place in regard to the Indian service since that period. We are very much in the habit of dealing with the Indians as it is said some people do with their poor relations—regard everything done for them as so much thrown away.

But, Mr. President, this bill appropriates about $6,000,000. Four millions of it is not an appropriation in any sense of the word except in the sense of paying our obligations to the Indians. I ask Senators to set that down as one prominent feature in this appropriation bill. We are simply appropriating what we owe to the Indians to that amount. Prior to the year 1860, when the war broke out, that was about the amount we appropriated for the Indian service. Before that time our arrangements with the Indians had been principally through treaty stipulations, and an Indian appropriation bill was simply to provide for the treaty stipulations, and therefore the Appropriation Committee had simply the moderate service on its hand of ascertaining what the treaty stipulations were. But during the late civil war great disturbances arose in the Indian country. We had wars—very expensive wars. During that period our population penetrated every nook and corner of the continent. There was no reservation that they did not go to; there was no unexplored territory that was not explored. Mean time, it will be recollected, we had chartered three or four—three certainly—transcontinental railways, and the prospectors and explorers and surveyors of those roads with their parties were out in that country. We had no treaty stipulations with those Indians, and in 1867 the whole Indian country west of the Missouri River was in arms, and we were in danger of a universal Indian war.

Now, let it be understood that we own all those possessions. We have dispossessed the Indian everywhere on this continent except as to certain reservations on which we have driven him. We have repudiated the idea of further treaties with him. We have said to him, "You must go on certain reservations that we indicate and you must stay there," and if he does not remain there we hold that he is an outlaw and may be shot. It will be seen, then, that without treaty stipulations and without bargain we had taken the whole domain west of the Missouri River, except the reservations which have been temporarily set aside for the residence of the Indian, pledging ourselves to feed him and aid him in supporting himself on those limited reservations.

Now comes in this new feature of the bill, appropriations such as we have here, to feed the Indians. It is an indefinite, uncertain service. We cannot tell precisely the amount it will take in a given year. Take the Apaches, the case before us. Last year there were very few of these Indians comparatively on the reservations. This year I am told we have between six and seven thousand, with the prospect of many more.

Mr. SARGENT. Nine thousand.

Mr. MORRILL, of Maine. Nine thousand on the reservations, and they are all at peace. Does anybody doubt that it costs us less to take care of them on the reservations at peace and feed them than it would to hunt them? Nobody will deny that. My honorable friend from Kansas states a fact which furnishes the contrast to this peace policy, and explains a great deal of what is apparently in controversy here. For several years we have had four regiments of troops in Arizona and New Mexico. I do not suppose there are much more than half that number there now; but for many years, to protect the few white people in those Territories, we have had stationed there three or four regiments, costing for their maintenance from a million to a million and a quarter a regiment. They have done nothing but hunt these Indians, the Indians constantly growing worse, of course, as they were hunted, committing murders and depredations of all kinds.

Now, we have changed that. These Indians have gone upon certain reservations, and we have agreed to feed them there, to take care of them. I agree with my honorable friend from Illinois that we ought to practice the utmost economy in regard to it, but we must do enough to encourage these people to stay upon the reservations. In other words, we must take care to feed them so that they will not have an excuse or an incentive to go abroad to hunt. So in this change of policy it is easy to account for the increase in this appropriation bill from four millions to six or seven millions; and it is easy to account for it without supposing we are making any sacrifice at all. We hardly stop to consider whether there is any Indian side to this question, as some Senator has very aptly said. There is an Indian side to it, and that Indian side is this: that in the last six or eight years we have dispossessed the Indian everywhere on this continent; we have forced him on to small reservations, and there we oblige him to stay and receive precisely what we choose to dole out to him. Under those circumstances it does not become us to be very grudging, nor does it become us to be stinted in the means we appropriate. We should make them ample to the end that the Indians may be kept quietly on the reservations.

I make these general observations not more in application to this particular item than to the whole range of the increase of this bill. It grows out of the general fact in the change of our policy that we have ceased to make treaty stipulations, that we have now required the Indian to abandon his hunting grounds everywhere, to go upon limited reservations and there to accept the peace policy, to undertake to provide for himself, we on our side pledging that we will do what we can to aid him in the way of civilizing himself and becoming self-supporting.

Mr. SARGENT. I do not wish to prolong the debate; but I should like to have the Clerk read an extract from the Arizona Citizen of April 11, 1874, which I have here, for the purpose of showing that there is peace in Arizona, that the Indians are keeping their word, and that there is encouragement for Congress to continue to carry out the system which we have adopted during the past two or three years. I will state that this paper was one of the most malignant opponents of this system, but seems now to be thoroughly converted.

The Chief Clerk read the following from the Arizona Citizen of April 11, 1874:

The prospect for peace seems now quite encouraging. The Hualpais, from whom a long and protracted war was feared by many, have nearly or quite all surrendered; some of the San Carlos Apaches have been killed and captured, and a good many have surrendered, and we have not heard of any depredations having been committed by them for several weeks. Lieutenants Schuyler, Bache, Reilly, London, and Captain Hamilton were still after those that are out, at last accounts, and the Indians are doubtless kept quite busy eluding their pursuers. If it had not been for the prompt and efficient action of General Crook we should no doubt have had a protracted Indian war. We have received no complaints from Sonora, for some time of Indian depredations in that section, *and we hope the Cochise Apaches will continue to keep on this side of the line and behave as well as they now appear to be doing.* The Territory is rapidly filling up with horses, cattle, and sheep, and if the Apaches are kept in subjection it will not be long before our plains will be covered with domestic animals. It used to be charged by those who did not know or who wished to misrepresent us that we did not want peace, *but one year of peace will add more substantial wealth to Arizona than twenty years of war.*

The PRESIDING OFFICER, (Mr. BOREMAN in the chair.) The question is on the amendment of the Committee on Appropriations.

The question being put, a division was called for.

Mr. WINDOM. We may as well have the yeas and nays in order to obtain a quorum.

The yeas and nays were ordered.

Mr. ANTHONY. I think it ought to be stated in justice to absent Senators that the reason why we have been without a quorum several times to-day is that Senators are absent in the service of the Senate and by order of the Senate. There are committees of conference and several other committees holding sessions during the session of the Senate by order of the Senate, and there are three Senators at least absent in the service of the Senate at West Point.

The question being taken by yeas and nays, resulted—yeas 29, nays 10; as follows:

YEAS—Messrs. Alcorn, Anthony, Bogy, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Conkling, Cooper, Davis, Flanagan, Frelinghuysen, Gilbert, Hamilton of Texas, Hamlin, Kelly, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Pratt, Ramsey, Sargent, Saulsbury, Tipton, Washburn, and Windom—29.

NAYS—Messrs. Conover, Edmunds, Hager, Harvey, Ingalls, Oglesby, Robertson, Sherman, Wadleigh, and Wright—10.

ABSENT—Messrs. Allison, Bayard, Brownlow, Cameron, Clayton, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Goldthwaite, Gordon, Hamilton of Maryland, Hitchcock, Howe, Johnston, Jones, Lewis, Logan, Morton, Norwood, Patterson, Pease, Ransom, Schurz, Scott, Spencer, Sprague, Stevenson, Stewart, Stockton, Thurman, and West—34.

So the amendment was agreed to.

Mr. WINDOM. I move that debate on amendments to this bill be confined to five minutes, under the rule.

The PRESIDING OFFICER. That can be agreed to by unanimous consent if there is no objection. The Chair hears none.

Mr. INGALLS. Is it necessary to give notice that I desire to reserve the amendment just adopted?

Mr. EDMUNDS. No, sir; you can reserve it when it comes into the Senate by stating it then.

Mr. INGALLS. Very well.

EXECUTIVE SESSION.

Mr. EDMUNDS. I think we ought to have a short executive session. I therefore move that the Senate proceed to the consideration of executive business.

Mr. WINDOM. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

The motion was agreed to.

Mr. WINDOM. I desire to give notice while the doors are being closed that I shall ask the Senate to resume the consideration of this bill to-day. I understand the executive session is for but a very few moments.

The Senate thereupon proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were re-opened.

HOUR OF MEETING.

Mr. FRELINGHUYSEN. I move that when the Senate adjourns to-day, it be to meet at twelve o'clock to-morrow.

Mr. CONKLING. I move to amend the motion by adding "and daily thereafter until otherwise ordered."

The amendment was agreed to.

The motion, as amended, was agreed to.

CENTRAL BRANCH UNION PACIFIC RAILROAD.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (S. No. 288) in reference to the carrying of freight and passengers on the Union Pacific Railroad and its branches, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 559) to enable the Central Branch of the Union Pacific Railroad Company to submit its claims against the United States under existing laws to the decision of the Supreme Court, reported adversely thereon, and moved the indefinite postponement of the bill.

Mr. INGALLS. I gave notice the other day that when the Senator from Iowa [Mr. WRIGHT] called up the report of the Judiciary Committee on that subject I should move to substitute this bill for the bill proposed by the committee, and if the Senator from New York will permit me I should like this bill to go upon the Calendar that I may make that motion when the bill of the committee comes up for consideration.

Mr. CONKLING. I have no objection, but I suggest to the Senator that this will have no influence whatever on his right in the other respect. There has been a report made on this subject, and therefore the committee ask to be discharged from this bill. The other bill relates to a subject on which the committee reported this morning; but this would not affect the Senator's right to offer an amendment when the other bill shall come up.

Mr. INGALLS. If I am not precluded from offering it as an amendment, I have no objection.

Mr. CONKLING. Not at all; if the Senator desires to move this as an amendment to any other bill at any other time, he can do so.

Mr. INGALLS. Then I withdraw the request that the bill be placed on the Calendar.

The bill was indefinitely postponed.

REVISION OF THE LAWS.

The PRESIDENT *pro tempore* appointed Mr. ANTHONY a member of the committee of conference on the disagreeing votes of the two Houses in the concurrent resolution relative to dispensing with the enrollment on parchment of the bills revising the statutes, in the place of Mr. CONKLING, excused.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideratoin of the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the clause appropriating for the subsistence of the Arapaho, Cheyenne, Apache, Kiowa, Comanche, and Wichita Indians, in line 210, to insert after the word "occupation" the words "in the Indian Territory;" in line 211 to increase the total from $250,000 to $300,000; so as to make the clause read:

For subsistence of the Arapaho, Cheyenne, Apache, Kiowa, Comanche, and Wichita Indians, (and transportation of the same,) who have been collected upon the reservations set apart for their use and occupation in the Indian Territory, $300,000.

The amendment was agreed to.

The next amendment was on page 10, to strike out the following proviso, commencing with line 215:

And provided further, That no troops shall be kept stationed on the reservation on which said Indians are located, but the northern line of Texas shall be guarded, so far as possible, so as to prevent the Indians from roaming into that State or the whites from intruding on the Indian reservations, except such troops as may be necessary to preserve order.

The amendment was agreed to.

The next amendment was on page 20, line 470, to increase the appropriation "for transportation of annuity goods and provisions, and iron and steel for blacksmiths, for the Chippewas of Red Lake and Pembina tribe" from $1,500 to $2,000.

The amendment was agreed to.

The next amendment was in the appropriations for the Creeks, to insert after line 535 the following clause:

For educational purposes, per fifth article treaty of February 14, 1833, $1,000.

The amendment was agreed to.

The next amendment was in line 606, to increase the appropriation for furnishing flour and meat for the Crows from $50,000 to $100,000.

The amendment was agreed to.

The next amendment was in the appropriation for completing the removal of the remaining Kickapoo and other American Indian tribes roving on the borders of Texas and Mexico, to reservations within the Indian Territory, to strike out the word "sixty" and to insert "seventy five" in line 740; so as to read, "that the expense of removing said Indians shall not exceed seventy-five dollars for each Indian removed to the reservation," &c.

The amendment was agreed to.

The next amendment was in the appropriations for the Navajos to increase from $20,000 to $34,470 in lines 861 and 862 the item for the fifth of ten installments, to be used in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper, the sum of ten dollars to each person who engages in farming or mechanical pursuits.

The amendment was agreed to.

The next amendment was in line 886, in the appropriations for the Nez Percé Indians, in the item "for fifteenth of twenty installments for the employment of one superintendent of farming and two farmers, two millers, two blacksmiths, one tinner, one gunsmith, one carpenter, and one wagon and plow maker, per fifth article treaty of June 11, 1855," in line 886, from $7,000 to $9,500.

The amendment was agreed to.

The next amendment was in line 889, in the appropriation for fifteenth of twenty installments for pay of physician for the Nez Percé Indians, to strike out "$1,000" and insert "$1,200."

The amendment was agreed to.

The next amendment was in line 944, to increase from $12,000 to $20,000 the appropriation to the Northern Cheyennes and Arapahos, "for sixth of ten installments, to be expended, by the Secretary of the Interior, ten dollars for each Indian roaming, (estimated at eighteen hundred souls,) in the purchase of such articles as, from time to time, the condition and necessities of the Indians may indicate to be proper."

The amendment was agreed to.

The next amendment was in line 947, in the appropriations for the Northern Cheyennes and Arapahos, to reduce the amount of appropriations for the "pay of physician, teacher, carpenter, miller, farmer, blacksmith, and engineer," from $7,700 to $6,700.

The amendment was agreed to.

The next amendment was in line 949, in the appropriations for the Northern Cheyennes and Arapahos, to strike out the words "for last of four installments;" in lines 950 and 951, to strike out the words "per sixth article of treaty of May 10, 1868," and in line 951 to strike out "$36,000" and insert "$60,000;" so that the clause will read:

To furnish said Indians with flour and meat, $60,000.

The amendment was agreed to.

The next amendment was in the appropriations for the Osages, to insert after line 992 the following additional item:

For interest on $720,749, at 5 per cent. per annum, to be used for such objects as the Secretary of the Interior may direct, as per act of July 15, 1870, $36,037.45: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized to expend, from the proceeds of the sale of lands of the Great and Little Osage Indians provided to be sold by section 12 of said act of July 15, 1870, the sum of $200,000 per annum for two years, or so much thereof as may be necessary, for the purchase of stock and agricultural implements, opening farms, erection of houses, and for the civilization and support of the Osages and of their tribal government.

The amendment was agreed to.

The next amendment was in line 1040, in the appropriations for the Pawnees, to increase the amount "for the employment of one matron, three teachers, and two assistant teachers, and providing the schools with fuel, books, and stationery" from $3,000 to $4,700.

The amendment was agreed to.

The next amendment was to strike out the following proviso to the appropriations for the Pottawatomies, commencing in line 1111:

Provided, That the Secretary of the Interior be, and he is hereby, directed and required, in paying out the several foregoing annuities, to pay to the Prairie band of said Pottawatomies that proportion of money which they are and were entitled to under the terms and stipulations of said several treaties and the settlement and agreement had and entered into by and between said Prairie band and the Citizens band of said Pottawatomies, entered into on the 18th of July, 1873, and the accounts of said bands shall be so adjusted as to give effect to said agreement.

The amendment was agreed to.

The next amendment was in line 1183, in the appropriations for the Sacs and Foxes on the Mississippi, to insert at the end of the clause "for interest on $800,000 at 5 per cent., per second article treaty of October 11, 1842, $40,000, of which sum $1,200 shall be paid for a physician for the agency" the following words:

Who shall furnish the necessary medicines: *Provided*, That so much of the appropriation herein made for the Sacs and Foxes on the Mississippi as shall be deemed necessary by the Secretary of the Interior, not exceeding 50 per cent, thereof, may be used under his direction for the purposes of education and civilization.

The amendment was agreed to.

The next amendment was after line 1204 to insert at the end of the appropriations for the Sacs and Foxes of Missouri the following proviso:

Provided, That so much of the appropriation herein made for the Sacs and Foxes of the Missouri as shall be deemed necessary by the Secretary of the Interior not exceeding 50 per cent. thereof, may be used under his direction for the purposes of education and civilization.

The amendment was agreed to.

The next amendment was in line 1331, in the appropriations for the Shoshones, to increase the amount of appropriation for the purchase of such articles as may be considered proper by the Secretary of the Interior for eighteen hundred persons at ten dollars each, and six hundred persons engaged in agriculture at twenty dollars each, from $25,000 to $30,000.

The amendment was agreed to.

The next amendment was in lines 1335 and 1336, in the appropriations for the Shoshones, to increase the amount "for pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith" from $3,000 to $6,450.

The amendment was agreed to.

The next amendment was in line 1339, in the appropriations for the Shoshones, to increase the amount "for the purchase of seeds and farming implements" from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was in line 1418, in the appropriations for the "Sioux of different tribes, including Santee Sioux in the State of Nebraska," to increase the amount "to purchase such articles as may be considered proper by the Secretary of the Interior for persons roaming and for persons engaged in agriculture" from $100,000 to $200,000.

The amendment was agreed to.

The next amendment was in line 1427, to reduce the amount appropriated "for the purchase of beef, flour, bacon, and sugar, in proportionate quantities for thirty thousand persons; and for subsistence of the Yankton Sioux and Poncas; and for purposes of civilization" from $1,200,000 to $1,100,000.

The amendment was agreed to.

The next amendment was in line 1468, to increase the appropriation for the Sioux, Sisseton and Wahpeton, and Santee Sioux of Lake Traverse and Devil's Lake" from $75,000 to $80,000.

The amendment was agreed to.

The next amendment was in the appropriations "for colonizing and supporting the Wichitas and other affiliated bands," in line 1590, after the word "physician" to insert the words "and clerk;" in line 1591, after the word "dollars" to insert the word "each;" in the same line, after the word "blacksmith" to strike out the word "plasterer;" in line 1596, after the word "seamstress" to insert the word "two;" in the same line, to add to the word "cook" the letter "s;" and in the same line, after the word "cook" to insert "and one laundress;" so that the clause will read:

For this amount, to be expended in such goods, provisions, and other articles as the President may from time to time determine, including transportation thereof, in instructing in agricultural and mechanical pursuits, in providing employés, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement, (including pay of physician and clerk, $1,200 each; blacksmith, carpenter, sawyer, and head farmer, at $900 each per annum; and two assistant farmers, one matron, one mason, two teachers, at $600 each per annum; one engineer, $660; and one seamstress, two cooks, and one laundress, $600 each per annum,) $50,000.

The amendment was agreed to.

The next amendment was in line 1687 to increase from $50,000 to $75,000 the appropriation "for the general incidental expenses of the Indian service in the Territory of Arizona, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior."

The amendment was agreed to.

The next amendment was in line 1698 to increase the appropriation "for the general incidental expenses of the Indian service in California, pay of employés, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior," from $40,000 to $80,000.

The amendment was agreed to.

The next amendment was after line 1699 to strike out the two following clauses:

That the Secretary of the Interior be authorized to set aside a reservation for the Indians roaming in Northern California, upon which they may establish their homes and retain the same.

For agricultural purposes, an additional sum of $5,000.

The amendment was agreed to.

The next amendment was after line 1705, to insert the following:

Colorado Territory:

For the general incidental expenses of the Indian service in Colorado Territory, presents of goods, agricultural implements and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, $5,000.

The amendment was agreed to.

Mr. INGALLS. We have followed the lead of the Senator from Minnesota now for about four hours on this bill, and as the hour of five o'clock has arrived, I move that the Senate adjourn.

Mr. WINDOM. I know it is out of order to discuss this motion; but if the Senator will permit us to sit ten or fifteen minutes longer we shall get through with the reading of the bill and the amendments of the committee. The rest of it is almost entirely formal. I hope he will withdraw his motion.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) Does the Senator from Kansas withdraw his motion?

Mr. INGALLS. I do not think it possible to get through with the bill in ten or fifteen minutes; but I withdraw the motion at the request of the Senator.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 1743 to increase the appropriation "for the general incidental expenses of the Indian service in Nevada, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior," from $15,000 to $25,000.

Mr. WINDOM. I am instructed by the committee to ask to withdraw that amendment.

The PRESIDING OFFICER. If there be no objection the amendment will be regarded as withdrawn.

The next amendment was in line 1766 to reduce the appropriation for the general incidental expenses of the Indian service in Washington Territory from $3,000 to $2,000.

The amendment was agreed to.

The next amendment was in line 1767 to strike out the word "Choholas" before "agencies," and to insert "Chehalis."

The amendment was agreed to.

The next amendment was in line 1788 to strike out the words "insurance and;" and in line 1791 to strike out the word "four" and to insert the word "five;" so as to make the clause read:

For transportation of annuities, and the necessary expenses of the delivery of the annuities and provisions to the Indian tribes in Minnesota and Michigan, $5,000.

The amendment was agreed to.

The next amendment was after line 1791 to strike out the following clause:

For this amount, or so much thereof as may be necessary, to defray the expenses of Indian delegations who may visit Washington on business connected with their respective tribes, $5,000: *Provided*, That no money shall be paid from any other fund for expenses of Indian delegations visiting Washington except from the contingent fund of the Department.

The amendment was agreed to.

The next amendment was on line 1809, to increase the appropriations for the "civilization and subsistence of Indians on the Malheur reservation," in Oregon, from $20,000 to $35,000.

The amendment was agreed to.

The next amendment was in line 1862, to increase the appropriation "for subsisting and establishing the Otter-Tail Pillager band upon the White Earth reservation, Minnesota, in accordance with the act approved March 3, 1873, by which the right of said Indians has been secured to one township of land for reservation purposes," from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was in line 1870, to insert at the end of the clause appropriating $15,000 "for the removal and establishment of the Pembina band of Chippewa Indians upon the White Earth reservation, Minnesota, in accordance with the act approved March 3, 1873," the words "to be available immediately."

The amendment was agreed to.

The Chief Clerk read the next clause of the bill, commencing with line 1872, as follows:

Pay and expenses of three commissioners to make appraisements: For this amount, or so much thereof as may be necessary, for the purpose of defraying the expenses of a commission provided for by section 2 of the act approved March 3, 1873, to make an examination of the country proposed for the location of the Round Valley reservation, and to make an appraisement of all improvements of white persons north of said boundary of the reservation, $4,000.

Mr. SARGENT. I must confess to my friend who has charge of this bill that I had not noticed that item in the bill when the bill was before the committee. It must have come up in my absence. I should like to hear an explanation of it. If that means for another commission to be sent there, then I object. If it simply means to pay the expenses of the commission that went there and performed the work, I do not object.

Mr. WINDOM. That is what it does mean.

Mr. SARGENT. Very well. In that case I withdraw the objection.

The next amendment of the Committee on Appropriations was in line 1885, to insert before the word "necessary" the words "actual and;" so that the clause will read:

For this amount, or so much thereof as may be necessary, to defray the actual and necessary traveling expenses of five Indian inspectors provided for by section 6 of the act making appropriations for the current and contingent expenses of the Indian Department for the fiscal year 1874, $7,500.

The amendment was agreed to.

The next amendment was to strike out the following clause from line 1916 to 1956:

For this amount, to enable the Secretary of the Interior to pay to the children of the Delaware Indians who became citizens of the United States under the provisions of the ninth article of the Delaware treaty of July 4, 1866, and the children of Betsey Zeigler, who died before completing her citizenship under the provisions of said article, their proportionate share of the money and stocks held in trust by the United States for the Delaware tribe of Indians, $54,514.23, of which $21,448.07 shall be deducted from the money credits of said tribe, and $33,066.16, to be taken equitably from their several kinds of stock, shall be transferred to the Secretary of the Treasury and become the property of the United States: *Provided*, That if the Secretary of the Interior shall so determine, the whole amount hereby appropriated shall be taken from the money-credits of the tribe, the Secretary of the Interior to designate the funds from which said amounts shall be taken: *Provided*, That in the case of deceased persons, the Secretary of the Interior shall make payment to their legal representatives; and said Delaware children are hereby declared to be citizens of the United States, with all the rights, privileges, and immunities of such; and the Secretary of the Interior is hereby authorized and directed to cause patents to issue in fee-simple to said persons for the lands allotted to them; and in case of the decease of any of said persons, the said patents shall issue in the names of such deceased persons, including the said Betsey Zeigler, and the title to the lands designated in such patents shall inure to and become vested in the heirs, devisees, or assignees of said deceased patentees, as if the patent had issued to the deceased person during life; and the Secretary of the Interior shall cause patents to be issued in fee-simple in the names of Barbara Zeigler, Martha Zeigler, Samuel

Ketchum, Nathan S. Tublow, and Francis H. Ginter, who belonged to the families of the citizen class, and who died prior to the census of said Indians made by the agent under the provisions of the treaty of July 4, 1866, for the lands allotted to them; and the lands designated in such patents shall inure to and become vested in the heirs, devisees, or assignees of said deceased patentees, as if the patent had issued to the deceased person during life.

Mr. INGALLS. I suggest that that amendment be passed over for the present. I have some explanation to make that I think will convince the Senate that that provision should be retained in the bill.

Mr. WINDOM. I have no objection.

Mr. SARGENT. I suggest to the Senator to allow it to be adopted now and then reserve it and take a separate vote upon it in the Senate, and then we could receive any information the Senator may desire to impart to us on the subject. That will give an opportunity to have a vote of the Senate upon it.

Mr. INGALLS. It is immaterial to me how it is disposed of if I have an opportunity of presenting my views to the Senate to show that the proviso should be retained, as I think it ought to be.

Mr. SARGENT. Let it be stricken out now, and then it can be acted upon again in the Senate.

The PRESIDING OFFICER. If there is no objection, the amendment will be considered as agreed to.

Mr. INGALLS. I object to its being agreed to.

Mr. MORRILL, of Maine. The suggestion of the Senator from California is that we allow it to pass——

Mr. INGALLS. That is what I suggested, to allow it to pass for the present.

Mr. MORRILL, of Maine. The suggestion of the Senator from California is to allow it to be adopted now, and the Senator from Kansas can reserve the right in the Senate to make his explanation and then have a vote of the Senate upon it, the object being to get the bill out of committee into the Senate.

Mr. INGALLS. I have no preference as to what disposition is made of it, provided I have the right to explain this provision to the Senate and can have a vote upon it.

The PRESIDING OFFICER. The Chair will suggest that the Senator can express his views on the motion to concur in the amendment when the bill comes into the Senate.

Mr. WINDOM. The Senator can reserve this amendment in the Senate.

Mr. INGALLS. Very well, then; I give notice that I shall reserve this amendment in the Senate.

The amendment was agreed to.

The next amendment was to insert the following proviso after line 1970, at the end of the clause appropriating $3,350 for interest on the Pottawatomies' educational fund:

Provided, That the sum of $1,500 may be expended, with the consent of said Indians, for a physician, who shall furnish medicines.

The amendment was agreed to.

The next amendment was in section 2 to strike out the word "such" in line 9; in the same line, after the word "examinations," to strike out the words "and duties" and to insert the words "of vouchers and accounts;" and in lines 11, 12, 13, and 14 to strike out the words "except that when said board shall deem it necessary, for the more prompt examination of said vouchers, they may direct their executive committee to hold its sessions for such purpose in the cities of Philadelphia or New York;" so as to make the section read:

SEC. 2. That the sum of $15,000, or so much thereof as may be necessary, to pay the expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, is hereby appropriated; and said board of Indian commissioners is hereby continued with all the powers and duties conferred and imposed by existing laws. And all examinations of vouchers and accounts shall hereafter be performed in the city of Washington. But nothing herein provided shall be construed to supersede or interfere with the duty heretofore imposed upon said board of commissioners to visit Indian agencies and inspect the vouchers, books, and papers thereof.

The amendment was agreed to.

The next amendment was in section 3, line 13, after the words "provided that" to strike out the following words:

If there are any tribes or parts of tribes so wild and ungovernable as that such policy cannot be enforced, the Secretary of the Interior may, by written order, except such Indians; and.

So that the section will read:

SEC. 3. That for the purpose of inducing Indians to labor and become self-supporting, it is hereby provided that in distributing the supplies to the Indians for whom the same are appropriated, the agent distributing the same shall require all able-bodied male Indians, between the ages of eighteen and forty-five, to perform service upon the reservation, for the benefit of themselves or of the tribe, at a reasonable rate, to be fixed by the agent in charge, and to an amount equal in value to the supplies to be delivered. And the allowances provided for such Indians shall be distributed to them only upon condition of the performance of such labor, under such rules and regulations as the agent may prescribe: *Provided*, That the Secretary of the Interior may, by written order, except any particular tribe from the operation of this provision where he deems it proper and expedient.

The amendment was agreed to.

The next amendment was to insert the following additional proviso at the end of section 3:

Provided also, That a sum not exceeding 33 per cent. of the cash annuities herein appropriated may, at the discretion of the Secretary of the Interior, be expended for the purposes of educating and civilizing the tribes to which the funds belong: *And provided further*, That this discretion in the use of funds shall not apply to the national funds of the Cherokee, Creek, Seminole, Choctaw, and Chickasaw Nations.

The amendment was agreed to.

The next amendment was in section 4 to insert after the word "dollars," in line 6, the words "unless expressly authorized by the Secretary of the Interior;" and in line 11, after the word "their," to strike out the words "annual or;" so that the section will read:

SEC. 4. That none of the moneys appropriated in this act shall be used to pay salaries or allowances of any kind to employés at agencies except where it is expressly appropriated for such purpose; excepting the contingent fund and the incidental fund, and except in cases herein otherwise provided, not more than $6,000, unless expressly authorized by the Secretary of the Interior, shall be paid for the salaries of employés at any one agency, in addition to the salary of the agent and interpreter, and not more at any agency than is absolutely necessary; and Indian agents shall be required to state, under oath, upon rendering their quarterly accounts, that the number of employés claimed for were actually and *bona fide* employed at the agency and at the salary claimed; and that such agent does not directly or indirectly, receive any part of the compensation claimed for any other employé, or any pecuniary benefit therefrom.

The amendment was agreed to.

The next amendment was to insert at the end of section 4 the following proviso:

Provided, That where there is no officer in the vicinity of an agency who is authorized to administer oaths, the Secretary of the Interior may direct such returns to be made under the certificate of the agent.

The amendment was agreed to.

The next amendment was in section 5, line 2, to strike out the words "any portion of;" so that the section will read:

SEC. 5. That none of the appropriations herein made shall be paid to any band of Indians while such band is at war with the United States or with the white citizens of any of the States or Territories.

The amendment was agreed to.

The next amendment was to insert the following proviso at the end of section 6:

Provided, That hereafter all bidders under any advertisement published by the Commissioner of Indian Affairs for proposals for goods, supplies, transportation, and so forth, for and on account of the Indian service, whenever the value of the goods, supplies, and so forth to be furnished, or the transportation to be performed, shall exceed the sum of $5,000, shall accompany their bids with a certified check or draft, payable to the order of the Commissioner of Indian Affairs, upon some United States depository or solvent national bank, which check or draft shall be 5 per cent. on the amount of the goods, supplies, transportation, and so forth, as aforesaid; and in case any such bidder, on being awarded a contract, shall fail to execute the same with good and sufficient sureties according to the terms on which such bid was made and accepted, such bidder shall forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury of the United States; but if such contract shall be duly executed as aforesaid, such draft or check so deposited shall be returned to the bidder.

The amendment was agreed to.

The next amendment was to insert at the end of section 7 the words "except by written permission of the Secretary of the Interior;" so that the section will read:

SEC. 7. That for the purpose of properly distributing the supplies appropriated for in this act, it is hereby made the duty of each agent in charge of Indians and having supplies to distribute to make out rolls of the Indians entitled to supplies at the agency, with the names of the Indians and of the heads of families or lodges, with the number in each family or lodge, and to give out supplies to the heads of families, and not to the heads of tribes or bands, and not to give out supplies for a greater length of time than one week in advance, except by written permission of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was section 8, line 8, after the words "named," to insert "and shall be available immediately;" in line 9 to strike out the words "provided that" and to insert in lieu the word "and;" in line 10, after the word "dollars," to strike out the word "he" and to insert in lieu the word "is;" and in lines 11 and 12 to strike out the words "and provided further," so that the section will read:

SEC. 8. That the sum of $24,480.86, being the unexpended balance of an appropriation of "$40,000 to carry on the work of aiding and instructing the Indians of the central superintendency in the arts of civilization with a view to their self-support," made by act of March 3, 1871, is hereby reappropriated and may be expended for the purpose named, and shall be available immediately; and the sum of $10,000 is appropriated for the support of schools in the central superintendency.

The amendment was agreed to.

The next amendment was to change the second proviso of the eighth section into an additional section, as follows:

SEC. 9. That the several appropriations here made for teachers, millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulations, may be diverted to other uses for the benefit of various Indian tribes, within the discretion of the President, and with the consent of said tribes expressed in the usual manner; and that he cause report to be made to Congress at the next session thereafter of his action under this provision.

The amendment was agreed to.

Mr. MORRILL, of Maine. I suggest that section [9,] 10, line 4, would read better if the word "present" were stricken out and the word "near" inserted; so as to read:

That no agent or employé of the United States Government, or of any of the Departments thereof, while in the service of the Government, shall have any interest, directly or indirectly, contingent or absolute, near or remote, in any contract made, &c.

The PRESIDENT *pro tempore*. The Chair will receive the amendment at this time if there be no objection.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in section [10,] 11, line 4, to insert after the word "Indians" the words "to be available immediately;" so as to read:

That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $12,000 for the support and

relief of the Otoe and Missouri tribe of Indians, to be available immediately; this amount to be used, under the direction of the Secretary of the Interior, in rebuilding agency buildings in place of those recently destroyed by fire, and for the support of the destitute Indians of said tribe.

The amendment was agreed to.

The next amendment was in section [11,] 12, line 3, to strike out the word "September" and insert in lieu thereof the word "November;" so as to read:

That the Secretary of the Interior cause to be prepared and delivered to the Public Printer by the 1st day of November, 1874, a tabular statement of the items paid out of the appropriations made for the Indian Department for the year ending June 30, 1874, each item being placed under the appropriation from which it was paid in such manner as to show the disposition made of each appropriation and the amount unexpended of each, &c.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. WINDOM. I move that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 1, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Friday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at fifteen minutes after eleven o'clock.

EDGAR BRODHEAD.

Mr. SMITH, of New York, introduced a bill (H. R. No. 3538) to provide for the appointment of Edgar Brodhead on the active list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENT OF TARIFF LAWS.

Mr. ELLIS H. ROBERTS introduced a bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BRIDGET T. HOPPER.

Mr. SCUDDER, of New Jersey, introduced a bill (H. R. No. 3540) granting a pension to Bridget T. Hopper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY SCHINLEY.

Mr. MYERS introduced a bill (H. R. No. 3541) granting a pension to Mary Schinley, widow of Michael Schinley, Company E, First Pennsylvania Volunteers, Mexican war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOSES LACEY.

Mr. WHITEHEAD introduced a bill (H. R. No. 3542) for the relief of Moses Lacey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN S. CHAPMAN.

Mr. DARRALL introduced a bill (H. R. No. 3543) for the relief of John S. Chapman, late collector of internal revenue, second district State of Louisiana; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HOMESTEADS IN ALABAMA, LOUISIANA, ETC.

Mr. DARRALL also introduced a bill (H. R. No. 3544) to amend an act entitled "An act for the disposal of public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida," approved June 21, 1866; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. LAWRENCE introduced a bill (H. R. No. 3545) concerning the District of Columbia and to provide for the future government thereof; which was read a first and second time, referred to the Joint Select Committee on Affairs in the District of Columbia, and ordered to be printed.

Mr. LAWRENCE. I introduce this bill by request of a gentleman of the District, who prepared it. He is a gentleman of talents and of large experience in the affairs of the District.

Mr. BECK. I call for the reading of the bill in full.

Mr. LAWRENCE. It is very long.

Mr. BECK. Then it will do very well to consume the morning hour.

Mr. RANDALL. I will make a proposition which, if adopted, will save time. I move that as soon as the States have been called through for bills and joint resolutions motions to suspend the rules shall immediately be in order.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] asks unanimous consent that instead of the morning hour being consumed by dilatory motions, motions to suspend the rules shall be in order as soon as the States are called through for the introduction of bills and joint resolutions. This proposition, if adopted, will save probably forty-five minutes.

There being no objection, it was ordered accordingly.

SCIENTIFIC BOOKS AND APPARATUS FREE OF DUTY.

Mr. FOSTER introduced a bill (H. R. No. 3546) to admit free of duty photographic and lithographic prints and philosophical apparatus, and books and instruments of scientific research imported for educational and scientific purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN SNOW.

Mr. BANNING also introduced a bill (H. R. No. 3547) granting a pension to John Snow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY E. MELINE.

Mr. BANNING also introduced a bill (H. R. No. 3548) granting a pension to Mary E. Meline, widow of James F. Meline, late major and additional aid-de-camp United States Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BANKRUPT LAW.

Mr. WARD, of Illinois, introduced a bill (H. R. No. 3549) to declare the true intent and meaning of an act approved March 2, 1869, entitled "An act to provide a uniform system of bankruptcy throughout the United States;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. MORRISON introduced a bill (H. R. No. 3550) amendatory of an act approved March 3, 1873, entitled "An act authorizing the construction of a bridge across the Mississippi River at Saint Louis, in the State of Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MAJOR J. W. NICHOLS.

Mr. PARKER, of Missouri, introduced a bill (H. R. No. 3551) for the relief of Major J. W. Nichols, paymaster United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. PARKER, of Missouri, also introduced a joint resolution (H. R. No. 106) proposing an amendment to the Constitution of the United States providing for election of Senators by the people of the several States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AUGUSTUS JONES.

Mr. HERNDON introduced a bill (H. R. No. 3552) for the relief of Augustus Jones, of Colorado County, Texas, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

V. I. STIRMAN.

Mr. HERNDON also introduced a bill (H. R. No. 3553) for the relief of V. I. Stirman, postmaster at Kaufman, Texas; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

INTERCHANGE OF TRAFFIC.

Mr. NESMITH introduced a bill (H. R. No. 3554) to regulate interchange of traffic between connecting railroads in the Territories of the United States; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

APPROVAL OF ACT OF COLORADO.

Mr. CHAFFEE introduced a bill (H. R. No. 3555) approving an act of the Legislative Assembly of Colorado Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRIVATE LAND CLAIM NO. 45.

Mr. CHAFFEE also introduced a bill (H. R. No. 3556) to confirm private land claim No. 45 in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

PRIVATE LAND CLAIM NO. 39.

Mr. CHAFFEE also introduced a bill (H. R. No. 3557) to confirm private land claim No. 39, in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

PRIVATE LAND CLAIMANTS.

Mr. CHAFFEE also introduced a bill (H. R. No. 3558) for the relief of private land claimants in New Mexico, as to survey and plat and confirmed grant; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

INDIAN DEPREDATIONS IN NEW MEXICO.

Mr. CHAFFEE also introduced a bill (H. R. No. 3559) for the relief of certain persons in New Mexico for depredations committed by Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

He also introduced a bill (H. R. No. 3560) for the relief of certain persons in New Mexico for depredations committed by Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

He also introduced a bill (H. R. No. 3561) for the relief of certain persons in New Mexico for depredations committed by Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now entertain motions for reference of bills by gentlemen who were not present when their States were called.

WARRIOR AND TENNESSEE RIVERS RAILROAD.

Mr. WHITE introduced a bill (H. R. No. 3562) to grant public lands to the State of Alabama to aid in the construction of the Warrior and Tennessee Rivers Railroad; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SCHOOL LANDS.

Mr. BUCKNER introduced a bill (H. R. No. 3563) to amend an act "to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," approved May 20, 1826; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ANN E. MILLER.

Mr. McNULTA introduced a bill (H. R. No. 3564) to grant a pension to Ann E. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM SIGLER.

Mr. LOWNDES introduced a bill (H. R. No. 3565) for the relief of William Sigler, of Maryland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES MILLENGER.

Mr. RANDALL (on behalf of Mr. O'NEILL) introduced a bill (H. R. No. 3566) for the relief of James Millenger, of New Jersey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY H. KAISER.

Mr. THOMAS, of Virginia, introduced a bill (H. R. No. 3567) granting a pension to Henry H. Kaiser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUFUS ROSS.

Mr. PHILLIPS introduced a bill (H. R. No. 3568) for the relief of Rufus Ross; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RIGHTS OF CITIZENS TO VOTE.

Mr. STOWELL introduced a bill (H. R. No. 3569) to amend an act approved February 28, 1871, entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes;'" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT OF CANE RIVER.

Mr. SMITH, of Louisiana, introduced a bill (H. R. No. 3570) making an appropriation for the improvement of Cane River, Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF NAVIGATION OF RED RIVER.

Mr. SMITH, of Louisiana, also introduced a bill (H. R. No. No. 3571) making an appropriation for the improvement of the navigation of the Red River, below Shreveport, Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HENRY WARREN.

Mr. GIDDINGS, presented a joint resolution of the Legislature of Texas, instructing and requesting the congressional delegation from that State to urge upon Congress the speedy reimbursement of Henry Warren for losses incurred by reason of the destruction of a wagon train and other property by the Comanche, Kiowa, and Cheyenne Indians; which was referred to the Committee on Indian Affairs, and orered to be printed.

BANKRUPT LAW.

Mr. TREMAIN. I desire that the House shall order a conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto. I move that the rules be suspended for that purpose.

Mr. POLAND. I suppose the first question would be on concurring in the Senate amendments?

The SPEAKER. It would be.

Mr. POLAND. I do not believe that the House could do better than concur in the Senate amendments.

Mr. TREMAIN. I disagree with the gentleman entirely. I think we can do better by amending the Senate amendments than by concurring in them.

Mr. ELDREDGE. I do not think there have been any conversions here since the bill was before the House in the first instance, when the House expressed its opinion by a vote.

Mr. POLAND. It strikes me that the House is not in a condition to ask a committee of conference until the amendments of the Senate shall be considered in the Committee on the Judiciary.

Mr. TREMAIN. I object to any discussion of the merits. I insist on the rule.

Mr. HAWLEY, of Illinois. I hope the gentleman from New York, if he desires to call up the question to-day, will allow debate on it.

The SPEAKER. The amendments of the Senate will be read.

The amendments were read.

Mr. TREMAIN. I withdraw the motion to suspend the rules, and as I have a right to report at any time upon this bill, I move the previous question upon the question of concurring in the amendments of the Senate. Several gentlemen have asked me to explain the report.

Mr. POLAND. I have no objection to the gentleman from New York making an explanation if I can be heard upon the other side.

Mr. TREMAIN. I do not want to debate the merits of the bill at all.

Mr. POLAND. Will the gentleman allow me to move to concur in the amendments of the Senate with an amendment?

Mr. TREMAIN. O, no; not at all.

Mr. HAWLEY, of Connecticut. I wish to know whether this matter has been considered at all by the Committee on the Judiciary, and whether this is the recommendation of the committee?

Mr. TREMAIN. The recommendation of the committee is that we shall stand by the original position of the House in favor of the repeal of the law. The committee had several sessions for the consideration of these amendments, and took action perfecting the amendments of the Senate and changing them in some respects very radically. They went through the amendments until they had considered about half of them, and then they concluded that they would bring the question before the House of non-concurrence in the Senate amendments so as to retain the original feature of the House bill.

Mr. HAWLEY, of Connecticut. Then these amendments were really not considered by the Committee on the Judiciary?

Mr. TREMAIN. They have been considered by the committee, and a majority of the committee adhered to the original position of the House to repeal the law.

Mr. HAWLEY, of Connecticut. The gentleman from Vermont [Mr. POLAND] shakes his head, and therefore I infer that they were not considered by the committee.

Mr. POLAND. I do not desire any controversy with the gentleman from New York. It is true that the Committee on the Judiciary took up these amendments and considered them in part; but before we got half through the committee decided that they would not go any further with them, but would report in favor of non-concurrence.

Mr. TREMAIN. So far as the committee went did they not agree to quite a number o the amendments to the amendments of the Senate?

Mr. POLAND. Certainly they did; but they did not go through with all the amendments of the Senate.

Mr. TREMAIN. I object to any argument upon this question. We are now in the best condition in the world to ask a conference. We want to make an earnest and honest effort in accordance with the demands of the country to repeal this law.

Mr. SENER. I rise to a parliamentary inquiry. Suppose the House should refuse to concur in the amendments of the Senate, in what attitude would the bill be?

The SPEAKER. If the House refuses to concur in the amendments of the Senate and desires further legislation upon this subject, the bill must be sent to a committee of conference. If the House concurs in the amendments of the Senate, that is an end of the matter. The choice is between concurring and non-concurring and asking a conference.

Mr. POLAND. At this stage of the question I think it right to state——

Mr. TREMAIN. I object to any debate.

Mr. POTTER. I hope the gentleman will allow me a single word. I wish the House to understand the situation of this matter. The Committee on the Judiciary, representing in this respect the views of the House, were in favor of the repeal of the bankrupt law; but they felt that with the feeling of the Senate on this subject it would be impossible to secure such repeal, and therefore while they asked a

non-concurrence in the amendments of the Senate they have also directed my colleague to ask that there might be a conference between the two Houses on the question. They indeed reluctantly asked a conference, and only after being convinced that otherwise no legislation on the subject would result. I am one of those who think that the bankrupt law ought to be repealed; but I agree that at this late day it may be impossible to induce the Senate to pass the bill for the repeal, and therefore I favor a committee of conference. The committee on the part of the House will of course insist on the repeal of the law if they can induce the Senate conferees to agree to it. But failing in this, they will, I trust, do what may be done to make that law, if it is to remain on the statute-book, less objectionable, onerous, and offensive than now.

Mr. TREMAIN. I do not want any argument on this question. I ask for a vote.

The question was put on seconding the previous question; and on a division there were ayes 79, noes not counted.

So the previous question was seconded.

The main question was then ordered, being upon concurring in the amendments of the Senate.

Mr. POLAND. I ask for the yeas and nays upon that question.

The yeas and nays were not ordered, only 18 members voting therefor.

The question was taken; and the amendments of the Senate were non-concurred in.

Mr. TREMAIN moved to reconsider the vote by which the amendments of the Senate were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TREMAIN. I now move that a conference be asked upon the disagreeing votes of the two Houses upon the amendments of the Senate.

The motion was agreed to.

CENTENNIAL EXHIBITION.

Mr. KELLEY. I move that the rules be so suspended as to take from the Speaker's table and concur in the amendment of the Senate to the bill of the House No. 1394, in relation to the centennial exhibition.

The amendment of the Senate was to add to the bill of the House the following:

Provided, however, That the United States shall not be liable, directly or indirectly, for any expenses attending such exposition or by reason of the same.

Mr. SMITH, of Ohio. Would it be in order to move to refer this amendment of the Senate to the Select Committee on the Centennial Exhibition?

The SPEAKER. That motion is not now in order. Should the House refuse to agree to the motion of the gentleman from Pennsylvania, [Mr. KELLEY,] that motion will then be in order.

Mr. RANDALL. I do not want to be understood, in voting to concur in the amendment of the Senate, as debarring myself in the future from advocating and voting for, and from asking others to advocate and vote for, such an appropriation as may be necessary to make the exposition a success.

Mr. MYERS. And it does not bind me.

Mr. RANDALL. I believe that to be the view of the entire Pennsylvania delegation.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the amendment of the Senate concurred in.

CUSTOMS AND INTERNAL-REVENUE LAWS.

Mr. DAWES. By instruction of the Committee on Ways and Means I ask permission of the House to make a statement for a few minutes preparatory to a motion.

No objection was made; and leave was accordingly granted.

Mr. DAWES. Some time since the Committee on Ways and Means reported a bill to correct some errors in the customs and internal-revenue laws. At the time the bill was taken up for consideration I stated to the House the reasons which governed the committee in framing that bill. It was calculated and founded solely upon the principle of correcting errors in the existing tariff and internal-revenue laws, without any attempt at remodeling the law in either branch of the internal-revenue service. I stated to the House that in the opinion of the Department and also of the Committee on Ways and Means the correction of evasions of the law in two particulars would save to the Government some $2,500,000. The committee felt it very important that at least such legislation should be had by this Congress.

We were aware of a difference of opinion in this House upon certain features of the tariff law as well as of the internal-revenue law. There were those in the House who believed that the 10 per cent. reduction of the tariff made by the last Congress should be restored. There were others who believed that instead of restoring that duty, Congress should make still further reductions. And there were those who felt that it was the duty of the Committee on Ways and Means to bring in a general bill. But upon a review of the whole field, the improved condition of the Treasury was so gratifying to us that it was the unanimous opinion of the Committee on Ways and Means that it was not wise to go beyond the two points I have stated. We brought in a bill for that purpose, changing a few duties from *ad valorem* to specific, and changing what we thought to be erroneous constructions of the revenue laws by the Treasury Department. And in the internal-revenue portion of the bill we added one feature which changed the present law, for the purpose of enabling those who raised leaf-tobacco to sell $100 worth of it to other than licensed dealers. In all other respects we were firmly of the conviction that it was not wise at this time to change the tariff and internal-revenue laws.

The bill of the committee has been before the House one day and two evenings. It is apparent to the committee that it is impossible to carry that bill through in the manner in which it has been considered by the House. They have, therefore, instructed me to bring before the House for consideration to-day the same bill with all the amendments that were adopted in Committee of the Whole up to the adjournment on Thursday night last, striking out of the internal-revenue portion two or three sections and reducing the bill to bare poles, if I may be allowed to use the expression, preserving those features which corrected mistakes and misconstructions of the law, preserving in the internal-revenue part only those features which were necessary for carrying out the law, without changing its purpose or its effect, and preserving that feature of the law which the tobacco-growers felt to be such a necessity, and adding simply one single section to the bill. That section is one extending for one year the time for redeeming lands sold in the Southern States for non-payment of taxes. Two years ago a bill was passed by Congress giving two years' time for that purpose, which time expires the present month. It is proposed in this additional section of the bill to extend the time for one year.

Mr. STARKWEATHER. Will the gentleman allow me to ask him a question?

Mr. DAWES. In one moment.

Mr. STARKWEATHER. Right here, if you please.

Mr. DAWES. Very well.

Mr. STARKWEATHER. Will the gentleman agree that I shall have an opportunity to offer as an amendment a bill introduced by me and ordered to be printed a short time since, House bill No. 3055, taxing the sale of stocks, bonds, gold, bullion, promissory notes, and other securities $\frac{1}{10}$ of 1 per cent., out of which we can realize a revenue of ten or twelve million dollars without endangering anybody or oppressing any interest?

Mr. DAWES. I will allude to that feature in a moment. I want the House to understand exactly what I hold in my hand, which is the tariff part of the bill considered in Committee of the Whole, with every amendment to it adopted by that committee. The Committee on Ways and Means do not propose to ask a vote to-day upon anything which will avoid any amendment that has already been adopted by the Committee of the Whole. In other respects they have changed merely the phraseology for the purpose of carrying out the same end. They have not made a particle of change, so far as I know, in any other respect in that part of the bill. They have stricken out of the internal-revenue part of the bill section 17, which was put there by mistake, and section 18, which was in reference to friction matches. There seemed to be so much "friction" about this section of the bill that it was thought best, as it did not materially affect the revenue, to strike it out.

Mr. BUTLER, of Massachusetts. Does this bill retain the section allowing a collector to appoint as many deputies as he pleases?

Mr. DAWES. That is the present law.

Mr. BUTLER, of Massachusetts. Section 10 is the section I refer to.

Mr. DAWES. That section does not change the law by giving any new authority for the appointment of deputies; but it authorizes the collector to take a bond from each deputy, so that that bond shall be legal. Heretofore the collector has not been authorized to take any bond to protect himself in reference to acts of the deputy for which he was liable.

Mr. BUTLER, of Massachusetts. It appeared before the Committee on Civil Service Reform that there had been a practice on the part of collectors of appointing such deputies as they pleased, and then making a special allowance to pay them.

Mr. DAWES. In reference to the special allowance clause in the internal-revenue law this bill at some point—in the eleventh section, I believe—provides that such special allowances shall hereafter have the joint approval of the Secretary of the Treasury and the Commissioner of Internal Revenue.

Mr. BUTLER, of Massachusetts. So they have now.

Mr. DAWES. No; they have not by law.

Mr. BUTLER, of Massachusetts. They have in fact.

Mr. DAWES. Such approval is not required by law; and I understand that of late it has not been had in fact. The effect of this bill is to make the head of the Department, the Secretary of the Treasury himself, responsible in law for the proper administration of the law in that respect. I am aware that this system of special allowances is a bad feature in some respects. There ought to be some way by which an allowance should be made. The difficulty is in allowing discretion. If we do not allow a discretion, we are unable here in this House to fix the compensation in many cases just as it ought to be. If we allow a discretion, there is a liability to abuse.

Mr. BUTLER, of Massachusetts. The gentleman will allow me to say that there were some startling cases of abuse presented before our committee; and it was also in evidence that in those cases the allowance had the approval of the Commissioner of Internal Revenue and the Secretary of the Treasury.

Mr. DAWES. The Committee on Civil Service Reform, if they have this subject before them, will probably devise a remedy. This bill does not make the law any worse in that respect; it makes it a little better. Therefore I trust my colleague will not make any objection to it.

Mr. SMITH, of Ohio. I wish to put an inquiry to the gentleman from Massachusetts, [Mr. DAWES.] On a rising vote of the Committee of the Whole the majority was in favor of putting salt on the free list. I want to know whether the gentleman will allow an amendment of that kind?

Mr. DAWES. Before I get through, if the gentleman will remind me of it, I will answer his suggestion. I wish first to reply to the suggestion of the gentleman from Connecticut, [Mr. STARKWEATHER.] That gentleman desires to embrace in the internal-revenue system a new subject of taxation—a tax on sales of gold, bonds, stocks, &c., at the brokers' boards in our cities. For many years this has been a subject of consideration on the part of both the Treasury Department and the Committee on Ways and Means. When Mr. Wells was Special Commissioner of Internal Revenue he made the subject a study, and believed at one time that he had devised a plan that was practicable. He however found out very soon that that plan at least would not work; and although he believed that he could devise some method which would be practicable, he never did so. At the beginning of the present session the Committee on Ways and Means took up the same subject and enlisted the services of experts in the Treasuary Department, who went to New York and other places for the purpose of ascertaining (although they did not disclose the purpose to those with whom they communicated) whether any method of carrying out the plan suggested in the gentleman's bill was practicable. It is enough for the present purpose to say that the Committee on Ways and Means have not as yet perfected a plan of operations in that direction. The gentleman's bill merely proposes to levy the tax, it stops there; but without some further provision it would be utterly impossible to enforce the collection of the tax.

Mr. STARKWEATHER rose.

Mr. DAWES. Of course I cannot at this time enter into a debate on that question.

Mr. STARKWEATHER. This bill of mine, which is No. 3139, levies a tax of $\frac{1}{10}$ of 1 per cent. on these sales. In regard to the collection of this tax the execution of a law of this kind has never for any length of time been attempted. Just at the close of Mr. Johnson's administration, when the tax on whisky, which in 1864 had been collected on 85,000,000 gallons, had run down to a collection on 6,700,000, we collected from this tax on bonds, stocks, &c., at that time a larger proportion of tax than we did on whisky; and recently the whisky tax has been collected on 77,000,000 gallons as the result of proper organization and good administration, showing that success in the collection of a tax depends on efficiency in the administration of the law.

All that is needed now is to use the machinery we have. By conversation with gentlemen best posted on this subject—I did not go to clerks of the Departments—with gentlemen who have studied this subject for years, I find that the Department can execute this law without any additional machinery; that is, by adopting the bill in the form in which I have put it—that the law can be executed and the tax collected as well as the whisky or any other tax, if they will only take hold of the subject in good earnest. It was as well executed as the whisky tax and realized a larger proportion. Neither were well executed, because the Internal Revenue Bureau was thrown into confusion by changes and removals at the very time the law should have been well executed. Without additional officers you can realize this tax without the least trouble at all.

It will besides have a wholesome influence upon the country in checking the abnormal condition of things in New York and other cities where gold and bond sales are going on. The repeal of this law was brought about by pressure of the lobby.

I wish simply to say to the House if this amendment should be adopted it will bring into the Treasury twelve or thirteen million dollars without additional expense to the Treasury, and we shall need it to pay our honest debts and to apply to the sinking fund. I now give notice that I shall endeavor to move that amendment at the proper time.

Mr. POLAND. I desire to ask the gentleman a question. I noticed in the original bill as brought in by the Committee on Ways and Means a section that from and after the passage of this act any farmer or planter may sell, at the place of production, tobacco of his own growth and raising at retail directly to the consumer to an amount not exceeding $100 annually. I wish to ask the chairman of the Committee on Ways and Means whether that section is still preserved in the bill brought in to-day?

Mr. DAWES. It is with this addition: that it is to be subject to such rules and regulations as may be prescribed by the Commissioner of Internal Revenue. That section as there drawn, with this addition of providing it shall be under such rules and regulations as may be prescribed by the Commissioner, was passed by the House last year.

Mr. POLAND. I know there is very serious apprehension felt by the Commissioner of Internal Revenue and other gentlemen of that department as to the effect of this—that it will have the effect to make a serious inroad upon the tax on tobacco. I would like to have the gentleman's own view in reference to that.

Mr. DAWES. In answer to the gentleman from Vermont I will say that the Committee on Ways and Means has heard the Commissioner and has heard the tobacco-growers on that point. They did two years ago. They incorporated this section in their bill two years ago. They have again reheard the tobacco-growers, as represented in Congress and by delegations, and also the Commissioner of Internal Revenue on that point. It was put on by the Committee on Ways and Means during the last Congress as it is proposed to be put on the bill now.

Mr. HARRIS, of Virginia. I wish to ask the gentleman a question. The question I desire to propound is this: whether, in the opinion of the chairman of the Committee on Ways and Means, if this bill before the House should fail, any amendment either of the tariff or the internal-revenue law can be passed at this session?

Mr. DAWES. I am instructed, Mr. Speaker, after I have fully explained this bill to submit it to the House under a suspension of the rules. If the House adopt this bill it will save to the revenue without any material change, as I have said, $2,500,000. If they do not desire to adopt this, I am instructed by the Committee on Ways and Means not to press any further the bill in the Committee of the Whole.

Mr. COX. If I understood the gentleman he intends to offer this as a substitute for the other bill. This substitute is about what the bill was when it left the Committee on Ways and Means originally.

Mr. DAWES. I intend to offer this, and if adopted by the House of course there will be in the opinion of the Committee on Ways and Means no necessity for any other bill. If this fail the Committee on Ways and Means will take the instruction of the vote to pursue the subject no further.

Mr. COX. I have not got through what I wish to say. I do not defer to the Committee on Ways and Means, though I should like to do it. I come from a city where 67 per cent. of all the customs is collected. This bill or any other bill of the same sort strikes at some interest there in some way or other, or rather raises the hope or fear there will be an increase or reduction of revenue on something or other. Now, the gentleman says he did not propose to raise any revenue by this bill of any consequence. Why, then, are we to go into this peculiar abnormal kind of legislation, the Committee on Ways and Means fixing up a partial bill, rushing it through the House without further amendment and without debate? I say it is not the kind of legislation we ought to agree to, and for one I will oppose and vote against any suspension of the rules by a two-third vote to pass the bill.

The gentleman says moreover that this bill is only intended to correct misapprehensions and errors in administration of past years. Why, sir, this bill changes radically many of the items on the tariff list, and in regard to a number of them, as I know from my recent visit home and from the information I then received, changes them very wrongfully without being likely to get any additional revenue. I will vote against the suspension of the rules.

Mr. DAWES. The gentleman forgets that he rose to address an interrogatory to me.

Mr. COX. I do not think the Committee on Ways and Means should have the monopoly of the floor all the time.

Mr. HAWLEY, of Connecticut. On the 7th of May the chairman of the Committee on Ways and Means represented to us that the country was quite seriously discredited by its failure to meet all its lawful and honorable obligations during the current fiscal year. In introducing this bill last week he spoke in more hopeful tones, and said that the surplus for the current year would be about $7,000,000, which would nevertheless leave $22,000,000 due sinking fund not provided for. In introducing this bill he also said he was quite satisfied with the condition of things for the future; but he did not say what in his opinion and in that of the Committee on Ways and Means would be the surplus for the next year. If I understood the matter correctly, the surplus for the next fiscal year should be enough to pay the $22,000,000 deficit this year and the $29,000,000 of sinking fund next year, which we pledged to pay every year. In order to do this we should have a surplus revenue of $51,000,000 in the next fiscal year. I wish to ask the gentleman if he is satisfied that we will have that without more taxation?

Mr. SMITH, of Ohio. I wish to know from the chairman of the Committee on Ways and Means, as the Committee of the Whole by a vote agreed to put salt on the free list, whether he will allow a motion to put that amendment on this bill?

Mr. DAWES. I stated the other evening when the question of salt was up the reasons why the Committee on Ways and Means were not willing to reconsider that question. There is $1,000,000 of revenue involved in it. The question has not been heard before the Committee on Ways and Means. Not a solitary person has appeared before the present committee to ask legislation upon that subject, and for that reason the committee decline to have it made a part of this bill.

Now, in answer to the gentleman from Connecticut [Mr. HAWLEY] I have this to say. The gentleman has been pleased to allude to some remarks of mine made on the 7th of May, the tendency and purpose of which were to so curtail and hold in check the appropriations of this Congress that no additional taxation should be necessary. I stated the exact condition of the Treasury. I stated that up to that time the receipts did not meet the expenditures; that every return that had been made led us to hope that the receipts might meet the expenditures before the year was out; but that beyond that there

was the obligation to meet the sinking fund. I stated, at the opening of the debate on this bill, that the last month showed a gratifying increase in the receipts on the one hand and an equally gratifying disposition on the part of the House to keep the expenditures at the lowest point; so that we had not only brought the receipts up to the expenditures, but that we had a little surplus; that the revival of business, the encouragement of the country through the belief that there was to be some stability in our policy, and other reasons, manifold and various, that are elements in the prosperity of industry in this land, encourage us to hope that at the close of the fiscal year there would be a larger margin on the side of receipts than there was even now—to the amount of five or six million dollars; and that this might go on we had every reason to hope during the coming year. So that while we could not meet, at the end of this fiscal year, the whole of our obligations in reference to the sinking fund, we might be able not only to meet them in the coming year, but to do something toward supplying the deficit in the sinking fund this year. But whether we will entirely meet it or not depends very much on circumstances and contingencies over which we have no control; while the condition of things is such as to urge upon us at every step increased solicitude and care and anxiety that every dollar shall be saved for that purpose that economy and a proper and wise administration of the expenditures of this Government will permit.

Now, Mr. Speaker, I move that the rules be suspended, and that the House pass this bill.

Mr. HAWLEY, of Connecticut. Will the gentlemen finish his answer to the question I addressed to him? Is he sure of his $29,000,000 next year?

Mr. DAWES. I am not; I hope so.

Mr. PENDLETON. I wish to ask the gentleman from Massachusetts a question.

Several members demanded the regular order.

Mr. VANCE. The gentleman from Massachusetts yields to me to make a statement in which I have no doubt he will agree with me. It is in regard to how the vote stood——

Several MEMBERS. Regular order.

Mr. VANCE. The gentleman yields to me to make a statement.

The SPEAKER. The gentleman cannot yield when the regular order is demanded.

Mr. PENDLETON. I wish to ask the gentleman from Massachusetts a question.

Several MEMBERS. Regular order.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date of the passage of this act, in lieu of the duties heretofore imposed on the importation of the goods, wares, and merchandise hereinafter specified, the following rates of duty shall be exacted, namely: On spun silk, for filling, in skeins or cops, 35 per cent. *ad valorem;* on silk in the gum, not more advanced than singles, tram, and thrown or organzine, 35 per cent. *ad valorem;* on floss silks, 35 per cent. *ad valorem;* on sewing-silk, in the gum or purified, 40 per cent. *ad valorem;* on lastings, mohair cloth, silk twist, or other manufactures of cloth, woven or made in patterns of such size, shape, or form, or cut in such manner as to be fit for buttons exclusively, 10 per cent. *ad valorem;* on all goods, wares, and merchandise not otherwise herein provided for, made of silk, or of which silk is the component material of chief value, irrespective of the classification thereof for duty by or under previous laws, or of their commercial designation, 60 per cent. *ad valorem: Provided*, That this act shall not apply to goods, wares, or merchandise which have, as a component material thereof, 25 per cent. or over of cotton, flax, wool, or worsted.

SEC. 2. That from and after the passage of this act, in lieu of the duties now imposed by law on the merchandise hereinafter enumerated, imported from foreign countries, there shall be levied, collected, and paid the following duties; that is to say:

On all still wines imported in casks, 50 cents per gallon.

On all still wines imported in bottles, $2 per case of one dozen bottles, containing each not more than one quart and more than one pint, or twenty-four bottles, containing each not more than one pint; and any excess beyond those quantities, found in such bottles, shall be subject to a duty of 5 cents per pint or fractional part thereof, but no separate or additional duty shall be collected on the bottles: *Provided*, That any wines imported containing more than 24 per cent. of alcohol shall be forfeited to the United States: *Provided also*, That there shall be an allowance of 2 per cent. for leakage on the quantity which shall appear by the gauge to be contained in any cask of wines, and 5 per cent. on all wines, liquors, cordials, and distilled spirits in bottles, to be deducted from the invoice quantity, in lieu of breakage.

SEC. 3. That all imported wines of the character provided for in the preceding section which may remain in public store or bonded warehouse on the day this act shall take effect shall be subject to no other duty upon the withdrawal thereof for consumption than if the same were imported after that day: *Provided*, That any such wines remaining on shipboard within the limits of any port of entry in the United States on the day aforesaid, duties unpaid, shall, for the purposes of this section, be considered as constructively in public store or bonded warehouse.

SEC. 4. That on and after the date of the passage of this act, in lieu of the duties imposed by law on the articles in this section enumerated, there shall be levied, collected, and paid on the goods, wares, and merchandise in this section enumerated and provided for, imported from foreign countries, the following duties and rates of duties; that is to say:

On hops, 10 cents per pound.

On chromate and bichromate of potassa, 4½ cents per pound.

On macaroni and vermicelli, 3 cents per pound. On preparations similar thereto, 5 cents per pound.

On nitro-benzole, or oil of mirbane, 10 cents per pound.

On tin in plates or sheets and on terne and tagger's tin, 1½ cents per pound.

On anchovies and sardines, packed in oil or otherwise, in tin boxes; 15 cents per whole box, measuring not more than five inches long, four inches wide, and three and one-half inches deep; 7½ cents for each half-box, measuring not more than five inches long, four inches wide, and one and one-half inches deep; and 4 cents for each quarter-box, measuring not more than four inches and three-quarters long, three and one-half inches wide, and one and one-eighth inches deep; when imported in any other form, 60 per cent. *ad valorem.*

SEC. 5. That yellow sheating-metal and yellow-metal bolts of which the component part of chief value is copper shall be deemed manufactures of copper, and shall be entitled to the drawback allowed by law to copper and composition metal whenever the same shall be used in the construction or equipment or repair of vessels built in the United States for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and shall pay the duty now prescribed by law for manufactures of copper.

SEC. 6. That section 4 of the act entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved June 6, 1872, be, and the same is hereby, amended by striking out the thirtieth paragraph of said section in relation to the duty on Moisic iron of whatever condition, grade, or stage of manufacture, shall be the same as on all other species of iron of like condition, grade, or stage of manufacture.

SEC. 7. That the duty on jute-butts shall be $6 per ton: *Provided*, That all machinery not now manufactured in the United States adapted exclusively to manufactures from the fiber of the ramie, jute, or flax may be admitted into the United States free of duty for two years from the 1st of July, 1874: *And provided further*, That bags, other than of American manufacture, in which grain shall have been actually exported from the United States may be returned to the United States free of duty under regulations to be prescribed by the Secretary of the Treasury.

SEC. 8. That on and after the date of the passage of this act the importation of the articles enumerated and described in this section shall be exempt from duty, that is to say:

Alizarine.

Pease, exclusively for seed purposes.

Quicksilver.

Ship-planking and handle-bolts.

Spurs and stilts used in the manufacture of earthen, stone, and crockery ware.

Seed of the sugar beet.

SEC. 9. That casks, barrels, carboys, grain-bags, and other packages, the manufacture of the United States, when exported filled with American products, or exported empty and returned filled with foreign products, may be returned to the United States free of duty, under such rules and regulations as shall be prescribed by the Secretary of the Treasury; and the provisions of this section shall apply to and include boxes, barrels, crates, and casks exported in shooks.

SEC. 10. That where bullets and gunpowder, manufactured in the United States and put up in envelopes or shells in the form of cartridges, such envelope or shell being made wholly or in part of domestic materials, are exported, there shall be allowed on the bullets or gunpowder, on the materials of which duties have been paid, a drawback equal in amount to the duty paid on such materials, and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury: *Provided*, That 10 per cent. on the amount of all drawbacks so allowed shall be retained for the use of the United States by the collectors paying such drawback, respectively.

SEC. 11. That the oaths now required to be taken by subordinate officers of the customs may be taken before the collector of the customs in the district in which they are appointed, or before any officer authorized to administer oaths to such collector, within three months; the oaths shall be taken in duplicate, one copy to be transmitted to the Comptroller of the Treasury, and the other to be filed with the collector of customs for the district in which the officer appointed acts. And in default of taking such oath or transmitting a certificate thereof or filing the same with the collector, the party failing shall forfeit and pay the sum of $200, to be recovered, with cost of suit, in any court of competent jurisdiction, to the use of the United States.

INTERNAL REVENUE.

SEC. 12. That each collector of internal revenue shall be authorized to appoint, by an instrument in writing under his hand, as many deputies as he may think proper, to be by him compensated for their services; to revoke any such appointment, giving such notice thereof as the Commissioner of Internal Revenue may prescribe; and to require and accept bonds or other securities from such deputy; and actions upon such bonds may be brought in any appropriate district or circuit court of the United States; which courts are hereby given jurisdiction of such actions concurrently with the courts of the several States. Each such deputy shall have the like authority in every respect to collect the taxes levied or assessed within the portion of the district assigned to him which is by law vested in the collector himself; but each collector shall, in every respect, be responsible both to the United States and to individuals, as the case may be, for all moneys collected and for every act done or neglected to be done by any of his deputies while acting as such.

SEC. 13. That there shall be further paid, after the account thereof has been rendered to and approved by the proper officers of the Treasury, to each collector, his necessary and reasonable charges for advertising, stationery, and blank-books used in the performance of his official duties, and for postage actually paid on letters and documents received or sent and exclusively relating to official business; but no such accounts shall be approved or allowed unless it states the date and the particular items of every such expenditure, and shall be verified by the oath of the collector: *Provided*, That the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, be authorized to make such further allowances from time to time as may be reasonable in cases in which, from the territorial extent of the district or from the amount of internal duties collected, or from other circumstances, it may seem just to make such allowances. But the total net compensation of a collector shall not in any case exceed $4,500 a year; and no collector shall be entitled to any portion of the salary pertaining to the office unless such collector shall have been confirmed by the Senate, except in cases of commissions to fill vacancies which may have happened by death or resignation during the recess of the Senate.

SEC. 14. That the existing provisions of law for the redemption of, or allowance for, internal-revenue documentary stamps, the use of which has been rendered unnecessary by the repeal of the taxes for the payment of which such stamps were provided, shall apply only to such of said stamps as shall be presented to the Commissioner of Internal Revenue for allowance or redemption before the 1st day of October, 1874; and no allowance, redemption, or refunding on account of such of the aforesaid stamps as shall not be so presented to the said Commissioner prior to the date last mentioned shall be thereafter made.

SEC. 15. That the words "bank-check, draft, or order for the payment of any sum of money whatsoever, drawn upon any bank, banker, or trust company, at sight or on demand, 2 cents," in Schedule B of the act of June 30, 1864, be, and the same is hereby, stricken out, and the following paragraph inserted in lieu thereof:

"Bank-check, draft, order, or voucher for the payment of any sum of money whatsoever, drawn upon any bank, banker, or trust company, 2 cents."

SEC. 16. That any person who shall carry on the business of a rectifier, wholesale liquor dealer, retail liquor dealer, wholesale dealer in malt liquors, retail dealer in malt liquors, or manufacturer of stills, without having paid the special tax as required by law, or who shall carry on the business of a distiller without having given bond as required by law, or who shall engage in or carry on the business of a distiller, with intent to defraud the United States of the tax on the spirits distilled by him, or any part thereof, shall, for every such offense, be fined not more than $5,000, and imprisoned not more than two years. And all distilled spirits or wines, and all stills or other apparatus, fit or intended to be used for the distillation or rectification of spirits or for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the distillery or rectifying establishment, or in any building, room, yard, or inclosure connected therewith, and used with or constituting a part of the premises; and all the right, title, and interest of such person in the lot or tract of land on which such distillery is situated, and all right, title, and interest therein of every person who knowingly has suffered or permitted the business of a distiller to be there carried on, or has con-

nived at the same; and all personal property owned by or in possession of any person who has permitted or suffered any building, yard, or inclosure, or any part thereof, to be used for purposes of ingress or egress to or from such distillery which shall be found in any such building, yard, or inclosure, and all the right, title, and interest of every person in any premises used for ingress or egress to or from such distillery, who has knowingly suffered or permitted such premises to be used for such ingress or egress, shall be forfeited to the United States.

SEC. 17. That if any person shall affix, or cause to be affixed, to or upon any cask or package containing or intended to contain distilled spirits any imitation stamp or other engraved, printed, stamped, or photographed label, device, or token, whether the same be designated as a trade-mark, caution notice, caution, or otherwise, and which shall be in the similitude or likeness of, or shall have the resemblance or general appearance of, any internal-revenue stamp required by law to be affixed to or upon any cask or package containing distilled spirits, he shall, for each offense, be liable to a penalty of $100, and, on conviction, shall be fined not less than $300 nor more than $1,000, and imprisoned not less than six months nor more than three years, and the cask or package with its contents shall be forfeited to the United States.

SEC. 18. That retail dealers in liquors shall pay $25. Every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors otherwise than as hereinafter provided in less quantities than five wine gallons at the same time, shall be regarded as a retail dealer in liquors. Wholesale liquor dealers shall each pay $100. Every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors otherwise than as hereinafter provided, in quantities of not less than five wine gallons at the same time shall be regarded as a wholesale liquor dealer. But no distiller, who has given the required bond, and who sells only distilled spirits, of his own production, at the place of manufacture, in the original packages to which the tax stamps are affixed, shall be required to pay the special tax of a wholesale liquor dealer on account of such sales. Retail dealers in malt liquors shall pay $20. Every person who sells or offers for sale malt liquors in less quantities than five gallons at one time, but who does not deal in spirituous liquors, shall be regarded as a retail dealer in malt liquors. Wholesale dealers in malt liquors shall pay $50. Every person who sells, or offers for sale, malt liquors in quantities of not less than five gallons at one time, but who does not deal in spirituous liquors, shall be regarded as a wholesale dealer in malt liquors: *Provided*, That no brewer shall be required to pay a special tax as a wholesale dealer by reason of selling in the original stamped packages, whether at the place of manufacture or elsewhere, malt liquors manufactured by him: *Provided further*, That any assessments of additional special tax against wholesale liquor dealers or retail liquor dealers, or against brewers for selling malt liquors of their own production, at the place of manufacture, in the original casks or packages, where such assessments were made by reason of an amendment to section 59 of the internal-revenue act, approved July 20, 1868, as amended, made by section 13 of the act approved June 6, 1872, further amending said section 59 by striking out the words "malt liquor," "malt liquors," "brewer," and "malt liquors" in the three several paragraphs in which they occur, shall be, on proper proofs, remitted; and if such assessments have been paid, the amounts so paid shall be, on proper proofs, refunded by the Commissioner of Internal Revenue.

SEC. 19. That every person, firm, association, other than national-bank associations, and every corporation, State bank, or State banking association, shall pay a tax of 10 per cent. on the amount of their own notes used for circulation and paid out by them.

SEC. 20. That every such person, firm, association, corporation, State bank, or State banking association, and also every national banking association, shall pay a like tax of 10 per cent. on the amount of notes of any person, firm, association, other than a national banking association, or of any corporation, State bank, or State banking association, or of any town, city, or municipal corporation, used for circulation and paid out by them.

SEC. 21. That the amount of such circulating notes, and of the tax due thereon, shall be returned and the tax paid at the same time and in the same manner and with like penalties for failure to return and pay the same as provided by law for the return and payment of taxes on deposits, capital, and circulation imposed by the existing provisions of the internal-revenue law.

SEC. 22. That hereafter nothing contained in the internal-revenue laws shall be construed so as to authorize the imposition of any stamp tax upon any medicinal articles prepared by any manufacturing chemist, pharmaceutist, or druggist in accordance with a formula published in any standard dispensatory or pharmacopœia in common use by physicians and apothecaries or in any pharmaceutical journal issued by any incorporated college of pharmacy, when such formula and where found shall be distinctly referred to in the printed label attached to such article and no proprietor interest therein is claimed. Neither shall any stamp be required when the formula of any medical preparation shall be printed on the label attached to such article nor where no proprietorship in such preparation shall be claimed.

SEC. 23. That all acts and parts of acts imposing fines, penalties, or other punishment for offenses committed by an internal-revenue officer or other officer of the Department of the Treasury of the United States, or under any Bureau thereof, shall be, and are hereby, applied to all persons whomsoever employed, appointed, or acting under the authority of any internal-revenue or customs law, or any revenue provision of any law of the United States, whether such persons are designated as officers or otherwise.

SEC. 24. That from and after the passage of this act any farmer or planter may sell at the place of production tobacco of his own growth and raising at retail directly to consumers to an amount not exceeding one hundred dollars annually, subject to such rules and regulations as may be prescribed by the Commissioner of Internal Revenue.

SEC. 25. That the time limited for the redemption of direct tax lands by the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, be, and the same is hereby, extended for the period of one year from June 8, 1874, at the expiration of which time the Commissioner of Internal Revenue shall proceed to sell the lands as provided by section 4 of said act.

Mr. DAWES. At the time of the tariff debate——

Mr. RANDALL. Is debate in order? The gentleman from North Carolina [Mr. VANCE] was denied the opportunity to debate, and I object to the gentleman from Massachusetts debating the question.

Mr. DAWES. I was not proposing to debate it. I desire to modify my motion, and move now that the rules be suspended so as to pass this bill with an amendment which the gentleman from Ohio [Mr. BANNING] desires to offer to make the duty on hops 5 cents per pound. He desires to test the sense of the House on that amendment.

Mr. CONGER. I object.

The SPEAKER. The gentleman from Massachusetts has a right to frame his motion in his own way.

Mr. CONGER. The gentleman has already framed his motion.

The SPEAKER. No action has been taken by the House upon it, and it is still within the control of the gentleman from Massachusetts.

Mr. DAWES. I adhere to my original motion, and move that the rules be suspended and the bill passed.

The question was taken on seconding the motion to suspend the rules; and on a division there were ayes 112, noes not counted.

So the motion to suspend the rules was seconded.

The question was on suspending the rules and passing the bill.

Mr. COX. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 177, nays 49, not voting 63; as follows:

YEAS—Messrs. Adams, Albert, Albright, Archer, Ashe, Atkins, Barber, Barnum, Barrere, Barry, Bass, Beck, Begole, Bell, Biery, Bowen, Bradley, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cotton, Crocker, Crooke, Crossland, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Donnan, Duell, Dunnell, Durham, Fort, Foster, Garfield, Gunckel, Hagans, Eugene Hale, Benjamin W. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Hubbell, Hunter, Hunton, Hurlbut, Kasson, Kelley, Lamport, Lansing, Lawrence, Lawson, Leach, Lewis, Lowe, Lowndes, Luttrell, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Milliken, Monroe, Moore, Myers, Niles, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Pendleton, Perry, Phelps, Pike, Thomas C. Platt, Poland, Pratt, Purman, Rainey, Rapier, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sener, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Starkweather, Stowell, Strait, Strawbridge, Swann, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Vance, Waldron, Wallace, Walls, Wheeler, Whitehead, Whiteley, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Willliams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodworth, and John D. Young—177.

NAYS—Messrs. Arthur, Banning, Berry, Bland, Blount, Bright, Bromberg, Benjamin F. Butler, Caldwell, Clymer, Cook, Cox, Crittenden, DeWitt, Eldredge, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, Herndon, Holman, Hyde, Kendall, Knapp, Lamar, Lamison, Lynch, Magee, Marshall, McLean, Mitchell, Morrison, Neal, Nesmith, Potter, Randall, James C. Robinson, Southard, Speer, Stanard, Standiford, Stone, Jasper D. Ward, Marcus L. Ward, Wells, Whitehouse, Willie, and Wolfe—49.

NOT VOTING—Messrs. Averill, Cannon, Clayton, Creamer, Davis, Dobbins, Eames, Eden, Elliott, Farwell, Field, Freeman, Frye, Gooch, Robert S. Hale, Harmer, Hersey, George F. Hoar, Hooper, Howe, Hynes, Jewett, Kellogg, Killinger, Lofland, Loughridge, Maynard, McJunkin, McKee, Merriam, Mills, Morey, Negley, Niblack, Hosea W. Parker, Parsons, Phillips, Pierce, James H. Platt, jr., Ransier, Ray, Read, William R. Roberts, Ross, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sheats, Sherwood, Smart, William A. Smith, Snyder, Stephens, St. John, Storm, Waddell, White, Wilshire, Ephraim K. Wilson, Wood, Woodford, and Pierce M. B. Young—63.

So (two-thirds voting in favor thereof) the rules were suspended, and the bill (H. R. No. 3572) was passed.

During the call of the roll the following announcements were made:

Mr. FOSTER. My colleague, General SHERWOOD, is absent by leave of the House.

Mr. MARSHALL. My colleague, Mr. EDEN, is necessarily absent from the House on account of sickness in his family.

Mr. ELLIS H. ROBERTS. My colleague, Mr. MERRIAM, is necessarily absent; if present he would vote "ay."

Mr. HAZELTON, of New Jersey. My colleague, Mr. DOBBINS, is necessarily absent; if present he would vote "ay."

Mr. PENDLETON. My colleague, Mr. EAMES, is necessarily absent; if present he would vote "ay."

Mr. STARKWEATHER. I move that the rules be so suspended that the bill which I send to the Clerk's desk be passed as a section of the tariff bill just passed on motion of the gentleman from Massachusetts, [Mr. DAWES.]

The Clerk read as follows:

That on and after the 1st day of July next there shall be levied and paid a tax on all sales of stocks, bonds, gold and silver bullion and coin, and promissory notes, and other securities, at the rate of $\frac{1}{20}$ of 1 per cent. on the amount of the sale thereof; that every person, firm, or corporation engaged in the business of selling stocks, bonds, gold and silver bullion and coin, promissory notes, and other securities, either for their own account or on the account of others, shall keep a true and accurate record thereof, under oath, that the same is true and correct, to the collector of the district where such business is carried on, on or before the 1st and 15th day of each month, and the collector shall thereupon assess and collect a tax of $\frac{1}{20}$ of 1 per cent. on the gross amount of such sales. The said list or return shall be made in such form or manner as may be prescribed by the Commissioner of Internal Revenue.

Mr. STARKWEATHER. On the suggestion of several gentlemen I will modify my bill by leaving out "promissory notes," as that is a small matter.

The question was on seconding the motion to suspend the rules.

Mr. ELDREDGE. If this shall be passed would it not just add so much to the tariff on all goods? Every person who has to pay duties would have to pay just so much more for gold.

Mr. STARKWEATHER. I object to debate.

The motion to suspend the rules was seconded; and the rules were suspended, (two-thirds voting in favor thereof,) upon a division—ayes 122, noes 34; and the additional section was adopted to the tariff bill just passed.

Mr. KASSON. I am instructed by the Committee on Ways and Means to move a suspension of the rules and the passage of additional sections to the tariff bill just passed on motion of the gentleman from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Ways and Means. With the permission of the House I will state the two points effected by my proposition. One is simply that upon only that portion of manufactured tobacco exported from the United States, and thus coming in competition with exports from Canada, a draw-

back of the value of the duties paid on the imported licorice entering into the manufacture of said tobacco, and none other, shall be allowed to the exporter. The second is to allow the exporting manufacturer of tobacco the same privilege of a transportation bond to be replaced by a transportation bond at the port of export that was given by the House the other day in the case of the exporting manufacturer of distilled spirits.

Mr. COX. Why did not the committee include this in their other bill?

Mr. KASSON. It was ordered to be reported; but not being in print, it was thought best by the chairman not to include it in that bill.

Mr. SPEER. Will this affect the price of tobacco?

Mr. KASSON. Not for internal consumption at all; it is only to facilitate the export of tobacco by giving to the exporters the same privileges which have been extended to exporters of whisky.

Mr. KELLEY. Nor will the bill affect the price for export. It will do the tobacco trade no good, while it will impair a rising industry, the manufacture of licorice.

Mr. KASSON. I object to debate, unless I am allowed to reply.

Mr. KELLEY. The amount of duty collected on licorice is not $100,000 annually; and we collect as internal revenue on tobacco $31,000,000.

The SPEAKER. The bill will be read.

Mr. KELLEY. Is this bill reported from the Committee on Ways and Means?

Mr. KASSON. It is.

Mr. KELLEY. I did not so understand.

The SPEAKER. It was on that ground that the gentleman from Iowa made the motion to connect it with the other bill.

The proposed amendment to the tariff bill was read, as follows:

Add after section 24 the following:

SEC. —. That upon all manufactured tobacco exported under the provisions of any act of Congress the manufacturer exporting the same shall be entitled to a drawback equal to the amount of duties which shall be shown to have been paid upon imported licorice which has entered into the manufacture thereof; and the quantity so used in such manufacture shall, under rules and regulations to be prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury, be ascertained and certified by the collector of internal revenue of the district from which the manufactured tobacco shall be removed for exportation to the collector of the port whence the same shall be exported, by whom the same shall be duly examined and the amount of duties reported for drawback in accordance with the regulations of the Secretary of the Treasury; and the same shall be allowed and paid as in other like cases of drawback of duties on manufactured articles exported.

SEC. —. That whenever any manufacturer of tobacco shall desire to withdraw the same from his factory for exportation under existing laws, such manufacturer may, at his option, in lieu of executing an export bond, as now provided by law, give a transportation bond with sureties satisfactory to the Collector of Internal Revenue, and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, conditioned for the due delivery thereof on board ship at a port of exportation to be named therein; and in such case, on the arrival of the tobacco at the port of export, the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, the name of the vessel upon which the same is to be laden, and the port to which it is intended to be exported. He shall, after the quantity and description of tobacco have been verified by the inspector, file with the collector of the port an export entry verified by affidavit. He shall also give bond to the United States with at least two sureties, satisfactory to the collector of customs, conditioned that the principal named in said bond will export tobacco as specified in said entry to the port designated in said entry or to some other port without the jurisdiction of the United States. And upon the lading of such tobacco the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said tobacco was withdrawn for exportation a clearance certificate and a detailed report of the inspector, which report shall show the quantity and description of manufactured tobacco and the marks thereof. Upon the receipt of the certificate and report, and upon payment of tax on deficiency if any, the collector of internal revenue shall cancel the transportation bond. The bonds required to be given for the landing at a foreign port of such manufactured tobacco shall be canceled upon the presentation of satisfactory proof and certificates that said tobacco has been landed at the port of destination named in the bill of lading or any other port without the jurisdiction of the United States, or upon satisfactory proof that after shipment the same was lost at sea without fault or neglect of the owner or exporter thereof.

SEC. —. That if any person or persons shall fraudulently claim or seek to obtain an allowance or drawback of duties on any manufactured tobacco or shall fraudulently claim any greater allowance or drawback thereon than the duty actually paid, such person or persons shall forfeit triple the amount wrongfully or fraudulently claimed or sought to be obtained or the sum of $500, at the election of the Secretary of the Treasury, to be recovered as in other cases of forfeiture provided for in the internal-revenue laws.

The question being taken on seconding the motion to suspend the rules, there were—ayes 62, noes 49; no quorum voting.

Tellers were ordered; and Mr. KELLEY and Mr. KASSON were appointed.

The House divided; and the tellers reported—ayes 102, noes 46.

So the motion to suspend the rules was seconded.

The question recurring on agreeing to the motion, tellers were ordered; and Mr. KASSON and Mr. KELLEY were appointed.

The House divided; and the tellers reported—ayes 94, noes 53.

Mr. KASSON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 159, nays 53, not voting 77; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Averill, Banning, Barber, Barrere, Barry, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burchard, Roderick R. Butler, Cain, Caldwell, Cannon, John B. Clark, jr., Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Comingo, Conger, Cook, Cox, Crittenden, Crossland, Crounse, Crutchfield, Danford, Dawes, DeWitt, Donnan, Dunnell, Durham, Eldredge, Fort, Foster, Freeman, Garfield, Giddings, Glover, Gooch, Gunckel, Hagans, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Hendee, Hereford, Herndon, E. Rockwood Hoar, Hodges, Holman, Howe, Hunton, Hurlbut, Hyde, Kasson, Kendall, Knapp, Lamar, Lamison, Lamport, Lawrence, Leach, Lewis, Loughridge, Lowe, Magee, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, McKee, McNulta, Milliken, Mitchell, Morrison, Neal, Nesmith, Niles, Nunn, O'Brien, Orr, Orth, Packard, Perry, Pierce, Poland, Pratt, Purman, Randall, Ransier, Ray, Read, Rice, Robbins, Ellis H. Roberts, James C. Robinson, Sawyer, Henry B. Sayler, Sener, Sessions, Shanks, Sheats, Sheldon, Sloan, Sloss, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Standiford, Stone, Stowell, Strait, Swann, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Tyner, Vance, Waldron, Wallace, Jasper D. Ward, Wells, Wheeler, White, Whitehead, Whitehouse, Whitthorne, Charles G. Williams, William Williams, Willie, James Wilson, Wood, and John D. Young—159.

NAYS—Messrs. Albert, Albright, Biery, Buffinton, Burleigh, Burrows, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Corwin, Crocker, Crooke, Duell, Field, Hamilton, Benjamin W. Harris, John W. Hazelton, Hoskins, Houghton, Hubbell, Hunter, Kelley, Lansing, Lawson, Lowndes, MacDougall, Monroe, Moore, Myers, O'Neill, Packer, Pendleton, Phelps, Pike, Thomas C. Platt, Rainey, Richmond, James W. Robinson, Rusk, Isaac W. Scudder, Lazarus D. Shoemaker, Small, Starkweather, Strawbridge, Taylor, Todd, Townsend, Marcus L. Ward, Charles W. Willard, George Willard, John M. S. Williams, and Woodworth—53.

NOT VOTING—Messrs. Adams, Barnum, Bass, Bromberg, Benjamin F. Butler, Clayton, Coburn, Cotton, Creamer, Curtis, Darrall, Davis, Dobbins, Eames, Eden, Elliott, Farwell, Frye, Eugene Hale, Robert S. Hale, Harmer, Joseph R. Hawley, Hays, Hersey, George F. Hoar, Hooper, Hynes, Jewett, Kellogg, Killinger, Lofland, Luttrell, Lynch, Maynard, McJunkin, McLean, Merriam, Mills, Morey, Negley, Niblack, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Phillips, James H. Platt, jr., Potter, Rapier, William R. Roberts, Ross, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sherwood, Smart, George L. Smith, William A. Smith, Snyder, Stephens, St. John, Storm, Sypher, Tremain, Waddell, Wells, Whitley, Wilber, William B. Williams, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Woodford, and Pierce M. B. Young—77.

So the rules were suspended; and the additional sections indicated were added to the tariff bill.

During the roll-call,

Mr. HOLMAN stated that his colleague, Mr. NIBLACK, who was necessarily absent, would if present vote in the affirmative.

Mr. COOK stated that his colleague, General YOUNG, who was absent by order of the House as one of the Visitors to West Point, would if present vote in the affirmative.

The vote was then announced as above recorded.

Mr. WELLS obtained the floor.

Mr. MYERS. Is it in order to move other sections to the tariff bill?

The SPEAKER. That can be done at any period of the day. They need not be in consecutive series.

LEAVE TO PRINT.

Mr. CLYMER. I ask unanimous consent to extend and print the remarks I was prevented from making by the limitation of time on Wednesday last when the House had under consideration the report of the Committee on Ways and Means recommending the repeal of that portion of the act of May 10, 1872, providing for the employment of persons to assist the proper officers of the Government in discovering and collecting money withheld by persons or corporations.

There was no objection, and the leave was granted. (See Appendix.)

PACIFIC RAILROAD.

Mr. WELLS. I am directed by the Committee on the Pacific Railroad to report back a bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entiled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," with the recommendation that it do pass. I move that the rules be suspended and the bill passed at this time.

The bill, which was read, provides that there shall be added to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," the words following, namely:

And any officer or agent of the companies authorized to construct the aforesaid roads, or of any company engaged in operating either of said roads, who shall refuse to operate and use the road or telegraph under his control, or which he is engaged in operating, for all purposes of communication, travel, and transportation so far as the public and the Government are concerned, as one continuous line with the said Union Pacific Railroad, or with either of its branches, or shall refuse, in such operation and use, to afford and secure to each of said roads equal advantages and facilities as to rates, time, or transportation, without any discrimination of any kind in favor of, or adverse to, the road or business of any or either of said companies, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000, and may be imprisoned not less than six months. In case of failure or refusal of the Union Pacific Railroad Company, or either of said branches, to comply with the requirements of this act and the section to which this act is amendatory, the party injured or the company aggrieved may bring an action in the district or circuit court of the United States in the Territory, district, or circuit in which any portion of the road of the defendant may be situated, for damages on account of such failure or refusal; and, upon recovery, the plaintiff shall be entitled to judgment for treble the amount of all excess of freight and fares collected by the defendant, and for treble the amount of damages sustained by the plaintiff by such failure or refusal; and for each and every violation of or failure to comply with the requirements of this act, a new cause of action shall arise; and in case of suit in any such Territory, district, or circuit, process may be served upon any agent of the defendant found in the Territory, district, or circuit in which such suit may be brought, and such service shall be by the court held to be good and sufficient; and it is hereby provided that for all the purposes of said act, and of the acts amendatory thereof, the railway of the

Denver Pacific Railway and Telegraph Company shall be deemed and taken to be a part and extension of the road of the Kansas Pacific Railroad to the point of junction thereof with the road of the Union Pacific Railroad Company at Cheyenne, as provided in the act of March 3, 1869.

Mr. HAWLEY, of Illinois. I hope the gentleman from Missouri will be permitted to explain the bill.

Mr. WELLS. I do not wish to occupy the time of the House with any debate. Most of the members are aware of the difficulties surrounding the operations of the Union Pacific Railroad and its branches. This bill simply carries out the provisions of section 15 of the organic act authorizing the building of this road. I ask the Clerk to read that section.

Mr. BUTLER, of Massachusetts. I object to discussion unless it can be discussed all round.

Mr. WELLS. I ask that section 15 be read.

Mr. BUTLER, of Massachusetts. I object.

Mr. SPEER. This is in the interest of commerce and cheap transportation.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

INCOME TAX.

Mr. HURLBUT. I move to suspend the rules, and to add the following as an additional section to the revenue bill which was passed to-day.

The Clerk read as follows:

That so much of the act entitled "An act to reduce internal taxes and for other purposes," approved July 14, 1870, as limits the levy and collection of income taxes to the years 1870 and 1871, be, and the same is hereby, repealed, and that all the provisions of said act directing and controlling the collection of said income tax be, and the same are hereby, revived and declared in full force and virtue with all exemptions and allowances therein declared: *Provided*, That the duties required in said act to be performed by, and the powers therein vested in, assessors and assistant assessors shall be performed by and vested in the several collectors and deputy-collectors in their several districts, under such rules and regulations as the Commissioner of Internal Revenue may establish.

Mr. COX. I suggest a point of order, although it may not be well taken.

The SPEAKER. What is it?

Mr. COX. This is stretching the ordinary practice of the House to an unlimited extent in allowing the rules to be suspended in this way.

The SPEAKER. The motion is to suspend the ordinary practice of the House. That is the very motion.

Mr. COX. It seems to be an extraordinary suspension of it.

The SPEAKER. When the rules are suspended the House is only bound by the Constitution of the United States, and sometimes the Chair fears not quite by that.

Mr. POTTER. I quite agree with the Chair on this occasion.

The SPEAKER. The gentleman from Illinois moves to suspend the rules and pass the bill.

Mr. COX. I understood the Chair to rule on my point of order before I made it.

The SPEAKER. No point of order can be made against a suspension of the rules. It is wholly a matter within the discretion of the House. Two-thirds can control.

Mr. COX. Would it be in order to make a remark on the bill?

The SPEAKER. It would be by unanimous consent.

Mr. COX. I think no one will object to my saying that this kind of legislation is out of all sort of order. At least out of all sort of moral if not political order.

Mr. SMITH, of Ohio. I object to debate.

The SPEAKER. Strictly speaking all suspensions of the rules are against order, and all the revenue legislation to-day has been under a suspension of the rules.

Mr. COX. But this tends to a mere juggling with legislation. I hope the Speaker, if he can, will suppress it.

The SPEAKER. The Chair cannot control a majority of the House, much less two-thirds.

The question being taken on seconding the motion to suspend the rules, there were—ayes 35, noes 72; no quorum voting.

Tellers were ordered under the rule, and Mr. COX and Mr. HURLBUT were appointed.

The House again divided; and the tellers reported—ayes 60, noes 86.

So the motion to suspend the rules was not seconded.

DEVELOPMENT OF MINING RESOURCES.

Mr. HUBBELL. I move that the rules be suspended, and that the bill (S. No. 822) to amend the act entitled "An act to promote the development of the mining resources of the United States," passed May 10, 1872, be taken from the Speaker's table and passed.

The bill was read. It amends the provisions of the fifth section of the act entitled "An act to promote the development of the mining resources of the United States," passed May 10, 1872, which requires expenditures of labor and improvements on claims located prior to the passage of said act, so that the time for the first annual expenditure on claims located prior to the passage of said act shall be extended to the 1st day of January, 1875.

Mr. HOLMAN. This is a bill of considerable importance, and as there was a good deal of confusion prevailing in the House, I ask that it may be again read.

The bill was again read.

Mr. KENDALL. Has there been any notice given of this motion?

The SPEAKER. No notice is required for a motion to suspend the rules.

Mr. HOLMAN. Does the gentleman who makes the motion propose to give any explanation of the bill?

Mr. KENDALL. I hope the bill will not pass without some discussion. This is a matter of very great importance in reference to the mining interests of the country.

Mr. HUBBELL. With the permission of the House, I will make a brief explanation. The Committee on Mines and Mining instructed me to report a bill similar to this extending the time one year. In the mean time the Senate passed this bill; and on consultation with a majority of the committee it was agreed that we should take this Senate bill and endeavor to pass it through the House, laying aside the House bill which extended the time one year. The provisions of both bills are precisely alike. I hope this bill will pass.

Mr. HOLMAN. Will the gentleman explain what is the exact purpose of the bill?

Mr. HUBBELL. The object of the bill is to extend the time in which work can be done on claims located prior to the passage of the act of May 10, 1872. During the past year, owing to financial and other troubles, parties have not been able to perform the work on many of these locations. They now ask that they may have this extension of time in which to do it. The House bill provided for an extension of time for a year from the 10th of June. This bill extends the time only to the 1st day of January next. With that the parties who claim this extension seem to be content.

Mr. POTTER. Are the parties liable to forfeiture of their claims if the bill does not pass?

Mr. HUBBELL. They are liable to forfeiture if the work is not performed by the 10th of June.

Mr. POTTER. Under what law?

Mr. HUBBELL. Under the law of May 10, 1872.

Mr. POTTER. On the 10th of June of this year?

Mr. HUBBELL. Yes.

Mr. POTTER. And to what time does this extend it?

Mr. HUBBELL. To the 1st day of January next. The object is simply to give the parties this summer in which to do this work.

Mr. KASSON. Is not this law of forfeiture one of the greatest elements of safety to the mining interests of the country?

Mr. HUBBELL. Not at all. These claims, located prior to the passage of this act, were for the most part originally located by speculators who came to Philadelphia, New York, Boston, &c., representing that they had valuable mines. These mines were sold on what is known as speculative terms. Large companies were formed on many of these locations and these companies found when they went to examine the property that they had not the value represented. This took all the fever out of the speculators and scattered the stock all over, and there has been great trouble since in getting work performed on these claims.

Mr. KASSON. Is it not the very purpose of some of our mining laws to prevent speculators from getting these lands back again?

Mr. HUBBELL. Not at all.

Mr. KASSON. Parties get possession of these lands and hold on to their claims although they do not themselves work them.

Mr. BUTLER, of Massachusetts. I ask for the regular order; I object to debate.

Mr. KENDALL. Inasmuch as the gentleman from Michigan [Mr. HUBBELL] has been allowed a short time to explain the nature of this bill, I desire to say something in regard to it. As I understand it, and as I think any gentleman of the House would understand it who is directly interested in mining interests, this bill I assert, without fear of successful contradiction, is entirely in the interest of non-residents and absentees from the mining States of the West. I assume that there is not any considerable portion of *bona fide* resident miners in those States and Territories who desire the passage of this bill.

Mr. WILBER. I call for the regular order unless some gentleman can be allowed to speak upon the other side.

Mr. BUTLER, of Massachusetts. I call for the regular order, any way.

Mr. KENDALL. There was an extension granted during the last Congress at the instance of the gentleman from Massachusetts, [Mr. DAWES,] and it does seem to me that that ought to be sufficient. I hope this bill will be voted down.

Upon seconding the motion to suspend the rules tellers were ordered, and Mr. KENDALL and Mr. HUBBELL were appointed.

The House divided; and the tellers reported—ayes 111, noes 35.

So the motion to suspend the rules was seconded.

The question recurred on the motion to suspend the rules.

Mr. KENDALL. I call for the yeas and nays.

The yeas and nays were not ordered, only 12 members voting therefor.

The question was taken on suspending the rules; and on a division there were—ayes 109, noes 45.

So (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks,

announced that the Senate insisted on its amendments disagreed to by the House to the legislative, &c., appropriation bill, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MORRILL of Maine, Mr. SARGENT, and Mr. DAVIS, conferees on the part of the Senate.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 134) for the relief of Daniel S. Mershon, jr.;

A bill (S. No. 875) for the relief of Thomas Hughes;

A bill (S. No. 876) to amend the laws relating to patents, trade-marks, and other copyrights;

A bill (S. No. 711) providing for the completion and location of the naval monument;

A bill (S. No. 877) granting a pension to John W. Truitt;

A bill (S. No 536) granting a pension to Livanna Ingraham;

A bill (S. No. 844) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham; and

A bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia or Eastern Branch of the Potomac River at or near the site of the present navy-yard bridge.

The message further announced that the Senate had passed bills of the House of the following titles, with amendments; in which the concurrence of the House was requested:

A bill (H. R. No. 2245) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875;

A bill (H. R. No. 1297) for the relief of Thomas T. Crittenden, of Missouri; and

A bill (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 3407) to change the name of the schooner Jacob Faithful to Eyvor;

A bill (H. R. No. 3022) granting a pension to Sarah A. Timmons;

A bill (H. R. No. 2216) granting a pension to Cornelia A. Washburn;

A bill (H. R. No. 2800) for the relief of Benjamin Crawford;

A bill (H. R. No. 1791) granting a pension to Augustus L. Yeager;

A bill (H. R. No. 2209) granting a pension to Louisa H. Canby, widow of the late General E. R. S. Canby; and

A bill (H. R. No. 1145) granting a pension to Martin Lafflin.

RESTORATION OF DUTIES.

Mr. MYERS. I move that the rules be so suspended as to adopt what I send to the Clerk's desk to be read as an additional section to the tariff and tax bill passed to-day on motion of the gentleman from Massachusetts, [Mr. DAWES.]

Mr. COX. Is it in order to move to adjourn?

The SPEAKER. That motion is in order pending the motion to suspend the rules.

Mr. MYERS I ask that my bill may be read.

The Clerk read as follows:

That the second section of the act of June 6, 1872, which reduces the duties on certain manufactured articles 10 per cent., be, and the same is hereby, repealed, and that in lieu of the duties imposed by said section of said act there shall be levied, collected, and paid on the articles, goods, wares, manufactures, and merchandise therein mentioned the same duties as were imposed by law prior to the enactment of said act of June 6, 1872.

The question was upon seconding the motion to suspend the rules.

Mr. ELDREDGE. I hope this House will quit passing bills we do not know anything about. Who knows the effect of this bill? It is the most vicious mode of legislation we could possibly adopt.

The question was taken upon seconding the motion to suspend the rules; and upon a division—ayes 42, noes not counted—the motion was not seconded.

COLLECTION OF MONEY FROM PACIFIC RAILROAD COMPANIES.

Mr. WILLIAMS, of Michigan. I am instructed by the Committee on the Pacific Railroad to report back House bill No. 3282 providing for the collection of money due the United States from the Pacific Railroad Companies, and to move that the rules be suspended and the bill passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, directed to require payment of the Pacific Railroad Companies of all sums of money due the United States for the 5 per cent. of the net earnings provided by section 6 of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and in case either of said railroad companies shall neglect or refuse to pay the same within a reasonable time after demand therefor made upon the treasurer of such railroad company, the Secretary of the Treasury shall certify that fact to the Attorney-General, who shall thereupon institute the necessary suits and proceedings to collect the same in the proper circuit courts of the United States, and prosecute the same with all convenient dispatch to a final determination.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

ORDER OF BUSINESS.

Mr. POLAND. I am instructed by the Committee on the Judiciary to report a bill explanatory of the act of June 30, 1864, and to move that the rules be suspended and the bill passed.

Mr. STANDIFORD. I ask permission at this time to offer a resolution calling for information.

Mr. POLAND. If it gives rise to no debate I will not object.

LOUISVILLE AND PORTLAND CANAL.

Mr. STANDIFORD. I ask consent to submit the following preamble and resolution for adoption now:

Whereas the United States is now the owner of the Louisville and Portland Canal, situated at the Falls of the Ohio River; and whereas said canal has a capacity for furnishing water-power capable of operating the heaviest machinery without injury to navigation; and whereas it will be an immense saving to the United States to use said water-power in the manufacture of arms and munitions of war: Therefore,

Resolved, That the Secretary of War be, and is hereby, requested to cause a report to be made by a competent engineer in the employ of the Government, setting out the amount and convenience of the water-power of the Louisville and Portland Canal, and the manner in which it may be utilized by the United States in the manufacture of arms and munitions of war, or for other purposes, and the propriety of establishing at that point an armory with founderies and shops for the manufacture of such materials of war or for other purposes, and that he report the same to this House without delay.

Mr. HOLMAN. I hope the House will not enter upon the construction of any more such works. This is simply the foundation for another heavy expenditure. We have sufficient manufactories of arms already; more than the Government requires.

The SPEAKER. Does the gentleman object to the consideration of the resolution at this stage?

Mr. HOLMAN. I do.

TAXATION ON SAVINGS-BANKS.

Mr. POLAND. I now move that the rules be suspended and the bill from the Committee on the Judiciary passed which I sent to the Clerk's desk a moment since.

The bill was read. It provides that all deposits made in institutions now existing which do business only as savings-banks, and are recognized as such by the laws of their respective States or by Congress, are hereby declared to be exempt from taxation on deposits in savings-banks, or institutions having no capital, although having a capital stock or bond for the additional security of their depositors, and paying dividends thereon; and no tax shall be assessed upon the deposits made in such institutions, or collected of them on said deposits, otherwise than as herein provided; provided that all the profits of such savings-banks, less the aforementioned dividends, are divided among their depositors, and that the capital stock is invested only in the same class of securities as is used for investing the deposits, and that interest at the rate of not less than 4½ per cent., to be made good if necessary from the capital stock, be paid to their depositors in all cases.

Mr. SMITH, of Ohio. Will the gentleman from Vermont [Mr. POLAND] say why this bill was sent to the Committee on the Judiciary?

Mr. POLAND. By the request of the Committee on Ways and Means.

Mr. BURCHARD. O, no.

Mr. POLAND. I was told so by the chairman and one or two other members of that committee.

Mr. DAWES. With their consent.

The motion to suspend the rules was seconded; and (two-thirds voting in favor thereof) the rules were suspended, and the bill (H. R. No. 3574) was passed.

COMPULSORY PILOTAGE.

Mr. COX. I ask consent that Senate bill No. 675, in relation to compulsory pilotage, be taken from the Speaker's table and referred to the Committee on Commerce.

The SPEAKER. With the privilege to report the same at any time?

Mr. COX. I do not ask that.

The SPEAKER. The gentleman from Maine, [Mr. HALE,] who is interested in this bill, stated to the Chair that he wanted no motion made touching the bill unless with a provision that it may be reported back at any time.

Mr. SAWYER. I was about to ask for a couple of hours for the Committee on Commerce to submit reports.

Mr. COX. The Committee on Commerce agreed to hear the pilots interested in this bill to-morrow morning. Can I not make a motion to suspend the rules and send this bill to the Committee on Commerce?

The SPEAKER. If the gentleman is recognized for that purpose. But to refer the bill without the right to the committee to report it back at any time would be prejudicial to the bill.

Mr. COX. I would connect that motion with mine, if I am compelled to do so, in order to get it before the committee, although I do not like to make that motion.

BRIDGE ACROSS THE MISSOURI RIVER AT OMAHA.

Mr. HOUGHTON. I move that the rules be suspended so as to allow the Committee on the Pacific Railroad to report back and the House to now pass a bill (H. R. No. 3279) amendatory of and supplemental to the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the bridge constructed by the Union Pacific Railroad Company across the Missouri River between Omaha, in the State of Nebraska, and Council Bluffs, in the State of Iowa, together with its approaches on both sides of said river, be, and the same is hereby, declared to constitute, and shall be operated as, a part of the continuous line of the Union Pacific Railroad.

SEC. 2. That the said railroad company is hereby required to make semi-annual reports, signed and verified by the treasurer of said company, setting forth in detail the amount received monthly by said railroad company for tolls and charges for the use of said bridge; the first report to include the tolls and charges received for the six months ending June 30, 1874; said reports to be forwarded to, and filed with, the Secretary of the Interior within thirty days thereafter.

Mr. CROUNSE. I ask unanimous consent to make a statement in regard to this bill, showing that the whole matter is before the courts, involving millions of dollars of interest.

Mr. SPEER. This is a very important bill. Let five minutes be given to each side.

Mr. HOUGHTON. The bill has been agreed to by the Committee on the Pacific Railroad.

Mr. SPEER. It is too important a bill to be passed without debate.

Mr. HOUGHTON. If I am allowed an opportunity to explain the bill I will not object to debate on the part of other gentlemen.

The question being taken on seconding the motion to suspend the rules, there were—ayes 37, noes 76.

So the motion was not seconded.

SHOSHONE INDIAN RESERVATION, WYOMING TERRITORY.

Mr. SHANKS. The Committee on Indian Affairs have unanimously agreed to recommend the passage of the bill (H. R. No. 2104) to confirm an agreement made with the Shoshone Indians (eastern band) for the purchase of the south part of their reservation in Wyoming Territory. I move that the rules be suspended and the bill be passed.

The bill was read, as follows:

Be it enacted, &c., That the agreement entered into on the 26th day of September, in the year of our Lord 1872, between Felix R. Brunot, commissioner on the part of the United States, and the chief, head-men, and men of the eastern band of Shoshone Indians, in the words and figures following, be, and the same is hereby, confirmed, satisfied, and approved by the Congress and President of the United States: *Provided*, That the cattle furnished under this agreement shall be good, young American cattle, suitable for breeding purposes:

Articles of a convention made and concluded at the Shoshone and Bannack Indian agency in Wyoming Territory, this 26th day of September, in the year of our Lord 1872, by and between Felix R. Brunot, commissioner on the part of the United States, and the chief, head-men, and men of the eastern band of Shoshone Indians, constituting a majority of all the adult male Indians of said band or tribe of Indians, and duly authorized to act in the premises, witnesseth:

That whereas by article 11 of a treaty with the Shoshone (eastern band) and Bannack tribes of Indians, made the 3d day of July, 1868, at Fort Bridger, Utah Territory, a reservation was set apart for the use and occupancy of said tribes of Indians in the following words: "The United States further agrees that the following district of country, to wit, 'commencing at the mouth of Owl Creek, and running due south to the crest of the divide between the Sweetwater and the Papo-Agie Rivers; thence along the crest of said divide and the summit of Wind River Mountains to the longitude of North Fork of Wind River; thence due north to mouth of said North Fork and up its channel to a point twenty miles above its mouth; thence in a straight line to head-waters of Owl Creek and along middle of channel of Owl Creek to place of beginning' shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Shoshone Indians herein named." And whereas previous to and since the date of said treaty, mines have been discovered and citizens of the United States have made improvements within the limits of said reservation, and it is deemed advisable for the settlement of all difficulty between the parties arising in consequence of said occupancy to change the southern limit of said reservation:

1. The Shoshone band or tribe of Indians (eastern band) hereby cede to the United States of America that portion of their reservation in Wyoming Territory which is situated south of a line beginning at a point on the eastern boundary of the Shoshone and Bannack reservation due east to the mouth of the Little Papo-Agie at its junction with the Papo-Agie, and running from said point west to the mouth of the Little Papo-Agie; thence up the Papo-Agie to the North Fork, and up the North Fork to the mouth of the cañon; thence west to the western boundary of the reservation.

2. The United States agree to pay to the Shoshone (eastern band) or tribe the sum of $25,000; said sum to be expended under the direction of the President for the benefit and use of said Indians in the following manner, namely: On or before the 10th day of August of each year, for the term of five years after the ratification of this agreement, $5,000 shall be expended in the purchase of stock cattle, and said cattle delivered to the Shoshones on their reservation. Second. The salary of $500 per annum shall be paid by the United States for the term of five years to Washa-kie, chief of the Shoshones.

3. Within the term of six months, and as soon as practicable after the ratification of this agreement, the United States shall cause the southern line of the Shoshone reservation, as herein designated, to be surveyed and marked at suitable points on the ground, and until said line has been so surveyed and marked the United States binds itself not to permit the intrusion of any white persons upon any of the agricultural or other lands within the limit of the district proposed to be ceded.

4. This convention or agreement is made subject to the approval of the President and the ratification or rejection of the Congress of the United States.

[SEAL.] FELIX R. BRUNOT,
Commissioner.

Witnesses:
Lieutenant J. B. GUTHRIE,
Thirteenth United States Infantry.
THOMAS K. CREE, *Secretary.*

[Here follow the names of the Indians signing the agreement.]

Mr. HOLMAN. From what committee does this bill come?

The SPEAKER. The gentleman from Indiana [Mr. SHANKS] states that he has been directed to report it from the Committee on Indian Affairs.

Mr. SHANKS. It is a unanimous report.

Mr. HOLMAN. It appears to contemplate a large outlay on the part of the Government.

Mr. SHANKS. It is a confirmation of an agreement by which the United States gets seven hundred thousand acres, leaving to these Indians, a little over a thousand in number, two million acres. It is proposed to pay them in stock cattle; and as these Indians are now engaged in farming, that is the best mode of payment to them. They desire this form of payment instead of money. It is proposed to pay only $5,000 a year, making $25,000 in five years. It is a very excellent agreement; I hope it will be confirmed.

The motion to suspend the rules being seconded, it was agreed to, two-thirds voting in favor thereof.

So the bill was passed.

BUSINESS OF JUDICIARY COMMITTEE.

Mr. BUTLER, of Massachusetts. I move to suspend the rules so that any bills which may be reported this evening from the Committee on the Judiciary shall not be referred to the Committee of the Whole on points of order, but shall be considered in the House. We intend to report no private bills; and we simply desire that such bills as we may report shall be considered in the House, notwithstanding any point of order.

Mr. SPEER. Mr. Speaker, the session for this evening having been ordered by unanimous consent, is this motion in order under the rules?

The SPEAKER. This is a motion to suspend the rules.

Mr. BUTLER, of Massachusetts. There are two or three bills with reference to courts, &c., which we do not wish to have thrown into the Committee of the Whole upon points of order.

Mr. SPEER. Certainly, after the House, by unanimous consent, has granted the session this evening for business of the Judiciary Committee, it is taking an undue advantage to make this motion for a suspension of the rules.

The SPEAKER. The order can only be made by two-thirds of the House.

Mr. E. R. HOAR. This is a most extraordinary proposition I think, especially in regard to one of the bills of the committee.

Mr. BUTLER, of Massachusetts. We do not intend to report to-night the Geneva award bill or the civil-rights bill.

Mr. HOLMAN. Certainly the House should not adopt so broad a proposition as this. I call for the regular order.

The SPEAKER. This is the regular order.

Mr. WHITEHOUSE. What bills does the gentleman from Massachusetts desire to bring before the House under this proposed order?

Mr. BUTLER, of Massachusetts. Neither the Geneva award bill, nor the civil rights bill, nor any private bill. But there are some court bills——

Mr. HOLMAN. I call for the regular order.

The SPEAKER. The regular order is on seconding the motion to suspend the rules.

Mr. SPEER. Pending that motion, I move that the House take a recess.

The SPEAKER. That motion is not in order. Pending a motion to suspend the rules only one motion is in order, and that is a motion to adjourn.

Mr. WILLARD, of Vermont. This being Monday, will not a motion to suspend the rules be in order this evening?

The SPEAKER. The Chair would not so hold. The evening session having been devoted by order of the House to a specific purpose, the business of the Judiciary Committee, the Chair would hold that the right to move to suspend the rules would not apply to the evening session.

Mr. BUTLER, of Massachusetts. I had thought it would not be right or fair to make that motion this evening, and therefore I submit this proposition now.

The SPEAKER. The Chair would not recognize the motion this evening; the right to make the motion was waived by the assignment of the evening session to special business.

Mr. SMITH, of Ohio. Will the Chair state the question?

The SPEAKER. The proposition is that the rules be so suspended that points of order which would send any bill this evening to the Committee of the Whole shall not be entertained; in other words, that all reports made by the Judiciary Committee this evening may be considered in the House.

Mr. RANDALL. What bills are they?

The SPEAKER. The Chair has not the slightest knowledge on that subject.

Mr. BECK. I move that the House take a recess.

The SPEAKER. That motion is not in order.

The question being taken on seconding the motion of Mr. BUTLER, of Massachusetts, it was not seconded, there being—ayes 35, noes 70.

ARMY APPROPRIATION BILL.

Mr. WHEELER reported back from the Committee on Appropriations Senate amendments to the Army appropriation bill; which, together with a written report of the committee, were ordered to be printed.

COMPULSORY PILOTAGE.

Mr. COX. I ask that the bill (S. No. 675) to relieve ships and vessels from the payment of compulsory pilot fees in certain cases be taken from the Speaker's table and referred to the Committee on Commerce, with leave to report at any time.

Mr. CONGER. The committee now have the same bill under consideration as a House bill.

Mr. RANDALL. I object to giving the committee authority to report back at any time.

MONUMENT TO MARY, MOTHER OF WASHINGTON.

Mr. PELHAM, from the Select Committee on the Washington Monument, reported a bill (H. R. No. 3576) for the completion of the monument to Mary, the mother of Washington, at Fredericksburgh, Virginia; which was read a first and second time, ordered to be printed with the accompanying reports, and recommitted, not to be brought back on a motion to reconsider.

REPORTS FROM THE COMMITTEE ON COMMERCE.

Mr. SAWYER. I move to suspend the rules to adopt the following resolution:

Resolved, That on Thursday next, June 4, the Committee on Commerce be allowed two hours after the reading of the Journal for reports from that committee for consideration in the House at that time.

Mr. SMITH, of New York. I ask the gentleman from Wisconsin to name Friday or Saturday next.

The motion to suspend the rules was seconded.

Mr. SPEER. Will the bills be liable to the point of order when so reported?

The SPEAKER. Under this order they would not.

Mr. SPEER. The gentleman from Wisconsin, I understand, says he has no objection to the points of order being reserved upon the bills.

The SPEAKER. Then all points of order will lie.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was passed.

RELIEF OF SETTLERS IN MINNESOTA AND IOWA.

Mr. DUNNELL. I ask unanimous consent to put upon its passage at this time a bill (H. R. No. 3575) for the relief of certain settlers on the public lands in certain portions of the States of Minnesota and Iowa. I ask unanimous consent to make a single statement with regard to the objects of the bill. Last year some ten counties of Minnesota and Iowa were raided upon by grasshoppers, and to such extent that the settlers in that section were rendered extremely poor, hundreds of them being driven away, while there the grasshoppers filled the soil of that region with eggs. The States of Minnesota and Iowa, as well as the citizens of those States, contributed some hundred thousand dollars for the purchase of necessaries of life and of seed for these unfortunate settlers. It turns out that these eggs are now hatching and the earth is literally filled with young grasshoppers, and all vegetation there is being destroyed. The object of this bill, Mr. Speaker, is simply this: to allow these pre-emption and homestead settlers to be absent from their settlements until May 1, 1875, and that they may then come back and go on with their work and settlement. We trust at the expiration of that time these visitors to the States of Minnesota and Iowa will have left. The gentleman from Iowa [Mr. ORR] has received a message from the governor of his State and has united with me in the drawing of this bill.

Mr. COX. I ask that the bill be read.

The bill, which was read, in the first section provides that it shall be lawful for homestead and pre-emption settlers on the public lands in the counties of Cottonwood, Noble, Martin, Jackson, Watonwan, Murray, Rock, Lyon, Redwood, Brown, Chippewa, and Renville, in the State of Minnesota, and the counties of Iowa which compose the Sioux City land district and counties contiguous to either of the above exempted sections, where the crops of such settlers were destroyed or seriously injured by grasshoppers in the year 1873 and where such grasshoppers shall reappear in 1874 to the like destruction of the crops of such settlers, to leave and be absent from said lands until May 1, 1875, under such regulations as to proof of the same as the Commissioner of the General Land Office may prescribe.

The second section provides that during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had been enjoyed or allowed.

The third section provides the same exemption from continued residence shall be extended to those making settlements in the year 1874 and suffering the same destruction of crops as those making settlement in 1873 or any previous year.

Mr. DUNNELL. The House will perceive that no possible loss can occur to the Government. It merely allows for the present season these settlers to obtain a living elsewhere. It is but an act of justice to these citizens that without loss they be allowed to provide for themselves and their families till the pest shall have passed by.

The motion to suspend the rules was seconded.

The rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

HARPER'S FERRY PROPERTY.

Mr. HEREFORD. I move to suspend the rules for the purpose of discharging the Committee of the Whole on the state of the Union from the further consideration of and to pass a bill (H. R. No. 549) to authorize the Attorney-General to adjust the claim of the Government upon the purchasers of property at Harper's Ferry.

The bill, which was read, provides that the Attorney-General of the United States be directed to discontinue proceedings for enforcing payment of the purchase-money of property sold at Harper's Ferry by the direction of the Secretary of War under the authority of the act of Congress of December 15, 1868, (and to institute legal proceedings to vindicate the title to said property now in controversy,) and that the Secretary of War, on the application of any of the purchasers of any of said property or their sureties, be directed to release the obligations for the purchase-money; and (so soon as the title of the United States to any of said property now in controversy shall be finally adjudicated) to resell the same at public auction upon terms that shall require at least one-third of the purchase-money to be paid in cash.

Mr. HOLMAN. I hope the gentleman will inform the House whether the Government has not recently obtained a foreclosure of the mortgage on this very property against these parties who are now asking to be relieved?

Mr. HEREFORD. If the House will bear with me for a moment I will explain the whole matter. It is one in which my own State is interested. This Harper's Ferry property was ordered to be sold. It was sold. The persons to whom it was sold are now mere men of straw. The Government cannot collect the money. Harper's Ferry is rapidly going to decay, and in a short time instead of being a flourishing manufacturing place as it was once, it will be the abode of nothing but owls and bats. The Legislature of my State last winter and the winter before passed a resolution asking for the passage of this very bill. If the money could be collected from these purchasers we would not ask to have them relieved or to have the property resold. But while this matter is going on the people of Harper's Ferry are suffering. They know the Government cannot recover anything, and that if this thing is to be continued much longer the whole town will be impoverished.

Mr. HOLMAN. I wish to ask the gentleman a question, whether the same end is not accomplished by the resale of the property by the Government under the foreclosure?

Mr. HEREFORD. I will say in reply to the gentleman from Indiana——

Mr. WARD, of Illinois. I object to debate.

The question being taken on seconding the motion to suspend the rules, there were—ayes 54, noes 51; no quorum voting.

Tellers were ordered under the rule; and Mr. HOLMAN and Mr. HEREFORD were appointed.

The House again divided; and the tellers reported—ayes 85, noes 62.

So the motion was seconded.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. RANDALL. Pending that I move that the House take a recess.

The SPEAKER. That cannot be done while the motion to suspend the rules is pending.

The question being taken, the rules were not suspended, two-thirds not voting in favor thereof.

BUSINESS OF COMMITTEE ON THE PUBLIC LANDS.

Mr. TOWNSEND. I move that the rules be suspended, and that Friday evening next after half past seven o'clock be assigned for the consideration of bills reported by the Committee on the Public Lands.

Mr. HOLMAN. Will the gentleman please to name the bills the committee propose to report?

Mr. TOWNSEND. There is but one bill reported by the Public Lands Committee which so far as I know has met with no objection here—the bill in regard to the reorganization of the clerical force of the Land Office. Knowing the opposition there is to that bill, I do not propose to bring it up at all. But there are many bills of great interest which the committee are prepared to report, bills likely to be of value to settlers on the public domain, homesteaders, and others, that will meet with little or no opposition in the House, and I ask that the House may have an opportunity of considering those bills.

Mr. HOLMAN. The gentleman excepts the bill for the reorganization of the clerical force of the Land Office?

Mr. TOWNSEND. Yes, sir.

The SPEAKER. That could not be considered in any case against a single objection, which would be sufficient to carry it to the Committee of the Whole.

The rules were suspended, (two-thirds voting in favor thereof,) and the order requested by Mr. TOWNSEND was made.

DEPARTMENT OF JUSTICE.

Mr. SENER. I desire to present a report in writing, from the Committee on Expenditures in the Department of Justice, in regard to the western district of Arkansas, and ask that it may be printed and recommitted. I desire also to report in connection therewith four bills, and ask that they may be printed and recommitted, and that a time may be set for a special hearing of them in the House.

There being no objection, the following bills reported by the Committee on Expenditures in the Department of Justice were received, read a first and second time, ordered to be printed, and recommitted to the same committee:

A bill (H. R. No. 3577) to abolish the western district of Arkansas;

A bill (H. R. No. 3578) to amend the act to establish the judicial courts of the United States, approved September 24, 1789, in relation to bonds of clerks of the courts of the United States;

A bill (H. R. No. 3579) to provide for the service of process and making arrests in the Indian country, and to repeal section 3 of the act to supply deficiencies in the appropriations for the current and contingent expenses of the Indian Department, approved June 14, 1858; and

A bill (H. R. No. 3580) to amend and re enact the twenty-third paragraph of section 3 of an act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853.

The SPEAKER. The gentleman from Virginia [Mr. SENER] asks that a day be assigned to the committee for a hearing on the bills which they have presented and the accompanying report.

Mr. SENER. I will say Tuesday of next week, after the reading of the Journal.

Mr. ELLIS H. ROBERTS. Would that exclude the Committee on Appropriations?

The SPEAKER. It would if no exception is made.

Mr. ELLIS H. ROBERTS. Unless an exception is made in favor of that committee I must object, as no member of that committee seems now to be present.

Mr. SENER. The Committee on Expenditures in the Department of Justice have had under patient investigation for over two months this matter of frauds in the western district of Arkansas. These bills which they propose for the House to pass in judgment upon are bills which in their opinion go not only to the correction of frauds in the western judicial district of Arkansas, but to the correction of frauds in every judicial district in the United States, and they believe will protect the Treasury not only in that district but in every district of the United States, and they ask that the day I have named may be assigned for a hearing.

Mr. ELLIS H. ROBERTS. I ask that reports from the Committee on Appropriations may be excepted.

Mr. RANDALL. There is but one appropriation bill now to be reported.

Mr. DAWES. I would suggest that the time assigned be one hour after the reading of the Journal.

Mr. SENER. I accept that modification of the motion, and ask that Tuesday, one hour after the reading of the Journal, be assigned to the committee to the exclusion of all other business and for the consideration of these bills in the House.

Mr. ELLIS H. ROBERTS. I must object.

Mr. SENER. Then I move that the rules be suspended and that that order be made.

The motion to suspend the rules was seconded—ayes 84, noes not counted.

The rules were suspended, (two-thirds voting in favor thereof,) and the order was made.

CIVIL RIGHTS.

Mr. BUTLER, of Massachusetts. I desire now to move to suspend the rules so as to take from the table the bill (S. No. 1) known as the civil-rights bill, and to have it referred to the Committee on the Judiciary, with the right to report it as they now may report the House bill on the same subject. I desire further to say that I am instructed by the Committee on the Judiciary to allow a motion in the House to strike out the school clause of that bill.

Mr. RANDALL. Will you agree to strike it out?

Mr. BUTLER, of Massachusetts. No, sir; but we allow a motion to strike out or amend.

Mr. BECK. I move that the House do now adjourn.

Mr. SMITH, of Virginia. Mr. Speaker, the gentleman from Massachusetts seemingly displays great liberality in saying that he is instructed to allow an amendment to strike out mixed schools. I want the gentleman to tell us whether or not he will support the amendment.

Mr. HOLMAN. I move to amend the motion of the gentleman from Kentucky so that the House shall now take a recess.

The SPEAKER. That amendment is not in order.

Mr. RANDALL. When will it be in order?

The SPEAKER. At half past four o'clock the motion executes itself.

Mr. RANDALL. It will be a great relief when that hour comes.

The question being taken on Mr. BECK'S motion that the House do now adjourn, there were—ayes 57, noes 71; no quorum voting.

Tellers were ordered under the rule; and Mr. BECK, and Mr. BUTLER of Massachusetts, were appointed.

The House divided; and the tellers reported—ayes 52, noes 88.

Mr. ELDREDGE and Mr. BECK called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 72, nays 141, not voting 76; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, John B. Clark, jr., Cook, Cox, Crittenden, Crossland, DeWitt, Durham, Eldredge, Giddings, Glover, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Holman, Hunton, Kendall, Knapp, Lamar, Lamison, Leach, Lofland, Lowndes, Luttrell, Magee, Milliken, Mitchell, Moore, Morrison, Neal, Nesmith, Randall, Read, Robbins, James C. Robinson, Milton Sayler, Sloss, Southard, Speer, Stanard, Standiford, Stone, Swann, Christopher Y. Thomas, Thornburgh, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wolfe, and John D. Young—72.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barry, Beeole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cason, Cessna, Amos Clark, jr., Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crocker, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Donnan, Duell, Dunnell, Farwell, Field, Foster, Freeman, Garfield, Gooch, Gunckel, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hunter, Hurlbut, Hyde, Kasson, Kelley, Lamport, Lansing, Lawrence, Lawson, Lewis, Lowe, Lynch, Maynard, McCrary, James W. McDill, MacDougall, McKee, Monroe, Myers, Niles, Nunn, O'Neill, Orth, Packard, Packer, Page, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Sener, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Sprague, Stowell, Strawbridge, Sypher, Taylor, Charles R. Thomas, Todd, Townsend, Tremain, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, and James Wilson—141.

NOT VOTING—Messrs. Adams, Barrere, Bass, Burchard, Cannon, Freeman Clarke, Clayton, Clements, Clymer, Clinton L. Cobb, Comingo, Creamer, Davis, Dobbins, Eames, Eden, Elliott, Fort, Frye, Hagans, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Havens, Hersey, George F. Hoar, Hooper, Hubbell, Hynes, Jewett, Kellogg, Killinger, Loughridge, Marshall, Martin, Alexander S. McDill, McJunkin, McLean, McNulta, Merriam, Mills, Morey, Negley, Niblack, O'Brien, Orr, Hosea W. Parker, Isaac C. Parker, Parsons, Perry, Potter, William R. Roberts, Ross, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sherwood, Smart, William A. Smith, Snyder, Starkweather, Stephens, St. John, Storm, Strait, Tyner, Waddell, Wilshire, Ephraim K. Wilson, Jeremiah M. Williams, Wood, Woodford, Woodworth, and Pierce M. B. Young—76.

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. ARCHER. My colleague, Mr. WILSON, is absent on account of the illness of a member of his family. If here he would vote "ay."

Mr. WILLIE. My colleague, Mr. MILLS, is absent by leave of the House. If here he would vote "ay."

Mr. RANDALL. My colleague, Mr. STORM, is absent on account of sickness. If here he would vote "ay." I desire also to state that my colleague, Mr. CLYMER, is absent on a committee of conference.

Mr. KNAPP. My colleague, Mr. EDEN, is detained from the House by sickness in his family.

Mr. BELL. I desire to state that my colleague, General YOUNG, is absent as one of the examiners at West Point. He is paired with the gentleman from New York, Mr. SMART, upon all questions relating to the civil-rights bill.

Mr. BLAND. I desire to state that Mr. WOOD is absent on account of sickness in his family.

Mr. PENDLETON. My colleague, Mr. EAMES, is necessarily absent. If here he would vote "no."

Mr. HOLMAN. My colleague, Judge NIBLACK, is necessarily absent. If here he would vote "ay."

The hour of half past four having arrived, the House, pursuant to order, took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half past seven o'clock p. m.

PROCEEDINGS IN MANDAMUS.

Mr. TREMAIN, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 1273) to regulate proceedings in *mandamus*.

The bill was read. It provides that in all proceedings in *mandamus* in any of the courts of the United States, wherein any officer of the United States is made a party defendant, but who may die, resign, or be removed from office before the final determination of such proceedings, the same may be continued in the name of his successor in said office, and such proceedings may be had as in case of the death of a party defendant during the pending of a suit at law in the proper court; and said proceedings in *mandamus* shall proceed to a hearing at the same term, unless for good cause shown the court shall continue the case, and if a peremptory writ shall be awarded, the same shall and may be directed to any successor in office to such person who may have so resigned, been removed, or died.

Mr. E. R. HOAR. I would ask the gentleman from New York this question: Suppose the proceedings have reached a certain stage and there has been a hearing before an officer and he goes out and another man comes in, is there anything in this bill requiring a rehearing by him?

Mr. TREMAIN. I suppose the law would be like those which are found in the different States and that where an officer goes out and a successor comes in, he comes into the shoes of the dead man and the proceeding goes on.

Mr. E. R. HOAR. I respectfully make the suggestion whether there ought not to be some provision of the kind. In the McGarrahan case they had proceeded to a hearing before one Secretary of the Interior; he went out and another came in, and the court undertook to issue a peremptory *mandamus* against his successor in office.

Mr. TREMAIN. Of course he should have a hearing. If he comes in merely as the successor of a dead man, and the dead man has had a hearing in the courts, as in the case of a person who is sued in his individual capacity, and he dies and his heirs are substituted for him, they are entitled to a hearing. And when the court is moved for an order of substitution, if they deem it necessary to grant the hearing they will make that a condition of the substitution. I recollect a case which was instituted and carried up to the Supreme Court on an appeal, and before the final hearing the Secretary of the Treasury, Mr. BOUTWELL I think it was, went out of office. The court decided

that there was no statute allowing the proceedings to continue, and all the fruits of the litigation were lost. This is simply to avoid that *casus omissus* in the law. If the court think it necessary to demand a hearing they will make that a condition.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TREMAIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROSECUTION OF OFFENSES AGAINST THE UNITED STATES.

Mr. TREMAIN, from the Committee on the Judiciary, reported back, with a recommendation that the same do pass, a bill (H. R. No. 2826) to authorize the prosecution of certain offenses upon information.

The bill provides that all crimes and offenses committed against the laws of the United States which are not capital or otherwise infamous may be prosecuted either by indictment or information filed by the district attorney, and, in case of prosecution upon information, there shall be an affidavit alleging the commission of the offense and his own certificate that he has made inquiry into the evidence in the case and is of opinion that there is reasonable ground to believe that the accused is guilty of the offense alleged.

Mr. HALE, of Maine. Does the gentleman propose to put that bill through now?

Mr. TREMAIN. I will state what there is about it. This bill was recommended by the Attorney-General in his report. The Constitution provides that for minor offenses no indictment by the grand jury shall be necessary, but an act of Congress may permit proceedings upon information. Congress has passed a law allowing a certain class of minor offenses to be proceeded with in that way.

The particular occasion or rather necessity for this bill arises from the fact that a very large proportion of the minor offenses under our laws involve great expense to the defendant as well as to the Government in having an examination before the commissioner, then having the witnesses appear before the grand jury, and again upon the final trial. The object of this bill is to avoid those expenses. Wherever, as in the case provided for in the bill, an affidavit of the charge is proved, and the district attorney on examination certifies that it is a proper case for proceedings, the bill provides for relieving the defendant from unnecessary expenses.

Mr. COBB, of Kansas. I see the bill says "except capital or otherwise infamous crimes."

Mr. TREMAIN. It is intended to embrace the minor offenses ordinarily known as misdemeanors.

Mr. COBB, of Kansas. Would it not be better to use the word "felony," which is a well-defined term?

Mr. TREMAIN. I have a letter from the district attorney of the southern district of Ohio which I will have read, if desired, to explain the necessity for this bill. I think there can be no objection to it.

Mr. HALE, of Maine. I do object, very seriously.

Mr. TREMAIN. Then I will ask the Clerk to read the letter.

The Clerk read as follows:

OFFICE UNITED STATES ATTORNEY,
SOUTHERN DISTRICT OF OHIO,
Cincinnati, April 20, 1874.

DEAR SIR: I am informed by Mr. SAYLER that he introduced a bill into the House authorizing district attorneys to prosecute misdemeanors upon information. I suppose it is the same that I showed to you when in Washington last month, and having been, as I am informed, referred to the Judiciary Committee upon suggestion of Mr. SAYLER, I will state to you briefly the reasons that render the passage of such a law important.

A very large proportion of the prosecutions of this district, which is probably a fair representative of the other districts in the United States, are for minor violations of the internal-revenue laws, such as selling proprietary medicines and cosmetics without stamps, liquors and tobacco without payment of special tax, and for depredations upon the mails. Under the existing practice there is a preliminary examination before a commissioner, an examination by the grand jury, and a final trial before a petit jury, making substantially three trials. The witnesses are often brought in each trial from a considerable distance, making the expenses very heavy—at least double what they ought to be under a practice which will allow of but one trial directly upon information.

Again: It often happens that the accused is a poor fellow, unable to give bail, and is kept in jail until the grand jury meets and thereafter until trial. The court is in session substantially nine months in the year, but the grand jury generally meets only twice, in October and April, and its session seldom lasts over two or three weeks. This makes in many cases great hardships to person accused of the smaller offenses. Both, therefore, as a matter of economy in the administration of the laws and relief from unnecessary hardships and promptness in the enforcement of its penalties the proposed law would be very useful.

There is another reason for its passage. In some of the districts the circuit and district courts have held that the district attorneys may file informations. It was so held by Justice Field and District Judge Sawyer in California. Justice Swayne expressed doubts about it here, and it is not the general practice. It is important that Congress should settle the question. The Attorney-General in his last annual report recommends the passage of such a law. The judge here wishes the sanction of congressional authority.

Allow me to suggest that in addition to an affidavit the district attorney be allowed, when it can be had, in place of such affidavit to file the transcript of a commissioner. In general the preliminary examination before a commissioner may be avoided under the proposed law.

Very respectfully,

WARREN M. BATEMAN.

Hon. B. F. BUTLER,
Washington, D. C.

Mr. HALE, of Maine. I have very rarely heard on this floor a recommendation from any committee involving so radical a change as this. It is no slight matter that for all offenses prosecuted in the United States courts in all this broad land, covering as they do so many kinds and involving all shades of punishment from fine up to imprisonment for a long term of years, with all the safeguards, all the checks, all the scrutinies which come from a grand jury, and which I for one have been taught from early boyhood to look upon as almost the saving thing in our institutions—it is no slight matter that all this is to be done away with, and that in no case shall it be resorted to as a matter of law, excepting in capital cases or in case of infamous crimes, which very rarely occur. I venture to say in all the States of the Union combined they would not furnish one-tenth, perhaps not one-twentieth, of the trials that take place in the United States courts. Nineteen-twentieths of all the causes between the Government and the citizen are to be taken from the province and scrutiny of a grand jury, and put into whose hands? Into the hands of the district attorneys, wherever they may be.

Now, I can understand that a bright, sharp, shrewd district attorney, looking at one side only, eager to prosecute, eager to punish, eager to swell his docket, desirous of having his docket called for trial, dependent upon his imperious say-so, and not upon a bill or no bill rendered by at least twelve men—I can understand how he might be in favor of this innovation. But a reason that may be good to the district attorney in Ohio why he should hale men before the courts for a final trial is not a reason that will satisfy me or will satisfy the people.

But the height of audacity has been reached in this matter when it is claimed that the bill is introduced in the interest of the citizen who is brought before the courts, and that it saves him the delay and anxiety of previous tribunals to the one which sits in final judgment upon him.

It is for him it seems that this bill is brought here, so that he shall not be subjected to the delay and expense that may arise from being summoned before a commissioner. But what about the grand jury? Is the defendant who is sought to be indicted for a crime involving imprisonment for ten or twenty years, it may be, (for this bill would not exclude such cases,) is he to be deprived of the refuge—no, I will not use that word——

Mr. WHITE. This bill specially excepts cases involving capital or otherwise infamous punishment. The law has determined what is an infamous punishment. It is anything amounting to punishment by imprisonment. That is as well settled as any principle of law.

Mr. HALE, of Maine. I do not know what may have been the decision in the gentleman's courts; but I certainly do not agree with him in his construction of this bill.

Mr. POLAND. Will the gentleman from Maine allow me to ask him a question?

Mr. HALE, of Maine. Certainly.

Mr. POLAND. In the gentleman's own State is not the right to file information by prosecuting attorneys as broad as that given by this bill to prosecuting attorneys of the United States?

Mr. HALE, of Maine. No man in the State of Maine was ever for any offense triable by a jury tried upon information. I have myself been a prosecuting officer for nine years; and I know how dangerous it is—the statutes of the State of Maine proceed on the conviction how dangerous it is—to put into the hands of one man this right to summon men and arraign them finally for punishment; and in the United States district courts the proceeding is infinitely worse than it would be before the State courts. Why, sir, the district attorneys are paid according to their success. A district attorney is better paid if there is a trial than if there is no trial; his fees are swollen if the grand jury finds a bill and sends it into court and it is there tried. His fees are lessened if the grand jury throws out the bill. Now, I do not know that the district attorneys are worse than any other men or worse than any other lawyers, (for I believe that lawyers as a class are as good an any men,) but I do know that among the many district attorneys who represent the Government in various States throughout this country there are dozens of men into whose hands I would not put the control over this precious right of the citizen. The measure here proposed is a broad and dangerous innovation, and I hope the House will put its foot on it.

I could talk longer, but I am warned by gentlemen on the committee that they have other bills which they desire to present; so I will not occupy any more time. It seems to me, however, that it would be more becoming if the committee would withdraw this bill and proceed to other matters that do not involve so great an innovation.

Mr. BUTLER, of Massachusetts. A single word, Mr. Speaker——

Mr. HALE, of Maine. I move that the bill be laid on the table.

Mr. BUTLER, of Massachusetts. Wait a moment; the gentleman has not the floor for that purpose.

Mr. Speaker, I am surprised to hear this called an innovation. By the common law of England all misdemeanors were allowed to be prosecuted by the attorney-general or the solicitor-general upon information; and when the amendments to our Constitution were adopted—amendments which constitute the bill of rights of the State of Maine and Massachusetts as well as of the United States—it was expressly provided that "no person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment," leaving undisturbed in this respect the old common law which is in practice in many of the States, which is in practice in this District in the United States courts; so that in minor offenses the district attorney,

the attorney representing the Government, might if he chose proceed by information in order to save costs—costs which, in a case involving fines and costs as part of the punishment, the defendant mustpay.

Now the very exception made by the Constitution is about to be put in force. No man can be harmed by any proceeding by information on the part of the district attorney, unless twelve of his neighbors duly selected as a jury say that he is guilty. It is not an innovation at all. On the contrary as long ago as 1866 a statute was passed applying to certain offenses tried before the United States courts and providing that they should be by information.

Why has not a measure of this kind been brought forward earlier? Simply because until very lately we have had very few misdemeanors tried in the United States courts. Until recently piracy, robbing the mails or the post-office, murder on the high seas, and larceny were about all the crimes tried in the United States courts. But our tax laws and our customs laws have brought to the front a great number of small misdemeanors, and the trial of these is depleting our Treasury. Grand juries are kept in session week in and week out simply to examine such small offenses as the selling of a box of cigars without a license. I hope that in the interest of economy (and it cannot be against justice) this bill will pass.

Mr. TREMAIN. I wish to say only a word or two in conclusion. I am informed by gentlemen from Wisconsin and gentlemen from Michigan that in those States the grand jury has been abolished altogether, and that they would not under any circumstances go back to it. In my own State of New York, the northern district of which is about three hundred miles long, I have known persons, charged with petty offenses on the complaint of spies acting on behalf of the Government, to be dragged from the city of Albany to the city of Buffalo. The witnesses are taken out there. The expenses are enormous. They are usually charged to the defendant, but in case of acquittal the Government is subjected to them. The object of this is to avoid those expenses in lesser—minor—offenses, but not in infamous crimes. I demand the previous question.

Mr. HALE, of Maine. I move to lay the bill upon the table.

The House divided; and there were—ayes 52, noes 34.

So (no further count being demanded) the bill was laid on the table.

Mr. HALE, of Maine, moved to reconsider the vote by which the bill was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BANKRUPT LAW.

The Speaker appointed as the managers of the conference on the disagreeing votes of the two Houses on the bankrupt bill Mr. TREMAIN of New York, Mr. BUTLER of Massachusetts, and Mr. ELDREDGE of Wisconsin.

PRESERVATION OF BALLOTS, ETC.

Mr. TREMAIN, from the Committee on the Judiciary, reported back a bill (H. R. No. 1979) to preserve the ballots cast at, and all papers connected with, elections held for Representatives or Delegates to Congress, and for other purposes, with amendments.

The bill, which was read, in the first section provides that the ballots, lists of voters, tally-sheets, and all other papers connected with any election hereafter held for Representative or Delegate in Congress shall be preserved and safely kept by the lawful custodians thereof in the several States until the adjournment of the first session of Congress next thereafter to be affected by said election.

The second section provides that either party to any contest in the House of Representatives may, when there is an allegation in either the notice of contest or the answer thereto that a portion of the ballots cast at any precinct or precincts at an election held for Representative or Delegate in Congress have been fraudulently changed previous to the count thereof or falsely counted, have a subpœna, in accordance with the law governing contested elections, directed to said custodian, who shall produce, as required therein, the ballots, lists of voters, tally-sheets, and all other papers connected with said election in his custody or control, and the same may, after the usual notice to the contestant or contestee, be examined and compared before any person authorized to take depositions in contested elections; and said person shall certify, under his hand and seal, and forward in the manner provided by law said examination and comparison and the result thereof, to be used as evidence in the case.

The third section provides that said ballots, lists of voters, tally-sheets, and all other papers produced in response to said subpœna, shall, immediately after the examination and comparison thereof, be returned to the lawful custodian in the same condition as when produced.

The fourth section provides that any custodian of the ballots cast at any election for Representative or Delegate to Congress who shall willfully neglect or refuse to safely keep and preserve the same, and the lists of voters, tally-sheets, and all other papers connected therewith, or who shall willfully neglect or refuse to produce the same as required in this act, shall forfeit and pay the sum of $1,000, to be recovered, with costs of suit, by the party at whose instance the subpœna was issued and for his use, by an action of debt, in any court of the United States, and shall also be liable to an indictment for a misdemeanor and be punished by fine and imprisonment at the discretion of the court.

The fifth section provides that all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

The Clerk read the amendments, as follows:

Strike out the fifth section and insert the following:

SEC. 5. That at all elections for Representative or Delegate to the Congress of the United States, the vote at each election precinct shall be counted at the close of the election by the managers and officers conducting such election in the presence of such managers and of the supervisors (if any there be) appointed under the act of Congress in such cases made and provided, whose duty it shall be to attend for that purpose; and the result of the ballot at such precinct shall be thereupon announced and made public; and any such manager, officer, or supervisor willfully neglecting or refusing to perform the duties imposed by this section shall be guilty of a crime, and upon conviction thereof shall be fined not less than $100 nor more than $500, and imprisoned in the penitentiary not less than three months and not more than two years, one or both, at the discretion of the court trying the same.

SEC. 6. That it shall be unlawful for any person to sell, give, or furnish any intoxicating liquors, vinous, fermented, or alcoholic, to any voter or voters, or to any person for any voter or voters, on the day of any election of a Representative or Delegate to the Congress of the United States; and any person or persons violating the provisions of this section shall be guilty of a crime, and upon conviction thereof shall be fined not less than $200 nor more than $500, and imprisoned in the penitentiary not less than six months nor more three years, one or both, at the discretion of the court trying the same.

SEC. 7. That whenever in any city, town, county, or parish there shall be fifty voters thereof who, not less than fifteen days prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or if there be no registration, at least fifteen days prior to any election at which a Representative or Delegate in Congress is to be voted for, shall petition, in writing, to the judge of the circuit court of the United States for the circuit wherein such city, town, county, or parish shall be, to have an election precinct and voting place established at some convenient place to be designated in said petition, it shall be the duty of the said judge of the circuit court, within not less than ten days prior to said registration, if one there be, or if no registration be required or had, within not less than ten days prior to said election, to hear and determine said petition; and if it appear to said judge that notice of the presentation of said petition has been posted up in said city, town, county, or parish at the place where it is proposed to establish a voting place not less than five days prior to the presentation of the petition, and stating at what time and place said petition would be presented, and that no legal voting place exists within six miles of the place where said petitioners pray to have a voting place established, said judge shall make an order establishing an election precinct and voting place as prayed for by said petitioners, and the same shall be a legal precinct and voting place for the election of Representatives or Delegates in Congress: *And provided*, That in any city having less than one voting place to each six thousand of its population, or fraction thereof over six thousand, according to the then last census of the United States, then said judge may establish one additional voting place for such additional six thousand, or fraction thereof, at some convenient point within not less than one-half mile of any other legal voting place: *And provided further*, That said judge, in establishing precincts and voting places as herein provided, and in appointing supervisors for the same, shall possess the same power and authority conferred by the act to which this is amendatory, and for that purpose may sit either as a court or at chambers.

SEC. 8. That any person using fire-arms, or proposing or threatening to use fire-arms or other deadly weapons, offensively against individuals or assemblages of individuals, at or near the place and on the day or days of any election of a Representative or Delegate to the Congress of the United States, for the purpose of intimidating or injuring such person or persons, either before or after the election or while the same is progressing, shall be guilty of a crime, and upon conviction shall be fined not less than five hundred nor more than one thousand dollars, and imprisoned in the penitentiary not less than one year nor more than three years, one or both, at the discretion of the court trying the same: *Provided*, That the open or concealed carrying of fire-arms or other deadly weapons at such election shall be taken as presumptive evidence of the intent to intimidate under this act.

SEC. 9. That in case the registration officers appointed under the authority of any State or Territory shall refuse or neglect to give the persons entitled to vote at any precinct or voting place established under the provisions of the last preceding section an opportunity to register in the manner required by law for legal election precincts, such refusal or neglect shall not disqualify the persons entitled to register and vote at said precincts from voting.

SEC. 10. That the district courts of the United States within their respective districts and the circuit courts of the United States within their circuits, respectively, shall have concurrent jurisdiction of offenses committed against the provisions of this act.

SEC. 11. That all laws and parts of laws contravening the provisions of this act be, and the same are hereby, repealed.

Mr. HOLMAN. I make the point of order on this bill. It provides for the election of officers not authorized by law. It increases the number of election officers, and of course increases the expenditures from the public Treasury. It is not in accordance with existing law. Making an appropriation from the Treasury, it must have its first consideration in the Committee of the Whole on the state of the Union.

Mr. SPEER. It authorizes judges of the court to provide additional election precincts.

Mr. TREMAIN. No new officer is created by the bill at all.

Mr. SPEER. It authorizes the judges to provide additional election precincts, and of course to hold elections thereat.

Mr. BUTLER, of Massachusetts. They are authorized by law now.

The SPEAKER. What particular section is it to which the gentleman from Indiana attaches his point of order?

Mr. WHITE. It provides only for the extension of precincts.

Mr. SPEER. In section 8 on page 6 it is provided said judge in establishing precincts and voting places as herein provided, and in appointing supervisors for the same, shall possess the same power and authority conferred by the act to which this is amendatory, and for that purpose may sit either as a court or at chambers.

The SPEAKER. The Clerk will read section 8 in full, as the points of order seem to attach particularly to that section.

The Clerk again read the eighth section.

Mr. WHITE. The bill does not provide for the appointment of supervisors. This section of the bill to which attention has been specially called merely gives to the circuit judge on the petition of a citizen power to extend election precincts in certain cases. The acts of 1870 and 1871, authorize the appointment of supervisors. The United States judge in every precinct has to provide for the super-

visors contemplated by the law. There is no authority given to the circuit judge to appoint supervisors. All the authority given to him is to establish election precincts. I will state to the House the purport of the bill.

The SPEAKER. If the gentleman is arguing the point of order, the Chair will hear him. The point of order is that this bill creates and authorizes the appointment of new officers. The Chair understands that the point lies in this: that the present law authorizes the precincts to be formed in a certain manner with a supervisor for each.

Mr. SPEER. Two supervisors.

The SPEAKER. And this bill proposes to change that law by allowing the judge of the circuit court to designate more numerous precincts at his discretion, and hence there is a multiplication of officers. The Chair understands that to be the drift of the bill, and if he be correct in that statement of the purport of the bill, it is liable to the point of order.

Mr. PLATT, of Virginia. There is no compensation to these officers.

The SPEAKER. Is there not any under the existing law?

Mr. PLATT, of Virginia. No; they perform their duties without compensation.

Mr. RANDALL. They are paid in my city.

Mr. PLATT, of Virginia. They serve without any compensation whatever.

The SPEAKER. It is a question of fact.

Mr. PLATT, of Virginia. It is a fact that they are not paid.

Mr. WHITE. This bill does not propose to make it compulsory on the judge to enlarge the number of precincts; it merely gives him the power to do so.

The SPEAKER. That does not make any difference if these officers are paid.

Mr. COX. I know that they are paid in my city.

The SPEAKER. This ought not to be a matter of doubt; it is a matter of fact, and upon the fact in the case hinges the law and the testimony.

Mr. RANDALL. Would not an amendment be in order, in any event, to the bill giving these officers compensation?

The SPEAKER. No; because the Chair would rule it out if these officers serve without any compensation; that would be a change of existing law.

Mr. HEREFORD. By this bill the circuit judge is authorized to appoint additional supervisors.

The SPEAKER. Several gentlemen state that these supervisors are not paid.

Mr. SPEER. That is a mistake.

Mr. RANDALL. Let the law be read.

The SPEAKER. The Chair would like to hear the law read.

Mr. MAYNARD. These officers were created by the law of the last Congress.

Mr. BUTLER, of Massachusetts. I suggest that the bill be withdrawn for the present.

The SPEAKER. Until the question of fact be determined the Chair would prefer to have the bill withdrawn.

Mr. COBURN. I have the law here. It provides that no compensation shall be allowed to the supervisors herein authorized to be appointed, except those appointed in cities or towns of twenty thousand or more inhabitants. That is the law of 1872.

Mr. RANDALL. I know these supervisors were paid in my city.

Mr. COBURN. They are not paid excepting in towns of twenty thousand or more inhabitants.

Mr. TREMAIN. I withdraw the bill for the present.

SOUTH CAROLINA.

Mr. TREMAIN. I desire to ask the consent of the House to take up a report from the Committee on the Judiciary and assign some time for its consideration. I do not wish to take up the time of my colleagues on the committee. A report was made by the Committee on the Judiciary on the South Carolina case, which was submitted informally, and ordered to be printed and recommitted. I wish that the reports, both the majority and the minority, be received and laid on the table, to be called up on some subsequent day.

The SPEAKER. Then the reports had better be ordered to be printed and recommitted.

Mr. TREMAIN. The reports have already been printed.

The SPEAKER. There is no such thing as laying a report upon the table, excepting when the purpose is to dispose of it finally.

Mr. TREMAIN. I only desire to clear my docket. I will ask unanimous consent that the majority and minority reports be received and assigned for consideration on Thursday of next week.

The SPEAKER. The gentleman had better ask leave for their consideration at any time.

Mr. TREMAIN. Very good; I will then ask leave that they be considered at any time.

Mr. SPEER. That would not give them precedence over orders previously made?

The SPEAKER. Certainly not.

Mr. RANDALL. What is the House asked to act upon?

The SPEAKER. The Chair does not know what the action proposed is.

Mr. TREMAIN. The resolution of the committee is that they be discharged from the further consideration of the petition referred to them; that is the report of the majority.

Mr. BUTLER, of Massachusetts. I think the gentleman had better withdraw the report.

Mr. TREMAIN. I withdraw it.

DISTRICT OF COLUMBIA.

Mr. POLAND, from the Committee on the Judiciary, submitted a report in writing on the legal relations of the District of Columbia to the Government of the United States; which was recommitted to the committee, and ordered to be printed, not to be brought back by a motion to reconsider.

SURETIES OF JOHN L. ROBINSON.

Mr. WILSON, of Indiana, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 2069) for the relief of the sureties of John L. Robinson, late United States marshal for the district of Indiana.

The bill was read. It directs the Attorney-General to discontinue the suit now pending in the circuit court of the United States for the district of Indiana against John Carmichael, Jesse Carmichael, Chenoweth Robinson, and Hamilton Miller, as sureties on the official bond of John L. Robinson, late United States marshal for the district of Indiana; and that said sureties be, and are hereby, discharged from any and all liability on account of said bond.

Mr. KASSON. I would like to have an explanation of that bill.

Mr. WILSON, of Indiana. I will explain the bill in a few words. John L. Robinson was appointed United States marshal for the district of Indiana in 1854 and died in 1861, having been reappointed. It seems that at the time of his death he was indebted to the United States in the sum of $12,000 or $15,000. During the last summer a suit was brought on his bond. After his death his sureties took counsel of some of the best lawyers of the State, and were advised by them that suit on his bond was barred by the statute of April 10, 1806, which provides:

> That all suits on marshal's bonds, if the right of action has already accrued, shall be commenced and prosecuted within three years after the passage of this act, and not afterward. And all such suits, in case the right of action shall accrue hereafter, shall be commenced and prosecuted within six years after the said right of action shall have accrued, and not afterward, saving, nevertheless, the rights of infants, *feme covcrts*, and persons *non compos mentis*, so that they sue within three years after their disabilities are removed.

After this period had elapsed the sureties of Robinson took counsel of able attorneys as to whether they were liable upon that bond, and were advised that they were not. One of the sureties was indebted to the estate of Robinson in the sum of $4,000 and upward. Another of the sureties was a man of ample means; he died, and his estate has been finally settled. And now, after about fourteen years from the death of Robinson, the United States comes forward and institutes a suit against the surviving sureties and is seeking to recover judgment against them.

Under the circumstances it seems to me and to the committee that these sureties ought to be discharged. Even admitting for the sake of the argument that the statute to which I have referred does not bar this action, yet the Government has laid by for about fourteen year before bringing this suit. In the mean time the estate of Robinson has been finally settled; one of the sureties has paid to that estate this $4,000 which has been distributed, and another of the sureties has since died and his estate has been finally settled and distributed. The consequence will be, unless this bill shall be passed, that these laches on the part of the Government will throw the whole burden on the two sureties still living. Under the circumstances I think this relief should be granted to these sureties, and it is the unanimous recommendation of the Committee on the Judiciary that this bill should be passed.

Mr. WILLARD, of Vermont. Why should these sureties be released from their share of the bond? I can see where there can be some equity in releasing them from paying the share of another surety.

Mr. WILSON, of Indiana. I do not think we should make fish of one and flesh of the other. I call the previous question on the bill.

The previous question was seconded and the main question ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION OF CONGRESSMEN FOR PENNSYLVANIA.

Mr. CESSNA, from the Committee on the Judiciary, reported back, with a recommendation that the same do pass, a bill (H. R. No. 3359) fixing the time for the election of Representatives from the State of Pennsylvania to the Forty-fourth Congress.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that on the Tuesday next following the first Monday in November, 1874, there shall be elected in each congressional district in the State of Pennsylvania one Representative to represent said State in the Forty-fourth Congress of the United States.

Mr. CESSNA. I desire to make a very brief explanation to show the necessity for the passage of this bill. The fourth section of the first article of the Constitution of the United States reads thus:

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Legislature of Pennsylvania by the act of 1839 provides that "the election of Representatives of the people of this Commonwealth in the Congress of the United States shall take place on the second Tuesday in October, of the year 1840 and on the second Tuesday of October in every second year thereafter, at the places appointed by law for the holding of general elections."

The Forty-second Congress passed a general law making elections for members of Congress uniform throughout the United States. But, as will be seen by reference to the third section of that act, it goes into effect only in the election of members of the Forty-fifth Congress. Therefore it does not apply to the election which takes place in 1874 for members of the Forty-fourth Congress. For a long period of time the general elections in Pennsylvania have taken place on the second Tuesday of October. But, as is well known to members of the House, recently the State of Pennsylvania held a convention to revise their constitution, and that convention has changed the time for holding general elections in that State from the second Tuesday in October to the day named in this bill. In order, therefore, to avoid the necessity of holding two elections this year in Pennsylvania, one for members of Congress on the second Tuesday of October and the other for State officers in November, we have reported this bill. I believe it is the unanimous wish of the Pennsylvania delegation that the bill should pass.

Mr. SPEER. Should not this bill provide officers for holding the elections? Should it not say by whom the elections shall be held?

Mr. CESSNA. Certainly not; that follows. The State officers always hold the election, and they will hold it under this bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CESSNA moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF PERSONS OF FOREIGN BIRTH.

Mr. CESSNA also reported from the Committee on the Judiciary a bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude; which was read a first and second time.

The bill was read. It provides in the first section that whoever shall knowingly and willfully bring into the United States, or the Territories thereof, any person inveigled or forcibly kidnaped in any other country, with intent to hold such person so inveigled or kidnaped in confinement or to any involuntary service, and whoever shall knowingly and willfully hold any other person in involuntary confinement or to any involuntary service, or who shall transfer any such service to any other person except for the purpose of acquiring a trade or occupation in the United States or the Territories thereof; and whoever shall sell, or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever, and every person who shall knowingly and willfully hold to involuntary service any person so sold and bought, shall be deemed guilty of a felony, and on conviction thereof be imprisoned for a term not exceeding five years and pay a fine not exceeding $5,000.

The second section provides that every person who shall be accessory to any of the felonies herein declared, either before or after the fact, shall be deemed guilty of a felony, and on conviction thereof be imprisoned for a term not exceeding five years and pay a fine not exceeding $1,000.

The third section provides that every person charged with the felonies therein declared may be tried in the district in which the same have been committed, or in any district in which the person so inveigled, brought, kidnaped, sold, or held has been taken under such confinement or holding to involuntary servitude.

The fourth section declares that upon the trial of the felonies therein declared the consent of the person so held, confined, or kidnaped shall not be a defense unless it appear satisfactorily to the jury that such consent was not extorted by threats or by duress.

Mr. CESSNA. I desire to state briefly that this bill is intended to prevent the practice of enslaving, buying, selling, or using Italian children, a practice which has been so common in the large cities of our country. I believe this bill which was introduced into this House by my colleague [Mr. NEGLEY] is a literal copy of one which was presented in the Senate by the late Senator Sumner. It is unanimously reported by the committee.

Mr. COX. I do not object to the bill, though this is a very difficult question to legislate upon. But I should like to throw out the suggestion, inasmuch as we have the exposition of the bill authoritatively, that this practice can never be thoroughly stopped unless by the intervention of the treaty-making power.

Mr. CESSNA. I cannot see how it is possible that the passage of this bill can in any way interfere with any treaty which the gentleman may desire to have made hereafter.

Mr. COX. I do not know that it will.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CESSNA moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COSTS, FEES, ETC., IN FEDERAL COURTS.

Mr. CESSNA also reported back, with a favorable recommendation, from the Committee on the Judiciary a bill (H. R. No. 2911) to adjust costs, fees, and allowances in Federal courts; which was read a first and second time.

The bill was read. It provides that the courts of the United States shall have power to award to the successful party in all causes pending therein, whether in admiralty, common law, or equity, for fees of attorneys, proctors, or solicitors, such costs, fees, and allowances as are allowed and provided for by law to the successful party or his attorney, proctor, or solicitor, in the courts of the States in which such courts of the United States are respectively held.

Mr. LAWRENCE. Why would it not be better to prescribe specifically the fees, allowances, &c.?

Mr. BUTLER, of Massachusetts. We cannot do that; we must follow the practice of the several States in this respect.

Mr. CESSNA. The bill authorizes the allowance of fees, costs, in the United States courts according to the practice in the States respectively. There can be no objection to the bill, so far as I can see.

Mr. BUTLER, of Massachusetts. We cannot fix uniform rates; we must follow the practice of the States.

Mr. LAWRENCE. Then there is no uniformity at all.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CESSNA moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MONEY INVOLVED IN SUITS.

Mr. CESSNA also reported from the Committee on the Judiciary a bill providing for the restraining of certain officers of the United States from paying money involved in suits; which was read a first and second time.

The bill, which was read, in the first section provides that whenever an order shall be rendered by a competent court in the District of Columbia restraining or enjoining any head of a Department, or the Treasurer, or any accounting officer of the Treasury of the United States, from paying a debt, or any part of a debt, due, or alleged to be due, by the United States to a certain party, or to certain parties, therein named, or their assignee or assignees, or enjoining or restraining such party or parties, or their assignee or assignees, from receiving the said debt, or any specified amount or portion thereof; a copy of such order, duly certified by the judge and clerk of said court to be a copy, shall be deposited in the office of such head of a Department or accounting officer, and it shall be his or their duty to respect said order so long as it shall remain in full force.

The second section provides that it shall also be the duty of such head of a Department or such accounting officer to obey and carry out the interlocutory or final order or decree of said court in any such case, so far as the same may be applicable or is intended to operate on such head of a Department or on such accounting officer.

The third section provides that nothing in the act shall be taken or held to apply to any pension, or to the salary of any officer or employé of the Government.

Mr. CESSNA. If gentlemen do not desire any explanation, I will call for the previous question on the passage of the bill.

Mr. WILLARD, of Vermont. I ask that the bill be again read.

The bill was again read.

Mr. WILLARD, of Vermont. It occurs to me, Mr. Speaker, the attention of the House should be called to this bill. It commands the heads of Departments in the city of Washington, and especially the head of the Treasury Department, to pay out any money on the order of any court.

Mr. DAWES. It does just the opposite. It commands the Treasury Department to obey the district judge, which is worse yet. It subordinates the Executive Department of this Governments to the judiciary of this District. That is what it does.

Mr. HURLBUT. I move the bill be laid on the table.

Mr. LAWRENCE. It compels the heads of Departments here to watch every claim agent and every lobby agent.

Mr. CESSNA. I deny all those allegations. We have agreed not to consume time with any of these bills, so that all the members of the Judiciary Committee may have an opportunity to get in their reports this evening. I therefore withdraw the bill for the present and ask consent to print some remarks in explanation of the bill.

There was no objection, and the remarks of Mr. CESSNA are as follows:

Mr. CESSNA. There are several considerations which seem to make necessary such a law as that proposed by this bill. First, it is undoubtedly true that there are cases of frequent occurrence where just claims against the Government are audited and passed into a draft which ought not to be paid to the claimant, in whose name the allow-

ance is made. Oftentimes parties, holding equitable titles to portions if not all of the claim, are wholly unable to legally assert such rights, because of the peculiar condition of existing laws, until the claim has passed into a warrant. One instance may be stated. The act of February 26, 1853, (10 United States Statutes at Large, 170,) prohibits the assignment or transfer of a claim until "after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof." When the claim has reached that stage, the Government has no longer any interest in it; the accounting officers of the Treasury having done their duty in auditing it, and having nothing further to do but to pay the claim to the party in whose name it has been audited, they cannot recognize any assignment made previously to this time, however equitable and just such assignment may appear to be. Their plain duty is to deliver the draft according to its literal import.

The equitable owner is remitted to the courts to work out his rights, if the legal owner is dishonest and refuses to pay him. He therefore applies to the chancellor and procures a restraining order against the dishonest claimant, in whose name the draft is issued and who will and can control its proceeds, to the prejudice of all other parties in interest, inasmuch as he can only serve the Secretary of the Treasury with a copy of the process—the courts having no power to enjoin the Secretary—which process that officer is not bound to obey. The hardship of this state of affairs can the better be understood and appreciated when we consider that the majority of parties who bring claims against the Government are non-residents of the District of Columbia and wholly irresponsible. The difficulty of getting service upon such a party is apparent, too, though even if he could be served the writ could go no further than to restrain him from receiving and indorsing the draft which a bad man would not hesitate to disobey. Having obtained control of the draft—the Secretary and those under him having no authority of law to refuse to deliver or pay it to the party named therein—the very spirit which impels him to ignore and defraud his creditor would embolden if not urge him to disobey the process of a court when he knows that he cannot be prevented from drawing the money on that draft and after he has fled without the jurisdiction of that court. A very recent case will best illustrate this view:

The administratrix of one Alexander J. Atocha obtained a judgment in the Court of Claims for $467,763. The petition was filed and the suit commenced in the life-time of said Atocha. In the petition he makes the following statement, namely: "Your petitioner further shows that the whole of the said sum of $467,763 still remains unpaid, and all interest thereon, and that on the — day of ——, in the year ——, your petitioner, for valuable consideration, assigned, transferred, and set over to Louis Stanislaus Hargous, of the city of Vera Cruz, in the republic of Mexico, 20 per cent. of the claim of your petitioner herein, and that the said Louis Stanislaus Hargous is fully and justly entitled to receive from and out of any judgment that may be rendered in favor of your petitioner herein the sum of 20 per cent. thereof; and that his administratrix took out letters in Maryland and gave bond in the sum of $500. After the judgment was rendered she procured and presented the transcript to the Treasury and demanded payment. The attorneys of the creditors (the estate being largely in debt) objected unless she would increase the amount of her administration bond. But this she refused to do. The First Comptroller withheld the draft as long as he could, fully recognizing the peril of the situation so far as the creditors were concerned. But impressed with the knowledge that he had no legal right to withhold it longer or refuse to deliver it, he was compelled to surrender it to the administratrix, who drew the money and left the District of Columbia *immediately* with it. Thus the party named by Mr. Atocha in his petition as being entitled to a portion of the sum was cheated out of his equitable claim, because the law afforded him no protection or remedy.

This is but a mild illustration of the hardship and injustice which the absence of such a law as the one now under consideration works, as developed in the business of the Treasury almost daily. Had the law now proposed been in existence, such an act of fraud could not have happened, because process served upon the Secretary or any of his accounting officers would have given the court jurisdiction and compelled the appearance of the administratrix with or without process.

I cannot perceive any good reason for exempting the Secretary of the Treasury or any head of a Department from the control of the order of a chancellor. Such order simply makes the official the custodian of the money to await the final order of the court in the controversy between proper litigants for the fund. The Government is put to no additional expense or trouble, its action in the premises not being the subject of review. The claim, having been passed upon and allowed, is forever settled, so far as the Government is concerned, and a delay, however long, in delivering and paying the draft can in nowise embarrass the Government.

Inasmuch as there is no sort of protection or safeguard for the class of equitable claimants who are to be benefited by the remedy now proposed and who are obviously entitled to such remedy, it would seem to be a proper change of existing laws.

CURRENCY BILL.

Mr. BRIGHT, by unanimous consent, was granted leave to print in the RECORD some remarks on the currency question. (See Appendix.)

NORTHERN JUDICIAL DISTRICT OF MISSISSIPPI.

Mr. WHITE, from the Judiciary Committee, reported back a bill (H. R. No. 600) to amend the several acts in relation to the northern judicial district of the State of Mississippi, and to provide for the times and places of holding the district courts of the United States therein in future, with the recommendation that it do pass.

The bill, which was read, in the first section provides that hereafter the northern judicial district of the State of Mississippi shall embrace all the territory of said State between the Mississippi River, on the west, and the western boundary of the State of Alabama, on the east, and lying north of the present counties of Bolivar, Sunflower, Carroll, Attala, Leake, Neshoba, and Kemper, and including the territory of those counties themselves as part thereof.

The second section provides that the northern judicial district of the State of Mississippi, as now thereby constituted, shall be divided into an eastern and a western division; that the counties of Tishemingo, Itawamba, Alcorn, Prentiss, Union, Lee, Pontotoc, Monroe, Chickasaw, Colfax, Oktibbeha, Lowndes, Noxubee, Winston, Neshoba, and Kemper shall compose the eastern division of said northern judicial district; that all the other counties embraced in the northern judicial district, as now thereby constituted, shall compose the western division of said northern judicial district; that there shall be in each year two terms of the United States district court for the eastern division to be styled "the district court of the United States for the eastern division of the northern judicial district of Mississippi," held at the city of Aberdeen, in said eastern division, to begin on the first Mondays of June and December, respectively, and shall continue twenty-four judicial days, if the business so long require; that there shall also be in each year two terms of the United States district court for the western division, to be styled "the district court of the United States for the western division of the northern judicial district of Mississippi," held at the town of Oxford, in said western division, to begin on the first Mondays of April and October, and to continue so long as the business may require. That the district judge of the United States for the State of Mississippi is hereby required to hold the courts aforesaid. Juries shall be summoned for the additional courts thereby created as now provided by law for the summonsing of juries in said northern district.

The third section provides that hereafter all suits to be brought in either of said courts, not of a local nature, shall be brought in the division where the defendants, or either of them, reside, (or where they may be found in said northern district, without reference to the division of their residence;) but if there be more than one defendant, and they reside in different divisions, or any of them reside in the southern judicial district of Mississippi, the plaintiff may sue in either division or district, and send duplicate writs to the other division or district, directed to the marshal of the district where he or they may reside, on which said writs shall be indorsed by the plaintiff, or his attorney, that the same is a duplicate of the original writ sued out of the district court of the proper division or district; but wherever a defendant is sued out of the division of his residence, and is not joined with a codefendant whose residence is in the division where the suit is brought, he may before pleading therein, on motion, and on affidavit of the division of his residence, change the venue to the court of the division of his residence, which suit shall stand for trial at the first term of the court to which the venue may be so changed; but any cause may, by written consent of both parties, or their attorneys of record, be transferred to the court of either division, without regard to the division of the residence of the defendants, and whether such cause be now pending or be instituted hereafter.

The fourth section provides that the clerk of the northern judicial district of Mississippi shall be sole clerk of the courts of both divisions of the said district, to be appointed in the manner now prescribed by law. That the said clerk or his deputies shall reside at each of the places of holding said courts, and shall there keep an office and the records, files, and documents pertaining to the court of that division; and said clerk shall be entitled to the same fees now allowed to him by law. In addition to his powers to appoint deputies, as now prescribed by law, said clerk shall be required to appoint a chief deputy for the court of that division in which he himself may not reside, who shall have all the powers of the clerk in his absence, and shall reside at the place of holding the court for the other division, where the chief clerk does not reside.

The fifth section provides that the marshal and the district attorney for the northern judicial district of Mississippi shall respectively be the marshal and the district attorney for the eastern and western divisions of said northern district, and shall be allowed the same fees, and be subject to the same duties and liabilities as now provided by law. That process issuing from the courts of either division of said northern district shall be directed to the marshal of said northern district, and may be executed by him or his deputies upon the party or parties for whom issued, wherever found in said northern district; and said marshal shall have an office, and at least one general deputy residing at the place of holding court in each division unless he shall reside there himself.

The sixth section provides that all causes and proceedings in law, equity, or bankruptcy, and all criminal and other prosecutions now pending in the district court of the northern district of Mississippi, where all the defendants (or the plaintiffs, where the jurisdiction is

derived from the residence of plaintiffs within the district) shall reside in the eastern division of said district, shall be transferred to the court of such eastern division of said northern district, said transfer to be made in vacation or in term time; if made in vacation, only an affidavit of all the parties defendant that they are resident in said eastern division, and on ten days' notice of the purpose and time of hearing said motion; but if made in term time, then on motion and affidavit only.

The seventh section provides that said district courts for the eastern and western divisions of said northern district shall have the same powers and jurisdiction, with the same right to parties to prosecute appeals and writs of error therefrom, as now pertains to the district court for said northern judicial district.

The eighth section provides that all causes, civil or criminal, now pending in the United States court for the southern district of Mississippi against parties residing in that part of the territory of said southern district by the act annexed to and incorporated in the aforesaid northern judicial district, may remain and be finally disposed of in the court for said southern district, unless the defendant therein shall desire to have the same transferred to the appropriate court in the northern district, in which last event such transfer shall be applied for and made to the court for the division of the residence of such defendants in said northern district, in the manner above provided in the sixth section thereof, for the transfer of pending causes from the court of the western division of said northern district to that of the eastern division thereof, *mutatis mutandis*.

The ninth section provides that when a cause shall be transferred, as above provided by the sixth and eighth sections thereof, either from the western division of said northern district to the eastern division thereof, or from the southern district of Mississippi to the appropriate division of said northern district, it shall be the duty of the clerk of the court from which the transfer is made to carefully transmit to the clerk of the court to which the transfer is made the entire file of papers of the cause, and all documents and deposits in his court pertaining thereto, together with a certified transcript of the record of all orders, interlocutory decrees, or other entries in said cause; and he shall also certify, under the seal of the court, that the papers sent are all which are on file in said court belonging to the cause; for the performance of which duties said clerk so transmitting and certifying shall receive the same fees as are now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs of the cause; and such transcript, when so certified and received, shall thenceforth constitute a part of the record of the cause in the court to which the transfer shall be made.

Mr. HOLMAN. I submit this bill creates two additional courts in North Mississippi, and is subject to the point of order in that it is virtually an appropriation of money, and must have its first consideration in the Committee of the Whole. It is also amenable to the point of order in that it provides for a deputy clerk and deputy marshal.

Mr. BARRY. It does not provide for the expenditure of a single dollar.

Mr. WHITE. The bill does not involve any additional expense at all.

The SPEAKER. The Chair was of the opinion when it was read that it does not involve any additional expenditure.

Mr. BARRY. In a few words I can state the substance of that bill.

Mr. HOLMAN. It provides for additional courts and deputy marshals.

The SPEAKER. The Chair was listening somewhat attentively to the bill, although he may not have heard the part to which the gentleman's point of order applies, and he was of the impression when the bill was read it was not liable to the point of order.

Mr. BARRY. The same point of order was raised against this bill in the Forty-second Congress and it was decided by the Chair that it could not obtain inasmuch as it incurred no additional expenditure.

The SPEAKER. It may, however, be different in this Congress, because the rule has been changed; but even with the strict rule the House is under, the Chair does not think it is liable to the point of order. It may involve additional expense, but the Chair does not see where that is required. The Chair decides therefore it may be considered in the House.

The House divided; and there were—ayes 31, noes 32; no quorum voting.

The SPEAKER appointed Mr. BARRY and Mr. HOLMAN tellers.

The House again divided; and the tellers reported—ayes 76, noes 37.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COURT AT JACKSON, TENNESSEE.

Mr. WHITE also, from the Committee on the Judiciary, reported back a bill (H. R. No. 1995) to amend the act approved June 18, 1838, entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson, in said State," with the recommendation that it do pass.

The bill, which was read, in its first section provides that so much of section 1 of the act entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson, in said State," approved June 18, 1838, be so amended as to detach the county of Perry, as at present bounded, in the State of Tennessee, from the district of West Tennessee, and the same be attached to the middle district of Tennessee; and that all cases arising in said county of Perry which are now returnable to the United States district court at Memphis shall hereafter be returnable to the United States district court at Nashville, in said State of Tennessee.

The second section provides that all cases from said county of Perry now pending may, with the consent of parties, by order of the United States district court for said State, be transferred from Memphis to Nashville.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITE, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN ALABAMA.

Mr. WHITE, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2132) to reorganize and fix the times for holding the United States district courts in Alabama.

The bill was read. The first section abolishes the several districts of the United States court in and for the State of Alabama.

The second section provides that the State of Alabama shall be divided into four districts of the United States district court, to be called and known as follows: The northern district, which shall consist of and embrace the counties of Lauderdale, Colbert, Franklin, Lawrence, Marion, Winston, Fayette, Walker, Blount, Marshall, Etowah, De Kalb, Limestone, Madison, Morgan, Jackson, Sanford, Cherokee, Calhoun, and Cleburne; the western district, which shall consist of and embrace the counties of Pickens, Greene, Hale, Bibb, Tuscaloosa, Choctaw, Sumter, Marengo, Perry, Jefferson, Shelby, and Saint Clair; the eastern district, which shall consist of and embrace the counties of Dallas, Autauga, Baker, Lowndes, Elmore, Montgomery, Coosa, Talladega, Clay, Randolph, Chambers, Tallapoosa, Lee, Macon, Russell, Bullock, Barbour, Butler, and Crenshaw; the southern district, which shall consist of and embrace the counties of Mobile, Washington, Baldwin, Escambia, Monroe, Conecuh, Covington, Coffee, Dale, Geneva, Wilcox, Clarke, Pike, and Henry.

The third section provides that there shall be holden annually two terms of said court in each of said districts at the times and places as follows: For the northern district, in the city of Huntsville, on the second Mondays in January and June, and shall continue two weeks at each term, unless the business is sooner disposed of; for the western district, in the town of Eutaw, on the fourth Mondays in February and October, and continue two weeks, unless the business is sooner disposed of; for the eastern district, in the city of Montgomery, on the fourth Mondays in April and November, and continue two weeks, unless the business is sooner disposed of; for the southern district, in the city of Mobile, on the second Mondays in May and December, and continue two weeks, unless the business is sooner disposed of.

The fourth section provides that the district attorney and marshal for the southern district shall be the district attorney and marshal for the western district; and that all process returnable to the district courts of the State of Alabama, as now provided by law, shall be returnable in the same manner to the terms fixed by the act.

The fifth section provides that the criminal docket in said several district courts shall be taken up on Thursday of the first week, unless otherwise ordered by the judge of the district.

The sixth section provides that the circuit court of the United States at Mobile shall have the same jurisdiction in the western district thereby created that it has in the southern district of Alabama.

The seventh section repeals all laws and parts of laws contravening the provisions of the act.

Mr. HOLMAN. I submit that that bill authorizes the appointment of new officers and is therefore liable to the point of order.

Mr. SPEER. It makes four districts and authorizes the appointment of a clerk in each, whereas there are only three now.

The SPEAKER. The gentleman from Indiana raises the point of order that the bill authorizes the appointment of new officers and hence must have its first consideration in Committee of the Whole on the state of the Union. The Chair thinks that the point of order is well taken.

Mr. WHITE. I ask leave to amend the bill by striking out the section providing for the appointment of an additional clerk.

Mr. SPEER. Does that require unanimous consent?

The SPEAKER. It requires unanimous consent.

Mr. SPEER. I object.

UNITED STATES COURTS IN MISSISSIPPI.

Mr. WHITE, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 1639) to provide for the holding of an additional term of the United States district court for the southern district of Mississippi.

The bill was read. The first section provides that there shall hereafter be held a term of the United States district court for the southern district of Mississippi, at the town of Shieldsborough, in the county of Hancock, commencing on the first Monday of August in each year, to be held by the United States district judge of Mississippi.

The second section provides that said court shall have jurisdiction of all causes, civil and criminal, at law, in equity, and in admiralty, of which the circuit and district courts of the United States have jurisdiction, under the Constitution and laws thereof, arising in the counties of Hancock, Harrison, Jackson, Greene, Perry, and Pearl, in said district, or in which the defendants reside, or may be served with process within said counties.

The third section provides that the clerk of the district court for the southern district of Mississippi, the marshal, and district attorney for said district, shall perform the duties pertaining to their offices respectively for said court; and the said clerk and marshal shall each appoint a deputy to reside and keep their offices at said town of Shieldsborough, and who shall, in the absence of their principals, do and perform all the duties pertaining to said offices respectively.

The fourth section provides that all causes now pending in the district or circuit court of the United States for the southern district of Mississippi in which the defendants reside within said counties shall be transferred to and tried in the district court aforesaid, to be held at Shieldsborough, as aforesaid.

The fifth section provides that in all cases determined in said court in which an appeal or writ of error to or from the circuit court to the district court of the United States in said district is now allowed by law, an appeal or writ of error shall be allowed to and from the court so held at Shieldsborough, to the circuit court for said district at Jackson, to be heard and determined as other causes of like character in said circuit court.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT OF DEBTS AND BOUNTIES.

Mr. WHITE, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2035) providing for payment of debts and bounty on contracts made, and for services rendered previous to the 14th of April, 1861, by persons engaged in the rebellion, and repealing all acts and joint resolutions conflicting therewith.

The bill was read.

The first section repeals all acts and parts of acts, all joint resolutions and parts of joint resolutions, which require an oath to be taken by any creditor of the United States, or any person to whom the bounty of the United States has been extended, before receiving payment of his debt, or the bounty given under provisions of law, and all such acts or joint resolutions, or parts thereof, as prohibit the payment of such debt, or the extension of such bounty, on account of participation in, or sympathizing with, the late rebellion, except the laws relative to claims of which the Court of Claims and the several commissions constituted and authorized by law to pass upon claims arising out of the war of the rebellion, and except such oaths or affirmations as are required by law for the verification of claims against the United States.

The second section provides that whoever, being a creditor of the United States on account of any contract before the 14th of April, 1861, or a claimant of any bounty of the United States given by law for military or naval service done before the 14th of April, 1861, shall be entitled to receive the amount due and payable, notwithstanding any participation in or sympathy with the late rebellion, or the exercising of the functions of any office whatever under any authority or pretended authority in hostility to the United States; and repeals all laws and parts of laws contravening the provisions of the act.

Mr. WILLARD, of Vermont. I think that that bill is liable to a point of order.

Mr. HURLBUT. It is subject to a point of order without doubt.

Mr. HARRIS, of Virginia. I suggest that the bill makes no direct appropriation from the Treasury. It merely repeals a law, and before any money can be paid from the Treasury there must be a direct appropriation.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read the title, as follows:

Providing for payment of debts and bounty on contracts made, and for services rendered, previous to the 14th of April, 1861, by persons engaged in the rebellion, and repealing all acts and joint resolutions conflicting therewith.

The SPEAKER. It is very evident that this bill is subject to the point of order both negatively and positively. It not only provides for the payment of debts, but it removes obstacles to the payment of debts. The bill goes to the Committee of the Whole on the state of the Union.

Mr. WHITE. I ask unanimous consent to withdraw the bill.

Mr. HAWLEY, of Connecticut. I object.

The SPEAKER. The bill is referred to the Committee of the Whole on the state of the Union.

PROOF OF LOYALTY BY CLAIMANTS.

Mr. WHITE, from the same committee, reported back, with a recommendation that the same do pass, a joint resolution (H. R. No. 18) repealing joint resolution of March 2, 1867, prohibiting payment of debts due by the United States before the war unless loyalty is proved.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution repeals the joint resolution prohibiting payment by the United States of debts due before the war, unless loyalty be proved, approved March 2, 1872.

Mr. WILLARD, of Vermont. I make the same point of order on this joint resolution that was made upon the bill last before the House.

The SPEAKER. This joint resolution is subject to the point of order.

Mr. MAYNARD. Both of these are *pari materia*. I suggest that they be incorporated in one bill, and go together to the Committee of the Whole where we can discuss them.

The SPEAKER. They will both go to the Committee of the Whole.

Mr. MAYNARD. I mean let them go as one bill.

The SPEAKER. The one can be considered as an amendment to the other.

The joint resolution was accordingly referred to the Committee of the Whole.

STAMPING OF UNSTAMPED INSTRUMENTS, ETC.

Mr. WHITE, from the same committee, reported a bill (H. R. No. 3582) to provide for the stamping of unstamped instruments, documents, or papers; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read, as follows:

Be it enacted, &c., That all instruments, documents, or papers made, signed, or issued, and subject to a stamp duty or tax under any law heretofore existing, and remaining unstamped, may be stamped by any person having an interest therein, or, where the original is lost, a copy thereof, at any time prior to the 1st of June, 1875, and the same shall be as valid to all intents and purposes as if stamped when made, signed, or issued.

SEC. 2. That all laws or parts of laws in conflict with the above are hereby repealed.

Mr. MAYNARD. I move to strike out the second section of this bill.

The SPEAKER. That will be omitted by the engrossing clerk.

Mr. WHITE. The second section is a repealing section.

Mr. MAYNARD. I suppose all conflicting laws or parts of laws will be repealed by this bill without any such declaration. The effect of passing a statute in conflict with an existing statute is to repeal it. This section does not repeal any statute *eo nomine*.

Mr. DAWES. I would like to inquire of the Chair by what authority this clause is stricken out by the enrolling clerk?

The SPEAKER. The Chair thought it was a section providing that the act should take effect from and after its approval or passage. That section has been left out of all bills heretofore by general consent of the House on the engrossment of the bills. The Chair misapprehended the section when the gentleman from Tennessee [Mr. MAYNARD] proposed to strike it out.

Mr. MAYNARD. This is not a matter of any importance; but it has always seemed to me to disfigure legislation to say, after we have passed an act, that all acts and parts of acts in conflict shall be repealed. It is a well-known principle of law that such acts or parts of acts are repealed by the passage of the bill. If, however, you introduce a repealing clause, and say that such an act or such a section or proviso of such a section is repealed, that is specific and definite and means something.

Mr. WHITE. I understand the rule of law to be different from that stated by the gentleman from Tennessee, [Mr. MAYNARD.] The rule governing the courts, when there is no repealing clause in the statute, in case of repugnancy, is if possible to give effect to both statutes. There being no expressions of intention on the part of the legislature to repeal any existing law, the result is that wherever it is possible to reconcile by construction two statutes the rule of law is that both statutes shall stand.

Mr. MAYNARD. Undoubtedly.

Mr. WHITE. Let me get through. When there is a repealing clause, then of course that is regarded as an expression of intention on the part of the legislature to repeal all the laws in conflict with the act.

Mr. MAYNARD. It then leaves to be decided what acts or parts of acts are consistent or inconsistent. The courts of course will say that they are consistent whenever they can make them appear consistent. If my distinguished friend from Alabama [Mr. WHITE] thinks this section is any embellishment of his bill or adds anything to it or makes it more effective, I will not press my motion to strike out, but will withdraw it.

Mr. WHITE. As I have had such luminous examples I will adhere to the bill as reported.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN G. BYNUM.

Mr. WARD, of Illinois, from the Committee on the Judiciary, reported back a bill (H. R. No. 3307) for the relief of the estate of John G. Bynum, of Tennessee, and moved that the same be referred to the Committee on War Claims.

The motion was agreed to.

SUPREME COURT.

Mr. WARD, of Illinois, from the same committee, reported adversely upon a bill (H. R. No. 1119) changing the time of holding the Supreme Court, and providing for a session of the same at Saint Louis, Missouri; and the bill was laid on the table, and the accompanying report ordered to be printed.

NORTON POST-MARKING AND CANCELING STAMP.

Mr. WARD, of Illinois, also, from the same committee, reported adversely upon a bill (H. R. No. 1789) referring to the Court of Claims for adjudication and determination all claims of the parties therein named for the past and future use of the Norton post-marking and canceling hand-stamp and the Robertson improved hand-stamp; and the bill was laid on the table, and the accompanying report ordered to be printed.

JUDICIAL DISTRICTS IN ILLINOIS.

Mr. WARD, of Illinois. The Committee on the Judiciary have directed me to report back with a favorable recommendation the bill (H. R. No. 347) to divide the State of Illinois into three judicial districts and to provide for holding courts therein.

Mr. Speaker, anticipating that some "master of the situation" will discover some point of order against this bill, I desire to deprive him of the privilege of making it by moving that the bill be referred to the Committee of the Whole.

The motion was agreed to.

SALARIES OF UNITED STATES DISTRICT JUDGES.

Mr. WARD, of Illinois, also, from the Committee on the Judiciary, reported back with amendments the bill (H. R. No. 2265) relating to the salaries of United States district judges.

The first section of the bill was read. It provides that the salaries of the United States district judges for the district of Massachusetts, the eastern, northern, and southern districts of New York, the eastern district of Pennsylvania, the district of Maryland, the southern district of Ohio, the eastern district of Missouri, the northern district of Illinois, the district of Louisiana, and the district of California are thereby fixed at the sum of $6,000 a year; and the salaries of all the other United States district judges are thereby fixed at the sum of $4,000 a year; said salaries to be paid quarterly, as of and from the 1st day of January, 1874.

Mr. HAZELTON, of Wisconsin. I raise the point of order that this bill must go to the Committee of the Whole.

Mr. WARD, of Illinois. No, sir; I do not allow the gentleman to raise that point; I raise it myself. I move that the bill be referred to the Committee of the Whole and made a special order.

The SPEAKER. That will require unanimous consent.

Mr. WARD, of Illinois. Well, I supposed everybody would consent since I am so willing to send it there. It is a most important bill.

Mr. DAWES. I object. I do not like the way in which the bill puts Massachusetts in the front.

Mr. WARD, of Illinois. I know the gentleman will not object when he knows what the bill is.

The SPEAKER. The Chair again submits the question whether there is objection to making the bill a special order in Committee of the Whole.

Mr. DAWES. I object.

The SPEAKER. The bill will be referred to the Committee of the Whole, to be placed on the general Calendar.

COMMISSIONERS OF CIRCUIT COURTS.

Mr. WARD, of Illinois, also, from the Committee on the Judiciary, reported back with amendments the bill (H. R. No. 1859) authorizing commissioners of the United States circuit courts to take depositions under commission.

The bill was read. It provides that commissioners of bail and affidavits appointed by the circuit courts of the United States shall have power to take the depositions of witnesses under commission according to the common usage, and such depositions shall be admitted as evidence in the courts of the United States, subject, however, to all legal exceptions, as to manner and form of taking and returning, known to the laws of the State in which such court is held, except as to the authority of such commissioners to take them.

The amendment reported by the committee was to strike out at the close of the bill the words "except as to the authority of such commissioners to take them."

Mr. WARD, of Illinois. Mr. Speaker, I do not want to occupy one moment in relation to this bill. Doubtless members have listened to the reading attentively; and I know that the bill commends itself to their best consideration. At the risk of being a little obnoxious, I will only state that it provides that commissioners appointed by the judges of the United States courts may take depositions. A question has been raised with reference to their authority in this respect, especially in Texas; and some courts have decided that the practice of the States in reference to the taking of depositions having been adopted, these officers have not this authority. The bill does not involve any expense; and I think it is an improvement to the existing law.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WARD, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENEVA AWARD.

Mr. BUTLER, of Massachusetts, submitted a written report from the majority of the Committee on the Judiciary upon the distribution of the Geneva award; which was ordered to be printed.

Mr. TREMAIN. I ask that a minority report which is in the hands of my colleague [Mr. POTTER] may also be ordered to be printed.

There being no objection, it was ordered accordingly.

ADMISSION OF WOMEN AS ATTORNEYS.

Mr. BUTLER, of Massachusetts, from the Committee on the Judiciary, reported a bill (H. R. No. 3583) to allow certain citizens of the United States to practice law in the courts of the United States; which was read a first and second time.

The bill provides that every female citizen of the United States, otherwise found duly qualified, shall be admitted to practice as attorney and counselor at law in the several courts of the United States.

Mr. BUTLER, of Massachusetts. If there is no desire to have an explanation of this bill I will move the previous question.

Mr. LAWRENCE. The bill is all right.

Mr. HOLMAN. I ask that the bill be again read.

The Clerk again read the bill.

Mr. MAYNARD. It seems to me that this bill does not dispose of a question which, as I understand, has been raised recently, as to what may be understood by the language "otherwise qualified." I will ask the gentleman whether under this bill *femes covert*, or married women, will be allowed to practice as attorneys.

Mr. BUTLER, of Massachusetts. Clearly they will.

Mr. LAWRENCE. They will if they are "female citizens of the United States."

Mr. BUTLER, of Massachusetts. The difficulty is that one court in the United States—the Court of Claims—has decided that a woman cannot be admitted to practice although duly qualified.

Mr. MAYNARD. Not because she is a woman, but because of her disabilities arising from coverture.

Mr. BUTLER, of Massachusetts. No; because she is a woman.

Mr. MAYNARD. I did not so understand the decision.

Mr. BUTLER, of Massachusetts. The greater includes the less. If all women are allowed to practice when found otherwise qualified, then married women will be allowed to practice if found otherwise qualified.

Mr. MAYNARD. The question is, What is meant by the language "otherwise qualified?"

Mr. BUTLER, of Massachusetts. "Otherwise qualified" is to know as much law as my friend from Tennessee.

The question being taken on ordering the bill to be engrossed for a third reading, there were—ayes 63, noes 54; no quorum voting.

Mr. BECK called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 95, noes 66, not voting, 128; as follows:

YEAS—Messrs. Albert, Albright, Barber, Barry, Begole, Biery, Bland, Bradley, Bromberg, Buffinton, Bundy, Burrows, Benjamin F. Butler, Cain, Cason, Cessna, Amos Clark, jr., Coburn, Conger, Crocker, Darrall, Dawes, Donnan, Farwell, Field, Foster, Freeman, Gooch, Benjamin W. Harris, Harrison, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Houghton, Howe, Hunter, Hyde, Kasson, Knapp, Lawrence, Lawson, Loughridge, Lowe, Marshall, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Moore, Morrison, Myers, Niles, O'Neill, Page, Isaac C. Parker, Pelham, Pendleton, Pierce, Pike, James H. Platt, jr., Potter, Purman, Rainey, Rapier, James C. Robinson, Rusk, Henry B. Sayler, Shanks, Sheats, Sloan, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Stanard, Starkweather, Stone, Strait, Christopher Y. Thomas, Todd Waldron, Wallace, Jasper D. Ward, Whitehouse, Whiteley, Wilber, Charles W. Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—95.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barnum, Beck, Bell, Blount, Bowen, Bright, Brown, Buckner, Burleigh, Roderick R. Butler, Caldwell, Clymer, Cook, Corwin, Cox, Crossland, Danford, Dunnell, Giddings, Hagans, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hays, Hereford, Herndon, E. Rockwood Hoar, Holman, Hunton, Hurlbut, Lofland, Magee, Maynard, McLean, Milliken, Packer, Poland, Ray, Rice, Robbins, Ellis H. Roberts, Sawyer, Isaac W. Scudder, Sener, Sheldon, Lazarus D. Shoemaker, Sloss, J. Ambler Smith, Southard, Speer, Sprague, Storm, Swann, Townsend, Tremain, Vance, Whitehead, Whitthorne, and John D. Young—66.

NOT VOTING—Messrs. Averill, Banning, Barrere, Bass, Berry, Burchard, Cannon, John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Comingo, Cotton, Creamer, Crittenden, Crooke, Crounse, Crutchfield, Curtis, Davis, DeWitt, Dobbins, Duell, Durham, Eames, Eden, Eldredge, Elliott, Fort, Frye, Garfield, Glover, Ganckel, Robert S. Hale, Harmer, Havens, John W. Hazelton, Hendee, Hersey, George F. Hoar, Hodges, Hooper, Hoskins, Hubbell, Hynes, Jewett, Kelley, Kellogg, Kendall, Killinger, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lowndes, Luttrell, Lynch, Martin, McJunkin, McKee, McNulta, Merriam, Mills, Mitchell, Monroe, Morey, Neal, Negley, Nesmith, Niblack, Nunn, O'Brien, Orr, Orth, Packard, Hosea W. Parker, Parsons, Perry, Phelps, Phillips, Thomas C. Platt, Pratt, Randall, Ransier, Read, Richmond, William R. Roberts, James W. Robinson, Ross, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sessions, Sherwood, Small, Smart, William A. Smith,

Snyder, Standiford, Stephens, St. John Stowell, Strawbridge, Sypher, Taylor, Charles R. Thomas, Thornburgh, Tyner, Waddell, Walls, Marcus L. Ward, Wells, Wheeler, White, George Willard, Willie, Wilshire, Ephraim K. Wilson, Wolfe, Wood, Woodford, Woodworth, and Pierce M. B. Young—128.

So the bill was ordered to be engrossed and read a third time.

During the roll-call,

Mr. COOK stated that his colleague, Mr. YOUNG, who was absent, would, if present, vote in the affirmative.

Mr. FOSTER stated that his colleague, Mr. SHERWOOD, was absent by leave of the House.

The vote was then announced as above recorded.

The bill being engrossed, it was accordingly read the third time.

Mr. RICE moved the House adjourn.

Mr. BECK demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 56, nays 96, not voting 137; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barnum, Beck, Begole, Bell, Bland, Blount, Bowen, Bright, Brown, Buckner, Roderick R. Butler, Caldwell, Clymer, Danford, Farwell, Giddings, Hagans, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hereford, Herndon, E. Rockwood Hoar, Hunter, Lofland, Lynch, Magee, Maynard, McLean, Milliken, Morrison, Rainey, Rice, Robbins, Ellis H. Roberts James C. Robinson, Isaac W. Scudder, Sheldon, Lazarus D. Shoemaker, Sloss, Southard, Speer, Storm, Swann, Vance, Waldron, Whitehead, Whitthorne, William Williams, and John D. Young—56.

NAYS—Messrs. Albert, Albright, Barber, Barry, Berry, Biery, Bradley, Bromberg, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cessna, Amos Clark, jr., Coburn, Conger, Cook, Corwin, Dounan, Dunnell, Field, Foster, Freeman, Gooch, Benjamin W. Harris, Harrison, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Holman, Houghton, Howe, Hunton, Hurlbut, Hyde, Kasson, Knapp, Lawrence, Lawson, Loughridge, Lowe, Marshall, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Moore, Myers, Niles, O'Neill, Packer, Isaac C. Parker, Pelham, Pendleton, Pierce, Potter, Rapier, Ray, Rusk, Sawyer, Henry B. Sayler, Sener, Shanks, Sheats, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Sprague, Stanard, Starkweather, Stone, Strait, Taylor, Christopher Y. Thomas, Todd, Townsend, Tremain, Wallace, Jasper D. Ward, White, Whitehouse, Whiteley, Wilber, Charles W. Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—96.

NOT VOTING—Messrs. Averill, Banning, Barrere, Bass, Burchard, Cannon, Cason, John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Comingo, Cotton, Cox, Creamer, Crittenden, Crocker, Crooke, Crossland, Crounse, Crutchfield, Curtis, Darrall, Davis, Dawes, DeWitt, Dobbins, Duell, Durham, Eames, Eden, Eldredge, Elliott, Fort, Frye, Garfield, Glover, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Havens, Hendee, Hersey, George F. Hoar, Hodges, Hooper, Hoskins, Hubbell, Hynes, Jewett, Kelley, Kellogg, Kendall, Killinger, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lowndes, Luttrell, Martin, McJunkin, McKee, McNulta, Merriam, Mills, Mitchell, Monroe, Morey, Neal, Negley, Nesmith, Niblack, Nunn, O'Brien, Orr, Orth, Packard, Page, Hosea W. Parker, Parsons, Perry, Phelps, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Randall, Ransier, Read, Richmond, William R. Roberts, James W. Robinson, Ross, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Sessions, Sherwood, Sloan, Small, Smart, J. Ambler Smith, William A. Smith, Snyder, Standiford, Stephens, St. John, Stowell, Strawbridge, Sypher, Charles R. Thomas, Thornburgh, Tyner, Waddell, Walls, Marcus L. Ward, Wells, Wheeler, George Willard, Willie, Wilshire, Ephraim K. Wilson, Wolfe, Wood, Woodford, Woodworth, and Pierce M. B. Young—137.

So the House refused to adjourn.

During the roll-call,

Mr. HAZELTON, of Wisconsin, stated that Mr. LUTTRELL was necessarily detained from the House by business.

The vote was then announced as above recorded.

Mr. BECK. Has the previous question been demanded on the passage of the bill?

The SPEAKER. It has not.

Mr. BUTLER, of Massachusetts. Then I demand the previous question.

The House divided; and there were—ayes 39, noes 29; no quorum voting.

The Speaker ordered tellers; and appointed Mr. BUTLER, of Massachusetts, and Mr. BECK.

The House again divided, and the tellers reported—ayes 87, noes 17; no quorum voting.

The SPEAKER. No motion is in order except the House adjourn or that there be a call of the House.

Mr. LOUGHRIDGE. I move that there be a call of the House.

Mr. POLAND. I move that the House adjourn.

The House divided; and there were—ayes 72, noes 50.

Mr. BUTLER, of Massachusetts, demanded tellers.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. BECK were appointed.

The House again divided; and the tellers reported—ayes 79, noes 66.

So the motion was agreed to; and accordingly (at ten o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CHAFFEE: The petition of the judges of the Supreme Court of Colorado for an appropriation to enlarge the penitentiary of the Territory, to the Committee on Appropriations.

By Mr. CHIPMAN: The petition of the proprietors of the Evening Star, Washington, District of Columbia, for an appropriation to pay an account which fell due in the last fiscal year, to the Committee on Accounts.

By Mr. DARRALL: The petition of J. W. Flanagan, sr., of Rusk County, Texas, for relief, to the Committee on War Claims.

Also, the petition of citizens of Louisiana, for an amendment of the homestead law, to the Committee on the Public Lands.

By Mr. FARWELL: Resolutions of workingmen of Chicago, protesting against the repeal of the eight-hour law, to the Committee on the Judiciary.

By Mr. GOOCH: The petition of Madeleine Vinton Dahlgren, widow of the late Rear-Admiral Dahlgren, for compensation for the adoption and use by the United States Navy of certain inventions of Rear-Admiral Dahlgren relating to ordnance, to the Committee on Naval Affairs.

By Mr. HERNDON: The petition of citizens of Kaufman County, Texas, for the relief of V. I. Stirman, Postmaster at Kaufman, Texas, to the Committee on the Post-Office and Post-Roads.

By Mr. McNULTA: The petition of Ann E. Miller, for a pension, to the Committee on Invalid Pensions.

By Mr. MYERS: The petition of Mary Schinley, for a pension, to the Committee on Invalid Pensions.

By Mr. PIERCE: The petition of Joseph H. Chadwick and others, of Massachusetts, incorporators of the Joseph Warren Monumental Association, for a donation of brass cannon, to the Committee on Military Affairs.

Also, the petition of George H. Hubbs and 108 others, of Kinsley, Kansas, for the location of a land office at Kinsley, Kansas, to the Committee on the Public Lands.

By Mr. ELLIS H. ROBERTS: The petition of citizens of Cedar Rapids, Iowa, in favor of arbitration and an international code, to the Committee on Foreign Affairs.

By Mr. SCUDDER, of New Jersey: The petition of Bridget T. Hopper, widow of Edward C. Hopper, late captain Fifth New Jersey Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. SHOEMAKER, of Pennsylvania: The petition of citizens of Luzerne County, Pennsylvania, for the substitution of specific for *ad valorem* duties on tin plates, to the Committee on Ways and Means.

By Mr. VANCE: The petition of Robert H. Hyatt, Henry Moss, and 230 others, of Cherokee County, North Carolina, and of R. H. Penland and 45 others, of Haywood County, North Carolina, for aid in building the Western North Carolina Railroad from Old Fort, North Carolina, to Ducktown, Tennessee, to the Committee on Railways and Canals.

Also, the petition of Minerva Williams, widow of Jesse Williams, late of Third Tennessee Mounted Infantry, for a pension, to the Committee on Invalid Pensions.

By Mr. WHITEHEAD: The petition of Moses Lacy, of Lynchburgh, Virginia, for relief, to the Committee on War Claims.

By Mr. WHITTHORNE: The petition of citizens of Alabama, for aid to the Chickasaw, Birmingham and Tuscaloosa Railroad Company, to the Committee on the Public Lands.

Also, the petition of Nancy J. Thomas, to have the name of her deceased husband placed on the muster-roll of Company C, Second Tennessee Mounted Infantry, to the Committee on Military Affairs.

Also, the petition of Nancy J. Thomas, widow of James M. Thomas, late private in Company C, Second Tennessee Mounted Infantry, for a pension, to the Committee on Invalid Pensions.

By Mr. WILLIE: Joint resolution of the Legislature of the State of Texas, in favor of the speedy reimbursement of Henry Warren for losses incurred by reason of the destruction of his wagon train, and other property by the Comanche, Kiowa, and Cheyenne Indians, to the Committee on Indian Affairs.

Also, the petition of citizens of Galveston, Texas, for the passage of a law to define a gross of matches and provide uniform packages for the same, to the Committee on Ways and Means.

IN SENATE.

TUESDAY, *June* 2, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

J. L. TEDROW.

Mr. ALLISON. I ask unanimous consent now, as I am obliged to be absent on committee service, to call up House bill No. 955.

There being no objection, the bill (H. R. No. 955) for the relief of J. L. Tedrow, of Clarke County, Iowa, was considered as in Committee of the Whole. It authorizes the Auditor of the Treasury for the Post-Office Department, upon presentation of satisfactory evidence to him of the loss of postal stamps of the value of $34.50, or any less amount, by J. L. Tedrow, as postmaster at Ottawa, Clarke County, Iowa, by burglars, as alleged, to credit his account as postmaster with the amount so feloniously taken and not recovered.

Mr. ALLISON. This bill has received the unanimous consent of the Committee on Post-Offices and Post-Roads.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. ALLISON. For the same reason I intended to call up another

bill. but I see the chairman of the Committee on Military Affairs is not present, and I will not call it up this morning. I desire his presence when I call it up.

CENTRAL BRANCH UNION PACIFIC RAILROAD.

Mr. WRIGHT. I desire to say to the Senate that to-morrow, as soon as I can be heard after the disposition of the morning business, I shall seek to call up the bill (S. No. 587) declaring the true intent and meaning of the Union Pacific Railroad acts, approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. CONKLING presented the petition of Gouverneur Morris, executor of S. J. Morris, deceased, asking reimbursement for the amount paid by him for certain property and furniture purchased by him at a sale made by the United States marshal for the eastern district of Virginia, in the city of Alexandria, in a proceeding against Dr. Orlando Fairfax, and from which he was ejected by an order of the district court; which was referred to the Committee on Claims.

Mr. WINDOM presented the memorial of George D. James, a delegate representing the Choctaw Nation, remonstrating against the passage of the bill (S. No. 680) giving to persons of African descent, formerly slaves of the Choctaw and Chickasaw Nations, an individual interest in all the land and moneys of the respective nations, contrary to treaty stipulations, and in favor of the bill (S. No. 812) which proposes to give said freedmen what the treaty provided for, to wit, forty acres of land to each, with the privilege of becoming citizens of the tribes; which was ordered to lie on the table.

The PRESIDENT *pro tempore* presented resolutions adopted at a meeting of citizens of Mineral Ridge, Ohio, against the action of the Supervising Architect of the Treasury in relation to the eight-hour law, and in favor of the substitution of legal-tender notes for national-bank notes; which were referred to the Committee on Finance.

He also presented resolutions of the Machinists and Blacksmiths' Union, No. 3, of Iowa, in favor of the enforcement of the eight-hour law; which were referred to the Committee on Education and Labor.

Mr. BUCKINGHAM presented a letter of the Secretary of the Interior, addressed to the chairman of the Senate Committee on Indian Affairs, relating to Senate bill No. 680, for the relief of persons of African descent resident in the Choctaw and Chickasaw Nations; which was ordered to be printed.

FORT SANDERS MILITARY RESERVATION.

Mr. KELLY. The Committee on Military Affairs, to whom was referred the bill (H. R. No. 773) to reduce the area of the military reservation of Fort Sanders and providing for the survey of said reservation as reduced, have had the same under consideration, and have instructed me to report it back without amendment; and I ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill provides that the military reservation at Fort Sanders, in the Territory of Wyoming, shall hereafter be limited and bounded as follows: Beginning at the point where the old stage-road to Salt Lake crosses the Big Laramie River, and running thence east four miles; thence south four and five-tenths miles; thence in a west-southwest direction to the junction of what is known as the Five Mile Creek, with the present south line of the reserve; thence along this creek to its junction with the Big Laramie River; thence along Big Laramie River to the place of beginning.

It is to be the duty of the officer commanding the military department of the Platte, under the direction of the Secretary of War, to cause a direct survey of the reservation to be made in conformity with the reduction made and to have posts or monuments planted at each of the corners thereof, and so marked that they will indicate the boundaries of the reservation.

The lands heretofore constituting the Fort Sanders military reservation outside of the limits of the new reservation are to be held to be and to have been subject and liable to the operation of the laws of the United States, in the same manner and to the same extent as if the same had never been included within the limits of the reservation; and in all cases where any of the last-mentioned lands would be subject to entry under the pre-emption and homestead laws of the United States, the actual settlers on them shall have the right and privilege to make proof and payment for their respective claims, under the provisions of the pre-emption and homestead laws, by filing their declaratory statements, as provided by existing laws, at any time within six months from the passage of the act.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LIGHT-HOUSE SYSTEMS.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print additional copies of the report of Major Elliot of his tour of inspection of European light-houses, have instructed me to report it back with an amendment, and ask for its present consideration.

The resolution was read, as proposed to be amended, as follows:

Resolved, That the report of Major George H. Elliot, of the Light-House Board, of a tour of inspection of European light-house systems, be printed for the use of the Treasury Department; and that one thousand additional copies be printed for the use of the Department.

Mr. ANTHONY. Having the fear of the Senator from Maine [Mr. MORRILL] and some other Senators before our eyes, we have hardly ventured to report anything from the Committee on Printing. This is the report of the engineer secretary of the Light-House Board, who has made a tour of inspection by direction of the board through the light-houses of England and the continent of Europe and has brought back what Professor Henry, the president of the board, says is very valuable information, calculated to improve the construction of our light-houses to aid in the safety of navigation and the security of life and property.

The information in this bundle before me [exhibiting the manuscript report] is of no use whatever in its present form. It is useless to print a book of this kind for sale, because nobody owns a light-house except the Government and the information is for the use of the Government alone; and it cannot be made available unless it is printed. If it is printed, there should be some copies given to the Treasury Department for distribution among the superintendents and the keepers of lights and scientific men who may make suggestions that may be valuable in the construction of these important aids to the security of navigation.

Mr. MORRILL, of Maine. Confined to that particular service, I do not think the proposition is objectionable; but I take occasion to say that I hope my friend, at the earliest possible moment, when there is an interregnum in the appropriation bills, will take occasion to bring his bill to the attention of the Senate.

Mr. ANTHONY. I have a word to say on that when this shall have been disposed of.

The amendment of the Committee on Printing was agreed to; and the resolution, as amended, was agreed to.

Mr. ANTHONY. And now, Mr. President, at the earliest possible moment I move to proceed to the consideration of the bill (S. No. 857) to provide for the sale of extra copies of public documents, and for the distribution of the regular official editions thereof.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is taken up subject to morning business.

Mr. ANTHONY. Yes, sir.

The PRESIDENT *pro tempore*. Reports of committees are in order.

DEWIGHT DESILVA.

Mr. CONKLING. I ask the Senate to take up House bill No. 1936.

Mr. ANTHONY. After this has been disposed of, I shall insist upon the order that has been made to go on with the bill that has been taken up. I shall not object to the motion of my friend from New York, but I shall object to any other bill being interposed.

Mr. CONKLING. I do not think there will be any objection to this bill when it is heard.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1936) for the relief of Dewight Desilva, of Deposit, New York. It is a direction to the Adjutant-General of the Army to change the record so as to relieve Dewight Desilva, of Deposit, New York, late a private in Company F, Fifty-sixth Regiment of New York State Volunteers, from the charge of desertion, and to furnish him an honorable discharge. The proper accounting officer of the Treasury is to allow and pay to Desilva all arrears of pay due him at the time of his absenting himself from his regiment and all veteran bounty, the same as if he had been honorably discharged at the end of his term of service.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875, have instructed me to report it back with a single amendment and recommend its passage. I think it is not necessary to print it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar without being printed.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the bill (H. R. No. 3413) to provide for the stamping of unstamped instruments, documents, or papers, reported it with amendments.

Mr. JOHNSTON. I ask the Senate to proceed to the consideration of the bill (S. No. 418) for the relief of the administratrix of the estate of Lieutenant Joseph Wheaton, deceased.

Mr. ANTHONY. No; I call for the regular order.

The PRESIDENT *pro tempore*. Reports of committees are in order.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 673) for the relief of the builders of the steamers La Portena, Edward Everett, F. W. Lincoln, Azalia, and N. P. Banks, asked to be discharged from its further consideration, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the bill (S. No. 79) referring the claim of J. Snowden & Son to the Court of Claims, the bill (S. No. 75) for the relief of J. B. Cornell and others, and the bill (S. No. 371) for the relief of Nathaniel McKay, moved

their indefinite postponement, a general bill covering the cases having passed.

The motion was agreed to.

Mr. CRAGIN, from the same committee, to whom was referred the bill (H. R. No. 3006) authorizing the President to nominate Holmes Wickoff an assistant surgeon in the Navy, reported it without amendment.

He also, from the same committee, to whom were referred the following petitions, asked to be discharged from their further consideration; which was agreed to:

A petition of citizens of Virginia and a petition of citizens of Pennsylvania, praying for the establishment of a military and marine hospital at Massanetta Springs, Rockingham County, Virginia;

A petition of citizens of the United States, praying for the establishment of a system of education on board naval men-of-war;

The petition of Captain E. Carrington Bowers, of the Navy, praying to be promoted to the rank of commodore on the reserved list;

A petition of Abraham Miller and others, praying the establishment of an Army and Navy hospital at Taylor's or Massanetta Springs, Virginia;

A petition of citizens of Rockingham County, Virginia, praying for the establishment of a summer hospital at Massanetta Springs for the use of the sick of the Army and Navy;

The memorial of Commodore Edward Middleton, United States Navy, praying to be advanced to his proper grade on the retired list;

The petition of Hon. Asa D. Smith, President of Dartmouth College, and other citizens of New Hampshire, praying that a system of instruction in nautical science may be established on board vessels of war; and

The petition of J. Snowden & Son, praying for the passage of an enabling act permitting them to sue in the Court of Claims to recover losses on their contract for building the monitors Manayunk and Umpqua.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2696) for the relief of John F. Wheeler, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Robert Colman and others, praying payment of balance of bounties, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3430) for the relief of settlers on the abandoned Fort Sumner military reservation, in the Territory of New Mexico, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona, no longer required for military purposes, reported it with amendments.

Mr. SCOTT, from the Committee on Claims, to whom was referred the bill (H. R. No. 554) for the relief of William I. Blackistone, of Saint Mary's County, Maryland, reported it without amendment.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the memorial of the trustees of Cane Hill College, in Arkansas, asking an appropriation for college purposes, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the memorial.

He also, from the same committee, to whom was referred the bill (H. R. No. 1108) for the relief of Alfred Fry, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 958) for the relief of Robert Sutherland, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3002) for the relief of Isaac Riseden, late first lieutenant of the Eleventh Tennessee Cavalry, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 600) for the relief of Captain J. B. Thompson, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was recommitted the bill (S. No. 88) for the better organization of the district courts of the United States within the State of Louisiana, reported it without amendment.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (H. R. No. 2798) for the relief of John J. Hayden, reported it without amendment.

Mr. MITCHELL. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. No. 763) for the relief of Oliver P. Mason, to report it back, and I ask unanimous consent for its present consideration.

Mr. ANTHONY. I object, and call for the regular order.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3429) to put retired officers of the Army on duty, reported adversely thereon; and the bill was postponed indefinitely.

Mr. LOGAN. I am also directed by the same committee, to whom was referred the bill (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy, to report it favorably, and I ask for the present consideration of the bill.

Mr. ANTHONY. I am sorry to object, but I have a bill before the Senate which is to be proceeded with as soon as morning business is through with.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2420) allowing Army officers to wear certain emblems indicative of honors conferred upon them, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3003) for the relief of George A. Bacon, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. WINDOM, from the Select Committee on Transportation Routes to the Sea-board, to whom was referred the bill (H. R. No. 1385) to regulate commerce by railroads among the several States, reported it with an amendment.

Mr. SHERMAN. I am directed by the Committee on Finance to report back the bill (H. R. No. 3171) to amend the customs-revenue laws, and to repeal moieties, recommitted to the committee the other day, and I ask that the bill and the amendments now reported be printed.

The PRESIDENT *pro tempore*. That order will be made.

BILLS INTRODUCED.

Mr. HITCHCOCK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 884) to amend sections 245, 246, 247, 251, and 253 of an act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. WINDOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 885) to authorize the purchase of harbor privileges and lands for the establishment of a naval and coaling station in the Samoan Islands; which was read twice by its title, and referred to the Committee on Naval Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. LYMAN TREMAIN of New York, Mr. BENJAMIN F. BUTLER of Massachusetts, and Mr. CHARLES A. ELDREDGE of Wisconsin, managers at the same on its part.

The message also announced that the House had passed the bill (S. No. 822) to amend the act entitled "An act to promote the development of the mining resources of the United States," passed May 10, 1872.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 1394) in relation to the centennial exhibition.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;"

A bill (H. R. No. 3359) fixing the time for the election of Representatives from the State of Pennsylvania to the Forty-fourth Congress;

A bill (H. R. No. 3575) for the relief of certain settlers on the public lands in certain portions of the State of Minnesota and Iowa;

A bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude;

A bill (H. R. No. 2911) to adjust costs, fees, and allowances in Federal courts;

A bill (H. R. No. 3582) to provide for stamping unstamped instruments, documents, or papers;

A bill (H. R. No. 1859) authorizing commissioners of the United States circuit courts to take depositions under commission;

A bill (H. R. No. 3574) explanatory of the act of June 30, 1864;

A bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies;

A bill (H. R. No. 1639) to provide for the holding of an additional term of the United States district court for the southern district of Mississippi; and

A bill (H. R. No. 2069) for the relief of the sureties of John L. Robinson, late United States marshal for the district of Indiana.

The message also announced that the House requested the return of the bill (H. R. No. 1196) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 196) granting a pension to Peter J. Cratzer;
A bill (H. R. No. 240) granting a pension to John C. Farnam;
A bill (H. R. No. 551) granting a pension to Alfred Bolder;
A bill (H. R. No. 1228) granting a pension to Mary Storrs;
A bill (H. R. No. 1335) granting a pension to Guadaloupe Torres;
A bill (H. R. No. 1414) granting a pension to Susan Bennett;
A bill (H. R. No. 1439) granting a pension to John Folger;
A bill (H. R. No. 1582) for the relief of C. C. Spaids;
A bill (H. R. No. 1719) granting a pension to Ezra H. Foster;
A bill (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army;
A bill (H. R. No. 1934) for the relief of Pat. O. Hawes;
A bill (H. R. No. 1843) granting a pension to Lucinda Jones, widow of Thompson M. Jones, late a private of Company G, Twenty-second Regiment Illinois Volunteers;
A bill (H. R. No. 1832) granting a pension to Elizabeth Hackleman;
A bill (H. R. No. 1866) granting a pension to Dennis McCarthy, a soldier of the Mexican war;
A bill (H. R. No. 1907) granting a pension to Henry B. Havens, late a private of Company K, Twelfth Regiment Wisconsin Volunteers;
A bill (H. R. No. 1949) granting a pension to Ann M. Brackett;
A bill (H. R. No. 2090) for the relief of Jacob Harding;
A bill (H. R. No. 2116) granting a pension to Magdalena Docks;
A bill (H. R. No. 2214) granting a pension to Ann Humphreys, of Philadelphia;
A bill (H. R. No. 2217) granting a pension to Henry Buckner, late a private of Company F, Fifty-eighth Regiment Illinois Volunteers;
A bill (H. R. No. 2220) granting a pension to Andrew J. Baldwin;
A bill (H. R. No. 2353) granting a pension to Lucy Ann Cummings;
A bill (H. R. No. 2356) granting a pension to Edwin Jardine, late colonel and brevet brigadier-general United States volunteers;
A bill (H. R. No. 2669) granting a pension to Deborah A. Swan;
A bill (H. R. No. 2672) granting a pension to Mary A. S. Loomis;
A bill (H. R. No. 2676) granting a pension to Thomas McKinster;
A bill (H. R. No. 2678) granting a pension to Charles Herbert;
A bill (H. R. No. 2692) to change the name of the schooner-yacht Quarantine to Welcome;
A bill (H. R. No. 2970) granting a pension to Nancy Abbott;
A bill (H. R. No. 2792) granting a pension to Llewellyn Bell;
A bill (H. R. No. 2899) granting a pension to Harriette A. Woodruff;
A bill (H. R. No. 2925) granting a pension to Dorothea Irons, mother of Lieutenant Joseph F. Irons;
A bill (H. R. No. 2452) to equalize pensions in certain cases;
A bill (H. R. No. 2538) to legalize and establish a ponton railway-bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa;
A bill (H. R. No. 2081) to facilitate the exportation of distilled spirits and amendatory of the acts in relation thereto; and
A bill (H. R. No. 3169) changing the time of holding circuit and district courts in Vermont.

PRINTING AND DISTRIBUTION OF DOCUMENTS.

The PRESIDENT *pro tempore.* The morning business being completed, the bill (S. No. 857) to provide for the sale of extra copies of public documents, and for the distribution of the regular official editions thereof, is before the Senate as in Committee of the Whole.

The bill was read.

Mr. BAYARD. I should like to ask the Senator from Rhode Island a question or two in regard to this bill. The bill appears to have been carefully prepared, and I have great confidence in the committee from which it emanates. It appears to propose to do away entirely with the gratuitous distribution of public documents. I observe that in the second section there is provision for the preparation of copies of the public documents by stereotyping and having them properly mailed for transmission at cost price upon receipt of cost price by the Congressional Printer and the amount of postage; but on page 15 of the bill, in sections 12, 13, 14, and 15, there is provision made for the printing and binding of large numbers of various works to be distributed by the various heads of Departments; three thousand copies of the annual report of the Secretary of the Treasury on commerce and navigation to be distributed by him; two thousand copies of the annual report of the Commissioner of Indian Affairs and of the report of the Commissioner of the General Land Office for distribution by the Secretary of the Interior; twenty-five thousand copies of the report on agriculture for distribution by the Commissioner of Agriculture; ten thousand copies of the report of the Smithsonian Institution for distribution by that institution, and so on. Now, are these documents to be distributed by these officials gratuitously, or are they to be distributed under the same provisions as to prepayment of postage and cost as are provided in section 2?

Mr. ANTHONY. The provision to which the Senator from Delaware calls my attention is for the official, not the popular, distribution of documents. The Commissioner of Indian Affairs is allowed two thousand copies of his annual report. He desires to send that report of course to the various officials under him, to the various Indian agencies, and to many persons who have a semi-official connection with his Bureau, persons who are interested in the management of Indian affairs, who are corresponding with the department, and from whom the department constantly receives suggestions.

Mr. BAYARD. How about the Commissioner of Agriculture?

Mr. ANTHONY. The Commissioner of Agriculture has addressed a letter to the committee, in which he states that the value of his report depends almost entirely or very largely upon correspondence all over the country, especially that portion of the report which relates to the prospects of the crops. He has volunteer correspondents, gratuitous correspondents, in every county, and a great many in some counties. They receive no compensation for this information which they render to him, but they expect in return a copy of his annual report. I do not know that this information can be obtained in any other way so cheaply as by this little compliment that is paid to the assistants of the Commissioner. The number struck me as rather large, but it was the number that the Commissioner thought was necessary, and the chairman of the Committee on Agriculture, if I remember correctly, thought the number was not extravagant. That is the only large official distribution that is provided for. A small number is provided for the heads of several of the Bureaus of their own reports for official reasons.

Mr. BAYARD. In addition to the twenty-five thousand copies fixed here for the Commissioner of Agriculture, will there be copies also published for purchase by the public?

Mr. ANTHONY. Yes, sir; under another provision. In the discretion of the Joint Committee on Printing, any number of copies of any document may be printed for sale, and undoubtedly a document of that character would be required.

Mr. BAYARD. Can the Senator tell me how many copies of the Agricultural Report have been awarded heretofore to the Commissioner of Agriculture for his distribution?

Mr. ANTHONY. About this number.

Mr. BAYARD. Twenty-five thousand?

Mr. ANTHONY. About that. It has varied, I think, from fifteen to twenty-five thousand. I think that is the full number he has had. But if there is to be no popular distribution whatever, there should be a little larger official distribution.

Mr. BAYARD. Of course the postage on all these documents will be paid by the Government, but that will be paying it to itself.

Mr. ANTHONY. Undoubtedly.

Mr. BAYARD. I do not care much about that. I can only express my great satisfaction at the relief afforded to members of Congress by this bill from what was singularly termed by some I believe the "privilege" of franking these books, and I am very glad that there is now proposed some means of distribution without the intervention of members of Congress. The economy of this measure, its practicability, must of course abide the test of time. We must try and see how this method of distribution works, and what economy it results in. The measure certainly is novel in this country. We never yet have had many features of this bill; and, as I said before, experience alone must test its practicability and value. I was not aware till the bill was read of the commission to the heads of Departments of the sole distribution of these documents or if their having such large numbers to be distributed without any order of distribution impressed by the law. But, as I said before, it must stand the test of experiment. Having confidence in the judgment of the gentlemen composing the committee who prepared the bill I shall support it.

Mr. HAMLIN. The fifteenth section of this bill provides for the printing of 10,000 copies of the Report of the Smithsonian Institution. That stands, I think, entirely different from either of the other documents. That is precisely what Congress has done for years. While there will be no return directly to the Government for this work, while in other words it will not be sold by the Smithsonian Institution, it will be used in exchange and will be sent abroad all over the world for other works of a scientific character. The Government will thus receive in return in other works a compensation for this, and I believe I am justified in saying that the Smithsonian Institution contributes annually to the Congressional Library works which it receives by the exchange of its own, an amount very much in excess of what it costs to print this work.

Mr. ANTHONY. There are several amendments that I wish to propose, and I should like to make some little explanation of the bill. I know the anxiety of my friend from Minnesota to take up the Indian appropriation bill which comes up as the unfinished business.

Mr. CONKLING. I think the bill ought to be explained.

Mr. ANTHONY. If the Senator from Minnesota [Mr. WINDOM] will allow me to go on I will do so now; and if not, if I can have general consent to take up the bill to-morrow, immediately after the morning business, I think in a few minutes we shall dispose of it. I will do either.

Mr. RAMSEY. Would it not be better to go through the bill now, and take to-morrow in the morning hour for the Calendar?

Mr. SHERMAN. I should like very much to have the Senator ex-

plain the bill at some time, but at present I am inclined to think that it is rather an increase than a diminution of the expenses of the public printing.

Mr. ANTHONY. I shall be happy to correct the impression of my friend in that respect. This bill contains a codification of the whole law with regard to the distribution of public documents, and the customs and traditions of the Senate, some of which are unwritten and have sprung up, it is impossible to tell how. The number of documents officially distributed is considerably reduced by the bill. For instance, at the Treasury Department there was a very irregular distribution of the documents there, and of all the bills printed, some Bureaus had two or three copies, while the Light-House Board had four copies of every bill that was printed. That was a perfectly absurd distribution. The Light-House Board might want twenty copies of some one bill, but none of the greater number of the bills. This bill proposes to give to the Secretary of the Treasury a certain number of copies to be distributed by himself among the Bureaus, according as they may be needed. As the Senator from Delaware very justly says in his criticism of the bill, this is to be brought to the test of experience, and that is the only test by which we can decide whether the distribution has been properly made.

Mr. THURMAN. May I be allowed to ask a question for information?

Mr. ANTHONY. Certainly.

Mr. THURMAN. Does the second section clothe the Joint Committee on Printing with the power to determine what shall be the number of extra copies of every document that shall be printed? Is it the intention to devolve on the joint committee the power to fix the number of extra copies that shall be printed for sale?

Mr. ANTHONY. Yes, sir.

Mr. THURMAN. Without any action of Congress?

Mr. ANTHONY. Without any action of Congress. Whenever a document is ordered to be printed, then the Congressional Printer is to take the instruction of the Joint Committee on Printing as to whether he shall stereotype it; and if he stereotypes it, then he is to take the instruction of the Joint Committee on Printing as to how many he shall print for sale. It is impossible to fix in a bill, in advance, the number that shall be printed for sale of any document; but it is so easy to come within reasonable limits as to the probable demand; and if a document is stereotyped a small number can be printed in advance and any additional number can be printed afterward for merely the cost of paper and press-work.

Mr. THURMAN. The second section covers every report, document, or other publication which shall be ordered to be printed by Congress. I do not know but that is a very large power to give to a committee without any action on the part of Congress. Take a report made in Congress which is supposed to have some political significance or party value, is this committee to be authorized to have one hundred thousand copies of it printed and circulated, or as many as we have had printed of some lumbering things like the report of the Ku-Klux Committee? I do not know how many were printed of that, but they went into the thousands.

Mr. ANTHONY. Just as many were printed as Congress ordered, and no more.

Mr. THURMAN. I know that. But is this power to involve us in that expense, and to determine that a particular report is of such merit that you are to print one hundred thousand or fifty thousand copies for sale, or the like, to be devolved on the committee without any appeal or action of Congress at all? That strikes me as rather a dangerous proposition.

Mr. ANTHONY. These extra copies are printed only for sale; they cannot be given away; and it is not to be supposed that any Committee on Printing or any other committee would order documents to be printed to lumber up the store-rooms of the Capitol.

Mr. THURMAN. But the difference between this case and that of a man carrying on business on his own account is that he would not print more than he could sell, because he would lose money by doing so; but the committee can order as many to be printed as possible, and any loss falls on Uncle Sam.

Mr. ANTHONY. What advantage is gained to any party by printing documents and not distributing them? There is no way of distribution except by purchase, and I take it the opinion of the Senate has been manifested repeatedly that any document that is printed by the Senate may be sold to any extent to any person who chooses to buy it.

I now move to amend the bill in section 4, line 11, by inserting the words "one set to the Official Reporter" in the clause relative to furnishing sets of bound documents to Senators and officers of the Senate.

The amendment was agreed to.

Mr. ANTHONY. In the same section, line 19, after the word "House" I move to insert "and one set to the official reporting corps of the House of Representatives."

The amendment was agreed to.

Mr. ANTHONY. Here is an amendment to which I call the attention of the Senate. Beginning in line 50 of section 4, this clause occurs:

One set to the executive of each State which shall in return send to the Library of Congress a complete annual set of its executive and legislative documents, as shall appear by an annual report made by the Librarian of Congress to the Secretary of the Interior.

This clause was put in at the request of the Library authorities; but I move to strike out all after the words "one set to the executive of each State for the use of the State." I think that every document which we print is due to each State and that we ought not to impose upon the State the condition that it shall return its documents to us, although it is exceedingly convenient and every State ought to send its documents to the Library of Congress. I think we ought to render to those who send us here the reports of our doings without any condition that they shall send us something back. I move therefore to strike out that provision from the word "State" in the fiftieth line down to and including the word "Interior" in line 54, and to insert in their place "for the use of the State."

Mr. THURMAN. I hope the Senator from Rhode Island will consent to let this bill go over until to-morrow. It was only reported five days ago. I have no objection to this amendment.

The amendment was agreed to.

Mr. ANTHONY. If the Senator will allow me to go through with the amendments of the committee, which are mostly verbal, I will then consent that the bill lie over until to-morrow morning, with the understanding that it shall be taken up in the morning hour to-morrow.

Mr. THURMAN. All I want is a little time to look into it.

Mr. ANTHONY. I desire the criticism of the Senator; but the bill was reported more than five days ago. This is a reproduction of the draught of a bill which the committee reported some time ago.

Mr. THURMAN. I have no objection to the amendments being acted on.

Mr. ANTHONY. I move in line 51 of section 4 to insert the word "set" instead of "report."

The amendment was agreed to.

Mr. ANTHONY. In section 6, line 9, after the word "copy," I move to insert "to each Senator, Representative, and Delegate in Congress one copy." This relates to the Statutes at Large of each Congress.

The amendment was agreed to.

Mr. ANTHONY. I call the attention of the Senator from Ohio and of other legal Senators to the fact that the reports of the Supreme Court of the United States have never been distributed to members of Congress, and this bill does not make any provision for such distribution. Some of the Senators have thought it should be done.

Mr. FRELINGHUYSEN. I would ask the Senator whether the bill makes provision for giving a set of these publications to the justices of the Supreme Court?

Mr. ANTHONY. No.

Mr. FRELINGHUYSEN. I would suggest that such an amendment be inserted.

Mr. RAMSEY. I see that the thirteenth, fourteenth, and fifteenth sections of the bill provide for the publication of reports of the Secretary of the Treasury, of the Commissioner of Indian Affairs, of the Department of Agriculture, and of the Smithsonian Institution; but there is no provision made for the annual report of the Commissioner of the Land Office. That is a very important document. In all the land States certainly it is looked for with as much anxiety as the other reports.

Mr. SHERMAN. That is provided for in section 13, I will say to the Senator from Minnesota.

Mr. RAMSEY. Yes; I now see it is.

Mr. ANTHONY. After the word "Senate," in section 17, line 7, I move to insert "for the use of the Senate."

The amendment was agreed to.

Mr. ANTHONY. In line 10 of the same section, after the word "Representatives," I move to insert "for the use of the House of Representatives."

The amendment was agreed to.

Mr. SHERMAN. I give notice to the Senator, as the bill is going over, that I will move to strike out sections 10, 11, 12, 13, 14, and 15, as I think they are totally inconsistent with the principal purposes of the bill. The residue of the bill I approve of most heartily.

Mr. ANTHONY. Those are the sections which provide for official distribution.

Mr. SHERMAN. Those are the sections which authorize the distribution of extra copies by the Departments instead of by members of Congress.

Mr. ANTHONY. I think the Senator was not in when I made an explanation of that in reply to the inquiry of the Senator from Delaware.

Mr. SHERMAN. I was in, and I heard the explanation of the Senator; but I am satisfied that if this is a privilege which cannot be allowed to members of Congress, it ought not to be exercised by the heads of Departments.

Mr. ANTHONY. We can discuss that when it comes up; but it is no use to print documents and give the head of a Department only one copy.

The PRESIDENT *pro tempore*. The bill will be laid aside informally, with the understanding that it is to be proceeded with to-morrow morning after the expiration of morning business.

RETURN OF A BILL TO THE HOUSE.

The PRESIDENT *pro tempore* laid before the Senate the resolution of the House of Representatives requesting the return of the bill (H.

R. No. 1196) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes.

The resolution was concurred in.

SURETIES OF B. B. EMORY.

Mr. PEASE. I move to reconsider the action of the Senate postponing indefinitely Senate bill No. 127, for the relief of J. M. Stone, William M. Compton, and W. C. McAlexander, sureties on the bond of B. B. Emory, deceased, late collector of internal revenue of the third district of Mississippi.

The motion was agreed to.

Mr. PEASE. I now desire to have the bill recommitted to the Judiciary Committee.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes.

Mr. WINDOM. By direction of the Committee on Appropriations, I move to amend the bill in the appropriation for the removal of the Kickapoos by striking out "75" in line 740 and inserting "90," so as to make the appropriation $90,000.

The amendment was agreed to.

Mr. WINDOM. At the end of that paragraph, line 746, I move to insert the following words, by direction of the committee:

And not exceeding $5,000 may be used for compensation of interpreters, guides, and carriers, and such other expenditures as may be deemed actually necessary to contribute to success in effecting said removal.

The amendment was agreed to.

Mr. WINDOM. In line 1072 I move to strike out "$261.47" and to insert "$357.80."

I have a number of amendments to offer in relation to this tribe, the Pottawatomies, all based upon the same principle, and one explanation will cover them all. As appropriated in the bill, we adopted the estimates of the Commissioner of Indian Affairs formerly submitted. Upon a revision of those estimates the amounts which I now propose as amendments are recommended by the Interior Department, and as the original appropriation was based upon the calculations made at that Department, and as they have since revised them, it seemed proper to the committee to adopt the revised estimates.

The amendment was agreed to.

Mr. WINDOM. In line 1075, I move to strike out "$130.74" and to insert "$178.90."

The amendment was agreed to.

Mr. WINDOM. In line 1078, I move to strike out "$653.67" and to insert "$894.50."

The amendment was agreed to.

Mr. WINDOM. In lines 1081 and 1082, I move to strike out "$522.94" and to insert "$715.60."

The amendment was agreed to.

Mr. WINDOM. In lines 1086 and 1087, I move to strike out "$4,183.48" and insert "$5,724.77."

The amendment was agreed to.

Mr. WINDOM. In line 1093, I move to strike out "$78.44" and insert "107.34."

The amendment was agreed to.

Mr. WINDOM. In lines 1100 and 1101, I move to strike out "$737.34" and insert "$1,008.99."

The amendment was agreed to.

Mr. WINDOM. In lines 1104 and 1105, I move to strike out "$114.39" and insert "$156.54."

The amendment was agreed to.

Mr. WINDOM. In lines 1110 and 1111, I move to strike out "$8,406.19" and insert "$11,503.21."

The amendment was agreed to.

Mr. WINDOM. I have no further amendments to offer.

Mr. PRATT. I now offer the amendment of which I gave notice the other day, to come in after line 1122; and I ask the Clerk to report it.

The Chief Clerk read as follows:

For balance due the Pottawatomies under various treaties with the United States, from that of December 2, 1795, to that of July 23, 1846, as ascertained in the report made January 18, 1869, to the Secretary of the Interior by the commissioners appointed by the President under the Senate amendment to the tenth article of the treaty with the Pottawatomie Indians of August 7, 1868, $178,953.43.

For interest due said Indians on the sum of $160,540.48 cents, at 5 per cent., to January 22, 1869, awarded by the same commissioners in their supplementary report, made January 22, 1869, $48,897.95.

Mr. PRATT. Mr. President, these are large sums, and it is proper that I should put the Senate in possession of the evidence upon which I rely to show the justice of the large sums of principal and interest sought to be appropriated. In my youth I lived a neighbor for a good many years to the Pottawatomie Indians and I am familiar with many of the treaties that were made with them, and therefore take an especial interest in seeing that justice is done to this tribe. Between 1795 and 1846 there were nineteen treaties made with these Indians

Mr. SARGENT. I do not wish to interrupt the Senator, but I desire to make a point of order on this amendment. It has not been referred to the Committee on Appropriations.

Mr. PRATT. I beg the Senator's pardon; it was referred to that committee a week ago or more and printed by order of the Senate.

Mr. SARGENT. But it does not come back by any order of the committee or any report of the committee.

The PRESIDING OFFICER, (Mr. SCOTT in the chair.) The Senator from California makes the point of order that this amendment has not been referred to the appropriate committee.

Mr. SARGENT. That it has not been reported from the appropriate committee.

Mr. PRATT. I not only gave notice of this amendment, but had it printed, and I called the attention of the chairman of the Committee on Appropriations to it and told him that I desired whenever the appropriation bill came up to submit my views to the Senate upon it, and I am prepared to do so now unless some technical objection shall prevent.

The PRESIDING OFFICER. According to the copy of the amendment of the Senator from Indiana before the Chair, it proposes to appropriate an amount of money ascertained by a treaty, and he also states that notice of the amendment has been given and that it has been referred to the Committee on Appropriations. These facts being admitted, the Chair will rule the amendment to be in order.

Mr. SARGENT. I ask pardon of the Chair for making one remark. It is not an appropriation of an amount ascertained by treaty. This is simply to pay for damages arising from underpayments under the treaty. It is simply a claim for damages. It is not an amount that we have agreed by treaty to pay. It is simply a going over of all these items from the last century down to the present time and finding in the salt delivered and in other things, as they assume, some little amount of deficiency which may or may not have been paid. They say we owe this $100,000. It is not an amount ascertained by treaty.

Mr. PRATT. Mr. President, every one of the items which go to make up this sum total depends upon treaty stipulations made by the United States with these Indians, every item rests upon contract; and that I shall be able to demonstrate to the Senate if I have the opportunity.

Mr. SARGENT. I was merely speaking to the point of order, and not discussing the matter itself.

Mr. PRATT. What is the point of order that the Senator makes?

Mr. SARGENT. My point of order is that the amendment has not been reported by the committee and is not provided for by existing law.

Mr. PRATT. But I state that I gave notice of this amendment, that I offered it, that it was printed by order of the Senate and referred to the Committee on Appropriations. I beg to know what further I could have done?

The PRESIDING OFFICER. Did the Senator from Indiana propose this amendment as coming from any standing committee or select committee of the Senate, or was it of his own motion that he offered the amendment?

Mr. PRATT. It was of my own motion, in order to carry out the provisions of the several treaties made between the United States and this tribe of Indians.

The PRESIDING OFFICER. Then it would not be in order unless it be made for the purpose of carrying out the provisions of an existing treaty. Has the Senator the treaty upon which he relies to bring this amendment in order?

Mr. PRATT. I do not understand the Chair.

The PRESIDING OFFICER. The Chair rules that as this amendment does not come from any standing or select committee it is not in order, unless it be made for the purpose of carrying out the provisions of some existing law or treaty stipulation. Will the Senator quote the provisions of the treaty which he proposes to carry out by this amendment?

Mr. PRATT. I will state that it is to carry out the provisions of several treaties, particularly the treaty of 1867, and to carry out an act of Congress of 1861 which I will bring to the notice of the Senate if I have the opportunity to do it.

Mr. SARGENT. The general statement of the Senator may not be open to criticism. As I understand the case it is this: by treaties running back into the last century we agreed to give these Indians so much twine, so much salt, so much of different articles. Now, with an ingenuity and industry that do somebody great credit, they have gone back over this long period of time and have attempted to show from the records that six instead of seven bags of salt were delivered in one year, or that the twine measured so many yards short. That is an illustration of the kind of claim that is made under these treaties. They came here and insisted that there was a deficiency in some of these items, and Congress, I believe, appointed a commission or rather required the Secretary of the Interior to look into the matter; and this is the report, that these driblets, made up during all these years, amount to over $100,000. That is the nature of the claim. It is a mere claim. It is not in pursuance of any article of a treaty binding us to pay $100,000 or any other sum, and therefore I insist it is not provided for by any existing law.

Furthermore, this ought to go to the Committee on Claims. Here is a claim of nearly $200,000, including interest, and it ought to go

to that committee which has the opportunity to sift it like any other claim; and if there is a law sanctioning it, all the more ready will the Committee on Claims be to report it. I will remark that it is the practice of the other House to send such claims to the Committee on Claims, and the result is much more satisfactory than by this scrambling legislation, which involves the Treasury in such large amounts.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Indiana to this clause of the thirtieth rule:

And no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation.

The amendment now offered providing for the payment of principal and interest, will the Senator quote that part of the treaty stipulation which he alleges requires this amendment to carry it out, so that the Chair may be able to rule upon it?

Mr. PRATT. I am thankful to the Chair. I have been trying for the last five minutes to bring to the notice of the Senate some of the treaties on which this claim rests.

Mr. INGALLS. If the Senator will allow me, I desire to call the attention of the Chair to this point: that even under the last clause of the rule that has been quoted by the Chair the amendment proposed by the Senator from Indiana is still out of order, because the Chair will observe that the last clause does not pretend to change the rule that requires amendments to be reported from a select or standing committee.

Mr. JOHNSTON. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana is entitled to the floor.

Mr. PRATT. Now, Mr. President, I will proceed to refer the Senate to the treaty under which this claim immediately arises. It is the treaty made between the United States and the Pottawatomie tribe of Indians on the 27th day of February, 1867, amended by the Senate, amendments accepted August 4, 1868, and the treaty proclaimed August 7, 1868.

Mr. SARGENT. What is the volume and page?

Mr. PRATT. I read from the fifteenth volume of the Statutes at Large, page 536. Article 10 of the treaty was stricken out and the following was inserted by the Senate as a substitute for that article:

And it is further agreed—

Who were the parties to this contract? The United States on the one part and the Pottawatomie tribe of Indians on the other part—

And it is further agreed that the claims of the Pottawatomies, heretofore examined and reported on by the Secretary of the Interior under the act of Congress of March 2, 1861, shall be submitted to two commissioners, to be named by the President of the United States, for examination, and said commissioners, after being sworn impartially to decide on said claims, shall make report of their judgment in the premises, together with the evidence taken, to the Secretary of the Interior, and the same shall be communicated to Congress at its next session: *Provided*, That no part of the money reported due by the said commissioners shall be paid until the same shall be appropriated by Congress.

Mr. INGALLS. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Kansas rises to a point of order. He will state his point of order.

Mr. INGALLS. Rule 30, which has been already referred to by the Chair, reads as follows:

No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments.

That is the rule that requires amendments to be first reported from a select or standing committee of the Senate. Now the last clause is:

And no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation.

The point that I make is, that it is entirely immaterial whether the amendment be to carry out the provisions of an existing law or treaty stipulation, unless it has also been reported from a standing or select committee of the Senate; that the fact of its being to carry out the provisions of an existing law or treaty stipulation does not change the provision of the rule that requires it to be first reported by a committee, because the Chair will observe that that clause does not pretend to change the previous part of the rule, but refers merely to a different class of cases. It is a cumulative or additional clause.

The PRESIDING OFFICER. One point of order being under consideration, the Senator from Kansas raises another point of order. The Chair is of opinion that where an amendment is proposed for the purpose of carrying out the provisions of some existing law, where notice has been given of it and it has been referred to the Committee on Appropriations, it is in order even although not reported by a standing committee; and therefore he rules against the point of order made by the Senator from Kansas. The Senator from Indiana is still entitled to the floor on the point of order made by the Senator from California.

Mr. PRATT. Now, Mr. President, I will go back a few years for the purpose of laying the proper foundation to present this claim properly to the Senate. I go back to the act of Congress of March 2, 1861, which reads as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to examine and report to Congress at its next session, what amount, if any, is due to the Chippewa, Ottawa, and Pottawatomie Indians now residing in the State of Michigan, under and by virtue of the treaties of July 29, 1829, the 26th of September, 1833, and the articles supplementary thereto of September 27, 1833 with said Indians, and under the treaty of the 5th and 17th of June, 1846, with the Pottawatomie Nation of Indians.

I call the attention of the Senate now to the concluding clause—

And the Secretary of the Interior is furthermore hereby authorized and directed to ascertain and report at the same time whether there is any money or property heretofore payable to said Pottawatomie Nation under and by virtue of the treaty of October 26, 1832, or other treaties, which has not been appropriated and paid; and, if any, what amount.

Here was a plain direction given that the Secretary of the Interior should examine into the relations between this nation of Indians and the Government from the beginning; and while Mr. Smith was Secretary of the Interior, during the year 1862, he caused this laborious investigation to be made by the Commissioner of Indian Affairs. I said it was a laborious investigation. It became necessary to review nineteen treaties which had been made with this tribe of Indians, reaching back to 1795 and terminating with the treaty of 1846, and I have before me the report which was made by Mr. Smith, then Secretary of the Interior, dated 23d of December, 1862, to the Speaker of the House of Representatives. Accompanying that report is a report made to the Secretary of the Interior by the Commissioner of Indian Affairs. The Commissioner at that time was William P. Dole; and perhaps I ought to read his report to the Secretary first, or at least enough of it for the purpose of illustrating the justice of this claim. Referring to the act of Congress which I have just read to the Senate, he says, in his report to the Secretary:

By this act you were authorized and directed to examine and report to Congress at its next session what amount, if any, is due to the Chippewa, Ottawa, and Pottawatomie Indians, now residing in the State of Michigan, under and by virtue of the treaties of July, 29, 1829, September 26, 1833, and the articles supplementary thereto of September 27, 1833, with said Indians, and under the treaty of June 5 and 17, 1846, with the Pottawatomie Nation of Indians; and to report at the same time whether there is any money or property heretofore payable to said Pottawatomie Nation under and by virtue of the treaty of October 26, 1832, or other treaties, which have not been appropriated and paid; and, if any, what amount.

With a view to prompt action in the premises, I suggested to you on May 2, 1861, the propriety of your requesting the Secretary of the Treasury to direct the Second Auditor to furnish from the accounts on file in his office a statement of facts to enable this Department to report. You acquiesced in the suggestion on the succeeding day, and the Secretary of the Treasury responded to your request by directing the Second Auditor to furnish the statement desired.

In compliance with the above direction, an examination and report was made to this office by the Second Auditor of the Treasury, showing a detailed statement in money, goods, provisions, &c., from 1819 to 1860, said years both included.

I shall show before I get through that this examination in the Second Auditor's Office occupied two clerks for the period of eighteen months.

The PRESIDING OFFICER. It becomes the duty of the Chair to remind the Senator from Indiana that his five minutes under the rule have expired.

Mr. PRATT. I was not aware that the rule obtained while we were discussing the merits of this bill. I hope that rule will not be enforced against me. I am quite earnest in presenting this amendment. It amounts to about a quarter of a million dollars; and it is evident that it is quite impossible to present its merits to the Senate in five or ten minutes.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent to be permitted to proceed in the discussion of this question of order. The Chair hears no objection.

Mr. SARGENT. I shall not object to a limited discussion. I am willing to give the Senator fifteen minutes.

Mr. PRATT. I hope the Senator from California will not draw the line.

Mr. SARGENT. I do not know whether I shall or not. We applied the rule yesterday to this bill. We want to get through with the appropriation bills. We are now on the 2d day of June and have only twenty days left to finish up the great business of this session. I do not think the time ought to be extended. I am willing for the present that the Senator shall go on indefinitely, and I will not raise an objection unless I think he is abusing our patience.

Mr. INGALLS. How much time does the Senator want?

Mr. PRATT. I will sit all night with the committee in order to pass the bill, if that be necessary.

Mr. INGALLS. This whole matter has been before the Committee on Indian Affairs for a long time and repeatedly reported upon.

Mr. PRATT. Ever but once?

Mr. INGALLS. Yes, sir; and it appears to me to be injudicious to attempt to incorporate this in a general appropriation bill in this manner.

The PRESIDING OFFICER. The Chair is endeavoring to ascertain whether there is objection to extending the time of the Senator from Indiana.

Mr. WINDOM. I shall object to unlimited time. I have no objection to allowing fifteen minutes, if the Senator desires it.

The PRESIDING OFFICER. By unanimous consent the Senator from Indiana is entitled to proceed for fifteen minutes.

Mr. PRATT. On page 4 of this report the Commissioner says:

The third article of the treaty of 26th September, 1833, stipulates that as fast as the Indians shall be prepared to emigrate they shall be removed at the expense of the United States, and shall receive subsistence while upon the journey, and for one year after their arrival at their new homes. The reports of the Commissioner of Indian Affairs show that from 1833 to 1851 there were removed by the Government forty-seven hundred and ninety-two Indians; and the muster-rolls on file in the Second Auditor's Office show the number of self-emigrated Indians to be eleven

hundred and thirty-eight who removed themselves without expense to the Government; but from the reports of the superintendents and agents who had supervision over these Indians it appears that they were all subsisted by the Government for one year after their arrival at their new homes, the same as those that were removed by the United States.

I have not time to refer to the treaty cited in this report for the purpose of showing the express stipulation of the United States to remove these Indians at the expense of the United States and to furnish them with a certain outfit and to subsist them for the period of one year after they had reached their new home. But as this constitutes one of the largest items in this account, I beg to call the attention of the Senate to the articles which were furnished under similar stipulations with other tribes of Indians and which should have been furnished to these Pottawatomies but were not furnished. Thus the Commissioner says:

The following articles are the same furnished the Choctaws, and in due proportion according to numbers. There are not as many manufacturing implements, in consequence of their not having made any advance in manufacturing. The ratio of warriors and families to the whole number of Indians is one to five, or one-fifth of the whole number, according to the usual custom of this office.

Then he goes on to enumerate 1,186 rifles that were due them, 5,930 blankets, 1,186 axes, 1,186 hoes, 395 plows, 3,558 pounds of powder, 14,232 pounds of lead, 50 looms, 100 wheels, 100 cards, two tons of iron, one thousand pounds of steel, &c. Then the Commissioner, after this laborious examination, sums up the whole case with this recapitulation: "Deficiency under treaty stipulations, $69,507.56; 11,000 pounds of tobacco, 567 pounds of iron, 855 pounds of steel, 672 pounds of salt"—none of which items are estimated; "outfit of emigrating Indians, $28,442.92; commutation for self-emigration, $62,590;" making a sum total of $160,540.48.

Now I call the attention of the Senate to what the Secretary of the Interior says upon communicating this report to Congress, on page 1:

I have no reason to doubt the correctness of the statement or the construction given by the Commissioner to the treaties.

And the concluding clause of his report is as follows:

Believing the report of the Commissioner upon the amount due to the Pottawatomie Nation to be substantially correct, I recommend an appropriation of that amount, with instructions to the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to ascertain the amount due to that portion of the nation who remained in Michigan under the stipulations of the supplementary treaty, and to pay the same from the appropriation for the benefit of the nation.

This was the recommendation of the Secretary of the Interior on the 23d of December, 1862. He recommended Congress to pay this principal sum which I have just named, $160,540.48.

The next matter that I desire to call the attention of the Senate to is the report that was made by the present Senator from Missouri [Mr. BOGY] while he was Commissioner of Indian Affairs. I know the Senate will give great heed to what the honorable Senator thought of this claim at the time he was at the head of this Bureau. I make no apology for reading a portion of this report, of which I have an official copy here. Referring to the report of Mr. Dole, which I have just read to the Senate, he says:

This report of Mr. Dole was the result of a long and laborious investigation in this office, and that of the Second Auditor, occupying, as I am informed, the time of two experienced clerks for about eighteen months.

In consideration of the above facts leading me to believe that the subject has been carefully considered and exhausted, I deem it sufficient for me to refer you to late Commissioner Dole's printed report * * * as sufficient upon the questions involved in the present inquiry, containing, I have no reason to doubt, a full and fair statement of the case. One of your predecessors, Hon. Caleb B. Smith, as it appears from his report to Congress dated 19th December, 1862, before referred to, approved of Mr. Dole's report, and transmitted it to Congress with the recommendation that the amount found due the Pottawatomie Nation should be appropriated and paid.

The Committee of Indian Affairs, as per its report on the 29th of January, 1863, also examined into the whole subject—

I wish to call the attention of the Senator from Kansas to this statement—

The Committee of Indian Affairs, as per its report on the 29th of January, 1863, also examined into the whole subject of this communication, as well upon the reports submitted to it as the data upon which such reports were made, and came to the same conclusion as did Secretary Smith and Commissioner Dole. (See House Reports, Committees and Court of Claims, third session Thirty-seventh Congress, Report No. 18.)

In conclusion, I would respectfully draw your attention to an error in the printed copy of Commissioner Dole's report, where in his "recapitulation" he is made to say "six hundred and seventy-two pounds of salt" when it is evident that "six hundred and seventy-two barrels" was intended. The Committee of Indian Affairs of the House of Representatives, however, did not detect the error, and made the computation for pounds.

That is all that it is necessary for me to read of that report. I have one other report made to the Secretary of the Interior by Mr. Cooley at the time he was Commissioner of Indian Affairs. It is to the same purport. I should be glad to read it if I had time, but I must content myself with barely a reference to it if I am to be limited to fifteen minutes.

I have another report from the Committee on Indian Affairs of the House of Representatives, made on the 29th of January, 1863, that I have only time to read a few extracts from.

By this report—

Speaking now of the report made to Congress by Mr. Smith while Secretary of the Interior, the committee say:

By this report it appears that a long and laborious investigation has been made into all the recorded transactions between the Government and the Pottawatomie Nation, extending back to the earliest treaty between the parties, made in 1795.

The stipulations on the part of the Government in that and in each of the subsequent treaties mentioned in said report, for the payment of money, goods, and other articles of property usually paid and furnished to Indian tribes in consideration of their cessions of lands, and of stipulations on their part, have been carefully collated; and, *per contra*, all payments of money, and all deliveries of articles of the description aforesaid, in pursuance of said several treaties, have been ascertained, as is supposed, and the balances due, as stated in the said report of the Commissioner, have thus been raised.

The report, in connection with a supplementary letter, finds that there is now due to the Pottawatomie Nation the following:

For deficiency in payments required by treaty stipulations from 1819 to 1861		$69,507 56
For deficiency of the following articles stipulated to by furnished by said treaties, to wit:		
11,000 pounds of tobacco, at 10 cent	$1,100 00	
567 pounds of iron, at 7½ cents	42 52	
855 pounds of steel, at 25 cents	213 75	
672 pounds of salt, at $4 per barrel	2 00	
		1,358 27
For deficiency of outfit of emigrating Indians, by treaty of October 26, 1862		28,442 92
For commutation for self-emigrating Indians, by same treaty		62,590 00
		161,898 75

That was the principal sum found due to this tribe of Indians at the time this report was made. Now, hear what further the committee say:

The committee have not only examined the Commissioner's report with care, but have made some examination of the data collected on which his conclusions are based, and have possessed themselves with such further information as they could obtain by a personal interview.

They were slow to believe—

I call the attention of the Doubting Thomases in this body now to what this committee say, and particularly my friends from Kansas and California—

They were slow to believe that so considerable an amount as that above stated could have accumulated against the Government by a failure to fulfill from time to time, through a long series of years, its plain treaty stipulations with a single Indian tribe. Nothing, however, in their examinations came under their observation or to their knowledge to enable them to disprove any of the items to the credit of the Pottawatomies contained in the exhibit by the Commissioner; they are, therefore, constrained to accept them as verified and established according to the statements in the report, and to recommend the adoption of the accompanying resolution.

Now here is the resolution which this committee reported to the House of Representatives and recommended the adoption of:

Resolved, That the Committee of Ways and Means be instructed to incorporate in their general appropriation bill for the expenses of the Indian Department an appropriation of the sum of $161,898.75 to be paid to the Pottawatomie Nation of Indians, in full satisfaction of their claims for deficiencies of payments under all treaties made with them from the year 1795 to the present time.

Now I come to the treaty of 1867 which required the President of the United States to appoint two commissioners for the purpose of examining what was due from the United States to this tribe of Indians. The Indians had no voice whatever in the selection of any of these agencies to investigate their claims against the United States. It was an *ex parte* affair entirely. Every one of these examinations was conducted by the debtor party; and neither the Indians nor any agent or attorney or representative of the Indians were allowed to be present and present their side of the case; and every one of these various agencies, these three commissioners at the head of the Indian Bureau, these Secretaries of the Interior, the Committee on Indian Affairs in the House of Representatives, and the gentlemen appointed by the President in pursuance of the treaty of 1867, all of them unite in reporting that sums, varying from $160,000 to $178,000, principal, are due to these Indians. I have only time to refer very briefly to the report of the commissioners appointed by the President in pursuance of the treaty of 1867. They were appointed, I believe, in August. They made their report the following January. They had the whole intervening time from August, 1868, to the 19th of January, 1869, to investigate this claim, and they spent that time diligently, as appears from this voluminous report. They went over all this work aided by the previous examinations in the Auditor's Office and in the Indian Office and in the House of Representatives, and here is the result at which they arrived. But before I state that result let me read a sentence from their report:

The first impression of the meaning of these instructions might lead one to believe it would be our duty to hear the Pottawatomies, through their council or authorized agents, as one of the two parties interested in our award.

The PRESIDING OFFICER. It becomes the duty of the Chair to remind the Senator that the time allotted him by the Senate has expired.

Mr. PRATT. Was it counted from the time I first rose, or from the time the fifteen minutes were given?

The PRESIDING OFFICER. From the time of the extension.

Mr. INGALLS. I move that the Senator be allowed to proceed.

Mr. WINDOM. Has not the Senator succeeded in the half hour he has addressed the Senate in discussing the question sufficiently as to the point of order that was raised so that we may have a decision on that?

The PRESIDING OFFICER. The only question now before the Senate is, does the Senator from Indiana ask an extension of time?

Mr. PRATT. I do, certainly.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent to prolong his remarks. Is there objection?

Mr. SARGENT. I object.

Mr. WINDOM. I should like to have the point of order decided.

The PRESIDING OFFICER. The Senator from California objects to the Senator from Indiana proceeding further. A question of order is raised by the Senator from California. In the opinion of the Chair the thirtieth rule is intended to permit amendments to be offered for the purpose of making payment of specific sums, to be ascertained by reference to the law itself the provisions of which are proposed to be carried out. Upon looking at this amendment the Chair finds that it proposes to carry out the provisions of a number of treaties extending from 1795 to 1868 by collating their various provisions and closing with a reference to two reports made by commissioners, one for the payment of principal and the other for the payment of interest; but as it requires reference to proceedings extrinsic from the law itself the provisions of which are proposed to be carried out, the Chair is of opinion that this amendment, not coming from a standing or select committee, is not in order.

Mr. PRATT. The amendment cannot be considered, then, under that decision at all?

The PRESIDING OFFICER. Unless the Senator appeals from the decision of the Chair.

Mr. PRATT. I am an unlettered man in the rules of this body, but it occurs to me as a most remarkable proposition that where a claim belongs——

The PRESIDING OFFICER. Does the Senator appeal from the decision of the Chair on the question of order?

Mr. PRATT. If I appeal can I give my reasons?

The PRESIDING OFFICER. The appeal is debatable for five minutes under the rule of the Senate.

Mr. PRATT. I appeal from the decision of the Chair, and I wish to address some remarks to that appeal.

The PRESIDING OFFICER. The Senator from Indiana appeals from the decision of the Chair, and the question is, Shall the decision of the Chair be sustained?

Mr. PRATT. I was about stating, Mr. President, that that is a most remarkable rule, and if it be the rule it deserves abrogation or essential modification, that will deny to a sovereignty with whom the United States have treated, appealing to Congress for justice against a debtor party, founding its claim upon treaty stipulation, and cannot be heard in this body in the presentation of its claim, notwithstanding it gave notice ten days ago of the presentation of it, and the nature of it, and had that notice served on the Committee on Appropriations. The effect of this rule, as I understand it to be announced, is that though we serve notice on this committee in the most solemn form, unless they see proper to report in favor of this claim there is no chance for this poor tribe of Indians at all. Although they stand here with these treaties in their hands, stand here with reports made by the authorized agents of the Government showing that there is a quarter of a million dollars due them, they cannot be heard upon this floor unless the Committee on Appropriations see proper to ingraft this amendment upon their bill and bring it before the Senate. Is that the interpretation of this rule by the Chair? If it be, I must say that the rule ought never to have been made, and if made it ought to be abrogated.

Now, Mr. President, I have had my say, if this thing must go out of court.

Mr. WINDOM. If in order, all I desire to say is that there was a wide open door for the Senator through the Committee on Indian Affairs to have been heard.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The question being put, the decision of the Chair was sustained.

Mr. PRATT. What is the status, then, of this claim?

The PRESIDING OFFICER. The bill is now open to amendment.

Mr. PRATT. I rise for the purpose of inquiring if there is no mode known under heaven or among men by which this claim that I stand here to manifest by the highest order of proof may be heard by this body, after having given the notice I have?

The PRESIDING OFFICER. The Chair is not aware that it is in his province to instruct the Senator from Indiana, but he might suggest that the introduction of a bill making provision for it or the introduction of an amendment with the sanction of the Committee on Indian Affairs would relieve him of the difficulty which he suggests.

Mr. INGALLS. The matter is now pending before the Committee on Indian Affairs.

Mr. SARGENT. In order that this claim may receive the full benefit of whatever comment it deserves, I desire to say that the Committee on Indian Affairs at the last Congress examined the case and made an exhaustive and able report against the claim.

Mr. BUCKINGHAM. No, sir; that was in the Forty-first Congress.

Mr. SARGENT. The report was against it.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. BUCKINGHAM. I offer the following amendment: In line 160 strike out "20" and insert "40;" so as to read:

For contingencies, including traveling, incidental, current, and contingent expenses of superintendents and agents and of their offices, $40,000.

The appropriation for this object last year was $50,000. In addition to that the Department expended $6,000, making $56,000. It is supposed that they can prosecute their work at a slight reduction, and in consequence of that the Committee on Indian Affairs propose to reduce it from $50,000, what it was last year, to $40,000, and raise it from the amount named in the original bill, $20,000, to $40,000.

Mr. WINDOM. I do not know whether I desire to oppose this amendment or not. The Senator I believe has not stated the nature of these incidental expenses, and it is impossible for me to say whether the amount proposed is necessary or not.

Mr. BUCKINGHAM. The objects are stated in the bill itself: "For contingencies, including traveling, incidental, current, and contingent expenses of superintendents and agents and of their offices."

Mr. SARGENT. We have abolished nearly all of the superintendents, and that should authorize some reduction in the appropriation.

Mr. BUCKINGHAM. But there are agents and commissioners frequently sent from the Interior Department to these tribes to make inquiry in regard to the condition of the Indians, and these expenses are regarded as absolutely necessary. It is much less—$10,000 less—than was expended last year. I do not think this is too much.

Mr. WINDOM. I am informed by the Commissioner of Indian Affairs that the reduction of superintendents does not reduce these expenses; that the former six superintendents whom we have dispensed with were paid out of the incidental expenses of the Territories, and consequently the reduction of the superintendents does not reduce the expenses. I am unwilling to oppose this amendment, unless it can be very clearly shown that the amount in the bill now is sufficient. I do not know whether it is or not. I leave the matter to the Senate without making any opposition.

Mr. BUCKINGHAM. I understand that anything less than this will undoubtedly leave a deficiency.

The amendment was agreed to.

Mr. BUCKINGHAM. I offer the following amendment, to be inserted after line 624:

For this amount, being the sum required to pay the Delaware tribe of Indians the value of twenty-three sections of land, which by the fourteenth article of the treaty of July 4, 1866, were to be given without cost to the said Indians in their new reservation, said provision of the treaty never having been carried out in consequence of the Delawares having purchased and paid for, with their own funds, lands upon the Cherokee country upon which to locate, to be used for their benefit, $14,720.

I will say that by the treaty of May——

Mr. SARGENT. I wish to raise a point of order on the amendment. I understand it is not reported by any committee, does not come from any committee. I understand the Senator is speaking in his individual capacity, and not as instructed by the Committee on Indian Affairs.

Mr. BUCKINGHAM. All the amendments which I propose are approved and recommended by the Committee on Indian Affairs.

Mr. SARGENT. Then I cannot make the point of order.

Mr. BUCKINGHAM. I will say that by the treaty of May 30, 1860, the Delawares were assigned to a reservation, but the boundaries of the reservation included some of the half-breed lands of Kansas, and it was afterward proved that a portion of the land set apart for them belonged to the Kaws, and it was agreed that a fair valuation of the land should be made and the amount paid to the Delawares. In the treaty of 1866 with the Delawares it was agreed that they should receive twenty-three sections of land to be included in their new reservation as a compensation for the land which they did not receive in Kansas. This is for payment for that land, at the rate of one dollar per acre.

Mr. EDMUNDS. That does not directly relate to any appropriation in the bill under the new rule.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut.

Mr. BUCKINGHAM. It is to carry out an obligation we are under by treaty.

Mr. EDMUNDS. It does not directly relate to any appropriation in the bill under the new rule.

Mr. WINDOM. I raise the point of order suggested by the Senator from Vermont, that the amendment does not directly relate to any appropriation contained in the bill.

The PRESIDING OFFICER. The point of order is raised that the amendment does not strictly relate to any appropriation contained in the bill. The amendment proposed by the Senator from Connecticut is one providing for carrying out a stipulation with the Delawares, appropriating a certain amount of money for that purpose. The Chair does not find any appropriation to the tribe of the Delawares in the bill, and therefore this is in the language of the new special rule legislation which does not relate directly to the appropriations contained in the bill.

Mr. INGALLS. Does the Chair say there is nothing referring to the Delawares contained in the bill?

The PRESIDING OFFICER. Will the Senator point out anything?

Mr. INGALLS. On page 26, commencing with line 617.

Mr. WINDOM. The question is whether this relates to that appropriation contained in the bill.

The PRESIDING OFFICER. The Chair finds that this item referred to does relate to the Delawares, but under the treaty of 1829; and the amendment which is proposed relates to the treaty of 1866—two entirely different treaties. For that reason the Chair rules the amendment out of order.

Mr. BUCKINGHAM. Does the Chair rule it out of order because it is an appropriation to carry out the treaty of 1866?

The PRESIDING OFFICER. Because it proposes to carry out a different treaty from that to which the appropriation in the bill relates. It is new legislation.

Mr. BUCKINGHAM. I offer the following amendment, to be inserted after line 1629:

For this amount, or so much thereof as may be necessary, to purchase from the Omaha Indians in Nebraska such quantity of land, not exceeding twenty sections, as may be required for the use of the Winnebago Indians in Wisconsin, and for improvements on their reservation, to be appropriated from the residue of the $1,100,000 provided to be set apart for the Winnebagoes by the fourth article of the treaty with those Indians November 1, 1837: *Provided*, That such amount as may be paid to the Omahas for the lands required shall be applied for their use, under the direction of the Secretary of the Interior, for general purposes of civilization, $82,000.

Mr. SARGENT. That is an appropriation out of the money of these Indians?

Mr. BUCKINGHAM. Yes, sir.

Mr. SARGENT. I do not think we ought to object to that.

Mr. BUCKINGHAM. It takes nothing from the Treasury. I will state that the Winnebago Indians are unwilling to go to the Indian Territory. The Omahas propose to sell them a portion of their land. The Winnebagoes are willing to buy it and go there. This is a proposition to take twenty sections and pay the Omahas $2.50 per acre for the twenty sections, which will amount to some $32,000. The provision is that the sum of $82,000 shall be taken from the fund now in the hands of the Government which belongs to the Winnebagoes, and shall be used in payment for the land and then for civilization, and that the amount which is paid to the Omahas shall be used in the same way by the Secretary of the Interior.

The amendment was agreed to.

Mr. BUCKINGHAM. I offer the following amendment, to come in after line 1786:

For this amount, or so much thereof as may be necessary, for the erection of buildings, fencing, and opening farms; the purchase of teams, farming implements, tools, and seeds; for the erection of saw-mills, school-houses, blacksmith-shops, &c., for the Indians of the Siletz agency in Oregon, $50,000: *Provided*, That there shall be set apart for the said Indians the lands now occupied by them on the Alsea and Siletz reservations, described as follows:

Alsea:

Beginning on the shore of the Pacific Ocean, at the mouth of a small stream about midway between the Umpqua and Sinslow Rivers; thence easterly to the ridge dividing the waters of the streams and along said ridge and highland to the western boundary of the eighth range of townships west of the Willamette meridian; thence north on said boundary till it intersects the Alsea River; thence down the Alsea River to the Pacific Ocean; thence southerly along the shore of the Pacific Ocean to the place of beginning.

Siletz:

Commencing at a point two miles south of the Siletz agency; thence easterly to the western boundary of the eighth range of townships west of the Willamette meridian; thence north on said boundary to a point due east of Cape Lookout; thence west to the Pacific Ocean; and thence southerly along the coast to a point due west of the place of beginning; thence east to the place of beginning: *And provided further*, That allotments of said lands may be made to such Indians as may desire them and patents issued therefor, upon condition, however, that said lands shall not be sold, leased, or otherwise disposed of until further legislation by Congress.

Mr. WINDOM. I shall have to raise the point of order that this is new legislation, and does not relate to any appropriation contained in the bill.

Mr. BUCKINGHAM. I do not know as to the point of order, but I know it is very important that this legislation should be had.

Mr. WINDOM. I think it will be better for the Senator to bring it in here as a separate measure from his committee and pass it. I am afraid we shall load down this bill with general legislation.

Mr. BUCKINGHAM. If it is ruled out, very well.

The PRESIDING OFFICER. This amendment contains a number of legislative provisions which do not relate to any appropriation that the Chair is able to find in the bill; and, the point of order being made, it is ruled out of order.

Mr. BUCKINGHAM. I offer the following amendment, to come in after line 1818:

For this amount, or so much thereof as may be required, for the erection of suitable buildings to be used for the purpose of an industrial school for the Otoe and Missouria tribe of Indians on the Otoe reservation in the State of Nebraska, $5,000; and for the establishment and support of said school, $8,000; said amounts to be refunded out of the proceeds from the sale of lands of said Indians provided for by the third section of the act of June 10, 1872, entitled "An act for the relief of certain tribes of Indians in the northern superintendency. (17 Statutes at Large, page 392.)

The amendment was agreed to.

Mr. BUCKINGHAM. I offer the following amendment, to come in after line 1829:

For this amount, or so much thereof as may be necessary, to subsist and properly care for the Kansas Indians, including agricultural assistance, pay of employés, and the erection of a mill on their new reservation in the Indian Territory, said amount to be refunded to the United States from the proceeds of the sale of their lands in Kansas, $30,000.

For this amount, or so much thereof as may be necessary, for the erection of necessary agency buildings on the new reservation of said Indians in the Indian Territory, said amount to be reimbursed to the United States from the proceeds of the sale of their lands in Kansas, $10,000.

I will simply state, in regard to this amendment, that there is now to the credit of this tribe $200,000. The interest at 5 per cent., making $10,000, is appropriated annually to them for their use. They have now gone on a new reservation, and it is claimed, and I believe justly, that the necessities of the tribe demand a larger expenditure than that at this particular crisis, and therefore it is proposed, and I think very justly and properly, that we shall take this amount from the income which will be derived from this fund hereafter and use it now—anticipate its receipt. That is the amount of it.

Mr. HAGER. I have no disposition to interfere with this bill as reported by the committee, but I think we ought to rely somewhat upon the judgment of the committee. I have had some opportunity of acquiring knowledge on this subject, and I do not believe that the Indians are ever going to put up saw-mills or make use of them if you put them up for them. It may benefit somebody, but it will not benefit the Indians. It is well-known in our State that appropriations have been made sometimes year after year not one dollar of which ever went to the Indians; and so it is with a great many of the appropriations for the Indians; the money does not reach them; it adheres to the hands of those who manipulate it, who are charged with its distribution. I am satisfied that no Indians will ever undertake to put up saw-mills, or that if they are put up for them, they will undertake to operate them. They are wandering tribes, as a general thing, going from one place to another. The most direct way of getting the benefit to the Indian is to bring him as near to the appropriation, whether it be of property or money, as you possibly can. When it goes through the hands of an agent, whether it be clothing, property, or anything else, directly to the Indian, it may perhaps benefit him; but if it is to be absorbed in the erection of saw-mills to be run in the interest of other parties and by other parties, it will never go to the benefit of the Indian.

For that reason I would prefer to have this bill referred back to the committee, that they may arrange it in such a way that it will operate beneficially, or else to oppose any change in it here. I think that when a committee have acted upon a bill of this importance we ought to rely upon them, and have some respect at least for their judgment and be governed by it to some extent.

Mr. BOGY. The committee has acted.

Mr. HAGER. But here are propositions to change the recommendations of the committee, as I understand.

Mr. BOGY. Not at all.

Mr. BUCKINGHAM. This is a recommendation of the Committee on Indian Affairs. Here is a tribe of Indians just located in a new country, and it is evident that in order to establish themselves there, in order to place themselves in such a position that they can make rapid progress, it is essential that they shall receive more than their ordinary annuities, and it is essential that they shall receive it to-day, because if they do receive it to-day, they can make such a use of it as to be a great deal more benefit to them than if it shall be withheld from them now and given a few years hence. This is an appropriation from their own fund, not from the funds of the Government; and the only question is whether we shall withhold from them that which belongs to them because we may think it may be improperly used. If I knew it would be improperly used I would not give it, as a matter of course; but it seems to me the necessities of the case are such that we ought to run the risk and do more for them. If you put them on a farming country to-day, but do not give them the necessary plows and horses, they will not be able to do much toward raising a crop. If you put them there to-day and you can take from their fund that which will give them the implements by which they can earn their living, you will improve their condition much more than if you delay it.

Mr. WINDOM. I have not felt disposed to resist this amendment for this reason: the Committee on Appropriations had it referred to them, but not having the papers nor the facts before them they relied upon the Committee on Indian Affairs on this subject, and where an appropriation such as this is to be taken out of the funds of the Indians is a matter of Indian policy, and has been considered by the Committee on Indian Affairs, I do not feel myself called upon to resist it. The responsibility is upon the Committee on Indian Affairs, and it is for them to convince the Senate that their amendments ought to pass, and it is only in cases of legislation which are improper in the bill that I feel like resisting.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut.

The question being put, a division was called for; and the ayes were 15.

The PRESIDING OFFICER. Is there a further count insisted upon?

Mr. HAGER. As I fear the result will be to show that we are without a quorum, I will not insist upon it.

Mr. EDMUNDS. I hope if we are without a quorum we shall find it out. I am not in favor of doing business without a quorum.

The PRESIDING OFFICER. The Senator from California withdraws the call for a division. Does the Senator from Vermont re now it?

Mr. EDMUNDS. As the Senator from California gave as a reason for withdrawing the call that there was not a quorum here, I insist upon it. I do not need to renew it; it was an order of the Senate.

The PRESIDING OFFICER. The Chair will count the other side.

The noes being counted, there were 16; no quorum voting.

Mr. WADLEIGH. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 9; as follows:

YEAS—Messrs. Anthony, Bayard, Bogy, Boreman, Boutwell, Buckingham, Chandler Clayton, Cooper, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert,

Hamilton of Texas, Hamlin, Ingalls, Logan, McCreery, Merrimon, Mitchell, Oglesby, Patterson, Pease, Sargent, Saulsbury, Scott, Tipton, and Washburn—28.

NAYS—Messrs. Davis, Edmunds, Hager, Johnston, Ransom, Robertson, Wadleigh, Windom, and Wright—9.

ABSENT—Messrs. Alcorn, Allison, Brownlow, Cameron, Carpenter, Conkling, Conover, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Maryland, Harvey, Hitchcock, Howe, Jones, Kelly, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Pratt, Ramsey, Schurz, Sherman, Spencer, Sprague, Stevenson, Stewart, Stockton, Thurman, and West—36.

So the amendment was agreed to.

Mr. BUCKINGHAM. I move to amend the bill by striking out from the word "Montana," in line 1839, to the word "that," in line 1844, in the following words:

In accordance with the second section of the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872, $5,000: *Provided.*

And in lieu thereof inserting:

Five thousand dollars: *Provided*, That the proceeds of the sales of land in Bitter Root Valley, Montana Territory, referred to in the second section of the act of Congress approved June 5, 1872, entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," (United States Statutes at Large, volume 17, page 226,) shall be paid into the Treasury of the United States in the same manner that other moneys derived from the sale of other public lands are now paid in: *And provided further*, That in lieu of the amount provided to be set apart therefrom by the act of Congress of June 5, 1872, hereinbefore referred to, there shall be annually appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $5,000, for the period of ten years, to be expended, under the direction of the President, in the manner deemed for the best good of the Indians who have been removed from Bitter Root Valley: *And provided further.*

This is a very slight change in the original bill. Fifty thousand dollars is already appropriated and therefore can be used without any action on the part of Congress, it being used at the rate of $5,000 a year. This amendment proposes to have the $50,000, as it shall be received, paid into the Treasury; and then that the $5,000 taken out this year for this purpose, and so hereafter, may be appropriated each year. We think that under the present law the Secretary of the Treasury can use $5,000 this year of the money which is now in the Treasury, and that the clause in the bill gives him an additional $5,000. This amendment is designed to correct that, and give him the opportunity to use only one $5,000.

Mr. WINDOM. Does the treaty provide for $5,000 a year for ten years?

Mr. BUCKINGHAM. Yes, sir. It provides that when the land shall be surveyed and sold at $1.25 an acre, a fund from the sale shall be reserved of $50,000 to be expended in annual installments of not over $5,000 in any one year, under the direction of the Secretary.

Mr. WINDOM. I have no objection to the amendment, then.

The question being put, it was declared that the ayes appeared to prevail.

Mr. ROBERTSON. I call for a division.

Mr. BUCKINGHAM. What is the objection, I should like to know?

The PRESIDING OFFICER. A division is called for.

The amendment was agreed to—ayes 22, noes not counted.

Mr. BUCKINGHAM. I offer the following amendment, to come in after line 1846:

For this amount, to idemnify the Pawnee Indians for forty-eight hundred acres of land erroneously excluded from their reservation by the survey of the boundary line thereof, to be expended under the direction of the Secretary of the Interior for their benefit, $6,000.

Mr. WINDOM. I ask the Senator from Connecticut to inform us how that amount is ascertained.

Mr. BUCKINGHAM. This tribe of Indians had set apart for them by treaty a reservation measuring thirty miles by fifteen, but on a resurvey it was ascertained that the reservation was only fifteen miles by twenty-nine and one-half. Therefore it left a deficiency of half a mile for fifteen miles. That amounted to forty-eight hundred acres, which at $1.25 an acre—which we regarded as justly due the Pawnee Indians—makes the sum appropriated.

Mr. WINDOM. This can be nothing more than a claim. The value of those lands is estimated. They may be worth one dollar an acre; they may be worth twenty-five cents an acre; they may be worth five dollars an acre. It seems to me this bill is no place on which to put claims of this character. I hope the amendment will not be adopted.

Mr. BUCKINGHAM. I suppose it would be very proper if the Pawnees could get all that the Government received for these lands. I do not know how much it was. Very likely it was $2.50 instead of $1.25 an acre.

Mr. WINDOM. There seems to have been a mistake of half a mile in running this line, and somebody estimates this land at $1.25 an acre. The Senator from Connecticut thinks it may be worth $2.50. If so, we ought not to cheat the Indian. Therefore I think the Senator had better withdraw this amendment at present, refer the matter back to the Indian Committee, and when they have ascertained the amount of damages they can bring in a bill, and we can act upon it separately.

Mr. BUCKINGHAM. I will say that this amount has been regarded by those who are more capable of judging perhaps than I am as a just and proper amount. If the Senator desires any information from the Department in regard to it, I have the papers here. I hope the amendment will be adopted.

Mr. BOGY. There is a conflict here between the action of two committees, and the public service is likely to suffer because there is a misunderstanding. The Committee on Indian Affairs have acted upon all these subjects as matters specially belonging to that committee. They are presumed to be familiar with the subject, and after they had agreed to recommend many of these appropriations, the papers were referred to the Committee on Appropriations, and it seems, for reasons I have no doubt that may be good to the Committee on Appropriations, they have ignored certain of these appropriations; and I will say from conversation with the chairman of that committee that the subject has not been very thoroughly examined by that committee, because he informs me himself that the papers were not laid before the committee.

The Committee on Indian Affairs have performed their duty, have examined all these matters laboriously. This very subject is one involving a large number of reports from the Secretary of the Interior, the Commissioner of the General Land Office, and the Commissioner of Indian Affairs recommending this appropriation, because half a mile of country belonging to these Indians has been unjustly and improperly taken by the Government of the United States in Government surveys. If we cannot trust the officers of the Government, the Secretary of the Interior, the Commissioner of Indian Affairs, and the Commissioner of the General Land Office, whom, in the name of the Lord, can we trust? It comes to us as a matter of plain justice. By the treaty these Indians were entitled to a territory fifteen miles in width by thirty miles in length. The surveys of the United States have been made since the adoption of the treaty, and by those surveys that territory was encroached upon to the extent of half a mile. About that fact there is no doubt. The survey is exhibited to us; everything is acknowledged to us. That land is known to be worth more than $1.25 per acre.

The matter has been investigated by the Committee on Indian Affairs, and not investigated by the Committee on Appropriations; and because it has not been investigated by that committee they are opposed to it. The other committee come here and affirmatively say, "We have investigated this thing, and we recommend it as being just;" and yet the Committee on Appropriations, without any examination, oppose the appropriation, because to oppose appropriations is always very popular with the people. If the Senate are to follow the Committee on Appropriations on these matters, we may as well abandon the Committee on Indian Affairs and let it be disbanded. If they are to have no weight because they call for an appropriation, there is no use in having such a committee. This to me and to the committee appeared to be a very plain matter. The committee were unanimous in recommending the amendment; and I repeat what I believe I am authorized to state in the presence of my friend, the chairman of the Committee on Appropriations, that the subject was not investigated by that committee.

Mr. WINDOM. A very large number of amendments was sent to the Committee on Appropriations from the Committee on Indian Affairs. No papers accompanied them. The Committee on Appropriations had no means, as the Senator from Missouri says, of ascertaining whether certain of these amendments should pass or not. Those that they could not inform themselves about thoroughly they have simply instructed me to say they did not recommend; I am not instructed to resist them; but certain of them the committee have instructed me to resist. The Committee on Indian Affairs must take upon themselves the responsibility of convincing the Senate as to each one of these amendments which they have examined and which we have not had the opportunity to examine.

This is one of that class of cases, and I simply suggest certain facts in answer to the argument of the Senator from Connecticut and the Senator from Missouri. This very case, it seems to me, shows conclusively that the character of amendment offered here is not such as to justify us in placing it upon this bill. The Senator from Missouri reiterates the statement of the Senator from Connecticut that these lands are worth more than they have been estimated at here. If so, we shall have a claim at the next session of Congress from these Indians that we have only appropriated $1.25 per acre for these lands when they were worth $2.50 an acre. There ought to be some mode of ascertaining precisely what this claim is, for it is nothing more nor less than a claim; and it seems to me the Committee on Indian Affairs have the opportunity that every other committee has in this body to introduce bills and to have them acted upon separately, instead of loading down the appropriation bill with all the private claims which may come before that committee.

Complaint has been made of me in regard to amendments offered this morning by the honorable Senator from Connecticut, that I was not sufficiently resisting the amendments, that I was not doing it with sufficient earnestness; the Senator from Missouri now complains that I am resisting them all. I simply stand here to suggest any objections that I see to the amendments of the Committee on Indian Affairs, and to submit to the Senate whether those amendments ought to be adopted or not.

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) The question is on the amendment offered by the Senator from Connecticut.

The amendment was rejected, the ayes being 12—less than a majority of a quorum.

Mr. BUCKINGHAM. I offer the following amendment to come in after line 1863:

For this amount, being the unexpended balance of sums due the Pillager band at Leach Lake under treaty stipulations, to be expended by the Secretary of the Interior for the civilization and benefit of said Indians, $23,096.23.

Mr. BOGY. This is merely carrying out a treaty stipulation. This money has accumulated and belongs to the Indians, and it ought to have been expended from year to year; but for some strange reason the Indian board did not do it. It is an accumulation, and was brought to the notice of the board by Bishop Whipple, who is an exceedingly zealous and faithful educator of these people. The object is to appropriate the money belonging to the Indians and which has accumulated under treaty stipulations for the purpose of education, and in the main to be paid out under the authority of Bishop Whipple.

Mr. WINDOM. Is it recommended by the Department?

Mr. BOGY. Yes, sir.

Mr. SARGENT. I do not know how this amount accumulated for the Indians. If it accumulated from small sums not expended from the amounts appropriated, I do not know what right we have to take it in lump and say it shall be expended in the discretion of the Secretary of the Interior for educational and other purposes. It either had a specific designation under the treaties (and that was the universal rule) by which it should be expended for particular objects and no others, or it is not due at all. If it is not due at all, of course we ought not to appropriate this money. If it is due for specific objects, and we appropriate it in this general way under the pretense of its being for general civilization purposes, we are liable at the next session or at some subsequent time for a claim to be made for this very amount on the ground that we had no business to appropriate it for these objects; that the treaties named the objects for which it should be appropriated; and if it had not been appropriated to those objects, our expending it, even for their benefit, for some other purpose was not a compliance with the treaties. Now, we have in this bill appropriations in exact compliance with treaties, under specific articles of treaties, and then we find side by side with them half or two-thirds of the same amounts, or even exceeding the same amounts, given for the purposes of civilization to the Indian; it being held that we have not the right to divert one dollar from the specific objects named in the treaties for the necessary objects of civilization; that the treaties determine the manner in which the money shall be spent.

If it be said that this $23,000 (and I presume that will be the answer) has not been spent from year to year, that there has not been an exact expenditure under the treaty, and these amounts remain as unexpended balances from former years, then I say they should be appropriated specifically for the objects for which they were originally appropriated, or you do not clear the Government of the United States from being liable to pay this money again. It will be another Pottawatomie claim coming in here for so many pounds of soap and so many pounds of steel, &c., running over a century, and we shall have to pay the claim or resist it with great difficulty year after year. I therefore think this amendment ought not to be adopted.

Mr. BOGY. The opposition of the Senator from California is a general one, that the treaties provided for the amount of money to be paid to these Indians to be expended for specific objects. That is not so. A portion of the money due to these Chippewas of Leach Lake was to be expended for education, a portion for civilization, and another portion for such purposes as might be designated by the President of the United States, which means virtually the Secretary of the Interior. Under these different appropriations small sums have been accumulating for several years until they amount to over $20,000. I am authorized by the committee to state that this amendment is simply carrying out exactly the terms of the treaty. It is not diverting any of the money which belonged to specific purposes for the purpose here named, but it is carrying out the terms of the treaty in regard to the accumulation of money in small sums from year to year. It does not take a cent from the Treasury. This is the money of the Indians, which is in the Treasury to their credit, and the object now is to use it for educational purposes.

Mr. SARGENT. Why has it not been spent before? It has been appropriated.

Mr. BOGY. The Senator might ask that question of a man who was here. I believe he was; I was not; I cannot tell. It is very easy to ask why it has not been done before. I only state the fact that this money has not been expended; it is in the Treasury; and we want to expend it now for this purpose; and I am authorized by the committee to state the further fact that it is in accordance with the treaty. If that be not satisfactory to the Senator, I cannot answer him more definitely.

Mr. SARGENT. Those are mere general remarks. We have the right to have the specific information that I ask for. We have the right to know how much was unexpended each year, and why it was unexpended, and why it is that this large amount, over $20,000, equal to the whole amount due them for a year, now remains unexpended. If the Committee on Indian Affairs or the Senator who takes charge of this amendment is not prepared to give us information of that kind, the matter had better be recommitted to the committee. I move to lay the amendment on the table.

Mr. BUCKINGHAM. I hope the question will be taken on the adoption of the amendment.

The PRESIDING OFFICER. The motion is not debatable.

Mr. SARGENT. I am willing to take the question in that form. I withdraw the motion to lay on the table.

The PRESIDING OFFICER. Then the question recurs on the adoption of the amendment.

The question being put, a division was called for; and there were 11 ayes.

The PRESIDING OFFICER. Less than a majority of a quorum voting in the affirmative, unless a further count is demanded the amendment is rejected.

Mr. BUCKINGHAM. I ask for a further count.

The PRESIDING OFFICER. Those opposed to the amendment will rise.

Eighteen Senators rose.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. BUCKINGHAM. I ask for the yeas and nays on this question. I deem it important.

The yeas and nays were ordered.

Mr. HAMLIN. I have voted for the amendments which have been presented by the Committee on Indian Affairs pretty generally, but I am going to change my position, and it is on that account that I rise to state my reasons for doing so.

The Committee on Indian Affairs have offered several amendments, and I have believed there was justice in them; but I have come to the conclusion that no committee of this body should load down an appropriation bill with that which belongs specifically to separate legislation. This is an Indian appropriation bill. If all the legislation that comes before the Committee on Indian Affairs be loaded upon this bill, I ask why may not all the matters that come before the Committee on Commerce be reserved and put upon an appropriation bill relating to the revenues of the country? And so you may travel through every committee of this body, and you will find some legislation that will be adapted to the subjects which they will have to consider before them, and you may make what? Your appropriation bills general legislative bills.

Now I insist, and I do it with regret, that these propositions, if they have merit in them, should be reported and considered in separate bills, that we may consider them by themselves, and not make an appropriation bill the pack-horse to lug them through. That is my judgment; and it is for that reason—not that there is anything particularly objectionable in this amendment—that I shall be compelled to vote against these appropriations.

Mr. BUCKINGHAM. I ask the Senator from Maine if the amendment under consideration is not a proper amendment to go on the Indian appropriation bill?

Mr. HAMLIN. I would answer that perhaps they are all proper, if you will allow every other committee of the Senate to put its measures upon the various appropriation bills. My idea of an appropriation bill is that it should provide for nothing in the world but just what is required under existing laws, and that an appropriation bill for this year should not be loaded down with what really belonged to the appropriation bill of last year. It comes rather in the nature of a deficiency and not on an original appropriation bill. That is my objection. You could put almost every bill we pass here on some appropriation bill with just as much judgment; and I think the committees ought to report separate bills to meet their separate cases. That is my idea.

Mr. BUCKINGHAM. I have no objection to the general idea which the Senator from Maine has, but this is an amendment which proposes to expend that which we owe this band under treaty stipulations, and I do not know how we can get an appropriation of that money in any other way than on the Indian appropriation bill.

Mr. BOUTWELL. I should like to have the amendment reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to insert after line 1863:

For this amount, being the unexpended balance of sums due to the Pillager band at Leach Lake under treaty stipulations, to be expended by the Secretary of the Interior for the civilization and benefit of said Indians, $23,096.23.

Mr. MORRILL, of Maine. My attention has been called to this amendment within a few moments. I cannot speak of the merits of it, but I desire to say something in a general way.

I happen to be upon the Committee on Indian Affairs, but my other engagements are of such a character as not to admit of much attention on my part to the business of that committee; but having been in that committee when some of these propositions were before it, I must say that my own judgment then was what it has been from my experience heretofore, that the only attainable way for the Committee on Indian Affairs to get the attention of the Senate to that portion of the Indian service which properly belongs upon this bill is to consider the matter itself. By the course of business it is known that we are in the habit of sending amendments to the Committee on Appropriations. It does not turn out as a general thing that it is practicable for the Committee on Appropriations to consider any amendment which involves a service or which involved an unsettled balance. That properly belongs to other committees.

Now, Mr. President, what is the nature of this general proposition? I speak of it in a general way, for I am not to speak of its merits, for they having been examined by the Committee on Indian Affairs my own action would be governed by that. The only question is whether this in a general way is of that nature which may properly be put upon this bill. This is a bill providing exclusively for the Indian service. This proposition relates to the Indian service, and it relates

to the Indian service growing out of a treaty stipulation; it is for a balance due, so to speak, to these Indians arising under treaty stipulations not performed. That I understand to be the general statement of the proposition itself.

I am very free to say that I agree entirely with my colleague in regard to the impropriety of the practice of putting general legislation upon appropriation bills; but I think the distinction is most obvious in this case. This is in no sense general legislation. This is legislation to a particular effect, to the effect of providing what ought to have been provided last year under your treaty stipulations—no more, no less. It is germane; it is within the very object and scope of this bill; that is, it is to provide for the Indian service; and everybody who knows the Indian service knows that we are not so particularly careful in providing for the service each year as always to avoid having these claims lying around in the committees; and I know of no way that you can meet them except by distinct bills which would take up a great deal of the time of the Senate. Unless when this bill, which is devoted exclusively to the Indian service, comes up the rule can be regarded so broad as to embrace such claims as the Indian Committee present to us relating exclusively to the Indian service, and not in the nature of private claims, but in the nature of balances due the Indians under treaty stipulations, I do not see how otherwise you are to regulate it.

Why, Mr. President, what is the difference between this and a proposition providing for any other branch of the service? We do not hesitate to make amendments on any other bill touching the branch of the service to which the bill relates; that is to say, any amendments which relate to specific appropriations necessary for that service; and this, it seems to me, in a general way is precisely the character of this proposition. In addition to that, I am satisfied that the uniform practice upon this bill has been the one which the Indian Committee are attempting to pursue now. Therefore, unless there is some objection to the general character of this proposition, I am inclined to favor it.

Mr. SARGENT. I have only a word to say. Here is a little tribe of Indians. The appropriations for them annually are I think about $20,000. They are on Leach Lake. It seems to me exceedingly strange and something not explained in this debate that while we have been making appropriations of $20,000 to which they are entitled each year, the unexpended balances can have run up to $23,000, requiring to be reappropriated now in addition to the amount in the bill. To my mind it is an unexplained circumstance. Furthermore, here is a grouping of this whole amount for a specific object, when certainly only a portion of the amount was discretionarily to be applied to education. I think it is an extremely bad system. I want a little more thorough understanding of the workings of the Department which will make these large balances, when they ought to have been expended and were appropriated to be expended each year for these Indian purposes.

Mr. BUCKINGHAM. It may be difficult for the committee to ascertain why certain amounts appropriated are not expended. Let me say to the Senator, however, that there was last year appropriated $100,000 for purposes of education; and of that $100,000 only $60,000 was used. I do not know nor can I determine why it was not used, except that the Department did not think it wise or advisable to go beyond $60,000.

Mr. SARGENT. That $100,000 to which the Senator refers was appropriated several years ago, not last year, and that was for general purposes. I am now speaking of a treaty which says that there shall be $5,000 expended for a particular purpose, and $5,000 for such another purpose, and Congress has appropriated those amounts year after year. That is not a question of discretion; it is the duty of the Department to expend the amounts for the objects named in the treaty and in the law.

Mr. BUCKINGHAM. I think there is a great deal in a treaty which is to be expended according to the discretion of the Secretary of the Interior or the President. Where a treaty provides that so much shall be appropriated or may be appropriated for agricultural purposes or for the purpose of promoting civilization, then I think it may be a matter of discretion whether the President will expend the entire amount each and every year or not.

Mr. OGLESBY. The treaty says "under the discretion of the President."

Mr. BUCKINGHAM. Yes, sir. I think it is difficult always to determine where the deficiency is.

The question being taken by yeas and nays, resulted—yeas 24, nays 19; as follows:

YEAS—Messrs. Bogy, Boreman, Boutwell, Buckingham. Carpenter, Clayton, Conkling, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Hamilton of Texas, Ingalls, Logan, McCreery, Morrill of Maine, Morton, Oglesby, Pease, Ramsey, Scott, Tipton, Washburn, and Windom—24.

NAYS—Messrs. Alcorn, Bayard, Chandler, Cooper, Davis, Hager, Hamilton of Maryland, Hamlin, Hitchcock, Kelly, Lewis, Merrimon, Morrill of Vermont, Ransom, Robertson, Sargent, Saulsbury, Wadleigh, and Wright—19.

ABSENT—Messrs. Allison, Anthony, Brownlow, Cameron, Conover, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Gordon, Harvey, Howe, Johnston, Jones, Mitchell, Norwood, Patterson, Pratt, Schurz, Sherman, Spencer, Sprague, Stevenson, Stewart, Stockton, Thurman, and West—30.

So the amendment was agreed to.

Mr. BUCKINGHAM. I offer the following amendment:

After line 1871 insert:

For this amount, or so much thereof as may be necessary, to relieve the necessities of the Chippewa Indians attached to the Red Cliff and Bad River reservations in the State of Wisconsin, $2,000, to be available immediately.

Mr. WINDOM. I should like to have an explanation of the amendment.

Mr. BUCKINGHAM. There is no explanation to be made, except that reports come from that section of country that these Indians are actually suffering and in distress for food; and it is to meet that demand and supply them that the committee proposes the amendment.

The amendment was agreed to.

Mr. BUCKINGHAM. I offer the following amendment, to be inserted after line 1871:

For this amount, to enable the Secretary of the Interior to carry out the provisions of the fourth section of the act entitled "An act for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin," approved February 6, 1871, by causing to be credited to said tribe the estimated value, at sixty cents an acre, of 11,803 acres of land remaining unsold of the two townships referred to in said act: *Provided*, That the expenses of enrollment and payment required by the provisions of said act shall be defrayed from the amount hereby appropriated, $7,081.80.

Mr. SARGENT. I think we ought to have some explanation of these amendments.

Mr. BUCKINGHAM. In 1871 an act was passed authorizing the sale of certain lands belonging to the Stockbridge and Munsee Indians, and it was proposed that after a certain time the lands which were not sold should be taken by the United States and credited to those Indians at the rate of sixty cents an acre. A portion of those lands has been sold and those remaining unsold are about eleven thousand acres, and it is proposed to credit this amount at the rate of sixty cents an acre to them. That is the object of this amendment, and it is in accordance with a treaty.

The amendment was agreed to.

Mr. BUCKINGHAM. I offer the following amendment, to be inserted after line 1835:

That the Secretary of the Interior be, and is hereby, authorized to pay the sum of $100,000 from the proceeds of the sales of land known as the Cherokee strip in Kansas to the treasurer of the Cherokee Nation, to be used for the payment of outstanding claims against the nation and for the erection of suitable buildings for a penitentiary.

Mr. WINDOM. I hope that will be explained.

Mr. BUCKINGHAM. Under a former treaty with the Cherokees it was stipulated that all funds due the nation or that might thereafter be due from the sales of lands should be invested in stocks to their credit; but at that time it was determined that a certain amount should be paid over to them that they might cancel certain debts which they owed, and that amount was limited to $150,000. That was an estimate of the amount due, but not the actual amount. Since then it is ascertained that there was a larger amount due than that which was stated, and now the Indians themselves ask that from the fund which is to their credit in the hands of the Government there shall be taken money to pay their debts and also to enable them to build a penitentiary which they need. It is their own money.

Mr. WINDOM. The whole amount of this money is now in the Treasury, do I understand?

Mr. BUCKINGHAM. Yes, sir.

Mr. SARGENT. I will state to my colleague on the committee that I have looked carefully into this matter, and I am satisfied the proposition is right.

Mr. DAVIS. I ask if this is recommended by the department?

Mr. BOGY. It is.

The amendment was agreed to.

Mr. BUCKINGHAM. I offer the following amendment, to be inserted at the end of section 8:

And provided further, That the unexpended balance of the appropriation made by act of July 15, 1870, for educational purposes for the Indians, be, and the same is hereby, reappropriated; and the sum of $30,000 be, and the same is hereby, appropriated for their education and civilization.

Mr. DAVIS. I should like to know what amount of money is involved in that.

Mr. BUCKINGHAM. Seventy-five thousand dollars is the amount. It appropriates $35,000 out of the Treasury now, and reappropriates the unexpended balance, which is $40,000, making $75,000.

Mr. DAVIS. Is it recommended by the department?

Mr. BUCKINGHAM. Yes, sir; and sustained by the Committee on Indian Affairs.

Mr. DAVIS. Will the Senator be kind enough to have the letter read which recommends it?

Mr. BUCKINGHAM. I do not know that I can put my hand on it now.

Mr. DAVIS. The bill, as reported by the Committee on Appropriations, for almost every tribe named in it has an appropriation for educational purposes, and then there is a general appropriation. Now this amendment asks for $75,000 additional. I think when the Senate understands the amount of money that is involved, when all of the tribes have been provided for as the committee thought, it will hardly put on this amendment.

Mr. BUCKINGHAM. I hope the Senate will give us this appropriation. I do not find at this moment the letter of the department, but the amendment is regarded as important. There are three classes of schools established among the Indians; one for children, another called industrial schools, a place where the women can learn those arts which are necessary for civilized and domestic life, and another where

the men learn the same arts in relation to those industries which are necessary to advance them to a condition of self-support. Now I do claim that it is necessary to leave a portion of money at the discretion of some wise man that shall be used in the different localities, which cannot be defined in exact terms. I hope the amendment will be sustained.

Mr. SARGENT. I ask for a division of the amendment.

Mr. WINDOM. That the question may be understood by the Senate, I will say that this is an appropriation of $75,000 out of the Treasury for general school purposes among the Indians. I doubt very seriously whether this is the time to appropriate money so generally for Indian education. We have been cutting down in every direction, trying to economize; and while it may possibly be of use, I doubt the expediency of it, and hope the amendment will not prevail.

Mr. SARGENT. I ask that the amendment be divided. One clause reappropriates an amount heretofore appropriated—$40,000. The amount of $100,000 originally was appropriated four years ago, and during that time they have succeeded in expending $60,000 of it. If the other $40,000 was put at their disposal, it would be a pretty liberal allowance; but in addition to that it is proposed to add $35,000 more. I ask for a division of the question.

The PRESIDENT *pro tempore*. The proper way to reach the end is for the Senator to move to strike out the part to which he objects.

Mr. SARGENT. I move, then, to amend the amendment by striking out the last clause, in these words: "And the sum of $35,000 be, and the same is hereby, appropriated for their education and civilization."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Connecticut as amended.

The amendment, as amended, was agreed to.

Mr. BUCKINGHAM. On line 729 I move to strike out "$15,000" and insert "$25,000."

Mr. ROBERTSON. How will it read?

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. If amended as proposed the clause will read:

For settlement, support, and civilization of Kickapoo Indians in Indian Territory, lately removed from Mexico and such as may be removed hereafter, $25,000.

The amendment was agreed to.

Mr. BOGY. I am directed by the Committee on Indian Affairs to offer the following amendment, to be inserted after the word "dollars," in line 1908:

And the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the Secretary of the Treasury all stocks and evidences of indebtedness that may be due or held in trust by the Secretary of the Interior or of record in his office on account of the Creek orphans' fund arising under the provisions of the treaty with the Creek Nation of March 24, 1832, whereupon it shall be the duty of the Secretary of the Treasury to issue in lieu thereof United States 5 per cent. registered bonds, with interest accruing on the same from July 1, 1874, and which said bonds shall be held in trust by the Secretary of the Interior, who may, on the request of said orphans or their legal representatives, cause the same to be converted into money, to be applied for the benefit of the Creek orphans of 1832, or their legal heirs and representatives, in accordance with the provisions of said treaty, in such sums and at such times as may be required.

Mr. SARGENT. I raise the point of order that this is not required by any existing law, and that it is not germane to anything in the bill.

The PRESIDENT *pro tempore*. The Chair thinks the point of order is well taken.

Mr. BOGY. I will state that this arises under a treaty made in 1832, and I think the rule covers that. It is carrying out the treaty made with the Creek Indians in 1832, and I think it is within the rules.

The PRESIDENT *pro tempore*. That depends upon a question of fact about which the Chair is not informed.

Mr. SARGENT. The question of fact is considerably complicated. In the first place it is a mere claim, and not a direct obligation on the part of the Government. Furthermore, the Government itself assumed by several laws to expend this money for the benefit of the Indians, and the question is raised in avoidance whether it had the power to do it or not. If there is any claim at all, it rests in an equity that is not very clearly deducible from the legislation. There certainly is no law requiring the appropriation.

Mr. BOGY. It rests positively on the treaty made in 1832.

Mr. SARGENT. I am aware of the assertion in the amendment that it is so, and I have no doubt there was at one time a claim of this character; but I simply say it has entirely passed away; it was forfeited by the conduct of these Creeks, by their going into rebellion, by their making a treaty with the Confederate States, and by a subsequent treaty the former expenditure of this money was recognized when the new treaty was made.

The PRESIDENT *pro tempore*. The Chair thinks the amendment is out of order. He thinks it does not come within the meaning of the recent special rule as directly relating to an appropriation contained in the bill. The special rule for this session provides that "no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received." The Chair thinks this does not relate to the appropriations in the bill in the sense the rule requires. The amendment is out of order.

Mr. BUCKINGHAM. I think I have omitted one amendment which I had to propose. In line 1818 I move to strike out "ten" and insert "fifty," so as to increase the appropriation "for carrying out the work of aiding and instructing the Indians of the central superintendency in the arts of civilization, in providing clothing, food, and lodging for the children attending school, in caring for the orphans, the sick, and the helpless, and in assisting the Indians generally to locate themselves in permanent homes, and sustain themselves by the pursuits of civilized life," from $10,000 to $50,000.

Mr. WINDOM. It will be found by reference to page 86 of the bill, section 8, that the sum of $24,480.86, being the unexpended balance of an appropriation of $40,000 to carry on the work of aiding and instructing the Indians of the central superintendency in the arts of civilization, is reappropriated, and by reference to the closing paragraph of the same section the sum of $10,000 is appropriated for the support of schools in the central superintendency, making in all $34,480; and with this $10,000 already appropriated in the bill there is $44,480 appropriated for that purpose. The gentleman who has charge of that branch of the service was before the Committee on Appropriations, and to him these amounts were read and he was consulted about them, and he did not urge this appropriation now moved. I hope the amendment will not be adopted.

The amendment was rejected.

Mr. BUCKINGHAM. In the eighth line of section 2, I propose to strike out the words "and all examinations of vouchers and accounts shall hereafter be performed in the city of Washington."

The section provides that the accounts shall be examined by certain men connected with the peace commission—Mr. Dodge, Mr. Bishop, and Mr. Stewart. If they are to examine all the bills and all the accounts before they can be paid by the Secretary of the Interior, they must reside here the greater part of the time, and if they should reside here all the time it appears to me it would be an unnecessary work. I hope the amendment will be made.

Mr. SARGENT. The Senator is entirely mistaken in reference to the law and what effect this section has upon it. By express provision of law it is not made a prerequisite to the payment that the accounts shall be examined by this commission. The object of the law on this point is not to make these men auditing officers whose approval shall be necessary to the payment of a voucher, because that would be putting a very great power in the hands of these men, besides degrading the Interior Department. The law does not so provide. The law expressly says that their pre-examination shall not be necessary to the payment of accounts; and the only provision is that these gentlemen shall examine the vouchers in the course of the year and make a report of any irregularities they find. It is in the nature of an examination rather than an auditing of the accounts; and of course the accounts of the Government cannot be scattered all over the country. They cannot be sent to Saint Louis, to Portland, or to New York, and elsewhere, because a great many valuable papers would be lost.

Mr. BUCKINGHAM. They should be examined here, if anywhere.

Mr. SARGENT. Certainly, and that is all the section provides for; but I do not want to make an objection to striking out these words because that will leave the law in full force. My only object was to call attention to the fact that the law does not require this examination as a prerequisite to payment. I have no objection to the words going out. As the rest of the section is stricken out down to line 14, this might as well go with it.

The amendment was agreed to.

Mr. LOGAN. This seems to be a bill for general purposes, and I would ask leave to offer the following amendment to come in at the end of section 8:

Provided, That all laws and parts of laws prohibiting recruiting to fill up the Army to the maximum are hereby repealed.

I hope that will be adopted.

Mr. SARGENT. I raise the point of order on that.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. INGALLS. I desire to reserve the amendments made on pages 9, 31, and 79 from the vote of concurrence.

Mr. WRIGHT. I desire to reserve the amendment on page 3, which was passed over. I understand the Senator from Minnesota does not insist upon the amendment, and the vote can be taken at once by common consent.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole which have not been reserved for a separate vote.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The first reserved amendment will be read.

The CHIEF CLERK. The first reserved amendment is on page 3, lines 51 to 54, to strike out the following words in the clause appropriating for the tribes in Iowa:

And $1,200 to build a school-house: *Provided*, That no salary be paid to the agent unless he lives near enough to the agency to teach and care for the tribe every day.

Mr. WINDOM. The Committee on Appropriations recommended

that those words be stricken out for the reason that they supposed on a salary of $500 for the agent it would be very difficult to find one capable of teaching a school, and that consequently it was not worth while to build a school-house as provided in the House bill. But I am informed by the Senator from Iowa that the school is kept by those in the neighborhood; and consequently I have no objection (and I have consulted other members of the committee) to the provision contained in the House bill.

The amendment was non-concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be read.

The CHIEF CLERK. The next reserved amendment is on page 9, line 198, to strike out "3" and insert "5."

Mr. INGALLS. I desire to call the yeas and nays on the adoption of the amendments proposed in that section in full, being in relation to the Apaches.

The PRESIDENT *pro tempore*. The amendment has not yet been reported in full.

Mr. SARGENT. We took the yeas and nays on that matter, I believe, and the Senate by something like a three-fourths vote in Committee of the Whole agreed to the amendment.

Mr. INGALLS. I think not.

Mr. SARGENT. I think the record will show it.

The PRESIDENT *pro tempore*. The amendment will be reported in full.

The CHIEF CLERK. The amendment made in Committee of the Whole makes the clause read:

For this amount, to subsist and properly care for the Apache Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico and Arizona, namely, for those in Arizona, $550,000; and for those in New Mexico, $150,000, $700,000: *Provided*, That this appropriation shall be expended only in behalf of those Indians who go and remain upon said reservations and refrain from hostilities.

Mr. INGALLS. As it appears from the record of the Clerk that the yeas and nays have once been called on this proposition, I withdraw the demand?

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in this amendment?

The amendment was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be read.

The CHIEF CLERK. The next reserved amendment is on page 31, line 740. The Senate, as in Committee of the Whole, struck out "sixty" and inserted "ninety;" so as to make the proviso read:

Provided further, That the expense of removing said Indians shall not exceed ninety dollars for each Indian removed to the reservation.

Mr. INGALLS. No explanation was given by the Senator having this bill in charge of the necessity for this increase. Before the Senate passes on it I should like to hear from him.

Mr. WINDOM. The only explanation I have to give is this. The Kickapoo Indians who are to be brought on the reservation are now roving in Mexico, and they are some four hundred miles in the interior. The only trouble is that if we let them rove in Mexico they steal cattle, maraud back and forth over the border, and are a great annoyance to people living near the line. It has been deemed expedient to bring them back. If they are brought back it is believed this sum is not sufficient, for the reason that it is four hundred miles from where they are to the nearest railroad. If they are to be brought at all their consent must be obtained, and if they prefer to come in that way they must be permitted to do so, or else they will not come at all. It is estimated that it will cost at least fifteen dollars to bring them to the nearest railroad station, and then from that by rail the actual charge is forty-eight dollars, and when they reach the point nearest the reservation they are two hundred miles from the place to which they are to be taken, and it is estimated that that will cost ten dollars more, making in all seventy-three dollars. Wagons have to be procured in Mexico to bring them to the railway, and they have to be transported from the railway to the reservation, and it is believed that fifteen dollars for the four hundred miles in Mexico and ten dollars for the two hundred and odd miles at this end of the railroad line is not too much, and the charge on the railroad being forty-eight dollars, the amount is as stated, seventy-three dollars. To this must be added the expense of taking care of them on the way, and the committee after careful investigation believe that ninety dollars is not too much if they are to be brought.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be read.

The CHIEF CLERK. On pages 78 and 79 the Senate struck out, commencing in line 1911, the following words:

For this amount, to enable the Secretary of the Interior to pay to the children of the Delaware Indians who became citizens of the United States under the provisions of the ninth article of the Delaware treaty of July 4, 1866, and the children of Betsey Zeigler, who died before completing her citizenship under the provisions of said article, their proportionate share of the money and stocks held in trust by the United States for the Delaware tribe of Indians, $54,514.23, of which $21,448.07 shall be deducted from the money credits of said tribe, and $33,066.16, to be taken equitably from their several kinds of stock, shall be transferred to the Secretary of the Treasury and become the property of the United States: *Provided*, That if the Secretary of the Interior shall so determine, the whole amount hereby appropriated shall be taken from the money credits of the tribe, the Secretary of the Interior to designate the funds from which said amounts shall be taken: *Provided*, That in the case of deceased persons, the Secretary of the Interior shall make payment to their legal representatives; and said Delaware children are hereby declared to be citizens of the United States, with all the rights, privileges, and immunities of such; and the Secretary of the Interior is hereby authorized and directed to cause patents to issue in fee-simple to said persons for the lands allotted to them; and in case of the decease of any of said persons, the said patents shall issue in the names of such deceased persons, including the said Betsey Zeigler, and the title to the lands designated in such patents shall inure to and become vested in the heirs, devisees, or assignees of said deceased patentees, as if the patent had issued to the deceased person during life; and the Secretary of the Interior shall cause patents to be issued in fee-simple in the names of Barbara Zeigler, Martha Zeigler, Samuel Ketchum, Nathan S. Tublow, and Francis H. Grinter, who belonged to the families of the citizen class, and who died prior to the census of said Indians made by the agent under the provisions of the treaty of July 4, 1866, for the lands allotted to them; and the lands designated in such patents shall inure to and become vested in the heirs, devisees, or assignees of said deceased patentees as if the patient had issued to the deceased person during life.

Mr. INGALLS. I understood from the Senator from Minnesota that he would probably withdraw his objection to allowing that clause to stand.

Mr. WINDOM. The Senator was mistaken, I think. I did not mean to be so understood. I stated yesterday that the Senator would lose no rights by reserving this amendment for a separate vote in the Senate. The clause was stricken out by the Committee on Appropriations, simply for the reason that it contains legislation covering nearly two pages of the bill, in which a large number of facts are involved, about which the committee had no means of ascertaining the truth. Believing it to be the proper subject of a separate bill, and not to be appropriate in the appropriation bill, it was stricken out without reference to its merits. The committee know nothing about them. It seems to me still that the proper place for it is in a separate bill to be acted upon after a full discussion by the Committee on Indian Affairs. The Committee on Appropriations have no means of knowing whether the facts stated in this clause are correctly stated or not, and I doubt very much whether the Senate has any means of ascertaining those facts.

Mr. INGALLS. I think if the committee understood the objects and purposes of this clause they would withdraw their opposition and allow it to remain in the bill. I will call the attention of the Senate to the treaty made with the Delaware Indians July 4, 1866. Under that treaty a large number of the Delaware Indians, adults and heads of families, have become citizens; they have received patents for their lands which are now held in severalty, and have received their portion of the tribal funds. In regard to the minor children of the Delaware Indians, the treaty provides as follows, and I ask the attention of the Senator from Minnesota to this provision. After reciting the provisions heretofore mentioned by me in regard to the Delaware Indians themselves, it provides:

Whereupon all of the minor children of those who have become citizens shall be construed to have elected to sever their connection with said tribe for the time being, and be entitled to their just proportion of the annuities of the tribe, to be paid to the head of the family to be expended for their support and education until they shall attain the age of twenty-one years, after which each shall elect to remove to his tribe or to become a citizen of the United States, as hereinbefore provided, and if thus admitted to citizenship, shall be entitled to all the privileges and interests herein provided for the head of the family. Should any minor as aforesaid arriving at the age of twenty-one years, and electing to become a citizen of the United States, or any adult Indian having so elected, fail to be admitted, he shall not be compelled to remove, but the Secretary of the Interior shall provide proper guardianship for the protection of his rights and interests and those of his family. There shall be granted to each of the Delawares who have thus become citizens a patent in fee-simple for the lands heretofore allotted to them, and, if they do not remove with the nation, their *pro rata* share of all annuities and trust property held by the United States for them, the division to be made under the direction of the President of the United States, after which such persons shall cease to be members of the Delaware tribe, and shall not further participate in their councils, nor share in their property or annuities.

Under this provision of this treaty a large number of the minor children of the Delaware Indians have arrived at the age of majority, have become citizens, and are entitled to a distribution of land and to their proportion of the tribal fund. They are an intelligent and industrious class of people living in the thickly settled portions of the State of Kansas. The measure that is proposed has the sanction of the Commissioner of Indian Affairs and has been favorably considered by the Committee on Indian Affairs in the House and by them incorporated in this bill.

With regard to the funds that are held by the Treasury for the Delaware tribe of Indians, I invite the attention of the Senator from Minnesota to the following statement:

The amount placed to the credit of the Delawares on the books of the Treasury per act of July 12, 1862, in cash is $423,990.26; the amount set apart for school purposes per fifth article treaty of May 5, 1854, is $46,080; making a total of money credits of $470,070.26. Add to this stocks that are held in trust by the Secretary of the Interior to the amount of $724,700.

The total number of the Delaware Indians as appears from the enumeration on file in the Department by the census under the treaty of July 4, 1866, is one thousand and fifty-two, and the number of beneficiaries named in the proviso which is now being considered is forty-eight; so that they will be entitled to $\frac{48}{1052}$ portion of each of the amounts above stated; that is to say of the money credits $21,448.07, and of the stocks, $33,056.16, being a total of $545,514.13 as provided in this bill.

The reason why this subject properly belongs to an appropriation bill is that these stocks and this money are in the Treasury of the

United States; but they have not been placed on the books of the Treasury under heads of appropriation so that they can be drawn by the officers of the Government, as is provided by law as the method in which this shall be done. If the Senator will turn to the Indian appropriation act of 1870, he will find that action identical to this was taken in that bill. A certain number of the minor children of the Delaware tribe, entitled to annuities and stocks and money under the provisions of the treaty that I have read, were there declared to be entitled to a certain share of these funds. Upon page 343 of the sixteenth volume of the Statutes the provision is as follows:

For this amount, to enable the Secretary of the Interior to carry into effect the provisions of the ninth article of the treaty of July 4, 1866, with the Delaware Indians, by a division of money and stocks held by the United States in trust for them, between the twenty Delawares who have elected to become citizens and the residue of said nation, $22,714.25; of which $8,930.69 shall be deducted from the money credits of said nation and $13,777.56, to be taken equitably from their several kinds of stock, shall be transferred to the Secretary of the Treasury, and become the property of the United States.

So the Senate will see that under the Indian appropriation act of 1870 action precisely identical with that proposed by this proviso was taken in accordance with law, and I hope that the Senator will withdraw his opposition and allow the proviso to stand in the bill as reported from the House of Representatives.

Mr. WINDOM. I have made no opposition to the provision on its merits. I know no reason why it should be opposed. I simply submit the proposition to the Senate on the statement made by the honorable Senator from Kansas.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on concurring in the amendment as made in Committee of the Whole.

The amendment was non-concurred in.

The PRESIDING OFFICER. The reserved amendments are now concluded.

Mr. WINDOM. I find that I have omitted one amendment on page 49. On line 1182 I move to strike out "$1,200" and insert "$1,500;" so as to read:

For interest on $800,000 at 5 per cent. per second article treaty of October 11, 1842, $40,000, of which sum $1,500 shall be paid for a physician for the agency.

The amendment was agreed to.

Mr. HAGER. There was an amendment recommended by the Committee on Appropriations on page 70, which was adopted in Committee of the Whole. I was not present at the time, but I should like to have that amendment passed on now if there be no objection.

Mr. WINDOM. I hope by unanimous consent that amendment will be considered as reserved, as the Senator from California wishes to make some remarks about it.

The PRESIDING OFFICER. The Chair hears no objection to regarding that amendment as pending on the question of concurrence.

Mr. HAGER. The amendment is in line 1700; the provision stricken out is:

That the Secretary of the Interior be authorized to set aside a reservation for the Indians roaming in Northern California upon which they may establish their homes and retain the same.

I understand from the Commissioner that as the law now stands the Department may set aside a reservation at any time for the Indians, and that the power now exists whether this provision be retained or not; but if any portion of a proposed reservation is already occupied by settlers or others, they are not at liberty to do so as to such portions occupied, and in such event this legislation becomes necessary.

I am informed this is an important provision for a certain portion of the Indians in California, principally half-breeds that are now engaged to a considerable extent in agricultural pursuits, and that this is more than an ordinary case, which addresses itself to the Government, inasmuch as years ago an arrangement was made with the Indian agent of California by which they disposed of their possessions to the Government on condition that something of this kind should be done for them on the part of the Government. This understanding took place while Mr. McKee was the Indian agent in California. I am not prepared to say of my own knowledge the proposed reservation is going to be a great benefit to the Indians, but I am told that in justice they are entitled to it, and that a great portion of them are engaged in agricultural pursuits, and will continue them if the Government makes the necessary provision for them. If that be so, something of this kind ought to be done in conformity to what has been the policy and custom of the Government. I hope, therefore, the amendment of the committee to strike out the proposed reservation will not be agreed to, and the provision of the bill as it passed the House will be retained.

As I said on a previous occasion, I have been inclined to think that there is a great deal of deception and misrepresentation in the administration of our Indian affairs, and that a great many frauds have been practiced on the Government in the name of humanity and of doing acts of charity to the Indians. But that perhaps is a criticism which might apply to various governmental acts directed by humanitarian views. I am not disposed to discuss the system, but this provision was in the bill as it passed the House of Representatives. It has been stricken out by the committee here. I do not know that there is any good reason for it, and although the power to establish this reservation may exist in the present law, I hope this may be restored with a modification to this extent: "That the Secretary of the Interior may at his discretion set aside a reservation for the Indians roaming in Northern California," leaving it with the Department to say whether it ought to be done or not. I hope that my colleague will agree with me that it should be placed in the bill in that form, giving the power to the Secretary of the Interior at his discretion to make this reservation if in his judgment he shall think proper to do so.

Mr. SARGENT. Mr. President, I think the legislation proposed is exceedingly injudicious, and I think my colleague himself has given good reasons why it should not be enacted. If he will reflect for a moment he will understand that if the half-breeds and other Indians here spoken of are engaged in agriculture and are cultivating the earth where they are, it would be improper to take them away from the place where they are engaged in agriculture and pen them on a reservation. They cannot desire to lose control of their own movements and go to a reservation. If they did, there is the Round Valley reservation, capable of containing five thousand more Indians than it now has, or there is the Hoopa Valley reservation, or the Mendocino reservation, or the Tule River reservation, on each of which there is ample room for them.

The bill as it came from the House of Representatives appropriated but $40,000 for the whole Indian service in California, for which last year $85,000 were appropriated. Believing it much better to improve the reservations we have than to buy out the improvements of settlers and go to an enormous expense to establish others that are unnecessary, the committee proposed to increase the appropriation to $80,000, which, if properly expended, will go very far toward making the Indians comfortable.

There never has been a treaty made with Indians in California that was ratified by the Senate, and I do not know what lands they ever gave up or that were ever accepted by the Government. In California it has not been held that the Indians had title to the soil. The Mexican government had gathered them about pueblos or missions and had recognized certain rights in those localities, but for the general body of the land of the State it was always treated differently from the land in some of the other Territories where the treaty system prevailed. In California the treaty system never has prevailed. Of course there could not be a treaty made by a simple traveling agent of the Government, never submitted to Congress and never ratified by them. My impression is that the Indians in Siskiyou County and other places where it is proposed to establish these reservations are employed to assist the farmers and are getting along very well, and I would not think it was judicious for the Government to attempt to stretch out the strong hand and endeavor to transport them away from the homes where they are now situated.

We have generally pursued a very different system in our Indian policy there from that alluded to yesterday by the Senator from Mississippi [Mr. ALCORN] of taking the Indians and deporting them forcibly from the places where they had been born and desired to stay and putting them off by themselves in places more or less barren and then being compelled to supply their necessities. In Canada they have pursued exactly the opposite system. The waves of European emigration coming on would envelop and go beyond the Indians. The Indians would be left in the possession of the little homesteads which they were found in possession of; and the result has been that they have become civilized and almost all distinctions of race have been obliterated. The system there has worked admirably, certainly a great deal better than ours which has had a great many inconveniences and especially those which arise from cramping the Indians into a small territory, where they have not the means of subsistence, where we have to feed them or they have to fight for a living. In California we have come nearer to following the Canadian system than in any other State of the Union or in any of the Territories. We have enveloped and surrounded the Indians with a few exceptions, and the system has worked pretty well, as is shown, because it is a matter of choice with the Indians to remain where they are rather than to be carried away and put upon reservations where they are kept by force and put in pursuits uncongenial to themselves. I think myself it is very much better to continue the system which we have in California. We have never had there any Indian wars of any account. There were some in the early time which were very expensive to the Government, from which very expensive claims were made, but very few people were killed on either side, and there was little necessity for the trouble. But up on Mad River and on the borders of Oregon, recently, there were troubles; for instance, the recent Modoc war, arising directly out of the reservation system. If your Indians are peaceable where they are, with freedom of movement and occupation, let them remain so. Certainly they have as much right of locomotion and residence when not guilty of crime as the Chinese or any other race not homogeneous with our people. A reservation is in some sort a prison, and should be resorted to only as a necessity.

I think that it is very much better that we allow this bill to stand as it has been arranged in the Committee of the Whole with a liberal appropriation for the support of the Indian service in California, with the power which resides in the Department to establish a reservation if it shall deem it absolutely necessary, and not requiring or expressly hinting to the Secretary to establish such a reservation. I hope, therefore, the amendment of the Committee of the Whole will be concurred in.

Mr. HAGER. Perhaps my colleague did not understand the modified form in which I proposed to incorporate the proposition.

Mr. SARGENT. I understand my colleague perfectly, and it does not change the existing law. Under the present law, as he admits, this power does reside in the Department. Why repeat it in this bill?

Mr. HAGER. One reason is in case any portion of the Territory should be occupied. If any portion be occupied, then it requires the passage of this law. If none of it be occupied, then this provision would not be necessary. I have no doubt that the Department have heretofore had the power to make this reservation if they had seen fit to do so. That is an argument why it is not important that it should be done, inasmuch as they never have done it heretofore. But in case any portion of the land be occupied, then, as I understand from the Commissioner, this law would be necessary to enable them to do it, and without it they could not do it if so disposed.

My colleague referred to the reservation in Mendocino. That is too remote from this section. This is in the extreme northern portion of the State, and it is too remote from the Mendocino reservation to be of any benefit to these particular Indians unless they are transported from their section to a distant portion of the State of California. This portion of the Indians of California are the most warlike of any we have. They are up in the Modoc section. The Modocs, if we are to believe what we see in the papers, have recently been converted to Christianity, and I presume we shall have no more trouble with them. The Indians in this portion of the State, the most northern portion, are the most warlike of any we have, and were very troublesome and hostile in the early day. As my colleague will recollect, we had quite a number of Indian wars in the early day there, and it was dangerous for a man to ride through the country without running the risk of losing his life, as we all experienced in the early days.

Mr. McKee was the Indian agent in the early days who did, as I understand, procure a relinquishment of title on the part of the Indians, so far as they had any, to the lands in Northern California on condition that a reservation should be made for their benefit. Now the question is, first, whether it should be done in accordance with that agreement; and second, whether it is necessary that it should be done at all. If it be not necessary I am quite sure the Department will not undertake to set aside a reservation there, and therefore I see no objection to giving the Interior Department authority to make the reservation if in its judgment the interests of the State and Indians demand it. In other words, in order to get rid of this difficulty I would give discretionary power in case any of the land is occupied that the reservation may be declared. As I understand it, under existing laws they may declare this reservation, but not if it is occupied land. By retaining this provision in the bill the reservation may be declared under this law if existing laws prove inadequate to accomplish such purpose.

I rely mostly on the information that I get from our Representative of this section of the State in the House. He resides in that portion of the State and informs me a great many of these Indians are engaged in agricultural pursuits and that this would be a beneficial measure to them. All I ask here is to have the clause restored to the condition it was when it came from the House with the amendment that I propose leaving it discretionary with the department to set aside this reservation or not.

Mr. SARGENT. I consider the expenditure entirely unnecessary, and furthermore I have letters from people in the portion of the State where it is proposed to put this reservation, who say that it is a mere speculation. The name of the valley which is mentioned in connection with it, "Quartz Valley," implies mining. My colleague himself says it is necessary to buy out settlers. I do not believe we ought to go blindly into such a matter. If the Department intelligently will name to us the place they want to set aside as a reservation and the amount it will cost to buy people out, then we can legislate on it; but I do not wish to involve the Government in an expense of one hundred or one hundred and fifty thousand dollars for a new reservation when we have three or four almost unoccupied now and where we keep up a host of employés.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DISTRIBUTION OF THE RECORD.

Mr. ANTHONY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the House resolution of December 18, 1873, requiring the Congressional Printer to furnish to each member of the Senate and to each member and Delegate of the House of Representatives twenty-four copies of the CONGRESSIONAL RECORD, after full and free conference thereon, have agreed to recommend, and do recommend, as follows:

That the House recede from its disagreement to the Senate amendments to said resolution, and agree to the same.

H. B. ANTHONY,
ELI SAULSBURY,
Managers on the part of the Senate.
BENJ. F. BUTLER,
R. M. SPEER,
W. G. DONNAN,
Managers on the part of the House.

Mr. ANTHONY. Some Senators may be interested in knowing that that gives to each Senator forty copies of the RECORD.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 600) to amend the several acts in relation to the northern judicial district of the State of Mississippi, and to provide for the times and places of holding the district courts of the United States therein in future;

A bill (H. R. No. 2104) to confirm an agreement made with the Shoshone Indians (eastern band) for the purchase of the south part of their reservation in Wyoming Territory; and

A bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3407) to change the name of the schooner Jacob Faithful to Eyvor;

A bill (H. R. No. 3022) granting a pension to Sarah A. Timmons;

A bill (H. R. No. 2216) granting a pension to Cornelia A. Washburn;

A bill (H. R. No. 2800) for the relief of Benjamin Crawford;

A bill (H. R. No. 1791) granting a pension to Augustus L. Yaeger;

A bill (H. R. No. 2209) granting a pension to Louisa H. Canby, widow of the late General E. R. S. Canby; and

A bill (H. R. No. 1145) granting a pension to Martin Lafflin.

THE BANKRUPT ACT.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto.

On motion by Mr. EDMUNDS, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. EDMUNDS, Mr. WRIGHT, and Mr. THURMAN the conferees.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the chief clerk of the War Department, communicating, in compliance with the resolution of the Senate of May 19, 1874, information in relation to the Presidio reservation at San Francisco; which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

Mr. SHERMAN. I desire to submit a motion that the Senate proceed to the consideration of executive business when the business on the table is disposed of.

The PRESIDENT *pro tempore*. Before putting that motion the Chair will lay before the Senate certain bills from the House of Representatives for reference.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;"

A bill (H. R. No. 600) to amend the several acts in relation to the northern judicial district of the State of Mississippi, and to provide for the times and places of holding the district courts of the United States therein in future;

A bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude;

A bill (H. R. No. 2911) to adjust costs, fees, and allowances in Federal courts;

A bill (H. R. No. 1859) authorizing commissioners of the United States circuit courts to take depositions under commission; and

A bill (H. R. No. 1639) to provide for the holding of an additional term of the United States district court for the southern district of Mississippi.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

A bill (H. R. No. 3574) explanatory of the act of June 30, 1864;

A bill (H. R. No. 3582) to provide for stamping unstamped instruments, documents, or papers;

A bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies; and

A bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes.

The bill (H. R. No. 3575) for the relief of certain settlers on the public lands in certain portions of the States of Minnesota and Iowa was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 2104) to confirm an agreement made with the Shoshone Indians (eastern band) for the purchase of the south part of their reservation, Wyoming Territory, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Indian Affairs.

Mr. BUCKINGHAM. I am told there is a bill precisely like that on the Calendar recommended by the Committee on Indian Affairs, and that being so, I think there will be no objection to putting this House bill on its passage now.

The PRESIDENT *pro tempore*. It requires unanimous consent. Is there objection?

Mr. EDMUNDS. I think it had better not be passed now.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Indian Affairs.

The bill (H. R. No. 2069) for the relief of the sureties of John L. Robinson, late United States marshal for the district of Indiana, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary.

Mr. PRATT. I move that the bill be referred to the Committee on Claims.

The PRESIDENT *pro tempore*. That change of reference will be made if there be no objection.

Mr. EDMUNDS subsequently said: I wish to suggest that House bill No. 2069, which was referred to the Committee on Claims, is respecting the discharge of a suit that is pending under the charge of the Attorney-General, it appears, and therefore I think it ought to go to the Committee on the Judiciary, although I know nothing whatever of the case.

The PRESIDENT *pro tempore*. The Chair, if not advised by the Senate, would have referred it to the Committee on the Judiciary.

Mr. PRATT. I am not tenacious about the matter. My colleague in the House came to my desk this morning and told me of the passage of the bill in the House last evening and wished me to look after it, and it occurred to me that it would be natural enough to refer it to the Committee on Claims; but if the Senator from Vermont prefers that it should go to the Committee on the Judiciary, I have no objection.

Mr. EDMUNDS. I have no preference except to observe the ordinary order of doing business. I see by reading the bill that it relates to a suit pending between the United States and the sureties of Mr. Robinson, and therefore I suppose it is properly within the cognizance of that committee that has a good many similar subjects under consideration.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary.

The bill (H. R. No. 3359) fixing the time for the election of Representatives from the State of Pennsylvania to the Forty-fourth Congress was read twice by its title, and referred, on motion of Mr. SCOTT, to the Committee on the Judiciary.

CHEAP TRANSPORTATION.

Mr. WINDOM. I ask the Senate now to take up the resolution offered by myself on the 13th of May, 1874, with reference to the subject of transportation.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Whereas cheap and ample means for the interchange of commodities between the different sections of our country constitute essential conditions of the national advancement and prosperity; and whereas the Select Committee on Transportation, after full investigation of the subject, report that in their judgment cheap transportation can only be obtained through competition under governmental control, and operating through cheaper means of transport than are now provided; that such cheaper means of transport can only be provided by the construction of double-track freight railways or by the improvement and creation of water-routes; and that after a most careful consideration of the merits of various proposed improvements, taking into account the cost, practicability, and probable advantages of each, the committee have come to the unanimous conclusion that the following are the most feasible and advantageous channels of commerce to be created or improved by the national Government, in case Congress shall act upon this subject, namely:

First, the Mississippi River;

Second, a continuous water line of adequate capacity from the Mississippi River to the city of New York, via the northern lakes;

Third, a route adequate to the wants of commerce through the central tier of States from the Mississippi River, via the Ohio and Kanawha Rivers, to a point in West Virginia, and thence by canal and slack-water, or by a freight railway, to tide-water;

Fourth, a route from the Mississippi River, via the Ohio and Tennessee Rivers, to a point in Alabama or Tennessee, and thence by canal and slack-water, or by a freight railway, to the ocean;

And whereas the said committee express the opinion that among other benefits and advantages the completion of the system of improvements suggested by them will effect a permanent reduction of 50 per cent. in the cost of transporting fourth-class freights from the Valley of the Mississippi River to the sea-board, and a similar reduction in return freights, thereby insuring remunerative prices to the farmer of the West, cheaper food to the manufacturer and laborer at the East and the cotton-planter of the South, the enhancement by many hundreds of millions in the value of western and southern lands, and a large increase in the exportations of cotton and cereal products; and whereas the report of said select committee recommends that careful surveys and estimates be made upon such portions of said routes as may be necessary to determine accurately the cost of each, and to enable Congress at its next session to enter upon the said system of improvements if upon the completion of such surveys and estimates the same shall be deemed practicable and expedient: Therefore,

Resolved, That the Committee on Appropriations be, and hereby are, instructed to report amendments to the pending river and harbor bill making appropriations for completing the surveys and estimates for each of the improvements recommended by said select committee upon the four routes indicated in said report.

Mr. RAMSEY. That resolution being before the Senate, I desire to give notice that as soon as it is disposed of I shall call up the postal-telegraph bill.

Mr. CONKLING. I rose to move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. That motion is already pending, it having been submitted by the Senator from Ohio.

Mr. CONKLING. Then let us have a vote upon it.

REVISION OF THE LAWS.

Mr. CLAYTON. I desire to submit a report from a committee of conference.

The PRESIDENT *pro tempore*. The Chair will receive the report.

The report was received and read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the resolution of the House of Representatives for the suspension of the joint rule of the two Houses No. 6 so far as it relates to the bills of the House No. 1215, to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873; No. 2879, revising and embodying all the laws authorizing post-roads and in force on the 1st day of December, 1873; and No. 3349, to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia in force on the 1st day of December, in the year of our Lord 1873, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

Strike out of the resolution as passed by the House of Representatives the words "as engrossed in the House of Representatives and passed in the Senate," and in lieu thereof insert the following: "printed upon paper, and duly examined and certified by the Joint Committee on Enrolled Bills provided by the joint rules."

POWELL CLAYTON,
H. B. ANTHONY,
T. F. BAYARD,
Managers on the part of the Senate.

L. P. POLAND,
E. R. HOAR,
R. M. KNAPP,
Managers on the part of the House of Representatives.

The report was concurred in.

EXECUTIVE SESSION.

Mr. SHERMAN. I renew the motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-seven minutes spent in executive session, the doors were reopened and (at five o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 2, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 196) granting a pension to Peter J. Cratzer;

An act (H. R. No. 240) granting a pension to John C. Farnam;

An act (H. R. No. 551) granting a pension to Alfred Bolder;

An act (H. R. No. 1228) granting a pension to Mary Storrs;

An act (H. R. No. 1335) granting a pension to Guadaloupe Torres;

An act (H. R. No. 1394) in relation to the centennial exhibition;

An act (H. R. No. 1414) granting a pension to Susan Bennett;

An act (H. R. No. 1439) granting a pension to John Folger;

An act (H. R. No. 1582) for the relief of C. C. Spaids;

An act (H. R. No. 1719) granting a pension to Ezra H. Foster;

An act (H. R. No. 1770) for the relief of Jonathan L. Mann, late a chaplain in the volunteer service of the Army;

An act (H. R. No. 1832) granting a pension to Elizabeth Hackleman;

An act (H. R. No. 1843) granting a pension to Lucinda Jones, widow of Thompson M. Jones, late a private of Company G, Twenty-second Regiment Illinois Volunteers;

An act (H. R. No. 1866) granting a pension to Dennis McCarthy, a soldier of the Mexican war;

An act (H. R. No. 1907) granting a pension to Henry B. Havens, late a private of Company K, Twelfth Regiment Wisconsin Volunteers;

An act (H. R. No. 1934) for the relief of Pat. O. Hawes;

An act (H. R. No. 1949) granting a pension to Ann M. Brackett;

An act (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto;

An act (H. R. No. 2090) for the relief of Jacob Harding;

An act (H. R. No. 2116) for the relief of Magdalena Docks;

An act (H. R. No. 2214) granting a pension to Ann Humphreys, of Philadelphia;

An act (H. R. No. 2217) granting a pension to Henry Bruckner, late a private of Company F, Fifty-eighth Regiment Illinois Volunteers;

An act (H. R. No. 2220) granting a pension to Andrew J. Baldwin;

An act (H. R. No. 2353) granting a pension to Lucy Ann Cummings;

An act (H. R. No. 2356) granting a pension to Edward Jardine, late colonel and brevet brigadier-general United States volunteers;

An act (H. R. No. 2452) to equalize pensions in certain cases;

An act (H. R. No. 2538) to legalize and establish a ponton railway-bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa;

An act (H. R. No. 2669) granting a pension to Deborah A. Swan;

An act (H. R. No. 2672) granting a pension to Mary A. S. Loomis;

An act (H. R. No. 2676) granting a pension to Thomas McKinster;

An act (H. R. No. 2678) granting a pension to Charles Herbert;

An act (H. R. No. 2692) to change the name of the schooner-yacht Quarantine to Welcome;

An act (H. R. No. 2790) granting a pension to Nancy Abbott;

An act (H. R. No. 2792) granting a pension to Llewellyn Bell;

An act (H. R. No. 2899) granting a pension to Harriette A. Woodruff;

An act (H. R. No. 2925) granting a pension to Dorothea Irons, mother of Lieutenant Joseph W. Irons; and

An act (H. R. No. 3169) changing the time of holding circuit and district courts in Vermont.

FOURTH JUDICIAL CIRCUIT.

Mr. BUTLER, of Massachusetts. I ask consent of the House that House bill No. 1196 to alter and appoint the times for holding the circuit court of the United States in the fourth judicial circuit, and for other purposes, be recalled from the Senate. I do this at the request of quite a number of members from that judicial circuit.

No objection was made, and it was so ordered.

LANDS IN ARIZONA.

Mr. CLYMER, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 3584) to grant title to certain lands in the Territory of Arizona; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Public Lands.

BALTIMORE AND OHIO RAILROAD COMPANY.

Mr. COTTON. I ask consent to have taken from the Speaker's table and referred to the Committee on the District of Columbia Senate bill No 571 to authorize the Baltimore and Ohio Railroad Company to construct a branch and change the location of its track within the District of Columbia, and for other purposes.

No objection was made, and the bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on the District of Columbia.

JAMES W. CROWLEY.

Mr. PHILLIPS, by unanimous consent, introduced a bill (H. R. No. 3585) granting a pension to James W. Crowley, late surgeon of the Thirteenth Regiment of Missouri Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. PLANT.

Mr. RUSK, by unanimous consent, reported back from the Committee on Invalid Pensions House bill No. 3321 for the relief of George H. Plant, surety for Robert Clarke, formerly pension agent for the District of Columbia, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insisted upon its disagreement to the concurrent resolution of the House proposing to suspend joint rule No. 6 so far as related to the enrollment of certain bills named therein, had agreed to the conference asked on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. CLAYTON, Mr. ANTHONY, and Mr. BAYARD.

COURTS IN UTAH.

Mr. POLAND, from the Committee on the Judiciary, which was authorized to report it at any time, reported back, with amendments, House bill No. 3097 in relation to courts and judicial officers in the Territory of Utah.

The bill, as proposed to be amended, was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the United States marshal of the Territory of Utah, in person or by deputy, to attend all sessions of the supreme and district courts in said Territory, and to serve and execute all process and writs issued out of, and all orders, judgments, and decrees made by said courts, or by any judge thereof, unless said court or judge shall otherwise order in any particular case. All process, writs, or other papers left with said marshal, or either of his deputies, shall be served without delay, and in the order in which they are received, upon payment or tender of his legal fees therefor; and it shall be unlawful for said marshal to demand or receive mileage for any greater distance than the actual distance by the usual routes from the place of service or execution of process, writ, or other paper, to the place of return of the same, except that when it shall be necessary to convey any person arrested by legal authority out of the county in which he is arrested, said marshal shall be entitled to mileage for the whole distance necessarily traveled in delivering the person so arrested before the court or officer ordering such arrest. Said marshal is hereby authorized to appoint as many deputies as may be necessary, each of whom shall have authority, in the name of said marshal, to perform any act with like effect and in like manner as said marshal; and the marshal shall be liable for all official acts of such deputies as if done by himself. Such appointment shall not be complete until he shall give bond to said marshal, with sureties, to be by him approved, in the penal sum of $10,000, conditioned for the faithful discharge of his duties; and he shall also take and subscribe the same oath prescribed by law to be taken by said marshal; and said appointment, bond, and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory. In actions brought against said marshal for the misfeasance or non-feasance of any deputy, it shall be lawful for the plaintiff, at his option, to join the said deputy and the sureties on his bond with said marshal and his sureties. Any processes, either civil or criminal, returnable to the supreme or district courts may be served in any county by the sheriff thereof or his legal deputy, and they may also serve any other processes which may be authorized by act of the territorial Legislature.

SEC. 2. That it shall be the duty of the United States attorney in said Territory, in person or by an assistant, to attend all the courts of record having jurisdiction of offenses as well under the laws of said Territory as of the United States, and perform the duties of prosecuting officer in all criminal cases arising in said courts; and he is hereby authorized to appoint as many assistants as may be necessary, each of whom shall subscribe the same oath as is prescribed by law for said United States attorney; and the said appointment and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory. The United States attorney shall be entitled to the same fees for services rendered by said assistants as he would be entitled to for the same services if rendered by himself. The territorial Legislature may provide for the election of a prosecuting attorney in any county; and such attorney, if authorized so to do by such Legislature, may commence prosecutions for offenses under the laws of the Territory within such county, and if such prosecution is carried to the district court by recognizance or appeal, or otherwise, may aid in conducting the prosecution in such court. And the costs and expenses of all prosecutions for offenses against any law of the territorial Legislature shall be paid out of the treasury of the Territory.

SEC. 3. That there shall be held in each year two terms of the supreme court of said Territory, and four terms of each district court, at such times as the governor of the Territory may by proclamation fix. The district courts shall have exclusive original jurisdiction in all suits or proceedings in chancery, and in all actions at law in which the sum or value of the thing in controversy shall be $300 or upward, and in all controversies where the title, possession, or boundaries of land, or mines or mining claims shall be in dispute, whatever their value, except in actions for forcible entry or forcible or unlawful detainer; and they shall have jurisdiction in suits for divorce. When a bill is filed by a woman to declare a marriage or pretended marriage void, on account of a previous subsisting marriage of the defendant to another woman, the court or judge thereof may grant such reasonable sum for alimony and counsel fees as the circumstances of the case will justify; and may likewise, by final decree, make such allowance for the maintenance of the complainant and her children by the defendant as may be just and reasonable. And whenever, in any proceeding for divorce, or in any civil cause, or in any criminal prosecution, it is necessary to prove the existence of the marriage relation between two persons, it shall not be necessary to prove the same by the production of any record or certificate of the marriage, but evidence of cohabitation between the parties as husband and wife, and the acts, conduct, declarations, and admissions of the parties shall be admissible, and the marriage may be established like any question of fact. Probate courts, in their respective counties, shall have jurisdiction in the settlement of the estates of decedents, and in matters of guardianship and other like matters; but otherwise they shall have no civil, chancery, or criminal jurisdiction whatever; they shall have jurisdiction of suits of divorce for statutory causes concurrently with the district courts; but any defendant, in a suit for divorce commenced in a probate court shall be entitled, after appearance and before plea or answer, to have said suit removed to the district court having jurisdiction, when said suit shall proceed in like manner as if originally commenced in said district court. All judgments and decrees heretofore rendered by the probate courts which have been executed, and the time to appeal from which has by the existing laws of said Territory expired, are hereby validated and confirmed. The jurisdiction heretofore conferred upon justices of the peace by the organic act of said Territory is extended to all cases where the debt or sum claimed shall be less than $300. From all final judgments of justices of the peace an appeal shall be allowed to the district courts of their respective districts, in the same manner as is now provided by the laws of said Territory for appeals to the probate courts; and from the judgments of the probate courts an appeal shall lie to the district court of the district embracing the county in which such probate court is held in such cases and in such manner as the supreme court of said Territory may, by general rules framed for that purpose, specify and designate, and such appeal shall vacate the judgment appealed from, and the case shall be tried *de novo* in the appellate court. Appeals may be taken from both justices' and probate courts to the district court of their respective districts in cases where judgments have been heretofore rendered and remain unexecuted; but this provision shall not enlarge the time for taking an appeal beyond the periods now allowed by the existing laws of said Territory for taking appeals. Whenever the condition of the business in the district court of any district is such that the judge of the district is unable to do the same, he may request the judge of either of the other districts to assist him, and, upon such request made, the judge so requested may hold the whole or part of any term, or any branch thereof, and his acts as such judge shall be of equal force as if he were duly assigned to hold the courts in such district.

SEC. 4. That within sixty days after the passage of this act, and in the month of January annually thereafter, the clerk of the district court in each judicial district, and the judge of probate of the county in which the district court is next to be held, shall prepare a jury-list from which grand and petit jurors shall be drawn, to serve in the district courts of such district, until a new list shall be made as herein provided. Said clerk and probate judge shall alternately select the name of a male citizen of the United States who has resided in the district for the period of six months next preceding, and who can read and write in the English language; and, as selected, the name and residence of each shall be entered upon the list, until the same shall contain two hundred names, when the same shall be duly certified by such clerk and probate judge; and the same shall be filed in the office of the clerk of such district court, and a duplicate copy shall be made and certified by such officers, and filed in the office of said probate judge. Whenever a grand or petit jury is to be drawn to serve at any term of a district court, the judge of such district shall give public notice of the time and place of the drawing of such jury, which shall be at least twelve days before the commencement of such term; and on the day and at the place thus fixed, the judge of such district shall hold an open session of his court, and shall preside at the drawing of such jury; and the clerk of such court shall write the name of each person on the jury-lists returned and filed in his office upon a separate slip of paper, as nearly as practicable of the same size and form, and all such slips shall, by the clerk in open court, be placed in a covered box, and thoroughly mixed and mingled; and thereupon the United States marshal, or his deputy, shall proceed to fairly draw by lot from said box such number of names as may have previously been directed by said judge; and if both a grand and a petit jury are to be drawn, the grand jury shall be drawn first; and when the drawing shall have been concluded, the clerk of the district court shall issue a *venire* to the marshal or his deputy, directing him to summon the persons

so drawn, and the same shall be duly served on each of the persons so drawn at least seven days before the commencement of the term at which they are to serve; and the jurors so drawn and summoned shall constitute the regular grand and petit juries for the term for all cases. And the names thus drawn from the box by the clerk shall not be returned to or again placed in said box until a new jury-list shall be made. If during any term of the district court any additional grand or petit jurors shall be necessary, the same shall be drawn from said box by the United States marshal in open court; but if the attendance of those drawn cannot be obtained in a reasonable time, other names may be drawn in the same manner. Each party, whether in civil or criminal cases, shall be allowed three peremptory challenges; and in the trial of any prosecution for adultery, bigamy, or polygamy, it shall be a good cause of principal challenge to any juror that he practices polygamy, or that he believes in the rightfulness of the same. In criminal cases, the court, and not the jury, shall pronounce the punishment under the limitation prescribed by law. The grand jury must inquire into the case of every person imprisoned within the district on a criminal charge and not indicted; into the condition and management of the public prisons within the district; and into the willful and corrupt misconduct in office of public officers of every description within the district; and they are also entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the district.

SEC. 5. That there shall be appointed by the governor of said Territory one or more notaries public for each organized county, whose term of office shall be two years, and until their successors shall be appointed and qualified. The act of the Legislative Assembly of the Territory of Utah entitled "An act concerning notaries public," approved January 17, 1866, is hereby approved, except the first section thereof, which is hereby disapproved: *Provided*, That wherever in said act the words "probate judge" or "clerk of the probate court" are used, the words "secretary of the Territory" shall be substituted.

SEC. 6. That the supreme court of said Territory is hereby authorized to appoint commissioners of said court, who shall have and exercise all the duties of commissioners of the circuit courts of the United States, and to take acknowledgments of bail, &c.; and, in addition, they shall have the same authority as examining and committing magistrates in all cases arising under the laws of said Territory as is now possessed by justices of the peace in said Territory.

SEC. 7. That the common law of England, as the same is defined and modified by the courts of last resort in those States of the United States where the common law prevails, shall be the rule of decision in all the courts of said Territory so far as it is not repugnant to or inconsistent with the Constitution and laws of the United States and the existing statutes of said Territory.

SEC. 8. That the act of the territorial Legislature of the Territory of Utah entitled "An act in relation to marshals and attorneys," approved March 3, 1852, and all laws of said Territory inconsistent with the provisions of this act, are hereby disapproved. The act of the Congress of the United States entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, is extended over and shall apply to the fees of like officers in said Territory of Utah.

Mr. CESSNA. I ask the gentleman to yield to me to offer a substitute for the fourth section of this bill proposed by the committee.

Mr. POLAND. It was agreed to in the Committee on the Judiciary that the gentleman from Pennsylvania [Mr. CESSNA] should have the right to offer the amendment he has indicated. I yield to him for that purpose.

The proposed substitute for the fourth section was read, as follows:

SEC. 4. That whenever a judge of any district court of said Territory shall determine that a grand or petit jury will be needed at a term of such court, the said judge, the clerk of such court, and the United States marshal shall, without regard to the religious, political, or social opinions of such citizens, make a list in writing of two hundred male citizens of the United States, above the age of twenty-one years, who shall have been residents in such district for a period of six months next previously, and shall affix thereto their certificate to the effect that the same is the list from which the grand and petit jurors are to be drawn for the terms of such court to be holden within the year next following, and shall cause the same to be filed in the office of the clerk of said court; and whenever the judge shall order the clerk to issue a *venire*, the clerk, in the presence of the said judge and marshal, or his deputy, shall write the names contained in the said list each on a separate slip of paper, all the slips being of the same size and kind, and shall fold them uniformly so that the name written thereon shall be concealed, shall then place them in a covered box and thoroughly mix and mingle them, and shall then not select, but shall draw, as by lot, therefrom the requisite number of names. If a grand jury be required, it shall be drawn first, and consist of the number before provided. The number of petit jurors thus drawn shall be such as, in the opinion of such judge, is needful to discharge the entire jury duty for such term, so that there shall always be three more jurors than the number required for each separate panel; and the panel in each trial shall be twelve men. The clerk shall make a list in writing of the names of the persons so drawn, and the clerk and the marshal shall affix thereto their certificates of the time and place of such drawing, and file the same in the office of said clerk, who shall forthwith issue a *venire* to the said marshal, commanding him to summon the persons so drawn to attend and serve as such jurors at the time and place previously designated by the said judge, and such jurors shall constitute the regular jurors for such term of the court for all cases, whether arising under the laws of the United States or under the laws of said Territory. If at any time a talesman or talesmen shall be required, his or their names shall be drawn from the said box by the clerk in open court, and if the attendance of such juror or jurors cannot be procured in a reasonable time other names shall be drawn, and so from time to time until the jury is obtained. No challenge shall be allowed on the ground that a juror had been summoned or had served at a previous term of court. Each party, whether in civil or criminal cases, shall be allowed three peremptory challenges; and in the trial of any prosecution for adultery, bigamy, or polygamy, it shall be a good cause of principal challenge to any juror that he practices polygamy, or that he believes in the rightfulness of the same. In criminal cases, the court, and not the jury, shall pronounce the punishment under the limitation prescribed by law. The grand jury must inquire into the case of every person imprisoned within the district on a criminal charge and not indicted; into the condition and management of the public prisons within the district; and into the willful and corrupt misconduct of officers of every description within the district; and they are also entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the district.

Mr. POLAND. I yield to the gentleman from Wisconsin [Mr. BARBER] to offer an amendment.

Mr. BARBER. I move to amend by adding to the last section these words:

But the district attorney shall not by fees and salary together receive more than $3,500 per year; and all fees or moneys received by him above said amount shall be paid into the Treasury of the United States.

Mr. POLAND. I move to recommit the bill and amendments.

Mr. Speaker, I shall take but a very few moments in explaining this bill. I should be very glad to give more time and have a more extended discussion of it than the condition of business in the House will at this time allow.

The bill that has been presented by the Judiciary Committee is mainly remarkable for its moderation when compared with previous bills that have been before the House upon this vexed subject of the Territory of Utah. Every gentleman in the House knows more or less of the history of this Territory, of its very peculiar origin and settlement and the difficulties that have attended the execution of the law there. While that Territory was aloof from all the rest of the United States, while it was almost inaccessible, the officers of the United States who were sent there were at times driven away; they were never allowed to exercise any authority as officers of the United States over that Territory. I have no time to go into the history of those matters. Gentlemen have doubtless given them attention; and if any gentleman desires particular information on that subject, I would refer him to the debates that took place in this House and the Senate upon this subject four years ago, and also to documentary evidence connected with the contest for the seat as Delegate of that Territory four or five years ago, in which all the facts and the whole history of this subject are given.

Since the building of the Pacific Railroad and since the discovery of mines in Utah which have induced an influx of population termed there "Gentiles," the state of things in that Territory has been somewhat different from what it was at an earlier period. The ruling powers in Utah have not ventured within a few years to drive out the United States officers or to molest them personally; but having the whole power of the local Legislature, they have contrived effectually to checkmate the authority of the United States officers. We send out a district attorney of the United States; the territorial Legislature of Utah, filled entirely by Mormons controlled entirely by Brigham Young and the "twelve apostles," elects a territorial attorney general and invests him with full power and authority. We send out a United States marshal; this territorial Legislature elects a territorial marshal investing him with full power; and although two or three years ago the supreme court of that Territory decided that this marshal was illegally appointed and that the office was vacant, yet in spite of the supreme court and its decision, that territorial marshal continues to hold the office until this day and to execute his authority.

Mr. CROUNSE. Will the gentleman allow me a single remark?

Mr. POLAND. Not a word. We send out United States judges to hold court in that Territory; the territorial Legislature elects probate judges in the various counties and invests them with full power and authority in all judicial matters—in all cases civil and criminal, law and equity. Men are tried for murder in the probate court. So that by this duplication of all the authorities that we send out into that Territory, the power of the United States is effectually checkmated and all its officials are the merest figure-heads

Now, Mr. Speaker, the object of this bill is to stop this proceeding, and to put the legal machinery in motion in that Territory. That is the whole scope and purpose of the bill; and as I have but a few moments, I will call attention briefly to its provisions. It provides in the first section for the exercise of the duties and powers of the United States marshal; and for the purpose of enabling him to execute the duties of his office it provides that he may appoint deputies who are to give bonds, &c. To that section there is a written amendment which is now a part of the bill, in which, in order that it may not be said on the part of the Mormon population that they have not officers of their own persuasion to serve process if they please, we have provided that the sheriffs of the several counties may serve any process returnable to the district or any other court within their respective counties.

The second section of the bill provides for the performance of duty by the United States district attorney, who is authorized to appoint assistants for that purpose; but to this also we have added, as in the first section, a provision that the territorial Legislature may provide for the appointment of a prosecuting attorney in every county who may prosecute for all offenses under the laws of the Territory; and if any of those cases go by appeal, or otherwise, into the district court, this local attorney may be associated in the prosecution of those cases in that court.

The third section relates to the respective jurisdictions of the courts and giving jurisdiction to the district courts which are held by the judges appointed by the President, and taking away the jurisdiction of the probate courts; that is, confining the jurisdiction of these probate courts to the proper business of the settlement of estates.

And I think the gentleman who sits here as Delegate of that Territory knows as well as I know the Supreme Court have agreed upon a decision, and it was only deferred in consequence of the pendency of this bill, wherein they have decided the territorial Legislature had no authority to confer this kind of jurisdiction which these probate courts have heretofore exercised; that the conferring of general, legal, civil, and criminal jurisdiction upon the courts was a usurpation and their acts are void. We provide in this bill for taking away that jurisdiction from these probate courts, but at the same time we have taken care to validate the proceedings which have become executed.

The fourth section, Mr. Speaker, provides for the selection of jurors, and upon this we have had great difficulty. The bill, as origi-

nally reported from the committee, contains the provision offered by the gentleman from Pennsylvania [Mr. CESSNA] as a substitute for the present fourth section. We provided the district judge and clerk and marshal should select two hundred names from which the jurors were to be drawn. The committee were impressed with this idea that a jury should be drawn from the body of the people, and we were not satisfied with a provision which would put the whole power of drawing juries into the hands of persons who were not Mormons and who might be hostile to them. Therefore we have substituted the present provision of the fourth section that the clerk of the district court and the judge of probate of the county where the district court sits shall select a list of two hundred names, each selecting the names alternately, so the fair prospect would be that one-half of the two hundred names selected would be Mormons and the other half would not.

We have then provided that the drawing of the jurors shall be in open court; shall be public, so everybody may have an opportunity to see it is fairly done. The majority of the Judiciary Committee thought this provision was one nobody could complain of; one which would be entirely fair to all parties.

But, in addition to that, we have a provision that in any prosecution under the law of Congress against polygamy, the fact of a person's practicing polygamy or believing in the rightfulness of it should be good cause of challenge to his sitting on a jury to try that sort of offense.

Mr. DEWITT. Grand as well as petit juries?

Mr. POLAND. Yes.

The fifth section of the bill provides for the appointment of notaries public by the Government. Notaries public are now elected by the Mormon Legislature.

The sixth section of the bill provides for the appointment of commissioners by the court with the same powers of commissioners appointed by the circuit court of the United States.

The seventh section provides the common law of England as defined by the courts of last resort in those parts of the United States where the common law prevails shall be the rule in that Territory. The necessity for that, Mr. Speaker, grows out of the fact that this Territory was acquired from Mexico, and therefore it may be a very grave question, though comparatively an unsettled Territory when we acquired it, whether the common law prevails unless adopted by special act of Congress.

The eighth and last section of the bill repeals those acts of the territorial Legislature providing for the appointment of a territorial marshal and a territorial attorney-general, and also extends the act of Congress in relation to fees of United States officers over the Territories. This I find was an unnecessary provision, for it is the law already.

Mr. MCKEE. Does it repeal the law by which the Mormon probate judges are elected by the territorial Legislature?

Mr. POLAND. No, sir; it allows them to elect probate judges, but confines the authority and duty of probate judges to the settlement of estates. It takes away from the probate judges the trying of all cases, criminal and civil.

Mr. MCKEE. But it still leaves them the power to select jurors, and every one of these probate judges is a Mormon bishop.

Mr. POLAND. That is, it leaves them conjointly, the clerk of the district court and the judge of probate, to select a jury alternately.

Mr. MCKEE. Then these Mormon bishops will still have the power to select jurors.

Mr. POLAND. The bill provides, as the gentleman would know if he had listened to me, that in prosecutions for bigamy it will be good cause of challenge that the party practices or believes in polygamy.

Mr. MCKEE. None the less polygamous bishops will have the selection of the jury.

Mr. POLAND. Now, Mr. Speaker, as I said in the outset, at this period of the session but little time can be devoted to this bill. I now propose, having used fifteen minutes, to call the previous question; and if it shall be seconded I will then yield of the remaining hour three-quarters of it to the Delegate from Utah to use himself or to give to others, as he pleases.

Mr. CROUNSE. I hope the previous question will not be sustained. This bill is too important to be forced through under the previous question. It ought to be amended before it passes, if it passes at all.

The SPEAKER. The gentleman from Vermont withdraws the motion to recommit, and asks the previous question on the passage of the bill.

Mr. MCKEE. Will not the gentleman from Vermont permit me to move as a substitute for the pending bill one of his own bills?

Mr. POLAND. No, sir.

Mr. ELDREDGE. I appeal to the gentleman from Vermont not to insist on the previous question. The gentleman from Utah is here, and has a right to be heard upon a measure affecting his own people, as this does.

Mr. POLAND. I will give the gentleman from Utah three-quarters of the remaining hour. I would be glad to allow more time for discussion on this bill, but at this stage of the session it is impossible.

Mr. ELDREDGE. Three-quarters of an hour would scarcely give the gentleman from Utah time to review the provisions of this bill. It is one that vitally affects the interests of his people, and I think he ought not to be cut off from the opportunity of debate.

The question was put on seconding the previous question; and on a division there were—ayes 63, noes 58; no quorum voting.

Tellers were ordered; and Mr. POLAND and Mr. ELDREDGE were appointed.

The House divided; and the tellers reported—ayes 107, noes 62.

So the previous question was seconded.

The main question was then ordered.

The SPEAKER. The gentleman from Vermont now has one hour to close debate.

Mr. POLAND. I yield three-quarters of the remaining hour to the Delegate from Utah, either to use himself or to yield to others.

Mr. CANNON, of Utah. I yield ten minutes to the gentleman from Nebraska, [Mr. CROUNSE.]

BILLS IMPROPERLY PASSED.

The SPEAKER. The Chair is informed by the Journal clerk that House bill No. 1273 and House bill No. 1995, the first being an act to regulate proceedings in *mandamus* and the second an act to amend the act approved June 18, 1838, entitled "An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson, in said State," which were passed last evening, were both passed some time since and are now pending in the Senate—the same bills, with precisely the same numbers. Under the circumstances the Chair requests that the passage of those bills last evening be stricken from the Journal.

Mr. POTTER. When were they passed before?

The SPEAKER. The act to regulate proceedings in *mandamus* was passed on the 19th of February, on the report of Mr. JEWETT, from the Judiciary Committee.

Mr. MCKEE. It was the same Judiciary Committee that reported and had passed those bills that reported this bill in relation to Utah.

Mr. DAWES. The matter should be referred to the Committee on Revisal and Unfinished Business.

The SPEAKER. That committee has been merged into the Committee on Revision of the Laws.

Mr. HALE, of Maine. And those were the only two bills that the committee got through last night.

No objection being made, the Journal was ordered to be corrected by striking out the record of the passage of the two bills referred to.

COURTS IN UTAH.

The House resumed the consideration of the bill in relation to courts in Utah.

Mr. CROUNSE. Mr. Speaker, as a member of the Committee on the Territories I have had some opportunity to consider the questions involved in this bill, and I did hope that the opportunity would present itself when I might present to the House some of the considerations which are here involved and which relate to the details of this bill. In the consideration of a question so important as this the House cannot afford to be swayed or governed by passion or prejudice. Standing up here in defense of what I believe to be a proper system of law for the government of this Territory, I wish to disclaim in advance any disposition to defend the system of polygamy. I am not here for that purpose, but I am here to join hands with all who wish to put down this system by proper and legitimate means.

Sir, we should not confound this question of polygamy with the question of framing a proper system of laws to govern the Territory of Utah. Our action upon this bill will become a precedent for the future. If to-day we can under the guise of an assault on Mormondom frame a system of laws which in the future may be evoked as a precedent in order to oppress people of other Territories, it would be indeed a dangerous step for us to take. I regret, sir, the sentiment that I see displayed around me. Within the hearing of my voice, when I was contending here that this bill should be submitted to proper consideration by the House and that the previous question should not be insisted on without full discussion of its several provisions, I heard gentlemen say that they did not care what was in the bill; that they were going for it anyhow. Sir, if we act in such a spirit as that, what hope is there for any people who are to be run down by the United States Government?

Upon this question in relation to the government of the Territory of Utah the gentleman from Vermont [Mr. POLAND] seems to have identified himself with the subject from the very outset. The annals of Congress show that each session a "Poland bill" has been introduced. It is generally introduced on the first day of the session, and is referred to the Committee on the Territories and to the Committee on the Judiciary. It seems that this gentleman has taken, in familiar language, "the job" of fixing up the affairs of Utah. And when I respectfully asked the liberty to propound a question while the gentleman was making a statement here, he found it convenient to deny me the right of propounding interrogatories or correcting what I regard misstatements, when he would tolerate other gentlemen whom he knew to be in sympathy with the bill. The gentleman from Mississippi [Mr. MCKEE] could get up and interrogate him at pleasure, and it was entirely convenient and pleasant for this to be done; but the gentleman knew from my connection with the bill that it would perhaps not be profitable to tolerate any questions on my part.

Mr. POLAND. I certainly intended no discourtesy to the gentleman. I had only fifteen minutes in which to explain the bill, and I had no time to yield for interrogatories. If the language I used to the gentleman appeared to be discourteous, I beg his pardon.

Mr. CROUNSE. I accept the apology, but the facts are there and the inference can be drawn. When I wanted to make an inquiry and to correct a misstatement, at that time the gentleman could not tolerate a question; no, sir; not a bit of it. But when others propounded inquiries, then there was opportunity, and a disposition to allow them to do so.

Now, in order to make this bill palatable to the House, if I may use the term, it must be prefaced with some imaginary grievances, or the statement of a condition of affairs which really does not exist. It becomes necessary to refer away back to the early history of this people, when they were isolated, away off, and when they had imposed and inflicted upon them United States officials who by their arrogance became intolerable. At such a time they may have rebelled, and such circumstance must be made a pretext for calling forth action on the part of Congress to-day. But I say look over the Territory of Utah to-day and see where is the rebellion which is talked of here, where is the defiance of law. Canvass and scan the organic act organizing the Territory and by which the people are allowed to make laws for themselves. Look over those laws and compare them with the laws of any other Territory of the United States, and then see where they fall short. Not one word is brought forward here, beyond general assertion that things are all wrong there, for the foundation of this action on the part of Congress.

The gentleman says that while the United States appoints its marshals, the Territory, in defiance of law, appoints its marshals. Why is this? The office of United States marshal is as distinct from the office of territorial marshal as is day from night. Their offices run in different directions. One is charged with the execution of the writs, processes, &c., emanating from the United States courts and in United States cases. I have the record of a case here where the judges who were sent out to Utah attempted to set aside the territorial marshal. That Territory saw fit under its laws to appoint a marshal; for what? For the disposition of matters arising under their laws, and in no way in conflict with the laws of the United States.

Now, that they have a right to do. If that is denied them, then one of the first principles of a republican system of government is gone and wiped out. When a people in a Territory cannot be accorded the right to enact their own laws, those that relate to themselves, as long as they do not conflict with the Constitution of the United States, and if they cannot select their own officers to execute those laws, then I say you are striking down the very first principles of American liberty. You are taxing men without representation, you are demanding obedience to laws which they have no voice in making, and you foist upon them officers to execute the laws under no responsibility to the people governed. It is a proposition unheard of in the history of American law-making or jurisprudence.

I say then that the charge brought here was that they elected a territorial marshal in defiance of the laws of the United States, which provided a United States marshal. Judge McKeon, of the supreme court of that Territory, took that position; a position never taken before in any other Territory of the United States. That case was brought to the Supreme Court of the United States, and how was it terminated there? I have the record before me, but cannot take time to read it. Here is the information filed by the United States officer and the answer of the territorial marshal, where he distinctly says that he disclaims any right to interfere in the control of United States affairs; that he is elected under the organic act relating to the affairs of Utah, is elected by the Legislature of Utah, and in pursuance of that election he acted in the discharge of his duties as such in serving writs and processes which emanated from the court as far as they related to territorial matters; for instance, the crime of larceny, murder, or any offense which is made such by the laws of the Territory of Utah. In those cases, where the processes went forth through the territorial marshal, he executed the writs and processes, as he had a right to do, and as he should do, they involving no infraction of any law of the United States. But that, I say, is made an offense. When I asked from the gentleman from Vermont [Mr. POLAND] the privilege of interrupting him that I might inquire whether or not the United States had not sustained that position, I was denied that courtesy. This bill must be pushed down our throats as though this House were a lot of willing subjects only too ready and anxious to go to any length that gentlemen may dictate. This measure is to be put through under the whip and spur of the previous question. But an hour—one poor hour—is given to the discussion of matters involving the rights of one hundred and thirty-five thousand people, whose only fault is that they entertain religious convictions differing from those entertained by gentlemen here. I tell you, sir, it will not do for this Congress to assume a mock regard for particular laws while unmindful of others. Let every man turn his sight inward; let him stand before the forum of his own conscience; let him ask himself whether he has any religious convictions at all. Men who have none at all are perhaps too apt to be intolerant toward those who have. I say that while I deplore the system prevailing in Utah, while I am not in sympathy with that form of religion, while I desire and hope that in the progress of civilization it will be wiped out, I hope the American Congress will not act hastily in this regard.

As I wish to be sparing of the time of the gentleman from Utah, [Mr. CANNON,] I can only say that I did hope to assail this bill in its details. There are several views I would like to submit in which I am satisfied this House would concur with me. I am satisfied that this House would not upon deliberation enact the seeming anomaly of having one set of people make laws while officers appointed by another and distinct authority are to execute those laws. Why, sir, by this mode of proceeding you strike down the very law-making power itself. If those people cannot have their own marshals and their own prosecuting attorneys to proceed against offenses arising under their own laws they will make no laws. They will wipe out their laws entirely if they cannot have a voice in executing them. Examine all the laws that have been passed since the organization of this Government, and where will you find that any like this has been enacted?

Mr. ELDREDGE. The gentleman will allow me to suggest to him that the marshals selected by the local authorities of Utah sustain precisely the same relation to that Territory that our sheriffs bear to the respective States. There is no difference or distinction in that regard.

Mr. CROUNSE. Precisely. That is what I wish to have understood by the House; that we are asked to enact a law which is in defiance of all precedents in our legislation, and for no sufficient reason; because the system of polygamy, if it is to be assailed at all, is to be assailed under the laws of the United States. Congress should not, and I say cannot in consistency with the principles underlying our institutions, enact laws which will thrust upon that people a set of Government officials responsible to no one except the Government here at Washington.

I say that this people does not deserve such treatment. Aside from the question of their religion they are entitled to the same rights, immunities, and privileges which would be claimed in behalf of any other people. They have shown themselves law-abiding and industrious. You may look over all the States and Territories of this Union, and nowhere will you find the rate of taxation lighter than in that Territory. In this respect the people of that Territory have made a record which ought to be the envy of the General Government and of every State government. I say that people who have behaved in this manner should not bring down upon their heads the enactment of laws which must simply operate to enrich United States officials and turn the people over bound hand and foot to the tender mercies of officers whom they have no voice in choosing.

While I would not antagonize the bill in gross, I hope that as presented here and sought to be forced through it will be voted down, and that the opportunity may be given to correct and modify it in those essential particulars which I know this House upon calm consideration would not approve. As a Congress we cannot afford to act upon the principle which I intimated at the outset appeared to be influencing many members here. I fear that principle operates too largely. I have never known a case in which the law for the government of a great people who are asking to become a State of this Union has been passed in such haste, and with so little apparent necessity.

Mr. CANNON, of Utah. I yield to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. Mr. Speaker, any bill that provides for the selection of jurors is a bill that deserves the attention of the House, not only as regards the citizens particularly to be affected by it, but because of the precedent it may establish for other sections of the country and other times. In regard of this bill I think the House ought to understand the legislation of Utah out of which the demand for this bill has grown.

In 1859 the territorial Legislature of Utah passed a law, which was approved by Congress, providing for the selection of jurors by the local authorities; that is to say, a full list of the tax-payers and citizens of full age was to be made out in each county, from which the county court was to select the panel of jurors. Under this territorial law juries were drawn in that Territory without difficulty for something more than ten years. But the judges of the territorial court—that is those appointed by the President, who came into office after that time—regarded the existing law as invalid, and held the panels of jurors thus drawn were improperly drawn. There has never yet been such a controlling decision by the Supreme Court of the United States as constrained the action of those judges: and they have therefore, most if not all of them, continued to hold the panels of jurors drawn under the existing laws were unlawfully drawn. I contend that there were therefore no lawful juries sitting in the Territory. Then it followed naturally that delegations from both sides came to Congress from Utah and said, "Pass a law in regard to the selection of juries." The non-Mormons complained that the difficulty with the existing law was that it enabled the Mormon officials to pack the juries with Mormons, and that they ought not to be compelled to try their cases with this peculiar people, with juries made up entirely of those of their own faith. On the other hand the Mormons said, "We have no litigation among ourselves, and the records of the courts will show that non-Mormons have been given the fullest opportunity to recover against us; and if Congress shall pass such a law as the non-Mormons recommend, you will enable the men who have come into the Territory with the railroads recently constructed to get control of the courts and the juries, and to imprison and convict all of us or drive us out of the Territory, so that they can thus get our lands for nothing." This indicates briefly the two sides of the question as urged before our committee.

The bill as first brought before the Judiciary Committee contained

the clause my colleague on the committee from Pennsylvania [Mr. CESSNA] has suggested as an amendment to its present form. That clause provided the United States judge should himself select the jury. To that I was and am utterly opposed. It did seem to me it would be better to drive this Mormon people out of the Territory without color of law at the point of the bayonet than to establish a precedent of this character, by which the Federal official would be able of his own will to pack a jury against that or any other people; for that is exactly what the amendment of the gentleman from Pennsylvania, if it becomes a law, will lead to. In the state of feeling that has existed in that Territory between the mass of the people and the Federal judges, to give those judges or the clerks or marshals of their courts the right of selecting jurors could not in that community be followed by any other result than the grossest injustice under the form of law. The committee took the same view I had of this provision. As we first agreed upon the bill, it provided that a list should be made out of all the citizens in the Territory otherwise eligible who could read and write, and that their names should be put into a box, and the jury drawn from that by lot. That provision was subsequently changed to the present provision, by which it is required the probate or local judge shall select one-half and the clerk of the Federal court shall select the other half of the jurors.

Mr. MCKEE. How are they selected now in other States and Territories?

Mr. POTTER. In most of the States and Territories by the local officers, I believe; by the sheriffs of the counties in very many of the States, and by the territorial marshals, I believe, in all the Territories except Utah.

Mr. MCKEE. In most of the States they are selected by the marshal. Do you call that packing a jury?

Mr. POTTER. You are speaking of the juries of the Federal courts of the States, where there is no such division among the people. In the South it may be the marshal can now pack juries.

The present bill provides, Mr. Speaker, that the juries shall be chosen one-half by the judge of probate, that is to say by the county judge or local authorities, and the other half by the Federal authority. This perhaps is as fair under the circumstances as it is practicable to make a jury for Utah.

My difficulty with the existing bill is this: on page 10 the House will see that it is provided that in all prosecutions for adultery, bigamy, or polygamy no person shall be entitled to serve on the jury who has a belief in polygamy. As three-fourths of the men who reside in the Territory now do believe in polygamy and practice it, the result will be they will all be absolutely excluded from the juries in such cases, and the jury in all prosecutions for bigamy or polygamy will therefore necessarily be made up of persons who are non-Mormons. I do not see why under such a provision every Mormon cannot be convicted of polygamy, for undoubtedly they are guilty under the Federal statute passed years ago. I do not see, I say, why they all may not be, the whole Mormon people, convicted and locked up under this provision and the Territory be thus left bare to the non-Mormons to take possession of and keep. If I am told that a whole community cannot be punished for violating a law, then the answer indicates the needlessness of passing laws which cannot be enforced. Many years ago we passed a law against polygamy which we never have enforced. Here now is another law which, if it can be enforced, will have the effect of driving these people out of the Territory, leaving the lands to those there who are not Mormons, and which we propose to enforce by giving to the non-Mormons the control of the juries that may sit upon that question. If polygamy could be broken up by mere law it would have been done before this. At any rate I shrink from doing it by a method which is not calculated to insure that impartial trial by jury which the Constitution guarantees to every citizen.

I have felt, besides, sir, that it could not be long in any event before these people would have to move on; that the railways coming into the country would introduce into it not only new people but new ideas. In a far-off place like the Salt Lake settlement it was easy to carry out for a time the patriarchal system, and for men who had great families and many wives to provide for. But with the railroad came new ideas and new wants—the shop-keeper, the dressmaker, the milliner, and the *modiste*. Think, sir, of a man with twenty wives going out of a morning to buy back-hair and crinoline and silk dresses. Nothing could meet the cost of supporting their families in such style, and it therefore seems to me as if these changes will have a certain and growing effect in breaking up this system, so at variance with our race and time. Indeed it seems to me these influences will have more effect in destroying and rooting out polygamy than any legislation we can adopt providing for packed juries, which is in effect the proposition that the gentleman from Pennsylvania recommends as an amendment to this bill.

Mr. E. R. HOAR. I desire to ask the gentleman from New York a single question. I desire to know whether the Committee on the Judiciary, in reporting this seventh section of this bill, in which they say "that the common law of England, as the same is defined and modified by the courts of last resort in those States of the United States where the common law prevails, shall be the rule of decision in all the courts of said Territory," inadvertently left out the provision that where the decisions differed they should adopt the decision of Vermont?

Mr. POTTER. The distinguished gentleman from Massachusetts, formerly the Attorney-General of the United States, and especially familiar with the laws and statutes of the United States, should address this question to the gentleman from Vermont reporting this bill, who can answer it better than I can. He must bear in mind, however, that this Territory was originally a part of Mexico, and that it has been claimed the common law did not apply to it.

I do not, Mr. Speaker, so much object to the other provisions of this bill; my main objection is to the amendment moved by the gentleman from Pensylvania, and to that provision in the bill as reported that in all prosecutions for polygamy no man shall be a juror who believes in or practices polygamy. I understand, however, that my friend from Vermont [Mr. WILLARD] proposes to offer an amendment which will cure that evil, and I hope his amendment will be admitted to be voted on and will be adopted, and that the amendment offered by the gentleman from Pennsylvania will be voted down.

Mr. CANNON, of Utah. Mr. Speaker, the reasons which have been assigned by the gentleman who has introduced this bill for its passage are that in the Territory of Utah the people have chosen a territorial marshal, who, he says, has endeavored to wrest power from the United States marshal, and have also elected a territorial attorney who has endeavored to interfere with the duties of the United States district attorney, and also that they have conferred upon their probate courts concurrent jurisdiction with the district courts for the Territory.

If these be the reasons for this legislation, then the same reasons exist in favor of similar legislation for all the Territories of the United States. The Territory of Utah should not be made an exception in this respect. In every Territory, as at present organized, they have their local officers, their sheriffs, who are the ministerial officers of their courts and who execute processes; they have their county attorneys who act for the Territory and in execution of its laws.

They also have probate courts, and in some instances possessing quite an extensive jurisdiction; sufficiently extensive to be open to the same objection that is made to the jurisdiction of the court in the Territory of Utah. This is so in respect to the Territory of Colorado, and it has been the case with other Territories. Utah is not the only Territory which has amplified the jurisdiction of the probate courts.

One of my objections to the bill under consideration is that it is local in its application. If there be any reason for the enactment of a law like this, the same reason exists in regard to all the Territories as well as Utah.

It has been said that in the Territory of Utah United States judges have been driven away, have been compelled to flee. I challenge the gentleman who made that statement to adduce a single item of evidence to sustain the charge. In 1867 Judge Drummond, who had conducted himself most infamously in the Territory, left it and afterward circulated all manner of charges in the public prints against the people of Utah, among others accusing them, I believe, of using violence and driving him from the Territory. That charge was widely circulated, but upon an examination all his statements were disproved.

To return to the probate courts; was it wise and proper for the Legislative Assembly of Utah to confer upon the probate courts the jurisdiction complained of?

It will be remembered that what is now the State of Nevada once formed a part of the Territory of Utah. At the present time that Territory extends three hundred and sixty miles north and south and two hundred and sixty-four miles east and west. Its inhabitants are settled mostly in towns and villages. For this Territory and population Congress has provided three courts: first district court, held at Provo; second district court, held at Beaver; third district court, held at Salt Lake City. Of these courts the first two mentioned hold one term a year, and the last mentioned two terms a year. The time during which the first and second district courts have been in session, up to within the last three years, will not average two days in each year, and there has been a year or more at times when no district court has been held outside of Salt Lake. The district court in Salt Lake has been in session but a small portion of the time.

Some of the judges appointed in years past to the first and second districts never saw the places appointed for holding their courts. Recently the judges of these districts have held courts regularly in their districts, and the judge of the first district has a residence in his district, and probably the judge of the second in his also; but of this I am not certain. If he has, he is, I believe, the first judge who has resided there. The probate courts had therefore of necessity to be endowed with extensive jurisdiction or the people would have been compelled, to punish crime, to have had recourse to lynch law. But supposing these courts had been in regular session; Saint George, a city of two thousand inhabitants, possessing large agricultural and manufacturing interests, is situated in the southern portion of the Territory in the second judicial district, and one hundred and twenty miles from Beaver, where the court is held; the facilities for traveling would enable a citizen of Saint George to arrive at Beaver in about three days. Would it not, under these circumstances, be highly inconvenient for him to transact any business in the district court? A citizen of Boston can travel to Chicago quicker and cheaper and more comfortably than a citizen of Saint George can travel from his home to Beaver; yet the citizen of Boston would consider it something of a hardship should he be obliged to transact all his business at Chicago, and he would not be considered unreasonable should he ask for some

local tribunal. Other towns in the Territory are similarly situated to that of Saint George, and, without local courts of some kind, they are wholly without protection by judicial authority in property or person. Under these circumstances, can it be said that the Legislature of Utah acted unwisely in conferring jurisdiction on the probate courts? Would they not have fallen far short of their duty had they neglected to throw around their infant settlements, so widely separated, such protection as the probate courts have afforded?

So far as the administration of justice in these courts is concerned, I have had forwarded to me from the Territory a statement of the cases which have been tried by the ordinary juries of the Territory in the probate court of Salt Lake County for several years. Out of a list of eighty-four civil cases, to which Mormons and non-Mormons were parties, fifty-nine were decided in favor of non-Mormons and dissenting Mormons, and twenty-five only decided in favor of Mormons, showing how fair the administration of justice has been in that Territory by juries and the probate courts. The parties to sixty-two cases were non-Mormons and dissenting Mormons; and yet it is urged as a complaint against these courts that the judges are Mormon bishops, &c.

Sir, there is probably no officer in Utah Territory, if he belongs to the Mormon people, who does not hold some position in the church. The mormon people do not believe in salaried preachers; but they believe it to be the privilege of every worthy man of their organization to be an elder, and, when called upon, to make himself useful in preaching. Doubtless many gentlemen about me who have visited Utah Territory will recollect, if they passed a Sabbath there, that elders were very frequently called from the body of the congregation to preach from the stand without any preparation whatever. Bishops, probate judges, men of different vocations in the community, are thus called upon to speak to the people. So that if you say that a man must not exercise political functions in Utah because he is an officer in the church you exclude from all offices in the Territory every respectable Mormon.

Sir, I repeat there are no reasons, unless they be religious, why there should be special legislation of this character for Utah. If it be the intention to strike a blow at the Mormon people, to exclude them for exercising the power of self-government, of controlling the country which they have redeemed and made valuable, of depriving them of the right to hold office, if it be the intention to wrest the government of the Territory out of the hands of the majority and give it into the hands of others who are the minority, then this bill will answer the purpose designed. But in attempting to force this bill through this House do not let it be said that there are legal reasons for its passage. The legal reasons for its passage do not exist.

Sir, you doubtless remember that at the session of the Legislature of Utah held some few months ago a resolution was adopted asking Congress to appoint a congressional commission to visit Utah and examine into the condition of affairs there. It had been alleged that legislation by Congress was necessary in consequence of the usurpations of the people who are in the majority in that Territory. They by that action plainly said they are not afraid of investigation, and are quite willing to have their affairs thoroughly examined, and if there be wrong-doing on their part to have it shown up; but they also desired to have the conduct of their accusers examined, that a fair, impartial body of men might judge between them.

Mr. McKEE. May I ask the gentleman if of those members of the Legislature who signed the petition about the violation of the laws all but three are polygamists and living now in violation of the law?

Mr. CANNON, of Utah. Then the more reason for them to shun investigation. If they are all polygamists, and therefore all sinners, then the greater reason why they should shun investigation.

Mr. McKEE. Is not that true? I have the list here.

Mr. CANNON, of Utah. The very fact that they invited this investigation shows that they are not afraid to meet the light of day and have investigation of the fullest and freest character. There have been difficulties doubtless in Utah Territory as there are in other Territories. There is no Territory of the United States to-day in which there are not difficulties and disputes between the local and Federal authorities. The condition of affairs in the Territories is of so anomalous a character and so painful, that no people can live under a territorial form of government without irritation arising between the people or their local officers elected by themselves and the officers in whose appointment they have no voice. Examine all the Territories, and you will find this to be the case. The only difference between Utah and the other Territories is that her people, having an unpopular religion, afford her enemies a better chance to talk against them.

Mr. Speaker, who are the men who have brought this bill to this House and asked for its passage? Is this the product of the wisdom of the Committee on the Judiciary? No, sir; this bill is but one of seven or eight bills which have been brought to Washington by men who are interested in getting legislation passed through Congress. It is not a bill originating in the Committee on the Judiciary or in the Committee on the Territories, or in any other committee which has had these bills before it. Who have been the men who have sought to get this bill and others like it passed by Congress? The men most interested in its passage: They are the persons who have sought to get it through.

Since the commencement of this Congress we have had the United States marshal of that Territory on the floor of this House buttonholing members and doing all in his power to push forward this bill and to secure its enactment into law. We have had, too, the United States district attorney stealing on this floor whenever he could get a chance for the same purpose. These men have been here constantly pressing upon members of the Judiciary Committee, upon members of the Committee on the Territories, and upon gentlemen who are not on either of those committees the passage of this bill.

Mr. POLAND. I presume the gentleman does not mean to misstate; but neither the district attorney, the marshal, nor any one else from Utah has had anything to do with the preparation of this bill except a gentleman named Whitney, a lawyer of Salt Lake City, who holds none of those positions and who assisted me in the preparation of the bill. None of those other gentlemen had anything to do in reference to it.

Mr. CANNON, of Utah. I am very glad, Mr. Speaker, to have the gentleman make this statement, because I have it in my power to prove that the district attorney did before the Committee on the Territories claim the authorship of this bill.

Mr. POLAND. Then he claimed what was not true.

Mr. CANNON, of Utah. I knew that Mr. Whitney had framed the bill and presented it, as I understood him, (for he told me so himself,) to the gentleman from Vermont, [Mr. POLAND.] But the district attorney did state—and doubtless the members of the Committee on the Territories well remember the statement made by him in their committee-room—that he had helped to get up this bill, the bill before the Committee on the Judiciary, called "The Poland bill." This is the class of persons who have been urging this measure all the time. Has any capitalist or any merchant from Utah, out of the thousands of non-Mormons who are said to be in that Territory, come here to urge the passage of this bill? Has there been any deputation from any of those men? I am told there is a list of men, forty-five in number, who have urged the passage of this bill. An analysis of that list shows that a portion of these are men who have once been Mormons, and who have an unconcealed dislike for their former brethren; the others are men who are dependent upon them for trade; and others who are lawyers, and desirous to please the court of the third judicial district.

But it may be said, "If these capitalists and other influential people of Utah do not desire the passage of this bill why have they not in person or by a committee or by petition come to the House and urged that it be not passed?" The reason is obvious. These men have important interests in Utah. If they have not cases in court, they do not know how soon they may have. It would require more than ordinary courage, therefore, for such men to come forward and take part with the weak side, however strongly their feelings may lean in that direction, especially with such a judge in the third judicial district as now sits there.

It will be observed also that the parties who are here urging the passage of this bill are those who are interested in its success. If this bill should become a law, the office of the United States district attorney in Utah would be worth as much as that of the President of the United States; the office of marshal of Utah Territory would be equally valuable. What does this bill do? In the first section it sweeps away twenty-one sheriffs, and substitutes for them a United States marshal, and twenty-one deputies in the counties; that is a deputy for each county. What does the second section provide? It gives to the United district attorney the entire control of the prosecutions in the Territory, not only under the United States laws but under the local laws.

With the feeling there is on this subject and with such a district attorney as we have now, who has shown what his designs are, we can readily understand what the fate of the Mormons would be if this bill should be made a law, especially when they are not allowed, if they even believe in the rightfulness of polygamy, to sit upon a jury, and when general reputation is made evidence in criminal prosecutions. Let an unprejudiced jurist examine this bill, especially if he has had experience in the Territories, and he cannot fail to perceive how dangerous and subversive of all republican government it is. I cannot believe that there is a member of this House who would vote for such a bill to be enforced against any other people than those who reside in Utah Territory. Let gentlemen examine it and try and forget that it is designed to be put in operation against the Mormons, and then ask themselves if they would be willing to have it go upon the statute-book.

[Here the hammer fell.]

The SPEAKER. The forty-five minutes allowed to the gentleman from Utah have expired.

Mr. CANNON, of Utah. I trust the House will grant me more time. It is the first time that I have appealed to the House for any courtesy of this kind.

Several MEMBERS. Go on.

Mr. POLAND. Mr. Speaker, I have no sort of objection to extending the gentleman's time so long as the House may choose to extend it. I have already yielded to him and to those to whom he might choose to yield three-quarters of an hour, taking for myself only fifteen minutes in opening and fifteen minutes for closing. But I must object to an extension of the gentleman's time unless the same additional time that may be allowed to him shall be allowed to me.

The SPEAKER. How much time does the gentleman from Utah desire?

Mr. CANNON, of Utah. I do not think I shall require much longer time. I submit this to the House.

Mr. POLAND. I do not wish to be considered as objecting to the gentleman's proceeding, but I wish the same extension given to the committee that is given to him.

The SPEAKER. If the gentleman from Utah will specify the time he wishes the Chair will submit the request to the House.

Mr. CANNON, of Utah. I would like to have fifteen minutes longer.

The SPEAKER. The gentleman from Utah asks for fifteen minutes, and the gentleman from Vermont asks that the same time be given to the committee. If there be no objection these requests will be granted together. The Chair hears no objection, and the extensions of time are granted.

Mr. CANNON, of Utah. Mr. Speaker, the condition of Utah Territory is such that I can speak of it with a good deal of pride and without any fear in relation to the result of any examination to which its affairs may be subjected.

Utah Territory has now been settled nearly twenty-seven years. On the 24th of the coming month we shall have been there twenty-seven years. To-day we are out of debt. The counties, the cities, and the Territory are entirely free from debt. There is not a bond of any kind afloat. The affairs of the Territory have been managed in the most economical manner. The aim has been to have taxation as light as possible. There are those who wish a change, who desire to obtain the control of affairs, and this bill is in their interest. It is easy to imagaine what the result would be if it were to pass and the control of the Territory were taken out of the hands of those who at the present time have the majority there. What an excellent field there would be for—I was going to say plunder, and I do not know that it is too strong a word to use. Experience elsewhere has shown how easy it is to issue bonds and to involve a community inextricably in debt.

It is against this that my constituents protest. They wish the majority to govern. They govern elsewhere, why not in Utah? Why aid the minority by throwing congressional influence and legislation against the majority? What have the majority done that this must be inflicted upon them? It has been said, let the railroad be built across the continent and the Mormon power will soon be broken. Then it was said, let mines be discovered, so that emigration can flow in, and the overthrow of the Mormons will then be assured. The railroad has been built, mines have been opened, emigration has flowed to Utah, churches and schools have been built and organized—I believe there are five or six different denominations busily engaged there—and yet there is a class who are not satisfied. The overthrow of the majority in Utah has not been accomplished as they hoped. They now want Congress to aid them by granting hostile legislation against this majority, and thus wrest the control of affairs from their hands.

Sir, it is but another scheme for robbing that people, and it is hoped it can be done under the guise of law. Members should hesitate before they cast their votes for such a bill. Examine well what the results of such legislation are likely to be. Let members ask themselves how they would like such legislation enacted for them if they were objectionable for religion or any other reason. Put yourself, sir, in the condition of the Mormons, and ask yourself how you would like to have such a law as this passed against you.

It may be said the Mormons are heretics, but this does not justify Congress in making this bill a law. Such legislation never, in the history of the world, put down heresy. If such legislation can, then all history belies itself, for history bears testimony that no such measure as is proposed in this bill ever was successful in accomplishing such an object. It did not in the case of the Huguenots; it did not in the case of the Puritans; it has not in any case, and it never will, never, while the earth stands and human nature possesses its present features, unless, indeed, you stamp a religion out by destroying all its believers.

What is now Utah Territory when first settled was a country that nobody desired. When my constituents went there it was supposed they would either fall victims to the Indians or starve to death. But after struggling for years they succeeded in transforming it from a desert to a place of beauty. But this was only done by immense sacrifice and toil. Some of the settlements of Utah Territory have had their entire crops swept off five years in succession by grasshoppers. In 1855 the crops of the entire Territory were destroyed by those insects. I do not think I overstate the case when I say, remote as Utah then was from all help, that of any other community similarly situated hundreds would have starved to death and their settlements would have been abandoned. It was the religious sentiment, prompting them to divide with each other to the last mouthful, that saved them.

Mr. Speaker, there was no talk then about enacting laws for the Territory of Utah. No; the Mormons could struggle on and perish if they chose, and these zealous patriots who now profess such interest for Utah cared nothing about her. It is only since mines have been discovered, and city property become valuable, and railroads have been constructed—it is only since it was found that the Mormons had valuable possessions that this interest is taken by the present crusaders against Utah. You remember, sir, that four years ago it was said that unless Congress interposed there would be bloodshed in that Territory. An effort was made to convince Congress that unless legislation was enacted for Utah bloodshed would be inevitable. Four years have passed, and that Territory to-day is as peaceful as it was at that time.

But it is said that the courts are locked up and cannot execute the laws because of the difficulty of obtaining jurors. Sir, that is no more the case now than it has been for a score of years. Under the present laws of Utah courts have been held and cases tried for a long succession of years. And were it not for the obstinacy of the judge of the third judicial district there would be no dead-lock there at the present time. In the other districts of Utah courts have been held and jurors have been summoned. But it has been published in a daily paper of large circulation in Salt Lake City, the editors of which are responsible men, that the judge of the third district had said in substance "he would carry his point with Congress if he ruined the entire legal business of the Territory."

The question as to which is the rightful officer of the courts under the laws of the Territory—the United States district attorney or the attorney-general of the Territory—has been submitted to the United States Supreme Court, and the decision has been in favor of the officer created by territorial statute. The case of The United States Marshal *vs.* The Territorial Marshal is an analogous one. In two instances the Supreme Court of the United States have sustained the local authorities of the Territory in cases which have been carried up from this court which now complains of being locked up. The United States Supreme Court has sustained the laws of the Territory. This does not look as though the people of the Territory were usurping authority or giving their officers power not guaranteed by law and usage. Instead of a usurpation of power on the part of the Legislative Assembly of Utah, or on the part of an officer created by their act and against the United States officer, as stated by the gentleman from Vermont, the contrary has been the case—the usurpation has been on the part of the Federal officer, and the United States Supreme Court has so decided.

In one of the decisions made upon a case of importance—Clinton against Englebrecht—appealed from the district court to the United States Supreme Court, Chief Justice Chase said:

> The theory upon which the various governments for portions of the territory of the United States have been organized has ever been that of leaving to the inhabitants all the powers of self-government consistent with the supremacy and supervision of national authority, and with certain fundamental principles established by Congress. As early as 1784 an ordinance was adopted by the Congress of the Confederation providing for the division of all the territory ceded or to be ceded into States, with boundaries ascertained by the ordinance. These States were severally authorized to adopt for their temporary government the constitution and laws of any one of the States, and provision was made for their ultimate admission by Delegates into the Congress of the United States. We thus find the first plan for the establishment of governments in the Territories authorized the adoption of State governments from the start, and committed all matters of internal legislation to the discretion of the inhabitants, unrestricted otherwise than by the State constitution originally adopted by them.

That was the language used by the Chief Justice in rendering this decision, which reversed the proceedings of the judge of the third judicial district in the Territory of Utah. Associate Justice Bradley, in another decision recently given, also sustains the territorial laws, and the election of an attorney-general for the Territory by the Legislative Assembly of the Territory. Those two decisions I consider exceedingly important as showing the character of the proceedings in Utah. They show that the people themselves have maintained the law, have been intrenched within the law, have not sought to transcend the law, but have acted in accordance with the organic act of the Territory and the laws passed by the Legislative Assembly of the Territory, and submitted to you for your approval at the time.

I find that I must hurry on. In the short time allowed me I find it impossible to make explanations which should be made to give a correct idea of affairs in the Territory. In the third section of this bill I find this provision:

> And whenever, in any proceeding for divorce, or in any civil cause, *or in any criminal prosecution*, it is necessary to prove the existence of the marriage relation between two persons, it shall not be necessary to prove the same by the production of any record or certificate of the marriage, but evidence of cohabitation between the parties as husband and wife, and the acts, conduct, declarations, and admissions of the parties shall be admissible, and the marriage may be established like any question of fact.

In this connection I call attention to the decision of the United States Supreme Court in the case of Cummings *vs.* The State of Missouri. It will be found in 4 Wallace, and I will read an extract from pages 325 and 326:

> By an *ex post facto* law is meant one which imposes a punishment for an act which was not punishable at the time it was committed, or imposes additional punishment to that then prescribed, or changes the rules of evidence, by which less or different testimony is sufficient to convict than was then required.

This bill proposes to change the rule of evidence, and I submit it comes in conflict with this decision of the Supreme Court in the case I have cited.

Sir, I know the prejudices which exist on this Mormon question. I know that many men are ready to do anything that may have the effect to destroy what is called Mormonism. I implore members to reflect and not act hastily upon this bill. Such legislation will not destroy that system. Its believers have suffered themselves to be driven from their homes time and time again for their religion. They cannot be convinced by the bayonet; they cannot be convinced by

violence; they cannot be convinced by any such means. Hostile legislation will not have that effect. If the Mormons are in error, reason is the argument to which appeal must be made.

At the present time and ever since Utah has been settled her people have opened their places of worship to men of every denomination to enter and preach. Sir, as you know, a distinguished divine of this city went to Utah and held a controversy before the largest congregation that could probably be convened in the United States on the question of polygamy, and so it ever has been with them. Whenever a reputable minister of any denomination or creed has gone to Utah, he has had an opportunity of speaking in the halls of the Latter-Day Saints. There has been no exclusiveness, no disposition to close their doors against reason. As I have already said, day-schools and Sunday-schools are established there by religious sects opposed to the Mormons, and if this system can be put down it will be by reason and not by compulsion and violence.

[Here the hammer fell.]

Mr. POLAND. I desire to make a verbal correction in the sixth section of the bill.

Mr. CROCKER. I ask the gentleman to yield to me for a moment.

Mr. POLAND. Not at present. I wish to have this correction made. In the sixth section of the bill, after the words "take acknowledgments of bail," are the words "and so forth." Those words are quite unmeaning, and I ask that they be stricken out of the section.

No objection was made, and it was so ordered.

Mr. POLAND. I now yield to the gentleman from Illinois, [Mr. WARD,] my colleague on the Committee on the Judiciary, for fifteen minutes.

Mr. WARD, of Illinois. I yield three minutes of my time to the gentleman from Pennsylvania, [Mr. CESSNA.]

Mr. CESSNA. The very brief space of time allotted me renders it wholly impossible for me to attempt to discuss the merits of the bill. I desire to say a few words, and a very few, in regard to the pending amendment.

And first, I am opposed to the amendment offered by the gentleman from Wisconsin, [Mr. BARBER,] because whatever may have been the intention of the gentleman, the effect of his amendment will be in the interest of that spirit which I think needs to be curbed by the operation of this bill. The Territory is very large, and the district attorney cannot perform his duty without two, three, or more assistants. And if his salary is to be limited to $3,500 per annum, it will evidently cripple and render his efforts almost useless in the enforcement of laws in the Territory.

But now in regard to the amendment which I have myself offered. The principle set forth in the bill in regard to the jurors' clause, as contained in the fourth section reported by the committee, makes, in my opinion, an unjust discrimination in favor of the Mormons of the Territory. It violates all rules of practice in every State and Territory in the United States; because everywhere else we intrust to the officers of the United States court the duty of selecting jurors for that court. In this instance the bill of the committee discriminates against the officers of the United States court, and drags in an officer of the Territory, so as to allow him to select 50 per cent. of the jurors who are to serve in the United States courts. In my judgment that is an unfair and partial and unjust discrimination. In all the other States and Territories of this Union we intrust to the United States officers the performance of that duty, and I see no good reason why that duty should not be enforced in this case.

Mr. BARBER. The gentleman is mistaken in regard to the Territory, as I can——

Mr. CESSNA. I would be very glad to allow the gentleman to interrupt me; but, in the interest of fairness and liberality, the other side has been allowed nearly all the time for the discussion of this bill, and it is utterly impossible for me to allow the gentleman any part of my three minutes to discuss that question.

I am opposed to this discrimination in favor of the Mormons of that Territory as provided for in the fourth section of the bill. I insist that the same rule which prevails in the other States and Territories should be enforced in Utah; and in any event we ought to be able to trust the United States officers in the selection of jurymen.

As I said in the outset, I have not time to discuss the principles of this bill; but there are reasons which I could give why this discrimination ought not to be made. I do not believe the Mormons of that Territory are so much better than the people in other Territories or States of this Union that this discrimination ought to be made in their favor. I believe it will not be denied—it was not denied before the committee—that they indulge in the practice of bigamy and polygamy, and that they defy the laws of the United States against these crimes. There is scarcely a penitentiary now anywhere in the United States where some poor wretch does not fill a cell, having been sent there for the practice of bigamy or some crime of that character. I am against any unjust discrimination in favor of the people of Utah. If bigamy or polygamy is a good thing for them it ought to be equally good for us everywhere throughout the Union.

Then, again, it is not denied that they have an obligation to the church, to the hierarchy; that their first and supreme allegiance is to that church and to that hierarchy; and that the doctrines and commands laid down by their hierarchy are regarded as entitled to override and subvert any contrary opinion, or belief, or practice, and are esteemed of superior authority to any law of the United States or any other law. If I had time I could show from the official records on file in this House that they entertain these views, that they practice these crimes, that they defy the Government of the United States, and in pursuance of their defiance these Mormons when selected to go upon a jury will not serve in order that there may be no jury and no court, so that the question may not be decided whether the law of the United States against polygamy is constitutional or not. It was argued before our committee that it had never been decided by the Supreme Court of the United States that the law against bigamy and polygamy in Utah was constitutional or otherwise, and that until it should be decided by the Supreme Court of the United States that that law was constitutional they would not obey it, because the law of their church was higher, and their first obedience was to that law, not to the law of the Government under which they live.

Now, Mr. Speaker, if I should go further into the principles of this question, my time would be more than consumed. Thanking my colleague on the committee, the gentleman from Illinois, [Mr. WARD,] for his courtesy in allowing me even three minutes to explain the difference between my amendment and the provision of the bill in regard to juries, I surrender the floor.

Mr. WARD, of Illinois. Mr. Speaker, in the somewhat extended discussion that has taken place upon this bill I have been led to think that perhaps false impressions were gaining ground with reference to what the bill is. I desire to call the attention of the House to it for one moment, and to point out, if need be, the fact that so far from this bill being an oppression of this peculiar people with a peculiar religion, worshiping a peculiar god, it is more liberal toward them than is the law in relation to the selection of jurors in many of the other Territories and in almost all the States.

It is true, Mr. Speaker, that when this people, who had been isolated among the vast wildernesses of Utah, were reached by the tide of emigration and civilization sweeping across the continent, and which I hope shall continue to sweep against any form of despotism, any form of religion or faith that attempts to set itself against it—when that people was reached by this tide, of course a conflict sprang up. While those people were there by themselves they needed no legislation by Congress, as their representative has said. When our people went out there, as they have gone in great numbers, legislation became necessary. The people who have gone out from among us are developing the resources of that country and are building up there a civilization which we here believe to be better than that of the Mormons, notwithstanding the argument which has been made by the Delegate from Utah in relation to their peculiar faith. The population in that Territory is to-day mixed. About ninety thousand of the one hundred and fifteen to one hundred and twenty thousand people of that Territory are followers of the "prophet" and this new religion, worshipers of this to me "unknown god;" for the god that sacrifices women to the lusts of men under the form of a plurality of wives is a god that I do not worship. I belong to no particular faith; I espouse no particular form of religion; I would not in any way impose unnecessary or improper burdens on that people or any other; but when they stand up in the light of this age and tell me that their religion is better than mine, that their faith is better than mine, that their civilization is better than mine, that their institutions are entitled to protection beyond what our institutions are entitled to, I say "Hands off; I will not oppress you, but there must be fair play."

What are the provisions of this bill? Look at the section which provides for drawing juries. I ask any fair-minded man whether he can object to it, except for the reason given by my colleague on the committee, the gentleman from Pennsylvania, [Mr. CESSNA,] that it contains a degree of sickly sentimentality, a silly dread of touching this peculiar institution represented upon this floor by the gentleman from Utah, rather than an outspoken, honest disapproval of the practices of his church, with a provision for forming juries according to the rules now existing and in force in almost every State and Territory throughout this broad land?

What does it provide? So far from there being any packing of juries against Mormons, it is a fact—and I should object to it myself for that reason if I objected to it at all—it is the fact that it is almost a packing of juries against ourselves. When I say "ourselves," I mean those who do not believe in blood atonement; I mean those who do not believe in the order of Enoch; I mean those who do not believe in this Latter-Day nonsense, as I see fit to call it; I mean those who do not believe in the sacrifice of one-half of creation to the lusts and enormities of the other half. I do not believe in these things myself, Mr. Speaker. I fully accord freedom to worship God and freedom of religious belief; but I remember in history the enormous crimes which have been perpetrated in the name of religion. It was in the name of religion and it is in the name of religion that the widow mounts the funeral pyre in India. It is in the name of religion that helpless infants are sacrificed in the waters of the Ganges. It was in the name of religion that thousands of human beings were sacrificed to the Aztec gods upon the bloody altars of Mexico. It is in the name of religion to-day, all over the world that bloody, miserable, wicked things are being done. It is in the name of religion these men come up here now and defend institutions which appal every honest-minded, pure man in all our land.

I do not speak to this Delegate from Utah as a religionist; I speak to you, sir, as a citizen of the same great country, protected by the same laws I am. I want not your property; I want not your rights;

I do not want your wives, and I will not have your institutions; and I insist those who believe as I do shall have fair play in the bright land you have seen fit to curse with a system, called religion, unworthy the darkest days since the Son of God trod the earth.

What does this bill do? It does simply this and nothing more: It provides that every probate judge in the Territory of Utah—although every probate judge there is a Mormon bishop—that each one of them shall be appointed as one of the two men who shall draw those who are to be put into the jury-box; that each judge in his own county shall be one of two commissioners to select the list from which jurors are to be drawn.

Now, gentlemen, away with your sentimentality, your fearful dread of imposing something unusual upon these Mormons. Look at it! I ask gentlemen round about me who are afraid of some infraction of the rights of freemen, of the right of trial by jury, of some right and some privilege of American citizenship, to look and see if we do not give these Mormons every right they can justly claim? But must they draw the juries and run the courts and do all this business in their own way? That practically is the issue presented to you. I wish that they like their neighbors shall follow the ways of civilization. I do not want you to oppress them, and this bill does not do it. I do not want to wrong them, and you do not by this law. I insist those who believe as I do—especially when I remember there are written in the laws of the country strong statutes against the crime of polygamy, especially when I remember the practices of those whom this Delegate represents here are such as to shock almost everybody throughout this civilized land—I insist my people, our people, the Gentiles of Utah, shall have their rights also, and be permitted to be heard in the formation of juries and in the administration of the laws.

Now, Mr. Speaker, in the few moments we have to discuss a question of this kind, with such an uneasy audience as one usually addresses here, it is mighty hard to say anything when there is so much to say. I take it I have made one point at least understood by gentlemen here. I trust I have. I might go further, (and I must go a little further,) and say if I were to go outside of what actually appears in the record here I might tell of the enormities of the wicked practices, the murders, the outrages committed in Utah, which would startle everybody.

But let me come back to what this law does. What are we doing to these people? We provide in trials by jury the manner in which the jurors shall be drawn. What next? That the courts of the United States shall have their proper jurisdiction, and that the territorial Legislature shall not in the name of the Mormon god be able to cheat the courts of the United States of the jurisdiction which they ought to exercise there and everywhere else.

What other thing do we do? We provide that it shall be just cause for challenge of a juror in a trial for bigamy or polygamy if the juror believes in or practices polygamy. Do you allow a man anywhere in your courts to sit as a juror in a trial for robbery who believes in or practices robbery? Do you allow a man to sit as a juror in a case of murder who believes in or practices murder? Do you allow a man to sit as a juror in a trial for any crime who believes in or commits that crime? Would you allow a man to sit as a juror on the trial of another man charged with crimes which the juror practices? Sir, such a thing has not been heard of until, with unblushing effrontery, this representative of a deluded people, who worship a strange god, stands up in the American Congress and demands that it shall be allowed. Mr. Speaker, this is carrying the thing too far, and we ought to forbid it, and can forbid it without any infraction of the rights of American citizens.

I have said almost all I desire to say, and there are but one or two other matters to which I desire to call the attention of the House. We do not abolish the sheriffs; we do not abolish the county courts; we leave the people of the Territory free to regulate their own institutions in all local and municipal matters. We do not propose to interfere with them in any way. The United States Government has dealt with these Mormons with the utmost leniency and indulgence. We find a man here to-day representing these people who has committed the outrage of violating the law of the land upon the subject of marriage, who is the husband of more than one wife. It seems to be expected by this high priest of the Mormon Church that you should recognize the right of his people to commit this crime in the name of religion. Sir, when it comes to the doctrine of blood atonement and human sacrifice, I will not for one tolerate such practices in the name of religion. These people may believe what they please, and I will believe what I please; but I insist that their practices shall be consistent with law and civilization.

This bill in no measure or in any particular impairs the rights of this peculiar people. Reference has been made to the fact that the United States district attorney for the district of Utah has been about here. Why, sir, we have had a high priest of the Morman Church here on the floor of this House during the whole session, doing all that he can, early and late, to establish the doctrine of and gain recognition for his Church. What of it? The only question we need to decide is, is this bill just and right? I believe it to be so, and shall vote for it.

Mr. POLAND. Mr. Speaker, the gentleman from Nebraska [Mr. CROUNSE] was pleased to refer to me as having been a leader in reference to legislation in regard to Utah. Sir, until this session of Congress I have never introduced any bill upon the subject, nor have I taken any part whatever in any legislation or any proceeding before Congress in reference to that Territory. It was my fortune two years ago to be called to Utah upon a professional journey and to spend two or three weeks in that Territory. During that time I made the acquaintance of a considerable number of the members of the bar of that Territory, as I went there to attend to a lawsuit. I suppose that it is in consequence of the acquaintance that I made with those gentlemen that they appealed to me in reference to this matter. Four years ago a bill in reference to the affairs in Utah passed this House, I think by a vote of four to one, and I should like to have every gentleman in this House examine that bill and compare it with this, which I agree has been to a considerable extent prepared by me, was introduced by me, and the passage of which is now urged by me. That bill which passed the House four years ago provided, among other things, that in all prosecutions for polygamy the wife should be a witness against the husband; it provided that cohabitation should be *prima facie* evidence to establish marriage in any prosecution under the law against polygamy; it provided in another section that no statute of limitation should apply to that offense; it provided in another section that no alien who practiced polygamy should be naturalized; it provided that no polygamist should hold any office or be permitted to vote; it provided in another section that no polygamist should receive any benefit under the homestead and pre-emption laws. Another section provided that the probate judge, the sheriff, the justices, and the judges of election should be appointed by the governor of the Territory and should be removable by him; another section provided that in any prosecution for polygamy where the defendant absented himself from the Territory his property might be confiscated; and it wound up with a section providing that the President of the United States should enforce the provisions of the bill by the use of the Army.

When you come to compare the provisions of that bill with the bill which has been reported from the Committee on the Judiciary at this session and which is now before the House, it will hardly be claimed that I should be entitled to the paternity of both. I have no special hostility against this peculiar people, the Mormons. But the fact is undeniable that these people are as directly hostile to the Government of the United States as was ever any portion of this country when it was in the very darkest hour of the rebellion. Why, sir, twelve years ago the Congress of the United States passed a bill providing that in all the Territories of the United States polygamy should be a crime, and that law stands unrepealed upon your statute-book to-day. Does the Delegate from that Territory who sits upon this floor pretend that that law has in any manner been obeyed? Does he not know that it has been openly and unblushingly disobeyed?

Mr. CANNON, of Utah. As the gentleman asks me a question——

Mr. POLAND. I desire to have the gentleman say "yes" or "no."

Mr. CANNON, of Utah. It is true that law has been on the statute-book since 1862; but it is a United States law. There have been United States judges, United States marshals, and a United States district attorney in the Territory of Utah ever since its passage. If the law has not been enforced, the people of Utah are not to blame for it.

Mr. POLAND. The gentleman does not answer my inquiry at all. Everybody knows that that law has been unblushingly disobeyed, that the people there have never pretended to obey it, and that they have openly and avowedly disobeyed it. And the gentleman says that nobody has been prosecuted. Why not? For the very want of such a bill as we propose now to pass. It was because their territorial laws were such that no man but a polygamist or one who believed in polygamy was ever allowed to enter the jury-box. Every United States officer in that Territory understood well that if he undertook under this law of Congress to try anybody for polygamy, he had to stand up before twelve unblushing, undeniable polygamists. That is the reason why the law of Congress has not been obeyed.

Mr. CANNON, of Utah. If there had been an attempt to enforce the law and the juries had found in favor of polygamy, then the argument of the gentleman might have some force.

Mr. POLAND. I cannot be interrupted further in the short time I have left. The question now comes before Congress, will we open the courts, will we provide the machinery by which our own laws can be enforced? Shall we longer suffer the disgrace of having upon our statute-books a law of Congress, that has been there for twelve years, openly and avowedly disobeyed by those people? We must either repeal that law, or else we must provide some kind of legal machinery by which the lay can be enforced. And that is all this bill does.

The Delegate from Utah said that this bill was to open a way by which their property should be taken away from them and by which their Territory might be plunged in debt. Now, if any gentleman will take the trouble to look at this biil he will find that there is nothing whatever of that kind in it. It merely provides that any territorial marshal or district attorney or judge that we send there shall have the same power and jurisdiction which similar officers have in all the other Territories of the United States, and that a form of legislature embodied by Brigham Young and his twelve apostles shall not be allowed to duplicate all the officers and dissipate their jurisdiction and make them mere figure-heads to stand up there in Utah and be laughed at and insulted by that people.

I say this bill is remarkable for its moderation, considering the course that people have taken and the manner in which they have defied the authority of the United States in its law and its officers. The bill is remarkable for its moderation toward this people. We

simply provide for the protection and guarantee of the authority of our own officers in the Territory. We leave the people of the Territory to make their own judges of probate; and if they have any fear that anybody who is not a Mormon will not be prosecuted, we provide that they may elect a prosecuting attorney in every county who may prosecute any man under any law of the Territory, and that this local attorney may be associated with the district attorney of the United States in the prosecution of any such case in the district court. And we provide that the sheriff of ever county, who is a local officer, elected by the Mormon Legislature or by the people, may be authorized to serve within his own county any kind of process returnable to the district or any other court, or that a Gentile officer may be sent there to serve the process. In reference to these probate courts, we have provided that they shall have the same jurisdiction that probate courts have everywhere all over the States in the settlement of estates and matters of that sort; but that they shall not try cases of murder in the probate courts, as they do in Utah Territory.

[Here the hammer fell.]

The SPEAKER. The first question is upon the amendment offered by the gentleman from Pennsylvania, [Mr. CESSNA,] being a substitute for the fourth section of the bill reported from the Committee on the Judiciary.

Mr. CROUNSE. I would like the gentleman, if it meets the consent of the House, to allow me to offer an amendment in the nature of a substitute, providing for all this class of cases and obviating the objections which I have urged.

Mr. POLAND. I cannot yield for further amendments.

The SPEAKER. The first question is on the amendment offered by the gentleman from Pennsylvania, [Mr. CESSNA,] a member of the Judiciary Committee.

Mr. POTTER. That amendment, as I understand, is not an amendment of the committee.

Mr. POLAND. No, sir; the amendment of the gentleman from Pennsylvania is the original fourth section of the bill, the majority of the committee having changed that section of the bill to its present form.

Mr. CESSNA. The only difference between the section of the committee's bill and my substitute is that the substitute strikes out "the probate judge" and inserts "the United States judge," and it gives the power to select jurors to the officers of the United States court; while the bill of the committee gives the selection of half the jurors to the United States court and half to the probate court. That is the only difference.

The question being taken on the amendment of Mr. CESSNA, the Speaker declared that the "noes" appeared to prevail.

Mr. CESSNA. I call for the yeas and nays.

The yeas and nays were not ordered.

So the amendment was not agreed to.

The question next recurred on the amendment offered by Mr. BARBER, to add to the last section the words "but the district attorney shall not by fees and salary together receive more than $3,500 per year; and all fees or moneys received by him above said amount shall be paid into the Treasury of the United States."

The amendment was agreed to; there being ayes 63, noes not counted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill,

Mr. ELDREDGE called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 55, not voting 75; as follows:

YEAS—Messrs. Albright, Ashe, Barnum, Barrere, Barry, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clements, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cotton, Crocker, Crutchfield, Danford, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Glover, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hoskins, Houghton, Howe, Hunter, Hunton, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Kendall, Knapp, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McLean, McNulta, Merriam, Mitchell, Monroe, Moore, Myers, Neal, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pendleton, Perry, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheldon, Lazarus D. Shoemaker, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Starkweather, St. John, Storm, Strait, Strawbridge, Taylor, Charles R. Thomas, Thornburgh, Todd, Townsend, Tremain, Vance, Waldron, Wallace, Walls, Jasper D. Ward, Wheeler, White, Whitehead, Whitehouse, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Wolfe, and Woodworth—159.

NAYS—Messrs. Adams, Arthur, Atkins, Barber, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Crittenden, Crounse, De Witt, Durham, Eden, Eldredge, Giddings, Hancock, Henry R. Harris, Hereford, Herndon, Holman, Lamar, Lamison, Leach, Magee, Marshall, Milliken, Mills, Niblack, Potter, Randall, Milton Sayler, Sheats, Sloss, J. Ambler Smith, Southard, Speer, Standiford, Stone, Christopher Y. Thomas, Wells, Whitthorne, Willie, Ephraim K. Wilson, and John D. Young—55.

NOT VOTING—Messrs. Albert, Archer, Averill, Banning, Bass, Begole, Benjamin F. Butler, Clayton, Clinton L. Cobb, Creamer, Crooke, Crossland, Curtis, Darrall, Davis, Elliott, Farwell, Foster, Freeman, Frye, Garfield, Robert S. Hale, Hamilton, Hathorn, Hays, Hersey, George F. Hoar, Hooper, Hubbell, Hynes, Jewett, Killinger, Lamport, Lofland, McJunkin, Morey, Morrison, Negley, Nesmith, O'Brien, Hosea W. Parker, Parsons, Pelham, Phelps, James H. Platt, jr., Purman, Read, William R. Roberts, James C. Robinson, Ross, John G. Schumaker, Scofield, Sener, Sherwood, Sloan, Smart, George L. Smith, William A. Smith, Snyder, Stanard, Stephens, Stowell, Swann, Sypher, Tyner, Waddell, Marcus L. Ward, Whiteley, Wilber, William B. Williams, Wilshire, Jeremiah M. Wilson, Wood, Woodford, and Pierce M. B. Young—75.

So the bill was passed.

During the roll-call the following announcements were made:

Mr. READ. On this question I am paired with the gentleman from New York, Mr. SCHUMAKER, who if here would vote "ay," while I should vote "no."

Mr. POTTER. In reference to the vote on this bill and also various votes yesterday, I wish to announce that my colleague, Mr. W. R. ROBERTS, is confined to his bed by sickness; and my colleague, Mr. WOOD, is detained at home by sickness in his family.

The result of the vote was announced as above stated.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. Under the direction of the House the remainder of this day's session is assigned to business of the Committee on Public Buildings and Grounds.

Mr. PLATT, of Virginia. I yield for a moment to the gentleman from Missouri, [Mr. WELLS.]

GEORGE S. SHRYOCK.

Mr. WELLS. I ask unanimous consent to introduce and have passed now a bill to remove the political disabilities of George S. Shryock, of Saint Louis, in the State of Missouri.

Mr. E. R. HOAR. I object.

LEAVE TO PRINT.

Mr. WHITTHORNE, by unanimous consent, obtained leave to have printed, as part of the debates, remarks on the tariff bill passed yesterday. (See Appendix.)

CHANGE OF NAME OF A STEAMER.

Mr. CONGER. I ask unanimous consent to report from the Committee on Commerce and have passed now a bill (S. No. 369) to change the name of the registered steamer Oakes Ames to Champlain.

Mr. MAYNARD. Is it proposed to take up the bill by unanimous consent?

The SPEAKER. It is.

Mr. MAYNARD. Unless some good reason can be given for the passage of the bill, it is one to which I can never consent.

Mr. CONGER. The steamer Oakes Ames was built for transporting railroad cars across Lake Champlain; she is a stout, well-built boat. When Mr. Ames was connected with the road it was named after him. By a change in the road it is no longer needed for that purpose. It has been taken by the Champlain Company as one of their boats on that lake. It has been transferred into a passenger-boat. They desire it shall have the name of one of their line-boats to take the place of one worn out. The family of Oakes Ames say that being no longer connected with any business with which he was engaged, there is no objection on their part to the change of name.

Mr. MAYNARD. I have this to say. I conceive the family of Mr. Oakes Ames might be embarrassed by an application of this kind. If the declaration is authoritatively made by any member of the committee, and is allowed to go upon the record that this change is not intended as a personal reflection upon the memory of the gentleman who was associated with us in the House for so many years, I will not object to it.

Mr. CONGER. I say publicly here at this time that I hold in my hand a letter from the representatives of Oakes Ames that there is on their part no possible objection to it, and they request it may be done.

Mr. MAYNARD. It is not very much, if the fact be as I have stated it, for some member of the committee to say it here in the House. I will withdraw my objection, however, if it be stated that this is not intended as a reflection upon the memory of Mr. Ames.

Mr. CONGER. I say that positively, and I also say that I have here a letter from the representatives of Mr. Ames requesting that this be done.

Mr. MAYNARD. I withdraw my objection.

Mr. POTTER. I object, because this is absolutely without reason, being in violation of the action of the House which has been against changing the names of these registered vessels. It has always been considered to be in the interest of public policy these names should not be changed. I therefore object.

SUSPENSION OF WORK UPON PUBLIC BUILDINGS.

Mr. PLATT, of Virginia, from the Committee on Public Buildings and Grounds, reported back a bill (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings, with the recommendation that it do pass.

The bill, which was read, provides that the Secretary of the Treasury be, and he is thereby, authorized and directed to defer operations on any public buildings that are authorized by existing laws but not actually commenced, or to proceed with the same, as may in his opinion be for the best interests of the public service; provided that all moneys heretofore appropriated for the construction of public buildings and now remaining to the credit of the same on the books of the Treasury Department, or which may hereafter be appropriated

for such buildings, shall remain available until the completion of the work for which they are or may be appropriated; and upon the final completion of each or any of said buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining shall be immediately covered into the Treasury.

Mr. RANDALL. I should like to have some explanation of that bill.

Mr. McCRARY. I ask the gentleman from Virginia to yield to me to offer an amendment.

Mr. PLATT, of Virginia. I will yield to hear the amendment read.

Mr. McCRARY. I think there will be no objection to it. I move it as an additional section.

The Clerk read as follows:

SEC. 2. In the selection of a site for any public building not yet commenced, reference shall be had to the interest and convenience of the public, as well as to the best interests of the Government; and the Secretary of the Treasury shall have power, and it shall be his duty, to set aside any selection which, in his opinion, has not been made solely with reference thereto.

No expenditure shall be made upon any building, a site for which has been selected and work upon which has not commenced, until such of the persons who acted as commissioners in selecting such site shall make and file with the Secretary of the Treasury an oath or affirmation that he is not at the time of making the affidavit, and was not at the date of making the selection of such site, directly or indirectly interested in the property selected for the same; and a similar affidavit shall be made and filed by each and every person hereafter appointed as such commissioner, before any site shall be finally adopted. In either case a failure on the part of any commissioner to make and file such an affidavit shall render the selection void.

Mr. PLATT, of Virginia. I see no objection to that amendment and am willing that it shall be adopted.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PLATT, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW STATE DEPARTMENT.

Mr. PLATT, of Virginia, from the Committee on Public Buildings and Grounds, reported back a preamble and resolution in reference to the new State Department, and moved that the committee be discharged from the further consideration thereof, and that the accompanying report be printed.

The Clerk read the preamble and resolution, as follows:

Whereas $3,400,000 has already been appropriated by Congress for the new State Department now in course of construction in this city under the direction of the Supervising Architect of the Treasury; and whereas said Supervising Architect now asks Congress to appropriate $1,500,000 more, although the south-wing wall, or one-sixth of the whole building, is not yet completed; and whereas it is evident that a very large amount of money is being spent on frivolous or questionable ornamentation; and whereas it is the opinion of competent judges that, estimating on the manner in which the work has been carried on, at least twelve years' time and $30,000,000 will be required to finish the whole building; and whereas it is also the opinion of competent judges that the plan adopted by the Supervising Architect has very serious defects in it, and that the building, if completed on that plan, will not only be a failure but a reproach to our architects:

Resolved, therefore, That the Secretary of State be, and is hereby, authorized to appoint a board of three well-known and competent architects not in Government employ, residents of Philadelphia, New York, and Boston, respectively, whose duty it shall be to examine and report what means are necessary to insure a more economical method of doing the work, and also a plan for improving the external appearance and internal arrangements of the building.

Mr. PLATT, of Virginia. I desire to state that the paper just read was the resolution which was referred to our committee. I now ask for the reading of the report of the committee upon the resolution.

The Clerk read the report as follows:

Your committee finds that the construction of the new State, War, and Navy Department was authorized by the act of March 3, 1871, which made it the duty of the Committees of Public Buildings and Grounds of the Senate and House of Representatives to determine the material of which it should be constructed; and created the Secretaries of State, War, and Navy a board to procure plans for a building for the accommodation of their respective Departments, and authorized the Secretary of State to construct the building in accordance therewith.

Your committee also finds that under this authority the plans of the building now being erected for that purpose were prepared by the Supervising Architect, A. B. Mullett, esq., in accordance with the instructions given him by said commission, and that after a careful and thorough examination they were approved by each member of the board, in accordance with the requirements of the law. They find further that the law required the building to be similar in plan to the Treasury building, and that these requirements of the law have been complied with, the building being substantially the same, and that the building will, in the opinion of your committee, be, when completed, the best arranged and most convenient public building in the United States. It appears, therefore, that so much of the allegations contained in the resolution referred to your committee as states "that the plan adopted has very serious defects in it, and that the building if completed on that plan will not only be a failure but a reproach to our architects," is not warranted by the facts in the case.

Your committee is also of the opinion that the exterior design of the building is good, and that the building will, when completed, be a credit to the Government, an ornament to the city of Washington, and be second in architectural importance and beauty to no building in the United States.

Your committee does not therefore agree with the opinions expressed in the resolution, and is satisfied that, so far from the plan being condemned by the leading architects of the United States, it has met very general approval and admiration.

Your committee is also of the opinion that it would be inexpedient in any event to make any changes in the design, the work being so far advanced that any change in the style of architecture would be impossible, any material change in the design impracticable, and would in all probability result in mutilating rather than improving the design.

Your committee has also investigated the allegations in regard to the cost of the building and in regard to the time necessary for its completion, and feels compelled to say that the statements contained in said resolution are not warranted by the facts in the case, and that the entire building and approaches can be readily completed within five years should Congress deem it desirable to make the necessary appropriations therefor. Neither is it probable that the cost of the building will exceed, in any event, the sum of $10,362,372, and it is hoped will be completed within the sum of $10,000,000. It will therefore be seen that the statement in the resolution that the building cannot be completed in less than twelve years nor for less than $30,000,000 is entirely unwaranted by the facts in the case.

Your committee desires in this connection to call the attention of Congress to the fact that the entire Treasury building contains but 327,800 superficial feet of floor space, of which 28,400 superficial feet are available only for storage purposes; and that the new State, War, and Navy Department building will, when completed, contain 459,200 superficial feet of floor space, every foot of which can be used for office purposes.

Your committee also desires to call the attention of Congress to the fact that the south, west, and north wings of the Treasury building, being the entire Treasury extension, contain 5,132,380 cubic feet of space, and cost $5,748,268, although the south wing was erected at a time when the prices of labor and material were but little over one-half their present value, showing the cost per cubic foot to be $1.12. The new State, War, and Navy Department building will contain 9,868,876 cubic feet, which at the highest estimate will be but $1.05 per cubic foot; which shows conclusively that the building will be, when completed, a cheaper one than the Treasury building. The estimated cost of rebuilding the east and center wings of the Treasury Department building, a work that must be undertaken at no distant day, will at present prices amount to $3,670,162, making the total cost of the Treasury building when completed $9,418,430, as against $10,362,320, the cost of the new State, War, and Navy Department building, which has, as above stated, a superior capacity of 1,359,566 cubic feet and 131,400 superficial feet of office room.

Your committee is therefore of the opinion that no action is necessary on the part of Congress, and respectfully request to be discharged from further consideration of the subject.

Mr. PLATT, of Virginia. I move that the committee be discharged from the further consideration of the preamble and resolution, and that the report be printed.

The motion was agreed to.

GIRLS' REFORM SCHOOL IN THE DISTRICT OF COLUMBIA.

Mr. PLATT, of Virginia, from the same committee, reported back, with the recommendation that it do pass, a bill (H. R. No. 3498) providing for the construction of a building for the use of the girls' reform school in the District of Columbia.

The bill was read.

Mr. WILLARD, of Vermont. I submit that that bill is subject to the point of order.

The SPEAKER. The gentleman from Vermont makes the point of order that the bill must have its first consideration in Committee of the Whole. The Chair sustains the point of order, and the bill is referred to the Committe of the Whole on the state of the Union.

Mr. PLATT, of Virginia. I move that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering the bills reported from the Committee on Public Buildings and Grounds.

Mr. MILLIKEN. I desire to move an amendment to the bill.

The SPEAKER. The bill has been referred to the Committee of the Whole on the state of the Union, and under the order made for to-day, if the House resolve itself into Committee of the Whole on the state of the Union, that bill will be the first thing in order.

Mr. COBURN. Was it not decided the other day, in reference to the Army bill, that it would go to the foot of the Calendar?

The SPEAKER. The Clerk will read the order made upon this subject.

The Clerk read as follows:

Resolved, That Tuesday, June 2, next, from one hour after the reading of the Journal is concluded, be set apart for the consideration of reports from the Committee on Public Buildings and Grounds, and that it shall be in order on the same day to move that the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of reports from the said committee to the exclusion of all other orders.

Mr. COBURN. I was not aware that any such order had been made.

Mr. HOLMAN. What other bill from the Committee on Public Buildings and Grounds are there in Committee of the Whole on the state of the Union?

Mr. PLATT, of Virginia. I will say that there are several bills to be reported by the committee.

Mr. HOLMAN. But those bills have not yet been referred to the Committee of the Whole, so that the object of going into committee is to take up this bill.

The SPEAKER. If the gentleman desires to report other bills from his committee for reference to the Committee of the Whole on the state of the Union he had better do it now, so as to avoid the necessity of going into Committee of the Whole and then coming out.

PUBLIC BUILDINGS.

Mr. PLATT, of Virginia, from the Committee on Public Buildings and Grounds, reported back, with an amendment, the bill (H. R. No. 3539) to extend the limits as to the cost of certain public buildings, and to remove certain restrictions in regard to the construction of the same; which was referred to the Committee of the Whole on the state of the Union.

NECESSITY FOR AND COST OF PUBLIC BUILDINGS.

Mr. PLATT, of Virginia, from the same committee, reported back, with the recommendation that the same do pass, the bill (H. R. No. 3530) directing the Secretary of the Treasury to report upon the necessity for public buildings at certain places, and the cost of the same; which was referred to the Committee of the Whole on the state of the Union.

REGULATION OF GAS-WORKS.

Mr. SESSIONS, from the same committee, reported back, with a recommendation that the same do pass, the bill (S. No. 733) regulating gas-works.

The SPEAKER. Does this bill contain an appropriation which will require its first consideration in Committee of the Whole?

Mr. SESSIONS. It does not. I ask that it be now considered.

Mr. PLATT, of Virginia. The gentleman will understand that we are now reporting bills to be acted on in Committee of the Whole. If he has any such bill, and does not now present it, it may not be acted upon to-day.

Mr. SESSIONS. Then I will withdraw that bill.

The SPEAKER. The bill is withdrawn.

FIRE-ALARM TELEGRAPH IN THE DISTRICT.

Mr. SESSIONS, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 3532) to aid in the construction of a fire-alarm telegraph in the District of Columbia; which was referred to the Committee of the Whole on the state of the Union.

ORDER OF BUSINESS.

Mr. PLATT, of Virginia. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering reports from the Committee on Public Buildings and Grounds.

The question was taken; and upon a division there were—ayes 68, noes 13; no quorum voting.

Mr. HOLMAN. I think there should be a quorum voting on these questions.

Tellers were ordered; and Mr. PLATT, of Virginia, and Mr. HOLMAN were appointed.

Mr. HOLMAN. There seems to be so much anxiety to get at these bills for public buildings, that I will withdraw my call for further count.

No further count being called for, the motion to go into Committee of the Whole was agreed to.

ENROLLED BILLS SIGNED.

Pending the House going into Committee of the Whole,

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1145) granting a pension to Martin Lafflin;

An act (H. R. No. 1791) granting a pension to Augustine L. Yaeger;

An act (H. R. No. 2209) granting a pension to Louisa H. Canby, widow of the late General E. R. S. Canby;

An act (H. R. No. 2216) granting a pension to Cornelia A. Washburn;

An act (H. R. No. 2800) for the relief of Benjamin Crawford;

An act (H. R. No. 3022) granting a pension to Sarah A. Simmons; and

An act (H. R. No. 3407) to change the name of the schooner Jacob Faithful to Eyvor.

PUBLIC BUILDINGS AND GROUNDS.

The House accordingly resolved itself into Committee of the Whole, (Mr. MYERS in the chair.)

The CHAIRMAN. By order of the House the Committee of the Whole will proceed to the consideration of bills reported from the Committee on Public Buildings and Grounds. The Clerk will report the first bill of that character upon the Calendar.

The Clerk read the title, as follows:

A bill (H. R. No. 2563) to authorize the Secretary of the Treasury to suspend work upon the public buildings.

The CHAIRMAN. The Chair is informed that a bill for that purpose has already passed the House. The Clerk will report the next bill.

The Clerk read the title, as follows:

A bill (H. R. No. 184) to provide for the public education of the indigent blind in the District of Columbia.

Mr. PLATT, of Virginia. We have been considering this morning in the House a bill which was said by some of its advocates to be in the interest and for the benefit of women in a distant Territory. I ask the committee now to consider a bill for the benefit of women here at home in the District of Columbia. The Legislature of this District has passed a bill chartering a board of trustees to take charge of an industrial home for women and children, and making an appropriation to purchase a site upon which to erect the necessary buildings, on condition that the Congress of the United States make an appropriation necessary to construct those buildings. The Committee on Public Buildings and Grounds have had this subject under consideration and have reported a bill, which provides that $100,000 shall be appropriated from the conscience fund now in the Treasury for the purpose of erecting these buildings.

Mr. GARFIELD. I suggest to my friend that the bill now under consideration is not the one to which he seems to be speaking.

Mr. PLATT, of Virginia. Why not?

Mr. GARFIELD. The bills are being taken up in their order on the Calendar.

Mr. PLATT, of Virginia. I would be obliged if we could find out in some way what bill is before the committee.

The Clerk read the title, as follows:

A bill (H. R. No. 184) to provide for the better education of the indigent blind in the District of Columbia.

Mr. PLATT, of Virginia. What is the next bill?

The title of the next bill was read, as follows:

A bill (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings.

The CHAIRMAN. The Clerk has read the titles of the bills reported from the Committee on Public Buildings and Grounds as they stand upon the Calendar. The Clerk will report the next bill.

The Clerk read the title, as follows:

A bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky.

Mr. PLATT, of Virginia. I wish to call the attention of the Chair to this fact: I reported a bill from the Committee on Public Buildings and Grounds, which was read at the Clerk's desk, to establish an industrial home for women and children in this District. On that bill the gentleman from Vermont [Mr. WILLARD] made a point of order, which sent it to the Committee of the Whole. I then moved that the House resolve itself into Committee of the Whole for the purpose of considering that bill.

The CHAIRMAN. The Chair will explain to the gentleman from Virginia that by order of the House the Committee of the Whole is proceeding to consider reports from the Committee on Public Buildings and Grounds, not only those made this morning but those heretofore upon the Calendar. They must under the rule be taken up in their order. Hence the gentleman cannot speak upon the bill to which he refers until that bill is reached. If the gentleman will move to lay aside the bills which precede that one he may accomplish his object.

Mr. PLATT, of Virginia. I was about to do that; but before making that motion, I wish to call attention to the fact that the order which was made in regard to the action in Committee of the Whole does not cover any bills but those reported to-day. In view, however, of the construction which has been put upon that order, I will move to lay aside all prior bills to take up that relating to the girls' reform school.

Mr. HOLMAN. I submit that these bills must be taken up separately, and laid aside one at a time.

Mr. PLATT, of Virginia. I shall not object to that. The gentleman from Indiana [Mr. HOLMAN] is very ready to find reasons for delay.

Mr. HOLMAN. Not at all; this is public business, and the House is entitled to know what it is doing.

CUSTOM-HOUSE AT LOUISVILLE, KENTUCKY.

The first business on the Calendar, reported from the Committee on Public Buildings and Grounds, was the bill (H. R. No. 2109) for the protection of the United States custom-house in the city of Louisville, Kentucky; which, on motion of Mr. PLATT, of Virginia, was laid aside.

SHELVES FOR HOUSE LIBRARY.

The next business on the Calendar, reported from the Committee on Public Buildings and Grounds, was a resolution authorizing the supervising architect of the Capitol to fit up shelves for the House library; which, on motion of Mr. PLATT, of Virginia, was laid aside.

GIRLS' REFORM SCHOOL, DISTRICT OF COLUMBIA.

The next bill on the Calendar, reported from the Committee on Public Buildings and Grounds, was the bill (H. R. No. 3498) providing for the construction of buildings for the use of the girls' reform school in the District of Columbia.

Mr. PLATT, of Virginia. Mr. Chairman, I hope that the obstacles which I have encountered in getting an opportunity to speak upon this bill are not an omen of the manner in which the bill will be received by the House. I desire to say that should this bill become a law there will be established in this District an institution of a reformatory character as an asylum for women and girls.

The institution is to consist of three departments: An industrial home, an infants' home, and a girls' reform school.

First. A home for the immediate shelter, employment, and care of poor, ignorant, and deserted girls who are about to become mothers of children illegitimate under the law, whose reputations are thereby ruined, and who are therefore homeless, friendless, and desperate.

The humiliating truth that "society prepares the crime which the criminal commits" is nowhere more evident than here. The young girl who, however poor and ignorant, has been hitherto innocent and honest, sees directly impending over her a blasted name and a life of hopeless infamy, with no hope even beyond the grave. As her only means of self-defense, as the kindest thing she can do for the illegitimate child, she madly destroys it. Society, cruelly oblivious of her suffering, becomes instantly alive to her crime. When discovered she may be thankful if she is allowed the friendly shelter of prison walls and escapes the penalty inflicted for murder.

It is by some contended that it would encourage immorality to provide a shelter for this class of humanity. Why, it might as well be argued that to increase the number of hospitals would spread disease. What could more effectually encourage immorality than closing every respectable door to a poor unfortunate girl when she knows she may fare sumptuously every day in a house of prostitution?

Since vice is already at a premium and virtue at a discount, pecuniarily, how can morality be better secured than by saving the victim of seduction from a deeper fall; saving her from poverty by giving her an honest trade or profession; from ignorance, by giving her a good English education; from weakness and temptation, by giving her moral culture and surrounding her with purifying influences; from desperation and crime, by giving her shelter and care in her direst need and affording protection to her unfortunate child?

The extreme youth, desperate deeds, dangerous surroundings, and increasing numbers of this class of humanity as revealed by statistics, and the direct relation also shown between ignorance, poverty, and crime, have given the alarm to European governments, republics and monarchies, and they are hastening to reform past delinquencies by rearing industrial schools and reform schools for girls in every important city and town, the expense being divided between the general and municipal governments according to circumstances.

In the small province of Argovia, in Switzerland, containing only 502 square miles, there are 298 female industrial schools, and in consequence it is the most virtuous, industrious, thrifty, and well-educated community in all Europe. While the small province of Galicia, in Austria, where more than one-half of the towns have no schools whatever and industrial training for girls is unknown, furnishes 23 per cent. of all the criminals in the empire, 37 per cent. of all the murderers, and one-half of those who are condemned to suffer death.

A comparison of statistics from the various districts of Austria, Prussia, France, and England furnishes similar results, showing that immorality, vice, and crime diminish in exact proportion to the increase of facilities for mental, moral, and industrial training.

Watching the pinched, sharp, prematurely old faces of the neglected children who swarm in various sections of our large cities, it is easy to see whence comes the plentiful supply of thieves, victims for seduction, and inhabitants of brothels. Many of these creatures never had a wholesome meal to eat or a decent dress to wear until obtained at the price of shame and degradation. But it is not always the poor neglected girl who yields to temptation and continues on the downward path. The very qualities which men admire most in woman—her tenderness, her love, absolute trust in and devotion to man—too often in early youth work her deepest woe and shame, notwithstanding the influences of education, home, and kind friends; and the higher the rank, the deeper and more fatal the fall. Some cases, too sad to be described by tongue or pen, have come to the sheltering care of the women who ask us for these buildings. An indignant father or brother, swift to avenge the tarnished honor of his own name, sends the sure bullet to the heart of the seducer, and steps proudly forth acquitted by law and public opinion of all blame. But the poor victim whose honor he is also supposed to have avenged is by the rules of society driven to seek asylum under an assumed name within the only door open to her—the house of prostitution.

In this department of the institution there is immediate demand for accommodations for from sixty to one hundred inmates, some of whom may be able to pay for their rooms and attendance. In some cases the parents or guardians would be willing to pay the whole or a part of the expenses. But as a general thing these poor creatures belong to the poorer class, and would become objects of charity until able to work and maintain themselves. Labor adapted to the circumstances, education, and industrial training for some definite pursuit will be furnished to the inmate, and such strengthening moral influences as will aid them to protect themselves from future calamity.

Second. An infants' home, an indispensable adjunct to this department, should be provided for the children of the class just alluded to. The charter of the institution also provides for the care of any neglected, ill-treated infants of drunken or vicious parents, who may by due process of law be committed to the home.

The accommodations needed in this department may be partially inferred from the fact that one hundred and fifty dead infants have been found in the alleys and by-ways of Washington during the past twelve months. No definite record has been kept of the number which has been "farmed out" to the wretchedly poor and vicious, to die of slow starvation and neglect. Notwithstanding the efforts made by the Sisters of Charity and many other benevolent women, the actual destruction of life for the lack of a suitable place for the care of unprotected infants is a blot upon civilization.

Every child born upon this soil is supposed to be under the protection of the United States Government. It would seem that the Congress of the United States, so prompt to care for sufferers by fire and flood, might afford also to aid in caring for the unprotected infants born in this District, which is under the special care and management of the General Government.

When we consider the dangers to which the masses of infants are subjected owing to the poverty, ignorance, and crime of the parents, and the fact that more than one-half of the most promising are thus annually swept into the grave, we might well hope that such judicious care, healthful influences, and wise training as the State could afford to furnish would repress the hereditary tendencies to mental, moral, and physical disease; would quicken the perceptions, develop the understanding, and train the eye and hand to skillful labor, so that a larger percentage of neglected children might be reared to useful citizenship than are now furnished from the homes of the poor and vicious. Every dollar thus expended may be returned tenfold to the country in skillful, trained labor.

The kindergarten system of training will be adopted, I understand, in this department from infancy, and every latent faculty harmoniously developed. There is no danger of too much wisdom and thoughtful kindness in the training of our future citizens, however obscure or unfortunate their origin may be. There may be unwise, wicked, or illegitimate parentage, but there can be no such thing as an illegitimate childhood.

Third. The reform school for girls is the third department provided for in the charter of the institution.

The downward road of the unfortunate woman is sure and swift. The absence of all moral restraint, the constant presence of every form of temptation—vicious surroundings, barbarous treatment by law and custom, all combined have resulted in an army of abandoned, reckless women whom society secretly cherishes and openly loathes, condemns, and punishes.

The vast majority of these are young, ignorant, and either orphans or children of drunken or vicious parents.

These youthful inmates of dens of prostitution oftentimes become intoxicated, and becoming noisy and riotous are arrested, and after trial are conveyed to jail in company with criminals of all sorts, whence after serving their time they come out more desperate than ever to follow the same downward road, no opportunity for reformation being afforded them. We have but recently learned that flogging in the Army and Navy but brutalized and degraded men who might be reduced to subordination and prompted to deeds of heroism by inspiring in them respect for their superiors.

The whipping-post and the stocks, the pillory and other modes of torture, are yet in use in some of our prisons, and but serve to steep the criminal still deeper in his disposition for crime. And all this in the age of enlightenment and Christian civilization. In making a large appropriation for the care of the Indians, it was said that we must feed them or fight them, and it was easier and cheaper to feed them, as it had cost a million dollars apiece to kill forty-five Sioux Indians a few years ago.

Now it is easy to demonstrate that it will cost less to feed, educate, and redeem these poor creatures of our own race and nation within the national capital than it now costs the Government to keep them in their present degraded condition.

During the year 1870 there were arrested in the District of Columbia twenty-six hundred and thirty-seven women, mostly prostitutes. The cost of arrests, trials, imprisonments, and burials amounts to from sixty to one hundred thousand dollars annually, while not a dollar is expended in their reformation. To protect, train, and educate the same number of girls in a reform school would cost from thirty to forty-five thousand dollars per annum. Under the present system these women are social pests, poisoning the morals of the community and destroying our youth. As inmates of a reform school they are orderly, industrious contributors to the comfort of the people, producers of material wealth, and not mere idle consumers. Even if, instead of costing but half as much to save them, it cost twice as much as to destroy them, it ought to be done at any price for the welfare of the community.

But the final results of their career are even more expensive to the Government than the few years of their active dissolute life. If they are so fortunate as to die early, the pauper's burial is the end of the expense; but if they live an average of five years, the hospital, the lunatic asylum, and the almshouse must give them shelter for all the remaining years of their miserable lives.

In the cities of New York, Boston, Philadelphia, and Baltimore 90 per cent. of the paupers have never learned a trade; they are supported at public expense for ten, fifteen, and twenty years.

From two to five years' training in a reform school in youth would have given them useful trades, and would have enabled them to render valuable service to the community for years without another day's expense to the public.

This is equally true of our jails and penitentiaries, as may be readily seen by a comparison of the cost of training our youthful vagrants with tendencies to crime, and prosecuting, imprisoning, and executing one developed criminal.

Hitherto our Government has dealt chiefly with the *results* of immorality, vice, and crime. It is now beginning to discern the wisdom of dealing with causes; is realizing more and more the value of practical education and industrial training as a restraining force, a moral power over the appetites and passions of humanity. It is also learning the lesson of economy of time and force in the lowest as well as the highest forms of labor, designed to add to human comfort and happiness. Even a coal-heaver who has had mental training has a higher purpose in pursuing his labor, is happier, makes more money, and uses it more wisely, than his ignorant and vicious neighbor. This is equally true in regard to women.

The argument being clear on the score of economy, the community will be more likely to wisely consider the higher questions of humanity, justice, and purity.

REFORM SCHOOLS IN THE UNITED STATES.

We find upon an examination of the records of reformatory institutions in the United States that twenty-eight of these schools are in operation; fifteen have been established by State Legislatures, six by municipal authorities, and seven by private benevolence; four have been established for girls only within the past eight years, and six

of those established for boys have admitted girls; eighteen have been established for boys only.

The proportion of boys discharged from these institutions known to lead orderly lives is 61 per cent. The proportion of girls discharged known to lead orderly lives is 71 per cent.

The institutions for boys were founded mainly by States, which bear the same relation to municipal government that the United States does to the District of Columbia, on the same ground that we provided for a reform school for boys in this District. The institutions mentioned as especially for girls were founded by private citizens. After repeated refusals by State Legislatures to aid in what was regarded as an unpromising enterprise, the Legislatures of these States now appropriate money to their support annually.

There are doubtless on this floor gentlemen better acquainted with the histories and results of these institutions than I; but published records show that shelter, training and proper protective influences are even more effective in the reformation of girls than boys.

But further and more ample testimony of the value of this work is found in the houses of the Good Shepherd, under the care of the Sisters of Charity. There are one hundred and thirteen of these institutions in various parts of the world, and they have now in charge seven thousand women who have been prostitutes, and eighty-five hundred little girls who have been picked up on the streets.

In the charter granted by the District of Columbia for this reform school, provision is made for the retention and care of persons committed thereto until the board of trustees pronounce their reformation complete. And the act granting the charter provides that the governor of the District shall be the legal guardian of every irresponsible vagrant girl, so that without the humiliation of an arrest and trial, subject only to the approval of one of the judges of the supreme court of the District, she may be quietly committed to the care of the reform school.

TRADES, EMPLOYMENTS, AND METHODS OF REFORMATION.

The selection of the board of trustees by the supreme court of the District, for terms of one, two, and three years, is an amendment to the original charter made by the Committee on Public Buildings and Grounds to secure the institution from sectarian or political management. It is to be in every sense a reformatory and an industrial school, not a prison.

Thorough training will be given in every variety of household employment, the manufacture of articles for domestic use, clothing, brushes, baskets, wire-work, &c., gardening, fruit and flower culture, business training, and in whatever arts or industries are most in demand and will prove most lucrative.

Recreations will be provided with a special view to reformation and healthful development, and will consist of vocal and instrumental music, (proven to have wondrously refining and civilizing effect upon the most vicious,) hygienic exercises, dancing, literary entertainments, and such innocent games as aid and strengthen the body and mind. Education in the English branches, the use of libraries as a privilege earned by faithful performance of duty, and the cultivation of a taste for refined and elevating pursuits during intermission from labor will form an essential feature in the proposed plan for strengthening and purifying the mind and enabling it to overcome tendencies to evil.

PLANS FOR BUILDING.

The most experienced superintendents of reformatories and architects of reform schools in the country have been counseled with in regard to methods of training and buildings adapted to giving them a fair trial.

Economy, convenience, and architectural beauty are combined in the plans submitted to the present board, which plans must, however, be approved by the Secretary of the Treasury before they are adopted. We are aware that the sum provided in this bill is insufficient, but it will construct the main building and furnish present accommodations, and it is the same amount as we appropriated for the reform school for boys. While perhaps chivalry should have prompted us to first provide for the reformation of females, yet as the boys are provided for first, now let us look out for the interest of the weaker sex. If we adjourn and go home without acting in this matter, we leave a few women struggling alone against a mighty tide of ignorance, vice, and depravity, and we shall take with us the consciousness of having refused to assist them in a labor so beneficial to the cause of humanity as to enlist the sympathies of all good citizens.

It may startle the House when I state that there are wandering through the streets of this city thousands of girls who do not know their own father—many of them born here during the war. Many of these women have come here from different parts of the country, hoping to obtain employment from the Government. The arrests of this class made in this city amount to two thousand annually, and the cost for the arrest, trial, conviction, and punishment, and (where the person dies) the burial, is from sixty to one hundred dollars each. One of these girls, growing up in the streets, the victim perhaps of some scoundrel, when she commits some trivial offense, is taken before a police magistrate. There is no place to which to send her except to the station-house, where she sits on a chair or lies on the floor all night in company with the worst criminals of both sexes; or still worse, she is sent to a living death in a cell of the jail in this District, to be the companion of hardened criminals until she has served out her sentence, when she again goes out into the community to pursue her downward path of shame and crime.

Now, sir, the Congress of the United States has already established in this District a reform school for boys. Certainly, in view of this precedent, we cannot refuse to take from the "conscience fund," which now amounts to about $165,000, and which is now lying unused in the Treasury, $100,000 to be devoted to the purposes contemplated in this bill. I trust that the object of the bill may so commend it to the judgment of the committee that it will be passed without opposition and without much further debate.

Mr. McKEE. Does this bill propose to appropriate the "conscience fund?"

Mr. PLATT, of Virginia. It does propose to appropriate $100,000 of the conscience fund, which now amounts to $165,000.

Mr. McKEE. There is no such thing as a "conscience fund;" that money has been paid into the Treasury in pursuance of law.

Mr. PLATT, of Virginia. I beg the gentleman's pardon; he is mistaken.

Mr. McKEE. I am not mistaken. I make my statement upon official authority.

Mr. PLATT, of Virginia. I yield to the gentleman from New York, [Mr. PERRY.]

Mr. PERRY. It is not my province to be numbered among the orators on this floor; but I take occasion at this time to say a few words in behalf of this bill which the chairman of our committee has so nobly presented to the House.

There is a general impression on the part of some of the members of Congress that the Government is already supporting a large number of the benevolent institutions in the District of Columbia, while the citizens themselves are doing very little. The truth is there are twenty-one charitable institutions in the District, of which fourteen are entirely supported by private benevolence, one by a tax on soldiers, three partially by Congress, and three wholly by Congress. Now, sir, there are two homes for aged and infirm women, four orphan asylums, a children's hospital, and seven other institutions of a benevolent character are supported entirely by voluntary contributions. And many excellent people in the District tax themselves to the utmost in this direction.

Considering that this sixty-four square miles is under the special and exclusive jurisdiction of Congress, and that a large portion of the suffering, the infirm, the ignorant, and the neglected are a direct result of national calamities, it does not appear that thus far Congress has done any more than its duty; while it is clear that citizens of Washington have shown much philanthropy and public spirit, and are not guilty as so often charged of throwing all the burdens of the community upon Congress.

But, Mr. Chiarman, among all these twenty-one benevolent institutions we may look in vain for a reform school for girls, or any place where the poor outcast females may find shelter and a chance for reformation. The virtuous poor will not tolerate the companionship of even the unfortunate ruined girl, much less the degraded outcast, and to force even a small number of them into any one of these institutions would destroy its usefulness at once.

The class of persons for whom this institution is designed are set apart from the whole earth. A mark more fatal than the mark of Cain is upon their forehead and all the forces of society combine to drive them to deeper ruin. They need a special home, special treatment, and special teachers, that the evil may be removed and good implanted, confidence in humanity restored, and the lost saved.

The District lays the foundation by purchasing the land, and we are asked to construct the buildings out of the conscience fund.

There is a precedent for using this fund for this purpose in this very District.

The National Soldiers' Home was reared from a separate fund under the charge of the Government, but not covered into the national Treasury. One hundred and eighteen thousand dollars was brought to Washington at the close of the Mexican war, being the unexpended sum of the contributions levied upon the Mexican cities. At the request of General Scott this sum was appropriated to the founding of a soldiers' home, and the comfortable retreat where disabled soldiers may live and die in peace, the beautiful home where every visitor to the capital must drive, is the result.

But who has provided for the lost girls, ruined by soldiers during our own civil war? Hundreds and thousands of soldiers and officers who were brave enough to fight for the American flag and American honor were not too brave to ruin ignorant, defenseless girls for life. Never in the history of our country were there so many reckless, deserted, abandoned girls in Washington as during and since the war. The very name "Hooker's Division," applied to the most disreputable locality in Washington, shows how much the United States Army is responsible for the present condition of these outcasts.

Now certain persons have been troubled by guilty consciences, and have attempted to appease them by sending money to the national Treasury. If every man whose conscience ought to be troubled by the life-long misery he has inflicted upon some unprotected girl had sent money to this fund, it would now be *a mighty sum!* But such as it is I claim that it ought to be used for these buildings, for nowhere else could it be so well applied as for the purpose of erecting this industrial home for women and girls.

I opposed in the committee the reduction from $150,000 to $100,000, for I do not think that $100,000 is enough to construct proper buildings for the three departments needed. The conscience fund as it stands would not have been one dollar too much to have laid a proper foundation for this long-neglected work. But the committee deemed it advisable to make the bill $100,000, and I acquiesced, thankful for small favors.

Mr. Chairman, I hope this bill will meet the favorable consideration of the members of this House and the bill now reported from the committee may pass and this reform school become an institution; that every member of this Congress will feel that he has done conscientiously right in using this conscience fund for the benefit of this industrial home for women and children, one which is so much needed in this growing and populous city.

Mr. PLATT, of Virginia. I now yield for five minutes to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. I want to suggest two or three amendments which I think will meet with the approval of the committee and of the House.

In line 15, on page 2, after the word "site," where it occurs the second time, I move to insert the words "and title;" and after the sixteenth line to insert "and vested in the United States;" so it will read:

Which site and title shall be approved and accepted by the Secretary of the Treasury and vested in the United States before any work shall be commenced or money expended under the provisions of this act.

I will explain the reason of it in a moment.

Mr. PLATT, of Virginia. I accept the amendment of the gentleman from Iowa.

Mr. HOLMAN. I object to that. I wish to have some explanation of it.

Mr. KASSON. I will state in a single moment the reason for it. The site is a small part of the expenditure. The building is to be erected by the United States, and as such the title to the property on which it stands ought to be in the United States. The entire control of the property should be in the United States instead of being in any corporation. My amendment would vest the title to the property in the United States. It ought to be done when the Government invests this amount of money in such a building.

I will suggest one or two other amendments. In the third section, in reference to the conscience fund, I move in line 2, after the word "moneys," to insert "which have been," so it will read "from moneys which have been received from individuals and parties unknown," &c.

Mr. SPEER. I wish to ask the Chair whether this bill should not first be read by paragraphs? If that be done, the gentleman from Iowa can then move his amendments in order.

Mr. PLATT, of Virginia. I ask that by unanimous consent all further debate be closed and the amendments of the gentleman from Iowa [Mr. KASSON] be accepted.

The CHAIRMAN. The bill will have to be read by paragraphs if it is insisted on.

Mr. SPEER. I do insist on it.

The CHAIRMAN. The Clerk will read the first section of the bill.

Mr. PLATT, of Virginia. I ask, by unanimous consent, general debate be closed.

The CHAIRMAN. That order was not made in the House.

Mr. WILLARD, of Vermont. There is no limit to debate in the committee.

The CHAIRMAN. None by order of the House.

Mr. PLATT, of Virginia. I move that the committee rise for the purpose of closing debate.

Mr. HOLMAN. I think there will be no objection to our going on under the five-minute rule.

Mr. PLATT, of Virginia. If we can proceed under the five-minute rule I will withdraw my motion that the committee rise.

The CHAIRMAN. The bill will be read by paragraphs for amendment if there is no desire for further debate.

Mr. WILLARD, of Vermont. There is a desire for further debate.

Mr. PLATT, of Virginia. How much time does the gentleman want?

Mr. WILLARD, of Vermont. I will tell you when I get through.

Mr. PLATT, of Virginia. I move the committee rise in order that we may close general debate in ten minutes.

Mr. WILLARD, of Vermont. I rise to a question of order. How can the gentleman take me off the floor? The Chairman directed the Clerk to read the bill by paragraphs. I rose to the point of order that general debate had not been closed. The Chair sustained that point of order, and I was on the floor addressing the Chair. How can I be taken off the floor?

The CHAIRMAN. The gentleman had not the right to the floor to speak on anything but to the point of order.

Mr. WILLARD, of Vermont. I had the right until general debate was closed.

The CHAIRMAN. The point of order was decided in the gentleman's favor by the Chair.

Mr. WILLARD, of Vermont. But I remained on the floor.

The CHAIRMAN. The gentleman from Virginia had previously made the motion that the committee rise in order to close debate. In regard to the next point made by the gentleman from Vermont, it is true that the Chair directed the Clerk to read the bill by sections, but the demand for that had been withdrawn, and the Chair recognized the gentleman from Virginia, [Mr. PLATT,] who makes the motion which the Chair entertains, that the committee rise for the purpose of making an order in the House to close all debate on the bill.

The question was taken on the motion of Mr. PLATT, of Virginia; and it was agreed to.

The committee accordingly rose; and Mr. RANDALL having taken the chair as Speaker *pro tempore*, Mr. MYERS reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 3498) providing for the construction of buildings for the use of the girls' reform school in the District of Columba, and had come to no resolution thereon.

Mr. PLATT, of Virginia. I move that the House resolve itself into Committee of the Whole on the state of the Union, and pending that motion I move that all general debate on the bill pending in committee be closed in five minutes.

The question to close debate was agreed to.

The question was then taken on the motion to go into Committee of the Whole on the state of the Union; and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. MYERS in the chair,) and resumed the consideration of the bill in relation to the girls' reform school in the District of Columbia.

Mr. PLATT, of Virginia. Recognizing the extreme courtesy of the gentleman from Vermont in his reply to the question I addressed to him, I yield him the time allowed for debate.

Mr. WILLARD, of Vermont. I decline the courtesy.

Mr. PLATT, of Virginia. Then I ask that the bill be read by sections for amendment.

Mr. HOLMAN. The bill has not yet been read through. I call for its reading.

The Clerk read the bill.

The first section authorizes and directs the Secretary of the Treasury to cause to be erected in the District of Columbia, on such site as may be purchased by the said District and approved by him, suitable buildings for an industrial home for women and girls for the purposes described in the act of the Legislature of the said District entitled "An act to establish an industrial home for women and children," approved June 26, 1873; provided that the cost of said buildings shall not exceed the sum of $100,000; and provided further that the trustees of said industrial home for women and children shall secure full possession with perfect title of a site for said buildings; which site shall be approved and accepted by the Secretary of the Treasury before any work shall be commenced or money expended under the provisions of this act; and provided further that all plans, drawings, and specifications for said buildings shall be approved and accepted by the Secretary of the Treasury.

The second section provides that a board of trustees, to consist of nine citizens of the District of Columbia, not less than three of whom shall be females, shall be charged with the management of the said industrial home for women and girls, and three of whom shall serve for one year, three for two years, and three for three years, to be appointed by the supreme court of the said District; and all vacancies in the said board of trustees, occurring by death, resignation, refusal to serve, expiration of term, or other cause, shall be filled in like manner by the said supreme court of said District; provided that the said board of trustees shall report annually to Congress the actual condition of said institution, the amount of receipts and expenditures, investments, real and personal, and such other information as Congress may require.

The third section appropriates for the purposes of the act, from moneys received from individuals and parties unknown, and designated the conscience fund, now in the custody of the Secretary of the Treasury, the sum of $100,000.

The fourth section provides that the chairmen of the Committees on Appropriations and on Public Buildings and Grounds of the two Houses of Congress shall be *ex officio* members of the board of trustees of the industrial home for women and children in the District of Columbia provided for in the act, and shall have all the powers and privileges pertaining thereto.

The Clerk then proceeded to read the bill by sections for amendment.

Mr. WILLARD, of Vermont. I move to amend the first section by inserting after the word "dollars," in line 12, the following:

And no money shall be paid out of the Treasury in pursuance of this law until a contract shall have been made by responsible parties, with sureties to the satisfaction of the Secretary of the Treasury, for the erection and completion in every respect of the buildings herein provided for, at a cost not exceeding the sum of $100,000.

I presume there will be no objection to that amendment.

Mr. PLATT, of Virginia. I have none.

Mr. WILLARD, of Vermont. While I am on the floor I would be glad to say a word or two in regard to this bill. I cannot conceive that any one can have any objection to such an appropriation of money as is provided for in this bill, if after fair consideration and examination of the subject it appears that the Treasury of the United States ought to be charged with such an appropriation. No one of course doubts the beneficial character of such a home as is here contemplated, and no one would hesitate one moment to give any money that could properly be given for such an object to establish such a

home. Whether the District of Columbia is any more in need of such a home than any other equally populous community, I confess I am unaware. Sufficient facts have not been brought before us to show that it is; but this question was brought to the attention of the Committee of the Whole on a former occasion when a bill providing for the erection of a new bridge across the Eastern Branch was under consideration, the question how far the Government of the United States should be charged with doing in the District of Columbia what they would not do in Maryland, Virginia, or any other State. I understand that the Committee on the Judiciary have made a report, which if not already in print soon will be, setting forth, so far as their examination of the question has gone, what in their judgment are the legal relations subsisting between the District of Columbia and the Government of the United States, and I suppose their report will cover the point how far the United States ought to be chargeable for any public works within the District of Columbia.

Now I can understand, Mr. Chairman, that we may reasonably be charged for some expense for public works here; that the United States Government may be reasonably charged with all the additional expenses entailed on the District by reason of its being the capital of the United States. I am not prepared to say that we cannot be reasonably and fairly charged with all that ought to be paid by reason of its being the capital of the United States; but how far we ought to be charged with work of this kind, eleemosynary in its character, for the benefit of whomsoever the trustees may see fit to introduce into this institution, is a question worthy of consideration. I think myself that the practice ought not to be encouraged of resorting to such a device as that which is resorted to in this bill, as though by taking this conscience fund we were not taking money out of the Treasury of the United States. This conscience fund is just as much the money of the United States as any money in the Treasury collected by taxation, and we have no more right to appropriate this money than any other.

Mr. PLATT, of Virginia. I see no objection to the amendment of the gentleman from Vermont.

Mr. HOLMAN. The effect of the amendment would be to allow this whole sum to be drawn at one time after a contract was made, and we have seen the evil consequences of such a policy. I therefore move to amend the amendment by adding to it the following words:

And then only in such sums as may be necessary from time to time to pay for the work done under the contract.

Mr. PLATT, of Virginia. I have no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was then agreed to.

Mr. PLATT, of Virginia. I move to amend the first section by inserting after the word "site," in line 15, the words "and title;" so that it will read:

Which site and title shall be approved and accepted by the Secretary of the Treasury before any work shall be commenced or money expended under the provisions of this act, &c.

Mr. HOLMAN. I desire to say a word upon that amendment.

Mr. PLATT, of Virginia. Let me first suggest another amendment, and then the gentleman can address his remarks to both of them. I move to insert after the words "Treasury" in line 16 the words "and the title thereto vested in the United States."

Mr. KASSON. The clause will then read:

That the trustees of said industrial home for women and children shall secure full possession with perfect title of a site for said buildings; which site and title shall be approved and accepted by the Secretary of the Treasury and the title thereto vested in the United States before any work shall be commenced or money expended under the provisions of this act: *And provided further*, That all plans, drawings, and specifications for said buildings shall be approved and accepted by the Secretary of the Treasury.

Mr. HOLMAN. I object to both amendments and desire to say a word upon them. I ask that the second section of the act incorporating this company may be read.

The Clerk read as follows:

And be it further enacted, That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the District treasury not otherwise appropriated, to purchase ten acres of land in a pleasant and healthful location, within five miles from the city limits, for the purpose named in the previous section: *Provided*, That Congress makes an appropriation sufficient to erect the necessary buildings.

Mr. HOLMAN. The Committee of the Whole will see the exact effect of this legislation. This company has been incorporated under the legislation of this District. It is proposed to purchase the site for this institution for the sum of $5,000, appropriated by the District; and it is proposed of course that the title to that site shall be vested in the corporation which the Legislature of this District has created. It is proposed by this bill at the outset to appropriate $100,000, and allow this company to build the building, and to make it not an institution of the District of Columbia but an institution of the Government of the United States. It is proposed that the title of this property which is paid for by the District shall be vested in the United States. The law organizing this institution contemplates the purchase of the site by the District of Columbia and the vesting of the title to the site in this corporation.

Now, while I think my friend from Virginia [Mr. PLATT] makes a great mistake, and places us in a false position in talking about appropriating this sum out of the conscience fund, which can be but a mere pretense, I think perhaps it is but reasonable that we should appropriate the sum of money here named, $100,000, for the purpose of erecting this building. I do not know an object that would more justify an appropriation. Still I know that in every town in this broad land where a similar institution has been founded, in all our cities, the citizens themselves pay the necessary taxes for the purpose.

Mr. PLATT, of Virginia. There is not a city in this land where there is an institution of this character the expense of which is not borne by the State in which the city is situated. And the General Government bears the same relation to the District of Columbia that a State bears to a city within its limits.

Mr. HOLMAN. I think that argument is not correct. I think, as a matter of course, the local governments should manage their own affairs at their own expense. I think it is wrong for us to tax our constituents to build up this institution here. But in view of the great humanity there is in such an act of legislation, I shall not object to this appropriation of $100,000.

What I do object to, however, is the making this institution a permanent institution of the Federal Government by vesting the title of this property in the United States. It should be vested in a board of trustees, and we can appropriate out of our Treasury the sum of $100,000 to erect the necessary buildings. I trust it will not be insisted that the title of this property shall be vested in the Government of the United States, and that it be made in fact, in every conceivable sense, an institution of the Government.

[Here the hammer fell.]

Mr. KASSON. I desire to say a word, for I think the gentleman from Indiana [Mr. HOLMAN] and myself can hardly differ so widely except by mistake. As the bill now stands, without amendment, the title to the ground upon which the building is to be erected remains in a private corporation. And as soon as the money appropriated by the United States shall be put in a public building on that ground both the building and the ground of course become the property of a private corporation.

Now, suppose that the Government, which by this bill has the control and management of this institution through a board of trustees, should desire to use it for some other public purpose from any cause which the future may develop; they will be estopped from any other use whatever, or any control over the grounds or their improvement, from the fact that they are private property. We expend $100,000 to improve property which will immediately go out of our control. I think we ought not to do that. The object of the amendment is simply to leave this institution in the control of the United States. The chairman of the committee [Mr. PLATT, of Virginia,] and others seem to consider that a proper thing to do; and unless there is some reason why it is unsafe for the United States to accept the title to this property to the value of which they contributed nearly the entire amount, I certainly think this amendment should be adopted.

Mr. HOLMAN. Does the gentleman think it proper that the Government of the United States should assume the entire responsibility for this institution and all of the appropriations necessary to keep it up hereafter to the entire exclusion of the District, thereby relieving the people here entirely from taxation for that purpose?

Mr. KASSON. In answer to that I will say that from conversation with very responsible people in this District, gentlemen and ladies who have taken some interest in this question, I know that they desire to sustain this institution by their charities as they have done heretofore; but they cannot raise the money to erect the buildings. They are willing to trust the United States to give them shelter, and then to trust themselves for furnishing means to carry on the institution. While giving them that shelter, this amendment simply proposes that the United States shall retain the ownership of the property.

Mr. DAWES. I think the gentleman from Indiana [Mr. HOLMAN] must give up the idea that we can go on and make this appropriation and not become so identified with this institution as to take its support upon ourselves. If it be worthy of this appropriation, we must meet the matter here at this time, whether the Government of the United States should establish and maintain this institution. There cannot be kept up any such joint proprietorship and joint obligation of the United States with private benevolence for the support of this institution, as suggested by the gentleman from Indiana. We have had in this District very many such instances, and the result in all cases has been sooner or later that the United States has taken the matter wholly upon its hands; and I suggest to the House that it had better make up its mind at once to do that in this case. I will say at the outset that I propose to vote for this appropriation; but I do it with a full conviction that by this proceeding the United States takes this institution upon its own hands. As I say, this matter has been tried over and over again in this District. Take the case of the Institution for the Deaf and Dumb, which commenced in a charity of a few thousand dollars. The United States contributed to the support of that institution as a charity from time to time. There was a constant struggle and a vain effort upon the part of those who looked to the contributions of voluntary benevolence to supply what was necessary for the support of that institution. There were applications to Congress again and again for additional aid in obtaining grounds and erecting buildings, until at last the managers of the institution voluntarily came here and surrendered their whole title to the United States upon a trust, never to be violated, that the real

estate should be devoted forever to the purposes of the institution. That is now one of the finest institutions in the country, located upon what is among the finest real estate in this whole District; and it is so consecrated by the title conveyed to the Government that the United States even by an act of Congress cannot part with that title without a violation of its faith.

[Here the hammer fell.]

Mr. CROCKER obtained the floor.

Mr. PLATT, of Virginia. I make the point of order that debate is exhausted on the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CROCKER. I believe I was recognized.

The CHAIRMAN. But the point of order has been made that debate upon the pending amendment was exhausted.

Mr. PLATT, of Virginia. The gentleman from Massachusetts [Mr. CROCKER] will of course have an opportunity to speak on the next amendment.

The CHAIRMAN. Is there objection to the pending amendment?

Mr. HOLMAN. I object; I desire to have the amendment voted upon.

The question being taken on the amendment, there were—ayes 60, noes 25; no quorum voting.

Tellers were ordered; and Mr. HOLMAN, and Mr. PLATT of Virginia, were appointed.

The committee again divided; and the tellers reported—ayes 123, noes 28.

So the amendment was agreed to.

Mr. DAWES. I move to amend by inserting after the amendment just adopted the following words:

In trust for the sole purpose and use indicated and set forth in the said act of the Legislature of the said District.

Mr. COBURN. The gentleman from Massachusetts [Mr. DAWES] has well said that this is merely the beginning of an institution which is to be saddled upon the Government, which we shall be bound to support henceforth and forever. We may make up our minds that if we now establish this institution we shall be bound to sustain it. The appeal will regularly be made to Congress to add to the buildings, to keep them in repair, to support the officers, and to bear all the other expenses.

I remember very well that when I first came here the institution for the deaf and dumb located in this District cost the Government very little. It was founded, as this institution is to be founded, with private trustees; but it has grown, as the gentleman from Massachusetts [Mr. DAWES] has said, to be a great governmental institution. If you now give the sanction of the Government to the institution proposed to be established by this bill, you may expect twenty, thirty, or forty thousand dollars a year to be drawn from the Government regularly to support it.

This city is destined to be a great city. It is destined to furnish hundreds of people of the class for whose benefit this institution is about to be established. These are not children alone; they are women; they are grown persons. When this bill contemplates a "home for women and girls, for the purposes described in the act of the Legislature," it embraces a large class; and if we pass this bill we shall be bound hereafter to support a great institution of this kind. Are we prepared for such an expense?

I live in a State capital which is more than half as large as this city, which has seventy or eighty thousand inhabitants; and the citizens of that place would be ashamed to ask from the State one dollar to assist in supporting any of their local charities. They take care of their own poor; they support and furnish homes for persons of the class contemplated by this bill, and they do it liberally, asking neither help nor credit for what they do. It is a shame that the people of this District are continually knocking at the doors of the national Treasury asking us to support their poor and other unfortunates, demanding in every quarter assistance from the General Government. They are just as able to take care of themselves as are the people of any other metropolis; and I think it is time they should do so.

Mr. HOLMAN. I move to amend the amendment of the gentleman from Massachusetts [Mr. DAWES] by striking out the last word. I make this motion for the purpose of saying that I am anxious to do something for what I deem a highly humane purpose, and I will go further in behalf of the institution now under consideration than upon any other suject of legislation concerning this District, unless it might be a measure for the benefit of those unfortunate boys wandering uncared-for upon our streets, who could perhaps by proper care on the part of the Government be reformed and trained to good citizenship.

But I see that both the chairman of the Committee on Appropriations [Mr. GARFIELD] and the chairman of the Committee on Ways and Means [Mr. DAWES] are intent on making this a national institution. All that the District of Columbia has asked from us is a reasonable sum of money to assist in the beginning of this work—to enable the trustees to erect the building. Nothing more is asked of us. But instead of doing this it is proposed that we shall assume the whole responsibility, that the title of this property shall be vested in the Government, and that Congress shall become responsible for the future maintenance of the institution. The city of Washington has asked no such thing; and so far as I am concerned I object to appropriating one dollar for the purpose of making this a permanent Government institution, to be supported out of the national Treasury. I will not vote for any such new enterprise.

Mr. MAYNARD. Suppose that the city of Washington had not asked for a dollar of appropriation for this institution and had not taken any step toward establishing it, would not the gentleman from Indiana, [Mr. HOLMAN,] as an American citizen interested in the welfare and prosperity of the national capital, initiate such a movement as due to the honor of the American name?

Mr. HOLMAN. I am interested in relieving the wants of the distressed everywhere, but no more here than in other cities in the prosperity of which we feel a kindred interest.

[Here the hammer fell.]

Mr. DAWES. I do not speak as the chairman of the Committee on Ways and Means.

Mr. PLATT, of Virginia. Debate has been exhausted on the pending amendment.

Mr. DAWES. I think not. I merely intimated to the gentleman from Indiana what his own experience would corroborate. He cannot have this institution upon the shoulders of the United States, to be supported from the United States Treasury, and still let the title to the property remain in the name of others.

Mr. HOLMAN. I do not propose the Government shall have anything to do with it except to make it this donation.

Mr. DAWES. I know the gentleman wishes to relieve those who are in distress, but I wish to act fairly and squarely in reference to this whole matter. I am in favor of the object of the bill. I have long taken an interest in various institutions indicated in several of the provisions of this bill. I do not think it is asking too much of the Government to do for this class as we have done for the insane; but if we undertake this double work, as provided for in this bill, we shall certainly fail. I do not wish to see fifty or a hundred thousand dollars of the people of the United States put on lands belonging to others, nor do I wish to see these lands put under the United States generally, so it may be disposed of by act of Congress at any time. Let the United States hold this property in the relation of a trust for this purpose or let the United States not touch it at all.

Let us decide it fairly and squarely. I am not here in disguise to oppose the bill. I hope it will pass, but not until the United States takes this real estate into its own possession, and holds it as trustee against all contingencies and all adversities and all hostile legislation which may come hereafter. If it be a work we ought to engage in at all, it is a work worth taking hold of in earnest, and in such a way it will never come to naught. If you build your house upon another man's land, if you let another organization control it, then by and by it may not be as now in harmony with Congress, and there will be an antagonism which must be fatal to the institution.

Mr. MAYNARD. Is the gentleman from Massachusetts unwilling to trust the wisdom of a subsequent Congress?

Mr. DAWES. When the United States holds it in trust for these parties the United States cannot wrench it away, nor can any one take it from the United States. It would require the joint action of the two to dispose of it. Therefore any hostile feeling which may come hereafter in Congress could not overthrow the institution. So long as Congress is true to the trust can it part with the property? It is better, therefore, if we touch it at all, to touch it in the way I suggest. Members would hold in trust in any other institution as a board of trustees, and would fix it so that it would not depend upon the trustees only as to the purpose for which the institution should be devoted. I look into the purposes of the institution; I see they are worthy of my support, and I wish, if we are to erect an institution here, to make it a permanent one like that over on our left, the Deaf and Dumb Institution, or this one in front of us, the Insane Asylum, and other institutions which Congress has felt it its duty to patronize and protect. I would have it unlike the orphan asylum to which Congress voted money, the title of which was not left in the United States. What has been the consequence? There has not been an orphan in it. The building has been rented to the United States for the State Department ever since it was built. We are to-day paying rent to an institution we built with our own money.

Mr. MAYNARD. Was the title of the Deaf and Dumb Institution vested in the United States?

Mr. DAWES. It was a donation to a private institution.

[Here the hammer fell.]

Mr. PLATT, of Virginia. At half past four the House ordered a recess to be taken until half past seven this evening. It is so near that time now that it is impossible we can come to a vote on the pending bill unless this discussion stops at once. I ask unanimous consent, therefore, that the vote be taken.

Mr. SHANKS. I object.

Mr. PLATT, of Virginia. I move that the committee rise.

Mr. SPEER. I ask the gentleman from Virginia to withdraw his motion.

Mr. PLATT, of Virginia. I should like to accommodate my friend from Pennsylvania, but I cannot withdraw my motion. I insist on my motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MYERS reported that the Committee of the Whole on

the state of the Union had had under consideration a bill (H. R. No. 3498) providing for the construction of buildings for the use of the girls' reform school in the District of Columbia, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 822) to amend the act entitled "An act to promote the development of the mining resources of the United States."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, returned to the House in accordance with its request the bill (H. R. No. 1196) to alter and appoint the times for holding the circuit court of the United States for the fourth judicial circuit, and for other purposes.

The message also informed the House that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. No. 773) to reduce the area of the military reservation of Fort Sanders, and providing for the survey of said reservation as reduced;

A bill (H. R. No. 955) for the relief of J. L. Tedrow, of Clarke County, Iowa; and

A bill (H. R. No. 1936) for the relief of Dewight Desilva, of Deposit, New York.

ORDER OF BUSINESS.

Mr. PLATT, of Virginia. I yield what time I have remaining to the gentleman from New York.

Mr. SPEER. How does the gentleman retain possession of the floor?

Mr. PLATT, of Virginia. By order of the House.

Mr. PLATT, of Virginia. I make the point of order that the Committee on Public Buildings and Grounds is entitled to the floor to-day.

Mr. COX. Is it not in order to move to adjourn?

The SPEAKER. The gentleman has not the floor.

REGULATION OF GAS-WORKS.

Mr. SESSIONS, from the Committee on Public Buildings and Grounds, reported back, with the recommendation that it do pass, the bill (S. No. 733) regulating gas-works.

Mr. RANDALL. That bill has to go to the Committee of the Whole on the state of the Union.

Mr. SESSIONS. There is no appropriation in the bill at all.

Mr. COX. I ask again, is it in order to move to adjourn?

The SPEAKER. It would be in order, but the effect of the motion would be to vacate the order of the House for an evening session.

Mr. COX. I have no objection to vacating that order.

CODIFICATION OF THE LAWS.

Mr. POLAND. I rise to a privileged question. I present the report of the committee of conference on the disagreeing votes of the two Houses on the resolution in relation to the printing of the statutes as revised.

Mr. PLATT, of Virginia. Can that be done under the order of the House?

The SPEAKER. It is a question of the highest privilege.

The Clerk read the report of the committee of conference, as follows:

The committee of conference on the disagreeing votes of the two Houses on the resolution of the House for the suspension of the joint rule of the two Houses No. 6, so far as it relates to the bills of the House (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, 1873; (H. R. No. 2879) an act revising and consolidating all the laws authorizing post-roads in force on the 1st day of December, 1873; and (H. R. No. 3349) to revise and consolidate the statutes of the United States general and permanent in their nature relating to the District of Columbia in force on the 1st day of December, 1873; having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

Strike out of the resolution as passed by the House the words "as engrossed in the House of Representatives, and passed in the Senate," and insert in lieu thereof the following:

Printed upon paper and duly examined and certified by the Joint Committee on Enrolled Bills, provided by the joint rules.

L. P. POLAND,
E. R. HOAR,
R. M. KNAPP,
Managers on the part of the House.

POWELL CLAYTON,
H. B. ANTHONY,
T. F. BAYARD,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. POLAND moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX. I move that the House do now adjourn.

Mr. BUCKNER. There is a special assignment for to-night for reports from the Committee on Private Land Claims.

The SPEAKER. Nevertheless the House has a right to adjourn.

Mr. BUCKNER. I hope the House will not adjourn.

The question was taken on Mr. COX's motion; and on a division there were—ayes 64, noes 59.

Mr. WARD, of Illinois. I call for tellers.

Tellers were ordered; and Mr. PACKARD and Mr. COX were appointed.

The House again divided; and the tellers reported—ayes 82, noes 80.

Mr. PACKARD. I make the point of order that the hour of half past four having arrived the House must now take a recess.

The SPEAKER. The trouble is that the hour had not arrived when the motion to adjourn was made. Had the hour of half past four o'clock arrived, the motion could not have been entertained.

Mr. PACKARD. The hour has arrived before there is any decision on the question.

The SPEAKER. O, yes; but the House is dividing. This question has been frequently adjudicated.

Mr. PACKARD. Then I ask for the yeas and nays on the motion to adjourn.

The SPEAKER. The point made by the gentleman would have been good if the vote had been the reverse of what it is. It would then have been the duty of the Chair to have declared that the hour for taking a recess had arrived. But inasmuch as the vote is to adjourn, the gentleman has a right to call the yeas and nays upon it. Had the vote been the reverse, the recess would have been taken.

Mr. PACKARD. I ask that next Friday evening be allowed to the Committee on Private Land Claims.

The SPEAKER. That evening is already assigned for the business of the Committee on the Public Lands.

Mr. PACKARD. Then I must insist on the yeas and nays.

Mr. MYERS. Is there any assignment for to-morrow night?

The SPEAKER. There is not.

Mr. PACKARD. Then I ask unanimous consent that to-morrow night be allowed to the Committee on Private Land Claims in lieu of to-night.

Mr. MOREY. I object.

Mr. MACDOUGALL. Pending the call for the yeas and nays, would it be in order to move that the House now take a recess until half past seven?

The SPEAKER. It would not, because the motion to adjourn, which is now pending, is of higher privilege than the motion for a recess. The question is upon ordering the yeas and nays upon the motion to adjourn.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 64, nays 125, not voting 100; as follows:

YEAS—Messrs. Ashe, Atkins, Banning, Bell, Berry, Blount, Brown, Buffinton, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cannon, John B. Clark, jr., Freeman Clarke, Stephen A. Cobb, Corwin, Cox, Crittenden, Crocker, Crossland, Danford, Davis, Eldredge, Fort, Freeman, Garfield, Giddings, Gooch, Gunckel, Harmer, Henry R. Harris, John B. Hawley, Herndon, Holman, Hunton, Hyde, Lawson, Lowndes, Magee, Martin, McLean, Mills, Neal, O'Neill, Pelham, Perry, Purman, Robbins, James W. Robinson, Isaac W. Scudder, Sener, Sloss, A. Herr Smith, John Q. Smith, Southard, Speer, St. John, Storm, Taylor, Whitehead, Whitthorne, and George Willard—64.

NAYS—Messrs. Albert, Albright, Averill, Barnum, Barrere, Bass, Beck, Bland, Bradley, Bright, Bromberg, Buckner, Bundy, Burleigh, Cain, Cason, Cessna, Amos Clark, jr., Clements, Clymer, Coburn, Comingo, Conger, Cook, Cotton, Crounse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Durham, Farwell, Field, Glover, Hagans, Eugene Hale, Hancock, Benjamin W. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, Kelley, Kellogg, Lawrence, Lynch, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Milliken, Monroe, Morey, Morrison, Myers, Niblack, Niles, Orr, Orth, Packard, Isaac C. Parker, Parsons, Pendleton, Phelps, Pierce, James H. Platt, jr., Potter, Pratt, Rainey, Randall, Ransier, Rapier, Ray, Rice, Ellis H. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Henry J. Scudder, Sessions, Sheldon, Lazarus D. Shoemaker, Small, George L. Smith, Snyder, Sprague, Stanard, Standiford, Stone, Strait, Strawbridge, Christopher Y. Thomas, Thornburgh, Townsend, Tyner, Vance, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, White, Whiteley, Charles W. Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Woodford, Woodworth, and John D. Young—125.

NOT VOTING—Messrs. Adams, Archer, Arthur, Barber, Barry, Begole, Biery, Bowen, Clayton, Clinton L. Cobb, Creamer, Crooke, DeWitt, Eames, Eden, Elliott, Foster, Frye, Robert S. Hale, Hamilton, John T. Harris, Hathorn, Hays, John W. Hazelton, Hersey, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hynes, Jewett, Kasson, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Loughridge, Lowe, Luttrell, Marshall, McJunkin, McKee, Mitchell, Moore, Negley, Nesmith, Nunn, O'Brien, Packer, Page, Hosea W. Parker, Phillips, Pike, Thomas C. Platt, Poland, Read, Richmond, William R. Roberts, Ross, John G. Schumaker, Scofield, Shanks, Sheats, Sherwood, Sloan, Smart, H. Boardman Smith, J. Ambler Smith, William A. Smith, Starkweather, Stephens, Stowell, Swann, Sypher, Charles R. Thomas, Todd, Tremain, Waddell, Waldron, Wheeler, Whitehouse, Wilber, Willie, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, and Pierce M. B. Young—100.

So the motion to adjourn was not agreed to.

The SPEAKER. The House ordered that at half past four to-day a recess should be taken till half past seven o'clock, and that the session of this evening should be exclusively for the consideration of reports from the Committee on Private Land Claims.

Mr. SPEER. Is it in order to give notice that there must be a quorum present to-night for the transaction of business?

The SPEAKER. A quorum is required by the rules.

Mr. SPEER. I give that notice now.

The House then (at four o'clock and fifty minutes) took a recess until half past seven p. m.

EVENING SESSION.

The recess having expired, the House resumed its session, Mr. HOSKINS in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The session this evening is exclusively for the consideration of reports from the Committee on Private Land Claims. The gentleman from Indiana [Mr. PACKARD] is entitled to the floor.

GRANTS IN NORTHWESTERN AND INDIANA TERRITORIES.

Mr. PACKARD. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. No. 2188) for the relief of persons to whom the governors of Northwestern and Indiana Territories confirmed lands, and that the same be now considered in the House.

Mr. HOLMAN. I ask that the bill be read.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where any claim to land in the Northwestern and Indiana Territories has been confirmed, according to law, by Arthur St. Clair, governor of the Northwestern, or William H. Harrison, governor of the Indiana Territory, and the land covered by said claim, in whole or in part, has been sold by the United States since the date of said confirmation, it shall be the duty of the Commissioner of the General Land Office, upon satisfactory proof that the claim so confirmed cannot be located in place by reason of the land covered by said claim having been sold by the United States, to issue a certificate of location to the confirmee, or his legal representatives, for such part or parts of said claim as cannot be located in place for the reason aforesaid, which certificate may be located upon any of the public lands of the United States subject to sale at private entry at a price not exceeding $1.25 per acre, and, when so located, patent shall issue therefor: *Provided*, That said certificates shall be located in legal divisions and subdivisions: *Provided further*, That no certificates of relocation shall issue, under the provisions of this act, where certificates of relocation have already issued, or where the claim has been otherwise satisfied by the United States.

SEC. 2. That all certificates and patents issued thereon, under this act, shall designate the number of claim upon which the same are issued, and shall state that their acceptance is in lieu of original claim to the land, and in satisfaction of all further claims against the United States for having sold said lands, and subsequently patented the same; and shall operate a release, to the subsequent purchaser from the United States, of all title derived from confirmation made by the governors in the Northwestern and Indiana Territories to said parties: *Provided*, That the aggregate of such certificates shall not exceed forty-three thousand acres.

Mr. HOLMAN. I shall have to object to that bill being taken out of Committee of the Whole.

Mr. PACKARD. I ask my colleague to withdraw his objection until I can make a statement.

Mr. HOLMAN. I will reserve my objection for the present.

Mr. SPEER. Did the Chair announce that there was a quorum present?

The SPEAKER *pro tempore*. The Chair did not make any such announcement; he did not think it his duty to do so.

Mr. PACKARD. The bill which has just been read is a bill providing for the confirmation of certain land claims which arose from confirmations made by certain governors of the Northwestern and Indiana Territories. In the year 1790 Governor St. Clair became governor of the Northwestern Territory; he went into the Territory, organized it, instituted a territorial government, and proceeded to confirm to settlers certain grants under ancient French claims, certain military donation grants, and grants of different kinds. Some two years after that Governor Harrison, of Indiana, succeeded to his power, and also made certain confirmations. Those confirmations were reported to and approved by the Department to which they were referred—I think the Treasury Department then had charge of matters pertaining to lands.

It was understood until 1812 that these confirmations made by the governors were valid, entitling the holders to the land. Up to 1812 there had been a continuous recognition of the validity of these grants. In that year a commission was organized to go to these Territories and re-examine the confirmations that had been made by the governors. That commission did so and made its report, adhering to some of the governors' confirmations and approving them, and rejecting others. It is these rejected claims that are contemplated by this bill.

The reason for now proposing this bill to provide for these claims is this: Many of these grants arose under treaties; all of them arose in such a way that every department of the Government has held them to be valid. I say every department, because up to the year 1812 the executive department had so held them, and since 1812 Congress has over and over again revoked the rejection of a number of these claims. In each case when one of these old rejected claims has been brought before Congress it has revoked the rejection. The Government having sold the lands, in every instance where the lands had gone into the hands of other parties Congress, where application had been made, has paid the original grantee.

On looking over the United States statutes I find that one act of this kind was passed in 1836, when James O'Hara, of Pittsburgh, Pennsylvania, who held sixty-six hundred acres of these rejected governor's confirmations was paid by Congress the full amount of his claim. His claim having been rejected by the commission, and the claim being brought here, Congress indemnified him for the loss. A bill of the same kind was passed by Congress December 31, 1848, and another August 4, 1854, both providing for the payment of persons who held these governor's confirmations.

While some of the claimants have been relieved by Congress, a number of these claims are still unprovided for—claims in precisely the same situation. The committee thought it best, instead of providing for each case individually, to introduce a general bill which should cover the whole of them. The amount is limited in the bill so as not to exceed forty-three thousand acres altogether.

Mr. HOLMAN. I think I must insist on my objection.

The SPEAKER *pro tempore*. This statement can only proceed by unanimous consent. The gentleman from Indiana [Mr. HOLMAN] insists upon his objection.

Mr. PACKARD. I hope I may be allowed to make one further statement.

Mr. HOLMAN. Of course I have no objection to my colleague completing his statement.

The SPEAKER *pro tempore*. If the gentleman from Indiana [Mr. HOLMAN] objects, the Chair will rule that his colleague [Mr. PACKARD] cannot proceed.

Mr. HOLMAN. I am perfectly willing to withdraw my objection until my colleague has concluded his explanation; but I still reserve my right to object.

The SPEAKER *pro tempore*. The gentleman is proceeding by unanimous consent only.

Mr. PACKARD. Now I come to the judicial decisions, and with this part of the statement I shall conclude my remarks. A case arose in Illinois where most of these lands were claimed. The supreme court of Illinois decided that this rejection was invalid; that the original grantee was entitled to the land; that the governor having confirmed the land to the grantee, that confirmation must stand. The case is reported in Breese's Illinois Reports, page 236. Another case arose wherein one Hall had purchased from the United States as public lands some of these governors' confirmations, and had occupied the land, paying to the United States $1.25 or $2.50 per acre. The case was carried by the original grantee or his representative to the supreme court of Illinois. That court ejected the Government holder. He appealed to the Supreme Court of the United States, which in a case reported in 6 Wallace confirmed the decision of the supreme court of Illinois. I base this claim more especially upon the decision of the Supreme Court of the United States, and I call the attention of my colleague especially, and of any others who may be inclined to object to the consideration of this bill, to this language of the Supreme Court:

> Congress is bound to regard the public treaties, and it had no power to organize a board of revision to nullify titles confirmed many years before by the authorized agents of the Government. And Congress became, afterward, so well satisfied itself of this, that it passed an act returning to the purchasers the money which they had paid for titles obtained upon the assumption of such right.

That is the decision of the Supreme Court of the United States. I do not know that I need say any more. I have given a short history of these claims. As I have said, every department of the Government—the executive, the legislative, and the judicial—have in succession recognized the validity of these claims. A part of these rejected claims having been provided for, the question is whether we shall now provide for the remainder.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. PACKARD] asks unanimous consent that the Committee of the Whole be discharged from the further consideration of this bill.

Mr. SPEER. I must object.

Mr. HOLMAN. I must insist also on my objection.

PRIVATE LAND CLAIMS IN THE STATE OF MISSOURI.

Mr. BUCKNER. I now call up Senate bill No. 32, obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes; which has been reported back from the Committee on Private Land Claims with an amendment.

The bill, which was read, in the first section provides that all of the right, title, and interest of the United States in and to all of the lands in the State of Missouri which have at any time heretofore been confirmed to any person or persons by any act of Congress, or by any officer or officers or board or boards of commissioners acting under or by authority of any act of Congress, shall be, and the same are hereby, granted, released, and relinquished by the United States in fee-simple to the respective owners of the equitable titles thereto, and to their respective heirs and assigns forever, as fully and as completely, in every respect whatever, as could be done by patents issued therefor according to law.

The second section provides that nothing contained in the first section of the act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in said first section; and the act shall in nowise affect any lands or lots heretofore relinquished to the United States; and all persons who, under the statute of limitations of said State would be protected in their possessions had patents for the lands or lots occupied by them been issued at the date of the confirmation of the claims thereto as aforesaid, shall be deemed to have the equitable title to the lands so occupied by them within the meaning of this section, and the release herein provided for shall be as effectual in their favor as in cases where the owner derives title from the original claimant or confirmee.

The third section provides that whenever the Secretary of the Interior shall be of the opinion that the public interest no longer requires the continuance of the office of recorder of land titles in Missouri, he may close and discontinue the same; and all the records, maps, plats, field-notes, books, papers and everything else concerning, pertaining,

or belonging to said office of recorder shall be delivered to the State of Missouri; provided, however, that said State shall provide by law for the reception and safe-keeping of said records, maps, plats, field-notes, books, papers, and everything else belonging to said office of recorder, as public records, and for the allowance of free access to the same by the authorities of the United States, for the purpose of taking extracts therefrom or making copies thereof without charge of any kind; and provided further, that when said office of recorder shall be closed and discontinued as aforesaid, the Commissioner of the General Land Office shall forever thereafter possess and exercise all of the powers and authority and perform all the duties of said recorder.

Mr. STORM. I rise to a point of order. This disposes of property of the United States, and must have its first consideration in the Committee of the Whole on the state of the Union.

Mr. BUCKNER. That point of order will not hold good to this bill.

Mr. STORM. It contains an appropriation of land.

Mr. BUCKNER. There is no appropriation of land in it, and if I have an opportunity I will satisfy the gentleman it does not come within the rule.

The SPEAKER *pro tempore*. The Chair is of the opinion this bill will divest the United States of certain property, and therefore sustains the point of order. If insisted on the bill must go to the Committee of the Whole on the state of the Union.

Mr. BUCKNER. Speaker BLAINE decided this bill was not amenable to that point of order.

The SPEAKER *pro tempore*. The point of order is decided, and cannot now be discussed.

Mr. BUCKNER. I hope the Chair will now entertain a motion to go into the Committee of the Whole. On two different occasions I have tried to get this bill passed, but on both occasions objection was made. It is an important bill in the interest of my State.

The SPEAKER. The Chair will entertain the motion to go into the Committee of the Whole on the state of the Union, but will inform the gentleman, after the House does go into the Committee of the Whole, it will go into the Committee on the whole Calendar, and every other bill will have to be taken up before this one.

Mr. STORM. Inasmuch as my friend from Missouri has labored so long to have this passed and as no other gentleman seems disposed to object, I withdraw my objection.

The SPEAKER. The point of order being withdrawn, the bill is now before the House.

Mr. BUCKNER. I ask that the amendment reported from the committee be read.

The Clerk read as follows:

Amend by striking out the following words in the second section:

And all persons who, under the statute of limitations of said State, would be protected in their possessions had patents for the lands or lots aforesaid occupied by them been lawfully issued at the date of the confirmation of the claims thereto as aforesaid, shall be deemed to have the equitable title to the lands so occupied by them within the meaning of this section, and the release herein provided for shall be as effectual in their favor as in cases where the owner derives title from the original claimant or confirmee.

Mr. WILLARD, of Vermont. What is the purpose of the amendment? Wherein does it change the purpose of the bill?

Mr. BUCKNER. The Senate bill attempts to apply the statute of limitations to be put in force at once. The committee thought that was going beyond their power and authority, and therefore they have stricken that out. This is equivalent to a legislative grant, and affects nobody's right whatever.

Mr. WILLARD, of Vermont. I understood on the first reading of the bill it provided all right and title which the United States may have in these lands should be released to the person having the equitable interest.

Mr. BUCKNER. That is stricken out.

Mr. WILLARD, of Vermont. I understand the amendment declares who has the equitable interest.

Mr. BUCKNER. No, sir.

Mr. WILLARD, of Vermont. Read the amendment again.

The amendment was again read.

The amendment was agreed to.

The bill, as amended, was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. BUCKNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto; had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. EDMUNDS, Mr. WRIGHT, and Mr. THURMAN.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the resolution of the House of Representatives requiring the Congressional Printer to furnish to each member of the Senate and each Member and Delegate of the House of Representatives twenty-four copies of the CONGRESSIONAL RECORD.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the House on the resolution of the House for the suspension of the sixth joint rule so far as it relates to certain bills revising and consolidating the statutes of the United States.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

A bill (S. No. 452) for the relief of John McHarg, late collector of internal revenue for the fifth collection district of the State of New York.

PRIVATE LAND CLAIMS.

Mr. DEWITT, from the Committee on Private Land Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 3340) to amend and further to extend the provisions of the act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes."

The bill was read.

The first section provides that any title or land claim the confirmation of which is claimed under the act of Congress of June 22, 1860, or March 2, 1867, or June 10, 1872, relating to the final adjustment of land claims in the States of Florida, Louisiana, and Missouri, may be prosecuted in the district court of the United States for the district wherein the land is situated, according to the provisions of the eleventh section of the aforesaid act of Congress of June 22, 1860, and in such case such claim shall not be prosecuted before any other tribunal or officer; provided that this section shall not apply to cases heretofore prosecuted or determined before the commissioners provided by said act of June 22, 1860.

The second section provides that in all cases where the confirmation of a land claim is prosecuted under the second section of the aforesaid act of Congress of June 10, 1872, satisfactory proof of the continuous, exclusive, and adverse possession under claim of ownership of the land so possessed from the date of the cession to the United States of the territory out of which the States of Florida, Louisiana, and Missouri were formed, as required by said act of June 10, 1872, shall be *prima facie* evidence of title; provided that in the cases presented under said section of the act of June 10, 1872, no judgment shall be rendered for scrip or the right of entering on any other public lands of the United States subject to private entry.

The third section provides that whenever in any case prosecuted under the aforesaid acts of Congress of June 22, 1860, March 2, 1867, and the first section of the act of June 10, 1872, the validity of the claim has been recognized by the court, and the court has decreed that the plaintiff or plaintiffs is or are entitled to enter a certain number of acres upon the public lands of the United States subject to private entry, or to receive certificates of location for so much of the land the title to which has been established as has been disposed of by the United States, certificates of location shall be issued by the Commissioner of the General Land Office, attested by the seal of the General Land Office, and to be located as provided for in the sixth section of the aforesaid act of Congress of June 22, 1860; and said certificates of location or scrip shall be subdivided according to the request or the claimant, and as nearly as practicable in conformity with the legal divisions and subdivisions of the public lands of the United States, and shall be delivered by the General Land Office on the receipt of the parties recovering judgment or their legal representatives, and shall be, and are hereby declared to be, assignable by deed or instrument of writing made and executed after the taking effect of the act, according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the scrip and to a patent in his own name.

The fourth section provides that all such scrip shall be received from actual settlers in payment of pre-emption claims or in commutation of homestead claims, in the same manner and to the same extent as are now authorized by law in case of military bounty land warrants.

The fifth section provides that the provisions of the act respecting the issuing, assigning, locating, and patenting of scrip and its application to pre-emption and homestead claims shall equally apply to the indemnity certificates of location provided for by the act of Congress of the 2d of June, 1858, entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes," (United States Statutes at Large, volume 11, page 294, chapter 81,) on proof satisfactory to the Commissioner of the General Land Office that the applicants for the benefit of said provisions are the confirmees of the land claims in behalf of which they apply, or the legal representatives of such confirmees.

Mr. HOLMAN. I desire to raise the question of order upon this bill. I think it contains an appropriation. I do not desire, however, to press the point of order if the gentleman from New York desires to be heard.

Mr. DEWITT. I wish to make a statement to show that this bill is not liable to the point of order.

Mr. SPEER. I raise the point of order that this bill provides for

divesting the United States of title to real estate in a way not now authorized by law.

Mr. DEWITT. If the gentleman from Pennsylvania will hear me he will find that no question of order can attach to this bill. The object of the bill is threefold. First, it transfers jurisdiction in these cases from the register and receiver of the land office in the State of Louisiana to the district court of the United States for confirmation of land claims. By the act of 1860, which this bill proposes to amend, it is provided that in cases where land is claimed under a grant from Spain before the cession of the Territory of Louisiana to the United States, the party may go before the registers and receivers of the land office, who by the act of 1860 are appointed commissioners, and file their proof, and that the registers and receivers may transmit their proof with their approval or disapproval to the Commissioner of the General Land Office at Washington, and that he with his approval or disapproval shall transmit the claim to Congress.

By the eleventh section of the act of 1860, where the parties have not been in possession for twenty years they may go before the district court of the United States for the district of Louisiana and there try their claim as in other States, and the United States district attorney is directed, in case of an adverse decision, to take an appeal to the Supreme Court of the United States, and upon the affirmation by the Supreme Court of the United States of the judgment of the district court, then where lands have been sold or have come to the United States, scrip is directed to be issued to the plaintiff in judgment.

Now, the object of the first section is this: that instead of having two jurisdictions, the parties going before the register and receiver and then Congress being troubled by the claim, they shall all go before the district court of Louisiana with the same direction, that there shall be an appeal from the decision of that court, if it be unfavorable to the United States, to the Supreme Court, thus making these claims a matter for adjudication by the courts and not by a committee of Congress. That is the object of the first section of the bill, and it provides that any claim presented and prosecuted before the commissioners may be reviewed in the district court. There is a proviso, which is very broad in its terms, attached to the section, which is that it shall not apply to cases heretofore prosecuted or determined before the commissioners provided by said act of June 22, 1860. There can be no point of order as against that section. It simply gives to the district court of the State of Louisiana jurisdiction of these cases. They had jurisdiction of every single case where the party had not been in possession for twenty years.

The second section is a mere re-enactment of the second section of the act of 1872. The last Congress passed an act that written proof should not be necessary in these cases; that where the party had been in adverse, continuous, and exclusive possession of the land from the time of the Spanish grant up to the time when he presented his claim, it was not necessary to have written proof of the grant. That bill was passed by the last Congress. It was the second section of the act of 1872. It provided that "in all cases where the confirmation of a land claim is prosecuted under the second section of the aforesaid act of Congress of June 10, 1872, satisfactory proof of the continuous, exclusive, and adverse possession under claim of ownership of the land so possessed from the date of the cession to the United States of the territory out of which the States of Florida, Louisiana, and Missouri were formed, as required by said act of June 10, 1872, shall be *prima facie* evidence of title."

Now, that act of Congress and that section of the act intended to give to the party that could prove possession from the time of the cession of the Territory the right to have his claim confirmed. But by a construction in the Land Office of the first section of the act of 1860 it was held that written proof was necessary, and thus the intent of Congress was nullified. All that this second section does is to carry out the intent of the last Congress and to allow the party who, in the strong language of the section, can furnish proof of continuous, exclusive, and adverse possession to have that considered as *prima facie* evidence of title.

In these cases it is provided, of course, that no certificate of location shall issue to the parties in possession of the land, because they are not entitled to claim it; the United States not having alienated the land.

Mr. SPEER. Does not this bill provide a manner different from that now authorized by law of divesting the United States of title to property?

Mr. DEWITT. The gentleman may be right, if the second section of the act of 1872 is to be construed in the way the Commissioner of the Land Office construes it. By that act Congress intended that if these parties could prove continuous possession for a certain length of time they should have a title and right to their claim. By what I contend to be an erroneous construction of that section the Commissioner of the General Land Office nullifies that intention of Congress.

I now come to the third section of this bill. The object of that section is to provide that in cases where parties have obtained judgment against the United States in the district court of the United States for the State of Louisiana, and those judgments have been appealed to the Supreme Court and been affirmed by that court, when the United States has alienated the land to which the judgments declare the parties to be entitled, then in issuing the scrip or the certificates of location, to which by the act of 1860 the parties are entitled, those certificates shall be made assignable, so that the assignees can locate the land and obtain patents therefor in their own names.

Mr. CONGER. Can the gentleman inform the House how much of this scrip might probably be issued?

Mr. DEWITT. There were before the Committee on Private Land Claims four or five judgments of the Supreme Court of the United States, which in the aggregate, by the terms of the decrees of the court, which this Congress cannot annul, call for two hundred and fifty thousand or three hundred thousand acres of scrip.

Mr. CONGER. Would that be the limit of the amount of scrip to be thrown on the market?

Mr. DEWITT. If the gentleman will allow me I will explain. By the act of 1860, where the lands to which parties have been declared entitled by a judgment of the Supreme Court of the United States have been alienated so that they cannot be entered upon by the plaintiff or plaintiffs, the court is directed to decree to the parties so entitled a certificate of location authorizing them to enter upon any public lands subject to private entry, and locate at the rate of $1.25 per acre. This bill does not propose to change that. There are four or five judgments now on record in the Supreme Court of the United States, declaring these parties to have a right to certificates of location because the land to which they have been adjudged entitled was alienated by the United States. The only effect of this bill is to provide that that scrip instead of being issued to the party adjudged entitled to the land, or to his legal representatives, as now required by law, may be made assignable, and the assignee can take the patent to the land in his own name. As the law now stands the party obtaining the judgment of the United States court, having a certificate of location, and selling the certificate to anybody else, that person to whom he sells cannot get a legal title with a patent in his own name, but he must take a patent in the name of the plaintiff or his legal representative. And if there be any question whether he be the assignee or not, he must go into court, he must go outside of the record. All this third section does is to put the assignee in a position, when he buys a certificate of location issued in obedience to a decree of the Supreme Court of the United States, to go to the land office and demand a patent in his own name, having located land under the certificate of location. That is the only effect of the section. It does not alienate an inch of the land of the United States. All this land has been declared alienated by the Supreme Court of the United States. This section only affects the issue of the scrip, and the clearness of the title of the assignee of the certificate of location.

Mr. ELDREDGE. Has it not always been the case that the United States has recognized the assignment of certificates of land, whether under a land warrant or by cash entry?

Mr. DEWITT. Certainly.

Mr. ELDREDGE. Then what is the difficulty here?

Mr. DEWITT. The difficulty is this: a man buys a certificate of location and locates land under that certificate. He comes to the land office and demands a patent for that land. What kind of a patent does he get? Not one in his own name, but in the name of the assignor, the original plaintiff or his legal representative. If there is a question as to the title, he must go into court. As the law now stands a party prosecuting his claim in the district court of Louisiana, gaining it in that court and coming up here and obtaining a judgment from the Supreme Court of the United States affirming his title, is entitled to a certificate of location of so many hundred acres of the land of the United States, and the United States having alienated so many acres he is entitled to have such a certificate of location issued to him or to his legal representatives.

He gets his certificate of location and sells it to some other man; that man goes and locates the land under the certificate of location, and then goes to the land office for his patent. He cannot get the patent in his own name; he must take it in the name of the plaintiff in the judgment or his legal representative; that is the way the language of the act runs. Consequently when there arises a question as to the title, probably in some future generation, it is necessary to go outside of the record to prove that he was the assignee. This bill provides that when the party buys the certificate of location, locates the land, and then comes to the land office, the patent shall issue to him as the assignee of the plaintiff in that judgment.

Mr. ELDREDGE. In all entries heretofore made under a certificate of location of a land warrant or under a certificate issued for a cash entry, the United States has always recognized the assignment of such scrip or certificate of entry if made before the issuance of the patent. That, as I understand, is all that is asked in this case—that the party entering the land shall have a certificate of entry and that he may assign it if he does so prior to the issuance of the patent. That right has always been recognized in the practice of the Government so far as I know; and I have had a great deal of experience in cases of this kind in the earlier days of Wisconsin.

Mr. DEWITT. The bill as introduced provided that these certificates of location should be transferable by delivery. There was some objection to that; and the bill was submitted to the Commissioner of the General Land Office. It may be proper to say that the bill as now before the House not only has the approbation of the Commissioner, but so far as regards the provision of the third section and its alteration from a provision for transfer by delivery, it is his own work. The bill has been framed upon consultation between a sub-committee

of the Committee on Private Land Claims and the Commissioner of the General Land Office; and it has his unqualified indorsement.

Mr. HOLMAN. I raise the point of order that the second section of the bill dispossesses the Government of titles which it now holds.

The SPEAKER. The Chair rules the point of order well taken; and the bill goes to the Committee of the Whole on the Private Calendar.

Mr. DEWITT. Rather than have the bill go to the Committee of the Whole, I will consent to strike out the second section so that in this respect the law will stand as it does under the act of 1872.

Mr. SPEER. Does not this require unanimous consent?

Mr. ARCHER. If the gentleman from New York will allow me to say two sentences——

The SPEAKER *pro tempore*. The arrangement suggested by the gentleman from New York [Mr. DEWITT] can only be made by unanimous consent. If there is no objection the gentleman having charge of the bill will be permitted to strike out the second section. The bill being thus modified, does the gentleman from Indiana [Mr. HOLMAN] insist on his point of order?

Mr. HOLMAN. No, sir.

The SPEAKER *pro tempore*. Has the gentleman from New York [Mr. DEWITT] surrendered the floor?

Mr. DEWITT. No, sir; I desire to retain it for the purpose of calling the previous question.

The first amendment reported by the committee was read, as follows:

In line 15, of section 1, insert "presented" after the word "heretofore;" so that it will read: "*Provided*, That this section shall not apply to cases heretofore presented, prosecuted, or determined, before the commissioners provided by said act of June 22, 1860."

The amendment was agreed to.

The next amendment reported by the committee was read, as follows:

At the end of the first section add the following words: "Or before commissioners or other officers under any act of Congress relating to the confirmation of private land claims."

The amendment was agreed to.

Mr. DUNNELL. I move to amend by inserting before "land claims," in the seventh line of the first section, the word "private."

The amendment was agreed to.

Mr. BARBER. I move to amend by inserting after the word "States," in section 3, line 20, these words: "in quarter sections."

The object of that amendment, Mr. Speaker, is this: These claims are extensive, embracing large amounts of land. Under the reading of the section they would have the right to these certificates of location issued in forty-acre location certificates, which are worth more than quarter-section certificates. If a person had sixteen hundred acres he would have it all issued in forty-acre tracts and go all over the country to locate them. It would therefore injure the sale of the public lands. This provides as nearly as practicable for the issue of these certificates of location in quarter sections of one hundred and sixty acres.

Mr. WILLARD, of Vermont. Then you want to say not less than a quarter section?

Mr. HOLMAN. That seems to be a good amendment, and I hope it will be adopted.

The amendment was agreed to.

Mr. BARRERE. I move to strike out all of the first section of the bill. It simply transfers the jurisdiction of these questions from where it is now to the courts of the United States. By law this matter is referred to the registers and receivers to determine, and their report goes to the Land Office, and by the Land Office is referred to Congress, which finally decides.

Mr. HOLMAN. We are unable to hear what the gentleman says, and I hope order will be preserved in the House.

The SPEAKER *pro tempore* called the House to order.

Mr. BARRERE. The reason for my amendment is this: Ample provision is now made for the adjudication of these claims according to the established custom with reference to this Territory since the time of its acquisition. The first law in reference to the settlement of these claims was passed, I believe, in 1805, by which they were to be settled by the register and receiver, subject to the approval of the Commissioner of the General Land Office. At one time they were subject to the approval of the Secretary of the Treasury, but now are subject to the approval of the Secretary of the Interior; they are then referred to Congress, and Congress determines the validity of the claims. This law is in force now, and will continue in force for a year.

The proposition now is to change this, to place the matter within the jurisdiction of the courts. My objection to that is this: This is the property of the United States. We ought to recognize the sovereignty of the United States, and that the legislative and executive departments of the Government are competent to determine the rights of the Government. It is not necessary, in giving these claimants whatever rights they may have, to go into the courts. The claims of these parties to these lands are now determined by the register and receiver. If we pass this law we will transfer their adjudication to a tribunal which has not possession of the records, no knowledge about them or means of getting it. They will have therefore to act upon transcripts of the records. The consequence will be these cases will be tried before the courts in an *ex parte* manner, and the Government of the United States will not be properly represented. It will open the door to all kinds of fraud. We know how difficult it has been to keep out frauds, and how many have been perpetrated. In 1830, in a report on private land claims, it was stated they thought it was unwise to make any general law by which to settle these private land claims; that every claim ought to be left to stand on its own merits. If you transfer these cases to another tribunal, it will be the means of allowing all sorts of jobs to be run through against the Government.

It may be said, however, that the register and receiver and the Commissioner of the General Land Office are not competent to pass on these questions. Such has always been the practice in that locality. When they are passed upon by the register and receiver they come to the Land Office here, and they are certainly competent here to pass on them; and if they are not, why Congress is competent to pass on this question and do ample justice and prevent these frauds. The same objection, I maintain, would apply to the courts. If the registers and receivers are not competent and honest men to pass on this question, the same objection may be brought against the courts, and it may be said that they under certain circumstances are not competent to pass upon these questions. It seems to me that between the courts of Louisiana and the Congress of the United States is the safest way to have these questions determined.

Mr. DEWITT. It appears to me that the process of confirmation whereby the party goes before the registers and receivers in Louisiana and the registers and receivers have no power to confirm his title but only to approve or disprove, and then it comes to the Commissioner of the General Land Office and then to Congress, where the claim must come in any event, is much more liable to give room for jobs and fraud than the mode that remits everything to the courts. We must assume that the courts are pure. This first section transfers jurisdiction to the district court of the State of Louisiana, and the district attorney is bound to appeal in case of a decision adverse to the United States. So that in any event we have the confirmation and judgment of the Supreme Court before the party is entitled to any lands. It seems to me that that is the proper mode of confirmation; and if there is anything praiseworthy in this bill it is that section which takes away from Congress the trouble of attending to all these private land claims and remits them to the courts of the country. I cannot, therefore, consent to the amendment. I now call the previous question on the bill.

Mr. HOLMAN. Before the gentleman calls the previous question, I ask that the first section be again read.

The Clerk again read the first section.

Mr. HOLMAN. I ask the gentleman from New York to allow me to offer an amendment; to add these words:

If any such decision shall be adverse to the United States the Attorney-General shall appeal the same therefrom to the Supreme Court of the United States.

That is the law now as to a large class of cases, but not the law as to the cases provided for by this bill.

Mr. DEWITT. This act is an act to amend the provisions of the act for the final adjustment of private land claims. I see no objection, however, to the amendment.

Mr. DUNNELL. I desire to offer an amendment to the third section.

The SPEAKER *pro tempore*. Does the gentleman from New York withdraw the call for the previous question?

Mr. DEWITT. I consent to the amendment of the gentleman from Indiana [Mr. HOLMAN] being offered.

Mr. DUNNELL. I hope the gentleman will hear my amendment read.

Mr. DEWITT. Yes; I will hear it read.

Mr. DUNNELL. I move to add to the third section the following:

Provided, That the certificates of location or scrip provided for in this section shall not be subject to location in any other State or Territory than the States of Florida, Louisiana, and Missouri.

Mr. DEWITT. I do not admit that amendment; and I now call the previous question on the bill and amendments.

The question was put on seconding the previous question; and on a division there were—ayes 60, noes 13; no quorum voting.

Mr. SPEER. On this bill, involving three hundred thousand acres of public lands, I must insist upon a quorum voting.

Tellers were ordered; and Mr. DEWITT and Mr. SPEER were appointed.

The House divided; and the tellers reported—ayes 116, noes 14; no quorum voting.

Mr. LOWNDES. I move that the House do now adjourn.

Mr. MAYNARD. On that question I ask for the yeas and nays.

The yeas and nays were ordered, 32 members voting therefor.

The question was taken; and there were—yeas 18, nays 122, not voting 149; as follows:

YEAS—Messrs. Bell, Bromberg, Buffinton, Freeman Clarke, Eldredge, Harrison, Herndon, Hubbell, Lawson, Lowndes, Marshall, Rice, Ellis H. Roberts, Sener, H. Boardman Smith, John Q. Smith, Speer, and Woodford—18.

NAYS—Messrs. Albert, Albright, Archer, Ashe, Atkins, Averill, Banning, Barnum, Barrere, Begole, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burleigh, Cain, Caldwell, Cessna, Comingo, Conger, Crounse, Curtis, Danford, Darrall, DeWitt, Dobbins, Donnan, Dunnell, Durham, Eames, Field, Freeman, Giddings, Gooch, Gunckel, Eugene Hale, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, John W. Hazelton, Hendee,

Hereford, E. Rockwood Hoar, Holman, Hoskins, Howe, Hunter, Hyde, Lawrence, Lowe, Lynch, Magee, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McLean, Merriam, Milliken, Morey, Morrison, Niblack, Niles, O'Brien, O'Neill, Orr, Packard, Packer, Isaac C. Parker, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rapier, Robbins, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Henry J. Scudder, Isaac W. Scudder, Sheats, Sheldon, Sloss, A. Herr Smith, George L. Smith, Sprague, Standiford, St. John, Stone, Storm, Taylor, Todd, Townsend, Tyner, Vance, Waldron, Wallace, Walls, Marcus L. Ward, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, John M. S. Williams, William Williams, William B. Williams, Ephraim K. Wilson, James Wilson, and John D. Young—122.

NOT VOTING—Messrs. Adams, Arthur, Barber, Barry, Bass, Beck, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Cason, Amos Clark, jr., John B. Clark, jr., Clayton, Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Cook, Corwin, Cotton, Cox, Creamer, Crittenden, Crocker, Crooke, Crossland, Crutchfield, Davis, Dawes, Duell, Eden, Elliott, Farwell, Fort, Foster, Frye, Garfield, Glover, Hagans, Robert S. Hale, Hamilton, Harmer, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hersey, George F. Hoar, Hodges, Hooper, Houghton, Hunton, Hurlbut, Hynes, Jewett, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Loughridge, Luttrell, Martin, McJunkin, McKee, McNulta, Mills, Mitchell, Monroe, Moore, Myers, Neal, Negley, Nesmith, Nunn, Orth, Page, Hosea W. Parker, Parsons, Pelham, Perry, Phelps, Phillips, Pike, Potter, Purman, Rainey, Randall, Ransier, Ray, Read, Richmond, William R. Roberts, James W. Robinson, Ross, Milton Sayler, John G. Schumaker, Scofield, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, J. Ambler Smith, William A. Smith, Snyder, Southard, Stanard, Starkweather, Stephens, Stowell, Strait, Strawbridge, Swann, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Tremain, Waddell, Jasper D. Ward, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, Willie, Wilshire, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, and Pierce M. B. Young—149.

So the motion to adjourn was not agreed to.

During the call of the roll the following announcements were made:

Mr. BANNING. My colleague, Mr. SAYLER, is detained in his room, sick.

Mr. SPEER. The gentleman from New Hampshire, Mr. PIKE, and the gentleman from Wisconsin, Mr. HAZELTON, requested me to state that they were detained from the House to-night by illness.

Mr. YOUNG, of Kentucky. I wish to state that the gentleman from Mississippi, Mr. BARRY, is detained from the House by sickness.

Mr. SHEATS. I desire to state that my colleague, Mr. WHITE, is not well.

Mr. MERRIAM. The gentleman from Ohio, Mr. MONROE, is unwell and unable to be here to-night. I have been requested by four members of the Illinois delegation, Mr. FARWELL, Mr. HURLBUT, Mr. WARD, and Mr. RAY, to say that there was a delegation here of over one hundred editors from Illinois, and they were obliged to attend an entertainment given to them to-night.

Mr. MACDOUGALL. My colleague, Mr. SMART, is absent on account of serious family illness.

The SPEAKER *pro tempore*. The question recurs upon seconding the call for the previous question, upon which no quorum voted.

Mr. SPEER. I move a call of the House, unless there must be a call of the House when the vote shows there is no quorum voting.

The SPEAKER *pro tempore*. That is a question to be decided by the House and not by the Chair.

The question was taken upon ordering a call of the House; and upon a division there were—ayes 44, noes 70.

Before the result of the vote was announced,

Mr. MAYNARD called for tellers on the motion for a call of the House.

Mr. CESSNA. I move that the House now adjourn.

The question was taken; and upon a division there were—ayes 67, noes 57.

Before the result of the vote was announced,

Mr. SPEER called for the yeas and nays.

Mr. RANDALL. Let us have tellers first.

Mr. PACKARD. I ask permission to make a short statement to the House.

Mr. SPEER. I insist upon the yeas and nays.

Mr. HOLMAN. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state the point of order.

Mr. HOLMAN. My colleague [Mr. PACKARD] desires to submit a parliamentary inquiry to the Chair, and in the confusion he is not heard by the Chair.

The SPEAKER *pro tempore*. The question is on the motion to adjourn.

Mr. PACKARD. I ask unanimous consent to make a statement.

Mr. LAWRENCE. To make a speech?

Mr. ELDREDGE. I rise to a question of order. The Chair had already announced the decision of the House to be in favor of the motion to adjourn, when the division was called.

The SPEAKER *pro tempore*. And the Chair withdrew that announcement on the call for the yeas and nays.

Mr. PACKARD. I think if I can be heard for a minute or two this difficulty may be all settled.

The SPEAKER *pro tempore*. It requires unanimous consent.

No objection was made.

Mr. PACKARD. The Committee on Private Land Claims obtained an order of the House for a session this evening solely and only for the purpose of acting upon certain bills which we have been considering in the committee during this whole session. It was for no other reason. We did not desire to meet for the purpose of getting into a snarl or a wrangle, or to have a call of the House. We desire to avoid it. I think I may say that every member of that committee would prefer to adjourn now, if we can have an understanding that some future time will be allowed us for our bills. The House now is not in a condition perhaps to give the unanimous consent which I shall ask, because there is not a quorum present. But I want to say that I shall hereafter ask, on behalf of the Committee on Private Land Claims, that we shall have one hour during some day for the consideration of reports from that committee. If it can be understood now distinctly by all the members who are here present that we will have that time allowed us, I will myself move that the House now adjourn.

The SPEAKER *pro tempore*. That motion is now pending.

Mr. HOLMAN. I hope my colleague [Mr. PACKARD] will make his request now.

Mr. RUSK. It is in order to ask it now.

Mr. PACKARD. Then I will ask that we may have one hour on next Tuesday after the reading of the Journal.

The SPEAKER *pro tempore*. That is not in order except by unanimous consent.

Mr. SENER. I object, because next Tuesday is assigned to reports from the Committee on Expenditures in the Department of Justice.

Mr. PACKARD. Then I will ask for one hour on Wednesday of next week.

Objection was made.

The SPEAKER *pro tempore*. Objection being made to the request of the gentleman from Indiana, [Mr. PACKARD,] the question recurs upon ordering the yeas and nays upon the motion to adjourn.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 74, nays 64, not voting 151; as follows:

YEAS—Messrs. Albert, Ashe, Banning, Barber, Barrere, Begole, Bell, Bland, Blount, Bradley, Bromberg, Brown, Buckner, Buffinton, Burleigh, Cain, Caldwell, Cason, Cessna, Amos Clark, jr., Comingo, Curtis, Dobbins, Dunnell, Durham, Eldredge, Freeman, Gooch, Gunckel, Eugene Hale, Henry R. Harris, Harrison, John W. Hazelton, Hereford, Herndon, Holman, Hoskins, Hunter, Hyde, Lawson, Lowndes, Lynch, McCrary, Alexander S. McDill, McLean, Merriam, Morrison, Niblack, Niles, Packard, Packer, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Randall, Rice, Ellis H. Roberts, James C. Robinson, Sawyer, Sener, Sloss, H. Boardman Smith, John Q. Smith, Speer, Sprague, St. John, Storm, Taylor, Tyner, Waldron, Wallace, Walls, and Charles W. Willard—74.

NAYS—Messrs. Albright, Archer, Atkins, Barnum, Berry, Biery, Bowen, Bright, Bundy, Coburn, Conger, Crounse, Danford, Darrall, DeWitt, Donnan, Eames, Field, Giddings, Hancock, John T. Harris, Hatcher, Hendee, E. Rockwood Hoar, Howe, Hubbell, Lawrence, Lowe, Magee, Maynard, James W. McDill, MacDougall, Milliken, Morey, O'Brien, O'Neill, Orr, Isaac C. Parker, Pendleton, Pierce, Rapier, Robbins, Rusk, Henry B. Sayler, Henry J. Scudder, Isaac W. Scudder, Sheats, Sheldon, Standiford, Stone, Todd, Vance, Marcus L. Ward, Wells, Whitehead, Whitehouse, Whitthorne, John M. S. Williams, William Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Woodworth, and John D. Young—64.

NOT VOTING—Messrs. Adams, Arthur, Averill, Barry, Bass, Beck, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Clinton L. Cobb, Stephen A. Cobb, Cook, Corwin, Cotton, Cox, Creamer, Crittenden, Crocker, Crooke, Crossland, Crutchfield, Davis, Dawes, Duell, Eden, Elliott, Farwell, Fort, Foster, Frye, Garfield, Glover, Hagans, Robert S. Hale, Hamilton, Harmer, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hersey, George F. Hoar, Hodges, Hooper, Houghton, Hunton, Hurlbut, Hynes, Jewett, Kasson, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Loughridge, Luttrell, Marshall, Martin, McJunkin, McKee, McNulta, Mills, Mitchell, Monroe, Moore, Myers, Neal, Negley, Nesmith, Nunn, Orth, Page, Hosea W. Parker, Parsons, Pelham, Perry, Phelps, Phillips, Pike, Potter, Purman, Rainey, Ransier, Ray, Read, Richmond, William R. Roberts, James W. Robinson, Ross, Milton Sayler, John G. Schumaker, Scofield, Sessions, Shanks, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, A. Herr Smith, George L. Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Stanard, Starkweather, Stephens, Stowell, Strait, Strawbridge, Swann, Sypher, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Townsend, Tremain, Waddell, Jasper D. Ward, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, Willie, Wilshire, Jeremiah M. Wilson, Wolfe, Wood, Woodford, and Pierce M. B. Young—151.

So the motion was agreed to.

During the call of the roll,

Mr. BROMBERG said: I desire to state that the gentleman from New York, Mr. POTTER, has been called home on account of the illness of one of his children.

The House (at nine o'clock and twenty-five minutes p. m.) then adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BELL: A paper for the establishment of a post-route in the State of Georgia, to the Committee on the Post-Office and Post-Roads.

By Mr. CONGER: The petition of R. S. McConkey and others, for a post-route from Lynn, Saint Clair County, to Burnside, Lapeer County, Michigan, to the Committee on the Post-Office and Post-Roads.

By Mr. COX: The petition of Susan D. Anderson, for arrears of half-pay due her father, Lieutenant Joseph Wheaton, of the Army of the Revolution, to the Committee on War Claims.

Also, the petition of Matthew Callaghan, to be compensated for devising a plan to decrease the business of the Dead-letter Office, to the Committee on the Post-Office and Post-Roads.

By Mr. HANCOCK: The petition of citizens of San Antonio, Texas, for the passage of a law to define a gross of matches and provide uniform packages for the same, to the Committee on Ways and Means.

By Mr. HUNTON: The petition of Richard H. Garrett, of Caroline County, Virginia, for compensation for property burned in capture of J. Wilkes Booth, to the Committee on War Claims.

By Mr. LUTTRELL: The petition of Albert Doolittle and 100 others, of California, for the construction of a military wagon-road from Fort Jones, via Happy Camp, to Arcota, California, to the Committee on Military Affairs.

Also, the petition of A. J. Cook and 100 others, relative to the Fort Crook military reservation in Shasta County, California, to the Committee on Military Affairs.

By Mr. MAYNARD: The petition of Thomas Burrows, late of Company K, Tenth Illinois Volunteers, for relief, to the Committee on Invalid Pensions.

By Mr. POTTER: The petition of Charlotte A. Von Cort, widow and sole executrix of Charles J. Von Cort, for compensation for the use in the United States Navy of his invention of submarine torpedo shell, with its appliances and adaptations, to the Committee on Claims.

By Mr. SMITH, of Louisiana: The petition of the police jury of the parish of Bossier, Louisiana, and of residents of Red River Valley, for an appropriation to improve the navigation of Red River, to the Committee on Commerce.

By Mr. WILSON, of Iowa: The petition of citizens of Montezuma, Iowa, for the construction of a double-track freight railway from tide-water to the Missouri River, to the Committee on Railways and Canals.

IN SENATE.

WEDNESDAY, *June* 3, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the concurrent resolution of the House of Representatives in regard to the enrollment of House bills Nos. 1215, 2879, and 3349, relating to the revision of the laws.

The message also announced that the House had passed the bill (S. No. 32) obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings; and

A bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 822) to amend the act entitled "An act to promote the development of the mining resources of the United States;" and it was thereupon signed by the President *pro tempore*.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a petition of citizens of Pennsylvania engaged in the transportation of swine, praying that House bill No. 2650 be so amended as to exempt shippers of swine from the obligation to unload them from the cars every twenty-four hours; which was referred to the Committee on Commerce.

Mr. WRIGHT presented the petition of Dennis J. Keyes and others, of Des Moines, Iowa, praying the passage of a bill to define a gross of friction matches and to provide for uniform packages; which was ordered to lie on the table.

Mr. HAGER. I have a memorial signed by A. M. Winn, president of the Mechanics' State Council of California, transmitting a preamble and resolutions adopted by a very large mass meeting of workingmen held in San Francisco on the 18th of May, the substance of which is as follows:

In favor of maintaining the eight-hour law as a necessity to the social improvement of the working classes; condemning the action of the Government officials who have evaded the law; approving the action of the President of the United States in reversing the unjust rulings of Government officials; condemning the action of A. B. Mullett, Supervising Architect, in regard to his action on the eight-hour law as extra-official, and asking his removal; in favor of imposing a tax on the holders of United States bonds, that is, that those bonds shall be proportionately taxed with other property; protesting against any further grant of United States lands to subsidize railroads; against Chinese cheap labor; denouncing the treaty with China as a curse to the country; and against the contract system on public works. I presume the memorial had better be referred to the Committee on Education and Labor. I move it be referred to that committee.

The motion was agreed to.

Mr. CLAYTON presented the petition of W. G. Ford, of Memphis, Tennessee, praying compensation for cotton taken and sold by the United States Government during the late war, the proceeds of which were paid to the quartermaster at New Orleans, and asking that his claim may be referred to the Court of Claims; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the bill (H. R. No. 3173) for the relief of James A. McCullah, late collector of the fifth district of Missouri, reported it with an amendment.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2101) for the relief of the owners of the steamer Clara Dolsen, reported it without amendment.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 3574) explanatory of the act of June 30, 1864, reported it with an amendment.

IMPORTATIONS FOR A ZOOLOGICAL SOCIETY.

Mr. FERRY, of Michigan. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. No. 3500) to authorize the importation of certain animals for the Zoological Society of Philadelphia, Pennsylvania, free of duty, to report the same back, without amendment. I think there can be no objection to it, and I ask for its present consideration.

The bill was read. It provides that all animals, birds, and reptiles, which shall be imported by the Zoological Society of Philadelphia, in good faith, for exhibition and not for sale at their garden at Fairmount Park, Philadelphia, shall be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe; but in case any animal, bird, or reptile imported under this provision shall within three years from the date of its importation be sold, it shall be subject to the duties, if any, imposed on such object by the revenue laws in force at the date of importation; and in case any animal, bird, or reptile imported under these provisions shall be sold within that period without payment of duty as required by law, all the penalties prescribed by the revenue laws shall be enforced against such articles and against the Zoological Society of Philadelphia.

Mr. CONKLING. I ask to hear the enumeration of what may be imported read again.

The Chief Clerk read as follows:

That all animals, birds, and reptiles, which shall be imported by the Zoological Society of Philadelphia.

Mr. SCOTT. Now read the purpose for which they are imported.

Mr. CONKLING. I know the purpose. Arabian horses would be within this.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CONKLING. I was going to make a remark, but I wait to hear the answer which the Senator from Pennsylvania wants to be given. He wants the text read.

Mr. SCOTT. Let the first section be read. It will give the information desired.

The Chief Clerk again read the bill.

Mr. CONKLING. I have two remarks to make about this bill, and I make them in the nature of an objection perhaps to its being considered at once. In the first place, assuming the bill to be within the Constitution, I understand it to do very much more than any of us would undertake to defend. It applies to all animals imported for exhibition by a certain society. Of course that includes domestic animals, as horses, if they import them for exhibition; and although the Senator from Pennsylvania smiles, I do not think there is any occasion for smiling at the idea of importing horses for exhibition. I shall want to be heard on that if there is no answer except a smile.

However, the chief suggestion that I rose to make is this: In view of the law, as the Judiciary Committee held it in the case of the Boston fire, and as the Senate negatively at least affirmed it to be, upon what principle is it that, not designating a bell or an article upon which we remit duties, we undertake to say in advance that all articles of certain descriptions brought to a certain port for a certain importer shall go scot-free?

Mr. SCOTT. Not to a certain port.

Mr. CONKLING. Literally scot-free in this case of duties. My honorable friend says "not to a certain port." That was one of the ingenious things said in the case of the Boston fire. Some Senator said: "Who knows that all these importations will be to the port of Boston; they may be partly to the port of New York and partly to the port of Portland;" and all that was considered. It does not touch the question at all. Here is an exceptional premium and opportunity offered at a certain port or to those residing at that port importing certain articles; and it seems to me that it is a precedent going much beyond any of those then relied upon, with the single exception perhaps of the Chicago bill and the bill for Portland, both of which were passed under circumstances which we remember. If we are going now to affirm once for all that we may exempt in advance all articles of certain descriptions imported by certain persons with-

out violating the Constitution, then this bill in that regard should pass. Unless we intend to take that ground, I submit the bill is too broad to be defended.

Mr. SCOTT. Mr. President——

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CONKLING. I think it ought to lie over, but I will not object against the desire of the Senator from Pennsylvania for the floor.

Mr. SCOTT. I desire to be heard for one moment. The Senator from New York is assimilating this bill to those which were passed in the cases of Chicago and Portland. If he had reflected a moment he would have found I think quite a number of bills on the statute-book of a character similar to this, and designed for a very different purpose than that accomplished by the bills in the cases of Chicago and Portland. My information is that a bill of exactly this character, indeed I think in the words in which this bill is drawn, was passed for the purpose of permitting the importation of animals that are now in the park at New York. There are numerous bills which have permitted articles that are imported for the encouragement of art to come in free of duty. There are certain books for the encouragement of learning that are permitted to come in free of duty. This society is one formed for the purpose of the encouragement of natural science. It is not a society that intends to make an exhibition of the animals imported for purposes of gain. It is, as its name imports, simply and purely a zoological society, not an organization or corporation for the purpose of making profit out of the animals that are imported. It has had set apart for it by the city authorities of Philadelphia a small portion of Fairmount Park, some twenty-five or thirty acres, I believe, of ground peculiarly adapted to this purpose, in which these animals are proposed to be kept. They have an agent abroad at this time who has been making purchases of animals and birds that as I am informed are upon the way now. Most of them will arrive at the port of San Francisco, according to my information on the subject, and they desire to secure the passage of this act, similar in all respects to acts passed for the same purpose heretofore in other localities, so that the same benefits may be extended to them that other organizations of this character have reaped the advantage of. That is the sole purpose of it, and I hope that the bill will not be incumbered with obligations of this character.

Mr. CARPENTER, (Mr. INGALLS in the chair.) The Senator from Pennsylvania is quite right in saying that similar bills have passed. We passed a bill here the other day, I think in the morning hour, without objection, which authorized some individual or corporation, I forget which, to import certain paintings, if he should become the purchaser of them, in Europe. There is no doubt in my mind that that bill and this bill and all such bills are unconstitutional.

When the Chicago bill was before us, I opposed its passage; and did so because I believed it was unconstitutional. I opposed that bill to defend the Constitution. I did so against the interest of a great many of my particular friends in Chicago, who were anxious to have that bill passed, and I would have been as happy to accommodate them as any Senator if I had not believed that to do so would violate a plain provision of the Constitution.

Take the bill passed the other morning, to illustrate the point. That bill authorized John Smith, for instance, to import free of duty all the paintings he should buy, painted by a certain artist in Europe. Did not that give him a monopoly of that trade?

Mr. SHERMAN. I think it was a bill to remit duties on certain machinery.

Mr. CARPENTER. No, a bill to authorize somebody to import all the paintings of a certain school he should buy in Europe, and it passed through without question, and I signed the bill the other day enrolled.

Mr. SHERMAN. I do not remember it.

Mr. CARPENTER. Perhaps the Senator was not in his seat. I remember the bill particularly, because I thought at the time it was unconstitutional, and if I had not been in the chair I should have made the objection. There is no difference between such a bill and a bill providing that John Smith may for one year or two years import tea and coffee free of duty. You may say that one is for the encouragement of the fine arts. So it is. The other is for the encouragement of good breakfasts; and one is as much within the provisions of the Constitution as the other.

A law passed here authorizing everybody to import paintings or statuary or animals for exhibition is a constitutional law, because it is uniform; it applies to all and has the same operation in every State. A law which makes any discrimination, a law which gives to John Smith or to a corporation, no matter what the motive may be, a right of importation of articles which is not enjoyed by the people in common, is clearly unconstitutional. The constitutional provision is that these regulations shall be uniform throughout the United States; and whoever has such a bill passed for his benefit has a monopoly of that trade. The Constitution is trampled under foot to a greater degree, that is to say the effect of it is more manifest, if you passed a bill authorizing John Smith to import tea and coffee for two years free of duty, because everybody would see at once that that would give him a monopoly of the trade. But so far as the Constitution is concerned, it makes no difference whether the article be tea, or coffee, or paintings, or statuary, or any other article.

I have no hostility to this zoological institution; but let me call attention to the farmers who are cultivating improved stock all over the country, not for exhibition, not for sale. Suppose they ask permission to import stock free of duty? Their claim is higher than that of this garden, which as I understand exhibits animals and reptiles for gain.

Mr. SHERMAN. Such stock can be imported now free of duty under a general law.

Mr. CARPENTER. I have no objection to that, and am willing to extend it to all animals and all reptiles if the Senator from Pennsylvania thinks it a good thing to do. But if the State of Pennsylvania or this particular institution is to have the monopoly of reptiles, then it is unconstitutional. It is not that I object that all the reptiles should land in Pennsylvania instead of Wisconsin; but it is simply because the Constitution says that Wisconsin shall have as good a chance at reptiles as Pennsylvania and just as good reptiles, just as good a chance in the reptile business as any other State, that I object to this bill.

Mr. SCOTT. It always affords me a great deal of pleasure to discuss a constitutional question with the Senator from Wisconsin, and as he and I agree on the general policy which ought to be adopted on the question of encouraging institutions of this character, and his objection is simply because but one institution is embodied in this bill, I should prefer to let the bill lie over so that other business may be disposed of that is more important, and let us take the chances of having a general provision of this character in a bill in which I presume we shall be afforded the opportunity of inserting it in a very few days. I will not take up the time of the morning hour.

The PRESIDING OFFICER. The bill will be passed over.

FREEDMAN'S SAVING AND TRUST COMPANY.

Mr. SCOTT. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes, to report it back with an amendment in the nature of a substitute, and as it is important that action should be had on this subject now, I am instructed to ask for the immediate consideration of the bill.

By unanimous consent, the bill was considered as in Committee of the Whole. The amendment of the Committee on Finance was to strike out all after the enacting clause and insert the following:

That within ten days after the passage of this act the Comptroller of the Currency shall appoint three competent men, to be styled and known as commissioners, whose duty it shall be under the direction of the Comptroller to take possession of the books, assets, and records of every description of said corporation and its subordinate branches, who shall have authority to collect all debts due and claims belonging to such corporation, and upon the order of a court of record of competent jurisdiction, sell or compound all bad or doubtful debts, and on a like order sell all the real and personal property, or any part thereof, of said association on such terms as the court shall direct. And such commissioners shall deposit all moneys collected with the Treasurer of the United States subject to the order of the Comptroller of the Currency, and at least once in three months make a statement to the Comptroller of the Currency and to the trustees of the corporation of all their acts and proceedings, and from time to time the Comptroller shall make a ratable dividend of the money so paid over to him by such commissioners on all claims which shall have been proved to the satisfaction of said commissioners or adjudicated in a court of competent jurisdiction.

SEC. 2. That said commissioners, before entering upon their duties, shall each execute a bond to the United States with good sureties in the penal sum of $25,000 conditioned for the faithful discharge of their duties as commissioners aforesaid, and shall take an oath to faithfully and honestly perform their duties as such, which bond shall be executed to the satisfaction of the Secretary of the Treasury, be approved by him, and by him safely kept; and whenever said commissioners shall have executed the bonds and taken the oath aforesaid they shall be invested with the legal title to all the property of said corporation and shall have full power and authority to sell the same and make deeds of conveyance of its real estate in the name of said corporation; and said commissioners may, with the approval of the Comptroller of the Currency, employ such agents and attorneys as may be necessary to assist in closing up the affairs of said corporation, whose compensation, together with the expenses attending the settlement of the affairs of said corporation, shall be paid out of its assets before the distribution of the proceeds thereof; and the said commissioners shall receive an annual salary, to be fixed by the Secretary of the Treasury and the Comptroller of the Currency, not to exceed $3,000 per annum.

SEC. 3. That the Comptroller may, if in his judgment the interests of the corporation or of the creditors will be promoted thereby, invest the money of such association on deposit with the Treasurer of the United States, subject to his order, in interest-bearing bonds of the United States, which bonds may be subsequently sold by him, and the interest accruing on such bonds together with the principal thereof be distributed among the creditors as provided by law.

SEC. 4. That if at any time before the business of the corporation shall be finally closed, the Comptroller of the Currency and the said commissioners shall be of the opinion that the business of such corporation can be resumed and carried on in pursuance with the terms of the original act of incorporation, the said commissioners may, with the advice and consent of the Secretary of the Treasury and the Comptroller of the Currency, surrender all the assets and property then remaining in their hands to the board of trustees which may be elected and continued in office for that purpose as provided in the act to incorporate the Freedman's Savings and Trust Company, approved March 3, 1865.

SEC. 5. That it shall be the duty of the Comptroller of the Currency, with each of his annual reports to Congress, to submit a statement of the condition of said savings-bank and the proceedings in relation thereto under this act.

Mr. SARGENT. I should like to ask a question. It seems to me the language is not so drawn that the salaries of the commissioners will come out of the available funds that may be collected. It says the expenses of collection shall be so paid, and then goes on to say that the commissioners shall receive $3,000 each. If it is intended that their pay shall come out of the assets, I think it ought to be so expressly stated in the bill.

Mr. SCOTT. It is so stated.

Mr. SARGENT. A few words will make it so.

Mr. SCOTT. It is stated that all expenses of collection shall be so paid, which of course embrace the salaries of the commissioners.

Mr. SARGENT. It speaks about the employment of agents and attorneys, which might be taken as the expenses of the collection; subsequently it goes on to state what the pay of the commissioners shall be. If it said "the expenses of collection, including the salaries of the commissioners, shall be paid," that would cover it.

Mr. SCOTT. That is certainly the intention. If there is an omission, there is no objection to rectifying it.

Mr. SARGENT. I move to insert after the words "expenses attending the settlement of the affairs of said corporation," in the second section, the words "including the salaries of the commissioners."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

PRESENT FROM KING OF SIAM TO NAVAL OFFICERS.

Mr. ANTHONY. I am instructed by the Committee on Naval Affairs' to whom was referred the bill (S. No. 870) giving the assent of Congress to the acceptance by the officers of the United States ship Monocacy of silver medals presented to them by the King of Siam, to report it back without amendment and recommend its passage. This is an unimportant bill, which was introduced by the Senator from Connecticut [Mr. BUCKINGHAM] at the request of his colleague, who is now absent ill, and I hope there will be no objection to its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to give the consent of Congress to the acceptance by the officers of the United States ship Monocacy of the silver medals presented to them by the King of Siam on the occasion of the recent interchange of civilities between His Majesty and the officers of the ship representing the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. CAMERON. I object to the passage of that bill.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. MORTON. I should like to inquire for what services or acts those medals were given.

Mr. ANTHONY. There were no services rendered, but these were small silver medals given by the King of Siam to the officers of this ship after having witnessed their maneuvers and evolutions as an evidence of his admiration for their discipline and efficiency.

Mr. CAMERON. I think we ought not to allow our officers to be receiving these compliments from foreign powers. It is being carried too far.

Mr. MORTON. I simply desire to say that I think this bill is outside of the principle upon which bills of this kind have usually been based. We have allowed officers to accept presents where they were intended as a reward or as an honor for distinguished services rendered, or for acts of humanity where something has been done in the way of heroism to save life or even property; but I have never known a bill to pass allowing presents to be given to our officers as mere matters of courtesy and of compliment. I think when we adopt that principle and allow presents to be made as mere matters of courtesy and compliment, where no services have been rendered, it is a departure that is not a good one. As long as these presents are confined to a recognition of acts of heroism and humanity or distinguished services, they are complimentary and are valuable; but when they are to be given as mere matters of compliment, for unusual politeness, I think we take away their merit. For one I cannot vote for the bill.

The PRESIDENT *pro tempore* put the question on the passage of the bill, and declared that the ayes appeared to prevail.

Mr. CAMERON. I rose to object. I desire the yeas and nays on the passage of the bill.

Mr. ANTHONY. If the yeas and nays are to be taken I have a word to say on the bill. I fully agree with the general principle which the Senator from Pennsylvania and the Senator from Indiana lay down. This, however, comes between the two cases. These medals were not presented for any act of heroism or for any great services, nor as a mere compliment, but as a manifestation of the appreciation of the King of Siam for the efficiency and the character of this American vessel. Now, I would allow an officer to accept such a present from the King of Siam when I would not allow him to accept it from the Emperor of Germany or the Queen of England. I think there is a difference. The government of Siam is a semi-civilized government and it is rapidly advancing, and it has friendly relations with us which I think it is very much for our interest to encourage, and the refusal to allow these officers to accept this little token of his admiration for our Navy from the King of Siam would be construed by him differently from what it would be by an enlightened power.

Mr. BUCKINGHAM. I am not aware that any offer of this kind has been refused since I have been a member of the Senate. I think that in every instance Congress has authorized officers of the Navy to accept of any present which has been offered by foreign powers, and I should be very sorry to establish a different rule upon a case of this kind. It seems to me we had better pass this bill, and allow these officers to accept this gift, and then if we choose to refuse hereafter, let it be by a general rule.

Mr. HAMLIN. I do think there is a great deal in the suggestion made by the Senator from Rhode Island. I think there is enough in it to justify us in passing this bill. The interests of commerce are promoted by cultivating the best relations with all the peoples of the earth, and in approaching different nations we are bound to approach them in different ways. As the Senator well says, we might with all the propriety in the world refuse to do a thing with one power that for the best of reasons we would do with another. We have some commerce with Siam. This little thing may help it. It can do no harm. It is perhaps an act of courtesy to the authorities of that government, if it be not demanded by our own officers, and for that reason I think it is wise to pass this bill, and I hope it will be allowed to pass.

Mr. CAMERON. I dislike very much to differ with the Senator from Maine and the Senator from Rhode Island, and this does seem to be a very little affair, but it may lead to bad consequences, I think. There are many applications now in the hands of Senators asking to be allowed to receive similar compliments to this. I do not see how this can gratify or flatter the King of Siam. Probably he does not know anything about it. He does not know probably that the Constitution of our country prevents an officer of the United States from receiving a compliment of this kind without the consent of Congress. He has perhaps never thought about it at all. These officers have rendered him some little civility or some courtesy which one gentleman would offer to another and without expecting a reward for it. But if we go on in this course we shall have our officers of the Government covered with insignia of respect and honor from foreign governments.

I think it is a bad precedent, and I think it destroys the influence of such rewards for the humane efforts for which such compliments have been heretofore allowed to be received by our officers. It is perfectly right if a sailor jumps into the sea and saves the life of a foreign subject that the government of that country should confer a compliment upon him. It is perfectly right that when a man in the wide ocean risks his own life to save a fellow-being he should be complimented. If he is a citizen of our own country we should compliment him, as we do, and we never have refused to permit the acceptance of such a compliment when offered by a foreign government to a person in our service who has rendered an extraordinary service to humanity. It is entirely different from an affair of this kind. There are two or three applications now in my possession from gentlemen of the Navy asking to be allowed to receive some substantial compliment because they have been civil to a foreign potentate who happened to enter their vessels. These are the cases of civility which no gentleman would receive a reward for in private life, and why should an officer have a decoration stuck upon his button-hole because he did the honors or civilities of his ship to a person who came there? This case is similar to that, and I trust the bill will not pass.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. ANTHONY. Mr. President, my friend from Pennsylvania is mistaken in supposing that these medals have been given without the knowledge of the King of Siam by any subordinate. I have here a letter written in very good English, and yet with such little idiomatic inaccuracies as show that it is from a man not writing his vernacular, and signed by a name very long and which no manner of man can pronounce, in which he communicates to the commander of the Monocacy the commands of his august sovereign to present him with these medals. I have no doubt that the action of Congress in allowing or refusing the acceptance of this little token will be communicated to that prince, and will have a much greater effect upon him than it would have upon a more enlightened ruler, though I think he is an enlightened man.

Mr. STOCKTON. Mr. President, being upon the committee which reported this little bill, I think it is proper for me to say that I do not think it comes within the rule laid down by the Senator from Indiana and the Senator from Pennsylvania, although I am free to admit that it runs very close to the line which Congress has drawn in reference to such matters. But let me say also that this seems to be a case where the maxim *de minimis non curat lex* may well be applied; it is too small a thing absolutely to be a matter of any importance. This is not a title of nobility; it is not a valuable present; it is nothing but a little memorial with no intrinsic value whatever, a medal, a memento, simply stating on its face, I presume, that on this occasion the King of Siam visited this ship. It is I think too trifling a matter to need any line to be drawn in reference to it, or to need anything to be said.

It is perfectly true, as the Senator from Rhode Island and the Senator from Maine have said, that we have a right to draw a distinction in such cases. The general rule, and a very proper one, prevents the reception of any present or gift of any kind, honorary or otherwise; but we are permitted to draw a line and to make exceptional cases; and one of those cases, I think, is not only the case cited by the Senator from Pennsylvania, where a man at the risk of his life performs a dangerous and gallant action and is being rewarded for it, and we permit him on account of what he has done to receive the gift, but it was also meant that these little tokens of acknowledg-

ment of courtesy from friendly powers to our officers should be permitted on such occasions as we thought proper when the circumstances are brought before us. In other words, it was intended that these things should be exceptional, and that each case should stand on its own merits. I do not see that this is within the general rule which very properly prevents officers of this Government from receiving presents from foreign powers; or rather there is no reason why we should not make an exceptional case of it.

The Chief Clerk proceeded to call the roll, and Mr. ALCORN answered to his name.

Mr. CAMERON. I ask unanimous consent to withdraw the call for the yeas and nays.

The PRESIDENT *pro tempore*. It can be done by unanimous consent. The Chair hears no objection. The call is withdrawn; and the question is on the passage of the bill.

The bill was passed.

JOHN T. SMITH.

Mr. ANTHONY. The Committee on Naval Affairs, to whom was referred the bill (S. No. 448) for the relief of John T. Smith, have instructed me to report it back without amendment. This is a bill for the relief of an officer under peculiar circumstances, who probably will not survive until the next session. I ask for its present consideration. It was intrusted to the chairman of the committee, who is detained at home by illness in his family, and he has asked me to present it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides for the nomination of John T. Smith as an engineer in the Navy.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WADLEIGH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 886) for the relief of Mrs. Mary A. McComb; which was read twice by its title, and referred to the Committee on Patents.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 887) to authorize the Secretary of the Treasury to change the name of the steamer General Sedgwick, of Mystic, Connecticut; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 888) directing the name of James Brown, of Oregon, to be placed on the pension-rolls, and granting him a pension; which was read twice by its title, and referred to the Committee on Pensions.

BENJAMIN W. REYNOLDS.

Mr. PATTERSON. I move to proceed to the consideration of the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The first section provides for allowing the sum of $1,233.33 to Benjamin W. Reynolds, late United States depositary at St. Croix Falls, Wisconsin, for compensation for his services as depositary between the 26th day of October, 1861, and the 26th day of November, 1864. The second section directs the Secretary of the Treasury to pay $1,233.33.

The Committee on Public Lands reported the bill with an amendment, to strike out "$1,233,33" in each section, and to insert in lieu thereof "$15.65."

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. CONKLING. I should like to inquire whether there is any report accompanying that bill?

The PRESIDENT *pro tempore*. There seems to be no report, though there are papers.

Mr. CONKLING. If any Senator understands it, I should like to hear a word about it.

Mr. PATTERSON. The bill as passed by the House allowed Mr. Reynolds twelve hundred and odd dollars. The Committee on Public Lands cut it down to $15.65, just the amount he was entitled to by way of commissions provided by law.

Mr. CONKLING. Is that all the bill contains.

Mr. PATTERSON. Yes, sir; $15.65 is the amount.

Mr. TIPTON. The committee recommended the striking out of the House appropriation and inserting fifteen dollars, because they had a letter from the present Secretary of the Treasury and a letter from the recent Secretary of the Treasury saying that on a stated account of the case there was due the claimant fifteen dollars. That is the reason why the committee recommended that fifteen dollars should be inserted, as it is the balance on the books of the Treasury in settling up the account.

Mr. SHERMAN. On that statement the bill ought not to pass, because on that statement the money would be paid by the proper accounting officers, if there is that much found to be due to him on the books of the Treasury.

Mr. TIPTON. The letter of the Secretary states that the appropriation out of which that might have been paid has lapsed into the Treasury.

Mr. SHERMAN. Then the bill ought to pass.

The amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BUSINESS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. LOGAN. I desire to make a request of the Senate. There are quite a number of small bills reported from the Military Committee by which small amounts are to be paid to persons entitled to them. I should like to have the Senate allow the Committee on Military Affairs to have Friday, or at least to occupy two or three hours on Friday, in acting on those bills. I have fears that we shall not reach them during the session unless a time is assigned to them.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that on Friday next, after the expiration of the morning hour, he may have three hours to dispose of bills reported by the Committee on Military Affairs.

Mr. SHERMAN. I have no objection to the assignment of time for the Committee on Military Affairs, provided it does not interfere with the moiety bill, which is to come up to-morrow.

Mr. LOGAN. I do not desire to conflict with that bill at all. I think that will be disposed of by that time. If not, I will ask that the order be made to take up these bills subject to that.

Mr. MORRILL, of Maine. And there will be no objection, I suppose, to excepting the appropriation bills if they should come in conflict.

Mr. LOGAN. Those are always matters of privilege.

The PRESIDENT *pro tempore*. The Chair hears no objection to the understanding that, subject to appropriation bills and to the moiety bill, Friday after one o'clock shall be dovoted for three hours to the consideration of bills reported by the Committee on Military Affairs.

SAVINGS-BANKS.

Mr. BOUTWELL. The Finance Committee reported a House bill this morning in regard to savings-banks which, I understand, has met the unanimous approval of that committee, and I suppose there will be no objection to it. I should like to have the bill passed now.

By unanimous consent, the bill (H. R. No. 3574) explanatory of the act of June 30, 1864, was considered as in Committee of the Whole. It declares all deposits made in institutions now existing which do business only as savings-banks, and are recognized as such by the laws of their respective States or by Congress, to be exempt from taxation the same as deposits in savings institutions having no capital, although they have a capital stock or bond for the additional security of their depositors, and pay dividends thereon; and no tax is to be assessed upon the deposits made in such institutions, or collected of them on deposits, otherwise than as herein provided. This is only to apply where the profits of such savings-banks, less the aforementioned dividends, are divided among the depositors, and where the capital stock is invested only in the same class of securities as is used for investing the deposits, and that interest at the rate of not less than 4½ per cent. be paid in all cases to their depositors, to be made good if necessary from the capital stock.

The Committee on Finance reported the bill with an amendment, to insert in line 13, after the word "dividends," the words "on stock not exceeding the rate of 8 per cent. per annum."

The amendment was agreed to.

Mr. BOREMAN. I should like to have the bill explained by somebody who understands it.

Mr. SHERMAN. Under a decision made by the Commissioner of Internal Revenue, which I think is correct, it is held that a savings-bank which has what is called a guarantee fund, something in the nature of preferred stock, which is held as a guarantee for the safety of depositors and upon which dividends are made, is not entitled to have such guarantee fund or stock exempted from the tax levid on the deposits of other banks. The deposits of savings-banks are exempted from the tax imposed on the deposits of other banks; but it was held by the Commissioner of Internal Revenue that savings-banks such as I mention, having a guarantee fund upon which dividends were paid, were not within that exemption. There is no reason why they should not be.

In the particular case to which our attention was called in Massachusetts—I have forgotten the name of the bank—there was a kind of special stock or guarantee fund upon which a limited dividend was paid, and it was held that that was not entitled to the exemption from the tax on deposits. We have limited the amount of dividend to 8 per cent., so that the dividend on this guarantee fund or stock of the savings-bank in Massachusetts shall not exceed in any case 8 per cent., and the bill also contains a clause that the amount paid to depositors shall be at least 4½ per cent. before any dividend shall be made on the guarantee fund.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. BOREMAN submitted an amendment intended to be proposed by him to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers

and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. STOCKTON. I submit an amendment to the river and harbor bill, which I ask to have referred to the Committee on Commerce. I desire to say that the amendment is to carry out the resolution of the Legislature of New Jersey, which I presented some time ago, in reference to the improvement of Barnegat Bay and its tributaries, and I commend it to the careful attention of the Committee on Commerce.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The amendment will be referred to the Committee on Commerce.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. MORRILL, of Maine. I ask the Senate to proceed to the consideration of the consular and diplomatic appropriation bill. I have spoken to the Senator from Minnesota, who has charge of the regular order——

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday.

Mr. MORRILL, of Maine. I move that the Senate proceed to the consideration of the consular and diplomatic appropriation bill. The Senator from Minnesota, [Mr. WINDOM,] having charge of the regular order, is willing to yield for that purpose, allowing the regular order to go over informally.

Mr. WINDOM. I have no objection to that.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the pending order be laid aside informally, and that the Senate proceed to the consideration of the consular and diplomatic appropriation bill. Is there objection?

Mr. WINDOM. I have no objection to the regular order being laid aside informally.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes.

The Chief Clerk proceeded to read the bill.

The Committee on Appropriations reported the bill with amendments.

The first amendment was in line 93, after the word "Frankfort" to insert the word "Rome;" so that the clause will read:

The consuls-general at Vienna, Frankfort, Rome, and Constantinople shall each be entitled to compensation for their services at the rate of $3,000 per annum.

The amendment was agreed to.

The next amendment was in line 96, after "Saint Petersburgh" to strike out the word "Rome;" so that the clause will read:

The consuls-general at Saint Petersburgh and Mexico shall each be entitled to compensation for their services at the rate of $2,000 per annum.

The amendment was agreed to.

The next amendment was in line 127, to insert after the word "Bradford" the word "Demarara;" so as to place that consulate in the third class.

Mr. CAMERON. What is the compensation allowed to consulates of that class?

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Three thousand dollars.

Mr. CAMERON. Then it is correct.

The amendment was agreed to.

The next amendment was in line 166, to strike out "Demarara" from the fifth class of consulates.

The amendment was agreed to.

The next amendment was on page 12, in the list of consulates of class seven, to strike out lines 260, 261, 262, and 263, as follows:

French Dominions: Gaboon.
Portuguese Dominions: Saint Paul de Loando.

The next amendment was in section 6, to strike out the following words:

That the following proviso shall be added to section 21 of the act to regulate the diplomatic and consular systems of the United States, approved August 18, 1856: *Provided*.

So that the section will read:

SEC. 6. That any vice-consul who may be temporarily acting as consul during the absence of such consul may receive compensation, notwithstanding that he is not a citizen of the United States.

The amendment was agreed to.

The PRESIDING OFFICER. The amendments reported by the Committee on Appropriations have now been disposed of. The bill is before the Senate and open to amendment.

Mr. MORRILL, of Maine. In line 199, page 9, an amendment has been proposed and sent to the Committee on Appropriations to strike out the words "Fort Erie" and insert the same after the word "Clifton" in line 164. The amendment was referred to the Appropriations Committee since the committee reported the bill to the Senate. I am advised that the Secretary of State thinks there is no objection to the amendment. Therefore I submit it to the Senate. I ought to state perhaps that the effect of the amendment would be to change the consulate at Fort Erie from class six to class five. The consulates are all classified in this bill.

Mr. CHANDLER. I have only to say that if that change should be made, there are some ten or fifteen other changes which should likewise be made in the consulates in Canada. The evil of this consular system has been that some particular Senator has had some friend in a particular consulate and has moved an amendment of this sort on the appropriation bill, which never went to the Committee on Commerce and was never examined by any committee. Now, prior to perhaps the year before last, the consul-general at Vienna received $1,500 a year, which was totally inadequate. The Committee on Commerce recommended that his salary be raised to $3,000, which was entirely satisfactory; but some friend of that officer in the body got up and moved, without any attention being called to it, that the salary be made $5,000, and now the consul-general comes and says it is a great hardship to reduce him from $5,000 to $3,000.

Now, sir, the whole receipts of this consulate at Fort Erie last year, the whole business that the consulate transacted, amounted to $2,382.50. There are other consulates where the expenses of living are much greater, and the committee have left them at $1,500. Some friend of this consul some time or other perhaps has moved to raise the salary of this consulate. It has now been put on a level with the other consulates in Canada, all of which were originally fixed at $1,500, except I believe Goderich, and perhaps one or two others; but from time to time they have been raised in this way. This bill absolutely equalizes the whole of them. If you now raise the salary of this consulate, you will have a dozen applications from other places for a like increase, and the result will be that you will have to raise the whole of them. That is all there is to it.

Mr. HAMLIN. I do not think the Senator from Michigan has stated this case precisely as it is. This subject of revising the compensation of consulates underwent a careful examination at the State Department, where I apprehend they understand the matter about as well as we do, and they sent us a bill here which upon examination included this very consulate in the class where my colleague proposes to put it.

Mr. CHANDLER. Certainly, because somebody had moved to raise his salary when it ought not to have been done, and it was adopted without examination.

Mr. HAMLIN. I want to assure my friend from Michigan that no such somebody existed. There was no Senator there, and nobody else there. I never saw it until the bill came from the Department here, and they made their estimate and they fixed the compensation in their bill which they sent here; and now in transcribing the bill in the House they have omitted to put it in the class where the Secretary of State put it. That is all there is in this amendment.

Mr. CHANDLER. I will state that that was done purposely by the House of Representatives to equalize the compensation of consuls, and there was no mistake about it. It was done purposely by the committee in the Senate as well as in the House to equalize the pay of consuls. If this consulate is transferred from one class to the other, then transfer the whole of them, and do it at once.

Mr. HAMLIN. There are two ways of doing justice: one is by equalizing up and the other is by equalizing down. The salary of the consul at the Chain Bridge, Clifton, was $1,500, and the committee have put it up to $2,000.

Mr. CHANDLER. On the contrary, the committee have reduced it to $1,500 from $2,000, where it was put by the committee in the House for the purpose of making it equal to this one. There it stands now to-day.

Mr. HAMLIN. No, it does not stand there, as the Senator will see if he will read the bill. I have got it here.

Mr. CHANDLER. I have the bill as prepared by the committee. That is one of the amendments submitted.

Mr. HAMLIN. You will find that Clifton is put in class five.

Mr. CHANDLER. On the contrary, it is put in class six; and the Senator who has charge of this bill has the amendment before him to change it from class five to class six. That was done by the Committee on Commerce in the Senate to equalize the payment of consuls in Canada.

Mr. HAMLIN. All I ask is that you put Fort Erie in the precise class in which you put Clifton.

Mr. CHANDLER. That is what we have done. There is where it stands, and therefore the Senator ought to be satisfied.

Mr. HAMLIN. The Senator is mistaken. The Senator has got in his hands the bill prepared by the State Department.

Mr. CHANDLER. On the contrary, I have got the bill as it passed the Committee on Commerce.

Mr. HAMLIN. I read from page 7 of the bill:

CLASS V.

Great Britain:
Leeds, Southampton, Dundee, Leith, Cork, Dublin, Clifton, Toronto, Hamilton, Coaticook, Halifax, &c.

And the salary of that class of consulates is $2,000. Then in the sixth class, the salary of which is $1,500, I find "Fort Erie." All I ask the Senator is to carry out precisely what he pretends his bill is. The bill does do precisely what I say. It omits Fort Erie from the class where it ought to be, and from where in transcribing the bill in the House they omitted it. The amendment puts it precisely where the Secretary of State put it. I do not seek to make any change other than that which was approved by the State Department, and I trust the Senate will do that. Now if the Senator has got the bill, let him read it and see whether he is right or I am.

Mr. CHANDLER. I have got it. Here it is. "Change Clifton from class five to class six." That is the bill as reported by the Com-

mittee on Commerce and sent to the Committee on Appropriations. That amendment was made in order to place it on the same footing with Fort Erie. I presume the Senator is satisfied. He says that is all he wants.

Mr. HAMLIN. There is a strange misunderstanding in this matter. I can read plain English; I thought I could at least; and I have the bill before me.

Mr. CHANDLER. I have the original bill before me as prepared by the clerk of the Committee on Commerce by order of the committee and sent to the Committee on Appropriations. Here it is: "Change Clifton from class five to class six." If the Committee on Appropriations have not got that amendment in the bill, then they have overlooked it; that is all; and I shall move, by order of the Committee on Commerce, that Clifton be changed from class five to class six, so as to equalize it with Fort Erie, and thus satisfy the Senator from Maine.

Mr. HAMLIN. The House of Representatives have sent us their bill, which they made up undoubtedly from the bill sent in by the Secretary of State, and I suppose the Committee on Commerce of the Senate have been acting with the Committee on Commerce of the House, though I do not know how that is. I only know that I have got the bill as it came from the House; I have got the bill as reported by our committee; and in that bill Toronto, Clifton, and Hamilton are put in class five, where the compensation is $2,000, and that is precisely in accordance with what the State Department recommend, and the State Department also recommend that Fort Erie should be in the same class. Now, I understand the Senator from Michigan to concur that they should be in the same class; and I ask therefore, inasmuch as three of them are put in the $2,000 class, that the other be put in the same class.

Mr. CHANDLER. The three that are put in that class are more expensive places to live at.

Mr. HAMLIN. Not a bit.

Mr. CHANDLER. They have a larger amount of business, are more important consulates, and on that account were put in that class. The consulates at Goderich, at Windsor, at Port Sarnia, and the large class of consulates of that kind at railroad termini, where the business is enormous and the expenses of living much greater than at Fort Erie, have not been touched, but have been left at $1.500 a year, and this Fort Erie consulate should never have been raised. The original pay of the consul at Fort Erie was $1,500, and that was the pay of all the other consulates in Canada, with two or three exceptions. I hope this may be equalized as the Committee on Commerce have recommended. The Committee on Commerce of the Senate did change three or four—not more than that—of the recommendations of the Committee on Commerce in the other House, and did it because they thought the committee there had made an error.

Mr. HAMLIN. I desire to say a word more. I believe I know something about the consulates. I had them under my charge more years than the Senator ever had them under his. I want to say that to-day the consulate at Fort Erie is of more importance commercially and in a personal point of view, under recent instructions from the State Department, than the one at Chain Bridge.

Mr. CHANDLER. I read a few moments ago the whole business transacted, the whole receipts of the consulate at Fort Erie. Now look at it: you pay the consul there $1,500 in gold coin—and if the Senator's man is not satisfied I have two hundred and eighty-nine men who are anxious to take his place at the pay, and better men too, [laughter]—and the whole receipts, the whole business for three hundred and sixty-five days of that consulate is $2,382.50.

Mr. MORRILL, of Maine. I ought to say in justice to the Committee on Appropriations that so far as these amendments are concerned the committee feel no especial responsibility about them. The salaries and the consular service have been somewhat changed by the action of the House; but it was upon careful examination, as I understand, by the Committee on Foreign Affairs, whose desire was to change somewhat the consular system, and they have done it by putting the consulates into six or seven distinct classes, and classifying them according to their importance, attaching to them salaries in accordance with that general statement, and they have been classified in this way: Those that have simply commercial duties to perform are classified according to the business of the consulate; those consulates upon which some diplomatic duties are devolved are classified also according to the importance attached to that fact. The Committee on Appropriations of the Senate found that the House had adopted that proposition of the Committee on Foreign Affairs. The Committee on Commerce taking jurisdiction of this question in the House, as it was a consular matter very properly, had gone over this subject and had recommended that it should be adopted by our committee, the Committee on Appropriations; and that is the reason that the bill comes here from the committee in this shape.

Now, as to this precise proposition before the Senate, I said when I was up before that the Committee on Appropriations did not consider it; but upon the statements made by my colleague I do not see why this consulate should not be transferred from the class where it is to the class indicated by his amendment. I do not say whether the salary is too much or too little; but upon the principles of the bill, upon the principles upon which this classification is made, I am inclined to think my colleague's statement is correct, that it either belongs in that class or these other consulates should be transferred to the class in which Fort Erie now is.

Mr. CHANDLER. The committee have recommended that, and if the Committee on Appropriations have made a mistake and have not transferred Clifton to that class, I will make that motion by direction of the Committee on Commerce, for they ordered me to make it, and in my copy of the bill that correction is made, transferring Clifton from class five to class six. I will make that motion if it is not already in the bill as the Senator reported it. It was in the copy which I handed to the Committee on Appropriations.

Mr. MORRILL, of Maine. Unfortunately, it was overlooked. Undoubtedly the Senator is correct about that, but it was overlooked by the committee.

Mr. CHANDLER. Then by order of the Committee on Commerce I will submit a motion to make that transfer. They directed me to do so.

Mr. MORRILL, of Maine. While I am up I will state another thing in regard to this bill, as there seems to be considerable inquiry about it. The chief arrangement consists in the classification of the consulates, and the principles which underlie it are that many of the consulates have become unimportant. This system was established in 1856, I think, and since that time there has been very little legislation in regard to it. Towns which were important then (and the salaries of the consulates were fixed then in accordance with their importance) have outgrown that importance; have ceased to be trading centers. In the mean time other important towns have sprung up, in some instances in close juxtaposition to these, rendering it unnecessary to maintain a consulate at the one place, but requiring him to be transferred to another. The committee, taking the whole subject into consideration, have said that our consulates should be established at the trading centers. That is undoubtedly sound. Now, in order to accomplish that object they were obliged to abolish some; in others they reduced the pay. Take Havre, for instance: Havre was at one time the most important consulate in France, with a salary of $6,000. They put that in a different class at $3,000, and have advanced the consulate at Bordeaux. So they have gone through the list, reducing in some instances and increasing in others. I believe on the whole the increase is about $2,000 or $3,000 in the aggregate, but these are the general principles on which the whole arrangement has been made.

Undoubtedly it has the effect to reduce the salaries of certain persons at certain points, and it has the effect to increase the salaries of others. That is no injustice, perhaps, provided that the general principle of the arrangement in regard to salaries is just and fair. That is not a question for the Committee on Appropriations to consider. If there is any difficulty upon that score it belongs to the Committee on Commerce so far as the consulates are concerned, and to the Committee on Foreign Relations so far as the diplomatic service is concerned. The Committee on Appropriations have contented themselves with reporting the bill, so far as this service is concerned, in harmony with the bill as it came from the House and in harmony with what the committee understood to be the views of the committees of the two Houses who properly have this subject under consideration.

The question is on the amendment of my colleague, to transfer the Fort Erie consulate from line 199 to line 164, the effect of which, I have already explained, is to take it from one class and associate it with the consulates in Canada, upon the ground that its relation to the others is about equal.

Mr. CHANDLER. After this is voted down, as I trust it will be, I shall then move, by order of the Committee on Commerce, to transfer Clifton, in line 163, to line 196, after "Port Sarnia," and thus transfer it from class five to class six, as directed by the Committee on Commerce and as omitted accidentally by the Committee on Appropriations.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Maine.

Mr. HAMLIN. I hope the Senate will stand by the bill as sent to us by the Secretary of State.

Mr. CHANDLER. The Secretary of State informed me that he was very well pleased with what the committee had done. Therefore I hope the Senate will stand by the Secretary of State.

The amendment was rejected; there being on a division—ayes 19, noes 21.

Mr. CHANDLER. I move now to transfer "Clifton" from line 163 to line 196, after "Port Sarnia," which equalizes Clifton with Fort Erie. I move the amendment by the direction of the Committee on Commerce.

Mr. SARGENT. How much does that increase the salary?

Mr. CHANDLER. It reduces it from $2,000 to $1,500.

Mr. SARGENT. I have no objection.

The amendment was agreed to.

Mr. CHANDLER. I have one more amendment from the Committee on Commerce by request of the Secretary of State. In line 71, after the word "dollars," I move to insert:

And the bonds which consular officers who are now compensated by salaries are required by the thirteenth section of the act of August 18, 1856, to enter into, shall hereafter be made with such sureties as the Secretary of State shall approve.

The amendment was agreed to.

Mr. RAMSEY. I propose to amend the bill on the second page, seventeenth line, after "Chili and Peru," by inserting "Sweden and Norway," and in line 20, by striking out "Sweden and Norway."

I think, Mr. President, that the relations between this country and the kingdoms of Sweden and Norway justify this increase in rank in

our minister there. He is now but a minister resident, while at the same time we send to each of the comparatively unimportant states of Chili and Peru an envoy extraordinary.

While the population of Chili and Peru combined is a little over five millions, that of Sweden and Norway is a little over six millions. The exports of Chili and Peru are $60,000,000 a year, those of Sweden and Norway $65,000,000. The imports of Chili and Peru are $50,000,000; of Sweden and Norway $70,000,000. Showing that the population and commerce of Chili and Peru combined are less than that of Sweden and Norway. The direct and indirect commerce between the United States and Scandinavia is nearly $7,000,000 a year, and continuously increasing. Except Germany and France, it is, I believe, the only continental nation that owns a line of steamers running directly to this country. The country has a splendid financial credit, with a large commercial marine, with greater exports, a larger telegraphic correspondence, and greater territorial area, and more international influence than either Italy or Spain.

The immigration from Sweden and Norway is larger than from any other country on the continent of Europe, excepting Germany, and is gradually increasing. They send to us more and a better class of immigrants every year than have come from Spain, Italy, Turkey, Mexico, Peru, and Chili all put together.

Again, it would be a courteous act on our part, inasmuch as that state sends to us an envoy extraordinary, and we have especial reasons why we should cultivate the best relations between this country and those kingdoms. The population now resident in the United States, hailing from Sweden and Norway, amounts to many hundreds of thousands. It is probably one-sixth of the population of the State of Minnesota. There are probably one hundred thousand Swedes and Norwegians there. They form a large proportion of the population of Iowa, Wisconsin, Illinois, Kansas, and Nebraska. They are a people who appreciate free institutions like ourselves, and are hard-working, industrious, and saving, readily assimilate with our people, become quickly acquainted with our customs and laws, and give an intelligent support to our republican form of government.

Practically the political institutions of Sweden and Norway are free and in spirit republican. The constitutions of Sweden and Norway are each published in the volume on Foreign Relations of the United States for 1871, and as compared with those of the South-American States, in respect to popular principles they will challenge close scrutiny. A careful perusal of these constitutions, as well as of the act of union between the two countries, will show that they contain more ample guarantees of liberties than is usually found. The legislative power of the government is, as with us, divided into two branches, one elected by the municipal bodies, the other directly by the people who exercise the elective franchise, the only restraint of universal suffrage being a small property qualification. The people of Norway have from time immemorial enjoyed an almost republican liberty, and that country reveals the fact that the constitutional liberty of the people of every country in Europe was first founded here.

I think under all the circumstances the Senate should not hesitate to advance the rank of the mission to Sweden and Norway to the same grade at least as the mission to Chili and to Peru. If I had supposed there was a more liberal disposition on the part of the Committee on Appropriations I would have moved to place it a grade higher and put it along with the missions to Spain and Austria.

Mr. MORRILL, of Maine. I did not understand the Senator to state precisely what portion of Sweden had come over to Minnesota.

Mr. RAMSEY. A very large portion of Sweden and Norway, a much larger portion, I will say to my honorable friend from Maine, than they have been able to induce to go into the State of Maine. Although they have made vigilant efforts to attract population from those countries, they have not been able to get them. Minnesota now has one hundred thousand, and a most excellent population they are.

Mr. MORRILL, of Maine. Maine has no minister residing at Sweden.

Mr. RAMSEY. Probably Maine would accept one. I think she would. [Laughter.]

Mr. SARGENT. Is not this amendment liable to a point of order?

The PRESIDING OFFICER. Does the Senator from California raise any point of order?

Mr. SARGENT. Yes, sir. It increases the appropriation and has not been referred to the Committee on Appropriations.

The PRESIDING OFFICER. In the opinion of the Chair the point of order is well taken.

Mr. RAMSEY. What is the point of order?

The PRESIDING OFFICER. That the amendment increases the appropriation and has not been referred to the Committee on Appropriations.

Mr. RAMSEY. It may probably increase the appropriation, but it increases the appropriation to so small an amount—$2,500—that I think the Senator from California will hesitate to make the point of order on a matter of this kind.

Mr. HAMLIN. In addition to the point of order, let me suggest to my friend——

Mr. RAMSAY. That is enough, if it is ruled against me. I do not want anything in addition.

Mr. HAMLIN. I wanted to suggest to the consideration of my friend that the Committee on Foreign Relations made a very careful examination into this matter and they were only deprived of the information which we have had in the Senate here this morning. If we had had that information before the committee we probably should have come to a different conclusion from that at which we did arrive, and we might probably have placed this mission in a very much higher grade, and might have placed it alongside of that to France and to Germany. I think that would have satisfied the Senator from Minnesota.

Mr. RAMSEY. I am very sorry that the Committee on Foreign Relations did not pay attention to the information laid before them. It has been a long time before them——

Mr. HAMLIN. I think the Senator from Minnesota is to blame. He did not furnish us with the information.

Mr. RAMSEY. I beg the Senator's pardon. I not only furnished it, but so did the Secretary of State, to the committee. I am sorry indeed that they do not better inform themselves on these matters.

Mr. MORRILL, of Maine. What is the question?

The PRESIDING OFFICER. If there be no further amendment the bill will be reported to the Senate.

Mr. RAMSEY. Is my amendment ruled out?

The PRESIDING OFFICER. It is.

Mr. SHERMAN. I desire to add to the list of consulates, in section 2, by inserting in line 8 the word "Bremen" after "Hamburg." It was omitted by an oversight probably.

Mr. SARGENT. Is it not elsewhere in the bill?

Mr. SHERMAN. Not in regard to clerks. This is the section allowing clerks at certain consulates.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. M. RUSK of Wisconsin, Mr. W. B. SMALL of New Hampshire, and Mr. W. S. HOLMAN of Indiana, managers at the same on its part.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. No. 2453) to amend an act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. M. RUSK of Wisconsin, Mr. W. B. SMALL of New Hampshire, and Mr. W. S. HOLMAN, of Indiana, managers at the same on its part.

The message also announced that the House had passed the bill (S. No. 229) authorizing corrections to be made in errors in prize-lists, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. R. No. 107) providing for the termination of the treaty between the United States and His Majesty the King of the Belgians, concluded at Washington July 17, 1858; in which it requested the concurrence of the Senate.

PENSION APPROPRIATION BILL.

Mr. SARGENT. I move that the Senate proceed to the consideration of House bill No. 3421, making appropriations for invalid and other pensions.

Mr. WINDOM. I will yield, if I have the right to do so, for that appropriation bill, but I give notice that I shall insist on the regular order when the appropriation bill is disposed of.

The PRESIDING OFFICER. The Chair understands that the transportation resolution is laid aside informally.

By unanimous consent the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875, was considered as in Committee of the Whole.

The Committee on Appropriations reported the bill with an amendment, which was on line 58, to insert after the word "twenty" the word "five;" so as to make the proviso read:

Provided further, That the fees for preparing vouchers and administering oaths, which are now by law thirty cents in each case, shall hereafter be twenty-five cents for the same, and no more.

The amendment was agreed to.

Mr. SARGENT. That is the only amendment reported by the committee. I will take this occasion to remark that the amount appropriated for this purpose last year was $30,480,000. The amount appropriated by this bill is $29,980,000, being a reduction of $500,000. The presumption is that from casualties and from minor children becoming of age the appropriation will be less and less each year, and that we have passed over the greatest amount. This certainly will be the case by the gradual decrease of the pension-roll, unless Con-

gress is improvident in enlarging the class of cases, or putting separate individuals too extensively on the pension-list.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. WRIGHT. I wish the attention of the Senator from California having the bill in charge. I notice that the bill as it came from the House provided that the compensation for vouchers should be twenty cents instead of thirty cents, as now allowed by law, and the committee proposed to amend that by making it twenty-five cents instead of twenty. I suppose they have given this subject attention. My attention was directed to it somewhat. I may not be entirely accurate, but I find that as the law stands now for these vouchers, taking the country over, the pension agents get about the same amount for these vouchers that their regular salary is. In other words, they receive on an average from $7,000 to $8,000 a year as compensation as pension agents as the law now stands. This is all paid out of the Treasury of course, and not by the pensioners. I understand that these persons ought to have a compensation for this extra work, because they have to employ extra clerks; but it occurred to me that it was quite unnecessary that their compensation should be increased to the amount fixed by the present law, or indeed to twenty-five cents for each voucher. It thus gives them for each year one dollar for the vouchers that they send to the pensioners and for the postage for sending such vouchers out. While the pension agents, as far as I know, have discharged their duties exceedingly well, yet taking the country over, as a rule, I think they receive a larger compensation than is necessary. I think that twenty cents, while it may seem to be a small amount on each voucher and as to each payment, nevertheless would be sufficient for each voucher. The difference between twenty and twenty-five cents is not much, and yet it amounts to several thousand dollars in a year as against the Government. Of course I do not wish to be understood as antagonizing the wishes of the committee if they have investigated the subject thoroughly, but I call the attention of the Senator from California to the point whether the bill is not sufficient as it stands to cover all the expenses of the agents.

Mr. SARGENT. This matter was thoroughly considered by the Committee on Appropriations and the Department was consulted in reference to it. I hold in my hand, which I will send to the desk and ask to have read, a letter from the Commissioner of Pensions which I think answers the propositions of the Senator from Iowa, and I direct his attention to the fact that when he speaks of the large amounts paid to certain pension agents, they are only in the largest cities and where the most funds pass through their hands. But we have a great many pension agents, some of them at small offices, where the remuneration is merely nominal. I can say that in the city of San Francisco the compensation of the pension agent, after paying all his expenses of rent and necessary clerk hire, amounts to only about $500 a year, which of course is a great contrast to the $5,000 or $7,000 which a pension agent may get in New York or Cincinnati. In the smaller places where pension agencies exist, to reduce this fee below twenty-five cents, in the opinion of the Committee on Appropriations and of the Commissioner of Pensions, would be to reduce it below any possibility of getting men who are responsible and who would give the proper bonds to perform their duties.

There is a further fact that a large class of pensioners are falling out. This bill, as I remarked a few moments ago, appropriates $500,000 less than the bill of last year, and there are whole classes going out, and they will go out more rapidly hereafter. For instance, minor children who are now relieved by the pension laws in a year or two will be off the pension-roll entirely by arriving at the age fixed. Then the list of casualties from deaths increases with time and gradually diminishes the pension-roll. The effect of this is that there are less vouchers, there are less elements going to make up the pay of the pension agents. This price, thirty cents, was established while the roll was culminating until it has swelled to its present point. Now to cut down the pay very much, as the elements of compensation are being decreased every year, would be to leave these persons without such remuneration that the Government could get the services performed in a proper manner. I send the letter to the desk to be read, and I think it covers the points which the Senator from Iowa has named.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., May, 23, 1874.

DEAR SIR: My attention has been called by Senator PRATT, chairman of the Pension Committee in the Senate, to the last proviso of the pending pension appropriation bill, which provides that the fee for preparing vouchers and administering oaths, which is now fixed at thirty cents, shall hereafter be twenty cents.

After a careful examination of this proposed change I have reached the conclusion that it will work manifold injustice to the smaller agencies, and respectfully suggest that the sum for the preparation of these vouchers be fixed at twenty-five cents. I am satisfied that this is the minimum at which this compensation can be fixed and do justice to many agencies in the country which would otherwise be rendered comparatively worthless.

The present rate of compensation has been in operation during the time the rolls were growing so rapidly. Now the rolls have reached the maximum number, and by time and casualty will rapidly decrease, and this inevitable decrease, it appears to me, will meet all the demands of justice and economy.

I apprehend that the total cost of conducting the agencies was not fully taken into consideration by those who framed this proviso. The rent of the offices, the postage, (which is a very considerable item indeed,) and the employment of the proper clerical force, have all to be deducted from the gross compensation, and will leave the net profits of the office in many cases much less than may be supposed.

There is also a certain percentage of loss in the final adjustment of their accounts with the Treasury Department to be considered, resulting from erroneous compensations and payments.

I am disposed therefore to think that if your committee will place the rate at twenty-five cents, it will be a fair measure of compensation to all parties; and time and the casualties of the service will diminish this allowance with such rapidity as will preclude the possibility of further complaint in this direction.

Very respectfully, yours,

J. H. BAKER,
Commissioner.

Hon. LOT M. MORRILL,
Chairman Committee on Appropriations, United States Senate.

Mr. HAMLIN. When I saw the action of the House of Representatives on this matter my attention was attracted to it, and I took a little pains to make some examination into the subject as applicable to my own section of the country, and the results of my investigation are corroborated by what the Commissioner has stated. I wish to say in a word or two that the experience of the agencies in the section of the country from which I come demonstrates that the thirty cents a certificate will very slightly, if any, exceed the expenses of rent, clerk hire, and postage now; and if this fee be cut below twenty-five cents, the expenses will exceed the amount received. I think we have three agencies in Maine, and in two of them the expenses exceed the receipts from the fee of thirty cents a certificate, and in one perhaps they are slightly below. Twenty-five cents, therefore, will call for very rigid economy to transact the business of the office from the receipts. I hope, therefore, that the sum fixed by the committee certainly will not be changed to any lower sum.

Mr. SCOTT. I can corroborate the statements made by the Senators from California and Maine, from data which have been placed in my hands by one or two of the pension agents. The salaries of the pension agents are calculated to produce a misapprehension as to the sum they actually receive, for the whole amount of their rent, clerk hire, and all other incidental expenses, has to be deducted from that salary. One of the pension agents in Philadelphia makes a statement to me showing that while he gives a bond of $400,000 and disburses a very large amount of money, if this bill were passed at the amount fixed by the House of Representatives it would reduce the salary of his office, after paying expenses, to $1,600; and that statement of a bonded officer in the sum of $400,000 disbursing this amount of money is sufficient of itself to show how unjustly this reduction would operate. The fixing of it at twenty-five cents seems to be conceded upon all hands as a reduction of the salary, and yet one which will not be burdensome at least upon the pension agents and about the right thing for the Government to pay. I hope, therefore, the report of the committee will be sustained.

Mr. PRATT. I have given this matter considerable attention, and, as chairman of the Committee on Pensions, have conferred with the head of the Pension Bureau frequently on the subject, and I have arrived at the conclusion that thirty cents a voucher is too high and that twenty cents is too low, and that twenty-five cents a voucher is as near right as it is possible for the Senate to come to.

The compensation of pension agents is made up under existing laws of two items, as I understand; first, a commission of 2 per cent. upon all the moneys disbursed, and in the next place a fee of thirty cents for every voucher issued. The Government pays no expenses of clerk hire or office rent, but each pension agent must defray all these expenses himself out of his commissions and out of the fees received for vouchers. There are four or five pension agencies where the compensation seems to me very high; but yet you must consider that those agencies are those where the largest amount of money is disbursed, where the largest number of pensioners is paid, and where the largest number of clerks is required. I remember one office where the number of clerks employed is fourteen. There is only, however, a very limited number where this compensation seems so high.

I have before me a table furnished by the Commissioner of Pensions, in which he gives a statement of the total compensation paid to all the pension agencies throughout the United States. The sum seems to be very small. For example, at Vancouver the receipts of the office all told are $143.31. At La Crosse the entire compensation of the pension agent is only $4,387.80; and out of this he has to pay his clerk hire, and his office rent, and postage. At Madison, Wisconsin, the entire receipts are only $6,994.60. There are several of the agencies where the commissions and the voucher fees aggregate only about $5,000. But in Philadelphia, where there are two offices, one for invalid soldiers and another for widows' pensions, the fees seem to be very high; at one of them upward of $16,000, and at the other upward of $15,000; making about $32,000 at these two offices in the single city of Philadelphia. At Albany, New York, the fees seem to be very high, being a little upward of $18,000; at Detroit pretty near $14,000; at Boston a little upward of $18,000; at Chicago, $11,000; at Indianapolis, pretty near $17,000; in this city, $9,576.

Mr. OGLESBY. What is it at Springfield, Illinois?

Mr. PRATT. I do not now see it on this list, but it is here. The general testimony of the pension agents, if the Senate is disposed to regard that as the most reliable testimony in the case, is that these fees cannot, with justice to them, be cut down; but I think they can. I think twenty-five cents a voucher is about a reasonable fee.

Mr. WASHBURN. I wish to ask the chairman of the Committee on Pensions if they are satisfied that it is necessary to have the same

amount paid to all these officers. I think any one who is conversant with this question will be satisfied that in our larger offices, such as have been referred to in Philadelphia, in Boston, and New York, twenty cents would be ample, while in many of the smaller offices the present fee of thirty cents certainly is not too high. I ask the chairman whether he has considered the question of the propriety of providing that where the receipts of an office are more than $5,000 a year this fee shall be reduced to twenty cents, and that in smaller offices, where they do not reach that sum, it shall remain as it now is?

The only difficulty in fixing a universal price of twenty-five cents, as has been suggested, is that you thereby take away from the receipts of the smaller and weaker offices where to-day the agents do not receive the amount which they should receive, and you still continue to the larger offices where the receipts are excessive more than is necessary. It does seem to me that if the committee would continue to these smaller, weaker offices the same fees that they have been receiving and reduce to a lower rate the fees in those offices where the receipts have been so high, it would be more equitable to the different offices throughout the country. I do not know whether the committee have considered that aspect of the case or not.

In regard to the receipts which have been referred to in the city of Boston, it will be recollected by the chairman of the Committee on Pensions that the table he has referred to shows the receipts at a time when there was but one pension agency in the State of Massachusetts. It has now been divided, and there are two offices, and, of course, those receipts will be divided between those two offices; but still I think in the city of Boston twenty cents would be ample, but in the small office in the country thirty cents would not be too large. I think it would be much more equitable and much fairer if this fee should be reduced in Boston to twenty cents and continued in the country at thirty cents. I only make the suggestion to the chairman of the committee whether such an amendment might not be made.

Mr. CHANDLER. I wish to state in regard to the larger offices which have been spoken of that I received a few days ago a communication from the pension agent at Detroit, giving the amount of his expenditures for office rent, clerk hire, &c. It will be remembered that all the expenses of the office are paid by the pension agent. In a large city he pays a very high rent; I should think at least $1,000 a year in Detroit, but I cannot say exactly how much. Then he must employ a large number of clerks, leaving the compensation much less in proportion to the amount paid than in the smaller offices. I have no doubt it is the same in Chicago, in Boston, and in all the larger offices. Hence I think great injustice would be done to the larger offices by making the great reduction proposed by the House of Representatives. I do not think the present rate is too high from what I have heard from the agent at Detroit and from other agents. I do not think their compensation is at all excessive.

Mr. PRATT. In answer to the inquiry of the Senator from Massachusetts, I would say that there would not be much difference in the compensation under the bill as it is amended, fixing the voucher fee at twenty-five cents, between the pension agents throughout the country; I mean the large centers, on account of the greatly increased force which they must employ in order to discharge the business of their offices. As the number of pensioners increases to be paid at any particular office, the number of clerks must be increased. As the number of vouchers to be issued increases, the postage to be paid by the agents upon those vouchers is increased, and that is a very considerable item in the course of the year, and it is one of the items of expense which I omitted to state when I was on the floor before, because these pension agents must pay not only office rent in these large cities, which is generally very high, and the salaries of their clerks, but also the postage upon all the vouchers which are issued four times a year.

Mr. WASHBURN. While the Senator from Michigan and the chairman of the Committee on Pensions are right in saying that the more the business done at a given office the greater the expense, still the statement which I made is correct. There are many pension agencies in the country to-day at which the net receipts are from twelve to fifteen thousand dollars after paying all the expenses; and just as you increase the business at a given office you increase the net receipts of that office. While in the large offices there are more clerks to be paid, yet, after paying all the expenses, the net receipts are greater.

Mr. CHANDLER. Will the Senator pardon me? Those are the gross receipts, not the net receipts, and all the expenses have to be paid out of those receipts which have been read.

Mr. WASHBURN. I understand that; but still what I have stated is correct. I have ascertained and know what the net receipts of some of the larger offices are, and you will find the net receipts of some of them are over $12,000 left to the pension agent. The only point that I wished to suggest was that in many of the smaller offices the net receipts to-day are not more than they ought to be; the agents do not get more than a fair compensation. My suggestion was that if you could limit the proviso, so that where the net receipts of an office are $5,000 to the pension agent, or some such sum, the voucher fee should be twenty cents, it would be more equitable. I understand very well that as the business is increased so are the expenses increased, but not by any means in the ratio of the receipts, and the net profits are very much greater. For instance, in the State of Massachusetts you divide the agency into two offices. The expenses will be increased by that division, and you cannot help it. The business cannot be managed so economically, so far as the expenses are concerned, but the public will be better served, and the result will be that the small office and the agent at the small office will receive very poor compensation, while the agent at the large office will still continue to be very well paid for his services after paying his expenses.

Mr. PRATT. If the statement of my friend from Massachusetts be true, I readily agree with him that there ought to be some limit to the amount of salary which a pension agent should receive after deducting all the expenses enumerated. My information had been different from his. I had seen some statements made by the pension agents at some of the largest centers of population, and the largest net amount realized by any of these pension agents did not exceed $6,000 or $7,000 a year. That seems to be pretty high. I think myself that no pension agent should be entitled to receive more than $5,000 in fees, after deducting, I mean, all the expense of office rent, clerk hire, postage, &c. I do not know whether in the hurry of the consideration of this bill an amendment of that kind could be prepared.

Mr. SARGENT. I will suggest to the chairman of the Committee on Pensions that with this modification of twenty-five cents, as the highest amount now paid is between six and seven thousand dollars, the result will be to bring the highest grade down to $5,000. That will answer the purpose which he has in view. I hope we may have a vote.

Mr. WASHBURN. I only wish to say a word, in order that gentlemen may understand that I have not been making the statements which I have made without authority. Within two weeks I have asked the Commissioner of Pensions what the net receipts of a given pension agent were, and he said to me about $13,000 after paying all his expenses. It seems to me that it would be better if there could be a limit for all these officers, a fair compensation, I care not what it is. If in a given location a pension agent should have a salary of $8,000, why not say that all his fees over that salary shall go into the Treasury of the United States? It does seem to me that there ought to be some limit in regard to these salaries as well as other salaries. I only make the statement because I had occasion to inquire into the receipts of some of these officers in the past, and I was told in regard to the one as to whom I made the inquiry that the gross receipts were so much and that the net receipts amounted to about $13,000, and that was not the largest office in the United States by any means. Many offices in the country are larger than the office to which I specially refer.

Mr. WRIGHT. I have succeeded in calling the attention of the Senate to the amendment proposed by the Committee on Appropriations. It seemed to have passed through the Committee of the Whole without any attention, and the bill was reported to the Senate. Of course I cannot expect in the face of the information we have here from the Department, and also the urgent request of the Committee on Appropriations, as also of the chairman of the Committee on Pensions, that there will be any change of the report as made by the committee. In other words, I suppose the Senate will accept the amendment proposed by the Committee on Appropriations fixing this fee at twenty-five cents; and yet I remain of the opinion that twenty cents will amply cover all the expenses ever contemplated by this law. What was contemplated by the law under which this voucher fee is paid was that it was to compensate for making out the vouchers and the postage to the pension agent in sending them off and getting a return. That was the object, and it is expressed in the law that it is for the purpose of covering these things. In my judgment twenty cents will cover every cent of such additional expense.

If you look at the list that is referred to here and has been presented by the chairman of the Committee on Pensions, you will find that two-thirds of these pension agents are paid twice as much as we receive for our services here. You talk about the expense of rent, and yet in half the instances pension agents have their offices in buildings that are furnished by the Government and do not pay one dollar of expense in the way of rent. I speak of this matter, certainly with no disposition to cut the compensation of these men down below what is a fair, reasonable, and just remuneration. I know that in the majority of instances, if not in all, they are most faithful and devoted officers; I know they discharge their duties well; I know the character of the responsibilities of these officers; but at the same time I think with reference to these officers that in addition to a percentage we then tack on fees and fees and fees from time to time, and they absolutely get out of the Treasury three times as much as the salaries that are paid to those who, in my judgment, should have as much if not more than they have.

Now I cannot hope that twenty cents will be the sum fixed; and, indeed, in view of what is said by the Commissioner of Pensions, and what is insisted on by the Senator having the bill in charge, and what is said by the chairman of the Committee on Pensions, I feel myself as if I was resisting against any hope. I can have no hope that there will be any change, but in my judgment there should be a change.

So far as the suggestion is concerned from our friends, the pension agents, that this compensation is not too high, I should not expect they would think otherwise. Certainly, so far as I know anything about them, they are excellent, good men. In my own State, I know, I have had letters from them insisting that the compensation is not too much. I am exceedingly anxious to accommodate them. I should like them to have every dollar they want, but my duty here is to see

that this compensation shall not be greater than they are really entitled to. Giving them such compensation will pay them well for their services and take no more out of the Treasury than they ought to have.

Mr. SARGENT. It should not be lost sight of that the pension-roll is continually decreasing, and that every month as it passes reduces the pay of these persons. If by the decrease of business their pay is reduced, and then because their pay has been larger heretofore we cut down the proportion of it to the amount of business which they perform, we reduce at both ends, and, of course they cannot receive the compensation they ought to have. I do not speak for the large offices, and there are but few of them where perhaps the amount may exceed that named by the chairman of the Committee on Pensions, although upon that I am not informed; but I say the great bulk of these officers will scarcely be paid on twenty-five cents. At twenty cents most of them will have to stop. So the Commissioner informs us, and so the Committee on Appropriations believe. This is a reduction from thirty to twenty-five cents, one-sixth. I trust we may have a vote and accept the amendment.

Mr. PRATT. I wish to add a word more before the vote is taken on this amendment. I have received a letter from the pension agent at Fort Wayne in my State. We have three pension agencies, one at Fort Wayne, one at Madison, and another at Indianapolis. Mr. Iddings, the pension agent at Fort Wayne, gives me the amount of his receipts in the way of fees of every kind with which the Government charges him, and the sum total is $8,031.58. Then he proceeds to give in detail the expenses of his office. I think his statement is a candid and reliable one, and what he says of this office is probably true of the majority of the offices.

The first item which he puts in the expense account, which he must pay out of the receipts of the office, is postage, $1,360. The next is contingent expenses, $156.78; then clerks, $2,400; office rent, $300; fuel, $100; gas, $30; printing, $30; wear and tear of furniture, $50; total expenses, $4,426.78. Taking this amount from $8,031.58, and it leaves $3,604.80 which he is in the receipt of at this time as net proceeds of his office under the existing law allowing thirty cents a voucher. He says that if the voucher fee is cut down to thirty cents, there will be $1,360 to deduct from this, leaving only $2,244.80, which would be about the average salary per annum. He adds:

When you consider the great responsibility of the office requiring bonds representing $400,000, you can see the injustice of reducing the fees.

I presume this statement is a fair illustration of the expenses of the other agents.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PRIVATE LAND CLAIMS IN MISSOURI.

On motion of Mr. BOGY, the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 32) obviating the necessity of issuing patents for certain private land claims in State of Missouri, and for other purposes.

The amendment was to strike out all of the second section after "United States" in line 6, as follows:

And all persons who, under the statute of limitations of said State, would be protected in their possessions had patents for the lands or lots aforesaid occupied by them been lawfully issued at the date of the confirmation of the claims thereto as aforesaid, shall be deemed to have the equitable title to the lands so occupied by them within the meaning of this section, and the release herein provided for shall be as effectual in their favor as in cases where the owner derives title from the original claimant or confirmee.

Mr. BOGY. I move that the Senate concur in the amendment.

The motion was agreed to.

ERRORS IN PRIZE-LISTS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 229) authorizing corrections to be made in errors in prize-lists.

The amendments were to strike out the first section, as follows:

That in all cases where corrections in the distribution of prize-money have or may become necessary, and in all cases where the names of parties entitled to share in prizes have been or may by error be omitted from the prize-lists, the Secretary of the Navy is hereby authorized to direct the proper accounting officers of the Treasury to correct and pay the same, the former upon the principle that the provisions of the act in force at the date of final adjudication govern distribution, and the latter to receive their proportion of the prizes claimed the same as all others of like rank and pay who may have been paid, said payments to be made out of the naval pension fund.

And in line 9 of second section, after the word "paragraph," to insert "said payments to be made out of the naval pension fund."

Mr. SARGENT. I move that the amendments of the House of Representatives be concurred in.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. BUCKINGHAM, it was

Ordered, That John B. Chapman have leave to withdraw his petition and papers from the files of the Senate.

CHEAP TRANSPORTATION.

Mr. WINDOM. I call for the regular order.

The PRESIDING OFFICER, (Mr. ANTHONY.) The resolution of the Senator from Minnesota is now before the Senate as the unfinished business.

Mr. WINDOM. I ask that the resolution be read.

The Chief Clerk read as follows:

Whereas cheap and ample means for the interchange of commodities between the different sections of our country constitute essential conditions of the national advancement and prosperity; and whereas the Select Committee on Transportation, after full investigation of the subject, report that in their judgment cheap transportation can only be obtained through competition under governmental control and operating through cheaper means of transport than are now provided; that such cheaper means of transport can only be provided by the construction of double-track freight railways or by the improvement and creation of water-routes; and that after a most careful consideration of the merits of various proposed improvements, taking into account the cost, practicability, and probable advantage of each, the committee have come to the unanimous conclusion that the following are the most feasible and advantageous channels of commerce to be created or improved by the national Government in case Congress shall act upon this subject, namely:

First, the Mississippi River;

Second, a continuous water line of adequate capacity from the Mississippi River to the city of New York, via the northern lakes;

Third, a route adequate to the wants of commerce through the central tier of States from the Mississippi River, via the Ohio and Kanawha Rivers, to a point in West Virginia, and thence by canal and slack-water, or by a freight railway, to tide-water;

Fourth, a route from the Mississippi River, via the Ohio and Tennessee Rivers, to a point in Alabama or Tennessee, and thence by canal and slack-water, or by a freight railway, to the ocean;

And whereas the said committee express the opinion that among other benefits and advantages the completion of the system of improvements suggested by them will effect a permanent reduction of 50 per cent. in the cost of transporting fourth-class freights from the valley of the Mississippi River to the sea-board, and a similar reduction in return freights, thereby insuring remunerative prices to the farmer of the West, cheaper food to the manufacturer and laborer at the East and the cotton-planter of the South, the enhancement by many hundreds of millions in the value of western and southern lands, and a large increase in the exportations of cotton and cereal products; and whereas the report of said select committee recommends that careful surveys and estimates be made upon such portion of said routes as may be necessary to determine accurately the cost of each, and to enable Congress at its next session to enter upon the said system of improvements if upon the completion of such surveys and estimates the same shall be deemed practicable and expedient: Therefore,

Resolved, That the Committee on Appropriations be, and hereby are, instructed to report amendments to the pending river and harbor bill making appropriations for completing the surveys and estimates for each of the improvements recommended by said select committee upon the four routes indicated in said report.

Mr. WINDOM. Mr. President, having occupied the attention of the Senate some three hours on this question, it is not my intention now to discuss it at any length. I desire merely to state that the object of this resolution is to obtain an expression of the view of the Senate upon the system of improvements recommended, and also to obtain appropriations for the completion of the surveys of such portions of the various routes recommended as have not been accurately surveyed. The preamble to the resolution states as clearly as I can state them now the reasons for this recommendation, and also sets forth the routes recommended by the committee. A very large proportion of these four routes have already been surveyed, but there are sections of each that need additional surveys. The Mississippi River, for instance, needs very little if any surveying from Saint Paul to New Orleans; but the report of the Engineer Department shows that the improvement of the mouth of the Mississippi River requires additional investigation, and they recommend that before any location be made of the proposed Fort Saint Philip Canal additional surveys shall be made. At the head-waters of the Mississippi River surveys are necessary. I think that the most remarkable results may be obtained for the smallest amount of money by the improvements recommended by the Engineer Department at the head-waters of the Mississippi. A careful reconnaissance has been made by the engineer in charge, who reports that for an expenditure of $114,000 from two and a half to three feet additional water may be given at Saint Paul and below during the entire dry season. It is now almost impossible to navigate the Mississippi in that section of country for two or three months of the year on account of low water. The report from the department, made, too, after a very careful examination, but not an accurate survey, is that the very small sum I have named, $114,000, will give instead of a depth of two and a half to three feet from four and a half to five feet of navigation for nearly fifteen hundred miles on the Upper Mississippi River. That is one of the points, too, which should be surveyed.

The northern route, as recommended by the committee, comprises the improvement of the Fox and Wisconsin Rivers, and also the construction of a canal from the Mississippi River, near Rock Island, to Hennepin, in the State of Illinois, in order to connect the Mississippi River with the lake system of navigation. No surveys are necessary of the first-named improvement. The Government already owns the Fox and Wisconsin improvement, appropriations having been yearly made for it, very much too small, however, either for economical or practical purposes. No surveys are necessary there, and consequently are not included in this recommendation; but so far as the Hennepin is concerned, the connecting link between the Mississippi River and the Illinois River, additional surveys are necessary. Following that line on to the eastward no surveys are necessary, except to determine the best line of improvement from either Lake Ontario, by way of Oswego and Oneida Lakes, to Albany, or from Lake Champlain to connect with the deep water of the Hudson River. The surveys are necessary to determine which of these two routes is the best; but nothing further that I am aware of on what is called in the report of the committee "the northern route."

Coming down, then, to the central route, which extends from the mouth of the Ohio River at Cairo to tide-water in Virginia, I believe that no further surveys are needed until you reach the eastern end

of the route. On the Ohio River surveys have been made year after year, and I believe it is very thoroughly understood; but from the point on the Kanawha River to tide-water in Virginia additional surveys are recommended by the department, and in their investigations the committee were unable to ascertain with sufficient accuracy what would be the cost of the improvement recommended. It is estimated quite as closely as it could be upon the location made, but a board of engineers appointed in December last recommend that additional surveys shall be made for the purpose of improving the location; and also if the alternative proposition recommended by the committee shall ever be deemed practicable, it is necessary to survey a line for a freight railway from that point to tide-water.

On the southern route, extending from the mouth of the Tennessee River to Knoxville, and thence to tide-water, I believe no surveys are necessary except from some point in Alabama to the Atlantic Ocean.

I have called at the Engineer Department and requested an estimate to be made of the probable cost of the surveys recommended by the select committee. As near as it could be ascertained when I made the request for information, the entire expense of the surveys will be in the neighborhood of $200,000 to complete the system indorsed by the Select Committee on Transportation.

When I had the honor to address the Senate on this subject some three or four weeks ago, I endeavored to show what would be the advantages of the adoption of these lines of improvement. The committee were entirely unanimous in their estimates of the benefits to be expected, and I want to say to the Senate that the estimates made in the report by the committee are not based upon theory. In endeavoring to ascertain the value of any given improvement in the reduction of the cost of transportation, two bases of estimates were presented, one theory as adopted by engineers and others, and the other actual transactions on similar water lines. The estimates of the committee are based upon the latter; and in saying to the Senate that the completion of the system of improvements recommended by the committee may reasonably be expected to reduce the cost of transportation between the Mississippi River and the sea-board 50 per cent., the committee based their calculations upon what is done elsewhere on similar lines in this and other countries, and they have entirely discarded theory and looked only to these practical results. Hence I come before the Senate with a great deal of confidence when I say that it is my firm conviction that the carrying out to successful completion of the system of improvements here recommended will reduce the cost to the farmers, the mechanics, the merchants, the laboring class of the country, full 50 per cent. of the transportation between these sections of the country; and I also believe firmly that the committee did not overestimate the advantages in stating in their report that the enhanced value of western lands in eight States alone will amount to over $1,000,000,000 upon the completion of these works.

Mr. President, it is not my intention, as I said in the outset, to discuss this resolution. I hope and believe that it will have no opposition, that we may be permitted at least to ascertain what will be the cost of these improvements, so that when the question may be presented to us in the future, we may act intelligently upon the subject; and unless there be some objection, I will not spend further time now on this portion of the committee's business. I wish to say, however, to the Senate that there are two bills reported from the committee to which I desire to ask their attention after this resolution shall have been acted upon.

Mr. MORRILL, of Maine. I should like to make an inquiry of the Senator. I see that this resolution proposes to charge the Committee on Appropriations with the duty of reporting certain amendments to provide the necessary means for these surveys. My inquiry is, whether there is any basis upon which the Committee on Appropriations could make an estimate? Are there any estimates of the probable expense of such a survey?

Mr. WINDOM. The estimates will be prepared as soon as the committee call for them.

Mr. MORRILL, of Maine. I suggest as a more direct way of coming at it, that instead of sending it to the Committee on Appropriations to report amendments to the river and harbor bill, this resolution should go directly to the Committee on Commerce, who have that bill under consideration and who could very properly consider such a subject.

Mr. WINDOM. I understood the Senator from Maine to say that he expected the river and harbor bill to be referred to the Committee on Appropriations, and as there were three members of the Select Committee on Transportation on that committee, I thought perhaps it would be better understood and more readily presented from that committee than the other. I am not particular as to which committee it goes.

Mr. MORRILL, of Maine. I make no point upon it. I simply make the suggestion.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. SCOTT. I do not rise to discuss the resolution itself, but I have prepared an amendment to be added at the end of the resolution, which I have submitted to the chairman of the committee as well as to several of its members, not for the purpose of having the committee committed to the route which is named in it as one of the routes which ought to be made a water-route communication, but for the purpose of having a survey and estimate made upon that route. It is one of those to which attention was early directed in the history of the Government. It is a very short one, and will not involve much expense. I send the amendment which will embrace it to the desk, and ask to have it added at the end of the resolution.

The PRESIDENT *pro tempore*. The amendment will be reported.

The Chief Clerk read the amendment, which was to add at the end of the resolution the following:

And also upon a route from the mouth of the Youghiogheny River to continue slack-water navigation up said river to its head-waters at the foot of the Alleghany Mountains, thence by canal to Cumberland, intersecting there the Chesapeake and Ohio Canal.

The amendment was agreed to.

Mr. CHANDLER. I see that this resolution is mandatory. The committee is instructed to report in favor of these surveys. Now, Mr. President, this question of cheap transportation is one that has received the attention of Congress for many years. It is seventeen years since the Committee on Commerce took up this subject of cheap transportation. Prior to 1857 the cost of transportation from Chicago to Buffalo per bushel of wheat averaged from fifteen to twenty-five cents. At that time the heaviest draught ship that could pass the Saint Clair flats drew not to exceed eight feet of water, and the average class of ships engaged in that traffic were about sixteen thousand bushel, or about three hundred ton ships. The first appropriation obtained to deepen those channels and enlarge the size of ships was I think in the appropriation bill of 1857 or 1858, to deepen the channel over the Saint Clair flats to the depth of twelve feet, allowing the passage of vessels drawing twelve feet or with a capacity of from thirty to forty thousand bushels. It was ascertained that a ship carrying forty thousand bushels of wheat was navigated with just two sailors more before the mast than the ship that carried sixteen thousand bushels. We have gone on until we have deepened that channel to fourteen feet, thus enabling us to use ships with a capacity of seventy thousand bushels; and the difference in expense is very slight. It only requires the same number of officers, the same number of cooks, the same number of men, with the exception of three additional men before the mast, to navigate a ship carrying seventy thousand bushels of grain that are required to navigate one carrying sixteen thousand bushels.

In the course of these seventeen years, Mr. President, we have actually lowered the cost of transportation of wheat and corn from Chicago to Buffalo from fifteen to twenty cents a bushel down to from three and a half to eleven cents a bushel. Eleven cents is now a very high rate, and three and a half cents is a very low rate; but there is the average, from three and a half to eleven cents a bushel; and this has been accomplished by deepening the present channels of water communication.

We have before us a mandatory resolution from the Committee on Transportation proposing the survey of four routes; one, a double-track railway route and two or three other different routes. Heretofore the Committee on Commerce has confined itself exclusively to the improvement of water-routes which nature has made and has not gone into any artificial improvement. We have expended a very large amount of money upon the mouth of the Mississippi River. We have expended a very large amount upon the Louisville and Portland Canal, enlarging it, deepening it, and have lowered the price of transportation there. We have virtually removed the raft from the Red River and abolished upon the Red River a cotton tax which amounted to one dollar upon every bale of cotton transported by that Red River raft, which was an enormous tax upon the cotton raised above that raft. All these things we have accomplished virtually, for the appropriation proposed in the river and harbor bill will finish the removal of that raft, and thus open up all that vast country above the Red River raft to cheap transportation.

Now, Mr. President, I do not think that the Senate of the United States has sufficient information before it to pass a mandatory resolution directing either the Committee on Appropriations or the Committee on Commerce to order a survey of these four great routes. Who in this body knows what will be the cost of these four surveys? I do not. My impression is that this subject should receive further investigation before we order any committee of this body to bring in a bill making an appropriation to survey these new routes, one of which is to be a double-track railroad route. Who knows what that will cost? I do not. Who knows how it will be run? I do not. Who knows what the survey of these other proposed routes will cost? I do not.

Mr. SAULSBURY. I offer the following amendment to the resolution:

And also for a route for a ship-canal connecting the waters of the Chesapeake Bay with Delaware Bay at such point as will best promote the foreign and coastwise commerce of the country.

Mr. WINDOM. I am quite unwilling to oppose any surveys that may be deemed desirable by the Senate, for I think it is very desirable to know all we can on this subject; but here is a specific question presented on which the committee asks the judgment of the Senate, and therefore I hope that the action of the Senate may be confined to this question. There will be ample opportunity when the bill comes before the Senate for the Senator from Delaware to present his proposition and ask the judgment of the Senate upon it.

If I am not taking the floor from the Senator from Delaware, I desire to thank the honorable Senator from Michigan for his contribution to this question. If what little has been done during the last seventeen years has accomplished such wonderful results as he has stated, it is certainly the very strongest possible encouragement to improve upon and to accelerate a policy that has thus far proved so successful.

My honorable friend from Michigan thinks that having done so much in seventeen years we should wait about sixteen years longer to see if we cannot accomplish about as much more. I tell him that the agricultural interests, the manufacturing interests, the laboring interests of this country do not propose to wait sixteen years to accomplish a result that can be accomplished in five or six years. The Legislatures of one-half of this Union—conventions representing people from all portions of the Union, representatives coming from the manufacturing, the laboring, and the farming interests of the country—have all called upon Congress to act on this subject, and they demand that we act now one way or the other.

The Senator says that we have not sufficient information on this subject to pass a mandatory resolution directing a committee even to report an appropriation for surveys, and he wants further investigation. Mr. President, I knew very well more than a year ago that nothing could be done on this subject until a thorough investigation had been made, and hence I deemed it wise to take the first necessary step, and that was to ask for a committee of investigation to consider thoroughly this very question. The Senate appointed a committee. During almost the entire summer of last year and a portion of last winter this committee devoted themselves assiduously and earnestly to this question. They have taken testimony covering eleven or twelve hundred pages of printed matter. They have devoted more than six months of time to this question. Now I ask the honorable Senator from Michigan if he wants another committee appointed to go over the same ground, to reinvestigate this question?

Mr. WEST. And travel all over the country.

Mr. WINDOM. And travel all over the country, as the Senator from Louisiana suggests. I myself traveled over twenty thousand miles investigating this question. The select committee of this body I think were in twenty-five States of this Union, calling before them men best advised with reference to it, taking their views; and that committee, composed of nine Senators of this body, came to the unanimous conclusion that the system of improvements recommended, and for which I now ask a completion of surveys, is the best system of improvements and that it will accomplish the great results which I have named. And yet in view of the fact that the last year has been spent on this subject by one of your committees, in view of the fact that they have made the most thorough and careful examination that can be made, the honorable Senator says: "Let us continue to investigate; let us wait sixteen years longer; let us go on as we have been doing for the last seventeen years, and in sixteen or seventeen years more we may expect to accomplish still greater results than have been accomplished." I say to him, for one, that I am not willing to wait; and speaking in behalf of the interests of those whom I represent, and I honestly believe of more than one-half, yea, of five-sixths of the people of these United States upon that subject, I say they are not willing to wait.

We are told that the demand has constantly been made for years that something should be done on this question. That demand has been made. We have heard it from year to year. The interests of this country have suffered for want of action. Congress has waited, doled out a pittance here and there, and really accomplished but very little compared to what might have been accomplished on this question. I think that the system of improvements adopted in the river and harbor bill, and generally acted upon by this body, has been one of the most unwise systems, taking it altogether, that could possibly have been adopted by Congress. Little appropriations have been made here and there all over the country, scratching a little here and scratching a little there; an appropriation of five or ten thousand dollars, enough perhaps to carry the vote of the Representative of some district, and yet not enough to accomplish any results.

I am in favor of the adoption of a system of improvements. Let us look the question squarely in the face; adopt the best system we can; and then make our appropriations large enough to accomplish results, and to accomplish them economically. It is well known that where you appropriate ten, fifteen, or twenty-five thousand dollars for a given improvement, advertisements have to be made, contracts are let, parties buy their tools and their implements for doing the work; but they have no assurance that they will be permitted to complete the work; they only have the contract for that small sum appropriated; somebody else may get it next year; and every contractor who takes work under the river and harbor appropriations makes his calculations to get money enough out of his contract to pay for the loss of his implements, or his plant, as they call it; and we have thus squandered from year to year money enough, if it had been appropriated as is done in England after a carefully considered scheme had been prepared and then money enough appropriated to work economically, to have accomplished very far greater results than those mentioned by the Senator from Michigan.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Delaware, [Mr. SAULSBURY.]

The amendment was rejected.

Mr. MERRIMON. I desire to offer an amendment, to insert at the end of the resolution the following:

And also for ascertaining by such surveys whether it is practicable to construct a ship-canal passing near the Atlantic sea-board from the city of New York to Galveston in the State of Texas.

I desire to say just a word. The resolution under consideration, should it pass, involves the appropriation of a very considerable sum of money, and in that view it is interesting; but there is another consideration of more moment to me, and that is, it commits Congress in some degree to the line of policy indicated by the report of the committee. For one, I scarcely feel prepared to say that I favor that policy or that I oppose it. It involves so many considerations of vast magnitude and going to the nature and character of our Government, that I have not had an opportunity to examine it carefully or to arrive at any very satisfactory conclusions about it. Therefore I would be glad if it were deferred until the next session of Congress. I do not believe with the pressure of business now upon Congress that it can be examined into as it ought to be at the present session. If, however, the resolution shall pass, it seems to me no more important inquiry can be made within the compass of the resolution than that indicated by the amendment which I offer. It is a plan which I know many persons have entertained for many years; the idea of inland means of water communication from New York City to Galveston, embracing the whole eastern and southern Atlantic sea-board. I do not care to say anything further now.

Mr. CHANDLER. Mr. President, I accept the criticisms of the honorable Senator from Minnesota with all due humility. Undoubtedly, if I traveled twenty thousand miles and looked at some earthworks and rivers and crossed some mountains, I should think I knew more than anybody else in the United States. But while I accept this criticism with all due humility, I wish to inform that Senator that we have not exactly been scratching gravel here and there with the appropriation made on the recommendation of the Committee on Commerce. We have done some substantial work and in the main the work has been well done, and our appropriations have been judicious appropriations in the main. Look at the Louisville Canal; look at that monstrous work right below the Senator's own town in the State of Minnesota, the Rock Island Rapids Canal, where we have expended millions; and yet we have been scratching gravel, have we? I will show him where we have taken out thousands upon thousands of cords of rock, not scratching dirt. We have made such appropriations as we have been enabled to make, and we have made them with all the judgment that we possessed and with all the information that could be given us from the board of engineers or from any other source; and while the Committee on Commerce do not pretend to know as much about transportation as the Committee on Transportation, we do know as much about the work that we have done.

Sir, we may have recommended injudicious appropriations, and why? Because from year to year some member of this or the other House has put on the river and harbor appropriation bill the injudicious survey of some injudicious point, and the engineers have been instructed by this body to estimate how much will be the cost of those works. The next year they have come in, and come in from year to year, and demanded from us an appropriation because you ordered your engineers to estimate what that work would cost; and the Committee on Commerce has no responsibility for those injudicious appropriations that were put on by your order.

Mr. WINDOM. I am sorry my friend from Michigan takes this matter so much to heart. I certainly did not desire to criticise him. I certainly did not desire to assume that the Committee on Transportation knew more on this question than he did, for I concede to my honorable friend from Michigan entire and complete knowledge on this subject. The only trouble with him, however, is, I think, that his horizon is a little bounded occasionally in his appropriations; it is a little narrow; and I think that has been felt by Congress and by the country for a good while.

In my criticism of the river and harbor bill I think the Senator misunderstood me somewhat. I did not mean to say that valuable appropriations had not been made; but what I did mean to say was that no system of improvements had ever been adopted; and with all my honorable friend's knowledge on that subject, and with all his experience running through seventeen years, I still think that no adequate system of improvements has ever been devised and adopted by this Government; but we have appropriated from year to year to meet the demand that happened to present itself at the time. I am finding no fault with my friend on that subject. I think he has acted upon his best judgment, and probably it is the best; but I think further that some system ought to be devised now, and that when appropriations are made hereafter they should be made large enough to be economically managed.

My friend refers triumphantly to the great improvement in the Mississippi River at Rock Island. I have myself talked with the authorities on that subject, and I think if he will consult them he will find that the work has cost us vastly more than it need have done. If money enough had been appropriated to complete the work, or at least appropriated in larger amounts so that it would not have encountered the difficulties which I mentioned a while ago, that work would have been completed years ago and it would have paid every year for its entire cost; but instead of that, we have appropriated a small

sum this year and a small sum the next year, and continued year after year not to scratch gravel there, as my friend seems to find fault with that expression, but to peck at the rocks instead of taking them out as we should have done in two years from the time we commenced; and each contractor every year has been compelled to lose the implements he had provided; and the expense has been vastly increased, I have no question.

Mr. MORTON. Mr. President, the adoption of this resolution does not commit Congress to the construction of any one of the works described in it. Voting for it does not commit any Senator to an appropriation of money for the construction of any one of these works, and in supporting this resolution I do not now intend to commit myself to an appropriation of money for the construction of any one of these works. But the first step to be taken is to ascertain, are these proposed works practicable? Can they be constructed? What will be the cost of them? Are they within reach of our financial capacity? Are they within reach of the ability of the Government? And when we find out whether they are practicable, and whether the expense will be such that the Government can bear it, we can then judge of the expediency of it; we can compare the expense with the benefit to result to the poeple from the construction of these works, and determine our action accordingly.

The report made by the Transportation Committee is full of valuable information. I hope every Senator will read it. It is very suggestive. The estimate that is made in this resolution as to the reduction of the price of transportation for heavy freights, it seems to me, is strongly borne out by many of the facts contained in the report. And I will say to Senators that the mind of this nation is now turned more strongly than ever before to the question of cheap transportation. It is not to be baffled; it is not to be put off by jokes or sneers or anything else. It is a question that affects us for all time; that affects not simply the people of one neighborhood, but the people of the whole country; not simply the agriculturists in the valley of the Ohio and the Mississippi and the Missouri, but the people of the Eastern States and of the Southern States, who are the consumers of the products of the West. Every portion of the country is interested in this inquiry; and this inquiry, Mr. President, is to be met by Congress promptly; we are not to have a procrastinating policy.

The Senator from Michigan says much has been done within the last fifteen or sixteen years. I will not deny that; but still taking that rate of progress, how long will it require to accomplish the improvements suggested in this report? I should think about two hundred years.

So far as the expense of these surveys is concerned, it is a mere bagatelle compared to the importance of the whole question. If these improvements are found to be practicable, if the expenditure is within our reach, if the benefits to result from them will at all compare with the representations that have been made, then the money invested in making these improvements will be the best investment that this Government has ever made.

Mr. President, the questions involved are of the first magnitude, and, as the Senator from Minnesota suggests, we want a policy upon this subject. We never have had one. It has been patch-work from first to last, a little here and a little there; but the time has come when the whole question must be considered. How shall we begin that consideration? By accurate information that lies at the bottom of it, by the surveys of the projected routes. When we get a substratum of solid information to stand upon we can then consider as to the superstructure we shall erect upon it. We ought to have a policy upon this subject. There are the great States of the West and the Northwest—the State of Indiana eight hundred miles from the nearest sea-port, and which must always be that far off, and when you cheapen transportation as best you can it is still a great obstacle, it is still a great difficulty, and must ever remain so. But let it be cheapened as far as it can be, so that the people of the West shall have the same advantages as nearly as possible as those who live upon the sea-board, and so that those who live in the great cities of the East shall have the advantages as far as possible of those who live in the interior, so that you shall bring production and consumption together with as little cost as possible. So far as our surplus production is concerned that must be sent to a foreign market. It is a matter of great consideration that the expense of getting it to a sea-port shall be reduced as far as possible, because then it must still bear the additional transportation across the seas, and so back of freights.

I think, Mr. President, that this resolution does not come too soon, and I shall vote for it very cheerfully.

Mr. SHERMAN. I ask for the reading of the pending amendment offered by the Senator from North Carolina.

The PRESIDENT *pro tempore*. It will be reported.

The Chief Clerk read the amendment, which was to insert at the end of the resolution the following:

> And also for ascertaining by such surveys whether it is practicable to construct a ship-canal passing near the Atlantic sea-board from the city of New York to Galveston, in the State of Texas.

Mr. SHERMAN. I think, Mr. President, a little reflection will convince the Senator from North Carolina that he is introducing into this resolution a subject that has no pertinency whatever to it. This resolution is reported by the Committee on Transportation, who were directed to examine the question of transportation from the West to the sea-board. The committee labored faithfully and diligently; and I will now take occasion to speak of the work of the chairman especially, who devoted months and months of very severe labor to solve the question of cheap transportation from the West to the sea-board. The committee explored not only the northern and central region, but the southern country, looking everywhere to carry out, if possible, the idea of the Senate in instructing the committee to secure cheap transportation from the West to the sea-board. And now, when this committee, after long deliberation and after certainly as much labor as was ever bestowed by a committee of the Senate of the United States on any subject, and upon a subject of the gravest importance, report a resolution to the Senate asking that certain routes indicated by them by a unanimous vote shall be explored and surveyed by the engineers of the United States, they are met by various propositions that have no bearing whatever upon the question submitted by them.

First, the Senator from Delaware [Mr. SAULSBURY] submitted a proposition for a survey between navigable waters on the Atlantic. Well, sir, there has been no time for the last twenty years when any member from the State of Delaware could not have offered an amendment to the river and harbor bill and have had that survey ordered without the slightest objection. Now, an attempt is made to load down this proposition, which is intended to survey routes from the West to the sea-board, with a proposition to survey the whole coast line of the United States from Boston to Galveston. That is not the way in which this great and important subject should be treated. Why, sir, there has been more expended on the survey of the Atlantic coast from Boston to Galveston, ten times over, yea, twenty times over, than will be needed to complete this whole survey. The entire coast has been surveyed in all its borders, all its ramifications, all its bays, and bayous, and rivers. It every way possible it has been surveyed by a corps set apart expressly for that purpose, and appropriations have been made annually to the amount of hundreds of thousands of dollars for many years for that survey of the coast from one end to the other. And now here is a prpposition that may if adopted cost the Government from one hundred and fifty to two hundred thousand dollars to survey great interior lines of rivers and routes across mountains, through various regions of country. I am told by the Senator from Minnesota that the engineers estimate that the entire cost of this survey will be only $200,000, the most of the lines having already been surveyed in the examination and exploration of the country heretofore.

Mr. WINDOM. I stated to the Senator about $200,000. It was not completed when I called there.

Mr. SHERMAN. Well, about $200,000. So the whole survey proposed by the committee for the exploration of great routes affecting all parts of the country from the extreme North to the extreme South, the extreme East to the extreme West, will cost less than the annual ordinary appropriation for the survey of the coast.

Although it has not been pressed very strongly upon the Senate on account of the condition of our finances, yet I tell you, Senators, the subject now before you is one of the great subjects of the future. The people of the East as well as the people of Europe demand for consumption all the products of the West and of the South—cotton, corn, wheat, and all these great productions—and new channels of communication must be opened. I am not one who is disposed to rush eagerly into this matter, to involve this country in great and undue expense beyond its means; but I say this is a subject that ought to be considered, has been considered, and will be considered, not only by Congress, but by the people of the United States. While you have millions of acres requiring hands in the West, and millions of mouths requiring food in the East, and hundreds of millions in Europe demanding food from America, this question of cheap transportation will be ever present and overriding, and will control the politics and the destiny of men in a measure.

I have no doubt the necessity will be daily pressed upon Congress of opening up new channels of communication from the East to the West. Railroads have already done great good, have accomplished great results; but they do not produce that which is necessary—cheap transportation. They produce rapid transportation, sure transportation, winter and summer. The useful results, the benefits conferred upon this country by railroads, cannot be measured; but they do not produce that one thing still needful—cheap transportation, by which the heavy commodities of the far West can be transported to the East; and the mode and manner in which the people of the United States may avail themselves of the benefit of cheap transportation must be solved by Congress, or it will be solved by the people.

I have felt, therefore, as a member of this Committee on Transportation, while we have bestowed a great deal of labor on this subject, that we could not in reason, in the present condition of our finances, demand much of Congress. We could not expect at this time that Congress would indorse any particular scheme of public improvement, whether it should be done by corporations created by Congress or by a direct appropriation by Congress; but I thought it was a very modest request when this committee, after their long labor, were willing only to ask of Congress to expend enough money to survey the routes that had been proposed by them, to apply the labor and skill of the Engineer Corps now in our service and under our pay to examine whether or not these great improvements which promise

such grand results can be effected within the limits proposed by the committee. I trust Senators will look on this resolution not as an entering wedge into great expenditure, but as a careful survey, as a careful preparation, for an expenditure that will be justified by the good that will be produced by it.

Now, sir, to appropriate $200,000 for this purpose is not a large sum. It may be that these surveys will indicate that the canals that have been proposed by the people of many States are totally impracticable, and that there are better modes of transportation across mountains than by artificial channels of water. It may be demonstrated by the engineers that the plans that have been proposed and suggested by States and communities for the improvement of rapid streams like the Ohio are not practicable and that some other means may be devised. It may be shown that the improvement of the mouth of the Mississippi River—a work of primary importance, affecting nearly two-thirds of the people of the United States—instead of being accomplished in one way may be accomplished in another. It may be shown that rivers may be connected in Illinois and Wisconsin and the Northwest at a trifling cost which will cheapen enormously the transportation of heavy commodities in that section. It may be shown by a careful analysis, by a careful comparison of information already obtained and that which may be acquired hereafter, that the improvement of the canals across the State of New York, or the improvement of the natural line of communication along the northern lakes and the Saint Lawrence, may be carried out on such a basis as enormously to reduce the expenses of transportation.

One of the most interesting inquiries that I participated in in the course of this examination was in regard to that great southern country—a country more fertile than any other I know of, capable of producing all the most valuable articles of commerce, cotton and other productions which enter into our exchanges with foreign countries. There is a vast, almost untold, area of country, capable of producing vast crops. They have rivers, as we have in the North, that are capable of improvement. They have the Tennessee and other rivers that never have been examined, have never been surveyed. Those States in former times either were not prepared or were not willing to engage in the examination of their capacities for internal production. I should like to see these rivers explored. I should like to see them surveyed and mapped out, their shoals and channels blocked out and marked out, and estimates produced to us as to the cost of removing those natural obstacles.

I think, therefore, that when this committee come here, after their labor, and ask you only to appropriate $200,000 to survey, and examine, and analyze, and test by the skill of engineers, by the level and the chain, by all the machinery and tools of educated engineers the various schemes that have been submitted to us, it is but a reasonable demand, and ought to receive the hearty vote of the Senate; and I trust it will not be obstructed by amendments that have no bearing on the question. The question of the Atlantic commerce has always been dealt with liberally. We appropriate every year millions upon millions for cleaning out harbors. We have cleaned out, and scooped out, and dug out every harbor along the Atlantic coast and the lake coast. We have done nothing whatever for the great interior rivers of the country. We have spent more money in the single State of Michigan in making artificial harbors there and improving natural harbors—and I do not complain of it, because I voted for it—than we have expended on the whole Mississippi River with all its vast commerce, where you have a river two thousand miles long, with its tributaries giving you a steamboat navigation of over five thousand miles. We have scarcely done anything toward the improvement of those great and magnificent channels, but we have expended our money mainly in making artificial or improving natural harbors along the lake coast or along the Atlantic coast. Our country has so expanded and extended over vast areas in the interior that the time has arrived when internal commerce must be examined, and internal channels of commerce must be improved as well as those along the coast and the harbors that receive the trade of foreign nations.

I trust, therefore, that this proposition will not be loaded with extraneous matter, but that this resolution, which recognizes the labors of the Committee on Transportation and directs a small appropriation to be made to survey and examine these improvements, will be passed readily, and then we shall postpone to the future the examination as to the question of the mode and manner in which these improvements shall be made, whether by the State governments or by the national Government, whether by private corporations or by public appropriations, whether by loans or taxes. All these questions follow after, and all of them will come up in due time; but the preliminary step, the first step of all, is to get sure, exact information, without which no dollar ought to be expended and no appropriation made.

Mr. MERRIMON. Mr. President, I do not underrate the importance of this resolution, or the subject-matter with which the Select Committee on Transportation at the last session of the Senate was charged. I regard it as of the most serious moment, one that interests every section of the country; and if the Senator from Ohio supposes that I have offered the amendment in any spirit of hostility to the resolution now under consideration he very much misapprehends my purpose. I offered it in all seriousness and to accomplish a very important work, in my judgment one of as much value as any covered by the resolution of the committee, and one affecting every section of the country.

It does not occur to me that this amendment is not germane to the purpose of the resolution under consideration, or that it is outside of the business with which the Committee on Transportation was charged. On the contrary it comes within the purview of that purpose. The object of that committee was to ascertain what means should be adopted with a view to facilitate cheap transportation, not in one direction or another, but throughout the whole Union; not to benefit one particular section or another particular section, but to benefit the whole country.

Now, sir, I do not object to any suggestion the committee has made; on the contrary for the present I am prepared to say that I approve of them all; but that does not cut me off from making additional suggestions, and I trust it will not prevent the Senate from acting upon additional suggestions in the same direction. It seems to me that this amendment is calculated to accomplish a very important purpose. It is vitally important to the West and the East. Whether you pass from the West to the East south of this point or north of it, it is likewise important to get from the North to the South. The great money crop of this country is the cotton crop. A great portion of that cotton crop is consumed in the Eastern States and a large proportion of that product which is shipped abroad goes to the city of New York for transportation. We know by common experience, as well as by the report of the committee itself, that the cost of transportation of cotton as well as of everything else by rail is much greater than by water. We know also that to transport cotton by water outside the Atlantic coast is dangerous; that if a ship-canal from New York to Galveston were in existence transportation would probably not be half upon heavy articles that it now is in point of cost.

I do not care, however, to go into a general discussion of this subject. It is one that has engaged the serious attention of private individuals and of public authorities in some localities for years past. It was deemed to be a subject of so much gravity that the President on one occasion regarded it to be his duty to call it to the serious consideration of Congress; and, in support of this amendment, I propose to read an extract from his message of December 2, 1872. The President in speaking of this subject says:

> Looking to the great future growth of our country, and the increasing demands of commerce, it might be well, while on this subject, not only to have examined and reported upon the various practicable routes for connecting the Mississippi with tide-water on the Atlantic, but the feasibility of an almost continuous land-locked navigation from Maine to the Gulf of Mexico. Such a route along our coast would be of great value at all times, and of inestimable value in case of a foreign war. Nature has provided the greater part of this route, and the obstacles to overcome are easily within the skill of the engineer.

That is in direct support of the amendment which I offer. I do insist that it is but reasonable and just that the whole Atlantic coast from New York to Galveston should have at least the consideration of making a slight additional appropriation to make a survey. That will not cost a great sum of money. It has been contemplated for years, much longer than the routes indicated by the committee, and it would be strange indeed that any consideration should prevent the Senate from coupling this enterprise with the others, to which I do not object. I trust that the amendment will prevail.

Mr. FLANAGAN. Mr. President, this is a pleasing subject to me; it is a great subject, as has been well said. In my earlier days, if I had been in the Senate of the United States, I would not have heard this great project advocated as I do now by distinguished Senators belonging to the democratic party. Why, sir, it reminds me of the good old days of Clay, Webster, Crittenden, and the host of mighty spirits that have passed away. There is no longer any difficulty on that branch of the subject. My distinguished friend, the pure democrat, and without spot or blemish, the Senator from Delaware, [Mr. SAULSBURY,] introduced an amendment a few minutes ago. It is true it did not succeed; it was not entirely germane, it was understood; but the principle was avowed and indorsed by him, and I give him the right hand of fellowship on that subject. Now, my younger friend, the distinguished Senator from North Carolina, [Mr. MERRIMON,] who is clear on that side of the House, introduces the most magnificent project that has ever been made known to a citizen of the United States, to wit, a ship-canal from the city of New York to Galveston, Texas. I congratulate him for having done thus, not only as a democrat, but I feel some little interest in Texas. I reside there myself. I am gratified that he has came to the rescue, and if he can succeed I shall be perfectly delighted.

Here permit me to give a few facts about which controversy will not be raised on this occasion in my opinion. I call the attention of the Senate to California, a young State but a noble one, the land of gold. What has California at this day, and how recent it is too in line with the great question on the subject of cereals and those vast improvements that are now necessary to tap this country in every direction? See what California is doing now. But a few years since it was that you could pick up a New York paper and find there large shipments of flour being made regularly from the city of New York to California, and bringing immense and fabulous prices at that. Now what are the facts? California is directly shipping her millions of bushels to Europe seeking a market, and what does she expect to do at an early day? What has California gained? She has her San Francisco.

Now I ask your attention. Go with me, if you please, to Massachusetts. What has Massachusetts? She has her proud Boston, her great commercial city. Go to the State of New York, and she has the leading city of the Union, the city of New York. I invite you to go further with me, to the good old Penn State. You go to Pennsylvania, the loved old name, and there is the mighty city of Philadelphia. You go further, to Maryland, the beautiful name, and Baltimore presents itself there as one of the first and proudest cities of this nation. Go to Virginia, there you will find a Richmond and a Norfolk. But go with me further on, if you please; you already see where I am trying to go. I am trying to reach the other end of the ship-canal of my friend from North Carolina, to wit, Galveston, in Texas. What has Texas? She has her Galveston. That city does not to-day number hundreds of thousands, but it numbers thirty thousand and it is growing as if by magic. I have called your attention to those happy cities, with their vast riches; and now I ask where is their immediate support located? In their respective States. Then, when you have looked at them and turned to the map of the United States, I invite your attention particularly to the region of country that supports the city of Galveston, and when you have done so candor will prompt you to say that at a very early day Texas is to be the great rival State in a commercial sense of New York, because she can at all seasons of the year ship her natural products, her wheat and other cereals, her cotton and the other things so well spoken of by the Senator from Ohio. The city of Galveston has shipped about four hundred thousand bales of cotton this year already. Texas is the leading State in this mighty nation in cotton bales; but then she is capable of raising her untold millions of wheat. Three weeks ago we had flour in our market there. And if we had this grand ship-canal that is now spoken of we could have been feeding New York from the State of Texas. I should like to realize all such benefits, and they will be merited on the part of Galveston at a very early period.

I am not disposed, however, to ride down this morning this great enterprise that is systematized. I am gratified to know that the labor has been expended upon it. I voted for it in the outset, and I hope it will continue, and I have no fear that it will not. It will continue. It is in the line of the great spirit of internal improvement. It develops the vast resources of the country; and it is only necessary to have them developed, and there is no nation under God's heaven that can compete with us. We can feed the world, and we only want facilities so as to enable the producers of the cereals and everything that pertains to this great commercial nation to get them to the sea-board so that we can find a market for them, wherever it may be desirable, broadcast throughout creation.

I do hope that there will be no difficulty in voting this enterprise and having these surveys. I would be gratified if a survey could be had in good faith for a canal from New York to Galveston; I think it would be beneficial. And yet I do not wish to jeopardize this grand project in any way, manner, or shape; but if it would be consistent, I should be gratified to have the amendment made.

Mr. WRIGHT. Mr. President, I wish to add a very few words to what has been said in support of this resolution. At another time and under other circumstances I should esteem it to be my duty to discuss, and I should take great pleasure in discussing, the general subject involved in the resolution at very much more length than I propose to do at this time. My purpose is to occupy the floor but a very few moments.

I think the resolution proposed and the action of the Senate thus far upon this subject have been entirely in accordance with the logic of sound legislation and also in accordance with the necessities of the country. When I say "in accordance with the necessities of the country," I do not mean that we have met the demands and the wants of the country as they now stand, but that the proposed legislation is in the direction of those wants and those necessities. At the last session of the Senate, very appropriately as I thought, we raised a committee to investigate and consider this entire subject. I but repeat what has been said and what we all know, that that committee, after almost one year of most patient investigation, have submitted to us the result of their labors. I doubt whether there has ever been a report upon any subject that has been so full and so satisfactory as the report that has been thus submitted. Now, having raised the committee and received their report, it is proposed by this resolution that there shall be a survey of the routes that are recommended by the committee. I think that so far as routes are concerned that is as far as we should go at this time. I am therefore opposed to tacking on or putting upon this resolution surveys of any other routes than those that have been recommended. I think that is as far as we should go at this time, and I think it is sufficient.

It has been said, and with very great truth, that this is a question which we are not to trifle with, which cannot and will not be baffled. This country is growing with wonderful rapidity. The great West, which you, sir, and I in part represent, a quarter of a century since was but sparsely settled. Now there is in almost every State of that West an empire. Millions of people are found there, and tens of millions of wealth. It is as important to the people of the East that they should reach that country as that we should reach the East. When years ago this country was thus sparsely settled, when there was but little wealth compared with now, the questions that are pressing upon the public mind at this time attracted but little attention; but developed as it has with these millions of people and these tens of millions of wealth, they are demanding that there shall be some outlet to the immense products of that country, and the East also, as I think most justly, is demanding that these avenues shall be opened up. Whereas in years past there were those who doubted and hesitated upon the question of power, whereas in years past questions were raised as to whether under the powers conferred upon Congress by the Constitution we could engage in enterprises of this kind, I think it must be conceded now by all those who investigate the question that under the power to regulate commerce among the States, to go no further, the power obtains and is found in Congress to assist in opening up these avenues.

But it was not my purpose or intention to enter upon the discussion of that question, but rather to suggest that as this resolution stands it proposes that an appropriation shall be made to carry on these surveys. As has been said by the Senator from Indiana, nobody is committed to any of these lines or to all these lines by voting for the resolution. We say, in view of the pressing demands of the people and acting within what we believe to be our power under the Constitution, the recommendation having been made by this committee after traveling over this entire country and investigating the entire subject, we believe it is meet and proper that these surveys shall be made.

Mr. President, it will not do for us to stand still. It will not do for this Congress to adjourn without doing at least this much on this great question. If this Congress shall adjourn and an appropriation not be made at least to the extent contemplated by this resolution, we shall find that we have failed in meeting the demands of the country and the necessities of the times, and that when we shall return here next December there will come up from every portion of this land a demand that something shall be done at once, and complaints will be loud and deep that action has not been taken at this time.

I think the resolution is in the line, as I have suggested, of the logic of sound legislation. I think it is well sustained by the recommendation of the committee. I think we have the power to do it beyond all question. I think that the condition of the country pre-eminently demands that we shall take this step if no more.

Mr. SAULSBURY. I think, sir, that in the present condition of the Treasury of the country, when the Senate of the United States have found it necessary to economize in all the ordinary expenses of the Government in order to prevent a deficit of the revenues which is threatened, I am justified in voting against the resolution if there were no other consideration. The resolution proposes an expenditure of some $200,000 for the purpose of surveying lines of canal and railroads; and when I have heard from the remarks of gentlemen that no one is willing to commit himself to the projects that are contemplated and that leading Senators are careful to disclaim any intention to be committed, I cannot see why we should enter upon an expenditure of money for measures of that kind which no gentleman here is willing to avow himself in favor of.

But, sir, I regard this resolution (and that is my principal objection to it) as an insidious step toward committing this Government to great schemes of internal improvement. That question is not a new one in this country; and no consideration such as is suggested by the Senator from Iowa or by the Senator from Ohio as it respects political parties and individuals can influence me in the honest expression of my opinion in reference to any matter that comes before the Senate. Not having any political aspirations in a direction that can be affected, outside of my own State at any rate, I take the liberty to vote on this question and on all others according to the dictates of my own judgment.

Mr. SHERMAN. I hope my friend will permit me to say that I did not make any political reference.

Mr. SAULSBURY. The Senator spoke about this question controlling parties and men.

Mr. SHERMAN. I have no doubt this question is more likely to affect parties and men in the future than any other, but I did not speak of existing parties. I said no Senator would be embarrassed in voting on the question by partisan considerations.

Mr. SAULSBURY. Seriously I think we ought to be very careful before we take the first step that leads directly, as I conceive this step does, toward involving this Government in great schemes of internal improvement, which will not only be a source of great embarrassment to the people of the country, but a source of taxation or further increased indebtedness of the country. We ought to be careful how we take the first step in that direction. The expenditure of $200,000 now may lead to the expenditure of more than $200,000,000. Therefore for one I shall vote against this resolution, because I am very certain that whenever the propositions come up here to embark this Government on great schemes of internal improvement in any section of the country connecting the West with the East or the North with the South, my vote will be given against them.

Mr. CARPENTER, (Mr. FERRY, of Michigan, in the chair.) Mr. President, if I did not regard this resolution as in some sense committing the Senate to a scheme, as the Senator from Delaware calls it, of internal improvement, I should vote against the resolution; I should regard it as so much money thrown away. I have no desire for these surverys to be made except for a practical purpose; that is, to be followed by the improvements they suggest. So far as deter-

mining whether we are for any one particular route mentioned here in preference to the others, or for either of the three in preference to some other which may be ascertained to be more advantageous by surveys, no man is committed; but the object of making this survey, as I understand it, is to arrive at a plan, a system for internal improvements in this country.

We know that no large enterprise can be carried on successfully and profitably without a plan. A sensible man does not go to build him a dwelling-house until he has consulted his architect and got his plan; and the man who commences building without any plan and alters his plan every day, very soon finds that his funds are exhausted and that he has no house. It is just so with these improvements. While the great Senator from Michigan has led us on the only path that was feasible under the circumstances of the country and in the condition arising from the war and the state of our finances, and a great deal has been accomplished, it has been work done by piecemeal; and we must conclude, because it is common sense, that a great deal less has been accomplished than would have been by the same expenditures had those expenditures been made upon some intelligent, fore-ordained system of improvement.

The necessities of the country, the necessities of the commerce of the country, require these improvements to be made, and this country has got to make them and will make them. There is no sort of use in concealing the fact; it is of no benefit to try to blind the purpose of this resolution, to say it is merely to satisfy this committee. That is not it. If it is only that, I am against it. I am for it because I understand it to be the incipient step toward just such improvements as are looked to by this proceeding itself, not the particular routes, but the general design to be accomplished is precisely what we must accomplish in this country and what the General Government is bound to take up and carry on at its expense.

The power "to regulate commerce with foreign nations, among the several States, and with the Indian tribes," carries with it the same power in one branch that it does in the other. If Congress may not improve the Ohio River, if it may not improve the mouth of the Mississippi River, if it may not connect two water-courses by a railroad if that is the best means of accomplishing the end, then it may not spend five dollars to clean out New York Harbor, it may not spend a dollar to build a light-house on the Atlantic coast. The principle by which and upon which these expenditures are justified is, that the power to regulate commerce carries with it the power to aid and facilitate commerce; and if it be true on the Atlantic, if it be true as to New York Harbor, if it be true as to a light-house on the Atlantic beach, it is true of all the waters and all the means of communication which the necessities of commerce require.

I shall take no further time in the discussion of this question, because I understand that the resolution is certain to pass. I do not regard the passage of the resolution as at all in doubt. The only suspicion that has been thrown upon it was when the Senator from Michigan was understood to object to it upon the ground that he had not light enough at present to desire any more light. He said, as I understood him, that he did not know enough about the question to be in favor of investigation. We sent out this committee, who have traveled through the entire vacation, and have made that sort of investigation and survey which can be made without scientific men and instruments. The next step necessary is that these routes shall be surveyed by scientific men and the estimates be brought into the domain of figures, dollars and cents. Having taken one step, having sent the committee out, the next step logically in order is the survey. I am for this step. The next step will be to determine, after we have these reports, upon the plan to be pursued, that is, to adopt some route to be completed; and the next will be to enter upon its completion. I shall go the whole programme, Mr. President.

Mr. CHANDLER. Mr. President, the Senator from Wisconsin has not quite done me justice. My objection was that the order was mandatory to make a survey of certain railroad-routes. I am as much in favor of cheapening transportation and of examination as any man in this body, as my record here for seventeen years will show. I have voted for every measure for cheapening transportation and for every survey that has been made. But the experience of the State of Michigan was not favorable to a government, either State or national, entering into the construction of railroads. At an early day Michigan went largely into the construction of railroads, expended several million dollars, and ran them for several years, and ran them at the expense of the treasury of the State of Michigan, and finally, after a trial of years, she abandoned all those railroads and sold them to private corporations; and I was not quite ready to order a survey with the idea that it committed the Government to the construction of two or three systems of railway.

Now, after the explanation of the honorable Senator from Ohio, which was very clear and very satisfactory, that this resolution committed the Congress of the United States to no system, that it is simply for investigation and to cause the preparation of some plan, I am as much in favor of it as the honorable Senator from Ohio or the honorable Senator from Minnesota, and always have been. I objected to the mandatory clause compelling the survey of these railroad-routes. With the explanations that have been given I shall sustain the committee in their report. I see these are proposed to be either water or railway routes. I shall sustain the committee.

Mr. WINDOM. On this subject of committal, I can only say that, for myself, if upon this survey it is ascertained that these lines are practicable, that the system recommended by the committee is practicable, I am committed during the residue of my senatorial term to press it to completion.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the amendment of the Senator from North Carolina, [Mr. MERRIMON.]

The amendment was rejected.

Mr. TIPTON. I move to insert in the seventeenth line, after the word "Mississippi," the words "and Missouri;" so as to read "first, the Mississippi and Missouri Rivers."

I offer this amendment connecting the Missouri with the Mississippi River with a distinct understanding that the Mississippi is a respectable stream by itself, but after the junction of the Missouri with it, its volume and its capacity are doubled. Now, the difficulty in regard to the region of country which I in part represent is this: the improvement of the Mississippi we are not able to take advantage of unless we have an outlet to that improvement. The people of the central part of the State of Missouri must make their way as well as they can among the sand-bars and the snags of the Missouri. That part of the State of Missouri has as deep an interest in the improvement of the Missouri River before its junction with the Mississippi almost as in that of the Mississippi. All the State of Missouri northwest lying upon the Missouri River has to run the same hazard with her commerce before it can reach the Mississippi and have the advantage of this improvement. All the western part of the State of Iowa from the Missouri line to Sioux City is in the same condition. They have their produce there literally rotting in their cribs and granaries or furnishing fuel a few years since for the emigrant, because it was impossible for the railroads to carry it to the Mississippi River. The same is true in regard to Kansas through all her eastern border lying upon the State of Missouri. The same is true of Nebraska in all her eastern border lying upon the unimproved frontier of Missouri. The same is true of all that great country; and unless we have an improvement of the Missouri we are in no better condition, so far as transportation is concerned, than we have been in the last few years when our produce has been a drug on our hands and our corn has been at ten, twelve, and fifteen cents per bushel, and some of it used for fuel because there was no way out to a market—not that we have not railroads enough and to spare, but we have them without that degree of competition which has allowed our grain to get to the Chicago market. I therefore ask for the improvement of the Missouri River as a part of the Mississippi literally and to the people of that region of country a very vital and important question.

Mr. WINDOM. Aside from the objection that this is loading down the report of the committee, my friend's amendment comes in at a very bad place. The preamble—and there is a good deal of preamble and a small amount of resolution—quotes the finding of the committee. My friend proposes to correct the finding of the committee. Now, unless the committee agree to that, I hardly think the Senate will change their conclusion.

Mr. CAMERON. I am inclined to vote for the resolution, not because I think the policy it indicates is right nor because I think it is comprehensive enough, but I think it is a beginning toward getting cheap transportation. But before I shall vote for a bill of this kind I shall expect to have incorporated a survey of the Susquehanna River from tide-water to the lakes, and also a survey from the Susquehanna to the Delaware; which I think among the most important improvements which could be made in this country.

The State of Pennsylvania has never received anything of any consequence from the General Government. She spent more than $50,000,000 from her own treasury, the result of taxation upon her own people, to make her system of canal and railroad transportation, which was the beginning, after the Erie Canal in New York, of all the cheap transportation of the country. She never was recognized by the General Government, and Senators here and Members of the other House seem to forget that there is a State called Pennsylvania when they come to make appropriations.

The other day a bill came from the House with a large sum appropriated to improve a harbor in New York on Lake Erie—I think the place is called Dunkirk—where almost millions have been expended with no harbor at all; and Erie, the great harbor of Lake Erie, was forgotten entirely, and not a cent is put in that bill for the harbor of the city of Erie in Pennsylvania. Erie is the harbor which was first opened on the lake. It is the best sheltered harbor upon all the lakes. It is earlier in getting clear of ice and it is later in being frozen up than all the others; and yet not one cent was appropriated for that. Then there is a little place up in Ohio—what do you call it?

Mr. CHANDLER. Ashtabula.

Mr. CAMERON. Yes; that is it. My conscience! Who ever heard of Ashtabula? [Laughter.] And yet through the influence of somebody I suppose who was fortunate enough to be on the committee from Ohio that bill appropriates a large sum for that harbor and not a dollar for Erie. I give notice that I shall vote for nothing in any of these appropriations until Pennsylvania is fully and properly recognized.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska, [Mr. TIPTON.]

The amendment was rejected.

Mr. JOHNSTON. I desire to offer an amendment merely for the

purpose of making the resolution conform to the report. It is at the end of the third recommendation to insert after "tide-water" the words "in Virginia."

Mr. WINDOM. There is no objection to that. It simply conforms to the finding of the committee.

The PRESIDING OFFICER. The resolution will be so modified.

Mr. TIPTON. I have an amendment to come at the end of the resolution: "and for the Missouri River."

The amendment was rejected.

The PRESIDING OFFICER. The question is on the resolution.

Mr. OGLESBY. Mr. President, we are gradually approaching one of the most important questions, in my humble opinion, that are to interest the national Congress for some time to come. Why are we met with this question at all? From whence does the just cry arise of "cheap transportation," and why are we encountered with a demand of that sort? There is not a Senator in this body who does not remember perfectly well that twenty-five years ago we had no railroad facilities and were in no condition to interchange the products of the country by railway. However, that system came upon us, has grown and expanded until it reaches its iron fingers into every State and almost every Territory, and in every State almost into every county in the State, until the system is almost a complete one. It would therefore seem that we have apparently all the necessary means of cheap transportation. It somehow or other happens that there is still a demand, and I think an intelligent demand, for still cheaper transportation.

Has the construction of railroads in the United States cheapened transportation? Is it not within the reach of the knowledge of every Senator that the railroad system of the nation has cheapened transportation? I think this must be admitted. The facilities for the interchange of the productions and commerce of the country have been greatly enlarged. We carry on now between the States and Territories of this nation an infinitely larger amount of commerce than was within the comprehension of a living man twenty years ago. There is an abundance as to quantity of the productions of the country, and on the face an abundance of the means of transportation.

What is the matter then? The Committee on Transportation Routes to the Sea-board have reported here deliberately that competition between railroads does not cheapen the transportation of merchandise; that competition does not come from the construction of parallel lines of railroad; that competition is overreached and ground out by combination. I confess to that committee that I have been at times almost inclined to their conclusion from local observations in my own State; but for all that to-day and here I beg leave finally to dissent from that conclusion of this committee that competition will not come from the construction of railroads by private companies. If it were not for the great number of railroads constructed from the sea-board to the West, to-day transportation by rail would not be as cheap as it is; and transportation would not be as cheap as it is by any other means. Twenty-four cents a bushel for corn from Chicago to New York is the rate now. Will anybody tell me that if the Baltimore and Ohio Railroad Company had not constructed a competing branch from their line through Pittsburgh to Chicago, the rate per bushel would have been decreased? It has been diminished because of the construction of that additional route. And I have not lost hope yet in the fact that railroad construction, increased railroad facilities will cheapen the transportation of the productions of the country. I am unwilling to cut loose from the railroad system. I am unwilling to tie myself up by a preliminary vote, as I feel sure I shall be in the end by a final vote, to exclusively water transportation. That is the purport of the report of the Committee on Transportation. It is almost the purport of the resolution here. If this resolution shall be adopted, it will make no difference how many qualifications I may add by my remarks here to-day or other Senators may add in explanation of their votes, still the words in this resolution will hold us to the policy proposed by it; certainly substantially so, I think positively so. What is it?

> Whereas the report of said select committee recommends that careful surveys and estimates be made upon such portions of said routes as may be necessary to determine accurately the cost of each, and to enable Congress at its next session to enter upon the said system of improvements, if, upon the completion of such surveys and estimates, the same shall be deemed practicable and expedient. Therefore, *Resolved.*

The purpose of this resolution is to enter upon the completion of that system if the survey shall show that the routes are practicable and expedient. I think that we are going pretty far, though I shall vote for the resolution. I have made up my mind to vote for the expenditure of $200,000. May I ask the Senator from Minnesota what is the estimated cost of these preliminary surveys?

Mr. WINDOM. The estimate had not been completed when I called at the Engineer Department, but they thought it would be in the neighborhood of $200,000.

Mr. OGLESBY. So I understood. I will take the responsibility of voting for an expenditure of $200,000, and if that shall not be sufficient I will vote for $50,000 more to make this survey of the Mississippi River, the northern route connecting the Upper Mississippi through Wisconsin and Illinois by the Illinois River and Michigan Canal and by our lakes and through the system of canals constructed or to be constructed in the State of New York as a water connection between the Northwest and the cities of New York and Boston and the northeastern coast of the Atlantic Ocean, including the water outlet by the Saint Lawrence and the canals through Canada, for I look to that route with nearly as much interest as I do to any other. With the hope of eliciting permanent and final satisfaction from the surveys on those two great routes, the route by the Mississippi River and the northern route by the lakes, I will vote for this appropriation and will stand by it cheerfully, that we may have a final estimate from surveyors of what the actual cost will be of the construction of the improvements, what time it will take to complete them after they shall be definitely and finally located, and the question as to the supply of water to feed and keep up the necessary canal connections in or on either route.

But when I am asked about the question of constructing a waterway over the top of the Alleghany Mountains to connect the Ohio and the Kanawha Rivers with the waters of the ocean, with my present information I must say that I have great doubts of the feasibility of such an enterprise, and great doubt of the value of it even if feasible. So also in regard to the other plan for improving the Tennessee River to Knoxville and then shooting out in little rivers and canals from there across to the South Atlantic coast, I am unable yet to believe from the information before me that either of those routes can in any general sense be profitable or expedient for the commerce of the country. I do not, however, finally place my fiat against those two routes. I do not feel sufficiently informed upon them to say that they should not receive encouragement from the General Government. I only express my doubt as to their feasibility and utility.

Well, Mr. President, when we shall have completed the survey of the four great water-routes now reported upon by the Select Committee on Transportation and the survey shall show they are all practicable, that water enough will be found upon the top of the Alleghany Mountains to supply the canal there, or that a double-track railway across the higher points of the mountains to connect the water at each end as a substitute, and that the water may be found to supply canal communication between the Tennessee River and the Atlantic along the Southern States, and when the survey shall demonstrate that a canal may be constructed with safety at the mouth of the Mississippi River across the little span of land that divides the inlets of the Gulf of Mexico from the Mississippi below New Orleans—when it shall be demonstrated that these projects are all feasible, that a canal will stand there and will stand the test of time and the wear of ages, and that we may send our products through that canal in ships drawing twenty-six feet of water, or that the jetty system may hug up the water in the mouth of the Mississippi so as to make the channel deep enough to float our greatest ocean steamers through one of the many mouths of the Mississippi, and produce current enough to wash out the bottom of the channel so as to keep it open for all time—when the survey shall be made and the estimates shall come in, if they shall be honest estimates, if here I shall try to muster courage enough to meet the crisis.

I understand the Senator from Minnesota to mean by his resolution not only that the engineers shall survey with reference to the practicability of the routes, but that they must make estimates of the cost of construction. If that be done, the $155,000,000 that are talked about in the report of the Committee on Transportation will not be half enough. We have got to face the music to the tune of twice that amount, and then what is to become of the Ashtabula district in Ohio? What is to become of this great ring canal that is to be dug from Penobscot, in Maine, or New York, around the whole Atlantic coast, to wind up down in the sandy city of Galveston, in Texas? How much will it take to construct that? The Missouri River is to be deepened and widened, and all the other little rivers in the country will make a demand here for recognition when this water-route or water-spout is to be substituted for railway transportation. Already I appreciate the difficulties of this magnificent scheme. The people must be taxed to accomplish it, the Government must find the revenues and resources to do it, or else we shall fail to solve the question of cheap transportation if we shall abandon the railroad system.

Mr. WINDOM. Will the Senator allow me to ask him a question?

Mr. OGLESBY. Yes, sir.

Mr. WINDOM. Is the Senator in favor of aiding the construction of railroads?

Mr. OGLESBY. Yes, sir.

Mr. WINDOM. Building railroads by the Government?

Mr. OGLESBY. I will tell the Senator in a few moments what I am driving at. I said here in February or March last I was not prepared then to vote, and I repeat I am not now prepared to vote appropriations out of the national Treasury to construct a system of national railway highways over the country. I do not feel that I am authorized by the power and authority with which I am clothed here by my people to pledge them or myself to a system which shall appropriate from the Treasury means enough to construct all the railroads that will be required by the country in order to control the railroad system of the nation by the national Government. I would be perfectly willing to make appropriations to build one railroad to test the question, but I know perfectly well that the moment I shall come and ask for such a railroad here running indefinitely west I should encounter opposition from every corner of the nation with similar projects for railroads running in different directions. So it seems to me.

But I am not willing to give up the idea of railroad competition yet. I want to hold on a little longer to that. This country has arrived at that point now where we cannot afford to transport our entire products by the slow channels of rivers and canals. We may utilize them, such as the Mississippi, the Missouri, the Illinois, and the Ohio Rivers. The natural channels we will utilize, and I feel instructed here to vote for appropriations to utilize and improve those routes. I would care nothing about voting $10,000,000 for a canal at the mouth of the Mississippi River if it could be demonstrated that the ground could be found to build it upon, and that after it should be constructed it would stand as a durable monument of art and as an instrument and permanent channel of commerce; but I would hesitate to vote $10,000,000, $5,000,000, or $1,000,000, until it be demonstrated by competent engineering that such a canal is feasible.

We cannot get rid of this question. It is an imposing and I believe will be a continuing one until settled by meeting the just demands of the country. Why did the question come here? Because of the management of the railroads in the United States by private corporations. That was the foundation of this claim. The people of the West believe that if the railroads had been honestly constructed, if the money had been honestly appropriated, and if they had been constructed after the most economical plan, and then had been managed in a wise and honest instead of an extravagant way, instead of watering the stock, instead of demanding charges for freights and passengers to pay dividends upon twice the amount the roads cost, there would be no occasion for a demand on the national Congress for cheap transportation at all. That was the cause of the trouble; that was where it began. It was no war of the western people on the railway system of the country. It was no war of the people of this nation upon railroad transportation. The war was upon the management of the railroads by which the people were made to bear extravagant charges in order to pay dividends upon capital that never went into the construction or operation of the roads at all. That is the reason we have encountered this demand. Illinois is struggling to-day, as Wisconsin is struggling, to circumvent if it can the expensive outlays in the management and operation of the railroads and to compel the companies to cheapen their rates by charging only such just and reasonable rates as a proper economy based upon an honest cost and management of those roads running through those States requires.

I do not believe it is impossible yet to have cheaper rates from the competition of railroad lines. Therefore I introduced a bill at this very session and it was referred to the Committee on Railroads of this body, and I should be glad to have that committee report that bill back to the Senate, and I do not see why that committee cannot report the bill back, for the construction of a railway under the authority of the national Congress by a private company. The measure in the bill is the best one ever presented here, backed and supported by men of character deeply interested in the project, who ask of the national Congress to give them a charter authorizing them to construct a railroad on or near the fortieth parallel from the Atlantic coast through the intervening States to the Territory of Colorado. They ask it now. What are the provisions of this bill, if I may for a moment, in the elucidation of my argument, look at them? I will not read it in full. The title of this company is to be "The American Central Railway Company." The bill provides that—

Full power and authority are hereby conferred upon said body-corporate to survey, locate, lay out, construct, equip, maintain, operate, use, collect tolls upon, and enjoy a continuous railway line of one or more tracks, with all the appurtenances, commencing at any convenient point on or near the fortieth parallel of north latitude in the States of New Jersey, Pennsylvania, Maryland, or Ohio, or any one of said States, and running thence in or through said States, or any one of said States, and the States of Indiana, Illinois, Missouri, Kansas, and Nebraska, and Colorado Territory, upon such practicable route as said corporation may determine upon, on or near the fortieth parallel of north latitude, with the right to survey, locate, lay out, construct, equip, maintain, operate, use, collect tolls upon, and enjoy lines or branches of said railway running as direct as may be practicable from said railway line, on or near the said fortieth parallel, to the cities of New York, Philadelphia, and Baltimore, or any one of said cities, or within convenient distance of the same, or any of them, as may be determined upon by said corporation.

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SEC. 4. That the capital stock of said corporation shall consist of one million shares of $100 each, and each stockholder at the time of subscribing shall pay 5 per cent. upon the amount for which he shall so subscribe to the treasurer of said corporation, and at all times shall be liable to the extent of unpaid assessments on his stock, and no more.

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SEC. 7. That the right of way through the public lands shall be, and the same is hereby, granted to the said company for the construction of said railway, and the right and power and authority are hereby given to said company to take, from the public lands adjacent to the line of said road, earth, stone, timber, and other materials for the construction thereof. Said right of way is granted to said railway to the extent of two hundred feet in width along the line of said railway where it may pass over the public lands, including all necessary grounds for stations, buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations.

SEC. 8. That said corporation shall have the right to acquire by purchase, subscription, donation, or condemnation any land or real estate that may be necessary for the purposes for which this corporation is created; and said purposes shall be held to include the necessary grounds for right of way, wherever said railway or its branches may be located and constructed and authorized to be operated by this act, but the width of said right of way shall not exceed two hundred feet, together with all necessary ground for side-tracks, station and engine houses, shops, depots, turn-tables, water-tanks, with the right to obtain water in the vicinity, and for freight and stock yards, and for all other structures or inclosures usual in the operation of such a railway, and also the power of purchasing or condemning real estate for the purpose of obtaining the necessary materials for the construction and operation of said railway; that in case of the erection of any bridge across any navigable stream of water, the plan of such bridge shall be approved by a commission designated by the Secretary of War, and shall conform to the acts of Congress on that subject; that in case said corporation shall not be able to agree with any person or persons, corporation or corporations, owning or being interested in any lands required for any of the purposes specified in this section as to the damages or compensation to which such persons or corporations may be entitled, such damages and compensation for such right of way, or for other purposes herein specified, may be determined under the laws pertaining to the subject in the respective States then in force where such lands may be situated.

SEC. 9.—

I call the special attention of the Senate to this:

SEC. 9. That said railway is hereby declared a national public highway and a post-road, and the same and each part thereof subject to the use of the United States for postal, military, telegraphic, naval, and other governmental service; and Congress may fix reasonable charges for such service to the Government, and prescribe such rules and regulations in regard to the classification of all freights, *and fix maximum rates for all freights and fares thereon, as it may deem expedient.* And the said corporation shall make an annual report of their operations to the Secretary of the Interior in such form and containing such items of information as he may prescribe; said report to be verified by certificates, under the oath of the president and the treasurer of said railway corporation.

I want the national authority asserted, if it can be. I do not expect this Congress to act hastily on this question of transportation. I know that it is a grave subject, but I should be glad to have the expression of opinion here before this body shall adjourn that the people of the United States may understand that we are in earnest about it; that these great republican and democratic parties in the national councils mean to meet this demand of the people intelligently and promptly. I want some expression before Congress adjourns besides the passage of a bare resolution, and upon that bill I do not see but that an expression may be given by Congress that the national Congress can and will charter companies to construct highways through the nation; will empower them to do so, so that capital may be invested in such railroads with the distinct understanding that their chartered rights are to be protected under the laws of Congress. Why can we not go that far? Does any Senator doubt the constitutional right? Let us meet the constitutional question by passing some such bill as this. Let us assert before Congress adjourns the constitutional power of this people under the Constitution, through the Congress, to meet this question; and the fact of such a declaration, the fact of the chartering of such a company, is worth more than forty resolutions; for it will open the eyes of the people to the fact that this Government is determined to regulate this question if it cannot be met otherwise by proper legislation under the Constitution of the United States.

Therefore I did hope that some such bill as this would be debated and passed here, and that we would settle two or three questions before we adjourned. One question that we might settle either upon the bill of the House now pending in the Senate or upon this bill is the right and power of Congress to construct railways through the States. I have for myself no doubt on that question. The pathway is open and clear to me. A great and growing nation like ours cannot be curbed in the exercise of its granted powers by the legislation of States; we cannot be restricted and hampered and bound down by the private acts of State legislation on this great question of interstate commerce. Sooner or later the American people must be heard upon this subject. It is a question of great importance, and one that I believe there is no disposition to shirk. I would not make the intimation that Congress is not willing to meet it. Senators feel exactly as I have felt about it, a doubt as to the true solution of it; and I think the people of the West have the patience and the good sense to wait until Congress shall manifest an intention to solve the difficulty. One of the ways of manifesting that intention before the people, one of the ways of solving this question, is to pass such a bill as this incorporating a company that will command the capital to construct such a road.

Shall I be met with the statement that still the old question will arise of one railroad company buying out the stock of another, consolidating the powers and the rights of separate railroads under the management of one, and then regulating their affairs as the one great mammoth company shall decide? This bill provides that if the company created by the act shall not fix reasonable rates and charges for freights and passengers, then the national Congress shall have a right to determine what is a reasonable rate. If you pass an act of this sort, an act never before passed by the national Congress, meeting this question in a flat-footed, plain, country style, and saying to the corporators named, "We confer on you by this act of Congress the right to construct a railway across the continent, and confer upon you the power to charge reasonable rates for freights and passenger fares; but if you do not do so, Congress reserves the right to declare, and will declare, what are reasonable rates," have you not solved the question? Does it not go in the direction of a solution of it?

In the first remarks that I made it is possible that in making some criticism on the report of the committee as to the four great water-routes I may have been misunderstood as to my indorsement of water communication. For fear that I may have been misunderstood, I will say to that committee now that I adopt their conclusions and reasonings as to the cheapness and as to the adequacy of water-routes where nature has laid the basis for them, where nature has marked the course and marked the channel, and I will support any system of legislation that will improve the water-routes of the country; but I doubt the expediency of building canals over mountains or running them around States where it is questionable whether there is a supply of water or any real demand for them. Two of the routes I question the propriety of; two of them I do not. When we get the northern water-route, if

we shall go so far as to vote appropriations to build a canal through Illinois and complete the Fox and Wisconsin Rivers system of navigation through Wisconsin, and shall make the Upper Mississippi beyond the Falls of Saint Anthony capable of carrying the commerce of the northern portion of the country, I suggest to the chairman of the committee and to the Senate that you have then only prepared a route for six or seven months in the year. The other four or five months or sometimes six months that whole route is blocked up. The southern route, I am told, will be open. It so happens that our wheat and corn and pork and beef have heretofore not sought and perhaps never will seek a route to the ocean over the top of the Alleghany Mountains by way of the James and Kanawha Rivers, or up the Tennessee or Chattahoochee or any of those small streams through the Southern States. They want to go rapidly to New York; they want to go by railway, not by canal. We utilize the Erie Canal in New York now as a competing line simply for the heavy, bulky freight from the West. All the other freights go with railroad speed through the country, and we must not give up the idea of railroad transportation.

I shall vote for the resolution, Mr. President, but I hope before the Senate adjourns that the Railroad Committee will report back the bill to which I have referred, that we may have some expression from this body as to whether we will charter by act of Congress private companies to construct railways across the Union and limit their charges for the transportation of persons and property. That is what the bill does.

Mr. LEWIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-eight minutes spent in executive session the doors were reopened and, (at five o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 3, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was partly read, when

Mr. RANDALL moved that the further reading of the Journal be dispensed with.

There being no objection, the motion was agreed to.

TEXAS PACIFIC RAILROAD.

Mr. SAWYER. I ask unanimous consent that the Senate bill supplementary to an act entitled "An act to incorporate the Texas Pacific Railroad" be taken from the Speaker's table and referred to the Committee on the Pacific Railroad, with leave to report it back at any time.

Mr. HOLMAN. I object. I would not object to the mere reference.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. SAWYER, by unanimous consent, introduced a bill (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CAPTAIN CHARLES E. GREBLE.

Mr. WILLARD, of Michigan, by unanimous consent, introduced a bill (H. R. No. 3587) for the relief of Captain Charles E. Greble; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF GENERAL RICHARD WINN.

Mr. WALLACE, by unanimous consent, introduced a bill (H. R. No. 3588) for the relief of the heirs of General Richard Winn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TERMINATION OF THE TREATY WITH BELGIUM.

Mr. ORTH. By direction of the Committee on Foreign Affairs, authorized to report on this subject at any time, I report a joint resolution (H. R. No. 107) providing for the termination of the treaty between the United States and His Majesty the King of the Belgians, concluded at Washington July 17, 1858.

The joint resolution was read a first and second time. It recites in the preamble that it is provided by the seventeenth article of the treaty between the United States of America on the one part and His Majesty the King of the Belgians on the other part, concluded at Washington July, 17, 1858, that the present treaty shall be in force during ten years from the date of the exchange of the ratification and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof, each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned; it being agreed that after the expiration of twelve months' prolongation accorded on both sides the treaty and all its stipulations shall cease to be in force. The preamble further recites that it is no longer for the interest of the United States to continue the said treaty in force.

The joint resolution therefore provides that notice be given of intention to terminate the treaty according to the provisions of the seventeenth article thereof, and that the President be authorized to communicate such notice to the government of the kingdom of Belgium.

Mr. ORTH. Not wishing unnecessarily to consume the time of the House, I will state that this resolution meets the approval of the State Department, and its passage is unanimously recommended by the Committee on Foreign Affairs, but if any gentleman desires an explanation of the matter I am prepared to give it. I will only add that as the fourth article of the treaty operates injuriously to the interests of our commerce, it is desirable that notice for its termination be given at as early a day as practicable.

Mr. TOWNSEND. I would like to know in very brief terms the subject of the treaty about to be annulled.

Mr. ORTH. The treaty concluded with Belgium in 1858, and now in force, contains this article:

ART. 4. Steam-vessels of the United States and Belgium, engaged in regular navigation between the United States and Belgium, shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys, and light-houses.

With no other nation has our Government directly any such treaty stipulation or engagement. Under our tonnage laws, American vessels which shall be entered at any custom-house in the United States from any foreign port or place are subject to a duty of thirty cents a ton. By virtue of the fourth article aforesaid, as well as by the provision of the tonnage laws, Belgian vessels are exempt from the payment of this tax.

This exemption, which discriminates against American steam-vessels, does not apply alone to Belgian vessels, for by virtue of treaties with several other nations we have agreed that all favors in navigation or commerce which shall have been granted by us to any other nation shall inure to such nations under the operation of what is known as the "favored-nation clause" in such treaties. Among the powers thus claiming the privileges specifically accorded to Belgium by our treaty may be named Italy, Brazil, Nicaragua, and Mexico. And the same privilege is claimed in favor of Dutch and Swedish steamships, but not yet accorded.

So long as we continue this treaty with Belgium, we cannot deny the same privilege of admitting free or tonnage dues the steam-vessels of those nations claiming by virtue of the "favored-nation clause" in existing treaties.

By terminating the treaty with Belgium, we release ourselves not only from this discrimination against our own vessels so far as Belgian vessels are concerned, but as well from all similar obligations arising from the "favored-nation clause" to which I have already referred. It is desirable that our vessels should be relieved from this funjust discrimination. We have the right reserved thus to relieve ourselves in the seventeenth article of the treaty, which provides that "either of the high contracting parties" reserves to itself the right to terminate after twelve months' notice. The joint resolution provides for such notice to terminate the entire treaty, although it is only the fourth article which is sought to be abrogated.

Mr. TOWNSEND. I am satisfied with the gentleman's explanation.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ORTH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LAWRENCE. I rise to make a privileged report from the Committee on War Claims upon the bill regulating the taking of testimony touching the loyalty of claimants.

Mr. MOREY. I raise the question of consideration for the purpose of having a morning hour and bringing up the bill relating to the Louisiana levees.

Mr. HAWLEY, of Illinois. I understood that the bill in reference to the mouth of the Mississippi River was to come up to-day.

The SPEAKER. That will come up later in the day on the question of reconsideration.

Mr. HAWLEY, of Illinois. As to the bill in regard to the mouth of the Mississippi River, will it make any difference which one of these two bills be now taken up?

The SPEAKER. The Chair apprehends the gentleman from Louisiana [Mr. MOREY] will consume an hour, but does not know that the gentleman from Ohio [Mr. LAWRENCE] proposes to debate his bill.

Mr. LAWRENCE. I think it necessary to explain the bill at some length.

Mr. HAWLEY, of Illinois. I wish to make a further inquiry. If the gentleman from Louisiana gets the floor, the question will then be for the House to determine which bill shall first be considered.

The SPEAKER. The House can determine between the gentleman from Ohio and the gentleman from Louisiana.

Mr. HAWLEY, of Illinois. But suppose the gentleman from Louisiana should now get the floor for the consideration of the bill in reference to the Mississippi levees.

The SPEAKER. The House can afterward determine between the

bill of the gentleman from Ohio and the bill for the improvement of the Mississippi River.

Mr. HAWLEY, of Illinois. The House will determine now between the gentleman from Ohio and the gentleman from Louisiana.

The SPEAKER. The question is, Will the House now consider the bill which the gentleman from Ohio [Mr. LAWRENCE] reports from the Committee on War Claims?

Mr. SENER. Is it not in order to have the bill read so we may vote intelligently?

Mr. BECK. I wish to make an inquiry of the gentleman from Ohio, and that is whether all the war claims are not suspended until the House shall determine on this report what view it will take?

Mr. LAWRENCE. This provides for the appointment of agents, and is absolutely necessary to enable these commissioners to go on speedily with their work.

The House divided; and there were—ayes 57, noes 35; no quorum voting.

Tellers were ordered; and Mr. LAWRENCE and Mr. MOREY were appointed.

Mr. McCRARY. If the motion of the gentleman from Ohio prevails, will the bill from the Committee on War Claims be considered in the morning hour?

The SPEAKER. If the motion should prevail, the bill which the gentleman from Ohio proposes to report from the Committee on War Claims would proceed, subject only to the Chair recognizing the gentleman from New York, [Mr. WHEELER,] who has a privileged matter in charge in connection with the Army appropriation bill.

Mr. HAWLEY, of Illinois. I should like to know the exact standing of this bill.

The SPEAKER. The Chair will explain if gentlemen will be in order, and he asks members not to waste time in settling order of business. There is no greater waste of time than what is spent in determining the order of business. A great deal of business could be dispatched during the struggle to get the floor to have it taken up.

The gentleman from Illinois, [Mr. HURLBUT,] representing the Committee on Railways and Canals in reference to the bill for the improvement of the mouth of the Mississippi River, proposes to call up the privileged motion to reconsider the vote by which that bill was recommitted, and the gentleman from Ohio, chairman of the Committee on War Claims, has the right to report his bill at any time. They are of equal privilege.

The gentleman from Louisiana [Mr. MOREY] has a bill in the morning hour in reference to the Mississippi levees. If other business is objected to by the House, that perforce brings on the morning hour. At the end of the morning hour the Chair will be left to recognize business in its order, or the House by raising the question of consideration will determine which shall have precedence.

Mr. HAWLEY, of Illinois. I understand from the Chair now that the bill in charge of my colleague [Mr. HURLBUT] in reference to the improvement of the mouth of the Mississippi River is of equal privilege with that in the hands of the chairman of the Committee on War Claims, so that if the House shall vote down the motion to take up the bill in charge of the gentleman from Ohio it will be in order to call up my colleague's bill.

The SPEAKER. It is always in the power of the majority to determine which shall take precedence.

Mr. HAWLEY, of Illinois. Then I hope the House will determine to take up the bill for the improvement of the mouth of the Mississippi River.

The House again divided; and the tellers reported—ayes 75, noes 72.

So the motion of Mr. LAWRENCE was agreed to.

ARMY APPROPRIATION BILL.

Mr. WHEELER. I call up the Senate amendments to the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

The recommendation of the Committee on Appropriations were agreed to without question, except in the cases which will be indicated.

The first amendment of the Senate was to insert "including Indian scouts;" so it will read:

For expenses of recruiting and transportation of recruits, $105,000. And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts.

The Committee on Appropriations recommended concurrence, with an amendment as follows:

Nothing, however, in this act shall be construed to diminish the signal service, and the Signal Corps shall be maintained as now organized under the authority of the Secretary of War.

The amendment was agreed to; and the Senate amendment, as amended, was concurred in.

The sixth amendment of the Senate was read, as follows:

Strike out "500" and insert "250;" so it will read:

For regular supplies of the Quartermaster's Department, to wit: For the regular supplies of the Quartermaster's Department, consisting of stoves for heating and cooking; of fuel for officers, enlisted men, guards, hospitals, store-houses, and offices; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank books, for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing of division and department orders and reports, $4,250,000.

The committee recommended concurrence, with an amendment as follows:

After the word "dollars," in line 2, on page 3 of the bill, add the words:

Provided, That $300,000 thus appropriated may be applied by the Commissary-General of Subsistence prior to the 1st of July, 1874, to the purchase of subsistence supplies intended for the posts supplied through the Upper Missouri and for other distant posts.

Mr. RANDALL. That is in the nature of a deficiency for the current fiscal year.

Mr. WHEELER. Not at all. It simply enables the Commissary-General to anticipate the time, so that he may take advantage of the proper stage of water on the Missouri River.

Mr. RANDALL. The words would rather imply that this was a deficiency.

The amendment of the Senate was concurred in with the amendment of the Committee on Appropriations.

Mr. CONGER. I desire to ask the Chair whether the first amendment of the Senate, with an amendment by the Committee on Appropriations, has been acted on by a vote?

The SPEAKER. It has. The Senate amendment has been concurred in with an amendment.

Mr. CONGER. My attention was otherwise occupied when the amendment was concurred in. Will the Chair permit me to ask the gentleman who has charge of this bill a question in regard to the amendment of the committee?

Mr. WHEELER. I will explain to the gentleman what is the object of that amendment. The bill reduces the enlisted men of the Army to twenty-five thousand men, and would reduce the Signal Corps in that proportion. We desire to retain the Signal Corps in its present force, and not take away from it the few men it would lose in consequence of the general reduction of the enlisted force of the Army.

Mr. CONGER. Would not this prevent the enlargement of the signal service by establishing additional signal stations?

Mr. WHEELER. This has nothing to do with that. That question will come up in connection with the sundry civil appropriation bill, which will soon be reported.

Mr. CONGER. There are demands for additional signal stations which it is very necessary should be met, and that would require additional signal officers.

Mr. WHEELER. That must be done by additional legislation.

Mr. CONGER. Then I desire to reconsider the vote by which the amendment was concurred in with an amendment.

Mr. WHEELER. I object to returning to that amendment. If there is any question about it I prefer that it should be raised in the committee of conference.

Mr. GARFIELD. If there is any proposition to increase the number of signal stations, that will properly come up in connection with the miscellaneous appropriation bill. If any increase is to be made it must be effected there.

Mr. CONGER. And when an increase is asked for there, the point of order will be raised.

Mr. HALE, of Maine. Let me suggest to the gentleman from Michigan [Mr. CONGER] that the increase of these stations does not draw upon the military force provided here. If we give money for increasing the number of stations it will be in the sundry civil bill; and the men appointed are not from these soldiers, but from a different class entirely. This provision does not conflict with the object the gentleman has in view.

Mr. CONGER. I think the gentleman is mistaken. His understanding of the matter is not the same as mine.

Mr. WHEELER. The point of order will lie against the gentleman's proposition that it is a change of existing law. The number of the Signal Corps is fixed by law, and you cannot enlarge it except by law. It is new legislation. And if it is necessary I must make the point of order, first, that the gentleman cannot, without unanimous consent, return to an amendment which has already been concurred in; and, second, that he is asking for new legislation in an appropriation bill.

Mr. CONGER. I think I will find my way to get at it, notwithstanding these points of order.

Mr. WHEELER. No doubt; my friend is adroit at that.

Mr. CONGER. In order to be able to say what I wish to submit to the House in connection with this matter, I move to reconsider the vote by which the Senate amendment No. 1, with an amendment of the committee, was concurred in.

The point I wish to make is this—and I ask the attention of the gentleman who reports the bill. This amendment renews the legislation which confines the Signal Corps force to its present numbers. Now, there is a demand for additional signal stations which are imperatively needed in behalf of the commerce of the country. That demand for the establishment of these stations on the lakes and seacoasts ought not to go unheeded. My point is that this amendment prevents by new legislation here the increase of Signal Corps stations, and that it ought not be put into this bill.

Mr. GARFIELD. I would ask my friend from Michigan whether repeating a law makes it any stronger? If he wants to enlarge the signal service, it must be done by new legislation just as much after

this amendment passes as before. Whether this amendment passes or not, what the gentleman proposes will still require new legislation. Any increase of the force of the Signal Corps will have to be made in connection with the bill which includes that subject-matter.

Mr. CONGER. I desire that this clause in the amendment shall be stricken out:

And the Signal Corps shall be maintained as now organized under the authority of the Secretary of War.

As the Signal Corps is now maintained under the authority of law, that clause is unnecessary.

Mr. WHEELER. If the gentleman strikes that out, he will work the defeat of his own proposition. For, as I have stated, this bill reduces the enlisted force of the Army to twenty-five thousand men, and without that clause would take away from the Signal Corps its proportion of the reduction.

Mr. CONGER. If I understand the gentleman correctly, when the appropriation bill comes up for dealing with this subject the committee will listen to amendments——

Mr. WHEELER. I will, most cheerfully.

Mr. CONGER. To amendments for increasing the number of signal stations. I do not care about increasing the number of signal officers. I withdraw my motion now with the understanding that when the proper bill comes up the chairman of the committee or the gentleman having charge of it will not oppose an amendment that increases the number of signal stations, but will allow such an amendment to be offered for the consideration of the House.

The SPEAKER. The Chair does not understand precisely what will be the effect of that agreement.

Mr. GARFIELD. I do not consent that there shall be a special agreement as to what points of order shall not be insisted on.

Mr. CONGER. The gentleman said that when another bill came up that would be the proper time for the consideration of this amendment; and I ask if when the proper time comes he will permit the amendment to be offered?

Mr. GARFIELD. I cannot promise that no one shall make the point of order, of course.

Mr. CONGER. Then I cannot see the force of the gentleman's remark.

Mr. GARFIELD. I will merely say that this is not the place to legislate about signal stations. That is all I have to say about it.

Mr. CONGER. I withdraw my motion.

The sixteenth amendment of the Senate was read, as follows:

Insert after line 226 of the printed bill the following:
For the construction of a post on the north fork of Loupe River in Nebraska, $50,000: *Provided*, That the cost of said post shall not exceed the amount hereby appropriated.

The Committee on Appropriations recommended non-concurrence.

Mr. CROUNSE. With respect to that amendment I really hope that the House will concur in it. I did desire the opportunity of appearing before the Committee on Appropriations in regard to it, and asked that privilege, and I think if it had been accorded to me the committee would have recommended concurrence in this amendment. I was accorded the right of appearing before a sub-committee; but they failed to notify me as they promised they would do.

Mr. WHEELER. It was forgotten.

Mr. CROUNSE. The gentleman from New York says that the matter was forgotten, and I am sure that it was no fault of his. I absolve him from all blame in the matter. I can only say that I regret that I had not the opportunity of pressing this matter before the committee, because I am satisfied that if they had had all the information which I possess they would have recommended concurrence in the amendment. I send to the Clerk's desk and ask to have read the recommendation of General Ord, who is in command of that district, in favor of this appropriation.

The Clerk read as follows:

I have again to call attention to the exposed condition of Nebraska, north of the Union Pacific Railroad, and extending from the Missouri River for three hundred miles westward, in which there is not a single military station. This country is as rich as any other portion of Nebraska, but the fear of Indians has retarded its settlement. It has been subject to frequent raids from the Sioux, from Spotted Tail's, and now from Red Cloud's reservation. When on a recent visit east of the first-named chief he did me the honor to call, with his lieutenants and concubines, at my office, I called his attention to a raid which some of what were considered to be his people had just committed on the peaceable Baptist and Danish settlers on the Loup, he replied in quite a haughty manner that he had not come here to be talked to in that way. As I had no power to control his movements, or make him or the people whom he claimed to rule respect the property of the white settlers, the touching upon facts put an end to further conversation. I think a post should be established somewhere about midway on a line drawn from Fort Randal, on the Missouri River, to Fort McPherson, on the Platte. It need not cost to exceed $50,000, and under the sense of security which it would give to settlers, the rapid increase of a tax-paying population would soon repay the outlay.

Mr. CROUNSE. I would say in addition to that that this appropriation is warmly recommended by the Secretary of War. I have not his letter here, because this matter has been sprung upon the House at a time when I did not anticipate it. In addition to that, I would say that General Sherman told me personally—and I think I report him correctly—that if he had only $50,000 at his command for protection of this kind he would appropriate it for the construction of the post asked for in Nebraska to the exclusion of any other place. This appropriation has been recommended for several years in succession by the General in command of the Army; and I may say, what is perhaps familiar to members of the House, that the Indian depredations committed last fall, not yet a year ago, in Nebraska, when the Sioux entered the very heart of the western part of the State and had a contest with the Pawnees resulting in the slaughter of seventy or eighty persons, occurred in organized counties of the State of Nebraska because of the want of this military post. If we had had such a post there we could have intercepted their approach. They came immediately from the north into the part of Nebraska named, and this post would have been directly on the line which they must necessarily have passed over, and its establishment now would promote the safety and security of the settlements of Nebraska. This appropriation is not only asked in the interest of Nebraska, but of all emigrating to and interested in the settlement of the West. Nebraska has asked nothing at the hands of Congress during this term but this, and this is a measure in behalf of the security of life and the advancement of civilization. It is as little as Congress can do for the State; and in view of the fact that all the officers of the Army, the Secretary of War, the General of the Army, and the general in command of the department, indorse the appropriation in the strongest language, I hope it will be made.

Mr. WHEELER. I want to repel here at once the idea implied in what the gentleman has said that Nebraska has asked for nothing during this Congress. I want to repel the idea that there ought to be here at every session a general division of the public funds by localities. This appropriation has not been recommended by either of the standing Committees on Appropriations of the Senate or of the House. That some sort of fort may be necessary there I do not question, but that a permanent fort costing $50,000 is necessary I do deny. under the standing law of the country to have sent in here his estimate I say that if it be necessary, it was the duty of the Secretary of War for it as provided by the law of 1859, that no permanent barracks or quarters shall hereafter be constructed until detailed estimates shall have been previously submitted to Congress and shall have been approved by a special appropriation. I say that there has been no estimate for the construction of a permanent fort at this point.

Let me call attention to the rapid settlement of Nebraska. If you construct this permanent fort it will not be twelve months before the tide of immigration will press on beyond it, and it will become useless. The Secretary of War is authorized to expend money for the construction of a fort anywhere in Nebraska out of the $1,400,000 appropriated for that purpose, and if the House is to maintain that economy which so far has characterized its conduct in the consideration of this bill, it will not concur in the amendment of the Senate.

The question was taken; and the amendment of the Senate was non-concurred in.

Mr. WHEELER. I ask the House to non-concur in the remaining amendments of the Senate, No. 17 to 24 both inclusive, as they all relate to one subject-matter, that is the adjustment of the claims of loyal citizens in insurrectionary States. If the Senate system shall be adopted, in committee of conference or here in this House, I am informed by the Auditor of the Treasury that it is defective and cannot be made to work, unless it be changed in some particulars, as to the balances in the respective Departments. For myself I am content with any system which brings the southern claims to some tribunal for revision, and not have them retained wholly in the Departments. I think the better way is to non-concur in all these amendments, and let the whole subject go to the committee of conference.

The SPEAKER. If there be no objection it will be so ordered.

No objection was made, and the amendments were non-concurred in.

Mr. ALBRIGHT. I would like to ask a reconsideration of the vote upon concurring in the fourth amendment of the Senate to this bill. The fourth amendment is to add to the paragraph in relation to transportation these words, "except in cases where a greater sum has been paid for actual and necessary traveling expenses;" so that that portion of the paragraph will read as follows:

Provided further, That nothing herein shall be construed to allow more than ten cents a mile for such transportation, except in cases where a greater sum has been paid for actual and necessary traveling expenses.

Mr. WHEELER. That provision is vague and indefinite, and needs to be put into some proper shape. The House has non-concurred in that amendment of the Senate upon the recommendation of the Committee on Appropriations.

Mr. ALBRIGHT. In many instances officers are ordered from one station to another, compelled to break up their house-keeping arrangements and everything of that kind, and an allowance of ten cents per mile does not cover their expenses. I do not think the Government intends that an officer shall be compelled to go from one post to another, and actually be out of pocket for his expenses in so doing. I have a letter in my possession from an officer now at West Point, who was directed to remove from Detroit, Michigan, to Fort Riley and from Fort Riley to West Point; and because he obeyed the orders of the Government he is actually out of pocket to-day $2,000 for the conveyance of his furniture, &c., which he had to transport or sell at a sacrifice. The amendment of the Senate that he shall be allowed his actual expenses above ten cents a mile seems to be just, and I hope the House will concur in the Senate amendment. For that purpose I move to reconsider the vote by which the amendment was non-concurred in.

Mr. GARFIELD. Suppose that an officer goes to the Fifth Avenue Hotel and boards there for ten days or twenty days or a month or

three months, and then presents his accounts of his expenses there. Everybody can see that this clause of the Senate will allow it.

Mr. ALBRIGHT. "Actual and necessary expenses."

Mr. GARFIELD. Certainly; "actual and necessary." You do not want an officer to stop at any but a first-class hotel. It is far better to have a definite sum fixed. If you want to give more than ten cents a mile let it be so, but do not use the vague expression "actual and necessary expenses." I believe the amendment of the Senate would lead to far greater expenditures than the law as it now stands. I hope the action of the House on the Senate amendment will not be reconsidered.

The motion to reconsider was not agreed to.

Mr. LOWNDES. I understood that the twenty-fourth amendment of the Senate was to be voted on separately.

The SPEAKER. The gentleman from New York [Mr. WHEELER] asked that the amendments of the Senate from No. 17 to No. 24, both inclusive, be non-concurred in.

Mr. WHEELER. That was my motion.

Mr. LOWNDES. I did not so understand it.

The SPEAKER. If there be a misunderstanding it would perhaps be better to take a separate vote on the twenty-fourth amendment.

The twenty-fourth amendment of the Senate was to strike out section 4 of the bill passed by the House; which section was as follows:

(24) [SEC. 4. That all claims of citizens who remained loyal adherents to the cause and Government of the United States during the war for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States, and for the use or loss of vessels or boats while employed in the military service of the United States, including any such claims now pending and undetermined in any Department of the Government, shall be presented, before the 1st day of November, 1875, to the commissioners of claims created by act of March 3, 1871, who shall have exclusive jurisdiction to hear and determine the same: *Provided*, That all such claims now pending and undetermined in the Department of the Quartermaster-General and the Department of the Commissary-General of Subsistence shall, on the passage of this act, be transferred to the said commissioners of claims; and such transfer shall be regarded as presentation within the meaning of this act. And all evidence taken in reference to said claims, and now on file in the office of the Quartermaster-General or Commissary-General, and admissible under the rules and regulations of their departments, shall be transferred with the claims, and be considered as if taken under the rules and regulations of said commission. And there shall be appointed by the President, with the advice and consent of the Senate, two additional commissioners of claims, with the powers, duties, and compensation of the commissioners created under the act of March 3, 1871, and who shall devote their time exclusively to the claims transferred to the commission by the provisions of this act; and the decision of the said two additional commissioners thereon shall be taken and held to be the decision of the commission, unless in case of disagreement of the two, when the decision of the presiding commissioners shall be given, and shall be decisive. And all such claims which shall not be presented to said commissioners on or before said day shall be barred and shall not be entertained without further authority of Congress: *Provided*, That nothing herein shall be deemed to affect or impair the limitation for the time for the presentation of petitions prescribed by section 2 of the act of March 3, 1873. Such commissioners shall, under the provisions of the act of March 3, 1871, and the acts in amendment thereof, receive, examine, and consider the justice and validity of such claims as shall be brought before them, and shall make report of their proceedings, and of each claim considered by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.]

The Committee on Appropriations recommend non-concurrence in the Senate amendment.

The question was taken upon concurring; and upon a division there were—ayes 48, noes 55; no quorum voting.

Tellers were ordered; and Mr. WHEELER and Mr. LOWNDES were appointed.

The House again divided; and the tellers reported that there were—ayes 69, noes 79.

So the amendment was not concurred in.

Mr. WHEELER. I move that a committee of conference be requested on the disagreeing votes of the two Houses upon this bill.

The motion was agreed to.

Mr. WHEELER moved to reconsider the vote last taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TIMBER LANDS IN CALIFORNIA, OREGON, AND WASHINGTON.

Mr. BRADLEY, by unanimous consent, from the Committee on the Public Lands, reported back, with amendments, the bill (H. R. No. 410) for the sale of timber lands in the States of California and Oregon and in Washington Territory; which was ordered to be printed, and recommitted to the Committee on the Public Lands.

SAINT JAMES MISSION, WASHINGTON TERRITORY.

Mr. PRATT, from the Committee on Private Lands, reported back, with amendments, a bill (H. R. No. 1450) for the relief of the mission of Saint James, in Washington Territory; which, with the accompanying report, was ordered to be printed, and recommitted to the Committee on Private Land Claims.

NAVAL APPROPRIATION BILL.

Mr. HALE, of Maine. I rise to present a privileged report—the report of the committee of conference on the naval appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from its amendments numbered 5, 8, 9, 12, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 13, 17, and 19.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: Strike out the word "fifteen," and in lieu thereof insert the word "eighteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Strike out the words "two hundred and fifty," and insert in lieu thereof the word "sixty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with the following amendment: Strike out of said amendment the words "and sixty-five;" and the Senate agree to the same.

EUGENE HALE,
J. HANCOCK,
Managers on the part of the House.

A. A. SARGENT,
LOT M. MORRILL,
H. G. DAVIS,
Managers on the part of the Senate.

Mr. HOLMAN. I believe this report has not been printed.

Mr. HALE, of Maine. Yes, sir; it has been.

Mr. HOLMAN. I sent for it and did not obtain a copy. It is impossible to examine such a report at once; and inasmuch as there is no public necessity for immediate action on the report, I trust it will be laid over till to-morrow.

Mr. HALE, of Maine. I expect to be called away to-morrow. This report has now been held back for some time. I was about to present it last week, when the same point which the gentleman now makes was raised. I said then that I would let it go over.

Mr. HOLMAN. In view of the fact just stated by the gentleman from Maine I will not insist on deferring action upon the report.

The report was agreed to.

Mr. HALE, of Maine, moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSIONS.

Mr. RUSK. There are on the Speaker's table two bills returned to the House with Senate amendments. I desire that those amendments may be disagreed to and the bills sent to a committee of conference. The bills are House bill No. 735, to increase the pensions of soldiers and sailors who have been totally disabled, and House bill No. 2453, to amend an act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873.

Mr. HOLMAN. I ask that the amendment of the Senate to the bill last named may be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

That all persons who are now entitled to pensions under existing laws, and who have lost an arm at or above the elbow, shall be rated in the second class, and shall receive twenty-four dollars per month.

Mr. HOLMAN. I desire to offer an amendment which I think will strike every member as eminently proper. It is to insert after the word "elbow" the words "or leg at or above the knee." This puts the two classes of pensioners exactly on the same footing.

Mr. RUSK. I am entirely willing that this amendment should be adopted; and I wish to offer a further amendment to the bill.

Mr. ELDREDGE. This idea of calculating the value of the fractional parts of a man's arm violates to my mind every feeling of propriety and humanity. I think that every man who has lost any portion of his arm ought to receive the same amount of pension. I do not believe in any such discrimination as this bill contemplates.

Mr. HOLMAN. My amendment is manifestly proper and just. I hope there will be no objection to it.

The amendment of Mr. HOLMAN to the amendment of the Senate was agreed to.

Mr. GARFIELD. Has the gentleman from Wisconsin [Mr. RUSK] any estimate as to the increase which this bill will make in the total appropriations for pensions?

Mr. RUSK. It will make but a very small increase. The increase in the case of those who have lost a leg at or above the knee is from eighteen dollars and fifty cents per month to twenty-four dollars per month.

Mr. GARFIELD. Has the gentleman any estimate to show what the total amount of the increase will be?

Mr. RUSK. I believe there has been no estimate of that increase; but it will not be large. Mr. Speaker, I ask that both these bills be sent to a committee of conference.

The SPEAKER. It would not be regular in a parliamentary point of view to amend the Senate amendments and then send the bill to a committee of conference before the Senate has had an opportunity to concur.

Mr. RUSK. Then I ask that the bill be further amended by adding this provision: "This act shall take effect from and after the 4th day of June, 1874." If any gentleman desires an explanation, I will have read the letter of the Commissioner of Pensions.

Mr. GARFIELD. Why does the gentleman fix June 4 as the date?

Mr. RUSK. That is when the pension quarter commences.

Mr. GARFIELD. Why should the pension quarter commence at any other time than the beginning of the fiscal year?

The amendment was agreed to.

Mr. ELDREDGE. I wish to move an amendment, if my colleague [Mr. RUSK] will allow me. I desire that the provision with reference to those who have lost arms shall apply as well if a man has lost merely his hand as if he has lost his arm above the elbow. Practically a man is as much disabled in the one case as in the other; and I can see no reason for a discrimination in the amount of pension.

Mr. RUSK. There is a great deal of difference between the case of a man who has lost his arm above the elbow and that of a man who has merely lost his hand.

Mr. ELDREDGE. It seems to me that both cases should stand upon an equality in respect to the amount of pension. I move an amendment to that effect.

Mr. DAWES. I wish the gentleman from Wisconsin [Mr. RUSK] would let this bill go to a committee of conference.

The SPEAKER. That was the original suggestion. But it is not regular after the House has amended the Senate amendment and before the Senate has had an opportunity to concur to send the bill to a committee of conference. That cannot be done with any propriety

Mr. RUSK. I am entirely willing that this as well as the other bill should go to a committee of conference. But the gentleman from Indiana [Mr. HOLMAN] offered his amendment, which the House adopted.

The SPEAKER. The gentleman from Wisconsin [Mr. RUSK] need not have yielded to the gentleman from Indiana. If he had not done so the bill would have gone to a committee of conference.

Mr. HAWLEY, of Illinois. I move to reconsider the vote by which the amendments were adopted, so the bills may be sent to a committee of conference.

Mr. RUSK. The amendments have both been agreed to.

Mr. HOLMAN. I move to lay the motion to reconsider on the table.

Mr. HOLMAN'S motion was disagreed to.

The votes by which the amendments were agreed to were reconsidered, and a committee of conference was asked on the disagreeing votes of the two Houses on both bills.

The SPEAKER appointed as managers of said conference on the part of the House Mr. RUSK of Wisconsin, Mr. SMALL of New Hampshire, and Mr. HOLMAN of Indiana.

CORRECTIONS IN PRIZE-LISTS.

Mr. LAWRENCE. I yield to my colleague to make a report from the Committee on Naval Affairs.

Mr. LAMISON. I am instructed by the Committee on Naval Affairs to report back the bill (S. No. 229) authorizing corrections to be made in errors in prize-lists, with amendments.

The bill was read.

The first section provides that in all cases where corrections in the distribution of prize-money have or may become necessary, and in all cases where the names of parties entitled to share in prizes have been or may by error be omitted from the prize-lists, the Secretary of the Navy is hereby authorized to direct the proper accounting officers of the Treasury to correct and pay the same, the former upon the principle that the provisions of the act in force at the date of final adjudication govern distribution, and the latter to receive their proportion of the prizes claimed the same as all others of like rank and pay who may have been paid, said payments to be made out of the naval pension fund.

The second section provides that the second and third paragraphs of the tenth section of the Navy prize law, approved June 30, 1864, which relate to the shares of commanders of divisions and fleet captains, shall apply to officers serving in those positions from April, 1861, (the commencement of the late war,) and the shares shall be paid in the manner as provided for division commanders in said second paragraph. And all acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendments were read, as follows:

Strike out the first section; and in section 2, line 8, after the word "paragraph," insert the words "said payment to be made out of the naval pension fund."

The amendments were agreed to.

The bill, as amended, was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. LAMISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTRACTORS FOR STEAM MACHINERY.

Mr. RANDALL. I ask, by unanimous consent, to have printed Senate bill No. 141, for the relief of certain contractors for the construction of vessels of war and steam machinery; the bill not to be removed from the Speaker's table.

There being no objection, it was ordered accordingly.

WAR CLAIMS.

Mr. LAWRENCE. I am instructed by the Committee on War Claims to report back a bill (H. R. No. 1565) relating to the commissioners of claims and for other purposes, with four amendments.

I propose to submit some remarks in explanation of the provisions of the bill, and I would not do so at this late day of the session if I did not deem it necessary.

Mr. HAWLEY, of Illinois. I should like to know whether the bill is not subject to the point of order which will send it to the Committee of the Whole?

The SPEAKER. It is not. The bill was in Committee of the Whole on the state of the Union, and that committee was discharged from its further consideration under a suspension of the rules.

Mr. HAWLEY, of Illinois. Then, by reason of that order of the House, the bill is fortified against the point of order which would send it to the Committee of the Whole.

The SPEAKER. The bill was in Committee of the Whole, but the House suspended the rules, discharged that committee from its further consideration, and recommitted it to the Committee on War Claims with authority to report at any time.

Mr. HAWLEY, of Illinois. I did not know that it had been in Committee of the Whole.

The SPEAKER. The Chair had the Journal examined and found such to be the fact.

Mr. LAWRENCE. Mr. Speaker, I invite the attention of the House to some of the provisions of this bill. It has been in part explained in a report submitted to the House on the 9th of February last, (House Report No. 91, first session Forty-third Congress.) The proposed amendments make some additions and changes. I will very briefly state some of the features of the bill and amendments, and I believe that they will, if properly understood, find but very little, if any, opposition.

By well-settled principles of international law the Government was and is not in strictness under any obligation to make compensation to any citizen of the States proclaimed in rebellion for any property taken, used, or destroyed in those States during flagrant war, so far as requisite for necessary military operations. This severe rule of public law was wisely mitigated by acts of Congress and proclamations of the President. The act of March 3, 1871, provided for the appointment of commissioners of claims, to be commissioned for two years, whose duty it was to receive, examine, and consider the justice and validity of claims of loyal citizens for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States. The act of March 3, 1873, continued the commissioners in office to March 10, 1877, but limited the right to receive claims to March 3, 1873. The time for filing claims has therefore expired.

The first section of the bill now under consideration extends the time for filing claims to the 3d day of March next—only about nine months—and only in those "cases where a sufficient reason is shown, to the satisfaction of the commissioners of claims for the failure to present (the claims) within the time prescribed by law."

It will be seen this is an extension only for a brief period, and carefully qualified besides. It seems to me this section of the bill is just.

It should be remembered no provision was made for these claims until March 3, 1871. Claimants had only two years to file their claims. There are doubtless some, but probably not a very great number of persons whose claims have not been presented, either because they were not informed of the law, or were unable to incur the expense necessary to prepare and present them. I know there is danger that some fraudulent claims may be presented, and that as ten years, more or less, have elapsed since the claims arose, it may be difficult to secure evidence to meet attempts at fraud; but all these are circumstances which the commissioners may and should consider, and require convincing proof accordingly.

It is better to incur the risk of some fraud than deny to meritorious loyal citizens a payment which the policy of the law has accorded to so many. Equity delights in equality. Justice should be done alike to all. I cannot enumerate the causes which have delayed the presentation of claims. I will refer to one. The Tennessee Legislature passed an act February 19, 1868, appointing a commission to audit and state the amount of property taken from or damages done to loyal citizens of that State by our military authorities during the rebellion, with a view to procure payment from Congress. These claims were presented and proof made in numerous cases. They very often included some items for "stores or supplies taken or furnished for the use of the Army," and others for "damages," which the Government is under no obligation to pay and probably never will pay. The claimants, often supposing some provision would be made for all these or perhaps that State officers in Tennessee would see to their collection, omitted to present to the commissioners of claims the items which they could have properly considered. One claim of this kind is now before the Committee on War Claims, from the widow of the late Governor James C. Jones, of Tennessee.

I hope no objection will be made to the first section of the bill. No general extension of time will probably ever again be asked or granted.

Mr. MAYNARD. These claims have been presented at considerable expense. The great body of them—I do not mean all, but the people, who did not keep themselves informed of the Statutes at Large, supposed they had made out their cases and they would get a hearing.

Mr. LAWRENCE. The object of this section of the bill is to meet cases of that sort, and claims also on behalf of indigent persons who perhaps did not learn of the existence of the law or had not the means to present their cases. I hope no objection will be made to this provision of the bill. I will not occupy any further time in explaining it.

The second section explains itself. The necessity and propriety of it are apparent. It requires every petition for the allowance of a claim to state it by items in detail. It requires a statement of all

payments made on account of property taken, furnished, or used by the military forces of the United States.

This is designed to secure credit to the Government for all payments made by officers of the Army, by soldiers, or otherwise.

In some instances military officers in the field made payments for stores and supplies of which no record in detail is preserved in the War Department, and if claimants again demand payment it is intended they shall do so under the risk of indictment for perjury.

Section 3 of the bill proposes to increase the number of agents to be employed by the commissioners of claims from three to five; it proposes also to increase the number of clerks. This is one of the most essential and valuable provisions of the bill.

The commissioners of claims in their third annual report of December last say:

The whole number of claims presented to the commissioners is 22,298.
The gross amount of all the claims filed is $60,258,150.44.
The number disposed of in our—

First report was	580
Second report was	2,209
(This) third report is	2,465
Total	5,254

The aggregate amount of the claims so passed upon is $10,224,386.32.
There remain, therefore, 17,044 claims, amounting to $50,033,764.12, yet to be disposed of.

The duty of agents is defined in the act of March 3, 1873, as follows:

SEC. 3. That the commissioners of claims may appoint and employ agents, but not more than three at any time, whose duty it shall be, under the direction and authority of said commissioners, to investigate claims pending before them, to procure evidence, to secure the attendance of witnesses on behalf of the Government, and to examine the same, and to cross-examine the witnesses produced by claimants, and to perform such other duties as may be required of them by said commissioners, who may discharge them at any time.

These agents are required to travel all over the eleven States proclaimed in insurrection, procure witnesses, ascertain facts, and take testimony before commissioners appointed under section 1 of the act of March 3, 1873, which is as follows:

That the commissioners of claims shall have authority to appoint special commissioners to take testimony, to be used in cases pending before them, who shall have authority to administer oaths and affirmations, and to take the depositions of witnesses: *Provided*, The claimants shall pay the fees of such special commissioners for taking the depositions of witnesses called by them; but such fees shall in no case exceed ten cents per folio if the claim is less than $1,000.

To understand the necessity for additional agents it is important to bear in mind some facts. Up to December last in a little over two and a half years the commissioners had examined and allowed 5,254 claims.

In the third annual report the commissioners say:

3. We present herewith special reports in 2,465 cases. Of this number there are—

Wholly disallowed	1,373
Allowed in whole or in part	1,092
Total	2,465

Of the number *disallowed*, 249 are claimants who have served in the confederate army or furnished a substitute; and 56 are of persons who were in the civil service of the confederacy, or who took the oath of allegiance to the confederacy.

Of the number *allowed*, 164 are persons who served in the United States Army.

The aggregate amount claimed in these 2,465 cases is $4,717,887.29.

Amount allowed	$643,713 04
Amount disallowed	4,074,174 25
Total	4,717,887 29

Many cases, especially from Alabama, Mississippi, and Louisiana, remain in our hands, heard, partly examined, but not finished, because our special agents have not been able to find time to examine them and report to us.

This proves two points: first, the necessity of investigation, and second, that more agents are required to perform the labor.

When 2,465 claimants ask for $4,717,887.29 and are only entitled to $643,713.04, the necessity for investigation is clear. But it is further shown by the fact that out of 2,465 claimants, more than half—1,373—were entitled to no allowance. Some of these were rejected because they were claims over which the commissioners had no jurisdiction, but most of them for disloyalty, and many for want of adequate proof

In further support of the necessity for additional agents and clerks, Judge Aldis, the able chairman of the commissioners of claims, in a communication addressed to the Committee of War Claims, which will be found in a report made by the committee on the 9th of February last, says:

2. Of the seventeen thousand claims, about fifteen hundred have been partially examined, and are suspended for further investigation. These suspended cases are of the most difficult character, and their thorough investigation involves many inquiries and much labor and correspondence. In each case the commissioner examining it makes memorandums of the points to which the inquiries should be directed and the names of persons who may have information. This work of inquiry, investigation, and correspondence ought to be done at the time the claim is being examined. The committee will perceive that the aid of a clerk, acting with and under the supervision of the commissioner, would be of great service in these suspended cases, by securing more thorough investigation, and saving the time of the commissioners. Omissions to inquire and investigate may well happen to a commissioner on account of the pressure of business and the want of time, which the industry of the assistant might prevent.

3. Besides the great body of claims in which the evidence is mainly in depositions, there are about one thousand claims (those over $10,000) in which the law requires that the witnesses shall be produced before us and examined orally. Hence, for six months of each year we are occupied for four days in every week in examining witnesses orally. The magnitude of these claims and the advantage of oral examinations of witnesses doubtless fully justify this considerable expenditure of time upon them. But it leaves us with a narrow margin of time for the transaction of all our other official business, and especially for the examining and reporting upon the cases wholly on paper. In order to do justice to claimants and speed the allowance and payment of loyal and honest claims, where the evidence rests wholly in depositions, we have been obliged to do much extra work and to spend much time beyond the usual hours of labor. We respectfully suggest that by the employment of a few clerks we may be relieved from that kind of work which a clerk may well do, and thus may be enabled to devote more time to the proper work of the commission—to that work in examining and weighing evidence, in deciding cases, and making our reports, which by law is specially confided to the commissioners, and which alone they can do.

We believe that the employment by each commissioner of a clerk, to be employed in the investigation of claims, will greatly speed the work of the commission and enable it to be done better. It is a real economy thus to forward the work of the commission. Justice to the loyal and honest claimants requires that their just claims, which have remained unpaid for ten years, should be paid soon, and that all reasonable means for forwarding the investigation of them should be furnished to the commission. It is for the interest of the Government that they should be investigated as soon as possible, for by the lapse of time and the death of witnesses the opportunity to defraud the Government by perjury and fabricated evidence constantly and rapidly increases.

I venture to say that in my judgment a failure to provide for the proposed additional agents and clerks will entail a loss to the Government of $5,000,000.

I feel it a duty, then, to urge this section of the bill on the score of economy, of justice to honest claimants and the Government.

One of the amendments to the bill proposes to create two additional commissioners of claims, to continue in office until March 10, 1877. This will make the number in all five. It is proposed that any two, with the assent of the president of the board, shall be competent to make a report. This will give two boards to investigate claims. All the reasons for the appointment of new agents and clerks prove the necessity of the additional commissioners.

Unless this is done years and years will elapse before the claims can all be considered. Whatever money is due to claimants under the act of March 3, 1871, should in all conscience be promptly determined and paid. The delay is a wrong, and a national disgrace.

Mr. KELLOGG. I understand the gentleman to say that there is a recommendation for the appointment of two additional commissioners.

Mr. LAWRENCE. I am not aware that there is any recommendation for the appointment of additional commissioners The bill contains a provision for the appointment of additional agents and commissioners of claims. It is not very likely that the commissioners of claims would themselves make a recommendation for the appointment of additional commissioners. But this recommendation is made by the Committee on War Claims. After an examination of the multitude of claims that have come before these commissioners, the Committee on War Claims have come to the conclusion that justice to the claimants and the protection of the Government require these additional agents and commissioners.

Mr. HARRISON. I hope the gentleman will yield to me for a moment for a question.

Mr. LAWRENCE. Certainly.

Mr. HARRISON. By the third section of the bill authority is given to the commissioners to appoint five agents instead of the three now authorized to investigate and report upon claims. Those agents are authorized to take testimony. I understand the custom has been in making this investigation which is reported to the commissioners that the parties have not had the opportunity of being present when the testimony was taken and cross-examining the witnesses. I wish to call the attention of the House to the injustice of the practice to the claimants. I hope before the conclusion of the discussion and before the bill is voted on the chairman of the Committee on War Claims will permit me to present an amendment to the effect that no testimony taken by these agents and reported to the commissioners shall be received unless the parties had the opportunity of being present and cross-examining the witnesses.

Mr. LAWRENCE. It may be difficult to change the practice of the commissioners. The claimants take their testimony, except in cases involving over $10,000, *ex parte* and without notice to the commissioners of claims. It is *ex parte* on both sides; but the commissioners now have power by a rule to prescribe that the testimony may on both sides be taken under oath and on notice. That power exists, and the commissioners can very properly exercise discretion. I hope gentlemen will not embarrass this bill with any attempt now to legislate where legislation is unnecessary. In some cases it might defeat the possibility of procuring evidence if notice should be required. It would make delay. And in districts with a strong disloyal population, loyal men would not always dare to tell, or freely tell, all they know as to the disloyalty of claimants if they were to have notice of it.

Mr. BUTLER, of Tennessee. I do not think that the gentleman's statement about the testimony being *ex parte* is correct. The evidence is taken by the commissioner on the part of the Government. He takes the testimony, not the claimant at all. If it is *ex parte* it is *ex parte* on the side of the Government—the whole of it.

Mr. LAWRENCE. I am speaking of the agents. Now, it is the business of the agents to hunt up witnesses and to take testimony. The commissioners are merely officers before whom the evidence is taken. They do not take testimony except as a notary public does. They are merely the officers who administer the oaths and before whom the testimony is taken.

Mr. HARRIS, of Virginia. I desire to ask the gentleman from Ohio

a question on that point. While the agent is carrying in his pocket a list of interrogatories prepared by the commissioners in Washington of the most stringent and searching character and a form of cross-examination, and when each witness is subjected to that cross-examination according to a printed form, and must answer each and every question put by the commissioners here, does not this make the testimony *ex parte* in favor of the Government and not in favor of the claimant?

Mr. LAWRENCE. It is all right that there should be searching inquiries. Certainly no just claimant has any right to object to that.

I now call the attention of the House to another provision of the bill.

The fourth section of the bill provides—

That whenever the commissioners are satisfied that a claim is fraudulent in whole or in part, or that the claimant is corruptly attempting to procure, by fraud, false evidence, or collusion, the allowance of a claim, in whole or in part, it shall be their duty to disallow the entire claim.

This applies to claimants a salutary rule. It is an admonition to them that "honesty is the best policy." It is designed to promote public and private morals. It is substantially the rule applied in the Court of Claims by the eleventh section of the act of March 3, 1863, (12 Statutes, 767.) The payments made to these claimants are all gratuities—they flow from the bounty of Congress. And it has been well and truly said—

That he who asks equity should do equity, that he who appeals to the discretion and to the generosity * * * of a power or tribunal should be clean-handed as the first step, as the first title to be heard. If he comes with his hands soiled, if he comes as one seeking to overreach, to snatch from the Treasury a sum of money to which beyond all peradventure we are authorized * * * to say he was never entitled, he discredits himself, he discredits his claim, and * * * he gives up the day to which he is entitled in court, provided his case be as this case is, only an appeal to generosity and to discretion. (ROSCOE CONKLING, in Senate, May 15, 1874.)

The next section of the bill is designed to define and prescribe a punishment for perjury, and in the form in which I propose to amend it will read as follows:

SEC. 5. That every person who knowingly and willfully swears falsely in any oath or affidavit which is or may be authorized by law, or in any oath taken or affidavit made, to be used as evidence in any court, or before either House of Congress or any committee or officer thereof, or before any officer or person acting under the authority of the Constitution or law, shall be deemed guilty of perjury, and shall be punished by fine not more than $2,000, or imprisonment at hard labor not more than five years, or both, in the discretion of the court. And in every case where such oath or affidavit is subscribed by the person making the same, proof of such fact shall be sufficient evidence of the official authority of the person before whom the same purports to be made or taken to administer and certify said oath or affidavit.

All offenses heretofore committed may be prosecuted or punished, in the same manner as if this act had not been passed.

As the bill authorizes agents to administer oaths, it was deemed a matter of prudence to make it perjury to swear falsely in the oaths they might administer. In declaring thus, at least as a matter of prudence, by way of abundant caution, the usage of Congress has been pursued. The commissioner who recently revised the statutes declared that—

The legislative practice is to affix the pains and penalties of perjury anew every time an oath is required in any statute to be taken either before a judicial or administrative officer. (House Report No. 91, first session Forty-third Congress, page 3.)

This was done in the act of May 11, 1872, relating to the commissioners of claims. The result is, as the commissioners say, that we now have somewhere from forty to sixty perjury statutes. These were all so narrow or limited in their operation that the commissioners recommended a new perjury statute more comprehensive than any in existence.

The *existing state of the law* is now embodied in the new Revised Statutes, which did not undertake to make any *new law*, in these words:

SEC. 5460. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than $2,000, and by imprisonment at hard labor not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

SEC. 5461. Every person who procures another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed.

Congress has for many years been examining claims on *ex parte* affidavits made to accompany petitions thereafter to be presented to Congress in support of such claims. Vast millions have been appropriated in payment of claims allowed on these affidavits. And yet it is a remarkable fact that it is not legal perjury to swear falsely in any such affidavits. It is possibly doubtful if it is legal perjury to swear falsely in any affidavit made in support of a claim presented to Congress in the ordinary mode. I have drawn the proposed perjury section and submitted it to several very able lawyers in this House, and according to my understanding it meets their entire approval.

Among these are the chairman of the Judiciary Committee, [Mr. BUTLER,] the gentleman from Massachusetts, [Mr. G. F. HOAR,] with whom I have the honor to be associated on the Committee on the Revision of the Laws, and the chairman of that committee, [Mr. POLAND,] and others.

The seventh section proposes to transfer claims within the jurisdiction of the commissioners of claims from the Quartermaster and Commissary Departments to the commissioners.

The Quartermaster's Department holds that it has jurisdiction of such claims, while the Commissary Department on the contrary holds that the act of March 3, 1871, creating the commissioners of claims, gives them exclusive jurisdiction of all claims for commissary supplies arising during the war in the States proclaimed in insurrection. It is better to have one uniform jurisdiction. While this double jurisdiction exists there is some danger that claimants will, as they are doing, prosecute claims both before the commissioners and in the Quartermaster's Department, and in a few instances the same claim has been twice paid.

The same claim may be fraudulently prosecuted in the name of different claimants.

I now come to a provision of the bill which I deem of the utmost importance. It is as follows:

SEC. 8. That the commissioners of claims shall receive, examine, and consider the justice and validity of such claims, growing out of the late war of the rebellion, as may be referred to them by either House of Congress, upon the recommendation of a standing committee; and said commissioners shall make report of their proceedings, and of each claim considered by them, with the evidence in relation thereto, and their conclusions of law and fact thereon, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before said House.

The purpose of this provision is to withdraw from Congress as far as possible the investigation of facts and the consideration of claims. There are so many reasons in favor of this change that I cannot fully state or present them. My experience on the Committee on War Claims has more than ever before satisfied me of the urgent demand for a change in the mode of examining claims.

There are four considerations in favor of the change which I will first mention. They are: (1,) the impossibility of properly investigating in Congress all the claims which require examination; (2,) the unjust reproach which the investigation brings upon Congress; (3,) the danger of frauds practiced upon Congress; and (4) the possibility of fraud or corruption in connection with some of the claims. In support of these suggestions let me present what is said by a distinguished judge of the Court of Claims. In Brown *vs.* The United States (6 Court of Claims Reports, 191,) Judge Nott says:

When the work of establishing the Court of Claims was before Congress, it appeared by the reports of their own committees that as long ago as in 1848, of 17,573 private claims which within ten years had been presented to Congress, 8,948 had never been in any way acted upon, and but 910 had passed both Houses. (Report by Hon. J. N. Rockwell, from Committee on Claims, House of Representatives, April 26, 1848, first session Thirtieth Congress, volume 3, No. 498.) That such a number of American citizens should have been left by their own Government without a hearing, and to that extent at least without redress, was of itself a great and grievous wrong. But while the great mass of creditors were left unheard, claims of doubtful character passed through Congress, some in forms which attracted attention, and others of which the country never heard, in the dubious disguise of *ex parte* arbitrations and awards.

The same melancholy history of justice denied or long delayed distinguishes the whole period since April, 1848. There have been presented to the Committee on War Claims during this session of Congress about 1,184 claims, besides 2,465 reported from the commissioners of claims, and there yet remain undisposed of about 1,000 claims besides the claims reported rejected by the commissioners of claims. The House and Senate Committees on Claims are abundantly crowded, and besides all this claims are increasing and accumulating. It is utterly impossible that these ever can or will be properly investigated by any committee during the hurried and busy sessions of Congress. A portion of the claims *only* can be examined, and in the contest for precedence there is danger that claimants who can secure the most persuasive and powerful friends may belong to the favored few who will be heard, while over the crowd of claims preferred on behalf of the more humble and lowly the only and sorry consolation afforded may be expressed in the fearful and fatal words:

Occupet extremum scabies.

And unfortunately there is danger that the most meritorious claims may be among the unfortunate class. A claim is not always importunate in proportion to its merits. A want of merit may fortify by a zeal entirely worthy of a better cause. But I proceed to quote again from the case to which I have referred in the Court of Claims.

Mr. Judge Nott says:

Moreover, the vast number of claims pressing upon Congress had surrounded the national Legislature with influences importunate, if not corrupt, and the passage of some doubtful claims of large amounts had aroused public suspicion and lowered the character of Congress in the public mind.

About the same time, too, a seal was set upon the degradation of one of the Houses by the expulsion of three members for receiving bribes for the prosecution through Congress of private claims. The proceedings will be found in the Congressional Globe for the third session of the Thirty-fourth Congress, under the expressive title of "Corruption of members of Congress." Finally, the public credit had suffered, and the Government, like all irresponsible purchasers, was compelled to pay more in the market for what it bought than many of its own citizens, and the most prudent merchants and skillful manufacturers of the country refused to deal with it as a customer, which held itself above all legal means of redress. To remedy these great mischiefs the statesmanship of the day devised the Court of Claims. * * * * * * *

The investigation of claims in Congress brings unjust reproach on this the highest legislative body of the land. Only a few days since, on the 23d day of May, the Washington Chronicle, published under the shadow of the Capitol, said:

Claimants are very much disgusted with certain Senators who insist upon knowing what the nature of a claim against the Government is before they consent to the

Senate acting upon it. A distinguished member of the Lower House the other day, who was friendly to a claimant whose bill had passed the House but which was laid over in the Senate, was heard to exclaim, "D——n a man who opposes a bill because he don't know what it means."

I would withdraw from Congress the investigation of claims, so that even unjust accusations should not be heralded over the land to bring reproach upon the nation.

Congress is always in great danger of being imposed on by claims fraudulent in character or amount. This danger is almost inseparable from the system now pursued of considering claims.

A committee of Congress is not a court. No means have been provided to hunt up evidence and search for witnesses and take testimony for the Government. The evidence is generally *ex parte* and only on the side of the claimant. This enables claimants to pursue and renew claims year after year, and one allowance often stimulates new demands.

This is well illustrated in the case to which I have already referred in the Court of Claims. The learned judge, in a note to that case, says of a certain claim often before Congress:

The first case in the first volume of the reports of this court (Gordon's case, 1 Court Claims Reports, page 1) discloses these extraordinary facts: There was allowed to the claimant for property destroyed by United States troops $8,873; then $100 for an error of calculation in the first "award;" then $8,997.94 for interest; then $10,004.89 for more interest; then $39,217.50 for property previously found not to have been destroyed by United States troops; and finally $66,519.85 on a "revision" of the previous "awards."

But even this record of a famous and almost immortal case did not quiet its undying demand. Mark Twain wrote its history, and gave what he alleges were "the facts in the case of (the claim of the heirs of) George Fisher, deceased," in the January (1871) number of the New York Galaxy, page 152, and he concludes by saying:

It is my belief that as long as the continent of America holds together the heirs of George Fisher, deceased, will still make pilgrimages to Washington from the swamps of Florida to plead for just a little more cash on their bill of damages; even when they received the last of that $67,000 they said it was only one-fourth what the Government owed them on that infernal corn-field; * * * This is not the only hereditary fraud (if fraud it is, which I have before repeatedly remarked is not proven) that is being quietly handed down from generation to generation of fathers and sons through the persecuted Treasury of the United States.

Mark Twain was not mistaken. The heirs of George Fisher appeared in this Congress, and House Report No. 330, first session Forty-third Congress, made I know honestly and in perfect good faith by the Committee on Military Affairs, March 27, 1874, concludes that—

The claim has been acknowledged to be just so often, that it is useless for your committee to go further into the details of the case; and your committee sees no reason to doubt that the sum of $34,952, with interest, according to the award of the Secretary of War, subject to sums of money paid, is still due the claimants in this case. But in view of the almost invariable practice of the Government in such cases established in the last few years and of the large amount of interest due in this case, your committee recommend a proviso to this bill limiting payment under it to $16,848, the principal sum due; and with this proviso they recommend the passage of the bill.

(And see Senate Report No. 518, third session, Forty-second Congress, February 27, 1873.) On subsequent consideration the report was recommitted to the committee for further examination. There is danger that it may sleep perhaps until the sublime nonsense of "rotation in office" shall take from these Halls those who are most familiar with its merits, when it will doubtless reappear, and for aught I know it may be justly, again in the garb of injured innocence.

I do not undertake to say whether the claim is just or unjust. But it proves one thing, that some tribunal should be provided where an early hearing can be had when evidence is fresh, when both sides may be heard, and an award made which shall be regarded as final.

One of the evils of attempting to hear claims in Congress, then, is that too many of them *never die;* they are never *finally* decided; they "flourish in immortal youth."

But if claims are referred to the commissioners of claims, the evidence will be taken on both sides; it will be reported to Congress and preserved. Their report will generally be final. An effort to renew the conflict will arouse a proper watchfulness, criminal fraud will be discouraged, the public morals promoted, and the Treasury saved from plunder.

Congress will be relieved in large measure of the importunities of claimants and claim agents. I do not mean or seek to disparage any of these; but I would send them to another tribunal, which, unlike Congress, should always be open to every claimant and every honest and honorable claim agent or attorney. Let this be done, and then the public business will not suffer, as now, by time and attention devoted to private claims.

The occupation of those who sometimes hope, however erroneously, to carry claims through by personal or political influence, on grounds of friendship or favor or to promote political prospects, will be "gone," it is hoped forever—

Gone, where the woodbine twineth.

The act of March 3, 1863, amending the act establishing the Court of Claims, sought to avoid all these evils by providing (12 Statutes, 765, section 2) as follows:

That all petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, express or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which the same are presented or introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents, to the court aforesaid.

But this in practice has failed, for two reasons. The jurisdiction only extends to three classes of claims; and as to this it has been a failure, because the provision "unless otherwise ordered" has totally defeated its object. It is always "ordered" that claims when presented shall go to committees.

It is in fact not possible that the Court of Claims could hear all claims presented to Congress; and another tribunal is needed, with no limitation on its jurisdiction except the discretion of either House of Congress in referring claims.

The commissioners of claims have the best machinery yet devised to secure evenhanded justice, alike to claimants and the Government. Our experience with these commissioners proves the wisdom of providing such a tribunal. It is composed of able and upright men who have discharged these arduous duties with singular ability and fidelity. This tribunal and the Court of Claims are both needed. Both should be made permanent. Each should be a *court.*

We may learn wisdom from the practice in England. There every subject of Victoria and every alien has a remedy by "petition of right," which is heard in the courts. It is regulated by the statute of 23 and 24 Victoria, and it is shown in Brown *vs.* The United States (6 Court of Claims Reports, page 191) that it covers almost every conceivable case where a claim can be preferred against the Government of Great Britain. (House Report No. 262, first session Forty-third Congress, page 2, note 2.)

Such claims, so far as I can ascertain, do not go to Parliament. There is no committee of claims either in the Lords or Commons in England. And it is shown in Sir Erskine May's Parliamentary Practice that all private bills for other purposes are considered with a scrutiny and care which might well be adopted here both for the credit of Congress and in justice to the Government and all concerned. They are investigated by "examiners," one of whom

Is required to give at least seven clear days' notice in the private-bill office of the Commons of the day appointed for the examination of each petition. * * * The public sitting of the examiners commence on the 18th of January, being about a fortnight before the meeting of Parliament.

Witnesses are examined, and every precaution is taken to secure a knowledge of every material fact to ascertain the truth and guard the public interest, as well as to do justice to all "whom it may concern."

Parliament is so omnipotent that it can exercise judicial power, but even with this it does not venture to examine mere claims.

Mr. MAYNARD. It was originally provided that the Court of Claims should have jurisdiction of all cases sent to it by resolution of either House of Congress. I am not aware that we have in recent years sent claims to them for adjudication. It has been by no means a usual thing for committees to make such a recommendation.

Mr. LAWRENCE. I have said that. And now we propose to provide a tribunal to which all claims may go. Though we cannot compel either House of Congress to send claims, for one I shall advocate the propriety of sending every claim there, where there can be the least controversy over any question of fact connected with it.

Mr. MAYNARD. I wish to ask the gentleman a further question. Many of these cases are in the nature of claims *ex contractu,* and I ask whether it would not be proper and fair to send them to the Court of Claims?

Mr. LAWRENCE. The Court of Claims already has jurisdiction in cases of contract, express or implied, and in cases founded on any regulations of the Executive Departments. And now I propose to provide a tribunal to which claims may go over which the Court of Claims now has no jurisdiction. The Court of Claims, as I have said, has a limited jurisdiction; but there are many claims coming up outside of contracts, express or implied, and outside of claims founded on regulations of Executive Departments; and I propose that Congress shall have the right to send claims other than these to the commissioners of claims.

It might well be urged here that it is a duty of Congress to establish a *court* with power to hear *all claims* of whatever character, and that this power to consider and pass on claims is a judicial function which cannot properly be exercised by Congress.

The Constitution provides that—

The judicial power shall extend to controversies to *which the United States shall be a party.*

At the time this was adopted the "petition of right" was a recognized common-law mode of reaching the courts of England with claims against the government. It is fair to presume the Constitution was designed to give an equivalent remedy.

It has been urged with much force that—

The Government is composed of three co-ordinate branches: the legislative, judiciary, and executive, to each one of which are delegated certain powers and duties. It is the duty of the legislative department to provide the means or remedies by which the right of parties may be determined, but not to pass upon or determine such rights. This latter power is exclusively vested in the judiciary. It is therefore not within the power of the legislative body to pass any act of a judicial nature. Jones *vs.* Perry, 10 Yerger, 59; Holden *vs.* Jarvis, 11 Massachusetts, 400; Picquet's Appeal, 5 Pickering, 65; Lewis *vs.* Webb, 3 Greenleaf, 326; *Ex parte* to Bedford, Jurist and Law Magazine for October, 1833, page 301, 4 New Hampshire, 572; Lane *vs.* Dorman, 3 Scammon, 235; Davenport *vs.* Wood, 11 Illinois, 551.

But I will not pursue this inquiry.

The Court of Claims has said in the case of Brown *vs.* The United States that—

Our popular orators and writers have impressed upon the public mind the belief that in this Republic of ours private rights receive unequaled protection from the

Government; and some have actually pointed to the establishment of this court as a sublime spectacle to be seen nowhere else on earth. The action of a former Congress, however, in requiring (act July 27, 1868, 15 Statutes at Large, 243) that aliens should not maintain certain suits here unless their own governments accord a corresponding right to citizens of the United States, has revealed the fact that the legal redress given to a citizen of the United States, against the United States is less than he can have against almost any government in Christendom.

The laws of other nations have been produced and proved in this court, and the mortifying fact is judicially established that the Government of the United States holds itself, of nearly all governments, the least amenable to the law.

Of all the governments of Europe, it is believed that Russia alone does not hold the state amenable in matters of property to the law. Of all the countries whose laws have been examined in this court, Spain only resembles the United States in fettering the judicial proceedings of her courts by restrictions and leaving the execution of their decrees dependent upon the legislative will.

And now I call attention to an additional section of the bill of great importance, as follows:

SEC. —. That any court of the United States shall have jurisdiction of and power to hear and determine all claims and rights of action against the United States which shall be presented to the Secretary of State, by petition, in the nature of a petition of right, and which shall be by him referred to said court, and all claims and rights of action which shall be referred to said court by the President of the United States or by either House of Congress. An appeal shall be allowed from all judgments rendered as in other cases.

One of the objects of this provision is to give to aliens the right to have their claims against the Government passed on by a proper tribunal. Only those aliens can sue in the Court of Claims who are—

Citizens or subjects of any government which accords to citizens of the United States the right to prosecute claims against such government in its courts. (15 Statutes, 243.)

This gives the right to sue to citizens or subjects of nearly all the civilized powers. For it is shown in Fichera *vs.* The United States (9 Court Claims Reports) that nearly all foreign governments allow our citizens to sue them in their courts for almost every description of claim. In that case Judge Nott says:

As we have before found, the perfected justice of the civil law made the Government, in matters of ordinary obligation, subject to the suit of the citizen, in the ordinary tribunals of the country. We have found this right to be preserved under modern codes in Prussia, Hanover, and Bavaria, (Brown's case, 5 Court of Claims Reports, page 571;) in the republic of Switzerland, (Lobsiger's case, *id.*, page 687;) in Holland, the Netherlands, the Hanseatic Provinces, and the Free City of Hamburg, (Brown's case, 6 Court of Claims Reports, page 193;) in France, (Dauphin's case, *id.*, page 221;) in Spain, (Molina's case, *id.*, page 269;) and in Belgium, (De Gives's case, 7 Court of Claims Reports, page 519.)

It was also shown in Brown's case, (5 Court of Claims Reports, page 571,) by a distinguished historical writer who was examined as a witness, Mr. Frederick Kapp, that this liability of a government under the civil law is not a device of modern civilization, but has been deemed inherent in the system, and has been so long established that, to use the phrase of the common law, the memory of man runneth not to the contrary. Therefore it is to be expected that in Italy, the seat and fountain of the civil law, this same liability of government is to be found existing. The "Civil Code of the Kingdom of Italy" of 1866 recognizes rather than establishes the fundamental principle of liability; but it expressly provides (article 10) that "in suits pending before the judicial authority between private persons and the public administration the proceedings shall always take place formally at the regular session."

It is also provided, by the third article of the same code, that "the alien is admitted to enjoy all the civil rights granted to citizens." These provisions establish the right of an Italian citizen to maintain his action in this court, within the meaning of the act July 27, 1868, (15 Statutes, page 243, section 2,) which prohibits the subject of a foreign government from maintaining a suit for captured property, unless "the right to prosecute claims against such government in its courts" is reciprocal, and extends to citizens of the United States.

In England aliens have a remedy by "petition of right," regulated by act 23 and 24 Victoria, July 3, 1860; United States *vs.* O'Keefe, 11 Wallace, 179; Carlisle *vs.* United States, 16 Wallace, 148. (See Whiting's War Powers of the President, 51; The Venus, 8 Cranch; The Hoop, 1 Robinson, 196; The Army Warwick. Sprague, J.)

(See Whiting's "War Claims," affixed to forty-third edition of "War Powers," page 333, edition of 1871; Perrin *vs.* United States, 4 Court Claims, 547.)

But the jurisdiction of the Court of Claims is limited, so that the remedy for injuries is entirely inadequate.

The act of March 3, 1863, (12 Statutes, 765, section 9,) denies the court the power to hear—

Any claim growing out of or dependent on any treaty stipulation.

This cuts off many of the most important claims.

Then its jurisdiction does not extend to torts such as our citizens demand redress for from other governments, and such as we should compensate to citizens or subjects of other powers.

In a letter dated February 27, 1874, the Secretary of State makes the following statement of reasons why a law should be enacted for disposing of alien war claims:

During and after the late war many claims were presented by representatives of foreign powers, for injuries alleged to have been suffered by citizens or subjects of such powers, arising out of acts committed against their persons or property during the war. Especially were such claims presented on behalf of citizens or subjects of Great Britain, France, Germany, and Italy.

No recognition has been made of any possible liability for the claims advanced by the representatives of France, Germany, or Italy. But by the treaty known as the treaty of Washington it was agreed that the British claims arising out of such acts committed between April 13, 1861, and April 9, 1865, should be submitted to arbitration. The result of this arbitration is thus described in the last annual message of the President:

It was awarded that the Government of the United States should pay to the government of Her Britannic Majesty, within twelve months from the date of the award, the sum of $1,929,819 in gold. The commission disallowed all other claims of British subjects against the United States. The amount of the claims presented by the British government, but disallowed or dismissed, is understood to be about $93,000,000.

These proceedings practically worked a preference of this class of British claims over all others. It left unrecognized, and without means provided for adjudicating upon, first, the claims of other governments, (as France, Germany, and Italy,) and, second, British claims later than April 9, 1865.

It cannot be doubted that the United States rightfully exercised acts of war after the 9th of April, 1865. That was the date of Lee's surrender. A state of war continued after that time which rendered necessary many or all of the acts which are complained of, and those acts when sifted will probably prove to constitute as little foundation for claims against the United States as the acts committed within the date named in the treaty of Washington.

The powers whose subjects have had their claims deferred to those of British subjects, as well as Great Britain herself, on behalf of British subjects whose claims arose after April 9, 1865, stand ready to ask us to decide upon the validity of their claims. What answer can the Department of State make to such a request?

It is a fact that claims of our citizens against France and the Prussian Empire, growing out of the Franco-Prussian war, have been heard in the courts of those nations, adjudicated, and paid, while our Government has thus far neglected to make any provision for the consideration or payment of claims of citizens of those powers against the United States growing out of acts of our Government and military authorities during the rebellion. National honor, honesty, and justice all demand of us that we no longer delay.

If this section is adopted it will give a remedy. Upon the principle decided in Diekelman *vs.* The United States, recently determined in the Court of Claims, the reference of an alien claim to any court will secure a decision upon the law applicable to it. Claims *heretofore existing* will not be affected by the statute of limitations, and where they grow out of, or depend on, any principle of international law they will be decided by that law.

By another section of the proposed amendments it is declared that the provisions of the act of March 2, 1863, to prevent and punish frauds upon the Government, shall be made applicable to a time of peace. That act (12 Statutes, 696) provides for punishing persons in the military or naval service by court-martial who "in time of war" knowingly make or present fraudulent claims.

There is no reason why such acts should not be punished in time of peace.

The thirtieth section of the act of March 2, 1867, (14 Statutes, 484) does not reach all cases of single individual frauds.

I have thus adverted to some of the prominent features of the bill, and I trust it will receive the sanction of the House.

Now, Mr. Speaker, I have briefly gone over the provisions of this bill. I hope there will be no objection to any of its provisions. I hope that Congress will pass the bill. I believe that the cause of justice will be promoted by it and the interests of the Government secured.

My constituents have no interest in this bill. I have urged it only to do justice to the loyal people of the South, to do justice to citizens and subjects of friendly foreign powers, to do justice to the Government.

Pass this bill and in two years the great body of the sixteen thousand claims now before the commissioners of claims, and the thousand claims presented in this Congress and yet undisposed of in the Committee of War Claims, and other hundreds of claims before the Committee of Claims and in the Senate, and other hundreds yet to come, can all be disposed of, and the loyal claimants of the South will rejoice in the liberality of the Government and the speedy payment of all just claims. In one year much of this work can be done. Every southern claimant is interested in it. But if this bill is defeated five years will not see these claims considered and paid. If any Representative from the South is ready to oppose this bill or defeat it, the responsibility will be with him. For one, I am ready to pay every loyal claimant and do so speedily. Delay is bringing ruin to thousands of men. They appeal to us for speedy justice, and if there be delay it shall be no fault of mine.

I know some gentlemen want additional claims of a different character brought within the jurisdiction of the commissioners of claims. But if they insist on this they cannot hope to succeed. Their failure can be no excuse, no justification for throwing obstacles in the way of this bill. Let us support this measure for the good it will do. Let no gentleman grasp at a shadow and thereby gain nothing, but lose the good he now has in prospect.

I am directed by the Committee on War Claims to permit the gentleman from North Carolina [Mr. COBB] to offer an amendment consisting of three sections; but I will state that the Committee on War Claims refused to ingraft that amendment on the bill, and I hope the House will vote it down. He has leave, however, to offer the amendment, and when he has done so I shall ask the previous question on the bill and the amendments, reserving only to the gentleman from Iowa [Mr. KASSON] the right to offer an amendment which he proposes, and to which I think there will be no objection.

Mr. FORT. I desire to ask the gentleman whether he proposes to allow any other amendments to be offered?

Mr. LAWRENCE. I do not; it will only embarrass the bill, and if the bill has any friends, I hope they will stand by the demand for the previous question.

Mr. COBB, of North Carolina. I offer the following as additional sections to the bill:

SEC. —. That the term "stores and supplies," as used in the section and act just named, shall be so construed as to include buildings, other structures, and grounds, used or occupied by the Army or Navy of the United States in the States proclaimed as in insurrection, for barracks, quarters, offices, hospitals, store-houses, wharves, depots, or other military or naval purposes, for periods not less than thirty consecutive days, and that the measure of compensation for such use or occupation shall be the fair rental value of the premises at the time and for the time of occupation or use, and such additional allowance as the said commissioners may in any special case deem fair and equitable for the restoration of the premises to their ordinary uses and objects. But nothing herein or elsewhere contained shall be held to authorize the allowance of any claim for destruction, damage, or depredation incident to a state of war.

SEC. —. That submission to the *de facto* authority of any State or part of a State proclaimed as in insurrection, while the authority and protection of the United States were subverted or in abeyance, or service in the enrolled militia of any State wherein service was compulsory after enrollment under laws enacted previous to the late rebellion, or service in person or by substitute in the forces of the so-called Confederate States, or of any insurrectionary State, or the holding of a local office, shall not be held by said commissioners to be conclusive proof of disloyalty in any case where there may be satisfactory evidence in other respects that the claimant was a loyal adherent of the cause and Government of the United States.

SEC. —. That it shall be the duty of the said commissioners of claims, before reporting any claim examined by them to Congress, to certify the result of their examination of the claim, and of the evidence in support thereof, to the claimant, with notice of the time granted in which to rebut any presumptions or material evidence against the validity of the claim; and should the claimant fail to satisfactorily rebut such adverse presumptions or evidence within the time granted, the commissioners shall make a final report upon the claim, and shall not thereafter review said report or re-examine the claim: *Provided, however*, That the claimant shall be charged with costs for clerical work and postage in all such cases.

Mr. LAWRENCE. I repeat that the amendment offered by the gentleman from North Carolina does not have the indorsement of the Committee on War Claims, and I hope it will be rejected.

Mr. COBB, of North Carolina. I hope the gentleman will state what the vote upon it in the committee was.

Mr. LAWRENCE. I yield now to the gentleman from Iowa, [Mr. KASSON,] and then I shall call the previous question.

Mr. KASSON. I desire to offer an amendment to the amendment offered by the gentleman from Ohio, to insert after the words "right of action" the words "on the part of aliens."

Mr. LAWRENCE. I do not object to that amendment.

Mr. KASSON. I desire also to offer another amendment. The bill uses the language, "any court of the United States." That would include the Supreme Court. I suppose it was intended to mean the district or circuit courts, and I think it should be amended accordingly.

Mr. LAWRENCE. I cannot yield for that amendment. It means either the district or circuit court or the Court of Claims.

Mr. HOLMAN. Will the gentleman from Ohio yield to me to offer an amendment to the last section?

Mr. LAWRENCE. O, no; I cannot.

Mr. KELLOGG. Will the gentleman from Ohio yield to me for a moment. I desire to ask him a question?

Mr. LAWRENCE. I will hear the question.

Mr. KELLOGG. Will the gentleman allow me to test the sense of the House on striking out the section providing for two additional commissioners?

Mr. LAWRENCE. O, no; I cannot do that.

Mr. KELLOGG. I am afraid of this double-headed commission.

Mr. LAWRENCE. I ask the previous question now upon the bill and the four amendments which I have reported from the Committee on War Claims, and the amendment of the gentleman from North Carolina, [Mr. COBB,] and the amendment of the gentleman from Iowa, [Mr. KASSON.]

The SPEAKER *pro tempore*, (Mr. DAWES in the chair.) There are more amendments offered than can be pending under the rules except by unanimous consent.

Mr. HOLMAN. Then I object to the amendment of the gentleman from Iowa, [Mr. KASSON.]

The SPEAKER *pro tempore*. If there be no objection, the amendments which have been offered will be considered as pending.

Mr. HOLMAN. I object.

Mr. GARFIELD. I demand the reading of all the amendments in the order in which they have been offered.

The SPEAKER *pro tempore*. The amendments reported by the gentleman from Ohio from the committee were admitted by unanimous consent, and are pending.

Mr. LAWRENCE. They are in fact one amendment.

The SPEAKER *pro tempore*. The amendment of the gentleman from North Carolina is also pending, and while these amendments are pending the Chair understands the gentleman from Iowa to propose to perfect the text of the bill.

Mr. HOLMAN. That amendment cannot be in order when there are already more than three amendments pending.

Mr. LAWRENCE. I hope it will be agreed to without objection. I will accept the amendment of the gentleman from Iowa as a part of my amendment.

Mr. HOLMAN. The gentleman cannot do that.

Mr. LAWRENCE. Then I move the previous question on my amendments reported from the committee, and when those are disposed of other amendments can come in.

The previous question was seconded, and the main question ordered.

The first amendment reported from the committee was to insert after the word "court," in section 5, the words "before either House of Congress or any committee or officer thereof.

The amendment was agreed to.

The second amendment reported from the committee was to add to section 5 the following:

All offenses heretofore committed may be prosecuted or punished in the same manner as if this act had not passed.

The amendment was agreed to.

The third amendment reported from the committee, as modified [*in italics*] by Mr. LAWRENCE at the suggestion of Mr. KASSON, was read, as follows:

SECTION —. That any court of the United States shall have jurisdiction of, and power to hear and determine, all claims and rights of action *on the part of aliens* against the United States, which shall be presented to the Secretary of State by petition, in the nature of a petition of right, and which shall be by him referred to said court, by the President of the United States, or by either House of Congress. An appeal shall be allowed from all judgments rendered as in other cases.

Mr. BECK. I desire to ask a question.

Mr. HOLMAN. I rise to a question of order. Do I understand the gentleman from Ohio [Mr. LAWRENCE] to have accepted the amendment offered by the gentleman from Iowa, [Mr. KASSON?]

Mr. LAWRENCE. If any member of the Committee on War Claims objects to my accepting that amendment, of course I will not do so. All I designed was to provide for alien claimants, and I hope the gentleman from Indiana [Mr. HOLMAN] will not object.

Mr. HOLMAN. I want a separate vote on that amendment.

Mr. HARRISON. I ask the gentleman to allow my amendment to be read.

Mr. LAWRENCE. I cannot yield.

Mr. BECK. I move to lay the bill on the table, if I cannot have an opportunity to ask a question.

Mr. LAWRENCE. I will not object to a question.

Mr. BECK. The eighth section of this bill provides that no claims can be sent to the commissioners of claims by either House of Congress except upon the recommendation of a standing committee. I understand that to be in the bill as it now stands.

Mr. LAWRENCE. The bill provides that the commissioners of claims shall have the same jurisdiction they now have, and that in addition they shall have jurisdiction of such claims as either House of Congress may send to them.

Mr. BECK. The section to which I refer reads thus:

That the commissioners of claims shall receive, examine, and consider the justice and validity of such claims growing out of the late war of the rebellion as may be referred to them by either House of Congress upon the recommendation of a standing committee, &c.

Mr. LAWRENCE. That is in addition to their present jurisdiction.

Mr. BECK. Why should not Congress have the right to send these claims to these commissioners even if the gentleman from Ohio [Mr. LAWRENCE] and five more like him, making a majority of the Committee on War Claims, should object to it? Why should six men have the right to prevent Congress referring anything to these commissioners?

Mr. LAWRENCE. When I first prepared that section I thought that either House should have the right to refer. But a majority of the committee thought it was best to have an examination by a committee and let the House act upon the recommendation of the committee.

Mr. BECK. That gives six men in the House a veto upon the action of the House.

The question was upon the amendment of Mr. KASSON to the third amendment reported from the committee, to insert after the words "rights of action," where they first occur, the words "on the part of aliens."

The amendment of Mr. KASSON was not agreed to.

The question was upon the third amendment reported from the committee; and upon a division there were—ayes 50, noes 48; no quorum voting.

Tellers were ordered; and Mr. LAWRENCE and Mr. COX were appointed.

The House again divided; and the tellers reported that there were—ayes 96, noes 51.

Before the result of this vote was announced,

Mr. HOLMAN called for the yeas and nays on the amendment.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 18, noes 80; not one-fifth in the affirmative.

Before the result of this vote was announced,

Mr. HOLMAN called for tellers on ordering the yeas and nays.

The question was taken upon ordering tellers; and there were 20 in the affirmative.

So (the affirmative not being one-fifth of a quorum) tellers were not ordered.

The yeas and nays were not ordered.

The amendment was agreed to.

The fourth amendment reported from the committee was read, as follows:

SEC. 10. That the President of the United States be, and is hereby, authorized to nominate, and by and with the advice and consent of the Senate to appoint, in addition to the commissioners of claims now authorized, two commissioners of claims, who shall continue in office until the 10th day of March, 1877, with like powers and duties as the commissioners of claims now in office. Any two commissioners, with the approval of the president of the board of commissioners, shall be competent to make a report, and the president of the board shall assign to the commissioners the claims, to be by them examined, considered, and reported on.

SEC. 11. That the provisions of an act to prevent and punish frauds upon the Government of the United States, approved March 2, 1863, are extended and made applicable to a time of peace, and to persons who shall make, or cause to be made or presented to the commissioners of claims, or to either House of Congress, any claim upon or against the Government of the United States, or any Department or officer thereof, or any evidence in support thereof; and if any person shall fraudulently withdraw or abstract from the files of said commissioners, or from the files of either House of Congress, or of any committee thereof, any document or evidence, every person so offending shall suffer the penalties and be liable to punishment as in said act provided.

SEC. 12. Every petition presented to either House of Congress for the payment of claims may be verified by oath or affidavit.

The question was taken upon the amendment; and upon a division there were—ayes 73, noes 25; no quorum voting.

Tellers were ordered; and Mr. LAWRENCE and Mr. THORNBURGH were appointed.

Mr. MAYNARD. Is it in order to call for a separate vote upon the separate clauses of this amendment? The first relates to the appointment of additional commissioners, and the others to the presentation of claims. There seems to be three separate sections in this proposed amendment taken from the draught of some other bill.

Mr. LAWRENCE. They are all one amendment.

The SPEAKER *pro tempore*, (Mr. DAWES in the chair.) The Chair thinks the amendment is capable of division, and that each part can stand by itself.

Mr. MAYNARD. Then I call for a separate vote on the first section of the proposed amendment, providing for the appointment of additional commissioners.

The question being taken on the first division (being the first section) of the proposed amendment, it was agreed to.

The question being then taken on the second division, (embracing the remaining sections of the amendment,) it was agreed to.

The SPEAKER *pro tempore*. The question will next be taken on the amendment of the gentleman from North Carolina [Mr. COBB] which has already been read.

The amendment was again read.

Mr. COBB, of North Carolina. I call the previous question on this amendment.

Mr. GARFIELD. I see that the first section of this amendment contains what we have been struggling against for so many years—a provision to pay rent for houses and grounds occupied by the Army.

Mr. HOLMAN. I wish it understood that this amendment is not recommended by the Committee on War Claims.

Several members objected to debate.

The previous question was seconded, and the main question ordered.

Mr. LAWRENCE. I wish to state——

Mr. HARRIS, of Virginia. I object to debate.

Mr. BUTLER, of Massachusetts. This amendment contains three separate subjects. I call for a division of the question, so that the vote may be taken separately on the first section.

Mr. LAWRENCE. I wish to state that these three sections have not the sanction of the Committee on War Claims.

Mr. HARRIS, of Virginia. I object to debate.

The SPEAKER *pro tempore*. In the opinion of the Chair, the first section of this amendment, if adopted, could stand alone. Therefore any gentleman is entitled to a separate vote upon it; and a division having been called for, the question will now be taken on the first section of the amendment which will be read.

The Clerk read as follows:

SEC. —. That the term stores and supplies, as used in the section and act named, shall be so construed as to include buildings, other structures, and grounds used or occupied by the Army or Navy of the United States in the States proclaimed as in insurrection, for barracks, quarters, offices, hospitals, store-houses, wharves, depots, or other military or naval purposes, for periods not less than thirty consecutive days, and that the measure of compensation for such use or occupation shall be the fair rental value of the premises at the time and for the time of occupation or use, and such additional allowance as the said commissioners may in any special case deem fair and equitable for the restoration of the premises to their ordinary uses and objects. But nothing herein or elsewhere contained shall be held to authorize the allowance of any claim for destruction, damage, or depredation incident to a state of war.

Mr. HOLMAN. I call for the yeas and nays on this question.

The yeas and nays were ordered, there being ayes 28, noes not counted.

The question was taken; and there were—yeas 111, nays 111, not voting 67; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Barry, Beck, Bell, Berry, Blount, Bowen, Bromberg, Brown, Buckner, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cessna, John B. Clark, jr., Clements, Clinton L. Cobb, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crutchfield, Darrall, Davis, DeWitt, Durham, Eden, Freeman, Giddings, Glover, Hagans, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hays, Hereford, Herndon, Hodges, Houghton, Howe, Hunton, Kelley, Kendall, Knapp, Lamar, Lamison, Lansing, Leach, Lewis, Lofland, Lowndes, Lynch, Magee, Maynard, McLean, McNulta, Milliken, Mills, Morey, Morrison, Neal, Nesmith, Niblack, Niles, Nunn, O'Brien, Isaac C. Parker, Pelham, Perry, Randall, Read, Robbins, James C. Robinson, Milton Sayler, John G. Schumaker, Henry J. Scudder, Sener, Sheats, Sheldon, Sloss, J. Ambler Smith, William A. Smith, Standiford, Starkweather, Stone, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Thornburgh, Vance, Wallace, Walls, Wells, White, Whitehead, Whiteley, Whitthorne, Willie, Wolfe, Wood, and John D. Young—111.

NAYS—Messrs. Albert, Albright, Barber, Barnum, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Cason, Amos Clark, jr., Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crocker, Danford, Dawes, Donnan, Dunnell, Eames, Eldredge, Farwell, Field, Foster, Garfield, Gooch, Gunckel, Eugene Hale, Harmer, Benjamin W. Harris, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, E. Rockwood Hoar, Holman, Hoskins, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kellogg, Lamport, Lawrence, Loughridge, Martin, McCrary, James W. McDill, MacDougall, Merriam, Mitchell, Monroe, Moore, O'Neill, Orr, Orth, Packer, Parsons, Pendleton, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Shanks, Lazarus D. Shoemaker, Small, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Storm, Strait, Strawbridge, Todd, Townsend, Tremain, Tyner, Jasper D. Ward, Marcus L. Ward, Wheeler, Whitehouse, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodworth—111.

NOT VOTING—Messrs. Adams, Averill, Bland, Bright, Freeman Clarke, Clayton, Clymer, Crooke, Crounse, Curtis, Dobbins, Duell, Elliott, Fort, Frye, Robert S. Hale, Hamilton, Hathorn, Havens, John W. Hazelton, Hersey, George F. Hoar, Hooper, Hynes, Jewett, Killinger, Lawson, Lowe, Luttrell, Marshall, Alexander S. McDill, McJunkin, McKee, Myers, Negley, Packard, Page, Hosea W. Parker, James H. Platt, jr., Potter, Pratt, Purman, Rainey, Ransier, Rapier, William R. Roberts, Ross, Scofield, Sessions, Sherwood, Sloan, Smart, George L. Smith, H. Boardman Smith, Snyder, Stephens, St. John, Stowell, Swann, Waddell, Waldron, Wilber, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Woodford, and Pierce M. B. Young—67.

The SPEAKER *pro tempore*. On this question the yeas are 111 and the nays 111. The amendment is not agreed to.

During the roll-call the following announcements were made:

Mr. SAYLER, of Indiana. My colleague, Mr. PACKARD, is necessarily absent from the House, and will not be present during the remainder of the day.

Mr. KASSON. The gentleman from Ohio, Mr. SHERWOOD, is detained from the House by sickness.

Mr. ARCHER. My colleague, Mr. SWANN, is absent by leave of the House.

Mr. BARRY. My colleague, General MCKEE, is absent on account of sickness in his family. If here he would vote "ay."

The result of the vote was announced as above stated.

Mr. RANDALL. I move to reconsider the vote just taken.

Mr. HALE, of Maine. I move to lay that motion on the table.

Mr. GARFIELD. Did the gentleman from Pennsylvania vote on the prevailing side?

The SPEAKER *pro tempore*. The prevailing side is the negative. The gentleman from Pennsylvania voted in the affirmative. He is not therefore entitled to move to reconsider. The question now recurs on the remaining sections of this amendment, which, unless some gentleman demands a separate vote, will be considered as one proposition.

Mr. COBB, of North Carolina. I ask for a separate vote on each of the two remaining sections.

The SPEAKER *pro tempore*. A division being demanded, the Clerk will read the section of the amendment upon which the vote is next to be taken.

The Clerk read as follows:

SEC. —. That submission to the *de facto* authority of any State or part of a State proclaimed as in insurrection, while the authority and protection of the United States were subverted or in abeyance, or service in the enrolled militia of any State wherein service was compulsory after enrollment under laws enacted previous to the late rebellion, or service in person or by substitute in the forces of the so-called Confederate States, or of any insurrectionary State, or the holding of a local civil office, shall not be held by said commissioners to be conclusive proof of disloyalty in any case where there may be satisfactory evidence in other respects that the claimant was a loyal adherent of the cause and Government of the United States.

The second division of the amendment was not agreed to, there being—ayes 64, noes 72.

The question then recurred on agreeing to the third division of the amendment; which was read, as follows:

SEC. —. That it shall be the duty of the said commissioners of claims, before reporting any claim examined by them to Congress, to certify the result of their examination of the claim, and of the evidence in support thereof, to the claimant, with notice of the time granted in which to rebut any presumptions or material evidence against the validity of the claim; and should the claimant fail to satisfactorily rebut such adverse presumptions or evidence within the time granted, the commissioners shall make a final report upon the claim, and shall not thereafter review said report or re-examine the claim: *Provided, however*, That the claimant shall be charged with costs for clerical work and postage in all such cases.

The question being taken, the third division of the amendment was not agreed to; there being—ayes 63, noes 79.

Mr. KASSON. I wish to offer an amendment in that additional section relating to the claims of aliens. It is to insert after the word "claims" where it first occurs the words "of aliens," and after the word "and" to insert "their," so it will read "hear and determine all claims of aliens and their rights of action." And I wish to make an explanation. I am satisfied if the House understand the point which is to be provided for in this section there can be no objection to it. It is this. The section as adopted is divided into two clauses. The first clause says: "Any court of the United States shall have jurisdiction of and power to hear and determine all claims and rights of action against the United States which shall be presented to the Secretary of State by petition." Thus you observe all claims of everybody may go to the Secretary of State, then to be by him referred at his discretion to any court of the United States. That is the first clause.

The second clause reads that all claims and rights of action which shall be referred to said court by the President of the United States, or by either House of Congress, may be referred to any of these courts. Now, it is evident in the first clause you only intend claims of aliens should go to the Secretary of State to be by him referred, and that evidently being the object of the section, I hope this will not be so left that petitions in all cases may go to the Secretary of State and fill all his files, and then go to the other Departments or either House of Congress, which is not the intention of the bill. It is for that reason I offer the amendment.

Mr. LAWRENCE. I am satisfied with this amendment, and demand the previous question on the bill and amendment.

The previous question was seconded and the main question ordered.

Mr. HOLMAN. Does the gentleman from Iowa think proper to confer upon aliens privileges withheld from our own people?

Mr. KASSON. Our own people can come to either House of Congress and have their claims referred.

Mr. HOLMAN. Let the amendment be again read.

The amendment was again read.

Mr. KASSON'S amendment was adopted.

The question recurred on the engrossment and third reading of the bill.

The House divided; and there were—ayes 81, noes 50; no quorum voting.

Tellers were ordered; and Mr. LAWRENCE and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported—ayes 98, noes 40.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BUTLER, of Tennessee. I ask for the reading of the engrossed bill.

The SPEAKER *pro tempore*. It is too late, as the bill has already been read.

Mr. MAYNARD. I move to lay the bill upon the table.

The House divided; and there were—ayes 76, noes 70.

Mr. LAWRENCE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 81, nays 133, not voting 75; as follows:

YEAS—Messrs. Barnum, Barrere, Begole, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Roderick R. Butler, Cannon, Cason, Clements, Clinton L. Cobb, Conger, Crutchfield, Dawes, Donnan, Eames, Farwell, Field, Foster, Garfield, Gooch, Gunckel, Hancock, Harrison, John B. Hawley, Joseph R. Hawley, John W. Hazelton, Hodges, Holman, Hoskins, Hunter, Hurlbut, Hyde, Kelley, Lamison, Lofland, Magee, Maynard, James W. McDill, MacDougall, Merriam, Monroe, Nunn, O'Neill, Orth, Page, Pelham, Pendleton, Pike, Thomas C. Platt, Pratt, Ray, Rice, Ellis H. Roberts, Rusk, Henry B. Sayler, Shanks, A. Herr Smith, John Q. Smith, William A. Smith, Speer, Storm, Strait, Strawbridge, Taylor, Thornburgh, Todd, Tremain, Tyner, Waldron, Walls, Jasper D. Ward, Wheeler, George Willard, William Williams, William B. Williams, James Wilson, and Woodford—81.

NAYS—Messrs. Albert, Albright, Archer, Ashe, Atkins, Banning, Barber, Barry, Beck, Bell, Blount, Bowen, Bromberg, Brown, Buckner, Benjamin F. Butler, Cain, Caldwell, Cessna, Amos Clark, jr., John B. Clark, jr., Clymer, Stephen A. Cobb, Coburn, Comingo, Cook, Corwin, Cotton, Creamer, Crittenden, Crocker, Crossland, Curtis, Danford, Darrall, Davis, Dobbins, Duell, Dunnell, Durham, Eldredge, Fort, Freeman, Giddings, Glover, Hagans, Harmer, Henry R. Harris, John T. Harris, Hatcher, Havens, Hays, Gerry W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, Hooper, Houghton, Howe, Hunton, Kasson, Kendall, Knapp, Lamar, Lansing, Lawrence, Leach, Lowndes, Marshall, McCrary, Alexander S. McDill, McLean, McNulta, Mitchell, Moore, Morey, Morrison, Neal, Niblack, Niles, O'Brien, Isaac C. Parker, Parsons, Perry, Phillips, Pierce, James H. Platt, jr., Randall, Read, Richmond, Robbins, James C. Robinson, James W. Robinson, Sawyer, Milton Sayler, Isaac W. Scudder, Sener, Sheats, Sheldon, Lazarus D. Shoemaker, Sloss, Small, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Southard, Sprague, Stanard, Standiford, Starkweather, Stone, Stowell, Sypher, Charles R. Thomas, Christopher Y. Thomas, Townsend, Vance, Wallace, Marcus L. Ward, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Charles G. Williams, John M. S. Williams, Ephraim K. Wilson, Wolfe, Wood, Woodworth, and John D. Young—133.

NOT VOTING—Messrs. Adams, Arthur, Averill, Bass, Berry, Bland, Bright, Bundy, Freeman Clarke, Clayton, Cox, Crooke, Crounse, DeWitt, Eden, Elliott, Frye, Eugene Hale, Robert S. Hale, Hamilton, Benjamin W. Harris, Hathorn, Herndon, Hersey, George F. Hoar, Hubbell, Hynes, Jewett, Kellogg, Killinger, Lamport, Lawson, Lewis, Loughridge, Lowe, Luttrell, Lynch, Martin, McJunkin, McKee, Milliken, Mills, Myers, Negley, Nesmith, Orr, Packard, Packer, Hosea W. Parker, Phelps, Poland, Potter, Purman, Rainey, Ransier, Rapier, William R. Roberts, Ross, John G. Schumaker, Scofield, Henry J. Scudder, Sessions, Sherwood, Sloan, Smart, Stephens, St. John, Swann, Waddell, Whiteley, Wilber, Willie, Wilshire, Jeremiah M. Wilson, and Pierce M. B. Young—75.

During the roll-call,

Mr. FOSTER stated that his colleague, Mr. SHERWOOD, was absent by leave of the House.

Mr. BARRY stated that his colleague, Mr. MCKEE, was absent on account of sickness in his family.

The vote was then announced as above recorded.

Mr. MAYNARD. I rise to make a parliamentary inquiry. Is it not in order to move to send this bill, with or without instructions, to the Committee on War Claims?

The SPEAKER *pro tempore*. It is in order.

Mr. LAWRENCE. Is not the previous question pending?

The SPEAKER *pro tempore*. The previous question exhausted itself on the third reading of this bill.

Mr. MAYNARD. I move that the bill be recommitted to the Committee on War Claims, together with the amendment offered by the gentleman from North Carolina, [Mr. COBB,] with instructions to report back with the bill the first section embraced in that amendment.

Mr. LAWRENCE. I rise to make a parliamentary inquiry. If I should move to lay this motion on the table would that carry the bill with it?

The SPEAKER *pro tempore*. It would.

Mr. MAYNARD. I am asked to modify my motion by making it a clean motion without instructions. I move that the bill be recommitted to the Committee on War Claims, and on that I call the previous question.

The previous question was seconded and the main question was ordered.

Mr. LAWRENCE. I demand the yeas and nays on the question of recommittal. If it is recommitted that defeats the bill for this session. Congress adjourns in less than three weeks. The committee will get no opportunity to report it back this session.

On the question of ordering the yeas and nays there were ayes 13, not a sufficient number.

So the yeas and nays were not ordered.

The motion of Mr. MAYNARD was agreed to; and the bill was recommitted to the Committee on War Claims.

Mr. MAYNARD moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LAWRENCE. I ask that the bill as ordered to be engrossed, with the various amendments, be printed.

There was no objection, and it was so ordered.

RECIPROCITY WITH THE BRITISH PROVINCES.

Mr. KELLEY. I ask unanimous consent to submit for present consideration the following preamble and resolution:

Whereas by section 7 of article 1 of the Constitution of the United States it is provided that "all bills for raising revenue shall originate in the House of Representatives;" and by section 8 of said article it is further provided that "Congress shall have power to lay and collect taxes, duties, imposts, and excises," and "to regulate commerce with foreign nations:" Therefore,

Be it resolved, That the President of the United States be, and is hereby, requested to inform this House whether the executive department of the Government is at this time engaged in considering the terms of a treaty by which commerce between the United States and the British provinces of North America is to be regulated and by which Congress will be deprived of its constitutional right to control these important subjects thus specifically confided to it by the express terms of the Constitution.

Mr. KASSON. Does this resolution come from the Committee on Ways and Means?

Mr. WOOD. It has never been before that committee.

Mr. KELLEY. I made no suggestion of that kind.

Mr. COX. It is a reflection on the Administration. I would like to amend the resolution so as to encourage the Administration in the matter of reciprocity with Canada.

The SPEAKER. The resolution requires unanimous consent. Does the gentleman from New York object?

Mr. COX. I do.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed bills of the House of the following titles, with amendments; in which the concurrence of the House was requested:

A bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875;

A bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds;

A bill (H. R. No. 3574) explanatory of the act of June 30, 1864;

A bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes;

A bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes; and

A bill (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE. I move that the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty sitpulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes, returned from the Senate with amendments, be referred to the Committee on Appropriations, and that it be printed with the Senate amendments numbered.

The motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. GARFIELD. I move that the bill (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes, returned from the Senate with amendments, be referred to the Committee on Appropriations, and that it be printed with the Senate amendments numbered.

The motion was agreed to.

THOMAS T. CRITTENDEN.

Mr. HAWLEY, of Illinois. I desire to move concurrence in the amendments of the Senate to the bill (H. R. No. 1297) for the relief of Thomas T. Crittenden, of Missouri.

The amendments of the Senate were read, as follows:

After "cents," in line 6, insert "or such part of said amount as the Commissioner of Internal Revenue believes to be just and proper."

At the end of line 18 add these words: "*Provided*, That the Commissioner of Internal Revenue is satisfied due diligence was used by Crittenden and the relief ought to be granted."

The amendments were concurred in.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF THE MOUTH OF THE MISSISSIPPI RIVER.

Mr. HURLBUT. I rise to a privileged question. I call up the motion to reconsider the vote by which the bill (H. R. No. 3342) for the

improvement of the mouth of the Mississippi River was recommitted to the Committee on Railways and Canals.

The SPEAKER. Does the gentleman propose to discuss the bill on the motion to reconsider?

Mr. HURLBUT. I do not. I ask that the motion to reconsider shall be considered adopted, and that the bill shall then be brought before the House for consideration.

The question being taken on the motion to reconsider the vote by which the bill was recommitted, it was agreed to.

The question was then taken on the motion to recommit; and it was not agreed to.

The SPEAKER. The bill is now before the House, and the question is, Will the House order it to be engrossed and read a third time?

Mr. HURLBUT. A majority of the Committee on Railways and Canals, who have had this matter in charge, have directed me to report a substitute for the original bill reported by the committee. The minority of the committee also desire to report a substitute containing certain propositions offered by the gentleman from Louisiana. [Mr. SHELDON,] and embodying another plan, known as the canal plan, I request that the House will consider both the substitutes reported by the majority and the minority as having been twice read, in order that the discussion may proceed on the substitutes, instead of the original bill referred to the committee.

Mr. McCRARY. I wish, before the debate proceeds, to offer on behalf of the minority of the committee a substitute for the bill reported by the majority. I suppose the gentleman from Louisiana will withdraw his original substitute.

Mr. SHELDON. Certainly.

The SPEAKER. The Chair understands that the report of the committee is to strike out all that was recommitted to it, and insert what is printed in italics in the bill reported by them.

Mr. McCRARY. That is the report of the majority of the committee. The minority of the committee propose to substitute what I send to the Clerk's desk.

Mr. COBURN. I desire to inquire at what time the gentleman from Illinois intends to move the previous question?

Mr. HURLBUT. I propose to consult the House on that question.

Mr. COBURN. The gentleman says he intends to consult the House; I want to know in what manner?

Mr. SPEER. And at what time?

Mr. HURLBUT. Now. These bills are very important, and I understand that there are a good many gentleman who desire to speak upon one side or the other on the two propositions. I am anxious that as large an opportunity for discussion shall be allowed as the House thinks proper to give. I think that if we can have a session to-night, when some portion of the debate can take place, and the entire day to-morrow, we can call the previous question on the passage of the bill at four o'clock to-morrow afternoon. I do not believe that to allow any shorter time than that would be doing justice to the number of gentlemen who desire to speak on this question. I will ask first that a session be held this evening for debate upon this bill, no business whatever to be transacted.

There was no objection, and the order for an evening session was made.

Mr. HURLBUT. I further ask that the House will postpone all other matters that may be in the way, so as to give us to-morrow from the reading of the Journal until four o'clock for the discussion of this great question.

The SPEAKER. Under a suspension of the rules an order was passed entitling the Committee on Commerce to two hours after the reading of the Journal to-morrow.

Mr. HURLBUT. I presume that committee will be willing to take another day, so as not to break into the discussion of this question.

Mr. SAWYER. I am afraid that if we do that we shall lose our place.

Mr. SPEER. These bills involve about $10,000,000. No more important question can come before the House.

Mr. HURLBUT. They involve more than that; they involve the commerce of half the continent.

Mr. SPEER. But they involve an expenditure of $10,000,000.

Mr. SAWYER. If the Committee on Commerce can have two hours on Saturday after the reading of the Journal, to the exclusion of all other orders, I shall be satisfied and will not object to the postponement of their business to-morrow.

Mr. MOREY. I suggest that the morning hour be reserved for the purpose of considering the bill in relation to the Mississippi levees.

The SPEAKER. If that arrangement can be made the Chair thinks it will accommodate all these various questions.

Mr. CONGER. I suggest that the Committee on Commerce be allowed two hours for the consideration of their reports in the House.

Mr. RANDALL. I object to that.

Mr. SENER. That arrangement applies to Saturday only.

Mr. SPEER. I desire to ask whether reports from the Committee on Elections would not supersede the order in reference to the bills relating to the mouth of the Mississippi?

The SPEAKER. Not except by the vote of a majority of the House.

Mr. SPEER. I understand that to-morrow or the next day a report is to be made from the Committee on Elections.

The SPEAKER. It will be for a majority of the House to determine the order of business.

Mr. SENER. I understand that this arrangement applies to Saturday only.

The SPEAKER. The Chair will state the proposition, which is somewhat complicated. The gentleman from Illinois desires that to-morrow may be assigned for the consideration and discussion of this bill, and the Committee on Commerce indicate their willingness to yield the two hours to which they are entitled to-morrow if they can have the same amount of time on Saturday morning.

Mr. CONGER. After the reading of the Journal?

The SPEAKER. After the reading of the Journal and on the same conditions. The gentleman from Louisiana [Mr. MOREY] desires that one hour after the reading of the Journal may be devoted to the consideration of the bill in relation to the Mississippi levees.

Mr. CONGER. We have no objection to allowing a morning hour on Saturday.

Mr. SAWYER. I do not object to that.

Mr. DAWES. Is that to be considered as the regular call of the committee?

The SPEAKER. It will be a part of the call, and dispose of the committee. The Chair will state the full effect of the proposed arrangement. Ordinarily after a morning hour a motion to proceed to the consideration of business on the Speaker's table would be in order. Under the circumstances, however, a motion for that purpose would not be entertained by the Chair, because the understanding would be that this arrangement is made by unanimous consent to the exclusion of all other orders.

Mr. RANDALL. Does that give the Committee on Commerce any additional right?

The SPEAKER. Not at all; they will have the same right on Saturday that has already been accorded them for to-morrow.

Mr. HALE, of Maine. I would suggest that Friday be taken for this bill instead of to-morrow.

Mr. RUSK. I object to giving up private-bill day.

Mr. HALE, of Maine. The chairman of the Committee on the Judiciary [Mr. BUTLER] proposes to bring up to-morrow and endeavor to complete the consideration of the Geneva award bill. I hope, therefore, these arrangements for the different committees may be made for Friday and Saturday. There is time enough for them in those two days and for the consideration of private bills. A matter that has waited so long as the Geneva award bill, if it can be disposed of in one day, it seems to me ought to be given that day.

Mr. SPEER. I desire to say in the absence of the chairman of the Committee on Elections——

Mr. ELDREDGE. I would like to inquire who constituted the gentleman from Maine [Mr. HALE] the mouth-piece of the Committee on the Judiciary?

Mr. HALE, of Maine. The chairman of that committee is now absent; but I had a conversation with him just before he left.

Mr. ELDREDGE. It seems to me if the gentleman will confine himself to his own committee he will have all he can attend to.

Mr. HALE, of Maine. I shall take no lessons from the gentleman from Wisconsin [Mr. ELDREDGE] as to what I shall confine myself to. I am interested in the Geneva award, as my constituents are.

Mr. ELDREDGE. I know the chairman does not propose to dispose of that bill to-morrow.

Mr. HALE, of Maine. I know that he does, for he told me so within half an hour.

Mr. ELDREDGE. I know that the rest of the committee do not.

Mr. SPEER. There is before the Committee on Elections a contested-election case from the State of Louisiana. I ask the gentleman from Mississippi [Mr. LAMAR] to state to the House the intention of the committee in regard to that case.

Mr. LAMAR. I hope no special order will be made for Friday. The Louisiana contested-election case we had expected to call up to-morrow morning. We think we can get through with it in one day. But there is already a special order for to-morrow.

Mr. PACKER. In behalf of the Committee on the Post-Office and Post-Roads I desire to say that while we do not wish to antagonize any arrangement that gentlemen desire to make for to-morrow, we must insist upon Saturday for the business of our committee.

The SPEAKER. The Committee on the Post-Office and Post-Roads are entitled to Saturday by order of the House.

Mr. SAWYER. If the Committee on Commerce is not to have any portion of Saturday, then we must insist upon our right to two hours to-morrow.

Mr. LAMAR. I will thank the Chair to state the order of business for to-morrow.

The SPEAKER. The gentleman from Illinois [Mr. HURLBUT] has the floor now upon the bill in regard to the improvement of the mouth of the Mississippi. That bill will necessarily lose two hours of to-morrow, if it goes over as unfinished business, by reason of the right of the Committee on Commerce to that amount of time to-morrow after the reading of the Journal. Immediately after the business of the Committee on Commerce shall have been disposed of, this bill would resume its place. If the Committee on Elections desire to submit a report upon any case before them, it would be for a majority of the House to determine whether they would then consider that report.

The business of the week is disposed of as follows: the gentleman from Illinois [Mr. HURLBUT] has the floor now upon the bill in relation to the improvement of the mouth of the Mississippi. That bill, if it shall occupy the remainder of this day without being disposed of, will go over until to-morrow as unfinished business. To-morrow morning it would have to be laid aside for two hours, because the Committee on Commerce is entitled to that time under a suspension of the rules. The gentleman from Mississippi, [Mr. LAMAR,] from the Committee on Elections, as the Chair understands, desires at the end of that two hours to call up the contested-election case from Louisiana. A majority of the House can set aside this bill for the purpose of considering that case; it would be for a majority to determine that question. On Friday there is no assignment except that under the rules, it being objection day for the Private Calendar, the first Friday of the month. Saturday, after one hour from the reading of the Journal, has been given to the Committee on the Post-Office and Post Roads.

Mr. McCRARY. I understood that there was no objection to changing the order in relation to the Committee on Commerce from to-morrow to Saturday.

The SPEAKER. The chairman of the Committee on the Post-Office and Post-Roads [Mr. PACKER] declines to give up his time on Saturday.

Mr. SPEER. Should the House to-morrow morning determine to take up the contested-election case first, and we should occupy the entire day and go over until Saturday, when would this Mississippi jetty bill come up again?

The SPEAKER. On Tuesday next.

Mr. SPEER. I understand there is already a special order set for Tuesday.

The SPEAKER. That is so; Tuesday has been given to the Committee on Expenditures in the Department of Justice, under a suspension of the rules.

Mr. RANDALL. I would suggest that the gentleman from Illinois [Mr. HURLBUT] proceed now with this bill, and take his chance.

The SPEAKER. The Chair thinks that no arrangement that could now be agreed upon would work more smoothly than that suggested by the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. To-night's session I do not object to, of course.

The SPEAKER. The session of to-night, as the Chair understood, was ordered for debate only, upon this bill.

Mr. MOREY. As there is nothing in this arrangement that will conflict with what I am about to propose, I ask unanimous consent that one hour on Saturday next, before the business on the Committee on the Post-Office and Post-Roads shall come up, be assigned to the Committee on the Mississippi Levees. That time has not been assigned in any way.

The SPEAKER. The gentleman asks that the hour immediately after the reading of the Journal next Saturday may be assigned to the Committee on the Mississippi Levees to conclude their reports.

Mr. PACKER. I shall have no objection to that if all the remainder of the day is awarded to us.

The SPEAKER. The Chair hears no objection to that arrangement, and it is so ordered.

ARKANSAS ELECTION CONTEST—GUNTER VS. WILSHIRE.

Mr. ROBINSON, of Ohio, from the Committee on Elections, presented a report on the contested-election case from the third district of Arkansas.

The resolutions reported by the committee were as follows:

Resolved, That W. W. Wilshire was not elected and is not entitled to a seat as Representative in the Forty-third Congress from the third district of the State of Arkansas.

Resolved, That Thomas M. Gunter was elected and is entitled to a seat in the Forty-third Congress from the third district of Arkansas.

Mr. ROBINSON, of Ohio. I do not ask action on this report now, but shall call it up hereafter. I move that the report be printed.

The motion was agreed to.

ELECTION OF REPRESENTATIVES IN MISSISSIPPI.

Mr. LAMAR, by unanimous consent, reported back from the Committee on Elections, with a favorable recommendation, the bill (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi.

The bill, which was read, provides that the election for Representatives in the Forty-fourth Congress, from the State of Mississippi, shall be holden on the first Tuesday after the first Monday in November, 1875, anything in the constitution or laws of said State to the contrary notwithstanding.

Mr. COBB, of North Carolina. Would it be in order to move to amend the bill by inserting North Carolina?

Mr. LAMAR. I must decline to yield for any amendment.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAMAR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOUISIANA ELECTION CONTEST—SHERIDAN VS. PINCHBACK.

The SPEAKER. The Chair gives notice that to-morrow, after the reports of the Committee on Commerce, he will recognize the gentleman from Mississippi [Mr. LAMAR] from the Committee on Elections. It will be for the House to determine whether the question of privilege shall proceed.

IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

The House resumed the consideration of the motion to reconsider the vote by which the bill (H. R. No. 3342) for the improvement of the mouth of the Mississippi River was recommitted to the Committee on Railways and Canals.

Mr. SHELDON. I desire to offer as a substitute the bill which I have introduced on this subject. I ask that it may be considered as pending.

Mr. HURLBUT. I have no objection.

Mr. Speaker, the question of the improvement of the mouth of the Mississippi River, which was submitted early in the session to the Committee on Railways and Canals, has been considered by that committee with all the care and attention they have been able to give to it. They have endeavored to get all possible information concerning the various projects presented to them. They have heard testimony wherever any one desired to submit it. Two conflicting systems have been pending before that committee. In one of these projects—that which has been reported by the majority of the committee—a gentleman living in the city of Saint Louis well known to the scientific and mechanical world as a successful inventor and a successful carrier-out of great works, proposes to the Government of the United States to take upon himself the responsibility of giving an uninterrupted, open river mouth by means of jetties or embankments extending the natural banks of the river into the deep water of the Gulf. This proposition, modified by the committee, is submitted in the bill, printer's number 3530, being printed as a substitute. The committee have endeavored so to guard this proposition that it shall be impossible for any one who may undertake this work to receive from the Government any pay until an actual success has been accomplished. When the bill comes to be read gentlemen will see the care which the committee has taken in guarding this important subject.

Upon the other side propositions have been presented here for the construction, either under the Engineer Corps of the United States or by private contract, of a canal with locks leading from the Mississippi River, below Fort Saint Philip, into the pass known as "Isle au Breton" pass, on the east side of the delta of the Mississippi. The importance of this inquiry as well as our own position as Representatives, all of us, whether living in the Mississippi Valley or elsewhere, recognizing the national importance of this great artery of commerce, induced us to give to this question the greatest possible consideration.

I will state as briefly as I can the two plans before the House as I understand them. One is to use the existing forces of nature, to work in harmony with those great forces, to assist the river in forming below the delta out into the deep waters of the Gulf its natural banks by artificial aid; to condense and gather into solid column the waters of the great river, so that they will do their own work and scour out the obstructions which have accumulated into the bar; so that the united force of the water will clear its way along until it reaches that great depth of water which, as our Coast Survey shows, exists but a few miles outside of the present bar. All engineers, all sensible men, all men who know anything at all of the inconveniences of the best constructed canal with locks that the imagination of man can devise, recognize the fact that the uninterrupted and unobstructed navigation of the river by its own natural mouth with sufficient and permanent depths of water is in efficiency and usefulness infinitely superior to any possible substitute which man can devise.

Undoubtedly there are engineering questions mingled up in this matter. It unfortunately happens that the scientific mind of this country is not absolutely united on this question. It happens that a majority of the senior officers of our own Engineer Corps, represented by the Chief of Engineers, are of opinion that although jetties are practicable, and although they will by natural causes deepen the water of the river, yet so great is the volume of sediment which is brought down by that river, that from these same natural causes the bar will simply advance seaward; and they claim there will be a necessity for extending the jetties year by year.

But, sir, all of our military engineers are by no means unanimous on this point. The clearest head, the most educated brain, the oldest of the active officers of the Engineer Corps of the United States Army, (I refer to General Barnard,) indorses promptly, thoroughly, and effectually the advantage and certainty of the results of the system which is presented by the report of the majority of the committee.

I do not suppose this House cares or proposes to enter into questions of engineering skill, but I do say this House, or any other body of plain, sensible men has the right to pass judgment upon a practical, clear plan, and that beyond all question it is not right to have the Congress of the United States vote for the construction of a canal in the territory indicated by this bill until experiment, not theory, has proved the problem of an open river cannot be fully carried out. I affirm to this House, if Mr. Eads shall succeed in demonstrating by the works he will attempt there that it is impossible, that alone will be worth millions of dollars to this country. We thought it was not our duty to do anything more than to give this practical, scientific

man an opportunity of testing by practice a thing in which he has the most abounding faith, and in which he is backed by two-thirds of the engineering talent of the country.

The bill then provides that Mr. Eads and his associates may be authorized to improve one of the passes of the Mississippi River by jetties or other works at his own expense. It also provides he shall not receive a dollar of money until he shall have succeeded in demonstrating that his plan is a success.

He is required by the bill to obtain twenty-two feet of water, and to maintain it by the construction he puts there for twelve months, unbroken and continuously, before he can touch a dollar of the public money. The bill as reported by the committee provides that he shall obtain by these jetties of his a depth of twenty-two feet of water, and shall maintain the same without interruption for twelve months, and in that case he shall be entitled to receive from the United States $2,000,000. I am authorized, however, by Mr. Eads to say, and I shall move the amendment when the time comes, with the permission of the House, he is willing, in order to show the completeness of his good faith in the matter, that this amount of $2,000,000 may be reduced to $1,000,000, and that $1,000,000 taken from his first payment shall be applied upon the last which is provided for in the bill.

The bill further provides, after having obtained twenty-two feet of water and maintained it for twelve months, if he shall obtain an additional depth of two feet and maintain the same he shall be entitled to an additional compensation of $1,000,000 and so on, giving $1,000,000 for every two feet of permanent depth he obtains at the river's mouth until the sum of $5,000,000 shall have been paid to him, which will bring it to a depth of twenty-eight feet of water.

To gentlemen who know anything about the navigation of the Mississippi River, either by their personal experience or by information from the newspapers or from scientific sources, it is useless for me to say more than this: that the present bar of that river is more an obstruction to the commerce of the whole Mississippi Valley than any other one thing which exists. Year after year Congress has been endeavoring to scratch this bar, dragging harrows over it, but the tide of the great river and the tide of the great ocean soon closes up the puny work of our engineers. No man who imports anything into the city of New Orleans has any assurance what depth of water his vessel will have when it comes to port. It may be eighteen feet when the vessel starts from Europe and when she comes into port it may be only fourteen feet. It is changing, fluctuating, uncertain, and nothing in the world so interferes with the commerce of a great city like that as this uncertainty as to the time and mode of entrance to the river by which the city is reached.

After the sum of $5,000,000 shall have been paid, and every installment is dependent on the continued success of the work, upon maintenance of every foot obtained as a permanent channel—after that is done, then comes in the other provision of the bill which allows him other sums of money for the purpose of maintaining and perfecting these works.

Mr. SPEER. Do not the engineers of the United States estimate the actual cost of these jetties will be less than five millions, and when he gets this sum will he not be paid for the cost of and a fair profit on the work done?

Mr. HURLBUT. They estimate it will require seven millions altogether.

Mr. SPEER. As the bill appropriates ten millions and the work will cost five, then the other five millions he will get as a gratuity.

Mr. HURLBUT. No; but for keeping up and maintaining the work.

Mr. SPEER. What risk is there when the Government pays the cost of the jetties?

Mr. HURLBUT. The risk of failure, which some of the engineers say is certain.

Mr. SPEER. But he has his money, the cost of the work and a fair profit on it.

Mr. HURLBUT. If by this process a depth of water over twenty-two feet can be secured at the mouth of the Mississippi River for five years, the man who does it, whoever he is, and whatever way it is done, is entitled to far more than this bill gives.

This is an enterprise, then, of private capital, seeking of course compensation, for no man supposes that capital goes into this kind of business without extra compensation. Here is a man who comes forward and undertakes to do a thing which some engineers say that it is impossible to do, and that it will be demonstrated in the first twelve months that it cannot succeed. He stakes on it his reputation, his money, and the money of his friends. And of course he asks for compensation. And speaking on behalf of the people of the Mississippi Valley, and I believe I can say on behalf of the people of the whole nation, who have a regard to the vast interests that are involved there, I say that no sum of money that could reasonably be asked is too much to secure such a result.

On the other side of this proposition the minority of the committee have reported in favor of a canal. I shall leave my colleague on the committee who represents the minority to explain for himself and for those whom he represents what the peculiar virtues of the canal are. But I submit to any gentlemen from New York or from Boston how they would like to have their port locked so that vessels could only pass in and out through the slow process of lockage; and whether, looking at their own great commercial interests, they would be willing to inflict upon those whose interests are connected with the mouth of the Mississippi River so slow, so insecure, so unsatisfactory a means of communicating with the great ocean, the common highway of commerce, as is provided by a canal, unless it turns out as a matter of fact—not of opinion, but of experiment and fact—that no other thing can be devised which is better.

Mr. COBURN. Will the gentleman yield to me for a moment for a question?

Mr. HURLBUT. Certainly.

Mr. COBURN. I would like to have the gentleman state what proportion of the commerce that comes in and goes out of the Mississippi River will require the depth of water that is proposed either by the jetties or the canal, and what proportion can go out without the clearance of the jetties or the construction of the canal. Are there any estimates of that kind?

Mr. HURLBUT. There is an average of sixteen feet of water on the most passable bar.

Mr. COBURN. Will the gentleman allow me a word further? He talked about the blocking up of the commerce of New York and Boston. I want to know what proportion will be locked up and compelled to go through this canal?

Mr. HURLBUT. All of it that draws over sixteen feet of water.

Mr. COBURN. What proportion is that?

Mr. HURLBUT. The commerce of the city of New Orleans, as nobody knows better than my friend from Indiana, has fallen off vastly, and has fallen off by reason of this great hinderance at the bar. And one of the objects which I, living afar off from that great State, have is to restore this discrowned queen of the delta to something like her former situation. I want to have depth of water enough, either by the canal, if that is the way of doing it, or by a natural mouth, which I think is far the better plan, to allow any sea-going vessel, such as the ships that come into New York, or Boston, or Portland, or any other of the great ports of this country, come without obstruction and without hinderance into the city of New Orleans, and restore to her if you can the commerce which her situation and her natural advantages demand that she should have, and of which she has been deprived. If that is done, it is impossible for any man to tell what the growth of our commerce will be.

My object has been merely to explain briefly the tenor and purpose of these several measures, and I shall, after hearing other gentlemen who may desire to speak on this question, reserve to myself the opportunity, when the previous question shall have been ordered, of answering whatever arguments may have been brought forward; and I now yield the floor to my colleague on the committee, the gentleman from Iowa, [Mr. McCRARY,] who represents the other side.

But before sitting down, I find that my friend from Indiana [Mr. COBURN] thinks that I did not understand the question he addressed to me, and from the explanation he makes to me I presume that I did not. His question was in regard to the amount of commerce. There is properly speaking no sea-going commerce which comes to the city of New Orleans now. We want at all events to secure to that city twenty-six feet of water, for the purpose of accommodating the produce which we hope will float down the Mississippi River, and take that among other routes to the great marts of the world, the present construction of sea-going vessels requiring at least that depth of water to secure the proper efficiency and a reasonable cheapness of sea transportation.

Mr. McCRARY. Mr. Speaker, the importance of this subject justifies me, I think, in asking of every member of this House its careful consideration. There are two questions to be settled: First, is the improvement of the mouth of the Mississippi River of sufficient national importance to justify Congress in entering upon the work at this time? And second, if that question be answered in the affirmative, shall this improvement be made by means of a ship-canal, as recommended by the Engineer Department of the Government, or shall we do it by a contract with Captain Eads for the construction of jetties?

Upon the first question, Mr. Speaker, I shall have but little to say; because upon that question there is no difference of opinion among the members of the committee, and I apprehend there cannot be much difference of opinion among the members of the House. The vast and rapidly increasing importance of the commerce of the Mississippi Valley is so well known, so well understood, that nothing I could say could add at all to the information which every gentleman already has upon that subject. I shall take leave, however, to print with my remarks a table of statistics which will show at a glance something of the vastness and importance of those great States which border upon the Mississippi River and its two great tributaries.

From these statistics it will be seen that within the fourteen States bordering upon these rivers will be found almost half the population of the Union; that their increase of population between the years 1860 and 1870 was about 49 per cent.; that they contain nearly six hundred million acres of land; that only about one acre in five is improved; so that the development of this vast region has only been commenced. These tables show also that these States, in 1870, produced more than a thousand million bushels of grain, besides vast quantities of other produce. They embrace only a part of this great valley, since they take no note of the Territories bordering on the Upper Mississippi and the Upper Missouri, or of the other States of

the Union which are largely, if not so directly, interested in the commerce of our great river.

Here, Mr. Speaker, we have a great natural water-way, furnishing a line of navigation more than two thousand miles in length, through the heart of the richest agricultural region on the globe, and in a great measure blockaded at its mouth. When this blockade is removed and the few other obstructions to navigation cleared out, we shall have opened a transportation route to the sea which cannot be monopolized by any corporation, which can and will carry vastly cheaper than the railroads now do, and which will either carry our vast products, or by competition bring down railroad charges. Hence I say that the importance of the improvement in question must be conceded by every one.

Let us, then, come at once to the consideration of the principal matter of discussion, namely, whether we shall adopt the recommendation of the Engineer Department and construct a ship-canal, or make a contract as proposed with Captain Eads. As to the practicability of the ship-canal there is no difference of opinion. Every one of the many Government engineers who has ever examined the subject concurs in the opinion that it is entirely practicable. It is recommended, as I have already said, by that department of the Government in which we all have so much confidence, and I think justly, the Engineer Department, with great unanimity. A board of engineers, consisting of seven of the ablest perhaps in the whole corps, were detailed to make examinations and investigations and report their conclusions upon these two propositions. Six of the seven reported that the canal is entirely practicable and that the jetty system must in the end prove a failure.

One of the seven expresses his opinion, not as my colleague from Illinois [Mr. HURLBUT] says that the jetties will undoubtedly succeed, but that there ought to be further inquiry and investigation as to the practicability of securing an open river mouth before resorting to the canal. This dissenting member of the board, General Barnard, very guardedly says:

I feel that I am justified in recommending it (the jetty system) as probably furnishing the most speedy attainment of a deep-water channel, and one which will have some features of permanence.

Now, sir, I do not question that it would be better to have an open river mouth, if that could be accomplished. It would certainly be better than an artificial outlet for the river. But I do not conceive that we ought to make this contract with Captain Eads, even if it is deemed necessary to try the experiment of improving the river by means of jetties.

Mr. LAWRENCE. Will the gentleman allow me a question?

Mr. McCRARY. Certainly.

Mr. LAWRENCE. Did not Mr. Fontaine, an eminent engineer, say, in an argument which he made in a lecture delivered here and which was printed and laid upon our tables, that a ship-canal was utterly impracticable, and that the system of jetties was the only means by which a permanent outlet from the river could be secured.

Mr. McCRARY. I cannot say what Professor Fontaine may have said. I did not hear his lecture or read it.

Mr. LAWRENCE. He made a very able argument to show the impracticability of a ship-canal.

Mr. McCRARY. I do not doubt it. I said the engineers employed by the Government, who have reported on the subject from time to time—and they are very numerous and embrace many eminent men in that profession—are unanimous in reporting that a ship-canal is entirely practicable. If this gentleman, brought here from the city of New Orleans to advocate Mr. Eads's proposition, gave a different opinion, it is only what my friend from Ohio and myself sometimes do when advocating the cause of a client.

Mr. LAWRENCE. Will not the mouth of the canal encounter the same difficulty as the mouth of the river does?

Mr. McCRARY. Not by any manner of means, because the canal is forty miles above the mouth of the river, and is entirely exempt from all the dangers which will beset any attempt to improve the mouth of the river. But I shall come to these points, if the gentleman will allow me to proceed.

I undertake to say, Mr. Speaker, that if it is the opinion of this House that the experiment of improving the mouth of the river by means of jetties ought to be tried, it does not comport well with the dignity of the American Congress to make such a contract as is proposed in this bill. If we are to try the experiment, let it be tried by the nation and at the nation's expense. Let us not propose to any citizen that he shall try it at his own risk, and that if he succeeds we will pay him three or four times as much as it is worth, and that if he fails we will pay him nothing. That is too much like the Sanborn contract business. If this is a thing that ought to be tried by the United States, we are able to try it at our own expense, by our own agents, and under the control and direction of our own engineers.

The gentleman from Illinois [Mr. HURLBUT] says that this experiment is to be tried at the risk of this individual and that the Government takes no risk whatever. I do not agree to that statement. I do not believe that Captain Eads takes the risk if this bill shall pass, and I think I can show the House that such is not the case. But before I pass to that point let me ask this question: Is there any gentleman upon this floor who desires to make a contract of this kind with any citizen of the United States at the risk of that citizen? Suppose that Captain Eads, under the invitation of a bill like this, should engage in the effort to improve the mouth of the river by means of jetties, and should expend two or three or four million dollars and should fail in the effort, and then come here to Congress five or ten years hence and tell us that we thought enough of this proposition to authorize this contract to be made with him; that it was a great question in which the country was interested, and that he has expended his fortune and that of his friends in solving the problem for the Government of the United States, does anybody believe that he would not be remunerated or indemnified by an appropriation from the Treasury? Why, sir, I find that the passage of this bill is urged at the other end of the Capitol upon the ground that it will be worth millions to the Government to have Captain Eads try the experiment, even if his failure shall demonstrate the worthlessness of his jetties. The Senate report upon this bill says:

An open river mouth is the first desideratum. If a private individual shall demonstrate that it cannot be made, that demonstration is worth millions to the Government, leading with entire certainty to the adoption finally of the Fort Saint Philip Canal as the only alternative for the outlet which is to work such incalculable benefit in the future.

I have no doubt, even if Captain Eads should attempt this work under such a bill as is proposed, and should expend his money on it and should fail, that upon this plea he would be indemnified.

But I say again that this is not a subject to be dealt with in this way. If it is the judgment of the House that this experiment should be tried, let it be tried under an act of Congress through our own engineers and at as little expense as may be; but let us pay for it whatever it is reasonably worth. My friend from Illinois says that Mr. Eads is to have a reasonable profit in case of success. I do not see how he arrives at that conclusion. It strikes me, from all the information that I can get, that if this is a correct system for the improvement of the mouth of the river, it can be carried out for vastly less money than we are proposing to pay to Captain Eads. General Humphreys, Chief of Engineers, in a letter which has been printed and which I suppose most gentlemen have seen, states that an estimate has been made of the cost of jetties, and that it has been found that if the Southwest Pass is selected for the experiment, where the jetties must be about five miles in length, and if they are built down to a solid foundation, the cost of them will be $7,000,000; but that if the recommendation of General Barnard is taken, and they are not put down so deep as they ought to be for entire permanency, the cost will be $4,000,000.

This, mark you, Mr. Speaker, is at the Southwest Pass where the jetties must be about five miles long. But General Barnard strongly recommends the South Pass, where the jetties are only two and a half miles long, and no doubt Captain Eads will select the South Pass, although, perhaps, for a purpose he has directed our attention to the Southwest Pass.

Mr. STONE. I would ask the gentleman what the revisory board say would be the cost of the jetties?

Mr. McCRARY. I understand the gentleman's point and I will answer it. The revisory board made an estimate of the cost of these jetties on the theory that they must be extended every year, and made it very large, as it certainly would be if that had to be done. Captain Eads says that they need not be extended, and General Humphreys makes an estimate on the assumption that it will not be necessary to extend the jetties. He says:

It is perceived, then, that taking the most expensive pass as an example, the bill proposes to pay Mr. Eads in the one case $3,000,000 more than the estimate and in the other $6,000,000 more than the estimate.

I will remark that that is $1,000,000 too small, because since that letter was written by General Humphreys the bill has been so changed as to add $1,000,000 to the amount to be paid to Captain Eads, making the amount $11,000,000 instead of $10,000,000.

So that it is proposed to pay $4,000,000 more than the estimate, if the jetties are put down to a solid foundation, and $7,000,000 more than the estimate if they are built as General Barnard recommends, and if they are built at the longest pass. But if they are built at the shortest pass, of course they can be built for about one-half of what it would cost to build them at the Southwest Pass. Gentlemen will see what enormous profit there will be in a contract of this kind if Captain Eads is right in his theory that he can succeed by this means. If constructed at the shortest pass and built as recommended by General Barnard, and if, as Captain Eads contends, they will not have to be annually extended, he would receive under this bill about $9,000,000 over and above the estimated cost.

So far as the mode of construction is concerned there is nothing in the bill on that subject. Captain Eads may adopt the very cheapest or he may resort to the most expensive means. There is no provision in the bill regarding the manner of the construction of these jetties. He is not under the control of any engineer of the Government. He may select his own material and take either one of these passes and improve it as he pleases. There is nothing in the bill to prevent him from resorting to dredging as well as to his jetties; and I apprehend he will resort to that. But I will come to that again in a moment.

Now, I say that Captain Eads does not take the entire risk. There are a number of engineering problems to be settled by this experiment. One is, will the jetties stand the effect of one of those great storms that periodically visit that country, and which are sometimes called

cyclones when they are very severe? Another question is whether the jetties will stand in the kind of soil so recently deposited, and so soft and uncertain as is the soil at the mouth of the river. It is insisted by able engineers that they will gradually settle and in a few years sink to the level of the original bank. Another question is, whether the mud-lumps which are continually upheaving in that region, and which according to the opinions of some engineers have a lifting power sufficient to break these jetties in pieces, however solidly they may be built, will not sooner or later destroy the jetties. And another and very important question, as I shall show presently, is whether even if the bar is moved from the place where it now is by means of these jetties, it will not in the course of a few years reform a little farther out in the Gulf, and become as much of an obstruction as ever.

No man can say that a single one of these engineering problems can or will be solved before Captain Eads will draw a large part of the money to which he will be entitled under this bill. What security have we? He is to secure and maintain for twelve months a depth of twenty-two feet of water. As I observed a while ago, in order to secure that depth of twenty-two feet he may resort to dredging in connection with his jetties, because there is nothing in the bill to prevent his doing so. We know that Captain Howell, by means of the appliances he already has at the mouth of the Mississippi River, has secured a depth of twenty feet at several times. But if there is any efficacy in these jetties when they are used in connection with the dredging process, especially if improved methods are adopted, there is no reason to doubt that a depth of twenty-two feet of water may be obtained and maintained for twelve months, at the end of which time Captain Eads would receive, according to this bill, his first $2,000,000 or $1,000,000, as I believe it is proposed to amend it.

There is but one question upon which Captain Eads takes the risk; that is the question whether he can obtain a depth of twenty-two feet of water and maintain it for twelve months. Every other problem that is involved in the controversy is left unsettled; and I repeat that no man can say that they will be determined and settled within twelve months; no man can say that we may not expend $5,000,000 under the Eads bill, and yet find ourselves at the end of five years in a worse condition so far as an outlet is concerned than we are to-day. If we are to require insurance, if the Government of the United States is to be relieved from all responsibility and risk, we must pass a very different bill from this.

Therefore it is the duty of the House to inquire and to decide which one of these proposed methods of improving the navigation at the mouth of the Mississippi River ought to be adopted. If the House decides for the jetties, let them be constructed in the ordinary way, by the Government itself. If the House decides that in the end the jetties would be a failure and that a ship-canal is the only mode of improving permanently the mouth of the river, then I think it is the duty of the House to adopt that method, and with all reasonable promptness and dispatch proceed to the construction of the canal.

I will not detain the House very long, and although it is a little late I ask to be permitted to proceed and finish what I have to say. What we want and what we must have is permanent success, not a temporary success. I think it is beyond all question that the adoption of this jetty system, if it shall have any effect upon the bar which exists at the mouth of the Mississippi and forms an obstruction to navigation there—the only effect would be to move that bar to another position a little farther out in the Gulf. This question depends largely upon another question, and that is, whether there is what engineers call a littoral current, or a shorewise current, running across the mouth of the Mississippi River along the shore coast. If it be settled that there is no such current there of sufficient strength to carry away the sediment, then no engineer will pretend that the jetties can do anything more than to move the bar to another position a little farther out in the Gulf. Now, sir, I am fully convinced that there is not at the mouth of the Mississippi River such a littoral current as is capable of taking up and carrying away the vast deposit of earthy matter which is carried out into the Gulf by the Mississippi River.

Sir, this is not a matter of mere opinion; it has been the subject of careful examination and of experiment. I cannot now go into the subject so fully as to quote from all the reports of our engineers upon this question. I call attention to the following statement of the results of their investigations and inquiries, which I quote from the recent report of the Chief of Engineers:

> If there was a littoral current of force sufficient to carry off any large quantity of this earthy matter it would not have been deposited where it is now and always has been found. What has been said respecting the recent soundings of Captain Howell exhibits this fact clearly.
>
> Further, upon examining the horizontal curves of equal depth on Captain Howell's recently prepared map, going out as far as a depth of three hundred and fifty feet, we find that from the crest of the bar to one hundred feet depth the greatest amount of deposit is made east of the axis or mid-line of the pass prolonged; between one hundred and two hundred feet depth the greatest amount of deposit is made west of that line; and between two hundred and three hundred and fifty feet the greatest amount of deposit is made east of that line. Further, the investigations into the currents made under Captain Talcott's direction in 1838, for the very purpose of ascertaining whether there was a littoral current, failed to detect its existence off any of the passes, the investigations in the case of the Southwest Pass extending seven miles seaward of the bar. (Executive Document No. 220, page 3.)

Allow me also to call attention to one more report, which I think must be entitled to great weight. I allude to a report by an officer whose name is familiar to the whole people of the country. In 1839 Lieutenant George G. Meade, afterward a major-general in the United States Army, was detailed by the War Department for the purpose of examining and reporting upon this very question. He went to the mouth of the Mississippi, he remained there and made experiments, and this is his report:

> At the southwest bar many observations were made to determine the existence of a littoral current.

After describing some of these experiments, he continued:

> The velocity is increased when the tide is falling and diminished when it is rising. If there is any wind, the current will obey the impulse given to it by its direction. If from the east, the set of the current will be to the west, more or less inclined to the axis of the pass as the force of the wind is greater or less. So if the wind is from the west the same circumstances will be perceptible with regard to the set of the current to the east. The bottom velocity is slightly less than that of the surface and is affected in the same way, though not to so great a degree, and is much sooner neutralized by the resistance of the sea. The prevailing winds being from the east and the axis of the pass Southwest, the general set of the current is to the west; hence may have arisen the idea of a "*westerly littoral current.*"
>
> Care was taken—

I call the attention of the House to this statement. It was not made by a gentleman who had any interest in any of these questions; it was not made pending any controversy of this sort; it is not a voluntary opinion; it is the deliberate, matured opinion and official report of General Meade, made upon this very question after careful experiment:

> Care was taken to make the observations under all circumstances of wind and tide, and no traces of the existence of such a current is shown within *seven* miles of the land—the extreme point to which the observations were carried.

This report will be found in full in the Appendix to Physics and Hydraulics of the Mississippi River, by Humphreys & Abbott.

Now, sir, so far as I know, no engineer who has ever made experiments of this kind—no report of any engineer or any competent person, so far as my researches extend—has ever expressed an opinion to the contrary of this given by General Meade. And if that littoral current is not there, or if it has not sufficient strength to take up and carry away this immense mass of earthy matter which is pushed into the Gulf by the current of the river, then the jetties must fail as certainly as to-morrow's sun will rise.

Again, sir, if any gentleman will take the trouble to examine this question carefully with reference to all the great sediment-bearing rivers of the world he will discover this fact: wherever there is a strong, decided, littoral current of this character the river is not able to push the bar out into the sea or gulf with much rapidity. At the mouth of the Danube, the only place on the face of the earth where a sediment-bearing river has been improved with any success by means of jetties, there is this littoral current; and it is so strong, so marked, that, as engineers will tell you, the bar at that point has not perceptibly advanced during a long period of time. Speaking of the mouth of the Mississippi, General Humphreys in the report already quoted says:

> The very shape of the delta is indicative of the absence of such current. Its increase in the direction of the mouths of the passes, and the existence of such areas of water as Blind Bay, Garden Island Bay, and East and West Bays, which would have been gradually filled in the course of the delta formation by deposit if such current had existed, all point to its absence.

And concerning the Danube he states the facts as follows:

> Further, the sea-shore line at the mouth of the Sulina is also stationary, and we do not find any recent delta formation at its mouth. The characteristic of a delta-forming river is the constant annual extension of the shores at its mouth, the constant advance of the crest of its bar and of the whole bar, and the constant annual advance of the deep channel inside of and behind the bar. None of these characteristics are found at the mouth of the Soolina, which has long since ceased to be a delta-forming river.

While there is no advance of the bar at the mouth of the Danube, we find that at the mouth of the Mississippi, at the mouth of the Nile, at the mouth of the Rhone, at the mouth of all rivers where there is a large body of sediment constantly collecting, and where the littoral current is not strong enough to take it up and carry it away, the bar advances. We know as a matter of fact that the land at the mouth of the Mississippi River has been extending for centuries from a point far above New Orleans to the point where it now is; and it is now advancing at the rate of about four hundred feet every year. This is because there is no littoral current there, or because if there is one it is so slight that it has not the force and strength to pick up and carry away this mass of matter which is poured out by the river as it goes into the Gulf.

If there is not and never has been a current there sufficiently strong to move the mass of earthy matter which forms the bar as it is carried out by the river, where will you find a littoral current to carry away the same mass after the jetties are constructed? You will not find it. You may perhaps increase the force of the current; you may push the bar a little further out, but it will accumulate and pile up again; and when a great storm comes it will be thrown back into the mouth of your jetties, and the obstruction will be as great as ever.

Consider for a moment the immense quantity of earth which is carried down by the Mississippi River and deposited in this bar. There have been different estimates as to the quantity, but the Chief of En-

gineers gives the opinion—and I believe it is concurred in generally—that at the very least the quantity of earthy matter deposited in this bar in any one year is sufficient to cover a mile square two hundred and forty-one feet deep; and the effect of your jetties, if they have any effect at all, will be simply to push this immense mass a little farther out into the Gulf; and unless you have some current there to take it up and carry it away, it will accumulate there and the bar will reform. Now, I think the testimony is overwhelming on this point: that if there is any littoral current there—and I do not think there is—it is not of sufficient force to have any effect upon the vast mass of matter when carried out in this way.

I think, Mr. Speaker, I am safe in saying that engineers are competent to discover such a current as this if it is there. I think I am not mistaken in saying the House of Representatives ought not to make a contract involving $11,000,000 with an individual citizen in ignorance of the fact that there is such a current there, if it is there, and in view of the great importance of that fact if it exists.

Mr. CONGER. The bars have advanced two or three miles since 1838.

Mr. McCRARY. They have advanced at the rate of four hundred feet a year, and in the aggregate some two or three miles.

Mr. PARSONS. Has not the entire testimony shown this current is not sufficiently strong to carry away that bar at all unless taken up by mud-rakes and made to move by artificial means?

Mr. CONGER. That refers to the river current, but the gentleman is now talking about the Gulf current.

Mr. McCRARY. I am speaking of the current of the Gulf.

Mr. KASSON. Moving at right angles.

Mr. McCRARY. There is another question among engineers which has an important bearing upon this case. There is a dispute, though not much of a dispute, as to the manner in which the earth which is carried down to this bar is transported. It is agreed, I believe, on all hands that a part is held in suspension, but it is claimed by General Humphreys and other engineers that the larger part is pushed or rolled along upon the bottom of the river. General Humphreys is of the opinion that this mass of matter which is pushed along the bottom is the matter which forms the greater part of the bar. This has an important bearing upon this question, because Captain Eads himself will concede—I think he did before this committee—that if the principal part is pushed along the bottom it will not be carried out any farther by means of jetties. All the engineers agree on this question, and Captain Eads himself on another occasion stated the fact precisely as I believe it exists.

Mr. LEWIS. Allow me to ask the gentleman a question.

Mr. McCRARY. I have not much time, if I am to conclude to-day; but I will be glad to answer if it does not take too long.

Mr. LEWIS. Does not General Humphreys state in his report the matter carried as sediment to the Gulf would make a solid mass a mile square and two hundred and forty-one feet high, and does he not also estimate the amount rolled upon the bottom of the river would make a mass a mile square and only thirty-seven feet high?

Mr. McCRARY. I have not seen any estimate of the kind.

Mr. LEWIS. You will find it so.

Mr. McCRARY. What I wish to do now is to show by the testimony of Captain Eads that there is this vast amount of matter pushing along the bottom of the river. In his report as engineer-in-chief of the Illinois and Saint Louis Bridge Company I find, on page 21, this statement, not of opinion but of fact, by Captain Eads himself:

> I had occasion to examine the bottom of the Mississippi below Cairo, during the flood of 1851, and at sixty-five feet below the surface I found the bed of the river for at least three feet in depth a moving mass, and so unstable that in endeavoring to find footing on it beneath the bell my feet penetrated through it until I could feel, although standing erect, the sand rushing past my hands, driven by a current apparently as rapid as that at the surface. I could discover the sand in motion at least two feet below the surface of the bottom, and moving with a velocity diminishing in proportion to the depth at which I thrust my hands into it.

Now, Mr. Speaker, if that is the condition of the bottom of the Mississippi River in time of flood, I think it is easy to see how this great bar has filled up. Whenever there is a flood, it is not so much by the quantity of sediment held in suspension by the river waters as by this great rolling mass which is pushed along the bottom by means of the current of that mighty river, and which, when it strikes the salt water at the mouth and meets with resistance created by the incoming forces of the Gulf, is dropped down and forms the bar. That fact then of itself—and I prove it here by the testimony of Captain Eads—is to my mind entirely conclusive against the success of this mode of improvement; for all will agree that the littoral current, even if it exists, cannot reach or affect this mass of matter moved along the bottom.

I am not quite through, but I think I am detaining the House too long.

Several MEMBERS. Go on.

Mr. McCRARY. I will endeavor to conclude in a short time. There are some things which I wish to say, but which for want of time I will omit.

I will now call the attention of the House to some experiments which have been made, because experience in this matter is more valuable to us than the opinions of engineers, however able.

In General Barnard's minority report, which is to be found in Executive Document No. 220, page 119, he calls our attention to some four experiments which have been made for the improvement of sediment-bearing rivers by jetties. These rivers are the Danube, the Oder, the Vistula, the Rhone, and the Adour.

One of them, however, (the Oder,) is not a sediment-bearing river, and therefore ought not to be taken into account. Of the other four there is no claim made by General Barnard that at any place except at the Soolina mouth of the Danube has there been anything like a success.

Now, sir, as the mouth of the Danube is cited as a precedent for the improvement of the Mississippi River, let me repeat whatI said a little while ago, that there is scarce any similarity between the two rivers. The bar at the mouth of that river has not been advanced. Whatever amount of earthy matter was carried out by the river was carried in suspension and not, as at the mouth of the Mississippi, pushed along the bottom. The littoral current, which was discovered by Sir Charles Hartley, the engineer, before he undertook the work and before he would undertake it, is strong enough to carry away whatever sediment is founed at that point.

Now, sir, another experiment upon this subject was at the mouth of the Rhone. This river is more like the Mississippi than any other river upon which this experiment has been tried. It is a river which bears a large quantity of sediment, although only one-fourth the quantity which is carried by the Mississippi. Its bar is being rapidly extended, though not so rapidly as that of the Mississippi. Its extension is fifty-two feet per year; that at the mouth of the Mississippi four hundred feet. And yet the attempt to improve the mouth of the Rhone by means of jetties has entirely failed; and after spending millions and millions of dollars they have been obliged to improve that river by a ship-canal to connect the river with the Gulf of Fos. The canal is now completed and is a success. I have before me a very able work by a distinguished French engineer, Elisée Recliis, recently translated into our language and published in this country. In this work the engineer I have named treats of these experiments at the mouth of the Danube and also at the mouth of the Rhone, and I wish to call the attention of the House to what he says. Upon the general subject of the improvement of the mouths of these great rivers he says:

> Every engineer recommends his own special plan as being adapted to avert the danger; each promises that he will correct those river outlets which Vauban characterized as "incorrigible." But only too frequently operations are undertaken without taking account of the numerous causes which determine the formation and fluctuations of the bar. Among all the immense works which have been carried out at the mouths of rivers many have become useless or even absolutely injurious to navigation. Millions and millions of money have been thus cast into the ocean and purely wasted, (page 425, 426.)

Then, speaking of the improvement of the mouths of these rivers, or the attempt to improve them by means of jetties,he says, page 427:

> A system of moles and jetties is, therefore, the plan that has generally been resorted to by engineers in the improvement of the mouths of rivers. This plan is somewhat similar to that of the embankments which have been employed, with various degrees of success, on the middle courses of rivers; but the marine dikes have not always produced favorable results, and a great many experiments which seemed to offer good chances of success have entirely failed. Among the undertakings of this kind, which have been the most costly and the most useless, we may mention those which have been carried out at the delta of the Rhone.

He says, further:

> In 1852, Surell, the engineer, closed up the various *graus* through which the water of the Rhone found littoral outlet and lengthened the two banks of the principal mouth by means of dikes converging one upon another, thus doubling the force of the current.

It cannot, I think, be claimed that the force of the current can be very greatly increased at the mouth of the Mississippi River, because there is no fall; there is almost a dead level for five miles, and when a storm comes in the current is apt to be the other way instead of toward the Gulf.

> The water of the river did, in fact, accomplish the work of erosion, and cleared out the channel; but fresh alluvium being incessantly brought down by the flow of the Rhone and thrown up by the waves of the sea, a new bar formed across the mouth outside. Before the operations of embanking were begun, the average depth of the channel was five feet ten inches; at the present time it is the same, after having varied from thirteen feet to six feet and one-half, and three feet eight inches, according to the quantity of water sent down by the current.

As to the result of the experiments at the mouth of the Rhone he says, page 432:

> A work of this kind (a canal) is being carried out at the mouth of the Rhone, by the digging out of the canal of Saint Louis. This navigable channel is two and a half miles long and sixty-six yards wide, and is intended to connect the river with the Gulf of Fos, so called from a former navigable canal dug out by Marius, (*fossæ marianæ.*) Vessels drawing twenty-four feet of water will thus be enabled to ascend as far as the port of Arles, which at the present day is almost abandoned by commerce on account of the deficiency of water in the channel of the Rhone.

Of the improvements of the mouth of the Danube the same author says, (page 429):

> The operations undertaken at Sulina, one of the mouths of the Danube, appear to have met with great success, *but through an entirely special cause.* Mr. Charles Hartley, the skillful constructor of the Soolina jetties, has taken care to push them out more than a hundred yards into the sea, as far as a point where a current generally passes along the shore tending from north to south. This current catches hold of all the alluvium, which glides down over the bottom of the bed of the river and thus hinders the formation of a fresh bar.

It is said that the effect of jetties at the mouth of the Mississippi would be to push the earthy matter out into very deep water, so that

even if the littoral current did not carry it away the bar would be a long time in reforming. The answer to this is that the whole space out from the mouth of the river for five to ten miles is rapidly filling up and the bar would not be pushed into very deep water. Captain Howell's reports show that actual measurement has established that at a point three thousand feet seaward from the crest of the bar the water is but forty-five feet deep. At the same point it was one hundred and forty-five feet deep in 1838.

It is now so late in the day that I will not detain the House longer at this time. It is possible that I may wish to add a few remarks on points which have escaped my memory because of the hurried manner in which I have spoken, when the House resumes the consideration of this subject; but at present I am not sure whether I will or not. For the present I yield the floor. The following are the statistical tables to which I have referred, showing the population, improved and unimproved lands, number and value of live stock, amount of cereal products, wool, &c., produced within the States bordering on the Mississippi River and its principal tributaries, during the year 1870:

Table showing population and per cent. in gain from 1860 *to* 1870.

States.	Population.	Gain since 1860.
		Per cent.
Wisconsin	1,054,670	33.90
Minnesota	439,706	155.61
Iowa	1,194,020	76.91
Illinois	2,539,891	48.36
Missouri	1,721,295	51.52
Arkansas	484,471	23.90
Tennessee	1,258,520	25.91
Mississippi	827,922	34.26
Louisiana	726,915	26.35
Kentucky	1,321,011	23.98
Ohio	2,665,260	13.92
Indiana	1,680,637	24.45
Nebraska	122,993	.....
Kansas	364,399	240.00
Total	16,401,710	.....

Table showing the number of acres of land, improved and unimproved, within the following States.

States.	Acres improved in farms.	Acres unimproved in farms.	Number of acres not in farms.	Total.
Minnesota	2,322,102	4,161,726	47,976,012	53,459,840
Wisconsin	5,899,343	5,815,978	22,796,039	34,511,360
Iowa	9,396,467	6,145,326	19,687,007	35,228,800
Illinois	19,329,952	6,552,902	9,576,346	35,459,200
Missouri	9,130,615	12,576,605	21,415,980	43,123,200
Arkansas	1,859,821	5,735,475	25,811,424	33,406,720
Tennessee	6,843,278	12,737,936	9,602,786	29,184,000
Mississippi	4,209,146	8,911,967	17,058,728	30,179,840
Louisiana	2,045,640	4,980,177	20,690,023	27,715,840
Kentucky	8,103,850	10,556,256	5,455,094	24,115,200
Ohio	14,469,133	7,432,287	3,875,540	25,576,960
Indiana	10,104,279	8,015,369	3,518,092	21,637,760
Nebraska	647,031	1,426,723	76,011,726	78,085,480
Kansas	1,971,003	3,685,876	44,530,641	50,187,520
Total	96,332,660	98,784,603	328,005,438	521,851,720

Table showing the number and value of live stock in 1870.

States.	Horses.	Mules.	Cattle.	Sheep.	Swine.	Value.
Minnesota	91,011	230	310,379	132,343	148,743	$20,118,841
Wisconsin	252,019	4,195	692,294	1,069,282	512,778	45,310,882
Iowa	433,642	25,485	1,006,305	855,493	1,353,908	82,987,133
Illinois	853,738	85,075	1,719,586	1,568,286	2,703,343	194,756,698
Missouri	493,969	111,502	1,152,095	1,352,001	2,306,430	84,285,273
Arkansas	92,013	36,202	357,935	161,077	841,129	17,222,506
Tennessee	247,254	102,983	643,696	826,783	1,828,690	55,084,075
Mississippi	90,221	85,886	501,075	232,732	814,381	21,940,238
Louisiana	59,738	61,338	335,261	181,602	338,326	15,929,188
Kentucky	317,034	99,230	700,327	937,765	1,838,227	66,287,343
Ohio	609,722	16,065	1,436,217	4,928,635	1,728,968	120,300,528
Indiana	497,883	43,259	1,026,184	1,612,680	1,872,230	83,778,782
Nebraska	30,511	2,632	72,928	22,725	59,449	6,551,185
Kansas	117,786	11,786	373,957	109,088	206,587	23,173,185
Total	4,286,543	685,663	10,329,839	13,998,492	16,545,189	835,725,857

Table showing the amount of wheat, rye, corn, oats, barley, buckwheat, tobacco, and cotton produced in 1870.

States.	Wheat.	Rye.	Corn.	Oats.	Barley.	Buckwheat.	Tobacco.	Cotton.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Pounds.*	*Bales.*
Minnesota	18,866,073	78,088	4,783,117	10,678,261	1,032,024	52,438	8,247	.....
Wisconsin	25,606,344	1,325,294	15,033,998	20,180,016	1,645,019	408,897	960,813	.....
Iowa	29,435,692	505,807	68,935,065	21,005,142	1,960,779	109,432	71,792	.....
Illinois	30,128,405	2,456,578	129,921,395	42,780,851	2,480,400	168,862	5,249,274	465
Missouri	14,315,926	559,532	66,034,075	16,578,313	.....	36,252	12,320,483	1,246
Arkansas	741,736	27,645	13,382,145	528,777	.....	226	594,886	247,968
Tennessee	6,188,916	223,335	41,343,614	4,513,315	.....	77,437	22,465,452	181,842
Mississippi	274,479	14,852	15,637,316	414,586	.....	1,819	61,012	564,938
Louisiana	9,906	.....	7,596,628	17,782	.....	260	.....	350,832
Kentucky	5,728,704	1,108,933	50,091,006	6,620,103	238,486	3,443	105,305,869	1,080
Ohio	27,882,159	846,890	25,347,549	25,347,549	1,715,221	180,341	18,741,973	.....
Indiana	27,746,222	457,468	8,590,409	8,590,409	356,262	80,231	9,325,392	.....
Nebraska	2,125,086	13,532	1,477,562	1,477,562	216,481	3,471	5,988	.....
Kansas	2,391,198	85,267	4,095,925	4,095,925	98,405	27,826	33,241	.....
Total	191,440,846	7,703,221	553,116,276	162,828,591	9,743,077	1,150,935	175,144,422	1,348,371

RECAPITULATION.

Bushels of grain	925,982,946
Pounds of tobacco	175,145,422
Bales of cotton	1,348,371
Population	16,401,710
Acres of land improved	96,332,660
Acres of land unimproved, (in farms)	98,784,603
Acres of land, (not included in farms)	328,005,438
Total number of acres of all classes	521,851,720
Live stock, (number)	45,845,726
Live stock, (total value of)	$835,725,857

Not enumerated above, but from the same report, will be found the following result:

Pounds of wool	47,093,572
Tons of hay	27,316,048
Bushels of clover and grass seed	559,426
Bushels of rice	15,845,012

Of 1,387,299,155 bushels of grain raised in the United States the western division produced 925,982,946 bushels; or, in words, about two-thirds of the total amount produced in the United States.

In population of 38,115,641, this division represents 16,401,710 of that number in 1870. At the same ratio of increase this territory now represents a population of about 18,000,000.

Of 100,102,387 pounds of wool, we have a credit of 47,093,572 from that amount.

Of 27,316,048 tons of hay produced, we find 11,502,617 placed to the credit of this division.

Of 1,222,865 bushels of grass and clover seed produced, we have 559,426, or about one-half of the whole amount.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. GARFIELD. I move that the bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875, which has been returned from the Senate with amendments, be taken from the Speaker's table and referred to the Committee on Appropriations, and that it be printed with the Senate amendments numbered.

The motion was agreed to.

EVENING SESSION FOR TO-MORROW.

Mr. STORM. I ask unanimous consent that to-morrow evening be assigned to the Select Committee on the Washington Monument for debate only.

Mr. SENER. And on the monument to the mother of Washington.

Mr. HURLBUT. I am sorry to antagonize the gentleman, but we may need to-morrow evening in case we do not get through with this bill sooner.

Mr. STORM. I did not suppose that to-morrow evening had been asked for any other purpose.

Mr. HURLBUT. It is possible it may be needed.

The SPEAKER. But in case it is not needed?

Mr. HURLBUT. Then I have no objection.

The SPEAKER. Then an evening session will be considered as ordered for to-morrow evening for the purpose of debate on the subjects indicated.

COST OF PUBLIC BUILDINGS.

Mr. PLATT, of Virginia, by unanimous consent, from the Committee on Public Buildings and Grounds, reported a bill (H. R. No. 3589) to extend the limits as to cost of certain public buildings and to remove certain restrictions in regard to the construction of the same, and for other purposes; which was read a first and second time, recommitted to the committee, and ordered to be printed.

Mr. HURLBUT. I move that the House now take a recess until half-past seven o'clock.

Mr. HOLMAN. Is it understood that no business is to be transacted?

The SPEAKER. No business whatever is to be transacted, and the debate is to be confined to this bill; that is to say, it is to have precedence. If the debate on this bill shall be exhausted, the Chair does not suppose there would be any objection to any gentleman speaking on any other subject, but the preference will be given to gentlemen who desire to speak on the bill.

The motion of Mr. HURLBUT was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m., Mr. BURROWS occupying the chair as Speaker *pro tempore*.

IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

The SPEAKER *pro tempore*. By order of the House the session for this evening is for debate only on the bill for the improvement of the mouth of the Mississippi River.

Mr. WELLS. Mr. Speaker, the opening of the mouth of the Mississippi River to free and unobstructed navigation is of so much importance to the people I in part represent on this floor that I cannot let the present occasion pass without presenting some of the views I entertain upon this subject, and which will influence me to vote for the passage of the bill reported from the majority of the Committee on Railways and Canals. For a number of years past the bulk of western produce to eastern markets, and to consumers, has been very greatly embarrassed, both by the enormous quantity of such produce supplied by the rich agricultural lands of the West and the requirements of consumers in other sections of the country and in foreign lands. This embarrassment grows out of the small value per ton of these productions, when compared with other fruits of industry and chief objects of commerce, which renders a costly transportation peculiarly burdensome to those who consume, and still more to those who produce them. The quantity of vegetable produce moved in a single year, 1873, by only five routes of transportation eastward from the valley of the Mississippi amounted to more than 7,400,000 tons, and statistical details are given from ten States in the Northwest which show that they have a surplus available for shipment to meet deficiencies elsewhere in one year's crop of 364,000,000 bushels of cereals. So small a quantity of this reaches the Atlantic sea-board that it is reasonable to suppose that by no means an inconsiderable part remains unsold, and is wasted or consumed, beyond the actual requirements of the people of that region, in consequence of the lack of adequate facilities for its economical transportation.

In addition to the cereals, during the past year over 2,400,000 tons of other agricultural products were ready for the market. But the routes upon which over 8,000,000 tons of agricultural products have to depend for transportation eastward are at the same time required to move over 2,500,000 tons of forest produce, and 900,000 tons of petroleum, besides 1,000,000 tons of manufactured iron and other articles, toward tide-water, and these same routes move, though not wholly eastward nor over their whole length, more than 9,000,000 tons of coal. Of these enormous quantities of western productions, so large a proportion is moved over the same parts of the chief routes, and in the same direction, that blockades and delays, costly alike to commerce and the transporter, cannot always be avoided by the utmost skill.

The profitable cultivation of the soil is moving westward with surprising rapidity. In 1850 Pennsylvania produced more wheat than any State in the Union. In 1873 Minnesota had the largest wheat crop of any State. Growing population creates increasing demand from the older States. The region south of the lakes, which formerly supplied the East, has steadily decreased in production, and in 1873 more than half of the wheat produced in the northwestern portion of the country for the eastern market, or for export to foreign ports, was grown in States west of the Mississippi River. As the distance between the producer and consumer widens thus rapidly, the cost of transportation becomes every year to both a matter of more vital concern.

Financial and industrial disorder has impressed upon the public mind the conviction that by some mode or other our exchange of products must be effected at less cost. And the true and, to my mind, only solution of this problem lies in the fact that a bushel of wheat or corn, or any other production of the soil, if it be launched upon the navigable waters nearest to either of the chief producing districts of the West, and follows the natural water currents without interruption or other motive-power, will be found within forty days in the Atlantic Ocean, close to the harbor of New York, at less expense than any other. Nature itself supplies in the Mississippi River and the Gulf Stream a route from the very districts in which the largest surplus of grain is produced to the very region in which the demand for consumption most largely exceeds production. Upon that route nature adds, free of cost, a motive-power, aiding every eastward-bound vessel in the natural currents, flowing at the rate of about four miles an hour, from Saint Paul to the Gulf, and from the Gulf along the Atlantic coast.

The localities from which grain must be moved settle the question as to the fitness of different routes. They furnish abundant evidence that Providence, when He bestowed upon certain regions of our land extraordinary fertility, traced also for each one of them a natural route of cheap transportation by water flowing to the sea.

According to the census report of 1870, six of the most productive wheat districts lie almost wholly west of the Mississippi River. The first in Minnesota and Iowa, and produces, according to careful estimates, a surplus beyond consumption of about 45,000,000 bushels of wheat. The second extends along the Missouri River, in Iowa, Nebraska, and Kansas, and produces an estimated surplus of 3,000,000 bushels. A third lies along the Mississippi River, in Illinois and Missouri, embracing every county from Quincy to Cairo, and produces an estimated surplus of nearly 14,000,000 bushels. A fourth extends along the Wisconsin and Fox Rivers, and produces about 15,000,000 bushels. A fifth extends through Central Michigan, touching Northern Indiana, producing not more than 5,000,000 bushels; while the sixth, embracing counties in the Miami Valley, in Indiana, produces an estimated surplus of nearly 11,000,000 bushels.

Detailed examination by counties shows that in addition to an estimated surplus of 47,786,738 bushels produced in States west of the Mississippi River, more than 26,000,000 bushels of the surplus of wheat are produced in localities from which the Mississippi and its navigable tributaries afford a natural outlet. Thus, of an estimated surplus of 92,895,857 bushels of wheat produced in Northwestern States, about 74,250,000 bushels, or nearly 80 per cent., are grown in districts to which material benefit from improvements of the Mississippi River and its tributaries would surely extend.

From the same source from which this information is derived, we see a like result in relation to the surplus crops of corn and oats, half the surplus of barley, and two-thirds of the packed meats, together with the crops of tobacco, hemp, sugar, cotton, and molasses. All of these lie close to the navigable rivers of the West. More than 9,000,000 tons of agricultural products, not required for consumption in these Western States, seek an outlet from districts to which the Mississippi and its tributaries, if rendered available, offer a route more readily accessible and cheaper than any other.

In the rapid development of this country, the location of the surplus of these vast productions has advanced so far to the westward that the expense of moving it by the lines of rail and the lakes of the north have, in effect, closed these routes to a large proportion of this surplus. Such has been the high price of transportation by these unnatural routes of transport that the farmer of the West is required to pay two-thirds of his crop to get one-third to market. A route southward, therefore, by this natural channel, cutting all these railroads or their dependencies at a multitude of points, extending navigable branches into almost every considerable surplus-producing district in the West, offering to almost every western railroad an independent route, to which it may move freight in a multitude of cases more profitably than to either of the eastern trunk roads, seems to me to give absolutely the only permanent and generally effective protection to producers.

The opening of the mouth of the Mississippi River to the uninterrupted navigation of ocean vessels will break up and render worthless a host of combinations formed for the control of the traffic of this vast valley. When we consider the great number of navigable streams upon which our western steamers ply, reaching out from the Mississippi, the vast territory traversed by its branches, and the peculiar proximity of the chief grain-producing regions to those branches, or to the river itself, it is clear that competition offered by that free highway, unlimited in capacity, and closed from Saint Louis southward an average of only eighteen days in the year, will be worth more to the agricultural interests of the West and the consumers of the East than all other competition attainable or conceivable by any other means.

It is unnecessary, Mr. Speaker, that I should proceed further to point out the importance to the section of the valley of the Mississippi which I in part represent upon this floor of the permanent opening of the mouth of the Mississippi River; for notwithstanding the immense surplus of agricultural products now sent forward by the various routes of transport, these productions are yet in their infancy. The teeming population pouring into these States, not only from the sterile granite hills of New England and the States bordering on the Atlantic sea-board, but from the industrial population of the Old World, will in a very short period of time so multiply the agricultural productions of these Western States, and develop the vast mineral resources that lie hidden within their borders, as to require every natural as well as artificial channel that can be constructed to bear off the surplus for consumption by less favored communities.

The industry and commerce of the Mississippi Valley need immediate relief by the opening of their natural channels of trade to the highway of nations upon the ocean. And this can only be done by so improving the entrance of the Mississippi into the Gulf as to allow ocean steamers and vessels of large tonnage to enter its mouth and receive their cargoes from the river craft bearing these surplus products to New Orleans.

That the bill now under consideration does not ask for an appropriation larger than the States bordering on the Mississippi River are justly entitled to will fully appear, I think, by reference to a few statistics which I have collated from official sources, and which I beg to present for the consideration of the House.

In the first place, the following table, derived from the records of the General Land Office, will show the disposal of the lands of nine States bordering on this river by the Government:

Approximate statement of gross amount of cash receipts; number of acres approved in aid of railroads, granted for canals, entered by military bounty land warrants; and number of acres remaining unsold and unappropriated in the several States mentioned below, up to December 31, 1873.

States.	Cash receipts.	Approved in aid of railroads.	Granted in aid of canals.	Entered by military bounty land warrants.	Remaining unsold and unappropriated.
		Acres.	*Acres.*	*Acres.*	*Acres.*
Ohio	$20,271,391 41	.....	1,700,361.00	1,817,461.99	.....
Indiana	20,883,606 03	.....	1,439,279.41	1,311,956.65	.....
Illinois	23,905,984 66	2,595,053.00	200,915.00	9,533,653.00	.....
Missouri	19,593,186 57	2,193,322.88	.....	6,516,189.58	400,000
Mississippi	15,515,566 25	1,072,405.45	.....	384,697.73	4,300,000
Iowa	12,983,292 76	2,153,395.78	.....	14,099,025.77	1,900,000
Nebraska	2,355,474 58	.....	.....	1,902,398.94	35,800,000
Kansas	1,085,948 22	.....	.....	4,251,420.09	26,000,000
Minnesota	1,764,161 52	152,834.67	.....	5,979,574.53	28,600,000
Total	118,358,612 00	8,167,011.78	3,430,555.41	45,796,388.28	97,000,000

NOTE.—The only public lands for sale in Ohio, Indiana, and Illinois are those which have reverted to the States by cancellation of entries, &c.

From this you will see, Mr. Speaker, that there has been paid into the Treasury of the United States from the sale of the lands of these nine States in cash $118,358,612. There has been given away by the United States in aid of railroads of these lands 8,167,011.78 acres; granted for the use of canals 3,430,555.41 acres, and entered by military bounty land warrants 45,796,388.28 acres, equal to $72,742,444.33. In addition to this, there is yet for sale in these nine States 97,000,000 acres of public land, for which the Government will receive in cash or its equivalent, at the minimum price, $1.25 per acre, the sum of $121,250,000; making a grand total of cash value derived from the disposal of the public lands of these nine States and controlled by the United States through its Treasury under authority of the acts of Congress $312,351,056.33

In addition to this, there has been collected and paid into the Treasury of the United States by the Internal Revenue Bureau, under authority of Congress, from the following States, bordering on the Mississippi River and its navigable tributaries, every one of which is vitally interested in the opening of the mouth of that river to free and uninterrupted navigation by ocean vessels of large tonnage, the following amounts:

Ohio	$169,915,839 37
Indiana	45,860,089 87
Illinois	135,349,690 26
Missouri	54,142,142 04
Mississippi	10,095,250 42
Nebraska	1,566,058 53
Kansas	2,488,112 62
Minnesota	3,170,577 08
Tennessee	17,668,462 75
Kentucky	60,915,800 32
West Virginia	6,697,921 59
Iowa	14,735,546 22
Arkansas	3,680,650 16
Louisiana	30,158,187 94
	556,404,329 17

This, added to the receipts from lands sold by the United States, as shown in the table above, amounts to more than one-half of the revenue collected in cash from all the States since the establishment of the Internal Revenue Bureau.

Mr. Speaker, these exhibits, I think, will show that liberal appropriations are justly due these Western States for the improvement of these natural channels of commerce. And you will find, by reference to the expenditures of the Government since the adoption of the Constitution, that the appropriations made for the improvement of commerce and the development of the vast resources of the country have been upon a meagre scale, especially in the valley of the Mississippi River.

In this vast valley, the most fertile upon the face of the earth, extending from the western slope of the Alleghany at Pittsburgh, Pennsylvania, from the Falls of Saint Anthony at the head of the Mississippi River, and from the Yellowstone at the foot of the Rocky Mountains in the West, we have a continuous communication by navigable rivers of over twenty thousand miles, concentrating their forces and all bearing their products to one outlet in the ocean at the mouth of the Mississippi. And yet the Government, for the improvement of these vast avenues of trade, which are designed by nature to afford the cheapest and most ample facilities for the immense population which inhabits this rich and fertile land, have only expended since its organization in the improvement of these rivers a little over $11,000,000—not averaging $150,000 per annum.

Mr. Speaker, the time has come when it becomes necessary for the Government to take some action for the permanent opening and securing an outlet at the mouth of the Mississippi River sufficient for the ingress and egress of vessels of large tonnage, that they may bear off to the ocean and markets of the world the surplus productions of the western States.

That plan which will most certainly secure this end, and afford the least expense to the producer and the consumer in the transfer of cargo, is the one that should be adopted.

In my opinion, this bill, reported from the majority of the Committee on Railways and Canals, authorizing James B. Eads and others to proceed in the work of deepening the channel at the mouth of that river, by what is known as the "*jetty system*," is the only plan that will fully meet the object contemplated, and will be more permanent and of less expense than any other yet presented.

I am aware, Mr. Speaker, that the board of United States engineers appointed by the Secretary of War, under a resolution of this House passed March 14, 1871, to examine into the feasibility of this matter, have made a report favoring the building of a canal. I am aware also that this project of opening an outlet at or near the mouth of the Mississippi River by means of a canal has been agitated for the past forty years.

Its advocates, however, have been heretofore principally among local engineers and merchants at New Orleans. Its feasibility, which has never been made the main subject of discussion, is the only one requiring consideration. A careful examination of this report has not satisfied me that the suggestion of the chief engineer establishes the fact that a canal is either feasible, or will, when completed, afford the relief to commerce which is now required. That it will add to the expense of the change of cargo there can be no question, as it will require the erection of elevators and probably reshipment at the end of the canal. There being no current through it, it will necessarily require dredging to free it from the accumulation of deposit, which will settle in the entrance basin of the lock, filled from the flow of the river in consequence of the current flowing past it, and would, therefore, be a continual source of vexation and delay. These considerations alone are sufficient to require a pause to see the effect it would have by checking commerce in its flow to and from the vast resources furnished by the river.

But, sir, a canal running from the Gulf, with locks to check its entrance to the bed of the river, and requiring each vessel laden at New Orleans to pass out these locks, will never suffice to convey the surplus produce of the Mississippi Valley to the ocean. If its cost could be calculated and its success insured, it will never answer the purposes of relieving the people of these producing States from the embarrassment they now suffer in relation to transportation of their productions to the markets of the world. But that its cost has not been calculated and is unknown, and its location made, is fully established by the report itself, for on page 63 it is said:

> With regard to the plan submitted by the engineer in charge, he has stated that it was prepared while pressed with other important duties, and that under the circumstances it was not possible to perfect all details of the project, or to make the numerous borings which are considered as necessary preliminary to a precise location of the route of the canal through the entire length.

The estimate submitted can therefore only be regarded as an approximation to the probable cost of the work.

Again:

> In order to avoid beds and pockets of quicksand known to exist at some points in this locality, that the precise line of the canal should not be decided upon until a more thorough examination of the sub-strata has been made by borings. It is not improbable that such an examination may indicate the expediency, and perhaps necessity, not only of adopting a curve, or series of curves, in preference to a straight line for the axis of the canal, but also of selecting other points of termini than those recommended by Captain Howell.

It is evident, therefore, that at the time the board of United States engineers made their report in favor of a canal, they had not sufficient data to determine its best location across the peninsula, including its termini, and particularly its *débouchure* by jetties into Isle au Breton, and it was therefore impossible to estimate its cost.

It is evident to every one who carefully looks into this report of the engineers, that neither the cost of the work of building a canal, the line of its location, the position of its terminal points, nor the exact method of its construction, had been determined upon by these engineers when they recommended this work. General Bernard, who was the president of the board, and whose ability as an engineer is not surpassed by any officer of the corps, after expressing his faith in jetties as the speediest means of obtaining a permanent deep-water channel, thus protests against the canal on page 91 of the report:

> It is said the time has come when the needs of commerce demand the canal; but I answer that the time will come when there will be the same cry for a navigation unimpeded by locks—an open-river mouth. But in whatever aspect the question be regarded, the use of the river mouth for the next ten years is simply inevitable.
>
> The conditions of the location and execution of a canal have received no adequate study. The plan boldly and yet so imperfectly sketched out nearly forty years ago by one for seventeen years my commanding officer or professional associate, W. H. Chase, is yet in its engineering features the *best plan extant*, and the grave objections to that apply with even greater force to the present project, and demand new studies of location and an entire revision of plans of execution. It would be a rash confidence which would contemplate a realized Fort Saint Philip Canal earlier than A. D. 1884.

It is evident to me that to secure the advantages which nature has given to the commerce of the valley of the Mississippi, the free navigation of the river by ships of equal size to those which frequent and supply all ports—that is, of an average tonnage of from one to two

thousand tons—must be secured. The numerous failures that have been made have not yet destroyed the hope of accomplishing this end. The admirable condition of the port of New Orleans, and the urgent necessity which requires a cheaper route of transport for our produce than is furnished by the net of railroads and the navigation of the lakes in the North, have turned the attention of our people to the incomparable superiority of the river route for all practicable purposes.

After a careful examination of this matter by some of the most experienced engineers of the country, they have expressed the opinion that this object can be secured by improvements at one or more of the natural mouths of the river. In the report made by General Bernard, (Executive Document No. 113, Forty-third Congress, first session, page 84,) he says upon the subject of jetties for this purpose:

> I do not know how I can better define at the outset my position in relation to them than by quoting from a former report: "I can only reason on *probabilities*, deduced from study of the river and the lights of experience, and so long as, to establish the negative, there has been I need not say no trial of the system, but not even a survey accompanied with a careful study and experiments directed expressly to develop the cost and character of the work needed, I feel that I am justified in recommending it as probably furnishing the most speedy attainment of a deep-water channel, and one which will have some features of permanence."

Again, General Bernard, in his report, quotes from the Physics and Hydraulics of the Mississippi for the *rationale* of the jetty system:

> The development of the laws which govern the formation of the bars has removed all uncertainty as to the principle which should guide an attempt to deepen the channel over them. The erosion or excavating power of the current must be increased relatively to the depositing action. This may be done either by increasing the absolute velocity of the current over the bar or by artificially aiding its action. To the first class of works belong jetties and the closure of lateral outlets; to the latter, stirring up the bottom by suitable machinery, blasting, dragging the material seaward, and dredging by buckets. These plans are all correct in theory, and the selection from them should be governed by economical calculations.

Such, says General Bernard, is the theory of jetties, "and no engineer has yet expressed a doubt as to the fact that concentration of the waters of one of the passes by jetties carried out to deep water *would excavate the required deep channel.*" The only objection, he says, is the difficulty and cost of construction, and the alleged necessity of costly annual extension of these jetties to follow the bar thrown out at the mouth. But, Mr. Speaker, recent developments have shown that this objection has no foundation in fact. That there will be any advance of the jetties necessary after they are built is not supported by the experience of the improvement at the mouth of the river Danube, where the "jetty system" has been put to practical test. There the water has been increased by their use from nine to twenty feet in depth, and no advance in the bar is indicated. On the contrary, the shore line has actually receded near the jetties. This experience at the mouth of the Danube is sustained by the opinion of some of the most eminent engineers in Europe and America.

Correct maps of the ocean currents, made since 1861 and on file in the office of the Coast Survey, giving the equatorial current of the ocean, place it as flowing from Cape Saint Roque, in Brazil, directly against the northern and eastern shore of South and North America and around the coast of Mexico, Texas, and Louisiana, to the Southwest Pass at the mouth of the Mississippi, and on to Cape Sable, in Florida, from which point it takes the name of the Gulf Stream. It is so designated in all the standard German and European maps, and is so marked upon the globe used in the office of the Coast Survey. Examine all the soundings of the deep sea near the mouth of the Mississippi River, and you will find its trough nearly eight thousand feet deep, eroded squarely at right angles to the Southwest Pass.

This current has not only removed the delta and the bar of the Amazon in South America, which flows directly into the deep sea, but it has swept away in its course the deltas of the Orinoco, Magdalena, Rio Grande, Colorado, and Brazos, and of every great and little river on the eastern side of our hemisphere from the Amazon to the Mississippi. The bars at the mouths of all these rivers can be removed, and will be removed by men who *believe* they can do it and who have the genius to accomplish what they undertake.

In testing the course of this current, while experimenting upon the currents of the ocean, the late Professor Maury threw into the ocean, at the mouth of the Amazon in South America, forty bottles well corked; a portion of them were stranded upon Galveston Island, off the coast of Texas.

The light-house at the Southwest Pass, at the mouth of the Mississippi, in 1837 stood far off from the west Gulf shore. Since that, it has been washed away by the encroachment of the sea upon the land at the passes, while there has been very little extension of the bar, and this extension will be less and less as the river forces the land into the deep and deeper sea, which is now nearly eight thousand feet deep in sight of the light-house lantern of the Southwest Pass.

All the recent examinations show that the sea along the Gulf coast is continually encroaching upon the land, while the river is vainly attempting to push its bar into the constantly deepening deep. The alluvium and the strata of the ancient delta are driven along by the whirls of this tropical current toward Pass Christian, Pascagoula, and Mobile.

The muddy waters of the Mississippi all flow in that direction, except when portions of them are blown with the drift-wood upon their surface by the variable winds into the little bays and upon the low shores about the passes at the mouth; but the deep-sea trough near the mouth of the Southwest Pass is one hundred miles south of Mobile Bay.

All the bottom of the Gulf of Mexico near the mouth of the Mississippi and Alabama coast is shallowed, and its waters are closed by the turbid river and the washing of its bar, which goes to prove the action and direction of this great current which forms the principal part of the Gulf Stream.

I have no faith whatever, Mr. Speaker, in the correctness of mathematical calculations, even if made by engineers, in regard to the former or future extension of the bars at the mouth of the Mississippi which ignore the facts I have presented. All the facts of physical geography are in conflict with such mathematics.

The ocean bottom at the Southwest Pass is not level; it slopes with a descent of several hundred feet to the mile down to eight thousand feet in thirty miles, and then into depths more profound. The Mississippi River does not bring down into the Gulf and drop on one spot or upon the whole surface of the bars a mile square of earth two hundred feet thick, as is said in one report, or deposit upon one site any such mass—solid, fluid, or in any other form. It may convey to the sea that or ten times as much. Some of it is undoubtedly lodged there, but the most of it is strewn over the Gult bottom from its mouth to Pensacola, and some of it may find its way to "the *telegraphic plateau*" between Newfoundland and Ireland, as portions of its drift-wood certainly do to the western shore of Europe. And this deep-sea current, which deepens the Gulf there and shallows its northern limits, certainly crosses the proposed line of these jetties; and while it will prevent their extension to Cuba it will convey whatever they cast into it, which it can utilize as paving materials to the north and east of their points, and will dump them there to make the shallows between Ship Island and Fort Saint Philip *shallower still.*

This ocean river will certainly conquer the Mississippi ultimately and capture and carry away its bar, as it has already vanquished the Amazon and sunk its bar into its "unfathomed caves," or stranded it upon some new-made shore, whether we choose to assist it or not. The future millions of the occupants of the valley of the Mississippi will find its mouth opened sufficiently to supply all the commercial wants of the cyclopean engineer, even if without our puny aid to hasten it in the performance of its natural work.

The cost of the two classes of work proposed, canal and jetties, has been left by me to be discussed by the committee that has had the subject under consideration. Having undoubted confidence in the engineering skill of Captain Eads as well as in his ability to carry out whatever he may undertake, I cannot come to any other conclusion. When I look at that noble structure erected across the Father of Waters at Saint Louis—the finest bridge, so acknowledged by all who have seen it, either in this or any other country—when we consider that a convention of the most eminent civil engineers in this country, twenty-seven in number, met at Saint Louis to examine the ground and plans of the bridge, and they with one voice pronounced against the practicability of constructing it in accordance with the plans submitted by Mr. Eads—time, genius, and enterprise have proven their error; for the work is completed in accordance with the plans submitted to that convention, and stands as a monument to the great engineering skill and genius of its projector.

Mr. Speaker, this bill simply authorizes James B. Eads, with such others as may be associated with him, to proceed in the work of deepening the channel of one of the outlets or passes of the Mississippi River into the Gulf of Mexico to be selected by himself, by permanent or sufficient jetties at or near its mouth, and so limits him in its provisions as to prevent his interfering with the free navigation of the channel by large or small vessels while he is engaged in the work. It is so guarded in its provisions also that the United States runs no risk in the loss of the appropriation made for the work, as Captain Eads proposes to accomplish a great part of the work and establish his ability to complete it to the satisfaction of a competent board of commissioners who are to be appointed by the President to examine the work. I can therefore see no reason why the bill should not pass and the work be at once begun.

Captain James B. Eads would not attempt this work without he was fully convinced of his ability to succeed. Born and raised in the valley of the Mississippi, he has been all his life-time intimately connected with operations upon the river, and from a humble beginning has earned a reputation for skill in engineering and successful execution of work second to none other in all the land. Twenty years ago he stood at the Southwest Pass, at the bottom of the river, under the diving-bell, rescuing the cargo of the bark Mary Ellen, wrecked upon that bar. And while some of the professional engineers of the country would strive to make us believe that he knew nothing of the Mississippi River, he has for thirty-five years been so intimately identified with it that there is not a stretch of fifty miles long between Saint Louis and New Orleans in which he has not stood upon the bed of the stream beneath the shelter of the diving-bell. He is better acquainted with the bar of the Southwest Pass than any one of the engineers who has reported in favor of a canal, and he knows absolutely that the jetties he proposes to build can be put down with success.

Captain Eads believes that the Mississippi River is the natural outlet for the commerce of this valley, and that God has conferred upon his intelligent creatures the ability to curb and control it. It

is merely a question of money and brains. With the little stock of these elements which hitherto he has controlled he has rescued many millions from beneath its floods.

Mr. STONE. Mr. Speaker, if the petitions and memorials of the several chambers of commerce, boards of trade, conventions, and concurrent resolutions of the several State Legislatures of the Mississippi Valley presented to this Congress indicate anything, it is that the petitioners and memorialists are a unit for cheap transportation, and to that end they recommend the improvement of the mouth of the Mississippi River.

This is not the time to consider the justice or necessity of the demand of the eighteen millions of people of the Mississippi Valley upon this Congress for this improvement in order to relieve them, as they allege, of unjust discrimination in freight charges by railroads in the transportation of their products to the sea-board.

The justice of their demand will be conceded and the necessity will be admitted for the reasons and statistics repeatedly set forth by gentlemen upon this floor while discussing this subject of cheap transportation. Hence it will not be necessary to again repeat these statistics and arguments of their urgent claims, but rather to review the action of the majority of your committee which induced them to report the bill now under consideration.

Mr. Speaker, early in this session of Congress bills were introduced for the construction of a Fort Saint Philip Canal from a point on the Mississippi River below Fort Saint Philip to Isle au Breton Pass, a distance of about seven miles, which bills were referred to your Committee on Railroads and Canals for their consideration and report thereon. From the information which reached your committee through the daily press and otherwise they were of the opinion that the project for the construction of the Fort Saint Philip Canal was practicable, would be unqualifiedly indorsed and recommended by the honorable Secretary of War, upon the reports of the engineers charged with the duty of preparing the surveys, borings, plans, and estimates of its cost, not exceeding $4,500,000. Looking to that end they perfected House bill No. 1851, for the construction of the Fort Saint Philip Canal in the State of Louisiana and its maintenance as a national public highway, and it only awaited the indorsement which they were led to believe these reports would give in order that they might report back House bill No. 1851 with a recommendation that it do pass.

It will be remembered that on the 14th of March, 1871, the following resolution of the House of Representatives was passed:

That the Secretary of War be, and he is hereby, requested to cause an examination and survey, with plans and estimates of cost, to be made by an officer of engineers, for a ship-canal to connect the Mississippi River with the Gulf of Mexico, or the navigable waters thereof, of suitable location and dimensions for military, naval, and commercial purposes, and that he report upon the feasibility of the same to the House of Representatives.

Upon examination of Executive Document No. 113, of date February 4, 1874, it will be found that Captain C. W. Howell, who was charged with the work contemplated to be done under this resolution, with his corps of assistants commenced the work on the 8th day of November, 1871, and completed his report thereon in February, 1873, and that he says:

The general and detailed plans for the various constructions pertaining to the canal * * * were drawn up more for the purpose of estimate than with a view to their ultimate adoption, without modification. They have been as carefully considered as the time at my command for such purposes would permit.

The estimates here presented have been based on the cost of material and labor for small works undertaken in the neighborhood of the proposed canal, which considerations induce me to leave out of my estimate amounts required for engineering, superintendence, and contingencies. The total estimate of cost approximates $7,400,000 in round numbers.

By Special Orders No. 83, from headquarters Corps of Engineers, Washington, District of Columbia, June 30, 1873, a board of engineers, consisting of Generals J. G. Barnard, John Newton, Q. A. Gillmore, G. K. Warren, G. Weitzel, Lieutenant-Colonel William P. Craighill, and Major C. W. Worrell, were convened to consider and report upon the plan submitted by Captain C. W. Howell for a ship-canal to connect the Mississippi River with the Gulf of Mexico.

After considering the plans and estimates, and visiting the locality of the proposed canal, in their report thereon of date January 9, 1874, they say:

It is suggested in order to avoid beds and pockets of quicksand, known to exist at some points in this locality, that the precise line of the canal should not be decided upon until a more thorough examination of the sub-strata has been made by boring.

With regard to the plans submitted by the engineer in charge, he has stated that it was prepared while pressed with other important duties, and that under the circumstances it was not possible to perfect all details of the project, or to make the numerous borings which are considered a necessary perliminary to a precise location of the route of the canal throughout its entire length.

The estimate submitted can therefore only be regarded as an approximation to the probable cost of the work.

This board of revising engineers increase the length of the lock-chamber from four hundred feet to five hundred feet, reduce the width of lock at the gates from eighty feet to sixty-five feet, reduce the depth over sill from twenty-seven feet to twenty-five feet, and conclude by saying:

The jetties extending the canal into the deep waters of Isle au Breton Pass will doubtless require more material than the plan submitted by Captain Howell contemplates, but inasmuch as the length of these jetties and their cubic contents depend to no inconsiderable extent upon the position selected for them, no very accurate estimate of their cost can be made until the final location is determined upon.

It is evident from the foregoing that the necessary and unavoidable absence of sufficient data to determine the best location for the line of the canal across the peninsula, including its termini, and particularly its *débouchure* by jetties into Isle au Breton, renders it *impossible* to make a close estimate of its cost.

A new estimate, resulting in part from a revision of that made by Captain Howell, has been rendered specially necessary in view of the modifications of plan recommended by the board. It is believed to be ample to cover the cost of constructing a canal of the dimensions given above, located within the limits designated. The estimate amounts to $10,273,000.

A difference between the estimates of Captain Howell and the revisory board of $2,873,000, to which must be added cost for engineering, superintendence, and contingencies.

General J. G. Barnard, in his minority report of date January 20, 1874, upon the same project, says:

That, assuming that a canal is to be made, the plan now submitted suffices only to show that a more protracted and more comprehensive study is required to fix the location and determine the general details of construction, and to make an estimate which can rightly be considered approximate.

That before resorting to an artificial work of the difficult and costly character of a ship-canal, a more attentive consideration of the superior advantages of the natural mouths and of the fair probability of utilizing them is needed.

Furthermore, I add that neither difficulties nor costs are to be weighed against the demand for an adequate navigable outlet to the Mississippi River, whether that outlet be a canal or otherwise; but the *whether* here becomes the symbol of a question not yet solved in favor of the canal.

In turning now from the matter of location to that of plans of construction, I do not know how I can discharge the duty to consider and report upon the plan submitted to the board without saying that it is not one upon which it would be proper to undertake the execution of the work, nor one in which the great problems of the canal construction are adequately solved.

I do not wish to exaggerate in the slightest degree the difficulties and costs of the work, nor to deny that if the navigation and commerce of the Mississippi cannot otherwise be adequately provided for, it can be made and should be made. But if the execution is not to be entered upon regardless of cost and blindly as to ultimate requirements, the location must first be fixed by a wider range of consideration and study, and the plans carefully matured after experimental examination of the site by careful comparison of available methods of overcoming the difficulties the character of the site reveals; and, moreover, all that the canal project carries with it as indispensable accessories must be planned in relation to it and enter into the estimate.

On the 4th of February, 1874, Brigadier-General A. A. Humphreys, Chief of Engineers, transmits the reports herein referred to to the honorable Secretary of War, and says in relation to them:

To determine, however, the best line for the location of the canal across the peninsula, and the best point for its entering the river, and also the position and manner of its entering Isle au Breton Pass, requires further survey, borings, and other examinations and measurements and the preparation of plans based upon their results.

Mr. Speaker, these extracts from Executive Document No. 113 warranted the majority of your committee in abandoning the further consideration of the project for constructing a ship-canal to connect the waters of the Mississippi River with the Gulf of Mexico until this House had instructed the honorable Secretary of War to detail a certain number of the Corps of Engineers to make borings and survey for and locate the route of the proposed ship-canal, make detailed plans and estimates of its cost, and make report to Congress thereon, which, judging from the past, will require at least three years to do.

Mr. Speaker, upon a further examination of Executive Document No. 113, it will be found that the improvement of the passes of the mouth of the Mississippi River by the application of jetties had the consideration of Brigadier-General A. A. Humphreys, Chief of Engineers; for under date of October 3, 1873, he writes General J. G. Barnard, president of the board of revisory engineers, that it is "desirable to have the views of the board of engineers on the question as to the expediency of improving the navigable outlet of the Mississippi."

Captain C. W. Howell was intrusted with the duty of preparing a description of the proposed jetties and an estimate of their cost, supposing them to rest upon the natural bottom without settlement, the aggregate cost of which sums up $4,786,317.60. The board of engineers say, in reviewing these figures, that—

If settlement and other probabilities enhancing the cost of this work be considered, it appears entirely within limits to state that the estimate should be doubled.

General J. G. Barnard, in his minority report, discusses the improvement of the mouth of the Mississippi by the application of jetties, and says:

Surely there is ground here, especially when we weigh the inestimable benefit of an open river mouth, to pause at least long enough for a mature study and investigation not merely on paper, but by surveys and measurements at the localities, to collect the special data which bear upon the application of the project to them instead of by a hasty pre-judgment founded on inadequate knowledge deciding that there is no remedy to the evils but the gigantic and costly alternative of a ship-canal.

The cost will be a small fraction of that of the canal; that the time will come when there will be the same cry for navigation unimpeded by locks—an open river mouth—which we now hear for a canal. But in whatever aspect the question be regarded the use of the river mouth for the next ten years is simply inevitable. It would be a rash confidence which would contemplate a realized Fort Saint Philip Canal earlier than 1884 and shall the problem, which sooner or later must come, of an open river mouth, be solved?

Mr. Speaker, notwithstanding these facts we are urged to set aside the proposition of James B. Eads to open the mouth of the Mississippi River to a depth of twenty-eight feet of water for a sum of money less than half of the engineer's incompleted estimate of the cost of the ship-canal, and to keep it open for ten years afterward for a sum of money no greater than the probable cost of working the canal and keeping it in order after completion for same length of time.

And now, Mr. Speaker, who is James B. Eads, who proposes to give us twenty-eight feet of water by improving the mouth of the Mississippi River? The man who makes the bold proposition embodied in this bill is so well known throughout the United States and Europe that he stands the acknowledged equal of Telford, of Watt, of Stevenson, or of any other engineer of whom the civilized world contains a record. The lives of few men supply a record of results achieved and obligations performed such as are contained in the history of James B. Eads. It is a record of results accomplished despite of predictions of failure; great works carried through successfully in defiance of misrepresentations, ridicule, and abuse, such as that which has been so plentifully showered upon him recently by the press of New Orleans for daring to suggest a means of opening the mouth of the Mississppi River.

The plans of Sir Charles A. Hartley for opening the mouth of the Danube were declared impracticable by an international commission of engineers which met in Paris by order of several of the great European powers interested in the improvement. Despite of that condemnation he was permitted to try them, and the result is that instead of wrecks, and sand-bars, blockading that great river with but nine feet of water at its entrance, it has, thanks to Sir Charles A. Hartley, an open river mouth with twenty feet depth of water, and for this great service to commerce the Queen of England conferred the honor of knighthood on Sir Charles A. Hartley.

Mr. Speaker, here comes one of our own citizens whose private character is above reproach, and whose professional success gives assurance of accomplishing any engineering work he is willing to undertake, and this gentleman says to this House and to the people of the United States, "I will deepen the mouth of the Mississippi River permanently at the sole risk of myself and associates, and will ask no pay for it until you have satisfactory proof of the proposed improvement being accomplished and made permanent."

I have known James B. Eads, Mr. Speaker, intimately for a quarter of a century, and I may safely say that the man is not living who can say he ever failed to perform what he agreed to undertake; and, sir, no man living has a right to doubt his good faith in this present proposition. There is not a man in the State of Missouri, where he is best known, that will not tell you that his past record gives the lie to any such insinuation.

A convention of engineers met, sir, in Saint Louis, in the year 1867, and pronounced against the plans of the bridge which now spans the Mississippi River at Saint Louis. They published a voluminous report to prove it was impracticable, which report was signed by twenty-seven of them.

But, sir, James B. Eads retained in spite of this professional array against his plans the confidence of the capitalists of London, of New York, and of Saint Louis, and evinced such ability in refuting by stubborn facts the arguments against his plans, that the millions required to construct the bridge were supplied him, not by railroads as has been charged, but every dollar that was needed for the work by private individuals.

Mr. Speaker, must we of the Mississippi Valley be deprived of the blessings of cheap transportation, and the inestimable national advantages of an open river mouth as an outlet to the sea for twenty or thirty thousand miles of inland waters, because a learned board of military engineers declare that the method proposed by James B. Eads is not practicable, when he backs up his judgment against theirs by the proposition that the Government shall pay nothing if it does not succeed, and that too when his method of improvement is sanctioned by an array of engineering talent equal to any that ever adorned any board in this country?

Parties interested in the proposed Fort Saint Philip Canal and in the lands in and about its site have been busy in declaring that all the distinguished engineers of this country favor the canal project. But, sir, this is untrue. We have no better engineers than Barnard, Chaurette, Shaler Smith, Henry Flad, Milnor Roberts, James H. Wilson, Bayley and Cortheel, all of whom declare the jetties the only true solution or this problem. What, sir, will the Government have to pay if the Fort Saint Philip Canal does not succeed?

Mr. GLOVER. I desire to ask my colleague a question. Does not General Barnard say that in the estimates for constructing the canal, so far as estimates have been made, the engineers have left entirely out of the account the necessary protection on the ocean side?

Mr. STONE. He does, sir.

Why, sir, they tell us in their report that they do not know what it will cost to build it, whether it succeeds or not; that they have not determined what route it must take to avoid quicksands or where it is to commence or at what point it will end or how the Gulf entrance is to be protected from storms and shifting sands, nor what methods of construction are to be adopted to insure its success.

We have been gravely told in committee by one of the military engineers who once had gubernatorial honors thrust upon him in Louisiana and was sent here to represent the canal scheme, that it is unwise for the Government to trust this great work of improving the mouth of the Mississippi River to the "crude notions of an outsider." The distinguished gentleman who characterizes James B. Eads as an "outsider" modestly tells us that he himself was educated at West Point and outranked Sherman and Thomas, who were in his class; in fact, that he graduated at the head of his class. I can tell the gentleman that the name of the man he has had the questionable taste to speak of as an "outsider" in the profession is known in scientific circles beyond the limits of the United States, where the distinguished ex-governor of Louisiana never was heard of; that in the technical schools and societies of Europe he will find the reports of this "outsider" translated into French, German, and Italian, and that they constitute text-books among gentlemen of his profession.

If the gentleman were now to re-enter the academy at West Point, he would there be taught lessons in hydraulic engineering drawn from the experience of James B. Eads and illustrated by models and explanations supplied by him to that institution at the personal request of its professors.

Mr. Speaker, I assert that there is not in this world a man living who has had such an intimate practical and theoretical knowledge of the Mississippi River as James B. Eads. It is true he was not educated at West Point nor in any one of our scientific schools. The great Mississippi River has been his *alma mater*. It was chiefly upon her bosom that he studied the standard works of science in the earnest search for the solution of the problems constantly presented by the currents and shifting sands in her channel. It was there that the curious phenomena of the diving-bell, of the steam-engine, of hydrostatics and hydrodynamics—in a word, where every law of physical science connected with the prosecution of an arduous calling, involving a continual contest with its floods, its deposits, and its mighty forces were unriddled, and where the foundation of scientific knowledge was laid, which has since placed him not only in the list of great engineers, but has caused him to be recognized as one of the leading scientists of the day.

On the outbreak of the late war James B. Eads was immediately telegraphed for at the request of Mr. Lincoln's cabinet, and came to Washington to be consulted with reference to the creation of an inland navy for the defense of the Mississippi River and its tributaries. The result of his visit was the construction and equipment of a fleet of armored war vessels of great power and within a period of time which seems almost magical. No page of romance excels in interest the recital by the author of the History of the United States Navy during the Rebellion of how James B. Eads created in ninety days the first eight iron-clad vessels this country ever owned. Long before the fight of the Merrimac and the Monitor the vessels built by him had been victorious under the gallant Commodore Foote at Forts Donelson and Henry and were moving upon the defensive works at Island No. 10.

Mr. Speaker, these facts are not referred to to recall any reminiscenses of a struggle which I shall ever regret, but simply in evidence of the indomitable energy and wonderful resources of the man to whom I hope to see the improvement of the mouth of the Mississippi River intrusted. In rescuing from the depths of that river where the sunlight never penetrates many millions of property sunk by its hidden dangers, in improving its harbors, and in removing obstructions from its channels, he has acquired an amount of practical knowledge of the Mississippi River unequaled by any other individual living. Sir, there is not, Mr. Eads assures me, a stretch of river fifty miles long between Saint Louis and New Orleans that has not felt the pressure of his feet upon its bottom in his explorations with the diving-bell. When in the same person such intimate practical knowledge of this stream is united to a thorough comprehension of the physical laws which relate to its various phenomena and apparent eccentricities, we may safely hope for the most successful results. And when no compensation is to be given until such results are secured, we have the best possible assurance that the relief which the country is imperatively demanding will be secured in the least possible period of time.

By the proposed bill the United States cannot possibly lose a dime, while Mr. Eads risks his money, his influence, and the enviable reputation as an engineer which he has earned by a life-time of earnest effort and diligent study.

Mr. Speaker, I deem it proper to explain to the House that the original proposition made by Mr. Eads was $5,000,000 for constructing jetties to produce twenty-eight feet of water, and $5,000,000 for maintaining that depth for ten years more, the deferred payments to bear interest at the rate of 5 per cent. per annum, the first payment to be made sixty days after obtaining twenty feet of water. It was generally conceded by the members of the committee that as soon as the country enjoyed the benefits of the deep channel it was but just to consider the money earned, and that for that reason if payment was deferred, to insure the Government against paying for a temporary benefit, the amount should bear interest. The interest on these payments amounted to $1,300,000.

The Senate committee by consent of Mr. Eads inserted in their bill that payments should be made in five, six, seven, eight, nine, and ten years after obtaining twenty-eight feet of water, and the amounts increased from $400,000 to $600,000 each in lieu of interest, and the bill now provides for an appropriation of $11,000,000 to be paid in a series of ten years from the date when twenty-two feet of water shall have been obtained, instead of $10,000,000 with interest at 5 per cent. running through ten years beginning with the date when twenty feet of water shall have been secured. By the present provisions of the bill no money whatever is to be paid until the country has had absolute enjoyment of an uninterrupted depth of twenty-

two feet of water through an open mouth of the river to the Gulf of Mexico for twelve consecutive months. This is alone worth twenty times at least as much as the $2,000,000 then to be paid.

If Mr. Eads should, as some have intimated, then abandon the work—but as none believe he will do who know the man—his demonstration that twenty-two feet of water can be maintained even from year to year will be worth more than can be estimated. But the amount of $9,000,000 in reserve after that payment and the necessary proportion of work that must already have been done to secure it gives the best possible assurance that the work will be completed.

The long period of ten years through which these payments extend insure the most substantial works as a measure of economy, and the profit, if any, which will inure to Mr. Eads and his associates must necessarily come from the payments that are to be made after twenty-eight feet of water shall have been obtained. Their success, after taking all risks and waiting so long for their money, will entitle them to a liberal profit, and I trust sincerely they will have it; but they cannot, in my judgment, possibly secure the profit in this thing by the terms of the bill unless they construct durable works, and these necessarily involve large outlays which will not be returned to them until several years after they are made, and until our fellow-citizens have had twenty or fifty fold advantage from it.

I caution gentlemen who are sincere in their desire to give a free utterance to this noble river from the sea to pause before they are deceived by the provisions of the canal substitute. Is he a friend in reality to this great national work and alive to its interests who cannot see the folly of limiting the cost of making the canal to $8,000,000 when no plans are completed for it, when no reliable estimates are made for it, when the Chief of Engineers, who should have the best data on it, tells you it will cost $13,000,000 for twenty-seven feet depth, and when General Barnard assures you it will take ten years for its completion?

Can you be misled from a plain, simple, common-sense proposition, with terms such as in your private business you would not for a moment hesitate to accept, and be caught with the idea that you will get responsible men to build this canal without plans, just as the Chief of Engineers directs him to construct it for $8,000,000? Would any sane man agree to do such a work for any fixed sum and give security to do it in three years according to plans not yet out of the brains of your military engineers unless he knew that there was to be a loop-hole of escape if it cost more than he thought, or took longer time? Would he put his head in the noose unless he knew the gentlemen who are yet to make the plans were his friends, and would not draw it; and that under the plea of changes in the contract and extra work, alterations in designs, waiting for drawings, and the like, this stringent contract at $8,000,000 and this limited time of three years would be a nullity? Does any sane man believe such terms worth the paper they would be written on? I cannot credit such a thing.

By the proposal of Mr. Eads he has no such hold upon the Government; he must supply his own plans and his own funds, and not until the nation has had full enjoyment of what she wants is he to receive a dollar. In this fact lies our assurance of promptness on his part. There is no alternative in the contract between the Government and Mr. Eads that admits of his saying "You altered the plans, and I am therefore not bound to a true performance. You put on me extra work, and therefore you cannot expect your outlet until it suits my convenience to give it to you."

Unless he goes vigorously to work within eight months this whole concession fails, and then we are no worse off, for you can be perfecting your canal plans in the mean time. If he goes to work, as I know he will, and as none of you can doubt, each dollar that he puts into the work becomes a guarantee of renewed energy on his part to hasten his pay-day. He is completely bound to the extent of every dollar that goes into it, because it is the money of himself and his associates, and no part of it can come back to them until twelve months after you have what to-day you know is the intense want of millions upon millions of your countrymen.

Mr. Speaker, it is said if Mr. Eads fails he knows Congress will pass a bill for his relief. Those who know James B. Eads best know that he will not fail; and I, who know one piece of his history, can tell you that he has no right to expect mercy, or indeed justice, with any assurance of certainty from any legislative body after the outrage which I with indignation saw him suffer in the Legislature of Missouri. He was in the power of a legislative body once, and but recently had restored to him $104,000 which was withheld from him seven years without interest, and is now finally paid in bonds worth less than par; yet there is not a man familiar with the facts but will tell you, sir, that it was simply a case of might against right, where the State held the thing she sold to him and the price he paid for it, and would give him neither the one nor the other. To argue that after his experience with legislative bodies he is resting any hopes on the liberality of Congress is to argue that a burnt child will not dread fire.

But between his case and a canal contractor there will be this marked difference: Mr. Eads would have absolutely nothing to base such a claim on in case of failure, while the contractor for the canal would have abundant proof of alterations in plans, extra work, delays in specifications, drawings, and all the paraphernalia with which the Congress and the Court of Claims is continually beset by contractors.

Mr. Speaker, there is evidently an honest difference of opinion among engineers themselves as to the probable effect of jetties at the mouth of the Mississippi River, but the weight of testimony is quite as great in favor of them as against them. General Barnard, General Wilson, Sir Charles A. Hartley, and a host of distinguished engineers, express every confidence in their success. When to these we add the weight of the views of James B. Eads himself, whose judgment I think worth that of the whole of them, I can confidently predict the most triumphant success if his plans be adopted.

[Mr. CASON addressed the House. His remarks will appear in the Appendix.]

Mr. CLARK, of Missouri. Mr. Speaker, the first consideration with every member of this House, whatever section he may claim as his home, is the prosperity of the entire country. He is little of a patriot, no lover of his country, who is content to confine his legislation in the narrow groove of a single city, State, or section, taxing a large majority of the people of the Union for that purpose, and then selfishly withhold the influence of his vote, to scatter broadcast over the country the benefits conferred by the fostering hand of the Government. The worst form of all legislation is that which builds up a few favored classes, makes a purely moneyed power to lord over the producer who earns his living by the sweat of his brow, and finally saps the fundamental idea that ours is a Government of the people, instituted for the good of the greatest number. Capital is powerful and is able to fight its own battles, while the great laboring, producing classes, without concentration, without organization, fall an easy prey to grasping monopolies; therefore it is a wise administration of government only that, while it invites capital, fosters and builds up the great producing, agricultural interests of a country. The soil is the basis of all wealth, it pays the taxes, runs manufactories, whitens the sea with the sails of commerce, builds up great and opulent cities; all trade and industry being depressed or vigorous, prosperous or languishing according to the success of the producer of raw material. How short-sighted, then, the statesmanship which neglects to favor by all lawful and constitutional legislation the interest upon which hangs the thrift, enterprise, and prosperity of all classes!

With this view of the everincreasing importance of the agricultural interests to our greatness, we think that Congress should be thoroughly imbued with the spirit of western and southern development. I am satisfied that a large majority of this body are sincerely impressed with the importance of acting upon this subject, the question being what we are to do, and not whether we are to do anything. What plan will thus open the brilliant prospect we see so plainly before us; for I believe it is a settled question with all parties that the great want of the country is an open and uninterrupted water-way to the sea from the great producing regions of the Western, Southern, and Middle States. I think you have concluded from the exhaustive discussions of this question that the commerce of these States comprises thus much of the wealth of the country and contributes thus largely toward its prosperity.

All the great investment of capital is based and completely interwoven with their development and prosperity, that the trade of all the great cities is indicated, as the rise and fall of the barometer shows the condition of the atmosphere, by the amount of raw material that is sent into them; that the sale of your merchandise and manufactured wares are thus made dull or prosperous, I say you must have concluded long before this that the legislation which will lift these States up from their depressed condition will also pour a harvest of wealth into all the great commercial marts. There is such a union of interests, one depends so much upon the other, that if the arm of the producer is paralyzed, the disease spreads through every artery of trade and commerce, business of every kind languishes, and finally universal bankruptcy spreads out over the entire land.

It seems to me no country is so deeply and vitally interested in western and southern improvement as the East, and especially the capital bound up in the commerce which has made such giants of your cities. It is simply a proposition of self-interest. If you make us rich and prosperous, we bring that abundance to you and swell your commerce. On account of this mutual interest the proposition now before us is a great national one, full of the promise of rich gifts to every section and every being of our country. We have with magnificent liberality annually appropriated immense sums for the improvement of the harbors, some of them altogether local, in the interest of a single city or a small section of country; but here is an interest involving the prosperity of all those States whose borders are washed by the Mississippi and its tributaries, being of more importance to our future well-being than all the harbors of the country.

We want cheap transportation for our surplus products, and such a free competition between the rail and water routes as to insure the producer that he will never again fall into the hands of the unsparing monopolist. We come before you now believing the improvement of the navigation of the Mississippi River the only sensible solution of that question, and ask you to give one of our western men an opportunity at his own expense to work out the problem of making the mouth of this great river navigable for any ship that sails or steams on the ocean. This is proposed to be done by a carefully elaborated plan for controlling and utilizing the river current by means

of jetties or walls on each side of the river. Those artificial banks are to confine the water so as to make the current dredge out the now blockaded channel. That it will produce this effect no one can doubt who has ever noticed that all streams are deeper and the current swifter where they are most confined.

Captain Eads proposes to utilize this current and make it his agent to scour a canal through the bar to the deep ocean beyond. Every man at all acquainted with the river knows it to be a fact, always occurring, that where it is confined between banks one-half mile apart it scours out a channel one hundred feet deep. This occurs in sight of the spot where it is now proposed to erect the jetties, which forces us to the conclusion that if the river is confined to one-half mile from shore to shore that the one hundred feet of depth will as surely follow unless the current is diminished in velocity by coming in contact with the sea. But that will not probably be the case from the fact that an ocean current flows continually a few miles from the Southwest Pass. This current has removed the bar at the mouth of the Amazon, which flows directly into the deep sea. It has also swept away the delta of the Orinoco, Rio Grande, Colorado, Brazos, and every river from the Amazon to the Mississippi. Professor Maury has established the fact of this current. The Texas rivers color the sea for many miles to the eastward. The muddy waters of the Mississippi are found far out to the eastward of its mouth. Tropical trees and plants found only in the far South are to be found stranded all along the shores of this ocean river. This current has so encroached upon the shore near the mouth of Southwest Pass that the light-house had to be abandoned and a new one built in 1870. The high island of Cote Blanche from the same reason is rapidly falling into the deep. The bars have extended less rapidly of late years because the sediment is carried to the eastward and left scattered on the bottom of the sea along the coasts of Mississippi and Alabama. The deep-sea trough approaches within thirty miles of Southwest Pass, going down to a depth of nearly eight thousand feet.

In considering the question of the extension of the bar at the mouth of the Southwest Pass you must not ignore these facts, which must in the face of such data become less and less each year. Then we have a current of the sea into which the jetties will throw the current of the river, both moving on to the eastward, bearing away to distant seas and countries the cotton-wood of the Mississippi, as the trees and plants that flourish on the banks of the Amazon are stranded on our own coast. As we remarked a short time ago, the depth of the river being always shallowed or deepened according to the width, there can be no doubt that the desired depth can be obtained by jetties—and be secured for all time to come if its walls will stand. Thus far it requires no education as an engineer to understand that the Eads plan of jetties is made in accordance with and accommodation to the known laws that invariably govern the currents of the Mississippi River. There are many pilots, who have been weather-beaten by the storms of the Gulf at this pass for from twenty to forty years, who are almost unanimous in the opinion that this is the only plan that will successfully deepen the channel, and I know that river-men who from youth to old age have spent their lives on the bosom of the Mississippi River have unlimited faith that it can be successfully carried out. The acknowledgment of this fact is sufficient to warrant this House in voting for the bill, and leave it to Captain Eads to test the question for us at his own expense whether the jetties will stand. I have no doubt but that they can be made secure and permanent; but I will not discuss this question, as it has been so forcibly presented.

We are asked to abandon the jetty plan and adopt that of a canal from the Mississippi River at or near Fort Saint Philip to the sea. We do not pretend to say that the proposed canal is not a feasible project, and when once completed may answer all the expectations of its most sanguine advocates. It is stated that a short distance only from the Mississippi River in the direction of its proposed mouth you will find firmness and stability of soil sufficient to sustain any considerable weight, and that beyond all the way to the sea is a loose mud partially covered with water into which you can easily push a pole twenty-five feet, and underlying this is a quicksand almost as volatile as water to a great depth. I know in this age of enlightened engineering almost any triumph over obstacles may be looked for provided you furnish money sufficient to overcome them.

One of the great difficulties we encounter is the enormous probable cost of the canal, for now it is mere guess-work and estimates may not come within many millions of what it will actually be. If the difficulties in the way of its rapid completion are half as great as many experienced men have conjectured, there is only a remote possibility that it will be finished so as to be of benefit to commerce in the next five or ten years. If it were the only possible way to get to the sea, I am free to confess, knowing the importance of the undertaking and the incalculable losses that the producers are sustaining each year for want of transportation, that I would vote to commence that work let the cost be what it might. But we cannot get ready, make the preliminary surveys, soundings, and bearings for a long time to come; and as every day is valuable to a country that is overburdened with productions with no adequate means to transport it to market, why not permit an enterprising citizen, backed by capitalists who have confidence in his genius, to attempt the jetty system, costing the Government nothing unless he succeeds in the enterprise? He only asks to be paid after he has demonstrated that a depth of water sufficient to float the largest steamer is made and maintained for a twelvemonth. Should he not be permitted to try the experiment at his own expense, especially as it can be done before the surveys, borings, and soundings can be completed for the canal? We lose no time by giving this permission, and we waste no money.

I believe it is generally conceded that an open river mouth, unimpeded by locks and dams, is far preferable to a canal. A free channel to which our own or foreign commerce will pay no tribute, and large enough to accommodate the commerce of the Mississippi Valley now and for ages to come, is what we are aiming at. You must remember that this commerce is only in its infancy, and must go on increasing as the population and productions increase. Suppose the canal was completed and came up to the full measure of expection; not many years could elapse before the West, so capable of subsisting a dense population, so rich in every kind of resources to invite the wealth and enterprise of other lands, would send such an enormous commerce down this river that could only find an easy and cheap outlet by a free channel to the ocean.

It is evident to my mind that the experiment of jetties must be tried to meet the necessities and demands of production. What sensible reason is there, then, for putting off the day, and in the mean time go to the expense of many millions to build a canal that will not meet the demands of commerce? The canal is not even located. It has a name that indicates its locality; but there are many of great experience and knowledge, accumulated by long familiarity with the Mississippi River, who believe it would be a great folly to expend money on it at or near Fort Saint Philip. An intelligent writer of this class, and I believe a citizen of New Orleans, in a recent article on this very point utters the following timely warning:

> But even if it were possible within a reasonable time, and at a reasonable expense, to build this canal, it is located at the wrong place.
>
> If the ground and surroundings were just as good at that place, as anywhere else, or even better, yet it should not be built at that particular place, simply for two reasons, the first of which is that the Mississippi River where it runs nearly or quite due west, at the lower end of the great English Turn is washing away the firm earth with such rapidity that already thousands of acres have gone into the river, and but a very narrow strip of hard land yet remains before the Mississippi will join the salt water at that point, and if the junction is made when the river is at its flood Fort Saint Philip will be left high and dry; there will be no river and no water for nearly forty miles above it.

These difficulties presenting themselves at every turn, it will take a long time before this location can be made, and all this time the West and South is to wait, her grain and cotton paying tribute to the railroad monopolies that now do the carrying trade to the Atlantic coast.

Another reason for being very careful before money is spent is, that the proposed mouth of the canal will not be safe from the future encroachments and blockade. If we go to the expense of millions to build a canal and we find the termini or mouth of our great work so embarrassed by physical causes that it may prove no better, even far worse than the present river mouth, what a national folly it would be. Suppose we look at the facts and see if we are not in danger of running at full speed in the face of insurmountable obstacles, and instead of our canal ending at Breton Bay we find the open deep sea still beyond. You will never master the situation until you have emptied the waters of the Mississippi into the ocean near a sea current, or the canal is constructed to the same ocean channel.

By an examination of a map of the Gulf States you will observe the number of fresh-water streams which flow into the Gulf opposite the proposed location of the mouth of the canal. Those streams are similar in many respects to other western rivers, continually carrying down to the sea immense alluvial deposits and drift that, coming into contact with no sea current, which is a hundred miles south of Mobile, are left to be blown by the prevailing winds in the direction of the canal. I am told that there is a continual piling up and moving of the sand deposit, and for weeks strong winds, almost a gale, are blowing with such fierceness as in all probability will prevent tugs from carrying vessels into the canal. Whatever doubt there may be in regard to an ocean current at or near the South Pass, there is no pretense that it is within many miles of the proposed mouth of the canal. What then is to become of the immense alluvial deposit and drift that annually flow down the fresh-water streams that empty into the Gulf, with no ocean current to bear them seaward, but to settle down, making the approach to the canal more shallow year by year?

Another objection to the canal is the action of the cyclones on the pass and bays, making it useless as a channel of commerce and possibly entirely filling it up with the sand and drift driven over that waste by these terrible tempests. Mr. Henry Dart, while superintendent in the construction of both Forts Jackson and Saint Philip, witnessed the terrible force and power of these cyclones, and gives the following account of their effects:

> *September* 15, 1855.—Storm from northeast all day. At 6 o'clock p. m. the *sea-water* had backed 7 *feet above the natural surface of the land.* Pass mark 6′ + 3′ = 9 feet above the tide, the total rise of water caused by the storm.
>
> *August* 10, 1860.—It stormed all day and night; and on the 11th the wind blew a perfect hurricane, backing up the *Gulf water* to pass mark 9′ *to* 12 *feet above tide-water, washing away all the front levees, and filling the batteries and ditches with logs and drift.*
>
> *September* 15, 1860, (a month and five days later in the same year.)—We had another hurricane, backing up the Gulf water 11 feet 6 inches above the tide-level, *filling the batteries and ditches as before with drift.* * * * *It often happens that the land is covered by sea-water from a continuance of northeast winds.*

Bear in mind that the canal proposed is to be at or near Fort Saint Philip, the ditches of which were filled with logs and drift. Suppose the canal finished, with its walls and ditch ready to catch the logs, drift, and sand, driven over this waste by the winds of a tempest, with no current to dredge out and carry off the obstructions. At the recurrence of each of these storms the canal would be buried and would be undergoing the continual process of being dug or dredged out by artificial means, of course rendering it useless for all commercial purposes. We must remember that the dredging process at the mouth of the river, which has given partial relief, would be entirely dispensed with, leaving us with no outlet. If the canal should be rendered unfit for use by one of these storms, to the prostration and ruin of all trade into and out of the Mississippi River; if an accident of this kind is possible, it is such an objection to the canal that it should not be thought of unless it is the last desperate expedient, and all the science of engineering is exhausted to demonstrate to the world that the mouth of the river defies human skill, and cannot be utilized and made subservient to the necessities of commerce.

Another paramount objection is that a canal must utterly fail to meet the demands of the ever-increasing commerce of the great undeveloped interior, which must in the nature of things go on to higher and higher degrees of development until a commerce will pass down this river on its way to the sea for distribution to foreign countries of which we cannot have a real conception. The Mississippi Valley is now filled with a population approximating to twenty millions, and will at no distant day, according to the ratio of increase which has marked the past, be two hundred millions. Who doubts this when we consider the great fertility of its soil and its adaptability to the cultivation of the products of all countries; its vast mineral resources, absolutely mountains of metals the most useful and valuable in the arts and industries of the world, with thousands of square miles of coal underlying its surface ready to be utilized in their manufacture—who doubts, I say, that it will some day be an industrious bee-hive swarming with the most intelligent and enterprising population on the face of the globe; every acre of its rich soil in a high state of cultivation; every mineral mined and manufactured, and all its millions upon millions of tons of products prepared for market by two hundred millions of people?

With this area now only sparsely settled—just dotted here and there with a farmer's hamlet—and vast regions yet unsubdued to the dominion of the plowshare, the present railroad system, although it is our pride and the wonder of the world, is utterly incapable of meeting its transportation necessities, and you tell us that a little canal is to receive into and pass out to the open sea the grand fleet that is to be gathered on the bosom of the Father of Waters from its tributaries of Red River, Arkansas, Yazoo, Tennessee, Cumberland, Ohio, and Missouri Rivers, saying nothing about the foreign commerce that will be attracted from tropical America and the Old World to exchange for our productions and manufactures! In the apt words of Professor Fontaine:

> When I view the mighty subject as it really is, the idea of neglecting *its natural orifice*, and attempting to supply its commercial wants with a little canal, is to my mind as absurd as an effort would be to feed a vigorous and voracious man by closing his mouth and cutting a hole in his neck and poking food into his stomach with a spoon.

With all these facts plain to the common apprehension, it is strange indeed that we should be willing to let this opportunity pass to open the mouth of the river, or, if you prefer it, try the experiment, when that experiment is to be made at the expense of those bold and daring men of genius who have spent their lives in watching the currents of the river and studying the wants of the West. Are not these men, with their distinguished chief, who combines more actual practical knowledge with great scientific attainments than any other man in America, entitled to a consideration in solving this problem due no other men? Grant that our Government engineers have received more finished educations; unless it is applied with a practical knowledge of this river and its phenomena all their calculations must be mere theories, based on conjectured facts of which they know nothing except in the abstract.

It is common sense to believe that an intelligent man who has spent an active life toiling with the Mississippi, whose means of living has been wrenched from its reluctant grasp, who has been as familiar with its waves, eddies, and currents from his young manhood as the field to the husbandman, always delving, always searching with the critical eye of a lover of science, his natural genius burnished with patient and laborious study of the science of engineering, all directed during a long life in one channel, and that channel the Mississippi River—what jury of his peers would not give greater weight to Captain Eads as an expert in the case now under consideration than to all the graduate scientists of schools, whose opinions are made up from less practical knowledge than is possessed by the rude and unlettered who float on its bosom?

But he is supported in his theories of jetties by some of the educated and renowned engineers of our own and foreign countries. Nor is he without evidence of the accomplishment of similar enterprises when failure was foretold by an educated board of engineers. Sir Charles Hartley, when he advanced the idea of opening the mouth of the Danube by jetties, was regarded in scientific circles as little better than an enthusiast; and a board of engineers, sitting as a jury on his enterprise, declared that it would not accomplish the object, and the government was recommended not to sink its millions in the wild undertaking of confining the currents of a great river within walls, so as to make it dig the necessary canal that the commerce of interior Europe might find an outlet at the mouth of a river very similar to the Mississippi. The accomplished success of the jetty system at the mouth of the Danube is a monument to the skill of Hartley as well as to the short-sighted condemnation of the enterprise by an educated board of engineers.

I do not mean to undervalue the ability of our Government engineers, but they must have an actual experience of that which is to be investigated before they can pronounce the infallible opinion of failure. This is the experience which Captain Eads possesses, and upon which he and his friends are willing to stake their fortunes, only asking the Government to pay them when they have demonstrated that the channel of the Mississippi can be made and maintained. The failure of the enterprise would be a terrible misfortune to those who spend their money, but it would be a gain to the Government by demonstrating that some other plan must be devised for the relief of the commerce of the country. It therefore seems to me to be past comprehension why this Congress can object to these gentlemen spending their own money in securing an object all devoutly wish. especially when this cannot militate against any other plan to be tried hereafter.

The only real objection I have heard urged against it is that Captain Eads when he fails will then come begging to Congress for renumeration to which he will not be entitled under his contract. In conclusion, let me intreat you to do a tardy act of justice to the suffering West and South. Many years we have labored and contributed to prosper other sections; we now come before you asking that we be paid back in some measure for all these years of toil, by giving a cheap and free outlet to sea to the millions of industrious agriculturists whose farms are washed by the Mississippi and its taibutaries. They demand that a portion of the millions they have paid into the Treasury shall be contributed in their behalf.

In this connection we ask you to consider the mighty population that is to inhabit this valley at no distant day.

Patrick Henry, in 1788, had a prophetic vision of the great West, when most of it belonged to a foreign country and was a wilderness. He said:

> I clearly foresee that the power of America will be seated in the valley of this great and inestimable river.

We now feel that the scepter of empire will soon be in our grasp which is to control the destinies of this country in the ages yet to come, and you will be suppliants at our feet asking, as we are asking now, for justice. If you would not have us turn a deaf ear to your pleadings, show your generosity and statesmanship by listening to the wants and demands of this people. We have sat still a long time feeling the gnawing hunger of our wants, while you have grown rich and prosperous. Help us to bridle our great river and utilize its energies and power for the development of a grand civilization that beckons us from the near future, and it will be our pleasure in the day of our empire and glory to point to the smoking steamers that fill our great river, bearing away to other countries the products of the multiplying millions of people that inhabit its shores, as the result of the combined wisdom, statesmanship, and patriotism of a common country.

Mr. COOK. Mr. Speaker, I have no prepared speech, butI propose to advocate in a few brief remarks, suggested by the occasion, the plan proposed by Mr. Eads for clearing out the Mississippi River. I do not live on the Mississippi River or in the great valley of the Mississippi. I do not know Captain Eads beyond a mere casual acquaintance; nor, sir, have I that knowledge which I presume but few members of the House have of the Mississippi River—its currents, its depth, its capacity, its changes, its overflow—which would render me qualified to render a judgment upon this question. But, sir, that river has been surveyed by intelligent engineers, some educated at West Point and some educated elsewhere. They have explored it, studied it, examined it, and they have come to different conclusionsin reference to its improvement.

I am in favor of this proposition, first, because it proposes to cost the Government nothing; and secondly, because it proposes within a short period of time to render available to us the mighty resources and capacity of that great stream which traverses our country for thousands and thousands of miles. I shall be prepared further, if this project shall fail and I am here, to vote whatever else may be necessary to adopt any other scheme that any intelligent corps of engineers appointed by the Government or selected otherwise may deem necessary to open up the mouth of this river and make it available to the commerce of the country. To-day it is almost useless and valueless to us. I have seen, as other gentlemen upon this floor have seen, within the last twelve months, foreign ships and ships of our own stranded in the mud at the mouth of this river laden with valuable cargoes amounting to thousands and millions of dollars in valne, unable to move for weeks and months.

One of the great objects of the war that was prosecuted against the South was to control and preserve the free navigation of the Mississippi River. Yet that river is to-day almost valueless to this Government, as a united government, as much so as it would be in the hands of the confederate government. I do not live upon the Mississippi,

as I have said, nor do I live in that great valley, nor do I know Captain Eads. But I live in a portion of the country which is identified and connected with the great West in its enterprises, its energies, and its vast resources.

I have here a report made by one of the committees of this House showing that during the war $80,000,000 worth of cotton was destroyed in New Orleans. It shows further that after the war $26,000,000 worth of cotton was seized in southern ports and the proceeds turned over to the Treasury of the United States. There have been exacted from the South and West in the way of cotton taxes $68,000,000. In regard to this single item of cotton alone, not taking into account the provisions and supplies which were taken, nor the depreciation of our lands and the destruction of our homes, simply referring to this isolated article of cotton alone, one can see the ruin and destruction which wasted and consumed our country at the close of the war. This left our people so utterly unable to provide levees and build dikes to protect their homes from overflow, that at this session of Congress we have been called upon to vote $200,000 to keep the people there from absolute starvation—a thing unknown and unheard of before in the history of this country prior to the war.

These are the considerations which control and influence me to support the proposition made by Captain Eads to open the mouth of the Mississippi River and give the people of the West and the South who live upon that river and its tributaries an outlet to the ocean and the commerce of the world, and intercourse with those who live east of them along upon our coast and our shores. It is a proposition which commends itself to the patriotism and the intelligent consideration of every man in this House and of the whole country, and cannot be properly and legitimately ignored.

It will not do for men who have never seen that mighty stream, flowing as it does for thousands of miles through our entire country, to say that they understand it, and that this and that thing cannot be done. That is all nonsense; that is the extreme of folly. It is not proper for men to assume upon their own knowledge of that stream to say whether this or that project will be successful.

For myself, I propose to depend upon the information given us by intelligent engineers, who have examined the Mississippi River, who have surveyed it, and who have computed its velocity, its depth, and its capacity. I have read, so far as I have been able to get hold of it, everything that has been written and published upon this subject, every article ever written upon it by every officer, whether of the Government or not, and I have this to say: whatever argument can be urged against this jetty system can be urged with equal force and propriety against any *canal* project which may be proposed. These plans are alike objectionable in some respects. If jetties cannot be constructed so as to make this river available, neither can a canal be dug from Saint Philip's to the Gulf that will fully answer the purpose. All of these projects are objectionable, liable to the same physical difficulties.

Mr. ATKINS. Why?

Mr. COOK. Just because they are. Whatever difficulties present themselves in regard to the jetty project also present themselves in connection with the project of a canal, and necessarily so. The canal will be dug upon the same soil upon which the jetties must be constructed, and whatever will throw up and displace the jetties will throw up and destroy the bottom of the canal when it shall be constructed. The canal will be built upon the same kind of soil with the jetties, upon the same formation, and subject to precisely the very same changes and the same physical difficulties the one with the other.

I am in favor of this jetty project of Captain Eads, because it proposes to cost the Government nothing should it not prove successful. If it fails, then he must bear the loss. If it shall succeed and the country shall be benefited by it, then he should be paid for it. If you adopt the other project and it fails, then the Government will be the loser and must pay the bill, and it will be years and years before it can be accomplished.

Sir, the time has come in the history of this country when the mighty, powerful, and growing interests of the western and southern country, those who people the country of the vast Mississippi River and its tributaries, must be consulted and considered in the action of this Government. The time has come when the East and the North, that have had the control of the commerce and banking facilities of this country, must yield to the interests and necessities of that mighty people who at no distant day are to control the Government.

These are the considerations and views which prompt me to support this measure and to challenge for it the earnest, honest, cordial support and co-operation of every man who feels any degree of interest in the prosperity of the South and the West. There are those who do not feel that interest, so far as the South is concerned, which I would be glad to see manifested. We have seen the evidence of that to-day; and I have felt saddened at the spectacle which we have witnessed here of rejecting a proposition proposing to give to the poor unfortunate people in our country, who claim to be loyal, a pittance for the rent of their houses and lands, their homes, from which they were driven after the surrender of their armies, after peace was proclaimed by your President and all the authorities of this country. The proposition to give them a mere pittance of compensation was voted down to-day in this House; and, sir, it saddened my heart. I felt it deeply; I feel it now. The time will come when men who voted against it may feel regret at their action.

We heard the other day from a gentleman from Iowa that during the war the pendulum swung backward and forward and sometimes went far away from the Constitution. We have heard the gentleman from Massachusetts [Mr. DAWES] say that he would not now undertake to defend many acts which were passed during the war. We have heard the gentleman from Massachusetts [Mr. G. F. HOAR] say that there are States, States with rights; that there is a Constitution, and that there are limitations in that Constitution. All these things are deeply gratifying to me, showing a returning sense of justice and right among the people of this country. And when the passions and bitterness engendered by the war shall have subsided, I believe this country will do ample and complete justice to those who surrendered in good faith, who laid down their arms, and who are now utterly impoverished and ruined by the results of the war.

I was not one of those who were in favor of the war. For myself I opposed it. But when the war came, living where I did, born where I was, and where my ancestors had lived for generations and mingled their dust with its soil, I had no alternative but to assume the position I did. But, sir, when we surrendered, no people upon the face of the earth ever laid down their arms in better faith than did the southern people; and from that day to this they have been content with their lot. All they ask is simple justice from this Government.

More money has been appropriated to clean out the little rivers and streams and by-ways in the North and East, in which you could scarcely float a bateau, than has ever been appropriated to the South and West. Turn over your records; examine the appropriations made year after year since the organization of this Government down to the present day, and see who have paid the taxes of this country and who have received the benefit of them. Millions and millions have been appropriated to the East to clear out the smallest streams, while the people in the mighty West and South, in Arkansas, in Louisiana, in Mississippi, and in Tennessee and Georgia, have been left to carry on for themselves such internal improvements as they needed, until they have been utterly impoverished and ruined.

Now, when it is proposed to open the mouth of the great Mississippi River, when a man comes forward and asks to be permitted to do this work upon the assurance that the Government shall be subjected to no loss in the event of his failure, we are told it cannot succeed. Who tells us this? Who are the men that denounce this project? Are they those interested in the development of that section and the prosperity of the people, or are they those interested in other and counter projects? Are they those who seek the benefit of the toiling millions living along that river and the mighty streams connected with it? Or are they those who seek and expect to live upon the bounty and contribution which the Government may make year after year for the next ten or fifteen years to carry out this project?

As I have said, I am in favor of this project, because it proposes to charge the Government nothing if it fails; and it proposes to do the work at once. No man ever made a fairer proposition. You have heard the history of the man who makes this proposition. I have met him and know him casually. I have stood upon the great bridge built by him across the Mississippi, and I have contemplated with astonishment the enterprise and genius that constructed it. A man with capacity to accomplish such a work as that can do almost anything else that he proposes to do. I say that this proposition made by him commends itself to the earnest, honest, intelligent consideration and co-operation of every man in this country who seeks its common benefit and general interest.

Some may say that this project is sectional; that the work is to be constructed down there among disloyal people who have been arrayed in arms against the Government. That has nothing to do with this proposition. Open up the mouth of that river; make it available and valuable to the commerce of this country and the commerce of the world; relieve it from the obstructions which nature seems to have thrown in its path—obstructions, however, which in other places have been so often and so constantly overcome by the power and might of genius. Do that, and the people of that section will feel that there is on the part of Congress a returning sense of justice—a recognition of the rights of the people of the West and South by this Government which should be, and ultimately must be, recognized.

IMPORTATION OF CHINESE COOLIES.

Mr. PAGE. Mr. Speaker, I trust I am not insensible to the importance of the question which has been under discussion this evening. The project for the improvement of the mouth of the Mississippi has my entire and hearty approval, and will receive my vote when it is matured and submitted to the action of the House. But I rise to speak upon another subject.

IMPORTATION OF CHINESE COOLIES.

Mr. Speaker, I desire to premise what I have to say upon the question on which I am now about to detain the House for a few moments, for fear my remarks might be open to misconstruction, by saying at the outset that I do not share in the sentiments of that class who entertain prejudice against any people on account of race or color, but have ever been, and hope I may ever be, willing at all times and under all circumstances to accord to every people, of whatever

nationality or color, the equal protection of the laws. And, sir, I trust I *have* been, and am *now*, in full accord with the liberal sentiments of the party to which I belong, and with which I have acted for the last fourteen years. While I do not claim to represent any political party in the views I now express here, yet I do claim to represent men of both parties and the interest of the laboring class of my State and the Pacific coast. I do believe that this Government has the right and ought to exercise it to prevent the immigration of any class of people to this country whose moral and social relations, whose habits and mode of life, are so at variance with the genius of our institutions, that they would cause the blush of shame to mantle the cheek of the most depraved of our own race; who bring their women here as slaves to be sold into prostitution, and who openly flaunt their immoral calling on the public streets in the very face of our wives and daughters; whose corrupting influence on the youth of the country is to be regarded with horror; in fact, whose blighting influence is felt and seen on every hand. This people breed a moral pestilence wherever they go, the increase of which is daily multiplying upon us with all of its evils, and yet in the very face of all these facts we are told we are powerless to remedy this evil; that its blighting curse is to be continued because we have a treaty. Then, I say, repeal the treaty. But, say some, "We must have commercial relations with them, and to have this we must submit to the conditions imposed in this treaty." What would you think if the municipal authorities of a great city like New York should permit a ship to land at its wharves when the passengers on board were infected with a loathsome and contagious disease, thereby causing the contagion to spread over the city, and subject its inmates to a fearful disease and death? Your laws prevent it. Humanity prevents it. Your good sense revolts at such a policy. The ship is immediately sent into quarantine with all its passengers on board. Yet you would let your steamships land with a people whose very presence is disease and death, moral and physical.

Experience of more than twenty years has taught us that those of the Chinese who come here, voluntarily or otherwise, do not assimilate with us in one single particular; that a resident of so many years among a people who are inferior to none on earth in morality, virtue, and intelligence, whose halls of learning, and houses of worship are the pride of the country, has failed entirely to redeem them. Like Ephraim, they are wedded to their idols. But say some of my philanthropic friends, they are a poor, degraded people it is true, yet we should try and benefit them by our example and Christian teachings. To that I reply, do all for them you can in their own country, but do not bring them here to try the experiment. What would the gentlemen who favor a high protective tariff think if these Chinese should take the place of the thousands of women and girls who are now employed in the Middle and New England States, and thereby throw out of employment thousands of this class who depend upon their daily toil for a subsistence? There would go up such a demand to Congress for legislation upon this subject as has never been heard before. It is claimed, sir, that free trade would have a tendency to close down the various manufactories of the country, and that a tariff for their protection is absolutely necessary. Then if this be true, that you desire to protect the laborers, and are not simply trying to protect the wealthy manufacturer, by imposing a tax upon imported articles at the expense of the consumer, then in the name of justice and consistency do something to protect our languishing and starving poor laborers, who have to contend with these Asiatics from whom our people must flee as from a pestilence.

I appeal to the representatives of the people here assembled, whether from the East or West, North or South, who have ever been in sympathy with the toiling masses of the country to do something *now* to protect those who are entitled to our sympathy and consideration. By doing so you give additional encouragement to a class whom we cordially invite to our shores; who are capable of assuming the duties and responsibilities of American citizenship, who will add something to the wealth and prosperity of the country, and who are attached to its institutions, and who can comprehend something of the blessings of a republican government.

No power of our Government requires the exercise of greater wisdom or discretion than that of treaty making with foreign nations. Not that, upon general principles, there is any difficulty in determining the basis upon which it should be exercised. We must conform to the spirit of our free institutions if we would avoid the just reproach of the whole civilized world. But it is sometimes difficult to determine in what such conformity consists.

The general idea that ours is a land where the people of other nations may find a home; where they may seek refuge from the oppression of their own governments, embodies a sentiment as old as the nation, and I am happy to believe that in acting upon it we have improved the condition of all those people who, from year to year, have come to our shores from the civilized nations of Europe. They have not been disappointed in any promise held out to them by our Government, and we have been satisfied to admit them to all the privileges of American citizenship.

The single element of freedom has thus been exemplified, and the civilized world has been benefited by it. Of nothing, as an American, am I prouder than the grand exhibition of this great cosmopolitan principle. It has added millions to our population, increased by a proportion equal to a third of our settled territory the area of improvement, and given us a standing among nations which is shared by no other people in the world.

The principle has worked well for our country, and doubtless it was upon the supposition that it would continue to do so that we have made the same offers of protection and given the same cordial invitation to the nations of Asia as to those of Europe. We have never paused to consider the difference in the people of the two sections; their habits, their civilization, their culture, their religion. Upon the broad ground that our Government was made for all, Christian and heathen alike, and that the one would as readily conform to it as the other, we have laid no restraints upon immigration, come whence and how it may.

The benefits that we have derived from the growth of our European population have blinded us to the possible dangers of an equal population from Asia. Our complaint has been that they did not come sooner; that we were not at an early period of our history admitted to an unrestricted intercourse, commercially and socially, with the great nations of Japan and China. We have been eager and persistent in our efforts to break down the great social barrier which those nations opposed to all other nations, and to include them in the number of our friends.

I propose, sir, in the remarks which I have to offer in support of this measure, to show that we have made a most unfortunate mistake. If we had paused long enough to reflect upon the great difference which existed in all the elements that enter into the formation of national character between the Chinese and the Americans we should not have committed this great error.

There is not a single point of resemblance between the two nations. China is socially a heathen despotism. Its period of great improvements and great works expired centuries before the Christian era—when the great wall and great canal were built. Since then the empire bears evidence of a slow decay, and civilization has manifested itself in handicraft works of little utility, indicative merely of mechanical skill, pleasing to the eye but without the smallest intellectual significance.

By reason of that national jealousy, which until within the last forty years denied all access to foreigners, an overgrown population of five hundred millions has been trained to a course of life that has absolutely nothing in it to develop the mind or arouse any higher ambition than for a meagre and miserable existence.

This immense multitude, living in the shadow of heathen temples, worshiping images, knows nothing of God, and bows submissively to a government which practices every possible enormity. Woman, when not used as a slave, is something worse. The relations between parent and child are like those of master and slave. The father sells his son into servitude and his daughter for prostitution. If children become too numerous, infants are exposed in every possible manner to death. When a member of a family becomes incurably sick, he is abandoned to his fate, and no one dares to offer him aid, lest by the death on his hands he should thereby incur the guilt and punishment of murder. Criminals are executed with a refinement of cruelty and torture that would shame the savages of our western plains. Polygamy and concubinage are national institutions. Thieving, trickery, cheating, and fraud are taught and encouraged as the essential elements of success in all commercial operations.

Under a system of instruction which embraces all these and a thousand other enormities of kindred character, the Chinese have had all that is good, noble, and refined in their nature crushed out. It is impossible for the best of them to rise above and overcome these multiform obstacles to advancement.

There is no more true progress in nations thus debauched than in the pursuits of a nation of savages.

How is it possible for such a people ever to comprehend the American Government? What is there in their national antecedents of fifty centuries to which they can compare it? In all their wars, in all their rebellions, where can they find an instance in which either party fought for liberty?

In the terrible laws by which they are governed, in their domestic relations, in their trading and commercial intercourse, what can they refer to which will afford the most remote idea of republicanism? What do they know about equality?

And the opportunities for contrast are equally barren when they attempt to comprehend the vastness of our institutions of learning, our forms of religious worship, and our great works of improvement. These are altogether beyond any ideas they are capable of forming for the improvement of their own country. Their mode of life, their food, their dress, their destitution, their homes, all of them belong to a scale of being so much below those of our country that they can form in idea, no conception, of the difference.

With all the difficulties—difficulties as inherent as nature itself—to overcome, the Chinese have, as an insurmountable obstacle to their progress, an ingrained belief taught from their infancy, that theirs is a Celestial Land; that though they may leave it, it must be for a season only; that, though, they die while away from it, their bodies can never rest and their souls never be happy until their bones are returned there for burial. No higher sin can be committed against their deity, or their country than to forswear their allegiance and become the citizens of another nationality.

Sir, if we had reflected upon these familiar facts of Chinese history, we should have known before the Burlingame treaty was

formed, that for such a people to come to America in any great numbers, would be to inflict a curse upon our country greater than that of slavery from which we have been so recently delivered.

Unlike the immigrants from other nations, they are entirely destitute of qualifications which can be improved under our institutions. The oppressed people of Ireland, Germany, or any other European nation come here to find homes. They appreciate our liberty in its largest sense, and from the moment they set foot on our soil their condition is improved mentally and morally. They follow our pursuits, worship our God, affiliate with our people, and are not only with us but of us; not so the Chinaman. Remain here as long as he may, he is a stranger, he adheres to the teachings of his boyhood, introduces the habits, dress, and customs of his own people, and does not possess a social element in common with us.

But I do not propose to treat this subject theoretically alone. The experience of Chinese immigration through which we are now passing is of the most startling character, and must be my apology for craving the considerate attention of this House to the subject in some of its most important details.

The Chinese began to immigrate to California soon after the discovery of gold placers in that State, their object being doubtless that of gold mining. More than two thousand were at work in the placers and the mountains before the close of 1852, and since that time they have steadily increased in numbers until their present population is something more than seventy thousand. The single pursuit of gold mining in placers would have suited the early Chinese immigrants better than any other occupation, but such was the rush of people to California for the three or four years after gold was discovered that it was impossible for them profitably to follow it. They were molested by other and stronger adventurers. If they found a placer of any value they were driven from it. If they obtained gold in any considerable quantity it was taken from them by violence. They were obliged to seek other and more menial occupations. They became almost immediately the servants of servants, and were obliged to work hard for pay that would hardly have supported any other class of people. They were entirely destitute of all adaptabilities for any labor above that of menial service. They were employed as cooks, house servants, day laborers, and subjected to coarse treatment and abuse.

This was the first introduction into our country of Chinese cheap labor.

The time was auspicious for its growth and success, for in those days the price of labor in California was very high. Chinamen were employed in preference to whites, because they could do the work as well and at greatly reduced prices. They soon came to be a necessity. There were not enough of them in the country to meet the demands of the people. Then the living tide rolled in. Every vessel that crossed the Pacific was freighted with this population, and the companies formed in China for their immigration increased the facilities for their transportation.

> They came as the winds come when forests are rended,
> They came as the waves come when navies are stranded.

Notwithstanding the opposition of white laborers to this influx, other classes of the community who were benefited by it, favored it, and influenced public opinion to encourage it by every possible means. How far this influence may have operated to produce the different treaties that have been made with China during the past twenty years, it is impossible to determine; but it is quite certain, if there had been no Chinese in the country, there would have been no such treaty made as the one now in operation.

Mr. Speaker, since the commencement of Chinese immigration, California, with a rapidity unequalled in any former history, has grown into one of the most important States in the Union. Oregon has also become a thriving and populous member of the Union, Washington, Idaho, Montana, Nevada, Utah, New Mexico, and Arizona have been organized, and each boasts of a large and growing population.

In California, Nevada, and Oregon the competition between Chinese and white labor has grown into an oppression which is steadily driving from the communities white men who seek a livelihood by active daily toil. American labor, hitherto the strong right arm of this Republic, is withering beneath this Asiatic blight. The power which has filled this great country with manufactures, with improvements; which has opened wide the gates of commerce with every other nation; which has made all the actual wealth of the nation, is humiliated before this insidious, far-reaching, and dangerous foe to our institutions. It is coming upon us with the stealth of a "thief in the night;" like the dark speck upon the horizon which heralds a storm; it is growing in blackness, gathering in intensity, and threatens to discharge its pent-up artillery upon our devoted land.

Sir, if there be an element of success which more than another has given us consideration abroad and security and happiness at home, it is the encouragement we have always given to labor. No nobler or more intelligent, more honest, more loyal people exist on earth than the great laboring class of the United States.

The scriptural axiom that "the laborer is worthy of his hire" has been dignified in every pursuit of life in our country. In those nations where labor is deprecated there is little intelligence or loyalty outside of the wealthy classes.

The poor mechanic who in England worked hard for his sixpence per day comes to this country, and on his dollar or two per day lives comfortably, supplies his home with every necessary, educates his children, and enjoys all the advantages of social life.

The oppressed Irishman, driven from his hovel in his own country, with his mattock and pick earns a speedy competency here, with no fear of the heavy hand which crushed him to the dust at home.

American labor has elevated the people of every civilized nation who have sought a home under our free Constitution. Both nation and people have been alike benefited by it. It has thrived better than any other single element of our greatness. In our darkest hours, when the Union was threatened with disruption, when calamity visited every other source of prosperity, labor remained intact. It was always in demand, it always met its reward, it always added its quota to the growth and greatness of the Republic.

Mr. Speaker, the rights of the laborer are threatened with invasion. I would not say that the immigration of seventy-five thousand Chinamen to our country, in and of itself, was an evil of which we could not in time free ourselves. It is the beginning only of a great calamity; how great, let us try to realize in the light of facts unless it is speedily arrested. Of the number of Chinese immigrants there are now twenty-five thousand in the city of San Francisco. That city boasts in all a population of two hundred thousand, one-eighth of which are Chinese. Let us see how greatly the cause of labor there is affected by them. The business of manufacturing cigars is exclusively theirs. They are employed in forty large cigar manufacturies and an indefinite number of smaller ones. Seventy-eight clothing factories, including three shirt factories, employ Chinese only. Ten boot and shoe factories, and twenty-five slipper factories, give employment to Chinese workmen, one of which keeps one hundred constantly at work. In six tin shops Chinese are employed; then there are watchmakers, jewelers, and Chinese doctors who follow their pursuits independently.

In the various factories of the city there are ten thousand Chinese employed, who for less than half the ordinary wages of white mechanics perform an equal amount of labor. Their labor embraces nearly all the local industries of the city. White mechanics in search of employment are met by Mongolians who are willing to work for prices which will not support the white man.

Many of them engage in small manufactures of their own on a scale which would shame a white laborer, and by means of which articles are afforded at prices so greatly reduced as to defy competition by white labor. Hundreds of them are employed as house servants, because their services can be obtained at one-half that of a white woman.

It is claimed by the advocates of Chinese labor that whatever cheapens labor produces a corresponding reduction in price, and that one dollar is thus made to go as far as two under the old system. However plausible this may seem in theory it is not true in fact, especially is it not so with reference to this class of labor. If it were then as the demand for this kind of labor increased the reduction in price of production would still preserve the same distinction between Chinese and white labor, and when a white laborer could be employed at the present prices paid to Chinese, the latter by reason of this reduction could be employed at one half those rates.

But to make this rule operate equally upon the capitalist and the laborer, it must have a general application, and all sorts of labor must be reduced to the same standard. This would drag labor down to the European standard, a result certainly no lover of American institutions would desire to see.

Labor, sir, would thus be so degraded that all white labor would be driven from the field of competition, and the thousands who now annually come to our country from Europe to improve their condition would do equally well to remain at home.

The demand would be limited to Chinese labor, and in place of the intelligent, progressive population that now comes to our country, we would be overrun by a swarm of heathen Mongolians.

It is not true, however, that the low price paid the Chinaman causes a low price in the products of his labor. It is the capitalist who makes by the change. He realizes now, whatever he may do hereafter, as much for his wares as if they were manufactured by the white man, and he must continue to do so until white labor succumbs to his demands, or is destroyed altogether. There never has been an element introduced into our country which, both now and prospectively, will operate so oppressively upon all kinds of free labor as this Chinese competition.

There is another consideration to be viewed in this connection. The reward which the Mongolian receives for his labor is of little or no value to our country. Small as it is it all eventually goes to China. Even the small portion of it spent for food and clothing goes into the pockets of Chinese dealers, who, beyond a very few of the necessaries of life, purchase all their merchandise in the Celestial land.

Look at the figures. Say that twenty-three thousand Chinamen in San Francisco average for their labor one dollar per day. That amounts to $8,395,000 annually, which is withdrawn from white labor. It is reasonable to suppose that the same number of white men would realize two dollars per day or an annual amount of $16,790,000. The Chinaman sends his money to China, the white laborer spends his here. It enters all the avenues of trade. What would such an addition to

the money expenditure of San Francisco do for the city? Would not commerce and trade be correspondingly enlarged and the city be increased in its local wealth and improvement?

Look at the subject in its more enlarged sense. The 125,000 Chinamen in the country annually send to China the enormous sum of $45,625,000. But for their presence in the country $91,250,000 would be thrown into circulation by white laborers who are excluded from work.

This is the manner in which the employment of Chinese labor operates against the Pacific States and Territories. An amount is annually sent away from them sufficient to supply them with all the great works of internal improvement necessary for their full development.

Besides the cheap living of the Chinese in our country, which enables them to work for low wages, the clothing and household accommodations which they require are such as the people of no civilized nationality could endure. A suit that will serve a Chinaman for six months he can purchase from his countrymen for six dollars. Nine dollars a month will board, clothe, and lodge. In some of the buildings occupied by them in San Francisco, by means of berths fastened to the wall less than three feet asunder, a thousand or more are lodged. They live in the cellars, among the reeking fumes of opium and rancid grease, which is used as a delicacy in Chinese cookery.

The total value of the personal and real property owned by a population of twenty-five thousand in the heart of the great city of San Francisco, is less than $600,000, on which they pay an annual tax of $8,229.50, a sum insufficient to pay the salaries of one-half the policemen stationed in the Chinese quarter alone. The rents in that portion of the city occupied by Chinese are from 50 to 75 per cent. lower than the rent of buildings in other quarters not as favorably located for business purposes.

That such a population should be permitted under the sanction of law to crowd thousands of our own mechanics out of employ, monopolize the trade in the five great Asiatic staples of tea, rice, silk, opium, and tobacco, and fill places that would afford occupation for four thousand idle boys and three thousand poor men, women, and girls who need them, is one of the most extraordinary spectacles of our times.

Sir, this is not all. The Chinese are equally incapable of instruction in our politics and religion. They have erected the idols of their worship among us, and practice here the most senseless and undemonstrative idolatry known to heathen nations. Their religion is a license for the grossest immorality. Vice, in its most hideous form, is the only social element in which both sexes participate. More than two thousand Chinese women, who have never known any other occupation than that of prostitution, reside in the city of San Francisco. They perform no labor. Their knowledge is less than that of the brute creation. They are bought and sold like cattle, and hired out to the basest purposes like horses for livery. This guilty commerce is carried on in the heart of a great city within the observation of thousands of its inhabitants.

Mr. Speaker, I have already, as I think, demonstrated that the Chinese are incapable of conforming in their habits, their customs, their religion to our institutions. They belong to a race entirely distinct from any on this continent. They are regarded by all classes of our society with great abhorrence. The intelligent portion of our population can see nothing but disaster and calamity to all the great interests of the country which they by their peculiar mode of life are enabled through competition to monopolize.

All landed and railroad monopolies sink into insignificance in comparison with the monopoly which this one source will bring upon our country unless it is checked.

It is increasing upon us with alarming rapidity. In 1860 the number of Chinese in the State of California was, according to the census, 34,933. Up to 1870 they increased nearly 50 per cent., their number the latter year being 49,310. During the two years succeeding 1870 the Chinese steamers have not brought less than 12,000, and since the commencement of 1873 there have been 15,000 more added to this number.

The annual immigration with the increase of facilities for transportation will average forty thousand for the next five years, probably twice that for the five years succeeding. In less than ten years this will make the population of the State more than half Chinese.

But they will not be confined to California alone. Already they have found their way over the Rocky Mountains and into the workshops of Massachusetts and Pennsylvania. And when we consider that China can spare untold millions of this lowest of their population we may well inquire where is this thing to end?

These people are mere slaves at home, how can they be bettered in their condition by coming here? If *China* can spare them, is anxious to get rid of them, and is improved in its condition by their leaving there, what can we expect will be the effect of such a debased and groveling race in this country?

No other country in the world than China would be willing for its people to go from a condition where they enjoyed all the liberty that their government permitted to a condition which must become absolute servitude.

Sir, the condition of the slaves in the South was never so devoid of the elements of civilization as that of the Chinese in this country to-day.

Slavery of the worst kind must become the unavoidable condition of those Chinese who come here, and they will be more essentially the cause of it than our people. They cannot rise to the condition of freemen in the sense of the American citizen. Of course, as the predominating race must rule, when men clash in all those radical elements which enter into life the Chinese are slaves from the moment they touch our soil. Our freedom is worth nothing to them.

If they were crushed before they came here they are more entirely under the heel of a public opinion which hates them here, and which will ever prevent their advancement from a condition in comparison to which African slavery was a paradise. They come here as slaves to the companies which pay their passage. This amount they are obliged to pay the companies in such labor as they may find for them to do before they can engage in business for themselves. This very serfdom places them entirely within the control of the company whose bidding they must do until their passage-money is paid. Think of forty thousand of these slaves—double slaves—slaves in the first place to their own people, and then to the prejudice of the American people, landing upon our shores every year to compete with our free citizens for American labor!

Sir, can there be any greater disgrace brought upon the American name? Does the great national idea that ours is a land where the oppressed of all nations may find a home derive any dignity from such a contemplation? Shall we jeopardize the freedom, happiness, and prosperity of our country, out of false respect for a sentiment which is itself destroyed in the experiment? There is no liberty, there is no republicanism in such a course.

Our institutions are in danger. There is but one remedy that I can perceive, and that is to arrest this immigration by treaty.

If we cannot do it altogether, let us at least restrict it, and confine it to a different class. There is no reciprocity in it. Our people do not wish to emigrate to China. The immigration of Chinese here is not necessary to our commercial relations. They are entirely independent of them. They come here from no desire to escape the oppression of their own country. Their whole enterprise is conducted as a mere matter of dollars and cents on the part of those who send them. They make no sacrifices. They are governed by no progressive impulses. Mere machines, they place themselves directly in the way of our own progress, and are so many clogs upon the advancement of our civilization.

There is nothing in their condition to commend them to the sympathy, nothing in their intellectuality to commend them to the respect of the American people. Why, then, when the evil is growing upon us with such fearful rapidity, should we not check it while it is controllable? Every year increases the difficulty. New complications are constantly forming to cumber it with multiplied embarrassments.

The Chinese are constitutionally and by race an inferior people to any of the nations of Europe. Their moral obliquity is such that they can give no reason why they should not bring their women here for prostitution, and erect their joss houses, and practice their heathenism in our very midst. With them these abominations are simple nature, and our free principles and progressive institutions are in their eyes monstrous infringements upon the ideas with which they have been educated.

In no view that we can take of the subject does it appear to us other than the greatest evil of the day. Other monopolies may be arrested by law; but here is an evil which if not now arrested must in a few years become entirely uncontrollable, which will annihilate the rights, the dignity, the character of American labor.

Sir, let me entreat that this session of Congress may not close without at least giving it full and careful consideration.

METHODIST PUBLISHING HOUSE, NASHVILLE, TENNESSEE.

[Mr. MILLIKEN addressed the House in favor of the bill for the relief of the Methodist Episcopal publishing house at Nashville, Tennessee. His remarks will appear in the Appendix.]

Mr. HURLBUT. I move that the House adjourn.

The motion was agreed to; and accordingly (at nine o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. COBURN: The petition of citizens of Indianapolis, Indiana, for the establishment of Indianapolis as an interior port of entry, to the Committee on Commerce.

By Mr. COX: The petition of Rev. Dr. Samson, late president of Columbian College; James L. Howard, president American Publication Society; Henry G. Weston, president American Baptist Union, and many others, attending the Baptist anniversaries recently held in the city of Washington, for a grant to the American Printing-House for the Blind and American University for the Blind, to the Committee on the District of Columbia.

By Mr. CROUNSE: Petitions from grange organizations and citizens of Seward, Butler, and Saunders Counties, Nebraska, for the passage of the bill to aid in the construction of the Continental Railway, to the Committee on Railways and Canals.

By Mr. DUNNELL: The petition of citizens of Minnesota, for the

construction of a double-track freight railway from tide-water to the Missouri River, to the Committee on Railways and Canals.

Also, the petition of 171 citizens of Watonwan County, Minnesota, of similar import, to the same committee.

By Mr. KASSON: The petition of grange organizations of Adair County, Iowa, of similar import, to the same committee.

By Mr. KELLEY: The petition of Harriet Haines, for compensation for stores furnished United States Army and rent of buildings, to the Committee on War Claims.

By Mr. McCRARY: The petition of grange organizations of Henry and Jefferson Counties, Iowa, for the passage of the bill to aid in the construction of the Continental Railway, to the Committee on Railways and Canals.

By Mr. McDILL, of Wisconsin: The petition of William G. Barnard, for payment of salary as clerk in the New York custom-house, to the Committee on Claims.

By Mr. MYERS: The petition of John B. Wickersham, of Philadelphia, for the passage of an act directing the Commissioner of Patents to receive evidence to ascertain what portion of the devices set forth in letters-patent No. 25166 for improvements in iron fences, granted to himself and Henry Jenkins, was invented by petitioner, and to issue letters-patent for the portion so ascertained to petitioner, to the Committee on Patents.

By Mr. O'BRIEN: A paper relating to the claim of Captain Robert Hardie, to the Committee on War Claims.

By Mr. PRATT: The petition of grange organizations of Chickasaw County, Iowa, for aid in the construction of the Continental Railway, to the Committee on Railways and Canals.

By Mr. SAYLER, of Indiana: Ninety-nine petitions from citizens of twenty States and two Territories of the United States, containing 2,037 signatures, for the passage of a law authorizing the manufacture of patent-right articles by others than owners of patent rights upon payment of a reasonable royalty thereon, to the Committee on Patents,

By Mr. SMALL: Additional papers relating to the claim for relief of Miss Sally Tripe, to the Committee on Claims.

Also, the petition of the heirs of Samuel Remick, for arrears of pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. TOWNSEND: The petition of Kennett Monthly Meeting of Friends, for international arbitration in the settlement of international disputes, to the Committee on Foreign Affairs.

By Mr. WILLIAMS, of Michigan: The petition of citizens of Ottawa County, Michigan, for the passage of the bill to aid in the construction of the Continental Railway, to the Committee on Railways and Canals.

By Mr. WILLIAMS, of Wisconsin: The petition of grange organizations of Rock County, Wisconsin, of similar import, to the same committee.

IN SENATE.

THURSDAY, *June* 4, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. R. No. 107) providing for the termination of the treaty between the United States and His Majesty the King of the Belgians, concluded at Washington, July 17, 1858, was read twice by its title, and referred to the Committee on Foreign Relations.

TOTALLY DISABLED PENSIONERS.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled.

On motion by Mr. PRATT, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. PRATT, Mr. INGALLS, and Mr. HAMILTON of Texas.

THE PENSION LAWS.

The Senate proceeded to consider the action of the House of Representatives on its amendment to the bill (H. R. No. 2453) to amend an act entitled "Act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873.

On motion of Mr. PRATT, it was

Resolved, That the Senate insist upon its amendment to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. PRATT, Mr. INGALLS, and Mr. HAMILTON of Texas.

PETITIONS AND MEMORIALS.

Mr. INGALLS. I present the petition of Abraham Ellis, late a first lieutenant, acting as quartermaster and commissary, praying to be allowed a pension. Among other muniments of title to the relief he asks, he transmits a bullet with which he was shot by Quantrell, and several pieces of skull taken from the wound. I move that the petition, the bullet, and the bones be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HAMILTON, of Maryland, presented the petition of Joseph H. Maddox, praying compensation for tobacco taken or destroyed by the United States authorities; which was referred to the Committee on Claims.

Mr. EDMUNDS. I present the memorial of James J. Robbins, president of the Dardanelles and the Leviathan Mining Companies, I suppose of the State of Nebraska, asking some legislation and protection against other mining companies, and I believe in favor of the Sutro Tunnel Company. The memorial is long, but I believe that is the substance of it. I move that it be referred to the Committee on the Judiciary, as it relates to a bill which is before that committee.

The motion was agreed to.

Mr. SHERMAN. I am requested to present the petition of Demitry Mindeleff, of Washington, District of Columbia, praying for compensation for a very important discovery which he alleges to have made in the preparation of gold and silver. But for the extraordinary statements contained in this paper I should have no question in presenting it. I consider it my duty to do so, as it is respectful in terms, although it seems to me the facts alleged are stated very broadly. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN presented a memorial of manufacturers of plug, fine-cut chewing, and smoking tobacco and cigars, and dealers in leaf and manufactured tobacco, of Cincinnati, Ohio, remonstrating against the proposed change in the tax on tobacco; which was referred to the Committee on Finance.

Mr. HARVEY presented the petition of James Streeter, of Junction City, Kansas, praying compensation for a foundery and other property taken for the use of the Army at Memphis, Tennessee, during the late war; which was referred to the Committee on Claims.

Mr. CHANDLER. I move that the vote by which the bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States Marine Hospital at Detroit, Michigan, was indefinitely postponed be reconsidered, and that it be recommitted to the Committee on Public Buildings and Grounds.

There being no objection, the vote was reconsidered, and the bill was recommitted to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3582) to provide for stamping unstamped instruments, documents, or papers, reported it adversely, and moved its indefinite postponement, a bill covering the same subject having been already reported; which was agreed to.

Mr. CONOVER, from the Committee on Revolutionary Claims, to whom was referred the bill (H. R. No. 1753) to authorize medals commemorating the one hundredth anniversary of the first meeting of the Continental Congress and of the Declaration of Independence, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (S. No. 853) granting an increase of pension to Esther M. Shubrick, widow of Edward M. Shubrick, deceased, late captain United States Navy, reported adversely thereon.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely if there be no objection.

Mr. FRELINGHUYSEN. I wish the bill to be placed on the Calendar.

The PRESIDENT *pro tempore*. It will be placed on the Calendar with the adverse report of the committee.

Mr. HAMILTON, of Texas, from the same committee, to whom was referred the bill (H. R. No. 3015) granting a pension to Margaret A. Chantry, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SCOTT. The Committee on Finance have instructed me to report back a resolution calling for a statement of balances due by disbursing officers, the names of delinquents, the States from which appointed, what steps have been taken to enforce their payment, together with the amendment to the same offered by the Senator from Louisiana, [Mr. WEST,] with a recommendation that it ought not to

pass, and the committee ask to be discharged from its further consideration. I will state that we make this report for the reason that on referring the matter to the Secretary of the Treasury, we received the reply from him that it would take from three to six months to prepare the information called for in the resolution and amendment, and involve an expense of at least $75,000, besides embarrassing them in the disposition of their current force.

The PRESIDENT *pro tempore*. The resolution will be postponed indefinitely if there be no objection.

Mr. DAVIS. I should like to hear what resolution that is.

Mr. SCOTT. It is a resolution the title of which I gave, offered by the Senator from West Virginia, with an amendment offered by the Senator from Louisiana.

Mr. DAVIS. I hope the resolution will not be indefinitely postponed.

The PRESIDENT *pro tempore*. It will be placed on the Calendar with the adverse report.

Mr. BOGY, from the Committee on Indian Affairs, to whom was recommitted the bill (S. No. 748) to transfer to the Secretary of the Treasury all stocks and evidences of indebtedness due and held in trust by the Secretary of the Interior on account of the Creek orphan fund, reported it without amendment.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the petition of Lehr Schooler, widow of Richard Schooler, a soldier of the war of 1812, praying an amendment of the act of February 14, 1871, granting pensions to soldiers of that war, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred the joint resolution (H. R. No. 59) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut, reported it with an amendment.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 511) for the relief of Jacob M. Smalley, reported adversely thereon, the petitioner being entitled to relief under a general law; and the bill was postponed indefinitely.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. COOPER, from the Committee on Territories, to whom was referred the bill (S. No. 182) to disapprove the act of the territorial Legislature of Dakota, approved May 2, 1862, entitled "An act to provide for proceedings for the collection of demands against boats and vessels," reported it without amendment.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. No. 333) for the relief of Alexander Campbell, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of William F. Marshall, of Johnson County, Iowa, praying an increase of bounty, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. GOLDTHWAITE, from the Committee on Claims, to whom was referred the petition of Angeline Logan, of Van Buren, Arkansas, praying compensation for services rendered in a Federal hospital, reported a bill (S. No. 889) for the relief of Angeline Logan; which was read, and passed to a second reading.

Mr. DAVIS, from the Committee on Claims, to whom was referred the petition of Robert Lowry, of Tennessee, asking compensation for house, furniture, &c., burned under order of Major-General Thomas, submitted a report accompanied by a bill (S. No. 890) for the relief of Robert Lowry, of Nashville, Tennessee.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. JOHNSTON, from the Committee on Revolutionary Claims, to whom were referred the papers relating to the claim of Rebecca Frances Bailey, daughter and only heir of the late Lieutenant Edward Lloyd, of the Continental Line during the revolutionary war, praying for the half-pay and interest thereon due her late father, Edward Lloyd, submitted a report accompanied by a bill (S. No. 891) for the relief of Mrs. Rebecca Frances Bailey, only child and heir at law of Lieutenant Edward Lloyd, deceased.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. JOHNSTON, from the Committee on Revolutionary Claims, to whom was referred the petition of Samuel L. Gouverneur, grandson and heir at law of Colonel James Monroe, late President of the United States, asking payment of moneys legally due Colonel Monroe from the termination of the revolutionary war, November 3, 1783, to the date of his death, July 4, 1831, submitted a report accompanied by a bill (S. No. 892) for the relief of the legal representatives of the estate of Lieutenant-Colonel James Monroe.

The bill was read and passed to a second reading, and the report was ordered to be printed.

CAROLINE DUNCAN.

Mr. HAMILTON, of Texas. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. No. 3014) to place the name of Mrs. Caroline Duncan on the pension-roll, to report it back without amendment and to ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Caroline Duncan, as the widow of Joseph Duncan, private Company I, One hundred and thirty-third Pennsylvania Volunteers, killed at Fredericksburgh, Virginia, on the 13th December, 1862.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LETITIA CARR.

Mr. HAMILTON, of Texas. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. No. 3011) granting a pension to Mrs. Letitia Carr, to report it back without amendment and ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Letitia Carr, mother of William Carr, late a fireman in the United States Navy.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CORDELIA WILKINS.

Mr. PRATT. The Committee on Pensions, to whom was referred the bill (H. R. No. 3007) granting a pension to Cordelia Wilkins, have had the same under consideration and have instructed me to report it back without amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cordelia Wilkins, step-mother of Willard F. Wilkins, Company B, Sixth New Hampshire Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EDWIN A. ALEXANDER.

Mr. PRATT. The same committee, to whom was referred the bill (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry, known as the Thirty-ninth Indiana Regiment, have directed me to report it back with an amendment and to submit a report in writing, which I move may be printed.

The report was ordered to be printed.

Mr. PRATT. I should like to have the bill considered at the present time.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Pensions was to add to the bill:

And also to the following persons, the minor children of said Edwin A. Alexander, to wit: Laura Jane, who will be sixteen years of age, January 18, 1875; Mary Alice, who will be sixteen years of age August 8, 1876; John Henry, who will be sixteen years of age December 15, 1878; Sarah Elizabeth, who will be sixteen years of age August 22, 1880; to take effect from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (S. No. 866) granting a pension to Margaret E. Alexander, moved its indefinite postponement; which was agreed to.

MICHAEL BANNON.

Mr. OGLESBY. The Committee on Pensions, to whom was referred the bill (H. R. No. 3009) for the relief of Michael Bannon, of Dayton, Ohio, have had the same under consideration and directed me to report it back without amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael Bannon, late a private in Company F, Ninety-seventh Illinois Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN HEDDINGER.

Mr. OGLESBY. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. No. 3012) granting a pension to John Heddinger, to report it back without amendment and recommend its passage. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of John Heddinger, late boatswain's mate on the United States steamship "Eutaw."

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE H. REYNOLDS.

Mr. OGLESBY. The Committee on Pensions, to whom was referred the bill (H. R. No. 3019) granting a pension to George H. Reynolds, have had the same under consideration, and having carefully considered the same, have instructed me to report it back without amendment and recommend its passage. I ask for its present consideration. It closes out our budget for this morning.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George H. Reynolds, of Company —, Twentieth Regiment of Indiana Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 893) for the relief of William C. Greene, of Indiana; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 894) making appropriation to pay the Pottawatomie Indians the award of the commissioners, Charles Rowland and Stephen D. Mills, made under the provisions of the tenth article of the treaty with said Indians of August 7, 1868; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 895) to reimburse the Delaware tribe of Indians for twenty-three sections of land set apart for them under the treaty of July 4, 1866; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 896) to establish the Alsea and Siletz reservations in the State of Oregon and to provide for the civilization and subsistence of the Indians located thereon; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

FITZHUGH LEE.

Mr. JOHNSTON. I should like to ask unanimous consent for the consideration of the bill (H. R. No. 2866) relieving the legal and political disabilities of Fitzhugh Lee.

There being no objection, the bill was considered as in Committee of the Whole.

The Committee on the Judiciary propose to amend the bill by striking out the words "legal and" before "political," in line 4.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed by a two-thirds vote.

The title was amended so as to read: "A bill relieving the political disabilities of Fitzhugh Lee."

VAN R. MORGAN.

Mr. JOHNSTON. I ask unanimous consent of the Senate to take up the bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. The words "the act of July, 1862, and" ought to have been stricken out there. We only remove the constitutional disabilities. That was something that was slipped in that was not observed by the committee. I move to amend by striking out those words.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

INDIANS OF NORTHERN SUPERINTENDENCY.

Mr. BUCKINGHAM. I gave notice some days ago that I would to-day call up the bill (S. No. 154) to amend an act entitled "An act for the relief of certain tribes of Indians in the northern superintendency," approved June 10, 1872. I ask that it may be now considered.

Mr. HAMILTON, of Maryland. I do not object to taking up that bill particularly, but I think it is proper that I should make an effort to call up the resolution reported from the Committee on Privileges and Elections in regard to Mr. Sykes. It is a matter that ought to be disposed of one way or the other.

Mr. BUCKINGHAM. I will say to the Senator that this is a bill of great importance to several tribes of Indians.

Mr. HAMILTON, of Maryland. Will it take long?

Mr. BUCKINGHAM. I think not.

Mr. HAMILTON, of Maryland. Then I will try to call up the resolution I have just indicated, as soon as this is through.

Mr. KELLY. I gave notice on Friday last that this morning as soon as the morning business was closed I should ask for the consideration of a bill in which the State of Oregon is deeply interested. I mean the bill (S. No. 331) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph, and for the performance of all Government service free of charge. As soon as the morning business is disposed of, I shall insist on presenting it for the consideration of the Senate.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Connecticut, [Mr. BUCKINGHAM.]

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 154) to amend the act entitled "An act for the relief of certain tribes of Indians in the northern superintendency," approved June 10, 1872.

Mr. EDMUNDS. I should like to have this bill explained by the chairman of the Committee on Indian Affairs, and I should like to hear the act read to which this purports to be a supplement in order that we may understand what it is we are asked to do.

Mr. BUCKINGHAM. The Senator has the act before him.

Mr. EDMUNDS. I cannot read it if I have.

Mr. BUCKINGHAM. Send it up to the desk.

Mr. EDMUNDS. I should like to have the Secretary read the act to which this is supplemental, so that we may understand the subject if possible.

The Chief Clerk read the first section of the act of June 10, 1872, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That with the consent and concurrence of the Omaha tribe of Indians, expressed in open council in the usual manner, the Secretary of the Interior be, and hereby is, authorized to cause to be surveyed, if necessary, a portion of their reservation in the State of Nebraska, not exceeding fifty thousand acres, to be taken from the western part thereof and to be separated from the remaining portion of said reservation by a line running along the section lines from north to south. The said lands so separated shall be appraised by three competent commissioners, one of whom shall be selected by said Omaha tribe of Indians in open council, and the other two shall be appointed by the Secretary of the Interior. After the survey and appraisement of said lands, as herein provided, the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale for cash in hand; and sealed proposals, duly invited by public advertisements, shall be received for the same for tracts not exceeding one hundred and sixty acres each, and also for the entire body offered; and he shall be, and hereby is, authorized to accept the proposal for the entire tract, or the highest bids for separate tracts, whichever shall be deemed best for the interests of the Indians: *Provided*, That no bid for separate tracts shall be accepted which may be less than the appraised value of such tract, nor less than $1.25 per acre; or for the entire tract which shall be less than the aggregate appraised value of the same, nor less than $1.25 per acre. The proceeds of such sale shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at the rate of 5 per cent. per annum, payable semi-annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use in improving and fencing farms, building houses, purchasing implements of agriculture and live stock, and in establishing and supporting schools: *Provided also*, That not more than 25 per cent. of the principal of the aggregate amount of sales of said lands shall be expended in any one year: *Provided*, That no sale shall be approved unless the average sales of each of said parcels of said land shall be at least $2.50 per acre.

Mr. BUCKINGHAM. I think the Senator will not require the other sections of the act to be read. They refer to other tribes of Indians, bringing them under the provisions of the first section.

Mr. EDMUNDS. Do they refer to anything in this bill?

Mr. BUCKINGHAM. This bill refers to the same tribes mentioned in the other sections.

Mr. EDMUNDS. If it does, we ought to hear the other sections read.

Mr. BUCKINGHAM. The other sections bring each tribe mentioned in each particular section under the provisions of the first section, which has been read.

Mr. EDMUNDS. Then the first section covers the whole subject of this bill?

Mr. BUCKINGHAM. I think so.

Mr. EDMUNDS. If it does, I do not ask to have the other sections read. Then I should like to hear the Senator from Connecticut explain to us, as he undoubtedly can very readily, the scope and object of this bill, and what public interest is to be subserved by its passage.

Mr. BUCKINGHAM. I will state that the act which has just been read provided that with the consent of the other tribes mentioned in the act, their lands might be valued by an appraisal and be sold for cash, and then that the proceeds should be used for the purpose of promoting their civilization. As a matter of fact, very few of the lands have been sold for cash, and therefore the proceeds placed in the Treasury have not been such as to enable the Secretary of the Interior or the President to do much with those funds to promote the civilization of the tribes.

Now, this bill provides that the time of sale shall be extended; that instead of being sold for cash the lands shall be sold payable one-quarter cash and the other three-quarters in one, two, and three years, and that the money thus received shall be paid into the Treasury of the United States. It also provides that instead of waiting for that money to be paid, the Treasury shall make an advance for the purpose of aiding in the civilization of these Indians, because their necessities are so great as to demand immediate aid. I do not know that I need make any further statement.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendments of the Committee on Indian Affairs; which will be read.

The first amendment of the committee was in section 6, line 7, to strike out "$75,000" and insert "50,000;" so as to read:

For the Omahas, $50,000.

Mr. EDMUNDS. What is the effect?

Mr. BUCKINGHAM. It reduces the amount to be used by the Secretary.

Mr. EDMUNDS. All that has been in the appropriation bills, I think. If I shall not intrude in business that does not concern me, I should like to ask the chairman of the Committee on Indian Affairs whether any provision has been made in the Indian or any other appropriation bill at this session for the Omahas.

Mr. BUCKINGHAM. I do not remember. If there has been, it has been very limited.

Mr. WINDOM. There is an appropriation for the Omahas in the Indian appropriation bill, but exactly what I cannot state now.

Mr. EDMUNDS. Has there been any appropriation for the Pawnees, may I ask the chairman of the committee?

Mr. BUCKINGHAM. I am not able to answer the question.

Mr. WINDOM. There has been.

Mr. EDMUNDS. Has there been any appropriation for the Otoes and Missourias?

Mr. BUCKINGHAM. Yes, sir.

Mr. EDMUNDS. It is very extraordinary indeed that we had an appropriation bill passed two days ago providing up to the full judgment of Congress for money to be used for the civilization of these Indians, and that now we have a special bill which contains one section with pretty large appropriations for the same purpose, without any limit as to time, without any limit as to the lapsing of the appropriation, or any of the safeguards that stand upon regular appropriation bills. I call the attention of the chairman of the Committee on Appropriations to the subject. No doubt he understands it much better than I do; but *prima facie* this certainly is not a section that ought to be adopted until we know precisely what we have done and why we have done it.

Mr. BUCKINGHAM. I beg leave to state that quite a number of appropriations were proposed on the Indian appropriation bill which were opposed by the Senator from Vermont; some of them on the ground that they were not proper to go on the appropriation bill.

Mr. EDMUNDS. I did not oppose any of them.

Mr. BUCKINGHAM. I beg pardon.

Mr. EDMUNDS. No doubt I should have done so if I had known anything about them.

Mr. BUCKINGHAM. There were quite a number of amendments offered which were rejected on the ground that they should be brought up in separate bills, and a large proportion of those appropriations which were recommended by the Committee on Indian Affairs were ruled out on that ground and with the advice that we should bring up separate bills, for they were not proper to be put into the regular appropriation bill.

Mr. EDMUNDS. The Senator from Connecticut is entirely mistaken. I heard the advice given by the Senator in charge of the bill, that was that we should not impose legislation about the Indians upon appropriation bills; but I do not think that the Senator from Minnesota made any objection on the score of its being proper to be brought into some other bill to any item of mere appropriation for the Indians. He certainly could not have done that, and I do not think he did.

The point now under consideration is whether we are to have an appropriation bill such as the sixth section of this bill contains in reference to these Indians, when we have already passed one Indian appropriation bill which makes provision for this class of people. I find in the appropriation bill that we provide for paying the Omahas first, under a treaty, certain installments that we have agreed to pay them, about $22,000, and then there is a general clause for the civilization of the Indians.

Mr. BUCKINGHAM. Those items are all for treaty stipulations.

Mr. EDMUNDS. So they are; but they furnish money to the Indians just the same; and what does the Senator mean the Secretary of the Interior shall do with it? Does he mean that he shall use it for civilization or for rum? That is an important question.

Mr. BUCKINGHAM. The bill says "for civilization."

Mr. EDMUNDS. Very good. Then if the provision for these Omahas under the treaty is that the money we give them is to be used for some useful purpose, that of buying the necessaries of life, agricultural implements to improve their lands, you have provided money enough for them by the treaty. That was the object of the treaty, to give them money to be used to improve their condition. Now, in addition to the treaty, the Senator proposes that the Commissioner of Indian Affairs shall have $50,000 more to use for the benefit of these particular Indians to improve them in civilization, entirely at his discretion, controlled it is true by the direction of the President of the United States; but in this vast country there are so many duties that the President has to perform, that that means that he must rely on subordinate officers for the details of the business.

Now, I want to ask the Senate of the United States if they think it a wise expenditure of public money from the Treasury, when we have already provided thousands upon thousands of dollars for these same Indians, although we have provided a part of that money under a treaty, to now go forward by an additional appropriation to provide fifty or seventy-five thousand dollars more? That is the point; and that is a point which I think, under the present exigencies of the country, the burdens of taxations, in view of the scantiness of cash in the Treasury and the distress of the country, it is well worth praying attention to. There ought to be a very clear and very urgent reason shown to us upon definite statistics why it is that after voting the money we give these Indians under the treaty as well as under the other general provisions that we make in the regular bill for funds in a general way most needed, (as they all contain them I believe,) we are now called upon two days afterward to provide $50,000 more for this particular tribe. I should be glad to hear my honorable friend from Connecticut on that subject.

Mr. BUCKINGHAM. I certainly can say but few words on the subject. These Indians in the northern superintendency are under the care in one respect of that denomination of Christians called Quakers, and they have been as much interested in and as much devoted to their work as any class of men whom I know. The Secretary of the Interior says they have made no mistakes and have never disappointed him. They represent to the Interior Department very clearly that the situation of those tribes in the northern superintendency is such that an appropriation made now can be used so as to advance them in civilization much more rapidly than if it is delayed.

Mr. EDMUNDS. Will the Senator kindly have read the recommendation of the Secretary of the Interior and the letter upon which it is based? Let us see what it contains.

Mr. BUCKINGHAM. I have not the Secretary's letter with me.

Mr. EDMUNDS. That is in reference to the appropriation bill which contains the very money, I suppose.

Mr. BUCKINGHAM. There was a letter in connection with this bill. This is an appropriation which if made from the Treasury is to be reimbursed out of the sales of these lands, and therefore it is a temporary loan for the benefit of the Indians. I hope the bill will pass.

Mr. EDMUNDS. Mr. President, that would be very fine for the Indian to sell his land and give him the money and have it used up in a year, and then sell some more land next year, and so on. How long would a civilized farmer get along in supporting his family in that way? Whatever he needs this year he sells land enough off his farm to pay for; next year he sells some more, and so on. Of course he would land in the poor-house in a short time.

I doubt extremely the policy of disposing of these lands of these Indians. We have found that when they have been disposed of, often it has been through some contrivance by which not only the Indian has been plundered out of the value of his lands, but they have fallen into the hands of speculators, so that the disposal of them really did no good to the body of the community near which they lay. I have a case in point directly under my eye, where under the provision of an act of 1872 some Chippewa lands were to be sold, or rather where, under the head of perfecting certain titles, Chippewa lands had been seized really by timber speculators, we provided by law that they might make their titles good on an appraisal; and then we sent out a commission to make an appraisal. It appears on the report of the commission itself, which I will have read when this bill reaches the general discussion, that the average price of land purchased and sold by private parties in that vicinity is about double what they recommend that the United States shall receive from these speculators for the benefit of the Indians. I intend to call the attention of the Senate to it with a view, if this bill is to pass, to provide an amendment which shall cut up that species of plunder, as I am informed from the Interior Department that unless Congress does act the Secretary will feel himself compelled to adopt this report of the appraisers in the face of the circumstance which they return as to what the average value of these lands is, and let the speculators locate in large selected tracts at a price which I say is about half what the price of land in that vicinity is. But I will not open that subject until we dispose of the committee's amendments. The point we are now upon is this appropriation of money, to which I wish to confine what I have to say.

Now I repeat, that in the appropriation bill which I have before me, appropriations for the Omahas, the Pawnees, the Otoes, and the Missourias are contained. I speak of the regular Indian appropriation bill; but there the money appropriated is said to be due under a treaty. Of course if the Indian receives it, it is of just as much benefit to him in respect to furnishing him with the necessaries of life and enabling him to make progress in the arts of civilization, if that is the thing he is to do, as if it were appropriated directly out of the Treasury as a gift. Nobody can question that. The Senator from Connecticut does not question that. I say we have provided for the Omahas about $25,000; we have provided for the Otoes and Missourias $9,000; we have provided for the Pawnees over $50,000 in the appropriation bill, and then we have authorized the Secretary of the Interior "to use for the purpose of civilizing the Pawnees the unexpended balances from funds appropriated for the fiscal year ending the 30th of June, 1873, and former years," going back without limit to the beginning of our Indian operations, and which for aught I know—no doubt the Committee on Appropriations knew when they reported the bill—may cover $1,000,000, but I dare say it does not, because the Committee on Appropriations would have struck it out if it did; but it is unlimited in point of time. It takes all balances of all appropriations of former years "under the provisions of the treaty of September 24, 1857, for the support of mills, schools, &c., the said balances amounting," as the bill says, "to the sum of $8,500." We shall come then, I think, to another clause in the same bill for a sum of money in general to be used by the Secretary of the Interior for improving the condition of the Indians. My friend from Minnesota suggests that what I have now referred to, the general sum given to

the Secretary of the Interior for the purposes of civilization, was an amendment proposed by the Committee on Indian Affairs, giving, as my friend thinks, $40,000.

Mr. WINDOM. I think I am not mistaken in that. Seventy-five thousand dollars was the amount proposed, and it was struck down to $40,000 for general purposes.

Mr. EDMUNDS. Then there is another provision, which is in the bill itself, which provides that "a sum not exceeding 33 per cent. of cash annuities herein appropriated at the discretion of the Secretary of the Interior shall be expended for the purpose of educating and civilizing the tribes;" and then there is another provision, found on page 87, in the regular Indian appropriation bill:

There is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $12,000 for the support and relief of the Otoe and Missouria tribe of Indians, this amount to be expended under the direction of the Secretary of the Interior.

So, without going further into the details of the bill we have passed, you will find that in every one of the instances which this special bill names we have already made provision by law to the extent that it was then insisted would be necessary, and which was intended by both Houses of Congress to cover the necessary expenditures of the coming fiscal year. Now it is proposed by the sixth section of the pending bill to take out of the Treasury the sum of $125,000 in addition, to be appropriated to these same uses and upon the statement of my friend from Connecticut that the Quakers want it. Then I ask him what evidence have you that the Quakers want it? He hands me a printed letter dated the 23d of December, 1873, addressed by Samuel Janney, on behalf of the executive committee of Friends, relating to the Indians, addressed to the Hon. WILLIAM LOUGHRIDGE, of the House of Representatives. This letter that my friend gives me as coming from the Department does not come from the Department at all. He is probably mistaken in the letter he intended to hand me. By this letter it appears that these gentlemen say that they need funds for the purpose of carrying on the work of civilizing and benefiting these Indians of the northern superintendency. Very well. Then an appropriation bill is brought in for the Indian service, which contains an appropriation of funds for every one of the objects in general demanded by these gentlemen who take this friendly and humane interest in them. No sooner is that passed than the honorable chairman of the Committee on Indian Affairs proposes to take up another and special appropriation, confided not to the Secretary of the Interior as the general appropriations have been, but to the Commissioner of Indian Affairs, of $125,000 more. That may be fun for the Quakers; it may be fun for the Indians; but let me tell the Senator from Connecticut that it is not a pleasure to the tax-payers, unless we can have from the responsible head of the Department or from the President of the United States some definite statement which will show that in addition to the sums already appropriated by the regular bill this special appropriation is now necessary; but there is no evidence of that.

The PRESIDENT *pro tempore*. The morning hour has expired, and the Senate resumes the consideration of the unfinished business of yesterday, which is the resolution submitted by the Senator from Minnesota, [Mr. WINDOM.]

Mr. BUCKINGHAM. I hope this Indian bill will be brought up to-morrow morning.

ORDER OF BUSINESS.

Mr. ANTHONY. Before the unfinished business is taken up, I give notice that to-morrow, at the conclusion of the morning hour, I shall ask the Senate to take up the bill relative to publishing official documents for sale.

Mr. SHERMAN. I desire to give notice to the Senate that on account of the sickness of one of our members who cannot be present to-day, the Senator from Maine, [Mr. HAMLIN,] I have consented to allow the moiety bill, as it is called, to go over until to-morrow; and then I was about to ask the Senate to fix to-morrow instead of to-day for the consideration of that bill. By general consent to-day was fixed for its consideration.

Mr. ANTHONY. I do not think the bill to which I refer will occupy more than half an hour or three-quarters of an hour, and there is some reason why it should be disposed of before the post-office appropriation bill is taken up.

Mr. SHERMAN. I hope the Senator will not interfere with my motion, but will allow me to move that the moiety bill, which was set for to-day at one o'clock, be postponed until to-morrow. I will not ask that it be made a special order, because I do not desire to do that at this stage of the session.

The PRESIDENT *pro tempore*. The Senator from Ohio asks that the moiety bill, so-called, be considered as the order of business following the expiration of the morning hour to-morrow. Is there objection?

Mr. ANTHONY. I hope the Senator will allow half an hour or three-quarters of an hour for the consideration of the bill for the distribution of public documents.

Mr. SHERMAN. We can probably arrange that between ourselves. All I want is simply not to displace the moiety bill.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. WINDOM. I do not desire to object to that arrangement; but I have already given notice that when the pending resolution is disposed of I shall call up a bill reported by the Special Committee on Transportation. I shall be very glad to yield to the Senator from Ohio if I have the floor, but I object to making a special order.

The PRESIDENT *pro tempore*. No special order can be made under the rule. This is simply an understanding, to which the Chair hears no objection.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. KELLY. Having failed to obtain an opportunity to ask the Senate to proceed to the consideration of the bill of which I gave notice, I now ask that it be set for Saturday morning after the morning business.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the bill (S. No. 331) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph, and for the performance of all Government service free of charge, be considered as the order after the expiration of the morning hour on Saturday next. Is there objection?

Mr. WINDOM. I have no objection if it does not displace the bill of which I have given notice.

Mr. SHERMAN. I do not think there is a particle of use in making such an order; still I have no objection to the Senator having a chance to make his motion.

The PRESIDENT *pro tempore*. The Senate does not ordinarily sit on Saturday.

Mr. KELLY. But it may sit next Saturday. I will take the chances.

Mr. SHERMAN. It is no special order.

The PRESIDENT *pro tempore*. No special order, but an urgent request. The Chair hears no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 1297) for the relief of Thomas T. Crittenden, of Missouri; and

A bill (H. R. No. 3160) in reference to the operations of the shipping commissioners act, approved June 7, 1862.

The message further announced that the House had passed the following bills:

A bill (S. No. 369) to change the name of the registered steamer Oakes Ames to Champlain;

A bill (S. No. 708) to change the name of the schooner China; and

A bill (S. No. 766) to grant an American register to the steamship Suffolk, and to change the name of said steamship to that of Professor Morse.

The message also announced that the House had agreed to the resolution of the Senate instructing the Committees on Public Buildings and Grounds to designate upon the Capitol Grounds a site for an equestrian statue of Nathaniel Greene.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. C. B. FARWELL of Illinois, Mr. M. J. DURHAM of Kentucky, and Mr. C. L. MERRIAM of New York, managers at the same on its part.

DELINQUENCIES OF GOVERNMENT OFFICERS.

Mr. DAVIS. I ask that an order be made to print the report and accompanying papers submitted by the Senator from Pennsylvania [Mr. SCOTT] this morning from the Committee on Finance on the resolution concerning delinquencies of Government officers. I make the motion after consultation with him and the chairman.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. PRATT. I ask for the adoption of the following order:

Ordered, That J. P. Gillespie be allowed to withdraw his papers in the matter of his claim against the United States upon leaving copies.

I wish to state that there has been an adverse report in this case.

The PRESIDENT *pro tempore*. The order will be made, copies of the papers being retained.

On motion of Mr. HAMILTON, of Maryland, it was

Ordered, That Catherine Barry have leave to withdraw her petition and papers from the files of the Senate.

On motion of Mr. CONKLING, it was

Ordered, That Captain John Graham have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. CONOVER, it was

Ordered, That James Curtiss and Mrs. E. C. Long have leave to withdraw their petitions and papers from the files of the Senate.

CHEAP TRANSPORTATION.

The Senate resumed the consideration of the resolution submitted by Mr. WINDOM from the Select Committee on Transportation Routes to the Sea-board, instructing the Committee on Appropriations to report amendments to the river and harbor bill making appropriations

for completing the surveys and estimates for each of the improvements recommended by the select committee upon the four routes indicated in their report.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from Nebraska [Mr. TIPTON] to amend the resolution by adding the words "and for the Missouri River."

Mr. WINDOM. I have no objection to a survey of the Missouri River, but I think it should be offered as an amendment to the river and harbor appropriation bill when it comes up. I hope we shall have the judgment of the Senate upon this recommendation of the special committee. I desire to have this amendment voted down for the same reason that other amendments have been.

The question being put, there were on a division—ayes 3, noes 27; no quorum voting.

Mr. WINDOM. There is evidently a quorum present. Unless we can divide again I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Chair will submit the question again to the Senate. The question is on the amendment of the Senator from Nebraska, to add the Missouri River as one of the streams to be surveyed.

The amendment was not agreed to; there being on a division—ayes 5, noes 33.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the resolution as it was amended yesterday.

Mr. HAMILTON, of Maryland. Mr. President, this resolution is one of very considerable importance. The preamble embraces a great many propositions, and ends with a very small but a most significant resolution, one of such moment that I consider it my duty to express my opinion in regard to it. I do not rise for the purpose of discussing the resolution at length. The Senator from Minnesota, [Mr. WINDOM,] followed by the Senator from Wisconsin, [Mr. CARPENTER,] made the announcement on this floor that this resolution was intended not merely for the purpose of advising the country of the feasibility of the routes indicated as the general condition of the country or of its resources, but that it was intended that the results of that investigation should be pursued; in other words, that it was the inauguration of a great system of internal improvements which was to be pressed upon the country at this time.

Mr. President, I have no question that the engineers will report that these proposed routes are practicable, and that these improvements should be undertaken. Upon that subject I have not a single doubt. The engineers will of course report every route indicated by this committee as practicable. So long as the Corps of Engineers have the use of figures and a Government like that of the United States to back them with money, any route indicated will be practicable to them; and therefore, so far as the intervention of the engineers is concerned, in that respect there can be no trouble. You will have reports from the engineers favorable to all these routes, and many more if they are deemed necessary. In fact, I have no question, considering the engineering capacity of the present age, that canals can be built across the Alleghany Mountains with as much facility as railroads are now built upon the plains.

In my judgment all these schemes are now brought forward with one end in view. To a general system of internal improvements I am altogether opposed. I do think of all the systems to be inaugurated in this country at this day this is one of the worst. We are to commit ourselves to the policy that this Government is to enter into the building of railroads and canals to enter into competition with private enterprises. That is distinctly stated in the preamble of the resolution.

> The Select Committee on Transportation, after full investigation of the subject, report that in their judgment cheap transportation can only be obtained through competition under Governmental control.

That is an idea that will require elaboration when these engineers report upon the feasibility of these routes, that cheap transportation is alone to be obtained under Government control and that by competition. If the Government is to control these works, it must construct them; and I should like to know how the Government in building these works can establish competition. There is but one way known to the people and the Government, and it is by building these roads at any cost, and carrying the products of the West to the East and the East to the West for nothing. We know very well that it must cost the Government at all events at least as much as it would cost individuals to build these roads. We know from our past experience that it costs this Government more to do anything than private individuals, and if we undertake to derive any advantage from the investments made, the cost of transportation will be just as dear then as it is now, unless we undertake to make them altogether free, and then what is to become of other interests of a private or State character?

But, sir, I care nothing for that. My objection is to the comprehensive power of the Government, that is to exhaust itself upon every enterprise in the land. We are beginning to take into our possession all the interests and the industries of the country. We are to comprehend manufactures, we are to take the elections, we are now to take the railroads and canals, we are to take education, we are to take the public schools under our control. In fact, nothing is to escape our power or our vigilance. To such a system as this, yielding to this Government this great power of going into the States and comprehending everything possessed by them and by their citizens, making this a consolidated Government in fact, I am unqualifiedly opposed.

We may suffer something for the time from the evils that are complained of in respect to the subject of transportation; but the material interests of the country cannot be injured. They are progressing; they are going forward surely; and the intervention of this Government often impairs their energy and their progress. Let the people alone and let those interests alone. Let capital go where it is demanded; let private interest project these enterprises, and they will be built wherever they are required, and in time as they are required.

But, Mr. President, there is something beyond this resolution, and I know precisely where it is going. There is a powerful organization in the West known as the grangers. The direction of that movement is now, it may be said, against the party in power, or against the Administration. That movement is to be captured if possible. They have raised the cry of cheap transportation, cheap transportation at any cost and at all events. This resolution is brought forward to catch that sentiment, and direct it if possible into the republican fold. It is a powerful movement, and it is important that an advance be made for its favor. The idea was thrown out by the Executive of the United States in his late annual message; it is before us now; and, as was truly said by the honorable Senator from Ohio, [Mr. SHERMAN,] this great question is to involve parties and individuals; and it is because of that fact that we are here to-day considering this question. It is to meet that very sentiment in the threshold, it is to give direction to that sentiment, in order that we may have a successful political issue at the next presidential election. This resolution is but a preparatory step, because now nothing will be done; and I venture to assert nothing will be done at the next session of Congress. The reports of the engineers may be made, but nothing definite will be done; but every hope will be held out for the coming presidential election to all that class of people interested in putting upon the Government of the United States the transportation of their products, and it will be an element in that election not to be depreciated or discarded. I appreciate its power; we must all appreciate its power.

So far as I am concerned, upon a question of this kind, as a democrat, I cannot recognize any such principle in the democratic platform; and whatever may be said by gentlemen on the other side, I know there are many republicans who never can recognize the establishment of such a vast system in this Government. This question may result in the disturbance of party organizations as now existing. This resolution may be preparatory to that event. It may be intended to catch the popular applause of the West in order to secure this end.

Sir, I care not for party organizations; I care not for party affiliations unless based upon principles I approve. I look behind them to the character of our Government, and the necessity to the people of keeping it to its original Constitution. I care not what kind of a Government we may have; we may have a monarch; we may have an emperor; we may have a despot; but the material interests of this country cannot perish. The people that are obliged to live here will live here still; they have now nowhere else to go; no new country to flee to in case of change or oppression. So far as the material interests of the country are concerned, with an ocean before us and an ocean behind us, embracing a continent not surpassed by any other on earth in all the materials of prosperity and wealth, years will roll on and populations and wealth will increase with all kinds of material power; and it is not in the nature of things to repress or destroy them, I care not what form of government you may have, so that it is a government maintaining order.

But, sir, I am one of those who care not for material progress or material prosperity if the people be not free. Whatever material prosperity may surround us under a consolidated government; we may have riches, millionaires; we may have pomp and splendor and power; we may have luxury and every kind of easy enjoyments; but I would not give the liberty of the citizen and the pure and simple republican institutions of our fathers for all of them. The establishment of a system of internal improvements of the kind recommended by the committee tends to consolidation, and consolidation tends to despotism. Consolidate our State governments, swallow up their local institutions, and press into one vast machine all the hopes and interests of the citizen, and you have a despotism at once and in fact.

But, Mr. President, I did not rise for the purpose of elaborately discussing the question now before the Senate. When the report of the engineers is made, and I presume it will be made at the next session of Congress, the whole question will be before us for consideration. If the information called for by this resolution is desired by gentlemen on this floor, I would not object to it if it could be obtained in a proper way; but when it is announced on this floor so unqualifiedly that this resolution is intended to inaugurate this policy of internal improvements and that gentlemen mean it in that way, I must object at the threshold to its adoption. I must acquire my information, if acquired at all, from other sources, and we have many from which we can acquire it. I must obtain it from my general knowledge of the country and from the knowledge of individuals in localities, rather than undertake at this time to indorse a measure which in my judgment will lead to the worst results.

I am not discussing the general questions that must necessarily result from the adoption of such a system—its antagonisms to other great

interests, its requisitions upon one locality to pay for improvements in another. I am not discussing the great constitutional objections that have been urged against a system of this kind by men who in their day were not Lilliputians, though it may be that they are far excelled in mental stature by the Brobdingnagians of the present day. Jackson, Benton, Wright, Calhoun, and all that class of eminent statesmen stood upon the Constitution as they understood it in its simplicity and purity and strictness, while they were antagonized only to a qualified extent, when we consider what is now projected, by other no less distinguished statesmen, as Webster and Clay. Gentlemen of the present day revel in the present material prosperity of the country, and there is our great mistake; we are too fast, too far-reaching. Reveling in our great material prosperity, we lose our reason in our fancies and hopes, and we are willing to go far beyond what the statesmen of the last generation ever contemplated, ever thought of, or ever dreamed of; and far beyond what common prudence, even at this day of wild ambition and gilded visions, would suggest. It is almost a dream to imagine that we should be here to-day and attempting to inaugurate a system as comprehensive, I may say as exhaustive, as the one projected by this committee. Mr. President, I fear it; I fear the consequences that may ensue from it; and therefore without further tresspassing upon the time of the Senate I announce that I shall vote against the resolution with all the earnestness that my sincere convictions require me to do.

Mr. FRELINGHUYSEN. Mr. President, this resolution is one of such interest that I purpose for a few minutes to consider it.

A hundred years ago, a very short period in a nation's life, it is when your father's father and my father's father were on the stage of action, then the western valley was a wilderness inhabited by savages. Now in ten States and four Territories, Ohio, Michigan, Indiana, Illinois, Iowa, Wisconsin, Missouri, Minnesota, Kansas, Nebraska, and in the Territories of Colorado, Utah, Dakota, and Wyoming, an area of more than a million square miles, there are fifteen millions of people. They have more than twenty-eight thousand miles of railroad, which cost between $1,400,000,000 and $1,500,000,000, in that wilderness of a hundred years ago. They have every variety of climate and production, some of the noblest rivers and lakes in the world. Their wealth and productions are so vast that it seems impossible to find means of bringing their products to the market.

Coming down to a later period, say sixty years ago, the means of transportation between the East and the West was by turnpike from Philadelphia to Pittsburgh, and then by the national road from Baltimore to Wheeling on the Ohio. At that date transportation was carried on in long trains of Conestoga wagons, traveling only about three miles an hour. At that period the question came up whether it was constitutional to invest the public money in works of internal improvement, as was proposed to be done by constructing the national road. My friend from Maryland has not exaggerated in his description of the high character of the debate which then occurred. There were giants in those days, and I think it was then settled forever that our Constitution was equal to the manifest destiny of this great country. If we had not the constitutional power to promote interstate communication, it seems to me we could not have a nation. I consider also that question as settled by the repeated appropriations that have since been made for works of internal improvement.

Fifty years ago, to come down still later, there was a new era in interstate commerce. In 1817 that great work, the Erie Canal, was commenced. It took eight years to complete it, at a cost of $7,000,000. In the course of ten or eleven years it was found to be quite inadequate to the demands and purposes for which it was intended, and in 1836 an enlargement was commenced which progressed without interrupting the use of the work for twenty-six years and was completed I believe in 1862 at a cost of $32,000,000, making the whole expense of that canal $39,000,000. Now, sir, if the State of New York out of its treasury can spend $39,000,000, I think the United States need not hesitate to spend a few hundred thousand dollars in ascertaining the best plan for future operations and improvements.

To come down still later, forty years ago railroads superseded to a great extent canals. The effect of their introduction was to give an impulse to commerce, and agriculture, and immigration, and civilization. These railroads brought our lands generally into market. Before that time the lands were principally occupied on or in the vicinity of navigable rivers. It appears by the report of June, 1873, that we then had in this country completed more than sixty-seven thousand miles of railroad at a cost greater than our national debt, a cost of $3,100,000,000. And yet we are still in want of cheap transportation; and I think for two reasons: first, because, although we have afforded the means for transportation thus rapidly, the progress of the wealth and production of the country has outrun even these facilities; and, secondly, because in latter years the railroads of the West have been built with the proceeds of bonds, and stock has been issued which does not represent capital. As results of this vicious practice, not only is there in the country a fictitious and false representation of values and of property, but the fact of the existence of this unpaid stock creates a pretext for such railroads imposing exorbitant charges. This is true however only of a small portion of the railroads, and those principally in the West, and is not in any considerable extent true of our eastern roads.

Now, Mr. President, as to the remedy. How are we to get cheap transportation? We shall make a great mistake if we undertake any system of canals except in aid of the natural water-ways of the country. Pennsylvania tried the experiment of having canal transportation across the Alleghanies, and has abandoned the work. The want of water and the extensive lockage required are fatal objections. The true remedy and the best relief is by means of railroads, and those roads to be built by private enterprise and private capital. We should give every encouragement to such investments, taking care that proper restrictions are imposed to prevent the issuing or the multiplying of unpaid-for stock.

If we are to seek transportation by water, it seems to me that nature has pointed out the only two water-ways that can be made available on the continent: the one by the lakes, the other by the Gulf, the two connected by the Mississippi and its tributaries. Take the northern route, starting up Lake Michigan, through Lakes Huron, Saint Clair, and Erie, to Buffalo. When there, we should reject the project sometimes suggested of enlarging the Erie Canal, because such enlargement would be to waste the vast expenditure which has been incurred in perfecting that work; but from Buffalo transportation should be by the Welland Canal, through Lake Ontario and the Saint Lawrence, to some convenient point, probably opposite Montreal; then by a canal across to Lake Champlain, and so down the Champlain Canal to Troy or the Hudson. The route by Lake Ontario is much greater in distance than by the Erie Canal, but not so much longer in point of time, because your progress is on lakes and rivers and not so much on the tedious canal. That is the natural water-way for much of the products of the country.

Then as to other routes, transportation should be down the Ohio River, the Missouri River, and the other tributaries of the Mississippi; then down the Mississippi to its mouth, and at that point there should be the expenditure by the Government to overcome the obstruction of the mud deposit; it should probably be by making a canal from the river to the Gulf with a lock that would exclude the mud-drift and yet admit and pass vessels; and then passing east until you come to Florida, where there might be another canal constructed across Florida, thus bringing New Orleans six hundred miles nearer to New York than when you are obliged to go around through the straits of Florida.

I think this resolution would be very much improved if instead of specifying the four different routes to be surveyed, the resolution was so framed as to leave it with the committee from time to time to direct the surveys, so that in the event of its being found impracticable to perfect any one of these routes suggested in the resolution it might at once be abandoned and expense thus be saved to the Government. Thus I hold that the United States Government has the constitutional right to make internal improvements and to promote interstate commerce; that the best way to obtain cheap transportation is to encourage the construction of railroads by private capital and enterprise, prohibiting the issue of unpaid-for stock, and that the two natural water-ways, the one by the lakes and the other by the Gulf, should be improved, and thus great relief in the matter of transportation would be secured.

Mr. BAYARD. Mr. President, I am not prepared and do not desire at this stage of the consideration of this subject to submit at any length the views I entertain of the want of constitutional power in Congress to enter into this proprietorship and management of interstate railroads or interstate canals or other artificial means of communication between the different sections of our country. I see in it but another illustration of the increase of the power of interest, the love of wealth, the growth of material prosperity over what were intended to be the institutions of our Government. If this Government is to continue federal in its form, if it is to be in substance a union of equal States, and not a unit but a union, measures like this must not be enacted into laws.

I say nothing of the experience of nearly every State in the Union where the management of works of this public nature has been attempted, and the universal result which has been arrived at in every State of the unfitness of our form of government to undertake and conduct the management of public works of this character. Witness the State of Pennsylvania, her management under State ownership of her railways and canals. In what did it result? In corruption and mismanagement, in loss, and in the final relinquishment of the attempt to manage and conduct such enterprises by official machinery. Perhaps under other forms of government, with that greater stability of official position which accompanies a monarchy, there may be a possibility of success, although even there it has been found, if we take the illustration offered by the kingdom of Great Britain, better to consign the management of these great public thoroughfares to the hands of corporations, subject to proper State regulation.

It is but lately that I have read the history of the attempt of the British government to conduct the telegraph as a governmental institution, of the loss, of the mismanagement, and of the results which are open to any man's examination, showing that it would have been better far not to have attempted it, and better to-day to transfer it from governmental control.

But whether it be expedient or not under our system of government to intrust the management of extensive and complicated works of this nature to the hands of government officials, is not the only question; nor is it the one which at present I care to discuss. I merely refer to it, and intend to do no more. But the other question,

the question that as a member of one of the branches of the Federal Congress I am always to consider, is the want of power or the existence of power in Congress to enact into law measures which are presented to it. What is the necessary result of admitting that under the grant of power to Congress "to regulate commerce with foreign nations and among the several States" thereby the power is given to Congress to enter any or all the States and not only to regulate commerce *among* the States, but to regulate commerce *in* the States, for such is the necessary result of the proposition contemplated and recited in the present resolution? Can it be done? Are the people of this country and are the several States of this Union prepared to relinquish their right of eminent domain, their right of control over the persons and property within their respective limits, which necessarily is involved in the construction and maintenance of railways or canals within the borders of a State by other than State power?

As yet we have no precedent for the exercise of such power by Congress. The adjudications of the Supreme Court of the United States on this subject are plain and unmistakable. One of their late distinct expressions of this subject was made in 1865 in the case of Gilman *vs.* The City of Philadelphia, where resort was had to the jurisdiction of the Federal courts to prevent the erection of a bridge over a navigable stream within the limits of the State of Pennsylvania. The power of the Government of the United States over the navigable waters of the entire country, whether they skirted the borders of a State or whether they penetrated the body of a State, was admitted and clearly asserted, and equally was the declaration made by the court that other powers touching the control over the soil of the State, all those powers included in the term of the right of eminent domain of the State or sovereign, reside in the States exclusively. The court in that case, referring to the decision in the case of Pollard's Lessee *vs.* Hagan, say:

> The right of eminent domain over the shores and the soil under the navigable waters, *for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it.*

In Gibbons *vs.* Ogden, Chief Justice Marshall, in referring to inspection laws, declared them to—

> Form a portion of that immense mass of legislation which *embraces everything* within the territory of a State not surrendered to the General Government; all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect *turnpike roads*, ferries, &c., are component parts of this mass.

At the day that decision was rendered railways using steam-power were unknown. The turnpike was the only highway. Railways now for the general purposes of transportation have taken the place of turnpikes.

The Supreme Court, in the case of Gilman *vs.* Philadelphia, which I read from, declares that—

> Bridges are of the same nature with ferries, and are undoubtedly within the category thus laid down.

The category within which the State has exclusive power of legislation. The court in this case say:

> The national Government possesses no powers but such as have been delegated to it. The States have all but such as they have surrendered. The power to authorize the building of bridges is not to be found in the Federal Constitution. It has not been taken from the States. It must reside somewhere. They had it before the Constitution was adopted, and they have it still. "When the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soil under them for their own common use, subject only to the rights since surrendered by the Constitution to the General Government."

Mr. President, we are asked to appropriate a sum of money. I do not doubt that under the careful supervision of the committee of intelligent and respected members of this body to whom this subject has been committed the amount asked for is reasonable and duly proportioned to the object in view, and that if the proposed railway routes are to be surveyed they are properly described; I do not question that. But whether it be large or small, the question is as to the power of Congress to appropriate money for this proposed end. What is the end? The end is the creation of railways and canals by the Federal power within the limits of States without the assent of States; to condemn and take possession of land within the limits of a State by virtue of that right of sovereignty which the court of last resort of this country, which the historical record of this country, which the plain language of the Constitution of this country, which regard for the frame-work of the Government of this country all declare must necessarily be deposited in the State itself exclusively. What is the use of States undertaking hereafter by their chosen Legislatures to pass upon the expediency and the wisdom of granting franchises for the construction of public highways from point to point within their limits? It will be made futile or worse than futile, because if this power does exist co-ordinately with the State, one of the two must be paramount. The Federal Government does not depend for its powers upon the will of State Legislatures, nor do the State Legislatures depend for their just powers upon the will or control of the Federal Government. Each within its sphere is equally to be respected; each within its sphere is equally essential for the preservation of our Federal form of government. The concession of the principle which lies within this resolution puts an end to all the heretofore accepted theories of State governments in regard to their exclusive and unrestricted exercise of their confessed right of eminent domain; for if the power exists in the Federal Government, it is not worth while to say that a State holds one similar and subordinate.

Mr. President, there can be no scheme for the happiness and prosperity of any portion of this country in the contemplation of which I find aught else than satisfaction. The spectacle afforded of the grandeur and the growth of the Western States of this country fills my mind with admiration and happiness. There is no particle of envy, no desire to withhold them from the most glorious career which can possibly be open to them. But surely, if our Government was formed upon wise principles, the mere accumulation of wealth should weigh but lightly when it is to be attained at the cost of the perpetuity of those institutions. If it makes our people more free that this should continue a Union of equal States with powers essential for their own government, do not risk their constitutional liberties in a vague and blind pursuit of material advancement and prosperity. Besides, this material advancement and prosperity ought not to be dependent upon governmental favor. There have been wonderful exhibitions of the force of human ingenuity, of industry, of enterprise, which have made this country a marvel to those who have contemplated the more slow progress of other nations and other times. Why then press forward in this hot haste to grow merely rich, without regard to the preservation of the forms of a government which have made it possible for us to be both rich and free at the same time?

This measure contains the elements of centralization, plainly, manifestly, overwhelmingly, in a degree far in excess of anything that we have precedent for. The Federal Government is hereafter, according to the doctrines of this measure, to have the power, at the will of Congress, to enter a State and lay down its highways through the farms, houses, and private property of the citizens of that State, or use and occupy railways and other highways constructed under State laws; the needs of the State itself are not to be inquired into; the convenience of its citizens or the repayment to the inhabitants for the deprivation of their property which they may have sustained is not to be inquired into; their will is altogether overlooked. All the care which their people have heretofore exercised, all the discretion, all the intelligence of their Legislatures are to be entirely disregarded, and the will of Congress, the will of distant rulers, of men totally unacquainted with the wants and perfectly regardless of the desires of the people of the States, is to be put in place of the will of the inhabitants locally to be affected by the proposed railways or canals. In other words, it is to be another blow at that local self-government which is the best nurse and the best instructor that republican citizens can have, and one that is essential. Without exercising these faculties of self-government, the power to use them will be lost. And here is a proposition that, more than any other which has yet been presented to us proposes to deprive the people of the States of control over matters within their State and which by the charter of our Government were left to the sole and exclusive jurisdiction of the States.

Why, sir, there is no necessity for the Government's hand in this. Where has there been objection to connecting railways? A man may pass from the Atlantic to the Pacific Ocean, from the Saint Lawrence to the Gulf, and everywhere find that the spirit of union, the spirit of self-interest, of local self-interest, has made the connection of railways and of other public highways a necessity. There are some great natural highways, such as the Mississippi River, belonging to the whole country, and legitimately within the control of Congress. But the river Mississippi is not within a State; it flows through, it passes by numbers of States, and being a navigable river is expressly within the jurisdiction of the Government of the United States. There is no pretext to say that any State of the Union has ever presented an obstacle to the free transit of all States, to free intercommunication with all States. None has been so blind, so unwise: none has been so untrue to the Union of the States as by State legislation or State power to attempt to throw any obstacle in the way of free intercommunication.

Why, then, when all has been free, when all has been accomplished by voluntary action, when all that is asked for now has been done, and been done without compulsion by the States and by the people of the States, why is it necessary to invoke this extraordinary, unprecedented power of the Federal Government to do that which the States themselves are not only amply able to do, but which they have so often and so freely expressed themselves willing and desirous to do?

Of course, Mr. President, I design to say nothing in regard to the routes spoken of in the resolution. I speak only of my objection to the entire scheme. I have deliberated upon the subject and I cannot find in my conscience any ground for voting this money for the purpose designed. If the resolution shall pass, as I expect it will be the pleasure of the Senate to pass it, it must pass with my vote recorded in the negative; and when hereafter measures shall be perfected for carrying into effect this vast scheme of public improvement, of the proprietorship of these vast lines of railway by the Government and their management by Federal officials, then, unless my views shall have changed; unless they shall have been enlightened by some means as yet unknown to me, and I have still a seat here, my voice will again be heard in favor of retaining these limitations upon the power of the General Government, which are in my opinion essential to the liberties of every individual who lives under its control and which are essential to maintain that Federal Union between free and

sovereign States which cannot be maintained if measures like the present shall receive the assent of Congress.

Mr. GORDON.. Mr. President, I do not wish to discuss this general subject. I shall reserve what I have to say upon the general question of the proposed system till that question is properly before the Senate. I wish, however, to offer two amendments to the resolution which I think the chairman of the committee will accept, and which I trust will meet the objections of the Senator from Delaware and the Senator from Maryland.

There are those—and I class myself among them—who desire this system of internal improvements to be made, but have our peculiar ideas as to the plan upon which the improvements shall be made. I propose to leave that question open; and the amendments which I now suggest are intended for that purpose, to rid us of the difficulties which now intervene and transfer all this discussion upon the plan on which this shall be done, whether by Government or by Government aid to corporations, to a future day when the general question will be properly before us.

I propose two amendments, both coming in the second "whereas," one at the end of the third line after the words "governmental control," to insert "or competition encouraged by Government aid," leaving the question in abeyance. The other is in the last line of that whereas, after the words "national Government" to insert "or by the extension of Government aid to private corporations."

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the amendment of the Senator from Georgia.

Mr. WINDOM. The principal objection I have to the amendment is that it would not speak the truth. The "whereas" to which the Senator refers says:

Whereas the Select Committee on Transportation, after full investigation of the subject, report that, in their judgment, cheap transportation can only be obtained through competition, &c.

The report is made and in print, and this recitation of that report is substantially as it was made by the committee. If the Senator's amendment should be adopted it would make the report of the committee say what it has not said already as we have printed it. The preamble is simply a recitation of the report of the committee.

Mr. GORDON. Then I trust the chairman of the select committee will agree to so change that paragraph as to make it conform to these amendments. The chairman of the committee I think will agree that all reference to the committee's report can be left out of that paragraph. I should like very much to see the amendments made. I think they would remove all the difficulty in the way.

Mr. WINDOM. I think there ought to be no difficulty on that subject. If the Senator will remember that this is nothing more than a recitation of the report of the committee on that subject, and as the Senate does not commit itself to that particular theory and only quotes the report of the committee, it seems to me the Senator on reflection will find no difficulty on that point. I could not well accept an amendment of that kind unless I had authority to recommit the report and amend it, because the resolution would not be in accordance with it unless the report be amended if we change this recitation as suggested.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia.

Mr. HARVEY. Mr. President, I earnestly urge the passage of the pending resolution, believing that the best aim for legislation as regards material interests should be to provide means for the early and extensive development of our own resources by facilitating the transmission of exchangeable commodities in the most economical manner, creating profitable commerce both foreign and domestic. Concerning commerce, Queen Elizabeth wrote as follows:

No place enjoys all things pertaining to man's use but that one country has need of another, by which means men of remote countries have commerce one with another, and by their interchange of commodities are linked together in amity and friendship.

Now, the power of man over the productions of the earth extends only to change of form and of place, and both these changes are made with a view to use, which political economists call consumption. Hence Bastiat truly states that the problem of civilization is "how to bring what is produced at the cheapest rate to where it must be consumed." This great problem was submitted to the Select Committee upon Transportation Routes to the Sea-board, and they have recognized the facts that the solution requires intelligent conformity with the laws of nature; that those laws will protect themselves, however much they may be neglected in hypothetical argument or ignored even in the highest form of human enactment. You could as soon raise the paper-weight from your desk by the mere force of a logical demonstration as make it possible by simple congressional enactment to transport freight between the interior and the sea-board by rail as cheaply as it can be done by water. It is not necessary here to enter into a discussion of the reasons; they are familiar to those who have *studied* the subject; and the practical fact is admitted by all, though often ignored in our disregard of true political economy. As a consequence of such disregard comes the state of facts hinted at in the following statement of the New York Commercial Advertiser:

In this connection an alarming statement comes from the Senate committee which has so thoroughly investigated the transportation question. This is to the effect that the Russians are so cheapening the production of grain that they can lay wheat down in our ports at less cost than the grain of our own raising. This is turning the tables with a vengeance. The granger will be stimulated to fresh antipathy against railroads when he learns that the crop reared by the tender hands of the Wolverine of Wisconsin is to be undersold in Boston by that cultivated by the Cossack of the Don and the Dniper.

This fact results not from cheapening the cost of production, but from scientific recognition of and compliance with nature's laws by Russia. She has been constructing public works that enable light-draught vessels to pass from the Black Sea to the Baltic through her own territory, and again from the Baltic by a succession of rivers and canals connecting them across the continent of Asia to the Pacific Ocean.

These and other improvements for a system of internal navigation she has made in pursuance of an enlightened policy which has attracted the attention of statesmen elsewhere. Disraeli long before his elevation to the premiership of England said:

Sir, we do not look with any jealousy on the natural development of the Russian Empire. [Hear, hear!] Russia is an inland country of immense size, with a very sparse population, producing illimitable supplies of human food and raw material of inestimable price. It follows from such a natural combination of affairs that Russia must force her way to those waters which can alone allow her to communicate with the rest of the world, carry food to their population, and raw material to their manufactories; and the policy of Russia, as it has proceeded now for two centuries, as far as it has been a systematic attempt to obtain this access to the waters of the world, is a natural and inevitable policy, and one which I believe cannot and ought not to be successfully resisted. [Hear, hear!] Its development has occasioned many political circumstances which some of us may deplore. It has cost gallant Sweden some of its provinces; it has cost the empire of Turkey many of its provinces. But, as far as the policy of Russia has been confined to this necessary, and as I maintain inevitable, development, England should view it without jealousy and without fear.

A like policy is necessary for the development and prosperity of this continent. Its inauguration has been already too long delayed; further neglect may occasion political circumstances which some of us may deplore. If we obey not popular demand, based upon justice and sound philosophy, the places that know us now will know us no more forever, and serve us right, however much we may deplore it.

The Legislature of the State which I have the honor in part to represent here, as long ago as the session of 1870, sent up a memorial in favor of the construction of the James River and Kanawha Canal, the great central water line recommended by the Senate committee. The people of Kansas regard it as the great needed link of a national system of navigation, which more than any other work would secure to the country the manifold blessings of cheap transportation. I send the memorial to the Clerk's desk to be read:

The Chief Clerk read as follows:

The Legislature of the State of Kansas to the Senate and House of Representatives of the United States, respectfully represent:

That in accordance with a suggestion made in the annual message of his excellency James M. Harvey, governor of the State of Kansas, and which is as follows: "The rapidly extending railway system meets the demand of the public for the purposes of travel, and the transportation of the lighter and more valuable commodities, even for great distances; but it is a well-ascertained fact that grain, for instance, cannot be profitably sent by rail to a distant market. It is demonstrable that transportation by water is vastly cheaper than is possible by railway. This being the case, it behooves us to look for some water line whereby we can cheaply place our heavy products upon the Atlantic sea-board for distribution there or transmittal to foreign marts. There exist, it is true, routes via the Missouri, Mississippi, and Illinois Rivers, the Illinois and Michigan Canal, the great lakes of the north, and the Erie Canal and Hudson River, or the Welland and Lachine Canals of Canada, and the Saint Lawrence River. The objections to these routes are that they are very circuitous, that they involve the cost of many transshipments, and the payment of tribute to Illinois, the Dominion of Canada, and the State of New York. Moreover, they are closed by ice during a large portion of the year, and rendered dangerous and doubly expensive by tempestuous weather during the season when it is most desirable to move crops; nor can these routes be used without passing through or along the borders of the dominion of a foreign government, thus making their use contingent upon amicable relations with that government. There is also another route reaching the Atlantic by water via the Missouri and Mississippi Rivers to the Gulf of Mexico, thence through the Florida Pass to the ocean; but this route has nearly or quite as many objections as the northern ones through the lakes. This line is also a very long one, and it passes through a climate quite unfavorable to the preservation of most of the products of this latitude. Transshipment at the Gulf is also necessary, and the dangers of navigation in the vicinity of Florida Keys and the Bahama Banks are so great that insurance on voyages that way ranges as high as 2½ per cent. on the value of vessel and cargo. It is the duty of the national Legislature to see that a route is provided from the interior to the sea, which will not tax the labor of the workingman 75 per cent., simply to furnish transportation for the resulting product. In view of these facts, and others which furnish reasons equally cogent, I deem it eminently fit and proper that you should memorialize Congress, asking that, as a national enterprise, the James River and Kanawha Canal be enlarged and completed in such a way as to connect the navigable waters of the Ohio and James Rivers, thus affording means of transit by water from the navigable streams of the interior to the Atlantic Ocean, without the necessity of transshipment, and without risk from climate, tempest, or alien enemy, and at a cost for transportation vastly less than that which is entailed upon us by the inefficiency of the present lines of communication. Our geographical situation should interest us in the prosecution of this work, for when it is completed barges may be loaded at Leavenworth, Atchison, Wyandotte, or any point on the Missouri River, or upon the Kansas River, if some improvements be made for its navigation, and the barges thus freighted could be towed by steam to the head of navigation on the Kanawha River, thence passed through the canal as canal-boats to tide-water in Chesapeake Bay, whence access is easy to the best markets, both foreign and domestic. The barges could be returned to the West freighted with such commodities as may be in demand here. It seems to me that the opening of such a line would greatly enhance the value of all our domestic products and cheapen such articles as we find necessary or desirable to bring from a distance. As a consequence of these advantages the price of real estate would be greatly advanced, and labor made more productive. I make this suggestion not unmindful of the facts that it is our duty and interest to produce or manufacture everything that we can profitably, and that manufactures of many kinds are being established within our borders, yet the capabilities of this State for production are so great that we must ultimately look to distant markets and devise ways and means to place our products there safely and economically. It is to the interest of all, whether engaged in production or traffic, that this be done, for whatsoever adds to the prosperity of consumers increases demand in proportion as the power to purchase is augmented. Additions to the revenues of farmers, manufac-

turers, and traders enable them to employ professional men and laborers at an increased remuneration. Thus are all benefited by the easy and cheap transit to the best markets of those commodities which are necessary to the comfort and convenience of mankind," the following is submitted: Of all the modes of transportation for heavy and bulky freights none compare with that by water transportation for cheapness, and the growing necessities of the West is to obtain some cheap and expeditious route from the valleys of the Missouri and Mississippi Rivers and intermediate points, to the sea-board of the Atlantic, and which shall be open the year round for the transportation of grain and produce of these countries. For the purpose of this transportation the central water line through Virginia and West Virginia appears the most feasible. Its description is as follows: Beginning at the mouth of the Kanawha, two hundred and eighty-four miles below Pittsburgh, the central water line contemplates the improvement of the Kanawha for about eighty-nine miles, so as to give a channel of sufficient width and depth at all times for steamboats and barges; thence for a distance of one hundred and nineteen miles further the stream is to be made navigable with locks and dams. This brings the improvements to the western base of the Alleghany Mountains, where the canal proper commences, which extends from thence two hundred and seventy-two miles to Richmond, and from thence ship navigation of about one hundred and twenty-five miles reaches Hampton Roads, near the mouth of the Chesapeake Bay. This improvement will form a continuous water line from the Ohio River to Hampton Roads, a distance of about six hundred and five miles, when it reaches one of the finest harbors on the Atlantic, both the harbor and the outlet to the ocean having sufficient depth to float the largest ships, with easy egress and ingress to and from the ocean, and being always free from obstruction. The States west of the Mississippi, including Iowa, Missouri, Kansas, and the States west of these, with portions of Indiana, Illinois, Ohio, and Kentucky, would have easier access to the markets by the way of James River and Kanawha Canal than by any other route, all things taken into consideration.

The benefit of cheap transportation accrues to the producer, and the surest way to encourage commerce is to give the West a cheap highway to the sea. This route affords not only the cheapest highway between the granary of the country and its market-place in peace, but in war it offers inland lines of communication which no enemy can cut. Such works of improvement in their way are calculated to provide for the common defense and promote the general welfare of the entire country. By the way of the Mississippi, Gulf of Mexico, and Florida Pass, there is danger not only from the heat of summer to grain and produce, but in times of hostility there will be danger from the enemies' cruisers from the mouth of the Mississippi River to New York, or some destination farther away. Besides, this route will require a voyage of thirty-five hundred miles from the place of production to the wharves of New York, when, with completion of the Virginia route, it might be shortened to one third that distance, with a safer inland water-route under our own control to the very sea. But objections to the route by the way of lake, river Saint Lawrence, and its gulf, are still more formidable. The way is not our own, but such as others may overlook and at pleasure dispute and endanger, if not forbid. Yet this neighbor upon the north is fast at work making this route as convenient and feasible as possible, with the hopes of being able to do our carrying trade of the West. The people of Canada are pushing forward those works which are necessary to increase the capacity and facility of this route, expecting thereby to reap the advantage above referred to.

The routes, both by lake and gulf and Saint Lawrence, lie beyond our own borders; and what great nation was ever known to allow its chief highway of commerce to pass beyond its own borders, to depend for safety upon the forbearance of foreign powers, when by the expenditure of a sum quite within its means a shorter, better, cheaper, and perfectly safe way may be opened entirely within its own borders? It is true that there is a route by way of the lakes and Erie Canal talked of and in use, but it cannot do one tithe of the business required by the West, while a portion of the route is closed by the frosts of winter five months in the year; and much more of this route would be by canal, and pay tolls to the State of New York, than would be by the Central Virginia route. The more lake and river transportation, and the less canal, the cheaper the freight. We must look for the route that has the most natural water transportation, and that is in the climate where the frosts of winter do not linger in the lap of May. Nor can the produce of the West be carried over extensive railroad lines. Such transportation is more expensive than any other, besides its entire inadequacy to meet the demands of the country. Good authority has said: West of the Missouri River, from Sioux, Omaha, Leavenworth, and Kansas City, there is a country extending for hundreds of miles still farther from the Atlantic, with immense capacity for the production of wheat and corn, beef and pork, which must either remain uncultivated or be furnished by some better and cheaper outlet.

The vast regions, too, west of the Upper Mississippi must remain valueless as a grain-producing region, though of almost boundless capacity for the small cereals, unless a less costly route be furnished to market than the one by railroad, or even by railroad and lakes. But let us compare the difference in price of freight by railroads and water communication. We will take the two great competing lines of the New York Central and the Erie roads as an average of what such roads can do. From the official reports of these roads for the year 1866, the rates per ton per mile charged for that year were as follows:

New York Central, per ton per mile, 2.92 cents; or for the whole distance from Buffalo to New York, the sum of $12.85, or at the rate of 35⅕ cents for a bushel of wheat.

Erie Railroad, 2.45 cents per ton per mile, or for the whole distance from Erie to New York, four hundred and sixty miles, the sum of $11.27, or for a bushel of wheat, 34⅘ cents.

Taking the thirteen principal roads of New York, and the average of charges is about 2.78 cents per ton per mile.

The conclusion arrived at by a convention held in New York, representing the principal railroad interests of the United States, was, that railroads for ordinary transportation of freight and passengers cannot be constructed and operated at a lower charge than 2 cents per ton per mile. It is stated on reliable authority that freight can be carried over the lakes on long voyages for 2½ mills per ton per mile, while it can be carried in barges by river navigation at 3 mills per ton per mile.

The average charge per ton per mile for ten years on the New York Central was 2.60 cents, while on the Erie road for the same time it averaged 2.20 cents per ton per mile.

We will now take the most expensive water transportation and compare it with the railroad transportation for the same time.

The average charge by the twelve canals of New York per ton per mile for the same time was 9 mills, nearly one-half of which were tolls, and this can be reduced by competition and yet pay at the rate of 6 mills per ton per mile, or about one-fourth of the railroad charges. The distance from Leavenworth City, on the Missouri, to Hampton Roads is about two thousand miles, about one-fourth of which will be by canal or river improvement, paying tolls. The balance of the route will be over lines less than one-half the cost of canal transportation, and consequently less than one-sixth the cost of railroad transportation. Over this central route through Virginia by water our heavy produce can be carried to the sea-shore for about one-sixth it can be by rail.

To recapitulate:

By lake navigation, when the distance is great, produce can be transported per ton per mile for	2½ mills.
By river transportation, per ton per mile	3 mills.
By canal, per ton per mile	9 mills.
By railroad, per ton per mile	2½ cents

From these evidences, which will not deceive, then, if we would have the producers of the West thrive upon their own labor, we must establish a cheap water communication with the sea, whereby we can reach the great markets of the world. At present we have not lines enough to carry the freight; hence we receive no benefit from competition. The only inland water line by which the Mississippi Valley can be connected with the ocean, so as to have at all times and under all circumstances, in peace and war, a convenient and unmolested highway to the Atlantic sea-front, leads through Virginia; and until the country avails itself of this highway there is no protection in war for western commerce, and farmers there must console themselves as best they may under the reflection that they are cut off with their produce from commercial intercourse with the great markets of the country and from the highway of nations. It is clear that the water line through Virginia, in the language of General Washington's letter to Governor Harrison, is the shortest, easiest, and least expensive communication with the invaluable and extensive country west of the Alleghanies. It has been said by a distinguished engineer of another country that "the commerce of the Northwest is not any fanciful speculation, nor is its magnitude in any way questionable." It is a reality, as inquiry will establish. It has outgrown the Erie Canal; and the complaint of the West is that the quantity carried is so immense, that carriers can command their own prices. The condition of the producers of the West has been described without exaggeration as that of men shut out from the markets of the world, oppressed by the excessive production of their own toil, which remains wasting and worthless upon their hands, depriving labor of half its reward, discouraging industry, and paralyzing enterprise. In many localities the produce is even without value, for it is without a market.

It is estimated that 500,000,000 bushels of Indian corn or maize are raised in the Northwest, but not 5 per cent. of this amount finds its way to the sea-board, owing to the expense of getting it there; and that out of 60 cents paid in New England for a bushel of corn, only 9 cents goes to the producer, the remainder being expended in freights and commission. In 1836 the construction of a canal was begun, 5 feet deep, 30 feet wide at the bottom, and 50 feet at the water line; of this, some two hundred miles, costing the State of Virginia over $10,000,000, is now in use, leaving something over one hundred miles yet to be finished, but it should be enlarged for the whole distance; and it is understood that all that has been done on State account will be relinquished if the General Government will make the enlargement and complete the work as a free highway for all the States. This canal should never be suffered to fall into the hands of a corporation, nor should it be controlled by State or States. One reason of this will be more obvious when we reflect that the West has already paid to the State of New York more than $50,000,000 for canal tolls alone, being in addition to the freight. As the benefit of completing this line of transit by water through Virginia will accrue to a great portion of the people of the whole country, thus making it of national importance, it becomes a great work for the benefit of the people by the General Government. For the purpose, therefore, of obtaining such aid from the General Government as the magnitude of the project requires for its completion—

Be it resolved by the house of representatives, (the senate concurring therein,) 1. That the communication by water between the valleys of the Mississippi and Missouri Rivers, by way of the Ohio, Kanawha, and James Rivers, to Norfolk, Virginia, by means of certain improvements, is a national work of vast importance to the whole country, and particularly to the grain-producing States of the West and Northwest, from which the East draw their supplies.

2. That our Senators in Congress be instructed, and our Representative be requested, to use their best efforts to obtain such aid from the General Government as will insure the early completion of the above-mentioned line of water communication.

3. That a copy of these resolutions and memorial be forwarded by the secretary of state to the President of the Senate and the Speaker of the House of Representatives, and to each of our Senators and Representative in Congress.

I, W. H. Smallwood, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a true and correct copy of the original memorial and resolution filed in my office February 14, A. D. 1870.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of the State. Done at Topeka this 7th day of February, A. D. 1874.

[SEAL.] W. H. SMALLWOOD,
Secretary of State.

Mr. HARVEY. A preliminary survey was made in 1871 and another lately, and General A. A. Humphreys, Chief of the Engineer Department, in transmitting the report of the board of engineers appointed by order of the Secretary of War to examine the James River and Kanawha Canal project, says:

This board was organized (with the addition of an eminent civil engineer of Baltimore, B. H. Latrobe, as a member, at the request of Senator DAVIS, of West Virginia, one of the Senate Committee on Transportation Routes to the Sea-board) in order to comply with the desire of those interested in the proposed water line to secure such additional evidence in regard to the cost of the entire canal, the water supply of the Summit level, the probable time required to complete the work, and other questions involving its practicability, as would place all these matters beyond doubt in the public mind. The points have been so ably presented and discussed by the board that I have nothing to add further than to express my concurrence in the views of the board.

The board consisted of Colonel J. G. Barnard, Lieutenant-Colonel Q. A. Gillmore, Major W. P. Craighill, Major G. Weitzel, and Lieutenant Thomas Turtle, all of the Army Engineer Corps, and Benjamin H. Latrobe, civil engineer. They are engineers equal in capacity and reputation to any in this country or any other.

They commenced their labors in Richmond on the 5th of last February, and after thorough examination of the route from Richmond to the Ohio River, and discussion of the general subject, have unanimously arrived at the following conclusions: First, that it is entirely practicable to connect the waters of the James and Ohio Rivers by a water navigation of seven feet in depth. (The tunnel that will be required would be about the same length as the Mount Cenis tunnel, but it would go through rock very easily excavated, and could be driven from a shaft of moderate height and at a distance seldom exceeding one mile.) Second, that an ample water supply can be commanded. Third, that the tunnel should be a single tunnel, with turn-outs provided in sufficient number to admit of vessels passing. Fourthly, that the proposed water line can be completed in six years at a cost not exceeding $60,000,000, and that the cost may reasonably be expected to be within $55,000,000, and may possibly not exceed $50,000,000. Lastly, that in the opinion of the board this route presents extraordinary claims as the measure of relief to the population of the Western States, in furnishing them for their bulky productions cheap transportation to a market, and for fostering the commerce of the United States by developing immense mineral resources now neglected.

So my friends, the Senators from Illinois and New Jersey, will see that the questions of practicability and utility are settled beyond a doubt, leaving only details to be determined.

This great central water line could be used for about eleven months

in the year, and would effectually prevent a few railroad magnates from fixing the rates of transportation for many millions of people.

The fact that provisions and other heavy freights are carried long distances to market by rail results in ruin to producers and great hardship to consumers. The farmer sells his grain at Liverpool prices, less the cost of transportation to Liverpool. Hence his profit is in inverse ratio to that cost; and at certain distances, nothing being left for the producer, production ceases to the great detriment of every other interest.

Men talk about water lines of transportation being obsolete; they say this is an age of iron. So it is; but the law of gravitation is not repealed, and friction still retards motion. Some philosopher said, given atoms and motion, and you have the universe. But commercially speaking, if the cost of the motion exceeded the value of the atoms, bankruptcy would be the result. In the commercial world vast quantities of matter must be moved to enter into new combinations by manufacture, assimilation, or other preparation for use, and to insure beneficial results these movements must be made economically. Theory and practice alike show that this can best be done upon water-ways, or as Pascal poetically styled them, "moving roads," the buoyant power and easy motion of the fluid offering but slight resistance to traction. All matter when put in motion has a natural tendency to go from point to point by the shortest distance, and it requires force to overcome this tendency; and as the exertion of force necessitates expense and deviousness leads to loss of time, it is desirable that these water ways should be constructed in the directions in which our great exchanges are made, that the impulse given to the things in transit may be as far as possible in accordance with the physical requirement to take the shortest way to its destination.

These requirements I think the committee have kept in view. I therefore heartily support the resolution, notwithstanding the defeat of the amendment offered by my friend, the Senator from Nebraska, for the survey of the Missouri River; as that matter did not come within the purview of the instructions given to the committee last session. Knowing that great river cannot long be ignored we may bide our time, giving now our hearty support to the inauguration of a system of transportation which will relieve the phrase "moving the crops" of its present significance to the farmer of moving from him substance and hope then he will have both, and will "jocund drive his team afield," and continue with satisfaction to "feed all."

Like my friend, the Senator from Illinois, I believe fully in the legal right to control railroads and favor its exercise to prevent abuses and extortions; but I reassert the practical fact that to make adequate provision for cheap transportation we must comply with natural laws in making the elements serve us directly by facilitating the movements of our commodities, and indirectly but efficiently in restraining human greed as manifested in its most constant and offensive form, the conscienceless exactions of corporations.

England, not content with the great advantages in the way of cheap transportation resulting from her insular position, has a system of inland navigation so perfect that in the southern half of the island no point is more than fifteen or twenty miles from water transportation, and now British capital is employed in removing obstructions from the Danube and the Nile. She knows the advantages of cheap transportation. They have made "the fast anchored isle" the workshop and counting-house of the world and her coffers plethoric with gold. She sends millions to the ends of the world to facilitate transportation, and we sit here and debate the propriety of spending $200,000 to enable our men of science, whom we have educated for the purpose, to determine upon what conditions as to cost we may avail ourselves of the means which nature has placed within our control to insure our nation prosperity and perpetuity. Let us avail ourselves of what the Senator from Delaware [Mr. BAYARD] some time since called properly the peace powers of the Constitution, promoting the welfare of the people by so regulating commerce that economy may be attainable and labor meet with due recompense.

The world is none too well fed, none too well supplied with commodities, but inefficient means of transportation operate as an embargo upon their transmission from the producer to the consumer, causing great hardship to both. Let us remedy this so far as we have the power, and prove ourselves not unworthy of the trust reposed in us.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia, [Mr. GORDON.]

The amendment was rejected.

The PRESIDING OFFICER. The question is on the resolution.

Mr. WINDOM. I have no disposition to prolong this discussion, and wish only to refer to one or two suggestions made yesterday before the vote is taken.

The honorable Senator from Illinois [Mr. OGLESBY] misapprehends the purport of the resolution and the recommendations of the committee. His argument assumes that the theory of this resolution and report is that we are to dispense with railway transportation, or to use his own expression, that we are to give up railway transportation in this country. Mr. President, there is no antagonism whatever, in my judgment, between the proposition of this report and our railway system. On the other hand, I believe that if the railway men of the country will study their own interests they will be the advocates of these water lines and join heartily with the people in asking the inauguration and completion of this policy; and for this reason the charges on through freights from Chicago to New York on the cereals of the West, which constitute the largest tonnage, do not afford to those railroads a very great profit. The margin between the actual cost of carriage as proven before the committee and the actual charges is small. The difficulty is that the present system of transportation for cheap and heavy commodities is inadequate to the wants of the country; and it cannot be made cheap enough to answer the demands of commerce and the interests of the great interior basin of the continent. The adoption of this system of improvements, which it is believed by the committee will vastly reduce the cost of transporting these heavy materials, will so encourage and stimulate the products of the West, so increase its prosperity and development, that the lighter freights, the more costly articles which will bear the higher rates of railway transportation, will be so increased that the compensation derived from them by the railroads will vastly more than compensate for anything they will lose by this water carriage. The whole people will be benefited, the public interests will be subserved, the East will get cheaper food, the West better prices, the cotton-planters of the South will be enabled to produce cotton instead of corn, because we can then raise the corn in the West and send it to them cheaper than they can produce it themselves, and the railroads will suffer no loss. Nobody will suffer from it; the whole country, in my judgment, will be benefited, the railroads as well as everybody else. For one, I do not desire to strike down the railroad interest. I will go with my friend, as far as he will go, in curbing and restraining the power of railway monopoly; I will go as far as any one in regulating railway abuses; but I want, in the inauguration of a policy for cheap transportation, such a system as will build up all the great interests of this country. I would like to see the railways benefited as well as everybody else, for I believe that if any one great interest shall suffer the others must suffer with it.

Mr. OGLESBY. As the Senator from Minnesota is about closing the debate on his resolution, and as I agree with him that the resolution should be passed to-day if possible, and not wishing to open another debate after his speech, I beg to make a suggestion to him.

Mr. WINDOM. Very well.

Mr. OGLESBY. His allusion to the position I took on this matter justifies me in asking the Senator one question; and as a basis for the question I will read the second whereas of the resolution:

> Whereas the Select Committee on Transportation, after full investigation of the subject, report that, in their judgment, cheap transportation can only be obtained through competition under governmental control, and operating through cheaper means of transport than are now provided; that such cheaper means of transport can only be provided by the construction of double-track freight railways or by the improvement and creation of water routes.

What I wished to say yesterday, and what I hope the Senator from Minnesota understood me as having said, was that in voting for this resolution, which I shall do, I did not want to commit myself to the doctrine which I understood to be advocated by the report of the committee of which he is chairman, that competition in the estimation of the national Congress between competing private railroad corporations was to be abandoned, and that the only way to control the prices of the shipments of produce East and West was by Government control, either in the construction of railways or the improvement of water-routes.

The idea that I wished to impress upon those who did me the kindness to listen to me was that in voting for this resolution I had not abandoned the idea of competition between private railroad corporations, and that I wished to dissent from the argument in this report that cheaper rates were not to be obtained except by Government control. My idea is that competition between railroads built and operated by private corporations is not to be lost sight of, and I do not wish to commit myself to the declaration that competition is only to come from Government control.

Now, I ask the chairman of the committee if I am to understand that committee, speaking through their chairman, as having adopted the theory that competition between private corporations constructing and operating railroads is abandoned, and that hereafter we are to rely upon competition by routes solely under Government control?

Mr. WINDOM. I am very glad the Senator has suggested that question, and I will read him a paragraph from the report of the committee on that subject:

> Having reluctantly reached the conclusion that the reduced cost of transportation demanded by the public is not to be anticipated from unregulated competition between existing railway companies, nor in competition to be induced by the construction of additional lines under private management and control, the committee will next consider the practicability of direct congressional regulation and the results probably attainable thereby.

The committee did not reach that conclusion without a very careful study of the subject, in which they brought under review the history of railway competition in the principal nations of the world—in England, in France, and in Germany particularly. In England this question has been under investigation for thirty years, and the most persistent efforts have been made by Parliament to induce competition between railways. The report of the last commission, made in 1872, after reviewing the history of railway competition in that country since the introduction of this system of transportation, states that—

> In spite of the recommendations of these authorities, combination and amalgamation have proceeded at the instance of the companies without check and almost without regulation. Nor is there any reason to suppose that the progress of combination has ceased or that it will cease, until Great Britain is divided between a small number of great companies.

They further say that on different occasions there has been effectual competition between railway companies in the matter of charges, and it is probable that charges now made still bear the traces of that competition, "but it may be taken as a general rule that there is now no active competition between different railways in the matter of rates and fares. Wherever different companies run between the same places they arrange their prices." * * "And if a new railway should ever be started with the promise of lower rates, it is sure after a short time to arrange with its original rivals a system of equal charges."

That is the result of forty years' experience in England. Similar results are shown in Germany and in France, and I think it would be safe to say throughout the civilized world. The fact is, that it is not in the nature of railway organization to compete with each other. It is human nature to make the most money possible out of a given business, and railway managers are only human. So long as the business between companes must be divided, so long will they combine to make as much money out of it as possible.

I have no objection particularly to the theory of my friend that we should charter another railway, although I have very little faith in the result to be accomplished by it. If a new railway shall be organized, it will not be six months after it is in operation until it will go into the councils of existing railway lines and agree, as they do now, upon rates to be charged to their customers.

Mr. OGLESBY. I ask the honorable Senator how that can be if the pending bill, which I had the honor to introduce a few weeks ago and which is now before the Committee on Railroads of the Senate, shall be reported here and shall be enacted into a law by Congress, when a provision in that bill explicitly states that they shall be entitled to charge reasonable rates for the transportation of passengers and freight, and that Congress reserves the right to pass upon those reasonable rates, and if they shall not be reasonable, to establish a tariff by authority of Congress?

Mr. WINDOM. I will answer that by asking my friend another question. The charges during the year 1872 between Chicago and New York were about eleven mills per ton per mile for cereals transported on the trunk lines; and the railroad companies will prove by any number of witnesses you choose to call, when you go into court to establish your reasonable rates, that it costs them from eight to nine mills per ton per mile in actual cash paid out, irrespective of interest and dividends, to transport those commodities, leaving but about three mills per ton per mile difference between the present charges and the actual cost of carriage. I think it would be impossible for my friend to find in any court in Christendom a judge or jury who would decide that two and a half to three mills per ton per mile was too much to pay a fair interest on the actual cost of the road. So, then, if he had his new road in existence under a regulation of Congress to charge reasonable rates, and went into court to prove that existing charges were too high, I think he would fail, because the railroad companies would show that they were not charging him more than a reasonable margin above cost.

The difficulty, as I said a moment ago, is in the system of railway transportation. So long as heavy freights are transported on a road doing a mixed business, where the freight trains are compelled to lay aside by the hour to wait for the passage of the higher grade of trains, so long we shall be compelled to pay somewhere near the rates now charged by the through lines. It is possible, as we attempt to show in the report of the committee, that a freight railway, built for cash, honestly constructed, honestly managed, and run exclusively for freight, would be able to carry goods at much less rates than are now charged on roads doing a mixed business. I believe myself such a road could carry at from seven and a half to eight mills per ton per mile and pay a fair dividend; but until Congress is ready to go into the railway business, until we are ready to inaugurate the policy of freight railways under governmental control, I have no hope that we shall secure much cheaper railway transportation than we have on the through trunk lines.

Mr. OGLESBY. I believe the Senator is trying in common with all the Senators here to get at the true solution of this question, and I appreciate with him the difficulties which meet us at every turn. But as I understand the Senator to say that he is willing to vote for and will support a bill creating a private corporation to construct a railroad leading from the Atlantic coast to the Western Territories through the Union on the plan proposed by the bill introduced by me, that shall reserve the power in Congress to regulate the rates of fare and freight, I ask him if the passage of such a bill by Congress and the incorporation of such a company and the construction of such a railroad will not tend more directly than any other method to the settlement of this question?

If railroads constructed honestly by actual capital can ship freights at a certain rate and can ship them for no lower rate as actual experience shall demonstrate, will not that settle the question of cheap transportation? And as the Senator has intimated a disposition to support such a bill, which I believe will be a practical solution of this question, I shall be content by his support and the support of other Senators to test that question by such a bill as to what shall absolutely be reasonable and just rates by a railroad honestly constructed and honestly operated.

Mr. WINDOM. In answer to the Senator from Illinois, I will say that being anxious to do anything that has the slightest promise, that offers the least hope of accomplishing the result desired, I would vote for his proposition; but in doing so my vote would be given with the weakest possible faith in the result. It does hold out a little hope, and therefore it would get my support; but I must confess if its results depended upon my faith they would be very small indeed, because I think nothing would be accomplished by it, although I would be willing to try it.

Now, with reference to the question of competition about which there has been some discussion, it will be demonstrated to any person who will investigate the subject that water transportation is vastly cheaper than railway transportation; ocean transportation the cheapest; lake the next; river the next; and next canals; and that the latter is more than one-half cheaper in the actual cost of movement than by rail. Now what is the theory of the committee as to the effect of opening these four great channels to be kept forever free to the people? That is all we mean by "governmental control." We do not mean that the Government shall run canal-boats or shall operate these lines, but that the competition shall forever be kept under governmental control by the routes being kept out of the hands of monopolies of every character, precisely as the New York canal to-day is under the control of the State. The State of New York does not run the canal-boats, but it prevents the canal from combining with the railroads which run parallel with it. That is what is meant by the preamble to the resolution where it speaks of "competition under governmental control," that the lines to be opened shall forever be free to the people.

With a system of transportation that is one-half cheaper than any known railway transportation in this country, that is to be forever free to everybody who chooses to put on a horse and a canal-boat, a system of improvement that touches twenty-one States, that connects every one of the States of the Union east of the Rocky Mountains with every other State by water, do we not offer to the railway system of the country the strongest, the most effective, constant, and efficient competition that can possibly be provided?

What will be the result of this, Mr. President? I ask my friend's particular attention to this point, who has some lingering hope yet in railroads.

Mr. OGLESBY. I have of railroads built without the aid of the Government.

Mr. WINDOM. There are a large class of persons in this country, and I think my friend is one of them, who believe in the system of freight railways as the solution of this question. Now, sir, if freight railways are ever to accomplish the result which I believe it is within their power to accomplish, that result will be achieved under the best possible management that can be devised for them. What is the best management, the cheapest and most efficient management that you can have for any enterprise? It is by an individual, who manages it in his own interest for his own benefit.

Now with these water lines open, always offering this free competition, the railroad companies of the country will be themselves compelled to build the freight railways precisely as in the State of New York we now see the New York Central Railroad Company building a freight railway exclusively for freight purposes alongside of the Erie Canal. With these through lines open and kept free to competition, all the leading lines of railroad from the center of the continent to the East will be compelled to adopt the cheapest known system of transport by rail, which is the freight-railway system, and they will be compelled to operate it in the most economical manner if they compete with this cheaper system of transportation. So I believe that by the adoption of this system recommended by the committee, which shall open up these great natural avenues of commerce, offer this free competition to everybody, we shall compel the railway companies to adopt the cheaper system of transport by freight railways, and by the expenditure of money enough to build the one system of water lines the people will have the benefit of both the water lines and the freight-railway system.

Mr. PRATT. Will my friend allow me to ask him a question?

Mr. WINDOM. Certainly.

Mr. PRATT. I should be glad to know whether the scheme of the committee contemplates the simultaneous construction of these four lines of transportation mentioned in the resolution, and if so, if the committee have formed any estimate of the expense which will be required to build them?

Mr. WINDOM. The committee have not ventured to express an opinion as to the manner in which they should be built further than this: that they believe this system of improvements is national in its character; that one section of country should not be compelled to develop another section without receiving similar benefits; and in the adoption of a great system of improvements we should consider the wants of the whole country. Believing that this system does equal justice to the entire country, I think it should be considered and acted upon as a whole.

I have no doubt that certain sections of the country, the section in which I live, for example, would receive the full benefit that is to be derived from this system, or very nearly so, by the construction of two of these water lines. After having traveled nearly all over the United States, and having studied the interests and the wants of the various sections of the country, I came back with a desire to benefit all sections equally.

Something was said, I believe, by my friend from Illinois yesterday in opposition to two of these lines, and he said that it would be suffi-

cient to build the northern line and the Mississippi line. I am exceedingly anxious to see these two lines built, and believe that my section of the country would be vastly benefited by them, and while I would vote for them freely, I do not believe it would be fair for this Government to tax the people of the eastern and southeastern portions of the country for these improvements without giving them some corresponding benefits. In preparing their report the committee sought to distribute the benefits of the proposed improvements equally among all sections. There is a very large part of the Southeastern States, the cotton States, that is as much in need of cheap transportation as my own State. I may say the same of the central portions of the country. I desire to see this question acted upon with a national view. I desire to see the whole nation participate in the benefits to be derived from these improvements. I ask in behalf of the people of the South, whose interests I have studied in examining this question, that they, as well as my own constituents, shall receive cheaper means of transport.

My friend from Indiana asks what will be the cost. I stated yesterday that it was the desire of the committee that these surveys should be made in order to ascertain accurately the aggregate cost, but I will say to the honorable Senator from Indiana that I think we can approximate now very nearly the cost of these works. They have nearly all been surveyed and careful estimates have been prepared, with the exception of a few sections of each of the lines, and those have been surveyed, but not with sufficient accuracy to commence work. We have the estimates of the Department upon every part of these four lines, estimates based upon general surveys or upon actual careful surveys for location, generally the latter; and the total cost, if we adopt the water system for the four lines—and by that I mean to include the James River and Kanawha Canal, and the Atlantic and Great Western, running through the southeastern portion of the country—will amount, according to the estimates of the Department, to about $155,000,000.

Mr. PRATT. Over what period of time, I would inquire, is it contemplated that this expense shall run? In other words, how long would the committee propose that the country should be occupied in the making of these improvements?

Mr. WINDOM. It is believed they can be completed in five or six years.

Mr. PRATT. Another question. I notice that one of these improvements to be made is the Mississippi River. I would inquire what is the character of that improvement—whether it contemplates the leveeing of the river?

Mr. WINDOM. That is not included in the report, but only the improvement of navigation.

Now, Mr. President, with reference to this subject of expenditure I want to say a word or two. The answer I have given to the honorable Senator from Indiana will indicate that if it be deemed expedient to enter on these improvements, we shall have to expend from twenty-five to thirty millions of dollars per annum. What is the nature of that expenditure? Where and to whom will the money go? Is it money thrown away? Is it money paid out not to be returned again? Is it money sent abroad to impoverish the country? No, sir. The expenditure of this $25,000,000 a year will give employment to many thousands of men who to-day demand labor. It will enable men who are anxious to work for their living, to earn their bread by the sweat of their brow. It will be a vast benefit to the labor interest of the country while the work is progressing. Take the South, Mr. President, your own country, (Mr. GORDON in the chair;) there are thousands and tens of thousands, and I presume I might say hundreds of thousands, of laborers there who would most gratefully welcome this employment. It is so throughout the West and the East. I would not vote to appropriate money simply to give men employment; but if we can give employment to the laboring classes, and at the same time accomplish a work which will return ten or twenty fold its cost to the country, I think it is an economical, beneficial, and advantageous expenditure.

Mr. PRATT. I should like to ask my friend from Minnesota how he proposes to raise the twenty-five millions a year for the purpose of making these improvements?

Mr. WINDOM. I suggested when I had the honor to address the Senate some time ago the mode by which I would raise it; but that of course is a matter for the House of Representatives to consider in the first instance. If they shall approve of this scheme, they will devise ways and means for raising the money. I would do it in one of two ways. First, I would prefer to reinstate the tax on tea and coffee. Since the repeal of that tax, if I am not misinformed, the cost of tea and coffee to the consumer is about the same that it was before the tax was repealed. It has resulted very little to the benefit of the people whom it was intended to serve. It goes, as I am informed by my honorable friend from Rhode Island, [Mr. ANTHONY,] chiefly to Brazil and China. It goes to the benefit of the foreign producer or to the trader in tea and coffee. The hopes we held out to the people of cheap breakfasts have not been realized by the repeal of that tax. We have not had cheaper tea and coffee by its repeal, and yet we have lost $20,000,000 per annum, or near that, from the Treasury. I would be in favor of reinstating that tax if I were in the other House where I could inaugurate that measure, and I would expend that money for these improvements, thereby giving employment to the unemployed and building up public works which should stand forever as monuments to the wisdom of this Congress.

If that be not deemed advisable, I would issue bonds to raise this money. I do not believe that this nation is unable to meet the wants of the people or incompetent for the fulfillment of its great destiny. All we need is courage, faith, and development. With these there will be no trouble in raising the money to make any necessary improvements to promote and insure its prosperity.

In either of the ways I have suggested this money could be raised without ever being felt. Suppose you issue bonds falling due in twenty years. Fifteen years before those bonds would mature these works of improvement would add twenty times their cost to the wealth of the country, and during the entire time in which they are being constructed the laborers of the country will be benefited; the money will be spent among ourselves. It will tend to restore prosperity, to give a new impetus to business, and it will, as I believe, do more than anything else to place this country again on the highway to prosperity. I believe that the very inauguration of this system will so inspire the people with faith and hope, will so encourage the development of the industries of this country, that you can raise by our present tariff and tax laws more than enough money additional, on account of the stimulus that will be given to industry, to meet the payments which will be required for their construction.

Mr. PRATT. Will my friend pardon me for asking him another question? It is this: Whether the committee in submitting this scheme took into consideration the disastrous experience of some of the Western States which embarked in extensive systems of internal improvement, commenced a great many works—canals, railroads, and macadamized roads—partially completed them, and finally abandoned them, sold out some, gave away the rest, and have scarcely recovered from the effects of their insolvency yet? I speak particularly with reference to Illinois, Indiana, and perhaps Michigan. I remember that in the State of Indiana in 1836 an extensive scheme of internal improvements was inaugurated, and some ten or twelve million dollars borrowed for the purpose of the construction of railways, canals, and macadamized roads. The result has been that only one of the works embraced in that scheme was completed, and that was finally given up in part payment to the bondholders, and is not now self-sustaining. The bondholders considered themselves badly cheated by the operation. They took it for one-half of the debt, and the State became responsible for the remaining half, and has within the last two years paid off the balance of the debt. This occurred in 1836, and we got rid of the last of that debt in the year 1872 I believe.

I know this is rather a long question; but the point I wish to make is, whether the Transportation Committee, in arriving at the conclusion they have and submitting the scheme they have to the Senate, had in view the disastrous results that have followed wherever States have undertaken the construction of works of this kind?

Mr. WINDOM. The committee have considered those questions, and considered them carefully, and I think the Senator has answered substantially his own argument, so far as the State of Indiana is concerned, when he says that they completed but one of those works. If the United States are to enter upon a work which they are not able to complete, it will probably be a failure. The State of Indiana entered upon works which she was unable to complete, works which were not well located and were not needed.

I have heard similar arguments with reference to canals in Ohio; and yet the committee learned in their investigations in that State that those canals that are half filled with mud and only capable of passing boats of about sixty tons burden actually reduced by their potential competition with railroads the rate of freights from Cincinnati to Toledo from twenty-five cents to fifteen cents per hundred immediately upon the opening of those "ditches."

It is true that canals badly located have proved a failure. It is also true that scores and scores of railroads badly located by private individuals have proved a failure too; and precisely the same argument by which my friend would support a theory which I do not think he advocates, but which he argues probably to call me out on that subject, may be applied to railways. If the lines recommended by this committee are not to be great national lines of commerce, they ought not to be built. If they are to be great national lines of commerce they will prove a success.

Now in comparison with those badly located canals which the State of Illinois was unable to finish, take the Erie Canal in the State of New York. If it had not been that the State of New York was wise enough in an early day to build that canal, and we had had nothing but railways and the railways had charged no higher rates than they have even in competition with the canal, the people of the West would have paid $122,000,000 more for the transportation of their freights than they have done. It has not only thus reduced the cost of transportation to the people of the East and the West, but it has been a most magnificently paying institution of itself. I cannot now state the exact figures; but the Erie Canal has paid for itself and placed over $40,000,000 in the treasury of the State of New York.

While the Erie Canal has reduced the cast of transportation and saved the people of the West one hundred and twenty odd millions dollars, it has paid for itself and put $40,000,000 into the treasury of the State beside. This is one of the "ditches" that my honorable friend from Illinois spoke of yesterday when he said that freights would not follow these slow lines of water transportation.

Mr. OGLESBY. I said heavy freights would.

Mr. WINDOM. Then I misunderstood the Senator. It is the relief to heavy freights that we have chiefly considered. I have in my hand

a statement showing for five years a comparison between the transportation by lake and by rail: In 1869, 11,000,000 bushels of wheat were transported by lake, against 4,000,000 by rail; in 1870, 13,000,000 bushels by water, against 2,902,000 by rail; in 1871, 12,000,000 bushels by water, against 686,000 by rail; in 1872, 8,831,000 bushels by lake, against 3,000,000 by rail; in 1873, 15,000,000 bushels by lake, against 8,000,000 by rail. The actual movements of commerce, Mr. President, show which is the cheapest mode of transportation.

But it was not my intention to be drawn into a discussion——

Mr. OGLESBY. If I do not interrupt the Senator, I should like to ask him a question.

Mr. WINDOM. If the Senator will allow me to finish my sentence. I was going to say that I had no design to make a speech and only desired to reply to my friend from Illinois for a moment. I am very glad to have my friend ask any question which I am able to answer on this subject.

Mr. OGLESBY. We are interested in hearing the Senator speak on this question. We know he has studied it, and studied it diligently. I know of no Senator in this body who has worked so faithfully as he has for the last twelve months on this subject, and I hope he will not take it offensively when I tell him I have great respect for his opinion on the subject.

Mr. WINDOM. I accept the compliment.

Mr. OGLESBY. When the State of Illinois in her youth entered upon a project of internal improvements, the members of the Legislature calculated with considerable accuracy upon the number of votes and the support that would be brought to each project. There was only one canal provided for. That was finished, and canal-boats are running upon it to-day. But the Legislature provided for various railroads through the State. Various railroad projects were inaugurated, and the State went along with the system until she involved herself in eleven or twelve millions of indebtedness, and at one time the total indebtedness of the State was nearly seventeen millions. Now, thank God and the industrious people of Illinois, the debt is paid. We only owe $1,800,000 and are anxious to pay it, but the bondholders will not bring in the bonds; they would rather keep them than surrender them.

The point I wish to arrive at is this, if the Senator can solve it for me: When the Legislature of Illinois in 1836-'37 projected the system of internal improvements for the State, they counted so many votes for so many projects, and carried the projects through. Now, has the Transportation Committee in settling upon these four water-routes so arranged the system with reference to commerce, convenience, and practicability, as to feel perfectly sure they can carry the four measures through? Will they have strength enough in Congress to carry the four projects through and chop off all the amendments that shall be offered, such as the Senator from Pennsylvania in one part of that State proposes and the other Senator from Pennsylvania in another part of the State proposes, and the Senator from North Carolina with his ring canal that is to circumnavigate the whole Republic? I wish to know if the Committee on Transportation have calculated well upon the strength they can bring in support of their projects in carrying them through to exclude the little fellows and the little projects and only have those four and no more?

Mr. WINDOM. Mr. President, the Committee on Transportation have entered into no such calculation; but they have calculated upon the good sense of the American people. When this plan was first proposed I was informed by a gentleman interested in a private scheme, "You can never carry those propositions through Congress." "Why?" "Because you have no private interests to back them up." It is true, Mr. President, there are no private interests to be subserved by the measures proposed. The committee have reported against all copartnership with private corporations, and hence the admonition I received before this subject was reported to the Senate was, "You must have the private capital of private parties who are interested in these things to back you up or you cannot go through Congress."

Now, Mr. President, the issue is made. Here is a project that looks to the interest of the whole people, touching twenty-one States of the Union. There is no private interest behind it. There is no money to buy documents or speeches or anything else to aid it before the people. It must stand or fall upon its own merits. We shall see whether the people will look to their own interests and demand the consummation of a measure which is for their own benefit, and which lacks the stimulus of private capital to give it life and strength. Instead of counting votes to ascertain whether their report goes through or not, or looking to private interests to help them, the committee have said: "We will submit a national proposition to the people of this country; we will show them that it will reduce the cost of transportation one-half; that it will add eleven hundred millions to the value of the farms in eight States; that it will give cheaper food to the operatives of the East; that it will enable the cotton-planter to resume the culture of his profitable staple and make his fields to blossom as in the days gone by; that it again gives us control in the food markets of the world; that it will turn the balances of trade in our favor, and enable us to keep our gold and silver at home and thereby hasten the return of specie payments;" in short, that it tends to restore prosperity to every section of the country. We propose to go to the people of the West and tell them "Your burdens shall be lifted and the power of monopoly shall be broken;" to the people of New England and say to the operatives and manufacturers there, "aid us and you shall have cheap food." We propose to say to the laboring classes of this country who want work, "aid us and you shall have the chance to earn bread for yourselves and your families." We have counted upon these influences; we have counted upon the great benefits this country is to derive from this project; and we appeal to the American people for support. We have not counted votes either in Congress or anywhere else.

Mr. PRATT. My friend from Minnesota speaks about having counted noses and counted benefits. I should be glad to inquire of him whether he has counted where the water is to come from to supply the Kanawha and Ohio Rivers during two or three months of the year. I am credibly informed that for the last two or three years the Ohio above Louisville has been so shrunken and dried up that in many places it could be forded on horseback. Navigation was almost entirely suspended.

Then again, in the same connection, I would inquire whether the committee in their investigation ascertained that a canal had ever been constructed, from the beginning of the world down to the present time for six miles through a mountain? I understand the scheme for connecting the Kanawha with the James River contemplates that a mountain shall be tunneled for the distance of six miles for the projected canal. Am I correct about that?

Mr. WINDOM. About seven miles.

Mr. PRATT. As of course the committee are well posted in the history of internal improvements I should be glad to be informed, because I am not posted, whether such a scheme as that has ever been tried, and if so, how it worked?

Mr. WINDOM. I will inform the Senator how he can obtain that information. He can do it by voting for this resolution:

Resolved, That the Committee on Appropriations be, and hereby are, instructed to report amendments to the pending river and harbor bill making appropriations for completing the surveys and estimates for each of the improvements recommended by said select committee upon the four routes indicated in said report.

When those surveys are completed by the very men whom you have educated at your public schools at West Point and elsewhere to do this work, when they shall have given us the information with reference to the amount of water in the Ohio River and the practicability of going through a mountain, I shall be ready to answer fully the question of the Senator from Indiana. We have information on that subject. I do not believe that to be an impracticable route; but I desire further information, further surveys with reference to it; and then the report of the committee also contemplates an alternative proposition. We desire those four lines, which are so situated as to afford the greatest advantages to the whole country, built. If, upon the completion of the survey, it is found to be more practicable to aid in the construction or to construct, if you please, a freight railway over one or two hundred miles of that route so as to continue the line, then the alternative proposition is presented by the committee. If it is deemed inexpedient to go through the mountain, if it is deemed impracticable to do it, if it cannot be demonstrated that freights can be carried cheaper by making the canal, then I should favor the alternative proposition of completing that through route by a freight railway. The committee seek to unite the two cheapest systems of transportation; to use wherever they can the great natural water lines, and if it is impracticable to carry them through, then by short freight railways to finish them out.

But, sir, I have taken altogether more time than I intended.

Mr. BOGY. Mr. President, I do not rise at this time to make a speech upon the merits of this subject. I merely rise to explain the reasons why I shall feel it to be my duty to vote for this resolution. I would much prefer to see it amended before I cast my vote for it. Nevertheless, if it is not to be amended, I am willing from a sense of duty to the section of country from whence I come to vote for it as a whole, disagreeing, however, I may say, from the broad ground laid down in the preamble to the resolution. I wish it distinctly understood that in voting for an appropriation to make these surveys I reserve to myself the right when the question comes up before the Senate at a future day for final decision to give that vote which my judgment and my sense of duty shall then dictate.

Last year the Senate authorized the raising of a committee to investigate this subject. The committee made that investigation, and the report of that committee has been laid before this body. From the size of the volume it is very evident that the amount of labor performed by the committee was very great, and I can only commend the committee for having so well performed its duty; I can only commend the chairman of that committee for having with so much ability given us a synopsis of the report in the able speech which he made before this body.

The question of internal improvement by the Federal Government is an old subject. It divided parties many years ago. I am old enough to remember when what is called the Maysville veto was sent to Congress. I am old enough to remember when discussions year after year took place with regard to appropriations for what was then called "the national road," being a turnpike road through the States, running as far as my own State. The great question of internal improvements divided at that day the democratic party from the whig party. I am fully aware of the position then occupied by the democratic party, the party to which it is my pride and my pleasure to belong now; the party to which I have belonged for the years of my life, and in the very darkest hours of its political existence.

Without subscribing to the doctrine or the idea that convenience or beneficent results can give power under the Constitution, I do believe that certain conceded powers in the Constitution may be exercised upon a larger scale at one period than another. There has not been a time in the memory of the oldest Senator on this floor when members of the democratic party did not vote for ample appropriations for our harbors and for the improvement of the rivers of the West. At that day the rivers of the West were amply adequate to the commerce of that vast region. That day has passed. The natural channels that lead from the interior of the continent to the ocean are no longer sufficient for the conveyance of the vast productions of that great region. Hence, if the power existed to vote small appropriations to improve the Ohio, the Mississippi, the Illinois, and many other streams and harbors of the West, I cannot see why the power may not be exercised upon a larger scale to obtain results in proportion to the wants of the present day.

Nevertheless, sir, I do not wish at this moment to discuss that question. I merely throw out these desultory remarks to show that it may become my duty to vote differently from some of my political friends on this floor on this subject. I appreciate the arguments made by the Senator from Maryland [Mr. HAMILTON] and by the Senator from Delaware, [Mr. BAYARD.] I fully appreciate those arguments from their stand-point, and it will always be my pleasure to agree with them in regard to qestions of this character generally; but these gentlemen must not forget that they represent on this floor a section of country very different in its wants and needs from the section which I represent. We of the West having become populous, and, producing large crops, need outlets to the ocean, that we too may participate in the commerce of the world, and without those outlets to the ocean we shall be as much secluded from the commerce of the world as China has been by its own course.

It must be known to every gentleman on this floor; it is known to you, sir, (Mr. GORDON in the chair,) that a great party has sprung up in this country called the grangers. It may be that you are a member of it. [The Presiding Officer shook his head.] Well perhaps you ought to be. You come from a farming and a planting country, and it would not be altogether improper if you were a member. I am not a member of the grangers. I cannot belong to the organization, because I am not a farmer although I am a very great consumer. [Laughter.] Nevertheless we do know that such a party has lately arisen in the West, which indeed extends to every State in the Union, in the East and the South, but its peculiar home is the vast region of the West, where nine men in ten have in one way or another identified themselves with that organization; and for what purpose? Can gentlemen on this floor believe that those men have entered this organization for mere low partisan purposes, because they are out of office and want to get into office? Can any one believe that they are impelled by any other feeling in the world but one of absolute necessity? The men of the West who now produce from two hundred and fifty to three hundred million bushels of wheat a year, who raise about a thousand million bushels of corn a year, who have cattle that are fattening upon every hill and in every valley of that region, and have no market for all these vast products, feel that something is due to them. Whether it shall come from the Federal Government or from the State governments or from individual enterprise is a problem not yet solved; but that the want does exist no intelligent man can deny, and no Senator here surely will deny.

The majestic Mississippi River itself, even though its mouth may be opened to the Gulf, whether by canal or by opening one of its natural outlets, will not afford to that vast region a sufficient outlet for its products in a few years from this time. Hence other means of transportation are necessary. Whether those shall be furnished by the Federal Government, by the State governments, or by individuals, I repeat, is yet a problem not solved. I will not now enter into the discussion as to the beneficent results of water transportation as compared with railroad transportation, or the great good which such a channel of transportation as the railroad has conferred upon the entire West. These are things which at the proper time will be all right. I am not now disposed to indulge in speculations in regard to them.

I have heard the slogan that the people of the West have been singing and proclaiming to the world for some time past. It is "cheap transportation." They need it; they are entitled to it. The people of this land are too enterprising, they are too industrious, their energy is too great to be limited to the interior of a continent without the means of getting to the ocean to trade with the world. If, however, the power does not exist in the Federal Constitution to meet this great exigency, I will not violate the Constitution to meet it; but if that power does exist, I shall be in favor of its exercise.

I do not agree with the argument that is often advanced about the expense of this work. The question of expense is of no consequence. Pennsylvania built itself up as a great State by constructing a canal and then throwing it away. Illinois progressed from nothing to a great State by building a system of railroads and then throwing them away. My own State from a wilderness became a great and commanding State, and is destined to be the Empire State of the West, by building a system of railroads, and then I think we lost them by being cheated out of them. We lost them; but the railroads are there. But it is of no consequence to the nation whether you spend $100,000,000 more or less, if you spend that money within your own borders. It is only a system of distribution by which you take the money from the wealthy men, who have something to give, and hand it to the poor man who is a laborer.

Pennsylvania, in spending $10,000,000 among her own people to build her canal across the Alleghany Mountains, lost nothing by it, although a few years afterward that canal was abandoned in favor of another system of transportation. Every dollar expended by Pennsylvania to build that canal was expended in Pennsylvania, and Pennsylvania was not one dollar poorer after the canal was built, but was infinitely richer, because she had the canal and other people besides the capitalists had the $10,000,000; that is all. Great expenses by a prosperous nation are like expenses by an enlightened capitalist. An enlightened capitalist makes money by being liberal in his expenditures, by being liberal in his enterprises. Every dollar that he expends returns back to him tenfold. So it is with a nation. If this system should cost $200,000,000, nay $500,000,000, nay $1,000,000,000, let the expenditure be made, provided we of the West can have four great outlets to the ocean. What are $1,000,000,000 compared to the importance to the West of these outlets? What would her vast crop of cereals be worth without these outlets? The question of money is of no consequence beyond the fact that all expenditures must be judicious and must be managed with integrity and honesty.

Mr. President, I come from that section which demands these things. I respect the voice of that people. I hope I may be allowed to say that no man would stand against the senseless cry of a mob longer than I would; but, sir, the people of the West who are making this demand are not a mob. They are the true laboring, enterprising, producing men of my section, and their voice comes to me as the *vox populi*, and I obey it. I obey it within the limits of the Constitution; I obey it now in voting to make these explorations; I obey it now in voting to put to work some of the young gentlemen that the nation has educated at West Point. It is a great deal better that these men should be studying these great problems than fighting Indians. They were educated by us, they are in the public service, and the truth is they have nothing to do. All your Army organization is a vast deceit to this country. We are at peace with the world and even at peace with the Indians, and the whole thing could be just as well abandoned as not. Put these young gentlemen, who are performing such arduous service on the frontier on paper, to making these explorations, and it will be better for them and better for us. Some one of them may develop great genius and become an honor to himself and his country if you give him the opportunity.

Mr. President, this subject is one of the largest that can be presented to this body, and one of the most important, in the first place, as involving the question of power. Do not forget that I am a strict constructionist and a State-rights man in the very strictest sense of that term, believing it to be the only system which will insure the transmission of this Government to distant posterity. Nevertheless, within the limits of the powers granted by the Constitution, I am for the exercise of those powers on an enlarged and magnificent scale in proportion to the greatness of the objects to be accomplished and also in proportion to the great nation whose work it is to accomplish those objects.

Now, sir, I would prefer that this preamble, which is rather too broad and illogical, without saying anything unkind of the gentlemen of the committee, did not exist, and I should like to vote for an amendment devised by yourself, Mr. President. I presume I would have to draw you from the chair for such an object. I would prefer to vote for that amendment, because it would secure to us the appropriation. There are gentlemen on this floor who perhaps do not feel at liberty to vote for this measure as a whole because it is the announcement of a principle which is at war with their honest convictions. No man respects such convictions more than I do. Therefore if the preamble could be stricken out and the resolution confined to an appropriation to make these explorations alone, I would much prefer it, because it may be that on a fuller discussion and investigation of this subject, I may be compelled to vote against these things for the want of power in the Federal Government. Yet that power is asserted in the preamble, and in voting for the whole proposition I should thereby give my assent to it. To exclude a conclusion, I now say that I do not denounce the preamble; yet if the resolution is not to be amended I shall vote for it as a whole, believing it to be to-day the greatest material question for the entire western country from whence I come, the greatest of all questions in a money point of view. I am bound to vote for the appropriation of $200,000 or whatever sum may be deemed necessary for this purpose. I repeat I would prefer to vote for the resolution without the preamble, and I think it would be but wise to strike out the preamble so that other gentlemen might be able to vote for the resolution.

Mr. President, I did not rise to speak at length on this subject. It was not my intention at any time before to have said one word upon it. I supposed that the resolution would be amended and then passed without discussion. We need these explorations. We need them even if the project of internal improvements by the Federal Government be abandoned. The information to be obtained by these scientific men will be worth every dollar that it will cost. Although we may not go on with the work ourselves, the information will be a benefit to States, to private corporations, and to individuals. Hence I say, let the appropriation be made, let these surveys be made, and next winter when we meet here again after these surveys are made we will

take this subject up understandingly, and we will be able to discuss the question and determine whether the results anticipated by those persons who expect such great results, like this committee, will be realized or not. I repeat again that I have spoken longer than I expected. I have given expression to my views in a very desultory manner on a subject which I deem of the greatest importance of any that could be presented to this body in a material point of view. I will now offer the amendment of which I have spoken. I send it to the desk.

The PRESIDING OFFICER, (Mr. GORDON in the chair.) The amendment will be read.

The CHIEF CLERK. It is proposed to strike out of the preamble of the resolution commencing in the third line of the second paragraph after the word "competition," the words "under governmental control;" to strike out, also, in the same paragraph the words "to be created or improved by the national Government;" and in the last paragraph of the preamble to strike out, commencing in the third line, the words "and to enable Congress, at its next session, to enter upon the said system of improvements, if, upon the completion of such surveys and estimates, the same shall be deemed practicable and expedient."

Mr. BOGY. I will explain the amendment proposed. It retains bodily the resolution with the preamble, doing away with those portions only of the preamble which make this a Government matter or under Government control; that is all. It retains the provision that the surveys shall be made, that the great lines of transportation shall be made; but how they are to be made and constructed it leaves an open question for Congress to decide hereafter.

Mr. MORRILL, of Vermont. Mr. President, I am quite disposed to applaud the industry and the ability of this committee, and especially of the chairman, and his enthusiasm in relation to pushing this matter at the present session of Congress, and I am also disposed to vote for the proposition so far as the appropriation of $200,000 is concerned; but I desire to state that I shall do so with no purpose of committing myself to this gigantic scheme of internal improvement, costing no one knows what, for I presume it is not supposed by any Senator that if this scheme shall be commenced and carried through it will be completed at anything like the computation estimated by the committee. But I shall vote for it without believing that we are about to ordain and establish a great national system of internal improvements, but as a mere ordinary appropriation. We at every session grant appropriations for surveys at the mere request of some Senator; and shall we not, after a committee has made an examination of this extensive kind and proposes four grand routes to be merely surveyed, grant the poor pittance of learning the practical value of these several routes as well as their probable cost? I have no question but that an honest scientific survey of these several projects will explode at least two or three out of the four, perhaps all of them. We had probably much better survey them than to build them. We have heretofore made appropriations for the survey of the Isthmus of Darien several times, and yet we never have embarked in the scheme of water navigation from ocean to ocean across that isthmus, although we have spent considerable sums of money for the survey; and it is well to know that the thing is impracticable. Under these circumstances, while there are parts of this system that I would be almost ready to vote money for to-day in a moderate way, yet I would not be understood at all to be committed to any part of this grand scheme.

And now, Mr. President, let me say that there can be no solution of this question of obtaining higher prices for agricultural products by any scheme of cheaper transportation. The whole transportation must be avoided. New States without manufactures, distant from markets, cannot overcome the losses of the transportation account. It will always be a drawback. I mean that they cannot by any new scheme of transportation secure much cheaper rates than those now prevailing, and if it could be done, the producer would not reap all the profits, as the produce would be sold at a less price. The difficulty can only be overcome by progress and by the increased growth of manufactures. If gentlemen in the West will turn their attention to that subject and establish manufactures, so that they will consume the bread and meat at the door, making the consumer the neighbor of the producer, then there will be a solution of the question, and not till then. The grain-selling States are rapidly receding westward. Illinois, Indiana, Iowa, and Missouri will soon furnish a market at home for all they produce.

In relation to railroads, I have a conviction with the Senator from Illinois, [Mr. OGLESBY,] that a scheme for freight railroads alone would somewhat cheapen freights; and yet I do not desire that the Government of the United States itself should embark in the railroad business. I should be perfectly willing to grant a charter, but I would not have the Government undertake to furnish capital and run the road, because as a whole the railroads of the country are unprofitable, even when managed by private enterprise. I suppose that to-day, if the matter were examined, it would be found that three-fourths of all the railroads of the country are non-paying investments. They are vastly in debt, many of them crippled, and very few except eastern and western roads in fortunate locations are dividend-paying roads. But I have no question that there is capital in the country that would embark, if it could have a proper charter, in some large scheme extending from the Atlantic to the Mississippi. I would be willing to give them the opportunity and put the matter to the test; but so far as this resolution is concerned, I regard it merely as an ordinary appropriation for a survey that a committee of this body have decided to be of some importance. I think it will be developed that it is not of any very great practical importance, or that it will be too expensive; but I am willing that the resolution shall pass.

Mr. HAGER. Mr. President, I had no design to enter into this debate, and would not do so now except for the positions just taken by some Senators among my party friends who have spoken in opposition to the resolution.

I do not understand that we are voting here to inaugurate a system of internal improvement or to plunge the Government into any vast scheme of building either railroads or canals. The simple proposition before us is to authorize an appropriation of money for the purpose of procuring information by surveys in regard to the feasibility of establishing thoroughfares through portions of the country to facilitate commerce among the States. Simply as such I regard it, and without giving any importance to the recitals in the preamble, simply as such I propose to consider the proposition on which I am called upon to vote. I find no constitutional impediment to deter me from advocating the measure, and I find no principle of the party to which I am attached that will prohibit me from giving it my favorable vote.

It is designed to counteract the mischief that has already been done by the vicious legislation that has too long prevailed here. We have built up a system of railroad monopolies by Government lands and money to such an extent that we are called upon by the voice of the people to give them some relief and protection. It is relief that the people demand against the vicious legislation that has prevailed and absorbed the Congress; by which individuals have been enriched at the expense of the many and the prosperity of the country. Subsidies by Government lands, bonds, and money have been bestowed with unsparing hand, by which certain preferred citizens have been enabled to build railroads at Government expense, and yet the Government—not as a parent watchful of the good of the national family—has not taken the precaution to put any provision in those vast subsidy bills by which it could exercise any control over the roads, or their owners, or any power to regulate fares or freights or to prevent extortions from the people. And in a great measure it is in consequence of this improvident legislation that we hear appealing voices from many portions of the country against that combination of aggregated capital which is rapidly retarding the development and prosperity of the nation. To counteract this, as an initiative, to afford a remedy against it, I presume this resolution of inquiry for purposes of future use has been introduced. As such, I am among those who deem it worthy of our favorable consideration; and in voting for it I wish it to be distinctly understood I do not intend to commit myself to favor the construction by the Government of either the railroads, canals, or other internal improvements foreshadowed by the preamble or the general report of the committee charged with the subject.

There is a question of constitutional power involved that addresses itself to me and perhaps to every other Senator, and that is the power the Government may have upon the subject initiated by this preliminary resolution. I find the provision in the Constitution, with which we are all familiar, that Congress has the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." I do not understand that the Congress has any more power to regulate commerce with foreign nations than it has to regulate commerce among the several States. The clause in the Constitution is the same in regard to each; and we know Congress does exercise powers in regard to regulating external and internal commerce by building, improving, and protecting harbors on the sea-coast and on the lakes; also by improving river navigation and various other internal communications within the States; and but a few days ago we passed a bill to purchase the canal around the rapids of the Ohio at Louisville. If we can appropriate money to improve internal waters and to purchase canals, the question might with some propriety be asked, can we not also build canals to facilitate commerce? If we can donate money and lands to build railroads, well may it be asked, can we not build railroads to regulate commerce among the States?

I do not undertake to say, neither does any one I presume, that commerce necessarily relates to water communication. It does not relate to a transportation merely by water. Commerce may exist by land transportation entirely. The Government, as all admit, may make an appropriation to improve the Mississippi River; but suppose some barrier by land exists by which communication between one State and another is prohibited, in that event would not Congress have the power to remove that land barrier in order to facilitate commerce between the different States? In point of principle it may be difficult to explain the difference.

I am not undertaking to argue that Congress may or may not build railroads in order to facilitate commerce between the different States; but I do say, so far as the grant in the Constitution is concerned, that there is no distinction, in point of power, that I can perceive, between regulating commerce among the different States and between us and foreign nations, or whether it be done by improved water or land facilities.

In my native State, New Jersey, where I formerly resided, years ago a charter was granted to the Camden and Amboy Railroad Com-

pany and the Delaware and Raritan Canal and Transportation Company. It was a monopoly, an exclusive privilege. One of the conditions attached to the charter, as near as I can recollect, was that the company by way of a tax should pay ten cents *per capita* for every passenger that it carried through the State of New Jersey, and five cents per ton, I think, for all merchandise. That was not an impost exactly upon the commerce of New York, but it said to the people of New York, "In order to pass through the State of New Jersey to the State of Pennsylvania you must pay ten cents *per capita*, and in order to transport your goods you must pay five cents a ton." Now, suppose Pennsylvania imposed a similar tax, and Ohio, Indiana, Illinois, &c., did likewise, what would be the result upon commerce among the States? Suppose the tax, instead of ten and five cents, should be twenty or fifty or one hundred cents. If any taxing power exists in such cases it is unlimited, and if Congress has not the power to regulate it there is no power lodged anywhere able to correct an abuse if it should exist.

I might illustrate better perhaps by taking my own town of San Francisco. A cargo of tea arrives in San Francisco and the State of California imposes a tax, and I will put an extreme case to illustrate the point—a tax of ten cents per pound as a preliminary to the transportation of that tea through the State of California into the State of Nevada. When it arrives at Nevada another ten cents a pound is imposed. When it gets to Nebraska, to Iowa, Illinois, Indiana, and Ohio, each State says "For transporting this tea through our territory you must pay ten cents a pound." In that case it would amount to a prohibition, and yet that is exactly the case that was sustained by the courts in New Jersey in regard to the Camden and Amboy Railroad Company. The principle was tested before the courts, and the position taken by the company according to the provision in the charter was sustained. Take your chest of tea from the port of San Francisco to the port of New York, each State putting upon it whatever tax it sees fit to impose for the privilege of transporting it through its territory, and it would be unsalable to the consumer in New York so as to pay charges. The tax would be a positive prohibition to commerce between the States. And are we to be told that there is no power in the land to relieve internal commerce from a burden of that kind which may be imposed by the States through which it passes? If the power be not found in the clause of the Constitution regulating commerce among the different States, the power does not exist anywhere.

But, sir, as I said, I am not disposed to go into this matter to any very great extent. It does behoove us, however, to place ourselves upon the avenues and open the channels of trade, if we wish to be prosperous as a nation. I might mention in this connection, as our port of San Francisco is now in competition with other routes of transportation, that some years ago as I stood upon the shores of the Red Sea observing the construction of that great work, now fully completed, the Suez Canal, it occurred to me then that that was to be the great rival of San Francisco in controlling the commerce of Asia; and so it has turned out. Now a cargo of tea may be sent from China by the Suez Canal, landed at the port of New York, carried thence to the Mississippi Valley, to Saint Louis or Chicago, at less expense than it can be sent from China to San Francisco and transported to the valley of the Mississippi by rail. Further, a whaling-ship may pass by the port of San Francisco, come around Cape Horn to New Bedford with its cargo of oil, land it there, thence have it transported to Saint Louis or Chicago, at less cost than it can be landed in San Francisco and transported by rail to the valley of the Mississippi.

This is some evidence that we have not availed ourselves of all the opportunities that have presented themselves for placing ourselves on the avenues of trade. I do not say, for I am not sufficiently conversant with the facts, whether or no the railroad charges from the Pacific westward are in excess of other roads, but it must be remembered these roads (the Central and Union Pacific) were substantially built by the munificence of the people, and not by private capital; and yet the people have no control over them or property interest in them, and cannot avail themselves of them on account of cost for the transportation of their products and that which they consume. The people of the valley of the Mississippi cannot ship grain to the port of San Francisco, thence to be shipped to China or Japan, no matter what the demand might be, at the present rate of transportation. For that matter neither can they send by rail to New York to be shipped to Europe so as to compete with Russia. Unless some more advantageous carrying facilities, some cheaper mode of transportation be devised for delivering our surplus products at our sea-ports, Russia will soon be underselling us, not only in foreign markets, but even in New York and Boston. To prevent such a calamity is there no governmental relief? Are we entirely dependent upon the magnanimity of private enterprise? Then private enterprise, not the Congress, regulates commerce among the States.

Take the case of the Suez Canal. It has been built by private individuals. The governments of Europe, ascertaining that they were charging beyond what would be a fair recompense, had a sort of international congress, in which they demanded that the rates should be reduced; but the owners of the canal said, "No; we will not reduce these rates; the canal is our private property." The sovereign power of the Sultan and the Khedive was appealed to, and when it was found reasonable that the charges should be reduced, there was a sovereign power there that was competent to bring about the remedy that was required; otherwise commerce might have been driven from that canal to some other channels, but the nations in Europe found it important to control it. Before Vasco de Gama discovered the passage around the Cape of Good Hope, the commerce of Asia enriched all the cities upon the Mediterranean. Alexandria, Venice, Genoa, were so enriched and made magnificent by that commerce, overland commerce as it was. Trieste and Marseilles are now sustained almost entirely by that commerce.

After the passage around the cape was opened the transportation and trade of Asia were revolutionized, and those cities with the loss of that trade fell into decay and obscurity. Since the construction of the Suez Canal another revolution has taken place, and that commerce is being again restored to its former channels, and England is interfering to obtain a footing there, by which she can obtain the control. England never fails to obtain the control of commerce wherever she finds that it is advisable to do so. England now has the carrying trade of the world. Why is it? Not because we are not competent to do it, but because by legislation we have driven it from us and driven it to England. England is the money center of the world. They have no advantages over us in point of location. At the extreme north of the continent of Europe what are their advantages? They have not central location. It is by wise management on her part, sending her ships and her goods everywhere, commanding the trade of the world, making London the financial center of the world. It is by deep-laid management, by foresight, by brain-power that they have produced that, while we, legislating by high-tariff laws in order to protect individuals, have driven commerce—driven the carrying trade of the world from us; and in doing this we have protected and enriched a few manufacturers; but now under a protective tariff which amounts to a prohibition, our manufactories have increased to such an extent that there is not sufficient demand in the country to exhaust their products, and there is no market elsewhere. We have also the reflection that we have donated to railroad corporations a territory larger in area than England, and have no national advantages in return.

But, sir, I had no idea of getting into this channel of argument. But to go back; this resolution, as I said, is demanded by public sentiment. I believe that there is a public sentiment throughout the land that requires this legislation. You see it in the associations of of agriculturists, of laboring men, of mechanics, all engaged upon this subject. It is public opinion that is being formed, and we may as well understand here as elsewhere that in this day public opinion is all powerful. No monarch is so ensconced behind his battlements at this day but what it will make itself felt, and no Congress is so enshrouded by the panoply of power but that it will make itself heard. The people require legislation, not for monopolies, but legislation for themselves. And if we do not heed public sentiment as manifested by them and take some measures to administer relief to the depressed producing industry of the country, we will soon find our places filled by others less disposed to aggrandize individuals by subsidizing overshadowing corporations, and more devoted to the interests of the whole people and the general prosperity. This resolution is a movement in that direction. For this reason I am willing to give it my support and to take the risks as to what may follow when the Government is called upon to construct the works that are here foreshadowed.

I am in favor of the amendment of the Senator from Missouri to strike out the three words "under governmental control." I hope the Senator from Minnesota will consent to strike out those three words. They add nothing to the sense of the proposition.

Mr. WINDOM. I will explain again that I think this preamble is misunderstood by the Senator from California, as it is by my honorable friend from Missouri. The committee may have made a mistake, but this preamble does nothing more than recite the finding of the committee. It does not commit the Senator to this statement.

Mr. HAGER. I understand that.

Mr. WINDOM. It simply states that the committee report the following. That is in fact the report of the committee, and being their report, I cannot think of going back and changing their report by agreeing to the amendment.

Mr. HAGER. I thought perhaps the Senator would see that these words are not necessary to the strength of the paragraph, and taking out the words might remove some misconception.

Mr. WINDOM. I think they do add great strength to it.

Mr. HAGER. "Through competition and the operation of cheaper means of transit than are now provided" will be left. It may be that that means governmental or private competition. It leaves it open to either. Therefore to leave out the words detracts nothing from the paragraph.

Mr. WINDOM. The retention of these words excludes the idea suggested by my honorable friend from Illinois, that by building more railroads we can obtain cheap transportation through voluntary railway competition with each other, and shows that it must be something beyond the power of combination.

Mr. HAGER. I agree with the Senator on that proposition.

Mr. WINDOM. I should be glad to agree with my friend, but it would require a change of the report. The committee actually finds in the language here stated.

Mr. HAGER. I agree with the Senator that additional railroads will not cheapen transportation; on the contrary, I believe they would

have a tendency to increase prices. For instance, take the Baltimore and Ohio Railroad, and the Baltimore and Potomac Railroad, between Washington and Baltimore. One road would do the business, but there are two, and by combination they arrange their prices in such a way that a revenue is derived on the whole capital invested in both roads. If there were three, four, or five the tendency would be to increase, not to diminish prices. Therefore I agree with him on the proposition that additional railroads will not cheapen transportation, but on the contrary may increase it.

Mr. BOGY. I ask for the yeas and nays on the amendment offered by me.

The yeas and nays were ordered.

Mr. DAVIS. Mr. President, I am in favor of the passage of the resolution with a very slight amendment, of only a word probably. It is agreed by all that it commits no one as to his action in the future with regard to the construction of these works. It is an expression of the judgment of the select committee of the Senate, and the resolution specially says that in the judgment of the committee so and so is best. Then you will notice again that it is qualified at the end of the first "whereas" by this expression: "in case Congress shall act upon this subject," so that it is altogether left conditional.

I take it we all agree that this survey ought to be made. The whole country, in my opinion, demands it. It will furnish information that will be useful to base action upon in the future. It will certainly give definite, positive information to the country and to the Senate, so that in future anything that may be proposed to be done can be done intelligently under this survey. Large portions of nearly all the four routes that have been recommended by the Committee on Transportation have been surveyed. There is a small portion that has not been properly surveyed, and the want of that link prevents the whole chain from being connected. It occurs to me that some of these proposed surveys have been recommended by a commission appointed by one of the Departments to examine this subject, and they think that probably surveys are required to obtain information necessary to enable the country to form a judgment. As I think the resolution commits no one to further appropriations, and as it is qualified by the statement that certain measures seem best in the judgment of the committee without committing Congress to them, I see no objection to it.

I may say that I dissented, with some of my colleagues, from a part of the report, and probably if this resolution were not conditional I might dissent from part of it. But as I understand it is conditional, I shall support it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri, [Mr. BOGY,] on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. OGLESBY, (when Mr. LOGAN'S name was called.) I desire to say for my colleague, [Mr. LOGAN,] who is called away this afternoon, that if he were present he would support the resolution and would oppose this amendment.

Mr. BAYARD, (when the name of Mr. MORTON was called.) On this subject I am paired with the Senator from Indiana, [Mr. MORTON.] Were he here he would vote "nay" and I should vote "yea" on this amendment.

The roll-call having been concluded, the result was announced—yeas 14, nays 33; as follows:

YEAS—Messrs. Bogy, Boutwell, Cooper, Hager, Hamilton of Maryland, Kelly, McCreery, Merrimon, Sargent, Saulsbury, Stevenson, Tipton, Wadleigh, and Washburn—14.

NAYS—Messrs. Alcorn, Anthony, Boreman, Buckingham, Carpenter, Chandler, Clayton, Conover, Cragin, Davis, Ferry of Michigan, Flanagan, Gilbert, Hamilton of Texas, Harvey, Hitchcock, Ingalls, Johnston, Lewis, Mitchell, Morrill of Vermont, Norwood, Oglesby, Pease, Pratt, Ramsey, Robertson, Scott, Sherman, Spencer, West, Windom, and Wright—33.

ABSENT—Messrs. Allison, Bayard, Brownlow, Cameron, Conkling, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Gordon, Hamlin, Howe, Jones, Logan, Morrill of Maine, Morton, Patterson, Ransom, Schurz, Sprague, Stewart, Stockton, and Thurman—26.

So the amendment was rejected.

Mr. DAVIS. I suggest to the Senator who has the resolution in charge that after the word "can," in the third line of the second whereas, he change the word "only" to "best."

Mr. WINDOM. I have no objection to that amendment. It substantially expresses the same idea.

Mr. DAVIS. I move that amendment.

The amendment was agreed to.

Mr. TIPTON. Now, it is evident that the preamble has produced embarrassment in the minds of many Senators. It has nothing to do with the resolution. It is conceded on all hands that we shall look into the question after the survey shall have been made, and that no man is committing himself to it although it is here on the record. I move now to entirely disembarrass this resolution of this very troublesome preamble; and as we often drop a preamble in the Senate and pass a bill without it after it has accomplished the object of a preamble, I move to strike out the preamble down to the words commencing "Resolved."

The PRESIDENT *pro tempore*. The Senator from Nebraska moves to amend by striking out the preamble.

Mr. WINDOM. I do not want to discuss it. I can only say that the preamble expresses the purpose of the resolution, explains it, recites simply the finding of the committee, and it seems to me it cannot be objectionable. I hope the preamble will not be stricken out.

Mr. TIPTON. After the preamble has accomplished the object of a preamble the resolution stands independent of it entirely.

Resolved, That the Committee on Appropriations—

It is a mere ordinary resolution of instruction to a committee—

Resolved, That the Committee on Appropriations be, and hereby are, instructed to report amendments to the pending river and harbor bill making appropriations for completing the surveys and estimates for each of the improvements recommended by said select committee upon the four routes indicated in said report.

That resolution is as far separated from the preamble as the north is from the south pole.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska.

The amendment was rejected; there being on a division—ayes 16, noes 25.

Mr. SCOTT. Mr. President, were it not that so many Senators have avowed that their voting for this resolution would not commit them to the undertaking of the improvements enumerated, I should not have deemed it necessary to say a word; but, after so many avowals of that character, silence may be construed into an acquiescence in a committal to all the scheme of improvements. I simply rise to say that while I shall vote very cheerfully for the resolution as it stands amended, I shall not by that vote consider myself committed to vote for these improvements. I may vote for them if upon the survey they are found to be practicable and expedient, and the cost to be such that in the then existing state of the Treasury we can safely undertake them.

Having risen to say this much on the resolution, I will add one other thing. It seems to be taken for granted that it is the West alone that is interested in cheap transportation, cheap freights. I wish to say that in the East for many years there has been a very loud complaint that we have been suffering largely for the amount of freight that has been charged for the benefit of the West. Wheat has been shipped at Chicago and sent to New York at a less rate than the farmer in Western Pennsylvania could ship it and send it to New York. I do not mean at a less rate relatively, but absolutely; and so the other way, all the supplies that were used in the great West, were carried past the people in Pennsylvania at a less rate than they paid for getting it from New York and Boston into the interior of Pennsylvania; and as this agitation has commenced in the West, for whose benefit these cheap freights were imposed, I only rise to say God-speed to them, and go on, for they are doing the very thing which we the people in Pennsylvania have wanted done.

The PRESIDENT *pro tempore*. The question is on the resolution.

Mr. MERRIMON. I took occasion to say yesterday that I did not feel prepared to approve or disapprove the policy recommended by the Committee on Transportation, and for the reason that I had not had an opportunity to examine their report or properly consider the different questions involved in it. Since hearing the discussion which has taken place since that time and glancing hastily at the report, I am constrained to say that I feel called upon to vote against this resolution, and I desire now to state very briefly my reasons for such vote.

In the spring of 1873 the Senate provided for raising a select committee on the subject of transportation. That committee have discharged the duties devolved upon them——

Mr. EDMUNDS. Will the Senator give way for a motion to adjourn, as it is late? If so, I move that the Senate adjourn.

The PRESIDENT *pro tempore*. With the consent of the Senate the Chair will dispose of some business on the table before putting the question on that motion.

Mr. EDMUNDS. Very well.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the message of the House of Representatives, communicating the action of the House on the amendment of the Senate to the bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

On motion by Mr. SHERMAN, it was

Resolved, That the Senate insist on its amendment disagreed to by the House of Representatives and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN, Mr. SCOTT, and Mr. BAYARD.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 237) to change the name of the port of San Pedro, California, to Wilmington.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two House on the resolution of the House of December 18, 1873, requiring the Congressional Printer to furnish to each member of the Senate and to each Member and Delegate of the House of Representatives certain copies of the CONGRESSIONAL RECORD.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875; and

A bill (H. R. No. 3574) explanatory of the act of June 18, 1864.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 867) to amend section 35 of the act entitled "An act to reduce internal taxes and for other purposes;"

A bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia;

A bill (H. R. No. 2384) to change the name of the pleasure-yacht Planchette to that of Laxen;

A bill (H. R. No. 3379) for the further security of navigation on the Mississippi River;

A bill (H. R. No. 3474) to establish Atlanta, in the State of Georgia, a port of delivery;

A bill (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River, at or near the city of La Crosse, in the State of Wisconsin;

A bill (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif;

A bill (H. R. No. 3592) to create stevedores and other maritime liens on sea-going vessels;

A bill (H. R. No. 3593) to constitute Patchogue, on the south side of Long Island, in the State of New York, a port of delivery; and

A bill (H. R. No. 3594) to amend section 35 of the act entitled "An act to reduce internal taxes, and for other purposes."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 32) obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes;

A bill (S. No. 229) authorizing corrections to be made in errors in prize-lists;

A bill (S. No. 369) to change the name of the registered steamer Oakes Ames to Champlain;

A bill (S. No. 708) to change the name of the schooner China;

A bill (S. No. 766) to grant an American register to the steamship Suffolk, and to change the name of said steamship to that of Professor Morse;

A bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes;

A bill (H. R. No. 1297) for the relief of Thomas T. Crittenden, of Missouri;

A bill (H. R. No. 955) for the relief of J. L. Tedrow, of Clarke County, Iowa;

A bill (H. R. No. 1936) for the relief of Dewight Desilva, of Deposit, New York; and

A bill (H. R. No. 773) to reduce the area of the military reservation of Fort Sanders, and providing for the survey of said reservation as reduced.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 2179) to incorporate the Inland and Seaboard Coasting Company of the District of Columbia, was read twice by its title, and referred to the Committee on the District of Columbia.

The following bills were severally read twice by their titles and referred to the Committee on Finance.

A bill (H. R. No. 867) to amend section 35 of the act entitled "An act to reduce internal taxes, and for other purposes;" and

A bill (H. R. No. 3594) to amend section 35 of the act entitled "An act to reduce internal taxes, and for other purposes."

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 2384) to change the name of the pleasure-yacht Planchette to that of Laxen;

A bill (H. R. No. 3379) for the further security of navigation on the Mississippi River;

A bill (H. R. No. 3593) to constitute Patchogue, on the south side of Long Island, in the State of New York, a port of delivery;

A bill (H. R. No. 3474) to establish Atlanta, in the State of Georgia, a port of delivery;

A bill (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin;

A bill (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif; and

A bill (H. R. No. 3592) to create stevedores and other maritime liens on sea-going vessels.

The PRESIDENT *pro tempore.* The Senator from Vermont moves that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 4, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

On motion of Mr. MAYNARD, by unanimous consent, the Senate amendments to the bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes, were taken up and non-concurred in, and a conference asked on the disagreeing votes of the two Houses.

Mr. MAYNARD. Mr. Speaker, I ask as a personal favor, inasmuch as certain members of the Committee on Banking and Currency have had this matter more especially under their charge, I may be excused from serving on the conference committee.

The SPEAKER appointed as the managers of the conference on the part of the House Mr. FARWELL of Illinois, Mr. DURHAM of Kentucky, and Mr. MERRIAM of New York.

DISTRIBUTION OF THE RECORD.

Mr. BUTLER, of Massachusetts, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the House resolution of December 18, 1873, requiring the Congressional Printer to furnish to each member of the Senate and to each member and Delegate of the House of Representatives twenty-four copies of the CONGRESSIONAL RECORD, after full and free conference thereon, have agreed to recommend, and do recommend, as follows:

That the House recede from its disagreement to the Senate amendments to said resolution, and agree to the same.

BENJ. F. BUTLER,
R. M. SPEER,
W. G. DONNAN,
Managers on the part of the House.
H. B. ANTHONY,
ELI SAULSBURY,
Managers on the part of the Senate.

The report was adopted.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POSTAGE ON NEWSPAPERS AND PERIODICALS.

Mr. WOODFORD, by unanimous consent, presented the following petition; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed, and also ordered to be printed in the RECORD with the names:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned respectfully represent that a measure is now pending before your honorable body involving a modification of the present rates of postage on newspapers and periodicals and of the method of paying the same. While we concur on the importance of saving money to the Post-Office Department, we would respectfully suggest that in the interest of the people the rate of postage should be as low as would be compatible with the efficient working of the Department.

Understanding that the Postmaster-General will recommend compulsory prepayment of postage on newspapers and other periodicals at the office where mailed according to the weight of the mail matter delivered, and not according to the number of copies sent, we respectfully suggest that the rate should be fixed at one cent per pound on newspapers and two cents per pound on all other periodicals.

In view of the fact that under the proposed method of prepayment the whole of the postage money would be collected at a greatly lessened expense to the Department, we believe that the above rate, while it would be greatly to the convenience and advantage of the people, would insure an immediate and satisfactory increase in the revenue of the postal service. A higher rate would be unjust to the interests which will have to bear the whole burden of the change.

Harper & Brothers, Harper's Magazine, Weekly, and Bazar, New York; George Jones, New York Times; D. Appleton & Co., Appleton's Journal and Popular Science Monthly, New York; Scribner, Armstrong, & Co., Scribner's Monthly and St. Nicholas, New York; I. W. England, The Sun, New York; David M. Stone, Journal of Commerce, New York; Hugh J. Hastings, Commercial Advertiser, New York; S. I. Prime & Co., New York Observer; William C. Bryant & Co., New York Evening Post; J. B. Ford & Co., Christian Union, New York; Henry C. Bowen, Independent, New York; Hurd & Houghton, Atlantic Monthly and Every Saturday, New York; Sheldon & Company, The Galaxy, New York; W. W. Clapp, Boston Journal; R. M. Pulsifer, Boston Herald; E. F. Waters, Boston Daily Advertiser; William H. Brewster, Boston Daily Traveller; Beals, Greene & Co., Boston Post; Charles H. Taylor, Boston Globe; H. W. Dutton & Son, Boston Evening Transcript; J. M. Bundy, Evening Mail, New York; Henry M. Field, editor New York Evangelist; George W. Childs, Public Ledger, Philadelphia; J. W. Forney, The Press, Philadelphia; J. B. Lippincott & Co., Lippincott's Magazine, Philadelphia; L. A. Godey, The Lady's Book, Philadelphia; T. B. Peterson & Brother, Peterson's Magazine, Philadelphia; Davis & Elverson, Saturday Night, Philadelphia; R. J. C. Walker, Saturday Evening Post, Philadelphia; Peacock, Fetherston & Co., Evening Bulletin, Philadelphia; M. Halstead & Co., Cincinnati Commercial; Cincinnati Gazette Company; Cincinnati Times Company; Sinclair Tousey, president of the American News Company, New York.

JUNE, 1874.

EQUESTRIAN STATUE OF GENERAL GREENE.

Mr. EAMES, by unanimous consent, called up the following concurrent resolution of the Senate:

Whereas the Continental Congress resolved, on the 8th of August, 1786, that a monument be erected at the seat of the Federal Government bearing the inscription, "Sacred to the memory of Nathaniel Greene, esq., a native of the State of Rhode Island, who died on the 19th of June, 1786, late major-general in the service of the United States and commander of their Army in the Southern Department. The United States in Congress assembled, in honor of his patriotism, valor, and ability, have erected this monument:" Therefore,

Be it resolved by the Senate, (the House of Representatives concurring,) That the Committee on Public Buildings and Grounds be instructed to designate upon the Capitol grounds a site for an equestrian statue of Nathaniel Greene, in conformity with the foregoing resolution.

Mr. EAMES. Mr. Speaker, no member of the House I think will object to the passage of this resolution. It directs the Committee on Public Buildings and Grounds to designate a site in the Capitol grounds for an equestrian statue of Major-General Nathaniel Greene, in conformity with a resolution of the Continental Congress passed in 1786, immediately upon the decease of General Greene, and while his services were fresh in the memory of the American people.

It is a slight tribute to the general of the war of the Revolution, who by common consent ranks next to Washington, for his eminent military services in the struggle of the Colonies for national life.

The resolution was concurred in.

Mr. EAMES moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FERMENTED LIQUORS.

Mr. LAMPORT, by unanimous consent, introduced a bill (H. R. No. 3590) to increase the tax on fermented liquors; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MINING RESOURCES.

Mr. LOWE. I ask unanimous consent to report back from the Committee on Mines and Mining a bill (H. R. No. 2032) to amend the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, for action at this time.

Mr. RANDALL. I object.

COMMERCE.

Mr. WHEELER. I call for the regular order of business.

The SPEAKER. At twenty minutes after eleven o'clock the two hours assigned to the Committee on Commerce begin.

INLAND AND SEA-BOARD COASTING COMPANY, DISTRICT OF COLUMBIA.

Mr. WHEELER, from the Committee on Commerce, reported back with amendments a bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia, with the recommendation that it do pass.

The bill, which was read, in the first section provides that John W. Thompson, William G. Metzerott, Samuel Bacon, William Stickney, A. H. Herr, William B. Todd, J. H. Baxter, A. B. Stoughton, William Thompson, and their associates and successors, or a majority of them, be, and are thereby, created and constituted a body politic and corporate by the name and style of the Inland and Sea-board Coasting Company of the District of Columbia, by which name said company may sue and be sued, may have a common seal, and generally may have and possess the rights and privileges usually possessed by similar companies.

The second section provides that the capital stock of the said company shall not be less than $100,000 nor more than $1,000,000, to be divided into shares of $100 each; and the said company is authorized and empowered to run vessels propelled by steam or other power between the cities of Washington, Georgetown, Alexandria, and New York, including the ports on the Potomac River and Chesapeake Bay, and the tributaries thereof, and to prosecute a general coasting trade in the transportation of passengers and freight of every description, subject to the rules and regulations and laws of the United States; and the said company is also authorized to purchase, hold, and convey such real and personal estate as may be necessary to carry into effect the purposes of the act, and to purchase or construct such docks, wharves, and buildings as may be necessary for its own use. It shall not issue any note, token, device, scrip, or other evidence of debt to be used as a currency.

The third section provides that the affairs of the said company shall be managed by a board of directors, nine in number, who shall be stockholders, and be elected annually, and hold office until their successors shall have been duly elected and qualified; and the said directors, five of whom shall constitute a quorum, shall elect one of their number to be president of the board, who shall also be president of the company; and the board shall also choose a secretary and treasurer, and choose or provide for the appointment of such other officers and agents as they may deem necessary. The board of directors may make such by-laws, rules, and regulations, not inconsistent with this act or the laws of the United States, as they conceive to be proper respecting the disposition and management of the stock, property, estate, and effects of the company; and in case of a vacancy occurring in the board by death, resignation, or otherwise, the vacancy shall be filled by the remaining directors. No person shall be a director or president who is not a stockholder, and any person ceasing to be a stockholder shall cease to be a director. Every stockholder in the said company shall be individually liable for claims accruing against the company to the amount of stock he may hold therein.

The fourth section provides that the persons named in the first section of the act, or a majority of them, may call a meeting of the stockholders, for the purpose of organizing the said company, at such time and place as they may determine upon, after advertising the time and place of meeting for ten days in one or more newspapers published in the city of Washington; and at said meeting, and all other meetings of the stockholders, every share of stock shall entitle the holder thereof to one vote, to be given in person or by proxy. General meetings of the stockholders for the election of directors shall be held annually thereafter; and it shall be the duty of the directors to give ten days' notice of the time and place of holding such meetings by advertisement in one or more newspapers published in Washington; and all votes given for directors shall be counted and certified by a committee of stockholders who are not directors.

The fifth section provides that the act may at any time be altered or amended by Congress.

Mr. WHEELER. Mr. Speaker, I desire to submit two or three amendments, after which I will ask the passage of the bill as amended.

The first amendment recommended by the committee was as follows:

Add at the end of the first section the following:

Provided, And this act of incorporation is granted upon the express condition, that nothing herein shall be construed to exempt the property of said Inland and Sea-board Coasting Company from taxation under the laws of the several localities in which it may transact its business.

The amendment was agreed to.

Mr. WHEELER. I submit also the following amendment.

The Clerk read as follows:

After the word "State," in the twelfth line of third section, insert "or the several States through which its boats may pass or in which it may transact business."

The amendment was agreed to.

Mr. WHEELER. I submit also the following amendment.

The Clerk read as follows:

After the word "States" in line 11, second section, insert "or the several States through which its boats may pass or in which it may transact business."

The amendment was agreed to.

Mr. WHEELER. I desire simply to say that this company was organized under an act of the Legislature of the State of New York. Its stock is now owned here, with the exception of eighty shares out of the thirteen hundred, and the stockholders, with the exception of five, all reside in this city and desire to transact the business of the company here. The bill has the unanimous approval of the Committee on Commerce.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SECURITY OF NAVIGATION ON MISSISSIPPI RIVER.

Mr. SAWYER, from the Committee on Commerce, reported back, with the recommendation that it do pass, the bill (H. R. No. 3379) for the further security of navigation on the Mississippi River.

The bill, which was read, authorizes and directs the Secretary of War to inquire into the expediency of causing shear-booms to be placed on the upper end of all bridge-piers on the Mississippi River, for the better security and convenience of the navigation of said river for rafts of logs and lumber; and if, in his opinion, it will better secure the navigation of said river, the bill further authorizes and directs him to require all bridge companies to place said shear-booms above the piers as the Army engineer having charge of said river may direct, the same to be constructed and maintained at the expense of such companies or bridge-owners.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAWYER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI AT LA CROSSE.

Mr. SAWYER also, from the Committee on Commerce, reported, with the recommendation that it do pass, the bill (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse in the State of Wisconsin.

The bill provides that the Milwaukee and Saint Paul Railway Company may construct and maintain a bridge across the Mississippi River at a point heretofore selected by said company between the county of La Crosse, in the State of Wisconsin, and the county of Houston, in the State of Minnesota; provided that the Secretary of War shall convene a board of engineer officers, whose duty it shall be to ascertain and report whether a bridge at the location selected by said company can be constructed and maintained without material interfence with the security and convenience of navigation of said river at that point, and shall also ascertain and report what accessory works it will be necessary to construct and maintain to secure the best practicable straight channel-way for navigation of said river at and near that point; the board shall further determine the necessary height of said bridge, the location of its piers, and make such recommendations for the security and convenience of navigation as may be deemed essential and proper; and upon the approval of the report and recommendations of the board by the Secretary of War, the said company, upon being so notified, may proceed to construct said bridge

in accordance with said report and recommendations, subject to the provisions and limitations of the act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across said river, and to establish them as post-roads," approved April 1, 1872; and provided further, that said company shall construct and maintain all the accessory works found to be necessary as hereinbefore provided for the security and convenience of navigation at their own expense, and subject to such supervision as the Secretary of War may prescribe, and that until the said works shall have been constructed to the satisfaction of the Secretary of War, and are approved by him, the superstructure of the bridge shall not be commenced; and provided further that this act shall not be so construed as to relieve said company from the provisions of any existing laws, except as to the location and height of said bridge; and provided further that said company shall not charge more than three dollars a car for each freight-car transported across said bridge.

Mr. NIBLACK. I desire to ask the gentleman from Wisconsin a question. If I remember correctly there has been a contest about the location of this bridge and some trouble in regard to it between the companies interested. I wish to know if these difficulties have been harmonized and if all parties agree to the present bill?

Mr. SAWYER. There has been an arrangement made satisfactory to a majority of them.

Mr. NIBLACK. I wish to make a further inquiry of the gentleman from Wisconsin [Mr. SAWYER] before the vote is taken. I wish to ask the gentleman whether the Committee on Commerce have had under consideration the propriety of providing by a general law for the building of bridges across the Mississippi River? Every session nearly for at least the last ten years we have had contests here about bridging the Mississippi River. We have also had some about bridging the Ohio River. But so far as the Ohio River is concerned, there is now a general law which provides for the building of bridges generally. I wish to ask why we should not also have a similar provision at least in regard to the upper Mississippi River, so that we may be relieved from these constantly recurring contests.

Mr. SAWYER. There are two classes of bridges on the Mississippi River. And, as the gentleman from Indiana states, there is no general law applicable to them. We only take up the applications as they are made to us. This bill was referred to the Chief of Engineers with other bills in relation to bridges which have been introduced. He fully approves of it, and this is in fact a substitute drawn by him. I think there can be no objection to the bill.

Mr. NIBLACK. I wish to repeat my question, why we should have a general bridge law for the Ohio River and not for the Mississippi River?

Mr. SAWYER. The reason that we have no such general law in regard to bridging the Mississippi River is that there has been no bill of that nature introduced and sent to the Committee on Commerce. I do not know that it is our business to originate such legislation. If the gentleman will introduce such a bill and have it referred to our committee we will consider it.

Mr. NIBLACK. It seems to me that the propriety of such a policy is so obvious that the Committee on Commerce would themselves have originated a law of that kind.

Mr. CONGER. There is nothing to prevent the bridges across the Ohio coming under one general rule. Those across the Mississippi have to be built according to locality, as the height of the water varies a great deal. A general law in regard to bridging the Ohio might very easily be made, and such a law might also be made in regard to a part of the Mississippi but not the whole of it.

Mr. NIBLACK. I think this is a case where we should have a general law. Let us have general legislation applicable to all these bridges, so that we may get rid of these contests every session of Congress about bridging the Mississippi River.

My object in seeking the floor was to call the attention of the committee to the necessity of general legislation on this subject, and to invite the attention of the country to it also so that we shall not every year be called upon for special legislation in reference to bridging the Mississippi River.

Mr. SAWYER. If the gentleman will introduce a general bill upon the subject I will endeavor to get the attention of the Committee on Commerce to it. I now call the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAWYER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF NAMES OF VESSELS.

Mr. CONGER, from the Committee on Commerce, reported back, with the recommendation that it do pass, the bill (S. No. 766) to grant an American register to the steamship Suffolk, and to change the name of said steamship to that of Professor Morse.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER also, from the same committee, reported a bill (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif; which was read a first and second time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 369) to change the name of the registered steamer Oakes Ames to Champlain.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER also, from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 708) to change the name of the schooner China.

The bill was read. It grants authority to the owners of the schooner China to change its name to Canton.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SHIPPING COMMISSIONERS.

Mr. CONGER, from the same committee, reported back the bill (H. R. No. 3160) in reference to the operation of the shipping commissioners act, approved June 7, 1872, with the amendment of the Senate thereto, with the recommendation that the amendment of the Senate be concurred in.

The amendment of the Senate was read and concurred in, as follows:

After the word "trade," in line 6, insert "except the coastwise trade between the Atlantic and Pacific coasts."

Mr. CONGER moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIENS ON SEA-GOING VESSELS.

Mr. CONGER, from the same committee, reported a bill (H. R. No. 3592) to create stevedores' and other maritime liens on sea-going vessels; which was read a first and second time.

The bill provides that whenever a debt amounting to fifty dollars or upward shall be contracted by the master, owner, charterer, or consignee of any sea-going or ocean-bound vessel, or by the agent of either of them within the United States, on account of the loading or unloading of such vessel, or doing other stevedore work thereon, or for doing or furnishing work, labor, material, or supplies to or for any such vessel, such debt shall be a maritime lien on such vessel, her tackle, apparel, and furniture, and may be enforced in any court of the United States having jurisdiction of such liens.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATCHOGUE, NEW YORK.

Mr. CONGER, from the same committee, reported a bill (H. R. No. 3593) declaring Patchogue, on the south side of Long Island Sound, Suffolk County, State of New York, to be a port of delivery; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the village of Patchogue, Long Island, New York, shall be a port of delivery within the collection district of the port of New York, subject to the same regulations as other ports of delivery in the United States; that a surveyor shall be appointed by the President, by and with the advice and consent of the Senate, to reside at Patchogue, and have the power to enroll and license vessels to be employed in the coasting trade and fisheries, under such regulations as the Secretary of the Treasury may deem necessary, and who shall give the usual bond, perform the usual duties in the manner prescribed, and receive the fees he may be entitled to by law, as allowed to surveyors for the same duties, and no more.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROCHESTER, NEW YORK.

Mr. CONGER, from the same committee, reported back, with a favorable recommendation, House bill No. 867, to amend section 35 of the act entitled "An act to reduce internal taxes, and for other purposes."

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the privileges of the act entitled "An act to reduce internal taxes, and for other purposes," approved July 14, 1870, shall be extended to the port of Rochester, in the State of New York, with the same effect as if it had been inserted in the thirty-fifth section of said act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIANAPOLIS, INDIANA.

Mr. CONGER, from the same committee, reported a bill (H. R. No. 3594) to amend section 35 of the act entitled "An act to reduce internal taxes, and for other purposes;" which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the privileges of the act entitled "An act to reduce internal taxes, and for other purposes," approved July 14, 1870, shall be extended to the city of Indianapolis, in the State of Indiana, with the same effect as if it had been inserted in the thirty-fifth section of said act.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAN PEDRO, CALIFORNIA.

Mr. CONGER, from the same committee, reported back favorably Senate bill No. 237, to change the name of the port of San Pedro, California, to Wilmington.

The bill was read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ATLANTA, GEORGIA.

Mr. CONGER, from the same committee, reported back, with a favorable recommendation, House bill No. 3474, to establish Atlanta, in the State of Georgia, a port of delivery.

The question was upon ordering the bill to be engrossed and read a third time.

The bill constitutes Atlanta, in the State of Georgia, a port of delivery within the collection district of Savannah; and provides that there shall be appointed a surveyor of customs to reside at said port of Atlanta, who shall perform similar duties toward and in connection with the collector at the port of entry as are prescribed for surveyors of the ports of Pittsburgh, Wheeling, Cincinnati, Louisville, Saint Louis, and Nashville by the act of Congress approved March 2, 1831, entitled "An act allowing the duties on foreign merchandise imported into Pittsburgh, Wheeling, Cincinnati, Louisville, Saint Louis, Nashville, and Natchez to be secured and paid at those places;" that the duties of the collector at Savannah in reference to all foreign merchandise entered for the port of Atlanta, and to be shipped from Savannah to Atlanta by railroad, shall be the same as those prescribed for the collector at Savannah in reference to merchandise entered by an importer or his agent there for the ports above mentioned in said act, and that importations of foreign merchandise to Atlanta may be made through the port of Savannah in the same way and under like restrictions, penalties, and forfeitures as by the said act they are allowed to be made to the places above mentioned through the port of Savannah.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PLEASURE-YACHT PLANCHETTE.

Mr. HOLMAN, from the Committee on Commerce, reported back favorably the bill (H. R. No. 2384) to change the name of the pleasure-yacht Planchette to that of Laxen.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the name of the pleasure-yacht Planchette, owned by Samuel Johnson, of Boston, State of Massachusetts, shall be changed to that of Laxen, and the Secretary of the Treasury is authorized to grant said vessel proper marine papers in said name.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INLAND AND SEA-BOARD COASTING COMPANY.

Mr. WHEELER. I ask consent to have the latter portion of section 3 of the first bill reported from the Committee on Commerce this morning, chartering the Inland and Sea-board Coasting Company, and which has been passed, so amended as to read: "Every stockholder in the said company shall be individually liable for debts and claims accruing against the company to an amount equal to the amount of stock he may hold therein."

No objection was made, and it was so ordered.

LIFE-SAVING STATIONS.

Mr. HOOPER, from the Committee on Commerce, reported back with amendments the bill (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service.

The amendments were agreed to.

The bill, as amended, was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to establish life-saving stations, life-boat stations, and houses of refuge, for the better preservation of life and property from shipwreck, at or in the vicinity of the following-named points upon the sea and lake coasts of the United States, namely:

On the coast of Delaware:
Cape Henlopen, a complete life-saving station; Indian River, a complete life-saving station.

On the coast of Maryland:
Green Run Inlet, a complete life-saving station.

On the coast of Virginia:
Chincoteague, a complete life-saving station; Watchapreague Inlet, a complete life-saving station; Hog Island, a complete life-saving station; Sandy Shoal Island, a complete life-saving station; Smith's Island, a complete life-saving station.

On the coast of Florida:
About eighteen miles north of Indian River Inlet, a house of refuge; Gilbert's Bar, a house of refuge; near Orange Grove, a house of refuge; between Hillsborough and New River Inlet, a house of refuge; about ten miles south of New River Inlet, a house of refuge.

On the coast of Washington Territory:
Neah Bay, a life-boat station; Shoalwater Bay, a life-boat station; Cape Disappointment, a life-boat station.

On the coast of Oregon:
Cape Arago, a life-boat station.

On the coast of California:
Humboldt Bay, a life-boat station; Point Reyes, a life-boat station; between Point Lobos and Point San Pedro, a life-boat station; Point Concepcion, near the light-house, a life-boat station.

On the coast of Lake Ontario:
Mexico Bay, about seven miles westward of Stony Point, a complete life-saving station; Mexico Bay, about seven miles eastward of Nine-mile Point, a complete life-saving station; Oswego, a life-boat station; Charlotte, a life-boat station.

On the coast of Lake Erie:
Buffalo, a life-boat station; Presque Isle, a complete life-saving station; Fairport, a life-boat station; Cleveland, a life-boat station; Marblehead, (Sandusky,) a life-boat station.

On the coast of Lake Huron:
Point aux Barques, a complete life-saving station; Tawas, a complete life-saving station; Sturgeon Point, a complete life-saving station; North Point, Thunder Bay, a life-boat station; Forty-mile Point, a complete life-saving station.

On the coast of Lake Michigan:
Beaver Island, a life-boat station; North Manitou Island, a life-boat station; Point aux Bec Scies, a complete life-saving station; Grande Pointe au Sauble, a complete life-saving station; Grand Haven, a life-boat station; Saint Joseph's, a life-boat station; Chicago, a life-boat station; Grosse Pointe, a complete life-saving station; Racine, a life-boat station; Milwaukee, a life-boat station; Sheboygan, a life-boat station; Twin Rivers Point, a life-boat station.

On the coast of Lake Superior:
Between White Fish Point and Point au Sauble, four complete life-saving stations.

SEC. 2. That the Secretary of the Treasury is hereby authorized, whenever in his opinion it may become necessary for the proper administration of the life-saving service, and the protection of the public property at the stations and houses of refuge herein authorized to be established, to appoint one superintendent for the coasts of Delaware and Virginia, one for the coast of Florida, one for the coasts of Lakes Erie and Ontario, one for the coasts of Lakes Huron and Superior, and one for the coast of Lake Michigan, and also a keeper for each of said stations and houses of refuge; and the said superintendents shall have the powers and perform the duties of inspector of customs.

SEC. 3. That the compensation of each of the superintendents, to be appointed under the provisions of the preceding section, shall not exceed $1,000 per annum; and the compensation of the keepers shall not exceed $200 per annum, except that those employed at the houses of refuge on the Florida coast shall reside in said houses and receive a compensation at the rate of forty dollars per month.

SEC. 4. That the Secretary of the Treasury is hereby authorized to appoint an assistant to the superintendent of the coast of Long Island and Rhode Island, who shall perform the duties required of the superintendent at the life-saving stations within the State of Rhode Island, and reside on Block Island, and for his services he shall receive an annual salary of $500.

SEC. 5. That the Secretary of the Treasury is hereby authorized to employ crews of experienced surfmen at such of the stations herein denominated complete stations and at such of the life-boat stations on the Pacific coast as he may deem necessary and proper, for such periods, and at such compensation, not to exceed forty dollars per month, as he may deem necessary and reasonable.

SEC. 6. That the Secretary of the Treasury may accept the services of volunteer crews at any of the life-boat stations herein authorized, who shall be subject to the rules and regulations governing the life-saving service; and a list of the names of each crew shall be kept in the office of the Secretary of the Treasury. Such volunteers shall receive no compensation except a sum of not more than ten dollars each for every occasion upon which they shall have been instrumental in saving human life, and such of the medals herein authorized as they may be entitled to under the provisions hereinafter made: *Provided*, That no payment shall be made to any per-

son who shall not have actually participated in the efforts to save the life or lives rescued.

SEC. 7. That the Secretary of the Treasury is hereby directed to cause to be prepared medals of honor, with suitable devices, to be distinguished as life-saving medals, of the first and second class, which shall be bestowed upon any persons who shall hereafter endanger their own lives in saving, or endeavoring to save, lives from perils of the sea, within the United States, or upon any American vessel: *Provided*, That the medal of the first class shall be confined to cases of extreme and heroic daring; and that the medal of the second class shall be given in cases not sufficiently distinguished to deserve the medal of the first class: *Provided, also*, That no award of either medal shall be made to any person until sufficient evidence of his deserving shall have been filed with the Secretary of the Treasury and entered upon the records of the Department.

SEC. 8. That the Secretary of the Treasury is hereby authorized to make all necessary regulations for the government of the life-saving service not inconsistent with law.

SEC. 9. That the Secretary of the Treasury is hereby authorized to dispose of, to the best advantage, after due condemnation by board of survey, such articles or materials belonging to the life-saving service as may, from long continued use or other cause, become unserviceable and the proceeds of such sale shall be covered into the Treasury.

SEC. 10. That from and after the 1st day of July, 1874, whenever any vessel of the United States has sustained or caused any accident involving the loss of life, the material loss of property, or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency, the managing owner, agent, or master of such vessel, shall, within five days after the happening of such accident or damage, or as soon thereafter as possible, send, by letter to the collector of customs of the district wherein such vessel belongs or of that within which such accident or damage occurred, a report thereof, signed by such owner, agent, or master, stating the name and official number (if any) of the vessel, the port to which she belongs, the place where she was, the nature and probable occasion of the casualty, the number and names of those lost, and the estimated amount of loss or damage to the vessel or cargo; and shall furnish, upon the request of either of such collectors of customs, such other information concerning the vessel, her cargo, and the casualty as may be called for; and if he neglect or refuse to comply with the foregoing requirements after a reasonable time, he shall incur a penalty of $100.

SEC. 11. That whenever the managing owner or agent of any vessel of the United States has reason, owing to the non-appearance of such vessel, or to any other circumstance, to apprehend that such vessel has been lost, he shall, as soon as conveniently may be, send notice, in writing, to the collector of customs of the port to which said vessel belonged, of such loss, and the probable occasion thereof, stating the name and the official number (if any) of the vessel, and the names of all persons on board, so far as the same can be ascertained, and shall furnish, upon request of the collector of such port, such additional information as he may be able; and if he neglect to comply with the above requirements within a reasonable time, he shall incur a penalty of $100.

SEC. 12. That it shall be the duty of the collectors of customs to immediately transmit to the Secretary of the Treasury such reports and information as they may receive under the provisions of the two preceding sections, and they shall also report to the Secretary of the Treasury any neglect or refusal on the part of the managing owner, agent, or master of any vessel of the United States to comply with the requirements thereof.

SEC. 13. That the Secretary of the Treasury may, upon application therefor, remit or mitigate any penalty provided for in this act, or discontinue any prosecution to recover the same, upon such terms as he, in his discretion, shall think proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may think proper; all penalties hereinbefore provided shall be prosecuted by indictment or information before the proper district court for the use of the United States.

Mr. HOOPER. This bill extends the life-saving stations along the southern coast—the coasts of Delaware, Maryland, Virginia, and Florida; also the Pacific coast and the lake coast. It adds twenty-two to the number of complete life-saving stations, twenty-four boat stations, and five houses of refuge. In regard to the importance of these life-saving stations on the lakes, I wish the Clerk to read the letter which I send to the desk.

The Clerk read as follows:

UNITED STATES REVENUE MARINE,
Washington, D. C., March 7, 1874.

SIR: Referring to my statement yesterday before your committee that the disasters to shipping on the great lakes for many years past have been very numerous and serious, I find upon examination of such imperfect statistics as I have been able to collect that I have the names of 4,527 vessels which have been wrecked upon said lakes within the last ten years. The number of lives reported as lost from these vessels is 1,341, and the loss of property involved foots up $27,370,062.33.

You will observe that my estimate of the annual expense of maintaining the service at the new stations recommended does not make provision for the employment of a superintendent upon the Pacific coast. This was omitted because the stations upon that coast are so few and are so located that it is believed that the captains of the revenue cutters upon that coast can perform, under the direction of the Department, the duties which would devolve upon a superintendent without interfering with their duties as officers of the revenue service.

At one or two of the localities named for stations upon the Pacific coast, which are somewhat remote from settlements, it may be found necessary to employ for brief periods crews to man the life-boats. I accordingly submit a substitute for section 5 of the bill prepared under your direction for your consideration, as to the expediency of its adoption in lieu of the section as it now stands.

I am, very respectfully, your obedient servant,

S. I. KIMBALL,
Chief Revenue Marine Division.

Hon. SAMUEL HOOPER,
Chairman sub-Committee of Committee on Commerce,
House of Representatives.

Mr. COX. Mr. Speaker, a word in support of this bill and in favor of the extension of this life-saving service. I have watched with considerable interest and anxiety this system. My interest begins with the first appropriation for the Jersey coast. The Globe will furnish, in my previous advocacy an excuse for my present interest. From its introduction into this country to the present time I have taken almost a romantic interest in it. It has proved a perfect success. Will gentlemen read the report made by the Chief of the Revenue-Marine Bureau for the fiscal year ending June 30, 1873? It shows the operations of this service. They will be astonished to see the benefit which it has contributed to our commerce and the great saving of human life effected by this remarkable phase and refinement of civilization.

The report shows that the wrecks which occurred since the date of the last annual report upon our coasts where stations were in operation numbered 32; the number of lives imperiled was 235; the number of lives actually saved, 234—only one life lost; the number of shipwrecked persons sheltered in station-houses was 33; the total number of days' shelter afforded 77; the total value of property imperiled $832,230; the total value of property saved, $581,201; the total value of property lost, $226,029. Since the introduction of this life-saving service on the coast of Long Island and New Jersey, which was begun in this House under great difficulty and under the prompting and urgency of my friend General Haight, then the member from Monmouth, New Jersey, and in spite of considerable opposition, there have been some 4,300 lives in all saved, besides an immense amount of property.

A great deal of time and labor has been expended both by engineers and others in experiments as to the best kind of life-boats and the best life-saving apparatus. There has been a vast improvement in the manner of reaching vessels stranded and imperiled. Those who are familiar with this new service know that when a vessel comes within two hundred or three hundred or three hundred and fifty yards of the shore and cannot be reached by the life-boat, plans have been invented and adopted which, by means of a mortar and a rocket and a line, it is possible to attach to the ship the line and start a car so fixed upon that rope as to bring people and property safely to land; sometimes a life-boat that will right herself and free herself from water, to be used on shoals or at points beyond the mortar or rocket. I wish that I could read a handsome *résumé* from the correspondent of the Journal of Commerce of September 1, 1873, of this *modus operandi*. I can but refer to it. Some experiments were made last year at Narragansett station. The cutter Grant was selected, Captain Slicer commanding. The drills are had; the rocket party is organized; the cart and apparatus are ready; wiz! and buzz! and the tentative shots are fired! The elevation is ascertained, the distance measured, and the line now and then fouls; but again and again is the trial, until both the English and the American apparatus are tested, successfully often, and so successfully that with the American invention the rocket is fired at twenty-five minutes after twelve o'clock; the shot goes between fore and main-mast; it falls ten yards beyond the ship; the line is lodged in the stays. A two-inch line is hauled aboard by the rocket line. Then the life-car is fixed and starts. It is hauled back and forth with its precious and periled freight. In thirty-one minutes from the firing of the rocket the first man is saved. The car holds four persons. Forty persons saved to the hour—grown persons; eighty children. God bless the ingenious humanities which lead to such results!

If I had time I might show more in detail how within such short time and with such appliances so many precious lives have been saved.

But, Mr. Speaker, is there need to say anything more just now in behalf of this bill, a measure involving not only the saving of valuable property but the preservation of human life?

To the extension of a system so beneficent there can scarcely be objection. Our strictest thoughts of economy melt before such kind effects. This bill asks an appropriation of only eighty or ninety thousand dollars, I believe.

Mr. CONGER. Forty-five thousand dollars.

Mr. COX. I am corrected in this: that the call is $45,644, as follows: Atlantic coast, $9,904; Florida coast, $4,000; Pacific, $4,280; lake coasts, $21,460; contingent, $6,000. The statement or estimate I gave was over $87,000. It referred to the cost of maintaining this service for the fiscal year ending June 30, 1873, as I read from the report of Kimball, exclusive of the amount expended in construction and establishment of new stations was $87,893. If this system is perfected and extended to all the dangerous points on our coast—and upon so extensive a coast as ours there are numerous points of danger—incalculable benefits will result with very little comparative expenditure. I congratulate myself, Mr. Speaker, that amidst the general uselessness of much of our legislation in which I am often compelled to take a negative part here, this one object, free from partisan prostitution, tends to the exaltation of our better nature and the sanctity of human life.

Mr. HALE, of Maine. Mr. Speaker, I heartily sympathize with the object of this bill; but I want to call the attention of the gentleman reporting it to sections 10 and 11 which seem to be matters that do not relate specifically to the object of the bill so far as I can judge from reading them, but which provide, as I understand, that in any case of accident to a vessel by collision or otherwise, involving a loss of life or property, the master of the vessel shall report the case to the collector of customs under a penalty. I wish to ask the gentleman from Massachusetts [Mr. HOOPER] whether he deems these sections at all essential to the purposes of the bill?

Mr. HOOPER. They seem to me very essential in order to secure the obtaining of statistics, and the keeping a record of marine disasters. These provisions which entail no great trouble upon anybody, will enable the Treasury Department every year to make up a report of the losses of life and property by shipwreck and other accidents. The same system exists in England; these provisions are copied from the English law.

Mr. HALE, of Maine. I can see that there may be some benefit from the keeping of these statistics; but generally speaking I object to

anything that imposes needless restrictions or penalties upon our merchant service.

Mr. HOOPER. The penalty is very small.

Mr. HALE, of Maine. The penalty of $100 upon every master of a vessel who does not report any little accident.

Mr. HOOPER and Mr. PARSONS. Any material accident.

Mr. CONGER. The gentleman from Maine will remember that it is very important that Congress should know from time to time what points are most liable to accident involving loss of life or property; and this bill seeks to provide a method by which this knowledge may be accumulated in the Treasury Department, so that we may know where accidents are most liable to occur, and where these stations are most needed.

Mr. HALE, of Maine. I suppose that is the reason why it was put in here.

Mr. CONGER. I wish to say further the committee have taken those points where, from information and report, the greatest danger heretofore has seemed to exist, and where the greatest and most immediate necessity for these stations at present prevails.

Mr. HOOPER. I call for the previous question.

Mr. PARSONS. The gentleman from Maine [Mr. HALE] will see by section 10 that of accidents involving loss of life or material loss of property or serious injury to any person, a report shall be made within five days after such accident or damage to the collector of customs of the district where such vessel belongs, and this will enable Congress to be fully informed on the subject from year to year.

Mr. HALE, of Maine. I am afraid the result will be that masters of vessels will not realize what are the operations of this law.

Mr. PARSONS. The penalty is small.

Mr. HALE, of Maine. Gentlemen of the committee who have looked into the matter of course are better able to judge than I am.

Mr. HOOPER. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOOPER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

DEEPENING THE CHANNEL AT THE MOUTH OF THE MISSISSIPPI.

Mr. STANARD, from the Committee on Commerce, reported a bill (H. R. No. 3595) to provide for deepening the channel at the mouth of the Mississippi River; which was read a first and second time.

The bill was read.

The first section authorizes the Secretary of War to advertise for proposals to deepen the channel at any one of the passes of the mouth of the Mississippi River by dredging or otherwise; which proposals shall specify the price at which the party proposes to secure twenty feet depth and not less than two hundred feet of width of water throughout the channel of one of the passess or outlets of said river into the Gulf of Mexico at ordinary flood-tide, so that vessels drawing twenty feet of water may be navigated through said channel; and also the price per month that the party agrees to maintain said depth thereafter for a term of five years. Said proposal shall also specify the price that the party agrees the Government shall pay him for each and every foot in depth over and above the twenty feet in depth which he may secure and maintain, up to and including twenty-seven feet in depth.

The second section provides that on the receipt of said proposals, in answer to said advertisement, the Secretary of War shall be authorized to contract with the lowest bidder, who shall furnish evidence satisfactory to the Secretary of War of his ability to perform said work, and also satisfactory security for the performance of the same; provided that such proposal shall not call for more than $150,000 for securing the said twenty feet of depth, which amount, or the proportion thereof to which the successful bidder by his contract shall be entitled, shall be paid to said contractor when said depth has been maintained six months, nor more than $15,000 per month thereafter for maintaining said depth, nor more than $3,000 per month for each and every foot maintained over and above said twenty feet in depth. And the money necessary to enable the Secretary of War to enter into, execute, and comply with the above contract is appropriated, to be paid out of any money in the Treasury not otherwise appropriated; provided that the contract shall cease at the end of ninety days' notice by the Secretary of the Treasury that it has been superseded by any other work of improvement.

Mr. WILLARD, of Vermont. I should like to have some explanation of the bill.

Mr. STANARD. This subject has been under consideration by the Committee on Commerce, and I have been instructed unanimously to report it. It simply provides that this shall take the place of the dredging now in operation by the Government and that the appropriations which are being made for the Mississippi River shall be used in this manner, and the contract shall be made with the lowest bidder, not to exceed the sum of money provided for in the bill, which is less than the usual appropriation for the last several years for the work which has been done.

It is provided that twenty feet of water shall be procured before any money shall be paid, and shall be maintained for six months before any portion of the $150,000 shall be paid. By the operation of the dredging system, which has been in operation for five or six years, they have not been able to obtain more than eighteen or eighteen and a half feet of water, and much of the time not more than fifteen feet of water. It is also shown by the report of the engineers that not more than forty-six or forty-eight days of the past year have really been employed in the work. It is the desire of the Committee on Commerce, who have considered the subject at length, and the desire of many of the merchants and others who have been before the committee, that for the amount which is expended certain results shall be accomplished and that no money shall be paid until certain results are accomplished. It has been represented to the Committee on Commerce there are plenty of men in the country who are willing to take this contract and assure the accomplishment of this depth of water before any money shall be paid to them. Hence the committee in order that these results may be accomplished, paying no more money than has been annually expended heretofore, ask for the passage of this bill. It in no way interferes with the bill which is now being considered, reported from the Committee on Railways and Canals. It will be observed there is a provision in the bill in case a contract shall be made in accordance with its provisions, if the river should be improved by jetties or canals and the necessity for this work should be superseded by the construction of other works, then the contract under this bill shall cease on ninety days' notice from the Secretary of War.

Mr. SMITH, of Ohio. I wish to ask the gentleman from Missouri whether this work will conflict with the construction of the jetties if the Government see proper to enter into a contract to have the jetties constructed?

Mr. STANARD. It is not so considered.

Mr. WILLARD, of Vermont. I wish to ask a question in regard to the effect of this bill. I observe that it makes an absolute appropriation for the amount of this contract. Is it anticipated that this will require any other appropriation than the usual annual appropriation for improving the mouth of the Mississippi River?

Mr. CONGER. It is not. This is intended to take the place of the usual appropriation for deepening the mouth of the Mississippi River until some permanent work is undertaken.

Mr. WILLARD, of Vermont. If it is to be expended in the coming fiscal year, there will be no need for the usual annual appropriation.

Mr. CONGER. The appropriation for the coming fiscal year will be made in the river and harbor bill, but this work is to be commenced six months afterward; and the appropriation here will supplement that appropriation at the end of that time, taking the place of the Government work.

Mr. WILLARD, of Vermont. My difficulty was that I did not see how the two could go on at the same time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. WELLS. I ask that the bill may be again read.

The bill was again read.

The bill was passed.

Mr. STANARD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

GEORGE H. DENNIS.

On motion of Mr. BUTLER, of Tennessee, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of George H. Dennis, no adverse report having been made in the case.

H. W. REYNOLDS.

On motion of Mr. HARRIS, of Virginia, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of H. W. Reynolds.

WRECK OF THE SHIP PATRICIAN.

Mr. CONGER. I am instructed to report back from the Committee on Commerce the bill (S. No. 614) to provide for the removal of the wreck of the ship Patrician, near the entrance to the harbor of San Francisco, California, and to move that it be laid upon the table. There is an appropriation in the river and harbor bill for removing this wreck. If that should pass, it is all that is necessary. I move that this bill be laid on the table, and at the same time enter a motion to reconsider in case the appropriation to which I have referred should fail.

The motion to lay the bill on the table was agreed to, and the motion to reconsider entered.

PENSION APPROPRIATION BILL.

Mr. O'NEILL. I move that the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875, returned from the Senate with an amendment, be taken from the Speaker's table and referred to the Committee on Appropriations.

The motion was agreed to.

CONTAGIOUS DISEASES.

Mr. BROMBERG, from the Committee on Commerce, reported back,

with the recommendation that it do pass, the bill (H. R. No. 2887) to prevent the introduction of contagious or infectious diseases into the United States.

The Clerk proceeded to read the bill.

Mr. COX. I desire to reserve the point of order on this bill.

The SPEAKER. It is reserved until the bill is read.

The bill was read.

It provides that it shall not be lawful to bring any vessel or vehicle coming from a foreign port or country, and affected with a contagious or infectious disease, or conveying persons, merchandise, or animals affected with contagious or infectious diseases, into any port of the United States, except under the regulations hereinafter provided.

The second section provides that the Surgeon-General of the Army, the Surgeon-General of the Navy, and the supervising surgeon of the marine-hospital service are hereby constituted, *ex officio*, a board to make the regulations to be observed by persons controlling vessels or vehicles coming from foreign ports or countries into ports of the United States, by passengers upon and persons connected with vessels or vehicles so coming, and by pilots at the several ports of entry, to the end that no persons, animals, or goods affected with infectious or contagious diseases may enter the United States. And said board may prescribe the times, manner, and places of performing quarantine by vessels, vehicles, persons, animals, and goods coming from foreign ports or countries, and may make all needful rules and regulations not inconsistent with law, and alter and amend the same, for the efficient execution of the purposes of this act; but no rule or regulation, or amendment to the same, shall have effect until approved by the President. The board shall make report annually to the Congress at its meeting in December. Said board shall organize within thirty days after the passage of the act, and establish the rules and officers for its own government.

The third section provides that there shall be detailed or assigned by the President, from among the commissioned medical officers of either the Army or the Navy, or from among the surgeons of the marine-hospital service of the Treasury Department, to be selected without regard to rank but solely with reference to skill and experience in hygiene and public sanitary science, one who shall be the secretary to the above board, and shall in addition, under the direction of the board, be charged with the supervision of all matters pertaining to the establishment and maintenance of the system of quarantine provided by the act.

The fourth section provides that for the execution of the duties arising out of this act medical officers of the Army or of the Navy, or surgeons of the marine-hospital service of the Treasury Department, may be detailed or assigned, according to the exigencies of the service, with especial regard to economy and efficiency; but no person in the employment of the Government, detailed or assigned to duty under the provisions of this act, shall receive any additional compensation therefor; and the President of the United States shall issue such instructions to the officers of the various Departments of the Government, not interfering with their peculiar duties, as shall secure the aid and co-operation necessary to perfecting and enforcing the regulations provided for by the act.

The fifth section provides that any person willfully violating the provisions of the first section of the act shall, upon conviction, be liable to a penalty not exceeding $500, or to imprisonment for not more than two years, at the discretion of the court; and the circuit courts of the United States shall have jurisdiction of all cases arising under the provisions of the act.

The sixth section provides that the provisions of the act shall not be so construed as to prevent the establishment and maintenance by States or municipalities of health regulations and quarantine measures, in addition to or furtherance of and not conflicting with the system constituted by this act; and such local systems and their appendages shall remain under the control of the respective local authorities.

Mr. BROMBERG. I enter a motion to recommit the bill.

Mr. COX rose.

The SPEAKER. Does the gentleman from New York [Mr. COX] propose to debate the bill?

Mr. COX. I do.

The SPEAKER. The gentleman from Alabama [Mr. BROMBERG] is entitled to the floor.

Mr. COX. If the gentleman from Alabama does not propose to debate the bill, I do.

Mr. BROMBERG. This bill in its present form is reported with the unanimous recommendation of the Committee on Commerce. I listened to the gentleman from New York with a great deal of pleasure in his advocacy of another bill which came from that committee, and which received the strongest support from him on the ground that it saved human life as well as property. I hoped that the very reasons which made him support that bill would also have induced him to support this. For there is no bill which has been laid before this House which is more calculated in its provisions to save human life than the very bill now before the House. This bill, as well as the other supported by the gentleman from New York, was carefully considered in the committee, was carefully matured, and comes here now for the ratification of the House. The subject embraced by this bill is one to which I believe almost every member of this House has given careful consideration, for it has several times been presented to them for their ratification.

Mr. Speaker, my subject is very large, but I shall discuss it in some of its narrowest aspects, and with greatest brevity compatible with a plain statement of them.

A national system of quarantine is prayed for in memorials from Pensacola, Mobile, New Orleans, and demanded also by the citizens of Galveston. The people of the entire Gulf coast are in fact united in requesting the interposition of national power to protect them, and through them the entire Southwest from the terrible visitations of imported plagues. The National Board of Trade, composed of merchants from all parts of the Northeast and West, at its meeting at Chicago last October also indorsed a proposition looking toward the same end.

Mr. Speaker, the people of the South do not come here with any fancied grievance, nor are they so in love with the national power that they would resort to it as a cure for any evil they may labor under had not sad experience shown not only the necessity of such appeal, but also demonstrated why the remedy lies in the national power alone.

The birthplaces of yellow-fever, so far as the United States are concerned, according to best opinions now, are in Cuba and Mexico. At those points the disease is an annual visitant; but its type varies from year to year in greater or less malignancy. Our entire Gulf coast is within two or three days' sail of both of those points, and communication between it and them is frequent and continuous. The vehicles of this intercourse are chiefly freight-vessels carrying no passengers, but simply merchandise. It is conceded by all who are familiar with the yellow-fever, that the holds of vessels and the freight contained in them are the most effective nurseries for the germs of this fatal disease. At the same time the fact that such goods or vessel may be infected is utterly beyond human perceptions until actual contact with them has developed the fearful consequences. Our Gulf cities are therefore annually threatened. At the same time they are in perfect ignorance whether the enemy has entered or not. They know nothing definite of the actual health status of Cuban and Mexican ports. They cannot, because as ports of mere States, destitute of foreign relations, they are without the means of obtaining certain knowledge.

That being the case, and the fever being annual and native in the countries named, it may be asked why do not these Gulf cities have permanent quarantines against those homes of epidemics and not come here to Congress for protection.

The question is natural to those not thoroughly conversant with the workings of quarantine, but the answers are few and simple.

First. Quarantine regulations are always restrictive of commerce and submitted to with great reluctance by those having charge of vessels and by merchants. Nothing but impending danger at any time renders them tolerable.

Now, for reasons about which we are wholly in the dark, the fever as it occurs in its birthplaces does not each year possess equally malignant character. It makes its regular appearance, but prevails frequently only in a mild type. In that form it is either not easily transmissible, or is unable to attach itself so tenaciously to things as when it comes in epidemic form. Two or three years may therefore elapse in which a quarantine becomes almost wholly useless in our southern ports, and commerce gladly avails itself of the excuse to demand entire exemption from the restrictions imposed by it. It is granted and no ill follows.

But, second, there is but little use for one place along the line to adopt stringent measures unless every other does, and at the same time. A sanitary line is like one in military operations, as strong only as its weakest point. It is almost wasted effort for one port to maintain rigid quarantine unless its neighbors do the same. And if but one neglect its share of the common duty, all that the others do is rendered null. Our sea-board cities are no longer, as at the formation of the Union, isolated points upon a long-stretched coast, having no populous country back of them; but, through railways and steamboats and the systems of through cars for freights and passengers, have intimate commercial relations with each other and the whole interior, and are practically within a few hours reach of them. It is simply disheartening to any place, after guarding itself in the best possible way from the entrance of disease by sea, to find its labor and money wasted because of laxity or ignorance at some other port, hundreds of miles off, in another State, utterly beyond its control, but with which there is more than daily communication by rail or boat.

Third. The same reason makes quarantine upon the southern coast by local authorities ineffectual, for want of uniformity in time. The best of protective measures have little value if adopted too late. But each port decides the question of time for itself, and as each desires to put off the adoption of quarantine to the last moment, and none desires to be ahead of its neighbor, lest trade be diverted from itself to that neighbor, it follows that there is always the one weak point described in my second reason, arising from the simple cause of tardiness.

Fourth. The question of local jealousy plays a prominent part in making effective local quarantine systems in the South impracticable. We have seen that fever does not assail us in the South every year although it constantly menaces us. The scourge is held in extreme dread by all classes, and by none more than those who dwell in the

interior. The mere rumor of the appearance of the disease at any place is sufficient to destroy utterly the trade of the suspected point. As matters stand, no place can proclaim quarantine without giving rise to the suspicion that some vessel has already brought cases of the infection into the port, and the instant effect is that not only do strangers avoid the town, but its own people take the alarm and abandon it. So certain is this to happen, and so much dread does it cause southern business men, that it leads to a concealment—short-sighted, if you please, but none the less the fact—of even the first cases of fever at the commencement of any outbreak. Consequently no port will be the first to proclaim a quarantine, for the reasons given, and each watches its neighbor to see what happens to it before acting. Where all strive to be last some one is sure to be too late; and through that point, as through the weak point in that Massachusetts dam, destruction pours in upon an entire section of country. That these are not imaginary consequences the official reports made by the medical staff of the Army, referred to in Report 392, bear abundant testimony. In 1873, Montgomery, in the heart of Alabama, was infected through Pensacola, on the coast of Florida; Memphis, in Tennessee, through New Orleans, hundreds of miles below, in the State of Louisiana; in this, simply repeating the history of a hundred years.

Fifth. The poverty of the Southern States will for a long time prevent their sustaining perpetually the burdens of an efficient quarantine. We have seen that years may go by without any visitation of yellow-fever. At any event it threatens us only during the summer. In winter, owing to the smallness of our general trade, and especially that of passenger movements, we are almost beyond apprehension of danger from any quarter during the colder months. The Supreme Court of the United States has sustained the injunction of Justice Bradley in the case of Morgan *vs.* Peete, arising out of the Galveston quarantine system, and declared similar charges levied upon vessels for the maintenance of the quarantine system unconstitutional as a tax on tonnage. The States and ports are therefore remitted to their own resources. As nearly all of them are practically bankrupt, the result will be that all measures will relapse until it becomes a matter of life and death with each inhabitant to do something, and that will be too late to protect the people at large in the country in communication with that port. I have information both from New Orleans and Galveston that such will be the result at those points. In the case of New Orleans my authority is the secretary of the chamber of commerce, Judge W. M. Burwell; in that of Galveston, the health officer in a letter to Representative WILLIE.

The reasons given for the inefficiency of the present local quarantine systems in the South are such as clearly to demonstrate that the remedy can be found only in a national system. Of the five, one only is based upon a purely local condition, that of poverty. A long line of coast, embracing largely identical climatic peculiarities, is yearly exposed to an exotic malady. It very clearly follows that for its protection measures uniform in method, uniform in time of operation, and, above all, founded upon exact knowledge of the sanitary status of the West India Islands and of Mexico, are needed. Uniformity in methods demands one set of devising brains. Uniformity of time requires an exercise of a power outside of and above the individual ports, prescribing the rules for the agents of the whole people, independent of local rivalry, local indifference, and local helplessness. Certainty of knowledge respecting the danger to be guarded against can only be had by the General Government through its foreign relations. The outside world knows nothing of individual States. It holds no intercourse with them, does not recognize them in any way. Were the States to appeal to it for aid in this matter by the communication of such information as would enable the local health authorities to act intelligently, they would undoubtedly be coldly remitted to the national agents as those alone through whom a State could be treated with. The General Government alone can secure for the States the information upon which they can act intelligently in sanitary matters.

Will any one admit the truth of these propositions and yet declare them to be of chiefly theoretical value? And if he admits their practical value, can he avoid giving his co-operation toward some measure or other looking to putting them into effect? What more terrible demonstration of the necessity of instant action can be had than that made by the experiences of the past summer, (1873.)

MONTGOMERY, ALABAMA.

Through inefficiency at Pensacola, in the State of Florida, Montgomery, in my own State of Alabama, nearly two hundred miles removed by rail, was visited again for the first time in *eighteen* years by the terror of the South. The city had been placed in best sanitary condition, under apprehension of an attack of cholera, which had approached with fearful force within a hundred miles, and which had been successfully warded off. What could our people know, however, of the silent entrance in another State, in a distant port, of the infected ship Golden Dream? Or if they did, by the exercise of what power could they have remedied the deficiencies of the quarantine there? Surgeon Sternberg, United States Army, in a report made to the Surgeon-General of the Army, (Executive Document No. 85, House of Representatives, Forty-Third Congress, first session,) says there was not a physician upon the board of health at Pensacola. The vessel was detained but not disinfected. The difficulty was that no one knew positively that she was infected, for no one knew the actual condition of Havana whence she had come.

As before stated, the existence of the first cases of the yellow-fever is almost invariably concealed in any southern place in which they occur, and it consequently happened that the disease was transplanted to Montgomery from Pensacola coeval with the public acknowledgment of its existence in the latter place. Montgomery had absolutely no warning, but was taken by the throat as it were, completely off its guard.

What were the results? Not eighteen hundred whites were left in the city out of over five thousand. The rest fled. All business came to a stand and the place was completely deserted. Out of the eighteen hundred whites remaining, between four and five hundred sickened with the fever and not less than one hundred died, including some of the most valuable and prominent citizens. My authority is Dr. R. F. Michel, a medical authority second to none in any State.

SHREVEPORT AND MEMPHIS.

Who has forgotten the harrowing tales that came to us from Shreveport and Memphis? Did not the whole country respond with generous hand to the appeals that were made by those sadly stricken towns? In the former place nearly every person sickened, and eight hundred died. In the latter the full details have never been fully given, and it seems as if the authorities had sought to forget the awful history instead of collating it. Fully two thousand persons must have died. And it is to be remembered that in this slaughter it is not the aged or the thriftless, or the diseased, but of the young and strong by preference, and of the best blood of the city.

So with Shreveport and Memphis, the fever came from New Orleans. (See annual report of the supervising surgeon of the marine hospital service for 1873.) It was brought into New Orleans by the bark Valparaiso, in July, from Havana, according to Dr. C. S. Russell, secretary of the board of health for that city. I might add it was brought into my own home, Mobile, from New Orleans also. It is an established fact (page 58, Senate Executive Document No. 9, Forty-second Congress, third session, report of Harvey A. Brown on yellow-fever) that, although the yellow-fever had long previously made frequent visits to New Orleans, it never passed up and attacked the towns that lie along the Mississippi until the introduction of steamboats on that river, and in 1873 a steamboat was the vehicle for transporting the germs of the fever both to Shreveport and Memphis. I doubt, however, whether the authorities of either place were aware that any such source of infection as the Valparaiso had slipped into New Orleans. Certainly the authorities of New Orleans, true to the practice of all our southern cities, never blazoned the fact abroad to destroy their trade by the alarm it would inevitably have caused.

Had there been a national system of quarantine, its officers, did they do nothing else, would have saved thousands of lives in 1873, at each of the inner places; perhaps have been instrumental in wholly preventing epidemics there, by timely notice to the whole country that there was danger and warning all to put their houses in order. We did the latter early at Mobile, being governed by experience and having officials who had the capacity to anticipate and guard, and we succeeded in almost completely beating back or stamping out such germs as managed to enter our lines; but even we were guided more by our apprehensions than by any positive knowledge of an actual danger. Our escape was narrow and the city suffered to the amount of thousands of dollars through the annihilation of business and the stampede of a large part of its people.

While asking for national action I can assure the House that we shall not in the South relax our efforts to guard ourselves by all means in our power. The law of self-preservation governs us as effectually as it does the world everywhere. Let a danger be clearly pointed out to us, and the constitutional tendency to protect himself must be first utterly rooted out of the temper of the southerner, before we shall sit tamely and idly waiting for others to defend us. No one need apprehend that we shall throw upon the national Government the entire burden of a quarantine. Our own lives and those of friends and kin are as dear to us as those of the people of the North and East to themselves. But we have seen all our best efforts to protect ourselves thwarted by want of powers which were surrendered by the people to the General Government. Without the aid of these powers we are utterly helpless, and we only ask such exercise of the common authority as shall lend us, as it were, the powers we as individual States stripped ourselves of for the sake of forming this Union.

We want, above all, the national Government through its foreign relations to advise us of the condition of the foreign ports with which we trade; that it advise us of the approaching danger; that it see to it that our gates are all shut at the same time; what is better, prevent the infected vessel from even coming up to the gate by forbidding the approach of such as are known to be dangerous; by fixing common places of rendezvous for all vessels coming from infected ports, no matter to what point on the coast they may be bound, thus concentrating all risk at one isolated spot instead of, as at present, allowing it at as many points as there are ports of entry. Finally, we want the national power to go out upon the high seas, and prescribe sanitary rules and regulations for the government of those controlling vessels. No individual State can do that.

Such, Mr. Speaker, is my plain statement of our grievances and our wants in the South and Southwest, and certainly it is a strong

one and our views of the remedy. It convinced your Committee on Commerce, and I am sure must convince every one who has not some private cause for resisting conviction.

Mr. Speaker, the bill proposed by the committee is simply an extension of the customs regulations. I now withdraw the motion to recommit the bill, and ask the previous question upon it, and if it shall be sustained I will then yield half of my time to the gentleman from New York, [Mr. COX.]

Mr. COX. After this tender of courtesy on the part of the gentleman from Alabama, I do not like to object to the call for the previous question; but I know that there are gentlemen here from the city of New York and from other coastwise cities who want to be heard upon this subject. I think that the House could well afford to allow some debate upon a matter that concerns the whole commerce of the United States. I do not wish to accept the gentleman's kindness at the expense of my constituents or of just legislation. I hope the House will vote down the previous question.

The previous question was seconded and the main question ordered.

Mr. BROMBERG. I understand that the gentleman from New York declines to take the floor under the arrangement I have suggested.

Mr. COX. I ask the gentleman from Alabama if he will accept an amendment to his bill, and if that amendment is acceptable to him I shall make no special objection to the bill. I ask that it be read at the Clerk's desk, and in explanation of it I will say this to the gentleman, that he has assured the House that this bill does not interfere with municipal, State, or local regulations in respect to health; that it is not the intention of the law to interfere with State regulations—long-established regulations. My amendment will meet that exactly, and with it I will vote for his bill. If he intends otherwise, then I shall ask the House to vote on my amendment.

Mr. BROMBERG. I will hear the amendment read. I understand the previous question has been ordered.

The SPEAKER. It has been; but it is in the power of the majority to reconsider the previous question and incorporate any amendment they desire.

The amendment was read; to strike out section 6 of the bill and insert the following:

That the provisions of this act shall not be so construed as to apply to the health regulations and quarantine measures maintained by States or municipalities; and such local systems and their appendages shall remain under the control of the respective local authorities.

Mr. BROMBERG. If the gentleman will withdraw his objection to the bill, I will accept that amendment.

Mr. COX. I will do so.

Mr. MYERS. I desire to ask the gentleman from Alabama [Mr. BROMBERG] what demand there has been for the passage of this bill? Has there been any complaint from New York, Philadelphia, or elsewhere of the present quarantine regulations?

Mr. CONGER. I ask that the sixth section of the bill which it is proposed to strike out be read.

The sixth section was read, as follows:

SEC. 6. That the provisions of this act shall not be so construed as to prevent the establishment and maintenance by States or municipalities of health regulations and quarantine measures, in addition to or furtherance of, and not conflicting with, the system constituted by this act; and such local system and its appendages shall remain under the control of the respective local authorities.

Mr. MYERS. I asked the gentleman from Alabama a question. If he expects us to vote for this bill (I will not vote for it myself) he should let us know what necessity there is for its passage.

Mr. BROMBERG. I have already explained the necessity for the bill. I accept the amendment of the gentleman from New York [Mr. COX] for the sixth section of the bill.

The amendment was agreed to.

Mr. MYERS. I see no necessity for the bill.

The question was taken upon ordering the bill, as amended, to be engrossed and read a third time; and upon a division there were—ayes 53, noes 23; no quorum voting.

Mr. CREAMER. I call for a further count.

Tellers were ordered; and Mr. BROMBERG and Mr. CREAMER were appointed.

The House again divided; and the tellers reported that there were ayes 96, noes not counted.

So the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question was on the passage of the bill.

Mr. COX. Mr. Speaker, I have no opportunity upon committees to aid in the maturing of legislation on matters vital to New York City, for I am on no such committee. But even when an inland member, I always felt an interest in commercial and urban affairs somewhat unusual to one born near fresh water. I have endeavored to be true to my promise, when last nominated for Congress. I promised to give more attention to business and less to mere politics than formerly. It is not my fault if I have not been as useful as I have been vigilant. The opportunity has not offered. I often think I see here a morbid legislative hostility against New York City which is not shown in ordinary business, commerce, or other relations of our American life and society. I feared that this bill was framed in this spirit. The acceptance by the gentleman from Alabama [Mr. BROMBERG] of my amendment relieves my apprehension somewhat.

While, therefore, I may not like the general tenor of this bill, I am willing, in the danger which I have observed in former contests on this bill, to save the admirable systems in Massachusetts, Pennsylvania, New York, and other States—to close the controversy.

This bill was framed originally, however, so as to challenge the attention of all our coast cities and all places in connection by rail or water. It originated in a joint resolution of Congress of June 6, 1872, requiring a report as to a more efficient system of quarantine for the Southern and Gulf ports. That report is before me, (Executive Document No. 9, Forty-second Congress, third session.) The inquiry was intended to be local. It grew out of the yellow-fever invasions, and as usual with such reports, the result, but for my amendment, would be a new Bureau or commission, overturning all the best legislative local guards of the past.

This report and the bill of the committee seems to be framed in the interests of health and commerce; but it is only seeming. On its face it appears a reasonable bill and well intended. The gentleman from Alabama has explained it in a gentle spirit. It was, however, liable to serious objections when introduced. These must excuse my persistent opposition during this session.

Section 9, in connection with the preceding section, originally, made it a felony for a quarantine officer to act under a State or local law if that law conflicts with this law; and this section brought up the whole question of local or Federal jurisdiction on health matters.

This question is not a new one to courts or to Congress. It has so repeatedly been passed on by the United States courts, that it seems strange to have it again brought up. In 9 Wheaton's Reports, (Gibbon *vs.* Ogden, page 18,) the opinion of Webster is found, that "quarantine laws * * * * may be considered as affecting commerce, yet they are in their nature health laws." The Attorney-General, Mr. Wirt, also said, (*idem.*, page 178:) "With regard to the quarantine laws and other regulations of police respecting the public health in the several States, they do not partake of the character of regulations of the commerce of the United States." Chief Justice Marshall delivered the opinion of the court. (*Idem.*, page 203.) In the matter of inspection laws, quarantine laws, &c., he says:

They form part of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government; all of which can be most advantageously exercised by the *States themselves*.

In the case of The City of New York *vs.* Miller, (2 Peter's Reports, page 133,) Justice Barbour cites this opinion, and includes it in the opinion of the court. Congress has recognized this principle in the law passed February 25, 1799. (Brightly's Digest, page 810.)

A remarkable feature of the original bill was that by it Congress empowers a board of three officers to make laws (section 3) on this subject, violations of which would be a misdemeanor subject to fine and imprisonment even if the offending person was carrying out a State law which violated the provisions of the Federal law made by this tribunal, and that, too, after the United States courts have decided that the power to make these laws is with the States. I do not care to discuss the question as to whether the power is concurrent or not. It is enough for me now that my amendment reserves all local rights.

Further, the powers granted in the original bill so unreservedly, were greater than ever granted to any quarantine board in this country. They were empowered (section 2) to establish and enforce such rules and regulations as they shall deem *necessary* to prevent the importation into the United States of infectious diseases. This, without specifying what are infectious diseases. At the port of New York, which has two-thirds of the commerce of the United States, the present quarantine system is the most perfect and least burdensome of any in the world. At that port quarantine is limited to four diseases, cholera, yellow-fever, small-pox, and ship-fever; yet this law till amended, gave the right to three men to make laws which would detain vessels having any contagious or infectious diseases, such as scarlet fever, measles, or, if they choose to stop them, ships having venereal disease or the itch; and the merchants owning these vessels would have no means of redress except to call on this tribunal, not responsible to any locality for their acts—living at Washington—to reconsider their oppressive laws and make other laws more liberal.

The case previously mentioned might have occurred on just this point: A State quarantine officer would have been guilty of misdemeanor and punished with a fine of $500 and two years' imprisonment for permitting a vessel under a United States law, with scarlatina, to proceed, should we give this Federal health board the right by this bill to make a law saying that they should be detained.

The principle of the bill was wrong. Even if the United States courts had not decided these quarantine questions to be local matters, common sense teaches that, of necessity, they are so. The quarantine regulations of Portland, from natural causes, are very different from those of New Orleans, and these again are different from those of San Francisco. New York, with her large commerce, and immense immigration, has an entirely different class of wants, and these are extensive and imperative, and such as only can be known to those who reside there. Yet this bill as originally proposed gave a board in Washington the power to make those local laws, with all their necessary details for each place; and these are to be considered good and valid if the President approves them. Besides giving this Bureau this great and fearful power, thus abdicating the legislative function, it ought to be made omniscient, in order to be competent to wield them. Its members should be secured long life, lest their succes-

sors might not be such good and able men. In that case they would abuse such power. When, therefore, I protested so often, with too much feeling and earnestness, perhaps, against the apparent wish of a majority, who seemed to desire this bill, I am justified now, to-day, by the adoption of the amendment which leaves the bill comparatively harmless. Am I not also justified in giving, after the transaction, the reasons for this opposition? I would have been derelict had I not protested against the delegation of power under that bill, because we could not and should not delegate it in derogation of local rights and interests. It is easy to create Bureaus, but every one knows it is next to impossible to discontinue them or to control them. I feared that this law would, unless restricted, prove the entering-wedge to Federal usurpation. If it should leave local interests intact, I shall not be sorry to see some relief given to the Southern States in their destitution and chaos.

New York has just completed in all its appointments a perfect quarantine establishment. It has no equal. It has cost nearly *two million dollars*. Nor will it be deemed unjust to those who know General Dix's appointee, Dr. Vanderpoel, to say that it is conducted on principles quite as liberal, and at the same time as much in compliance with recognized hygienic laws, as any which could emanate from Washington.

The Journal of Commerce, in a clear and sensible article, expresses better than I can the advantages of local laws for this purpose. In its issue of May 13, 1874, it says:

> There is no way to estimate the value of quarantine methods save by results. Theory in such things is worthless. The results of the existing systems, in force at the port of New York and other places, are highly satisfactory. Last year not a single case of yellow fever or cholera entered this city, although many vessels arrived in our waters with those diseases on board. The watchfulness and skill of Dr. Vanderpoel, it is claimed, held the terrible assailants at bay. And so at all the chief ports of the United States, the local laws administered by local officers successfully repelled infectious and contagious maladies. The quarantine cordon was so complete, that not a solitary case of yellow fever or cholera could be traced to importation. In no respect could the Federal Government surpass the efficiency of the State authorities; and the reason of this is not far to seek. The people of New York, like those of Pennsylvania, Louisiana, and every other State having large ports, have the greatest possible interest in excluding epidemics from their soil, and may be depended on to spare no pains or money to secure themselves against those visitants. The interest of the General Government in the matter is but secondary. With every respect for the professional talents of the three Washington doctors whom it is proposed to put in charge of the national quarantine system, we think we can more than match them with medical skill of our own, already familiar by long experience with the quarantine needs of New York. And on other grounds besides those of the public health the Government system would be objectionable. At present, every facility for the transaction of business, consistent with the general safety, is extended to merchants and shippers by the local quarantine officers. This could not be expected to continue under Federal management.

For the first time in twenty years all collisions between commercial and sanitary interests have been harmonized. I am glad that the interests of the great port of New York City, jeopardized by introducing this disturbing element, are not, in consequence of this amendment, to be affected by the passage of this amended bill.

Certainly the action of the General Government in relation to matters connected with the collection of revenue are not such as to inspire confidence. Would it be more fortunate in regulating matters pertaining to public health by farming out either the executive or legislative function in contravention to domestic institutions?

There must be accord of action between quarantine and local health boards. Is it reasonable to suppose this would be attained unless local boards are left free and independent? Quite the contrary.

Moreover, I warn gentlemen South and North, who left us so often in a minority on this bill, on the three several Monday two-thirds votes, that State independence and State rights, properly considered, were then and are always involved in these and similar measures. I have often expressed my surprise that the few who voted with me on the preliminary votes against this bill—in its obnoxious form—were not of the State-rights and strict-construction party. It was a marvel that at first only some thirty votes could be mustered against the original bill. With such votes and sentiments, where will be the limit to Federal interference? How impotent the decisions of the highest courts are to estop such reckless legislation? We hear much of the Slaughter-house cases, decided during the December term of 1872. They are quoted in vain; yet I presume to quote again and again, to remind you of what Mr. Justice Miller said, speaking of inspection laws passed by the States:

> They form a portion of that immense mass of legislation which controls everything within the territory of a State not surrendered to the General Government—all which can be most advantageously administered by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, &c., are component parts. No direct general power over these objects is granted to Congress; and consequently they remain subject to State legislation.

We should be thankful, therefore, in view of the reckless disregard of judicial opinion on questions as to the dividing line between State and Federal power, that the sixth section of this bill is stricken out, and the amendment proposed by myself leaves unmutilated and in full force every municipal and State regulation as to health and quarantine.

Mr. POTTER. I do not believe the House understands the effect of this bill. I would like to have the yeas and nays on its passage.

The yeas and nays were not ordered.

The bill was then passed.

Mr. BROMBERG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LAMAR. In accordance with the notice which I gave on yesterday I now propose to call up for consideration the report of the Committee on Elections in the contested-election case, from the State of Louisiana, of Sheridan *vs.* Pinchback.

Mr. HURLBUT. I suggest to the gentleman to give way to-day to the pending bill for the improvement of the mouth of the Mississippi River, and to take Monday after the morning hour.

The SPEAKER. Say Monday at one o'clock.

Mr. SMITH, of New York. If that can be done by unanimous consent I will not object.

No objection was made, and it was so ordered.

Mr. SMITH, of New York, moved to reconsider the order just made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. ELLA P. MURPHY.

Mr. GIDDINGS, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 3596) for the relief of Mrs. Ella P. Murphy, widow of Patrick Murphy, deceased; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY WARREN.

Mr. GIDDINGS, from the same committee, by unanimous consent, reported a bill (H. R. No. 3597) for the relief of Henry Warren for losses sustained by reason of the capture of wagon trains and other property by Indians in 1871; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HOT SPRINGS, ARKANSAS.

Mr. PARKER, of Missouri, by unanimous consent, submitted the following resolution, which was read, considered, and adopted:

> *Resolved*, That the Secretary of War be, and he is hereby, requested to inform the House what title the present occupants have to the lands upon which the mineral springs, known as the Hot Springs, in the State of Arkansas are situated; and also, if the title to said land is not in the United States; and if so, what legislation, if any, is necessary to enable the Government to take possession of the property.

DEFICIENCY APPROPRIATION BILL.

Mr. GARFIELD, from the Committee on Appropriations, submitted a report upon the amendments of the Senate to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873, and June 30, 1874, and for other purposes; which was ordered to be printed, and recommitted.

TAXATION OF SAVINGS-BANKS, ETC.

Mr. DAWES. The Senate has returned, with a single amendment, House bill No. 3574, explanatory of the act of June 20, 1864. The bill relates to savings institutions. I ask that the amendment of the Senate be concurred in.

The amendment was to insert after the word "dividends," in line 11, the words "on stock not exceeding at the rate of 8 per cent. per annum;" so that portion of the bill will read:

> *Provided*, That all the profits of such savings-banks, less the aforementioned dividends on stock not exceeding at the rate of 8 per cent. per annum, are divided among the depositors, &c.

No objection was made, and the amendment of the Senate was concurred in.

Mr. DAWES moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISBURSEMENTS FOR PUBLIC BUILDINGS.

Mr. STRAIT, by unanimous consent, reported from the Committee on Public Buildings and Grounds, a bill (H. R. No. 3598) defining the compensation to be allowed for the disbursements of moneys expended in the construction of public buildings; which was read a first and second time, recommitted to the Committee on Public Buildings and Grounds, and ordered to be printed.

LAND CLAIMS IN MISSOURI.

Mr. BUCKNER, by unanimous consent, reported from the Committee on Private Land Claims a bill (H. R. No. 3599) to confirm certain land claims in the State of Missouri; which was read a first and second time, ordered to be printed with the accompanying report, and recommitted, not to be brought back on a motion to reconsider.

ORDER OF BUSINESS.

Mr. SYPHER. I call for the regular order—the bill for the improvement of the mouth of the Mississippi River.

Mr. GARFIELD. There are two or three Senate amendments to the Military Academy bill. I hope the gentleman will allow them to be acted on now.

Mr. SYPHER. Very well; I yield for that purpose.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. MARSHALL. I am instructed by the Committee on Appropria

tions to report back the Senate amendments to the bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875. There are but two or three small amendments; and the committee recommend that they be concurred in.

The amendments were read, as follows:

On page 4, at the end of line 4, insert:
Provided, That the Secretary of War may assign one of the judge-advocates of the Army to be professor of law.
On page 5 strike out lines 6 and 7, as follows:
For renewing furniture for academic section-rooms and offices, $1,000.
On page 5 strike out in line 12 "15" and insert "20;" so that the clause will read:
For continuing the superstructure of the new hospital for cadets, $20,000.

Mr. HOLMAN. I wish to inquire what is the object of the first amendment?

Mr. MARSHALL. It is to authorize the assignment of a judge-advocate of the Army to be professor of law at the Military Academy. That duty is now discharged by the chaplain, upon whom there are other duties devolving: and it is believed that a judge-advocate of the Army would be a more suitable person. The proposition has been recommended by a member of the Board of Visitors of the academy; and in the judgment of all who are acquainted with the subject there is great propriety in the suggestion. It adds nothing, I believe, to the expenditures of the Government.

The amendments were concurred in.

Mr. MARSHALL moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

The House resumed the consideration of the bill (H. R. No. 3342) for the improvement of the mouth of the Mississippi River.

Mr. HURLBUT. In accordance with what I understand to be by usage my right as having charge of this bill on behalf of the committee, I yield the floor to the gentleman from Illinois, [Mr. HAWLEY.]

Mr. SYPHER. I believe I have the floor.

Mr. HAWLEY, of Illinois. Two or three days ago the arrangement was made that the gentleman from Kentucky, [Mr. ARTHUR,] a member of the committee, should yield his time to me.

The SPEAKER. Not for the purpose merely of correcting the mistake of the gentleman from Illinois, [Mr. HURLBUT.] but lest the case should grow into a precedent, the Chair will state that the gentleman from Illinois who reported this bill has the right to make the opening speech, and also the closing speech, but he has no control over the floor intermediately—none whatever.

Mr. HURLBUT. But the etiquette of the House has always been, as I understand, that members of the committee should be first heard.

The SPEAKER. Certainly; not however by direction of the chairman of the committee, but by direction of the Chair.

Mr. HAWLEY, of Illinois. I propose to occupy the floor in place of the gentleman from Kentucky, [Mr. ARTHUR,] a member of the committee.

The SPEAKER. The Chair has noticed a growing tendency on the part of gentlemen in charge of bills to say when not actually holding the floor that they yield to this or that member of the House. But such a practice is not in accordance with the rules.

Mr. HAWLEY, of Illinois. That is not the point that my colleague [Mr. HURLBUT] is making. He is proceeding on his knowledge of the fact that the gentleman from Kentucky gave his time to me.

The SPEAKER. The Chair understood that the gentleman from Tennessee [Mr. LEWIS] desired to address the House first this morning. The Chair looked for him on the intimation of the gentleman in charge of the bill; but he was not in his seat. The applications to address the House on this bill are so numerous that they cannot all be accommodated in hour speeches.

Mr. HAWLEY, of Illinois. But, Mr. Speaker, the point I make is this: it is the universally recognized right of the chairman of a committee to speak first; and in my experience here it has been the universal practice also for any member of a committee, not desiring himself to speak, to take the floor and yield it to some other gentleman.

The SPEAKER. The gentleman from Illinois does not state the case quite correctly. Suppose that a committee make a unanimous report, then the members of the committee speak alternately with gentlemen opposing the report.

Mr. HAWLEY, of Illinois. The gentleman of the committee [Mr. LEWIS] who was to speak now was to speak on the opposite side I believe to the gentleman from Kentucky, [Mr. ARTHUR.] I propose to speak in place of the gentleman from Kentucky in favor of the canal project as against the jetty system. This arrangement was made some days ago, and has been well understood among members of the committee.

Mr. SYPHER. The House knows nothing of that arrangement. I believe I have the floor.

The SPEAKER. The gentleman from Louisiana [Mr. SYPHER] now claiming the floor represents a district immediately interested in the question and introduced the bill on which the discussion takes place. He certainly by some right of courtesy has a peculiar claim to be heard.

Mr. HAWLEY, of Illinois. I presume he has; but I presume the members of the committee also have the right to be heard. I took means to be heard by obtaining the place which would have been occupied by the gentleman from Kentucky, a member of the committee. Had I not relied on obtaining the floor by this arrangement, I should have sought to be recognized by obtaining the eye of the Speaker.

The SPEAKER. The Chair wishes very much to accommodate the gentleman from Illinois and other gentlemen who desire the floor; but if the previous question is to be called at four o'clock, only four gentlemen, occupying an hour each, can speak upon the bill.

Mr. HAWLEY, of Illinois. But I submit to the Chair that if the member of the committee whose place I take were here he would be heard in preference to any one not a member of the committee.

The SPEAKER. Yes; the Chair thinks so. The gentleman from Illinois knows the custom which has grown up, not quite within the rule, but grown up in practice, the gentleman of the committee who does not desire to speak farms out his time to another gentleman.

Mr. HAWLEY, of Illinois. Is not that practice universal?

The SPEAKER. It is.

Mr. HAWLEY, of Illinois. All I ask is that the contrary shall not be enforced to my prejudice on this occasion.

The SPEAKER. The Chair submits to the House, if the arrangement the gentleman from Illinois now desires to have enforced be adopted, it will exclude the gentleman from Louisiana from addressing the House at all.

Mr. HAWLEY, of Illinois. I do not understand it so.

The SPEAKER. It will certainly be so.

Mr. SYPHER. If the gentleman had allowed me to proceed I would have been through before he gets done with this discussion.

The SPEAKER. The gentleman in charge of the bill desires to call the previous question at four o'clock.

Mr. STANARD. I did not know there had been any general agreement as to the time when the previous question is to be called.

Mr. CONGER. I took the usual precaution to have my name presented. I wish to speak in some order. I believe I have the next chance.

Mr. SYPHER. I desire to proceed.

The SPEAKER. The gentleman from Tennessee [Mr. LEWIS] says that each gentleman should speak for half an hour, and if that arrangement shall be entered into that will accommodate all conflicting claims for the floor.

Mr. SYPHER. I will try to get through in half an hour.

The SPEAKER. Then the gentleman is recognized for that time.

[Mr. SYPHER addressed the House. His remarks will appear in the Appendix.]

Mr. HAWLEY, or Illinois. Mr. Speaker, I regret exceedingly that in a matter of so much importance as this the friends of this measure are so much divided as to the proper mode to be adopted to improve the navigation of the Mississippi River at its mouth. I have no doubt that a very large majority of this House is in favor of adopting some method that will secure a speedy improvement of the mouth of that river, and that shall open it to the largest class of sea-going vessels. I am sure every gentleman living in the West, the Northwest, and the South, or near any of the rivers tributary to the Mississippi, will appreciate the importance of Congress proceeding at once to adopt and carry out some plan that will secure the object we all so much desire.

I think I may say that the project of improving the mouth of the Mississippi River by means of jetties is a new one in Congress. So far as I know it is a proposition presented for the first time at rather a late day in the present session of this Congress. I think I may say further that had not that proposition been advanced, before this time a bill would have been passed by both Houses and become a law, providing for the construction of a canal for the purpose desired.

I am one of those, Mr. Speaker, who believe that the only proper method, the only safe one to be adopted to improve the mouth of the Mississippi River is by the construction of a canal. In view of all the evidence which has been presented to my mind, I cannot doubt for a moment that the plan of improvement by means of a canal is entirely practicable. In 1871 Congress authorized and directed surveys to be made for the purpose of ascertaining whether or not it was feasible to construct a canal for the improvement of the mouth of the Mississippi. Those surveys were made by Captain Howell, a distinguished and able engineer of the Government. After the survey was made the Secretary of War instituted a board of engineer officers for the purpose of canvassing that proposition, of examining the survey, and reporting to Congress as to the feasibility of the proposed plan. That board consisted of seven officers, who have been for a life-time trained in their profession, men well known to the country, and in whom the Government and the people have great confidence.

The board unanimously report that the canal is a feasible project, that it can be constructed at a reasonable cost, and that when constructed it will answer the purposes of commerce in all the future. That report is plain and unequivocal, and it seems to me such as ought to satisfy any gentleman who is simply seeking for the truth; it ought to satisfy every one who is simply seeking to find the most feasible and the most certain method of improving the mouth of the river. It is true that one of those engineers says that he believes the jetty plan may succeed. At the same time, however, he concedes that the canal is perfectly feasible and practicable. I desire for a moment to call attention to the language of this board in their report to

the Chief of Engineers. When speaking of the canal and its practicability they say:

The conclusions formed by the board may be briefly stated as follows, namely: From the facts and data presented in official reports and otherwise, from the experience gained on works of the same character, and the many improvements made in the practice of hydraulic engineering within the last twenty-five years, but, more particularly and pertinently, from the character of the borings made by Captain Howell upon the Fort Saint Philip Peninsula, across which the proposed canal is to run, the board is of the opinion that no extraordinary engineering difficulties in the construction and maintenance of the canal need be apprehended.

In that report the board unite in saying that there is no serious engineering difficulty to be met. The land through which the canal is to be constructed is of a sufficiently substantial character to warrant the construction by the Government of the canal for the purpose of securing the object desired. So far as I know, no engineer, either Government engineer or civil engineer, has reported that the canal may not be a success. I take it then as settled that the canal is a feasible and safe proposition; that the Government may undertake it with safety; that it may be constructed within a few years, and that when constructed it will accomplish all the results desired for the purposes of navigation.

It also appears that the expense of the canal will not be such as ought to deter Congress from undertaking its construction. It is no greater than might be anticipated of such a great work. It is a great undertaking, whether we undertake to improve by jetties or by the construction of a canal. It seems to me that Congress can with greater safety rely upon the opinions of engineers in the service of the Government than it can upon opinions of gentlemen outside of and not at all interested in the success of the Government, but rather in their own pecuniary success.

The engineers who have made these surveys, under the direction and by the authority of the Government, have no interest whatever in misleading either Congress or the people. They have simply a sworn duty to perform to the Government. It is their duty to make these surveys, and upon them to make the estimates which in their judgment are proper for the purpose of accomplishing the work desired; when that duty is performed their work is ended. So that they have no motive whatever to mislead Congress; and I am sure, Mr. Speaker, that the history of the Engineer Department and of the War Department in the past has been such that Congress may with confidence rely upon their opinions and their estimates. I know of no great work which they have ever undertaken which has failed. I know of no great work which they have ever undertaken which has been insufficiently done. I know members of this House and the people of the country will bear me out in the statement that the officers of this Department have uniformly shown skill, sagacity, and competency for the duties with which they have been respectively charged.

Now, Mr. Speaker, in opposition to the plan it is proposed to improve the mouth of the Mississippi River by jetties. It is proposed to so confine the waters of that great river within a narrower space that the bar which has been formed at the mouth of the river shall be carried out into greater depths, or into some imaginary current which is supposed to exist in the Gulf, and thus be carried away as some say even to the far-off Atlantic coast. This proposition is maintained by Captain Eads, a noted engineer. I have nothing to say against him. It appears from all the testimony which I can gather that Captain Eads, while he is a great engineer, is not at all familiar with this subject of the currents and what is necessary for improving the mouth of the Mississippi River. These gentlemen engaged in the Engineer Department of the Government of the United States are men who have not only been trained to their profession, but many of them have spent long years in the service of the Government, and have been largely engaged in making soundings and surveys about the mouth of the river and in the Gulf of Mexico. Chief of these I name General Humphreys himself, a man unsurpassed certainly as an engineer—a man who has risen through all the grades of his department until he has come to be Chief of the Engineer Department of the Goverment—a man who has won his place by service and by merit, and who many years ago spent years with his assistants in making necessary surveys and soundings at the mouth of the Mississippi River.

Now, General Humphreys is of opinion that the project of improving the mouth of the Mississippi River by jetties is not at all feasible or practicable. General Humphreys says that that upon which Captain Eads and his friends depend for the success of their enterprise, the existence of a littoral current at the mouth of the Mississippi, is wholly unknown. He states in a report which he made to Congress at this session that there is no littoral current whatever at the mouth of the river, and in this opinion he is sustained by the whole board unless we except General Barnard.

Captain Eads and his friends concede that unless it can be established that there is a littoral current, or a cross current, or a shore current, or whatever you please to call it, at the mouth of the river, the improvement by means of jetties cannot and will not succeed. Captain Eads says that this current exists; some of his friends say that it exists; but every officer of the Engineer Department, so far as I have been able to discover by careful examination, except General Barnard, says it does not exist. Now, Mr. Speaker, it seems to me that it cannot be an open question whether or not such a littoral current does exist. If it is to be found there in sufficient strength either near to or far from the mouth of the river, the fact can be readily ascertained by surveys and soundings. Sir, I submit in all candor to every gentleman on this floor that if this littoral current exists or ever has existed in the Gulf of Mexico, how does it happen that for hundreds of years the mouth of that river has been gradually carried out into the Gulf? If that littoral current existed in the Gulf of Mexico as it is claimed to exist, it would long ago have cleared the mouth of the Mississippi, and the bar never could have formed at the mouth of the river.

It is said that at the mouth of the Danube jetties have been constructed and the work has been a success; but, sir, the fact is as well known as that jetties have been constructed, that there is a strong littoral current at the mouth of the Danube where the jetties are placed. No man denies it; Captain Eads admits it; and it is because such a current does exist that jetties have proved a success. I would like to have any gentleman who may follow me in this debate tell me why it is that if a littoral current is to be found in the Gulf of Mexico at the mouth of the Mississippi, it does not to-day, or has not in centuries past, cleared the bar away?

The gentleman from Missouri, [Mr. WELLS,] who addressed the House last night, stated that deep water is now found at a distance much nearer the bar than it was found years ago; yet General Humphreys states in his report to Congress that the water is now much more shallow from the bar seaward than it was in 1838, when the former accurate survey was made. For the purpose of calling the attention of the House especially to this matter, I wish to read a short paragraph from General Humphreys's report upon this subject:

He says:

Upon examining the map of the recent soundings of Captain Howell, we find that at the crest of the present bar of the Southwest Pass there was in 1838 a depth of one hundred and twenty-five feet. We also find that where in 1838, at the distance of thirteen thousand feet seaward of the bar, there was a depth of one hundred and forty-five feet, there is now only a depth of forty-five feet, (this point where the depth is only forty-five feet being three thousand feet seaward of the crest of the bar.)

I call upon every gentleman in this House to notice that at the time the accurate survey was made in 1838, at a point where the water was then one hundred and forty-five feet deep, it is now but forty-five feet.

Where, then, I ask is this littoral current that is to carry the sediment from the great river around the Atlantic coast, as is stated by Captain Eads it may be carried when his jetties are completed?

I read further from the same report:

We find, further, that this bar is now being extended annually into the Gulf in water not so deep as the bar was advancing in in 1838. We find, also, that from the crest of the present bar to a depth of one hundred feet the distance is now eight thousand feet; whereas in 1838 from the crest of the bar to one hundred feet depth the distance was forty-seven hundred feet; and we find, further, that from this point, where there is now one hundred feet depth outward for the distance of some eight or ten miles, the deposit made on the bottom of the Gulf between 1838 and 1873 is between sixty and seventy feet thick, or at about the rate of two feet per year.

He says further:

The opinion has been expressed by some engineers, in discussing the question of the application of the jetty system to the entrance of the Mississippi River, that the earthy matter of the bar and the earthy matter held in suspension will be pushed out by the jetties so far that a littoral current, which is supposed by them to exist outside the bar, will carry this earthy matter away from the approach to the entrance.

They seem either to forget or not to know that the greater part of the earthy matter held in suspension, which is brought to the crest of the bars, is deposited between the crest and points from five to ten miles directly seaward of them and in the direction of the mid-line of the pass prolonged, which direction the current of the river maintains after it passes over the crest of the bar.

Now, Mr. Speaker, it will be observed General Humphreys says the water, when carried out from the jetties or by the natural outlet as it now exists, is carried directly forward far into the Gulf, and as he states in another place, carried from twenty to twenty-seven miles directly seaward before it comes to rest. If this littoral current is to be found, how is it the water, when it passes from the river into the Gulf, is carried directly seaward?

Further, as to this littoral current, he says:

In the case of the mouths of the Mississippi River, even at the mouth of the smallest pass, the quantity of both kinds of deposit matter is enormous, and there is no littoral current to carry the suspended matter away. Even if there were at the mouths of the Mississippi a littoral current of the force of that existing at the Soolina mouth of the Danube, (the most careful observations have, however, failed to detect the existence of any at all,) it would be utterly impotent to cause any material modification of the bar formations.

I wish also to call attention to the fact that it is abundantly established by the engineers who made the surveys at this point that there is not more than a foot more depth of water on the bar at the mouth of the Mississippi River at high water than at low water, showing that the sediment carried is so great at high water notwithstanding the accelerated speed of the current the river is not able to carry it away.

Now, the friends of the jetty system say that the increased current caused by the construction of the jetties would carry the sediment so far out to sea that it would be lost in the flood of waters. Yet, sir, here is a standing fact that in high water, when the river is at its flood, there is but a foot more of depth on the bar than at extreme low water. That is stated, I believe, by all the engineers of the Government who have had experience in making these surveys and soundings at the mouth of the river.

I desire to call especial attention to another fact, and that is this: why the Mississippi River at its flood, when its water is carried so

far out to sea, does not carry the bar farther seaward. The reason is this: when the water of the river goes out to the Gulf it comes in contact with the salt water, and the salt water, being of greater specific gravity, is moved but little if at all by the action of the fresh water coming in contact with it, because the fresh water of the river passes over the salt water of the Gulf. That is why the bar is not removed farther from the mouth of the river. It is not that there is not rapidity of current when it comes to the Gulf, but the fresh water meets the salt water as it is borne out to sea and passes over it. That which creates the great obstruction at the mouth of the river and causes the bar is the heavy material which is rolled along the bottom of the river. The coarse material of the river which the river in its course is not able to hold in suspension when it comes to the salt water is stopped and not carried farther to sea, and cannot be to any considerable extent by any process you may adopt. All the reports on this subject show that to be true. It must be clear to the mind of every one that the river to any considerable extent, after it leaves the channel within which it may be confined, cannot carry with it beyond the salt water the heavy material which is rolled along the bed of the river and which forms the bar.

I wish to call attention to a paragraph in the report of General Humphreys, in speaking of the difficulties of removing the bar. He says:

> The second is the ascertained fact that, where the fresh-water current of the river meets the salt water of the Gulf, the fresh water rises upon it, and creates a dead angle of salt water on the seaward side of the bar; and when the earthy matter pushed along the bottom of the river arrives at this point, the fresh water having risen from it, there is no longer any pushing force to keep the earthy matter in motion. It remains in the still salt water, forming an accretion to the bar. Its upper surface lies along the slope, on which the fresh water moves upward upon the salt water, which repeated measurements upon the bar of the Southwest Pass prove to be (on that bar) a slope of one foot in a thousand. It can make no difference whether the river current be moving at the rate of four feet, three feet, or two feet per second, when it reaches the point where it rises on the salt water, the matter pushed along the bottom will come to rest in the still salt water substantially at the same point.

Showing clearly as he does by his report the reason why this bar is not carried farther seaward. Now, the theory upon which these gentlemen go to explain the jetty system is, that by extending the jetties out into the Gulf they will carry the bar so far that it will be carried into deeper water where it will not be in the way or be felt, but will strike a littoral current which will carry it round the coast of the Atlantic. On that point I call the attention of the House to a remark in a pamphlet by Captain Eads which has been placed before the House. He says:

> The Gulf Stream sweeps around the Gulf, entering by the Carribbean Sea, and emerging with great velocity by the Florida capes, follows the North American coast to Newfoundland. It passes not far south of the mouths of the Mississippi, and it is not impossible that, with an accelerated current from the passes, after completing the jetties, it may distribute the mud of Missouri and Illinois on the coast of the Carolinas and New England.

Now I hope that no New England gentlemen will go for this bill upon the supposition that they are going to get all the deposits from the Mississisppi, the Missouri, and the Ohio Rivers carried round so as to be placed on the poor lands of the East as a fertilizer. I think they will be disappointed if they do. For my own part, I should be very glad if that could be done. We can very well dispense with it, and it would certainly be a great advantage to New England.

The gentleman from Missouri [Mr. WELLS] in his speech last night said, in discussing this question, that a large part of the wash of the river is already carried to the shores of Newfoundland and even to Ireland. It is odd, Mr. Speaker, that if the mud that has been carried from the mouth of the Mississippi has been carried as far as Ireland there should be now so much of it that we cannot get rid of it by any process known to science.

I now desire to call attention briefly to what is said by the engineers who made the surveys to which I have referred, and the reasons why, as they say, the jetty system can never be made successful. They say:

> This yearly progress of the bar demands a corresponding extension of the jetties into deep water opposed to the severe storms of the Gulf, and consequently of great cost.
>
> The difficulties at the mouth of the Mississippi, so far as concerns the improvement by jetties, resolve themselves into three sources:
>
> 1. The absence of a littoral current.
> 2. The yielding nature of the banks and shoals.
> 3. The abundance of deposits.
>
> The first and third combine in the yearly and rapid extension of the bar, and compel the works of improvement to continue at a heavy annual cost until their entire abandonment.
>
> The second makes their construction difficult and their maintenance improbable, unless deeply founded at a very heavy expense.
>
> All the principal objections to the improvement of Pass à Loutre necessarily apply to the Southwest Pass.

I will now read a paragraph from the report of General Humphreys on the same point.

Mr. GLOVER Will the gentleman allow me to ask him a question?

Mr. HAWLEY, of Illinois. Certainly.

Mr. GLOVER. Do I understand the gentleman correctly as saying that the board of engineers say that the jetties are impracticable?

Mr. HAWLEY, of Illinois. I do say so. They say that they cannot be constructed. I read to that effect from the report of the engineers——

Mr. GLOVER. There is here a letter from General Humphreys which has been laid upon our desks within the last ten minutes, in which he says they can be constructed.

Mr. HAWLEY, of Illinois. I was about to refer to the opinion of General Humphreys. I have read the opinion of the board of engineers, and they give the reasons why the work cannot be done, why it is not practicable to do it in that way; and they say in another place that this is because they must be continually extended. I was about to call attention when interrupted to what General Humphreys says on this point. I read from the report which I have already cited the language of General Humphreys, as follows:

> The conclusion is inevitable: the jetties must be extended annually at the same rate that the bar is advancing if we intend to maintain permanently the same depth upon the bar.
>
> If the depth to be maintained is twenty-seven feet at low water or twenty-eight feet at high water, it will be found by a similar process that the annual advance will not be less than one thousand two hundred feet.

We have thus the opinion of General Humphreys and the opinion of the whole Corps of Engineers except General Barnard that this system is impracticable, General Humphreys saying that they must be extended at the rate of twelve hundred feet per year.

Before my time expires there is one other point to which I desire to call attention. The proposition now before Congress is presented in a most inviting form. It is said that unless Captain Eads succeeds he receives no pay. I have no doubt from all the attention I have given to the subject he may succeed for three, four, five, or perhaps six or seven years. But I think I can demonstrate why he cannot succeed ultimately. We have in consequence of the bar only from fourteen to sixteen feet of water. By constructing his jetties far enough he may drive the bar into deeper water. But when the time comes which must necessarily be in a few years, when the bar again comes near the surface, from that time forward it would be necessary again to extend the jetties in order to drive the bar seaward. General Humphreys demonstrates this. Captain Eads, therefore, may get perhaps four or six million dollars and may succeed for four, five, six, or seven years, but when failure comes it is complete; and then the jetties will have to be extended annually, as is shown by General Humphreys. This seems to me certain.

[Here the hammer fell.]

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 273) to reduce the area of the military reservation of Fort Sanders, and providing for the survey of said reservation as reduced;

An act (H. R. No. 955) for the relief of J. L. Tedrow, of Clarke County, Iowa;

An act (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes;

An act (H. R. No. 1297) for the relief of Thomas T. Crittenden, of Missouri; and

An act (H. R. No. 1936) for the relief of Dewight Desilva, of Deposit, New York.

IMPROVEMENT OF MOUTH OF THE MISSISSIPPI.

The House resumed the consideration of the bill in relation to the improvement of the mouth of the Mississippi River.

[Mr. LEWIS addressed the House. His remarks will appear in the Appendix.]

Mr. SHELDON. I am greatly surprised when the gentleman from Tennessee [Mr. LEWIS] denounced the Army engineers he should quote General Barnard, the oldest and in consequence of his age the feeblest in the service and who is therefore assigned to no active duty. I agree with the gentleman in the importance of an open mouth, but he utterly fails to show how that can be secured. If I can get the ear of the gentleman I think I will be able to convince him his idea is entirely utopian.

Mr. DAWES. Before the gentleman proceeds further I would like to call his attention to a remark he has just made in reference to General Barnard, who he says is the oldest and therefore the feeblest of these engineers.

Mr. SHELDON. I said in consequence of his age.

Mr. DAWES. The gentleman said he was the oldest and therefore the feeblest, so feeble that he is relieved from all duty.

Mr. SHELDON. I said active duty; and that is the fact.

Mr. DAWES. General Barnard has the misfortune to have a defect in his hearing. I do not conceive that that would disable him from the discharge of any duty of this kind. I wish to do justice to General Barnard, for he is a constituent of mine, and a native of my own county. He stands among the very first——

Mr. SHELDON. I do not consent that this shall come out of my time, which is limited. I do not intend to do General Barnard any injustice.

Mr. DAWES. I would leave it exactly in that way. It does not do to whistle a man down the wind and allow nothing to be said in his behalf.

Mr. SHELDON. What I said was simply because of his age.

Mr. DAWES. I suppose he is about the age of the gentleman from Louisiana [Mr. SHELDON] himself. He is probably between the age of that gentleman and my own. I remember him when he was a boy.

Mr. SHELDON. I was saying, and if I can get the hearing of the

gentleman from Tennessee I think I shall be able to convince him that his idea of an open mouth is utterly utopian. The very question at issue is, can there be such a thing as an open mouth? It involves most important engineering principles. I solicit the attention of the gentleman to what I am about to say, and I ask if he can dispute it?

Mr. Speaker, the subject under consideration is not an ordinary one. The beneficial effect of so improving the outlet to the sea by the way of the Mississippi River as to adequately supply the demands of commerce will be so great and wide-spread that the project must be regarded as more completely national in its character than any similar one ever before Congress. It should command a thorough study from every gentleman on this floor, not merely because it is important, but it involves principles of engineering concerning which we cannot afford to be mistaken. Members of Congress are not usually engineers, and in order to act intelligently upon this question considerable investigation is required, or they must act upon the views of those belonging to that profession as a matter of faith. The great interest of my constituents in this improvement has compelled me to give study to the subject, and because I have done so, though not an engineer, I shall risk the appearance of impudence by asking the House to listen to and weigh the argument I propose to make. And let me assure gentlemen that, although I come to the investigation of this subject with the strongest desire to see this improvement made, yet I have been and am without the slightest proclivity as to the mode of its accomplishment, provided the work shall be ample and permanent.

The first question which arises is, shall we undertake this improvement? Are the interests to be promoted of sufficient magnitude to justify the necessary expenditure? If upon this point the decision is in the negative the discussion of methods is unnecessary. It would seem that the country had been educated enough through the agencies of chambers of commerce, boards of trade, and commercial conventions, to leave no doubt as to the propriety and necessity of this improvement, but in these times of exacerbated economy everything relating to the expenditure of money is uncertain even for the most meritorious measure, and I am induced to present the reasons why this work should be undertaken, because its transcendent importance, when considered, must overcome the indisposition to expend the public funds.

It has been often said that transportation is the most important question of the day. The whole people are considering the subject with an intense feeling. Every man is affected by the cost of carrying, whether he be producer or consumer. The people on the Atlantic coast are fed and supplied with raw materials to a considerable extent from the Mississippi valley, and in turn commodities manufactured in the East or imported from foreign countries are conveyed to the interior for consumption. The North and the South mutually supply one to the other many articles of necessity or luxury. Domestic commerce in its extent and ramifications should be the subject for a book rather than of a speech. But general facts may be stated to show the outlines of this trade.

The Mississippi River and tributaries contain sixteen thousand miles of navigable water, entering into eighteen States and several Territories, and drain a domain of nearly a million square miles. The population inhabiting this region approximates twenty millions, nearly one-half the numerical strength of the nation. It is probable that at this time the production of wheat, corn, rye, oats, buckwheat, barley, and potatoes equals fifteen hundred million bushels, two-thirds of which is sufficient to supply consumption in this section. The markets of the country are supplied from the Mississippi Valley with fully one and one-half million cattle, two million sheep, and five million hogs. The surplus of food products alone cannot be less than $1,000,000,000 in value, which must find eastern and foreign markets or be wasted at home. More than one-half the cotton is produced here, and for want of local manufactures must be transported to the East or to Europe, to be wrought into fabrics and in part retransported for consumption. Population and production are more rapidly on the increase in the Mississippi Valley than elsewhere, and the more trade develops the more grievous will become the charges for transportation.

It is no wonder that the present and prospective burdens imposed for carrying products to market have caused the formation of a party powerful in numbers and earnest in purpose, who make relief from them the cardinal principle of their platform. The greatest strength of this party is in the Mississippi Valley, because there the burden is most felt. Agriculturists more sensibly feel this grievance from the bulky nature of their productions and the small profits of their business. Besides, the capital invested in railroads is largely owned in the East, and the profits in the main inure to the people of that section. As railroads furnish the chief means for commercial intercourse, it is quite natural that attention should first be turned to them, and that the plan of reducing freight charges by legal means should be resorted to as an initial and practical measure.

In obedience to a resistless popular sentiment, this branch of Congress consumed many days in the discussion of a bill to regulate railroad transportation. Although it passed this body, it cannot be denied that in the opinion of many men grave constitutional questions were involved, and still more serious doubts as to the practical benefit which would result from it or any similar measure. Under the Constitution it is clear that navigable waters within the limits of the United States are under the control of Congress, while it is not controverted that each of the thirty-seven States in their own way and manner may charter and control railroads within their respective limits and so far as relates to the inhabitants of such State. If Congress can exercise any control it must be limited and inadequate.

Competition is the best regulator of prices. Experience has shown that as a rule competition among railroad companies ends in combination. The track and rolling-stock are private property; none but the owner can use or control them. Nobody will assert that the Government of the nation or of the State, or both together, can deprive the owner of the occupation of his property and throw it open to the public use. The subject of cheapening transportation by railway through the power of legislation is surrounded with legal and practical difficulties. If the charges of carrying upon a public highway are unacceptable, the dissatisfied may put on his own team and lessen the cost by his own competition. The rivers and the lakes are the common roadways of the people, open to receive the vehicle of any one. Then competition may be effectual. Upon them there can be no monopoly, no exclusive right. Moreover, the river and lake are given to the people free of the cost of construction, and almost expenseless in repair and maintenance, while the building and preservation of railroads cost large sums of money, and they must be managed to pay expenses and a reasonable profit upon the capital invested. Enough has been said to make it apparent that the true method of cheapening the cost of transportation is to improve water lines wherever practicable and throw them into competition with land lines. Public attention is already turned to this subject, and thoughtful men believe that the adoption of this policy cannot be long postponed.

The physical characteristics of the country invite the adoption of this policy. Nature seems to have been mindful of the wants of the interior. Little of this great section lies remote from some navigable water-channel, or one which can be made navigable at a small expense as compared with the benefits which will result. The channels through which the water of the interior finds its way to the sea indicate the routes of transportation. The extreme northern portion of the Mississippi Valley has its chain of lakes, and a little canalization will enable ships to reach the Atlantic coast without change of cargo. The Canadian government have utilized these advantages more than we have, and there is great danger that by the execution of further designs the commerce of much of the Northwest will pass through foreign waters and pay tribute to foreign people. It will cost little time and money to connect the lakes with the Hudson River, which would give us all the profits of this trade, and it can be conducted more cheaply and expeditiously than through the waters of the British dominion.

The James and the Kanawha Rivers are separated by but a narrow space, and the same is true of the Tennessee and the rivers of Georgia. A little artificial aid will create water-channels in these directions, and their utilization must soon become necessary to accommodate increasing population and production in their vicinity.

While all these lines are of great value to large and productive sections, there is another channel whose improvement to the extent of supplying every demand of commerce will cause the expenditure of less time and money than any other, and will benefit the whole population from the Rocky Mountains to the Atlantic Sea. It is never closed by ice, and when the mouth of the Mississippi River is made navigable for the largest ships, the Mississippi Valley will be accessible to all nations and all ports of our own, and the trade of our interior cities may be direct with all the world.

The cereal producers of the West are most vitally interested in this improvement, because it opens a direct route to the peoples who do not produce breadstuffs, and who ought to and soon must obtain their supplies in this country. We must rely upon Mexico, the West India Islands, and the northern states of South America to consume our surplus. This cannot become the channel of exportation for the West without acquiring the control of larger importations to supply the people of the eighteen States into which its navigable waters extend. This route will furnish competition to the railway lines the whole of the year from Cairo southward, and for eight or nine months even as far up as Cincinnati on the Ohio, and Keokuk on the Mississippi, while the lake channel is closed by ice for five out of the twelve months.

It is important to inquire whether transportation by this line is or will be cheaper than by railways, and will it pay the expense of opening and keeping open. No plan of improvement contemplates the expenditure of more than $10,000,000 to complete, and the one which I favor will cost much less to maintain, as I shall hereafter show, than to continue the ineffectual process of dredging now practiced.

It is estimated that the Atlantic States buy of the West thirty million bushels of wheat and eighty million bushels corn annually for consumption, and our export of breadstuffs averages about $75,000,000 per annum, the bulk of this being raised in the West. It is safe to say that there is transported from the Mississippi Valley to the East for exportation or domestic consumption not less than one hundred and fifty million bushels of food products each year. From five leading points in the West to New York the cost of transporting a bushel of corn, wheat, or oats by rail is forty cents, more than twice the average cost of production. At the present time, with all the delays and perplexities caused by the obstruction at the mouth of the Mississippi

River, the cost of carrying from the same points to New York is twenty-four cents, or a difference of sixteen cents. On one hundred million bushels of grain sent by rail to the sea-board the saving annually would be $6,000,000, more than the expense of the improvement contemplated. The present depth of water on the bar will not pass a ship carrying more than forty thousand bushels, while with a depth of twenty-three feet there may be carried from seventy-five to ninety thousand bushels, and this increase of load will justify the belief that the price of freight could be reduced. The facts stated will enable us to make some estimate of the whole saving which would result from this improvement. And the saving will inure to the benefit of consumer and producer, and will be enhanced in the same ratio that population and production increase.

It has been a question of some doubt whether wheat and corn can be carried by the way of the river and Gulf in warm weather to foreign countries without damage. Without the presence of dampness, heat of atmosphere does not damage these grains. If damp and confined, injury will result in any climate and at any season. The experience of the farmer shows that his corn keeps as well in summer as in winter with the same care. But the solution of this question is not left to argument. That it can be carried with safety has been demonstrated by thorough and continued experience. It is shown that corn shipped from New Orleans to any foreign port reaches the point of destination in just as good condition as from any port in the United States. Grain is shipped from Europe to Brazil and other warm countries at all seasons, traversing the torrid zone, and no complaint of damage is made caused by warm weather. The grain merchants of Saint Louis are particularly satisfied upon this point, as is shown by their efforts to establish steamship lines to the countries south of us.

The people of this country begin to feel some solicitude on the subject of adverse balances of trade to be paid in coin. It is seen that the desire to resume specie payment cannot be gratified unless some steps are taken to retain the coin productions in the country until the quantity will enable us to resume naturally and easily. Hence there is a growing disposition to do something to increase exportation. We export all the cotton and petroleum we can spare. It at once occurs to a thoughtful man that our facilities for producing breadstuffs should cause us to endeavor to increase their exportation. This we cannot successfully do unless the cost of transportation to the sea-board is cheapened. The development of water lines is the only means by which it can be accomplished; and the improvement of the mouth of the Mississippi River will put us in the most direct communication with the people who will be most likely to demand our surplus.

Since 1824 the Government has expended more than $40,000,000 for the improvement of rivers and harbors, and three-fourths of it east of the Apalachian Mountains. Considerable liberality has been displayed toward the northern lakes. I do not find fault with this, for these expenditures were useful, and it is proper that attention should be given first to the localities settled and developed earliest. The people of the South and West do not wish other sections neglected, but they do think when they present the greatest and least expensive work, as regards the interests involved, ever placed before the American Congress, it should not be postponed for others, but should be preferred rather, inasmuch as other sections have had their full share, and at a time when it would most encourage development. We want this now. We most need it now. For the money expended in this enterprise we will return a hundred fold to the Treasury; we will return to the people of the East more than they lose by taxation in the reduced price at which we will sell them our products. My constituents are vitally interested; but I do not ask this work for them, not alone for the great Northwest, but for the entire nation; for every man, woman, and child will be benefited.

The importance of this subject must be too well understood and appreciated to need extended argument or presentation of facts. Hoping and believing that it is the purpose of Congress to do this work in some way, I shall address myself to the plans suggested.

It need not be said that the generation which preceded us saw this subject looming up in all its present prominence, and took steps to understand the laws which govern bar formations and the means to obviate them. The practical result thus far has been to apply dredging mainly because of its inexpensive character, and as an experiment until some other plan could be devised. It is now conceded that dredging can never procure more than eighteen to twenty feet of water, and that not continuously, when commerce demands twenty-seven feet permanently. So that we are now driven to content ourselves with an inadequate and uncertain channel, at a considerable annual expense, or adopt some other plan which will give an ample and certain channel, even though abstractly the cost may seem something of a burden. Two plans have been presented to Congress—one by means of jetties to remove, the other by means of a canal to flank, the bar.

Before entering directly upon a discussion of the merits of the two plans it is well to describe the character of the obstruction to be removed or flanked. It is believed by some that the mouth of the Mississippi River was at one time as high up as the point of confluence with the Ohio, and that it has pushed the bar to the present location, filling up the vast alluvial regions bordering on either side. However this may be, careful measurement extending through a series of years demonstrates that the bar advances into the Gulf about one mile in fifteen years. The volume of the Mississippi is not excelled by that of any other river in the world, and the quantity of sediment carried along by its current exceeds in proportion to quantity of water that of any other river of magnitude. This sediment is composed of sand, mud, vegetable matter, and minerals in particles and in solution. So soon as the river water comes in contact with the still and heavier water of the Gulf the current is retarded and the sedimentary substances begin to fall to the bottom. By chemical action the saline element of the Gulf water combines with some of these substances, and the result is a tough, adhesive material or earth, difficult to disunite or cut away. Large masses form and constitute "mud lumps," which through the power of gas or some other cause rise to and above the surface and obstruct the channel, and thus far have proved destructive to any work of man. An obstruction composed of such material is ever forming, always advancing, and will continue to form and advance so long as this mighty river and tributaries continue the process of leveling down the continent; and this bar which exists at every mouth furnishes a depth of about fifteen feet of water on an average and at the most favorable pass. At the Southwest Pass, which is the largest and deepest, for one and one-half miles the water is generally no more than fifteen feet deep. The bottom is uneven, unstable, and changeable like all newly formed earth subject to the influence of currents and storms.

Thus far in the discussion the advocates of jetties and the friends of the canal substantially agree. It is now that the divergence commences—a divergence in philosophy, in professional opinion, and in precedent. There may be some disagreement as to the manner in which the sediment reaches the Gulf, but this is immaterial as it finds its way there by means of some force or other, and forms the obstruction I have described.

The philosophy of jetties is that by narrowing the channel or confining the current a greater velocity will be secured, which will accomplish the removal which before there has been a failure to do, because the obstruction will be moved against by a greater perpendicular force. There is some force in the theory as an abstraction. That the bar is gradually pushed out further into the Gulf by the current of the river is undoubtedly true, and that the river provides its own walls or jetties so fast as the earth acquires foundation and solidity is a fact demonstrated to common observation. Nature takes its own time and does its work very slowly and as well as possible under the circumstances and with the material at hand. But this process does no good in accomplishing what commerce demands. As nature's jetties advance the bar advances, ever rearing its obstruction across the pathway of ships. Like the ghost of Banquo it will not down.

Artificial jetties are designed to assist nature to build where nature has made no attempt. They must be structures of considerable weight in order to have sufficient strength to withstand the pressure of the volume of water within and the force of waves and storms without. Nature's jetties do not extend beyond the bar; on the contrary, the bar constantly maintains an advanced position. Hence to remove the obstruction temporarily artificial structures must be built beyond the crest, for so soon as the current passes beyond the point of confinement it loses velocity, and consequently its eroding power. To build them on this soft and treacherous foundation is to hazard their sinking, or their overthrow by storms or "mud lumps." They will not be a house founded on a rock by any means. Jetties were once attempted here; and while I consider this experiment no test as to their general efficiency, yet the fact that structures of a light character cannot be maintained was illustrated by their early demolition. The Spanish once built a fort near the mouth, but it sunk out of sight so long ago that the oldest inhabitant is unable to point out the spot where it stood; and it was built not upon earth so newly formed as the bar, nor where storms and waves could disturb. If jetties were constructed with such deep foundations as to resist all disturbing forces they might stand for a time at least. It seems preposterous to me to attempt to acquire a depth of twenty-seven feet by building jetties on the bar where the water is but fifteen feet deep; for if erosion takes place to the extent desired there would be great danger that they would slide into the center and form a more difficult obstruction to remove than the bar itself.

The bar is composed of such material in part at least as to require a decided increase of velocity to remove it within a reasonable time. Whether such increased force can be obtained to cut away to a depth of twenty-seven feet is not entirely free from doubt. It is a well-known law that the narrowing of a channel obstructed at its mouth will cause the water to set back and seek escape where there is less resistance. The Mississippi River has seventeen mouths, of all sizes, through which the water would pass, and for many miles above the banks are low and narrow, and no great elevation would be required before the water would pass out over the banks, cutting away new avenues of escape. The recent overflow causes apprehensions of danger arising from further obstructing any one of the many mouths now existing.

Whether jetties can be made to stand or not, or whether the velocity of the current will speedily or leisurely erode a channel through the bar, is not the great question upon which the case is to be decided. The bar does extend constantly, and jetties to be permanently effectual must keep pace with it. The bar extends now three hundred and thirty-eight feet annually, and if the channel is narrowed and the same quantity of water continues to debouch into the sea, a fact not

denied, the same amount of sediment must be precipitated to the bottom as before, and so soon as the same cause is applied. To narrow the channel will reduce the width of surface over which the water will spread, and the bar must advance more rapidly than at present. An enhanced velocity may prolong at first the distance over which the deposit may take place, but in brief time the advance of the bar will assume its logical and natural extension. General Humphreys estimates the annual advance under the jetty plan proposed to be a thousand to twelve hundred feet per annum. This will compel an extension of jetties at the same rate and at a cost which the Government has no right to endure, if a better and cheaper plan can be devised. Jetties cannot be extended indefinitely. In time they must be abandoned after having incurred vast expense, and the obstruction will rear its head again, and become at once as hideous as we now see it. It was a wise thought in Captain Eads to limit his responsibility to ten years.

It has been said that the extension of the bar will not take place at all, or but slightly at the worst, for the reason that there are currents which will bear the sediment away to some remote place. It would not be good logic to say that the Gulf currents would do for artificial jetties what has never been done for those formed by nature. The mouths of the river have advanced into the Gulf far beyond all the surrounding land. For fifty miles beyond everything else have they gone sea-ward, the bar holding the same relative position at every step in advance. This is unanswerable proof that there is no littoral current there, or if existing at all, it is so slight as not to produce any appreciable effect. But beyond this the study of this subject by engineers and scientists has continued for more than forty years, and repeated examinations have been made and tests applied, and no evidence of a littoral current has been discovered, nor has its existence ever been claimed until the jetty project was invented.

The fact that a bar does not form in front of the jetties at the Soolina mouth of the Danube is made the basis of the theory that it will not form at the mouth of the Mississippi River. When conditions are identical, the application of a principle will be followed by the same results. Sir Charles Hartley was careful to find out the existence of a littoral current before he attempted the construction of jetties at the Soolina. Its existence was apparent, because the banks were already eroded and the shore at the point in its general outline was concave. At the mouth of the Mississippi there is no evidence of erosion; on the contrary, the shore or bank is sharply convex. The bar has not formed at the mouth of the Soolina after a test of two years or thereabouts, and whether ultimately it will is not entirely certain; but as a different condition exists at the mouth of the Mississippi, it is as certain that the bar will extend there as it is certain that the bar has not formed at the mouth of the Soolina. I send to the Clerk's desk a letter from the Chief of Engineers addressed to me on this subject, which I desire to have read.

The Clerk read as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., April 15, 1874.

SIR: I have received your letter of the 10th instant, asking for my reasons in full for considering the plan of obtaining a deep channel between the Mississippi River and the sea by canal, preferable to the plan of obtaining that deep channel by constructing jetties at the mouth of the river.

A discussion of the engineering questions involved in the use of jetties to deepen the mouth, would be out of place in this letter, and is rendered unnecessary by my having this day submitted a report upon the subject to the Secretary of War, which will, I presume, be transmitted to Congress as forming a sequence to the report of the board of engineers upon deepening the entrance to the Mississippi River by a canal and by jetties.

There is no question as to the practicability of constructing the canal; and when constructed its maintenance will cost a comparatively small sum, probably not exceeding 1 per cent. of the first cost. That first cost, along the route surveyed, is estimated by the majority of the board of engineers to be $10,273,000, an estimate which is entitled to confidence, the officers composing that majority being among the ablest and most experienced in the Corps of Engineers.

The canal as proposed to be constructed will afford ample facilities for all the commerce of New Orleans for many years.

In my report to the Secretary of War of to-day's date, I have submitted an estimate of the cost of constructing jetties at the mouth of the Southwest Pass to deepen the channel to twenty-seven feet at low water, the structures to be carried down to the full depth of the channel throughout their length; the whole to be of a permanent character. This estimate amounts to $7,000,000. If the jetties were simply built upon the surface of the bar and not extended downward, their cost would be about one-half that sum. This mode of construction has been suggested by some engineers, and would be suitable if a long time were allowed for the erosion of the channel way to the required depth. But this erosion must take place in a short time and must be controlled by the jetty structures. Hence the necessity of their being carried down to the depth of the intended channel.

The bar of the Southwest Pass in its natural state extends annually into the Gulf an average distance of three hundred and thirty-eight feet. This annual extension takes place at high water, when the sediment is swept by the current along the bottom of the river and over the surface of the bar into the still salt water of the Gulf. The width of the bar where this annual growth takes place is about twelve thousand feet. The jetties will reduce this width to three or four thousand feet, and as the quantity of earthy matter annually swept to the Gulf in the manner stated will be on the average the same, and as the jetties will force it to form on a width one-third or one-fourth of the width it formed on in the natural state of the bar, its length must, of course, be three or four times greater than in the natural state of the bar; and we shall thus have the annual growth of the bar from one thousand to twelve hundred feet.

Now the depth of water on this annual addition to the bar would not be the same as that between the jetties, but less, because the annual addition will lie along the upward slope upon which the fresh water rises on the salt water. Hence the necessity of extending the jetties as fast as the bar is extended, if we wish to maintain a uniform depth of water at the entrance.

This extension of the jetties must be made in from thirty to forty feet water, and will cost in the case of the Southwest Pass about $1,000,000 annually.

We have, then, for deepening to and maintaining the depth of twenty-seven feet at low water a capital of $23,000,000.

Applying the jetty system to the South Pass for the same depth, the estimate will amount to—

First cost of jetties	$4,150,000
Annual cost of maintenance, including dredging through shoals in the pass	780,000
Which together represent a capital of about	17,000,000

I am aware that Mr. Eads states that it will not be necessary to extend the jetties after they have once deepened the bar to the desired depth, and presents the grounds of his conclusion substantially as follows:

The Mississippi River, he says, carries in suspension a certain amount of earthy matter, which is fixed and unvaried for each velocity of current; when the velocity is decreased the sediment is at once reduced in quantity, some of it being dropped to the bottom; when the velocity is increased the quantity of suspended sediment is at once increased by the current picking up earthy matter.

He next states that the current of the river being suddenly and largely checked where it meets the Gulf at the outer edge of the bar, its suspended matter is dropped there in large quantities and forms the annual addition to the bar.

His first proposition is directly contradicted by the observed conditions existing on the Mississippi River, and indeed everywhere else. It was found by a long series of carefully conducted measurements on the river near New Orleans and at Columbus, twenty miles below the mouth of the Ohio, that when the velocity of the current was greatest the quantity of earthy matter was about the same as when the velocity was least; and that the greatest quantity of suspended earthy matter found near New Orleans was at a time when the velocity of the current was two feet per second less than the greatest velocity.

Similar results were found at Columbus, one of them being that when the velocity of the current was only two and a half feet per second the quantity of earthy matter in suspension was about equal to the maximum quantity. In short, there was no direct relation between the velocity of current and the quantity of earthy matter suspended; the latter depending upon the tributary river which at the time furnished the chief volume of the Mississippi, and being kept in suspension by the stirring-up process, caused by the great irregularities in the bed of the Mississippi. Mr. Eads refers to the Bonnet Carré crevasse as furnishing an instance in point of the deposit of earthy matter when the current decreased in velocity, but the bottom of the river where it was said this deposit had occurred was found by the Mississippi Delta investigation to be *hard blue clay*, which had been there for centuries. In fine the facts developed by the investigations of the Mississippi Delta survey prove this proposition of Mr. Eads to be utterly unfounded.

His second proposition, that the current of the Mississippi River receives a sudden check upon meeting the salt water of the Gulf, is as unfounded as his first. Personal observation alone, without the use of instruments, would make this plain to one accustomed to the observation of currents; but these currents have been measured, and it is found that there is no sudden check to the current of the river where it enters the Gulf; on the contrary, it decreases so slowly that repeated nice measurements over long distances are required to detect any decrease in the velocity of the current; and in fact it decreases very slowly from the point where the pass begins to widen until it finally ceases in the case of the Southwest Pass at the end of twenty or thirty miles.

The bills I have seen proposing to contract with Mr. Eads to deepen the entrance to the Mississippi River to twenty-eight feet at high water are based, I understand, upon the adoption of his view that there will be no necessity for extending the jetties after they have once deepened the entrance to the required depth, although it is explicitly stated in these bills that $5,000,000 are to be paid Mr. Eads for deepening the entrance to the required depth, and another five millions subsequently for *deepening and maintaining* the depth a certain time. After the last annual payment to him of $1,000,000 under the second clause, what security is there that he will continue to maintain the depth if he should find that he was mistaken in his views, and that it will cost him a million annually to maintain the depth? None is proposed in the bills I have seen, and it is manifest that, in reality, the United States takes all the risk of his views and project; and if he should be found to be mistaken, the United States will be in the condition of having expended five millions for jetties and three millions for their maintenance, and then be obliged either to abandon the work or go on with a perpetual annual expenditure of about a million. Now the canal once built is permanently useful at a small annual expenditure, and the sums involved by the differences of opinion respecting its cost are small compared to the magnitude of those resulting from the differences of conclusion respecting the permanent effects of the jetty system; the adverse conclusion respecting the use of jetties being based upon carefully observed facts and investigations, and the other upon suppositions in direct conflict with the conditions known from investigation to exist.

There is one feature in these bills which if it could be introduced in the appropriations for river and harbor improvements would conduce to great economy. I refer to the provision that is made for a permanent fund for construction of the work. Such a provision would save the cost of outfit from each annual appropriation for a work, since under existing laws every improvement must be carried on by contract with the lowest responsible bidder as each annual appropriation is made

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General, Chief of Engineers.

Hon. L. A. SHELDON,
House of Representatives.

Mr. SHELDON. Jetties as a plan for deepening rivers have no history. In few cases only have they been tried. No river of magnitude has ever been jettied. They have never been attempted except in rivers comparatively small. And so unsuccessful have been the experiments, that engineers of ability and reputation have never resorted to them except under the most favorable circumstances; and so signal have been the failures, that a single precedent is cited to sustain the theory of their application to the mouth of the Mississippi River. To say that because jetties have proved efficacious at the mouth of the Soolina, therefore they will be successful at the mouth of the Mississippi, would be like saying that because a suit of clothes will fit a mere child, therefore it can be put on a full-grown man. The conditions are all unlike, in magnitude of river, in volume of water, in character and quantity of sediment, in the matter of a littoral current, in exposure to storms, and in the character of earth upon which the structure is to be founded.

It will serve to enlighten us if we examine the opinions of the engineering profession upon this subject. And it is not a new question. For forty years it has been under investigation. The Government has expended considerable sums of money for the purpose of having the subject of improving the mouth of the Mississippi River understood. The ablest of our official engineers have been assigned to the work, and I

think I am safe in saying that not one of those who have a personal knowledge of the phenomena of the bar and the surrounding country favor jetties. The board lately assigned to the duty of considering the report of Captain Howell on the feasibility and project of a canal ably and fully considered every plan yet suggested, and reported unfavorably on the jetty plan. This board was composed of seven officers, and was probably the ablest of the kind ever assembled on the continent—one only dissenting. The Chief of Engineers, who has given more personal observation and study to the subject than any other man, concurs emphatically with the majority; and no man on this continent stands higher in the profession. The dissentient has no acquaintance with the mouth of the river as a subject of special study. Governor Hebert and Professor Forshey, able and experienced engineers, and who have spent their whole lives in dealing with this great river and in studying its laws and forces, unite in the opinion that the jetty plan is an empiricism. These gentlemen are familiar with every experiment ever made, and have a practical knowledge better than all theories. General Humphreys was a witness in an official capacity to the experiment and failure of Craig and Righter, who attempted to jetty Pass a Loutre under a contract with the Government, and manifested a leniency toward the contractors which evinced a desire to see the experiment thoroughly made. The prostration of their structures from time to time by the forces which I have attempted to describe probably did much to produce the opinion that if jetties can be made to stand at all they must be deeply founded and strongly built, and that their extension must be continual and at an expense that the Government cannot afford.

It is claimed that there is engineering opinion on the other side. General Barnard believes in jetties, but has no special knowledge of the Mississippi River. Captain Eads argues for jetties, and bases his opinion upon general laws and makes facts for their application which do not exist. He has never acquainted himself with the character and conditions of the river he proposes to improve. He is more acquainted with Sir Charles Hartley's description of his work at the Soolina mouth of the Danube than he is with the forces and phenomena of the Mississippi mouths. He does not and cannot deny the necessity of perpetual extension of jetties, and that they must at some time be abandoned. To do so would be to deny the plainest principles of philosophy and facts as palpable as that there is a bar that seriously embarrasses the commerce of the whole Mississippi Valley. I would much rather risk his judgment as a gun-boat builder or bridge constructor than on the subject of removing the bar at the Southwest Pass by means of jetties. The Rev. Mr. Fontaine, I believe, has re-enforced Mr. Eads. The argument of this new luminary in the engineering profession is a rehash of what Eads has been trying to say, and is novel only in the fact that he has discovered a littoral current. This discovery is simultaneous with the advent of this reverend gentleman into the engineering world. Not one other engineer has attempted to make an argument on the jetty side. A few gentlemen have expressed an approval of Eads's theory, but their letters remind me of a practice among politicians who recommend applications for office by subscribing to the words "I concur," and none of them are familiar with the subject from observation and study. Lawyers soon learn that a legal opinion is only valuable after it has been well considered. It is a good principle to apply everywhere. Under Government direction we have obtained an official opinion on which the utmost reliance should be placed, because the subject has been thoroughly examined by experienced and able men in the profession. The board of engineers, in their report, make use of the following language:

> This yearly progress of the bar demands corresponding extension of the jetties into the deep water exposed to the severe storms of the Gulf, and consequently of great cost. The difficulties at the mouth of the Mississippi, so far as concerns the improvement by jetties, resolve themselves into three sources: first, the absence of a littoral current; second, the yielding nature of the banks and shoals; third, the abundance of the deposits. The first and third combine in the yearly and rapid extension of the bar, and compel the works of improvement to continue at a heavy annual cost until their entire abandonment. The second makes their construction difficult and their maintenance improbable unless deeply founded at a very heavy expense.

The canal plan will flank the bar. None question its feasibility; hence it is unnecessary to make an argument upon it. About forty miles from the mouth, on the left bank, by cutting a channel about seven miles long, the deep water of the Gulf can be reached. By the construction of a lock at the river entrance water will be excluded except when ships are passed through. This will be so trifling that a very small quantity of sediment will be deposited in the canal, and which can be thrown out with little labor and small expense. Captain Howell says it can be done in a few days in each year. The Gulf terminus will be in a land-locked harbor, where ships may find shelter from the severest storms. It will not cost more than $10,000,000 to make it a complete and ample channel for the largest ships, and fifty or a hundred thousand dollars annually will take care of it and keep it in repair. Thorough investigations show that the earth is solid enough to sustain the locks and to preserve the sides of the canal with slight revetments, and perhaps with none at all. If the bar has advanced at the rate of a mile in fifteen years, which has been demonstrated by actual measurement, the earth at this point is six hundred years old. If the newly formed earth at the bar has strength and solidity enough to maintain jetties, which must be of great weight to be permanent, surely a canal with a lock can be maintained where the earth is of such old formation. The engineers have settled this question beyond controversy. With such provisions for making payments that the work can be continuously carried on, the canal and all its appurtenances can be completed in three years. When finished commerce will be amply provided for, and the distance for all ships coming from or destined to ports east of the mouth will be shortened sixty miles. The light-draught ships can pass through the natural channels as they now do, and the heavy ones through the canal. The expense of lightering, towing, and piloting will be greatly reduced, and commerce will be freer and cheaper.

It is a patent fact that while no engineer, not even Eads himself, questions the practicability or utility of a canal, no one who has thus far participated in this debate has assailed the plan of a canal as an engineering question or as a useful and certain mode of getting out to sea. It is also to be observed that no one, whether he be engineer or an Eads advocate, on this floor or elsewhere speaks of the jetty plan as other than an experiment, and the whole argument shows that the construction of a canal is contemplated if jetties should prove a failure. The point that a sufficient survey has not been made to locate a canal is a mere technicality. Its feasibility has been determined, but the precise point of location has not. The canal bill provides for that location and for all surveys that are necessary. And this is enough, as the main facts are determined. The advocates of the canal are opposed to delay; and the reason assigned by the jetty advocates for postponing the canal is as flimsy as is the philosophy by which the jetty theory is sustained.

The gentleman from Missouri [Mr. WELLS] is afraid of the terrible cyclones in their effect upon the canal. Severe storms do happen once in a great while. But I am not aware that they have a particular appetite for canals. Breton Harbor, the Gulf terminus of the proposed canal, has never been disturbed or filled up. The increased height of the banks by the excavated earth will secure the canal against all the imaginary danger suggested. But no such danger exists. However, if the canal will be liable to dangers of the character depicted, how will it be with jetties? Will they not fill up, and will not Captain Eads be compelled to bring up his currents and probably dredge-boats to remove the obstructions thrown into the channel by the cyclones? They, I believe, visit the mouths of rivers quite as often as the mouths of canals. And at the mouths of rivers the loose earth is much more abundant than elsewhere. The whole thing about cyclones of the character described is a chimera, a scarecrow worthy only of a cause that has no philosophy to rest upon.

The plan of a canal it is said will absolutely require an expenditure of the public money. Undoubtedly; but the result is beyond a peradventure. Captain Eads proposes to risk his money and that of his friends upon an experiment. I admit the proposition is somewhat seductive. If his experiment succeeds you give him $10,000,000 for ten years, and then the Government is saddled with the expense of extension, which General Humphrey thinks will not be less than $1,000,000 a year, and at some day not very remote the work must be abandoned. There is no security that Eads will undertake the execution of his plan or that he will prosecute it any further than to reimburse himself for his expenditures. For he is entitled to part pay before he accomplishes very much to the advantage of commerce, and before it can possibly be determined whether his experiment will prove a permanent success. It is by no means certain that in case of failure the Government will pay nothing. It is not infrequently the case that claims arising under similar contracts are passed through Congress. If after a considerable sum of money has been expended and lost Eads and his associates come here clad in garments which excite pity, slightly adorned with pretensions of having done some good, a generous and sympathetic Congress may make up their losses.

But, sir, is it wise in the presence of the immense interests involved for the American Congress to adopt an experiment, when the official engineers are so pronounced against it, when abandonment must take place sooner or later? Shall we agree to expend $10,000,000 to improve navigation for ten years, when for the same sum it may be improved forever? Canals have ever been useful, and they have been tried as long as civilization has existed, and in every country inhabited by civilized man.

My objections are that jetties may obstruct nature's channels and make them less navigable than now, and add to the dangers of overflow, the distressing effects of which are now so visible and overwhelming, and that the experiment will postpone indefinitely a plan that is a certainty. The railroad companies engaged in transporting from the interior to the sea-coast can afford to sink $10,000,000 in an experiment which will continue to them the monopoly of transportation for a period of five years. It is a suggestive fact that many of the engineers who indorse Eads, without argument but by expressing concurrence, are in some manner connected with these railroad lines.

We have experimented too long already. It is time to cease. The country will not and ought not to endure it longer. General Warren has the proper conception of this subject. He says:

> My mind, however, is fixed upon the idea that the canal is the only project that will meet the commercial, naval, and military demands of the United States. Its feasibility has never been doubted by any one, and only on account of its cost have other methods been heretofore recommended. These other methods have always been regarded as experiments, and the reliance has been that if they failed the canal as a final resort was certain. I believe the time has come when that which appears certain should be tried first. The cost of the canal will not be great compared with the end to be gained; and there is no certainty that we will not have to come to it

after great delay and expenditure upon other methods, none of which when abandoned will have aided in the least toward constructing the canal.

Sir, when completed, we shall have expended $3,000,000 for a canal around the Des Moines Rapids, and nearly as much for one around the Falls of the Ohio, and are annually making appropriations to improve all the navigable tributaries of the Mississippi that commerce may be unembarrassed and facilitated, and how imperfect will be the work unless the outlet to the sea is made ample and permanent! Without it all the other improvements and expenditures will fail to produce their full benefit, will chiefly relate to internal, when their full utilization can only be experienced by giving a free and reliable access to external commerce.

If Congress shall undertake this improvement it must be no piecemeal affair. Those who have familiarized themselves with the subject know that partial appropriations, or appropriations from year to year, impose upon the Government an increased cost, and in many instances to the extent of 40 per cent. The construction of a canal requires the procurement of expensive machinery, which ought not to remain idle. There are many causes of enhanced expenditures when delay is necessary for want of means. Besides, trade suffers and burdens are endured by the whole people by postponing the completion of this work.

Mr. STANARD. I feel a deep interest in the subject which is under consideration to-day, perhaps more so because of the fact that during all of my business life I have been engaged to a greater or less extent in the commerce of the Mississippi River, and know practically the obstacles that have been in its way for the past twenty years. Under such circumstances it would be but natural that I should feel a deep interest in this matter. I believe, sir, that I never should have been in Congress if it had not been for my devotion to the interest of the improvement of the Mississippi River and its tributaries; if it had not been for my devotion to an uninterrupted river commerce and a free opening to the Gulf of Mexico.

The city which I have the honor in part to represent is also vitally interested in the opening of the mouth of the Mississippi, from the fact that more than half of her commerce is upon the Mississippi River and its tributaries.

The people of the State which I in part represent, being in the center of the valley of the Mississippi, I am sure from what is said by its Representatives here upon this floor, and from the tone of the press of the State, are more interested in an uninterrupted and open river at its mouth than they are in any subject that has been considered by this Congress. And I believe, sir, that the States throughout the Mississippi Valley, from the Gulf of Mexico to the British possessions, if we can take as exponents of the public feeling upon this subject the resolves of conventions which have been held to promote the interests of the opening of the Mississippi and of its improvement, are also interested in this subject as they are in no other. And I may state from what I have observed that the people of the entire valley have become restive during the past few months, because Congress has delayed the consideration of this subject so long.

I am satisfied, gentlemen of the West and of the South, that if this Congress adjourns, having done nothing for the opening of the mouth of the Mississippi River, we will receive such a rebuke from our constituents as no other members of Congress have received who have had the honor to represent them upon this floor; for when we came here the subjects of finance and of transportation were the engrossing topics of public consideration. We have gone on six months and nothing has been done practically as yet upon these two important subjects. But I hope that before this Congress adjourns, if it shall not be until next November, we will see that we have provided in the near future additional transportation facilities for the great and growing commerce of the Mississippi Valley States and of the entire country.

Why should the people of the Mississippi Valley feel such a deep interest in this matter? If you will look over the statistics for the past thirty years you will see, you will find, that during the first ten of the past thirty years the production of the Mississippi Valley States more than doubled in that decade; that it doubled in the next decade up to 1860, until an annual product was reached of six hundred million bushels of cereals; and that in the decade from 1860 to 1870 it nearly doubled again, amounting to a thousand million bushels. Those who have been observant of the increase in population of these great cereal-producing States for the past thirty years have become satisfied, judging by the past and taking into consideration that the population during the decade from 1860 to 1870 increased 60 per cent., that the cereal-producing States of the West must have better facilities for water transportation or be left at the entire mercy of monopolies, receiving no remuneration for their industries; that this great, broad expanse of country, extending from the Alleghany Mountains to the Rocky Mountains, a basin of over a thousand miles in width, and from the Gulf of Mexico to the Falls of Saint Anthony, more than two thousand miles in length—that this country which I have been describing is to be the hope of the people of the entire world who want happy and prosperous homes. You might as well undertake to chain the lightnings of the heavens or arrest the current of falling thunderbolts as to arrest the current of emigration to the westward, and before the half of our second centennial shall have passed sixty million people will live in this great valley and west of it.

I say, judging from the past, observing the increasing productions for the past thirty years, taking into consideration that only 17 per cent. of the lands of these States are now cultivated, if there is now such a demand for additional facilities for transportation in this country, there is a necessity that we should not only provide for the present, but that it is imperative that we should provide for the very near future. No new railroad trunk lines running from the West to the East are now being constructed. Those already built are being taxed to their utmost capacity, and the idea must come rushing upon every thoughtful mind, it seems to me, of the necessity of additional and cheaper transportation facilities for this country. We believe that they can come through the improvement of the Mississippi River better than in any other way, that they can be secured with less expenditure of money in this way than in any other.

There have been two plans suggested for the improvement of the mouth of the Mississippi River. I have regretted, with many other gentlemen, that we were not united upon the question as to how the mouth of the river should be improved; but I hope before this discussion ends, or before a vote is taken, that we will yet unite upon one of these two plans that have been presented for our consideration, and that this Congress will not adjourn without having provided the ways and means for the commencement of this work.

I desire, sir, to read in brief the essence of the provisions of the bill which has been reported by the majority of the Committee on Railways and Canals. I refer to what is known as the Eads or jetty bill. It provides that the considerations therein prescribed being complied with—I ask the attention of the House to the point as to how this money is to be paid—"the United States hereby agrees to pay the said Eads and his associates, or to his or their assignees or to his or their legal representatives, $2,000,000 twelve months after there is permanently obtained twenty-two feet of water; $1,000,000 one year after obtaining twenty-four feet of water; $1,000,000 after maintaining for one year twenty-six feet of water, and $1,000,000 after obtaining twenty-eight feet of water." In the bill two instances, however, that is to say in obtaining twenty-six feet of water, that depth has to be maintained for fifteen months before any money is paid, and the twenty-eight feet of water have to be maintained for twenty-four months or two years before the last million dollars is paid. The bill then provides that three years after twenty-eight feet of water have been secured and maintained another million dollars shall be paid, and a year after that another million, and in the fifth year $600,000, and in the sixth year $600,000.

Now, sir, it is an important consideration that at this time, when there is a great cry for economy in public expenditures, and rightly so, that to begin with there is no money to be paid until the work is accomplished, and no money to be paid until it has been maintained one year. And it is probable that the Government of the United States now, when its Treasury is so depleted, will not have to pay a dollar for three years, and then the payment is to be distributed throughout the next seven years, so that the Government really will not feel the expenditure; whereas at this time the appropriation of eight or ten million dollars, to be expended in the next two or three years, our people might have a right to complain of under the circumstances. But of the expenditure proposed under this bill there can be no just cause for complaint, and more especially as no money is to be paid unless the work is accomplished.

Something was said yesterday in reference to Mr. Eads and his associates taking no chances in this matter, and that in case of failure there would be an application to Congress to reimburse them for the money they have expended in a fruitless enterprise. I would say in this connection, in answer to that suggestion, that although Mr. Eads is a constituent of mine, I now give him notice and give notice to this House, that if I were here or had any influence with any man that should be here during the next five or ten years I would vote against and protest against paying him and his associates one dollar in case of failure, as this is a contract if the bill is passed. And I think that he should understand to-day, and that Congress should understand, that he and his associates are taking the chances, as they are willing to do and as they propose to do; and those who know Mr. Eads know that he is not a man to plead the "baby act."

Mr. Speaker, reference has been made by gentlemen who have spoken before me to the distinguished Corps of Engineers, in whom we have always put so much confidence and by whose recommendation money has always been appropriated and expended. Sir, I have as much faith in those engineers and as much recognize the importance of having an engineer corps as perhaps any member upon this floor. But I do not believe that it necessarily follows that after a committee have thoroughly investigated a subject and have heard practical men for days and weeks and perhaps longer discussing any subject, that we should under all circumstances rely entirely upon the Engineer Corps. I do not believe that there is a man here who would rise in his place and say that there should be no opportunity for our civil engineers to compete in any of these great enterprises with the engineers of the Army. I do not believe that they would establish the precedent that in a matter of such great importance, where engineering skill and science are needed, the matter should be left entirely to a board of seven or eight men.

We send our children, our boys, to the schools and colleges of the country, hoping as we watch their progress that, even if they do not have the advantage of graduating at a military academy of the Gov-

ernment, still they will have opportunities in the grand race of life, and in competing with others throughout the country. You might as well establish the precedent that a lawyer should not practice in the United States courts unless he has graduated at a United States academy. If it can be shown to reasonable men, to men who have an interest in these matters, that our civil engineers have better views and more extended experience and observation upon subjects of such public importance, then we should rely upon their judgment and not establish the arbitrary rule that we must employ a Government engineer in all cases.

It will be remembered that a little more than a year ago, after this subject of cheap transportation had been discussed at great length in the Senate of the United States, and after the people of the entire country had been aroused, the Senate appointed a committee known as the Senate Transportation Committee. That committee have been giving their almost undivided attention to the commercial wants of the country, seeking to put themselves in a situation where they may be able to report intelligently to the Senate of the United States not only the best means of improving the mouth of the Mississippi River, but the most practicable method of affording facilities to other sections of this country for additional transportation. That committee have had this subject under very careful consideration, and I understand they have made a unanimous report in favor of the jetty or the Eads plan.

I will speak for a moment of the advantages of the jetty plan over the canal plan, should it prove to be a success. The commerce of the Mississippi River is already very great and it is increasing daily. And every man knows, who knows anything of business, that it would be infinitely better if we could have an uninterrupted passage out of the mouth of the Mississippi River than to be obliged to force our ships and steamers through a narrow canal, with locks, &c.; and I believe it is worth the experiment. There are enough advantages to accrue, if it shall be a success, to pay for this experiment. And if it shall not be a success, ultimately it will be worth what it will cost to demonstrate that fact to the country.

Mention has been made of the importance to the city of New Orleans of opening the mouth of the Mississippi River. I am as anxious for the prosperity of the city of New Orleans, for it to be a thrifty and prosperous city, as any man upon this floor. I have seen that city in its palmy days, when its people were successful and thrifty, when prosperity was theirs, the same as it was of the rest of the country. And I can very readily understand that if the Mississippi River is so improved that sea-going vessels from the entire world can go up to New Orleans, not only will the vast importations needed for the valley be brought there upon those ships, but they will be laden with immigrants seeking homes in this country. And if there is anything that the South needs to-day it is population and general prosperity, and if vessels can freely go up that river with immigrants, they will be very much more likely to settle and make their homes in the South than now when they land almost exclusively in northern ports.

I hope as many immigrants will continue to land at northern ports as heretofore, for I have no sectional jealousy. I believe the population of the country will gradually and rapidly increase. I would like to see immigrants come to our northern and southern ports, and our whole country densely populated. Then the Southern States, instead of having $150,000,000 worth of cotton to export each year, will have $400,000,000 worth. And in that way we would not only be rendering a great benefit to the people of this portion of our country, but to the entire country, by the increased production of an article that goes largely abroad, and that would create a large trade balance in our favor.

As I have already said, I hope that we will unite upon some bill before we adjourn. I shall vote for the jetty bill. If that is lost, then I shall vote for the next best thing to my mind, and that is the canal. Seeing that my time has expired, I thank the House for their kind attention to my desultory remarks, and will yield the floor to others who may follow me.

Mr. CONGER. I ask the attention of the House for a few moments upon this subject, and then I will yield to others who may wish to express their views.

In my opinion there has been no question of such importance before this House to the interests of the western and southern people as the one now pending. The valley of the Mississippi and its tributaries is a great empire. It represents and will represent forever the great central region of our country. All its industries, all its interests, center there; and all its diversified industries will flow out from it to the East and West, the North and South, as from the great mart of the nation.

This is no new question presented to the Congress of the United States. It has been the subject of contemplation in all the Congresses heretofore since the commencement of the Government. I have not the time, nor have I the strength this afternoon, to follow out this subject as it has been presented from the beginning. I desire to say only that the Government, year by year, almost every year since 1824, has expended hundreds of thousands of dollars in keeping open the mouth of the Mississippi River. Heretofore they have always failed to make a channel for the transportation of the products of the Mississippi Valley. In the opinion of all engineers, whether they belong to the Army or are in civil life, the present plan has failed, and always will fail, to keep an open channel to the Gulf and thence to the ocean. There has been expended between four and five million dollars in the effort to open and keep open the mouths of the Mississippi River. They were temporary expedients, and have always been held to be such.

The work of a month, the work of six months, the work of a year, the work of two years, the result of any greater or less expenditure of time and labor, are and always have been, under the present temporizing system, liable to be swept away by any one hurricane, by any one cyclone of the Gulf. Thus the whole bar may be changed in a day or two days, and all the work previously done must be repeated.

What is the present system which has been followed for so many years by the Government? It is by means of dredges, or at present by means of a revolving screw worked by machinery, to stir a little space in the vast mouth of the Mississippi and roil the water so that the current on those days when it is strong enough may carry out this raised deposit into the deeper places in the Gulf. That is all, no more, no less; the work of a little fluttering wheel to stir up the deposits, trusting then to the current of the river, sometimes great and sometimes small, and sometimes with the incoming tide no current at all, to carry out this deposit which is made there, as has been shown to the House, by thousands and thousands of square feet every day.

This process, then, must be given up. It is too expensive and it is entirely inadequate. The wants of millions of people require a better remedy. The demand of the nation is for some more efficient work. We have expended on the Mississippi and its tributaries over $17,000,000 to make it navigable for the already vast commerce of the Mississippi Valley; yet though we improve the tributaries, though we make the Mississippi River more readily navigable, the bars at its mouth as effectually close the commerce of that river to the world as if there were no mouth there, practically.

That is the problem which we are called upon to consider; that is the problem which the Committee on Commerce during the five years I have had the honor to be one of its members has tried to master. Last year that committee made a very elaborate report, which is printed and is now within the reach of members, in favor of a new system for opening that river. The committee then pointed out what seemed to them the least expensive, the surest, and the most successful way of accomplishing that purpose—the construction of a canal near Fort Saint Philip. The arguments in favor of that plan, together with its necessity, will all be found in that report of the Committee on Commerce. I will not dwell upon them. The considerations demanding such an improvement of the mouth of the Mississippi, through one of its channels or by a canal, were collected with great care by members of the committee and by gentlemen interested in the subject. I refer the House to that report—which I have not now time to dwell upon in detail—for further information on this subject.

The Committee on Commerce during the last session of Congress found itself so overwhelmed with business in looking after the interior waters of the States—the harbors, the entrances to harbors, and other questions of commerce coming before them—that they requested the appointment of some other committee to take charge of this question of opening water communication by means of artificial canals. Hence this matter was referred at the opening of this session to the Committee on Railways and Canals. And I believe that that committee, having called before them the more distinguished engineers of the country, both civil and military; having called before them representatives of chambers of commerce, of boards of trade, people from all parts of the West and the South, and intelligent men from near and far, have given this subject more consideration than the Committee on Commerce had time or could give to it if it had been left to them, and have done their work well in gathering together the information to lay before this House. But to-day that committee finds itself, as the Committee on Commerce has frequently found itself during the last five years, unable to determine what particular system to adopt, although all are agreed as to the vast importance to the United States and to the valley of the Mississippi of devising some plan of removing the obstacles to the commerce of that vast empire; and they now come before the House, as the Committee on Commerce have frequently done, with a divided force and with different plans. I regret this most sincerely. So long ago as 1870, in considering the question of the policy of the Government in regard to the improvement, not only of the Mississippi but in regard to every river and harbor in the United States, I took occasion to state to the House my views on the vast importance of opening the mouth of the Mississippi to the commerce of the world. I expressed my hope then that it would be speedily done; and yet to-day, with the little funnel which whirls and whirls at the end of our steamboats stirring the mud merely in one or the other of the channels, we are apparently no nearer the solution of this question than we were then or than we were fifty years ago.

Now, Mr. Speaker, in my opinion this House should gather from engineers, in whatever station in life they may have been placed, all their best judgment, all their best information, all their best knowledge. They should spread it before this House, and the members should consider it as the best of all the information they could obtain. Why, sir, what necessity is there here that my friend should attack the Corps of Army Engineers, whose lives have been devoted to the solution of just such questions as this on every river and in every

harbor where expenditures of money have been made by the Government, and who have devoted their lives as honestly and faithfully as men ever did in this world, from pride and from honor and from duty, to further these great commercial and navigation interests of the United States? What necessity, I say, is there for attacking them in the solution of such a question as this? And, on the other hand, what necessity is there for attacking the reputation of one of the most distinguished engineers that the world ever has produced, and who proposes a plan which he believes, in common with many other engineers, will provide a satisfactory solution of this vast and important question. Is it not trivial, is it not unworthy of the Representatives of the people, that we should spend our time in breaking down the reputation of men who have devoted long lives of labor to the solution of questions involving the interests of the American people, instead of giving our attention to selecting, with the aid of the information which they present to us, the best means in our judgment to overcome the difficulty.

Now, sir, I would gather from every means of information, from every report, from every experiment that ever has been made, from the commencement of civilization down to the present time, bearing upon that subject, what will guide us aright, whether it be at the mouth of the Danube or the Rhone or the Nile or the Mississippi, or wherever else human ingenuity has endeavored to act with nature or against nature in opening the great highways of commerce. With these views, sir, I have nothing to antagonize in this bill, and I have nothing to say for it or against it, except so far as a continuous study for years upon this subject may have enabled me to form some conclusions for myself; and if I venture to present those to the House, they, I trust, will take them as they will any opinion or any other information, as going to make up the sum of information upon which their judgment can rely.

The mouth of the Mississippi River is unlike the mouth of any other river upon the face of the globe as regards its immense deposits of earthy matter, amounting to hundreds of thousands of square miles, a thousand feet deep. The delta of the Nile, which has given its name to this special formation, is insignificant compared with that of the Mississippi River. I do not know how far up it was an open sea once; but those who are familiar with it know where the solid banks commence and where the vast alluvium spreads out that makes States now, spreading across Louisiana and Texas and into Alabama and into Arkansas, making a great territory, which was once a gulf, but which is now dry land. For ages that process of filling up the mouth of the Mississippi, not the little paltry mouths that we speak of to-day, but that vast arm of the sea, as large almost as the rest of the Gulf of Mexico, has been going on.

Why, sir, it is within a near period geologically that the waters of the great lakes passed out into the Mississippi. I can look from my own home and I can see the banks of the Saint Clair River, where, if a dam could be placed across it now eighteen feet high, or at the most twenty feet above the surface of the river, there would no water pass down into Lake Erie, and none from there into the Niagara. The time was and is almost now when a boat would have passed from Lake Michigan into the waters of the Mississippi. The whole vast lake region, ay, even the Hudson Bay region itself, was once tributary to the waters which flow down the Mississippi Valley to the Gulf and to the ocean.

But it has filled up by carrying down the vast thousands of acres of land from the Mississippi and its tributaries. This has filled up that great arm of the Gulf for perhaps a hundred miles above New Orleans. I will not state exactly how far, but this delta of the Mississippi has been filled up by carrying on and on these deposits through successive ages until it has formed land enough for an empire there, and it is still moving onward and onward toward the Antilles. Since the first report that was made on this subject the mouths of the Mississippi have advanced ten or fifteen miles. Now, this has been the work of nature, and gentlemen can see what they will have to contend with in meeting the requirements of engineering there, when they remember that that vast empire of earth has been deposited at the mouths of this river, and is being deposited every day as it has been for the last thousand years. Who shall solve this problem in a moment? What engineer can go over that vast field, over this vast river carrying down in solution and sweeping from its bottom enough to make a county in a day? Who shall solve the engineering problem in a day and escape criticism? It never has been done successfully, and if solved at all it must be by experience joined with knowledge.

Now, Mr. Speaker, I cannot dwell upon the facts connected with this subject any further, nor do I desire to go further. The facts I have stated show, as was said by a gentleman who preceded me, that we should work in some manner with nature which makes these vast deposits. But the question is, how shall we work with nature and in what direction shall we have the advantage of the operations of nature? I admit that if there was a strong current in either direction sweeping past the delta of the mouth of the Mississippi, which carried off this immense deposit as it comes out into the gulf as there is at the delta of the Danube, the solution of the question would be much easier than it is. But let any man take the map of Louisiana, and the map of the Mississippi, and see its progress from where it left the highlands to its mouth and he need not have an engineer to tell him that there never was a littoral current. There never has been such a current at all. If there had this vast deposit would have been either to the right or to the left of its mouth. If there had been, of course, it would have made a corresponding channel which would have kept its course through the deposit. But the general direction of the current has been onward and onward continually a little east of south. That is its direction to-day. Islands have been formed; territory large enough for States has been formed, by the onward course of the Mississippi, through the vast alluvial plains which would have been changed by a littoral current, while the channel of the river has been generally in one direction. It needs no engineer with a drag in the water to tell where the current has been for ages past and where it is to-day.

Now I call the attention of the gentlemen of the House to the map accompanying the report of the engineers, showing the progress of the shoal water in this delta of the Mississippi. Since 1838 this deposit has gone on from the edge where it broke off into deep water, and between two and a half and three miles of the whole bar, as it is called, has advanced before the deep current and has spread out sideways and in front toward Cuba. Since the survey, which was well made in 1838, it has advanced nearly three miles, not right at the mouth of the river, but the whole vast bank of deposit has been spread forward. It goes forward at the rate of four hundred and seventy feet a year. And more than this, where the water is five hundred feet deep there are ridges like the ridges of mountains forming all the while, which rise and rise until they are within fourteen or fifteen feet of the surface and the valleys between them fill up. That is the result of the deposit there.

Now, this filling up is progressing at the rate I have stated, and all these circumstances have to be taken into account when we would solve the question of an open mouth to the Mississippi. O, if there was a rocky coast there; if there were jetties made there by nature which would hold the water of the river in one or two channels, which would carry it into the Gulf where the water is deep, then there would be no difficulty in having an open mouth to the river.

Now, as no one disputes the general facts in regard to this matter, let gentlemen of this House consider the character of the mouth of this river, the soft alluvial soil constantly forming there and constantly swayed by the great hurricanes and cyclones of the Gulf bearing up against these channels. All of these things, about which I have not time to speak in detail, must be considered by every intelligent man in this House before he can settle a question of this kind to any certainty. It must be examined by engineers, and therefore I say it is not only unkind but unmanly to attack an engineer who brings study and investigation to the solving of this problem, even if he does not agree with the views of others who look at it from a different or contrary direction.

I will not talk of the probability of success of the jetty plan. I have myself no doubt that with a sufficient expenditure of money for building jetties, which are but artificial banks for the river, you may accomplish a success. I have no doubt that a channel may be made, if the jetties extend back toward the higher land far enough to throw the current between them, as if they were the river banks, and keep the channel scoured out so as to secure twenty, thirty, or fifty feet of water if necessary.

I have also no doubt that if those jetties were constructed, the very concentration of the water between the jetties, if they should be made ftrong enough to stand there against the hurricanes—and I believe they might be made strong enough to withstand them—the concentration of water in the channels between the jetties would carry a larger amount of deposit toward the mouth of the river and increase still faster the formation of the bed of alluvial soil at the mouth and in the Gulf. I have no doubt, and I think no one doubts, that in any event the system of jettying must be carried forward year by year, at a greater or less expense, in order to secure the necessary depth of water in the channel. I believe that is a fair, honest statement of the matter, one which from my investigation of the matter I cannot gainsay. How much that expenditure may be no one can tell. Men may risk their judgment upon the matter; men may undertake, or be willing to undertake, the forming of these jetties with their knowledge of engineering, may be willing to undertake them for a given sum. But I venture to say that no man, unless he knows that the Almighty with His strong hand will withhold the hurricane and stop the cyclone from beating across the mouth of the Mississippi River, can tell or dare venture to tell how soon any work of man may be swept off into the Gulf and rendered useless.

I leave to others the advocacy of the jetty scheme. I appreciate the importance and the necessity, if there were no other means, of expending money to any amount to open the mouth of the Mississippi River for the commerce of the vast empire that lies between the mountains. I leave to others to explain the amount which may be necessary to keep this river open by this means, and to explain its feasibility. I do not antagonize it, because, although some other plan within the means of the Government may be now adopted, I have no doubt that the time will come when the millions of men in the valley of the Mississippi and of the great lakes will say to this Government that if any human engineering can accomplish it the mouth of the Mississippi shall be opened to the vessels and the commerce of the world.

But there is a point where if it be only temporary—and by that I

mean the life-time of those who hear me—there is a point where no one will dispute the practicability of making a safe and sufficient passage from the deep water of the river to the deep water of the Gulf. The same process which has piled up this earth brought down by the Mississippi into dry land from which States have been formed, has made islands farther out into the Gulf, which are a protection to Breton Bay, some forty miles up the river, where there are some three or four miles of dry land between the deep water of the river and the deep water of the Gulf.

Mr. SMITH, of Ohio. How deep is the water of the Gulf at that point?

Mr. CONGER. I am informed that in its shoalest place it is some six or seven fathoms in depth, deep enough for all the wants of commerce.

Mr. HURLBUT. You do not mean in the Gulf?

Mr. CONGER. I mean in Breton Bay.

Mr. HURLBUT. It is thirty-five feet there.

Mr. CONGER. There may be places where it is thirty-five feet; I will not dispute that. But in the present state of navigation thirty-five feet is all that is necessary. Of course it is not all an even bottom; it has its channels. It is not filling up however, because the mouths of the river have passed on below for forty miles with land intervening, where the river flows out with all its deposits into the Gulf beyond. Breton Bay is secluded from the general action of the hurricanes and storms of the Gulf by Breton and other islands. It has itself a harbor large enough for all the commerce that would ever seek entrance there. There is a strip of land three or four miles wide, but it shoals off into the Gulf, so that to build the canal there would require some seven miles of canalling to secure twenty-seven or twenty-eight feet of water. What is the character of this deposit? It is sufficiently firm now to make firm land. But whether there be quicksands there which would obstruct the building of a canal is a question which engineers have not determined. Whatever difficulties there may be, it is not disputed but what they may be overcome, and a canal constructed seven miles long from the river, where the water is one hundred and fifty feet deep, to the bay, where the water is thirty-five feet deep in the shoalest places. The general difference between the water-level in the river and in the Gulf I think is only two or three feet in ordinary stages of water.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. ORR.) The gentleman's time has expired.

Mr. CONGER. I have but a word or two more to say on this subject.

Several MEMBERS. Go on.

Mr. CONGER. I do not wish to occupy other gentlemen's time.

The SPEAKER *pro tempore*. If there be no objection the gentleman from Michigan [Mr. CONGER] will proceed.

There was no objection.

Mr. CONGER. I was about to say a word in regard to the construction of a lock or gate in connection with the canal. By this means the current of the Mississippi, even at the highest stages of the water, could not pass into the canal except when the boats were passing; and although some deposit might thus be carried suspended in the water into the canal, it would be so comparatively small in amount as never to injure materially the canal or the depth of water in Breton Bay.

It is asked how many of these boats could pass the locks in a day. Of the size proposed here there could pass two or three ordinary boats through the locks at one time. There would be but one real lock. I think the lockage would be no impediment to commerce. There now pass through the locks of the Sault Sainte Marie Canal a larger number of vessels (and although they are smaller each requires its lockage) than would pass through this deep canal into the Mississippi at that point. I think there would be no difficulty arising from the delay occasioned by lockage. That is a matter about which other gentlemen can satisfy themselves.

Now, while I believe the time is coming when some way will be provided (and perhaps the very way which this distinguished engineer, Mr. Eads, has recommended) for making some one of the mouths of the Mississippi a deep channel for the commerce of the world, yet I submit that we are now spending almost every ten years, certainly every twenty years, enough money to construct this canal which is feasible. We might construct this work, and then as the country demands it go on with these jetties—improving the mouth of the Mississippi hereafter for the commerce of the world as the nation grows and becomes better able to undertake the cost and risk of so vast a work.

I ask gentlemen to consider this fact: that at the point proposed, or some point near Fort Saint Philip, a canal seven miles long can be made for a moderate sum—a canal by means of which vessels of largest draught coming into any of our ports can enter and pass in a storm out of the Mississippi. This can be done at a moderate expense. Again, this is a very great distance nearer for all the eastern trade of the United States—the ocean trade—than the communication by the mouth. Making use of the mouth you have to go forty miles, then pass around the shoals and get back almost in a line with the eastern trade, making a difference of perhaps one hundred or one hundred and fifty miles. At the mouths of the Mississippi, whether there be any jetties there or not, there is no harbor. No vessel can lie there. Vessels must lie off and on until the wind permits them to make an entrance. But at Breton Bay they can run into a safe harbor, and be there ready to go out or come in. They can enter the canal in almost any stage of wind or water.

I submit this proposition to gentlemen: suppose there were at the Isthmus of Darien a strip of land seven miles wide, and but a few feet higher than the level of the two oceans. How long would it have been before the commerce of the world would have demanded that a canal seven miles long should be built across that isthmus? When the subject had once been presented to the commercial nations of the world, how many days would have elapsed before they would have agreed upon a canal to avoid the dangers of the cape and the dangers of the ocean? Why, sir, such a canal would have been finished years ago, and our vessels would have been sweeping back and forth through that canal bearing the commerce of two oceans. Of vastly more importance (though on a smaller scale) to the people of the Mississippi Valley is the removal of the little narrow strip of land that divides the deep waters of the Mississippi from the sufficiently deep waters of Breton Bay and the Gulf.

I have not time, Mr. Speaker, to dwell on this question further. In what I have said I have sought not to antagonize the views of any other gentleman who has spoken, but to fulfill a duty to myself in the expression of the views which have arisen in my mind during the four or five years that I have been a member of the Committee on Commerce and also a member of the sub-committee upon the improvement of rivers and harbors. I thank the House for the attention it has given me.

[Mr. COBB, of Kansas, addressed the House. His remarks will appear in the Appendix.]

Mr. HURLBUT. If no other gentleman desires to continue the debate, I propose now to call the previous question.

Mr. STORM. I hope the gentleman will now move that the House take a recess, as we are to have an evening session.

Mr. KASSON. Will the gentleman from Illinois [Mr. HURLBUT] agree that I shall have fifteen minutes on this question to-morrow morning?

Mr. HURLBUT. I have no objection to the gentleman from Iowa [Mr. KASSON] or any other gentleman having as much time as the House may give them. But as I will only have an hour for closing debate, I do not think that I should be asked to give the time out of my hour.

Mr. KASSON. I should like to have it arranged that I shall have fifteen minutes.

Mr. CONGER. I would suggest that the gentleman from Iowa, [Mr. MCCRARY,] who reported the substitute, may have half an hour in addition to the hour allowed to the gentleman from Illinois, [Mr. HURLBUT,] inasmuch as that gentleman, having charge of the bill, wishes to occupy the whole hour himself after the main question is ordered.

Mr. MCCRARY. If that arrangement be made I will yield to my colleague [Mr. KASSON] the time which he desires.

The SPEAKER. If there be no objection that arrangement will be made; that after the previous question is seconded the gentleman from Iowa [Mr. MCCRARY] shall have half an hour in addition to the hour allowed to the gentleman from Illinois [Mr. HURLBUT] to close debate.

There was no objection.

The SPEAKER. The question is on seconding the previous question.

Mr. MCCRARY. That will include the amendments?

The SPEAKER. Of course.

The previous question was seconded and the main question ordered.

Mr. GARFIELD. I would like to have the privilege of having an amendment pending.

The SPEAKER. That would require unanimous consent.

Mr. SENER. I would suggest to the gentleman from Ohio to have his amendment printed.

Mr. GARFIELD. I will.

Mr. HURLBUT. I will allow the gentleman's amendment to be read, but I do not say that I will accept it.

Mr. GARFIELD. I will hand in my amendment to the Clerk. I ask that it may be printed.

There was no objection, and it was so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARFIELD, from the Committee on Appropriations, reported a bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes; which was read a first and second time, and ordered to be printed.

Mr. GARFIELD. I move that the bill be referred to the Committee of the Whole on the state of the Union, and made a special order to-morrow after the morning hour.

The motion was agreed to.

Mr. GARFIELD. I desire also to submit a special report to accompany the bill, and ask that it may be printed.

There was no objection, and it was so ordered.

Mr. BECK. I reserve all points of order on the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks,

announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. No. 32) obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes; and

A bill (S. No. 229) authorizing corrections to be made in errors in prize-lists.

The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. No. 3007) granting a pension to Cordelia Wilcox;

A bill (H. R. No. 3009) granting a pension to Michael Bannon, of Dayton, Ohio;

A bill (H. R. No. 3011) granting a pension to Mrs. Letitia Carr;

A bill (H. R. No. 3012) granting a pention to John Heddinger;

A bill (H. R. No. 3014) to place the name of Mrs. Caroline Duncan on the pension-roll; and

A bill (H. R. No. 3019) granting a pension to George H. Reynolds.

The message further announced that the Senate had passed a bill of the following title, with an amendment; in which the concurrence of the House was requested:

A bill (H. R. No. 2866) relieving the legal and political disabilities of Fitzhugh Lee.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment; and

A bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 32) obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes;

An act (S. No. 229) authorizing corrections to be made in errors in prize-lists;

An act (S. No. 369) to change the name of the registered steamer Oakes Ames to Champlain;

An act (S. No. 708) to change the name of the schooner China; and

An act (S. No. 766) to grant an American register to the steamship Suffolk and to change the name of said steamship to that of Professor Morse.

ORDER OF BUSINESS.

The SPEAKER. The House, pursuant to the order made yesterday, will meet this evening for debate in relation to the Washington national monument, no business whatever to be transacted.

Mr. SENER. And also the bill in relation to the monument to the mother of Washington.

Mr. DUNNELL. May not other subjects be debated also?

The SPEAKER. If nobody objects, but gentlemen desiring to speak upon the special assignments will have precedence.

Mr. HURLBUT. I suppose that when debate is exhausted on those bills it will be in order upon other questions.

Mr. CONGER. Has any arrangement been proposed by which we can have the morning hour to-morrow for private bills?

The SPEAKER. It will come up immediately after the bill in relation to the Mississippi River is disposed of.

Mr. CONGER. Then the next thing in order will be the unfinished business of the Committee on Patents.

The SPEAKER. What unfinished business?

Mr. CONGER. The bill for the relief of Rollin White.

The SPEAKER. That bill is in the morning hour.

Mr. CONGER. Will it come up before or after the bill in relation to the Mississippi River is disposed of?

The SPEAKER. After that bill is disposed of; that bill will come up immediately after the reading of the Journal.

Mr. CONGER. Then the Rollin White bill will be the next thing in order?

The SPEAKER. It will. The gentleman from Michigan [Mr. FIELD] will occupy the chair this evening as Speaker *pro tempore*.

Mr. HURLBUT. I now move that the House take a recess until half past seven o'clock.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m., (Mr. FIELD occupying the chair as Speaker *pro tempore*.)

WASHINGTON NATIONAL MONUMENT.

The SPEAKER *pro tempore*. In pursuance of the order of the House made yesterday the House meets to-night to consider the report of the Special Committee on the Washington National Monument, and also the report in relation to a monument to Mary, the mother of Washington.

Mr. CHIPMAN. Mr. Speaker, seventy-four years ago, on the 23d of last December, the Congress of the United States, in response to a universal feeling throughout the nation, resolved to erect a marble monument at the capital, so designed as to commemorate the great events of the military and political life of George Washington.

The whole people were in mourning for the loss of the man who by common consent was regarded as the Father of his Country; the man of whom it was said, without exciting the envy of a living soul, that he was "first in war, first in peace, and first in the hearts of his countrymen."

When Congress resolved to commemorate the great events of this man's life, they imposed a solemn as well as pleasing duty upon all who were to come after them until that duty should be performed. At this distance of time, looking back along the path of our history, and remembering the vicissitudes through which efforts to carry out that pledge have passed, and turning my face toward that unfinished column, standing with bowed head upon the banks of the Potomac, I wonder what great and stirring events must have interposed to prevent the consummation of this sacred duty.

George Washington died on the 14th day of December, 1799. No man who has ever lived occupied a larger space in history or had a greater and more salutary influence upon the lives of men. Upon his death not only the whole American people, but the civilized world, mourned his loss as one of the greatest and best of earth. The President, Mr. Adams, announced the distressing event to Congress in a message, in which he speaks of the purity of Washington's character and the long series of services to his country as having rendered him illustrious throughout the world. The letter which brought the sad intelligence to the President, and which was transmitted by him to Congress, was written from Mount Vernon, December 15, by Tobias Lear, who was with Washington in his last hours. The letter states:

> His last scene corresponded with the whole tenor of his life; not a groan nor a complaint escaped him in extreme distress. With perfect resignation, and with full possession of his reason, he closed his well-spent life.

There is to me, Mr. Speaker, a melancholy pleasure in reviewing this striking event of our early history, and I dare say the House will not feel the half-hour misspent which is given to revive the recollection of this now almost obscure passage.

I shall not myself speak particularly of the life and character of Washington; but what I shall say upon that theme I prefer shall be from the lips of those who were his associates in arms, his companions in the struggles of our early revolutionary period.

Both Houses of Congress waited upon the President to condole with him on the distressing event. In their address to the President, the Senate said:

> With patriotic pride we review the life of our Washington, and compare him with those of other countries who have been pre-eminent in fame. Ancient and modern names are diminished before him. Greatness and guilt have too often been allied; but his fame is wider than it is brilliant. The destroyers of nations stood abashed at the majesty of his virtue. It reproved the intemperance of their ambition, and darkened the splendor of victory. The scene is closed, and we are no longer anxious lest misfortune should sully his glory. He has traveled on to the end of his journey and carried with him an increasing weight of honor; he has deposited it safely where misfortune cannot tarnish it, where malice cannot blast it. Favored of heaven, he departed without exhibiting the weakness of humanity. Magnanimous in death, the darkness of the grave could not obscure his brightness. * * * Let his countrymen consecrate the memory of the heroic general, the patriotic statesman, and the virtuous sage. Let them teach their children never to forget that the fruit of his labors and his example are their inheritance.

In reply, among other things, Mr. Adams said:

> In the multitude of my thoughts and recollections on this melancholy event, you will permit me only to say that I have seen him in the days of adversity, in some of the scenes of his deepest distress and most trying perplexities; I have also attended him in his highest elevation and most prosperous felicity, with uniform admiration of his wisdom, moderation, and constancy. * * * * * *
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> Among all our original associates in that memorable League of the Continent in 1774, which has expressed the sovereign will of a free nation in America, he was the only one remaining in the General Government.

And, in conclusion, added:

> His example is now complete, and it will teach wisdom and virtue to magistrates, citizens, and men, not only in the present age, but in future generations as long as our history shall be read. If a Trajan found a Pliny, a Marcus Aurelius can never want biographers, eulogists, or historians.

It was a proper thing; indeed, less could hardly have been done than to resolve to erect a monument worthy of the character of such a man. And it perh aps may be as well for me to occupy my time chiefly in presenting to the House the vicissitudes through which the effort to erect a monument has passed, leaving other gentlemen to treat other branches of the subject. It is an instructive chapter; and while it carries with it a lesson not flattering to our patriotism, it may serve to point a moral, if it does not adorn a tale.

In announcing the death of Washington to the House, Mr. Marshall closed an eloquent address by submitting a series of resolutions befitting the occasion. One of these resolutions provided for the appointment of a joint committee of both Houses to report measures suitable to the occasion; and in that resolution occurs the memorable words, applicable to Washington only, declaring that these measures shall be expressive of the profound sorrow with which Congress is penetrated in the loss of a citizen "first in war, first in

peace, and first in the hearts of his countrymen."* The Senate concurred in this resolution, the committee was appointed, and among other things done was the passage unanimously upon the same day of an act to erect a marble monument to Washington.

May 8, of the same session, Mr. Lee, of the committee on the part of the House, reported in favor of carrying out the resolution of Congress, passed in 1783, respecting an equestrian statue of Washington, and also to erect a marble monument to carry out the act of 1799. A motion was made to amend the report and carried, substituting a mausoleum for the statue and monument proposed. On the next day Mr. Evans, from the committee, reported a bill for erecting a mausoleum, which was to be one hundred feet square at the base and of proportionate height. The bill came before the House on final passage May 10, and passed—yeas 54, nays 19. On reaching the Senate, it was postponed, May 12, to the following session.

Congress assembled on the 17th of November in its second session, and on the 26th Mr. Lee moved a committee, with instructions to report measures to "carry into execution the resolution of Congress, passed the last session, in commemoration of the great events, military and political, in the life of George Washington;" and on the 2d of December Mr. Lee reported a bill to erect a mausoleum. The bill directed that it should be of marble, erected in the city of Washington, under the superintendence of the four Secretaries. The question was considered in Committee of the Whole December 5, when a motion was made to substitute a marble monument to be erected in the Capitol building; but Mr. Lee reminded the House that at the last session, after a long debate, they had declared in favor of a mausoleum; and that as no reasons had been assigned for a change of opinion, he hoped they would persevere in the deliberate result of their judgment.

It was urged by Mr. Griswold that—

> It was the object of the bill to raise a monument which should last for ages, and which should be a perpetual memorial of the gratitude of America. Such would not be the case if the proposition made by the gentleman from North Carolina should be adopted. The monument proposed by him might be broken and destroyed by a lawless mob; and for his part he would not consent to raise such a monument to the memory of a man who had deserved so well of his country. * * * It is true that it will not perpetuate the fame of Washington; his fame required nothing which we could do to give it perpetuity; but it will perpetuate the gratitude of the country. * * * It was undoubtedly a subject of sentiment; and subjects of such a kind must be guided by feeling. Various opinions therefore may naturally be expected. His opinion was that the national sentiment called for the erection of a structure to correspond in size with the character of the man to whom it was raised.

Mr. Lee, who had been a companion in arms with Washington, and was the chosen orator of Congress on the occasion of his death, came to the support of his bill with a stirring, patriotic appeal to the House, in which he said that should this honorable spirit, kindled by an enthusiasm in the virtues and talents of our departed benefactor, subside and be chilled by the adoption of the amendment, he would condole with the House, and would rather they would be silent forever than disgrace themselves and their country by so subordinate an act. And, rising with his theme and in glowing eloquence, he continued:

> It is true, sir, that the celebrity and the glory of Washington hang not on our plaudits. History will transmit to posterity the luster of his fame, glittering with untarnished purity. It is not in our power either to increase or diminish it. But, sir, we may imitate his virtues and his great example. We are deeply interested in holding them forth as illustrious models to our sons. Is there, then, I ask you, any other mode for perpetuating the memory of such transcendent virtues so strong, so impressive, as that which we propose? The grandeur of the pile we wish to raise will impress a sublime awe in all who behold it. It will survive the present generation; it will receive the homage of our children's children, and they will learn that the truest way to gain honor amid a free people is to be useful, to be virtuous.
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> This will not be the act of an individual. It will be the act of a government, expressing the will of a great nation. Seize, then, I pray you, seize with rapture the occasion that is now presented, thankful to the Supreme Disposer of Events for giving you the opportunity for rearing some future Washington. This is a great object. Frown, then, upon all the little efforts made to defeat it.

The House again, December 10, in Committee of the Whole, had the same bill under consideration. On this occasion many gentlemen participated in the debate. Mr. Claiborne, among others, said:

> That on a question which would not fail to excite the sensibility of every American heart it was a subject of great regret that a division of sentiment should arise, and he urged the House to unite in the last act of attention which they proposed to show this venerable character.

But while Mr. Claiborne urged—and in this the human nature in him is found repeated here and elsewhere daily—while he urged the House to unite in their action, he spoke to convince them that it was their duty to build an equestrian statue in accordance with the resolution of the Continental Congress, utterly ignoring the pledge of the Congress of which he was then a member.

The committee agreed to inquire into his suggestion, as well as others, and arose and reported progress.

Again, December 19, Mr. Lee reported to the House that the committee had considered the several propositions made commemorative of the services of Washington, but that it adhered to its former report as to a mausoleum; that they had maturely considered the merits of all the plans proposed and preferred the mausoleum, as well from its superior durability as cheapness, to any other.

December 23 the question was again before the House in Committee of the Whole, and a motion was made fixing the sum to be appropriated at $200,000.

Mr. Smilie opposed it as a needless expenditure of money; that no responsible architect or engineer had given security that the work could be accomplished for the sum named.

Mr. Harper replied that the old story was again rung in their ears. He said:

> An object in itself highly important was proposed, and forsooth because it cost some money, on the ground of economy it must be rejected. * * * * * * *
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> These clamorous objections are well understood. Their sole object was *ad captandum vulgus*, to create alarm about what was termed useless expense. They were intended for nothing else.

In looking over the Annals of Congress, disclosing discussion upon this question, Mr. Speaker, I am struck with the fact that men in those days did not differ much from those of our times; but I think we may congratulate ourselves that no member would seriously think for a moment of charging a fellow-member in these frank and manly days with opposing appropriations to catch the vulgar ear.

In this particular at least, and a useful one it is, we may claim exemption from such base motives!

After these gentlemen had mutually paid the customary parliamentary courtesies to each other, each denying that the other knew anything about the subject, the committee arose.

Mr. Rutledge, in a brief appeal, brought back the House to the real question, reminding them that—

> When the man whose loss the world deplored departed from us we were all shrouded with sorrow; the mournful event awakened our deepest regret, and resolutions expressive of the national affliction at his death and commemorative of his services were unanimously passed by both Houses of Congress. Those resolutions were not carried into effect owing to a disagreement between the branches of the Legislature. Now, when we propose to carry them into effect, objections are started to every measure offered; objections that rise eternally in our horizon, which, whenever we pursue, fly from our reach, and which, always moving in a circle, we can never overtake.
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> * * * * * * * * * *
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> Does it become the dignity of the House thus to be occupied with trifling objections on such a subject? They had delayed too long to do what ought to have been done at once.

The question was taken on filling the blank with $200,000 and carried, which was agreed to in the House.

The bill was subsequently, January 1, 1801, engrossed, read a third time, and passed. The bill went to the Senate and was there indefinitely postponed.

For fifteen years the annals of Congress do not show that gratitude for the services of Washington had any abiding place in the hearts of the American people, and that such a man had ever lived one would doubt in perusing these pages. Except incidentally, his name is nowhere mentioned. Once in 1810, upon the death of his kinsman, Colonel William Washington, a spasm of patriotic feeling seized upon a member of the House, and he moved a resolution in honor of the deceased; but this ebullition of feeling was quickly suppressed, and, lest the contagion might spread and the memory be disturbed as to the buried monument, the resolution was rejected; and afterward, when a feeling of compunction seized upon some who had so promptly suppressed the attempt to revive any recollection of Washington, an effort was made to expunge the record so slighting to his family. It was refused, and the record kept as a warning to any who should hereafter attempt to honor the name.

In 1816 Mr. Huger, who was on the committee in 1799, moved a joint committee to inquire as to how the act of 1799 could be carried out. The Senate concurred, but no report was ever made there that I can find. The House committee reported favorably to a monument. In moving the law Mr. Huger said, his heart sank within him as he recalled to mind the scenes he had once witnessed and in which he had personally acted a part on the floor of that Congress, which represents the American nation, on the death of this great man. He had often since thought with astonishment and more than regret of the apathy of the American people on this subject. The only action taken is recorded in the following ghastly, laconic language: "And that said bill be indefinitely postponed." And so this first effort for fifteen years to redeem an early pledge died in the deadly atmosphere of indefinite postponement—that upas which grew at the touch of congressional indifference, apathy, and disloyalty to the name and fame of a man whose loss had once moved not only the American people but the whole world with profound sorrow.

In 1819 Mr. Goldsborough, in the Senate, moved a resolution to erect an equestrian statue to General Washington, which passed July 19. The House next day paid it the compliment to read it twice and send it to the Committee of the Whole, where it took refuge under the umbrageous shade of forgetfulness and died the ignoble death of postponement. The memory of Washington was allowed to repose peacefully in oblivion until 1824, when Mr. James Buchanan, just in the

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*As the Annals of Congress show that Mr. Marshall made the report, a question of the authorship of these words arose in my mind. A friend, learned in patriotic lore, relieved my mind in the following letter:

DEAR SIR: I find myself confirmed in the recollection expressed to you last evening in regard to the authorship of the celebrated words, "First in war, first in peace," &c.

At page 441 of volume 2 of Marshall's Life of Washington, edition of 1839, there is this foot-note, referring to the resolution in which the words occur:

"These resolutions were prepared by General Lee, who, happening not to be in his place when the melancholy intelligence was received and first mentioned in the House, placed them in the hands of the member (Marshall) who moved them."

It was certainly honorable in Judge Marshall thus to secure to their real author the credit of these resolutions, which would otherwise have been given to himself.

J—— H——.

MAY 22, 1874.

House fresh from the old Keystone State, made an abortive attempt to convince Congress that by neglecting for so long a period to accomplish the object of the act of 1799 it had subjected itself to the imputation of perfidy, as well as ingratitude. He said:

> We made a solemn promise to the widowed partner of Washington and to the people of the United States by a legislative act that we would erect a monument to his memory. That distinguished lady has long slumbered with him in the grave, and this pledge has never been redeemed.

He continued:

> It is difficult to determine whether this neglect be more impolitic or ungrateful. Every wise nation has paid honors to the memory of the men who have been the saviours of their country. Sculpture and painting have vied with each other in transmitting their images and the memory of their deeds to the remotest generations. By these means the holy fire of virtuous emulation has been kindled in the bosoms of the youth of succeeding ages.

Mr. Buchanan was a young member, and so far as the Annals of Congress show, he was tolerated by the House in this flight of fancy. On account of his youth and inexperience he was not reminded that the subject of his resolution had long since been consigned to oblivion and had become obsolete. If there was a member courageous enough to take him aside and congratulate him the record does not show it; but I can imagine the sardonic smile which overspread the House as the resolution of the future occupant of Washington's seat was without ceremony "ordered to lie upon the table."

I wish, Mr. Speaker, I could find somewhere along this period a bright spot; but as touching this holy duty it is all the blackness of darkness.

I would close the book of this Congress if I had not resolved to spread before you all I have found on this interesting subject.

At the same session, Mr. Johnson moved in the Senate to purchase the equestrian portrait of Washington by Rembrandt Peale, provided it should cost no more than $5,000. A similar motion was made by Mr. Buck in the House. These propositions were consigned to the table gently that they might not disturb the quiet repose of the dead soldier and sage.

About the same time the House Committee on Public Buildings and Grounds was instructed to inquire into the expediency of purchasing three busts of Washington by Capellano. The committee subsequently reported that—

> However laudable it may be in the Government to cherish a disposition friendly to the fine arts and to patronize ingenious artisans, or politic to adorn our public halls or libraries with the likenesses of departed sages and heroes, it is inexpedient to purchase these busts at this time under existing circumstances.

The brief record is that the report was concurred in.

Mr. Speaker, I challenge the civilized world, and I will include the semi-barbarous portion, to present a specimen of loftier contempt for the memories of the past, a more heartless and cavalier disposition of a sacred subject. Twenty-four years before, with one voice, the nation voted a monument to Washington, since which time no action had been taken toward it. The monument was again and again postponed; a portrait was declined, and now three little busts could not be purchased "under existing circumstances." What were the "existing circumstances," I know not, unless it be that Congress was composed of men filled with personal ambitions, men absorbed in personal success, forgetful of the past, indifferent as to the future, and who lived in an atmosphere of dead memories and unpatriotic and selfish motives.

Washington and his great services had disappeared. The question had become one of patronage of art, the embellishment of our halls and libraries, or the commemoration of our heroes and sages generally. I shall go no further for proof that the so-called golden age of the Republic was an age of sordid and mean motives no better than our own, and that the evidences of patriotic devotion to the country and to the memories of our revolutionary struggle are fourfold stronger and more sincere to-day than in the days to which we are apt to turn for high aspirations and lofty motives.

In 1826 the House tabled a resolution to adjourn over the 22d of February in honor of Washington.

In 1832 an attempt to make some arrangements to celebrate his centennial birthday was dropped owing to the refusal of Mr. John A. Washington to permit the remains to be removed from Mount Vernon.

This Congress did, however, agree to employ John Vanderlyn, of New York, to paint a full-length portrait of Washington to be placed in the Hall of Representatives opposite the portrait of Lafayette, the head to be a copy of Stuart's Washington, and $1,000 were appropriated.

This admirable painting is before you at the right of the Speaker, and I hope before we refuse to complete the unfinished monument that this picture may be veiled forever from the sight of man. I could never, Mr. Speaker, look toward your desk with those eyes full upon me and solemnly vote that our centenary may come and go without removing the national disgrace daily uttered by yonder unfinished shaft.

At the same session, also, the statue now in the East Capitol grounds, by Horatio Greenough, was ordered; the head was to be a copy of Houdon's Washington, the accessories according to the artist's judgment. This statue was designed for the Rotunda, but why it has been cast out and left utterly exposed and forsaken no one can tell.

Two unsuccessful efforts in the Senate in the same year, one to purchase Rembrandt Peale's Washington, and one to erect a full-length bronze pedestrian statue, closes the record, if we include the equestrian statue by Clark Mills, of all that has been done and refused by the American Congress toward redeeming a sacred pledge.

This, Mr. Speaker, is the history of thirty-two years of the American Congress in its effort by a suitable monumental structure to testify the gratitude of the American nation toward the Father of his Country; a man renowned throught the world, whose name is now and ever shall be the synonym for liberty and for free government.

We come now to the period when the people, despairing of congressional action, resolved to erect a monument from contributions out of their own purses. The story of this well-meant effort is soon told. Its details are fully presented in the report of the committee which gentlemen have before them.

In September, 1833, a number of patriotic citizens of Washington assembled together and on that and subsequent meetings devised a plan for erecting a national monument.

It was hoped that, a monument once erected by the voluntary contributions of the whole people, permission would be given to remove the remains of Washington for deposit in it, and whether this should be done or not it would be a rallying point for patriotism, and would be a noble emblem of attachment to the Union and its founders.

Of the original number who founded the society, not one survives. The names of these patriots should not be forgotten, and I shall do them the poor honor of connecting them with what I hope we intend to be the last and successful effort to complete what they so nobly began. They were William Brent, Daniel Brent, James Kearney, George Watterson, Joseph Gales, Joseph Gales, jr., Peter Force, William W. Seaton, John McClellan, Pishey Thompson, and Thomas Carbery.

Chief Justice Marshall was its first president and at his death Mr. Madison was chosen, since whose death the successive Presidents of the United States have held the position.

It was first determined to limit the subscription of any one person to one dollar, but this restriction was afterward removed.

In 1836 the subscriptions had reached $28,000; in 1847 they had reached $87,000.

On the 31st of January, 1848, Congress passed a resolution authorizing the society to erect the monument upon one of the reservations of the Government.

On the 4th of July, 1848, the corner-stone was laid in the presence of persons from all parts of the country and amid the prayers and plaudits of the whole people, and by 1854 the funds of the society were exhausted; the obelisk had reached the height of one hundred and seventy feet, at a cost of $230,000, since which only four feet have been added.

The society appealed to Congress for aid as subscriptions had ceased, and a committee of the House reported a bill appropriating $200,000, but at this critical juncture rival aspirants got possession of the organization, thus preventing action, and held it until the latter part of 1858, when Congress incorporated the society and confirmed its title to the reservation; but after appealing to the country in every way it could suggest, the society frankly avows its belief that if the monument is to be completed by the centennial Congress must provide the means.

This brings us face to face with our duty. The committee in recommending that Congress should promptly accept the trust tendered have not been unmindful of public sentiment as to the duty to economize expenditures in every branch of Government, but the committee thought there was that which withholdeth yet impoverisheth in this case. We did not believe that the enlightened public sentiment of the country would sustain us in refusing a reasonable appropriation to complete this monument. We felt that if no attempt had ever been made to erect a monument we could not honorably escape the duty imposed by the act of 1799, but we find here an unfinished monument started by the people which from lack of administrative machinery to reach contributors must utterly fail, unless the Representatives of the people come to their assistance, and we must either refuse or make the necessary appropriation.

Every question as to cost, stability of the shaft, and appearance when completed is answered in the report.

In brief, it is found not advisable to complete the obelisk to the height originally intended, (550 feet,) but to reduce it to the height of about 440 feet; it is found also that the pantheon or colonaded structure at the base may be dispensed with, and thus make not only a less expensive monument, but a shaft more graceful, in better proportion, and altogether more desirable.

For the pantheon is substituted a terrace with massive steps and balustrade, forming admirable pedestals for future statues.

The obelisk will cost	$245,145 17
The terrace	65,540 75
Total cost of obelisk	310,685 92

With the funds now in the hands of the society, an appropriation of $300,000 will finish the monument, and of this $75,000 will be required this year.

It is found that the work will require five hundred and thirty-seven days, so that a delay till next session is fatal.

A word, Mr. Speaker, as to the plan. I know this has been criticised, but the criticism has been based not upon the effect produced by a shapely and graceful obelisk unadorned, but by confusing this

pure and simple style of Egyptian architecture with the Grecian pantheon or colonaded building surrounding its base. But this is now dispensed with according to the plan recommended by the committee, and a terrace of proper proportions substituted in its stead.

If the question were entirely a new one, and we were now for the first time to determine what character of monument should be erected to the memory of Washington, it may be that something more artistic and ornamental would be approved; but the people of the country, the rich and poor from the remotest boundaries of the Union, have subscribed to the monument upon the present design, and have expended over a quarter of a million dollars in rearing it to its present height. The committee felt that this consideration alone, admitting no others, would constrain them to adhere to this plan rather than to tear down the structure and open the question anew as to the design of a monument. It was felt that the moment this was done the whole army of empirics and charlatans in art would open their shafts upon every plan devised, and that great difficulty would result in determining upon any plan.

Some gentlemen here may remember that some years ago the committee for erecting a monument at Hamilton Square, in New York, advertised for plans, and forty or fifty were sent in and exhibited at the Art Union. Mr. Varnum tells us in his "Seat of Government" that a more grotesque and absurd group of light-houses, pyramids, and nondescript structures never were got together; one only, that of Frazee, received the faintest praise, and it was a superb copy of the Parthenon, to cost about $5,000,000.

But, Mr. Speaker, there is something in this simple, majestic obelisk to my mind eminently proper as commemorative of the character of Washington, aside from the fact that the early fathers preferred it to one more involved and composite in its design. There is something in this obelisk without ornament, pure and simple in its design, not unlike the character of Washington. Strong and enduring, it cannot be more so than his fame; lofty and majestic, it cannot be more so than the motives which governed his life; higher than any like structures in the world, it cannot excel them by so much as he stands above all others in the spotless purity of his character.

Do gentlemen object to the site? Not to speak of its location as presenting a beautiful view of the Potomac, and from the top of the monument a full view of Mount Vernon, where rest the ashes of the chief, it was selected by Washington himself as the spot for a monument to the American Revolution which in 1795 was proposed should be erected at the permanent seat of Government; and afterward it was marked on Major L'Enfant's map of Washington City as the site for the equestrian statue of General Washington ordered by the Continental Congress, which map was examined and approved by Washington himself; besides its elevation is but little below the foundations of this Capitol building.

There is another consideration, Mr. Speaker, which will address itself to the minds of some members quite as strongly as the question of honor or sentiment involved. In 1859 Congress confirmed to the monument association their title to reservation No. 3, where the monument now stands, embracing about thirty acres, which had been deeded to them by President Polk in 1848. The deed gave to this society this reservation "to use, possess, and enjoy, quietly and peaceably and free from all let or hinderance," for the purposes of the society. This reservation forms an important link in the cordon of reservations extending from the Capitol grounds to the Executive Mansion. It is worth many times in value the amount required to complete the monument. The society have expressed a willingness to reconvey this reservation to the United States if this appropriation is made and the monument completed. As a question based entirely upon business principles, and laying aside all others, this alone should impel members to vote for the appropriation.

The United States are to-day trespassers in establishing a propagating garden on one portion of this reservation. Congress cannot with honor revoke the deed made to the society and refuse to carry out the trust coupled with it.

I submit, then, to gentlemen with whom considerations of patriotism and national honor will not avail, that here is a motive worthy the most economical, and which can be defended upon business principles however exacting.

But, Mr. Speaker, I am impelled almost to apologize to the House for having even suggested such a consideration. It cannot be that patriotism and national gratitude are dead in this land. It cannot be that the name and fame of Washington are things of the past. It cannot be that we so near to him, his own countrymen, must alone refuse to do him honor.

Erskine wrote to Washington himself:

I have a large acquaintance among the most valuable and excellent classes of men; but you are the only being for whom I ever felt an awful reverence.

Said Fox of him in the British House of Commons in 1794:

Illustrious man! deriving honor less from the splendor of his situation than from the dignity of his mind. Before him all borrowed greatness sinks into insignificance, and all the potentates of Europe become little and contemptible.

Napoleon proclaimed, on hearing of the event:

Washington is dead! This great man fought against tyranny; he established the liberty of his country. His memory will be always dear to the French people, as it will be to all freemen of the two worlds.

Said Lord Brougham:

It will be the duty of the historian and the sage in all ages to let no occasion pass of commemorating this illustrious man; and until time shall be no more will a test of the progress which our race has made in wisdom and virtue be derived from the veneration paid to the immortal name of Washington.

Said Lamartine:

Efface henceforth the name of Machiavel from your titles of glory, and substitute for it the name of Washington. That is the name of modern liberty. It is no longer the name of a politician or a conqueror that is required; it is that of a man the most disinterested and most devoted to the people. This is the man required by liberty. The want of the age is a European Washington.

Is this, Mr. Speaker, a just estimate of the character of our Washington? Do we believe it? And believing it, can we turn toward yonder unfinished monument which overlooks the final resting-place of the Father of his Country, whose shadow in the evening sun reaches to the spot where we now stand, and deliberately vote to perpetuate that evidence of national dishonor and national ingratitude?

No, sir. Complete it ere your centennial day arrives, or let no American citizen look toward heaven on that glad morn and thank God that this is a land of liberty and that we are a free people. Complete it, or look not back to a noble ancestry; but confess that your nation is in its decadence, and that its days are already numbered.

Mr. STORM. Mr. Speaker, I propose to occupy a very brief period of the time of the House in the discussion of this question. The gentleman from the District, who has paid a great deal of attention to this subject, has made a very exhaustive and full speech upon it and has said all that I had intended to say and more than I could have said.

Sir, I have prepared no remarks for this occasion, and I merely rise now for the purpose of saying that I am in favor of the completion of the Washington Monument. I challenge any member of this House to say whether there has been in this House during the Forty-second and Forty-third Congresses a member who has been more careful in voting for appropriations of money from the public Treasury than I have been. I have ever been careful, and have endeavored by my votes so to act that no appropriation of money should be made from the public Treasury by my consent except for measures of public importance and necessity. But I say unhesitatingly that I am ready and willing to vote the appropriation necessary to complete the Washington National Monument. I think it is a subject of regret on the part of every one who visits the national capital that the Washington Monument should remain to this day incomplete. I do not think a constituent of any member on this floor could find fault with that member if he were to vote the appropriation called for by the Select Committee on the Washington National Monument. I think, sir, that no person in all this country would find fault with any member for aiding in the completion of that monument by making an appropriation from the Treasury, because, sir, it is a well-established fact that the Washington Monument Association cannot complete the work. They have had it in hand for many years, and they confess in a communication made to the chairman of the select committee on this matter that they are willing to abandon the enterprise, admitting that they are unable to complete the work.

If the monument had never been commenced, I do not say that I would be in favor at this time of making this appropriation. If that structure which is now a standing disgrace to the American people had never been commenced, I might be willing to wait for a more propitious occasion when the revenues of the Government would better justify than now an appropriation for this purpose. But standing there as it does, carried so far toward its completion, I am unwilling that the hundredth anniversary of our existence as a nation should dawn upon us with that monument standing there as a testimony that "republics are ungrateful."

Since the first steps were taken in regard to a monument to Washington ninety-one years have passed away. In August, 1783, a resolution was passed by Congress to erect an equestrian statue to Washington. And the very site upon which this unfinished monument stands was selected for that purpose and approved by Washington himself. Washington has been dead three-quarters of a century, and yet nowhere have the American people testified their gratitude, their affection, and reverence for the name of Washington by expending any amount of money in a monumental work to perpetuate his memory. I know it has been said—it was eloquently said by the illustrious orator who spoke on the occasion of laying the corner-stone of this monument in July, 1848—that Washington needs no monument, that this wide-spread Republic is a monument to Washington. That may be all true. The immortality of Washington is assured to him. But while Washington does not need a monument, it is necessary in discharging our duty to him for us to finish this monument. I admit that Washington would be just as great if the American people should neglect to erect a monument to his name. But in justice to ourselves, in justice to the character of the man, we cannot further neglect to finish the structure which was commenced here in sight of this Capitol. The duty is incumbent upon us, although Washington may not need it.

There are some questions connected with the building of this monument upon which this House probably may desire to be satisfied before it will be willing to vote this appropriation of money. There are two practical questions which presented themselves with great force to your committee. I think that committee has given proper attention to the two objections which have been presented to completing this monument which has been commenced here. The first was that the foundation of the present structure was so unsafe

that it would be unwise to hazard any further expenditure of money upon it. The committee called upon General Humphreys of the Engineer Department to examine the foundation and the bases of the present work, and ascertain if it would be safe to carry it to completion according to the original plan.

General Humphreys detailed Lieutenant Marshall, of the Engineer Corps, to make the examination, a young man who I think I can safely say has no superior in this country as an engineer. He made the examination and submitted a full and exhaustive report upon the condition of the present structure. He reports that the foundation is safe; and while he thinks it might not be entirely safe to carry the monument up according to the original plan, to the height of six hundred feet, still it would be perfectly safe to carry it up to the height proposed by the committee, that is four hundred and thirty-seven feet. He says he has no doubt that it would be safe to carry the monument up to that height. That was an important question for us to consider, because it has been alleged by many parties who visited that monument that the chipping off in the lines of the lower courses was an indication that it would be unsafe to carry the structure up farther.

Lieutenant Marshall explains how that took place. He says that the outer edges of the blocks which composed the lowet courses bein thicker than the inner edges, and the courses having been laid too close together, the chipping off is caused by the pressure of the shaft upon those lower courses, and indicates nothing but the fact that the outer edges had been laid too close together. That it affects at all the safety and the stability of the structure he says is not the fact.

He sunk a shaft along the line of the foundation for the purpose of examining the character of the soil underlying it. He gives us a detailed account of the soil and the foundation upon which the monument rests. While he thinks the height of six hundred feet would probably be unsafe, although he does not say it would be, yet being very careful in his examinations, estimates, and calculations, he declares positively that it would be perfectly safe to carry the structure up to four hundred and thirty-seven feet, which the committee think would be high enough.

If the structure is limited to that height the sum required for its completion would be moderate; only about $310,000 being required to complete the shaft and the terrace which Lieutenant Marshall has recommended for the ornamentation around the base of the monument. This plan dispenses with the elaborate work included in the extensive pantheon which was a part of the original plan. That pantheon is to be omitted and a small plain obelisk, an unornamented shaft four hundred and thirty-seven feet high with a terrace about the base, is to be adopted in its stead, and according to his calculations that would require an expenditure of $310,000.

Can it be said that the American people will be unwilling to expend that small sum for the purpose of completing this monument? I do not think they will be unwilling to do so. I think that this House, nearly one hundred members of it having been willing to vote the sum of $3,000,000 for the purpose of a centennial celebration at Philadelphia, would also be willing to vote the sum of $310,000 for the completion of this monument, or about one-tenth of the same they were willing to give to the centennial celebration.

We have then, Mr. Speaker, a safe basis upon which to work, which unfortunately has not been the case with former efforts made in Congress for the completion of this monument. I think this is one of the reasons why Congress has been so negligent with regard to making an appropriation for it. We have never had heretofore a full report and clear statement of the exact condition of the monument. There has been abroad in the public mind an impression that there was something unsafe about the present structure and that it would not be advisable to carry it to completion. That question I think is now settled by indubitable authority based upon a full and searching examination, which has resulted in establishing the safety and stability of the present structure and the feasibility of carrying it to the height of four hundred and thirty-seven feet. This I think is established beyond all doubt.

Such being the case, it only remains for us to vote this appropriation. As I have said, $310,000 will be the utmost amount needed for the completion of the work. The question has been asked of me whether all this would be required in one year. It would not. If $75,000 were appropriated this year and the remaining portion next year it would be sufficient.

Mr. CHIPMAN. The gentleman will allow me to say that I consulted Lieutenant Marshall, the engineer whose report is before us, with direct reference to ascertaining the least sum that it would be necessary to expend before the reassembling of Congress in December next, and he said that with the amount which the society now has—about $15,000—all that would be needed between this time and the assembling of Congress would be $75,000 additional.

Mr. STORM. Mr. Marshall, the engineer who made the examination of the present structure, has not only made the estimate of the amount of appropriation which would be required, but he tells us the time within which it can be completed; that it would take five hundred and thirty-seven working days to complete the shaft. This estimate is based of course upon the consideration of the number of men who can be advantageously employed upon the work for that period of time; because only a limited number can work to advantage. It would require, according to his estimate, five hundred and thirty-seven working days. It must be plain, then, to the House that if the work is to be completed by the 4th of July, 1876, it must be commenced very soon, as there will be only about six hundred working days between the next 4th of July and the 4th of July, 1876. The work therefore must be commenced soon after the coming 4th of July. The appropriation proposed would not of course all be needed at once. If we make an appropriation of $75,000 this year and the balance next year it would be amply sufficient to carry the work to completion by the 4th of July, 1876.

As to the association that has had charge of this work I must say that a more patriotic body of men never labored for a good cause than the men who have worked for the completion of this monument. I know that much scandal has been in circulation with regard to the management of this affair, but if gentlemen knew the character of the men who have had this work in charge for many years—the officers of this association—they must at once acquit them of any such conduct as is attributed to them by the false rumors which have been afloat in regard to the management of this enterprise. They have labored hard and faithfully to complete it; but the fact has been shown, and they admit it, that by the system of voluntary contribution this monument cannot be finished. The only fair way is to give every person in the Republic a chance to contribute by taxation to the erection of this monument. I think the American people should build it, and the only fair way to distribute the expense is by an appropriation from the public Treasury, so that every person may contribute his share.

Mr. Speaker, upon Washington more eulogies have been pronounced than upon any man who lived in the eighteenth century. He has been praised by statesmen, by historians, and by poets both of the eighteenth and nineteenth centuries. I think it can be truly said that the memory of Washington has not faded from the American mind. I believe that the American people do yet appreciate the life, character, and services of Washington. I cannot believe that the American people are so derelict in their duty to his memory that they are willing now in this national capital that monument shall longer stand incomplete. In this beautiful capital, built upon the spot selected by Washington, we have erected stately public buildings for carrying on the business of the various Departments of the Government—buildings substantial in structure and beautiful in their architecture. This city has been wonderfully improved within the last few years. Its parks have been ornamented, its streets have been beautified. But we are constantly admonished of our neglect in seeing this shaft incomplete. Speaking for myself and my constituents, I say I am unwilling that unfinished shaft shall stand any longer as a reproach to us. Early in the Forty-second Congress I introduced a resolution calling for information concerning this enterprise. I did not know at the time that that information had been called for in a prior Congress and was already at hand. But I have labored ever since I have been in Congress, in an humble way at least, to bring about among my friends a state of feeling which would aid us in the completion of this monument; and nothing would gratify me more when I retire from this Congress than to know that I may have done something in urging the completion of this work.

All civilized nations have honored their illustrious men by works of monumental art. Greece had a monument or statue of some kind for every god and every hero. Her public buildings, her groves and fountains, abounded in works of the highest art, commemorative of illustrious deeds and noble characters. But we have neglected the memory of the greatest uninspired man that has ever lived. Whether this neglect is to be persisted in rests now with Congress.

THE INJUSTICE OF MONOPOLY.

Mr. BLAND. Mr. Speaker, I introduced a bill early in this session for the purpose of permitting the growers of tobacco to sell the same in the markets freely and unrestrained as their wheat, corn, oats, or other produce. I am glad that the Committee on Ways and Means have agreed to give partial relief in respect to the crop of tobacco, but it does not go far enough yet. As this bill naturally brings in review the whole system of currency and revenue, I propose to discuss at some length these questions in this connection. Why is it that the farmer cannot sell his tobacco crop in the same manner as his other produce? Is it because that, like cotton, another article that has come under the taxing displeasure of Congress, it is the product of a section of the country which seems to be considered here as the special carcass upon which the tax-gathering vultures shall feed? These products, tobacco and cotton, above all others, extort from the vaults of Europe and eastern countries that gold so necessary to the success of the schemes of our modern apostles of specie currency.

Mr. Speaker, the farmer who takes his wheat, oats, corn, pork, and other commodities to market finds for them an open competing one. Every dealer has an unrestricted right to bid upon them, thus securing to the seller competition, and consequently the highest market price. Not so with his tobacco; none but the select few who are able to pay a license therefor dare touch this article. It is evident that this gives a monopoly. The license gentleman has it all his own way. He offers his price; the producer must accept it or let his crop rot; for there is no one else to buy. This is particularly true with the poor man, who is unable to produce a sufficient quantity to pay him to go to the expense of preparing it for shipment to a competing market.

Visit your tax upon the manufactured article if it must be taxed,

but do not cripple this industry by withholding freedom of sale. I know of my own knowledge the great injustice this law inflicts. Many poor men in my district tell me they could raise tobacco and do better with it than any other product, but they are not able to grow it in large quantities, and are necessarily confined to the local trading points for the sale of the crop. This market is monopolized by about one man, who can afford to pay a license. This gives him an absolute monopoly, and he is enabled to say to the producers, I will pay you so much for your tobacco; you can take my price or take it home; but with his wheat and all other products the farmer can take his price or go to the next merchant for a better bargain.

Now, I have undertaken, in a very precise way, without any circumlocution, to show this injustice. The people are growing weary of all monopolies; especially do they condemn a policy that by any system of revenue monopoly prevents a free and unrestrained sale of the products of the soil. I appeal to the Representatives of the great North and West to assist in doing away with this injustice to their colaborers of the tobacco-growing States. You would not for a moment submit to such an injustice as a law prohibiting a free sale and exchange of your cereals and other produce. Hence it is your interest to throttle at the threshold this attempt to levy a tax on the sale of produce. This is a precedent that could be called into argument to tax the sale of your cereals. Indeed, the one would be as just as the other. You have your organizations of farmers for mutual protection against all systems of monopolies. So have the farmers in the tobacco-growing districts. Your aims and theirs are the same. You are bound together by the ties of interest and common sympathies in your vocations. Then I have a right, as the Representative of a people who are quite extensively engaged in the production of tobacco, to ask of you to give your votes here in relief of the farmers of my district.

We of the tobacco-growing States have worked hard and voted at all times in the interest of the grain-producing sections, and we ought in return to have the assistance of that interest here and now on this floor. I can tell my republican friends that they must change their legislation. The whole policy of the republican party seems to be aimed at a system of oppression of the agricultural classes. You have a tariff law professedly for the purpose of raising the revenues of the Government; but in reality these laws work to the benefit of monopolies and in favor of manufacturers as against the producer and consumer.

Why is it that all the taxes of the Government fall directly on the producing classes? I can easily see the reason of this state of things. This Government in its revenue and financial policy has for the last fourteen years been conducted in the interest of monopoly and bondholders as against the producers of wealth. The Eastern States have stood by the republican party through good and evil report, because in turn the republican party in power has wielded all its influence in the legislation of the Government in the interest of these States, while the West and South are turned over to the tender mercies of the monopolies of the country.

This gross injustice and inequality cannot long exist. The people long oppressed, yet patient and submissive, are organizing for war on monopolies; a war that will end with the smoke of a political battle curling above these mountains of oppression, leaving your monopoly power defeated, a mangled and bleeding corpse. You had better begin right here and now to reform the legislation of Congress in the interest of the people. They are suffering on account of a policy of contracting the currency, thus rendering it impossible for debtors to meet their liabilities. You have further oppressed them by refusing a few days ago the payment of duties on imports one-half in legal tenders and bank-notes as proposed by the democrats in this House. This would have reduced the tariff and added to the value of your currency.

Why is it that you require the duties on imports paid in gold? It is because you desire to make your tariff oppressive and in the interest of monopoly. Why is it you refuse to receive paper money for the payment of the bondholder? It is because monopoly of wealth by political favorites and inside speculators has been the policy and practice of the powers that be. So long as money was abundant and "times easy" the people paid but little attention to politics and less to the imperious legislation that was daily occurring here. Money gamblers and speculators of all sorts at this time were plotting and laying their schemes for public plunder. All that was necessary to their success was to give a few loyal whoops and bound with yells of patriotism into the republican camp. They were eagerly taken into fellowship and tenderly cared for.

I shall not be understood as casting any reflection upon the great mass of patriotic unionists of both political parties, who were patriotic for patriotism's sake and who were unionists for the love of our common country. Far be that from my object. But I desire to pay my kind regards to those "gilt-edge" gentlemen who were and are republicans to-day for no other purpose than to prostitute the patriotic fervor of the masses of that party to the base use of lining their own pockets.

To show what use these intriguers have made of the republican party in the name of loyalty and patriotism, I shall give a few figures and facts that are not generally known and considered by the people, but which they will know, and when they are made fully aware of the enormity of the appalling swindle they will, with curses loud and deep, bury forever a party that could be so false to every principle of honesty and fair dealing. The Treasury statistics show these facts: on the 31st day of August, 1865, we had $2,193,395,627 of currency; in round numbers, say, $2,000,000,000. On the 1st of December last we had only $631,488,677, showing a reduction of $1,560,906,851 in eight years. This was an annual reduction of over one hundred and ninety millions. Of course in 1865 money was easy, for the national debt at that time was for the most part owned and held by the people themselves, in the nature of Government promises to pay used as currency.

But as this reduction or contraction of the country progressed times began to get harder. Year by year the people felt that money, once plentiful, was becoming scarcer and more difficult to procure. This they knew, but they did not generally understand the reason of it. Thus matters progressed till the tension last fall cut the gordian knot and let loose upon the country a financial panic that startled and paralyzed the whole country. The currency had been contracted till the people were brought up with such a short turn that they found themselves standing on their heads, with empty pockets and debts unpaid. This severe somersault has set them all adrift; they are studying now the situation; they know not what is to come next; but in their extremity they are counseling together to see what the matter is. Let me tell you, Mr. Speaker, they propose to know "just what's the matter," and when they do know there will be such a "shaking of dry bones" in the republican camp and especially among the favored few, the "gilt-edged," as compared to which the financial panic was a mere bagatelle.

Laying aside all partisan prejudice, I have honestly endeavored to ascertain for myself, in order to lay before the people I have the honor to represent, what I conceive to be the cause of this panic as well as the cause of the extreme poverty of that people. To me it is a question of no difficulty at all. I think when we come to trace up the one and a half billions of money, mostly a non-interest-bearing debt, held by the people themselves as a circulating medium, and find, as the records of the Treasury Department show, that this amount has been converted into bonds bearing interest and exempt from taxation, we will find ourselves on the right track. Let us review the figures and facts. For illustration, in 1865 over two billions of currency in circulation. Now, sir, political economy and common sense teach us that in proportion to the amount of money in circulation is the value of all property increased. This is too plain for argument. The scarcity of money is always effectually urged by the buyer as a reason for a reduction of price on the part of the seller; besides, the debtor whose debts are pressing hard upon him is always at the mercy of the shylocks when money is scarce.

When we had over two billions of currency the farmer had no trouble in selling his lands, his horses, cattle, and cereals. He always found a ready market at good figures. Every farmer knows that he cannot now sell his lands or his cattle and produce for one-half what he could in 1865. I shall tell him very plainly the reason of this. Indeed he doubtless now knows it from what has been before stated. But to make the matter plain I shall refer again to the figures. We now have in circulation, say in round numbers seven hundred millions, which is a little more than the actual amount. This is about one-third the amount in circulation in 1865. According to the theory before stated property has depreciated two-thirds in value since 1865. This for exceptional reasons may not be true in all cases, but on a general average it will not fall far short of the fact. It is true that by the productive energies of the country in the way of improvements and other modes of labor the taxable wealth of the country may be as great now as ten years ago.

But the real question is how do the prices of commodities the products of the soil compare now with prices in 1865? This I will leave for the producer himself to answer, and I am quite sure he will concur with me in saying that they have been decreasing as steadily as the currency has been contracted. With all the labor and improvements he has been able to put on his farm in these eight years, can he sell it now for what he could in 1865? To this he will also concur in saying "no." Now, Mr. Speaker, by the absorption of the currency we have in a few short years decreased property values over one-half. We have not, however, decreased the taxes of the people, but on the contrary we have added to their taxes by converting a non-interest bearing debt into an interest-bearing one. Thus has the free currency of the people been swallowed up by the funding process of the Government, their property values sunken more than one-half, and their taxes increased to meet the interest on this funded debt.

But this is not all; the interest to pay this debt is one hundred and twenty millions annually, payable in gold coin. You not only took from the people their currency but you bonded it, and made the interest payable in gold, thus saddling them with a tax of $120,000,000 gold per annum. Is this all? O, no; not half. How is this gold procured? It is, as we all know, by tariffs on imports. You passed an act to absorb the people's money into a bonded debt, and provided in that act that the imports of the country should be taxed in gold to pay the interest on this debt. In other words, the currency used and owned by the people was taken from them and converted into a debt bearing a gold interest, and pledged as a fund to pay that interest the duties on imports. Was this right? Why did you not pledge the wealth of the nation to redeem in gold this legal currency while in the hands of the people? The one hundred and twenty millions of gold now collected annually simply to meet interest would have

paid off your legal-tenders and ultimately redeemed them, thus giving the whole people the opportunity to share the benefits of the redemption besides preventing such an undue contraction of the currency. Instead of that you have for the last eight years been paying interest on a public debt that before then for the most part drew no interest at all, but was a convenient currency for the people. At the rate of one hundred and twenty millions per annum now collected and applied to this interest account, had it been applied to the redemption of the outstanding paper currency, our national debt would have been nearly half paid off by this time.

Besides, the fact that this currency was being thus gradually redeemed in gold would by this time have placed it nearly on par with gold. I am fully satisfied that had the policy of setting apart $100,000,000 annually for the redemption of this paper currency that we would now be nearer, far nearer a specie basis than we are, and besides, we would have been all this time paying the principal instead of the interest on our national debt. This seems so true, so just and simple, the question may well be asked, why was it not done? It was not done because there was not sufficient political wisdom and foresight in the republican party to see the propriety of this policy. It is because that party was ruled by interested and designing men. A deep scheme was laid to plunder an unsuspecting people.

The first process of plundering was in the interest of a shoddy aristocracy who had accumulated a large amount of these legal-tenders and other currency by swindling the Government and the soldiers during the war, in furnishing the Army with rotten goods and spoiled food. They, with other speculators, besieged the Congress of the United States to convert their promises to pay into bonds bearing gold interest, first as a matter of impudent favoritism for their pretended loyalty, and secondly, to prevent, as they claimed, any ultimate attempts of repudiation.

In order to carry out this piece of political rascality, combinations had to be made and were unfortunately too easily effected. The Eastern States were in need of high tariffs. Protective tariffs were necessary to the prosperity that had attended their monopolies of furnishing the manufactured supplies of the country during the war when imports were almost impossible. The way to do this was to lay such a tariff on imports as to continue this monopoly. The way to fasten effectually and permanently upon the country the necessity for this was to fund these greenbacks and other currency and pledge the Government to levy duties on imports sufficient to pay the interest instead of principal on this funded debt. Thus we see a combination easily made. This scheme all put money in the pockets of the East, for they had accumulated the greenbacks to be funded and it was they who so much stood in need of this tariff.

The legislation was easily effected, for the republican party ruled the country; and New England with her experienced, long-trained, and well-drilled Congressmen ruled the republican party. The majority of the republican party, that is the great masses, believed that party to be honest. They have trusted it too long. We cannot blame our eastern brethren for perpetrating this enormous injustice upon the producing sections. We ought to have aroused long ago to the true danger. The people are now thoroughly in earnest, and seem determined to hurt somebody. The sooner they strike at this party of corruption and high-handed oppression the better. We cannot expect the people to remedy all these evils. They can now at least show their detestation of a party that has betrayed them so flagrantly. It ought to have satisfied those financial schemers when they had converted the money of the people into a permanent interest-bearing debt in order to create the necessity of high tariffs for the payment of the interest.

But did they stop here? O, no, Mr. Speaker; after doing this they went still further in their robbery and plunder. They were at first afraid to issue bonds calling for payment in specie, and made the interest only so payable. But so soon as the funding process had swallowed up the greater part of the legal-tenders and the bonds had been bought up and concentrated in the grasp of monopoly, it was demanded by these "gilt-edge" gentlemen that the bonds themselves should be paid in gold. What did the republican party do with this further scheme of oppression? Well, in 1869, they passed an act as follows:

An act to strengthen the public credit of the United States.

Be it enacted, &c., That in order to remove any doubt as to the purpose of the Government to discharge all its obligations to the public creditors, and to settle conflicting questions and interpretations of the law, by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States, and of all the interest-bearing obligations, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money, or in other currency than gold and silver, but none of the said interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such times as the United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at *par* in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

This act was an attempt to forestall specie payment in favor of the bondholder. It was totally unnecessary, because the bonds had long been issued. They were in the hands of private holders. Had the Government issued the bonds and placed them in the market for sale it might have been policy to have thus pledged the national faith for their payment in gold, in order that the bonds might be strengthened in the market so as to yield to the Government the highest figure for them. But nothing of this kind was in view, for the bonds had long been issued in lieu of greenbacks surrendered or paid for them. They had been transferred over and over again at prices regulated by the known fact that they were legally and morally payable in legal-tenders.

The only effect this act had or was ever intended to have was to put millions of dollars in the pockets of these bondholders by thus appreciating their securities. By this one infamous enactment the people have been swindled out of hundreds of millions. The theory now is that this act pledges the good faith and honor of the nation to pay these bondholders to the last farthing in gold for what they purchased in greenbacks.

The act speaks for itself. It purports to settle the question as to whether these bonds are to be paid in coin. How does the act settle this question? It settles it by stating that all obligations of the Government not expressly provided to be paid in lawful money (namely, legal-tenders) shall be paid in coin. Thus in the interest of the bondholder a republican Congress pledges the faith of the Government for the payment in coin of debts that did not bear upon their face any such contract. Nor did the act authorizing the issue of these bonds require them to be paid in coin. The legal-tenders bear upon their face the declaration that they are a legal tender for all debts public and private except duties on imports and interest on the public debt. These notes were issued prior to the bonds. The bonds did not either in the acts authorizing their issue or on their face call for gold payment. They clearly come under that public debt mentioned for which the greenbacks were a legal tender. Only imports and *interest* on public debt were excepted. *Expressio unius est exclusio altrius* is the familiar legal maxim. The expressing or exempting imports and *interest* on public debt necessarily excluded everything else.

Why did the Congress of the United States undertake to make these bonds payable in gold, and thus settle the question in favor of the bondholders as against the people? Had there really been any doubt as to how they were payable, why did they not permit the courts of law to decide the matter without this hasty interference? It was because the bondholders knew, Congress knew, and everybody knew, that these bonds were payable in legal-tenders, and this piece of legalized robbery was perpetrated in order to gain the support of the money-power of the country. The act was passed not for the purpose of interpreting or defining the law, but to make that law which was not law before. A more barefaced swindle was never in the annals of history perpetrated upon a free people. This act is the slogan with which the President crushed the currency bill of this session in his veto message. He claims that to increase the paper issues now is a violation of the nation's faith as pledged in this act.

The passage of this act was a fraud upon the people. These legal-tenders are now and ever have been a terror to the bond holder. As long as there is one of them in existence he imagines he is not safe. He fears that an outraged people will yet discover that these paper issues are a legal tender for all debts, *public* and private, and will ultimately be used to pay his bonds. This is the true secret of the howl raised by the "gilt-edged" when any attempt at increasing the currency is made. It would have been far better for them, may be, had the President signed the currency bill. This would have allayed all excitement, given a partial relief to the people, and thus more effectually secured acquiescence in the payment of these bonds in gold. But now the whole question is thrown open for discussion and revision.

Mr. Speaker, it is high time we were seeking modes of relief for an oppressed people. True statesmanship dictates that course at all times. But when mutterings of discontent begin to darken into ominous clouds, threatening the country with a hurricane of popular discontent, we should heed it. I assure you if the republican party does not heed it, the people will utterly crush you.

Now, sir, I propose very briefly to allude to another monopoly created by this party that smells very taintedly in the nostrils of the people. You have a monopoly in the banking law that, like all your other acts, has worked to the benefit of the East as against the West and South. These favored States have received at your hands by this monopoly eighty millions of currency more than there *pro rata* share. You took from the people their free currency, their greenbacks, and converted them into bonds bearing a gold interest, and in order to partially supply the currency thus wrongfully taken, you authorize these banking institutions to deposit their bonds, for which you give them the currency that should be free, and thus allow the banks of the country to monopolize the money of the people and deal it out to them in broken doses at exorbitant rates of interest. You compel the people not only to pay interest to these banks for this currency, but also to pay interest in gold on the bonds deposited by the banks as security for the currency you give them. The *modus operandi* is this: A corporation desires to go into the business of banking. For that purpose the company borrows $90,000 from the Government, namely, the people, by depositing $100,000 in Government bonds. These bonds draw interest in gold, while thus on deposit, yet the Government loans $90,000 to the bank without interest. The people in order to get this currency are bound to pay just such interest as

these banks may in their kindness exact. The people are the Government. Well, then, the people loan these banks $90,000. On depositing $100,000 worth of bonds for the high privilege of loaning $90,000 without interest, the people pay the interest on $100,000 deposited as collateral security for the $90,000 loaned.

Mr. Speaker, how would you like to loan me $10,000 for which I should deposit as security a good note drawing 5 per cent. interest, and require of you to pay me the interest on this note, and yet I am not required to pay you but 1 per cent. on what you have loaned me. How long would it take to make me rich and you quite poor in such financial exploits? Yet this is precisely the financial system on which these banks are run and supported by this Administration. It is just such ledgerdemain as this in the whole financial policy of this administration, both as to the currency and taxation for revenue, that is day by day making the rich States and rich individuals richer and the poor ones poorer. The people have borne with this rank injustice as long as it is possible for them to bear, and I predict that the day of reckoning is close at hand.

But we are not yet done with this bank job. It is not all told yet. Let us see. The people—for they are the Government, or used to be—loan a bank $90,000 of currency; for that the bank as collateral deposits with the people a bond for $100,000 bearing 5 per cent. interest in gold. It would appear but just that this interest should cease while the bonds were held as security for money loaned, but not so; the people absolutely give to these banks $90,000 in currency for almost no consideration, for the bank exacts interest on the bonds deposited and pays only 1 per cent. for the currency loaned. Now it is true that we the people have given the banks this currency, but how are we to be benefited in the transaction? We cannot get a dollar of this currency which we absolutely give the banks without first mortgaging our estates as security and pay from 10 to 20 per cent. interest thereon.

The people by this Administration are thus compelled to turn over without consideration to these banks the people's own money, thus giving to them an absolute monopoly of the currency of the country. The people in order to get their money back, thus given the banks, and put it in circulation to pay their debts and daily expenses, are compelled to mortgage all they have and pay, as before remarked, from 10 to 20 per cent. therefor. Here we have it. The bank gets, first, its 5 per cent. gold interest on bonds, which are exempt from taxation recollect; and, secondly, just so much as it may see proper to exact from a hard-pressed and poverty-stricken people as interest for loans. This money monopoly is grinding and gnawing at the vitals of the country. The people, crushed beneath this enormity, may squirm and gripe and writhe in abject poverty and helplessness, yet to relieve them to the amount of one cent by issuing greenbacks, the free money of the country, would in the hard-fisted, hard-hearted, money gripes of the President be a violation of the national faith, pledged in the sweet-scented act of 1869 before quoted.

Mr. Speaker, you and I and the whole country know that the President will not sign a currency bill that does not provide for further funding the free money, the greenbacks, and placing the country still further at the mercy of these banks. You have been trying to effect a compromise currency bill based on that theory in order to claim before the people that the President has signed a bill that will give satisfaction, so as to tide over the fall elections. But I predict your failure. I do not think there is a democrat in this House that will consent to take away from the people their greenbacks by any further process of funding them into gold interest-bearing debt. But they will, I am quite certain, assist you to so remodel the whole financial system as to do away with these banks entirely and substitute the greenback currency, and thus demolish one of the most grinding monopolies of the age.

I have no hostility to gentlemen engaged in the banking interest. It is not their fault, but rather their good fortune. The blame is with the Government. It is the fault of Congress in placing the finances of the country in the keeping of monopoly. Were banking free it would be relieved of many objections, but not all by any means.

Mr. Speaker, in considering the tariff bill, by which the revenues are provided to meet the enormous expenses of this Government, and in review of it, we have been compelled to allude somewhat at length to the whole revenue and financial policy of the party in power. We find it reeking with corrupt jobs, cunningly devised in the interest of monopolies, and full of inequalities and gross injustice toward the producing classes and sections.

Mr. Speaker, there is just one way to keep the public faith. If it be true that the public faith is pledged to the redemption of the national debt in gold, we must, to secure that result, foster those interests that bring the gold to our shores. We must turn our attention and fostering care to that part of our people heretofore so much neglected. No; I shall not say neglected, for you have never forgotten them when you needed revenues to fill the depleted coffers of the Treasury. I allude to the producing sections. It is our surplus produce exported that brings the gold to us to pay these debts. Instead of crippling and hampering these industries, we should encourage them by relieving the tobacco and grape interests by the amendment I have proposed to this bill.

Mr. Speaker, I submit a table showing the amount of exports for 1872-'73:

Export of agricultural products in 1872-'73.

Animals	$92,033,447
Ashes and bark	103,215
Bread and breadstuffs	98,743,151
Raw cotton	227,243,069
Fruits	1,783,305
Raw hides	3,605,023
Hops	272,403
Naval stores—rosin, tar, and pitch	3,809,421
Oil-cake	3,611,562
Provisions—beef, pork, lard, &c.	78,823,262
Seeds	1,160,329
Tallow	7,068,471
Tobacco	25,331,946
Total	453,588,604

This shows the exports from the agricultural States to be $453,588,604. It will be noted that one-half of this amount was in cotton, and that tobacco stands fourth in the list. The exports of manufactures for the same period all told was only $61,307,125, very little more than double that of the tobacco crop alone. Should we not give every encouragement to the sections of our country that bring to us the gold of foreign countries by these exports?

I propose recapitulating some of the grievances of this people.

First. You have by an unexampled contraction of the currency reduced the value of the agriculturist's lands and produce one-half in the last eight years.

Secondly. To pay the interest on the funded debt, the cause of this contraction, you have placed your tariffs so high that there has been no corresponding decrease in all the articles the farmer has to buy; thus reducing the price of all he has to sell but maintaining at highest figures what he buys.

But this is not the worst feature of your policy by any means. By this funding and contracting process you have in eight years reduced the currency from over one and a half billion dollars to less now than six hundred and fifty millions, a reduction of nearly two-thirds, swallowed up in an untaxable, interest-bearing debt, thus almost absolutely depriving him of the money with which to meet the debts contracted. While you have reduced in value all on earth he produces at least one-half, you have not reduced his debts one cent, but left them as high mountains looming up to terrify him in his pathway with scarcely a single ray of currency to light up the dark heights. His lands have come down, his cattle and produce have come down, his currency taken away, but his mortgages and debts of all kinds remain standing according to the amount of the contract. They do not come down, but rise higher and higher in proportion to his inability to pay his debts. What he has to buy and his taxes are as high now as ever, but all that he has to sell and the money he had once to pay has been reduced over one-half. Here is poverty and distress for you that would seem beyond all hope.

But, Mr. Speaker, there is hope; we are yet a free people, in some respects at least. The ballot-box remains; in that lies the people's hope. Monopolies are odious, discriminating laws are detestable. These evils the republican party has created and upheld. That party must first fall; there will go with it in the same grove all these monopolies and unjust legislation.

WASHINGTON NATIONAL MONUMENT.

Mr. WARD, of Illinois. Mr. Speaker, I hope in anything that I shall say to-night I shall not say that which I shall hereafter have any cause under any circumstances to regret. When the next gentleman who shall take the interest in the completion of this monument which is taken by the gentleman who is the Delegate from this District shall search through the records of the past some time during the next century if this monument is not then completed, to find what has been done during this Congress in reference to its completion, I hope if it appears that I took any part in it there will be nothing I say that will lead any to think or justify them in thinking that I fail to appreciate to its fullest extent the grand work, the great achievements, and the noble needs of him whom it has been sought to commemorate by the erection of the monument about which this discussion has been had.

It is a very ungrateful and unpleasant task to say anything which may seem to obstruct legislation of this kind, and it is only from a sense of high duty that I have consented in my own mind to do it at all. It is because I am a member of the committee and have such feelings as these that I seek an opportunity at this time to say a few words explanatory of the course I shall pursue.

It is unfortunate, Mr. Speaker, that this monument was located where it is. The unscientific mind does not believe what it appears some scientific gentlemen have reported in reference to it, that it is located in a proper place. The average man thinks it located in a very bad place. I know that these scientific surveys disclose what is claimed to be the fact, that it is high ground there. It does not seem so to one coming into this city. It is unfortunate that this particular plan was adopted. I do not know but it was the best at the time that could be thought of. I will not undertake to set my judgment up against it now, and I do not know but it is a good plan. Yet it is unfortunate for the completion of the work that the people do not think so. I have heard many make observations in reference to that monument. I have listened to the eloquent and energetic gentleman who has the management of this matter with great pleasure speaking in laudation of it, but I have never had any gentleman

speak to me on the streets with regard to it who did not regret that such a shaft as that was ever started to be erected, who did not think in its conception, in its plan, in its whole design, it did not seem to be a proper thing for the American people to attempt to erect. And that is one of the misfortunes in the way of the construction of this monument. It does not appear either, Mr. Speaker, that it is carrying out the resolutions of former Congresses, to which we have had our attention called in so earnest and eloquent terms by the Delegate from the District. On the contrary, as shown to-night, by the proceedings of early Congresses they resolved in favor of some kind of statue, an equestrian statue. They resolved from time to time in favor of some kind of monument. But I do not know that Congress has ever resolved in favor of that shaft. I have never been able to find it, and I think if such a resolution had been in existence the Delegate from the District would have referred to it. I have examined the matter with some care and have not found such resolution. I do not think the gentleman is in favor of it himself. Independent of some other questions, to which I will come pretty soon, it has an unfortunate foundation as it stands.

Then, Mr. Speaker, it is unfortunate again that the surveys and examinations which have been made with reference to the stability of the present structure are not satisfactory at least to me, and I know they are not satisfactory to many others. It has been asserted that it is safe to erect that monument to the height that it is proposed now to be erected upon its present foundation. It may seem very strange for one who makes no pretension to technical knowledge or information upon such a subject as that to say that he does not think it is safe. I have examined with care the report of the gentleman who has surveyed it. I believe he is a skilled and excellent officer. I believe that Lieutenant Marshall has a bright future before him; but I am not entirely satisfied with the testimony which he gives on this subject. I am going to read from his report a few extracts, for the purpose of showing to the gentlemen interested and to the House one of the reasons why I cannot vote for this appropriation. He says in his report many things, but does not appear to give an affirmative answer to the question, whether it is safe to erect the monument upon the foundation as at present laid.

I do not think he says so, Mr. Speaker, and I will read what he does say; and first, in speaking of the condition of the shaft at present, from the examination he made of it, he says:

This examination resulted in showing that the axis of the shaft is inclined so that its top is deflected 1.4 inches to the northwest. *In February last the upper of the oundation courses was found by leveling to be depressed .6 of an inch to the northwest, which would indicate a deflection at the top of the axis of that portion of the shaft now completed of about* 1.6 *inches.*

I do not claim that that shows a very dilapidated condition of the monument; but I want to read the balance of what he says about it. That is in reference to a shaft one hundred and seventy feet high, and now it is proposed to raise it up to—how much?

Mr. CHIPMAN. Four hundred and thirty-seven feet.

Mr. WARD, of Illinois. He says in another portion of the report:

That portion now built consists of its foundation masonry of rough blocks of gniess, many of them small, laid in hydraulic mortar—twenty-five feet high, eighty feet square at base, and fifty-nine feet square at top, and a portion of the shaft one hundred and seventy feet high of marble ashlar facing and rubble backing.

Excavations and examinations show that the foundation is placed eight feet below the surface of the ground upon ordinary loam or a mixture of clay and fine sand. Below this the proportion of sand was found to increase until a depth of twenty-two feet, or fourteen feet below the bottom of the foundation was attained, when a compact bed of gravel cemented by a ferruginous clay was found, which is inclined under such a small angle that it may be regarded as sensibly horizontal. *The difficulty in boring in such material, and the presence of water making the sinking of an ordinary well more expensive than the means at my disposal would allow, no examination as to the thickness of this stratum of gravel or hard-pan* was made. Sufficient is known, however, from wells dug in the monument lot to justify the assertion that there is no reason for apprehending that the earth is not firm for a sufficient depth to afford a good foundation for the heaviest of structures, *provided sufficient spread be given to the foundation and proper measures be taken to insure a uniform distribution of pressure.*

Now if that is a square answer to the proposition submitted to him, if it is an answer that such a shaft could be safely erected upon the foundation, I for one do not consider it so, and it is not satisfactory to me. That is another reason why I care not to vote an appropriation to construct this monument. The most direct answer he makes as to whether it would be safe to construct the monument on its present foundation is found in this language:

As far as can be discovered in a careful examination of the structure, there are no sufficient grounds for doubting the security of the foundation under its present load.

He says as far as can be discovered on a careful examination of the structure there are no sufficient grounds for doubting the security of the foundation under its present load; but you propose to add two hundred feet to this monument. In the other place where he answers the question he says it is sufficiently firm to support the heaviest structure provided a spread is given to secure it. That is the only language in which he refers to the sufficiency of the foundations, and if the gentleman can draw from that an affirmative statement, that it is perfectly safe to erect this particular monument to the height to which it is proposed to erect it, then he is more capable of determining the meaning of words than I am. I confess I am unable to do it.

Mr. CHIPMAN. The gentleman will allow me to interrupt him for a moment.

Mr. WARD, of Illinois. Certainly.

Mr. CHIPMAN. I know the gentleman desires the truth in this matter. While he disagrees with a majority of the committee, I am confident that he disagrees with them honestly, and I know he will allow me to point out to him one important piece of evidence.

Mr. WARD, of Illinois. If I fail to notice it before I get through I will give the gentleman an opportunity to remind me of it. I should be glad, of course, to have the truth known in regard to this matter.

Mr. CHIPMAN. I have no doubt of it.

Mr. WARD, of Illinois. I do not desire to be misled or to mislead anybody in relation to a subject of this kind. I desire to understand the matter truthfully. I do not apprehend that there was any purpose on the part of this engineer to mislead anybody. He follows out what I have read with a whole lot of problems, which I am not competent to work out, but which the gentleman from the District may have worked out. I am not able to solve them, and I have not time to attempt it now. I have given his language, and I believe the whole of his language, on the question of the solidity of the foundation of this monument.

Now, there is one other proposition to which I desire to call attention and one other argument used by the Delegate from the District of Columbia which if unanswered might seem to have some force in it. I submit that if he wants to be entirely fair, and I know he does, he goes outside of the mark. I think it was unkind of him to talk about men being sordid in reference to this question. I do not like that kind of talk. I know that in debates like these gentlemen talk as they please, but I do not believe that those I represent are sordid upon this question.

Mr. CHIPMAN. The gentleman will allow me to say that the sordid persons to whom I referred were the members who long since preceded us here, and who failed to do their duty in respect to this monument.

Mr. WARD, of Illinois. I am coming to that. I do not like to hear that kind of talk. I do not yield to the gentleman in admiration of the grand achievements of this great man. His memory is as dear to me as it is to him. He has done as much for me as he ever did for the gentleman; he did it for all of us. But the argument which he makes that this property of thirty acres on which the monument stands is worth more than is asked for by this bill and is now the property of the commission to whom the work was formerly committed, is not to my mind exactly a fair one. The original act provided substantially that the commissioners, the corporation, should have this property for the purpose of erecting thereon a monument. It is hardly fair to say that we ought to make this appropriation because the commission is ready to reconvey this property to the Government. I do not want to speculate in real estate—we all speculate in real estate more or less in my part of the country. But this land was set apart for the purpose of erecting a monument to the memory of Washington, and I want no speculation by any body, not even the Government, in that land.

The law which created this commission—and I call the attention of gentlemen to it—the commission or corporation to which the title to this land was conveyed for the purposes set forth in the deed—contains this provision:

SEC. 6. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Congress of the United States.

And I have something else in relation to that in the records in this case. This commission having failed in its trust, not by any fault of its own but simply because the American people did not respond in money to their call for the building of such a monument as this; and I might, perhaps, stop here and give some reasons which prevented the commission from succeeding. One probably was that when the unsightly column reared itself so high that they could see it they did not feel like contributing more to it. It is not correct to argue that the Government will make money by this appropriation and resuming the possession of this land. In the gentleman's own report—I presume it is his report—if not, I beg his pardon——

Mr. CHIPMAN. The gentleman is right.

Mr. WARD, of Illinois. In speaking of the general management of this matter the gentleman says in his report:

Your committee deem it but just to the people that this conveyance of so important a reservation should be canceled and the title again vested in the United States.

This your committee believe it is entirely competent for Congress to do—

First. Because the charter act confirming the deed is repealable by its terms.

Second. Because the deed was made in trust, which trust, by the confession of the society, cannot be longer carried out; besides, the members of the society have by formal vote expressed a willingness to surrender their organization.

That is an answer to that part of the argument. The land belongs to the Government already; the right to repossess it is perfect and complete.

I do not know but I might properly stop now and say no more. I do not want to say a word beyond what I feel in duty bound to say, as I am a member of the committee which makes this report, to justify the vote which I shall give. But I will go on a little further and say that I do not believe we have been guilty of any injustice toward the memory of Washington. I do not believe there has been any ingratitude in the hearts of the American people toward that great man. They have builded a monument to him better and higher and broader than any that could be reared of stone. He is enshrined in the heart of every one who loves freedom. He lives and moves and controls to day by the memory of his glorious deeds and acts this great people more than any other man living or dead. It is unkind to say that the

failure to complete this monument—which I can hardly restrain myself from characterizing in stronger terms than any I have yet used, but I will not do so—it is unkind to say that the failure to construct this monument is any evidence of ingratitude on the part of the American people.

That is not the reason it has not been finished. There is another reason that underlies all this, and which has had much to do in determining the action of Congress and the people upon this question. I represent here a constituency living many hundred miles away, a constituency not less patriotic, not less devoted to the great cause for which Washington so gloriously struggled, not less in love with his memory and his achievements than are those who live in this city. They have been appealed to, as have the rest of the people of this country. To what extent they have responded to those appeals I do not know. But they have been appealed to in the proper manner. This commission which was organized to build this monument was the proper medium for the solicitation of funds for the purpose. If my people have declined to contribute of their means for this purpose, I do not feel that I have any right to appropriate for this purpose money from the public Treasury which has been taken from them in the shape of taxes for the expenditures of the Government and apply it to finish this unhappy shaft upon this unsafe foundation.

I do not say there may not be found precedents for such an appropriation as is here asked for; I do not say that there may not be occasions when such appropriations may sometimes be made, and this may be a proper occasion, yet I do not feel that in times like the present, when the condition of the country is what every one knows it to be, (and I am not going to talk about that,) I do not feel that I have a right to vote $100,000 or $300,000 or any considerable sum for the completion of this unsightly, unstable shaft. And I do not believe, nor am I willing that it should go to the people of this country or be spread upon the record, that because I am unwilling to vote for this appropriation, therefore I am less patriotic, less in love with the achievements and the great events in which that great man participated, or less desirous to perpetuate his memory and hand down his bright example to those who will follow us, than are those who entertain different views upon this subject. I am not willing that any such record shall be made against me or those whom I represent on this floor.

Therefore I will say in conclusion, laying aside every other consideration but that of conviction founded upon a careful study and consideration of this subject—not a scientific study, for I am not an engineer, but a conviction founded on a careful survey and examination of this ill-shapen, badly put together structure, and the mixed blocks which form the foundation upon ordinary mold, as is stated in the report from which I have read, without any knowledge of what is below it, stratas of sand and gravel, the depth and thickness of which is unascertained—I am unwilling to vote more money to be expended upon it, for the reason that I do not believe it to be either safe or proper.

Now I believe that if you should go on and complete this monument—this opinion is not worth much and I do not give it as being worth much—I believe that if we complete this structure even upon the plan now proposed by the committee, the storms, the uncertain foundation, the swaying to and fro of such a column, will sooner or later bring it to the earth; and I want no monument erected to Washington by human hands which time can crumble. The monument which he now has can never be destroyed by wind or wave or storm, unless it be such a storm as shall sweep from the face of the earth the last human heart that loves freedom.

Mr. Speaker, I have felt called upon to attract the attention of members to these several views, because I have been just a little afraid that notwithstanding the "hard times" the patriotism of this House of Representatives, which I know is up to high tide, might under the energetic lead of the chairman of this committee be induced to make an appropriation for this purpose that ought not to be made. Leaving out every other consideration, I believe the attempt ought not to be made to piece out a structure which ought never to have been commenced in such a way and upon such a foundation. If a monument to Washington must be erected, let it be upon a foundation that is not mud, and marl, and gravel, and sand. If this is to be completed, let not the engineer tell you, as he does in his report, that he was unable to get through the stratum of gravel just below the foundation, that the difficulty of boring by reason of water coming in was so great and the means at his control were so small that he could not attempt except in general terms to say in a sort of guessing way that the foundation, if properly spread out, would be sufficient to support some structure of very considerable proportions, and that it is sufficient to support the structure with its present weight. That we already knew; we did not need any scientific man to tell us that, for we know that it does support it in an indifferent way. I believe we shall be doing wrong unless we require, before a dollar of appropriation is made for this monument, a more elaborate survey of the situation, of the foundation, of the condition of the soil, than we have had up to the present time. Why, sir, there is notice to us in this report of Lieutenant Marshall that if you should go on and erect this monument another hundred or two hundred feet high, and it should fall down at the first storm, you could not hold him to any sort of accountability. He has not told you and does not tell you except in a general way that the foundation is sufficiently strong; and after a fall had taken place in the structure, he might easily say that his report never covered this exact case.

Mr. STORM. I do not wish to interrupt the gentleman, but he will allow me to ask whether in the report of Lieutenant Marshall the only doubt he expresses is not with regard to carrying the monument to the height of six hundred feet; whether he does not say it would be perfectly safe to carry it to the height of four hundred and thirty-seven feet.

Mr. WARD, of Illinois. No, sir; he does not say that it would be perfectly safe if carried to the height of four hundred and thirty-seven feet. His report upon that point is expressed in very general terms indeed. I have read every extract from the report which in any direct manner answers that question. True, he submits a lot of problems which I cannot solve, but I would never vote money on such problems as those.

Mr. STORM. On the thirteenth page of his report he uses this language:

From which we find that the stability of the shaft at its point of least stability is 7.4 greater than necessary to insure safety.

Mr. WARD, of Illinois. That is with reference to the monument as it stands now.

Mr. STORM. No, sir; it is his calculation with regard to carrying the monument to the height of four hundred and thirty-seven feet.

Mr. WARD, of Illinois. On what page of the report is that?

Mr. STORM. On page 13, about the middle.

Mr. WARD, of Illinois. I read that same extract.

Mr. STORM. You did not read it all.

Mr. WARD, of Illinois. I think I did.

Mr. McCORMICK obtained the floor.

Mr. CHIPMAN. I hope the gentleman from Arizona will indulge me a moment that I may say a few words in connection with the remarks just made by the gentleman from Illinois. The committee desire nothing more than that the problem as to the security of the foundations shall be fully solved before one dollar is expended toward the completion of this monument. No greater disgrace, certainly no greater calamity, could possibly befall the country than that the shaft after being once completed should fall to the ground. I can imagine a universal wail of sorrow going up over the whole land at such an event. But I hope, when we come to the question of action before the House, to suggest a provision in whatever bill may be voted upon that no money shall be expended until a further examination has been made and the officers of the Engineer Department have reported to the President that upon such further examination they are satisfied the work can go on to the height recommended. I am quite as much interested in having proper security against such a result as is the gentleman from Illinois. I would be unwilling to advise the House to construct any monument which might by chance at some future time fall to the ground. Indeed the chief reason for adopting the simple obelisk was its permanency and imperishability.

The gentleman bases his remarks in part upon what he fears or hopes or believes to be the public sentiment of his district. I wish to call his attention to an editorial clipped from the Chicago Inter-Ocean, a paper published in the city where he resides. Speaking of this monument and its proposed completion that paper says:

Efforts to this end have been made in every Congress for at least fifteen years, but without success. We are glad that this course is finally to be adopted, for the simple reason that it is an unpleasant feature of the national capital to see such a work abandoned and going to dilapidation. In its inception we believe it was in bad taste. George Washington's best monuments are the great nation which he helped to found and the record of his pure and patriotic life. He needed no such shaft as this to commemorate his deeds, and the money which has been and is to be wasted in its construction had much better have been devoted to some different purpose—to charity or to paying so much of the national debt. But there are so many good souls who feel that the work ought to go on that we are glad that action is to be taken in Congress which will secure that result.

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The committee, in view of all the facts, recommend that the Government take the work off the hands of the association and assume the responsibility of its completion, which Congress will no doubt do. Uncle Sam does such jobs in first-class style, and with reasonable speed. We may, therefore, hope—those of us who may visit the national capital in the course of a few years—to see this great mammoth pillar looming up against the sky—the tallest work of the kind in the world.

Mr. WARD, of Illinois. Will the gentleman allow me to say to him, since he has quoted the remarks of that paper, that I recognize its author? It is an excellent paper and widely circulated. Still, of a dozen papers published in my city, it is the only one which has said a word on this subject. So far as I know it would not urge the building on such foundation and does not urge it.

Mr. CHIPMAN. I have not read the journals for the purpose of finding articles upon this subject. This one was specially brought to my attention.

Mr. WARD, of Illinois. I merely wish to say that it is scarcely fair to give an extract from one newspaper published where there are a dozen others, and say that it reflects the public sentiment when all the others may be on the other side, and besides that paper does not pretend to say that this particular plan should be adopted. I respect the papers, but I do not specially care whether they are for or against this, and know well enough they would all be against completing this shaft as proposed if they once saw that foundation.

Mr. CHIPMAN. No doubt the gentleman's judgment is independent on this subject. He has the reputation on this floor of forming an independent judgment. I only wished to call attention to the fact that even in Chicago, where there is no very friendly feeling in regard

to the present location of the capital and its future adornment, the people there think it is the duty of Congress to complete the monument. And I might on this question of public opinion lay before the House similar expressions from every quarter of the Union, including the great journals of the nation's commercial metropolis.

Now in regard to this question of security of the foundations, I wish only to add to what appears in the reports and in the remarks already submitted, that in 1855 a committee of this House was appointed to examine the subject, and a report was made, a very full one, by a member from the State of Maryland, to which was appended a report of an officer of engineers of the Army stating his views upon this very subject, and he held that the foundations were entirely secure. Later Mr. Marshall made a report to the last Congress concurring in that opinion. And now, after a more careful examination, while he says he does not think the monument can be safely built to the height of six hundred feet, he recommends that it be built to a height of four hundred and forty feet. The gentleman from Illinois [Mr. WARD] is quite right in saying that Lieutenant Marshall is not clear and distinct in saying that the foundations are secure for erecting the monument to any given height; but he does recommend to Congress that the shaft be completed to the height of four hundred and forty feet, and he certainly would not recommend that if he thought the foundations were insecure.

[Mr. McCORMICK addressed the House. His remarks will appear in the Appendix.]

Mr. CHIPMAN. I desire to say one word more. There is another report pending before the House from this committee made by the gentleman from Alabama, [Mr. PELHAM,] who had the matter in charge, as chairman of a sub-committee. Although I was not a member of the sub-committee that visited Fredericksburgh for the purpose of inquiry into the condition of the tomb of Mary, the mother of Washington, the gentleman having that subject in charge not being here, I will say, that the committee agreed unanimously to recommend an appropriation of about $12,000 to complete that monument. It is, if possible, in a more disgraceful condition than the monument in this city to the memory of George Washington. It was partly destroyed during the war. It lay between the battle-lines of the Union and confederate forces and was in the midst of the camping-ground alternately of the Union and confederate troops. It has been defaced by curiosity-seekers until now one can hardly recognize it as a monument to any one. I think it is the duty of Congress, second only in importance to its duty to complete the Washington National Monument, to see that the effort to commemorate the memory of that woman who gave birth to so great a man is carried out. The committee are I believe unanimously in favor of making this appropriation. If this nation has ever contributed to perpetuate by monumental structure the memory of any woman, I do not now recall the instance. May we not do so in this instance as a graceful recognition, not only of her family, but of the mothers of the Revolution?

The gentleman from Virginia, [Mr. SENER,] who takes a great interest in this matter and who is from the district where this tomb is located, has given his attention to the subject, and I hope he will address the House upon it. I should be glad to hear from him to-night.

Mr. SENER. Mr. Speaker, it is a curious fact in our progressive, utilitarian history which we are making day by day, that while we can always draw to this Chamber one hundred and fifty or two hundred men from all parts of the nation when wit is to be bandied, or when the question of the retention or dismissal of a clerk is to be considered, only fifteen or twenty Representatives of the people can be gathered here to consider the question of whether it is a paying business in this nation of ours, this grand experiment of self-government, to perpetuate the memory, and record in brass or stone our recognition of the virtues of those who gave birth to the Republic. I say it is a commentary, which I make not as a reproach upon my fellow-members, but it is a commentary that springs from that utilitarian spirit which threatens to sap the very life-blood of the Republic. Men seem to be forgetting the principles on which the Government was founded; men seem to be forgetting those springs of human action which governed the fathers of the Revolution when they brought into being that experiment of Government which we have developed into a great and magnificent Republic, spreading from ocean to ocean. If this Government is worth preserving, it is worth preserving on the basis of the principles in which it originated. If it is worth preserving, it is worth while to remember those who gave to it in the days of its infancy their lives, their fortunes, and their sacred honors. If it is worth while to remember these men, surely, above all and beyond all, it is worth while to remember that grand central figure who contributed so much to the success of the armies of the Revolution, and who brought out of the very fires of the Revolution the little band of patriots that established a Government which at that time was the admiration of the lovers of human freedom everywhere. To-day it is the first republic in the world, and of the first powers of the earth. I say that it is a patriotic duty to cherish the memory of this great man, and not only to cherish his memory and emulate his virtues, but if it is worth while to remember him, it is worth while to remember also that mother whose counsels made him what he was, and to whom he owed everything of his success in life.

I have only to say further, for I have prepared no speech, that the only trouble about the completion of this monument in my judgment seems to be this: that in the past few years so great has been the degeneracy touching the expenditure of public money, the great fear everywhere is that appropriations of public money will not be fairly, squarely, and honestly applied. The gentleman from Illinois, [Mr. WARD,] who has spoken here to-night with such force as he always brings to bear upon every subject, has intimated that this scheme, as I understood him, never originated in any proper motive. That is to say, the love of Washington, the admiration of his patriotism, and of his efforts in our early struggles for independence were made instruments whereby some designing men operated upon the confidence of the American people in order to make money out of the construction of a monument. And this, taken with his opposition to the site and the objection to the foundation on account of its want of security, constitutes the only argument that is presented on the floor of the American Congress in opposition to the completion of this monument.

Can it be, Mr. Speaker, that in less than a century we have so far degenerated as to abandon so grand an undertaking for such reasons as these? Can it be that the American Congress will hesitate to appropriate money for this purpose because of the belief that the appropriation which may be made will be dishonestly applied? Can it be that we, as the representatives of the people, will say that our virtue is higher than that of the men who sent us here, and that such an appropriation if made will not be honestly applied? I say no; for I believe not in the utter degeneracy of the times. The time has come when we are about to unload; and I am satisfied that the Forty-third Congress is doing the work nobly and manfully, and that upon its skirts will hang no Credit Mobilier; that it will teach such lessons as will prove to all rings and corruptionists that the money of the Government when appropriated must be honestly and legitimately expended. I believe that the fear of any other result will work a wrong and injury, especially if it leads to a refusal to make an appropriation out of the public Treasury for both the monument here in Washington and the unfinished one to the mother of that great man at Fredericksburgh, Virginia—objects that challenge the admiration of the whole world, and command the sober approval of the whole American people.

I hope that these appropriations will both be made. Standing here as I do the representative of the district in which Washington was born, I wish I had the power and force to plead in successful tones even with the few men who have come here to-night actuated by the noble impulses of patriotism, the real importance of these two monumental propositions from the stand-point of a lofty patriotism that can never be too highly valued. I wish I could impress upon every member of this Congress the necessity of linking thepast and the present by these glorious memories.

While on my way to this Capitol to-night I heard the argument made against this proposition that the people of this country wanted to change the location of this capital, and therefore no more money ought to be spent for any public work here in Washington. In other words, that we are to go over again the history of the eastern and the western empire, to have two capitals; one here and the other on the Pacific slope or somewhere in the center of the continent. Sir, it matters not so much where the capital is situated. Railroads and telegraph lines, which did not exist in the days of Rome or in the earlier days of our Republic, have annihilated time and space, and better than anything in this utilitarian age are the glorious memories which help us to revive our admiration of the past, to preserve its sentiments and traditions; and because of its name and the great man whose history is blended with it, this national capital must long remain the cherished object of every American heart. Nor will the seat of the American government ever be hastily changed, however much the subject may be agitated. Talk not about forgetting those memories! Is there a man who has come to years of maturity who does not cherish the memories of the past above all things else? When the years come about him and the days grow on, when his own youth that he loved so well begins to ripen into maturer manhood, is there not something that tells each of us that the memories of childhood are the purest and that the affections and friendships of youth are the best? Applying the same reasoning, shall we ever forget the infancy of the Republic? Ought we ever to forget the men who helped to bring about its organization, who lent their aid in sustaining this Republic in its infancy and aided in laying the foundation of that power in virtue of which we are here to-night the representatives of a great, free, and powerful people?

But, as I said before, I have prepared no speech, and until the chairman of the committee called on me I had no expectation of saying a word. But I trust not only may these appropriations be made, but, as I said a few minutes ago, let those monuments be made connecting links between the memories of the past and the hopes of the future.

EDUCATIONAL FUND.

Mr. WARD, of New Jersey. Mr. Speaker, I desire to address the House in favor of the bill (H. R. No. 477) to establish an educational fund, and to apply the proceeds of the public lands to the education of the people.

The SPEAKER *pro tempore*. Remarks on that subject are in order, under the condition fixed by the House for business at the present time.

Mr. WARD, of New Jersey. Mr. Speaker, regarding this bill as one of vital importance and affecting the welfare of the country as a whole,

I desire to state briefly the considerations that lead me to give it my vote. That the interests it deals with are in fact vital and are the interests of the whole people, appears, I think, from a simple statement of its objects and provisions. It aims to promote education in every portion of the country, and to do it by distributing, on principles applicable to all parts alike, the proceeds of the sales of the public lands held by the General Government as the common property for the common good. Its title expresses its purpose, and the execution of this purpose is secured by the careful and well-considered terms in which the bill appears to be drawn. The fund is to be established by investing in United States bonds to be held in the United States Treasury, one-half of the net proceeds from the sale, entry, location, or other disposition of the public lands. The remaining half of such proceeds is to be apportioned and paid yearly, as such proceeds accrue, to the several Territories, States, and the District of Columbia in proportion to the population of each who are between the ages of four and twenty-one years. Together with this half of the net yearly sales, the interest at 5 per cent. on the accumulated and accumulating fund is also to be paid. The distribution of these proceeds and interest, though hereafter to be made on the basis of total population, as stated, is qualified by immediate and temporary needs, and for a period of five years is proportioned to the respective populations of the District, Territories, and States of ten years and upward who, as shown by the last published census of the United States, are unable to write.

These payments or distributive shares are provisional, but the conditions on which they depend are equitable, easily understood, and necessary to effect the objects and purposes which the fund and the yearly payments are intended to secure. The conditions require that each of the State Legislatures shall legally provide for the free education of all its children between the ages of six and sixteen, and that all moneys received in pursuance of this bill shall be applied according to its terms, that each may provide, within specified limits, for schools for the instruction of teachers, and that each, through its officers, shall make an annual report of the number of its public free schools, of the teachers employed, of the school-houses owned or hired, of the children taught, of the actual daily attendance, of the months of the year in which the schools have been actually maintained, and of the amounts appropriated by the Legislature of each State for maintaining free public schools within its own bounds. In the thirteenth section of the bill, well-guarded provision is made, as before said, for the carrying out of its general beneficial design.

Looking, then, only to the substance of the bill, as this general statement exhibits it, I give it my entire and hearty assent. It seems, so far as I can see, to be conceived in an eminently national spirit, and to be wisely adapted to the advancement of the national good. It goes upon the principle that popular education is an essential, indispensable condition, without which popular institutions must inevitably fall. This principle I take to be an *axiom* which no one here will dispute, and which no one need labor to defend. It is assumed in the bill that as a matter of fact there exists now in many parts of the country special and pressing needs for facilities and means of educating the people, which needs have arisen mainly in consequence of the late war, and which the resources of the local populations are inadequate to meet. That these needs do in truth exist, that they are urgent and great, that they ought to be supplied with the least possible delay, and that the benefits to result from supplying them, and the evils to result from not supplying them, will be benefits or evils—not exclusively of local, but essentially, also, of national concern—I take to be equally clear and incapable of dispute. I do not understand that in respect to any of these points, either of principle or fact, the bill is anywhere excepted to, but that the objections to which it is said to be open are against the exercise of power upon this subject by the national Government and to the application to such purposes of the national property. These legal and constitutional objections I shall not assume to discuss. But while the adequate decision of them may call perhaps for judicial determination, in the absence of such judgment we are by no means justified as Representatives of the people in refusing to vote upon the broad popular questions which this bill presents. I am unable to see upon what solid grounds objections of this character exist, and for this reason, and concurring in the opinion which the average intelligence of the people must hold, that the public welfare may lawfully and constitutionally be promoted by the General Government in the use of the public resources and means, I shall give to the measures proposed the support which is due to their comprehensive and beneficent aims. If doubts could fairly be admitted as to the practical results of these measures when adopted and put in operation, I think they ought still to be tried.

In a country like ours, with institutions bending to the caprice of popular sentiment, the people, irrespective of race or color, must be educated. The great interests of the nation demand that the opportunities for that education should be sown broadcast through the land, so that it may permeate all classes with its healthy influences. In no way can a portion of the resources of this great country be better bestowed than in strengthening the great system of common schools now established in the various States. The blessings and benefits derived from these are not confined to State lines but spread through the whole country, strengthening it with that best of all supports, an intelligent and virtuous people.

If the general purpose implied in fully educating the people should be kept in view by our Government, then it follows that any plan or scheme adopted should be broad and general in its scope. There is no portion of the country which can be neglected without detriment to the whole. This measure, framed in the spirit and supported from an earnest and honest conviction of the advantages it will confer upon the nation, ought to commend itself to every member of this House. Resting upon popular support, our republican institutions can only be sustained by a people who can intelligently decide between the lessons of patriotism and the corrupt teachings of demagogues. True, genuine education is alike the charm of social life, the the cause of business effort, the secret of artistic skill, the base of all scientific investigation, the foundation of all true statesmanship, and the corner-stone of that republican equality on which our Government rests.

The exigencies of the case demand that aid should be rendered. This aid, to some considerable extent, would certainly be afforded by the distribution of these means now in our power to bestow. The bill proposes no interference with existing rights in regard to preemptions or homesteads, no limitation of congressional power over the public domain, and no interference with the granting of bounty lands to the soldiers of our late war. Its provisions are so well qualified and guarded that no serious or permanent embarrassment or difficulty can in any way arise from its enactment; and the failure of it to do all that can be desired, or to realize moderate and just expectations, can be readily met by modification or repeal. I am in favor of giving it a trial. I believe it will succeed and vindicate the wisdom, as it will certainly attest the patriotism and the national spirit of the Congress by which it is attempted. The experiment, if such it can be called, is an experiment whose successful issues would be blessings of incalculable value, wide as the country itself, and strengthening the essence and forces of its life. I hope the bill as its stands, in its scope and in its details, will receive the sanction of this House.

SOUTHERN TRANSCONTINENTAL RAILROAD COMPANY.

Mr. NEAL. Mr. Speaker, there is upon the Calendar a bill, reported from the Committee on the Pacific Railroad, to incorporate the Southern Transcontinental Railroad Company, upon which I wish to address the House to-night. I have no disposition to discuss at length the various provisions of that bill or the grave constitutional question which it involves. I desire simply to state in a general way and as briefly as I can some of the considerations which influenced me in withholding my assent from the report of the majority of my committee recommending its passage and induce me to oppose it now.

The bill provides for the incorporation of a company to be known as the "Southern Transcontinental Railroad Company," and authorizes and empowers said company to lay out, locate, and construct a railroad and telegraph line from a point named therein on the west bank of the Mississippi River, in the State of Arkansas, to the city of San Francisco, in the State of California, and also a branch road and telegraph line from a point in the county of Sedgwick, in the State of Kansas, to be determined by said company, to a point to be selected by it on the Atlantic and Pacific Railroad, in the vicinity of the boundary line between the Indian Territory and the State of Texas.

My first objection to it is that we have no constitutional power to enact it into a law. I do not agree with the statements which we have heard so frequently of late upon the floor of this House and elsewhere, that Congress has power, whenever it likes or sees good occasion to do it, to charter a railroad over and across any State. On the contrary, I deny that it has any such power, and assert that there is no clause of the Constitution which confers it *directly*, or by any fair implication authorizes its exercise.

Says Justice Story:

> Whenever a question arises concerning the constitutionality of a particular power, the first question is, whether the power be *expressed* in the Constitution. If it be, the question is decided. If it be not *expressed*, the next inquiry must be, whether it is properly an incident to an *express* power and necessary to its execution. If it be, then it may be exercised by Congress. If not, Congress cannot exercise it.—*Story on the Constitution*, volume 2, section 1243.

And when these inquiries are made in this case, it will, in my judgment, be most clearly apparent that we have no constitutional power to create a corporation of the kind proposed by this bill. Such a power is not to be found among those enumerated in the Constitution. We find there the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare, to borrow money, to regulate commerce, to establish post-offices and post-roads, and to do many other things. (Constitution, article 1, section 8.) But among all these enumerated powers of Congress we do not find the power to incorporate a railroad company. The word "incorporate" or "incorporation" is not even to be found there, while it is well known as a historical fact that a proposition to authorize Congress to create corporations was more than once rejected by the Convention which formed the Constitution.

The general power "to grant charters of incorporation," the power "to grant charters of incorporation in cases where the public good may require them and the authority of a single State may be incompetent," and the power "to grant letters of incorporation for canals," were each in turn refused to the General Government. (Journal of Convention 260-376.) And the rejection of these several propositions by that body proves, if anything ever was proven, that it was not intended that Congress should have the express, substantive, and

independent power to erect a corporation of any kind. But judicial authority is not wanting, if such be required, to forever put at rest any claim that may be made in this direction. The Supreme Court of the United States decided as long ago as the year 1819, in the case of McCulloch *vs.* The State of Maryland, that no *express* power to create corporations had been given to Congress by the Constitution.

Chief Justice Marshall in deciding that case said:

> Among the enumerated powers we do not find that of establishing a bank or creating a corporation. * * * * Had it been intended to grant this power as one which should be distinct and independent, to be exercised in any case whatever, it would have found a place among the enumerated powers of the Government. (4 Wheaton, 406, 421. See, also, Osborn *vs.* United States Bank, 9 Wheaton, 860.)

This power, then, if it exists at all, must be implied as incidental to some one or more of those which have been given to us in express terms. It can exist in no other way. But before it can exist even in this way it must appear that it is a direct mode of executing an express power. The rule was so laid down by Chief Justice Marshall in the case to which I have just referred. In delivering his opinion, he said:

> The power of creating a corporation is never used for its own sake, but for the purpose of effecting something else. No sufficient reason is therefore perceived why it may not pass as incidental to those powers which are *expressly* given, if it be a direct mode of executing them. (4 Wharton, 411.)

Now, if it be implied as incidental only to those powers which are *expressly* given, to which of them does it in this case belong as such incident? With which of them is it coupled as an appendage necessary to carry it into execution? What natural or necessary connection is there between any of the enumerated powers and the incorporation of a company to build a railroad through the various States and Territories from the Mississippi River to the Pacific Ocean? I cannot conceive that there is any whatever. The connection between the incorporation of such a company and the building of such a railroad is perfectly obvious. The creation of the one will be at once conceded as the usual, convenient, and necessary means for the construction of the other. But the difficulty lies in the want of *express* power to build the railroad itself, and in our being again compelled to resort to implication to obtain such power; and this difficulty cannot be overcome. For it will be extending the doctrine of implication entirely too far to say that this power, which carries with it the right of eminent domain within the limits of the States through which the railroad may pass, takes away the jurisdiction of such States over their own territory without their consent, and strikes at the very root of local self-government, was ever intended to be given or ever was given to the Federal Government. It is too unreasonable to suppose that such power was left to implication, when the same section and article of the Constitution from which it must be implied, if at all, declares that the United States cannot purchase land in any State for the erection of a fort, magazine, arsenal, dock-yard, or other needful building, until it has first obtained the consent of the Legislature of such State. (Article 1, section 8 of Constitution.) To so decide will, in my judgment, not only require the greatest stretch of the imagination, but will be a most manifest, palpable, and outrageous usurpation of authority. There is no power whatever that we cannot assume to exercise if we can pass such a bill as this. All that will have to be done in any case to accomplish our purpose will be simply to declare that the act contemplated is "necessary and proper" for the execution of some one of the enumerated powers of Congress. Any rule of construction that will give us the power in this case will give it in all others. And we may thus, first upon one pretext and then upon another, extend it until we not only make the implied powers greater than those which are expressly given, but so amend, by construction, the Constitution as to free ourselves entirely from all the restraints which it now imposes, and change the whole theory and practice, if not ultimately the very form and character of the Government.

If we inquire from what clause of the Constitution it is contended that the power in this case is derived, what will be the result? Ordinarily there is no difficulty in determining the particular article and section of that instrument from which any legislative or other power is drawn, and there should be none in any case. Yet I venture to assert that no two of the advocates of this bill will be able to agree upon or refer me to the same section or clause of the Constitution as the one which confers upon us the power to enact it into a law. One will tell you that it is derived from the power to regulate commerce among the States; another will say that it comes from the power to establish post-offices and post-roads; a third will attribute it to the provision which declares that Congress shall have power to lay and collect taxes, to pay the debts and provide for the common defense and general welfare, or to the one which empowers us to declare war; while still another, unwilling to confine himself to any one of the enumerated powers, in designating its source will insist that it is derived from all of them combined. This circumstance ought not to be overlooked in considering this question. The fact of such disagreement is at least some evidence that no such power exists. To my mind it is almost, if not quite, conclusive evidence of its non-existence, because it is fair to assume that when one thing becomes the appropriate and necessary means for carrying into effect another, the necessity will be so apparent as to enable men of intelligence, judgment, and discrimination to perceive it without resorting to all kinds of special pleading to establish the dependence of the one upon the other or to trace the connection between them.

But, sir, the proposition that the power to build a railroad through a State cannot be implied from any or all of those which are expressly given to the General Government is well sustained by authority, which ought not to be lightly disregarded. The identical question at issue here, so far as the principle is involved, was discussed and decided by Mr. Madison in 1817, in his veto of what is known as the "Bank bonus bill," which was an act pledging and setting apart certain funds for the construction of roads and canals and for the purpose of making other internal improvements. Mark his language. Nothing can be clearer or more explicit and unequivocal. He said:

> I am constrained by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States to return it with *that objection* to the House of Representatives in which it originated. The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution, and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers, or that it falls by any just interpretation within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the Government of the United States.
>
> The power to regulate commerce among the several States *cannot include a power to construct roads and canals* and to improve the navigation of water-courses in order to facilitate, promote, and secure such a commerce without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress. To refer the power in question to the clause "to provide for the common defense and general welfare," would be contrary to the established and consistent rules of interpretation.

Hear, again, this distinguished statesman, who has justly been called the father of the Constitution. In a letter to Edward Livingston, dated Montpelier, April 17, 1824, he said:

> My impression is also very decided, that if the construction which brings canals within the scope of commercial regulations had been advanced or admitted by the advocates of the Constitution in the State conventions, it would have been impossible to overcome the opposition to it. It is remarkable that Mr. Hamilton himself, the strenuous patron of an expansive meaning in the text of the Constitution, with the views of the convention fresh in his memory, and in a report contending for the most liberal rules of interpretation, was obliged by his candor, to admit that they could not embrace canals.—*Madison's Writings*, volume 3, pages 435, 436; see also volume 4, pages 147, 148.

To the same effect was the opinion of Mr. Monroe, as stated in his message vetoing the "Cumberland road bill" in 1822. After expressing his regret at being compelled to object to the passage of the bill, the policy of which met with his full approval, because of his conviction that Congress did not have the power under the Constitution to enact such a law, he said:

> A power to establish turnpikes with gates and tolls and to enforce the collection of tolls by penalties implies a power to adopt and execute a system of internal improvement. A right to impose duties, to be paid by all persons passing a certain road and on horses and carriages, as is done by this bill, involves the right to take land from the proprietor on a valuation and to pass laws for the protection of the road from injuries; and if it exist as to one road it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement. * * * I am of opinion that Congress does not possess this power; that the States individually cannot grant it, for although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. The power can be granted only by an amendment to the Constitution and in the mode prescribed by it. If the power exist, it must either be because it has been specifically granted to the United States or that which is incidental to some power which has been specifically granted. If we examine the specific grants of power, we do not find it among them, nor is it incidental to any power which has been specifically granted. It never has been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which are specifically granted. The following are the powers from which it is said to be derived:
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> First. From the right to establish post-offices and post-roads. Second. From the right to declare war. Third. To regulate commerce. Fourth. To pay the debts and provide for the common defense and general welfare. Fifth. From the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the Government of the United States, or in any department or office thereof. Sixth, and lastly. From the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States. According to my judgment it cannot be derived from either of those powers, nor from all of them united; and in consequence does not exist.

Such, too, was the opinion of Andrew Jackson, declared and published in his veto of the "Maysville road bill," on the 27th day of May, 1830. He said:

> The constitutional power of the Federal Government to construct or promote works of internal improvement presents itself in two points of view: the first, as bearing upon the sovereignty of the States within whose limits their execution is contemplated, if jurisdiction of the territory which they may occupy be claimed as necessary to their preservation and use; the second, as asserting the simple right to appropriate money from the national Treasury in aid of such works when undertaken by State authority, surrendering the claim of jurisdiction. In the first view the question is an open one, and can be decided without the embarrassment attending the other, arising from the practice of the Government. Although frequently and strenuously attempted the power to this extent has never been exercised by the Government in a single instance. It does not in my opinion possess it, and no bill, therefore, which admits it can receive my official sanction.

In the letter of Mr. Madison to Edward Livingston, from which I have already quoted, the position of Alexander Hamilton upon this question is clearly defined. But as he was the great advocate of a strong federal government and the leader of those who favored a most liberal construction of the Constitution, such a construction as would tend towards a centralization of power, I desire to read a single sentence from a letter written by him to Jonathan Dayton in 1799 in

which he distinctly recognizes the fact that Congress has no such power as is here claimed:

An article ought to be proposed to be added to the Constitution for empowering Congress to open canals in all cases in which it may be necessary to conduct them through the territory of two or more States, or through the territory of a State and that of the United States.—*Works of Hamilton*, volume 6, page 386.

I might multiply these authorities almost indefinitely by adding the weight of one great name to that of another. But I will not. I will content myself with a further reference to a decision of the Supreme Court of the United States, which seems to me to settle most conclusively the exact principle involved in the passage of this bill. In the case of Gilman *vs.* Philadelphia, decided at the December term, 1865, the court, Mr. Justice Swayne delivering the opinion, said:

The national Government possesses no powers but such as have been delegated to it. The States have all but such as they have surrendered. *The power to authorize the building of bridges is not to be found in the Federal Constitution.* It has not been taken from the States. It must reside somewhere. They had it before the Constitution was adopted, and they have it still. (3 Wallace, 725.)

I admit, sir, that the extraordinary power required for the passage of this bill has at times been assumed by Congress. I know that precedents can be found which seemingly uphold and sanction such legislation as this. But we are not bound by any such precedents. For, as has been well said, "precedents may evidence, but do not sanction at any time a violation of the Constitution of the United States. The unyielding exactions of that instrument are like the Divine ones from Mount Sinai, constant, continuing commands which no Congress should disregard." Besides, in this instance, an examination of such precedents and of the circumstances under which most, if not all, of them were established, will convince any unprejudiced mind that they are entitled to no consideration whatever at our hands. You may take any one of the acts incorporating the various companies that have been chartered by Congress to build railroads through the States, and you will find that the question of power under the Constitution to create them, was in no single case fully discussed, and brought directly to the attention either of this House or the Senate, and that they were passed at a time when it was the custom to violate the plainest provisions of the Constitution, and when to even talk about obedience to it was regarded as a crime. So that they are wholly deprived of whatever weight and character as authority we might otherwise be disposed to give them, and we are left to act upon our own judgment, free from any embarrassment, so far as they are concerned, and aided and directed by the interpretation and opinions of those who assisted in making and putting into successful operation the Constitution itself, and of the other jurists and statesman of our country who have made for themselves a name and fame that shall last as long as time itself.

But, sir, if we admit that we have the power under the Constitution to construct or to authorize the construction of railroads through the States without their consent, there is still an objection to this bill, which, it seems to me, ought to prove fatal to its passage unless we propose to charter indiscriminately, without investigation and without any inquiry into the propriety of our action, every company of every kind that may choose to ask of us a certificate of incorporation. I submit that there is no necessity for the building of this road at this time, and that no public good can possibly arise from incorporating this company to undertake its construction. We have one railroad already completed to the Pacific coast. Two other companies have been chartered and have commenced work upon their respective roads. When they shall have finished them no more through lines will be required, for years to come, to accommodate the business interests of the country through which they pass or to establish commercial intercourse between the East and the States lying west of the Rocky Mountains. And as for local trade or traffic there is, I may say, absolutely none to demand the building of this road, for it will run for the greater part of its entire length through an uninhabited or sparsely settled country, the business of which will certainly prove insufficient to pay the interest upon the money that will be required to purchase the rolling-stock alone necessary to operate it after it shall have been built. So that it is perfectly idle, worse than folly, to talk about building it now, especially when every man of sense knows that in the present distressed financial condition of the country it could not be built if it were ever so desirable that it should be. The fact that the gentlemen named in the bill are willing to undertake to build it signifies nothing. It ought not to be considered by us at all in determining whether we will or will not confer upon them the exclusive privileges asked by them, for such an undertaking, while it may and doubtless will prove profitable to those who may be directly engaged in its management, if they enter upon it, cannot fail to be most mischievous in its consequences and fraught with evil, disaster, and ruin to hundreds and thousands who will be induced to invest their capital in it upon the representations of these men.

I know, sir, that we are not to constitute ourselves the guardians of the private interests of the people upon all occasions. But at the same time I believe that we ought, and that it is a part of our sworn duty, to so legislate as to check this improvident spirit of speculation that is abroad in the land, to which the great financial crisis through which we are now passing is declared by many to be directly attributable, rather than to excite, encourage, and stimulate it by the passage of such a bill as this.

But, sir, there is another objection to the passage of this bill to which I desire to direct your attention for a single moment. Section 7 provides—

That the said company is authorized to accept to its own use any grant, donation, loan, aid, or assistance which may be given to, or conferred upon, said company by the Congress of the United States, by the Legislature of any State, or by any corporation, person, or persons.

This means a continuation of the policy of subsidizing these corporations and monopolies. It means that we shall commit ourselves to a donation of millions, it may be tens of millions, of acres of our most valuable public land, and millions of money besides, to these men to aid in the construction of this road which they now appear so anxious to have an opportunity to build upon their own responsibility. Disguise it as they may, this is their clear, obvious, unmistakable intent and purpose, and you may rest assured that this bill will no sooner be enacted into a law than they will again be here importuning and beseeching us for aid, both land and money, and that in their efforts to obtain such help they will refer to this very section, and declare that by it we have fully committed ourselves to a compliance with their request, and that to refuse them will be a breach of good faith upon our part. At any rate, this is my honest conviction in regard to it, so that for this reason, if for no other, I would vote against the bill, believing as I do that this policy of granting large and extensive tracts of our public land to railroads and other corporations is wrong in principle and contrary to the spirit of our free institutions, and that to continue it in the way in which it has been commenced and persisted in during the past twelve years will be to endanger not only the prosperity but the very existence of our Republic.

[Mr. WILSON, of Maryland, then addressed the House upon the civil-rights bill. His remarks will appear in the Appendix.]

COLLECTION DISTRICTS IN NEW JERSEY.

Mr. HAZELTON, of New Jersey. Mr. Speaker, although the session this evening was called for the purpose of discussing the bill making appropriations for the completion of the Washington monument, I find the consideration of other questions has been allowed, and I will ask the attention of the House for a short time to a matter which concerns a large number of the inhabitants of my State and district.

It will be remembered by members of this House that in February last a very remarkable speech was delivered by the chairman of the Committee on Ways and Means, endeavoring to point out abuses which existed in the administration of the Government and making suggestions for their removal. In that speech a table was submitted, showing the amount of revenue received from customs, the number of persons employed, their aggregate compensation, and the percentage of cost of collecting the revenue in each customs district in the United States, for the year ending June 30, 1873. A table was also submitted showing the number of ports where no revenue was received from customs for the same period. From the latter table we we learn that there are thirty-two customs districts from which no revenue is received, but the compensation paid the collectors, deputy collectors, and inspectors engaged in the *laborious* business of "doing nothing," amounted to $75,259.78!

Now, Mr. Speaker, if this statement is correct, and the officers at the thirty-two ports named in the table have no legitimate duties other than the pretext of collecting revenue, there should be but one opinion on the part of the members of this Congress as to their duty of abolishing these customs districts.

But, Mr. Speaker, the collection of revenue is but a *part* of the duties devolving upon collectors. If I am correctly informed as to their duties, they are required, first, to register, enroll, and license all vessels built and owned in their districts; second, to exercise and enforce police regulations preventing the illegal entry of all goods and merchandise subject to duty; third, collect revenue.

The first-named duty of the collectors is one of great importance in districts where there are a large number of vessels built and owned, especially when we consider that the custom is almost universal for each vessel to be owned by different parties, and that any change of ownership must be recorded in the office of the collector of the district where said vessel is owned.

Now, sir, I find in the table enumerating the ports where no duties are collected the names of two located in the district which I have the honor to represent, namely, the ports of Bridgeton and Great Egg Harbor. In both of these collection districts a large number of vessels is owned, and every year the number is increased by the building of additional ones.

In answer to a letter addressed to the collector of the port of Bridgeton, I received the following statement, which I submit for the consideration of the House:

CUSTOM-HOUSE, BRIDGETOWN, NEW JERSEY,
Collector's Office, April 1, 1874.

SIR: I herewith send you some statistics of this collection district.

Number of enrolled vessels, (by enrolled vessels, I mean vessels over 20 tons,) 182; total tonnage of the above 182 vessels, 14,000 tons; about forty of the above are large coasters, the balance are schooners of smaller capacity. Number of owners to the above 182 vessels, 800. Also 125 small vessels under 20 tons; total tonnage 1,500. These vessels are enaged in the oyster trade. Number of owners, 200. Also 4 steamers; aggregate tonnage 1,000 tons. Number of owners not given; owned by stock companies.

RECAPITULATION.

	Number vessels.	Tons.
Over twenty tons, sailing	182	14,000
Under twenty tons, sailing	125	1,500
Steam	4	1,000
Total	311	16,500

Total number of owners, 1,000. Value of vessel property, $1,000,000.

It will be seen by the above statement that the number of vessels of all sizes and descriptions is 311, with a total tonnage of 16,500 tons, and that the ownership, amounting to $1,000,000, is divided among 1,000 persons. From a statement received from the collector of Egg Harbor district, I learn that the number of vessels of all sizes and descriptions in that district is 138, with a total tonnage of 16,018 tones, and the ownership, amounting to near $1,000,000, is divided among 1,442 persons.

From the above facts it will be seen that the continuance of these two ports is undoubtedly required by the large maritime interests of the districts. Article 2 of an act passed December 31, 1792, reads thus:

A vessel's home port is that at or nearest to which the owner resides, or, if there be more than one owner, to the port at or nearest to which the husband or managing owner usually resides.

In view of the existence of this law, it will be readily perceived that the whole vessel interest would be disarranged if those collection districts should be abolished.

As a necessary consequence, the business of enrolling, registering, and licensing would be transferred to the port of Philadelphia, thereby entailing great expense, hardship, and inconvenience upon the owners and builders of vessels in the districts to which I have alluded. The present policy of our Government is to foster commerce, both foreign and domestic, and I do not believe that this Congress is prepared to take any steps, even under the lead of the chairman of the Committee on Ways and Means, to abolish any ports of entry whereby the commercial interests of any section of our country will be injured, even if a small outlay is required to compensate collectors of said ports.

Mr. Speaker, let us now consider the second duty of the collector of a port, namely, to exercise and enforce police regulations preventing the illegal entry of all goods and merchandise subject to duty.

In the Bridgeton district this duty is not so important, from the fact that it does not border on the sea-coast; but still there is need of such supervision, as the district includes the eastern shore of Delaware Bay and River and the navigable streams tributary thereto, to within a few miles below the city of Camden, thus affording facilities for the illegal landing of merchandise. The Egg Harbor district commences at Cape May, and includes all the sea-coast, bays, and inlets between that point and Brigantine Inlet, a distance of sixty miles.

This coast is in the direct line of all the vessels trading between Cuba, New York, and other eastern ports and the commerce entering the port of Philadelphia from Europe. This coast is easily approached, and with its numerous bays, inlets, and navigable streams leading into the interior, thus affording great facilities for smuggling large quantities of duty-paying merchandise. It is therefore very important that vigilant police regulations should be exercised on the part of the Government to protect its revenue. This can be most efficiently done by having in this district a faithful collector to enforce the revenue laws and protect the Government from fraud.

All the ports on the coast of New Jersey need the same police regulations as the one above mentioned. These ports were established when our foreign commerce was small, compared with the present; consequently, there is far greater need for their existence now than when established, even though their continuance entails some expense upon the Government.

I know, Mr. Speaker, that it would be a delightful condition of affairs if all the police regulations connected with the collection of the revenue could be abolished—that all parties owing tribute to the Government would come willingly to the receivers of customs; then our revenue marine might be abolished, and the large sums expended annually for its efficient equipment might be applied to the payment of the public debt; but unfortunately the millennium has not yet come, and I hazard nothing in saying that for many years to come the Government will be obliged to expend money to make its revenue marine still more efficient, and for the payment of collectors at various ports of entry to guard its revenue against the designs of evil-doers.

Mr. Speaker, I now come to consider another duty of a collector—that of collecting custom duties; and so far as the two districts under consideration are concerned I shall be obliged to conflict with the table submitted by the chairman of the Ways and Means Committee. According to that table, the expense of the office of the port of Bridgeton for the year ending 1873, amounted to $849.39, without one cent of revenue being collected.

I herewith submit a statement from the collector of the above port, showing the amount collected and expenses of same:

The amount of money collected for the year 1873	$2,800

The whole cost to the United States to collect the above amount is as follows:

Salary of one collector	$250
Office rent	100
Commissions, 3 per cent. on money collected	84
Total expense to the Government	434

Besides there is one deputy at Goshen, and one deputy at Mauricetown. Neither of the above receives any compensation from the United States.

From the above statement, for the accuracy of which I will vouch, it is shown that $2,800 was collected for the year 1873, and that the whole expense, including salary, office rent, and commissions, was only $434; showing a balance in favor of the Government of $2,366.

This I know is a small item, but it shows conclusively that the Government is deriving a revenue from this port of entry, and further shows that the table submitted by the chairman of the Committee on Ways and Means was faulty so far as this port was concerned.

I also have a statement from the collector of the port of Egg Harbor, showing the amount of duties that has been saved to the Government during the last twelve years. The vessels enumerated were driven on the coast in the Egg Harbor district and were taken charge of by the collector until they could be delivered at their respective places of destination. The duties were estimated by Mr. Blodgett from manifests in possession of the collector.

OFFICE OF GENERAL APPRAISER,
Custom-House, Philadelphia, February 21, 1874.

General list of duties on cargoes ashore at Great Egg Harbor district, estimated:

Ship Merrimac	$100,000
Bark James Cook	8,000
Bark Charles Poole	2,000
Ship Mortimer Livingston	50,000
Brig Henrica	8,000
Brig Tropic Bird	5,500
Ship Elizabeth	4,500
Ship Electric	150,000
Bark Lawrence	2,000
Steamship Jamaica	15,000
Brig Dashaway	3,000
Brig Allies, (wool and cotton)	45,000
Ship Andressen, (casks, &c.)	10,000
Schooner Lottie Klotz, (sugar)	18,000
Total	421,000

ISRAEL S. ADAMS,
Collector of Customs District and Port of Great Egg Harbor, New Jersey.

From this statement it appears that the large sum of $421,000 in duties was saved to the Government in a great measure by the vigilance and efficiency of the present collector of that port. I have not a detailed statement of the expenses of the officers of this port, (two in number,) but I am well satisfied that the cost is much less than that stated in the table referred to, which places the amount for the last year at $1,656.58. Even if the cost of sustaining the officers of this port is what is stated, it certainly cannot be considered a large outlay when we take into consideration the large amount saved in duties to the Government, besides the efficient police regulations exercised and the great convenience to vessel-owners resident in the district.

Mr. Speaker, from the statement and facts presented, I think this House will come to the conclusion that neither the revenues of the Government nor the commercial interests of either of these collection districts will be improved by their abolition. As has been stated, these ports of entry were established at the close of the last century, and have existed through all the adminstrations of the Government up to the present time, consequently no political significance can be attached to their existence and continuance.

I have no doubt, Mr. Speaker, if we were in possession of all the facts in connection with many other ports enumerated as collecting no duty, we should find that the statement in regard to them would be as erroneous as the two ports in my district to which I have called the attention of the House.

I cannot better conclude these hasty remarks than by quoting the language of the chairman of the Committee on Appropriations in correcting an error in the same speech which contained the erroneous tables commented upon. He says:

The chairman of the Committee on Ways and Means speaks with such commanding authority, that it is especially important he should found his conclusions upon correct data.

WASHINGTON MONUMENT.

Mr. COX. Mr. Speaker, all monuments are a part of history. Every monument erected to a great man, or in memory of a great event, illustrates something in history. It is a constant mortification to the people of the United States, when they come to this city, to see that mutilated monument about which so much has been said, and so patriotically, this evening. I hope something will be done to rescue that monument from its present condition, although I fear it is now a symbol of the condition of our Government. I have said that all monuments represent something historical. I am not sure but I would vote for an appropriation either to finish the monument or to put it into some better and more classical shape.

I have traveled somewhat and have seen some of those monuments which have come down to us from other ages and other epochs. I cannot but remember this evening the monument which I saw once in Rome to Titus, the conqueror of Jerusalem. On that monument, in the form of an arch, was represented all that could confirm our

Bible in regard to the siege of Jerusalem. It commemorated, as they supposed, in eternal marble or stone the conquest of that city by Rome.

I am not thoroughly a believer in this obelisk which comes from Egypt, the simple shaft going up into the air to a considerable altitude and having very little significance. I should prefer some arch like that of Milan, or some temple of fame like that of Munich, or something like the arch of Titus, or the Arch of Triumph which has represented many historic memories for France.

But irrespectively of what the monument may be, it belongs to the American people before our centennial to memorize something of our earlier and better days. What it may cost is for these gentlemen to determine and for the House to vote, but one thing is very sure, that the American people desire before their hundredth anniversary to have something significant in reference to George Washington. The other day in my city when the decoration of the heroes of our recent civil war took place, processions marched by and decorated the statue of our President, Mr. Lincoln, but not one tribute of flowers was placed on the statue of George Washington. Even Nero had a friend to lay a bouquet upon his grave. It is a sign, sir, of our decadence. And I do trust that the American people may do something wiser and better and kinder in this regard.

But I rose principally, Mr. Speaker, to say that our American national metropolis is derelict in many duties. We should have decorated this capital. There is no taste as yet displayed according to the best tastes of mankind in much of the art of this capital. I have offered resolutions on this subject, and had them sent to the Committee on the Library. They are buried there, truncated like Washington's monument. I do not know, sir, but that we ought to make a motion and pass it to dismiss this Joint Committee on the Library who do so little—who do nothing except to give bouquets.

The artists of America are interested in having something better at our capital to illustrate our national history and glory. We have nothing as yet comparable to what the other nations have at their capitals. We have rude art here as yet; and yet they take no advice from artists. I cannot tell you why, sir, because I do not know the influences which prevail around the capital.

But one thing is sure. Unless the American Congress give their nicest heed to something more æsthetic, something more tasteful, something more historic, something more in the line of true art than they have hitherto done, our national capital will be so thoroughly demoralized that it ought to be moved out West.

Mr. LAWRENCE. Would not New York be a better place for it?

Mr. COX. My friend from Ohio suggests New York. New York is full of artists, and none are more eminent than gentlemen who have graduated from my friend's own State. I think the best artists in New York, including Mr. Ward, came from his own neighborhood. I am proud to recognize them as the first almost in their guild in New York.

But, sir, from some influences which nobody knows, the kindliest influences perhaps, this capital has not been properly cared for in the line of art. And I only rose to-night for the purpose of calling the attention of the Committee on the Library and of the members of this House to the fact that we are disgraced all over the world by our utterly disgusting performances in the line of art. If you do raise this obelisk which comes from Egypt, a barbarian country that never had art, I do not believe it will succeed in impressing the American people in a proper way with the virtues and the greatness of George Washington. I would like to see something that would give to the American people the idea in marble or in stone that we had once a nation and a race of heroes in the early days before my friend, the Delegate from this District, fought and bled and almost died for his country. I would like to have something done here to illustrate the greatness of our fight for independence.

George Washington did not fight for liberty altogether, but for independence; and independence in one sense is larger than liberty. Our ancestors never fought for liberty. They had all their liberties, and when the English Crown strove to take their liberties from them, they fought for independence. They bowed for many years before the English Crown and the English Crown did not heed their prayers, though very submissive. But at last they struck for independence. And I would like to see some monument—not to liberty altogether, for George Washington was himself a slave-holder, but to independence of foreign domination, and in all the relations which this country bears to all the world.

Therefore, sir, I would hope when we consider this matter in the House in reference to an appropriation of money that we shall have all the eloquence that we have heard this night concentrated in favor of some mode, I care not exactly what, that will, before the centennial at least, relieve Washington City from the disgrace of a truncated monument to the father of our country.

CIVIL RIGHTS.

Mr. BUTLER, of Tennessee. Mr. Speaker, I beg the indulgence of the House for a few moments while I present my views on this important proposition, and when I say important, I mean it in the broadest sense of the term. I believe a more important measure could not at the present come before Congress, one that will in my opinion, if it should become a law and be enforced, be attended by the very worst results, and will disappoint the friends of the measure and greatly injure those that were intended to be benefited thereby. I regret that the opposition to the bill was not characterized with a better spirit, that some gentlemen seized the opportunity in discussing the bill to abuse and attempt to cast odium upon the colored race. I do not envy the head or heart of any man here or elsewhere who exhibits, to say the least, such bad taste, and temper as to try directly or indirectly to cast reproach upon the colored people of our country; they merit no such treatment. None but a cold, unfeeling, and I might add unpatriotic man could entertain such sentiments, and they are unworthy in my humble opinion to emanate from American legislators, and I would be untrue to the colored people whom I represent and have always stood by me if I did not so characterize them. We should be governed in all things by reason and judgment, and not by prejudice and passion; and when statesmen are making laws they should at least make them good and wholesome, (to use an old-fashioned term our father's used.)

Now, Mr. Speaker, will this bill if it become a law work harm or good to the whole American people, or especially to those that it is intended to benefit? If I believed that the law would have the effect that some of the gentlemen upon this floor say it will, it would afford me pleasure to vote for it. I certainly can have no prejudice or feeling against the colored race. I would not do one act knowingly that would injure them in the least particular. I was born and reared in their midst and have been identified with the institution of slavery, and I arrogate to myself that I know as much about the colored race as any living man. I was his friend and advocate in the war for the suppression of the rebellion. I voted to make him a free man; advocated and sustained all the amendments to the State and Federal constitutions for his advancement and protection. I have voted to tax myself and the other white people of my county and State for their education, and I feel that I did my duty as a good citizen in the best interest of my country, looking to its present and future success. I have no regret for what I did for the colored race, and trust I may never have cause to regret.

Mr. Speaker, would it not be well for us to pause a little and look the whole ground over, and see whether we are going to better the colored race by the passage of this bill or whether we are going to strike a blow that will greatly retard their education and advancement? But we are told that the colored people demand it and are clamorous for it. I do not believe it. I am satisfied that the colored people of my district do not want the school feature of the bill, and I represent as intelligent colored people as there are to be found in the Southern States. Out of a federal population of about one hundred and forty thousand there are but eleven thousand colored, and many of them educated and teaching the colored children. They are contented with sending their children to their own schools, and when they have not colored teachers they are satisfied with competent white ones. Our people are anxious to aid the colored people to educate their children with a few exceptions, and these exceptions will soon disappear. My State did not go as far as I had desired or had hoped in providing a common-school fund for the education of both white and colored, but all things considered did well. The law setting apart the funds for the education of our children makes no distinction on account of color, although the greater part comes from the whites.

I said the colored people of my district were content with their condition. I should have stated with a few exceptions, and I am sorry to say that these are what is known as "smarties" or "would-be" leaders. They are not the most sensible or well to do colored people. Whenever we find an industrious, sensible, thrifty colored man in my country he tells you that he wants no mixed schools; he wants no more excitement between the whites and his race; that he is content; that a few years ago he and his wife and children were chattels; were denied the right to learn to read, that they might learn of their creation and have at least some intelligent idea of the future. They were not citizens; could not testify against a white man; could not sit on juries; could not hold offices or vote. All these rights have been given him within ten years. Now shall they demand additional rights that will do their race no good and great harm, and may endanger some of the rights they now enjoy? This is the way our best colored people talk and feel, and this is the way, Mr. Speaker, they would talk and feel everywhere if they were not imposed upon by demagogues who want to use them for political purposes, and who have no regard or sympathy for them when they have served their purposes.

Sir, I have some feeling upon this subject; I have a right to this feeling. The colored people of my district met in convention on the 1st day of last May and indorsed my course in Congress, as they have done on many occasions, and I will not do an act or permit an act to be done that I believe before God and my country destroy the will schools for the colored children and the poor children of my race; for if the colored children are deprived of the benefits of the common schools, the same causes will deprive the poor white children.

Mr. Speaker, we are told that it is prejudice, and that if we pass the bill the whites and blacks will send their children to the same schools and all will go well. Suppose we grant that it is prejudice. Should we not legislate with a view to that prejudice? It is a great existing fact that we must meet, and meet it like men. To say that we can make laws, as if that fact did not exist, to benefit the race that the prejudice exists against, is a statement that I must dissent from.

Mr. Speaker, let us look into the bill and examine its provisions.

Let me say here that I sincerely doubt the right of Congress to pass such an act.

Sir, I have never been what is commonly known as a State-rights man as understood by the Southern States, but all must confess that States have some rights, and it is better for all that these rights be reserved to these States. While we preserve the rights that belong to the States we must not forget individual rights; they are far more important than State-rights. I will not attempt to discuss the constitutionality of the bill, even if I had time, as doubtless the law will be tested very soon after it shall have been executed or attempted to be executed, and as there seems to be such a diversity of opinion upon the question, nothing short of a judicial investigation will determine the same. I see nothing in the bill except the mixed-school feature but what the colored people are now entitled to and are enjoying under the Constitution and laws of the country. I might question the right of Congress to define who may be jurors in a State court, but as the State law of the State that I in part represent have made no distinction on account of race or color, I will not stop to discuss that proposition. Nevertheless it will strike many, even republicans, with much doubt, to say the least, of its constitutionality. I have always believed it was just and right for railroad companies if they charged a colored person first-class fare to give him and his wife and children as good accommodations as any one, and most of the railroad companies have provided cars equal to the best for the accommodations of the colored travelers and no one objects. The colored people do not want to be put in cars with the whites; that is not what they complain of; it was that they had to pay first-class fare and be put in second or third-class cars, mixed up often with drunken rowdies, smoking and using vulgar language in the presence of their wives and daughters. That is wrong, and no just man will say otherwise.

As to hotels, the laws regulate them much better than Congress can. The colored people do not want to eat and sleep with the whites; they want, if a hotel-keeper charges them as much as he charges the white guests, to have as good bed and as good diet, and that certainly is just and right. And I have heard of no complaint in my State. I find in traveling along the railroads that when the trains stop at the eating-houses a table is provided for the colored passengers, supplied with the same eatables and served by the same servants as the whites, and they all pay the same price, and both seem content. These things are well defined and understood by both white and black; they have become used to them, and no ill or bad feelings exist between them, and if the colored people were left alone and not tampered with by those who are not their friends, who only excite them and prejudice them against the whites, all would go on smoothly. In addition to a few white demagogues, there are a few colored men in my district who assume to be leaders of the colored race, and an occasional preacher who wants the whites and blacks to intermarry, and have no regard for our State laws on the subject of marriage, which laws were enacted for the benefit of both races, and all seemed satisfied with the law when it was promulgated as forever fixing the status of the white and colored marital relations in Tennessee, and as the law punished the whites for intermarrying with the blacks just the same as it did the blacks for intermarrying with the whites, neither race could complain. The law was tested in the Supreme Court of the United States; and that court held, as the law punished both alike, it was in strict conformity to the civil-rights bill.

Now, Mr. Speaker, upon that condition of affairs the republican party have stood in my State. We have proclaimed to the world we were content. But, sir, when a few weeks since it was resolved in a convention at Nashville, the capital of my State, held by our colored people, that they were determined to have a different rule, and proposed to, and did as I now remember, raise a fund to bring a case to the Supreme Court of the United States and test the question whether a colored man could not take to himself a white woman for a wife and violate no law, and that the civil-rights law did override our State law, our whole people, regardless of party affiliations, were startled at the announcement, as it was a departure from all that had been said by the advocates of the colored people from the first step taken to advance and educate them up to the assembling of that convention.

Sir, if that doctrine had been proclaimed in 1865 the colored people in my State would have stood isolated and alone. The boldest white man of the bold would not have dared to advocate the doctrine of intermarriage of the blacks and the whites, and if that is the ultimatum of the colored race their best friends in Tennessee and several of the other Southern States must bid them adieu.

Mr. Speaker, I do not believe that said convention at Nashville spoke the sentiments of the colored people of my State. I cannot believe it. I have too much confidence in the good sense and judgment of our colored people. They cannot afford to take such a fatal step. They cannot, and in my opinion will not, place themselves and friends in the position of favoring such a suicidal policy.

The republican party gave to the colored people all the rights they enjoy. They were met at every step by those who were opposed to extending these privileges to them. The republican party believed it was due them that our great Government believed, as they had declared in the Declaration of Independence, that all men were born free and equal, and they felt that it was their duty to make good that declaration and place all the citizens upon the one grand, broad platform; and that was done by giving the colored man his oath, by making him a juror, by permitting him to sue and be sued, by giving him his vote in all elections and a right to be voted for, by providing him with good schools for his children and paying for them out of the common treasury. All these rights and immunities were cheerfully accorded to him by the republican party. While they were offered by many of our best citizens and thought not to be for the best interests of both races, they acquiesced in them and had almost ceased opposition and the two races were in harmony; and I am proud to say in my district there is no persecution of the colored race and all parties are anxious that no further agitation would be brought about upon the rights of the respective races. I certainly had hoped that we had crossed the Rubicon, that the excitement had subsided, and all was harmonious; but in that I find I was mistaken, that additional trouble at least for the colored people was about to be forced upon them by those who claimed to be their friends *par excellence*, but who I fear will prove their enemies.

Mr. Speaker, I think that our republican friends are mistaken in urging the passage of this bill. I accord to them honesty of intention, but mistaken judgment. But I do believe that some deference should be shown Representatives on this floor who certainly have better means of knowing the results of this law than those who live in localities where there are but very few colored people. Their stand-point is not as good as those who come from such districts as the one I represent; and while I do complain of the manner and language used by several gentlemen on the democratic side of the House toward the colored people, I think some of my side of the House have a little too much gall toward those who were in the rebellion. The time has come when bad feeling and exciting epithets should be heard and exhibited no more. Let us forget the past. It has no pleasant memories to either side. Lost friends, ruined fortunes, and blasted hopes, emaciated forms, broken constitutions, and divided families all tell of a fruitless effort to perpetuate human slavery in an age when the civilized world revolted at the idea.

O, let us forget the past and direct our thoughts to the present and great future, and look at our great national Commonwealth. Let us behold our great nation, with thirty-seven States and ten Territories and two of the Territories asking to be admitted to the sisterhood of States, and a busy prosperous population of forty millions, not only commanding the respect of the world but feared by all the nations of the earth, who not a century ago were the vassals of the mother-country. Let us love our country, and teach our children to love it for its greatness and its free institutions; a country, where the humblest of the humble, where the poorest of the poor, may aspire to be its Chief Magistrate or become its law-makers; a Government able to preserve its republican existence against foreign invasion or domestic insurrection, notorious for its magnanimous dealings with its domestic enemies, and not unmindful of its four millions of colored people who were but a few years since in bondage. O, then, let us be united upon all questions that will add to our country's goodness and greatness; let us not pass laws to divide and distract our people; let the colored people live in the land of their fathers; let them enjoy their rights as citizens; but let us also remember we have the two races; that we must legislate for both, that our legislation must be with a view to harmony, peace, fraternal feeling, and good will to all. Let these things characterize our legislation, and it will redound to the best interests both of white and black.

But, Mr. Speaker, it has been said that if I vote against the civil-rights bill that I will not be returned to Congress; that my colored friends will not sustain me. Sir, that has no terrors for me. I will do what I believe to be my duty, not only to the blacks but to the whites. I am not the representative of one race. I was chosen to represent the whole people of my district, regardlesss of race, color, or party affiliations. That duty I have and will perform. I may not perform it with satisfaction to all, but it shall be with fairness and independence. If my colored friends desert me, they desert a man who has stood by them in many hard-fought contests for the rights and privileges they now enjoy, and to-day I am pleading for them, and asking Congress not to inflict this great wrong upon them and upon the poor white people of any State. I am their best friend; if they desert me, where and to whom will they go? I do not believe they will do any such thing. They are as a class true and grateful, and while one here and there may be found to do so that wants to be a leader in the colored ranks, or some hypocritical preacher, the great mass of them will do as they have done, stand by me and show their gratitude toward one that desires their prosperity and the education of their little children. But if in this I am mistaken, and the colored man prefers a further agitation of the question of his rights, and prefers excitement, bad blood, and feeling, and is not satisfied with my vote on this question, then I will appeal to my own race to vindicate the rectitude of my course, trusting to time to convince all that what I may have done in the premises was not out of malice or hatred to any, but in the firm belief before God and my country that the happiness, peace, prosperity, and education of both races will be promoted and guaranteed by the course I have chosen. If in this I am mistaken, it is an error of judgment and not of intention.

Mr. Speaker, since I have been a member of this House, on all occasions I have endeavored to do my duty to the people who sent me here. I have done what I believed would redound to the best interests of my people. My political status never was doubted. I

have always been true and firm to my principles and party. I never occupied a questionable position. My party always knew where I was politically. My opponents never had the least doubt of my opinions as expressed freely upon all occasions. I have never deserted a friend or pandered to an enemy. What I am is known by all. I am no dissembler or hypocrite, either in politics or religion; but let me say right here that no one of any political faith from my district or State ever called on me or sent me any business to attend to before Congress or the Departments that I did not give it immediate attention and for its accomplishment bring to bear whatever ability I possessed. Sir, I flatter myself, and invite the strictest scrutiny of the records of Congress, that no district in the South since the war has received from the Government more aid than the first district of Tennessee. I may have committed errors and have not succeeded in all that I desire for my district, but I did all I could. What I lacked in ability I endeavored to supply by fidelity and industry.

But, sir, my place is wanted, and in order to obtain it I must be gotten out of the way and the way opened to some who have no claims either upon the party or the people, nor can have, and to others who now enjoy place through my aid and influence, and the question is often asked, can it be so; and, if so, O, what base ingratitude! But, Mr. Speaker, I have confidence in the people of my district. I have never betrayed, never deserted them; some of them have known me from boyhood and in every relation of life, and it is those who always sustain me as a unit. In conclusion I will say, if I may not be regarded as egotistical, that if I have not accomplished much for my district, in the name of all that is sacred and dear, what could those who are now clamorous for my place accomplish in Congress for any people?

Mr. COX. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at nine o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLAND: The petition of grange organizations in Jefferson County, Missouri, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. BUTLER, of Massachusetts: The petition of citizens of Battle Creek, that a portion of the public lands be set apart for the benefit of freed colored people, to the Committee on the Public Lands.

By Mr. HAWLEY, of Connecticut: The petition of Smith G. Gilbert, of Saybrook, Connecticut, for increase of pension, to the Committee on Invalid Pensions.

By Mr. HAWLEY, of Illinois: The petition of John Swaney and 150 others, of Putnam County, Illinois, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. KELLEY: The petition of John Lear, late cockswain and acting master United States Navy, for an appropriation to carry into execution the fourth section of the act of July 17, 1862, for the better government of the Navy, to the Committee on Appropriations.

By Mr. LAMISON: The petition of grange organizations in Mercer County, Ohio, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. LYNCH: The petition of sundry nurses and hospital employés at Natchez, Mississippi, for the payment of their claims for hospital services, to the Committee on War Claims.

By Mr. TYNER: The petition of citizens of Howard County, Indiana, for the construction of a double-track freight railway from tidewater to the Missouri River, to the Committee on Railways and Canals.

By Mr. WHEELER: A communication from H. E. Abell, of New York City, addressed to Hon. LYMAN TREMAIN, relative to granting American registers to vessels forfeited to the United States, upon discharge of action for forfeiture, to the Committee on Commerce.

IN SENATE.

FRIDAY, *June* 5, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service;

A bill (H. R. No. 2887) to prevent the introduction of contagious or infectious diseases into the United States; and

A bill (H. R. No. 3595) to provide for deepening the channel at the mouth of the Mississippi River.

The message also announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes, and agreed to other amendments of the Senate with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM A. WHEELER of New York, Mr. S. S. MARSHALL of Illinois, and Mr. LLOYD LOWNDES, jr., of Maryland, managers at the same on its part.

ARMY APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

On motion by Mr. WEST, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, disagree to the amendments of the House to other amendments of the Senate, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WEST, Mr. LOGAN, and Mr. STEVENSON.

PETITIONS AND MEMORIALS.

Mr. FERRY, of Michigan, presented the memorial of Mrs. A. H. Walker, president, Mrs. S. E. Emory and Mrs. L. H. Stone, secretaries, Mrs. E. L. Wescott, treasurer, and J. A. B. Stone, Dr. J. H. Bartholomew, Mrs. Frances Titus, and others, executive committee of the Michigan Woman's Suffrage Association, praying Congress to remove all disabilities in the way of woman's equal citizenship; which was referred to the Committee on the Judiciary.

Mr. WRIGHT presented the petition of Nicholas Barry, late of Company K, Thirty-first Iowa Infantry, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. LOGAN presented thirty-one petitions containing 2,100 names of citizens of Illinois, including various grange organizations, praying for the construction of a double-track freight railway from the Mississippi Valley to the Atlantic sea-board; which were referred to the Select Committee on Transportation Routes to the Sea-board.

WITHDRAWAL OF PAPERS.

Mr. HAMLIN. Miss Hannach H. Vreeland presented a petition to this body for a pension, and among her papers are some of value to herself. The committee have reported adversely. I move that she be granted leave to withdraw the papers upon leaving copies on file.

The motion was agreed to.

On motion of Mr. WASHBURN, it was

Ordered, That the petition of William K. Weston be taken from the files of the Senate and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (S. No. 797) to amend an act in relation to the survey of certain lands, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1760) to secure homesteads to actual settlers on the public domain, reported it without amendment.

Mr. KELLY, from the Committee on Public Lands, to whom was referred the bill (S. No. 865) to create the Bozman land district, in the Territory of Montana, reported it without amendment.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of Robert Spaugh, praying to be reimbursed the sum of $750, the proceeds of a certain note of which he was the principal maker confiscated and sold under a decree of the United States district court for the district of Indiana and bid in by himself and subsequently recovered against him by the payee thereof, submitted a report accompanied by a bill (S. No. 897) for the relief of Robert Spaugh, of Indiana.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 618) to amend the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, reported it without amendment.

Mr. CONOVER, from the Committee on Naval Affairs, to whom was referred the petition of E. Mellach, praying to be relieved from liability involved for an alleged embezzlement of public money, submitted a report accompanied by a bill (S. No. 898) to authorize the settlement of the accounts of Passed Assistant Paymaster E. Mellach, United States Navy.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom

was referred the bill (H. R. No. 3183) for the relief of Jonathan D. Hale, reported it without amendment.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (S. No. 834) for the relief of the settlers on the Soscol tract of land in Solano County, California, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 2539) relinquishing the rights of the United States in certain lands in the State of Michigan, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 411) for the relief of the Holy Cross Mission, in the Territory of Dakota, reported it with amendments.

Mr. OGLESBY. The Committee on Public Lands, to whom was referred the bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado, have had the same under consideration, and instructed me to report it back and recommend its passage. There is no objection to it from any source, and it is recommended by the Commissioner of the General Land Office. I ask its present consideration. We can get rid of it in a minute.

The Chief Clerk read the bill.

Mr. CLAYTON. Is it too late to object to the consideration of that bill?

The PRESIDENT *pro tempore*. It is not.

Mr. CLAYTON. I object.

Mr. OGLESBY. I appeal to the Senator from Arkansas. The bill has been read; and it will not take but half a minute to dispose of it, and then it will be out of the way.

Mr. CLAYTON. I want to examine it.

SETTLERS IN IOWA AND MINNESOTA.

Mr. WINDOM. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 3575) for the relief of certain settlers on the public lands in certain portions of the States of Minnesota and Iowa, to report it back without amendment, and I ask for the present consideration of the bill. I am very sure there will be no objection to it.

There being no objection, the bill was considered as in Committee of the Whole. It provides that it shall be lawful for homestead and pre-emption settlers on the public lands in the counties of Cottonwood, Noble, Martin, Jackson, Watonwan, Murray, Rock, Lyon, Redwood, Brown, Chippewa, and Renville, in the State of Minnesota, and the counties of Iowa which compose the Sioux City land district, and counties contiguous to either of the above-exempted sections, where the crops of such settlers were destroyed or seriously injured by grasshoppers in the year 1873, and where such grasshoppers shall reappear in 1874 to the like destruction of the crops, to leave and be absent from their lands till May 1, 1875, under such regulations as to proof of the same as the Commissioner of the General Land Office may prescribe. During such absence no adverse rights are to attach to these lands, such settlers being allowed to resume and perfect their settlements as though no such absence had been enjoyed or allowed. The same exemption from continued residence is to be extended to those making settlements in 1874 and suffering the same destruction of crops as those making settlement of 1873 or any previous year.

Mr. WINDOM. A single word in explanation of the bill. During the last year a very small section in Northwestern Iowa, comprising the Sioux City district, and the counties named in Southwestern Minnesota have been ravaged by the grasshoppers and crops destroyed, and there is very great destitution in that section of the country. The only object of this bill is to enable the people who have had everything destroyed to leave their pre-emptions or homesteads until the 1st of May, 1875, in order to make a living, in order to support their families; and it provides that the absence shall not operate against their claims. There is nothing else in the bill.

The Legislature of Minnesota last winter appropriated $5,000 for their relief, and private subscriptions to the amount of $15,000 were raised, and $25,000 was also appropriated by the Legislature to buy seed for them this year, and the same infliction is likely to be suffered the present year. The bill can do no one any harm.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY B. BELFIELD'S HEIRS.

Mr. JOHNSTON. The Committee on Revolutionary Claims, to whom was referred the bill (H. R. No. 3005) for the relief of the heirs of Mary B. Belfield, of Virginia, have had the same under consideration, and have instructed me to report it back without amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides for paying $173.33 to the heirs of Mary B. Belfield, of Virginia.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 899) to indemnify the Pawnee Indians for forty-eight hundred acres of land; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 900) granting a pension to the widow and minor children of Ira Wilkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 901) for the relief of D. D. Snellgrove; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 902) for the relief of the legal representatives of Robert R. Davis, deceased, late a private in Company G, Second Regiment Arkansas Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 903) for the relief of James L. Laffery; which was read twice by its title, and referred to the Committee on Claims.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 904) to provide revenue from the sale of public lands; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. RAMSEY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 905) for the relief of M. V. Brown; which was read twice by its title, and referred to the Committee on Claims.

REVISION OF THE STATUTES.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to consider and report upon the subject of the printing, publication, and distribution of the Revised Statutes of the United States.

HAYTIAN BRIG MARGARETTA.

Mr. HAMLIN. There is a bill reported from the Committee on Foreign Relations which I ask the Senate to take up. I think it will not occupy five minutes. It is Senate bill No. 535. I move to proceed to its consideration.

The motion was agreed to; and the bill (S. No. 535) for the relief of Robert Murray, jr., of the State of New York, was considered as in Committee of the Whole. It provides for paying to Robert Murray, jr., of the State of New York, $1,378.75, being the amount paid by him as discriminating tonnage dues upon the Haytian brig Margaretta, in the years 1867 and 1868, in contravention of the treaty then existing between the United States and the republic of Hayti.

The Committee on Foreign Relations proposed to amend the bill by striking out in lines 4 and 5 the words "Robert Murray, jr., of the State of New York," and inserting "the owners of the Haytian brig Margaretta, or their legal representatives."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed. The title was amended so as to read: "A bill for the relief of the owners of the Haytian brig Margaretta, or their legal representatives."

THE NAVAL SERVICE.

Mr. CRAGIN. I move to proceed to the consideration of the bill (S. No. 716) for the better government of the Navy of the United States.

The motion was agreed to; and the bill (S. No. 716) for the better government of the Navy of the United States was considered as in Committee of the Whole.

The first section provides that hereafter any officer of the Navy who may be promoted in course to fill a vacancy in the next higher grade shall be entitled to the pay of the grade to which promoted from the date he takes rank therein, if it be subsequent to the vacancy he is appointed to fill; but the rank of all officers promoted below that of captain in the line and below the relative rank of commander in the staff shall not date anterior to the time when he shall have seen at least two years' sea service in the grade from which he shall be promoted.

Section 2 prohibits the accounting officers of the Treasury from making any allowance to any officer of the Navy who has been, or may hereafter be, dismissed from the service and restored to the same under the provisions of the twelfth section of the act of March 3, 1865, entitled "An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces, and for other purposes," to exceed more than pay as on leave for six months from the date of dismissal, unless it shall appear that the officer demanded in writing, addressed to the Secretary of the Navy, and continued to demand as often as once in six months, a trial as provided for in that act.

Section 3 provides that cadet engineers shall be appointed annually by the Secretary of the Navy, and that the number appointed each year shall not exceed twenty-five.

The Committee on Naval Affairs reported the bill with two amendments. The first amendment was to insert at the end of the first section:

But nothing in this act shall be so construed as to deprive any officer of the precedence established by section 10 of an act approved March 3, 1871.

Mr. CRAGIN. I am directed by the Committee on Naval Affairs

to withdraw that amendment and in lieu of it to move to strike out the proviso to the section in the following words:

Provided, That the rank of all officers promoted below that of captain in the line and below the relative rank of commander in the staff shall not date anterior to the time when he shall have seen at least two years' sea service in the grade from which he shall be promoted.

The PRESIDENT *pro tempore*. The amendment reported by the committee will be regarded as withdrawn, and the question is on the amendment now proposed by the Senator from New Hampshire.

The amendment was agreed to.

The next amendment of the Committee on Naval Affairs was to strike out the third section of the bill and in lieu thereof to insert the following:

That so much of the act entitled "An act to authorize the Secretary of the Navy to provide for the education of naval constructors and steam engineers, and for other purposes," approved July 4, 1864, as provides that cadet engineers, not to exceed fifty in number, shall be appointed by the Secretary of the Navy, is hereby repealed; and cadet engineers shall hereafter be appointed annually by the Secretary of the Navy, and the number appointed each year shall not exceed twenty-five; and that all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISABILITIES OF JOHN JULIUS GUTHERIE.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of Senate bill No. 252.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 252) to remove the disabilities of John Julius Gutherie.

The bill proposes to remove all political disabilities imposed upon John Julius Gutherie, of North Carolina, by the fourteenth amendment to the Constitution of the United States, by reason of his participation in the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

FORFEITURE OF A LAND GRANT IN CALIFORNIA.

Mr. BUCKINGHAM. I ask the Senate to take up Senate bill No. 154, which was under consideration yesterday.

Mr. SARGENT. While the Clerk is hunting for that bill, I ask the Senate to proceed to the consideration of House bill No. 2019. It is a bill reported from the Committee on Public Lands to restore certain lands, heretofore granted to a railroad company, to the public domain.

Mr. BUCKINGHAM. I withdraw my motion for the present.

The PRESIDENT *pro tempore*. Then the question is on the motion of the Senator from California, [Mr. SARGENT.]

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2019) to forfeit certain public lands granted to the Stockton and Copperopolis Railroad in the State of California.

The bill proposes to declare all lands which were granted by Congress in the year 1867 to the Stockton and Copperopolis Railroad, to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, and which have not been patented by the United States to the company under the grant, which has expired by limitation, forfeited to the United States, and the lands are hereafter to be disposed of as other public lands of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR FROM ALABAMA.

Mr. HAMILTON, of Maryland. I now ask the Senate to take up the resolution reported from the Committee on Privileges and Elections. After it is taken up I shall have no objection to giving way to morning business.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. Is there objection to taking up the resolution?

Mr. SARGENT. I object.

The PRESIDENT *pro tempore*. Then the question is, Will the Senate proceed to consider the resolution?

Mr. CONKLING. I do not feel at liberty to object to the Senate proceeding to the consideration of the resolution if the Senator wants to take it up; but I wish to be heard upon it when it is taken up.

Mr. HAMILTON, of Maryland. I propose to take it up, subject to morning business.

The PRESIDENT *pro tempore*. The morning business is completed.

Mr. HAMILTON, of Maryland. I simply desire to have the resolution considered by the Senate and disposed of one way or the other.

The PRESIDENT *pro tempore*. The question is on the motion to take up the resolution.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

Mr. HAMILTON, of Maryland. I simply desire to state how the sum named in the resolution came to be fixed. I desire a solution of this question, and I hope there will be no difficulty about it one way or the other, but that we shall do what is right. The Committee on Privileges and Elections originally reported a resolution just like the one reported in behalf of Mr. Abbott, of North Carolina, which I will read:

Resolved, That Joseph C. Abbott, late contestant for a seat in this body from the State of North Carolina, be allowed his salary from the 4th of March, 1871, up to the 23d day of April, 1872—

That was the day when the contest was finally determined—

and one mileage each way.

The Committee on Privileges and Elections originally unanimously directed me to report a resolution in this case similar to the one reported in the case of Mr. Abbott; but it was ascertained that such a resolution could not be carried out, because in the mean time we had abolished all mileage, and therefore the Secretary of the Senate could not make the proper allowance under this resolution. Therefore I got the Secretary of the Senate to calculate what the pay of this gentleman would be from the 4th day of March, 1873, to the day on which the contest was decided.

Mr. CONKLING. At the rate of $7,500 a year?

Mr. HAMILTON, of Maryland. I was about to state that. It is calculated from the 4th of March, 1873, until January or February last, whenever our increased pay ceased, at that rate, and since then according to the pay we are now receiving. So far as that increased pay is concerned, it is perfectly indifferent to me, and I know it is indifferent to the gentleman from Alabama. If it is the wish of the Senate that in this resolution we shall only comprehend the salary as it now is, I know he will be perfectly satisfied, and I suppose the committee will be satisfied. Some members have not received that increased compensation; others have; and probably it might be better in this instance that Mr. Sykes should receive what we all receive at this period of time. But as an original proposition I would offer nothing to the Senate nor would the committee but what the law in the case required according to the precedents heretofore established in this body. In all the contested-election cases before the Senate there is not one in which the principle has not been established that the contestant fairly before this body should receive the salary of a Senator from the time he was entitled to his seat, if it had been awarded to him, up to the time of the conclusion of the contest. If, however, it be the pleasure of the Senate to cut down the amount named in the resolution so that the pay shall be computed at the rate of $5,000 a year, so far as I am concerned I shall be perfectly satisfied. That will make it about $6,500.

Mr. CONKLING. This resolution is of importance enough to take the yeas and nays upon it I think. I therefore ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. Mr. President, it is not my fortune to know personally the claimant in whose behalf this resolution is offered. I need hardly disclaim, therefore, any hostility or ill-will to him in the objection I make. I know of no reason why Mr. Sykes, as much as any other citizen of the Republic standing in his place, should not receive the amount of money thus to be bestowed, but I object to the resolution on its merits. I object to it as wrong in law, wrong in reason, and an unjustifiable appropriation of public money. It proposes to pay to one who never was a Senator, who never was elected a Senator, and who the Senate has adjudged never was and never was elected a Senator, the same pay he would have received had he been elected a Senator and served till now. It proposes to pay one who never sat here an hour, who never discharged for one moment the duties of a Senator, the same sum of money received by those who during fifteen months have been Senators, acted as such, discharged their duties, and maintained themselves in Washington. I say this is unreasonable; unjust; unwarrantable.

How does the Senator from Maryland attempt to justify it? By an apology, by an apologetic reference to the fact that precedents can be found. Is it ever too early to put an end to bad precedents? Is it ever too early or too late to refuse to follow a bad example? Is it ever too late, whenever the question arises, to stop doing wrong? Pass this resolution, and another precedent will be established; and when the next case arises we need not go back into the past, we will find the precedent within the fresh new era, the era of reform on which we have entered: a precedent in these improved times might well estop us.

Mr. President, precedents have been abandoned by the Senate and by Congress in reference to matters of congressional compensation. The precedents are uniform authorizing the two Houses in increasing the salary of members and making the increase date back so as to give "back pay," as it has occasionally been called. We had such a precedent as late as 1866, when the House of Representatives raised the pay of members, provided that the increase should date back to the beginning of the term, and sent to the Senate an open bill. By "an open bill" I mean a bill in a stage open to amendment, not a bill reported by a conference committee as was the case in the last Congress, which must be voted upon entire, without the possibility of amendment. No such bill was sent to the Senate in 1866,

but a bill in a stage permitting amendments. The Senate recorded itself not only in favor of the bill as a whole, but upon a motion leveled at the back-pay provision alone, the Senate adjudged that provision right and meritorious, and retained it. Every man received his pay, and his back pay, and at that time public sentiment acquiesced in the action of Congress. There is a precedent not yet nine years old, and behind it was a row of precedents. But when we came at the beginning of this session to consider a kindred, I might say a very similar question, did we stand on precedent? I might almost inquire did Congress dare to stand on precedent in the presence of the public frown which had darkly fallen on our legislation? No, sir. On the contrary, each House made haste to overrule and abhor precedents; each House experienced as a friend near me would say a new birth, and precedents were held utterly for naught. Now, when we come to one of the most egregious of all the examples of the past relating to this subject, my friend from Maryland (and he is a reformer I take it) rises and tells us we are to do this thing because it has been done before!

Mr. President, it has long been settled that a nuisance can never be prescribed for. By long use, I may establish the right, and the law presumes a grant, to pass and repass across the land of my friend, to burden it with servitudes, even to hold it forever in fee, and all this though I had in truth no grant at all; but for a nuisance I never can prescribe. No length of time for which it has been maintained will ever ripen into right or title, that which is costly to the public health or injurious to the public interest. No matter how hoary, a nuisance may and should always be abated. With equal reason, no contestant can prescribe for the privilege to be paid as if he had been elected and as if he had served.

I have heard it said that the claimant has been put to expense and therefore he should be paid his expenses. What expenses? He has employed counsel. Did not the sitting member from Alabama now in his seat employ counsel? Did not the Senate adjudge that he was entitled to the seat? And if the Senate is to pay counsel fees, is there any reason why the man who turned out to have no title should be paid and the man whose title the Senate has verified should be paid nothing? If in truth I be elected to a seat in the Senate, and I come as is my duty, take my seat, and address myself to my duties, and a contestant comes to challenge my title to my seat, and I am driven to employ professional aid to maintain my right, is there any more reason why the public money should reimburse him his counsel fees than why it should reimburse me; and more especially after the Senate has adjudged that the seat was mine, that it was not only my right but my duty to hold it?

It seems to me that a distinction in this regard in favor of the man who has no title, is capricious and sentimental, to say the least. I admit there may be reason for doing something. If a contestant comes in good faith to test his right, and we say his personal expenses shall be paid, our action might, without very much latitude, be defended. We might say the sitting member receives his salary for his expenses and his services as well—for his personal expenses; I mean in the sense of his maintenance. He is compelled to be here at all events and no additional cost is imposed on him in respect of his personal expense because his seat is contested. The contestant, however, comes on purpose to superintend the contest he makes. Therefore the whole of his personal expenses are incurred in the character of contestant. I could see some reason in such a rule, should it be established. If you extend it further and make it cover counsel fees, then I see not why the man whose title is valid and who is driven by another in spite of himself into a position in which he must incur expense in the employment of counsel, should be told, "This is your misfortune; you are, to be sure, the defendant in this proceeding; you were elected defendant not by yourself, but by another; he is the party who caused the expense; he forced it upon you; he required you to pay counsel fees; the tribunal has adjudged that your title was perfect and that he had no claim; and now we will pay him the expense he has incurred in the employment of counsel, but we deny you a shilling for the expense he imposed upon you."

What disordered logic, what wild injustice, will dare to justify such action?

I assume, then, that upon the merits the resolution cannot stand; and then we go back to the single fact that in the past such things have been done. I ask again, if we cannot stand and if we ought not to stand in respect of ourselves upon the precedents of the past, why should we select the most extraordinary and, if I may be allowed the expression, the most outlandish of all the precedents touching the pay of members and say because it is a precedent we will make obeisance to it? I say it is time to put an end to this abuse, and as often as we see an abuse so manifest we ought to lay our hands on it.

If the Senator from Maryland will propose that the actual personal expenses of this claimant be paid, to be fixed in any mode he pleases—and I should not be tenacious about that—be his expenses more or less, I mean his own expenses, excluding counsel fees and the like, I would vote for it, although I should have some doubt of its propriety. If he were to make his resolution so as to cover the counsel fees paid on both sides, I should reflect and consider; but I should need not a moment to decide that if we are to pay the contestant it would be at least as just to pay the man upon whom he forced a contest. When we are asked to pay to a man who has never rendered any service the whole meed given to those who have rendered the service, and to pay to a man whom we have adjudged never was elected Senator the same compensation which he would have received upon his being, and only upon his being, elected a Senator, it seems to me that there is no rule of law, reason, equity, or common sense which would call upon any man to take from his own upon such a principle; and when we come to the case of trustees, sitting as we do to administer trust moneys, not our own, and bound as we are by the rigorous exactions which the law imposes upon all trustees, I know not the principle upon which we are to be generous at the cost of being just. On the contrary I would draw the line exactly where justice draws it for all alike, and thus nobody will suffer in any sense for which we are to blame.

Mr. President, I see Senators impatient for the floor, and I will occupy but a single moment further, and that for the purpose of making this remark: I have had occasion for several years, as other Senators have had, to observe the workings in both Houses of the precedent to which we have been referred, and I say that it is unwholesome in my judgment to uphold a standing rule and invitation informing all candidates for Congress that they may come and contest a seat in the other House or in this, and when they end in defeat, they are just as lucky as in victory in all that touches pecuniary compensation. Take this claimant—I do not intimate that he did not come here in good faith—I do not intimate that it was not right for him to come and propose the question he did to the Senate—far from it, I make no such question. I discuss the case presuming it one in which he is not to be censured for making a contest; but nevertheless, no matter what the result may be, whether he succeeds or fails in the litigation, if I may so call it, he is equally successful in respect of dollars and cents. Is that wise or right? Is it wholesome? Is it well to hold out in every congressional district throughout the United States and to the Territories also—because if I am not mistaken one of the precedents is to be found in the case of a territorial Delegate—is it well to hold out to all the districts in forty-six States and Territories, that every man upon any ground he pleases may contest the seat of his competitor, and then the whole salary he would receive had he been entitled to it is to be paid to him from the public Treasury.

It seems to me this reason alone, dismissing entirely the question of the value of the money and the right or wrong of so disposing of it is enough to induce us to put an end to a bad practice and to let men understand hereafter that when they make unsuccessful contests all they can hope to receive is a sum of money indemnifying them against their personal expenses.

Mr. CARPENTER, (Mr. INGALLS in the chair.) This resolution is, as I understand, strictly according to all the precedents. I also believe that all the precedents are wrong. I entirely concur with the Senator from New York, that it is absurd to be governed in the sum which we are to pay in a case like this by what would be the salary of the man if he had been admitted to a seat as a Senator. This is a case, however, in which it cannot be said that the contest was made in bad faith. I was on the committee which had this matter referred to them. I was present at all their investigations. I was at all the meetings of the committee, heard the testimony, and heard the arguments, and I think it is entirely safe for me to say that the committee which reported in favor of seating Mr. SPENCER arrived at their conclusion upon grounds which they deemed reasonably satisfactory, but by no means free from doubt. The case was a complicated and difficult one; and if any one of the committee had been on the bench trying such a question in a court of law, it would not have been an easy question to decide. I think Mr. Sykes was not entitled to his seat, but I think the case one which was entirely proper to be investigated and settled by the action of the Senate.

I am disposed, therefore, to pay Mr. Sykes not merely his personal expenses, but a fair sum for counsel fees. I do not know whether he be a lawyer or not, but at all events he came here, and it was proper that he should retain counsel who appeared before the committee.

Mr. CONKLING. Will my friend allow me to ask him a question?

Mr. CARPENTER. Certainly.

Mr. CONKLING. Does he see any reason, putting the case on the ground he does, why the man who was compelled by the other to employ counsel and to whom the seat was awarded, should not also be paid his counsel fees?

Mr. CARPENTER. Very well; let the Senator introduce a resolution to that effect and we will consider it.

Mr. CONKLING. But I ask my friend whether we can discriminate in favor of this gentleman on that question?

Mr. CARPENTER. I am not discussing that question. I have not thought of it. It is not before the Senate. If the Senator will introduce a resolution to pay Senator SPENCER his counsel fees, we will consider it, and I do not know but that I would vote for it; but we are now considering whether we shall make Mr. Sykes a payment or not; and I say we ought to pay him a fair indemnity for his expenses, a fair compensation for his time, and an indemnity for what he has paid to counsel. I think $3,000 would do that, and I move to amend this resolution by striking out the sum named in it and the words necessarily connected with that, and inserting the sum of $3,000.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is the resolution reported by the Senator from Minnesota, [Mr. WINDOM.]

Mr. HAMILTON, of Maryland. I ask the Senator from Minnesota to allow us to finish this question. I think we shall have no trouble in coming to a conclusion upon it in a very short time.

Mr. ANTHONY. I must ask the Senate, with the assent of the Senator from Minnesota, to take up the bill relating to the publication and sale of public documents, which ought to be disposed of before the post-office appropriation bill is taken up. I gave notice that I should call it up, and although I am reluctant to interrupt this debate, it will evidently last all day, and the bill to which I have referred will not take more than half an hour.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the request of the Senator from Rhode Island?

Mr. WINDOM. I have no objection to laying aside the unfinished business informally. If the bill of the Senator from Rhode Island does not take more than half an hour or an hour, I should be glad to have it completed. I prefer to have the regular order laid aside informally instead of being postponed.

The PRESIDING OFFICER. If there be no objection the resolution reported by the Senator from Minnesota from the Select Committee on Transportation will be informally laid aside, and the bill indicated by the Senator from Rhode Island is before the Senate.

Mr. HAMILTON, of Maryland. Before that bill is taken up, allow me to suggest a modification of the resolution reported by the Committee on Privileges and Elections, reducing the sum named in it to $6,500. That will make it conform to the pay under the law before it was changed. And now if the Senator from Rhode Island will insist upon going on with his measure, I give notice that to-morrow, or Monday morning if we should adjourn over, I shall take occasion to call up this resolution again.

Mr. CONKLING. It is not in order to modify the resolution now, I take it.

Mr. HAMILTON, of Maryland. No; only by unanimous consent.

The PRESIDENT *pro tempore*. Strictly it is not in order.

Mr. CONKLING. I do not think it ought to be done, and the Senator need not suppose that I mean any discourtesy to him. I will make one more remark, if I may be permitted to do so. If this gentleman is to be paid the salary of a Senator, then he ought to be paid the salary fixed by law; and I submit to the Senator from Maryland that it is absurd to say we will pay him the salary, and then name a sum not fixed by law. Hereafter somebody may conclude to double it. Therefore, if we are going to follow the precedent, let us take it as the law fixed it.

Mr. SAULSBURY. I wish to say in connection with that matter, that $6,500, the amount now proposed, is about the pay which we are at present receiving, and we propose to fix it at that because a part of the Senate did not take the back pay.

Mr. CONKLING. But if the Senator will pardon me one moment, that is not the pay we were receiving at the time which this resolution covers, and we are paying him for that time and not for some other time.

Mr. SAULSBURY. It is the same pay that some of us did receive.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The bill (S. No. 857) to provide for the sale of extra copies of public documents, and for the distribution of the regular official editions thereof, is before the Senate.

Mr. LOGAN. The day before yesterday it was agreed, I believe, that the Military Committee should have part of to-day for the consideration of bills reported by them.

Mr. ANTHONY. I do not think this bill will take more than half an hour. I gave notice some time ago that I would call it up to-day.

Mr. LOGAN. I know; but it was unanimously agreed that the Military Committee, who have had no call of bills this session, should have to-day after the morning hour.

The PRESIDENT *pro tempore*. The bill indicated by the Senator from Rhode Island is before the Senate; but the Senator from Illinois can move to postpone it, of course, and test the sense of the Senate by such a motion.

Mr. LOGAN. I do not desire to postpone anything; but I supposed when a matter was made a special order——

Mr. EDMUNDS. It was not made a special order.

The PRESIDENT *pro tempore*. The Chair will inform the Senator that the business of the Military Committee was not made a special order in a technical sense. It was merely an understanding, which the Chair cannot enforce as such.

Mr. ANTHONY. If there was a unanimous understanding, I would not interfere; but I have had charge of this bill, and I have been trying for a long time to get it up and have it passed in time to send it to the other House.

Mr. SARGENT. There is no doubt that the bill referred to by the Senator from Rhode Island should be passed before we consider the post-office appropriation bill. On that bill there are amendments allowing certain documents to go through the mails free. I think the system recommended by the Committee on Printing, with some modifications, will receive the assent of both Houses; and if we have something to propose to the House in lieu of what they have inserted in the post-office appropriation bill, I think we can get a ready assent to a better system than the one which they propose. Therefore I very much hope that this bill may be disposed of by the Senate favorably before we launch into a discussion of the post-office appropriation bill, on which debate by order of the Senate is unlimited. The rule limiting debate on appropriation bills to five minutes does not apply to that bill; and I think we will save a good deal of time on the post-office appropriation bill as well as get a valuable measure, if we can consider before we reach that the bill from the Committee on Printing. I trust we may go on with it.

Mr. ANTHONY. I want to go on with this bill; but if there was a unanimous assent that the Senator from Illinois should have this time, and by reason of his being out of the Chamber momentarily when I called up my bill I have displaced him, I do not think it would be proper, or courteous, or senatorial for me to go on. I shall leave the question to him and he can decide it for himself.

Mr. LOGAN. How is that?

Mr. ANTHONY. I say I will leave it to the Senator from Illinois to say whether I shall go on or not. If there was a general understanding, as I infer from what he says, although I was not present, that he should have the time after one o'clock to-day, I do not wish to interfere with that understanding.

Mr. SHERMAN. There was an exception made in favor of the moiety bill, but I do not desire to antagonize the moiety bill to the bills of the Senator from Illinois, or the bills of the Senator from Minnesota, but I will ask that by general consent, so that there is no further delay about the moiety bill, it be made the special order for Monday next.

The PRESIDENT *pro tempore*. The understanding, as the Chair recollects it, was that the Senator from Illinois should proceed with his bills reported by the Committee on Military Affairs, subject to two things: first, appropriation bills; second, the moiety bill, or perhaps the order was reversed.

Mr. SHERMAN. I am perfectly willing that the moiety bill shall be postponed for the present.

Mr. WINDOM. There was another condition stated at the time; whether it appears on the record or not, I do not know; but when the Senator from Ohio made an exception of the moiety bill I stated that I had no objection provided it did not displace the resolution which is before the Senate reported by the Select Committee on Transportation.

The PRESIDENT *pro tempore*. It does not displace that resolution at all. That is the unfinished business.

Mr. WINDOM. I should like to know further for what length of time this thing extends, whether it is for the entire day.

The PRESIDENT *pro tempore*. The recollection of the Chair is that the Senator from Illinois thought two or three hours would be sufficient.

Mr. LOGAN. I will only say that I have tried several times to call up bills from the Committee on Military Affairs during the morning hour, as other bills from the different committees are usually passed, and I have never been enabled to do it except in one instance. Therefore I asked this order from the Senate, and the Senate agreed to it unanimously; but inasmuch as there are other Senators who have business that is much more important than this, I will yield and let them go on with it.

Mr. WINDOM. I am very much obliged to the gentleman so far as I am concerned.

The PRESIDENT *pro tempore*. Then the bill indicated by the Senator from Rhode Island is before the Senate.

Mr. ANTHONY. I have stated that although I am desirous of going on with this bill, if there was a general understanding, in my absence, that the Senator from Illinois should have his bills taken up now, I would not interfere with it. I do not think it would be fair to do so. The Senator spoke as if he had some feeling about it. Certainly he should have no feeling against me. I called up this bill according to previous notice, without any knowledge that the day had been assigned to him. If he says the day has been assigned to him by general consent, I am the last man in this body to interfere with such an arrangement.

Mr. LOGAN. The Senator is very much mistaken if he thinks I have any feeling about this matter. I am only surprised that Senators should think a Senator has feeling if he is disappointed. It is not the case at all. I have never tried to press any business of my committee in opposition to any other business, and do not desire to do so. The Senator from Minnesota said that an exception was made in reference to his resolution. The President of the Senate decided that that resolution was the unfinished business and would naturally come up. That would cut me out of course. I then said that I yielded to other business that was more important, presuming it was more important or else Senators would not insist on it. That is what I said, and without any ill-temper at all or having any feeling about it. The decision of the Chair was that the resolution of the Senator from Minnesota was the unfinished business. Of course I could not interfere with that, and hence I yielded.

The PRESIDENT *pro tempore*. The printing bill is before the Senate.

Mr. WEST. I ask permission at this time to make a report from a committee.

The PRESIDENT *pro tempore*. The Chair will receive it.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3094) making appropriations

for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes, to report it back with amendments.

Mr. RAMSEY. I should like to ask the Senator when he proposes to call that bill up.

Mr. WEST. I give notice to the Senate that in the event of the lapse of any business between now and Monday next at one o'clock I shall call this bill up. If I do not have the opportunity before that, I shall call it up on Monday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. S. HERNDON of Texas, Mr. JACKSON ORR of Iowa, and Mr. N. B. BRADLEY of Michigan, managers at the same on its part.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 3601) to admit free of duty articles intended for the international exhibition of 1876; and

A bill (H. R. No. 3602) to remove the political disabilities of Thomas T. Fauntleroy and Charles H. Williamson, citizens of Virginia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875;

A bill (H. R. No. 3574) explanatory of the act of June 18, 1864;

A bill (H. R. No. 3007) granting a pension to Cordelia Wilcox;

A bill (H. R. No. 3009) granting a pension to Michael Bannon, of Dayton, Ohio;

A bill (H. R. No. 3011) granting a pension to Mrs. Letitia Carr;

A bill (H. R. No. 3012) granting a pension to John Heddinger;

A bill (H. R. No. 3014) to place the name of Mrs. Caroline Duncan on the pension-roll;

A bill (H. R. No. 3019) granting a pension to George H. Reynolds; and

A bill (H R. No. 3160) in reference to the operations of the shipping commissioners act, approved June 7, 1872.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 1st instant approved and signed the act (S. No. 87) to facilitate the execution of and to protect certain public works of improvement at the mouth of the Mississippi River.

The message also announced that the President had on the 3d instant approved and signed the following acts:

An act (S. No. 510) donating condemned cannon and cannon-balls to the posts of the Grand Army of the Republic, of Philadelphia, and other associations for monumental purposes;

An act (S. No. 477) granting a pension to Jemima Maxwell;

An act (S. No. 540) granting a pension to Fanny Newcomb, mother of Irenus Newcomb, late of Company H, Sixth Regiment Vermont Volunteers;

An act (S. No. 568) granting a pension to Hugh P. Lytle, late a private in Company H, Thirty-second Ohio Volunteers;

PRINTING AND DISTRIBUTION OF DOCUMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 857) to provide for the sale of extra copies of public documents, and for the distribution of the regular official editions thereof.

Mr. ANTHONY. I move to amend the bill in section 4, line 2, by inserting after the words "two hundred" the words "and twenty-one;" so as to read:

That there shall be printed and bound in leather one thousand two hundred and twenty-one complete sets of the journals, the reports, and the documents printed by order of Congress, &c.

The amendment was agreed to.

Mr. ANTHONY. In section 4, lines 11 and 17, I wish to alter the language of the amendments already put in, so that they will read: "One set to the Official Reporter's office of the Senate" and "one set to the Official Reporter's office of the House," so that the language will be the same in both case.

The amendment was agreed to.

Mr. ANTHONY. In section 6, line 9, I move to insert the words "one copy" after the amendment already made in that line; so as to read:

To each Senator, Representative, and Delegate in Congress, one copy.

The words "one copy" were left out.

The amendment was agreed to.

Mr. ANTHONY. In section 17, line 21, the word "copy" should be inserted for "set."

The amendment was agreed to.

Mr. ANTHONY. In section 4, line 50, I propose to modify the amendment made in that clause, so as to make it read:

One set to the executive of each State, for the use of the State, in exchange for a complete annual set of its executive and legislative documents sent to the Library of Congress.

Mr. FRELINGHUYSEN. I thought you struck that out.

Mr. ANTHONY. I have altered it. I have struck out the obligatory part. I will explain this to Senators who feel an interest in it. The original bill gives a set of these documents to the executive of each State which shall in return send to the Library of Congress a set of its executive and legislative documents. That was stricken out, because it did not seem proper to impose a duty of that sort on a State; but the Librarian says he has great difficulty in getting these documents, and he would like to have a recognition in the bill of some expectation on the part of Congress of receiving them, so that he may get them in exchange. Therefore I propose to make it read:

One set to the executive of each State, for the use of the State, in exchange for a complete annual set of its executive and legislative documents sent to the Library of Congress.

The amendment was agreed to.

Mr. ANTHONY. In section 5, line 12, the word "Librarian" should be "Library," and "two" should be stricken out and "fourteen" inserted in the same line.

The amendment was agreed to.

Mr. ANTHONY. In section 6, line 13, I move to strike out "six" and insert "fourteen."

The amendment was agreed to.

Mr. ANTHONY. In section 12, line 4, I move to strike out the words "for distribution by" and to insert "for the use of."

The amendment was agreed to.

Mr. ANTHONY. In section 13, line 5, the same amendment should be made, striking out the words "for distribution by" and inserting "for the use of."

The amendment was agreed to.

Mr. ANTHONY. In section 14, lines 3 and 4, the same amendment should be made, striking out the words "for distribution by" and inserting "for the use of."

The amendment was agreed to.

Mr. ANTHONY. I now move to strike out section 19, and insert in lieu thereof the following:

That the provisions of this act relating to the printing of congressional journals, documents, bills, and reports, shall not apply to those which have been or may be ordered to be printed by the first session of the Forty-third Congress, but shall thenceforth take effect, and all laws and parts of laws, joint resolutions and parts of joint resolutions, conflicting with the provisions of this act, except so far as they may relate to the printing of the documents of the first session of the Forty-third Congress, be, and they are hereby, repealed.

The amendment was agreed to.

Mr. ANTHONY. In section 4, line 79, after the words "Department of Justice," I move to strike out "five sets for the use of the Department" and insert "fourteen sets, of which nine shall be for the Chief Justice and justices of the Supreme Court."

The amendment was agreed to.

Mr. ANTHONY. These are all the amendments except one, which I delay because the Senator from Ohio proposes to move an amendment, as I understand—he gave notice that he would—which, if it should be adopted, would render this inappropriate. I will explain now the general purpose and plan of this bill very briefly indeed, and then if any Senators have inquiries to make about it, and I am able to answer them, I will do so.

The bill has two purposes. The first arises naturally out of the abolition of the franking privilege, the natural consequence of which is the discontinuance of the popular distribution of public documents, and that as naturally requires some new system, some plan of sale, as has long been the practice in England. The law already allows any person to purchase public documents by sending the cost of the same in advance to the Congressional Printer; but men are not likely to buy books that they have not seen; and after a book has been published it is too late to comply with the requirement of the law, which is that the money must be paid in advance. Moreover, people are still less likely to buy books when they can get them gratuitously, as they have been able heretofore to get all the public documents we have printed.

Mr. SARGENT. I wish to ask a question. As I understand the bill, it does not regulate the printing by the Departments except of certain official reports.

Mr. ANTHONY. I will come to that presently.

Mr. SARGENT. The abuse has not been in extravagant printing and binding of congressional documents; it has been in the fanciful books that have been got up on the order of the Departments, and I believe this bill does not reach that difficulty. It may be that the Senator proposes in some other form to do that, but this only relates to the congressional printing.

Mr. ANTHONY. That is what I am speaking of now. I will come to the point as to which the Senator inquires presently. We have provided in this bill that a number of documents, to be determined by the Joint Committee on Printing, shall be printed for sale in addition

to the number ordered by Congress; that they shall be sold at the cost to the Government for producing them after the regular Government edition has been printed; that is, the mere cost of paper and press-work, the type which is set for the original edition answering for the additional copies. The first and second sections contain the provisions to this effect.

The second purpose of the bill is to rearrange and reform, to codify the statutes, the customs, and the traditions for the official distribution of documents. These laws are scattered through the statute-books from the second volume to the last, and many of them are founded upon no law, but seem to have arisen out of temporary instructions and verbal orders which have hardened into precedent and custom. The distribution is exceedingly irregular and capricious, and founded upon no general principle. For instance, in the distribution of documents to the Treasury Department, the First Comptroller has two sets of all documents, the Second Comptroller has four. I know of no reason for this difference. The Paymaster-General of the Army has two; the Commissioner of Customs has three; the Light-House Board two, and so on. The unbound documents, the stitched documents, and the bills are distributed with the same capricious irregularity. Doubtless many of these Bureaus require more than the number allotted to them of certain documents, and require none at all of others. Therefore the bill provides that these documents shall be distributed in bulk to the heads of Departments and by them redistributed to the different Bureaus, as the prayer-book says, "according to their several necessities."

Mr. SARGENT. According to the new political prayer-book, "where they will do the most good." [Laughter.]

Mr. ANTHONY. We printed a document the other day that the Light-House Board would probably want three-fourths of all that are distributed to the Departments.

There has also been a distribution, irregular, to the foreign legations here, and that has been continued from time to time until the distribution embraces some legations that have been abolished: the legation of Bremen; the legation of Sardinia, which country has now become a part of the kingdom of Italy; and one of the South American legations that has not been represented here for some time. A set also goes to the legation of Switzerland, though Switzerland has no diplomatic representative here. She is represented only by a consul. The committee have recommended that a certain number, thirty, be furnished to the State Department for the use of the Department, for the use of foreign legations here, and for diplomatic and consular distribution abroad; the same number to the Treasury Department to be distributed among the Bureaus; to the War Department, twelve; to the Navy Department, fifteen; to the Post-Office Department, fifteen; to the Department of Justice fourteen, including the supply to the justices of the Supreme Court.

There has been also heretofore a considerable distribution of documents to committee-rooms. Every committee-room receives a complete set of what we call the reserved documents. In the constant changes of the committee-rooms these are not preserved; they are not arranged; and now we have a Senate library which is made up almost entirely of documents, and instead of sending a full set to every committee-room the bill proposes to send a sufficient number to the library where they can be sent for by any committee that requires them. There they will bear the stamp of the library; there is an officer appointed to take care of them, and see that they get back after they are sent out. It is easier now for a Senator to send to the library for a document than it is to hunt it up on the shelves of the committee-rooms. There may be a necessity for some alteration in this part of the bill developed by the working of it. The Journals of the House and the Senate, the CONGRESSIONAL RECORD, and the Statutes should be in every committee-room, and each committee will need some documents that other committees do not want. The Naval Committee might want certain documents, the Committee on Military Affairs certain others, and the Post-Office Committee certain others. Any defects of that kind can be easily remedied, perhaps without further intervention of law.

The Statutes at Large are to be distributed as they were before and so are the reports of the decisions of the Supreme Court. The Biennial Register is to be distributed as it has been for the last two publications which are a little larger than the former ones, which increase has been made necessary by the increase in the officers of the Government to whom it is sent. My own judgment is that the Biennial Register is not a necessary publication, but I have twice proposed to abolish it here and the sense of the Senate has been the other way; and so I do not attempt to abolish it in this bill.

The Secretary of the Interior has charge, under the bill as now, of all the documents for distribution among the States, and the documents for distribution on the order of Senators, Representatives, and Delegates, one set to each member, to be given to such institution as he may designate. That distribution is still continued in the same hands.

Section 11 gives the Secretary of State the same authority he has now of publishing certain documents relating to foreign affairs. It is sometimes very desirable that our documents relating to foreign affairs shall be distributed abroad. The discretion has been exercised very judiciously always, and it is the opinion of the Department that this distribution ought not to be taken away. This is not in any sense for popular distribution and the number is reduced. At one time it was very large; it is now made fifteen hundred, with permission to add five hundred if that be desirable.

The next section provides for the publication of small numbers of their own reports to be furnished to three of the Bureaus—those of Indian Affairs, the General Land Office, and the Statistical Bureau. It is three thousand of the report of the commerce and navigation, and two thousand of the others. This, as in the case of the State Department documents, is in no sense a popular distribution. The heads of these Bureaus are constantly applied to for information which they ought to furnish, information which officials require and which citizens have a right to ask. They can send that much better through these reports than by writing answers, employing clerks, and spending time in hunting up the information required. I have no doubt that this publication of two thousand copies for distribution by the heads of these Bureaus is an economical thing; that it saves clerk hire, secures accuracy, and supplies more accurate information than could otherwise be furnished.

As to the Agricultural Report the bill provides for a larger publication, and I will ask the Clerk to read a letter from the Commissioner of Agriculture on that subject which explains the ground on which we have put in twenty-five thousand copies of that report.

The Chief Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, March 3, 1874.

To the honorable the Senate and House of Representatives of the United States:

I am prompted by the necessities of this department to ask that Congress shall order twenty-five thousand copies of its annual report to be published for its use. This is the only reliable point in the United States where the statistics of agriculture are collected and so periodically published as to prevent speculative imposition upon the planters and farmers of the country. This information is given by agents of the department, whose only compensation is the annual reports as published and seeds sent to them. It is their business to make and report the comparative as well as the present condition and result of crops. They have no means of doing this but by reference to the preceding reports, and these I have not to give them. It is but just, too, that they should be furnished with a copy of that which is in a great measure the work of their own hands. The demand for this publication by all the public libraries and societies at home and abroad is daily made upon us on the ground that such exchanges enlighten the people; and this department is derelict in failing to respond.

The annual report of 1872 has been already stereotyped, and it will cost no more than the expense of paper and press-work to publish it. That of 1873 has for some time been upon my table ready for the press. I deem it exceedingly important that at least the report of 1872 should be printed for the purposes indicated.

I have the honor to be, very respectfully,

FREDK. WATTS, *Commissioner.*

Mr. SARGENT. I beg to say to the Senator from Rhode Island that the letter really does not explain why twenty-five thousand copies should be put in his hands for distribution. If the bill is as the Senator states, the provision that the report may be purchased at the cost of printing, paper, binding, and postage, applies to this book as well as to others. Now, why public libraries and other institutions should have it free through the Agricultural Department and the rest of the people should buy it, I do not see; and why some individuals should have it free while others buy it, I do not see. Why is the large amount of twenty-five thousand to be distributed free? Why not let this report come under the general law? If you gave the Commissioner five thousand from which he shall send copies to his correspondents, men who furnish him valuable information, to stimulate them to do that and continue it, I could see some propriety in it; or if it requires ten thousand to do that, I would so vote; but why we should send this report free to public libraries or anybody else except those who render the department service, who assist it in making up the report, I do not see. In other words, twenty-five thousand is either too large or entirely too small. Either the whole edition should be free, which would be two or three or four hundred thousand to supply the wants of the country, or twenty-five thousand going upon some system of free distribution is too many. Either the whole should be free, or less than twenty-five thousand should be free; that is to say, five or six or ten thousand, probably five thousand, to answer the calls of his correspondents who furnish matter to the Commissioner which he works up and puts in his report. I understand that there are scattered all through the agricultural States, probably in every State in the Union, persons who are his correspondents, who furnish him information from time to time, regular correspondents of whom he keeps lists, who are useful to him. I should be perfectly willing that he either as a matter of compliment or compensation should send them one or more copies of this book; but when you get outside of that, the free distribution should cease and this report should come under the English system.

Mr. ANTHONY. The question is where the limit is. The Commissioner of Agriculture puts it at twenty-five thousand.

Mr. SARGENT. No; he speaks about the usefulness of the report, how much it is sought for.

Mr. ANTHONY. But in the letter just read——

Mr. SARGENT. The letter does not reach that point, I think.

Mr. ANTHONY. The letter states the purpose for which he wants these volumes and then states the number that he wants. The inference is pretty clear that that is the number which he thinks is desirable, and I know he does think so.

Mr. SARGENT. This letter was written two months ago and probably not in view of this bill. It was to urge on the Committee on Printing the necessity of printing the Agricultural Report and putting twenty-five thousand copies at the disposal of the Commissioner for free distribution; but in view of the provisions of this bill the letter is entirely too liberal.

Mr. ANTHONY. The letter was written two months ago and it has not grown very old.

Mr. SARGENT. The bill was reported May 26, and the letter is dated March 3, and of course they have no relation to each other. If the Senator will observe, the letter goes on to speak about the value of the statistics contained in the volume.

Mr. ANTHONY. The letter is of an earlier date than the report of the bill.

Mr. SARGENT. He speaks of the necessity of ordering it to be printed, stating that he has another volume that has not been ordered to be printed at all, and which also ought to be printed. That is a general argument in which I entirely agree with him; but coming down to the question of distribution, there is nothing in the letter to show that this case is exceptional, and probably five thousand would cover everything that he needs for distribution to his agents; and everybody else ought to pay for the volume.

Mr. ANTHONY. The Senator from New Jersey is better informed on this subject than some of the rest of us are, and I will appeal to him.

Mr. FRELINGHUYSEN. I can say to the Senator from California that the Commissioner of Agriculture has informed me that the distribution of this report is about the only compensation that he can make to those who send very valuable information from all parts of the United States, which is here aggregated and forms the next report.

Mr. SARGENT. Does the Senator say or the Commissioner say that there are twenty-five thousand of those people?

Mr. FRELINGHUYSEN. That is my impression. I do not remember the exact number.

Mr. SARGENT. I think I can show the Senator his impression is an entire mistake. I think in my State there are but thirty of these persons. The Senator knows how many States there are in the Union, and there are probably three times as many in the largest States as in my own.

Mr. FRELINGHUYSEN. I do not know how that is.

Mr. SARGENT. Any calculation must come far below the amount I propose for free distribution—five thousand.

Mr. FRELINGHUYSEN. I do not know as to the number of volunteers that is necessary for that purpose, but I should think a very much larger number than thirty for a State. My own knowledge extends further than that.

Mr. ANTHONY. Passing by that at present, the Senator from California will move an amendment, if he sees fit, after I have concluded. I propose—I have not put it into the bill because I am awaiting the fate of the proposition which the Senator from Ohio said he intended to make—to add two thousand copies of the report of the Signal Office, which I think is very small in number, and I have a letter from the Signal Office of a similar character to that of the Commissioner of Agriculture, that he cannot carry on his operations without a large correspondence, and he has no mode of paying the correspondents except by his report.

The Smithsonian Institution report stands upon a different basis from that of any of the Bureaus. The number that is provided for the Smithsonian Institution is somewhat less than the number that has formerly been printed for the Institution and for distribution by the two Houses of Congress. As was explained the other day by the Senator from Maine, who is one of the regents of the institution, [Mr. HAMLIN,] this distribution comes back to us largely in books for the Congressional Library. It is a very excellent distribution, and a large portion of it goes abroad to the credit of American science and comes back to us in books of a similar character from other countries. Besides, we should be bound to do this, for the Smithsonian Institution is a great donation made to us by a liberal and enlightened foreigner for the "diffusion of knowledge among men." That was the broad, liberal, generous character of the gift; the only condition he put on it was that it should be used for the "diffusion of knowledge among men;" and certainly it would be a very shabby thing for us to take all the advantage of this great donation, which is under the charge of a man who ranks among the very highest scientific men living in this country or that has ever lived among us—it would be a very shabby thing for us not to publish its reports, to make known to the world what we have done with this large donation.

Mr. HAMLIN. Will my friend allow me to supplement a single word there which he omits?

Mr. ANTHONY. Certainly.

Mr. HAMLIN. In addition to what he has so well said, Congress has imposed certain duties upon that institution which it discharges and at a very great relief in expense to the Government. Its cabinet of natural history and a variety of other things were transferred to that institution, and it takes care of them, takes charge of them at a mere pittance of what it cost the Government to do so; and so of some other things. The Government therefore in an account-current is indebted to the institution to-day in dollars and cents.

Mr. ANTHONY. I think no one would wish to diminish the distribution of the reports of that institution.

This bill proposes to reduce the number of reserved documents bound in leather from 2,000 to 1,221. It reduces the distribution of the Senate bills from 905 to 670 and the House bills from 916 to 680, and I think makes a much better distribution at a considerable saving to the Government.

The bill has been prepared with a great deal of care; it has been a very vexatious affair to those of us who are on the Committee on Printing. I dare say it contains many errors which can only be discovered by the test of experiment. We have consulted with the heads of Departments and with the heads of Bureaus, all of whom have been anxious to co-operate in the interests of economy, and the Secretary of State has very kindly opened a correspondence with some of the foreign legations, and we have derived valuable information as to the mode of officially distributing public documents from General Schenck, and from Mr. Washburne, and from Mr. Bancroft. The committee have been particularly indebted to Captain C. C. Adams, the superintendent of the document-room in the Interior Department, who has given great attention to this subject, and a considerable portion of the bill is of his own codification.

Mr. SARGENT. I move in section 14, line 2, to strike out "twenty-five" and insert "ten," so as to provide for ten thousand copies of the Agricultural Report. I insert that number in deference to the suggestion of the Senator from New Jersey, who seems to think that five thousand will not be enough. Following my own judgment I should say five thousand would be sufficient.

Mr. FRELINGHUYSEN. I hope the Senator from California will delay that motion. I have sent for the Commissioner of Agriculture, so that I may be able to get some information on the subject.

Mr. SARGENT. I withdraw the amendment for the present.

Mr. SHERMAN. I desire to offer three or four amendments to this bill to carry out the logic of the bill. I am decidedly in favor of the general principle on which this bill is framed. The trouble is that my friend from Rhode Island stopped short when he reached the Departments, and has actually continued in the Departments a greater abuse than ever existed as to the franking privilege of members of Congress in my judgment.

It will be remembered that under the present law the Departments send out, nominally on the payment of postage but really at the expense of the United States and free to the recipients, any documents they choose to distribute. They receive stamps for an indefinite amount and place them upon the books that are sent out, and those stamps are paid for in money out of the Treasury of the United States, so that they have the franking privilege in its most offensive form.

Section 10, section 11, section 12, section 13, and section 14 continue and enlarge this abuse of the franking privilege to several Departments as to several important documents, and section 5 authorizes the Secretary of the Interior to purchase at the public expense and distribute free of charge twelve thousand copies of the laws of the United States, about enough to supply all the lawyers who may want them, I suppose. It seems to me that these sections ought not to be a part of this bill. If documents are to be paid for by the people they ought to be paid for by everybody alike, and the Departments ought not to have the privilege of sending out documents free of charge to their favored few or to their favored many, while everybody else has to pay. My constituent may write to me for one of these public documents, and I cannot send it to him unless I first pay the postage and then pay the cost of the document, under this bill. That is perfectly right. Let them all stand on the same footing. If they want a copy of the laws of the United States, they should send for it and pay for it. If they want a Biennial Register or (which is more frequently the case) a Post-Office Directory, they send here fifty cents or whatever sum may be required and pay for it and receive it. But this bill authorizes the heads of Departments and even the heads of Bureaus to distribute a large number of documents at the public expense. The printing is at the public expense; the postage is at the public expense; and all these documents go free to whomsoever may be selected by these various Departments to receive them. That contains all the worst features of the franking privilege, with this difference: that when the documents were distributed in the old-fashioned way among Senators and Members, that secured at least a fair distribution throughout the country, while by these Departments you do not secure a fair distribution—far from it. The documents will be sent to particular localities and distributed by a few men instead of by many, so that these sections are subject to all the abuses of the old franking privilege.

Let us take them up in their order and I will move to strike them out in their order. Take the fifth section of the bill:

That at the close of every session of Congress the Secretary of the Interior shall purchase eleven thousand pamphlet copies of the acts and resolves of Congress for that session.

I ask if they are to be printed at the Government Printing Office?

Mr. ANTHONY. The statute laws have been printed under contract with Little, Brown & Co. They can be printed at the Government Printing Office as well as anywhere.

Mr. SHERMAN. It makes no difference to my argument either way. The Government of the United States undertakes to buy at the public expense eleven thousand copies of the laws of the United States. If they are published under private contract with Little & Brown, as a matter of course we pay the money for them. What the cost is I do not know. But as they are printed in the very best possible manner, and at the end of a Congress they are bound handsomely, those that are bound in calf undoubtedly would cost five or six dollars a volume, and those that are not bound in that way, on account of the superiority of the paper and the mode they are gotten up, would be undoubtedly very expensive pamphlet copies. We are to

buy eleven thousand of those and they are to be distributed through the mails free.

It is true that certain officers are named who shall receive a certain number of them; but the officers named would probably engross only about twelve hundred copies, the number that is to be distributed of the regular documents; and to that extent there is no objection to it; that is to say, each Senator ought to be furnished with one copy, the President with one or two, each member of the House with one; and to the extent that the laws are to be distributed like other public documents the section is right, but twelve hundred copies will go to every officer of the Government, and that leaves still nearly ten thousand copies for free distribution.

What sense is there in distributing the laws of the United States to lawyers free of expense? They are certainly able and willing to buy them. Why give to the Secretary of the Interior this large number of volumes to distribute free of expense, the postage to be paid by the Government of the United States? That is the franking privilege in its worst form. It seems to me that section ought to be modified, and instead of eleven thousand, the number provided for ought to be only twelve hundred, the same number that is provided as to ordinary public documents, and they should be distributed to particular individuals designated by the law, precisely as other documents are distributed under the fourth section of the bill. But under the fifth section here is an expense of at least from ten to twenty thousand dollars a year, and probably more than that including the postage, for free matter sent to a favored few. I trust the Senator from Rhode Island will modify the fifth section so as to confine this distribution, instead of eleven thousand, to twelve hundred, and then let the laws be distributed just like other public documents.

Mr. ANTHONY. The Senator does not apprehend, I think, the intention of this section. This is the same distribution which has long prevailed, and which the Secretary of the Interior finds necessary in order to place the laws within the reach of those who are bound to administer them. They must be sent to the officers of the Army and Navy. They must have the laws of Congress. They must be sent to the customs officers; they must be to the internal-revenue officers, to the land officers, to the surveyors' offices, to the offices under the Indian Bureau. They must all have the laws. You cannot take the laws that relate to one particular department of the public service and make a compilation of them and send that to the officers appointed to administer that service.

Mr. SHERMAN. Allow me to answer the Senator before he proceeds further. He undertakes here to define how many are necessary for the different Departments. He gives to the Department of Agriculture ten copies. I consider that a very liberal allowance for a department that has not anything to do with law.

Mr. ANTHONY. Every Department has to do with law.

Mr. SHERMAN. He gives to the Government Printing Office two copies; that is not excessive; to the governor and secretary of each of the Territories one copy each, and then to the Secretary of the Interior, to be retained in the custody of the Secretary of the Interior, one thousand copies, and the remainder to be distributed to the States and Territories in proportion to the number of Senators, Representatives, and Delegates in Congress to which they are at the time entitled. Here is a distribution to States and Territories. If anybody in any State or Territory wants the laws of the United States, why should he not buy them? They are published not only at the Government Printing Office, but by Little & Brown as a speculation and sold by them, and every lawyer should buy them who needs them.

This section provides for the Post-Office Department fifty copies, and for the Department of Justice and the judges four hundred and twenty-five copies. That is more than is necessary. There are only sixty district courts in the United States, and probably one hundred would reach every judicial officer in the United States, and really there is no reason why a marshal or a district attorney should not buy his own law-books. A district attorney must have the reports of the Supreme Court of the United States. They are just as necessary for him as the Statutes. The decisions of the Supreme Court are distributed to a certain limited extent.

Mr. ANTHONY. About three hundred and fifty copies.

Mr. SHERMAN. It seems to me this distribution ought to be stricken out, and only so many provided for as are necessary to furnish the judges and the officers who should be provided for. I would not give them either to district attorneys or marshals, and certainly not for distribution among States and Territories. We distribute arms among the militia of the States and Territories; but this thing of distributing the laws at the public expense I think is totally unnecessary.

There is another abuse here that I think the Senator from Rhode Island ought to correct:

SEC. 10, That hereafter it shall be the duty of the Congressional Printer to print and bind such additional numbers of the annual reports of the Executive Departments, with such selections from the documents accompanying them as may be desired, as the heads of those Departments may respectively order.

Here is an unlimited authority without restraint——

Mr. ANTHONY. Please read all of the section.

Mr. SHERMAN. I know you require them to charge it to their appropriations; and that is all. Here is a clause giving every head of Department the authority to print any such additional numbers of the annual reports of the Executive Department, not only of one Department but of all the Departments. Under this the Secretary of War may order all the documents of all the Departments. I will read it again:

That hereafter it shall be the duty of the Congressional Printer to print and bind such additional numbers of the annual reports of the Executive Departments—

Including a mass of five or six volumes usually at each session—

with such selections from the documents accompanying them as may be desired, as the heads of those Departments may respectively order; and also such copies of the separate reports of heads of Bureaus and other subordinate offices as the heads of their respective Departments may order: *Provided*, That the cost of printing and binding such additional numbers of the report of any head of Bureau or other subordinate officer of a Department be charged to the printing account of that Bureau or Department office.

Mr. ANTHONY. Now the Senator will allow me to say that is the existing law; and there is a perfect control over it in the Committee on Appropriations. The head of a Department says he wants so much appropriated for printing, and that committee acts on his estimates.

Mr. SHERMAN. I will answer that. The Senator says that the check is that they cannot exceed their appropriations. But what is the actual fact without going into the possibilities? Do we not know that the heads of Departments and even the heads of Bureaus publish documents of a most expensive character? They make an ordinary annual official report, a document that is generally burned at the end of six months, or got rid of in the easiest possible way, and which only lasts during one year at the most, the most ephemeral document in the world. They print such documents in the most elegant style, with expensive binding, for distribution among Senators and others. That is an abuse which ought to be corrected. No document ought to be ordered to be printed except those documents necessary for the current business of the Departments and Bureaus.

Mr. ANTHONY. Who shall judge?

Mr. SHERMAN. You must limit them.

Mr. ANTHONY. Shall we judge here whether the Secretary of State shall order printing needed in his Department?

Mr. SHERMAN. Shall you authorize the head of a Department to do what the Senate itself cannot do? This law is for the purpose of taking away from the Senate of the United States the power of ordering the printing and distribution of extra numbers of public documents, and yet you place it in the head of every Department, and practically in the head of every Bureau, to order an unlimited amount, without restraint, of all executive documents.

Mr. ANTHONY. No, Mr. President, not an unlimited amount. The appropriation entirely controls the expenditure, and it is in the power of the Committee on Appropriations to require the appropriations to be itemized as much as they see fit. They can give to the Secretary of State so many dollars for printing the directory of the Department, so many for printing passports, so many for printing other species of document or paper that he requires.

Mr. SHERMAN. I will give way for a moment to my friend from Maine, the chairman of the Committee on Appropriations, on that aspect of the case.

Mr. MORRILL, of Maine. I think my friend from Rhode Island is mistaken about the power of the Committee on Appropriations to control this mischief, if it be one. These officers have the authority of law. The heads of the Departments are authorized to order the printing of their own reports and of the reports of the heads of Bureaus and all their subordinate officers. Practically, it is the order of the Bureaus, and the head of the Department takes very little interest in it. I understand the practice about these documents has been changed substantially and radically within a few years. Formerly the reports of the heads of Bureaus were printed by order of Congress and not otherwise; but now they are printed at any time when a book is ready to be launched on the public by a Bureau without any regard to Congress whatever. The head of the Bureau gets up just such a book as he chooses and has it printed and printed in his own style. The Senator shakes his head; but that is my observation in regard to it, for I went to the Congressional Printer at the beginning of the session and took especial pains to inquire and I was shown specimens of most elegant binding and most elegant work on various books, and they were got up as well as such work could be done anywhere in this country, and I was told that the price of that binding was at least three dollars a volume.

Mr. EDMUNDS. Did not the contents of the document warrant such binding?

Mr. MORRILL, of Maine. In the estimation of the head of the Bureau it did, but in public estimation it would not amount to anything. There might have been a precious morsel of science or art underlying that, which some appreciative soul might get at; but so far as I was concerned it was all blank to me. I do not propose to criticise the work on the merits of the work; but the fact is undoubtedly as I state it, that the heads of Bureaus, who are naturally ambitious to rear monuments of their learning and skill and art, &c., and to put them into handsome binding, do get up these extra works and they do swell the printing of Congress, for it all goes out as the printing of Congress. Two or three millions Congress spends for printing, and that is the way most of the money is spent.

I do not mean to give the impression to the Senate that it is a usual practice to bind books so expensively as that class of books which I have described, for I believe it was said that there was only a limited number of copies of that extra, exquisite workmanship, which were

complimentary, which were matters of compliment by the head of the Bureau to give to some of his friends; but it is undoubtedly true that it is an extraordinary abuse and ought to be corrected. I think of nothing more likely to effect it than an amendment which I will propose to the tenth section.

Mr. SHERMAN. I have moved to strike out that section.

Mr. MORRILL, of Maine. Suppose I amend it not only to cure this difficulty, but to correct the law under which this abuse exists. Say in section 10 "that hereafter," and then strike out "it shall be the duty," so as to read "that hereafter the Congressional Printer;" and then strike out all the words after "Departments," down to and including "order," in line 6; so that the first clause of the section will read:

That hereafter the Congressional Printer shall print and bind the annual reports of the Executive Departments upon the order of the heads of those Departments respectively.

And then, as to the last clause, strike out the latter part and insert:

But the reports of heads of Bureaus and the subordinate officers shall be printed only on the order of Congress.

Then the whole section would read thus:

That hereafter the Congressional Printer shall print the annual reports of the Executive Departments upon the order of the heads of those Departments respectively; but reports of heads of Bureaus and the subordinate officers shall be printed only upon the order of Congress.

The effect of that would be to change the whole system of printing, to be sure, but it would give the heads of Departments the authority to print their annual reports which are necessary to be sent to Congress, and they would send them to Congress with the accompanying reports of the subordinates, and necessarily they would go to the Committee on Printing, and the numbers to be printed and the style as to binding, printing, and all that would be subject to the supervision of Congress. I do not know of any other way in which the evil can be corrected.

Mr. BOUTWELL. It is only necessary to call attention to one fact to show that the broad language employed by the Senator from Maine would stop legislation substantially. Take, for instance, the Book of Estimates, which must be printed in order that Congress may know what to do. It requires two months of the most diligent labor in its preparation, and it cannot be well prepared unless it be printed as the work goes on.

Mr. MORRILL, of Maine. Is not that the report of the Secretary himself?

Mr. BOUTWELL. No, sir.

Mr. MORRILL, of Maine. He is ordered to communicate that, and therefore it becomes a part of his annual report.

Mr. BOUTWELL. It is not so treated. It is treated as an independent document, not his annual report, and it never in fact has been regarded as any part of his annual report. It has never been so considered, and I think it will turn out that there are a great many reports of subordinates which need to be printed before the assembling of Congress, in order that the Secretaries may understand what they are about and what they are recommending. They cannot go through all the manuscript reports for the purpose of preparing their own reports.

Mr. SHERMAN. To go back to the point, while I approve the object of the Senator from Maine, it does not meet the point I want to get at, that this section authorizes these documents to be distributed through the mails free of postage, because remember that when documents are printed by the Departments, they having unlimited power to order public documents to be sent to them, they may order one thousand or five thousand, and those go through the mails free to anybody they choose to send them to. All documents furnished to the heads of Departments are franked. It is true they put on the frank in the form of a stamp, but that stamp is counted as money and is charged to the Government of the United States and credited to the Post-Office Department. Why should the head of a Department, the head of a Bureau, or a clerk there have authority to distribute public documents free, when the public voice has decided that members of Congress are not fit to enjoy this privilege though they have important constituencies to represent and provide for?

Mr. EDMUNDS. I suggest to the Senator that the public voice, in my opinion, has not decided anything of the kind.

Mr. SHERMAN. That is the law.

Mr. EDMUNDS. I think the public voice will decide that franking in this expensive style to the Government by the Departments, putting the tax-payers to the expense of printing these stamps, which are franks after all, as the Senator says, ought to be rooted up and some more honest system than that adopted for disseminating intelligence to the people.

Mr. SHERMAN. Another thing. It must be remembered that these Departments distribute public documents at the expense of the United States, but they are limited in the mode of distribution to the Post-Office Department. They must send their matter through the Post-Office Department. Since the franking privilege has been abolished, I can send postal matter a great deal cheaper, both to my constituents and to myself, through Adams' Express, and I do it every day. Adams' Express will carry my documents to the people of Ohio, such as are given to me here under the law, a great deal cheaper than the Government will do it. The Government charges about one-fifth of the cost of carrying a newspaper from New York to San Francisco, but it charges more for carrying a public document from here to Ohio than any express company has the face to charge. Therefore, if the Departments are to have the privilege of sending their mail matter free to the people that they choose to send it to, I prefer to leave it open so that they can avail themselves of the express companies and other means. This continues in the Departments not only an unreasonable authority to order the printing of public documents, but it continues the authority to distribute them free of charge to their favorite, selected people. That ought not to be so.

The general purpose of this bill meets my hearty approval; that is, this bill points out in a very proper way the mode of distributing the regular documents ordered by Congress for the use of the executive, legislative, and judicial authorities. The laws ought to be distributed in the same way and only to the same extent; and I do not see why the laws are not included in the twelve hundred documents distributed under the fourth section as well as the other documents that are there ordered for distribution. Surely twelve hundred would be enough. Provisions that documents shall be printed for free distribution by the Department are entirely inconsistent with the object and purpose of the bill. Therefore I move to strike out the tenth section, and I shall follow it with a motion to strike out the eleventh, twelfth, thirteenth, and fourteenth sections.

As to the distribution of the Smithsonian report, the argument does not apply, because the Smithsonian Institution is a private corporation of a charitable character that pays its own postage and does not get stamps from the Government.

I also desire to move to strike out the fifth section with a view to transferring to the fourth section a proper provision for the publication and distribution of twelve hundred copies of the laws; and then if that is not enough let those who need them apply for them and get them in the ordinary way.

Mr. ANTHONY. Will the Senator take a section at a time?

The PRESIDING OFFICER, (Mr. CONKLING in the chair.) Which amendment does the Senator from Ohio move now?

Mr. SHERMAN. I move to strike out section 10.

Mr. ANTHONY. There is a motion pending to perfect that section.

Mr. SHERMAN. But the Senator can move to insert anything he pleases after it is stricken out.

Mr. HAMLIN. Will the Chair direct the Secretary to state what is the precise question?

Mr. SHERMAN. Let the section be read.

The PRESIDING OFFICER. The motion is to strike out section 10, which will be read.

The Chief Clerk read the section, as follows:

SEC. 10. That hereafter it shall be the duty of the Congressional Printer to print and bind such additional numbers of the annual reports of the Executive Departments, with such selections from the documents accompanying them as may be desired, as the heads of those Departments may respectively order; and also such copies of the separate reports of heads of Bureaus and other subordinate offices as the heads of their respective Departments may order: *Provided*, That the cost of printing and binding such additional numbers of the report of any head of Bureau or other subordinate officer of a Department be charged to the printing account of that Bureau or Department office.

Mr. HAMLIN. I understood there was an amendment pending to perfect the section.

The PRESIDING OFFICER. The Senator is mistaken, the Chair thinks.

Mr. HAMLIN. I want to make a suggestion. I have listened to what the Senator from Ohio has said, and I think there is very great force in it; indeed I do not deem it answerable, but it strikes me that there is very great propriety in allowing certain Bureaus to have certain documents which they may have the disposal of, and I suggest to the Senator from Rhode Island who has the bill in charge whether it cannot be reached by letting the section remain as it is, and then providing that the persons to whom these documents shall be distributed shall pay the postage, or the cost of transmitting them. Let them stand like all others; but they may make a better distribution of them than the Public Printer. It would be desirable they should have them, but subject them to postage like all others, that postage not to be paid by the Government, but to be paid by the recipient. Then I should be in favor of retaining the section.

Mr. ANTHONY. Perhaps the object which the Senators have might be accomplished by putting in a limit: "It shall be the duty of the Congressional Printer to print and bind such additional numbers, not exceeding" so many.

Mr. HAMLIN. But the point I want to reach is that the persons who receive these documents shall receive them upon no better terms than those we send them to, and that the persons sending them shall have no particular advantages above us. I think if you put into that section a provision that the postage thereon, or the cost of transmission, shall be paid by the recipients thereof, then the distribution may be better made from these heads of Departments than in any other way. I am not for allowing them to use a frank while nobody else uses it; and that is one of the first steps to breaking down laws abolishing the system, and I am against it for that reason.

Mr. ANTHONY. This is not to be a gratuitous distribution. It is an official distribution. It is supposed that the Secretary of the Navy may desire to send his report to his subordinates, to men to whom he desires to communicate his views, men who are bound to take his advice and instruction. This is not intended for a popular distribution.

It is intended only for the heads of Departments to their subordinates and to those who administer the laws under them.

Mr. HAMLIN. Yes; but when a collector of customs in my State, or a postmaster in my State, wants to know what is the action of the Government or any of the Departments, and I obtain a document to send to him, I pay the postage on it or he pays it, and it is for the very same purpose that I communicate intelligence to him for his benefit that the Government will transmit it officially. I can see no difference. We are officials here in one sense of the term; and we neither receive nor send matter free. Why should others?

Mr. ANTHONY. I have no objection to the postage being paid by the recipients, although I think that the number of documents which will be sent out under this section is so small that it is not a matter of much consequence.

The abuses which the Senator from Maine on the other side of the Chamber [Mr. MORRILL] referred to of binding books in elegant style is dwelt upon at considerable length in the report accompanying this bill; but the abuse has pretty much died out. It was more conspicuous than extensive. Certainly nothing could be more ridiculous or extravagant than to see a congressional document bound in turkey morocco; but the number was very small indeed, and I think it has entirely stopped now. We passed some time ago a law that no binding should be done different from the ordinary style except on order of the head of a Department, making him immediately and personally responsible. I do not think that that abuse now exists to any considerable extent.

Mr. WEST. Is there any provision in the bill that allows any mail matter to go free, to be paid at the other end of the line?

Mr. ANTHONY. No, sir.

Mr. SHERMAN. There is a difficulty about that. The Senator from Maine [Mr. HAMLIN] suggested that; but there are propositions pending, and I have no doubt the sense of the public will induce Congress very soon to make all matter prepaid on the ground the Postmaster-General has said in an official document——

Mr. WEST. The Committee on Appropriations have reported an amendment to the post-office bill this morning that includes that.

Mr. SHERMAN. All right. The Postmaster-General has stated officially and in many other ways that two-thirds of the postage on papers sent through the mails and not prepaid is lost to the Government. That seems to be very large; but even if one-tenth is lost it seems to be a great deal. You cannot trust the postage that is collected at the place of delivery. The experience of the Department shows that it is better to require everything to be prepaid. That defeats the proposition of the Senator from Maine.

Mr. HAMLIN. I want the recipient to prepay the postage by sending the amount here.

Mr. SHERMAN. Then why not let him send the cost of the book at the same time and order it from the Public Printer? There is no trouble about it. The first section of this bill provides that anybody, citizen or subject, here or anywhere, may get any of these documents by paying the net cost of paper and printing and also the postage. I think that is proper.

Mr. ANTHONY. Will it meet the idea of the Senator from Maine to strike out in line 10 of section 10 the words "of the report of any head of a Department or other subordinate officer of a Department;" so as to read:

Provided, That the cost of printing and binding such additional numbers—

which will cover the amount ordered by the head of a Department as well as by the head of a Bureau—

be charged to the printing account of that Bureau or Department office.

So that it will be entirely under the control of the appropriation, and the Committee on Appropriations can have the appropriation itemized as much as they see fit; but I do not think it is advisable to prohibit the head of a Department from printing a report or document. It may be very necessary indeed. The Senator from Massachusetts, [Mr. BOUTWELL,] who has had great experience——

Mr. MORRILL, of Maine. At the suggestion of the Senator from Massachusetts I will modify the proposition to read in this way:

Strike out the whole section and substitute:

That hereafter the Congressional Printer shall print on the order of heads of Executive Departments such limited number of the annual reports of said Departments and necessary accompanying reports of subordinate officers as may be deemed necessary for the use of Congress: *Provided*, That no maps or illustrations shall be printed without a special order of Congress.

That will give the Departments entire power to print all the documents that are necessary to communicate the required annual information in their reports, and will leave to Congress to exercise their judgment as to what number of additional copies shall be printed. It seems to me that ought to be satisfactory.

Mr. ANTHONY. I think sometimes a small illustration or map is absolutely necessary to make the text of a report understood. I think I would prefer that that portion of the substitute be left out. We can trust the heads of Departments somewhat. I do not think there is any disposition in the heads of Departments—I have not found it—to be extravagant in their printing.

Mr. MORRILL, of Maine. Not the slightest, there is nothing but the most laudable spirit of enterprise in this regard; but we know this sort of printing is very expensive and we wish to economize.

Mr. ANTHONY. When the discretion is lodged not in the head of a Bureau but in the head of a Department, I think we might strike out the prohibition against maps and illustrations. Sometimes the reports of the War Department would be entirely useless without maps.

Mr. MORRILL, of Maine. So far as the printing of the book is concerned it may be very important by way of illustration in the end, but so far as communicating information to Congress is concerned, to enable them to judge of the style of book we shall print, I do not think they are so important as the Senator seems to think. Besides that, these illustrations and maps are the great source of expense.

Mr. ANTHONY. The maps and illustrations that have been published by the Executive Departments have been paid for out of the appropriations of the Departments.

Mr. MORRILL, of Maine. I understand that. That is the very evil we want to avoid. That is the very difficulty we wish to get at. The object is that the Committee on Appropriations shall be able to control the exact expenditures of the Government; and to be able to control them it must have the power to judge.

Mr. ANTHONY. Suppose you put in the words "no costly illustrations and maps."

Mr. SARGENT. Say "expensive."

Mr. ANTHONY. Very well; "no expensive illustrations and maps," leaving the head of the Department responsible for the fair construction of the condition.

Mr. MORRILL, of Maine. I have no objection to accepting that modification.

Mr. ANTHONY. Now let the amendment be read again from the desk.

Mr. MORRILL, of Maine. I think that might be troublesome. I had better read it myself.

Mr. ANTHONY. Then read it a little louder.

Mr. MORRILL, of Maine. The amendment is to strike out the entire tenth section and insert:

That hereafter the Congressional Printer shall print upon the order of the heads of the Executive Departments, respectively, such limited number of the annual reports of such Departments and necessary accompanying reports of subordinate officers as may be deemed necessary for the use of Congress: *Provided*——

Mr. ANTHONY. That should be "for the use of the Departments," not of Congress, I suppose.

Mr. SARGENT. O, no.

Mr. ANTHONY. Very well; let it be "for the use of Congress."

Mr. MORRILL, of Maine. Congress is to print what it chooses. Then comes the proviso:

Provided, That no expensive maps or illustrations shall be printed without the special order of Congress.

Mr. ANTHONY. Very well. I have no objection to that amendment.

Mr. SHERMAN. I think I am perfectly willing to take that.

Mr. ANTHONY. Will that be acceptable to the Senator from Ohio?

Mr. SHERMAN. Yes, sir.

Mr. ANTHONY. Very well.

The amendment was agreed to.

Mr. ANTHONY. Does the Senator from Ohio propose to strike out the eleventh section?

Mr. SHERMAN. Yes, sir.

Mr. ANTHONY. If so, I will propose an amendment that I think will make it acceptable to him. I propose to insert the words "when requested so to do by the Secretary of State;" so that it will read:

It shall be the duty of the Congressional Printer, when requested so to do by the Secretary of State, to cause to be printed, &c.

The papers relating to foreign affairs, to which this section is confined, are sometimes important to be printed for the purposes of foreign distribution, and certainly we can trust the Secretary of State to print fifteen hundred copies of a document that comes from his Department.

Mr. SHERMAN. If the Senator, who has had much more experience than I have had in regard to these documents, thinks the Secretary of State ought to have for the public service these documents in addition to the regular number, I cannot object.

Mr. ANTHONY. I think so.

Mr. SHERMAN. I should think twelve hundred copies printed would furnish one to every officer in the diplomatic service. I will not insist upon it

Mr. ANTHONY. I do not think this power has ever been abused. I think the State Department, under all the Secretaries who have been in the service since I have been here, has been administered very economically in this respect. There may be times when a general obligatory law would make unnecessary printing; but if you say, "when requested to do so by the Secretary of State," I do not think there can be any abuse.

Mr. SHERMAN. I do not want to embarrass the Departments at all. My object is to prevent an abuse if I can.

Mr. ANTHONY. Then let it read:

It shall be the duty of the Congressional Printer, when requested so to do by the Secretary of State, to cause to be printed and bound, in addition to the usual number, &c.

Then after the word "number" I propose to insert the words "a number not more than."

Mr. SHERMAN. "Not exceeding."

Mr. ANTHONY. Very well; "not exceeding." The law now allows twenty-five hundred copies to be printed. The Secretary of State thought fifteen hundred would be enough.

Mr. SHERMAN. Very well.

The amendment was agreed to.

Mr. SHERMAN. That amendment being made, I withdraw my motion to strike out the section. I desire now to take the sense of the Senate on section 12.

Mr. ANTHONY. Now I can propose an amendment suggested by the Senator from Massachusetts, [Mr. BOUTWELL,] which I think will remove the objection to that section. I propose to make the last clause of the section read:

As may be requested by the Secretary of the Treasury for distribution to the officers of his Department.

Then if we find three thousand is too great for this official distribution, we can reduce the number afterward. The section will then read:

That it shall be the duty of the Congressional Printer to print and bind such number, not exceeding three thousand copies of the annual report of the Secretary of the Treasury on commerce and navigation as may be requested by the Secretary of the Treasury for distribution to the officers of his Department.

Certainly we ought to send the report to them.

Mr. SHERMAN. I have no objection to those necessary for the officers of the Government.

Mr. MORRILL, of Maine. Let it be "for the officers of the Department."

Mr. SHERMAN. "For distribution to the officers of the Department." I have no objection to the same amendment being made in regard to the reports on Indian affairs and public lands.

Mr. ANTHONY. I suppose the same amendment can be made as to the whole of them. Will the Secretary report the section as now proposed to be amended?

The Chief Clerk read as follows:

That it shall be the duty of the Congressional Printer, at the request of the Secretary of the Treasury, to print and bind such number, not exceeding three thousand copies, of the annual report on commerce and navigation for distribution to the officers of his Department.

The amendment was agreed to.

Mr. ANTHONY. Now the same amendment should be made in section 13, substituting the "Secretary of the Interior" for the "Secretary of the Treasury."

The PRESIDENT *pro tempore*. The section will be reported as proposed to be amended.

The Chief Clerk read as follows:

SEC. 13. That it shall be the duty of the Congressional Printer, at the request of the Secretary of the Interior, to print and bind such number, not exceeding two thousand copies, of the annual report of the Commissioner of Indian Affairs, and such number, not exceeding two thousand copies, of the annual report of the Commissioner of Public Lands, for distribution by the Secretary of the Interior to the officers of his Department.

The amendment was agreed to.

Mr. ANTHONY. I have no further amendment to offer.

Mr. SARGENT. I withdraw an amendment which I proposed some time ago in order that the Senator from New Jersey [Mr. FRELINGHUYSEN] might get further information in regard to it. He does not seem to be in his seat. I should like to change section 14 so as to reduce the number of copies of the report of the Department of Agriculture from twenty-five thousand copies to five or ten thousand.

Mr. ANTHONY. Say fifteen thousand.

Mr. SARGENT. It ought not to be over ten thousand. This is either a free distribution or it is not. If it is for free distribution twenty-five thousand is not enough; if it is not, it is vastly too much. I move to make the number ten thousand.

Mr. ANTHONY. I have taken the number fixed in the bill on the judgment of the Commissioner of Agriculture and of the chairman of the Committee on Agriculture. I have no further knowledge of it than what they have communicated to me. But if the Agricultural Department is worth keeping up, there ought to be some circulation of its reports.

Mr. SARGENT. I think so myself, but it should come under the same system that we apply to every other. The book is probably worth two dollars and a half or three dollars, probably four dollars. It could not be printed and sold at the book-stores for less. Under this bill it probably will be furnished to everybody who wants it for sixty or seventy cents.

Mr. ANTHONY. Yes, for forty-five cents.

Mr. SARGENT. Besides, if this book ought to be distributed free, it should be distributed to every farmer, and we know that is not done. The two or three hundred thousand that we print do not supply one farmer in two hundred. What are you to do? Are you to furnish copies for distribution among the remaining one hundred and ninety-nine?

This bill I understand to be a reform measure which proposes to deal with all these questions. Some Senators very much prefer the Agricultural Report. I admit the value of it. It is useful; but how about Hayden's reports? They are sought with immense avidity all through the Pacific States. The reports of Professor R. W. Raymond are very highly prized in many parts of the mining regions, and by the constituents of the Senator from Rhode Island who have mining investments. And so you might go clear through the whole list of documents. You will find that each report commends itself in a greater or less degree to some particular class of people. The Agricultural Report interests the farmers, naturally so; but if you are not to send that report free to one class of citizens, and the theory of your bill is that you are not to do it, why send it to another class and make an exception in the very body of your bill? I ask if the number, twenty-five thousand, fixed here means the number of subscribers to whom the Department so far acquits its obligations by sending them this book? If so, I am willing that it shall be sent to them at the expense of the Government, as it will be. We appropriate the money to print the book, and then we appropriate the money necessary to carry on the Post-Office Department.

If these reports are to be sent out for that purpose, I do not object; but when you go beyond that line and come down to people to whom we are under no obligations whatever, but who stand in the same category as all other citizens of the United States, then I do not know of any reason why we should extend this favor to them. Certainly it is not an answer to the objection to say that they are farmers or to say that the book is interesting, because I can show you other books which are equally interesting to other classes; and the miner is as meritorious as the farmer.

Mr. ANTHONY. I differ with my friend from California, not as to the purpose of this distribution, but only as to the amount of it. It should not be a free distribution but an official distribution. Perhaps that might be regulated by making the section read:

That it shall be the duty of the Congressional Printer, at the request of the Commissioner of Agriculture, to print not exceeding twenty-five thousand copies, or so much of the same as may be necessary to supply his correspondents.

Mr. SARGENT. Then the question would arise, what do you mean by "correspondents?" A man who corresponds with the Commissioner and asks him to send him a copy of his report?

Mr. ANTHONY. O, no. No head of the Department would put such a construction upon it.

The Senator from Massachusetts [Mr. BOUTWELL] has drawn an amendment which will cover the case exactly. It is to make the section read:

That it shall be the duty of the Congressional Printer to print not exceeding twenty-five thousand copies of the report of the Department of Agriculture for distribution by the Commissioner of Agriculture to those only who are employed in the office or contribute information for the use of the Department.

I submit that amendment.

Mr. SARGENT. That I have no objection to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Rhode Island.

Mr. FRELINGHUYSEN. I move to add "and agricultural societies."

Mr. SARGENT. I do not see any reason for that. The whole theory of the bill goes upon the other principle. It must be a notable agricultural society that only wants one volume of the Agricultural Report!

Mr. ANTHONY. It wants one for its library.

Mr. SARGENT. Very well; it wants one for its library; but agricultural societies want hundreds to distribute among their members and their libraries, and it must be a very poor agricultural society that comes and asks us to make an exception in its favor from our whole bill to save sixty cents or seventy-five cents, the cost of the book. I see no reason why an agricultural society should be furnished with this report free by the Government any more than any other society. Take educational books; what are you going to do with those? Will you send them to the school-teachers of the country, or each school-teachers' association? They are just as meritorious, and perhaps more so. Would the Senator want to make that discrimination, that distinction, and refuse to give to associations of teachers—and they are numerous in every State—the report on education? Certainly, moral agriculture is quite as important as physical agriculture.

It seems to me that by this amendment you put the seeds of dissolution in your bill. You start out with a theory, and destroy your theory *pro tanto* before it can pass the Senate. Now, either you stand upon a principle, or you do not. Either the English system is correct, and that makes none of these exceptions, or it is a failure. Either there ought to be a general distribution, or there ought not to be this partial free distribution. Now, which do you choose?

For myself, I am willing to give the repeal of the franking privilege a fair show to see whether we can make the post-office self-sustaining, and I furthermore most earnestly desire that the extravagant printing of public documents may be broken up. I think it is one of the growing evils of the times, and has been for several years past. The cost of printing year by year has mounted up, and we have tried all sorts of expedients to stop it. We have tried to do it by putting the responsibility on the Departments and limiting the amount they shall spend for the purpose; but they come in, when three-quarters of the year is gone, and show us that unless we give them more money for printing some very necessary blanks which they need cannot be printed and their business will stop; but during the antecedent parts of the year they will have printed and bound expensive volumes for presentation.

I believe that we can only get at the root of this matter by putting the power in the hands of Congress to order to be printed the documents which shall be distributed, and making no distinction among our citizens, having no favored classes who shall receive those docu-

ments free while other citizens pay. It is only by adhering to the principle which I understood the Committee on Printing stood by in bringing forward this bill that we can reform these abuses. If the Committee on Printing abandon it, if they are going to make an exception in the body of the bill for a class no more meritorious than the class of associated teachers or other associations, then I am opposed to the bill. I do not want a bill to pass which upon the very face of it contains a contradiction of its principle. I do not want such a scheme in operation which carries with it the seeds of dissolution. We had better wait for a better time, until we can rid our minds of local influences or favored classes, and can resist the blandishments of any class; ay, sir, and can get above the fear of any class. I do not believe there is any class of people in this country who should scare American Senators from their propriety or lead them to make exceptions in their favor in general laws; I do not care whether they be sailors, mechanics, miners, or whatever class. I do not care whether grangers, or sailors' association, or sailors' boarding-houses combine; we are required to legislate without fear or favor for the people of the United States.

The Committee on Printing have brought forward a bill here which provides that there shall be no fear or favor in the distribution of public documents, that everybody shall pay, and everybody pay alike; and before the bill has gone through the Senate it is proposed, and it comes with the sanction of that committee, that we pick out certain classes of the community and that they shall be favored above others. Sir, I scorn and reject any principle which would sanction action of this sort. I believe our bill should be harmonious; that it should treat all alike; and then we shall have a principle to stand on, and we can hope that it will survive the session of Congress at which it passes.

Mr. FRELINGHUYSEN. I do not understand where the fear and favor come in with reference to this proposition that the agricultural societies of the country shall have a copy of the Agricultural Report; and as I do not see it, I certainly do not feel it.

Mr. SARGENT. I understand the proposition is to send free to agricultural societies the Agricultural Report, and we send it to nobody else free, and we do not send the other documents named in this bill free to associations of the same character, having the same relations to other kinds of documents. That is where the favor comes in.

Mr. FRELINGHUYSEN. I understand the Senator; but I do not see what my friend is afraid of, or where the favor comes in.

Mr. SARGENT. Then I cannot speak plainly enough to enlighten you.

Mr. FRELINGHUYSEN. Mr. President, I was opposed to the repeal of the franking privilege. I spoke against it; I voted against it; but I do not mean to keep irritated all the time because it has been abolished, and to have legislation so constructed as to make the abolition of the franking privilege offensive. I accept it as a fixed fact that the franking privilege is abolished, and I want to make legislation correspond with that fact and be as agreeable to the people as it can be.

Now in this very bill we provide that each Senator and Representative shall have one entire set of our publications to give to any institution that he pleases, so that our colleges will get the publications of Congress without paying for them and without postage; and my proposition is that the agricultural societies of the country shall stand in the same position. I suppose they are able to pay for them, and so I suppose our literary institutions are able to pay for them. They are not, to use the language of my friend, so mean that they cannot pay sixty cents. I trust we are not any meaner than they are. We can afford to give them one copy of this report, as we are printing it, if it does not cost more than sixty cents; and I hope for the benefit of this class of the community, who receive very little favor from the Government, this amendment may be adopted. Very likely it will be neglected; they will not apply for it; but it is desirable that this information should be spread.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from New Jersey. It will be read.

The CHIEF CLERK. It is proposed to amend the fourteenth section, so as to read—

That it shall be the duty of the Congressional Printer to print and bind not exceeding twenty-five thousand copies of the annual report of the Department of Agriculture for distribution by the Commissioner of Agriculture to those only who are employed by the Department or who contribute information for the use of the Department.

It is proposed to amend that amendment by adding:

And also to agricultural societies.

Mr. GORDON. May I ask the Senator from New Jersey a question? What is intended to be included in the words "agricultural societies?" Does he mean all the granges that are in existence?

Mr. FRELINGHUYSEN. No; I mean organized societies, such as exist in almost every county for the promotion of agriculture.

Mr. GORDON. Twenty-five thousand copies would not answer. The number of copies named in the bill would not furnish each agricultural society in the United States with a copy.

Mr. FRELINGHUYSEN. O, yes; a little more than a copy.

Mr. GORDON. I move to add the words "and agricultural granges of Patrons of Husbandry." I am for giving it to these agricultural people.

Mr. SARGENT. I do not wish to be outdone in generosity. If in order I will move to add further, "and every farmer in the United States."

Mr. EDMUNDS. I want to hear the amendment of the Senator from Georgia reported before anything else is done.

Mr. GORDON. After the words "agricultural societies," I move to add the words "and each grange of the Patrons of Husbandry."

Mr. ANTHONY. That is not in order. The amendment of the Senator from New Jersey is an amendment to an amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Georgia is out of order.

Mr. GORDON. I give notice, then, that I shall offer it as soon as the pending amendment is disposed of.

The PRESIDENT *pro tempore*. The pending amendment is to add to the amendment of the Senator from Rhode Island "and to each organized agricultural society."

Mr. EDMUNDS. What is the amendment to which that attaches?

The CHIEF CLERK. The amendment to which that is to be added is to insert at the end of the fourteenth section the words:

To those only who are employed by the Department or who contribute information for the use of the Department.

The question being put on the amendment to the amendment, a division was called for; which resulted—ayes 18, noes 15; no quorum voting.

Mr. ANTHONY. There is a quorum present if Senators will vote. Let us have another division.

Mr. ALCORN. Let the vote be retaken.

The PRESIDENT *pro tempore*. The Chair will submit the question again for the purpose of ascertaining if there be a quorum.

The question being again put, there were on a division—ayes 23, noes 19.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were not ordered, one-fifth of the Senators not rising to second the call.

Mr. EDMUNDS. Now I invite the attention of the Senator from Georgia——

Mr. SARGENT. Mr. President——

Mr. EDMUNDS. I have the floor.

Mr. SARGENT. I ask the attention of the Chair.

Mr. EDMUNDS. I believe I have the floor.

The PRESIDENT *pro tempore*. The Senator from Vermont has the floor.

Mr. SARGENT. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from California will state his point of order.

Mr. SARGENT. My point of order is that the yeas and nays were ordered. I supposed that was the case, and sat down expecting them to be taken. I should like to have the yeas and nays.

Mr. EDMUNDS. The Chair decided there were not enough up to order them.

The PRESIDENT *pro tempore*. But three Senators rose to support the call, as the Chair counted.

Mr. SARGENT. The Chair was more particular in his count than usual. I have often seen the yeas and nays ordered with only one Senator up. [Laughter.]

The PRESIDENT *pro tempore*. The Chair very frequently does not count himself, but relies on the clerks. The Chair did count on this occasion.

Mr. SARGENT. There will be an opportunity I believe to call for the yeas and nays in the Senate on this proposition.

The PRESIDENT *pro tempore*. Certainly.

Mr. EDMUNDS. Now I suppose I may proceed.

The PRESIDENT *pro tempore*. The Senator from Vermont is entitled to the floor.

Mr. EDMUNDS. I yield to the Senator from Georgia in order that he may offer his amendment.

Mr. GORDON. I inquire of the Chair whether the amendment of the Senator from New Jersey was defeated or adopted? I did not hear the announcement.

The PRESIDENT *pro tempore*. It was adopted.

Mr. GORDON. Now I move to add to that amendment the words "and to each organized grange of the Patrons of Husbandry."

The amendment was agreed to; there being on a division—ayes 27, noes 10.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Rhode Island as amended.

A division was called for on the amendment as amended.

Mr. OGLESBY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I should like to hear the amendment read upon which we are about to vote.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. Section 14 as it originally stood in the bill was as follows:

SEC. 14. That it shall be the duty of the Congressional Printer to print and bind twenty-five thousand copies of the annual report of the Department of Agriculture, for distribution by the Commissioner of Agriculture.

The amendment is to make the section read as follows:

That it shall be the duty of the Congressional Printer to bind not exceeding twenty-five thousand copies of the annual report of the Department of Agriculture, for distribution by the Commissioner of Agriculture to those only who are employed

by the Department or who contribute information for the use of the Department, and to each organized agricultural society, and also to each organized grange of the Patrons of Husbandry.

Mr. EDMUNDS. I should like to have the Senator from Rhode Island explain why it is that you propose to give every clerk in the Department of Agriculture and every laborer and everybody else that the Commissioner chooses to say belongs to him, the first cut, as the saying is, at this body of twenty-five thousand volumes. According to the statement that was made the other day in some debate about the room which belongs to that concern, there would not be any of the twenty-five thousand left for the agricultural societies and granges. The Senate must either increase the number here or strike out what has been suggested. As to giving these copies to the laborers and other people employed by the Commissioner of Agriculture over on the Island, I cannot imagine what advantage it is going to be to the agricultural interests of the United States to take a thousand or whatever the number may be of this twenty-five thousand to be distributed by the Commissioner of Agriculture exclusively to those who are employed by him. Take the women who scrub his floors; I do not mean his apartments, for I suppose they are taken care of at his private expense, but I mean the public floors of that institution; is it necessary that a copy of the report of the Commissioner of Agriculture shall be furnished to each of them to instruct the scrubbing-women in their duties? Does it contain the scrubbing code? That will not do, Mr. President. You ought not to provide anything of that kind. You must either trust the discretion of the Commissioner of Agriculture, or you must make some other provision different from this. If the Senator from New Jersey had coupled his motion to insert agricultural societies, who certainly or their members are very proper people to have these reports, and the new agricultural societies that are called granges, there would have been great force in it; but to take the first and the best distribution and make those who would come first in this distribution the employés of the Department of Agriculture, it appears to me defeats the proper distribution of the document. We either ought to cut them out, or we ought to vote down this whole amendment and begin again, so that these books can be properly distributed among the public where they will do some good.

Mr. GORDON. I hope the Senator from Vermont will move to strike out the provision for the employés.

Mr. EDMUNDS. But unhappily that has been already agreed to. I cannot move to strike it out now. The whole thing has become one amendment.

Mr. GORDON. I beg the Senator's pardon. When we come into the Senate he can move it.

Mr. EDMUNDS. We are not in the Senate now. I am talking about the question now pending; and what obliges me to vote against this mixed condition of affairs by which scrubbing-women in the Department are to compete with agricultural and grange societies in distant sections of the country to get these reports. I do not think that is the thing.

Mr. TIPTON. I have always been in favor of a free distribution of the public documents, and I am gratified now to find that we are going back to that principle. No doubt we shall increase the number of twenty-five thousand in this section of the bill to one hundred thousand, for we must have at least one hundred thousand if we are going to reach all the granges. No man can number the granges that have been organized within the last year or two in this country and mathematically come to any conclusion on the subject. One hundred thousand at least of the Agricultural Report must be prepared to meet this distribution. Then when we come to the report of the Commissioner of Education, if every grange is to receive a copy of the Agricultural Report, every school district is to be supplied with the report on the subject of education, every college, every seminary, every commissioner and superintendent of schools, and then we come down to the grange divisions, and we will distribute them to the trustees of schools in each school district and to the school teachers themselves. By taking this course in regard to that document and sending the report of the Smithsonian Institution in the same manner, and then by the same disposition of the valuable report on the subject of commerce to all men engaged in commercial pursuits, or at least to the captains of all vessels engaged in commercial pursuits, and all men engaged in the warehousing institutions of the country, we shall have the free distribution of documents again; and that is what I desire shall be adopted by the Senate. I shall vote for one hundred thousand of the Agricultural Report to be distributed in this manner.

Mr. ANTHONY. I see that the Senator from California [Mr. SARGENT] is going to have his own way, and therefore I will suggest to him, as he seems to have me in his power, to change the number from twenty-five thousand to fifteen thousand, and then allow the section to stand as it is in the bill.

Mr. SARGENT. I am perfectly willing to agree to that, as far as I am concerned.

Mr. ANTHONY. Then I hope this whole amendment will be voted down and the number of twenty-five thousand reduced to fifteen thousand and left to the discretion of the Commissioner. We must intrust some discretion to our executive officers.

Mr. LOGAN. For distribution to agricultural societies?

Mr. ANTHONY. No, in his discretion. He has a great many correspondents, and the only return they get for the information they furnish him in regard to the state of the crops is this report. If the information comes from societies, he will send the books to the societies, but I think we must leave it in the discretion of the Commissioner.

Mr. LOGAN. Is it meant by that to deprive the societies of the book?

Mr. ANTHONY. Not to deprive them of it. The bill as originally reported puts twenty-five thousand copies of the report of the Commissioner of Agriculture at the disposal of the Commissioner for distribution, the intention being that they shall be distributed to those who furnish him information. I propose now to reduce that number of twenty-five thousand to fifteen thousand, and leave it entirely in his discretion.

Mr. LOGAN. I think the reduction would make the number so small that the distribution would not amount to much. Take the different agricultural societies that furnish information; I suppose he gets over a hundred thousand letters every year from farmers all over the country. The distribution of fifteen thousand would be a mere bagatelle.

Mr. ANTHONY. I agree with the Senator.

Mr. LOGAN. When I was a member of Congress representing a district in the other House, I used to distribute two or three thousand myself. I distributed what were allowed to me, and then I got persons representing cities to exchange large numbers of their agricultural reports for other documents, and I could not begin to supply the men who really wanted the information. If you intend to compliment the men who furnish information to the Department of Agriculture twenty-five thousand copies will not do it. I certainly would not reduce that number. I think twenty-five thousand is a very small number to be sent as a mere compliment to men who send information. They furnish it free and take great trouble in gathering it, and I think they ought to have a book.

Mr. SARGENT. The list shown to us contains but six thousand.

Mr. ANTHONY. I agree with the Senator from Illinois, but I prefer fifteen thousand to having any of these blatherskiting amendments adopted.

Mr. LOGAN. I do not wish to discuss the matter, but I think it very poor economy to refuse to furnish as a compliment the public document that is of more value than any other to the farming classes of the country. It is one in which they find a great deal of beneficial information, and great improvements have been made through information obtained from that source by the farming community in the different States.

Mr. ANTHONY. It will be printed for sale at a very low price.

Mr. LOGAN. That is true; but if you intend to compliment people at all, you had better print enough to enable the Department to send a copy to each man who furnishes it information.

Mr. WINDOM. There seems to be an understanding on the part of some gentlemen who have voted for the amendment of the Senator from Georgia [Mr. GORDON] that it was designed to kill the amendment offered by the Senator from New Jersey, [Mr. FRELINGHUYSEN.] I did not so vote for it. I voted for it in good faith. I believe in the distribution of these documents, and I believe no better way can be found than to distribute them as suggested by that amendment. In almost all of these organizations, as I am informed, there is a library for the use of the organization. They are organizations of farmers, and I think to put one of these reports in each library of such an organization is a very good distribution to make, and am in favor of it in good faith.

Mr. GORDON. I only want to add one word to what the Senator from Minnesota has just said. I am daily in receipt from my own people of requests to send these reports to the grangers. I have no doubt every Senator on this floor gets letters of the same sort. If we are going to print these Agricultural Reports for the benefit of the country, I do not know any persons who are more justly entitled to them or to whom they will be of greater benefit than those who are engaged in the business of agriculture. I think, therefore, it is the proper way to distribute them, and I should like to get rid of that portion of this amendment which provides for a distribution to those employed by the Agricultural Bureau, and I hope we shall find some way to get at it. I shall vote for the general amendment with the view that in the Senate we will strike out that portion and allow these Agricultural Reports to go to the people who are engaged in agriculture.

Mr. EDMUNDS. I have expressed my opinion so often on the subject of the distribution of public documents for the benefit of the people that I need scarcely repeat what I have preached upon that subject until I suppose everybody is tired of it. I opposed the repeal of the franking privilege, as it was called; the "duty," I called it, of answering the respectful petitions and communications of citizens of the United States addressed to Senators and members of Congress about public business, and of sending to citizens of the United States who are entitled to know what their Government is doing the public documents of the country which show what the Government is doing and for which the people pay. I opposed the repeal of that law upon that ground. It was repealed on the theory that it was abused. Well, you might as well repeal every law you have upon that theory, because you have not a law which organizes any part of this Government that does not have abuses. They are inseparable from human nature and from human government.

It is perfectly true, as the Senator from Minnesota [Mr. WINDOM]

has said, that the agricultural people of the United States are entitled to have the information that their taxes pay for being acquired spread among them. There is no use in keeping up a Department of Agriculture if you are going to suppress and conceal from the agriculturists of the country the valuable information that that department collects. I do not think anybody can dispute that. There is not the slightest use of it at all; and we are either squandering hundreds of thousands—I do not know how much the total expenditures for the Commissioner of Agriculture are—or we must allow the people to realize the benefit that this institution is to confer by its collection of information, by its introduction of new ideas about farming among the people who are to make use of them; and the same may be said somewhat largely, but perhaps not to so great an extent, of the operations of every other branch of the Government.

I shall therefore vote as the Senator from Nebraska [Mr. TIPTON] suggested, for a very large number of these books, as large as before we repealed the franking bill, to be distributed among societies and among citizens of the United States engaged in agriculture in order that they may know what their Government is doing, in order that they may get some return and the best possible return in the way of increased intelligence and disseminated information for the taxes they pay to carry on these branches and departments of their Government. I beg the Senator from Minnesota to understand that other people as well as himself are absolutely in earnest in their endeavor to get out of the wrong position that we took in my opinion in the stopping of these publications and suppressing them from the people who are entitled to have them, when we abolished what was called the franking privilege.

Mr. MORRILL, of Maine. I do not think the question of the publication of documents is at all concerned in this question. It is the distribution of them, whether they shall be distributed at the expense of the Treasury of the United States or at the expense of the people who ask for them and desire them. The bill goes upon the latter ground, and this question arises necessarily growing out of the action of Congress in the repeal of the franking privilege under which frank these documents were formerly distributed.

Everybody yielded, as the Senator from Vermont says, whatever his convictions might have been of the propriety or impropriety of that measure, to a general clamor in the country that the distribution of public documents as a matter of gratuity was an abuse and that Congress were censurable for that abuse. Now the Committee on Printing, acting in good faith in this case to meet the precise question of the distribution of public documents, have said in substance as a principle that we will publish these documents and we will distribute them to the people, to anybody who asks for them, at the cost price. That makes it equal and just everywhere, while the old distribution was partial and unjust necessarily. Now the innovations on this bill, every one of them, are a departure from that principle. They are partial and they are favorite, and my honorable friend from New Jersey in his solicitude for the distribution of the Agricultural Reports has violated the principle in attempting to distribute them to societies.

Mr. FRELINGHUYSEN. I think not. These societies communicate information to the department.

Mr. MORRILL, of Maine. If they do, put it on that ground then; but they are already provided for if they come within that category.

Mr. FRELINGHUYSEN. No one will suppose that an agricultural society exists without having more or less intercourse with, and giving information to, the Department of Agriculture; and yet they do not stand in the relation of agents. There are some six thousand persons who really hold the position of agents, who send agricultural information monthly, who send weather statistics; and all the compensation that they receive is by paying them this compliment. But agricultural societies do not stand in that relation of agency to the department, and therefore it is a great deal better if we mean that they shall have the distribution made to them, that we should plainly state it.

Mr. MORRILL, of Maine. Any gratuitous distribution upon any ground whatever is a departure from the principle, and will involve us in infinite trouble and in the end overthrow the whole question of the distribution of public documents on which we stand. That will be the upshot of the thing. The only excuse for this provision as it comes from the committee is that they distribute these books to persons who do pay for them in their services, and to that extent it is proper. It is not a gratuitous distribution, and therefore I am in favor of that proposition; but I am opposed to all amendments beyond that.

And now coming to the proposition of my honorable friend from Georgia, if my honorable friend designs that as a compliment to these people, I am afraid they will think it a very cheap one. It is a departure from the general principle; and why should an organization of that kind be selected to be distinguished by a gratuitous distribution of a volume which would cost it sixty cents and not more, to the exclusion of other worthy people all over the country? The difficulty about it is that it is vicious in its character. It is vicious because it is a departure from the principle, and it is calculated to break down the whole measure. That is the real difficulty. I do not mean to be offensive to my honorable friend; he knows I could not be intentionally; but if it is intended as a compliment, I am very much afraid, to repeat myself, that those people will think it a very cheap one that the Senate of the United States proposes to pay them when it proposes to give them a volume in this way and depart from the principle upon which this whole measure depends.

Mr. ANTHONY. It seems to me that if this amendment is voted down, and then the number reduced from twenty-five to fifteen thousand in the section, it will not infringe upon the principle.

Mr. MORRILL, of Maine. I would not object to that at all.

Mr. ANTHONY. I understand that the Senator from California will assent to that amendment.

Mr. SARGENT. Cheerfully.

Mr. MORRILL, of Maine. But the difficulty in the way is the amendment already put on.

Mr. ANTHONY. I propose to vote that down.

Mr. MORRILL, of Maine. I understand my honorable friend from Georgia to say that the great difficulty with him is that there is a provision in the text of the bill which authorizes a distribution of these reports by the Commissioner of Agriculture to contributors. I suggest to him that that provision is not in contravention of the general principle of the bill, because to that extent it will be seen that it is a return or in the nature of compensation for services rendered. Therefore it is not objectionable to the criticism of my honorable friend, I think.

Mr. GORDON. I have but a word to say in reply to the honorable Senator from Maine. I did not intend my amendment as any idle compliment. I object to the fourteenth section of the bill as it stands reported by the committee. I am unwilling that the head of any Department shall have twenty-five thousand copies of a public document to distribute as he may see fit. I prefer to designate to whom these documents shall go, and if we are to designate to whom they shall go, I ask the honorable Senator to whom can they better go than to the men who are sufficiently interested in agriculture to form themselves into societies? I can see no more appropriate way to distribute the information, no more certain way to get the information in these documents, if it be valuable, to the agricultural people of the country than through organized societies of gentlemen engaged in agriculture. It is known to those who are acquainted with these organizations—and I may say here that I am not a member of them—that each one of these granges has what is known as a lecturer, a man who is designated to impart information. These volumes put into his hands will furnish him with such information as is gathered from the general experience of agriculturists all over the country. It is for this reason, and this reason alone, that I have proposed the amendment, that agricultural information may be given in the most satisfactory and certain manner to the people who are engaged in that particular department of industry. I think that a sufficient answer to the remarks of the honorable Senator from Maine.

Mr. WRIGHT. I wish to say one word upon this amendment as it now stands. In the State of Iowa seven-tenths if not eight-tenths of the people are engaged in agriculture. I doubt whether there is any State east or west that has, in proportion to its population and age, a greater number of agricultural societies than we have. We have a State organization; we have organizations in every county, I think, of the hundred in the State, and many district societies. I am advised that there are some two thousand to twenty-five hundred of what are known as organized granges. I am satisfied from my knowledge of the people there, and it is very general, that there is no document published by any Department that is so generally sought for as the Agricultural Report. Congress has published heretofore from two to three hundred thousand copies of this report. Of the number of volumes assigned me since coming here every volume has been exhausted, and I could have distributed to persons who actually needed them, as they said by their letters, three or four, if not five times the number I received. I made it a point in my distribution to send to all libraries and societies, agricultural and otherwise, in the State as far as I could.

Now, it is proposed by this bill that we shall publish twenty-five thousand copies of this work, and it is suggested that we vote down this amendment and reduce the number to fifteen thousand. I shall vote against any reduction, and if I have an opportunity shall vote to double the number from twenty-five to fifty thousand. I shall vote against this amendment for this reason: I can see no propriety in providing that this document shall be distributed to any particular persons more than in any other case where we publish a document and provide that it shall be distributed to particular persons throughout the country. I grant you that the agricultural societies and those who are building up libraries should be supplied in the first instance, but they will be supplied necessarily and without any provision of this kind in the law, and I do not believe the persons who are building up these libraries, whether they be agricultural societies or not, expect of us that we shall put a provision of this kind in the law. I think it is better that we provide that there shall be fifty or one hundred thousand copies of this work printed and let them be in the hands of the Commissioner of Agriculture like any other work, and if I am entitled to any proportion of the number that shall be thus published, be it one hundred, five hundred, or a thousand copies, I propose, as far as I can, to distribute them just as I have distributed them heretofore, whether I have the franking privilege or not. If I do not pay the postage, I know that all over my State there are those who will want these volumes, and twenty-five thousand is no number at all. If you fix twenty-five thousand as the maximum, you will not be able to supply one organization in ten hardly throughout the

States that want them. I therefore am opposed to this amendment and to making any provision as to the distribution, because I feel certain that they will go to these organizations anyhow, and I see no more propriety in putting this amendment in as to the Agricultural Report than in putting it in with reference to any other book that you may have that it shall go to particular persons.

Mr. BOUTWELL. Mr. President, we have already agreed that other publications which are named in this bill shall be distributed only to the officers of the Government charged with the duties to which the publication relates. What is called the franking privilege, as I have had experience when it existed and since its abolition, was no privilege to members of Congress, but a burden. It having been abolished, the abolition carries with it properly the abolition of all printing of documents for the purpose of gratuitous distribution; and the more closely we adhere to that doctrine the more certainly we shall ascertain the public sentiment of the country upon the question of the free distribution of documents printed at the public expense. We must put the agricultural interest upon the same basis as every other interest. There is no more reason or right in the free printing and distribution at the public expense of the annual treatise on agriculture to farmers than there is of the free printing and free distribution of the annual treatise on commerce to men engaged in commercial pursuits.

If after experience the public judgment shall be that it is wise to restore the franking privilege with reference to public documents, let it be restored. The franking privilege for private purposes is worth nothing. The franking privilege for public purposes is a burden to those who are compelled to exercise it, and the only way we can ascertain what the public sentiment is upon this matter is to cut off all printing except that which is necessary for the officers who are charged with public duties, and leave everybody else, whether farmer, merchant, or manufacturer, who desires a public document, to purchase it and pay the cost of transporting it to his own home.

Therefore I am against printing any document except for two purposes: to supply those officers of the Government who are charged with public duties and from the nature of their duties require the use of the document, and for sale at its actual cost and the expense of distribution to be charged upon the purchasers, and the same in reference to farmers as in reference to everybody else.

Mr. FRELINGHUYSEN. I think the Senator from Massachusetts is mistaken if he is under the impression that any different rule is suggested by this amendment in reference to farmers than in reference to merchants.

Mr. BOUTWELL. If the Senator will look at the twelfth section of this very bill which we are amending he will see that the treatise on commerce and navigation is to be distributed only to public officers.

Mr. FRELINGHUYSEN. We do not differ on the distribution that is to be made of the treatise on commerce. We differ as to the principle upon which the amendment proposes to distribute the Agricultural Reports. It is perfectly impossible for the Department of Agriculture to sit in the room of the Commissioner and get up information and statistics from every part of this country without having sources of information. Now he has some six thousand agencies in different parts of the country, who send him an account of the condition of the crops, weather statistics, and all such information—hundreds and thousands of letters, which are aggregated in this report. The compensation that he makes them is the compliment of one of these books. Then, besides that, he has foreign exchanges which he carries on by means of these volumes. Then, besides that, he is in more or less intercourse and communication with the different agricultural societies of the country, and he sends them—not every one of them, but as the circumstances render it proper—one of these reports. The whole number hitherto given to the Commissioner of Agriculture when we circulated three hundred thousand free was twenty-five thousand, the same number that is proposed now when that circulation is stopped; and I am informed by him that to carry on agreeably and with propriety this interchange of information with foreign countries, with these societies, with these agencies, this number of twenty-five thousand is none too much.

My friend from Iowa speaks of having enough printed to supply the farming interest. That I am not in favor of at all. We will print enough, but they will buy those and pay the postage on them. I think that this proposition as it came from the committee, on the information they had obtained from the Commissioner, is just about the proposition we ought to adopt without specifying that they are to go to any one.

Mr. BOUTWELL. I would ask the Senator from New Jersey whether after the offering of the amendment proposed by the Senator from Rhode Island, by which this document is to be distributed to all those who contribute information for the use of the Department, which of course includes any agricultural society that comes within that description, he did not himself ask the Senate to add the words "and to every agricultural society in the country," covering of course a great many that, upon the limitation suggested by the amendment proposed by the Senator from Rhode Island, had not contributed information for the department, and if he did not in that proposition depart from the rule which he now lays down and open the way for the amendment suggested by the Senator from Georgia and others that might be inclined to go in the same direction.

Mr. FRELINGHUYSEN. The Senator need not ask me whether I did not offer that amendment. It is a matter of record that I did; but it is not a departure at all from the principle. The number is limited to twenty-five thousand. The amendment was: "not to exceed twenty-five thousand to be given to those who afford information." Now, you cannot say that an agricultural society affords information in the sense that an agent does; and yet there is constant intercourse with them, and my amendment named and specified so as to remove all doubt about it, that to a limited extent, never to exceed twenty-five thousand in all, that distribution might be made.

ADJOURNMENT TO MONDAY.

Mr. EDMUNDS. I move that when the Senate adjourn to-day, it be to meet on Monday next at twelve o'clock.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the motion of the Senator from Vermont.

The Chair put the question and declared that the ayes appeared to prevail.

Mr. FERRY, of Michigan. I ask for a division.

Mr. WRIGHT. I trust the motion will not be agreed to.

Mr. FERRY, of Michigan. I ask for the yeas and nays on this question.

The yeas and nays were ordered; and being taken, resulted—yeas 37, nays 19; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Conkling, Conover, Cooper, Davis, Edmunds, Flanagan, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Ingalls, McCreery, Morrill of Maine, Morrill of Vermont, Norwood, Ramsey, Ransom, Robertson, Sargent, Saulsbury, Scott, Stevenson, Stockton, and Windom—37.

NAYS—Messrs. Anthony, Ferry of Michigan, Gilbert, Harvey, Johnston, Kelly, Lewis, Logan, Merrimon, Mitchell, Morton, Oglesby, Patterson, Pease, Pratt, Sherman, Washburn, West, and Wright—19.

ABSENT—Messrs. Allison, Brownlow, Cameron, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Howe, Jones, Schurz, Spencer, Sprague, Stewart, Thurman, Tipton, and Wadleigh—17.

So the motion was agreed to.

Mr. WINDOM. I move to reconsider the vote by which we agreed to adjourn over until Monday.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves to reconsider the vote just taken.

Mr. ANTHONY. This is going on by general consent——

Mr. EDMUNDS. No, sir.

Mr. ANTHONY. We ought to get through with the bill. I hope my friend from Minnesota will allow the bill to be disposed of.

Mr. WINDOM. I yielded at one o'clock to-day to the honorable Senator from Rhode Island for half an hour to pass this bill. We have had the question submitted by the Committee on Transportation under discussion for two days, and probably could conclude it in an hour or two, and I expected when this bill was taken up that we should be able, after its disposition, to conclude that to-day. I believe that if the Senate adjourns over until Monday that question will not be fairly heard. The committee has two bills which I believe it was the understanding should be heard, and I ask that the Senate will reconsider the vote just taken in order that the committee may have a hearing.

We have spent at least two solid months, if not three, during this session in the discussion of one of the great questions before the American people, the finance question. We are now within two weeks of the close of this session. We have done nothing whatever with reference to the other question, and I can assure Senators here that in a very large portion of this country there is as much interest felt in that as in any other question that can come before Congress. I believe that to adjourn over now and to lose another day and permit the appropriation bills to press upon us on Monday, is to defeat action upon the measure, and I therefore have made the motion to reconsider.

The Senator from Illinois was very desirous to have an hour or two for the business of his Committee on Military Affairs which has had no opportunity and has not been heard during the session. It does seem to me that the Senate can afford to sit to-morrow, as we have but two weeks more of this session, in order to dispose of these questions and to transact the business that is pressing upon us. An appropriation bill is ready; the honorable Senator from Louisiana [Mr. WEST] gave us notice to-day that he would on Monday press the post-office appropriation bill. The Senator from Ohio [Mr. SHERMAN] gave notice that he would press the moiety bill, which ought to be acted upon. There are half a dozen important measures now pressing upon us and only twelve working days left of this session. Mr. President——

Mr. HAMILTON, of Maryland. I move to lay the motion to reconsider on the table.

Mr. EDMUNDS. I hope the Senator will withdraw that for a moment.

The PRESIDENT *pro tempore*. Does the Senator from Maryland withdraw his motion?

Mr. WINDOM. I had not yielded yet to the honorable Senator from Maryland to make a motion to lay on the table. I had said "Mr. President" and was about to proceed further; but if the Senator from Illinois or the Senator from Vermont, whom I see on their feet, wishes to say anything I will yield; but not to a motion to lay on the table.

The PRESIDENT *pro tempore*. The Senator from Minnesota, it seems, had not concluded his remarks.

Mr. HAMILTON, of Maryland. I thought he had.

Mr. EDMUNDS. When the Senator concludes his remarks the Senator from Illinois or myself will try to get the floor. I am willing to wait until the Senator is through.

Mr. LOGAN. Mr. President——

The PRESIDENT *pro tempore*. The Chair has recognized the Senator from Maryland and will adhere to that if the Senator from Minnesota has concluded his remarks. If not, he will proceed.

Mr. WINDOM. I desire to say nothing further on the subject than that it was agreed by our friends on this side of the House that we should have an opportunity to dispose of the question from the Committee on Transportation. We are not likely to dispose of it if we adjourn over now and time is lost; and if it is not disposed of, upon them be the responsibility.

Mr. HAMILTON, of Maryland. I now make my motion——

Mr. EDMUNDS. I hope the Senator will not make the motion just now. Give us fair play.

Mr. HAMILTON, of Maryland. I withdraw the motion.

The PRESIDENT *pro tempore*. The question is on the reconsideration.

Mr. LOGAN. The objection I have to adjourning over to-morrow is in fact the same that has been suggested by the Senator from Minnesota. It does seem to me that we are approaching so near the close of the session that there ought to be at least a disposition on the part of the Senate to complete the business that we have already reported from committees. I asked on the day before yesterday that I might have two or three hours to-day to attempt at least to pass some bills that have been reported from the Committee on Military Affairs. They are not of great importance, it is true, but there are many of them which are in favor of poor people who absolutely need, if the Senate should concur with the committee, what is contained in the bills for them; and there is a necessity really to have some action in many cases. There are one or two important matters reported from that committee that I should like to have action upon. I do desire to have action on them at the first opportunity I can get. The appropriation bills are pressing and I see the time of the Senate is gliding away and I cannot perceive any opportunity which I shall have to urge these bills. I presume others on other committees feel in the same way.

I should like very much if the Senate would agree at least that we might sit to-morrow, and if the Senate will agree to do so, I will ask that to-morrow, or at least a portion of it, be assigned to the Military Committee, or if the Senator from Minnesota desires that his matter should be acted upon, I shall have no objection to yielding to that if I may have the time left after that to have action on the bills reported from the Military Committee.

I hope therefore that the Senate will not lay the motion to reconsider on the table, but that after spending so much time at this session as we have in the discussion we have had we may now have a few working days to transact the business of Congress.

Mr. EDMUNDS. If the Senate is to sit to-morrow, the thing that we ought to do would be to take up the Calendar and go through with those cases about which there is no strenuous dispute or difference of opinion; and if the Senate sits to-morrow I shall feel it to be a duty toward those who have cases on the Calendar of that kind—which will include a large number of those of the Senator from Illinois I presume—to insist on that course; that is, to object to any arrangement contrary to the rule by which special business shall be taken up to the exclusion of others.

But my motive for making the motion to adjourn over was one which I thought other committees besides my own would feel the justice of as applied to themselves. In the last days of the session, of course we are all of us obliged to be more punctual in our attendance in the Senate Chamber to attend to the duty that belongs to us here, and we have less time to work in committee. The House of Representatives is sending over to us continually large numbers of bills which are so far perfected and many of which it is indispensable should be passed upon at this session, such as some of those relating to the election of members of Congress, such as those relating to some of the railroad questions of the country, and a variety of things that must be considered by committees. I now speak of course only for the Judiciary Committee; and in order that we might have to-morrow to take up this fresh business from the House and which requires immediate attention and put it in a condition to report it to the Senate on Monday, I made the motion. I think there is good sense in it; and there is time enough, plenty of time, to attend to all these important matters, and to the Transportation Committee and the appropriation bills as well, in the next two weeks. There is no difficulty about it. The only thing that will happen will be that we shall diminish the length of the observations that we make upon questions.

But what is the pending question that the Senator from Minnesota has charge of? It is a resolution directing the Committee on Commerce or Appropriations, no matter which, or both, to report an amendment to the river and harbor bill which shall provide for certain surveys. The honorable Senator is perfectly well aware, I suppose, that on the river and harbor bill he is entitled, if his committee authorize him to do so, to move an amendment, without any vote of the Senate at all, which shall accomplish exactly that object. So then his case is not going to be ignored by the fact that we do not go on and pass a formal resolution that a committee shall bring before us for consideration a subject which the honorable Senator himself and his committee have a right to bring before our consideration when the river and harbor bill shall be brought forward.

Really, therefore, except for the purpose of creating in advance a sentiment in the Senate—and a just one it may be; I am not discussing that; I have no right to discuss it now—there is no necessity whatever in my opinion for the resolution of the Senator from Minnesota. The Committee on Transportation may report an amendment of that kind and send it to the Committee on Commerce; and I believe even that is not necessary, because that rule only applies to general appropriation bills; but never mind that, he can do it, and then this provision can be made. That being so, I do not think we ought to fash our beards on the subject of not having sufficient discussion of a question which lies within so narrow a range—I mean in respect of our capacity to understand it—as a question of this kind. It would not take any one here long to make up his mind I suppose whether it was best to inaugurate a survey of the connection of the great lakes with the sea-board and with a view to a canal, or whether it was best to inaugurate a survey from the Virginia shore to the West with a view to another canal. Everybody can understand the bearings of such a question in a very short time. But why should I enlarge upon that?

I have only explained the motive that I had, a motive of necessity for the advance of the public business that is in charge of at least one committee of this body, that we should adjourn over Saturday, and thereby gain in labor accomplished rather than lose. In that point of view I move to lay this motion to reconsider on the table.

Mr. WINDOM. I ask the Senator to yield a moment.

The PRESIDENT *pro tempore*. Does the Senator from Vermont withdraw the motion?

Mr. EDMUNDS. I will yield if the Senator from Minnesota will renew the motion when he concludes.

Mr. WINDOM. I will yield to the Senator from Vermont to renew it.

Mr. EDMUNDS. No, sir.

Mr. WINDOM. Well, I will make the contract to renew the motion.

Mr. EDMUNDS. Very well.

Mr. WINDOM. The Senator speaks of the business of the Transportation Committee as if the resolution now pending was the only business of that committee before the Senate. There are already three bills reported from that committee which we are anxious to have the action of the Senate upon. One of those bills occupied the attention of the House of Representatives for three weeks. The committee have reported that bill back with amendments. We desire to have it heard. It will create a considerable amount of discussion. There is another bill also which we deem of importance with reference to the organization of a Bureau of Commerce, which I desire to have heard and the committee does. We have also reported from that committee another bill for the purpose of opening the mouth of the Mississippi River. There is a very large portion of the country deeply interested in that subject. We should at least give it a little time for discussion.

When we have but two weeks of the session left, it seems to me that we might devote one day to the discussion of that great question; and yet if we are to adjourn over now, I feel perfectly certain that with the appropriation bills pressing upon us and the feeling that there is no time to discuss these questions, they will go over to the next session and be ignored by this Congress.

Now, Mr. President, I move to lay the motion to reconsider on the table, as I agreed to do.

Mr. EDMUNDS. I wish to say one word.

Mr. WINDOM. The Senator insisted that I should make the motion to lay on the table.

Mr. EDMUNDS. And now I ask the Senator to withdraw it.

Mr. WINDOM. I will withdraw the motion if the Senator will agree to renew it and if he will also agree to yield to me in case I shall want to say anything after he gets through.

Mr. EDMUNDS. I agree to both.

Mr. ALCORN. I would suggest——

The PRESIDENT *pro tempore*. The Senator from Vermont has the floor.

Mr. EDMUNDS. I only wish to say, not to occupy the time of the Senate, what I ought to have said before, that there are eight conferences now pending between the two Houses which require the time of twenty-four Senators, and they ought to be enabled to-morrow to finish up those conference affairs. I was reminded of that and should have mentioned it before. Now I renew the motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to lay the motion to reconsider the vote by which the Senate agreed to adjourn from to-day until Monday on the table.

Mr. FERRY, of Michigan. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 22; as follows:

YEAS—Messrs. Bayard, Boreman, Carpenter, Chandler, Clayton, Conkling, Conover, Cooper, Davis, Edmunds, Flanagan, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Ingalls, McCreery, Morrill of Vermont, Norwood, Ransom, Robertson, Sargent, Saulsbury, Scott, Stevenson, Stockton, and Tipton—31.

NAYS—Messrs. Alcorn, Anthony, Bogy, Boutwell, Ferry of Michigan, Gilbert, Harvey, Johnston, Kelly, Lewis, Logan, Merrimon, Mitchell, Morton, Oglesby, Patterson, Pease, Pratt, Washburn, West, Windom, and Wright—22.

ABSENT—Messrs. Allison, Brownlow, Buckingham, Cameron, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Howe, Jones, Morrill of Maine, Ramsey, Schurz, Sherman, Spencer, Sprague, Stewart, Thurman, and Wadleigh—20.

So the motion to reconsider was laid on the table.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 237) to change the name of the port of San Pedro, California, to Wilmington; and

A bill (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes.

CHANGE OF REFERENCE OF A BILL.

Mr. GORDON. I move that the Committee on Claims be discharged from the further consideration of the bill (S. No. 882) for the relief of the savings department of the Eagle and Phœnix Manufacturing Company, and that it be referred to the Committee on Finance. It is a bill to relieve from taxes that have been imposed and not collected, and not a bill to pay money.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service;

A bill (H. R. No. 2887) to prevent the introduction of contagious or infectious diseases into the United States; and

A bill (H. R. No. 3595) to provide for deepening the channel at the mouth of the Mississippi River.

The bill (H. R. No. 3601) to admit free of duty articles intended for the international exhibition of 1876 was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 3602) to remove the political disabilities of Thomas T. Fauntleroy and Charles H. Williamson, citizens of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

BENJAMIN W. REYNOLDS.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds.

On motion by Mr. PATTERSON, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

AMENDMENT TO APPROPRIATION BILLS.

Mr. LEWIS. I am instructed by the Committee on the District of Columbia to submit an amendment to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, appropriating for the relief of destitute colored women and children in the District of Columbia $10,000. I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. HAMILTON, of Texas, submitted an amendment intended to be proposed by him to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL submitted an amendment intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. LOGAN. Inasmuch as the Senate has agreed to adjourn over until Monday, and as by unanimous consent I had a portion of this day given to me for the benefit of the Military Committee, which I yielded, I hope now the Senate will consent that I may have on Monday sufficient time to call the attention of the Senate to the different bills that are of some importance reported from the Military Committee.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that on Monday next, after the expiration of the morning hour, the Senate will proceed to consider bills reported by the Military Committee.

Mr. SHERMAN. I shall feel it my duty to insist on taking up the moiety bill, as it is called. I do not want to interfere with the Senator from Illinois. I do not know that the bill to which I refer will take any considerable time; but it is pressing upon us.

The PRESIDENT *pro tempore*. The Senator from Ohio objects, the Chair understands.

Mr. WINDOM. I desire to give notice that I shall antagonize the measures from the Transportation Committee with any other business that may come up next week and shall press them on all occasions. If the Senate choose to vote them down, let them take the responsibility.

Mr. GORDON. I move that the fourteenth section of the bill which has been under discussion, as amended, be printed.

The PRESIDENT *pro tempore*. As proposed to be amended?

Mr. GORDON. Yes, sir; that it be printed separately.

Mr. ANTHONY. I have no objection to its being printed, but I hope the bill will be disposed of to-day.

Mr. LOGAN. If the Senator will allow me a moment, I had not quite got through with my suggestion. I am very sorry to see the disposition of some gentlemen here, after unanimous consent was given to the committee to which I belong to have their measures considered to-day, to oppose the allowance of any time to us for those measures. Certainly we have not been antagonizing the bills of any other committee during this session. I have asked on several occasions to have bills taken up; but they have always been objected to and had to go over. Now I hope the Senate will agree to have a session on Monday night to consider bills from the Military Committee.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that on Monday the Senate will take a recess and sit in the evening to consider bills reported by the Committee on Military Affairs. Is there objection?

Mr. BAYARD. Cannot that be decided on Monday? Why not leave decisions of that kind until Monday shall arrive? The course of business, as we all know, disappoints the expectation of many. Sometimes a bill is passed with very little debate; sometimes debate on it is very prolonged. It is quite impossible to prognosticate what the term of debate may be; and in this weather, with the amount of labor which is being bestowed by the Senate, I question very much whether it is well to have night sessions.

I will say in regard to the vote just taken, that it is well understood that to-morrow will be occupied by committee sessions, which will embrace the labors of almost every member of the body, and gentlemen feel, and feel very properly, the necessity of their presence in the Chamber pending the passage of measures, and are not willing to be absent. If I had been willing to be absent from the Chamber pending the consideration of public business, although my absence should be caused by devotion to committee duty elsewhere, I should not have voted for the adjournment until Monday. So in regard to the session on Monday night. We know the labors of Senators do not cease with their presence in the Chamber; that by night as well as day they are occupied, and occupied in respect of public business.

I hope, therefore, this proposition made now for a night session on Monday may be withdrawn.

The PRESIDENT *pro tempore*.. The Chair will remind the Senator from Delaware that no motion to that effect has been made. The Senator from Illinois did not make a motion.

Mr. BAYARD. I was under the impression that he had made such a motion. I assure him that I will facilitate, so far as my poor aid may do, his disposition to fulfill his duty as chairman of an important committee.

The PRESIDENT *pro tempore*. The Chair will also remind Senators that under a recent rule adopted at this session it will be in order on Monday at any time to move for a recess, which motion must be decided without debate.

Mr. LOGAN. I think I have been probably as modest as any Senator here in asking to take the time of the Senate for the committee of which I am chairman. I have been antagonized a good many times when I desired to get up bills; but that was perfectly natural, because every committee desires to get its business through. Each committee thinks, I presume, that its business is more important than the business of any other committee, and yielding to that idea I have yielded all the way through the session up to this time. I now give notice that I shall ask at every opportunity for this time to be given to the Military Committee. If I cannot have it, I shall certainly oppose giving it to any other committee; and I shall antagonize every committee in this Chamber on this question until the same privilege is given to the committee I represent as has been given to other committees.

PRINTING AND DISTRIBUTION OF DOCUMENTS.

The PRESIDENT *pro tempore*. The bill (S. No. 857) to provide for the sale of extra copies of public documents and for the distribution of the regular official editions thereof is before the Senate as in Committee of the Whole; and the pending question is on the amendment in section 14, line 2, after the word "bind," to strike out "twenty-five" and insert "not exceeding fifteen;" and at the end of the section to insert:

To those only who are employed by the department or who contribute information for the use of the department, and to each organized agricultural society, and also to each organized grange of the Patrons of Husbandry.

Mr. ANTHONY. I trust that will be voted down, and that we shall go back to the original proposition.

The question being taken by yeas and nays, resulted—yeas 22, nays 28; as follows:

YEAS—Messrs. Alcorn, Bogy, Cooper, Davis, Edmunds, Goldthwaite, Gordon, Harvey, Johnston, Lewis, Logan, McCreery, Merrimon, Oglesby, Patterson, Pratt, Ramsey, Ransom, Sprague, Tipton, West, and Windom—22.

NAYS—Messrs. Anthony, Bayard, Boutwell, Buckingham, Chandler, Conkling, Conover, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamilton of Maryland, Hamlin, Ingalls, Kelly, Mitchell, Morrill of Maine, Morrill of Vermont, Pease, Robertson, Sargent, Saulsbury, Scott, Sherman, Stevenson, Stockton, Washburn, and Wright—28.

ABSENT—Messrs. Allison, Boreman, Brownlow, Cameron, Carpenter, Clayton, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Hager, Hamilton of Texas, Hitchcock, Howe, Jones, Morton, Norwood, Schurz, Spencer, Stewart, Thurman, and Wadleigh—23.

So the amendment, as amended, was rejected.

Mr. ANTHONY. Now I wish to offer an amendment, to come in as a new section.

That it shall be the duty of the Congressional Printer, at the request of the Secretary of War, to print and bind a number not exceeding two thousand copies of the annual report of the Chief Signal Officer for distribution by the Secretary of War.

This is the same as the other amendments of that class. The Signal Officer requires this.

The amendment was agreed to.

Mr. ANTHONY. I have one other amendment, to come in on page 16, line 7.

Mr. STEVENSON. I should like to ask the Senator from Rhode Island in regard to the amendment just adopted, what that signal report is. Is it the report about the weather?

Mr. ANTHONY. Yes, sir.

Mr. STEVENSON. Those reports are printed daily. Why should we print two thousand copies?

Mr. ANTHONY. This is for the printing of the annual report. We print two thousand copies of the reports of several other Bureaus, and these are necessary for the Signal Officer to send to his correspondents. He has a great many correspondents who serve without any pay, and the only recognition they have of their services is that this report is sent to them; and he has written a letter to me requesting this number of copies to be distributed.

Mr. STEVENSON. I move to reconsider the last vote. I know the gentlemen who are at the head of Bureaus like to see what they write in print; but I think the Senate of the United States ought to judge of the utility of the report, and we should not involve the Government in the expense of printing two thousand copies of a report about which we do not know anything. If this report is of utility I am perfectly willing to vote to print it; but I will not vote for it merely because the Signal Officer desires it. I should like to hear my honorable friend from Rhode Island tell us the necessity for the preservation of such a document as that.

Mr. ANTHONY. This amendment has not been offered by the committee merely because the Signal Officer desired the report printed, but because in the opinion of the committee it was proper that the report should be printed. I consider that the reports of the Signal Office are among the most valuable contributions that the Departments make to the public interests. They have been of immense interest in the security of life upon the ocean and of immense interest to agriculture.

Mr. STEVENSON. I do not doubt that, and we have those reports in printed form. If this report embodies any other information, I shall withdraw my objection. I only rose to inquire what this report was. If it is the mere daily report of the weather and of storms, the time having passed, it does not seem to me necessary to print it.

Mr. ANTHONY. O, no; the Senator misunderstands it.

Mr. STEVENSON. That is just what I want to understand.

Mr. ANTHONY. It is the report of the operations of the Bureau, and is intended as a guide for those who are making observations and improvements in meteorological science. I am quite sure the Senator from Kentucky will approve of it.

Mr. STEVENSON. Then I withdraw the motion to reconsider.

The PRESIDENT *pro tempore*. The motion to reconsider is withdrawn. The question now is on the amendment of the Senator from Rhode Island, [Mr. ANTHONY,] which will be reported.

The Chief Clerk read the amendment, which was in section 16, line 8, after the word "index" to insert—

And the said person shall be paid therefor such compensation or additional compensation as shall be just.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. SARGENT. How does section 14 now stand? Has it been amended at all?

Mr. ANTHONY. Before the bill is read the third time I will move, at the suggestion of the Senator from Ohio, [Mr. SHERMAN,] to strike out the two sections which relate to the distribution of the pamphlet edition of the laws and of the bound edition of the Statutes at Large. I think myself the distribution of eleven thousand may be too large; and as the Committee on the Judiciary are now considering the subject of printing, publishing, and distributing the laws, which belongs to that committee rather than to the Committee on Printing, I will move that those sections be stricken from the bill, in order that the whole matter may be under the consideration of the Committee on the Judiciary. In the mean time the law remains precisely the same as it is in this bill, which is a mere codification of that part of the law.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to strike out the two sections indicated by him.

Mr. EDMUNDS. Let us know what those sections are.

Mr. ANTHONY. The fifth and sixth, relative to the distribution of the laws.

The motion was agreed to.

Mr. SARGENT. I should like to have the fourteenth section read.

Mr. ANTHONY. It stands as it stood originally in the bill.

Mr. SARGENT. Then I move to strike out "twenty-five thousand" and insert "fifteen thousand," in line 2. I do not wish to debate it.

Mr. WRIGHT. I hope that will not be done.

The amendment was not agreed to.

Mr. EDMUNDS. As this is the only way of distributing agricultural documents, it appears, according to the judgment of the Senate, I move to strike out "twenty-five" and insert "fifty;" so that the Commissioner of Agriculture shall have fifty thousand copies to distribute.

Mr. SAULSBURY. I hope that will not be done. I do not see the use of our giving the heads of Departments power to distribute to whom they please all the public documents that are printed at public expense, while we are denying to ourselves the privilege of sending to our constituents a single Agricultural Report or anything else. I voted for the amendment to cut down the number to fifteen thousand. Now the proposition is to increase it to fifty thousand, and to place them at the disposal of one man to distribute as he pleases. While I have confidence in the Commissioner of Agriculture, still I do not propose that we shall print at the privilege of one man's distribution so many copies as that. I shall therefore vote against it.

Mr. EDMUNDS. I think the Senator from Delaware ought not to refuse to do good unto others because he cannot have good done unto himself. I think he ought to be willing that the people should have, certainly in each one of the States, some of the copies of this important report, enough to have one for a county if you please, even if members of Congress cannot have any at all. Therefore I move this amendment in order that the people of the whole United States may have distributed among them more copies of the Agricultural Report than this twenty-five thousand, which is a mere drop in the bucket. It makes it somewhat more equal, and it enables every neighborhood, so to speak, every township possibly—I think it might enable every township to have in its town library or somewhere accessible one copy of this book. It appears to me that objection ought not to be made to that.

Mr. BAYARD. I quite agree with the Senator from Vermont that twenty-five thousand copies of this work are a very small number for anything like a popular distribution in this country. I believe the customary number has been three hundred thousand. But this is an entirely new scheme of distribution. This bill provides in an earlier section for the publication perhaps of three hundred thousand copies, or of some number in the discretion of Congress, which are to be purchased by the citizens; so that we are now proposing to substitute a system of distribution, at cost, among the people, of this document, instead of a gratuitous distribution. One of the two principles, it seems to me, is correct. If the people are to buy this document at its cost price, and if it is decided that they shall pay for it, that, is to say, those who shall get it shall pay for it, that is well enough; but if you decide that to be so, why pursue the system of gratuitous distribution by a single officer according to his discretion?

The remarks of the Senator from Ohio [Mr. SHERMAN] this morning struck me as being entirely correct. He found fault with the reposal of this discretion as to who should receive these twenty-five or fifty thousand copies voted to a department, to a single officer. There is no propriety in that, and I think it would be unwise unless you should couple with the resolution to increase this number for gratuitous distribution some indication of the persons who shall receive it. If a provision were made that every public library, reading-room, and literary association organized in this way shall receive a copy of this report upon the address being sent to the Commissioner, we should have exercised some supervision over it and probably have done a wise thing in selecting bodies of that character.

But while I think that five or twenty-five thousand copies are much too small a number, and fifty thousand copies not at all too large, yet remember you are making a gratuitous distribution of them in the face of your new system of distributing them at cost price. If people want this document, under the second section of the bill they can get it at cost price; but others who do not choose to pay for it may apply to the head of the Agricultural Bureau, and in his discretion he may supply it to his friends and deny it to those whom he may not consider his friends. I do not think it would be proper to delegate that kind of discretion to him. If the matter of receiving these documents is to rest wholly in the individual discretion of the Commissioner of Agriculture, I shall not vote to increase the number of copies, but rather to decrease it. If, on the contrary, it is to be accompanied by such an indication of the intent of the Senate as will secure an equitable distribution according to the ratio of population all over the country, I shall not object to seeing the number increased to what the Senator from Vermont has designated; but I do not think the Commissioner of Agriculture should have the distribution gratuitously of these fifty thousand copies when everybody else but his friends will have to pay for them.

Mr. STOCKTON. I do not like the manner of distribution provided for by this bill, and I cannot understand what connection there

is between the abolition of the franking privilege and the deprivation of the proper distribution of these documents by mail free. I know, and I presume every Senator knows, that this report is considered very valuable by the agricultural interest of our country. I know it has always been considered so in my State, and those who understand the subject and are practically engaged in agriculture seek after it greedily. We have been overburdened with letters for it. Many persons have not yet found out that we have not the power to distribute it.

The franking privilege was abolished; but that is no reason why the Agricultural Report should not go free by law as the Congressional Globe did, and as I believe the RECORD does now. Is there any reason why we should not have an envelope at the Government Printing Office stamped "Free by law: Agricultural Report?" Is there any reason why those documents should not be distributed with a little trouble from members of Congress to those who need them? Every member has a list of his constituents marked, some of them as mechanics, to whom the mechanical reports are sent; others as agriculturists, to whom he sends the Agricultural Report. It requires, to be sure, some little trouble on the part of members of Congress, but it is fully appreciated by the people.

When I heard in the course of the debate to-day the statement made that in repealing the franking privilege we had prevented the distribution of these documents to the people, I heard it with surprise. I voted for the repeal of the franking privilege. I did so because great abuses existed which could not be remedied. A Senator said in the course of the debate to-day that the repeal of the franking privilege amounted to nothing so far as private correspondence was concerned; that it was only in reference to the distribution of public documents that it was of any importance. But, Mr. President, it was well known, it was admitted in debate last year on all hands, that the abuse of the franking privilege for the distribution of political documents and other matter which was not fit to go in the mails at all had grown to such an excess that it ought to be stopped. It was stopped, and it was wisely stopped. The only way that the evil could be cured at that time was by tearing it up by the roots, and it was done. But, sir, there never was anything in that bill, nor in the principle which I avowed at that time, which prevents me from distributing Agricultural Reports among my constituents free by mail.

I shall vote to print three hundred thousand copies of this report. I do not like the principle of the bill, not only in reference to the manner of distribution, but in reference to printing copies to be sold. I think that is a miserable business for the Government to engage in. It is the people's money that prints these documents, and if they are distributed to them you are simply sending them the book which they have already bought, for you have printed the book with their money raised by taxation. To require the charging of a few shillings backward and forward in the mails simply for the convenience of being able to say that it did not cost so much to print these documents, that the people helped pay for them, seems to me to be very small and very absurd. I am in favor, and if I had any hope it would pass, if it did not seem to me hopeless inasmuch as this bill is supported by so many Senators who have considered it, I should offer an amendment, and should gladly vote for it, to raise the number of the Agricultural Report to three hundred thousand copies and to authorize them to go free, as the Congressional Globe did, by law.

Mr. EDMUNDS. There would be great force in what the Senator from Delaware [Mr. BAYARD] said about the philosophy of this bill if it were to be applied to the whole bill, and we were to vote down the whole bill upon the ground that it undertook to do two opposite and contradictory things; that is to declare, in the first place, in effect, that the people should not have these public documents, and, in the next place, that the various heads of Departments should, to distribute among their friends. I am not speaking about the bill, but taking the bill as it is, I say, if the Commissioner of Agriculture, for instance, is going to distribute twenty-five thousand copies of the report on agriculture among the people who will make the best use of them, as the phrase used to be in another part of the Capitol, "where they will do the most good" my friend [Mr. ANTHONY] suggests is the proper word—then I say that the more of these you print in respect to agriculture particularly, which is the most complicated science that I know anything about, and which is the least studied, and of which there is really the least known, the more you can distribute of these documents, just as the more you can distribute of the Bible, the better it will be for the community. Somebody will get them; and I suppose if the Commissioner of Agriculture does his duty—and I assume he would endeavor to do it; I have no reason to suppose he would not—and has fifty thousand copies to distribute, he would send them to all the public libraries and town libraries and institutions of that kind in the United States, and then the citizens of those particular towns would be able to see this one copy. Then any citizen seeing that copy and its value would be told, "You can get a copy to carry home to your farm and keep it there by just writing to the Congressional Printer and sending him so many cents." Then the people would have a specimen everywhere, in every part of the country, of this document, and they could judge whether it was worth sending for or not. They would get the information at the libraries, and if they wanted a copy for themselves they could have it, just as in the Congressional Library we find copies of books that are just printed, or rare books, as the case may be; we see them, we think we want a copy ourselves of that book although we have read that one, and then we go and buy it.

I think that is not an improper expenditure of public money. I cannot assume that the Commissioner of Agriculture is going to make a holocaust of these fifty thousand copies and burn them up simply for the sake of seeing the smoke. I must assume that this gentleman, whatever his faults may be—and I think he has some; there are few people out of this Chamber who have not—will send this document to the various public libraries in the towns of this country. It would give on a rough computation about four or five copies to a township in the whole United States, if you have fifty thousand copies. That will do some good; and in order to do that good I submit this motion. I do not desire to take up time in talking about it.

Mr. MORRILL, of Vermont. I voted for the amendment of the Senator from California [Mr. SARGENT] to reduce the number from twenty-five thousand to fifteen thousand. Consequently I shall vote against the amendment of my colleague to increase the amount up to fifty thousand. What will be the effect of this proposition? It will merely give the Commissioner of Agriculture an opportunity to distribute these fifty thousand copies to whoever may call for them here. The whole fifty thousand may disappear and not a single copy be sent abroad. I think that if our constituents at home are compelled to pay the cost price of these documents, the Commissioner should not have power to make a gratuitous distribution to all the comers who may happen in at his Department.

Mr. BOUTWELL. I hope the Senate will finally put this section——

Mr. STEVENSON. Will the Senator from Massachusetts allow me to read a substitute that I propose to offer for the section?

Mr. BOUTWELL. As I propose to move an amendment to the section myself, I would prefer to go on.

Mr. STEVENSON. If the Senator will allow me, I will read what I intend to propose:

That it shall be the duty of the Congressional Printer to print and bind three hundred thousand copies of the Annual Report of the Department of Agriculture for distribution; one hundred thousand for the use of the Senate, and two hundred thousand for the use of the House of Representatives; and that the said reports be sent free of postage through the mails, being properly designated on the outside envelopes.

I propose to offer that as a substitute for the whole of the fourteenth section.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves to amend by striking——

Mr. EDMUNDS. That is not in order until the vote is taken on my amendment.

Mr. BOUTWELL. I only gave way to the Senator from Kentucky to have his amendment read, not to make a motion to amend. I was about to say that I have hopes that the Senate will place the section in regard to the report on agriculture in precisely the same position that the other documents stand.

The Senator from Iowa [Mr. WRIGHT] some time since expressed his opinion that the number should be increased to fifty thousand, and coupled with it an observation which then arrested my attention and brought to my recollection two or three opportunities that I have had to observe the manner in which things have been done since the franking privilege was abolished. His remark suggests to me the opening of a new process to which I wish to call attention in the beginning before many steps have been taken; and that is this: If the amendment proposed by the Senator from Vermont be adopted, we shall have a new franking privilege which in time will be odious to the people and exceedingly disagreeable to the parties who participate in it. When the Department of Agriculture has fifty thousand copies of the report to distribute, and members of Congress receive applications from their constituents, those applications will be transferred in the very nature of the case to the Department of Agriculture, and the franking privilege instead of being an equal privilege will be an unequal privilege seized upon by the most greedy for the use of the public money to the extent of about one dollar for every document distributed.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. BOUTWELL. Yes, sir.

Mr. EDMUNDS. My friend from Massachusetts says that my amendment will introduce a new species of franking privilege. I wish to ask him whether the fourteenth section is not obnoxious in principle to precisely the same novelty?

Mr. BOUTWELL. I am about to offer a proposition to the Senate for the purpose of obviating the difficulty which exists in the section as it stands now.

Mr. EDMUNDS. Then do not accuse me of the introduction of a novelty.

Mr. BOUTWELL. Well, sir, I will only impute to the Senator from Vermont the capacity and the disposition to improve upon a proposition which in itself is a very bad proposition and calculated to introduce, or to perpetuate what has been already introduced, a custom by which members of Congress through the Departments to a certain extent secure the benefit of the franking privilege without its observation by the country.

We have ingrafted upon the twelfth and thirteenth sections of this bill provisions by which the franking privilege, either directly or indirectly exercised and enjoyed, has been prohibited, and we propose

with reference to the Department of Agriculture to establish or permit an indirect system of franking which will be odious to the people and exceedingly discreditable to the members of Congress, who by the course of events will be made the unwilling instruments of its exercise. Now, what ought we do with reference to the Agricultural Report? Place it where we have placed every other report. Let those who desire it and who have no right to receive it free by reason of official position pay for it and pay for the cost of transporting it. I propose, therefore, to change this section in this way: After the word "bind," in the second line, insert the words "not exceeding fifteen thousand copies;" and at the end of the section add "to the officers of the Department and to those who contribute information for the use of the Department."

I am not sure whether that amendment is in order now, because I have not followed the course of business.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) Does the Senator move that as an amendment to the amendment of the Senator from Vermont?

Mr. BOUTWELL. I suppose I cannot move it until the amendment of the Senator from Vermont has been disposed of.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS,] to strike out "twenty-five" and insert "fifty."

The question being put, a division was called for; and the ayes were 12.

Mr. FERRY, of Michigan. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. EDMUNDS. I want to ask three minutes of the attention of the Senate to reply to the Senator from Massachusetts, who says I am aiding a bad proposition and am committing a fraud on the abolition of the franking privilege law. I do not take it in any invidious sense. Does not the Senator know—of course he does—that every one of the provisions of this bill and every one of the provisions of the abolition of the franking privilege law except the word "repeal," was a fraud upon the franking law as it stood before? We said "the franking privilege is abolished," and then we said that every officer of the Government of the United States connected with any of the Departments, through its head, might frank as much as he had a mind to do, and that the Government would furnish him with stamps to frank with; that instead of being obliged to write his name, which was some security against fraud, they would furnish him with stamps *ad libitum*, which should be put on by the clerks in his Department who had charge of sending out documents and papers, and then they should go. The net result, therefore, to the tax-payers was that instead of forcing Senators and Secretaries to write their names as evidence that the document was to go free, the United States had to pay the engraver, the printer, and the counter of stamps a few thousand or a hundred thousand dollars a year, as the case might be, to do the franking of the Departments.

Mr. BOUTWELL. That was done when the Senator was here, and I was not.

Mr. EDMUNDS. So it was; but the Senator was in another place, where, as I say, Senators and Secretaries together contrived the law in such a way that instead of the abolition of the franking privilege being a benefit to the people, it was a positive tax upon the Treasury.

Mr. WEST. In what respect?

Mr. EDMUNDS. Excuse me for one moment. And all this was done under the delusion that the Postmaster-General created here, by himself, as I believe, violating the law in sending out printed advertisements or contrivances all over the country to get names praying us to abolish the franking privilege, which went free through the mails both ways. That was what created what we thought was a public sentiment in order that we might abolish this great abuse; and now you turn around in the same breath and say, it is not in fact and in truth abolished as to anybody except the Senator or member of Congress who is to receive a petition from his constituent or is to inform his constituent that his petition has been received. That must be paid for in an actual stamp bought with the Senator's money or with the constituent's money; but when you go to all these Departments, every Secretary is provided with the means of franking just as before, only at a little less inconvenience to himself, and a little greater expense to the tax-payer. That is the reform which the honorable Senator stands up to vindicate as being so pleasant to the palates of the people.

Mr. BOUTWELL. Will the Senator allow me a word?

Mr. EDMUNDS. With the greatest pleasure.

Mr. BOUTWELL. I have never vindicated the abolition of the franking privilege; but while the franking privilege is nominally abolished or abolished by law, I wish to have the policy of the Government conform to its abolition. Then we shall get a public sentiment either for the change or for a restoration of the franking privilege in some form.

Mr. EDMUNDS. O, we got the public sentiment before. We advertised for it. We sent from the Post-Office Department a circular to every postmaster, which was as binding upon us as a command to pay an assessment for the salvation of the Republic I suppose, commanding him to get names and send them back; and we did that at the public expense, so far as the transmission of such things through the mails can be said to be at the public expense. And now the Senator says he does not wish to advocate the abolition of the franking privilege, but only to stick to the virtue of the law as it exists. My answer so that is what I have already stated, that the law as it exists is a tham and a fraud. You tell the people now that everything sent through the mail pays. You tell them a falsehood. Nothing sent through the mails by public officers pays except that which Senators and members of Congress send and receive. Everything sent by the Departments is sent just as it was before, without being paid for, except that the tax-payers are forced to pay a large number of thousands of dollars a year to relieve the men who before were obliged to put their names upon documents from the trouble of doing it. That is just the simple truth, and there is not any good object that I know of in disguising it. There cannot be any dispute about it.

That being the state of the case, I propose that the agricultural people whom in part I represent shall have the advantage in proportion to their numbers (and I would go for the commercial people whom the Senator represents just as well) of some real benefit from this sham, by requiring the Commissioner of Agriculture to send to the various public libraries and places where things of that kind can be of common benefit to a little community these reports, which are only printed at all, as I suppose, in order that some valuable information may be made known and diffused among men. If that is so, let them go.

The Senator says this is out of proportion. I find that three thousand copies of the annual report on commerce and navigation, to which he has made no exception, are to be furnished for distribution by the Secretary of the Treasury. The agriculturists of this country are in greater numbers than fifty is to three, compared with the commercial classes of this country. There are more than fifty farmers to three merchants and traders in the United States. It may have escaped the observation of my honorable friend, but I think not.

Mr. BOUTWELL. It has not; and another thing has not escaped my observation, although it has that of the Senator from Vermont, that the Senate has already agreed to an amendment of that section by which the distribution is limited to the officers of the Treasury Department, and none to be given to merchants and traders. That is what I want to do in regard to the Agricultural Report.

Mr. EDMUNDS. That makes it so much worse. It must be of infinite advantage to commerce and the commercial traders of the United States to have the Secretary of the Treasury and the Comptroller of the Currency and so on in that Department have the advantage of all the information about commerce that has been collected at the people's expense in a given year and deny all of it to the rest of mankind. They having their salaries, which the people have not, are to have it free, but the people cannot get it. Mr. President, if that is not good government and retrenchment for you, I do not understand what reform is. We are to reform in the direction of denying to the tax-payer any information about his government or about his business; but the man who is in office shall have his documents free for his use and for the use of those whom he employs. I do not believe in that. I believe in these officers having the necessary books; but I believe that there is no distinction between their having them and their being properly distributed among the communities who are interested not in the personal sense, but in the governmental sense, to know what is going on at the seat of government, and what progress the Government is making in respect to the various interests that it has in charge. That is my position; and having thus defended it, I think the Senate will not misunderstand me in making this motion to increase this number of documents, so that every town in the United States may have two or three copies of them.

Mr. CARPENTER, (Mr. CLAYTON in the chair.) If I was certain that the amendment offered by the Senator from Vermont was, as the Senator from Massachusetts declares, a fraud upon the action of Congress in abolishing the franking privilege, I should be more in favor of it than I am now.

Mr. BOUTWELL. I did not use the word "fraud."

Mr. CARPENTER. That is what it meant in plain Saxon. That is what he would have said if he had thought of it, I suppose.

Mr. BOUTWELL. I am glad you know.

[Mr. CARPENTER addressed the Senate. His remarks will appear in the Appendix.]

Mr. FLANAGAN. Mr. President, we have been told, and well told, by the distinguished Senator from Wisconsin one side of the story and but one side; and in doing so I do not think that he spoke very complimentarily of his own constituents or the constituents of us all at large throughout this Union.

Mr. President, I am opposed to the amendment offered by the Senator from Vermont, and surely upon the same principle I should oppose the amendment proposed in the second instance by the distinguished Senator from Kentucky. Upon principle originally I should have favored five hundred thousand; but when you speak of twenty-five thousand or fifty thousand, if you propose to reach all the agriculturists you will fail; and likewise with three hundred thousand. Therefore you will be invidious under any circumstances upon that line.

But the idea has been ably enforced that there was fraud and imposition upon the part of the Postmaster-General and the recipients of his circulars throughout the United States who procured signatures upon the petitions he sent out. To say the least of it, that does not reflect anything to their credit. They certainly were not competent to look to the facts pertaining to the subject. Sufficient it is to

say that if they were entrapped the petitions came here and their demands were potent, for they prompted the Senate to do that which they would not otherwise have done.

But, sir, what is the fact pertaining to that question? We are not admonished satisfactorily that they were improperly actuated, because we have seen no petition. I have received none; I recollect of no petition having been presented here by any Senator asking that the franking privilege should be restored. The first argument that I ever made in the Senate of the United States was against the abolition of the franking privilege. I was opposed to it. I thought the people ought to have the information as is well said here; but the demands were such that it was repealed and I have heard no complaint on the subject from the voters of this mighty Union demanding its restoration. I should be slow for one to advocate a restoration until they do make that demand. Let them do so or state that they were imposed on, if you like. I say they have not been. Our action may have been on an *ex parte* showing, and it is very true that it was; but the people were not imposed upon. They ought to have looked to their interests before they were thus caught if they were; but they cannot afford to put in that plea, nor do I think that any Senator is authorized to do so for them because it is not complimentary to them. Let them demand a restoration and no man will more readily vote for it than I will; but until they do so I shall continue to do as I have done heretofore, take it for granted that they asked in good faith for the abolition of the franking privilege. I responded to it as such, and I recollect when I was about to give my vote finally on that subject I stated that at an early day a mighty cry would come up broadcast from this nation asking a restoration. Up to this time it has not come, but I see evidences here that it will come because many will indorse the speech of my distinguished friend from Wisconsin and the effort of my friends from Vermont, from Kentucky, from Georgia, and elsewhere here; but "sufficient unto the day is the evil thereof." I shall wait for my part until they make the demand. I am not going to force it upon them. I felt they were wrong when they asked the abolition. Now let them find that they were in error, and when they find themselves in error let them ask to be benefited and I shall respond to it. Until that time let them do without the Agricultural Report, if you please. I know it is a valuable document. Every farmer in the broad Union ought to be in possession of it. Many of them would be much benefited by it; but they are not demanding it except in the old way. I receive letters regularly from various grangers. Why, say they "give me the amount of books that belong to me for my organization." I have not sent to any single one of them a response in any way, manner, or shape, because if they are as ignorant as they have shown themselves to be let them work out of it; I am not able to teach them. I am certainly not going into my purse to do so. I have not been broken down on any vote that I have given yet upon back salary or anything of that kind. I am not responding to them. I am not going to pull out my own money and use it broadcast in distributing public documents. If the people demand me to do thus and so, I recognize their right and I respond to them; but when I have acted in accord with their request and demand, I am not going to be so active at my advanced age as to turn about and spend my money without any consideration. Whenever they demand these books properly and say they have been mistaken and want the repeal of the act abolishing the franking privilege, I will give it back to them. Until they do I shall not vote for an additional number to what has been proposed by the committee.

Mr. ROBERTSON. Is an amendment now in order?

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) An amendment is pending.

Mr. ROBERTSON. I wish to propose an amendment.

The PRESIDING OFFICER. It is not in order at this time.

Mr. ROBERTSON. I will read for information what I wish to propose:

Provided, That all documents printed by order of Congress and all mail matter shall pass free through the mails when sent by the President, heads of Departments, or members of Congress.

That amendment will test the position of Senators.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. STOCKTON. The amendment which has just been read, I understand for information, is really a caricature——

The PRESIDENT *pro tempore*. The Chair will inform the Senator that that amendment is not in order. It was only read for information.

Mr. STOCKTON. I understand that. I was not going to speak on that amendment or the amendment of the Senator from Kentucky. I was merely about to say that the amendment just read I understand not to be in order, but to be simply a caricature on the amendment offered by the Senator from Kentucky. I stated before the Senator from Kentucky suggested his amendment that such an amendment would be an improvement. I have heard nothing since to change my mind. The amendment which has just been read for information provides that all mail matter shall go free, which is simply an absurd proposition, which there is no use of wasting words upon.

The amendment offered by the Senator from Kentucky proposes that, like the Congressional Globe, the Agricultural Report shall be printed as it used to be, in large numbers and circulated. I said that there was no reason why that should not be done because the franking privilege has been abolished.

The Senator from Wisconsin in addressing the Chair I think was not logical. The Senator from Wisconsin said that he had to work at nights to send documents off, he had to work hard to send them off; but the people did not seem to appreciate them and they wanted the privilege abolished because they would not trust the Senate and could not trust members of Congress, but could trust the Public Printer.

Mr. President, I insist that that is not the logical deduction from what was done. There is no Senator who does not know that the franking privilege was abused. It was abused not because Senators could not be trusted, not because members of Congress could not be trusted; it was abused because by a long custom dating back for years and years it came to be considered that members could be called upon to frank documents for political and other purposes which were not contemplated by the law. It was not an act of individual dishonor to any Senator. When I first came to the Senate I was appealed to to frank political documents as others were. I could see nothing in the law authorizing it and I declined to do it. From that time on, I always wished and hoped that the law would be made plain so that we should all understand what was meant by it. I made many political enemies by refusing to allow my frank to be used on political documents. There was another construction given by other gentlemen, I have no doubt in perfect good faith, and many and many people thought that that man who belonged to a political party and would not assist it in distributing documents with his frank was doing a wrong and a bad thing. It was that system, not the conduct of any individual, to which I allude; it was a bad system and it had to be broken down. But now we have no right to say to the people, "Because you wanted that thing broken down you cannot have your public documents." We have no right to say "You shall not have an Agricultural Report until you give us back the franking privilege," which is in effect what is said by the language used in this debate—not intended, of course, I know, but that is the effect of it; and the few remarks I made a few moments ago were to that point.

It is not logical; it is not true. There is no reason why the people should not have the documents which they desire and which we publish under our responsibility, to give them the information they want, we being the judges of it after hearing from them and seeing them. There is no reason why the documents should not be sent free through the mails. It is no reason why they should not be published by the Government and sent without charge to the people.

If this bill goes through as it is, there is a certain number of copies of the Agricultural Report, twenty-five thousand I think, to be given away; then another larger number which are to be sold. Where will the documents go that are given away? Will they not go into the hands of men who will seek to get them to sell again, and will not your twenty-five thousand become a lot of documents to be put into the market and held, so that when the Government has exhausted its supply, in old shops you will find them hidden away, the very documents you have given away, and sold at extraordinary and extravagant prices to the people who cannot get them from the Government. The system is vicious in that respect. There is no reason whatever, as I said before, why we should adopt a principle of this kind, no reason why these documents cannot be distributed just as they were before. All that is necessary is that some proper officer certify "this is a public document."

I am willing to avoid the suggestion made by the Senator from Wisconsin when on the floor and to free myself from any such idea as that I am going on the principle that I will not trust Senators. I should be perfectly willing that the Senator himself and the members of Congress to whom these documents are sent should have the power of passing them free by writing "Agricultural Report" with their own name under it; but that labor had better be saved. It might be done by the gentleman who has charge of the document-room. He might have a stamp, and when these reports come in he could stamp them "Agricultural Report: free by law." Then these documents can be taken to your room and you direct them to the persons who are agriculturists and who have written to you for these reports.

This is so plain to my mind that I cannot see how Senators can differ with me on the question. My whole object is that the public documents shall be printed free, shall be distributed free, but that we do not again introduce the system which invites politicians and other parties to misuse the power which was called the franking privilege. I would trust to the honor of any Senator to send nothing through the mail but a public document when he is asked to write on a document "Agricultural Report" and sign his name. It is not therefore because we will not trust Senators, it is not because we will not trust members of Congress; it is because we ought by law to provide that nothing shall go through the mail free except such matters as are printed at the request of our constituents for their good and are public documents.

Mr. ANTHONY. Mr. President, may I appeal to Senators now to give us a vote on this question. The discussion has taken a very wide range and far out of the original purpose of the bill. The bill has been framed merely to codify existing statutes and to make some changes that are in the direction of the sense of the Senate, as repeatedly expressed during this session. I hope we shall have a vote upon it.

The PRESIDENT *pro tempore*. The question is on the amendment

offered by the Senator from Vermont, [Mr. EDMUNDS,] upon which the yeas and nays have been ordered.

Mr. EDMUNDS. Let it be read, so that we shall all understand what we are voting upon.

The CHIEF CLERK. In section 14, line 2, it is proposed to strike out "twenty-five thousand" and insert "fifty thousand."

Mr. FERRY, of Michigan. On this question I am paired with the Senator from Vermont, [Mr. MORRILL.] Were he present he would vote "nay," and I should vote "yea" on this amendment.

The question being taken by yeas and nays, resulted—yeas 21, nays 28; as follows:

YEAS—Messrs. Alcorn, Bogy, Carpenter, Chandler, Conover, Edmunds, Frelinghuysen, Harvey, Hitchcock, Ingalls, Lewis, Logan, Mitchell, Pratt, Ramsey, Ransom, Robertson, Sprague, Tipton, Wadleigh, and Wright—21.

NAYS—Messrs. Anthony, Bayard, Boreman, Boutwell, Buckingham, Clayton, Conkling, Cooper, Davis, Flanagan, Gilbert, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, McCreery, Merrimon, Norwood, Oglesby, Patterson, Sargent, Saulsbury, Scott, Sherman, Stevenson, Stockton, and Windom—28.

ABSENT—Messrs. Allison, Brownlow, Cameron, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Goldthwaite, Hamilton of Texas, Hamlin, Howe, Jones, Morrill of Maine, Morrill of Vermont, Morton, Pease, Schurz, Spencer, Stewart, Thurman, Washburn, and West—24.

So the amendment to the amendment was rejected.

Mr. STEVENSON. I now offer my substitute——

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts [Mr. BOUTWELL] is now the pending question. It will be read.

The CHIEF CLERK. The amendment is to strike out in line 2, section 14, the word "twenty-five" and insert "not exceeding fifteen," and at the end of the section to insert "to the officers of the department and to those who contribute information for the use of the department."

Mr. EDMUNDS. I would ask the Senator from Massachusetts to explain to us whether he means by the words "those who contribute information for the use of the department" its regular agents in the various counties; or does he mean the authors of works on agriculture who supply that department with considerable of the information that is contained in the reports?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts.

Mr. WRIGHT. Let the section in the bill be read.

The Chief Clerk read as follows:

SEC. 14. That it shall be the duty of the Congressional Printer to print and bind twenty-five thousand copies of the annual report of the Department of Agriculture for the use of the Commissioner of Agriculture.

Mr. STEVENSON. I should like the Clerk to read the substitute which I propose to offer when the section is amended.

The Chief Clerk read the amendment of Mr. STEVENSON, as follows:

That it shall be the duty of the Congressional Printer to print and bind three hundred thousand copies of the annual report of the Department of Agriculture for distribution; one hundred thousand for the use of the Senate and two hundred thousand for the use of the House of Representatives, and that the said report be sent free of postage through the mails upon being properly designated on the outer envelope.

Mr. MERRIMON. I will vote for that amendment if I cannot do any better, but I desire to offer a substitute.

The PRESIDENT *pro tempore*. It is not in order to offer it; but it can be read for information.

Mr. MERRIMON. I send my proposed amendment to the desk to be read for information.

The Chief Clerk read, as follows:

That each Senator and member of the House of Representatives shall have the same number and kind of books and documents now allowed by law to each; and that the franking privilege be, and the same is hereby, restored, so far only as to allow Senators and members of the House of Representatives to send such books and documents to the people.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts, [Mr. BOUTWELL.]

The amendment was rejected.

Mr. STEVENSON. Now I offer my amendment as a substitute for the fourteenth section:

That it shall be the duty of the Congressional Printer to print and bind three hundred thousand copies of the annual report of the Department of Agriculture for distribution; one hundred thousand for the use of the Senate and two hundred thousand for the use of the House of Representatives, and that the said report be sent free of postage through the mails upon being properly designated on the outer envelope.

I do not intend to occupy the time of the Senate, exhausted as it is, by any remarks on the bill or my substitute for the fourteenth section. I wish the question distinctly met whether we are going to distribute these Agricultural Reports among the people for whom they were intended, or whether we shall just abolish the whole business. There are some six or seven million farmers in this country. They are the great producers in the land. Agriculture is the great source of our wealth.

I insist that this substitute is no side-way restitution of the franking privilege. I undertake to say that for years the Congressional Globe was sent just as it is proposed to send this document, with nothing upon it except "Congressional Globe" and a reference to the act of Congress directing that it should be sent free. Then every farmer will get this document, one of great value. I am in favor myself of letting all have it, and I would go for a greater number even than that which I have proposed.

Mr. FRELINGHUYSEN. I would suggest to the Senator from Kentucky that he make his proposition one hundred and seventy-five thousand for the House and twenty-five thousand for the Commissioner, for the very purposes which have been indicated by the debate.

Mr. STEVENSON. I except to that modification. We shall then meet this question fairly. Either give up printing this report, or print a sufficient number to do good. My constituents have not as much ready money as those of the distinguished Senator from Massachusetts. They are taxed, heavily taxed; they contribute largely to the support of this Government; and all that they ask is that they shall be able from the reading of this report to make advances in this great science which he himself admits lies at the foundation of all our wealth. I say that they ought not to be taxed again for giving them this book. I shall either vote to reduce this to the smallest number, or to make it large enough to reach the ends for which this Bureau was established and for which this report has been always printed. We shall then have a fair test. Upon the substitue I call for the yeas and nays.

The yeas and nays were ordered.

Mr. FRELINGHUYSEN. Let the amendment be read as modified.

Mr. STOCKTON. I desire to make a suggestion to my colleague and to the Senator from Kentucky. I think it is very proper that twenty-five thousand should be given to the Commissioner of Agriculture——

Mr. STEVENSON. I agree to all that, and I propose seventy-five thousand for the Senate, two hundred thousand for the House, and twenty-five thousand for the Commissioner.

Mr. PRATT. I wish to inquire of the committee having this bill in charge what provision is made in the bill now for the sale and distribution of the Agricultural Report outside of the twenty-five thousand provided for distribution by the Commissioner of Agriculture? I make this inquiry for the purpose of enabling me to determine how I shall vote upon the pending proposition.

Mr. FRELINGHUYSEN. I do not see the chairman of the committee in, but I understand the provision of the bill to be that these reports will be sent on being prepaid the postage and the expense of the book.

Mr. PRATT. But how is the number to be printed to be determined?

Mr. FRELINGHUYSEN. By the Joint Committee on Printing.

Mr. PRATT. The work is stereotyped then.

Mr. SCOTT. I wish to say that I think the time is hardly yet come for a restoration of the franking privilege. It may come after there shall have been some experience of the stringency caused by the abolition, and after some experience pointing out to us what books we ought to print and how many; but until it does come I shall vote against all propositions for restoring it in shreds and patches. Let us have either the system of printing books and having the people pay for them, or the franking privilege or something equivalent to it restored in full vigor, one or the other.

Mr. STEVENSON. I would say to the Senator from Pennsylvania that I think that is rather an indirect attack upon this amendment. In the first place, a restoration of the franking privilege he knows would not be in order. I am perfectly willing that the Senator shall vote against me. He no doubt will represent his constituency in their desire not to get this document, or they may have money enough to pay for it. That is a very fair and legitimate question. He certainly has a right to vote against it and will do so; but do not let him say that it is an indirect attempt to restore the franking privilege in face of the fact which he knows as well as anybody else that the Congressional Globe was distributed after the franking privilege was abolished.

Mr. SCOTT. Not now.

Mr. STEVENSON. Not now; but it was done, and it was done outside of the franking privilege. I undertake to say to the Senator that the sending of the Congressional Globe was not connected with the franking privilege. That was under an independent statute upon the statute-book, and you might as well have said that that was the franking privilege. I say it was an independent statute which authorized the Congressional Globe to go without franking. I propose just the same thing with the Agricultural Report.

Mr. CONKLING. That statute did require that the book should be labeled as the Senator's amendment provides here.

Mr. STEVENSON. Precisely. I took the amendment from the statute, which is on the statute-book, and therefore it is not just to say that this is an attempt to restore the franking privilege; not that I am not in favor of the franking privilege. I voted against the repeal; I will vote for its restoration. I regard it as lying at the foundation-stone of free government and cordially assent to all that was so well expressed by the President of the Senate in what he said. I think it a bad day for a free government when its representative assembly shall undertake to keep from the eyes of the people the great transactions which occur here. But that has nothing to do with this debate. The simple question is, if we have an agricultural Bureau, if we avail ourselves of the progress of agriculture, who is to be benefited by it? Only the men who can afford to send here money to get the report, while the great body of the tax-payers who support this Government are not to have the privilege unless they can afford to pay for it? I am opposed to that principle, and I am opposed to letting any head of a Bureau be the sole distributor to those who

need the documents, to decide upon the persons to whom they shall be sent.

Mr. RAMSEY. I suggest to the honorable Senator from Kentucky that if that is the object he must enlarge the number.

Mr. STEVENSON. Well, I will take this number. We got along very well with about this number for many years, and heard no great complaint. Half a loaf is better than no bread.

Mr. MERRIMON. I want to appeal to my friend from Kentucky to allow an amendment so as to embrace the Patent Office report.

Mr. STEVENSON. I do not think that would be in order. We are now upon this particular subject. I do not believe there are any Patent Office reports published. I do not want to embarrass this bill. I have no object except to bring the question to a practical test.

Mr. MERRIMON. The mechanics of the country are interested in the Patent Office report, as much so as the farmers in the Agricultural Report. I have as much demand from mechanics for the mechanical report as for the Agricultural Report from farmers.

Mr. SCOTT. The Senator from North Carolina makes a very pertinent suggestion. He makes one which proposes to send the publication which is now made of the proceedings in the Patent Office, the Official Gazette, free to the mechanics of the country. That is now sent out, not in the old form of the Patent Office report, but upon payment by the mechanics of the country for that very publication by subscription.

So far as the distinction made by my friend from Kentucky between this proposition of his and the franking privilege as illustrated by sending through the mail free the old Congressional Globe is concerned, it is only in name. It is the free transmission through the mails of documents printed by public authority, whether sent by virtue of one statute or another. The mode of sending, whether the name is required to be upon the address as "public document" or not, makes no difference whatever. One statute authorized the sending out of the Congressional Globe; other statutes authorized the franking of letters and public documents; and I see no distinction when it comes to sending the documents free through the mails, whether you call it the franking privilege or the sending of public documents by virtue of a statute. It is for that reason that I say I am unwilling to begin by discriminating and restoring this free transmission of public documents through the mails in shreds and patches. Let us have it all one way or all the other.

Mr. STEVENSON. I am astonished that so clear-headed a speaker and thinker as we all acknowledge the Senator from Pennsylvania to be should fall into that error. He says there is no distinction. He knows very well that the franking privilege was subject to great abuse. This cannot be subject to any. He knows very well that if the Congressional Globe had been permitted to stand and be sent free through the mail, it could not be subject to the great abuse that led to the abolition of the franking privilege. Now, I ask the Senator to tell me what abuse is it to let the CONGRESSIONAL RECORD go free—to let the Agricultural Report go free? There are a great many useless books published that I would not send free, but these are two absolutely essential sources of information to the people. Their value and their benefit are admitted. They are placed on a footing where they cannot be abused. The franking privilege was subject to a great many abuses. I do not think this is a restoration of the franking privilege, and I hope we shall have a vote.

Mr. ALCORN. I may be pardoned for venturing at this time to speak on the subject before the Senate, but I rise for information. Will some Senator show me wherein the Government is to lose one single cent by permittingthe Agricultural Reports to go through the mails free? Is there a loss of one single cent to accrue to any Department of the Government or to the people of the nation? Is it to increase the mail service of the Government to the extent of one single farthing? It is not. I answer the question myself; it is not. Then what is the proposition here, and why do Senators stickle upon this question of sending the Agricultural Reports through the mail free? It is a bare proposition as to whether you will tax the people for the benefit of the Government, those who receive the Agricultural Report, or whether you will permit them to receive it without charge. Do we desire now to raise revenue by means like this? Does it not come down to that point at last, that it is simply a question in regard to raising a revenue in the form of a three-cent or a five-cent stamp on each Agricultural Report?

There are in this country two million six hundred and odd thousand farmers, and these farmers who sit at the sources of the wealth of this nation come here asking that this information, which they in truth provide for through their representatives, which the Government pays for, shall be distributed back to them; and now Senators here arise and say they shall not have it unless they pay for it. I hold that they are entitled to receive it without pay. I shall vote to permit them to have it without pay, and in so voting I vote for the amendment of the Senator from Kentucky.

Mr. RAMSEY. It is evident this bill cannot be brought to a close to-night. It is now nearly six o'clock. I move that the Senate adjourn.

Mr. ANTHONY. I hope we shall finish this bill. I am sure nobody else can make a speech. We have heard everything about every subject.

The PRESIDENT *pro tempore*. The motion is not debatable.

The motion was not agreed to.

Mr. ANTHONY. Now let us have the vote without any more debate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky, upon which the yeas and nays have been ordered.

Mr. FERRY, of Michigan. On this question I suppose I am paired with the Senator from Vermont, [Mr. MORRILL.] He would probably vote "nay." I should vote "yea."

The question being taken by yeas and nays, resulted—yeas 34, nays 15; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Carpenter, Conover, Cooper, Davis, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Hager, Harvey, Hitchcock, Ingalls, Johnston, Kelly, Logan, McCreery, Merrimon, Mitchell, Norwood, Patterson, Pease, Ransom, Robertson, Saulsbury, Sprague, Stevenson, Stockton, Thurman, Tipton, Windom, and Wright—34.

NAYS—Messrs. Anthony, Boutwell, Buckingham, Chandler, Clayton, Flanagan, Gilbert, Hamilton of Maryland, Oglesby, Pratt, Ramsey, Sargent, Scott, Stewart, and Washburn—15.

ABSENT—Messrs. Allison, Boreman, Brownlow, Cameron, Conkling, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Hamilton of Texas, Hamlin, Howe, Jones, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Schurz, Sherman, Spencer, Wadleigh, and West—24.

So the amendment was agreed to.

Mr. MERRIMON. I offer the amendment I sent to the table a moment ago to come in as a new section after section 2.

Mr. ANTHONY. After the vote just taken I certainly think a question of this magnitude should be decided in a full Senate, and although I am exceedingly anxious to dispose of the bill, I move that the Senate adjourn.

Mr. SARGENT. I ask the Senator to allow me to move to take up the post-office appropriation bill.

Mr. ANTHONY. I prefer to stick to my motion.

The motion was agreed to; and (at six o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 5, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read.

CORRECTION OF JOURNAL.

Mr. HURLBUT. I observe that the Journal states that before the previous question was seconded on the bill in relation to the improvement of the mouth of the Mississippi River leave was granted to the gentleman from Ohio [Mr. GARFIELD] to submit an amendment. Now, my recollection, supported by the CONGRESSIONAL RECORD, is that the gentleman from Ohio asked leave to introduce an amendment which he had neither written out nor printed, and that I stated in the words which appear in the RECORD that I would allow the gentleman's amendment to be read, but did not say that I would accept it. I inquired of the gentleman what the purport of his amendment was. He told me what he proposed it should be, and said he desired to offer it as a substitute in case these bills failed.

Mr. GARFIELD. The gentleman is certainly mistaken in the first part of his statement. I asked leave without conditions to offer an amendment and have it considered pending to the bill. I said that I had not yet drawn it, but would draw it. That amendment I have drawn, and I understand of course it is pending. And how an amendment can be offered as a substitute to come in if the bills fail I do not see; for if they fail there is nothing pending. I do not care as to the particular method of getting at the amendment, but the amendment I certainly consider as pending, having been admitted by general consent. The conversation between the gentleman and myself to which he alludes occurred subsequently.

The SPEAKER. The Chair's understanding was in accordance with what appears on the Journal. But the gentleman having charge of the bill says that he did not admit the amendment, and his remarks as they appear in the RECORD seem to indicate that he did not admit it.

Mr. HAWLEY, of Illinois. What is the question?

The SPEAKER. Whether the gentleman from Ohio [Mr. GARFIELD] has an amendment pending.

Mr. HAWLEY, of Illinois. I stood near my colleague, [Mr. HURLBUT,] where I am standing now, and I noticed particularly at the time that he said, "I yield to have the amendment read." I know nothing as to the nature of the gentleman's amendment.

The SPEAKER. There need be no difficulty about this matter. If the House comes to a vote on seconding the previous question the gentleman from Ohio can have his amendment read, and if the House does not second the previous question the gentleman from Ohio will be recognized and can have his amendment admitted.

Mr. GARFIELD. The previous question was ordered last night.

The SPEAKER. But it can be reconsidered by a majority vote.

Mr. GARFIELD. I only consented to the arrangement on the understanding that my amendment was in.

The SPEAKER. Obviously the gentleman from Ohio must see that there was a misunderstanding on the part of the gentleman in charge of the bill.

Mr. GARFIELD. I see it from the statement he has made.

The SPEAKER. And the RECORD bears him out, although the Chair's recollection was in accordance with what appears on the Journal.

The Journal was corrected, and was then approved.

ARMY APPROPRIATION BILL.

The SPEAKER announced that he had appointed as managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1009) making appropriations for the support of the Army for the year ending June 30, 1875, Mr. WHEELER of New York, Mr. MARSHALL of Illinois, and Mr. LOWNDES of Maryland.

ORDER OF BUSINESS.

Mr. SWANN. I rise to move concurrence in the amendment of the Senate to the diplomatic and consular appropriation bill.

Mr. ELDREDGE. I ask the gentleman to yield to me for a moment. In accordance with the precedents of the House, I presume the House would like to hear read a telegram which has just been received from Oregon. It was the custom in former days to read such telegrams.

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from Wisconsin?

Mr. THORNBURGH. I demand the regular order.

Mr. RANDALL. What is the subject?

The SPEAKER. The telegram itself is likely to tell the subject.

Mr. GARFIELD. I object.

Mr. ELDREDGE. The gentleman from Ohio [Mr. GARFIELD] did not use to object to the reading of such telegrams.

Mr. GARFIELD. I do not know what the telegram is, but I wish the House to go on with the public business.

Mr. STARKWEATHER. I hope it will be read. It may give some comfort to gentlemen who need it.

Several members demanded the regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. No. 2453) to amend an act to revise and consolidate and amend the laws relating to pensions, approved March 3, 1873, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PRATT, Mr. INGALLS, and Mr. HAMILTON of Texas as conferees on the part of the Senate.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled; and

A bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SWANN. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes, with the amendments of the Senate; and to move that the amendments of the Senate be concurred in.

The amendments of the Senate were read.

The amendments were concurred in.

Mr. SWANN moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CENTENNIAL EXHIBITION.

Mr. KELLEY. I ask unanimous consent of the House for the passage of a bill regulating the admission of articles for exhibition at the centennial exhibition.

The bill was read for information. It provides that all articles which shall be imported for the sole purpose of exhibition at the international exhibition to be held in the city of Philadelphia in the year 1876 shall be admitted without payment of duty or customs fees or charges, under such regulations as the Secretary of the Treasury may prescribe. All such articles as shall be sold in the United States or withdrawn for consumption therein at any time after such importation are to be subject to the duties imposed on like articles by the revenue laws in force at the date of importation, and in case any articles imported under the provisions of the act shall be withdrawn for consumption or sold without the payment of duties as required by law, all the penalties prescribed by the revenue laws are to be applied and enforced against such articles and against the person who may be guilty of such withdrawing or sale.

Mr. MCCRARY. I make no objection to anything which will not cause delay.

No objection being made, the bill (H. R. No 3601) received its several readings, and was passed.

Mr. KELLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BENJAMIN W. REYNOLDS.

On motion of Mr. HERNDON, by unanimous consent, the House refused to concur in the amendment of the Senate to the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds, and asked a conference on the disagreeing votes of the two Houses thereon.

REMOVAL OF POLITICAL DISABILITIES.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 3602) to remove the political disabilities of Thomas F. Fauntleroy, a citizen of Virginia; which was read a first and second time.

Mr. PLATT, of Virginia. I ask the gentleman to allow me to insert as an amendment to the bill the name of Dr. Charles H. Williamson, of Portsmouth, Virginia.

Mr. HUNTON. I will accept that amendment.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and (two-thirds voting in favor thereof) was passed.

COUPLING OF CARS.

Mr. PHILLIPS, by unanimous consent, submitted the following resolution; which was referred with an accompanying petition to the Committee on Railways and Canals:

Resolved, That the Committee on Railways and Canals be directed to inquire into the expediency of reporting a bill regulating the mode of coupling cars and running railroads so as to prevent, if possible, the great loss of life caused by the present mode of procedure.

DEVELOPMENT OF MINING RESOURCES.

Mr. LOWE. I ask unanimous consent to have considered at this time the bill (H. R. No. 2032) to amend the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872.

The bill was read for information.

Mr. STORM. I object.

Mr. HAWLEY, of Illinois. I call for the regular order of business.

IMPROVEMENT OF MOUTH OF MISSISSIPPI RIVER.

The regular order of business being demanded, the House resumed the consideration of the bill (H. R. No. 3342) for the improvement of the mouth of the Mississippi River, upon which Mr. MCCRARY was entitled to the floor for half an hour.

Mr. MCCRARY. I yield five minutes of my time to the gentleman from Massachusetts, [Mr. CROCKER.]

Mr. CROCKER. Mr. Speaker, I rise first in behalf of the National Board of Trade, of which I am a member. This Board at their autumn meeting last past in the city of Chicago, discussed fully the question of removing the bar at the mouth of the Mississippi River, passing upon it, as *imperative* and *controlling*, to be the bounden duty of the Government of the United States. This, Mr. Speaker, is one of those self-evident propositions which any man of common sense can hardly question. One is lost in the contemplation of what that valley is to be, with almost half of our population now, with twenty-one growing States, seven Territories, and more to come.

Where is our equilibrium and where are these States and Territories going to *land*? God in His wisdom has so made this continent, that it is not susceptible of division, diverse as our pursuits now are or may hereafter be. We cannot divide our Mississippi, or other noble rivers. "Mason and Dixon" is a myth of the past. Sir, we are one family, large, I confess, but *one* family we must be. Our popular institutions, ever developing our broad land from shore to shore, from center to circumference, until at last we are molded together, not only by the ties of interest, but consanguinity and fraternity, never to be severed, "one and indivisible." Sir, I yesterday heard of a South, sometimes coupled with a West, as if there were no East or North. Has the compass lost its attraction to the north pole? And is there *no* North, *no* East? Have they not also the same vital interests that the South, or even the West has? If you open the Mississippi, open it *effectually*. Are we of the North and East to be shut out and not to use it, or reap the benefits of its competition with the iron rail in cheapening transportation? Heaven forbid; it cannot be. Sir, I repeat once more, we are one. When calamity reaches the South, are we not one? If the waters cover the South, is the East, ay, is Massachusetts and New England laggard, cold, or stolid, indifferent to her calamities?

Did Boston, the pride of New England, after the loss of one hundred millions by fire, hold back? Are we not ready to share what God in His mercy has given us? Ay, sir; say not *South*, or *West*. So long as our glorious inland seas from the cold Superior to Ontario lave our northern shores, or the roar of Niagara's cataract is heard to heaven, or the stormy Atlantic billow roar's its requiem upon the rock-bound shores of New England; so long as the electric wire from our shores under its bed, three thousand miles away, clicks the business throb of a great country, so throbs the heart of our people from every State in our Union. Touch Louisiana or California or any other State with distress and suffering, and you touch the East and North.

But enough of this. I now come to the question of the two systems, each advocated so ably, to remove obstacles in developing our commerce. I confess to be in doubt. I acknowledge my indebtedness both to the majority and minority bills and reports, both aiming at the same grand object. I shall offer no amendment; but what I would prefer is that some number not exceeding ten should be selected

from the Mississippi Valley, of its *practical* and *sound* men, by the Speaker and the Presiding Officer of the Senate, to serve without pay, save expenses, with power to call upon Army or civil engineers for any facts they may desire to develop, to the end of making up a clear judgment, to be rendered on or before the 1st of October ensuing, and to be conclusive and final, whether by the whole or a majority thereof of said commission.

Now, a word about engineers, of which my friend from Tennessee [Mr. LEWIS] has said so much. I may state without egotism that I have had something to do with that profession, having built a great competing line for western traffic and having had charge, from my own State, of the Hoosac tunnel for some two years, before it was contracted, and which cost Massachusetts ten millions—to reduce, like the present proposed improvement, the cost of transportation. Engineers are indispensable; *figures, quantities* must be had; but as a rule they (the engineers) are not economists. They should in this regard be controlled by the practical brains of self-made men. Even in the profession itself some of its strongest jewels, like Stephenson, and Loammi Baldwin of Massachusetts, educated themselves. I had occasion to test Baldwin's engineering, and his levels made twenty years before I had anything to do with public works. Sixty miles from Boston and tide-water, on the White Mountain ridge, we only varied a single foot from low tide. Now we ought to add the judgment of practical men to that of engineers, in a matter of so much importance to the country.

Sir, my friend from Missouri [Mr. STANARD] said yesterday that he hoped to see the time when the Mississippi Valley should produce four hundred million bales of cotton for export. I go further than that, for I do not wish to be here "*hewers* of wood and *drawers* of water" for countries thousands of miles away, furnishing simply raw material for them, to be paid back in the fabric made from the *same* material at 100 per cent. profit. Let that great valley keep their cotton; manufacturing it into yarns and cloth, *for exportation*, and for home consumption, and not export the raw cotton. The Mississippi Valley ought to do their own manufacturing at home, dike their own river as it should be done, and the happy millions that can be sustained on that rich delta cannot now be computed.

Sir, we have heard this very week much of Mormondom, but if we would take a few lessons on political economy from Brigham Young and his associates, who have made a wilderness of sage brush to blossom like the rose, who have made a wealthy community in twenty-five years, of barefooted men and women, by supplying the wants of their people at home—I say, sir, if we made our rivers and thoroughfares what they *should* be for cheap transportation, our manufacturing industries what *they* should be likewise, we should not now be crying after specie, of which we produce some hundred millions of dollars annually, or what is stranger still, crying from day to-day after bad money. Lord Bacon truly says:

There are three things that make a nation great and powerful: a fertile soil, busy workshops, an easy communication of men and merchandise from one place to another.

Mr. MCCRARY. I now yield to the gentleman from Massachusetts, [Mr. E. R. HOAR.]

Mr. E. R. HOAR. I believe my State will be found always ready for liberal appropriations for the improvement of the Mississippi River. For one I am not satisfied that the mouth of that river will ever be cleared out by eloquence. I am in the condition of many members of this House who are not satisfied with either plan which has been presented here, and who do not think it safe to expend so large a sum of money without such further surveys and examinations as will enable us to determine with more confidence which is the better plan. I hope, therefore, that the House will not support either the jetty or the canal plan without a further examination by a competent commission consisting of eminent civil and military engineers. I should be very glad to have Mr. Eads on the commission, or anybody else who has fame, reputation, and competent skill for that service. But it seems to me we ought to have a very careful and thorough examination, and not trust to any committee of the House or any single individual, however competent he may be.

Mr. MCCRARY. I now yield to the gentleman from Minnesota, [Mr. DUNNELL.]

[Mr. DUNNELL then addressed the House. His remarks will appear in the Appendix.]

Mr. MCCRARY. I desire to call the attention of the House for a short time to the bill which the minority of the committee have reported as a substitute for what is known as the Eads bill. Before I do that, however, I wish to repeat a remark or two which I made yesterday when some gentlemen now here were perhaps not present.

Even if the House of Representatives should be disposed to adopt what is known as the jetty system, I am entirely confident that no man can justify his vote for the pending bill, for if there is any reliance to be placed upon careful estimates made by the Engineer Department, that bill proposes to give Mr. Eads, at the lowest calculation, $4,000,000 more than the work is worth, and perhaps $7,000,000 more than it is worth, according as the more expensive or the cheaper mode of construction shall be selected by him under the bill.

The estimates which General Humphreys reported to this House, and which are the basis of the statement which I now make, include, as he tells us, a fair profit for the contractor. Now if this plan is successful how can any man justify voting from four to seven million dollars more for the performance of the work than the Government can do it for itself on its own account? Is the Congress of the United States incompetent to decide, with all the light we have, after fifty years of experiments, with report after report on the feasibility of the canal system and the feasibility of the jetty system, is the Congress of the United States incompetent now to decide upon one or the other of these modes, and are we reduced to the extremity of saying we do not know what plan to adopt and we will therefore make a gambling contract, which, in case of success, will cost us twice or thrice what is fair?

Now let me call the attention of the House very briefly to the bill which I have proposed as a substitute for the report of the committee. The difficulty and the only difficulty in the way of adopting the canal system, and providing now for its immediate construction, is in the fact that the engineers did not have sufficient time to make all the borings and examinations necessary to a final and definite location and estimate of cost. The report of the Engineer Department is that they are unable for want of time to make a definite or exact estimate as to the cost of the canal. Therefore they suggest that it might be better to have a still further examination and survey before any appropriation is made. This difficulty we propose to obviate. If gentlemen will look at the bill which the minority of the committee have reported as a substitute for the report of the majority, they will discover that it provides that "the Secretary of War shall cause to be made in the most expeditious manner a thorough, detailed, and final survey and location of said canal. The survey and report of the engineers assigned to this duty shall exhibit complete plans and specifications of the work in the construction of such canal; and the estimates of the cost of each portion of the work shall accompany and form part of the report of such survey; and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of such survey."

This much will be secured by this bill. The bill provides that after the survey is made, and the plans and specifications are adopted, the Secretary of War can contract for the entire work to be done in three years at an aggregate cost of not more than $8,000,000, then he shall go on and contract for the work. Otherwise, of course, the matter will go over for further legislation by another Congress, or at the next session of this Congress. I am myself confident that the whole work can be contracted for within the sum of $8,000,000.

It is true that the engineers in their report place the sum at a little over $10,000,000, but they are careful to say that they do that without having sufficient time to make the exact borings and examinations, and name that sum for the purpose of covering all contingencies; that it will cover the entire cost of the work in any event. Captain Howell's estimate was $7,400,000, and he has given more attention to it than any other man connected with the board.

The cost of the Suez Canal was $806,936 per mile. The length of the Fort Saint Philip Canal will be a little more than six miles. I have every assurance from competent authority that the cost of the Fort Saint Philip Canal will not be greater per mile than that of the Suez Canal. I have also an assurance that if the maximum is placed at $8,000,000, there will be lively competition among bidders for the contract below that sum. If I am wrong in this, if the minority of the committee are wrong, then the only effect of this bill will be to provide for the survey and location and a detailed estimate of the cost of the canal, and the matter will be left for further legislation hereafter; because the bill expressly provides that there shall be no contract let under it, unless it is for the whole work, for a sum not to exceed $8,000,000. This, then, is a safe proposition. It is one that can be supported by every gentleman who believes in improving the mouth of the Mississippi River by means of a canal. I believe the work will be built not only within this limit of cost, but for considerable less. The House takes no risk in adopting this bill. I yield the remainder of my time to my colleague, [Mr. KASSON.]

Mr. KASSON. Mr. Speaker, the time that is left at my disposal is so extremely short that I can but call the attention of the House in all earnestness to two or three points that are presented in connection with this question. And first I ask members of the House whether they understand what the bill reported by the majority of the committee proposes? It calls for the expenditure of $11,000,000; $5,000,000 to be paid in one period and $6,000,000 during a later period but after the work is done. Those are the expense provisions of the bill in brief. How is it proposed to earn this $11,000,000? Where is it proposed to put the works? What are those works to be? Are they to be of stone, of wood, or of willow twigs? Are they to rest on solid bottom or on mud foundation? Being erected, how long will they last? Not an assurance is given by this bill upon any one of these points.

Again, sir, what do you propose by this bill to do with the lower part of the Mississippi River? You turn it over to Mr. Eads to do with it what he pleases. Every outlet, every pass, every embankment, every tree along that river is turned over by this bill, without any responsibility, to this engineer—this eminent engineer, if you please—whose name alone is mentioned in the bill. Can you sell out every one of the seventeen mouths of the Mississippi River without a bond, without a guarantee, without an opinion of your engineers, with-

out a revisory control by a single officer representing the United States? Dare you turn over this great Father of Waters to one man? Dare you turn it over to the President himself, or to the War Department, or to the Navy Department? I for one answer that Congress dare not turn over to any single man this entire river to do with it as he pleases without the control of a single officer of the United States and for the sort of improvement proposed in this bill.

In this respect this is the most extravagant and most extraordinary bill that has ever been presented within my knowledge to Congress. You propose to give one man $11,000,000; and in the mean time you require nothing of him except a result that may not continue a single year after he has obtained the money. Secondly, Mr. Speaker, you propose that he shall have $5,000,000 when he has, in the language of the bill, "secured" twenty-eight feet of water by any system he chooses to adopt and by any outlet which he may select. The next section provides for the payment of $6,000,000 more if only he keeps, in any way whatever, that depth of water during the successive periods that are named while he is receiving the money. What is there proposed here except to make a bet with Mr. James B. Eads on the one side and the United States one the other, in which the stake is $6,000,000, that by some means or other he will be able to keep this twenty-eight feet of water until the last payment is made, nine years from the time that the work begins. I say, sir, that in these respects the bill is one of the most extraordinary I have ever known to be presented to Congress. It is provided at the end of the second section—I wish gentlemen would turn to the bill—

That the whole sum to be paid under this section shall not exceed the sum of $5,000,000, and for which the depth of water for vessels throughout the channel of such outlet or pass shall not be less, at ordinary flood-tide, than twenty-eight feet of water into the Gulf of Mexico.

Then the next section goes on to provide for paying him $6,000,000 more if from year to year he manages to keep that depth of water, the payments to be made at the rate of about $1,000,000 a year during a certain period, without any security that afterward you will not have to continue the work at your own cost, and at an expenditure of hundreds of thousands annually, in order to maintain the same depth of water he has obtained by annually extended jetties. In other words, your bill does not provide that his work shall permanently produce that depth, but only that he shall keep it up until the payments are made.

I have but a moment or two remaining to say a few words upon the general policy of this bill. I have for a year or two, with my non-professional knowledge of these subjects and such personal examination as a non-professional man may make at the mouth of the river, considered this question with that interest which you may suppose any western representative must have; and I affirm that there is not a river in the world the operations of which can be predicted with as little certainty as can those of the Mississippi River.

They talk about this enormous bank, which I beg gentlemen, if they have time, to look at on the map, (holding up a map)—that line there representing about ten miles—a flat, subaqueous mountain of mud. They propose to remove that mud out of the channel, and then by a supposed shore current, which I find from a paper laid on my desk just now that a Mr. McSweeney, who runs a fishing-smack, declares exists somewhere in the Gulf of Mexico—they propose, I say, to move that off so it shall not again form a bar.

Why, sir, this jettie system has been operated by nature for hundreds of years. Will you look at your maps and see how the natural jetty has been run out for hundreds of years, until a considerable part of the continent has been projected into the Gulf of Mexico by the movement of the bars and the deposit of alluvium? The mud has gone into the Gulf by this natural jetty system, always moving the great mass of the bars a certain distance every year. But now turn to the shore of the Black Sea, to the Soolina bar of the Danube where the shore current does exist, and see how straight the line is. It has smoothed as with a knife the shore of the Black Sea, while on the Gulf of Mexico the shore is like the teeth of a coarse comb, reaching out into the Gulf; and yet they say the shore current exists in the Gulf of Mexico as it does here at the Soolina mouth of the Danube upon the shore of the Black Sea. Up here, observe, on this map, comes in the Dniester, the Bug, and the Dnieper, at the northern part of the Black Sea, all moving their large volumes out into the sea, while right opposite, southward, the Bosphorus, with a current of four miles an hour, is perpetually draining an enormous volume from the Black Sea into the Sea of Marmora, and thence into the Ægean. No such conditions exist in the Gulf of Mexico, or affect the mouths of this gigantic stream.

Do not let us deal with shams on this great question at a cost of $11,000,000 of money. Why, sir, the laws of nature seem to indicate what our policy should be. What does your great river? It picks up in its rivulets the earth on the slopes of the Rocky Mountains, it eats out as it advances the yellow earth of the plains, the western prairies of Iowa, and the fertile lands of Missouri; it casts into its great volume masses of the soil of the States of Illinois, Kentucky, and Arkansas, and so on southward, carrying a great mass perpetually, night and day, year after year, and for centuries, along its current into the Gulf of Mexico, until by the decree of Almighty God it is extending the State of Louisiana and the United States of America, away on toward the continent of South America where in the course of time it seems to be destined this land shall reach.

Now comes a gentleman who says that by the simple mode of applying an artificial jetty, instead of a natural one which nature has employed, he is going to contravene this law and prevent the decrees of the Almighty from being executed. It is utterly impossible, sir; and not only that, but this great river will not submit to your dictation or to that of any board of engineers. It has often shown its power against the will of man, and but recently our hearts quailed at the manifestation of its despotic character. Its little threads work their way into the levees raised by human skill; they work a little rivulet through them, and suddenly the great Father of Waters has burst his bounds and almost submerged a State of this Union. Sir, its action you cannot control. It is three thousand feet wide at its outlet, and it is proposed by this bill to reduce that outlet to six hundred feet in width. Is the river going to submit to that without rising in the rear, bursting its banks as it has done time and time again? It will break your artificial bounds. It *will* have its way, and its choice of ways. There is but one thing for us to do who desire to secure prosperity to the southern part of this great Mississippi Valley and to promote that of the northern part, and that is to flank the natural exits of the river. Leave it to its own laws. Let it build out its banks, let it do what it will with its great bars, and it is then indifferent to us if we have an artificial channel at a less cost. This work will stand as long as the art of man, aided by still water, may provide. This outlet is practicable, is recommended by an able board of impartial engineers, will meet the wants of commerce, will cheapen freights from eighteen States and Territories, and will avoid a contest with the terrific forces of an unmanageable and mighty river.

[Here the hammer fell.]

Mr. HURLBUT. Mr. Speaker, I have been singularly pressed by members who wish to speak on this question, and I ask the indulgence of the House to give half an hour more to be distributed among those who wish to speak on this occasion. We of the committee have been liberal ourselves,

Mr. RUSK. This is private-bill day.

Mr. HAWLEY, of Illinois. I do not object if the time be fairly distributed, but I think it would be quite unusual to allow my colleague an hour and a half in which to close debate. That would be a remarkable proceeding.

The SPEAKER. The gentleman from Illinois has an hour in which to close debate.

Mr. HURLBUT. I yield for a moment to the gentleman from Pennsylvania, [Mr. SPEER.]

Mr. SPEER. The gentleman from Illinois [Mr. HURLBUT] yields to me for a moment to say that I had intended to submit some remarks to the House in opposition to what I regard as this wild jetty experiment; but I was too ill to attend the session of the House yesterday and I am too weak to-day to speak. I therefore must content myself with expressing my position on this question by my votes alone.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3009) for the relief of Michael Bannon, of Dayton, Ohio;

An act (H. R. No. 3007) granting a pension to Cordelia Wilkins;

An act (H. R. No. 3011) granting a pension to Mrs. Letitia Carr;

An act (H. R. No. 3014) to place the name of Mrs. Caroline Duncan on the pension-roll;

An act (H. R. No. 3012) granting a pension to John Heddinger;

An act (H. R. No. 3019) granting a pension to George H. Reynolds;

An act (H. R. No. 3160) in reference to the shipping commissioners act, approved June 7, 1872;

An act (H. R. No. 3574) explanatory of the act of June 30, 1864; and

An act (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875.

IMPROVEMENT OF MOUTH OF THE MISSISSIPPI.

The House resumed the consideration of the bill in relation to the improvement of the mouth of the Mississippi River.

Mr. HURLBUT. Mr. Speaker, I do not feel sure on this occasion that I shall be able to rise to the magnitude of the great interests that are here involved, but I think I can feel sure of one thing, that I shall not descend to the littleness of indiscriminate censure and personal attack upon men who may happen to differ from me. The arguments which have been presented here in opposition to this measure and in sustentation of this canal scheme may be divided into two classes—one represented by my colleague on the committee, the gentleman from Iowa, [Mr. MCCRARY,] reasonable, fair, candid, and broad in its statements—the other class to a large extent colored by what I am compelled to characterize as prejudice, and tending to lead this House to the consideration of other questions than those which are in fact involved in this issue.

All who have spoken on this question recognize the necessity of some speedy national action. All recognize that there is no other civilized country on the globe which, having such a river given to it by the goodness of God, would allow it in all its beneficial effects to be paralyzed during all this long period of years. It is a national disgrace, a national ignominy. Other gentlemen have presented on this occasion the statistics of that large and wide country which is more

or less dependent upon the free navigation and the free use of the Mississippi River. I shall not follow them now, sir. I assume that this House knows that this question is the most national of any that has yet been brought up.

Some gentlemen have spoken here with some appearance of learning upon the subject who do not understand the first principle about the Mississippi River, who know nothing at all about the characteristics of the stream. Starting, sir, as it does from the far Northwest, it curves down by Minnesota and Iowa and Northern Illinois a pure stream, as bright as the brightest that sparkles in the granite hills of New England. But, sir, when its mighty tributary—if it be not the main stream—the Missouri, comes in loaded with the erosions which it has made in all those vast plains which it traverses, the character of the great river changes, and all its affluents from that point down come loaded with material gathered from twenty-seven States and Territories, mingling up the current into one turbid mass, and so loaded the Mississippi seeks to reach the open sea, the deep Gulf. In its downward course, sir, it shoots from point to point, making these great bends in the river until it reaches what we may consider its normal depth and normal width as it comes into the delta below Baton Rouge, and from above the city of New Orleans down to the heads of the passes the river runs with a quiet, steady, and rapid current. The banks do not give way, soft as the material is of which they are constructed, because the volume of the river in its depth and in its width has settled and the channel is able to perform the duty for which the river has excavated it. Its unfinished work is after it divides its volume at the head of the pass and seeks by various outlets to reach the Gulf. The power which the main column of the current had is divided up. It has sought to pass out to the east and the southeast and the south, and now the great volume of its waters is turning through this same Southwest Pass.

Now, every gentleman knows by the most familiar example that if you take a tumblerful of turbid, muddy water and let it stand, it settles and the sediment goes to the bottom. You stir it up and agitate it and give it motion. The motion gives it power to hold these particles of earth in mechanical suspension and carry it on. And the trouble about the Mississippi mouth is that the river by its division into these branches and by the shallowness of its volume has lost in some degree the power of carrying this suspended material out into the deep waters of the Gulf. That is sought to be remedied by the bill which I, representing the majority of your committee, have presented to the House. It is sought to be remedied by merely accelerating the very work which the river is doing now.

All of us who have ever seen water run know the rapidity of the current is in the middle of the stream; and as the volume and rapidity of the current are there and it carries more matter, the current along the shores is less, and the power of carrying matter is less, and therefore the shores of one of these turbid rivers are constantly being built up by deposits from this slower water, while the main volume in the center deposits little, if any. The proposition of Mr. Eads is no secret. It is no invention. There is no patent-right upon it. The thing has been done and in use from time immemorial.

To antagonize this project there is brought in, originally by the Representatives from Louisiana, or rather from the city of New Orleans, the plan of a canal extending from a point below Fort Saint Philip out into a shallow lagoon of the Gulf of Mexico, that is known as the Isle au Breton Pass. And the gentlemen who talked yesterday in regard to that pass do not happen to know the topography of it as well as the men who have been there and seen it. This Isle au Breton Pass or Bay is simply a lagoon of the Gulf of Mexico; and the sea there has thrown up, as it has done all along our coast by the effect of its own waves, certain detached sand islands. For it is one of the strange facts in physics that the very forces which seek to destroy are the very forces which renovate. The great bulk of the Atlantic Ocean, surging constantly upon the shores of these United States below Barnegat, is checked by its own action by heaping up in front of the mainland a long chain of islands which protects it from the dashing, incoming, mighty roll of the great ocean.

Now, sir, in the first place the topography of this canal is not settled. I beg gentlemen's attention here. I shall not stop to read from the reports in the short time I have unless gentlemen ask me to do so. I say we have in print from our own Chief of Engineers, in response to an inquiry from our committee, the distinct statement that the scientific surveys of that canal are not so far advanced that he as Chief of Engineers dare to recommend any appropriation for it. Now, gentlemen, you who stand upon the reports of the engineers, what do you say to that? I know that ground. You get back from the comparatively hard bank which the river piles up. Many gentlemen may not know that in all instances the banks of the Mississippi are higher than the ground behind it. The drainage runs from these banks back into the swamps or lagoons beyond. Fort Saint Philip is built upon one of those banks. Beyond it, over this line which this canal seeks, is a marsh or trembling morass that nothing which is not web-footed can stand upon.

Mr. SYPHER. Fort Saint Philip is built on it.

Mr. HURLBUT. This makes the risk and the hinderance and the difficulty in the construction of this very canal. Why, sir, you will have to anchor it when you get it. Besides its being an utterly incompetent and insufficient method of bringing about the result which is sought, it is harassed by engineering difficulties that are infinitely higher than any that were ever presented in such a problem of engineering. With firm ground to work on that would stay, you can build a canal anywhere if you have money enough and water enough.

Mr. SYPHER. Will the gentleman permit me to ask him a question?

Mr. HURLBUT. Certainly.

Mr. SYPHER. Is it not a fact that both Fort Jackson and Fort Saint Philip are constructed upon this trembling territory of which the gentleman speaks?

Mr. HURLBUT. No, sir.

Mr. SYPHER. Upon a clay foundation, as the engineers report, of twenty-five feet in thickness?

Mr. HURLBUT. I have stated that Fort Jackson and Fort Saint Philip stand upon the natural levee which the Mississippi has built for itself. And I state further to the gentleman from Louisiana that he must know that whenever there comes one of those cyclones which they talk of, one of those tidal waves which they talk of, seven to eleven feet deep, it drives across the marsh from the sea, and more than once all the ditches of Fort Saint Philip have been filled by *débris* brought from the Gulf of Mexico in one of these cyclones.

Mr. SYPHER. Will the gentleman allow me to ask him another question?

Mr. HURLBUT. Yes, sir.

Mr. SYPHER. Has that water injured the ditches of Fort Saint Philip; and will the gentleman tell me how water can injure a canal?

Mr. HURLBUT. I heard the gentleman make that same unwise remark yesterday. If he has ever had anything to do with a canal, he should know that the one thing which has ever hurt it is water. Fire does not break a canal; water does. Water is an element of danger in a canal as well as of use. Let those gentlemen who live on the Erie Canal say what the breaches there in the spring of the year mean. The ditches of that fort have been filled more than three times with *débris* carried by waves across that very morass where they now propose to build this canal, averaging from seven to eleven feet. And what filled those ditches can fill your canal, not with water, but with silt and sand, and you will have to excavate again.

I know, sir, that we have a thriving and industrious people round about there; but I know, as the record before me shows, that it so happened that the moment the Engineer Corps, on the 9th of January—if my memory serves me correctly—determined that they would report favorably upon this canal scheme in six days thereafter, which is just about the time the mail would take to go from New Orleans to New York, all this land through which the canal was to pass was entered by certain private individuals, who entered up every foot of a territory of nine thousand acres through which this canal thus intended to be built would pass. It was entered by and is now held by a close corporation of gentlemen in New Orleans, some of whom bear very close relations to eminent gentlemen in the military service.

Mr. COBB, of Kansas, here made a remark which was inaudible to the reporter.

Mr. HURLBUT. All the lands, or rather the lands mixed with water, because the land there is about the consisteney of thick mud, are now in the hands of a body of men in New Orleans, who have entered it as a speculation.

Mr. HAWLEY, of Illinois. Will my colleague allow me to ask him a question?

Mr. HURLBUT. No, sir; I cannot yield.

Mr. HAWLEY, of Illinois. I would like to ask the gentleman only one question, and it is whether these gentlemen had not a right under the law to acquire this land?

Mr. HURLBUT. The land is worth nothing. It was sold to these gentlemen on affidavit which they made that it was subject to overflow, and was sold to them at the rate of twenty-five cents an acre.

Mr. HAWLEY, of Illinois. Cannot the Government condemn that land if it needs it?

Mr. HURLBUT. I do not see any provision in this bill for condemnation.

Mr. HAWLEY, of Illinois. That is provided for by general law.

Mr. HURLBUT. I do not know of any general law on the subject.

Mr. CONGER. We passed a bill here the other day providing for that.

Mr. HURLBUT. I cannot yield further. Now, Mr. Speaker, this land is in the hands of a local monetary interest. I do not, of course, say that that affects the action of the gentlemen who represent the city of New Orleans. They have a larger interest; they want the expenditure of an untold amount of money; they want to commit the Government to a project which your own engineers tell you from surveys will cost not less than $10,300,000, and when the Government is once committed to it it must be carried out, and all that money must be expended in the city of New Orleans.

Mr. Speaker, I do not know how much of this money, if the other proposition be adopted, would be expended there; but I do state that there is this objection to the plan existing within our own knowledge as detailed here by scientific men, establishing the fact in the first place that the Government is not prepared by the showing of any survey to go into any such operation as this canal at this time.

Now, sir, I do not antagonize the canal. When it turns out that it is the best thing we can get, I will vote any amount of money that may be necessary to make the mouth of the Mississippi free by whatever mode may be deemed the best; but I insist that we should not

be cut off from trying what the very best engineers of the country, including the Chief of the Engineer Corps himself, long ago recommended as the best provision for this purpose.

And this, Mr. Speaker, leads me to say a few words about this question of the Engineer Corps. I would judge them with absolute fairness and would censure nothing excepting where I think censure is deserved. But intemperate speeches have been made here in which the committee were charged unkindly with quackery in setting up their own opinions against that of the Engineer Corps, and this I regard as simply official insolence. The brain of the country, the willing power of the country is in Congress. These people are our servants; they act as we direct and we take their opinions and accept them for what they are worth; but I have yet to learn that the Congress of these United States cannot undertake a great improvement without permission from General Humphreys or any other engineer officer in the service.

Before I pass to other topics, I must notice the very cruel and undeserved remark made by the other gentleman from Louisiana, [Mr. SHELDON,] in regard to General Barnard. I regretted it when it fell from his lips, and I regret it the more when I see it deliberately published in the RECORD of to-day. What right had the gentleman or any one else to say of that great soldier and great military engineer that he is the oldest and feeblest of the Engineer Corps? It is putting himself directly athwart of the unbiased judgment of the whole country. Sir, there is no man in the service of the United States to-day whose record stands so unimpeachably high as does the record of General Barnard. He is no old man, sir. My friend from Massachusetts [Mr. DAWES] says he knew him as a boy, and who would venture to call the distinguished chairman of the Committee on Ways and Means an old man? Sir, it is wrong. General Barnard is not off active duty. He is on the most responsible duty that belongs to that Engineer Corps to-day, and but for the unfortunate defect in hearing, General Barnard would have held the place which General Humphreys holds to-day, and according to the doctrine of gentlemen we would have been tied down to the opinions of General Barnard instead of being tied down to the opinions of General Humphreys.

Now, sir, we had no engineers in this country forty years ago; we were glad to take officers from West Point where they got some education looking that way. But their business is military engineering; that is what they are educated for. It is true the country has devolved upon them the charge of a great many surveys with regard to our lakes and harbors, and they perform their duty. I am not finding fault with them. But in 1873 the Engineer Bureau, through their chief, wrote a letter, which I have here, in which they stated that they had not men enough to do their work; that there were one hundred and fifty-five officers in their department, and at that time they were employing one hundred and sixty odd civilians. What I say now about the Engineer Corps is simply this: that science does not stand military discipline. It is irreverent and improper and insubordinate for any member of the Engineer Corps to differ with his superior upon a scientific fact. Now science has no close corporations, it will not stand it. The country has been developed by the high premiums that have been offered for the great successes of civil engineering. Schools of technology devoted to this branch of science are all over the country. The educated intellect of the country in this civil engineering business is to-day far ahead of the tardy progress which our own military board of engineers have made. I say it with regret, but I know how it comes to pass.

It is but a few years since a gentleman now holding the position of president of one of these schools of ours for science and art was a civil employé of the Engineer Bureau. That gentleman was in charge of the surveys of the mouth of a river. By patient study and diligent investigation he discovered certain facts which he supposed showed the existence of laws heretofore unknown. He wanted to publish those views, but he was informed that as his views on that subject differed from what the Chief of Engineers had laid down in his great book on the hydraulics and physics of the Mississippi River, he must not do it. But in the interest of science he went on and did it, and they dropped him, and he is now the president of one of our colleges, and the scientific world has taken up and adopted his views.

Look at the influence of this system of military subordination upon the rising intellect of the country. In the building of the great bridge across the Mississippi River, with which the name of this Mr. Eads is so honorably connected, we have an example in point. Engineers doubted. They proved mathematically that the bridge could not be built, that the five hundred and twenty-five feet of arch could not sustain its own weight. Yet people believed in Eads; he believed in himself; and he went in and built the bridge, and it stands there now.

There are a couple of steamers on the Mississippi which have a fancy for extravagantly high chimneys, utterly useless, but supposed to be ornamental. They complained that at certain stages of the water it was a little unsafe for their chimneys, not for the boats, to go under the bridge; and a board of Army engineers was solemnly detailed down there to investigate that question. And how, in the name of common sense, do you suppose they settled it. Instead of saying to these steamboats "There are but two of you any how, and all you have to do is to drop your chimneys ten feet," they solemnly resolved to leave the river and dig a canal on the Illinois side around the approaches to the bridge, with a draw in it, so as to allow these two steamers with tall chimneys to go through! But men of science and men who had no science, but had some sense, met that proposition with such a roar of derision, that it just dropped dead, and lies there to-day among the papers of the Engineer Department never to be resurrected.

I object to this plan for a canal as proposed in this substitute, because it undertakes to vote an absolutely inadequate sum of money to perform the work, and because it is not guarded, as in my judgment it should be guarded. It has no provision by which the United States can condemn the right of way across there at once. And it entails upon us a hopeless expenditure of money. I hope gentlemen have read the letter of General Barnard upon the incomplete condition of the surveys of the canal. In regard to the lockage alone into the canal, the highest rapidity which they estimate a ship can pass through that lock is forty minutes. Now suppose that the next one is ready to go through. Practically it would take an hour, and from that to an hour and a half, for a ship to go through that lock. What sort of a remedy is that for the commerce of a city which those gentlemen and I too hope to see rivaling that of any of our sea-ports in the future. What sort of a remedy is that?

Again, there is no provision in the proposed bill for those expenses which are necessarily incidental to the work. See the report of Captain Howell and the report of the board of engineers. They tell you that they do not know now enough to even determine the line upon which the canal should be built. This canal, too, must have jetties. When you come to the shore of the bay you must carry out jetties far enough to reach deep water. The distance which they will have to go will depend upon the line which they adopt for the canal. The canal and the channel between the jetties will have to be perpetually dredged. There is no harbor there, and there never was, and there never will be till you make it. Now off the Southwest Pass there is anchorage ground, where ships for the last hundred years have ridden safely in this same tenacious mud that comes down the Mississippi River and is deposited there. To make your canal a success you must build these jetties out into thirty-five feet of water in Breton Bay. And you must in some way or other, by breakwaters or otherwise, provide a harbor of entrance and refuge. And if this canal is the only means by which the city of New Orleans can be reached, by which the whole commerce of the Mississippi Valley can be transported, then you must defend it. You must expend millions upon millions in establishing competent fortifications to cover this canal, or your commerce will at all times be at the mercy of the enemy. Your old forts there, Fort Saint Philip and Fort Jackson, do not cover it or reach it. The mouth of your canal, out there in the open sea, has to be defended. The gentleman alluded to the Suez Canal. Does he know what the simple breakwater to inclose the harbor of the Suez Canal has cost? It has cost over $6,000,000, in a sandy beach just as this is; for the whole bottom of Breton Pass is sea-sand.

I am warned by the clock that I must come to the other branch of the subject, after first disposing of the gentleman from Iowa [Mr. KASSON] who last spoke, and who I believe did not read or did not understand this bill. He asked this House, with that emphasis which he can always assume, whether it proposes to throw all the outlets of this great river into the hands of this man, Eads. Now, sir, the first section of the bill has this proviso, which controls the whole:

Provided, That no such works or means employed by him shall hinder, delay, or materially interfere with the free navigation of any channel now navigated by large vessels.

Is not that an answer to the gentleman's *ad captandum* appeal—a style of appeal, I regret to say, in which the gentleman generally indulges? There is not a word of truth in the supposition on which his argument is built.

But my friend, the chairman of the committee, [Mr. MCCRARY,] rests his opposition to this jetty plan upon two propositions, and challenges contradiction in the assumptions which he has made. He states in the first place that a vast volume of rolling matter is carried along by the whirling sub-current of the Mississippi; infinitely vaster in volume than that which is held in mechanical suspension. Sir, it so happens that the facts do not support the gentleman's statement. It so happens that where the river has current enough and rush enough it does, as you see all other streams do, sweep first mud, then sand, then gravel, then boulders in proportion to the power of its current.

But, sir, it so happened that some years ago this General Humphreys, then Captain Humphreys, with the assistance of Captain Abbot, of the Engineer Corps, made a detailed and exhaustive study of the physics and hydraulics of the Mississippi River; and the old remark in Job, "O, that mine adversary had written a book!" comes back with wonderful vigor and effect upon this occasion. On page 449 of this book, which was published at the expense of the Government, was gotten up by our engineers, and therefore must be authority, I find some remarks in regard to the question of current which I will take up first. Now, everybody knows—because, as I understand, engineering is only common sense applied to scientific propositions—everybody knows that the mass of matter that is carried out by the river is carried farther and farther out to sea in proportion to its volume. Everybody knows that as it runs into the dead water it sooner or later will drop by losing its force, and make this extension of the bar which gentlemen speak of. If there are currents there which have force enough to distribute this matter, it will be carried

east or west as the current may happen to run, and will go out into the general sweep of the sea.

Now, I want to state one common-sense proposition which I believe every member of this House who has ever seen water run will understand. Out there in the Gulf of Mexico from fifteen to twenty miles from the shore runs this sweeping current of the Gulf Stream driven in between the Pass of Yucatan and Cuba, which sweeps clear around the whole coast of the Gulf of Mexico and passes along by the cape to Florida, losing itself far off yonder in the northeast on the shores of Spitzbergen, Norway, and Ireland.

That current runs there; and it runs permanently; it runs always; it runs with a steady force. Now, necessarily there is a counter-current running the other way; and it is just as inevitable that there must be an inshore current between the Gulf Stream and the shore running westward as that the Gulf Stream itself runs eastward.

What is the proof of this? For the gentlemen challenge proof. The proof in the first place is in certain facts which the Engineer Corps know perfectly well—which everybody that knows anything about that country knows very well. All that shore of Louisiana west of the Southwest Pass is being constantly rubbed down, abraded and carried off by this very southwesterly current. The Isle Derniere that used to be a bathing-place down there some thirty years ago has been cut off and reduced to one-fifth its former dimensions. We had a fort down there, Fort Livingston, which we have been compelled to protect by jetties and piers to prevent the territory on which it stands from being swept away by this current. More than this, the Chief of Engineers says in this book on page 449—I cannot stop to read the whole of it—

> Winds may change the direction and force of these currents, which, in mid-river current, at a depth of 40 feet, are shown by the observations to vary from .3 of a foot to 2.5 feet per second, the mean being about .5 of a foot. As a velocity of .5 of a foot per second is sufficient to transport the material of which the bar is formed, the action of Gulf currents in carrying into deeper water the material pushed by the river into the Gulf, is evident.

Can I give you any stronger testimony than the testimony of the Chief of Engineers here in his elaborate report? That the action of the gulf carries into deeper water the material pushed by the river into the Gulf is evident.

Here in an appendix to this same work are some measurements, a long table of them, extending through a series of months from May to November, establishing an average velocity of about one foot per second of this current which sweeps across the mouth of the Southwest Pass, and the Chief of Engineers tells you five-tenths of a foot per second is sufficient.

I was not satisfied with that which was known from official reports. At the time I was down in that country and had something to do with it. I made the acquaintance of a gentleman by the name of Bailey. I apprehend no gentleman from Louisiana will undertake to question either the integrity or the ability or the skill and experience in his profession as an engineer of Mr. Bailey. While I commanded the Department of the Gulf he was our engineer in charge of those great works we had of necessity to keep up, because the country could not keep them up. I wrote to him I wanted facts on this question, and he consulted men who would know. I am told his letter is published and upon your tables; I will state the contents of it. Substantially it was this: He went to men who worked in these waters, to fishermen, to captains of fishing-smacks and of vessels, and to the captains of the Morgan line of steamers which were constantly crossing on that line, and all unite in saying there is such a westerly current moving around there. It is increased by the prevalence of easterly winds; but the current is known at all times. And, gentlemen, I would rather have the opinion of a fisherman that has to tug with his oars against a two and a half mile current than all the professors, actual and sham, New Orleans has sent here on this subject. Those are the facts.

Now, then, the proposition, as I understand it, is this: We do not assume to be engineers but as having done the plain duty with which we were charged by this House. This question comes before the House from a committee which you authorized to look into this matter. We have done so. We have presented to you the results of our investigation without reference to the opinion of one man or another. We think we, as a committee, and the House have the right to determine for ourselves what shall be done with the money of the United States for national objects.

But, sir, the gentleman from Iowa [Mr. McCRARY] made another point, and that point was that great masses of solid matter were pushed along the bottom of the Mississippi River. It is the queerest thing in the world, I suppose, (and he gets his idea from our engineers;) but here now and then these gentlemen contradict themselves tremendously. Here I have a statement of the Chief of Engineers in Executive Document No. 220, in which he states no matter is carried past the city of New Orleans which differs at all from that which is held in suspension; that neither sand nor gravel nor lumps of clay nor anything else but this matter, which is held in mechanical suspension by the river, passed beyond New Orleans. I do not understand what gentlemen mean by taking back at one time what they have scientifically asserted at another.

Now, sir, the proposition is simply to give to the Mississippi River an early opportunity of breaking its way through the very last obstruction that stands between it and deep water. I wish to state one clear, distinct proposition both of common sense and of mathematics in reference to which none that I know of differ. Mr. Eads's proposition is to run these banks forward over the crest of the bar into water which will give him from thirty to thirty-five feet, and to let the course of the river sweep it out. Suppose the calculation of General Humphreys is correct, and that this enormous mass of mud and sand is carried by mechanical action of the river and will reproduce the bar. Suppose the jetties were in thirty feet of water at the point where the bar now stands, then the bar can only be reproduced at the same distance seaward it now bears to the end of the present natural jetty. I have a calculation made in the Coast Survey Office, by which it is shown, taking all these data given by the Chief of Engineers, that to reproduce that bar with a depth of thirty feet of water five miles from the point where Mr. Eads's jetties cease will take until the year 2100, allowing every one of these extravagant data upon which the engineers now stand. Well, if we can get deep water there until the year 2100, we shall have done our duty at all events by the present century and the next.

There is one other thing I wish to speak of. It is said that this matter is not presented to us by any skilled engineer. It is presented to us by a man who has won a reputation for himself by the scientific labors of a life-time. On the success of this work he perils his own capital and the capital of his friends, and his own high and distinguished reputation. He is backed up in this by the best civil engineers in this country and in Europe. Sir Charles Hartley, to whom allusion has been made, in a letter which I have seen indorses this proposition to the fullest extent, and only cautions Mr. Eads to beware of one danger, giving the case of the river Rhone as an illustration. In building the jetties on the river Rhone they did not push them far enough over the crest of the bar. The result was that the bar shot ahead of them, and Sir Charles Hartley cautions Mr. Eads to press the construction of his jetties to the farthest possible extent; to cross the present bar so as to cut off its progress; and says that after that the increased volume and rush of the great river and the distributing currents of the Gulf will take care of this bar.

Some gentlemen have talked here with regard to the matter of the construction of these jetties. There is no secret about that, sir. Men have talked here as if it were expected that Mr. Eads would build a lot of stone piers on the yielding banks of the Mississippi River. Not so. That is not his way. He works with nature, not against it. He proposes to build these jetties just as foundations have been obtained for the dikes in Holland over those vast morasses which have been reclaimed there; putting together long bundles of fascines of willow or other material and making of them a float wide enough and long enough to be floated down and brought into place, filling gradually crosswise and lengthwise and settling it down into the mud, and then—and here is the beauty of the proposition—making the Mississippi do its own packing; the turbid water of the Mississippi as it whirls along amid these interstices and openings depositing everywhere the earth with which it is loaded. We get simply a skeleton foundation for these jetties and leave the river to do what it inevitably will, take the work and complete it. In this way the jetties will accommodate themselves to the undulations of the bottom. They will rise but a trifle above the ordinary level of the water, and will stand where far more pretentious undertakings would fall to pieces.

These mud-lumps which have been talked of never did rise and never can rise in deep water. Here again if I had time I would quote from this very valuable book on the Physics and Hydraulics of the Mississippi River. The mud-lump must necessarily by its constitution rise in shallow water. Why? Because to make the mud-lumps there must be a sufficient amount of this tough deposit to hold the gases which come up from below, expanding into a sort of dome. And if you have not got that material you cannot have the mud-lumps. You cannot have that material where the river has a free current. It is only deposited where the current is broken and resisted. Again, after the bed of the river is packed and settled it will make these levees year by year stronger and stronger; because all along the river, wherever there is a piece of earth as large as my hand, the floating seeds of cottonwood, &c., attach themselves to it, take root, and a forest grows up, the trees holding material together by their roots. Thus nature and the river co-operate in strengthening the work.

There are many other things which I would like to speak of, but I am warned that my time is drawing to a conclusion. I simply reiterate that the canal itself is not a work for which the military engineers of the Government have ventured to ask an appropriation, and that every one of them unites in the statement that the plans of the canal are wholly incomplete, and that it will require from a year to a year and a half to secure perfect plans and estimates and specifications for the work. On the other hand Mr. Eads, by this bill, is bound to begin in eight months from the time the bill is approved and becomes a law; and he is bound to go on.

And I desire to say here in reply to a mistaken statement made by my friend from Iowa that it is not true that Mr. Eads can take the South Pass at all. The gentleman is mistaken. The South Pass is to-day narrower than the least possible limit allowed by this bill. It is less than five hundred feet wide. And I shall accept the amendment which has been suggested by my colleague on the committee, the gentleman from Tennessee, [Mr. LEWIS,] giving a larger latitude in favor of the United States, requiring Mr. Eads to make an extension of not less than twelve hundred feet of surface in the channel proposed.

There is one other thing to which I desire to refer. The gentleman from Iowa [Mr. McCRARY] has entirely mistaken what was reported by the Chief of Engineers as to the cost of this construction. I read from Executive Document No. 220, from a letter written by this same General Humphreys. He says:

I have prepared an estimate of the cost of applying jetties to the Southwest Pass bar to obtain twenty-seven feet at mean low water, or twenty-eight feet at mean high water, the structures to extend down to the full depth of twenty-eight feet at high water. The cost is $7,000,000.

That was his estimate of the cost of the jetties. But hear him again upon the question of cost:

The annual cost of maintaining the depth by extending the jetties, according to my estimate, will be about $1,000,000, which, considered as interest at 6 per cent. per annum, represents a capital of $16,000,000. This, added to the first cost of my estimate, gives $23,000,000 for the expense to the Government of securing a permanent depth of twenty-seven feet at mean low water.

To secure the same depth by constructing and maintaining a canal will cost $13,000,000.

Now, sir, to erect and maintain this work and secure to the United States an uninterrupted outflow of this great river, Captain Eads proposes to do the whole work of building and maintaining these jetties for nine years at a cost of $11,000,000; and if he can do it and shall do it, no man living will have conferred upon the great Mississippi Valley and upon the entire nation so great a benefit in this century.

You will find always in reading these documents from the Engineer Corps that whenever they are against a man's plan they think it will be eminently expensive, but when they see that it is going to succeed, then they find that it will cost a great deal less than they originally estimated. I think I have shown that their opinions upon these questions are entitled to no weight.

Mr. Speaker, I have no special interest in this matter. Although the country in which I live furnishes some of the water which runs down into this great channel, yet we have in my own immediate district no means of communication by water, nor are we soon likely to have, with that great commerce which we hope will flow shortly to and fro through the mouth of the Mississippi River. I have only the interest in it which belongs to every citizen of the country; I will not say every western man, for on such a question as this I insist that every man ought to rise above all mere questions of locality and stand in favor of a great national work at the nation's expense without considering whether it is going to benefit particularly the section in which he lives. The majority of the committee, and it was quite a large majority, have given all the attention to this subject that our opportunities would allow, and I do not know of anything that I regret so much as that my colleague on that committee from Massachusetts [Mr. G. F. HOAR] is now absent on duty to which he has been assigned by the House, so that we could have the benefit of his clear intellect and laborious studies in favor of this plan. I regret deeply that he is not here.

Now the choice is before the House between these two modes of carrying out this improvement. I do not suppose that anybody seriously proposes to postpone these bills. We have got to do something in reference to this question, and if I shall have succeeded in impressing upon this House the advantage of this particular system over the one which is its competitor, then when five years shall have rolled by, and when steamers that can enter any port in this Union can by their own power move uninterruptedly up to the levees and wharves of New Orleans, I shall feel prouder of having contributed to such a result than of anything else that I may have done in public life. You may try the canal scheme; you may build a canal, but so intolerable will be the delays and nuisances of that kind of communication, that sooner or later you will have to come back to and meet again this very problem. After expending $25,000,000 upon the canal there, you will have to adopt just such a plan substantially as this, and have the work done either by private contract or by the Government itself, because we who live in that great valley will desire to have this experiment tried if the canal fails; and after it is built the demand will come up reiterated with increasing strength from that section of the country for an open, uninterrupted river mouth, accessible to vessels of every draught.

The SPEAKER. The gentleman's time has just expired.

Mr. GARFIELD. In view of the misunderstanding between the gentleman from Illinois [Mr. HURLBUT] and myself as to the amendment which I offered yesterday, I ask unanimous consent that the amendment which I now send to the desk may be considered as pending, and I ask that it be heard. I propose to offer it as a substitute for the two bills reported by the committee.

Mr. HURLBUT. I have no objection to its being read.

The Clerk read the amendment proposed by Mr. GARFIELD, as follows:

That the President shall appoint a commission of three eminent engineers, one from the Army, one from the Navy, and one from civil life; and said commission shall make a thorough examination and survey of the mouths of the Mississippi River with a view to determining the most practicable and economical plan for the permanent improvement of the navigation of said river in its connection with the provided for in accordance with instructions to be given them by the President, and Gulf of Mexico, to such an extent as may be required by the military, naval, and commercial wants of the United States; said commission to prosecute the work herein shall report to the President at as early a day as practicable a plan or plans to effect the objects herein set forth, whether by jetties, canals, or otherwise, with detailed estimates of the cost of the same and the time required for completion; and the President shall communicate the said report to Congress at its next session with his recommendation thereon.

SEC. 2. That the sum of $50,000, or so much thereof as may be necessary, is appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of said commission; all disbursements for this purpose, to be made on the order and at the discretion of the President.

SEC. 3. That in order to maintain for the present the security of navigation of the mouths of the Mississippi, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated for the fiscal year ending June 30, 1875, to be expended under the direction of the Secretary of War.

Mr. GARFIELD. I ask unanimous consent that this amendment may be considered as pending.

Mr. HURLBUT. I object.

Mr. GARFIELD. Then I move to reconsider the vote whereby the main question was ordered.

Mr. STONE. If the previous question is reconsidered will other amendments be in order?

The SPEAKER. That will be for the House to determine.

The question was taken upon the motion to reconsider; and upon a division there were—ayes 84, noes 69.

Before the result of the vote was announced,

Mr. STANARD called for tellers.

Tellers were ordered; and Mr. HURLBUT and Mr. GARFIELD were appointed.

Mr. CONGER. Is debate in order on the motion to reconsider?

The SPEAKER. It is not, because it is to reconsider an undebatable motion. If the main question is reconsidered, then the bill will be divested of the previous question.

The House again divided; and the tellers reported that there were—ayes 85, noes 83.

Before the result of this vote was announced,

Mr. STANARD called for the yeas and nays on the motion to reconsider.

The yeas and nays were ordered.

The question was taken; and there were—yeas 101, nays 119, not voting 69; as follows:

YEAS—Messrs. Albright, Arthur, Atkins, Averill, Bell, Biery, Bowen, Bright, Brown, Buffinton, Cessna, Amos Clark, jr., Freeman Clarke, Cox, Crocker, Crossland, Curtis, Danford, Davis, Dawes, Dobbins, Duell, Durham, Eames, Freeman, Gooch, Gunckel, Hagans, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hathorn, Joseph R. Hawley, Hays, Hendee, E. Rockwood Hoar, Holman, Hooper, Hoskins, Houghton, Hunton, Kelley, Kendall, Lamar, Lawrence, Lawson, Lowndes, Magee, Maynard, MacDougall, Merriam, Milliken, Monroe, Moore, Neal, O'Brien, O'Neill, Orth, Packard, Packer, Page, Parsons, Pendleton, Perry, Pierce, Pike, James H. Platt, jr., Potter, Rice, Ellis H. Roberts, James C. Robinson, James W. Robinson, Henry B. Sayler, Milton Sayler, Henry J. Scudder, Sener, Shanks, Sherwood, Sloss, Smart, A. Herr Smith, John Q. Smith, Speer, Starkweather, Storm, Stowell, Swann, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tyner, Wallace, Marcus L. Ward, Whitehead, Whiteley, Whitthorne, William Williams, Ephraim K. Wilson, Wood, and John D. Young—101.

NAYS—Messrs. Albert, Ashe, Banning, Barnum, Barrere, Barry, Begole, Berry, Bland, Blount, Bradley, Bromberg, Buckner, Bundy, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, John B. Clark, jr., Clements, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Cotton, Crittenden, Crutchfield, Darrall, DeWitt, Donnan, Dunnell, Eden, Fort, Giddings, Glover, Hancock, Harrison, Hatcher, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hereford, Herndon, Hodges, Howe, Hunter, Hurlbut, Hyde, Kasson, Knapp, Lamport, Leach, Lewis, Loughridge, Lowe, Luttrell, Lynch, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, McKee, McLean, McNulta, Mills, Morey, Morrison, Nesmith, Niles, Nunn, Orr, Isaac C. Parker, Pelham, Phelps, Phillips, Pratt, Purman, Rainey, Ray, Read, Richmond, Robbins, Rusk, Sawyer, John G. Schumaker, Isaac W. Scudder, Sheats, Sloan, Small, George L. Smith, H. Boardman Smith, William A. Smith, Snyder, Sprague, Stanard, Standiford, Stone, Strait, Sypher, Vance, Waldron, Jasper D. Ward, Wells, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, James Wilson, Wolfe, Woodford, and Woodworth—119.

NOT VOTING—Messrs. Adams, Archer, Barber, Bass, Beck, Burleigh, Caldwell, Clayton, Clymer, Clinton L. Cobb, Corwin, Creamer, Crooke, Crounse, Eldredge, Elliott, Farwell, Field, Foster, Frye, Garfield, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Hersey, George F. Hoar, Hubbell, Hynes, Jewett, Kellogg, Killinger, Lamison, Lansing, Lofland, McJunkin, Mitchell, Myers, Negley, Niblack, Hosea W. Parker, Thomas C. Platt, Poland, Randall, Ransier, Rapier, William R. Roberts, Ross, Scofield, Sessions, Sheldon, Lazarus D. Shoemaker, J. Ambler Smith, Southard, Stephens, St. John, Strawbridge, Taylor, Charles R. Thomas, Tremain, Waddell, Walls, Wheeler, White, Whitehouse, Wilber, Wilshire, Jeremiah M. Wilson, and Pierce M. B. Young—69.

So the motion to reconsider was not agreed to.

During the call of the roll,

Mr. KELLOGG said: I am paired with Mr. HALE, of Maine.

The SPEAKER. The first question is upon the substitute offered by the gentleman from Louisiana, [Mr. SHELDON.]

Mr. SHELDON. I withdraw that amendment.

The SPEAKER. Then the question is upon the substitute moved by the gentleman from Iowa [Mr. McCRARY] for the substitute reported from the committee. The committee's substitute will be treated as an original bill.

Mr. McCRARY. In view of the importance of these propositions, I ask that they be read.

The Clerk read the substitute reported from the committee, as follows:

That James B. Eads be, and he is hereby, authorized, with such others as may be associated with him, to proceed in the work of deepening the channel of one of the outlets or passes of the Mississippi River into the Gulf of Mexico, to be selected by himself, by permanent or sufficient jetties at or near its mouth, and for that purpose may construct, in the river, outlet, or pass, and likewise in the Gulf of Mexico, such walls, jetties, dikes, levees, and other structures, and employ such boats, rafts, and appliances, as may, in the prosecution of said works, be deemed necessary: *Provided*, That no such works or means employed by him shall hinder, delay, or materially interfere with the free navigation of any channel now navigated by large vessels: *Provided further*, That unless the construction of the proposed works shall be substantially commenced by said Eads and his associates

within eight months from the date of the approval of this act, and prosecuted with due diligence and without unnecessary delay, the provisions contained herein shall be null and void. And unless the said Eads and his associates shall secure twenty feet of water, as hereinafter provided, within thirty months of the date of the approval of this act, Congress may revoke the privileges herein granted, and cancel the obligations herein assumed by the United States. And Congress may revoke the privileges herein granted, and cancel the obligations herein assumed by the United States unless said Eads and his associates shall, after securing twenty feet of water, secure an additional depth of two feet during each succeeding year thereafter until twenty-six feet shall have been secured, and two feet additional, or twenty-eight feet, within twenty-four months after having secured twenty-six feet. And in case said Eads and his associates shall fail to comply with the foregoing conditions as to depth of water and time for any period of twelve months in excess of the time fixed in each case, then this act shall absolutely become null and void without action by Congress. And to protect his said works, he may build and maintain such levees or embankments as may be necessary to secure their permanency along the banks of the river or passes.

SEC. 2. That whenever said Eads and his associates shall have succeeded in establishing and maintaining twenty-two feet depth of water throughout the channel of one of the outlets or passes of said Mississippi River into the Gulf of Mexico at ordinary flood-tide by means of the works described in the preceding section, and such outlet or pass shall have a clear width on its surface of not less than six hundred feet between the works or jetties in such outlet or pass, so that ships drawing twenty-two feet of water may be navigated safely and expeditiously throughout said channel, and such depth shall be wide enough to allow two such ships to be passed by each other in safety, then the Government of the United States shall pay said Eads or his legal representatives $2,000,000 at the time hereinafter stated; and for every additional depth of two feet of water in the channel of said outlet or pass in like manner established and maintained by the said works he shall receive from the Government of the United States, at the time hereinafter stated, an additional sum of $1,000,000: *Provided*, That the whole sum to be paid under this section shall not exceed the sum of $5,000,000, and for which the depth of water for vessels throughout the channel of such outlet or pass shall not be less at ordinary flood-tide than twenty-eight feet into the Gulf of Mexico.

SEC. 3. That whenever it shall appear by the report of the commissioners hereinafter provided for that said Eads and his associates have established and maintained a navigable channel-way for the passage of vessels from the Gulf of Mexico into the Mississippi River of not less than twenty-eight feet of water in depth at ordinary flood-tide, and through an outlet or pass to the Gulf of Mexico of not less than six hundred feet in width, within which said ship-channel is designed to be permanently maintained, said Eads, or his legal representatives, shall be entitled to receive from the Government of the United States, in addition to the sums hereinbefore stated, an additional sum of $6,000.000, to be paid in manner and under the conditions hereinafter provided.

SEC. 4. That in order to ascertain the depth of water through such outlet or pass, and to determine whether the said Eads or his associates, or his or their assigns, or his or their legal representatives, are entitled to claim compensation under the provisions of this act, it shall be the duty of the President of the United States, on each notification by the said Eads or his legal representatives that any required depth of water has been established as aforesaid, immediately to appoint three commissioners, who shall be selected from the Army, Navy, or Coast Survey, to examine into the facts, and make a report thereof to him; if from such report it shall appear that the said Eads, his associates, or legal representatives, have secured and continuously maintained a depth of water through any such outlet or pass from and after the date of such notification entitling him to payment under the provisions of this act, the President of the United States shall so certify to the Secretary of the Treasury, stating the amount due under this act to said Eads or his legal representatives; and thereupon, at the times hereinafter provided, the said Secretary of the Treasury shall draw his warrant on the Treasurer of the United States for such amount, payable to said Eads or his legal representatives.

SEC. 5. That to secure the Government against the expenditure of money for any doubtful or temporary results from the proposed works of said Eads, it is expressly provided that the payments for the same shall be delayed as follows, and that they shall be conditioned likewise on the permanency of the respective depths of water hereinbefore stipulated being established and maintained as hereinbefore provided up to the respective dates of payment; and it shall be the duty of the commissioners to be appointed by the President of the United States to inform themselves of the actual and permanent depths of water, and the periods during which the same have been constantly maintained, and to certify fully the facts respecting the same. The conditions herein prescribed being complied with, the United States hereby promise and agree to pay to said Eads and his associates, or to his or their assigns, or to his or their legal representatives, $2,000,000 twelve months after so permanently obtaining twenty-two feet of water as aforesaid; $1,000,000 twelve months after so permanently obtaining twenty-four feet of water as aforesaid; $1,000,000 twelve months after so permanently obtaining twenty-six feet of water as aforesaid; $1,000,000 fifteen months after so permanently obtaining twenty-eight feet of water as aforesaid; $1,000,000 two years after so permanently obtaining twenty-eight feet of water as aforesaid; $1,000,000 three years after so permanently obtaining twenty-eight feet of water as aforesaid; $1,000,000 four years after so permanently obtaining twenty-eight feet of water as aforesaid; $600,000 five years after so permanently obtaining twenty-eight feet of water as aforesaid; $600,000 six years after so permanently obtaining twenty-eight feet of water as aforesaid; $600,000 seven years after so permanently obtaining twenty-eight feet of water as aforesaid; $600,000 eight years after so permanently obtaining twenty-eight feet of water as aforesaid; $600,000 nine years after so permanently obtaining twenty-eight feet of water as aforesaid; $11,000,000 being the total amount herein authorized to be paid for the proposed improvement and maintenance thereof; and the necessary amounts of money to meet the foregoing obligations of the United States are hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 6. That any person maliciously or intentionally injuring said works, or interfering with the construction thereof, shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense shall be committed; and, if found guilty, he shall be liable to a fine not exceeding $1,000, or to imprisonment for not more than two years, or to both fine and imprisonment as aforesaid, for each offense.

SEC. 7. That in case of death or other disability of said Eads before the completion of said works, the same may be prosecuted and completed by his legal representatives with the same powers, rights, obligations, liabilities, and compensation as if done by him in person.

SEC. 8. That the said Eads and his associates may have the right to use any materials on the public lands of the United States, within twenty miles of the mouth of the Mississippi River, that shall be suitable for, and may be needed in, the construction of said works: *Provided*, That said right may be limited or withheld by the President of the United States if he deems it contrary to the public interest.

Mr. HURLBUT. My friend from Iowa [Mr. MCCRARY] and myself desire to offer certain amendments to our respective propositions. If in order, I will now offer mine, and then the gentleman from Iowa can offer his to his bill. I will state the substance of my amendments, which are to make the first payment $1,000,000, instead of $2,000,000, and to provide that the outlet or pass shall have a width on its surface of not less than twelve hundred feet, instead of six hundred feet, as proposed by the bill.

The SPEAKER. If no objection be made those amendments will be regarded as adopted.

No objection was made.

Mr. MCCRARY. The gentleman from Missouri [Mr. STONE] desires to offer two amendments to my proposed substitute.

Mr. GARFIELD. How is that? If amendments are in order, I ask permission to offer the one which I have had read; otherwise I must object to any amendment.

Mr. MCCRARY. I cannot accept part of a bargain without the whole of it. The gentleman from Illinois [Mr. HURLBUT] has offered amendments to his bill.

The SPEAKER. That was done by unanimous consent.

Mr. MCCRARY. I consented to it on condition that I might also offer amendments to my bill.

Mr. HURLBUT. I hope no gentleman will object to these amendments.

The SPEAKER. These amendments, corresponding as the Chair understood to the amendments made by the gentleman from Illinois [Mr. HURLBUT] on his bill, were allowed to be offered by unanimous consent.

Mr. MCCRARY. The amendments of the gentleman from Missouri [Mr. STONE] are a part of those to which I referred.

The SPEAKER. Then the Chair will consider them as entitled to come in.

Mr. GARFIELD. As these amendments are desired by the gentleman from Iowa [Mr. MCCRARY] for the purpose merely of perfecting his own proposition, I do not object.

The SPEAKER. Before reading the proposed amendments the Clerk will read the substitute offered by the gentleman from Iowa, [Mr. MCCRARY.]

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

That a ship-canal, to connect the Mississippi River with the Gulf of Mexico, commencing at some convenient point on the Mississippi River below Fort Saint Philip, on the east side of said river, and terminating at some convenient point in Breton Pass, in the Gulf of Mexico, shall be constructed and maintained at the expense and under the supervision and control of the Government of the United States; and for this purpose the Secretary of War shall cause to be made, in the most expeditious manner, a thorough, detailed, and final survey and location of said canal. The survey and report of the engineers assigned to this duty shall exhibit complete plans and specifications of the work in the construction of such canal; and the estimates of the cost of each portion of the work shall accompany and form part of the report of such survey; and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of such survey.

SEC. 2. That the dimensions of said canal shall not be less than two hundred feet wide at the bottom throughout the trunk, and with not less than twenty-five feet in depth of water, with guard-gates, waste-weirs, locks, lock-houses, basins, bridges, and other erections and fixtures as may be necessary for the safe and convenient navigation of the said canal; and that the location of said canal shall be that indicated in the report of the engineers.

SEC. 3. That the Secretary of War shall cause said canals to be made and constructed through the lands indicated in the report of the engineers.

SEC. 4. That said canal shall at all times, night and day, be open to the free use and navigation of all vessels and craft belonging to the United States or any of its citizens, and, until otherwise provided, to all nations in commercial amity with the United States, free from toll or charges; that after its completion, said canal shall be maintained in good order and repair at the expense of the United States, and operated under the supervision of an officer to be detailed by the Secretary of War for said duty, and under his orders; and said canal shall be a military, naval, postal, and public highway, connecting the Mississippi River and the Gulf of Mexico; that the admiralty and maritime jurisdiction of the United States be extended and established over said canal to the same extent as it exists over the navigable waters of the United States connected thereby. The Secretary of War shall have power to establish all needful rules and regulations, not inconsistent with the laws of the United States, concerning the use and navigation thereof; and a copy thereof shall be filed in the office of the clerk of the United States district court for the district of Louisiana; and printed copies of said rules shall be framed and hung in a conspicuous place on board all canal and river tow-boats, as well as in the offices at either end of the canal; also, in the post-office and custom-house at New Orleans: *Provided*, That Congress may at any time revise or abrogate such rules.

SEC. 5. That no expenditure shall be made or authorized for the construction of said Fort Saint Philip Canal until a valid title to the lands for the site and appurtenances of said canal, as indicated in the report of the engineers, including a strip of land not less than one thousand yards on each side of said canal, and also all such lands as may be required for defensive works by the United States, shall be vested in the United States, and until the State of Louisiana shall cede its jurisdiction over said lands for the construction of said canal, and shall also duly release and relinquish to the United States the right to tax or in any way assess said lands, or the property of the United States that may be thereon, during the time that the United States shall be or remain the owner thereof.

SEC. 6. That the total cost of said canal shall not exceed $8,000,000; and no money shall be expended or liability incurred by the United States for construction until the entire work is put under contract in accordance with this act, at such prices as to secure the completion of the whole for a sum in the aggregate of not more than $8,000.000. And a sum necessary to complete said canal, not exceeding the said sum of $8,000,000, is hereby appropriated in installments of not more than one-third of the aggregate cost in any one year.

SEC. 7. That the Secretary of War shall, on the receipt of the survey and report aforesaid, and without unnecessary delay, advertise for bids to construct said canal for such time and in such newspapers as he may think sufficient; and he shall award the contract to the lowest and best responsible bidder or bidders, who shall give bond with sureties to the satisfaction of said Secretary that the work shall be done according to the stipulations of such contract: *Provided*, That no bid shall be received except the same is accompanied with a deposit with the said Secretary of the sum of $15,000, which sum shall be forfeited to the United States and paid into the Treasury thereof in case such bidder fails, for a period of thirty days after notice that his bid has been accepted, to make a contract in accordance with the terms of his bid and give security as required by this act: *Provided further*, That the contractor or contractors shall perform their work according to the plans and specifications of the Engineer Department and under the directions thereof: *And provided further*, That said canal shall be fully completed for use within a

period of three years from the commencement thereof, and that the entire cost of such canal shall not exceed the sum of $8,000,000.

SEC. 8. That the United States reserve the right to modify the conditions and terms of the use of said canal, or to amend, alter, or repeal this act, if the public interest shall hereafter require it.

Mr. McCRARY. Two of the amendments which I send to the desk are amendments of the gentleman from Missouri, [Mr. STONE,] and there is one other of my own. So far as I know there is no objection to these amendments.

The SPEAKER. They will be considered as modifications of the gentleman's substitute.

The first amendment was read, as follows:

Amend section 6 by adding in line 1 after the word "canal" these words: "lock-houses, basins, bridges, breakwaters, harbors, and other erections, and fixtures as may be necessary for the safe and convenient navigation of the said canal;" so that the section will read:

That the total cost of said canal lock-houses, basins, bridges, breakwaters, harbors, and other erections and fixtures as may be necessary for the safe and convenient navigation of the said canal shall not exceed $8,000,000; and no money shall be expended or liability incurred by the United States for construction until the entire work is put under contract in accordance with this act, at such prices as to secure the completion of the whole for a sum in the aggregate of not more than $8,000,000, &c.

The SPEAKER. There being no objection, this amendment will be considered as agreed to, as a modification of the substitute.

The second amendment was read, as follows:

Amend section 6 by adding thereto the following:

Provided, That no part of the $8,000,000 herein appropriated shall be used in the purchase of the lands for the site and appurtenances of said canal nor for the strip of land on either side of said canal, as provided for in section 5.

The SPEAKER. This modification will be agreed to, there being no objection.

The last amendment offered by Mr. McCRARY was read, as follows:

After the word "aforesaid" in line 2 of section 7, strike out the word "and" and insert "if the same shall show a practicable route for said canal;" so that the section will read:

That the Secretary of War shall, on the receipt of the survey and report aforesaid, if the same shall show a practicable route for said canal, without unnecessary delay, advertise for bids to construct said canal for such time and in such newspapers as he may think sufficient, &c.

The SPEAKER. The Chair hears no objection, and this modification will be made. The question is now on agreeing to the substitute offered by the gentleman from Iowa [Mr. McCRARY] for the bill of the committee.

Mr. KASSON. On that question I call for the yeas and nays.

Mr. GARFIELD. I wish to make a parliamentary inquiry. When will the previous question exhaust itself?

The SPEAKER. It will exhaust itself upon the third reading of which ever bill the House may order to be engrossed.

Mr. GARFIELD. At that time will a motion to recommit with instructions be in order?

The SPEAKER. If the previous question should not be called and seconded, it would be.

Mr. HURLBUT. Yes; any dilatory motion will be in order then.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 89, not voting 61; as follows:

YEAS—Messrs. Albright, Arthur, Atkins, Averill, Barrere, Barry, Bradley, Bright, Brown, Buffinton, Burchard, Burrows, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Freeman Clarke, Clements, Stephen A. Cobb, Coburn, Conger, Creamer, Crocker, Crossland, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Eden, Field, Fort, Garfield, Gunckel, Hagans, Benjamin W. Harris, Harrison, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Howe, Hunter, Jewett, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamport, Lansing, Lawrence, Lofland, Loughridge, Lowndes, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Mitchell, Monroe, Morey, Niles, O'Brien, O'Neill, Orr, Packer, Page, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, Poland, Pratt, Purman, Rapier, Ray, Richmond, Ellis H. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Henry J. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloan, A. Herr Smith, George L. Smith, John Q. Smith, William A. Smith, Snyder, Speer, Sprague, Standiford, Starkweather, Strait, Strawbridge, Sypher, Thornburgh, Tyner, Waldron, Walls, Marcus L. Ward, White, Whitthorne, Wilber, George Willard, Charles G. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Woodworth, and John D. Young—139.

NAYS—Messrs. Albert, Ashe, Barber, Barnum, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bromberg, Buckner, Bundy, Benjamin F. Butler, Caldwell, John B. Clark, jr., Comingo, Cook, Crittenden, Davis, DeWitt, Eldredge, Giddings, Glover, Gooch, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Havens, Hereford, Herndon, Holman, Hunton, Hurlbut, Hyde, Lawson, Leach, Lewis, Lowe, Magee, Marshall, McLean, McNulta, Merriam, Milliken, Morrison, Neal, Nesmith, Nunn, Orth, Packard, Isaac C. Parker, Perry, Phelps, James H. Platt, jr., Rainey, Read, Rice, Robbins, James W. Robinson, John G. Schumaker, Sener, Sloss, Small, Smart, H. Boardman Smith, J. Ambler Smith, Stanard, Stone, Storm, Christopher Y. Thomas, Todd, Townsend, Vance, Wallace, Jasper D. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whiteley, Charles W. Willard, John M. S. Williams, Wolfe, Wood, and Woodford—89.

NOT VOTING—Messrs. Adams, Archer, Banning, Bass, Beck, Burleigh, Clayton, Clymer, Clinton L. Cobb, Corwin, Cotton, Cox, Crooke, Crounse, Elliott, Farwell, Foster, Freeman, Frye, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Hays, Hersey, George F. Hoar, Houghton, Hubbell, Hynes, Killinger, Lamison, Luttrell, Maynard, McJunkin, Mills, Moore, Myers, Negley, Niblack, Hosea W. Parker, Thomas C. Platt, Potter, Randall, Ransier, William R. Roberts, Ross, Scofield Isaac W. Scudder, Lazarus D. Shoemaker, Southard, Stephens, St John, Stowell, Swann, Taylor, Charles R. Thomas, Tremain, Waddell, Wilshire, Jeremiah M. Wilson, and Pierce M. B. Young—61.

So the substitute of Mr. McCRARY was agreed to.

During the roll-call,

Mr. SCUDDER, of New Jersey, said: On this question I am paired with the gentleman from Ohio, Mr. FOSTER. If he were present he would vote "ay," while I should vote "no."

The result of the vote was announced as above stated.

The bill, as amended, was ordered to be engrossed for the third reading; and being engrossed, was accordingly read the third time.

Mr. McCRARY. I call the previous question on the passage of the bill.

Mr. GARFIELD. I wish to ask a parliamentary question. If the House should refuse to second the previous question, will it be in order for me to move to recommit the bill with instructions that the committee report immediately the bill that I desired to present as an amendment?

The SPEAKER. It would.

The previous question was seconded; there being, on a division—ayes 81, noes 66.

The question recurring on ordering the main question,

Mr. GARFIELD called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 136, nays 90, not voting 63; as follows:

YEAS—Messrs. Adams, Albert, Albright, Atkins, Averill, Barber, Barrere, Barry, Begole, Berry, Bland, Bradley, Bright, Brown, Buckner, Bundy, Burchard, Burrows, Roderick R. Butler, Cain, Cannon, Cason, John B. Clark, jr., Clements, Stephen A. Cobb, Coburn, Conger, Cook, Cotton, Creamer, Crittenden, Crocker, Crossland, Crounse, Crutchfield, Darrall, Dawes, Dobbins, Donnan, Dunnell, Durham, Eames, Eden, Field, Fort, Freeman, Henry R. Harris, Harrison, Hatcher, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hodges, Howe, Hunter, Hyde, Kasson Kelley, Kellogg, Kendall, Knapp, Lamar, Lamport, Lansing, Lofland, Loughridge, Lowe, Lowndes, Lynch, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Morey, Morrison, Niles, Nunn, O'Brien, Orr, Orth, Packard, Page, Isaac C. Parker, Pelham, Pendleton, Phillips, Pike, Pratt, Purman, Rapier, Ray, Richmond, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sloss, George L. Smith, John Q. Smith, William A. Smith, Snyder, Speer, Sprague, Stanard, Standiford, Starkweather, Strait, Sypher, Charles R. Thomas, Thornburgh, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitthorne, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, Ephraim, K. Wilson, James Wilson, Wolfe, Woodford, Woodworth, and John D. Young—146.

NAYS—Messrs. Arthur, Ashe, Bell, Biery, Blount, Bowen, Buffinton, Benjamin F. Butler, Caldwell, Cessna, Freeman Clarke, Comingo, Curtis, Danford, Davis, DeWitt, Eldredge, Garfield, Giddings, Glover, Gooch, Hagans, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hathorn, Hendee, Hereford, Herndon, E. Rockwood Hoar, Holman, Hoskins, Hunton, Lawrence, Lawson, Leach, Lewis, Magee, MacDougall, McLean, Merriam, Milliken, Mitchell, Monroe, Moore, Neal, O'Neill, Packer, Parsons, Perry, Phelps, Pierce, James H. Platt, jr., Poland, Potter, Rainey, Rice, Robbins, Ellis H. Roberts, John G. Schumaker, Sener, Sherwood, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Stone, Storm, Stowell, Strawbridge, Christopher Y. Thomas, Todd, Townsend, Vance, Whitehead, Whitehouse, Whiteley, and Charles W. Willard—81.

NOT VOTING—Messrs. Adams, Archer, Barnum, Bass, Beck, Bromberg, Burleigh, Clayton, Clymer, Clinton L. Cobb, Corwin, Cox, Crooke, Crounse, Dawes, Duell, Elliott, Foster, Frye, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Hersey, George F. Hoar, Hubbell, Hurlbut, Hynes, Jewett, Killinger, Lamison, Luttrell, Maynard, McJunkin, Mills, Myers, Negley, Nesmith, Niblack, Hosea W. Parker, Thomas C. Platt, Randall, Ransier, Read, William R. Roberts, James C. Robinson, Ross, Scofield, Henry J. Scudder, Lazarus D. Shoemaker, Southard, Stephens, St. John, Swann, Taylor, Tremain, Waddell, Wilber, Wilshire, Jeremiah M. Wilson, Wood, and Pierce M. B. Young—62.

So the bill was passed.

Mr. McCRARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McCRARY. I move to amend the title so it will read as follows:

A bill to provide for the construction of the Fort Saint Philip Canal in the State of Louisiana, and its maintenance as a national public highway.

The amendment to the title was adopted.

Mr. McCRARY moved to reconsider the vote by which the title was amended; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. PHILLIPS, by unanimous consent, was granted leave to print in the RECORD some remarks on the bill just passed. (See Appendix.)

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I move that the House resolve itself into Committee of the Whole on the Private Calendar, this being private-bill day.

Mr. CONGER. Will there be another day for private bills this session?

The SPEAKER. There will not, because next Friday the rule will apply by which a motion to suspend the rules will be in order during the last ten days of the session.

Mr. BUTLER, of Massachusetts. I rise to make a parliamentary inquiry. As I remember, the House has passed one resolution for final adjournment and the Senate another?

The SPEAKER. The House and the Senate finally agreed on the same resolution.

Mr. CONGER. There is a bill pending before the House in the morning hour on private-bill day.

The SPEAKER. Yes; the bill in relation to Rollin White. That bill is in the morning hour to-day. If the House goes into Committee of the Whole on the Private Calendar that bill will not be considered. If the House shall refuse to go into Committee of the Whole on the Private Calendar, it will come up in the morning hour.

Mr. HAWLEY, of Illinois. This being objection day, by going into Committee of the Whole we will pass a number of bills; and it will be the last objection day we will have this session.

The question being taken on the motion of Mr. HAWLEY, of Illinois, that the House resolve itself into Committee of the Whole on the Private Calendar, it was agreed to.

ENROLLED BILL SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 237) to change the name of the port of San Pedro, California, to Wilmington.

PRIVATE CALENDAR.

The House resolved itself into Committee of the Whole on the Private Calendar, (Mr. POTTER in the chair.)

The CHAIRMAN. The bills on the Private Calendar will be read in their order, beginning with the bill H. R. No. 3184.

Mr. BUTLER, of Massachusetts. I desire to call the attention of the Chair to the fact that there was a bill being considered when the Committee of the Whole on the Private Calendar last rose. It had been read.

The CHAIRMAN. This being objection day and it being open to any member to object to any bill as read in its order, the bill under consideration when the House was last in Committee of the Whole, that day not being objection day, would not have preference.

J. W. BURBRIDGE AND R. S. MONTGOMERY.

The first business on the Private Calendar was the bill (H. R. No. 3184) for the relief of J. W. Burbridge & Co., and R. H. Montgomery.

The bill was read.

Mr. HOLMAN. I must ask for the reading of the report in this and in every other case, where there is a report.

The report was read.

Mr. WILLARD, of Vermont. This is quite a large claim, and I understand there is some question as to whether it should be allowed or not. I object.

NOLAN S. WILLIAMS.

The next bill on the Private Calendar was the bill (H. R. No. 3185) for the relief of Nolan S. Williams, executor of Alfred A. Williams, late of New Orleans.

Mr. BUTLER, of Massachusetts. I object.

EDWARD H. CALVERT.

The next bill on the Private Calendar was the bill (S. No. 395) for the relief of Edward H. Calvert.

The bill was read. It directs the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to Edward H. Calvert, of the District of Columbia, the sum of $1,500, to be in full and complete payment of rent for, and damages done to, the property of Edward H. Calvert, on Good Hope Hill, in the District of Columbia, known during the late war as Fort Wagner, and occupied from 1862 to the end of the war by Federal troops.

No objection being made, the bill was laid aside, to be reported favorably to the House.

JOSEPH COUNCIL.

The next bill on the Private Calendar was the bill (S. No. 465) for the relief of Joseph Council, of Mobile, Alabama.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay Joseph Council, of Mobile, Alabama, to sum of $1,000, out of any money in the Treasury not otherwise appropriated, the same to be in full payment and satisfaction of said Council's claim for raising, repairing, and delivering the rebel torpedo boat Saint Patrick to the navy-yard at Pensacola, Florida.

No objection being made, the bill was laid aside, to be reported favorably to the House.

LOUISVILLE AND BARDSTOWN TURNPIKE COMPANY.

The next bill on the Private Calendar was the bill (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company, with amendments by the Committee on War Claims.

The bill was read.

Mr. BUTLER, of Massachusetts. I object.

Mr. READ. I hope the gentleman will not insist on his objection.

Mr. BUTLER, of Massachusetts. I cannot agree to the proposition of this bill.

Some time subsequently,

Mr. HARRIS, of Virginia, said: Mr. Chairman, the gentleman from Massachusetts, [Mr. BUTLER,] who objected to this bill, is now present. I understand that he does not object to the bill with the amendment reported from the committee.

The bill directs the Quartermaster-General of the United States Army to audit, adjust, and pay such sums as he may deem proper and just to the president, directors, and company of the Bardstown and Louisville Turnpike Company for two bridges on said road, one over Salt River, the other over Floyd's Fork, burned and destroyed by the order of General Nelson, in command at the time of the United States troops in Kentucky, as a military necessity, on the 22d day of September, 1862, to be paid out of any money in the Treasury not otherwise appropriated; provided that the whole amount allowed under this act shall not exceed the sum of $13,600.

The amendment reported from the Committee on War Claims was to strike out the words—

For two bridges on said road, one over Salt River, the other over Floyd's Fork, burned and destroyed by the order of General Nelson, in command at the time of the United States troops in Kentucky, as a military necessity, on the 22d day of September, 1862, and insert in lieu thereof the following: To make compensation for two bridges on the road of said company, one over Salt River, the other over Floyd's Fork, constructed for the military service by said company by advice of the Quartermaster-General.

Mr. BUTLER, of Massachusetts. With that amendment I withdraw my objection.

No further objection being made, the bill and amendment were laid aside, to be reported favorably to the House.

TREADWELL S. AYRES.

The next bill on the Private Calendar was the bill (H. R. No. 3186) for the relief of Treadwell S. Ayres.

The bill was read. It authorizes and requires the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to Treadwell S. Ayres, of Memphis, Tennessee, the sum of $5,995, in full compensation for his building in Memphis occupied by United States military authorities in said city under contract made with competent military authorities during the late war to pay rent for the occupation of such building.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 2891) for the relief of Treadwell S. Ayres, of Memphis, Tennessee, having considered the same, report:

That the said Ayres was, in January, 1864, and for some time previous, the owner of a certain building or block of buildings in the city of Memphis, Tennessee, on Second street, of said city, seventy-four feet front, one hundred and forty-eight feet deep, four stories high, with an iron front, valued at about $100,000, built in the year 1860, and known as "Ayres's building;" that on or about the 6th of January, 1863, Captain A. R. Eddy, assistant quartermaster, United States Army, who was then on duty at Memphis and properly charged with the duty of furnishing quarters and offices for the various Army officers on duty at that point, by his agent and clerk in charge of the rental department of the quartermaster's department at Memphis, contracted with the said Ayres for the rental of such rooms in the said "Ayres's building" as might be required for the use of the pay and other departments of the United States Army at Memphis for such length of time as might be desired, agreeing to pay therefor such rent as might be reasonable and just.

It appears that nineteen rooms of said building were used by the Pay Department and for courts-martial, and claim is made for compensation, as follows:

THE UNITED STATES OF AMERICA TO T. S. AYRES,	DR.
To rent of rooms in "Ayres's building," Memphis, for the use of United States Pay Department and courts-martial from 6th January, 1863, to 14th February, 1865:	
Rooms Nos. 1, 2, 3, 4, 5, 6, offices, second story, twenty-five months, at $30 per month each	$4,500 00
Rooms Nos. 7 and 8, offices, second story, from 15th January, 1863, to 15th February, 1864, thirteen months, at $30 per month each	780 00
Rooms Nos. 9 and 10, second story, offices, from January 6, 1863, to April 10, 1863, three months, at $30 per month each	180 00
Rooms Nos. 13, 14, 15, 16, third story, from January, 1863, to 14th February, 1865, twenty-five months, at $15 per month each	1,500 00
Rooms Nos. 17, 18, 19, third story, from January 6, 1863, to 15th February, 1864, thirteen months, at $15 per month each	385 00
Rooms Nos. 11, 12, nine months, at $15 per month	270 00
	7,815 00

T. S. AYRES.

Your committee find that this claim was presented to the Quartermaster-General, who reported against it solely on the ground that "Memphis was a hostile city captured from the enemy, and it and everything in it became prize of war," without the slightest regard to the fact that Memphis was within the lines of the Federal forces when the property of Mr. Ayres was taken under a contract. It was then presented to the Court of Claims, which decided, (volume 3, page 1)—

1. That the ownership of the property was in the claimant, and that the rent claimed for the time of its occupancy was just and reasonable;
2. That the loyalty of the claimant was fully established;
3. That the taking was an appropriation of property by the Army; and
4. That the court was excluded from adjudicating upon it by the express terms of the act of July 4, 1864.

The case was then withdrawn from the Court of Claims and presented to the proper accounting officer of the Treasury Department, to wit, the Third Auditor, who referred it to the Quartermaster-General for certification of the facts, as is the practice in such cases. The report of the Quartermaster-General was made July 20, 1870, who, though he did not deny the facts as set forth by the claimant, reported adversely to the allowance of the claim on the ground that "rent is not a quartermaster's store."

Your committee are clearly of opinion that there was an implied contract between Captain Eddy and the claimant for the payment of rent for the occupation of the building, and that the decision of the Supreme Court in the case of United States *vs.* Anderson (9 Wallace, 56) covers this case, as Memphis was within the lines of the Federal forces when this property was taken. As to the question of contract the following testimony is given, taken before the Court of Claims:

"My name is Edward R. Hill. I am, by occupation, a book-keeper. I am forty-five years of age. I am a resident of Memphis and have been for the past seven years. I have no interest, direct or indirect, in the claim which is the subject of inquiry.

"I know the claimant in the above-entitled cause, and I am in no degree related to him. I state further that, on the 6th day of January, A. D. 1863, and prior to that date, I was engaged and employed in the Quartermaster's Department of the United States Army, stationed at Memphis, Tennessee, and especially in what was called the rental department, under the direction and control of Captain A. R. Eddy, acting as United States quartermaster, &c.; that, on the 5th or 6th day of January, 1863, certain officers of the Army of the United States Pay Department, Majors Judd, Brown, Farrish, Gould, Osgood, and others, with clerks and guards, arrived in Memphis, and applied to Captain A. R. Eddy, acting quartermaster, for rooms or offices in which they could proceed to pay off the troops of the United States Army in and about Memphis, &c., when said Captain A. R. Eddy directed me to find suitable rooms for said offices. I, under the direction and authority of Captain A. R. Eddy, acting quartermaster, applied to T. S. Ayres, owner of the "Ayres building," on Second street, Memphis, for the offices in his said building for the officers of the Pay Department, when said T. S. Ayres fully and freely agreed that the rooms or offices in said building should be so used and occupied by the officers of the United States Army, and on the 6th day of January, A. D. 1863, the said officers were placed in possession of the said offices by me and said T. S. Ayres, who furnished the keys of the several rooms and had them placed in order.

"I further state that said T. S. Ayres has been a citizen of Memphis, Tennessee, for the last twenty years; never engaged in rebellion, and has always been loyal to the Government of the United States; was then, and always has been, at his home in Memphis; never went beyond the lines of the military occupation of the United States Army or abandoned his property, but was then in actual possession of the same as owner.

"And I stated to said Ayers, when I applied for said offices, that he would be paid rent for the same, and under my said promise and assurance as to rent he consented to the use thereof, and gave me possession of the same; and said officers were placed in possession on the 6th day of January, 1863; and said offices were used and occupied by officers of Pay Department and courts-martial from that time until the 14th of February, 1865.

"I further state, that on the 12th day of January, 1363, after said offices were occupied by the Pay Department, and while they were in possession, certain officers of the Medical Department, surgeons of the United States Army, were about to select the said Ayres building for a hospital, when Major-General U. S. Grant, then in command at Memphis, at the instance and on application of the officers of the Pay Department, made an order, directing Major E. D. Judd, senior paymaster, to occupy the offices or rooms in the Ayres's building for pay department, &c. This order was made to prevent the use of same as a hospital, and to continue the officers of the Pay Department in possession.

"Said property, Ayres building, was never abandoned by the owner, or confiscated, or taken up by the rental department.

"I can state further that it was fully understood between Mr. Ayres and myself that he was to receive rent for his rooms or offices. It was merely accommodation on the part of Mr. Ayres in giving up the rooms."

Your committee are clearly of opinion that the claimant is legally and equitably entitled to compensation for the property so taken and used, and accordingly report the accompanying bill, paying for rooms 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, at the rate of $20 per month, and for rooms 11, 12, 13, 14, 15, 16, 17, 18, and 19 at the rate of $15 per month, in all amounting to the sum of $5,995, and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

Here the committee informally arose, and Mr. CESSNA took the chair as Speaker *pro tempore* to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to other amendments of the Senate, agreed to the conference asked by the House on the disagreeing votes on the two Houses, and had appointed Mr. WEST, Mr. LOGAN, and Mr. STEVENSON to be the conferees on the part of the Senate.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. SCOTT, and Mr. BAYARD to be the conferees on the part of the Senate.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 716) for the better government of the Navy of the United States;

A bill (S. No. 535) for the relief of the owners of the Haytian brig Margaretta or their legal representatives; and

A bill (S. No. 252) to remove the disabilities of John Julius Gutherie.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

The bill (H. R. No. 1019) to forfeit certain public lands granted to the Stockton and Copperopolis Railroad, in the State of California;

The bill (H. R. No. 3005) for the relief of the heirs of Mary B. Belfield, of Virginia; and

The bill (H. R. No. 3575) for the relief of certain settlers on the public lands in certain portions of the States of Minnesota and Iowa.

PRIVATE BILLS.

The Committee of the Whole on the Private Calendar then resumed its session.

JOHN B. TYLER.

The next bill on the Private Calendar was the bill (H. R. No. 1660) for the relief of John B. Tyler, of Kentucky.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to John B. Tyler, of Princeton, Caldwell County, Kentucky, the sum of $120, in full for the loss of a horse, his private property, which was killed on the battle-field of Stone River, on the 31st day of December, 1862; said John B. Tyler at the time being in the service of the United States Army.

The report of the Committee on War Claims was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 1660) for the relief of John B. Tyler, of Kentucky, having had the same under consideration report:

That the said Tyler, now of Princeton, Caldwell County, Kentucky, was during the late war the captain of Company C, Eleventh Regiment Kentucky Volunteers. That while in said service with said regiment he was ordered by Lieutenant Colonel Motley, then commanding the regiment, to take command of the same as acting major just prior to the battle of Stone River, on account of the absence of the two senior captains, and that in obedience to such orders he took command as acting major.

By the regulations of the Army, a captain of infantry was not entitled to a horse, and the said Tyler was ordered by Colonel Motley to procure one at once, as the enemy were in strong force immediately in front of their camp, and a battle was momentarily expected. That the said Tyler purchased a horse, paying $160, on the morning of the battle of Stone River, December 31, 1862, and in the afternoon of said day, while in action at the head of his command, he received a severe wound in the right thigh, which made it necessary that he should be carried to the hospital. The horse, saddle, and bridle were retained and used by some officer, and during the battle the horse was killed, and Tyler has never received pay or compensation for either horse, saddle, or bridle.

Your committee find, from the evidence submitted, that said horse was not a Government horse. Claim was referred to the Third Auditor of the Treasury, which was refused on the ground that Tyler, being a captain, was not entitled to be mounted upon a private horse at that time; and believing that Tyler is entitled to compensation for the loss of the horse, saddle, and bridle, report back the bill and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

D. R. HAGGARD.

The next bill on the Private Calendar was the bill (H. R. No. 2939) to compensate D. R. Haggard for six months' services as colonel of the Fifth Kentucky United States Cavalry Volunteers.

The preamble to the bill recites that D. R. Haggard, of Burkesville, Cumberland County, Kentucky, was, on the 1st day of October, 1861, commissioned a colonel of the Fifth Kentucky Volunteer Infantry, United States Army, in the war of the late rebellion; that he was shortly thereafter transferred to cavalry service, and was immediatey thereafter put into and did engage in the active service of his country, and did continue in said active service to the close of the war; that he was not mustered in the service of the Army until after six months from the date of his said commission and engagement in active service aforesaid; and that he has never received any pay or compensation for said six months' service prior to his muster-in.

The bill authorizes and directs the Secretary of the Treasury to pay to said D. R. Haggard the sum of $1,422, which shall be in full for all sums due said Haggard for said services, and all perquisites.

The report of the Committee on War Claims was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 2939) for the relief of David R. Haggard, submit the following report:

David R. Haggard was appointed colonel of the Fifth Kentucky Infantry by Brigadier-General Robert Anderson, commanding department, by virtue of authority from the President, October 1, 1861, and he at once proceeded to organize a regiment, and in twenty days had a force of eight hundred men in camp on his own farm, and before the end of the month went into the field under General Thomas. The regiment was changed to cavalry, and he was commissioned colonel of the Fifth Kentucky Cavalry December 4, 1861. He applied to be mustered by the officer who mustered Colonel Gudes's regiment, at Columbia, and no other opportunity offered until the muster of the regiment, March 31, 1862. He was a most faithful and efficient officer, and was only paid from the time of muster, and not paid for six months previous thereto. He never received or asked anything for expense of organizing the regiment, most of which was formed by him.

The committee recommend the amount of six months' pay and allowance, and report back the bill and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

J. C. HANNUM.

The next bill on the Private Calendar was the bill (H. R. No. 3187) for the relief of J. C. Hannum.

The bill and report were read.

Mr. LAWRENCE. I object.

SEBASTIAN REICHERT.

The next bill on the Private Calendar was the bill (S. No. 419) for the relief of Sebastian Reichert.

Mr. HUNTON. A bill precisely like this has passed both Houses of Congress, and has received the approval of the President; I therefore object to its consideration.

Mr. HOLMAN. I hope the bill will be reported to the House with the recommendation that it be laid upon the table. I move to strike out the enacting clause of the bill.

Mr. COTTON. That motion, if it prevailed, would cause the committee to rise, and therefore I must object to it.

Mr. HOLMAN. What objection can there be to disposing of the bill in that way?

Mr. LAWRENCE. If we do that, it will cause the committee to rise.

Mr. HOLMAN. I rise to a question of order. The only mode in which we can get this bill to the House, so that it may be disposed of, is to move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Indiana will observe that that would require the committee to rise.

Mr. HOLMAN. O, no; it would not require the committee to rise.

Mr. WILSON, of Iowa. Is not this objection day?

The CHAIRMAN. It is.

Mr. WILSON, of Iowa. Then we cannot discuss this bill at all.

Mr. HOLMAN. We cannot discuss it, but we can strike out the enacting clause.

Mr. DUNNELL. I submit that that motion is equivalent to an objection to the bill.

Mr. HOLMAN. Unless that motion can be made we can never get a bill out of a committee on objection days with an adverse recommendation at all.

The CHAIRMAN. Of course if there is objection the committee cannot do it. If there be an objection to a bill on objection days it is passed over.

Mr. COTTON. I object to the bill.

Mr. DONNAN. Is it not in order to move that it be reported adversely to the House?

The CHAIRMAN. It is not.

Mr. HUNTON. I hope that by unanimous consent the bill will be reported to the House, where it can be disposed of.

Mr. PLATT, of Virginia. I make the point of order that on objection day, under the rules of the House, the only action the committee can take on any bill is when it is objected to, to pass to the consideration of the next bill.

The CHAIRMAN. The Chair so holds.

Mr. HOLMAN. Then I call for the reading of the report in this case.

The CHAIRMAN. It is a Senate bill, and is not accompanied by a report.

Mr. HOLMAN. I suppose that by unanimous consent the enacting clause can be stricken out.

The CHAIRMAN. But the gentleman will observe that there is not unanimous consent.

Mr. PLATT, of Virginia. I will state that on last objection day, I asked unanimous consent for something to be done, to which the gentleman from Indiana objected, and the ruling of the Chair then was that it was not competent for the committee to do anything but lay a bill aside, with a favorable recommendation, even by unanimous consent.

The CHAIRMAN. It is not necessary to pass on that point, as the gentleman from Iowa and others have objected to the bill.

Mr. HOLMAN. I thought it was so manifestly proper that the bill should be reported to the House and disposed of there, that no gentleman would object to my motion.

Mr. LAWRENCE. Cannot the Committee of the Whole order the bill to be laid aside, to be reported adversely?

The CHAIRMAN. Objection being made to this bill it must be passed over, and the committee must proceed to the consideration of the next bill on the Calendar?

Mr. LAWRENCE. I make the motion that the bill be laid aside, to be reported to the House adversely.

The CHAIRMAN. Objection being made, a bill cannot be acted on adversely on objection day.

Mr. HOLMAN. Let the report be read.

The CHAIRMAN. The Chair has already stated that there is no report accompanying the bill.

Mr. HOLMAN. I hope there will be unanimous consent that the bill be reported to the House with an adverse recommendation.

The CHAIRMAN. Is there objection to that course being pursued?

Mr. PLATT, of Virginia. I object.

INGALLS B. ANDREWS.

The next bill upon the Private Calendar was the bill (H. R. No. 2903) for the relief of Ingalls B. Andrews.

The bill directs the Secretary of War to correct the record in his Department, wherein it appears that Ingalls B. Andrews, Company G, Thirty-first Maine Volunteers, is returned as a deserter; and that the said Ingalls B. Andrews be, and he is hereby, exonerated from the charge of desertion.

The Committee on Military Affairs report an amendment, to add to the bill the following:

And shall be entitled to the same pay and bounty as though no such charge had been entered against him.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 2703) for the relief of Ingalls B. Andrews, having had the same under consideration, respectfully submit the following report:

Claimant was enrolled in Company G, Thirty-first Regiment Maine Volunteers, February 24, 1864, and was arrested as a deserter on the 30th of March, 1864. This soldier makes affidavit that after he had enlisted he reported for duty at Augusta, Maine, and that before he was mustered into service he obtained leave of his captain to go to his home for a short time; that he went accordingly, but had no papers with him to show his leave of absence; that a man who knew he had enlisted arrested him and returned him to camp as a deserter, and secured thirty dollars as a reward therefor. He rejoined his company and was mustered into service; no charges were ever preferred against him; he went to the field with his command, and was so seriously wounded at Burnside's mine, Petersburgh, Virginia, that he was discharged on account of injuries so received. He avers his inability to furnish his captain's affidavit that he gave him leave to go home at the time he was arrested, because that officer had removed to the Western States and he cannot find his residence. Citizens of his vicinity vouch for his good character, and a lieutenant of his company and the colonel of his regiment say there were no better soldiers than him. His bounty, except the first installment, has been withheld, and he never even received any monthly pay except the first month, being in the hospital when the command was paid. The committee recommend the passage of the bill.

The amendment reported from the Committee on Military Affairs was adopted.

There being no objection, the bill as amended was laid aside, to be reported favorably to the House.

J. SCOTT PAYNE.

The next bill on the Private Calendar was a bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry.

The bill provides that upon the occurrence of a vacancy in the grade of first lieutenant in the Fifth United States Cavalry, J. Scott Payne, formerly first lieutenant in said regiment and now second lieutenant of the Sixth United States Cavalry, shall be appointed to the grade of first lieutenant in said Fifth Regiment United States Cavalry, with date of commission and relative rank in the Army held by him on the 12th day of September, 1868; provided that the act grants no back pay or additional pay in any manner whatever.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred House bill No. 771, having had the same under consideration, respectfully submit the following report:

In the month of June, 1868, J. Scott Payne, then first lieutenant Fifth United States Cavalry, tendered his letter of resignation, to take effect December 1, of same year. Subsequently charges were preferred against him, and he was summoned to appear before a court-martial at Washington, District of Columbia, early in August, 1868. Pending the trial he applied to the then Secretary of War for the withdrawal of his resignation, which was declined. The court-martial acquitted him of the charges, but the resignation which he had asked to withdraw was accepted September 12, 1868.

On the 30th of January, 1869, the War Department issued Special Order No. 25, as follows:

* * * * * * *

[Extract.]

* * * * * * *

8. By direction of the President so much of the Special Orders No. 220, paragraph 4, from this office, dated September 14, 1868, as accepts the resignation of First Lieutenant J. Scott Payne, Fifth United States Cavalry, to take effect September 12, 1868, is hereby revoked.

* * * * * * *

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

It is claimed that the President could not restore to service an officer who had resigned by revoking the acceptance of his resignation, and no effect has been given to Special Order No. 25, above stated. Last year the President appointed Payne a second lieutenant in the Sixth United States Cavalry. The bill before the committee provides in case of the first vacancy that this officer be reinstated in the grade which he held in his old regiment, thus giving effect to the special order of the War Department of January 30, 1869.

The bill is, however, imperative in its terms. The committee recommend striking out of lines 6 and 7 of the bill the words "shall be appointed," and inserting after the word cavalry in the fourth line the words "the President is hereby authorized to appoint;" and being so amended, the committee recommend the passage of the bill.

The question was upon adopting the amendment reported from the Committee on Military Affairs.

Mr. HOLMAN. For the purpose of obtaining a decision so as to establish some system of practice in these matters, I desire to submit to the Chair the question whether, if it is in order to vote upon an amendment reported from a committee, it is not also in order to vote upon an amendment to strike out the enacting clause of a bill?

Mr. MAYNARD. I should dislike to differ very much with the present occupant of the chair. But I would suggest that, this being objection day, when a bill is not objected to it should be reported to the House in the form recommended by the committee; that is with the amendment.

The CHAIRMAN. The gentleman means that, if there be no objection, the bill with the amendment be laid aside, to be reported to the House.

Mr. MAYNARD. That is what I mean.

Mr. DONNAN. Allow me to suggest that this bill is reported to the House with an amendment from the Committee on Military Affairs. Now, if there be no objection, why should not the bill and amendment be reported to the House?

Mr. HOLMAN. The Committee of the Whole must act upon the amendment.

Mr. DONNAN. I do not think any action and vote are necessary.

Mr. MAYNARD. If a bill with an amendment cannot be acted upon, then the committee in charge of the bill will hereafter report a new bill embracing the amendment. The whole object of objection

day is to enable bills to pass through as they are reported from committees.

The CHAIRMAN. If there is no objection to this bill with the amendment, it will be laid aside to be reported to the House.

No objection being made, the bill, as amended, was accordingly laid aside, to be reported favorably to the House.

LAND CLAIMS IN CALIFORNIA.

The next bill upon the Private Calendar was House bill (No. 1718) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights.

The bill was reported from the Committee on the Judiciary, with an amendment.

Mr. COBURN. I object to the bill.

Mr. CESSNA. I hope the gentleman will withdraw his objection till the report can be read.

Mr. COBURN. I cannot.

Objection being made, the bill was passed over.

LETTA BAGLEY.

The next bill upon the Private Calendar was the bill (H. R. No. 388) granting a pension to Letta Bagley.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Letta Bagley, mother of James P. Bagley, late a private in Company E, Twenty-ninth Regiment Ohio Volunteers, and pay a pension to her from the time when her name was dropped from the pension-roll.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Letta Bagley, for a pension, have had the same under consideration and beg leave to report—

That it appears from the evidence in this case that in the year 1834 a young unmarried woman came to the place where the petitioner resided, gave birth to a boy, and when he was two or three weeks old she prevailed upon Mr. and Mrs. Bagley to adopt him as their own son, and give him their name. The mother then left without telling her name, and the petitioner has never heard from her since, and this boy was treated in all respects as an own son, and was given the name of James P. Bagley.

That James P. Bagley enlisted in September, 1861, in Company E, Twenty-ninth Ohio Volunteers, and was killed at the battle of Cedar Mountain, August 9, 1862. That James worked faithfully for his parents before enlistment, and sent the petitioner a portion of his wages as a soldier. That petitioner did not apply for a pension on account of the death of her son for many years, as the proceeds of the little farm, which was sold, because they could not carry it on after James left, enabled them to live without a pension, but the husband of Letta being more than seventy years old, and a cripple with but one leg for many years, application was made and a pension granted August 30, 1869. This was continued till December 4, 1872, when the petitioner's name was dropped from the pension-roll, because James was not her own son; and that the application was made to the Pension Office without any thought of doing wrong.

Your committee believe that this applicant is justly entitled to be considered and treated as the actual mother of James, and therefore recommend the passage of the bill herewith submitted.

No objection being made, the bill was laid aside, to be reported favorably to the House.

SAMUEL HENDERSON.

The next bill on the Private Calendar was the bill (H. R. No. 1820) granting a pension to Samuel Henderson.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Henderson, late a private in Company G, of the One hundred and second Regiment of Ohio Volunteers, and pay him a pension from the passage of the act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1820) granting a pension to Samuel Henderson, having considered the same, submit the following report:

The petitioner enlisted in Company G, One hundred and second Ohio Volunteers, February 23, 1864, and was discharged the service March 13, 1865, on surgeon's certificate of disability.

It appears from the evidence presented in this case, that after the petitioner had come in off of picket duty, and was sitting upon a high stool, leaning forward with his elbows resting on his knees, and his head resting on his hands, one Jacob Lenoker, a comrade, jumped astride the petitioner's neck, jerking him forward and doubling him up, with his head and feet together, and throwing him about in such a manner as to strain his spine and cords of his back and neck, so as to affect his back and kidneys to such an extent as to be scarcely able to get about, and as a final result lost the sight of his left eye, and leaving the sight of the right in an impaired condition. This in connection with the spinal affection, which has caused a large lump to grow on the right side of his back, just over the kidneys, and the curvature of the spine, so bad that he is obliged to walk crooked, entirely disqualifying him for manual labor.

The evidence in this case is clear and full that the soldier was injured as alleged, and the only reason why pension was denied by the Commissioner of Pensions is, that the petitioner was not considered as having received the injury while in the line of duty.

The injury having been received without any fault or negligence on the part of the petitioner, the committee are of the opinion that it was incident to the service, (see decisions of Hon. Thomas Ewing, April 10, 1849, and Hon. B. R. Cowen, January 4, 1873,) it being shown that he was in camp at the time the injury was received, and therefore report favorably, and recommend the passage of the bill for his relief.

No objection being made, the bill was laid aside, to be reported favorably to the House.

FREDERICK VOGEL.

The next bill on the Private Calendar was the bill (H. R. No. 3189) granting a pension to Frederick Vogel.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Vogel, late assistant topographical engineer, Department of the Cumberland, and pay him a pension from and after the passage of the act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 651) granting a pension to Frederick Vogel, late assistant topographical engineer, Department of the Cumberland, having considered the same, make the following report:

The petitioner was assigned from civil life to duty as assistant topographical engineer. He claims a pension on account of a rupture and paralysis of the right side, caused by being thrown from his horse while in the line of duty.

The evidence presented in this case shows that while the petitioner was surveying the road from Hartsville to Lebanon, Tennessee, he was compelled to ford the Cumberland River, and that while crossing his horse was washed by the force of the current below the ford, and that in the struggle of his horse to climb the bank he was thrown from the saddle, with one foot fast in the stirrup; and that by this fall and the struggle of the horse was ruptured, and as a consequence thereof was stricken with paralysis.

The committee are of the opinion, from the evidence submitted in support of this claim, that the petitioner is entitled to pension, and therefore report favorably, and recommend the passage of the accompanying substitute for the bill H. R. No. 651.

No objection was made, and the bill was laid aside, to be reported favorably to the House.

Mr. HAWLEY, of Illinois. Is there a session ordered for to-night?

The CHAIRMAN. There is.

Mr. HAWLEY, of Illinois. And has the House made an order for a recess to be taken at half past four o'clock?

The CHAIRMAN. So the Chair understands.

Mr. HAWLEY, of Illinois. As there is no more time now before half past four o'clock than will suffice to pass in the House the bills that the Committee of the Whole has already acted on, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. POTTER reported that the Committee of the Whole, having had under consideration the Private Calendar, had directed him to report sundry bills, some with and some without amendment.

ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3095) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1875, and for other purposes.

REVISION OF POSTAL LAWS.

Mr. PACKER, by unanimous consent, reported from the Committee on the Post-Office and Post-Roads a bill (H. R. No. 3608) to amend sections 245, 246, 247, and 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872; which was read a first and second time, ordered to be printed, and recommited.

POST-ROADS.

Mr. PACKER also, by unanimous consent, reported from the Committee on the Post-Office and Post-Roads a bill (H. R. No. 3609) to establish certain post-roads; which was read a first and second time.

The SPEAKER. This is the general post-route bill, containing no legislation whatever. If there be no objection, it will be passed now without being read.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PACKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CONGER. I call for the regular order.

The SPEAKER. The regular order is the consideration of the bills reported from the Committee of the Whole.

Mr. CONGER. Is not that the order only by sufferance?

The SPEAKER. O, no; by a direct and absolute rule of the House and by immemorial usage.

PRIVATE BILLS PASSED.

The following bills, reported from the Committee of the Whole on the Private Calendar, with a recommendation that they pass, were ordered to a third reading, read the third time, and passed:

A bill (S. No. 395) for the relief of Edward H. Calvert; and

A bill (S. No. 465) for the relief of Joseph Council, of Mobile, Alabama.

LOUISVILLE AND BARDSTOWN TURNPIKE COMPANY.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company.

Mr. HOLMAN. I call for the reading of this bill. It involves an important principle, which may apply to other cases arising hereafter. I desire it shall be understood.

Mr. HAWLEY, of Illinois. I ask unanimous consent that this bill

may be laid aside till the other bills reported from the Committee of the Whole have been acted on.

Mr. HOLMAN. O, no; let us go on regularly.

The bill, as amended by the Committee of the Whole, was read.

The amendment was agreed to.

The bill, as amended, was ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. TOWNSEND. I raise the point that the hour has arrived for the recess.

The SPEAKER. The House has ordered that a session be held this evening, to be devoted to business from the Committee on the Public Lands, and that at half past four o'clock a recess be taken till half past seven o'clock.

Mr. HAWLEY, of Illinois. What effect will the taking of the recess have with regard to the private bills reported from the Committee of the Whole and not yet acted on by the House?

The SPEAKER. They will come up immediately after the reading of the Journal to-morrow.

Mr. LAWRENCE. I ask that to-night, after the Committee on the Public lands have finished their business, the Committee on War Claims may be allowed to make reports, not for action, but to go to the Calendar.

Several members objected.

The hour of half past four o'clock having arrived, the House, according to order, took a recess till half past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. PARKER, of Missouri, taking the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. According to previous order, the House is in session for the purpose of hearing and considering reports from the Committee on the Public Lands.

Mr. TOWNSEND. As there does not appear to be a quorum in the House, I move that we take a recess for ten minutes.

The motion was agreed to; and a recess was taken accordingly.

The recess having expired, at twenty minutes to eight o'clock p. m. the House reassembled.

Mr. TOWNSEND. Mr. Speaker, this evening was assigned by the House last Monday morning for the purpose of hearing reports from the Committee on the Public Lands. We are here to-night with several bills we desire to report favorably for the action of the House. Some of them are subject to the point of order, and if gentlemen are strenuous on that matter they will be sent to the Committee of the Whole.

Mr. WILLARD, of Vermont. Report those first which do not go to the Committee of the Whole.

Mr. TOWNSEND. I wish, however, to say to the House, of all the bills which have come before us we have carefully examined them and have sifted them out. We have weeded nine out of ten of them, and report none to the House except those which we think have merit. We therefore trust, unless there be some good reason for it, no bill will be sent to the Committee of the Whole on a point of order. The first bill I wish to offer to the consideration and approval of the House is a bill to carry out the provisions of the treaty of 1871 between Great Britain and the United States concerning land up in Washington Territory.

HUDSON'S BAY COMPANY.

Mr. TOWNSEND, from the Committee on the Public Lands, reported back a bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were subject of the award of His Majesty the Emperor of Germany under the treaty of Washington of May 8, 1871, and for other purposes, with the recommendation that it pass.

The bill and preamble were read.

The preamble recites that it was stipulated by article 1 of the treaty concluded at Washington, on the 15th day of June, 1846, between the United States and Great Britain, that the line of boundary between the territories of the United States and Her Britannic Majesty, from the point on the forty-ninth parallel of north latitude up to which it had already been ascertained, should be continued westward along said parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of said channel and of Fuca Straits to the Pacific Ocean;" and by article 3 of the treaty aforesaid it was stipulated that "in the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be in the occupation of land or other property lawfully acquired within the said territory, shall be respected;" and by article 34 of the treaty concluded at Washington, on the 8th day of May, 1871, the question of where "the boundary which runs southerly through the middle of the channel aforesaid" should be located was submitted to His Majesty the Emperor of Germany, whose decision was to be final and without appeal; and by the award of His Majesty the Emperor of Germany, of October 21, 1872, said boundary was established, and it now devolves upon the United States to discharge its treaty obligations.

The bill in its first section then provides that a commissioner be appointed by the President of the United States, to make and report to the Secretary of the Interior a list of all British subjects who on the 15th day of June, 1846, were in the occupation of land, lawfully acquired within the limits which were the subject of the award of His Majesty the Emperor of Germany, together with a description of the land actually occupied by each at said date; and said commissioner shall proceed to the vicinity of the land in question, and there receive proof of the occupancy of such land and of the mode by which such occupancy was acquired, after first giving reasonable notice as to the said matters to be so reported by him. Such proof shall consist of oral testimony under oath and such documentary proofs as the said occupants may present. The testimony of all witnesses shall be reduced to writing, and all documentary proof offered by the parties and received by the commissioner shall be attached to the deposition of the party offering such proofs, which testimony and proofs shall be submitted by said commissioner with his report, and such report shall be subject to review by the Secretary of the Interior, whose action thereon shall be final. For the purposes of the act, the said commissioner shall have authority to administer oaths and take testimony.

The second section provides that said commissioner shall receive for his services ten dollars per diem, together with traveling expenses at the rate of ten cents per mile, for the distance actually traveled in the execution of said commission; and the sum of $1,000 is hereby appropriated from any unappropriated money in the Treasury to defray such expenses.

The third section provides that all British subjects whose claims shall be approved by the Secretary, as provided in section 1 of this act, shall be allowed to purchase from the United States the land so designated at any time within one year from such approval, at the ordinary minimum price per acre where the lands are situated outside railroad limits, and at double minimum price where the lands are within railroad limits.

The fourth section provides that such entries shall be according to legal subdivisions, so as to include the improvements of such occupants; and where two or more parties shall have improvements on the same smallest legal subdivision, they may make a joint entry thereof; provided that in case entry and payment are not made within one year from the date of such approval by the Secretary of the Interior, then all possessory rights named in article 3 of the treaty of June 15, 1846, shall be considered forfeited, and the lands shall thereafter be deemed and treated as a part of the public domain, to be disposed of as other lands.

The fifth section provides that it shall be the duty of the Secretary of the Interior to make all needful regulations to give effect to the provisions of the act.

Mr. TOWNSEND. The Secretary of State called the attention of the Secretary of the Interior to a communication from Sir Edward Thornton, the British minister, who, under instructions—and I am now reading from the report of the Secretary of the Interior—"under instructions from his government has asked the consideration of the case of those persons, subjects of Great Britain, who had settled upon the islands between the continent and Vancouver's Island, which were confirmed to the United States by the decision of the Emperor of Germany. And the Secretary of State, after calling the attention of the Department to this subject, has inquired whether he may be justified in saying to the British minister that this Department will be prepared to recommend to Congress any legislation on this subject at the approaching session, and also to ask, in case any legislation will be recommended, that if there be no objections, he may be informed of the provisions which Congress will be asked to enact into a law." The Secretary of the Interior accordingly recommends this bill as draughted here should be passed by Congress into law.

The fact is the law is a draught made partly in the State Department and partly in the Department of the Interior upon consultation between them, and inasmuch as it is to carry out provisions of the treaty, we ask it may be passed, and unless some gentleman wants further information about it or wants to say something respecting it, I shall now ask the bill be passed.

Mr. WARD, of Illinois. If the gentleman has no objection I should like to ask him a question.

Mr. TOWNSEND. Certainly.

Mr. WARD, of Illinois. I would like to ask the gentleman from Pennsylvania whether it is not possible to secure the services of some officer of the Government who is now up in that country, and whether it would not be cheaper, instead of appointing this commission?

Mr. TOWNSEND. On consultation between the two Departments this was found to be the cheapest way which could be adopted.

Mr. WARD, of Illinois. But the fees provided here in the long run will make a good deal.

Mr. TOWNSEND. This has been proposed by the two Departments after a careful consideration.

Mr. WARD, of Illinois. That is all right enough, but could we not get along by employing some of these officers who are now up in that country to do this work without further compensation?

Mr. CONGER. May I ask the gentleman whether the bill applies to any other than these lands which are stated?

Mr. TOWNSEND. To none others except those obtained under the award of the Emperor of Germany.

Mr. CONGER. What necessity is there then to make a distinction about railroad lands?

Mr. TOWNSEND. I will yield now to the gentleman from Washington Territory, who will explain that matter.

Mr. McFADDEN. This a bill of great importance in regard to the interests of the people in that region. The land in those islands awarded to us under the decree of the Emperor of Germany lies within the limits of the waters of Puget Sound. It has been in contest for a long time; and the necessity for this bill originates in a treaty made in 1846, commonly known as the Ashburton treaty. We have invariably claimed those islands as belonging to the Territory of Washington; and at an early period after the settlement and organization of the Territory of Washington there was an act passed by the Legislature of the Territory incorporating those islands as part of Washington County. They have been settled upon and improved by American citizens who have been living there for twelve, fifteen, and seventeen years, who have made there their homes and valuable improvements, but who have been unable to get surveys of those lands by reason of the difficulty which sprang up in the adjustment of the northern boundary between the American and British possessions.

Mr. Campbell, who represented the American Government, and the British Commission, when they reached the Straits of Rosario, quarreled; the British claiming that those straits constituted the boundary line, while we claimed that the northern waters known as the Channel De Haro were the true boundary, settled and covered by the treaty of 1846.

Now all surveys upon those islands have been suspended. The President's proclamation has gone forth excluding those lands from settlement, and unless provision is made for their survey by the appointment of a commissioner who can go upon the ground and ascertain who were settlers there in 1846, at the date of the treaty, and the nature, character, and extent of the occupation of the lands which they claim, those lands would be claimed and absorbed by the subjects of Great Britain instead of being held by American citizens. The truth of the matter is that there were but few British subjects on the lands at the date of the treaty. And it will be seen by this bill that the construction given to the treaty by the Secretary of State and concurred in by the Secretary of the Interior is that no British subjects are entitled as settlers to lands upon these islands, except those who were the occupants of those lands at the date of the treaty in 1846. This measure is a measure of necessity, and I have the assurance of the Secretary of the Interior that upon the passage of this bill those islands would be at once surveyed, and these American citizens who for fifteen or seventeen years have been living upon this extreme northern frontier, the most remote province connected with the American Union, will be enabled to perfect titles to their lands. If it goes over things will remain in *statu quo*. British subjects will be asserting their claims; conflicts will arise, and there is no telling what the result will be.

Mr. CONGER. I had risen and was about to make a remark or two on this question, but as the Delegate from Washington Territory seemed desirous of speaking I yielded to him. I wish to say that it seems to me that if there were any rights acquired under that treaty, possessory rights or any other rights to the lands on these islands, they were acquired and would be held under the treaty, independent of the rule of payment which would be applied to these people as purchasers. Perhaps the committee could inform the House in regard to that matter.

Mr. TOWNSEND. They are held exactly under the provisions of the treaty.

Mr. CONGER. The treaty as I understand it provides that the possessory rights of British subjects at the date of the treaty or at the time of the confirmation of the treaty of 1846 should be confirmed to them.

Mr. TOWNSEND. Should be respected.

Mr. CONGER. Well, should be respected. Now, I do not know what sort of respect is shown for those rights, to say what men shall still occupy their lands to which they were entitled under the laws of Great Britain, but must pay for them, and pay for them just what they would have to pay for any other lands. If that is carrying out the treaty very well, let it be so. But if it is a little close Yankee trick to get a few shillings an acre for lands that belong to these people, I say it is unworthy of this House to do it in that way, as if it were confirming the rights of people under a treaty; because it is no more than aliens may do with reference to any lands which have been surveyed. For any alien may come now and buy land at ten shillings an acre.

Mr. WILLARD, of Vermont. I have the treaty here.

Mr. CONGER. Before I yield the floor I wish to make another remark. It was in regard to these islands that the dispute arose as to their settlement by Americans which led to the reference of the matter to the Emperor of Germany. The British authorities then in possession forbade the Americans settling on the islands, and the Americans insisted upon their right to settle there, and the quarrel came near being one to be carried on by force between the respective settlers and the officials of the two governments. Now I have no idea that the size of these islands or the size of any of the islands which were submitted to this arbitration is so great that there have ever been any railroad lands granted upon them.

Mr. McFADDEN. The North Pacific Railroad have had these lands withdrawn from settlement. They have extended their line northerly along Puget Sound, striking the East Cascades by what is known as the Skaget Pass east of the mountains. There are now in the northern part of the Territory but two extreme points, one near the British possessions and the other near the mouth of the Chehalis River, that are actually outside of the limits of the lands withdrawn, unless it be a small portion of land east of the mountains which are open to homestead and pre-emption settlement.

Mr. CONGER. They come within the limits, then, by being so far from surveyed land?

Mr. McFADDEN. Certainly; within twenty miles.

Mr. CONGER. If that be so, it answers all I have to say upon this subject.

Mr. WILLARD, of Vermont. I desire to call attention to one point further in the same line which has been presented by the gentleman from Michigan, [Mr. CONGER,] and in fact I rose for the purpose of calling attention to the points which he suggested. The treaty of 1846, which designated the forty-ninth parallel of north latitude, where it will be found to intersect the great northern branch of the Columbia River as the boundary, after making that provision in article 2, provides in article 3 that in future appropriations of the territory south of the forty-ninth parallel, the possessory rights of the Hudson's Bay Company and of all British subjects who may be already in possession of land and other property lawfully acquired within said territory, shall be respected.

Now the treaty of Washington in article 34 provides, in pursuance of this article of the treaty of 1846, that the Emperor of Germany shall examine and determine, after a hearing of the case, where this line is, whether it is to be run through the Rosario Straits or through the Channel De Haro. He was, having regard to the above-mentioned article of the said treaty, to decide thereupon finally without appeal.

Now, the only point I desire to suggest to the gentleman from Pennsylvania is this: if it shall turn out as a matter of international law that the third article of the treaty of 1846 can be fairly said to be brought forward in its operation by reference to it in the article of the Washington treaty of 1870, would not the possessory rights provided for in the treaty of 1846 be brought forward also, so that those possessory rights as they were at the time the boundary line was finally determined by the Emperor of Germany would have to be respected by this Government? If that be so then it seems to me that we may possibly by a bill of this sort get into this complication. If we assume that no British subjects have any rights south of this line finally determined by the Emperor of Germany unless they were in actual possession in 1846 and had possessory rights at that time, we may say then that we will open all the lands to public entry no matter if they were in the actual occupation of British subjects at the time the Emperor of Germany made the award. Then there would arise undoubtedly behind that question a claim for indemnity. I only raise the point, because such claims have arisen under other provisions of the treaty. And so it has occurred to me that there is difficulty in opening these lands to public entry now, unless we recognize in some way the possessory rights of those who were in actual occupation at the date of the final award by the Emperor of Germany.

Mr. TOWNSEND. That is what we propose to do by this bill.

Mr. WILLARD, of Vermont. The gentleman will allow me a word further. I understand this bill to provide that the claims of British subjects are only to be recognized as giving a right of entry; that is to say, that they may enter lands they may have occupied for twenty years by paying the minimum price; so that, in other words, it gives them the right of entry on the same terms as Americans might have it. But it seems to me that by the terms of the treaty of 1846 they were to be treated as being the actual owners of these lands.

Mr. TOWNSEND. The gentleman from Washington Territory [Mr. McFADDEN] is more familiar with this matter than I am, and I yield to him to answer the suggestions of the gentleman from Vermont.

Mr. McFADDEN. In answer to the point suggested by the gentleman from Vermont, I will say that it is hardly to be expected that the American Congress will go beyond the demands made by the British Government. The British minister has only claimed this right for the settlers who were on these lands at the date of the treaty of 1846. No claim has been presented beyond that. I take it that under the treaty stipulations entered into and the negotiations entered into between this Government and the British government, the title of the Puget Sound Company and of the Hudson's Bay Company to lands have been extinguished by actual purchase; so that no claim is left but those claims which belong in common to American citizens and British subjects who may have been in the occupation of lands on the islands of this archipelago at the date of the treaty of 1846.

Mr. WILLARD, of Vermont. The reason why my attention was called to this matter more especially was because recently I had my attention called to possessory claims which have been brought in here, and to a bill now pending before the House growing out of the final settlement of the northeastern boundary, where similar language was used in the treaty. No matter what the English minister may be willing to waive as to the claims in behalf of English sub-

jects, still the right of British subjects may exist under the treaty; and certainly since the change of the boundary line, thus making them citizens of the United States, we ought to respect their rights whatever they may be. I only raised the point as a matter which caused some doubts in my own mind.

Mr. TOWNSEND. The British minister, the Secretary of State, and the Secretary of the Interior have all considered this subject; and I do not think it worth while that we should now raise any doubts about it. I ask for a vote upon the bill.

Mr. BARBER. I desire to offer an amendment to which I do not think the gentleman will object.

Mr. DUNNELL. I think the amendment is a very proper one.

Mr. TOWNSEND. I will hear it read.

Mr. BARBER. I propose to amend the last clause of section 1 of the bill by inserting after the words "authority to" the words "subpœna witnesses;" so that it will read:

For the purposes of this act the said commissioner shall have authority to subpœna witnesses, administer oaths, and take testimony.

Mr. TOWNSEND. I have no objection to that amendment.

The amendment was agreed to.

Mr. HOLMAN. As we have the most efficient of all public officers, our Army and Navy officers, on the Pacific coast, I would suggest to the gentleman that some one of them should be detailed for this duty. The multiplication of officers is always to be deplored, and in this instance there seems to be no necessity for it. If the gentleman will consent, I will propose to incorporate in this bill a provision that the officers of the Army and Navy on the Pacific coast shall be employed in this duty.

Mr. TOWNSEND. I trust the gentleman will not press his motion. This matter has been thoroughly considered by two Departments of the Government.

Mr. HOLMAN. I will not insist upon it.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS ON FORT ABERCROMBIE RESERVATION.

Mr. TOWNSEND, from the Committee on the Public Lands, reported back, with amendments, a bill (H. R. No. 3078) for the relief of settlers upon that portion of the old reservation of Fort Abercrombie subject to sale under the act entitled "An act to provide for the disposition of useless military reservations," approved February 24, 1871.

The bill provides that all settlers upon that portion of the old military reservation of Fort Abercrombie which lies on the east side of the Red River of the North, and which is subject to sale at its appraised value by the Secretary of the Interior, shall have the right to purchase one hundred and sixty acres each, including their respective improvements, at its appraised value, in cash, at any time within two years from the passage of this act; and that no quarter-section or other smaller legal subdivision of said land occupied by a *bona fide* settler as a homestead shall be exposed to public sale until after the expiration of two years from the passage of this act, anything in the act to provide for the disposition of useless military reservations, approved February 24, 1871, to the contrary notwithstanding.

The amendment reported from the committee was to amend the section so as to limit the time for the operation of this act to one year after its passage instead of two years as proposed by the bill.

The amendment was agreed to.

Mr. TOWNSEND. I will state briefly the history of this matter. In 1871 the Congress of the United States passed a law providing that the Secretary of War should turn over to the Secretary of the Interior useless military reservations. Under that act a portion of the lands around Fort Abercrombie, amounting to some six thousand acres, was turned over to the Secretary of the Interior by the Secretary of War. Those lands have been appraised at from one dollar up to six dollars an acre. Some thirty-four persons settled upon this land, thinking that it had been entirely opened to settlement which had not been done. This bill provides that those settlers shall be allowed to enter upon and take possession of those lands upon paying to the Government the price at which the lands have been appraised. That is the amount of the bill.

Mr. COTTON. How much land is there?

Mr. TOWNSEND. A little less than six thousand acres.

Mr. COTTON. How much land is allowed to each settler?

Mr. TOWNSEND. Not more than one quarter-section to any one settler, according to legal subdivisions.

Mr. CONGER. I desire to inquire if the committee has any knowledge about any conflict concerning the possessory rights of settlers?

Mr. AVERILL. This land lies in my district. I am acquainted with that section of the country. It is a small tract of land lying on the east side of the Red River of the North. There are a few settlers upon it, some of whom have been there many years. All that is asked is to quiet their titles so that they may have their homes undisturbed by speculators.

Mr. CONGER. Is there any conflict in regard to these lands?

Mr. AVERILL. None at all.

Mr. CONGER. Has any railroad been laid out through these lands?

Mr. AVERILL. There is no railroad laid out, none located, and none anticipated within fifty miles of these lands. It is outside of any contemplated railroad route.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC LANDS IN ALABAMA, MISSISSIPPI, ETC.

Mr. MOREY, from the Committee on the Public Lands, reported a bill (H. R. No. 3610) to place the States of Alabama, Mississippi, Louisiana, Florida, and Arkansas on the same footing in regard to the disposition of public lands within their limits as the other States of the Union; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that from and after the 1st day of September, 1874, all acts of Congress relating to the sale of public lands, and granting pre-emption rights to actual settlers, then in force in the other States and Territories of the United States, shall, without further legislation, extend over and be in force in the States of Alabama, Mississippi, Louisiana, Florida, and Arkansas.

Mr. LOWE. How does it happen that the lands in these States are not now subject to the laws affecting other States?

Mr. MOREY. I will explain. By the act of June 21, 1866, the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida are made liable to homestead settlement only; there was no reservation of pine lands or any other timber lands. That was about the time we were going through the process of reconstruction in those States; and it was thought wise at that time to take the lands from under the operation of the general land laws and put them under the operation of this special law. The first section of this act provides—

That from and after the passage of this act all the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida shall be disposed of according to the stipulations of the homestead law of May 20, 1862, entitled "An act to secure homesteads to actual settlers on the public domain," and the act supplemental thereto, approved 21st of March, 1864, but with this restriction, that until the expiration of two years from and after the passage of this act no entry shall be made for more than a half quarter-section or eighty acres; and in lieu of the sum of ten dollars required to be paid by the second section of said act, there shall be paid the sum of five dollars at the time of the issue of each patent; and that the public lands in said States shall be disposed of in no other manner after the passage of this act.

Now this bill in effect repeals that clause and places the lands in those States upon the same footing as public lands in all the other States.

Mr. BARBER. How is it in Kansas?

Mr. MOREY. This bill does not affect Kansas.

Mr. BARBER. But the gentleman spoke of putting these lands on the same footing with public lands in all the other States; and I ask him what is the case in Kansas?

Mr. MOREY. In Kansas and Nebraska the pine lands are not subject to homestead entry, but they are subject to sale; and they are subject to entry after being once advertised for sale. The fact is that long before the war large tracts of timber lands in Louisiana had been offered for sale and after being so offered were subject to entry.

Mr. COTTON. Does this bill grant any donation of lands to the States?

Mr. MOREY. No, sir; it does not make any donation.

Mr. COTTON. It merely opens the land for location?

Mr. MOREY. Yes, sir; it merely removes that restrictive special legislation that applied to those States alone.

Mr. COTTON. Have we not recently passed a bill repealing the pre-emption laws?

Mr. MOREY. We have; but it has not passed the Senate. But if this bill be passed we shall be subject to the operations of that bill in just the same way as all the other States; and on the same footing as these States themselves were prior to the legislation it is now proposed to repeal.

Mr. CONGER. The object of the passage of the law of 1871, if I remember aright, was to prevent throwing into the market for purchase the Government lands in those States; to make all those Government lands liable only to homestead and pre-emption entry. The object was especially to keep the public domain there as homesteads for the poor, of whatever race, color, or condition in life; to prevent speculators from buying those lands for any purpose. It was then said in debate on the subject that it was especially desirable for the growth and prosperity of those States, and for the benefit of the poor people living there, that those lands should be reserved from general sale; that they should not be put into the market; that they should be reserved thenceforth, until Congress saw fit to remove the restriction, as public domain for all settlers, to be taken as homesteads. It was said that if that law should remain in force it would encourage in the course of years not only occupation of homesteads by the colored and other poor people of those States, but would afford a strong inducement for immigration from the Old World. Congress in passing that law with that restriction had in view the encouragement of the growth

and settlement of those States. Now will the gentleman tell this House whether that object has been so far accomplished that those lands may now be thrown open to purchasers and speculators; whether all who desire homesteads have been enabled to acquire them; whether immigration has been attracted from the Old World for the sake of securing free homesteads; whether those States have already been settled by all of that class who will come; and whether the reservation made with that purpose is no longer necessary? What is the object of thus changing a law which was claimed only two or three years ago to be so beneficial to those States themselves?

This bill now proposes to open those lands for sale to speculators, to whoever will buy them. It goes further. Unless some restrictive clause be introduced in the bill, it throws the Government live-oak forests in Louisiana and Florida open to purchase for speculative purposes. I submit to the House that either we were mistaken in the legislation of three years ago or else the time has not yet come to throw all these lands into the market, especially without reserving to the Government the live-oak lands so necessary for future use in maintaining our Navy.

I do not antagonize this proposition; but I desire for my own information to know exactly why this law should be passed, why gentlemen from the South desire any such different legislation from what they required so short a time ago?

Mr. MOREY. Mr. Speaker, I will say that although we appreciated the spirit which actuated that legislation at that time, we did not ask for it, and we think now that we know better what is for the interest of our States than the gentlemen who passed those laws. We think that we have passed out of the condition of tutelage, and we ask now that the public lands in our States shall be placed upon the same footing and subjected to the operations of the same law as the public lands in Wisconsin, Michigan, Iowa, and other States.

The gentleman from Michigan [Mr. CONGER] says that the act proposed now to be repealed was passed for the purpose of making these lands subject to the operation of the homestead and pre-emption laws. That is true so far as the homstead law is concerned; but it placed them under the operations of that law alone. They are not subject to pre-emption at all under the provisions of that act. They are subject only to the homestead law, and with a large body of pine lands in our State fit only for milling purposes, I would like to ask how he would apply that homestead law which requires they should cultivate the land? You do not expect them to go into pine lands only fit for milling purposes and cultivate them? Under the provisions of that law we can only get timber for lumber purposes by stealing it off the public lands. There is no way we can pre-empt or buy it. We can only enter it under the provisions of the homestead law by cultivating it.

Mr. CONGER. Let a proper bill be prepared to bring into market these pine or other lands unfit for cultivation or agricultural purposes, and submit that plain and distinct proposition.

Mr. MOREY. Does the gentleman mean to say because these States lie along the Gulf, and because at one time they were in rebellion, they should now be under a different system of law from his own State? We only ask to be placed under the same system which applies to lands in your own State.

Mr. CONGER. I will answer the gentleman. I do say it is more the duty of the Government of the United States and of this House, in being true to the pledges which have been made to the freedmen, to preserve for some years to come in the States where they dwell in such great numbers the right to enter for themselves homesteads free of cost than it is in States where freedmen do not exist.

Mr. MOREY. Does the gentleman propose to force these colored brothers to take homesteads upon the pine lands?

Mr. CONGER. They will not probably go into the pine lands unless they desire to do so.

Mr. MOREY. There are plenty of lands for them besides these pine lands.

Mr. CONGER. The pine lands of the South to-day for homesteads and for the sale of the pine timber in clearing them are worth, as the gentleman knows, ten times prairie lands.

Mr. MOREY. I will state further in reply to the suggestion of the gentleman from Michigan that we should take care of this portion of our people, that I hold in my hand a petition largely signed, and probably four-fifths by colored men, asking for the passage of this bill. This petition comes from Calcasieu and Cameron Parishes, where a large part of these pine lands is situated. They are engaged in cutting lumber now for milling purposes. Some of them have mills of their own. If, then, the gentleman is solicitous in their behalf, if he will listen to their voice and not undertake to do for them what they do not want done, then he will allow this bill to pass.

Mr. CONGER. I might say to the gentleman from Louisiana, there are lumbermen from my own State of Michigan who are desirous to have it become a law. I could speak for some of my people in advocating the passage of this bill. I know they are waiting in Florida, in Louisiana, and Arkansas, some few of them, an opportunity to take any of these lands. They will be right on hand to take them when the time comes. I could speak for my own citizens and advocate the gentleman's bill, but I do not believe that to be my duty.

Mr. MOREY. I yield now to the gentleman from Texas, [Mr. HERNDON.]

Mr. HERNDON. I have an amendment to offer to the bill which I think will secure all desired by the mover of the bill. The amendment which I offer and which I will have read is simply to repeal the first section of an act approved June 21, 1866. The bill as reported I think is obnoxious for this reason. The latter part of it reads thus:

That from and after the 1st day of September, 1874, all acts of Congress relating to the sale of public lands, and granting pre-emption rights to actual settlers then in force in the other States and Territories of the United States, shall without further legislation, extend over and be in force in these States of Alabama, Mississippi, Louisiana, Florida, and Arkansas.

I do not look on your laws which are applicable to each one of the States, for many of them are special in their nature and character, as being applicable to these five States. They differ from each other. Of course all general laws should be applicable, but that I understand is not really the object of this bill. Therefore my amendment is to simplify this bill by repealing the first section of the act which is the one complained of. The first section of the act of June 21, 1866, discriminates against these five States and places them in a different condition from the other States of the Union. One of the reasons for this was to give the colored people residing in those States an opportunity to secure a home each for himself if they should so desire it. Another change from the existing laws was to cut the quantity down to eighty acres instead of one hundred and sixty acres. There was no exemption of pine timber as is complained by the gentleman from Michigan, because that whole country almost is a pine country.

Now what these people want is simply this: that this section which they consider onerous and discriminating in its character against them shall be repealed, and that they shall be placed upon the same footing as the people of all the other States, so that the general laws shall be applicable to them. I do not understand that they ask anything more, nor will they be content with anything less. It is universally the case I believe, with this solitary exception, that under the homestead act and under the pre-emption act each homesteader and pre-emptor can take one hundred and sixty acres of land. Here they are only allowed eighty acres, half the amount. This act provided that they should not pre-empt at all. It restricted them to the acts of 1862 and 1864, to homestead settlement only. They wish the benefit of the pre-emption law, unless that law should be repealed by the substitution of the more general and comprehensive homestead act which has recently passed this House and is now pending in the Senate.

That is what they want. I therefore offer my amendment, which is simply to repeal the first section of the act of 1866. I send it to the desk to be read.

The Clerk read as follows:

Be it enacted, &c., That section 1 of the act entitled "An act for the disposal of the public lands for homestead actual settlements in the States of Alabama, Mississippi, Louisiana, Florida, and Arkansas," be, and the same is hereby, repealed.

Mr. TOWNSEND. Let the Clerk read the section of the act which this proposes to repeal.

The Clerk read as follows:

Be it enacted, &c., That from and after the passage of this act all the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida shall be disposed of according to the stipulations of the homestead law of 20th May, 1862, entitled "An act to secure homesteads to actual settlers on the public domain," and the act supplemental thereto, approved 21st of March, 1864, but with this restriction, that until the expiration of two years from and after the passage of this act no entry shall be made for more than a half-quarter section, or eighty acres; and in lieu of the sum of ten dollars required to be paid by the second section of said act, there shall be paid the sum of five dollars at the time of the issue of each patent; and that the public lands in said States shall be disposed of in no other manner after the passage of this act: *Provided*, That no distinction or discrimination shall be made in the construction or execution of this act on account of race or color: *And provided further*, That no mineral lands shall be liable to entry and settlement under its provisions.

Mr. WILLARD, of Vermont. If this bill should pass, it would pass because the judgment of the House would be that the original law should not have been passed.

Now, Mr. Speaker, let me call the attention of the House to what I suppose to have been the reasons that led Congress to pass the original law in 1866. A race had just been emancipated. Many of them resided in these States, and none of them were land-holders. They had no real estate. The land other than the Government lands in all that section of country was held by former slaveholders, by men who had an inveterate prejudice from education and from all their surroundings against seeing a negro an owner of land. Evidently it was apparent to Congress that unless the public lands of those States could be held open to homestead entry by persons of that race which had just been emancipated they never could acquire homes in that southern country; that, in other words, the only way in which they could become possessed of real estate would be through a homestead law like this.

Now, I do not understand, Mr. Speaker, that that prejudice against the sale of lands to the colored people in the South has yet all ceased. As I understand, they to-day would have difficulty in purchasing homes in that country of the former or present land-owners; and that it is mainly through the provisions of such a law as this, giving them the right of entry and the right to obtain homesteads upon the public lands, that they can become the owners of any real estate.

Now, sir, it seems to me it is possible—I do not say it is probable, but it seems to me it is possible—that the passage of such a law as this might prevent or might postpone much longer than we should

desire to see it postponed the acquisition of homes or real estate by these colored people. They have not yet become rich. They are not yet in a condition, I suppose, many of them, to purchase lands. But they could make the payment of the entry-fee required here of five dollars for eighty acres. They could do that, and they could begin in this way to get homes.

If it be necessary, as was suggested by the gentleman from Michigan, [Mr. CONGER,] that some of these timber lands should be put into the market, it is possible that a bill limiting the operation of this law to such lands, or in some such way, would be beneficial. It may be, Mr. Speaker, that those who passed this law originally were all wrong. It may be that they did not estimate properly the supposed prejudice that existed against these colored people getting homes in that country. But as the law reads it seems to me to have been intended for the very purpose of making it possible that these colored people might secure homes. That is all I have to say on the subject.

Mr. CALDWELL. I hope the gentleman will allow me to correct him in an error into which I think he has fallen.

Mr. WILLARD, of Vermont. I shall, of course, be very glad to be corrected if I have fallen into any error.

Mr. CALDWELL. The gentleman has declared that there is a difficulty in the Southern States in the way of the negro's securing land by purchase. Now, I am satisfied that if the gentleman lived in the State of Alabama, or would even visit the State of Alabama and inquire of those who by their thrift have been able either to enter lands or to purchase them, they will answer him promptly that they met with no difficulty whatever. I venture to say that he would find upon examination that there is no disinclination on the part of the people of the Southern States to sell land to any one, whether black or white, without regard to race, color, or previous condition of servitude. The only condition, I will say to the gentleman, is that the purchasers shall have money to pay for the lands. If they have money they can always purchase them.

Mr. WILLARD, of Vermont. I do not desire to enter into any controversy with the gentleman as to that. I said that I understood that the principal reason for the original passage of this law was that it was supposed to be a necessity in order to enable the colored people of the South to acquire homes. I said I thought it possible that race-prejudice had not so far died out in the South that it was possible to-day this law might not be beneficial in securing the object for which it was originally passed.

Let me add one word more, for I do not care to prolong this discussion, and it is that the land now open to homestead settlement is, as we all know, mostly a long distance away from the place where these colored people have been accustomed to live. We know their attachment to their own localities. They are not the pioneers who go out beyond the Mississippi and beyond the Missouri for the purpose of building up that great western country. They stay around the homes of their childhood, and if they are to have any benefit under the homestead laws it must be under a homestead law which secures to them public lands, homes within sight almost of the places of their nativity. There is a double reason; there is a hundred-fold argument in favor of maintaining such a law as this, by which these colored people may secure homes in the very places where they have earned them by long lives of toil; that they may secure them cheaply, and may there live and work, rearing families and laying the foundation for the prosperity of their children and of the generations which shall come after them, a prosperity which I believe they deserve and which they will yet attain.

Mr. CALDWELL. I trust the gentleman will indulge me in stating one fact in answer to what he has said. The colored men of the South, those who have acquired homes—and I speak chiefly with reference to those within my own section, and particularly those in my own county—have acquired those homes from those whom they have heretofore served, and that by purchase, and there is no unwillingness upon the part of the former masters to aid, to encourage, and to give countenance to those who have been their slaves. I assure the gentleman from Vermont that nowhere in these States do we find the former masters unwilling to do justice to or unwilling to aid their former slaves, in selling them land and giving them an opportunity to have homes which they may call their own.

Mr. SHANKS. I wish to call the attention of the gentleman to one fact. The gentleman has stated that all that is required is that they shall have money to pay for the lands they purchase. By this law they can acquire lands without a cent of money.

Mr. CALDWELL. Let me add that I know divers instances, some of them in my own county, where former masters have sold land to their slaves and have given them time in which to pay for it, and years have passed by and the lands are still unpaid for, and yet the former slaves are working and laboring on those lands and making an effort to pay for them; and they are not oppressed. The former masters encourage them and give them time to pay for those lands.

I mention these facts to disabuse the minds of those who have heretofore entertained the idea that the colored men cannot secure homes by purchase in the South. If the gentleman from Vermont has been laboring under that impression, I beg him to visit us to see and inquire of these very persons who have been slaves whether or not their former masters are doing them injustice, or denying them the right to secure lands by purchase or otherwise.

Mr. MOREY. I now yield five minutes to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY, of Connecticut. I did not know that the gentleman from Louisiana was entitled to the floor.

The SPEAKER *pro tempore*. The gentleman from Louisiana is entitled to the floor.

Mr. HAWLEY, of Connecticut. I am not sure that I fully comprehend the question before the House, but if I do, it is one that need have no relation whatever to the former condition of master and slave. I do not see any real necessity for referring to that relation or to any supposed prejudice that may exist between the former masters and the former slaves.

I am disposed, from what little I know by observation in the South since the war, to believe what the gentleman from Tennessee [Mr. CALDWELL] has said, that to a very great extent the former masters are quite kindly disposed toward their former slaves, and quite willing to see them obtain homes and become prosperous. But the question before us is outside of that, and not to be considered with reference to whites or blacks. I suppose the Government owns certain lands in these States. We started to apply to these lands the general doctrine that we hold in regard to our public lands. Uncle Sam is no longer in the field peddling out his land, but he holds it in trust for actual settlers. That is our policy to-day in regard to all our twelve hundred million acres of land, with the exception perhaps of timber-lands and mineral lands. Our general policy is that our lands are held in trust for actual settlers.

We have adopted that policy and undertaken to apply it under the act in question to the lands in these Southern States. Now, will any man tell us why we should depart from that policy. These lands are surrounded by poor people who need land. They cannot go to Kansas, Dakota, or Montana and settle on the public lands there under the homestead law. But there is land owned by the Government right by them upon which they can settle, and by paying the usual homestead fees acquire a title in them. I cannot for my life see any reason for departing in this one section alone from our general policy, and I object most strenuously to any bill which proposes that we shall depart from it.

Mr. RICE. I am afraid I find that we are drifting off again to-night into flights of fancy, without confining ourselves to the consideration of the subject-matter now before the House.

A law was passed in 1866 by the Congress of the United States reserving all the public lands in the States mentioned therein for the supposed use of a large number of colored persons who were beginning a new life about that time. It was a most humane and wise precaution. Eight years have elapsed, and those lands have not yet been taken up. Those States having been restored to an equal footing with the other States of the Union, they now ask that they shall be dealt with as all of the rest of the States have been dealt with in regard to the public lands. That is the whole story. I do not know that there is to be said anything about it beyond that. They want to be treated as are the other States of the Union. You have held this land for eight years for whoever chose to enter upon it. They now ask that the United States shall take it back and advertise it for sale, timber land and other lands, the same as they do the timber and other lands in the other States.

I believe that is the whole story, and we can vote upon it without indulging in any hour speeches about it.

Mr. MOREY. I now yield to the gentleman from Indiana [Mr. HOLMAN] for five minutes.

Mr. HOLMAN. I trust the House will not repeal the act of 1866. I think that instead of repealing it the House is committed to the principle of applying the same policy to all the public lands everywhere. As far back as 1868, when this subject became one of vast interest, because the people of this country began then to discover that this great heritage of ours was rapidly passing beyond their reach, rapidly coming under the control of speculators, this House with great unanimity adopted a resolution declaring that all the public lands should be held for purposes of actual settlement only, the title to pass to actual settlers only; and that the lands should be withheld for no other purpose whatever, except in the case of special grants for purposes of education. I have yet to hear an expression of sentiment from a citizen of this country anywhere, or through the public press anywhere, against that policy of this House. On the contrary, the approval has been universal.

But a few weeks since the distinguished gentleman from Pennsylvania, the chairman of the Committee on the Public Lands, [Mr. TOWNSEND,] and the successor of the distinguished gentleman who reported the act of 1866 from the same committee, reported a bill to this House, which he assured us would have the effect of withdrawing all public lands from speculation, and securing them for the fulfillment of that sacred trust time and again declared by both of the great political parties of the country in their conventions, and time and again declared in this House, that is for the purpose of securing homesteads to actual settlers. We were assured that the effect of the bill would be to accomplish that purpose, and I believe it will accomplish it.

Your great Territory of Dakota—and I want my friend from Louisiana [Mr. MOREY] to bear in mind that this act of 1866 is not a discrimination against his section—take the Territory of Dakota, embracing, as I believe it does in some respects, the garden spot of this country, that region along the Red River of the North; you thought

proper at the instance of the Delegate from that Territory to withdraw those lands from the grasp and cupidity of speculators, and to secure them to actual settlers.

The tendency in that direction has been steady and unyielding, at least for the last six years. You are now asked, for the first time in six years, since this benign policy has been inaugurated by the Government to retrace your steps and bring the vast body of land in these States within the reach of speculators alone. There never has been an hour in our history, had it not been for the apparently inexhaustible quantity of land in the West, when the men who controlled the destinies of this country would not have seen that the policy of allowing lands to be the subject of speculation, was as inhumane and as contrary to the genius of our Government as it would be to allow speculation in God's blessed sunlight and the free air of heaven. I trust there will be no step backward on this subject and that these States will not be exempted from the operation of the act of 1866. If the bill already passed by the House should fail to become a law or should not be found to accomplish the object of securing these lands to actual settlers under the homestead law, I hope we shall still seek by legislation to carry out the policy that not one single acre of the public lands shall be held subject to sale for speculative purposes. A distinguished citizen of Indiana, Hon. George W. Julian, formerly one of my colleagues, had the honor of bringing before this House the act of 1866. That gentleman was apprehensive, I believe, that the bill reported by my friend from Pennsylvania [Mr. TOWNSEND] might have the effect to destroy the benefits of that humane law; but I believe he afterward accepted the assurance that the tendency of the legislation inaugurated by the gentleman from Pennsylvania was to carry forward the American idea—the idea consonant with the principles of free government—that land is not the subject of speculation or monopoly but should be devoted to securing homes for settlers only, and for no other purpose unless it be the advancement of the cause of education.

Mr. HERNDON. Has the bill any other object than to secure these lands for homesteads?

Mr. HOLMAN. I cannot answer that question directly, because I do not know but that the bill of my friend from Pennsylvania may fail in the Senate. We all know that there are lands now open to speculation in different sections of this Union; and I do not want to open any more lands for that purpose. If I believed that we would not extend that legislation to all the States of the Union, I should feel that we were committing a fatal mistake in our legislation.

Mr. HERNDON. Suppose that the House bill now pending in the Senate should not pass there and become a law, still does this bill open a single acre of land to public sale?

Mr. HOLMAN. It would at this time.

Mr. HERNDON. Under what law?

Mr. HOLMAN. It would open all those lands to pre-emption—the very worst form of speculation that we have ever known. The bill of my friend from Pennsylvania proposes to abolish the pre-emption law.

Mr. MOREY. I am sorry that some of the gentlemen who have spoken on this bill have been led away into a general discussion of the land policy of the Government. This bill makes but two provisions. In the first place, it repeals that enactment which set apart all the lands of those States for homestead entry in tracts of eighty acres. It allows our homestead settlers to enter upon these lands as they do in other States, and take up one hundred and sixty acres. It also places the land in those States under the operation of the pre-emption laws—laws that are in force in every other State in the Union. If that excellent bill to which my friend from Indiana [Mr. HOLMAN] has referred, and which has already passed this House, should be passed by the Senate and become a law, it will operate over these lands just as it will over the other lands of the country. But that bill although it has passed this House is not a law; it may never become a law. Until it does pass, we merely ask that the lands in our States shall be placed under the operation of the same laws that operate in other States. That is all there is in the bill. I now move the previous question.

Mr. FORT. I desire to submit two amendments to the bill, to which I think the gentleman from Louisiana [Mr. MOREY] will not object. I trust that he will at any rate allow them to be read.

Mr. MOREY. I yield that they may be read.

The Clerk read as follows:

Amend by adding to the proviso of the last section the following:

Provided, That all lands bearing live-oak timber and heretofore reserved from sale shall not be deemed to be subject to sale under this act: *And provided further*, That none of the lands hereby made subject to private entry shall be sold at less than $1.25 per acre.

Mr. FORT. As I understand, if these lands are now opened to sale in the States named, they will come under the operation of laws that may open a large quantity of them to entry at twelve and a half cents per acre.

Mr. MOREY. That law has been repealed a long time ago. I have no objection to either of the amendments. Both provisions, as I understand, are the law already.

Mr. HOLMAN. Both are a part of the law of the land, and law that ought to be repealed.

Mr. TOWNSEND. I ask the gentleman from Louisiana [Mr. MOREY] to yield to me for a moment.

Mr. MOREY. Certainly.

Mr. TOWNSEND. The object of this bill is simply to put the people of the South in exactly the same position that the people of the North hold to-day; and if the bill which is now pending in the Senate should pass, then the people North and South will stand in exactly the same position. That is the whole question involved.

Mr. MOREY. I now call the previous question.

Mr. FORT. Does the gentleman allow my amendments to come in?

Mr. MOREY. I accept them.

Mr. HOLMAN. The gentleman from Illinois [Mr. FORT] must know that they are the law now.

There being no objection, the amendments were agreed to.

The SPEAKER *pro tempore*. If there be no objection, the previous question will be regarded as seconded and the main question ordered.

There was no objection.

The question being taken on the substitute offered by Mr. HERNDON, it was not agreed to.

Mr. HOLMAN. I believe the previous question has not been seconded. I move to recommit the bill.

Mr. HEREFORD. I move to lay that motion on the table.

Mr. MOREY. I raise the point of order that the previous question was seconded by unanimous consent.

The SPEAKER *pro tempore*. The Chair heard no objection to seconding the previous question and ordering the main question; it was done without any apparent opposition.

The question being on ordering the bill to be engrossed and read a third time,

Mr. HOLMAN called for a division.

Mr. MOREY. I will not insist on the count, but will move to recommit the bill.

Mr. HOLMAN. Not to be brought back on a motion to reconsider.

The SPEAKER *pro tempore*. With that understanding the motion will be agreed to, if there be no objection.

There was no objection.

KANSAS INDIAN LANDS.

Mr. PHILLIPS, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale.

The preamble and bill were read.

The preamble recites that the Secretary of the Interior, in pursuance of an act approved May 8, 1872, caused to be appraised the lands heretofore owned by the Kansas tribe of Indians, in the State of Kansas, which by the terms of the treaty made by the United States and said Indians, and proclaimed November 17, 1860, were to be sold for the benefit of said Indians; which appraisement also includes all improvements on the same, and the value of said improvements, distinguishing between improvements made by members of said Indian tribe, the United States, and white settlers; and the appraisement thus made was so high that neither settlers nor purchasers were able to pay the same, and the said land has remained unsold from the passage of the act.

The first section of the bill then provides that each *bona fide* settler on any of the trust lands embraced in said act, heretofore reported as such by the commissioners appointed to make said appraisement, and the rejected claimants as *bona fide* settlers, who were recommended as such by Andrew C. Williams, acting under instructions to Superintendent Hoag, from the Indian office, dated October 24, 1872, be permitted to make payment of the appraised value of their lands to the local land office at Topeka, Kansas, under such rules as the Commissioner of the General Land Office may adopt, in six equal annual installments; the first installment payable on the 1st day of January, 1875, or within six months after the date of the approval of a new appraisement, when made, and the remaining installments payable annually from that time, and drawing interest at 6 per cent. per annum until paid; provided, that where there is timber on any of the lands to be sold under the provisions of this act, the Secretary of the Interior shall require the purchaser to enter into bond, with approved security, that he shall commit no waste on the timber, or otherwise, on said land until the last payment is made, and give his notes to secure the purchase money thereof on the terms aforesaid.

The second section provides that all the remainder of the trust lands and of the undisposed portion of the diminished reserves shall be subject to entry at the local land office at Topeka, Kansas, in tracts not exceeding one hundred and sixty acres, unless a legal subdivision of a section shall be fractional and found to contain a greater number of acres, by actual settlers, under such rules and regulations as the Commissioner of the General Land Office may prescribe. And the parties making such entries shall be required to make payment of the appraised value of the land entered and occupied by each in the following manner: One-fourth at the time that the entry is made, and the remainder in three equal annual payments, drawing interest at 6 per cent. per annum, which payments shall be secured by notes payable to the United States, and the Secretary of the Interior shall withhold title until the last payment is made; and the Secretary of the Interior, where there is timber on the lands, shall, in addition, compel the purchaser to enter into bond, with approved security, to commit no waste, by the destruction of timber or otherwise, on the premises until final payment has been made; and the Secretary of

the Interior shall cause patents in fee-simple to be issued to all parties who shall complete purchases under the provisions of this act; provided, that if any person or persons applying to purchase land under the provisions of this act shall fail to made payment, or to perform any other conditions required by the provisions of this act, or by rules and regulations that may be prescribed in the execution hereof, within ninety days after such payment shall become due or performance be required by the terms hereof, or by the rules and regulations which may be prescribed in the execution hereof, such person or persons shall forfeit all rights under the provisions of this act, and all claim or right to reimbursement or compensation for previous action or payment by said person or persons under the provisions hereof; and the land proposed to be purchased by such person or persons shall again be subject to sale as though no action had been had in regard to the same; and provided that all the lands not taken within twelve months after the passage of this act may be sold in amounts not to exceed one hundred and sixty acres to any one person, at the appraised price, in the land district in which they are situated.

The third section provides that the Secretary of the Interior shall inquire into the correctness of the appraisement of these lands; and if he be satisfied that they have been appraised at more than their present cash value, he may appoint a new commission of three persons to reappraise the same; the per diem and expenses of which, at the rates heretofore paid to such commissioners, shall be deducted from the proceeds of said lands; and in case he shall deem it more economical or advisable, he may, instead of ordering a new appraisement, reduce the old appraisement of said lands to said purchasers, not exceeding 25 per cent. of such appraisement.

The fourth section provides that in all cases where there has been an appraisement of Indian improvements on any of said lands, the settler or purchaser may submit evidence at the land office when the purchase is made, showing what the actual cash value of such improvements was when the settler first occupied the land; and on such evidence the Secretary of the Interior may reduce such appraisement to an amount that would be fair and just, not exceeding 25 per cent. of such appraisement.

The fifth section provides that in preparing or giving their testimony, all settlers or purchasers of land under the provisions of this act may have such testimony taken, after due and legal notice to the opposing party in interest, before any notary public or person qualified to administer an oath, and may forward such testimony with their application to the land offices or parties authorized to dispose of said lands, which testimony shall be received as if taken before the officers of such land office.

The sixth section provides that the net proceeds arising from such sales, after defraying the expenses of appraisement and sale, which have heretofore or may hereafter be incurred, and also the outstanding indebtedness, principal and interest, of said Kansas tribe of Indians, which has heretofore been incurred under treaty stipulations, shall belong to said tribe in common, and may be used by the Commissioner of Indian Affairs, under direction of the President of the United States, in providing and improving for them new homes in the Indian Territory, and in subsisting them until they become self-sustaining; and the residue, not so required, shall be placed to their credit on the books of the Treasury, and bear interest at the rate of 5 per cent. per annum, and be held as a fund for their civilization, the interest of which and the principal, when deemed necessary by the President of the United States, may be used for such purpose.

Mr. MERRIAM. I wish to make the point of order that the bill proposes to dispose of the public lands, but will reserve it until some explanation is made by the gentleman from Kansas.

Mr. PHILLIPS. Mr. Speaker, I wish in a few words to explain the character of this bill as reported from the Committee on the Public Lands. It has been considered carefully for one or two months. These lands were provided to be sold some time ago, and a bill was introduced into Congress to sell them for $1.25 per acre. That bill passed one House but failed to pass the other.

Under the direction of the Interior Department these Kansas Indians have been removed to the Indian Territory where they now live. They have not paid the Government for the lands they now occupy, but appropriations have been made from time to time to supply their necessary wants, and those sums are to be reimbursed out of the proceeds of the sale of these lands.

The Interior Department transmitted to the committee this proposition for the sale of these lands. The lands have been appraised under a former law, but were not sold. The only modifications made in the draught sent from the Interior Department and from the Indian Office were these: The first section provides that the few settlers who went upon the lands in the first place shall have an extension of the time which is provided for the payment of the price of those lands. The Commissioner provided it should be in four equal annual payments; but as these lands have been appraised at a high price, and these settlers would have to pay from six to eleven hundred dollars each, it was deemed proper to grant this extension in order to enable them to make their payments. This was believed to be the shortest period within which the settlers should be required to make settlement. Some of them have expended from one to two thousand dollars in improvements. All other settlers except those which I have just indicated the Commissioner suggested should pay one-quarter down and the other in three equal annual payments. This will bear 6 per cent. interest per annum.

It is to the interest of the Government these lands should be sold, in order that it may be reimbursed for the money which it has already expended. In the deficiency appropriation bill passed the other day there is an appropriation for these very Indians.

The Government has expended a large amount of money on these Indians, and the proceeds of the sales of these lands will only reimburse the Government, and very little will go to the Indians themselves.

Mr. COBB, of Kansas. I hope my colleague will explain exactly that there is no portion which is to come out of the Treasury of the United States, and that therefore it is not amenable to the point of order.

Mr. PHILLIPS. No point of order can lie against the bill, for instead of taking money out of the Treasury it proposes to reimburse the Government for money already expended. These lands are to be sold under an appraisement, and the proceeds of the sale will revert to the Government. There is no possible appropriation involved from the Treasury. The appropriation has already been made. These lands belong to the Kansas Indians.

A MEMBER. Has not the Government paid for them?

Mr. PHILLIPS. If the Government had paid for these lands and they belonged to the Government now, then they would be open to pre-emption at one dollar and a quarter per acre. If they belonged to the Government of the United States they would have been open for pre-emption and homestead purposes. The Government did not buy these lands. The bill therefore is not open to the point of order, because this is not the property of the United States but the property of the Kansas Indians.

These lands have been appraised at a very high price. You can purchase railroad lands, and I have bought them myself within a year, for $2.50 per acre.

These lands were appraised by a Quaker commission at a price so high that no one could buy them. The bill gives the Commissioner the right to sell them, but there is also a provision by which if he thinks it is more economical he may reduce the price 25 per cent. He is not obliged to do so.

Mr. WILLARD, of Vermont. I ask the gentleman from Kansas whether he will not consent to strike out the third, fourth, and fifth sections of his bill providing for reappraisment? The other sections provide this land may be sold on credit. The third, fourth, and fifth sections authorize the Secretary of the Interior to inquire into the correctness of the appraisment already made, and if he is satisfied on that inquiry it is too high, it then authorizes him to order a new appraisement. I inquire of the gentleman if he has any objection to that being stricken out?

Mr. PHILLIPS. Let me first explain. I presume the gentleman will desire and the House will desire that these lands should be disposed of as they should have been disposed of some years ago. This merely says:

> That the Secretary of the Interior shall inquire into the correctness of the appraisement of these lands; and if he be satisfied that they have been appraised at more than their present cash value, he may appoint a new commission of three persons to reappraise the same.

This is put in merely to secure the sale of the lands. The Secretary may sell them at the present appraisement, he may make a new appraisement, or he may sell them at 25 per cent. below the present appraisement. This is to save expense. It gives the Secretary of the Interior entire discretion in the matter.

Mr. WILLARD, of Vermont. But the inquiry to be made by the Secretary is this:

> The Secretary of the Interior shall inquire into the correctness of the appraisement of these lands; and if he be satisfied that they have been appraised at more than their present cash value, he may appoint a new commission of three persons to reappraise the same.

It is only if he finds on examination that the lands have been appraised at more than their cash value that he is to order a new appraisement. If he finds that they have been appraised at less, he is not to appoint a new appraisement.

Mr. PHILLIPS. I am willing, in order to meet the gentleman's view, to insert the words "if he finds they have been appraised incorrectly."

Mr. MERRIAM. It appears to me that there is a machinery provided here to eat up the value of the lands. You are selling the land upon credit, taking the notes and collecting the interest, and it seems to me entirely unnecessary to burden the property in this way. And then you say in your bill that wherever there is timber on any of the lands, the purchasers shall enter into bond not to cut the timber until the last payment is made. No man ever owned land in the West under the condition of having the timber kept from him.

Mr. COBB, of Kansas. Does the gentleman from New York [Mr. MERRIAM] not know that it is to the disadvantage of the Indians who own this land that the sale should be deferred from year to year, because settlers go in, and the result is that their lands are taken away from them by trespassers. If the land is to be sold, ought it not to be sold now that it has been appraised?

Mr. PHILLIPS. The fact is that one-twentieth part of the land has no timber on it at all. This merely makes the purchasers give

bonds that they will commit no waste on the timber until the last payment is made.

Mr. COTTON. Has this bill the approval of the Secretary of the Interior?

Mr. PHILLIPS. It has.

Mr. COTTON. And of the Commissioner of Indian Affairs?

Mr. PHILLIPS. It has. There is a letter here from the Commissioner of Indian Affairs, which I ask the Clerk to read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 13, 1874.

SIR: I have the honor to acknowledge the receipt of a copy of the draught of a bill submitted to the honorable Secretary of the Interior by this office, under date of November 26, 1873, providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of sale, and to which you propose certain additions and changes.

In returning the same, I have respectfully to say, that inasmuch as the changes and additions suggested by you do not materially affect the general provisions of the bill recommended by this office under date above referred to, I shall urge no objection thereto.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

Hon. W. A. PHILLIPS,
House of Representatives.

Mr. SHANKS. I have some objections to this bill. According to its provisions these lands are to be appraised at a cash value, and after they are appraised at a cash value, then you commence running a credit of six years against the Indians. Now, sir, if these lands are to be sold on credit, I want that the Indians shall have the benefit of that credit. When lands are to be sold upon credit it is like other property sold upon credit, which brings a larger price. But when you fix the cash price and then give credit for that, you do an injustice to the owner of the property.

But, Mr. Speaker, these lands were appraised and have been largely settled upon. They have been settled upon by persons who knew they were appraised; and now they want to reappraise them. This bill has in its third section a very singular provision which is not in the interest of the Indian at all. The third section says:

That the Secretary of the Interior shall inquire into the correctness of the appraisement of these lands; and if he be satisfied that they have been appraised at more than their present cash value, he may appoint a new commission of three persons to reappraise the same.

But unless he be satisfied that they have been appraised at more than their cash value, there is no charge to be made. Why is that discrimination made against the Indians?

Mr. PHILLIPS. There was no intention to make any such discrimination. I have agreed to amend the bill in that respect.

Mr. SHANKS. There may have been no intention to discriminate against the Indians, but this would work a great injury to the Indians. I am opposed to taking a man's property, appraising it at a cash value, and then converting that cash value into a credit of six years.

But it is said that this is not property of the United States, but property of the Indians. I wish to know on what authority you can come in and take another man's property and appraise it at a low rate against him?

Mr. FORT. The Indians are satisfied that the lands shall be sold on credit.

Mr. SHANKS. These notes are to run for six years' time after giving bonds to secure the timber, and all the expense to be incurred in this way is to be taken out of the Indian fund, and we are told that after all these expenses have been taken out of the Indian fund the balance is to go to civilize the Indians. I want to know whether after you have taken their property and used it in this way, and put all this expense upon them, in what condition they will be to accept civilization at your hands? What will the Indian understand to be the civilization of a set of men who take his property and use it in this way, keeping it from him for six long years?

Mr. FORT. Is not the gentleman willing that the Indians shall pay their debts?

Mr. SHANKS If these Indians are in debt, where will they get the money to pay their debts if you withhold this money from them for six long years? If they are in debt, you prolong the time within which that debt can be paid by this very act you are passing, the effect of which is to deprive the Indians of their property.

Now, Mr. Speaker, all I desire to say further is that I do not want to see this bill pass. The gentleman from Kansas has told you that the committee have deliberated long and seriously upon this measure. Sir, it is a measure which really wrongs the people who own this property. It is a wrong measure, one absolutely wrong, and if the Committee on the Public Lands do not understand Indian matters better than this, I hope they will not attempt to bring any bill in relation to Indian affairs before the House again.

Mr. PHILLIPS. I now yield five minutes to my colleague from Kansas, [Mr. LOWE.]

Mr. LOWE. Mr. Speaker, I desire to say a few words only upon this bill. If I thought the bill would work any injury either to the Indians or to the Government, I should be very far from giving it my indorsement. The recent facts in reference to this reservation and these lands are these: This tract of land was set apart by a treaty with the Kansas Indians and reserved for that purpose. In the year 1872 a bill passed Congress authorizing the removal of the Indians to the Indian Territory and providing for the sale of these lands. The Indians have substantially been removed. It was provided by the act of 1872 that the lands should be appraised at their actual value by a board appointed by the Secretary of the Interior. Such a board was appointed by the Secretary of the Interior and an appraisement of the lands was made and they were offered for sale at that appraisement, offered for sale to the highest bidder on sealed proposals, except as to a small portion of the lands which were in the occupation of settlers. That occupation by the settlers was with the consent of the Indians who were then upon the lands. It was an occupation of a portion of the lands not desired for use by the Indians. There was entire amity and harmony between the Indians and the settlers. The larger portion of these lands were not then and are not now at all occupied by settlers. But the appraisement of these lands was at so high a figure that the settlers could not afford to purchase them at that price, and when the lands were offered at public sale on sealed bids they were appraised so high that very few bids for a few tracts only amounted to the appraisement. The fact is the appraisement was so high that nobody will buy the lands for cash at the appraisement.

This measure comes into the House by a report made by the Secretary of the Interior, which was referred to the Committee on the Public Lands. Instead of asking that there shall be a reappraisement of these lands, so as to have them appraised at a low figure, this bill proposes to give the purchasers the opportunity to take the lands at the present appraisement on time. It does not, as the gentleman from Indiana seemed to imply, postpone the payment of the whole purchase-money for six years, but it provides only as to that portion of the lands already occupied, that payment shall be in six installments, one to be paid very soon, and the remaining annually for five years. It is not postponing the payment for a long period, but only dividing the payment, so that a portion shall be paid now, and the remainder by installments hereafter.

Now, sir, so far as the provision in the bill giving permission to the Secretary to reduce the price 25 per cent. is concerned, I do not consider it an important feature of the bill. The Secretary of the Interior will not do anything to the prejudice of the Indians in that regard, and unless he thinks that equity and justice require a reappraisement, he will not permit it, but will have the lands sold at the present appraisement, and the purchase-money paid in installments. I call attention to the fact that while the lands already occupied are to be paid for in six years, the balance of the lands are to be paid for in three years. It seems to me that the bill is in the interest both of the settlers, the Indians, and the Government. At the present appraisement the lands cannot be sold. If you do not pass this or some similar bill, they will have to be reappraised at great expense and put into market, for they will not sell at the present appraisement. They have been for sale ever since 1872, when times were better than they are now, but they were appraised so high that nobody would purchase them, and it is for the interest of all parties concerned that this bill should pass.

Mr. LOUGHRIDGE. I see that the last section of this bill places all this fund in the hands of the Secretary of the Interior, or the Commissioner of Indian Affairs, and authorizes him to dispose of it at his own discretion, as he sees fit. That to me is a very surprising provision. If these lands are sold, the proceeds should be placed in the Treasury of the United States, and appropriated by Congress as all other proceeds of the sale of lands are appropriated.

Mr. COBB, of Kansas. These are Indian lands.

Mr. LOUGHRIDGE. Then give the proceeds to the Indians. This section provides that the Secretary of the Interior may at his own discretion appropriate this fund as he sees fit.

Mr. PHILLIPS. Allow me to explain a moment, and I will correct the error into which the gentleman seems to have fallen. These Indians are now in the Indian Territory on lands not yet paid for. The gentleman himself the other day had charge of a bill which appropriated $50,000 for the erection of buildings for these Indians. This fund, derived from the proceeds of this land, is to be for the benefit of the Indians. The section to which the gentleman refers was prepared by the Interior Department, and has not been changed by the committee.

Mr. LOUGHRIDGE. The section to which I refer reads as follows:

That the net proceeds arising from such sales, after defraying the expenses of appraisement and sale, which have heretofore or may hereafter be incurred, and also the outstanding indebtedness, principal and interest, of said Kansas tribe of Indians, which has heretofore been incurred under treaty stipulations, shall belong to said tribe in common, and may be used by the Commissioner of Indian Affairs, under direction of the President of the United States, in providing and improving for them new homes in the Indian Territory, and in subsisting them until they become self-sustaining; and the residue, not so required, shall be placed to their credit on the books of the Treasury, and bear interest at the rate of 5 per cent. per annum, and be held as a fund for their civilization, the interest of which and the principal, when deemed necessary by the President of the United States, may be used for such purpose.

Mr. PHILLIPS. I have no objection to striking out of that section the words "and may be used by the Commissioner of Indian Affairs, under direction of the President of the United States, in providing and improving for them new homes in the Indian Territory, and in subsisting them until they become self-sustaining."

Mr. LOUGHRIDGE. That is right. I move that amendment.

Mr. PHILLIPS. I have no objection to that amendment.

The amendment was agreed to.

Mr. PHILLIPS. Now, if the gentleman from Indiana [Mr. SHANKS] presses his objection, I have no objection to striking out sections 3 and 4 in relation to the reappraisement of this land.

Mr. SHANKS. I ask that the point of order be ruled upon.

Mr. PHILLIPS. The point of order was raised by the gentleman from New York, [Mr. MERRIAM,] who I understand now withdraws it.

Mr. MERRIAM. I withdraw the point of order.

Mr. PHILLIPS. If it will obviate the objection of the gentleman from Indiana, [Mr. SHANKS,] I will be willing to strike out the sections in regard to reappraisement. I think they were put in, however, to facilitate this matter.

Mr. SHANKS. If the gentleman will withdraw the bill it will obviate all objections.

Mr. PHILLIPS. I cannot withdraw the bill. I have met the only objection which the gentleman has urged to the bill.

Mr. SHANKS. If the gentleman will withdraw the bill I will withdraw the point of order.

The SPEAKER *pro tempore*. Will the gentleman state his point of order?

Mr. SHANKS. I insist upon the point of order made by the gentleman from New York, [Mr. MERRIAM,] and object to his withdrawing it.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. SHANKS] has the right to renew the point of order.

Mr. PHILLIPS. What is the point of order?

The SPEAKER *pro tempore*. The Chair will ask the gentleman to state his point of order.

Mr. SHANKS. It is that this bill proposes to make a disposition of the public lands.

Mr. PHILLIPS. They are not public lands.

Mr. COBB, of Kansas. Is that a point of order? Public lands of what?

Mr. SHANKS. What is the gentleman arguing?

The SPEAKER *pro tempore*. Does the gentleman from Indiana desire to be heard upon his point of order?

Mr. SHANKS. I do not.

The SPEAKER *pro tempore*. The Chair does not think the point of order well taken. These lands are Indian lands, held in trust by the Government for the benefit of these Indians. The Chair overrules the point of order.

Mr. PHILLIPS. I now yield to the gentleman from Ohio [Mr. LAWRENCE] for five minutes.

Mr. LAWRENCE. I agree with my friend from Indiana [Mr. SHANKS] that we should not do any injustice to the Indians, and I do not think this bill will do any. But while we are careful about the Indians we should have some regard for the interests of our own citizens. This bill takes better care of the interest of these Indians than we have done by our legislation in regard to the lands that belong to the United States. For a great many years past we have determined by our legislation that it is our policy to dispose of our public lands largely for homesteads without any compensation at all, and even where the Government undertakes to exact compensation from settlers, the price has been established at a dollar and a quarter an acre, except in reference to the alternate reserved sections along the line of land-grant railroads, where the maximum price has been fixed at two dollars and a half an acre.

Now I do not believe that we should take better care of the interests of these Indians than we do of the interests of the people of the United States. If it is our policy to sell the public lands at $2.50 an acre in the vicinity of land-grant railroads, and $1.25 an acre outside of the railroad grants, then it should be our policy to sell these lands at the same price. While I would do no injustice and no wrong to any Indian in this broad land, certainly not to these Indians in Kansas, yet I would do no injustice to the settlers who are upon this land.

Mr. SHANKS. By what authority do we determine that we ought to sell lands that do not belong to us, but to others, at a given price?

Mr. LAWRENCE. That is just the point I am coming to. The gentleman from Indiana [Mr. SHANKS] ought to have learned by this time, having been in Congress a great many years, that these Indians have no title to a foot of land on this continent.

Mr. SHANKS. That is what I wanted to get the gentleman to say. He said the other day that he was in opposition to the treaties made by this Government. I want him to stand before this House as saying what he said the other day, that he was opposed to carrying out our treaty stipulations with these people.

Mr. LAWRENCE. I will stand before this House now and say that I am opposed to all Indians treaties which have undertaken to dispose of the public lands. I am opposed to them because they have been "conceived in sin and brought forth in iniquity;" because they have been a fruitful source of corruption and fraud from beginning to end; because they have been unauthorized by the Constitution of the United States and a violation of that provision which declares that Congress shall have power "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Mr. SHANKS. I have a copy of an argument in which the gentleman defends those treaties, an argument against the railroads and in favor of the settlers upon the ground of the validity of those treaties which he condemns now.

Mr. LAWRENCE. The gentleman is mistaken. I have never in my life said that any treaty which undertook to dispose of the public lands of the United States had any validity; for I do not so believe, and no court has so decided. No judge who understands anything of the principles of the Constitution will ever so decide.

As I have said I am willing to protect the interest of these Indians; but I am unwilling to take better care of them than I would of the people of the United States in regard to the lands which they own; and they own these lands. It is the policy of the Government to induce settlers to go upon the public lands and establish homes. It is in the interest of civilization that this should be done. Whatever money may arise from the sale of these lands and may go to these Indians will be so much contributed to them as a mere gratuity; and in my judgment we are squandering entirely too much money upon the Indians. It is high time we should treat them as the government in Canada treats the Indians there—make them self-supporting. Let the Indians work; let them be taught that man should eat bread in the sweat of his brow, and that he who will not earn his bread, if he is able to do so, ought to starve.

I speak in behalf of the settlers on these lands; in behalf of a proper policy on the part of the Government in reference to the lands; in behalf of what is the common interest of the whole country without any injustice to these Indians.

Mr. SHANKS. As the gentleman from Ohio [Mr. LAWRENCE] argues that these lands belong to the United States, I renew my point of order.

The SPEAKER *pro tempore*. The point of order has already been ruled upon by the Chair, and it has been overruled.

Mr. PHILLIPS. I propose to move the previous question, but will first yield to my friend from Iowa, [Mr. LOUGHRIDGE,] who wishes to move an amendment.

Mr. LOUGHRIDGE. I move to amend by striking out the third and fourth sections providing for reappraisement. I make this motion as a friend of the bill, which will thus be made satisfactory to some who now oppose it. The gentleman who reports the bill assents to these amendments.

Mr. PHILLIPS. I have no objection to the amendments.

The amendments were agreed to.

Mr. PHILLIPS. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill as amended was ordered to be engrossed and read a third time. Being engrossed, it was accordingly read the third time.

The question being on the passage of the bill,

Mr. PHILLIPS called the previous question.

The previous question was seconded, and the main question ordered.

Mr. SHANKS. I demand a vote by division on the passage of the bill.

Mr. WARD, of Illinois. Then I move that the House adjourn.

Mr. LOUGHRIDGE. I hope the gentleman from Illinois will yield to me that I may make a report from the Committee on Appropriations to be printed.

Mr. WARD, of Illinois. I do not object to that.

Mr. WILLARD, of Vermont. I have no objection of course to this report being presented and printed; but I understood that no business whatever was to be done this evening, except the consideration of reports from the Committee on the Public Lands.

Mr. SENER and Mr. FORT called for the regular order.

Mr. COTTON. Mr. Speaker, has the previous question been ordered upon the passage of the bill?

The SPEAKER *pro tempore*. It has been.

Mr. COTTON. Then of course the bill will go over as unfinished business.

Mr. WARD, of Illinois. With the understanding that we are not to spend time on anything that cannot go through, I withdraw the motion to adjourn.

Mr. SENER. I renew the motion.

The motion was not agreed to, there being—ayes 16, noes 38.

Mr. SENER. I give notice I shall oppose any legislation unless there is a quorum.

The question recurred on the passage of the bill.

Mr. SHANKS demanded a division.

The House divided; and there were—ayes 47, noes 24; no quorum voting.

Mr. SMITH, of Ohio. I move that the House do now adjourn.

The House divided; and there were—ayes 51, noes 25.

So the motion was agreed to; and accordingly (at ten minutes to ten o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. AVERILL: The petition of grange organizations in Hennepin County, Minnesota, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. BARRERE: The petition of H. B. Upton, M. B. Parks, and 52 others, of Osceola, Stark County, Illinois, of similar import, to the same committee.

Also, the petition of the grange organization of Osceola, Stark County, Illinois, of similar import, to the same committee.

By Mr. LUTTRELL: The remonstrance of George H. Fay & Co., Britton, Holbrook & Co., and others, of San Francisco, California, against the proposed duty of one and one-quarter cents per pound on tin plates, and urging a duty of one cent per pound, to the Committee on Ways and Means.

Also, the remonstrance of E. B. Mott, jr., of Sacramento, California, of similar import, to the same committee.

By Mr. McLEAN: The memorial of the Indian delegates to Congress, asking the repeal of so much of certain railroad charters as makes conditional grants of Indian lands to railroads, to the Committee on Indian Affairs.

Also, the memorial of John B. Jones, Cherokee delegate, of similar import, to the same committee.

By Mr. O'NEILL: The memorial of publishers of periodicals and newspapers, representing that in case of compulsory prepayment of postage on printed matter the rate should be fixed at one cent. per pound on newspapers and two cents per pound on all other periodicals, to the Committee on the Post-Office and Post-Roads.

By Mr. STORM: The petition of newspaper and periodical publishers, of similar import, to the Committee on the Post-Office and Post-Roads.

By Mr. WILLARD, of Vermont: The petition of George W. Pinney, late of Company A, Second New York Heavy Artillery, for arrears of pay, to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 6, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Clerk proceeded with the reading of yesterday's Journal.

Mr. GARFIELD. I move, by unanimous consent, that the further reading of the Journal be dispensed with.

There being no objection, it was ordered accordingly.

The Journal was approved.

ORDER OF BUSINESS.

Mr. MOREY. As the Committee on Mississippi Levees are restricted absolutely to an hour, I must call for the regular order of business.

MARY E. GROSVENOR.

Mr. RUSK, by unanimous consent, from the Committee on Invalid Pensions, reported a bill (H. R. No. 3606) granting a pension to Mary E. Grosvenor; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the limitations of the pension laws, the name of Mary E. Grosvenor, widow of Thomas W. Grosvenor, deceased, late lieutenant-colonel of the Twelfth Regiment Illinois Cavalry Volunteers, to pay her a pension from and after the passage of this act.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole on the Private Calendar before the recess yesterday, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed; and the motion to reconsider was laid upon the table:

A bill (H. R. No. 1660) for the relief of John B. Tyler, of Kentucky;

A bill (H. R. No. 3186) for the relief of Treadwell S. Ayres;

A bill (H. R. No. 2939) to compensate D. R. Haggard for six months' services as colonel of the Fifth Kentucky United States Cavalry Volunteers;

A bill (H. R No. 2703) for the relief of Ingalls B. Andrews;

A bill (H. R. No. 3188) granting a pension to Letta Bagley;

A bill (H. R. No. 1820) granting a pension to Samuel Henderson; and

A bill (H. R. No. 3189) granting a pension to Frederick Vogel.

The following Senate bill, reported from the Committee of the Whole on the Private Calendar, was ordered to a third reading, and it was according read the third time, and passed; and the motion to reconsider was laid upon the table:

A bill (S. No. 419) for the relief of Sebastian Reichert.

WILLIAM ROOD.

A bill (S. No. 245) for the relief of William Rood, being a duplicate of one already passed, was laid upon the table.

A bill (H. R. No. 2771) was reported from the Committee of the Whole on the Private Calendar with the following amendment:

Strike out of lines 6 and 7 of the bill the words "shall be appointed," and insert after the word cavalry, in the fourth line, the words "the President is hereby authorized to appoint."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

KANSAS INDIAN LANDS.

The SPEAKER. There comes over from last evening's session a bill (H. R. No. 3525) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale.

The pending question is on the passage of the bill.

The bill was passed.

Mr. PHILLIPS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRESCOTT POST, NO. 1.

Mr. EAMES, by unanimous consent, called up the bill (S. No. 860) granting one condemned cannon to Prescott Post, No. 1, Grand Army of the Republic, for the erection of a monument at Providence, Rhode Island.

The bill, which was read, authorizes and directs the Secretary of War to deliver, if the same can be done without detriment to the Government, one condemned cannon to Prescott Post, No. 1, to be used in the erection of a monument in the North burial-ground, Providence, Rhode Island.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. EAMES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE S. SHRYOCK.

Mr. WELLS, by unanimous consent, introduced a bill (H. R. No. 3687) for the removal of the political disabilities of George S. Shryock, of Saint Louis, Missouri; which was read a first and second time.

The bill was read. It provides for the removal of all political disabilities against George S. Shryock, of Saint Louis, Missouri, by the fourteenth amendment to the Constitution of the United States, by reason of his participation in the rebellion.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, (two-thirds voting in favor thereof.)

GOVERNMENT FOR THE DISTRICT OF COLUMBIA.

Mr. CHIPMAN. I desire to introduce a bill providing for a new government of the District of Columbia. In introducing this bill I desire to say that it is the proposition of the house of delegates of the Legislature of this District. I am not familiar with its provisons and have no opinion whatever upon its merits. I have been requested to introduce it and have it referred to the Joint Select Committee appointed to inquire into the Affairs of the District of Columbia. I ask unanimous consent to do so at this time.

No objection being made, the bill (H. R. No. 3688) was received, read a first and second time, referred to the Joint Select Committee to inquire into the Affairs of the District of Columbia, and ordered to be printed.

AMBROSE J. CLARK.

Mr. STORM, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be, and is hereby, required to communicate to this House if Ambrose J. Clark, late a paymaster in the Navy at Brooklyn, New York, has been relieved from the payment of any money taken from him by the Government on account of alleged embezzlement of Government funds by his late clerk, and if he has been relieved, to what amount and by authority of what law was the same done.

HEIRS OF JOHN H. EVANS.

Mr. THOMAS, of Virginia, by unanimous consent, from the Committee on Invalid Pensions, reported back, with the recommendation that it do pass, the bill (H. R. No. 2254) granting a pension to the minor heirs of John H. Evans; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

NAVAJO INDIANS.

Mr. RICHMOND, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 3689) to ratify and confirm the agreement made 27th March, 1874, between the United States and the Navajo Indians; which was ordered to be printed, and recommitted to the same committee.

INDIAN APPROPRIATION BILL.

Mr. LOUGHRIDGE, from the Committee on Appropriations, pre-

sented a report in writing on the amendments of the Senate to the bill (H. R. No. 2343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1875, and for other purposes; and moved that the same be printed and recommitted.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HAWLEY, of Illinois. I desire to report back several bills from the Committee on Claims that they may be referred to the Committee on War Claims.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. The regular order being called, the House will proceed to consider the report of the Committee on Appropriations on the Senate amendments to the deficiency appropriation bill.

Mr. LOWE. I rise to a question of order. When the House adjourned last night there was a bill under consideration. Does not that bill come over as unfinished business?

The SPEAKER. To what bill does the gentleman refer?

Mr. LOWE. The bill in relation to the sale of Indian lands in Kansas.

The SPEAKER. The House meets at eleven o'clock, and if the gentleman had been in his seat he would have known that that bill was passed some time since.

Mr. HOLMAN. I am willing to withdraw the call for the regular order long enough to allow the gentleman from Illinois [Mr. HAWLEY] to make his report.

The SPEAKER. The gentleman from Ohio is on the floor on the deficiency bill and will proceed.

DEFICIENCY APPROPRIATION BILL.

The House proceeded to consider the report of the Committee on Appropriations on the amendments of the Senate to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

The recommendations of the committee in regard to the Senate amendments were agreed to, except where objection was made.

Senate amendment numbered "five," to the paragraph under the heading "Treasury miscellaneous," was read as follows:

In line 271, strike out "$10,000" and insert "$30,000;" so that it will read: For furniture and repairs of same, carpets, and similar necessaries for public buildings under the control of the Treasury Department, $30,000.

The Committee on Appropriations recommended concurrence.

Mr. WILLARD, of Vermont. This amendment restores the appropriation as originally reported by the Committee on Appropriations in the deficiency bill to the House. The committee reported $30,000 as a deficiency for furniture, repairs, carpets, and similar necessaries for public buildings under the control of the Treasury Department. The House after discussion by a vote reduced the amount to $10,000. The Senate have put it back to $30,000, and the Committee on Appropriations recommend concurrence.

Now, Mr. Speaker, it is nearly the middle of June. I suppose the officers of the Department have not used this money already, for they have no authority for using it. If they have used it, it has been in violation of law. If this bill passes, the appropriation cannot take effect before the middle of June at least, because this will have to go before a conference committee; the report of the conference committee will have to be agreed to in both Houses, and then the bill will have to be engrossed and signed. There will be $30,000 to be expended in the last ten days of this month, before the close of this fiscal year. It does seem to me that the committee ought to give the House some substantial reason for appropriating such an amount in a deficiency bill under those circumstances.

Mr. GARFIELD. The matter was fully discussed in the House, and the reasons for the appropriation were given quite at length. It must not be assumed that this money has not been expended. It was explained in the previous discussion that accidents would occur to furniture in public buildings in all parts of the United States, and in the judgment of the committee, and it appears the Senate is of the same judgment, this appropriation ought to be made.

Mr. WILLARD, of Vermont. Do I understand the gentleman to say that this money has already been expended?

Mr. GARFIELD. Most of it.

Mr. WILLARD, of Vermont. How does it come to have been expended without an appropriation, when such an expenditure is made unlawful?

Mr. GARFIELD. In this class of cases the law to which the gentleman refers is not carried out. It does not apply to cases of this kind, which must necessarily arise in carrying on the ordinary work of the Government.

Mr. RANDALL. That is an extraordinary admission on the part of the chairman of the Committee on Appropriations. He tells us that this money has not been expended.

Mr. GARFIELD. I did not say so. I say that most of the money has been expended, and that the Secretary of the Treasury finds this expenditure necessary in order to maintain the furniture of the public buildings of the country.

Mr. RANDALL. Has any contract been made whereby this indebtedness has been assured on the part of the Government for the expenditure of $30,000?

Mr. GARFIELD. The gentleman understands that the repair of furniture is not necessarily a matter of contract.

Mr. RANDALL. But this is a deficiency.

Mr. GARFIELD. I know it is a deficiency.

Mr. RANDALL. And it is supposed to be expended during the current year.

Mr. GARFIELD. Does the gentleman mean to say that all deficiencies are in violation of law? That is certainly a new doctrine, never before advanced anywhere that I know of. I understand that there are special appropriations definitely given to carry on work up to a certain point which are limited by the appropriation, and in such a case it is a violation of law to expend more.

Mr. WILLARD, of Vermont. I have the law right here.

Mr. GARFIELD. Will the gentleman please show me any point in the bill or in any deficiency bill that is not open to the same objection?

Mr. WILLARD, of Vermont. I do not know that there is any other point in the bill open to the objection; but I do know that this point is.

Mr. GARFIELD. How does the gentleman know it?

Mr. WILLARD, of Vermont. The law is that no officer of any Department shall expend money in excess of appropriations made by Congress. Now, in this case there has been no appropriation made for this expenditure, and if any expenditure has been made it has been made in violation of law, and the officer of the Government who made it ought to be removed.

Mr. PLATT, of Virginia. Will the gentleman from Ohio yield to me for a moment?

Mr. GARFIELD. I yield to the chairman of the Committee on Public Buildings and Grounds.

Mr. PLATT, of Virginia. I can explain to the House where a large portion of this $30,000 has been expended and how it becomes a deficiency for this year. There has been since last year an extension of the free-delivery system in various cities. I know the effect of that extension so far as the cities of Petersburgh and Norfolk are concerned, which have come under my observation. The free-delivery system has been established there and it has been found absolutely necessary that the needed furniture and appliances in the post-offices should be put there. Now, the Treasury Department has charge of all this sort of furnishing of public buildings. The Post-Office Department has nothing to do with it; all the furniture in all the post-offices of the United States is under the control of the Treasury Department and of the Supervising Architect of the Treasury Department. The question was presented to the Secretary of the Treasury whether he would provide for this furniture or whether he would deprive the citizens of these cities of the right given to them by the Post-Office Department to the free-delivery system because of the lack of the necessary facilities to carry it out. A large part of this deficiency grows out of the fact that this furniture has had to be furnished to cities in the South to which the free-delivery system has been extended.

Mr. DAWES. Can the gentleman give us the name of the officer who has expended this money without an appropriation? The law is very explicit. The gentleman from Ohio, chairman of the Committee on Appropriations, has been trying for a long time to find out the official who stands up in face of the law and says that he has spent money which has not been appropriated by Congress. Can the gentleman tell us who he is?

Mr. PLATT, of Virginia. I will if the gentleman will give me a chance; but if he occupies all my time I cannot do it.

Mr. DAWES. I hope he will tell us the name of the officer.

Mr. PLATT, of Virginia. I was about doing it when I was interrupted by the gentleman. I would say that there has been no actual expenditure of money.

Mr. DAWES. Very well; then there is no deficiency.

Mr. PLATT, of Virginia. Yes, there is; because these articles of furniture have been supplied where they were needed, and the men who supplied them have not been paid and are awaiting the passage of this bill that they may be paid.

Mr. RANDALL. Who assumed the responsibility on the part of the Government of running the Government into this debt?

Mr. DAWES. The gentleman says that there is not any deficiency.

Mr. PLATT, of Virginia. I hope the Chair will decide who has the floor. I would like to know if the gentleman from Massachusetts, the gentleman from Pennsylvania, or myself is making this speech?

The SPEAKER *pro tempore*, (Mr. WHEELER in the chair.) The gentleman from Virginia is entitled to the floor.

Mr. RANDALL. I supposed the gentleman would allow me to ask him a question.

Mr. PLATT, of Virginia. I will do so if the gentleman asks that privilege.

Mr. RANDALL. Well; I will not ask it now.

Mr. PLATT, of Virginia. Very well; that will suit me exactly; I hope the gentleman will not.

Another thing is this: there are more than two hundred public buildings, custom-houses, and post-offices in the United States that have to be supplied with furniture by the Treasury Department. The expenditures for that purpose have been only made when deemed

necessary. The officers in charge of the buildings themselves have made the purchases without authority from Washington, have ordered such furniture as they needed. For instance, a table or a desk breaks down, or something of that kind occurs; the collector of the port or the postmaster orders it to be replaced, and the bill is sent to the Department. That is the way in which these matters have come about all over the United States. The sum total for these expenditures for furniture for post-offices and custom-houses has been $30,000, and I hope the amendment of the Senate will be concurred in.

Mr. DAWES. I understand my friend to say that the officers of the Government all around judge for themselves of the necessity of expenditures for furniture and other things in their offices.

Mr. PLATT, of Virginia. Permit me to say that I intended to make no such assertion. They have no such power. It is only when the propriety of it is so evident that they cannot refuse to do it that they order these things, and the Department approves them. In a great many instances they are not approved by the Department; only when the necessity for it is obvious.

Mr. DAWES. I knew that they had no authority to do so, because the law is as plain as it can be that they had no such authority; that I knew before. But the gentleman says that when in their opinion it is so obviously necessary that they must do it, then they go and do it, and the Department approves their bills. I know that is true also; I have had some experience in this matter.

But the gentleman has not answered my question, has not told us who the officer is that does these things. He has told us that in a great many instances there is a need for this expenditure. It is very likely it seems so to the officer; but who ought to judge of that matter? Is the Congress of the United States, which under the Constitution is the only power to take money out of the Treasury, to be the judge of this, or is the officer to be the judge? Should he wait until Congress makes the appropriation, or should he judge of the necessity of the expenditure and make it without appropriation?

Year after year we go on making these appropriations for deficiencies which these officers incur on the plea that they thought they were absolutely necessary, although there is a law which forbids their doing any such thing as that. Next year they will say, "Well, the deficiency of last year was paid, and the deficiency of this year will be paid also." And the limit which Congress puts upon its appropriations thus becomes futile and is rendered nugatory, and will continue to be so unless Congress can at the same time say to these men, "If you do not regard the law, you must meet your own deficiencies." I hope the Congress of the United States will for once say that they will not make an appropriation to meet a deficiency incurred in violation of law by men who keep their heads out of sight and who hide the reasons and the necessity for their acts behind the committee, which is made to believe in the generalities, for I have no doubt the gentleman honestly believes that there was this necessity. But he does not give this House the means of knowing what the necessity was, because the men who made the expenditure do not tell him what it is. They say that they thought it was highly proper and necessary to fit up any new building with carpets and furniture. The Supervising Architect thinks it is altogether folly to erect a large, splendid cut-stone court-house or post-office and not have it thoroughly furnished. But the Congress of the United States has thought it worth while to put some limit on the amount to be expended in furniture. Why, then, does the gentleman stand up here between these men and the Congress of the United States and not permit Congress to know why it is and for what it is that the law is being violated continually?

Mr. CLEMENTS. Would it be in order to move to lay this bill on the table? The logic of the argument of the gentleman from Massachusetts [Mr. DAWES] is that these deficiencies are all illegal, and therefore we should make no appropriation for them.

Mr. PLATT, of Virginia. One word only in reply to the gentleman from Massachusetts, [Mr. DAWES.] When I was on the floor before I endeavored with all the ability I possessed to tell how these deficiencies arose. I agree with the gentleman perfectly that it is necessary for officers of the Government to confine their expenditure to the appropriations made by Congress. I will answer for one Department of the Government that such will be the case. I pledged myself to the gentleman from Massachusetts and the House that the last deficiency bill which will be asked for under the supervision of the Committee on Public Buildings and Grounds has been presented to this Congress. Certainly while I continue to occupy the position I now hold I never will report in favor of a single dollar of deficiency more. But I hope that the House will concur in this recommendation of the committee and pass this item.

Mr. RANDALL. Now let us have a vote.

Mr. GARFIELD. A single word before the vote is taken. I think gentlemen are able to appreciate the effect of a law only when they consider it in connection with other laws relating to the subject. We have a general statute forbidding deficiencies, forbidding expenditures and contracts for expenditures beyond the amounts appropriated. I stand on that law as strongly and firmly as any man here. But when Congress puts also in another law a specific thing to be done, then it carries with it the power and necessity on the part of the officer in charge to have that thing done. Now, for instance, we put last year into the law a provision extending the money-order offices. We have greatly extended the money-order business as well as the carrier system, and these things taken together have required additional desks and fixtures in the large post-offices in most of the cities in the country, and to accommodate that business warranted by the law, but not contemplated in the mind of Congress when we made the ordinary or much less than the ordinary appropriation for the furniture of the public buildings, this appropriation is required. Growing out of the extension of the money-order business and of the carrier system, there is a necessity for this appropriation.

Mr. DAWES. When Congress orders a specific thing to be done and then appropriates so much to pay for it, if that is not enough, can they then go on and expend beyond that appropriation?

Mr. GARFIELD. I said no such thing. I say when Congress makes an ordinary appropriation and then passes an independent measure not at all connected with the appropriation bill, when we enact that a special thing shall be done, that order carries with it authority to make the necessary expenditure.

Mr. DAWES. Let me see whether I understand the gentleman from Ohio. If you fix in an appropriation bill the limit of appropriation to be expended for a specific purpose and you order in another bill that specific purpose, according to the gentleman's theory the Department is authorized to go beyond the appropriation? Do I understand you correctly?

Mr. GARFIELD. No, sir. The order of Congress in reference to the extension of the carrier system was later than the appropriation bill. After the passage of the appropriation bill Congress made a specific order that specific things should be done. It seems to me the decision of the Supreme Court lately made, which is called to my attention, touches almost precisely the same point.

Mr. BURCHARD. I wish to understand about this money-order extension. We are told this extension to the money-order system was only extended to small offices, where they are required to pay for their own furniture. The committee reported to the House an appropriation for $150,000. The Department asked for $200,000. They came again and asked for $200,000. The committee again reported $150,000. Last year when the House appropriated $150,000 they said that the Department should not expend more than $150,000. How then can we bring them down to this limit, if year after year, when we have fixed the amount to be expended in the appropriation bill, we come with an amendment appropriating in the deficiency bill the remaining $50,000?

Mr. GARFIELD. I ask for a vote.

The House divided; and there were—ayes 34, noes 80.

So, no further count being demanded, the amendment was non-concurred in.

The seventh amendment of the Senate was read, as follows:

For paper, engraving, printing, express charges, and other expenses of making and issuing the national currency required to complete the service of the fiscal year ending June 30, 1874, $20,000.

The Committee on Appropriations recommended concurrence.

Mr. HOLMAN. I presume the national currency here referred to are the legal-tender notes and currency of that character, and not national-bank paper. I ask the chairman of the Committee on Appropriations whether it is the national-bank notes or the legal-tender notes?

Mr. GARFIELD. The national-bank currency.

Mr. HOLMAN. I hope the House will non-concur.

Mr. GARFIELD. This is due to an unusual amount of mutilated national-bank notes. I will submit as a part of my remarks the following letters from the Acting Secretary of the Treasury and of the Comptroller of the Currency?

TREASURY DEPARTMENT,
Washington, D. C., April 27, 1874.

SIR: I have the honor to invite your attention to the inclosed copy of a letter of the Comptroller of the Currency respecting the necessity of providing for an appropriation of $30,000 for expenses of national currency, namely: paper, engraving, printing, express charges, and other expenses of making and issuing the national currency required to complete the service of the current fiscal year. In addition to the statement made by the Comptroller, I beg to add that if the $4,000,000 of national currency allotted to the Southern and Western States should be called for immediately, without this appropriation the Department will have no means to print and deliver the same.

Very respectfully,

F. A. SAWYER,
Acting Secretary.

Hon. JAMES A. GARFIELD,
Committee on Appropriations, House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, D. C., April 27, 1874.

SIR: The appropriation for the expenses of engraving and printing national-bank currency for fiscal year ending June 30, 1874, is entirely exhausted.

It is necessary that a further appropriation of $30,000 shall be made for the balance of the fiscal year. This deficiency is caused by the increase of the printing of a large number of small notes required to replace mutilated notes destroyed.

I respectfully request that the amount of $30,000 shall be provided for in the deficiency bill.

Very respectfully,

JOHN JAY KNOX,
Comptroller.

Hon. WILLIAM A. RICHARDSON,
Secretary of the Treasury.

They ask for $30,000, but the Senate thought $20,000 was sufficient, and in that amendment we recommend concurrence.

Mr. HOLMAN. I do not think the national banks can be justified

in insisting that this appropriation should be made out of the Treasury for the purpose of paying for reprinting their notes, but the national banks ought to be taxed themselves to pay for their own currency.

It is quite manifest that if this were a legitimate subject of legislation upon an appropriation bill money should not be appropriated out of the national Treasury for the issue or reissue of the national-bank paper. The 1 per cent. tax paid by the national banks is all that they pay to this Government for the $354,000,000 of money issued to them by the Government. In addition to that we keep up a Bureau—the office of the Comptroller of the Currency—for the superintendence of their business, involving an expenditure of over $250,000 a year. I have understood from the national banking act of 1862, as amended by the act of 1863–'64, that not only the original issue of national-bank paper must be at the expense of the national Treasury, but also all the reissues occurring from time to time. The language of our appropriation bills has been so obscure that this fact has not appeared. Most members of the House would regard the language "national currency" as more applicable to the issues of the Government, the legal-tender notes, than to the issues of the national banks.

Mr. GARFIELD. The gentleman will remember that the legal-tender notes are known in law only as United States notes; they are never called "national currency" in any of our laws. The two terms are perfectly distinct and well understood, running through all the banking acts and the loan acts. The one term is "United States notes," the other is "national-bank notes," or "national currency."

Mr. HOLMAN. It occurs to me that the reason there has not been heretofore a provision definitely requiring that this expenditure for the issue or reissue of money for the benefit of the national banks should be paid out of their funds, in addition to the 1 per cent. tax which they pay under the original banking act, is that there has been great confusion resulting, as my friend from Ohio must observe, from the use of these terms. The law sometimes speaks of "United States Treasury notes." I know that in strictness the term "Treasury notes" applies only to interest-bearing issues of the Government; and that "United States notes" is the name by which the legal-tender notes are known under the law. But at the same time the terms have been confused; so that time and again appropriations have been made out of the public Treasury for the benefit of the national banking currency, under the term "national currency." It has been the general impression that such expenditures were on account of the notes issued by the Government.

I do not know that it would be legitimate to insist upon incorporating in an appropriation bill a provision that this expense should be assessed against the national banks; but I am very confident that such would be the true policy; that the 1 per cent. tax paid by the national banks should not be considered as all that they are to pay in consideration of the expenses incurred by the Government in their behalf. In point of fact the national banks are exempted from all charges whatever in connection with their currency; the tax paid by them instead of inuring to the benefit of the public Treasury inures to the benefit of the national banks alone.

Mr. RANDALL. I desire here and now to repel the idea that the tax of 1 per cent. imposed upon the banks is in any manner whatever taken for the purpose of printing their notes. It goes into the common fund just as any other tax-payer's money does. There is no reason whatever why the national banks should not pay for reprinting their notes. When we remember that we give them an entire monopoly in the business which they conduct and attach to it a credit in virtue of which every citizen feels secure in the deposit of his money with them, the position taken by the national banks and by the Comptroller of the Treasury in reference to this subject has no justification whatever either in equity or morals.

Mr. HOLMAN. I move to amend the amendment by adding thereto the following:

To be assessed by the Secretary of the Treasury upon the national banking associations on the basis of their respective circulation.

Mr. GARFIELD. I make the point of order that the amendment proposes new legislation.

The SPEAKER *pro tempore*. The point of order is well taken. The amendment is not in order.

The question being taken on concurring in the amendment of the Senate, there were—ayes 71, noes 25; no quorum voting.

Tellers were ordered; and Mr. GARFIELD and Mr. HOLMAN were appointed.

Mr. RANDALL. Let us have the yeas and nays. We may as well understand whether we are legislating for the Government or the national banks.

The question being taken on ordering the yeas and nays, there were ayes 12, noes not counted.

Mr. RANDALL. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

The House divided on concurring in the amendment of the Senate; and the tellers reported—ayes 104, noes 47.

So the amendment was concurred in.

The following amendment was read:

Insert as a new paragraph the following:
To complete the grading and erection of stone wall around the Columbia Hospital, $8,500.

The SPEAKER *pro tempore*. The Committee on Appropriations recommend concurrence in this amendment.

Mr. HOLMAN. I wish to inquire of the gentleman from Ohio [Mr. GARFIELD] whether this is one of the appropriations rendered necessary by the system of improvement inaugurated in this city by the board of public works?

Mr. GARFIELD. It is in part rendered necessary in that way. The change of grade left the grounds of the hospital in a dangerous condition, so that in order to render the building secure from falling it was necessary to erect this wall.

Mr. HOLMAN. This is for the wall alone, and not for the improvement of the streets?

Mr. GARFIELD. It is not for the improvement of the street. This is for the grading on the grounds and approaches to the building, made necessary by the change of grading of the street. It is not for the street at all.

The amendment was concurred in.

The twenty-sixth amendment of the Senate was read, as follows:

For defraying the expenses of the board of health of the District of Columbia for the fiscal year ending June 30, 1874, $31,570.

The committee recommended concurrence.

Mr. RANDALL. I would like to have some explanation of this. In the deficiency bill a year ago there was, if my memory serves me right, an appropriation of $39,000 for this same board of health.

Mr. GARFIELD. The board of health came before the Committee on Appropriations early in the session, before we had completed this bill, and the committee directed them to go before the Committee on the District of Columbia for a preliminary examination as to what they had done and as to the necessities for this appropriation. The report of that committee did not reach us at the time of our regular action on this bill. It came to us, however, after the bill had been reported; but not wishing to offer any amendment in the House or to agitate the matter there, we declined to act at all upon the subject. They took their papers and went before the Committee on Appropriations of the Senate, and the Senate inserted this appropriation. The same papers have been laid before our committee, with a detailed statement of the expenses of the board of health during the past year. I hold in my hand, and will have printed, that statement with my remarks.

Upon the general question I wish to say this: The House is aware that the board of health is an organization created by Congress. The members of the board of health are appointed by the President, by and with the consent of the Senate, under the laws of Congress. The salaries of the board of health are provided for in our regular appropriation bill. If we hope ever to establish proper relations between the District of Columbia and the Government there must sooner or later be some determination, some fixing by law, what proportion the Government ought to pay and what proportion the District ought to pay in regard to all these expenses. Last year it will be remembered that the small-pox visited this city. We were for a time in very imminent danger of suffering from it, and a matter of that sort could not be ignored by the Congress of the United States. It affected the health and safety of all the employés of the Government, as well as of Congress itself. The appropriation was made by last Congress for defraying the expenses of the board of health of $39,000, which was supposed to be the reasonable share which ought to be borne by the Government of the United States of these expenses. The fiscal year ended in the heated term, and the board of health being charged by the law with suppressing nuisances and taking care of everything that affected the public health, considered themselves authorized to take whatever steps were necessary. They erected a pest-hospital, or obtained one, out of the limits of the city to which they took persons affected with the small-pox.

They have policed the city so far as sanitary measures are concerned. They have inspected the sales of fish and of fresh meats in the markets, and we are satisfied that the board of health have behaved with commendable zeal and efficiency in the way in which they have done their work. They claim to have reduced the death rate in this city from 23 to 14 per thousand.

It may be that the expenditures ought to have been made by the District government, but the District government for the time being is crippled and is not doing its requisite share of the work. But without entering into the merits of that question at all, it being one that belongs to a committee yet to report, the Committee on Appropriations considered that this work ought to go on and by some means should be carried through.

The following is the statement I have referred to:

Comparative statement of mortality showing percentage of deaths to each one thousand inhabitants.

1870	23.81
1871	21.09
1872	18.42
1873	16.02
Six months ending March 31, 1874	14.38

Appropriations since June 1, 1871.

By the Legislative Assembly:	
Ordinary and contingent expenses of board	$83,000 00
Garbage service	65,100 00
Pay of vaccine physicians	7,316 58
Total by the District	155,416 58

By Congress:		
Deficiency act March 3, 1873	$39,300 00	
Current fiscal year	30,000 00	
Total by Congress		$69,300 00
Excess of appropriation by District		86,116 58
Estimates as presented by the board for the current fiscal year		95,000 00
Amount appropriated by Congress	$30,000 00	
Amount appropriated by Legislature	25,000 00	
		55,000 00
Excess of estimates over appropriations		40,000 00

No appropriations for sanitary purposes or for the protection of health of the residents of Washington and the District, other than the $69,000 above referred to, have ever been made by Congress.

The estimates herein referred to were made and presented to Congress in January, 1873, at which time small-pox prevailed in an epidemic form throughout the District, and was not stamped out until the following September.

All of which is respectfully submitted.

D. W. BLISS, M. D.,
Secretary Board of Health.

Mr. WILLARD, of Vermont. I desire that the gentleman from Ohio should inform the House on two points: First, what proportion of the expenditures for the board of health for the current year will be borne by the United States if this appropriation be made; in the next place, whether this money is to be paid over directly to the board of health, or to go to the persons to whom this money is due? I suppose the board of health may be in the same condition as I am informed some other institutions of the District are; it may have issued certificates, or something of that sort, so that in fact persons who have performed the work for them have not received their pay. I should like to know whether there is any need of any precautionary legislation to see that this money is paid to the persons who have actually performed the service.

Mr. GARFIELD. I think not. I yield to the Delegate from the District, [Mr. CHIPMAN,] who is familiar with the statistics.

Mr. CHIPMAN. I do not desire to occupy the attention of the House more than a few minutes on this subject. In reply to the gentleman from Vermont I will say that the board of health have been obliged to anticipate this expenditure, otherwise it would not be a deficiency. The accounts are outstanding about the city against the board. They have not attempted to create any sort of indebtedness in the form of certificates, but the accounts are outstanding to the extent of this deficiency nearly. The appropriation will be used to pay the creditors of the board.

On the second point referred to by the gentleman from Vermont I desire to say that the expenditures by the District for this board of health, since its organization, have been $155,416.58; while the expenditures on the part of Congress have been $69,300, making an excess of expenditure on the part of the District over that of the General Government of $86,116.58. The District therefore has in point of fact paid two-thirds of the expense of the board, which I think is quite as much as the District ought to pay.

Mr. WILLARD, of Vermont. How is it for the current year?

Mr. CHIPMAN. This appropriation is for expenses incurred during the current year.

Mr. WILLARD, of Vermont. You mean that this appropriation will make the Government pay one-half. Will it not make the Government pay one-half of the expense?

Mr. CHIPMAN. Yes; this appropriation will make the sum appropriated by the Government one-half of that appropriated by the District.

Mr. RANDALL. Will the Delegate from the District tell me what propriety there is in the United States Government paying two-fifths of the money necessary to preserve the health of this city?

Mr. CHIPMAN. I will give the gentleman my theory on the subject with a great deal of pleasure. I think it is the duty of the Government to protect the health of its employés here. There are about ten thousand persons in this city in the service of the Government. You have no right to bring them here and keep them in a fetid atmosphere. You are bound honorably to provide some sort of health protection. You are under the same obligation in regard to the foreign legations, and those who are obliged to come to Washington to conduct public business. I think if you could strike a fair division between the needs of the Government on the point of health and those of the permanent residents here, you would find that instead of two-fifths being due from the Government it should be two-thirds. Is the gentleman answered?

Mr. RANDALL. Yes; I have listened to your answer.

Mr. CHIPMAN. I will add one more point, and that is that Congress has created this board of health and imposed on it certain obligations, and Congress must provide the means of discharging those obligations. We are doing on the part of the District all we can.

Mr. RANDALL. I can only say in reply to the Delegate that it seems to me that all moneys expended in connection with such matters as this relating to the health of the citizens here are local matters and in the nature of municipal appropriations, and I have never yet been able to bring my mind to see the justice and equity of any such charge being made against the Government of the United States.

Mr. CHIPMAN. The gentleman knows that mortality here and sickness must extend not only to the local inhabitants, but that these provisions in regard to disease are provisions for the benefit not only of those who are obliged to live here permanently, but of those who come here like the gentleman to serve the country. He is here six months in the year and ought to be protected by the Government in a wholesome atmosphere.

Mr. RANDALL. I do not ask the Government to pay my doctors' bills.

Mr. CHIPMAN. You ought to have no doctors' bills; you ought to be able to be in your seat every day; you ought to be able to keep well so as to be always here, as you are a useful member.

Mr. RANDALL. Ah! if you will guarantee me that I will not object to the appropriation.

Mr. STORM. I hope that if the board of health receives this appropriation they will pay for the property they have taken. In a number of cases I know that they have given receipts for property taken two or three years ago and they have refused up to this day to pay one cent for it.

Mr. CHIPMAN. This appropriation is in part to pay those very expenditures.

Mr. STORM. Well, then, I hope that if this appropriation is made they will pay for the property they have taken and destroyed.

Mr. CHIPMAN. In order that the action of the board of health may not be misunderstood in that particular, I will state that where they found a small-pox patient who was liable to spread contagion they not only removed the patient to the pest-house, but were obliged to destroy his clothing. That action created a just debt which, I am sorry to say, in many instances has not been paid.

Mr. STORM. There was money appropriated to the board a year ago out of which these debts should have been paid. I know of a poor woman living here on Capitol Hill whose furniture was all taken and destroyed, and she has been to the board several times asking for payment and has not yet been paid.

The question was taken; and the amendment of the Senate was concurred in.

The forty-first amendment of the Senate was read, as follows:

In line 892 strike out "$25,185" and insert in lieu thereof "$16,815;" so that it will read:

To pay the five Official Reporters of the proceedings and debates of the House (said reporters to be paid monthly) during the second year of the Forty-third Congress, $16,815.

The Committee on Appropriations recommended concurrence in the amendment, with an amendment as follows:

Strike out all of said amendment and insert at the end of the paragraph, after the word "dollars," in line 24, page 28 of the bill, these words: "Which shall hereafter be the annual compensation of the five reporters of the House proceedings."

Mr. RANDALL. I would like to ask what that would make the salary?

Mr. GARFIELD. Five thousand dollars a year apiece. I desire at this point to offer on my own responsibility an amendment, which I did not offer in the committee, for the consideration of the House. I offer it as an amendment to the amendment reported by the committee, and it is to add these words:

And hereafter the pay of the official reporters for the committees of the House shall be $5,000 each.

I desire to say that the salaries of these officers were cut down because by the law passed earlier in the session the pay of the Official Reporters of debates was cut down. I think we ought to put the two classes of reporters on a level, and it is with that object that I offer this amendment.

Mr. RANDALL. I have no objection to that; I think it is only fair.

Mr. HOLMAN. I did not understand the amendment reported by the gentleman from Ohio. Is it proposed to non-concur in the Senate amendment?

Mr. GARFIELD. We propose to concur, with an amendment; and if the House will bear with me a moment, I desire to make a statement in regard to the condition of our work in this matter of reporting.

When we fixed the pay of the reporters of the House and the reporters of the Senate early in this session, it was then understood, and from the evidence before us it appeared to be true, that the amount of reporting for the two bodies was about equal. But the experience of this session, under the new *régime*, in regard to the reporting and printing of the debates of the respective bodies, has shown that almost twice as much labor is imposed upon the reporters of the House as upon the reporters of the Senate. The account which has been given to me by one of our reporters shows that the proceedings and debates of the House up to and including the report for June 5, 1874, amount to 6,139 columns; while the proceedings and debates of the Senate for the same time amount to 4,035 columns; making a difference of 2,104 columns of excess of House proceedings since the session began.

In addition to that, it ought to be remembered that it is a vastly more difficult business to report the proceedings of this House than it is to report the proceedings of the Senate. I witness, with a feeling of marvel every day, the work of these reporters in catching what is said in the turbulence and noise and confusion of the House. And I think the House will bear me out in the statement that on the whole our proceedings are reported with great faithfulness. I believe we made a mistake when we allowed the salaries of our reporters to be cut down as they were. Another thing; if gentlemen will

look at the fourteenth amendment of the Senate they will observe that the Senate has put in an appropriation of $36,000 for the reporter of the Senate. Of course we propose to non-concur in that amendment, because we do not understand what are the merits of it, or just why they have put it in. But in order to bring the question fairly before the House, the Committee on Appropriations thought it their duty to offer this amendment, that we might have a clear understanding of the case.

I will say now that when this provision in regard to the House reporters was put into this bill, I did not clearly understand it; I had not carefully examined precisely the range it took. And in order that there might not be any misunderstanding about it, I spoke to the gentleman from Indiana, [Mr. HOLMAN,] telling him that I was apprehensive that the amendment put in did not follow the law. I have since gone over the whole ground, have looked at all the facts, and I am satisfied we will do great injustice to the House reporters if we put their pay on a level with that of the Senate reporters, at least if that level is maintained where it now is.

I ought also to call attention to the fact that in order to keep up with the current debates of this House and enable us to see a printed record of our debates the next day, to have on our tables the next morning what is said in the House the preceding day, the reporters are compelled to hire assistants and pay them a very large amount.

Mr. CONGER. And work day and night.

Mr. GARFIELD. Day and night, of course. Gentlemen here have on their tables now what was said in the House last night up to nearly ten o'clock. Of course it is a very onerous duty which these reporters perform, besides requiring great expertness. I am satisfied if they are given a salary of $5,000 each, and the reporters of the committees are placed upon the same basis, that would be right. I ought to mention in this connection that I am told by the chairman of the Committee on Accounts, [Mr. BUFFINTON,] that the special reports called for by the various investigating committees will require a deficiency, and I expected that by this time that deficiency would be brought in, but it has not yet been presented. I am speaking now wholly of what the salaries of these reporters ought to be, and to that I challenge the attention and judgment of the House.

Mr. HOLMAN. I should have made the point of order on this amendment in regard to the reporters of this House had I noticed it at the moment it was introduced. It is clear that it is not in order. It is not a simple temporary appropriation, making an increase in the salary from $4,200 to $5,000 for a single year, but it is a permanent change of the law passed the present session of Congress, which law fixed the pay of our reporters and the Senate reporters at $4,200 a year each.

If any gentleman in this House is bound in good faith to observe its rules in regard to the appropriation bills, I submit that it is the chairmain of the Committee on Appropriations. My friend must know that in changing the law passed at the present session of Congress fixing these salaries, making a permanent change not a mere temporary appropriation, he was violating the rules of this House. All I regret is that the point of order was not made upon the amendment. Now the subject is before the House it must be decided.

I should have no hope at all of a reduction of the salary of any officer of this Government or of keeping salaries as low as even their present excessive rates if the tendency shown during the last few months to general extravagance is to continue. Nothing seems to be fixed in regard to salaries except the fact that they are to be constantly increased. When Congress first met many salaries increased last year were reduced. You appointed a committee of conference to fix the salaries of your reporters, which resulted in the present salaries of $4,200 each. These gentlemen are performing their duties faithfully and well in our presence here. We all know them and enjoy friendly intercourse with them. If we yield to their demands for an increase of their salaries, we will lay the foundation for increasing the salaries of others. We have seen over and over again the effect of these precedents. Thus day by day during this session of Congress you have remorselessly increased salary after salary, in this House, in the Treasury and State Departments. You have a Committee on Civil Service Reform, so called, and yet their entire efforts have been to increase salaries. They have not proposed a decrease in a single instance.

Mr. MAYNARD. How much does the gentleman think would be a proper sum to give to these officers?

Mr. HOLMAN. What the law fixes.

Mr. FORT. I do not think the gentleman——

Mr. HOLMAN. I decline to be interrupted at this moment. I answer the gentleman from Tennessee [Mr. MAYNARD] that the proper sum to be paid to the reporters is the sum fixed by your committee of conference and enacted into a law less than three months ago, a sum applicable alike to your reporters of debates, the Senate reporters, and your reporters of committees, $4,200 a year. And the gentleman from Ohio informs the House that it was by a mistake that the appropriation in this deficiency bill was run up from the sum of $4,200 a year to $5,000. The Senate, more mindful to its duty under the law, has put back the appropriation to what it had been fixed by law. Now the House is called upon not only to reject the Senate amendment, which makes the appropriation correspond to the law, but to go a step further—to change the law itself, and fix the salary at the increased rate of $5,000 for each reporter. If we do this, of course the Senate will increase the appropriation for its reporters to the same sum.

I say to the House now that since we commenced the publication of the debates through the agency of the Government Printing Office the salaries of our reporters have been materially increased. We have within the last two years had a steady increase in the salaries of the gentlemen connected with our corps of reporters. You are proposing now to pay them more than you ever paid them before, while the Senate is proposing to stand by the law so recently enacted. It is the House that presses this increase; the trouble arises here. And why? Because gentlemen controlling these bills yield so freely to every demand for an increase of salary, the tendency in that direction being encouraged by the misnamed Committee on Civil Service Reform.

Mr. FORT. I wish to make a suggestion to my friend from Indiana, [Mr. HOLMAN.] He is entitled to great credit for his efforts in keeping down salaries and reducing expenditures, and I generally vote with him in that direction; but I do not see how he can come in here and with very good grace decline to pay these reporters well, considering the fact that he occupies their time more than any four or five members of this House.

The SPEAKER *pro tempore*. The Chair calls the attention of the gentleman from Ohio [Mr. GARFIELD] to the fact that the amendment recommended by the Committee on Appropriations would in its present form render this whole paragraph nugatory.

Mr. GARFIELD. We propose to retain the words which the Senate propose to strike out, and to insert, instead of the words which they propose to insert, these words: "which shall hereafter be the annual compensention of the five reporters of the House proceedings."

The SPEAKER *pro tempore*. The amendment as now stated by the chairman of the Committee on Appropriations will be read.

The Clerk read as follows:

Concur in the Senate amendment, with an amendment restoring the words "$25,185;" striking out the words "$16,815" and adding these words: "which shall hereafter be the annual compensation of the five reporters of the House proceedings."

Mr. RANDALL. I move to amend the amendment of the gentleman from Ohio, [Mr. GARFIELD,] in regard to the committee reporters, by adding thereto a limitation; so that it will read as follows:

And hereafter the pay of the official reporters for committees of the House shall be $5,000 each; and this shall be in lieu of all other compensation for such services in reporting the proceedings of each and all of said committees.

I desire to state my reason for offering this amendment. If we fix the pay of the two reporters of committees at $5,000 a year each, to which I do not object, then we ought to provide that this compensation shall be in lieu of all other charges.

Mr. GARFIELD. I have no objection to accepting the gentleman's amendment.

Mr. RANDALL. I wish to say a word further. Each one of these gentlemen sitting in front of us—the reporters of debates—is obliged to employ one or two assistants; and this they do out of their own pockets, out of the salary which we allow them. There is no reason why the two gentlemen who do the reporting of committees should not in just the same way pay all the assistants that they may require. I am the more impressed with the propriety of this, because I know that during the greater part of the present session one of those two gentlemen has been absent while under the pay of the House and has been employed by another Department of the Government on an entirely different duty, in the discharge of which his expenses have been paid.

Mr. HOLMAN. To whom is the gentleman referring?

Mr. RANDALL. I allude to Mr. Francis H. Smith. Thus, in fact, the Government has absolutely been paying him two salaries. In addition to that, these two gentlemen, as I understand, have a copyist, called a "messenger," on the rolls of some one of the officers of this House. Now I maintain that this is an abuse; and my amendment cuts directly to the core of that abuse.

Mr. GARFIELD. I accept the gentleman's amendment as part of mine.

Mr. MAYNARD. I have sought the floor for the purpose of putting on record in this debate what I think ought to go there in connection with the amendment of the gentleman from Pennsylvania, [Mr. RANDALL,] providing, as I understand, that the two committee reporters shall receive each $5,000 a year. Now I wish the gentleman to state—and I desire the statement to go into the RECORD as a part of this discussion—whether by that the gentleman means that those reporters shall take the risk of reporting more or less according to the exigencies of the business from time to time among the different committees; so that if at any time there is more than the usual amount of work they may do it for the salary here stipulated, while if it should happen to be less they would get the benefit of the diminished amount of work.

Mr. RANDALL. I desire that those reporters shall take the chance of much or little work. But I did not tell all, Mr. Speaker, when I was up before. And now that the gentleman calls my attention somewhat to it I will say this, that while this officer whom I have named has been absent another gentleman, Mr. Devine, has been employed to do this work, and that the Government is now asked in addition to pay Mr. Devine's expenses. Am I not correct?

Mr. MAYNARD. I do not remember whether Devine is the gentleman's name, but I know that an account has been sent in to our committee.

Mr. RANDALL. The Committee on Banking and Currency have been charged $800 for reporting an investigation which should have been reported by the absent reporter.

Mr. MAYNARD. The bills presented to the Committee on Banking and Currency for reporting amount to nearly $1,000. The work has undoubtedly been done, and those who have done it ought to be paid. That is beyond doubt.

Mr. RANDALL. And those who have not done the work ought not to be paid.

Mr. MAYNARD. The point I wish to have brought out in connection with this amendment, which I am not opposing, is that if it be adopted I hope it will be understood that whoever assumes to take that place for the salary offered in the amendment must understand that he assumes to do all the reporting that all the committees of the House require to be done, be it much or be it little.

The question being taken on Mr. GARFIELD'S amendment as modified, there were—ayes 85, noes 3; no quorum voting.

Mr. HOLMAN. I think on this increase of salary there should be a vote of a full House.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair appoints as tellers the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Ohio, Mr. GARFIELD.

The House again divided; and the tellers reported—ayes 133, noes 18.

Mr. HOLMAN. I ask for the yeas and nays upon this increase of salary.

Mr. FORT. This is no increase of salary.

Mr. HOLMAN. I desire to get the yeas and nays if I can have them.

Mr. RANDALL. My amendment is in the nature of a limitation.

Mr. HOLMAN. It is an increase from a salary of $4,200 as fixed by law to $5,000.

The question being taken on ordering the yeas and nays, there were ayes 3; not a sufficient number.

So the yeas and nays were refused, and the amendment was agreed to.

The question was on concurring in the Senate amendment with the amendment.

Mr. HOLMAN. Agreeing to the amendment to the amendment is merely a formal matter. The substantial thing now occurring is that the House is increasing the salary from $4,200, the amount fixed by law, to $5,000 for each of the five reporters of the debates and two reporters of the committees. That is the proposition on which the House is now called to vote.

During the last session of the last Congress there was a general increase of salaries, including the reporters. But the Congress which came here as their successors were supposed to be committed and pledged to economy and retrenchment. Republicans and democrats had alike proclaimed themselves on every stump in the country in favor of retrenchment of expenditures; and when Congress assembled, yielding to the popular demand, they were compelled to repeal the law of 3d of March last. But the impulse of reform was exhausted, and from that time to this there has been no proposition looking to retrenchment. Some clerks are to be dismissed, but even this is compensated by increased salaries to others, and there has been no proposition from a committee concerning salaries which has not looked to an increase.

Constantly this work goes on of increasing the salaries of the employés of this House and the country. Increasing salaries seems to be deemed the highest and most imperative duty of legislation.

Mr. PARKER, of Missouri. I would like to ask my friend from Indiana whether, from his experience of many years, he does not really and honestly believe that these men do as much work as any member of this House? The pay of a member at $5,000 is not regarded as too much; and it is known to all of us, and I think no one knows better than the gentleman from Indiana, that these men do as much work as any member of this House, not excepting the gentleman from Indiana himself.

Mr. HOLMAN. My friend forgets one fact, that he himself voted to fix the salaries of these employés of the House some two months ago at $4,200. Did the gentleman think it was wrong then? Did he think the salary too low?

Mr. PARKER, of Missouri. The gentleman does not answer my question.

Mr. HOLMAN. I will answer the question in due time.

Mr. PARKER, of Missouri. My question was whether the gentleman does not honestly believe that the services of these men are worth as much as the services of any member of Congress?

Mr. HOLMAN. I shall answer the question; but at the same time I put the question to him whether a few months ago he did not vote, when the voice of the people was ringing in our ears demanding retrenchment, that the salaries of these gentlemen should be $4,200?

Mr. PARKER, of Missouri. The gentleman does not answer my question.

Mr. HOLMAN. Let the gentleman exercise a little patience. I ask him whether he did not vote to fix the salaries at $4,200, which was in fact an increase over the former appropriation until the increase by the act of March 3, 1873, made for the same purpose?

Now I have to say that some of us are able to be very impartial in such a matter, for these reporters have our good wishes very naturally. We like them personally. We are in daily association with them. Most of us are gratified by the accuracy with which they report the remarks which we have occasion to make to the House from day to day. Therefore naturally our feelings and sympathies are with these gentleman who report our debates. But we fixed their salary by law at $4,200, and in my judgment it was a reasonable salary. And I will tell you more, sir. It was a salary, everything considered, fully up to the average of the salaries paid by this Government, and greatly beyond the salaries paid in civil life, competency considered. I say that without any hesitation, and with a full knowledge of the capacity of the gentlemen employed. We all concede their competency. In the period of two years of course these gentlemen are actually employed about nine months, and yet received full salaries for two years. The salary was fixed fully up to what is paid in other employments, where the same amount of ability is required. But why talk; why make any disturbance here in the House in regard to what seems to be proper and reasonable salaries? Why attempt to resist here the constant increase of expenditure, the endless growth of salaries, when everybody knows there will be no retrenchment until it is compelled by the people themselves?

Democrats and republicans come into this Congress upon the platform of reform, and yet scarcely a voice is heard here from either side of the House in favor of reform except it may be in set speeches after the occasion is past. On the contrary, gentlemen vote steadily in favor of new offices and greater salaries without a protest. I have never before known either side of this House to be so indifferent to the question of increase of salaries as is the present Congress. The effort to repeal the salaries of March 3, 1873, was exhaustive. The gentleman from Ohio himself reported the bill to this House to fix the reporters' salaries at $4,200 a year each. And now before the law fixing that salary is fairly enrolled and filed with the Secretary of State he reports in favor of increasing it to $5,000 a year. Who can hope for retrenchment or for a reduction of expenditures when such is the policy of the financial leader of this House and there is no opposition by the republican leaders?

When the democratic opposition here was but sixty or seventy members, they could and did at least compel a record to be made of their opposition. But where is the opposition now to this extravagance; where are the safeguards of a strong and vigorous opposition intended in this House to secure wise and prudent legislation which the country has been accustomed to rely on for the last half-century? Where is that vigorous opposition party of former times which should demand that the expenditures of the Government should be reduced to the actual wants and necessities of the public service and the taxes wrung from the industries of the people no longer used for purposes of favoritism and patronage? Sir, the people will see to it that there is an opposition in this House sufficient to stem this torrent of extravagance in public expenditures.

Mr. MAYNARD. I desire to make a suggestion to my distinguished friend from Indiana, and see whether we cannot harmonize our views upon this matter, so that we may be able to pay these gentlemen what we will all regard as a fair compensation, and at the same time avoid any inadequacy of pay. I submit to him whether it would not be well to fix the price of reporting at so much per hundred words, say fifteen or twenty cents, as the case may be, and then keep an account with every member of Congress, and put against his name as his share of the expense of reporting the amount of what he may have said, and let the account be so made out against him?

Mr. HOLMAN. O, yes; and I will vote to abolish your corps of reporters and your RECORD entirely. It is a charge on the Treasury for the benefit of members of Congress.

Mr. MAYNARD. I hoped my friend would accept my suggestion, but he does not seem to be willing to do so.

Mr. RANDALL. One word in reply to the gentleman from Indiana. I do not consider it very politic or statesman-like, either in a great majority party or a minority party, to do injustice. As one of the minority here I am in favor of giving adequate salaries.

Mr. GARFIELD. I desire to say but a few words. In whatever the gentleman from Indiana does in the direction of real, genuine, economy he has the sympathy of all good men; but when he denounces as he does day by day every appropriation as a swindle and fraud, a grasping, remorseless attack on the Treasury, it comes to be a little tiresome, especially if repeated seven or eight hundred times; certainly it does become tiresome. Now, the gentleman has a great deal of cheek; he must in this instance have a cheek reaching down to the shoulder, yes, on both sides reaching absolutely down to the shoulder, to get up here and say to this House that we are raising salaries and increasing expenditures, and making no retrenchment at all, when he is talking about a bill which lies right under his nose, appropriating but $3,000,000 for deficiencies as against $11,000,000 last year. Not once since the war have we seen in Congress a deficiency bill so small as this. In no year since the war have the deficiencies been less than twice, sometimes five or six times, and once seven times, as great as are the deficiencies of this year. Since the war ended we have had a deficiency of $20,000,000 in a single year. As I said before, we had a deficiency last year of $11,000,000. Yet in the face of a series of reductions, amounting in the total to $30,000,000 in our appropriations, the gentleman from Indiana gets up here and sings the same old everlasting song that we are raising salaries and increasing expenses everywhere.

Now, in regard to the reporters, the base of our operations is

changed. We took the printing of the debates away from the Globe office and put it in our own printing establishment. Before that time we did not pay the Globe reporters at all, except a small sum, enough to make them officers of the House. Therefore, having ourselves taken upon our own hands the work of reporting and publishing the debates, it became necessary that we ourselves should employ the reporters and fix their salaries, and a separate bill was brought in for that purpose. In the judgment of several members of the committee of conference that had charge of the matter, the salary of our reporters should have been fixed at a higher rate than that bill eventually fixed it. But following the suggestion of the gentleman from Indiana, who was on that committee, we put their salary at $4,200 a year. Now, for one, I have become satisfied that in fixing that salary we fixed it too low, and that it should be made higher.

If the gentleman will now agree that these reporters shall have, say, $3,000 a year for their services in reporting, and that we will pay assistants to do the copying for them, it will cost us more than the present proposition will. I will go further; I am on record in this House for at least the last six years as having offered propositions, and voting every time for such a proposition when offered, to abolish all reporting of our proceedings at the expense of the Government. I will vote for such a proposition any day and any hour, so that our debates may go for what they are worth in the markets of the world.

Mr. HOLMAN. That is right.

Mr. GARFIELD. If the people want reporters sent here to report our proceedings, let it be done as it is in England by outside parties.

Mr. DAWES. In other words, let us have one great daily paper in the city of New York to control the whole reporting of Congress.

Mr. GARFIELD. I know very well that such a proposition would not receive much support in this House.

Mr. HOLMAN. I should gladly vote with my friend from Ohio in favor of such a system.

Mr. GARFIELD. Upon that plan we would stand upon the merits of what we say.

Mr. DAWES. We would surrender ourselves, as we have partially done already, to the metropolitan press.

Mr. GARFIELD. In answer to the gentleman from Massachusetts, [Mr. DAWES,] it is not necessary for me to do more than remind the gentleman how the reporting of the English Parliament is done.

Mr. DAWES. What odds does it make to us how the thing may be done in England? There the London Times is the ruling power. Do we want to surrender ourselves to some one daily paper, like the London Times, in the metropolis of New York? The abolition of the franking privilege was to a certain extent a surrender by this Congress to the metropolitan press, so that the country press is coming to us every day for assistance.

Mr. GARFIELD. I am very glad to have the concurrence of so distinguished a gentleman as my friend from Massachusetts on the subject of the metropolitan press. But not desiring to protract the debate on this question, which I think has been fairly stated on both sides, I move the previous question.

Mr. COX. I would like to say a word.

The previous question was seconded and the main question ordered, which was on concurring in the amendment of the Senate as amended.

Mr. HOLMAN. I ask that the whole paragraph as it now stands may be read.

The Clerk read as follows:

To pay the five Official Reporters of the proceedings and debates of the House (said reporters to be paid monthly) during the second year of the Forty-third Congress, $25,185, which shall hereafter be the annual compensation of the five reporters of the House proceedings. And hereafter the pay of the official reporters for committees of the House shall be $5,000 each; and this shall be in lieu of all other compensation for such services in reporting the proceedings of each and all of said committees.

The question being taken, there were—ayes 107, noes 13; no quorum voting.

Mr. HOLMAN. I cannot consent to any increase of salary without the vote of a quorum.

Tellers were ordered; and Mr. GARFIELD and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 139, noes 7.

So the amendment of the Senate, as amended, was concurred in.

The Clerk read the following amendment:

Insert the following as a new paragraph:

For the purchase of the original lot No. 1, square No. 683, in the city of Washington, containing about fifteen thousand superficial feet, with the improvements thereon, for a site for fire-engine house and for stables for mail-wagons and horses for the Senate, $18,000.

The SPEAKER. The committee recommend concurrence in this amendment with an amendment striking out the words "and for stables for mail-wagons and horses for the Senate."

Mr. GARFIFLD. We merely strike out the provision for stables. As to the engine-house, it will be remembered that we have already in another bill ordered the pulling down of that.

Mr. HOLMAN. I know that; and there was no necessity for its being done. The original wrong occurred when we entered upon this system of improvements. On this question I wish to say a word or two, though I am well aware how useless it is to attempt to arrest the attention of this House to any question of economy. In view of the promises of retrenchment and reform which were made to the people only two years ago, and the weight of taxation now resting upon the country and almost an empty Treasury, the spectacle of profound indifference to items of expenditure aggregating into millions displayed in this House at the present time and for months past is most remarkable.

Here is an item of the improvement entered upon some two or three years ago in connection with the grand system of embellishing this Capitol and giving magnificence to the public edifices and parks and grounds, which has involved, and is likely still to involve, the Treasury in the expenditure of many millions. In carrying out this system whole streets of houses were torn down, and this little item of $18,000 is to supply the place of one demolished. For my part I will not vote one dollar for any such purpose. The project of enlarging the Capitol grounds was, in my judgment, without justification or excuse, and it is one of those acts of legislation in which the original wrong necessitates thereafter a constant expenditure. If the House now votes the $18,000 here asked it shall not be said that it passed unchallenged, and that all the members of this House are responsible for it, as they were sought to be made responsible for the original appropriation, which took many hundred thousand dollars from the Treasury on the pretense of embellishing the grounds of the Capitol; but these beautiful grounds as laid out by our predecessors a half a century or more ago needed no such enlargement. It was, in fact, a part of that rank system of real-estate operations out of which millions have been made by successful adventurers through the aid of Congress at the expense not simply of the national Treasury but of the national honor.

Sir, we can never have a brilliant capital and magnificent insignias of government, such as gladdens the heart of the aristocrat and the monarchist, without profligate expenditure and wide-spread corruption. None knew better than members of this House, when, under the pretense of enlarging and beautifying the Capitol grounds and public parks and embellishing the capital, a vast system of expenditure was entered upon in every field of extravagance, that a splendid Government and a splendid capital, which should be a symbol of government, meant wide-spread demoralization, dishonor, and corruption. This District government and board of public works were a part of the system of contemplated brilliancy and national splendor. I protested against the measure at the time, I protest against it now. An honest, economical government, grand in its simplicity, was the magnificence gloried in by our fathers. I predict that if the gentlemen who are now occupying seats on this floor are incapable of grappling with the monstrous tide of corruption and fraud which finds its living springs in the laws enacted by Congress—these appropriation bills, moving on with apparently irresistible force to the overthrow even of the free institutions of our country in the not distant future; if we are incapable of arresting this ingulfing flood and restoring to Government its old honest simplicity, those who hold the power of this nation, not this House but the people, who are not corrupted nor ensnared by dishonest pretense, to whom honesty in government is true grandeur, who are incorruptible and have no interests to promote except the interests of their country, will see that these seats are filled by men who will arrest it and will restore honest simplicity to their Government; this, sir, or the days of the Republic are numbered.

Why, sir, the smile with which any resistance to appropriations in this House is met is almost universal and stifles resistance and the millions are voted without a protest. I have seen the time when the democracy in this House, though small in number, vigilant of the interests of the country, were prompt and obstinate in resisting extravagance. An unjustifiable appropriation was at least met by their protest. The old watch-word of economy you gentlemen were at least compelled to hear. They were, sir, like their constituents at home, determined to hold you responsible for the public dishonor that follows extravagance in Government. But now the old democratic spirit is not very demonstrative in this House. There is the absence of a positive opposition force. The overwhelming majority with its organized committees meets with but feeble opposition. We are seldom able to compel them to make even a record of their excessive appropriations. Gentlemen, this is not the temper of the people. The safety of the country is in a strong, fearless, resolute opposition party in Congress. If the opposition passively submits to excess of expenditure the pressure is all one way to open still wider and wider and wider the doors of the Treasury. We are seldom strong enough even to call the yeas and nays upon a question of expenditure; and yet here and there a member of the majority is with us, and many democrats adhere to the old principle that economy in Government is the only path of safety. But where is the strong, resolute, united opposition? Even a record cannot be made. Under these circumstances it is madness to hope even to keep within present limits the remorseless flood of expenditure, much less diminish the volume and strength of its current. The extravagance of Government now weighs heavily upon the industries of the country and makes the question of taxation (a matter so indifferent but a few years ago) a subject of terror and alarm to the people. Yes, sir, of *alarm;* for the people of this Republic know too well that extravagance in Government and corruption in Government are so united that no power can separate them. The brilliancy and magnificence of Government that take their hue from the treasures wrung from the labor of the people are the signs of death in a republic.

But, sir, thank God, the peril of the hour is not irremediable. There

is a power that can and will restore economy and purity to the Government. There is no decay of public virtue in the people. Let me predict, sir, that there will be an opposition here that will resist this remorseless extravagance of Congress. Let me predict that there will be an opposition party in this House demanding with an authoritative voice that a record shall be made on every item of your expenditure, and that money shall not be expended simply because the majority, under the frantic pressure that bears on a party long in power to open wide the Treasury, yield to that pressure because it gives new stimulus and vitality to the machinery by which decayed political organizations long in power are kept up. Sir, the country had the right to expect an earnest and positive resistance to the extravagance of this Administration from the opposition element of the House; for if the opposition acquiesces in measures of extravagance favored by the majority and yet subject to no such pressure for extravagance as the majority, where is the public safety? The gentleman from Ohio [Mr. GARFIELD] can excuse himself perhaps on the ground of the pressure brought to bear upon him by that great army who are ever waiting and longing to rob your Treasury. The republican side of the House is at least able to fall back on the excuse, bad as it is, that it is their duty, coming as partisans into this Hall, to follow the lead and blindly sustain the measures of the leading committees of the House. Such is our daily experience. But no such influence is supposed to operate upon the minority. With them there is no motive except the well-being of the country. The opposition members of the House are the especial guardians of the Treasury against partisan patronage, and therefore the people look to them for a record to be made of stern resistance to extravagance. The public good demands such an opposition, fearless, resolute, scorning dishonest pretenses, a terror to the hungry army who ever press upon the Treasury. I indulge again in the prediction that this Hall will not be without a positive opposition party in the days that are coming, inspired with the spirit of their constituents; will not be without an opposition that is willing to assert itself, no matter how large the majority that controls the action of the House.

I have said time and again, sir, that I glory in the minority which I once saw here upon the other side of this House, who, when propositions were brought forward for any increase of expenditures, insisted that the reasons should not be only plausible, but reasons that appealed to the conscience and the judgment and to the public necessities, and unless such reasons were presented, resisted such increase to the bitter end. That party, now the majority, is in a state of hopeless decay. I have seen a handful of democrats a positive power here for good. But now, sir, a looker-on might suppose that one party—the party of appropriations and partisans and patronage—without opposition was the undisputed master of the situation, and this House and its members subject to exactly the same pressure, influenced by the same motives and purpose to keep up a decaying political organization, by appropriations from the people's Treasury, and that the object of legislation was partisan patronage. I say this; and yet it is true that many gentlemen around me have steadily fought the old fight and earnestly resisted the flagrant extravagance of the gentlemen who control the action of this House.

Mr. TOWNSEND. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. Certainly, I will.

Mr. TOWNSEND. I would like to know of the gentleman from Indiana what hope there is that there will be any reform when the opposition party gets into power if they should vote, as many of them have voted this morning, for these extravagant expenditures?

Mr. HOLMAN. I am, sir, very indifferent to whatever answer may be returned to that question—quite indifferent about it. But I am not without hope of the future. I indulge with confidence the hope that there is a power capable of meeting the perils of the hour. I have confidence in the future, for the foundations of public virtue are secure. I do not believe that the public men of this country now controlling public affairs are capable of earnest and sincere reform in expenditures of the Government. The idea of a brilliant government supported by magnificent appropriations has been fatal to the men now controlling public affairs. They have drifted too long in the present and ever-swelling current to now turn and resist it.

The masses of the American people long for a government of their own, not of a government of a few ambitious leaders; a government administered for the people and not for the benefit of that great army who are struggling to live and amass fortunes out of the labor of other men, and who crowd your lobby with schemes to reach your Treasury. Yes, sir; the people want a government of the people for the people, and they will overturn the fabric of partisan power resting on venality and fraud, and place in power men inspired with their own spirit.

Sir, I care nothing about this item of appropriation in itself. It is but one of the countless items by which millions of excessive appropriations are made up, unwarranted and unnecessary. It is one of the springs that swell into the torrent. It is sufficient for me to know that this item and countless other items of expenditure are not necessary, and it furnishes me the occasion for condemning the rank extravagance that blisters every page of every appropriation that now comes into this House. But this must and will cease. The people will see to it that the men who shall take seats in this Hall do not forget the eloquent words that were uttered on the stump in the political campaign. Young gentlemen who come to this House sometimes make the fatal mistake of substituting the respectable gentlemen who surround them here for their constituents and substituting the opinions and sentiments prevalent in this Capitol for the opinions of the people and their constituents. It is a fatal mistake.

I say to young gentlemen entering this Hall, the first rule you should master if you expect to bear yourself as a free man representing free men is to utter no word here and cast no vote here you would not willingly and proudly do in the presence of your constituency. You must remember this: these gentlemen here are not your constituents, and that you should accustom yourself to feeling responsible for every act of legislation whether you be a member of the majority or minority of the House, and that every dollar you consent to appropriate out of the public Treasury that is not imperatively demanded by the public necessity is money appropriated for the purpose of dishonesty, fraud, and corruption.

Mr. Speaker, I have uttered that sentiment a hundred times, and I have never uttered any sentiment of the truth of which I was more conscious. Every dollar you appropriate beyond the absolute necessities of the Government, every dollar not demanded by a severely economical administration of the Government, every dollar appropriated not absolutely necessary for the purpose of the Government, is nothing more or less than a corruption fund. And, sir, in my judgment you can only preserve the purity of this Government by reducing expenditures down to the lowest point imperatively demanded by the public interest. A plain, frugal, simple, honest government can alone be permanently a republic.

What folly and madness, then, to go on with this reckless system of appropriation? Talk about committees of investigation! Can gentlemen expect to sit here in their seats and see millions upon millions of dollars unnecessarily appropriated and not expect corrupt and dishonest practices to grow out of it? Corruption is the inevitable and bitter fruit of extravagant appropriation; you cannot appropriate these millions unnecessarily without such results. Your committees of investigation will bring to the public eye scenes of dishonor causing the nation to blush. And yet when the appropriations were made, were not dishonesty and corruption inevitable? Were not the scenes now being exposed in this District as certain when you made the appropriations as they are to-day?

Mr. EDEN. I wish to ask the gentleman a question.

Mr. HOLMAN. Certainly.

Mr. EDEN. I and my friends on this side of the House agree with the gentleman from Indiana in reference to this amendment, but I wish to ask him whether he did not vote the other day to suspend the rules to appropriate four and a half million dollars without any debate—cutting off all debate and all chance of amendment?

Mr. HOLMAN. I am glad the gentleman from Illinois has mentioned that, and I will take a moment to reply to it. The morning of the day the river and harbor appropriation bill, to which my friend refers, came before the House, appropriating four and a half million dollars for river and harbor improvements, including large appropriations imperatively demanded in my friend's section of the Union—on that very morning a gentleman brought forward a proposition here appropriating $10,000——

Mr. EDEN. Let me ask the gentleman another question.

Mr. HOLMAN. Excuse me until I answer the first question. Appropriating $10,000 for the purpose of improving the navigation of some river in the Southwest; and it was passed, although the river was known to geographers only, without a word of explanation, without a single line of recommendation from the Engineer Corps, without any estimates. On the mere reading of the bill, brought forward by a single member of the House, not sanctioned by any committee of the House, the rules were suspended by a two-thirds vote and the bill passed under these circumstances, to the astonishment of many gentlemen, certainly to myself. Then the rules were suspended, the bill passed, and that money appropriated out of the Treasury; not a word of explanation, no committee, no engineer's report, no estimate. I do not know whether my friend from Illinois voted for that most extraordinary measure or not.

Mr. EDEN. I voted against the whole thing.

Mr. RANDALL. And why did you not vote against the whole thing?

Mr. HOLMAN. When the proposition was brought forward to suspend the rules to pass this river and harbor appropriation bill, which had been in progress of preparation by the Committee on Commerce, of which I had the honor to be a member; when it had gone to the Committee on Appropriations and had been carefully examined and was found by that committee to be as moderate as the public service would admit of, then, knowing by the example to which I have called the attention of my friend from Illinois, leaving that bill open to amendment would almost certainly add many hundreds of thousands to the bill, I was only too glad of the opportunity to vote with the two-thirds of the House to suspend the rules and to put an end to the policy indicated by the bill just then passed, which appropriated $10,000 without estimate or recommendation for this river in the Southwest. I think my friend from Illinois is well answered, and that the House did well by almost a unanimous vote to pass the river and harbor bill, cutting down amendments. The bill was $1,500,000 less than the preceding year.

Mr. EDEN. Were there not a great many $10,000 appropriations

for little rivers not known on the map in that river and harbor appropriation bill?

Mr. POTTER. Let me ask the gentleman from Indiana whether it is not true that there never has been an instance in the House in which the river and harbor bill reported from the Committee on Commerce when left open to amendment in the House was diminished, and that on the contrary in every instance such legislation when left open to amendment has resulted in the appropriations being increased?

Mr. HOLMAN. My friend from New York knows that question is only to be answered in the affirmative. I know, as every gentleman in this House knows who has been in the habit of watching the progress of the river and harbor appropriation bills through the Committee on Commerce and who knows the pressure brought to bear on that committee, and who also knows the usual subsequent action in the House on the bill, and who wanted the appropriation reduced down to the lowest point consistent with the public interest, we ought gladly to seek the opportunity to cut off the millions which were ready on this floor to be piled up on the top of that bill and which only could be kept out under a motion to suspend the rules.

Mr. EDEN. Then would it not be better to pass this bill?

Mr. HOLMAN. It has been stated that the course was adopted as a choice of evils, but I do not even take the excuse suggested by the gentleman from New York, [Mr. POTTER.] I say that as a measure of sound economy the passage of that bill through the House in the manner in which it was passed saved this Government $1,000,000, and my friend from Illinois [Mr. EDEN] certainly knows this to be a fact.

Mr. EDEN. Did not that bill contain a great many improper appropriations?

Mr. HOLMAN. That bill did not contain the usual number of improper appropriations.

Mr. EDEN. I differ with my friend in regard to that.

Mr. HOLMAN. The question is whether $1,000,000 was not saved. I believe there is not a gentleman familiar with the business of this House who does not know that $1,000,000 was saved by the action we took.

Mr. EDEN. I have been on this floor but a short time, and I am one of the gentlemen on this side of the House who have been lectured a good deal by my friend from Indiana for not opposing extravagant appropriations.

Mr. HOLMAN. I have not lectured the gentleman or the House. I certainly know that I have no right to lecture my friend, and that his record is one that any member might well be proud of.

Mr. EDEN. But when I stood here opposing an appropriation of $4,500,000 without debate, and saw the great leader of economy was on the other side, I got a little demoralized on the question. I had been following my friend from Indiana very faithfully up to that time.

Mr. HOLMAN. My friend will excuse me. I do not yield the floor.

Several MEMBERS. Go on! Go on!

Mr. HOLMAN. Let my friend take his own time in which to address the House if he thinks my answer is not a good one and that two-thirds of the House acted unwisely and that the Committee on Appropriations as well as the Committee on Commerce made a mistake. But let me ask him a question. Does the gentleman not know from the action taken by the House that very morning on the Georgia river bill that we could scarcely have avoided the putting of millions of dollars on the river and harbor bill if it had been opened to amendment?

Mr. EDEN. I know that if we had had a debate we would have tried to get rid of all the improper appropriations in that bill. And for my part I would not vote for a river and harbor bill which bore upon its face the character of being a log-rolling bill, even if I had been afraid that something else might get into it.

Mr. HOLMAN. Did the gentleman not want to increase the appropriations in that bill?

Mr. EDEN. The gentleman wishes to shelter himself behind the committee.

Mr. HOLMAN. I repeat my question: Did the gentleman not want to add to the bill instead of taking from it?

Mr. EDEN. I did not want to make appropriations for those little rivers that many of us had never heard of.

Mr. HOLMAN. Did you not want to increase the bill?

Mr. EDEN. I wanted appropriations for the great rivers, and not for those little streams that are not be found on the map.

Mr. HOLMAN. I know that the gentleman wanted to increase the appropriations for the Mississippi and Illinois Rivers. I know that he wanted to put the appropriations for those rivers as high as they could be put. If we had not passed the bill as we did, we would have run a very great risk of appropriating vast sums of money by that bill and increasing its bulk beyond what was necessary or proper.

Mr. EDEN. My friend places me in a wrong position if he says that I wanted to increase the amount of the appropriation. I wanted to decrease it by striking out the items which the gentleman from Indiana himself admits to be improper.

Mr. HOLMAN. How did you want to increase it?

Mr. EDEN. I did not want to increase it at all. I wanted to diminish it, and you did not give me a chance to do what I wanted to do in the interest of economy. The gentleman from Indiana admits that there are in the bill a great many improper appropriations, and shelters himself behind the committee. In regard to the present proposition this matter has been considered by the committee, and if my friend from Indiana was correct in his course on the river and harbor bill, he should have gone to the chairman of the Committee on Appropriations and asked him to move to suspend the rules and pass the bill, for fear the House would add to the amount of the appropriation.

Mr. HOLMAN. The gentleman is mistaken in this one respect, that I do not shelter myself behind the action of the Committee on Commerce. On the contrary, I acted as a member of that committee, and under my responsibility as one of its members for the bill, and taking my full share of responsibility for the measure.

My friend will not controvert the fact—no one can controvert the fact—that if that bill had been open to amendment many additional appropriations would have been put upon it. It may have contained appropriations that are questionable. I never heard of one passed by Congress that did not contain appropriations that might have been dispensed with. I do not say that that bill did contain any appropriations that could be dispensed with, because I knew the appropriations were all right and proper. But my friend cannot deny the fact that if the bill had been left open to amendment there would have been added to it, judging from the temper of the House and the number of gentlemen who had propositions for appropriations, at least $1,000,000, so as to make the amount appropriated by the bill five or five and a half million dollars instead of $4,500,000.

Did my friend ever know the House to strike out an item from a river and harbor bill?

Mr. EDEN. My friend from Indiana would not give us an opportunity to try and do so in this case.

Mr. HOLMAN. I must press my question. I ask my friend from Illinois whether, during the time he has served in Congress, he ever knew an item to be stricken out of a river and harbor bill?

Mr. EDEN. My friend does not answer my question.

Mr. HOLMAN. No; but I ask you a question.

Mr. EDEN. I will answer my friend by saying that the House had no opportunity of striking out any items in this instance.

Mr. HOLMAN. No item ever was stricken out of such a bill.

Mr. CONGER. I wish to ask the gentleman from Indiana a question.

Mr. HOLMAN. I hope it will be very brief.

Mr. GARFIELD. Be brief, and do not bother him long.

Mr. HOLMAN. O, it will not bother me at all.

Mr. CONGER. The gentleman asks the gentleman from Illinois if he ever knew an appropriation to be stricken out of a river and harbor bill. Now, that question is so pertinent to me that I must refer to one case.

Mr. HOLMAN. Well, what case was it?

Mr. CONGER. The gentleman remembers when he put into the river and harbor bill an appropriation of $1,250,000, to pay an old indebtedness on the Louisville and Portland Canal, close to the State of Indiana and the gentleman's own district.

Mr. HOLMAN. It is not in my district.

Mr. CONGER. Well, that work has been the gentleman's special nursling.

Mr. HOLMAN. Certainly; I have no objection to the gentleman's stating that.

Mr. CONGER. The Committee on Commerce and the House did strike that out. It was the largest appropriation that was ever put into a river and harbor bill, to pay an old debt. Why was it not stricken out?

Mr. HOLMAN. The gentleman said that the House did strike it out.

Mr. CONGER. Why was it not stricken out? Because the gentleman from Indiana, although he lectures this House by the hour and by the month on every little paltry appropriation or increase of appropriation——

Mr. HOLMAN. Is that a question?

Mr. CONGER. The gentleman stood here and fought against the striking out of that item by talking individually with members on this floor and everywhere else, and the gentleman succeeded in keeping in the bill the biggest appropriation ever made for such a purpose, because it was for a purpose near his district. The economy of the gentleman does not extend to his own region. He worked then to secure an appropriation of $1,250,000, but when it comes to a question of an appropriation for a purpose remote from his district, then he is the greatest economist in the House.

Mr. HOLMAN. Mr. Speaker, the gentleman is mistaken in one respect, and only one. The Louisville and Portland Canal is not within one hundred and fifty miles of my district. But that does not make any difference. The gentleman would confine all appropriations for these purposes to the lake shore, in which he is interested himself. Appropriations of millions have been made for the Atlantic coast and for the lake shore, while the great inland country, the Mississippi and the Ohio, those magnificent streams, had for long years been without any appropriation of public money at all; but my friend's lake shore had been almost lined with gold year after year. When the proposition was brought forward to do a little justice to the great inland section of the country my friend opposed it. All that I asked was that a small appropriation should be made to re-

move the obstruction in the way of the commerce of that section of the country.

I yield now what time I have left to the gentleman from New York, [Mr. COX.]

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] makes the point or order that this debate is proceeding under the five-minute rule.

Mr. COX. I want only five minutes.

The SPEAKER. The Chair will be under the necessity of giving the Committee on the Post-Office and Post-Roads their time and let this bill go over.

Mr. GARFIELD. This is the only amendment upon which there is a necessity to take a vote, as this is the only remaining amendment of the Senate which we recommend shall be concurred in. In regard to all the other amendments we recommend non-concurrence.

The SPEAKER. The Chair will recognize the gentleman from New York [Mr. COX] for five minutes, and then recognize the gentleman from Ohio, [Mr. GARFIELD.]

Mr. COX. Whatever may be the disposition and complexion of this House, either of the minority or the majority, one thing is certain, and that is that my friend from Indiana, [Mr. HOLMAN,] in his earnest and vigilant efforts for reform and economy, has with him the great body of the American people. He prophesies rightly when he says that there will be in the next Congress an opposition of a different kind and caliber from that which is now in this House. Gentlemen on both sides undertook to demoralize the gentleman from Indiana by their innuendoes and questions in regard to certain little votes which he has now and then made in relation to appropriations, and as to which they take exception. I would rather be with an angel, even if he slipped occasionally, than with a herd of incarnate devils who are always bad.

The gentleman from Ohio, [Mr. GARFIELD,] the chairman of the Committee on Appropriations, and the gentleman from Massachusetts, [Mr. DAWES,] chairman of the Committee on Ways and Means, were so harassed by my friend's charges that they undertook to speak, both at once, in reply to my friend from Indiana, [Mr. HOLMAN.] They were not successful; nor would they have been had they spoken one at a time.

Mr. KELLOGG. And the gentleman from Indiana has been allowed twice as much time as those gentlemen had.

Mr. DAWES. I have not interrupted the gentleman from Indiana.

Mr. FORT. What politics is there in the house of this fire-engine company?

Mr. COX. The gentleman questions me as if he was a captain of a fire-engine. The chairman of the Committee on Appropriations, [Mr. GARFIELD,] who I see has just gone to the Speaker, perhaps to get another hour in which to reply to my friend from Indiana, [Mr. HOLMAN,] has reported to us the diplomatic and consular appropriation bill, proposing to increase salaries in the State Department, and other bills proposing to increase salaries in the Treasury Department, and various other salaries. Scarcely any of his bills, if analyzed, show reductions. What has been the result of his large expressions? What committee has shown retrenchment? Now, sir,

> "Though the mills of the gods grind slowly,
> Yet they grind exceeding small;"
> But the mills of your committees
> Do not grind at all.

My friend from Indiana can well afford to be laughed at. I am laughed at myself for endeavoring to save. Let those laugh who win in the last resort. There is not a single item of our appropriation bills that my friend [Mr. HOLMAN] has not studied most carefully. There is not a man in this House who does not know he is our most useful member.

Mr. HOLMAN. I hope my friend will confine his remarks to the question before the House.

Mr. COX. Sir, I will stand by my friend in every emergency. I would rather be wrong with him than right with many of you on the other side. But I rose only for the purpose of calling attention to one fact; and that is, that after all our hurry-skurry action and speaking here this year, with a deficient Treasury, with paralyzed industries, the people on all hands demanding economy, there has been no practical economy shown by your committees. If I have the opportunity before we adjourn, I will take time to go over the appropriation bills. I will demonstrate wherein we have increased the expenses of this Government. I will endeavor to unravel our peculiar system of economy. You were so much in favor of economy that you solemnly appointed a committee on reform in the civil service. What did that committee do? What did it do the other day? They voted against appropriating $25,000 to continue this useless and hypocritical civil-service reform, thereby acknowledging that you had failed in that respect. In spite of your Philadelphia platform in favor of economy and civil-service reform you are dead failures, and the people know it.

[Here the hammer fell.]

Mr. GARFIELD. A few words, and then I will call the previous question. The simple proposition upon which we are called to vote, and out of which all this eloquence has come, is this: Our very dissolute and corrupt fathers thought it necessary to have an engine near by the Capitol for the protection of the Capitol and other public buildings. They built an engine-house and provided an engine for use in case of a fire. In enlarging the grounds about the Capitol it became necessary to pull down the old, tottering engine-house. And it is proposed now to appropriate $18,000 to purchase a lot of ground on which to build another engine-house, and out of that plain, common business proposition has arisen this fearful tirade about the affairs of the country.

In one respect it has been very interesting, for my friend from Indiana reminds me very forcibly of Casabianca:

> The boy stood on the burning deck,
> Whence all but him had fled;
> The flame that lit the battle's wreck
> Shone round him o'er the dead.

He seems to be, like the heroes of Milton—

> ————faithful found;
> Among the faithless faithful only he.

The "corrupt republican party" of course vote against his views; and at last his own "beloved young democracy," as he calls it, that have all the dew of youth, the fresh virtue, the brightness of hope for the country in their possession, have so fallen away from him that but six of them voted with him a moment ago against one hundred and thirty-nine who voted against him in favor of paying our reporters $5,000 a year each.

And to all his abilities in other respects he now adds the gift of prophecy, and warns us that we are all going to the dogs; that all the seats on this side of the House will be vacated in the next Congress by the present members; and this morning he has learned that there is not virtue enough on his side of the House to save but six besides himself of the hundred that are now there; that all the rest will be sure to go. Why, sir, if these things which he has gone over be done in the "green tree" of the democracy, what will be done in the dry? The complimentary lecture which the gentleman has delivered to all the noble men around him, warning them that they must vacate their places here because only six of them voted with him, is one of the remarkable signs of the leadership of economy on the other side. I call for a vote.

The question being taken on concurring in the amendment of the Senate with the amendment recommended by the Committee on Appropriations, it was concurred in; there being—ayes 106, noes 27.

Mr. GARFIELD. I now move that a conference be asked with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. GARFIELD. I move to reconsider the various votes upon the Senate amendments and also the vote just taken, and move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MISSISSIPPI LEVEES.

The SPEAKER. By order of the House one hour to-day has been assigned to the Committee on Mississippi Levees. The gentleman from Louisiana [Mr. MOREY] calls up the bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

Mr. WILLARD, of Vermont. Mr. Speaker, when this matter was last under consideration, about six weeks ago, I had the floor. I understand that the gentleman from Louisiana [Mr. MOREY] desires that the previous question may be considered as ordered, but consents that before it is done I shall offer an amendment.

The SPEAKER. There is an amendment pending offered by the gentleman from Pennsylvania, [Mr. RANDALL,] a member of the committee. With these two amendments pending, the Chair hears no objection to seconding the previous question and ordering the main question. The amendment of the gentleman from Vermont will be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

That the President be, and hereby is, authorized to establish a board, to consist of two or more officers of the Corps of Engineers of the Army of the United States, whose duty it shall be to make such examinations and surveys, in addition to those already made by officers of the Army, of the delta of the Mississippi River as may be necessary to enable said board to report to the President as to the best method for the permanent reclamation and redemption of said alluvial basin from inundation; and the President shall transmit said report to Congress at the session next after the report is made to him.

Mr. WILLARD, of Vermont. Mr. Speaker, the amendment which I have offered differs from the bill in this particular mainly: while the bill provides that the President shall be directed to assign two officers of the Corps of Engineers of the United States Army and to appoint three civil engineers eminent in their profession for the purpose of making this survey, the substitute which I have submitted strikes out all relating to civil engineers and provides that the President shall appoint a board, to consist of two or more officers of the Corps of Engineers, for the purpose of making this examination and survey. This is the main difference between my substitute and the original proposition.

When this matter was before the House six weeks ago, I then stated that as it seemed to me this kind of appropriation was not warranted by the Constitution. The House will probably remember that the original bill was introduced with a lengthy preamble reciting that this reclamation of the basin of the Mississippi from inundation and overflow was a work that should be undertaken by the Government of the United States; that a work so extensive in its character must

be called a national work and should be undertaken at the cost of the whole people of the United States. Before that proposition is assented to (and I suppose that the substitute which I have offered does not imply assent to that proposition) it is worth while for the House to consider something of the character of this work, its magnitude, and what it is expected to accomplish.

This is not the first time that the subject of the Mississippi levees has been before Congress. As far back as 1850 Congress appropriated all the swamp lands then belonging to the Government in Louisiana, Arkansas, and the other States along the Mississippi River to the States in which they were situated, for the purpose of improving the levees of the Mississippi River; and I find by a report which I have here that for some years at least the State of Louisiana had an income from the sale of those swamp lands amounting to $700,000 annually, a part or the whole of which was appropriated or used by that State under the direction of its levee commissioners for the purpose of maintaining levees in that State. But it has been urged that the levee system of one State does not protect that State unless the State north of it has also a system for the same purpose; that thus the expenditures of any one State for this object may sometimes be in great part ineffectual. In view of this the gentleman from Iowa, [Mr. KASSON,] in a question which he put to me during my remarks on the day on which this question was last before the House, intimated, as I understood him, that, although he was not prepared to assent to the doctrine that this work should be undertaken by the General Government, the examination and surveys should be made by the Government because under the Constitution two or more States cannot enter into an agreement except by consent of Congress. Therefore he argued that we should get through Government examinations information on this subject in order to determine whether we would give our consent that the States along the Mississippi River might enter into an agreement by which they would at their joint expense maintain this levee system.

I do not think, however, that it will be seriously urged here that a survey is needed for any such purpose, for no one doubts for a single moment if such consent of Congress were necessary for an agreement between the States for the purpose of maintaining a levee system, but that it would be given at once. In other words, Congress would never put any obstacle in the way of the States along the Mississippi River entering into any agreement among themselves which they might determine or desire to enter into to reclaim the swamp lands now submerged at every period of high water in the Mississippi River.

It is noticeable in the first instance that such a survey as is contemplated by this bill has been already made, and made patiently and fully. In fact, after an examination of the documents which have been submitted from time to time to Congress, I am unable to see why there is any necessity of a new examination of the subject unless it be for the purpose of ascertaining what would be the present cost of performing this work. I hold in my hand a volume of two hundred and fourteen pages, and this is only a fragment of the whole work, which is entitled:

Report upon the physics and hydraulics of the Mississippi River; upon the protection of the alluvial region against overflow; and upon the deepening of the mouths, based upon surveys and investigations made under the acts of Congress directing the topographical and hydrographical survey of the delta of the Mississippi River, with such investigations as might lead to determine the most practicable plan for securing it from inundation, and the best mode of deepening the channels at the mouths of the river.

This was made after an exhaustive survey, occupying several years, and carefully prepared by these engineers, and after they had, in one way or another, made themselves acquainted with the working of levee systems and other systems for like purposes in Europe. It is an exhaustive discussion of the subject in all its phases, and I can hardly imagine how a new survey can bring to the attention of Congress any fact which would be of value to us in deciding the questions discussed in this volume, unless it may be facts showing what the present cost would be of works of this character. For this reason, in the substitute I have offered, I have provided that this board or corps of engineers which may be detailed for this purpose shall only make such surveys as may be necessary in addition to those already made, in order to make a report to Congress of the most practicable method of reclaiming the inundated lands along the Mississippi River.

After this survey was made and before the Chief of Engineers made his report, there was made a careful and detailed estimate and statement of the cost of the proposed levee system. The board decided that the levee system was the only practicable method of reclaiming the swamp lands. They gave a detailed estimate in the report sent to the House in 1869. That estimate fixes the cost of the proposed work at $36,230,000, and in other reports it has been put in round numbers at $40,000,000. This estimate covers the cost of a permanent system of levees along the Mississippi River from Cairo to the Gulf.

What is to be gained by this system? It is stated very effectively in the report made from the committee by the gentleman from Louisiana, [Mr. MOREY,] who has this bill in charge, and who gives in detail the amount of lands to be reclaimed and their enhanced value, in order to prove that the work is national in character because of the magnitude of the result in pecuniary value which may be attained by establishing and maintaining this levee system. I will call attention to some extracts from his report. He says:

The portion of the delta within the State of Louisiana is very large as compared with that of any of her sister States. It may be estimated at about 19,315 square miles, or nearly one-half of the whole delta of the Mississippi River proper. This State has a total area of 47,024 square miles, showing more than two-fifths of the State to be within the Mississippi alluvion. And though its water-spaces (lakes not being included in the above result) may amount to one-tenth of the whole area embraced, they are so valuable to men's uses as to be legitimately computed as *acres* in our approximation of the value of the lands whose reclamation is the object of our present enterprise.

It is worth observing in passing that this is in the State of Louisiana, and that the General Government does not own one acre of public lands to be improved by this contemplated work, but all these lands are now the property of private owners, to whom they have been transferred by the Government or by the State of Louisiana since the swamp lands were given to that State, or are to-day the property of Louisiana. Two-fifths of the State of Louisiana are to be benefited and reclaimed by this system of levees.

The report then goes on to say:

Computing, then, six hundred and forty acres for every square mile of the delta, we find it to amount to 26,363,520 acres of land, of which the State of Louisiana has no less than 13,315,000 acres lying beneath the level of our great high waters. Levees only protect them now very inadequately from frequent submersion by the great delta sea.

What value shall we impute to these acres of more than Egyptian fertility?

Then a computation is entered into to show what the value of the lands to be claimed would be, and it is stated here in the aggregate as amounting to more than $300,000,000. In other words, private property in the State of Louisiana would be increased in value to the extent of more than $300,000,000 if this work were accomplished. The value of all the lands to be reclaimed, after a perfect system of levees is established, along the river from Cairo to the Gulf is estimated by the committee at over $700,000,000!

Now, sir, I would ask the House in all seriousness, when a proposition comes in here to improve the property of a State or the property of private individuals to this extent or to any extent, is it a work for Congress to undertake? I can see how, under the provisions of the Constitution respecting commerce, Congress has the constitutional power to make the Fort Saint Philip Canal or improve the mouth of the Mississippi by the jetty system, or even to construct canals connecting navigable waters. But that you can extend or construe any provision of the Constitution into an authority in Congress to improve private property at the expense of the whole people of the United States I am wholly unable to understand. What benefit, Mr. Speaker, is the State of Illinois to get from this $300,000,000 additional value that is to be given to the State of Louisiana by this improvement? What benefit does Minnesota get? What benefit does New York get? What benefit does New England get? What benefit, in a word, does any section of the country get, except as far as we are all benefited by each other's prosperity? None whatever. The extent of cotton-growing land would be increased to a large amount undoubtedly by an improvement of this sort; but when it is increased, it is the property of the State of Louisiana or of the State of Arkansas or of other States bordering on the Mississippi River, or the property of private individuals in those States. It is not the property of the United States, and we derive no benefit from it whatever.

In several reports made on former occasions to Congress in respect to the value of these improvements it is put up into the hundreds of millions. Now, sir, if any State can see where, by an expenditure of ten, fifteen, or forty million dollars, it can improve the value of property within that State to the extent of hundreds of millions of dollars, I can find a reason why the State may engage in that undertaking, but I cannot see why the Government of the United States should be called upon to enter upon any such work.

I know, Mr. Speaker, that it is considered as old-fashioned, and sometimes I am afraid it is considered disloyal, to call the attention of this House to the Constitution of the United States. We are told here sometimes that we have practically outgrown the Constitution of the United States; that by some transformation growing out of the war, or in some other way, there has been such a new birth to this country that the old Constitution is no longer our rule of conduct, that it is no longer a restraint upon and no longer a measure of the powers of Congress, that we are only to consider what we want to do, and then if we can get a majority let us do it. But, Mr. Speaker, I have not yet seen promise that out of any of these new doctrines any good is likely to come to the Republic in its future, or that by any disregard of the foundations upon which it was built or the safe and prudent provisions by which its powers were separated and defined and its authority limited and hedged about, and by means of which it has come to be the great and magnificent government which it is to-day, there can be hope for a higher prosperity, a broader freedom, or a grander development than is to be found in the path defined by the Constitution as it is written and stands to-day.

I believe, Mr. Speaker, that under the Constitution there are certain things for which Congress may appropriate money, and certain things for which it may raise taxes. These are specified in the first paragraph of section 8 of the first article of the Constitution:

The Congress shall have power—

And it gets no other grant of power except the grant given it here and in other paragraphs of this same Constitution—

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of

the United States; but all duties, imposts and excises shall be uniform throughout the United States.

There, Mr. Speaker, is the grant of the power. There is the measure of the power, and the whole of it; and how upon that can such a proposition as that of the preamble of this bill find support? I read it again:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Mr. COTTON. Will the gentleman tell us what the general welfare of the United States embraces, and then we will see how far we can go?

Mr. WILLARD, of Vermont. The gentleman from Iowa asks me what the general welfare includes. I know that in these latter-day interpretations it includes everything. If the gentleman from Iowa has a farm containing one hundred or one thousand acres, I suppose the people of his immediate vicinity, the people of the county in which he resides would be benefited somewhat by anything that would increase materially his prosperity or the value of his farm, and, Mr. Speaker, what increases the wealth or material prosperity of any single State in this Union is to some extent doubtless an addition to the general prosperity of the whole country. We do not live for ourselves alone, and one State does not live for itself alone, and cannot exclude anybody outside of its limits from a share, partial though it may be, in its prosperity. But I do not understand because there would be some general good result to the community in which the gentleman lives, from an increase in the value of his farm to the extent of $100,000, that therefore the county in which he resides or the State in which he resides would have any warrant whatever, even with the most liberal interpretation of the general welfare, to allow him to collect taxes from all parts of that State for the purpose of benefiting his private property. And no more do I suppose because the State of Louisiana will have its material prosperity wonderfully enhanced, and every acre of land within that State multiplied by ten in its value, by reason of such improvement as this bill contemplates, that therefore we can say that the general welfare of the United States is thus so far increased that we should adopt this measure for the purpose of so improving, so benefiting, and so enlarging the welfare of the State of Louisiana that we may tax the whole people of the United States to the extent of $40,000,000 that the land-owners of the valley of the Mississippi River may add $700,000,000 to the value of their private property.

Mr. COBB, of Kansas. I desire to ask the gentleman this question; if, for instance, the entire sugar lands of this country and that would embrace all the lands at the mouth of the Mississippi River were submerged, and could not be reclaimed, would not that be a public calamity? Is it not for the public benefit that they should be preserved from overflow?

Mr. WILLARD, of Vermont. O, you cannot give it any such interpretation as that, even in its broadest sense. I agree, as a matter of course, that such a calamity would raise the price of sugar to the consumers throughout the United States. I agree that that might be so; but that would no more give the United States the power to interfere to cheapen the price of sugar, than the high price of wheat could be made an argument for taking money from the Treasury for the purpose of bringing immigrants into this country and locating them on the grain-growing lands of the West in order that the products of grain might be increased so that every one could buy his wheat for half the price for which he could get it before. That would undoubtedly be a benefit to those who consume the products of the West; but there can be no such broad interpretation of the words "general welfare" as to bring any such appropriations within the clear understanding of the meaning of the term. Supply and demand take care of that. The General Government cannot undertake to be a producer in order to cheapen prices, or pay a part of the cost of production by taxation in order that the purchaser may have his commodity at cheaper rates.

But, Mr. Speaker, I will not consume time that other gentlemen desire to occupy. I only call attention to this phase of the question, not so much for the purpose of antagonizing this bill as to say here that the project to which this bill looks in its ultimate results is one which seems to me to be dangerous and without warrant either in precedent or in the Constitution. Yet, sir, it may be said if we are to appropriate money as has been done during this Congress every time the Mississippi overflows its banks, if we are to authorize the Army to issue rations to feed every person living within the ravages of its flood, if we are to support the inhabitants along its banks until the next harvest, we may as well undertake the work of establishing these levees. But that was not given of right; it was bestowed as a charity. When we meet a case of instant and great need, when thousands and tens of thousands of people are starving we may allow the Government to afford aid and relief just as an individual would do it at such a time and would answer any call made upon him, not recognizing that there is any right to make such call but moved by his own generosity to answer it. The Government might do that; but they could not do it, and I venture to say that it was not done in the recent instance, under any power given to Congress by the Constitution, but only because every man's sympathies answered to the appeal made and we supposed that our constituents would fully justify us in doing what every man felt to be the command of a generous impulse; but we did not thereby sanction an expenditure for the improvement of private property along the river's banks.

But, sir, I have watched I confess with some alarm—not perhaps well-grounded alarm, but with some alarm—what has seemed to me to be the growing inclination of Congress—not confined to the republican side of the House, for I do not see that the infection has caught less extensively on the democratic side than on the republican side—the growing disposition of Congress to put all charges of magnitude for anything that is supposed to improve the business or increase the prosperity of a locality upon the Treasury of the United States, as though in that way by some trick of finance we got rid of paying it. Now, sir, everybody knows that when we get round to the end of the circle, if I may use the expression, when we get round to the starting point in this circle, we shall not relieve anybody. Taxes will be multiplied, and the people of all sections of the country will be obliged to pay those taxes. I venture to say that the complaints which come up to us from the West and the Southwest and from the manufacturing towns and cities of the East would be lessened by relieving them of taxation; and in fact the best legislation that we can adopt here to lessen those complaints and to answer those cries for help is to relieve them of taxation. Certainly it is not the best way to make a great soup-dish of the Treasury of the United States and put into every man's hands in the United States a ladle and allow him to help himself to the soup which Congress kindly furnishes to feed the whole people of the country. That is not a measure of relief. The true measure of relief is to reduce at all points the expenditures; to reduce at all points taxation; to bring down the expenses of this Government to an economical and honest administration of public affairs, and to lift from the people burdens which are unauthorized and unwarranted, and which our extravagant expenditures have cast upon them. When we do that we shall lift from them the burden that is now oppressing them, and their own energy, the energy of a free people, will be sufficient to accomplish the rest of the work. If we can lessen taxation we shall have done all that Congress, in my judgment, can fairly do to relieve the burdens under which the people now groan. But when we undertake works of special and local interest like this, which in the end looks to an expenditure of forty or fifty million dollars, we are not lessening but are increasing the burdens which are to be borne by the people themselves in that region supposed to be benefited as well as by the people in other parts of the country, and adding to the oppressions against which the people are crying out.

Mr. BLOUNT. I ask the gentleman if it is not just as proper to aid this section of the country in this way as it is to aid New England manufacturers?

Mr. WILLARD, of Vermont. I think it is just as proper to do this as it would be to pay a subsidy out of the Treasury to the manufacturers of New England.

Mr. BLOUNT. I do not speak of subsidies.

Mr. WILLARD, of Vermont. Let me tell the gentleman that if he will relieve the manufactures of New England from taxes, from the burden that is cast upon them by the great debt and its annual burden of interest, the manufacturers of New England will be able to take care of themselves. They ask no favors of the Government.

Mr. BLOUNT. They have always asked them.

Mr. WILLARD, of Vermont. Except that taxes shall not be piled up so that the cost of everything which enters into the support of a family is increased, until laborers are compelled to strike for an increase of wages, and it is thus made impossible for manufacturers to carry forward their industries with any profit.

[Here the hammer fell.]

Mr. SYPHER. Mr. Speaker, in the remarks I am about to offer upon the pending bill, I desire to impress upon the House and the country the magnitude and importance of this question of the Mississippi levees, and of the necessity for sure protection from inundation of the vast areas of fertile lands comprising the Mississippi Delta. Your select committee, to whom was referred this subject, in their able report have presented an array of facts which must dispel all doubt as to the power and duty of Congress in this matter. A great necessity and responsibility is upon you at this moment. While I speak the lives and property of the people inhabiting the Mississippi Valley are being destroyed by the turbulent waters of that overpowering and uncontrolled stream.

No power outside of the General Government is adequate to protect the wide expanse of fertile territory, and give confidence to capital and labor to occupy and cultivate it. Individuals, corporations, and States all have hitherto attempted in vain to confine the waters of the Mississippi within its banks. Millions of treasure have been expended in these fruitless efforts until the States are impoverished and the people are bankrupt. A crisis is upon us; an unprecedented flood now rolls in unchecked and devastating might over the land, leaving suffering, death, and destruction wide-spread in the wake of its resistless currents. I desire here, in the name of my afflicted State, to acknowledge with profound gratitude the liberality and generosity of those citizens of other States who have contributed so promptly for the relief of our suffering people. These individual acts of beneficence, together with the aid afforded by Congress in furnishing supplies, will alleviate immediate wants, but the millions of property swept away before the flood can only be replaced by labor and the lapse of time. It is in behalf of the inhabitants of the whole

delta, citizens of five great States, that I plead for the aid of the Government. It is for them I invoke the aid of the strong arm of national authority, that the periodical recurrence of these appalling disasters may be averted.

The history of levee protection on the Mississippi River dates from the earliest settlements on its banks. As the country adjacent to the river became inhabited, the levee system was established and extended until it stretched for more than one thousand miles along both sides of the channel. Prior to 1860 the system was maintained by the riparian proprietors with the large force of slave labor at their command. Congress, in 1849, ceded vast tracts of swamp lands to the States interested in aid of this purpose. Under that system and aid the levees attained a high degree of perfection, and afforded ample protection to the valuable crops grown in the soil thus defended against the floods. That condition of security continued until the war, no less disastrous than the devouring floods, swept away and destroyed both levees, and the disciplined labor by means of which the system had been constructed and maintained; a system which had cost the States of Louisiana, Arkansas, Mississippi, Tennessee, and Missouri $40,000,000.

Owing to the great change in the industrial and domestic relations of the Southern States, though the great body of the newly made citizens remain upon these lands and are interested in their protection, they cannot be controlled and employed in large numbers as they were under the old *régime*. The great plantations are, in many cases, divided up into small homesteads, and this process is destined to continue. Hence the organized force and capital which once enabled individuals to construct and maintain levees cannot hereafter be a reliance.

Since the war there has been no united action by the States whose alluvial lands are subject to overflow. Louisiana, in efforts to reconstruct her own levees, has expended more than $8,000,000. Being powerless to make any further efforts, she appeals to you in the name of millions of your own countrymen inhabiting the Mississippi Valley for protection against inundation.

The value of the products of these lands in 1860 exceeded the sum of $150,000,000. With adequate protection from overflow, 55 per cent., the same as in the State of Illinois, being under cultivation, would produce a crop exceeding $500,000,000 in value.

Of the extent of this vast expanse of territory I quote from the able report of your Committee on Mississippi Levees, as follows:

> The delta of the Mississippi, with its head near Cape Girardeau, in Missouri, sweeps across nine and a half degrees, from 37° 30′ to 29° of north latitude, and contains about 38,706 square miles of area, while the Red River contains in her alluvium about 1,887 miles, and the Arkansas about 500 miles, liable to inundation unless protected by levees. Thus we find the aggregate alluvial area of the Mississippi and connate alluvions, dependent upon levees for protection against inundation, about 41,193 square miles.

In round numbers, the delta requiring protection levees comprises twenty-six million acres, divided about equally between the cotton and sugar producing districts. The ordinary yield from one-half the cotton acreage would exceed five million bales, which at present prices would bring in the market $300,000,000. Would not that amount added to the credit side of our international balance-sheet relieve from embarrassment the gentleman from Vermont, [Mr. WILLARD,] whose constituents pay their proportion of the interest due foreign bondholders with the proceeds of butter and cheese?

When England discovered that her supply of American cotton would be cut off by the rebellion in this country, she at once began to encourage the cultivation of cotton in India. But the cotton-fields of Asia being distant from the sea-board required the construction of railroads at great expense. This was done without delay, but before a supply of India cotton reached the mills at Manchester the British government had expended $450,000,000. Will this Government hesitate in the face of this example to expend $40,000,000 for the protection of an area which is more valuable than the whole of India? But these vast expenditures by England in developing new cotton-fields have resulted in signal failures so far as it was intended to cause a diminution in the demand for American cottons of the best staple.

Prior to 1860 American cotton held supremacy in the markets of the world. Cotton was the "king" of American products. Then, if king under the baneful hinderances of slave labor, what may it not become under a free and intelligent system of agriculture? But lest his fleecy majesty offend the sensibilities of the gentleman from Vermont, [Mr. WILLARD,] who watches with such jealous care the constitutional safeguards of his country, I pass to the more soothing and agreeable subject of sugar.

The annual consumption of sugar in this country averages about thirty-six pounds *per capita*, and upon the basis of forty millions of population the total consumption would equal seven hundred and twenty thousand tons, of which about six hundred thousand tons are imported from Cuba and other Spanish islands. Our people pay for this large quantity of imported sugar $75,000,000—their trade with Cuba is $15,000,000—leaving a balance of $60,000,000 against them, which must be paid in gold. Again, on the small trade American citizens have with Cuba they are taxed 80 per cent. duties. Witness as examples these articles: On corn, forty cents per bushel; on flour, eight dollars per barrel; on lard, three and a half cents per pound; on mules, nineteen dollars per head; on horses, fifty-five dollars per head.

Notwithstanding these discriminating and almost prohibitory duties, our Government continues the unprofitable policy of paying $60,000,000 in gold annually into the treasury of that insolent Spanish despotism for an article of prime necessity which our own citizens have the ability to produce abundantly upon American soil.

Let me examine this proposition still further. The sugar-producing area of Louisiana comprises upward of six million acres, one-third of which, properly cultivated, would produce a larger quantity of sugar than our entire population require for home consumption, at the rate of thirty-six pounds *per capita*. Therefore, simply as an economical proposition, I submit our Government should protect these valuable lands and foster the growth of domestic sugars; and as a moral question, this enlightened Republic cannot longer support with its gold, as its nearest neighbor, an effete slave power, the last example of that revolting relic of barbarism existing among civilized nations.

Let this Government profit by the example of France in excluding the sugars of the British colonies. That policy threatened for a time to deprive the French people of an article of prime necessity, and sugars became scarce and very high in price. But under the fostering influence of the French government the development of the growth and manufacture of beet-sugar speedily supplied the demand, and to-day more than a million acres devoted to beet culture, and hundreds of sugar-mills and refineries, producing cheap and excellent sugar in excess of the wants of the people, continue to attest the wisdom and sagacity of the act.

I propose more specifically to notice some remarks made on this bill by the gentleman from Vermont, [Mr. WILLARD.] He seems to think this proposition is without precedent. He overlooks the grant of swamp lands in 1849 and 1850 to certain States for levee purposes, by which acts many of those lands were brought into market to the great benefit of the Treasury of the United States. He also overlooks the appropriation in 1850 of $50,000 "for a topographical and hydrographical survey of the delta of the Mississippi, with such investigations as may lead to determine the most practical plan for securing it from inundation;" and for a continuance of the same survey $50,000 additional, applied by the act of August 31, 1852, in furtherance of the same object. The nation at a period in its history when notions of strict constitutional construction prevailed was committed to this great public work by appropriations.

The gentleman does not seem to doubt the power of Congress to improve the Mississippi River as a great highway of commerce between the States. His objection is that the bill looks to the incidental improvement of the lands which may be reclaimed by keeping the waters of the Mississippi within its bounds. *The distinction is quite too refined for practical minds to grasp.* An enlarged and scientific system of leveeing would certainly greatly benefit navigation by keeping the waters within the channels which nature has marked out. I do not understand the proposition to embrace the old debatable ground of internal improvements of a national character. If it did, certainly the veto messages of Presidents Monroe and Jackson would be in favor of the power to do a work which extends through or bounds six States of the Union, and affects the commerce directly of at least one-half and indirectly of the whole Republic. The proposition if pushed to the extent which the gentleman proposes would undoubtedly come within the circumscribed limits of the strict constructionists. Nevertheless it received the powerful indorsement of John C. Calhoun, in the convention over which he presided at Memphis. In the view of that great man, the reclaiming of so vast and necessary a country was a national object in which the Federal Government might engage.

But it is no longer a question about reclaiming lands not cultivated; but it is, Will the nation suffer so vast a belt of sugar and cotton lands to be abandoned and given up to the floods? If this were to be done, the gentleman from Vermont would find the taxes of New England largely increased by the diminished crops of cotton and sugar; the diminished tonnage on the Mississippi River; the diminished demand for New England fabrics, and the diminished demand for coastwise shipping. I regret to see that any sectional feeling, not to say prejudice, is invoked upon the subject. The same argument could be employed against every harbor, river, and highway improvement in the nation. It would have applied emphatically to the railroads which bind the continent together from sea to sea; to all international subsidies; to every law for the protection of domestic industry, and to our laws for mail communications. Certain sections are more immediately benefited than others, but no sections are ever depressed that others may be enriched. And to no section have so few benefits been extended as to the agricultural interests of the South.

We extend, and always with my hearty approval, ample national protection to the agriculture of the West and North; to the woolgrowers of the prairies and mountains; to the lumbermen and fishermen on the northern borders, and to the manufacturers of the East; in all of which the gentleman from Vermont joins. We now ask, and with good reason, that the same ægis of power be extended over the suffering inhabitants of the valley of the Lower Mississippi.

Mr. MOREY. I now yield to the gentleman from Tennessee [Mr. LEWIS.]

Mr. LEWIS. Mr. Speaker, the question of the reclamation of the vast delta of the Mississippi is one of life and death, as it were, to a million or more of population living immediately on the lands directly exposed to the floods. It is a vital one to the citizens generally of six or seven great States, which extend into that region, while its direct and ultimate consequences deeply concern the interests and the prosperity of all the people of that immense area geographically des-

ignated as the valley of the Mississippi, embracing twenty-one States, and seven Territories soon to be States, and comprising more than 1,256,000 square miles of territory. It is of incalculable importance moreover to the whole nation, and merits the earnest and anxious consideration of the national Government, and especially of Congress. It greatly concerns the interests of my constituents, will affect their future prosperity immensely in many ways, and I therefore feel impelled by the strongest sense of duty to ask the attention of the House to some reasons why I think it should pass the bill now before it, providing for the appointment of a mixed commission of Army and civil engineers to investigate the whole question, and report some permanent and comprehensive plan for the reclamation and protection of the vast alluvial basin subject to overflow.

EXTENT OF THE DELTA.

The delta or alluvial lands of the Mississippi, according to Professor Forshey, an eminent civil engineer, who has devoted nearly thirty-eight years to the levees and physics of the Mississippi, comprises an area of 38,706 square miles, or 24,771,840 acres, of the most fertile soil on the globe. This is an extent of territory three times as large as the kingdom of the Netherlands, twice as large as Switzerland or Denmark, larger than many other famous historic states in Europe, and is more than equal to the combined areas of six distinguished States out of the original thirteen of our nation. I refer, of course, to Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, and Delaware. Its vast capabilities will be recognized at once, when it is remembered that with a soil fully as fertile as that of the valley of the Nile, it is seven times as great in area as all the arable lands of Egypt now or at any former period of its history.

ITS CAPACITY OF PRODUCTION.

In 1860 this very region, now unhappily submerged by the present disastrous floods, produced 688,254 bales of cotton, worth $41,295,240; and 460,000,000 pounds of sugar, worth $32,200,000. Humphreys and Abbot's survey estimates the yearly capacity of this region for cotton alone, at only ten cents per pound, to be equal to $315,000,000! At the prices that have prevailed since the war this would amount to about $500,000,000 annually! Add to this its capabilities for the production of sugar in the lower portion of the delta, or south of 31° 30′, and the total amount would be almost fabulous, and nearly equal to the value of the cereal crop of the whole United States. This vast delta region, besides the grain lands in its northern portion, contains at least ten million acres of the best cotton lands in the world and five million acres of the finest and richest sugar lands. These estimates of the delta do not include the alluvial lands of the tributaries of the Mississippi that are subject to overflow. They would greatly increase the area already mentioned.

ITS ENORMOUS NATURAL RESOURCES.

This region, thoroughly reclaimed, would soon produce for our country all the sugar it now consumes or can hereafter consume, and for which we now pay annually to other countries $60,000,000 in gold besides all the exports we send them, and would give us also a monopoly of cotton production for the world. If we intend ever to have the balance of trade with foreign countries in our favor, as we ought, and to become independent of them, commercially and financially, we *must* carefully encourage and protect the production of the great staples of the world's commerce and manufacture in the rich delta of the Mississippi. All that is required for the amplest development of its vast and almost boundless resources is secure protection from the devastating floods. They carry ruin and desolation and death where they go. The million of planters and laborers there must be protected from their ravages or must forever retire before them.

GREAT RESULTS ACHIEVED BY LEVEES.

Can this vast region be thoroughly protected? In the past levees have been almost exclusively relied on. Cut-offs and outlets have been sometimes suggested, and have been ably advocated by Cowdon and other writers of eminence and distinction, but have not received much favor, while thousands of miles of levees have been hopefully and confidingly constructed. They have sometimes failed to answer all the expectations of their builders, especially when unwisely located, but have done immense good and have certainly accomplished great results. They have reclaimed millions of acres of the richest lands in the world, and have added immensely to their value. In 1860 the farm lands and plantations of the great delta—which from Cairo to the Gulf is nearly six hundred miles long, and thirty to one hundred and twenty wide—were computed to be worth, for agricultural purposes alone, without levees, about nine and a half million dollars, but with levees $339,718,440. Levees had increased the agricultural value of the lands of the delta more than $330,000,000. Of course this does not include its numerous cities, towns, and villages, nor even the houses and other buildings on the farms and plantations. It was the mere naked value of the soil for the plow and the hoe.

EXTENT AND SIZE OF LEVEES.

At that time there were in the delta over two thousand miles of levees, with an average height of eight to ten feet and a breadth at base of fifty to seventy feet. Their width at top was usually equal to their height. A few of the levees were of immense size. That of the Yazoo Pass, about one hundred miles below Memphis, was cut by the Federal forces during the war at a point where it was thirty-eight feet high. For a distance of twelve hundred feet it was on an average twenty-eight feet high, and in places nearly three hundred feet broad at its base.

COST OF THE LEVEES IN THE PAST—THE FLOODS.

The national Government has done nothing as yet for the protection of the delta from the floods, except merely to make surveys, &c., and to donate the swamp lands to the States. Individual planters, towns, parishes, cities, counties, and States, the direct sufferers, have thus far borne the heavy burdens of building the levees, and have expended immense sums upon them. Louisiana, before the war of secession, had expended more than $24,000,000, Mississippi more than $14,000,000, Missouri over $1,640,000, and Arkansas more than $1,000,000; in all about $41,000,000. Since the war Louisiana has spent about $13,000,000, and Mississippi some $4,000,000, making thus far nearly $60,000,000 since 1830 or 1840 spent on levees. It is beyond the power of impoverished and desolated States to go further in this direction unaided. The work has grown beyond their resources.

THE PROBLEM OF THE FUTURE.

To-day, when hundreds of thousands of people are houseless and homeless—their all, excepting their land, swept away by the devouring flood; their cattle, their horses, and working animals drowned or starved; hunger and famine staring them in the face, the lives of all of them only saved by the rations sent them by a beneficent Government, and the supplies and funds contributed by the generous and charitable citizens of other sections of our common country—the question arises with thrilling interest, What can be done to save and protect this vast region? What hidden resources of science and engineering skill can be evoked? What reliable and comprehensive plans can be sought out and adopted, that in future shall rescue it from floods and desolation?

This is a mighty problem that challenges the most earnest attention of the patriot and the statesman. It demands anxious but deliberate thought, profound study, and, after all that, vigorous action. It cannot be ignored. It cannot longer be trifled with or evaded. It must and will have some solution. The question is, shall the vast delta, with all its enormous gifts of nature, with all its magnificent capabilities, be for countless ages to come the home of man or of the alligator? Shall it be the happy abode of millions of our people in the far-coming future, or shall it be abandoned to malaria and miasma, to waste and solitude and gloom? Shall this immense region be a living fountain of wealth to our country, the glowing Eden of production on the vastest scale of the great staples of the world's commerce, or shall it lie there wallowing in the ooze and floods for centuries, the eye-sore of the nation, the gloomy sepulcher of its hopes, its honor, and its statesmanship?

DIFFICULTIES—FIRST, AMOUNT OF WATER.

The difficulties to be overcome are confessedly very great, but by no means insurmountable. I will briefly mention a few of them. The first is the immense amount of the water. Ninety trillion cubic feet of rain-water fall, on an average, each year in the vast valley of the Mississippi. This is equal to a lake seven hundred and twenty miles long, one hundred miles wide, and fifty feet deep. Three-fourths of this immense quantity is absorbed by the earth, or disposed of by evaporation, &c., so that nineteen and a half trillions is the average amount carried to the Gulf by the great river. The quantity varies greatly, however. Sometimes, in a low-water year, it is only eleven trillion, while in one of very high floods it has risen to twenty-seven trillion cubic feet. The vast quantity of this "rushing inland sea" in itself constitutes a most formidable obstacle. Its discharge is larger than that of all the noted rivers of Europe combined, and is equaled by only two on the globe, being a little more than two-thirds that of the La Plata, and only something more than a quarter that of the Amazon.*

The enormous volume of water that comes rushing down the river with tremendous force in time of floods can never be realized by one who has not seen it.

The *variability* in the volume of water from season to season and from year to year is a great difficulty, for were the amount always the same it would be vastly easier to calculate for and provide the forces necessary to confine it within the bed of the river.

CURVES AND PECULIARITIES OF THE MISSISSIPPI.

The winding course of the river and the soft and yielding nature of its banks constitute another great difficulty. If the Mississippi ran straight and could remain so (which with its soft and friable banks it could not do) there would never be any overflow. It would only have half as far to go as now, and would run at least twice or thrice as fast. So it could easily carry off five or six times as much water as it now does. From the mouth of the Missouri to the Gulf on a

*The proportional quantity of water discharged by some of the principal rivers has been estimated as follows:

Thames	1	Indus	133
Rhine	13	Ganges	148
Loire	10	Yang-tse-Kiang	258
Po	6	Amour	166
Elbe	8	Lena	125
Vistula	12	Obi	179
Danube	65	Nile	250
Dnieper	36	Saint Lawrence	112
Don	38	Mississippi	338
Volga	80	Plata	490
Euphrates	60	Amazon	1,280

straight line is about 675 miles, with an average descent of about 8 inches to the mile, but the Mississippi winds and curves so much that it runs 1,300 miles in that distance, and thus reduces its average rate of descent to about 4 inches to the mile. Sometimes in running twenty-five miles round a bend it has not advanced forward a single mile. The traveler on a steamboat descending the river, and therefore of course going south, will often discover with surprise that for miles at a time he is going north. Half the time he is moving east or west. He becomes sadly bewildered, but tries to have faith that the river knows where it is going, and at least will not run up hill.

WIDTH OF RIVER—IT GROWS NARROWER.

It is a strange peculiarity of the wonderful river that as it proceeds downward in its course toward the Gulf, instead of growing wider as you would expect, it actually becomes much narrower. From the mouth of the Ohio, 1,080 miles above the passes, which are only a few miles above the Gulf, to the mouth of the Arkansas, 670 miles above them, the average width in time of high water is 4,470 feet, the depth 87. From there to the mouth of Red River, 300 miles from the passes, the width is 4,080 feet, the depth 96. From Red River down to Bayou La Fourche, which is 170 miles above them, the width is 3,000 feet, the depth 113. From there to the passes, or for the last 170 miles that the river flows in a single channel, the width is 2,470 feet, and the depth 129. It will be observed that as the river becomes narrower it grows deeper as a compensation. The reduction of its width, however, from 4,470 to 2,470 feet is very striking. It has actually lost 2,000 feet in width. I may mention that the river loses at least one-tenth of its mean width as the season of low water sets in. At such times its mean width from the mouth of Red River to Bayou La Fourche is 2,750 feet, and from there to the passes only 2,250.

RANGE OF DEPTH.

The rise and fall of the waters of the river, or the difference between the highest and lowest waters, is another and the greatest difficulty in controlling the Mississippi. At Cairo, and also at Natchez, 360 miles from the Gulf, it is 51 feet; at Memphis, 40; at mouth of Red River, 44; at Bayou La Fourche, 24; at New Orleans, nearly 15; at Fort Saint Philip, 4½; at the passes, where the river forks into several channels, only some 10 or 12 miles from the Gulf, it is about 2½ feet, and at the Gulf of course nothing.

VAST AMOUNT OF SEDIMENT.

The immense amount of mud and sediment suspended in the waters of the rivers, especially during the floods, is another difficulty. Able engineers have computed that it annually carries into the Gulf in suspension enough precious soil to form a solid mass 1 mile square and 241 feet high. Others think it carries far more. The best authorities estimate the weight of the sediment so carried at more than 406,000,000 tons. But besides this immense amount, it deposits vast quantities on its banks, and all over the country overflowed in time of floods. Rushing along at such times at the rate of 6 miles an hour, and in the middle of its current on the surface more than 7, its madly whirling waters are loaded with sediment. But as soon as the waters pour over its banks they begin to move much more slowly, and drop a large portion of their solid matter at once on or near the banks, and thence in diminishing quantities for miles, till they reach the swamps. In this way it comes to be a fact that the land, as you go back from the river, slopes downward for miles. The banks become in time much higher than the land farther back, the slope in the first mile being from 3 to 12 feet, and on an average fully 7. Hence the river runs, as it were, in the center of a vast ridge a few miles wide and as long as the river's course. In time of highest waters it rises as high as the top of this great ridge and higher, but the mass of its waters remains in its bed, which is from 100 to 150 feet deep.

UNDERMINING AND FALLING IN OF ITS BANKS.

But the undermining and constant caving in of its banks is the great and enormous trouble in regard to the Mississippi. Deep down below the 20 or 30 feet of surface soil deposited at some time by the river are vast beds of clay; beneath them are immense layers of sand, often 60 or 80 or even 100 feet below the top of the banks. The two, however, are often strangely intermixed and interspersed the one with the other. The current of the river washes out the sand, and the banks, thus left without support, sooner or later give way and tumble into the waters, which speedily transport them elsewhere in the form of sediment, or oftener roll, and push, and whirl them along for a mile or two, or less, until they aid to form sand-bars or islands or new banks lower down. Niagara River works its way during the slow centuries in a somewhat similar manner up towards Lake Erie; only there it is an under stratum of soft rock of shale instead of sand, a hundred feet beneath the bed of the river, that by degrees is washed away and leaves the hard superincumbent rocks to fall by their own weight.

TOWNS WASHED AWAY.

Whenever the current is deflected toward either bank, as often occurs and always in concave bends, the bank assailed, if of soft and yielding material, as sand or loam, is washed away like snow-banks before an April sun. Houses, cultivated lands, farms, forests, and sometimes towns, are swallowed up! The famous village of Napoleon, Arkansas, so noted in former days, has thus been swept away. Waterproof, once a flourishing town 400 miles up the river, has been entirely washed away since 1850, but has been rebuilt nearly a mile farther back, and therefore on much lower ground, but is again menaced with destruction. In its former location it only required a levee 2 or 3 feet high, because being then on the old bank it was on higher land than it is now. To-day it is in peril behind a levee 9 feet high!

AS BANKS FALL IN, LEVEES RISE HIGHER.

When the banks give way far enough back to reach the levees, they fall in of course, and their successors have to be built much higher (because on lower ground farther back) and wider in proportion, costing vastly more. If, for instance, the new levee be built on land 10 feet lower than the former one was, it must be raised to a greater height by 10 feet, and will be at least 70 feet broader at its base; for the higher a levee rises the greater must be its foundation and its cross-section throughout. The solid contents of levees are, in fact, in strict proportion to the squares of their height. Men have seen in certain localities, in a single life-time, three or four levees thus built one after the other; each succeeding one necessarily twice as high and four times as large as its predecessor. This process cannot go on always. Something better than such a system is badly needed.

NEED OF CENTRAL POWER TO LOCATE LEVEES, ETC.

The injudicious location of levees often exposes them to destruction. Planters living near the river insist on their being built in front of their improvements, to protect them at all events, and thus they are often placed too near the crumbling bank. A great central power, like the national Government, is needed with absolute authority to determine where the levees shall be located and how they shall be built to make them secure and lasting. But place them where you will, if only where they are needed, you may be almost certain if you continue to rely upon levees alone that at some future time they will be dragged into the terrible river and ingulfed beneath its waves.

CUT-OFFS.

In cases where the river has for ages perhaps cut away the bank on one side, making a bend of twenty or thirty miles shaped like an enormous horse-shoe, sometimes in a great flood it cuts across and makes a new channel, through which it tears its way and rushes down, a mad torrent, with fearful speed and violent turmoil. Such "cut-offs," as they are called, for a time lower the water above them, as it now has to run only a mile perhaps, or less, where it used to run twenty-five; but they make an awful destruction of the banks on one side or the other, both below and above, and ingulf whole plantations, until finally they create other bends. Even the clearing out the channel of the river by removing snags and other obstructions may change the current and cause valuable plantations to be washed away. There are petitions before the House now for compensation for great losses so produced.

TOWNS DESERTED BY THE RIVER.

As the river tears away the land on one side it builds up elsewhere. Plantations sometimes advance their fronts for miles, and towns that once were on the river's banks find it receding from them until they are left far inland, high and dry. Providence and Saint Joseph are examples. They are now left far away from their own landings. Natchitoches was once on the banks of Red River. Now the stream is three or four miles away from it at the nearest point on the north, and eight or nine on the east. The same thing has happened to cities in the Old World. The Vistula, the Po, and the Rhine have deserted cities, once located on their banks and the seats of a flourishing river commerce. Saint Louis was once threatened with such a disaster, but the vigilance and energy and public spirit of her citizens by proper action at great expense averted the imminent danger.

Mr. Speaker, I have now stated frankly, and as clearly and strongly as I am able in the brief time at my command, the difficulties in the way of the thorough protection of the delta from overflow. The great importance of the subject I trust will excuse my having taken more of the time of the House than otherwise would be proper. The question perhaps is new to most members not living in the valley of the Lower Mississippi, and it is one on which we will all wish to vote intelligently. I have shown the vast benefit conferred by levees, and the obstacles and dangers which ever confront them. Levees alone, I think it is evident, will never fully solve the problem of the floods of the Mississippi. They go very far toward its solution, but something more is required. What more is needed is a great question, and one which the ablest engineers of the age should be called upon to investigate thoroughly, and answer clearly and without mistake if possible. But perhaps I may be permitted, with great diffidence, to offer a few suggestions. Cannot some portion of the highest waters in time of floods, the portion which overflows and ravages the delta, be withdrawn from the river for a time and retained elsewhere safe and harmless?

This question has never been fully and fairly grappled with. It astounds men of mere routine, but it is worthy of respectful consideration and of the most profound and searching investigation. It should be remembered that confining the waters of the Mississippi within and near its banks between levees necessarily raises those waters in time of floods in some places several feet higher than they otherwise would rise. So true is this that Humphreys and Abbot in their famous report say that in the great flood of 1858 the waters at Memphis would have risen six and a half feet higher than they did if the river banks had been properly leveed opposite there and above.

That is easily understood. The river at Memphis is forty miles wide to-day. If all its waters there were shut in to the width of a mile it is plain that though they would rush onward faster toward the Gulf than now, the river would rise higher there than it does even in this time of disastrous floods. But in the time of the very highest floods, if the river did not rise as high as it does by from three to five feet in the worst parts, and from two to three feet in the lower delta, there would be no destructive floods, no overflows worth naming. This is admitted by all able engineers familiar with the subject. In such case the levees, if properly located and constructed, would be able to protect the lands behind them. When the Mississippi is already very high a heavy rise in a single one of its great tributaries will cause a desolating flood. For instance, if at such a time Red River, or the Arkansas, the Ohio, or the Missouri, suddenly rises very high, a fearful overflow of the whole delta region below its mouth is certain to result.

Now, able engineers say that the floods of Red River, for instance, can all be retained by making reservoirs of the lakes near it and drawing off the very high surplus waters into them until all danger for the lower river is past. Colonel G. W. Morse, a very eminent civil engineer, who, though a son of New England, has spent nearly forty years in professional labors and studies in the Red River region and the great lower delta of the Mississippi, and therefore knows its topography and its peculiarities very thoroughly, has given this subject much careful study, and has gone into elaborate calculations which demonstrate that the plan referred to is easily practicable. He shows that the amount of extra water delivered by Red River during thirty days in a time of flood, if running at the rate of five miles an hour, is only about eighty-two billion cubic feet, and that by leveeing on one side only some half-dozen lakes within convenient distance from the river, they would be capable of receiving and retaining the whole of that amount until long after the season of floods was past. This alone faithfully carried out would often protect the lower delta from floods.

But he shows more than this. Be it remembered that these lakes are surrounded by hills upon all sides except the one open to the river, so that one side of them only would require to be leveed. This makes the work of converting them into great reservoirs very simple and easy. Colonel Morse shows that the water contained in them, after each flood, could be let into the river again in time of low water, and for eight months of the year, if for so long a period the river should be too low for navigation, could add three feet to the depth of the water in the channel, thereby insuring at least five and a half or six feet of water for navigation during the entire year, where now steamboats have to lie up in the dry season of summer and fall. As the extra supply would be required only for five or six months at the utmost, there would be a certainty of at least six feet in the channel of the river the year round. The same result could be attained on many other tributaries, and partially at least on the Arkansas by utilizing its lakes and swamps, though not to the same degree perhaps on that river. The gain to the vast region of the Red, the Arkansas, the Wachita, the White, and Saint Francis Rivers, in good navigation, trade, commerce, and easy communication the year round is incalculable, in addition to permanently protecting from floods ten million acres of the richest lands on the globe!

The same system could be applied to the lakes and vast swamps on the sides of the Mississippi, often only two or three miles from its banks. Those swamps, with but a moderate amount of leveeing on one side and perhaps at their lower end also, could easily be converted into immense reservoirs, capable of holding vast volumes of water. This should never be let into them until the river was running very high and was just beginning to pour over its banks. Then the surplus that would form the overflow, if not taken up, should be allowed to pass into those great reservoirs, and be retained by them until the flood season was past. The river, at time of high waters, doubles its speed, (as all streams do under the pressure of freshets and floods,) and should be made to carry off all that it can with banks brimful, and its current running at the tremendous rate of more than six miles an hour. Thus the mass of its waters would be hurried to the sea, while the dangerous surplus, beyond the capacity of the river to contain would be quietly poured into its immense lake and swamp reservoirs, and there imprisoned where it could do no harm. Of course, after the danger of floods was entirely past, these waters would gradually be restored to the river again through the proper openings at the lower ends of the reservoirs, having meanwhile deposited their sediment. That process would in the course of ages reclaim those swamps, which would gradually become new vast areas of wonderful and inexhaustible fertility. This reservoir system, combined with the old levee system, and, in cases of weak and crumbling banks, with some species of revetment by fascines, piles, or otherwise, as practiced in Holland and other countries, would, I think, be competent to save the great delta. Neither system alone I think can do it. The union of all to some extent is indispensable to perfect success. The problem is too vast and too complicated to always be solved by any one of them unaided by the others.

Let no man tell me that the reservoir system is new and untried. Some sleepy gentleman near me calls it a wild dream. So earlier he called the ocean steamer, the railroad, and the telegraph. Many years ago Ellett and other able and gifted engineees, men of genius, not mere official routinists, proposed to make reservoirs on the tributaries and head-waters of the Ohio, to dam up its mountain streams and hold in their floods, to be drawn from in the dry seasons of the year, making it always navigable for the largest steamers. Reservoirs a wild dream! Go to India, and in the midst of the famine, now decimating her people under British rule, mark the ruins of her mighty tanks and reservoirs that ten and twenty centuries ago caught up the floods and saved the waters for the dry seasons of the year, then to be spread over the country by canals and a vast system of irrigation, giving fruitful fields and lands smiling with beauty and verdure and teeming with plenty, where now too often reigns the arid desolation of the dreary desert! So did the Moors by the same system make Southern Spain many centuries ago fourfold more beautiful and productive than it is now, treeless and without its old reservoirs, a prey to the fury of floods in the spring and to fearful droughts in the summer. New and untried! Go to Egypt, and there, older than the pyramids, is Lake Moeris, excavated by the labor of man thousands of years ago to receive a vast portion of the surplus waters of the Nile in time of its floods, and to give them up again in the dry season to irrigate and refresh the fields, and drive back the desert that ever menaced the plains with encircling barrenness and desolation!

I hear but two objections urged against this bill. One is that it will lead to great national undertakings on the Mississippi and its tributaries and to enormous expense, beyond the means and resources of the Government. But in the first place this bill does not propose for the Government to do anything at present except to have the whole subject thoroughly examined by the ablest experts in the world, and to procure the verdict of the highest scientific wisdom as to what is needed for the protection of the fairest portion of our common country from the most terrible calamities. Surely no one can possibly be opposed to that. His vote binds him no further. Is any member afraid to learn the facts? Gentlemen are fond of "investigating," anything and everything else. Are they afraid to have the floods of the Mississippi investigated?

But in the event that the nation shall at some future time conclude to do its duty as a great nation should by its suffering citizens of the Southwest, there is no reason to suppose that the expense of reclaiming the delta will be enormous. Humphreys and Abbot, in their report made in 1869, estimate the amount needed to construct first-class levees for the whole delta of the Mississippi to be only $38,230,000. Reservoirs, if adopted, would increase this amount somewhat, but not very largely, for then the levees would be smaller than they now are. Compared with the immense national benefits to be attained, this sum is but a mere trifle. Each nation in Europe large enough to have any rivers has expended vastly more. France has spent hundreds of millions upon the Rhone, the Loire, the Garonne, and her other streams. The Adige and the Po, in Italy, have cost from ten to twenty times what the Mississippi requires. Those rivers have been diked and leveed for many centuries. The difficulties to be overcome in the Old World, where rivers come rushing down the lofty slopes of the Alps with the force and the fury of the avalanche, were in some respects far greater than those which the civil engineer has to encounter in the valley of the Mississippi. The average height of all the dikes on the Vistula is twenty feet; the highest are twenty-eight, but the average height is double that of the levees of the Mississippi. The embankments of the Rhine are far higher than any dreamed of in America. In Holland, Friesland, and Zealand the dikes are from twenty-five to thirty-five feet high.

We may learn much in this connection from the example of a little state in Europe, which in spite of nature has carved for itself a great name in history. Holland is a land lower than the sea, and reclaimed by the labor and skill and courage of man from the dominion of the waters. For many centuries its people have battled with their rivers, the Scheldt, the Rhine, the Maas, the Waal, the Lech, &c., and have fought back the sea. Countless levees, which have splendid, well-paved roads on their tops, confine the waters of the rivers and the lakes. Enormous dikes keep out the sea. Innumerable canals furnish drainage and navigation. The finest pastures and meadows in Europe are the Dutch polders, so called, the bottoms of former lakes that were first leveed around and then pumped into the ocean. The great lake of Haarlem, ages ago, was thirteen miles long and six wide. But from time to time the sea broke in with its vast waves and raging storms, extending its bounds and devouring the land till Amsterdam and other cities were in danger. Then the spirit of the Dutch was roused as that of our people should be to-day. They grappled with the floods, shut out the sea by mighty barriers, and then pumped the famous old historic lake dry. And where once famous naval battles were fought between the Spaniards and the Dutch, centuries ago, you now behold green pastures, smiling fields, herds of cattle, and homes of men.

The government proposes now to reclaim to agriculture the famous sea or arm of the ocean called the Zuyder Zee, eighty miles long and twenty to thirty wide. That great work will be done, and beside it our task seems but child's play. Amsterdam and a hundred other cities of Holland stand where once rolled the sea, and on lands that were mere marshes for ages afterward, until man thoroughly reclaimed and beautified them. Holland in the course of centuries has expended on her dikes and levees, and in the reclamation of her soil, £300,000,000, a sum, allowing for the difference in the value of money in former days and now, larger than our national debt. And all Holland, its highlands as well as its lowlands, the whole kingdom of the Nether-

lands, in fact, is not one-hundredth part as large as the valley of the Mississippi, and only one-third the size of its delta. It is the manly qualities of her people that constitute her greatness, not the extent of her territory. She has suffered floods far more terrible than any our country has ever known, but she has conquered them. One of them, four and a half centuries ago, drowned one hundred thousand persons in a single night, but still she was undismayed. Each hour she is at work driving back the sea, and every day she adds seven more acres to her lands, year after year. If little Holland, a mere speck on the world's map, a land poor and desolate by nature, without a bed of coal, without a quarry of stone, without a single mine, without forests, without the rich staples of the commerce of the world on her own soil, could achieve results so gigantic and so stupendous, the American must have but the soul of a mouse who cries out that our country, with its vast extent of most valuable territory, with its rich mines of every mineral, and richer soil, reaching from ocean to ocean and grasping the unlimited wealth of half a continent, with all its grand and magnificent resources, cannot do the little that is needed for the drowning delta of the Mississippi. Have we sunk so low as that?

Occasionally a faint suggestion is ventured that the action proposed is unconstitutional, but surely the objection cannot be made in earnest. Floods in the great delta not only desolate that portion of our land, paralyzing its industries, blighting all its prospects, and utterly ruining its people, but they inflict vast injuries upon the whole country. Every section and every State feels the shock. The farmers of the West lose by it a valuable customer for their crops. Every man in the nation will pay more for his sugar and his cotton in consequence. The floods for a long period break up the railroads and the post-routes over a vast and valuable region of our country, and make it worse than a wilderness. Post-offices fail to receive their mails for weeks. Communication by land ceases. No railroad there can ever be a success so long as its bridges and its track can be washed away by every flood. The Post-Office Department of the nation is drowned out in that region by every great overflow, and yet gentlemen tell us that it is unconstitutional for the Government to stay the floods and save its own mails, its own post-offices, and post-roads.

These gentlemen find no constitutional difficulty in sending learned scientific commissions all over the world to observe the transits of Venus and the eclipses of the sun; but then they are more deeply interested perhaps in Venus than they are in their own country. They did not object to Wilkes's exploring expedition to investigate at an expense of millions antarctic icebergs and the cannibals of the Pacific, but possibly they felt a warmer sympathy for them than for their brethren in the valley of the Mississippi. They seem to think that our Government should be a Mrs. Jellaby, her eyes gazing afar off, forever weeping over Borriboola Gha, but forgetting and neglecting her own family. Lynch and his costly expedition might be sent six thousand miles away to explore the Jordan and the Dead Sea. Are those objects more national than the Mississippi and the millions of our citizens who live on its banks?

Sir, I am tired of hearing the doctrine that our national Government can do nothing at home, but only abroad. If American citizens suffer or are wronged on foreign soil, in Cuba or Mexico, in China or Japan, in England or Austria, the national arm is uplifted at once. The treasure of the nation is poured forth, fleets and armaments are created, armies crowd the astonished land, five millions of indignant patriots volunteer as officers, the American eagle screams angrily and fearfully; every man is ready to sacrifice everything but himself and his for his country's honor and glory. But here, in our own land, when a hundred thousand homes are desolated by the floods ten years out of every thirty or forty, and hundreds of thousands of our own citizens reduced to starvation and ruin, we are told that the Government cannot interfere, cannot stretch forth its powerful arm to prevent in future the enormous sufferings of its own people, who are powerless to help themselves, but shall look coldly on, callous and indifferent. This cannot be. It would be a disgrace and an infamy, making every true American hang his head with shame, if the Government of this great country were indeed the only one on earth that could not protect and rescue its own people at home from ever-recurring calamity and ruin. It is a national work that is to be done. It is the great engineering problem of the age.

Shall the one vast inland sea of our nation, as Mr. Calhoun rightly called it, be regulated and restrained for the common good of all, or shall it be allowed to continue to desolate and blast with ruin the fairest portion of our common country? The investigations to be made and permanent plans to be decided on require the studies and counsels of the ablest engineers in the world. It is a work that should be perfect if possible. A complete success would benefit and enrich the whole nation grandly and immensely. If it only restored and reinvigorated the sugar-planting interest of the delta it would keep at home the $60,000,000 in gold we send abroad annually for sugar, and in time enable us to resume specie payments and to become financially respectable once more. It would give us an absolute supremacy in the cotton markets of the world. It would speed the wings of commerce and quicken the plow, the reaper, and the mower on millions of fields and farms. It would enable the South to buy of the Northwest flour, grain, and provisions to the amount of $100,000,000 to $150,000,000 every year; and also to buy and pay for twice or thrice as much as heretofore of the goods and manufactures of the North and East. It would wake up our whole country to new life and energy and enterprise. As an instance of what it would do I may mention that the cotton trade of Memphis, now some six hundred thousand bales per annum, would soon grow up to three or four million bales, and a somewhat similar impulse would be given to the great business interests of the whole nation.

I say frankly that $10,000 is too small a sum for the purposes proposed. It is unworthy the grave importance of this commission, and I do not believe that any member wishes to cut us down to so small a sum. I trust that more will be cheerfully granted. The thorough protection and reclamation of the great delta would be everywhere regarded at the South not only as an act of justice and wise statesmanship, but as a grand and noble exhibition of kindness, of conciliation, and fraternal affection by the North. During the war the great levees were cut in hundreds of places by the Federal armies. The awful desolating floods poured like an ocean over the vast delta, and its people have never recovered from that fearful calamity. If now the North will generously aid us with the treasure and the science and all the beneficent powers of the nation to repair the ruin it wrought, every southern heart will throb with joy at this new evidence of the fraternal feeling of the nation. The Government will be known by the rich blessings it confers, and each warm-hearted, generous, impulsive son of the South will once more thank God that he too is an American; that he also has a country to love and honor. Born in the North, but loving and honoring both sections alike; proud of the achievements, the glories, and the heroism of each and all, I ask that this great measure, the beginning of a mighty work, be passed unanimously, as an offering at once of justice and of love upon the sacred altar of our common country. Pass it, and the exclamation from every true American everywhere shall be, "We are brothers once more!" Pass this, and next year commence also to improve the navigation of the Mississippi—which can easily be done—till the mightiest steamers that plow the ocean can run from Liverpool to Memphis, right in the great heart of the South, giving us in the coming future a foreign trade like that New York now enjoys; and the West, the South, and the great valley of the Mississippi, growing into new greatness and power, with an ever-increasing prosperity, will feel that at length their rights have been justly recognized, their wishes and interests wisely consulted, and that the strong arm of the national Government is indeed a protection and a blessing to them.

It has been urged by some gentlemen that the commission proposed should consist of Army engineers only; but this would be neither wise nor expedient. Some of the great civil engineers of our country, men of great and commanding eminence in their profession, should have a place on this board. Men are needed of the highest order of talent, men of wide-awake, active, inventive intellect, and who possess a thorough personal knowledge of the Mississippi. Men who have spent their lives in studying and confining and guiding the waters of the mighty river; men who have spent a third of a century, and some of them nearly forty years, in the labors, studies, and constant practice of civil engineering in protecting and reclaiming the great lower delta; men who, in the practice of their profession as civil engineers, have reclaimed millions of acres, until as the fruits of their labors and their toil, their study, their long years of patient thought, their science and skill and courage, they have rescued from the waves thousands of vast sugar and cotton plantations, and beheld beautiful villages, towns, and cities built on sites that but for them had remained swamps and marshes for centuries yet to come; such men surely should have some recognition on the board proposed. All the science in the world cannot dispense with practical knowledge and experience. New men will be incompetent alone until they have had many years of hard experience in learning and mastering the mysteries of that awful river just as these men have already done. No reading, no mere book-learning can give men the practical knowledge that in this case is indispensably necessary. As well learn to swim merely by reading on dry land; as well learn to manage a ship at sea by study in your closet, and then think yourself a sailor; as well expect a man to discover the north pole by reading Kane and Hall and staying at home, as to expect men of mere learning and science, without long practical experience, to understand the Mississippi or to discover the best means of confining its waters and reclaiming its great delta to the uses of man.

The great engineers of the world are not the mere products of schools. They cannot have too much learning, of course; no man can. Scientific training even in governmental schools is valuable, but too often it fails utterly to produce original thinkers. It makes of a man's mind a mere reservoir instead of an ever-living fountain. Its product too often is a mere placid mud-puddle or a simple duck-pond of knowledge, rather than a seething volcano of thought and intellectual energy. West Point will never make a great inventive engineer; the Almighty alone can do that. The other day a gentleman told the House that any Army officers would do for this commission; that they all had studied engineering of some kind at West Point. As well tell us that any one of the middies who graduated at Annapolis was perfectly competent to take the place of Farragut at Fort Saint Philip and Mobile, or of Nelson at Aboukir and Trafalgar! As well say that any graduate of West Point could have filled the place of Sherman or of Grant, of Johnson or of Lee in our late war, or could have shown a Napoleon how to be a great general.

The reclamation of the delta of the Mississippi is a task as stupen-

dous as the greatest victories in war, and requires the very highest trained talent, intellect, and genius. It requires great experience and consummate knowledge of the river, its floods, its mysteries, and its laws. Great rivers in their courses have their laws which they obey just as much as the planets in their orbits; but their dynamics and their laws are the most obscure, the least known, and the most difficult of all branches of physical science.

The Soolina Pass commission, which was appointed by the great governments of Europe a few years ago to open the Danube to the navigation of the world, and which accomplished that most difficult undertaking so splendidly and with such brilliant success, was a mixed commission—two army engineers and two distinguished civil engineers. We will do wisely to make a similar selection, and of men equally able and gifted. They have a great work to do.

Mr. MOREY. I now yield five minutes to the gentleman from Missouri, [Mr. STANARD.]

Mr. STANARD. Mr. Speaker, I had hoped that when this matter should come up for final discussion and action, I should be allowed at least fifteen minutes; but the limited time alloted to the subject to-day has been so far consumed that but five minutes are left for me. Perhaps it is as well, for the matter has been pretty thoroughly discussed, and is I believe well understood. I was very much interested in the speech made by my distinguished friend from Vermont, [Mr. WILLARD.] It would give me great pleasure to follow his advice, because I am satisfied that there is no member here who gives more careful consideration or more intelligent criticism to the business of this House than he does. But while I admit this, I am satisfied that if he lived nearer the center of population and wealth—nearer to the body of the tax-payers of this country than he does—his views would be broader with reference to the measures looking to the common good than they are, in view of his residence in the extreme northeastern portion of this country.

As a member of the Committee on the Mississippi Levees, I have given the subject some consideration—not so much, however, as other members of the committee. It was expected, sir, when this Congress convened that some measure for the commencement of the work of constructing levees and reclaiming lands would be inaugurated by Congress. But the committee, after thoroughly investigating the matter, came to the conclusion that they had not before them sufficient data of a reliable character to justify them in recommending that the United States should commence so great a work. In lieu of such a measure they have introduced a bill providing for the appointment of commissioners who shall make examinations and investigate the subject, so as to be enabled to make an intelligent and reliable recommendation to Congress at the next session. For this purpose we ask an appropriation of $10,000. We propose that the commission shall consist of two officers of the United States Engineer Corps and three eminent civil engineers, who, in the language of the bill, "are acquainted with the alluvial basin of the Mississippi River."

I hope, sir, that the substitute offered by the gentleman from Vermont will be voted down. It simply provides for two United States engineers. What we want is reliable and intelligent information. If we can get it from any other source than from the officers of the Engineer Corps, as we believe we can—adding testimony, intelligence, and experience to the testimony, intelligence and experience already had—we want to do so and are willing to pay for it, and we should have it, if the Government expects to enter upon this great work of improving the levees and reclaiming the lands. For this purpose, and for no other, we ask that there shall be on this commission three eminent civil engineers. All those who are acquainted along the Mississippi River know that there are many scientific men among the civil engineers of this country who have given more attention to this subject than have the United States Corps of Engineers, because this has never been designated as a special portion of their business.

I hope that the substitute will be voted down, and that this bill appropriating $10,000 will be passed. The passage of the bill does not necessarily commit the Government to the work. It simply provides for obtaining necessary information for the use of Congress or the States, if you please, or individuals it may be, who shall in future undertake to do this work.

[Here the hammer fell.]

I would like a few minutes more.

The SPEAKER. Is there objection to extending the gentleman's time?

Mr. COBB, of Kansas. The Committee on the Post-Office and Post-Roads wish to submit their report this afternoon.

The SPEAKER. One objection is sufficient.

Mr. MOREY. As there remain but a few moments, I will simply call for a vote, asking the House not to adopt the amendment proposed by the gentleman from Vermont. The amendment offered by my colleague on the committee, the gentleman from Pennsylvania, [Mr. RANDALL,] to provide that the majority of these commissioners shall be United States Army officers, is acceptable to the committee. Under that amendment, if adopted, the board will consist of three Army engineers and two civilian engineers familiar with the alluvial basin of the Mississippi Valley. I now call for a vote on the bill.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has offered an amendment providing that the commission shall consist of three Army engineers and two civil engineers from public life. To this amendment the gentleman from Illinois [Mr. FORT] has offered an amendment, providing for one Army officer instead of three.

The amendment of Mr. FORT was not agreed to.

The question then recurred on the amendment of Mr. RANDALL.

Mr. MOREY. On behalf of the committee I accept that amendment.

The SPEAKER. If there be no objection, the amendment will be considered as adopted. The Chair hears none.

Mr. CROCKER. May I be allowed a minute or two?

Several MEMBERS. Go on.

The SPEAKER. If there is no objection, the gentleman will proceed.

Mr. CROCKER. I have only a word to say to this House, and particularly to my friends from the South. I cannot vote for this measure or anything that is substantially the same in form. If the State of Louisiana or the people of Louisiana would convey, for what they may be worth, the submerged lands, which are of value sufficient to feed a whole nation, I should be most happy then to vote for a measure which would give the Government the benefit arising from the enhanced value of the land after the improvement is made. But with my present views I cannot, notwithstanding my sympathy for the South, vote for the measure in the shape now presented.

The question being taken on agreeing to the substitute of Mr. WILLARD, of Vermont, it was not agreed to; there being ayes 25, noes not counted.

Mr. GUNCKEL. I ask that the bill as now amended may be read.

The bill, as amended, was read, as follows:

That the President be, and he is hereby, authorized and directed to assign three officers of the Corps of Engineers, United States Army, and to appoint two civil engineers eminent in their profession and who are acquainted with the alluvial basin of the Mississippi River, to serve as a board of commissioners; the president of said board to be designated by the President of the United States. It shall be the duty of said commission to make a full report to the President of the best system for the permanent reclamation and redemption of said alluvial basin from inundation, which report the President shall transmit to Congress at its next session with such recommendations as he shall think proper.

SEC. 2. That the members of the commission who may be appointed from civil life shall receive compensation at the rate of $5,000 per annum. The commission may employ a secretary at a rate of compensation not exceeding $200 per month for the time he is employed, and the necessary traveling expenses of the members of said commission not officers of the Army, and of the secretary, shall be paid upon the approval of bills for the same by the Secretary of War.

SEC 3. That the sum of $10,000, or so much thereof as may be necessary to carry into effect the foregoing provisions, is hereby appropriated, and shall be subject to disbursement by the Secretary of War in accordance with the provisions of this act.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MOREY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FITZHUGH LEE.

Mr. SENER. I ask unanimous consent to take from the Speaker's table the Senate amendment to House bill No. 2866, for relieving the political disabilities of Fitzhugh Lee. The Senate strike out the words "legal and" before the words "political disabilities." I ask that the amendment of the Senate be concurred in.

No objection was made, and the amendment was concurred in.

Mr. SENER moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

B. W. HARRIS.

Mr. E. R. HOAR. I ask consent to take from the Speaker's table and concur in an amendment of the Senate to a bill of the House for the relief of B. W. HARRIS, one of my colleagues in this House, late collector of internal revenue in Massachusetts. The amendment of the Senate is to insert after the word "sums" the words "not to exceed $346.53."

Mr. WELLS. I object.

VAN R. MORGAN.

Mr. HUNTON. I ask that Senate bill No. 325, to relieve the political disabilities of Van R. Morgan, of Virginia, and containing no other provision whatever, be taken from the Speaker's table and passed at this timed.

Mr. E. R. HOAR. I object.

ORDER OF BUSINESS.

Mr. PACKER. I call for the regular order of business.

The SPEAKER. The regular order of business is the consideration of reports from the Committee on the Post-Office and Post-Roads.

Mr. SESSIONS. When the House took a recess on Tuesday last, it was considering Senate bill No. 733, regulating gas-works, upon which the previous question had been ordered.

The SPEAKER. The previous question, as the Chair is informed, was not seconded, but had been demanded.

Mr. SESSIONS. If it had not been ordered, it had been called for, and the bill was being read pending the call.

The SPEAKER. The usage of the House is that, when a day has been set apart for the consideration of reports from a certain com-

mittee, they are confined to that day, and nothing goes over to the next day, unless it has the previous question ordered upon it.

Mr. SESSIONS. Then I ask consent that the bill may be taken up and acted upon now. It is a very important bill, and will not take long to consider it.

Mr. CANNON, of Illinois. I object.

Mr. COTTON. I would ask the Chair where that gas bill is now?

The SPEAKER. In the possession of the Committee on Public Buildings and Grounds.

Mr. COTTON. It is not before the House?

The SPEAKER. It is not before the House at all.

Mr. COTTON. I would like to have the bill set for say a week from next Monday, which will be District of Columbia day, as the District is concerned in the bill.

The SPEAKER. Permission may be given to the gentleman from New York [Mr. SESSIONS] to report it on that day as a part of the District reports, it being allied with the business of the Committee on the District of Columbia.

Mr. COTTON. I ask that that be done.

The SPEAKER. If there is no objection that will be done.

No objection was made, and it was so ordered.

POSTAGE ON PRINTED MATTER.

Mr. CANNON, of Illinois, from the Committee on the Post-Office and Post-Roads, reported back, with amendments, House bill No. 3414, to provide for the prepayment of postage on printed matter, and for other purposes.

The bill, which was read, provides that on all newspapers and periodical publications mailed from a known office of publication or news agency and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications issued weekly and more frequently than once a week, one cent and five mills for each pound or fraction thereof; and on those issued less frequently than once a week, three cents for each pound or fraction thereof: *Provided*, That nothing in this act shall be held to change or amend section 99 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872.

The second section provides that upon the receipt of such newspapers and periodical publications at the office of mailing they shall be weighed in bulk, and postage paid thereon by a special adhesive stamp, to be devised and furnished by the Postmaster-General, which shall be affixed to such matter, the sack containing the same, upon a memorandum of such mailing, to be made, or otherwise, as the Postmaster-General may, from time to time, provide by regulation.

The third section provides that newspapers, one copy to each actual subscriber residing within the county where the same are printed in whole or in part and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as by law provided; and newspapers and magazines reciprocally interchanged between publishers, and not exceeding sixteen ounces in weight, to be confined to a single copy of each publication, shall go free through the mails.

The fourth section provides that all mailable matter of the third class, referred to in section 133 of the act mentioned in the first section, may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but that nothing herein contained shall be held to change or amend section 134 of said act.

The fifth section provides that the Postmaster-General may prescribe by regulation an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employé of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto or news agents or as an exchange, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof; and if such publisher or news agent or employé of such publisher or news agent, when required by the Postmaster-General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding $1,000 for each refusal; and if any person shall knowingly and willfully mail any matter without the payment of postage as provided by this act or procure the same to be done, or if any postmaster or post-office official shall knowingly permit any matter to be mailed without the prepayment of postage, as provided in this act and in violation of the provisions of the same, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than $100 nor more than $1,000, or imprisoned not exceeding three years, one or both, in the discretion of the court.

The sixth section provides that sections 3 and 4 of this act shall be in force from and after its passage; and the other sections of this act shall be in force on and after the 1st day of January, 1875.

The amendments reported from the committee were to the second section of the bill, to make it read as follows:

SEC. 2. That upon the receipt of such newspapers and periodical publications at the office of mailing, they shall be weighed in bulk, and postage paid thereon by a special adhesive stamp, to be devised and furnished by the Postmaster-General which shall be affixed to such matter, or to the sack containing the same, or upon a memorandum of such mailing, or otherwise, as the Postmaster-General may, from time to time, provide by regulation.

The amendments were agreed to.

The question was upon ordering the bill to be engrossed and read the third time.

Mr. DAWES. I should like to offer an amendment.

Mr. CANNON. I demand the previous question.

Mr. DAWES. Permit me to offer an amendment so it may be voted on.

Mr. CANNON. We have other business, and I must insist on my demand for the previous question.

Mr. DAWES. I should like to make it one and two cents instead of one and a half and three cents.

The SPEAKER. The gentleman from Illinois declines to yield.

Mr. CONGER. I understand there is a penalty for mailing any papers contrary to the provisions of this law, or offering to mail them, of a thousand dollars.

Mr. CANNON. Not exceeding a thousand dollars.

Mr. CONGER. Such a penalty for offering to mail newspapers——

The SPEAKER. The gentleman from Illinois demands the previous question.

Mr. DAWES. I wish to offer an amendment.

The SPEAKER. The gentleman declines, as it is his right, to yield for that purpose.

Mr. CANNON. I do not wish to lose the control of the bill, and before I demand the previous question——

Mr. CONGER. I object to his withdrawing the previous question.

The SPEAKER. He has the right to do it.

Mr. CONGER. Does the Chair state that he has the right to withdraw the demand for the previous question after it is once made?

The SPEAKER. The gentleman has the right to withdraw the demand for the previous question, which he has done.

Mr. CANNON, of Illinois. Mr. Speaker, the Postmaster-General in his last annual report recommended that the postal code be so amended as to require the prepayment of postage upon newspapers and periodical publications, stating in substance that it is estimated by experienced postal officers that not to exceed one-third of the postage on this class of matter is collected and an account thereof rendered to the Department, and that he was satisfied under a judicious system of prepayment, with a deduction of 40 per cent. from the present rates, there would be an increase in the revenues from that source. The Committee on the Post-Office and Post-Roads have given this matter careful attention, and report a bill and ask its passage by the House which provides for prepayment upon this class of matter; and I ask the attention of the House while I briefly refer to the present law and its imperfections, the amount of revenue realized under it and the amount that should be realized, to the provisions of the bill reported, and the amount of revenue that will be collected under it if it shall become a law.

The present law, section 158 of the postal code, is as follows:

That on newspapers and other periodical publications, not exceeding four ounces in weight, sent from a known office of publication to regular subscribers, postage shall be charged at the following rates per quarter, namely: on publications issued less frequently than once a week, at the rate of one cent for each issue; issued once a week, five cents; and five cents additional for each issue more frequent than once a week. And an additional rate shall be charged for each additional four ounces or fraction thereof in weight.

You will notice that the postage is the same whether the paper or periodical is small or large, so long as it does not exceed the maximum weight fixed by law, namely, twenty cents a year on weekly papers not exceeding four ounces in weight, and twenty cents a year additional for each issue more frequent than once a week, and one cent for each issue less frequent than once a week; or if it exceeds four ounces in weight, then one cent additional for each four ounces or fraction thereof; and if the papers are of the maximum weight, then a weekly, fifty-two copies per annum, thirteen pounds, yields twenty cents per annum, or one and seven-thirteenths cents per pound, and a monthly, twelve numbers, eight ounces each, aggregating six pounds, yields twenty-four cents, or four cents a pound. The truth is, however, that while a few of the large weeklies, like Harper's, Leslie's, and the Independent, weigh, say, three and one-fourth ounces, or three-fourths of an ounce less than the maximum, the majority of papers like the Tribune, Times, and Herald, of New York, and the Tribune, Times, and Inter-Ocean, of Chicago, and other metropolitan papers, weigh from one and one-half to two and one-half ounces, making an average of, say, two ounces, and practically yield postage, if it was collected, at the rate of three cents a pound. From the census report of 1870 as to the amount of this class of matter, and from observation of vigilant postal officers and publishers as to the percentage of this matter passing through the mails, as well as from thirty days' weighing of this class of matter in seven of the principal cities of the country during the past winter, under the present law the revenue from postage on this class of matter should have been for the year 1870 $2,704,261.44. The amount actually collected was $835,727.99, leaving $1,869,533.45 which never was collected, or if collected was not accounted for by postmasters. The data from which such calculation is made and result shown, with particular statement of calculation not only as to this but as to many other matters touching the subject under consideraion, I print with my remarks as table No. 4.

It should be borne in mind, however, that this class of matter pass-

ing through the mails has increased since 1870 at least 20 per cent., and that the revenues now ought to be thereon under present law, in round numbers, $3,250,000, and were last year in round numbers $1,100,000; making $2,150,000 that was not collected. As further evidence of the correctness of this estimate as to the amount of this class of matter passing through the mails, I print with my remarks tables numbered 1, 2, 3, giving the weight of first, second, and third class matter received for mailing for thirty consecutive days during the past winter at some of the principal offices in the United States, namely, New York, Boston, Philadelphia, Chicago, Cincinnati, Saint Louis, and Pittsburgh, with a statement of the amount of postage that should have been collected from each class, and the amount that would be collected from the second class—papers and periodicals—under a judicious system of prepayment at different rates; from which it appears, including transient papers, that about 89 per cent. of all mailable matter is made up of newspapers and periodical publications alone—9 per cent. of letters, and 2 per cent. of books and merchandise; there being forty-three tons daily of newspapers and periodicals mailed at the New York City post-office alone. It also appears that if the postage was all collected on newspapers and periodical publications mailed at these seven cities at rates under the present law, it would largely exceed all the postage collected on the same class of matter in the whole of the United States for the last fiscal year; and even with the reduction in the rates in the bill proposed by the committee, now under consideration, coupled with prepayment of postage, the revenues from these seven cities on this class of matter will be within $150,000 of what it was upon the same class of matter last year in the whole United States.

Mr. Speaker, these facts, when considered by members, should prompt them to action; and certainly a failure upon our part to pass such laws as will secure a collection of these revenues would be, to say the least of it, gross negligence, or show an utter disregard of our duty as legislators in the premises. And before I speak of the provisions of the bill which we ask the House to pass, I will inquire for a moment as to the reason of the non-collection of these postages, so that we can consider intelligently what the provisions of the law should be which we propose to enact. The present law allows all this matter to go through the mails from the office of publication to the subscribers without prepayment, and makes it the duty of over thirty-three thousand postmasters to collect this postage quarterly from the individual subscribers, and practically there is no way in which the Post-Office Department can tell whether this postage is collected or not; or, in other words, there is no system of checks upon the thirty-three thousand postmasters whose duty it is to make these collections; and it is the observation of many that in fact the postmasters throughout the country do not collect the five or six cents per quarter from the different subscribers; and where the postmaster is dishonest, even if he does collect it, the Department cannot tell whether he accounts for all that is collected, and so this large amount of money is not received by the Government.

There is another light in which this matter should be looked at of as much importance as the loss of revenues to the Government. And that is the moral effect of the present law; it tends to debauch the public service, promotes negligence in those charged with its execution, and is a standing premium offered by the Government for dishonesty. And while I am satisfied that the great majority of postmasters are honest men, yet when we recollect that one of the special matters that followers of the Founder of our religion were taught was "Lead us not into temptation," certainly this law, which is a constant temptation to every man charged with its execution, should not longer remain as one of the statutes.

Mr. Speaker, the bill now being considered provides that all newspapers and periodical publications issued weekly and more frequently than once a week, mailed by publishers or news agents to regular subscribers or news agents, shall be charged postage at the rate of one and one-half cents per pound, and those issued less frequently than once a week at the rate of three cents a pound; that the same shall be weighed in bulk at the office of mailing, and postage prepaid by affixing an adhesive stamp, to be prepared by the Postmaster-General, to the matter, sack containing the same, or a memorandum of such mailing as the postmaster may by regulation provide. This is a reduction from the present rates of four-hundredths of a cent on papers and periodicals issued weekly and more frequently than once a week, and of 25 per cent. on those issued less frequently than once a week, provided that they all weighed up to the maximum, namely, either four or eight ounces; but it is really a reduction in fact of from one-fourth to one-half, and in many cases more, upon all periodicals and papers, as but few of them are up to the maximum weight under the present law. For example, Harper's Monthly Magazine, which weighs seven and six-tenths ounces, the reduction is over one-fourth, while upon the lighter magazines, like the Atlantic, Peterson's, Godey's, Saint Nicholas, and others, it is much more. Upon Harper's Weekly, Leslie's, and the Independent, which weigh from three to three and a quarter ounces, the reduction is over one-fourth; while upon the Tribune, Herald, Times, Post, Sun, and other metropolitan papers, weighing from one and one-half to two and one-half ounces, the reduction is substantially one-half. When the paper weighs two ounces, it is over one-half.

I print with my remarks a table—No. 4—which shows what at the present rates of postage the compensation to the Government is for each pound of matter carried, or rather would be if collected, and varies from 1.54 cents per pound on weekly papers and dailies weighing four ounces to 6.15 cents per pound for those weighing one ounce, and from 4 cents per pound on magazines weighing eight ounces to 6.4 cents per pound on those weighing five ounces; and also shows what the postage would be under this bill at 1½ cents per pound on those papers and publications issued weekly and more frequently, which is $1,116,442.98, and on those issued less frequently than once a week at 3 cents per pound is $649,326.27; a total of $1,765,769.25. This being upon data for 1870. Add 20 per cent. for increase, $353,153.94; which gives $2,118,923.19 as the amount of revenue from postage on this class of matter that will be produced by prepayment at this reduced rate, and which is over $1,000,000 more than was produced last year under the present law.

But, Mr. Speaker, this is not all the saving to the Government that would accrue under the proposed law. As the law now is the commissioners paid to the thirty-three thousand postmasters for collecting the postage will amount to 40 per cent. of the same, which on the $1,100,000 collected last year was $440,000. Under this bill nearly all the postage will be collected in cities where the salary of postmasters is $4,000, and under the law they cannot be higher, and will be that high whether they collect this postage by prepayment or not; so the collection of this postage will not cost the Government any considerable amount, and besides a very considerable force of clerks who have the quarterly accounts of postmasters to examine as to those papers in the Post-Office Department can be dispensed with. So that if we pass this law we have postage collected, $2,118,923.29; commission paid on collection, $440,000; total, $2,558,923.29. From which deduct amount collected last year, $1,100,000; leaving as amount that will be saved per annum by this bill, $1,458,923.29.

And right here let me add, that this will not injuriously affect postmasters. Indeed many of them are anxious for this bill to pass, for the reason that while the commissions paid them for collecting aggregate a large amount, yet the amount each postmaster gets is not an adequate compensation for services performed in making collections.

Mr. Speaker, objection has been made to this bill that it reduces the rate of postage and that the rates are already too low, as newspapers and periodicals make nine-tenths of all the mails, costing the Government for that proportion of matter $26,000,000, and only yielding a revenue of $1,100,000, leaving a deficit on that kind of matter of nearly $25,000,000; while the other one-tenth of mail matter, costing the Government $3,000,000 to carry it—its proportion of the total cost—yields a revenue of nearly $22,000,000. I submit that it is sufficient answer to this that while a reduction of rates is conceded, yet the saving to the Government is more than doubled on this class of matter, and the amount that is charged will be collected. Further, it has been the practice of the Government, and I believe a wise one, to assist in this way in the dissemination of knowledge; that, and not the revenues from postage, being the prime consideration.

I need not stop here to demonstrate that knowledge universally disseminated among the citizens of the Republic is the only guarantee of its permanency. But we are told that some publishers are opposed to the passage of this bill, for the reason that they will have to pay those postages out of their own pockets and cannot increase the price of their papers to the subscribers. This is no doubt substantially true, and I am satisfied that they can make money at it and at the same time the people be relieved from payment of the same, as by this bill the payment of postage is made in bulk and simplified; and great numbers of people who now get their papers and magazines through news agents in preference to being annoyed by duns for payment of small amounts of postage quarterly would deal directly with the publisher, and the publishers thereby would save a considerable profit which they now pay to the news agents to sell their publications, which amount on each issue many times exceeds the amount of postage the publisher would have to pay.

Again, if this bill becomes a law I believe the rates fixed thereby would be permanent; a matter greatly to be desired in this case as well as generally; while if the law remains as it is now or the rates were reduced to a lower sum than fixed by this bill, in my opinion the agitation concerning the same would be a constant source of annoyance to the people, the Department, and the publishers. This bill also provides that papers shall go free in the mails to subscribers in counties where published. The committee believe that this is nothing more than a fair compensation to the people in the rural districts for the free-delivery system exclusively enjoyed by the people in the cities.

The bill also provides that matter of the third class, in packages not exceeding four pounds in weight, may pass through the mails at a uniform rate of one cent for two ounces or fraction thereof. This will be a matter of great accommodation to the people and of profit to the Department; for counting the fractions in favor of the Department the rate of postage will average ten cents a pound at least on this class of matter, while newspapers only pay one and a half cents per pound and periodicals three cents per pound. Nor is there danger of this class of matter burdening the mails; for, as shown by tables published herewith, in seven cities for thirty days only 2 per cent. of the whole amount of matter mailed was of this kind, and it is estimated, to take the whole country, that not over ½ of 1 per cent. of the whole mail matter is made up of books and merchandise.

Mr. SMITH, of Ohio. Why should there be a difference in postage on newspapers and on magazines?

Mr. CANNON, of Illinois. There are two reasons for it. The practice has grown up in the country in legislation in reference to post-office affairs to do so, so that it is in the line of precedent. Another reason is that the papers, being cheaper publications, come to the great mass of the people, and I suppose this legislation was had with the idea that it involved the interests of the great mass of the people. Still another reason is that the newspaper men and the magazine men, even those who do not publish newspapers, agree that their rate should be twice as high as the rate on newspapers.

Mr. LAWRENCE. Would the RECORD be regarded as a newspaper or a magazine?

Mr. CANNON, of Illinois. Well, sir, under this bill the rate is fixed with reference to the frequency of the publications. There is nothing directly said in the bill in relation to magazines and newspapers as such. We say that a cent and a half a pound shall be the price on one class of publications, and three cents upon another. There is nothing said about newspapers or periodicals, although the arrangement has been made with regard to them.

Mr. GUNCKEL. I hope the gentleman will allow those who are opposed to this bill to be heard.

Mr. CANNON, of Illinois. If the previous question shall be ordered, I will give as much time as I can in justice to my committee. I am nearly through myself, with this explanation.

Mr. ELLIS H. ROBERTS. I would like to ask the gentleman from Illinois whether he bases his calculation of the newspapers carried through the mail upon the census return?

Mr. CANNON, of Illinois. Only partially so; partially upon the census return, but more particularly upon the result of the weighing made for a month during the last winter, which verified the data from the last census return and the tables I publish herewith.

Mr. ELLIS H. ROBERTS. Does the gentleman not know that a large proportion of the circulation of the larger newspapers goes by express and does not go by mail at all? I wish to know whether or not the gentleman has taken that into account.

Mr. CANNON, of Illinois. I have taken that into account, and will again state for the benefit of the gentleman from New York that the calculation I now hold in my hand is on the basis of 10 per cent. of the dailies and 60 per cent. of the weeklies and monthlies passed through the mail, and upon the further basis that for the thirty days during the past year, when this matter was weighed in the seven principal cities of the country, it weighed in the aggregate over four million pounds, making the amount in those seven cities alone about fifty million pounds per annum, if the same ratio was kept up during the other eleven months. So the gentleman will see that the calculation is not too large. According to the census report it would be ninety-six million pounds. In seven cities alone you have fifty million pounds, leaving all the rest of the country to make up the other forty-six millions.

It is true, sir, that no man can say that this is exactly accurate. In the nature of things you cannot get it to a precise dot. But I do say from my investigation and from the investigation of the Department, this being a table made up at the Department and from the best data which can be got, I believe that this approximates a true statement.

Mr. COBB, of Kansas. Will the gentleman tell the House what will be the amount of revenue that will come into the Treasury if all this matter is required to pay first-class postage?

Mr. CANNON, of Illinois. Does the gentleman mean the same as letters?

Mr. COBB, of Kansas. I do.

Mr. CANNON, of Illinois. The letters now constitute about 8 per cent. of the mail matter, and it yields a revenue of about $19,000,000. Now eight into ninety (90 per cent. of mail matter being papers and magazines,) will go eleven times; eleven times nineteen millions of dollars and you have it. You see it would be over $200,000,000 if you charged at the same rates that you do for letters. But you cannot do that. I think that in all conscience when you reduce the postage on printed matter to one and a half and three cents per pound it is low enough. If you will consider, those of you who have been paying postage on Agricultural Reports at the rate of thirty-two cents a copy, you will see that you could send them off for three cents a copy provided you could send them at the same rates papers go. Some say here that they want to make the rates one and two cents a pound on papers and periodicals, instead of one and a half and three cents a pound. Under the instruction of the committee I cannot accept that amendment, and unless the House votes down the previous question of course it will not come in.

Mr. HAWLEY, of Connecticut. Does the gentleman hold that he has the right to argue his side alone, and then ask the House not to hear the other side at all?

Mr. CANNON, of Illinois. If the previous question is ordered I suppose I will have an hour, and I will give the gentleman from Connecticut [Mr. HAWLEY] a due amount of time.

Mr. HAWLEY, of Connecticut. You will not allow any amendment.

Mr. CANNON, of Illinois. Not if I can get the previous question, as my committee have instructed me to take the sense of the House on the bill without amendment.

Mr. WHITEHEAD. Will the gentleman answer just one question?

Mr. CANNON, of Illinois. Yes, sir.

Mr. WHITEHEAD. The gentleman spoke of the postage on the Agricultural Report; did he mean to say that the public documents would go as newspapers?

Mr. CANNON, of Illinois. No, not at all. What I wished was to show by comparison that the postage was merely a nominal not a substantial thing when you come to apply it to the publications of the country. Let no man suppose that I am grumbling about that matter. I would be willing to go a step farther and to say perhaps that these matters might go free through the mails in order that intelligence and information might be disseminated throughout the country. But I suppose we are not ready yet to take that step; therefore I am not advocating that policy at this time.

There is one further fact to which I wish to call attention. As these postages are now collected, it costs in round numbers on an average 40 per cent. of the amount to collect it. In other words, out of $1,100,000 collected last year, $440,000 were paid to thirty-three thousand postmasters. Under this bill there will be a saving, because in the large cities, where the great bulk of the matter is mailed, the salaries of postmasters are now just as they will be whether they collect this postage or not. Thus there is a saving of $440,000 in this item of commissions alone. The country postmasters do not grumble at this, because while the amount is large in the aggregate, it does not in the individual cases amount to enough to pay them for their trouble. I hold in my hand petitions from postmasters, from newspaper men, from private citizens, from representatives of almost all classes, asking the passage of this bill.

Mr. FORT. Has the gentleman any petitions from express companies?

Mr. CANNON, of Illinois. I believe not, and I have looked over them pretty carefully. I guess the express companies are not in favor of this bill, and I thank the gentleman for calling attention to that fact.

Mr. GUNCKEL. If I understand this bill, it imposes the same labor as heretofore upon the postmasters receiving the smallest salaries, while at the same time their pay is reduced. Is not that so?

Mr. CANNON, of Illinois. Well, they are anxious to have this measure passed.

Mr. GUNCKEL. Do they ask for it?

Mr. CANNON, of Illinois. Yes, sir.

Mr. GUNCKEL. How many petitions has the gentleman from postmasters?

Mr. CANNON, of Illinois. If the gentleman will hear me I will make the matter plain to him. I have taken the pains to write, making inquiry; and everywhere there comes up from the postmasters the cry: "Relieve us from this burden, because while we get 40 per cent. commission on the aggregate, it does not pay us for running around four times a year and dunning this man for five cents and that man for five cents." When you come to scatter $440,000 among thirty-three thousand people how much does it amount to in any individual case? It will hardly buy the tobacco of a careful, economical man.

Mr. GUNCKEL. Are the petitions from postmasters printed blanks sent out by the Postmaster-General?

Mr. CANNON, of Illinois. No, sir; there are no printed blanks among them. I am not in that kind of business.

I am admonished by the clock that I must draw my remarks to a close, as there are some other gentlemen who may perhaps want to say something about this matter. I will simply reserve to myself the right of occupying, if it be necessary, two or three minutes in reply after the previous question is ordered.

Mr. TYNER. I wish to put to the gentleman an inquiry. By section 3 of the bill it is provided that newspapers, one copy to each subscriber, shall pass free through the mails in the county of their publication. Does that include dailies and all other newspapers, or is it limited to weeklies?

Mr. CANNON, of Illinois. I did not intend so to limit it nor did the committee. The gentleman will observe if he reads the section through that it does not interfere with the business at a letter-carrier office. If it did, that would be the only objection—that it would block up that class of officers. But the committee believed that it was no more than a fair compensation for the free-delivery system, the carrier system if you please in the cities, that the country people should receive their papers free of postage, not only weekly but semi-weekly and daily, in the counties where the papers are published.

Mr. TYNER. One other question in regard to the practical workings of the bill. It is provided that "all postage shall be paid upon newspapers by weight at the office of mailing by the use of adhesive stamps." In many of the large cities of the country papers are carried directly to the cars and are there mailed, never going into the mailing office at all. In what way will this provision operate in that respect?

Mr. CANNON, of Illinois. I had the same impression about this matter that the gentleman from Indiana [Mr. TYNER] had until I came into communication with Mr. James, the postmaster at New York City, who informed me that that was a mistake, that every pound of mail matter passed through the office. And the gentleman will notice that even if he is right about that, it is no trouble to drive a wagon upon scales at any of these great offices and weigh the matter. It can be done in a minute or two, and then the wagon can be driven directly to the cars.

Mr. TYNER. Then this provision does not require that stamps shall be placed on each paper?

Mr. CANNON, of Illinois. No, sir. It is not necessary to put stamps on each newspaper, but to put the stamps as the Postmaster-General may by regulation direct, upon the sack or upon the memorandum of such mailing, which does not accompany it at all, and when the matter comes into the office the postage is to be considered *prima facie* as paid.

Mr. TYNER. The gentleman ought to be aware of this fact—and I am throwing out these suggestions not to antagonize the bill but to get at some idea of its practical working—the gentleman ought to know if these newspapers are mailed on trains instead of at post-offices it will be necessary to have some officer of the Post-Office Department always at hand to superintend their weighing and mailing.

Mr. KASSON. There are such officers in the postal cars now.

Mr. HAWLEY, of Connecticut. But every train going out is not a mail train.

Mr. TYNER. If the proposition is to have scales erected somewhere near the depot the postal car may be a quarter of a mile from that point, and the officer of the Department whose duty it is to superintend the weighing may be a quarter of a mile away at the time the wagon containing these mails shall be driven up. If he abandons the postal car and goes back to superintend the weighing, in many instances where the connection is close the train must either go away without the officer of the Department or leave the mails behind.

Mr. CANNON, of Illinois. I consulted with Mr. James, of the Post-Office Department, and he said that there was no difficulty whatever about it; that it could be weighed and handled as it is now.

Let me call attention to this fact: You can hire two or three men at every one of these great post-offices to weigh this matter. You will save money thereby out of what money is now paid to those who examine every quarter thirty-three thousand accounts of this money collected by these numerous postmasters scattered throughout the United States under the present law.

Mr. TYNER. One word more. The gentleman refers to the postmaster at New York. It may be true the daily papers which go out from the city of New York are published in such time every morning as to enable the publishers to send them to the post-office to be mailed; but that is not the case in other large cities of the country. I know that in Chicago, Cincinnati, Saint Louis, and Indianapolis, and in many other localities it has always been the custom of the publishers to send the newspapers directly to the train to be mailed, and not to the post-office.

Mr. CANNON, of Illinois. I understand that point. The Post-Office Department thinks it is necessary to collect the revenue upon this mail matter, and will make the necessary regulations. If this mail matter has gone without weighing heretofore, they will have to weigh it hereafter if this bill becomes a law. I see no difficulty in it whatever, and neither does the Post-Office Department. The bill meets the approval of practical postal officers, and the Department is satisfied with the machinery.

Mr. CONGER. Will the gentleman yield to me for an amendment?

Mr. CANNON, of Illinois. I cannot yield but for a single question. I am admonished by my chairman that there are other bills of great importance to be reported by the committee, and this is the last chance we will have this session.

Mr. CONGER. I wish to make one remark.

Mr. CANNON, of Illinois. I will yield for one moment.

Mr. CONGER. The bill provides that if any person shall knowingly and willfully mail any matter without the payment of postage as provided by this act, or procure the same to be done, or if any postmaster or post-office official shall knowingly permit any matter to be mailed without the prepayment of postage as provided in this act, and in violation of the provisions of the same, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less $100 nor more than $1,000, or imprisoned not exceeding three years, one or both, in the discretion of the court.

I submit there is a proposition which may be used against ignorant and innocent persons, or against any person where the complaint shall be made against them, making this a misdemeanor punishable by fine or imprisonment of three years. The mailing of a newspaper by an ignorant person contrary to the provisions of this act leaves in the hands of the court the power to punish more severely than for horse-stealing or for many other notorious crimes. I know it says "knowingly or willfully;" but where it is done knowingly it is presumed to be done willfully.

Mr. CANNON, of Illinois. But the bill is no more severe in its penalty than other portions of the postal code. His point is not well taken for a good criminal lawyer. The act provides that it shall be knowingly and willfully done, and if the purpose is to cheat the Department the person so acting ought to punished.

Mr. CONGER. The language is "if any person shall knowingly or willfully mail any matter without the payment of postage as provided by this act," &c.; that is, if he wants to mail it and does mail it he is to be punished.

Mr. CANNON, of Illinois. I now demand the previous question.

Mr. DAWES. I ask the gentleman to yield to me to offer an amendment.

Mr. CANNON, of Illinois. I will yield to the gentleman if the House will sustain me in the demand for the previous question. I cannot admit any amendment to the bill under instructions from the committee. As other matters are pressing, I will demand the previous question.

TABLE NO. 1.—*Showing the number of pieces and weight of matter received for mailing at seven of the largest post-offices for a period of thirty days; showing also the percentage of samples of merchandise, seeds, &c., and bound books of third class, to the whole matter.*

Post-offices.	Bound books.		Samples of merchandise, cutings, bulbs, roots, and scions.		Transient newspapers.		All other articles of the third class.		Total matter of third class.		Letter mail, first class.	Matter of second class.	Total, all classes, thirty days.	Per cent. of bound books to whole.	Per cent. of samples merchandise, cuttings, seeds, roots and scions to whole.	Per cent. of first class to whole.	Per cent. of second class to whole.	Per cent. of third class to whole.	Total daily average matter received for mailing.
	Pieces.	Lbs.	Pieces	Lbs.	Pieces.	Lbs.	Pieces.	Lbs.	Pieces.	*Lbs.	*Lbs.	*Lbs.	*Lbs.						Lbs.
New York	28,206	30,182	54,042	15,096	319,330	95,950	1,112,872	181,057	1,514,120	322,285	261,840	2,768,502	3,352,627	.9	.45	7.80	82.28	9.12	111,754
Boston	9,582	8,167	22,399	7,950	195,039	32,435	452,130	53,923	679,150	102,475	61,913	309,296	473,684	1.7	1⅜	13.07	65.36	21.63	15,789
Philadelphia	11,388	15,083	25,652	20,473	239,066	29,021	768,130	73,945	1,044,236	138,524	51,330	200,610	390,464	3.9	5¼	13.14	51.38	35.48	13,015
Chicago	7,895	7,541	9,119	2,337	146,942	25,021	672,801	43,749	836,757	78,648	58,462	390,000	527,110	1.4	.5	11.09	74.00	14.91	17,570
Cincinnati	5,797	5,039	4,739	2,327	95,022	12,401	314,075	25,414	419,633	45,181	18,855	187,746	251,782	2	.9	7.49	74.50	17.95	8,393
Saint Louis	2,662	3,578	7,224	2,774	73,052	14,147	412,777	21,593	495,715	42,092	19,080	194,520	255,692	1.4	1.1	7.07	76.07	16.86	8,523
Pittsburgh	769	567	1,557	587	48,591	6,787	128,105	7,453	179,022	15,394	16,770	72,180	104,344	.5	.5	16.07	69.17	14.96	3,478
Total	66,299	70,157	124,732	51,544	1,117,042	215,762	3,860,550	407,134	5,168,633	744,599	488,250	4,122,854	5,355,703	1.1	.96	9.11	76.98	13.91	.....

* Estimated from weight taken upon an average day.

TABLE NO. 2.—*Table showing the weight of matter of the second and third classes received for mailing at seven of the largest post-offices for a period of thirty days, with the estimated amount of postage thereon at the present rates, and also an estimate of the amount of postage at the several rates of* 1, 2, 3, *and* 4 *cents per pound.*

MATTER OF SECOND CLASS.

Post-offices.	Weight of matter of second class.	Amount of postage thereon at the present rates estimated at $2.38 per pound.	Amount of postage thereon estimated at 1 cent per pound.	Amount of postage estimated at 2 cents per pound.	Amount of postage estimated at 3 cents per pound.	Amount of postage estimated at 4 cents per pound.
New York	2,568,502	$65,890 34	$27,685 02	$55,370 04	$83,055 06	$150,740 08
Boston	309,296	7,361 24	3,092 96	6,185 92	9,278 88	12,371 84
Philadelphia	200,610	4,774 51	2,006 10	4,012 20	6,018 30	8,024 40
Chicago	390,000	9,282 00	3,900 00	7,800 00	11,700 00	15,600 00
Cincinnati	187,746	4,468 35	1,877 46	3,754 92	5,632 38	7,509 84
Saint Louis	194,520	4,629 57	1,945 20	3,890 40	5,835 60	7,780 80
Pittsburgh	72,180	1,717 88	721 80	1,443 60	2,165 40	2,887 20
Total	4,122,854	103,071 35	41,228 54	82,457 08	123,685 62	164,914 16

TABLE No. 3.—*Table showing the weight of matter of the second and third classes received for mailing, &c.*

MATTER OF THIRD CLASS.

Post-offices.	Bound books.		Samples of merchandise, &c.		†Transient newspapers.		‡All other matter of the third class.		Total postage under present rates, estimated.	Total weight of matter, third class.	Postage at the rate of 1 cent per pound.	Postage at the rate of 2 cents per pound.	Postage at the rate of 3 cents per pound.	Postage at the rate of 4 cents per pound.
	Weights for 30 days.	*Amount of postage at present rates.	Weights for 30 days.	Amount of postage at present rates.	Weights for 30 days.	Amount postage under present rates.	Weights for 30 days.	§Amount postage under present rates.						
	Pounds.		*Pounds.*		*Pounds.*		*Pounds.*			*Pounds.*				
New York	30,182	$5,070 56	15,096	$1,902 00	95,950	$8,059 80	181,057	$15,933 00	$30,965 36	322,285	$3,222 85	$6,445 70	$9,668 55	$12,891 40
Boston	8,167	1,372 06	7,950	1,001 70	32,435	2,724 40	53,923	4,745 22	9,843 38	102,475	1,024 75	2,049 50	3,074 25	4,099 00
Philadelphia	15,083	2,533 34	20,473	2,579 60	29,021	2,437 76	73,945	6,517 16	14,057 86	138,524	1,385 24	2,770 48	4,155 72	5,540 96
Chicago	7,541	1,267 08	2,337	294 46	25,021	2,101 76	43,747	3,849 81	7,513 21	78,648	786 48	1,572 96	2,259 44	3,145 92
Cincinnati	5,039	846 55	2,327	293 20	12,401	1,041 68	25,414	2,306 43	4,487 86	45,181	451 81	903 62	1,355 43	1,807 24
Saint Louis	3,578	601 10	2,774	349 52	14,147	1,188 34	21,593	1,900 18	4,039 14	42,092	420 92	841 84	1,262 76	1,683 68
Pittsburgh	567	95 25	587	73 96	6,787	570 10	7,453	655 86	1,395 17	15,394	153 94	307 88	461 82	615 76
Total	70,157	11,785 94	51,544	6,494 44	215,762	18,123 84	407,134	35,897 66	72,301 98	744,599	7,445 99	14,891 98	22,337 97	29,783 96

*Estimated at 16 cents per pound, adding 5 per cent. to weight to allow for fractional parts of two ounces.
†Estimated on the basis of one-half at 16 cents per pound and one-half at 8 cents per pound, adding 5 per cent. to weight.
‡Estimated at 8 cents per pound, adding 5 per cent. for fractional parts of two ounces.
§Estimated at 8 cents per pound, adding 10 per cent. to weight for fractional parts. This class includes circulars and other articles, generally much below the weight allowed at one rate.

TABLE No. 4.—*Showing the annual circulation of periodicals; number of copies that pass through the mails; their weight; the amount of postage that should be collected under present rates; the amount per pound which should be collected under present rates; and the amount of postage which could be collected at different rates with advanced payment.*

Frequency of issue.	Annual circulation or number of copies printed.	Per cent. of circulation that passes through the mails.	Number of copies that pass through the mails annually.	Rate of postage under the present law.	Total amount of postage that should be collected under the present law.	Average weight of copy.	Weight of circulation passing through the mails.	Amount received per pound on each class under the present rate of postage.	Average amount received per pound on each class of periodicals as divided and rated under present rates for matter of second class.	Average weight of periodicals as divided under the present law governing matter of second class.	Amount which could be collected at 1½ cents per pound on newspapers and 3 cents on magazines.	Amount which could be collected at 1 cent per pound on newspapers and 4 cents on magazines.	Amount which could be collected on all classes at 2 cents per pound.	Total postage at the rate of 1 cent per pound on periodicals issued once a week and more frequently; and 2 cents per pound on those issued less frequently than once a week.
						Oz.	*Pounds.*	*Cents.*						
Daily	806,479,570	10	80,647,957	$1 20	$318,184 80	1¾	8,871,275½	3.58	2.26 cents	2.69 oz.	$133,069 13	$88,712 75	$177,425 50	$88,712 75
Tri-weekly	24,196,380	60	14,517,828	60	55,837 80	2	1,814,736	3.07	once a	once a	27,221 04	18,147 36	36,294 72	18,147 36
Semi-weekly	25,708,488	60	15,425,093	40	59,327 20	2	1,928,136⅓	3.07	week and	week and	28,922 05	19,281 36	38,562 72	19,281 36
Weekly	550,921,436	60	330,552,861	20	1,251,377 00	3	61,815,385	2.05	oftener.	oftener.	927,230 82	618,153 85	1,236,307 70	616,153 85
Semi-monthly	32,395,680	60	19,437,408	24	194,134 08	3	3,634,795	5.33	4.71 cents	5.7 ounces	109,043 85	145,391 80	72,695 90	72,795 90
Monthly	67,810,116	60	40,686,069	12	813,721 20	7	17,698.440¼	4.57	less than	less than	530,953 20	707,937 61	353,968 80	353,968 80
Bi-monthly	1,036,580	60	621,948	4	11,679 36	8	310,974	4.00	once a	once a	9,329 22	12,438 96	6,219 48	6,219 48
Quarterly								4.00	a week.	week.	.....	.....	.....	.....
Total	1,508,548,250	.....	501,889,164	.....	2,704,261 44	.....	96,073,742⅓	.....	.....	.....	765,769 31	1,610,063 68	1,921,474 82	1,175,279 50

Amount of revenue which should be collected at present rates upon the basis of circulation of 1870	$2,704,261 44
Estimated increase of 20 per cent	504,852 29
Amount which should be collected at present rates of postage. and which would be collected if advance payment was demanded	3,245,113 73
Amount premiums which 1½ cents on newspapers and 3 cents on periodicals would yield on amount transported in mails in the year 1870	1,765,769 31
Add 20 per cent. increase estimate	353,158 10
Amount which proposed law would yield	2,118,922 91

These estimates are made on the basis of the circulation of periodicals as given by the census report of 1870.
Estimated increase since 1870, 20 per cent.

Amount of revenue which would be derived at the following rates on 21,644,209 pounds, being the weight of papers published less frequently than once a week, transmitted through the mails.

1 cent per pound	$216,442 09
1½ cents per pound	270,552 61
1½ cents per pound	324,663 13
1¾ cents per pound	378,773 65
2 cents per pound	432,884 18
2½ cents per pound	541,105 22
3 cents per pound	649,326 27
3½ cents per pound	757,547 31
4 cents per pound	865,768 36

Amount of revenue which would be derived at the following rates on 74,429,532 pounds, being weight of papers published once a week and more frequently, transmitted through the mails.

1 cent per pound	$744,295 32
1½ cents per pound	930,369 15
1½ cents per pound	1,116,442 98
1¾ cents per pound	1,302,516 81
2 cents per pound	1,488,590 64
2½ cents per pound	1,674,664 47
2½ cents per pound	1,860,738 37
2¾ cents per pound	$2,046,812 13
3 cents per pound	2,232,885 96

Amount of revenue derived per pound from periodicals of different weights at the present rates of postage for once a week or oftener.

	Cents.
1 ounce	6.15
1½ ounces	4.10
2 ounces	3.07
2½ ounces	2.45
3 ounces	2.05
3½ ounces	1.76
4 ounces	1.54

Amount of revenue derived per pound from periodicals of different weights at the present rates of postage for those issued less frequently than once a week.

	Cents.
3 ounces	5.33
4 ounces	4.00
5 ounces	6.40
6 ounces	5.33
7 ounces	4.57
8 ounces	4.00

Mr. HAWLEY, of Connecticut. I want to have it distinctly understood that if the previous question is now ordered there can be no debate and no amendment. Is that so?

The SPEAKER. That would be so.

Mr. HAWLEY, of Connecticut. No debate and no amendment.

The question being taken on seconding the demand for the previous question, there were—ayes 80, noes 54; no quorum voting.

Tellers were ordered under the rule; and Mr. CANNON, of Illinois, and Mr. HAWLEY, of Connecticut, were appointed.

The House again divided; and the tellers reported—ayes 86, noes 61.

So the previous question was seconded, and the main question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. HAWLEY, of Connecticut. Inasmuch as they have refused explanation or amendment or defense on the part of the people who are to be taxed millions of dollars, I call for the yeas and nays.

Mr. COX. And pending that I move that the House do now adjourn.

The question being taken on the motion that the House adjourn, there were—ayes 59, noes 77.

So the House refused to adjourn.

The question recurred on ordering the yeas and nays on the passage of the bill; and being taken, there were ayes 22; not a sufficient number.

Mr. HARRIS, of Virginia. I call for tellers on the yeas and nays.

Mr. WOODFORD. Let me say this: All that the opponents of this bill want is fifteen minutes. Will the House not agree to give that?

Mr. CANNON, of Illinois. Mr. Speaker——

Mr. SPEER. I object to debate.

Mr. CANNON, of Illinois. I am not proposing to debate.

On the question of ordering tellers on the yeas and nays there were ayes 30.

So (the affirmative being one-fifth of a quorum) tellers were ordered; and the Chair appointed Mr. CANNON of Illinois, and Mr. HAWLEY of Connecticut.

Mr. FORT. I understand that the other side want fifteen minutes for debate. I do not suppose that there is any objection to that.

Mr. CANNON, of Illinois. If the gentleman from Pennsylvania [Mr. SPEER] will allow me to say a word, I may perhaps settle this matter. When I was making my remarks I expected to have some time after the previous question was ordered, and I said to several gentlemen that I would accommodate them with a little time. They have been coming to me and accusing me of unfair play. The Lord knows I do not want to strangle any investigation or talk on this bill. And if under the rules of the House fifteen minutes can be given, I would not be so ugly as to refuse it. I do not wish to give any man an opportunity to shake his locks at me and say I had not acted fairly.

The SPEAKER. Is there any objection to allowing fifteen minutes for debate?

Mr. BURCHARD. Has not the gentleman from Illinois [Mr. CANNON] the right to an hour to close debate?

The SPEAKER. The gentleman took his hour before calling the previous question.

Mr. BURCHARD. Did he take the full hour? Has he not a portion of the hour left?

The SPEAKER. The gentleman, if he desires, can move to reconsider the vote by which the previous question was ordered.

Mr. FORT. I hope there will be no objection to fifteen minutes being given for debate.

Mr. STORM. I object to that proposition. There should be half an hour.

Mr. DAWES. What avail fifteen minutes for debate if we cannot offer an amendment? I understand nobody is opposed to the principle of the bill. All that is wanted is an opportunity to offer amendments. I understand that universally the bill is commended.

Mr. CANNON, of Illinois. I was instructed by my committee to allow no amendment.

Mr. HARRIS, of Virginia. I desire to ask the gentleman who has charge of the bill if he will so far suspend the operation of the previous question as to allow the motion to strike out the second section?

Mr. CANNON, of Illinois. I cannot do it under the instructions I have from the committee.

The SPEAKER. The gentleman declines to admit any amendment; and there is objection to anything being done by unanimous consent. The best way in such cases is to let the rules operate. The tellers will please take their places.

The House divided; and the tellers reported ayes 36.

So (the affirmative being one-fifth of those present) the yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 73, not voting 106; as follows:

YEAS—Messrs. Albert, Arthur, Atkins, Barrere, Barry, Begole, Bell, Berry, Bradley, Bright, Bromberg, Buckner, Burchard, Burrows, Cannon, Cason, Cessna, Clements, Stephen A. Cobb, Conger, Cook, Cotton, Crocker, Crounse, Crutchfield, Curtis, Danford, Darrall, Dobbins, Dunnell, Eames, Eden, Farwell, Field, Fort, Freeman, Gooch, Hagans, Hamilton, Benjamin W. Harris, Henry R. Harris, Harrison, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Knapp, Lamport, Lawson, Loughridge, Lowe, Lowndes, Martin, McCrary, Alexander S. McDill, James W. McDill, McNulta, Merriam, Morey, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Pendleton, Phillips, Pike, James H. Platt, jr., Rapier, Ray, Rice, Richmond, James W. Robinson, Sawyer, Henry B. Sayler, Isaac W. Scudder, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Small, George L. Smith, J. Ambler Smith, John Q. Smith, Sprague, Starkweather, Strait, Charles R. Thomas, Thornburgh, Townsend, Tyner, Waldron, Jasper D. Ward, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, and Woodworth—110.

NAYS—Messrs. Ashe, Averill, Banning, Barber, Biery, Bland, Blount, Bowen, Brown, Buffinton, Burleigh, Caldwell, John B. Clark, jr., Coburn, Cox, Crittenden, Davis, Dawes, De Witt, Donnan, Durham, Giddings, Glover, Gunckel, Hancock, John T. Harris, Hatcher, Havens, Joseph R. Hawley, Hendee, Hereford, Houghton, Hunton, Lawrence, Lynch, Magee, Marshall, Maynard, MacDougall, Milliken, Monroe, Moore, Morrison, Neal, O'Neill, Phelps, Pierce, Rainey, Ransier, Robbins, James C. Robinson, Milton Sayler, Henry J. Scudder, Sener, Sessions, Smart, A. Herr Smith, William A. Smith, Speer, Stanard, Stone, Storm, Todd, Vance, Wallace, Wells, Whitehead, Whiteley, Whitthorne, Willie, James Wilson, Woodford, and John D. Young—73.

NOT VOTING—Messrs. Adams, Albright, Archer, Barnum, Bass, Beck, Bundy, Benjamin F. Butler, Roderick R. Butler, Cain, Amos Clark, jr., Freeman Clarke, Clayton, Clymer, Clinton L. Cobb, Comingo, Corwin, Creamer, Crooke, Crossland, Duell, Eldredge, Elliott, Foster, Frye, Garfield, Eugene Hale, Robert S. Hale, Harmer, Hathorn, Hays, Herndon, Hersey, Hodges, Hooper, Howe, Hynes, Jewett, Kelley, Kellogg, Kendall, Killinger, Lamar, Lamison, Lansing, Leach, Lewis, Lofland, Luttrell, McJunkin, McKee, McLean, Mills, Mitchell, Myers, Negley, Nesmith, Niblack, Niles, Nunn, O'Brien, Hosea W. Parker, Parsons, Perry, Thomas C. Platt, Poland, Potter, Pratt, Purman, Randall, Read, Ellis H. Roberts, William R. Roberts, Ross, Rusk, John G. Schumaker, Scofield, Sherwood, Sloan, Sloss, H. Boardman Smith, Snyder, Southard, Standiford, Stephens, St. John, Stowell, Strawbridge, Swann, Sypher, Taylor, Christopher Y. Thomas, Tremain, Waddell, Walls, Marcus L. Ward, Wheeler, White, Whitehouse, Wilber, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, and Pierce M. B. Young—106.

So the bill was passed.

Mr. HARRIS, of Georgia, stated that Mr. LAMAR was detained from the House by sickness.

The result of the vote was then announced as above recorded.

Mr. CANNON, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

AMENDMENTS TO POSTAL CODE.

Mr. PACKER, from the Committee on the Post-Office and Post-Roads, reported back, with a favorable recommendation, the bill (H. R. No. 3603) to amend sections 245, 246, 247, and 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that section 245, section 246, section 247, and section 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, be amended to read as follows:

SEC. 245. That every proposal for carrying the mail shall be accompanied by the bond of the bidder with sureties approved by a postmaster, and, in cases where the amount of the bond exceeds $5,000, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster-General in the advertisement of each route, to which bond a condition shall be annexed, that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties to be approved by the Postmaster-General, to perform the service proposed in his said bid, and further that he shall perform the said service according to his contract then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond, and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith and with the intention to enter into contract and perform the service in case his bid is accepted.

SEC. 246. That before the bond of a bidder provided for in the aforesaid section is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate, worth, in the aggregate, a sum double the amount of the said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever.

SEC. 247. That any postmaster who shall affix his signature to the approval of any bond of a bidder or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly or without the exercise of due diligence approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office, and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or both.

SEC. 253. That hereafter all bidders upon every mail-route for the transportation of the mails upon the same, where the annual compensation for the service on such route at the time exceeds the sum of $5,000 shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General, upon some solvent national bank, which check or draft shall not be less than 5 per cent. on the amount of the annual pay on said route at the time such bid is made, and, in case of new or modified service, not less than 5 per cent. of the amount of the bond of the bidder required to accompany his bid, if the amount of the said bond exceeds $5,000. In case any bidder, on being awarded any such contract, shall fail to execute the same, with good and sufficient sureties, according to the terms on which such bid was made and accepted, and enter upon the performance of the service to the satisfaction of the Postmaster-General, such bidder shall, in addition to his liability on his bond accompanying his bid, forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury for the use of the Post-Office Department; but if such contract shall be duly executed and the service entered upon as aforesaid, such draft or check so deposited shall be returned to the bidder. And if any regular contractor for the transmission of the mail upon any route shall fail

or refuse to perform such service, the Postmaster-General shall proceed to contract with the next lowest bidder for such service at such regular letting, who will enter into contract, and perform the same, unless the Postmaster-General shall consider such bid too high; and in case such next lowest bidder shall refuse to enter into contract and perform the same the Postmaster-General may then award such service and enter into contract with any other person or persons who will duly enter into contract and perform the same at a price not exceeding that bid by such next lowest bidder. And in case of failure thus to secure a contract and the performance of such service as required by law, the Postmaster-General shall proceed in like manner, as soon as practicable, to offer the same to the several bidders at such letting, and also to all other persons competent to contract, at a price not exceeding the prices and sums bid at such letting, in the order of such bids, commencing at the next lowest bid and going up the said list of bids upon such route, unless he shall consider all such bids too high, until he shall secure a proper contract and the satisfactory performance of such service, preferring and giving to each of such bidders, respectively, the right, within such time as the Postmaster-General may designate, to accept such service, and enter into contract for the performance thereof at his or their original bid: *Provided, however*, That whenever a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established, or new service required, or when from any other cause there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until a letting under advertisement can take place: *And provided further*, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service under the last preceding regular contract thereon.

Mr. PACKER. Mr. Speaker, no one who has given any attention to the frauds practiced upon the Government by means of fictitious or "straw" bidding at the lettings of mail contracts can doubt the propriety, if not the necessity, for some additional legislation to aid the Post-Office Department in its effort to suppress it; and it will require but little explanation to show that the bill proposed by the Committee on the Post-Office and Post-Roads will close the door against very many at least of the abuses and fraudulent practices by which unscrupulous men have preyed upon the Treasury of the Government, and have sought to enrich themselves at the cost of the people.

From the earliest period in the postal history of the country it has been the policy of the Government to invite competition in bidding at all lettings of mail contracts by advertisement, and to require that the contract should be awarded to the lowest bidder.

Previous to the mail letting of 1871, the practice of the Department had varied in relation to the allotment of contracts where the lowest or accepted bidder made default, some of the Postmasters-General having held that they had the right, under such circumstances, to accept the next lowest bidder willing to perform the service, and to enter into contract with him without readvertising the routes. That construction of the law, however, was regarded by others as being more than doubtful, and while it saved the cost of readvertising, it was found that frequently the Department was met by the allegation that the transportation of the mails could have been secured at lower rates if the route had again been thrown open to competition.

Finding himself thus embarrassed by the conflicting views and variant practice of his predecessors, and confronted by the fact that a considerable number of the bidders for some of the largest mail-routes in the Southwest had failed to execute their contracts, the present vigilant head of the Department asked the opinion of the Attorney-General in relation to his powers and duties in the premises. In response to his inquiries, that officer, upon the 20th day of July, 1871, in an opinion in which he reviewed the several provisions of the acts of 1825, 1836, and 1845, then in force in relation to mail contracts, decided that the Postmaster-General could only make a regular contract after advertisement in the manner prescribed by law, and with the lowest bidder, and that, in the event of the failure of such lowest bidder, the Postmaster-General had no discretion under the law, but was bound to readvertise the route, making temporary contracts to supply the service until a regular letting could take place.

The result and practical operation of this ruling almost necessarily was that upon the large routes, employing a large number of men and stages and hundreds of horses, the other bidders not being bound and almost invariably refusing to accept a contract for less than the regular term of four years, the Department was obliged, in order to continue the service, to make the best terms it could with the former contractor, for he was the only person prepared to perform the work, and no one else would or could afford to purchase the necessary amount of stock for a temporary contract of a few months.

In many cases there is no doubt but these low bids, usually designated as straw bids, were put in in the interest of the old contractors upon the route, who felt morally certain that the temporary contract could only be performed by them; but the bids being regular in form, and the lowest bidder having performed all the prerequisites prescribed by law, was entitled, as the law thus stood and as construed by the law-officer of the Government, to have his bid accepted and the contract awarded to him.

From time to time Congress has endeavored to break up this system and has passed numerous enactments to prevent the repetition of these practices. The ingenuity, however, of the parties engaged in it has devised means to elude many of the provisions which it was hoped would successfully check it, and recent experience shows that some additional legislation is necessary to meet contingencies not fully foreseen and not sufficiently provided for.

One of the restrictions imposed upon bidders by section 245 of the postal code of June 8, 1872, provided—

That every proposal for carrying the mail shall be accompanied by a written guarantee, signed by one or more responsible persons, and undertaking that, within such time after the bid is accepted as the Postmaster-General may prescribe, the bidder will enter into an obligation, with good and sufficient sureties, to perform the service proposed; and no proposals shall be considered unless accompanied by such guarantee.

But upon this the value of the guarantee is made to depend mainly upon the amount of the bid, and if the bid is small, or more expressively if it is "straw," the guarantee furnishes but little, if any, protection to the Government Experience has shown, too, that among the thirty-five thousand postmasters scattered all over the country, some can be found who will certify to the sufficiency of guarantors, without exercising due care and diligence in making inquiry into the question of their responsibility.

By the bill just reported we require:

That every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds $5,000, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster-General in the advertisement of each route, to which bond a condition shall be annexed, that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties to be approved by the Postmaster-General, to perform the service proposed in his said bid, and further that he shall perform the said service according to his contract then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith and with the intention to enter into contract and perform the service in case his bid is accepted.

Thus it will be seen that the amount of the bond which is to be substituted in place of the guarantee provided for by the act of 1872 is to be fixed and designated by the Postmaster-Generel in the advertisement of each route; that the sureties are to be approved, where the amount of the bond exceeds $5,000, by a postmaster holding his commission by appointment from the President, and of the first, second, or third class, and that they are to be bound in the whole penalty of the bond, not only for the execution of the contract by the bidder, but that he shall perform the service according to his contract.

By the amendment to the two hundred and forty-seventh section the bill provides:

That any postmaster who shall affix his signature of the approval of any bond of a bidder or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly or without the exercise of due diligence approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office, and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and on conviction thereof be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or both.

As an additional measure of protection the committee provide by their amendment of the two hundred and forty-sixth section—

That before the bond of a bidder provided for in the aforesaid section is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate worth in the aggregate a sum double the amount of the said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever.

Another of the provisions heretofore relied upon as furnishing additional security and protection was the deposit of a certified check along with the bid. By the act of March 3, 1871, making appropriations for the service of the Post-Office Department, (16 Statutes at Large, page 571,) it was provided:

SEC. 4. That all bidders upon every mail-route for the transportation of mails upon the same shall hereafter accompany their bids (where they exceed $5,000) with a certified check or draft, payable to the order of the Postmaster-General, of some reliable banking house or banking institution, which check or draft shall not be less than 5 per cent. on the amount that they would receive in any one year under such bid. In case any bidder, on being awarded any such contract, shall fail to enter into good and sufficient bonds to faithfully carry out such contract, such bidder or bidders shall forfeit the amount so deposited to the United States for the use of the Post-Office Department; otherwise such draft or check so deposited shall be returned to the bidder to whom it belongs.

Under this section, however, the amount of the certified check or draft was regulated by the amount of the bid, being for but "5 per cent. of the annual pay" designated by the bid; the deposit not being required at all if the bid was lower than $5,000 per annum. The object of the law was therefore practically defeated by the straw bidder either bidding below the $5,000, or making the sum in addition so small that the 5 per cent. would be of no consequence.

The act of 1872 went one step further, however, and provided that bidders, where the annual compensation for the service on the route at the time exceeds $5,000, shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General, upon some solvent national bank for not less than 5 per cent. on the amount of the annual pay on such route at the time the bid is made, and in case of new service for not less than 5 per cent. of the amount of one year's pay proposed in such bids if the bid exceeds $5,000 per annum.

In all cases of *new* service, then, it will be seen the act of 1872 was as defective as the act of 1871; and when it is remembered that all changes or alterations in the route itself, or in the kind or manner of service employed thereon, brings it within the classification officially regarded as "new service," it will be seen that in a majority of cases

its provisions can be evaded in the same manner and just as effectually as were those of the act of 1871.

The bill now before the House requires, it will be seen, that in case of *new or modified service* the certified check or draft to be deposited shall not be less than 5 per cent. of the amount of the bond of the bidder required to accompany his bid; and as the amount of the bond is to be designated by the Postmaster-General in the advertisement for the letting, the amount of the check will be entirely under the control of the Department. That part of the section provides:

That hereafter all bidders upon every mail route for the transportation of the mails upon the same, where the annual compensation for the service on such route at the time exceeds the sum of $5,000, shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General, upon some solvent national bank, which check or draft shall not be less than 5 per cent. on the amount of the annual pay on said route at the time such bid is made, and in case of new or modified service not less than 5 per cent. of the amount of the bond of the bidder required to accompany his bid, if the amount of the said bond exceeds $5,000. In case any bidder, on being awarded any such contract, shall fail to execute the same, with good and sufficient sureties, according to the terms on which such bid was made and accepted, and enter upon the performance of the service to the satisfaction of the Postmaster-General, such bidder shall, in addition to his liability on his bond accompanying his bid, forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury for the use of the Post-Office Department; but if such contract shall be duly executed and the service entered upon as aforesaid, such draft or check so deposited shall be returned to the bidder.

The remaining part of this section supplies an omission in the postal code of 1872, by making provision, upon the terms and conditions stated, for making a contract where the contractor, having entered into the contract and commenced the service to the satisfaction of the Postmaster-General, afterwards fails or refuses to perform such service. It provides that—

If any regular contractor for the transmission of the mail upon any route shall fail or refuse to perform such service, the Postmaster-General shall proceed to contract with the next lowest bidder for such service at such regular letting.

These several provisions it is believed, Mr. Speaker, will render many of the irregularities and practices to which these straw-bidders have resorted to overreach the Government impracticable, if not impossible, and will enable the Postmaster-General so to control the lettings of mail contracts that honest bidders will not be at the mercy of these men of straw, and so that, being rid of these fraudulent bids, the Post-Office Department will be able to save thousands of dollars annually to the Treasury.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PACKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EVENING SESSION FOR TUESDAY NEXT.

Mr. HARRIS, of Virginia. I ask unanimous consent that a session of the House be ordered for Tuesday evening next for debate only, no business whatever to be transacted.

No objection was made, and it was so ordered.

AMENDMENTS TO POSTAL CODE.

Mr. COBB, of Kansas, from the Committee on the Post-Office and Post-Roads, reported favorably a bill (H. R. No. 2046) to amend the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, and eighty-sixth sections of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, fixing and prescribing the method for adjusting the salaries of postmasters.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, and eighty-sixth sections of the act to revise, consolidate, and amend the statutes relating to the Post-Office Department, approved June 8, 1872, be amended to read as follows:

SEC. 63. That the postmasters, except the postmaster at New York City, whose annual salary is hereby fixed at $6,000, shall be divided into four classes, as follows: The first class shall embrace all those whose annual salaries are not more than $4,000 nor less than $3,000; the second class shall embrace all those whose annual salaries are less than $3,000 but not less than $2,000; the third class shall embrace all those whose annual salaries are less than $2,000 but not less than $1,000; the fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices, amounts to less than $1,000.

SEC. 80. That the postmaster at New York City and postmasters of the first, second, and third classes shall be appointed and may be removed by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed, and may be removed, by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department.

SEC. 81. That the compensation of the postmaster at New York City shall be $6,000 per annum, and the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed, by the Postmaster-General, from their respective quarterly returns to the Auditor for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or readjustment, by adding to the whole amount of box rents, not exceeding $2,000 per annum, commissions also not to exceed $2,000 per annum on the other postal revenues of the office, at the following rates, namely: On the first $100 per quarter, 60 per cent.; on all over $100 and not over $400 per quarter, 50 per cent.; on all over $400 and not over $2,400 per quarter, 40 per cent.; and on all over $2,400 per quarter, 15 per cent. And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case: *Provided*, That whenever, by reason of the extension of free delivery of letters, the box rents of any post-office are decreased, the Postmaster-General may allow, out of the receipts of such office, a sum sufficient to maintain the salary thereof at the amount at which it had been fixed before the decrease in box rents.

SEC. 82. That the compensation of postmasters of the fourth class shall be the box rents collected at their offices, and commissions on other postal revenues of their offices at the rate of 60 per cent. on the first $100 or less per quarter; 50 per cent. on the next $300 or less per quarter; 40 per cent. on the excess above $400 per quarter; the same to be ascertained and allowed by the Auditor in the settlement of the quarterly accounts of such postmasters: *Provided*, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to $1,000, the Auditor shall report such fact to the Postmaster-General, in order that such postmaster may be assigned to his proper class, and his salary fixed as heretofore provided.

SEC. 83. That the salaries of postmasters of the first, second, and third classes, except that of the postmaster at New York City, shall be readjusted by the Postmaster-General once in two years, and in special cases as much oftener as he may deem expedient; and when the quarterly returns of any postmaster of the third class show that the salary allowed is 20 per cent. less than it would be on the basis of commission, the Postmaster-General shall readjust the same, on the application in writing by the postmaster, accompanied by a full statement under oath, of the whole revenues of the office, in accordance with his quarterly returns made to the Auditor of the Post-Office Department for at least two quarters immediately preceding such application; and, further, to ascertain and verify the postal receipts of each office, the Postmaster-General may require the Auditor of the Post-Office Department to furnish him copies of the quarterly returns from any postmaster at such times and for such periods as he may deem necessary in each case.

SEC. 84. That the Postmaster-General shall make all orders assigning or changing the salaries of postmasters in writing, and record them in his journal, and notify the change to the Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order: *Provided*, That in cases of not less than 50 per cent. increase or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such office, to take effect from the first day of the quarter or period the returns for which form the basis of readjustment.

SEC. 86. That the Postmaster-General may designate offices at the intersection of mail-routes as distributing or separating offices; and where any such office is of the third or fourth class, he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

Mr. COBB, of Kansas. I desire to submit a few words of explanation.

Mr. HOLMAN. Does not this bill practically increase the salaries of postmasters, and is it not therefore liable to the point of order which would require its first consideration in Committee of the Whole?

Mr. COBB, of Kansas. If the gentleman will hear me for one moment, he will see that this bill does not increase the salary of a single officer of the Government. The first portion of the bill simply merges the five classes of postmasters as now provided by law into four classes; that is, what are the fourth and fifth classes now are made one class under this bill. The first, second, and third classes are left as they now stand, the postmasters of the first class receiving a salary not exceeding $4,000, of the second class not exceeding $3,000, and of the third class not exceeding $2,000. Those are the classes as they now exist, and include all the officers who receive salaries over $1,000, except the postmaster at New York City, whose salary is fixed by law at $6,000. The first clause of section 80 of the postal code as it now stands is as follows:

That the compensation of postmasters shall be a fixed annual salary to be divided into five classes, exclusive of the postmaster of New York City, whose salary shall be $6,000.

Not a salary is changed in any respect whatever by the provisions of this bill. The advantages of this bill are these: Postmasters are now paid at the rate determined by the amount of stamps canceled at their offices. This bill provides that the annual receipts of the office shall be the measure of compensation. I suppose the wisdom of such a provision as that must be apparent to every gentleman, because it provides a direct accountability on the part of the thirty-three thousand postmasters throughout the country to the head of the Post-Office Department in Washington. As the law now is, the Postmaster-General is unable to determine what number of stamps are canceled at this office or at that, or whether any are canceled at all. In fact there is no direct stream of accountability running between the postmasters of this country, the remotest postmaster in the land, and the Posmaster-General in Washington. If this bill shall become a law, it will make it incumbent upon all postmasters in California, in Indiana, or elsewhere, to account for every dollar's worth of stamps that comes into their hands, for every dollar's worth of stationery and other property of every character. As the law now stands, there have been frequent instances where postmasters have canceled more stamps than have actually been delivered—where the cancelation exceeds the amount of the entire receipts in the office. An instance of that kind came up from Virginia the other day.

Mr. BROMBERG. Does the gentleman assert that there is now no way of ascertaining the amount of stamps coming into the hands of a postmaster?

Mr. COBB, of Kansas. You can ascertain that; but you cannot ascertain how many stamps the postmaster cancels. Suppose, for instance, that the gentleman was postmaster of Mobile. It would be impossible by any rule now existing for the Postmaster-General to tell how many stamps he may have canceled as such postmaster.

Mr. BROMBERG. I know that; but is not the salary now adjusted according to the amount of receipts?

Mr. COBB, of Kansas. No; that is what this bill does, and is ex-

actly what the law does not do to-day. The last clause of section 83 of the postal code provides:

In order to ascertain the amount of all the postal receipts of each office, the Postmaster-General shall require postmasters to state under oath, at such times and for such purposes as he may deem necessary in each case, the amount of stamps canceled, the amount of box-rent received, the amount of unpaid postage collected, and the amount of postage on printed and other mailable matter.

That is the measure of the compensation of all the postmasters throughout the United States. By this bill, referring to section 72 of the postal code as it now stands, it is provided.

That each postmaster shall render to the Postmaster-General under oath, and in such form as the latter shall prescribe, a quarterly account of all moneys received or charged by him at his office for postage, rent of boxes, or other receptacles for mail matter, or by reason of keeping branch offices or for the delivery of mail matter in any manner whatever.

Here is the starting-point under this bill for the measure of compensation. Tracing it up on page 3 of the present bill, line 19, we find it provided:

And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case.

This is in order to determine the compensation of the postmaster. To-day, in order to determine his compensation, the postmaster swears to the amount of stamps he has canceled; he does not refer to his quarterly returns which show the property for which he is accountable to the Government of the United States.

Now, referring to section 82 of this bill, this is the compensation of postmasters of the fourth class; that is, those whose salaries are less than $1,000. It will be seen that the salaries of these officers are adjusted quarterly in accordance with the work they do; so that the bill is symmetrical in its character. The law is harmonious, and creates an accountability between these officers in the different parts of the country and the source of power here in the capital. The wisdom of the bill it seems to me must be apparent to every gentleman.

Mr. LAWRENCE. This bill, as I understand it, requires postmasters to keep an account of all letters mailed at their offices. Now this will be considerable trouble. How can a postmaster report the number of stamps canceled at his office unless he keeps an account of the number of letters mailed?

Mr. COBB, of Kansas. This bill provides no such thing; the gentleman is mistaken; there is no provision of that kind.

Mr. LAWRENCE. How can the postmaster report the number of stamps canceled unless he reports the number of letters mailed?

Mr. COBB, of Kansas. Is it not perfectly plain to the gentleman that if a postmaster is charged with $100 worth of postage-stamps and at the end of the quarter accounts for only $50, he is responsible for $50 worth of stamps, though he has kept no record of the cancellation?

Mr. LAWRENCE. I understand that; but this bill fixes the salaries of the postmasters not by the stamps furnished to them, but by the stamps canceled at their office.

Mr. COBB, of Kansas. No; their compensation is to be fixed by the stamps sold by them, the box rents, and everything else of that kind. When property is issued to an official he ought to be held responsible for it. This bill proposes to fix the basis of compensation upon that accountability which can be known through the fountain-head of power; not by the oath of the officer to some irregular statement where there is no sufficient accountability.

Mr. LAWRENCE. How is the salary to be regulated?

Mr. COBB, of Kansas. By the amount of stamps sold, by the box rents, and by all the receipts of the office.

Mr. PENDLETON. Suppose a party residing at a small town or village should go to the New York City post-office or any other large office, and purchase stamps; what would be the effect upon the smaller post-office at the place where the party resides, the stamps being bought at a first-class office and used at one of a lower class?

Mr. COBB, of Kansas. In such a case it would reduce, of course, the salary of the postmaster at the smaller office. But that is an extreme case. Such cases might be supposed under any rule of compensation.

Mr. HOSKINS. Will not this bill allow interested parties to go to other post-offices than their own and purchase stamps to be used at the post-office where they reside, thus benefiting the more remote post-office at the expense of the office through which the matter is mailed?

Mr. COBB, of Kansas. Certainly that might be done. But if the gentleman will refer to section 72 of the postal code he will see exactly what accountability is created by these quarterly returns of the postmasters, and will see that it is the amount of property for which the postmaster is responsible.

Now let me explain the change as to section 84. It is merely that in cases of less than 50 per cent. increase or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such office. The last section is in harmony with the rest of the bill merging the fourth and fifth classes of postmasters.

Mr. HAWLEY, of Illinois. Allow me to ask the gentleman whether under the present law the salary is not fixed according to the amount of stamps canceled at the office?

Mr. COBB, of Kansas. That is the present law exactly; and the only way to determine the accountability is by the oath of the postmaster himself, swearing to the amount of stamps. That provision in the existing law is in fact subornation to perjury on the part of every postmaster in the country. We propose to change the rule by making the actual receipts of the office the measure of compensation. For instance, $100 worth of postage-stamps are issued to a postmaster; if he returns none of those stamps to the Department he will be held responsible for that amount, and his compensation will be fixed accordingly.

Mr. HAWLEY, of Illinois. The gentleman will allow me just one suggestion. The standard adopted by the present law—the amount of stamps on letters and newspapers, canceled in the ordinary course of business at any office—does show the amount of business done by that office. But if you fix the salary to make it depend upon the amount of stamps sold at an office, I submit to the gentleman from Kansas fraud will be without limit, and for this reason: the postmaster who is disposed to commit fraud may sell any amount of postage-stamps to anybody who may wish to buy them.

Mr. SHOEMAKER, of Pennsylvania. The bill is not based on the stamps sold but on those canceled.

Mr. MACDOUGALL. That is the law now.

Mr. COBB, of Kansas. I believe I understand this bill, and it is as I have stated it. These officers' accounts are adjusted quarterly. If the officer sells $100 worth of stamps this quarter in order to maintain his salary, he has to sell $100 worth of stamps next quarter. These extreme cases presupposed by the gentleman from Illinois do not militate against the proper working of this law at all.

Mr. HAWLEY, of Illinois. Is it proposed to make the salary dependent on the amount of stamps sold?

Mr. COBB, of Kansas. On the amount of box rents, the amount of stamps sold, and all property which may come into his hands, as will be shown by the returns made to the Auditor of the Treasury for the Post-Office Department.

Mr. HAWLEY, of Illinois. But not of stamps canceled.

Mr. COBB, of Kansas. But not of stamps canceled at the office of delivery.

Mr. HAWLEY, of Illinois. A postmaster doing business at Davenport, Iowa, may go and sell his stamps at Dubuque, Iowa. If active he may send his agents around to sell them, and sell them at a fraction below their face value for the purpose of increasing the amount of business of his office. He may carry that to the extent of thousands and thousands of dollars. He cannot do it now because the amount of compensation is dependent upon the stamps canceled. He has now to swear to the amount of stamps canceled.

Mr. COBB, of Kansas. The gentleman has presupposed a case in which a postmaster commits an offense against the law as it now exists. That is positively prohibited by statute.

Mr. WILLARD, of Vermont. The clerical services, then, depend upon the receipts of the office?

Mr. COBB, of Kansas. That is the same as now.

Mr. HAWLEY, of Illinois. Under this bill a postmaster for the purpose of increasing the amount of sales for a certain period may get his friends to buy stamps enough to last them for six months or a year.

Mr. COBB, of Kansas. In answer to the gentleman from Vermont I will say the provision to which he refers is the law as it is now. There is no change in any respect.

Mr. MACDOUGALL. How often is this compensation to be adjusted?

Mr. COBB, of Kansas. Once in two years in post-offices of the first, second, and third classes, and quarterly if deemed necesary in the fourth class—receipts regulate the adjustment. I demand the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. COBB, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

NELSON GREEN.

Mr. GARFIELD. A motion to adjourn is now in order.

The SPEAKER. The Committee on the Post-Office and Post-Roads is still entitled to the floor.

Mr. PACKER. The Committee on the Post-Office and Post-Roads only ask the House to consider one more bill this evening, which is necessary to be passed in order to protect the rights of the Government as well as those of private parties.

Mr. DANFORD, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. No. 3609) for the relief of Nelson Green; which was read a first and second time.

The bill was read. It authorizes and directs the Postmaster-General to release Nelson Green, of Bay City, Michigan, a mail contractor on mail-routes numbered 24366, being from Graceton to Au Sable, and 24367, from Alpena to Au Sable, in the said State of Michigan, from the performance of said services.

Mr. SPEER. I insist on the motion to adjourn.

CAPTAIN HURTT'S CASE.

The SPEAKER, by unanimous consent, pending the motion to adjourn, laid before the House additional papers in the case of Captain Hurtt; which were referred to the Committee on Military Affairs, and ordered to be printed.

RETIREMENT OF MAJOR-GENERAL GEORGE L. HARTSUFF.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in answer to a resolution of the House of March 10, 1874, in relation to the retirement of Major-General George L. Hartsuff, United States Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

RICHARD H. GARRETT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the chief clerk of the War Department, in relation to the claim of Richard H. Garrett, of Caroline County, Virginia, for the loss of his barn, &c., destroyed at the time Booth and Herold were captured; which was referred to the Committee on War Claims.

BRIDGE ACROSS THE NIAGARA.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, in relation to House bill No. 2909, to declare the bridge across the Niagara River a post-route.

The SPEAKER. The communication will be referred to the Committee on the Post-Office and Post-Roads.

Mr. CONGER. It should go to the Committee on Commerce.

The SPEAKER. Why?

Mr. CONGER. Because the bridge is across a navigable river.

The SPEAKER. It is in reference to the establishment of a post-route. The question of reference is one for the House to decide.

The question being taken on Mr. CONGER'S motion to refer the communication to the Committee on Commerce, it was not agreed to.

The communication was then referred to the Committee on the Post-Office and Post-Roads.

CONSTRUCTION OF A BRIDGE.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, in reference to an appropriation for the construction of a bridge proposed in House bill No. 2178; which was referred to the Committee on Appropriations.

PINE TIMBER ON LAPSED RAILROAD GRANTS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in answer to the resolution of the House of May 28, 1874, in relation to pine timber on lands included within forfeited or lapsed railroad grants; which was referred to the Committee on the Public Lands.

KANSAS INDIAN LANDS.

Mr. PHILLIPS. I ask that by unanimous consent a clerical error in a bill passed this morning, the bill (H. R. No. 3528) providing for the sale of Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale, may be corrected. I desire that the words in the first section "or within six months after the date of the approval of a new appraisement when made" be stricken out.

There was no objection, and it was so ordered.

CREEK INDIANS.

Mr. BUTLER, of Tennessee, by unanimous consent, from the Committee on Indian Affairs, reported the bill (H. R. No. 3610) to carry out the treaty with the Creek Nation of Indians of March 24, 1832; which was ordered to be printed, and recommitted to the same committee not to be brought back on a motion to reconsider.

ORDER OF BUSINESS.

Mr. CHAFFEE. I give notice that on Monday I shall move to suspend the rules to enable me to report from the Committee on the Territories, and to put upon its passage, the bill to enable the people of Colorado to form a State government.

Mr. KASSON. I desire to give notice that on Monday, as requested by many gentlemen, I propose to call for a vote on what is known as the redistribution bill, which has been pending for several Mondays past.

Mr. LAWRENCE. I give notice that on Monday I shall move to suspend the rules and pass the bill relating to the commissioners of claims.

Mr. GARFIELD. And I give notice that on Monday I will ask the House to proceed with the consideration of the sundry civil appropriation bill, to the exclusion of all other business.

The question being taken on the motion of Mr. SPEER that the House adjourn, there were—ayes 32, noes 46.

Mr. DANFORD. I hope the House will dispose of the bill for the relief of Nelson Green. It will take but a few minutes.

Mr. SPEER. That bill should have gone to the Committee on the Judiciary. It is a bill to release a Government contractor.

Mr. SENER. I demand tellers on the motion to adjourn. A quorum has not voted.

The SPEAKER. The vote of a quorum is not necessary to adjourn.

Mr. SENER. It takes a quorum to do business.

The SPEAKER. Adjourning is not business.

Mr. SENER. But the next thing will be business.

The SPEAKER. It will be sufficient then to raise the question of the presence of a quorum if it is proposed to do business without a quorum.

Mr. SENER. I will.

Mr. COOKE. I demand the yeas and nays on the motion to adjourn.

Mr. SPEER. It is evident there is no quorum, and no bill will pass this afternoon without a quorum.

The question being taken on ordering the yeas and nays, there were—ayes 24, noes 60.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered; and the motion to adjourn was not agreed to.

The SPEAKER. The vote on the motion to adjourn having shown the absence of a quorum, there is nothing in order but a call of the House.

Mr. SPEER. Then I will move that there be a call of the House.

Mr. PACKER. If my colleague [Mr. SPEER] will listen to the explanation of my colleague, the gentleman from Ohio, [Mr. DANFORD,] I think that he will see that this bill is not objectionable. And if it is to be passed at all and to be of any service to the parties, it is necessary, for the interests of the Government as well as of these parties, that it should be passed previous to the 1st day of July. The allegation is that this party put in his bid under a misapprehension. If it is not a good and valid bid, then the Government can hold the next bidder, and if they are to hold the next bidder to his bid, they should have an opportunity of doing so before the date I have named.

Mr. SPEER. I wish to ask my colleague, for whom I have a very sincere respect, whether this is not the only bill of this kind which his committee has reported this session, and whether they have not refused to take cognizance of bills of a similar character by sending them back and having them referred to the Committee on the Judiciary or the Committee on Claims?

Mr. PACKER. Not at all. The gentleman misapprehends the character of this claim. It is not to release a mail contractor, but it is to release a party from a bid which he put in under misapprehension. He was misled by a statement made by the postmaster whom he employed to make out his bid, and relying on the accuracy of his statement signed a bid to carry a mail over a route he had not intended to bid for.

Mr. SPEER. Does he lose anything by this?

Mr. BELL. I object to debate.

Mr. HOSKINS. Pending the call of the House, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CHIPMAN: The memorial of the house of delegates of the District of Columbia, for a new form of government for the District, to the Joint Select Committee to Inquire into Affairs of the District of Columbia.

By Mr. FORT: The petition of grange organizations in Iroquios County, Illinois, for the passage of the bill to aid the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. HARMER: The petition of newspaper and periodical publishers, that the rate of prepaid postage may be fixed at one cent per pound on newspapers and two cents per pound on other periodicals, to the Committee on the Post-Office and Post-Roads.

By Mr. LUTTRELL: The petition of citizens of California, residing at Fort Jones and vicinity, for the construction of a military wagon-road from Scott's Valley to the Pacific coast, to the Committee on Military Affairs.

Also, the petition of bankers and business men of Boston, for the passage of a law to authorize and require the Secretary of the Treasury, in the manufacture of future Government issues, to conform to the plan recommended by the Joint Select Committee on Retrenchment, under date of March 3, 1869, to the Committee on Banking and Currency.

Also, the petition of bankers and business men of New York, of similar import, to the same committee.

Also, the petition of bankers and business men of Philadelphia, of similar import, to the same committee.

Also, the petition of bankers and business men of Cincinnati, of similar import, to the same committee.

Also, the petition of bankers and business men of Saint Louis, of similar import, to the same committee.

Also, the petition of bankers and business men of Chicago, of similar import, to the same committee.

By Mr. ORR: The petition of grange organizations in Crawford County, Iowa, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. RAY: The petition of grange organizations in Hancock and Schuyler Counties, Illinois, of similar import, to the same committee.

By Mr. SMITH, of Pennsylvania: The petition of John W. Forney, and other editors and publishers, praying that the rate of prepaid postage on newspapers may be fixed at one cent per pound and on other periodicals at two cents per pound, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

MONDAY, *June* 8, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1660) for the relief of John B. Tyler, of Kentucky;

A bill (H. R. No. 1820) granting a pension to Samuel Henderson;

A bill (H. R. No. 2703) for the relief of Ingalls B. Andrews;

A bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry;

A bill (H. R. No. 2939) to compensate D. R. Haggard for six months' services as colonel of the Fifth Kentucky United States Cavalry Volunteers;

A bill (H. R. No. 3078) for the relief of settlers upon that portion of the old reservation of Fort Abercrombie subject to sale under the act entitled "An act to provide for the disposition of useless military reservations," approved February 24, 1871;

A bill (H. R. No. 3186) for the relief of Treadwell S. Ayres, of Memphis, Tennessee;

A bill (H. R. No. 3188) granting a pension to Letta Bagley;

A bill (H. R. No. 3189) granting a pension to Frederick Vogel;

A bill (H. R. No. 3342) to provide for the construction of the Fort Saint Philip Canal in the State of Louisiana, and its maintenance as a national public highway;

A bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were subject of the award of His Majesty the Emperor of Germany under the treaty of Washington of May 8, 1871, and for other purposes;

A bill (H. R. No. 3525) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale;

A bill (H. R. No. 3607) for the removal of the political disabilities of George S. Shryock, of Saint Louis, in the State of Missouri;

A bill (H. R. No. 3606) granting a pension to Mary E. Grosvenor;

A bill (R. R. No. 3604) to establish certain post-routes;

A bill (H. R. No. 2046) to amend the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, and eighty-sixth sections of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, fixing and prescribing the method for adjusting the salaries of postmasters;

A bill (H. R. No. 3414) to provide for the prepayment of postage on printed matter, and for other purposes;

A bill (H. R. No. 3603) to amend sections 245, 246, 247, and 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872; and

A bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation.

The message further announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873, and 1874, and for other purposes, and agreed to other amendments of the Senate with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES A. GARFIELD of Ohio, Mr. EUGENE HALE of Maine, and Mr. JOHN HANCOCK of Texas, managers at the same on its part.

The message also announced that the House had passed the bill (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. No. 395) for the relief of Edward H. Calvert;

A bill (S. No. 419) for the relief of Sebastian Reichert;

A bill (S. No. 465) for the relief of Joseph Council, of Mobile, Alabama; and

A bill (S. No. 860) granting one condemned cannon to Prescott Post, No. 1, Grand Army of the Republic, for the erection of a monument at Providence, Rhode Island.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 2866) relieving the legal and political disabilities of Fitzhugh Lee.

PETITIONS AND MEMORIALS.

Mr. THURMAN presented resolutions of the board of trade of Toledo, Ohio, in favor of the renewal of reciprocal trade relations between the United States and the Dominion of Canada; which were referred to the Committee on Finance.

Mr. SCOTT presented a memorial of manufacturers and dealers in tobacco of the city of Philadelphia, Pennsylvania, remonstrating against the passage of the tariff bill with its present provisions regarding the sale of tobacco; which was referred to the Committee on Finance.

He also presented the petition of Andrew Mason, melter and refiner at the assay office in New York, praying compensation for two improvements made by him in the mode of parting gold and silver bullion; which was referred to the Committee on Finance.

Mr. FERRY, of Michigan, presented the memorial of John J. Bagley & Co., and 11 other firms, of Detroit, Michigan, manufacturers of and dealers in cigars, smoking and chewing tobacco and leaf tobacco, remonstrating against the passage of an act permitting growers of leaf tobacco to sell $100 worth of their crop at retail to the consumer without license or tax; which was referred to the Committee on Finance.

Mr. DAVIS. I present the petition of John W. Grantham and 48 others, citizens of Jefferson County, West Virginia, asking that the tax on national banks and State banks be equalized. I regard this as a step in the right direction, and call the special attention of the Finance Committee to this petition, to whom I move that it be referred.

The motion was agreed to.

Mr. JOHNSTON presented a memorial of manufacturers of plug, fine-cut, chewing, and smoking tobacco, &c., citizens of Danville, Pittsylvania County, Virginia, protesting against the passage of the law permitting growers of leaf tobacco to sell $100 worth of their crop at retail to consumers without license or tax; which was referred to the Committee on Finance.

Mr. BOGY. I present the petition of John B. Thomas. I will state that this case has already been before the Committee on Claims and reported adversely, but the papers are now accompanied by a large mass of additional testimony. I move that they be referred to the Committee on Claims.

Mr. SCOTT. I would ask the Senator from Missouri whether there is a petition setting forth in what the additional testimony consists? If not, the case is not within the forty-ninth rule and the papers ought not to be recommitted.

Mr. BOGY. I cannot answer the question. A large mass of papers accompanies the petition and contains additional testimony.

Mr. SCOTT. I must object to the recommittal unless the rule is complied with; for claimants against whom adverse reports are made, if this practice be tolerated, have nothing to do but to add one more paper to a voluminous mass and send the case back to the committee. I shall have to object to the reference.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania objects to the reference on the ground that there is no petition for a rehearing and setting forth the new testimony, as is required by the rule.

Mr. BOGY. I ask that the papers be returned to me again.

The PRESIDENT *pro tempore*. The papers will be returned to the Senator from Missouri.

Mr. BOGY presented the memorial of P. P. Pitchlynn, delegate of Choctaw Nation of Indians, upon the right of that nation to be paid the money awarded to it by the United States Senate on the 9th day of March, A. D. 1859; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BUCKINGHAM presented a protest of the president, councilors, and people of the Seneca Nation of Indians, made in their national council, against the passage of House bill No. 3680, to authorize the Seneca Nation of New York Indians to lease their lands within the Cattaraugus and Alleghany reservations and to confirm existing leases; which was referred to the Committee on Indian Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ALCORN, it was

Ordered, That the petition and papers in relation to the claim of R. W. Edmondston be taken from the files and referred to the Committee on Claims.

On motion of Mr. SCOTT, it was

Ordered, That the papers in the case of Andrew Mason be taken from the files and referred to the Committee on Finance.

ORDER OF BUSINESS.

Mr. BUCKINGHAM. I ask that the Senate will, after the close of the morning business, permit me to call up the bill (S. No. 154) to amend the act entitled "An act for the relief of certain tribes of Indians in the northern superintendency," approved June 10, 1872, which was under consideration on Thursday and went over.

Mr. ANTHONY. I shall have to insist on going on with the unfinished business. I think it will take but a few minutes.

DARIEN SURVEYS.

Mr. HAMLIN. I ask that an order may be entered to distribute twenty copies of the report of Commander Selfridge on the surveys of the Isthmus of Darien to the Smithsonian Institution for foreign exchange. We have them here at the document-room, and we shall reap a rich gain in return. I move that the order be made.

The motion was agreed to.

CENTENNIAL MEDALS.

Mr. SCOTT. The Committee on Finance, to whom was referred

the bill (H. R. No. 1753) to authorize medals commemorating the one-hundredth anniversary of the first meeting of the Continental Congress and of the Declaration of Independence, have had the same under consideration and have instructed me to report it with an amendment. I should like to have the bill considered now, as it is very brief.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment reported by the Committee on Finance was to strike out all after the enacting clause of the bill and to insert in lieu thereof the following:

That medals, with appropriate devices, emblems, and inscriptions commemorative of the centennial anniversary of the Declaration of Independence be prepared at the Mint at Philadelphia for the centennial board of finance, subject to the provisions of the fifty-second section of the coinage act of 1873, upon the payment of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of such coinage act against the counterfeiting or imitating the coins of the United States shall apply to the medals struck and issued under the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PRESBYTERIAN CHURCH AT SALT LAKE.

Mr. STEVENSON. The Committee on the Judiciary, to whom was referred the bill (S. No. 677) to incorporate the First Presbyterian church of Salt Lake City, in the Territory of Utah, have had the same under consideration, and instructed me to report it with an amendment. I ask for its present consideration.

By unanimous consent the bill was considered as in Committee of the Whole.

The amendment reported by the Committee on the Judiciary was in line 15, section 1, after the word "effects," to insert "not to exceed in amount $100,000."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOLDING OF COURTS.

Mr. THURMAN. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. No. 460) to amend the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1871, to report the same back with two amendments. This is a bill that it is very necessary should be passed in order to prevent a failure of the circuit courts being held, and I ask that it may be put on its passage now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 3 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1871, so as to read:

It shall be the duty of the circuit judge in each judicial circuit, whenever in his judgment the public interest shall so require, to designate and appoint, in the manner and with all the powers provided in the act to provide for holding the courts of the United States in case of the sickness or other disability of the judges of the district courts, approved July 29, 1850, the district judge of any judicial district within his circuit to hold a district or circuit court in the place or aid of any other district judge within the same circuit; and it shall be the duty of such district judge as shall be for that purpose designated and appointed to hold the district or circuit court as aforesaid without any other compensation than his regular salary as established by law and his necessary personal expenses incurred by him at the place where such court shall be held, not exceeding the rate of ten dollars per day for the time of holding such court and his necessary traveling expenses in going to and returning from such place; of which expenses he shall make out an itemized bill and make oath to the same, which, after being approved by the district judge of the district where the court shall be held or the circuit judge, shall be paid as part of the expenses of the Department of Justice: *Provided*, That this act shall not be construed to authorize the payment of other traveling expenses of judges of the Federal courts.

The first amendment reported by the Committee on the Judiciary was in line 8, after the words "duty of," to insert "the proper justice of the Supreme Court or;" so as to read:

It shall be the duty of the proper justice of the Supreme Court or the circuit judge in each judicial circuit, whenever in his judgment the public interest shall so require, &c.

The amendment was agreed to.

Mr. CONKLING. What does that mean? Who is "the proper justice of the Supreme Court?"

Mr. THURMAN. The one assigned to that circuit.

Mr. CONKLING. Why not say, as it seems to me it should be, "the justice of the Supreme Court assigned to that circuit?"

Mr. THURMAN. There cannot be any doubt about it.

Mr. CONKLING. I think I am the average man who knows so little about it that I am a fair example of what people who are ignorant may understand by this bill. I did not, I confess, when I heard it read, know what that expression meant. If it means the judge assigned to that circuit, then it is so easy to say so that I suggest to the Senator, without meaning to interfere with the bill, that it would be well to change the language to express what is meant.

Mr. THURMAN. I do not think there can be any trouble about it.

The next amendment was in line 26, to strike out the words "and make oath to the same."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. L. STEPHENSON.

Mr. THURMAN. I am instructed by the Committee on the Judiciary, to whom was referred the petition of C. L. Stephenson, of Virginia, praying for the removal of his political disabilities, to report a bill.

Mr. LEWIS. I should like to have the bill put on its passage. It will only take a minute.

By unanimous consent, the bill (S. No. 906) to relieve C. L. Stephenson, of Virginia, of his political disabilities was read three times, and passed.

REPRESENTATIVES FROM PENNSYLVANIA.

Mr. FRELINGHUYSEN. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3359) fixing the time for the election of Representatives from the State of Pennsylvania to the Forty-fourth Congress, to report it back without amendment.

Mr. SCOTT. I ask for the present consideration of that bill.

By unanimous consent, the bill was considered as in Committee of the Whole. It provides that on the Tuesday next following the first Monday in November, 1874, there shall be elected in each congressional district in the State of Pennsylvania one Representative to represent that State in the Forty-fourth Congress of the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MANDAMUS PROCEEDINGS.

Mr. FRELINGHUYSEN. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1273) to regulate proceedings in *mandamus*, to report it back with some amendments and with the recommendation that it pass. I should like to have it considered at the present time.

There being no objection, the bill was considered as in Committee of the Whole. It provides that all proceedings in *mandamus*, in any of the courts of the United States, wherein any officer of the United States is made a party defendant, but who may die, resign, or be removed from office before the final determination of such proceedings, may be continued in the name of his successor in office, and such proceedings may be had as in case of the death of a party defendant during the pending of a suit at law in the proper court; and the proceedings in *mandamus* shall proceed to a hearing at the same term, unless for good cause shown the court shall continue the case; and if a peremptory writ shall be awarded, the same shall and may be directed to any successor in office to such person who may have so resigned, been removed, or died.

The first amendment reported by the Committee on the Judiciary was to strike out after the word "may," in line 7, the words "be continued in the name of his," and insert "for the purposes of justice be revived against his."

The amendment was agreed to.

The next amendment was to insert as new sections the following:

SEC. 2. That the circuit courts of the United States shall have, and are hereby given, power to issue the writ of *mandamus* in all causes at law or in equity of which they have jurisdiction, and in which such a writ by the common or the chancery law is an appropriate remedy, or by way of original proceeding where such writ is necessary to any jurisdiction possessed by said court and is a proper remedy.

SEC. 3. That this act shall have effect from the day of its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ERRORS IN PRIZE-LISTS.

Mr. SARGENT, from the Committee on Naval Affairs, reported a bill (S. No. 907) authorizing corrections to be made in errors in prize-lists; which was read, and passed to a second reading.

Mr. SARGENT. I ask that the bill be put on its passage. Indeed, it has already passed the Senate at this session, but it was coupled with a second section. The House agreed to our bill striking out the first section, and we concurred in their action. Now the committee desire to send this first section of the bill by itself. It will take but a moment.

By unanimous consent, the bill was read a second time and considered as in Committee of the Whole. It provides that in all cases where corrections in the distribution of prize-money have or may become necessary, and in all cases where the names of parties entitled to share in prizes have been or may by error be omitted from the prize-lists, the Secretary of the Navy is hereby authorized to direct the proper accounting officers of the Treasury to correct and pay the same, the former upon the principle that the provisions of the act in force at the date of final adjudication govern distribution, and the latter to receive their proportion of the prizes claimed the same as all

others of like rank and pay who may have been paid, said payments to be made out of the naval pension fund.

Mr. BOUTWELL. What class of errors does this bill refer to? Errors made by officers of the Government?

Mr. SARGENT. The chairman of the committee will explain.

Mr. CRAGIN. It frequently happens that names are omitted by mistake. Sailors and others were taken prisoners and held at Andersonville and other places, and their names did not appear on the prize-list. The bill relates to that class of claims where names were omitted by mistake. The Secretary of the Navy has written a letter on the subject, which I have in my desk and which was read when the bill passed before. It will take but very little money, and it comes out of the naval pension fund. It is only to pay cases where there was a mistake, in omitting names.

Mr. SARGENT. I understand it does not enlarge the class of beneficiaries; but some persons, owing to the circumstances named by the chairman, were omitted who were most meritorious, and they should be saved from the effect of their shares lapsing to the Government.

Mr. BOUTWELL. It seems to me that there ought to be some limitation to the claims that may be made under the general head of errors without specifying by whom committed.

Mr. SARGENT. There might be a limitation of time, that the claim shall be made within six months. The original laws limit the class. I have no objection to a limit of time by the Senator.

Mr. BOUTWELL. It is a pretty large power. It is taking money assigned for one purpose and appropriating it to another.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Vermont. The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 1906) to dredge and protect the navigable channel at the mouth of Buffalo River against the sand-bar formed by the gale of December, 1873, have instructed me to report it back with an amendment, and to ask to have it considered now.

Mr. WEST. I do not desire particularly to object to this bill of the Senator from Vermont, but we have already passed four bills this morning immediately on their being presented by committees, and the Calendar is standing still. I do not think the business which is reported this morning should have any particular preference over that reported heretofore.

The PRESIDENT *pro tempore*. Does the Senator object?

Mr. WEST. I am constrained to object on that ground.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 225) to amend an act entitled "An act to establish a western judicial district of North Carolina," reported it with an amendment.

He also, from the same committee, to whom were referred sundry memorials of citizens of North Carolina in reference to a change of the boundaries of the judicial districts in that State, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 2246) relating to circuit courts of the United States for the district of Alabama, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 73) in relation to the United States courts in the State of Alabama; the bill (S. No. 550) to reorganize and fix the time for holding United States district courts for the State of Alabama; the bill (S. No. 199) relating to the circuit courts of the United States for the districts of Alabama; and the bill (S. No. 515) to change the time for holding the terms of the United States circuit court for the southern district of Alabama, reported adversely thereon, the subject being covered by House bill No. 2246; and the bills were postponed indefinitely.

Mr. CONKLING. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," have had the same under consideration and instructed me to report it back without amendment, and I call the attention of the Senator from Missouri to it.

Mr. BOGY. I should like to have that bill passed at the present time.

Mr. HITCHCOCK. I object.

Mr. FRELINGHUYSEN. Not to-day. I would rather it should lie over until to-morrow.

The PRESIDENT *pro tempore*. Objection is made to the consideration of the bill.

Mr. HAMLIN, from the Committee on Mines and Mining, to whom was referred the bill (S. No. 635) authorizing M. P. Turner and his associates and assigns to prospect for and mine coal and other minerals in and under the beds of the Des Moines and Coon Rivers, in Polk County, Iowa, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 803) to incorporate the Columbia Metallurgical Company, to develop and utilize gold, silver, and improved iron by a new patent process, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BUCKINGHAM, from the Committee on Commerce, to whom was referred the bill (S. No. 808) for the better protection of immigrants, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2655) to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the life-saving service, reported it without amendment.

Mr. SCOTT, from the Committee on Railroads, to whom was referred the bill (S. No. 867) to correct a clerical error in the act granting the right of way through the public lands to the Denver and Rio Grande Railway Company, reported it without amendment.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 753) providing for the settlement and payment of the damages arising from the seizure and detention of the steam ferry-boat Nuestra Señora de Regla by the authorities of the United States in 1861, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SARGENT, from the Committee on Naval Affairs, who were instructed by a resolution of the Senate to report whether under the existing laws a promotion to the rank of rear-admiral can be lawfully made without a previous examination of the officer promoted according to the provisions of the act of Congress on the subject of promotion, approved July 16, 1862, submitted a report thereon; which was ordered to be printed.

Mr. BOREMAN, from the Committee on Territories, to whom was referred the bill (S. No. 591) granting the right of way to the Seattle and Walla-Walla Railroad Transportation Company, and for other purposes, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Charles Trumbull Hayden, setting forth the condition of affairs in the Territory of Arizona in respect to the Indians therein, and praying for reform in the management and government of the Indians, and that the disloyal of them be placed under the supervision of the Army police, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. BOREMAN. The Committee on Territories, to whom was referred the bill (S. No. 871) granting the right of way through the public lands to the Arkansas Valley Railway Company, have had the same under consideration, and have instructed me to report it back without amendment and request that it be put on its passage.

Mr. WEST. I object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BOGY. I hope the objection will be withdrawn. This bill has been here four or five months. It is very important to the Department of War that it should pass, and it is at the request of General Belknap that it is urged now. It will meet with no opposition and merely grants the right of way on the public lands.

Mr. WEST. It is unnecessary for the Senator to explain the object of the bill. I call attention to the fact that there are six hundred cases on this Calendar, and I am not inclined to give preference to any one.

Mr. LEWIS. I desire to proceed to the consideration of the bill (H. R. No. 1200) for the relief of the sureties of the late Jesse J. Simkins, collector of the port of Norfolk, Virginia.

Mr. ALCORN. I have a report to make from a committee.

Mr. BOUTWELL. Until reports from committees are made, I must object to the consideration of any bill.

The PRESIDENT *pro tempore*. Reports are still in order.

Mr. ALCORN. The Committee on Mines and Mining, to whom was referred the bill (S. No. 720) conferring the right to construct a tunnel through the White Pine Mountain, State of Nevada, and to purchase public lands contiguous thereto, have had the same under consideration and instructed me to report it back with amendments. I ask that it be considered now.

Mr. INGALLS. I desire to make a report.

The PRESIDENT *pro tempore*. Does the Senator object to the present consideration of the bill?

Mr. INGALLS. Not after I have made a report. I object until I make several reports.

The PRESIDENT *pro tempore*. The Chair cannot receive a qualified objection.

Mr. WEST. I make a standing objection.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 879) for the relief of missionaries to the Indian tribes, reported it without amendment.

Mr. MORRILL, of Maine, from the Committee on Naval Affairs, to

whom was referred the bill (H. R. No. 2897) authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore, reported it without amendment.

Mr. BOUTWELL, from the Committee on Commerce, to whom was referred the bill (H. R. No. 3586) to authorize the construction of a bridge across the Mississippi River at or near the city of La Crosse, in the State of Wisconsin, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3591) to change the name of the brig Sidi to Sea Waif, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2384) to change the name of the pleasure-yacht Planchette to that of Laxen, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3522) to extend the jurisdiction of the Light-House Board, reported it with an amendment.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3010) for the relief of John Downey, of Dayton, Ohio, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CONOVER. I move to take up Senate bill No. 856, to incorporate the Oxygen Gas Company.

The PRESIDENT *pro tempore*. The morning business is not yet concluded. The introduction of bills is now in order.

BILLS INTRODUCED.

Mr. PATTERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 908) for the relief of James Millinger, of New Jersey; which was read twice by its title, and referred to the Committee on Claims.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 909) approving an act of the Legislative Assembly of the Territory of Colorado; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 910) for the relief of William G. Ford, administrator of John G. Robinson, deceased; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 911) for the relief of Sarah Flannigan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 912) to annex certain land to reservation No. 2 occupied by the Department of Agriculture; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

THE PENSION LAWS.

Mr. PRATT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 2453) to amend an act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments, as follows:

Insert after the word "lost," in line 2 of Senate amendment, the word "either;" and insert after the word "elbow," in line 3 of same amendment, the words "or a leg at or above the knee," and add at the end of the Senate amendment the following:

Provided, That no artificial limbs or commutation therefor shall be furnished to such persons as shall be entitled to pensions under this act.

And also add the following as an additional section, namely:

SEC. 2. That this act shall take effect from and after the 4th day of June, 1874.

And that the title be as follows:

An act to increase pensions in certain cases.

And the Senate agree to the same.

D. D. PRATT,
JOHN J. INGALLS,
M. C. HAMILTON,
Managers on the part of the Senate.

J. M. RUSK,
W. B. SMALL,
W. S. HOLMAN,
Managers on the part of the House.

The report was concurred in.

TOTALLY DISABLED PENSIONERS.

Mr. PRATT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled, having met, after full and free conference have agreed and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with the following amendments: Strike out the word "constant" in line 3 of Senate amendment and substitute the word "regular" therefor; and strike out the word "constant" in line 12 of the Senate amendment and insert the word "regular" therefor, and add as an additional section as follows:

SEC. 2. This act shall take effect from and after the 4th day of June, 1874.

And the Senate agree to the same.

D. D. PRATT,
JOHN J. INGALLS,
M. C. HAMILTON,
Managers on the part of the Senate.

J. M. RUSK,
W. B. SMALL,
W. S. HOLMAN,
Managers on the part of the House.

The report was concurred in.

DISTRIBUTION OF THE LAWS OF THE UNITED STATES.

Mr. ANTHONY. I offer the following resolution and ask for its present consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the present method of distributing the laws of the United States, and to report what changes, if any, are necessary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SHERMAN. I suggest that the words "publishing and" be inserted before the words "distributing the laws of the United States."

The PRESIDENT *pro tempore*. If there be no objection that amendment will be made.

Mr. FRELINGHUYSEN. I think the subject of publishing the laws belongs to the Committee on Printing.

Mr. SHERMAN. No; I think it is a fair question for the Committee on the Judiciary to decide whether they could not be just as well printed in the Government Printing Office.

Mr. ANTHONY. The subject of publishing the Statutes at Large is already before the Committee on the Judiciary, and this is a resolution in relation to the distribution of the number provided for in the bill that we had under discussion on Friday.

Mr. SHERMAN. It is all right, but I desire to amend it so as to make it clear.

Mr. ANTHONY. I accept the amendment.

The resolution, as amended, was adopted.

CHANGE OF NAME OF A BANK.

Mr. LOGAN. I move to take up House bill No. 3237. It is a very short bill, merely changing the name of a bank, and will take but a moment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3237) to authorize The First National Bank of Seneca to change its name.

The bill provides that the name of "The First National Bank of Seneca," located in the city of Morris, county of Grundy, Illinois, shall be changed to the "First National Bank of Morris" whenever the board of directors of the bank shall accept the new name, by resolution of the board, and cause a copy of the resolution, duly authenticated, to be filed with the Comptroller of the Currency; but such acceptance is to be made within six months.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURETIES OF JESSE J. SIMKINS.

Mr. LEWIS. I move that the Senate proceed to the consideration of House bill No. 1200, for the relief of the sureties of the late Jesse J. Simkins, collector of the port of Norfolk, Virginia.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill.

Mr. WRIGHT. Do I understand that that bill has been taken up?

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to its consideration?

Mr. WRIGHT. I wish to suggest to the Senator from Virginia that that bill was before the Committee on the Judiciary at one time and reported adversely, and the Senator from Vermont [Mr. EDMUNDS] I know is desirous of being present when it shall be considered. He is detained in his house to-day.

Mr. LEWIS. This bill has been reported favorably, I understand.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the Senator from Virginia?

Mr. WRIGHT. I was nearly through with my statement, and I prefer not to yield at the present time. The Senator from Vermont is detained in his house to-day by illness and was not able to attend the meeting of the committee this morning, and I know he is desirous of being present when this bill is considered. I therefore hope that the Senator from Virginia will not press the bill at this time, or if he does, that the Senate will not take it up.

Mr. LEWIS. I understand that this bill has been reported favorably by a committee of this body and it has passed the House of Representatives. It is a case of peculiar hardship, and I am sure the Senate would not object to passing the bill if they knew all the circumstances as I do.

Mr. CONKLING. What is the title of the bill.

Mr. LEWIS. It is a bill for the relief of the sureties of Jesse J. Simkins, who was compelled to pay over certain moneys to the confederate government and had no power to refuse to do it. This is simply an act for relief, which has passed the House of Representatives and been recommended by a committee of this body.

Mr. CONKLING. There is a history connected with that bill not known to the Senator from Virginia alone. Whenever it comes up, it will be the subject of some discourse. Inasmuch as I believe everything that Senator says, I am bound to believe the Senate would like to pass the bill in view of the facts. However, I should feel more firmly persuaded upon that point if the Senate, if it ever should pass this bill, were to do so after a knowledge of the facts.

The PRESIDENT *pro tempore*. Does the Senator from Virginia insist upon his motion?

Mr. LEWIS. I will not insist upon it after the remarks made by the two Senators, but will allow it to go over until to-morrow

DISTRICT COURTS IN LOUISIANA.

Mr. WEST. I ask unanimous consent to take up the bill (S. No. 88) for the better organization of the district courts of the United States within the State of Louisiana.

Mr. BOGY. I object to the bill being taken up out of its regular order.

The PRESIDENT *pro tempore*. The Chair will submit the motion to the Senate.

Mr. WEST. Before the motion is put I wish to say to the Senate that I think some consideration should be given to the position which I occupy here, being the sole representative in this body from the State of Louisiana. This is a bill relating particularly to the organization of United States courts in that district, and it is the only bill I have asked the Senate to consider at this session.

Mr. BOGY. The Senator objected to a bill a short time ago which it would not have taken two minutes to pass.

The PRESIDENT *pro tempore*. The question is on proceeding to the consideration of the bill indicated by the Senator from Louisiana.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

For the more convenient transaction of business in the courts of the United States within the State of Louisiana, the bill proposes to divide the State into two judicial districts. The parishes of Rapides, Grant, Natchitoches, Sabine, De Soto, Caddo, Bossier, Red River, Bienville, Winn, Webster, Claiborne, Jackson, Lincoln, Union, Morehouse, Richland, Ouachita, Caldwell, Catahoula, Franklin, Tensas, Madison, and Carroll are to compose one district, to be called the northern district of Louisiana, and the remaining part of the State is to compose another district, to be called the eastern district of Louisiana; and all criminal actions or civil suits, either in law or equity, which have arisen in the northern district, or against persons therein, or concerning lands situated therein, together with all process, writs, or recognizances, and records belonging thereto, are to be transferred to the northern district; and all civil suits hereafter instituted against persons residing in the northern district, or suits concerning lands situated in the same, in the courts of the United States, are to be in that district; and there are to be held annually in the district two stated sessions of the court, at Monroe, on the first Mondays of May and November in each year; and a person learned in the law, who shall reside in the northern district, is to be appointed by the President of the United States, by and with the advice and consent of the Senate, judge thereof, with a salary of $4,500 per annum, payable semi-annually, with the same powers and duties as the district judge of the United States for the district of Louisiana as it now exists, and such as are conferred upon him or required of him by this act, who is required to hold the terms, and authorized and required to hold special sessions of the court in the northern district, for the trial of civil and criminal cases, whenever he may deem it expedient. All processes, writs, and recognizances of every kind, whether respecting juries, witnesses, bail, or otherwise, which relate to cases to be tried at the special sessions, are to be considered as belonging to the sessions in the same manner as if they had been issued or taken with reference thereto. Any special session may be adjourned to any time or times previous to the next stated meeting of the district court for the district. All business pending for trial at any special court at the close thereof is to be considered as of course removed to the next stated term of the court. The district court in the northern district is to perform all the duties and possess all the powers of circuit courts of the United States for the State of Louisiana, except in cases of appeal and writs of error; and the judge is authorized to appoint a clerk of the court in the northern district, who is to reside and keep the records of the court at that place, and receive for the services performed by him the same fees and compensation that are allowed to the clerk of the court holding its sessions in New Orleans, and be subject in every respect to the same restrictions and responsibilities. The district court for the eastern district is to be held in New Orleans as heretofore, and it is to be the duty of the clerks of the district and circuit courts of the United States in New Orleans to transmit by some safe conveyance, or deliver to the clerks of the northern district, or to their order, the original papers in all such cases as properly belong to the court in the northern district by the provisions of this act, together with a transcript of the proceedings had therein.

The second section authorizes the President of the United States, by and with the consent and advice of the Senate, to appoint one person as marshal and one as district attorney for the northern judicial district of Louisiana, created by this act; and the terms of appointment and service, together with the duties and responsibilities of the marshal and district attorney, respectively, for the district are to be in all respects the same within their district, as to the terms of appointment and services, the duties and responsibilities of the marshal and district attorney respectively, of the present district of Louisiana; and the marshal is to receive such fees and emoluments as are received by the marshal of the United States for the State of Louisiana; and the attorney is to receive an annual compensation of $250, and the same fees and emoluments as are allowed to the attorney of the United States for the district of Louisiana.

The first amendment reported by the Committee on the Judiciary was in section 1, line 13, to strike out "eastern" and insert "southern."

The amendment was agreed to.

The next amendment was in line 14 to strike out the words "criminal actions or."

The amendment was agreed to.

The next amendment was after the word "all," in line 18, to insert "criminal suits for offenses committed in said northern district."

The amendment was agreed to.

The next amendment was, after the word "residing," in line 20, to insert the words "or found."

The amendment was agreed to.

The next amendment was in line 29, after the words "salary of," to strike out "$4,500" and insert "$3,500."

The amendment was agreed to.

The next amendment was after the word "cases," in line 36, to strike out the following words:

Whenever he may deem it expedient; that all processes, writs, and recognizances of every kind, whether respecting juries, witnesses, bail, or otherwise, which relate to cases to be tried at said special sessions, shall be considered as belonging to said sessions in the same manner as if they had been issued or taken with reference thereto; that any special session may be adjourned to any time or times previous to the next stated meeting of the district court of said districts; that all business pending for trial at any special court shall, at the close thereof, be considered as of course removed to the next stated term of the court.

And in lieu thereof to insert,

As provided by law for other districts.

The amendment was agreed to.

The next amendment was in line 54, after the word "allowed," to insert the words "by law," and in line 55 to strike out the word "said," before "court," and insert "the district."

The amendment was agreed to.

The next amendment was in line 58 to strike out the word "eastern," before "district," and insert "southern."

The amendment was agreed to.

The next amendment was in section 2, line 13, to strike out the words "received by" and insert "provided by law," and in line 14 to strike out the words "for the State," and insert "in the present district."

The amendment was agreed to.

The next amendment was in line 17 of section 2, after the word "allowed," to insert the words "by law."

The amendment was agreed to.

Mr. THURMAN. I was not in the Judiciary Committee when this bill was agreed upon and am not, therefore, familiar with its provisions. I wish to inquire of the Senator from Louisiana whether the bill transfers the present judge of the district court in Louisiana to the northern district.

Mr. WEST. No, sir; it does not.

Mr. BAYARD. Does not this bill provide for the formation of an additional district?

Mr. WEST. It provides for the reinstitution of a district that lapsed during the war.

Mr. BAYARD. Were there two districts in Louisiana before the war?

Mr. WEST. Yes, sir; but the northern part of the State being occupied by the enemy the court lapsed, and then one district court did all the business under a statute of 1863.

Mr. BAYARD. Does this bill cause the appointment of an additional judge and the additional machinery pertaining to a separate court?

Mr. WEST. It does. The facts, as presented to the Judiciary Committee, satisfied them of the economy of such a proceeding, inasmuch as the expense of bringing litigants and their witnesses and serving process at a distance of five hundred miles more than counteracts the cost of the machinery here provided; and the salary of the judge is fixed at a very small amount.

Mr. BAYARD. It will appear then that all the judicial machinery for a separate court, with a judge, a clerk, a separate marshal, separate deputies, separate officials, is created by this bill and at very great expense, and for what? For whom? A community that number considerably less than a million people. We all know that the business of Louisiana as a bulk lies in the southern portion of the State. The city of New Orleans contains the commercial interests of the State as a bulk, and the upper portion of the State has very little business comparatively speaking. I scarcely think that this is the time, when the country is in so much pecuniary distress, for the multiplication of offices, the increase of expenses, the expansion as I must consider unnecessarily of the United States jurisdiction. I was not aware that it was proposed. I know that two years ago there was a regular crop of district judges proposed all over the country, and almost every State was proposed to be divided into two or three or more districts for the purpose of creating new judges who hold their tenure for life. In the present case I only say that I do not desire to see a bill passed which shall create a new district and a new judge with all the new and expensive machinery that must necessarily attend it. God knows we have enough Federal officers now in the country without creating a double set in the State of Louisiana.

The efficiency of the present officers in the State of Louisiana has been rather sadly developed before the country of late, and from the specimens we have had there and the part they have taken in the government of that State in the last few years, I do not think the people of this country would be very glad to see them multiplied.

For that reason I shall call for the yeas and nays on the passage of this bill.

The bill was reported to the Senate as amended, and the amendments concurred in.

Mr. DAVIS. I should like to ask whether this bill affects any other State than Louisiana in any form?

Mr. WEST. This bill affects only Louisiana, and it establishes a court in a district that, contrary to what the Senator from Delaware says, has largely increased. It has a town in it becoming a large railroad center, and it takes as long to go from the center of the new judicial district to New Orleans as it takes to go from New Orleans to New York. We have not railroad facilities in our State, and our litigants are obliged in some cases to go five hundred miles and spend three or four days to get to the present court. All these matters have been weighed properly by the Judiciary Committee and they have decided in favor of the bill. As for the increase of judicial districts throughout the country, this is the second bill that has been acted on during my experience in the Senate, now nearly four years.

The bill was ordered to be engrossed for a third reading, and was read the third time

Mr. BAYARD. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 10; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Cameron, Carpenter, Clayton, Conover, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Hamilton of Texas, Harvey, Hitchcock, Howe, Ingalls, Lewis, Logan, Mitchell, Morrill of Maine, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Scott, Sherman, Washburn, West, Windom, and Wright—34.

NAYS—Messrs. Bayard, Bogy, Cooper, Davis, Hamilton of Maryland, Johnston Kelly, Merrimon, Norwood, and Saulsbury—10.

ABSENT—Messrs. Alcorn, Allison, Brownlow, Chandler, Conkling, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gordon, Hager, Hamlin, Jones, McCreery, Morrill of Vermont, Morton, Ransom, Robertson, Schurz, Spencer, Sprague, Stevenson, Stewart, Stockton, Thurman, Tipton, and Wadleigh—29.

So the bill was passed.

CIRCUIT COURT IN THE NINTH CIRCUIT.

Mr. CONKLING. I ask leave to make a report from a committee at this time, and I will say in making it that the bill reported is a bill changing the time of holding the courts of the Pacific coast and nothing else. It concerns the convenience of the judges that it should pass at once. It can be read in a moment, and if there be no objection I ask to put it on its passage.

By unanimous consent, the bill (S. No. 881) fixing the times of holding the circuit court of the United States in the districts of California, Oregon, and Nevada was considered as in Committee of the Whole. It provides hereafter a term of the circuit court of the United States for the districts of California, Oregon, and Nevada shall be held as follows: For the district of California, in the city of San Francisco, on the second Monday of March, July, and November of each year; for the district of Oregon, in the city of Portland, on the second Monday of April, August, and December of each year; and for the district of Nevada, in the city of Carson, on the second Monday of February, June, and October of each year.

Amendments were reported by the Committee on the Judiciary, as follows:

In line 9 strike out "December" and insert "November," and in line 11 strike out "February" and insert "March;" so as to read:

For the district of Oregon, in the city of Portland, on the second Monday of April, August, and November of each year; and for the district of Nevada, in the city of Carson, on the second Monday of March, June, and October of each year.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL RECOMMITTED.

Mr. CLAYTON. I move that the bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes, which was reported by the Committee on Military Affairs to be recommitted to that committee.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. ANTHONY. I call for the regular order.

The PRESIDENT *pro tempore*. The morning hour having expired the Senate resumes the consideration of the bill (S. No. 857) to provide for the sale of extra copies of public documents and for the distribution of the regular official editions thereof.

Mr. SHERMAN. I rise for the purpose of moving that the Senate postpone the regular order and take up House bill No. 3171, commonly called the moiety bill. I desire to state that I do not know that the bill will take very long and I think it ought to be considered now. It has been postponed for several days. I move now to take it up and hope it will be disposed of promptly. I submit the motion.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to postpone the pending and all prior orders and proceed to the consideration of the bill known as the moiety bill.

Mr. ANTHONY. I hope not. The bill we had under consideration on Friday is now almost completed, and I suppose it can be disposed of in ten minutes.

Mr. SHERMAN. What is it? Is that the printing bill?

Mr. ANTHONY. The printing bill. I do not wish to speak over three minutes on it, unless I am provoked by remarks of other Senators.

Mr. SHERMAN. If the moiety bill can be taken up after that is disposed of, I have no objection. I supposed that bill had passed.

Mr. ANTHONY. No, sir.

Mr. WEST. In this difference of opinion between the Senator from Ohio and the Senator from Rhode Island, I must stand between them and not permit the Senate to make any such arrangement, and shall insist upon the Senate proceeding to the consideration of the Post-Office Appropriation bill.

Mr. ANTHONY. That the Senator can test by a vote.

Mr. SHERMAN. I will submit to whatever the majority say. I do not want to interfere with a bill nearly completed which can be disposed of in ten or fifteen minutes. I withdraw my motion.

Mr. WEST. I shall ask for a vote of the Senate.

Mr. ANTHONY. I ask what is the regular order?

The PRESIDENT *pro tempore*. The regular order is the bill (S. No. 857) to provide for the sale of extra copies of public documents and for the distribution of the regular official editions thereof.

Mr. WINDOM. How did the resolution of which I had charge become displaced? It was yielded only temporarily. I will read the order of the President on Friday.

The PRESIDENT *pro tempore*. That is true; but the bill which the Chair has just referred to was the unfinished business when the Senate last adjourned, and the rule is inexorable. If the Senator from Minnesota had called up his resolution before the adjournment on Friday, it would have been the unfinished business; but as he did not, the business under consideration when the Senate adjourned under the rule was the unfinished business and must now be called up.

Mr. WINDOM. If that is the rule, I have nothing to say.

Mr. SHERMAN. As soon as the present bill is disposed of I will move to take up the moiety bill.

Mr. LOGAN. I desire now to make the proposition to the Senate that I made once before, and which was agreed to, and although agreed to unanimously was disagreed to practically afterward, and that is that I may have a day for the Military Committee. I am willing to take Tuesday, Wednesday, or Thursday; but I want the Senate to give the Committee on Military Affairs a day this week for many reasons. We have had no time and no opportunity to have any of our bills passed for the reason that other committees which are more important—and when I say that I mean it—have had the time accorded to them. I ask the Senate to give the Military Committee one day this week. We want it for the benefit of the committee and the benefit of those who have bills pending, and also for another reason. I do not expect to be here more than two or three days longer, and it is very desirable that the committee I represent should have an opportunity to be heard before the Senate.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that on Wednesday of this week, after the expiration of the morning hour, the Senate proceed to consider bills reported by the Committee on Military Affairs. Is there objection? The Chair hears none.

Mr. MORRILL, of Maine. That of course will be taken always subject to the general reservation in favor of appropriation bills. I will say to the Senator for his encouragement that no appropriation bill will be in his way on Wednesday or Thursday, I think.

Mr. LOGAN. As far as appropriation bills are concerned, they always come up anyhow.

Mr. MORRILL, of Maine. I do not desire to make any further remarks.

Mr. LOGAN. I have attempted this once or twice and got such an order once, but was overruled the other day very unceremoniously; and I hope that this day if it is given to the committee will be observed by the Senate.

Mr. SHERMAN. I will not disagree to the proposition of the Senator from Illinois because I think it is reasonable; but I do it with the expectation that the Senate will take up next the moiety bill; and if Senators understood the pressure that is brought to bear upon me and other Senators in regard to it they would see the propriety of my course.

Mr. LOGAN. I gave way the other day, even at the time I made the request; when the Senator from Ohio and the Senator from Minnesota both suggested important measures they had charge of, I said I would yield to those two measures. Now, I will do everything I can to facilitate the taking up of either of the propositions so that the Senate may act upon them, but I want a day fixed certainly.

Mr. SHERMAN. I will not make any objection.

The PRESIDENT *pro tempore*. The Chair understands that it is unanimously consented that on Wednesday next, after the expiration of the morning hour, the Senate will proceed to the consideration of bills reported by the Committee on Military Affairs. Is that understanding correct? The Chair hears no objection.

Mr. WINDOM. I desire to give notice that after the consideration of the bill reported by the Senator from Rhode Island I will press the resolution which was almost completed the other day before, by my consent, this bill was taken up for half an hour.

Mr. SHERMAN. The Senate will decide that.

PRINTING AND DISTRIBUTION OF DOCUMENTS.

The Senate resumed the consideration of the bill (S. No. 857) to provide for the sale of extra copies of public documents, and for the distribution of the regular official editions thereof.

Mr. ANTHONY. This bill was reported to the Senate on Friday last. I move that the order reporting it to the Senate be rescinded, as I wish to move a few verbal amendments which in the haste of making the amendments at the desk were overlooked.

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks unanimous consent that this bill be considered as still in Committee of the Whole. The Chair hears no objection.

Mr. ANTHONY. In section 4, line 86, after the words "Supreme Court" I move to insert the words "and five sets for the use of the Department."

The amendment was agreed to.

Mr. ANTHONY. In section [11] 9, line 4, after the words "Congressional Printer" the words "when requested to do so by the Secretary of State" should be inserted.

The amendment was agreed to.

Mr. ANTHONY. In section [12] 10, line 3, the word "such" should be "any;" so as to read:

That it shall be the duty of the Congressional Printer, at the request of the Secretary of State, to print and bind any number, not exceeding three thousand copies, of the annual report on commerce and navigation, &c.

The amendment was agreed to.

Mr. ANTHONY. In section [13] 11, in line 3, and also in line 5, the word "such" should be changed to "any."

The amendment was agreed to.

Mr. ANTHONY. The last section of the bill, section 18, should be inserted on page 16 after section [13] 11.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) That change will be made if there be no objection.

Mr. MERRIMON. The other day I offered an amendment which is on the Clerk's table, which I ask to have read.

The Chief Clerk read as follows:

That each Senator and member of the House of Representatives shall have the same number and kind of books and documents now allowed by law to each, and that the franking privilege be, and the same is hereby, restored so far only as to allow Senators and members of the House of Representatives to send such books and documents to the people.

Mr. DAVIS. I suggest to the Senator from North Carolina and ask him to accept an amendment including the seeds such as are distributed by the Agricultural Department, to come in at the proper place.

Mr. MERRIMON. I am willing to accept that amendment.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. ANTHONY. Mr. President, this bill was proposed for the purpose of correcting some abuses that had grown up in the official distribution of documents. The bill throughout has been in the interest of a more economical administration of the public printing, and all the amendments that were made on Friday up to the last one were made in that direction, and the committee were voted down repeatedly because they had called for a larger or a looser distribution of the documents than the Senate thought proper, to all of which amendments we cheerfully submitted. Then came the amendment to print three hundred thousand copies of the Agricultural Report and to send it free through the mail; in other words, to revive the franking privilege. If it be the judgment of the Senate to revive the franking privilege, of course I have no disposition to delay it and no power to prevent it; but I hope it will be done in a bill by itself, boldly, frankly, and upon its own merits; that it will not be put upon a bill of this kind; that we shall not here in a bill that is intended to reform the distribution of documents printed for our own use and for the use of the Executive Departments repeal the abolition of the franking privilege as regards one document or as regards any number of documents.

Mr. BAYARD. I think it would puzzle the Senator from Rhode Island to have anything much bolder and franker than he had in the vote of the Senate on the subject of the Agricultural Report. I think the vote, after a very open discussion, was 34 to 19. The vote by which the Senate adopted the amendment of the Senator from Kentucky [Mr. STEVENSON] was exceedingly bold and exceedingly frank. There was no doubt about it at all. I think that vote was the expression of a great deal of disgust on the part of the Senate for the manner in which this franking question had been treated from the beginning to the end. It was a business question of very large and practical importance, and I beg leave to say that in my opinion it never did receive from the Senate that kind of consideration, if we are to judge from the discussion that attended it, which the Senate was entitled to. It was miserably treated. It was a question of great practical importance, in which the country had been grossly misled and deceived, chiefly by the action of the Post-Office Department. A "reform" had been puffed into existence which was not based upon an actual popular demand or popular necessity. The people of this country were led to believe that the Post-Office Department was prevented from being a self-sustaining Department of the Government simply by reason of the public documents sent through it and the letters that passed free under the franks of officers of the Government, among whom were members of Congress. We were assured that the deficits in the Post-Office Department were caused by the franking, and the franking done by members of Congress was made especially prominent as the cause of complaint and clamor.

What was the truth? What were the actual facts? Let the experience of the last year show—the deficit has been greater than ever before. We went on, however, printing public documents at a vast expense without providing the least machinery for their distribution. They are lying down in the vaults of this building and rotting there because no means have been provided for circulating them among the people for whom it was pretended they were intended.

Now, here comes a document of very general appreciation. I do not speak of its value, for I am not a farmer, and what little I do know about farming does not lead me to value particularly the Agricultural Report; but still it is certainly a document of very general acceptability. We all of us have large and numerous applications for this document. A proposition is made that the usual number of this document—for three hundred thousand copies are not in excess of the usual number ordered—shall be printed, and that it shall pass to the public at large without any frank other than the Government stamp which shall secure it free passage through the mails. That was a distinct, plain proposition, made by the Senator from Kentucky, and indorsed by a vote of the Senate of more than two to one.

I will agree thus far with the Senator from Rhode Island, that the question of printing these public documents at all is one that is entitled to separate consideration. It may very well be doubted whether the cost to the people is not much greater than the advantage to the people; and yet that question has never been discussed. No one has ever thrown any light on that subject in the Senate that I have been aware of, but we have just gone on printing documents as usual, without providing any machinery for their distribution. Now the proposition comes to let the mails of the United States, the post-routes of the United States, the machinery provided at the expense of the United States, by law to be utilized to the extent of permitting the people of the country to receive a very generally accepted public document without cost. There is no privilege in that to a member of Congress. He simply has to go to the trouble or expense, as the case may be, of indorsing upon the back of this document the name of the party who is to receive it. It must be directed to somebody, and that expense and trouble will be for the member of Congress to consider.

Mr. SARGENT. Is not the Senator aware that the amendment now pending relates to all public documents?

Mr. BAYARD. O, no; the Senator from Rhode Island was speaking of the amendment of the Senator from Kentucky, by which the Agricultural Report was ordered to the extent of three hundred thousand copies to be sent with a simple stamp upon it through the mails free to all persons to whom the members of the Senate and House might direct. I understand he objects to that, and he wants all measures looking to a free dissemination of the documents kept out of this bill. I do not see why it should be so. I do not see why the ameliorations to the bill should not be ingrafted upon it in the shape of free transmission of documents. If the documents are not to be transmitted free to the people, then there is no use of publishing them.

Mr. ANTHONY. We do not publish them.

Mr. BAYARD. But they have been published. We have got to-day cords upon cords of documents down stairs and no means of getting them out to the people.

Mr. ANTHONY. If the Senator will allow me to explain, these documents were printed under the old law before the franking privilege was repealed, and the Senate passed a bill in the early part of the present session, reported from the Committee on Printing, suspending the printing of all those documents under the general law. That bill has not been concurred in by the House; but there have been few documents printed by special orders. The great bulk of our documents are printed by special orders. There has not been a quarter printed at this session that there was the last long session.

Mr. BAYARD. Do I understand the Senator to say that no public documents have been ordered to be printed since the franking privilege was abolished?

Mr. ANTHONY. Very few indeed. We provided the other day for the printing of five thousand copies of the report of the Committee on Privileges and Elections on the proposed constitutional amendment in relation to presidential elections, which will cost less than sixty dollars; but there has been no considerable printing of documents. There have been no additional copies of the Agricultural Report printed.

Mr. ALCORN. Mr. President, my judgment may be at fault in the support of the proposition here to permit all documents published by Congress to go free through the mails; but I do not think there is a Senator on this floor who can successfully meet the proposition when it is presented in the form of a suggestion in favor of the dissemination of knowledge among the people. All the machinery of the Government for the transmission of the mails is already in operation. It costs the Government not one single cent to distribute these documents. We have the proof before us that the cost of the mail service has not been lessened by the abolition of the franking privilege; for I find upon my table, and I presume every Senator has upon his table, petitions coming from various mail-routes, beseeching the Postmaster-General to enlarge and increase the compensation that has been heretofore given for the transmission of the mails. Instead of finding that the mail service is performed to-day at a reduction of rates by reason of the abolition of the franking privilege, the fact stands here incontrovertible that the mail service is demanding an increase of rates, and the evidence is before us that that demand on the part of the railroads of the country will be after a while acceded to. Then

I submit the question to the Senate, where is the Government to lose a single solitary cent by reason of the transmission of the documents published by Congress through the mails? I submit, in the next place, the proposition whether we are here with closed doors to continue our sessions; whether it is our purpose to refuse the people that information with regard to the doings of Congress which the free people of every nation demand to know of their representatives.

The franking privilege, as it was called, was assailed because that privilege was abused. It was said that politicians used it in the interest of party organizations, and the objection was well founded; but it was not without its compensations, for each of the political parties or fragments of political parties in the United States were never without representatives in Congress——

Mr. LEWIS. Allow me to make a suggestion to the Senator from Mississippi. He says the franking privilege was abused in the franking of political documents. I say that abuse has not been abolished yet. I have now in my room plenty of documents, not on Government business, but electioneering documents, franked with the official stamp upon them by officers of the Government.

Mr. ALCORN. I will come to that directly. But I was going on to say that even the privilege, as it was termed under the old *régime*, abused as it was said to be abused, was not without its compensations. Every political organization in the land from the time that parties have assumed the form of organizations in this Government, has always had a representative on the floor of Congress, and to that representative was secured the franking privilege, and through that means information was communicated everywhere to the people all over the country. The intelligence of the people was enlightened and promoted by reason of this franking privilege. The dissemination of knowledge was carried out to the uttermost confines of the land through this franking privilege. The experience of the past twelve months shows the fact that so far as the mail service is concerned the cost of that service was not increased one single dollar by reason of the franking privilege. What matters it to the railroad company from here to New York, for example, or from here to New Orleans, who transport the mail in their cars provided for the purpose, whether they have a few hundred or a few thousand Agricultural Reports in that mail car? It is a mere bagatelle; it amounts to nothing. They will carry one hundred tons' of mail matter just as cheaply as they will carry twenty-five tons' weight over the same distance of road.

Mr. President, I was led to vote for the abolition of the franking privilege. I had not been long here. It was a subject to which I had not given attention. In truth I had not even thought of it in its bearings upon the intelligence of the people of the country. I had heard the newspaper clamor about it being abused, and I had been appealed to as a member of Congress to give my frank in various instances for the purpose of disseminating certain documents, and I saw very well how this privilege, which was intended to be a personal privilege and which no member of Congress was justified in ever giving out, but which belonged to him personally, to be executed in his presence, might be abused.

But, sir, how stands the fact to-day? You say to the people of the country "The franking privilege has been abolished." The fact stands out that it is not abolished; that every Executive Department of the Government to-day exercises the franking privilege, and there is no check on any of those Departments for the abuses that will necessarily grow up in the service, and actually to-day the abuses that may occur under the privilege which is now vouchsafed to the Departments are greater if anything than at the time the privilege was regulated under the old *régime*. The member of Congress to-day is denied the privilege of franking documents, it is true; but the Agricultural Department, the State Department, the Post-Office Department, all the Departments of the Government, send out their franks. They have them printed at the expense of the Government, and all they have to do to send a document to the limits of the nation is simply to put upon it a stamp which they have by the thousands and tens of thousands at their command. If you have a document that emanates from any of those Departments and you desire to have it go to your constituents without charge to you, you can send it to one of the Departments I presume, without having tried the matter, with your compliments to its head, and request him to send it, and he will put his stamp upon it and send it away. I know that is the case with regard to seeds, &c. The Commissioner of Agriculture sends out those seeds. So far as I was concerned, when the seeds came to me I sent them back to him and asked him to send them to my constituents. Why? Because he had a roll of stamps in his hands and could send them without charge, whereas if I were to send them I would have to pay the postage on them.

Now, sir, what do we publish documents here for? Why does Congress publish documents? Are they not for the benefit of the people? The publication of these documents costs the Government money; and the question of publishing documents is one that addresses itself to the economy of the United States. It addresses itself here to us who are charged with the duty of economizing in everything in which we can economize properly in the affairs of this Government; but after a document is published it will go to the people, if you will permit it to go free, without the cost of a single cent to the Government of the United States. It costs no one anything. It does not cost the mail service a cent, and it saves the member of Congress or your constituent at home the simple item of postage upon the document.

The plan we now have before us for the printing and dissemination of documents is simply a means of raising revenue at the expense of the intelligence of the people. It is a means of raising revenue at the expense of the information which the people are entitled to have. It is a policy that in the end withholds from the people that information which they are entitled to have, that information which every free people demand they shall have without cost and without price to them.

It is not a revival of the franking privilege to declare by this Congress that public documents published under the authority of Congress shall go through the mails without charge. There is no franking privilege in that. It is simply a law that permits public documents that are deemed of sufficient importance to be printed at the expense of the Government to go through the mails free of charge that the people may have them. There is no franking privilege in that; and there is not a Senator here who can give a reason why these public documents printed at the expense of the nation should not go through the mails free of charge. I repeat that there is not a single mail line in America that will be increased in the cost of transportation one single cent by reason of the enactment of this law; and unless it can be shown that the expense is increased, that the people are taxed, that we impose a burden upon them, then I say open the avenues and let intelligence, let information, let that knowledge which emanates here and flows out to the people go to them that they may be familiarized with what we are doing, and that their judgment may be had upon questions of legislation here before Congress.

Mr. SHERMAN. Mr. President——

Mr. HAMLIN. I wish to correct my friend from Mississippi, for I know he means to be accurate in his statement.

The PRESIDING OFFICER. The Chair recognized the Senator from Ohio.

Mr. SHERMAN. I have no objection to hear the Senator from Maine. I want to make a motion.

Mr. HAMLIN. The Senator from Mississippi states too broadly, surely, that no additional compensation would be paid if all the documents went through the mails free. The Senator is certainly mistaken. Under the old rule of contracting, the mails were carried irrespective of their weight, without any regard to it; but under present contracts all the principal railroads carry the mails by weight, and if you add to that weight you add to the compensation.

Mr. ALCORN. Mr. President——

Mr. SHERMAN. I rise to make a motion to expedite the public business. It is manifest that this bill which now involves the revival in some form of the franking privilege and the mode of distributing documents through the mails is a matter pertinent and proper to the post-office appropriation bill. The bill will undoubtedly receive some legislative amendments; at any rate, the right to offer legislative amendments to it has been reserved, and the Committee on Appropriations itself proposes to offer legislative amendments to that bill It is manifest, therefore, that all the objects of this bill can be accomplished by moving it as an amendment to the post-office appropriation bill; whereas if this discussion is continued upon this bill there is no probability that it will soon terminate. In view of the pressing necessity and importance of acting upon the moiety bill, I move that this bill be postponed with a view to take up House bill 3171, to repeal moieties.

The PRESIDING OFFICER. Does the Senator from Mississippi yield for that purpose? He was still upon the floor when the Senator from Ohio rose.

Mr. SHERMAN. I beg pardon of the Senator.

Mr. ALCORN. Not at all. I was about through. I had stopped to hear the suggestion of the honorable Senator from Maine.

The PRESIDING OFFICER. The Senator from Mississippi is entitled to the floor.

Mr. SHERMAN. I did not intend to interrupt the Senator, but as soon as he is through my motion will be in order.

Mr. ALCORN. I merely reply to the Senator from Maine that the increased cost, even under the suggestion that he makes, would be very immaterial, and it would be only upon a few lines. On the leading lines of road perhaps that is the case; but I will say that that device, for it is nothing more, could be very well met by legislation on the part of this Government. I undertake to say that we could secure the transportation of the mails without any of these conditions, and that the Government would economize by it, for when you come to distribute and transport the mails by weight, you open a door to fraud that may be practiced, whereof we cannot find the limit.

Mr. ANTHONY. I had hoped that this bill might pass, or those portions which were intended to reform the distribution, congressional and executive, of the public documents; but if we are going into a discussion upon the franking privilege, I cannot ask the Senate to waste a whole day upon this bill as was the case on Friday; and if the Senator from Ohio insists upon taking up the moiety bill, which I know is very important, I shall not resist it.

Mr. WINDOM. I dislike to resist the taking up of the bill indicated by the Senator from Ohio, but I should like to take up the resolution reported by the Select Committee on Transportation which was pending in the Senate the other day, which can be disposed of in an hour or two, and I hope the Senate will permit it to be done.

Mr. SHERMAN. I do not think the moiety bill will take long; at least I have had no indications that it will take long.

Mr. WINDOM. The resolution referred to was under discussion and was laid aside temporarily in order to take up the printing bill. I think it can be finished in a very short time.

The PRESIDING OFFICER. Does the Senator from Ohio insist on his motion?

Mr. SHERMAN. I do. I will assist the Senator from Minnesota, as soon as this bill is disposed of, in getting up his resolution.

The PRESIDING OFFICER. The Senator from Ohio moves that the pending bill be laid aside, and that the Senate proceed to the consideration of what is known as the moiety bill.

The motion was agreed to.

The PRESIDING OFFICER. Before proceeding to the consideration of the bill, the Chair will lay before the Senate certain bills and messages now on the table.

DEFICIENCY APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes.

On motion by Mr. SARGENT, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, disagree to the amendments of the House to other amendments of the Senate, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. SARGENT, Mr. MORRILL of Maine, and Mr. KELLY.

LOUISVILLE AND BARDSTOWN TURNPIKE COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company, which was to strike out the words—

For two bridges on said road, one over Salt River, the other over Floyd's Fork, burned and destroyed by the order of General Nelson, in command at the time of the United States troops in Kentucky, as a military necessity, on the 23d day of September, 1862;

And to insert in lieu thereof the following:

To make compensation for two bridges on the road of said company, one over Salt River, the other over Floyd's Fork, constructed for the military service by said company by advice of the Quartermaster-General.

Mr. STEVENSON. I hope that amendment will be concurred in. The chairman of the Committee on Claims I know intends to make that motion; but he is now out.

Mr. SCOTT entered the Chamber.

Mr. STEVENSON. Here he is.

Mr. SCOTT. I move the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 2703) for the relief of Ingalls B. Andrews;

A bill (H. R. No. 2771) for the relief of J. Scott Payne, second lieutenant Sixth United States Cavalry, late first lieutenant Fifth United States Cavalry;

A bill (H. R. No. 2939) to compensate D. R. Haggard for six months' services as colonel of the Fifth Kentucky United States Cavalry Volunteers; and

A bill (H. R. No. 3078) for the relief of settlers upon that portion of the old reservation of Fort Abercrombie subject to sale under the act entitled "An act to provide for the disposition of useless military reservations," approved February 24, 1871.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 1660) for the relief of John B. Tyler, of Kentucky; and

A bill (H. R. No. 3186) for the relief of Treadwell S. Ayres, of Memphis, Tennessee.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 1820) granting a pension to Samuel Henderson;

A bill (H. R. No. 3188) granting a pension to Letta Bagley;

A bill (H. R. No. 3189) granting a pension to Frederick Vogel; and

A bill (H. R. No. 3606) granting a pension to Mary E. Grosvenor.

The following bills were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. No. 3604) to establish certain post-routes;

A bill (H. R. No. 2046) to amend the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, and eighty-sixth sections of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, fixing and prescribing the method for adjusting the salaries of postmasters;

A bill (H. R. No. 3603) to amend sections 245, 246, 247, and 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872; and

A bill (H. R. No. 3414) to provide for the prepayment of postage on printed matter, and for other purposes.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 3342) to provide for the construction of the Fort Saint Philip Canal, in the State of Louisiana, and its maintenance as a national public highway—to the Select Committee on Transportation Routes to the Sea-board.

The bill (H. R. No. 3515) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale—to the Committee on Indian Affairs.

The bill (H. R. No. 3607) for the removal of the political disabilities of George S. Shryock, of Saint Louis, in the State of Missouri—to the Committee on the Judiciary.

The bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were subject to the award of His Majesty the Emperor of Germany under the treaty of Washington of May 8, 1871, and for other purposes—to the Committee on Foreign Relations.

The bill (H. R. No. 2988) to provide for the appointment of a commission of engineers, to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation, was read twice by its title.

Mr. ALCORN. I ask that that bill may be considered at once. I do not think there will be any opposition to it.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Chair will inform the Senator that by a vote of the Senate the moiety bill is now before the Senate, and the bill he refers to can only be considered by unanimous consent or by postponing the moiety bill.

Mr. ALCORN. I do not think it will take a minute. I do not think there will be any objection to it.

Mr. SHERMAN. I object to anything being taken up now until the moiety bill is disposed of.

Mr. ALCORN. Very well; I withdraw the motion.

The PRESIDENT *pro tempore*. The bill will be referred to the Select Committee on the Levees of the Mississippi River.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 3652) providing for publication of the revised statutes of the United States; in which it requested the concurrence of the Senate.

BENJAMIN W. REYNOLDS.

The PRESIDENT *pro tempore* appointed Messrs. ROBERTSON, ALCORN, and NORWOOD conferees on the part of the Senate upon the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds.

MOIETIES UNDER CUSTOMS LAWS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties.

Mr. SHERMAN. I suppose we had better act on the amendments reported by the Committee on Finance as the reading of the bill proceeds.

The PRESIDING OFFICER, (Mr. INGALLS.) That course will be pursued if there be no objection. The Chair hears none.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Finance was in section 1, after the word "that," in line 1, to strike out the words "section 7 of the act entitled 'An act to punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes,' approved March 3, 1863;" so that the section will read:

That the thirty-ninth section of the act entitled "An act further to prevent smuggling, and for other purposes," approved July 18, 1866; and the second section of the act entitled "An act to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs, and for other purposes," approved March 2, 1867, be, and the same are hereby, repealed.

Mr. CONKLING. What is the object in striking out this part of the House bill?

Mr. SHERMAN. I will state to the Senator that section 7 of the act of 1863, which is proposed to be repealed by this bill, has already been repealed by the fourth section of the act of March 2, 1867, referred to in a subsequent part of this same section. It is simply an unnecessary recital, a recital of an act already repealed.

Mr. CONKLING. Recited by mistake?

Mr. SHERMAN. I suppose so.

The amendment was agreed to.

The next amendment was in section 2, after the word "forfeitures" in line 2, to insert the words "under the customs-revenue laws," and in line 7 to insert "such" before "fines;" so that the section will read:

SEC. 2. That all provisions of law under which moieties of any fines, penalties, or forfeitures, under the customs-revenue laws, or any share therein, or commission thereon, are paid to informers, or officers of customs, or other officers of the United States, are hereby repealed; and from and after the date of the passage of this act

the proceeds of all such fines, penalties, and forfeitures shall be paid into the Treasury of the United States.

Mr. CONKLING. I do not wish to object to the amendment, but I wish the Senator having the bill in charge would indicate as we go along the purpose of the various amendments. Why is the repeal of moieties of fines, penalties, and forfeitures confined to the customs-revenue laws?

Mr. SHERMAN. The Senator will see that if left as it was the section would repeal all fines, penalties, and forfeitures contained in other laws; for instance in the steamboat-inspection laws, the passenger act, and other laws of that kind, for the enforcement of which no provision is made in the bill. The section as left by the House might repeal provisions, not designed to be touched, as to fines and penalties under the steamboat-inspection law and the passenger law. Therefore we confine it to the repeal of moieties under the customs laws.

Mr. HAMLIN. How about the internal-revenue laws?

Mr. SHERMAN. The moieties under the internal-revenue laws have been already repealed.

Mr. CONKLING. That we may understand this matter fully, I venture to make one remark. As the House prepared the section it was a repeal of "all provisions of law under which moieties of any fines, penalties, or forfeitures, or any share therein, or commission thereon," were paid "to informers or officers of customs or other officers of the United States." Now, if we wish to put an end to the moiety system, I do not understand why these same officers should receive moieties of fines and penalties imposed by one law rather than by another. If the section were to repeal penalties altogether, I could see the force of the suggestion of the Senator from Ohio; but the section is to prevent hereafter the receipt by certain officers of moieties of fines and penalties. If that system is vicious and we wish to put an end to it, I do not see why these men should have moieties of fines, penalties, and forfeitures imposed by one law, any more than if they were imposed by another. I do not intend to make an objection, but I call the attention of the Senator from Ohio to the fact that this is an impairment by so much of the view of the other House in this regard.

Mr. SHERMAN. The Senate will see that this section as drawn, although manifestly it was the purpose of the act only to affect the customs laws, prohibits "all moieties of fines, penalties, and forfeitures, or any share therein, or any commission thereon, to informers or officers of customs or other officers." The mischief sought to be corrected by this act relates to moieties under the customs laws. I am informed by the Treasury Department that the effect of this section would be to interfere with and repeal the steamboat-inspection laws and the passenger act, for the enforcement of which no provision is made in this bill, and other laws of that kind involving the preservation and safety of life. In lieu of the moieties under the customs laws we provide other remedies in this bill; for instance, we place it within the power of the Secretary of the Treasury to reward information under sections of the bill, but this section as drawn would repeal all the clauses of these other laws not intended to be affected without substituting anything in their place.

This amendment is made at the request of the Treasury Department, whose recommendation I have in my hand. Our attention was called to this very point, stating that unless this section was limited in some way it would go far beyond the purpose of the act, and would repeal and interfere with laws, healthy in their operation, for the preservation of life on steamboats.

Mr. CONKLING. I beg the Senator to observe that I do not make the remark I do as criticising the action of the committee. If the House in framing this section has made an improvident provision, surely the committee ought to correct it. My suggestion, however, is that if moieties as a system be vicious or so questionable that we think it better to put an end to it at least as an experiment, then if the House has stricken out moieties altogether and provided no substitute whatever in certain cases, logically it seems to me we ought to include those cases such as the Senator now specifies in the after portions of the bill making provisions in the respect he indicates for the cases in which moieties will be abolished by the section as it stands. In other words, if the system be vicious I do not see why we should retain it in some places and abolish it in others. But I do not intend to do more than understand, as we go along, what the object of the various provisions is.

The amendment was agreed to.

The next amendment was of the Committee on Finance in section 3, to insert after the word "otherwise," in line 5, the words "and for the purpose of making such compensation for the next fiscal year, the sum of $100,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated;" so that the section will read:

SEC. 3. That it shall hereafter be the duty of the Secretary of the Treasury, out of any money specifically appropriated by Congress, to make suitable compensation in certain cases under the customs-revenue laws, as hereinafter provided, and not otherwise; and for the purpose of making such compensation for the next fiscal year, the sum of $100,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; and he shall annually report to Congress, in detail, all payments by him for such purpose.

The amendment was agreed to.

The next amendment was to make all that part of section 3 after the word "purpose," in line 10, a new section by inserting before the word "whenever" the word "That" and the preceding words "Sec. 4."

The amendment was agreed to.

Mr. HAMLIN. I wish to call the attention of the Senator from Ohio to what I think is an omission in the eighth line of section 4. I think the word "duties" should precede the word "costs," to make it correspond with existing laws. The law now is that in all seizures under $500 there is no deduction of duties, but in all such over $500, under the existing law, before the moiety is divided, the moiety is made out of what is left after deducting the duties, costs, and charges; and the word "duties" should be inserted.

Mr. SHERMAN. I accept the amendment. The Senator is no doubt more familiar with the details of the law than I am.

Mr. HAMLIN. I move, then, that amendment.

The amendment was agreed to.

Mr. CONKLING. I should like to inquire of the Senator from Ohio whether it will be agreeable and convenient to him, as we go along now, for anybody to ask a question as to the meaning of this bill or reserve it to a future time?

Mr. SHERMAN. I am perfectly willing to answer any question.

Mr. CONKLING. Then I should be glad if the Senator would state the meaning of the proviso beginning on line 8, of section 4, and proceeding in a respect which I will indicate;

That for the purposes of this act, smuggling shall be construed to mean the act, with intent to defraud, of bringing into the United States, or, with like intent, attempting to bring into the United States, dutiable articles.

I wish to inquire whether in case of fraud by the consignor, an undervaluation in a foreign country to which fraud the consignee here is not privy, that act would be smuggling within the meaning of this statute, or whether it is intended to restrict it only to the case of fraud existing on the part of the man bringing in, as the phrase is?

Mr. SHERMAN. I should think the fair construction of this language would confine it to the fraudulent act of bringing into the United States an article, or with such intent attempting to bring it into the United States, and I understand that this proviso substantially defines smuggling according to the present law. We compared it. There are two definitions of smuggling in the present law, both of which are made penal offenses, but there is a little confusion between them. I take it, without knowing directly, that this is an attempt to define the act of smuggling for the purposes of this act, so as to make it a little more clear. The committee at first thought it better to strike out the proviso, because the word "smuggling" was well understood in the criminal law. If the Senator can define the act of smuggling more clearly than this clause does I should be glad to have his assistance. Undervaluation is a different thing; it is not included under the term "smuggling."

Mr. CONKLING. My understanding was and is that one of the frauds punished by the revenue laws and one of the fields in which numerous and extensive frauds are committed may be described by a case in which a fraudulent undervaluation is made in a foreign country, the goods sent are accompanied by an invoice which is fraudulent and undervalued, and the goods are entered and passed according to it.

Mr. SHERMAN. I will say to the Senator that the twelfth section on page 8 covers the class of offenses to which he now refers of fraudulent undervaluations.

Mr. CONKLING. I had looked at that section, and I proposed to call the attention of the Senator to it when it should be reached. I think if he will look at it carefully, he will find that in place of curing the defect, if defect it be, to which I now direct his attention, it is in the same direction. What is it?

That any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make, or attempt to make, any entry of imported merchandise, by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission, &c.

I think the Senator will see that that section would not lay that upon a man who in entire innocence, having no knowledge whatever that any fraud had been committed, but as he supposed, with entire integrity and conformity with law, should go on as an importer or an agent of an importer or owner or consignee to whom goods might thus have been sent. But I have accomplished my object sufficiently by asking the attention of the committee to whatever there may be in the suggestion.

Mr. BOUTWELL. I should like the attention of the chairman of the committee to this view of the case. The proviso is:

That for the purposes of this act, smuggling shall be construed to mean the act, with intent to defraud, of bringing into the United States, or, with like intent, attempting to bring into the United States, dutiable articles without passing the same, or the package containing the same, through the custom-house, or submitting them to the officer of the revenue for examination.

So that I suppose if an invoice were presented to an officer of the customs, or if the goods themselves were presented to an officer of the customs, although there might be a fraud, it would not be smuggling. Now, suppose this, which is the common case in many of the ports, especially in the city of New York: that a person arriving as a passenger, and having in his possession goods that are dutiable, presents the package to the officer of customs—an inspector—who, either because he is negligent of his duty or because, as has sometimes been the case, he has a consideration which leads him to neglect his duty, does not examine these goods, and the passenger passes out of the custody of the officers of the customs with his goods, that act under this statute I take it would not be smuggling.

Mr. BAYARD. It depends on the intent.

Mr. BOUTWELL. It is presented to the officer of the customs,

and either because he is negligent or because he is in a worse state of mind he does not examine the goods, the act would not be smuggling I take it.

Mr. SHERMAN. Such a case would be punished under the general laws about smuggling.

Mr. BOUTWELL. If you define here what smuggling is, then all the acts that are in existence operate under the power of that definition.

Mr. SHERMAN. I think not; for the Senator will see that the words are: "provided, that for the purposes of this act smuggling shall be" so and so. There are criminal laws defining what smuggling is, declaring that the doing of a certain act shall make a person subject to fine, penalties, and imprisonment for smuggling.

Mr. BOUTWELL. The Senator misapprehends my view, or else I misapprehend the provision of the bill. If a party arriving with goods in his personal possession, which are liable to duty, offers the package on the wharf or upon the vessel to an inspector of customs for examination, and the inspector for some reason does not make the examination, and the person having possession of the goods goes away and avoids the duties, that act under this statute is not smuggling; and inasmuch as it is not smuggling, no other provision of law that may be operative can attach to that person and hold him guilty of the act of smuggling.

Mr. SHERMAN. I think the Senator mistakes the object of the fourth section. The fourth section is simply to allow and define when the compensation here provided for shall be paid for the detection of smuggling. It is only intended to define when the Secretary of the Treasury may use the money that is appropriated by the preceding section to pay for the detection of the act of smuggling or the intention to smuggle, and does not affect any of the existing laws punishing smuggling. In the case put by the Senator, where an officer is bribed to pass goods of a passenger, he is guilty of a crime and punishable under existing laws.

Mr. BOUTWELL. The officer is guilty of receiving a bribe, and the person giving the bribe is guilty, but not chargeable with smuggling under this statute.

Mr. SHERMAN. I am informed—but the Senator must be better informed than I—that under the present law the person offering the bribe is severely punished.

Mr. BOUTWELL. Certainly. I am not looking to that, but I am looking to the provision of the law to prevent smuggling. What is this thing that is done? I do not speak of the bribery; but what is the offense of passing the goods without duty, and under what statute do you put the person who brings the goods into port, to punishment?

Mr. SHERMAN. The object of this section is to place in the hands of the Secretary of the Treasury a sum of money with which he can reward the actual detection of fraud. It does not attempt to define smuggling for purposes of punishment, but to define for the purposes of this act the character of smuggling that the Secretary of the Treasury is to use the money here appropriated to prevent or detect. The old law in regard to smuggling is left unimpaired both as to the man who smuggles and as to the officer who participates and as to all parties concerned, and all that this section does is to define smuggling, so that when an officer of the customs shall detect goods, wares, or merchandise in the act of being smuggled, he shall be rewarded in the nature of a moiety. It only defines the character of smuggling, the detection of which is rewarded by this act. The Senator from Massachusetts has had so much experience in the administration of the customs laws that I would like very much indeed to have him assist us in making this bill strong and avoid any escape from proper penalties. This section does not modify the law in regard to smuggling, but only gives in certain defined cases to the Secretary of the Treasury the power to reward its detection.

Mr. BOUTWELL. I have not examined this whole act sufficiently to know what the full effect of the proviso might be; but I believe the object would be accomplished just as well by leaving out the proviso, and then the legal definition of smuggling would be applicable to all cases that might arise under this statute in reference to the distribution that might be made by the Secretary of the Treasury, and he would follow the general rule of law.

Mr. SHERMAN. I will state in reply to that, that there are two definitions of smuggling in the crimes act. They were a little confused and not quite so clear as this. We found this definition here, and we thought it clearer. My friend from Pennsylvania [Mr. SCOTT] has the crimes act and can read the definitions.

Mr. BOUTWELL. Suppose you say "for the purposes of this section."

Mr. SHERMAN. I think that would answer.

Mr. BOUTWELL. That would relieve it and make it clear.

Mr. SHERMAN. The preceding section relates to the same matter.

Mr. BOUTWELL. If you limit it to this and the preceding section I think it would be better.

Mr. SHERMAN. The preceding section authorizes the Secretary of the Treasury to make suitable compensation. That must be embraced. I do not think there is any danger as it stands.

Mr. BOUTWELL. Well, I will not press the suggestion now.

Mr. CAMERON. I dislike to give so much power to the Secretary of the Treasury. He has a great deal too much now. His establishment is larger than any man seems to have had the ability to control for a long time. Now, after talking about "spies" and "informers" for years past, we are going to give him authority to spend $200,000 to employ spies and informers at his own pleasure. I dislike the whole of that, and I move to strike out the words in italics from line 5 to line 8, in section 3, inclusive.

Mr. SHERMAN. We have passed that.

The PRESIDING OFFICER, (Mr. INGALLS.) The Chair will inform the Senator from Pennsylvania that the amendment in that section having been adopted by the committee, his motion to strike out is not in order now, but will be in the Senate.

Mr. CAMERON. Then I move to reconsider the vote on that amendment giving the Secretary of the Treasury money to pay informers.

Mr. SHERMAN. I appeal to the Senator to let us get through with the other amendments.

Mr. CAMERON. I would rather fix the bill as we go on. It is an important bill.

The PRESIDING OFFICER. The Senator from Pennsylvania moves to reconsider the vote agreeing to the amendment referred to by him.

Mr. SHERMAN. I am willing to have a reconsideration so that the Senate may have a vote upon that question.

Mr. CAMERON. I do not want to take the vote now. The Senate is thin and I would rather have a little time.

The PRESIDING OFFICER. The motion to reconsider will be entered and the Clerk will proceed with the reading of the bill.

Mr. SHERMAN. Why cannot my friend from Pennsylvania let this point go over until after we finish the reading of the bill?

Mr. CAMERON. I desire to do as I have done. I make the motion to reconsider.

Mr. SHERMAN. On that motion I call for the yeas and nays, and that will settle the question.

Mr. CAMERON. Very well.

The yeas and nays were ordered; and being taken resulted—yeas 7, nays 33; as follows:

YEAS—Messrs. Cameron, Carpenter, Chandler, Clayton, Conkling, Goldthwaite, and Ramsey—7.

NAYS—Messrs. Alcorn, Bayard, Bogy, Boreman, Boutwell, Cooper, Davis, Ferry of Michigan, Flanagan, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Ingalls, Johnston, Kelly, Logan, McCreery, Merrimon, Mitchell, Norwood, Oglesby, Pratt, Saulsbury, Scott, Sherman, Stevenson, Stockton, Tipton, Wadleigh, Washburn, and Windom—33.

ABSENT—Messrs. Allison, Anthony, Brownlow, Buckingham, Conover, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Harvey, Hitchcock, Howe, Jones, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pease, Ransom, Robertson, Sargent, Schurz, Spencer, Sprague, Stewart, Thurman, West, and Wright—33.

So the motion to reconsider was not agreed to.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Finance was to insert the following after section 4:

SEC. 5. That in all suits and proceedings other than criminal arising under any of the revenue laws of the United States, the attorney representing the Government, whenever, in his belief, any business-book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendent or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of suit in the same court are served; and if the defendant or claimant shall fail to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed unless his failure to produce the same shall be explained to the satisfaction of the court. And the said attorney shall be permitted to make examination of said book, invoice, or paper, if produced, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have free access to them at all reasonable times pending their custody by the court.

Mr. BAYARD. Mr. President, I am in hopes this amendment of the Committee on Finance will not be concurred in. The bill as it came from the House was drawn as a repeal pure and simple of the act of March 2, 1867, amendatory of the law of March 3, 1863, which for the first time in the history of our country permitted the seizure of the books and papers of our citizens for the purpose of procuring the condemnation of their property in courts of justice. I do not propose to dwell upon the facts fully developed two years ago by an investigation of the New York custom-house affairs, and also during the present winter by the Committee on Ways and Means of the House, which seem to have resulted in causing the people of this country, without distinction of party or occupation, with one voice, to agree that such a law as that of 1867, under which such atrocities have been accomplished in the name of law in this country, and which we have strangely permitted, should no longer disgrace the statute-book of a free country.

I was not present at the deliberations of the Committee on Finance when they agreed upon the section which is now before the Senate. Had I been I should have urged the objections that I propose now to urge, and as shortly as I may.

Mr. President, is it not a false and defective principle that our system of public justice laid down by general law, should not be the

same in relation to the Government as to any individual citizen? Can we claim because of the sovereignty of our Government, that therefore different rules and principles should apply to its rights and its claims as compared with the rights of the humblest citizen who lives under it? Certainly, it cannot be so. The great glory of our law is the equality and indifference with which it regards both power and feebleness; that in its presence inequality is unknown, and that the same measure and the same principle of justice applies alike to the weak and the strong, to the great government as to the humble culprit who may stand at its bar for condemnation or acquittal. We have and have had since the very foundation of our Government, under the law of the 24th of September, 1789, ample provision in proper cases to secure the production of books and papers of a party litigant pertinent to the matters in controversy when justice and equity shall demand. It is provided by that law:

That all the said courts of the United States shall have power in the trial of actions at law, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with such order to produce books or writings, it shall be lawful for the courts respectively, on motion, to give the like judgment for the defendant as in cases of nonsuit; and if a defendant shall fail to comply with such order to produce books or writings, it shall be lawful for the courts respectively, on motion as aforesaid, to give judgment against him or her by default.

That has ever been the law since 1789, and it is nothing but the re-enactment of laws which years before prevailed in Great Britain, from whom chiefly our system of laws was derived. It is merely a statutory re-enactment of the practice prevailing in courts of chancery since the institution of courts of chancery; and therefore under this law the cases in which it applies, the occasions when the power of the court shall be exercised are matters which have been canvassed thoroughly and in regard to which lawyers and courts accustomed to the administration of justice are no longer in doubt. What, then, is there in the present case that should remove beyond or outside of this law the merchant defending his rights in a court of justice because the Government of the United States happens to be on the other side defending or pursuing him for alleged duties or penalties?

Mr. President, the statute-books of the United States fairly bristle with penalties against infringement of the revenue laws. No one can glance his eye over the legislation of this country as spread upon our statute-books without seeing that there is more than abundant penalty against infraction of the revenue laws. This bill proposes to do more, in my opinion, to insure a rigid and complete collection of the revenue upon imports than those laws which it repeals and which I suppose were intended to produce the like effect, but which have been so horribly perverted from their end and have become, as we have seen, instruments of the most monstrous injustice, and have been absolutely a disgrace and crying shame to the name of American jurisprudence.

There is no necessity for this section. One resolute conviction; one instance of firm, steadfast prosecution unto conviction of a dishonest merchant; the presence of one such man in the prisoners' dock, and subsequently within the walls of a penitentiary, would do fifty times more, yea a thousand times more, to procure a complete and satisfactory enforcement of the laws and collection of the revenue than all these laws for the division of moieties and spoils among spies and informers have done in the last eleven years of their existence, or would be able to do in the next hundred years. It stands as a matter of record before the Senate and the country that not one single case of conviction is to be found, not one single case in which the penalty of the law has been exacted and the punishment prescribed by law been enforced against the merchant who has violated the revenue laws of the United States. I say that in the face of the record of proceedings of the committee of the Senate for investigation in 1872 and the reiterated testimony taken this winter before the committee of the House of Representatives. Settlement with the informers and their custom-house agents and attorneys, payment of moneys, due or not due, *to them*, has ended every complaint; and such payments compounded all felonies and prosecutions and satisfied every demand of criminal legislation. Public justice was sold and delivered over to the private profit of officials and informers.

With abundant means of punishing dishonest and unfair merchants, this apparent and confessed abundance of means of punishment, why should we violate those principles of personal and constitutional liberty which were sought to be established by the great charter of our Government for the sake of giving increased possibility of conviction in revenue cases? Mr. President, it is not necessary. I have considered this subject long and carefully and deliberately, and I am satisfied that such a provision as is now presented by the Committee on Finance is actually an invasion of those principles which we cannot hold too sacred, principles which are as old as the law of justice itself, that a man shall not be compelled to bear testimony against himself, and that his books and papers, his private writings, shall not be turned into engines for his spoliation and destruction.

I do not propose to delay the Senate, but I am very well aware that this subject has been not only considered by myself, but has been before the public mind; it has been made the subject of careful investigation by merchants in New York, and after due examination, enlightened by the testimony taken in New York two years ago, enlightened by the testimony taken during this winter by the committee of the House, that branch of the Government have deliberately struck out everything relating to seizure and examination of private books and papers, or the involuntary production of mercantile books and papers, and left the Government in the same position occupied by every citizen in the land, where the Government ought to stand, in no position either of detriment or of peculiar advantage in cases where its rights were submitted to the decision of its own tribunals of public justice.

There not only is under the existing law that I have read to the Senate means to compel the production in proper cases of the books and papers of an opposing party where they contain testimony pertinent to the issue, but the party demanding the books has the right of inspection, which should apply equally to the Government as to an individual; and with that law standing on the statute-book, where can there be the need of the section reported by the Senate Committee? I admit that even this law is a step toward reforming the law of 1867 than which anything more monstrous can scarcely be imagined.

Mr. CONKLING. To what act does the Senator refer beside the act of 1867?

Mr. BAYARD. The general law of 1789. The Senator was not in his place when I read it; and, not wishing to repeat, I say this section is unnecessary with that general law in existence constantly practiced under, from which our States have drawn much of their legislation, and in regard to the practice under which there is no doubt in courts of justice, for it has all been carefully discussed in the course of frequent litigation and the principles and rules to which it applies are definitely and well ascertained. It seems that when the Government has all that protection, together with full competency to enforce severe penalties, fines, and forfeitures, we give it the most ample power to secure and compel the collection of its revenues and punish as it should those who seek dishonestly to evade them and endeavor to escape the lawful duties which the legislation of the country demands.

I hope the amendment of the committee will not receive the favor of the Senate and that the bill will be allowed in that and other respects to stand as it was when it came from the House of Representatives.

Mr. SHERMAN. Mr. President, this section gave the committee more trouble than any other provision of the bill, and I am free to say that I regard it as vital to the bill and as absolutely necessary to the due collection of the revenue. We were disposed to grant all that we could to aid the merchants in carrying on their business and relieve them from all embarrassment and all harsh provisions of law; and therefore the first section of the bill, which repeals all provisions that enable the Government of the United States to get possession of the books and papers of merchants, is acquiesced in, but we felt at the same time that some other provision of a proper character must be inserted in this law to enable the Government of the United States to have access to books and papers, to test whether or not an invoice was fraudulent.

The Senator says that on the statute-book there is already sufficient authority, and that from the foundation of the Government to 1863 that authority was deemed sufficient; but upon reference to the statutes the only law that is referred to that would enable the Government in any case to get possession of books and papers necessary to the prosecution of a case is in the old judiciary act of 1789. It is not necessary to read that again to show to lawyers that that act is not adapted for the purpose of enforcing a fine or a penalty or a forfeiture. The general purpose of that act was to enable a party litigant in a suit to call on the adverse party to produce certain papers, but that could only be done in such cases as where in the English practice a court of equity would interfere to compel the production of papers. It is also a well-known principle of law that courts of equity will not interfere by such summary process to aid in the enforcement of fines, penalties, and forfeitures. Therefore, as far as we know, there has been no application of the law of 1789 to cases such as are ordinarily prosecuted against persons who violate the customs laws.

If there is no provision inserted in the place of the sections repealed by this act, there will be no means by which the Government of the United States can pursue an alleged fraud by a merchant so as to secure the production of his books and papers. If there is any such law we should like very much to have it produced. There is none except the law of 1789, and that is really not applicable to the case at all. It then became necessary to make some provision for the production of books and papers, and on examination we found that the Committee on Ways and Means in the House had inserted in this bill the substance of this section by which the United States might require the production of books and papers; but on a motion in the House, probably under some feeling of excitement growing out of recent controversies, the section was stricken out without much debate or any real opportunity to debate it, and the bill came to us without any provision of this kind. After carefully examining it, hearing gentlemen who were interested in the passage of the bill and opposed to the section, we came to the conclusion that it was necessary to restore it. The section as it now stands is precisely similar to the law of almost every State of the Union. It is very similar to the law of Ohio, very similar to the law of New York. The law of Ohio authorizes any party to procure books and papers for his adversary. When I was practicing in the courts this mode of proceeding

to compel the production of books and papers was an ordinary summary proceeding enforced by the courts in all cases in favor of the plaintiff or defendant. It is true there might be some doubt whether under the laws of Ohio that process could be used for the enforcement of a fine or a penalty, but the proceedings under the customs laws are rather in the nature of suits for debts. There is no reason why the same remedy should not be given to the United States to enforce these penalties as would be given any ordinary litigant, plaintiff or defendant.

Mr. STEVENSON. Does the Senator from Ohio say that there is any State in the Union that has a law authorizing the production of any defendant's books in evidence against himself for the enforcement of a penalty? I thought that every constitution in every State of this Union protected a man from giving evidence against himself in any *quasi* criminal prosecution.

Mr. SHERMAN. If the Senator had read this bill he would have found that there was no necessity for asking that question. No man is compelled to convict himself in a criminal prosecution. I am speaking of proceedings to recover penalties rather in the nature of a debt. As a matter of course, the Constitution protects a man from testifying against himself, but this section only applies to ordinary proceedings to enforce a claim for money although it may be in the nature of a penalty or forfeiture, or it may be a claim for the property itself that is forfeited or a penalty for the non-payment of duty. It provides:

That in all suits and proceedings other than criminal arising under any of the revenue-laws of the United States, the attorney representing the Government, whenever, in his belief, any business book, invoice, or paper, belonging to or under the control of the defendant or claimant.

I say that that is the law in most of the States of the Union, and in every State there is a proceeding more or less effective to compel parties to produce books and papers in cases other than criminal; and therefore when we are amending the law which repeals many obnoxious provisions of a more severe character, we ought to provide some remedy which will enable the United States to follow an adversary, an importer, an agent, a consignee, and secure his books and papers for the purpose of enforcing what? A debt due to the United States; enforcing a money claim. This was the conclusion of the Committee on Finance after examining this matter very fully, and I supposed my friend from Delaware was present at the time, but he tells me he was not. We considered this matter fully after hearing the very intelligent gentlemen who came from New York to press the passage of this bill, among whom was Mr. Jackson S. Schultz. They opposed not only the repeal of moieties, but they opposed the introduction of any section like this; but after it was all over and the committee had adopted the section, I think by general consent, although my friend, the Senator from Delaware, tells me he was not present, I received this letter from Mr. Schultz:

On the return of Mr. S. B. Eaton, our counsel, he informs us that your Finance Committee propose to restore the old third section in regard to the seizure of books and papers. Of course it is not modest for us merchants to object to a provision so moderate in its effect as the section now inserted. If we did object it might seem that we were afraid to show our books and have them used as evidence against us. Therefore we shall make no objection.

These merchants were practical men, and they conceded very readily that when an allegation of fraud was made against one of them or against a consignee or importer, it might be important not only for his protection, but for the protection of the United States that the United States might follow the books and papers and seize them for the purpose of evidence. This provision in my judgment is just as necessary for the honest importer who desires to conduct his business in an honest and honorable way as it is for the United States, because every false importation, every evasion of the customs laws is just as great an injury to the honest importer as it is to the Government of the United States. Under the circumstances, we thought with Mr. Schultz, that after we had repealed the obnoxious laws complained of, we had better restore to this law this section, which in my judgment will be far more effective, far more beneficial, far more useful to the officers of the United States in pursuing frauds and detecting frauds, than the old severe provisions that were so much complained of.

Mr. CAMERON. Mr. President, I can very well see why a high-toned merchant like Mr. Schultz might write as he did to the Committee on Finance. He says, if I recollect the words, that it might be supposed he was unwilling to show his books under the belief that they were unfaithfully kept, and therefore he is willing that you shall put in the clause. A high-toned man might say that very readily. If suspected of fraud he would go beyond what justice and his own interests and the interests of propriety would demand of him. But it seems to me horrible that a merchant's books should be subject to the seizure of any committee of Congress on the application of some spy who is paid for not only taking the money from the merchant, but for destroying his character. The Senator from Ohio smiles. His conscience and his feelings may not be so delicate as I had supposed they were; but I remember the case of Mr. Dodge who was robbed of several thousand dollars because he became too nervous to defend himself. There was a man with a reputation earned by fifty years of service in his profession as a merchant, without taint, and he is suddenly called upon by a man commissioned by the Government to go and tell him that unless he pays a certain sum of money he will be exposed on the charge of a crime that he never dreamed of committing. In this country, where commerce is so great a part of our interests, we should protect the merchant as well as every other man engaged in trade or business, the merchant especially, because he undergoes greater risks than any other business man. Necessarily he is obliged to employ a great many people, upon whom he has to depend entirely, upon whose integrity he relies without the opportunity even of testing it; and yet, by some slight misconduct, or, if you will, an open misconduct of one of his employés, that man's reputation of fifty years' standing is to be destroyed by a pimp, a panderer, or spy of some venal office-holder.

I am opposed to all that sort of thing. It is a part of our administration which grew up during the war. Perhaps during the war it was necessary that men without character should be employed to do duties of this sort for the sake of the preservation of the country; but that is not so in time of peace. It is the interest as well as the duty of every man to protect the honest merchant, the honest trader, and the honest manufacturer. There is an interest beyond the interest of the Government. The interest of the people is far beyond the mere Treasury of the Government. Every man who toils to support this Government has an interest greater than the man who comes here to administer it.

I shall vote against giving this inquisitorial power to any officer to go and examine the books or papers of an individual, no matter how high or how low his station may be in society.

Mr. WRIGHT. I am exceedingly anxious, as I know the other members of the Senate are, to dispose of this bill as speedily as possible; but I think there is involved in this section a matter of vital principle to this bill that we ought to understand before the vote is taken. I think there is not a little danger, in view I was going to say of a possible, I may say of an actual, prejudice and feeling that obtains against what are called informers under our revenue law as it stands at present, that we may go to the other extreme and leave the door open in such a way that our revenue laws will be quite inefficient. I think this section is not only necessary to the proper policy of this bill, but I think it is exceedingly mild as it stands, and I beg the attention of Senators to it in all its particulars.

It must be remembered that by this section these books cannot be produced for examination without the order of a court. There must be a motion, a showing made, and the court must be satisfied that the books are necessary in the trial of the cause and that it is proper and necessary to the trial of the issues joined between the parties to produce them. It is not the act of a mere informer going to a merchant's house and taking his books without any order of the court; but the court being appealed to, and all the facts made known and presented, the court, having in view the rights of the Government and the rights of the defendant, sitting there anxious to protect the rights of each, determines that in that particular case the books or papers ought to be produced. When the books or papers are thus produced——

Mr. BAYARD. Will the Senator pardon me for an interruption? He speaks of the book or paper being necessary in the opinion of the court for the establishment of justice in the issue joined in the proceedings. If he will look at the bill I think he will find that it merely requires a statement by the attorney representing the Government that the book or paper belonging to or under the control of the defendant or claimant will tend to prove any allegation.

Mr. WRIGHT. I was attempting to give my construction of the section as it stands. I did not pretend to give the language of the section. The language of the section as it is found here is this:

And thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice.

I maintain that although the motion has been made and in all respects this provision of the statute has been complied with, if the court when it comes to look at all the allegations, the nature of the issue joined, what it is that is to be established, reaches the conclusion that it is not necessary for the promotion of justice or the settlement of the question between the parties to produce those books, there is no requirement in the section that he shall produce them; that it is a matter resting in the discretion of the court in view of the circumstances of the case as they then stand.

It is suggested that under the act of 1789 power sufficient is already given to the court on this subject. I favored the insertion of this section in the bill largely for the reason that I believe it is more in the favor of the merchant than the act of 1789, for it will be found that by the act of 1789 if the book or paper is not produced in the case supposed, there, in the case of a defendant if he fails to produce it, judgment shall go against him at once upon the whole case as by default, and if the plaintiff fails to produce it in the case provided for in the statute, then judgment shall go against him on all the issues joined as by nonsuit. But that is not the effect of this section. The effect of this section is simply that the allegation in the motion of the attorney for the Government shall be taken as true in so far as the allegation contained therein goes and with reference to that matter, and yet the party defendant has a full trial upon the entire issue, and no judgment by default goes against him by reason of his failure to produce such book. Therefore I say that if it comes under the act of 1789 it is much better for the merchant that we have this section than to leave it to stand upon the statute of 1789.

But, Mr. President, I humbly submit that no man who honestly proposes to discharge his duties under our revenue laws can make any

objection to this section. It is not, as my good friend from Pennsylvania suggested, a case where a mere informer comes and takes the books; it is not a case where a committee from this body goes and takes the books without any judicial order; but it is a case where the whole matter being made known to the court, sitting indifferent between the Government and the person charged, the motion being made and all the facts presented, the court determines in its discretion that the book and papers ought to be produced, not necessarily in every case where the allegations have been made, but where the court can see that for the furtherance of justice it ought to be done.

I want to suggest also that this section expressly exempts from its operation criminal cases, and I have a very great doubt whether under the act of 1789 you can extend it beyond those cases that are purely cases at law; I take it that section was intended to extend to the trial of cases at law the rules that obtained with reference to the production of books and papers in equity cases; but where you have a case that is quasi criminal or an action to recover a penalty, I think it is exceedingly doubtful whether the act of 1789 would extend to it; and it seems to me that we ought to have a provision as against those persons who are disposed to evade our revenue laws and not act honestly, by which we can get hold of their books and papers.

As I have already suggested, I think the danger is that we shall go to the other extreme; that because we have prejudice now against informers and the wholesale seizure of books, which has obtained within the last twelve months, we shall go so far that it will be next to impossible to execute our revenue laws where there have been evasions or attempted evasions of them.

I beg Senators to look at this section and to look at it carefully. I think there is infinite danger that we shall impair largely the efficiency of the execution of this statute unless we retain this section. I think we are in very great danger of going to the other extreme. If we leave the statute as it stands now and it shall be sufficient to cover the cases that are contemplated by this bill, then the effect of it will be infinitely worse upon the importer or the man who is charged with an evasion of the statute than it will be or possibly can be under this section of the bill.

Mr. SCOTT. Mr. President, as the chairman of the committee has already stated, this section received as much, if not more, consideration in committee than any other section of the bill; and I desire to say a few words both upon the section itself and upon the general subject which has given rise to it.

I think, as the Senator from Iowa has said, we are perhaps in danger of going to extremes upon both sides of this question in consequence of recent events. Public feeling has been very much excited over the allegation that books and papers have been arbitrarily seized with bad motives in many cases, and on the other hand complaint is made that dishonest persons have violated the revenue laws against whom no penalties can be enforced unless there be just such an arbitrary seizure as is complained of. I think there have been many violations of the revenue law which have never been detected or punished; but I do not agree that it is necessary in order to reach them that arbitrary seizures should be resorted to.

The principal case out of which this feeling has arisen has been generally denounced as an arbitrary seizure of books and papers. I refer to the case in which the books of Phelps, Dodge & Co. were inspected in New York; and for the purpose of ascertaining the true position both of the man who has been denounced for that seizure and of the firm which is alleged to have been wronged by it, I have looked into the testimony relating to the production of those books; and I deem it my duty here to do justice to both parties involved in that transaction, and in the light of its facts make the effort to determine what legislation is required by true public policy.

No man in this country enjoys a higher reputation than William E. Dodge, and I hold that it is hardly worth while for a man to make a good reputation through a long life unless he is to get the benefit of it both in his private affairs and when arraigned as a wrong-doer before the public. It would take a very strong statement from any quarter, sustained by the most undoubted evidence, before I would be willing to impute for a moment any actual or intended violation or evasion of the laws of his country by a man who has sustained and who, as I believe, has deserved the reputation which Mr. Dodge enjoys.

But, Mr. President, upon looking at the transaction by which it is alleged a great wrong upon him was perpetrated, I find that his books were not seized, in the ordinary sense of that word, at all; but the special agent, Jayne, whose acts have been the cause of so much public comment, looking back for five years over the invoices furnished to him by a dishonest clerk in the house of William E. Dodge & Co., found a large number of undervaluations upon these invoices, as was alleged—undervaluations which no man who examines the whole case will suppose were made for the purpose of defrauding the revenue. The same books from which those undervaluations were taken would have shown invoices upon which overvaluations were made to an amount as large as the undervaluations, and the firm of Phelps, Dodge & Co. there is no doubt paid to the Government as much revenue upon the overvaluations in their invoices as the Government was deprived of by those which had undervaluations in them. But this clerk, let his motive be what it might, furnished to Jayne, the special agent, the invoices which showed the undervaluations, withholding those which showed the overvaluations, and upon the face of them Jayne found that the firm of Phelps, Dodge & Co. would be liable, upon a strict construction of the revenue laws, to penalties which would amount to about $1,750,000, being a forfeiture of the whole valuation of all the invoices in which the undervaluations of a few articles had occurred.

Finding this to be the case a suit was instituted, and notice sent to Mr. Dodge of what this agent had found. It came upon him, as he says, like a thunder-bolt; and no man can wonder that it did. No man holding the position which he did in society could be otherwise than alarmed and astounded at being charged with a fraud upon his Government of this extent. He went into the presence of this special agent, in a place which he describes as a dark hole in the custom-house lighted up by gas, and there with the district attorney present he was informed of what was charged against his firm, that they had imported goods with invoices in which undervaluations occurred that would make them subject to these penalties. Mr. Dodge is an honorable man. He averred that he was guiltless, that his firm and every member of it was guiltless, of an intention to defraud the Government; but upon this statement being made to him that their books and papers would show this undervaluation, and a charge being made, according to his statement, in language and spirit certainly discreditable to this man Jayne, and under circumstances calculated to inspire terror, he as an honorable merchant, instead of awaiting the process of having his books ordered into court, proffered to waive all the formalities the law required and place his books at the disposition of Mr. Jayne and of the district attorney. They were then carted away from his store without any judicial order, but upon his own agreement that they should be taken.

Unwilling to go into court where upon the technical letter of the law without any dishonest intention his firm might be subjected to a penalty of over $1,000,000, smarting under the allegation of fraud which was made public and sent abroad to Europe, under which his firm there was suffering, under which one of the members was suffering in reputation and mentally—such suffering as can be appreciated only by a high-toned, honorable man who has had his character blasted before the public—with all these considerations pressing upon him, rather than go into court and incur the risk of paying a penalty of $1,700,000 for a technical violation of law where no fraud was intended, he paid a penalty equal to the actual valuation of the goods upon which the undervaluation took place. The actual valuation of the goods, remember; not simply the duties upon them. The duties, if I recollect aright, and I will not be responsible for exact figures, upon the whole undervaluation would only have amounted to $1,600. The items of actual undervaluation amounted, in a business of five years covering between three and four hundred millions of dollars, to only about $6,000; upon goods which in the aggregate amounted to $271,000, and the case was compromised by his paying that amount.

Mr. President, it was a gross wrong; but the wrong was in the law. We are seeking to remedy it. We are seeking now to make the forfeiture, where there is an undervaluation, apply only to the goods actually undervalued, the items actually undervalued.

Mr. President, I am not here to apologize for this man Jayne; I am not here to become the advocate of any party in this transaction; but I am here to do justice to both these parties, and to see what provision we ought to insert in the public law for the purpose at the same time of protecting the honest merchant, of punishing the dishonest, of collecting the revenues, and imposing and enforcing the penalties and forfeitures that are incurred by actual intentional fraud.

We therefore meet the question, how are those who actually violate the law to be reached? How is the evidence against them to be supplied? The Senator from Delaware [Mr. BAYARD] says, and very truly, that a law has been upon our statute-books since 1789 which authorizes the production of books; but he read that statute, and it applies only to cases where the production of documents would be enforced by a court of chancery. It is a well-settled rule that wherever a party is required to produce documents in a chancery proceeding, he is not bound to answer the rule upon him to produce those documents where it would have a tendency to criminate him, or to render him liable to a pecuniary forfeiture. So that under the act of 1789 if the application were made in a United States court to compel a merchant to produce his books for the purpose of establishing his liability to a pecuniary forfeiture, the court would not order him to produce them.

What, then, was the practice from 1789 until we had the first statute on the books in relation to this subject? I do not know whether it be correct or not, but I confess I have been surprised in view of all that has been said upon the subject of producing books and papers within the last few months or within the last year to find what is testified to as having been the practice under all administrations and at all times down to 1863. Let me read it. It is from the testimony of this man Jayne himself. I read from House Miscellaneous Document No. 264, being the report of the investigation before the Committee on Ways and Means:

Prior to 1863 the practice of the United States was for any collector of a district—

Mark it, Mr. President, not a judge, not a magistrate—

Prior to 1863 the practice of the United States was for any collector of a district to issue his warrant or procure a warrant from a justice of the peace, directed to any subordinate officer, and to take possession of the books and papers of any importing house. The books and papers were not protected in any form or shape. Now, I notice in the bills that have been prepared and referred to the committee,

that most of them refer to the taking of the private books and papers of merchants. I wish to say to the committee that the distinction between the private books and papers and the books and papers of the merchant referring to his transactions with the United States Government is as distinct as daylight and darkness; that in law, or in theory of law, the books and papers relating to importations, to which the Government is a party, are not private books and papers. The collector of any district has had the right from time immemorial to summon any importer. He has had a right to issue his warrant to any subordinate to go and bring the importer's books into his presence, to be kept as long as he in his discretion should deem necessary. In 1863 Congress threw around importers protection which they had never before had under the law.

Mr. President, if that was the proceeding I am amazed that the clamor had not arisen long before the seizure of the books of Phelps, Dodge & Co. That the books and papers of an importing merchant should be subject to the mere motion of a collector, or that a justice of the peace should be moved by the prompting of a collector to seize the books or papers of a merchant is a statement which is so much more alarming than any that is now proposed in this section, so much more alarming than any that has been incorporated in the act of 1863, 1866, or 1867, that all these provisions are mercy and charity and justice compared to what is said here to have been the proceedings before 1863.

Mr. BAYARD. May I ask the Senator from Pennsylvania whether he considers that Mr. Jayne was authority to speak upon the subject of the practice prior to 1863? The Senator is aware that Mr. Jayne had nothing to do with the customs revenue until 1869; he had no connection with it. Now, I may say as against that, that there was quite a carefully prepared brief upon the memoranda of law and authorities touching this matter of seizing books and papers presented to the Committee on Finance by Mr. Eaton, of New York; and in speaking of the action of the courts under the law of 1799 he declared:

The furthest that any court has ever gone against this principle—

That is, the principle of compelling a man to give testimony that will injure himself, either to subject him to penalty or bring him into dispute—

prior to the enactment of the seizure law, in 1863, was in a case in which Mr. Justice Nelson delivered the opinion, holding that where a claimant of merchandise sued for a fraudulent violation of the revenue-law, has the burden of proof imposed upon him by the court, according to the seventy-first section of the collection act of 1799, (1 Statutes at Large, page 627,) it is no error for the judge to instruct the jury that if such claimant refuses to produce his books and papers as an evidence of his accounts and transactions with the parties abroad from whom the goods were purchased, then the jury were at liberty to presume that his books and papers would have operated unfavorably on his case if produced.

And as to the United States courts, a case is stated in this brief, The United States *vs.* Twenty-eight packages of pins, (Gilpin's Reports, 312,) in which Judge Hopkinson, with this act and acting under it, declared:

The courts of the United States have the power given to them to require parties to produce books and writings in their possession or power which contain evidence pertinent to the issue in the case, and under circumstances where they might be compelled to produce the same "by the ordinary rules of proceedings in chancery." Is this such a case? Would a court of chancery, on a bill of discovery, compel a party to produce evidence which would subject him to a forfeiture? I think not. No such order has been shown from a court of equity, and the authorities hold a different doctrine.

Now, I submit to the Senator from Pennsylvania, in view of these cases, that have been not only so closely contested but have been the subject of such close judicial investigation, that the exceedingly careful, restrained language of so venerable and learned a judge as Judge Nelson would have considered the very limit of his power that the jury were to allow the non-production of the books to weigh unfavorably against a party who could have produced them, whether such a practice as this man Jayne speaks of could have been possible. It is not a question touching his personal credibility; it is a question touching his capacity on any ground to be a witness in regard to the law and the practice under a law long prior to the time when he came upon the field as a special agent. He did not come into—I will not say the public service—but he did not take office until 1869, and the law which he acted under was passed in 1863 and amended in 1867, and he is speaking in that testimony, as I understand my friend from Pennsylvania to say, of a condition of law and practice under it which existed long prior to 1863 and supposed to be justified by the act of 1789. I do not think any weight can be given to Mr. Jayne as a witness, or that his testimony is entitled to weight before the country as to what happened prior to 1863.

Mr. SCOTT. I will not stop at this point to discuss with the Senator from Delaware the credibility of this witness. I find this statement in the testimony given by him. I find upon looking through this book that quite a number of the most distinguished merchants, and if I mistake not one or two gentlemen who had hitherto been collectors of the port of New York, were before this committee while this man was giving his testimony. He makes a statement here as to the fact as to how this jurisdiction was exercised, and I do not find any contradiction of that in any other part of the testimony taken before the same committee. I was simply adverting to it for the purpose of remarking that if this had been the practice, it is remarkable that long prior to the present time such a practice had not given rise to such complaints as we have been hearing within the last year or two.

That brings me, however, to the act of 1863. I have already been induced to make many more remarks on this general subject than I intended. I rose more for the purpose of inquiring what position we would be left in if there be no provision of this character in the law, as would be the case if we strike out this amendment upon the motion of the Senator from Delaware. Now, having spoken of the act of 1789, and shown that it is inapplicable, having spoken of this alleged practice as sworn to by this witness, I come to the enactment of 1863, and let me comment upon that very briefly. What did it provide for? Upon the affidavit of any fraud at any time attempted or committed at any port, the district judge of any district—not simply the one in which the fraud was attempted or committed, but the district judge of any district in the United States—a judge sitting at New Orleans might issue his warrant for a fraud attempted or committed at Portland or at New York—shall forthwith issue his warrant, directed to the collector of the port at which the fraud was committed or attempted, directing him, his agents or assistants, to enter any place where such books, &c., are deposited, to take and carry away the same to be inspected, and to be retained so long as necessary.

There was the provision of the act of 1863 which authorized upon an affidavit a warrant to issue to any part of the United States and it authorized, without any opportunity of the party who was charged with having attempted or committed the fraud to show cause, the seizure at once and the carrying away of books, papers, documents, &c., to be inspected and to be retained so long as necessary. These were arbitrary provisions; they were indefensible provisions. I think they were at war with the very spirit of our Constitution and of our institutions, and the wonder is that they were permitted to remain on the statute-book as long as they did.

The only material modification of them prior to the act of 1867 was that by the act of 18th of July, 1866, which provided that when these documents were to be procured a warrant should be directed to any collector of customs in whose district the books, &c., may be; and it made that much of a modification. The warrant was to be directed to the collector of the district in which the books may be; so that it took away the burdensome provision allowing books to be taken in New York for the purpose of being inspected in New Orleans or elsewhere.

Then came the act of 1867, and it confines the complaint of frauds committed within that district, and omits frauds attempted. Then it provides that a warrant is to issue to the marshal, not to the collector, who is to take possession of them and produce them before the judge, who shall allow an examination of the same by the collector or any officer authored by him, and they were to be retained. But—and here was a great amelioration—oath was to be made of such papers as were wanted, of the character of the fraud, of the specific imputation, and the documents that were alleged to be necessary to sustain them has to be specified. That was the act of 1867, and that was the act which was in force at the time these alleged atrocities were committed; and that is the act which is in force now. That act of 1867 repealed the previous act of 1863.

Now, Mr. President, instead of either repealing or leaving that act of 1867 in force, what do we propose to do? Remembering that the moieties, the fines, the penalties which these agents are entitled to share in are reduced by this bill to the cases of actual smuggling, remembering that there is no longer the great inducements operating upon them which heretofore did operate upon them for the purpose of producing these forfeitures, we now take this power and place it in the hands of the prosecuting officer of the Government and of the courts. It must be upon his suggestion to the court, not on the mere suggestion that books and papers will be useful if they are produced for the purpose of establishing a forfeiture against a certain merchant, but that suggestion must contain what the fraud was, what the specific books and papers are that will prove the issue, and upon that suggestion the books are not seized, but a notice goes to the man who is charged with this fraud, and a copy of this suggestion and a copy of the notice is served upon him informing him of what he is charged with, and that upon a certain day he will be required to appear in court and say whether he has such books; if he has, whether he will produce them; if he has the books, why he will not produce them if he refuses, and providing that if after a hearing the court shall be satisfied that these books ought to be produced and shall make such an order, the failure to produce them shall be taken as a confession of these charges.

Now, Mr. President, I submit that this is the very provision which an honest and honorable merchant ought to wish, and the Senator from Ohio has already read a letter from one of the most distinguished merchants in New York saying that the merchants of that city are satisfied with it. It takes away the odious feature that formerly existed of anything like an arbitrary search or seizure. It is an application in open court for a notice in the nature of a rule to show cause to the party charged, giving him information of what he is charged with, of the specific offense, of the forfeiture that is incurred, of the manner in which it was committed, of the books which it is alleged he has, or of the documents it is alleged he has, and saying on such a day and at such an hour in court you will be called upon to show cause why these books if you have them ought not to be produced.

And it is only after all these proceedings that if the judge be satisfied it is right to require the production of the books, their production is ordered. The Senator from Delaware says to me that there is no rule to show cause required. It is not in name or in terms a rule to show cause; but what is it? It is a suggestion of the attorney that "in his belief any business book, invoice, or paper, belonging to

or under the control of the defendant or claimant, will tend to prove any allegation made by the United States," and then he "may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove. Thereupon the court in which suit or proceeding is pending may, at its discretion," and only if the court is satisfied upon the inspection of this suggestion that it is proper; it is not mandatory; the notice does not go as of course; it is in the discretion of the court—"may at its discretion issue a notice to the defendant or claimant to produce such book, invoice, or paper, in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of subpœna in the same court are served; and if the defendant or claimant shall fail to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed unless his failure to produce the same shall be explained to the satisfaction of the court."

The notice is "produce the book." He comes and has the opportunity of saying why he cannot or why he will not produce the book, and if that is not satisfactory to the court, then it is taken as confessed; and although it is not in terms a rule to show cause, the motion and the notice and the discretion given to the court, both as to whether the notice shall issue and as to whether the answer given is a reason why they should not be produced, amount in substance to the ordinary rule to show cause why they should not be produced. Anxious as I am to throw guards around such men as those who have been the victims of our law on this subject, to protect such reputations as have been soiled by these proceedings heretofore, instead of seeing in this section any provision against which such men should complain, I think it is a provision of which they would gladly avail themselves. The honest importer has nothing to fear from that provision, while it is one which will enable the customs officers in good faith to enforce the revenue laws against those who wish to evade them and to avoid their penalties.

Mr. President, having said this much on the subject, more than I intended, I trust that this fifth section as it now stands in the bill will not be stricken out, for, while we should not again have special agents rummaging back for five years through the papers of honest merchants through the agency of dishonest clerks for the purpose of enforcing penalties for a technical violation of the law, we ought to see that actual, willful violations of it shall be punished, and that the proper evidence to procure and enforce that punishment shall be placed in the hands of the officers of the Government and of the courts which administer the laws.

Mr. BOUTWELL. Mr. President, upon the general question of abolishing moieties, I expressed an official opinion more than four years ago in my annual report as Secretary of the Treasury to Congress in the year 1869. I thought then that I foresaw some of the evils of which complaint has since been made. On the 25th of May, 1870, I submitted to Congress a bill for the abolition of the moiety system, coupled with a bill to establish the salaries of the custom-house officers; and again in 1870 I urged the abolition of the moiety system; and I think experience has shown that either of those years would have been a more fortunate time for the consideration of the subject than the present. While I have seen many things and experienced a good deal which would lead me to change my opinion, I think that the moiety system is a bad system and ought to be abolished. Nor is that opinion derived altogether or even chiefly from what are alleged to be the evils under which the commercial community suffers, but rather from a knowledge of the evils that it brings upon the administration of the law and the difficulties and dangers to which those who are called to administer it are exposed.

This section which the committee have reported seems to me a judicious one, and therefore I shall support it. I have been reluctant even to say one word before the public touching any matter concerning which I have been officially concerned, and I do not know that I should have risen this morning except for the remarks made by the senior Senator from Pennsylvania, [Mr. CAMERON.] I have no judgment to express as to the character and conduct of the firm whose name he has mentioned in the presence of the Senate; but I wish to lay before the Senate certain facts which I think relieve not partially but altogether, which justify not only with qualification and apology, but without qualification or apology, what was done in reference to the claim that was made upon that firm. Personally I have nothing of which I can complain. I believe that the senior member of that firm in whatever he has said, either in private or in public, has been altogether favorable to the part I had in the transaction to which public attention has been directed. But the vindication of the course of administration is of more consequence than the vindication of any private person.

What were the facts? On the 27th day of December, 1872, or perhaps a few days prior to that date, a person who had been in the employ of this house, having first been to an attorney in the city of New York not in any way connected with the Government or representing it, came to the special agent and laid before him what he called evidence of the undervaluation of goods imported by this house. He not only made statements, but he presented documents which went to show the truth of his statements, and when these documents were compared with the books of the house after they had been surrendered for the purpose of examination, the evidence was conclusive that those papers had not been tampered with in any way, that they were originals, that they were genuine, that they had been taken from the books of this firm by this man; and whatever may have been his motive or whatever the character you may attribute to him, it has never been proved—I think not even suggested, but if suggested never sustained by any proof—that the agent of the Treasury Department had any knowledge of the relations of this clerk to this house until he appeared before him with these papers, and after having consulted with counsel whom he had privately employed and who was in no way connected with the Government.

What was this special agent to do? I have before me a statement which contains a minute of thirty-six shipments of goods—tin plates—commencing early in January, 1871, ending in March, 1872, upon different vessels, or perhaps in some instances shipments upon the same vessels on different voyages. Each one of those shipments shows a difference between the custom-house invoice on which duties were paid and the private invoice in the same handwriting with the regular invoice presented by this clerk to the special agent, and when compared with the stubs from which they were torn matched exactly with the books then in possession of the firm. When these books were given up on the 27th day of December, 1872, by consent, what was the special agent to do? Attribute to him any character you please; with this statement before him of thirty-six shipments of tin with a public invoice found at the custom-house, with a private invoice in the same handwriting obtained confessedly from the books of this establishment, what was he to do? Can anybody say that he was to do anything except to proceed in the regular way? If he had done otherwise he would have been condemned by the whole country. The matter was laid before the district-attorney, and the district-attorney, acting upon his authority not as an officer of the Treasury Department, but as an officer of the Department of Justice, instituted regular proceedings for the recovery of what was alleged to be due under the law upon a computation not at the will of any officer, but taking the facts as they appeared he proceeded to compute, establish, and ascertain the legal liability of the defendants.

Mr. CAMERON. Will the Senator from Massachusetts allow me to ask him a question. I desire to know if that agent of the Treasury Department is the same officer who has recently resigned his place?

Mr. BOUTWELL. Certainly; Mr. Jayne—the same person. I do not speak of Mr. Jayne one way or the other either in defense or condemnation. I only state the facts. Legal proceedings were instituted for $271,000. About this time—I cannot say what the precise date was—Mr. Dodge called upon me in Washington at my boarding-house, and stated in general the difficulty in which he was involved, and alleging his innocence, of which I had no doubt, he excited my unreserved sympathy upon the representation he made of the difficulty in which his house was involved. He desired to pay the $271,000 at once and have the whole matter disposed of then and there. I said to him: "This is an impossible thing, an improper, a very unwise thing for you to think of." Upon his assertions of his innocence, I gave him what I thought good advice as far as I could give advice as a public officer; I said to him: "If your statements are true, as I have no doubt, you are in no danger either as to money or reputation. Go into court where the testimony can be taken under oath and according to the forms of law. The Secretary of the Treasury has no power; he cannot take testimony; he cannot form a legal judgment. This case can only be disposed of properly in the judicial tribunals of the country, and if it shall turn out, as I have no doubt it will, that these are technical departures from the law and do not involve any criminal intent, the court will so certify; and the Secretary of the Treasury under the statute has power to remit the penalty in whole or in part, and such things are frequently done." Mr. Dodge has said since that I gave him good advice. I gave him such advice as I thought a man in his situation should take. He came a second time and I repeated the advice to him, but declined to have anything to do with the adjustment of the matter as it was in the courts and must be there disposed of.

Mr. SCOTT. Will the Senator from Massachusetts permit me? I would be glad at this point if he would permit me to read Mr. Dodge's statment on this subject and giving his reason why the advice given him was not followed.

Mr. BOUTWELL. I have no objection to that, although I suppose I know the reason.

Mr. SCOTT. I have no doubt the Senator from Massachusetts will be glad to have this read. Mr. Dodge states:

And now, before I forget it, I want to do justice to a Government officer who, I think, is entitled to have justice done him in this case. I have regretted very much that from time to time, ever since the settlement, there have appeared in the papers certain hints which would seem to indicate that the Secretary of the Treasury, Mr. BOUTWELL, did not treat us fairly in the matter. If we had followed Mr. BOUTWELL'S advice we probably never should have paid this $271,000. I came on to see Mr. BOUTWELL. He was sick at his house, and was kind enough to receive me in his room. I stated the whole case to him as well as I could in a very short time, and I told Mr. BOUTWELL that we had looked this matter over with great care; that if it was a matter between ourselves and the Government, or if it was simply a matter between the courts of the United States and ourselves, and if it were not for the array of power and influence which was behind to make the better appear the worse, we would not hesitate to go into court; but for us to go into court and have a judgment against us for $1,750,000 and to have it telegraphed all over the world that the Government of the United States had sued Phelps, Dodge & Co. for fraud, and had obtained a judgment for that amount, whatever might be the result

afterward, the injury to us as merchants would have been irreparable. Because, however swift the fact may go by telegraph, the result of an after-investigation would be very slow to follow. Mr. BOUTWELL said to me, "Mr. Dodge, I think you had better go before the court, and I will assure you that if it comes back to me, as it will come, whatever may be the decision of the court, I will give the matter personal and careful consideration." I thanked him for it. He knew then probably what I did not know, but which if I had known I never would have paid the money. I had no knowledge that there was only $1,600 involved in the whole case, running over five years and covering importations to the amount of $50,000,000.

Mr. BOUTWELL. I did not then know how much was involved. I had received no official report of the case at that time. I had only heard a rumor that there was such a case.

Following these interviews there was a correspondence between Mr. Dodge's counsel, Mr. Wakeman, of New York, who was an eminent revenue lawyer, who had been I think four or five years surveyor of the port and who had frequently appeared before the Department in revenue cases. He appeared in relation to the adjustment of this case. The first proposition made was dated on the 2d of January, 1873, and the two subsequent propositions bore the date of 2d January, 1873, but they were not made until some time afterward. They seem to have been dated back to correspond with the first proposition. This first was a proposition to pay $271,000, and was coupled with a protestation of innocence. We said in reply that it was impossible for the Department to take money for an alleged violation of the revenue laws when those who were charged with having violated them, and who proposed to pay money upon such charges, themselves protested their innocence, that the Government could not take money from hands that were innocent of any intention to defraud the Government. Therefore that proposition was declined.

A second proposition came in which the protestation of innocence was omitted, no admission of guilt inserted, but the protestation of innocence was omitted; and while that proposition was under consideration it was withdrawn before the Department had acted upon it or come to any conclusion as to what should be done. After its withdrawal a letter was addressed by Mr. Dodge himself to the Secretary of the Treasury saying that he had been informed that the Secretary had already reached the conclusion to accept the proposition, and inasmuch as he had made the proposition and the Department had concluded to accept it, he upon the whole had concluded to stand by it. I wrote him a letter, which I dictated personally, saying to him that the Department had come to no such conclusion, that indeed the facts necessary to an opinion were not before the Department, and that his withdrawal of his proposition was entirely consistent with the situation of the question as far as the Department was concerned.

But following that after an interval came a third proposition renewing the offer of $271,000, supported as all the others were by the recommendation of the district attorney of the southern district of New York in favor of accepting the proposition. This proposition either contained the suggestion or condition, or was accompanied or was soon followed by a letter containing the condition that the receipt should be a bar to all claims of the Government against this firm. That of course was inadmissible. We said that the Department could only accept this money as a bar in any civil suit to those cases which had been examined and reported upon; and that proposition was finally accepted in the amended form. The suit was for $271,000 and something over, and they consented to pay exactly what the Government asked. This was not a sudden thing. The proceedings were instituted on the 27th of December, 1872, or earlier than the 27th of December, for the books were delivered on that day of December. The final proceedings took place the very last of the month of February, 1873. Something like two months or more elapsed while the subject was under consideration. There was no pressure from the Treasury Department upon this house. We delayed, we resisted, we refused propositions, we postponed; they had time for consideration, they had eminent counsel, they acted upon their own judgment——

Mr. HOWE. Who represented them?

Mr. BOUTWELL. Mr. Wakeman, for one. I understood other counsel were employed. Mr. Wakeman was an eminent revenue officer, and by his letters and appearance at the Department, by his interviews with the officers of the Department, he manifested an interest in the affair equal to any which an attorney is expected to exhibit.

I have nothing to say about Phelps, Dodge & Co. with reference to this matter. I can understand and I believe Mr. Dodge himself is entirely free from any personal responsibility in this matter. But there is a mystery connected with these transactions. Through a period of more than a year there were undervaluations, invoices given at the custom-house on which duties were paid which did not correspond with private invoices in the books of this firm. Therefore while I do not judge them, I cannot offer anything in their defense; but I do say that the Treasury Department exhibited moderation and consistency. It extended to them not only the leniency which a merciful administration of the law would allow, but the Treasury Department did from the beginning to the end of the transaction delay and postpone the payment of this money, for I can assure the Senate and the country that for myself I was unwilling that a house having the reputation which this house had should pay into the Treasury of the United States $271,000. But what was to be done? After they had had two months for consideration, after we had made suggestions of ways in which this subject could be judicially investigated, when they three times offered to do what the officers of the law said the law required should be done, what was an executive officer of the law to do? Was he to say, "This money shall not be paid; you do not know your own business; you do not know your own condition?" After two months' delay, after they had had the benefit of eminent counsel, after they had had suggestions as to a different method of proceeding, and after they had not only been invited but compelled to go into the courts by the officers of the law and a way pointed out to them by the Secretary of the Treasury how they would escape from every penalty if the judge upon the hearing should say there was no criminal intent but only a technical violation of the law, what was the Treasury Department to do?

Mr. President, in this statement I have done more than I designed to do. I should probably have said nothing except for the remarks made by the Senator from Pennsylvania; but I believe that if the law was ever honestly administered, was ever mercifully administered, ever administered with reference to the rights of the defendants, if ever defendants were cautioned and put upon their guard, this was the case and these defendants were the parties.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I hope not. At this stage of the session we must proceed with the public business. I shall insist on going on with the bill unless a majority of the Senate overrule me by a distinct vote.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the motion of the Senator from Pennsylvania.

The question being put, there were on a division—ayes 18, noes 17; no quorum voting.

Mr. SHERMAN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 18, nays 29; as follows:

YEAS—Messrs. Anthony, Boreman, Cameron, Chandler, Conover, Frelinghuysen, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Lewis, Mitchell, Patterson, Pease, Ramsey, Robertson, and Tipton—18.

NAYS—Messrs. Bayard, Boutwell, Buckingham, Conkling, Cooper, Davis, Ferry of Michigan, Flanagan, Gilbert, Hager, Hamilton of Maryland, Johnston, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Sargent, Saulsbury, Scott, Sherman, Stevenson, Stockton, Wadleigh, Washburn, Windom, and Wright—29.

ABSENT—Messrs. Alcorn, Allison, Bogy, Brownlow, Carpenter, Clayton, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Texas, Jones, Kelly, Logan, Norwood, Ransom, Schurz, Spencer, Sprague, Stewart, Thurman, and West—26.

So the motion was not agreed to.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Finance to be inserted as section 5.

Mr. BAYARD. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 26; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Chandler, Ferry of Michigan, Flanagan, Gilbert, Hamlin, Harvey, Morrill of Vermont, Morton, Oglesby, Pease, Pratt, Ramsey, Sargent, Scott, Sherman, Windom, and Wright—21.

NAYS—Messrs. Alcorn, Bayard, Cameron, Carpenter, Conkling, Conover, Cooper, Davis, Goldthwaite, Hager, Hamilton of Maryland, Howe, Johnston, Lewis, McCreery, Merrimon, Mitchell, Norwood, Patterson, Robertson, Saulsbury, Stevenson, Stockton, Tipton, Wadleigh, and Washburn—26.

ABSENT—Messrs. Allison, Bogy, Brownlow, Clayton, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Gordon, Hamilton of Texas, Hitchcock, Ingalls, Jones, Kelly, Logan, Morrill of Maine, Ransom, Schurz, Spencer, Sprague, Stewart, Thurman, and West—26.

So the amendment was rejected.

The PRESIDING OFFICER. The reading of the bill will be continued.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Finance was in section [4] 6, line 2, to strike out the words "furnishing information" and to insert in lieu thereof the words "claiming as informer;" so as to read:

SEC. [4] 6. That no payment shall be made to any person claiming as informer in any case wherein judicial proceedings shall have been instituted, unless his claim to compensation shall have been established to the satisfaction of the court or judge having cognizance of such proceedings, and the value of his services duly certified by said court or judge for the information of the Secretary of the Treasury.

The amendment was agreed to.

Mr. HAMLIN. Now I wish to call the attention of the Senator from Ohio to this section as it stands. The first clause of it provides that the judge shall determine in certain cases when the person claiming as an informer shall be entitled to a compensation and the sum, "but no certificate of the value of such services shall be conclusive of the amount thereof." If you do not make it conclusive with the court you give an appeal to the Secretary, and in every case you will have an appeal lying from the court to the Secretary. This first clause is "where judicial proceedings have been instituted," where there has been a trial had, where the judge will know all the circumstances connected with the informer—and he will be better qualified to judge in that case than the Secretary of the Treasury can—what shall be the informer's share? You allow an appeal there, and you have then two parties with the jurisdiction, and you will have that appeal taken in every case. I therefore suggest to strike out the words "but no" in the eighth line and insert "which;" so as to read "which certificate of the value of such services, when not exceeding the limitations of this act"—for there is a limitation hereinbefore named—"shall be conclusive of the amount thereof."

Then the next clause makes the decision of the Secretary conclusive

where the case is settled without legal action. I have had some conversation with the Senator from Massachusetts, and I believe he agrees with me in the propriety of an amendment. I would, to make it a little more specific, add after the word "services" in the sixth line the words "stated in the final order or decree made therein and;" so as to read:

To the satisfaction of the court or judge having cognizance of such proceedings, and the value of his services stated in the final order or decree made therein, and duly certified by said court or judge for the information of the Secretary of the Treasury, which certificate of the value of such services, when not exceeding the limitations in this act, shall be conclusive of the amount thereof.

Mr. SHERMAN. I would defer very much to the opinion of the Senator from Maine on a question of this kind, for he has himself enforced the customs laws; but this matter did not escape the observation of the committee, and the reason why we preferred to let the Secretary of the Treasury in all cases fix the amount was because there are some thirty or forty different judicial districts in the United States where there may be customs laws to be enforced, and we have more than that number of collection districts, and we thought there would be great diversity in the carrying out of this section in the distribution of this compensation if it was left to the courts alone to fix the amount. In one court the judge might give a very large sum, going up near to the limit fixed by law of one-half of the value of the goods, and other courts might allow a very small rate; and if their decision was final and conclusive as to the value and amount of service, it might be very difficult to administer the law.

These services are of a peculiar character. They are services as an informer. There is no fixed measure or standard of value. There is no fixed measure of damages as the value of an article, sold or the like, and it is very difficult therefore for the judge to determine the exact value of the service; but the judge may very properly state the circumstances, may make a kind of special finding, and his certificate of the value of the services may be sufficient, leaving the Secretary of the Treasury administering the revenue laws throughout the United States to apply general rules to this distribution. As a matter of course, all the money comes from the Treasury, and the Secretary must finally act on it in some form. He must draw the warrant and pay the money out. It seemed to us therefore that the House had acted wisely in allowing the Secretary of the Treasury to be the final arbiter in the distribution of this money. Still, if the Senator from Maine who is familiar with the collection laws and the Senator from Massachusetts, who at one time administered them, think it is better to let any court or any judge in any district pass finally upon all the facts in these cases, so that the Secretary of the Treasury shall have nothing to do but issue his warrant for what they find to be due, be it so, though it seems to me not to be a wise but rather a dangerous provision. It would probably lead to the expenditure of a greater sum of money than would be the case under the provisions of the bill.

Besides, the amount of the appropriation is limited by law. The Secretary of the Treasury may award the sums to be paid out according to the amount appropriated by Congress, whereas the courts may not know anything about the distribution of this fund. Here we have appropriated $100,000 to cover these cases. The court may award $500,000, or $200,000, or $300,000, there being no limit except one-half the value of the goods seized in the process of smuggling.

Mr. HAMLIN. There is a limit of $5,000.

Mr. SHERMAN. But that is enormous taking the number of cases of smuggling that occur, and $100,000 would not pay for many cases at that rate. I can see that there are great difficulties, and I think Senators when they come to reflect will see that it is not wise to leave the courts determine the amount in all cases, but that their finding should be subject to final distribution by the Secretary. Still, if Senators think it better to do this, I shall not interpose.

Mr. CONKLING. I ask the attention of the Senator from Ohio, the Senator from Maine, and the Senator from Massachusetts to the fact that in the haste with which this bill seems to have been prepared, here is a case in the present section not provided for at all, and which I suppose is one of the cases that most frequently occur. Provision is here made that one claiming as informer may be paid in two cases, one where judicial proceedings were instituted and a trial or examination had before a court, and the other where no judicial proceedings occur at all. What is to be said of all the cases where a suit is commenced and the party appears and unwilling to litigate either gives a *cognovit* or allows judgment to go by default, the court never seeing or knowing anything about it; in such cases, which would be upon the doctrine of chances the most flagrant, the most guilty, an informer could receive nothing as I see under either provision of this section. First, "no payment shall be made to any person claiming as informer in any case wherein judicial proceedings shall have been instituted, unless his claim to compensation shall have been established to the satisfaction of the court or judge having cognizance of such proceedings." A writ issues; a proceeding *in rem*, if you please; and the party appears and gives a *cognovit*, does not defend at all; judgment is taken by default. What judge knows anything about that? How is it ever to get into any court by which the judge can be informed so that he can fix the compensation? That case would not be within the first part of this section, and certainly it would not be within the latter part.

Mr. SHERMAN. Will the Senator look at the language again? "In any case wherein judicial proceedings shall have been instituted." How could there be a *cognovit* unless judicial proceedings are pending, and the judgment is founded on the admission of the party?

Mr. CONKLING. My honorable friend was amusing himself by a conference with another Senator in place of paying the slightest attention to what I said, or he would not have asked that question. Let me state the case again. Of course if a suit is commenced and the party goes into court, and with or without a hearing a judgment is rendered, the Senator may stretch this language as he suggests to cover that case. I put to him the case where a man's goods are seized; nothing goes except that process, whatever it may be, upon which a seizure takes place; there judicial proceedings are instituted, are they not? The case goes no further. Will the Senator tell me how the judge is to know anything about it, a judge of that court when the case is never on the docket, no attention ever called to it, no pleading is ever presented to him, when nobody is even heard before him? How is the judge going to know the merits of one claiming as an informer who will come to the Secretary of the Treasury and say, "Why, I gave the district attorney the information upon which he seized those one hundred tubs of butter; he sent a man to seize them on information I gave him, and I come here to claim a share as informer." The Secretary takes up this section of the law and says: "Which class of people do you belong to? Have you any certificate from the judge?" "No; this never went into court at all; judicial proceedings were instituted but nothing was done by the court, and therefore I have not a certificate." The Secretary says, "Then I cannot pay you anything because judicial proceedings were instituted; the case does not enable you to get and you have not got the certificate of a judge because there was no trial or hearing before him, and therefore how can I pay you at all?"

Mr. SHERMAN. As I understand the section I do not see the difficulty the Senator from New York does. This is intended to divide all these classes of cases into two. Where proceedings are instituted, as a matter of course there must be a finding by the court, and this forbids the Secretary of the Treasury from interfering with a case in which the courts have jurisdiction. Practically it forbids the settlement of that class of cases where suits are pending and instituted, prevents the parties from settling them, and prevents anybody from receiving money in a case once commenced in court until it has been prosecuted so far that the informer can get a certificate from the judge showing him entitled to so much.

Mr. CONKLING. Shall I understand my friend to mean that if a suit is commenced and the party does not appear to answer at all, allows the goods which have been seized to be sold, the alleged informer in such a case can or cannot go to a judge of the court in in which the proceeding was instituted, and obtain a certificate?

Mr. SHERMAN. I understand that in such a case, where judicial proceedings have been commenced in the court, and the court has taken cognizance of the proceeding, the judge must upon the papers before him certify whether or not there was a proper case, and certify the value of the services to the Secretary of the Treasury.

Mr. CONKLING. On what evidence is the judge to certify that?

Mr. SHERMAN. The informer must furnish sufficient evidence to show that he is entitled to something; otherwise nobody gets any money. The case having once been instituted in court, it must be prosecuted until the certificate of the judge is obtained that it was properly instituted and properly prosecuted. I ask the Senator from Maine if he understands it as I do?

Mr. HAMLIN. I understand it precisely as the Senator from Ohio does. The first provision in this section applies to those cases where judicial proceedings have been instituted. In all cases where judicial proceedings have been instituted the first clause in the section covers them, and the amount due to the informer is to be determined by the court. In all cases where judicial proceedings have not been instituted, the question is to be determined by the Secretary. Now judicial proceedings have or have not been instituted. There are but two classes of cases. If there be proceedings instituted and then dropped by default, in what manner shall the person claiming to be informer obtain a certificate of the court? The process can be instituted only by the district attorney upon the information furnished by the collector of the port, and it is to the collector of the port that the information is given, and through the collector of the port and with the aid of the informer he will be bound to furnish the judge with that evidence which will show first that he is an informer and second what would be a proper sum to allow him. That would be my understanding of it, and I have no doubt of it.

Mr. CONKLING. Then, if I may be allowed to make a remark, I am clearly against the amendment offered by the Senator from Maine, and I think the committee were manifestly wise in the way they have reported the section. If the Senator from Maine is right now in supposing that when an informer has given information to a collector proceedings are taken, no part of which ever comes within the view of any court or judge, then under this section the informer is to go and get up *ex parte*, by affidavit or otherwise, the evidence, as the Senator calls it, which he is to present to the judge so as to secure a certificate of the judge upon that, no proceedings ever having passed in review before him, the estimate which the judge sets upon his services should not be made conclusive, as my honorable friend from Maine proposes. I was inclined at first to vote for his amendment because I supposed it would apply to cases which had been tried or heard, which were on the docket, which were open in some sense to judicial

inspection. But if it be true that an informer who lives at Dunkirk in the State of New York is to go down to Judge Wallace who lives two or three hundred miles off, at chambers, carry him a bundle of papers consisting of his own affidavit or whatever they may be, and ask him to look at those papers and refer him to this section of the law and fix what he ought to be paid as an informer, in that case I understand it would get to be a game of legs and bounce. Any informer who was pertinacious and cunning enough and knew law enough to present a plausible case could secure what he chose, unless you appoint somebody to step on his heels all the while, to go after him and detect him and undeceive the judge of all the impositions which *ex parte* he may put upon him. Virtually the judge would be at the mercy of the informer.

Then I think the committee are wise in saying that the Secretary of the Treasury ought to have the right to review that, and not be bound hand and foot by any partial, although not consciously partial certificate which might be obtained by an informer from a judge having absolutely no knowledge whatever in regard to the case except what the informer might see fit to give him.

Mr. HAMLIN. The Senator has not well considered the point which he has made. If he had, I am very sure he would not have made it. The judge is to be in possession of no information except such as he is furnished with by the collector and the informer. I take it it all comes through the collector. Therefore it would be improper in cases that are not actually tried to give the judge jurisdiction; and why? Because from Dunkirk to some other place the informer will travel down with a large bundle of papers, *ex parte* affidavits, and present them to that judge, and upon those papers he is to get his proportion as informer, and in no other way, and therefore the opinion of the judge ought not to be conclusive. Does my friend recollect that that is precisely the way the bill leaves it for the Secretary of the Treasury to act? The Secretary of the Treasury is to have no earthly knowledge as to how this money to the informer shall be distributed except that which is furnished him by the collector and the informer. I hold that if the amendment which I have offered is adopted you will secure first the opinion of the court in the case where there shall have been an actual trial. If the amendment is not adopted you will not get the opinion of the court in that case as conclusive. You will get it then, you will get it in the other case precisely in the same way that it would be furnished by the Secretary of the Treasury if it be not furnished to the court. I think that is a conclusive answer to the suggestion the Senator makes.

This is a matter which I care not a fig about. I do not believe it is wise to have two bodies here with an appellate jurisdiction from one to the other, when in most cases the one party will have a judicial proceeding before him and can better judge of the manner of distributing the money than can the Secretary of the Treasury with this bunch of papers that the informer will travel with from Dunkirk to the Secretary of the Treasury to inform him. I think it would be better; I think there would be more justice, and the rules applied would be more equitable and more uniform. However, it is a matter of no great importance.

Mr. CONKLING. The honorable Senator from Maine says he has made a conclusive answer to my suggestion. Whether he has or not, I will leave to him when I state a fact. The fallacy in the argument of my honorable friend, as very often occurs with the greatest logicians, is in the premises and not in the reasoning. He says that the Secretary of the Treasury would have before him the same matter, and nothing else, as the court. Having taken that for his premises he argues most conclusively that therefore he would not know any more about it than the court. I take issue with him upon the fact and I offset his statement with my own to this effect: When an informer has gone *ex parte* before a judge who is burdened with many things and cannot sit down to issue citations, even if he had authority to do it, to all concerned to come in and contradict, and when he did get this *ex parte* certificate from the judge and then is compelled to send it to the Secretary of the Treasury, what may the Secretary do? Is the Senator warranted in saying that he is to sit down on this certificate and the papers on which it is granted, and shut his eyes to everything else? On the contrary it is referred to the proper clerk, and if the Department is administered as I presume it is and will be, it will become the duty of that clerk to write to the district attorney, to write to anybody else, if there is a special agent or whoever it may, to tell him to inquire about this, and it turns out that there is another side to it, if it turns out that in place of all this information coming from this pretended informer the district attorney had knowledge otherwise, that other people had knowledge otherwise, that there is really no merit in what the claimant has done, the Secretary of the Treasury may say that as the judge might say it if the facts were before him, and if the judge had a bevy of clerks and he could touch a bell and have the proper clerk come before him and hand the papers over to him and say write to Mr. District Attorney, and write to this, that, and the other man "and see what the answer to this is, and then I will pass upon it," I grant that the adjudication would be then about as valuable and substantial as it is likely to be in the case of the Secretary of the Treasury.

But on the other hand if the judicial officer without anybody to help him is to be applied to at chambers, plucked by the sleeve at any hour of the day when an applicant can catch him, and requested to look at these papers and give a certificate, and to do it hastily and certify the best that he can *ex parte*, it seems to me it would be a very considerable check and safeguard and a beneficial power of revision to have some time elapse and everybody know that that has gone to the Secretary of the Treasury and the Secretary of the Treasury able to correspond with the collectors, district attorneys, special agents, and representatives of the Government, whoever they may be, in order to see whether the whole truth was told to the judge or whether in reality sand was thrown in his eyes by the single person interested in the seizure.

Mr. HAMLIN. This is a mere controversy of words, but I do not want to leave it quite here. I want to say one word more to my friend from New York. I again affirm that precisely the same proceedings would be had before the judge as before the Secretary, only if there were an actual trial in court the judge would have the benefit of all the witnesses that might have been examined who might show who was or was not the informer.

I said that the matter would be presented by the collector and the informer to the judge. So it will, but it will be presented in all cases, as it always will, and always has been, and is now, by the district attorney. It is the every-day practice to-day that our courts do determine who is the informer, and they certify it to the Secretary here. I said the collector and the informer; I meant to say that they were the parties; but the legal officer to present the cases will be the district attorney.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine, [Mr. HAMLIN.]

The amendment was rejected.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Finance was in section [5] 7, line 5, to insert between the words "this" and "act" the words "or any other."

The amendment was agreed to.

The next amendment was in section [5] 7, line 17, to strike out the word "perpetual" before the word "right;" so as to read: "shall have a right of action against such officer," &c.

The amendment was agreed to.

The next amendment was in section [6] 8, to strike out in lines 2 and 3 the words "interested in a part or share of any fine, penalty, or forfeiture incurred under the customs-revenue laws of the United States," and in lieu thereof to insert the words "claiming compensation under any provision of this act."

The amendment was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 6th instant approved and signed the following acts:

An act (S. No. 32) obviating the necessity of issuing patents for certain private land claims in the State of Missouri, and for other purposes;

An act (S. No. 237) to change the name of the port of San Pedro, California, to Wilmington; and

An act (S. No. 822) to amend the act entitled "An act to promote the development of the mining resources of the United States," passed May 10, 1872.

THE REVISED STATUTES.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate at this time the bill (H. R. No. 3652) providing for publication of the revised statutes of the United States.

Mr. CONKLING. I think that bill had better be read at length. I presume there will be no objection to it.

The Chief Clerk read the bill.

The first section authorizes the Secretary of State to employ a competent person to prepare the revised statutes for publication and superintend the printing of the same. The person so employed is to complete the head-notes, the special titles to chapters, and the marginal notes, referring to the original statutes from which each section was compiled and repealed by the revision, with references to decisions of the Supreme Court of the United States, explaining or expounding the same, and such decisions of State courts as he may deem expedient; and he is to make a full and complete index to the same, and to superintend the printing and see that the same is truly and accurately printed. The service is to be performed to the satisfaction and acceptance of the Secretary of State, and such sum shall be paid to the person so employed as the Secretary shall deem to be just and reasonable. When completed to the satisfaction of the Secretary of State, the Secretary is to duly certify the same under the seal of State, and when printed and promulgated as hereinafter provided, the printed volumes shall be legal evidence of the laws and treaties therein contained in all the courts of the United States and of the several States and Territories.

Section 2 provides that the revision of the statutes of a general and permanent nature, with the index thereto, shall be printed in one volume and shall be entitled and labeled "Revised Statutes of the United States," and the revision of the statutes relating to the District of Columbia, to post-roads, and the public treaties in force on the 1st day of December, 1873, with a suitable index to each, shall be published in a separate volume and entitled and labeled "Revised Statutes relating to the District of Columbia, and Post-Roads, Public Treaties."

By section 3 the Secretary of State is directed to cause the two volumes to be stereotyped, and such number of each volume to be printed and substantially bound at the Government Printing Office as he may deem advisable, and to make some suitable and convenient arrangement for keeping them for sale, and the same shall be sold together or separately and at the cost of paper, press-work, and binding, and the proceeds of all sales shall be paid into the Treasury.

Section 4 declares that the revised statutes shall not be published by the authority or at the cost of the United States except as above provided.

Section 5 requires the Secretary of the Interior to cause all the copies of the revision of Indian treaties made by Thomas J. Durant and now printed, to be bound and deposited with the Interior Department for the use of the Department and officers of the Government.

Mr. ANTHONY. I wish to call the attention of the Senator who has the bill in charge to one point. The bill says that the statutes shall not be printed at the cost of the United States except in the manner provided by the act. Ought they to be printed at all otherwise? Ought there to be any erroneous editions of the statutes, and is there not danger that there will be if they are allowed to be printed? I make the suggestion.

Mr. CONKLING. I understand the Senator's question logically to go to this length, to be an inquiry whether we shall not in some way prevent any book-seller or book-maker who chooses from publishing the laws of this country.

Mr. ANTHONY. That is what I mean precisely.

Mr. CONKLING. I think it would be rather an extreme application of the doctrine of copyright to prevent a man publishing at his own expense the statute laws of the country, or any of them.

Mr. ANTHONY. It would be an extreme stretch of the copyright law perhaps to prevent any man from publishing a correct copy of the statutes; but it seems to me it would be a very proper use of the copyright law to require that any person who did publish the statutes should subject them to some revision which should establish their authenticity. I can hardly conceive of anything that would be more dangerous than to have a cheap edition of the laws that men would buy because it was half-price, and act upon it and find errors.

Mr. CONKLING. Has there ever been any such edition of the laws as the Senator speaks of?

Mr. ANTHONY. I think not. I never heard of any.

Mr. CONKLING. Did we ever have any penal or other statute to prevent any man from publishing the laws if he chose?

Mr. ANTHONY. I think the laws published by Little & Brown are copyrighted. I do not know how that is; the Senator probably does.

Mr. CONKLING. I know of no such thing, and I can hardly conceive how any man for the love of gain—and I know of nothing else to induce him to do so—should publish for sale as a law-book an incorrect, pretended, and vicious copy of the statutes of the country.

Mr. ANTHONY. Not maliciously; I do not mean purposely.

Mr. CONKLING. But even heedlessly. How he could expect a somewhat exact profession, to which his sale must be limited, compelled to use these books as its tools, as a carpenter uses his chisel or his plane, to buy an edition of the statutes which whether maliciously or not, was incorrect and untrue in any particular, I cannot understand.

However, Mr. President, if the Senator from Rhode Island has any doubt about it, I have no objection to this bill being printed and lying on the table. I do not think it is worth while to refer it; it may just as well be printed and lie on the table, and I will try if I can to-morrow during the day or at some time to secure action upon it. I will say that I have a note in my hand received from the chairman of the committee in the other House assigning reasons, which I shall not detain the Senate by stating, why there should be speedy action in this regard; and therefore although I consent that the bill be printed and lie on the table, I hope we shall not long delay it.

Mr. ANTHONY. I only called the Senator's attention to the point I spoke of. I ask the Senator to look into the point. The statutes at present are copyrighted, I find.

Mr. CONKLING. Perhaps this bill had better be printed and lie on the table, unless the Senator from Rhode Island feels satisfied about it. I do not wish to have it pushed through with undue haste.

Mr. ANTHONY. I am satisfied about it if the Senator from New York is. I merely called attention to the fact. The Senator tells me that the copyright of Little & Brown's edition applies to the marginal notes and references.

Mr. CONKLING. Precisely, but copyrighted by whom?

Mr. ANTHONY. By Little & Brown.

Mr. CONKLING. By the persons who, as contractors, were permitted to print it. They have a motive for copyrighting it, because whoever prints it is a competitor of theirs and they wish to put up bars against competition. The Government has no such interest. On the contrary, the Government has heretofore paid for the publication of its own laws needlessly in many newspapers. This act strikes out that provision. I think if all men and all women who choose are allowed to print copies of the statutes and sell them to whoever will buy them, we suffer nothing in that regard. If we were Little & Brown making a book for sale and profit, of course we ought to copyright it and prevent any competitor encroaching on our title; but it seems to me we are not in any such attitude.

Mr. ANTHONY. If the lawyers are satisfied, I am.

The bill was read three times, and passed.

Mr. SHERMAN. Let us go on with the moiety bill.

Mr. ROBERTSON. It is evident we cannot finish the bill this evening, and I move that the Senate adjourn.

Mr. SHERMAN. No; let us go on longer.

Mr. BOREMAN. I ask the Senator from South Carolina to withdraw that motion until I can have a short executive session.

Mr. ROBERTSON. I withdraw the motion for that purpose.

Mr. CONKLING. I suggest that it is now five o'clock and very hot, and unless there is something very pressing I hope we shall not close the doors for executive business.

Mr. BOREMAN. I think we ought to have a few moments. I move that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. ROBERTSON. I renew the motion to adjourn.

The motion was agreed to; and (at five o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 8, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order during the morning hour is the calling of the States and Territories for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for printing and reference. The morning hour now begins at eleven minutes past eleven o'clock.

Mr. RANDALL. I ask that by unanimous consent, after States and Territories have been called through for the introduction of bills and joint resolutions for reference, motions to suspend the rules may be in order without the second call being proceeded with.

There was no objection, and it was so ordered.

DONATION OF CANNON AND CANNON-BALLS.

Mr. CROCKER introduced a bill (H. R. No. 3612) donating four cannon and sixteen cannon-balls to Clinton, Massachusetts, for monumental purposes for soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THE REVENUE.

Mr. STARKWEATHER introduced a bill (H. R. No. 3613) to increase the revenue and to restrain stock-gambling; which was read a first and second time.

Mr. STARKWEATHER. I ask that the bill be read at length.

The bill was read at length, referred to the Committee on Ways and Means, and ordered to be printed.

MAIL LETTINGS.

Mr. MERRIAM introduced a bill (H. R. No. 3614) to facilitate mail lettings; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MONEYS APPROPRIATED TO CHARITABLE AND OTHER ASSOCIATIONS.

Mr. MERRIAM also introduced a bill (H. R. No. 3615) requiring all moneys appropriated for charitable and industrial associations and institutions or corporations to be paid out only on the check of the authorized fiscal officer; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIAM G. GREEN.

Mr. HOSKINS introduced a bill (H. R. No. 3616) granting a pension to William G. Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. CLARK, of New Jersey, introduced a bill (H. R. No. 3617) to appropriate condemned cannon for the use of the Veteran Soldiers' Association of the city of Elizabeth, New Jersey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. DE BEVOISE.

Mr. SCUDDER, of New Jersey, introduced a bill (H. R. No. 3618) for the relief of Second Lieutenant William H. De Bevoise; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REGISTERED-LETTER SYSTEM.

Mr. PACKER introduced a bill (H. R. No. 3619) to provide for a better organization of the registered-letter system; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PIERS AT CHESTER, PENNSYLVANIA.

Mr. TOWNSEND introduced a joint resolution (H. R. No. 108) in relation to piers at Chester, Pennsylvania; which was read a first and second time.

Mr. CLYMER. I ask that the joint resolution be read at length.

The joint resolution was read at length, and was referred to the Committee on Commerce, and ordered to be printed.

JOHN MILLER AND OTHERS.

Mr. LOWNDES introduced a bill (H. R. No. 3620) for the relief of John Miller, Samuel D. Piper, and La Fayette Miller, citizens of Washington County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WESTERN DISTRICT OF ARKANSAS.

Mr. SENER introduced a bill (H. R. No. 3621) to abolish the western district of Arkansas; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

BONDS OF CLERKS OF UNITED STATES COURTS.

Mr. SENER also introduced a bill (H. R. No. 3622) to amend the act to establish the judicial courts of the United States, approved September 24, 1789, in relation to the bonds of clerks of the courts of the United States; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

FEES OF CLERKS, MARSHALS, AND ATTORNEYS.

Mr. SENER also introduced a bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

WILLIAM T. EARLY.

Mr. BELL introduced a bill (H. R. No. 3624) granting a pension to Corporal William T. Early, of White County, Georgia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. P. GRIDGER.

Mr. FREEMAN introduced a bill (H. R. No. 3625) for the relief of L. P. Gridger; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PHILIP KING.

Mr. RAPIER introduced a bill (H. R. No. 3626) for the relief of Philip King, deputy collector of internal revenue at Haw Ridge, Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. M. STONE AND OTHERS.

Mr. HOWE introduced a bill (H. R. No. 3627) for the relief of J. M. Stone, William S. Compton, and W. C. Alexander; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LANDS SOLD FOR DIRECT TAXES.

Mr. BECK introduced a bill (H. R. No. 3628) for the relief of owners and purchasers of lands sold for direct taxes in the insurrectionar States, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed, and also to be printed in the RECORD.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, empowered and directed, out of any money not otherwise appropriated by law, to pay to whomsoever shall be satisfactorily shown to him to be the owner or owners, his or their heirs or assigns or legal representatives, of any land sold for direct taxes under the provisions of the act entitled "An act for the collection of direct taxes in the insurrectionary districts within the United States, and for other purposes," approved June 7, 1862, and of the acts amendatory thereof, without interest, the amount of the proceeds of sale of any such land for direct taxes due to the United States under such act, except lands sold in South Carolina at Army and Navy sales, on which only partial payments have been made, less all taxes, costs, and legal charges accrued by reason of the sale thereof by the tax commissioners of the United States under the said acts: *Provided*, That such owner or owners, their heirs or assigns or legal representatives, as the case may be, shall, before such payment, duly execute and deliver a full and complete quit-claim conveyance of said property, and a release of all mesne rents and profits thereof to the purchaser or purchasers thereof at said tax sale, their heirs, assigns, or legal representatives, as the Secretary may require.

SEC. 2. That in case the ownership of said property prior to such tax sale is in dispute, or when there are conflicting interests in such ownership, or when such interests are so involved as to render it proper for a court of equity to adjust the several interests of parties in the said land, the Secretary of the Treasury shall pay, out of any money not otherwise appropriated by law, to a receiver, who may be appointed by a court having jurisdiction to determine and adjust the said interests of parties claiming an interest in said land, and who may be appointed by said court for such purpose, who shall give security for the performance of his duties as the court may require, the amount of the proceeds of said sale, without interest, less all taxes, costs, expenses, and charges, as aforesaid, to be distributed, according to the order of said court, upon principles of equity, among the parties interested in said land according to their respective interests: *Provided*, That an order or decree be made by such court, all parties in interest consenting thereto, that said sum of money shall be accepted in lieu of the land, and that a commissioner or other officer be appointed thereby, who shall execute a complete quit-claim conveyance of said property, and a release of all mesne rents and profits thereof, to the purchaser or purchasers thereof at said tax sale, their heirs, assigns, or legal representatives; which conveyance shall, upon the receipt of such money by such receiver, operate as a complete extinguishment of all claim, right, title, and interest of the parties to such suit, who may have been the owner or owners of said land at and before such sale, or have derived title or interest therein from such owner or owners as heirs, assigns, or otherwise.

SEC. 3. That in case the owner or owners of the land at and prior to such tax sale, or parties having a valid lien or interest upon or in the same, or any one or more of such owners or parties, are incapacitated, by reason of infancy, insanity, or other legal disability, from complying with the provisions of the first two sections of this act, so as to give to the said purchaser or purchasers a conveyance of their interests in the said land, or in case such former owners or parties, or any one of them, shall refuse to avail themselves or himself of the privilege conferred by the said first two sections, and such facts shall be satisfactorily shown to the Secretary of the Treasury, and in case it shall also be shown to his satisfaction that the tax commissioners under the act, in executing the provisions of said act, made it their invariable rule and practice not to receive the taxes after the forfeiture imposed by the act and before the sale unless the same were tendered by the owner of said land in proper person. The Secretary of the Treasury shall, out of any money not otherwise appropriated by law, pay on their application and surrender of the tax-sale certificate to the purchaser or purchasers at said tax sale, his or their heirs, or assigns, or legal representatives, as he may determine, the amount of the proceeds of said tax sale less all taxes, costs, and charges under the said act: *Provided*, That said purchaser or purchasers, their heirs, assigns, or legal representatives, as the case may be, shall first execute and deliver to the former owner or owners, and their heirs or assigns, a quit-claim conveyance of said property; which conveyance shall take effect and give to the former owner or owners, their heirs or assigns, an immediate right of possession to said property upon the receipt of the said money by said purchaser or purchasers, or their heirs, assigns, or legal representatives.

SEC. 4. That the time limited for the redemption of direct-tax lands by the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, be, and the same is hereby, extended for the period of one year from June 8, 1874, at the expiration of which time the Commissioner of Internal Revenue shall proceed to sell the lands, as provided by section 4 of said act.

SEC. 5. That the purchasers, their heirs or assigns, of lands in South Carolina, sold at what is known as "Army and Navy" sales, and which lands have reverted to the United States for non-payment of the full amount of purchase-money, may be permitted to redeem the same, as provided in section 5 of said act, on payment into the Treasury of the remainder of purchase-money, with interest, at the legal rate in South Carolina, from the date when said remainder of purchase-money became due, to the date of payment into the Treasury, deducting rents received by the United States from such lands, but rents in no case to offset principal. And such Army and Navy purchasers shall make said payment, with interest as aforesaid, into the Treasury of the United States within six months from the passage of this act, at which time their right to the redemption of said land shall cease.

SEC. 6. That section 7 of said act shall not hereafter be held or construed to exclude from redemption lands in the State of South Carolina set apart and known as "school farms," remaining in the possession of the United States; nor lands reserved for war, military, naval, revenue, and police purposes under the instructions of the President of the United States, dated September 16, 1863, unless actually set apart for such purposes prior to the date of the passage of this act.

SEC. 7. That where the United States has not been in possession of the lands, a release thereof in conformity to the provisions of the act of June 8, 1872, shall also operate as a release of all rents that may have accrued thereon since the United States acquired title thereto.

ISAAC S. LYONS.

Mr. WILLIAMS, of Indiana, introduced a bill (H. R. No. 3629) for the relief of Lieutenant Isaac S. Lyons; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SPARKLING WINES.

Mr. WELLS introduced a bill (H. R. No. 3630) imposing a tax on the manufacture of sparkling wines by certain processes therein named; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ANTOINNETTE J. WATTERS.

Mr. FIELD introduced a bill (H. R. No. 3631) to increase the pension of Antoinnette J. Watters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN S. NELLMAN.

Mr. LOUGHRIDGE introduced a bill (H. R. No. 3632) granting a pension to John S. Nellman, of the State of Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STRATTON BENSCATER.

Mr. LOUGHRIDGE also introduced a bill (H. R. No. 3633) for the relief of Stratton Benscater; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOPHIA O. SCHIMMELFENNING.

Mr. RUSK introduced a bill (H. R. No. 3634) granting a pension to Sophia O. Schimmelfenning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. B. EVERDELL.

Mr. SAWYER introduced a bill (H. R. No. 3635) granting a pension to L. B. Everdell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL CURRENCY.

Mr. SAWYER also introduced a bill (H. R. No. 3636) to amend section 28 of an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof;" which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

HERMANN NETTLEFIELD.

Mr. McDILL, of Wisconsin, introduced a bill (H. R. No. 3637) granting a pension to Hermann Nettlefield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. BARNARD.

Mr. McDILL also introduced a bill (H. R. No. 3638) for the relief of William G. Barnard, late a clerk in the custom-house in the city of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SIOUX LANDS IN MINNESOTA.

Mr. AVERILL introduced a bill (H. R. No. 3639) to amend an act entitled "An act to authorize the President of the United States to cause to be surveyed the tract of land in the Territory of Minnesota belonging to the half-bloods of the Dakota or Sioux nation of Indians, and for other purposes," approved July 17, 1854, and to confirm the sales of certificates issued under said act, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUEBLO INDIANS, NEW MEXICO.

Mr. ELKINS introduced a joint resolution (H. R. No. 109) declaring the Pueblo Indians of New Mexico to be citizens of the United States; which was read a first and second time, referred to the Committee on Indians Affairs, and ordered to be printed.

MINERAL LANDS.

Mr. MAGINNIS introduced a bill (H. R. No. 3640) to prevent monopoly in mineral lands; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

WASHINGTON AND GEORGETOWN RAILROAD.

Mr. CHIPMAN introduced a bill (H. R. No. 3641) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 16, 1872; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DISTRICT TELEGRAPH COMPANY.

Mr. CHIPMAN also introduced a bill (H. R. No. 3642) to incorporate the District Telegraph Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JAMES GOWANS.

Mr. CHIPMAN also introduced a bill (H. R. No. 3643) for the relief of James Gowans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT REFORM SCHOOL.

Mr. CHIPMAN also introduced a bill (H. R. No. 3644) revising and amending the various acts establishing and relating to a reform school in the District of Columbia, and for the care of juvenile offenders against the laws of the United States; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The States and Territories having been called through for bills and joint resolutions on leave for reference, the Chair will now entertain propositions for the same purpose from gentlemen who were not in their seats when their States were called.

DEPREDATIONS ON THE MEXICAN FRONTIER.

Mr. HANCOCK submitted a resolution directing the Committee on Foreign Affairs to inquire into alleged depredations on the Mexican frontier; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

LOUISIANA SCHOOL FUND.

Mr. SMITH, of Louisiana, introduced a bill (H. R. No. 3645) to restore to the school and other trust funds of the State of Louisiana the bonds and other property belonging to those funds, turned over to the United States military authorities during and subsequent to the war, and now deposited in the vaults of the Treasury Department at Washington; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

R. M. KEARNEY.

Mr. SMITH, of Louisiana, also introduced a bill (H. R. No. 3646) for the relief of R. M. Kearney, of Louisiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARIA WAITS.

Mr. SMITH, of Louisiana, also introduced a bill (H. R. No. 3647) for the relief or Mrs. Maria Waits, of New Orleans, Louisiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES CLINTON.

Mr. SMITH, of Louisiana, also introduced a bill (H. R. No. 3648) for the relief of Charles Clinton, late assistant treasurer of the United States, at New Orleans, Louisiana; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

J. B. PREAN.

Mr. SMITH, of Louisiana, introduced a bill (H. R. No. 3649) for the relief of J. B. Prean; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

INTERNAL-REVENUE AGENTS, ETC.

Mr. STANDIFORD submitted a resolution, directing the Commissioner of Internal Revenue to inform the House of the number of special agents, informers, &c., employed by him, their salaries and perquisites, and why their services may not be dispensed with; which was referred to the Committee on Ways and Means, and ordered to be printed.

EIGHT-HOUR LAW.

Mr. STANDIFORD also submitted resolutions of the Trades' Assembly, of Louisville, Kentucky, in reference to the violation of the eight-hour law by officers of the United States; which were referred to the Committee on Education and Labor, and ordered to be printed.

LOUISVILLE AND PORTLAND CANAL.

Mr. STANDIFORD also submitted a resolution requesting the Secretary of War to cause a report to be made as to the manner of utilizing the water-power of the Louisville and Portland Canal, and the propriety of establishing an armory with founderies, &c., for that purpose; which was referred to the Committee on Commerce, and ordered to be printed.

JOHN R. HARRINGTON.

Mr. WOODFORD introduced a bill (H. R. No. 3650) granting an extension of letters-patent issued to John R. Harrington for improvement in carpet lining; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

DAVID E. CARPENTER.

Mr. WOODFORD also introduced a bill (H. R. No. 3651) granting a pension to David E. Carpenter, late second lieutenant of the First Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. There being no further bills and joint resolutions for reference, the House will now resume the consideration of the motion of the gentleman from Massachusetts [Mr. BUTLER] to suspend the rules, and take from the Speaker's table the Senate civil-rights bill, and refer it to the Committee on the Judiciary, with leave to report it back at any time.

Mr. POLAND. I ask the gentleman to yield to me for a moment.

Mr. BUTLER, of Massachusetts. If I have the right, I will do so.

Mr. POLAND. I ask consent to have a bill passed now.

Mr. BUTLER, of Massachusetts. If it does not take too much time.

Mr. POLAND. It is an important bill, and I ask the attention of gentlemen to it.

The SPEAKER. The bill will be read, after which objections will be in order to its consideration at this time.

PUBLICATION OF REVISED STATUTES.

Mr. POLAND. I ask consent to have passed at this time a bill providing for the publication of the revised statutes of the United States.

The first section of the bill provides that the Secretary of State shall employ a competent person to prepare the revised statutes for publication and superintend the printing of the same; the person so employed to complete the head-notes of the several titles and chapters, and the marginal notes referring to the original statutes from which each section was compiled and repealed by said revision, the references to the decisions of the courts of the United States, explaining and expounding the same, and such decisions of State courts as he may deem expedient, and make a full and complete index to the same, and superintend the printing of the same, and see that it is rightly and accurately printed. The service is to be performed to the satisfaction and acceptance of the Secretary of State; and such sum is to be paid to the person so employed as the Secretary shall determine to be just and reasonable. When completed to the satisfaction of the Secretary of State, he is to duly certify the same under the seal of State; and when printed and promulgated as hereinafter provided, the printed volume is to be legal evidence of the laws and treaties therein contained, in all the courts of the United States and of the several States and Territories.

Section 2 provides that the revision of the statutes of a general and permanent nature, with the index thereto, shall be printed in one volume, and shall be entitled and labeled "Revised Statutes of the United States;" and the revision of the statutes relating to the District of Columbia, to post-roads, and the public treaties in force on the 1st day of December, 1873, with a suitable index to each, shall be published in a separate volume and entitled and labeled "Revised Statutes relating to the District of Columbia and Post-roads and Public Treaties.

Section 3 directs the Secretary of State to cause the two volumes to be stereotyped, and such number of each volume to be printed and substantially bound at the Government Printing Office as he may deem advisable, and make some suitable and convenient arrangement for

keeping them for sale; and the same shall be sold together or separately and at the cost of the paper, press-work and binding; and the proceeds of all sales shall be paid into the Treasury.

Section 4 provides that the Revised Statutes shall not be published by the authority or at the cost of the United States in any manner except as above provided.

Section 5 directs the Secretary of State to cause all the copies of the revision of Indian treaties made by Thomas J. Durant, now printed, to be bound, and the same are to be deposited with the Secretary of the Interior for the use of the Departments and offices of the Government.

There being no objection, the bill (H. R. No. 3652) was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX. I hope the gentleman from Massachusetts [Mr. BUTLER] will yield to me.

Mr. BUTLER, of Massachusetts. I yield for a moment to the gentleman from the District of Columbia, [Mr. CHIPMAN,] who wishes to submit a proposition in regard to the Washington monument. After that I must call for a vote.

COMPLETION OF THE WASHINGTON MONUMENT.

Mr. CHIPMAN. I ask unanimous consent that when the miscellaneous appropriation bill shall be under consideration it may be in order to move an appropriation of $75,000 toward the completion of the Washington monument, and also to require the society to reconvey——

Mr. MERRIAM. I object.

CIVIL RIGHTS.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. BUTLER] to take from the Speaker's table the civil rights bill (S. No. 1) and refer it to the Committee on the Judiciary, with authority to report it back at any time.

The question being taken on seconding the motion, it was seconded; there being—ayes 73, noes 70.

The question then recurred on agreeing to the motion to suspend the rules.

Mr. SPEER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 88, not voting 63; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Begole, Biery, Bradley, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Carson, Cessna, Amos Clark, jr., Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crocker, Crooke, Crounse, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Hays, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Howe, Hunter, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lynch, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, Merriam, Monroe, Morey, Niles, Nunn, O'Neill, Orth, Packard, Packer, Parsons, Pelham, Pendleton, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Rice, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Henry J. Scudder, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starkweather, Stowell, Strawbridge, Sypher, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Marcus L. Ward, Wheeler, White, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Woodford, and Woodworth—138.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Roderick R. Butler, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Creamer, Crittenden, Crossland, Davis, Durham, Eden, Eldredge, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Houghton, Hunton, Jewett, Kendall, Knapp, Lamar, Lamison, Leach, Lofland, Lowndes, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Phelps, Randall, Ray, Read, James C. Robinson, Milton Sayler, John G. Schumaker, Sener, Sloss, William A. Smith, Southard, Speer, Stanard, Standiford, Storm, Strait, Swann, Christopher Y. Thomas, Thornburgh, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wood, and John D. Young—88.

NOT VOTING—Messrs. Barnum, Barry, Bass, Burchard, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Comingo, Danford, DeWitt, Elliott, Farwell, Fort, Hagans, Eugene Hale, Robert S. Hale, Harmer, Joseph R. Hawley, Gerry W. Hazelton, Hersey, George F. Hoar, Holman, Hubbell, Hurlbut, Killinger, Lewis, Martin, Maynard, McJunkin, McNulta, Mitchell, Moore, Myers, Negley, Orr, Page, Hosea W. Parker, Isaac C. Parker, Phillips, Potter, Purman, Richmond, Robbins, William R. Roberts, Scofield, Isaac W. Scudder, Sherwood, Smart, J. Ambler Smith, Stephens, St. John, Stone, Taylor, Charles R. Thomas, Waddell, Jasper D. Ward, Wilber, Wilshire, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, and Pierce M. B. Young—63.

So (two-thirds not voting in favor thereof) the motion was not agreed to.

During the roll-call the following announcements were made:

Mr. HAWLEY, of Connecticut. On this question I am paired with the gentleman from North Carolina, Mr. ROBBINS. If he were here he would vote "no" and I should vote "ay."

Mr. CLEMENTS. I am paired on this question with the gentleman from New York, Mr. POTTER, who, if here, would vote "no," while I should vote "ay."

Mr. MOORE. On this question I am paired with the gentleman from Indiana, Mr. HOLMAN, who, if present, would vote "no," while I should vote "ay."

Mr. PARKER, of Missouri. I am paired on this question with the gentleman from North Carolina, Mr. WADDELL.

Mr. SMART. On this question I am paired with the gentleman from Georgia, Mr. YOUNG. If he were present he would vote in the negative and I should vote in the affirmative.

Mr. STORM. The gentleman from New Hampshire, Mr. PARKER, who is absent, would if here vote "no."

Mr. ELDREDGE. My colleague, Mr. MITCHELL, is necessarily absent. If here he would vote "no."

Mr. McKEE. My colleague, General BARRY, who is paired on this question with Mr. STEPHENS, would if present vote "ay."

Mr. RAINEY. My colleague, Mr. ELLIOTT, is absent on leave. If present he would vote "ay."

Mr. O'BRIEN. My colleague, Mr. WILSON, is unavoidably absent. If here he would vote "no."

The result of the vote was announced as above stated.

ADMISSION OF COLORADO.

Mr. CHAFFEE. I move the rules be suspended and the bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, be passed.

The bill, which was read, in its first section provides that the inhabitants of the Territory of Colorado included in the boundaries therein designated shall be authorized to form for themselves, out of said Territory, a State government, with the name of the State of Colorado; which State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever as therein provided.

The second section provides that the State of Colorado shall consist of all the territory included within the following boundaries, to wit: Commencing on the thirty-seventh parallel of north latitude where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north, on said meridian, to the forty-first parallel of north latitude; thence, along said parallel, west to the thirty-second meridian of longitude west from Washington; thence south, on said meridian, to the thirty-seventh parallel of north latitude; thence, along said thirty-seventh parallel of north latitude, to the place of beginning.

The third section provides that all persons qualified by law to vote for representatives to the General Assembly of said Territory at the date of the passage of the act shall be qualified to be elected, and they are authorized to vote for and choose representatives to form a convention under such rules and regulations as the governor of said Territory, the chief justice, and the United States attorney thereof may prescribe; and also to vote upon the acceptance or rejection of such constitution as may be formed by said convention, under such rules and regulations as said convention may prescribe; and the aforesaid representatives to form the aforesaid convention shall be apportioned among the several counties in said Territory in proportion to the vote polled in each of said counties at the last general election as near as may be; and said apportionment shall be made for said Territory by the governor, United States district attorney, and chief justice thereof, or any two of them; and the governor of said Territory shall, by proclamation, order an election of the representatives aforesaid to be held throughout the Territory at such time as shall be fixed by the governor, chief justice, and the United States attorney, or any two of them, which proclamation shall be issued within ninety days from the passage of the act, and at least thirty days prior to the time of said election; and such election shall be conducted in the same manner as is prescribed by the laws of said Territory regulating elections therein for members of the house of representatives; and the number of members to said convention shall be the same as now constitutes both branches of the Legislature of the aforesaid Territory.

The fourth section provides that the members of the convention thus elected shall meet at the capital of the Territory, on a day to be fixed by the governor, chief justice, and United States attorney, not more than sixty days subsequent to the day of election, which time of meeting shall be contained in the aforesaid proclamation mentioned in the third section of the act, and, after organization, shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States; whereupon the said convention shall be authorized to form a constitution and State government for said Territory; provided that the constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence; and further provided that said convention shall provide, by an ordinance, irrevocable without the consent of the United States and the people of said State, first, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested, in person or property, on account of his or her mode of religious worship; secondly, that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States.

The fifth section provides that in case a constitution and State government shall be formed for the people of said Territory of Colorado in compliance with the provisions of this act, said convention forming the same shall provide by ordinance for submitting said constitution to the people of said State for their ratification or rejection, at an election to be held at such time and at such places and under such regulations as may be prescribed by said convention, at which election the lawful voters of said new State shall vote directly for or against the proposed constitution; and the returns of said election shall be made to the acting governor of the Territory, who, with the chief justice and United States attorney of said Territory, or any two of them, shall canvass the same; and if a majority of legal votes shall be cast for said constitution in said proposed State, the said acting governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress.

The sixth section provides that until the next general census said State shall be entitled to one Representative in the House of Representatives of the United States, which Representative, together with the governor and State and other officers provided for in said constitution, shall be elected on a day subsequent to the adoption of the constitution and to be fixed by said constitutional convention; and until said State officers are elected and qualified under the provisions of the constitution the territoral officers shall continue to discharge the duties of their respective offices.

The seventh section provides that sections numbered 16 and 36 in every township, and where such sections have been sold or otherwise disposed of by any act of Congress other lands, equivalent thereto, in legal subdivisions of not more than one quarter-section and as contiguous as may be, are granted to said State for the support of common schools.

The eighth section provides that provided the State of Colorado shall be admitted into the Union in accordance with the foregoing provisions of this act fifty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the Legislature thereof, on or before the 1st day of January, 1878, shall be granted, in legal subdivisions of not less than one quarter-section, to said State for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, in such manner as the Legislature shall prescribe.

The ninth section provides that fifty other entire sections of land as aforesaid, to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be granted to said State for the purpose of erecting a suitable building for a penitentiary or State prison in the manner aforesaid.

The tenth section provides that seventy-two other sections of land shall be set apart and reserved for the use and support of a State university, to be selected in manner as aforesaid, and to be appropriated and applied as the Legislature of said State may prescribe, for the purpose named and for no other purpose.

The eleventh section provides that all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining or as contiguous as may be to each, shall be granted to said State for its use, the said land to be selected by the governor of said State within two years after the admission of the State, and when so selected, to be used and disposed of on such terms, conditions, and regulations as the Legislature shall direct; provided that no salt spring or lands, the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall by this act be granted to said State.

The twelfth section provides that 5 per cent. of the proceeds of the sales of public lands lying within said State, which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making such internal improvements within said State as the Legislature thereof may direct.

The thirteenth section provides that the eighth section of the act of Congress entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved the 4th day of September, 1841, shall be declared applicable to the State of Colorado when admitted into the Union as herein provided.

The fourteenth section provides that any balance of the appropriations for the legislative expenses of said Territory of Colorado remaining unexpended shall be applied to and used for defraying the expenses of said convention and for the payment of the members thereof, under the same rules and regulations and rates as are now provided by law for the payment of the territorial Legislature.

Mr. ELLIS H. ROBERTS. I ask the gentleman from Colorado whether he can tell the amount of lands appropriated by this bill, or the value of the salt springs granted to Colorado? The measure seems to contain a much larger appropriation than any other bill for the admission of a new State.

Mr. CHAFFEE. It is an exact copy of the bill passed the other day for the admission of New Mexico as a State into the Union, and makes no larger appropriation of public lands or salt springs. It is in the usual form of enabling acts.

Mr. SHANKS. I ask the gentleman to yield to me for the purpose of moving an amendment.

Mr. CHAFFEE. I accept the amendment as part of my motion.

The amendment was read, as follows:

On page 4, line 27, after the word "lands" insert these words: "and to all lands owned or held by Indian tribes until the title thereto shall have been extinguished by the United States."

Mr. BECK. Are amendments in order?

The SPEAKER. The gentleman from Colorado has accepted the amendment as part of his motion.

The question then recurred on seconding the motion to suspend the rules.

Mr. ELLIS H. ROBERTS demanded tellers.

Tellers were ordered; and Mr. CHAFFEE and Mr. ELLIS H. ROBERTS were appointed.

The House divided; and the tellers reported ayes 110, noes not counted.

So the motion was seconded.

The question then recurred on the motion to suspend the rules and pass the bill.

Mr. BECK demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 171, nays 66, not voting 52; as follows:

YEAS—Messrs. Adams, Arthur, Ashe, Averill, Banning, Barber, Barrere, Begole, Berry, Bland, Bradley, Bright, Buckner, Buffinton, Bundy, Burchard, Burrows, Roderick R. Butler, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clements, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Crittenden, Crocker, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Eden, Farwell, Field, Fort, Foster, Freeman, Frye, Glover, Gooch, Hagans, Hancock, Benjamin W. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hodges, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Kendall, Knapp, Lamison, Lamport, Lansing, Lawrence, Leach, Lofland, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Marshall, Martin, McCrary, Alexander S. McDill, MacDougall, McKee, Merriam, Mills, Monroe, Moore, Morey, Morrison, Nesmith, Nunn, O'Neill, Orr, Packard, Packer, Page, Isaac C. Parker, Pendleton, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Rapier, Ray, Rice, Richmond, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Henry J. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloan, Sloss, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, William A. Smith, Snyder, Stanard, Starkweather, Stone, Stowell, Strait, Strawbridge, Christopher Y. Thomas, Thornburgh, Tremain, Tyner, Vance, Waldron, Wallace, Walls, Jasper D. Ward, Wells, White, Whitehead, Whiteley, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodford—171.

NAYS—Messrs. Albert, Albright, Archer, Atkins, Beck, Bell, Biery, Blount, Bowen, Bromberg, Brown, Burleigh, Clymer, Cox, Creamer, Crossland, Davis, Durham, Eldredge, Giddings, Gunckel, Hamilton, Henry R. Harris, John T. Harris, Hereford, Herndon, E. Rockwood Hoar, Hooper, Hunton, Jewett, Killinger, Lamar, Lawson, Magee, McLean, Milliken, Neal, Niblack, Niles, O'Brien, Orth, Perry, Phelps, Pierce, Randall, Read, Ellis H. Roberts, Isaac W. Scudder, Smart, John Q. Smith, Southard, Speer, Sprague, Standiford, Storm, Swann, Todd, Townsend, Wheeler, Whitehouse, Whitthorne, Charles W. Willard, Willie, Jeremiah M. Wilson, Woodworth, and John D. Young—66.

NOT VOTING—Messrs. Barnum, Barry, Bass, Benjamin F. Butler, Cain, Clayton, Clinton L. Cobb, Comingo, DeWitt, Elliott, Garfield, Eugene Hale, Robert S. Hale, Harmer, Hersey, George F. Hoar, Holman, Houghton, Lewis, Maynard, James W. McDill, McJunkin, McNulta, Mitchell, Myers, Negley, Hosea W. Parker, Parsons, Pelham, Phillips, Potter, Ransier, Robbins, William R. Roberts, Milton Sayler, John G. Schumaker, Scofield, Sherwood, J. Ambler Smith, Stephens, St. John, Sypher, Taylor, Charles R. Thomas, Waddell, Marcus L. Ward, Wilber, Wilshire, Ephraim K. Wilson, Wolfe, Wood, and Pierce M. B. Young—52.

So (two-thirds having voted in the affirmative) the rules were suspended, and the bill passed.

Mr. DUNNELL. I ask unanimous consent that the following be added as an additional section to the bill just passed for the admission of Colorado as a State into the Union.

Mr. FORT. I hope there will be no objection to it.

The Clerk read as follows:

The two sections of land in each township herein granted for the support of common schools shall be disposed of only at public sale, and at a price not less than $2.50 per acre, the proceeds to constitute a permanent school fund, the interest of which to be expended in the support of common schools.

There was no objection, and it was ordered accordingly.

BOUNTIES.

Mr. GUNCKEL. In accordance with the notice previously given I move that the rules be suspended, and that the substitute reported by the Committee on Military Affairs for the bill (S. No. 14) in relation to bounties be passed.

The substitute was read, as follows:

Be it enacted, &c., That there shall be allowed and paid to each and every non-commissioned officer, musician, artificer, wagoner, and private soldier, including those borne upon the rolls as slaves, who faithfully served as such in the military service of the United States, who have been honorably discharged from such service, the sum of eight and one-third dollars a month for all the time which such non-commissioned officer, musician, artificer, wagoner, and private soldier actually so served between the 12th day of April, 1861, and the 9th day of May, 1865.

SEC. 2. That in case of the death, either before or after the passage of this act, of any such non-commissioned officer, musician, artificer, wagoner, or private soldier, the allowance and payment shall be made to his widow, if she has not remarried, or if there be no widow or she has remarried, then to the minor child or children of such deceased non-commissioned officer, musician, artificer, wagoner, or private soldier.

SEC. 3. That in computing and ascertaining the bounty to be paid to any non-commissioned officer, musician, artificer, wagoner, or private soldier, or to his proper representative, under the provisions of this act, there shall be deducted therefrom any and all bounties already paid under the provisions of any United States or State laws.

SEC. 4. That no bounty under the provisions of this act shall be paid to or on ac-

count of any soldier who served as a substitute in the Army, or who was a captured prisoner of war at the time of his enlistment, nor to any one who was discharged on his own application or request for other cause than disability incurred in the service prior to the 19th day of April, 1865, unless such discharge was obtained with a view to re-enlistment or to accept promotion in the military or naval service of the United States, or to be transferred from one branch of the military service to another, and such person did actually so re-enlist, or accept promotion, or was so transferred. And no bounty shall be paid to any soldier discharged on the application or at the request of parents, guardians, or other persons, or on the ground of minority.

SEC. 5. That every petition or application for bounty made under the provisions of this act shall disclose and state specifically, under oath and under the pains and penalties of perjury, what amount of bounty has been paid under the provisions of any United States or State laws to the non-commissioned officer, musician, artificer, wagoner, or private soldier by whom or by whose representative the claim is made.

SEC. 6. That the widow, if she has not remarried, or if there be no widow or she has remarried, the minor child or children, of any non-commissioned officer, musician, artificer, wagoner, or private soldier, whose enlistment was for a period less than one year, and who was killed or died while in the line of duty during the war for the suppression of the rebellion, or who shall have since died by reason of wounds received or disease contracted while in such service shall be entitled to receive the sum of $100.

SEC. 7. That in case the bounty due any person under this act shall amount to a sum not less than $100, it shall be at the option of such person to receive from the Government, through the Second Auditor of the Treasury, in lieu of such bounty, a warrant, not subject to assignment, receivable at any of the land offices of the United States, in full payment of one hundred and sixty acres of any of the public lands subject to entry by homestead or purchase; and for any lands located with said warrants patents shall be issued, without requiring proof of either residence or settlement.

SEC. 8. That any attorney or agent who shall receive from any claimant a sum greater than ten dollars for the prosecution of any claim under the provisions of this act, upon conviction thereof, shall pay a fine not to exceed $1,000, or imprisonment for a term not less than one year, or both, as the court or jury may adjudge, and shall forever thereafter be excluded from prosecuting claims of any nature whatsoever against the Government of the United States.

SEC. 9. That it shall not be lawful for any soldier to transfer, assign, barter, or sell his discharge, final statement, descriptive list, or other paper, for the purpose of transferring, assigning, bartering, or selling any interest in any bounty under the provisions of this act. And all such transfers, assignments, barters, or sales heretofore made are hereby declared null and void as to any rights intended to be so conveyed by any such soldier,

SEC. 10. That in any case where a person entitled to receive payment of bounty under the provisions of this act shall make application therefor, or where such application shall be made by the proper representative of such person being deceased, and the discharge of such person has been lost, it shall be competent for the accounting officers to receive, in lieu of the actual production of such discharge, proof of the actual loss of the same and secondary proof of its issue and contents, together with proof of the identity of the claimant or person deceased, under such rules defining the character and form of the evidence as the Secretary of the Treasury shall prescribe.

SEC. 11. That no adjustment or payment of any claim of any non-commissioned officer, musician, artificer, wagoner, or private soldier, or his proper representative, under the provisions of this act, shall be made, unless the application be filed within five years from the passage of the same.

Mr. TOWNSEND. Is this bill debatable?

The SPEAKER. The bill is not debatable under a motion to suspend the rules and pass it.

Mr. TOWNSEND. I hope the House will not agree to vote away 200,000,000 acres without any debate.

Mr. HAWLEY, of Connecticut. Four hundred million acres.

Mr. GUNCKEL. Nothing of the kind.

Mr. SMITH, of Ohio. I ask that my colleague [Mr. GUNCKEL] may have fifteen minutes to explain the bill.

The SPEAKER. It is now within ten minutes of one o'clock, and at that hour the Committee on Elections is entitled to the floor.

Mr. O'NEILL. Will the gentleman from Ohio [Mr. GUNCKEL] allow me to offer an amendment to make the bill include non-commissioned officers and privates of the United States Marine Corps? If the bill is to pass, there is no reason why marines should not be provided for as well as those who are in this bill.

Mr. WILLARD, of Vermont. I desire to suggest an amendment.

Mr. GUNCKEL. I do not admit any amendment. And I wish to say that this bill only calls for half as much as another bill which was passed unanimously by this House.

On the question of seconding the motion for the suspension of the rules tellers were ordered; and Mr. WILLARD of Vermont, and Mr. GUNCKEL were appointed.

The House divided and the tellers reported—ayes 85, noes 87.

So the motion to suspend the rules was not seconded.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. PLATT, of Virginia. I move that the rules be suspended and that the following resolution be adopted:

Resolved, That Wednesday, June 10, from one hour after the reading of the Journal, be set apart for the consideration of bills reported by the Committee on Public Buildings and Grounds, and it shall be in order to consider all bills reported by said committee in the House.

Mr. RANDALL. Subject to all points of order, of course.

The SPEAKER. This would not leave it so.

Mr. RANDALL. I think the bills should be left subject to all points of order.

Mr. PLATT, of Virginia. We desire that they shall be considered in the House, and not be subject to points of order.

Mr. BUTLER, of Massachusetts. I hope that order will not be made.

The question was taken on seconding the motion to suspend the rules, and there were—ayes 82, noes 71.

Mr. SMITH, of Ohio, called for tellers.

Tellers were ordered; and Mr. BUTLER, of Massachusetts, and Mr. PLATT, of Virginia, were appointed.

The House again divided; and the tellers reported ayes 108, noes not counted.

So the motion to suspend the rules was seconded.

The question was on suspending the rules and adopting the resolution.

Mr. GARFIELD. I demand the yeas and nays.

Mr. WILLARD, of Vermont. I desire to make a parliamentary inquiry. Do not the public buildings and grounds come before the House in the sundry civil appropriation bill?

Mr. GARFIELD. They do. And I wish to have that bill considered to-morrow. I withdraw for the present the call for the yeas and nays, that the question may first be decided by a rising vote.

On a rising vote, there were ayes 87; not two-thirds of those present.

Mr. PLATT, of Virginia, called for the yeas and nays.

The yeas and nays were ordered.

Mr. PLATT, of Virginia. I desire to modify the resolution so far as to except appropriation bills.

Mr. BUTLER, of Massachusetts. I object to any modification.

The SPEAKER. It cannot be done except by unanimous consent.

Mr. BUTLER, of Massachusetts. I have been trying for a month to get up the Geneva award bill and I cannot.

The question was taken and there were—yeas 154, nays 84, not voting 51; as follows:

YEAS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Banning, Bell, Biery, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buffinton, Roderick R. Butler, Cain, Caldwell, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clymer, Coburn, Conger, Cook, Cotton, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Davis, Duell, Dunnell, Durham, Eames, Eldredge, Freeman, Glover, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, Hereford, Hodges, Hooper, Hoskins, Howe, Hubbell, Hunton, Hynes, Kelley, Kendall, Killinger, Knapp, Lamison, Lansing, Lawrence, Leach, Lewis, Lofland, Lowndes, Luttrell, Lynch, Martin, Maynard, James W. McDill, MacDougall, McKee, Milliken, Moore, Morey, Nesmith, Niblack, Nunn, O'Brien, O'Neill, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Perry, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Ransier, Rapier, Read, Rice, Richmond, James C. Robinson, Ross, Rusk, Sawyer, Milton Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sheats, Lazarus D. Shoemaker, Sloan, Sloss, George L. Smith, H. Boardman Smith, William A. Smith, Snyder, Southard, Stanard, Standiford, Stone, Stowell, Strait, Strawbridge, Swann, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Vance, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, George Willard, John M. S. Williams, William Williams, Willie, Wilshire, James Wilson, Woodford, and John D. Young—154.

NAYS—Messrs. Albert, Barber, Barrere, Beck, Begole, Berry, Bradley, Buckner, Bundy, Burchard, Burleigh, Burrows, Cannon, Cason, Clements, Stephen A. Cobb, Corwin, Cox, Creamer, Crocker, Curtis, Danford, Dawes, Donnan, Eden, Field, Fort, Foster, Frye, Garfield, Giddings, Gooch, Gunckel, Hagans, Eugene Hale, Hamilton, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, Herndon, E. Rockwood Hoar, Houghton, Hunter, Hurlbut, Hyde, Kasson, Kellogg, Lamar, Lawson, Loughridge, Lowe, Magee, Marshall, McCrary, Merriam, Mills, Monroe, Neal, Orr, Pendleton, Pratt, Rainey, Randall, Ray, Ellis H. Roberts, James W. Robinson, Henry B. Sayler, Sheldon, Small, Smart, A. Herr Smith, J. Ambler Smith, John Q. Smith, Speer, Starkweather, Storm, Tyner, Charles W. Willard, Charles G. Williams, William B. Williams, Ephraim K. Wilson, and Woodworth—84.

NOT VOTING—Messrs. Averill, Barnum, Barry, Bass, Benjamin F. Butler, Clayton, Clinton L. Cobb, Comingo, Darrall, DeWitt, Dobbins, Elliott, Farwell, Robert S. Hale, Harmer, Hersey, George F. Hoar, Holman, Jewett, Lamport, Alexander S. McDill, McJunkin, McLean, McNulta, Mitchell, Morrison, Myers, Negley, Niles, Page, Hosea W. Parker, Potter, Robbins, William R. Roberts, Scofield, Shanks, Sherwood, Sprague, Stephens, St. John, Sypher, Taylor, Charles R. Thomas, Waddell, Waldron, Wheeler, Wilber, Jeremiah M. Wilson, Wolfe, Wood, and Pierce M. B. Young—51.

So (two-thirds not voting in favor thereof) the resolution was not agreed to.

During the roll-call,

Mr. NIBLACK said: My colleague [Mr. HOLMAN] has been called home by the dangerous illness of a member of his family, and may not be able to be present during the remainder of the session.

BRIDGE ACROSS THE NIAGARA RIVER.

Mr. PACKER, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back a letter from the chief clerk of the War Department, in relation to House bill No. 2709, to declare the bridge across the Niagara River a post-route; and moved that the committee be discharged from the further consideration of the same; and that it be referred to the Committee on Railways and Canals.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The hour has arrived at which the Committee on Elections are entitled under a suspension of the rules to the floor for the consideration of the Louisiana contested-election case.

Mr. GARFIELD. I desire to inquire if during that time a motion to suspend the rules will be in order?

The SPEAKER. It will not.

Mr. GARFIELD. I desired that statement of the Chair for the protection of those who have to be absent on committees of conference.

Mr. SMITH, of New York. I will yield for a moment to the gentleman from Nevada, [Mr. KENDALL.]

Mr. KENDALL. I ask unanimous consent to the passage of the bill (S. No. 563) for the relief of John M. McPike, and I think if the House will hear me for three or four minutes they will pass it without objection.

The bill was read.

Mr. GARFIELD. That bill ought to be referred to the Committee on Claims.

The SPEAKER. The gentleman from Nevada asks consent to pass it now.

Mr. GARFIELD. No appropriation bill of that sort ought to pass without reference to a committee of the House.

Mr. KENDALL. I ask unanimous consent for a moment to explain the bill.

The SPEAKER. The Chair understands that the bill is now before the Committee on Claims.

Mr. KENDALL. This is a Senate bill. It was reported unanimously in the last Congress by the Senate Committee on Claims but failed for want of time. At the present session it has been reported in the same manner, unanimously, and the House Committee on Claims are prepared to report it unanimously.

Mr. WILLARD, of Vermont. Is this the regular order?

The SPEAKER. It is not.

Mr. WILLARD, of Vermont. Then I call for the regular order.

The SPEAKER. Then the gentleman from New York [Mr. SMITH] must proceed or surrender the floor.

Mr. KENDALL. The gentleman from New York yielded the floor to me.

The SPEAKER. But the gentleman from Vermont has a right to object. The regular order must be proceeded with if the demand for it is made.

Mr. ELDREDGE. I think the gentleman from Vermont will not object to my offering a resolution in reference to the Washington monument.

Mr. WILLARD, of Vermont. I do not understand that any committee of the House has examined the bill which the gentleman from Nevada [Mr. KENDLLL] desires to pass, and for that reason I ask the regular order.

Mr. ELDREDGE. I believe the gentleman from Vermont does not make objection to the resolution which I desire to offer, and the gentleman from New York [Mr. SMITH] is willing to yield to allow me to offer it. It is in reference to the Washington monument.

The SPEAKER. The regular order being demanded it is the duty of the Chair to enforce it.

Mr. SMITH, of New York. I desire to call up the contested-election case from Louisiana of Sheridan *vs.* Pinchback.

Mr. ELDREDGE. I desire to know if the gentleman from Vermont really objects to my resolution.

The SPEAKER. The gentleman from Wisconsin has no right to interrupt the business of the House in that way. The gentleman from Vermont [Mr. WILLARD] has demanded the regular order and it is the duty of the Chair to enforce it.

Mr. ELDREDGE. But the gentleman from New York [Mr. SMITH] is willing to yield to me.

The SPEAKER. He has no right to do it if objection is made.

Mr. ELDREDGE. I have simply made an appeal to the gentleman from Vermont, and I would like his answer. I ask him if he is not willing to yield to me for the purpose of offering the resolution I have indicated?

Mr. WILLARD, of Vermont. I have asked for the regular order.

The SPEAKER. That is sufficient. The gentleman from New York must proceed with the election case or surrender the floor.

Mr. ELDREDGE. Now I have got an answer from the gentleman from Vermont.

The SPEAKER. It is the same answer he gave twice before.

Mr. ELDREDGE. I never knew him to yield for anything that was just.

LOUISIANA ELECTION CONTEST—SHERIDAN *vs.* PINCHBACK.

The House proceeded to the consideration of the report of the Committee on Elections in the case of Sheridan *vs.* Pinchback, from the State of Louisiana.

The Clerk read the resolutions reported by the committee, as follows:

Resolved, That the evidence in this case is not sufficient to establish the right of either P. B. S. Pinchback or George A. Sheridan to a seat in this House as a Representative at large from the State of Louisiana.

Resolved, That Mr. Sheridan have leave to amend his notice of contest, if he shall so elect, serving upon Mr. Pinchback his amended notice within twenty days hereafter; that Mr. Pinchback have liberty to answer such amended notice within forty days hereafter, and that, upon the service of such answer, the evidence of the respective parties be taken, under the existing laws of Congress in such case made and provided; and that in case of default of an answer to such amended notice, Mr. Sheridan be at liberty to take testimony *ex parte*; and in case of default to serve an amended notice of contest, Mr. Pinchback may serve a notice of contest, as provided by law, within forty days hereafter, and take testimony in like manner.

[Mr. SMITH, of New York, addressed the House in favor of the report of the majority of the committee. His remarks will appear in the Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to reports of committees of conference on the disagreeing votes of the two Houses upon the following bills:

A bill (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled; and

A bill (H. R. No. 2453) to amend an act entitled "An act to revise, consolidate, and amend the laws relating to pensions;" approved March 3, 1873.

The message further announced that the Senate had agreed to the amendment of the House to the following bill of the Senate:

A bill (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 3237) to authorize the First National Bank of Seneca to change its name; and

A bill (H. R. No. 3359) fixing the time for the election of Representatives from the State of Pennsylvania to the Forty-fourth Congress.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 1273) to regulate proceedings in *mandamus*; and

A bill (H. R. No. 1753) to authorize medals commemorating the one hundredth anniversary of the first meeting of the Continental Congress and of the Declaration of Independence.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 460) to amend an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1871.

A bill (S. No. 677) to incorporate the First Presbyterian church of Salt Lake City, in the Territory of Utah;

A bill (S. No. 881) fixing the times of holding the circuit court of the United States in the districts of California, Oregon, and Nevada;

A bill (S. No. 906) to relieve C. L. Stevenson, of Virginia, of his political disabilities; and

A bill (S. No. 907) authorizing corrections to be made in errors in prize-lists.

LOUISIANA CONTESTED ELECTION—SHERIDAN *vs.* PINCHBACK.

The House resumed the consideration of the report of the Committee on Elections in the Louisiana contested-election case of Sheridan *vs.* Pinchback.

Mr. SYPHER. Mr. Speaker, in approaching the question usually denominated the "Louisiana case," I confess it is with unaffected diffidence, and with sincere distrust of my ability to deal adequately with it. The matters involved in it are so supreme in their moment, so complex in their character, so far-reaching in their constitutional, political, and legal relations, that the ablest in the land might well hesitate at this threshold. This subject has already received the most exhaustive examination and elucidation from the foremost minds of the Republic. And yet, sir, sent as I am to represent, in part, the people of a State whose property, safety, liberty, lives, institutions, government, and very existence have been staked upon the results and issues of this conflict, I cannot—nay, I dare not—be silent. Distrusting, as I unfeignedly do, my ability either to adequately present the principles of public justice and of law upon which the republicans of Louisiana rely for their vindication, or to add to what others have said in this connection, I approach my duty and my theme with the unfaltering assurance that vindication is to come quickly, triumphantly, and complete. Made strong by the confidence of being for the right, and with the fixed purpose of having for my guide in this presentment nothing but the principles of recognized law and the truths of our recent history, I do not wholly despair that even my voice may contribute something to the establishment of the momentous cause for which I plead.

NO APOLOGIES.

I wish at the very outset to declare to this House and the country that I come not here in the character of an apologist or defender of those for whom I speak. I assume no attitudes of penitence for public wrongs nor of imploration for pardon in this high tribunal of the people's Representatives.

I do not say that we have nowhere erred, for that would be to say we are not human. I do not say that irregularities, and even illegalities, have nowhere occurred in our conduct of public affairs, for that would be to utter what can never be truly said of the purest administrations in times of serenest calmness. I do not say that resorts have not been had, in our resistance of revolution, to remedies most extraordinary, for that would be to confess that we had omitted to employ in the defense of our institutions the only remedies which governments provide for their defense when assailed, as ours were, by an organized, skilled, and vast conspiracy, unprecedented in its powers and purposes of wickedness, except by that which gave it birth—the slaveholders' rebellion.

No, Mr. Speaker; I come with no apologies from Judge Durell about usurped jurisdictions; no cravings for charity toward the judgments of the supreme court of Louisiana; no implorations for pardon because Federal bayonets crossed the pathway of assassins, red with the blood of human massacres, and freighted with a larceny of the ballots of a sovereign State. If the authors of that triumph which rescued Louisiana from a second attempt to overthrow free government are to be summoned here at your feet, either as criminals, suppliants, or apologists, they must come in the person of some other representative than me. I come to demand for them not hemlock,

but laurel. The State of Louisiana is republican by more than 20,000 majority. This I will now proceed to demonstrate. First, I invite your attention to the classification of the population of that State found in the census report. The total number of males, white and black, aggregates 173,979, of which 158,793 are citizens, and of these 86,913 are colored. Therefore the voting population consists of 71,880 whites and 86,913 colored, or 15,033 colored majority. It is not denied that the colored electors invariably and almost without exception vote the republican ticket unless hindered by fraud and intimidation. It is also conceded that of the 71,880 white votes, at least 5,000 vote the republican ticket; therefore it is shown that the relative party strength stands 66,880 white democrats against 91,913 white and colored republicans, or 25,033 republican majority in the State. So much for the census. But more conclusive proof is found in the official vote of previous elections in that State.

The returns of the general election of April, 1868, show 65,000 votes for the republican and 38,000 votes for the democratic ticket, or 27,000 republican majority in the State. That election, let it be remembered, was held under Federal laws administered by a democratic executive, supervised and directed by a general of the Army whose well-known democratic proclivities and hostility to the reconstruction acts made him the fit instrument to execute the policy of Andrew Johnson, who sent him to Louisiana for that specific purpose. The results of that election will not be called in question by our opponents. The result of the presidential election in 1868 in my State I will not cite here. Our opponents are ashamed of it. It is the darkest page of the bloody record of that period. Election day was a funeral day, and the victims outnumbered the whole republican vote cast in the metropolis of the State.

Again, at the election of 1870, the republican ticket received 65,500 votes, and the democratic 41,000; or 24,500 republican majority. To overcome 25,000 republican majority by a party whose ranks were decimated by Greeley nausea, and its honest membership disgusted at the alliance formed with the "most infamous of all the adventurers," challenged the arts of the boldest conspirators; but the prize at stake was glittering—a seat in the United States Senate, and social recognition by the "*oldest and best.*" To secure these the covenant was kept. The sovereign will of the people was reversed; as by magic 25,000 republican majority was changed to 10,000 democratic.

Statement showing the number of registered voters, white and colored, and the official vote returned by the democratic board of canvassers in 1872.

	Registration.		State vote.	
	White.	Colored.	Democratic.	Republican.
In twenty-four parishes	52,322	51,291	36,367	34,990
In thirty-two parishes	35,350	43,416	29,221	20,383
	87,672	94,707	65,588	55,373

In the thirty-two parishes last mentioned a registry of 35,350 white electors produced a vote of 29,226; and by the same ratio a registry of 43,416 colored electors would produce a vote of 35,887. This shows a republican loss in these parishes of 15,500 votes. I commend this statement to the consideration of intelligent and unprejudiced men of all parties as a complete confirmation of the testimony of Mr. Blanchard, which I shall presently quote.

How this suppression of 15,000 was accomplished appears in part from the following, which is admitted in evidence in a case now pending before the Election Committee of this House:

It is admitted that there were no polls on the left bank of the Mississippi River above the court-house, say thirty-five miles distance from the upper line of the parish; that on the right bank there was no poll above Ronquillo settlement, a distance of forty-seven miles; and it is further admitted that the largest part of the republican or colored vote was in these parts of the parish.

It is further admitted that the bulk of the opposition vote was in the lower part of the parish at the election held on the 4th day of November, 1872, in parish of Plaquemine, for members of Congress.

EFFINGHAM LAWRENCE.
H. C. WARMOTH,
Of Counsel for Mr. Lawrence.

Here is an admission by H. C. Warmoth, "attorney," that 2,000 republican voters in a single parish are denied the right to vote by a fraud perpetrated by H. C. Warmoth, governor.

Another subdivision. Sixteen parishes in 1870 cast an aggregate democratic vote of 7,363. The same parishes in 1872 cast 7,101 votes, a democratic loss of 262 votes in democratic districts. The other parishes of the State, 36 in number, gave in 1870 30,600 republican majority, which in 1872 was reversed and a majority of 1,556 claimed for the democratic ticket, an astonishing democratic gain of 34,000 votes in republican districts. Thus Louisiana is made the only exception to the otherwise universal rule of increased republican majorities in every other State of the Union.

Take another example, still more striking, in illustration of the frauds perpetrated, and especially upon the colored electors. In seventeen parishes with a population, as shown by the census, of 67,570 whites and 145,220 colored, (a ratio of 1 to 5,) the vote would stand 13,514 white, 29,044 colored. In 1868 these parishes cast an aggregate vote of 11,516 democratic and 23,745 republican, or 12,229 republican majority. In 1870 the vote stood 9,462 democratic and 24,613 republican, or 15,151 republican majority.

In 1872 the same parishes, manipulated by Warmoth, returned a vote of 14,599 republican and 17,548 democratic, a democratic gain of more than 18,000 votes. He who can practice such legerdemain deserves the sobriquet of the "*magician of the ballot-box*," and has earned the distinction to be known forever hereafter as the "*Tweed* of the South." A machine capable of such results should be patented, with the right to use restricted to the patentee. It would supersede the necessity of ballot-boxes and elections, for only *returns* would be required, and these, produced by this machine process, seem to have entirely satisfied the numerous scribblers and demagogues who have written and spoken profusely upon the "*Louisiana usurpation.*"

ORGANIZED CONSPIRACY AND CONSPIRATORS.

With this much of preface I go at once to the fundamental proposition of my argument.

That which a majority of the people of Louisiana, their government and the Government of the United States, encountered and defeated in the general election in that State on the 4th day of November, 1872, was an organized, unlawful conspiracy, rising in its progress to revolution; directed in its purposes to the overthrow of the rights and liberties of the colored race in Louisiana, and to the practical annulment of all constitutions and laws, Federal and State, made for their protection; a conspiracy planned with far-reaching, cruel, and consummate cunning, entered upon with fixed and unscrupulous purposes of success, and carried forward and nearly consummated with diabolical fiendishness. Being such a revolution, it was both right, lawful, and the highest duty of citizenship to meet and defeat it—to defeat it, if need be, by war. Every part of this proposition, with all its legal significations, I would, were it in my power, force upon the attention and fix in the apprehensions of this nation.

I repeat, what was met and defeated in Louisiana was in its inception a felonious conspiracy which in its progress became revolution—organized throughout a State, planned, entered upon, and nearly consummated by metropolitan police, and by confederate soldiers armed as militia; led by an unscrupulous executive, who rallied to his support the thugs and assassins of former bloody conflicts in that turbulent State. To defeat that organization and that revolutionary movement, avowedly and determinately bent on the overthrow of the rights and liberties of the colored race, I aver, as a proposition of constitutional, public, and statute law, it was not only lawful, but supreme duty, to employ every necessary available means, including force.

No one will even approach to a just realization of the thing "as a fact" which I have just asserted, nor its legal bearings and consequences, who fails to comprehend the common and fell purpose and spirit which organized, moved, and inspired these banded conspirators. Let me repeat, then, for the third time, that the spirit of this complot was one of universal, implacable, and deadly hostility to the political rights of the colored race, and of all forms of constitution and law citizenizing and defending that race; and the purpose of the conspiracy was not to carry an election merely, but practically to overthrow and render nugatory civil and political equality in Louisiana. And it was, therefore, as a treasonous revolution, a public mischief and peril, ascending in its legal elements and enormity far above and beyond the sphere of mere frauds in elections—a thing to be permitted to be enacted first and tried afterwards by a jury of the enactors in a contested-election case. But it was to be met and defeated when it reached its revolutionary enormity with the legal methods by which governments and laws deal with revolutions; and in so far as peaceful methods for the prevention of such an impending mischief as this came to be exist in the structure of our government, they are only those which are appropriate for the protection of a State as a State, or of communities as communities, and are not the methods provided for the defense of the individual rights of a citizen or of a voter.

HISTORY.

To show how fearfully true what I have stated is both as to the magnitude and the purposes of this public disorder, let me now appeal to some of the established facts of its bad history.

The reference to these facts is not made from choice, nor for purposes of partisanship or of crimination. Were there no other motives than these for their statement I would, as to them, be silent forever, and would cover them up in an eternal oblivion. But considerations no less momentous than the preservation of our institutions and of the liberties of the people demand that this affair should be thoroughly understood, and fortunately for me much of the bloody history of my State forms part of the records of this House, whose committees compiled it.

In attaining a full conception of the animus and "common purpose" of this conspiracy, it must be understood, to begin with, that its projectors and executors were in the main the same who were in Louisiana the baffled, defeated, but still implacable projectors of the slaveholders' rebellion; not the gallants oldier who fought in gray for a cause he believed to be righteous, but the political traitor that plunged the country into war and had not the courage to fight on either side. They were headed, it is true, by the governor of the

State—their last ally, our first traitor. His advance guard were the brigands and thugs of our metropolis.

I will name only a few of the important events; sufficient to characterize the whole, including that one which I now consider, and its quick-coming sequel at the town of Colfax.

The bloody tragedy enacted on the 30th of July, 1866, at the Mechanics' Institute was investigated by order of this House, and its dreadful details are part of your records. That one was, like all acts of violence, purely political, and was directed against the loyal people of my State, whose only offense was an attempt to assemble for the purpose of considering amendments to their constitution. The authors of that tragedy acted in obedience to express orders and prearranged plans, issued by the same party, and in a large degree the same men whose transactions are now under consideration. What they executed in 1866 was a slaughter whose eminence in guilt puts to shame the butcheries of St. Bartholomew and Glencoe—events at which human nature stood aghast throughout the world, and which sent a shudder of inexpressible horror down through succeeding ages. An inadequate glimpse of this great political crime is found in the report of the Select Committee on New Orleans Riots, second session Thirty-ninth Congress. I quote from that report the following:

> There has been no occasion during our national history when a riot has occurred so destitute of justifiable cause, resulting in a massacre so inhuman and fiend-like, as that which took place at New Orleans on the 30th day of July, 1866. The massacre was begun and finished in midday; and such proofs of preparation were disclosed that we are constrained to say that an intention, existing somewhere to disperse and to slaughter the members of the convention, and those persons, white and black, who were present and were friendly to its purposes, was mercilessly carried into full effect. Six months have passed since the convention assembled when the massacre was perpetrated and more than two hundred men were slain and wounded. This was done by city officials and New Orleans citizens. But not one of these men has been punished, arrested, or complained of.

And in expiation of that crime not a stroke was inflicted upon the criminals, either by State or by national authority.

From that hour and out from that hall the actors, soaked and smeared with the blood of two hundred innocent victims, the dance of death went on, and ere the music of the massacre had expired in the air this Government, in April, 1868, made for the assassins and for their victims alike a new, free, and equal constitution, clothing them with all the powers of a State.

That clemency of the United States in sparing the authors of this wrong, and in restoring them to the Union, was quickly requited by a new political slaughter, which wrought out with satanic coolness and system, as shown by the records of this House, more than two thousand murders of the colored race. This work accomplished, it yielded quickly its coveted fruits in the reduction of the republican vote for President in that year of more than 30,000, and gave the State to the authors of this new and stupendous wrong, and had the election depended upon the vote of Louisiana would have given a President to this Republic. The results of terrorism in that political campaign are illustrated by these facts: Six parishes cast at the April election 5,453 republican votes; at the presidential election in November, *not one*.

The cause of that change is written in the blood of four hundred and fifty-nine victims, a sacrifice to democratic hate. Nine other parishes, which gave in April 16,864 republican votes, in November cast only 222. Again let the cause of that change be found in the slaughter and maiming of five hundred and forty-three innocents. The State which at the April election of 1868 gave 27,000 republican majority, at the presidential election in November of the same year was carried by the democrats by over 40,000 majority.

THE SECRET ALLIANCE.

I pass over that interval between 1868 and 1872, and on this occasion I leave unnamed the transactions of that fell organization known to your laws and public records as the clans of the Ku-Klux and K. W. C., which has written in the blood of this outraged race some of the saddest pages of human history; and which during these four years continued nearly ceaselessly their work of death. I come now to consider the revolution of 1872. Having failed to profit by violence and bloodshed in 1868, these same men entered upon their preparations for the presidential and State elections of 1872, by purchasing the alliance, offensive and defensive, of the governor of the State. Loving the treason while hating the traitor, the confederates arranged first that the thirty pieces of silver should be raised and paid; and, secondly, what should be the methods of the betrayal and crucifixion of the injured, patient, and suffering race of God's emancipated poor. The gentler forms which their treason assumed, and the more peaceful processes of its execution, in which by long-tried experience they had become marvelously expert, will be first considered.

ELECTION LAWS.

To a correct understanding of these methods a brief epitome of the election laws of Louisiana is necessary. The law vests in the governor the sole power of appointment and removal of all the election officers. These consist of one chief supervisor for the State, and one assistant for each parish, except Orleans and Jefferson, where there is one for each ward. All are under the immediate control of the chief. These officers are not required to be citizens of the parishes in which they act as election officers, men of bad character, and in many instances professional ballot-box manipulators, were sent from the city throughout the State. The duties of these officers are to make a complete registration of all the legal voters, appoint the judges of election at each poll, fix the number and place of the polls, count the votes, the boxes being conveyed to them at the county-seat for that purpose, and to make and forward to the governor a statement of the votes cast.

They are also required to report any riot, tumult, acts of violence, intimidation, or armed disturbance in their districts during the registration or election which tend to prevent a fair and free election, upon which the returning board have power to exclude the vote from their returns. The statements of votes and the reports of tumult, if any, are laid before the returning board by the governor, who, with four others designated in the law, comprise that board. They canvass and compile the returns in duplicate, file one copy in the office of the secretary of state, and of the other make public proclamation. The returns thus made and promulgated "shall be *prima facie* evidence of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected until set aside, after a contest according to law." It might be asked why such dangerous and extraordinary powers were conferred upon an executive?

ORIGIN AND PERVERSION OF THIS ACT.

Extremes beget extremes; the crimes of our opponents in the bloody fall campaign of 1868 furnished the reason for such legislation. Confiding in their governor, the republican legislature resolved that the massacres of that election should not be repeated if stringent laws could prevent it, and if repeated the conspirators should not profit by their crime. The dangerous and obnoxious features of this and other acts of our legislature, complained of and denounced, found their origin in the necessity of *self-protection* against the lawless violence and savage cruelty of a portion of our own community. In the election of 1870 this act was employed by an unscrupulous executive to return his henchmen to the Legislature from several strong republican districts. This was the first instance of the employment of that act for corrupt purposes; and in obedience to a popular demand the Legislature at its next session repealed it.

CONSIDERATION IN THE COMPACT.

The extraordinary power conferred on the governor by this election law was the only article of barter possessed by Governor Warmoth that the democracy longed for, and therefore the governor, loath to yield his power, all he now had left on which to make terms with his opponents, pocketed the repealing bill, together with the new election-law passed about the same time. (These laws can be found on pages 15 to 62 of Senate Report No. 457, third session Forty-second Congress.)

In this report the power of the executive is stated thus:

> The governor held in his own hands the entire machinery of the election; and he appointed the registrars and they appointed the commissioners of election, and the returns of the parishes were made to him.

TERMS OF THE BARGAIN.

Keeping, then, this in view, the power of the governor, we now turn to the inquiry, How was this power exercised in the conduct of the election we are now considering? I shall attempt no more than a statement of leading facts, but enough to characterize the whole. The facts I shall give are established by evidence overwhelming and conclusive. They are established in all their principal parts and in all the more revolting particulars by sworn testimony and official documents. The facts of the conspiracy are fixed in the history of my State by the sworn and uncontradicted statements of thousands of citizens of Louisiana, victims of the foul plot.

The first act in the drama of fraud was the league between the apostate governor, his retainers, and the democratic party. A full comprehension of this infamous league, in all of its wicked details, requires a brief review of the current political events.

The political parties in Louisiana as they crystallized after the "war of the factions," under Warmoth and Carter, were the national republican, last-ditch democracy, reformers, and liberal republicans. I have named them in the order of their numerical strength. The national republicans assembled in convention in June, 1872, and nominated their State and congressional tickets. The last-ditch democracy held their convention in April, in which a strong element developed itself in favor of Warmoth for governor. Thus early the old Slidell democrats, who knew so well the power of election machinery, held out the olive-branch to the despised carpet-bag governor, but the convention adjourned without making nominations. On the 5th of June, the last-ditch democracy and reformers assembled. The former nominated John McEnery, and the latter George Williamson, for governor.

Warmoth's friends had gained strength, but failed of a majority; so he secured the nomination for McEnery. Judge Head, the president of the convention, declared his opposition to this nomination "on account of the known proclivities of Colonel McEnery, expressed in and out of the convention, to coalesce with the State liberal-republican movement, headed by Governor Warmoth." Colonel McCranie, a delegate in the convention, and the candidate for Congress on the ticket with McEnery, declared in his paper, The Ouachita Telegraph, under the caption of "The unpublished history of the democratic convention:"

> Until the last day of the convention the chances alternated between the democrats in favor of not making further overtures to the Warmoth republicans and those who favored making further advances toward a Warmoth combination.

The New Orleans Times said:

We know that Colonel McEnery, both during and after the convention, did advocate such a liberal coalition, and received the nomination in compliment of his championship of such a policy.

Warmoth's friends in the convention had nominated their ticket, but they were unable to prevent the adoption of the following resolution:

Resolved, That this convention is of opinion that Governor Warmoth is unworthy of the respect and confidence of the people, and that any political connection with him would be dishonorable and injurious to the best interests of Louisiana.

Early in July Colonel Williamson withdrew from the reform ticket, and the two tickets put in nomination coalesced and formed the "United States" ticket, with McEnery for governor.

The liberal republicans nominated their ticket in August, with D. B. Penn for governor. Upon which the New Orleans Picayune commented as follows: "Mr. Penn is the *alter ego*, the shadow, the cat's-paw, and tool of Governor Warmoth." A vigorous campaign had been inaugurated in the interest of the "United States" ticket and the public speakers and public prints were exhausting invective in denunciation of Governor Warmoth. But all of a sudden the committees appointed for that purpose reported that compromise and coalition had been agreed upon. The liberal-republican candidate for governor accepted the second place on the ticket with McEnery, and Warmoth was to be sent to the United States Senate as the reward of his apostacy and the price of his betrayal. Here are the "thirty pieces of silver:"

Resolved, That we recommend Warmoth for the support of the members of the liberal party who shall compose the next legislature, for the position of United States Senator.

PRESTO—CHANGE.

He sold himself for a mess of pottage, and then they stole the pottage. And that is the way the tail wagged the dog. Strange metamorphosis! straightway Warmoth the demon became Warmoth the angel, and the obnoxious election laws became the wisest upon the statute-books. Even the negro metropolitan police were suddenly bleached to Caucasian whiteness, in the hope that they would contribute to the consummation of the diabolical plot to defraud the people and to overthrow free government in Louisiana. And here is the ratification of this most foul conspiracy. The clans assembled, and the work so cunningly devised by the plotters in secret was approved and indorsed in public. Warmoth and McEnery—the dog and the tail—wag from the same platform. The bastard progeny of this clandestine alliance is christened fusion. At this ratification McEnery said:

In this fusion, in this compact, if I may so term it, I recognize as binding upon the whole people of Louisiana all the obligations which it imposes. * * * You must accept the compact, this coalition, as an absolute entirety. * * * There is to be no rejection of a part and the acceptance of a part; we must accept the whole or reject and repudiate the whole.

Governor Warmoth, in explanation of his course for not signing the new election law, for which the democrats had clamored so loudly, said:

The great mass of the people who had so long demanded the modification or repeal of these laws have entirely changed their minds.

Why this sudden change in the minds of "the great mass of the people," (democrats?) The answer is found in the Senate report, that document from which our opponents delight to quote, as follows:

That Warmoth's "control" of the election machinery was equivalent to twenty thousand votes, and we are satisfied by the testimony that this opinion was well founded.

WARMOTH AND M'ENERY.

Thus it was that these men adjusted the terms of their iniquitous "compact," and, as they fondly and firmly believed, made all its aims and purposes sure, and sealed it with the signet-ring of the Commonwealth worn by its apostate governor. But to insure success it was found that the recent amendments to the Federal Constitution must go down; that the bill of rights of the State of Louisiana must go down; that the laws securing freedom and purity in the election must go down; that the quiet, peace, and safety of the people must be disregarded in the execution of this projected revolution. The plan being consummated they began the work of their stupendous perfidy. Registration was denied to republican electors; fraudulent certificates were issued in the names of fictitious persons to democratic repeaters; the names of legally registered colored voters were erased from the lists; foreigners were fraudulently and illegally naturalized; duplicate certificates of registration were issued in the names of dead men to democratic repeaters; bogus ballot-boxes were substituted for genuine ones; ballot-boxes were stuffed; the polling places were located at unusual and obscure places without public notice; insufficient polls in many parishes; United States supervisors were debarred from remaining with the ballot-boxes to witness the count; misreading of ballots; forging of returns; rejection of republican parishes in the canvass unlawfully—all these things were done, as is now fully established by evidence and confessed by the parties who enacted them, in execution of an illegal and felonious conspiracy formed between Warmoth and his followers and the leaders of the democratic party.

We spied
Two serpents, rank'd abreast, the seas divide,
And smoothly sweep along the swelling tide.
Their flaming crests above the waves they show;
Their bellies seem to burn the seas below;
Their speckled tails advance to steer their course,
And on the sounding shore the flying billows force.
And now the strand, and now the plain they held;
Their ardent eyes with bloody streaks were fill'd;
Their nimble tongues they brandish'd as they came,
And lick'd their hissing jaws that sputter'd flame.

Such, dimly, was the performance on the part of the confederates of their set play up to the end of election day. It was a villainy employing as its actors the governor of the State, and nearly every election officer and other creature of his within the Commonwealth. Instead of an honest election it was a public atrocity, involving in its enactment the crimes of perjury, forgery, larceny, conspiracy, and a projected treason. It was aimed at the overthrow of the institutions of law, Federal and State, securing citizenship to a race.

THE PRIZES LOST.

But the end of election day was but the renewal of this diabolical scheme. When that day's work was done, these men were startled and confounded by the discovery of the fact that, notwithstanding all their infamous devices, their perjury, false registration, personations, repeatings, and other frauds, the State had gone largely republican. To admit this, would be instantaneous, irretrievable ruin to the conspirators. The principal actor in this nefarious alliance testifies, and it is in evidence in this case, as follows:

Deponent further says that he believes, and has reason to believe, and knows that the republican national and State tickets received a considerable majority of the votes actually cast at the election held on the 4th day of November, A. D. 1872.

FALSIFYING THE VOTE.

When these facts burst upon them, uplifted by the spirit of atrocious daring, for the attainment of the much-coveted prizes, and impelled by the impending retribution which would follow swift and certain upon their overthrow, they rushed headlong, as fiends in despair, into deeper crimes and into more desperate undertakings.

They destroyed genuine ballot-boxes and substituted fraudulent ones, stuffed for the emergency. They directed their registrars and paid minions throughout the State, who had possession of the ballot-boxes, to exclude the United States supervisors from witnessing the count of the votes.

They excluded from their count the entire republican vote of the parishes of Iberville, Madison, Saint James, Saint Tammany, Saint Martin, Terre Bonne, Natchitoches, and Rapides—this upon the most fraudulent and shameless pretenses, but really and solely because they were republican.

Part of the prearrangement for an emergency such as that which arose on the night after the day of election was the promulgation of the following confidential order:

STATE OF LOUISIANA,
OFFICE OF STATE REGISTER OF VOTERS,
New Orleans, October 24, 1872.

SIR: In addition to the instructions contained in Circular No. 8, from this office, you are instructed—

First. In counting the ballots after election, count first the votes cast for presidential electors and members of Congress, keeping separate tally-lists on the Form No. 1, provided for that purpose, and making up and completing the statement of votes for each poll, upon Form No. 1. Then close the box, reseal it, and proceed in a similar manner, until all the national votes have been counted.

Then proceed with the counting of the State and parish votes, bearing in mind the fact that the United States supervisors of election and deputy marshals have no right whatever to scrutinize, inspect, or be present at the counting of the State and parish votes.

All this was done in defiance of the plain provisions of the acts of Congress, providing that the supervisors should "*be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes, and the making of a return thereof.*" And further, that such United States supervisors of election should "attend at all times and places fixed for the registration of voters, who being registered would be entitled to vote for Representatives in Congress, and at all times and places for holding elections for Representatives in Congress, and for counting the votes cast in said elections, and to challenge any name proposed to be registered, and any vote offered; and to be present at and witness throughout the counting of all votes, and to remain where the ballot-boxes are kept, at all times after the polls are open, until the votes are finally counted, * * * to affix their signatures, or his signature, to said register, for purposes of identification, and to attach thereto, or to the certificate of the number of votes cast, and any statement touching the truth or fairness thereof, which they or he may ask to attach."

The statute made it a misdemeanor, punishable by imprisonment not less than a year, for any one to hinder, prevent, or molest any such United States supervisor of elections in the discharge of these important duties. (See 16 United States Statutes at Large, 256.) All this accomplished was not enough wholly to stifle and reverse the voice of 20,000 majority of the republicans of Louisiana. The ugly fact remained, which is stated in the concluding words of the testimony cited, namely, that—

The republican national and State tickets received a considerable majority of the votes actually cast at the election held on the fourth day of November, A. D. 1872, in the State of Louisiana.

THE RETURNING BOARD.

This gigantic scheme of fraud having failed at the ballot-box, the last chance remaining to the conspirators was in the board of canvassers which made the final returns of the election. This returning board being hostile to the felonious purposes of the conspirators, must be reconstructed.

The Louisiana statute (section 54) provides as follows: "That the governor, the lieutenant-governor, the secretary of state, and John Lynch and T. C. Anderson, or a majority of them, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum, and have power to make the returns of all elections. In case of any vacancy by death, resignation, or otherwise, by either of the board, then the vacancy shall be filled by the residue of the board of returning officers." And the same statute (section 57) provides: "That should any of the returning officers named in this act be a candidate for any office at any election, he shall be disqualified to act as returning officer for that election, and a majority of the remaining returning officers shall summon some respectable citizen to act as returning officer in place of the one so disqualified." At this election Pinchback, the lieutenant-governor, and Anderson were candidates, and therefore ineligible. "The remaining" members of the board were Warmoth, Lynch, and Herron, whose duty it was to fill the two vacancies. Lynch and Herron (a majority of the quorum) being against Warmoth, in order to make the consummation of the conspiracy possible, one of them must be supplanted by a pliant tool, who, together with the governor, would fill the vacancies with two of the conspirators.

WARMOTH'S USURPATION.

Herron, whom Warmoth himself had appointed, and whom the court had, in a judgment final and unreversed, adjudged to be competent as *de facto* secretary of state, to act as member of the returning-board in filling vacancies therein and making canvass, was by the order of Warmoth forcibly ejected from his office by the police, and Jack Wharton, by like violence, was substituted as secretary of state and member of the returning board.

Warmoth and Wharton, assuming to act as members, selected two persons to fill the vacancies. Lynch and Herron acting together, selected two other persons to fill the vacancies. Thus two returning boards were constituted, each claiming to be the legal body.

But another difficulty presented itself. An honest, fearless judge refused to do the bidding of the conspirators, but issued an order restraining the Warmoth board from proceeding with the canvass. By an act of usurpation which would have cost a king of England his crown, if not his head, Warmoth, with police and thugs, ejected Judge Dibble from the bench by violence and installed Judge Elmore, in treasonous disregard of law.

Elmore, obeying the commands of his master, refused to execute the mandate of the supreme court of the State, reinstating Bovee as secretary of state, who had been unlawfully ejected by Warmoth in 1871. For this contempt the supreme court ordered Elmore to be fined and imprisoned. Warmoth instantly remitted the fine and imprisonment, and by force kept his man Elmore on the bench, who, proceeding further to execute his master's orders, dissolved the injunction granted by Dibble restraining the canvass by the Warmoth board.

Thus by usurpations involving in their train the nullification of the mandates of the supreme court—a court admitted even by Warmoth and his confederates to be the supreme and rightful judiciary of the State—involving the displacement by violence of the rightful secretary of state—involving by like violence the deposing of the rightful judge of the eighth district, and the substitution of a co-conspirator clothed in the judicial ermine—involving thus the overthrow of the constitution and laws, and the commission of the crimes of perjury, conspiracy, and actual treason, Warmoth ordered the canvass of the vote of the State to go on for the purpose of seating in power the conspirators and authors of the revolution.

Such, Mr. Speaker, at this juncture, was the condition of my treason-blasted and helpless State! Even the Senate committee, whose report is so false in its conclusions as to most of the wrongs inflicted upon Louisiana by the conspirators, is compelled to describe her condition in the following words, which I quote. I wish to impress upon the memories of my countrymen these words, extorted by the evidence before him, from the distinguished author of that report. They must never be forgotten by those who, either as lawyers, statesmen, or citizens, incline to be just, and who desire to reach just conclusions as to the legal rights and remedies to which we were entitled to resort for the rescue of a great State.

GRAND LARCENY OF ELECTION-RETURNS.

After Warmoth's attempt to reconstruct a returning board that would execute his fraudulent scheme had been frustrated and defeated, then, in defiance of law and of the express mandates of the courts, they stole from the archives of the State, where the law had deposited them, the returns of the election of the entire State, and upon which the law based, primarily, the determination of the election of every officer of the State and of the Representatives in Congress. They did this to the end that they might conceal the evidences of their crimes in the wholesale mutilation, suppression, forgery, and falsification of the election-returns of the entire State; that they might render impossible the best methods of determining the result of the election, might deprive the State of its duly-elected officers, and either force upon the people as their rulers the authors of this conspiracy, or else plunge the State into anarchy, bloodshed, revolution, and disaster.

ANARCHY.

Such, Mr. Speaker, at the date when this conspiracy had done its work, and when she asked and received succor from the national Government, was the condition of Louisiana. Let us contemplate for a moment the phenomenon which is now before us. More than ten thousand legal voters denied the exercise of the highest right of citizenship; the returns of the election of an entire State feloniously conveyed beyond the limits of the commonwealth; the decrees of courts, both State and Federal, set at defiance; judges and other constitutional State officers removed as by an imperial ukase; the constitution and laws of the State of Louisiana, dissolved in a consuming revolution, rendering anarchy imminent and inevitable, and the executive of the State the foremost traitor, riding upon the tempest as its ruling demon, rioting in heedless recklessness of the rights of the people and the stability of human society. In the midst of this impending ruin organized bands of conspirators, red and reeking with the blood of former massacres, breathing out threatenings and slaughter, paraded the streets of New Orleans, armed with knives and guns, ready and waiting for the signal to begin the havoc.

Mr. Speaker, such, without painting, is the picture presented by my State when the courts of this Union assumed to check the impending mischief and snatch her from the brink of irretrievable disaster. Such it was on the 9th of December, 1872, when her authorities, according to the constitutional forms provided, implored the national authorities for protection against domestic violence.

INCANTATIONS OF THE WITCHES.

Do you call such a disturbance of public peace, such a combination for fraud, such an organization for revolution, such a conspiracy for treason a "contested-election case," triable by a jury summoned by the leading conspirators themselves, and from the body of the revolutionists? I spurn the suggestion; I repel the proposition, and scorn with unutterable contempt the inventor, the promulgator, and the champion of the base conception—be it in senate-chamber or court-chamber—whoever comes into the presence of such an enormity with such a pusillanimous apology. A State sinks in the very throes of dissolution, a race of men goes down before an all-consuming mischief, while grave statesmen, with snatches of law read from Coke upon Littleton, or with quotations from the "intrusion act," like the witches in Macbeth in mumbling incantation, dance about the seething caldron to the amusement of the ghastly fiends who hope to fatten and prosper on their hell-broth.

O, well done! I commend your pains;
And every one shall share i' the gains.

Sir, the thing upon us was war—incipient, 'tis true, and not yet fully flagrant—still, adjusted, impending war. With bowed and uncovered head, here in this august presence, I thank Almighty God and bless this great nation that treason was met by that one, sole, adequate, lawful means by which it could be met—war!

THE REMEDY.

Sir, I cite no dog-eared law-books here. War is the God-enacted and the government-enacted remedy for war. The sword is the antidote set down in the law-books of nations as the lawful cure for revolutions. *Salus populi suprema lex* is the code complete, ordained from Heaven and of all men, provided for rescues such as came to Louisiana in the memorable words of the President of the United States, by the mouth of his law Secretary:

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

Mr. Speaker, let it be granted for the moment that the Lynch board was no board; that the votes actually cast elected no republican. Granting this as true, then assume what is fully and completely confessed by him whom the authors of this great enormity now put forward as their champion, and who speaks for them to-day in forums which, under the rules of the House, I may not here name, is also true. He says McEnery was not elected. "Governor Warmoth was in possession of the State;" "he owned the legislature;" "he had laws passed in blank which he could approve at pleasure;" "he carried the courts in his pocket;" "he was the State;" "he organized the election, and by fraud reversed the will of the people." (CARPENTER'S speech.)

Now look at this. A great people without a Legislature elected, without any of the great officers of State elected; with a governor constituting himself the State—courts in his pocket, laws passed in blank at his bidding by a Legislature owned by him—he organized a fraud called an election, which, by means of usurpation, forgery, perjury, conspiracy, larceny, and treason, reversed the will of an entire people. And this State, pregnant with armies of trained, armed, organized, and maddened conspirators parading the streets of the capital city and patrolling all the avenues of the State, awaiting only from their chief the signal for a general slaughter of the unarmed citizens. This, our enemies being judges, was the appalling condition of Louisiana in December, 1872.

In the presence of such a disorder as that, the authors of it come to us to-day, by their spokesmen in the Senate and in the House, and mock us with bad dialectics, worse logic, and execrable law; about

its not being lawful, under the laws of Congress of 1795 and 1807, for the President to employ the Army to deliver an entire people from destruction by "domestic violence," and its being quite lawful under these laws to deliver that abstraction called their "State government" from "insurrection;" about the word "insurrection" appearing but once, and that in the wrong line, in the call of the governor of Louisiana for succor by the United States, under the guarantee clause of the Constitution, being reason enough in law why a State should be overthrown or its people disfranchised.

A QUESTION OF GRAMMAR.

Mr. Speaker, imagine that most pitiable spectacle of the officious and superserviceable pettifogger standing in the very presence and jaws of a seething revolution, which is devouring not only the people and institutions of a State, but a whole race of men, women, and children, discussing a question of grammar and descanting on rules of English composition before the President of the Republic, sworn to take care that the laws be faithfully executed, insisting that the State should go down and all the people perish rather than submit that the word "insurrection" be improperly or insufficiently employed in the governor's call for help.

Sir, the world laughed and wept by turns when it witnessed the President, in 1861, reading the riot act to the slave-holders' rebellion and bid it go home within twenty days; when they heard him call for seventy-five thousand men to put it down; when they listened to his Secretary prophesying about its all being over in ninety days.

That weakness was pardonable then, for then a thousand battle-fields, a million slain, a continent devastated, and a mighty people clothed in the habiliments of mourning and death had not yet taught us the profundity of meaning there is implied in the word "war." In the same manner and with the same intent, these men of Louisiana gathered in the array of war to exterminate a race or overthrow laws and governments defending them. But, sir, I thought fondly that we had learned at last this lesson, and that the era had passed for singing psalms to pirates and putting down revolts by the tactics of the dialectician.

AUTHORITY OF THE PRESIDENT.

Had the President on the 3d of December, 1872, no other authority than that under which Mr. Lincoln acted in 1861, when Grant said "Emery will furnish you with the necessary troops," his act would have been vindicated by every august precedent of our recent conflict, from the firing of the first gun to the surrender at Appomattox.

Grant would have been vindicated because, as in 1861, there were no executives or Legislatures who would apply, or who would have proper regard for the use of the word "insurrection," proclamations, and calls. So, also, there were none in Louisiana who could act on the 3d of December, 1872. In Virginia, in 1861, there was revolt, organized, banded, and ready for war. So there was in Louisiana, in 1872, in the metropolitan police, in the banditti of the city, in the organizations of secret orders, and in their headship, the governor, avowing his ability and determination to sweep the United States and other forces from the State in the establishment of his revolutionary government.

In 1861 the revolt meant the destruction of the constitution and the permanent enslavement of a race. It meant in Louisiana, in 1872, the disfranchisement of a race, and the defiance of all law made for their protection. In 1861 the loyal people stood appalled, and imploring the protection of the constituted authorities against insurrection and domestic violence. So did the people of Louisiana in 1872.

In 1861 the loyal people of the South had done no wrong nor forfeited any right to their Government's succor. So had not the people of Louisiana in 1872, who asked for it.

LEGAL JUGGLERY.

But, Mr. Speaker, I have not yet alluded to what confounds me most of all in this display of legal jugglery, and this hunting, by employment of legal microscopes of uncertain magnifying power, for the line which distinguishes the meaning of the word "insurrection" from the meaning of the phrase "domestic violence."

These lawyers and statesman who are so capable of managing revolutions by citations from bad law and reckless statements, and of guiding the President, by these means, in his high and awful duty to put the revolution down, have throughout their arraignment of the President and the people of Louisiana ignored and left wholly unnamed the very act of Congress adapted to and made for the identical disorder which we encountered in my State. This act, which they leave unnamed, covers and sanctions every act of the President in this matter. I leave his assailants to tell the country why they have left unmentioned the very act of Congress which not only covers and protects, under the impenetrable panoply of the law, but expressly commands the doing of these acts as sworn official duty. The act commands their doing, whether the executive or the Legislature of the State should call for help or not; commands their doing whether Lynch's board or the other be the legal board; commands their doing whether McEnery be elected or Kellogg be elected; commands their doing in every and any event consistent with the confessed and undisputed facts of the overt treason which the President's acts met and defeated.

THE ENFORCEMENT ACT.

The act to which I allude was by its title "An act to enforce the provision of the fourteenth amendment to the Constitution of the United States, and for other purposes."

Whether it would have been constitutional to provide for the employment of the militia and the land and naval forces of the United States for the suppression of the public disorders described in the third section of this act, in the absence of an application by the Legislature or an executive of the State, prior to the adoption of the fourteenth amendment to the Constitution, I need not inquire. By the provisions of the fourteenth amendment it is expressly provided that Congress shall have power to enforce by appropriate legislation the provisions of the fourteenth amendment, among which are those securing the equal privileges and immunities of citizens of the United States, and prohibiting the States from denying to any person within their jurisdiction the "equal protection of the laws." Under this provision of the fourteenth amendment Congress is made the sole judge of what is appropriate legislation for securing to the citizens of the States that equal protection of the laws and their enjoyment of the fundamental rights of their national citizenship.

In exercise of the powers conferred and the duties imposed by the fourteenth amendment to the Constitution, the act of 20th of April, 1871, was passed. The second section of this act provides that if two or more persons within any State shall conspire together to deprive any person or class of persons of the equal protection of the laws, or of equal privileges or immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State from giving or securing to all persons within such State the equal protection of the laws, or by force or intimidation to prevent them from giving support or advocacy in favor of the election of President or Vice-President, or members of Congress, they shall be deemed guilty of a high crime.

The third section of this act authorizes and commands the President to extend to the people of Louisiana the protection which they received from the United States in their hour of peril, in 1872. I state it in full, as follows:

SEC. 3. In all cases where insurrection, domestic violence, unlawful combinations or conspiracies in any State shall so obstruct or hinder the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, immunities, or protection, named in the Constitution and secured by this act, and the constituted authorities of such State shall either be unable to protect, or shall, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States, and in all such cases, or whenever any such insurrection, violence, unlawful combination or conspiracy shall oppose or obstruct the laws of the United States, or the due execution thereof, or impede or obstruct the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia, or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary for the suppression of such insurrection, domestic violence, or combinations; and any person who shall be arrested under the provisions of this and the preceding section shall be delivered to the marshal of the proper district, to be dealt with according to law.

Now, Mr. Speaker, note the completeness of this act as the remedy for the very disorder in which Louisiana was involved in 1872, and note also how peremptorily the duty is which it imposes upon the President to extend to that people the succor which was so benignly sent. Note that the state of public disorder covered by this act is every one in which either "insurrection, domestic violence, unlawful combinations or conspiracies" exist in any State which produce certain described results. Neither all nor any two, but only one condition of the four named is required to be present.

What I have described as the condition of Louisiana is surely enough to warrant me in affirming that when the President intervened, all four conditions of disorder named in the act were present in the State in appalling magnitudes. I remind you here, requoting the words of him whom the conspirators have made the champion of their defense, that the frauds of the conspirators "completely reversed the will of the people." "Governor Warmoth was in possession of the State." "I mean all that the words imply." "He owned the Legislature." "He had laws passed in blank which he could approve at pleasure." "He carried the courts in his pocket." "He was the State."

A DISGRACEFUL PICTURE.

Mr. Speaker, even this picture, drawn by their own apologist of the wreck and havoc these conspirators had wrought, would be incomplete were not the colors added which the scenes I have described above give to the sad picture. That picture does not show, what the truth of history discloses, that the state of public mischief which it portrays was the sequence of an unlawful conspiracy between the leaders of the fusionists to "completely reverse the will of the people" by the overthrow of the right of the elective franchise on the part of the colored race. It does not show, what history will, that Warmoth repeatedly avowed his ability and determination, by the employment of his metropolitan police, his militia, his bands of thugs and roughs, to sweep from the field the troops of the United States and every other obstruction to the consummation of his conspiracy.

It does not show what history will show, that Warmoth tendered to the lieutenant-governor of the State, at the very date when the Legislature applied to the United States for rescue from domestic violence, a bribe of $50,000, or thereabout, if the lieutenant-governor would organize the senate in a manner subservient to the wishes of Warmoth.

The picture fails to show what history will, that at the beginning of this conspiracy the leaders in it with cool deliberation sat down and made mathematical computations of the number of colored voters

in each parish which must be stricken from the registration books, in order "completely to reverse the will of the people."

It does not show how by actual violence the conspirators did eject from their high offices judges, secretaries, officers of registration, and other lawful ministers of the State, who refused to do their treasonous bidding, and by the same violence seated in their stead the willing instruments of their violence.

Now, add these colors to that picture of disaster in Louisiana, which I have brought hither from the halls of the senate, and then add to these colors this one also, that when these affairs were being transacted we were on the brink of revolution and bloodshed, courts powerless, judges fugitives, laws trampled under foot, the Legislature unorganized and unorganizable, property of the city ready for the torch, the people appalled, and a universal chaos of our institutions impending and imminent. Such, sir, was our case.

QUESTIONS AND ANSWERS.

In the name of truth and law, I implore this House and the country to answer me: Was not this case more than "insurrection," than "domestic violence," than "unlawful combinations," than "conspiracy?" Was it not war?

Was it not a violence which so obstructed the execution of the laws as to deprive a portion or class of the people of their privileges and immunities under the Constitution?

Our enemies being judges, they confess it was. More than this, for they confess that "Warmoth was the State," with courts, Legislature, and laws in his pocket; with the voice of the people completely reversed, and their institutions, judges, and rulers under his feet.

Did not the conspiracy direct its war to the overthrow of a "class"—the colored race, and as a class—and of the enactments both of Louisiana and of the nation made for the securement of their equality before the law? That it did, is shown in the fearful history of that rebellion which begat this one; by the massacres of July, 1866, of 1868, and of 1873 at Colfax; by the oaths of over four thousand of this injured race, now on file in the courts of the United States in Louisiana; by the testimony now before this House, and by the confessions of those who did it.

Were the authorities of the State "unable" or unwilling, or did they "from any cause fail" to protect these people in their privileges as citizens? The answer is again furnished by our enemy, who declares, "Warmoth was the State." "The courts were in his pocket." "The voice of the people was completely reversed." And this Warmoth was "FIRST CONSPIRATOR."

IMPLORING DELIVERANCE.

Now look, I entreat you—lovers of your country, and of its sublimely grand, free, and equal Constitution and laws—just made so by a most sacred and copious libation, by an expenditure of treasure, by a prodigy of patience, endurance, and courage, by a common national anguish, such as nation never gave before for their liberties and their equality under the law. Look at the spectacle I put before you. Such was the condition of the State, of the race for whom I plead so poorly to-day at your bar. In that case, so appalling, so prodigious in its elements of helplessness, disaster, and wreck, Louisiana reached out to the Union which had just rescued her once her manacled arms for another deliverance from the same implacable foe.

At the head of that Union was the soldier—the hero who had led her armies in the first and recent deliverance. This soldier had added now to his arm as commander the high powers and duties of First Magistrate, and to his military oaths he had added the still more solemn oaths of the Constitution, which bind the President—swearing that, to the best of his ability, he would preserve, protect, and defend the Constitution, and take care that its laws were executed. Then, along with this appeal from Louisiana for help came the precepts of the law which I have read—plain, solemn, and commanding—that it shall be the President's duty "to suppress such insurrection," "domestic violence," "combination," or "conspiracy," and, mark it, this with or without an application from the executive or Legislature.

Sir, I declare that had the President not delivered us, so far as human eye can see Louisiana would then have passed into an abyss of ruin unfathomable; and the President's omission of duty would have covered his name with ineffable shame.

DUTY AND POWER OF THE PRESIDENT.

Still another duty is imposed upon the President by the requirements of this act of Congress of April 20, 1871. That duty was to decide, on conscience and under official oath, which of the two contending parties in Louisiana was the "constituted authority of the State" and which the party in insurrection. Fortunately for us the commanding authority of the Supreme Court of the United States gives light on that point in the case of Luther *vs.* Borden, (7 Howard, 43,) which says the President must of "necessity decide which is the lawful government, and which party is unlawfully arrayed against it, before he can perform the duty imposed upon him by the act of Congress. The statute constitutes him the sole and exclusive judge of the existence of those facts" on which he must decide this momentous question, and his decision remains the law, binding upon all departments of the Government and upon the people and authorities of the insurrectionary State until Congress shall overrule it. "If the President in exercising this power shall fall into error, or invade the rights of the people of a State, Congress would undoubtedly have the power to apply the proper remedy."

Here, I affirm, is the solution, so far as the action of the United States is concerned, of the law of the Louisiana case. Her calamities had arisen to such a magnitude that it is not merely trifling, but a shameless mockery, to say that it was merely a contested-election case.

CONCLUSIVE PROOF.

Sir, as I began, so I conclude: It was revolt, revolution, insurrection, domestic violence, conspiracy, and war, sweeping in its menace and magnitude far outside of judicial remedies. The only remedy was force; and, sir, I thank Heaven and the wisdom of the people that our laws were not left without remedy for this very peril, which was so met and defeated by the wise forecast of the Constitution and laws.

I add yet another legal consequence of the premises established. It is, that in absence *of action by Congress*, the government which the President has decided to maintain, and has maintained in the State, becomes the legal government thereof—legislative, executive, and judicial—until a new one is created and established by the people of Louisiana under their own constitution and laws. This beyond all question is not only the law of Martin *vs.* Mott, (12 Wheaton,) of Luther *vs.* Borden, (7 Howard,) but is the law also of the guarantee clause of the Constitution, and of that changeless maxim that "the safety of the people is the supreme law." It is, moreover, the inexorable law of that necessity which leaves no other way of preserving an imperiled State of this Union than by securing to it that peace and protection against "domestic violence" which can be given alone by the power and the Government of all the people.

The peace being thus preserved, their laws preserved, their freedom of choice preserved, then the consummation and completion of the grand designs and remedies of the Constitution come to the people of the rescued Commonwealth when the next election for the State shall come, and the people's free choice of their own rulers shall have corrected any faults of the President's decision between the contending parties, and they shall have freely created for themselves "a government of the people, by the people, for the people."

The present State government of Louisiana is, in every sense, the rightful, legal, and constitutional government of the State. Lawfully elected; lawfully ascertained to be elected; lawfully adjudged to be elected by the supreme court of Louisiana, as high and pure a tribunal as exists in any State in this Republic.

It was legally elected, notwithstanding a most foul conspiracy and the unparalleled frauds in the registration and the election. It is established by uncontradicted evidence—

That the republican national and State tickets received a considerable majority of the votes actually cast at the election held on the 4th of November, 1872, in the State of Louisiana.

The canvassing board which ascertained and promulgated the result of this election has been adjudged to be the legal board in fifteen or more final judgments by the supreme court of the State, the legality and constitutional power of which are universally recognized.

The larceny by the conspirators of the election returns of a State and their destruction or removal from the Commonwealth, rendering their canvass impossible, does not make it unlawful for the people thus defrauded to lay before the loyal board the best evidence which the conspirators have left them, and from which to determine the vote of the State and declare elected their chosen rulers. That resort of the people of Louisiana to secondary evidence was not only legal, but prevented the consummation of a treasonous revolution.

The result of that election having been thus determined and the result adjudged legal by the highest tribunal in the State of Louisiana, her government is the rightful and legal one, resting upon the choice of the people and upon principles of law uncontroverted since the era of the foundations of the common law and the establishment of civil government for its administration.

The present State government of Louisiana is recognized by the authorities of the United States and the civilized world; it is supported by the whole people of that Commonwealth; it is as impregnable and permanent as the local government in any State of this Union. Governor Kellogg's administration is the ablest, wisest, and purest which has existed in that State for a quarter of a century. To assail it or overthrow it by congressional interference would be as unconstitutional and indefensible as it would be needless and reckless.

Mr. LAMAR obtained the floor.

WASHINGTON NATIONAL MONUMENT.

Mr. ELDREDGE. I ask the gentleman from Mississippi to yield to me for a moment.

Mr. LAMAR. I yield to the gentleman from Wisconsin.

Mr. ELDREDGE. I ask unanimous consent to offer the following resolution:

Resolved, That it shall be in order to move an amendment to the sundry civil appropriation bill in Committee of the Whole providing for an appropriation of $75,000 to aid in the completion of the Washington national monument by the one hundredth anniversary of American independence, with the proviso that the Washington Monument Association be required to reconvey to the United States reservation No. 3 in the city of Washington, on which the monument now stands.

Mr. RAINEY. I object.

Mr. ELDREDGE. I move to suspend the rules and pass the resolution.

The SPEAKER *pro tempore*. It is not in order to suspend the rules at this time.

Mr. ELDREDGE. The gentleman from Mississippi yields to me for that purpose.

The SPEAKER *pro tempore*. Objection is made to the resolution, and the Chair cannot entertain a motion to suspend the rules.

Mr. ELDREDGE. The gentleman has yielded to me to make the motion.

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. Objection is made to his yielding.

Here the Speaker resumed the chair.

Mr. ELDREDGE. Mr. Speaker, the gentleman from Mississippi has yielded to me to make a motion to suspend the rules.

The SPEAKER. That is not in order.

INCREASE OF PENSIONS.

Mr. RUSK. I rise to submit a privileged report from a committee of conference, and I ask that it be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled, having met, after full and free conference, have agreed and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with the following amendment:

Strike out the word "constant" in line 3 and substitute the word "regular" therefor; and strike out the word "constant" in line 12 of the Senate amendment, and insert "regular" therefor; and add as an additional section the following:

SEC. 2 This act shall take effect from and after the 4th day of June, 1874.

And that the Senate agree to the same.

J. M. RUSK,
W. B SMALL,
WM. S. HOLMAN,
Managers on the part of the House.
D. D. PRATT,
JOHN J. INGALLS,
M. C. HAMILTON,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. RUSK moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF PENSION LAWS.

Mr. RUSK. I submit another report from a committee of conference, which I ask to have read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 2453) to amend an act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows: That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment, as follows:

Insert after the word "lost," in line 2 of the Senate amendment, the word "either," and insert after the word "elbow," in line 3 of the same amendment, the words "or a leg at or above the knee," and add at the end of the Senate amendment the following: "*Provided*, That hereafter no artificial limbs or commutation therefor shall be furnished to such persons as shall be entitled to pensions under this act."

And also add the following as an additional section:

SEC. 2. That this act shall take effect from and after the 4th day of June, 1874.

And that the title be as follows:

An act to increase pensions in certain cases.

And that the Senate agree to the same.

J. M. RUSK,
W. B. SMALL,
W. S. HOLMAN,
Managers on the part of the House.
D. D. PRATT,
JOHN J. INGALLS,
M. C. HAMILTON,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. RUSK moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOUISIANA CONTESTED ELECTION—PINCHBACK VS. SHERIDAN.

[Mr. LAMAR addressed the House. His remarks will appear in the Appendix.]

Mr. RICE. I move that the House do now adjourn.

Mr. SMITH, of New York. I propose to call the previous question after the contestant, Mr. Sheridan, shall have occupied an hour. But I am willing to make the motion to adjourn if the House is not disposed to go on this evening.

Mr. GARFIELD. Let us go on now.

Mr. SMITH, of New York. I will make the motion to adjourn.

The SPEAKER. Other business will probably suffer to-morrow unless the previous question is seconded now. The understanding was that four hours would be devoted to this discussion.

Mr. GARFIELD. If the gentleman from New York will allow me I will make a motion that the House now take a recess, and that there be a session this evening for no other business than this.

The SPEAKER. The Hall will be otherwise occupied.

Mr. GARFIELD. The caucus can be held in another hall.

Mr. RICE. I insist on my motion that the House adjourn.

LEAVE OF ABSENCE.

By unanimous consent indefinite leave of absence was given to Mr. HOLMAN, on account of severe illness in his family; to Mr. WILBER for eight days; and to Mr. ROBBINS until Monday, the 15th instant.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3575) for the relief of certain settlers on the public lands in certain portions of the States of Minnesota and Iowa;

An act (H. R. No. 3005) for the relief of Mary B. Redfield, of Virginia;

An act (H. R. No. 2866) relieving the political disabilities of Fitzhugh Lee; and

An act (H. R. No. 2019) to forfeit certain public lands granted to the Stockton and Copperopolis Railroad, in the State of California.

Mr. PENDLETON, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 860) granting one condemned cannon to Prescott Post, No. 1, Grand Army of the Republic, for the erection of a monument at Providence, Rhode Island;

An act (S. No. 395) for the relief of Edward H. Calvert;

An act (S. No. 465) for the relief of Joseph Council, of Mobile, Alabama;

An act (S. No. 419) for the relief of Sebastian Reichert; and

An act (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. RICE] that the House do now adjourn.

Mr. GARFIELD. I hope the House will not adjourn, but will sit out this case and finish it now.

The question being taken on the motion that the House adjourn, there were—ayes 51, noes 71.

So the motion was not agreed to.

Mr. GARFIELD. I demand the regular order.

LOUISIANA CONTESTED-ELECTION CASE.

The House resumed the consideration of the report of the Committee on Elections in regard to the Louisiana contested-election case.

Mr. SMITH, of New York. I ask that the contestant, General Sheridan, be now permitted to address the House.

Mr. RUSK. How long?

The SPEAKER. When contestants address the House, they speak under precisely the same rules as are applicable to members.

[Mr. Sheridan and Mr. Pinchback, contestants, addressed the House. (See Appendix.)

Mr. SMITH, of New York. I propose now to call the previous question and I have agreed that after the main question is ordered I will yield five minutes to Mr. Sheridan to reply to what has been said by Mr Pinchback. If the House will hear him for five minutes there will be no further debate on this question.

Mr. NIBLACK. Does the gentleman intend to ask a vote to-night?

Mr. SMITH, of New York. I have arranged with my colleague on the committee from Mississippi [Mr. LAMAR] that no vote shall be taken to-night; but I think we had better order the main question with the understanding that the vote shall be taken to-morrow without further debate.

The SPEAKER *pro tempore*, (Mr. CESSNA in the chair.) Does the gentleman from New York desire to yield to the contestant from Louisiana before the previous question is seconded?

Mr. SMITH, of New York. Yes, sir.

The SPEAKER *pro tempore*. Is there objection to the gentleman yielding?

Mr. SMART and others objected.

Mr. SMITH, of New York. Then I move the previous question.

Mr. DARRALL. Before the previous question is seconded I desire to offer the following resolution as a substitute for the resolutions reported by the minority of the committee:

Resolved, That P. B. S. Pinchback is entitled *prima facie* to a seat in this House as a member at large from the State of Louisiana, without prejudice to the claim of George A. Sheridan, contestant for said seat.

Mr. LAMAR. Is it understood that there is to be no vote on these resolutions to-night?

Mr. SMITH, of New York. I shall insist that the House shall stand by the arrangement I made with my colleague on that subject.

The SPEAKER *pro tempore*. That question can be settled presently.

Mr. LAMAR. A number of gentlemen have left the House on the faith of that agreement.

Mr. GARFIELD. I desire to have it understood that this condition be made: that the debate is ended and that there is to be no speaking to-morrow.

Mr. LAMAR. There will be no debate to-morrow.

The previous question was seconded and the main question ordered.

Mr. SMITH, of New York. Now, if the House will listen for five minutes to Mr. Sheridan, there will be no more debate.

Mr. THORNBURGH. I move that the House do now adjourn.

The question was put; and the motion was not ageed to, there being on a division ayes 25, noes not counted.

The SPEAKER *pro tempore*. The gentleman from New York is entitled to the floor to close debate.

Mr. SMITH, of New York. I yield five minutes to the contestant, Mr. Sheridan.

Mr. SHERIDAN. Mr. Speaker, I simply desire in the five minutes allotted me by the kindness of the chairman of the committee to call attention again to the fact that the question before this House is not what any returning board may or may not have done in this Louisiana contest. The fact is patent to every man who has listened to this discussion, or who is at all familiar with the events that have occurred in Louisiana during the last two years, that the returning boards are in such a mixed-up condition that no man can tell which was and which was not the legal board. The question resolves itself simply into this: What do the returns of the election show? Did the Lynch board have any returns before them? The Lynch board swear they did not have any returns. Were there returns made? It is conceded that returns were made. What did those returns show? They showed my election by 10,614 majority. Was there fraud sufficient to overturn that majority? Concede to Mr. Pinchback all the frauds he claims and I am still elected. The question, then, before the House rises above the question of returning boards, above Lynch and Warmoth and Longstreet and everybody else; it is the question of the right of eight hundred thousand people to representation on this floor. I present a claim before you, based upon the returns of the election. And my friend presents a claim before you, based on the dictum of the Lynch board, which he himself acknowledges were not in possession of returns.

He holds this House to its consistency. He says you must not make flesh of one and fowl of the other. He says that you have made flesh of Mr. SYPHER, and that therefore you must make flesh of him. God knows you do not want any more such flesh as Mr. SYPHER here. If you made flesh in that case you made a mistake, and there is no reason why you should make the same mistake in the case of my friend, Mr. Pinchback.

The republican party will live, and the democratic party will live, whether you seat Mr. Pinchback or seat me on this floor; that does not depend upon our being seated or unseated. I say that under any circumstances you may choose to invent, save the actual taking of the Lynch board returns, I am elected. Give Mr. Pinchback the republican vote and me the democratic vote of 1870 in these parishes and I am elected. Put the returns of the Lynch board in the disputed parishes in place of the returns of the Foreman board, and I am elected. Throw out the disputed parishes altogether and I am elected. There were 120,000 undisputed votes cast in that State, and of them I have a majority. As the judgment of the committee is that both certificates are worthless, thus it would seem to me to be but fair and honest that the man having the best showing should be entitled to the seat on this floor, leaving to the other the right of contest.

During the foregoing debate the following messages were received:

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. BABCOCK, one of his secretaries, announced that the President had approved and signed joint resolutions of the following titles:

Joint resolution (H. R. No. 103) authorizing the President to issue Army rations and clothing to the destitute people on the Tombigbee, Warrior, and Alabama Rivers;

An act (H. R. No. 2738) for the relief of the Foundry Methodist Episcopal Church of Washington City;

An act (H. R. No. 2989) to authorize the trustees of the Massachusetts Museum of Fine Arts to import and retain for two years certain works of art free of duty;

An Act (H. R. No. 2346) for the relief of W. A. Saylor, of Bryan, Texas;

An act (H. R. No. 2078) for the benefit of occupying claimants;

An act (H. R. No. 2181) granting a pension to Jennet H. Nisbet;

An act (H. R. No. 1271) for the relief of John T. Watson, of Cincinnati, Ohio;

An act (H. R. No. 2348) for the relief of Rev. George Morrison, late of Kentucky;

An act (H. R. No. 1560) to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports and to reduce internal taxes, and for other purposes,'" approved March 3, 1873;

An act (H. R. No. 2202) for the relief of William B. Thomas, late collector of customs at the port of Philadelphia;

An act (H. R. No. 2782) to extend the time to pre-emptors on the public lands in the State of Minnesota to make final payment;

An act (H. R. No. 2999) for the relief of Henry A. Webster, V. B. McCollum, and A. Colby, of Washington Territory, pre-emptors on the Makah Indian reservation;

An act (H. R. No. 1590) to provide for the better protection of the frontier settlements of Texas against Indian and Mexican depredations;

An act (H. R. No. 3267) changing name and location of Irasburgh National Bank of Orleans, county of Orleans, State of Vermont;

An act (H. R. No. 2209) granting a pension to Louisa H. Canby, widow of the late General E. R. S. Canby;

An act (H. R. No. 3169) changing the time of holding circuit and district courts in Vermont;

An act (H. R. No. 1394) in relation to the centennial exhibition;

An act (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes;

An act (H. R. No. 2545) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1875;

An act (H. R. No. 196) granting a pension to Peter J. Cratzer;

An act (H. R. No. 240) granting a pension to John C. Farnam;

An act (H. R. No. 551) granting a pension to Alfred Bolder;

An act (H. R. No. 1145) granting a pension to Martin Lafflin;

An act (H. R. No. 1228) granting a pension to Mary Storrs;

An act (H. R. No. 1335) granting a pension to Guadaloupe Torres;

An act (H. R. No. 1414) granting a pension to Susan Bennett;

An act (H. R. No. 1439) granting a pension to John Folger;

An act (H. R. No. 1719) granting a pension to Ezra H. Foster;

An act (H. R. No. 1791) granting a pension to Augustus L. Yeager;

An act (H. R. No. 1832) granting a pension to Elizabeth Hackleman;

An act (H. R. No. 1843) granting a pension to Lucinda Jones, widow of Thompson M. Jones, late a private of Company G, Twenty-second Regiment Illinois Volunteers;

An act (H. R. No. 1866) granting a pension to Dennis McCarthy, a soldier of the Mexican War;

An act (H. R. No. 1907) granting a pension to Henry B. Havens, late a private of Company K, Twelfth Regiment Wisconsin Volunteers;

An act (H. R. No. 1949) granting a pension to Ann M. Brackett;

An act (H. R. No. 2116) for the relief of Magdalena Docks;

An act (H. R. No. 2214) granting a pension to Ann Humphreys, of Philadelphia;

An act (H. R. No. 2216) granting a pension to Cornelia A. Washburn;

An act (H. R. No. 2217) granting a pension to Henry Buckner, late a private of Company F, Fifty-eighth Regiment Illinois Volunteers;

An act (H. R. No. 2220) granting a pension to Andrew J. Baldwin;

An act (H. R. No. 2353) granting a pension to Lucy Ann Cummings;

An act (H. R. No. 2356) granting a pension to Edward Jardine, late a colonel and brevet brigadier-general United States Volunteers;

An act (H. R. No. 2452) to equalize pensions in certain cases;

An act (H. R. No. 2669) granting a pension to Deborah A Swan;

An act (H. R. No. 2672) granting a pension to Mary A. S. Loomis;

An act (H. R. No. 2676) granting a pension to Thomas McKinster;

An act (H. R. No. 2678) granting a pension to Charles Herbert;

An act (H. R. No. 2692) to change the name of the schooner-yacht Quarantine to Welcome;

An act (H. R. No. 2790) granting a pension to Nancy Abbott;

An act (H. R. No. 2792) granting a pension to Llewellyn Bell;

An act (H. R. No. 2899) granting a pension to Harriet A. Woodruff;

An act (H. R. No. 2925) granting a pension to Dorothea Irons, mother of Lieutenant Joseph F. Irons;

An act (H. R. No. 3022) granting a pension to Sarah A. Timmons;

An act (H. R. No. 3407) to change the name of the schooner Jacob Faithful to Eyvor; and

An act (H. R. No. 1936) for the relief of Dewight Desilva, of Deposit, New York.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment the bill (H. R. No. 3652) providing for the publication of the revised statutes of the United States.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 88) for the better organization of the district courts of the United States within the State of Louisiana.

The message further announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds, had agreed to the conference asked for by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ROBERTSON, Mr. ALCORN, and Mr. NORWOOD.

The message further announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 3030) making apppropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes, had agreed to the conference asked for by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. SARGENT, Mr. MORRILL of Maine, and Mr. KELLY.

Mr. SMITH, of New York. I move that the House now adjourn.

The question was taken; and upon a division there were ayes 122, noes not counted.

So the motion was agreed to; and accordingly (at six o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLAINE: The petition of many business firms of New York City for the passage of a bill for the relief of Thomas M. Webb, late acting master's mate, United States Navy, to the Committee on Invalid Pensions.

By Mr. BELL: The petition of William P. Early, of Cleveland, Georgia, for a pension, to the Committee on Invalid Pensions.

By Mr. CHIPMAN: The remonstrance of J. C. McKelden and numerous other citizens of Washington, District of Columbia, against the proposed location of the new depot of the Baltimore and Ohio Railroad, on square No. 681 in said city, to the Committee on the District of Columbia.

By Mr. COX: Resolutions of the New York Chamber of Commerce, in regard to the renewal of reciprocal relations by the United States with the Dominion of Canada, to the Committee on Foreign Affairs.

By Mr. CROSSLAND: The petition of Drury Dunaway, of Paducah, Kentucky, for a pension, to the Committee on Invalid Pensions.

By Mr. FREEMAN: The petition of L. P. Gudger, of Georgia, for relief, to the Committee on Claims.

By Mr. HARRIS, of Massachusetts: The petition of George A. Washburn, of Taunton, Massachusetts, for a donation of condemned cannon for the soldiers' cemetery in that city, to the Committee on Military Affairs.

By Mr. LEWIS: The petition of the Chamber of Commerce of Memphis, Tennessee, asking the United States Government to rebuild the levees of the Mississippi River, to the Select Committee on the Mississippi Levees.

Also, the petition of Mrs. Lucie A. Jamieson, of Memphis, Tennessee, for payment of rent for building occupied by the United States troops in Memphis from 1862 to 1866, to the Committee on War Claims.

By Mr. MOORE: The petition of Brown & Beiger and 100 other business firms of the twenty-fourth congressional district of Pennsylvania, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. MORRISON: The petition of Clara H. Fowler, for compensation for stores and supplies taken for use of the United States Army, to the Committee on War Claims.

Also, the petition of the heirs of Charles H. Fowler, of similar import, to the same committee.

By Mr. NIBLACK: The remonstrance of 294 citizens of Evansville, Indiana, and vicinity, against the extension of letters-patent for sewing-machines, to the Committee on Patents.

By Mr. RICE: The petition of Belva A. Lockwood and others, for a restraining order or stay law to prevent the sale of small homesteads for taxes in the District of Columbia, to the Committee on the Judiciary.

By Mr. RICHMOND: The petition of citizens of the twentieth congressional district of Pennsylvania, for the passage of the bill to aid in the construction of the Continental freight railway, to the Committee on Railways and Canals.

By Mr. RUSK: The petition of grange organizations in Trempealeau and Jackson Counties, Wisconsin, of similar import, to the same committee.

Also, papers relating to the claim for a pension of Mrs. General Schimmelfennig, to the Committee on Invalid Pensions.

By Mr. SMART: The petition of Margaret Skelton, of Troy, New York, for a pension, to the Committee on Invalid Pensions.

By Mr. STARKWEATHER: The petition of Mrs. A. Cornelia Lanman, widow of the late Rear-Admiral Joseph Lanman, of the United States Navy, for a pension, to the Committee on Invalid Pensions.

By Mr. THOMAS, of Virginia: Petitions of George S. Ayre, Joseph Baldwin, Andrew J. Baugher, Peter Blosser, Joseph Bowman, John W. Bowman, Joseph Bowman, administrator, Isaac Bowman, Michael Bowman, Mary Brenaman, Samuel Carpenter, Samuel Clin, John W. Conard, Joseph Conard, Ebenezer J. Conard, Philip Derry, Lewis W. Derry, Henry Early, Noah Early, J. B. Eastham, W. D. Ewing, Noah Flory, Samuel Garber, Elizabeth Garber, Eli A. Garber, C. C. Gaver, Samuel Good, Adam Gowl, William C. Harrison, Christian Hartman, Samuel D. Humbert, Thomas Kirkpatrick, John W. Landes, Christian Landes, Morgan Layton, Isaac Long, Samuel E. Long, William D. Maiden, Daniel Miller, Joseph M. Miller, Emma R. Moore, Joseph B. Moyers, Isaac S. Myers, George Neer, John Nisewaner, Jonas Potts, James Ritchie, John Rubush, Abraham Sager, Emanuel Spitzer, Eli Tavenner, Amanda C. Thompson, Samuel H. Wampler, P. W. Whitmer, Martin Whitmore, John Wine, Curtis Yates, Peter Zettee, citizens of Virginia, for compensation for stock driven off in 1864 by order of General Sheridan, to the Committee on War Claims.

Also, papers relating to the claims of Thomas P. Crawford, Samuel A. Miller, Noah A. Royer, Daniel Landis, James Smith, Daniel Miller, to the Committee on War Claims.

By Mr. WARD, of New Jersey: The petition of Robert M. Henning and Albert Pierce, of Essex County, New Jersey, for relief, to the Committee on War Claims.

By Mr. WELLS: The remonstrance of tobacco manufacturers of Saint Louis, Missouri, against any amendment of the internal-revenue laws to enable growers of leaf-tobacco to sell $100 worth of their crop to consumers without license or tax, to the Committee on Ways and Means.

By Mr. WHEELER: A communication from H. W. Loud & Co., of New York City, inclosing petition from Maine sea-captains, praying the abolition of compulsory pilotage through Hell Gate, to the Committee on Commerce.

By Mr. WOODFORD: The petition of John R. Harrington, for extension of letters-patent for improvements in carpet-lining, to the Committee on Patents.

Also, papers relating to the claim of Lieutenant David E. Carpenter, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *June* 9, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. WEST. Unless some Senator desires to hear the Journal read, as time is now very valuable, I move that the reading be dispensed with.

Mr. MORRILL, of Vermont. At the request of a Senator now absent, I desire to have the Journal read.

The PRESIDENT *pro tempore*. The reading will proceed.

The Chief Clerk continued the reading of the Journal for some time.

Mr. ALCORN. I move to dispense with the further reading of the Journal.

There being no objection, (at twelve o'clock and thirteen minutes p. m.,) the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled; and

A bill (H. R. No. 2453) to amend an act entitled "An act to revise, consolidate, and amend the laws relating to pensions;" approved March 3, 1873.

The message also announced that the House had passed a bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2019) to forfeit certain public lands granted to the Stockton and Copperopolis Railroad, in the State of California;

A bill (H. R. No. 3005) for the relief of the heirs of Mary B. Belfield, of Virginia;

A bill (H. R. No. 3575) for the relief of certain settlers on the public lands in certain portions of the States of Minnesota and Iowa;

A bill (H. R. No. 2866) relieving the legal and political disabilities of Fitzhugh Lee;

A bill (S. No. 395) for the relief of Edward H. Calvert;

A bill (S. No. 419) for the relief of Sebastian Reichert;

A bill (S. No. 465) for the relief of Joseph Council, of Mobile, Alabama;

A bill (S. No. 860) granting one condemned cannon to Prescott Post No. 1, Grand Army of the Republic, for the erection of a monument at Providence, Rhode Island; and

A bill (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair has received a printed memorial with printed signatures of Harper & Brothers, George Jones, D. Appleton & Co., and many others, leading publishing houses of the United States, in regard to the postage on newspapers; but the memorial, signatures, and all being printed, the Chair regards it as not within the rule and does not present it.

Mr. GOLDTHWAITE presented a petition of citizens of Alabama, praying that the tax levied and collected on cotton for the years 1866, 1867, and 1868 be refunded; which was referred to the Committee on Finance.

Mr. MCCREERY presented a memorial of manufacturers of chewing-tobacco in the city of Louisville, Kentucky, protesting against the amendment to the tax bill passed by the House of Representatives allowing a drawback on all chewing-tobacco exported in which licorice paste is a component part to the extent of the import duty charged on licorice paste; which was referred to the Committee on Finance.

Mr. CONKLING presented the petition of Paul Frank, late colonel of the Fifty-second New York Volunteers, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

He also presented a memorial of E. D. Morgan & Co., Brown Brothers & Co., Morton, Bliss & Co., and twenty-four other banking houses of New York City, remonstrating against the imposition of a tax on sales of coin and securities; which was referred to the Committee on Finance.

He also presented a memorial of banks and savings institutions of the city of Brooklyn, the memorial of F. Schuchardt & Sons, Lanman & Kemp, and other bankers and shippers of New York City, and a memorial of bankers, importers, and merchants of New York City, remonstrating against the imposition of a tax on sales of coin and securities; which were referred to the Committee on Finance.

He also presented the memorial of Harper & Brothers and other publishing firms of New York and other cities in favor of the establishment of a fixed rate per pound on all newspapers and other periodicals and prepayment of postage; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GORDON presented the memorial of Roderick Rutland, a citizen of Monroe County, Georgia, asking the cancellation of land warrant No. 97187 and the reissue to him of the same or a duplicate thereof, the original being alleged to have been stolen from him; which was referred to the Committee on Public Lands.

He also presented a petition of citizens of Georgia, praying for the erection of a light-house at the mouth of Jekyl Creek in that State; which was referred to the Committee on Commerce.

He also presented the petition of D. Scott Edings, of Charleston, South Carolina, praying to be reinstated in the possession of two plantations near Paris Island, in the county of Charleston, South Carolina, sold under the act of July 8, 1872, providing for the collection of direct taxes upon real property situated in the insurrectionary States; which was referred to the Committee on Claims.

Mr. CONOVER, presented a resolution of the city council of the city of Fernandina, Florida, praying an appropriation of money for the improvement of the harbor at that place; which was referred to the Committee on Commerce.

Mr. OGLESBY presented papers in relation to the claim of Elizabeth Loebrick, for services as a hospital nurse rendered during the late war; which were referred to the Committee on Claims.

Mr. NORWOOD presented the petition of Robert H. Anderson, of Savannah, Georgia, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

TREATY WITH BELGIUM.

Mr. CAMERON. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. R. No. 107) providing for the termination of the treaty between the United States and His Majesty the King of the Belgians, concluded at Washington, July 17, 1858, to report it back without amendment, and I ask for its immediate consideration.

By unanimous consent, the joint resolution was considered as in Committee of the Whole. Its preamble recites that it is provided by the seventeenth article of the treaty between the United States of America on the one part, and His Majesty the King of the Belgians on the other part, concluded at Washington on the 17th of July, 1858, that "the present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof, each party reserving to itself the right of making such declaration to the other at the end of the ten years above mentioned; and it is agreed that, after the expiration of the twelve months' prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force;" and that it is no longer for the interest of the United States to continue the treaty in force. The resolution therefore provides that notice be given of the termination of the treaty according to the provisions of the seventeenth article thereof for such termination; and the President of the United States is authorized to communicate such notice to the government of the kingdom of Belgium.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary to whom was referred the bill (H. R. No. 2770) to amend the act entitled "An act to amend an act entitled 'An act to establish a court for the investigation of claims against the United States,'" approved August 6, 1856, to report the same back favorably. I will state that there was a Senate bill upon the same subject which provided that a majority of the whole number of judges of the Court of Claims should constitute a quorum, while the House bill provides that three judges shall constitute a quorum. With the present number of judges, the two bills of course accomplish precisely the same result, inasmuch as five judges now compose the Court of Claims. If in the future, as in the past, the number of judges should be increased, then the House bill would be wrong again. As the present law is, it allows two out of five to be a quorum. Inasmuch as it is late in the session, the committee have thought it best on the whole to report the House bill so as to save any further trouble about it.

I am therefore instructed by the same committee, to whom was referred the bill (S. No. 751) to constitute a quorum and to regulate the proceedings of the Court of Claims, to report the same adversely. The committee think as I said that the Senate bill is the better; but to save time at present we let it go the other way, and let this be indefinitely postponed.

The Senate bill No. 751 was indefinitely postponed.

Mr. EDMUNDS. I am instructed by the same committee, to whom was referred the bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes, to report the same back and ask to be discharged from its consideration, and that it be referred to the Committee on Finance.

The Committee on the Judiciary are unable to perceive that that part of the bill respecting repealing the Sanborn contract business is a subject with which we have anything to do; and the other branch of the bill providing punishments to Senators, Representatives, and Delegates for acting as agents &c., is the law already, as it respects all proceedings except those in the regular judicial courts of the United States. The Committee are of opinion that there is no need to have any fresh enactment on the subject of Senators and Representatives in Congress being connected with claims against the Government. That is prohibited already. In respect to counsel being employed in a regular court of the United States, as the custom has been, the committee do not think it necessary at this time to recommend any legislation, so that so far as we are concerned the only subject is that of the repeal of the Sanborn contract law, so called, with which our committee has nothing to do. We therefore ask to be discharged from the further consideration of the bill, and I was directed to move that it be referred to the Committee on Finance. I believe, however, that the bill which contains this provision came from the Committee on Appropriations originally; but in obedience to the direction of the Committee on the Judiciary, I move that the bill be referred to the Committee on Finance.

The motion was agreed to.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3098) to amend the act entitled "An act to reorganize the courts in the District of Columbia, and for other purposes," approved March 3, 1863, reported it without amendment.

Mr. EDMUNDS. I am directed by the same committee, to whom was referred the bill (H. R. No. 1594) for the punishment of extortion by officers or persons acting under the authority of the United States, to report the same adversely. The law already is ample for the punishment of all officers of the United States for extortion. The House bill takes one step further, and provides for punishing any person who acts under the authority of the United States for extortion. Inasmuch as nobody but an officer acting under the authority of the United States can be guilty of extortion except those persons who may be embraced in the bill I have just referred to who were authorized to take the place of officers in enforcing the law, and as the committee infer that that law will not stand long, we think it unnecessary to legislate upon the subject, and we therefore recommend that the bill be indefinitely postponed.

The report was agreed to.

Mr. EDMUNDS. I am directed by the same committee, to whom was referred the bill (S. No. 752) to compel the performance of certain duties by clerks of courts and other officers of the United States, to report the same favorably with sundry amendments.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. I am directed by the same committee, to whom was referred the bill (H. R. No. 3516) to make valid asssignments of wages or salaries of officers, agents, or employés of the Government, to report the same adversely. The committee are of the opinion, I believe unanimously, that such a bill is against the whole policy of the law for the protection of persons employed by the Government and against all principles of law in providing for assignments of wages not yet earned; and while it may have some advantages in particular respects, on the whole would be found to work extremely disastrously both to the interests of the United States and of the great number of persons whom it is obliged to employ. We are therefore of opinion that it ought to be indefinitely postponed.

The bill was indefinitely postponed.

Mr. EDMUNDS. I am directed by the same committee, to whom was referred the bill (S. No. 16) supplemental to the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, with the amendment of the House of Representatives thereto, to report the same with the recommendation that the bill and amendment be indefinitely postponed, with a written report. This being what is called the Sutro-Tunnel and Mining Company bill, I suppose the parties on both sides wish to have it go on the Calendar.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) It will be placed on the Calendar. Does the Senator wish to have the report printed?

Mr. EDMUNDS. Yes, sir.

The report was ordered to be printed.

Mr. CAMERON. The Committee on Foreign Relations, to whom was referred the bill (H. R. No. 1589) for the relief of Henry Savage, acting chargé d'affaires of the United States in Guatemala, from May 7, 1856, to November 14, 1858, have directed me to report it back adversely, and I move that it be indefinitely postponed.

The motion was agreed to.

Mr. CAMERON. I am also directed by the Committee on Foreign Relations, to whom was referred the bill (H. R. No. 3351) to ascertain the possessory rights of the Hudson's Bay Company and other British subjects within the limits which were subject of the award of His Majesty the Emperor of Germany under the treaty of Washington of May 8, 1871, and for other purposes, to report it back favorably and without amendment. An early passage of this bill is necessary for the purpose of ascertaining the rights of people up there under the late treaty with England, and I ask for its immediate consideration.

Mr. EDMUNDS. I have reported half a dozen bills from the Judiciary Committee this morning to which there can be no objection; but which in justice to bills reported yesterday and before and on the Calendar, I thought ought to take their place there; and I think so as to this and every other bill in respect to which there is not some very urgent public necessity. I therefore ask that it go on the Cal endar.

Mr. CAMERON. Cannot I convince the Senator from Vermont?

The PRESIDING OFFICER. The bill goes on the Calendar.

Mr. FERRY, of Michigan, from the Committee on Finance, to whom was referred the bill (H. R. No. 3266) for the relief of the Pekin Alcohol Manufacturing Company, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. ALLISON. I wish to report a bill this morning from the Joint Committee of Investigation into the Affairs of the District of Columbia.

The bill (S. No. 913) for the government of the District of Columbia, and for other purposes, was read, and passed to a second reading.

Mr. ALLISON. I also report the testimony taken by the joint committee and ask for a formal order for the printing of it. I would state, however, that the whole of the testimony is printed, the usual number of copies having been printed at the request of the committee.

The PRESIDENT *pro tempore*. The order for printing the usual number will be made.

Mr. EDMUNDS. If the usual number is already printed, that ought not to be done. We do not want a duplicate print.

Mr. ALLISON. The testimony has been printed, but there has been no formal order of the Senate authorizing it.

Mr. EDMUNDS. Then you will see to it of course that it is not duplicated.

Mr. ALLISON. Certainly.

Mr. EDMUNDS. All right.

Mr. ALLISON. I will state that the committee would be glad to have the bill that I have reported considered at as early a time as is practicable. We expect to make some further report upon the testimony and the bill within a very few days, and then I shall ask that the Senate take the bill up and put it on its passage.

Mr. SCOTT. I am directed by the Committee on Finance to ask to be discharged from the further consideration of the resolution referred to them directing them to inquire whether the fifth, sixth, and seventh sections of the act approved July 12, 1870, regulating the disposition of balances of unexpended appropriations, have been duly observed and executed, and whether any further provisions of law are required to secure the covering into the Treasury of balances of unexpended appropriations. The inquiries made by the committee satisfied them that whenever this law had not been complied with, or at least in the majority of cases, the non-compliance arose from the construction placed on the law by the Departments, in which, however, the committee did not agree; but as the evil complained of has been remedied by bills passed at this session, the committee now ask to be discharged from the further consideration of the resolution.

The report was agreed to.

Mr. SCOTT. I am instructed by the same committee, to whom was referred the bill (H. R. No. 2211) for the relief of Beck & Wirth, to report the same back without amendment.

Mr. LOGAN. I ask that the Senate take action on that bill now.

Mr. EDMUNDS. I must insist that it go on the Calendar unless there be some special reason.

Mr. LOGAN. The bill has been before the House and Senate for a long time, and it is a matter of very great importance to the parties.

Mr. EDMUNDS. The Senator can take it up to-morrow.

Mr. LOGAN. To-morrow is for the Military Committee. This is from the Finance Committee.

Mr. EDMUNDS. It is impossible for us to reach the bills upon the Calendar that are reported in the same way, bills to which there is no objection, unless we take the morning to report bills and then go to the Calendar. As I have objected to others I must to this one.

Mr. LOGAN. The Senator did not object when a bill was called up a moment ago and passed.

Mr. EDMUNDS. I did not know it then.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Vermont to object.

Mr. EDMUNDS. Yes, sir.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SCOTT. A few days since an order was made authorizing a claimant to withdraw from the files the papers after his case had been recommitted to the Committee on Claims. I ask that the committee be discharged from the further consideration of the case of James B. Gillespie and that he have leave to withdraw his papers, leaving copies.

It was so ordered.

Mr. BUCKINGHAM, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1564) establishing life-saving stations, and appropriating therefor, reported it without amendment.

Mr. LEWIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2179) to incorporate the Inland and Sea-board Coasting Company of the District of Columbia, reported it without amendment.

Mr. McCREARY, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 255) to authorize the President of the United States to request the republic of Hayti to indemnify Antonio Pelletier, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CLAYTON, from the Committee on Territories, to whom was referred the bill (H. R. No. 921) to prevent the useless slaughter of buffaloes within the Territories of the United States, reported it without amendment.

He also, from the same committee, to whom was referred a petition of citizens of the United States, praying for the repeal of all laws exempting church property from taxation in the Territories and District of Columbia, asked to be discharged from its further consideration; which was agreed to.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona, no longer required for military purposes, reported it with an amendment.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2939) to compensate D. R. Haggard for six months' services as colonel of the Fifth Kentucky United States Cavalry Volunteers, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3335) authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the City Railroad Company, Port Huron, Michigan, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3503) in regard to crimes committed by persons in the military and naval service of the United States, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2892) for the relief of Thomas Simms, late a lieutenant in the Seventy-sixth Regiment New York Volunteers, reported it without amendment.

Mr. WRIGHT. The Committee on Finance, to whom was recommitted the bill (S. No. 653) to relieve E. Boyd Pendleton, late collector of internal revenue of the fifth district of Virginia, have had the same under consideration, and have instructed me to report it back and recommend its indefinite postponement. There is an additional report in writing.

The report was ordered to be printed, and the bill was indefinitely postponed.

Mr. FRELINGHUYSEN. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 3332) to fix the time for the election of Representatives in the Forty-fourth Congress from the State of Mississippi, have had the same under consideration, and have directed me to report it back without amendment and recommend its passage.

Mr. ALCORN. That bill is one which is intended to harmonize the elections in the State of Mississippi, and it is important to that State. There will be no objection to it I am sure, and I trust it will be considered at once. It contains nothing that concerns any one or anything except the harmony of the elections in Mississippi.

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HITCHCOCK, from the Committee on Territories, to whom was referred the bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, reported it without amendment.

Mr. NORWOOD, from the Committee on Pensions, to whom was referred the bill (S. No. 592) granting a pension to John R. Gaines,

reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Daniel M. Miller, of Wirt County, West Virginia, praying for a pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2218) granting a pension to Sarah Summerville, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant of Company F, Sixty-fourth Regiment New York Volunteers, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 700) granting a pension to the minor children of Michael Weisse, deceased, reported it without amendment.

He also, from the same committee, to whom was referred the petition of John Caleb, praying to be allowed a pension, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. BOREMAN, from the Committee on Claims, to whom was referred the bill (S. No. 295) for the relief of the trustees of the Methodist Episcopal church at New Creek, West Virginia, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2398) granting a medal to John Horn, jr., for his heroic exploits in rescuing men, women, and children from drowning in Detroit River, reported it without amendment.

Mr. HAMLIN, from the Committee on Foreign Relations, to whom were referred sundry petitions, praying Congress to provide for the settlement of international difficulties by arbitration, submitted a report thereon, accompanied by the following resolution:

Resolved, That the United States having at heart the cause of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of arbitration as a great and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations.

BILL RECOMMITTED.

On motion of Mr. GOLDTHWAITE, it was

Ordered, That House bill No. 2246, relating to circuit courts of the United States for the district of Alabama, be recommitted to the Committee on the Judiciary.

BILLS INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 914) to establish a commercial railway; which was read twice by its title.

Mr. LOGAN. I present this bill by request. I have not read it, and do not know what it contains. I move that it be referred to the Select Committee on Transportation Routes to the Sea-board, and be printed.

The motion was agreed to.

Mr. CLAYTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 915) to establish certain post routes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 916) for the relief of Mrs. Ann Cornelia Lanman; which was was read twice by its title, and referred to the Committee on Pensions.

Mr. NORWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 917) for the relief of Robert H. Anderson, of Chatham County, State of Georgia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 918) for the benefit of Mrs. Fanny S. Conway; which was read twice by its title, and referred to the Committee on Naval Affairs.

REVISED STATUTES.

Mr. ANTHONY. The whole subject of the distribution of the laws was on my motion referred to the Committee on the Judiciary, and yesterday I ought not to have allowed the bill that was passed for the printing of the revised statutes to go without being referred to that committee. I therefore move to reconsider the vote by which the bill was passed, with a view of referring it to the Committee on the Judiciary. The bill has gone to the House, and I offer the following order to bring it back:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. No. 3652) providing for publication of the revised statutes of the United States.

The order was agreed to.

THE POST-ROUTE BILL.

Mr. RAMSEY. I desire to say that I find on the desks of Senators this morning the post-route bill. Under the new rule of the Senate, amendments to that bill are required to be submittted to the Committee on Post-Offices and Post-Roads so that the bill may be perfected. I hope Senators will observe the rule and send in the amendments, if the bill as it is at present does not satisfy them.

MAIL SERVICE WITH CHINA.

Mr. SCOTT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire whether or not the steamships in the ocean mail steamship service between the United States and China under the acts of February 17, 1865, and of June 1, 1872, have been subjected to inspection and surveyed by a United States naval constructor, and so constructed as to be readily adjusted to the armed naval service of the United States in case of war; the utility of the vessels for such service; and whether any further legislation is necessary to secure to the United States the right to take said steamships for the use of the Government in case of war, as provided by said acts.

FINAL ADJOURNMENT.

Mr. ANTHONY. The resolution of final adjournment does not specify the hour at which the Presiding Officers of the two Houses shall adjourn them. Although I do not suppose that is necessary, it would be rather awkward that one House should be sitting, though it could not transact any legislative business, when the other had adjourned. I offer this resolution as supplementary to the existing resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the President of the Senate and Speaker of the House adjourn their respective Houses on Monday, the 22d day of June instant, at one o'clock p. m.

Mr. CONKLING. I am for this resolution if it is the best way to accomplish the purpose. I ask the Senator from Rhode Island, however, whether there is not some danger in this? We adopted a resolution which did fix an hour. That resolution still lies on the table of the House, as this will when we send it, and it was just like this except that I think the hour named there was twelve and this is one o'clock. Is the House any more likely to act on this resolution than on the other?

Again, having already fixed the day so that at the end of that parliamentary day, whatever the hour may be, the final adjournment takes place, if the Senate passes another resolution may we not unsettle the understanding so far as it exists now? I make this inquiry not in the nature of an objection, but only for the purpose of asking the Senator whether he is rendering more certain than it is now the termination of the session. If he is, I am for the resolution.

Mr. ANTHONY. I suppose the termination of the session is rendered certain at the end of the parliamentary day of Monday, June 22, which I suppose will be Tuesday at twelve o'clock. If this resolution does not meet with the assent of the House, the matter remains just as it is now.

Mr. FRELINGHUYSEN. Suppose the House amend this resolution?

Mr. ANTHONY. If we should not concur in the amendment the matter would remain as it is. This does not affect the original resolution.

Mr. EDMUNDS. I merely wish to say in this connection, inasmuch as I moved the concurrence of the Senate in the House resolution, which did not fix the precise hour of that day, that I understood the history of it to be this: The House had no objection to agreeing to the day named by the Senate, but the Senate resolution was in such a condition (if I may so far refer to the proceedings in the House) that it could not be reached in the regular course for a long time. The House of Representatives therefore thought it better to send us a resolution of its own, and sent it in the form we agreed to; that is, naming the day, but instead of fixing the hour, provided that when the two Houses adjourned on that day, it should be final. The object of that, as I had reason to suppose, was, that inasmuch as there was some doubt whether the appropriation bills, as some people thought, could be finished, it might be necessary to prolong the session of that day beyond the usual hour of adjournment of the two Houses toward the next day so far as might be necessary, and that provided a little elasticity in the thing, so that if anything necessary to be done should not be quite accomplished, there would be a leeway of a few hours in which it could be accomplished.

It struck me in the then condition of affairs that that was an entirely appropriate thing to do. Of course, as soon as either House on that day chooses to adjourn it ends the session, because the other House then cannot do any legislative business that will amount to anything. I was quite willing for one to put myself and the Senate in the power of the House of Representatives to adjourn us on that day at the very moment of meeting if it thought best; and I was sure the Senate would be willing to take the responsibility of being able to determine for itself also how early on that day we should terminate our legislative business. I do not think it at all important, therefore, that we should pass this resolution; but if it had been an original proposition, as the original Senate resolution was, I should have named the hour.

Mr. ANTHONY. Let the resolution lie over.

The PRESIDENT *pro tempore*. The resolution will be laid aside.

LIEUTENANT JOSEPH WHEATON.

Mr. JOHNSTON. I move that the Senate proceed to the consideration of Senate bill No. 418.

The motion was agreed to; and the bill (S. No. 418) for the relief of the administratrix of the estate of Lieutenant Joseph Wheaton, deceased, was read the second time, and considered as in Committee of the Whole. It directs the Third Auditor of the Treasury to settle and adjust the claim of Susan Dayton Anderson, administratrix *de bonis non* of the estate of Lieutenant Joseph Wheaton, deceased, for the half-pay due him under the act of Congress of October 21, 1780, as a lieutenant of infantry in the Rhode Island Line during the revolutionary war; and in the settlement and adjustment of the claim the principles recognized and embraced in the decision of the Court of Claims of the United States in the case of Thomas H. Baird, admin-

istrator of Dr. Absolom Baird, deceased, and which was sanctioned by an act of Congress approved August 18, 1856, are to be accepted by the Third Auditor as the basis on which such settlement and adjustment shall be made; but upon the final settlement and adjustment of the claim there is to be deducted from the amount ascertained to be due all moneys paid, by commutation or otherwise, on account of half-pay.

Mr. EDMUNDS. What committee reported that bill?

The PRESIDENT *pro tempore*. The Committee on Revolutionary Claims.

Mr. EDMUNDS. I should like to hear the report read. I have heard of that case before.

Mr. JOHNSTON. Before the report is read I will ask leave to amend the bill.

Mr. EDMUNDS. I think the report had better be read first. The bill will probably require a good many amendments.

Mr. JOHNSTON. Very well.

The Chief Clerk read the following report, submitted by Mr. JOHNSTON on the 3d of February last:

The Committee on Revolutionary Claims, to whom was referred the memorial of Susan Dayton Anderson, administratrix *de bonis non* of Lieutenant Joseph Wheaton, deceased, report:

That at the second session of the Forty-second Congress a report was made in this case, which, as it embodies all the facts, is now adopted by the committee, and is as follows:

"The Committee on Revolutionary Claims, to whom was referred the memorial of the administratrix of the estate of the late lieutenant Joseph Wheaton, and the letter of the Secretary of the Interior of the 27th of March, 1872, relative to the same, report:

"That the evidence before the committee shows that Lieutenant Joseph Wheaton served in the Rhode Island Line from the commencement to the close of the revolutionary war; that his father and ten brothers all held commissions as officers in the British service, and that he alone sacrificed his home and domestic ties for the cause of liberty; that he was disinherited by his father, Colonel Caleb Wheaton, who commanded a regiment of British pioneers, who, to the day of his death, never forgave his son for what he considered a disloyalty to the King of Great Britain in joining 'the Yankee rebels;' that on the 11th day of May, 1775, and long before war was declared, he joined a band of volunteers, and took an active part in capturing the Margaretta and two other armed British schooners, which was of great service to us in after times, and was the first advantage gained over our enemies on the waters. In this service he received a severe saber wound on the head, which troubled his mind through life, and terminated in his dying in the insane asylum, in Baltimore, in the year 1828.

"After the war was declared, Joseph Wheaton joined the Rhode Island Line in Colonel Israel Angell's regiment, and sharing in all the battles in which that part of the Army was engaged, which seems to have been many, never left his regiment until the end of the war. He was invested with a commission as colonel in the war of 1812, through the whole of which he served with distinguished ability.

"By the acts of Congress of 3d and 21st of October, 1780, the Government of the United States promised to pay to each and all of the officers, individually, who should continue to serve until the end of the war half-pay for life, and to pay the same to said officers, or their legal representatives, in specie or other current money, at the end of each and every year for life. This was a distinct offer and covenant, stipulated by the most solemn act of the Government in 1780 after four years and upward of hard service in field and camp by Joseph Wheaton, among others, and was offered as an inducement to cause him to continue in the service until defeat or victory should mark the close of the contest. If defeated, he with his compeers had nothing to hope for but the rebel's fate; if victorious, he would have the stipulated compensation of the promised half-pay to buy him bread for the balance of his days. He accepted the offer, fulfilled the contract, and served to the end of the war, thus establishing his unqualified right to said half-pay.

"It was decided by the Court of Claims in the case of Thomas H. Baird, administrator of Dr. Absalom Baird, deceased, that the acts of Congress of 3d and 21st of October, 1780, created a legal liability against the United States in favor of the officers therein referred to, which no subsequent legislation by Congress could release without the assent of the other party. Your committee find that this decision of the Court of Claims was sanctioned by Congress by an act approved August 18, 1856.

"The Committee on Revolutionary Claims in the Thirty-sixth Congress made a favorable report in this case, and in the Thirty-seventh Congress the claim was referred by resolution of the House to the Secretary of the Interior for adjustment. In reply, the Secretary of the Interior submits the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, March 27, 1862.

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives, adopted on the 14th instant, referring to this Department for adjustment the claim of Mary A. Berault, administratrix of the late Joseph Wheaton.

Upon an examination of the papers referred to me, I am fully satisfied of the justice of this claim, and concur in the report of the Committee on Revolutionary Claims in its favor. The services of Lieutenant Wheaton were of a highly meritorious character, and continued from a time anterior to the passage of the act of Congress of October, 1780, promising half-pay for life to those who should serve until the end of the war, until the final and successful termination of the revolutionary struggle.

The principle upon which the claim is based has been recognized and sustained by the Court of Claims, in the case of Dr. Baird, and the decision of that court has received the sanction of Congress.

I should not hesitate to adjust and allow the claim, as recommended by the resolution of the House of Representatives, if any fund were placed at my disposal from which it could be paid; but no appropriation has been made which is applicable to the payment of claims of this character.

I therefore return the papers, with a recommendation that an appropriation be made by Congress for its payment.

I am, sir, with great respect, your obedient servant,

CALEB B. SMITH,
Secretary of the Interior.

Hon. GALUSHA A. GROW,
Speaker of the House of Representatives.

"At the last session of the Forty-first Congress the claim was passed by the House by a two-thirds vote, and this committee unanimously reported in favor of its passage by the Senate, but owing to the lateness of the session no action was taken upon it by the Senate.

"Your committee are of opinion, from a careful examination of the case, that this claim is embraced within the acts of the 3d and 21st of October, 1780. The half-pay should terminate on the 24th day of March, 1818, when Lieutenant Wheaton was placed on the pension-roll, and there should be deducted from the said half-pay any payments made by the Government to said Wheaton on account of his said services.

"Your committee report the accompanying bill, and recommend its passage."

Mr. JOHNSTON. I move to amend the bill by striking out in section 1, line 5, the words "administratrix *de bonis non* of the estate" and inserting the words "only child."

Mr. EDMUNDS. I should like to ask the Senator in charge of this bill what is the purpose of that amendment. If this money is due to anybody it is due to the legal representatives of Lieutenant Wheaton, and the only discharge that we can get from this contract, as it is reported to be a contract, must be from the administrator of that estate. Who are the heirs of this estate it will be quite impossible for Congress after a period of ninety years to ascertain very easily; and if, as the committee report, this is a claim of legal obligation that Congress cannot set aside, and for that a decision of the Court of Claims is cited—I say nothing about the goodness of the law—but I say if that is so, then the only safety of the United States is to pay the money to an administrator, and let the administrator hunt up the persons to whom by the laws of descent it should legally go. For the United States to undertake to say it shall be paid to the only child, is undertaking to say what the law, if it is a contract, does not allow us to say. If we are bound to pay, as the report states we are, then we are bound to pay the estate of the officer as a matter of obligation, and any creditor of that officer at the time of his death is entitled first under the laws of all civilized communities to be paid out of it, and after that the administrator, according to the laws of the State where this gentleman died, would distribute the remainder under the direction of those laws. I hope therefore the Senator will explain to us upon what principle it is, consistent with this bill, he proposes, that we shall not pay the legal representatives of this deceased officer, but shall pay his only child, it being, as the report states, a matter of absolute and binding legal obligation, a debt that the United States owed to this man in his life-time.

Mr. JOHNSTON. I suppose, as Lieutenant Wheaton has been dead since 1828, any debts against his estate would be barred by the statute of limitations.

Mr. EDMUNDS. Why is not this barred by the statute of limitations?

Mr. JOHNSTON. This is a debt due from the United States.

Mr. EDMUNDS. Is not that barred by the statute the same as private debts?

Mr. JOHNSTON. I think the United States would hardly plead the statute of limitations against a soldier who served it so faithfully.

Mr. EDMUNDS. If the United States has done a wrong to this soldier by withholding money due him, so that it ought not to plead the statute of limitations, then the creditors of this soldier had nothing they could get hold of in respect to this fund, as they could not sue the United States. If therefore we are to do justice, being under this legal obligation and the statute of limitations has nothing to do with it on our part, then most certainly in order to guard ourselves against claims by the creditors of this person or other people as heirs we ought to provide distinctly, as the bill originally did, that the money should be paid to an administrator or administratrix. That being done, if we are under a legal obligation, as the report says we are, our duty is discharged, and we shall not at the next session or some other, as has sometimes been the case—not about this sort of claims perhaps—be called upon——

Mr. JOHNSTON. I will withdraw the amendment and let the bill go as it is.

Mr. EDMUNDS. I do not want to withdraw my speech or allow the amendment to be withdrawn until I finish the sentence that I was engaged in; but as the Senator has put into the middle of my sentence what I was in hopes of accomplishing, I will forgive him.

Mr. JOHNSTON. You want to save time, and so do I.

Mr. EDMUNDS. No; I want to do right, whether time is saved or not.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. EDMUNDS. This is much more serious than Senators imagine when looking at it as a little bill for a private claim. I suppose the claim itself, with interest, &c.—because I see there is no limitation about paying interest or any other thing—will amount perhaps to ten or fifteen thousand dollars. The Senator perhaps can inform me how much the claim will amount to.

Mr. JOHNSTON. I have never made any calculation.

Mr. EDMUNDS. In some claims of a similar character that have been presented to Congress within my recollection, but which did not get through, it was found on looking at the frame of the bills and computing the interest on the claim as a debt which the United States were bound to pay, putting it on that theory, that each individual claim would run up to something very prodigious. I cannot say how much this would amount to; but you can imagine that it would be very large if you calculate annual interest on a sum of money for ninety years, even if it was a very small one originally. Suppose the half-pay of an officer in an eight years' war amounted to only $500 a year, what would it come to? Suppose his pay was only $1,000—take it at that to illustrate—he was entitled to half-pay from the end of the war, from 1783 to the year 1828, when he died.

Mr. JOHNSTON. To 1818, when he commenced drawing a pension.

Mr. EDMUNDS. What difference does that make to the contracts of the United States, if the Senator will tell me? I await a reply.

Mr. JOHNSTON. It is proposed to deduct anything that he received for his services.

Mr. EDMUNDS. He did not receive a pension for services by a contract. A pension is not a contract. This is a most extraordinary state of things. Here is this officer so wronged to the United States that we have not paid him a sum of money due to him by a contract, a thing of absolute obligation; and now when we come to our senses and are disposed to do justice, we are going to turn around and offset a pension we gave him and take that out of the sum due him on a contract. Did he ever agree to that? I am astonished at it.

Now, let us begin again at where we were starting. This gentleman died, the report says, in 1828. The report does not say anything about a pension. That is something we know nothing about. This gentleman died in 1828. The war ended, according to the best of my recollection, in 1783; if I am wrong any Senator who was present at the time can correct me. [Laughter.] There are seventeen years in the last century and there are twenty-eight years in the present century, making forty-five years of half-pay at say $500 a year, which I take it is a very low estimate; but I do not wish to exaggerate this thing at all. There are $22,500 of absolute principal said by this bill to be due to this man as a matter of legal right, because by the act of the Continental Congress of 1780 it was provided that officers should have half-pay for the remainder of their lives, just as we provide that officers shall have thirty dollars per month and twenty-five dollars of a certain other class and twenty dollars of a certain other class during their lives by our pension acts. There are $22,500 to be paid to this officer. How did it happen, by the way, that this officer never made any claim upon the United States for any part of this $22,500, which had been accumulating down to the time of his death, or, to take it as the Senator puts it, down to the time when he got a pension in 1818? How did it happen that during all the time from 1783 to 1818, a period of thirty-five years, this gentleman, so far as the report shows, so far as the statements of the Department show, so far as we have any evidence at all, never made the slightest pretext that this old, obsolete act of Congress had anything to do with the subject? I will tell you how I think it happened, because this is a subject with which some committees that I have been connected with in times gone by have had considerable to do. Every year or two there would be a claim of this kind which in one way or another would be brought before us. It happened in this way: Soon after the war Congress found and these officers found and other people connected with the administration of the Army found that that provision could not be made effectual; in the first place that the sum to be paid was enormous in proportion to what it ought to be; that is to say it was vastly greater than any country had ever given by way of reward or pensions to the general body of its soldiers and officers. Therefore it was proposed, and it was done, that all this half-pay and other war claims should be commuted into pensions, and pensions were provided long before 1818, and parties got them from year to year as they made application to the proper officers then charged with the allowance of pensions for them. The consequence was that all these claims, if you could call them claims, all these rights if you could call them rights under the act of 1780 were considered as waived and lost and gone in the first decade of this present century. That is more than sixty years ago. That is the fact about it; and therefore this man in his lifetime, as did almost every one of the other officers of the Continental Line in their lifetimes, took voluntarily and gladly this new arrangement and provision that Congress had made for them, and from time to time, as they applied and proved the facts upon which they were entitled at all, received the pensions and provisions that Congress had made for them and abandoned all claim to this allowance.

It does happen that now and then some heir of some one of these ancient officers who served their country so well—not any better than officers have done since and not any worse; they did their duty—have made applications to Congress, and it would usually turn out on investigation that the claim had long since ceased to be the property of any one of the people or their descendants who were originally concerned in it, and it had come to be the property of some person who deals in claims as a mode of getting a subsistence. I do not by any means intimate that that is the case in this instance; and if it is a matter of legal right it does not make any difference whether it is or not. If the report is right in its principle that this is a debt which the United States cannot discharge itself from by repealing the statutes and providing the pensions and so on, and this officer never consented that the United States be discharged, then of course he had a perfectly good right to sell this claim, and any other person had a perfectly good right to buy it; and if he bought it at ten cents or ten dollars or twenty dollars or one hundred dollars, we are just as much bound to pay him as we were the original party. But if you put it upon the ground that we are performing an act of generosity, that we are doing an equity to somebody whom we have failed to fully provide for on account of his services to the public, then of course it is a material matter to inquire whether the person to whom this equity is to be done is going to get any benefit from it.

But I do not now speak of the subject upon that ground. I assume for the purposes of this argument that this claim belongs to the estate of this deceased officer, if it be a claim; but I do submit to my honorable friend from Virginia, who I know is careful of public interests, who I know does not intend to open the door here by a flat precedent of Congress for hundreds and thousands of similar applications made in behalf of the heirs of the great number of officers of the Continental Army for hundreds of thousands of dollars, where we all know as a matter of history, although we do not know it in each individual, that the claims as a body in the lifetime of the people who were concerned in them were abandoned and waived, and in lieu of them other provisions made by Congress for them were accepted and taken up—I submit that we should not take this step with our eyes closed to the consequence of establishing a precedent of this character. That is what I submit to the Senate and to the Senator from Virginia; and, Mr. President——

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday.

Mr. JOHNSTON. I hope this bill will be finished.

Mr. SHERMAN. No; I must object and insist on the regular order.

Mr. EDMUNDS. I think we can finish this bill in a short time. We have to meet this question some day or other.

Mr. SHERMAN. But this is the only day I have for the moiety bill.

Mr. JOHNSTON. I move to continue the consideration of the bill which was under consideration at the close of the morning hour.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia.

Mr. SHERMAN. I hope the Senator will not press that motion. The moiety bill is now pending before us and ought to be passed to-day. To-morrow is set apart for other business.

Mr. JOHNSTON. We can get a vote on this bill in a few minutes.

Mr. SHERMAN. No private claim one hundred and fifty thousand years old ought to come in here to interfere with the current business of this generation.

Mr. JOHNSTON. If it is one hundred and fifty thousand years old, it ought to be paid if it is just.

Mr. SHERMAN. Well, call it fifty years old or one hundred years old. I hope the Senate will go on with the regular order.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia.

The question being put, there were on a division—ayes 21, noes 18.

Mr. SHERMAN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 11, nays 41; as follows:

YEAS—Messrs. Bogy, Conover, Goldthwaite, Gordon, Ingalls, Johnston, Kelly, Lewis, Merrimon, Mitchell, and Stewart—11.

NAYS—Messrs. Alcorn, Allison, Bayard, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Conkling, Cooper, Davis, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamilton of Texas, Harvey, Hitchcock, Logan, McCreery, Morrill of Vermont, Morton, Norwood, Oglesby, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Schurz, Sherman, Stockton, Thurman, Tipton, Washburn, West, Windom, and Wright—41.

ABSENT—Messrs. Anthony, Boreman, Brownlow, Cameron, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Hamlin, Howe, Jones, Morrill of Maine, Patterson, Pease, Sargent, Scott, Spencer, Sprague, Stevenson, and Wadleigh—21.

So the motion was not agreed to.

ARMY APPROPRIATION BILL.

Mr. WEST. I ask permission to make a report at this time from the committee of conference on the Army appropriation bill.

The PRESIDENT *pro tempore*. The Chair will receive it.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from its amendments numbered 11 and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 7 and 16, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: Strike out of said House amendment the words "and the Signal Corps", and insert in lieu thereof the word "which;" and the House agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4, and agree to the same with an amendment, as follows: Strike out of the text of the bill all from and including the word "provided" in line 9, page 2, of the bill down to and including the word "transportation," being the last proviso of the paragraph; strike out also the words of amendment numbered 4; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 6, and agree to the same as so amended.

That the House recede from its disagreement to the amendments of the Senate numbered 17, 18, 19, 20, 21, 22, 23, and 24, and agree to the same with amendments, as follows: Amend the text of the bill by inserting after the word "accounts," line 8, page 9 of the bill, (section 2,) the words "as have been reported to him for payment by the Quartermasters and the Commissary Departments," and the Senate agree to the same.

J. R. WEST,
J. W. STEVENSON,
JOHN A. LOGAN,
Managers on the part of the Senate.

W. A. WHEELER,
S. S. MARSHALL,
LLOYD LOWNDES, JR.,
Managers on the part of the House.

Mr. CONKLING. I ask for the reading of but a few lines near the close of the bill as it has been agreed upon, fixing the mileage and allowances of Army officers. It was in the original bill very near the close, I think.

Mr. WEST. Perhaps I can explain how the amendment stands better than the Clerk can. There was a provision in the bill relating to mileage for all officers, to which there was a proviso stating that nothing herein should be construed to allow more than ten cents a mile for such transportation. The Senate amended it by saying—

Except in cases where a greater sum has been paid for actual and necessary traveling expenses.

As a consequence the amendment of the Senate neutralized the proviso of the House, and the committee of conference agreed to strike out the proviso and the amendment that it neutralized, leaving it exactly as we substantially agreed on it.

Mr. CONKLING. I ask now to hear the words read as they stand in the bill.

Mr. SHERMAN. If this is going to take time I shall have to insist on its going over.

Mr. CONKLING. My request will take no time. I only want to have those lines read.

The CHIEF CLERK. The clause in the bill in which these words are found was as follows:

Provided, That only actual traveling expenses shall be allowed to any person whatever in the service of the United States, and all allowances for mileages and transportation in excess of the amount actually paid are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowances in violation of this provision: *Provided further*, That nothing herein shall be construed to allow more than ten cents a mile for such transportation.

Mr. CONKLING. I did not hear all of the explanation made by the Senator from Louisiana, but I infer from the reading of the bill that it stands in substance as it came to us originally.

Mr. WEST. Very much; but I can tell you exactly how it is.

Mr. CONKLING. That general understanding is enough for my present purpose, which is to suggest that the effect will be to unsettle the compensation, virtually to destroy the compensation and probably to vacate the positions held by a large number of public employés scattered all over the country and having nothing to do with the Army. I think it is right since my attention has been called to the matter to make that one remark, and invite the attention of others to it.

The report was concurred in.

COMMITTEE SERVICE.

Mr. ALCORN, on his motion, was excused from serving on the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds.

Mr. WADLEIGH, on his motion, was excused from further service on the Committee on Public Lands, and Mr. HARVEY was appointed to fill the vacancy.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 8th instant approved and signed the act (S. No. 229) authorizing corrections to be made in errors in prize-lists.

The message also announced that the President had on this day approved and signed the following acts:

An act (S. No. 369) to change the name of the registered steamer Oakes Ames to Champlain;

An act (S. No. 708) to change the name of the schooner China; and

An act (S. No. 766) to grant an American register to the steamship Suffolk, and to change the name of said steamship to that of Professor Morse.

MOIETIES UNDER CUSTOMS LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties.

The Chief Clerk continued the reading of the bill.

The next amendment reported by the Committee on Finance was in section (6) 8, line 11, after the word "relate," to strike out the words, "provided that in every such case, whenever the officer or person entitled to any share in the fine, penalty, or forfeiture shall appear as a witness;" in line 14, before the words "the defendant," to insert the words "and in every such case;" and in the same line, before the word "testify," to insert the words "appear and;" so that the section will read:

SEC. [6] 8. That no officer or other person entitled to or claiming compensation under any provision of this act shall be thereby disqualified from becoming a witness in any action, suit, or proceeding for the recovery, mitigation, or remission thereof, but shall be subject to examination and cross-examination in like manner with other witnesses, without being thereby deprived of any right, title, share, or interest in any fine, penalty, or forfeiture to which such examination may relate; and in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner.

Mr. SHERMAN. It is a mere change of phraseology.

The amendment was agreed to.

The reading of the bill was resumed. Section [7] 9 was read:

SEC. [7] 9. That except in the case of personal effects accompanying the passenger, no importation exceeding $100 in dutiable value shall be admitted to entry without the production of a duly-certified invoice thereof as required by law, or of an affidavit made by the owner, importer, or consignee, before any officer authorized to administer oaths, showing why it is impracticable to produce such invoice.

Mr. CONKLING. As the most economical way of proceeding with this bill probably is to refer to such things as occur as we pass along, I here call attention to the fact that by this section in the city of New York alone upward of two thousand notaries public are authorized to administer the oaths on which this proceeding is to be based. I do not dwell upon it. Of course the Senate is aware that notaries public are men of all professions, not only lawyers but clerks in banks and elsewhere, men entirely unfamiliar with this matter, men whose handwritings are not known at all; and of course it opens a very wide door for every sort of imposition that may be practiced by the forging of a jurat, and from that up there are manifold ways which it must appear to everybody can be resorted to to practice imposition under a section of this sort. Without making any motion about it, I simply call attention to its effects in that one respect.

Mr. SHERMAN. I have no doubt some possible criticism might be made; but under the present system a custom-house oath is usually made before a custom-house officer, and taken in so hurried a way that it is not even read. Indeed, I happened to be in the New York custom-house once or twice and saw these oaths administered. I thought of all the shameless carelessness with which an oath could be administered it was the worst of all. I suppose this is an attempt to correct that, to require the jurat to be made before a proper officer authorized to administer oaths. I am not sufficiently informed as to the reasons for this section to know what they were, but I presume the purpose was to avoid this mode of administering oaths in the custom-houses, where the book is handed to a man with the words "You say so," or "It is so," and the thing is done in the greatest possible hurry.

Mr. CONKLING. In reply to the Senator from Ohio I would say that my attention has long been fixed upon the inconvenience of requiring men to go to the custom-house to make an oath before a particular officer or one of two officers. I have long thought there should be a provision by which offices should be fixed in a city so large as New York at different points, and some persons there stationed authorized to administer an oath. Such an arrangement would have provided according to the discretion of the law or the Department a half dozen or a dozen persons conveniently located about the city for this purpose. I have no doubt the Senator from Ohio is quite right, indeed I know he is, in saying that great haste and much inconvenience arise from requiring the large number of papers which must be verified to be verified at one place in so large a city, and before one or a very few officers there stationed; but the Senator from Ohio must see that when you allow not only an oath to be taken, but something more to be done before officers who have no seal, including every justice of the peace, every commissioner of deeds, every notary public, and that in a city where of notaries public alone there are more than two thousand, men of all employments, of all professions, not even lawyers, without any skill whatever in this business, you open a door very wide. I said "something more than an oath to be taken;" and in order to direct attention to what I mean, I will read this section:

SEC. [7] 8. That except in the case of personal effects accompanying the passenger, no importation exceeding $100 in dutiable value shall be admitted to entry without the production of a duly certified invoice thereof as required by law, or of an affidavit made by the owner, importer, or consignee, before any officer authorized to administer oaths, showing why it is impracticable to produce such invoice.

If it were merely the taking of a stereotyped oath, if it were merely to verify a certain paper, the danger here would be much less; but this is to be an affidavit in no common form, an affidavit which in every case must be special, pointing out the reasons for the non-production of a paper. Everybody must see that when the oath is not taken in the presence of the officer, when he does not see the paper, when he does not know how the affidavit was or what it stated when sworn to, but it is taken somewhere else, before an officer whose signature he does not know at all, whether anything is interlined afterward, what may be interpolated, what may occur to this affidavit before it comes to stand in the place of the invoice, become matters of great uncertainty, it seems to me. And as I am commenting upon this, I will say in the same breath that when we reach a later section of this bill I intend, if the time shall be convenient, to endeavor to point out that in addition to abolishing moieties and in addition to breaking up the acts under which books and papers may be inspected, we are proceeding in this bill to matters entirely foreign to those topics and in a way which I cannot doubt, with all the information I can get in regard to it, is to expose the collection of the revenue to great and unnecessary hazard.

This is one thing, and it is comparatively a slight thing; I will not dwell upon it; but, as I say, when we reach a later section I shall venture to point out various objections in it into one of which this will enter, which I hope may induce the committee to modify so far these provisions as to close some of these loop-holes.

The Chief Clerk resumed the reading of the bill, and read section [8] 10, as follows:

SEC. [8] 10. That no entry shall be made in the absence of a certified invoice, upon affidavit as aforesaid, unless such affidavit be accompanied by a statement, in the form of an invoice or otherwise, showing either the actual cost of the merchandise included in such importation, or, to the best of the knowledge, information, and belief of the deponent, the foreign market value thereof; which statement shall be verified by the owner, importer, consignee, or agent desiring to make entry of the merchandise, and which oath shall be administered by the collector or his deputy.

Mr. CONKLING. Now I stop there a moment in the hope that I may invite the attention of some Senators to that. Compare these two sections. The first requires an oath which might be of some value, and it ought to be of some value. Why? Because it is an oath to be taken by the owner, importer, or consignee. Each one of these

persons has knowledge of this matter. If perjury is committed, he might be convicted of perjury because you could show what the law terms the *scienter*. When you come to the next section, having provided that the owner may come before anybody authorized to administer an oath and take the oath, you require the next verification to be before a custom-house officer. That is wise so far as to who is to verify. Read this section:

Which statement shall be verified by the owner, importer, consignee, or agent desiring to make entry of the merchandise.

That every man knows means a custom-house broker. First, the consignee may go before a notary public or anybody else, and take this oath which is prescribed. That advances one step. When you come to the real test of the matter you require the oath to be taken before the custom-house officer. Who is to do that? Nobody is required to do it but the custom-house broker, and the next section should be read in connection with this in order to appreciate the value or the want of value in this provision:

That before such oath is taken, it shall be lawful for the collector or deputy administering the same to question the deponent touching the sources of his knowledge—

Whose knowledge? The consignee's or the owner's? Not at all, but the broker's—

touching the sources of his knowledge, information, or belief in the premises, and to require him to make oath to the same, and to produce any letter or paper in his possession or under his control.

Whose control? Under the control of the broker or agent. Observe the effect of this. I am an importer, and I mean to smuggle even within the narrow limits assigned to smuggling by a preceding section. I am part and heart of the whole transaction. I have papers and books which show that the transaction was manifestly one of smuggling. When I reach the point in the proceeding which we have now reached in this bill, I hand over the formal affidavit with the invoice to a custom-house broker, and go my way. The custom-house broker goes down. The official before whom he is to make the verification examines him as to the sources of his, the broker's, information, and asks him whether he has any papers in his possession, and when they have exhausted him, that is the end of the whole proceeding; and the bill draws between me and my agent a line, on one side of which be my case never so fraudulent I may stay in security, and on the other side of which the broker is operating, and the law entirely falling short of reaching me.

Now, I think if this bill were attracting a little more attention, if the Senators here were not so few and the thing treated with so much indifference as it is, in addition to that which the bill previously does, namely, sweeping away moieties, so called, and repealing the section by which inquest may be had of books and papers, I can hardly think the judgment of the Senate would say that a provision was wise committing to a broker or an agent the whole power of making the oath upon such information as may be given to him which is to carry merchandise through the custom-house and subject it, as far as it is to be subjected at all, to the duties upon it.

The Chief Clerk continued the reading of the bill.

The next amendment of the Committee on Finance was in section [10] 12, line 13, to strike out the words "a joint or several actions," and to insert the words "an action in the name of the United States;" so that the clause will read:

Shall severally forfeit and pay a fine of not more than $5,000 for each offense, to be recovered by an action in the name of the United States, in any district court or circuit court of the United States.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) This amendment will be considered as agreed to if there is no objection.

Mr. CONKLING. I venture to make one suggestion here to the committee. Perhaps I ought to have said before, at any rate now that I think of it I take care to say, that I beg the Senators having this bill in charge to understand that I am not seeking to find fault with the bill. Indeed most of the things to which I have called attention I believe were in the House bill and would not be chargeable upon the committee of this body. Be that as it may, I make these suggestions and I refrain from offering amendment because I think if any changes are worth while, they can be made more wisely and appropriately by members of the committee. My purpose is merely to call attention as we pass along to some of these things.

At this point the Chair was about to state that there being no objection the amendment which occurs in line 13 would be considered agreed to. What is that amendment? It is to strike out the words "by a joint or several actions," and make it read "by an action in the name of the United States in any district court of the United States."

I stop there to observe, that here are a number of men in collusion committing the crime of smuggling. Mere information comes to the prosecuting officer, and he commences a suit or takes a proceeding against one or some or all of those really guilty. That proceeding goes to judgment, and then, as I understand this amendment, the Government is forever barred and estopped. If it has sued the wrong man, if there is an improper joinder, if for any reason whatever the Government is defeated in the action, that one action bars all remedy, no matter how flagrant or how palpable upon after discovery the case may be.

Mr. SHERMAN. I wish to say a word to the Senator from New York in regard to this bill that he may see exactly the condition in which it is placed and the reason why I have not deemed it my duty to reply more distinctly to the points of objection that he makes against the bill.

In the first place, this bill has been very maturely considered in the House of Representatives, it having been the chief work of one of the committees of that body, considered in connection with the Treasury Department. It was debated for some days in the House of Representatives. It came to this body and was referred to the Committee on Finance. In some respects the subject-matter of the bill probably might be referred to that committee and in some respects it might be referred to the Committee on Commerce. I have no doubt the Committee on Commerce are more familiar with the details of invoices and the modes and operations of commercial matters. But it was referred to our committee, and we thereupon referred it to a sub-committee and sent it to the Department, invoking the most careful criticism of it in detail, especially as to the working operations of the bill. The sections recently read by the Senator are sections which relate simply to the formal working of the machinery of the bill, the passing of invoices, the making of affidavits, formal papers, who should take the oath, who should sign the papers, &c. To those sections the especial attention of the proper Department was called; and I have in my hand a statement from the Department, signed by the Secretary of the Treasury, and also from the officer in charge of the customs revenue, going in detail over these sections.

Mr. CONKLING. May I ask the Senator can he lay his hand on the remark made by the Department on this section and the remedy given here, one action in the name of the United States?

Mr. SHERMAN. No objection is made to that section by the Secretary of the Treasury. The amendment to strike out the words "a joint or several actions" is an amendment of the Committee on Finance. I do not see in this statement any recommendation of that amendment, although I thought there was. The sections are numbered in this statement in their order. Yes; I think that very amendment is mentioned.

Mr. CONKLING. It is section 10 in the House bill, section 12 in your print.

Mr. SHERMAN. I do not see any criticism in regard to that, the substitution of one action for a joint or several actions.

Mr. CONKLING. Nothing about section 12 at all?

Mr. SHERMAN. No, sir; I think not. It speaks about section 12, but I think it means section 13, the next section. This formal criticism together with a mass of documents and letters in regard to the various sections and provisions of this bill all come from the Treasury Department. Besides that, this bill was submitted to many custom-house officers familiar with the ordinary course of business. I myself called the attention of several persons, by letter, to the bill and the details of the bill, persons in the city of New York for instance, and the bill itself has been submitted to the scrutiny of merchants in New York who have been here advocating or opposing various amendments to the bill; so that so far as the general examination of the bill is concerned, the scrutiny of the bill, it would be impossible to give it a greater scrutiny. I am only sorry now that I am not more familiar with the actual details of the ordinary routine operations in the custom-house, so that I could meet and perhaps answer the objections made by the Senator from New York; but I rely in these matters very much indeed upon the opinion of the gentleman who was Secretary of the Treasury and also upon the Senator from Maine, [Mr. HAMLIN,] who has himself been an actual administrator of a custom-house.

Having made these remarks, the Senator from New York will excuse me from attempting to answer the objections made to these formal sections in regard to the administration of the custom-house; for instance, his comments upon the tenth section. The custom-house broker or agent makes the oath now, as I understand it.

Mr. CONKLING. No.

Mr. SHERMAN. I think so. I know I have imported goods through New York, and I never took a custom-house oath in my life, but somebody did it for me; and I suppose, as a matter of course, the consignee of the goods to whom they were sent made the oath.

Mr. CONKLING. Certainly, the consignee did.

Mr. SHERMAN. The consignee is an agent in one sense of the word.

Mr. CONKLING. If my friend will pardon me, I do not wish to interrupt him, but the point of my criticism is this: Under the law as it now stands, not only the consignee of the goods and the owner may be resorted to, but the books and papers within his power may be required.

Mr. SHERMAN. This gives that.

Mr. CONKLING. If the Senator will pardon me, this does not give that. On the contrary, this bill expressly is satisfied with whatever the agent himself may know and by the production of any invoice or paper within his power. That is the very point of my criticism, that the change which this makes now is to substitute the knowledge of the broker, who may know nothing about it whatever, for the knowledge of the person to whom the law now points, who must from necessity know all about it.

Mr. SHERMAN. I again go back and say if there was any defect of that kind in the machinery of this bill, certainly those officers who are most interested in preventing any evasions of the revenue to

whom the bill has been submitted and who have examined it under our instructions with the utmost care for any defects, would have reported it. But if the Senator from New York thinks this bill is in any respect defective so as to open the revenue to any frauds or evasions, and he will suggest such amendments as will prevent them, I certainly will listen to them with great attention, and shall feel disposed to agree to any reasonable amendment that he may offer. If upon his own experience or any information he can get he can point out amendments to this bill which he thinks will strengthen it, I shall be very glad indeed to have him do so, and I will listen with attention to any amendments that he may offer.

As to the particular amendment now pending, whether or not the action should be recovered for a single penalty, this provides for a single penalty. The section provides that if a person fails to do a certain thing, or neglects to do it, or fails to produce copies of papers, &c., he shall specially forfeit and pay a fine of not more than $5,000 for each offense, to be recovered as the House have provided, by a joint or several action in any circuit or district court of the United States. The Committee on Finance thought that for a single offense there ought to be an action in the name of the United States. If there can be two actions for the same penalty, then it may be better to have it read "joint or several actions," as the House have it. My friend from New Hampshire [Mr. WADLEIGH] shakes his head, so that I take it we have made a wise amendment. It seemed to us that an action in the name of the United States, without saying whether it should be joint or several, would be sufficient to cover all proper remedies for the penalty.

Mr. CONKLING. In reply to the Senator from Ohio I wish to make one or two observations. The Senator speaks of custom-house officers having advised in regard to this bill. I wish to say one word in respect of the officers of customs at the port of New York. They being interested pecuniarily in parts of this bill have been perhaps properly, at all events totally abstinent, so far as I know, of all suggestions and all efforts in regard to it. If they have been applied to for information, I doubt not they have responded; but I feel quite sure from what I know that their intention has been to abstain absolutely from all interference with this bill, and that I will say of those officers, and markedly in respect of the collector, is in accordance with the very high character which he deserves not only for integrity but for manhood in all regards. The last part of his design has been, I am quite sure, to do anything whatever which would lead it to be even suspected that he was attempting to interpose his private interests against the public good.

Mr. SHERMAN. If the Senator from New York will allow me, I desire to add to what I stated that I did not apply to the collector of the port of New York or to the officers there, because upon inquiry of the Senator from New York for the name and address of those gentlemen he suggested himself that probably they would be disinclined to object to a bill that undoubtedly affected their compensation largely. I thought it was a proper suggestion, and did not make any application to those gentlemen; and I can say of those custom-house officers, although their interests are deeply involved by the passage of this bill, by the repeal of moieties, no one of them has ever approached us in regard to any objections to it. We have looked at it simply in the light of the public service. I say that in their behalf. Not one of them sought to obstruct the passage of this bill.

Mr. CONKLING. I am very glad to hear the Senator from Ohio say that. His statement will be borne out I think by the statement of every member on this floor who shall make any statement in regard to it. These gentlemen have abstained absolutely from doing anything directly or indirectly, so far as I know, to influence this legislation, and especially to interpose anything in respect to their interests.

Turning to another remark of the Senator, I wish to say that district attorneys have written to me; and I do not refer to the district attorney for the southern district of New York alone by any means; but district attorneys in other districts have suggested to me by letter and personally some of the objections to which I have called attention of the Senator from Ohio and many other objections to which I have not called his attention. They have suggested to me objections to this very section which we are now considering, section 12, and with so much earnestness and that in respect of which they can have no personal interest, I take it, that I can hardly conceive that any lawyer familiar with the revenue laws and their execution has undertaken in reviewing this bill to pronounce favorably upon this section. But I simply make the statement now that some of these objections have been suggested to me by different law officers of the Government, although they have not come in any sense from the officers of customs interested in moieties.

Mr. WADLEIGH. Mr. President, it seems to me that the criticism made by the Senator from New York upon the amendment in line 13 of section 12 is not well founded. The bill as sent to us from the House provides that any persons offending against this act shall severally forfeit and pay a fine of not more than $5,000 for each offense; and it seems that the bill also provided then that that fine or that penalty should be recovered by a joint or several action. The committee have amended it by striking out the words "a joint or several actions," and providing that it shall be recovered by "an action in the name of the United States," and the Senator from New York insists that the several penalties shall be recovered by a joint or several actions.

Mr. CONKLING. The Senator must not say that. He must not put in my mouth a thing which would show such total ignorance as that. The Senator from New York insists, when you provide a penalty against various persons and provide that that penalty may be recovered in such action as is adapted to it, whether it be joint or several, that you may leave the pleader or the district attorney to draw his declaration; whereas when you say, speaking of a number of persons in severalty, that the penalty must be recovered in one action, even if the action would lie, upon which point I made no suggestion at all, you there run the risk if you fail in one action of being forever concluded, no matter what evidence may be discovered afterward on which you could recover against other of these persons. That was my suggestion.

Mr. WADLEIGH. I think the Senator is mistaken in the law.

Mr. CONKLING. I do not say that I am not, but I do not want the Senator to misquote what I say.

Mr. WADLEIGH. The section provides that any person who shall be guilty under this act shall forfeit a penalty of not more than $5,000 for each offense. Now under this amendment the actions are to be severally brought and severally tried. If one of the parties against whom such a prosecution is brought is found to be not guilty, I am not aware that that verdict can have any effect upon any subsequent prosecution against another person. I am unaware how any such a verdict can have any such effect. Each of these actions of prosecution being a separate prosecution is to stand upon its own merits, and the fact that in a former prosecution a verdict of acquittal was rendered in favor of somebody else cannot be used in any way, either as evidence or as matter of estoppel in a subsequent prosecution against somebody else. In my judgment, the amendment is correct and right.

The PRESIDING OFFICER. Does the Chair understand the Senator from New York to object to the amendment?

Mr. CONKLING, No, sir.

The PRESIDING OFFICER. If there is no objection, the amendment will be considered as adopted.

The next amendment was in section [10] 12, line 15, to strike out the words "as aforesaid;" and in lines 16, 17, and 18, to strike out the words "liable to forfeiture, which forfeiture shall apply only to the particular item of merchandise to which such fraud, or alleged fraud, relates," and to insert in lieu thereof the words "forfeited; which forfeiture shall only apply to the particular item of merchandise to which such fraud or alleged fraud relates and anything contained in any act which provides for the confiscation of an entire invoice in consequence of any item or items contained in the same being undervalued be, and the same is hereby, repealed; so that the section will read:

SEC. [10] 12. That any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make, or attempt to make, any entry of imported merchandise, by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, shall severally forfeit and pay a fine of not more than $5,000 for each offense, to be recovered by an action in the name of the United States, in any district or circuit court of the United States; and in addition to such fine as aforesaid, such merchandise shall be forfeited; which forfeiture shall only apply to the particular item of merchandise to which such fraud or alleged fraud relates; and anything contained in any act which provides for the confiscation of an entire invoice in consequence of any item or items contained in the same being undervalued be, and the same is hereby, repealed.

Mr. CHANDLER. This clause I think could not have been understood by the committee reporting it. It is evidently in the interest of smugglers, and certainly the Committee on Finance never intended to put in a clause expressly for their benefit. It is very well known that the great leak in our Treasury proceeds from undervaluation. For example, you take a cheap fabric and put in with it a much more expensive fabric, inventorying them all at the lower price. Now, this clause simply proposes to confiscate the article which is undervalued. The law as it now stands confiscates the whole, but you now propose to take simply the article undervalued and allow the rest of the invoice to go scot-free. Take, for example, silks from Belgium. In a case of silks a similar package to the case of silks will be put in with lace shawls. A single lace shawl is perhaps worth a whole case of silks. In such a case, if the fraud is detected, you say the silks are to go scot-free and you are to confiscate the lace shawl. The duty is, I think, 60 per cent., and if the importers lose every third invoice, they are making enormous profits upon the smuggling transactions; and yet you say to the smuggler, "Although you may have been successful three or four times; although you may have made 400 per cent. or 500 per cent. upon the risk, still you risk nothing but the article itself."

Now, Mr. President, I am sure, if there is a merchant within the sound of my voice, he understands this thing and the operation of it, and I am sure if there is a merchant upon this floor he will see that this should be entitled "An act to encourage smuggling." That certainly was not the intent of the Committee on Finance in reporting the bill.

I now move, if it is in order, and I believe it is, to strike out all after the word "forfeited" in the eighteenth line, allowing the amendments that have been made to remain. Mark you, Mr. President, as the law now stands the whole invoice is forfeited. This clause re-

leases the whole invoice except the smuggled article. I want the whole invoice to be forfeited, and I want the $5,000 fine in addition. I want to protect the honest importer, and I would make it a state-prison offense in addition to the $5,000 fine upon the dishonest smuggler. I move to strike out in the eighteenth line after "forfeited" the rest of the section, in these words:

Which forfeiture shall only apply to the particular item of merchandise to which such fraud or alleged fraud relates; and anything contained in any act which provides for the confiscation of an entire invoice in consequence of any item or items contained in the same being undervalued be, and the same is hereby, repealed.

I ask that that be stricken out, and I think that the Committee on Finance will agree with me after the explanation which I have given.

Mr. MORRILL, of Vermont. It has long been felt to be a very great hardship by the honest importers throughout the country that in case of an undervaluation so great that it shall be considered a fraud the entire invoice shall be forfeited. By this clause it is proposed to change the existing laws on this subject, and instead of forfeiting the entire invoice where the undervaluation or the fraud, constructive or otherwise, may be a very small and insignificant matter, it will not hereafter allow the forfeiture of the entire invoice. That was the subject of great complaint in the celebrated case of Phelps, Dodge & Co., where the whole amount of undervaluation was about $1,600 I believe, and yet the estimated forfeiture amounted to a million and a half or more. My impression is that the honest importers throughout the country have regarded this law as a very onerous provision, and if we retain this clause as it is, subjecting the parties to a fine of not more than $5,000 and to the forfeiture of any article that shall be undervalued so as to be considered a case of fraud, I think that will be amply sufficient to protect the revenue of the country.

Mr. BAYARD. In order that the Senate may realize the present condition of the law and the very great hardships upon honest merchants which are made possible, which are indeed the necessary result of continuing the present law, and to exhibit to the Senate the necessity for the pending amendment, I will refer to a case that was spoken of yesterday. Under the present law and its strict construction according to the views of Treasury special agents, collectors, and others who pass upon these cases, the house of Phelps, Dodge & Co., in New York, would have technically lost $1,750,000 for the undervaluation of a small class of their importations scattered through a series of invoices for five or six years, the whole value of which did not amount to $6,000, and the duty upon which was $1,600. Because, forsooth, a house that had been paying duties by tens of millions into the Treasury during that period of five years, by the undervaluation, innocent or otherwise, of a clerk, an agent, or some one connected with their great and multifarious business, have made an error of $300 in any one year, the whole fortune of that firm, the accumulation of their whole honest business lives, was to be swept away for that technical infraction of the revenue laws!

My friend [Mr. MORRILL, of Vermont] remarks to me that during the very period of five years in which there were undervaluations in this enormous business to the amount of $6,000, there were by the same firm overvaluations very far in excess of the amount of their undervaluations. The amount of duty which they paid to the Treasury on certain invoices over and above that which the law demanded from them during that same period of time was largely in excess of the undervaluation for which they were condemned; and yet under the technical application of the law they were compelled to pay the enormous sum of two hundred and seventy-odd thousand dollars.

Mr. CONKLING. May I inquire of the Senator, is not that the precise sum which this amendment would fix?

Mr. BAYARD. No; the precise sum, as I understand, taken from these people would be $6,000, because it would have been the items in the invoices to be affected, not the invoices themselves.

Mr. CONKLING. If my friend will pardon me, he is quite in error as to the fact. That compromise was made, as all the papers show, by taking the total of tainted items so called, precisely that total which this amendment points out. There was no forfeiture of the invoices whatever, but only of the items in which the undervaluation had taken place.

Mr. BAYARD. I have here the statement of Mr. Dodge made under examination and cross-examination before a committee of the other House. I do not care, however, to raise a side issue or an issue perfectly immaterial as to the fact. My object was to speak correctly, and I think I have done so.

But if I succeed in showing to the Senate that the object of this bill is a wholesome, moderate, just amelioration of the present law, they will not hesitate, I think, to adopt the amendments both of the House of Representatives and of the Senate committee. The question is whether a single item in an invoice being undervalued shall taint the entire invoice. There is no protection to smuggling here. If the item be undervalued, two things follow: the condemnation of the item, and the punishment of the merchant for his attempting to undervalue at all. The penalty of $5,000 is not proportioned simply to the sum of which he is endeavoring to defraud the revenue. The penalty is for the crime *per se*. The question is, when the undervaluation has been made and the forfeiture takes place, whether it shall taint an entire invoice because of the error in regard to that single item.

Now, when you remember that this bill has been the result of long investigation by the committees of both Houses, that it is the result of very extended examination, of accumulated testimony from the best commercial sources, that it is in the strongest sense of the word a reform demanded by the facts made known to Congress during the past winter and by prior investigations of committees of Congress, I think there need be no hesitation in confining the condemnation of the items of an invoice to the undervalued items. It does not, as I say, affect the cumulative penalty, the fine, or the imprisonment that may come as the just punishment for smuggling. It simply restricts the forfeiture to what it reasonably should be restricted to; that is, it restricts the forfeiture to the single item which is tainted by the undervaluation and it does not affect the rest.

I can join with the Senator from Michigan in the very hearty denunciation of dishonest merchants and the necessity for their punishment. I said yesterday that if this abominable system of seizures and moieties, which the present measure is meant to do away with, had but been relaxed in a single case so that one dishonest merchant who had committed perjury and other infractions of law, as he must have done to obtain his goods at a lower rate of duty through the custom-house, had been landed where he ought to have been, in the penitentiary of the State of New York or elsewhere, where the crime was committed, you would have had a better lesson, a more effective prevention of smuggling than a thousand years of your system as conducted under the seizure and moiety law. What we want is a disinterested, upright, stern administration of penal law on this subject, and that public justice shall not be sold as it has been and glossed over in order to bring money into the hands of moiety-seekers and informers. It is well known that the practice is, when a settlement has once been made, when the merchant has once paid this sum, all penalties, all imprisonment, all punishment, all further disgrace are condoned. They are all merged in the money that passes into the pocket of the informer and the moiety-sharer.

This bill and this portion of the bill are alike necessary, and they are demanded at the present time in my belief by the experience of the workings of bad laws. I shall rejoice with the Senator from Michigan over the punishment of every infraction of the revenue law. I have, as he has, nothing but condemnation to award to men who will bring disgrace upon the reputation of American merchants; but we have abundant law for their punishment, and there is no necessity for this wholesale condemnation of property because a single item of an invoice has been undervalued.

Mr. CHANDLER. It is very well known that the law as it is leaves the remedy in the hands of the Secretary of the Treasury. It is the intent which is punished. I will not go into the case of Phelps, Dodge & Co.; but I will say that it is the most remarkable case on record, where there was no intent to defraud, where the parties were assured if there was no intent to defraud the penalty would be remitted, that a house should pay two hundred and seventy-odd thousand dollars when there was only sixteen hundred dollars due. But I will not discuss that, for I know nothing about it.

But, Mr. President, the power is left purposely with the Secretary of the Treasury to remit any fines that may be imposed. It is well known that the receipts of the New York custom-house are perfectly enormous, and it is likewise well known that in several branches of traffic the American merchant has been driven from the field. He cannot compete in certain articles of German production. That has been so for the last quarter of a century; and why? On account of frauds in the custom-house, on account of undervaluations. These men go on day after day, and week after week, and month after month, and year after year, with their undervaluations and their false swearing; they roll up millions of dollars of profits by false swearing; and then after you have unearthed their rascality you say they simply suffer to the extent of the value of the article undervalued. Why, sir, this thing has been going on every year and every day of every year for years. They would take a case of cotton goods and put in a few pieces of other goods in the case. It is not the custom of the custom-house inspectors to go over the whole of an invoice or to examine the whole of a package. They examine the top, and in the middle are these very valuable goods, and this goes on for years; and when at last you detect the man in the intent to defraud your Treasury, you say he shall simply forfeit the article upon which he meant to cheat, and if there was no intent to defraud then there is no penalty, for you leave it in the hands of your chief executive officer to remit the penalty in every instance where there was no intent to defraud.

Mr. President, I hope this clause will be stricken out, and I should like to put an additional penalty upon that $5,000, of imprisonment in the State prison for five years for intent to defraud.

The PRESIDING OFFICER, (Mr. OGLESBY in the chair.) The question is on the amendment of the Senator from Michigan to the amendment proposed by the Committee on Finance.

Mr. HAMLIN. I believe I am as desirous of co-operating with Senators here who seek to effect a remedy for existing evils in the revenue laws, and am as heartily disposed to accomplish that object as any member of this body; but I believe that in seeking a remedy for existing evils, it is very easy to do that which may be often worse than the one which we seek to correct.

I do not think there would be any difficulty in enlarging the powers of the Secretary, if there were any necessity for it, to relieve honest merchants beyond what he now has the power to do. If there be a necessity, that in my judgment is the remedy to be sought in

cases where invoices have been made at a lower valuation than they should be, but without the knowledge or without the fraudulent intent of the shippers. There is not the slightest trouble in the world in extending the equitable powers of your Treasury Department if they need an extension, and to make them more ample than they now are to meet all such cases as have arisen and as have been alluded to in this debate.

But in seeking a remedy in another direction, you invite dishonesty in commercial transactions. If you allow this language to pass into a law, my word for it it will affect your revenue to the extent of millions of dollars every year. There can be no more doubt about it in my judgment than there is in the mathematical proposition that two and two make four.

My slight acquaintance with the administration of the law leads me to know that in commercial communities where merchants are of the highest tone they have to compete with another class of men who do not possess their character and their integrity, and we here to-day in this body owe a protection to the honest merchant, while we seek to inflict a penalty upon the dishonest. If you pass into a law the provision of this bill, you give a direct inducement for that class of men in your community who are brought into competition with the honest, the upright, and high-toned merchants, to make the attempt to get into the country in boxes, in packages, and in a variety of ways a half or a quarter of the portion of their invoice which is in value vastly beyond the amount of the remaining portion of the packages or boxes, and if you only hold that amount which is thus fraudulently undervalued, if you attach to the act no penalty beyond that, you certainly induce the man who is dishonest to make the attempt, because you inflict upon him a penalty less than he would suffer if the package or the box were wholly made up of articles of higher price with an undervaluation. There can be no doubt in my judgment that it is a direct inducement, an inducement that will make the honest merchant in New York and Boston and Baltimore suffer more than you can relieve the honest merchants by it.

I have not a doubt that that clause will diminish your revenues by millions. I do not know but that you might go one step further. I think there is inducement enough for smuggling now under this bill. Before you dispose of it you may give a little bounty to the man who shall commit fraudulent transactions upon your revenue; but it comes so near that now that I do not think it would be quite necessary to do that. It is changing your whole law. It is as easy as anything in the world can be to enlarge the equity powers of your Treasury Department if you want to do it. But, I repeat again, if this language remains in the bill, it will lead, in my judgment, to the very essential and very great injury of every honest merchant in the country and to the very large diminution of your revenue.

That is my judgment; and having those opinions, while you correct your existing evils, I want to vote for no provisions that will open up objections which will still be greater than those that now exist, evils greater than those which we are now seeking to remedy.

Mr. MORRILL, of Vermont. I am very reluctant to disagree with the Senator from Maine on this subject, but it seems to me that the Senator goes upon the idea that all of the importers are rascals.

Mr. HAMLIN. No, sir; I do not.

Mr. MORRILL, of Vermont. I do not believe any such thing. And again, the Senator from Maine proposes to do away with this provision and then provide that the Secretary of the Treasury shall have power to remit all fines and forfeitures in these cases. Now, Mr. President, it seems to me that we had better have a moderate law and enforce it in every case rather than to have an extravagant one that never will be enforced in any case. I do believe that this amount of forfeiture with the fine and penalty is sufficient. I do not believe if we give the power to the Secretary of the Treasury to remit a fine in case the whole invoice was forfeited that it would be enforced in one case in fifty. Therefore, it seems to me altogether better that we should try this system. We know that it has been a subject of complaint for years and years that for the most trifling error as to valuation an entire invoice, sometimes amounting to half a million dollars, was subject to forfeiture. It does seem to me that the article about which any fraud has been committed should be the only article which should be tainted and confiscated. The bill proposes to do that and no more.

Mr. PRATT. Mr. President, I have listened with a great deal of interest to this discussion, and I think I begin to see some light on this question. It looks to me as if the amendment which my friend from Michigan proposes is a reasonable one, and I shall give it my hearty support for the reasons that I propose to submit to the Senate.

The case put by this section, Mr. President, is not a case, as the Senator from Vermont supposes, of innocent undervaluation, of a simple error upon the part of the importer or the consignee, or their agent. It is not for innocent errors of this kind that these penalties are denounced—fine and confiscation—but it is for deliberate attempts to defraud the Government by false invoices, by perjury, that these penalties are to fall. Now, sir, between the penalty and the crime as it stands in this section there is no sort of proportion. What is the crime denounced here? It is against those persons who, with intent to defraud the revenue, make or attempt to make an entry of imported merchandise. How? "By means of any fraudulent or false invoice, affidavit, letter or paper, or by means of any false statement, written or verbal." What, then, is the penalty for attempting to make this entry of an entire invoice? Why, the committee say, simply a fine, which may be one dollar or five thousand dollars, in the discretion of the judge, and the confiscation of the particular article that shall thus have been fraudulently undervalued. Now, sir, my position is that the undervaluation, deliberately and falsely, of a single article taints the whole invoice, and the whole invoice should be forfeited for that. There is no kind of logical proportion whatever between the penalty which is denounced here and the crime which is described. No, sir; let the law stand as it has stood. It will never be enforced in the case that the honorable Senator from Vermont supposes—where there has been simply an error by carelessness. No, sir; there must be deliberate fraud, there must be perjury, in order to call down upon the importer or the consignee the penalty denounced by this section; and I say it is no penalty at all to let him off with simply the forfeiture of the particular article which has been largely undervalued.

Mr. CONKLING. Mr. President, I shall vote for the amendment of the Senator from Michigan, and I wish in few words to state my reasons. In the main they have been assigned by other Senators. I see one objection to which no reference has been made.

We have heard to-day something about the demand for reform. There is such a demand; but neither I nor any other Senator will win lasting satisfaction by so voting as to multiply crimes which I think the Senator from Indiana [Mr. PRATT] has justly characterized.

There are three parties at whose interest we shall look if we legislate wisely and boldly on this subject. First, there is the Government, entitled to its revenues levied by law; second, there is the honest importer, who pays one hundred cents in the dollar for every impost laid upon him; and third, there are the pirates, the poachers, the smugglers, the dishonest undersellers, who take what has come to be known as a custom-house oath, "kissing their thumb when they swear," as a distinguished barrister used often to say, and by fraud manage to whip the devil around the stump and pay duties enough less than those imposed by law and paid by their neighbors to enable them to undersell honest merchants in the market. I will observe the oath under which I am, by voting absolute justice to all these parties, whatever the din or the clamor here or there may be.

In the present instance it is proposed to vitiate a venerable rule of law, a rule which my honorable friend from Vermont [Mr. MORRILL] misapprehended, when, according to the CONGRESSIONAL RECORD, he stated to the Senate some weeks ago that the law had always been that an invoice fraudulent was void only *pro tanto* and that an act which he procured to be passed *sub silentio* was intended only to declare a well-understood maxim of the law. The late Chief Justice of the United States in 1870 announced from the bench, having the authority of the whole Supreme Court, that the reverse was the law, that fraud vitiates the whole of a transaction if it vitiates it at all. If a paper be fraudulent it is void; not void in the line of the letter where the fraud resides, but void altogether because tainted with fraud, and the law hates fraud and will not tolerate it. Be it a bond, a mortgage, a note, an invoice, be it any instrument known to the law, if, as the Senator from Indiana says, perjury and fraud have entered into it, that black drop poisons it all, not an item merely. Now it is proposed to reverse this rule of law, and to say of an invoice that it shall be void only in so far as the particular words go in which the fraud is covered up.

The Senator from Michigan pointed us to some of the dangers. He might have gone further in his illustration. He took the case of a package of silks. Let me take the same illustration. A man importing silks or prints, a dozen packages of silk ostensibly alike, has in the midst of one or some of them vials of ottar of roses, diamonds, or laces. One need not be a merchant, as my honorable friend has been, to know that custom-house officers do not and cannot examine by the eye every box and every package or box, and the contents. On the contrary, they are compelled to sample this examination. If there are a dozen boxes they examine only one or two. But now says this provision to everybody, "Put your diamonds in the midst of your silks; put in ottar of roses; put in costly laces; if you are a bold gambler upon chances you can make immensely by so doing, and when you are caught," as the Senator from Indiana says, "you may be fined five dollars, or possibly five thousand, and you forfeit nothing but the particular article; and upon that article the duty is often more than the value of the article itself."

Mr. President, this would be somewhat extraordinary stopping here; the argument has been made before, however, and I will not dilate upon it. I rose to make another suggestion, and I commend it to the Senator from Michigan, living on the extreme frontier as he does and knowing as well as I do the force it should have. The amendment of the committee provides that only the item, mark it, in which the fraud occurs shall be forfeited. As to all importations from abroad—I will speak of the British provinces in a moment—inland transportation, boxing, commissions, and so on, are dutiable just as much as the fabric itself. Now a man imports an immense quantity of goods, as many as A. T. Stewart imports. He willfully omits from his invoice all commissions, all inland carriage and transportation, all boxing, all manner of charges applicable to the whole invoice alike, and you prove it as strong as proof from Holy Writ, is anything to be forfeited under this proposed section? Not a shilling; not a thread. Why? Because says this law you must carve out or put finger on the particular item in which the fraud exists, and forfeit that. Very well; all

these frauds do not relate to any particular item. Then what are you going to do? Take cattle and lumber from Canada. A man buys a drove of horses or a drove of cattle in the interior. When he goes to make his entry, he omits all these items, all inland transportation, everything which the law requires to be added to the first price; he leaves them out altogether, or states it at a nominal amount. You catch him and prove his fraud upon him. What is to be forfeited? Which horse in this drove does it apply to? Which item in these many million feet of lumber does it apply to? Not to any, as I understand it. And yet the Senator from Vermont says it is a great hardship to leave the law as it is now. I say, Mr. President, that it is not, and I want to be sure before taking my seat to correct one impression which has appeared repeatedly in this debate.

The Senator from Vermont argues as if a mere mistake, a mere technical error, a blunder no matter how inadvertent, as the law stands, justifies judge or jury in forfeiting an entire invoice. I say no law upon the statute-book justifies in such a case the forfeiture of a farthing, and if any man, lawyer or layman, will show me, I will thank him for the case, reported or unreported, brought to him even by tradition or hearsay, in which any judge of the United States has ever charged a jury or allowed a jury to suppose that they could find a verdict forfeiting an invoice for fraud unless they found as matter of fact, not that a technical omission or error had taken place, but that fraud, that fraud which appears in the statute in the word "knowingly," had in truth been committed.

I have heard a great deal of the dangers that men respectable and otherwise felt exposed to. I have heard strange romances on this subject. I have taken pains to learn especially in the case of Judge Blatchford, who has presided in more of these trials than any other single judge, and I am assured by the district attorney, by counsel on all sides of these controversies, that it has never been insisted seriously and certainly never tolerated in that court or any other of which my informants have information that a verdict was to be found under existing statutes, upon the theory that a fraud upon the revenue had been committed unless it was proved to the satisfaction of the jury that fraud—and I vse the word with its full implications—had in truth and in fact been committed; if there is any case, more especially any instance in the State of New York in which a verdict has ever been found in one of these cases against a man technically guilty only, or without fraud being found by the jury as matter of fact, I shall thank some Senator to furnish me that case. I undertake to say that no such thing can be found; the present bill makes this absolutely certain in future, and, therefore, as the Senator from Indiana well says, the question is in case of the man who commits one of the most injurious, one of the most prevalent, one of the most hurtful crimes known—I mean the crime of perjury—whether he shall know before and after he ventures upon the crime that the penalty if he is caught is one sufficient in dollars and cents to deter most men from the risk, or whether, on the contrary, all men shall be told in advance that a doctrine of chances is held out to them against which they can weigh the quantum of sin and make it matter of pecuniary speculation and profit?

I will vote for everything in this bill calculated to give a fair trial to modes of collecting the revenue without resort to moieties and without the seizure of papers and books of which so much has been said. But do not let us, while we are dispensing with these incentives and stimulants to a rigorous execution of the law, throw down the bars in respect of requirements of which no just claim of hardship can be made and which will be likely not only to imperil the end we have in view, but to disparage the better and more solid parts of this legislation?

Take moieties from the law, take away the power to inspect books and papers—these things are complained of by just men, and at these the pending bill is aimed. But beware how we unsettle the law generally in other respects in which its working is only for the punishment of the guilty, and for the safety of the public right.

Mr. MORRILL, of Vermont. It is due from me to the Senator from New York to say in relation to the bill reported by the Committee on Finance in regard to this particular subject, which made precisely the same change that is made here, that at the time I was directed to report it by the Committee on Finance I was informed by a member of the committee that Judge Clifford had made a decision that in case of undervaluation the only article that should be forfeited by the law was the special article that was undervalued. Since that I have learned that my informant was mistaken, but I understand from the Senator from Massachusetts, who has been recently charged with the office of Secretary of the Treasury, that the decisions of the different courts have not always been in harmony; that some have held to the entire forfeiture of the invoice and some to the forfeiture only of the undervalued article.

But, Mr. President, it seems to be argued by the Senator from New York that this case does not apply to mere undervaluation. Why in any case of undervaluation, no matter how small it may be, where fraud is actually imputed as being known to the importer at the time, the article is confiscated accordingly. Take an article of fine handkerchiefs or gloves that have expensive cartons in which they are placed. If merely the cartons are not put into the invoice there is a technical fraud and a fraud that amounts to sufficient to forfeit under existing laws the entire invoice.

Mr. CONKLING. Shall I interrupt my friend if I ask him a question?

Mr. MORRILL, of Vermont. No, sir.

Mr. CONKLING. Does not this section which we are dealing with put beyond all doubt the question which he now raises when it provides "that any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make, or attempt to make any entry of imported merchandise, by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement," &c.—does not that put the case beyond all question upon the ground of willful, intentional fraud?

Mr. MORRILL, of Vermont. Undoubtedly; and the courts construe any undervaluation as a willful fraud. In the other portions of this bill we leave the smuggler to the existing laws, subject to all the pains and penalties imposed by them. Those laws will stand precisely as they are now. It is only proposed in this section to provide that there shall be a uniformity of decisions upon this question in cases of fraudulent undervaluation, that that shall only relate to and taint the particular article that is undervauled. I do not desire to consume further time.

Mr. BUCKINGHAM. Mr. President, it seems to many to be very unjust to inflict such a penalty upon what some regard as so slight a crime. It seems to many that it would be unjust to do anything more than to require of him who dishonestly imported his goods, who made a fraudulent invoice or attempted in any way to defraud the revenue, the forfeiture of the article which he invoiced below the cost. It is in my judgment a false sympathy with the man who attempts thus to defraud the revenue. I have no sympathy for the man who attempts such a fraud, and if in the face of it he should be called upon to forfeit ten times as much as the value of the article which he invoiced below its cost, if he knew it beforehand, I should be willing to have that penalty inflicted upon him provided he was guilty. If he would go forward in the face of such a threatened penalty and undertake to drive his neighbor out of a business which he was prosecuting fairly and in fair competition, then I say put the severest penalty upon him.

I have sympathy for the honest merchants; I have known many of them in the city of New York; and I do not hesitate to say that if you will go through that city to-day and inquire of those who have retired from the importing business and ask them the reason why they retired, you will find many of them to give you this answer: that they could not compete with a certain class of men who bring into the city the same descriptions of goods invoiced at less prices than they could buy them abroad; and in that way in their judgment willfully defrauding the revenue, and by that fraud driving them from their legitimate business. I say I have great sympathy for this class of men, and I would like to have Congress impose any penalty, however severe, upon men who should attempt dishonestly to drive them from their business.

Mr. SAULSBURY. The question I understand to be whether an attempt to defraud the revenue shall forfeit the whole amount of an invoice or forfeit only the particular article in which the fraud is alleged to exist. The section applies not only to the owner and the importer, but visits the act of every agent with the penalty prescribed in the section. How will it operate in case a merchant in New York, for instance, is in Europe purchasing goods, who sends them home to an agent here, who makes his affidavit at the custom-house, and who omits, willfully or by accident, to account for a single article. Is the honest merchant who is across the water attending to his business, for the single act of the agent, though it may have been a willful act of the agent—is the honest merchant who has no connection with that transaction to forfeit the whole of the goods imported? It seems to me we ought to be careful before we provide such penalties. It is true the agent who will willfully attempt to cheat and defraud the Government deserves the severest penalty himself; but is the honest man who by the act of his agent has been involved in this thing to be punished in that kind of way? It seems to me we ought to be exceedingly careful how we visit upon an honest merchant such severe penalties for the acts of his agent or consignee when he himself may be perfectly innocent. I call attention to that point.

The PRESIDING OFFICER, (Mr. OGLESBY.) The question is on the amendment proposed by the Senator from Michigan [Mr. CHANDLER] to the amendment of the Committee on Finance to the twelfth section.

Mr. CHANDLER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PRATT. On this question I am paired with the Senator from Missouri, [Mr. SCHURZ,] who was compelled to leave a short time since; if he were here he would vote "nay," and I should vote "yea."

The question being taken by yeas and nays, resulted—yeas 19, nays 33; as follows:

YEAS—Messrs. Boreman, Buckingham, Carpenter, Chandler, Conkling, Conover, Dorsey, Edmunds, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Harvey, Howe, Mitchell, Oglesby, Pease, Ramsey, and Spencer—19.

NAYS—Messrs. Alcorn, Bayard, Bogy, Boutwell, Cooper, Davis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Ingalls, Johnston, Kelly, Lewis, Logan, McCreery, Merrimon, Morrill of Vermont, Morton, Norwood, Ransom, Robertson, Sargent, Saulsbury, Sherman, Stevenson, Stockton, Thurman, Tipton, Wadleigh, Washburn, Windom, and Wright—33.

ABSENT—Messrs. Allison, Anthony, Brownlow, Cameron, Clayton, Cragin, Dennis, Fenton, Ferry of Connecticut, Ferry of Michigan, Gilbert, Hitchcock, Jones, Morrill of Maine, Patterson, Pratt, Schurz, Scott, Sprague, Stewart, and West—21.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Finance.

Mr. CHANDLER. As it is decided that it is too harsh a punishment for the intentional smuggler to be mulcted in pecuniary damages, I would like to test the sense of the Senate and see whether they are too tender to punish him by imprisonment in the State prison for not exceeding five years. I therefore move in line 16, after the words "United States," to insert "and to imprisonment not exceeding five years."

The PRESIDING OFFICER. That is not an amendment to the amendment of the Committee on Finance.

Mr. CHANDLER. Then I give notice that when it shall be in order I shall offer the amendment and ask for the yeas and nays upon it, to see whether the smuggler is really to be punished at all.

Mr. BAYARD. I understand the amendment of the Senator from Michigan is not being pressed now.

The PRESIDING OFFICER. It is not an amendment to the amendment of the committee.

Mr. BAYARD. In line 21 of this section, after the words "for the" and before the word "confiscation," the words "forfeiture or" should be inserted; so as to read: "And anything contained in any act which provides for the forfeiture or confiscation of an entire invoice," &c. This amendment is acceptable to the chairman of the Committee on Finance in charge of the bill.

The PRESIDING OFFICER. That is properly an amendment to the amendment of the Committee on Finance. The question is on the amendment to the amendment.

Mr. BAYARD. It is in aid of the section, and the amendment is acceptable to the chairman.

The amendment to the amendment was agreed to.

Mr. CONKLING. Now the question I think is on the amendment.

The PRESIDING OFFICER. As amended.

Mr. CONKLING. I think I shall ask for the yeas and nays, and that in the hope that the Senate will not sustain it.

The yeas and nays were ordered.

Mr. CONKLING. I think the words which are proposed to be inserted had better be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed in line 15 of section [10] 12 to strike out "as aforesaid;" and in lines 16, 17, and 18 to strike out—

Liable to forfeiture, which forfeiture shall apply only to the particular item of merchandise to which such fraud, or alleged fraud, relates.

And in lieu of these words to insert:

Forfeited; which forfeiture shall only apply to the particular item of merchandise to which such fraud, or alleged fraud, relates; and anything contained in any act which provides for the forfeiture or confiscation of an entire invoice in consequence of any item or items contained in the same being undervalued be, and the same is hereby, repealed.

Mr. PRATT. I am paired on this question with the Senator from Missouri, [Mr. SCHURZ.] If he were here he would vote "yea," and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 32, nays 13; as follows:

YEAS—Messrs. Alcorn, Bayard, Boutwell, Conover, Cooper, Davis, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, Lewis, McCreery, Merrimon, Morrill of Vermont, Norwood, Ransom, Sargent, Saulsbury, Sherman, Stevenson, Stockton, Thurman, Tipton, Wadleigh, Washburn, West, Windom, and Wright—32.

NAYS—Messrs. Buckingham, Carpenter, Chandler, Conkling, Flanagan, Frelinghuysen, Hamlin, Harvey, Howe, Mitchell, Pease, Ramsey, and Spencer—13.

ABSENT—Messrs. Allison, Anthony, Bogy, Boreman, Brownlow, Cameron, Clayton, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Hamilton of Texas, Hitchcock, Ingalls, Jones, Logan, Morrill of Maine, Morton, Oglesby, Patterson, Pratt, Robertson, Schurz, Scott, Sprague, and Stewart—28.

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Finance was in section [11] 13, line 13, to insert after the words "satisfactory to the court" the words "or judge thereof."

Mr. BOUTWELL. I do not rise to object to the amendment proposed, but to give notice that when it is in order I shall move to strike out all after the word "fines," in the ninth line.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Finance last read.

The amendment was agreed to.

The next amendment was in section [12] 14, line 19, after the word "shall" to insert the words "in the absence of protest;" so that the section will read:

SEC. [12] 14. That wherever any statute requires that, to the cost or market value of any goods, wares, and merchandise imported into the United States, there shall be added to the invoice thereof, or, upon the entry of such goods, wares, and merchandise, charges for inland transportation, commissions, port duties, expenses of shipping, export duties, cost of packages, boxes, or other articles containing such goods, wares, and merchandise, or any other incidental expenses attending the packing, shipping, or exportation thereof from the country or place where purchased or manufactured, the omission, without intent thereby to defraud the revenue, to add and state the same on such invoice or entry shall not be cause of a forfeiture of such goods, wares, and merchandise, or of the value thereof; but in all cases where the same, or any part thereof, are omitted, it shall be the duty of the collector or appraiser to add the same, for the purposes of duty, to such invoice or entry, either in items or in gross, at such price or amount as he shall deem just and reasonable, (which price or amount shall, in the absence of protest, be conclusive,) and to impose and add thereto the further sum of 100 per cent. of the price or amount so added; which addition shall constitute a part of the dutiable value of such goods, wares, and merchandise, and shall be collectible as provided by law in respect to duties on imports.

The amendment was agreed to.

The next amendment was in section [13] 15, line 4, to insert after the word "the" the words "collector of the district, whose duty it shall be promptly to report the same to the;" so that section will read:

SEC. [13] 15. That it shall be the duty of any officer or person employed in the customs-revenue service of the United States, upon detection of any violation of the customs laws, forthwith to make complaint thereof to the collector of the district, whose duty it shall be promptly to report the same to the district attorney of the district in which such frauds shall be committed. Immediately upon the receipt of such complaint, if in his judgment it can be sustained, it shall be the duty of such district attorney to cause investigation into the facts to be made before a United States commissioner having jurisdiction thereof, and to initiate proper proceedings to recover the fines and penalties in the premises, and to prosecute the same with the utmost diligence to final judgment.

Mr. CONKLING. Before we vote upon the amendment to this section, I ask the chairman of the committee or some other member of it to tell us what it means.

Mr. BAYARD. The Senator in charge of this bill has necessarily been called from the Chamber, and the gentleman whom he desired to speak for him in his absence is also absent from his seat. The amendment I think explains itself.

Mr. CONKLING. I do not inquire as to the amendment, for I think so too, but I do not understand the section.

Mr. BAYARD. The section is as it came to us from the House.

Mr. CONKLING. I know it, but I cannot conceive what it means.

Mr. BAYARD. The object of the section it seems to me is very apparent and very obvious. It provides for the lodging of information, the lodging of complaint. The House proposed that the district attorney should be the person to whom this information should be carried. The Senate committee thought it proper that the collector of the district should be interposed, giving a point to which information of supposed violations of the customs laws should always be directed. Unless there be some official designated to whom information should be directed, it is quite possible that the person having information would not know precisely what channel his action should take. This directs him to the proper officer. The House thought it should be the district attorney. The Committee on Finance on consideration thought the collector of customs, who again should advise the district attorney, would be the proper officer to receive the information. There is nothing more in the section than that it provides for the point at which information shall be lodged in order to put the laws in force for the enforcement of the collection of the revenue. There is nothing else in the section that I can see, and nothing else in the section that I believe was suggested to the committee except that it seems very properly to subject the complain tto a canvass by the collector of the district, so that in trivial or frivolous cases in which no violation has really occurred, in which the informant is mistaken, there need be nothing further done in the matter. I do not see anything else in the section, but I can see in the section a very important and useful feature to make the law what we intended, practically beneficial.

Mr. CONKLING. In asking the question of the Senator from Delaware, I declared my inability to comprehend this section. It is due that I should explain my remark. The section, if I understand it, and I ask the attention of the lawyers of the Senate especially to it, requires any officer who detects a violation of the revenue laws to report it to the collector. It then requires the collector to report it to the district attorney, and provides that—

Immediately upon the receipt of said complaint, if in his judgment it can be sustained—

I do not stop to comment upon the fact that it is difficult to see how the district attorney, who has no subordinates for this purpose, is to ascertain whether it can be sustained—

it shall be the duty of such district attorney to cause investigation into the facts to be made before a United States commissioner having jurisdiction thereof.

I inquire who that United States commissioner is, where he lives, and how he spells his name? No United States commissioner has any civil jurisdiction. There is but one case that I can think of in which he has civil jurisdiction, and that is where the court makes a reference of some particular matter to a commissioner as a reference is made to a master or reference to inquire of some question and report. If any member of the body knows of any other case in which a United States commissioner has civil jurisdiction, of course he will correct me. I do not.

The jurisdiction of a commissioner is wholly criminal; and yet this section provides that all cases whatever of alleged fraud on the revenue are to be carried to the district attorney and he is to proceed before a commissioner; of course he may proceed in no other way. It will be observed that every one of these alleged violations of law must be inquired of by a "proceeding." What proceeding? I ask the Senator from Delaware what is this proceeding? What is the form of the proceeding? Is some one to be arrested? My friend from Michigan [Mr. CHANDLER] says a "proper proceeding." Yes, he is "to initiate proper proceedings." I inquire what proceeding would be proper or even possible in any civil case?

Mr. BAYARD. It depends upon the statute that the district attorney supposes has been infringed. He has a right to apply to a commis-

sioner to have the party held to bail; and that is an every-day occurrence.

Mr. CONKLING. Shall I understand my friend then to mean that this provision extends only to criminal cases?

Mr. BAYARD. It can only apply to cases in which a commissioner has jurisdiction.

Mr. CONKLING. Precisely; and that is the point of my objection. I venture to say with deference to the committee and with the more freedom as this section came from the House and not from the commiteee, that it provides absolutely nothing to be done in a very large portion of all the instances of fraud. Unless you give the commissioner jurisdiction *in rem*, it is idle to talk about proceeding at all in a large proportion of the cases. I grant that where there is some one who can be arrested, and if the district attorney knows that in the first instance, he can proceed. This can be in only one way. He may arrest a culprit for smuggling, as he might for counterfeiting or for any other offense, and, as the Senator says, he could be held to bail or bound over, and the criminal action proceeds; but the Senator is aware that these proceedings, I might say in a great majority of instances, are civil in their character. They are proceedings *in rem* and other proceedings civil in their nature, and of none of these has the commissioner any jurisdiction whatever; and yet the provision is that it shall be the duty of the district attorney to proceed only in a way which in many cases is no way at all.

Mr. BAYARD. There is no lack of criminal penalties or punishments for every offense against the revenue laws. There can scarcely be one imagined that there is not a punishment by fine and imprisonment. Now, in lieu of the system of paying money and getting out of these offenses by the mere payment of money, which passes to informers, it is proposed—and this I suppose is a feature of the bill in harmony with that proposed action—that there shall be no condonation of criminal offenses, but prosecution of criminal offenses. I can see in this section nothing that does not lead to the more thorough prosecution of offenders, subject to the proper judgment of the district attorney and the collector that a case has arisen in which a prosecution should be set on foot. That is all. Whether or not the civil suit can take this shape, is a matter of no particular importance, because there are plenty of other avenues for that. If this shall provide for criminal prosecutions even, it will be useful; and to say that it cannot provide for other than criminal prosecutions is not saying anything against it. If the section shall provide for the prompt prosecution upon the criminal side of violations of the revenue laws, it certainly should be retained. I see no objection to it. That the collector is the proper person to receive this first information, instead of the district attorney, I think is a very proper amendment on the part of the Committee on Finance.

I do not consider the section of any very great value, because I apprehend the information would be lodged and the prosecution would go on. This simply provides that it shall be lodged with a certain officer who shall proceed in a certain way. If it be incompatible with the former law giving jurisdiction to commissioners, it will not be done, because the section provides for proper proceedings to be initiated. I take it that means proper proceedings both civil and criminal, civil proceedings in the proper form and criminal proceedings in the usual and proper way. I see no objection, therefore, to the section. It may not be as full and complete as it might be; but so far as it goes, it goes in the right direction.

There was in the hands of the chairman of the committee a paper properly belonging to him which came from the Treasury Department containing some comments upon this bill after it had been printed by the Senate, and the comment from the Department on this section 13 I will read:

Section 13 is unnecessary, and its operation would probably be injurious. It is now the duty of subordinate officers to report every infraction of law discovered by them to their superiors, and it is thereupon the duty of the latter to take such further steps as may be necessary to protect the interests of the United States.

The rights of subordinate officers as informers, and the consequent inducement to vigilance, are not improved by the section in question.

The only good effect which might possibly result from the section, if retained, would be to prevent the superior officer from suppressing the case, by which he might become subject to the penalty in section [17] 15. If this contingent danger be of sufficient magnitude to justify the ignoring of the officer who is chiefly responsible for the administration of the customs-revenue law in his district, then the section should be retained, but it might be modified by requiring the subordinate to make duplicate reports, one to the district attorney and the other to the collector.

That suggestion was taken by making the report first to the collector and making it his duty to report over again to the district attorney. I did not then, and I do not now, consider the section of any great importance. I think it is more practical as it is now than when it came from the Committee on Finance. I see no objection to it but rather recommendation, in that it provides for the point at which official information shall be received and then the duties of these parties commence. If the description of the proceedings is technically insufficient, still I do not think it would oust the proper jurisdiction when the district attorney should apply to it. If the section shall be, under the criticism of the Senator from New York, restrained simply to criminal or quasi criminal cases, still the proper proceedings which are mentioned in the eleventh line of the section will be instituted in the proper forum for the punishment of the offense and the mulcting of the offender.

Mr. BOUTWELL. It seems to me that this section does not add anything to the value of the revenue system and in some degree tends to confuse and make doubtful what is now clear. It is the duty of every officer to report to his superior officer. It might happen that a report to be made by any officer could not properly be made to the collector of any port, but should be made directly to the Department. Now it is the duty of the district attorney when a case is laid before him, upon his judgment, to prosecute both on the civil and the criminal side; and that is all that is provided for in this section.

I suppose it is not in order now to move to strike out the section, but I certainly think it ought to be omitted from the bill.

Mr. SHERMAN. The purpose of this section in the House of Representatives, as shown by the debate, was to cut off the condonation or settlement of cases of penalties by subordinate officers.

Mr. BOUTWELL. Has anybody the evidence of a single instance of that sort ever occurring in the administration of the revenue laws? Is there any such case anywhere?

Mr. SHERMAN. I cannot give particular cases.

Mr. BOUTWELL. There is no such case.

Mr. SHERMAN. I know the purpose of the House was to prevent collectors of customs from condoning cases of violation of law.

Mr. BOUTWELL. That would be an offense. It has never been proved. Within my knowledge there has never been any evidence tending to show that any collector of customs has ever settled a case.

Mr. SHERMAN. That purpose is manifest on the face of this section. The House of Representatives therefore made it the imperative duty of every officer who ascertained that the revenue laws had been violated in any particular to report directly to the district attorney, and then made it imperative on the district attorney to take the requisite proper proceedings to enforce the penalty or punish the crime. We saw that that ignored the collector, who is chiefly responsible for the collection of the revenue, and therefore when the Secretary of the Treasury pointed out to us that this apparently relieved the officer who detected frauds from reporting to the collector who was responsible for the collection of the revenue, and required him to report directly to the district attorney, we saw that was objectionable.

Mr. BOUTWELL. I do not object to the amendment. If the section stands, the amendment is pertinent and proper; but I think the whole section should be omitted.

Mr. SHERMAN. That may be; but I doubt very much whether the section ought not to stand. The purpose is that, when an offense is committed, punishment shall be sure and certain, and that the case shall be placed in the hands of the legal officers. I can imagine many cases of the violation of the revenue laws where it may be proper for the Secretary of the Treasury to relieve from the penalty. If this would prevent the Secretary of the Treasury or some proper officer from relieving from penalties in certain cases, I should concede that the section ought to be stricken out; but the purpose was to prevent the collector condoning these offenses, and therefore the section as it was framed skipped over the collector and made the special agent or any other revenue officer bound to report directly to the district attorney. We thought that was wrong, and hence have proposed the amendment.

Mr. BOUTWELL. That was wrong undoubtedly; but the error I think is in supposing that cases are condoned or settled by the local officers. So far as I know such has not been the practice. Now, as to the prosecution of persons who violate the revenue laws, I think during my own experience we had an examination made of the dockets in the city of New York, and we found there—I state it from recollection—two thousand Government cases, civil and criminal, on the dockets of the United States courts in the city of New York, and the officers of the Government utterly unable to try them for the want of judicial facilities for doing the business.

THE CURRENCY—FREE BANKING.

Mr. MORTON. Mr. President, on behalf of the committee of conference on the currency bill I beg leave to submit a report, and ask to have it printed, and I give notice that to-morrow at the expiration of the morning hour I will ask the Senate to proceed to its consideration.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Does the Senator desire to have the report read?

Mr. BOREMAN and others. Let it be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from their disagreement to the amendment of the Senate, and agree to the same, with an amendment, as follows:

Strike out all of the amendment after "that," in the first line, and insert in lieu thereof the following:

The act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be hereafter known as "the national-bank act."

SEC. 2. That section 31 of "the national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

SEC. 3. That section 22 of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed; and the proviso in the first section of the act approved

July 12, 1870, entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," prohibiting the banks hereafter organized a circulation over $500,000; and the proviso in the third section of said act limiting the circulation of banks authorized to issue notes redeemable in gold coin to $1,000,000; and section 6 of said act relating to the redistribution of twenty-five millions of circulating notes be, and the same are hereby, repealed; that every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national-bank act."

SEC. 4. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section 2 of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of $1,000, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of $500, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national-banks worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation, and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer: *And provided further*, That so much of section 32 of said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

SEC. 5. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below $50,000.

SEC. 6. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 7. That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $382,000,000, which shall be retired and reduced in the following manner only, to wit: within thirty days after circulating notes to the amount of $1,000,000 shall, from time to time, be issued to national banking associations under this act, in excess of the highest outstanding value thereof at any time prior to such issue, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to three-eighths of the circulating notes so issued, which shall be in reduction of the maximum amount of $382,000,000 fixed by this section; and such reduction shall continue until the maximum amount of United States notes outstanding shall be $300,000,000; and the United States notes so retired shall be canceled and carried to the account of the sinking fund provided for by the second clause of section 5 of the act approved on the 25th of February, 1862, entitled "An act to authorize the issue of United States notes, and for the redemption and funding thereof, and for funding the floating debt of the United States," and shall constitute a portion of said sinking fund. And the interest thereon computed at the rate of 5 per cent. shall be added annually to said sinking fund. But if the surplus revenue be not sufficient for this purpose, the Secretary of the Treasury is hereby authorized to issue and sell at public sale, after ten days notice of the time and place of sale, a sufficient amount of the bonds of the United States of the character and description prescribed in this act for United States notes to be then retired and canceled.

SEC. 8. That on and after the 1st day of January, 1878, any holder of United States notes to the amount of fifty dollars, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant-treasurer at the city of New York; and thereupon he shall be entitled to receive, at his option, from the Secretary of the Treasury, who is authorized and required to issue in exchange for said notes an equal amount of either class of the coupon or registered bonds of the United States provided for in the first section of the act approved on the 14th of July, 1870, entitled "An act to authorize the refunding of the national debt," and the act amendatory thereof, approved the 20th day of January, 4871, which bonds shall continue to be exempt from taxation as provided in said act: *Provided, however*, That the Secretary of the Treasury in lieu of such bonds may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue the United States notes so received either in exchange for coin at par, or, with the consent of the holder, in the redemption of bonds then redeemable at par, or in the purchase of bonds at not less than par, or to meet the current payments for the public service; and when used to meet current payments an equal amount of the gold in the Treasury shall be applied in redemption of the bonds known as five-twenty bonds.

SEC. 9. That nothing in this act shall be construed to authorize any increase of the principal of the public debt of the United States.

And the Senate agree to the same.

O. P. MORTON,
JOHN SHERMAN,
A. S. MERRIMON,
Managers on the part of the Senate.
HORACE MAYNARD,
C. B. FARWELL,
Managers on the part of the House.

Mr. CAMERON. This is a very important question; certainly the most important to the country we have had during this session; perhaps more important in all its consequences than we shall have for years; and in order that we may have time to think about it, and clearly understand it, I move that the Senate now proceed to the consideration of executive business.

Mr. THURMAN. The report ought to be printed and laid over.

Mr. MORTON. That was my motion.

The PRESIDENT *pro tempore*. That order was entered.

Mr. SHERMAN. I hope we shall go on with and finish the moiety bill.

Mr. CAMERON. I think we had better not.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. SHERMAN. I object to the motion. I hope the moiety bill will be finished to-night. I say to the friends of the bill, those who believe it is important to pass it, that, in the crowded state of business at this stage of the session, there is no other opportunity to press it. To-morrow it will be crowded out by a special order made by unanimous consent and by the report just made. I therefore ask for the yeas and nays on this motion.

The yeas and nays were ordered.

Mr. CAMERON. I am not to be scared by calling the yeas and nays.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. CAMERON. I think this is so important a question that we ought to have a little time to think about it. I do not want any other question to come up in here now until the conference report is disposed of.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business, upon which motion the yeas and nays have been ordered.

Mr. SHERMAN. Let the call for the yeas and nays be regarded as withdrawn and have a division.

The PRESIDENT *pro tempore*. The Chair hears no objection to that suggestion, and the Senate will divide on the motion.

The question being put, there were on a division—ayes 12, noes 32.

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 881) fixing the times of holding the circuit court of the United States in the districts of California, Oregon, and Nevada.

The message also returned, agreeably to the request of the Senate, the bill (H. R. No. 3652) providing for publication of the revised statutes of the United States.

E. BOYD PENDLETON.

Mr. BOREMAN. There was an adverse report made this morning on the bill (S. No. 653) for the relief of E. Boyd Pendleton, late collector of internal revenue fifth district of Virginia, and the bill was indefinitely postponed. I did not notice it at the time. I move that the vote indefinitely postponing the bill be reconsidered and that the bill be placed upon the Calendar.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Interior, transmitting, in pursuance of law, reports of the surveyor-general of New Mexico on private land claim in Mesilla colony grant, reported as No. 86, for land in Doña Aña County, New Mexico; on private land claim reported as No. 89, in the name of Manuel Trujillo, for land in Santa Fé County, New Mexico, known as the Talaya tract; and report on Refugio colony grant, being private land claim reported as No. 90, for land in Doña Aña County, New Mexico; which was referred to the Committee on Private Land Claims, and ordered to be printed.

REVISED STATUTES.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 3652) providing for the publication of the revised statutes of the United States, which was returned from the House of Representatives in accordance with the request of the Senate.

The vote on the passage of the bill was reconsidered, and it was referred to the Committee on the Judiciary.

FOG-BELLS AND OTHER SIGNALS.

Mr. HAMLIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of making an appropriation to enable the Light-House Board to continue its experiments in relation to fog-bells or other signals for the protection of the commercial marine.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853;

A bill (H. R. No. 3622) to amend the act to establish the judicial courts of the United States, approved September 24, 1789, in relation to bonds of clerks of the courts of the United States; and

A bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes.

AMENDMENTS TO BILLS.

Mr. CONOVER submitted an amendment intended to be proposed by him to the bill (H. R. No 3572) to amend existing customs and internal-revenue laws, and for other purposes; which was referred to the Committee on Finance, and ordered to be printed.

The proposed amendment is a follows:

That all sales of stocks, bonds, gold or silver bullion or coin, whether the same be made by the owner thereof or by any bank, banker, broker, or other persons, or by a corporation as agent for such owner, shall be taxed one-twentieth of 1 per cent. on the amount of such sale.

And on all contracts made by any of the persons aforesaid, or by any corporation, for the sale of any stocks, bonds, gold or silver bullion or coin, on which the full amount of purchase-money is not paid or to be paid in fact, or where such gold or silver bullion or coin, stocks, or bonds are deposited as security for the purchase-money, or where a settlement of the contract is made without an actual payment of the purchase-money and a delivery of the gold or silver bullion or coin, stocks or bonds, or where the gold or silver coin or bullion, stocks or bonds, contracted to be sold are not at the time *bona fide* the property of the seller and actually on hand at the time, there shall be paid a tax of one-tenth of 1 per cent. on the amount of such sale. And upon all contracts made by any person for himself or as agent for another for the sale of raw or unmanufactured cotton not *bona fide* the property of the seller and actually on hand at the time, there shall be paid a tax of one-tenth of 1 per cent on the amount of such contract. And at the time of the making of all sales on contracts of sale herein provided to be taxed there shall be made and delivered to the buyer by the seller or his agent a written or printed memorandum, signed by the seller or his agent, setting forth the name of the seller or contractor or that of his agent, the amount of the sale or contract, the matter or thing to which it relates, and the date thereof, and there shall be affixed thereto a lawful stamp or stamps, equal in value to the amount of the tax on such sale or contract; and in computing the amount in any case herein provided for any fractional part of $100 of value or amount on which the tax is computed shall be accounted at $100.

And any person liable to pay the taxes herein provided, or any one who acts in the matter as agent for such person, who shall make any such sale or contract, or who shall in pursuance of any such sale or contract deliver or receive any bullion, coin, stocks, or bonds, or cotton, without a memorandum such as is herein required to be made, or who shall deliver or receive such memorandum without having the proper stamps affixed thereto, shall forfeit and pay to the United States ten times the amount of the tax lawfully due and payable on such sale or contract, which may be recovered by suit with costs at any time within one year after the liability to such penalty shall have been incurred, and the provisions of the laws in relation to stamp duties on bank-checks or orders for the payment of money drawn on banks, bankers, or trust companies, except as to the amount of the stamp tax to be paid thereon, which are now in force shall apply to and govern the execution of the foregoing provisions for payment by stamps of the taxes herein imposed on such sales and contracts of sale of gold or silver bullion, coin, bonds, and cotton.

Mr. LOGAN, from the Committee on Military Affairs, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JOHNSTON, from the Committee on the District of Columbia, submitted amendments intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, was read twice by its title, and referred to the Committee on Territories.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes, approved February 26, 1853;

A bill (H. R. No. 3622) to amend the act to establish the judicial courts of the United States, approved September 24, 1789, in relation to bonds of clerks of the courts of the United States; and

A bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes.

MOIETIES UNDER THE CUSTOMS LAWS.

The PRESIDENT *pro tempore*. The bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties is before the Senate as in Committee of the Whole. The amendment of the Committee on Finance to section [13] 15 will be read.

The CHIEF CLERK. The amendment of the Committee on Finance is to insert after the words "complaint thereof to the" the words "collector of the district, whose duty it shall be promptly to report the same to the."

Mr. EDMUNDS. I was entirely convinced by what the Senator from Massachusetts said and from some little knowledge of my own about the practice under these laws, that this ought not to be agreed to, because, as the Senator from Massachusetts has said, there are a great many of these reports that are not made directly to the district attorney or to the collector. Some of them ought to be made to the Treasury Department direct. I think, though I do not know whether the Senator from Massachusetts said that or not, that this whole section ought to be stricken out and the law in this respect left exactly as it is now. This particular section does not have anything to do with moieties in particular, and does not prevent people from doing exactly what they could do before either way, either to smuggle or to import goods according to law as might be most convenient. I think if you adopt this section it will pretty seriously interfere with the well-ordered and established methods of proceeding in ascertaining frauds upon the revenue that now exist. If the object be to upset the law altogether, and to provide an entirely new code so that nobody will know what to do or how to do it as it has been done before, so as to add to the general uncertainty or whatever you may call the rest of the bill, the section is right.

I do not wish to take up the time of the Senate when it has more important subjects under consideration; but as the Senator has just resolved to force us to consider this bill in heat rather than to do executive business and go home to dinner, we ought to consider it fully; and I was merely wishing to say in a single word that this fifteenth section, or thirteenth as it stands in the brackets, does not seem to be necessary to the symmetry of the rest of the bill, and it puts the operations of the Government in respects which have not hitherto been criticised, as the Senator from Massachusetts has stated, entirely out of joint. I cannot suppose, of course, that the Committee on Finance, in their just zeal and endeavor to protect the revenue and to protect importers and so on, have desired to interfere with the processes of the law in carrying out whatever the law may happen to be, and in the reports that are to be made in respect to frauds committed upon the revenue; and in that point of view I merely wished to say that it appeared to me that the whole section ought to be stricken out.

Mr. MORRILL, of Vermont. I desire to say that the theory is that having somewhat reduced the amount of penalties and forfeitures in case of frauds, wherever there be one, it is the purpose that it shall be, without any restriction or limitation whatever, prosecuted and proceeded with to the end. It was designed that the law, such as it is, should be in all cases enforced.

Mr. EDMUNDS. It is very inconsequential then.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Finance.

The amendment was agreed to.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Finance was in section [14] 16, in line 8, after the word "shall" to insert the word "have" and in the same line, after the word "joined," to strike out the words—

It shall be the duty of the court on the trial thereof to submit to the jury, as a distinct and separate proposition, whether the alleged acts were done with an actual intention to defraud the United States, and to require upon such proposition a special finding by such jury; or, if such issues be tried by the court without a jury, it shall be the duty of the court to pass upon and decide such proposition as a distinct and separate finding of fact; and in such cases, unless intent to defraud shall be so found, no fine, penalty, or forfeiture shall be imposed.

And to insert at the end of the section the words:

The court may, on its own motion, and shall, when requested so to do by either party, submit to the jury as a distinct and separate proposition, whether or not the alleged acts were done with an actual intention to defraud the United States, or may submit any other specific interrogatory material to a determination of the issue or issues joined, and require special findings thereon by the jury; or if such issues be tried by the court without a jury, it shall be the duty of the court, when requested so to do by either party, to find the facts, and enter the same as a part of the record.

So that the section will read:

SEC. [14] 16. That in all actions, suits, and proceedings in any court of the United States now pending or hereafter commenced or prosecuted to enforce or declare the forfeiture of any goods, wares, or merchandise; or to recover the value thereof, or any other sum alleged to be forfeited by reason of any violation of the provisions of the customs-revenue laws, or any of such provisions, in which action, suit, or proceeding an issue or issues of fact shall have been joined, the court may on its own motion, &c.

Mr. CARPENTER, (Mr. FERRY, of Michigan, in the chair.) It seems to me, with due submission to the committee, that that amendment would have the effect to acquit most of the persons who shall be charged with this offense. Every lawyer who has practiced at all in defending criminals understands that in a trial for murder, for instance, if he can get the court to put the direct and distinct question to the jury whether this man really killed the deceased from malice prepense or not, very likely some man on the jury who is perfectly willing to say he killed him and meant to kill him will doubt whether he meant to do it with malice prepense. In other words, it is the old dodge of all lawyers who defend criminals to separate the charge into as many elements as possible and confuse the jury as much as possible in order to prevent a conviction. This, like every other case where a man is charged with fraud, rests on all the circumstances. If you are to single out and put this particular question, which of course is the essence of the whole case, as a separate and distinct question and to require a special finding upon that, you will acquit three-fourths of the persons who are tried and who ought to be convicted.

Mr. STOCKTON. Mr. President, in old times there was no crime without an intent. Such was the law of reason, and it was the law of England. It has been altered in this country and altered mainly by decisions of United States courts, so that intent is inferred under circumstances where it ought not to be inferred and where the jury are tempted to err. Therefore it seems to me, to take the case the Senator from Wisconsin has put, that if in a trial for murder there is one single man on the jury who does not believe that the intent to kill with malice existed at the time of the killing, the party charged should not be found guilty of murder. In old times the questions

were so put to the jury, and the jury were told by the court in their charge what murder was as defined by the law, and that murder could not exist without the full definition being filled, and the jury were told that they could not, under their oaths, find the man charged guilty, he having the right to the benefit of the doubt, unless they believed the whole definition of the crime to be filled. The highest penalty known to the law, the exaction of death itself, was given to a court and a jury under such circumstances, and never would have been trusted to them under any other circumstances.

But now by statutes which have been made, beginning mainly with the war, step by step men are lured into crimes which they never intended to commit, and the courts so tell the juries. One of the very best features of this movement, one of the very best features in this bill, in my judgment, is that men are not to be held guilty, their property sacrificed, their reputations ruined, under constructive frauds, when really there was no intent to violate the law of the land. Look at the internal-revenue cases; look at the forfeitures of distilleries, of tobacco manufactories; look at the humble men engaged in the small business of making clothes. Cases have occurred in my State where a man was keeping his account in a humble way, not being a book-keeper, and if his books were not kept according to rules and regulations too difficult, sir, for me or you to understand who have not been bred book-keepers, if his books were not kept exactly according to Gunter, if they were not precisely as was required by numerous specifications of the law and regulations, that man before a court and jury in the United States court stood no chance whatever; his property was confiscated, every dollar he had was taken away from him, and his reputation to boot; and then what was left for the lawyers but to come under these laws and beg for such clemency as was left in the hands of the Secretary of the Treasury or the Commissioner of Internal Revenue? This has occurred in my own State in reference to the very act now attempted to be amended, and in the courts of New York it has been a standing disgrace to the nation.

It is not only in reference to this bill, in which my constituents feel a great interest, that I speak, but it is in reference to this great evil that has grown up in the country. The evil is not in my humble judgment where the Senator from Wisconsin thinks it is. The danger is not under these constructive acts which are created by our statutes and which are sent to the United States courts. It is not that the criminal will escape. Many and many an innocent man has been ruined in reputation, as well as all his property taken, under these statutes who had no intent whatever to commit a crime. These acts are snares and delusions, and the American people are awakening to the fact. They believe in the old doctrine that crime cannot exist without an intent; and the stronger and the closer we keep to that definition, the more we insist upon it, the freer our Government will be.

The object of all statutes of this kind is to collect the revenue and punish the criminal. One man is more careful than another; one man is more precise in his business matters than another. To urge him to precision, to make him careful, may be the duty of the Government; but because he has ignored it or because his clerk has ignored it by carelessness, where from the exhibition of his whole accounts and all his papers he can show that there was no criminal intent on his part, to mulct him in fines and penalties, to ruin his reputation, to deny him the power to go before a jury of his peers and ask them to say whether he intended to do this or not, is to deprive him in my humble judgment of one of the dearest rights of any American citizen.

Mr. CARPENTER. Mr. President, I entirely concur with my honorable friend from New Jersey in his definition of offenses. There must of course be an intention to do wrong in order to constitute a crime. That is not what I am talking about. I make no objection to a counsel who is retained for the defendant putting that point just as forcibly and speciously as he pleases; but the idea of putting into a statute which is intended to punish crime what is in and of itself one of the most usual and most effective devices of defendant's counsel, is a thing that strikes me as somewhat remarkable.

There is but one of two courses to be taken. If it is proposed to leave the honorable and high-minded people of the United States to pay their taxes and their duties on imported articles or not as they please, or, what is the same thing, leave it to their sense of honor in the matter, that is one thing. If, on the other hand, it is designed to collect the revenue, to see when the law fixes a duty that it is paid, when the law fixes a tax on whisky or tobacco that the Treasury shall receive it, then you must provide machinery to squeeze it out of the reluctant payer; and this provision instead of being machinery to accomplish that purpose is a very cunning device, it seems to me, to defeat that end.

For instance, these men, say in New York City, are to be tried before their neighbors and friends. They are wealthy. There are on the jury several men who associate with them in daily life. Such jurors will find a general verdict when all the facts in the case are established. If you prove, for instance, that Mr. John Smith, a very wealthy importer in New York, has done thus and so, has really done the things which the court will say amount to an offense, that jury will be very likely to convict; but if the judge is to take them and press them up to the other point, "Do you find that in doing these things this man actually intended to cheat and defraud the United States," do you think as many juries would find verdicts of guilty?

My objection to this amendment is that it seems to be a specious, cunning defense of the action you are directing to be prosecuted. A lawyer who should invent such a defense would be entitled to the thanks of his client; but I think such a provision is out of place in a statute designed to secure convictions.

I think the committee were entirely right in one-half of the amendment. They were right in striking out the provision of the House bill, under which I do not believe you could convict anybody. The amendment proposed by the committee of the Senate is better, because I think under it you might convict three-fourths of the persons that ought to be convicted.

Mr. THURMAN. O, no.

Mr. EDMUNDS. You could not convict one-fourth of them.

Mr. CARPENTER. Then it is worse than I thought it was. At all events it is bad enough.

Mr. THURMAN. The vice of this amendment as it seems to me consists in the insertion of the word "actual." You must find "an actual intention to defraud the United States." The effect of that would be to repeal that well-known maxim of the law that every man is presumed to know the law. A man would say: "It is very true I exhibited an invoice that was incorrect; I violated the law of the United States; but I did not know that that was the law of the United States; and therefore I never intended to defraud the United States." The law presumes that a man who does an unlawful act does it with an unlawful purpose. There are cases in which that may be rebutted, of course; but to require actual intent in every case is simply to say that the old maxim of the law that every man is presumed to know the law shall not obtain in these cases. That seems to me to be the vice of the amendment, and I think the word "actual" ought to be stricken out.

Then there is something more about this amendment which I do not understand, and upon which I should like to have a little light. As the text was in the bill as it came from the House, in the provision for these findings there was some effect given to the findings, for it was provided:

> And in such cases, unless intent to defraud shall be so found, no fine, penalty, or forfeiture shall be imposed.

That gave effect to the want of a finding of an actual intent. It was a complete defense. Now, our committee provide for the same kind of finding, but do not provide to give it any effect. They do not say that the absence of such a finding, or a finding that there was no such intention, shall operate as an acquittal. They simply say it shall be found and put on record. *Cui bono?* For what purpose is it to be put on record? There is to be a separate finding. The jury find the man guilty, and at the same time they find that he did not have an actual intent to defraud the Government of the United States, and that is put on record. There is a verdict of guilty, and side by side with it is a finding that there was no actual intent to defraud the Government of the United States. Is that for the purpose of enlightening the court as to whether it shall enter judgment? Is that to be treated as a special verdict? Who ever heard of a special verdict that found the party was guilty as charged in the indictment, with a codicil to it that he had no actual intent to violate the laws? I really do not see myself what is the use of this amendment as it is reported by the committee. As the House left the section it gave effect to it; there was something in it; but it ought not to be as the House had it, because the word "actual" should be stricken out.

Mr. EDMUNDS. Mr. President, this is certainly a very extraordinary provision, both the one in the House bill and the Senate amendment. If any member of the committee who reported this bill has any knowledge in the history of law of there being put into a statute a charge that the court shall deliver to the jury upon the subject of the case before it, I should be glad to be informed of that instance. But I take it for granted that our committee or the House committee claim this as a new invention of theirs, as the truth is I believe for the first time in the history of any country that has had a civilized jurisprudence or legislation, you undertake to guide the course of judicial proceedings by declaring what sort of a charge a judge upon the facts and law before him shall deliver to the jury. I think it would be safe to say, in anything except this moiety act as it is called, if the Committee on the Judiciary of either House of Congress were to bring in a bill respecting any other criminal prosecution in which they should undertake to declare what the charge of the judge should be, they would be hooted out of court pretty quick, for the reason that it would destroy all liberty on the one side and would destroy the security of the community upon the other.

No judicial proceeding can be safe, either for the protection of the community or for the vindication of an innocent party accused, that undertakes to declare the sort of a charge in form or in substance that the court shall give to the jury on the trial. All that you can do for the safety of the community and of the individual is to declare in the law plainly what the offense shall be, and then leave it to the judge untrammeled to declare, in applying that definition to the facts and circumstances that are brought out, what the law is and what the jury are to find under the circumstances of that particular case. It would be impossible in the clearest case that a lawyer or judge can imagine to make it safe as a rule to lay down that the judge in any instance should give a particular charge to a traverse jury as to the case and the circumstances before it. I submit to the honorable chairman of the Committee on Finance, with his large knowledge of the law, that this is against all human experience as it respects the true

way to protect communities and to protect citizens; that it is not safe to do it.

But let us look at some other considerations. Perhaps I am wrong about this. It may be that all the criminal and penal statutes of the United States ought to have laid down in them precisely what kind of a charge should be submitted to the jury upon the prominent topics in the case, so that all the judge would be obliged to do would be, as committees of Congress are sometimes said to do, employ a clerk to take the testimony, and when that is through, go into court and read the statute to the jury which contained the charge which the law declared he should give, and then go home again and leave the jury to their own devices; but I cannot imagine that that was the purpose of this provision. The purpose was no doubt to endeavor to assist the courts in ascertaining in a particular case whether a particular law had been violated. But the difficulty is, as has been pointed out by the Senators from Ohio and Wisconsin, you so hamper this, leaving no judicial judgment to the judge to apply the law to the facts of the case, that he is obliged in every instance of any criminal prosecution or any civil prosecution, as you will observe if you will look at the beginning of this section, to deliver this iron-bound and iron-clamped charge to the jury if either party requests it; and of course the defendant will request it every time, because it enables him to more complicate, if he be guilty, the transaction, and to get out of it if he may; and with a jury that was not well taught there would be equal, or certainly in a degree nearly equal, danger on the other side from the fact that the judge was obliged to give a particular charge, and in the very words of the statute, or otherwise his judgment would be reversed; that even an innocent man might find himself cramped in the ten thousand complications that no man can foresee and provide against that arise in the course of a criminal trial or a civil action. It is impracticable for any code of legislative jurisprudence to point out in advance what the judge shall say to the jury in respect to the form or in respect to the substance of their finding. All that you can do, according to my small information of human experience, is to lay down your law declaring clearly what is to constitute the offense, and then give the court the jurisdiction to try it, and stop there. Then the judge, if he is honest and understands his duty, (as we must assume that he is or we had better have no government at all,) is enabled to take the case as the evidence discloses it and the law of the offense as it is defined, and put the two together before the jury in his own way; and if he puts them in a way that is injurious to justice or contrary to law, there is redress.

But look a little further at another branch of this provision, because I am now only speaking of this generally, and see where you are. It is to be an element that the jury shall find that there was an actual intention to defraud the United States. An actual intention by whom? Of course by the party who is under prosecution. That is the crucial point. Who is the party under prosecution? It is the consignee, the importer. You cannot get the foreigner who has undertaken to make the false invoice on the other side and to send it over here, and if you did get him you could not convict him, because he has not committed any crime against the laws of the United States. All that he has done has been done in a foreign country where there is no law of the United States which prohibits his doing any such thing. What then? Under this amendment the jury must find that the importer—not his agent abroad, but the man at the bar or the defendant in the action—has been guilty of an actual fraud. He goes to the custom-house and produces his invoice, swears to it, actually defrauds the revenue of the United States out of a thousand dollars in the given case.

Mr. CONKLING. He does not even need to swear to it himself. His broker or agent may swear to it.

Mr. EDMUNDS. I am coming to that. I am putting the strongest case that can be put. He goes to the custom-house, produces his invoice, swears to it, gets his permit, and lands his goods, and you prosecute him. Every honest importer has been defrauded because his coimporter undersells him. Every tax-payer in the United States has been defrauded because so much money that belonged to the Treasury has not been paid into it. Those are facts that have occurred, whether the particular importer knew what he was swearing about or did not; whether it was true or false. The honest importer has been wronged, and the Treasury and the tax-payer have been wronged; and yet a jury might be bound to acquit this man because when he is placed upon trial he says, "I did not know that; the junior partner in my firm made this arrangement and cheated the revenue; I did not know it; and my goods, the goods of the junior partner, the goods of the firm, cannot be forfeited." This is not a matter of personal punishment by an indictment against a man under the crimes act for committing a fraud on the revenue; but you will observe it in an action of any kind brought to enforce a forfeiture of the goods or to recover the value thereof or any larger sum in respect to the revenue. Therefore, if the United States had brought a suit, if it could, to recover the difference between the true duty and the false one, this section as it stood in the House bill or as it stands reported by the Committee on Finance, would absolutely defeat the recovery of that money which was due to the United States, unless the jury should find that the very person under trial actually intended to defraud the United States, knowing all the circumstances under which the transaction took place.

But, as the Senator from New York has suggested, it is not necessary even that the importer should swear to the invoice. He can pick up anybody in the streets who acts as a broker for him, who may swear to it, although he may not have the slightest idea about the circumstance at all. And yet you are going to say that nothing shall be done about it, because, I repeat, it is not merely a personal punishment; it is any sort of procedure by which the United States are to get redress. That is what the section provides, that nothing shall be done about it, and the fraud in effect upon the people and upon the honest importer shall go on unless the jury, under the direction of the judge on this precise point, shall find that the very party whom they have before them had actually intended to defraud the United States.

Take another instance. When I tread on the domain of the Committee on Finance I must be very careful in what I say, but I believe the laws of the United States made classifications of various kinds of goods, and if they fall within one class they are to pay a duty at a certain price, and if they fall within another class they are to pay a lower price. I believe that is so.

Mr. MORRILL, of Vermont. As to wool it is so.

Mr. EDMUNDS. As to wool it is so certainly. Other goods are to pay a duty according to the number of threads to the square inch.

Mr. WEST. Sugar is in another class.

Mr. EDMUNDS. Then another class, as my friend from Louisiana suggests, is sugar. Very well. The importer of sugar, or cottons, or wool, as the case may be puts his goods in a class where a less duty is to be paid. By and by a suit is brought to recover the balance of that duty. But when the defendant comes in and is asked to pay back merely the money he has kept out of the Treasury, not to suffer any personal punishment at all, he says, "O, no, the jury must find that I actually intended to defraud the United States; I put my clerks to counting the threads in this cotton or silk or in the wool, or to sample the sugar, and they reported to me that it belonged in the cheapest class, as they naturally would. I did not know it was not true and I put it in therefore I must be acquitted entirely. You cannot enforce any forfeiture. You cannot collect any sum of money."

Then, as the Senator from Ohio has said, take another step. The importer comes forward as he often does and says, "I understood the law to be that I might put this in this class, and therefore if I have made a mistake it is a mistake of law; I did not actually intend to defraud the United States; I thought the law authorized me to do this thing; to be sure I knew that all my coimporters entered the same class of goods in a higher grade, under a different head, but I thought they were paying more duty than the law provided, and I entered mine under the lower. Now, then, unless the jury find that I was a good lawyer and understood the law, and, knowing it, intended to break it, I am not only not to be punished, I am not only not to be exposed to the forfeiture of my property, but I am, positively, as this section reads, not obliged to respond in any sum." The language of the section is:

> Or any other sum alleged to be forfeited by reason of any violation of the provisions of the customs-revenue laws, or any of such provisions, in which action, suit, or proceeding on issue or issues of fact shall have been joined.

Mr. President, do you really intend to open that kind of a statute to the honest American people, who do not want to violate your laws; to the honest American people, who in some way have got to pay the taxes to carry on your Government and pay its debts? I cannot believe that you do. I cannot imagine, when you turn over here again to what is the definition of smuggling, that the committee intend to have the definition of smuggling go hand in hand with this procedure; and yet it seems to do so as the bill is drawn. I find on the third page that—

> For the purposes of this act—

Not for the purposes of this section in which it occurs, but for the purposes of the whole act—

> smuggling shall be construed to mean the act, with intent to defraud, of bringing into the United States, or, with like intent, attempting to bring into the United States dutiable articles without passing the same, or the package containing the same, through the custom-house, or submitting them to the officers of the revenue for examination.

That is all there is of smuggling. If I only bring them to the custom-house, no matter how corrupt my intention may be, no matter though I may have bribed that very custom-house officer in order to get them through, if I only lay them at his door or bring them into his presence on the northern border of the State of Vermont, my duty is done, and the law by statute declares that I am not a smuggler, that there is no forfeiture for that.

That being all that there is of smuggling, the omission to bring the thing to the knowledge of the customs officer, you may cheat him as much as you like, you may corrupt him as much as you like, you may undervalue as much as you like, you may go through the whole list of fraud and corruption, and if you can only deceive him or corrupt him, you stand free of any guilt in respect to smuggling. You are not a smuggler because you do not fall within the definition, guilt in that respect being only the keeping of the goods away from the sight of the custom-house or of the official that belongs to it.

Now turn over to this section and come to the provision for the enforcement of these things, and you find that this section covers again the whole ground just as the definition of smuggling does:

> That in all actions, suits, and proceedings in any court of the United States now pending or hereafter commenced or prosecuted to enforce or declare the forfeiture

of any goods, wares, or merchandise, or to recover the value thereof, or any other sum alleged to be forfeited by reason of any violation of the provisions of the customs-revenue laws, or any of such provisions, in which action, suit, or proceeding an issue or issues of fact shall have been joined—

The judge shall charge the jury so and so. What are you going to do then? You find here you have got a case where the man has brought in his goods contrary to law; but has brought them to the custom-house and the custom-house officer has been deceived, or the custom-house officer not being deceived has been corrupted, or negligent. Then under this act when you come to see what you are to do, you turn and find that the respondent is accused of smuggling. He disproves that at once. You have several counts, if the district attorney does his duty and he will cover the whole ground. You will find the custom-house officer did see this. It was in his presence. It was in a wagon that went by, and he saw the wagon and the package. What on the next ground? On the next ground he says the jury must find that I made false invoices. There is nothing else, because when you step out of the ground of regular importation and bring in goods without the payment of duties, and that is not put in this you observe, it is only the bringing in of dutiable goods without bringing them to the custom-house; that is all. Then the man says, "I believed the law authorized me to bring those goods in free, I did not feel obliged to pay any duty; I did not know but there might be some question about it, and I thought it best to bring them to the custom-house." The surest way of wise men, astute men, to commit crime is to do it with the greatest possible appearance of innocence, and with the greatest publicity possible in the nature of things and put a bold face on it. Then he says: "I thought these goods were under the reciprocity treaty; I had not heard that the reciprocity treaty had been abrogated; I knew there was one that was to continue; and I leave it to a jury of my fellow-smugglers on the border to determine whether I actually intended to defraud." Actually intended to defraud how? "It is only smuggling by failing to bring the goods to the custom-house. I brought them to the custom-house. I therefore was not guilty of smuggling."

When you come to the invoices, what then? A great many goods on the northern border are brought in every day without any invoices, and the law does not require any invoices. They come in carriages and all manner of ways, and a written invoice or a written certificate of the consul and all that kind of verification is not used at all, and the law does not require it, because you cannot do business in neighborhood transactions across the border in that way. Then the man goes free altogether.

I do not believe that this is the wisest way to rectify all the wrongs that people say so often have been committed in the city of New York and in other large cities by men who are informers and who get moieties, preying upon the necessities of honest men who have no means to defend themselves like Phelps, Dodge & Co. and the other men of that ilk, and who are so impertinent as to have their books not seized, but to receive their books which they surrendered themselves and find in them the circumstances which lead such people to force upon the Treasury of the United States against its will the payment of a large sum of money. That cannot be, Mr. President.

The real fact is, and I may as well say it now once for all—although perhaps it is not very wise in a tactical point of view to say so, but as I am not a tactician I will say here now—in my opinion it will be found that this bill will work a great deal more injury to the cause of morals, which has been spoken of, I believe, in connection with it, a great deal more injury to honest importers, a great deal more injury to the tax-payers and the Treasury of the United States, than the law as it now exists, and that if this bill passes, as I am to assume that it will, being reported by the leading committee of the body, four years will not go over your head, Mr. President, before this Senate will find itself obliged to take the back track, if it, as it no doubt does, shall intend to protect the revenue and to protect innocent parties both, and to restore in substance the present body of the law which clearly defines and clearly points out the punishment of the illegal and vicious introduction of dutiable goods into the United States; and that, like any other agency of the law, when you have laid down such a thing for the protection of innocent people and tax-payers and the punishment of the guilty, you cannot execute the statute without taking the natural and necessary means to do so. You will never be able to collect the revenues of the United States with anything like certainty, with anything like fullness; you will never be able to protect the innocent importers, ninety-nine out of a hundred as they are now, who never have any trouble at the custom-houses, and who only have one invoice to present and have no secret one or another book in their counting-room, and who are entitled to some protection—you never will be able to protect them against fraudulent importations and therefore underbidding the market against them, unless you use the natural and necessary means to carry on the investigations necessary to the purposes of justice.

Why, Mr. President, in the State which I have the honor in part to represent, and which has been supposed to be somewhat fond of private rights and individual liberty, no man's books and papers can be withheld from any judicial investigation. If my neighbors have a controversy in which any entry in my books is material to the decision of their cause, I am bound summarily to produce them. If I have a controversy with my neighbor in which I believe that any entry in his books is material to the question, he is bound to produce them, and produce them without delay. And yet when you come to the protection of the interests of the whole community, the innocent importer and the tax-payer, and ask to lay your hands upon the books of a commercial firm, upon affidavit of probable cause, to bring them up for examination in order that the revenue may be protected, everybody holds up his hands in horror and says, "What an invasion of private rights, what an outrage upon Magna Charta, what a shame to a moral and civilized community that the private papers of A B should be exposed to public gaze!"

Why, Mr. President, this is carrying fancy a little too far. There is nothing about the private papers of any citizen, if he is an honest man, that relate to his business transactions which he need to be ashamed to produce anywhere, or which he ought to be unwilling to produce anywhere when in the judgment of the judicial tribunals of the country the purposes of justice require that those books should be brought forward. I do not believe there is a State in the Union in which the law does not go as far or farther in respect to the seizure and examination and production (because that is all it comes to) of private books and papers as any act of Congress that is now upon the statute-book; and yet you are here building up a contrivance which you think is to stop frauds on the revenue of all kinds, and in the same breath declaring that the judicial tribunals of the country shall have no means which are adequate to its being carried into effect; there shall be no means of reaching the evidence which is to compel the party to pay his duties or to pay the penalty for not paying them; there shall be no means of reaching the evidence which is to protect the innocent importer who does pay his duties; and at the same time when you catch one of these men and bring him to the jury, then you are to lay down in advance by statute a charge which the court is obliged in the very words of the statute of course to put to the jury, which would leave them to judge not only of the facts which the man has committed, whether they show an intent to defraud, but also, as the Senator from Ohio so well said, leave them to judge whether he was sufficiently wise about the law in order to make him responsible for breaking it. You cannot carry on a civilized community in that way longer than one administration. If I wanted to break down this Administration before the next three years, I should be glad to saddle the republican party with the responsibility under a claim of this kind of taking a step of this sort, because the three years are long enough to have it appear precisely where you will land.

Now, Mr. President, having made my protest against this thing, and as I say no doubt in respect to this particular amendment very unwisely in a tactical point of view, I conclude.

Mr. SCOTT. Mr. President, I will not attempt to discuss any other features of the bill than the amendment immediately under consideration; but I cannot withhold an expression of regret that we were not favored yesterday with the able advocacy of the Senator from Vermont [Mr. EDMUNDS] in favor of that amendment reported by the committee which would have enabled the courts to get the books and papers of fraudulent importers for the purpose of putting them in evidence to meet just the issues that are provided for by this amendment.

Mr. EDMUNDS. So do I regret it.

Mr. SCOTT. I do not now remember whether the Senator was present or not. I have a faint recollection that it was stated that he was not well enough to be in the Senate.

Mr. EDMUNDS. I am sorry to tell the Senator that I was confined to my house by illness. If I had been here I should have voted with him.

Mr. SCOTT. I was expressing my regret that we had not his assistance.

Mr. EDMUNDS. In rather a sarcastical way.

Mr. SCOTT. The Senator from Vermont is so good a judge of sarcasm that I can hardly dispute his judgment if he says I am sarcastic.

Mr. EDMUNDS. I certainly am, because I have an opportunity of seeing it every day.

Mr. SCOTT. Now as to the amendment immediately under consideration, it has been suggested that it is a means by which fraudulent importers will escape the penalties which they ought to pay, by which the tax-payers of the country will be required to bear the burdens which these fraudulent importers ought to bear by paying their penalties; and it is suggested that this is so because if the question of the guilt or innocence of the importer is to be tried by a jury for the purpose of determining the question of forfeiture, he will never be found guilty of the actual intent to defraud. Now, sir, with all deference to the judgment of my eloquent friend from Wisconsin, [Mr. CARPENTER,] this is about the first time I have ever heard that the juries of the country may not be trusted to convict everybody who ought to be convicted where it helps them to pay the taxes.

Before pursuing the argument any further as to whether the subject is as safe in the jury-box as it is in the tribunals where the judgment is now required to be made, let me read the law as it now stands and see whether this provision is or is not open to the objections which are made to it. Where an importer or other person who is alleged to be liable to a forfeiture or to a penalty seeks to get rid of it, this is the provision under which he now acts.

Mr. EDMUNDS. What statute does the Senator read from?

Mr. SCOTT. I read from the act of the 3d of March, 1797.

That whenever any person or persons, who shall have incurred any fine, penalty, forfeiture, or disability, or shall have been interested in any vessel, goods,

wares, or merchandise which shall have been subject to any seizure, forfeiture, or disability by force of any present or future law of the United States for the laying, levying, or collecting any duties or taxes, or by force of any present or future act concerning the registering and recording of ships or vessels, or any act concerning the enrolling and licensing ships or vessels employed in the coasting trade or fisheries and for regulating the same, shall prefer his petition to the judge of the district in which such fine, penalty, forfeiture, or disability shall have accrued, truly and particularly setting forth the circumstances of his case, and shall pray that the same may be mitigated or remitted, the said judge shall inquire in a summary manner into the circumstances of the case, first causing reasonable notice to be given to the person or persons claiming such fine, penalty, or forfeiture and to the attorney of the United States for such district that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry to be stated and annexed to the petition and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon have power to mitigate or remit such fine, forfeiture, or penalty or remove such disability, or any part thereof, if in his opinion the same shall have been incurred without willful negligence or any intention of fraud in the person or persons incurring the same, and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms and conditions as he may deem reasonable and just.

Under that act, upon application to the judge of the district court, it becomes his duty to certify the facts to the Secretary of the Treasury, not simply to send the evidence as it is taken before him, but to find the facts and send them to the Secretary of the Treasury, and then if upon examination of the facts as certified to by the judge the Secretary of the Treasury shall be of opinion that there has been no such negligence or willful fraud as incurs the penalty, he may remit it. That is the law as it stands. So that the fraudulent importer now makes his application to a judge, and upon the preliminary hearing, upon a summary investigation before there has been a trial by jury in the court, that judge sends up the facts, and the question of whether the penalty is to be enforced or remitted rests in the judgment which the Secretary of the Treasury forms as to whether there was willful neglect or intentional fraud.

What does this amendment propose to do? Where a forfeiture of this kind is alleged to have been incurred, it provides that the question of whether that fraud which has incurred the forfeiture was done with intent to defraud shall be certified to and passed upon by the jury. It seems to me that this is an amendment in the right direction. We have heard in days that are past, and have heard something in recent days, of the importance to the citizen of trial by jury, before his life, his liberty, or his property shall be taken away. Here where his property is alleged to be forfeited, where he is alleged to be subject to a penalty, you give him the benefit of a trial by jury as to whether he has been willfully guilty of the act which it is alleged causes the forfeiture of his property or renders him subject to a penalty. Is that any hardship upon the citizen?

On the other hand, is it true that by resorting to such a tribunal fraudulent importers are more likely to escape than they are by such an examination as the one which I have read? There a petition is to be presented before the facts are fully developed, perhaps before they are all known to the district attorney, and upon a summary investigation the judge makes up the finding of the facts, and the Secretary of the Treasury, guided only by this finding, is to determine whether there was fraud or not.

I submit that you can safely trust this question to the juries in the United States courts. If it be true that these fines and penalties and forfeitures ought to go into the Treasury, ought to assist them in bearing the public burdens, the juries are just as likely to see that the fraudulent importer pays his penalties and relieves them from that much of the taxes as the judge is in finding the facts and the Secretary of the Treasury is in passing upon them. I can see no probable injury that is to result from this section. On the other hand, if there be an undervaluation such as some of those to which our attention has been recently called inserted by a mistake, such a mistake as for instance if a clerk should omit to put one pound and a few shillings of expenses upon an invoice, if that question is to be submitted to a jury, is not the importer as safe in being protected against a forfeiture by reason of a mistake as he will be after he has complied with these provisions in presenting his petition and having his case sent up to the Secretary of the Treasury?

Mr. HOWE. Will the Senator be good enough to explain what he means by that case to which he has just referred, where somebody was punished because a clerk had by accident omitted to add a pound of expenses to an invoice I suppose, although the Senator did not say so?

Mr. SCOTT. I do not remember whether anybody was punished in such a case; but I simply used it as an illustration. If an importer were to fail to put upon his invoice the expense of one pound and a few shillings, for instance, in transporting his goods from the place where they were purchased to the point at which they were shipped, or if his clerk in copying the invoice were to fail to put that on it, he would under the strict ruling of the law be liable to a penalty; and I simply used that as an illustration. I am not saying that the case has actually occurred, or that anybody has been punished for it.

Mr. HOWE. Does the Senator mean to say that the law actually exists which would subject the importer to a penalty under such circumstances?

Mr. SCOTT. My impression is that under the law as it now stands, if an invoice were made out showing that the value of the goods at a certain port was ten pounds, and it were to appear that one pound and four shillings had been paid in addition to the ten pounds for bringing them from the point where they were purchased to the point at which they were shipped, the omission of that one pound and four shillings would be an undervaluation in the eye of the law, and that invoice would be forfeited.

Mr. HOWE. The willful omission?

Mr. SCOTT. Yes, sir.

Mr. HOWE. Undoubtedly; but that is a very different case from what the Senator was stating.

Mr. SCOTT. I was simply stating the case as an illustration. If the question were now, was that a willful omission or was it a mistake? Would not that question be as likely to be determined properly by a jury as by a judge and by the Secretary of the Treasury?

Mr. HOWE. Must it not be determined by a jury under the law as it stands, the question of knowledge or intent being a constituent of the offense of which the Senator was speaking?

Mr. SCOTT. I have been citing the act of 1797 under which the importer in such a case would apply to the Secretary of the Treasury to have the forfeiture remitted before a trial by jury.

Mr. HOWE. That is a distinct proceeding.

Mr. SCOTT. Very well. This is proposed to be substituted for it.

Mr. HOWE. But is it a substitute for that?

Mr. SCOTT. So I understand it.

Mr. HOWE. What is the language which makes it a substitution for it?

Mr. SCOTT. It is this:

That in all actions, suits, and proceedings in any court of the United States now pending or hereafter commenced or prosecuted to enforce or declare the forfeiture of any goods, wares, or merchandise, or to recover the value thereof, or any other sum alleged to be forfeited by reason of any violation of the provisions of the customs-revenue law, or any of such provisions, in which action, suit, or proceeding an issue or issues of fact shall have been joined—

Then the amendment goes on to provide—

the court may, on its own motion, and shall, &c.—

submit these issues of fact to the jury. In the case which I have read, where a proceeding is instituted, before it is brought to trial, before it has been determined, the defendant, the party charged may present his petition and have this proceeding before the Secretary of the Treasury.

Mr. HOWE. Will not that provision survive the enactment of this? Is not this purely and solely a provision to direct the trial of a suit at law, and is not that a provision directing the manner in which an application shall be made to the Treasury to remit the consequences?

Mr. SCOTT. I can hardly concede that such will be the result, because if the application were to be made to the Secretary of the Treasury while the suit was pending and before the case has been tried, and he were to remit the forfeiture in advance, here stands a provision which requires this issue of fact to be submitted to a jury, and it can hardly be supposed that the penalty would be imposed and collected after it had been remitted by the Secretary of the Treasury. That has been my view of this provision, that it was intended to take the place of this application to the Secretary of the Treasury.

Mr. HOWE. And to repeal that law?

Mr. SCOTT. And to repeal that law; and in that view of it, I have considered that this was no hardship whatever upon the importer and that there was no danger of the Government losing its revenues by it. If I have been mistaken in that it has been my mistake; it has not been considered in committee, whether it did repeal it or did not; but I certainly in looking at it have looked upon this amendment as a substitute for that act of 1797.

Mr. HOWE. Mr. President, I hardly know whether to say I am in favor of this particular amendment or not at this stage of the debate. I am confused and bewildered in making up an opinion as to what is after all the real intent and purpose of this whole bill. If it is the purpose of this bill to make the collection of the revenues more certain and more complete, then I think the whole bill is a mistake. If it be, on the contrary, the purpose of the bill to make importing easy, the payment of duties optional with the importer, and to make rascality generally safe and secure, I cannot say but that the bill is pretty well contrived, and I do not see any reason for objecting to the particular amendment now pending.

I must confess that it does look to me as if every clause of this bill was contrived in aid of those who are not willing to pay duties, as if every clause of it was drawn for the express purpose of making the collection of duties difficult and uncertain. I see the title of the bill is simply "to amend the customs-revenue laws and to repeal moieties." It is specific so far as one object is concerned, that is, to repeal moieties; quite general in respect to the other object named, to amend the customs-revenue laws. For nearly a century, the better part of a century, Congress has been laboring to so perfect its legislation as that the collection of your revenues should be made more and more certain year after year. Is it true that we are about to take a new departure, that the extraordinary powers of Congress are to be exerted now, not in behalf of the Government which seeks revenue, not in behalf of honest importers who are always willing to pay duties if their rivals in business will pay duties also, but to be exerted solely, expressly, and specifically in aid of those who have not paid duties and are not willing to pay them.

I find on my desk a pamphlet which is said to contain the evidence given before the Committee on Ways and Means relative to moieties and the customs-revenue laws. On the very first page of that pam-

phlet I find this extraordinary statement: A witness, who had been a special agent of the Treasury Department testified that he had been officially connected with the examination of fifty-nine cases of alleged frauds perpetrated by importing merchants on the revenues. Of those fifty-nine cases, one, after suit was commenced, was dismissed on the motion of the district attorney for reasons, as the witness said, not known to him. Another case was dismissed at his instance upon ascertaining that other parties had committed the fraud other than those against whom the suit was commenced; nine cases are still pending; forty-eight have terminated in judgments against the parties accused. That is the experience of one of your officials. Out of fifty-nine cases of alleged fraudulent practices on the part of importers forty-eight of them have terminated in judgments.

I do not know what instruction other Senators may draw from that piece of testimony. To me it suggests that instead of our trying to make the business of importing easier and the matter of avoiding payment of duties plainer, we want additional safeguards to it; and yet it seems to me, as I said before, that this bill in every clause of it has directly the opposite intent. Instead of drawing from that fact the lesson which it teaches me, that we want additional safeguards, here is a bill which proposes to muster out of service the whole class of officers to which this gentleman belongs, to dismiss them at once. Why? Has he detected too many frauds? He has detected a very large percentage, it must be admitted. Has he detected too many? Who complains? What wrong has been perpetrated under your laws as they stand against an honest importer? I ask these questions for information. I suppose the Finance Committee, if they really mean to make the checks less numerous than they already are, have discovered that innocence has suffered under the operations of existing laws, that innocent and honest merchants cannot protect themselves. If they have such testimony, it ought to be submitted to the Senate. I have not heard of it. I would be glad to know it.

Mr. President, touching this particular amendment, to which I suppose I ought to make some reference, I have only this so say: Every Senator must have noticed that this is to apply to cases now pending as well as to cases hereafter to be commenced. I take it there is not a suit pending anywhere in the United States, before any of its courts, in which this question of intent to defraud is not an element under the law as it stands. If it be a constituent of the offense charged under the law as it now stands, no matter what court tries the case, the court will tell the jury that an intent to defraud is of the gist of the offense, and that you cannot convict unless you find that intent. That is under the law as it stands, let the cause be tried in what court it may. Then in reference to those cases the addition of this language will be precisely what the honorable Senator from Ohio, [Mr. THURMAN,] pointed out a short time ago; that is, requiring the jury to find that an actual intent to defraud is something a little more than an intent to defraud, and not simply to find it in their general verdict, but to make a special finding of it independent of their general verdict. It must be only an attempt to bamboozle the jury in reference to that class of cases. It can have no other effect, it seems to me, possibly. But on the contrary, suppose this intent to defraud be not a constituent under the law as it stands of the offense charged in a suit now pending, then the effect of this clause is to introduce a brand-new constituent, a brand-new element, into a suit now pending. I do not think the Committee on Finance would insist upon that. I do not think they would consider it safe legislation in any case.

On the whole I think I shall vote against this amendment, let the general purpose of the bill be what it may. I think the bill will be better without the amendment than with it.

Mr. SHERMAN. It struck me that the criticism upon the word "actual" had some force, and I therefore move to strike it out. I do not think it changes the actual meaning of the amendment. I withdraw the motion for the present, as I understand another is to be offered.

Mr. WRIGHT. If it is the intention of the Senate to proceed with the consideration of this bill further, I desire to submit a few remarks on the question before it. If, however, the Senate prefers to adjourn at this time, I will yield.

Mr. SHERMAN. I was about to move to strike out the word "actual," but I thought the Senator wished to speak on this subject and perhaps offer an amendment, and therefore I withdrew that motion.

Mr. WRIGHT. I wish to understand what the purpose of the Senator from Ohio is; whether he proposes to sit this bill out this evening?

Mr. SHERMAN. O, yes; I hope the Senate will sit this bill out to-night, for the reason that to-morrow by unanimous consent a special order was made in behalf of bills from the Committee on Military Affairs, and then I suppose the financial bill reported to-day will naturally excite some discussion. Therefore to-day is the only chance I know of to dispose of this bill.

Mr. WRIGHT. I wish to say a very few words on this amendment.

Mr. CHANDLER. This matter will evidently lead to a very long discussion; and with the consent of the Senator from Iowa I will move that the Senate do now adjourn. The bill will take all night evidently.

Mr. WRIGHT. Inasmuch as I am opposed to adjourning, I cannot yield for that purpose.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from Iowa declines to yield.

Mr. WRIGHT. In view of what I am satisfied is the anxiety of the committee to have a vote on this question, as I concur in what has been said by the chairman, who suggests the striking out of the word "actual," if we can do that by consent and get a vote at once, I shall not occupy time but give way to a vote.

The PRESIDING OFFICER. The Senator from Ohio moves to strike out the word "actual."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The clerical omission of the word "have," in the eighth line, will be supplied if there be no objection. The question recurs on the amendment as amended.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The motion was not agreed to; there being on a division—ayes 18, noes 24.

Mr. SHERMAN. Perhaps it will expedite matters if I explain to the Senate now the state of this bill. There are three or four sections to which there are no amendments of any material importance, and then there is a long section reported as an amendment about the pay of collectors of customs. I have now the authority of the Committee on Finance to withdraw the whole of that amendment except so far as relates to the district of New York, the district of Boston, and the district of San Francisco, where the repeal of the moieties by the preceding part of the bill greatly affects the salaries, and where we have proposed somewhat to enlarge the salaries, leaving the salaries in all the other collection districts precisely as they are.

I make this statement in order to show that there is nothing in the bill now to increase salaries or add new officers, with the single exception I have stated of New York, San Francisco, and Boston, where by reason of the repeal of moieties the salaries have been so greatly reduced as to make them far below what anybody would believe to be a just compensation. In these districts we have provided for an increase of the salaries. Many thought the arrangement of salaries proposed was too large or too small or that one district was in that ought not to be in, and so on; and it is impossible in the condition we are in now for us to adjust the question of salaries as carefully as it ought to be done. Indeed I think the whole question of salaries of collectors and other officers of the customs ought to be referred to the Committee on Commerce and let them take up the whole matter. But so far as the districts of Boston, New York, and San Francisco are concerned, it is manifest that there must be an increase of the salaries in those districts. In New York the salary of the collector is but $4,000 a year, and he gets $44,000 in moieties. We repeal the moieties, and consequently leave him but $4,000 a year, which everybody knows is wholly inadequate for that port. So with Boston, and San Francisco in a less degree.

Mr. STEWART. I should like to inquire of the Senator from Ohio whether the system of moieties has not been in operation a long time?

Mr. SHERMAN. The Senator is aware that this bill does not affect materially the law as to smuggling; it does affect the law as to undervaluations. Most of these sections are to repeal laws passed during and since the war. For instance, all the laws which justify or authorize the seizure of books and papers were passed since 1863. They are repealed by this bill. So the laws authorizing moieties have been passed from time to time. The original acts authorizing moieties were passed at a time when the actual moieties were very small; but they were $2,000,000 last year.

Mr. STEWART. That is very true; but are we in a condition to try experiments? Is it a fact that men have become so much more honest now than formerly that the same inducements are not needed that were required originally in order to secure the collection of the revenue?

Mr. SHERMAN. It is hardly worth while at this hour to go into that question. I hope the Senator, if he wants instruction on that matter, will read the debate in the other House, and read the book of testimony which I see that the Senator from New York has before him.

Mr. STEWART. I am instructed sufficiently to say a word on this now. I think it is a very dangerous experiment. I think you had better increase your taxes.

Mr. WRIGHT. I think it is the wish of every Senator that we shall get along with this bill as rapidly as possible. I think perhaps there may be language in the second line of this section that if we would consent to strike out, the objection to the amendment of the committee would be withdrawn and thus expedite the passage of the bill. I move to strike out the words "now pending or."

Mr. SHERMAN. I have no objection to that. Then it will apply only to future cases.

Mr. WRIGHT. Then it would read:

In all actions, suits, and proceedings in any court of the United States hereafter commenced or prosecuted.

Mr. CONKLING. I think that would aid the section very much.

The PRESIDING OFFICER. The Chair will receive the amendment of the Senator from Iowa if there be no objection.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Finance to section [14] 16.

Mr. CHANDLER. In my judgment, Mr. President, the passage of this bill will cost the Treasury of the United States this year not less than $25,000,000 in coin. I was an unwilling convert to moieties. For years and years I opposed the whole system, but was forced upon a personal explanation to believe that without the system of moieties your revenues never could and never would be collected.

A great deal has been said about spies and informers. Will any man within the sound of my voice tell me how he will arrest a criminal anywhere without detectives and informers? Much has been said about discharged clerks revealing what has occurred in the counting-houses of their employers. Pray where else will you look except to men who have been discharged, or to your detectives, or to anybody else who has acquired this information and will yield it up for money? Sir, detectives are not as a class of the very highest order; and yet they are useful in their occupation, and without them the ends of justice cannot be attained. Without these moieties all along on the frontier—and it extends from the upper boundaries of Lake Superior clear down to the very lower end of the coast of Maine—you would find smuggling upon every rod of all that frontier.

Mr. SHERMAN. I will inform the Senator that this does not affect the law about smuggling and the forfeiture of one-half. The forfeiture of one-half is provided for in this bill.

Mr. CHANDLER. The bill repeals all moieties, I understand; and I can inform the Senator from Ohio that nine-tenths, if not ninety-nine one-hundredths of all the seizures made on all that frontier are made by parties who receive their portion of the moieties sending spies into Canada; sending spies to look up the property that is to be sent across, and through the information thus obtained by spies paid by the very moieties that these men receive, the information is given that leads to nearly all the seizures.

Mr. SHERMAN. Let me read the Senator this section:

SEC. 4. That whenever any officer of the customs or other person shall detect and seize goods, wares, or merchandise in the act of being smuggled, or which have been smuggled, he shall be entitled to such compensation therefor as the Secretary of the Treasury shall award, not exceeding in amount one-half of the net proceeds, if any, resulting from such seizure, after deducting all costs and charges connected therewith:

Mr. CONKLING. Now read the definition of smuggling.

Mr. SHERMAN. I read it yesterday, but I will read it again:

Provided, That for the purposes of this act smuggling shall be construed to mean the act, with intent to defraud, of bringing into the United States, or, with like intent, attempting to bring into the United States, dutiable articles without passing the same, or the package containing the same, through the customs-house, or submitting them to the officers of the revenue for examination.

I think it is a little clearer definition than the existing law. I think the Senator from Michigan exaggerates the effect of this bill.

Mr. CHANDLER. No, sir; I understand it.

Mr. SHERMAN. It operates mainly in cases of undervaluation; where fines, penalties, and moieties inured to the collector, naval officer, and surveyor.

Mr. CHANDLER. You allow the actual discoverer of the fraud a share not exceeding one-half, but it may be 1 per cent. or 2 per cent. or 5 per cent., he does not know how much, or whether it will be much or little. Therefore you take away the funds that have heretofore paid for sending spies across the border in advance and keeping them there to discover the smuggler in advance, and thus you destroy the efficiency of your service all along on that frontier.

Mr. President, the estimate of those well informed is that the Treasury loses $20,000,000 a year in coin from smuggling along that frontier alone, notwithstanding all the moieties you give. Now, if I had my way, particularly on that frontier and even in the cities of New York and Boston and the other great centers, rather than to destroy or even reduce these moieties, I would give the whole of them to the men who discover fraud, and let it be known that the smuggler will be detected in any event and that when detected he will be punished.

Mr. President, this bill has a wrong title. Its title should be "A bill to facilitate smuggling and to prevent fines, penalties, and forfeiture of the smuggler." That should be the title of this bill, a bill to deplete your Treasury, a bill to encourage dishonest men. Mr. President, I care not what laws you may enact, you will find the smuggler as sharp as the maker of your law. I care not what your penalty may be, you will find the smuggler sharp enough to dodge that penalty. Look at your safe manufacturers. I care not what combination of locks you may make for your safes, you will find a burglar smart enough to unlock a safe in less than a month after the new combination has been made. Rascals are not fools. Smugglers are not young innocents. They are the sharpest, shrewdest men on the face of this earth the world over. Go all around the coast of Great Britain; go around the coast of Spain, of France, of Germany, and you will find the sharpest and the shrewdest men there are the smugglers. Go into the city of New York and you will find the sharpest and the shrewdest and the most unscrupulous men there are the men engaged in smuggling.

Allusion was made some time ago, and the point was discussed as to the propriety of confiscating the whole invoice where an intentional fraud was perpetrated in that invoice, and the proposition to do that was voted down. In that connection my honorable friend from New York alluded to a certain fact, but did not elucidate it as he might have done. Now, the ordinary rule in the custom-houses at New York, Boston, Philadelphia, Baltimore, and all the principal custom-houses in the United States is to examine indiscriminately one case in ten. They take an invoice, say of one hundred cases, or a thousand cases, and they set apart one case in ten indiscriminately and open that one case in ten and examine about one-fifth of that one case in ten. The number to be looked at is so perfectly enormous that it cannot be done, a thorough investigation cannot be made. The smuggler puts in his falsely invoiced goods into one case in five we will say. Suppose occasionally one of them is caught, he is making an enormous profit in any event.

The Senate has decided that it is a great hardship to punish this man who intentionally defrauds your Treasury. The Senate has decided that it will not exact a monetary penalty from the willing, determined smuggler. Now, for fear that there might be some other penalty than a monetary penalty this section provides that he shall suffer no other penalty. I will read the language:

The court may, on its own motion, and shall when requested so to do by either party, submit to the jury as a distinct and separate proposition, whether or not the alleged acts were done with an actual intention to defraud the United States.

Nine hundred and ninety-nine men out of a thousand among the smugglers will escape under that provision. You had better strike it out and say there shall be no penalty, and then you will have a better law and a more efficient law. Ninety-nine men out of a hundred ought to escape under that clause. The fraud is perpetrated by a clerk nine times out of ten. A man is hired by a large mercantile importing house to reside on the other side of the Atlantic and he perpetrates the fraud. He will send a false invoice to-day, and by the next steamer he will send to some junior partner or some clerk in the importing house here another and a true invoice which may never reach the principal of that importing concern. Hence when you bring him up for trial and punishment under the law with intent to defraud the Treasury of the United States, he can truthfully say that he knew nothing whatever about it. He may have suspected that frauds were going on from day to day; he may have known that these frauds were enormous; he may have known that he had driven every honorable merchant out of that branch of the importing trade; but he would be acquitted. Nine hundred and ninety-nine out of every thousand of the smugglers in New York, Boston, Philadelphia, and Baltimore would be acquitted under that clause that you now propose to enact.

But, Mr. President, as it has been decided that smuggling is no crime, I see no reason why the amendment should not prevail and allow the smugglers to go free.

The PRESIDING OFFICER. The question is on the amendment.

Mr. STEWART. What is the amendment?

The PRESIDING OFFICER.. The amendment will be read.

The CHIEF CLERK. The amendment is in section [14] 16, to strike out:

It shall be the duty of the court, on the trial thereof, to submit to the jury, as a distinct and separate proposition, whether the alleged acts were done with an actual intention to defraud the United States, and to require upon such proposition a special finding by such jury; or, if such issues be tried by the court without a jury, it shall be the duty of the court to pass upon and decide such proposition as a distinct and separate finding of fact; and in such cases, unless intent to defraud shall be so found, penalty or forfeiture shall be imposed.

And in lieu thereof to insert:

The court may, on its own motion, and shall, when requested so to do by either party, submit to the jury, as a distinct and separate proposition, whether or not the alleged acts were done with an intention to defraud the United States, or may submit any other specific interrogatory material to a determination of the issue or issues joined, and require special findings thereon by the jury; or if such issues be tried by the court without a jury, it shall be the duty of the court, when requested so to do by either party, to find the facts, and enter the same as a part of the record.

Mr. HOWE. Mr. President, the hour is very late and the Senate is very hot; I think altogether too soft to resist a proposition even if it is a bad one. I do not think the Committee on Finance ought to insist upon passing this bill to-night.

Mr. SHERMAN. If there is any objection to this section, and if the Senate desires to strike it out, I have no objection to its going out. It is nothing in the world except to provide in certain cases for a special rather than a general verdict. That is all there is in the section, and if Senators want to strike it out, let it go.

Mr. HOWE. Had we not better do that considerately to-morrow? I move that the Senate adjourn, (at five o'clock and forty-five minutes p. m.)

Mr. SHERMAN. I hope not.

The motion was not agreed to.

Mr. SHERMAN. To expedite the matter, I move to strike out section 16 of the present print, section 14 of the House bill.

The PRESIDENT *pro tempore*. The Chair will receive that motion if there be no objection. The question is on the motion to strike out the section.

The motion was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was in section [16] 18, line 6, after the word "transmitted," to strike out "without cost or expense to the petitioner;" so that the section will read:

SEC. [16] 18. That the summary investigation hereby provided for may be held before the judge to whom the petition is presented, or, if he shall so direct, before any United States commissioner for such district, and the facts appearing thereon shall be stated and annexed to the petition, and, together with a certified copy of the evidence, transmitted to the Secretary of the Treasury, &c.

The amendment was agreed to.

Section [17] 19 was read. The Committee on Finance proposed to amend this section in line 1, by inserting after the word "officer" the words "or officers," and striking out in line 2 "customs, special agent, or district attorney," and inserting "the United States."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Clerk will read the section as it would stand if amended as proposed by the committee, and it will be submitted as one question.

The CHIEF CLERK. The committee propose to amend the section so that if amended it will read:

SEC. [17] 19. That it shall not be lawful for any officer or officers of the United States to compromise or abate any claim of the United States arising under the customs laws, for any fine, penalty, or forfeiture incurred by a violation thereof; and any officer or person who shall so compromise or abate any such claim, or attempt to make such compromise or abatement, or in any manner relieve, or attempt to relieve, from such fine, penalty, or forfeiture, shall be deemed guilty of a felony, and, on conviction thereof, shall suffer imprisonment not exceeding ten years and be fined not exceeding $10,000: *Provided, however*, That the Secretary of the Treasury, in accordance with general regulations, to be prescribed by him, not in conflict with existing laws nor with the provisions of this act, may remit any fines, penalties, or forfeitures, upon sufficient proof that there was no fraudulent intention or willful neglect upon the part of such person or persons against whom such fines, penalties, or forfeitures shall have accrued, or on the part of his or their agent or agents.

Mr. CONKLING. Reluctant as I am to occupy a moment I will call attention to one result of this section which I think the committee does not mean, and I do it because the district attorney of a district quite distant from here has called my attention to one case especially to illustrate it, being a case of fraud, a case in which the penalty could never be collected from the party, but one in which he and those aiding him would be quite willing to pay a part in order to be exonerated and go on in business. It will be observed that this section takes away the power of escaping any portion of the penalty except in cases where there is no fraud; and, without dwelling upon it, the Senate will see that it prevents the Secretary of the Treasury in every case from saying to a man, "Now you cannot pay this penalty, but if you or your friends will pay 25 or 50 per cent. or 75 or whatever it may be you shall be released." It prevents an arrangement of that sort so common in all the affairs of life and especially so in these cases.

As I say, my attention has been called to one case in which the penalty I think is some $40,000, and it is utterly idle, as the district attorney writes to me, to attempt to collect it; but if there were power in the Secretary of the Treasury or anybody else to compromise it upon the party paying one-half or whatever the percentage might be, he could do it; but it does not fall within this section because it is a case of confessed fraud.

Mr. SHERMAN. This power in the Secretary of the Treasury to settle and compromise all cases in pursuance of general regulations is limited only to cases where there is no fraudulent intent or willful neglect. Whether it is wise to give the Secretary of the Treasury power to compound cases of actual crime and fraud is a question for the Senate to determine. The committee finding this section here left it in the bill and simply changed the words. I am not sure but that it would be well enough to leave to the Secretary of the Treasury full power to compromise all cases; but this is an amendment in the other direction, and I would ask the opinion of the gentleman who has acted as Secretary of the Treasury, would he have under the existing law compromised a case where there was a clear fraudulent intent or where there was an admitted neglect of duty?

Mr. BOUTWELL. No, sir.

Mr. SHERMAN. This therefore does not change the practice of the Department. Whether it changes the law or not, I do not know. The Secretary is authorized here to compound and compromise all cases except these two.

Mr. BOUTWELL. I should be opposed to the section. I think it is wrong in both its parts. The first part is unnecessary, and the second part of the section is very unwise. The Secretary has the power now to settle all matters of penalty where there is evidence satisfactory to the judge of the court trying the case and the Secretary that there was no intentional fraud, and you have provided in this bill already in the two preceding sections in the same direction. It seems to me the proviso of this section is wholly unnecessary and unwise. If it is designed to extend to the relief of parties from criminal proceedings, it is eminently unwise that any such power should be vested in the Secretary of the Treasury.

Mr. SHERMAN. I think myself the Secretary would never undertake to settle and compound a case of clear fraud.

Mr. CONKLING. But why should he not? Take the case I have here in a letter where a man is liable to $40,000 penalty which he cannot pay and which never can be collected.

Mr. SHERMAN. That is provided for in the preceding section the Senator will see. The Secretary is authorized to mitigate the payment of a fine, penalty, or forfeiture, or remove a disability.

Mr. CONKLING. Where does the Senator find that?

Mr. SHERMAN. In the preceding section, page 13, where the Secretary is authorized on a summary investigation—

To mitigate or remit such fine, penalty, or forfeiture, or remove such disability, or any part thereof, if, in his opinion, the same shall have been incurred without willful negligence or any intention of fraud in the person or persons incurring the same, and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued upon such terms and conditions as he may deem reasonable and just.

Mr. CONKLING. That is the very point to which I call attention. Here is a case, to which I refer him, of confessed fraud, where the penalty is $40,000; it cannot be collected; but if anybody has power this man confessing his fraud, to accept $5,000 or $10,000, that he says he can raise and pay. I say that these two sections as I read them take away from the court, from the Secretary of the Treasury, and from anybody else, the power to do that.

Mr. SHERMAN. Except the President.

Mr. CONKLING. By way of pardon, the Senator means?

Mr. SHERMAN. Yes.

Mr. CONKLING. But that applies to a criminal case. The case I am speaking of to my friend is one *in rem*, where goods have been seized as smuggled goods; there is a penalty incurred in consequence of the seizure, and the penalty far exceeds the amount of the value of the goods which have been seized, so that the personal ability of the owner is the only thing to which the Government can look. Now, this prosecuting officer says to me that he has the very case before him where the Government can take, as he is assured, $5,000 or $10,000, if there were anybody who has power to do it; but if this section passes, nobody, not even the President of the United States, can do it; for it is not a case for pardon, or for anything which falls within his province.

Mr. THURMAN. Mr. President, so far as the power of the Secretary of the Treasury is concerned, it seems to me that these nineteenth and twentieth sections are wholly unnecessary, because the act of 1797 already provides the mode by which a person who has been subjected to fine, forfeiture, or the like may obtain a remission by a petition to the judge of the proper district, a hearing before him, and a certification of the evidence by him to the Secretary of the Treasury who is authorized to remit where in his opinion there has been no willful negligence or intention to defraud the Government.

The insertion of these sections looks as if there was to be some independent application to the Secretary of the Treasury without going through the mode provided by the act of 1797. I think that those sections therefore had better go out, and if the Senator from New York thinks that the power to compromise in cases of admitted fraud ought to exist in order that we may get the most money we can under the circumstances, that will present a distinct and independent proposition, about which there might well be very different opinions. On the one side the Government might save some money by such a provision as that; in other words, by having exactly the power an individual has of compromising with his fraudulent debtor; on the other hand it is a tremendous power to place in the hands of one man who superintends the collection of $200,000,000 a year to say that he may remit, whenever he sees fit in order to obtain money from a fraudulent debtor, all the rest of a debt which he thinks he cannot obtain. It is a very dangerous power indeed—a tremendous power to place in the hands of a single man. I do not know without reflection how I should vote upon that proposition if it were here; but I think if it is to be here at all, it had better be offered as a distinct proposition; and that to clear this bill of what is wholly unnecessary, the nineteenth and twentieth sections had better be stricken out. Why should the twentieth section be retained? The twentieth section as renumbered, not the twentieth original section, (I use the numbers of the new print,) provides:

That whenever any application shall be made to the Secretary of the Treasury for the mitigation or remission of any fine, penalty, or forfeiture, or the refund of any duties, in case the amount involved is not less than $1,000, the applicant shall notify the district attorney and collector of customs of the district in which the duties, fine, penalty, or forfeiture accrued; and it shall be the duty of such collector and district attorney to furnish to the Secretary of the Treasury all practicable information necessary to enable him to protect the interests of the United States.

With the exception of this refunding of duties, the district attorney has already been notified to appear before the judge, and the judge has found the facts, and certified them and the testimony to the Secretary of the Treasury. Why, therefore, summon him and the collector again?

Mr. BOUTWELL. As far as I understand these two sections, the first is unwise and the second is unnecessary. The power the exercise of which is directed by the twentieth section exists at the present time. I do not think a party charged has ever been relieved by the Secretary of the Treasury except the subject-matter had been under the cognizance of the district attorney or the attorney of the United States charged with the management of the case; and the twentieth section merely re-enacts that practice, and I believe the practice depends upon statute now.

As regards the nineteenth section of the new numbering, it will be seen, as I think, that the committee of the Senate have changed entirely the original purpose of the first part of this section. As it came from the House it evidently was aimed at what was supposed to be a practice, but which I believe never was a practice, of subordinate officers making compromises or settlements on their own account and by their own judgment, without the case being reported to the Treasury Department and acted upon in the ordinary way. If you look at the text of the bill as it came from the House, it was evidently the intention of the committee that framed the bill to put an end to that practice, which of course would be necessary if any such practice had ever existed. But now the amendments proposed by the Finance Committee of the Senate deprive all the officers of the Treasury Department, from the Secretary down, of the power to adjust any of these claims, and then the proviso comes in and authorizes the adjust-

ment by the Secretary of the Treasury where no fraudulent intention is shown to exist.

Now, as regards the first part of this section, the object aimed at by the committee of the House being wholly unnecessary, no such practice existing, I submit that so much of this section ought to be rejected by the Senate. And then as regards the latter part, the proviso, there is a way under this statute, there is a way under the statute of 1797 of reaching the same result with steps of caution through the court, which are not contained in this proviso; and therefore the existing law for the purpose of practical administration is much better than the statute would be if this proviso were enacted.

As regards the settlement of claims arising out of admitted frauds on the Government, there is no statute authorizing the settlement of such claims unless it be a section found in an internal-revenue law passed in 1863 which was construed by several Secretaries of the Treasury previous to the time that I occupied the position to authorize the settlement of every claim by the Government which could be adjusted by pecuniary compensation. I am not aware that any case of actual fraud ever was so adjusted; but I believe the interpretation given by Mr. Chase and Mr. Fessenden and Mr. McCulloch to the law would authorize the settlement of such a case if it appeared that the party was not able to respond to the amount for which he had been mulcted in full; that is, part of it might be taken if the party were bankrupt or unable to respond in full to the amount for which he was justly liable.

Mr. CONOVER. It is now after six o'clock, and it must be plain to every one that this bill cannot be concluded to-night.

Mr. SHERMAN. Fifteen minutes will do it, I think.

Mr. CONOVER. There are several points in the bill yet to be considered.

Mr. SHERMAN. I know; but they will not take long. If the Senator from Florida will give way, on the suggestion made by the Senator from Massachusetts, if he thinks these two sections are unnecessary he can move to strike out the nineteenth and twentieth sections.

Mr. CONOVER. I was going to move, and do move, that the Senate now adjourn.

The motion was not agreed to.

Mr. BOUTWELL. Now, if it is in order I will move to strike out the nineteenth and twentieth sections of the bill as reported, being the seventeenth and eighteenth sections of the House bill.

The PRESIDENT *pro tempore*. The Chair will receive that motion if there is no objection. The question is on the motion to strike out.

The motion was agreed to.

The Chief Clerk continued the reading of the bill, and read section [19] 21, as follows:

SEC. [19] 21. That whenever any goods, wares, and merchandise shall have been entered and passed free of duty, and whenever duties upon any imported goods, wares, and merchandise shall have been liquidated and paid, and such goods, wares, and merchandise shall have been delivered to the owner, importer, agent, or consignee, such entry and passage free of duty and such settlement of duties shall, in the absence of fraud and in the absence of protest by the owner, importer, agent, or consignee, be final and conclusive upon all parties.

Mr. CONKLING. I inquire of one of the Senators having charge of the bill, whose fraud is referred to in this section?

Mr. SHERMAN. Any fraud. "In the absence of fraud, and in the absence of protest by the owner, importer, agent, or consignee," is the language. If the Senator can make it more definite I shall be very glad to have him do so.

Mr. CONKLING. I think it means, and I think my friend will agree with me if he turns back to page 3, that it can mean no fraud except that of the importer, the consignee, the person on this side, whatever may be the fraud of the consignor on the other side, and when a liquidation has once occurred, that is final and conclusive upon all parties. The Senator doubtless knows as well as I do that at the port of New York, perhaps more than anywhere else, owing to the great amount of business, liquidations are made very rapidly, summarily, and it occurs in very many cases that errors are made and importers come voluntarily afterward, and tender the duties which were unpaid, finding the mistake themselves. Under this section and under previous sections, I understand it would be a crime for a collector to receive a voluntary payment in that case. Then when you come to all the instances of fraud discovered in the consignor where the invoice was made on the other side and the fraud there took place, the liquidation is quickly made and passed through the custom-houses, and the Government is forever estopped from readjusting the liquidation. I submit to the Senator from Ohio that the section ought to be changed either by striking out "in the absence of fraud" or in some other mode which will effect the object.

Mr. SHERMAN. It is perfectly manifest that this section is intended to prevent stale claims from being made against persons who have imported goods free of duty or who have imported good and paid the duties in good faith, everybody supposing the settlement was right, and afterward it should turn out by accident or design that too little was collected or some mistake made. This excludes from the benefit of the section every case of fraud.

Mr. CONKLING. Suppose you say "in the absence of fraud, whether of the consignee, or the consignor, or their agents." If I go through the custom-house, however innocent, and it turns out afterward that I have paid but a small part of the duties chargeable to me, I do not see why, when the officers come to write up their accounts, they should not be permitted to send around to my office and say, "An error occurred in liquidation yesterday, and you owe the custom-house fifty dollars," and why I should not pay it. If this section is to be enforced and care is to be taken, the Senator will see that it will make very slow, very careful, very circumspect this process which now it is all-important to importers to have promptly done, with the understanding all around that if an error occurs attention is to be called to that and it is to be adjusted afterward. Under this section, however, every man must go upon his peril; he must know that he commits the Government absolutely and never can call upon it afterward, or under a previous section that he cannot even receive it, without committing a misdemeanor if a voluntary tender of it is made. I would strike out "fraud" altogether, or, if I retained it, I would put in words that would apply to both sides and the agents of both sides.

Mr. SHERMAN. Strike out "in the absence of fraud," and we can examine it more fully.

Mr. SARGENT. Then you make it final and conclusive whether there is fraud or not.

Mr. SHERMAN. It seems to me the section is right now. It simply prevents a man who has paid honestly and fairly, in the absence of fraud, from being bothered and harassed afterward.

Mr. BOUTWELL. Should there not be, as in some other cases, some time fixed, say after the expiration of six years? Of course there should be an end to proceedings, either civil or criminal, in these cases, but that it should be immediate on the delivery of the goods seems to me in the highest degree improper and unadvisable.

Mr. SHERMAN. I would make this suggestion, "after a period of one year."

Mr. BOUTWELL. I think that is rather short. Three years is the statute of limitations on crimes. One year is too short a time.

Mr. SHERMAN. Insert after the words "settlement of duties" the words "after the expiration of one year."

Mr. BOUTWELL. I should prefer to say "three years."

Mr. SHERMAN. Well, I will say "after the expiration of three years."

Mr. CONKLING. I think that improves it very much.

Mr. SHERMAN. I move to insert the words "after the expiration of three years from the time of entry" after the word "shall" in the seventh line.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The reading of the bill will be continued.

The Chief Clerk read section [20] 22. The Committee on Finance proposed to amend the section by striking out in line 6, after the words "time of," the words "any legal disability of the person, or his;" in line 7, before the word "absence," by inserting the word "the;" in the same line, after the words "United States," by inserting the words "of the person subject to such penalty or forfeiture;" so that the section will read:

SEC. [20] 22. That no suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs-revenue laws of the United States shall be maintained unless such suit or action shall be commenced within two years after the time when such penalty or forfeiture shall have accrued: *Provided*, That the time of the absence from the United States of the person subject to such penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within this period of limitation.

The amendment was agreed to.

Mr. STEWART. What is the limitation now on these prosecutions?

Mr. CONKLING. Six years.

Mr. SCOTT. I think "two" should be stricken out and "three" inserted, to correspond with the limitation fixed by the previous section.

The PRESIDENT *pro tempore*. Does the Senator from Nevada make a motion?

Mr. SCOTT. If the Senator from Nevada does not make any motion, I move that "two" be stricken out and "three" inserted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. CONKLING. I think that improves the section, but I beg to call attention to two or three things in regard to it. I understand the effect of the amendment in line 6 is that the statute shall run during legal disability. Why should the statute run if in the mean time there is no power to proceed?

Mr. THURMAN. What is legal disability of the defendant?

Mr. SCOTT. That is stricken out.

Mr. CONKLING. It will read then:

Provided, That the time of absence from the United States of the person subject to such penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within this period of limitation.

The effect would be not to include the period of disability. I am inclined to think that the Senators are right, and I wrong as to that; but I venture to call attention to another matter here. I see the provision is that no suit or action shall be "maintained." Was that word chosen to apply to existing actions? If not, I suggest that the provision should be as it is stereotyped in all the statutes of limitation that I know of, that "no proceeding shall be hereafter commenced," or words to that effect. There may be many cases pending now where it will turn out on the trial that the action was

not commenced until more than three years after the original act was done. I presume it is not the intent to cut up those actions by the roots; and yet the use of the word "maintained," I submit to the Senators for their consideration, would have that effect.

Mr. SCOTT. The Senator from New York will see that the phraseology is certainly not intended to apply to pending suits, for the reason that the future tense is used in connection with the first part of the section: "Shall be maintained unless such suit or action shall be commenced."

Mr. CONKLING. Why not change the word "maintained?" I think it is open to objection.

Mr. SHERMAN. Say "which have been commenced."

Mr. SCOTT. If it read "shall have been commenced" it would have been open to the criticism made.

Mr. CONKLING. The Senator from Ohio having no objection I move that "maintained" be stricken out and "instituted" inserted in lieu of it.

The PRESIDENT *pro tempore*. The Chair hears no objection to receiving this amendment.

The amendment was agreed to.

Mr. SHERMAN. Now, in regard to the next two sections reported as amendments, I propose to strike out the great body of them, and the Clerk will note the changes I propose. From line 1 to the end of line 13 of section 23, as reported, provide for the salaries of the collectors at New York, Boston, and San Francisco. I leave in all of section 23 down to line 13, so as to provide for the salary of the collector of the district of New York at $12,000, and collectors of the district of Boston and San Francisco each at $8,000. Then I stike out commencing in line 14 down to and including line 68. Then I leave in lines 69 to 73, providing for the naval officer for the district of New York, for the naval officer of the district of Boston, and for the naval officer for the district of San Francisco.

Mr. HAMLIN. The Senator will allow me to suggest that lines 77, 78, and 79 should come, out as applicable to officers who belong to the districts he has already stricken out.

Mr. SHERMAN. I propose to strike out all from lines 74 to 79.

Mr. HAMLIN. All right.

Mr. SHERMAN. Then I leave in lines 80 to 83, which provide for the surveyors of the ports of New York, Boston, and San Francisco, and I strike out from line 84 to 86. Then I leave in from line 87 down to the bottom of that page and to line 110 on the next page. That clause provides for the subordinate officers at the port of New York. Then I strike out from line 111 to 122, and I leave in from line 123 to line 132. That applies to subordinate officers for the district of New York. Then I strike out from line 133 down to and including the word "Department," in line 136; so that that clause will read:

And the annual compensation of other collectors, surveyors, and other officers and employés connected with the customs service not named herein—

And here I insert the words "and not herein otherwise provided for"—

shall continue as fixed by existing laws.

Then strike out the whole of section 24 as reported.

I will state again that the object of these sections originally was not to increase any salary, but simply to provide for the case of the repeal of moieties. Finding such a diversity of opinion among Senators as to the respective grade and importance of their respective ports, a difference that was utterly impossible to reconcile—some wishing to base compensation on one basis and some on another—we propose to leave that so that the Committee on Commerce can at their leisure look carefully over the whole subject; and we simply provide for the three great ports of New York, Boston, and San Francisco, which will suffer most by the passage of this bill repealing moieties.

Mr. CONKLING. Will it be agreeable to the Senator for me to direct his attention to two matters now?

Mr. SHERMAN. Certainly.

Mr. CONKLING. I ask him to look on page 15 at the bottom of the page, at line 4 of section 23. What does he propose to do with that?

And other officers or employés connected with the customs service.

Mr. SHERMAN. That language is necessary because there are other officers and employés included, as for instance on page 19 quite a number of clerks, samplers, measurers, &c., in the city of New York.

Mr. CONKLING. Now I wish the Senator to turn to page 20, and there I call attention to what I think is a contradiction in the bill. In the first place at the bottom of page 19 he will find these words:

And that all supplies shall be furnished by the collector on monthly estimates submitted by the appraiser to the Secretary of the Treasury, and approved by him.

There the collector is to act, and he is liable on his bond. Now proceeding:

And all repairs and alterations needed in the public store and appraiser's department at said port of New York shall be made on the recommendation of the appraiser in such manner as the Secretary of the Treasury may direct.

There the collector has nothing to do with it, and yet he is responsible all the time on his bond. I presume there is no reason for that, and I think there are strong reasons against it. Therefore I suggest to the Senator to insert the same words that he employs a few lines before.

Mr. SHERMAN. It is a matter I am not advised about.

Mr. SARGENT. The collector would not be responsible on his bond for repairs and alterations in the appraiser's store if he had nothing to do with them.

Mr. CONKLING. Yes, sir; there is no doubt about it.

Mr. SHERMAN. It seemed to be right that the appraiser should have charge of the alterations in the public stores.

Mr. CONKLING. Then why not put the other case on the same principle?

Mr. SHERMAN. I will accept the amendment.

Mr. CONKLING. I would suggest this language: "and all repairs and alterations needed in the public store and appraiser's department at said port of New York, shall be made in like manner," and then strike out in line 109 all after "appraiser;" so as to read:

And all repairs and alterations needed in the public store and appraiser's department at said port of New York shall be made in like manner on the recommendation of the appraiser.

That will strike out the words "in such manner as the Secretary of the Treasury may direct."

The PRESIDENT *pro tempore*. This amendment will be considered as agreed to if there be no objection. The question is on the amendment of the committee as amended at the suggestion of the Senator from Ohio.

Mr. CONKLING. Does that include the twenty-fourth section?

Mr. SHERMAN. The striking out of that section is included in my amendment, so that there is no salary increased except in the three cases named.

The amendment was agreed to, being to insert the following:

SEC. 23. That in lieu of the salaries, moieties, and perquisites of whatever name or nature, and commissions on disbursements, now paid to and received by the collectors, naval officers, surveyors, and other officers and employés connected with the customs service in the several collection districts of the United States hereinafter named, there shall be paid, from and after the 1st day of July, 1874, an annual salary as follows:

To the collector of the district of New York, $12,000.

To the collectors of the districts of Boston and Charlestown, Massachusetts, and San Francisco, California, each $8,000.

To the naval officer for the district of New York, $8,000.

To the naval officers of the districts of Boston and Charlestown, Massachusetts, and San Francisco, California, each $5,000.

To the surveyor of the port of New York, $8,000.

To the surveyors of the ports of Boston, Massachusetts, and San Francisco, California, each $5,000.

To the appraiser and other officers and employés in his department in the port of New York, as follows:

To the appraiser, $8,000.

To the assistant appraisers, each $4,000.

To the examiners, each not to exceed $3,000.

To the clerks who may be designated chief clerks, each not to exceed $2,500.

To clerks, verifiers, and samplers, each not to exceed $2,500.

To messengers, each $900.

To openers and packers, each three dollars per diem.

The collector at New York shall detail a store-keeper and such number of clerks and other employés as may, by the Secretary of the Treasury, be deemed necessary to perform the duty of receiving packages designated for examination at the public stores, and of delivering the same after examination therefrom; and that all supplies shall be furnished by the collector on monthly estimates submitted by the appraiser to the Secretary of the Treasury, and approved by him; and all repairs and alterations needed in the public store and appraiser's department at said port of New York shall be made in like manner on the recommendation of the appraiser.

There shall be paid to the subordinate officers of the district of New York:

To the assistant collector, $5,000 per annum.

To the deputy collectors, each $4,000 per annum.

To the chief clerk of each division under a deputy collector, $2,500 per annum.

To the entry and liquidating clerks in the office of the collector of customs, each not to exceed $2,500 per annum.

And the annual compensation of other collectors, surveyors, and other officers and employés connected with the customs service not named herein, and not herein otherwise provided for, shall continue as fixed by existing law.

Mr. MITCHELL. I should like to inquire of the Senator from Ohio how much of the twenty-third section was included in his motion to strike out?

Mr. SHERMAN. The great body of it. Everything is stricken out except what relates to the ports of New York, San Francisco, and Boston.

The next amendment of the Committee on Finance was read, being to insert as section 25 the following:

That at the several ports of the United States where there are collectors, naval officers, surveyors, or appraisers, the subordinate officers and employés shall be appointed on the approval and at the discretion of the Secretary of the Treasury, on the nomination of the officer to whose office such subordinate officer or employé properly belongs.

Mr. HAMLIN. I ask the Senator from Ohio if it is wise to retain that section? You have by it a divided force; you have a force with no head to it. It is changing the entire practice of the Government. It seems to me the collector, who is the responsible officer, should be responsible for all these things; and that he should be the person, as he has been in all time, to make the nominations, and the Secretary of the Treasury to confirm them.

Mr. SHERMAN. I think there has been more complaint to us on this subject than almost any other. For instance, the naval officer and surveyor have many employés in their departments; and there is always more or less feeling between the officers on this account. Each head of a bureau in a great custom-house like that of New York feels that he ought to name his own subordinates, subject to the approval of the Secretary of the Treasury.

Mr. HAMLIN. I think there would be just as much propriety in saying that the Assistant Secretaries of the various Departments here should have the authority of appointing the subordinates of the De-

partments; or you might carry it a step further and say the head of each Bureau should select his own appointees, and not the head of the Department, to wit, the Secretary. It is changing the whole practice. It will produce confusion. It can do no possible good. The section ought not to be here. It should be stricken out.

Mr. CONKLING. I think it should be stricken out. I have never heard of any such jealousy between these officers.

Mr. SHERMAN. I am perfectly indifferent about it.

Mr. SARGENT. I move to strike out the section.

The PRESIDENT *pro tempore*. The amendment of the committee is to insert the section.

The amendment was rejected.

Mr. CONKLING. Now the section is stricken out.

The PRESIDENT *pro tempore*. Yes. The next amendment will be read.

The next amendment of the Committee on Finance was to insert the following as section 26:

That all fees, storage, or other moneys heretofore applicable to the compensation or emoluments of officers of the customs shall be paid into the Treasury, and return thereof shall be made to the accounting officers of the Treasury under such regulations as may be prescribed by the Secretary of the Treasury, and all expenses of collecting the revenue from customs shall be defrayed from the appropriation of that name, subject to the approval of the Secretary of the Treasury.

Mr. HAMLIN. That section should be stricken out. When the whole bill was here there was a propriety in having this section in, but nearly all the collection districts affected by this amendment have been stricken out of the twenty-third section, and the collectors derive a portion of their fees by which their compensation is made up from storage, and this section, unless all that was in the bill as reported be retained, should also come out.

Mr. SHERMAN. I think not.

Mr. HAMLIN. I think it should.

Mr. SHERMAN. I presume some of these fees enter into the compensation of collectors.

Mr. HAMLIN. They do; and where they get their little sums it helps them out.

Mr. SHERMAN. I suppose it is necessary to strike out that section; the fees form a part of the compensation of these collectors.

Mr. HAMLIN. I move to strike it out. It should not be there.

The PRESIDENT *pro tempore*. The question is on inserting the section reported as an amendment by the Committee on Finance.

The amendment was rejected.

The next amendment was to insert the following as section 27:

That the Secretary of the Treasury shall, from time to time, make such regulations as he may deem necessary for the conduct and management of the bonded warehouses, general-order stores, and other depositories of the imported merchandise throughout the United States; all regulations or orders issued by collectors of customs in regard thereto shall be subject to revision, alteration, or revocation by him; and no warehouse shall be bonded and no general-order store established without his authority and approval. And it shall be the duty of the Secretary of the Treasury, in granting permits to establish general-order warehouses, to require such warehouse or warehouses to be located contiguous, or as near as may be, to the landing-places of steamers and vessels from foreign ports; and that no officer of the customs shall have any personal ownership of or interest in any bonded warehouse or general-order store.

The amendment was agreed to.

The next amendment was to insert the following as section 28:

That public cartage of merchandise in the custody of the Government shall be subject to the regulations and approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was to insert the following as section 29:

That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; that nothing herein contained shall affect existing rights, or prevent a distribution, in like manner as if this act had not been passed, in all cases where prosecution has been actually commenced.

Mr. BUCKINGHAM. I have received to day a telegram from the president of the board of trade of Boston and quite a number of telegrams from the city of New York from persons interested in this matter, suggesting that the last clause of this section is very objectionable in that it permits a certain distribution of moieties. I move to strike out that part of the section commencing in the second line with the word "that" down to the end.

Mr. CONKLING. It is in order to perfect the text before a motion is put to strike it out, I believe?

The PRESIDENT *pro tempore*. It is.

Mr. CONKLING. The telegrams to which the Senator has referred, although I know not from whom they come, let a large ray of light fall on this whole subject. I have heard it said a great many times that if this bill were not to apply to pending actions, much of the interest felt in it would disappear. I have been reluctant to believe the implication of that; but certainly any man who wants now to change the law as to pending suits opens his suggestion to a good deal of comment. I move to add to the section as it stands these words: "or in anywise affect suits or actions already commenced, or forfeitures already incurred;" my motive being only to make sure of the effect of the language as it is proposed by the committee, to the end that the statute of limitations which we have adopted and various other things in the bill may not be construed to apply at all to actions now pending.

The PRESIDENT *pro tempore*. The first question is on the amendment proposed by the Senator from New York.

Mr. CONKLING. I think I ought to say that there is no objection to this. I showed it to the Senator from Ohio and the Senator from Pennsylvania, and I think there is no objection to it.

The question being put on the amendment of Mr. CONKLING, the Chair declared that the noes appeared to prevail.

Mr. CONKLING. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. I want to say one word on the amendment offered by the Senator from New York. As I understand it, a man might have committed the offense five years and eleven months ago, and in one month more the present statute, at the end of six years, would bar any prosecution; and now it is to be extended according to the effect of the amendment for three years more.

Mr. CONKLING. If my friend will pardon me, not at all. If the Senator turns back to the section to which he refers, he will find that it is to be three years from the time when the penalty was incurred. In such a case the Senator will see it would be barred already in two years more.

Mr. THURMAN. But if the Senator's amendment is that nothing in this act contained shall apply to any forfeiture already incurred or penalty already incurred——

Mr. CONKLING. Then it leaves it on the statute as it is?

Mr. THURMAN. Yes.

Mr. CONKLING. Precisely; that is just what I say it should do.

Mr. WASHBURN. I wish before voting on this amendment to say a word. I do not care very much about the fate of the amendment which the Senator from New York has offered; but if the text was amended in the last line so as to read "prosecutions which were actually commenced before January 1, 1874," I do not know that I should have any objection to it. So far as the protection of the Government is concerned, we want to do what we can to protect the Government. So far as any suits were commenced before this question was taken up in the other branch, and it was understood by persons who were to receive moieties that there was a prospect of this bill passing, I do not object to all those cases being retained; but I wish the Senate to understand that very many cases were entered for proceedings to be had without any knowledge in regard to them in order to save those cases from the operation of this bill. Very many of them have been entered within the last week or two very much in the same manner as the beneficiary of the Sanborn contract, as it was alleged, presented a list of different railroads over the country, so that if any case should be found against any of them it would be covered and controlled by his contract. It seems to me that if all the cases which were commenced previous to the inception of this legislation are excepted, it is sufficient. In other words, it should not be the desire of the Senate to encourage the very parties whom you propose to strike off by this bill in entering suits in order that they might make all the difficulty that was in their power after this legislation commenced.

Mr. CONKLING. Pardon me. Will it meet the Senator's view if I change my amendment so as to read thus: "or in anywise affect suits or actions commenced, or forfeitures incurred prior to May 1, 1874?" I take that date at the suggestion of another Senator.

Mr. SHERMAN. That goes back before the passage of the bill in the House.

Mr. CONKLING. And unless the purpose really be to cut off valid suits, I submit to the Senate that that covers the whole ground.

The PRESIDENT *pro tempore*. The amendment of the Senator from New York will be modified as he suggests.

Mr. CONKLING. Strike out "already" in both cases and add "previous to May 1, 1874," so as to read "or actions commenced or forfeitures incurred previous to May 1, 1874."

Mr. SCOTT. I hope the Senator from Massachusetts will accept that suggestion of the Senator from New York, for this reason: There are some causes of forfeiture which we have cut up by this bill; and my information is that in several quarters—I will not specify where—since it was apprehended that this bill would pass, very recent suits have been instituted to save cases of that character, which perhaps would not have been instituted had not this apprehension arisen. I think the suggestion of the Senator from New York is an entirely proper one, and I hope it will be accepted. It goes back far enough.

Mr. WASHBURN. I do not know that there were any cases commenced between January and May. I know that very many cases have been entered since this bill was reported to the Senate. I think it cannot be the desire of any one to encourage that kind of practice.

Mr. SHERMAN. May the 1st is long before the bill passed the House.

Mr. CONKLING. I wish to inquire of my friend from Pennsylvania whether he has information that any such recent suits have been commenced in the State of New York?

Mr. SCOTT. No; I have not any information that any have been commenced in the State of New York. I had information, and the Senator from Massachusetts seems to corroborate it, that a number have been recently commenced in the city of Boston.

Mr. CONKLING. I had heard this rumor and I asked the question because I have taken pains to inquire in respect of the port of New York, and I am advised that there is no instance of any recent suit commenced which would fall within the description to which these Senators have referred.

Mr. HOWE. This information strikes me as very interesting. Are we really assured that in the city of Boston a suit has been commenced to recover a penalty or a fine to the United States after distinct

notice was given that Congress did not mean to have fines and penalties collected at all? Is that the information? If that be so, are you doing your whole duty to the morals of the United States in simply saying that such a suit shall not be prosecuted to judgment? Ought you not to provide some penalties upon such a miscreant as one who should bring such a suit? I am a little overcome by this information.

Mr. WASHBURN. In order that there may be no misunderstanding I will say that I know nothing about suits in Boston or New York. I merely know that there are such rumors in regard to New York as well as Boston. I do not know that there is any foundation for them in either case. I only wish to have the amendment so that if any such attempts have been made the persons making them shall not profit by them.

Mr. THURMAN. Let the amendment be read.

The CHIEF CLERK. The amendment, as modified, is to insert at the end of the section:

Or in anywise affect suits or actions commenced or forfeiture incurred previous to May 1, 1874.

The PRESIDENT *pro tempore*. Upon this amendment the yeas and nays have been ordered.

The question being taken by yeas and nays resulted—yeas 27, nays 15; as follows:

YEAS—Messrs. Allison, Bayard, Bogy, Boreman, Boutwell, Carpenter, Chandler, Conkling, Conover, Ferry of Michigan, Flanagan, Gilbert, Hamlin, Hitchcock, Howe, Logan, Mitchell, Oglesby, Ramsey, Sargent, Scott, Sherman, Stewart, Thurman, Washburn, Windom, and Wright—27.

NAYS—Messrs. Alcorn, Buckingham, Cooper, Gordon, Hager, Hamilton of Maryland, Johnston, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Stevenson, Stockton, and Wadleigh—15.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Clayton, Cragin, Davis, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Hamilton of Texas, Harvey, Ingalls, Jones, Kelly, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pease, Pratt, Robertson, Schurz, Spencer, Sprague, Tipton, and West—31.

So the amendment of Mr. CONKLING was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Connecticut.

Mr. BUCKINGHAM. My motion is to strike out the amendment as perfected.

Mr. BAYARD. I ask for the yeas and nays on this motion.

The yeas and nays were ordered.

Mr. CONKLING. May we know what the amendment is?

The PRESIDENT *pro tempore*. The amendment is that of the Senator from Connecticut to strike out the whole section after the word "repeal" in line 2.

Mr. CONKLING. So as to have it act on all existing cases.

The question being taken by yeas and nays resulted—yeas 18, nays 22; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Buckingham, Cooper, Davis, Gordon, Hager, Hamilton of Maryland, Johnston, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Stevenson, Stockton, and Thurman—18.

NAYS—Messrs. Allison, Boreman, Boutwell, Carpenter, Chandler, Conkling, Ferry of Michigan, Flanagan, Gilbert, Hamlin, Hitchcock, Howe, Logan, Mitchell, Ramsey, Sargent, Scott, Sherman, Stewart, Wadleigh, Washburn, and Windom—22.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Clayton, Conover, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Hamilton of Texas, Harvey, Ingalls, Jones, Kelly, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Robertson, Schurz, Spencer, Sprague, Tipton, West, and Wright—33.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee, as amended, inserting the section.

Mr. WADLEIGH. I move to insert after the words "existing rights" the words "of the United States," and to strike out all thereafter in that section.

Mr. SHERMAN. We have had a vote on that already.

Mr. WADLEIGH. No. The amendment proposed by the Senator from New York does not effect the purpose which it was intended to effect in the minds of the Senators present, as I understood.

Mr. CONKLING. Will the Senator point out why?

Mr. WADLEIGH. If the Clerk will reread the amendment it will appear to everybody.

The CHIEF CLERK. It is proposed to insert after the word "rights" the words "of the United States;" and then to strike out the words—

Or prevent a distribution, in like manner as if this act had not been passed, in all cases where prosecution has been actually commenced, or in anywise affect suits or actions commenced or forfeitures incurred previous to May 1, 1874.

Mr. CONKLING. Wherein does not that effect the Senate's purpose as it stands?

Mr. WADLEIGH. As I understood the purpose of the amendment offered by the Senator from New York it was to prevent these parties against whom the country has a just indignation from profiting by suits recently commenced by them for the purpose of obtaining moieties. The object of the amendment as I supposed was to prevent them profiting by those suits. Now, if the section is left as it stands without the amendment proposed by me, it will read thus:

That nothing herein contained shall affect existing rights or prevent a distribution in like manner as if this act had not been passed in all cases where prosecution has been actually commenced.

Then the Senator from New York adds an amendment which does not change the section as it stands so far as I have read, but which merely provides that it shall not affect suits brought after May 1, 1874. In my judgment that does not reach the difficulty. Perhaps I am mistaken, however.

Mr. SCOTT. If the words "before the 1st of May, 1874," were also inserted after the word "commenced," it would accomplish the purpose which the Senator from New Hampshire has, I think.

Mr. WADLEIGH. Yes; that would.

Mr. SCOTT. "Where prosecution has been actually commenced before the 1st of May, 1874," and make it apply to that as well as to the insertion made on the motion of the Senator from New York.

Mr. CONKLING. Does it not mean that now?

Mr. SCOTT. I thought at the time it did; but my friend from New Hampshire thinks not.

Mr. WADLEIGH. I think if my friend from Pennsylvania will carefully examine the amendment he will come to the same conclusion that I have arrived at.

Mr. SHERMAN. But we are striking at some people who the Senator from New Hampshire says are very bad, and endeavoring to create oppression; and yet we are also striking at some other people who, in the honest discharge of public duty under existing law, have actually expended money in a search of moieties. It seems to me that while we are cutting up a system by the root as a vicious and bad one, we ought not to deprive people who have under the law earned money of that which the law offered to them at the time they earned it.

Mr. WADLEIGH. If the Senator from New York will make the amendment to his amendment suggested by the Senator from Pennsylvania, I will withdraw the amendment offered by me; but if there is any one thing upon which the people of this country are determined, it is that the system pursued by Mr. Jayne and his coadjutors in matters of this kind shall be pursued no longer and that parties who after action by Congress on this matter was certain, commence suits at hap-hazard without evidence, just as was done in the case of the Sanborn contract, shall not profit by that action.

Mr. HOWE. Although they recover judgment?

Mr. WADLEIGH. Although they recover judgment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire.

Mr. CONKLING. What is the amendment? I do not quite get the idea of the Senator from New Hampshire.

Mr. WADLEIGH. It leaves the rights of the United States.

Mr. CONKLING. What are those rights?

Mr. WADLEIGH. The right to the penalties.

Mr. BOUTWELL. It does not distribute them to informers?

Mr. WADLEIGH. It does not.

Mr. CONKLING. What does it do with the statute of limitations? Is that one of the rights of the United States?

Mr. WADLEIGH. Certainly. Perhaps I do not understand the question, however.

Mr. CONKLING. If the Senator introduces an amendment that saves existing rights of the United States, I ask whether the statute of limitations will take hold of actions which were commenced three years and more after the penalty was incurred, although they may have been commenced a year or two ago?

Mr. WADLEIGH. The statute of limitations could not affect those actions already commenced, in my judgment.

Mr. CONKLING. Upon which section of the bill does the Senator found that statement?

Mr. WADLEIGH. Under this section the existing rights of the United States are not to be affected. When the United States have commenced a suit and thereby acquired a right to the penalty, they cannot be divested of it by a provision in a subsequent law which limits their right of action to a certain period of time.

Mr. CONKLING. Now I think I can put in a word all I want to say about this. The Committee on Finance, intending to prevent this being a retroactive provision, inserted the words "that nothing herein contained shall affect existing rights or prevent the distribution in like manner as if this act had not been passed in all cases where prosecution has been actually commenced." There the committee stopped, deeming that sufficient. Perhaps it was sufficient; but various persons have called my attention to the fact that that would not save in reality all the opportunities of those concerned in existing cases. Therefore I moved to amend, as changed in deference to the Senator from Massachusetts, by inserting the words "or in anywise affect;" so as to read: "That nothing herein contained shall in anywise affect suits or actions commenced or forfeitures incurred previous to May 1, 1874."

That, I submit, presents pure and simple the question whether the Senate intends that this shall be *ex post facto* applying it to criminal cases, or retroactive applying it to civil cases, or whether it shall speak from the 1st of May on. That is all there is of it. Where it would be left by the amendment of the Senator from New Hampshire I know not. I do not know how it would affect the statute of limitations. I have not looked at this bill to see how it would affect various things which are remedies as contradistinguished from rights. He says "existing rights." All lawyers know that all courts distinguish between the remedy and the right which the remedy pursues. Now if it should be held that although existing rights are saved remedies are affected, then we are hoist with our own petard. If we mean it shall not apply to suits commenced before a certain day, why not say so?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire.

Mr. BAYARD. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYARD. I understand the force of the amendment of the Senator from New Hampshire to be this: that the rights of the United States are reserved by his amendment; but he does object to any further perception of profits by informers under the moiety system. I hope that will be found to be the voice of the Senate.

The question being taken by yeas and nays, resulted—yeas 21, nays 20; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Gordon, Hager, Hamilton of Maryland, Johnston, Jones, McCreery, Merrimon, Norwood, Oglesby, Ransom, Saulsbury, Stevenson, Stockton, Thurman, Wadleigh, and Washburn—21.

NAYS—Messrs. Allison, Boreman, Boutwell, Carpenter, Chandler, Conkling, Conover, Ferry of Michigan, Flanagan, Gilbert, Hamlin, Hitchcock, Howe, Mitchell, Ramsey, Sargent, Scott, Sherman, Stewart, and Windom—20.

ABSENT—Messrs. Anthony, Brownlow, Buckingham, Cameron, Clayton, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Goldthwaite, Hamilton of Texas, Harvey, Ingalls, Kelly, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pease, Pratt, Robertson, Schurz, Spencer, Sprague, Tipton, West, and Wright—32.

So the amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. STEWART. I have not been in during the discussion of this bill, and I want an opportunity to reserve an amendment. I do not know in what form it came in, but there is a provision here that I want to get out in some way:

Which forfeiture shall only apply to the particular item of merchandise to which such fraud or alleged fraud relates; and anything contained in any act which provides for the confiscation of an entire invoice in consequence of any item or items contained in the same being undervalued, be, and the same is hereby, repealed.

I want to get rid of this provision and I want to vote on it.

Mr. THURMAN. We had the yeas and nays on that.

Mr. STEWART. I was not here.

Mr. BOUTWELL. I wish to submit one or two amendments. In the fourth section, in the thirteenth and fourteenth lines, I move to strike out the words "or submitting them to the officers of the revenue for examination." These words if retained will permit this course of action: that parties bringing in goods that are dutiable as personal luggage, offer the trunk or package to a custom-house inspector for examination, and if that inspector chooses, either from negligence or by the influence of corruption, to pass those goods, the Government will have no remedy to recover either the goods or any penalty. They might pursue him criminally, but otherwise would have no remedy whatever. If these words are stricken out, all parties importing goods would then be required to submit them to the custom-house for examination and entry, and in case they paid the duties through the intervention of an inspector they would of course be morally and legally relieved from all further application. I therefore hope the committee will consent to the amendment which I propose.

The PRESIDENT *pro tempore*. Is there objection to this amendment?

Mr. SHERMAN. I have none.

The PRESIDENT *pro tempore*. If there be no objection, the amendment is agreed to.

Mr. BOUTWELL. I ask the attention of the committee again to the last part of section 13 on page 9, by which a party who might be charged with having entered goods fraudulently would be permitted to take from the collector such goods as he might have in bond, giving therefor a personal bond to indemnify the Government for the loss that might be sustained for the damages that might be recovered by proceedings at law. It seems to me that when a party who is charged with a fraud has goods in possession of the collector, and as by the first clause of this section the collector is authorzed to hold those goods to indemnify the Government, he should not be permitted to take those goods away upon a personal bond, for any one who has had any experience in regard to custom-house matters is well aware that a party who will commit a fraud will give a bond on which it will be next to impossible to make a recovery. I therefore hope that so much of this section as authorizes parties so charged to give a bond will be stricken from the bill.

The PRESIDENT *pro tempore*. Does the Senator make any motion?

Mr. BOUTWELL. Yes, sir; I move to strike out the last sentence of section [11] 13, commencing with the word "but" in line 9, to the end of the section, in the following words:

But nothing herein contained shall prevent any owner or claimant from obtaining a release of such merchandise on giving a bond, with sureties satisfactory to the collector, or, in case of judicial proceedings, satisfactory to the court, or judge thereof, for the payment of any fine or fines so incurred: *Provided, however*, That such merchandise shall in no case be released until all accrued duties thereon shall have been paid or secured.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none, and it is agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. CONKLING. I want to reserve at least one of those amendments. I refer now to the amendment last adopted before that moved by the Senator from Massachusetts, the amendment to section 29. There is another amendment which if I can put my eye upon it without detaining the Senate I will ask to reserve.

The PRESIDENT *pro tempore*. The Senator from New York in the Senate can move to insert the words again which were stricken out, without reserving the amendment here.

Mr. CONKLING. Then I reserve that one amendment because I do not want the words inserted and I do want the words inserted which I moved myself.

The PRESIDENT *pro tempore*. That is in the last section of the bill?

Mr. CONKLING. Yes, sir.

Mr. STEWART. I desire to reserve an amendment in section 12. I want to move to strike out all after the word "forfeited." There are several amendments in section 12, and I suppose I shall have to reserve them all so that the whole question will be open on that section.

Mr. SHERMAN. O, no; reserve the last amendment in the section.

Mr. STEWART. Very well; I will reserve the last amendment, after the word "forfeited" to the end of the section.

The PRESIDENT *pro tempore*. The first question is on concurring in the amendments agreed to in Committee of the Whole except those which have been reserved and specified.

The amendments were concurred in.

The first reserved amendment was in section [10] 12, lines 16, 17, and 18, to strike out the following words:

Liable to forfeiture, which forfeiture shall apply only to the particular item of merchandise to which such fraud, or alleged fraud, relates.

And to insert:

Forfeited; which forfeiture shall only apply to the particular item of merchandise to which such fraud or alleged fraud relates; and anything contained in any act which provides for the confiscation of an entire invoice in consequence of any item or items contained in the same being undervalued be, and the same is hereby, repealed.

So as to read:

And, in addition to such fine, such merchandise shall be forfeited; which forfeiture shall only apply to the particular item, &c.

Mr. STEWART. I believe this is a very dangerous provision. It has no reference to the moieties. You have stricken out all that relates to that subject. In my opinion there is nothing that tends so much to make people careful in the importation of goods as the provision that one fraudulent item shall vitiate the whole invoice, and there is reason for this. Remember that it must be done fraudulently. A person who is guilty of fraud in one part of an invoice is likely to commit many frauds in it, because, as a matter of fact, in practice only one package in ten is examined. Therefore if an importer should put laces in one box and the other boxes are filled with goods of no value, he stands ten chances to one to get them through the custom-house without paying a cent even as the law now stands, because there is not more than one chance in ten that they will fall upon that particular box or package. Now, having ten chances to one under the law as it stands, you propose to say by this bill to that importer, "If you get caught in that one chance in ten you will only forfeit the particular thing in which you are caught." If you are to say that nothing shall be forfeited but the particular thing that is caught, the particular item that is fraudulent, then you ought to make a provision for examining every package, or you will not get any revenue at all. It is a very common practice to put valuable goods in one class of boxes, and then through some means to have the officers only examine a certain box or package. They try all these chances, and frequently they get caught in that way. Now, if you take away that danger, and say that a man who has got a fraudulent invoice, if he has in any part of his invoice undertaken to defraud the revenue, the only penalty you will attach to it is the confiscation of that particular package or box where the fraud is detected, the chances for smuggling are increased tenfold.

It is said that the object of the bill is to cut off moieties, to cut off the improper seizure of goods, and to prevent the merchants from being annoyed; but in carrying out that object I do not think you ought to take away the chance of their suffering if they are willing to commit frauds and are detected in them. I do not suppose it is the real object to protect fraudulent importers and to give them more chances than they now possess. You have taken away many of the chances of detection, you have taken away your detective force, and now you want to take away the liability after detection has occurred in the custom-house, and after the man is caught in the fraudulent invoice, and you propose to say that he shall only forfeit that particular item. The inducement to smuggling will be increased, the chances for it will be increased, and the guards that will be exercised over the invoices will become less.

I recollect a case where there was the smuggling of opium on the ships of the Pacific Mail Steamship Line. The Chinese were in the habit of smuggling opium. Under the law the ship was liable to be forfeited for any acts of smuggling, and I recollect the exertions that were made by that company to prevent it. They had a special guard to watch those Chinamen and prevent them from smuggling, and the officers of the ship in doing that service were worth four times as much as all the officers of the Government; but if the only thing to be forfeited was to be the article smuggled, if they had no further interest in the matter, they would let it pass, perhaps connive at it.

Now you propose to repeal the law which would make the managers and officers of a ship responsible for any complicity in the smuggling of opium, and propose only to forfeit the little piece of opium that may be detected. You have repealed all that, as I understand. I have not had time to examine the bill thoroughly, but I believe that is the effect of it; and in that way you have opened the door very widely to smuggling. I hope I may be mistaken, but it strikes me that it is a great leak.

Mr. THURMAN. I have but a word to say on this amendment, for I do not want to detain the Senate. There are two objections to the present system of forfeiting the whole invoice. The first is that the punishment is monstrously disproportionate to the offense. The second objection to it is that there is no equality of punishment between different individuals who have committed the same offense. One man's invoice, as in a case that we have found in the testimony, amounting to more than $1,000,000, is liable to be forfeited, the entire amount of it, on the charge that some few items in that invoice the duties on which amounted to only a few hundred dollars had been improperly valued, improperly returned. There is a penalty of $1,000,000 and more inflicted upon that individual for precisely the same offense for which another man with an invoice of $50,000 worth of goods or $10,000 worth of goods would have only suffered the punishment of losing $10,000 or at most $50,000. You see there is no equality whatsoever in it. If the law said the forfeiture or penalty should be three times, four times, five times, ten times the amount of the smuggled goods or of the articles which were falsely undervalued, then there would be equality, and every man would be punished precisely alike; but to punish a man whose invoice is a million and a quarter to the whole extent of that invoice because there are found in it a few items amounting to a few thousand dollars undervalued or smuggled, if you choose, and to punish another man who has undervalued and smuggled precisely the same amount of items by forfeiture of only an invoice of $10,000, is manifest injustice, manifest want of equality, and in the first case the punishment is utterly disproportioned to the offense. I hope, therefore, that that amendment of the committee will be concurred in.

Mr. BOREMAN, (at seven o'clock and twenty minutes p. m.) I think it is manifest we cannot get through with this bill to-night. I therefore move that the Senate adjourn.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from West Virginia.

The motion was not agreed to.

Mr. STEWART. I should like to inquire of the chairman of the committee whether if it should be established that the officers of one of the Pacific Mail Steamship Company's ships were in complicity with the smuggling of opium, which is the particular smuggling business on that coast by the Chinese, the ship would be liable to forfeiture under this bill?

Mr. SHERMAN. It would now.

Mr. STEWART. But would it under this bill after you have repealed all the laws providing for a forfeiture?

Mr. SHERMAN. We have been discussing this bill the whole day; and I have been here since twelve o'clock without eating anything, and the Senator has been out all the afternoon, and now he comes in and wants to ask and wants me to answer him questions about it.

Mr. STEWART. I have been engaged in other duties. This looks to me to be a very dangerous section. I undertake to say that if you will go from Havana or Panama to New York, after this bill is passed, you will find cargoes of cigars there, and every man who goes off the ship will go off with a load of them. If one should get caught, only the little package that he carries is confiscated, and there will be no supervision on the part of the officers of the ship at all, and you will have cigars and opium and various things smuggled in open daylight before those officers, who are now the only guards and the only means of preventing it. The cigars at the isthmus are about as cheap as at Havana. If the officers of these ships, who now do more than the officers of customs in guarding against this thing, are relieved of that responsibility, you will find a big door open to smuggling.

I have said all I desire to say. I do not wish to occupy more time.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. STEWART. I should like to have the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 7; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Boutwell, Conover, Cooper, Davis, Ferry of Michigan, Gilbert, Gordon, Hager, Hamilton of Maryland, Johnston, Lewis, McCreery, Merrimon, Mitchell, Norwood, Ransom, Saulsbury, Scott, Sherman, Stevenson, Stockton, Thurman, Wadleigh, Washburn, Windom, and Wright—30.

NAYS—Messrs. Carpenter, Chandler, Conkling, Jones, Oglesby, Sargent, and Stewart—7.

ABSENT—Messrs. Anthony, Boreman, Brownlow, Buckingham, Cameron, Clayton, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Flanagan, Frelinghuysen, Goldthwaite, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Kelly, Logan, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pease, Pratt, Ramsey, Robertson, Schurz, Spencer, Sprague, Tipton, and West—36.

So the amendment was concurred in.

The next reserved amendment was to insert as an additional section the following:

SEC. 29. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; that nothing herein contained shall affect existing rights of the United States.

Mr. CONKLING. I move now to insert words which I am told by my friend on my left [Mr. SCOTT] are acceptable to the Senator who offered the pending amendment. As explained to me, his view is to make this section perfect. After the word "commenced" should occur the words "previous to May 1, 1874." Am I right in that?

Mr. WADLEIGH. Yes, sir.

Mr. CONKLING. Then I move to amend the section as it stands by adding words as I will read them. After the word "commenced" insert a comma and add "previous to May 1, 1874;" and then follow with the words as they stood in my amendment, to wit:

Or in anywise affect suits or actions commenced, or forfeitures incurred, previous to May 1, 1874.

So as to repeat the date and apply it more certainly than the original form would to all parts of the section.

The PRESIDENT *pro tempore*. Will the Senator from New York state his amendment again?

Mr. CONKLING. I move to amend the section as reported by the Committee on Finance by adding after the word "commenced" the words "previous to May 1, 1874," and then adding the words "or in anywise affect suits or actions commenced or forfeitures incurred." This I offer in lieu of my amendment, and also of the amendment of the Senator from New Hampshire, I being told by the Senator from Pennsylvania that it is satisfactory to him.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment as reported to the Senate from the Committee of the Whole, pending which the Senator from New York moves an amendment to it which will be read.

The CHIEF CLERK. It is proposed to strike out the words "of the United States."

Mr. WADLEIGH. If the words "of the United States" are stricken out, some court or other may construe the term "existing rights" to apply to the rights of informers. I do not propose to leave any loophole of that kind open, and I hope the amendment will not be made in that way.

Mr. ALCORN. If the words "of the United States" are stricken out, I will inquire whether there is any doubt that the courts would so construe it?

Mr. WADLEIGH. I think they would.

Mr. ALCORN. There can be no doubt about that, I think.

Mr. THURMAN. I want to understand this. That amendment does not include striking out the words "of the United States," does it?

Mr. CONKLING. It includes, the Senator will observe, the section precisely as he has it before him with these words added. It is the section as reported by the Finance Committee with the addition of these words. The words "of the United States" inserted there would change the meaning or might change it very seriously. Therefore I omit them and take the section just as the committee reported it, adding these words which I understand to be satisfactory.

The PRESIDENT *pro tempore*. The section reported by the Committee of the Whole terminates with the words "of the United States." The question is on that amendment. Pending that the Senator from New York moves to put in the place of those words the words in the printed bill plus the words he has stated.

Mr. BAYARD. I merely desire to state my understanding, which is that of the gentlemen around me. In case the amendment of the Senator from New York is now adopted, the result of the vote of the Senate sustaining the amendment of the Senator from New Hampshire will be lost, and by that vote a majority of the Senate declared themselves against the payment of any portion of fees and penalties for which suits have been instituted and are pending at this time to informers. Therefore if we desire, as I understand, to maintain the moneys which may flow from suits hereafter in the Treasury of the United States and not pay them for moieties, we shall reject the amendment of the Senator from New York.

Mr. WADLEIGH. Yes; and I want to say under this very bill, as I understand it, if any of these gentlemen have a just and equitable claim, that claim can be carried to the Secretary of the Treasury and settled by him. The object of my amendment is that there shall not be taken out of the Treasury of the United States money that belongs to the hard-working people of this country for the purpose of paying it over from the United States to these gentlemen who have made themselves odious to the people.

Mr. SHERMAN. I beg to correct the honorable Senator from New Hampshire in one particular. Section 4, to which he refers, which authorizes the Secretary of the Treasury to pay certain rewards for detecting and seizing goods, would relate solely to the future. It provides "that whenever"—as a matter of course that means hereafter—"any officer of the customs or other person shall detect and seize goods," &c. It will only operate in the future, and unless other words were inserted it would not authorize payment for services already rendered.

Mr. WADLEIGH. If that is so, then I would be in favor of letting these gentlemen bring their claims in and having their claims adjusted equitably, and I would not provide in this bill that they shall receive as a matter of right moieties from the United States upon the penalties which may be collected in the suits which have been commenced by them.

Mr. SCOTT. As the Senator from New York has referred to my understanding of the suggestion or agreement of the Senator from

New Hampshire, it is proper that I should state, after what the Senator from New Hampshire has said, that it is evident he misapprehended the proposition I made to him in reference to this amendment. I did suppose that it was his desire that the words suggested by the Senator from New York should be inserted after the word "commenced" and that the words "of the United States" should be taken out of the amendment.

Mr. CONKLING. The Senator so told me.

Mr. SCOTT. And believing that to be his understanding, I did so state to the Senator from New York. It is evident either that I misunderstood the Senator from New Hampshire, or that he misunderstood me.

Mr. WADLEIGH. That was a misapprehension, because if the words "of the United States" are stricken out, I understand the term "existing rights" would apply to the rights of these informers.

Mr. SARGENT. And allow distribution.

Mr. WADLEIGH. And allow distribution.

Mr. SARGENT. Will the Senator explain how he could allow the words to remain "or prevent a distribution in like manner as if this act had not been passed?"

Mr. WADLEIGH. I do not desire to have anything in this bill under which they may possibly go into the courts or go anywhere and get moieties.

Mr. SARGENT. Those are the words the Senator was willing should be restored, proposed by the Senator from New York.

Mr. WADLEIGH. If the term "existing rights" is confined to the rights of the United States, that is one thing. If the term "existing rights" is to apply to all existing rights, it may be held to apply to the rights of informers, and that I do not propose to assent to.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York.

Mr. CONKLING. Let us have the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 9, nays 22; as follows:

YEAS—Messrs. Allison, Carpenter, Conkling, Ferry of Michigan, Gilbert, Jones, Mitchell, Scott, and Sherman—9.

NAYS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Gordon, Hager, Hamilton of Maryland, Johnston, McCreery, Merrimon, Norwood, Oglesby, Ransom, Saulsbury, Stevenson, Stockton, Thurman, Wadleigh, Washburn, Windom, and Wright—22.

ABSENT—Messrs. Anthony, Boreman, Boutwell, Brownlow, Buckingham, Cameron, Chandler, Clayton, Conover, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Flanagan, Frelinghuysen, Goldthwaite, Hamilton of Texas, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Kelly, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Schurz, Spencer, Sprague, Stewart, Tipton, and West—42.

The PRESIDENT *pro tempore*. There is no quorum voting.

Mr. SHERMAN. This bill remains as the unfinished business, I suppose, in the morning?

The PRESIDENT *pro tempore*. It does. Does the Senator move an adjournment?

Mr. SHERMAN. I do not see that there is any alternative.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate do now adjourn.

The motion was agreed to; and (at seven o'clock and forty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 9, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

KANSAS COAT OF ARMS IN THE HALL.

Mr. COBB, of Kansas, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the architect of the Capitol be, and he is hereby, instructed to forthwith cause the coat of arms of the State of Kansas to be placed in its proper panel in the Hall of the House of Representatives.

Mr. COBB, of Kansas, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. MONROE, by unanimous consent, introduced a joint resolution (H. R. No. 110) to print the report of the Commissioner of Education; which was read a first and second time, under the law referred to the Committee on Printing, and ordered to be printed.

INTEREST OF THE UNITED STATES IN PUBLIC LANDS.

Mr. PRATT, by unanimous consent, introduced a bill (H. R. No. 3653) to protect the interest of the United States in certain public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RAILROAD LANDS IN WISCONSIN.

Mr. McDILL, of Wisconsin, by unanimous consent, introduced a bill (H. R. No. 3654) to quiet the title of settlers on certain railroad lands in the State of Wisconsin; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN MYERS.

Mr. ROBINSON, of Ohio, by unanimous consent, introduced a bill (H. R. No. 3655) granting a pension to John Myers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHESAPEAKE AND OHIO CANAL.

Mr. LOWNDES, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be directed to furnish this House with the supplemental reports of the engineers on the extension of the Chesapeake and Ohio canal.

PRINTING OF DEBATES.

Mr. DONNAN. I am directed by the Committee on Printing to submit a report relative to the cost of publishing the debates at the Government Printing Office and by the proprietors of the Globe, with the accompanying testimony. I move that the same be printed and recommitted to the committee. One of my colleagues on the committee, the gentleman from North Carolina, [Mr. WADDELL,] dissents from some of the conclusions of the committee. I understand he has left his views with the gentleman from Pennsylvania, [Mr. STORM,] and I ask that they be printed with the report of the majority.

Mr. STORM. I am requested by the gentleman from North Carolina [Mr. WADDELL] to submit his views with an accompanying resolution upon the subject of printing the debates.

The report, with the views of the minority, was ordered to be printed and recommitted.

REPORTS FROM THE COMMITTEE ON WAYS AND MEANS.

Mr. DAWES. I ask unanimous consent that the first hour after the reading of the Journal to-morrow may be given to the Committee on Ways and Means to make reports. We have not been called for some time.

Mr. RANDALL. With the understanding that all points of order are reserved.

Mr. DAWES. Of course.

No objection was made, and it was so ordered.

EASTERN AND WESTERN TRANSPORTATION COMPANY.

Mr. McCRARY, by unanimous consent, introduced a bill (H. R. No. 3656) to incorporate the Eastern and Western Transportation Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

HENRY J. DRYSDALE.

Mr. RANDALL, by unanimous consent, introduced a bill (H. R. No. 3657) to remove the charge of desertion against the record of Henry J. Drysdale, late of Company E, Seventy-first Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. RANDALL. I ask that the committee have leave to report this bill at any time.

No objection was made, and it was so ordered.

CLERK OF COMMITTEE ON PENSIONS.

Mr. ARCHER. The Committee on Accounts have unanimously directed me to report the following resolution:

Resolved, That the compensation of the clerk of the Committee on Invalid Pensions shall be the same as that paid the clerk of the Committee on Claims.

Mr. DAWES. Is the House aware that the Committee on Claims has a clerk at a fixed salary, paid the year round?

Mr. ARCHER. The clerk of the Committee on Pensions is kept here the whole vacation fixing up bills for the Committee on Pensions. The Committee on Accounts have fully examined this matter, and they find that there are about six hundred cases that must be examined this summer. They think this is a very meritorious case.

Mr. GARFIELD. I would suggest that the object of this resolution can be accomplished only by legislation, not by resolution of the House.

Mr. ARCHER. Not to pay it out of the contingent fund of the House for committee clerks?

Mr. GARFIELD. You cannot pay the clerks of committees out of the contingent fund of the House; the law expressly forbids that. The provision must be put in a law, either on some appropriation bill or as a separate law.

Mr. DAWES. There are four clerks of committees who are paid a yearly salary. One of them, it seems to me, might as well come in under the general rule of daily compensation. In times past he had a great deal to do, but he has not much now. But at the present time there are only four committee clerks who receive regular annual salaries, the rest being paid a per diem.

Mr. GARFIELD. The question of fixing the salaries of all clerks whose pay is not fixed annually, fixing it uniformly for the two Houses, is now pending in a conference committee, and we hope to be able to arrive at some arrangement.

Mr. ARCHER. In that case I will withdraw this resolution for the present.

WILLIAM J. COITE.

Mr. DUNNELL, by unanimous consent, from the Committee on Claims, reported a bill (H. R. No. 3658) for the relief of William J. Coite; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PERSONAL EXPLANATION.

Mr. SYPHER. Mr. Speaker, I ask unanimous consent to make a personal explanation, occupying not more than three minutes.

The SPEAKER. If there be no objection the gentleman will proceed. The Chair hears none.

Mr. SYPHER. The gentlemen who were yesterday allowed the privilege of the floor for the purpose of defending their claims to seats in this House saw proper to make an assault upon me personally, and indirectly upon the House for seating me upon my *prima facie* title, and argued that because the House had taken such action it must of necessity follow that as precedent in this case.

I was elected from the first district of Louisiana. The contestants here were candidates for the State at large. Therefore there can be no similarity between the two cases. Secondly, after I was seated upon my *prima facie* title the House opened the case for the purpose of taking testimony, and gave ninety days in which that testimony was to be taken under the statute. I went to my home and devoted my time—the forty days allotted me—to the examination of over fifty witnesses, whose testimony, now before the Committee on Elections, establishes my right to a seat in this House by over 3,000 majority. I state this in justification of the gentlemen who voted in this House to give me my seat upon my *prima facie* title.

CIRCUIT COURTS IN CALIFORNIA, OREGON, AND NEVADA.

Mr. POLAND. Mr. Speaker, there came over yesterday from the Senate a bill changing the time of holding some terms of court on the Pacific coast. The time for holding those courts is very near; and it is important the bill should be considered at once. I understand there is no objection to it. I ask unanimous consent that the bill be taken from the Speaker's table and considered now.

There being no objection, the bill (S. No. 881) fixing the times of holding the circuit courts of the United States in the districts of California, Oregon, and Nevada was taken from the Speaker's table, and read a first and second time. It provides hereafter a term of the circuit court of the United States for the districts of California, Oregon, and Nevada shall be held as follows: For the district of California, in the city of San Francisco, on the second Monday of March, July, and November of each year; for the district of Oregon, in the city of Portland, on the second Monday of April, August, and November of each year; and for the district of Nevada, in the city of Carson, on the second Monday of March, June, and October of each year.

The bill was ordered to a third reading, read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOUISIANA ELECTION CONTEST—SHERIDAN *vs.* PINCHBACK.

Mr. SYPHER. I call for the regular order.

The SPEAKER. The regular order being call for, the House resumes the consideration of the resolutions reported from the Committee on Elections in the case of Sheridan *vs.* Pinchback, from the State of Louisiana. The first question is upon the amendment offered yesterday by the gentleman from Louisiana, [Mr. DARRALL,] which will be read.

The Clerk read as follows:

Resolved, That P. B. S. Pinchback is entitled *prima facie* to a seat in this House as a member at large from the State of Louisiana, without prejudice to the claim of George A. Sheridan, contestant for said seat.

The amendment was not agreed to.

The SPEAKER. The question now recurs upon the resolutions offered by the minority of the Committee on Elections as a substitute for the resolutions of the majority.

The resolutions of the minority were read, as follows:

Resolved, That P. B. S. Pinchback was not elected as a member of the Forty-third Congress from the State of Louisiana at large.

Resolved, That George A. Sheridan was duly elected as a member of the Forty-third Congress from the State of Louisiana at large, and is entitled to a seat in this House as such member.

Mr. WOODFORD called for a division of the question upon the resolutions.

The question being taken on the first resolution, it was agreed to.

The question recurring on the second resolution,

Mr. SPEER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 72, nays 145, not voting 72; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Creamer, Crittenden, Crossland, Durham, Eden, Eldredge, Fort, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Knapp, Lamar, Lamison, Leach, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Perry, Randall, Read, James C. Robinson, Milton Sayler, John G. Schumaker, Sloss, Southard, Speer, Standiford, Storm, Swann, Vance, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Wilshire, Ephraim K. Wilson, Wood, and John D. Young—72.

NAYS—Messrs. Albert, Averill, Barber, Barrere, Bass, Bradley, Buffinton, Bundy, Burchard, Burleigh, Benjamin F. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crocker, Crooke, Crounse, Crutchfield, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Foster, Freeman, Frye, Gooch, Gunckel, Hagans, Eugene Hale, Harmer, Benjamin W. Harris, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kellogg, Killinger, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Monroe, Moore, Morey, Nunn, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Pierce, Pike, Thomas C. Platt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sloan, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Sprague, Stanard, Starkweather, Strait, Strawbridge, Sypher, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, Whiteley, Charles W. Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Woodford—145.

NOT VOTING—Messrs. Adams, Albright, Barnum, Barry, Begole, Biery, Bright, Burrows, Roderick R. Butler, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Comingo, Curtis, Davis, Dawes, DeWitt, Elliott, Farwell, Garfield, Robert S. Hale, Harrison, Hersey, George F. Hoar, Holman, Jewett, Kelley, Kendall, Luttrell, Maynard, McJunkin, McKee, McNulta, Mitchell, Myers, Negley, Niles, O'Neill, Orr, Hosea W. Parker, Pelham, Phelps, Phillips, James H. Platt, jr., Poland, Potter, Pratt, Robbins, William R. Roberts, Henry B. Sayler, Scofield, Sherwood, Lazarus D. Shoemaker, George L. Smith, John Q. Smith, William A. Smith, Stephens, St. John, Stone, Stowell, Taylor, Charles R. Thomas, Christopher Y. Thomas, Waddell, White, Wilber, George Willard, Jeremiah M. Wilson, Wolfe, Woodworth, and Pierce M. B. Young—72.

So the resolution was not adopted.

During the roll-call,

Mr. PARKER, of New Hampshire, stated that he was paired with Mr. POLAND, who if present would vote in the negative, while he himself would vote in the affirmative.

Mr. SAYLER, of Indiana, stated that he was paired with Mr. STONE, of Missouri, who if present would vote in the affirmative, while he himself would vote in the negative.

The vote was then announced as above recorded.

Mr. HAWLEY, of Illinois. I desire to reconsider the vote by which the House adopted the resolution that Mr. P. B. S. Pinchback was not elected as a member of the Forty-third Congress from the State of Louisiana at large. I think that resolution was adopted under a misapprehension of the facts. The committee have reported that neither gentleman was elected, and in an additional resolution they reported that both shall have leave to take further testimony. If the resolution be adopted that Mr. Pinchback is not elected, it will preclude him of course from taking further testimony. I therefore move to reconsider the vote by which that resolution was adopted.

The SPEAKER. The gentleman from Illinois moves to reconsider the vote by which the House adopted the resolution reported from the minority of the committee that Mr. Pinchback was not elected.

Mr. HAWLEY, of Illinois. The adoption of that resolution precludes him from taking further testimony according to the report of the majority of the committee.

The SPEAKER. The Chair has been informed by several gentlemen that they did not understand the vote when it was submitted to the House.

The motion to reconsider was agreed to.

The question next recurred on the adoption of the resolution; which was read, as follows:

Resolved, That P. B. S. Pinchback was not elected as a member of the Forty-third Congress from the State of Louisiana at large.

Mr. ELDREDGE demanded the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH, of New York. I ask unanimous consent to make an explanation.

Mr. BECK. I object.

Mr. ELDREDGE. Elect him now if you choose.

The question was then taken, and decided in the negative—yeas 94, nays 121, not voting 74; as follows:

YEAS—Messrs. Archer, Arthur, Atkins, Banning, Beck, Bell, Berry, Bland, Blount, Bowen, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Creamer, Crittenden, Crocker, Crooke, Crossland, Crounse, Crutchfield, Davis, Durham, Eden, Eldredge, Fort, Freeman, Giddings, Glover, Gunckel, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Hunton, Kasson, Kellogg, Kendall, Knapp, Lamar, Lamison, Lamport, Leach, Lofland, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Moore, Morrison, Neal, O'Brien, Hosea W. Parker, Pendleton, Perry, Pierce, Randall, Read, Rice, James C. Robinson, Milton Sayler, John G. Schumaker, Sener, Sheats, Sloss, J. Ambler Smith, Southard, Speer, Standiford, Storm, Swann, Vance, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, James Wilson, Wood, Woodford, and John D. Young—94.

NAYS—Messrs. Albert, Averill, Barber, Barrere, Bass, Biery, Bradley, Buffinton, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Clements, Stephen A. Cobb, Coburn, Conger, Cotton, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Foster, Frye, Gooch, Hagans, Harmer, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Martin, Alexander S. McDill, James W. McDill, MacDougall, Merriam, Monroe, Morey, Myers, Nunn, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pike, James H. Platt, jr., Thomas C. Platt, Purman, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheldon, Sloan, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Starkweather, Stowell, Strait, Strawbridge, Sypher, Thornburgh, Todd,

Townsend, Tremain, Waddell, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Whiteley, Charles G. Williams, John M. S. Williams, William Williams, and William B. Williams—121.

NOT VOTING—Messrs. Adams, Albright, Ashe, Barnum, Barry, Begole, Bright, Bundy, Roderick R. Butler, Freeman Clarke, Clayton, Clinton L. Cobb, Comingo, Corwin, Curtis, Danford, Dawes, DeWitt, Elliott, Farwell, Garfield, Eugene Hale, Robert S. Hale, Hersey, George F. Hoar, Holman, Hynes, Jewett, Kelley, Killinger, Lansing, Maynard, McCrary, McJunkin, McKee, McNulta, Mitchell, Negley, Nesmith, Niblack, Niles, O'Neill, Pelham, Phelps, Phillips, Poland, Potter, Pratt, Robbins, William R. Roberts, Henry B. Sayler, Scofield, Sherwood, Lazarus D. Shoemaker, John Q. Smith, William A. Smith, Sprague, Stanard, Stephens, St. John, Stone, Taylor, Charles R. Thomas, Christopher Y. Thomas, Tyner, Waldron, Wheeler, Wilber, George Willard, Wilshire, Jeremiah M. Wilson, Wolfe, Woodworth, and Pierce M. B. Young—74.

So the resolution was rejected.

During the roll call,

Mr. SAYLER, of Indiana, stated that he was paired with the gentleman from Missouri, Mr. STONE, who would vote in the affirmative, while he himself would vote in the negative.

The vote was then announced as above recorded.

The question next recurred on the adoption of the following resolutions reported from the majority of the committee:

Resolved, That the evidence in this case is not sufficient to establish the right of either P. B. S. Pinchback or George A. Sheridan to a seat in this House as a Representative at large from the State of Louisiana.

Resolved, That Mr. Sheridan have leave to amend his notice of contest, if he shall so elect, serving upon Mr. Pinchback his amended notice within twenty days hereafter; that Mr. Pinchback have liberty to answer such amended notice within forty days hereafter, and that, upon the service of such answer, the evidence of the respective parties be taken, under the existing laws of Congress in such case made and provided; and that in case of default of an answer to such amended notice, Mr. Sheridan be at liberty to take testimony *ex parte*; and in case of default to serve an amended notice of contest, Mr. Pinchback may serve a notice of contest, as provided by law, within forty days hereafter, and take testimony in like manner.

The resolutions were adopted.

Mr. SMITH, of New York, moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENEVA AWARD.

Mr. BUTLER, of Massachusetts. I desire to report from the Committee on the Judiciary a substitute for the act (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, and I ask that the substitute only be read.

Mr. SPEER. Does the reporting of this bill supersede the special order, which is reports of the Committee on Expenditures in the Department of Justice?

The SPEAKER. That cannot be called up for some fifteen minutes yet.

Mr. SPEER. But will this bill supersede that special order when the hour shall arrive?

The SPEAKER. This will have to give way at the hour fixed for the special order.

Mr. BUTLER, of Massachusetts. I ask that the substitute be read.

The Clerk read the substitute, as follows:

An act to provide for a just and equitable distribution of the moneys paid in pursuance of the award made to the United States by the commissioners at Geneva, under the treaty of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That out of the money paid by the government of Great Britain in satisfaction of the award of the arbitration at Geneva under the treaty of Washington, indemnification to the United States and citizens thereof, and corporations organized under the laws thereof, or the laws of the several States and Territories therein, shall be established and paid from the Treasury, in the manner hereinafter provided, to the following classes of claimants, in the manner following:

First. For all loss, destruction, or damage by any confederate cruiser for whose acts the Government of the United States have made demand upon the government of Great Britain, done to or suffered by all such corporations and citizens of the United States, actual owners of property at the time of its destruction, whether ships or cargoes, outfit, advanced or other wages paid to officers and seamen, or freights actually earned.

To the officers and crews, being citizens aforesaid, all the wages which had been actually earned by them, up to the time of the capture, loss, or destruction of any vessel by such cruisers, together with the individual property of each respectively captured and lost or destroyed in the vessel so captured, who have not received the insurance thereupon; and to such officers and crews, or to any person on board either of said vessels, an indemnity for damages actually sustained from such capture or detention, and the amount expended in returning to their homes, or the place where they engaged in business or took employment, respectively, not including any prospective profits or wages, not earned at the time of capture, or which had been theretofore paid them.

To the United States, for all vessels the property of the Government or which were under charter to the United States, and for the destruction or loss of which the United States by the terms of the charter party was liable, which were captured and destroyed and lost by said cruisers, together with the property of the United States on board, and the same indemnity to the officers and crews of said vessels, respectively, as hereinbefore provided in case of capture of private vessels, except any losers insured in part or in whole for the property so lost, in which case the indemnity shall be made only for the loss beyond the sum received by the loser from such insurance.

To all insurers, being citizens or corporations of the United States, respectively, having insured or reinsured property so destroyed, who shall show, by an exhibit of their books of account and business, or otherwise, that the war premiums actually received by them did not equal in amount the losses paid by them because of property thereafterward captured and lost or destroyed by either or all of said cruisers: *Provided*, That no insurer shall have any claim or right in the claims of any assured herein provided for because of any assignment, either in law or in fact, unless such assignee had actually paid a just and adequate consideration therefor other than underwriting the policy or settling or paying any loss claimed by the assured.

Secondly. To all such corporations or citizens as aforesaid who had paid a premium for war risks on vessels and cargoes, freights, or other property therein, after the sailing of either of said cruisers, to the amount of such extra or war premiums only, paid by them, whether they suffered loss by capture of their vessels and property or otherwise by said cruisers: *Provided*, That mutual insurance companies who have paid a loss shall be indemnified for the same such indemnity to be divided among its members who contributed to pay such loss at the time; but no member of any mutual insurance company shall be indemnified for any war premium paid in such company: *Provided further*, That no claim for premiums paid for war risks which has been heretofore or may hereafter be assigned or transferred to any person, in whole or in part, or on which any lien or interest is secured in any way, shall be allowed by the court before which such claim is made; and the claimant thereof shall, in addition to his statement of his claim as hereinafter provided, declare under oath that there is no lien or claim thereon, and that no sale or transfer thereof has been made either in whole or in part; and upon proof made to the satisfaction of the court that any lien has been put thereon, or that any assignment or transfer has been made of any such claim, the same shall not be allowed; and upon proof being made to the satisfaction of the Secretary of the Treasury of any such lien, transfer, or assignment prior to issuing the warrant therefor, he shall stop the payment of any judgment thereon.

SEC. 2. That in ascertaining the losses so suffered no account shall be taken of prospective profits, or of freight not then earned, or of profits of charter-parties not then fulfilled, save that where any vessel carrying freight or passengers, or bound on a fishing or whaling voyage, had partly performed her voyage only at the time of such capture, destruction, or loss, the portion of the passage-money and freight which would have been, if the voyage had been carried out, then earned or accrued respectively, or the portion of the actual expense of such voyage, in ratio to the part of the passage or cruise to be performed at the time of such capture, only shall be allowed, deducting the portion of provisions and outfit then expended. In ascertaining the amount of such losses, the memorials, affidavits, depositions, and any other papers in the several cases of losses claimed respectively, now filed in the State Department, or official copies thereof, may be read in evidence: *Provided*, That no affidavit shall be read except where it appears to the satisfaction of the tribunal that the affiant cannot be produced before it as a witness or his testimony taken by a commission upon interrogatories; and in the hearing of the cause, any party claiming shall produce all books, papers, letters, and documents that may be called for by a general description thereof by any opposing party, or satisfactorily account for their loss or non-production, or suffer such judgment as is prescribed in section 15 of the act entitled "An act to establish the judicial courts of the United States," approved September 29, 1789; and on the hearing of the cause, any competent evidence may be produced by either party, either *viva voce* or by deposition taken upon interrogatories; and for this purpose depositions may be taken by either party *de bene*, or the court may admit affidavits where it is satisfactorily shown that the witness cannot be produced or his examination by interrogatories and cross-examination cannot be had.

SEC. 3. That within sixty days after the passage of this act the Attorney-General of the United States shall file in the circuit court of the United States, in a circuit to be designated by the President, a bill in equity, in the nature of a bill of interpleader, which shall state, if any, what claim on said money paid upon said award is made by the Government of the United States for losses or damages, with a concise statement of the facts, grounds, and nature of such claims, respectively; and also that the United States hold the money paid by Great Britain in pursuance of said award, and the interest accruing thereon, subject to the just claim of all persons and corporations entitled thereto, under the provisions and limitations set forth in this act, and not otherwise. All persons, companies, or corporations who have already filed claims in the State Department for losses or damages caused by either of said cruisers shall be named as defendants in said bill, and that they claim severally to be entitled to portions of the said money, but the particulars of their several claims need not be set forth. And notice of the commencement and pendency of such bill shall be given by publishing the substance thereof in one public newspaper in each State and Territory at least once a week for three months successively. And such notice shall state the day of filing such bill, and that every person, company, or corporation claiming to be entitled to any part of said fund, and desiring to appear and become a party thereto to assert such claim, is required to enter an appearance therein within six months from the filing of such bill. And each and every person, company, or corporation, whether named as a defendant in said bill or not, who shall not enter an appearance thereto within said six months, shall be forever barred of all right or claim in or to any part of said award: *Provided, however*, That the court may allow, within thirty days thereafter, any party to enter an appearance upon proper cause showing that such party was prevented therefrom by fraud, accident, or mistake.

SEC. 4. That every person, company, or corporation who shall, within six months after the filing of said bill, appear and claim to be entitled to any part of said award shall be admitted as a party defendant therein; and within two months after the expiration of said six months, every claimant to any part of said award who has duly entered as a defendant in said cause shall file in said court a statement, under oath of the party or his duly authorized agent, giving concisely and clearly the facts and grounds of his claim, and the amount thereof, together with such exhibits as he may be advised, which statement and the exhibits shall be in print, and twenty copies thereof filed in said courts: *Provided*, That those persons named as defendants and claimants in the bill may file such statement of their claims at any time after said bill is filed, and before the expiration of said six months, at their option.

SEC. 5. That immediately after the filing of such statement of claim by any claimant, the court shall fix a reasonable time for such claimant to take and file his evidence in support thereof, and shall allow the Government reasonable time to take and file evidence in opposition thereto; and any claimant shall be allowed to file evidence in opposition to any claim made by the United States to any part of such fund; and all testimony shall be taken in the manner and according to the practice of the court in equity causes, subject to the provisions of the second section of this act.

SEC. 6. That when the evidence is closed upon any claim, the court shall hear and determine the same in accordance with the provisions of this act; and in all its proceedings herein the court shall be governed by the rules of practice of courts of equity of the United States so far as the same may be applicable.

SEC. 7. That whenever more than $5,000 of any claim shall be disallowed by the court, the claimant, within thirty days, but not afterward, may appeal to the Supreme Court of the United States; and whenever any claim exceeding $5,000 shall be allowed, the United States shall have the same right of appeal; and if any claim shall be allowed in favor of the United States exceeding $5,000, any claimant, or any number of claimants jointly, may appeal therefrom; and all appeals shall be taken according to the law and rules governing appeals in equity from the circuit to the Supreme Court, but only so much of the record of the circuit court contained in the bills, pleadings, and evidence as may pertain to the claim in the judgment appealed from shall be sent up. Upon the allowance of any such appeal, it shall pass immediately to the Supreme Court for hearing, without awaiting the decision of other claims; and such appeal shall not delay proceedings in the circuit court upon other claims filed in the cause: *Provided, however*, That the death of any defendant shall not work a discontinuance of any part of the proceedings, but the legal representative may appear and prosecute his claim within such time as the court may order.

SEC. 8. That all appeals from the allowance or disallowance of such claims shall be entered at the term of the Supreme Court next after such appeal; and the Supreme Court shall give them precedence of other causes in said court, so far that they shall, if practicable, be heard at the term they are entered; and the decision of the Supreme Court shall be certified back to the court from which the appeal was taken.

SEC. 9. That when the time shall have expired in which any claim can be filed ni said court, the judge shall certify a list of all such claims, showing in detail the gross amounts thereof, to the Secretary of State, who shall cause a certified copy of such lists to be filed with the Secretary of the Treasury.

SEC. 10. That whenever final judgment shall be rendered in the circuit or Supreme Court in favor of any claimant, a certified copy thereof shall be issued to the claimant, and a like copy be filed in the State Department.

SEC. 11. That in case any judgment is rendered by a circuit court for indemnity for any loss or claim hereinbefore mentioned against the United States at the time of the giving of the judgment, the circuit court shall, upon motion of the attorney or counsel for the claimant, allow, out of the amount thereby awarded, such reasonable counsel and attorney fees to the counsel and attorney employed by the claimant or claimants respectively as the court shall determine is just and reasonable, as compensation for the services rendered the claimant in prosecuting such claims, which allowance shall be entered as part of the judgment in such case, and shall be made specifically payable as a part of said judgment for indemnification to the attorney or counsel, or both, to whom the same shall be adjudged; and a warrant shall issue from the Treasury in favor of the person to whom such allowance shall be made respectively, which shall be in full compensation to the counsel or attorney for prosecuting such claim; and all other liens upon, or assignments, sales, transfers, either absolute or conditional, for services rendered or to be rendered about any claim or part or parcel thereof provided for in this bill heretofore or hereafter made or done before such judgment is awarded and the warrant issued therefor, shall be absolutely null and void and of none effect.

SEC. 12. That in estimating the compensation to claimants, interest shall be allowed at the rate of 5 per cent. per annum upon the amount of actual loss or damage which shall be adjudicated in each case to have been sustained, from the date of the award of the arbitrators at Geneva.

SEC. 13. That the President may designate a counselor at law, admitted to practice in the Supreme Court of the United States, to appear as counsel on behalf of the United States and represent the interest of the Government in said suit and in all claims filed for indemnity for losses, as provided by this act, subject to the supervision and control of the Attorney-General. Such counsel shall receive for his services and expenses such reasonable allowance in each claim as may be approved by the court, to be apportioned in each claim adjudicated, and paid from said award upon the certificate of the judge.

SEC. 14. That if the amount of all claims filed in said cause shall not exceed the amount of said award, all the judgments of said court when final, or of the Supreme Court, shall be paid as soon as certified; but if it shall appear that the gross amount of said claims so filed, with the interest and costs thereof as herein provided, shall exceed the whole amount of said award and interest, then the judgments on the first class of claims hereinbefore set forth only shall be paid in full when certified; and of the judgments upon claims of the second class hereinbefore provided 50 per cent. only shall be paid upon certificates thereof until all of said claims so filed in court shall be determined and go into final judgment, when the remainder of the money paid on said award and the accrued interest shall be divided *pro rata* among said judgment claimants, but not to exceed the full amount of their said judgments, with interest thereon up to the time of the rendition thereof.

SEC. 15. That when it shall appear to the Secretary of the Treasury by the certificate of the court, under the seal thereof, that a final judgment has been rendered in favor of a claimant, he shall issue his warrant for the payment of the same out of any money in the Treasury not otherwise appropriated; and the Secretary of the Treasury is hereby authorized, from time to time, to sell in the market, after the notice, or cancel, at his election, such amount of the bonds of the United States in which such award paid by the government of Great Britain has been invested as will reimburse the Treasury for the amounts paid upon such judgments, or the United States for the amount of any judgment that may be recovered in favor of the United States against the money so paid; and after all judgments issued upon said losses and claims have been paid and satisfied, then it shall be the duty of the Secretary of the Treasury to cancel the remainder of said bonds, and cover the money secured thereby into the Treasury of the United States.

Mr. BUTLER, of Massachusetts. I enter a motion to recommit the bill and allow an amendment, which the gentleman from Maine [Mr. FRYE] desires to offer, to be pending.

Mr. FRYE. I offer the following amendment:

Strike out on page 14, line 64, these words:

Provided, That mutual insurance companies who have paid a loss shall be indemnified for the same, such indemnity to be divided among its members who contributed to pay such loss at the time; but no member of any mutual insurance company shall be indemnified for any war premium paid in such company.

Mr. TREMAIN. The committee has given no permission to allow that amendment to be offered. Is it in order?

The SPEAKER. It does not depend on the permission of the committee.

Mr. POLAND. I desire to offer an amendment.

Mr. TREMAIN. Am I to understand that no amendments can be received unless the chairman of the committee allows them?

The SPEAKER. The chairman of the committee enters a motion to recommit the bill and intimates that he will allow the amendment of the gentleman from Maine [Mr. FRYE] to be pending. The Chair will rule on the questions in regard to amendments when they come up.

CONGRESSIONAL ELECTIONS.

Mr. TREMAIN. I ask unanimous consent to report back from the Committee on the Judiciary the bill (H. R. No. 1979) to preserve the ballots cast and all the papers connected with elections held for Delegates to Congress, and for other purpose, and to move that the bill be printed and recommitted. And I give notice that on Saturday next I will move to suspend the rules to put the bill on its passage.

Mr. COX. I object.

Mr. TREMAIN. The motion is merely to print and recommit.

Mr. COX. Let it be on the condition that it is not to be brought back on a motion to reconsider.

The bill was ordered to be printed and recommitted to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

ORDER OF BUSINESS.

The SPEAKER. By order of the House, made under a suspension of the rules, the gentleman from Virginia, [Mr. SENER,] the chairman of the Committee on Expenditures in the Department of Justice, is entitled to the floor to report certain bills.

MIDDLE DISTRICT OF ALABAMA.

Mr. SENER. I yield to my colleague on the committee, the gentleman from Kentucky, [Mr. DURHAM,] to offer a resolution which will not give rise to any discussion.

Mr. DURHAM. The Attorney-General, in his annual report, calls attention to the fact that the clerk of the district court for the middle district of Alabama has failed to settle his semi-annual accounts; and on the 26th day of March a resolution was adopted by the House instructing the Committee on Expenditures in the Department of Justice to investigate that matter. The committee have investigated it, and they ask the House to adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Attorney-General be, and he is hereby, directed to institute legal proceedings against E. V. C. Blake, the clerk of the middle district of Alabama, and his sureties on his bond, for the recovery of whatever sum may be due and owing by said Blake to the United States as clerk aforesaid.

Mr. DURHAM. I will simply state that the report of the committee, made after an investigation of the matter, shows that this clerk is indebted to the Government of the United States about $12,000; and the Attorney-General desires some instruction, as to how he shall proceed to recover the money. I ask the adoption of that resolution.

There was no objection, and the resolution was adopted.

Mr. DURHAM moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WESTERN DISTRICT OF ARKANSAS.

Mr. SENER. Mr. Speaker, it is well known that since the 16th day of February the Committee on Expenditures in the Department of Justice have had under consideration the expenditures in the western district of Arkansas. After two or three months of patient and laborious investigation the committee have presented a report, which will be found in the document-room, Report No. 626, and have instructed me to report in connection therewith three bills and one resolution. I will first call up the bill No. 3621 for consideration.

The bill (H. R. No. 3621) to abolish the western district of Arkansas, and for other purposes, was read. It proposes to abolish the western district of Arkansas and to annex the territory constituting the same to and make it a part of the eastern district of Arkansas, to all intents and purposes whatsoever; said districts hereafter to constitute one district, to be known and designated as the district of Arkansas. The bill further provides that all causes, proceedings, and records now pending in or pertaining to the judicial business of said late western district of Arkansas shall be held, entered, kept, tried, and disposed of by the proper courts and judges for said eastern district in the same manner and to the same effect as if they had been originally commenced, proceeded with, or determined therein. And until further provision shall be made by law, courts shall be held at the same places and at the same times now provided by law in the said State; and all the judicial power now exercised by the district court for said late western district of Arkansas in respect to causes and matters arising in the Indian Territory are hereby conferred upon the district court for said eastern district; and it shall be the duty of the marshal for said eastern district to take possession of, and hold as part of the records and documents of said court, all records, files, papers, and other official documents now appertaining to the office and business of the marshal of said western district; but the clerks and clerks' office of said western district, and the records, dockets, files, papers, and official documents now appertaining to the office and business of the clerks shall be and remain as they are on the day before this act goes into effect, until otherwise ordered by the circuit and district judges for the district of Arkansas, who shall have the power of removal and appointment as now provided by law; and said records, dockets, files, papers, and other official documents appertaining to the office and business of the clerk and marshal of said western district shall have and be given the same force and effect as if they had been originally a part of the files and records of said eastern district; and the offices of all United States commissioners in said western district of Arkansas shall be vacated from and after the passage of this act, and until new appointments are made by the United States circuit court in and for the district of Arkansas.

The bill in its second section amends the third section of the act entitled "An act to supply deficiencies in the appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1858," approved June 14, 1858, by striking out the words "three persons in any of the States respectively," and inserting in lieu thereof the words "one person when necessary, except when the judge of his district shall certify in writing that two persons are necessary;" and provided that when two are deemed insufficient, the marshal shall apply for aid to the nearest commanding officer of the Army, whose duty it shall be to furnish the same.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SENER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. SENER. I report also from the Committee on Expenditures in the Department of Justice the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Attorney-General be directed to institute a full and thorough judicial investigation into the character of the allowances that have been paid out of the Treasury Department as well as the claims still due, growing out of the expenditures of the marshal's office of the western district of Arkansas since the 1st day of July, 1870, and to report the result thereof to this House at the first day of the next session.

Mr. SENER. In regard to this resolution I wish to say that I have no desire to discuss it. But the gentleman from Pennsylvania [Mr. SPEER] who is a member of the committee desires some time thereon.

Mr. BUTLER, of Massachusetts. Does this come in under the privilege granted to the committee?

Mr. SENER. It comes in under a suspension of the rules.

The SPEAKER. A suspension of the rules was limited to four bills that were included in the gentleman's motion.

Mr. SENER. Then does the Chair decide that no discussion is in order on this resolution?

The SPEAKER. The Chair decides that if objection be made to the resolution being reported it cannot be reported.

Mr. BUTLER, of Massachusetts. I object if it is to occupy any time.

Mr. SENER. I desire to direct the attention of the Chair to the fact that the committee obtained leave to have the report considered in connection with the bills, and this resolution is distinctly embraced in the report.

The SPEAKER. The Journal will determine that question. The entry in the Journal is as follows:

TUESDAY, *June* 9. One hour after the reading of the Journal the Committee on Expenditures in the Department of Justice are allowed the floor to consider, in the House, House bills 3577, 3578, 3579, and 3580.

The Chair understands that the bills now reported are substitutes for these.

Mr. SPEER. Is there objection to this resolution being considered?

The SPEAKER. The Chair understands the gentleman from Massachusetts [Mr. BUTLER] to object if it takes time. He objects, not to the resolution but to the consumption of time.

Mr. SENER. Then the gentleman from Pennsylvania will yield the floor.

The SPEAKER. If there be no objection the resolution will be considered as agreed to.

Mr. HYNES. I object unless I am allowed to offer an amendment to it.

The SPEAKER. The gentleman cannot object conditionally.

Mr. HYNES. Then I object.

Mr. SENER. Let me give notice that on the first day I can get a suspension of the rules of the House I will ask the House to pass this most necessary resolution, and if I had supposed there would have been any objection to it the other bill would not have been passed without some remarks on my part that would have shown the necessity of this resolution.

The SPEAKER. The gentleman can get the floor for that purpose on Thursday.

Mr. HYNES. Allow me to state, with the indulgence of the House, that I do not object to the adoption of the report of the committee, but I ask in justice to certain parties that an amendment shall be made.

Mr. SENER. I have no objection to the amendment being read.

The Clerk read the proposed amendment, as follows:

And that no part of said claims be paid until the Department has been satisfied by investigation of their correctness.

Mr. SENER. Let me explain the difference between the amendment and the resolution as reported by the committee. The gentleman proposes that the Department shall pass finally in judgment on the question of the propriety of these claims, and the committee propose that there shall be a further report to this House.

Mr. HYNES. Allow me to state that the purpose of my amendment is this: That after there has been a judicial investigation and the correctness of the accounts has been established, the parties to whom the money is due after such trial and investigation shall receive their money without waiting until next winter to have the matter reported to Congress and passed upon by Congress.

Mr. SPEER. I desire to say, in view of the evidence taken by the committee, that these accounts suspended in the Treasury Department, if not fraudulent, are strongly tainted with fraud. They should never be paid until the strictest examination has been made and the House has had an opportunity of passing on them.

The SPEAKER. The gentleman from Arkansas [Mr. HYNES] objects to the resolution without his amendment, and the gentleman from Virginia [Mr. SENER] objects to the amendment. The resolution is not before the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, requested the House of Representatives to return to the Senate the bill (H. R. No. 3652) providing for the publication of the revised statutes of the United States.

The message further announced that the Senate had passed, without amendment, joint resolution (H. R. No. 107) providing for the termination of the treaty between the United States and His Majesty, the King of the Belgians, concluded at Washington July 17, 1859.

PUBLICATION OF THE REVISED STATUTES.

Mr. POLAND. Some members of the Senate think there should be some provision made in relation to the distribution of the statutes among the districts. I hope the request of the Senate for the return of the bill will be acceded to.

There was no objection; and it was ordered that the bill be returned to the Senate.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. WILSON, of Indiana. With the permission of the gentleman from Virginia, who is entitled to the floor, I desire to make a report of a bill from the Joint Select Committee to Inquire into the Affairs of the District of Columbia for the purpose of printing and recommittal.

The bill (H. R. No. 3659) for the government of the District of Columbia, and for other purposes, was read a first and second time, recommitted to the committee, and ordered to be printed.

Mr. WILSON, of Indiana. I ask that the testimony and report of the committee be printed.

The order to print was made.

Mr. WILSON, of Indiana. I would like to make a parliamentary inquiry in this connection. The committee had leave to report at any time, and the session is now drawing to a close. I desire to know whether this report exhausts that leave?

The SPEAKER. It does not exhaust it. The leave was not limited to one report.

Mr. BUTLER, of Massachusetts. The bill is not to be brought back by a motion to reconsider.

The SPEAKER. The committee have the right to report at any time.

BONDS OF CLERKS OF UNITED STATES COURTS.

Mr. SENER. I now call up the bill (H. R. No. 3622) to amend the act to establish the judicial courts of the United States, approved September 24, 1789, in relation to bonds of clerks of the courts of the United States.

The bill was read. The first section provides that the seventh section of the act entitled "An act to establish the judicial courts of the United States," approved September 24, 1789, be amended and reenacted so as to read as follows:

SEC. 7. That the Supreme Court and the circuit and district courts shall have power to appoint clerks for their respective courts, according to the laws now in force; and each of said clerks shall, before he enters upon the execution of his office, take the following oath or affirmation, to wit:

"I, A B, being appointed clerk of ——, do solemnly swear (or affirm) that I will truly and faithfully enter and record all the orders, decrees, judgments, and proceedings of the said court; and that I will faithfully and impartially discharge and perform all the duties of my said office according to the best of my abilities and understanding: so help me God."

Which words "so help me God" shall be omitted in all cases where an affirmation is admitted instead of an oath. And each of said clerks shall give bond with sufficient sureties, to be approved by the court for which he is appointed, to the United States in the sum of not less than $5,000 nor more than $20,000, to be determined and regulated by the Attorney-General of the United States, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk; and it shall be the duty of the district attorneys of the United States, upon requirement by the Attorney-General, to give thirty days' notice of motion in their several courts that new bonds, in accordance with the terms of this act, are required to be executed; and upon failure of any clerk to execute such new bond, his office shall be deemed vacant. The Attorney-General may at any time, upon like notice through the district attorney, require a bond of increased amount, in his discretion, from any of said clerks within the limit of the amount above specified; and the failure of the clerk to execute the same shall in like manner vacate his office. All bonds given by the clerks shall, after approval, be recorded in their respective offices, and copies thereof from the records certified by the clerks under seal of court shall be competent evidence in any court. The original bonds shall be filed in the Department of Justice.

The second section provides that if the clerk of any court of the United States shall neglect for one year to render to the Department of Justice any return of the fees and emoluments of his office, the Attorney-General shall notify the judge of the court of this fact; and unless the clerk, within sixty days thereafter, makes explanation of the delay satisfactory to the Attorney-General, it shall be the duty of the said judge to remove the clerk from office.

The third section provides that the circuit courts of the United States, for the purposes of the act, shall have power to award the writ of *mandamus*, according to the course of the common law, upon motion of the Attorney-General or the district attorney of the United States, to any officer thereof, to compel him to make the returns and perform the duties therein required.

Mr. SPEER. I believe the committee has an hour upon this bill.

The SPEAKER. It has.

Mr. SPEER. Then I desire to be heard upon it.

Mr. SENER. I have no desire to make any speech on this bill. It simply provides three things: first, that all clerks of the United States courts shall be required to increase their bonds to a sum ranging between a minimum of $5,000 and a maximum of $20,000. The old act of 1789 makes the bonds of clerks of the United States courts uniform at $2,000. In our opinion, which has also been supported by the Department of Justice, these bonds are too low and ought to be increased.

Another provision of the bill requires that in case any of the clerks

of the respective courts of the United States fail to make their returns of fees and emoluments as required by law, the Attorney General may require the judge to remove that defaulting clerk. The third provision of the bill is to this effect: that in case these clerks fail to make these returns as required by law, the Attorney-General may require them to do so by *mandamus*.

[Mr. SPEER addressed the House. His remarks will appear in the Appendix.]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SENER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FEES AND COSTS OF OFFICERS OF UNITED STATES COURTS.

Mr. SENER also, from the Committee on Expenditures in the Department of Justice, reported back, with the recommendation that it do pass, the bill (H. R. No. 3623) to amend the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the twenty-third paragraph of section 3 of the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, be amended so as to read as follows:

"That before any bill of costs shall be taxed by any judge or other officer, or any account payable out of the money of the United States shall be allowed by any officer of the Treasury, in favor of clerks, marshals, or district attorneys, the party claiming such account shall render the same, with the vouchers and items thereof, to a United States circuit or district court, and in presence of the district attorney or his sworn assistant, whose presence shall be noted on the record, prove in open court, to the satisfaction of the court, by his own oath or that of other persons having knowledge of the facts, to be attached to such account, that the services therein charged have been actually and necessarily performed as therein stated; and that the disbursements charged have been fully paid in lawful money; and the court shall thereupon cause to be entered of record an order approving or disapproving the account, as it may or may not regard the same proved and justified by law. United States commissioners shall forward their accounts, duly verified by oath, to the district attorneys of their respective districts, by whom they shall be submitted for approval in open court. Accounts and vouchers of marshals shall be made in duplicate, to be marked respectively 'original' and 'duplicate.' And it shall be the duty of the clerk to forward the original accounts and vouchers of the officers above specified, when approved, to the proper accounting officers of the Treasury, and to retain in his office the duplicates, where they shall be open to public inspection at all times. Nothing contained in this act shall be deemed in any wise to diminish or affect the right of revision of the accounts to which this act applies by the accounting officers of the Treasury, as exercised under the laws now in force."

SEC. 2. That whenever the business of the courts in any judicial district shall make it necessary, in the opinion of the Attorney-General, for the marshal to furnish greater security than the official bond now required by law, a bond in a sum not to exceed $40,000 shall be given when required by the Attorney-General, who shall fix the amount thereof.

SEC. 3. That all acts inconsistent with the provisions of this act are hereby repealed.

Mr. SENER. Unless some gentleman desires to discuss this bill I will not say anything in relation to it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SENER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WESTERN DISTRICT OF ARKANSAS.

Mr. SENER. I think now there will be no contest about the resolution in relation to the western district of Arkansas, and I ask leave to report it again.

The SPEAKER. Has the resolution been modified so as to embrace the amendment of the gentleman from Arkansas, [Mr. HYNES?]

Mr. SENER. It has; I believe I am authorized by the committee to accept that amendment and I now report the resolution in a different form.

The Clerk read the resolution, as follows.

Resolved, Than the Attorney-General be directed to institute a full and thorough judicial investigation into the character of allowances that have been paid at the Treasury Department as well as claims still due growing out of expenditures in the marshal's office of the western judicial district of Arkansas, since the 1st day of July, 1870, and that no part of said claims shall be paid until the Department has been satisfied by investigation of their correctness and the Department shall report its action to this House.

The resolution was adopted.

Mr. SENER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1009) making appropriations for the support of the Army for the year ending June 30, 1875, and for other purposes.

GENEVA AWARD.

The House then resumed the consideration of the report of the Committee on the Judiciary in regard to the Geneva award.

Mr. BUTLER, of Massachusetts. I yield to the gentleman from Vermont to offer a substitute for the substitute reported by the committee, and then I move to recommit the bill.

Mr. POLAND. I offer what I send to the Clerk's desk as a substitute for the bill reported by the committee.

The Clerk read the proposed substitute, as follows:

That within sixty days after the passage of this bill the Attorney-General of the United States shall file in the circuit court of the United States, in the circuit to be designated by the President, a bill in equity, in the nature of a bill of interpleader, setting forth so much of the treaty between the United States and the government of Great Britain, called the treaty of Washington, as provides for the submission to arbitration of certain claims for damages, commonly called the "Alabama claims," the due appointment of commissioners thereunder, the making of the award thereon, and the payment thereof. The said bill shall also set forth whether any portion of said money paid upon said award is claimed by the Government of the United States for losses or damages to the same by the acts of the vessels named in the said award, and a concise statement of the facts, grounds, and amount of such claims. And all persons, companies, or corporations, who have already filed claims in the State Department for damages caused by the vessels, for and on account of which said award was made, shall be named as defendants in said bill, and that they claim severally to be entitled to portions of the said money, but the particulars of their several claims need not be set forth. And notice of the commencement and pendency of such bill shall be given by publishing the substance thereof in one public newspaper in each State and Territory for three months successively. And such notice shall state the day of filing such bill, and that every person, company, or corporation named therein as defendant, and also every person, company, or corporation claiming to be entitled to any part of said fund, and desiring to appear and become a party therein to assert such claim, is required to file an appearance therein within six months from the filing of such bill. And all and every person, company, or corporation, whether named as a defendant in said bill or not, who shall not enter an appearance therein within said six months, shall be forever barred of all right or claim in or to any part of said award.

SEC. 2. That every person, company, or corporation who shall, within six months after the filing of said bill, appear and claim to be entitled to any part of said award, shall be admitted as a party defendant therein; and within two months after the expiration of said six months every claimant to any part of said award, who has duly entered as a defendant in said cause, shall file in said court a written statement, giving concisely and clearly the facts and grounds of his claim, and the amount thereof: *Provided*, That those persons named as defendants and claimants in the bill may file such statement of their claims at any time after said bill is filed, and before the expiration of said six months, at their option.

SEC. 3. That immediately after the filing of such statement of claim by any claimant, the court shall fix a reasonable time for such claimant to take and file his evidence in support thereof, and shall allow the Government reasonable time to take and file evidence in opposition thereto, and any claimant shall be allowed to file evidence in opposition to any claim made by the United States to any part of such fund, and all testimony shall be taken in the manner and according to the practice of the court in equity causes, and all evidence, documents, and vouchers, filed in the State Department in support of any of such claims, shall be admissible in evidence in said cause.

SEC. 4. That when the evidence is closed upon any claim the court shall proceed to determine the same, and in all such adjudications the court shall be governed by the rules and principles established in courts of equity, and in allowing or disallowing costs shall follow the same rules.

SEC. 5. That whenever more than $5,000 of any claim shall be disallowed by the court, the claimant may appeal to the Supreme Court of the United States, and whenever any claim exceeding $5,000 shall be allowed, the United States shall have the same right of appeal; and if any claim shall be allowed in favor of the United States, exceeding $5,000, any claimant, or any number of claimants jointly, may appeal therefrom; and all appeals shall be taken according to the law and rules governing appeals in equity from the circuit to the Supreme Court. Upon the allowance of any such appeal, it shall pass immediately to the Supreme Court for hearing, without awaiting the decision of other claims, and such appeal shall not delay proceedings in the circuit court upon other claims filed in the cause.

SEC. 6. That all appeals from the allowance or disallowance of such claims shall be entered at the term of the Supreme Court next after such appeal, and the Supreme Court shall give them precedence of other causes in said court, so far that they shall, if practicable, be heard at the term they are entered, and the decision of the Supreme Court shall be certified back to the court from which the appeal was taken.

SEC. 7. That whenever final judgment shall be rendered in the circuit court in favor of any claimant, a certified copy thereof shall be issued to the claimant, and a like copy be filed in the State Department.

SEC. 8. All claims allowed by said court in favor of the United States shall have priority, and be first paid out of said fund.

SEC. 9. That if the amount of all claims filed in said cause shall exceed the amount of said award, none of said judgments shall be paid until all the claims shall be adjudicated, and, if the amount of the judgments in favor of private claimants shall exceed the amount of said award, after deducting all claims allowed in favor of the United States, then the money remaining of said award shall be paid *pro rata* to such claimants, but if the amount of claims filed in said cause shall not exceed the amount of the award, after deducting the claims of the United States, or after so many of said claims shall have been finally disallowed that said fund will be sufficient to pay the remaining claims in full, and the same shall be made to appear by certificate from the court to the Secretary of State, in such case the Secretary of State, within six months after the certificate of a final judgment by the court in favor of any claimant has been duly filed, and no appeal has been taken therefrom, and no motion for a rehearing of the same has been filed, shall draw a warrant for the amount of such judgment, with 5 per cent. interest thereon from the time of the rendition thereof, in favor of the claimant therein, upon the Treasurer of the United States, and the Treasurer shall pay the same, and charge the amount against the bond or bonds held by the Secretary of State for the amount of said award.

Mr. TREMAIN. I ask the chairman of the committee to allow me to offer some amendments and to have them read.

Mr. BUTLER, of Massachusetts. There cannot be any more amendments offered.

The SPEAKER. Not unless by unanimous consent.

Mr. BUTLER, of Massachusetts. Well, I must object.

Mr. TREMAIN. I ask that the amendments may be printed in the RECORD of to-morrow morning.

The SPEAKER. Is the gentleman's amendment in the nature of a substitute?

Mr. TREMAIN. No; there are several amendments proposing to strike out different portions of the bill.

Mr. BUTLER, of Massachusetts. I have no objection to the amendments being printed.

The amendments offered by Mr. TREMAIN are as follows:

Page 12. Strike out all after the word "government," in line 12, to and including the words "Great Britain" in line 13, and insert the words "of Great Britain was held liable at Geneva."

Page 14. Strike out all after the word "who," in line 47, to and including the word "assured" in line 57, and insert in lieu thereof the words "have paid a loss thereon."

Page 14. Strike out lines 52, 53, 54, 55, 56, and 57.

Page 14. After the word "assured," in line 57, insert the words:

Provided also, That mutual insurance companies who have paid a loss shall be indemnified for the same, such indemnity to be apportioned among its members who contributed to pay such loss at the time.

Page 14. Strike out from line 58 to the word "cruisers" in line 64.

Mr. BUTLER, of Massachusetts. Before we go further I desire, in order that the House may know the order of business, to come to an agreement as to the course of this debate. This is a matter, as you are all aware, of great consequence, and there are many gentlemen who desire to discuss it. In order to give as full an opportunity for discussion as the state of public business will allow, after consulting with my associates on the committee and other gentlemen, I propose to call the previous question to-morrow at four o'clock, so that we may finish up the voting to-morrow night and that in the mean time there be a division of time between the opponents and friends of the bill substantially equally. I trust that that arrangement will meet with no objection.

Mr. TREMAIN. I have no objection to having it understood that a motion for the previous question will be made at four o'clock to-morrow.

Mr. BUTLER, of Massachusetts. That is the time at which I propose to move it.

Mr. TREMAIN. But unless I can have an opportunity to have a vote of the House on the amendments that I desire to offer, but which the chairman of the committee refuses to receive and will only allow an amendment to be offered by one of the friends of the bill, I am not to be understood as consenting that the previous question should be considered as ordered at that time. If my amendments can be received so that I can have a fair vote upon them in the House, I shall have no objection to the previous question being considered as ordered at four o'clock to-morrow.

Mr. BUTLER, of Massachusetts. Of course if the House chooses it can vote down the previous question.

The SPEAKER. The gentleman from New York proposes that if his amendments can be allowed to be considered as pending, the previous question shall be considered as operating at four o'clock to-morrow.

Mr. BUTLER, of Massachusetts. I am content with that arrangement.

The SPEAKER. If there be no objection that arrangement will be considered as agreed to.

Mr. POLAND. Will all the time between now and to-morrow afternoon be devoted to the discussion of this question?

The SPEAKER. With the exception of one hour after the reading of the Journal to-morrow, which the House this morning assigned to the Committee on Ways and Means. With that exception there is nothing in the orders of the House to interfere with this discussion.

Mr. HALE, of Maine. I do not want to interpose any objection that would hinder this bill; but the chairman of the Committee on Appropriations is absent on a conference committee, and I think it was his understanding this morning, in accordance with some suggestions that had been made, that the debate would be brief on this bill and that it would be disposed of to-day.

Mr. BUTLER, of Massachusetts. The difficulty is that a great deal of this day has already been occupied.

Mr. HALE, of Maine. It would seem to be rather limited time. But I suggest to the gentleman to name instead of four o'clock to-morrow——

Mr. BUTLER, of Massachusetts. Well, say three o'clock.

Mr. HALE, of Maine. I would suggest two o'clock, and then we can be sure to get the subject out of the way to-morrow and permit the Committee on Appropriations the next day to take up the remaining appropriation bill, which has not yet been touched by the House.

The SPEAKER. With the amendments now pending, if the gentleman from Massachusetts desires to have the question disposed of to-morrow, the previous question should be considered pending a little earlier than four o'clock.

Mr. BUTLER, of Massachusetts. Well, say three o'clock.

Mr. HALE, of Maine. That will be better.

No objection was made, and it was so ordered.

Mr. HALE, of Maine, moved to reconsider the order just made; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

[Mr. BUTLER, of Massachusetts, addressed the House. His remarks will appear in the Appendix.]

Mr. TREMAIN. Mr. Speaker, no more delicate and important subject is likely to challenge the attention of the Forty-third Congress than the just and proper distribution of the money received from Great Britain in payment of the Geneva award. The dignity and learning of the august tribunal by which that award was adjudged, the rank and power of the contending parties, the novelty of the precedent whereby causes of war were peacefully submitted to the arbitrament of an international court, the interesting nature of the momentous questions that were involved in the contest, and the forensic ability with which the claims of the sovereign litigants were maintained attracted to that tribunal the attention of the civilized world.

The United States were the victors in the litigation, but only because truth and justice were on their side. Our country has won imperishable honor and renown by its conduct in connection with that great moral and intellectual battle. This nation has earned and received the admiration and the eulogies of all other civilized nations for the magnanimity displayed by our statesmen, who, when our country was at the zenith of its power and had control of armies more powerful than any other nation, resisted the temptation to declare war, spared the blood and treasure of the people belonging to two of the principal nations of the earth, speaking a common language and springing from a common ancestry, and consented to establish a precedent whereby the interests of civilization and Christianity received a new and powerful impulse.

The Republic has received the meed of universal commendation for the exalted motives which prompted her action, for the diplomatic skill which preceded and culminated in the treaty of Washington, for the ability displayed by her legal advisers and representatives at Geneva, and for the crowning triumph which she won in the judgment of the court.

The proceedings of the court have been scattered broadcast among the nations and published in the various languages of Europe. They were events that transpired in the face of the world and commanded universal attention. The grounds on which our claims were presented and advocated, the arguments by which they were resisted, the nature and description of claims allowed, as well as the principles and matters of fact determined by the court, are also published and known, not only in England and America, but among all the jurists and peoples of continental Europe and of the civilized world.

That the record relating to the Geneva award, which is now so honorable to our country, may continue untarnished to the end of the chapter, it is necessary that the action of our Government in dealing with its own citizens should be characterized by the principles of justice and good faith. Our Government has no right to speak "with two tones to its voice," one at Geneva and another at Washington. If the arbitrators ordered Great Britain to pay to the United States the amount of the award to enable our Government to indemnify its citizens for certain losses, particularly recognized and included in the award, our Government is bound to distribute the money among those citizens who sustained those losses. It can only be withheld from the parties to whom in equity it belongs, whether it is retained in the Treasury or misappropriated by giving it to persons to whom it does not belong, by an exercise of unjustifiable arbitrary power.

This bill proposes to distribute the money, and declares to what persons it shall be paid. Having dissented from the majority of the Judiciary Committee who reported this bill, and having united in the minority report, it is due to myself and to the gravity of the questions involved that the reasons for my dissent and the grounds of my opinion should be presented to the House and to the country.

The Judiciary Committee are understood to have been unanimous in their conclusion that the money ought not to be retained in the Treasury, but should be distributed among the proper parties. Various opinions have been entertained and expressed as to the proper distribution of this fund, which may be classified as follows:

First. That it should be divided among those corporations and citizens who sustained losses by reason of the acts of those cruisers for which Great Britain was held liable, claims for which losses were allowed by the arbitrators and included in the award.

Second. That it should be divided among all the claimants for whose losses our Government made a demand of indemnity from England and presented the demand to the arbitrators, whether the claims were allowed or rejected, and whether the losses were caused by the cruisers for whose acts Great Britain was held responsible or any other confederate cruisers.

Third. That our Government holds the fund as absolute owner, free and clear from any trust or equities in favor of the parties who suffered losses, and has a legal and moral right to dispose of the money according to its own views of justice, either retaining it in the Treasury or placing it where it will do the most good.

Fourth. This bill excludes from participation in the award a large class of claimants whose losses were allowed by the arbitrators and included in the award, namely, the marine insurance companies excepting mutual companies, and includes among those who are to share in the fund a still larger class of claimants whose claims were rejected by the arbitrators, namely, the parties who paid war premiums, or, as they are named in the proceedings at Geneva, "enhanced rates of insurance."

This bill provides that all war premiums paid for war risks on vessels, cargoes, freights, or other property, after the sailing of either of the cruisers for whose acts our Government made claim upon the government of Great Britain, shall be paid out of the award, whether the

persons suffered loss by capture or not. Under this bill, if such persons have received full indemnity from an insurance company for their loss, they may recover from this award the premium paid on account of the risk. It is not necessary that the persons paying the war premiums should show that they were paid on account of the sailing of the cruisers for whose acts Great Britain was held responsible, nor even on account of the sailing of the cruisers for whose acts our Government made any demand. It is enough that they were paid after the sailing of either of the latter class of cruisers.

Under this bill, no insurance company other than mutual which may have paid any losses, and been subrogated to the rights of the owners of property lost, can receive any indemnity for the loss, although the claim for such loss may have been allowed by the Geneva tribunal, no matter whether the owner shall have executed a formal assignment of his claim or otherwise. As if to brand any claim under an assignment to a marine insurance company as odious and void, the bill provides that no insurer shall have any claim under an assignment, although he may have paid the whole loss insured, unless the assignee also paid some other and additional consideration. As the bill had previously declared that no owner should have a claim for property lost where he had been insured and his insurance had been paid, and the bill had also cut off any claim by insurance companies under their equitable or legal assignments, the only effect of the provision annulling the assignment would seem to be to express the condemnation by Congress of an assignment which was condemned by no law when made, was entirely valid between the parties, was not complained of by the parties themselves, and which was sanctioned by the general usage among underwriters and parties insured.

Although the bill recognizes some sort of equities in favor of insurance companies other than mutual who have paid losses, yet it does not permit them to recover at all from the award the amount of such losses, although they may form part of the award, but requires the companies to exhibit an account of their business during the war, and to show that the war premiums received by them did not equal in amount the losses paid by them because of property destroyed by the cruisers. So that if they have actually paid losses to the amount of $5,000,000, which were allowed at Geneva, but their business shall show that during the four years of war their premiums received equaled their losses, they are wholly excluded from participating in the award. In taking this account, also, they are not allowed to be credited for the necessary expenses of carrying on their business, but the account must be confined to premiums received and losses paid.

To illustrate: if the insurance companies paid losses to the amount of $40,000 and received premiums during the war amounting to $40,000, they are excluded wholly, although their legitimate and necessary business expenses during that period may have amounted to $40,000.

Let us suppose, and the supposition is based upon an approximation to actual facts, that our Government presented at Geneva claims for property destroyed by the three cruisers for whose acts Great Britain was held responsible, amounting to $15,000,000. Among the vessels mentioned in this claim there are a number, amounting in value to say $5,000,000, which were insured, and the insurance companies had paid to the owners the full amount of the policies of insurance. The arbitrators allowed of this five millions the sum of, say, $4,500,000, and Great Britain has paid that sum to our Government to indemnify its corporations and citizens for these losses. Under the operation of this bill the following results are effected: First, the owners of these vessels are excluded from all participation in the award, and properly excluded, because they have been fully paid by the insurance companies for their losses, and if they were allowed to receive the amount from the fund they would be paid twice. Second, the insurance companies who paid the five millions are not allowed to share in the fund because on taking the account of their entire business during the war upon the imperfect basis established under this bill, wherein they are only credited with losses paid but not with the expenses of their business, it appears that their premiums received equaled their losses. If this were all it would appear that this $4,500,000 would remain in the Treasury. This would be bad enough, but yet the insurance companies who are the sufferers would have the consolation of reflecting that while their Government had not dealt justly by them, still their money had been applied perhaps to the construction of asylums or hospitals, or perhaps to the support of Government and the payment of taxes. But this bill leaves them no such crumbs of comfort. It includes among the sharers of the fund a new and large class of claimants who, as I shall have occasion to show, will absorb the balance of the fund. It brings in all the claims for which our Government made demand upon England. Our Government was a party to a great lawsuit, and could not recover for any claims that were not embraced in its complaint or case. For more abundant caution, and, as its representatives repeatedly declared, for the purpose of having a final and complete settlement of all pending difficulties, it embraced a large class of claims in its case which the proceedings show it never had any serious expectation would be allowed, and these claims were rejected by the tribunal. This bill proceeds upon the extraordinary theory that as between itself and its own citizens our Government is estopped from controverting its liability to pay all these claims to its own people. At the same time, where the court allowed a certain class of claims belonging to insurance companies, the Government is not estopped by the fact that it demanded these claims before the court and by the further facts that these claims were allowed and the money paid over by England and received by the United States upon such claims.

Nay, the bill proceeds upon the further ground that as to the claims that were not allowed they actually constitute equitable liens upon the fund itself. It would seem that it was enough to exclude these claims from being paid out of this fund that they never entered into or formed any part of the fund itself. If they were claims that our Government ought to pay, the proper and usual course would be to permit some appropriate committee of the House, or it may be a court of competent jurisdiction, to investigate the merits of the claims; but this bill, without any investigation whatever, declares not only that these are valid claims against the United States, but that they are liens upon this particular fund, and also that the court must order them to be paid without hearing or determining the question whether our Government is liable for their payment, and the further question whether they constitute liens in law or equity upon this particular award.

Before we determine by any act of legislation that any claims against the Government should be allowed and paid, every consideration of prudence, as well as the universal practice of the Government heretofore, requires that the amount of such claim should be ascertained. If this bill had simply authorized the payment of claims that had been allowed and paid, we should have been enabled to ascertain with a reasonable approximation to certainty the amount of such claims. This House has no evidence before it and no means of ascertaining otherwise the amount of demands for war premiums which this bill directs shall be paid out of this award. It appears by the recorded list of claims that had been filed with the Department of State prior to the determination of the Geneva tribunal, a copy of which I have obtained from the Secretary, that the amount of claims for increased insurance, exclusive of interest, was $6,146,219.71. But I learn on inquiry at the State Department that a large amount of additional claims has been since filed, and that new claims of that character are yet continually filed. It was stated before the committee by one of the war-premium claimants that the amount exclusive of interest of such claims would reach the sum of $10,000,000. It is stated by those who are well informed as to the extent of business of this description transacted by insurance companies that the amount of such claims with interest will far exceed the whole amount of the award. Should this bill become a law, it is a legislative recognition that our Government is liable to pay these claims. Should the fund prove inadequate to pay them all, it is difficult to discover on what ground the Government can hereafter refuse to pay the balance of such claims, nor why it should not also pay the interest thereon, inasmuch as the bill provides not merely for the payment of the principal but also for the payment of interest.

Having made this preliminary explanatory statement, I will proceed to call the attention of the House to two principal questions growing out of the bill, which I propose to discuss.

The first one is: Ought the claims for war premiums or increased insurance to be paid out of this fund, as provided for by this bill?

The second one is: Ought any of the insurance companies who have paid losses upon policies of insurance covering property destroyed by these cruisers, for whose acts Great Britain was held responsible, to be excluded from participation in this fund unless they can show by an account of their whole business during the war that the premiums received by them did not exceed the losses paid?

In considering the question whether claims for war premiums paid, or for enhanced insurance, as they are called in the papers relating to the treaty of Washington, should be paid from this fund, the first important and, as it seems to me, the controlling fact which should influence our action is, that the Geneva tribunal decided that according to the principles of international law Great Britain was not liable for such claims. This decision was the unanimous judgment of that tribunal, including our own commissioner, Charles Francis Adams, and it was duly entered upon the record of its proceedings.

When the American case was prepared and served upon the representatives of the English goverment in accordance with the provisions of the treaty, that government insisted that certain claims therein put forth were not included within the scope of the treaty. The treaty had provided for the submission of all the claims growing out of the acts committed by the Alabama and other vessels that had escaped under whatever circumstances from the British ports, and for the depredations committed by those vessels, and generically known as the Alabama claims.

On receiving the American case the British government raised the objection that the following claims for indirect losses were not embraced within the scope or intention of the reference to arbitration, namely:

First. The loss in the transfer of the American commercial marine to the British flag.

Secondly. The enhanced payments of insurance.

Thirdly. The prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion.

England demanded that these claims should be withdrawn on that ground, and our Government declined to withdraw them, and insisted that they were covered by the treaty; that it was important that all pending differences between the two countries, relating to all the claims in question, should be determined, and persisted in its determination to submit these claims to the arbitrators. A long and sharp diplo-

matic correspondence ensued upon this subject, which will be found in volume 2, of the documents relating to the treaty.

No adjustment of this question having been arrived at, the arbitrators met at Geneva, in June, 1872, when our case and the American argument in support of it was presented. The English counsel asked for an adjournment to have the pending misunderstanding as to what claims were submitted determined. The tribunal having been informed of the points in difference, adjourned over until the following Monday for consultation on the American side.

Thereupon, when the arbitrators assembled on Monday, the following proceedings took place, as will appear by the authentic and official report, found in volume 2, of the documents, beginning at page 577:

No. 112.

Mr. Davis to Mr. Fish.

[Telegram.]

GENEVA, *June* 19, 1872. (Received 4.50 p. m.)

Tribunal will this morning make declaration reciting British motion for adjournment, and reasons given for making it, namely, the differences between the governments as to competency of tribunal to determine the three classes of indirect claims, and then continues:

"The arbitrators do not propose to express or imply any opinion upon the point thus in difference between the two governments as to the interpretation or effect of the treaty, but it seems to them obvious that the substantial object of the adjournment must be to give the two governments an opportunity of determining whether the claims in question shall or shall not be submitted to the decision of the arbitrators, and that any difference between the two governments on this point may make the adjournment unproductive of any useful effect, and after a delay of many months, during which both nations may be kept in a state of painful suspense, may end in a result which it is to be presumed both governments would equally deplore, that of making this arbitration wholly abortive. This being so, the arbitrators think it right to state that after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations; and should, upon such principles, be wholly excluded from the consideration of the tribunal in making its award, even if there were no disagreement between the two governments as to the competency of the tribunal to decide thereon. With a view to the settlement of the other claims, to the consideration of which by the tribunal no exception has been taken on the part of Her Britannic Majesty's government, the arbitrators have thought it desirable to lay before the parties this expression of the views they have formed upon the question of public law involved, in order that, after this declaration by the tribunal, it may be considered by the Government of the United States whether any course can be adopted respecting the first-mentioned claims which would relieve the tribunal from the necessity of deciding upon the present application of Her Britannic Majesty's government."

DAVIS.

No. 113.

Mr. Davis to Mr. Fish.

[Telegram.]

GENEVA, *June* 19, 1872. (Received at 6 p. m.)

The counsel write me as follows:

"We are of the opinion that the announcement this day made by the tribunal must be received by the United States as determinative of its judgment upon the question of public law involved, upon which the United States have insisted upon taking the opinion of the tribunal. We advise, therefore, that it should be submitted to, as precluding the propriety of further insisting upon the claims covered by this declaration of the tribunal, and that the United States, with a view of maintaining the due course of the arbitration on the other claims without adjournment, should announce to the tribunal that the said claims covered by its opinion will not be further insisted upon before the tribunal by the United States, and may be excluded from all consideration by the tribunal in making its award."

DAVIS.

No. 114.

Mr. Fish, to General Schenck.

[Telegram.]

DEPARTMENT OF STATE, WASHINGTON, *June* 22, 1872.

Send following by telegraph and also by mail, without delay, to Davis, Geneva:

["*Mr. Fish to Mr. Davis.*]

"Your telegram of 19th informs me that the tribunal has made a declaration stating that the arbitrators have arrived at the conclusion that a class of the claims set forth in the case presented in behalf of the United States do not constitute, upon the principles of international law applicable to such cases, a good foundation for an award of compensation or computation of damages between nations, and should, upon such principles, be wholly excluded from the consideration of the tribunal in making up its award.

"You also inform me that the counsel of this Government before the tribunal at Geneva have advised in writing that they are of opinion that the announcement thus made by the tribunal must be received by the United States as determinative of its judgment upon the question of public law involved, upon which the United States have insisted upon taking the opinion of the tribunal; that the counsel advise, therefore, that this judgment be submitted to as precluding the propriety of further insisting upon the claims covered by the declaration of the tribunal; and that the United States, with a view of maintaining the due course of arbitration on the other claims, without adjournment, should announce its opinion that the claims referred to by the tribunal will not be further insisted upon by the United States, and may be excluded from its consideration by the tribunal in making its award.

"I have laid your telegrams before the President, who directs me to say that he accepts the declaration of the tribunal as its judgment upon a question of public law which he had felt that the interests of both Governments required should be decided, and for the determination of which he had felt it important to present the claims referred to for the purpose of taking the opinion of the tribunal.

"This is the attainment of an end which this Government had in view in the putting forth of those claims. We had no desire for a pecuniary award, but desired an expression by the tribunal as to the liability of a neutral for claims of that character. The President, therefore, further accepts the opinion and advice of the counsel as set forth above, and authorizes the announcement to the tribunal that he accepts their declaration as determinative of their judgment upon the important question of public law upon which he had felt it his duty to seek the expression of their opinion; and that in accordance with such judgment and opinion, from henceforth he regards the claims set forth in the case presented on the part of the United States for loss in the transfer of the American commercial marine to the British flag, the enhanced payment of insurance, and the prolongation of the war, and the addition of a large sum to the cost of the war, and the suppression of the rebellion, as adjudicated and disposed of; and that consequently they will not be further insisted upon before the tribunal by the United States, but are henceforth excluded from its consideration by the tribunal in making its award."

FISH.

No. 116.

General Schenck to Mr. Fish.

[Telegram.]

LONDON, *June* 26, 1872. (Received at 11 a. m.)

Davis telegraphs as follows:

["*Mr. Davis to Mr. Fish.*]

"At the conference convened this day (June 25) by Count Sclopis, I said the declaration made by the tribunal, individually and collectively, respecting the claims presented by the United States for the award of the tribunal for, first, the losses in the transfer of the American commercial marine to the British flag; second, the enhanced payment of insurance; and third, the prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion, is accepted by the President of the United States as determinative of their judgment upon the important question of public law involved. The agent of the United States is authorized to say that consequently the above-mentioned claims will not be further insisted upon before the tribunal by the United States, and may be excluded from all consideration in any award that may be made. To this Lord Tenterden replied: 'I will inform my government of the declaration made by the arbitrators on the 19th instant and of the statement now made by the agent of the United States, and request their instructions.' The tribunal then adjourned to Thursday at eleven, to enable him to communicate by telegraph with his government."

SCHENCK.

The hearing thereafter proceeded, and, as will hereafter be more fully stated, they made their award for the direct losses claimed by our Government. That these proceedings were regarded by our Government as the determination by the judgment of the proper tribunal that claims for war premiums were too remote and consequential to be recovered will fully appear from the letter of Secretary Fish to General Schenck, dated August 31, 1872.

No. 121.

Mr. Fish to General Schenck.

No. 260.] DEPARTMENT OF STATE, WASHINGTON, *August* 31, 1872.

SIR: I have the pleasure to acknowledge your No. 290, inclosing two copies of the Queen's speech on the prorogation of the two Houses of Parliament on the 10th instant.

The telegram had enabled the public journals to bring to my notice this speech, or at least that part of it where Her Majesty is made to say that the declaration of the arbitrators at Geneva is entirely consistent with the views which she announced to Parliament at the opening of the session, and I had observed what you comment upon, that Her Majesty in her speech at the opening of the session had said: "In the case so submitted on behalf of the United States, large claims have been included which are understood on my part not to be within the province of the arbitrators." A very long correspondence ensued, in which this Government contended, in effect, that all the claims presented were within the proper jurisdiction of the tribunal, and that they could be disposed of only upon the judgment or award of the arbitrators. At their fifth conference, on 19th June, Count Sclopis, as president of the tribunal, on behalf of all the arbitrators made a statement, in the course of which he said: "The arbitrators think it right to state that after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims," (referring to those which Her Majesty had thought were not within the province of the tribunal,) "they have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations."

The president of the tribunal, in behalf of all the arbitrators, officially states that they had given "the most careful perusal" to "all that had been urged in respect of the claims"—this looks very much like taking cognizance of them; that after such perusal they had not only individually but "collectively" arrived at a "conclusion;" the "collective" action of a board must be official action.

The tribunal then, after taking cognizance of these claims, officially pronounces the opinion that upon the principles of international law applicable to such cases they do not constitute good foundation for an award of compensation or computation of damages between nations. The president could regard this only as a definitive expression—a judgment of the tribunal upon the question of public international law applicable to such cases, deciding that claims for remote or consequential injuries do not constitute good foundation for compensation in damages between nations.

At the sixth conference (25 June) the agent of the United States stated that the declaration thus "made by the tribunal is accepted by the President of the United States as determinative of their judgment upon the important question of public law involved," and "that consequently the above-mentioned claims will not be further insisted upon before the tribunal by the United States." They had been insisted upon before the tribunal, but "will not be *further* insisted upon." The British agent then said that he would inform his government of the declaration made by the arbitrators on the 19th and of the statement now made by the agent of the United States, and request their instructions.

Thus advised that the President accepted the declaration of the tribunal as determinative of "their judgment upon the important question of public law involved," and that the United States would not *further* insist upon these claims before the tribunal, the British agent, acting under instructions from his government, assumed that the arbitrators would, upon such statement, think fit now to declare that the said several claims *are, and from henceforth will be*, excluded from their consideration, and would embody such declaration in their protocol of that day's proceedings. Upon this motion (as it would be called in a court of law) of the British agent, Count Sclopis, the presiding arbitrator, on behalf of all the arbitrators, then entered final judgment, declaring "that the said several claims for indirect losses mentioned in the statement made by the agent of the Unted States, on the 25th instant, and referred to in the statement just made by the agent of Her Britannic Majesty, *are, and from henceforth shall be*, wholly excluded from the consideration of the tribunal, and directed the secretary to embody this declaration in the protocol of this day's proceedings."

The protocols thus show that these claims, which Her Majesty was made to say to Parliament, on the 6th of February, were "understood, on her part, not to be within the province of the arbitrators," were by them taken into consideration; that the tribunal gave "the most careful perusal" to all that was urged on their behalf by the United States; that it pronounced its collective opinion upon their legal inadmissibility under the principles of international law as the foundation of an award of damages; that the United States declared their acceptance of this

opinion as the judgment of the tribunal upon the question of public lwa involved, and expressed their willingness not to *further* insist upon the claims before the tribunal; that the arbitrators, upon the suggestion of the British agent, declared the claims now and from henceforth excluded from their consideration, and embodied in their protocol the declaration requested by the British agent.

If the claims had not been within the consideration of the tribunal, of what necessity the request to ask a formal order that they be "from henceforth wholly excluded?"

If they were not within the province of the arbitrators, why should the arbitrators give them consideration, or give the most careful perusal to what was urged in respect to them; or why should they express their individual and collective opinion with regard to them?

If not within "the province of the arbitrators," why should the British government, through instructions to its agent, and upon the statement of the agent of the United States that they will not be further insisted upon before the tribunal, ask for the entry of an order upon the protocol that they be "from henceforth wholly excluded from all consideration?"

I am, &c.,

HAMILTON FISH.

An erroneous impression seems to have prevailed to some extent that our Government waived the claims for war premiums in consideration of the benefits derived from the adoption of the three rules for the future government of neutrals which were secured by the treaty of Washington. A moment's reflection will show how groundless is this supposition. This is the language of the treaty on the point:

ART 6. In deciding the matters submitted to the arbitrators they shall be governed by the following three rules which are agreed upon by the high contracting parties as rules to be taken as applicable to the case, and by such principles of international law, not inconsistent therewith, as the arbitrators shall determine to have been applicable to the case:

RULES.

A neutral government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping within its jurisdiction of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly, not to permit either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

Her Britannic Majesty has commanded her high commissioners and plenipotentiaries to declare that Her Majesty's government cannot assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in article 1 arose, but that Her Majesty's government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of those claims, the arbitrators should assume that Her Majesty's government had undertaken to act upon the principles set forth in those rules.

And the high contracting parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime powers, and to invite them to accede to them.

These rules prescribe the standard of liability for the government of neutrals, and declare what kind of negligence shall subject them to liability for damages. They leave, however, the question as to what damages shall be allowed for a violation of these rules to the principles of international law. And yet the Geneva tribunal acting under these rules adjudged that claims for war premiums paid were not recoverable according to international law. In other words, assuming the liability of Great Britain for negligence in suffering the cruisers to escape, yet claims for enhanced insurance were too remote and indirect to be allowed as damages for such negligence. In presenting these claims our Government had the benefit of the new rules, which the British government insisted, as the treaty shows, were more severe upon neutrals than the law of nations, and yet were yielded for the purpose of strengthening the friendly relations between the two governments.

If our Government had waived these claims as part of the treaty of Washington, where is the evidence of such waiver? If they had been waived the persistent enforcement of our right to have them submitted under the treaty, even at the hazard of having the treaty itself annulled by the refusal of Great Britain to proceed under it, was an act of perfidy on the part of our Government. Our able and accomplished Secretary of State was one of the commissioners who made the treaty, and yet he demanded with unyielding pertinacity that all these claims were embraced under the treaty and should be submitted.

This erroneous notion seems to be an exploded British scandal revived.

Sir Stafford Northcote, in a speech delivered at Exeter, May 17, 1872, advanced the extraordinary statement that the British commissioners, of whom he was one, had represented to their government that they understood a promise to be given that these claims were not to be put forward, and were not to be submitted to arbitration. He was alluding to the three classes of indirect claims to which I have already referred. But that there was in fact any such promise or understanding was so completely refuted, that I do not suppose it can again be renewed. The Marquis of Ripon denied any such understanding in a speech delivered in the House of Lords, June 5, 1872. All the American commissioners denied it in the fullest and most explicit terms, and the letters of Hamilton Fish, Samuel Nelson, Judge Hoar, Robert C. Schenck, and George H. Williams, covering the whole ground, will be found in part 2, volume 2, of the documents. Finally Sir Stafford himself, in a letter to Lord Derby withdrew the charge in substance, by admitting that he only had drawn an inference from a statement by the American commissioners, but that the British commissioners never for one moment thought of relying upon it or upon any other matter outside of the treaty itself.

It thus appears that the claims for war premiums were rejected by the Geneva tribunal upon grounds that are entirely fatal to their validity. On what possible ground can they be paid out of the Geneva award?

We are told that they should be paid because our Government is liable for them, and that liability can neither be discharged nor affected by the action of the Geneva arbitration. It would be a sufficient answer to say that if this were correct, yet as they formed no part of the claims which were embraced in the award they have no place in this bill, but should be left, as all other claims against the Government are left, to be investigated by the proper committees or tribunals, and thus become recognized as demands to be paid out of the Treasury.

But I controvert each and every part of the argument by which it is sought to hold our Government liable for these war premiums. The theory of the claimants is this: The Government owes protection to its citizens in return for the allegiance the citizen owes to the Government. The citizens have a valid claim against the Government for losses sustained upon the sea, including war premiums, and therefore these claims should be embraced in this bill. The claimants are under the necessity of rejecting the theory that they had valid claims for the war premiums against Great Britain, because the tribunal rejected such claims, and because also the confederate cruisers, other than those for whose acts Great Britain was held liable, or was in fact liable, swarmed the seas, and the war premiums may have been paid as much on account of exposure to their depredations as to the acts of the three vessels for whose acts Great Britain was responsible.

Waiving the conclusive argument that the claimants have no right to this fund because the tribunal rejected their claims, let us inquire whether either Great Britain or our Government is liable for claims of this character.

Our Government is not liable, for they belong to those losses arising from war, for which citizens have no claim for indemnity against their own Government. If any authority for recognizing such claims on the part of the Government can be found in any of the writings of the publicists of Europe or America, it has not fallen under my observation. If any case can be found in the history of the civilized world where a Government has paid such claims to its citizens, it has yet to be produced in support of these claims. The allowance of such claims, or claims of a kindred character growing out of war, would destroy the resources, ruin the treasury, and annihilate the credit of any nation.

If such claims are valid, why is not the Government liable for the bounties paid to procure soldiers by citizens, towns, and cities? Why not liable for the enhanced cost of food, clothing, and all the necessaries of life paid by our citizens in consequence of war? Why not for the increased taxes, for the pecuniary losses arising from the killed who were the support of parents, wives, and children? Where shall the line be drawn?

Claims for war premiums have far less foundation than most of the losses I have named. The merchant or owner of a vessel and cargo who paid his war premium received his consideration. He got his policy of insurance, and went to bed with the knowledge that if his vessel was destroyed that night, he had a sure indemnity promised by the insurance company. The premium was voluntarily paid for a good consideration. The amount of his insurance and of the corresponding premium depended upon his own will and pleasure, and the Government had nothing to do with it. Such losses are not, I submit, and never were the proper subjects of indemnity.

Hear the language of Vattel:

There are damages caused by inevitable necessity; as for instance the destruction caused by the artillery in retaking a town from an enemy. These are merely accidents. They are misfortunes which chance deals out to the proprietors on whom they happen to fall.

The sovereign ought indeed to show an equitable regard for the sufferers if the situation of his affairs will admit of it; but no action lies against the state for misfortunes of this nature for losses which she has occasioned, not willfully, but through necessity and by mere accident, in the exertion of her rights. The same may be said of damages caused by the enemy. All the subjects are exposed to such dangers, and woe to him on whom they fall! The members of a society may well encounter such risk of property, since they encounter a similar risk of life itself. Were the state strictly to indemnify all those whose property is injured in this manner, the public finances would soon be exhausted, and every individual in the state would be obliged to contribute his share in due proportion; a thing utterly impracticable. Besides, these indemnifications would be liable to a thousand abuses, and there would be no end of the particulars. It is therefore to be presumed that no such thing was ever intended by those who united to form a society. (Book 3, chapter 15, section 232, page 403.)

If the government is liable for war premiums paid, the business of those who own ships at sea and are engaged in maritime commerce during war is far from being uncertain and hazardous, as is generally assumed. The merchant or ship-owner may send forth his vessels to the ends of the earth. He may procure policies of insurance for the full value of the ships and of their outgoing and incoming cargoes. If they are destroyed, he receives indemnity from the companies. If they escape the perils of war and bring their rich cargoes home, the enhanced values of such cargoes by reason of the war increase the profits and fill the coffers of the merchant. Whether

they are destroyed or not, upon the return of peace his war premiums must be refunded to him with interest by his government.

That these indirect claims were not regarded by our Government as having a very substantial foundation is apparent from the correspondence now made public. They had been advanced during the excitement arising out of our difficulties with England. It was deemed necessary that all pending controversies between the two countries should be settled. They were embraced within the broad language of the treaty, and hence were claimed.

But Secretary Fish, himself an eminent jurist, and aided by the advice of the best publicists of America, thus speaks of these claims in his letter to General Schenck of April 23, 1872.

Neither the Government of the United States nor so far as I can judge, any considerable number of the American people, have ever attached much importance to the so-called "indirect claims," or have ever expected or desired any award of damage on their account. (Volume 2, part 2, page 477.)

He adds:

The United States are sincere in desiring a "*tabula rasa*" on this Alabama question, and therefore they desire a judgment upon them by the Geneva tribunal.

The principle established by the Geneva tribunal that there is no liability for such remote damages will be of value to us as a neutral nation in future wars; but we cannot claim the benefit of it, if by our example in dealing with our own citizens, we recognize and pay such claims.

Mr. Fish observes in the same letter:

It is not the interest of a country situate as are the United States, with their large extent of sea-coast, a small navy, and smaller internal police, to have it established that a nation is liable in damages for the indirect, remote, or consequential results of a failure to observe its neutral duties. This Government expects to be in the future, as it has been in the past, a neutral much more of the time than a belligerent.

It is my misfortune not to have learned with certainty whether the claimants for war premiums proceed upon the ground that they had a claim against Great Britain because they paid the war premiums on account of her neglect, or whether it is put upon the ground that our Government is bound to indemnify them for losses growing out of the war without reference to the liability of Great Britain. The bill seems to assume a double aspect in this regard.

The second section provides for paying all war premiums paid after the sailing of the vessels for whose acts the Government made demand. If the Government is liable without reference to Great Britain, why not go back to the commencement of the war? If the liability depended upon the actual negligence of Great Britain, why refer to the claims made for the acts of that large fleet of cruisers for whose acts Great Britain was held not responsible at all?

The actual depredations were perpetrated by many cruisers for whose acts Great Britain was not held responsible, and for whose acts, so far as we have any evidence before us, she ought not to have been held responsible; for in the absence of any additional evidence before us we should regard the decision as correct in its conclusions upon matters of fact.

The bill does not limit the war premiums to be paid to those which were paid in consequence of the neglect of Great Britain in suffering vessels to escape. It is doubtless true that war premiums were paid in consequence of the war with the confederates, and with the knowledge that confederate cruisers were afloat and liable to increase. But it is wholly unwarranted to assume that such war premiums were paid solely because of the escape of the cruisers for whose acts England was held liable, or, indeed, for the acts of the cruisers for whose acts our Government made demand. I understand the fact to be that the Sumter ran out of New Orleans before the Alabama was built, and destroyed seventeen vessels. This alone was enough to explain the payment of war premiums. The Nashville also, it is understood, ran out of Charleston and destroyed some vessels before the Alabama escaped. Of the nine cruisers afloat, England was only held liable for the acts of two, and for the third after she left Melbourne. This act assumes that war premiums paid on account of the existence of these nine cruisers are properly chargeable to a fund paid by Great Britain solely on account of the acts of these three.

But on what principle are war premiums paid after the sailing of the vessels for whose acts our Government made a claim to be considered as entitled to payment out of this award? The claim was made for more abundant caution, so as to have every demand included. It was intended to give all our citizens who had lost a chance for recovery. It was for the purpose of securing a final settlement. The circular of our Government providing for the presentation of these claims simply stated that they would be submitted to the tribunal for its judgment concerning their merits. On what principle of law or equity does our Government become responsible for the claims which it presented and which were disallowed?

The same objection applies to the first section of the bill which provides for paying all owners of property destroyed by any confederate cruisers for whose acts our Government made claims upon Great Britain, including not merely the Alabama, Florida, and Shenandoah, but also including the Retribution, the Georgia, the Sumter, the Nashville, the Tallahassee, or Chickamauga, and the Shenandoah before she left Melbourne, for all which Great Britain was held irresponsible, but for which by this bill our Government is made liable, or the fund is held liable, because our Government in its paternal kindness made an unsuccessful claim upon Great Britain.

But I maintain that neither by the principles of international law, the common law, the civil law, nor any other law which should be recognized as binding upon Congress, are claims for war premiums paid allowable as damages, for the reason that they are too remote and indirect; and of course if this is sound doctrine, then it is wholly immaterial on what ground such claims are included in this bill. They fall within that elementary rule of damages so familiar to the legal profession, that only such damages are recoverable as are the direct, immediate, necessary result of the act. These are altogether remote, indirect, and consequential.

To illustrate: It is a familiar principle of the law of nations that if an English man-of-war should fire into and destroy an American vessel at sea in time of peace, the owner of such vessel might apply to his government for redress. In case his government should fail on demand to secure indemnity from the English government, it might lawfully issue for the benefit of the sufferer letters of marque and reprisal to seize English vessels and obtain satisfaction for his loss.

Suppose the loser of the vessel should after the destruction of his ship procure policies of insurance upon his other vessels and through fear pay large premiums to become insured against similar losses, would England be liable for those premiums? Could our Government issue letters to obtain satisfaction for them?

By the common law the hundred, and by the statute law of most of our States, cities, and counties are held liable for the acts of a mob or riot. Suppose the owner of several houses loses one of them by fire caused by rioters. The next day he procures, through fear of further destruction, ample policies of insurance upon his other buildings. Could he recover the premiums paid from the city or county? And yet that case is stronger than the present, because here the Government is not liable either for the acts of the confederate cruisers or for the negligence of the British government. Take a case of contract. A principal sends an agent upon a traveling tour and promises to pay his necessary expenses and a salary. Through fear that he may lose his life or limb, the agent procures at every railroad office a life-policy during his trip for such amount as he deems his life worth. Can he recover the premiums from his employer?

This bill is singularly inconsistent in the inequality with which it treats different classes of claimants. Insurance companies have paid losses upon vessels destroyed, and the owners have assigned to them all claims against any and all persons and governments by reason of such losses. These losses are allowed by the Geneva tribunal, and the amounts are embraced in the award. This bill declares that such insurance companies shall have no part of this fund, unless they shall make up an account of all their business during the war, charging on one side the premiums received and crediting on the other losses paid, and show that the balance is against them. How differently are those treated who paid premiums but whose claims were rejected at Geneva! A merchant at New York, Boston, or Portland sends out after the war broke out ten ships to bring back the rich and costly products of China or other countries of the East. He keeps the ships and their cargoes fully insured against war risks. In due time they return laden with their precious cargoes, and by reason of the war the profits of the merchant upon these goods are vastly enhanced. After paying all his expenses, war premiums and all, he clears $100,000 profits, whereas except for the war his profits would only have been $50,000. This bill regards him with such special favor that he is not required to make up any account of his business and show a loss, but he must be repaid all his war premiums at all events. If half his vessels had been destroyed and the insurance companies had indemnified him for their value, this bill gives him the premiums paid upon the vessels lost as well as the vessels saved. I allude to this not to justify the rule that is applied to the insurance companies, but to show how the rule varies in its application to different classes of losses.

There should be no discrimination between different classes of claimants for the fund, and least of all should there be any discrimination against those whose losses make up partly the award and in favor of those whose claims were rejected and formed no part of the award.

Why is this preference awarded to those who have claims for war premiums? It has been said that they were poor persons and that they constitute a very numerous class. Is there one law for the rich and another for the poor? Is justice a respecter of persons? Must one rule of distribution prevail as to corporations and another as to natural persons? It would not appear from the claims filed before the award was made that they were either very numerous or very poor.

The claims for "enhanced payments of insurance," called "war premiums," presented to the tribunal at Geneva for allowance under the treaty of Washington amounted to over $6,000,000.

An examination of the "revised list of claims" shows that this amount was claimed as follows:

4 persons or firms, described as of Providence, Rhode Island, claimed	$30,630 13
4 persons or firms described as of three different places in Connecticut, (one for over half, being in fact from New York,) claimed	113,469 84
11 persons or firms, described as of Concord and Portsmouth, New Hampshire, claimed	107,137 43
77 persons or firms, described as of different places in Maine, claimed	397,168 99
105 persons or firms, described as of different places in Massachusetts, (chiefly Boston, New Bedford, and Salem)	2,948,675 41
201 persons or firms thus claimed	3,597,082 10
128 persons or firms of New York claimed	2,400,646 18
12 persons or firms south and west of New York, namely, 2 in Philadelphia, 2 in Baltimore, and 8 in California	247,655 11
341 persons or firms thus claimed	6,245,383 39
Average claim	18,341 00

Inasmuch as it is from and on behalf of these claimants for "war premiums" that most if not all the opposition to the claims of the insurance companies emanates, it may be of importance to notice the *extraordinary concentration* of these claims in a few hands.

The "revised list of claims" shows that David Ogden, J. Nickerson, and Barling & Davis, of New York, and W. W. Crapo and Bradford & Folger, of New England, were the principal agents to get up and forward these claims.

The amounts represented by them, respectively, are shown to be as follows:

D. Ogden	$971,559 74
J. Nickerson	354,496 58
Barling & Davis	271,636 87
W. W. Crapo	726,553 68
Bradford & Folger	1,364,913 06
Total	3,689,159 93

When the claims for war premiums were rejected at Geneva, it would seem as if all possible ground of claim on their part upon the award had disappeared. I have a letter written by a firm who had filed claims for war premiums to the amount, I believe, of about $150,000, taking this very sensible view of the case. They write to the attorneys for an insurance company as follows:

NEW YORK, *January* 8, 1874.

DEAR SIRS: We have your letter of 30th ultimo, and would say in reply to its first paragraph that we have no recollection of receiving from the Atlantic Insurance Company a letter or certificate of the amount of war premiums paid by our firm. To the direct questions you ask we reply that we are not now taking any active steps for the maintenance or enforcement of claims for the amount of the war premiums, and that we have not executed any assignment of our claims, but did make a bargain with W. W. Crapo, C. A. Tucker, and George O. Crocker, of New Bedford, for allowing to them and their associates or assigns a percentage upon what might be received from these claims, and at the same time gave them an irrevocable power of attorney, dated December 27, 1871, to prosecute, secure, collect, and receive our claims arising out of the payment of extra insurance premiums during the war of rebellion.

After the decision of the Geneva board of arbitration, disallowing the claims for war premiums, we supposed that all chance of our recovering anything for those claims was ended, and the idea of making an allowance to claimants of this character, by means of taking away from the insurance companies the amounts allowed by the Geneva board in satisfaction of their direct claims for losses of ships and cargoes vested in them as assignees, by abandonment or otherwise of the claims of the original parties, is an idea which certainly never would have occurred to us.

If, however, the action of Congress should be such as to result in transferring a portion of the Geneva award to the war-premium claimants, we should of course claim the allowance to ourselves as made to others standing in like position.

Yours, very respectfully,

GRINNELL, MINTURN & CO.

Messrs. MOORE & HAND.

The claimants for war premiums must be deemed to have presented these claims not as demands against the United States, but as claims against Great Britain. The circular issued by the Secretary of State requiring the presentation of these claims distinctly notified the claimants that the claims to be filed in the State Department were to be presented as claims against Great Britain, and if claims were presented against the United States they were to be filed in other Departments. The following is the language of the circular which issued from the State Department to claimants, dated September 22, 1865, and also of the letter from the Secretary, dated in 1871, giving instructions to claimants:

DEPARTMENT OF STATE,
Washington, September 22, 1865.

Citizens of the United States having claims against foreign governments, not founded on contract, which may have originated since the 8th of February, 1853, will, without any delay which can be avoided, forward to this Department statements of the same, under oath, accompanied by the proper proof.

* * * * * * *

It is proper that the interposition of this Government with the foreign government against which the claim is presented should be requested in express terms to avoid a possible objection to the jurisdiction of a future commission on the ground of the generality of the claim. Claims of citizens of the United States against this Government, growing out of the late insurrection, are under the cognizance of other Departments, of the Court of Claims, or are the subjects for an appeal to Congress.

DEPARTMENT OF STATE,
Washington, September —, 1871.

SIR: I have to acknowledge the receipt of your letter of the —— instant, and its inclosures.

In reply, I inclose a copy of the treaty concluded with Great Britain on the 8th of May last and general instructions as to the proof of claims prepared for the use of claimants in the absence of rules by the tribunal which may pass upon the claims.

In the absence of rules and in anticipation of the action of the tribunal, this Department cannot assume to determine what claims it may or may not be proper to prefer under the first eleven articles of the treaty, nor to direct what form or extent of proof will be necessary to establish them, nor the effect of insurance upon the question of right of compensation. It will present to the tribunal at Geneva, to be taken into account in estimating the sum to be paid to the United States, all "claims growing out of the acts committed by the several vessels which have given rise to the claims generically known as the Alabama claims" which may be presented to the Department in time to enable it to do so. Persons desiring to lodge claims in the Department for that purpose are requested to do so without delay, in such form and sustained by such proofs as they may be advised or think proper to rest their claims upon, as the time for presenting the case of the United States expires on the 16th day of December next.

I am, very respectfully, your obedient servant,

HAMILTON FISH,
Secretary.

There is another very serious objection to the provision of this bill which allows all war premiums to be paid, and that is, that double payment of many such premiums is allowed. A large portion of the business of marine insurance, perhaps indeed the bulk of such business, was transacted under what are known as open policies. The practice among the insurance companies of the city of New York, and I presume the same prevails in all other companies in this country, is that when a loss is suffered of a vessel or cargo covered by an open policy the underwriters pay to the assured as one of the items of his loss the premium paid for the insurance. According to this bill the assured will be entitled to recover back those premiums whether loss or destruction ensued or not, and thus the assured in case of loss receives his premiums twice—once from the insurers, and again from this award. So, too, in the case of a limited policy when the value of a vessel was insured, the amount paid for premium was by the practice of the parties included in the valuation, so that in case of loss the owner received back his premium paid.

For the reasons thus imperfectly presented I am brought to the conclusion that claims for war premiums ought not to be included in this bill providing for a distribution of the Geneva award. Every dollar paid out of that fund to those to whom it does not belong is a diversion of the fund from its proper objects. If it shall be paid out by the judgment of a court of competent jurisdiction, passing upon the merits of the claims in an action wherein the United States and the claimants are parties, such judgment will be *res adjudicata* and final and conclusive. But the Government cannot relieve itself from its equitable obligations to pay the true owners by anything less than such a judgment, by the release or other voluntary act of the parties, or by accord and satisfaction. No law enacted by the Government which is merely its own act can discharge the claim that exists in favor of the true owners. They will come to Congress again and again, and unless their claims are ultimately paid they will remain a standing and perpetual memorial of the injustice with which this Government treats its own citizens.

The remaining question presented for our consideration is, whether the insurance companies shall be excluded from participation in the award, as they are practically excluded under this bill, excepting mutual companies?

What are the claims of these companies, and on what legal and equitable grounds do they stand? A large number of the vessels and cargoes destroyed for which claims were presented and allowed by the Geneva award were insured and the owners had been paid for their losses by the companies according to the contracts of insurance. The money cannot be paid to the owners. If it is not paid to the underwriters, the Government holds it without any other ownership to it than its own.

By the contract of marine insurance the company becomes the surety against loss for the owner, and in case of loss, like any other surety, becomes entitled to stand in the place of the creditor. The company succeeds to all the rights of the owner, including the right to recover the vessel if restored and all moneys recovered on account of its loss or destruction.

The Supreme Court of the United States has repeatedly adjudged that the insurer is such surety and entitled to such right of subrogation or substitution. This is the universal rule of equity jurisprudence applicable to such a contract. Story speaks of this doctrine as derived from the civil law, and as belonging to an age of enlightened policy and refined though natural justice. He says:

A surety paying the creditor was entitled to a cession of the debt and a subrogation or substitution to all the rights and actions of the creditor against the debtor. (1 Story's Equity Jurisprudence, section 635.)

The Supreme Court of the United States held in Hall & Long *vs.* Railroad Companies, (13 Wallace's Reports, 367,) that—

The insurer stands practically in the position of a surety; he is entitled to all the means of indemnity which the satisfied owner held against the party primarily liable. Hence it has often been held that an insurer who has paid a loss may use the name of the assured in an action to obtain redress. * * * It is conceded that this doctrine prevails in cases of marine insurance.

The principle of subrogation seems to have been uniformly applied, according to the decisions of our courts, to cases where moneys have been received by our Government from a foreign government as indemnity for insured property destroyed at sea. It rests upon the plainest principles of natural justice. If the insurer is not entitled to the indemnity it would follow that no one is entitled to it, because the owner has already been indemnified by the payment of his loss under the contract of insurance.

In the early case of Gracie *vs.* The New York Insurance Company, the insured property had been captured and condemned by the courts of France, and the question was whether the damages against the insurance company should be mitigated by reason of the possibility that France might afterward make payment of the loss. Chief Justice Kent, the illustrious American jurist, in deciding the case recognizes all the principles involved in the present case, when he says:

If France should at any future period agree to and actually make compensation for the capture and condemnation in question, the Government of the United States, to whom the compensation would in the first instance be payable, would become trustee for the party having the equitable title to the reimbursement; and this would clearly be the defendants (who are the insurers) if they should pay the amount.

The learned chancellor recognized the practice of civilized nations to act through their several governments in making compensation to the citizens of each nation, and was not educated in the doctrine that the government receiving the indemnity did not hold it as trustee but as absolute owner, although the nation making the payment should not declare that the money was paid to the government receiving it as trustee.

Seventy-four years ago the Supreme Court of the United States, in

the case of Symonds *vs.* Union Insurance Company, (4 Dallas's Reports, 417,) said:

The allegation of abandonment in case of loss is an inseparable incident to the right of insurance; and upon an abandonment the underwriters acquired all the rights of the insured.

In Rhinelander *vs.* The Insurance Company of Pennsylvania, (4 Cranch's U. S. Reports, 29,) the same court discusses the law of marine insurance, and Chief Justice Marshall, speaking for the court, says:

When a loss is real, a controversy can only arise as to the fact. When not so, there may be for the time a total loss, and in this state of things the insured may abandon to the underwriter, who stands in his place, and to whom justice is done by enabling him to receive all that the insured might receive.

One of the most striking decisions upon this subject is reported in 1 Peters, 193. It is the case of Comegys *vs.* Vasse, wherein Judge Story discusses this whole subject with his accustomed learning and exhaustive research.

The case is in many respects similar to the present, differing however widely in this, that when our Government received the indemnity it did not pay it over to other parties on the theory that it was the absolute owner, but paid it to the insurer, to whom it equitably belonged.

Vasse, being a marine insurer of vessels at sea which were seized and carried into Spanish ports, had paid the loss to the owners in 1802. In 1819 Spain had paid to the United States money which had been awarded by commissioners appointed under a treaty between the United States and Spain, and the United States paid the money over to Vasse, the insurer. A controversy arose as to the character of Vasse's ownership of the money, and the question is determined in this emphatic language of the court:

The law gives to the act of abandonment to underwriters, when accepted, all the effects which the most accurately drawn assignment would accomplish. The underwriter then stands in the place of the assured, and becomes legally entitled to all that can be recovered from destruction. It is clear that the right to compensation for damages and injuries to which citizens of the United States were entitled, and which, under the treaty with Spain, were to be subjects of compensation, passed by abandonment to the underwriters upon property which had been seized or captured.

England was defended before the Geneva tribunal by her most eminent, learned, and accomplished lawyers, and these gentlemen fully admitted the right of the insurance companies to be subrogated when such admissions were adverse to the interests of their Government. The language of the British counsel is as follows:

COUNTER-CASE OF GREAT BRITAIN.

The American insurance companies, who have paid the owners as for a total loss, are, in our opinion, entitled to be subrogated to the rights of the latter, according to the well-known principle that an underwriter who has paid, as for a total loss, acquires the rights of the assured in respect of the subject-matter of insurance. This principle was explained and acted on in the well-known English cases of Randall *vs.* Cochran (1 Vessey, sr., 98,) and The Quebec Fire Insurance Company *vs.* Saint Louis, (7 Moore, P. C., 286,) and is well recognized by the courts of America.

On the other hand, it is equally clear that the underwriters cannot be entitled to anything more than the assured themselves; for the claim of the former is founded on nothing else than their title to be subrogated to the rights which the latter possessed, and which therefore cannot possibly be more extensive than the claim which the latter would be entitled to maintain.

From these considerations two consequences follow: in the first place, where the claimant is the insurance company and not the owners, compensation cannot be due for any sum exceeding the amount of the actual loss sustained by the owner, however much that sum may fall short of the amount paid by the company by reason of the property having been overinsured. In the second place, wherever the owner puts forward a claim for his loss at the same time that the insurance company also claims the money paid by them in respect to the same loss, such a double claim must at once be absolutely rejected, since to allow it would be in effect to sanction the payment of the loss twice over.

In an able argument before the United States Senate, in 1835, Daniel Webster said:

There is no more universal maxim of law and justice throughout the civilized and commercial world than that an underwriter who has paid a loss on ship or merchandise to the owner is entitled to whatever may be received from the property. His right accrues by the very act of payment; and if the property or its proceeds be afterward recovered in whole or in part, whether the recovery be from the sea, from captors, or from the justice of foreign states, such recovery is for the benefit of the underwriter. Any attempt, therefore, to prejudice these claims on the ground that many of them belong to insurance companies or other underwriters is at war with the first principles of justice. (Webster's Works, volume 4, page 156.)

The steamboat Robert Campbell, jr., an insured vessel, was impressed by the United States into the military service and lost, and the question of the right of the insurance companies which had paid the loss was presented to Attorney-General Hoar. His opinion in favor of the companies is in the thirteenth volume of the Opinions of the Attorneys-General. He says:

The principles on which the following cases were decided by the Supreme Court establish, I think, the right of the insurance companies to receive from the United States in the place of the owners who were insured whatever amount of money, less than the value of the steamer and now remaining unpaid, those companies have paid the owners under their policies, and which the owners would otherwise be entitled to receive. (Comegys *et al. vs.* Vasse, 1 Peters, 193; Carpenter *vs.* Providence Washington Insurance Company, 16 Peters, 495; Gallison *vs.* The Memphis Insurance Company, 19 Howard, 312.)

That the Geneva award embraces compensation allowed for the destruction of property which had been insured and paid for by insurance companies to the amount of more than $4,000,000 is clearly established by the papers relating to the treaty of Washington. After the tribunal had decided for the acts of which vessels England was liable, and had eliminated all improper claims for indirect damages, the ascertainment of the direct damages was a matter capable of easy solution. The agents and counsel of the United States presented schedules showing the names of the vessels destroyed by each one of the three guilty cruisers or their tenders, with the value of the vessels, cargoes, and other claims, such as wages, &c., as claimed. They also laid before the tribunal the claims which had been filed with the Government by insurance companies and owners, in pursuance of the notice published by the Government calling upon all the citizens to present the same with the affidavits and proofs showing such loss and the value of the property.

No question was made as to the names of the vessels destroyed or the facts of the destruction. The aggregate amount of the claims was $14,437,000. The counsel for Great Britain presented a counter-statement, containing the list of the same vessels, but challenging the amount and items of damages claimed, and admitting damages for the destruction of the property mentioned to the amount of $7,464,764. Count Staempfli, one of the arbitrators, at the request of the tribunal, prepared from these opposing schedules a synoptical table, showing an aggregate amount, according to the arbitrators' principles, of about $12,000,000. Interest was allowed for about ten years, and the sum of $15,500,000 was awarded.

I have in my possession two tables which I will have printed with my remarks; the first one showing the names of the vessels destroyed with the name of the cruiser by which such vessel was destroyed, the items claimed by the United States, the amounts directly opposite which were allowed by the British counsel, and in the third column the estimated sum allowed by applying the principles, which were promulgated by the arbitrators.

The second table, contains the names of the vessels included in the first list which were insured, and the amount of such insurance, as appears by the claims filed and presented to the Geneva tribunal.

It will appear from these tables that the whole number of vessels destroyed for which compensation was included in the award was one hundred and twenty-nine; of which number it also appears that insurance had been effected and paid upon eighty-nine vessels.

The aggregate amount of such insurance was $4,865,832.62, of which the mutual insurance companies owned $3,078,520.87, and the stock insurance companies owned $1,787,311.75.

The bill recognizes the claims of the insurance companies but practically excludes them by the extraordinary condition-precedent as to stock companies, which requires that before receiving any portion of the award they shall—

Show by an exhibit of their books of account and business or otherwise that the war premiums actually received by them did not equal in amount the losses paid by them because of property thereafterward captured and lost or destroyed by either or all of said cruisers.

It will not be presumed that any company can comply with this condition, for they would not be likely to carry on the business which did not yield income enough from premiums, their only source of revenue, to pay their expenses, and this account takes no note of such expenses. The result of this will be that the companies are despoiled of the moneys allowed and included in the Geneva award for their indemnity.

Independent of the want of any good reason for requiring this account, there is a very great if not insuperable difficulty in taking such an account. The rates of insurance were varying from day to day according to the supposed risks. I have a letter from the president of one of the largest companies in New York showing that the premiums for war risks and for ordinary marine risks were not separated. His letter is as follows:

WASHINGTON, *April* 1, 1874.

DEAR SIR: In reply to your verbal inquiry of this date I have to say, that in probably nineteen cases out of twenty of insurance against capture during the late war insurance was obtained at the same time and in the same policy against the ordinary perils of the sea, and it was not customary to designate any portion of the premium charged for such insurance as applicable to the war risk.

In other words, the ordinary and usual course for parties desiring insurance against capture was to take out a policy covering all the perils of the sea with the risk of capture included, and for such a policy a certain premium was charged. What portion was charged by reason of the indemnity against capture the insured did not know, and no underwriter to-day could state with certainty or estimate with much accuracy in any given case.

The only exceptions were where insurance was sought against capture only, of which the instances were few, chiefly at the end of the war; and in these cases only could the amount of the so-called "war-premium" be ascertained with any reasonable certainty.

This I believe covers the ground.

Yours, truly,

J. D. JONES,
President Atlantic Mutual Insurance Company.

Why are insurance companies thus condemned to outlawry by this bill? The theory seems to be this: The award is not held by the United States in trust, but it was allowed for national losses, and is properly held by the Government as absolute owner, with full right to dispose of it according to its sovereign pleasure; and it would not be just to pay over any part of it to those companies that actually were enabled to make a livelihood out of their business during the war.

I challenge this theory in its law, its statement of fact, and its view of justice. The award was not allowed for national losses. Excepting two or three ships chartered by the United States, provision for paying for which is properly made in this bill, not one dollar was allowed for national losses, but the award was made on account of losses sustained by the private corporations and citizens of the United States, and given to the United States to enable it to indemnify such losses, and for which claims had been filed and presented. I have already

shown that money received under such circumstances has been always adjudged by the courts to be money held in trust.

What is meant by the claim that this award was for national losses? No claim was made for pecuniary compensation on account of offended pride, national insult, or wounded honor. It is to be hoped that our Government was too proud and noble to ask for money on these grounds. The expression of regret contained in the treaty on the part of England because their cruisers were suffered to escape from British ports was a far more grateful atonement than gold or silver. All the claims that were made were thus stated by the American Commissioners:

The claims, as stated by the American commissioners, may be classified as follows:
1. The claims for direct losses growing out of the destruction of vessels and their cargoes by the insurgent cruisers.
2. The national expenditures in the pursuit of those cruisers.
3. The loss in the transfer of the American commercial marine to the British flag.
4. The enhanced payments of insurance.
5. The prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion.

So far as these various losses and expenditures grew out of the acts committed by the several cruisers, the United States are entitled to ask compensation and remuneration therefor before this tribunal.

The claims for direct losses growing out of the destruction of vessels and their cargoes may be further subdivided into: 1. Claims for destruction of vessels and property of the Government of the United States; 2. Claims for the destruction of vessels and property under the flag of the United States; 3. Claims for damages or injuries to persons, growing out of the destruction of each class of vessels. In the accompanying volume VII the tribunal will find ample data for determining the amount of damage which should be awarded in consequence of the injuries inflicted by reason of the destruction of vessels or property, whether of the Government or of private persons.

* * * * * * *

The United States, with this reservation, present a detailed statement of all the claims which have as yet come to their knowledge, for the destruction of vessels and property by the cruisers. The statement shows the cruiser which did the injury, the vessel destroyed, the several claimants for the vessel and for the cargo, the amounts insured upon each, and all the other facts necessary to enable the tribunal to reach a conclusion as to the amount of the injury committed by the cruiser. It also shows the nature and character of the proof placed in the hands of the United States by the sufferers. The originals of the documents referred to are on file in the Department of State at Washington, and can be produced if desired.

* * * * * * *

On all these points evidence is presented which will enable the tribunal to ascertain and determine the amount of the several losses and injuries complained of. To the amount thus shown should be added interest upon the claims to the day when the award is payable by the terms of the treaty, namely, twelve months after the date of the award. The usual legal rate of interest in the city of New York, where most of the claims of individuals are held, is 7 per cent. per annum.

* * * * * * *

They earnestly hope that the tribunal will exercise the power conferred upon it to award a sum, in gross, to be paid by Great Britain to the United States. The injuries of which the United States complain were committed many years since. The original wrongs to the sufferers by the acts of the insurgent cruisers have been increased by the delay in making reparation. It will be unjust to impose further delay, and the expense of presenting claims to another tribunal, if the evidence which the United States have the honor to present for the consideration of these arbitrators shall prove to be sufficient to enable them to determine what sum, in gross, would be a just compensation to the United States for the injuries and losses of which they complain. (Case of the United States, part 6.)

These claims were, one and all of them, rejected as we have already shown, except the first one, for direct losses arising from the destruction of the vessels and their cargoes. The judgment is in these words, expressed in the language of Mr. Staempfli:

In the acts which have just been enumerated there exists a violation on the part of Great Britain of the obligations of neutrality laid down by the three rules; consequently Great Britain is responsible for the American ships which were destroyed by the vessel in question.

Protocol 27 shows that after the tribunal had rejected claims for cost of pursuing the cruisers as being comprised in the costs of the war, claims for prospective profits, and allowed only net freight, it then decided to consider at the next conference the valuation of the destroyed property and the claims for interest.

The proceedings show that the award was for such valuation and interest. True it does not distinctly appear what precise amount was allowed for each vessel, but when it is considered that the claims of the underwriters are for the specific amounts fixed by the contract of insurance, and that they were never greater than the actual value of the insured property, all the elements of certainty are found to exist which are necessary to do complete justice. Suppose an American merchant-vessel laden with cargo owned by several different owners should be destroyed at sea by wrong or carelessness of a colliding vessel. Her master sues as he may do before a foreign court in his own name for damages, and a gross sum is awarded him for the value of vessel and cargo. Could he withhold the fund from the true owners, because the judgment failed to specify the items allowed for each owner? What would be thought of a claim by him that he did not hold the money as trustee because the judgment was silent on that subject?

The claims were treated throughout as claims to indemnify the sufferers. In the statement made to the tribunal by the agent of the United States, Hon. J. Bancroft Davis, he says:

The object of the treaty is to indemnify the United States *for all the losses suffered by their own citizens, and not to impose a part of that indemnification upon the United States themselves.* (Volume 4, page 43 of the papers relating to the treaty of Washington.)

In his report to the State Department of September 21, 1872, Mr. Davis says:

We therefore devoted our energies toward securing *such a sum as should be practically an indemnity to the sufferers.* Whether we have or have not been successful can be determined only by the final division of the same.

Again, when Mr. Davis presented to the tribunal the list of American claims, with the insurance claims included, and the verifications thereof submitted by the companies, he concludes as follows:

It thus appears that these computations show the entire extent of all private losses which the results of the adjudication of this tribunal ought to enable the United States to make compensation for.

In the American Law Review for October, 1873, will be found a vigorous and able article maintaining the rights of insurance companies; and at page 19 will be found an interesting letter on this subject from one of the American counsel at Geneva, the learned Caleb Cushing, formerly Attorney-General of the United States, dated October 17, 1872, in which he says:

In the case of the "Alabama claims," however, the United States will have in their hands a definite sum of money, awarded against England by the tribunal of arbitration, and paid over by England to the United States for distribution among the parties interested, according to the award of the tribunal.

2. In the matter of the "Alabama claims," the agent and counsel of the United States presented to the tribunal detailed schedules and estimates of the claims of American citizens on account of captures by confederate cruisers fitted out in or dispatched from ports of Great Britain in violation of public law, sending forth the names of vessels captured and the names of parties interested, whether owners of ship, freight, or cargo, or officers and seamen, or insurers, and asserting the responsibility of Great Britain in the premises.

The tribunal, in the first place, adjudged Great Britain to be guilty in respect of all captures made by the Alabama and the Florida and their tenders, and by the Shenandoah after her departure from Melbourne.

The tribunal, in the second place, examined and scrutinized the schedules and estimates of individual losses presented by the United States, and on the inspection thereof awarded a sum in gross which they conceived to be sufficient (and which I think is sufficient) to afford a just indemnity to the injured citizens of the United States.

This gross sum will within the year be paid by Great Britain to the United States, with interest on any delay; it will be received and held by the United States as a trust fund to be distributed among the parties interested, conformably to the tenor and spirit of the award of the tribunal; and the Government will be bound to make such distribution promptly and justly, by the moral force of its duty of good faith to England, and its obligation to fulfill the stipulation of the treaty of Washington.

There is no contingency, uncertainty, or doubt in all this; you and the other parties in interest may, I do not hesitate to say, rest assured of the honor and good faith of the Government of the United States in this respect, with just as much of certitude as in the payment of the gold bonds of the Government.

That accomplished lawyer and jurist, William M. Evarts, was another of our counsel at Geneva, and formerly Attorney-General of the United States, and he has argued before the Judiciary Committee with great ability the rights of the insurance companies. May the action of Congress in distributing this award be so just that there shall be no occasion for the wronged insurance companies to invoke the official opinion of the third counsel of the United States, the present Chief Justice of the Supreme Court?

Again I ask the question, and I hope each gentleman in the House will seek for a satisfactory answer to it, why are the insurance companies outlawed by this bill, provided they have made profits by their business during the war?

Is not the business of marine insurance a lawful business? If insurers make profits during war which enable them to support their families, or even to add to their property, do they thereby lose all claim to the protection of their Government? This bill treats them as outlaws.

If it had not been for these insurance companies, what would have become of our commerce during the war? Rather than incur the risks of the war our merchants and ship-owners would have suffered their vessels to remain rotting at the wharves, and our commerce would have perished. The business of insurers was not only legitimate and lawful, but it was in the highest degree beneficial to our people and our Government.

And yet this bill brands these insurers and their business as proper subjects for legislative condemnation. By what law, under what precedent, for what reason, on what principle does this Government make their right to participate in this award depend upon their success in business? Why should there be one law for the fortunate and another for the unfortunate underwriter? If a bill should be introduced proposing to pry into their business transacted during the war, and to confiscate for the benefit of the Treasury all the profits they had made, no one would doubt that the bill would be an odious attempt to confiscate the property of private citizens. But this bill differs from such a measure, not in principle but only in form.

We have seen that by the law as it has been declared for three-fourths of a century, both in England and America, the right of being substituted in place of the owner with all his rights and claims to the property insured and to any compensation for its destruction belongs to the insurer on payment of loss. This bill, however, declares that he shall have no such right if he was so diligent and prosperous that he made money.

Nay more. The Supreme Court has decided, as we have seen, that the payment of such loss operates like the most carefully framed assignment. It has been, however, the practice of many companies to take an actual assignment as a formal authentication of the insurer's title, this being a mere matter of convenience in dealing with a stranger, inasmuch as it relieves the insurer from the necessity of proving the different acts constituting his title, namely, the contract, the loss, and payment of the loss.

This bill, however, not only closes every possible avenue whereby the insurer can receive compensation unless he can prove the balance of his business account against him, but proceeds to declare every such assignment null and void unless it was founded upon some other con-

sideration than the contract of insurance and payment of the loss. True, he has paid the full value of the interest assigned; true, his contract was lawful when made; true, it is entirely satisfactory to the parties to the assignment, and was not contrary to public policy; yet this bill condemns it. This bill first kills every claim of the insurer, and then proceeds to inflict punishment after death!

On the hearing at Geneva, it would have been a good answer to our claim for damages sustained by the insurance companies that these companies had derived sufficient benefits from the war to counterbalance their demands, provided the scheme of this bill is correct. The eminent lawyers of England presented the argument, but they had not the courage to claim that any further effect should be given to it than to meet the demand for interest, which depended upon discretion, but even to this extent it was scouted by the counsel for the United States and rejected by the arbitrators.

The argument of the British lawyers is thus stated:

With respect to the insurance companies, it must be remembered that, as against the losses which they paid, they received the benefit of the enormous war premiums which ruled at that time; and that these were the risks against which they indemnified themselves (and, it cannot be doubted, so as to make their business profitable upon the whole) by those extraordinary premiums. Would it be equitable now to reimburse them, not only the amount of all these losses, *but interest* thereon, without taking into account any part of the profits which they so received?

The answer to this argument by the American counsel was thus given:

(*b.*) We may also lay aside the suggestions prejudicial to the allowance of interest on the claims which by subrogation or assignment have been presented by the *insurers* who have indemnified the original sufferers. So far as Great Britain and this tribunal are concerned, who the private sufferers, and who represent them, and whether they were insured or not, and have been paid their insurance, are questions of no importance. But it is worth while to look this argument in the face for a moment. Some of the sufferers by the depredations of the Alabama, the Florida, and the Shenandoah, were insured by American underwriters. These sufferers have collected their indemnity from the underwriters, and have assigned to them their claims.

The enhanced premiums of insurance on general American commerce have, presumptively, enriched the insurance companies. Great Britain should have the benefits of these profits, and the underwriters, at least, should lose interest on their claims. It is difficult to say whether the private or the public considerations which enter into this syllogism are most illogical. Certainly we did not expect that "*the enhanced payments of insurance*," which Great Britain could not tolerate, and the tribunal has excluded as too indirect consequences of the acts of the cruisers to be entertained *when presented by the merchants who had paid them*, were to be brought into play by Great Britain itself as direct enough in the general business of underwriting, to reduce the indemnity on insured losses, which, if uninsured, they would have been entitled to.

If the Geneva award really belongs to the United States as absolute owner, then I enter my protest against the disposition made of it by this bill. We have no moral right to give it away to the claimants for war premiums, or to dole out any portion of it to the insurance companies who lost money during the war. It is better a thousand times to bestow it upon the widows and orphans of the noble Union soldiers who fell in the war for the Union. Better distribute it in pensions among the crippled and sleeveless soldiers and sailors who were wounded in that war. Better expend it in the erection of retreats and asylums for the poor, the unfortunate, and the worthy objects of charity among us. Better even leave it in the Treasury, to be applied hereafter as may be required by the public welfare.

I have heard it suggested as an argument tending to show that the claims of the insurance companies were not included in the award, that the arbitrators rejected double claims; but a very slight examination of the documents will show that this argument has no substantial foundation.

It happened that in receiving and presenting claims our Government blended together claims to a limited extent in favor both of the owners and insurers for loss of the same vessel. This arose from the fact that in some cases the insurance was only for part of the value of the vessel and cargo, and hence claims existed in favor both of the owner and insurer, and also from the fact that our Government had nothing to do with liquidating or auditing these claims. It appeared that claims of this character were presented as to seven whaling-ships destroyed by the Shenandoah, and as to partial claims upon twenty-three other vessels. The aggregate amount of these duplicated claims was about one million and a half of dollars, and the English counsel deducted that amount from the sum embraced in the list made up by the American counsel. (See volume 3 of the papers relating to the Washington treaty, page 610, *et seq.*) No intention existed on the part of our agents to demand this double compensation, as was fully explained, and the arbitrators simply decided that these duplicated claims could not be allowed. But this does not in the least degree prove or tend to prove that the single value of the property destroyed was not allowed, while the proofs, as already stated, show that such allowance was actually made. I give extracts from the proceedings at Geneva showing precisely how this question of double claims was treated:

In the second place, wherever the owner puts forward a claim for his loss, at the same time that the insurance company also claim the money paid by them in respect of the same loss, such a double claim must at once be rejected, since to allow it would be in effect to sanction the payment of the loss twice over. (Counter case of Great Britain, volume 2, page 385.)

We readily admit that, whenever the owner puts forward a claim for his loss at the same time that the insurance company also claims for the money paid by them in respect of the same loss, then only one value of the property destroyed can be allowed; but we insist that in all such cases the award should be equal to the full value of the property destroyed. (Argument of the United States, volume 3, page 252, Note D.)

In the second place, a closer examination of the claims made for cargo in the former statement when compared with those in the original list and in the revised statement has enabled us to discover the following cases of double claims for single losses, in addition to those commented on at page 27 of our first report:

* * * * * * * *

2. The Charter Oak. (page 182 of former, and page 231 of Revised Statement, Shenandoah, class C.) Here the Manufacturers' Insurance Company claim $3,500 as insurers on cargo, and the Columbian Insurance Company likewise claim the same amount as reinsurers for the former company. This is therefore a double claim, and $3,500 must also be deducted from the allowances made on our first report. (British Argument, volume 3, page 336, Annex C, Report of the Board of Trade.)

(C.) As to the double claims:

They consist in the main of claims made by the owners for the value of their property, simultaneously with claims advanced by insurance companies with whom the property was insured, and who paid the owners the amount of their loss. To pay the owners and the insurance companies these double claims would be clearly equivalent to paying the losses twice over. One of these claims, therefore, must necessarily be rejected. (Opinions of Sir Alexander Cockburn, volume 4, page 539.)

* * * * * * * *

The tribunal proceeded to the consideration of the matters submitted to them, and unanimously declared that the "*double claims*" should be dismissed. (Protocol 27, volume 4, page 44.)

It has also been said that the instructions of Secretary Fish to our agent, Mr. Davis, that he should not commit the Government to the payment either to the owners or insurers, as that question should be reserved for the future action of the Government, tends to prove that the award was the property of the Government. But that instruction only related to the question of double claims which had been raised, and simply purported that as between the two classes of claimants the question should be kept open. The agent did not violate such instructions; nor did he misunderstand them when he informed the tribunal that the United States claimed compensation for the losses of her citizens for the purpose of indemnifying them against such losses as they had suffered. No private instructions by our Government to its agents could change or affect in any manner the character of the award, and that as already shown was demanded, awarded, paid, and received under such facts and circumstances as to constitute a trust on the part of our Government. That trust is so clearly stamped upon the fund, that no sophistry can obscure it, no ability change it, and no act discharge it, except a release from the true owners or payment to them.

It has been argued that the insurers have no claim upon this fund, because there could be no *spes recuperandi* against the rebels; therefore there could be none against Great Britain, who was only an accessory of the rebels. This argument is altogether too refined for practical use. The doctrine of principal and accessory, as known in criminal law, has no application to the conduct of nations. Great Britain was either an enemy or a neutral. The *spes recuperandi* embraces all indemnity received, whether anticipated by the parties or not. It was an incident of the contract that whenever, wherever, or from whatever source received, it belonged to the insurers who paid the loss. The Amerique was recently abandoned by her passengers and crew under such circumstances that it was believed she must inevitably sink within two hours, and if the underwriters had been called on for payment, they would have paid without the slightest expectation that she would ever be recovered. She was in fact found some days afterward floating in a trough of the sea and saved with all her cargo. She was none the less the property of the underwriters although her recovery was unexpected.

Our Government treated Great Britain as a neutral. She was in no proper sense a belligerent, for no war existed between her and our country. The relation in which both countries regarded her was that of a neutral. The treaty of Washington proceeds throughout upon the theory that she was a neutral, and the question of her liability was submitted upon the issue whether she had failed to comply with her duties and obligations as a neutral nation. Our Government presented the claims of our citizens against her solely on that ground, and on that ground the judgment was pronounced against her, and such claims were allowed. What can be more unjust now, than for our Government to change its position in dealing with the award, and declare to its own citizens that Great Britain was an ally of the confederates, and therefore was not liable for the damages recovered, and hence they are entitled to no indemnity for their losses? It is equivalent to saying we have obtained this money from Great Britain by fraud and false pretenses.

This question is totally unimportant, because even if Great Britain was a belligerent, and as such had destroyed insured property, and yet at the close of the war had made a treaty under which indemnity had been made to our Government for such property destroyed, the right of subrogation would in such a case have given to the underwriters the right to receive and hold the moneys for property lost which had been paid for by the insurers to the owners.

Our minister to England notified the British government at the very commencement that our Government would hold it responsible for the acts of these cruisers which were suffered to go forth from British ports to prey upon our commerce. Every intelligent underwriter, like every intelligent loyal citizen, believed that the question of satisfaction for the destruction of our commerce was only a question of time. He believed that such atonement would be made by treaty either with or without war, and that such payment would be procured by voluntary action on the part of England, or by the seizure of the British North American provinces that lay so temptingly near to our northern borders, or by the issue of letters of marque and

reprisal to take the valuable ships of England found floating upon every sea.

It is with a distrust arising from the acquiescence of so many able and patriotic lawyers who seem to have favored the spoliation of insurance companies allowed by this bill that I call the attention of the House to the proposition that this bill is repugnant to the Constitution because it deprives the underwriters of their property without due process of law, or takes private property for public use without just compensation. (Fifth amendment to Constitution.)

Every lawyer knows that the words "due process of law" do not mean a mere law of Congress, but that it involves a proceeding in a court of justice, acting according to the settled usages and modes of proceeding existing in the common law of England before the emigration of our ancestors. (*Vide* 18 Howard, 276, Murray's lessee; also, Taylor *vs.* Porter, 4 Hill, 146.) The only questions then left are whether this bill deprives the insurers of property.

What is property? Mr. Webster said in the speech from which I have quoted:

> A claim or demand for a ship unjustly seized and confiscated is property as clearly as the ship itself. It may not be so valuable or so certain, but it is as clear a right and has been uniformly so regarded by the courts of law. (Webster's Works, volume 4, page 153.)

In the present case the claim has progressed so far that the wrong-doer has actually paid the money over to the United States, and it now remains in its Treasury. Judge Cooley says in his excellent work on Constitutional Limitations:

> A vested right of action is property, in the same sense in which tangible things are property, and is equally protected against arbitrary interference. Nor can a party by his misconduct so forfeit a right that it may be taken from him without judicial proceedings in which the forfeiture shall be declared in due form. Forfeitures of rights and property cannot be adjudged by legislative act, and confiscations without a judicial hearing, after due notice, would be void, as not being due process of law.

The inequality and injustice of this bill strikingly appear when we observe its effect upon members of mutual insurance companies, if as is proposed in certain quarters and in the Senate bill as it originally came to this House, mutual companies shall also be required to show how their account of business during the war stands. A mutual insurance company is an association of persons who insure the property of their own members only, and of course they make no profits for distribution as in the case of stock companies.

Mr. FRYE. Will the gentleman allow me to ask him a question?

Mr. TREMAIN. A question; yes.

Mr. FRYE. The gentleman says that these mutual insurance companies cannot make a profit. Will he state how it is that the Atlantic Mutual Insurance Company of New York has obtained a capital of $9,000,000?

Mr. TREMAIN. I have the returns showing that in these mutual insurance companies that which is called their capital consists of their premium notes, that their dividend is simply their scrip notes that are returned. I have papers signed by every president of a mutual insurance company of New York, constituting the principal bulk of these claimants, showing that there is a common fund created of war premiums and ordinary premiums; but when a loss occurs it is paid out of that common fund. It shows that by their charters as mutual insurance companies, they are simply allowed to form a company by which each one contributes a certain amount for the insurance of his vessel; and at the end of the year the surplus is divided either by returning the cash or the scrip to the amount which they have on hand. It is just as impossible that they can make any profit as it is that two men can each get rich by swapping jackets from morning till night.

Mr. FRYE. I asked the gentleman how it was that that company had obtained a capital of $9,000,000 invested in United States and State stocks.

Mr. TREMAIN. I know nothing about the case to which the gentleman refers. There was no such case presented to the committee.

Mr. FRYE. Allow me to ask one other question right here. The gentleman talks about the formation of mutual insurance companies. I ask him if there is not a statute of New York which provides that these mutual insurance companies shall become stock companies to a certain extent; and if one-half of them are not hybrid, stock and mutual insurance companies combined?

Mr. TREMAIN. I cannot say. I only say that the mutual insurance companies included in this bill are not stock companies to any extent; simply mutual insurance companies. And I should be willing to have the fate of this bill depend upon the solution of that question of fact. This whole question was considered in committee, and you could not have got your bill reported except by putting in an allowance for mutual insurance companies. And yet the first thing when this bill comes up to-day you allow an amendment to strike out the mutual insurance companies and put them on a par with stock insurance companies.

Mr. FRYE. We were deliberately cheated into it by the misrepresentations of the insurance men.

Mr. TREMAIN. There were no insurance company men that appeared before the committee to my knowledge, except the most eminent members of the New York bar, such as Mr. Evarts and others.

Mr. BUTLER, of Massachusetts. J. L. Ward, of Washington, put his argument on file.

Mr. TREMAIN. Several of the most eminent members of the New York bar appeared. I hurl back upon these champions of the war-premium claims the idea that the committee was cheated into including this provision in this bill as being totally unfounded in fact. And I charge that except for the support of Mr. WARD, of Illinois—which he never would have given unless you had put in these mutual insurance companies—you never would have been able to report your bill to the House. And yet your first act is to come in here and strike down the insurance companies by providing that they cannot recover a dollar unless they show what everybody knows they cannot show, that upon a strict account of profit and loss they did not get premiums enough to cover their losses.

In the case of mutual insurance companies the average number of their members who during the war paid premiums and were insured for war risks was about one-fourth or one-fifth of the whole number, while the remaining members only paid premiums for and were insured against the ordinary marine risks. Under a bill allowing war premiums and excluding insurance companies whose premiums equaled their losses, those members who paid premiums for war risks would come in and receive from the award the amount of such premiums. These members have been paid their loss out of the funds of the company, but neither the company as such nor the members of the company will receive any part of the money paid out by them to those who had been insured against the risks. The effect of the bill is that no indemnity whatever is paid to any person for the value of the vessels and cargoes destroyed, although the claims for such vessels and cargoes were presented by our Government and were actually included in the award. Another effect is that a small portion of the members receive what they paid for premiums while the great mass of members receive nothing for what they paid to the members whose property was destroyed, nor for the amount of their own premiums or business expenses. I present herewith an illustration of the *modus operandi* of mutual insurance companies, and also of what would be the operation of this bill, if the mutual companies were placed upon the same footing as stock companies, prepared by a competent expert:

> A mutual marine insurance company is a mere association of individuals for the purpose of dividing their marine losses. It has no stockholders and no stock; it declares no dividends, accumulates no surplus, and has no interests adverse to or separate from those of its policy-holders. The underlying principle of mutual marine insurance is copartnership in or division of loss. Each policy-taker during the year agrees with the others to bear, to the extent of the premium paid by him, his proportionate share of such losses as all may suffer. Policy-holders pay premiums: 1. To fix the limit of their liability; 2. To provide a fund for the prompt payment of losses. At the end of the year so much of the aggregated premiums as is unconsumed by the losses of that year is returned to the policy-holder *pro rata*.
>
> The effect of the proposed exclusion of these insurance companies from participation in the "Geneva award," unless they can show an excess of "war losses" paid over "war premiums" received, is grave injustice to large numbers of insured, and an actual sequestration of their property.
>
> A simple illustration shows this. Take the case of a mutual marine insurance company which in 1864 may be supposed to have consisted of one thousand members or policy-holders; of these—
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> | | |
> |---|---|
> | Eight hundred had insured property against the ordinary perils of the sea to the amount of $10,000 each, at a premium of 10 per cent., and paid into the common fund each $1,000 | $800,000 |
> | Two hundred had insured the same amount each against the perils of war, at a premium of 10 per cent., and paid into the common fund each $1,000 | 200,000 |
> | The company then had a fund, out of which to pay the losses of the year, of | 1,000,000 |
> | During the year losses occurred to the property covered by nineteen of the war policies, which were thereupon paid out of the common fund | 190,000 |
> | There was then left of this fund to be repaid to the policy-holders | 810,000 |
>
> or 81 per cent. of the premium paid by each, each insurer contributing 19 per cent. of his premium to pay these losses; the eight hundred *not* insured against *war risks* actually paying four-fifths of the *war losses*.
>
> This company, acting merely as the agent for these policy-holders, now asks to be repaid these losses out of the "award," that it may repay to them the balance of their premiums which but for these losses they would have received. But its books show that it received $200,000 of "war premiums," and paid only $190,000 of war losses, and it is therefore proposed to deny its application.
>
> The two hundred partners who insured against war risks are, however, to be allowed to recover the 19 per cent. of the premiums paid by them, and eaten up by the war losses, amounting to $38,000.
>
> The practical result is to sequester $152,000, belonging to the eight hundred merchants who insured only against the ordinary perils of the sea.

What becomes of that $152,000? It forms part of the award, but not being paid out to the insurance companies, it would of course remain in the Treasury; but the bill steps in and declares it shall be paid out to other parties whose claims were not allowed and formed no part of the fund. This bill deprives the underwriter of his property unless he can show that his general business resulted in a loss, and as it did not result in a loss, he is not only unable to recover his own property, but the bill provides that it shall be paid away to other persons.

It is no answer to this argument to say that the insurer or owner had no right to recover against Great Britain in any court of law, because she could not be sued. She has waived her sovereign right of exemption from suit. She has consented to appear in court and to submit to its jurisdiction. Nay, more; she has paid and satisfied the judgment recovered against her. I am just as effectually deprived of my property when I am prohibited from enjoying it unless I shall comply with some impossible condition, as if it were taken from me by an armed soldiery.

The objections which I have urged to the bill on account of its provisions in regard to insurance companies do not apply as to mutual insurance companies, for as to them it very properly allows them to

recover for their actual losses. As to them, however, it places them in the second class, whereas they ought, as it appears to me, to be put in the first class, because their losses are direct losses—as much so as any other losses which are embraced in the first class.

The stock insurance companies are excluded, as I have before stated, upon the theory that they made large profits during the war; and upon this supposition they are excluded under this bill unless their account shall show that their losses exceeded their premiums, which it is not likely can be shown in relation to any of them, because it is scarcely probable that their premiums were not sufficient to pay their losses, and that they still carried on business, paying its expenses as an entire loss.

If during the war these companies did make profits it was their good fortune and they ought to be permitted to enjoy it. The proverbially hazardous and unprofitable nature of the business of marine insurance is thus described in the article from the Law Review:

The underwriter may or may not be rich. He may be rich to-day and poor to-morrow. An eminent merchant remarked not long since that if he were a trustee he would as soon invest property of his ward in a corner grocery as in the stock of an insurance company. The field of commercial history is strewn with the wrecks of such companies. As they seldom or never dissolve while prosperous, it may be said that their form of natural death is bankruptcy.

After the ratification of the treaty of Washington a circular was issued under the direction of the Secretary of State, informing claimants "that all claims growing out of the acts of the cruisers would be presented to the tribunal, leaving that body to determine on their merits." (Report of Mr. Davis, *vide* Papers relating to the treaty, volume 4, page 2.)

Two points were plainly implied in this circular; first, that the Government assumed no liability in receiving and presenting such claims, for they were to be determined by the Geneva tribunal; and second, that if they were allowed by such tribunal they should be paid out of the award. This bill reverses the effect of the circular by making our Government responsible for all claims it received and presented, although the tribunal decided against them on the merits, and it rejects claims in favor of insurers which were presented and allowed. When we consider that as to all such claims both the treaty and the award declared that they were "fully, perfectly, and finally settled," we cannot fail to discover the great injustice perpetrated by this bill upon the insurers.

It is true the bill as reported does partial justice to the underwriters by allowing the claims of mutual insurance companies, but I regard the other insurers as equally entitled to consideration. In my judgment their claims rest upon the plainest principles of justice and right, and I can vote for no bill which deprives them of their right to share in the award and transfers their money to other parties to whom it does not belong.

I would cheerfully support Judge POLAND'S bill which provides for one suit in the nature of a bill of interpleader to be filed by the United States against all the claimants, and provides that the fund shall be distributed according to the principles of law and equity, the decree of the court being subject to an appeal to the Supreme Court, for I feel confident no court that had the right to decide upon the merits could exclude the insurers. I greatly prefer to the present bill the one which I had the honor to introduce, which distributes the fund among the parties whose losses are allowed and constitute the award, leaving the balance, if any, in the Treasury.

And now, Mr. Speaker, having entered my protest against these features of this bill which are repugnant to my sense of justice, I shall cheerfully submit the decision of the questions involved to the better judgment of the House. Although some of these companies are located in the city of New York, I have no acquaintance with any officer or member thereof to my knowledge, and have no desire in relation to the matter except that this award shall be distributed in conformity with the eternal principles of natural justice.

The Government cannot afford to do deliberate wrong to any one, even the humblest of its citizens. Let us distribute this award in such a manner that no part of our own people shall have any cause to complain that their rights have been violated, and no stain shall rest upon the national honor and good faith in the judgment of the civilized world.

EXHIBIT A.

SUMS INCLUDED IN THE GENEVA AWARD.

In making the award the arbitrators confined their decision to the damage done by the Alabama, (and her tender the Tuscaloosa,) the Florida, (and her tenders, the Clarence, the Tacony, and the Archer,) and the Shenandoah, after her departure from Melbourne; rejecting generally all other claims, and (besides the so-called indirect claims first rejected) particularly specifying as rejected. 1. The cost of pursuit; 2. Prospective earnings; all double claims for the same losses, and all claims for gross freights, so far as they exceed net freights.

They agreed to allow interest at a reasonable rate, and deemed it "preferable to adopt the form of adjudication of a sum in gross, rather than to refer the subject of compensation for further discussion and deliberation to a board of assessors, as provided by article 10 of the said treaty." A detailed statement was then presented by the agent of the United States specifying the particular vessels destroyed which came within the decision, and the amounts claimed for each and for its different parts.

In the following table the "American claim" is taken from the statement presented to the arbitrators by the agent of the United States, Mr. Bancroft Davis, August 19, 1872. (See Papers relating to the Treaty of Washington, volume 3, page 579, &c.)

The "British allowance" is taken from the table presented by the British agent at the same time—(*Ibid.*, page 610, &c.)

The "Arbitrators' allowance" is estimated. The rule followed, being deduced in the main from the twenty-seventh, twenty-eighth, and twenty-ninth protocols, is as follows: Double claims, claims for prospective profits, and the hypothetical claims first submitted on the 19th August, 1872, are omitted. And with those deductions the American valuation for vessel and outfit is assumed as correct. Twenty-five per cent. on the value of the vessels is added in the case of whalers in lieu of prospective profits as or including wages, and in the case of merchant vessels as net freights and wages combined.

The result, approximating so closely the actual allowance, taking into consideration the insufficient data accessible, demonstrates the correctness of the rule as the one adopted by the arbitrators.

EXHIBIT A.—*Sums included in the Geneva award.*

ALABAMA.

Vessel.	No.	Particulars of claim.	American claim.		British allowance.		Arbitrators' allowance.	
			Items.	Total.	Items.	Total.	Items.	Total.
Alert	1	Vessel and outfit	$27,858 91		$24,793 62		$27,858 91	
		Wages	11,295 00		6,198 40		6,964 72	
		Personal effects	5,650 00					
				$44,803 91		$30,992 02		$34,823 63
Altamaha	2	Vessel and outfit	12,815 60		10,680 00		12,000 00	
		Wages	11,150 00		2,670 00		3,000 00	
		Personal effects	3,200 00		816 00		816 00	
				27,165 60		14,166 00		15,816 00
Benj. Tucker	3	Vessel and outfit	68,200 00		40,050 00		45,000 00	
		Profits earned	25,200 00				25,200 00	
		Wages	29,375 00		10,012 50		5,000 00	
		Personal effects	4,835 00		1,835 00		1,835 00	
				127,610 00		51,897 50		77,035 00
Courser	4	Vessel and outfit	12,312 53		10,958 00		12,312 53	
		Loss of cargo	19,845 00					
		Wages	14,495 00		2,739 50		2,558 46	
		Personal effects	4,100 00		150 00		150 00	
				50,752 53		13,847 50		15,020 99
Elisha Dunbar	5	Vessel and outfit	57,374 65		32,040 00		36,000 00	
		Profits earned	4,095 00				4,095 00	
		Wages	7,805 00		8,010 00		3,000 00	
		Personal effects	4,925 00		1,225 00		1,225 00	
				74,199 65		41,275 00		44,320 00
Kate Corey	6	Vessel and outfit	28,212 00		17,800 00		20,000 00	
		Profits earned	8,268 00				8,268 00	
		Wages	13,380 00		4,450 00		5,000 00	
		Personal effects	3,900 25		700 00		700 00	
				33,760 25		12,950 00		33,968 00
Kingfisher	7	Vessel and outfit	16,700 00		10,680 00		12,000 00	
		Profits earned	2,328 00				2,328 00	
		Wages	28,990 00		2,670 00		1,750 00	
		Personal effects	5,274 17					
				53,292 17		13,350 00		16,078 00
Levi Starbuck	8	Vessel and outfit	63,310 00		35,600 00		40,000 00	
		Cargo	75,000 00					
		Wages	8,505 00		8,900 00		3,750 00	
		Personal effects	5,560 00		860 00		860 00	
		Damages	16,000 00					
				168,415 00		45,360 00		44,610 00

EXHIBIT A.—*Sums included in the Geneva award*—Continued.

ALABAMA—Continued.

Vessel.	No.	Particulars of claim.	American claim.		British allowance.		Arbitrators' allowance.	
			Items.	Total.	Items.	Total.	Items.	Total.
Lafayette, 2d	9	Vessel and outfit	$40,775 00		$21,360 00		$24,000 00	
		Profits earned	45,492 00				43,191 00	
		Wages	18,955 00		5,340 00		6,000 00	
		Personal effects	6,026 00		1,276 00		1,276 00	
		Damages	500 00					
				$111,748 00		$27,976 00		$75,467 00
Nye	10	Vessel and outfit	37,660 00		26,700 00		30,000 00	
		Insurance on prospective profits and outfits	11,442 00					
		Profits earned	36,934 00				31,184 00	
		Wages	16,725 00		6,675 00		5,000 00	
		Personal property	5,223 25		2,016 00		2,023 00	
				107,984 25		35,298 00		58,207 00
Ocean Rover	11	Vessel and outfit	78,315 00		44,500 00		50,000 00	
		Profits earned	50,825 00				48,825 00	
	11	Wages	10,215 00		11,125 00		6,250 00	
		Personal yroperty	5,716 03		2,016 00		2,016 00	
				145,071 03		57,641 00		107,091 00
Ocmulgee	12	Vessel and outfit	40,000 00		35,600 00		40,000 00	
		Profits earned	77,572 00				77,572 00	
		Wages	10,680 00		8,900 00		3,000 00	
		Personal property	6,253 00		1,903 00		1,903 00	
		Damages	135,000 00					
				269,505 00		46,403 00		122,475 00
Virginia	13	Vessel and outfit	63,550 00		44,500 00		50,000 00	
		Wages	8,225 00		11,250 00		12,500 00	
		Personal effects	5,250 00					
				77,025 00		55,625 00		53,750 00
Weather Gauge	14	Vessel and outfit	10,053 84		8,948 00		10,053 84	
		Wages	8,920 00		2,237 00		2,513 46	
		Personal effects	4,541 70		692 00		692 00	
				23,515 54		11,877 00		13,259 30
Brilliant	15	Vessel and outfit	84,245 00		52,500 00		75,000 00	
		Freight	34,531 03				18,750 00	
		Cargo	5,186 80		4,616 43		5,187 00	
		Wages	6,195 00		2,100 00			
		Personal effects	5,300 00		1,250 00		1,250 00	
				135,457 83		60,466 43		100,187 00
Chas. Hill	16	Vessel and outfit	32,000 00		22,400 00		32,000 00	
		Freight	11,733 33				8,000 00	
		Wages	6,280 00		904 00			
		Personal effects	5,092 60		1,543 00		15,430 00	
		Damages, &c	1,359 00					
				56,464 93		24,847 00		41,543 00
Conrad	17	Vessel and outfit	10,000 00		7,000 00		10,000 00	
		Freight					2,000 00	
		Cargo	84,241 00		53,909 08		60,572 00	
		Wages	3,955 00		280 00			
		Personal effects	3,450 00					
				101,646 00		61,189 08		73,072 00
Crenshaw	18	Vessel and outfit	20,000 00		14,000 00		20,000 00	
		Freight	6,720 71				5,000 00	
		Cargo	753 78		670 17		753 78	
		Wages	3,675 00		560 00			
		Personal effects	3,250 00					
				34,399 49		15,230 17		25,753 00
Express	19	Vessel and outfit	50,000 00		35,000 00		50,000 00	
		Freight	37,890 00				12,500 00	
		Wages	9,850 00		1,400 00			
		Personal effects	6,080 00		980 00		980 00	
				103,820 00		37,380 00		63,480 00
Golden Eagle	20	Vessel and outfit	56,000 00		39,200 00		56,000 00	
		Freight	30,000 00				14,000 00	
		Cargo	27,522 50		24,494 58		27,522 50	
		Wages	9,585 00		1,568 00			
		Personal effects	6,115 00		1,165 00		1,165 00	
				129,222 50		66,427 58		98,687 50
Jabez Snow	21	Vessel and outfit	76,200 00		49,000 00		70,000 00	
		Freight	9,408 00				17,500 00	
		Wages	7,460 00		1,960 00			
		Personal effects	8,350 00		3,500 00		3,500 00	
		Damages	3,100 00					
				104,518 00		54,460 00		91,000 00
John A. Parks	22	Vessel and outfit	56,501 00		39,550 70		56,501 00	
		Freight	42,306 00				14,125 25	
		Cargo	25,700 00		22,873 00		25,700 00	
		Wages	6,215 00		1,582 00			
		Personal effects	6,633 50		1,933 00		1,933 00	
		Damages	360 00					
				137,715 50		65,938 70		98,259 25
Lafayette, 1st	23	Vessel and outfit	80,000 00		56,000 00		80,000 00	
		Freight	18,978 00				20,000 00	
		Cargo	21,537 00		19,167 93		21,537 00	
		Wages	6,735 00		2,240 00			
		Personal effects	4,980 10		1,280 00		1,280 00	
				132,250 10		78,687 93		122,817 00
Lamplighter	24	Vessel and outfit	13,875 00		9,712 50		13,875 00	
		Freight	8,780 00				3,468 75	
		Cargo	3,450 00		3,070 50		3,450 00	
		Wages	3,955 00		388 50			
		Personal effects	4,795 00		1,845 00		1,845 00	
				34,855 00		15,016 50		22,638 75
Louisa Hatch	25	Vessel and outfit	67,250 00		47,075 00		67,250 00	
		Freight	15,000 00				16,812 50	
		Wages	6,195 00		1,883 00			
		Personal effects	7,180 00		3,130 00		3,130 00	
				95,625 00		52,088 00		87,192 50
Palmetto	26	Vessel	10,000 00		7,000 00		10,000 00	
		Cargo	12,400 00		11,036 00		12,400 00	
		Wages	2,775 00		280 00			
		Personal effects	2,683 33		433 00		433 00	
		Freight, &c					2,500 00	
				27,858 33		18,749 00		25,333 00

EXHIBIT A.—*Sums included in the Geneva award*—Continued.

ALABAMA—Continued.

Vessel.	No.	Particulars of claim.	American claim.		British allowance.		Arbitrators' allowance.	
			Items.	Total.	Items.	Total.	Items.	Total.
Rockingham	27	Vessel	$91,542 00		$41,001 10		$90,090 00	
		Freight	78,127 10				22,500 00	
		Wages	6,980 00		1,640 04			
		Personal effects	13,304 95		8,755 00		8,755 00	
				$189,954 05		$51,396 14		$121,255 00
S. Gildersleeve	28	Vessel, &c	35,000 00		24,500 00		35,000 00	
		Wages	7,965 00		980 00		8,750 00	
		Personal effects	5,050 00					
				48,015 00		25,480 00		43,750 00
Wave Crest	29	Vessel, &c	29,000 00		20,300 00		29,000 00	
		Freight	4,772 00				7,250 00	
		Cargo	24,092 10		21,441 88		24,092 10	
		Wages	3,215 00		812 00			
		Personal effects	2,700 00		550 00		550 00	
		Damages	850 00					
				64,629 10		43,103 88		60,892 10
Amanda	30	Vessel, &c	35,000 00		24,500 00		35,000 00	
		Freight	33,000 00				8,750 00	
		Wages	6,325 00		980 00			
		Personal effects	4,353 00		1,853 00		1,853 00	
				78,678 00		27,333 00		45,603 00
Amazonian	31	Vessel, &c	68,544 00		22,400 00		32,000 00	
		Freight	11,000 00				8,000 00	
		Cargo	54,558 00		47,844 62		53,758 00	
		Wages	5,160 00		896 00			
		Personal effects	4,350 82		2,600 82		2,600 82	
				143,612 82		73,741 44		96,358 82
Anna F. Schmidt	32	Vessel	50,000 00		31,500 00		45,000 00	
		Freight	26,300 00				11,250 00	
		Cargo	216,479 49		158,776 89		178,401 00	
		Wages	10,140 00		1,260 00			
		Personal effects	5,625 00		1,875 00		1,875 00	
				308,544 49		193,411 89		236,526 00
Contest	33	Vessel, &c	45,000 00		31,500 00		45,000 00	
		Freight	61,500 00				11,250 00	
		Cargo	30,522 38		27,164 58		30,522 00	
		Wages	10,650 00		1,260 00			
		Personal effects	10,793 59		4,638 00		5,843 59	
				158,465 97		64,562 58		92,615 59
Dorcas Prince	34	Vessel	27,000 00		18,900 00		27,000 00	
		Freight	15,000 00				6,750 00	
		Cargo	13,776 00		12,260 64		13,776 00	
		Wages	6,280 00		756 00			
		Personal effects	6,988 60		3,439 00		3,439 00	
		Damages, &c	600 00					
				69,644 60		35,355 64		50,965 00
Dunkirk	35	Vessel	25,467 00		12,226 90		17,467 00	
		Freight	3,936 32				4,366 75	
		Cargo	19,507 60		17,361 76		19,507 60	
		Wages	2,625 00		489 07			
		Personal effects	3,874 64		2,374 00		2,374 00	
				55,410 56		32,451 73		43,715 35
Golden Rule	36	Vessel	10,000 00		8,900 00		10,000 00	
		Freight	8,207 00				2,500 00	
		Cargo	71,748 70		61,332 57		68,913 00	
		Wages	3,675 00		356 00			
		Personal effects	3,210 00		1,060 00		1,060 00	
				96,840 70		71,648 57		82,473 00
Lauretta	37	Vessel	15,139 64		10,598 00		15,140 00	
		Freight	3,000 00				3,785 00	
		Cargo	12,200 00		10,868 00		12,200 00	
		Wages	3,675 00		423 92			
		Personal effects	3,250 00					
				37,264 64		21,889 92		31,125 00
Martaban	38	Vessel	35,600 00		24,920 00		35,600 00	
		Freight					8,900 00	
		Cargo	15,000 00		13,350 00		15,070 00	
		Wages	8,050 00		906 80			
		Personal effects	11,012 25		2,322 25		2,322 25	
				69,662 75		41,589 05		61,822 25
Olive Jane	39	Vessel	35,000 00		24,500 00		35,000 00	
		Freight	15,000 00				8,750 00	
		Cargo	39,028 66		15,600 81		17,529 00	
		Wages	2,905 00		980 00			
		Personal effects	4,450 00		2,000 00		2,000 00	
		Damages	1,000 00					
				97,383 66		43,080 81		63,279 00
Parker Cook	40	Vessel	9,493 33		6,645 34		9,493 33	
		Freight	1,625 29				2,373 33	
		Cargo	14,280 94		12,710 04		14,280 94	
		Wages	2,775 00		265 81			
		Personal effects	2,915 00		655 00		655 00	
				31,089 56		20,276 19		26,802 60
Sea Bride	41	Vessel	39,756 00		21,000 00		30,000 00	
		Freight	21,000 00				7,500 00	
		Cargo	82,445 12		40,446 05		45,445 00	
		Wages	6,600 00		840 00			
		Personal effects	6,143 00		3,393 00		3,393 00	
				155,944 12		65,679 05		86,338 00
Talisman	42	Vessel	101,950 00		48,247 50		68,925 00	
		Freight	38,579 00				17,231 25	
		Wages	8,560 00		2,729 90			
		Cargo	90,371 00		80,430 19		90,371 00	
		Personal effects	8,405 00		2,455 00		2,455 00	
				247,765 00		133,862 59		178,982 25
Sea Lark	43	Vessel	71,000 00		35,700 00		51,000 00	
		Freight	23,500 00				12,750 00	
		Cargo	215,805 14		191,525 33		215,197 00	
		Wages	7,720 00		1,428 00			
		Personal effects	5,700 00		1,250 00		1,250 00	
				323,725 14		229,903 33		280,197 00

EXHIBIT A.—*Sums included in the Geneva award*—Continued.

ALABAMA—Continued.

Vessel.	No.	Particulars of claim.	American claim.		British allowance.		Arbitrators' allowance.	
			Items.	Total.	Items.	Total.	Items.	Total.
Thomas B. Wales	44	Vessel	$20,000 00		$14,000 00		$20,000 00	
		Freight	15,165 00				5,000 00	
		Cargo	192,675 24		167,204 30		187,870 00	
		Wages	7,975 00		560 00			
		Personal effects	5,446 00		2,946 00		2,946 00	
				$241,261 24		$184,710 30		$215,816 00
Tycoon	45	Vessel, &c	67,375 00		44,800 00		64,000 00	
		Freight	33,739 78				16,000 00	
		Cargo	333,763 00		297,049 07		333,763 00	
		Wages	5,540 00		1,792 00			
		Personal effects	5,151 00		1,471 00			
		Damages	11,049 60				1,471 00	
				456,589 38		345,112 07		415,234 00
Union Jack	46	Vessel	53,000 00		24,500 00		35,000 00	
		Freight	6,000 00				8,750 00	
		Cargo	89,886 30		51,506 08		57,872 00	
	46	Wages	3,960 00		980 00			
		Personal effects	5,250 00		2,400 00		2,400 00	
		Damages, &c	20,948 33					
				179,044 63		79,386 08		104,022 00
Winged Racer	47	Vessel	56,833 00		39,783 10		56,833 00	
		Freight	24,000 00				14,208 25	
		Cargo	276,982 91		228,714 87		256,983 00	
		Wages	13,700 00		1,591 22			
		Personal effects	14,352 00		7,952 00		7,592 00	
				385,867 91		278,041 19		335,616 25
Manchester	48	Vessel	111,659 60		44,912 00		64,160 00	
		Freight	15,000 00				16,040 00	
		Cargo	27,316 32		24,311 24		27,316 00	
		Wages	7,175 00		1,796 48			
		Personal effects	5,825 00		1,075 00		1,075 00	
		Damages	6,105 00					
				173,080 92		72,094 72		108,591 00
Chastelaine	49	Vessel	10,414 00		7,289 80		10,414 00	
		Cargo	1,156 55		1,029 73		1,156 55	
		Wages	3,675 00		291 59		2,603 59	
		Personal effects	2,350 00		100 00		100 00	
				17,595 55		8,711 12		14,274 05
Emma Jane	50	Vessel	51,039 25		35,727 58		51,039 25	
		Freight	27,762 09				12,759 81	
		Wages			1,429 10			
		Personal effects	5,556 00		4,356 00		4,356 00	
		Damages, &c	2,200 00					
				86,557 34		41,512 68		68,155 06
Highlander	51	Vessel	114,000 00		58,800 00		84,000 00	
		Freight	68,402 00				21,000 00	
		Wages	10,250 00		2,352 00			
		Personal effects	13,519 00		8,769 00		8,769 00	
				206,171 00		69,921 00		113,769 00
Sonora	52	Vessel	55,800 00		39,060 00		55,800 00	
		Freight	32,244 44				13,950 00	
		Wages	5,550 00		1,562 40			
		Personal effects	5,495 00		2,595 00		2,595 00	
		Damages	2,870 00					
				102,964 44		43,217 40		72,345 00
Ariel	53	Cargo	10,000 00		8,900 00		10,000 00	
		Damages	423 38					
				10,423 38		8,900 00		10,000 00
Justina	54	Damages	7,000 00					
				7,000 00				
Morning Star	55	Damages	5,614 40					
				5,614 40				
Nora	56	Vessel	65,000 00		35,000 00		50,000 00	
		Freight	15,000 00				12,500 00	
		Wages	2,275 00		1,400 00			
		Personal effects	3,950 00		1,700 00		1,700 00	
		Damages	1,800 00					
				88,025 00		38,100 00		64,200 00
Starlight	57	Vessel	4,220 00		2,954 00		4,220 00	
		Freight	1,720 00				1,055 00	
		Wages	2,975 00		118 16			
		Personal effects	2,330 00		580 00		580 00	
				11,245 00		3,652 16		5,855 00
Baron de Castine	58	Damages	1,550 00	1,550 00				
		Grand total		6,578,250 96		3,357,362 87		4,747,230 91

FLORIDA.

Golconda	59	Vessel	$38,000 00				$28,000 00	
		Freight	4,536 00				7,000 00	
		Cargo	118,865 05				107,666 85	
		Wages	3,465 00					
		Personal property	4,329 87				679 87	
				$169,195 92		$71,005 00		$143,346 72
Rienzi	60	Vessel	10,527 00		$7,707 00		7,700 05	
		Freight	787 00		787 00		1,925 00	
		Wages	4,460 00					
		Personal property	4,950 00					
				20,724 00		8,487 00		9,625 00
Ada	61	Original claim	5,300 00		5,300 00		5,300 00	
		Personal property	1,000 00					
				6,300 09		5,300 00		5,300 00
Elizabeth Ann	62	Vessel, &c	6,700 00		8,100 00		6,700 00	
		Wages	950 00				1,425 00	
		Personal property	1,000 00					
				8,650 00		8,100 00		8,125 00

EXHIBIT A.—*Sums included in the Geneva award*—Continued.

FLORIDA—Continued.

Vessel.	No.	Particulars of claim.	American claim.		British allowance.		Arbitrators' allowance.	
			Items.	Total.	Items.	Total.	Items.	Total.
Marengo	63	Vessel, &c	$5,796 00		$7,296 00		$5,796 00	
		Wages	950 00				1,449 00	
		Personal property	1,000 00					
				$7,796 00		$7,296 00		$7,245 00
Rufus Choate	64	Vessel, &c	6,825 00		8,325 00		6,825 00	
		Wages	950 00				1,706 24	
		Personal property	1,000 00					
				8,775 00		8,325 00		8,531 25
Wanderer	65	Vessel, &c	6,439 00		7,839 00		6,439 00	
		Wages	950 00				1,609 75	
		Personal property	1,000 00					
				8,389 00		7,839 00		8,048 75
Anglo-Saxon	66	Vessel, &c	45,000 00		25,205 00		45,000 00	
		Freight	1,710 79		1,008 20		11,250 00	
		Cargo	5,500 00		4,840 00		5,500 00	
		Wages	6,335 00					
		Personal property	1,550 00					
				63,695 79		31,053 20		61,750 00
B. F. Hoxie	67	Vessel, &c	72,000 00		51,120 00		72,000 00	
		Freight	26,000 00		2,044 80		18,000 00	
		Wages	10,305 00					
		Personal property	6,850 00					
				115,155 00		53,164 80		90,000 00
Avon	68	Vessel	80,000 00		47,570 00		67,000 00	
		Freight	40,000 00				16,750 00	
		Cargo	47,701 40		41,976 88		47,701 00	
		Wages	8,750 00		1,427 10			
		Personal property	7,400 00		3,700 00		3,700 00	
				183,851 40		94,673 98		135,151 40
Greenland	69	Vessel	30,000 00				30,000 00	
		Freight	7,200 00				7,500 00	
		Cargo	1,600 00				1,600 00	
		Wages	3,895 00					
		Personal property	4,115 00		1,065 00		1,065 00	
		Damages	360 00					
				47,170 00		10,000 00		40,165 00
Southern Cross	70	Vessel	55,000 00		21,300 00		30,000 00	
		Freight	10,000 00				7,500 00	
		Wages	8,505 00		639 00			
		Personal property	5,800 00		450 00		450 00	
				79,305 00		22,389 00		37,950 00
William C. Clark	71	Vessel	17,562 50		3,550 00		7,500 00	
		Freight	1,207 61				1,875 00	
		Cargo	4,830 30				4,830 30	
		Wages	3,815 00		106 50			
		Personal property	4,141 50				791 50	
				31,556 91		3,656 50		14,996 80
Mary Alvina	72	Vessel	11,000 00		7,810 00		11,000 00	
		Freight	3,216 00				2,750 00	
		Wages	3,675 00		234 30			
		Personal property	2,554 00		304 00		304 00	
				20,445 00		8,348 30		14,054 00
Aldebaran	73	Vessel	20,500 00		14,555 00		20,500 00	
		Cargo	476 06		419 88		476 06	
		Wages	3,675 00		436 65		5,125 00	
		Personal property	6,306 85		4,057 00		4,056 85	
				30,957 91		19,468 53		30,157 91
Clarence	74	Vessel	8,000 00		5,680 00		8,000 00	
		Cargo	11,400 00		10,032 00		11,400 00	
		Wages	3,675 00		170 40		7,000 00	
		Personal effects	3,102 50					
				26,177 40		15,882 40		21,400 00
Commonwealth	75	Vessel	37,561 58		39,050 00		50,000 00	
		Freight	24,250 00				12,500 00	
		Cargo	370,704 00		325,665 12		370,704 00	
		Wages	94,80 00		1,171 50			
		Personal effects	8,538 00		2,088 00		2,088 00	
				470,533 58		368,974 62		435,292 00
Crown Point	76	Vessel	58,200 00		41,322 00		58,200 00	
		Freight	10,100 00				14,550 00	
		Cargo	330,771 00		271,679 76		314,727 00	
		Wages	7,470 00		1,239 66			
		Personal property	9,542 00		4,842 00		4,842 00	
		Damages	20,000 00					
				436,083 00		319,083 42		392,319 00
Electric Spark	77	Vessel	166,000 00		117,860 00		166,000 00	
		Cargo	291,361 83		214,041 64		251,361 48	
		Wages	6,055 00		3,535 80		3,535 80	
		Personal property	4,950 00					
				468,366 83		335,437 44		420,896 00
Henrietta	78	Vessel	25,000 00		17,750 00		25,000 00	
		Freight	7,140 00				6,250 00	
		Cargo	32,130 94		28,285 23		32,130 94	
		Wages	5,000 00		532 50			
		Personal effects	4,286 00		1,536 00		1,536 00	
				73,536 94		48,103 73		64,916 94
Jacob Bell	79	Vessel	50,000 00		35,500 00		50,000 00	
		Freight	22,783 00				12,500 00	
		Cargo	308,290 00		271,295 20		308,290 00	
		Wages	12,450 00		1,065 00			
		Personal property	8,183 40		2,333 00		2,333 00	
		Damages, &c	20,280 00					
				421,986 40		310,193 20		373,123 00
Lapwing	80	Vessel	30,000 00		21,300 00			
		Freight	15,000 00				30,000 00	
		Cargo	30,000 00		26,400 00		7,500 00	
		Wages	4,935 00		639 00		30,000 00	
		Personal property	4,150 00					
				84,085 00		48,339 00		67,500 00

EXHIBIT A.—*Sums included in the Geneva award*—Continued.

FLORIDA—Continued.

Vessel.	No.	Particulars of claim.	American claim.		British allowance.		Arbitrators' allowance.	
			Items.	Total.	Items.	Total.	Items.	Total.
M. J. Colcord	81	Vessel	$24,694 21		$17,483 04			
		Freight	10,000 00				$24,624 21	
		Cargo	65,867 00		58,562 96		6,156 05	
		Wages	3,955 00		524 49		65,867 00	
		Personal property	3,450 00					
				$207,896 21		$76,570 49		$96,647 26
Red Gauntlet	82	Vessel	60,851 43		43,204 21		60,851 43	
		Freight	15,188 12				15,212 88	
		Cargo	32,677 48		28,755 76		32,677 48	
		Wages	5,675 00		1,296 12			
		Personal property	10,083 91		5,059 00		5,059 00	
				124,475 94		78,315 09		113,800 79
Star of Peace	83	Vessel	90,000 00		62,480 00		90,000 00	
		Freight	41,884 00				22,500 00	
		Cargo	386,839 65		294,237 68		353,024 65	
		Wages	8,505 00		1,874 40			
		Personal property	4,900 00		550 00		550 00	
				532,128 65		359,142 08		466,074 65
W. B. Nash	84	Vessel	9,950 19		7,064 63		9,950 19	
		Cargo	51,849 75		36,828 00		41,850 00	
W. B. Nash	84	Wages	3,675 00		211 93		2,487 54	
		Personal property	3,250 00					
				68,724 94		45,004 56		54,287 74
Oneida	85	Vessel	20,000 00		14,200 00		20,000 00	
		Freight	1,294 00				5,000 00	
		Cargo	433,588 00		381,557 44		433,588 00	
		Wages	4,275 00		426 00			
		Personal property	6,750 12		4,500 00		4,500 00	
		Damages, &c	4,942 00					
				471,849 12		400,683 44		463,088 00
Windward	86	Vessel	12,000 00		8,520 00		12,000 00	
		Cargo	3,953 00		3,478 64		3,953 00	
		Wages	3,675 00		255 60		3,000 00	
		Personal effects	2,750 00		500 00		500 00	
				22,378 00		12,754 24		19,453 00
Estelle	87	Vessel	18,000 00		12,780 00		18,000 00	
		Wages	3,675 00		383 40		4,500 00	
		Personal property	3,250 00					
				24,925 00		13,163 40		22,500 00
Zelinda	88	Vessel	36,000 00		25,560 00		36,000 00	
		Wages	3,675 00		766 80		9,000 00	
		Pesonal property	3,250 00					
				42,925 00		26,326 80		45,000 00
Umpire	89	Vessel	6,100 00		4,331 00		6,100 00	
		Freight	2,200 00				1,525 00	
		Cargo	21,155 00		18,626 40		21,155 00	
		Wages	3,675 00		129 93			
		Personal property	2,400 00		150 00		150 00	
				35,530 00		23,237 33		28,930 00
Mandamin	90	Vessel	18,129 00		12,871 59		18,129 00	
		Freight	3,800 00				4,532 25	
		Cargo	5,000 00		4,400 00		5,000 00	
		Wages	4,095 00		386 14			
		Personal property	2,550 00					
		Damages	1,143 00				27,661 25	
				34,717 00		17,637 73		27,661 25
Corris Ann	91	Vessel	20,000 00		14,200 00		20,000 00	
		Freight	1,000 00				5,000 00	
		Cargo	4,400 00		3,872 00		4,400 00	
		Wages	4,935 00		426 00			
		Personal property	4,150 00					
				34,485 00		18,498 00		29,400 00
General Berry	92	Vessel	31,576 00				31,576 00	
		Wages	1,575 00				7,894 00	
		Personal property	2,767 00				1,267 00	
				35,918 00		17,267 00		40,737 00
George Latimer	93	Vessel	16,233 34		8,544 14		12,034 00	
		Freight	683 00				3,008 50	
		Cargo	27,000 00		23,760 00		27,000 00	
		Wages	3,675 00		256 32			
		Personal property	2,250 00					
				49,831 34		32,560 46		42,042 50
Harriett Stevens	94	Vessel	30,000 00				30,000 00	
		Freight	5,500 00				7,500 00	
		Cargo	9,500 00				9,500 00	
		Wages	3,675 00					
		Personal property	3,250 00					
				51,925 00		10,000 00		47,000 00
Byzantium	95	Vessel	45,000 00		31,950 00		45,000 00	
		Freight	5,787 00				11,250 00	
		Cargo	2,548 51		2,246 74		2,548 51	
		Wages	5,455 00		958 50			
		Personal property	4,450 00					
				63,240 51		35,155 21		58,798 51
Good Speed	96	Vessel	35,000 00				35,000 00	
		Cargo	1,293 30				1,293 00	
		Wages	3,675 00				600 00	
		Personal property	3,250 00					
				43,218 30		22,000 00		36,893 00
M. Y. Davis	97	Vessel	16,100 00					
		Wages	800 00					
		Personal property	1,704 00					
				18,604 00				17,004 00
Tacony	98	Vessel	25,350 00		17,998 50		25,350 00	
		Wages	2,100 00		539 95		539 95	
		Personal property	4,022 00		772 00		772 00	
		Damages	13,500 00					
				44,072 00		19,310 45		26,661 95
Whistling Wind	99	Total claim	12,594 10	12,594 10				12,594 10
Archer	100	Total claim	4,300 00	4,300 00	4,300 00	4,300 00	4,300 00	4,300 00

EXHIBIT A.—*Sums included in the Geneva award*—Continued.

FLORIDA—Continued.

Vessel.	No.	Particulars of claim.	American claim.		British allowance.		Arbitrators' allowance.	
			Items.	Total.	Items.	Total.	Items.	Total.
Ripple	101	Vessel, outfit and catchings	$8,805 00				$8,805 00	
		Wages	950 00					
		Personal property	1,000 00					
				$10,755 00		$8,805 00		$8,805 00
		Grand total		4,618,137 88		3,025,871 00		4,051,572 80

SHENANDOAH.

Abigal	102	Vessel and outfit	$60,000 00		$39,000 00		$60,000 00	
		Profits earned	1,544 00				1,544 00	
		Wages	12,485 00		7,800 00		5,000 00	
		Personal effects	26,503 00		4,194 54		4,194 54	
				$100,532 00		$50,994 54		$70,738 54
Brunswick	103	Vessel and outfit	73,200 00		32,500 00		50,000 00	
		Profits earned	13,379 50				12,379 50	
		Wages	12,265 00		6,500 00		5,000 00	
		Personal effects	5,030 00		1,080 00		1,080 00	
				103,874 50		40,080 00		68,459 50
Catharine	104	Vessel and outfit	48,677 00		31,640 05		48,677 00	
		Profits earned	18,329 00				18,329 00	
		Wages	14,820 00		6,328 00		12,169 25	
		Personal effects	11,845 00		1,493 10		1,493 10	
				93,671 00		39,461 15		80,668 35
Congress	105	Vessel and outfit	97,000 00		36,400 00		56,000 00	
		Profits earned	33,845 00				33,845 00	
		Wages	41,310 00		7,280 00		4,500 00	
		Personal effects	5,432 00		982 00		982 00	
				177,587 00		44,662 00		95,327 00
Covington	106	Vessel and outfit	32,251 00		20,963 15		32,251 00	
		Profits earned	25,010 00				25,010 00	
		Wages	18,445 00		4,192 63		8,062 75	
		Personal effects	13,096 00		1,655 28		1,655 28	
				88,802 00		26,811 01		66,979 03
Edward Carey	107	Vessel and outfit	42,982 70		27,938 75		42,982 70	
		Wages	13,665 00		5,587 75		10,745 67	
		Personal effects	5,400 00		1,170 00		1,170 00	
		Damages	10,000 00					
				72,047 70		34,626 50		54,808 37
Euphrates	108	Vessel and outfit	59,750 00		32,500 00		50,000,00	
		Profits earned	17,814 00				17,814 00	
		Wages	12,470 00		6,500 00		5,000 00	
		Personal effects	6,813 00		3,213 00		3,213 00	
				96,847 00		42,213 00		76,027 00
Favorite	109	Vessel and outfit	110,000 00		39,000 00		60,000 00	
		Profits earned	41,070 00				41,070 00	
		Wages	12,265 00		7,800 00		5,000,00	
		Personal effects	6,359 00		2,659 00		2,659 00	
				169,694 85		49,459 00		108,729 00
General Williams	110	Vessel and outfit	73,003 85		42,365 05		73,003 85	
		Profits earned	16,292 00				16,292,00	
		Wages	19,125 00		8,473 00		7,500 00	
		Personal effects	5,485 00		1,485 00		1,485 00	
				113,905 00		52,323 06		98,280 85
Gipsey	111	Vessel and outfit	60,000 00		39,000 00		60,000 00	
		Profits earned	10,633 75				10,663 75	
		Wages	12,160 00		7,800 00		5,000 00	
		Personal effects	12,634 00		1,626 12		3,000 00	
				95,457 75		48,426 12		78,663 75
Hector	112	Vessel and outfit	81,875 00		32,500 00		50,000 00	
		Profits earned	21,346 80		113,905 85		21,346 80	
		Wages	17,010 00		6,500 00		5,000 00	
		Personal effects	5,389 00		939 00		939 00	
				125,620 80		39,939 00		77,285 80
Hillman	113	Vessel and outfit	91,250 00		39,000 00		60,000 00	
		Profits earned	10,489 75				10,489 75	
		Wages	49,960 00		7,800 00		5,000 00	
		Personal effects	5,666 75		1,216 75		1,216 75	
				157,366 50		48,016 75		76,706 50
Isaac Howland	114	Vessel and outfit	125,500 00		42,250 00		65,000 00	
		Profits earned	57,554 00				48,554 00	
		Wages	15,060 00		8,450 00		5,000 00	
		Personal effects	7,837 00		3,937 00		3,937 00	
				205,951 00		54,637 00		122,491 00
Isabella	115	Vessel and outfit	81,650 00		39,000 00		60,000 00	
		Profits earned	27,765 00				27,765 00	
		Wages	34,050 00		7,800 00		5,000 00	
		Personal effects	16,522 00		2,199 96		2,199 96	
				159,987 00		48,999 96		94,964 96
Jireh Swift	116	Vessel and outfit	60,000 00		39,000 00		60,000 00	
		Profits earned	25,500 00				25,500 00	
		Wages	15,780 00		7,800 00		7,500 00	
		Personal effects	5,993 25		2,293 00		2,293 25	
				107,273 25		49,093 00		95,293 25
Martha	117	Vessel and outfit	96,455 04		39,000 00		60,000 00	
		Profits earned	9,906 00				9,906 00	
		Wages	12,877 50		7,800 00		6,250 00	
		Personal effects	10,540 00		1,384 20		1,384 20	
				129,778 54		48,184 20		77,540 20
Nassau	118	Vessel and outfit	152,500 50		52,000 00		80,000 00	
		Profits earned	9,424 00				9,424 00	
		Wages	13,805 00		10,400 00		7,500 00	
		Personal effects	5,550 00		900 00		900 00	
				181,279 50		63,300 00		97,824 00
Nimrod	119	Vessel and outfit	79,000 00		39,000 00		60,000 00	
		Profits earned	36,781 87				27,782 00	
		Wages	41,125 00		7,800 00		5,000 00	
		Personal effects	5,218 00		1,638 00		1,638 00	
				162,124 87		48,438 00		94,420 00

EXHIBIT A.—*Sums included in the Geneva award*—Continued.

SHENANDOAH—Continued.

Vessel.	No.	Particulars of claim.	American claim.		British allowance.		Arbitrators' allowance.	
			Items.	Total.	Items.	Total.	Items.	Total.
Sophia Thornton	120	Vessel and outfit	$86,333 00		$38,533 95		$59,283 00	
		Wages	13,575 00		7,706 79		6,250 00	
		Personal effects	6,851 00		2,851 00		2,851 00	
				$106,759 00		$49,091 74		$68,384 00
Susan Abigail	121	Vessel and outfit	24,397 25		15,858 21		24,397 25	
		Cargo	18,726 12				18,726 00	
		Wages	8,920 00		3,171 64		2,500 00	
		Personal effects	4,950 00					
				56,993 37		18,029 85		45,623 25
Waverly	122	Vessel and outfit	81,250 00		32,500 00		50,000 00	
		Profits earned	34,655 00				34,655 00	
		Wages	13,860 00		6,500 00		5,000 00	
		Personal effects	5,882 00		1,732 00		1,732 00	
				135,647 00		40,732 00		91,387 00
William Thompson	123	Vessel and outfit	144,500 00		58,500 00		90,000 00	
		Profits earned	15,093 75				15,093 75	
		Wages	15,125 00		11,700 00		8,750 00	
		Personal effects	6,250 00					
				180,968 75		70,200 00		113,843 75
William C. Nye	124	Vessel and outfit	75,000 00		35,750 00		55,000 00	
		Profits earned	7,087 50				7,087 50	
William C. Nye	124	Wages	11,115 00		7,150 00		8,750 00	
		Personal effects	5,175 00		625 00		625 00	
				98,377 50		43,525 00		71,462 50
Pearl	125	Vessel and outfit	27,000 00		17,550 00		27,000 09	
		Wages	12,705 00		3,510 00		2,500 00	
		Personal effects	9,750 00		6,150 00		6,150 00	
		Damages	6,200 00					
				55,655 00		27,210 00		35,650 00
General Pike	126	Detention, &c	37,000 00	37,000 00	16,861 50	16,861 50	20,000 00	20,000 00
James Maury	127	Detention	37,000 00	37,000 00	16,861 50	16,861 50	20,000 00	20,000 00
Milo	128	Detention	37,000 00	37,000 00	16,861 50	16,861 50	20,000 00	20,000 00
Nile	129	Detention, &c	37,000 00	37,000 00	16,861 50	16,861 50	20,000 00	20,000 00
		Grand total		3,124,200 88		1,145,898 88		2,041,557 60

RECAPITULATION.

	American claim.	British allowance.	Arbitrators' allowance.
Alabama	$6,578,250 96	$3,357,362 87	$4,702,461 24
Florida	4,618,137 88	3,025,871 00	4,051,572 80
Shenandoah	3,124,200 88	1,145,898 88	2,041,557 60
Total	14,320,589 72	7,529,132 75	10,795,591 64

The above are calculated without interest, which must be added.

EXHIBIT B.

List of claims filed with the Department of State by insurance companies in the United States as per revised list of claims filed with the Department of State, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the Alabama claims, and which were allowed by the Geneva tribunal.

Name and location of company, and name of vessel insured.	Amount insured.	Total.
Atlantic Mutual Insurance Company of New York City.		
Alert	$13,300 00	
Brilliant	18,000 00	
Conrad	16,570 00	
Palmetto	11,900 00	
Rockingham	40,000 00	
Amazonian	21,971 00	
Anna F. Schmidt	11,903 00	
Contest	100,000 00	
Dorcas Prince	13,026 00	
Dunkirk	10,200 00	
Golden Rule	7,912 00	
Olive Jane	3,750 00	
Talisman	67,680 00	
Sea Lark	36,968 00	
Thomas B. Wales	128,264 00	
Tycoon	121,986 00	
Union Jack	35,091 00	
Winged Racer	32,138 00	
Commonwealth	62,044 00	
Crown Point	63,753 00	
Electric Spark	11,765 00	
Jacob Bell	124,883 00	
Lapwing	55,000 00	
Redgauntlet	5,200 00	
Star of Peace	109,949 00	
Oneida	112,450 00	
Windward	3,953 00	
Umpire	21,155 00	
Corris Ann	1,000 00	
Catharine	26,676 00	

List of claims filed with the Department of State, &c.—Continued.

Name and location of company, and name of vessel insured.	Amount insured.	Total.
Congress	$35,700 00	
Covington	15,000 00	
Favorite	40,000 00	
General Williams	23,792 00	
Gipsey	10,000 00	
Hillman	26,250 00	
Isaac Howland	38,000 00	
Isabella	16,800 00	
Martha	33,200 00	
Nassau	47,500 00	
Nimrod	28,000 00	
Waverly	31,250 00	
W. C. Nye	20,000 00	
		$1,653,889 00
New York Mutual Insurance Company, New York City.		
Brilliant	9,245 00	
Amazonian	15,094 00	
Golden Rule	1,067 00	
Talisman	250 00	
Union Jack	2,500 00	
Manchester	7,500 00	
Crown Point	4,114 00	
Electric Spark	627 00	
Jacob Bell	17,500 00	
Star of Peace	11,445 00	
Oneida	20,000 00	
		89,342 00
Mercantile Mutual Insurance Company, New York City.		
S. Gildersleeve	7,500 00	
Amazonian	10,075 00	
Golden Rule	1,740 00	
Sea Bride	15,000 00	
Talisman	8,000 00	
Sea Lark	750 00	
Tycoon	90 00	
Union Jack	1,100 00	
Winged Racer	1,000 00	
Crown Point	10,700 00	

List of claims filed with the Department of State, &c.—Continued.

Name and location of company, and name of vessel insured.	Amount insured.	Total.
Jacob Bell	$15,000 00	
M. J. Colcord	3,500 00	
Redgauntlet	7,500 00	
Catharine	5,000 00	
Martha	1,000 00	
		$87,955 00
Sun Mutual Insurance Company, New York City.		
Conrad	20,000 00	
John A. Parks	7,763 00	
S. Gildersleeve	10,000 00	
Amazonian	5,725 00	
Anna F. Schmidt	2,050 00	
Dunkirk	2,350 00	
Golden Rule	700 00	
Olive Jane	719 00	
Sea Lark	450 00	
Thomas B. Wales	5,000 00	
Tycoon	16,859 00	
Union Jack	1,400 00	
Avon	9,000 00	
Commonwealth	2,887 00	
Crown Point	5,619 00	
Electric Spark	3,000 00	
Jacob Bell	22,119 00	
Redgauntlet	9,000 00	
Star of Peace	41,652 00	
William B. Nash	2,000 00	
Oneida	30,162 00	
General Williams	2,500 00	
Nassau	10,000 00	
		210,955 66
Union Mutual Insurance Company, New York City.		
S. Gildersleeve	5,000 00	
Amazonian	2,719 00	
Golden Rule	667 00	
Tycoon	653 00	
Commonwealth	5,000 00	
Crown Point	7,150 00	
Jacob Bell	7,807 00	
Star of Peace	16,282 00	
		45,278 00
Commercial Mutual Insurance Company, New York City.		
S. Gildersleeve	7,500 00	
Amazonian	6,103 00	
Golden Rule	1,394 00	
Anglo-Saxon	5,500 00	
Crown Point	4,800 00	
Electric Spark	350 00	
Jacob Bell	17,500 00	
Star of Peace	13,815 00	
		56,962 00
Pacific Mutual Insurance Company, New York City.		
Amazonian	3,385 00	
Golden Rule	800 00	
Talisman	5,269 00	
Tycoon	15,121 00	
Union Jack	1,822 00	
Winged Racer	10,000 00	
Commonwealth	13,564 00	
Crown Point	198 00	
Electric Spark	8,153 00	
Jacob Bell	10,000 00	
Star of Peace	5,000 00	
Oneida	10,000 00	
		83,312 00
New England Mutual Marine Insurance Company, Boston, Massachusetts.		
Nye	2,350 00	
Express	8,000 00	
Anna F. Schmidt	21,665 00	
Dorcas Prince	10,500 00	
Talisman	10,000 00	
Sea Lark	12,174 00	
Southern Cross	20,000 00	
W. C. Clark	5,000 00	
Commonwealth	22,500 00	
Crown Point	28,000 00	
M. Y. Colcord	500 00	
Star of Peace	12,500 00	
Oneida	23,300 00	
Isabella	1,000 00	
Avon	15,000 00	
		192,489 00
China Mutual Insurance Company, Boston, Massachusetts.		
Express	9,000 00	
John A. Parks	4,000 00	
Anna F. Schmidt	16,000 00	
Dorcas Prince	11,000 00	
Talisman	3,500 00	
Thomas B. Wales	9,200 00	
Union Jack	6,850 00	
Avon	5,000 00	
Southern Cross	15,000 00	
Jacob Bell	21,000 00	
Lapwing	20,000 00	
Redgauntlet	3,520 00	
Star of Peace	33,000 00	
		157,070 00
Commercial Mutual Marine Insurance Company, New Bedford, Massachusetts.		
Benj. Tucker	6,000 00	
Kate Cory	3,450 00	
Levi Starbuck	$3,850 00	
Nye	11,442 00	
Ocean Rover	6,500 00	
Golconda	15,960 00	
Oneida	12,017 00	
Brunswick	16,200 00	
Euphrates	9,750 00	
Hector	4,500 00	
Isaac Howland	1,000 00	
Isabella	1,000 00	
Sophia Thornton	15,000 00	
William Thompson	15,500 00	
		$122,169 00
Pacific Mutual Marine Insurance Company, New Bedford, Massachusetts.		
Benj. Tucker	1,000 00	
Kingfisher	4,700 00	
Lafayette, 2d	5,400 00	
Nye	2,000 00	
Sea Lark	1,900 00	
Golconda	4,925 00	
Oneida	100 00	
		20,025 00
Mutual Marine Insurance Company, New Bedford, Massachusetts.		
Elisha Dunbar	12,875 00	
Kate Cory	3,950 00	
Kingfisher	324 17	
Levi Starbuck	16,000 00	
Lafayette, 2d	8,125 00	
Nye	6,160 00	
Ocean Rover	7,210 00	
Virginia	10,750 00	
Oneida	10,000 00	
Hector	10,375 00	
		85,769 17
Union Mutual Marine Insurance Company, New Bedford, Massachusetts.		
Elisha Dunbar	8,500 00	
Kate Cory	812 00	
Levi Starbuck	3,500 00	
Lafayette, 2d	2,500 00	
Nye	2,900 00	
Ocean Rover	16,605 00	
Virginia	800 00	
Anna F. Schmidt	900 00	
Golconda	25,000 00	
Oneida	15,000 00	
Hector	17,000 00	
Nassau	6,000 00	
Sophia Thornton	9,000 00	
William Thompson	22,500 00	
		131,017 00
Ocean Mutual Insurance Company, New Bedford, Massachusetts.		
Golconda	10,300 00	
Sophia Thornton	3,050 00	
William Thompson	16,500 00	
		29,850 00
Delaware Mutual Safety Insurance Company, Philadelphia, Pennsylvania.		
Anna F. Schmidt	3,350 00	
Golden Rule	3,709 00	
Tycoon	1,708 00	
Commonwealth	15,763 00	
Corris Ann	4,400 00	
		28,930 00
Union Mutual Insurance Company, Philadelphia, Pennsylvania.		
Brilliant	1,975 00	
Tycoon	550 00	
Commonwealth	8,012 17	
Crown Point	2,259 87	
		12,797 04
Merchants' Mutual Marine Insurance Company, Bangor, Maine.		
Jabez Snow	6,200 00	
Amanda	2,500 00	
		8,700 00
Merchants' Mutual Insurance Company, Newburyport, Massachusetts.		
Amazonian	5,000 00	
Crown Point	9,000 00	
Star of Peace	9,076 00	
		23,076 00
Dennis and Harwich Mutual Insurance Company, West Dennis, Massachusetts.		
Southern Cross	450 00	
		450 00
Merchants' Mutual Insurance Company, Baltimore, Maryland.		
Clarence	19,400 00	
George Latimer	9,000 00	
		28,400 00
California Mutual Marine Insurance Company, San Francisco, California.		
Crown Point	10,085 00	
		10,085 00
Total claimed by mutual insurance companies		3,078,520 87
Great Western Insurance Company, New York City.		
John A. Parks	15,000 00	
S. Gildersleeve	5,000 00	

List of claims filed with the Department of State, &c.—Continued.

Name and location of company, and name of vessel insured.	Amount insured.	Total.
Wave Crest	$22,800 00	
Amazonian	3,780 00	
Anna F. Schmidt	18,156 00	
Dunkirk	8,000 00	
Golden Rule	2,950 00	
Lauretta	12,200 00	
Talisman	25,045 00	
Thomas B. Wales	4,854 00	
Tycoon	28,612 00	
Manchester	25,000 00	
Avon	30,000 00	
Commonwealth	3,720 00	
Crown Point	15,149 00	
Jacob Bell	4,369 00	
Redgauntlet	11,000 00	
Star of Peace	10,000 00	
William B. Nash	4,000 00	
Oneida	60,000 00	
		$309,635 00
Columbian Insurance Company, New York City.		
Conrad	17,205 00	
John A. Parks	14,938 00	
Lamplighter	5,000 00	
Palmetto	500 00	
Rockingham	15,000 00	
Amazonian	12,450 00	
Anna F. Schmidt	13,500 00	
Dorcas Prince	10,000 00	
Golden Rule	9,020 00	
Olive Jane	800 00	
Sea Bride	29,300 00	
Talisman	19,498 00	
Sea Lark	18,720 00	
Tycoon	19,835 00	
Winged Racer	5,000 00	
Manchester	10,000 00	
Emma Jane	29,000 00	
Highlander	21,000 00	
Sonora	30,000 00	
Ariel	8,500 00	
Golconda	17,250 00	
Anglo Saxon	7,000 00	
Avon	7,000 00	
Greenland	1,600 00	
Southern Cross	15,000 00	
Commonwealth	17,428 00	
Crown Point	34,549 00	
Electric Spark	40,900 00	
Star of Peace	10,000 00	
William B. Nash	20,500 00	
Oneida	30,000 00	
Moudamin	10,000 00	
Harriet Stevens	10,500 00	
Brunswick	8,000 00	
General Williams	22,500 00	
Gipsey	14,000 00	
Isaac Howland	16,500 00	
Isabella	3,050 00	
		575,043 00
Neptune Insurance Company, New York City.		
John A. Parks	6,000 00	
Lamplighter	3,000 00	
Talisman	5,000 00	
Manchester	5,000 00	
Anglo Saxon	6,000 00	
Commonwealth	2,000 00	
Oneida	5,000 00	
Estelle	4,000 00	
		36,000 00
Metropolitan Insurance Company, New York City.		
Anna F. Schmidt	9,000 00	
Sea Lark	2,000 00	
Tycoon	200 00	
Highlander	15,000 00	
Southern Cross	5,000 00	
Commonwealth	2,000 00	
Crown Point	1,700 00	
William B. Nash	8,849 75	
Oneida	5,000 00	
Congress	5,300 00	
Favorite	10,000 00	
Hillman	5,000 00	
Isabella	800 00	
Nassau	9,000 00	
		78,849 75
Washington Marine Insurance Company, New York City.		
Anna F. Schmidt	183 00	
Tycoon	100 00	
Anglo-Saxon	6,000 00	
Crown Point	1,587 89	
Oneida	12,500 00	
		20,370 89
Boylston Fire and Marine Insurance Company, Boston, Massachusetts.		
Express	6,000 00	
Anna F. Schmidt	5,000 00	
Dorcas Prince	10,500 00	
Thomas B. Wales	6,000 00	
Manchester	15,000 00	
Avon	6,000 00	
Commonwealth	3,000 00	
Crown Point	4,000 00	
Jacob Bell	21,000 00	
Star of Peace	21,508 00	
		98,008 00

List of claims filed with the Department of State, &c.—Continued.

Name and location of company, and name of vessel insured.	Amount insured.	Total.
Manufacturers' Insurance Company, Boston, Massachusetts.		
Lafayette, 2d	$4,000 00	
Virginia	2,000 00	
Anna F. Schmidt	25,500 00	
Olive Jane	5,000 00	
Parker Cook	26,064 56	
Sea Lark	20,636 00	
Chastelaine	11,670 55	
Commonwealth	8,700 00	
Crown Point	24,450 00	
Isaac Bell	5,800 00	
M. J. Colcord	10,000 00	
Redgauntlet	20,000 00	
Star of Peace	40,949 00	
William B. Nash	15,000 00	
		$219,770 11
Neptune Insurance Company, Boston, Massachusetts.		
Anna F. Schmidt	5,223 00	
Dunkirk	8,700 00	
Golden Rule	2,000 00	
Sea Lark	8,213 00	
M. J. Colcord	10,000 00	
Isaac Bell	800 00	
Redgauntlet	175 00	
		35,111 00
Mercantile Marine Insurance Company, Boston, Massachusetts.		
Sea Bird	10,000 00	
Sea Lark	5,000 00	
		15,000 00
Washington Insurance Company, Boston, Massachusetts.		
Express	10,000 00	
John A. Parks	10,500 00	
Anna F. Schmidt	18,210 00	
Redgauntlet	10,000 00	
Star of Peace	14,000 00	
Talisman	10,000 90	
Sea Lark	14,975 00	
		87,685 00
Equitable Safety Insurance Company, Boston, Massachusetts.		
Express	6,000 00	
Rockingham	18,500 00	
Anna F. Schmidt	8,700 00	
Union Jack	10,000 00	
Nora	20,000 00	
Commonwealth	7,500 00	
Crown Point	1,800 00	
Redgauntlet	1,000 00	
Star of Peace	8,000 00	
		81,500 00
Franklin Insurance Company, Boston, Massachusetts.		
Dorcas Prince	750 00	
Jacob Bell	3,200 00	
Star of Peace	5,000 00	
		8,950 00
Alliance Insurance Company, Boston, Massachusetts.		
Anna F. Schmidt	15,950 00	
Talisman	7,000 00	
Thomas B. Wales	5,000 00	
Commonwealth	10,000 00	
Redgauntlet	10,000 00	
		47,950 00
Boston Insurance Company, Boston, Massachusetts.		
Anna F. Schmidt	20,400 00	
Talisman	550 00	
Sea Lark	5,300 00	
Thomas B. Wales	15,052 84	
Union Jack	5,000 00	
		46,302 84
Merchants' Insurance Company, Boston, Massachusetts.		
Anna F. Schmidt	1,000 00	
Sea Lark	5,930 00	
		6,930 00
Shoe and Leather Dealers' Fire and Marine Insurance Company, Boston, Massachusetts.		
Anna F. Schmidt	5,300 00	
Sea Lark	5,450 00	
		10,750 00
National Insurance Company, Boston, Massachusetts.		
Union Jack	8,000 00	
Redgauntlet	260 00	
Star of Peace	10,000 00	
		18,260 00
American Insurance Company, Boston, Massachusetts.		
M. J. Colcord	10,000 00	
		10,000 00
Insurance Company of the State of Pennsylvania, Philadelphia, Pennsylvania.		
Commonwealth	6,100 00	
Crown Point	6,371 16	
		12,471 16
Insurance Company of North America, Philadelphia, Pennsylvania.		
Tycoon	600 00	
Crown Point	3,069 00	
Oneida	7,500 00	
		11,169 00

List of claims filed with the Department of State, &c.—Continued

Name and location of company, and name of vessel insured.	Amount of sured.	Total.
Piscataqua Fire and Marine Insurance Company, South Berwick, Maine.		
Lamplighter	$50 00	
Amazonian	4,000 00	
Sea Bride	2,700 00	
		$7,150 00
Baltimore Marine Insurance Company, Baltimore, Maryland.		
Henrietta	20,000 00	
George Latimer	14,600 00	
		34,600 00
Maryland Insurance and Security Company, Baltimore, Maryland.		
George Latimer	9,000 00	
		9,000 00
California Insurance Company, San Francisco, California.		
Anna F. Schmidt	4,473 00	
Sea Lark	1,433 00	
Commonwealth	900 00	
		6,806 00
Total claimed by stock companies		1,787,311 75

RECAPITULATION.

Claimed by mutual companies	$3,078,520 87
Claimed by stock companies	1,787,311 75
Grand Total	4,865,832 62
Number of vessels by reason of the capture whereof damages were claimed and allowed at Geneva	129
Of these were insured	89
Of these were uninsured	40

Mr. POLAND obtained the floor and said: I yield thirty minutes to the gentleman from New York, [Mr. WOODFORD.]

Mr. WOODFORD. Fifteen and one-half million dollars have been received into the Treasury of the United States, paid by Great Britain in pursuance of the decree of the highest court whereof history makes mention. This decree was entered in a suit to which nations were parties, in which nations were the judges, and of which the whole world were attentive observers. The disposition to be made of this large sum of money and the manner of that disposition, are the questions for our present decision. Let us hope that the future will set the stamp of its approval upon this the last step in this unprecedented litigation. To one point only of the many which arise do I desire to call the attention of the House, but that point seems to me the controlling one of all.

Two theories obtain touching the relationship of the Government to this fund. The one is that this money is the absolute property of the United States, that is of the whole nation, to be disposed of like other moneys in the Treasury, according to the pleasure of Congress. The other, that the Government holds this money in trust only for the benefit of those who are justly entitled to it.

To the reader of the debates in both Houses of Congress last year, in the Senate this year, and of the reports of the Judiciary Committee, it is manifest that the existence of these two theories is at the bottom of all the controversy which has arisen.

It may fairly be presumed that the leading supporters of the Senate bill, which, as amended, is now under consideration, placed in its strongest light before the Senate the argument in favor of the theory of an absolute national ownership of this fund, for upon that theory the bill as well as the substitute proposed by the majority of the House committee are based.

Let me quote their words. I read from the RECORD of May 13:

Mr. FRELINGHUYSEN. * * * The claim of the United States against Great Britain was national. It was not for individual injury. Robust debaters can go to great lengths in putting forward propositions, but I do not think any one with this treaty before him can deny that the claim made by the United States was in its character national. The treaty says: "The United States of America and Her Britannic Majesty being desirous to provide for an amicable settlement of all causes of difference between the countries." Again it says: "Whereas differences have arisen between the Government of the United States and the government of Her Britannic Majesty;" and again: "Now in order to remove and adjust all complaints and claims on the part of the United States." These expressions clearly prove the claim to have been that of the nation. * * * * *

But from the very nature of the claim of the ship-owner who lost his vessel, it cannot be individual or personal in its character. His loss was by an act of war. He had no claim against the confederacy, and still more remote would be any claim against Great Britain, the allies, or the abettors of the confederacy. If General Lee at Gettysburgh had burned down one's barn, the owner surely had no claim against the confederacy; and if Lee's army had been supplied with provisions by Canada, still less would he have had any claim against Canada. Therefore from the very nature of the claim, as well as from the repeated declarations of the treaty, the claim made by the United States was national.

Mr. EDMUNDS. But let us go a little further. I have only spoken now of the state of the case which is presented to us here, that this property was admittedly destroyed as a belligerent act by vessels of the Confederate States of America, and that Great Britain was held responsible in respect to these vessels, and in respect to this particular destruction, she, in the language of the publicists, was the ally or the associate or the assistant causing that destruction, which possibly the direct and immediate belligerent would not have been able to do, if she had not received this friendly assistance from the nation which in that respect was her ally and associate. * * * * *

Where, then, does the citizen of the United States stand in this case? He stands as a man who is the citizen of a country engaged in a public warfare; he stands as a man whose ship in that public warfare has been sunk by the cannon of the enemy; and then when we look to the reclamation we find that that public enemy was assisted in their destruction by a nation which, according to the definition of the publicists and according to the decision of this tribunal, was not in respect to these vessels a neutral nation, but that in violation of the attitude of neutrality that she pretended to occupy, she had become an ally and an assistant of the confederate forces who were making war upon us and was therefore responsible to us as a nation for the consequences of the destruction that she aided the public enemies of the United States to commit; and in that case, as I have shown from the decisions of our own courts and from the principles that the publicists have always laid down, the citizen of the United States has no individual claim against anybody.

In these two brief extracts we have the whole of the argument upon which the mistaken theory of a national ownership of this fund is based. Stripped of its verbiage we may paraphrase it thus:

The destruction of the vessels and property for which this money was awarded was the lawful act of a belligerent engaged in public war; Great Britain was the ally of the principal belligerent; for the lawful destruction of his property by one belligerent the citizen of the other belligerent has no claim for damages upon the hostile government, still less upon its ally; therefore no citizen of the United States had any claim upon the government of Great Britain for the loss of his property destroyed by the Alabama, and by consequence no citizen of the United States has any claim upon this fund, which, *ex necessitate rei*, is public property.

There, sir, is the argument and the conclusion. By that argument must the theory of national ownership of this fund stand or fall. If the argument be inadmissible, then this money is held as a trust for the benefit of those equitably entitled to it, and I do not dare to believe that any gentleman upon this floor would wish or vote to deprive the least of those of his just right.

Let us see, sir, whether our Government has hitherto taken the ground that the owners of this destroyed property had no claim against England for its value. Let us follow the action of this Government from the time when the first confederate cruiser sailed from a British port on her mission of destruction, and see whether we are at liberty to adopt this theory of a national ownership of this fifteen and one-half millions of dollars, without stultifying ourselves, and turning what is justly regarded as the most brilliant chapter of our diplomatic history into a pitiful record of public pettifogging, to the everlasting humiliation and shame of the nation.

In answer to resolutions of December 4 and 10, 1867, and May 27, 1868, the Secretary of State transmitted to the Senate a mass of correspondence concerning claims against Great Britain, which was published in 1870 in five volumes, and was subsequently presented to the tribunal at Geneva as a part of the appendix to the American case, and as constituting the bulk of the evidence on which the United States relied. In volume 3 of this correspondence, or, to use the title of the books, of the "Claims of United States against Great Britain," at page 56 is found the following dispatch:

[No. 381.]

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE,
Washington, October 25, 1862

SIR: I send herewith copies of papers which have just been received from James E. Harvey, esq., our minister at Lisbon, touching the depredations of piratical vessels built, armed, manned, and equipped in British ports, and dispatched from such ports upon the American merchant-vessels on the high seas near the Island of Flores.

The President desires that you lay copies or the substance of them before Earl Russell, in such manner as shall seem best calculated to effect two important objects: First, due redress for the national and *private* injuries sustained; and, secondly, a prevention of such lawless and injurious proceedings hereafter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c.

The inclosures related to the destruction of the Ocmulgee, Ocean Rover, Alert, Weather Gauge, Starlight, Altamaha, Admiral Blake, Benjamin Tucker, Osceola, and Courser by the Alabama.

As directed in this dispatch, Mr. Adams, on the 20th November, 1862, addressed a communication to Earl Russell, to be found at page 70 of the same volume, in which occur these passages:

The question will then remain how far the failure of the proceedings, thus admitted to have been instituted by Her Majesty's government to prevent the departure of this vessel, affects the right of reclamation of the Government of the United States for the grievous damage done to the property of their citizens in permitting the escape of this lawless pirate from its jurisdiction.

And here it may not be without its use to call to your lordship's recollection for a moment the fact that this question, like almost all others connected with the duty of neutrals in time of war on the high seas, has been much agitated in the discussions heretofore held between the authorities of the two countries. During the latter part of the last century it fell to the lot of Her Majesty's government to make the strongest remonstrances against the fitting out in the ports of the United States of vessels with an intent to prey upon British commerce, not, however, in the barbarous and illegal manner shown to have been practiced by No. 290, but subject to the forms of ultimate adjudication equally recognized by all civilized nations. And they went the further length of urging the acknowledgment of the principle of compensation in damages for the consequences of not preventing the departure of such vessels. That principle was formally recognized as valid by both parties in the seventh article of the treaty of the 19th November, 1794, and accordingly all cases of damage previously done by capture of British vessels or merchandise by vessels originally fitted out in the ports of the United States were therein agreed to be referred to a commission provided for by that treaty to award the necessary sums for full compensation. * * * * * * * *

Armed by the authority of such a precedent, having done all in my power to apprise Her Majesty's government of the illegal enterprise in ample season for effecting its prevention, *and being now enabled to show the injurious consequences to innocent parties relying upon the* security of their commerce from any danger through British sources ensuing from the omission of Her Majesty's government, however little designed, to apply the proper prevention in due season, I have the honor to inform your lordship of the directions which I have received from my government to solicit redress for the national *and private* injuries thus sustained, as well as a more effective prevention of such lawless and injurious proceedings in Her Majesty's ports hereafter.

Earl Russell's reply to this communication, dated December 19, 1862, is to be found at page 88 of the same volume, and in it, after controverting the arguments of Mr. Adams, he says, page 92:

Her Majesty's government cannot therefore admit that they are under any obligation whatever to make compensation to United States citizens on account of the proceedings of that vessel.

Palpably Earl Russell understood that the claims of private citizens against his government were under discussion.

On the 30th of the same month Mr. Adams addressed a note to Earl Russell replying to his arguments, in which, at page 95, occurs the following passage:

If, by the preceding representation, I have succeeded in making myself clearly understood by your lordship, then will it, I flatter myself, be made to appear that in both these cases, that in 1794 as well as that in 1862, the *claim* made rests on one and the same basis, to wit, reparation by a neutral nation of a wrong done to another nation with which it is at peace, by reason of a neglect to prevent the cause of it originating among its own citizens in its own ports.

These three dispatches were forwarded by Mr. Adams to the State Department here, and on the 19th of January following, Mr. Seward wrote Mr. Adams approving his course in these words, page 113:

You have properly replied to Earl Russell's note, and cleared up the argument of the case by a paper which seems to the President as convincing as it is calm and truthful. Earl Russell's argument does not satisfy the President that redress ought not to be granted *to our citizens* for the depredations which have been committed by the 290. He trusts that your reply may yet induce a reconsideration of that subject.

Where is the intimation in this correspondence that "no citizen of the United States had or could have any claim against Great Britain by reason of the acts of this confederate cruiser No. 290," or the Alabama, as she was better known? Is not every word instinct with the affirmation of the converse of that proposition?

Can the following dispatch be reconciled with the doctrine of "no private claim?" (page 155:)

DEPARTMENT OF STATE,
Washington, June 18, 1863.

SIR: I transmit with this dispatch a copy of a letter of the 4th instant, from Edward Mott Robinson, &c., * * * relative to their claim on the British government on account of the destruction of the ship Golden Eagle by the armed insurgent steamer Alabama. As one of the claims of *citizens of the United States*, growing out of the lawless depredations upon American commerce by insurgent vessels sent out from British ports, I have to request you to bring it under the consideration of Her Majesty's government in such manner as may seem to you most appropriate.

* * * * * * *

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq.

Or this, at page 163:

DEPARTMENT OF STATE,
Washington, September 17, 1863.

SIR: I now add to the number of similar cases already intrusted to your charge that of the American bark Union Jack, destroyed by the piratical vessel, of British origin and equipment, commonly designated the Alabama, and will thank you to take such steps in the matter as shall, in your judgment, tend to secure such redress as may be justly due to the aggrieved parties from Her Britannic Majesty's government.

* * * * * * *

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq.

Or this, page 176:

DEPARTMENT OF STATE,
Washington, October 5, 1863.

SIR: Referring to my No. 727, of the 30th ultimo, I now inclose a copy of a communication of the 1st instant, addressed to me by J. D. Jones, esq., president of the Atlantic Mutual Insurance Company of New York, relative to the claim of that company against the British government on account of losses growing out of the destruction of the American ship Brilliant, of that port.

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WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c.

Mr. Speaker, further multiplication of instances is unnecessary—the book is full of them. Claim after claim was presented in the same way, invariably as the claim of an individual. Our Government insisted that each claim was valid. Great Britain denied it; negotiation ensued; the "treaty of Washington" was made. Article 1 of this treaty reads:

Whereas differences have arisen between the Government of the United States and the government of Her Britannic Majesty and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generally known as the Alabama claims;

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Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's Government, the high contracting parties agree that *all the said claims* growing out of acts committed by the aforesaid vessels and generically known as the "Alabama claims" shall be referred to a tribunal of arbitration," &c.

Mr. Speaker, what differences had arisen between the two governments growing out of the acts of these cruisers, except a difference of opinion as to the validity of these claims, which, in all the correspondence from which I have presented specimen extracts, have been treated and styled the claims of individuals? What question was thus referred to arbitration except the validity of these claims? Can any gentleman answer? I think not.

One other branch of the argument and I have finished. It is urged that these marauding vessels were enemy's men-of-war, lawfully cruising, and therefore for their acts no American had lawful claim against any one. Hear what the American case, prepared by our agent under State Department supervision, and presented to the tribunal under governmental sanction, says:

It has been intimated, in the course of the discussion upon these questions between the two governments, that it may be said on the part of Great Britain that its power to interfere with, to arrest, or to detain either of the belligerent cruisers whose acts are complained of ceased when it was commissioned as a man-of-war; and that, consequently, its liability for their actions ceased.

The parallel is complete between these commissions and those issued by Genet in 1793, which were disregarded by the United States at the instance of Great Britain. If a piece of paper, emanating through an English office, from men who had no nationality recognized by Great Britain, and who had no open port into which a vessel could go unmolested, was potent not only to legalize the depredations of British built and manned cruisers upon the commerce of the United States, but also to release the responsibility of Great Britain, therefor then this arbitration is indeed a farce. Such, however, cannot be the case. * * *

The United States do not deny the force of the commission of a man-of-war issuing from a recognized power. * * * They do, however, most confidently deny that the receipt of a commission by a vessel like the Alabama, or the Florida, or the Georgia, or the Shenandoah exempted Great Britain from the liability growing out of the violation of her neutrality.—*Message and Documents, Department of State*, part 2. volume 1, 1872-'73, pages 84, 85.

Mr. Speaker, in view of this consistent record, bearing in mind the two circulars from the State Department, one calling upon all citizens to file their claims against foreign governments forthwith, and the other promising to present all claims filed against Great Britain to the tribunal of arbitration; and remembering that these claims so filed were presented with their accompanying proofs to this tribunal, which weighed them all and allowed a sum of money in satisfaction of such as they held valid, it seems to me that we are not now at liberty to say that we swindled Great Britain and deluded the tribunal into the allowance of a sum of money in satisfaction of a groundless claim for damages.

However captivating the sophistry, nay, further, even conceding the truth of the argument and the fact, the United States is estopped on the record to deny that this money was awarded in respect of a number of private claimants. Who they are and to what sums entitled, it seems to me, is no question for this body to decide. Investigations of this sort belong properly to the courts. Let us refer all claimants alike to some fitting tribunal to whose decision no exception can be taken, and in such reference let us not stultify ourselves, and insult the law-abiding spirit of the country by shutting the court-room door in the face of any. It is the proudest boast of our country that here before the law all are equal. The present is not the time nor is this the occasion to proclaim the opposite rule.

Can any honest claimant rightly hesitate to submit his claim to the decision of a court of the United States? I think not.

What would be thought of the title of a man who should ask the passage of a law forbidding any courts to entertain an action of ejectment against him? What Congress would hasten to pass the law? So in this case, if any there be who deem themselves entitled to any share of this money, let us not refuse them their day in court for fear their claim may be a just one.

He who asks us to take such a course asks us to do injustice and to legalize wrong.

If any one is entitled to this money let him have it. If no one is entitled to it let the Government keep it. But let the question of title be judicially determined.

Now let me ask any gentleman on the opposite side of this question to tell me what difference had arisen between Great Britain and the United States? What ground of quarrel was there? What reason for war? Why it was this, and this alone—that the property of private citizens of the United States, protected by our flag, had been seized upon the ocean by armed vessels which had been fitted out in Great Britain. We claimed that our citizens were entitled to redress. We claimed that Great Britain was bound to pay the bill and make good the damage thus inflicted. Great Britain denied our claim. To avert war, we solemnly entered into compact and created this great tribunal. Laying aside the old traditions of armies and of war, in the better spirit of this nineteenth century we met as Christian nations should meet, and far beyond the ocean, among the hills of that little republic of Switzerland, the flags of two mighty nations blended together in harmony. There, setting an example for all the civilized peoples of the world, the old mother country and her child met together and held this great tribunal of amity and of justice. But we are now called upon to pettifog and to quibble. Gentlemen come into this Hall and say that we should not be bound by the decree of that high court. They say that having recovered this money we should so expend it among our people as will most benefit the re-election of some half-dozen congressmen or be most pleasing to some half-dozen constituencies.

I shall not weary you with longer detail. If I have succeeded in any manner in demonstrating that this negotiation grew out of the presentation of the claims of private citizens through the agency of the Government, I have demonstrated that this is a trust fund. But there is something higher than the argument of logical deduction. There is fact—hard, stubborn fact. There is the contemporaneous action of the time when this award was paid over—the action of the Secretary of State who received it from the agents of the British government, and of the Secretary of the Treasury who received it from Mr. Fish. I suppose that most gentlemen are familiar with the appearance of the certificate of deposit, [exhibiting a paper,] which was indorsed by Mr. Fish over to the Secretary of the Treasury. I

suppose most of you are familiar with the appearance of the bond, [exhibiting another paper.] Is it the habit of the Government to take its own money, put it into its own Treasury, hold it as its own gold, and then issue a bond acknowledging its indebtedness therefor and promising to pay it to somebody? Is it the habit of this Government to put $15,500,000 into the gold vaults of the Treasury on the one hand and add $15,500,000 to the funded debt of the Government upon the other unless that money is borrowed or received as a trust? Let me read the bond which was issued, and of which I hold a photographic copy in my hand:

The United States of America are indebted to the Hon. Hamilton Fish, Secretary of State, *in trust*, to be held subject to the future disposition of Congress, in the sum of $15,500,000.

Now, I frankly admit that we have that last power of sovereignty—the bald, bare power that "might makes right"—that we may do as we will with whatever is in our grasp. We do not allow our citizens to sue us; so that if we make misuse of the property that is in our hands the citizen is without redress. But, gentlemen, we are morally bound by a law which presses upon judgment, which presses upon the conscience, that having received this money, having issued this bond therefor and in recognition of that trust, we shall distribute the fund, not according to whim, not according to prejudice, but in obedience to the higher, the divine law of absolute justice between the Government and its citizens, and in faithful accord with the letter and spirit of the trust under which we received it into our keeping.

I thank the House most kindly for this patient hearing upon so hot an afternoon. All that I ask the House to do is this: Put this fund at the disposal of some competent tribunal; then allow every man who has a claim, or who thinks that he has a claim, to go into that court and litigate for his right. When that is done, let the court make its award, let the nation bow thereto, and let us add to the grand example of the treaty at Washington and the tribunal at Geneva the grander example of a strong nation submitting its claim and the claims of all its citizens to the law, and bowing with equal submission to the fiat of our highest court of justice.

Mr. POLAND. Mr. Speaker, there is not in the congressional district that I have the honor to represent, nor in the State of Vermont, of which it is a part, any person to my knowledge who has the slightest interest in the Geneva award. I have never heard of any constituent of mine or of any citizen of my State that would be benefited or injured in the slightest degree by the disposition to be made of this $15,500,000. Therefore, Mr. Speaker, in the consideration of this matter in committee, in the consideration of it here, in my action upon it throughout, I have no interest whatever except that the honor and good faith of this nation shall be maintained; that we should show not only to our own citizens but to all the world that in this grave matter we are to maintain and will maintain the highest honor and the extremest good faith.

What I have already said, Mr. Speaker, will show that I have no constituency to be flattered by a speech. There is nobody that I can especially please by what I may say in reference to this matter; and I may give that as one excuse for not having prepared any speech upon this subject. Indeed, Mr. Speaker, it seems to me that it is a work of supererogation to prepare a speech or to go into any nice learning upon this subject. For it seems to me that upon the plainest principles of common honesty and common justice this case stands without any question and without any doubt.

Now, what is the case that we have before us? During the late war between the two sections of this country the Government of the United States claimed that the government of Great Britain allowed itself to be drawn into the support and aid of that portion of our country that was undertaking to subvert our Government; that notstanding the British government was at peace with our own; notwithstanding it was its duty to abstain entirely from giving any aid or comfort to that portion of our country that was in arms against our Government, the British government did in fact do so—did in that material matter of furnishing ships of war to prey upon our commerce, furnish aid to those we were endeavoring to overcome. Although the government of Great Britain professed friendship for us, and professed to regard its treaty obligations with us, it did, as we claimed, fail to respect those obligations; and by the aid it furnished, the ships of war and the men to man ships of war to prey upon our commerce, did great damage to the citizens of the United States. We claimed it had also prolonged the war; that they had subjected the Government to a much larger expense in order to put down the rebellion. In the great variety of particulars we claimed they were liable to us as a nation, and especially we claimed they had done damage to individual citizens of the United States. We were bound as guardians of every one of our citizens to see their wrongs were redressed and the damage done to them made good.

I am not going, Mr. Speaker, into a history of this matter at all. It resulted as you know and as we all know in the treaty of Washington, and after that the award of this Geneva arbitration was made.

Now, Mr. Speaker, what was done by this board of arbitrators at Geneva? They went on *seriatim*. They took up the claims we presented in behalf of our Government. We claimed the war had been prolonged and the draft upon the national Treasury had been made very large in consequence of the prolongation of the war. They decided all these matters against the Government. We presented there this claim for war premiums—that a large number of our citizens had been obliged to pay increased rates of insurance in consequence of this conduct of theirs. That claim was decided by the arbitrators to stand on the general ground of general expense and damage of the war and we could not recover it, although in this bill presented by a majority of the committee, through its chairman, they have determined to include the persons who paid war premiums. These war premiums were presented before that board at Geneva, and they were *eo nomine* excluded from the award. We know just as well as we got this fifteen and a half million dollars, we know as conclusively we never got a shilling of that money in consequence of these war premiums, because the arbitrators expressly decided that was not a ground of recovery at all, and we could not be allowed a cent of that claim. Yet this bill reported by the majority of the committee provides as much for the payment of these war premiums as for anything else.

Now the gentleman from New York [Mr. WOODFORD] who preceded me has excellently well stated the precise point upon which this whole thing is to turn. Was this an award of a gross sum of money to the United States, to be disposed of according to the good will and pleasure of the Government to whomsoever they might think best entitled or most needy, or is it a sum of money that as a great nation and guardian of the individual citizens of this country who have been injured by the action of Great Britain we have collected for them and hold for them, as much as any money my friend here ever held which he collected for a client?

As I have said, Mr. Speaker, I have no time and there is no need of going into a specific history of what took place before this tribunal. The result was, one after another they decided every single claim we presented against them against us, and decided we had no claim in behalf of the Government or any individual, except for certain vessels and cargoes destroyed by three rebel cruisers they adjudged we were entitled to recover. Great Britain was found by them to have been negligent in reference to the escape of these three vessels, and for the price of every vessel and every cargo we could prove was taken and destroyed by these three rebel cruisers we were entitled to recover. Now, gentlemen who will look into the history of this award will find how it is made up. We put in the proof in reference to every one of these vessels so destroyed one after another by name, A, B, and C, the values of the vessels and their cargoes, and the arbitrators having ascertained the gross amount they computed interest on it, and that amounted to fifteen and a fraction million dollars, and in round numbers they called it fifteen and a half million dollars. There is no possibility of doubt about this. It is a matter just as clear as can be made by documentary history and proof that we have recovered just the exact price of the vessels and cargoes enumerated in the list figured up and the interest cast on that sum, and that makes this award.

Now, do we hold the money for the owners of these vessels and cargoes, or can we turn aside from the guardianship of our citizens, and say we hold this like any other money in the Treasury, to be disposed of according to our good will and pleasure, without any other limitation upon our action than our constitutional obligations? Why, Mr. Speaker, I can scarcely imagine language, I can scarcely think of words which are strong enough to express my condemnation of the utter injustice and utter bad faith of the whole principle of this bill. Why, Mr. Speaker, stealing is a soft name for it. That we should step in under the pretense that we were going to guard and protect the rights of our citizens, to see that they were made good, that we were going to stand up as their great defender and advocate, and compel the government of Great Britain to restore to us a sum of money that would make them good, and when we got it disavow the entire capacity in which we received it and in which we stood—I say, Mr. Speaker, I can scarcely frame language, and it would be scarcely proper to use language if I could think of it, which would express the condemnation and abhorrence I feel for this bill of the committee.

But, Mr. Speaker, you may go back in the history of this case. In the very outstart, long before this treaty was made, we advertised to every man who had suffered a loss, every man who had suffered by any act of theirs, inviting him to bring forward his claim and to present it here, so that we might have it in our possession and make claim for his redress at the proper time.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me a question?

Mr. POLAND. Yes, sir.

Mr. BUTLER, of Massachusetts. I would like the gentleman to explain to the House how insurers who got two dollars in fact for every dollar they paid out suffered a loss?

Mr. POLAND. If the gentleman will possess his soul in patience I will endeavor to explain that matter as I understand it.

Mr. BUTLER, of Massachusetts. I will be glad if he will. It is a thing I have never yet got into my head.

Mr. POLAND. Not replying to the gentleman at this moment, but going on with the train of thought I was pursuing when I was interrupted, I was saying that in order that justice might be done to our citizens at some future day, when we had put down the rebellion and were to go in for the redress of their wrongs, we invited them to send in their claims to us. Why, sir, at one time the President of the United States recommended to Congress that the Government should pay off all these claims, that they should redeem the whole of them from first to last.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me another question?

Mr. POLAND. I think I cannot yield to the gentleman, as he has two hours in which to address the House and I have only one.

Mr. BUTLER, of Massachusetts. My question is this: Do you believe the Government would have paid the insurance companies in that case?

Mr. POLAND. Certainly I do. I believe the Government was honest, and would pay the money to the persons for whom the Government received it. So I say that all through this whole matter we constantly recognized the right of the private owner, and that he was the man to be redressed. We made claims that were governmental, but every single one of these claims that were strictly governmental was disallowed. We only got allowed for the claims of private persons, or those the particular private owners whose vessels and cargoes were destroyed by certain specific rebel cruisers.

Now, Mr. Speaker, I wish to call attention to one clause of the treaty itself. The treaty provides that these arbitrators, when they have ascertained what particular ones of these rebel cruisers, if any, the government of Great Britain was liable for, might either figure up a sum and award a sum in gross, or they might fix the liability—they might merely determine which of these vessels the government of Great Britain was liable for, and provide for still another tribunal, a board of assessors before whom each one of these claimants should go to establish his individual claim.

Well, Mr. Speaker, I should like to ask you and I should like to ask the House and my friend from Massachusetts, the chairman of the committee, what possible difference does it make, in reference to the right of these persons to receive their money, whether the tribunals awarded a gross sum for all these vessels itself, or whether it merely decided that Great Britain was liable for the acts of the Alabama, of the Florida, and the rest of the rebel cruisers for which liability was established, and sent each individual claimant to a board of assessors to ascertain his particular individual damage? It would be the same thing. The point was that they were to be allowed for. As regarded the mere form in which the arbitrators chose to put it, awarding a gross sum to cover all instead of sending each individual owner to another board of assessors to determine his claim, did that vary the rights of these persons? Not at all.

And now let me come to the question which my friend from Massachusetts put to me so triumphantly. We were allowed the price of a certain number of vessels and cargoes. Now, to whom did those vessels and cargoes belong? If there was an owner who had no insurance upon his vessel, of course it belonged to him. There is no question about that. But suppose that one of those vessels for which the claims were allowed was lost and that an insurance company had paid the owner, to whom then does it belong? Why, upon every principle of law that ever has been applied by any court, an insurance company, when they have paid the owner for the loss, are subrogated to his remedies, to his rights. If they have paid him for losses for which he was entitled to recover, why they are equally entitled to recover. They stand in his place.

Mr. SPEER. Why did the insurance companies charge extra premiums if that be so?

Mr. POLAND. The risk is greater. Why do they charge any premium at all? Why does any marine insurance company, any fire insurance company, or any other company charge a premium? Why, it is to get the means to pay their losses. But it is the universal law of insurance, fire insurance, marine insurance, and all sorts of insurance, that if a loss has been occasioned by a wrong-doer, by the illegal act of somebody, and the insurer has paid for it, he is remitted and subrogated to the right of the owner to recover against the wrong-doer. The doctrine of subrogation is a doctrine established by courts of equity. It had its origin in courts of equity, and it is founded on the broadest principles of natural justice and equity.

But, says the gentleman from Massachusetts, [Mr. BUTLER,] the insurance companies made money. What of all that, Mr. Speaker? I do not go for giving insurance companies any part of this money on the ground that I have any sympathy with insurance companies. It is not a question of sympathy. It is upon the ground that we received a portion of this money for them, we got it for them, it is their money paid into our pockets. I have no particular sympathy with them. But let me put a case to my friend. Here is a man who was the owner of five vessels, and he did not get them insured at all. He concluded that he would be his own insurer. He lost one of these vessels by a rebel cruiser and he comes in with his claim. Now, would it be any answer for the gentleman from Massachusetts or some other equally ingenious gentleman to get up and say, "We can show that upon the business you did, upon the importations you made, you realized a great deal of money, more than enough to pay for the vessel that you lost?" Is not that a perfectly parallel case in principle? Would it not be just as good an answer to the vessel-owner to tell him that he made money in the business in which he was engaged, more than the amount he lost, as it is to say to the insurance companies, "Because you made money in your general business, therefore, although you paid for this particular vessel that was lost, and for which we have received the money, why, we cannot pay you?"

Mr. FRYE. I desire to ask the gentleman a question right here. Your bill provides that money shall be paid to the mutual insurance companies, to be paid out by them to those who contributed to pay the losses.

Mr. POLAND. My bill does not provide any such thing.

Mr. FRYE. Well, the bill of the committee does. I wish to make this inquiry: If the Columbian Insurance Company receives the $800,000 which it claims, to whom under this bill, will it pay that $800,000?

Mr. POLAND. I know nothing about the Columbian Insurance Company; I never heard of it before. My friend from Maine has come in with a great variety of questions here to-day that were never heard of in the committee. He seems to be delving in a new mine, to be springing questions here which were never heard of before the committee, although we have been considering this matter in committee for the whole winter, and although finally we unanimously agreed to put in the mutual insurance companies, because a mutual insurance company is nothing but a partnership.

Suppose my friend from New York before me [Mr. COX] and myself each owns a vessel, and neither is quite able to lose the whole of it, and we agree that if either of us loses his vessel the other shall contribute to pay one-half the loss, and my friend's vessel is captured by rebel cruisers, and I pay him one-half the loss; is that any reason, if we were allowed for that vessel by these arbitrators, why he should not recover the whole sum of money and pay me one-half, or why he should not be permitted to recover his half, and I mine?

But, Mr. Speaker, this bill proposed by the committee goes entirely aside from the award, although they profess in some degree to be governed by the award, and will not exactly say that the award is to have no influence. They entirely depart from the principle of the award, because the bill not only provides for vessels destroyed by the three rebel cruisers covered by the award, but it provides for paying losses on vessels destroyed by every rebel cruiser. It provides substantially that the parties shall recover for all that was presented before the arbitrators, whether allowed by the arbitrators or not, and that, as my friend will agree, covers all. It is substantially saying that this money shall be distributed to every vessel-owner whose vessel was destroyed by any rebel cruiser, whether his case was included in the award or not.

Now I want to ask you, Mr. Speaker, and every gentleman here, upon what ground is it that the owner of any vessel for which we received no money has a better claim against this fund than the man who has had his house burned during the war? Why may not gentlemen in Pennsylvania just as well come in with claims for houses destroyed in Pennsylvania, when that State was invaded by the rebels, and be paid for that loss out of the award, just as well as any vessel-owner who claims compensation for his vessel, for which we have received no money under the award?

Now my friend from Wisconsin, [Mr. ELDREDGE,] a member of the committee, carried this principle very far. He says the great damage was suffered by the whole people; that we should not pay this money received on this award to anybody, but that it should be kept in the Treasury and used for the benefit of the whole people.

Mr. ELDREDGE. Allow me to say that it is, with this exception: that if there are special reasons why any claimant should be paid he shall come to Congress, like the loser upon land during the war, and present his claim to the justice of Congress.

Mr. POLAND. My friend puts it upon the same grounds as pensioners and all those people who were peculiarly damaged by anything done during the war. But this bill is worse than that. It pays these persons whose vessels were lost by the action of other rebel cruisers than those named in the award, and for whose depredations England was held not liable; it pays for injuries that were somewhat of the same character and class, although there is this important difference, that we got the money for the one and did not for the other. The arbitrators decided that England should pay us for one class of claims and not for the other. I think the difference is not exactly slight. Still this bill provides for paying all the claims on an equal footing.

And the largest class that claim to be entitled to this award are people who paid war premiums; that is, people who got their vessels insured and paid the high premiums that prevailed during the war, and did not lose their vessels. In the first place, our Government presented that claim as a distinct and independent item before these arbitrators, and they just as distinctly decided as they decided anything whatever—just as distinctly as they decided that we should have pay for the value of the vessels and cargoes that were destroyed by the three rebel cruisers named—decided that these claims for war premiums were inadmissible, that they were a part of the general damage of war. Now when it is perfectly certain upon the record that we did not receive this money for them, when the arbitrators decided that that loss was not occasioned by the acts of Great Britain, that Great Britain was not liable to pay us anything for it, this bill provides for giving the largest portion of this $15,500,000 to that class of persons.

Every man who hears me knows that the price of everything went up during and because of the war. Insurance did not go up any more in proportion than everything else during the war. The price of blue coats was increased in proportion as much as the price of insurance upon the ocean. I know some gentlemen who upon that

very ground could come in and make just as good an equitable and legal claim against a portion of this Geneva award fund as can those persons who now come forward with their war premiums.

So without going at all into learned details of decisions of courts, without stopping to discuss, if I could, any of these nice questions of international law, I am in favor of paying this money to the very persons for whom we received it. I do not know any principle so high, I do not know any law, either international or municipal, so high as will justify us in saying, when we have collected this money for a particular class of persons, when we have received it for them by name or by a designation, that is equally as certain as names, that we can stand upon this great high principle of sovereignty, and say that all citizenship and all private right are merged in this great national sovereignty, and we can deprive our individual citizens of money that belongs to them, and which we have received for them, and divert it to somebody else, whom we may by some fancy or color consider more meritorious and deserving people than those for whom we received the money.

As I said in the outstart, my only anxiety upon this subject is that we shall take such a course with the Geneva award, that we shall so distribute it as to fulfill that high trust with which the nation is clothed under it. Now, how do I propose to do it by the substitute which I have offered for the bill of the committee? The bill which I introduced some time ago, and which I have offered as a substitute for the bill of the committee, says nothing about whom this money shall be paid to. It provides for no insurance companies. It provides for nobody by name or class.

I say that under the treaty and the award and all the records that accompany the award showing the claims that were introduced before that commission, those that were decided in our favor and those that were decided against us, there are judicial questions proper to be determined by a court, and not proper to be determined by the Congress of the United States. It is just as much a matter to be determined by a legal tribunal, and according to those great principles of equity that have been established for generations in courts of equity, as any matter of private right between individuals. Therefore my substitute proposes what I believe to be the true doctrine and theory on this subject, that is to submit this whole question to the determination of a legal tribunal, providing for an appeal to the Supreme Court of the United States in any case where the claimant of the Government considers that the decision of the circuit court is not the right and proper decision to be made in the case. All the questions involved are as I claim purely judicial, and can only be properly determined by a judicial tribunal. If the theory of the gentleman from Massachusetts is the true one, that the money is the money of the Government to dispose of at its own sovereign pleasure, I agree that Congress would be the proper tribunal to dispose of it.

I may say that in some respects the bill which I have introduced is identical or nearly so with the bill of the committee, because the machinery by which the committee propose to carry this matter into the courts is substantially taken from the bill I introduced. The bill originally before the committee provided for each claimant bringing an independent suit, so that there might be suits in the courts of the United States all over the country. The bill presented here by the majority of the committee adopts substantially the machinery of the bill which I introduced. Of course I do not complain of that.

But I do complain of the bill of the majority of the committee, because it takes the money that we collected for these people, for the owners of these vessels and gives it to others. If an insurance compary had paid the owner for his vessel, by every principle of law and right they stand in his place. When you undertake to go outside of that and say that in their general business of insurance they made money, you set up a false issue. You might just as well go before a jury and argue to them, when a man had established his clear legal right, that he was better off than the party upon the other side and could better afford to lose the money than the other could to pay it. Such an argument would be just as legitimate before a court and jury in a question of private right as the reason advanced by the chairman of the committee why insurance companies should not be paid—that they made money in their general business; and therefore, although we have got pay for the individual vessel that they paid their money for, we are not to give it to them because they have money enough without this.

Mr. WILSON, of Indiana, obtained the floor.

Mr. SPEER. Will the gentleman from Indiana yield for a motion to adjourn?

Mr. BUTLER, of Massachusetts. Let us go on a little longer.

Mr. WILSON, of Indiana. I will move to adjourn at the middle of my hour if that will suit the House. I yield twenty minutes of my time to the gentleman from Ohio, [Mr. MONROE.]

Mr. MONROE. Mr. Speaker, the gentlemen of the committee have kindly yielded to me a few moments to speak upon this question for the reason that a constituent of mine of most respectable position, and whose claims I am fully convinced are just, happens to have the greater part of what he has in the world involved in the result of this debate. I may add that when the rebel cruisers were committing their ravages upon the Atlantic Ocean, I happened to be in the service of the Government in a position which naturally made me somewhat familiar with the diplomatic correspondence that has taken place upon this subject.

Mr. Speaker, two theories are held in regard to the relations of the United States to the Geneva award. According to the *first* of these theories, the money received is a legal trust in such a sense as leaves no discretion whatever to our Government as to the classes to which it shall be distributed. The limitations which the Geneva tribunal found it convenient to impose upon its own action are absolutely binding upon the United States in its action. The measure there agreed upon of obligation on the part of Great Britain toward the United States is the exact measure of obligation on the part of the United States toward its citizens. In other words, this nation appeared at Geneva merely as an attorney to make collections for clients, and can honorably use no more discretion than an attorney in settling with clients.

The *second* theory maintains that the money was awarded and paid to the United States as such for injuries inflicted upon the United States, and brings with it no obligation limiting the freedom of its action except the general one to do what is right and just to all concerned.

First. In the endeavor to determine which of these theories is the sound one, we naturally find our first resource in the voluminous literature of our diplomatic history from the year 1861 to the year 1872, including as it does the whole history of the ravages of the British cruisers, the extended correspondence resulting therefrom, and the different attempts at negotiation ending finally in the treaty of Washington and the Geneva award. It would be unaccountable if this great mass of literature, containing the matured opinions of many of the ablest lawyers, statesmen, and diplomatists of this generation, should not give us some clew to the proper solution of the problem.

1. We glance first at the correspondence preliminary to the treaty of Washington, carried on between Mr. Seward and Mr. Adams, Mr. Adams and Lord John Russell, and other persons in high official position. All these volumes of diplomacy have this common character, that the United States everywhere appears complaining of wrongs done to this nation and demanding redress for the nation, while Great Britain everywhere appears defending herself from this charge and from no other. She is accused of unfriendliness, but of unfriendliness toward the United States and not toward private citizens. She is said to have failed in the proper discharge of her obligations as a neutral power toward a neighbor with whom she is at peace, and it is her constant endeavor to prove that the charge is not well grounded. Through all these years of attack and of defense, of accusation and of reply, of rejoinder and surrejoinder, the grievance under discussion is treated as one between two nations, as such, and it is never put forward anywhere as the grievance of private individuals. The United States never appears as an attorney making collections for clients, but comes forward as herself the wronged party and demanding redress for the injuries which have been inflicted upon her. Individual losses are indeed enumerated, but they are presented as evidence of hostile animus toward the United States and not toward the private citizen. The language of the United States to Great Britain is, "You have wronged me, and to me you are accountable. I will take care of my citizens and see that justice is done them."

2. If we turn next to the treaty of Washington, we find the same view of the question in issue prevailing there. The existing differences are spoken of as having arisen between the Government of the United States and the government of Her Britannic Majesty. The claims discussed are treated as claims of the United States, and the compensation contemplated is a compensation for the United States. In the seventh article we find the following provision:

> In case the tribunal find that Great Britain has failed to fulfill any duty or duties as aforesaid—

That is, duties toward the United States—

> it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the government of Great Britain to the Government of the United States at Washington within twelve months after the date of the award.

This language plainly indicates the strictly national character both of the claims and of the award made for their satisfaction.

No one who has read the treaty of Washington can have failed to notice the marked contrast in the language employed and in the provisions adopted in the case of the national claims, growing out of the ravages of British cruisers, as compared with the claims of corporations, companies, or private individuals, citizens of the United States or of Great Britain, for the satisfaction of which the treaty establishes what has been known as the mixed commission. These claims are spoken of only as the claims of private citizens; they are to be prosecuted by private citizens, either in person or by attorney, before a commission established for the purpose, and to private citizens the compensation for them is to be adjudged and paid. This contract was not accidental; it was the result of the different methods naturally employed by able and upright men in providing compensation for claims of private citizens as distinguished from those of a rational character.

3. Of that very able State paper known as the American case it may be sufficient to say that its unanswerable argument is grounded upon the same premises that have been previously maintained. The United States is an injured nation; she demands redress as such; and the tribunal at Geneva is urged to award a sum in gross as a just com-

pensation to the United States for the injuries and losses of which she complains.

4. The instructions from the Department of State to our counsel at Geneva go still further, and seem to me to come very near to settling the whole question under discussion. In these the Department not only treats the question as a national one, as distinguished from one in regard to the losses of private citizens, but it expressly declines to commit itself in any way or to give the Geneva tribunal any jurisdiction in regard to the manner in which the amount recovered shall be distributed among our own citizens. I quote from a letter addressed by Mr. Secretary Fish to Mr. Cushing under date of November 14, 1871:

> The President desires to have the subject discussed as one between the two governments, and he directs me to urge upon you strongly to secure, if possible, the award of a sum in gross. In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded, or what may be recovered, in the event of the appointment of the board of assessors mentioned in the tenth article of the treaty. It is possible that there may be duplicate claims for some of the property, alleged to have been captured or destroyed, as in the cases of insurers and insured. The Government wishes to hold itself free to decide as to the rights and claims of insurers upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government without committal as to the mode of distribution It is expected that all such committal be avoided in the arguments of counsel.

It is nowhere assumed in these instructions that American citizens may not have claims which should be paid, but it is assumed that the Geneva tribunal is not the proper court to try these claims, and that the United States reserves to herself the right to examine and decide upon them.

5. The American argument before the tribunal is conducted in the true spirit. Our counsel carefully refrained from making the committal which the Secretary of State deprecated, and urged our claims upon the tribunal as strictly national in character. I quote only two of the many passages to this effect from this convincing and well-considered paper:

> That these claims are all preferred by the United States as a nation against Great Britain as a nation, and are to be so computed and paid, whether awarded as "a sum in gross," under the seventh article of the treaty, or awarded for assessment of amounts, under the tenth article.

And again:

> This principal question having been determined, if Great Britain is held responsible for these injuries, the people of the United States expect a just and reasonable measure of compensation for the injuries as thus adjudicated, in the sense that belongs to this question of compensation as one between nation and nation.

6. The language and spirit of the decision and award itself are in entire harmony with the views here advocated. The national character of the issue is maintained throughout, and a sum in gross of fifteen and a half million dollars is awarded to the United States. No claim of a company, corporation, or private citizen is considered as such, and there is no intimation of a wish even to limit the discretion of the United States in distributing the amount among its own citizens. The agent and counsel of Great Britain expressed no wish to have any such limitation imposed upon our Government, nor would our representatives have submitted to such an attempt had it been made. It is indeed true that carefully prepared tables of individual losses were presented by our agents to the tribunal, but they were offered only as affording some imperfect measure of the wrong done to the United States. Even this purpose they accomplished only in part. Mr. Cushing informs us in his Treaty of Washington "that the result reached did not accept as binding either the tables presented by the United States, or the deductions therefrom claimed by Great Britain;" and that "one of the arbitrators expressly declared that in arriving at a conclusion the arbitrators were not to be regarded as making an assessment, or confining themselves to the schedules, estimates, or tables, of either of the two governments." Indeed, so little special consideration was given by the tribunal to the schedules offered that it felt no compunction, while making the award, in declaring that all claims known as Alabama claims, whether presented to the notice of the tribunal or not, were fully and finally settled.

It may be added in passing that it is a little remarkable, considering how much trouble in the exercise of our own discretion the Geneva award is supposed to have saved us, that so little is definitely known as to the manner in which the award was reached or what it was really for. If the award was meant to be our guide, it must be admitted that it was rather a poor one. It is said that we are allowed both principal and interest. But how much of the sum awarded is principal; how much is interest; at what rate is the interest computed? No one can tell us. How much of the fifteen and a half millions is for the ravages of the Alabama; how much for injuries inflicted by the Florida; how much for damage done by the Shenandoah and other vessels to the end of the list? No one knows. The arbitrators did not know. Still less can we find in the award any trace of the proportion intended for individual ships destroyed, and of course personal claimants utterly disappear. Is it then credible that the decision of such a question as whether Great Britain was responsible for damage done by the Shenandoah before visiting Melbourne had anything to do with the amount awarded? I think not. I have an impression, which may be right or may be wrong, in regard to the manner in which the sum in gross was reached. Several persons have been guessing about the matter, and one man's guess may perhaps be considered as good as another's. As long ago as May, 1864, Mr. Cobden had stated in the House of Commons that the direct losses to the United States from the ravages of the British cruisers amounted to three millions sterling, or $15,000,000. This statement was quoted with approval by several leading English journals, and was hailed on our side of the Atlantic as evidence of candor and fairness in the great opponent of the corn laws. The opinion expressed by Mr. Cobden was brought conspicuously to the notice of the tribunal in the American case; and I am inclined to think that when its members began to look about for such a sum as would be fair for both parties, finding that the amount of three millions sterling was somewhat fixed in the popular approval, decided upon that amount, or a sum sufficiently near it, as likely to be satisfactory to all concerned, at the same time that they deemed it just and reasonable.

Second. But it is contended that in the very nature of the case our action is circumscribed by the limitations of the tribunal. It is said that we subjected ourselves to these by the very act of going to Geneva. We have no longer any discretion; we can no longer ask what is right, what is just, what is fair, who were actual sufferers, or who merely pretend to be such. We have only left us the poor privilege of groping darkly after some rule of conduct in the Geneva award. It is urged that we submitted the whole question to Geneva. I answer, what question? The question how much, and upon what grounds England should pay us. The question on what principles we should settle with our citizens was never submitted. There is no hint of such a purpose in all the many thousand pages where our grievances are discussed. Indeed, as we have seen, express instructions to the contrary were forwarded to our counsel at Geneva. Great Britain never asked that that question should be considered by the tribunal; never expressed any interest in it, and, so far as appears, has never felt any. The tribunal never discussed it, and imposed no condition upon the United States except that it should receive the sum awarded in full of all demands. Its final words to us in substance were, "Take this; do what you please with it, but ask for no more."

1. But it is urged, with some warmth, that by presenting the claims of any class at Geneva we placed ourselves under obligation, in case those claims should be recognized, to pay them out of the fund received. This would no doubt be true had our Government made any promise to that effect either at Geneva or to its own citizens. But it at all times carefully abstained from any committal of this kind. It invited all American citizens to file their claims with the Department of State without committing itself upon the question whether it would finally pay them, and it laid all these claims before the Geneva tribunal, intending that they should serve as some measure of the losses of the United States, and be suggestive of the sum to be finally awarded. We remember that the Secretary of State himself declared "that there might be duplicate claims for some of the property alleged to have been captured or destroyed, as in the case of insurer and insured." But of this the tribunal had the same means of judging as the Secretary of State, and hence were not imposed upon by the claims presented.

2. There remains therefore but this rule for the United States to observe in the distribution of the Geneva award: to do what, all things considered, is most just and fair among its own citizens; and this can only mean to compensate as far as practicable all actual sufferers from injuries inflicted by the British cruisers whose losses have not been recovered in some other way. Could it be shown that the burden of injury has been divided equally among the whole population, the true method clearly would then be to cover the award into the Treasury to be applied to the payment of national obligations or to the reduction of taxation. But as this is not the case, the duty of the Government plainly is to indemnify to the best of its ability the real sufferers. It should pay for actual losses by the Shenandoah before going to Australia, as well as afterward, and for losses by the other cruisers, whether included in the Geneva award or not. It should pay the insurance companies so far as they can prove that their losses were not made up to them by increased war premiums. It should compensate those who paid such premiums so far as they can make it appear that they were not indemnified by larger freights and larger profits upon cargoes. The same principle should be applied to all other classes of sufferers. In fine, the nation can meet the high responsibilities resting upon it in this case only by calling into exercise the noblest attribute, whether of nations or of individuals, the attribute of justice. Let this be done, and no real sufferer will be left without compensation. In the words of one of our counsel at Geneva: "Whether the sum awarded be adequate depends in my opinion on whether distribution be made among *actual losers only* and *citizens of the United States.*"

Mr. WILSON, of Indiana. I yield for one moment to the gentleman from Massachusetts [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. I ask unanimous consent that a statement of the insurance companies, mutual and stock, which I hold in my hand may be ordered to be printed as a document, and also printed in the RECORD.

There being no objection, it was ordered accordingly.

The statement is as follows:

Statement showing the total amount of claims filed by insurance companies for losses by the Alabama, Florida, and their tenders, and by the Shenandoah after she left Melbourne; the same having been compiled from the revised list of claims, as published by the Department of State, presented to the tribunal of Geneva.

Character.	Name.	Total claims.	Remarks.
Mutual	Alliance Insurance Company, of Boston.	$47,950	
Stock	American Insurance Company, of Boston.	10,000	Solvent.
Mutual	Atlantic Mutual Insurance Company, of New York.	1,653,889	
Stock	Baltimore Marine Insurance Company, of Baltimore.	34,600	
Stock	Boston Insurance Company, of Boston.	46,303	Failed on account of Boston fire; has paid 53 per cent. of loss by the fire.
Stock	Boylston Fire and Marine Insurance Company, of Boston.	98,008	Failed on account of Boston fire; has paid 40 per cent.; will pay 3 per cent. more.
Stock	California Mutual Insurance Company, San Francisco.	6,806	
Mutual	California Mutual Marine Insurance Company, San Francisco.	10,085	
Mutual	China Mutual Insurance Company, of Boston.	172,070	
Stock	Columbian Insurance Company, of New York.	575,093	
Mutual	Commercial Mutual Marine Insurance Company, of New Bedford.	136,169	
Mutual	Commercial Mutual Insurance Company, of New York.	56,962	
Mutual	Delaware Mutual Safety Insurance Company, of Philadelphia.	28,930	
Stock	Equitable Safety Insurance Company, of Boston.	81,500	Failed and winding up.
Stock	Franklin Insurance Company, of Boston.	8,950	
Mutual	Great Western Insurance Company, of New York.	309,635	
Stock	Insurance Company of North America, of Philadelphia.	11,160	
Stock	Insurance Company State of Pennsylvania, Philadelphia.	12,471	
Stock	Manufacturers' Insurance Company, of Boston.	239,770	Failed by the Boston fire; has paid 70 per cent.; will pay about 5 per cent. more.
Stock	Mercantile Fire and Life Insurance Company, of Boston.	15,000	Solvent.
Mutual	Mercantile Mutual Insurance Company, of New York.	87,955	
Stock	Merchants' Insurance Company, of Boston.	6,930	Failed on account of losses by the Boston fire; has paid 30 per cent.; will pay about 5 per cent. more.
Mutual	Merchants' Mutual Insurance Company, Baltimore.	28,400	
Mutual	Merchants' Mutual Insurance Company, Bangor.	8,700	
Mutual	Merchants' Mutual Marine Insurance Company, Newburyport.	23,076	
Mutual	Merchants' Mutual Marine, of San Francisco.	1,000	
Mutual	Metropolitan Insurance Company, New York.	78,950	
Mutual	Mutual Marine Insurance Company, New Bedford.	85,769	
Stock	National Insurance Company, Boston.	18,360	Failed from losses by the Boston fire.
Stock	Neptune Insurance Company, Boston.	35,111	Failed from losses by the Boston fire; have paid about 40 or 50 per cent.
Stock	Neptune Insurance Company, New York.	36,000	
Mutual	New England Mutual Marine Insurance Company, Boston.	202,489	
Mutual	New York Mutual Insurance Company, of New York.	94,342	
Mutual	Ocean Mutual Insurance Company, of New York.	29,850	
Mutual	Pacific Mutual Insurance Company, of New York.	128,312	
Mutual	Pacific Mutual Insurance Company, of New Bedford.	29,925	
Stock	Shoe and Leather Marine Insurance Company, of Boston.	10,750	Failed on account of Chicago fire.
Mutual	Sun Mutual Insurance Company, of New York.	240,171	
Mutual	Union Mutual Insurance Company, Philadelphia,	12,796	
Mutual	Union Mutual Insurance Company, of New York.	49,218	
Mutual	Union Mutual Marine Insurance Company, New Bedford.	131,017	
Stock	Washington Insurance Company, of Boston.	87,685	Failed from losses by the Boston fire; has paid about 75 per cent. and will pay about 5 per cent. more.
Stock	Washington Marine Insurance Company, New York.	20,371	
Total		5,002,453	

Statement showing amount of claims held by stock and mutual companies separately.

	Mutual.	Stock.
Nine companies in New York represent	$2,699,500	
Three companies in New York represent		$631,414
Three companies in Boston represent	422,509	
Twelve companies in Boston represent		158,267
Five companies in New Bedford represent	412,730	
Seven companies in Newburyport, Bangor, and Baltimore represent	112,987	
Four companies in Newburyport, Bangor, and Baltimore represent		65,046
Total	3,647,726	1,354,727

E. R. and O. E.

NEW YORK, *June* 8, 1874.

Total claims of Boston stock insurance companies.

American Insurance Company, (solvent)	$10,000
Boston Insurance Company, (insolvent)	46,303
Boylston Insurance Company, (insolvent)	98,008
Equitable Safety Insurance Company, (insolvent)	81,500
Franklin Insurance Company, (insolvent)	8,950
Manufacturers' Insurance Company, (insolvent)	239,770
Mercantile Marine Insurance Company, (solvent)	15,000
Merchants' Insurance Company, (insolvent)	6,930
The National Insurance Company, (insolvent)	18,260
The Neptune Insurance Company, (insolvent)	35,111
Shoe and Leather Insurance Company, (insolvent)	10,750
Washington Insurance Company, (insolvent)	87,685
Total	658,267
Total claims of Boston insolvent stock insurance companies	$633,267
Total amount of claims of Boston solvent stock insurance companies	25,000
Total amount of claims of the New York stock insurance companies	631,414
Total amount of claims of the insolvent Columbian Stock Insurance Company, of New York	575,043
Total amount of claims of other stock insurance companies of New York	56,375
Total amount of claims of other stock insurance companies than those of New York and Boston	65,046

Mr. WILSON, of Indiana. I now yield seven minutes to the gentleman from Maine, [Mr. BURLEIGH.]

Mr. BURLEIGH. Mr. Speaker, if any gentlemen residing in the interior of the country think that they have no interest in this question, that only those who are concerned in navigation on the ocean are interested in it, I desire to say to those gentlemen that they and their constituents have as much interest in this award as three-fourths or nine-tenths of my constituents have. The gentleman from New York [Mr. TREMAIN] had said that these ship-owners who present their claims here are all rich, worth on an average $18,000 each. Why did he not say to the House that the ownership of many of these vessels is cut up into eighths, sixteenths, perhaps thirty-seconds or sixty-fourths. If the gentleman will come to my State, I will show him how these ship-owners live, and what many of them are doing now. And then let the gentleman go with me to where he is accustomed to go, into the gilded palaces in which the insurance companies do their business, on Broadway and State street; and into the brown-stone front houses on Fifth avenue and Beacon Hill.

Mr. Speaker, when the first vessel was captured by rebel cruisers—a ship belonging to individuals in my State—there was great interest throughout the country among ship-owners to know whether the insurance companies would pay that loss or not. The ship-owners had insured their property against the dangers of the sea and they claimed that the companies were liable for the loss. The insurance companies on the other hand claimed that such a loss was extraordinary and that the companies were not liable. The court sustained the insurance companies; and the companies did not pay any losses of that character until they had collected from the ship-owners war premiums sufficient in amount to cover the losses as they occurred.

Then was the time, Mr. Speaker, that the ship-owners of this country were between the upper and nether millstone, as it were. To lose their ship was ruin; to pay the extraordinary and, as it proved to be, exorbitant war premium, was also ruin. Many of them perhaps were compelled to put their ships under a foreign flag or see their property vanish like the dew before the morning sun. Others, more patriotic, having sailed under the old flag all over the world, could not consent to see their vessels go under a foreign flag; they paid out their money and had their vessels captured until their whole property was swept away. Thus the merchant marine of this country, that had before the war done the larger share of the carrying trade of the world, that had been the nursery for our seamen and the envy of other countries, is now classed in regard to numbers as fourth among the maritime nations of the earth.

Sir, my people conceive that the Geneva award was given to this country to remunerate the ship-owners of this country who had their vessels swept from the sea and their property destroyed by the rebel cruisers fitted out and sailing, in a manner, under the protection and in the interest of Great Britain.

Now, sir, the question before us is, who shall have this money? Shall the people who had ships, and now have neither ships nor money, be excluded? Sir, many of these men who are to-day struggling in

poverty on account of these losses would, if they had their own again, club together and once more launch their barks upon the treacherous element.

Mr. Speaker, these men should be paid; at least they should not be left out in the cold. They built up our merchant marine; they maintained a nursery for our seamen without any expense to the Government; and when the hour of conflict came they were too patriotic to abandon the flag, but paid out their money until it would have been better for them if they had allowed their ships to sink or be captured.

Sir, we hear a good deal said here about law. Now, sir, I understand that we here are law-makers, and that we have a special case before us. Let us so make the law that it will do justice in this case. It is in the interest of the nation; it is in the interest of those that favor cheap transportation; it is in the interest of those who favored deep water at the mouth of the Mississippi River; it is in the interest of every member upon this floor and his constituents I plead, as well as in the interest of those who have done business upon the water and who go down to the sea in ships. If the strong hand of the Government shall succeed in giving these people their own again, it will build up our merchant marine again to be our pride and the envy of the world. It will be the means of maintaining a nursery of seamen for our Navy without any expense to the Government. It will dot every sea with our white sails and build up our trade and commerce in every part of the world, among civilized and uncivilized nations, and fly those "Stars and Stripes" we already love so well to see wherever we are, the flag of our common country, now, thank God! no longer counted as the emblem of a nation of slaveholders.

SALLIE T. LEE.

Mr. HAZELTON, of New Jersey, by unanimous consent, introduced a bill (H. R. No. 3660) granting a pension to Sallie T. Lee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOONER ALBA.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 3661) to change the name of the schooner Alba; which was read a first and second time.

The bill, which was read, authorizes the Secretary of the Treasury to give an American register to the schooner Alba, late of Saint John's, New Brunswick, a British vessel owned by Joseph Ross and William G. Brown, citizens of the United States, wrecked on the Ipswich (Massachusetts) beach in April last past, and now having American owners, who have bought and repaired her.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE W. TRUEHEART.

Mr. RUSK, by unanimous consent, introduced a bill (H. R. No. 3662) granting a pension to George W. Trueheart, late private Company F, Sixty-seventh New York Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FREEPORT, FLORIDA.

Mr. PURMAN, by unanimous consent, introduced a bill (H. R. No. 3663) to establish a port of entry and delivery at Freeport, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TAMPA, FLORIDA.

Mr. PURMAN also, by unanimous consent, introduced a bill (H. R. No. 3664) to establish a port of entry and delivery at Tampa, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. BASS. I ask unanimous consent to take up and put on its passage a bill (H. R. No. 2909) to declare the bridge across the Niagara River authorized by the act of Congress approved June 30, 1870, a post-route. It comes unanimously recommended from the Committee on Railways and Canals.

The bill, which was read, provides that the modifications in the plans of the bridge authorized by the act approved on the 30th day of June, 1870, as stated in the report of the board of engineers of the War Department, dated February 7, 1871, are hereby appoved; and said bridge as constructed is hereby declared to be a lawful structure, and an established post-route for the mails of the United States.

Mr. BASS. I ask that the following papers be read.

The Clerk read as follows:

The chief clerk of the War Department, in the absence of the Secretary of War, has the honor to transmit to the House of Representatives, for the information of the Committee on Railways and Canals, report of the Chief of Engineers and Major F. Harwood, as to the merits of House bill No. 2909, "to declare the bridge across the Niagara River, authorized by the act of Congress approved June 30, 1871, a post-route."

Concurring in the views expressed in these reports, the Department finds no objection to the bill.

H. T. CROSBY,
Chief Clerk.

WAR DEPARTMENT, *June* 6, 1874.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., June 3, 1874.

SIR: The letter of the Hon. Lyman K. Bass, of the 21st of May last, requesting, in behalf of the House Committee on Railways and Canals, the opinion of the War Department as to the merits of H. R. bill No. 2909 "To declare the bridge across the Niagara River, authorized by the act of Congress approved June 30, 1870, a post-route," referred to this office for report, is herewith respectfully returned.

The letter of Mr. Bass (with inclosed bill) was referred to Major F. Harwood, Corps of Engineers, and a copy of his report thereon is herewith submitted. His views are concurred in by me.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

UNITED STATES ENGINEER OFFICE,
Buffalo, N. Y., May 29, 1874.

GENERAL: I have the honor to return herewith, as directed, the papers sent to me under date May 22, 1874, and to report in regard to bill H. R. No. 2909, that I see no objection whatever to its terms.

The international bridge over the Niagara River at Buffalo is finished, has been in use for some time, and is in my opinion a very satisfactory structure, fully worthy to be legalized as an established post-route. It should be remarked in this connection that certain modifications to the bridge and approaches, not noted in the report of the board of engineer officers of February 7, 1871, but subsequently given in detail in my report of October 10, 1871, and understood to have received the approval of the honorable the Secretary of War, have been effected since the final adjournment of the board. As these in my opinion are not only unobjectionable but rather advantageous, I see no objection to the bill on their account.

I am, general, very respectfully, your obedient servant,

F. HARWOOD,
Major of Engineers.

To the CHIEF OF ENGINEERS,
United States Army, Washington, D. C.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BASS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. BABCOCK, one of his secretaries, announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 1934) for the relief of Pat. O. Hawes;

An act (H. R. No. 773) to reduce the area of the military reservation of Fort Sanders, and providing for the survey of said reservation as reduced;

An act (H. R. No. 955) for the relief of J. L. Tedrow, of Clarke County, Iowa;

An act (H. R. No. 2081) to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto;

An act (H. R. No. 2090) for the relief of Jacob Harding;

An act (H. R. No. 3160) in reference to the operations of the shipping commissioners act approved June 7, 1872; and

An act (H. R. No. 2538) to legalize and establish a ponton railway-bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa.

ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled.

An act (H. R. No. 2453) to increase pensions in certain cases.

An act (H. R. No. 3237) to authorize "The First National Bank of Seneca" to change its name.

An act (H. R. No. 3359) fixing the time for the election of Representatives from the State of Pennsylvania to the Forty-fourth Congress.

Joint resolution (H. R. No. 107) providing for the termination of the treaty between the United States and His Majesty the King of the Belgians, concluded at Washington July 17, 1858.

Mr. PENDLETON, from the same committee, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 881) fixing the times of holding the circuit court of the United States in the districts of California, Oregon, and Nevada.

DEFICIENCY BILL.

The SPEAKER appointed Mr. SWANN in place of Mr. HANCOCK, excused from service on the conference on the deficiency bill.

SOLDIERS OF THE MEXICAN WAR.

Mr. HERNDON, by unanimous consent, obtained leave to have printed in the RECORD some remarks on the bill (H. R. No. 2403) to grant pensions to the soldiers of the Mexican war.

Mr. GARFIELD. I move that the House now take a recess until half past seven.

The motion was agreed to.

The SPEAKER. The session of the House this evening, by previous order, is to be for debate only, no business whatever to be transacted. The gentleman from Tennessee, Mr. HARRISON, will be in the chair as Speaker *pro tempore*.

And thereupon (at five o'clock and ten minutes p. m.) the House took a recess until half past seven.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*, (Mr. HARRISON.) The House, pursuant to order, meets this evening for debate only, no business whatever to be transacted. The gentleman from Virginia [Mr. HARRIS] is entitled to the floor.

Mr. HARRIS, of Virginia. I yield to the gentleman from Illinois, [Mr. ROBINSON.]

FREE TRADE AND DIRECT TAXATION.

Mr. ROBINSON, of Illinois. Mr. Speaker, for near ten years the people of my State have imposed upon me the duties of a Representative in this body. I hope it will not be considered immodest to say that my constant study has been to guard their interests. My associates here will doubtless concede that I have exhausted little time of the House, but in a quiet and I hope inoffensive way have attempted, by voting on all public questions, to do justice to my constituencies. Want of confidence in my power to advance the views I entertain upon public questions effectively has to a large extent restrained me from prominent action.

Another reason is, however, that for the greatest portion of the time I have been honored with the confidence of the people the public mind has overwhelmingly tended to the assertion of theories of government that were contrary to all my convictions of right. A terrible civil war had swung the country from its old moorings and left as its legacies a long train of evils detrimentally affecting the morals of the people and the policies of the country. While passion was triumphant the tongue of a prophet would have had no power. The conviction that their passions had cooled, that they now realize existing wrongs, and that they are willing candidly and without prejudice to consider the state of the country, is explanation of my departure from a past line of action.

It will be my effort to prove that the present chaotic condition of our business interests and the unsettled and dangerous situation of many of the States is attributable to unwise legislation, looking to the overthrow of the power of the people and the assumption of their rightful authority by the central Government.

That the policies of the republican party proceed upon false theory, which, instead of leaving the people free to as great an extent as is consistent with public safety, have resulted in aggressive restraints upon them antagonistic to republican institutions and violative of all the fundamental maxims of free government. The lethargic state of the public mind, superinduced by false assumptions of authority by those in power, has enabled monopoly, built by class legislation, dictated by the enemies of the people, to take control of their affairs, and their substance is being absorbed and their liberty imperilled.

The most common but at the same time one of the most profound maxims is, that necessity is the creator of development. To make a people great, we must impose responsibilities on them, must bring the aggregate human mind upon the theater of thought, must make it their interest to carefully deliberate upon the public welfare. Every law that unnecessarily relieves them of responsibility is a law against freedom and intellectual progress. A people little governed are greatly blessed.

The teaching of the republican party is that the central Government shall think for the people. Every energy of my life has been devoted to the assertion and vindication of the great truth that the people, to be free, must think for themselves.

The father who assumes control of the mental movements of his child, and by superior experience and mistaken affection destroys his self-reliance, ruins his child. A government that relieves the people from thought is an enemy to intellectual progress and the ally of despotism. The law of competition in thought is the foundation upon which progress and freedom rest.

Class legislation clothes its beneficiaries with the instrumentalities of power, facilitates combinations of capital, erects monopolies, and is the corner-stone of despotism, and its creature, protection, whether exhibiting itself in paternalism in government, or the erection of classes, is the delusive snare that is held out to entrap the people. One of the maxims of Bismarck is, that those who hold the money-bags are the masters of the people. The protective legislation of republican rule has forced the money-bags to the control of the banker, who, by education and interest, is the enemy of labor.

It is my purpose, in as fair and impartial a manner as history will justify, to present the record of the republican party since the conclusion of the war, and, to the extent of my humble ability, point out its errors, and indicate remedies. In the hour of conflict public servants may be excused for departure from law and principle. For that reason a generous judgment would not hold them responsible for their action during its existence, but when it has passed away the highest duty of those in authority is to allay the passions it begot and conduct the people into the pathways of peace and security. Has the republican party, who have had unrestrained control of the nation since its conclusion, been governed by this simple, inflexible rule of public conduct? Is it not true that a policy of hate and proscription in every recurring political contest is promulgated by their leaders to excite the passions of the people and divert the public mind from the encroachments of the money and political despotisms?

During the war the people of the Northwest, the section I have the honor to represent, were educated by the morbid demand for their products the war created and its attendant prosperity to believe that republican administration would make that prosperity permanent. What is now the condition of the Northwest? An inquiring man entering one of its rich regions desiring to know the condition of a people so bountifully blessed by Providence would ask, what is the debt, private and public, and who constructed and own the vast systems of rail that cross the country at every point? He would be answered that the private debt, all created since the war, was immense; that it was represented by loans made by capitalists of protected districts; that it was secured by mortgages on the homes of the people, and that the crop of mortgages were rapidly encroaching on the bounty the fields awarded to the constant toil of the laboring and agricultural class; that the railways were built largely by subsidies donated by the people; that burdensome indebtedness had been assumed by the counties for their construction, and by some mysterious process the bonds of the counties had drifted to the possession of the capitalists of protected districts. At the conclusion of the war the people of the Northwest were out of debt. After ten years of republican administration, in peace, that people occupying God's richest heritage are impoverished, their energies crippled, and their property depreciated in value.

Further investigation shows that the control and ownership of the vast system of rail of the Northwest was in capitalists of protected districts in distant States; that they were by them consolidated and centralized.

The time was when western lines of railway were independent, were instrumental in competition between the lines for the markets, and secured living rates to the people for their labor; but consolidation being accomplished competition is crushed, and the roads, instead of responding to and sympathizing with the prosperity of the West, answer the greedy demands of capital, centralized and produced for classes in distant States by protection.

It may be said that the publication of the truth tends to sectionalize the country, that its utterance is unpatriotic. How much more unpatriotic are those who use all the instrumentalities that party or money can afford to fasten a system on the country that robs those upon whom its prosperity depends to fatten the stock-jobbers and gamblers, and to deposit power over the whole producing and laboring classes in numberless diverse petty and soulless despotisms?

The consolidation of our railroads could not have been accomplished in so short a period without the rapid production and centralization of money; protection is the author of both evils. The redundancy of money produced by it for a class in a section sought avenues of investment, and stocks being the most available, the different lines of railroad were swallowed up by that class, and consolidation followed.

Let it not be charged, Mr. Speaker, that I am actuated by hostility to any section. The agriculturists and the laborers of the sections in which these beneficiaries of the Government reside representing as they do a large preponderance of the population, are as much the victims of the system as the people of the same class in other sections.

Investigation will demonstrate that the producing and laboring interests in those localities are in no more flourishing condition than in the past, and that the centralization of money in the few has erected class distinctions founded upon wealth built by the toil of the people, proscriptive and degrading in their character and unrepublican in their spirit; that protection is as well the enemy of the people in the protected districts as elsewhere. My hostility proceeds not against a section, but a class; not against the people, but against their legalized robbers.

One of the results of the unbridled control of this class is the continued oppression of the people of the lately rebellious States. They realize that so long as they can, by force, artifice, or fraud, prevent an expression of the intelligence of those States, so long as those States are represented by adventurers having no interest in their prosperity, just so long can they perpetuate wrong against the whole people.

The rebellion was bred by a wrong that was created and legalized by the nation. Slavery consolidated the hostile action of the people of the South for the perpetuation of slavery, and through the passions its assumed interest and menaced authority developed, the South was precipitated into war against the Government. The present is no appropriate time to discuss the rights or the wrongs of those engaged in the conflict; happily for humanity its deadly recitals belong to the past. Deeds of heroism, equaling if not surpassing any written or unwritten, were daily occurrences in both the hostile camps. Those who measure a people by their martial spirit, or the skill of their commanders, will on either side find that high courage and genius they admire.

I confess, Mr. Speaker, I have no admiration for war; that it is my pride and I believe my highest duty here and everywhere to use every endeavor to avert it. The war having passed away, and the people being again reunited in a common interest, my effort in the past has been, and in the future will be, to still the unholy passions it begot.

The South and the Northwest are allies by every physical, financial, and political interest. Before the war unimpeded natural laws had established reciprocal relations, which protected and enriched each of the sections; the producer of cotton and tobacco was the consumer and competitor with the world for the products of the

Northwest; but the war, with all its attendant horrors, was less destructive of the moral and material welfare of the whole country than subsequent administration of southern affairs.

It will be my attempt to demonstrate that the passions that have been brought into play since the conclusion of the war have been used by the despotic interests that now have the people under their feet, as one of the instrumentalities for the perpetuation of their power. They shrewdly calculated that it could only be secured by dividing those who ought to be friends, by warring on that reciprocity that the Almighty, by natural law, has made eternal. They realized that the genius and nobility of a people were never crushed by hostile conflict in the open field, that the slow processes of a degrading despotism, established over a prostrate people, were the instruments to crush their souls and destroy their patriotism and rising energy.

The generosity that soldiers proclaimed at the conclusion of the war was unsuited to the mad passions of the home patriots, the unholy ambition of political adventurers, and to the deadly avarice of the money-changer, who hoped to fatten through the continued misery of the people of the rebellious States.

Adventurers flocked to the South, who instead of attempting to accommodate society and labor to the new order of things; instead of encouraging the people to a combined effort to resurrect their country from the ruin of the conflict; instead of attempting to inaugurate a feeling of confidence between the lately freed black population and the white people of the South, exhausted every artifice to divide them. Professing friendship for the black, they plundered their States and robbed their people.

It is a grateful task to testify to exceptions. Many went South seeking homes and inspired by an honest desire to aid its people. Eminent among that class I may be allowed to refer to Governor Walker. The old State of Virginia has been blessed by wise and patriotic administration; her credit has been preserved and her treasury protected. Elected a Jeffersonian republican, he could only preserve her people from the rapacity of plunderers by offering defiance to the mandates of the spurious republicanism of the present. Under great difficulties he fought a noble and successful fight, and has added another brilliant page to the history of the Old Dominion, and has won the admiration of his countrymen. But the general policy of the past ten years has been, through carpet-bag rule, directed to the protection of one race—to the effort to change every moral, social, philosophical, Christian, and political principle, thereby subjecting the superior to the control of the inferior race. Let us test the wisdom of the system by a trite question. What man is there, if he had business to transact of a private character in any one of the States beleaguered by carpet-baggism, who would submit its control to the negro? If not, why willing that the highest considerations affecting the present as well as future generations should, by the exercise of national influence, be deposited with him?

The answer of republicans may be that they have no faith in the white people of the South. Have not these people signalized their greatness in the past in the field, the forum, and the closet? Their ancestry largely contributed in the creation and protection of those manifold blessings that embellished our country, until factions took the place of parties, and passion, instead of reason, assumed the empire of the public mind. Do you not realize that there must be harmony in the South between the races before prosperity can be assured? And does not the nation suffer when any of its sections are impoverished?

The white people of the South are without arms, without money, and without organization. They have in their midst a large population of a different race with equal political privileges, all believed to be loyal by the most fanatical. Is it not true that rebellion against constituted authority is not only impracticable, but impossible?

Let me further test the wisdom of the system. Will it be denied that the debts of those States, without corresponding benefits, have been increased near $100,000,000? That their people, black and white, are manacled by them, not only for the present but for future generations? That fleeing governors and plundered States are the visible evidence of its operations? Will it be denied that if, after the war, the people had been remitted to the control of those States; that if the beneficent influence of our institutions had, free from national interposition, been allowed to take their natural course, the scoundrels who robbed their treasuries, and divided and corrupted their people would have been purged from their bosom?

I have been too long in public life not to be aware that the enunciation of the truth in regard to the administration of southern affairs will be a pretext for numberless calumnies; that all the machinery that hate, supported by the power of the monopolists, will be put in motion for the destruction of any man who has the boldness to avow it; that the war, with all its attendant horrors, will be vividly portrayed and elaborated by the money-gluttons and the political and religious pharisees that have cursed the South, and through that the country, for the last eight years.

I believe, however, that the time has now arrived when the suffering that the general system of public administration has entailed will justify a full exposition of its ruinous tendencies.

The people have awakened to the reality that there is an invisible dagger being plunged into their vitals; that the rising energy and patriotism of the South is crushed under the heel of faction sustained by the power of the Government; that the prosperity of the South and the nation are relative, and that both are victims; that their energies and their labor, their products, and their natural resources, are bound in the manacles of political and money centralization erected into a despotic colossus by the insidious but iron grasp of protection.

The career of protection in its political and financial aspects carries with it the most valuable instruction to mankind; its mission has been to perpetuate fraud, encourage ignorance, and establish despotism.

Its history is written in the galling despotism it erected over the French, relieving the nobility and the priestcraft from the burdens of government until the smothered discontent of the people, resulting from ages of oppression, volcano-like, burst its chains and appalled the world by its violence; in the grasping avarice and inhuman control of England over her East India colonies, enslaving a large portion of the human race, without pretext, to secure the perpetuation of her protected kings and nobility, impoverishing a people who were rich, reducing to misery those who had been happy, while export duties from and import duties to her colonies filled the coffers of her country; is written in the history of the last ten years in this country by the overflowing treasuries of the protected class, and by the poverty of the agriculturist and laborer; by the tendency of the times to the establishment of monopolies and the destruction of private enterprise, by the erection of colossal fortunes in the few, and the impoverishment of the many. In all its career, in every department, crime stalks in its companionship, and injustice and fraud are its results.

Mr. Speaker, the next subject to which I desire to direct the attention of the House is the management of our financial affairs. The authors of the policy of exemption of the public debt from taxation claim that it was necessary to float the securities and provide the means to carry on the war. Certainly, nothing but the most vital necessity could ever have justified it. The manifold evils that have flowed from this legislative protection of capital should forever admonish mankind that war, however successful in its element of force, is always dangerous to the liberties of a people. The tendency of such a debt is to draw capital from its legitimate fields; retard the development of all the material interests; to raise the value of money, cheapen labor, and destroy the power of the people; centralize capital; make it dangerously remunerative; establish classes, and overthrow liberty.

These are the general tendencies that have resulted from the exemption of the public debt from taxation. Let us for a short time consider in detail its practical operations upon the people and our system of government. Assuming that it is conceded that competition lies at the foundation of material development, it centralizes two thousand millions of capital, exempted from all public burdens, and diverts it from all the channels of public usefulness, compels the people from their hard earnings to pay a higher rate of interest to its holders than is paid by any civilized or respectable nation on earth. It was wrung from those in authority by the shylocks when the Government was in extremity.

The national banking system, a creature organized for the protection and centralization of capital, the security for the issue of which are these exempted bonds, another creature for the centralization and protection of capital, was summoned from the public portfolios as a panacea for all our financial evils, a calm exposure of the practical workings of which, in my judgment, exhibits it as a plan for universal robbery by the money power centralized by republican legislation.

It submits the control of the finances to the bankers, whose education and whose interest it is to make money high and labor cheap. It centralizes three hundred and fifty millions of our circulating medium; withdraws it, by legislative protection, from legitimate competition with the remainder of the circulation; drives from the field all competition by private enterprise in the sale of money to the people; absorbs not only the cash but all the credit business, involving an amount many times greater than the business accomplished by the circulation; forces near half the reserves, by the operation of the laws controlling its organization, to the money centers, by authorizing certificates of redemption banks to be held by the country banks as reserves, thus presenting to the banks representing the agricultural districts the necessity of sending their money to the centers to make it profitable, the result of which is to make money redundant in the centers and deplete all the localities from which our wealth is derived; forces the money thus sent, not demanded by legitimate business interests, into stock gambling; creates watered stocks on railroads, to pay the interest on which higher rates of transportation are charged against the people; develops what are known as corners against pork, corn, wheat, and every other product by locking up the money and making them cheap when the producer holds them, and, after their purchase, locks them up against the consumer, and thereby exacts an additional and exorbitant toll against the half-starving and poorly paid laboring population; brings the people engaged in the production of wealth in competition with reckless gamblers on Wall street for the use of money; raises the rates of interest against all the valuable classes by creating fancy stocks and fancy corners, competitors for the consumption of the circulation, and finally, after withdrawing, according to the report of the Comptroller of the Currency, from the country districts $113,000,000 of the money of the people into this shameless conspiracy against their welfare this republican financial bubble bursts, and leaves the people

to the innocent amusement of holding their empty money-bags, and the redemption banks—the pets of this pet so-called republican system of finance—to which morally the faith of the Government is pledged by republican legislation, refuse the payment of the pittance deposited for safe-keeping by the laborer.

A paternal Government in their fatherly kindness have centralized all the circulation and all the credits of finance in the money-dealers; have destroyed by their legislation every vestige of competition in the sale of money to the people; have kindly given the money-dealers first 6 per cent. in gold, payable semi-annually, of the money wrung by taxation from the blood and sweat of the producers of wealth, and given to the money-dealer 90 per cent. of $395,000,000 of national-bank notes without interest, which the money-dealer loans to the people at the rates governing in the locality in which the bank is situated; have, independent of any explainable necessity, established a combination of middle-men authorized by national paternal republican legislation to receive as a bounty for their robbery of the producer and the degradation of the laborer the annual stipend out of their hard earnings of $23,700,000 in gold, payable semi-annually.

The national banks centralize money. The centralization of money if it does not result from the demands of legitimate business creates wild speculation. Wild speculation creates stock-gambling. Stock-gambling produces watered stocks, and watered stocks in railroads demanding their interest call on the farmer, mechanic, merchant, and laborer to pay his proportion to maintain a policy of paternal protection.

Boards of brokers are established in the city of New York whose business it is to sell and buy Government securities as well as fancy stocks on margins, and these securities, exempted from taxation, are used by the bankers to withdraw a large portion of the other personal wealth from State, county, and municipal taxation. A few days before assessment the holders of money in banks and otherwise telegraph to their brokers in New York to purchase for them Government bonds to an amount nearly equal to all their capital, and when the assessor comes they return him about one-twentieth of their real capital for taxation, and the other nineteen-twentieths in Government securities. By this scheme of finance, fostered and practiced by the national banks, full one-half of all the other personal property in credits and circulation is drawn from local support, and the farmer, the merchant, the mechanic, and the laborer are required to make up this dishonest subtraction of values from the assessor by the additional tolls that are imposed on their goods, lands, and stock.

Mr. Speaker, the honorable Senator from the State of Indiana, [Mr. MORTON,] in the course of remarks lately made by him, I suppose sounded the battle-cry of his followers. He says:

> The facilities and benefits of the national banking system should be extended to all the States alike, thus relieving it of its present sectional character, and that the restriction upon the amount of national-bank circulation should be removed to relieve it of its monopoly feature.

And afterward, in explanation of what he deemed its objectionable feature, says:

> I am a friend of the national banking system, believing it the best the country has ever had, and wish to relieve it of a blemish which is fast making it unpopular, and if continued will make it odious. This is its monopoly feature, and those who seek to preserve this feature are the worst enemies of the system. Even if the national banking facilities had been divided among the States according to the provisions of the law, it would be a monopoly. But when the law was violated, and a few States seized upon the greater part, almost to the exclusion, and to the great detriment of others, there is added to the monopoly an injustice which it is the part of wisdom in the friends of the banks to abolish as soon as possible.

He lays down the proposition, in substance, that its only defect results from the restriction upon its general adoption, and assumes that when that is abolished the elasticity in currency which he so much admires will be accomplished.

Let us for a limited period investigate the results of this scheme. I undertake to say that its only object is to force the greenback, which costs the people nothing, out of circulation, substitute national-bank issue therefor, and perpetuate the authority of bankers, sustained by legislative sympathy and legislative bounties. That it is a scheme of the money-holder to further monopolize control over the capital and credit of the country, and further dominate the laboring, agricultural, mercantile, and mechanical classes; that its result will be to force our people first to pay off a non-interest-bearing obligation. If the elastic financial currency policy means anything, it means that in times of scarcity it will increase, in times of redundancy contract. Is there any man wild enough to suppose that after banks are established under the national banking law, with the general privilege projected by the Senator's plan that the national banker, to accommodate public necessity, will in the case of redundant circulation patriotically close the doors of his bank and quit business?

Is it not apparent that this scheme means that on each recurring redundant period the Government will retire and pay off greenbacks, and that on each recurring period of scarcity more patriotic bankers will be called to the front to meet public exigencies; and that the whole scheme, when stripped of the mysteries in which its authors envelop it, is to compel the people to pay, first, a non interest-bearing-debt and relieve capital of the competition that its circulation affords?

The national bankers, taking advantage of the distress among the people created by their own manipulations, are attempting to further centralize the circulation and the credits; to so manacle all the industries and control labor that all effort to throw off its fatal embrace will be futile and ineffectual.

Assuming that there can be no question that it would force greenbacks out of circulation, what is its direct result upon the people? If the Government retires interest-bearing bonds, the people are saved the interest. There are four hundred millions of greenbacks, costing nothing. If an additional four hundred millions was issued and devoted to the purchase of bonds now deposited for the security of bank circulation, it would save the people twenty-four millions annually.

The Senator has rather a narrow view of the term "monopoly." If a system of national legislation that gives 6 per cent. interest in gold, paid by the people on $394,000,000, and 90 per cent. of that amount of a circulation without interest, and only subjected to a tax of 1 per cent. on the circulation, is not a monopoly in its broadest and most dangerous sense, I fail to understand its meaning. The project of the Senator, if carried out, increases it to eight hundred millions in a short time, forces the people to first pay off a non-interest-paying debt when interest-paying debt is existing, destroys all competition in the circulation, and places the whole finances of the country in the hands of middle-men, pensioned, if free banking is established, out of the sweat and labor of the people, to near fifty millions of gold annually.

If an inquisition of lunacy were summoned to determine the state of a man's mind who, when it was optional with him to postpone the payment of $10,000, either by the execution of evidences of indebtedness, bearing 6 per cent. in gold interest, payable semi-annually or the execution of evidences of indebtedness without interest, and that man should select the interest-paying security as the most expedient to promote his financial welfare, are there twelve men on this broad earth who would not decide him a man of unsound mind and appoint a conservator? The Senator, managing the business of the people, proposes to pay off first the non-interest-paying debt.

The Senator further says:

> But I dispute the proposition that the measure of the depreciation of currency is the measure of its redundancy. The depreciation does not depend upon that cause, but chiefly upon the fact that it cannot be used in the payment of the public debt, principal or interest, or in payment of duties.

I suppose it cannot be denied successfully that the measure of depreciation of currency is the measure of its redundancy when natural laws are left free to control it; but, as the Senator says, it cannot be used in payment of the public debt. Why is this? There are twelve hundred millions of the five-twenty bonds now in existence, which are by their terms payable at the option of the Government, and until republican legislation otherwise construed their meaning it was understood by the people that the principal was payable in legal-tenders. This legislation, upon the basis of the present premium, creates against the people an additional debt of over $150,000,000. But there are other artificial causes to which he fails to allude. The national banking laws drive over forty millions of the reserves to the redemption cities, by providing that certificates of redemption banks can be held to represent three-fifths of the reserves of the country banks, and certificates of the New York banks can be held to represent one-half of the reserves in the other redemption cities. It is centralized by operation of law; it can be put to no use, cannot be made available elsewhere. Not being called on by any legitimate demand of trade, it has sought stock-gambling, and is the creator of the wild speculation and recurring disasters that annually threaten our people and destroy our values.

The Comptroller of the Currency reports that at the commencement of the crisis the high rates that stock-gambling had created for money had drawn over sixty millions into the hands of the brokers from the country to the city of New York alone. Over forty millions more was in the other redemption cities, the most of which was, beyond question, absorbed by the same unhealthy influence.

Stock-gambling depends for existence on the distinction between gold and currency. It enables rings and combinations to inflate or contract values at will. The national banking system, by creating stock-gambling, is the cause of the depreciation of our currency; a signal proof of which is that when the national banks were broke and the stock boards closed, it appreciated to 6¼ per cent. discount, and when the banks resumed and the stock boards opened, it gradually assumed its old standard of depreciation.

The national banking system throws over one hundred millions of the money of the country districts to the stock board, the combined power of the whole of which was and is now used to perpetuate the distinction between gold and currency.

I voted but a few days since authorizing the Secretary of the Treasury to pay out what are falsely called reserves, $26,000,000 of which he paid without authority, for numerous reasons; one was that it did not result in adding additional annual burdens upon a people already sorely oppressed by protective legislation; another, that it to some extent robbed the advocates of national banks of a pretext for accomplishing their expansion; another, that it would save the people from the imposition of additional demands resulting from the extortion of the national banks; another, that it cripples the policy of the money centralizers, and threatens the lines of the advancing money despotism.

Were it not that stock gambling, created by the national banks and

the national banker's policy of reserves falsely held out to the people as a sure protection of depositors, absorbed near two hundred millions of the circulation and withdrew it from all useful pursuits into channels destructive of every legitimate interest, my belief is that the currency would be amply sufficient for all the demands of trade. But so long as national bankers control the circulation and credits of the country it makes but little difference what the volume of circulation is, it will be drawn into the gambling vortex, rates of interest will be high, and all useful development retarded.

The Senator refers to the fact that our imports are vastly in excess of our exports, and in the course of his speech says:

> We have told the people of the South for years that they must accept the situation. Let us try to practice what we preach. We, too, must accept the situation.

Did the Senator consider that it might be thought that the severest trials the people of the South, as well as all the other agricultural districts, have had to contend with results from protective legislation since the war; that the effort to raise the laboring class of the South, that has embellished republican legislation since the war; that resolving all that class instantly from the condition of laborers into statesmanship; that the translation of a whole race from cotton producers to legislators, and the subordination of the experienced and the intelligent—in connection with the beauties of carpet-bag administration that their protective legislation begot, to which was superadded the beneficent influence of national bankers' administration of financial affairs—had anything to do with the condition of our export trade?

Is it not true that the chief southern products are always valuable for export? Is it not true that carpet-bag administration robbed the southern people of one hundred millions, and so mortgaged their energies and absorbed their capital that they are this day poorer than they were when peace was proclaimed at Appomattox? Is it not true that national banks are charging them from 15 to 25 per cent. per annum for the use of the national-bank circulation that a kind republican administration gives those bankers for nothing? Is it not true that near ten years have elapsed since the conclusion of the war, with unbridled control assumed by the republican party, that a large number of those States are in such unsettled condition, politically, that it is thought wise to introduce the beneficent influence of the bayonet to maintain the authority of the carpet-bagger? And is it not further true that development of vast resources of export wealth has been retarded, that the investment of capital has been prevented, by the madness and fanaticism and the selfish ambition that have sustained such a policy against a brave and a generous people?

Is it not true that their lands are worth less, and that their values have been decreasing ever since the conclusion of the war? Your policy has partially destroyed the resources of the South; has largely contributed to the excess of imports over exports, for the reason that instead of encouraging the production of the great export staple of the South it has robbed the producer. Instead of reconciling all classes to the new order of things it has divided those who to promote the general welfare should co-operate; has made an uneducated class, represented by reckless adventurers, the rulers, and attempted to reduce the organized intelligence of the South to serfdom. In the pretended interest of the colored race, but in the real interest of centralization and despotism, each session gives birth to projects to harass the southern people.

Mr. Speaker, before the accession of the republican party our people elected public servants who understood that encouragement of immigration was one of their highest duties; that the public wealth was increased by it; that it would result in more rapid development of our great resources. What has been the policy of the republican party in regard to the foreigner?

The Martin Koszta case under Mr. Marcy's administration of the State Department had settled the principle that after declaration of intention to become a citizen of the United States the foreigner was entitled to the protection of the flag.

I have lately had shown me the instructions of the State Department under the republican administration of Mr. Fish, in which it is declared that no foreigner is entitled to a passport until he becomes naturalized. This decision I suppose was made upon the demand of the crowned heads of Europe, and the result is that republican rule denationalizes every man of foreign birth until he becomes a citizen. The Senator would do well to inform the German, and the Irish and all other nationalities who desire to share our heritage that they, too, "must accept the situation." It appears to me that a rightful inscription on their banners would be, protection of capital in manufactures and money, protection to the colored American citizen of African descent, and war on all the balance of peoples' industries and interests.

Having made a hasty investigation of the policies of the republican party, it will now be my effort to exhibit the remedy for their defects.

The letter of the Federal Constitution and the theory of our Government is that all officers of the national and State governments are the servants of the people. How far the theory and the law have been departed from it has been my effort to show.

Every right or responsibility not delegated by the Constitution is expressly reserved to the people and the States, and every encroachment on that principle is an aggression upon the people and war on our institutions. The whole theory of the Government rests on the proposition that the people are capable and have the right to govern themselves.

Assumption of paternalism in finance, relieving the people from responsibility, is dangerous in a twofold aspect: First, it tends to overthrow free institutions; second, it relieves the people from responsibility, and in so doing proportionately disqualifies them for control. The edicts of necessity are the authors of progress and the handmaidens of mental development. To make a people capable of governing, you must impose the responsibility of government on them. One of the profoundest errors that marks the course of republican party administration is that it is necessary to make laws establishing banks, and thereby consolidating the money interest. Money, independent of all laws for its organization, has inherent power of combination that is dangerous to the public welfare. The reason of this is obvious; it is the representative of value merely; by its constitution it antagonizes; is at war with labor, which is the real foundation upon which all values rest; its constant effort is to override and subject labor to its control. Every written law establishing money combinations adds to the inherent tendency it possesses to dominate the people. The war between capital and labor is a concomitant of all organized societies; and when capital gets the control flesh, blood, and brains are the victims. The most important of the many necessary reforms, therefore, is the total abolition of the so-called national banking system. It has none of the qualities of a pure and unselfish nationality; it is the organization of middle-men, who represent an infinitesimal fraction of our population, who through wealth which in the main has been accumulated by protective legislation, not subject to the control of the people, are made the recipients of bounty extorted from their earnings.

All laws that look to and encourage combinations of capital are laws in the interest of despotic control. Every expedient for its diffusion is in the interest of financial stability, results in a more equal distribution of our resources, more equally and more justly divides it among the people, and is a landmark of prosperity and liberty.

By the abolition of the national banks and the purchase of the five-twenty securities to an amount equal to the national-bank issue with greenbacks, the people will be saved 6 per cent. in gold annually on the amount of bonds deposited for security of their issue, resulting in the saving of the sum of twenty-odd million dollars gold each year. The money issued will go into the hands of the people; they will be remitted to the power that of right belongs to them to select their own financiers, in doing which the most conservative, economical, and upright will be made their depositories; the result of which will be that all the accumulated surplus will be devoted to legitimate pursuits and the healthy development of the locality in which it is produced. One of the glaring faults of national banking, to which I have not before adverted, is the absence of individual accountability to the people. The officers of the bank are the clerks of the directors, and the directors are the appointees of the stockholders; and when in the late crisis the banks broke, there was no one depositors could hold personally responsible. No such system without the indorsement of the Government could ever have secured the confidence of the people. The people, having too much faith in paternal control, abandoned the inquiry that belongs to their character when responsibility is imposed on them. If they expect to preserve intact their liberties, they must assume and demand control of their material interests.

Party spirit, forgetting the general welfare in devotion to men or factions, is one of the producing causes of that confidence in central infallibility that endangers the authority and the liberty of the people. The passions begotten by civil war are the most potent instrumentalities of bad men to breed those party hates and personal attachments and resentments that mislead the people and induce them to surrender their rightful authority. The greatest misfortune that can befall a free people is to submit their reason to the control of passion. The despotic monopolies against which throughout this whole country they are now organizing, result from the encroachment of their foes elevated to place by them when they had surrendered themselves to the dominion of passion. I believe in the people. Passion may for a while improperly sway their action, but civilization and freedom have been the result of their aggregate effort. They have been contending against combinations and rings, against despots and plunderers, ever since their dawn; and therefore I believe the only way to secure their moral, material, and mental advancement, is, as far as is consistent with safe organization, to submit everything to their control.

Burke, a very great man, in the zenith of his intelligence proclaimed a great truth when he said "the treasury was the state."

I propose to intrust the control of the money to the people. They will select in their neighborhoods and their counties the wisest, most conservative, and most responsible of their citizens for agents in its management. Economy and reform, legitimate business, and stable values will follow the instrumentalities that are now brought into play to create stock gambling, and all the direful influences that follow it will be swept out of existence.

The man, selected with wisdom by the people and responsible to them for the safe control of capital, will embark the money only in ligitimate pursuits. Instead of being an organization for the centralization of money, each agent so selected will be watchful of the condition of other agents; and those in control, instead of organizing raids on the producer, will be guardians for the people of financial security, and the credit and cash business of the people will be estab-

lished on a safe, permanent, and free basis. The greenbacks issued from the Treasury will pay off a debt now annually costing the people over twenty millions in gold, will go to them independent of any central authority; diffusion of capital will take the place of centralization of capital, the monopolies will be dethroned, and the people will be reinstated.

Jackson, whose genius foreshadowed the ruin that would follow the centralized power of money, appealed to the people against its encroachments, and fought a gallant and successful battle. The people are rising in their might to burst its shackles. Many of their friends may fall by the wayside, but they will win the victory, and once more, and I hope permanently, we will commence our career in the interest of freedom. An overruling Providence has marked this country as the theater on which mankind shall demonstrate their equality of rights and their power of self-government.

Another remedy, demanded by every consideration of justice, against class distinctions, and therefore in the interest of and for the protection of liberty, is that such change be made in the Federal Constitution that values instead of representation be the basis of taxation.

The legislation of the republican party has imposed internal tax, directly or indirectly resulting in the absorption of the earnings of labor. For illustration let us take two articles, tobacco and whisky. The tax and licenses imposed on the raw material, leaf-tobacco, drives the producer from the market in the sale of leaf-tobacco by retail, and compels him to sell to capital, consolidated in tobacco manufactories, submits the value of the product, and therefore the value of the labor engaged in it, to their control; has decreased the volume of its production by the imposition of so heavy a tax that it drives our producers out of the fields of competition in sale abroad.

The imposition of tax on whisky is a tax on corn, and directly and indirectly subtracts from the value of labor; directly and indirectly decreases the value and general usefulness of the unparalleled expanse of fertile fields that are the people's inheritance.

The measure of the material condition of a people is the relation of their export and import trade. If the import trade exceeds the export trade the people are becoming impoverished; if the reverse is the rule, the exports exceed the imports, they are becoming rich. Under republican administration our imports have largely exceeded our exports; that is, although our producing capacity has been increased by an addition of over four millions of population during their retention of power the whole people are poorer than they were when these self-anointed apostles of equality took possession of the Government. By the imposition of tax on tobacco and tax on whisky, every dollar of which is wrung from the producer of tobacco and corn, they not only impose unequal tax to defray the public expenditures, but they prevent legitimate demand for the surplus and discourage their production.

In respect to the two articles named the people are unequally taxed by what may appropriately be termed the moral dodge of the financiers in power. No man more deeply deplores the frailty that results in excessive use of liquor, but the way to prevent it is by appealing to the sense, the pride, the moral characteristics of its victims. Laws regulating its sale as a beverage are doubtless to some extent reformatory, but it is demanded in the useful pursuits and will aways be manufactured and consumed. The cheaper it can be manufactured, the cheaper the articles of which it is a constituent can be sold to the people; the greater the number of consumers our corn-raisers can reach, the more valuable their products, and the greater the value of their lands.

Mr. Speaker, I hold it to be true that for the good of all classes property ought to defray public expenditure. I will go further, and say that in all well-organized societies it will pay them. What is the relation of capital in lands, stocks, or any of its multifarious representatives to labor? What value would capital in the hands of the rich possess if labor did not develop its fruitfulness? The holders of capital are the dependents of labor.

By the legislation of the republican party the land-holder and the mechanic, the merchant and the professions, and the laborer are the only classes who contribute to the maintenance of the Government, while the protected manufacturer and the money and bondholder are not only exempted from the burdens of government, but are made the recipients of exorbitant tributes from their rightful gains.

The effort of the republican party and the result of protection are that the whole burden of Government is collected without regard to property. All their legislation looks to imposition of taxes upon the people. A man may be worth $100,000 in property without an individual dependent on him, his neighbor, having a large family dependent on his daily labor for the necessaries of life; consumption of supplies being the measure of revenue recovery, the poor man pays more for public support than the rich one. He pays it in the shoes and the calicoes, the cotton and woolen goods, in the stoves and the kitchen utensils. He pays it out of his hard earnings whenever he purchases an article any of whose constituents are the subjects of protection. The revenues necessary to defray the expenses of our State governments are collected on property. Suppose the revenue system of the Government under republican legislation should be attempted in the States, is there a State in the Union the people of which would not rebel against it? Let me take the State of Illinois for example. If the people there could have the practical realization of the system—if the poor man with ten children, realizing that the revenues were measured by the consumption of necessaries and not by the value of property, and that he in maintaining his family was compelled to pay more than his millionaire neighbor whose property was protected by the laws—how long would that people, of which the poor man is the representative, stand the oppression which the system begets? They would not, nor either ought they to tolerate it. Protection is the expedient that capital uses to relieve property from taxation and imposes the burdens on the masses who are poor, by compelling them to pay the public revenues to secure the necessaries of life for their families and themselves.

Assuming it to be true that land would not be valuable without its development, and its development would not be possible without labor, the value of land must proceed from labor. The same rule is applicable to all the constituents of wealth. Labor being the foundation of wealth, the hardships you impose and the extortions you exact are directly or indirectly subtracted from the wealth of the people and from the value of the representatives of wealth.

The protective legislation of the republican party makes not only the land-holder, merchant, mechanic, and professional man pay more for the nocessities that civilization demands than free trade with direct taxation exacts, but in proportion to consumption its influence reaches the laborer, and makes higher wages necessary to maintain life. Although rates may be higher, the compensation is not adequate to their wants, for the reason that the values of their products are decreased, their employers and themselves being compelled to pay out of their rightful gains the extortions of class legislation and the additional burden imposed by the withdrawal of untold millions of money and bonds from public support. The farmers, many of whom have in the past been the most determined enemies of direct taxation, are by the manipulations of rings organized and made effective by republican legislation; and the laborer, the merchant, and the mechanic, who are their allies, are compelled to pay off the revenues, from payment of which centralized capital, in protected banks, manufactories, and railroads claim vested rights by virtue of legislative exemption and legislative protection.

The first decree of free trade and direct taxation, the Constitution being so changed as to make values instead of representation the basis, would be the abolition of the civil-service system and the custom-houses, and by their abolition the countless office-holder, who are the minions of power—an army in the interest of established authority—would be swept from existence, and the States, through their local officers, would collect the national revenues.

All history teaches us that the more distant and the less responsible public servants are to the people, the more corrupt and more despotic becomes the administration of public affairs. Under the influence of direct taxation and free trade the local collectors under the immediate eye of the people, subjected to their watchful supervision, would collect the revenue. It would be the business and interest of every citizen to see that officers were honest, and that faithfulness and economy should be the rule of public conduct. The national Government would, through their representative branch, make known their money necessities, and equalize the burdens between the States in proportion to their wealth.

The hope of protectionists is that direct taxation in its operation upon the land-holding class will be unpopular. So long as the stupidity of that class who, by protection, are robbed of dollars where cents would suffice under the equalizing influence of free trade and direct taxation justifies the hope, just so long will protected classes wield the lash over the people of this country. A fair estimate of the cost of protection to the people, basing the calculation on the consumption of protected articles the profits of which go into the pockets of a class and a section, will exhibit the fact that it costs the people fourfold the amount necessary to defray all public expenditures. The impoverishment of their country by protection ruinously reduces the value of their property, and the subsidies of protection that they imperceptibly expend largely exceeds the cost of direct taxation.

Mr. Speaker, one of the most serious misfortunes that has resulted from the war is the destruction of the trade relations that existed between the cereal-growing regions of the Northwest and the cotton regions of the South, and the highest duty of Congress is the adoption of some policy that will conduce to the re-establishment of those relations.

For the benefit of the whole country the energies of the people of the cotton States should be directed to and concentrated in its production. The step necessary to accomplish this great result is to place communication on such a footing that they can secure the cheap surplus, breadstuffs and meats, of the Northwest.

Independent of every benefit that would result to each of the sections named, independent of the vastly increased production of export wealth that would result from it, the gravest political considerations demand that the two peoples be tied together by cheap lines of transfer. Although I have never believed in the policy of internal improvement by the General Government, there can be no question that for the general welfare it is now imperatively necessary that the great rivers of the Northwest and South be improved and brought into communication by such means as will prevent the breaking of bulk in the transfer.

It is imperatively necessary that we also, through some proper artificial connection between the Ohio River and the navigable waters of the Atlantic, should forever put it out of the power of carrying

interests to govern the values of the property of the people of the Mississippi Valley and the South. Improvement of the Ohio and Mississippi Rivers, improvement of the Tennessee, and its connection with the vast system of navigable rivers that traverse a large portion of the cotton-growing regions and empty into the Gulf of Mexico and the Atlantic Ocean, and the construction of canals to secure water communication from the Ohio to the Atlantic is demanded for the public safety, and by every consideration of sound policy.

Our carrying interests for shipment abroad are centralized in one locality. The public welfare demands that competing lines establishing communication with the ocean, at other and competing localities, should be encouraged.

I know little about engineering, but I am informed that these objects can be accomplished. When accomplished, you enfranchise a people who are now in bondage; you unite by the highest interests the diverse productions of the country; establish a home and always reliable demand for the surplus of the Northwest; and give renewed life to the development of our unparalleled resources for the production of cotton, the demand for which steadily increases with advancing civilization, enable us with ease to carry, and finally pay off, the immense burden that the unfortunate conflict between the sections created, and unite our whole people in bonds of interest and brotherhood that no sectional clamor can ever disturb.

It may be objected that large outlay is required to accomplish these objects. A superficial investigation has satisfied me that the highest estimate of the outlay is but small, when compared with the great benefits that would result from it. Not only would it create new home demands, but we would become successful competitors in sale of breadstuffs in Europe and throughout the world where demand exists.

Two contending ideas are presented to the people: one that they have not capacity to govern themselves wisely and therefore need masters; the other that public servants shall obey their behests and that their will secures wise administration of public affairs. It has been my attempt to prove that the first is represented by the republican party, that the second is the author of civilization, that progress and freedom are its results. The leaders of the republican party have exhibited their want of confidence in the people this session by using the morbid sentimentality of zealots to foist a so-called civil-rights bill on the country, the tendency of which is to centralize authority in the General Government and destroy the rightful power of the States and people. The colored people are already with the republican party, and their only possible object is through this legislation to establish precedent against freedom. They have further exhibited it by using a rightful demand of the people for cheap transportation to justify assumption of central authority over all carrying interests which from every consideration of sound policy should be under the control of the people in the States.

The two paths and their end and results are apparent to the most common understanding. Party republicanism is the embodiment of the despotic idea of government; real republicanism as inculcated by our fathers and ingrafted in the fundamental law; is the idealization of progress, the law of advancing civilization, and the monumentalizing of those principles that have been forged for mankind by countless battles, and by the brains of intellectual and humanitarian Titans whose names have emblazoned the history of Christian civilization for the past five hundred years. In conclusion I desire to say that if republican legislation had not created an unnatural financial condition, I should now be for hard money, believing as I do that we should be confined to the express stipulation of the Constitution, and that all credit contrivances different from the money standard of the world are in the interest of plunder. Unwise legislation has, however, in my judgment, made it necessary that we should gradually dismantle the strongholds built against the people, lest in their immediate overthrow all might be involved in ruin. Policy and principle are allies. Sound policy is the highway by which principle is applied. As illustrated by republican rule, it looks to the sustenance of money-changers, to the protection of monopolies, and to the organizing of rings. As taught, practiced, and believed in by the democratic party, sound policy is the elevation and equality of the people.

PACIFIC RAILROADS.

Mr. LUTTRELL. Mr. Speaker, at the commencement of the present session I introduced a bill directing the Attorney-General to institute and prosecute suits against the several Pacific Railroads for the collection of interest due the Government on bonds issued to aid in the construction of the several Pacific roads, and also resolutions asking that a special committee be appointed to investigate the management and affairs of the Central Pacific Railroad and its Credit Mobilier or Contract Finance Company. The bill and resolutions were referred to committees; and since that time I have endeavored by every means possible to obtain a report, and have in two instances argued the necessity for such an investigation before a committee of this House.

I merely mention this for the reason that when the Credit Mobilier investigation was ordered in the Forty-second Congress no preliminary arguments were necessary, the mover of the resolution having simply introduced the same, and by a vote of the House the investigation was ordered to be made.

By referring to the House Journal of January 6, 1873, I find that, on motion of Hon. JEREMIAH M. WILSON, the following resolution was adopted:

Resolved, That a select committee of five members of this House be appointed by the Speaker, and such committee be, and is hereby, instructed to inquire whether or not any person connected with the organization or association commonly known as the Credit Mobilier, now holds any of the bonds of the Union Pacific Railroad Company, for the payment of which or the interest thereon the United States is in any way liable; and whether or not such holders, if any, or their assignees, of such bonds, are holders in good faith and for value or procured the same illegally or by fraud; and whether or not the United States may properly refuse to pay interest thereon or the principal thereof when the same shall become due; and whether or not any relinquishment of first mortgage lien that may have heretofore been made by the United States with reference to the bonds of said railroad company may be set aside; and to inquire into the character and purpose of such organization, and what officers of the United States or members of Congress have at any time been connected therewith; what connection it had with the contracts for the construction of said Union Pacific Railroad Company, and to report the facts to this House, together with such bill as may be necessary to protect the interests of the United States on account of any of the bonds of the class hereinbefore referred to; and said committee is authorized to send for persons and papers, and to report at any time.

And the question being put, it was decided in the affirmative, (two-thirds voting in favor thereof.) So the rules were suspended and the resolution agreed to.

In accordance with this resolution Hon. JEREMIAH M. WILSON of Indiana, Hon. GEORGE F. HOAR of Massachusetts, Hon. THOMAS SWANN, Hon. Henry W. Slocum, and Hon. Samuel Shellabarger were appointed a special committee, and immediately proceeded to investigate in accordance with the resolution adopted.

In the same connection I desire to call your attention to the following resolution, offered by Hon. SAMUEL J. RANDALL on the 24th of January, 1873, and which was agreed to by the House:

Resolved, That the committee heretofore appointed by this House, of which Mr. WILSON, of Indiana, is chairman, be authorized to extend their present investigation so as to include the Central Pacific Railroad Company and its branches, with like power and for like purposes as originally given to said committee in reference to the Union Pacific Railroad Company.

The committee, in accordance with the resolution of Mr. RANDALL, partly investigated the affairs of the Central Pacific Railroad Company, as will be seen by their report of March 1, 1873, which I now read:

The special committee who were directed by resolution of the House of Representatives of January 24, 1873, "to extend their present investigation so as to include the Central Pacific Railroad Company and its branches, with like power and for like purposes as originally given to said committee in reference to the Union Pacific Railroad Company," respectfully report:

The records, documents, contracts, and books of account of the Central Pacific Railroad, including those that relate to its original construction, are at Sacramento, in the State of California. Most of its officers reside in California, as do most of the persons who were concerned in the construction of the road. If the committee had caused a subpœna to be sent for these persons, so far as their names could be seasonably ascertained here, the witnesses would not have arrived before February 13. It would undoubtedly have been essential to a complete investigation to send for other witnesses again to California, so that it would have been impossible to obtain all needful documents and witnesses during the present session. Besides, the time of the committee has been occupied constantly until Thursday, February 20, with other investigations, some of which are not yet completed.

It has been therefore manifestly impossible that your committee could during the present term make such inquiry into the matters submitted as should do justice either to the public or the corporation. We have therefore confined ourselves to inquiry whether there is probable cause for such an investigation and to determine a plan for conducting it.

The committee have examined as witnesses Charles P. Huntington, vice-president of the railroad, and Richard Franchot, whose duties to the corporation are defined by himself as "watching over the interest of the Central Pacific Railroad Company at Washington and other places, subject to the call of the president of the company." Mr. Franchot's relation to the company and to Congress may be conjectured from the following portion of his testimony, which can be found with the evidence taken concerning the Union Pacific Railroad Company, pages 688–690:

"Question. You have a general knowledge I suppose of the history of that road since 1866?

"Answer. I cannot say that I have.

"Q. What are your duties in relation to it?

"A. I take charge of its business at Washington and other places in the interim of the sessions of Congress. I am subject to the call of the vice-president.

"Q. What is the interest of the company at Washington?

"A. Nothing more nor less than the general interests of the railroad. We have to watch our interests here.

"Q. What are they?

"A. There are frequently questions coming up in Congress relating to the interests of the Central Pacific Railroad.

"Q. Then you mean that you are an agent to watch the passage of bills through Congress which might affect the interests of the company?

"A. That is so, in part.

"Q. What other agency for the company have you in Washington

"A. Not any. I am subject to the call of Mr. Huntington.

"Q. Are you a regular salaried officer of the road?

"A. Yes.

"Q. What is your salary?

"A. My salary is $20,000 a year.

"Q. And do you spend substantially your whole time here when Congress is in session?

"A. Yes, sir.

"Q. Are there any other agents of the company here while Congress is in session?

"A. Not that I am aware of.

"Q. Or officers of the road?

"A. Not that I am aware of.

"Q. At what other points besides Washington are you called upon to discharge duties in connection with your company?

"A. At no particular point. When any business occurs in the interim of the session of Congress, I am liable to be called upon to attend to it.

Q. "What kind of business is it you are called upon to attend to in the interim of Congress?

"A. I cannot say; if anything occurs where I can be useful to the company, I am liable to be called upon to attend to it.

"Q. Have you at any time been called away to look after business of the company?

"A. I do not recollect now; I have, however.

"Q. To what points have you been called?

"A. I cannot say now; I have no distinct recollection of any specific thing.

"Q. Have you been called, at any time, away from Washington to look after any specific business?

"A. No, sir; not from the city of Washington.

"Q. The business which you have been called upon to discharge, by virtue of your agency, has been at the city of Washington?

"A. Yes.

"Q. You have no recollection of being called upon to look after the interest of the company at any other point?

"A. No specific business; I cannot bring any to mind; I may have been away twenty times, but I cannot recollect now.

"Q. If there had been any business of any considerable importance that you had been called upon to attend you would recollect it, I suppose?

"A. Yes, sir."

Mr. Huntington testified as follows:

"Question. I understood you to say that there has as yet been no dividend paid by the Central Pacific Railroad Company to its stockholders?

"Answer. That is the answer I gave.

"Q. Is it not your belief that the persons who have been prominent in the management of the Central Pacific Railroad Company, including yourself, received considerable values either in moneys, bonds, or stock, as profits on contracts made for its construction?

"A. I do not think we have made as much as we would have made if we had not gone into the road.

"Q. I ask you if it is not your belief that persons active in the management of the Central Pacific Railroad Company, including yourself, received considerable values (I do not ask whether they were reasonable or unreasonable) as profits on contracts for its construction?

"A. I think we have. I think I have an interest in a contract of the Contract and Financial Company, and I think I have made some money.

"Q. Do you mean to have me understand, by the mode in which you answer that question, that any doubt exists in the mind of yourself that you have received yourself, while an officer of the Central Pacific Railroad Company, considerable values, either in money, bonds, or stocks, as profits upon contracts made for its construction?

"A. I think I have. I have received no money.

"Q. The question I now put to you is, whether you mean the committee to understand from the way in which you make that answer that you have any doubt on that subject in your mind?

"A. I am not so clear as I would like to be.

"Q. Be good enough to attend to my question. Have you any doubt in your mind that you have received considerable values, while a stockholder and officer of the Central Pacific Railroad Company, as profits on contracts made for its construction?

"A. If I have received them at all it is as a stockholder in the Contract and Finance Company.

"Q. I do not care whether you have received them as your share of the profits made by a company of which you were a member, but simply whether you have received as profits on contracts made for its construction considerable values?

"A. I think I have.

"Q. Have you any doubts of it?

"A. I have doubts about the course, but I presume I have some paper stock. If there have been any profits made by my partner I have got some of them.

"Mr. HOAR. I am going to put that question once more, and to ask you to give a frank answer to it.

"The WITNESS. I will endeavor to do so.

"Q. Have you any doubt that you have received, while an officer of this Central Pacific Railroad Company, considerable values as profits on contracts made for its construction, either in stocks, bonds, or otherwise?

"A. The only question in my mind is whether I received any considerable value. I would say that I have received, no doubt, some value. The "considerable" I would not want to say.

"Q. Is not the nominal value of the stock which you and your firm have received as profits on such contracts more than a million dollars?

"A. No; I do not think I have received a million dollars, or anything like that, in money's worth.

"Q. I ask you if the nominal value of the stock is not more than a million dollars?

"A. I should think something thereabout. Without saying positively, I should think something approximating thereto.

"Q. In stock of the Central Pacific Railroad Company?

"A. Yes.

"Q. Have you not also received considerable values in bonds or other obligations to pay money, as such profits?

"A. I have received some; I do not know what.

"Q. I am inquiring simply as to your belief as to what you or your firm have received as your share of profits on contracts for the construction of this railroad. Now I ask you if it is not your belief that your firm have received in the shape of bonds, or other obligations to pay money, considerable values as your share of such profits?

"A. My impression is that we have received some values.

"Q. In bonds?

"A. Yes; some value.

"Q. Is not that value in bonds which you have received more than $100,000, according to your belief?

"A. I should think very likely it would be. I should like to ask Mr. Hopkins, if he were here.

"Q. So should I. It is not, according to your belief, more than $500,000 which you have received in bonds?

"A. No, sir.

"Q. Give us your best judgment of the amount which you have received in bonds—yourself and your partner.

"A. I would like to answer that just as it is, but I have not the data, really, to give an intelligent answer to it. What is the question?

"Q. I ask you to state, according to your best judgment, the values which your firm has received in bonds as your share of the profits from the contracts for the construction of the Central Pacific Railroad while you were an officer?

"A. I really have not the data to give an intelligent answer. I said a hundred thousand dollars, because I think it ought to be more than that.

"Q. You have said that, in your judgment, it was more than $100,000 and less than $500,000. Can you state it any more nearly than that—somewhere between one and five hundred thousand dollars?

"A. No; I do not know that I would want to.

"Q. Is it not your belief that the practical control of the Contract and Finance Company which constructed this railroad, and the practical control of the Central Pacific Railroad Company, for which it was constructed, was at the time of the contract for its construction, and during the execution of that contract, in the same persons?

"A. It is my impression.

"Q. I do not know what precise meaning you give to the word "impression." I ask your belief.

"A. It conveys the same idea, I suppose.

"Q. The question is whether it is or not your belief that the practical control of the Contract and Finance Company and of the Central Pacific Railroad Company, at the time of the making of the contract for the construction of the road, and during its execution, was in the same parties?

"A. My impression is that it was. I should like to say that I spoke to a good many people to go into that road, and almost every person refused to do so; and we had great trouble in getting people."

It would seem from this testimony of Mr. Huntington that there is probable cause for believing that the capital of the Central Pacific Railroad Company does not represent cash, but profits on construction, and that the property of the road has passed largely into the hands of its own officers who have made contracts in its name with themselves. Whether these contracts have been lawful and justifiable it would be unjust to the parties to express an opinion here. We think they afford good reason for further inquiry.

It also appears that there is no exact statement of the real cost of the work. It is important that such a statement should now be so made as to bind both parties and preserved with reference to the right of Congress to legislate to fix fares when the net earnings amount to 10 per cent. of the cost.

The case of the Central Pacific Railroad Company differs from that of the Union Pacific Railroad Company in the essential particular that the former was created by the State of California and the latter by act of Congress. Congress has no concern with any alleged disobedience by the Central Pacific Railroad of the requirements of the act incorporating it, unless such disobedience constitutes a breach of the conditions on which the corporation accepted the grants from the Government. But Congress is concerned—

First. To see that its bounty has not been misapplied.

Second. To fix the true cost of the road.

Third. To see whether the provision of the statute of 1864, section 15, has been observed—

That the several companies authorized to construct the aforesaid roads are hereby required to operate and use said roads and telegraph for all purposes of communication, travel, and transportation, as far as the public and the Government are concerned, as one continuous line, and in such operation and use to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies, or adverse to the road or business of any or either of the others.

The select committee were evidently impressed with the belief that the evidence therein taken was of sufficient moment to warrant them in saying in relation to the contracts that "*We think they afford good reason for further inquiry;*" and in language which implies at least a doubt as to the cost of the construction of the road the committee further state, "That it is important that an exact statement of the cost of the road should be made."

Then denoting the difference between the Central Pacific and the Union Pacific—the one being created by the State of California and the other by Congress—the committee further add that Congress has no concern with any alleged disobedience by the Central Pacific of the requirements of the act incorporating it, unless such disobedience constitutes a breach of the condition on which the corporation accepted the grants from the Government. But Congress is concerned—

First. To see that the bounty has not been misapplied.

Second. To fix the true cost of the road.

And to these two provisions I desire to call the attention of this House to-night.

The report which I have just read comes from a committee, three of whom are members of this Congress; men in whom the people of the whole country repose confidence for their integrity, honor, and justice.

It shows from the testimony taken that the Central Pacific road employs annually an agent or *lobbyist*, whose duties are to watch oevr the interests of the Central Pacific Railroad Company during the sessions of Congress, and who for his diligent services receives a salary of $20,000 per annum. For this magnificent sum he is sent here to oppose all investigations asked for by the people in the name of the Government; to oppose all honest endeavors to ascertain the true status of this soulless corporation; to represent and defend oppression, wrong, and injustice, not only to the honest stockholders of the road, but to the Government, which aided in its construction. This is this man's duties, for which he receives $20,000 a year, while the company is too poor to pay a dividend to men and women who invested in the stock of the road or a cent of interest to the Government.

The same testimony shows that its vice-president has in the course of his varied life thoroughly mastered the art of "dodging a question," and within the last two weeks I have had occasion to know that he is not only a master but also a professor of that art.

Read his testimony carefully, and you will find that to no question did he give a direct answer. He is "under the impression" is almost every answer given. There is nothing positive, nothing by which he would commit himself. Every answer he made before that committee showed upon its face the dread he had of an investigation, and every action of his in opposition to my resolution shows that he and the men associated with him in the Central Pacific dread the avalanche which is slowly but surely sweeping them to destruction.

In the resolution which I have introduced asking for an investigation of this company, I have been prompted solely from a desire to represent the wishes of my constituents, who are thoroughly conversant with the frauds committed by this corporation, and to perform an honest conviction of duty I owe both to them and my country; to respond to a solemn oath which I registered on taking my seat as a Representative to protect the best interests of my Government and the welfare and prosperity of the people of our common country.

I am in favor of these Pacific Railroads; I am in favor of any enterprise that develops the resources of our nation; but I want these corporations to respect the wishes of the people, to pay their honest debts, to oppress no man, and to deal justly with the Government and the people.

With these ends in view, on the 12th day of last January I presented

the resolution to which I have referred, and which I will now read:

Whereas the Central Pacific Railroad Company was incorporated by the State of California on the 27th day of June, A. D. 1861, to construct a railroad to the eastern boundary of said State; and whereas by acts of Congress of the years 1862 and 1863 said company was authorized to extend said railroad eastward through the territory of the United States, by an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean," and received from the United States, under said act and the acts supplemental thereto and amendatory thereof, and from the State of California, and counties and corporations within said State, from the State of Nevada, and from the Territory of Utah, the following amounts, estimated in gold coin, to wit:

Land granted by the United States of the value, in gold coin, of...	$50,288,000 00
Granted and donated by various corporations within the State of California	5,000,000 00
Gratned and donated by various corporations and individuals situate within the State of Nevada	3,000,000 00
Granted and donated by various corporations and individuals within the Territory of Utah	1,500,000 00
Donated by the State of California	1,500,000 00
Bonds on which the State of California guarantees and pays the interest	12,000,000 00
Donated by the county of Placer, in the State of California, bonds..	250,000 00
Donated by the city and county of San Francisco, interest bonds...	400,000 00
Donated by the city and county of Sacramento, interest bond	300,000 00
Bonds by the United States Government	27,389,120 00
First-mortgage bonds of the Central Pacific Railroad Company.....	$27,389,120 00
Second-mortgage bonds of said Central Pacific Railroad Company, legalized by law	15,601,741 83
Second-mortgage bonds issued and sold as above	11,787,378 17
Total	156,825,360 00

And whereas the directors of said Central Pacific Railroad Company made contracts with certain of their own members to construct said road, known as the "Contract and Finance Company," for consideration in lands, money, and bonds, far in excess of the actual cost of construction; and whereas said Central Pacific Railroad is, and has been, completed and in running order for—in part and in whole—over six years last past, and the profits accruing from the same, amounting to over $30,000,000 per annum, have been kept and appropriated to their own use, in violation of their duties, and in fraud of the United States Government; and whereas said directors of the said Central Pacific Railroad Company issued to themselves, and for their personal profit and benefit, the second-mortgage bonds of said Central Pacific Railroad Company to the amount of $27,387,120, payable in United States gold coin, with interest at 10 per cent. per annum, and have with said profits accruing to the Central Pacific Railroad Company, from the sales of United States bonds, lands, and other subsidies as aforesaid mentioned, and the issue to themselves of the bonds aforesaid, bought in order to defraud the Government of the United States out of the interest now due from said Central Pacific Railroad Company, other railroads in the State of California, and expended in doing the same all of the accruing profits of said Central Pacific Railroad for the benefit of the directors, failing and fraudulently refusing to pay the Government of the United States the interest legally due on said second-mortgage bonds: Therefore,

Be it resolved, That a select committee of seven members of this House be appointed by the Speaker, and such committee be, and is hereby, instructed to inquire whether or not any person connected with the organization or association commonly known as the "Contract and Finance Company" of the Central Pacific Railroad Company now holds any of the bonds, lands, or other subsidies granted said company, for the payment of which, or the interest thereon, the United States is in any way liable; and whether or not such holders, if any, or their assignees, of such bonds, lands, or other subsidies, are holders in good faith, and for a valuable consideration, or procured the same illegally or by fraud; and whether or not the United States may properly refuse to pay interest thereon, or the principal thereof, when the same shall become due; and whether or not any relinquishment of the first-mortgage lien that may have heretofore been made by the United States, with reference to the bonds of said Central Pacific Railroad Company, or any other branch roads connected therewith, may be set aside; and to inquire into the character and purpose of such organization, and fully of all the transactions of said Central Pacific Railroad Company, and of all transactions had and contracted by and between the directors of the Central Pacific Railroad Company and Charles Crocker & Co.; and of all transactions and contracts made by said directors with the "Contract and Finance Company" for the furnishing of material of every kind and character whatsoever, and the construction of the Central Pacific Railroad and other branch roads connected therewith, and of all contracts made by said directors of the Central Pacific Railroad Company with Wells, Fargo & Co., or any other corporation or corporations, individual or individuals, for material furnished, or for the construction of said Central Pacific Railroad, or other railroads constructed or purchased by said directors, and what officers of the United States, or members of Congress, if any, have at any time been connected therewith; and to report the facts to this House, together with such bill as may be necessary to protect the interest of the United States Government and the people, on account of any of the bonds, lands, and subsidies of the class hereinbefore referred to, and against the combinations to defraud the Government and the people; and said committee is hereby authorized to send for persons and papers, and to report at any time.

In preparing the resolutions I have just read I was governed by a statement of facts as sworn to by the Hon. Samuel Brannan, in a suit which he instituted against the directors and stockholders of the Central Pacific Railroad, a copy of which is now in the hands of the Committee on the Pacific Railroad; also the affidavits of Hon. James R. Rogers, of Placer County, California, and the concurrent resolutions of the Legislature of my State. Within the last few weeks I have also received a letter from a gentleman who formerly occupied a prominent subordinate position in connection with the Central Pacific, and who is thoroughly acquainted with the manner of constructing that road.

It has been contended by the managers of the Contract Finance Company that in no case were sub-contracts made, yet this gentleman offers to prove before an investigating committee the fact that sub-contracts were made, and to show the difference between the amount paid these sub-contractors and the amount charged by the gentleman who directed the affairs of the Contract Finance Company, and I have no doubt, if an investigation was ordered, the Central Pacific Railroad would far outvie in rascality the Credit Mobilier investigation, which I have several times referred to in the course of my remarks.

In asking for this investigation, I have also been sustained by nine-tenths of the leading newspapers upon the Pacific coast. I propose to-night to give a fair and impartial review of the affairs of the Central Pacific Railroad Company and its *protégé* known as the Contract Finance Company. I have therefore carefully compiled from the reports of various railroad companies in the United States a statement showing the cost of construction, stock, and equipment, including the building of depots and other actual expenses, and ask that the members of this House may carefully compare the same with the reported cost of constructing the Central Pacific Railroad.

For instance, roads in Massachusetts cost as follows:

Athol and Enfield Railroad $27,600 per mile, and passes over a very uneven country; Boston and Albany Railroad $48,500 per mile, (work heavy and passes over a very uneven country;) Boston, Barrere and Garden Railroad $23,380.35 per mile. (See American Railroad Manual, pages 25, 26, and Poor's Railroad Manual.)

Connecticut.—Sanbury and Norwalk Railroad $37,000 per mile; New Haven, New London and Stonington Railroad $24,000 per mile; Shepang Valley Railroad $32,150 per mile; New York, Providence and Boston Railroad $49,000 per mile. (See American Railroad Manual, pages 72, 76, 78, 79)

Vermont.—Connecticut and Pasumpsic Railroad $28,127 per mile; and passes through a mountainous country. (*Ibidem*, page 85.)

New York.—Albany and Susquehanna Railroad $52,623 per mile, and passes through a very rough country, as shown by engineer's report. Carthage, Watertown and Sacket's Harbor Railroad $31,174.72 per mile. The Erie Railroad cost $59,460 per mile. This includes the expense of erecting heavy iron and stone bridges, and other improvements, second to no other road in the country. The Ithaca and Athens Railroad cost $34,435 per mile; Long Island Railroad cost $28,341.20 per mile; New York and Harlem Railroad cost $60,373 per mile, a considerable part of which is double track. New York and Oswego Midland Railroad cost $40,000 per mile. This includes a very large outlay of money for valuable property and improvements. New York, Kingston and Syracuse Railroad cost $43,278.95 per mile. New York Central and Hudson River Railroad cost $44,845 per mile. This cost per mile includes an outlay of $3,853,045 for real estate and valuable improvements in the cities of Albany and Buffalo. The Rensselaer and Saratoga Railroad cost $41,378 per mile, a great part of which is double track; Utica and Black River Railroad cost $28,266 per mile. (See American Railroad Manual, pages 90, 98, 105, 121, 123, 128, 130, 133, 135, and 145.)

Pennsylvania.—Alleghany Valley Railroad cost $27,436 per mile. (*Ibidem*, page 189.)

Maryland.—Baltimore and Potomac Railroad cost $53,075 per mile, including double tracks. (*Ibidem*, page 281.)

South Carolina.—Cheraw and Darlington Railroad cost $17,000 per mile. (*Ibidem*, page 325.)

Georgia.—Georgia and Banking Railroad cost $18,000 per mile; Atlantic and Gulf Railroad cost $23,425 per mile. (*Ibidem*, pages 334, 338.)

Alabama.—Nashville and Decatur Railroad cost $32,212 per mile. (*Ibidem*, page 355.)

Texas.—Houston and Texas Central Railroad cost $30,000 per mile. (*Ibidem*, page 373.)

Indiana.—Terre Haute and Indianapolis Railroad cost $35,091.40 per mile. (*Ibidem*, page 457.)

Illinois.—Chicago and Alton Railroad cost $46,640 per mile. This includes immense improvements, costly bridges, &c. Illinois Central Railroad cost $48,055.26 per mile. Springfield and Illinois Southeastern Railroad cost $35,857 per mile. Western Union Railroad cost $38,459.85 per mile. This includes sidings and improvements. (*Ibidem*, pages 463, 478, 494, 496.)

Missouri.—Rockford, Rock Island and Saint Louis Railroad $52,380 per mile; Kansas City, Saint Joseph and Council Bluffs Railroad cost $34,311 per mile; Saint Louis and Saint Joseph Railroad cost $35,000 per mile. (*Ibidem*, pages 505, 511.)

Kansas.—Kansas Central Railroad (narrow gauge) cost $14,820 per mile; Kansas Pacific, $52,278 per mile; Lawrence and Southwestern, $35,750 per mile. (*Ibidem*, pages 514–516.)

Iowa.—Burlington and Missouri Railroad cost $45,780 per mile. (*Ibidem*, page 521.)

Colorado.—Colorado Central Railroad $40,000 per mile. (*Ibidem*, page 542.)

The Baltimore and Ohio Railroad Company, with its immense bridges, tunnels, &c.; with the grades (the heaviest of any road in the United States) averaging about 40 feet to the mile for nearly 200 miles and 116 feet to the mile for 17 miles, its curves not less than from 400 to 1,000 feet radius, and its tunnels 12,804 feet, averaged not quite $40,000 to the mile, as shown by the engineer's reports. (American Railroad Manual, page 285.) A comparison of the above reports will show that the items enumerated include the cost of stone and timber for building the roads, the purchase of right of way, of depot grounds, side-tracks, and everything necessary to stock and equip these roads, all of which were granted to the Central Pacific and other Pacific Railroad Companies free of charge.

Having thus briefly shown the cost of constructing some of the largest and most important railroads in the United States, as shown by the reports of the officers and engineers of said roads, I shall now endeavor to show the cost of building the Central Pacific, and the enormous subsidies received from the general and State governments,

and leave for the consideration of this Congress whether or not there is a necessity for an investigation of the gigantic frauds committed by the directors of the Contract Finance Company of the Central Pacific Railroad, whereby the Government and people and honest stockholders have been defrauded of millions of dollars, which have been received and earned by the said company and divided among its directors and a favored few.

THE COST OF THE ROAD.

To ascertain the cost of the Pacific roads, and especially the Central Pacific, let us examine the topography of the country and the grades over which the roads pass, as shown by the engineer's reports. From Omaha to Cheyenne, on the Union Pacific, the grade is 5,051 feet in 517 miles, or 10 feet to the mile. Omaha is 968 feet above the sea; Cheyenne, 6,019 feet. From Cheyenne to the summit of the Rocky Mountains the ascent is 2,223 feet in about 32 miles. The elevation of the summit is 6,242 feet above sea-level. After the summit is passed the road traverses about 400 miles on an elevated table land, to the Wasatch range of mountains. The elevation of this range at the point crossed is 7,550 feet above the sea and 3,550 above Salt Lake, which has an elevation of 4,200 feet above the sea.

The highest point between Salt Lake and the sink of the Humboldt River is 6,200 feet. From Salt Lake to the base of the Sierra Nevada Mountains is 420 miles, 300 of which is along the valley of the Humboldt River. The Central Pacific road crosses the summit of the Sierra Nevada 7,042 feet above tide-water. The heaviest grade is 116 feet to the mile, for 3½ miles, while the heaviest grade on the Baltimore and Ohio Road is 116 feet for 17 miles. By the act of July 1, 1862, closing paragraph of section 12, it is expressly enacted that "the grades and curves (of the Pacific roads) shall not exceed the maximum grades and curves of the Baltimore and Ohio Railroad. The eastern base of the Sierra Nevada is 3,932 feet above the sea.

The engineer further adds that in crossing the Sierra Nevada "a route was found open which the ascent has been nearly uniformly distributed." For instance, a part of the road from Truckee averages about 30 feet to the mile. (See Poor's Railroad Manual.)

The report further states that the elevation of this vast plain from which the Rocky Mountains rise, although so great, yet these mountains when they are reached present no obstacles more formidable than those offered by the Alleghany range to several lines of railroads which cross them. On the Baltimore and Ohio Railroad the mountains are crossed at an elevation of about 2,600 feet above the sea and with long grades of 116 feet to the mile. The line of the railroad up the eastern slope of the Rocky Mountains is not so difficult as those upon which several great works have been constructed in the Eastern States. (See engineer's report, Poor's Railroad Manual.)

Again the report states "that in crossing the Sierra Nevadas at an elevation of 7,042 feet in a distance of 105 miles, the company followed the ridges or divides." Upon these a *favorable line was found involving no grade of over* 116 *feet to the mile, and this for only the short distance of* 3½ *miles.* The elevation on the California road (meaning the Central Pacific Railroad) is surmounted by a line of nearly uniform grade, averaging from 75 to 105 feet to the mile. The route for the eastern portion of the line is up the valley of the Platte, which has a course nearly due east from the base of the mountains. Till these are reached this valley presents probably the finest line ever adopted for such a work for an equal distance. It is not only straight, but its slope is very nearly uniform toward the Missouri, at a rate of about 10 feet to the mile. The soil on the greater part of the line forms an admirable road-bed. The river, after leaving the mountains, has very few affluents, the only constructed bridges for the distance being one over the Loup Fork and the North Platte. (See engineer's report in reference to road-bed.)

The base of the mountains is assumed to be at Cheyenne, 517 miles from the Missouri River. This park is elevated 6,032 feet above the sea, and 5,095 feet above Omaha. From Cheyenne to the summit of the mountains, which is elevated 8,242 feet above the sea, the distance is 32 miles. The grades for reaching the summit do not exceed 80 feet to the mile.

After crossing the eastern crest of the mountains the line traverses an elevated table land for about 400 miles to the western crest of the mountains, which forms the eastern rim of the Salt Lake Basin, and which has an elevation of 7,550 feet above the sea. Upon this elevated table is a succession of extensive plains, which present great facilities for the construction of the road.

The whole line is a favorable one when its great length is considered. More than one-half of it is practically level, while the mountain ranges are surmounted by grades not in any case exceeding those now worked upon some of our most successful roads. (See engineer's report, Poor's Railroad Manual, and American Railroad Manual.)

From the above statements and extracts it will be seen at a glance that the grades upon the Pacific roads are not so great as upon many in other sections of the country; consequently there could not have been so much labor involved in their construction, nor could they have cost so much as roads in the Eastern States. The estimated average cost is $44,000 per mile in the United States for thoroughly constructing and equipping railroads, (see Poor's Railroad Manual, 1869–'70, page 28, and 1870–'71, page 42,) while the directors of the Central Pacific road claim that it cost for the construction of their road from one hundred and eleven to one hundred and thirteen thousand dollars per mile.

That such was not the case I will now proceed to prove from facts in my possession.

In the first place, permit me to call your attention for a few moments to the cost of construction of the Union Pacific Railroad, under the management of the company known as the Credit Mobilier.

The Credit Mobilier Company report the cost of construction at $68,058 per mile; 186 miles at $90,000 per mile. Total, 1,100 miles. Total cost, $78,945,012.

Cash resources, United States bonds	$29,328,000
First-mortgage bonds	29,328,090
Capital stock paid on work done	8,500,000
Land grant, 1,408,000 acres, at $1.50	21,120,000
Total	88,276,000

It will be seen from the above statement that the resources, consisting of subsidies, land grants, &c., from the national Government were $9,330,988 more than sufficient to pay the cost of construction, as shown by their own statement.

But now for the facts, as shown by the evidence before the Union Pacific Railroad Committee, found in the Congressional Globe, volume 94, pages 110, 111:

Your committee present the following summary of the cost of this road to the railroad company and to the contractors, as appears by the books:

COST TO RAILROAD COMPANY.

Hoxie contract		$12,974,416 24
Ames contract		57,140,102 94
Davis contract		23,431,768 10
		93,546,287 28

COST TO CONTRACTORS.

Hoxie contract	$7,806,183 33	
Ames contract	27,285,141 99	
Davis contract	15,629,633 62	
		50,720,958 94
Total		42,825,328 34
To this should be added amount paid Credit Mobilier on account of 58 miles		1,104,000 00
Total profit on construction		43,925,328 34

It appears, then, speaking in round numbers, that the actual cost of the road was $50,000,000, which cost was wholly reimbursed from the proceeds of the Government bonds and first-mortgage bonds; and that from the stock, the income bonds, and land grant bonds the builders received in cash value at least $23,000,000 as profit, being a percentage of about 48 per cent. on the entire cost.

It thus appears from the evidence that the Credit Mobilier Company of the Union Pacific defrauded the Government out of $43,925,328. What was this Credit Mobilier Company? Simply an organization composed of the directors of the Union Pacific Railroad Company, organized for the purpose of subletting contracts among themselves, and thereby defrauding the Government of millions of dollars. They transacted their business in the same room with the directors of the Union Pacific Company, and together formed one of the most stupendous combinations that has ever been formed to swindle a government and people.

How singular the coincidence. The Contract Finance Company of the Central Pacific meet in the same room with the Central Pacific Railroad directors; they sublet contracts among themselves, and together they form a combination before which the fraud and rascality of the Credit Mobilier sink into insignificance. In other words, the men composing the Contract Finance Company and the directors of the Central Pacific Railroad Company are one and the same persons. This has been admitted in the evidence of Mr. Huntington, the vice-president of the road, in his examination before the special committee of the Forty-second Congress.

Mr. Brannan, one of the stockholders of the Central Pacific Railroad Company, and a man of unimpeachable integrity, a sterling citizen, and one who has done much to develop the industries of California, testifies as follows:

The plaintiff is informed and believes, and therefore avers, upon and according to his information and belief, that the first 7.18 miles of said railroad and telegraph line, from Sacramento eastwardly, was actually constructed for little less than $11,500 per mile. That the actual cost of the next succeeding 150 miles, eastwardly, was less than $42,000 per mile, and no greater sum was expended in the construction thereof. That the actual cost of the construction of the rest of said road and telegraph line, to wit, for a distance of 620.32 miles, was less than $21,000 per mile, which said cost for each distance included depots, switches, turn-tables, side-tracks, water-tanks and water-stations, platforms, warehouses, repair-shops, machine-shops, and engine-houses, and all other equipments and furniture of said road.

Mr. Brannan makes this statement under oath, and after a careful and thorough investigation of the entire subject. He further swears so far as he was able, the books being concealed from him—

That instead of undertaking, by its own officers and agents, the construction of its railroad and telegraph line and the furnishing and equipping thereof, or making a reasonable contract with disinterested persons therefor, or letting out the work and the furnishing of materials for the construction, furnishing, and equipping thereof to the lowest bidder, and instead of endeavoring to construct, furnish, and equip the same in the most economical manner, the said Leland Stanford, Huntington, Hopkins, Charles and E. B. Crocker, and their confederates, then composing a majority of the directors of the said Central Pacific, combining and confederating together in order to defraud the said Central Pacific and the plaintiff and other stockholders thereof, and to secure to themselves, jointly and severally, personally great profits, advantages, and gains, entered into an arrangement between themselves, under the name or C. Crocker & Co., and under that name, from the

commencement of the construction of its railway, at the city of Sacramento, until about the month of November, 1867, contracted with said Central Pacific to furnish the materials for and to construct, furnish, and equip so much of said railroad and telegraph line as was constructed, furnished, and equipped, or partly constructed, furnished, and equipped prior to the 1st day of November, 1867.

That such contract and contracts were caused to be made in the name of said Central Pacific, by the votes and directions of said Leland Stanford, Huntington, Hopkins, Charles and E. B. Crocker, and their confederates, and who composed a majority of the board of directors of said Central Pacific, with said C. Crocker & Co., a copartnership of which the said last-named defendants were members, for their joint and individual profit and gain, and the prices and rates at which the same were let were exorbitant and excessive, to wit, at the rate, as plaintiff is informed and believes, of 200 per cent. over and above the actual and reasonable cost and expense of the work done, and the materials, furniture, and equipments furnished, in the name of said C. Crocker & Co., whereby the said last-named defendants did receive from said Central Pacific, and did appropriate to their own use, and did vote to themselves, under the pretense of being directors of said Central Pacific, large sums of money, bonds, and assets of said Central Pacific, to wit, as near as plaintiff can estimate the same, $7,000,000 in value, over and above the actual cost of the work done, and the materials, furniture, and equipments furnished in the name of or under the direction of said C. Crocker & Co.

That afterward, to wit, on or about the 18th day of November, 1867, the said defendants, Huntington, Hopkins, Leland Stanford, C. and E. B. Crocker, and divers others, their associates and confederates, to plaintiff unknown, combining and confederating together to cheat and defraud plaintiff and the other stockholders of the Central Pacific, and the said Central Pacific, and fraudulently to acquire and to appropriate to themselves without consideration or a just equivalent large profits and gains, and large amounts of the assets and property of the said Central Pacific, organized themselves and some of their servants and employés to plaintiff unknown, under the laws of the State of California, into a corporation styled the "Contract and Finance Company," for the purpose of taking contracts for the construction of subdivisions of the railroad and telegraph line of said Central Pacific, and the appurtenances necessarily connected therewith, and the equipping and furnishing the same.

That from and after the organization of said Contract and Finance Company, all the contracts made and entered into in the name of the said Central Pacific for materials to be furnished for and work to be done in the construction, furnishing, and equipment of said railroad and telegraph line, were by said Leland Stanford, Hopkins, Huntington, C. and E. B. Crocker, and their confederates, composing a majority of the directors of said Central Pacific, voted to be let, and in fact were let, and entered into by said Central Pacific of the one part, and the said "Contract and Finance Company" of the other part, without advertising to let the same to the lowest bidders or bidder, and without in any manner inviting competition therefor.

That under the fraudulent and illegal pretense of paying for said materials, work, equipment, and furniture, nominally contracted to be furnished and done by said "Contract and Finance Company," but really and in fact by said last-mentioned directors and their confederates, for their own benefit, the said last-mentioned directors and their confederates from time to time voted to pay, deliver, and make over, and did pay, deliver, and make over, in the name of said Central Pacific, to said "Contract and Finance Company" and its confederates large sums of money and large amounts of bonds, lands, and other valuable assets of said Central Pacific of great value, to wit, of the value, as plaintiff is informed and believes, of $225,855,618.17.

That said last-mentioned moneys, bonds, subsidies, lands, and other valuable assets so made over, transferred, and delivered to said "Contract and Finance Company," were in value greatly in excess, to wit, to the amount of $206,632,661.50½, of the actual cost of and of a fair price for all materials, furniture, and equipments furnished by and work done by said "Contract and Finance Company," or by its subcontractors or employés, in the construction of said railroad and telegraph line, and the appurtenances thereof, and the said last-mentioned sum, in excess of the sum in which the same could have been let out for and contracted to be done and furnished for by responsible persons and firms who did not intend to cheat and defraud the said Central Pacific, the plaintiff, and the other stockholders of the said Central Pacific.

The said defendants, Leland Stanford, Huntington, Hopkins, E. B. and C. Crocker, heretofore, to wit, on or about the 20th day of July, 1869, under the name of said "Contract and Finance Company," divided among themselves the said $206,632,661.50½ in value of the assets, subsidies, and property of said Central Pacific, so as aforesaid delivered to said "Contract and Finance Company," but in what proportions the plaintiff is ignorant, but is informed and believes, and therefore avers, upon and according to his information and belief, that the said sum was so divided in the proportions of one-fifth to each of the last-named defendants.

And the plaintiff avers, on and according to his information and belief, that said "Contract and Finance Company" did sublet the greater portion of the work to be done, and which was done, and the materials to be furnished, and which were furnished in the construction of the said telegraph and railroad line under its contracts with said Central Pacific at prices greatly below, to wit, more than 1,000 per cent. below the prices which said Central Pacific nominally undertook to pay to said "Contract and Finance Company" for doing the same work, and furnishing the same materials.

It will be seen from the above statement that Mr. Brannan swears that the cost of constructing the Central Pacific Railroad from Sacramento to Ogden, a distance of 777 miles, was $20,000,000, or about $25,700 per mile; *and in further evidence of Mr. Brannan's statement, I need only add that the directors of the company settled with him, and never denied his allegations.*

This in itself is proof sufficient that the statements were in the main correct.

I now ask if, as Mr. Brannan swears, the road cost but $25,700 per mile, what would be the difference between the cost as sworn to by the above-named gentleman and $113,000 per mile as asserted by the directors of the Contract Finance Company? Simply $87,300 per mile. But allowing the road cost $50,000 per mile, which it did not, there is still a gain of $63,000 per mile to be pocketed by the directors of this Contract Finance Company.

It is further asserted by these same directors that it cost $90,000 per mile to construct railroads in California, that is, the roads that are part of the Central Pacific, and for which they received subsidies, as alleged by Mr. Brannan; and as will appear by reference to statutes, namely, the Sacramento Valley, the road to Redding, the San Joaquin Valley, the Copperopolis, Santa Clara, Western Union, and branch roads connected therewith, all of which were constructed with the proceeds and dividends acquired by defrauding the Government and stockholders, as alleged by Mr. Brannan.

I deny *in toto* the statement that it cost $90,000 per mile to build railroads in my State, and if a thorough investigation is made, it will show that these roads were constructed as cheaply, if not cheaper than any other roads in the United States.

Aside from the fact that for miles they traverse through valleys and broad level plains, they were built mainly with cooly labor, their ties and wood-work cut from the mountain-sides on the line of the road, and almost everything necessary for their construction within easy reach. The fact, therefore, is as clear as the sun at noonday that this road and its branches could not have cost on an average $111,000 or $113,000 per mile, and if such was the case, I simply ask how can its directors account for the fact that at the present time they assess its value as only worth from five to seven thousand dollars per mile. (See Report State Board of Equalization, California, pages 21, 99, 100, 101.) What a shrinkage in value from $113,000 to $7,000 per mile.

I need only say in further evidence of the fraudulent transactions of this company that all efforts to examine books and papers have been frustrated and disallowed by its directors, that when the Placer Company, which had taken $250,000 of its stock, demanded an investigation through its board of supervisors, and San Francisco, which had taken some $600,000 of its stock, demanded an investigation through its mayor, they were not only met with a positive refusal on the part of the directors to allow such an investigation, *but inducements of all kinds were held out to the parties who endeavored to make the investigation to desist from it*, and the investigators were asked to sign a paper *carefully prepared by the directors of the Central Pacific*, to the *effect that such an investigation had been made and resulted in the complete exoneration of the said directors.* In one instance a direct effort was made to bribe one of the board of supervisors, as will be shown by his affidavit which I now read:

On the 14th day of September, A. D. 1864, and immediately after the attempt to examine the books of the Central Pacific Railroad Company of California, Charles Crocker, the superintendent of the company, drove over to the Orleans Hotel in Sacramento City and asked me to get in and take a ride. I objected, but finally got into the buggy with him. Crocker's first words were, "Well, what do you think of the examination?" I replied, "I think the examination a farce, and the whole affair a swindle." His answer was, "Why, you have not seen anything have you?" I said, "No; but your report says, We have carefully examined the books of the company, and you know that we have not." He said, "Well, never mind that; you sign the report and we will make a rich man of you." I answered, "Mr. Crocker, that report is a lie, and I cannot do it; but if you will throw open your books, and if they will justify it, I will be the first one to put my name to a favorable report." "Never mind," said he, "now you know the value of the Clipper Gap Station, I will see that you have that, and if you are not satisfied with your position on the road I will put you in any one you want, and you know that I can do it." I said, "The report is not true, and I cannot do it." He then said, "Rogers, you do not know what you are bringing on you. You are commencing the fiercest war you can imagine. It will be a powerful corporation against an individual, and while your report will hurt us we will crush you." I answered, "Crush away." He then said, "Rogers, this is an institution but just commenced. There is a great future. Every man of us can make a fortune, and we can let you know of many things that will put money in your pocket. I will tell you of one. We intend to depreciate the stock, and we will make the counties sick of their investment. Then we can get a law passed allowing the counties to sell their stock, and we will buy it in and you shall be one of us." And right here let me remark that such laws were passed through the Legislature, the stock was depreciated and bought by the railroad managers from the counties who were anxious to dispose of it, fearing a still further depreciation, and the county of Sacramento for one lost largely, only receiving about seventy cents on the dollar. I said, "Crocker, I will not do it. Drive me back to the Orleans."

He then said, "Rogers, if you speak of these things I will shoot you." I told him that I rather thought not.

JAMES R. ROGERS.

STATE OF CALIFORNIA, *County of Placer, ss:*

Subscribed and sworn to before me this 14th day of September, A. D. 1864.

[SEAL.] WALTER B. LYON,
Recorder and Ex-officio Clerk of the Board of Supervisors of Placer County.

On the evening of the 14th day of September, A. D. 1864, D. W. Madden came to me and said, "Rogers, you know my ranch." I said "No." He answered, "Well, I have as fine a ranch as any one; as good as Dickerson's. Now, if you will sign that report," meaning the majority report, "I will give you a deed of the property." I said, "Wash., never; I cannot do it. The report got up in the railroad office is a damned lie, and you know that they are robbing their country and I will not be a party to it."

JAMES R. ROGERS.

STATE OF CALIFORNIA, *County of Placer, ss:*

Subscribed and sworn to before me this 14th day of September, A. D. 1864.

WALTER B. LYON,
Recorder and Ex-officio Clerk of the Board of Supervisors, Placer County.

In order to show more completely the immense subsidies received by this company, I refer the members of this House to the United States Statutes at Large, and statutes of California and Nevada, for the several land grants, bonds, money, right of way, and other donations granted by the United States, the States of California and Nevada, and the several counties of those States as mentioned therein.

I have not thoroughly examined the statutes of Nevada, but I find that in 1869 the Legislature authorized the issue by the several counties of nearly $2,000,000 in bonds and other subsidies, the most of which, no doubt, inured to the benefit of the Central Pacific.

I also refer to the concurrent resolutions of the California Legislature, alleging fraud in the management of the affairs of the Contract Finance Company and demanding an investigation, which I will now read:

Assembly concurrent resolution relative to the Central Pacific, the Western Pacific, and the California and Oregon Railway Companies.

Whereas a resolution with a preamble has been introduced and is now pending in the Congress of the United States, in which preamble it is specifically charged that the Central Pacific, the Western Pacific, and the California and Oregon Rail-

way Companies have received donations and subsidies from the United States, and from the State of California and certain counties and municipalities within that State, and also from the State of Nevada and the Territory of Utah, amounting in the aggregate to the sum of $156,825,000, which donations and subsidies were granted to said railway companies for the sole purpose of aiding them in the construction, equipment, and maintenance of their railways, and that the directors of said railroad companies corruptly entered into contracts with themselves for the construction of said railways, under the name of Charles Crocker & Co. and the name of the Contract and Finance Company, whereby a large portion of said subsidies and donations has been unlawfully diverted from the legitimate object for which they were granted by said directors and fraudulently converted by them to their own individual use and emolument; and whereas said resolution provides for the appointment of a committee by Congress invested with ample powers to inquire into said alleged fraudulent contracts, and also to inquire into and report to Congress upon all matters and transactions touching the construction and management of said railways, and all the affairs and transactions of said Charles Crocker & Co. and the said Contract and Finance Company in connection therewith; and whereas it is the opinion of the Legislature of the State of California, now in session, that such investigation should be made: Therefore,

Be it resolved by the Assembly, (the senate concurring,) That our Representatives in Congress be requested and our Senators instructed to use all honorable efforts to secure at the earliest practicable moment the passage of said resolution by Congress, and that the governor be requested to transmit forthwith a copy of this resolution to each of our Representatives and Senators.

MORRIS M. ESTEE,
Speaker of the Assembly.
R. PACHERO,
President of the Senate.

I also desire to add further, in connection with this subject of subsidies, that the Government has voted to corporations 220,858,338 acres of the public domain, or 10,600,000 acres more than the area of the Eastern States, and 138,173,218 acres more than is comprised in the States of Ohio, Indiana, and Illinois. (See Land Office Report for 1873.) This land is selling from five to seven dollars per acre; and the Central Pacific and its branches have received 13,000,000 acres. Government valuation $32,500,000; railroad average sales at $4.50 per acre, $58,500,000. In addition to this the Government has loaned its credit to the Pacific Railroads to the extent of $64,623,512, and paid interest amounting to $22,386,691.62, and there is still a balance due of $646,235.12, making a total when the entire amount is paid of $87,656,438.74, of which the Central Pacific has received $34,583,156.87. The total mileage constructed under the authority and by aid of Congress has been 2,500 miles. Toward the construction of these roads the Government has issued its 6 per cent. currency bonds upon 300 miles at the rate of $48,000 per mile; upon 976 miles at the rate of $32,000 per mile, and upon 1,244 miles at the rate of $16,000 per mile. (See Poor's Railroad Manual, and acts of Congress.)

If the Government continues paying simple interest for thirty years on the principal outstanding, ($64,623,512,) it will have paid to these Pacific roads the sum of $116,322,321.60, amounting, principal and interest, to $180,945,833.60; while if it deals with these roads and corporations as business men do with one another, and which it should do, compounding the interest at 6 per cent. per annum, semi-annually, the enormous sum of $382,022,910.69 will have been paid from the public Treasury and the purses of the people.

I also submit for consideration the following statement of the net earnings of the Central Pacific Railroad Company, as shown by Poor's Railroad Manual for 1873:

1864	$46,871 91
1865	280,272 39
1866	664,206 96
1867	1,087,901 22
1868	$1,469,776 36
1869	2,591,497 00
1870	3,800,761 34
1871	5,171,192 95
1872	7,290,019 84
1873, as shown by railroad reports	8,281,649 00
Total	30,684,148 97

And yet out of these immense profits the directors have never declared a dividend to the stockholders, nor paid a cent of interest to the Government, but as sworn to by Mr. Brannan, and undenied by the directors of the company, have bought up other roads, and divided among themselves the surplus earnings.

I have also carefully compiled from Poor's Railroad Manual for 1874 a statement showing the comparative earnings of railroads per mile in different sections of the country, from which it will be seen that roads in the Pacific States earn more *per capita* than in any other section:

	Per mile.	Per capita.
New England States	$10,636 00	$13 53
Middle States	14,565 00	15 86
Western States	6,375 00	13 76
Southern States	4,350 00	4 31
Pacific States	10,161 00	17 00

I annex herewith a table prepared by the Secretary of the Treasury showing the bonds issued to and interest payable from the several Pacific Railroad Companies:

Bonds issued to the Pacific Railway Companies under authorizing acts of July 1, 1862, *and July* 2, 1864, *interest payable in lawful money.*

Name of railway.	Rate of interest.	When payable.	Interest payable.	Principal outstanding.	Interest accrued, not yet paid.	Interest paid by the United States.	Interest repaid by transportation of mails, &c.	Balance of interest paid by United States.
Central Pacific	6 per cent.	30 years from date..	January and July...	$25,885,120 00	$129,425 60	$8,698,036 87	$811,379 24	$7,886,657 63
Kansas Pacific	6 per cent.	30 years from date..	January and July...	6,303,000 00	31,515 00	2,536,623 09	1,234,632 03	1,301,991 06
Union Pacific	6 per cent.	30 years from date..	January and July...	27,236,512 00	136,182 56	9,433,038 57	2,711,892 44	6,721,146 13
Central Branch, Union Pacific	6 per cent.	30 years from date..	January and July...	1,600,000 00	8,000 00	637,808 26	25,643 27	612,164 99
Western Pacific	6 per cent.	30 years from date..	January and July...	1,970,560 00	9,852 80	545,029 74	9,367 00	535,662 74
Sioux City and Pacific	6 per cent.	30 years from date..	January and July...	1,628,320 00	8,141 60	536,155 09	7,141 23	529,013 86
Totals				64,623,512 00	323,117 56	22,386,691 62	4,800,055 21	17,586,636 41

The foregoing is a correct statement of the public debt, as appears from the books and Treasurer's returns in the Department at the close of business, January 31, 1874.

WILLIAM A. RICHARDSON,
Secretary of the Treasury.

It will be seen from this statement that the Central Pacific and Western Pacific (one and the same corporation) have received amounts as follows:

Central Pacific	$7,886,657 63
Western Pacific	535,662 64
Total	8,422,320 27

To sum up briefly, I find that the Central Pacific Railroad Company has received in bonds, land grants, and other subsidies, $156,825,360; add to this the net profits, $30,684,148.97, and interest paid by the United States, $8,422,320,27; making a total of $195,931,829.24; deduct from this the probable cost of the road, which does not exceed $45,000,000, and it leaves $150,931,829.24 to be divided among the Contract Finance Company or Credit Mobilier of the Central Pacific.

I now desire to call your attention to another statement. In the *State of California alone,* five years ago, *according to the statement of the directors,* the Central Pacific road, *independent of depots and other improvements,* was valued at $116,865,240; number of miles 1,052.84; cost per mile, $111,000. In 1873 the *assessed* value of their *entire* property in the State of California, as shown by the report of the State board of equalization, was only $12,289,008, making a difference in the value of their property between 1865 and 1873 of $104,576,232.

The question now arising is how is it possible for a road valued in 1865 at $116,000,000 to shrink in value $104,000,000 inside of eight years? If this state of affairs continues for eight years longer the road will be worth nothing, and the Government and stockholders will never receive a dollar.

I appeal to this House to consider this matter seriously, that one of your great Pacific railroads has declined in value $13,000,000 per year, and this statement is made in the face of the fact that its net earnings have increased from $46,871.91 per year in 1864 to $8,281,649 in 1873, as shown by the report of its directors. How can you reconcile the difference? By what magic power can the directors account for such a depreciation? Does this not show a damnable fraud? For what purpose is this value of but $12,000,000 placed upon a property in 1873 that was valued in 1865 at nearly ten times as much? I will not answer the question. The stockholders who for years have never received a dividend, the Government that has never received its interest, and the tax-payers of the entire country will answer. It needs no comment. On its face it bears the stamp of roguery, deception, and crime.

And here let me add that even with the low assessment of $12,000,000 placed upon their property in my State the managers of this company have refused year after year to pay the State taxes, and within the last year have commenced suit in the counties of Nevada, Placer, Sacramento, San Joaquin, Almeda, and Santa Clara against the tax-collectors, and have procured injunctions restraining the collection of the taxes assessed. (See report State board of equalization. 1873.)

I defy the directors of this company to deny the truth of these statements. I defy them to show that they have grown poor, or that their road to-day is worth less than it was eight years ago. I defy them to show any part of their road, excepting a small portion in the Sierra Nevada mountains, that will begin to compare in cost with the cost of roads in the Eastern States.

I have cited authorities and facts that are indisputable to show that the worst frauds ever perpetrated upon this American continent have been committed by the directors of this road and its Contract Finance Company; to show that these Pacific Railroad corporations are reeking with guilt and perjury; that facts have been misrepresented and reports made which are false in every particular; that when legislation is needed at the hands of Congress or of a State the expenses and value of the road are represented in one light, but when bonds are to be disposed of by capitalists in this country and in Europe they are represented in another; and under the most specious and plausible promises are disposed of at a high figure to the poor workingmen of Europe and America, who find, alas, too late that they have been gulled and defrauded of the savings, perhaps, of a lifetime.

As a further evidence that the moneys received by this company were misappropriated and divided among the directors of the Contract Finance Company, I assert as a notorious fact that in 1862, when this company was organized, its directors were comparatively poor men, and were not ranked even among the men of easy circumstances in the Golden State; yet within six short years after they became directors of the Central Pacific Railroad and Contract Finance Company they were known as millionaires. *Crocker sells out for* $14,000,000, and his brother, who by the way *was only acting as attorney for the company, disposes of his interest for* $4,000,000. *Stanford is reputed to be worth* $20,000,000, and so on through the list of directors. Each is a millionaire, while the Government and people have been defrauded.

How is it with the stockholders outside the ring? Well, I will name two of my own acquaintances: Colonel Lindsey, a farmer of Sacramento County, subscribed to the stock, and paid up every dollar in gold coin nearly twelve years since; kept his stock ten years, and by hard work succeeded in selling for seventy-five cents on the dollar, losing 25 per cent. and the use of his money for ten years. Mr. Egles, an honest old man, was induced to subscribe for stock, paid his gold coin, still holds his stock, and cannot even get seventy-five cents on the dollar or anything else, while *Government officials and members of the United States Congress receive* $2.25 *for each dollar subscribed.*

And yet the Central Pacific road cannot pay the interest on its bonds, can declare no dividend to its stockholders, and refuses to pay its taxes to the State government of California. It is poor and needy, and I trust before the end of this present Congress that a thorough investigation will leave it sick and sore of its guilt and purge it of its corruption. It cannot pay its interest. Yet Poor's Railroad Manual, 1868, page 50, says:

> The interest liabilities of the Central Pacific Railroad Company are even now (1868-'69) less than a third of the net earnings of the road pledged.

I will further add that Attorney-Generals Akerman and Williams have both decided that the interest on their bonds is due and payable semi-annually, and not at the maturity of the bonds, as contended by the managers of the Central Pacific.

I also desire to call your attention to the closing paragraph of section 6 of the act of July 2, 1862, which expressly states that "after said road was completed until said bonds and interest are paid, at least 5 per cent. of the net earnings of said road shall also be annually applied to the payment thereof."

This is an express provision of the law incorporating the Pacific road, yet for years it has been utterly disregarded. Is it not our duty as legislators to thoroughly investigate these Pacific roads and demand an enforcement of the law? The Government and people demand an investigation into the affairs of this company, and if such an investigation is made, a fraud will be unearthed so deep and damnable, that the Credit Mobilier will be forgotten; a fraud that will sink into eternal infamy the men who have organized and shared in it. An investigation can do no harm. If these Pacific Railroad Companies have dealt honestly by the Government and people, it will injure no man or bodies of men to compel a fair exhibit of the books and accounts; and if fraud has been committed, it is due to honest government, due to the country, and to the honest, toiling tax-payers of the land that the fraud should be unearthed, its perpetrators held up to the scorn of the nation, and compelled to disgorge and surrender to the Government and the people their ill-gotten gains. Every business man renders an account and prepares a balance-sheet at least once a year; but how is it with the giant and soulless corporations that are feasting upon the substance and hard earnings of the laboring poor of the country? Have they submitted their annual balance-sheet? No, sir! Nearly twelve years have passed, and yet no account, no statement to the Government that enriched them, and none the people from whom they have received and exacted so much.

Can we as representatives of a free people pass this thing coolly by? Shall we return to our constituents with the blush of shame on our cheek, knowing that we have countenanced fraud and failed to do our duty? No, gentlemen; I say we must compel an accounting to the people by these corporations; the people demand it and will have it, and the man who dares to oppose a thorough investigation, a full enforcement of the laws, and a thorough accountability of the operations of these gigantic corporations, will never again occupy a seat in the Congress of the nation by the suffrages of his constituency, and God forbid that he ever should. I demand this investigation in the name and behalf of my Government; I demand it in behalf of the tax-paying people of our common country, who have contributed nearly nine-tenths of the cost of these roads; I demand it in behalf of over one million grangers and Patrons of Husbandry; I demand it in behalf of the working men and women of our land; I demand it in the name of justice and equity; I demand it as a right which every citizen of this Government possesses to know what disposition is made of the hard earnings of the people, who are suffering with taxation and oppressed with burdens; as a laboring man and tax-payer I demand it; and as one reared to toil I demand in behalf of my toiling kindred and brethren the adoption of the measures now under consideration.

The boast of parties is that all men are created with equal rights and privileges. If such be the case, equal rights and common justice demand at our hands as the representatives of the people that we be taxed according to our possessions; that the law of the land be applied to corporations as well as individuals, and that they be made to pay the interest due the Government; that labor be rewarded; that honest toil be fully recompensed; that the Government be managed in the interest of the people, and not in the interest of land rings, railroad rings, bloated corporations, and monopolies. I appeal to the members of this House to lay aside all party prejudices, to rise above all partisan feelings, and to act in this matter for the best interests and welfare of our people.

In conclusion, I only have to say that the Credit Mobilier investigation was, as I before stated, originated by a simple resolution in the Forty-second Congress. No reference to a regular committee, or no argument before a committee was made by the mover of the resolution. It resulted in exposing a gigantic fraud, and when an investigation is made in accordance with the resolution which I have submitted, a fraud will have been uncovered before which the Credit Mobilier was but a pigmy or semblance; you will have done your duty as representatives of the people, and I shall have fulfilled my obligations to my Government, my constituency, and my conscience.

ABUSES IN THE PUBLIC PRINTING OFFICE.

Mr. STORM. Mr. Speaker, this Congress cannot, in safety to its own reputation, adjourn without taking some measures to remedy the abuses which exist in the Public Printing Office. We cannot close our eyes to the fact that abuses do exist there. The press of the country, irrespective of parties, has called our attention to it. If we but open our eyes and look around us we can see multiplied evidences of it. If we but open and look into the report of the Congressional Printer we see these abuses sticking out at the knees and elbows.

What I have to say upon this occasion shall be in arraignment of a system, not of an individual, and if what I may say of the Congressional Printer shall seem to be of a personal character, it is so because the system of legislation under which he acts makes it necessary. Learning that such abuses did exist, early in the session I introduced a resolution on the subject, and had it referred to the Committee on Printing, of which the gentleman from Iowa [Mr. DONNAN] is chairman. Before this committee the Congressional Printer, Mr. Clapp, was requested to appear; this he declined to do, on the grounds, as I have been informed, that he was an officer of the Senate, and was responsible to that body alone. Owing to this refusal to appear and testify before the House Committee on Printing, my resolution failed, and the committee reported a joint resolution, and have in pursuance of that resolution taken some testimony, and have just made report to this House. I have refrained from speaking upon this subject until that report was made. The day of adjournment not being far off, I feel it to be my duty to call the attention of the House to the subject now, so that it can, should it see fit, correct existing abuses by proper and necessary legislation.

The refusal of Mr. Clapp to appear before the House Committee on Printing, I will remark in passing, has had one good effect, namely, it has opened the eyes of Congress to the absurdity of making the Congressional Printer an officer of the Senate; and I hope that the amendment of my friend from New York [Mr. HALE] which was put in the legislative, executive, and judicial appropriation bill by an almost unanimous vote of the House will be adhered to by it. This House is powerless to protect itself against this abuse if the Senate committee is to control this whole subject, for it is clear that the chairman of that committee in the Senate either cannot or will not see anything wrong in the present Public Printer or in the system under which he is acting.

Abuses in public printing, so far as the experience of our national Government goes, seem to be inseparable from the very subject. This, too, is the experience of every State in the Union. So outrageous had these abuses become in my own State that the public printing there is regulated by a wise provision in our new constitution. It is a system of gross favoritism universally abused, not only in the purchase of paper and other material, but in the printing and binding.

No one who has paid the least attention to the subject will say that the Government can do its printing as cheap as individuals can do it. Indeed this is true of almost every enterprise. In the man-

agement of a Government establishment under a superintendent, working for a fixed salary, you have the absence of that keen interest, that watchfulness and care, which characterize the individual whose whole fortune is embarked perhaps in the undertaking. The individual will take care to buy his material where he can buy the cheapest; see that the weight is full and strong; that his employés make full time, and that waste and extravagance are avoided. No Congressman can compel him to employ some dead-beat of a "jour," whom no well-managed establishment would receive for a moment, or some politician who must be provided for whether there is work for him to do or not.

The history of our present printing office is the repeated experience of all the other Bureaus of the Government, namely, that of rapid growth. And it is only by constant watching and perpetual resistance that this office has not outgrown all the ideas of its founders. Every year we witness a contest over the Bureaus of Education and Agriculture. They seem determined to expand beyond what was ever contemplated, and Congress has all it can do to resist these expansions.

This establishment, small and humble at first, has grown to be the largest in the country. A building 675 feet long—larger by 73 feet than this Capitol—four stories high, filled with the best presses in the world, employing over 1,500 persons, purchasing 32½ tons of types last year, 17½ of which were purchased for the CONGRESSIONAL RECORD alone, and requiring an appropriation larger than the entire annual civil expenses of the Government during Jackson's administration, and this amount is constantly on the increase. And what is a remarkable fact, the Congressional Printer is constantly soliciting more printing from Congress, although he is an officer with a fixed annual salary, not in any way depending upon the amount of printing done. Yet Mr. Clapp goes about these Halls like some Oliver Twist "asking for more." This wears an ugly look, in connection with the fact stated in the newspapers in this city that Mr. Clapp has a son in a Baltimore house where most of the paper used in public printing is purchased.

Mr. Clapp may be innocent, but he subjects himself to a fearful suspicion. But two or three years ago an investigation into one of our leading religious book concerns in New York City developed a similar relation between one of the officers of that concern and the firm furnishing the paper.

Mr. Speaker, in connection with this subject of public printing we must not forget the exact bearing which the abolition of the franking privilege has upon it. I voted for its abolition and against every attempt to restore it directly or indirectly, except so far as country newspapers are concerned. I also believe that it will never be restored, and that the saving to the tax-payers was not so much by what it may increase the revenues of the Post-Office Department as by what it diminishes the amount of public printing. That the abolition of the franking privilege will greatly decrease the public printing all must admit. Since its complete abolition in March, 1873, not one public document for general distribution has been ordered to be printed.

The reason is obvious; the postage on these books would be nearly as great as the pay of a member. Besides, three-fourths of these documents are not worth the postage; no constituent would pay it to have one. It is notorious that but once in a great while there is one worth printing. Take the abridged messages and documents, commerce and navigation reports, the reports of the heads of the various Departments, the report of the Commissioner of Education, and, with the exception of the last, no constituent would thank a member if he sent one of them to him "postage prepaid;" because he may wade through volume after volume in the hope that he may find some new thought, some idea worthy to be treasured up, but when he gets through he will find his search in vain. The messages and documents at best possess but an ephemeral interest. Those who feel enough interest in them to read them will do so as they appear in the newspapers at the time of their communication to Congress. But who a year after their transmission to Congress will take the pains to go through this mountain of chaff in order that he may perhaps find a grain of wheat? Not one in ten thousand.

Yet as long as these books passed through the mails free, Congressmen would frank them to their constituents, for it was about the easiest way to get rid of them. There are not ten members on this floor to-day who would vote to print any of these books, simply because they know they are not worth one-half the price of the postage, nor the tenth part of the cost of paper, printing, and binding. Just how much the public printing will be diminished it is hard now to say; but it certainly will reach 50 per cent.

This being so, Mr. Speaker, no more favorable opportunity will be presented for disposing of this elephant which we now find on our hands. It is a grave economical question, involving millions of dollars, whether we will modify existing legislation, or whether we will change the method of doing the public printing, and award it to the lowest responsible bidder. The latter method in my mind is the correct one, and every tax-payer in the country has a vital interest in the change, especially as it is becoming apparent that we must increase taxation to carry on the expenses of the Government. If this Congress adjourns without action being taking to correct this abuse, those who are more immediately responsible for the legislation done here will be called to a fearful account in the coming elections.

Let us now examine somewhat in detail the management of the Office of Public Printing. The act of Congress requires the Congressional Printer to report annually, "showing the *exact* condition of the printing, binding, and engraving, the amount of paper purchased for the same, and such further information as may be within his knowledge in regard to all matters connected therewith," &c. Notwithstanding this provision of law requiring *exact* information on the subject of public printing, I challenge any member on this floor to take up any of Mr. Clapp's annual reports and say if he has given anything like *exact* information. On the contrary, his reports are studiously and purposely inexact and uncertain; so much so that when Mr. Clapp gets before an investigating committee it is impossible for him or the committee to say what the public printing does cost.

Look at this report for the year ending September 30, 1873. This report is without a parallel. It is not like unto "anything that is in heaven above, or that is in the earth beneath, or that is in the waters under the earth," unless we except the cuttle-fish, which is said by naturalists to possess the power of rendering itself invisible by injecting into the water an inky fluid. It seems to be prepared on purpose to conceal the workings of the office and to mislead any one who does not give it a careful examination. I say it without fear of contradiction that there are not five statements in it that can be relied on.

As a specimen of book-keeping it is a model. The Congressional Printer has adopted the "double-entry" system, except occasionally when the treble entry was better adapted to the object in view. To my mind Mr. Clapp would have appeared to better advantage had he just frankly said, "I acknowledge I have not kept any correct account of material and labor, &c., but I managed in some way to use up $2,085,238, and I thought it would be just as well to apportion this sum to the several jobs I have done. It may be I have charged the Post-Office and other Departments too much, but sometimes I have charged Congress too little." This is in effect what he does now say, although in his report he professes to be giving things at their cost.

In the first place I assert that the Congressional Printer does not account for the sum of $49,317.30 which his own reports show he had on hand on the 30th day of September, 1873. This is such a serious charge that I ask the House to examine the reports and see if the following statement made by Mr. Church before the Committee on Printing be not correct:

Statement of balances of printing paper at Government Printing Office, from October 1, 1869, to September 30, 1873, as shown from Congressional Printer's official reports.

October 1, 1869, to September 30, 1870:		
On hand October 1, 1869, (report 1868, page 27)		$136,389 25
Bought during year, (report 1870, page 31)		418,974 21
Total on hand during year		555,363 46
Consumed:		
On Congress work, (report 1870, page 22)	$249,590 28	
On Department work, (report 1870, page 25)	207,884 17	
On unfinished work, (report 1870, page 39)	27,159 57	
Total	484,634 02	
Deduct unfinished work of previous year, (Report 1869, page 34)	26,787 49	
Actual consumption		457,846 53
Should be on hand September 30, 1870		97,516 93
Amount reported on hand, (report 1870, page 31)		108,955 35
Surplus		11,438 42
October 1, 1870, to September 30, 1871:		
On hand October 1, 1870		$97,516 93
Bought during the year, (report 1871, page 30)		483,108 50
Total on hand during year		580,625 43
Consumed:		
On Congress work, (report 1871, page 21)	$210,565 85	
On Department work, (report 1871, page 24)	198,549 78	
On unfinished work, (report 1871, page 37)	41,404 42	
Total	450,520 05	
Deduct unfinished work of previous year, (report 1870, page 39)	27,159 57	
Actual consumption		423,360 48
Should be on hand September 30, 1871		157,264 95
Amount reported on hand, (report 1871, page 30)		130,514 03
Deficiency		26,750 92
October 1, 1871, to September 30, 1872:		
On hand October 1, 1871		$157,264 95
Bought during year, (report 1872, page 34)		498,989 25
Total on hand during year		656,254 20
Consumed:		
On Congress work, (report 1872, page 25)	$316,951 97	
On Department work, (report 1872, page 27)	204,772 17	
On unfinished work, (report 1872, page 42)	47,153 20	
Total	568,877 34	
Deduct unfinished work of previous year, (report 1871, page 37)	41,404 42	
Actual consumption		527,472 92

Should be on hand September 30, 1872		$128,781 28
Amount reported on hand, (report 1872, page 34)		107,592 47
Deficiency		21,188 81
October 1, 1872, to September 30, 1873:		
On hand October 1, 1872		$128,781 28
Bought during year, (report 1873, page 35)		536,968 21
Total on hand during year		665,749 49
Consumed:		
On Congress work, (report 1873, page 26)	$279,972 27	
On Department work, (report 1873, page 28)	224,535 36	
On unfinished work, (report 1873, page 42)	9,677 76	
Total	514,185 39	
Deduct unfinished work of previous year, (report 1872, page 42)	47,153 20	
Actual consumption		467,032 19
Should be on hand September 30, 1873		198,717 30
Amount reported on hand, (report 1873, page 35)		149,400 03
Deficiency		49,317 27

From this statement it is seen that under Mr. Clapp's system of book-keeping nearly $50,000 have dropped out in the item of paper alone.

On page 13 of the report for 1873 he says he printed 10,000 copies, of 790 pages each, of the report of commerce and navigation, and charged for cost of work, paper, and binding the sum of $3,595.01. This job required 499 reams of paper, and the cost per ream, according to the report, would be $7.20. But this paper cost only $6.00 per ream; an overcharge of $1.20 per ream, or 20 per cent. above the actual cost, and amounting to about $600 on the whole job.

Again, on page 15 of the same report, he charges for printing 2,500 copies of the report of the Commissioner of Agriculture for 1872, consisting of 8 pages each, $32.83. This required about 1¼ reams of paper, charging per ream about $26; about three times what it actually cost the Public Printer.

On page 14 of the same report he claims that he published 1,650 copies, of 250 pages each, of the report of the board of public works of the District of Columbia; cost of paper reported at $242.08. This job required 26 reams, at $9 per ream; another overcharge of at least $1.80 per ream, or of 20 per cent.

So you may go on through the whole report, and you will find the same overcharges in nearly every instance. Take the report on the foreign relations of the United States, amounting to some 30,500 volumes in all, and the paper charged for this job averages about $7.86 per ream. That this is wrong we have only to remember that the Public Printer has nowhere any account of paper costing this sum used in this kind of printing.

And here I would remark that Mr. Clapp, through a whitewashing report made by the chairman of the Senate Committee, to whom was referred the memorial of the printers of Washington on the subject of public printing, attempts to break the force of these criticisms on the cost of printing by saying that the calculations of the memorialists were based on erroneous suppositions as to the quantity, the quality, and the consequent cost of the paper used. As to the *quantity* of paper used, Mr. Clapp himself gives us that; and the different formulas adopted in arriving at the exact quantity are so nearly the same, that the discrepancy is trifling. But he claims the memorialists made an "erroneous supposition" as to the *quality* of the paper used. How easily Mr. Clapp might have saved the memorialists from falling into this "erroneous supposition," if like a correct and honest officer he had stated the *quality* of the paper used in his report. The law requires him to give the "*exact* condition of the printing," &c., and by purposely withholding such information his report is unsatisfactory, and gives no information of the cost of public printing. Quantity and quality are the only elements entering into the cost of paper; to give the quantity and omit the quality gave no more *exact* information than to omit the quantity and give the quality.

But Mr. Clapp is careful to say in his communication to the chairman of the Committee on Public Printing that in *one* "example" uncalendered 45-pound paper was taken by Mr. Judd when calendered 53-pound paper was used. But, Mr. Speaker, the Congressional Printer is silent as to the other "examples;" it is fair to suppose that if he had the same reply to make to the other criticisms he would have made it. But who is correct about this paper? Other parties, practical printers, have weighed the books and say that the paper used is uncalendered 45-pound paper.

More than that, Mr. Clapp, on page 4 of his last report, says that under the direction of the Committee on Printing he entered into a contract with Wheelwright, Mudge & Co., of Baltimore, for 30,000 reams of uncalendered 45-pound printing-paper for the year ending December 31, 1873. The average cost of this paper per ream was $5.78. It is true he had some of last year's paper over, and that cost him more; but allowing him the very highest price paid for uncalendered paper remaining over, it would only cost $6.38½. Now where has the Public Printer used the uncalendered paper of 1872, costing $6.38½ per ream, or of 1873, costing $5.78 per ream? There is no place for it.

No, Mr. Speaker; I repeat that the report is loosely and vaguely drawn on purpose to leave a loop-hole for Mr. Clapp to creep out should he ever be questioned. He has been questioned, and you can see how he attempts to get out. On page 6 of the report for 1872 the Congressional Printer says, during the past year, 119,284 pages of documentary composition have been completed. On page 25 of the same report he also gives the summary of documentary composition at 119,284 pages. By reference to pages 14, 19, and 23, I find the Ku-Klux report, a book consisting of 13 volumes, and containing about 8,000 pages, charged *three times*. By this treble-entry system of book-keeping, Mr. Clapp takes a credit for 16,000 pages of composition which was never done. A mistake of 16,000 pages in an aggregate of 119,000 pages, will, I take it, inspire no great confidence in the accuracy of Mr. Clapp's report. Every one knows the cost of composition could only be incident to the first 8,000 pages.

The same principle of book-keeping was followed in printing the Congressional Directory for the third session of the Forty-second Congress. The first edition, consisting of 10,000 copies of 140 pages each, is stated to have cost $624.66; this of course included composition. Shortly after a second edition of the same number of copies was published costing $642.65, which includes composition a second time. Yet every member of Congress knows that the second edition is precisely like the first, with the exception of here and there a correction made necessary by a change of residence or the election of a new member.

On page 43 of the report he says the amount of savings in excess of expenditure is $264,812.11. How is this possible, if the Congressional Printer has only charged the cost of labor and material, as he contends? On his theory of charging Congress and the various Departments the cost of all work done, there is no room for profit or loss. Of course, Mr. Speaker, he could arrive at such a balance only by his hocus-pocus system of book-keeping. If the printer has obeyed the law there is no place for this balance. But when we come to the Post-Office Department we will then see how this balance is reached. For it is only put in the statement to mislead Congress by making it believe that a profit of nearly $265,000 has been realized during the last year.

Mr. Speaker, the law also requires the Congressional Printer to render to Congress and the Executive Departments a detailed statement of the accounts with the various public offices.

By reference to the annual reports of the Government Printing Office it will be seen that the accounts for work done for Congress are rendered very much in detail, while those for work done for the Departments are lumped; as for example, on page 28 of the last report the Congressional Printer says he has performed work for the Post-Office Department amounting to $220,000, and that is all we or the Department itself know about the matter. What the printing was, or the rates at which it has been charged, remains a profound mystery.

The printing for the various Executive Departments for last year, as stated in this report, amounted to $1,210,000, and for the five years past it has amounted to about $5,000,000. For this vast sum of money there has never been a voucher or detailed statement; nothing by which the accounts for the work could be examined or even known. We have the statement of the Congressional Printer that he has executed work to that extent at such prices as he has seen fit to charge, and these prices he has carefully withheld in direct violation of an express statute.

During the present session Messrs. Rives & Bailey, in their efforts to procure information for use before the committee, came upon the fact that this law had been persistently violated, and soon thereafter the Congressional Printer was instructed to render (from February 1) vouchers with each job of work done for the Departments. It thus came at last to be known at what prices he was charging for the work done in his office, and it was then plain enough to be seen why there had been no compliance with the law. At about this time the appropriation of $175,000 for printing for the Post-Office Department was exhausted, and the Postmaster-General came before the Committee on Appropriations to ask for an additional sum of money to enable his Department to get the necessary printing done for the remainder of the year. He was not willing to rest under the imputation of having squandered his appropriation in useless printing and fancy binding, and he therefore explained to the committee the manner in which his money was consumed. It there appeared that the prices charged against the Departments were perfectly unheard-of, out of all bounds of reason—from ten to twelve times the actual cost of the work done. One bill was rendered for $138, while the actual cost of that job was less than half of that sum. Another item charged at $140 was subsequently modified by the Congressional Printer himself and reduced to $11. There were many others of like character, but I will not take the time to enumerate them.

I will refer to one other instance only in this connection, and that because of the enormity of the overcharge. It was there shown that the Congressional Printer had been in the habit of charging $3.06 per 1,000 for printing a few words—about five in number—upon the envelopes used by the public officers. This work has been done on a press capable of printing 20,000 per day; and at this rate of charging the press was earning for his credit at the Treasury $61.20 per day, while the expense was $2 per day for a pressman and $1.50 each for two girls, making a total expense of $5. The expenses were $5 and the charge $61.20, or a little more than twelve times the actual cost!

What, Mr. Speaker, will the people think of our Public Printing

Office which eats up half a million dollars' worth of paper per annum, and then charges the Government twelve times the actual cost of labor expended upon it? Two million dollars a year are swallowed up in this manner by this gluttonous establishment, when respectable and responsible individuals are anxious even to do our printing for a much less sum of money.

When the Congressional Printer was confronted by these facts and expositions he had the unblushing effrontery to say that he was not aware his prices were so high; he had not examined them at all; he was pursuing the same system he found upon his entrance into office; but was now grateful that his attention had been called to the matter, and he would proceed to correct the wrong. He was thereupon requested to revise his charges for the work done for the Post-Office Department since the beginning of this fiscal year and see what the same would amount to on the basis of actual costs. He did so, and concludes he could return $40,000 to the credit of that Department. Just where the money came from to be placed to this credit I have not learned.

I now ask the House to listen to what he calls the actual expense of his work. For some half letter-sheets, circular forms, printed in large numbers for use in the business of the Post-Office Department, under the revised schedule the Congressional Printer has charged $5.41, $5.65, $6.32, and $6.60 per 1,000, including printing and paper. An offer was made to the Department, by a first-class printing establishment in this city, without any knowledge of the prices charged at the Government Printing Office, to print all that class of work on as good quality of paper for $4.50 per 1,000. Not long since the Congressional Printer ruled five reams of letter-paper for the Post-Office Department for which he charged, under his revised scale of prices, $6.88. A private binding and ruling establishment in this city charges for exactly the same work 75 cents per ream, or $3.75 for five reams, against the Congressional Printer's $6.88, which he says is the actual cost. This is 80 per cent. more than the private office charges for like work; and in addition to this the private office makes a satisfactory profit. The lowest price at which the Congressional Printer has printed the official envelopes since the revision of his rates is 90 cents per 1,000, and at this rate his press earns for his credit at the Treasury $18 per day on an expense of $5.

If these charges are correct, and no more than the cost of the work done, then the Government Printing Office had better be set on fire and burned down if no other way of disposing of it can be found. Private parties will do the work for much less money. If the charges are more than the costs of the work done, why are they so rendered? And what becomes of the large margin? If there were any money left on hand to the Congressional Printer's credit to represent these overcharges, a satisfactory explanation might be made; but the money is all gone, and as a general thing we have been called upon for a deficiency. During the last month of the last fiscal year the office was nearly closed up because the money was exhausted, and at the same time there was a great press of work to be done.

The only reasonable conclusion I can reach in reference to the matter is this: by this system the Congressional Printer has been enabled to report certain work as having been done at a remarkably low figure; and, sir, by this same system he has been enabled to do in his office many thousands of dollars' worth of printing and binding for private purposes for which no charge whatever has been made. When he was called upon two years ago for estimates in regard to the publication of the debates he well knew the work could not be done for the figures he submitted, and he also well knew that it would make no material difference, because he could easily cover up any deficiency by his regular system of overcharging the Departments.

As evidence that this powerful leverage has been used for this very purpose, I will refer you to a few examples. The cost of setting the type for the Ku-Klux report (on pages 19 and 23 of the annual report of December, 1872,) appears to have been about $6,600. This service could not have been performed for any less than $19,000; but it was desired that the expense should appear to be low, and therefore it was charged about one-third of the cost, well knowing that the deficiency was amply covered elsewhere. Another example of this may be found in the folding of the sheets of the Gongressional Globe, which work in connection with the binding has been done by the Congressional Printer. The folding and gathering of the sheets of the Globe during the past five years has cost the Government about $25,000, and this expenditure is omitted from the report altogether; not one dollar of it has ever been charged against the work, and the convenient system of book-keeping practiced in our public printing enables such things to be done with perfect ease and protection. There are scores of similar examples which might be referred to for the purpose of showing how this power has been used, but I will not pause here to allude to them. I have been thus particular in explaining the details of the system practiced by the Congressional Printer, that you may all understand just how easy it is for him to say that he is printing the debates within his estimates.

Mr. Speaker, I now ask your attention to his report of the cost of printing the RECORD during the executive session of the Senate in March, 1873, and we shall find here a forcible illustration of the convenient system of accounting already explained. On page 23 of the last annual report we find the charge entered for printing of the RECORD. The cost of the daily edition is stated to have been $249.26 for the 900 copies. This charge is said to cover paper, press-work, folding, stitching, and mailing, the type-setting being included in the charge entered against the book edition in the line below. When asked by the committee if there were any books in his office showing the separate items of expenditures making up that amount, he replied that he charged the work up according to his estimates, and he did not know whether there had been any detailed account of the expenditures kept or not. If there had been such a book he would have produced it; and we are left to understand that no such book has been kept. It would not suit his purpose to keep such a detailed account of cost; he well knew that his estimates were too low; and trusting to the system which had protected him thus far he depended upon it in this emergency to enable him to wrest the printing of the debates from the hands of the gentlemen who have served the Government honestly and faithfully so long.

By diligent and patient effort the committee at last succeeded in ascertaining from the employés of the office who were engaged upon this work that there was paid to them for this service $477.60; and by the testimony of the Congressional Printer the paper for it cost $170.81, making total cost $648.41, while it is stated in the official report to be $249.26; but a very little more than one-third of the actual cost. And the only excuse or apology offered by him for thus willfully falsifying his official statement to Congress was that he might conform to his estimates! What do you think, sir, of that style of book-keeping? Is it acceptable to Congress? Is it acceptable to the people, who furnish the money that is thus mysteriously manipulated? What is the necessity of thus flagrantly falsifying if the conduct of his office had been entirely straightforward and honest? If he has been laboring for the interests of the Government in the matter of printing the debates, why is there any occasion for him to conceal the truth?

When the Congressional Printer was asked if the cost of stereotyping the book edition was included in his statement of cost given in the annual report, he answered that it was not; that as stereotyping was not originally estimated for, it could not be included in his report, because he "charged the RECORD up just as the proposals read." He admitted the cost to be from 90 cents to $1 per page, and as there were 213 pages to be stereotyped, the cost at $1 per page must be $213. This sum is therefore to be added as a legitimate item in the cost of the work. In Senate Miscellaneous Document No. 5, first session Forty-third Congress, report of the Secretary of the Senate, it appears that the making of the index to the RECORD for the executive session cost $75. This money was not paid out by the Congressional Printer and therefore could not be reported by him, but as it is one of the elements of cost and always must be, it is to be added to the expense.

The cost of the book edition is given in the report as $2,104.86. This includes type-setting and the printing on the basis of the estimates. Now, if we bring these items together we shall have the following:

Book edition, including type-setting	$2,104 86
Daily edition	648 41
Stereotyping	213 00
Making index	75 00
Total	3,041 27

These items are none of them disputed by the Congressional Printer; they are all admitted to be correct, and we may therefore set this much down as definitely ascertained. This does not include anything for wear and tear of type and machinery, nor interest upon the investment employed. There are one or two items more claimed by Rives & Bailey as proper additions to the cost of the work, one of which is $125 for gas. The Congressional Printer disputed this item, and said there was no more gas consumed on account of the RECORD than there would have been if the work had not been done. As gas was consumed for two or three hours each morning in both the press-room and the folding-room, solely on account of the printing of the debates, I am unable to discover why there should not be some allowance made for this item of expense.

But suppose this and all other disputed items be omitted; suppose no account is taken of the many contingent items that always follow a large printing establishment, and suppose no allowance be made for wear and tear and interest on capital; we shall then have the acknowledgment of the Congressional Printer of $3,041.27 as the cost of the work. In his official report it is given to us as $2,354.12, only about three-fourths of the actual cost. On page 11 of the testimony there is a detailed statement showing that the entire cost to the Government of printing the proceedings of that session under proposition of Rives & Bailey would have been $2,889.26, which is 5 per cent. less than the acknowledged cost under the Congressional Printer; and they claim that the difference is really much greater than this. There is certainly this difference in their favor, beyond all possibility of dispute, and the difference is acknowledged by the Congressional Printer. But, sir, the proposition of Messrs. Rives & Bailey, now before the House, is even lower than the one submitted by them in February, 1873, and under which the above comparison is made. So if economy is shown in their favor on the basis of their first proposition, there will be much more under the one now proposed. What clearer, stronger evidence than this is desired? The Congressional Printer states on page 9 of his last report, that he had—

A fair opportunity for testing the capacity of this office for the work; and I am fully convinced, under that experience, that promptness and economy are secured

by the transfer. Its resources are so manifold and its economy of labor and material is such that at least 30 per cent. of the money heretofore expended in accomplishing this work will be saved to the Government.

The Congressional Printer has here stated what he must have known to be a positive falsehood, and what he has since, before the committee, acknowledged to be such. Shall we tamely submit to this systematic deception at the hands of a public officer, and make no effort to inquire into the motive for such conduct?

I now come to the present session, and I had even more difficulty in arriving at the cost as the work is now being done, because there was a determined effort to deceive and mislead in every respect. I have not time now, nor is it necessary, to point out the inaccuracies and contradictions in the testimony. Any one who will give the case a careful reading will be able to see for himself.

In the course of the Congressional Printer's examination, he submitted a statement purporting to show the actual expenditure on account of the RECORD during the month of February, and he also applied his estimates to the services rendered for the purpose of showing a comparison between actual expense and his estimates of the same. This comparative statement may be found on page 40 of the testimony, and upon it we have had to depend largely for information. A careful analysis of it shows a result entirely different from that which it pretended to exhibit. From that statement the Congressional Printer would have us believe that he is now printing the debates nearly 20 per cent. less than his estimates, and if all his previous statements had been truthful we should have been inclined to accept that without question, because it bears upon the face of it the appearance of accuracy and a willingness to let the truth be known. But when misrepresentation and deception have been the rule, it will not do to accept anything without the closest scrutiny.

I will first analyze the application of the estimates to the work done, and we come upon the first misstatement in the first line. It is stated that the composition would, at $1.50 per 1,000 ems—the estimated cost—amount to $8,465.55. The actual measurement of matter was 5,484,000 ems, and at $1.50 per 1,000, the cost would be $8,226. The second misstatement is found in the fourth line. The 1,292 copies of the RECORD furnished to subscribers are put into this showing, not in accordance with the estimates, but at 17 cents per 100 pages, the rate at which they are furnished to subscribers, and which rate is nearly 10 per cent. higher than the estimates. Each copy of the RECORD for the month of February contained 868 pages or 54¼ sheets, and as the estimate was 2 cents for each additional sheet, 54¼ would amount to $1.08¼. This, then, is the price per copy of the RECORD under the estimates for the month of February, and 1,292 copies would amount to $1,401.82, instead of $1,906.47 as stated by the Congressional Printer.

The next item is press-work on documents, $723. There never was any estimate for document printing in connection with the printing of the RECORD, and the item should not be put into a statement which purports to be made out in accordance with the estimates. The last item is for press-work on RECORD, $155.80. This, sir, is barefaced impudence, or inexcusable ignorance, but it is in keeping with almost everything we get from that official. The estimate of the Congressional Printer included in plain terms the paper, the press-work, folding, mailing, and every possible service connected with the getting out of the daily edition, and the press-work is therefore included in the 2 cents per sheet before mentioned. There is no place in the estimates where press-work is provided for, nor is there the slightest justification in the world for the appearance of this item here. Why should he seek to put it in and thus endeavor to mislead us in our investigation in that way?

But these last two items, though neither of them has any business whatever in the statement, serve the purpose of exposing another instance of the Congressional Printer's charging exorbitant prices on some work that he may do another piece for little or nothing. He says there were 241,000 impressions of document work, costing $723. He also says there were 2,258 copies of the RECORD, 868 pages each, which would give 250,000 impressions, costing $155.80. Documents are charged at $3 per 1,000 and the RECORD at 62 cents per 1 000.

As we progress in this statement it is plain to be seen that its character is no better than that of everything else the Congressional Printer has given to us, notwithstanding its very bland appearance at first.

The cost under the estimates would be as follows:

Composition of debates, 5,484,000 ems, at $1.50	$8,226 00
Composition of documents in wasting time	220 44
500 copies daily to Congress	509 41
466 copies daily to Congress	505 61
1,292 copies daily to subscribers	1,401 82
Total	10,863 28

Now as to the actual cost. The pay-roll for the RECORD room we have no means of knowing anything about. Gas bill for RECORD-room is said to be $221.10. On page 8 of Mr. Church's closing statement before the committee will be found a letter from the secretary of the Gas-light Company, stating that of the one hundred and two burners in the room, twenty-four are supplied from a meter that is attached to another part of the building; therefore the meter in the RECORD room reports only about three fourths of the gas consumed in the room—another effort to make the expense appear as little as possible. Therefore we must add one-third of the gas reported in order to get the correct quantity. This makes that item $293.10. There are several omissions of expense which must be added. The clerk in the Senate post-office receives four dollars per day, and as he is said to perform some service at the office, mornings before coming to the Capitol, the Congressional Printer allows three-fourths of his wages to be charged to the RECORD.

There were 23 working days in February, and at $4 per day the salary of the clerk would amount to $92, three-fourths of which, $69, is chargeable to the RECORD. The next omission is the gas consumed in the press-room and folding-room, which the Congressional Printer allows to be $76.36. The next omission is the wages of the watchman, 28 days, at $3.30, amounting to $92.40. The next omission is for stereotyping 825 pages, at $1 per page, $825. If we collect together all the items of cost, they will stand thus:

Pay-roll for RECORD-room	$6,490 05
Pay-roll for press-room	827 47
Pay-roll for folding-room	1,062 58
Clerk at Senate post-office	69 00
Paper for 966 copies daily to Congress	607 08
Paper for 1,292 copies daily to subscribers	835 28
Gas bill for RECORD-room	293 10
Gas bill for press and folding rooms	76 36
Watchman, 28 days at $3.30	92 40
Stereotyping 825 pages at $1	825 00
Actual expense incurred	11,181 32
Cost under estimate	10,863 28
Difference	318 04

So instead of the service already performed by him during the month of February being 20 per cent. below the estimate, it is actually *above* the estimate, and this showing is more favorable for the Congressional Printer than any which can be made, because the only item in his estimates that is sufficient to cover the cost is that of type-setting, and this is included in the above statement. By this statement it appears that the type-setting did not cost so much as the estimates within about $1,800, while there was a deficiency on the others of something over $2,100; and when we come to the bound edition every single item is largely underestimated. The service connected with the daily is considerably less than that belonging to the regular number on the bound edition; therefore when the entire service is considered the deficiency in the estimates comes to be large. The estimate for the bound edition was about 10 cents per 100 pages, and I now propose to show you that the cost is not less than 15 cents for that quantity of work, or 50 per cent. more than it was estimated would be the cost. In the first place, the only service that is rendered upon the daily and not upon the bound edition is that of stitching; there is the same amount of paper required, there is the same quantity of press-work, and the folding and gathering must be done the same for one as the other. But there are elements of cost upon the book edition which do not enter into the daily, such as dry-pressing, stereotyping, printing on finer paper and at a slower rate of speed. These items more than overbalance the cost of stitching, so that the cost of the book edition cannot by any possibility be less than that of the daily, and the probabilities are that it will be more.

Now the Congressional Printer charges 17 cents per 100 pages for the daily RECORD to subscribers, and this rate is fixed upon under the authority of the law which allows public documents to be sold for the cost of paper and press-work and 10 per cent. thereon. This rate, therefore, is to be taken as his acknowledgment of the actual cost and 10 per cent. added, from which, by a simple arithmetical calculation, the cost is ascertained to be 15.5 cents per 100 pages. This point was examined very closely by the committee during the investigation, and the testimony of the Congressional Printer fully corroborated the figures above named. At first he prevaricated as he did upon almost everything else. He said this rate was intended to apply to the daily and not to the bound edition. The chairman then said:

Question. Do I then understand you that the cost of the daily and bound volumes, where composition is included, would be above the 15.5 cents?
Answer. No, sir.
Q. Would it vary essentially?
A. It would be below that somewhat, I think.

By Mr. HALE:

Q. Are you not wrong? You would have to add to that the cost of composition?
A. O, yes; it would cost more; that is for the first composition. *This is the estimated cost of press-work and paper.*
Q. *The 17 cents per 100 pages?*
A. *Yes, sir; that is the estimated cost of extra copies for the press-work and paper.*

Then at the bottom of the same page, (27,) but on the following day, the Congressional Printer endeavored to explain again, that this rate was fixed upon with reference to the daily edition only, and could not apply to the bound edition. The committee, it appears from the testimony, could not understand how it made any difference what it was intended to apply to; if it was the cost that was all there was to the question, whether the purpose was to apply it to the one or the other. After some cross-questioning by the chairman, as will be seen by reference to pages 28 and 29, the Congressional Printer finally replied *that this rate was as near the cost as could be approximated, and the committee took this as his answer in reference to the cost.*

Now, I wish to call your attention to the February statement, before referred to, and will show you from it that the rate is not high enough to cover the actual cost. The Congressional Printer says the

number of copies printed was 2,258, each containing 868 pages. This gives an aggregate number of 1,959,944 pages. The cost of producing this quantity of work is as follows:

Pay-roll in press-room	$827 47
Pay-roll in folding-room	1,062 58
Paper for 966 copies to Congress	607 08
Paper for 1,292 copies to subscribers	835 28
Clerk at Senate Post-Office	69 00
Watchman, 28 days, at $3.30	92 40
Gas bill in press and folding-rooms	76 36
Cost of 1,959,944 pages	3,570 17

Cost per 100 pages 17¾ cents.
Cost, and 10 per cent. added, 19½ cents.

This calculation does not make any allowance for any of the many contingent items of expense, nor for wear and tear of type and interest on capital; so it must be perfectly apparent to any one who desires to reach the truth that instead of 15.5 cents being too high it is too low. But suppose we accept that as the cost, and apply it to the full number of copies of the book edition now contemplated, namely, about 10,400, of 5,714 pages each, we shall find that the cost of executing that quantity of work under the present arrangement will be $160,224.03; while by the proposition of Messrs. Rives & Bailey they offer to perform this service for $148,564, making a saving to the Government of $11,660 on a single long session on the printing; and on the binding of the book edition their proposition is about 12 cents per volume below the cost at the Public Printing Office. This would save to the Government about $9,000 in a single long session, or a little more than $20,000 on printing and binding together. These figures challenge the closest scrutiny, for they are strictly correct.

Here then is an opportunity for us to save about $30,000 in the two sessions of Congress on the printing and binding of our debates, and at the same time to deal justly and fairly with an enterprising firm that has for many years served us justly and fairly.

DEVELOPMENT OF THE RESOURCES OF THE COUNTRY.

[Mr. BIERY addressed the House on the bill (H. R. No. 1246) to establish at the seat of Government a department of manufactures and mining, and for other purposes, and the substitute therefor reported by the Committee on Manufactures. His remarks will appear in the Appendix.]

CIVIL RIGHTS.

Mr. RAPIER. Mr. Speaker, I had hoped there would be no protracted discussion on the civil-rights bill. It has been debated all over the country for the last seven years; twice it has done duty in our national political campaigns; and in every minor election during that time it has been pressed into service for the purpose of intimidating the weak white men who are inclined to support the republican ticket. I was certain until now that most persons were acquainted with its provisions, that they understood its meaning; therefore it was no longer to them the monster it had been depicted, that was to break down all social barriers, and compel one man to recognize another socially, whether agreeable to him or not.

I must confess it is somewhat embarrassing for a colored man to urge the passage of this bill, because if he exhibit an earnestness in the matter and express a desire for its immediate passage, straightway he is charged with a desire for social equality, as explained by the demagogue and understood by the ignorant white man. But then it is just as embarrassing for him not to do so, for, if he remain silent while the struggle is being carried on around, and for him, he is liable to be charged with a want of interest in a matter that concerns him more than any one else, which is enough to make his friends desert his cause. So in steering away from Scylla I may run upon Charybdis. But the anomalous, and I may add the supremely ridiculous, position of the negro at this time, in this country, compel me to say something. Here his condition is without a comparison, parallel alone to itself. Just think that the law recognizes my right upon this floor as a law-maker, but that there is no law to secure to me any accommodations whatever while traveling here to discharge my duties as a Representative of a large and wealthy constituency. Here I am the peer of the proudest, but on a steamboat or car I am not equal to the most degraded. Is not this most anomalous and ridiculous?

What little I shall say will be more in the way of stating the case than otherwise, for I am certain I can add nothing to the arguments already made in behalf of the bill. If in the course of my remarks I should use language that may be considered inelegant, I have only to say that it shall be as elegant as that used by the opposition in discussing this measure; if undignified, it shall not be more so than my subject; if ridiculous, I enter the plea that the example has been set by the democratic side of the House, which claims the right to set examples. I wish to say in justice to myself that no one regrets more than I do the necessity that compels one to the manner born to come in these Halls with hat in hand (so to speak) to ask at the hands of his political peers the same public rights they enjoy. And I shall feel ashamed for my country if there be any foreigners present, who have been lured to our shores by the popular but untruthful declaration that this land is the asylum of the oppressed, to hear a member of the highest legislative body in the world declare from his place, upon his responsibility as a Representative, that notwithstanding his political position he has no civil rights that another class is bound to respect. Here a foreigner can learn what he cannot learn in any other country, that it is possible for a man to be half free and half slave, or, in other words, he will see that it is possible for a man to enjoy political rights while he is denied civil ones; here he will see a man legislating for a free people, while his own chains of civil slavery hang about him, and are far more galling than any the foreigner left behind him; here will see what is not to be seen elsewhere, that position is no mantle of protection in our "land of the free and home of the brave;" for I am subjected to far more outrages and indignities in coming to and going from this capital in discharge of my public duties than any criminal in the country providing he be white. Instead of my position shielding me from insult, it too often invites it.

Let me cite a case. Not many months ago Mr. Cardoza, treasurer of the State of South Carolina, was on his way home from the West. His route lay through Atlanta. There he made request for a sleeping-berth. Not only was he refused this, but was denied a seat in a first-class carriage, and the parties went so far as to threaten to take his life because he insisted upon his rights as a traveler. He was compelled, a most elegant and accomplished gentleman, to take a seat in a dirty smoking-car, along with the traveling rabble, or else be left, to the detriment of his public duties.

I affirm, without the fear of contradiction, that any white ex-convict (I care not what may have been his crime, nor whether the hair on the shaven side of his head has had time to grow out or not) may start with me to-day to Montgomery, that all the way down he will be treated as a gentleman, while I will be treated as the convict. He will be allowed a berth in a sleeping-car with all its comforts, while I will be forced into a dirty, rough box with the drunkards, apple-sellers, railroad hands, and next to any dead that may be in transit, regardless of how far decomposition may have progressed. Sentinels are placed at the doors of the better coaches, with positive instructions to keep persons of color out; and I must do them the justice to say that they guard these sacred portals with a vigilance that would have done credit to the flaming swords at the gates of Eden. Tender, pure, intelligent young ladies are forced to travel in this way if they are guilty of the crime of color, the only unpardonable sin known in our Christian and Bible lands, where sinning against the Holy Ghost (whatever that may be) sinks into insignificance when compared with the sin of color. If from any cause we are compelled to lay over, the best bed in the hotel is his if he can pay for it, while I am invariably turned away, hungry and cold, to stand around the railway station until the departure of the next train, it matters not how long, thereby endangering my health, while my life and property are at the mercy of any highwayman who may wish to murder and rob me.

And I state without the fear of being gainsaid, the statement of the gentleman from Tennessee to the contrary notwithstanding, that there is not an inn between Washington and Montgomery, a distance of more than a thousand miles, that will accommodate me to a bed or meal. Now, then, is there a man upon this floor who is so heartless, whose breast is so void of the better feelings, as to say that this brutal custom needs no regulation? I hold that it does and that Congress is the body to regulate it. Authority for its action is found not only in the fourteenth amendment to the Constitution, but by virtue of that amendment (which makes all persons born here citizens,) authority is found in article 4, section 2 of the Federal Constitution, which declares in positive language "that the citizens of each State shall have the same rights as the citizens of the several States." Let me read Mr. Brightly's comment upon this clause; he is considered good authority, I believe. In describing the several rights he says they may be all comprehended under the following general heads: "Protection by the Government; the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety; the right of a citizen of one State to pass through or to reside in any other State for purposes of trade, agriculture, professional pursuits, or otherwise."

It is very clear that the right of locomotion without hinderance and everything pertaining thereto is embraced in this clause; and every lawyer knows if any white man in *ante bellum* times had been refused first-class passage in a steamboat or car, who was free from any contagious disease, and was compelled to go on deck of a boat or into a baggage-car, and any accident had happened to him while he occupied that place, a lawsuit would have followed and damages would have been given by any jury to the plaintiff; and whether any accident had happened or not in the case I have referred to, a suit would have been brought for a denial of rights, and no one doubts what would have been the verdict. White men had rights then that common carriers were compelled to respect, and I demand the same for the colored men now.

Mr. Speaker, whether this deduction from the clause of the Constitution just read was applicable to the negro prior to the adoption of the several late amendments to our organic law is not now a question, but that it does apply to him in his new relations no intelligent man will dispute. Therefore I come to the national, instead of going to the local Legislatures for relief, as has been suggested, because the grievance is national and not local; because Congress is the law-making power of the General Government, whose duty it is to see that there be no unjust and odious discriminations made between its citizens. I look to the Government in the place of the several States, because

it claims my first allegiance, exacts at my hands strict obedience to its laws, and because it promises in the implied contract between every citizen and the Government to protect my life and property. I have fulfilled my part of the contract to the extent I have been called upon, and I demand that the Government, through Congress do likewise. Every day my life and property are exposed, are left to the mercy of others, and will be so as long as every hotel-keeper, railroad conductor, and steamboat captain can refuse me with impunity the accommodations common to other travelers. I hold further, if the Government cannot secure to a citizen his guaranteed rights it ought not to call upon him to perform the same duties that are performed by another class of citizens who are in the free and full enjoyment of every civil and political right.

Sir, I submit that I am degraded as long as I am denied the public privileges common to other men, and that the members of this House are correspondingly degraded by recognizing my political equality while I occupy such a humiliating position. What a singular attitude for law-makers of this great nation to assume, rather come down to me than allow me to go up to them. Sir, did you ever reflect that this is the only Christian country where poor, finite man is held responsible for the crimes of the infinite God whom you profess to worship? But it is; I am held to answer for the crime of color, when I was not consulted in the matter. Had I been consulted, and my future fully described, I think I should have objected to being born in this gospel land. The excuse offered for all this inhuman treatment is that they consider the negro inferior to the white man, intellectually and morally. This reason might have been offered and probably accepted as truth some years ago, but no one now believes him incapable of a high order of culture, except some one who is himself below the average of mankind in natural endowments. This is not the reason as I shall show before I have done.

Sir, there is a cowardly propensity in the human heart that delights in oppressing somebody else, and in the gratification of this base desire we always select a victim that can be outraged with safety. As a general thing the Jew has been the subject in most parts of the world; but here the negro is the most available for this purpose; for this reason in part he was seized upon, and not because he is naturally inferior to any one else. Instead of his enemies believing him to be incapable of a high order of mental culture, they have shown that they believe the reverse to be true, by taking the most elaborate pains to prevent his development. And the smaller the caliber of the white man the more frantically has he fought to prevent the intellectual and moral progress of the negro, for the simple but good reason that he has most to fear from such a result. He does not wish to see the negro approach the high moral standard of a man and gentleman.

Let me call your attention to a case in point. Some time since a well-dressed colored man was traveling from Augusta to Montgomery. The train on which he was stopped at a dinner-house. The crowd around the depot seeing him well dressed, fine-looking, and polite, concluded he must be a gentleman, (which was more than their righteous souls could stand,) and straightway they commenced to abuse him. And, sir, he had to go into the baggage-car, open his trunks, show his cards, faro-bank, dice, &c., before they would give him any peace; or, in other words, he was forced to give satisfactory evidence that he was not a man who was working to elevate the moral and intellectual standard of the negro before they would respect him. I have always found more prejudice existing in the breasts of men who have feeble minds and are conscious of it, than in the breasts of those who have towering intellects and are aware of it. Henry Ward Beecher reflected the feelings of the latter class when on a certain occasion he said: "Turn the negro loose; I am not afraid to run the race of life with him." He could afford to say this, all white men cannot; but what does the other class say? "Build a Chinese wall between the negro and the school-house, discourage in him pride of character and honest ambition, cut him off from every avenue that leads to the higher grounds of intelligence and usefulness, and then challenge him to a contest upon the highway of life to decide the question of superiority of race." By their acts, not by their words, the civilized world can and will judge how honest my opponents are in their declarations that I am naturally inferior to them. No one is surprised that this class opposes the passage of the civil-rights bill, for if the negro were allowed the same opportunities, the same rights of locomotion, the same rights to comfort in travel, how could they prove themselves better than the negro?

Mr. Speaker, it was said, I believe by the gentleman from Kentucky, [Mr. BECK,] that the people of the South, particularly his State, were willing to accord the colored man all the rights they believe him guaranteed by the Constitution. No one doubts this assertion. But the difficulty is they do not acknowledge that I am entitled to any rights under the organic law. I am forced to this conclusion by reading the platforms of the democratic party in the several States. Which one declares that that party believes in the constitutionality of the Reconstruction Acts or the several amendments? But upon the other hand, they question the constitutionality of every measure that is advanced to ameliorate the condition of the colored man; and so skeptical have the democracy become respecting the Constitution, brought about by their unsuccessful efforts to find constitutional objections to every step that is taken to elevate the negro, that now they begin to doubt the constitutionality of the Constitution itself. The most they have agreed to do, is to obey present laws bearing on manhood suffrage until they are repealed by Congress or decided to be unconstitutional by the Supreme Court.

Let me read what the platform of the democratic party in Alabama has to say on this point:

> The democratic and conservative party of the State of Alabama, in entering upon the contest for the redemption of the State government from the radical usurpers who now control it, adopt and declare as their platform—
>
> 1. That we stand ready to obey the Constitution of the United States and the laws passed in pursuance thereof, and the constitution and laws of the State of Alabama, so long as they remain in force and unrepealed.

I will, however, take the gentleman at his word; but must be allowed to ask if so why was it, even after the several amendments had been officially announced to be part of the Federal Constitution, that his State and others refused to allow the negro to testify in their courts against a white man? If they believed he should be educated (and surely this is a right) why was it that his school-houses were burned down, and the teachers who had gone down on errands of mercy to carry light into dark places driven off, and in some places killed? If they believe the negro should vote, (another right, as I understand the Constitution,) why was it that Ku-Klux Klans were organized to prevent him from exercising the right of an American citizen, namely, casting the ballot—the very thing they said he had a right to do?

The professed belief and practice are sadly at variance, and must be intelligently harmonized before I can be made to believe that they are willing to acknowledge that I have any rights under the Constitution or elsewhere. He boasts of the magnanimity of Kentucky in allowing the negro to vote without qualification, while to enjoy the same privilege in Massachusetts he is required to read the constitution of that State. He was very unhappy in this comparison. Why, sir, his State does not allow the negro to vote at all. When was the constitution of Kentucky amended so as to grant him the elective franchise? They vote there by virtue of the fifteenth amendment alone, independent of the laws and constitution of that Commonwealth; and they would to-day disfranchise him if it could be done without affecting her white population. The Old Bay State waited for no "act of Congress" to force her to do justice to all of her citizens, but in *ante bellum* days provided in her constitution that all male persons who could read and write should be entitled to suffrage. That was a case of equality before the law, and who had a right to complain? There is nothing now in the amended Federal Constitution to prevent Kentucky from adopting the same kind of clause in her constitution, when the convention meets to revise the organic law of that State, I venture the assertion that you will never hear a word about it; but it will not be out of any regard for her colored citizens, but the respect for that army of fifty-thousand ignorant white men she has within her borders, many of whom I see every time I pass through that State, standing around the several depots continually harping on the stereotyped phrase, "The damned negro won't work."

I would not be surprised though if she should do better in the future. I remember when a foreigner was just as unpopular in Kentucky as the negro is now; when the majority of the people of that State were opposed to according the foreigner the same rights they claimed for themselves; when that class of people were mobbed in the streets of her principal cities on account of their political faith, just as they have done the negro for the last seven years. But what do you see to-day? One of that then proscribed class is Kentucky's chief Representative upon this floor. Is not this an evidence of a returning sense of justice? If so, would it not be reasonable to predict that she will in the near future send one of her now proscribed class to aid him in representing her interests upon this floor?

Mr. Speaker, there is another member of this body who has opposed the passage of this bill very earnestly, whose position in the country and peculiar relations to the Government compel me to refer to him before I conclude. I allude to the gentleman from Georgia, [Mr. STEPHENS.] He returns to this House after an absence of many years with the same old ideas respecting State-rights that he carried away with him. He has not advanced a step; but unfortunately for him the American people have, and no longer consider him a fit expounder of our organic law. Following to its legitimate conclusion the doctrine of State-rights, (which of itself is secession,) he deserted the flag of his country, followed his State out of the Union, and a long and bloody war followed. With its results most men are acquainted and recognize; but he, Bourbon-like, comes back saying the very same things he used to say, and swearing by the same gods he swore by in other days. He seems not to know that the ideas which he so ably advanced for so many years were by the war swept away, along with that system of slavery which he intended should be the chief corner-stone, precious and elect, of the transitory kingdom over which he was second ruler.

Sir, the most of us have seen the play of Rip Van Winkle, who was said to have slept twenty years in the Katskill Mountains. On his return he found that the small trees had grown up to be large ones; the village of Falling Waters had improved beyond his recollection; the little children that used to play around his knees and ride into the village upon his back had grown up to be men and women and assumed the responsibilities of life; most of his friends, including Nick Vedder, had gone to that bourn whence no traveler returns; but, saddest of all, his child, "Mene," could not remember him. No

one can see him in his efforts to recall the scenes of other days without being moved almost to tears. This, however, is fiction. The life and actions of the gentleman from Georgia most happily illustrate this character. This is a case where truth is stranger than fiction; and when he comes into these Halls advocating the same old ideas after an absence of so many years, during which time we have had a conflict of arms such as the world never saw, that revolutionized the entire body-politic, he stamps himself a living "Rip Van Winkle."

I reiterate, that the principles of "State-rights," for the recognition of which, he now contends, are the ones that were in controversy during our late civil strife. The arguments *pro* and *con* were heard in the roar of battle, amid the shrieks of the wounded, and the groans of the dying; and the decision was rendered amid shouts of victory by the Union soldiers. With it all appear to be familiar except him, and for his information I will state that upon this question an appeal was taken from the forum to the sword, the highest tribunal known to man, that it was then and there decided that National rights are paramount to State-rights, and that liberty and equality before the law should be coextensive with the jurisdiction of the Stars and Stripes. And I will further inform him that the bill now pending is simply to give practical effect to that decision.

I sympathize with him in his inability to understand this great change. When he left here the negro was a chattel, exposed for sale in the market places within a stone's throw of the Capitol; so near that the shadow of the Goddess of Liberty reflected by the rising sun would fall within the slave-pen as a forcible reminder that there was no hopeful day, nothing bright in the future, for the poor slave. Then no negro was allowed to enter these Halls and hear discussions on subjects that most interested him. The words of lofty cheer that fell from the lips of Wade, Giddings, Julian, and others were not allowed to fall upon his ear. Then, not more than three negroes were allowed to assemble at any place in the capital of the nation without special permission from the city authorities. But on his return he finds that the slave-pens have been torn down, and upon their ruins temples of learning have been erected; he finds that the Goddess of Liberty is no longer compelled to cover her radiant face while she weeps for our national shame, but looks with pride and satisfaction upon a free and regenerated land; he finds that the laws and regulations respecting the assembling of negroes are no longer in force, but on the contrary he can see on any public holiday the Butler Zouaves, a fine-looking company of colored men, on parade.

Imagine, if you can, what would have been the effect of such a sight in this city twelve years ago. Then one negro soldier would have caused utter consternation. Congress would have adjourned; the Cabinet would have sought protection elsewhere; the President would have declared martial law; troops and marines would have been ordered out; and I cannot tell all that would have happened; but now such a sight does not excite a ripple on the current of affairs; but over all, and worse to him than all, he finds the negro here, not only a listener but a participant in debate. While I sympathize with him in his inability to comprehend this marvelous change, I must say in all earnestness that one who cannot understand and adjust himself to the new order of things is poorly qualified to teach this nation the meaning of our amended Constitution. The tenacity with which he sticks to his purpose through all the vicissitudes of life is commendable, though his views be objectionable.

While the chief of the late confederacy is away in Europe fleeing the wrath to come in the shape of Joe Johnston's history of the war, his lieutenant, with a boldness that must challenge the admiration of the most impudent, comes into these Halls and seeks to commit the nation through Congress to the doctrine of State-rights, and thus save it from the general wreck that followed the collapse of the rebellion. He had no other business here. Read his speech on the pending bill; his argument was cunning, far more ingenious than ingenuous. He does not deny the need or justness of the measure, but claims that the several States have exclusive jurisdiction of the same. I am not so willing as some others to believe in the sincerity of his assertions concerning the rights of the colored man. If he were honest in this matter, why is it he never recommended such a measure to the Georgia Legislature? If the several States had secured to all classes within their borders the rights contemplated in this bill, we would have had no need to come here; but they having failed to do their duty, after having had ample opportunity, the General Government is called upon to exercise its right in the matter.

Mr. Speaker, time will not allow me to review the history of the American negro, but I must pause here long enough to say that he has not been properly treated by this nation; he has purchased and paid for all, and for more, than he has yet received. Whatever liberty he enjoys has been paid for over and over again by more than two hundred years of forced toil; and for such citizenship as is allowed him he paid the full measure of blood, the dearest price required at the hands of any citizen. In every contest, from the beginning of the revolutionary struggle down to the war between the States, has he been prominent. But we all remember in our late war when the Government was so hard pressed for troops to sustain the cause of the Union, when it was so difficult to fill up the ranks that had been so fearfully decimated by disease and the bullet; when every train that carried to the front a number of fresh soldiers brought back a corresponding number of wounded and sick ones; when grave doubts as to the success of the Union arms had seized upon the minds of some of the most sanguine friends of the Government; when strong men took counsel of their fears; when those who had all their lives received the fostering care of the nation were hesitating as to their duty in that trying hour, and others questioning if it were not better to allow the star of this Republic to go down and thus be blotted out from the great map of nations than to continue the bloodshed; when gloom and despair were wide-spread; when the last ray of hope had nearly sunk below our political horizon, how the negro then came forward and offered himself as a sacrifice in the place of the nation, made bare his breast to the steel, and in it received the thrusts of the bayonet that were aimed at the life of the nation by the soldiers of that government in which the gentleman from Georgia figured as second officer.

Sir, the valor of the colored soldier was tested on many a battle-field, and to-day his bones lie bleaching beside every hill and in every valley from the Potomac to the Gulf; whose mute eloquence in behalf of equal rights for all before the law, is and ought to be far more persuasive than any poor language I can command.

Mr. Speaker, nothing short of a complete acknowledgment of my manhood will satisfy me. I have no compromises to make, and shall unwillingly accept any. If I were to say that I would be content with less than any other member upon this floor I would forfeit whatever respect any one here might entertain for me, and would thereby furnish the best possible evidence that I do not and cannot appreciate the rights of a freeman. Just what I am charged with by my political enemies. I cannot willingly accept anything less than my full measure of rights as a man, because I am unwilling to present myself as a candidate for the brand of inferiority, which will be as plain and lasting as the mark of Cain. If I am to be thus branded, the country must do it against my solemn protest.

Sir, in order that I might know something of the feelings of a freeman, a privilege denied me in the land of my birth, I left home last year and traveled six months in foreign lands, and the moment I put my foot upon the deck of a ship that unfurled a foreign flag from its mast-head, distinctions on account of my color ceased. I am not aware that my presence on board the steamer put her off her course. I believe we made the trip in the usual time. It was in other countries than my own that I was not a stranger, that I could approach a hotel without the fear that the door would be slammed in my face. Sir, I feel this humiliation very keenly; it dwarfs my manhood, and certainly it impairs my usefulness as a citizen.

The other day when the centennial bill was under discussion I would have been glad to say a word in its favor, but how could I? How would I appear at the centennial celebration of our national freedom, with my own galling chains of slavery hanging about me? I could no more rejoice on that occasion in my present condition than the Jews could sing in their wonted style as they sat as captives beside the Babylonish streams; but I look forward to the day when I shall be in the full enjoyment of the rights of a freeman, with the same hope they indulged, that they would again return to their native land. I can no more forget my manhood, than they could forget Jerusalem.

After all, this question resolves itself to this: either I am a man or I am not a man. If one, I am entitled to all the rights, privileges, and immunities common to any other class in this country; if not a man, I have no right to vote, no right to a seat here; if no right to vote, then 20 per cent. of the members on this floor have no right here, but, on the contrary, hold their seats *in violation of law*. If the negro has no right to vote, then one-eighth of your Senate consists of members who have no shadow of a claim to the places they occupy; and if no right to a vote, a half-dozen governors in the South figure as usurpers.

This is the legitimate conclusion of the argument, that the negro is not a man and is not entitled to all the public rights common to other men, and you cannot escape it. But when I press my claims I am asked, "Is it good policy?" My answer is, "Policy is out of the question; it has nothing to do with it; that you can have no policy in dealing with your citizens; that there must be one law for all; that in this case justice is the only standard to be used, and you can no more divide justice than you can divide Deity." On the other hand, I am told that I must respect the prejudices of others. Now, sir, no one respects reasonable and intelligent prejudices more than I. I respect religious prejudices, for example; these I can comprehend. But how can I have respect for the prejudices that prompt a man to turn up his nose at the males of a certain race, while at the same time he has a fondness for the females of the same race to the extent of cohabitation? Out of four poor unfortunate colored women who from poverty were forced to go to the lying-in branch of the Freedmen's Hospital here in the District last year three gave birth to children whose fathers were white men, and I venture to say that if they were members of this body, would vote against the civil-rights bill. Do you, can you wonder at my want of respect for this kind of prejudice? To make me feel uncomfortable appears to be the highest ambition of many white men. It is to them a positive luxury, which they seek to indulge at every opportunity.

I have never sought to compel any one, white or black to associate with me, and never shall; nor do I wish to be compelled to associate with any one. If a man do not wish to ride with me in the street-car I shall not object to his hiring a private conveyance; if he do not wish to ride with me from here to Baltimore, who shall complain if he charter a special train? For a man to carry out his preju-

dices in this way would be manly, and would leave no cause for complaint, but to crowd me out of the usual conveyance into an uncomfortable place with persons for whose manners I have a dislike, whose language is not fit for ears polite, is decidedly unmanly and cannot be submitted to tamely by any one who has a particle of self-respect.

Sir, this whole thing grows out of a desire to establish a system of "caste," an anti-republican principle, in our free country. In Europe they have princes, dukes, lords, &c., in contradistinction to the middle classes and peasants. Further East they have the brahmans or priests, who rank above the sudras or laborers. In those countries distinctions are based upon blood and position. Every one there understands the custom and no one complains. They, poor innocent creatures, pity our condition, look down upon us with a kind of royal compassion, because they think we have no tangible lines of distinction, and therefore speak of our society as being vulgar. But let not our friends beyond the seas lay the flattering unction to their souls that we are without distinctive lines; that we have no nobility; for we are blessed with both. Our distinction is color, (which would necessarily exclude the brahmans,) and our lines are much broader than anything they know of. Here a drunken white man is not only equal to a drunken negro, (as would be the case anywhere else,) but superior to the most sober and orderly one; here an ignorant white man is not only the equal of an unlettered negro, but is superior to the most cultivated; here our nobility cohabit with our female peasants, and then throw up their hands in holy horror when a male of the same class enters a restaurant to get a meal, and if he insist upon being accommodated our scion of royalty will leave and go to the arms of his colored mistress and there pour out his soul's complaint, tell her of the impudence of the "damned nigger" in coming to a table where a white man was sitting.

What poor, simple-minded creatures these foreigners are. They labor under the delusion that they monopolize the knowledge of the courtesies due from one gentleman to another. How I rejoice to know that it is a delusion. Sir, I wish some of them could have been present to hear the representative of the F. F. V.'s upon this floor (and I am told that that is the highest degree that society has yet reached in this country) address one of his peers, who dared asked him a question, in this style: "I am talking to white men." Suppose Mr. Gladstone—who knows no man but by merit—who in violation of our custom entertained the colored jubilee singers at his home last summer, or the Duke de Broglie, had been present and heard this eloquent remark drop from the lips of this classical and knightly member, would they not have hung their heads in shame at their ignorance of politeness, and would they not have returned home, repaired to their libraries, and betaken themselves to the study of Chesterfield on manners? With all these absurdities staring them in the face, who can wonder that foreigners laugh at our ideas of distinction?

Mr. Speaker, though there is not a line in this bill the democracy approve of, yet they made the most noise about the school clause. Dispatches are freely sent over the wires as to what will be done with the common-school system in the several Southern States in the event this bill becomes a law. I am not surprised at this, but, on the other hand, I looked for it. Now what is the force of that school clause? It simply provides that all the children in every State where there is a school system supported in whole or in part by general taxation shall have equal advantages of school privileges. So that if perfect and ample accommodations are not made convenient for all the children, then any child has the right to go to any school where they do exist. And that is all there is in this school clause. I want some one to tell me of any measure that was intended to benefit the negro that they have approved of. Of which one did they fail to predict evil? They declared if the negroes were emancipated that the country would be laid waste, and that in the end he would starve, because he could not take care of himself. But this was a mistake. When the reconstruction acts were passed and the colored men in my State were called upon to express through the ballot whether Alabama should return to the Union or not, white men threw up their hands in holy horror and declared if the negro voted that never again would they deposit another ballot. But how does the matter stand now? Some of those very men are in the republican ranks, and I have known them to grow hoarse in shouting for our platforms and candidates. They hurrah for our principles with all the enthusiasm of a new-born soul, and, sir, so zealous have they become that in looking at them I am amazed, and am often led to doubt my own faith and feel ashamed for my lukewarmness. And those who have not joined our party are doing their utmost to have the negro vote with them. I have met them in the cabins night and day where they were imploring him for the sake of old times to come up and vote with them.

I submit, Mr. Speaker, that political prejudices prompt the democracy to oppose this bill as much as anything else. In the campaign of 1868 Joe Williams, an uncouth and rather notorious colored man, was employed as a general democratic canvasser in the South. He was invited to Montgomery to enlighten us, and while there he stopped at one of the best hotels in the city, one that would not dare entertain me. He was introduced at the meeting by the chairman of the democratic executive committee as a learned and elegant, as well as eloquent gentleman. In North Alabama he was invited to speak at the Seymour and Blair barbecue, and did address one of the largest audiences, composed largely of ladies, that ever assembled in that part of the State. This I can prove by my simon-pure democratic colleague, Mr. SLOSS, for he was chairman of the committee of arrangements on that occasion, and I never saw him so radiant with good humor in all my life as when he had the honor of introducing "his friend," Mr. Williams. In that case they were extending their courtesies to a coarse, vulgar stranger, because he was a democrat, while at the same time they were hunting me down as the partridge on the mount, night and day, with their Ku-Klux Klan, simply because I was a republican and refused to bow at the foot of their Baal. I might enumerate many instances of this kind, but I forbear. But to come down to a later period, the Greeley campaign. The colored men who were employed to canvass North Carolina in the interest of the democratic party were received at all the hotels as other men and treated I am informed with marked distinction. And in the State of Louisiana a very prominent colored gentleman saw proper to espouse the Greeley cause, and when the fight was over and the McEnery government saw fit to send on a committee to Washington to present their case to the President, this colored gentleman was selected as one of that committee. On arriving in the city of New Orleans prior to his departure he was taken to the Saint Charles, the most aristocratic hotel in the South. When they started he occupied a berth in the sleeping-car; at every eating-house he was treated like the rest of them, no distinction whatever. And when they arrived at Montgomery I was at the depot, just starting for New York. Not only did the conductor refuse to allow me a berth in the sleeping-car, but I was also denied a seat in the first-class carriage. Now, what was the difference between us? Nothing but our political faith. To prove this I have only to say that just a few months before this happened, he, along with Frederick Douglass and others, was denied the same privileges he enjoyed in coming here. And now that he has returned to the right party again I can tell him that never more will he ride in another sleeping-car in the South unless this bill become law. There never was a truer saying than that circumstances alter cases.

Mr. Speaker, to call this land the asylum of the oppressed is a misnomer, for upon all sides I am treated as a pariah. I hold that the solution of this whole matter is to enact such laws and prescribe such penalties for their violation as will prevent any person from discriminating against another in public places on account of color. No one asks, no one seeks the passage of a law that will interfere with any one's private affairs. But I do ask the enactment of a law to secure me in the enjoyment of public privileges. But when I ask this I am told that I must wait for public opinion; that it is a matter that cannot be forced by law. While I admit that public opinion is a power, and in many cases is a law of itself, yet I cannot lose sight of the fact that both statute law, and the law of necessity manufacture public opinion. I remember, it was unpopular to enlist negro soldiers in our late war, and after they enlisted it was equally unpopular to have them fight in the same battles; but when it became a necessity in both cases public opinion soon came around to that point. No white father objected to the negro's becoming food for powder if thereby his son could be saved. No white woman objected to the negro marching in the same ranks and fighting in the same battles if by that her husband could escape burial in our savannas and return to her and her little ones.

Suppose there had been no reconstruction acts nor amendments to the Constitution, when would public opinion in the South have suggested the propriety of giving me the ballot? Unaided by law when would public opinion have prompted the Administration to appoint members of my race to represent this Government at foreign courts? It is said by some well-meaning men that the colored man has now every right under the common law; in reply I wish to say that that kind of law commands very little respect when applied to the rights of colored men in my portion of the country; the only law that we have any regard for is *uncommon law* of the most positive character. And I repeat, if you will place upon your statute-books laws that will protect me in my rights, that public opinion will speedily follow.

Mr. Speaker, I trust this bill will become law, because it is a necessity, and because it will put an end to all legislation on this subject. It does not and cannot contemplate any such idea as social equality; nor is there any man upon this floor so silly as to believe that there can be any law enacted or enforced that would compel one man to recognize another as his equal socially; if there be, he ought not to be here, and I have only to say that they have sent him to the wrong public building. I would oppose such a bill as earnestly as the gentleman from North Carolina, whose associations and cultivations have been of such a nature as to lead him to select the crow as his standard of grandeur and excellence in the place of the eagle, the hero of all birds and our national emblem of pride and power. I will tell him that I have seen many of his race to whose level I should object to being dragged.

Sir, it matters not how much men may differ upon the question of State and national rights; there is one class of rights, however, that we all agree upon, namely, individual rights, which includes the right of every man to select associates for himself and family, and to say who shall and who shall not visit at his house. This right is God-given and custom-sanctioned, and there is, and there can be no power overruling your decision in this matter. Let this bill become law and not only will it do much toward giving rest to this weary country on this subject, completing the manhood of my race and perfecting his citizenship, but it will take him from the political arena as a topic

of discussion where he has done duty for the last fifty years, and thus freed from anxiety respecting his political standing, hundreds of us will abandon the political fields who are there from necessity, and not from choice and enter other and more pleasant ones; and thus relieved, it will be the aim of the colored man as well as his duty and interest, to become a good citizen, and to do all in his power to advance the interests of a common country.

Mr. RANSIER. Mr. Speaker, I am obliged to my friend for yielding a portion of his time to me, while I am sorry that by doing so he has interrupted himself in his eloquent speech. I had intended, if I had had the opportunity, to say something on this occasion by way of reply to a part of a recent speech by the gentleman from Mississippi, [Mr. LAMAR,] and that of the gentleman from Tennessee, [Mr. BUTLER.] The few minutes allowed me, however, are not sufficient to enable me even to briefly sketch what I had hoped to be able to say.

The remarks on yesterday of the distinguished Mississippian [Mr. LAMAR] who somewhat electrified the House, and who by the way seems to be somewhat in advance of those for whom he spoke in the matter of a sincere and hearty acquiescence with some of the results of the late war, attracted my attention for more reasons than one. The first was because to many of his utterances importance ought to be attached, coming from the gentleman who spoke. But when he said that the negroes in this country were possessed of all the rights and privileges attaching to other citizens, I cannot admit that he stated what was exactly true. For if that were the fact five millions of people would not be asking the Congress of the United States to-day for the passage of the civil-rights bill. Nor would the dying words of Charles Sumner, addressed to Mr. HOAR, have been uttered, "Do not let the civil-rights bill fail." Nor would the Senate of the United States sit twenty consecutive hours to pass a useless measure. Hence I say that the statement of the distinguished Mississippian that the colored people of this country possessed all the rights attaching to American citizenship, followed up by the imploring appeal that we ought to pay some attention to the rights and interests of the white people of the South, was not exactly true; else we would not be here to-day asking the Congress of the United States to pass the civil-rights bill; nor would we be here to-day reminding the republican party of the country of their solemn obligation to pass such a bill, nor would we be here to remind the republican party to-day that if Congress adjourns without the passage of such a bill, to which it is committed, they will demoralize nine hundred thousand voters in this country and withhold an act of justice from five millions of people. I repeat that the statement of the gentleman from Mississippi is not exactly true, as has already been abundantly proven.

But it is a sign, Mr. Speaker, of the rapid strides of progress we have made as a nation that the distinguished gentleman from Mississippi, identified in the manner he is with the past, is now seeking to blot out that past, so far as clinging to its dead issues is concerned. I hail the spirit of his speech as indicative of the progress and advancing strides we are making as a nation. But I say to-day, and I speak, if I can, to the country, that so far as there is an impression that the colored man in this country has obtained all that attaches to American citizenship, or that the passage of the civil-rights bill will work injuriously to either whites or blacks, there never was a greater mistake made. If that were the fact, I say again there never was a more useless or unnecessary imploration uttered than that embodied in the dying words of Charles Sumner, "Take care of the civil-rights bill."

Now, sir, let me say in the brief moment allowed me that what pains me most in this matter is that men coming from the South, from Tennessee and from Virginia, indebted for their elevation to the position of members of Congress on this floor in part at least to colored votes, are to be found declaring that colored men do not want the civil-rights bill. They misrepresent that portion of their constituencies. I say to them, in the language of Charles Sumner to a Senator of the United States, "They are not your constituency; they are mine." You misrepresent them and have added insult to the injury you would inflict.

When the gentleman from Tennessee [Mr. BUTLER] said that the colored people did not want civil rights, that portion of his constituency almost at that same moment were, in a State convention called for the purpose, engaged in making a protest against the position assumed by Mr. BROWNLOW, of Tennessee, who had written against the bill.

The convention referred to passed the following resolutions:

Whereas the Congress of the United States, by public authority, have made large donations and endowments to many educational institutions, to citizens of the several States of this Union; and whereas Tennessee has received the fund allowed and provided by this supreme authority of our country, and the colored citizens form a large part of the population of the State, and have received none of the benefits of this liberal provision for public improvement; and whereas there is now a bill before the Congress of the United States conferring on the colored citizens civil rights, and as it is our duty as men to arrange means of instruction for the perfect development of posterity, we call the attention of the Congress of the United States to the fact that the public institutions of Tennessee are defective in point of principle and practice, are anti-republican and proscriptive, and their tendency is to breed discord between citizens and stimulate the spirit of caste and hate: Therefore,

Resolved, That we most respectfully ask the passage of the civil-rights bill as introduced by Hon. Charles Sumner, of Massachusetts, and reported by the Judiciary Committee, containing the provisions of an impartial education afforded to us and our children by the public schools of this country, as the most potent power to develop true republicanism and love of country, good feeling and personal regard mutually.

Resolved, That the institutions endowed by the General Government be so regulated that the colored citizens shall be admitted to them impartially, in proportion to their population, and provision shall be made to carry out the apportionment of this class of citizens; and whereas the common or public schools of the country is the medium through which an education will reach the masses of the citizens, we, as American citizens, demand that we shall enjoy them impartially, that we may encourage protection in a republic where all are equal before the law, and promote a high and useful career for the young upon the enduring basis of a true and consistent republic, which generously showers its blessings upon all alike, regardless of external circumstances or condition.

Resolved, That we will consider the omission of the republican party to enact this measure a baseless surrender of the rights of humanity to our insidious foes, who have contested upon the avenues of civil life every right we enjoy, as they did every right of freedom on the field of battle; and we will do our utmost to stamp upon every demagogue who seeks to betray the privileges of our children to the full enjoyment of impartial and equal privileges in the public schools the brand of the traitor Judas, as deserving politically a traitor's doom, with whom we will never, never join hands nor support, but will regard as our public and private enemy, more terrible to meet than a savage beast, more injurious than any catastrophe that could befall us, or any calamity that could be devised by any wicked unseen power that could reap a carnival of misery; but equal and impartial rights will secure to posterity their just and true relations, order will come from chaos, good will spring up where spite and hate exist, Ethiopia will in this fair country stretch forth her hands to God, peace will prevail, God will bless us, and we will walk hand in hand.

Also the following:

Whereas it has been asserted without authority and unwarrantably that the colored citizens of Tennessee and the South do not want civil rights, with impartial school privileges to all the colored children in the South in the public schools, and all the other privileges demanded and allowed in civil laws: this convention of colored citizens repel indignantly and with contempt the misanthrope who would seek to fasten and fetter with prejudice our children and posterity, and we earnestly invoke the national Congress to pass the civil-rights bill, giving to our children impartial school privileges in every public school, State and national, throughout the United States, and deny to any the privileges of invidious distinctions against our race in any of the institutions of the country; and present our thanks to General BENJAMIN F. BUTLER, of Massachusetts, for his management of the bill in the House of Representatives of the United States, so ably vindicated by the lamented Charles Sumner.

I ask for the passage of the civil-rights bill before we shall adjourn. We ask it as a measure of justice to those people who have been true to the nation and to the party in power. We ask it at the hands of President Grant and the republican party. We ask it too, sir, as a matter of sound public policy in the interest of the republican party and the country. To say that the intelligent colored people are not desiring this measure is, sir, I repeat, adding insult to injury. We ask it; we are not in a position to demand it. We plead for it respectfully, but in no uncertain voice, and confidently look for its early passage.

Mr. Speaker, the condition of affairs in South Carolina, Arkansas, Louisiana, and elsewhere in the South is lugged into these debates here and into the writing of newspaper articles as evidences of the unfitness of the negro for the franchise and for civil rights. Sir, that affairs in some of these States are not in a satisfactory condition is unfortunately true; but, sir, these people have done as well under all the circumstances as any other race similarly situated could have done. They have made mistakes and are alive to the fact, and so far as they are concerned are endeavoring to rectify them. They have been deceived in men whom they elected to fill important positions, as the too-confiding colored people of portions of Tennessee and Virginia and elsewhere have been deceived and are being misrepresented by some of those towards whose election they contributed largely.

As to affairs in my own State, sir, I could wish that there were no grave constitutional obstructions in the way of an investigation into our affairs, as is asked for by a portion of our people. The masses of our people, white and black, would rather invite investigation and a thorough understanding of our affairs than shrink from it. None but those who may be guilty of such practices as are charged against them, and are or may be directly responsible for the misuse of the public moneys and abuses in other directions, could reasonably object. But, sir, because some officials in these States have abused the public confidence and prostituted their office, is violence to be done to a great principle of justice, and a whole race denied therein equal rights in a government like ours? It cannot be, Mr. Speaker. Let justice be done though the heavens fall.

Mr. WOODWORTH. Mr. Speaker, it is probably my duty as a member of the committee reporting the bill called up by my colleague, [Mr. BIERY,] as it is certainly my right under the rules, to add my voice to what has been already so well said this evening in support of it.

The provisions of the substitute recommended by the Committee on Manufactures have been very fully explained by my colleague, who gave many excellent reasons in its favor. The object sought by the committee, to state it as compactly as I am able, is to so enlarge the duties of the Bureau of Statistics as that it shall be required to collect and collate for the use of Congress and the country full information concerning the leading industries of the nation, including the costs and quantities of production, of consumption, and of freights between the different sections of the country; also as to the sources and values of raw material, foreign and domestic, the values of products, the wages paid to workingmen, the cost of food, rents, and clothing, together with such kindred and comparative facts as may be readily obtained from other countries. These statistics are designed to show the operation, the sources of supply, and the places of market of all our great industries, whether of the field, the forest, or the mine, and the tribute which is paid by the people to middle men and

common carriers. This, gentlemen will observe, is in the main a field hitherto unoccupied by the statisticians of this country.

The bill for which this is a substitute proposed the organization of a Department of Manufactures and Mines. I am, sir, in favor, as I have once before taken occasion to say in the presence of the House, of the establishment of a Department of Industry with its Bureaus of agriculture, of manufactures, and of mining.

I am in favor of such a Department, because I would have the producing activities of the country, which, next to freedom, lie at the base of our prosperity as a people and our grandeur as a nation, fostered by Government and represented in its executive councils. The committee, however, have seen fit, moved mainly by ideas of present economy, to give to the House this substitute instead, which, until such a Department can be established, as it one day will be, will subserve a purpose of great utility in the same direction.

Sir, I urge the passage of this substitute for three reasons: First, because it will furnish to the laboring, the producing, and the commercial classes information that will aid them to seize opportunity and to give scope to their enterprise. Second, because it will place before the legislators of the thirty-seven States and before the Congress of the nation facts that will guide with a truer index than the maxims or teachings of the mere theorist in the solution of questions of social and political economy that in the near future cannot be avoided. Third, because it will array facts that will serve to demonstrate the capability of our continent for independence from all the world besides in supplying the wants of our forty millions of to-day and of our hundred millions of to-morrow; and more than this, of sending vast surpluses abroad each year to other peoples, whereby we may one day become rich and great as no nation has been rich and great since the world began.

These reasons differ somewhat from those perhaps no less forcible ones presented by my colleague. I hope that I have been so fortunate as to have distinctly stated them.

It is my purpose, if the House will indulge me with its attention, with the thermometer at 93 in the Hall, to speak of these reasons briefly, but in detail, and to answer some objections that may be urged against the bill, and then to give place to a gentleman, not a member of the committee, but whom I am anxious to have heard upon it. This is the only bill which the Committee on Manufactures has reported at this session, and I shall be glad to have it well reviewed in the debates of the House before the vote is taken pursuant to the notice given by my colleague.

It is scarcely necessary, I apprehend, sir, that I pause to amplify upon the first reason which I give for the passage of this bill, to any considerable length at any rate. To do so would certainly be supererogatory were I speaking to men themselves engaged in industrial pursuits. To them the simple statement of what is proposed would be a postulate of its value. Why, sir, it was at the demand of industry that statistical knowledge was first sought. An Englishman, Sir William Petty, who had been president of the board of trade, for the aid of the commerce and production of the kingdom, near the middle of the last century if I remember correctly, first made statistics a science—the science of figures applied to life. Later the same interest, coupled with that of the solution of certain social problems, caused the organization of the first statistical society at Manchester in 1833, which was soon followed by similar organizations upon the continent. The demands of the same interests led to the four international statistical congresses that have been held; the first in Brussels in 1853, and the last, I think, in London in 1860.

The fact that this branch of knowledge sprang from the demands of the business world, and that it has greatly benefited business in all its branches, is, I think, clearly revealed in the histories of British and continental industries, is, it seems to me, a proof indisputable that my first reason for asking the passage of this bill is well assigned. The whys and the wherefores, as I intimated a moment since, would be at once appreciated by men engaged in the industries of the country, whether as employer or employed. The intelligent farmer or manufacturer would at a glance comprehend how a benefit would accrue to him from a knowledge as to the sources of raw material—the sources of supply and the direction of the best demands which give vigor to their several industries in other sections. The laborer, he who has only his toil to sell in any market, would at once see how his interests would be advanced should Government come to him, and, like an elder brother, point to where work may be had, where its burdens are lighter or its rewards greater.

An inestimable advantage would accrue to all classes from a greater diversification of industries which, I believe, accurate statistical knowledge would tend to promote. In the South, where the old myth "cotton is king" still clings to the people like a religion of the fathers, the exclusive trust should no longer remain in a monarch who biennially abdicates before an army of caterpillars. Other less timid interests should be invited in to save the interregnum. In the West agriculture and manufactures should stand together amid the abundance of nature, and all sections should shake hands through a cheaper means of commerce. To promote this information in the direction proposed will be invaluable.

It was once said that "knowledge is power." Nowhere in the range of human experience is this more true than with the laboring and producing classes. The American manufacturer, the American mechanic, the American agriculturist, the workingmen of this country, and the aggregate of these is nineteen-twentieths of our people, under the beneficence of our Government, with its free schools, and imbued with the spirit that seems born of the very air that races over our mountains and plains, are now the most advanced and enterprising people of the globe. The intelligence they have put into the mowers and reapers, into sewing-machines and other products of American genius, have made these things inimitable by other peoples, and has given to them control of the markets of the world. The indomitable perseverance with which they have pushed forward agricultural and horticultural experiment and development has given to their products the very highest place of excellence.

To aid the achievements of this power, to give scope to its ambition, and to add to the sum total of the advantages it now enjoys, it seems to me due that Government should place within its reach the information contemplated by this bill.

I pass now to the second reason. The proposed statistics are necessary as a basis for the statesmanship of the future.

New conditions require new policies. Statesmanship can have no formula that will do for all times. Rousseau said that "the science of government is merely a science of combinations, of applications, and of exceptions, according to time, place, and circumstances." This is true as to the means; the end, which should ever be the highest happiness of the citizen, neither time, place, nor circumstances can change. From this time forward the American statesman must study the means, through this science of figures as applied to life in the present, not through theories alone which time and change may have plundered of the wisdom they once possessed.

I have, I trust, sir, all due respect for the wisdom and usefulness of the books which assume to teach the philosophy of government. But, sir, unless I mistake, it is one of the misfortunes of this Republic that her legislation is molded too much by the scholarly, old-time theories of political economists, who were not of or for us or our age, and too little by the plain, common-sense deductions from the broad facts of history and of existing conditions. The party politician is the chrysalis from which the legislator emerges into public life, and the legislator is too often only a statesman by brevet—if I may so use the term; and I intend no disrespect to gentlemen here—who rushes for guidance through his brief day more often to the libraries where the logic of dead history lies fossilized into theories made often to support political dogmas, between the covers of London-made books, than to the sources of knowledge of actual, living, home facts. By such guidance their acts are as apt to be wrong as the present is apt to differ from the past, or as conditions here are apt to be dissimilar from conditions in other countries. Write this down a truth, that without knowledge of the living facts of the present there can be no wise statesmanship. The ancient Greeks, although heathens, were at one period the wisest political economists the world has ever had. One of the wisest of their thinkers, Polybius, the historian, said:

> A statesman who is ignorant of the way in which events have originated and who cannot tell from what circumstance they have arisen, may be compared to the physician who fails to make himself acquainted with the disease which he is called to cure. They are both useless and worthless.

I hope that I shall not be misunderstood. I would not, sir, by any means, that the writings of old or foreign political economists should be unstudied. Adam Smith, Mill, Ricardo, and the rest each wrote with a profundity of thought before which we bow our heads in respect. Their deductions are of high consequence, but are dangerous unless read with the memory that they wrote for other times, for other social conditions, and often to bolster up theories that shock our modern American idea of the true object of governments.

The man who is honored by the people with a seat in this Hall, to represent their interest, is dangerous to those who sent him if he studies not the statistics of his own country, or if he refuses to quit the high plane of political speculation upon which these authors have placed him to consult the wants and the views of the agriculturists, the manufacturers, the laborers, the men of business of his district, as to the matters of legislation that concern them. Experience has proven how dangerous such men are, or I have read our history to no purpose. Let me instance a single passage to verify my remark. From 1846 to 1861 a feature of the Adam Smith philosophy shaped our national legislation. From 1861 down to the year of grace in which we live a common-sense, though home-made, philosophy has in general held sway. During the period first named industry languished; prosperity was at a stand still—hard times was rapping with bony knuckles at every door. In the latter period prosperity made gigantic strides forward—activity and abundance were everywhere. What was the cause of this contrast? The seasons came and went with their light and their shadow, their storms and their calms, in both periods alike. The rain and the sunshine, like all that comes from above, were impartial. The earth bore fruits and the mine offered its treasures the same in all these years. What then occasioned this wide difference in our prosperity, which was a part of the experience of every gentleman here, and which you will all say I have stated with feebleness? It was, sir, because in the one period our young industries were made to carry the burden of cheap-labor competition, which crushed them out, and, in the other that burden was removed by a tariff equal to the difference between Old and New World wages. Do gentlemen insist that this later policy is unjust to the consumer,

when it was the wages of this same consumer, directly or indirectly, that made this burden death to our manufactures, and when the sequel has proved that home manufacture cheapens prices?

It was, sir, the seeming wisdom of Smith and Ricardo as against the real wisdom of a Kelley, a Dawes, a Blaine, a Schenck, and a host of such men, whom the fortunes of politics had placed in this Hall. It was this that made the contrast. No thoughtful student of our history will deny it.

This item of our experience ought to teach us somewhat.

Experience, joined with common sense,
To mortals is a providence.

It should bear fruits of practical wisdom to be plucked by us and by those that come after us, until we reach that condition—a state of advanced industries—which those Old World political economists must have had in mind when they wrote their theories.

When the eccentric philosopher who once sat at the desk of the New York Tribune, clothed with a power which a king might envy, for whose memory Americans will ever cherish a veneration, and whose niche in the temple of fame is hewn side by side with that of Benjamin Franklin, and this, too, notwithstanding the differing views entertained of the conspicuous acts of the last year of his useful life—when, I say, this American political economist, who knew more facts of this science than any contemporary, turned the glare of his homely lantern upon these imported theories, in which American students and American readers of semi-American newspapers are indoctrinated, their perniciousness under the situation of our manufacturing and agricultural industries was revealed so plainly that no one but the blinded by self-interest or false education could fail to see it. For the dead level of things, in which population, resource, production, skill, and wealth are pretty evenly distributed among peoples, these theories are undoubtedly best for all. But to a people treading the up-hill of prosperity they are, it seems to me, very unwise. The time may soon come when we should adjust them. That time is not yet.

I voted the other day in opposition to many of my party friends, and with the minority of the House, against restoring the tax on incomes. I did so because I believed that in case an increase of taxation should become necessary to meet deficits in the Treasury more tariff would be preferable. If taxation must come let it come in such shape that it will bring compensation with it in the increased rewards of industry. Were it not for two things I should favor direct taxation upon the wealth of the land, with liberal exemptions for the poorer of our people, as a means of raising revenue. These two things are, first, that a tariff judiciously adjusted builds up home industry; and second, that its burden is voluntary, and so but little felt. This is certainly better than to restore the tax on incomes, which experience has proved to be an unwholesome check upon enterprise, and altogether odious to the people.

My judgment, sir, of a judicious adjustment of the tariff is this: First, a high tariff upon all commodities that are or can be produced here, or of which we produce articles that will in every respect serve the same purpose. Second, a tariff placed at that point where the utmost revenue will be realized upon articles of luxury, fashion, and fancy that are not produced here. Third, place upon the free list all necessaries of life which we do not produce. This would build up all our industries, would increase the rewards of labor, would make the expenditures of the rich pay the expenses of Government, and would give cheap necessaries to our people. This duty should be no respecter of persons or pursuits, and should, in my judgment, be *ad valorem* as far as the honest collection of the revenues will permit.

Sir, the consideration of the influence of the proposed statistics upon the statesmanship of the future has led me, logically enough, to speak of the tariff question. If it were in the line of thought which this bill opens to enter upon a discussion of that question further than to state the effect which I believe these facts would have upon it, as it is not, I would quote the words of Washington in his second annual message, of Jefferson, of Jackson, and of his immortal compeer Henry Clay, and of a host of others of our fathers and statesmen who spoke from the dictates of an observant wisdom in favor of tariff laws. I should likewise attempt to show the reasons, which are to me clear as noonday sunlight, upon which such laws are based. But, sir, the line of my argument does not lie to such a distance in this direction.

Much has come to our ears since the beginning of the session of the general depression of business throughout the country, and much discussion has been had as to the relief demanded by the people and as to the ways and means required by a depleted Treasury. The patient has had too many doctors, who have been so busy in disagreeing that they had no time to unite on a measure of relief. In the language of the Persian proverb, "The mill grinds, but there is no meal." You have, however, with commendable zeal, for which I am sure the country will give you credit, cut down expenditures as never before, and you have framed your tax bill, which a day or two ago passed the House, in some items at least greatly in the interests of prosperity. I instance the restoration of the duty of six dollars a ton on jute-butts, which, should it become law by the concurrence of the Senate and the Executive, will help the farmers of the country by making flax culture once more a source of profit.

You have done this and some other things in the same direction, but you have not done that which would of itself restore from the prostration. Encourage the industries, agricultural and manufacturing, by a tariff adjusted upon the principles of which I spoke a moment ago; give the people a sound, sufficient, uniform currency, secured by the wealth of the nation and emancipated from the control of Shylocks and monopolies, a currency which will possess both elasticity of volume, and a permanency of value, upon which the people may rely from year to year, keeping withal faith wherever pledged and making no pledges to be broken. Do this, and you will have started the nation and the people out upon the high road to a prosperity which, as surely as the years abide, will pay off in good time the national debt, will make our currency as good as gold for all the purposes of a medium of exchange and convertible into it dollar for dollar, and that will lift the nation and the people up into the mountain-heights of a grand prosperity, above the cloud-level of panic and reverse, from which even the next generation may look down exultingly on the wisdom that has achieved so much. We have already moved toward this result in the degree that we have applied these means. Is there in what I say aught that does not appeal to our common sense for its evidence? Is there aught Utopian in it? Is it not the plain law of cause and effect, that with the policies I have indicated industries will multiply, and that with increased and still-increasing industries our exports will climb beyond our imports, and thus keep a constant and increasing stream of foreign wealth flowing to us, the accumulations of which must in time accomplish all I have described? The lake with an inlet larger than its outlet must fill. The man whose income exceeds his expenditures must grow rich. The nation which sells more than it buys must reach affluence and its people must prosper. This is a law that is indisputable and inflexible.

The policies I have indicated as productive of the results described must have root deep down in the knowledge of facts as they exist here and now, and not in the formulas of the writers. It is to lay the foundations, broad, wide, and deep, for the wisest and best statesmanship, whether I am right in believing that it will adopt these policies or not, that I urge the gathering of the statistics contemplated by this bill. As long as the American legislator shall continue to grope in the twilight of imperfect information concerning the vital interests of his people, guided only by Old World lights that glimmer to us with uncertain rays from across the waters, expect no successful statesmanship. I do not mean to imply that we have not through this Bureau and the decennial census reports much, very much, statistical knowledge at hand. That would be untrue. What I do mean to say is that this statistical knowledge is altogether incomplete for the purposes indicated without the facts contemplated by this bill.

Mr. Speaker, there is another question that is nearly allied to, nay that is a part and parcel of those of which I have been speaking, in connection with which these statistics will be of the highest value. It is the labor question.

"Coming events cast their shadows before," and from down the pathway which we must tread as we go forward into the future the shadow of this question falls upon us to-day. We shall reach the substance of that shadow while this generation is yet alive. We are almost upon it now. It cannot be avoided. Like Banquo's ghost, it will not down upon the bidding of the Macbeths, to whom the appearance is an accuser. The granger organizations, the labor guilds, the general attention which this subject is receiving in all sections, prove that this question must be met. It is vastly important that we prepare to meet it with the wisdom to which these facts will contribute.

What, sir, is this question the foot-falls of whose near approach echoes in the corridors of to-morrow? It is not as to the division of the profits arising from production between the two partners, capital and labor, as some one has defined it. This is not the labor question in any sense in which it can address itself directly to the statesman. The reason is obvious. By the genius of our free institutions every man is at liberty to act his pleasure with his own, whether it be his money, his property, or his labor, provided that by so doing he trespass not upon the rights of others. This is a principle of right upon which no agrarianism must ever intrude. There is no just man in the land that does not claim this. The law cannot make bargains among men without becoming a tyranny. What, then, is the labor question as it addresses itself to government? It is this: What policies of legislation will serve to check the aggressions of combined wealth upon the prosperity of the masses, to increase the power and rewards of industry, and to improve the condition of the workingmen of the country? This question may be subsidiary to that of the division of profits, but it is only so by consequences and not by interference.

Government can and ought to assert its prerogative whenever capital, combined or uncombined, assumes to monopolize that which of right belongs to the people, and through this to levy unjust tribute upon them. Touching this I fully expressed myself in the course of the debate upon the transportation question. Government can and ought, by furnishing free educational advantages and by, if needs be, compulsory attendance upon them, by laws for the suppression of intemperance and the promotion of sobriety and thrift, by forbidding the cruelty of chaining young children to the wheel of toil by which mind and body are dwarfed alike, by the example of requiring only reasonable hours of labor, by such a system of tariffs and currency as I have indicated—by giving the fullest effect to existing laws of primogeniture—by guarding well against the insidious building up of class based upon wealth—by forbidding the silly apings of Old

World aristocratic pomp among government officials so at war with democratic ideas—by these means, or some of them at least, government may, in my judgment, promote the interests of workingmen, and help to elevate labor up to the high plane of independent manhood, where it belongs.

Abraham Lincoln, in his first annual message to Congress, used language upon this subject luminous and truthful, as were all his utterances. He said:

Labor is prior to and independent of capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital and deserves much the higher consideration. Capital has its rights which are worthy of protection as any other rights, nor is it denied that there is and probably will be a relation between capital and labor producing mutual benefits.

The central truth of this utterance is that labor deserves the higher consideration, but that both have rights which should not be ignored. Between the two, I assert, there are no natural antagonisms. Whatever exist are purely artificial and I believe that the policies of which I have spoken will tend to wipe them away. Cheap unintelligent labor is the curse of both employer and employed. Well-paid intelligent labor will be to the advantage of each. I believe that the policies I have mentioned will be to the advantage of each, but if not, I still insist that they are right, for I know that they are in the interests of God's millions who are born to toil. I speak only of capital when invested in some one of the industries. Capital not so invested, when it ministers only to idleness and luxury, is a thing without rights except to be taxed and protected against crime.

The chief and altogether most beneficial result of these policies will be to rapidly unite capital and labor in the same person, as in the case of the American farmer and many mechanics, which, of course, solves at once all question as to the division of profits. We have no *proletariat* here in the offensive sense in which this foreign term is used in other countries, a term imported to us side by side with theories of free trade. We have, however, a large population of workingmen, and it should be our study, it should be the object of our laws, to elevate them into the only order of nobility which is or ought to be recognized here, the nobility of educated, independent labor. There is no higher order of nobility than this. The stars and the ribbons that bedeck the useless drones of the Old World are less marks of honorable distinction than the toil-stains of the workingman whose intelligence and thrift have made him master of his wages. Such is the insignia of rank with which we should seek to bedeck the workingmen of this country. Let Government stretch out its hand to workingmen, build up their interests, lighten their burdens, until they shall know that God uttered a benediction and not a curse when he said to the first of human kind, "In the sweat of thy face shalt thou eat bread, till thou return unto the ground."

Sir, who are the workingmen of America of whom I thus speak? They are nineteen-twentieths of our people. They are the bone, the sinew, the brain of the land, for in this term I include every man who avoids not this benediction, whether he tills the soil, or hammers in the shop, or takes his little lamp and goes down from the light of day to encounter the dangers of the mine; whether he plies the busy hand among looms and spindles, or swings strong arms amid giant engines and ponderous machines. I include all, for all make up the body of American workingmen. What has this body done to merit the honor of being the only nobility of the land? From its brain and genius and energy and that of its foreign kindred have sprung all the grand achievements of modern times. It has given the hundreds of labor-saving machines that clank in the mills or rattle in the homes of the people, robbing toil of its pain. It has gone down into the earth and dragged forth its riches. It has dived into the ocean and brought up its treasures. It has harnessed with steel and brass the elements, fire and water, and is driving them with the speed of the winds up and down the continent. It has stolen the tongue of the thunder-cloud and made it to speak the thoughts of men from city to city and to flash the greetings of continents underneath thousands of miles of stormy sea. It has thus stood in the midst of nature's profoundest mysteries, grappled with her giant difficulties, and caught her most subtile essence and branded it with the badge of servitude to man.

I make no mistake, I think, in saying that the class which has done all this are the true nobility of the human family. This class—and class is a word so hateful to me that I only speak it on compulsion—these people, I will say, are the regular army in the march of progress. The ear that listens can hear the music of its advance. The eye that looks up can see its banners waving against the sky. Its music is the tinkling of anvils, the whir of spindles, the boom of engines with low, sweet undertones of—

Herdboy's evening pipe and hum of housing bee.

Its pennons are the graceful wreaths of smoke that festoon the sky in beauty above a thousand workshops. Its flags are the red banners of flame that wave over a hundred furnaces. Its generals are the Morses and Fultons of to-day, and its captains are named by hundreds upon the records of your Patent Office. Such, sir, is the army, the rank and file of which are the workingmen of America. It is the body-guard of our civilization. All others—those who toil not with hand or brain—are the camp-followers, the suttlers, the hangers-on, the *impedimenta*. I utter, sir, no mere figure of speech, but give words, though in mataphor, to a substantial truth that deserves better rhetoric.

Shall our policies of government hereafter serve the *impedimenta* or the grand army of labor that is driving poverty and want before it, and that is pushing our prosperity up into the sublimest heights of success? This is a question, as I intimated a few moments ago that is to-day moving in the hearts of men all over the land. From the dark pineries of the North to the orange groves of the South, from the rugged hills of New England to the Golden Gate, this question now falls from lips in tones that speak a purpose as never before. They demand that the interest of the tiller and toiler should be the peculiar care of government. Their demand cannot but be significant of what is to be, for they wield a—

Weapon that comes down as still
As snow-flakes fall upon the sod;
But executes the freeman's will,
As lightning doth the will of God.

I have used the term, sir, American workingmen. I beg not to be understood as using it in any other sense than to designate the working people in this country as distinguished from the laboring people in other countries. Whether we are of this country by the accident of birth or the incident of naturalization we are equally Americans, and our ideas and aspirations should be, as our destiny is, the same. I hope not to be understood as using the term in a sense that hints of a distinction where none exists.

To follow the policies I have indicated the statesman's best help will be the facts proposed by this bill to be gathered by the Bureau of Statistics. Such facts will also be of much advantage in the settlement of labor strikes that occur and reoccur at industrial centers, by furnishing facts to guide in the arbitrament of the differences between employer and employed. All the labor strikes of which I have had knowledge have arisen from either an actual or alleged change in the price of the commodity produced or in some other condition affecting profits.

How valuable, then, to both employer and workman, each of whom are invariably sufferers from strikes, to have at hand reliable data from which to convince or compromise. The facts thus furnished would not of course be sufficient in themselves, but in many cases would aid in the settlement of these damaging difficulties.

Trades-unions have existed since the time of Solomon in Judea, of Thesus in Greece, and of Numa in Italy. Combinations of capital are equally as old. One created the other. These things prove that the conflict has been going on since the earliest times of which history speaks, but I trust that the broadening influence of modern ideas and the wide fields of industry opened in this country will serve soon to end it among our people at least.

As I said a few moments ago, I do not believe that there is any natural antagonism between them, and whatever will tend to destroy, whatever artificial enmity exists, will confer a blessing indeed upon all the people. The governmental policies which I have indicated I believe will do this, and necessary to such policies are the facts which we would have the Bureau of Statistics array for the use of Congress and the country.

I should now, sir, not to depart from the plan which I proposed for myself in the outstart, speak of the third reason which leads me to urge this bill. Touching this I must be brief, as I should otherwise trespass too much upon the patience of the House.

The members of the House who were present and heard the masterly and truly eloquent speech delivered a few days ago by the gentleman from Pennsylvania [Mr. KELLEY] in support of the centennial appropriation bill, who listened to the rhetorical phrase in which he presented the picture of our boundless resources, of the illimitable wealth with which nature has endowed her favorite creation, this continent, could certainly thereafter have no doubt as to our capacity for absolute independence from all the world in everything which our people consume. So vividly did the gentleman portray the immense resources of the country as they will appear to the astonished descendants of Cornwallis and La Fayette in centennial hall in 1876, that the thousand leagues of fruitful lands covered with growing fruits and cereals; the rich mines of iron and of coal, of copper and of gold, of cinnabar and of silver; the forests of pine trees, among which the northern winds harp their tunes as they did before the era of Columbus; and the rich orange groves that scatter their white blossoms over the bosoms of southern streams; the sixty-two thousand miles of railway that net-work the continent, and the hundred navigable rivers that beribbon the land with silver—all these things, I say, were so vividly portrayed by the eloquence of the distinguished Pennsylvanian that I almost wish that I had the right to make his words my own, or had time to quote them here.

Sir, to the figures of our greatness, our resource, and our progress in a hundred years, already gathered by the statistician, many of which were forcibly presented by my colleague [Mr. BIERY] in his remarks upon this bill, add those which we now propose that the Bureau shall gather, and you will have exhibited in numerals that which the gentleman so finely pictured in words.

The gentleman urged Congress to appropriate $3,000,000 to celebrate the hundredth anniversary of our political independence as a nation. We ask that Congress shall expend $10,000 a year to teach us how we may gain our independence in material things as a people. The first was achieved through the armed patriotism of the men of '76. Now, when a hundred years have nearly gone by on the wings of the restless seasons, let us prepare to accomplish a second independence by

the unarmed patriotism of the men of to-day. It would be the grandest poetry in history to have it written that the fact of our second independence was read in Philadelphia on the 4th day of July, 1876, from our commercial statistics. England took from the Colonies a few thousand pounds sterling in unjust taxation, and the liberty-loving men of that day rebelled. England now takes from us by the cunning of her statesmen and the fatuity of our own many million dollars annually as a tax upon our industries. Let the men of a hundred years after the Revolution, invoking not the arts of war but those of an energetic peace, again rebel against English exactions. The army of American workingmen which I mentioned a few moments ago will achieve all we ask if the opportunity is but given to them.

We have political independence which no doubt will be fittingly commemorated in 1876. Give us now commercial and industrial independence and posterity will celebrate both events with equal rejoicing.

Sir, what possible objection, can there be to this bill? The only objection that I have heard urged against it or that I conceive can be made is that it will swell somewhat our yearly expenditures, and that it will institute an espionage over our industries that will be odious to the people.

It cannot by the limitations of the bill add over $10,000 a year to our expenditures. Can we not afford this to accomplish the great good that will result? Why, sir, without the evidence of a misgiving you appropriate millions for river and harbor improvements to aid the commercial enterprise of the country. You expend vast sums to appease the wild Indians of the West, to erect forts and to build lighthouses. All this perhaps is well, if the money be honestly expended, but it surprises me, when a comparatively insignificant sum is asked for a purpose that will result in more good to every man and woman in the land than all your coast line defenses—than half your river and harbor improvements—that will result in as much humanity as your Indian gifts or your marine benefits, that objection upon the ground of expense is heard. I believe in economy as decidedly as any man here, but let it begin where the least benefit is bestowed.

As to the other objection, I beg that it be remembered that the chief of the Bureau can resort to nothing compulsory. All information must be voluntary. How, then, can it be odious? Those who make this objection are mistaken. Those engaged in industrial pursuits will with the clear, frank intelligence that is peculiarly American give every possible aid to the Bureau. They will do so the less reluctantly because they will not be slow to see the advantages which they may reap from the statistics proposed.

In the district, sir, which I have the honor to represent in this Congress—a district whose mines of coal and whose manufactories of iron are known throughout the United States, whose products of the farm and the shop are rarely equaled, a section which stands prominent among the best in productive industry—this legislation will be hailed with satisfaction; not so much because of the immediate benefits to flow from it as because it will be an indication that the policies and energies of government are hereafter to be directed to the promotion of growth and prosperity in material things, and in the interests not of the few but of the many. As in my district, so it will be elsewhere.

Mr. Speaker, I now yield whatever of time I may have remaining to the gentleman from Wisconsin, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Wisconsin. Mr. Sbeaker, the question of cheap transportation discussed in connection with this bill has become one of far wider significance than that of the mere pecuniary interest involved. The evils which it seeks to remedy affect not only the material interests of the country, but menace the very form of civil government itself. It is with these questions and others like these that the Forty-third Congress is called upon to deal, charged with the injunction that if it cannot deal with them successfully another will be chosen in its stead which can.

The plain truth is, Mr. Speaker, that this Congress convened under a cloud of distrust and a threat of vengeance; and while a large portion of the people most earnestly hope and pray that it may succeed in its work, another portion are just as willing that it may fail.

While the last decade has been one of political, commercial, and social revolution, the events of the last few years have served to set free the elements of distrust, chronic discontent, and restless ambition. The people have stood dumbfounded and amazed in the presence of results, the causes of which they themselves helped to inaugurate and maintain. They have recognized the *principle* of danger while constantly ignoring the *fact* of its existence, and they have set up principalities and powers in their midst, which, if left unchecked, will sap the foundations of free government and usurp the functions of civil control. For I take it, that the dangers from these combinations of corporate power, is not more that they gather to themselves the material resources of the country, than that they break the spirit of the people and destroy the independence of the individual, thereby trampling into dust the very germ of republican government. Any system of dealing with human affairs, which wounds the pride or humbles the manhood of the citizen without cause, necessarily strikes at the vital life of republics.

Yet who does not know that the American citizen in humble circumstances enters the presence of these railroad magnates throned in their great central offices, with more fear and trembling than he approaches the President of the United States. And well he may, for launched upon their theory of action, they have tenfold more power to oppress him, than any President lined in by constitutional law.

But, sir, it is not with the weak alone that these men have to deal. The standing boast put forth in their interest for years has been, that they can make and unmake governors, seat and unseat Senators, and, if need be, drive their express trains at high rates of speed, through Legislatures, courts, and Congresses.

Ah! Mr. Speaker, it was a sad day when such a boast could be made in a free Republic. But it was sadder still, when the people had come to believe, that it was the simple God's truth of the whole matter.

What was the natural culmination of a power thus unchecked? Let my own State of Wisconsin, prostrate to-day, under a corporate edict, make answer. But do you suppose she will remain there quiet? And do you think that self-government can be maintained if she does? Have we not yet learned that no party, no corporation, no interest in this country, is mighty enough to stand above the law and defy it? Have we forgotten that the most gigantic, determined, and deadly monopoly of earth, flaunted the flag of rebellion and defied the authority of law, only to be trampled out in fire and blood?

Mr. Speaker, this local rebellion will not go out in blood, nor fire, nor in the shock of battle, nor amid the roar of cannon, but it will subside and vanish, in the presence of an aroused public sentiment, and the silent majesty of vindicated law.

I have already said enough I think to indicate to you of the East, that whatever you may think of this so-called "farmers, movement," we of the West, and I am sure they of the South, regard it of far more significance than the mere cost of transporting a bushel of grain from the interior to the sea-board.

Sir, I come not to this House accredited of the grangers; I bear about me no letters of instruction or request from them. I know nothing of their signs, their grips, or pass-words, and nothing of their forms, ceremonies, or purposes, except as the general public know them. Many of these forms and ceremonies may prove ephemeral. The secret element of their order can but be pernicious and destructive if allowed to mingle in political questions. Extravagant ideas and sanguine expectations, have in some cases beset this as they beset all new movements, and are doomed to disappointment.

But speaking now of my own immediate locality, I know these men, know the wrongs of which they complain, the forbearance with which they have suffered, the feeling which now actuates them, and the interest around which they gather. And knowing these things, and remembering what these men have done for the West, how they have reclaimed her forests and beautified her fields, and set up on the border of her streams and in the bosom of her prairies the best realization of the American home; how they carried into that country not only the "seed-corn," as my friend from Saint Louis [Mr. STANARD] has it, but all the blessings of civilization and domestic peace, long before the snort of the locomotive awoke an echo west of Lake Michigan, and when by misrepresentation and fraud they have been induced to bond their towns, and mortgage their farms, to build the very railroads which now seek to rule them! And when I have seen some of them driven out from the very homes which their own hands had fashioned, and forced in their old age to seek an abiding place elsewhere. I am resolved, that while I have a vote or voice on this floor, however faint or feeble, that no cry of "granger" and no taunt of "demagogue" shall deter me from presenting the claims of these men, as I think their merits deserve.

It must be confessed, Mr. Speaker, that the agricultural and industrial interests, aided by the public press, were the first to call a halt in the extravagance and corruption which have beset this country. So I predict that these same interests, will yet knock at the doors of this Capitol, in a way that they will not only be heard, but their reasonable wants and requests will be respected.

Their interests will no longer be discussed, as too often during this session, at odd spells, in by-places, but they will be both heard and heeded in the forefront of discussion on this floor.

Since coming to Washington I have heard "grangers" inquired about, as you would inquire about a newly discovered race of men in Alaska, or Central Africa, but too often, in a tone of suppressed ridicule or ill-concealed contempt. Sometimes in genial phrase, they have been styled the "small grangers" of the West, while at others, with less geniality of manner, it has been asked "What have these farmers got to do about it?"

Well, sir, taken individually, these farmers may not have very much "to do about it." They may not be capitalists, they may not have amassed large fortunes. Some of them may be poor; but whatever they have, whether it be much or whether it be little, it is the fruit of their own toil and they naturally desire to keep it. But when you inquire of them collectively, "What have you got to do about it?" they refer you to the recent report of the Senate Special Committee upon Transportation, which shows that 90 per cent. of all the freight that goes eastward over the northern lakes is breadstuffs, while 50 per cent. of the freight going eastward from Milwaukee and Chicago by rail is grain, and 45 per cent. is animals and their products; and pointing you to this 90 per cent. of lake carriage and 95 per cent. freight by rail, both the immediate and direct products of the farm, they tell you that is what they have "got to do about it."

As the present state of this question grew out of the general condition of things rather than from personal spite or malice, so it is only by dealing with these general conditions that we may hope to reach

safe and satisfactory results. That railway monopolies the world over are becoming unbearable is apparent; that the spirit which pervades and controls them is grasping and selfish, is true; not because the men engaged in them are better or worse than other men under like conditions, but because railway monopolies are organized *power;* and organized power unchecked is *despotism*. The people have created these powers; can they now control them? If they cannot, then here is a power paramount which by its own definition must rule.

What is this power, and what are its resources? There are seventy-four thousand miles of railroads in the United States; estimated, as railroad men now estimate, at $40,000 per mile, these roadways are worth $2,960,000,000. If you will look at Poor's Railroad Manual for 1873-'74 you will find that the cost of "equipments," &c., of the railroads in the United States, exclusive of the Central and Union Pacific roads, amounts to over $3,000,000,000, thereby confirming the recent rumored saying of one of the leading railroad men of this country, that the railroad interest of the United States, wields an aggregate capital of over $6,000,000,000—three times larger than the national debt, and nearly twice as large as the entire wealth of this country in 1840. Sir, we boast of American prestige in material things. We never tire of telling of the extent of our territory, the variety of its climate, soil, and production, the length of its rivers, the breadth of its lakes, the reach of its sea-coast, and the marvelous development of its resources.

We build Chicagoes in twenty years, and when they are swept away in a night, we replace them more beautiful than before, in a twelvemonth. Our industrial enterprises cover the land, while our merchant ship bear the flag of the Republic into the most distant seas. Yet here is a power set up in our midst, which in twenty years, has gathered to itself more wealth, than this entire country possessed after three hundred years from the time of its discovery. "If they do these things in the green tree, what shall be done in the dry?" If Rome stood a thousand years, what have statesmen to say about these encroachments, at the end of the first century of our nation's life? But, sir, it is not in material things alone that these dangers tower around us. This power wields an army of officials, employés, and retainers of at least two hundred thousand men; yet it stops not here. It commands the best brains in the country. The keenest intellects in the professional and business walks of life are brought within its influence and control. Shippers and merchants, men of influence in their respective towns and villages, by means of special rates or special discriminations, are awed into silence or made to do its bidding.

We read in the public journals that switches have been locked, station-houses closed, and trains run at high rates of speed through a city on the Hudson, because the will of an autocrat was not heeded in collateral matters. And I have been informed that suits in equity, involving the rights of entire towns, have been compelled to be discontinued, under the threat that station-houses should be removed and railroad accommodations withdrawn. Finally, sir, as if to cap the climax, a sovereign State is deliberately told that if she shall dare to assert her authority under the forms of law, not a car shall run in all her borders.

Such is the nature, purpose, and resources of the power which confronts us. How shall it be controlled? Some say we cannot control it at all. But the answer to this is, we must control it, or be controlled by it. As I have already said, this is not a question of personal feeling, bitterness, or spite, but a question of positive forces and logical results.

Competition between intersecting or parallel roads, so long relied upon as a remedy, is now conceded on all sides to be a failure. The report of this Special Committee of the Senate on Cheap Transportation tells us that large sections of country are rapidly passing under the control of this line, or that, by common consent, Like great barons, these railway princes are parceling out the territory of the United States into separate dominions. No private enterprise can compete with them, and their own strifes at competing points only serve to double or triple rates at non-competing ones. What then is the proper remedy? Four have been proposed—control by Congress; control by State authority; construction of continental roads; and the opening up of water-ways by the Government. Which is the proper remedy? In my judgment all of them are not only proper, but indispensable to practical results. If you improve the Mississippi River and the route by the northern lakes, how will you compel the carriage of freights, at reasonable rates, from non-competing points to these water lines? Will you do it by State authority? State authority only operates within State lines. Will you do it by the authority of Congress? Congress can only operate across State lines, and not exclusively within a State at all. Will you invoke the aid of both of these powers? Then you are told that neither Congress nor the State Legislatures have any power to regulate rates upon railroads. This question of power has been so fully discussed, and the authorities sustaining it have been so often cited and recited, during the present session, that I shall content myself with stating the several conclusions which I think they sustain, namely:

First. That under that clause of the Constitution empowering Congress "to regulate commerce with foreign nations and among the several States" its power to regulate commerce "among the several States" is coextensive with its power to regulate it "with foreign nations."

Second. That within the sphere of its exercise this power is plenary and absolute.

Third. That the "commerce" to be regulated here is the commerce carried on across State lines, and that the power to regulate, depends not upon any changed or new definition of the word "commerce," but upon the place *where*, rather than the mode or *means* by which, the same is carried on.

Fourth. That to "regulate" is to "prescribe a rule" for the government, prosecution, and control of commerce.

Fifth. That such "rule" relates not only generally to the subject-matter, but specifically to the views and instruments by which it is carrried on; to the men engaged, the vehicles employed, the route prescribed, and to whatever pertains to the safety of passengers, the security of goods, and the protection of the public, from abuse and extortion.

It is the voluntary entering upon the business of commerce, rather than the particular mode of conducting it, which subjects a party to this regulation or control. If a man, a party, or corporation desires to avoid such rules and regulations as pertain to interstate commerce, all he or it has to do, is to refrain from engaging in that kind of business.

But it is said that Congress has never attempted to regulate prices under this rule. Very true, because the necessity for so doing has never before arisen. But to argue therefore that it cannot do it in a case clearly within the scope of its power, is like saying that the authority of a board of health, shall be confined to the kind of diseases already known; but that if a new form of epidemic shall appear, more sweeping than all before, it shall have no power to deal with that. You might as well determine the jurisdiction of the General Government over an individual, by the kind of a vessel in which he crossed the ocean, or the particular port at which he entered the country, as to determine the regulations of commerce, by the kind of vehicles in which it is carried on. Commerce no more changes its nature by shifting from a boat to a rail-car than a man does when he performs the same thing.

To invite men to engage in interstate commerce, help them to establish monopolies, and then exempt them from all regulation and control, is to invite the very state of things which is already upon us with its terrible complications, its crushing weight.

But if the General Government, being a government of delegated powers, may impose these regulations upon interstate commerce, can a State, having original powers, regulate commerce carried on by railroads within its own boundaries, especially when in its organic acts it has reserved the right to do so, *i. e.*, the right to "alter or repeal" all charters granted to corporations?

As the present discussion of this question is more particularly confined to my own State, I shall only detain the House long enough to present its general conditions.

If Wisconsin has not reserved this right, she certainly intended to do so, and supposed she had. But eminent counsel tell her, that she only grants franchises to corporate bodies to enable them to acquire lands and property, with which to serve the public, and that so soon as such property is acquired, upon the sole ground that it is wanted for the public use, it nevertheless, vests at once in them as private property, subject only to the condition, that they shall serve the public with it, but upon their own terms and conditions, and that whenever the State shall become dissatisfied with their mode of service, it has only to repeal their charter, leaving them in full ownership and control of the property thus acquired, and itself shorn of all advantages accruing from the joint undertaking. In other words, the State may select out certain individuals from all others, clothe them with corporate powers, secure to them certain property for the public use, compel other citizens to yield it up to them for that purpose though they tear down their houses to do it, prescribe the route, grant them a monopoly of the carrying trade over it, encourage and empower its citizens to bond their towns and mortgage their farms to push the enterprise to completion, and then, when all this has been done, and the State has nurtured her foster-child for twenty years or more, if she shall be dissatisfied, she may repeal the charter, lose all herself or citizens have invested, go back to stage-coaches and wagons, or allow the creature of her creat on to serve the public as it sees fit. And this we are told is the right and the only right which was so jealously guarded in the constitution of Wisconsin. That if there was any question of good faith or public trust involved, it was the State that trusted the corporation and not the corporation the State. We are further assured that a reduction of passenger-fare from four to three cents per mile and a corresponding reduction on freight is "confiscation of private property without just compensation," but that the raising of rates at a single bound from 4 to 10 per cent., thereby wiping out the profits of the farmer on his annual crop is not confiscation. That under this pretense of "public use" private property may virtually be condemned for private use; a thing which no sovereign State under heaven could do, but which its child, the corporation, may do with impunity. Mr. Speaker,

> Upon what meat doth this our Cæsar feed,
> That he is grown so great?

The converse of these propositions and the cause of the people of Wisconsin, may well rest in the soundness of judicial decision cited in their behalf by her ablest lawyers. Add to these powers the police

power of the State, by which, while she cannot say that hacks and public conveyances shall run, yet if they do run, what rates of fare they shall charge, and her power to regulate rates and charges would seem to be ample.

Passing now from these powers of the State and national governments to their practical application, we are told the matter is so complicated and the conditions so variable that nobody but practical railroad men can prepare tariff rates which will be reasonable. Why not? Because, it is said, the "cost of the road," the "grades and curves," the "character of the goods" transported, the "amount of business," and whether "uniform or fluctuating," "climatic influences," "obstructions from ice or snow," the amount of freight each way, and whether "compact or bulky," the "price of labor," the "amount of dead weight," "length of haul," &c., present a problem the difficulties of which are but slightly understood. Yet practical railroad men do master it with all its complications. Why should not others be able to do so upon like data? And why should not such data be forthcoming under the provisions of law? Take a given line of road with facts and figures carefully prepared, and why should the problem be more difficult to solve, than that which "Old Probabilities" solves every day of his life?

It is further said that England, France, and Belgium have tried the experiment of rates and governmental interference, and failed. Yet while England, with her thirty thousand men controlling all the land in the kingdom, naturally tended to monopolies, and France directly encouraged combinations rather than competition, Belgium measureably succeeded.

The following table, furnished the special committee of the Senate, shows that a schedule of through rates can be prepared, and in that country did prove satisfactory. It shows the charge per ton per mile in 1868, including terminals, for fourth-class goods in Belgium:

	Cents.
15 miles	2.54
31 miles	1.86
46 miles	1.66
62 miles	1.38
77 miles	1.18
93 miles	1.02
108 miles	.92
124 miles	.86
139 miles	.80
155 miles	.74

Mr. William M. Grosvenor, of Saint Louis, has prepared a table of rates upon which he comments as follows:

The regularity of decrease in rate charged corresponds with a general law governing all railway service, namely, cost of loading and unloading, and fixed expenses being the same, whether the trip is long or short; cost of transportation per ton per mile regularly decreases as distance increases, being cost of haulage plus fixed cost, divided by the number of miles. Thus, if cost of loading and unloading be thirty-three cents, and other items of fixed cost twenty-seven cents per ton, the actual cost of haulage (maintenance of track, repairs, &c., included) being eighty-three hundredths of one cent per ton per mile, the cost for different distances will be eighty-three plus sixty cents divided by distance, thus:

Miles.	Haulage.	Fixed.	Total.
10	83	6.00	6.83
20	83	3.00	3.83
30	83	2.00	2.83
40	83	1.50	2.33
50	83	1.20	2.03
60	83	1.00	1.83
80	83	.75	1.58
100	83	.60	1.43
150	83	.40	1.23
200	83	.30	1.13
300	83	.20	1.03
400	83	.15	.98
500	83	.12	.95
1,000	83	.06	.89

But it is said that the details of a bill to regulate rates would be so multifarious that Congress could never master them. How is it with other bills abounding in details, the tariff bill, for instance, enumerating nearly every article known to commerce; or the appropriation or revenue bills? What proportion of the members of this House, called upon suddenly, could arise, amid the confusion always prevailing here, and give any intelligible account of their details? Take the late revisions of the Federal statutes, the work virtually performed by less than a dozen men and touching the minutest interests of every man, woman, and child in the Republic; though passed and sanctioned by the House, how many members outside of a limited few know anything about its details even now? It was a tremendous power to intrust to a dozen men. Supposing we had stood back aghast, and said "It will never do to intrust such powers to so few men," how could the revision ever have been made? Yet if commissions are appointed to collect data and prepare schedule rates of railway charges for the use of Congress, it is said railroad men will corrupt and own them. Only last week the New York Tribune said:

If the companies carry their point in the present case, the Illinois railroad law will collapse like the great transatlantic balloon. If they are beaten in the courts they will *put their money into politics, and make Legislatures, commissions, governors, and judges to suit themselves.*

Sir, is this true? Is it a fact that there are no honest men left in America? None but what can be corrupted and bought? That we cannot perform the ordinary functions of government because no men can be found fit to be trusted? And is this the doctrine which we will teach our young men in schools and colleges, on farms and in workshops?

How can we legislate at all if these things be true? How could we ever accept the details of a general tariff bill upon the assumption that the committee who prepared it, might have been corrupted by the great merchants, importers, or iron-men of the country? Yet men stand back half conceding that this railroad blight has spread so far that no man is free from its taint, and at the same time argue that it should be left unmolested. We may assume the former, and we may act upon it. We may abandon all remedies as impossible, and through love of ease or dread of opposition, tamely submit. But there are those to come after us, younger than we are, who will take up this work where we shall lay it down, and who will teach us that there is faith to be had in human nature still.

While I believe that the right of control of railroads by Congress and the State should be jealously guarded, yet practically I think it will be used mostly for auxiliary purposes, upon local lines, and to compel reasonable connection with governmental routes.

Double-track railroads and water-routes, either one or both, controlled by the Government, must be the great regulators of through rates and fares in this country. It is here where we meet with great differences of opinion, and grave doubts may well arise in the mind of any man who reflects upon the subject.

A double-track road, constructed and owned by the Government, upon which individuals and transportation companies may place their engines and cars, under proper rules and regulations, seems the most feasible plan.

I do not forget that this plan was adopted in England and pronounced a failure as early as 1840. But in that case there was this difference: the railroads were owned by the companies instead of the government, and though laws were enacted regulating the running of trains, they were evaded at every point. But with roadways owned and policed by the Government, all regulations could be strictly enforced.

The joint ownership of the roads by the Government and an incorporated company, or the granting of subsidies for its construction, under proper guards and guarantees, is strongly urged by many, but merits the most thorough and cautious consideration.

The attempt to own and operate a railroad by the Government, and to employ the force necessary to manage its vast and varied business, will swamp itself by its own complications. The cost of building a double-track steel road from New York City to Council Bluffs, as estimated by Mr. W. C. Kibbe, of the Continental Railroad Company, and submitted to the committees of both Houses of Congress, is $225,000,000. This is a large sum of money; but when we remember that Mr. Rufus Hatch, upon what seemed to be reliable data, showed, a few years since, that there was $135,225,670 of watered stock in one through line from New York to Chicago, upon which the people paid a dividend of 8 per cent., amounting to $6,211,725 annually, and which watering equaled $79,000 per mile for the whole distance from New York to Chicago, and which dividends equaled an annual tax levied upon the people amounting to $6,325 per mile, we cease to be staggered by large sums connected with the building or operating of railroads, especially when competent judges tell us from actual calculations that the entire material stock of railroads in the United States amounts to $1,000,000,000. Yet, in the face of these figures, we hear talk about confiscation and bad faith shown to railroad companies on the part of the public.

Mr. Kibbe estimates that upon such a double-track road 1,000 trains of 30 cars each could be constantly moving, and after a careful estimate of running expenses, down to the cost of running each train per mile per day, and allowing for labor, material, fixed expenses, interest on investment, &c., that, at the rate of 7½ mills per ton per mile upon 18,180,000 tons of freight, this being its annual capacity, there would be an annual surplus of $33,000,000.

The Senate special committee report that:

The average charge for the transportation of wheat from the Mississippi River to New York, by rail, for the last five years, is $16 50 per ton, equal to 15.2 mills per ton per mile, or 50 cents per bushel. At 7½ mills per ton per mile the cost of transport would be $8.83 per ton, or 26 cents per bushel.

At this rate the saving on the 55,000,000 bushels of wheat shipped from the Northwestern States in 1872 would be $13,200,000.

Saying nothing of other freights, this shows that at no distant day the Government would be justified in constructing such a road, if relief shall come in no other way.

This brings me, Mr. Speaker, to consider last in order the remedy which I think the Government should first adopt, and which, in my judgment, should have been boldly entered upon at the present session of this Congress, namely, the opening up and improvement of water-routes.

I do not mean, that we are prepared now to enter upon the vast system of improvements, presented by the special committee of the Senate upon cheap transportation; but I do mean, that one or more of these routes should be put at once in the best possible condition.

The following table, prepared for the above committee, will show the importance of water-routes in regulating and controlling rates on railroads:

Average monthly freight charges per bushel on wheat from Chicago to New York by water, (lakes, Erie Canal, and Hudson River,) by lake and rail, (lake to Buffalo and thence rail to New York,) and by all rail, 1868 to 1872, inclusive.

Month.	Year—														
	1868.			1869.			1870.			1871.			1872.		
	All water.	Lake and rail.	All rail.	All water.	Lake and rail.	All rail.	All water.	Lake and rail.	All rail.	All water.	Lake and rail.	All rail.	All water.	Lake and rail.	All rail.
	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.
January	....	....	51	....	....	42	....	....	42	....	....	39	....	....	39
February	....	....	51	....	....	39	....	....	42	....	....	39	....	....	39
March	....	....	48	....	....	30	....	....	36	....	....	30	....	....	36
April	....	28	42	....	26	30	....	22	30	....	22	27	....	....	30
May	20	26	36	19	25	30	16	20	27	16	21	27	18	25	27
June	19	25	30	21	25	27	16	21	27	16	21	24	21	23	27
July	18	25	33	18	23	27	15	20	27	16	22	27	23	23	27
August	22	26	36	19	20	30	15	20	27	18	24	30	22	23	27
September	25	33	39	22	22	39	15	23	30	23	28	33	27	32	33
October	27	34	42	29	27	39	21	25	36	27	32	39	31	37	39
November	28	35	45	32	36	42	20	29	39	25	32	39	28	38	39
December	....	....	45	....	....	42	....	....	39	....	....	39	....	....	39
Average	25. 3	....	42. 6	24. 1	....	35. 1	17. 5	....	33. 3	21. 6	22. 3	31. 0	26. 6	28. 8	33. 5

Commenting upon this, the committee say:

During the year 1872 the "all-rail" rates were 24.5 per cent. higher than the "all-water" rates, the "lake and rail" rates were 7 per cent. higher than the "all-water" rates, and the "all-rail" rates were 16.3 per cent. higher than the "lake and rail" rates.

The average summer rail rate for 1872 (May, June, July, August, September, October, and November) was 31 2-7 cents, and the average winter rail rate in 1872 (December, January, February, March, and April) was 36 3-8 cents, the average winter rate being 16 per cent. higher than the average summer rate. By comparing the all-rail rates for the months of June, July, and August with the all-rail rates for December, January, and February we obtain a more accurate expression of the effect of ample water facilities in competition with equally ample rail facilities. The average all-rail rate during the three summer months just named was 27 cents, and the average of the winter months was 39 cents, the winter average being 44.4 per cent. higher than the summer average, when the competition of water transport was in full force. It may be supposed that the increase in the rail rates during the winter months is caused by the increased cost of transport during that season of the year, but this is true only to a very limited extent. The chief cause is the absence of competition by lake and canal. This is evident from the fact that although the cost of transportation by rail is not greater in October and November than in June and July, yet the average of the rates during the former months is 44.4 per cent. higher than the average of the rates during the latter months.

This rate of 12 cents per bushel, maintained through the entire year, as it would have been but for water-carriage, would have amounted, upon the wheat transported eastward in 1872, saying nothing of other grains and freights, to $6,600,000, showing the influence of the water-routes in their present imperfect condition.

Railroad managers testified before the Senate committee that during the season of navigation they regulated rates "by what the water-routes charged," and at its close "*by what the property would bear*," not by what will insure a fair, reasonable profit, but by leaving just so much margin as will induce the farmer to sell rather than retain his products.

As shown by authentic tables, the average price of No. 2 spring-wheat in Chicago during the year 1872 was $1.26.6. In Liverpool it was $1.86.9. The cost of transportation between these places by water was 64.3 cents. The difference in prices in excess of cost of transportation was 10.6 cents. Yet, as we have just seen, in the fall months of the same year, when labor was cheap, the weather fair, and the road-bed solid, without any conceivable cause or excuse therefor, the railroads imposed a tax of 12 cents upon every bushel of surplus wheat in the West, more than enough to wipe out the margin and close the Liverpool market against the Chicago grain. It may be replied that the water-routes did not prevent this, nor were the European markets actually closed, which is all true. But supposing there were no water-routes and this condition were to continue the year round, what would be the result then, with the railroads charging just as much as "the property would bear?"

Sir, I have said that these railroad men possessed more positive power than Presidents and Congresses. Here I present its demonstration: Dare this Congress, for any purpose whatever, impose a direct tax of 12 cents per bushel upon the farmer's wheat, and would the President sign the bill if it did? Yet here is a power which may do it, and which does do it year after year with impunity.

If water-routes must be maintained as guards and guarantees against extortionate rates and charges, then the true policy is to bring existing routes to the highest point of efficiency. It is said, however, that we cannot improve one of these routes without improving all; that local interests will prevent it. But is this a practical view to take of the matter? It must be some time before the country can be induced to enter upon the vast expenditures which all these improvements would require, estimated at $155,000,000, and which may cost twice that sum. But if we have faith in water-routes, then the true plan would be by reasonable but liberal appropriations to improve one or two existing routes, and bring them into the best possible condition. If we thereby establish the feasibility of the plan, and demonstrate that the annual saving will not only pay the interest on the investment but go far toward discharging the principal itself, then other improvements must follow at once.

It is claimed, and has been stated in debate at the other end of the Capitol, and not disputed, that the Erie Canal, by competition with railroads, has saved to the West $122,000,000, has paid its original cost of $43,000,000, and turned into the State treasury $40,000,000.

If the enterprise of a single State can accomplish this, what ought a nation to do? But which two routes shall be first improved? Fortunately this question has been settled. Nature and commerce have drawn the lines so broad and clear that national men, dealing with it as a national question, ought not to differ. The Mississippi River flows two thousand miles through one of the richest valleys of earth. Itself and tributaries drain fourteen States of the Union, and the wealth of an empire floats upon its waters. Immigration, enterprise, and trade have followed their course over the northern lakes for more than a century. New Orleans is the commercial emporium of the South, New York of the East and of the American continent.

Where men sell their commodities, there, as a rule, they make their purchases—there capital centers, enterprise develops, and exchanges are made. Between these places and their customers the lines of commerce are drawn.

As New York and New Orleans are the commercial entrepots of the East and South, so Chicago, Cincinnati, and Saint Louis are the great commercial centers of the West, and between these cities of the interior and those of the gulf and seaboard, the channels of commerce have been worn broad and deep, and over them, the tide of trade and travel will ebb and flow forever.

Here fact squares with theory. Of the 74,000,000 bushels of wheat shipped from the Northwest, in 1872, 7,000,000 went to Canada, 11,000,000 to the Gulf States, and 55,000,000 to the Atlantic seaboard.

The following interesting colloquy occurred between Senator CONKLING, of the Senate Transportation Committee, and the Hon. HENRY T. BLOW, while the latter was giving evidence before the committee at Saint Louis:

By Mr. CONKLING:

Question. You say that the enterprise and capital give themselves to eastern routes from the Mississippi basin to the Atlantic?

Answer. I do, sir.

Q. Why is that?

A. I state that as a fact.

Q. I know you did, but I ask you the reason of it?

A. I will state it a little differently from what you make it. I stated that the capital and enterprise of the country was invested in great lines across the country, through the grain-growing belt of the country. We all know that to be a fact. The railroads have absorbed the capital and enterprise of this country. Why they do it, I suppose, is because they expect to make money and good dividends from their stock, and because situated in that belt it gives a promise of perpetual profit.

Q. The point of my question was this: If grain can be carried on a down-grade to the mouth of the Mississippi and there find equal facilities with those of any other port to European markets, why does capital and why does enterprise embark in east and west lines of railroad across the country to the Atlantic rather than in the north and south lines to the Gulf of Mexico?

A. I think that is very simple: because the east and west lines run to the great cities, from which the grain of the country has generally been exported, and where the importations of the country come back in return.

Q. Do you think it is from a mere spirit of imitation that, because it has been, therefore capital elects to keep it so?

A. No, sir; I do not think that, but I think that the condition of the great routes south and the condition of the South itself, with its capital entirely gone, render it for the time being impossible for it to act at all as a capitalist.

Q. You speak now of the condition of things since the war?

A. I am speaking of the war and the condition since.

Q. Wasn't the same thing true previous to the war?

A. Previous to the war, my recollection is this: that we hadn't engaged in the exportation of grain to as great an extent, but that we had a much larger share of it in proportion than we have now. You see you are going back twelve or fifteen years.

Q. If you will allow me, I want to make a record of your reasons for the fact that the tread of enterprise and capital is from these basins east and west, and not north and south. I wish you to state, as you understand them, the reasons for that fact.

A. I believe it has its foundation, first, in a prejudice of capitalists, or a fear, if you please, with regard to the investment of money; second, in the fact that those railroads do run through these great grain-growing States—through the grain-belt. The great article of transportation on those railroads is grain that is grown in this country. It is necessarily the grain, because it is the only thing that they can export, and they are built for that purpose.

* * * * * * *

Q. They didn't run through the grain-belt until they were built, and I am asking you how they came to be built on a line of latitude rather than on a line of longitude.

A. I think I have stated that because the latitude had the grain and the longitude had not. For instance, the minute that you get below this city, you don't run through these grain-growing States. The grain grown in Tennessee, Alabama, Mississippi, and Arkansas is for local consumption, and hardly enough for that, while the grain grown in this belt of the country is for exportation, and because it is for exportation you have this very question here between the Grangers and the rail roads. Now, if you can get what you want from the statement of facts, you can arrive at it.

I cite the above simply to show that, in the improvement of the two proposed lines, the expenditure will be largely in favor of the South in proportion to the capital and commerce involved.

The following, taken from the report of the Senate committee, shows the relative tonnage of various ports and the causes which affect the courses of trade:

Why is it that, with all these advantages, so large a proportion of the heavy products of the West cross the Mississippi River and climb over high mountains, on expensive railways, rather than float down the river-current to the ocean? There are various circumstances which determine the course of trade beside the current rates of transportation. The magnitude of the grain business of a port depends upon the amount of available tonnage seeking freights, and this depends largely *upon the general business of the port.* This is true not only with respect to grain, but of all commodities which will not bear the cost of a round trip. It is not true, however, in regard to more valuable commodities, such as cotton, tea, sugar, and other articles of commerce, which can bear freight-charges high enough to meet the necessary profits *for both the inward and outward voyage.*

This is illustrated by the statistics of imports and exports at New Orleans and New York, and of other commercial seaports of the United States. There are no available statistics indicating the weight and volume of the commodities exported from and imported into the several ports of the United States—only the values and the amount of tonnage entered can be stated.

Value of imports and exports of ports of the United States during the year ending June 30, 1872.

Cities.	Value of imports.	Value of exports.	Tonnage entered from foreign ports.
			Tons.
Boston	$70,398,185	$21,443,154	881,486
New York	418,515,829	270,413,674	3,969,339
Philadelphia	20,383,853	20,982,876	417,911
Baltimore	28,836,305	18,325,321	368,136
Charleston	740,976	10,933,430	43,576
Savannah	627,410	28,246,607	139,523
Mobile	1,761,402	13,938,605	55,895
New Orleans	18,542,188	89,501,149	501,965
San Francisco	33,330,501	26,243,061	423,572

NOTE.—The value of imports is expressed in gold, and the value of exports in currency.

The tonnage of large ocean steamers is now from 3,000 to 5,000 tons, and these have proved the most economical and profitable for ocean-borne freight. The ports the business of which will justify the establishment of lines of these steamers, and insure their arrival and departure at regular intervals, must be the ones which will command the interior trade. Yet the average tonnage of vessels entering the port of New Orleans, as shown by the report of the above committee, is 1,050 tons, showing that while it is conceded to be the cheaper route, all this is overcome by obstructions at the mouth of the river; and which may be removed by an outlay of from $5,000,000 to $8,000,000, so that the largest ocean-steamers may touch the docks at New Orleans.

Two conditions must be met in the establishment of continental routes:

1. A full and regular supply of tonnage at the seaboard, with minimum rates for freights.

2. A full and regular supply of interior tonnage connecting therewith.

Establish a full and sufficient outlet at Buffalo and New Orleans, and tonnage on the lakes and river will adjust itself to the demands of commerce. Barge lines will be established on the rivers, and steamers of 500 tons be placed on the lakes, which could easily pass through the canals to the seaboard. Transfer charges would be avoided, while water rates would be more uniform and railway charges be regulated. Thus the whole business of transportation would be taken out of the realm of chance and speculation and brought more within the rules of legitimate business. Grain gambling would to some extent be discouraged by a regularity of prices, while the honest producer and honest carrier would receive more of the just rewards of their labors.

The Union' Merchants' Exchange of Saint Louis has estimated the cost of removing the obstructions at the mouth of the Mississippi, from eight to ten feet to Saint Louis, and five feet thence to the Falls of Saint Anthony, and four and a half feet above that point, at $16,010,000.

Upon this improvement the Senate committee comment as follows:

Persons best informed on this subject believe that, upon the completion of the entire river improvements, and with the largely increased business which is expected to result therefrom, grain can be transported in barges from Saint Paul to New Orleans at a fair profit for from 12 to 15 cents per bushel. Capt. W. F. Davidson, a gentleman of large experience in river navigation, has expressed the opinion that, with the improved river, the cost per bushel from Saint Paul to New Orleans need not exceed 12 cents. Estimating the probable cost at 15 cents per bushel to New Orleans, and at 27 cents from there to Liverpool, (the present average,) and the two transfers at Saint Louis and New Orleans at 1 cent each, the entire cost from Saint Paul to Liverpool would be 44 cents. The present cost by the cheapest routes, including elevator and terminal charges at western lake ports and at Buffalo and New York, averages about 71 cents per bushel. A saving of 27 cents per bushel could therefore be effected, which on the corn and wheat crops of Iowa and Minnesota alone would amount to over $36,000,000 per annum, more than enough to pay every year double the cost of the entire improvements.

The merits of the improvement of the Fox and Wisconsin Rivers, already ordered by the Government and estimated to cost $3,000,000, cannot be more concisely stated than in the following extract from the report of the Senate committee, made up largely from facts and figures furnished by Breese J. Stevens, esq., of Wisconsin:

In case the above estimate be considered too low for the water-route. the following is also submitted, it being based upon an assumed charge of 6 mills per ton per mile *down* the Mississippi River and through the Fox and Wisconsin improvement, and 8 mills per ton per mile *up* the Mississippi. The following are the results of such comparison:

From—	Actual cost per bushel of sixty pounds to Chicago by rail.	Estimated cost per bushel of sixty pounds to Green Bay via the Fox and Wisconsin improvement and the Mississippi River.	Saving by the improvement.
Saint Paul	$0 19.3	$0 8.7	$0 10.6
Winona	18.4	6.5	11.9
La Crosse	18.4	5.9	12.5
Prairie du Chien	18.4	4.8	13.6
Dubuque	17	5.1	11.9
Savannah	18	7.5	10.5
Fulton	17.5	7.9	9.6
Rock Island	15	8.8	6.2
Burlington	12	11.5	5
Average	17.1	7.4	9.7

Computing the cost at the rates last named, which are higher than the usual river charges, and about equal to the average carriers' charges on the Erie Canal, we find the average cost for all the ports named by the proposed water-route to be only 7.4 cents per bushel, against 17.1 cents by rail, showing a saving of 9.7 cents per bushel. The surplus of wheat and corn in Iowa and Minnesota in 1873 being over 60,000,000 bushels, the annual saving to be effected by the proposed improvement will amount to $6,000,000, or twice as much for a single year as the entire cost of the work. To this must be added a similar saving per bushel on the wheat and corn of Nebraska, and of a large part of Illinois and Wisconsin.

By referring to the crop-map in the appendix, showing the localities in which a surplus of wheat is produced, it will be observed that this improvement connects the lakes by direct water communication with the largest and most productive wheat region on the continent, and seems especially designed to afford for it the cheapest possible outlet to market. It is the shortest and cheapest connection with the most prolific wheat areas of Minnesota, Northern Wisconsin, and Iowa; and it passes through the richest wheat-producing region of Central Wisconsin. The four counties of Dane, Dodge, Columbia, and Fond du Lac, situated directly upon the proposed route, produced in 1869 an aggregate surplus of over 7,000,000 bushels of wheat. The other counties of Wisconsin which are closely contiguous to the Mississippi River produced an aggregate surplus of over 3,500,000 bushels, making a total surplus of over 10,500,000 bushels in Wisconsin, which would be benefited to the extent of the reduction above estimated.

Selecting from the committee's estimates of various routes I find the cost of completing these two great routes would be as follows:

Improvement of the Mississippi below the Falls of St. Anthony	$11,000,000
Improvement of the Fox and Wisconsin Rivers	3,000,000
The improvement, with the concurrence of the State of New York, either of the Erie Canal from Buffalo to Albany, or the improvement of the Oswego Canal to Albany, or the Champlain Canal from Lake Champlain to deep water on the Hudson, and including a connection between Lake Champlain and the Saint Lawrence River, each of which is estimated at	12,000,000
Total	26,000,000

This would be an expenditure of about $8,000,000 in the South, $6,000,000 in the Northwest, and $12,000,000 at the East. The annual interest upon this investment at 5 per cent. would be $1,300,000, while the annual saving to the West and South, and which will be shared by the consumers of the East, cannot, upon any of the various estimates made by competent judges, fall below $20,000,000 per year, or nearly the cost of the entire improvement. Indeed, upon most of these estimates the saving would be nearer $60,000,000 than $20,000,000 per annum. The committee say:

It is stated that in the ten years from 1855 to 1864, inclusive, the total number of tons moved one mile by the New York Central Railroad was 2,132,073,612, and by the Erie Railroad 2,587,274,914 tons; by the New York canals 8,175,803,065 tons; and the average charges of the Central Railway were 2.6 cents, Erie Railway 2.22 cents, and the canals, .91 cents per ton per mile. Had the freights which were carried by canal for the ten years been carried by rail, the additional freight-charges would have amounted to $122,637,045.97.

Thus, if, upon the limited capacity of the Erie Canal and the amount of business of ten and twenty years ago, the saving was over $20,000,000 per annum upon a single route, what must be the saving upon all of these routes when improved, with the increased business of the present time?

The cost of the Erie Canal was $43,639,000. The cost of the Canadian Canal, $35,639,000. The cost of a double-track railroad is estimated at over $200,000,000. And yet with these estimates and examples before us, showing what a small dominion or a single State can do, we hesitate to invest $26,000,000 sure to bring an annual return equal if not double the original investment. This money expended among the farmers, laborers, and business-men of the West and South would be like seed sown upon good ground.

The retention of from $30,000,000 to $50,000,000 per annum among the producers of wealth would have a wonderful effect in developing not only agriculture, but manufactures and commerce as well. Give the farmer an annual surplus of $500 or $1,000, and he will buy more land for his boys, or he will fence in and improve new fields. Place the laborer where by practicing rigid economy he can save up from $200 to $300 per year, and he will purchase a vacant

lot, erect a house, and his little home, take an interest in the affairs of his town, and become a satisfied and hopeful citizen. We can pursue this course in the line of statesmanship, or we can charge as much as the "property will bear," send the proceeds to Wall street to be invested in stock-gambling operations, and let the profits appear in fine equipages, elegant mansions, large fortunes suddenly amassed, and capital to be reloaned again to the producers at ruinous rates of interest.

Sir, we can pursue the one course, and build up the citizen and strengthen the country and her institutions; or we can pursue the other darken hope, and furnish food for communism.

The one course elevates the citizen and stimulates him to higher endeavors; the other robs wealth itself of the respect due to it, when legitimately acquired.

That condition is the best in life where thrift is the fruit of honest toil and common prudence. But when capital becomes so grasping that want and poverty stare in at every door and window of the laborer, and the shadow of despair falls across the hearthstone, then it is that educated labor becomes a slumbering volcano. When in the public journals we read morning, noon, and night of "strikes" among all classes of laborers, while we may be unable to decide upon the merits of any given case, we cannot fail to see that combinations of capital and combinations of labor are assuming an attitude toward each other in this country, which may well arrest the attention and challenge the thought of our profoundest statesmen.

We want in America no communism, no agrarian ideas, no confiscation of goods, but simply, in the language of the immortal Lincoln, "to lift artificial weights from all shoulders, to clear the path of laudable pursuit for all, to afford all an unfettered start and a fair chance in the race of life."

Mr. Speaker, we do not forget that railroads have built up the waste places of the West and made her fields "to blossom like the rose." Her lands could never have been settled so rapidly nor her bounteous harvests ever been gathered but for steam-cars on the one hand and improved agricultural machinery on the other; and while she would foster every useful invention and improvement, she only asks that they be not made instruments of injustice or extortion. She wages no war against railroads as such. She would see them liberally, even generously, supported. She desires only even-handed justice between these great corporations and the people, and she looks hopefully forward to that "consummation most devoutly to be wished" when all interests shall submit themselves to the authority of law, when enterprise shall receive its highest incentives, capital its proper percentage, and labor its just rewards.

IRON-MOLDERS' UNION.

Mr. FIELD. Mr. Speaker, the Committee on Education and Labor having reported to the House a bill "to incorporate the National Iron-molders' Union," and as that committee will not probably be called in the regular order before the close of the session, I propose at the first convenient opportunity to ask a suspension of the rules for the purpose of putting the bill upon its passage.

This course will preclude debate, and desiring to call attention to the measure I will now refer to some of the provisions of the bill.

The first section provides for the incorporation of the iron-molders' union therein named, and it further provides that "their associates and successors be, and are hereby, created an incorporation by the name and title of the Iron-molders' National Union," and by such name and title they shall have perpetual succession and shall be capable of suing and being sued, pleading and being impleaded, and of granting and receiving in its corporate name property, real, personal, and mixed, and of using said property and the proceeds and income thereof for the objects of said corporation.

The iron molders named in the bill are reputable and worthy men of the trade, and they represent about nine thousand mechanics connected with this useful industry in the United States.

Local unions have been organized in nearly every State and Territory, and for the purpose of carrying out more fully the benevolent designs of the order, a national union has been formed, and William Saffin, of Cincinnati, has been elected president.

In carrying out the objects of the association they have felt the need of a charter, not only to strengthen the credit of the union but to facilitate the transaction of business in the investment of funds, in the buying and selling of property, and the general management of its business affairs.

Without a charter the investments and business operations of the union must necessarily be carried on in the name of agents and trustees, resulting sometimes in needless expense and great inconvenience, and liable through death and other changes to complications, litigations, and losses. These results the iron-molders desire to avoid, and by obtaining a charter the business transactions of the union can be conducted without the useless machinery and expense which now embarrass their operations.

It is the intention of the union, as we are informed by its representatives, to erect halls for the convenience of local or auxiliary unions, and to establish libraries and lyceums for the moral and intellectual improvement of the craft.

Furthermore, as the interests and necessities of the iron-molders may from time to time require new and enlarged fields for employment, they propose to establish co-operative shops and foundries for their mutual benefit and advantage. They seek in this orderly and practicable mode to avoid contentions and conflicts with other citizens, and they anticipate beneficent results to grow out of the practical application of a well-settled principle of social science, thereby securing to themselves *a better reward for toil in the joint earnings of their own capital and labor.*

The Committee on Education and Labor, after a careful consideration of the measure, have agreed upon this bill, and they have directed me to report the same to the House and recommend its passage.

I see no objection to the bill; on the contrary, it appears to me plain that the iron-molders of the country should be supported and encouraged in the laudable and praiseworthy efforts now being made by them to elevate and improve the condition of the trade, and it is to be hoped that they may realize through *association* or *co-operation* all the benefits the system is so well calculated to secure, and I sincerely hope they may be successful in the undertaking, not doubting myself that the tendency of co-operation will be to an elevated standard of workmanship, greater skill and efficiency in the work, and a better reward for honest and deserving toil.

Mr. Speaker, I find a great many precedents in the acts of Congress to sustain the action which the committee recommend upon this bill; but I will refer only to a few charters of a similar character which have been granted since the close of the Thirty-seventh Congress, as follows: The National Theological Institute; The National Safe Deposit Company; The National Capitol Insurance Company; The National Life Insurance Company of the United States of America; The National Hotel Company; The National Bolivian Navigation Company; The National Life Insurance and Trust Company; The National Savings Bank.

And now, Mr. Speaker, when nine thousand workingmen ask Congress to grant a charter simply to enable them to buy and sell property and transact the business connected with their mechanical trade, I feel satisfied that every gentleman here with a disposition of fairness and consistency will not hesitate in supporting this bill, and I hope it may become a law before the close of the session.

The iron-moulders throughout the land take a deep interest in the matter, and I hope they may not be disappointed.

Mr. STANDIFORD. Mr. Speaker, after a careful consideration of this bill and the objects which it is intended to accomplish, I am compelled to say that in my opinion it is a measure eminently just and proper, and one which should become a law.

This is not a bill which proposes an appropriation for the benefit of these workingmen nor is there any remote possibility that the United States will be asked to give a dollar out of the Treasury, nor can I see in it any possible chance that the rights of any citizen or class of citizens shall be infringed by reason of it.

The advantages which it proposes to the iron-molders are simply that under its provisions they may organize societies for the improvement of their craft, establish reading-rooms and libraries for the benefit of members, collect and keep together funds for the benefit of sick and disabled members of their order while living, and the relief of the widows and orphans of deceased members and to be able to compel a strict account from the trustees of such funds. It will enable them to hold property in the name of their association, to collect their dues and make them responsible as an association for their debts. It will give them no more power over the capitalists of the country than they hold to-day through their present organizations.

The bill will enable molders to establish and maintain co-operative associations in which the profits of their labor are divided among themselves instead of payment of wages. If they desire to secure the benefit of their labor in that way instead of wages, I see no objection to their doing so. Other societies, other organizations, come here and ask to be incorporated, and are given charters, and in many instances these charters are accompanied by immense subsidies and grants.

Is it because these men are workingmen that we should not grant privileges to them that we give to others? Is the mechanic that furnishes the motive-power for this iron age of progress unfit to be trusted with the exercise of corporate rights? If so let it be so declared by our refusal to pass this bill.

There ought to be no controversy between capital and labor, nor need there be if there was a proper understanding between the laborer and his employer. The great cause of difficulty in this respect is the failure of the majority of those who employ labor to recognize the intellectual capacity and needs of the workingmen as distinguished from the mere physical force which he brings to bear in the production of the various articles of skill which combine to make our commerce.

They seem in many instances to recognize the mechanic only as a machine out of which it is the true policy of trade to get as much force and productive capacity with as little expense as possible. They seem to forget that their best interests may be subserved by appealing to the manhood of the workingmen, exciting their ambition to excel, and rewarding their efforts in that direction.

If there could be a better feeling of mutual interest established between the mechanic and his employer, this question of labor and capital would in my opinion cease to be a complication. If the capitalist would consult more freely with those he employs as to their needs with a view of ameliorating their condition, when it could be done without serious detriment to his business, he would find that their demands would not be extravagant or unreasonable, and he

would obtain as a free gift that which he fails to get by exciting their hostility, and receive their friendship personally and their interest as a class in his affairs and for his success. I am speaking now of the real workingmen of the country, and leaving out those pestiferous busybodies and demagogues who assume to represent the interests and advocate the wants of the workingmen, but who are repudiated by them.

The real mechanics of our country as a class are an intelligent, educated, and worthy class of men, and who are from the nature of their training and habits of thought honest. Unaccustomed to the practice of diplomacy or duplicity, they state their wants in a manly, straightforward way, and expect to be met and answered in the same spirit. Although this is a measure of vital interest to them, they have no lobby delegates employed to urge members to favor it or press its adoption.

There has been one result of the trades-unions, especially in the class of mechanics whose case we are now considering, which has been of the greatest advantage to the country at large: I mean the elevation in all that pertains to true manhood and good citizenship of the molder. And what is true of one class of laborers in respect to these organizations is true of all.

Nearly every trade has found it necessary to organize societies for mutual protection and benefit, and they have been not only beneficial to the workingmen, but in themselves have worked no injury to the interests of trade. At last the agriculturists have awakened to the necessity of organization. Granges have sprung up all over the country. The necessity for these organizations has been caused in a great measure by unjust legislation. The wealthier classes have had the best chances in our legislative halls, and the people are restive under the burdens which they feel being imposed upon them.

The property of the holders of bonds have been steadily, carefully, and jealously guarded until it has increased to double its original cost to them. This class of our citizens "toil not, neither do they spin," and yet they live off the best the country can produce and are clothed in luxury and ease; their property and incomes are held too sacred in the eyes of the Government to be taxed, while the laborer, the mechanic, and farmer toil through the laboring hours to furnish the means of this luxurious support. The time will come, and that shortly, too, when the farmers and mechanics of this country will assert their rights as a mass having interests too vital to pay tribute to the eastern bondholders, monopolists, or other moneyed powers. In a republic the burdens of the government ought to rest equally upon all; but instead of this our laws place the heaviest weight upon those least able to bear them. These eastern capitalists, these aristocratic bondholders, who set in their brokers' offices and control the financial interests of the nation, yes, even the Executive, are the ones who oppose anything in the shape of favorable legislation for the workingmen of the country, and who sneer at the demands of the West and the South, but who have only to ask for whatever the country can supply and Congress or the Executive power immediately acceeds to their demands. This has been the policy of the party in power for the last ten years. We all remember how a short time since, in these Halls, when the West and the South were asking for an increase of the currency, argument and irony, wit and sarcasm were brought to bear against it by these moneyed kings; resolutions, letters, printed articles, pamphlets, books, statistics, and the like were showered in upon us until, like a cloud of locusts, they obscured the sun. And yet, when we consider the inconsistency, I might rather say the unmitigated selfishness of their conduct, it gives rise to a natural feeling of resistance. When the panic was threatening these money centers with ruin how soon they came and demanded an inflation of the currency, and got it, too, to the extent of $26,000,000 issued in favor of these men in violation of law.

This inequality of taxation, legislation, and distribution of Executive favor is wrong, and until the equilibrium is restored this contest between capital and labor will go on, and may reach a serious result unless it is remedied. We talk about the people in terms of glowing eulogy, and then vote their money away in schemes of speculation. It is time that this kind of law-making was changed, and we make some laws really for the benefit of the workingmen and see to it that they are executed.

Previous to 1857, when the first molders' union was attempted, they as a class were a disorganized body of laborers who were compelled to dispose of their labor and skill for the price which the circumstances of the locality in which they lived permitted them to command, and in no part of the country could they obtain more than living wages, and scarcely that; for employers in places where labor was plenty could command it at their own price and go into the market and undersell those who were willing to pay an adequate price for wages. Since the organization of these unions this is all changed, knowing that he is able to protect himself from the extortion and avarice of unjust masters, his ambition is appealed to and the desire to excel in his calling, has taken the place of that tread-mill apathy which characterized him before, and the increased prosperity of the iron-manufacturing interest is evidence of its advantage to the capitalist who has invested his money in this branch of industry.

I am largely interested in business myself, and have occasion to employ a great many laborers in various capacities, and my experience teaches me that the more we encourage and foster the laboring classes the better it is for all. I have found also that paying the highest price for labor and then demanding and accepting only the best is one of the secrets of profitable business, and that the cheapest labor is to get good, skillful, intelligent men and pay them liberal wages.

The laboring men are the great distributers of the money of the country. They are not only the producers but are the consumers, and when they are thrown out of employment or their wages cut down we may expect to have hard times. All classes of trade are interested in their prosperity.

We should remember that the true strength and prosperity of our Government rests not with the representatives of wealth, but in the laboring classes; and if we would keep alive the fires of patriotism we must do it by fostering and caring for our workingmen.

These mechanics ask nothing of us that we are not in duty bound to give them. Other countries have extended this same protection to their skilled mechanics, and why should not we? If monarchies are willing to honor labor, it ill becomes the representatives of a republic to turn their backs upon the soiled garments of the mechanic.

The cry of communism and internationalism which some one has attempted to raise against the adoption of this measure is unworthy of consideration. The conduct of our mechanics, and their sentiments as expressed in the resolutions of their conventions during the time when foolhardy lunatics were attempting to raise the red flag of the French commune in this country, shows conclusively that our mechanics were not only not in sympathy with any such movement, but bitterly and positively opposed to it, and with reason, for its success would be the death-blow to everything which they could hope to gain by their organization, and was so recognized by them.

I hope that the House will grant the favorable consideration which this bill deserves, and give to these sons of toil—the architects of our prosperity in peace and our defenders in war—the protection which they ask at our hands; and I am sure that it will be an act that will never be regretted by any member who gives it his vote.

[Mr. BANNING, and Mr. CROSSLAND also addressed the House. Their remarks will appear in the Appendix.]

Mr. RAINEY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. DAVIS: The remonstrance of John S. Carlile and others, attorneys, against the passage of any law depriving the district court of the United States for the district of West Virginia of circuit court powers, to the Committee on the Judiciary.

By Mr. DURHAM: The petition of Margaret C. Bell, widow of Rear-Admiral Henry H. Bell, United States Navy, for increase of pension, to the Committee on Invalid Pensions.

By Mr. SENER: The petition of citizens of Fort Smith, Arkansas, for the abolition of the western judicial district of Arkansas, to the Committee on Expenditures in the Department of Justice.

Also, the petition of citizens of Sebastian County, Arkansas, of similar import, to the same committee.

Also, the petition of citizens of Washington, Benton, and other counties in the western district of Arkansas, of similar import, to the same committee.

By Mr. SMITH, of Louisiana: The petition of citizens of Bossier Parish, Louisiana, for the establishment of a post-route from Collinsburgh, Louisiana, via Red Land, to Magnolia, Arkansas, to the Committee on the Post-Office and Post-Roads.

Also, the petition of R. M. Kearney, of Natchitoches, Louisiana, to be awarded suitable compensation for legal services in behalf of the Government, to the Committee on Claims.

Also, the petition of Mrs. Maria Waits, of New Orleans, Louisiana, to be compensated for the use of her house as a private hospital for United States officers and soldiers and for services and expenses as a nurse, to the Committee on Claims.

IN SENATE.

WEDNESDAY, *June* 10, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the memorial of a large number of merchants of the city of New York, and a memorial of citizens of Portsmouth, Scioto County, eleventh district of Ohio, protesting against the passage of the law permitting growers of leaf-tobacco to sell $100 worth of their crop at retail to consumers without license or tax; which were referred to the Committee on Finance.

Mr. CAMERON presented a petition of citizens of Lancaster and York Counties, Pennsylvania, asking for an appropriation for the improvement of the Susquehanna River; which was referred to the Select Committee on Transportation Routes to the Sea-board.

He also presented a petition of underwriters of Pennsylvania, concerning the Geneva award; which was ordered to lie on the table.

Mr. WINDOM. I present resolutions of the Chamber of Commerce of the city of New Orleans, which, as they are brief, I will ask consent of the Senate to read:

Whereas the Chamber of Commerce of New Orleans have for many years with remarkable unanimity advocated the project of the Fort Saint Philip Canal as affording the most certain and permanent outlet from the Mississippi River to the ocean; and whereas the views of this chamber have received the cordial indorsement of a large majority of the United States engineer board:

Be it resolved, first, That the passage of the Fort Saint Philip Canal bill by the lower House of Congress affords to this chamber convincing evidence that the nation's representatives recognize the great need of the millions who inhabit the Mississippi Valley, and that the enactment into law of said measure will inspire all who dwell in this valley with new hopes, and dispel much of the gloom that now overhangs the material prosperity of Louisiana.

Second. That we respectfully renew our earnest petition to the Senate and the President to complete the good work at this session, as our needs are most pressing, and delay is death to our commerce.

Resolved, That these resolutions be transmitted by telegraph to Senator WINDOM, of Minnesota, with a request that he present them to the Senate on behalf of the Chamber of Commerce of New Orleans.

J. H. OGLESBY,
President.
WM. M. BURWELL,
Secretary.

I move the reference of these resolutions to the Select Committee on Transportation Routes to the Sea-board.

Mr. EDMUNDS. I rise to make a point of order on the petition presented by the Senator from Minnesota, that the Senate cannot receive a telegraphic petition. I wish to have it entered in the Journal, if I am right, that it is done by unanimous consent. I do not wish to object to its being received.

Mr. WINDOM. I ask consent.

Mr. EDMUNDS. I have not the slightest objection to receiving it, but as a precedent for the future, I do not think we ought to be bound always to receive telegraphic petitions.

Mr. WINDOM. I asked consent at the time; at least I intended to do so.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears no objection. The paper will be received by unanimous consent and referred to the committee indicated.

Mr. PRATT presented the petition of William H. Harding, late private Company A, Seventy-sixth Regiment Pennsylvania Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. TIPTON presented a memorial of citizens of Nebraska, protesting against extending letters-patent for the Haines harvester; which was referred to the Committee on Patents.

Mr. THURMAN presented a resolution adopted at a meeting of the Ohio State Editorial Association, held at Columbus, Ohio, approving of the postage regulations for newspapers now pending in the Senate, and for free exchanges and free delivery of newspapers within the county wherein published; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WADLEIGH presented the petition of Moses Marshall, praying the passage of a law authorizing the Commissioner of Patents to hear and determine an application for the extension of letters-patent for an improvement in knitting-machines for a further term of seven years; which was referred to the Committee on Patents.

Mr. JOHNSTON presented the memorial of the heirs of Colonel Frederick DeWeissenfels of the army of the Revolution, praying payment of the half-pay for life due him for his services in the revolutionary army; which was referred to the Committee on Revolutionary Claims.

Mr. CONKLING presented the memorial of Hatch & Foote, Harriot & Noyes, Shepherd Knapp, jr., and 268 other firms of bankers, brokers, and dealers in coin, bills of exchange, stocks, and other securities in the city of New York, remonstrating against the imposition of a tax on the sale of coin and securities; which was referred to the Committee on Finance.

He also presented the petition of George Tobin, late captain Com D, Sixty-third Regiment New York Infantry Volunteers, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. STEVENSON presented papers in relation to the claim of Charles M. Briggs, of Kentucky, praying compensation for cotton taken from him by the United States troops in 1863; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 3080) to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases, reported it adversely, and asked that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. OGLESBY, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 3352) to further provide for the sale of certain lands in Kansas, reported it without amendment.

Mr. HOWE, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 623) to enable the Secretary of State to pay salaries to certain of the commissioners to the Vienna exposition, appointed under the authority of joint resolution approved February 14, 1873, reported it with amendments.

He also, from the same committee, to whom were referred the bill (S. No. 824) to encourage and promote telegraphic communication between America and Asia, and the bill (S. No. 681) to secure antimonopoly cable communication between Europe, America, and Asia, by W. Cornell Jewett and his associates, reported adversely thereon; and the bills were postponed indefinitely.

Mr. HOWE. I am instructed by the same committee to report a new bill as a substitute for the bills postponed indefinitely.

The bill (S. No. 919) relating to telegraphic communication between the United States and foreign countries was read, and passed to a second reading.

Mr. HAMILTON, of Maryland. I move to proceed to the consideration of the resolution which was before the Senate the other day in regard to the pay of Mr. Sykes.

Mr. INGALLS. I ask leave to introduce two bills.

The PRESIDENT *pro tempore*. That is in the nature of an objection; the morning business not being completed, reports of committees are still in order.

Mr. HITCHCOCK, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3025) supplementary to the act entitled "An act to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia," approved January 22, 1873, reported it with amendments.

Mr. TIPTON. I move to proceed to the consideration of House joint resolution No. 59, being a resolution to appoint General Sherman and others a committee to select an artist in a certain case.

Mr. EDMUNDS. I have a resolution to offer.

The PRESIDENT *pro tempore*. Resolutions are not yet in order.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1778) granting permission for a railway from the wharf of the Baltimore Steam-Packet Company, at Old Point Comfort, Elizabeth City County, Virginia, to Mill Creek bridge, in the same county, reported it with an amendment.

BILL RECOMMITTED.

On motion of Mr. MORRILL, of Maine, it was

Ordered, That House bill No. 2897, authorizing the President to appoint George Henry Preble, now a captain on the active list of the Navy, to be a commodore, be recommitted to the Committee on Naval Affairs.

BILLS INTRODUCED.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 920) to abolish the board of Indian commissioners; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 921) to annex the Indian country to the district of Kansas for judicial purposes; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

WIGHT STREET, DETROIT.

Mr. MORRILL, of Vermont. I ask leave to take up the bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan, a bill that the Senators from Michigan desire very much to have passed. It has already passed the House and been reported favorably by the Committee on Public Buildings and Grounds.

By unanimous consent, the bill was considered as in Committee of the Whole.

An amendment was reported by the Committee on Public Buildings and Grounds to strike out all after the enacting clause and in lieu thereof to insert the following:

That the Secretary of the Treasury be authorized and directed to cause Wight street, in the city of Detroit, Michigan, to be increased in width fifty feet in that portion of said street adjacent to the marine-hospital grounds of said city: *Provided*, That George Jerome, John Owen, and C. H. Buhl, of said city, shall be appointed appraisers to ascertain and report to the Secretary of the Treasury the damages resulting to the United States by using a strip of land from the marine-hospital grounds aforesaid for that purpose, and that the Detroit Transit Railway Company of said city shall pay into the Treasury of the United States the amount of damages ascertained and reported as herein provided.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. DAVIS. I should be glad to know whether this involves any expense to the United States.

Mr. CHANDLER. Not a farthing.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the widening of Wight street through the grounds of the United States marine hospital, at Detroit, Michigan.

SALES OF CHIPPEWA LANDS.

Mr. EDMUNDS submitted the following resolutions; which were considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be directed to inquire and report to the second session of the Forty-third Congress whether any lands have been sold under the provisions of the treaties of September 30, 1854, and February 22,

1855, with the Chippewa Indians, and of the act of June 8, 1872, entitled "An act to perfect certain land titles therein described," or are claimed to be taken or located at less than their actual market value at the time of sale or otherwise unjustly, and if so, upon what portion of said sales claims are still pending before the Department for the issue of patents therefor.

And resolved further, That until said committee shall report hereon the executive officers of the Government are requested to issue no patent upon any of said lands.

COURTS IN WISCONSIN.

Mr. TIPTON. I ask the Senate to proceed to the consideration of the joint resolution (H. R. No. 59) amending joint resolution of April 16, 1872, relating to a statue of the late Admiral Farragut.

Mr. HAMILTON, of Maryland. I had a motion that I thought was laid aside informally, subject to morning business.

The PRESIDENT *pro tempore*. Does the Senator from Maryland object to the motion of the Senator from Nebraska?

Mr. HAMILTON, of Maryland. I do.

Mr. STEVENSON. I desire to make a report.

The PRESIDENT *pro tempore*. The Chair will receive it.

Mr. STEVENSON. The Committee on the Judiciary, to whom was referred the bill (S. No. 693) to change the time for holding the circuit and district courts of the United States for the eastern district of Wisconsin, at Oshkosh, have had the same under consideration, and have instructed me to report it back without amendment. It is a local bill, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole The time of holding the circuit and district courts of the United States for the eastern district of Wisconsin, at Oshkosh, is fixed for the second Tuesday of July of each year, instead of the first Monday of July as now provided by law.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF RULES.

Mr. BUCKINGHAM. I ask to take up Senate bill No. 154 for consideration.

The PRESIDENT *pro tempore*. The Chair regards morning business as concluded unless there be further resolutions.

Mr. HITCHCOCK. I move to proceed to the consideration of House bill No. 2102.

The PRESIDENT *pro tempore*. The Senator from Maryland [Mr. HAMILTON] made a prior motion, which was informally passed over to allow the morning business to be completed.

Mr. FERRY, of Michigan. I rise with morning business. I am instructed by the Committee on the Revision of the Rules, to whom was referred the following proposed amendment to the rules:

Resolved, That the first rule of the Senate be amended so that it shall read as follows:

1. The Presiding Officer having taken the chair, the Journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries. No business except reading the Journal shall be transacted unless a quorum shall be present.

A quorum shall consist of a majority of the Senators duly chosen and sworn—

to report the same back, and recommend adverse action upon the proposition.

The resolution was indefinitely postponed.

SENATOR FROM ALABAMA.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that the Senate proceed to the consideration of the resolution in regard to the payment of money to Mr. Sykes.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution referred to is before the Senate, and the question is on the amendment of the Senator from Wisconsin, [Mr. CARPENTER.]

Mr. HAMILTON, of Maryland. I move to amend the amendment by striking out "$3,000" and inserting "$6,500."

Mr. SHERMAN. Let the whole proposition be read.

The CHIEF CLERK. The original resolution reads as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Francis W. Sykes, late contestant from the State of Alabama, out of the appropriations for compensation and mileage for Senators, the sum of $8,374.80, being the salary of a Senator from the 4th day of March, 1873, to the 28th day of May, 1874, inclusive.

The Senator from Wisconsin [Mr. CARPENTER] proposed to amend by striking out "$8,374.80, being the salary of a Senator from the 4th day of March, 1873, to the 28th day of May, 1874, inclusive," and inserting "$3,000." It is now proposed to amend the amendment by striking out "$3,000" and inserting "$6,500."

Mr. HAMILTON, of Maryland. Sixty-five hundred dollars is the amount of the pay under the present law.

Mr. CONKLING. Before we vote upon it, I should like to understand the ground upon which the Senator from Maryland commends it to us.

Mr. HAMILTON, of Maryland. There are two grounds upon which it is commended to the consideration of the Senate. The first is that this is the compensation coming to this gentleman at the present rate allowed by law. It is the compensation he would be entitled to according to the precedents, as the Senator will understand.

Mr. CONKLING. That is the salary?

Mr. HAMILTON, of Maryland. Yes, the salary we are now receiving ourselves, without respect to the increase made last year. The next ground is that this sum comes nearer to the actual expenditure than anything else proposed, as far as I am advised, because there was a great deal of transcribing and all that kind of thing and copying and also the reporting of speeches and having counsel here in attendance. The absolute money expenses of Mr. Sykes without respect to counsel fees in the case (and there were able counsel present arguing the case) amounted to between four and five thousand dollars. I am so advised—in absolute expenditures of money in the case. Therefore $6,500 I consider reasonable in view of everything and taking into consideration what has always been paid in cases of contests of this kind where there was good faith in the contest. I think we ought to adopt this amount.

Mr. STEWART. Is there a report in this case?

Mr. HAMILTON, of Maryland. There is a report in the case from the Committee on Privileges and Elections.

Mr. STEWART. It is important that the facts should be stated.

Mr. HAMILTON, of Maryland. The chairman can state the facts.

Mr. STEWART. They ought to be stated on the record.

Mr. THURMAN. They are stated in both the majority and minority reports.

Mr. CONKLING. The Senator from Nevada wants to know if there is a written report as to this resolution.

Mr. MORTON. There is not.

Mr. STEWART. Another case was sent to the Judiciary Committee and they made a written report stating the grounds of the allowance.

Mr. THURMAN. That is an entire mistake.

Mr. HAMILTON, of Maryland. The Senator from Nevada is mistaken. In the case of Mr. Abbott, the chairman of the Committee on Privileges and Elections reported the resolution himself, and also in the case of Mr. Hart, and they passed *nem. con.*, nobody objecting.

Mr. THURMAN. My friend from Nevada is entirely mistaken. In the case of General Abbott and in every case but one the facts found by the committee where there was a contest settled the question; but there was one case that was an exception to that, a case where there was no contest at all, but where the question was whether the pay of the Senator should commence at a day anterior to that which he had drawn. That was the case of Mr. Vickers, of Maryland, but that was not a contested case.

I have only to say in reference to this matter that I had occasion frequently to examine it when I was a member of the Committee on Privileges and Elections and also a member of the Committee on the Judiciary prior to the creation of the Committee on Privileges and Elections; and the precedents are unbroken in favor of the allowance in a case like this. If there is anything wrong in that, let us change it, but do not make the rule retrospective; do not begin with this gentleman who certainly came in as good faith as any man could come asserting his right to a seat in this Senate and was supported by a portion of the Committee on Privileges and Elections and by a respectable number of the Senate who believed in his right. Do not let us undertake to make any new rule to operate retrospectively in his case. If there is anything wrong in the precedent which has heretofore existed, that will be open to correction by a rule that shall operate in the future. I hope the resolution will pass.

Mr. STEWART. I do not wish to be understood as desiring a new rule; but my inquiry was as to whether there were facts sufficient on the record to show that this is within the rule.

Mr. THURMAN. Undoubtedly.

Mr. MORTON. I ask to have the question stated as it now stands.

The PRESIDENT *pro tempore*. The question before the Senate is on the amendment of the Senator from Maryland to the amendment of the Senator from Wisconsin, to pay $6,500.

Mr. MORTON. I shall vote for the amendment offered by the Senator from Maryland, which I understand is the present rate of compensation. I shall do it upon the ground of an unbroken line of precedent on that subject. If the precedent is not right, that is another question. The contest was made in this case by Mr. Sykes, and I have no reason to doubt that it was made in good faith. I believe he was advised by able lawyers that the law was with him. The case was argued at great length before the Committee on Privileges and Elections, and the parties were at heavy expense, I have no doubt, and much labor in preparing for the contest. To me the right of Mr. Spencer to the seat was very clear; but I am far from saying that there was not a fair ground for contest. I think there was quite as fair ground for a contest as there has been in some other cases before this body in which compensation was made. I cannot therefore consent to make an exception, so far as I am concerned, of Mr. Sykes from the operation of the ordinary rule. I have the resolution which passed in regard to Mr. Abbott in his contest for the seat from North Carolina before me:

Resolved, That Joseph C. Abbott, late contestant for a seat in this body from the State of North Carolina, be allowed the salary of a Senator from the 4th of March, 1871, up to the 23d of April, 1872, and one mileage each way.

I believe that resolution passed the Senate unanimously, and I think this is as fair a case for compensation as that was, and as two or three other cases that have occurred since I have been in the Senate were. I shall therefore vote for the amendment offered by the Senator from Maryland, that being the lowest rate of regular compensation paid to Senators.

Mr. ALCORN. I shall vote as the Senator from Indiana indicated that he would, to pay Mr. Sykes the lowest legal compensation or

rate paid a Senator during the time he was claiming a seat in this body. I contend that there is no other rule by which we can be governed in our action in these cases than that of the compensation allowed Senators. I was a member of the Committee on Privileges and Elections that investigated this case. I did not have the pleasure of listening to all the testimony; but I listened to a large portion of it, and I hastily glanced over the rest of the testimony that was taken when I was compelled to be absent, and I am free to say that I have never seen a contested election case before the Senate so well balanced as was the case involved in this issue. I know the fact that many members who signed the majority report wavered for a long time in their judgment as to how the justice of the case demanded that they should go, and I know that when some of them did yield their assent to the report, it was with some misgivings as to the correctness as to the judgment formed, so evenly was the case balanced.

Now, sir, it is contended that if we adopt this resolution and vote this compensation, it will throw out an inducement for future contested-election cases. Well, sir, let the inducement, if you please, be thrown out. Are there not compensations that the Government receives for the payment of sums of money like this? Is it not through this means that the elective franchise is kept pure in the different States of the Union? How can we ever expect to have a case come here, where an election in one of the States has been carried by fraud and corruption, if each and every aspirant for the place is required to bear his own expenses? Poor men could not make a contest before this body; they would not be able to make a contest; and the proof of the corruption that exists in different Legislatures or that is brought to bear in different Legislatures would never reach this fountain-head, and that corruption never would receive that castigation which the country can give it when it is brought forward and exposed here.

Mr. CONKLING. May I ask the Senator a question?

Mr. ALCORN. Certainly.

Mr. CONKLING. Will he be good enough to state why it is that a contestant—I mean by that the claimant who ultimately is found not entitled to the seat—should be paid his expenses not only, but compensation as if he had served, when the claimant who turns out to be entitled to the seat is compelled to bear his own expenses, receiving no more for his compensation than he would have done had no contest been made?

Mr. ALCORN. I will answer that with due deference to the suggestion, and I think most triumphantly. I listened the other day with amazement when the Senator from New York propounded this same question to the Senator from Wisconsin, [Mr. CARPENTER.] Why, sir, the reasons are apparent. They need only be stated, and the answer is complete. The contestant is here claiming a seat. If he is defeated, he goes hence with the costs to pay; and he leaves the successful contestant in the seat, safely intrenched for six years. He has around him the panoply of office; he is entitled to his mileage; he is entitled to his pay while the contest is going on, receives his compensation while the contest is going on; and it is only his misfortune that he is compelled to take out of that mileage and that per diem or per annum payment a share of that which the Government gives him in order to vindicate and establish his right before the world to the seat which he comes here to demand and hold.

Mr. CONKLING. Will the Senator allow me to interrupt him once more?

Mr. ALCORN. Yes, sir.

Mr. CONKLING. I wish the Senator would state in that connection, as I think it is a part one way or the other of his argument, whether in his opinion or within his knowledge, for I think he must have knowledge on that subject, Senators are so paid now that they have anything beyond the compensation for their services or even beyond their actual maintenance to take out at the rate of four or five thousand dollars to pay for other expenses? He says that the man to whom the seat is awarded is left panoplied by office; that he has his salary, and from that salary he can pay all these expenses. Now, I ask the Senator whether it is true that there is any such surplus or excess of salary; whether there is $4,000 or a penny applicable to the costs of a contest included in the pay which a Senator gets?

Mr. ALCORN. I do not propose to be led off from the question before us. I shall ask that this vote be taken before the morning hour expires; and the Senator from New York will excuse me for declining to be drawn off into a discussion of collateral issues not really involved in this case. But I will say that so far as the honorable Senator is concerned he is as capable of answering that question as I am. I believe he was one of the Senators who were made by the public press of this country and by the clamor of the people to declare here in the Senate that $5,000 was a sufficient compensation for a Senator. I was one of the men who voted for what is called the "salary grab." I was one of the men who stood here to vindicate that vote before the country and before the world, and no amount of clamor could ever cause me to go back upon a record that I had made myself.

Mr. CONKLING. I hope my friend will allow me to correct him twice.

Mr. ALCORN. I shall be glad to be corrected, if I am wrong.

Mr. CONKLING. In the first place, I was never, in the instance he cites or in any other instance that I know of, compelled by the clamor of the newspaper press to vote for anything which I would not have voted for otherwise; and I give the Senator my word that whenever I shall be compelled by that clamor to cast my vote for or against any measure, I will leave the Senate knowing that I am no longer worthy to meet men who profess to act upon their oaths.

In the next place, I have to say to the Senator that I never declared that I considered $5,000 an adequate compensation for a Senator. I did vote against increasing the pay, and I did vote to repeal the bill by which the pay was increased; but I never did say that $5,000 was in my judgment an adequate compensation upon the doctrine of equivalents for the services and expenses to which a Senator is put.

Mr. ALCORN. Then the Senator now having injected his defense before the country into my speech, stands fully vindicated, and as I have no especial interest, except that interest which friendship prompts, in the reputation of the honorable Senator, I leave the case just there, and come back now to the case before us, and state that so far as the contestant in this case is concerned, he is entitled to this pay by all the precedents, by all the rules and examples that have ever been established in the Senate and in Congress, and I ask that no exception shall be made in this particular case. And now, sir, in order that the vote may be taken before the expiration of the morning hour, I will say no more upon the subject.

Mr. CARPENTER, (Mr. ANTHONY in the chair.) I entirely agree with the Senator from Mississippi that this was a *bona fide* contest. and that this man ought to be indemnified. The Senator says the only rule of indemnification is the salary. That seems to me to be a very strange proposition. There may be a case in which a man's expenses are not one-fourth what his salary would be. There may be a case in which his actual expenses are five times as great as his salary would be. Suppose this contest had been determined in the first days of this Congress; suppose he had come here and brought his witnesses from Alabama and brought his counsel from Alabama, as I believe he did do, and very able counsel too, and the whole matter had been disposed of within ten days after the commencement of the session, would the Senator from Mississippi say that the salary for ten days was a sufficient compensation or indemnity to him for that contest? Certainly not.

Mr. ALCORN. But he has the prospect of the salary for six years to come, and then he has vindicated himself before the country.

Mr. CARPENTER. Mr. Sykes has the prospect of the salary for six years to come?

Mr. ALCORN. Yes, sir.

Mr. CARPENTER. Then I am opposed to granting him any extra allowance.

Mr. ALCORN. I mean the successful candidate.

Mr. CARPENTER. I am not talking about him.

Mr. ALCORN. Then I misapprehended the Senator.

Mr. CARPENTER. I am talking about the man who was not successful. I am talking about Mr. Sykes. Suppose he had come here and brought his counsel from Alabama and his case had been disposed of within ten days after he claimed to be entitled to a seat, for instance on the 14th of March, 1873, instead of being put by for a year before being disposed of, then his compensation would have been ten days' salary. Would the Senator say that that was a sufficient indemnity to him? Certainly not. It would be no indemnity at all. On the other hand, where the contest is decided at the heels of six years, and it may run to the end of the term nearly, and where the contest may not have cost him $1,000, it would be absurd to give him the salary of six years, which would be $30,000. I say the salary is no guide whatever. I say we should give Mr. Sykes what will fairly indemnify him, and I want to do that. If $3,000 will not do it, I am willing to put it high enough to make it compensate him. If $6,500, or $7,000, or $8,000, or $10,000 is necessary for that purpose, I will vote for that sum. The principle of the thing is that this man having made a *bona fide* contest should be idemnified. The question of what his salary would be has nothing whatever to do with that question. If his expenses have amounted to $6,500, that is the proper sum to pay him. If they have amounted to $10,000, that is the proper sum to pay him. On the other hand, if they have not exceeded $3,000, $3,000 is the proper sum to pay him, and the question of salary has nothing whatever to do with it. It is no guide whatever on the subject.

Mr. MORTON. I think my friend from Wisconsin is a little mistaken about that, so far as the practice is concerned. In the case of Mr. Abbott, to which I referred a few moments ago, the rule of compensation was the salary, and I do not know of any other.

Mr. CARPENTER. If the Senator will pardon me a moment; when I spoke on this subject the other day I commenced by saying that the resolution as reported by the committee was strictly according to the precedents, but that, in my judgment, the precedents were all wrong, and that we ought to establish a proper rule now and adhere to it hereafter.

Mr. MORTON. I do not know of any case in which there has been any calculation made of expenses and compensation fixed upon that principle. I think the uniform practice has been to give an allowance simply by way of salary.

Mr. WRIGHT. I suppose it is a foregone conclusion that this resolution in some form will pass—that is to say, in view of the precedents which have been uniformly established in this Chamber, the Senate will no doubt determine at this time to allow this contestant something—either $3,000, or $4,500, or $6,500, or some sum will be allowed. I do not propose to vote for any sum whatever; but before

I refer to that I wish to say one word upon the question of the measure of the rule that should be adopted if we allow anything.

I entirely agree with the Senator from Wisconsin that if this person is to be allowed anything it should be his expenses, and we should adopt some means of arriving at what those expenses were. It seems to me there is no answer that can possibly be given to the proposition stated by him last and the case that he presented as an illustration of where we should run to if we adopt any other rule; for if the rule is that the compensation shall be that which a Senator is entitled to as salary, then it would follow that if his expenses were $10,000 and the matter was determined the next day after the Senate met we should have to allow him but one day's pay. If this person is to be allowed anything, I think the fair and equitable rules is the one suggested by the Senator from Wisconsin.

It is said, however, in answer to that, that the precedents are all the other way, and it is insisted by the Senator from Ohio that if we are to establish any other precedent we should not apply it to this case. We must apply it to this case or some other one that comes up, and it will be just as hard and unjust on the next person who may come or the one after him as to apply it to this case. It may be said that we should establish a rule now that shall be applicable to future cases, but I say we can apply it to this case just as well as to any other that comes up.

But for myself I am opposed to paying anything, and for the reason that if a person comes here claiming a seat I think he should stand just like a person who makes a claim to any goods that he insists are his, and coming here making his claim if he fails, then the failure is his, and the people ought not to pay his expenses for making that claim. I know of no reason why inducements should be held out to persons to make contests for seats in this body and in the other House, contests whether with or without good ground, and if unsuccessful the Senate, having determined the question as they believe to be right and the other House having determined as they believe to be right, carrying out what they believe to have been the will of the people if there was a popular election, or carrying out what they believe to be the law if it was an election by a Legislature, I know of no reason why the unsuccessful man should have compensation. There is no ground for it in the reason of things, and no ground for it at all except in the single fact of precedents. I say it is time that we should depart from those precedents, and they are

More honored in the breach, than in the observance.

All along the past few years we find that in this body and in the other House the contested-election cases have been increasing with wonderful rapidity. The number is tenfold now what it was fifteen or twenty years ago. A man is perfectly safe in making a contest because he can remain here, and if he has the compensation allowed a member of this body or of the other House he is losing nothing, doing nothing for his constituents, another person holding the seat and discharging all the duties, and getting pay from the Treasury of the United States, and when the contest is decided against the contestant he also draws pay from the Treasury.

I know perfectly well that it is idle for me to talk thus, because this resolution will pass in some form; but I desire at this time to put myself on the record against all these allowances. I never have voted for any of them since I have been here, and I will not vote for any now or hereafter.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment offered by the Senator from Maryland to the amendment of the Senator from Wisconsin.

Mr. BUCKINGHAM. I would inquire whether the $3,500 includes salary as Senator or if it includes anything more than expenses?

The PRESIDENT *pro tempore*. The Chair understands $3,500 is the salary of a Senator for the period involved at the present rate.

Mr. BUCKINGHAM. I should be very glad to pay this gentleman his expenses, but I do not feel like paying him the salary of a Senator.

Mr. HAMILTON, of Maryland. It is impossible to get at the expenses precisely, but this will comprehend the expenses as near as we can get at them.

Mr. CONKLING. I ask for the yeas and nays on this question.

The yeas and nays were ordered.

Mr. CONKLING. Mr. President, before this vote is taken I wish to say a word. We have heard some very novel ideas, novel to me at least, suggested this morning. The honorable Senator from Ohio thinks there is some injustice in our doing what is right because of precedents. I submit to him that that is a very extraordinary idea. Had there been a law or a rule which gave to Mr. Sykes a certain sum of money, there might be great objection in our legislating retroactively, although we have seen within a few hours in the Senate that there was no serious objection in the minds of many Senators to retroactive legislation where the effect was to change a law affecting private rights; but there is no law here, there is no rule of the Senate here. What is there? I submit to the Senator from Ohio that he assigns Mr. Sykes to a most uncomfortable position. He would have us suppose that Mr. Sykes entered upon this contest expecting to receive a certain modicum in the event of his failure. That is it, is it not? What does that imply, if it implies anything? That this gentleman did what he would not otherwise have done in view of expected remuneration. Is that true? Does this claimant present himself as one who sought this seat upon the ground and for the reason that failing to obtain it he would receive the same salary that the occupant of the seat by law is entitled to receive? I acquit Mr. Sykes of any such idea; but that is the implication involved in the argument.

Another Senator says that the precedents justify this. I had occasion the other day to refer to the precedents. I will not ask the Senate to hear me refer to them again; but one remark I will make. It is quite too late touching matters of the compensation of members of Congress to refer to precedents and stand upon them, if those precedents refute and defy common sense. When the Senate will stand upon the precedents which gave back pay to members; when the House will stand upon that unbroken current of authority which extends from the very morning of the Republic to the present hour without one ripple to break it, it will be time for us to talk about standing upon precedents in this case. When the Senate dare stand upon the precedent of appointing a committee to go out and inquire how much it costs a Senator to rent a house, to have a chaise, and to have so many persons in his employ, and a certain estate in life, and then fix a compensation accordingly, (for which there are precedents,) it will be high time to elevate ourselves upon the ramparts of precedent and say that we will vote from the Treasury a sum which in my judgment we have no right to vote, because our forefathers set up such an example.

Mr. President, the argument is this: "We find instances in which a certain wrong has been done in the past; *ergo* we must follow that example." The Senator from Wisconsin, with that clearness with which he does all such things, has stated the transparent fallacy upon any theory of paying a defeated contestant salary. Then we are to pay compensation. My honorable friend before me [Mr. BUCKINGHAM] says he would be willing to vote to pay his expenses. I submit to him that he can give that vote upon no ground except one which entitles Mr. SPENCER, the sitting member, to his expenses also. Can it be that I, elected to a seat and decided by the Senate to be entitled to it and bound to defend it against all comers, can be forced into a contest by a contestant, visited with costs and expenses which he imposes, and when in the end the Senate vindicates my right and affirms that it was my duty to resist this contest which he has forced upom me, am to be turned penniless away, and all his expenses are to be paid to the contestant? If that is done, put it upon that unmeaning something called precedent; shut your eyes and do it because somebody else did it; but do not call it reason, and do not call it, as my friend before me suggested, a fair recompense under the circumstances.

If Mr. Sykes is to be paid for transcribing testimony, for sending for the witnesses, and the other matters to which the Senator from Maryland referred, let us pay Mr. SPENCER also. That is fair; that is right; that holds out to every man entitled to a seat just the same inducement to maintain it that it holds out to his defeated competitor who has no title at all. Upon that we can stand in reason. Upon this resolution, I submit, we cannot stand at all, and therefore I shall vote against it, saying, as I said when it passed in review on another occasion, that not knowing Mr. Sykes personally I have not the slightest ill-will toward him; on the contrary I will vote to pay him anything that I would vote to pay any other man, assuming as I do, at least for the sake of the argument, that he came in good faith to contest this seat and that he did not come, having looked up the precedents, with the idea "heads I win, tails you lose;" "if I succeed I get the salary; if I fail I get the salary; and therefore I will go, and not because I believe I am entitled to the seat." I impute no such thing to this claimant; I believe such an imputation to be unjust; and if we are to pay him at all, let us pay him his expenses fairly and exactly and pay also the other man upon whom this contest was forced; and if this amendment prevails to pay to Mr. Sykes not only his expenses but more, I shall offer an amendment, unless some other Senator shall first propose it, to include also the sitting member in the award of recompense for expenses.

Mr. SHERMAN. I call for the regular order.

Mr. HAMILTON, of Maryland. I think we can get a vote now.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. HAMILTON, of Maryland. We can vote on this case now, and it should be disposed of.

Mr. SHERMAN. The Senator from New York gave notice of an amendment.

Mr. HAMILTON, of Maryland. There will be no discussion about it, I apprehend. Let us see if we cannot get the vote.

Mr. SHERMAN. I will yield, reserving my right to call for the regular order at any time.

The PRESIDENT *pro tempore*. The pending order will be laid aside informally, subject to call.

Mr. SHERMAN. If discussion ensues, I shall insist on the regular order.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maryland to the amendment of the Senator from Wisconsin, on which the yeas and nays have been ordered.

Mr. CONKLING. I mean, if I can, to have a wholesome precedent established now and not have another precedent piled on us——

Mr. SHERMAN. I insist on the regular order.

Mr. HAMILTON, of Maryland. I am sure there will not be another word said. The Senate understand the subject and can vote advisedly. I am sure the Senator from New York does not desire to consume time.

Mr. SHERMAN. The Senator from New York says he desires to speak on the subject.

Mr. HAMILTON, of Maryland. No, not to speak.

Mr. CONKLING. I want to offer an amendment.

Mr. SHERMAN. Senators will see from the condition in which business is placed that I must stand by the bill which is the regular order. I must insist on it unless the Senate vote me down.

Mr. HAMILTON, of Maryland. I certainly feel called on in this stage of the case to move to set aside the regular order.

The PRESIDENT *pro tempore*. The Secretary will report the pending question on the bill regularly before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

The message also announced that the Speaker had appointed Mr. THOMAS SWANN, of Maryland, a conferee on the disagreeing votes of the two Houses on the bill (H. R. No. 3030) making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years ending June 30, 1873 and 1874, and for other purposes, vice Mr. JOHN HANCOCK, of Texas, excused.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate.

A bill (H. R. No. 2909) to declare the bridge across the Niagara River, authorized by the act of Congress approved June 30, 1870, a post-route;

A bill (H. R. No. 3518) to amend the act entitled "An act to divide the State of Virginia into two judicial districts;"

A bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered;

A bill (H. R. No. 3664) to change the name of the schooner Alba; and

A bill (H. R. No. 3668) for the relief of Smith & Matthews, of Illinois.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 881) fixing the times of holding the circuit court of the United States in the districts of California, Oregon, and Nevada;

A bill (H. R. No. 3237) to authorize the First National Bank of Seneca to change its name;

A bill (H. R. No. 3359) fixing the time for the election of Representatives from the State of Pennsylvania to the Forty-fourth Congress;

A bill (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled;

A bill (H. R. No. 2453) to increase pensions in certain cases; and

A joint resolution (H. R. No. 107) providing for the termination of the treaty between the United States and His Majesty the King of the Belgians, concluded at Washington July 17, 1858.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON, and Mr. MORRILL of Vermont, from the Committee on Public Buildings and Grounds, submitted amendments intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations.

Mr. FRELINGHUYSEN submitted an amendment intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which was referred to the Committee on Commerce.

Mr. BUCKINGHAM submitted an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, with accompanying papers.

Mr. HOWE. I desire to give notice of an amendment which I propose to offer to the sundry civil appropriation bill, and I move its reference in the first instance to the Committee on the Library.

The motion was agreed to.

MOIETIES UNDER CUSTOMS LAWS.

The Senate resumed the consideration of the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties.

The PRESIDENT *pro tempore*. The Clerk will report the pending question.

The CHIEF CLERK. The Senate, as in Committee of the Whole, inserted the following amendment as a new section:

That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; and that nothing herein contained shall affect existing rights of the United States.

It is proposed by the Senator from New York [Mr. CONKLING] to amend the amendment by striking out the words "of the United States" and inserting—

Or prevent a distribution in like manner as if this act had not been passed in all cases where prosecution has been actually commenced previous to May 1, 1874, or in anywise affect suits or actions commenced or forfeitures incurred previous to May 1, 1874.

The PRESIDENT *pro tempore*. Upon this amendment to the amendment the yeas and nays have been ordered.

Mr. CONKLING. One or two Senators already have asked me the nature of this amendment, and before the roll-call proceeds, as the Senate Chamber was nearly vacated last night, I should like all Senators to understand the effect of it. The object of the amendment is to confine the operation of the moiety bill to the future and to such pending cases only as have been commenced since the 1st of May, 1874, not to legislate backward to affect cases some of which have been pending for years, and in many of which large expenses are pending and large advances have been made. The whole purpose of it is to avoid the injustice of interfering with existing rights and to make it speak forward as legislation ordinarily does, except that in its application to existing cases it shall apply only to those which have been commenced since the 1st of last May, the allegation being that frivolous or enterprising suits may have been commenced since with a view to forestall the action of Congress, as I understood.

Mr. CARPENTER, (Mr. INGALLS in the chair.) I shall vote for this amendment, and not having been upon the floor yesterday while the debate was proceeding, I desire to state in a very few words why I do so. The principal argument made against it was made by the Senator from New Hampshire, [Mr. WADLEIGH,] who said these men who had commenced suits and are by the present law entitled to a distribution of a portion of what shall be recovered, ought not to have it. If they ought not to have it, some good reason exists why they should not. The Senator felt called upon, evidently, to give some reason because they had commenced these proceedings under existing laws; and he therefore gave the reason, which was not that the law did not entitle them to it; not that they had brought the suits in bad faith; not that it would not be denying to them a right which the law promised them for services which they have actually performed; but upon the ground that they have become odious to the people. That is a ground upon which I certainly never could vindicate a vote that took away a man's rights. It has been said by the Great Master that it is a very easy thing to forgive a friend: but what He requires is to forgive an enemy. It is an easy thing to do justice to your friends, to do justice to popular favorites; but justice is due even to those who are odious to the people; and some better reason must be given for taking away from these men the rights which are now vested in them by existing laws than that they are odious to the people.

I shall, therefore, until I hear some reason to the contrary, vote for this amendment which will give to these men who have performed services precisely that compensation which the law promised them for rendering the services. If this bill is to be passed it should look to the future. Then it will be a question whether men will make any effort whatever to execute the law or not. If they do, it will be from generosity and patriotism; if they do not they get nothing. They get nothing in either event; and there is no wrong done to them, because every man knows in advance exactly what he is to do and what is to result from his doing a particular thing. But in this case to make this strike back is to do injustice as I think.

Mr. SAULSBURY. As I understand the amendment of the Senator from New Hampshire [Mr. WADLEIGH] it reserves all the rights of the Government of the United States, but the amendment of the Senator from New York [Mr. CONKLING] would also reserve the rights of informers and persons that share in moieties, as I understand the operation of his amendment. I concur with the Senator from New Hampshire that that class of men have rendered themselves justly odious to the country, and I do not propose by any vote of mine to aid them in any way.

Mr. CARPENTER. Allow me to interrupt my friend?

Mr. SAULSBURY. Certainly.

Mr. CARPENTER. Conceding that they have rendered themselves odious, is that a good foundation upon which we shall deny them a right?

Mr. SAULSBURY. I say, so far as I am concerned, no right which they claim to put their hands into the pockets of other men shall longer exist. They have no right under the guise of protecting this Government to become the robbers of private individuals, and by no vote of mine shall such a right be recognized or consummated. I do not intend by any vote of mine to be *particeps criminis* in their guilt. I do not intend to aid them in the least to put their hands into the pockets of other men, or extort from them money which they ought not to have. The men whom they propose to rob to a certain extent for their own benefit, have some rights as well as these informers, and I propose to protect that class of merchants against these men who have become vultures to prey upon them. I do not intend to put myself in the position of being suspected, at any rate by any vote which I give, of desiring to aid these men to accomplish their purposes.

Mr. CARPENTER. I desire to ask my friend from Delaware a question. He certainly does not understand the question I put to him first.

Mr. SAULSBURY. Yes, sir; I understand it very well; but I will listen to the question of the Senator.

Mr. CARPENTER. The question is this: whether conceding these men to be odious will justify you and me in giving a vote which deprives them of an existing right; a right secured to them by existing laws?

Mr. SAULSBURY. So far as I am concerned, I would take away

from them a right to prosecute what I conceive to be an improper action in order to put money in their own pockets.

Mr. CARPENTER. That is not the question. I would do that; but that is not the question here. The law as it stands declares that these men shall have a certain part of the recovery. That is a present right under the existing laws of Congress; not a vested right in the sense of being protected by the Constitution, but one of which we cannot in good faith deprive them.

Mr. SAULSBURY. What kind of a right, let me ask the Senator from Wisconsin, have they? Is there any money now adjudged to belong to them? Is there any money now determined by the judgment of a court to belong to them? They have simply become prosecutors in order that they may obtain, under judgments which may be recovered, a moiety of the proceeds. It may be that in these very suits they will recover nothing; and therefore I cannot see that they have a single vested right. Besides, the vested rights of informers is a new doctrine to advance in the Senate. If they have any rights in the suits, they are imperfect, not vested rights.

Mr. CARPENTER. The Senator only confirms what was said by the Senator from New Hampshire, that these men have become odious. It seems they have become odious not only to the people, but also to the Senator from Delaware. That may all be. I am not contesting that. But take a case; and that is the precise point to which I am trying to bring his mind, because if such a thing can be done honestly, I would be as fond of doing what would make myself popular as he would. If I could do it fairly and honestly, I would vote anything that would make me as popular as the Senator from Delaware is. The point that I want information upon is this: By the law as it now exists these men are entitled to a certain amount of money out of the recovery in these cases, if there shall be a recovery. Now can we honestly—I mean honestly in the legislative sense—can we fairly and justly take away that right which now exists by law in regard to the cases now pending, in which the services have already been rendered and the money advanced and expended by these odious men? No matter how odious they may be, they are entitled to demand justice. The murderer with blood on his garments, the beggar even is entitled to *demand* of his king justice; and I ask the Senator from Delaware if he can vindicate, or if I can be justified in voting to deprive these men of an existing legal right because they have become odious to him or to me or to the people, or to all of us?

Mr. SAULSBURY. So far as the insinuation of the Senator that I am governed by any desire to promote my popularity is concerned, I deem that unnecessary of reply. I trust that I always have the courage at least to do my duty without reference to whether it may affect my individual popularity with informers or anybody else. I profess to act in this Senate from a sense of my duty, and not with reference to outside views that may be taken of my action by other people. I am not wholly indifferent to the public voice of the country in reference to my action. I would be glad to have my votes correspond at all times with the just wish of the people of this country. I tell the Senator from Wisconsin that in this matter, however, I seek not the applause of anybody, but I trust that I have the disposition at least to do my duty and to face the frowns of these informers, whose schemes shall not, so far as my vote at least is concerned, be accomplished.

Now, sir, so far as these men have any rights at all, I am told they are properly provided for in this bill by an application to the Secretary of the Treasury.

Mr. CARPENTER. Not at all; no provision whatever is made.

Mr. SAULSBURY. But I deny that they have any vested rights in the suits that may have been commenced. The facts are, I have no question from the intimation I have heard here, that suits have been commenced in anticipation that the Congress of the United States would take hold of this abominable moiety business and repeal the law under which their proceedings have been commenced. In that view, knowing that the law was to be repealed by this Congress, these gentlemen, as I am informed, have instituted suits, and now they come and talk about vested rights! Sir, they have about the rights of the vulture to the lamb. They would enrich themselves by taking money from the pockets of other people. I do not propose to aid them.

I am willing to protect all the rights of the Government of the United States, and so far as those rights are concerned the amendment offered yesterday by the Senator from New Hampshire [Mr. WADLEIGH] and adopted by the Senate does preserve every right of the Government of the United States. The amendment offered by the Senator from New York, [Mr. CONKLING,] if I understand it properly, is simply to preserve the rights of these informers and not of the Government. Therefore while I voted for the amendment of the Senator from New Hampshire, being anxious to protect all the rights of the Government under which I live, I am not here to protect the rights of informers by voting for the amendment of the Senator from New York.

Mr. CARPENTER. Will my friend allow me to ask him one question more?

Mr. SAULSBURY. Certainly.

Mr. CARPENTER. Suppose that Congress should pass a bill here in the case of some gross terrible murder, say of the President of the United States or somebody else, offering a reward of $5,000 or $25,000 to the persons who should furnish the testimony upon which the guilty party should be convicted, and the testimony should be furnished and the guilty party should be in process of trial, would it be honest for Congress, pending that trial, to pass a bill repealing the law which made the offer of reward to the informers upon the ground that all informers are infamous and odious and cannot have any vested rights? Would that be honest?

Mr. SAULSBURY. That is a very different case, and the Senator from Wisconsin knows it as well as anybody else, from that which we have before us. But even in that case, if a party secured the passage of the law authorizing the proclamation of the reward in order that he might put money in his pocket, in order that he might derive benefit from it, and for no other purpose, just as these men procured the enactment of a law under which they now propose to operate, I for one, should be very likely to say that they ought not to profit by their own improper acts.

Mr. WADLEIGH. My friend, the Senator from Wisconsin, ingeniously misrepresents what I said yesterday upon this matter. It is true I said that these informers had made themselves odious to the people of this country. It is true that I stated that to be the fact; and it is a fact which every member of this body knows himself; but I did not urge that as the reason why the amendment offered by me should be adopted and the amendment offered by the Senator from New York should be rejected. The reason is that these men have so conducted themselves as that they have made themselves justly odious and open to the aroused indignation of the people of the United States. It is on account of their conduct, on account of the way in which they have conducted, and the manner in which they have conducted themselves that has made them so odious that I object to their continuing longer the recipients of such favors as they have had under the laws of the United States.

The amendment of the Senator from New York proposes to give these men further moieties. He proposes to give them moieties in suits recently commenced by them and to be commenced before the passage of this bill, when they knew when those suits were brought that this law was to be repealed, and those suits were brought at that time for the purpose of obtaining moieties under a law which they knew would soon be repealed.

Mr. President, as to this matter of vested rights there is nothing in it. Every informer, every spy who has disgraced the American name within the last year knew that Congress had power to repeal this law whenever it saw fit. They went into these disgraceful operations with that knowledge, and it is no injustice to them when Congress comes up and repeals that law, as they well knew it had the right to do.

I know that there are Senators upon this floor who affect a supreme contempt for that public opinion by virtue of which we all hold our seats here. I know it is a little fashionable in the Senate for members of the Senate to assert their superiority to that people whose representatives they are and to that public opinion which is the most powerful force in the world at this time. But, Mr. President, all wise statesmen, all wise politicians legislate with a view to public opinion. Legislation without regard to public opinion is vicious legislation, and I consider it not derogatory to me in my legislation here to consider the state of that public opinion which controls affairs in this country. I consider it to be the duty of the Senate, the duty of Congress to legislate with a view to it and with due regard to it.

I did not proceed to state yesterday the particular acts which had made these gentlemen, who have made so much money out of the people of the United States, so odious. That statement had been sufficiently made by the Senators from Pennsylvania who had preceded me, and I deemed it unnecessary to say one word on that subject. Their proceedings have all become a matter of record. Their proceedings are all known to the people of this country, and have awakened in the breasts of the people of this country an indignation against the manner in which they have conducted themselves. They have brought disgrace upon the American name; and I did not expect that a motion or a proposition would be entertained in this body which would enable them to perpetuate and to further carry on the proceedings which they have been carrying on for the past year.

Mr. HOWE. Will the Senator allow me to inquire who these fellows are who have disgraced the American name?

Mr. WADLEIGH. The Senator from Wisconsin well knows who they are.

Mr. HOWE. I beg the Senator's pardon.

Mr. WADLEIGH. The Senator from Wisconsin is not so ignorant and is not so unversed in public affairs as not to have heard of Jayne and his coadjutors. The Senator from Wisconsin must have heard the statements of the Senators from Pennsylvania as to the manner in which this man Jayne and his coadjutors had conducted themselves.

Mr. HOWE. Will the Senator pardon me for interrupting him?

Mr. WADLEIGH. Certainly.

Mr. HOWE. I did not hear anything about the way these gentlemen have conducted themselves from the Senators from Pennsylvania. I did not have the privilege of hearing what the Senators from Pennsylvania said. I confess I have heard the name of Jayne. It would not be literally true to say that I had not heard anything else, for I have heard something else. What is the matter with Jayne?

Mr. WADLEIGH. If the Senator from Wisconsin is so ignorant as he professes to be, I advise him to read the report made by the Com-

mittee on Ways and Means in the House of Representatives and to read the record of what was said here yesterday. I do not propose here to-day to go into a recapitulation of the evidence produced before the Committee on Ways and Means, or to reiterate here what was so well said by the Senators from Pennsylvania.

Mr. HOWE. I am precisely as ignorant as I pretend. There is a Senator on this floor drawing the full salary of a Senator of the United States. He knows things. I ask him to tell me. If Jayne is a miscreant, if he is an unwhipped felon, let us know it. If he has got coadjutors who ought to be in the penitentiary and are not, I want to know their names. I do not appear here to vouch for one man or the other; but I have heard this talk in a shadowy way about some people who have disgraced the American name. I have not come to feel any disgrace from any conduct outside of the Senate Chamber that I now remember, [laughter;] but I want to know what this conduct is which has disgraced us all.

Mr. WADLEIGH. The fact that the Senator from Wisconsin does not feel disgraced is simply owing to the ignorance which he confesses. If he will read up the record, if he will read up the evidence before the Committee on Ways and Means in the House, he will begin to feel a portion of that disgrace which no one who has read it can fail to feel.

Mr. HOWE. Is it quite kind for a Senator so well informed as my excellent friend from New Hampshire to parade an ignorance which is so humbly confessed as I confess my own? Does he fill the office of a Senator when he simply stands there at a salary of $5,000 a year to blackguard a colleague for his ignorance when in half the time he might dispel that ignorance? Why does he not make me as learned as he is himself, since he can do it so easily?

Mr. WADLEIGH. Mr. President, so far as my friend from Wisconsin is concerned, if he has not informed himself in regard to these matters when there was so ample an opportunity to do so, I think he is at fault and he has not performed his duty to his constituents and his country. When he or any other gentleman asks me to get up in the Senate and to go on and instruct him, privately and personally, as to matters which have been fully put in evidence, matters which have been spread before Congress in the shape of evidence, and as to matters which have been discussed in the Senate, I do not feel called upon, and I feel entirely incompetent to take upon myself the office of instructor; and I hope my friend from Wisconsin will pardon me for declining so to do.

As to the munificent pay which I receive here, I do not think that I receive that pay for the purpose of instructing Senators as to matters concerning which they may fully inform themselves from the records of the Senate and from evidence in print for the use of Congress.

Mr. HOWE. My excellent friend from New Hampshire will not accept the office of schoolmaster. He will not undertake the labor of enlightening me. I commend his prudence, not his generosity. I am not so modest; I will undertake to enlighten him. I have heard of Jayne. I have never read the report of the Committee on Ways and Means. I doubt whether the honorable Senator from New Hampshire has. If he has, he knows it. If he has, he can probably recite it to us. I did not have on my desk yesterday that notable document. I read one fact out of it, and I am going to repeat it here and now. It was that that man Jayne in the employ of the United States had been instrumental in commencing fifty-nine suits against men charged with frauds upon the Treasury of the United States; that forty-eight of them had been prosecuted to judgment, and every one of them judgments against the parties accused. That is one piece of rascality recorded against this man Jayne. Is it that act which has brought disgrace upon the American people? What about the conduct of those forty-eight fellows who have been convicted by the judgment of the courts of this country? How do they stand as to the American name? Nay, how does it affect the character of the American people that in the Senate of the United States, where law is supposed to reside and where justice is supposed to reside, this debate has gone on day after day, and we have heard from lip after lip the most eloquent and vehement denunciation of the men who have revealed these rascalities, and not one single syllable of reproach against the rascals who have been exposed as committing them? How does that little fact affect the character of the American people? When I blush at all, I shall blush for the infamies practiced here, or I will not assume that I shall ever have any such occasion to blush.

But, Mr. President, I must confess that I have been a little sensitive concerning that peculiar kind of interest which I have seen manifested here day after day for public morals. Informers! Sir, let me now say once for all that I do not hold a man to be infamous above all men who simply finds a piece of rascality and exposes it to public judgment. I think the rascality is, on the whole, quite as deplorable as is the conduct of the man who exposes it and who brings it to judgment.

Sir, I do not know how I happened to say all these things. I asked in a respectful way to be informed what this conduct was and who these men were who had been denounced so repeatedly and so vehemently. I found myself in turn held up as an example, a melancholy example, of the ignorance which might creep into the Senate from time to time. Well, I knew all that before. I knew I was such an example. I have been here a great many years; I guess, on the whole, for the express purpose of furnishing that example. [Laughter.] I hope it will not be thrown away upon my illustrious friend from New Hampshire. We do not need another of the kind.

Mr. CARPENTER. I desire to say one word in reply to the Senator from Delaware.

Mr. LOGAN. Will the Senator yield to me for one moment?

Mr. CARPENTER. Yes, sir.

Mr. LOGAN. By unanimous consent, I believe for the third time, to-day was given to me for the consideration of bills reported from the Committee on Military Affairs. There is evidently a disposition here to discuss this question at length, and it is a very important one, and I do not like to interfere with the debate. Probably the Senate would not be in the humor to allow me to do it any way. But inasmuch as I see the only way for a man to secure the position that is assigned him by the Senate is to be here early in the morning, and stand here all the time calling the attention of the Chair to it at every moment, I will ask the unanimous consent of the Senate again to give me to-morrow for the consideration of bills from the Committee on Military Affairs. I have always yielded to the business before the Senate. If that consent is given, I shall make no further trouble; but if not, I shall antagonize everything that is brought forward.

Mr. SHERMAN. I hope that will be done. The Senator from Illinois has been crowded out twice with the business of his committee, and I certainly do not want to interfere with him.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that to-morrow, at the expiration of the morning hour, the bills which have been reported from the Committee on Military Affairs be regarded as the unfinished business, to be called up by the Chair at that time. Is there objection? The Chair hears none.

Mr. SCOTT. Mr. President, I feel justified in rising to call attention to the real question now pending before us involved in this amendment, because of the reference made by the Senator from New Hampshire to what has been said by the Senators from Pennsylvania. I concur with him in the denunciation of any man who uses his office for the purpose of oppression; but, sir, let us look at the intention of the amendment reported by the committee and how it is affected by what is now proposed to be done.

Since 1794 or 1795, I believe, a law has been upon the statute-book which allowed moieties to informers and to other officers of the customs. Numerous suits are brought, not simply in New York where Mr. Jayne operated as the special agent, not simply in Boston, but in every collection district in the United States. All along the lake border, all along the Atlantic coast and on the Pacific coasts, suits have been brought for the purpose of enforcing the forfeitures and the moieties incurred under these laws. The Committee on Finance reported a provision—

> That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; that nothing herein contained shall affect existing rights or prevent a distribution in like manner as if this act had not been passed in all cases where prosecution has been actually commenced.

Now, the amendment of the Senator from New Hampshire has in effect stricken from the record, so far as all these parties are concerned, all the suits that are pending in all these districts for all causes of action that have accrued to any of the informers, to any of the collectors, naval officers, or surveyors, and he seeks to do that because one agent has become odious. As I have already said, I will agree with him in denouncing whatever that man has done that is unwarranted by his office; but I shall also agree with the Senator from Wisconsin in the sentiment that all the special agents who have been in the service of the Government are neither saints nor sinners any more than are all the importing merchants who have business in the custom-houses. There are both classes among both officers and merchants; and the fact that such classes existed brought into operation the law of 1795, if that is the correct date, and has kept such laws upon the statute-book down to the present hour.

The plain question presented is, Shall we cut up all such actions because some one or two of them may inure to the benefit of agents who have improperly exercised the duties of their office? The Finance Committee thought not, and therefore they reported this amendment saving all pending actions.

The Senator from New York offered an amendment because of revelations made that actions were instituted for the purpose of recovering penalties which have in effect been denounced by the provisions of this bill, and to meet such cases and cut out actions for that purpose his amendment excluded all actions brought since the 1st of May, 1874. The Senate adopted that amendment; but upon the motion of the Senator from New Hampshire [Mr. WADLEIGH] it was subsequently stricken out. It is now renewed. While I am here to join with the Senator from New Hampshire in denouncing men who use their offices as a cloak for oppression or for exacting money; while I am here to sympathize with the merchant who may have been the victim of such arbitrary oppression, but not to sympathize with the merchant who seeks to defraud the revenue and who is just as worthy of denunciation as the officer who abuses his office; while I am here in this light, I cannot agree to an amendment which will cut up all the rights in all the actions pending in all the collection districts of the United States, simply because one officer may have become odious in the administration of his duties. I think, without any heat or passion about this matter, but looking at it dispassionately as a matter of justice, the amendment offered by the Senator

from New York is in the right direction and in the direction usually adopted in legislation of this character, to save existing rights.

Mr. CAMERON. Mr. President, I feel compelled to say a few words in consequence of the reference which has been made to remarks made by my colleague and myself. I have not changed my opinion in regard to the infamous character of those men who have been charged by the public with doing injustice to our merchants. I think the whole system of employing spies and all the bad people in their train is one of the worst features of our later history. The American people have always looked with horror upon a set of men who are paid to go around quietly and give information against their neighbors, as these men have done. But you cannot collect your revenue unless you have informers of some kind, and I would leave that whole duty to be performed by the regularly appointed officers of the customs. Ever since the Government has been in existence the custom-house officers have had inducements held out to them to make them more active and more strict in the discharge of their duties. Their pay has been, in a great measure, regulated in that way. For instance, in the city of New York and the larger cities, they have always had very large fees because of the amount of frauds practiced there. In the city of Philadelphia they have always had fees, and I think those fees should remain.

But the law of Congress which enabled those whose names have been so notorious lately to go around, in opposition to the duties of the regular officers of the revenue, ought to be repealed, and they ought to be censured and punished. For instance, Mr. Sanborn, of whom we have heard so much, or one of his deputies, went to the supervisor of the revenue at Philadelphia and desired him to give him possession of his books. The supervisor replied "No; that is a portion of my duty; I can collect the revenues here, and I will collect them." So well did Mr. Tutton perform his duties that a committee of the House who had the matter under examination complimented him for the faithful manner in which he had performed his duties. But that is not the question before the Senate now, as I understand. It is whether all the suits which have been brought for the purpose of recovering what is due to the Treasury shall be at once abandoned.

Mr. WADLEIGH. No; to keep the suits.

Mr. CAMERON. You do not pay the officers or allow them to get their pay.

Mr. WADLEIGH. They do not get their halves.

Mr. CAMERON. I think the amendment of the Senator from New York is only just and fair; and while I still believe in all I have said in regard to the infamy of this system which has lately grown up, I desire that justice shall be done. While I am opposed to oppressing the merchants, I am well aware that we must protect the revenue.

Mr. MORTON. I gave notice last night that this morning I would ask the Senate to proceed to the consideration of the report of the committee of conference on the currency bill. I dislike to interfere with the progress of the bill before the Senate; and before making any motion I will ask the Senate to give consent that this bill may be laid aside informally to proceed with the consideration of the conference report.

Mr. EDMUNDS. I suggest to the Senator that it is an economy of time to finish this and then take up that. We certainly lose time I think by these laying-asides and then starting afresh, for we all get so many new ideas on the old thing that we have to express them when it is taken up again. I suggest as an economy of time that we dispose of the moiety question and then take up the other.

Mr. SHERMAN. If Senators will only confine debate to the pending question on this moiety bill, it is nearly finished; it has been reported to the Senate; all the amendments of the Committee of the Whole have been concurred in except this; this is the last one. I have no objection to the proposition of the Senator from Indiana if it does not displace this bill as the unfinished business; but if it does I shall undoubtedly call for a division to test the sense of the Senate.

Mr. EDMUNDS. I think in economy I must insist on the regular order.

Mr. MORTON. I do not make any motion now.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York to the amendment made as in Committee of the Whole.

Mr. SARGENT. Those who guard the flock are never popular with those who depredate upon it. I am not at all astonished at the clamor which is raised in certain quarters for the passage of this bill. I am very glad, as the best means of information, that the Chamber of Commerce of New York have sent us their manifesto giving the reasons why they desire the passage of the bill. I have nothing to say against the mercantile class, as a class. I do not doubt that there are thousands of honest merchants who have no desire to defraud the revenue, no desire to take any advantage of the Government of the United States, and for such men I do not believe the moiety system has ever been a disadvantage or has ever worked to their injury.

I find in this document, which was printed the day before yesterday, that the purpose of this bill is among other things to "hush the voice of the detective." They earnestly desire that the Senate of the United States shall pass a bill "which has passed the House without a dissenting voice," in other words, without a discussion, on the high wave of public clamor, because by the bill they say "the voice of the detective will be hushed." I do not wish to hush the voice of the detective. I desire that the detective shall probe into all frauds and all crimes, and I do not think that the profession of detective is *per se* dishonorable or corrupt. I do not believe that the United States in guarding its Treasury, in protecting the sources of its revenue, should be deprived of those means which all civilization uses to detect crime and protect itself against fraud. In this paper, written by the advocates of this bill, they propose that "bribes shall not be offered to the employé to set a trap for the innocent employer." The clerk is to set a trap into which the unsophisticated employer may walk! Do you believe that the merchant, controlling his business, does not know whether there is intentional fraud or not on the Treasury of the United States? Whether when a man is sent abroad and paid there to send false invoices the firm employing him does not know the mission of that man and the amount of service he is to perform and the work which he performs?

"Nor treachery among clerks to be exalted into an occasion for the bestowal of fortune and office at the hands of the Government." To paraphrase it, the Government shall not offer rewards to those who shall point the attention of the Government to cases of false invoices; and where a clerk knows that an invoice is given at the custom-house and is that upon which duties are settled, but that a false, fraudulent, and secret invoice is upon the merchant's books, and the Government is not to have the benefit of that information if it costs it any money; it is not to reward any information which may be received from sources of this kind. Is there any court in Christendom or any legislation which would prohibit the use of information thus acquired to ferret out crimes of other trades, of other character? You take away any stimulus whatever to the clerk or any other employé of a merchant who knows of the facts from the very necessity of his employment, who knows that frauds are being committed on the Government, and of course they will not be revealed and the Government Treasury will suffer.

Revenue laws are from their very nature unpopular; they are most stringently construed, and should be. They are hedged about in every direction in order to be most effective, and should be in order that revenue be brought into the Treasury. If you relax them here and there, your Treasury suffers in just the proportion that you relax these laws, and if ingenuity could discover something that could be applied more effectually toward the honest collection of the revenue, the Treasury would gain by it and public morals would gain by it. But where you relax in this direction, where you discard the means of detection which are used to ferret any other crime, and which are more necessary in the protection of the revenue than in any other case, there your Treasury suffers, and there the honest merchant and public morals suffer.

They go on after stating this and say:

> The voice of the detective shall be hushed.

The Government is not to have a corps of detectives either public or private; at any rate they so hope if this bill passes. Furthermore they say:

> That the sacredness of all correspondence shall again become inviolable, and alleged offenders shall not perforce convict themselves out of their own mouths.

That which is written or spoken by the person himself and clearly proved (and it is always proved clearly when in writing where the handwriting or signature is proved) is the very best testimony, because no man will testify against his own interest; and the same rule which allows documents authentic in their character to be produced in these cases is applied to all criminal cases, and it is legitimate evidence and evidence of the highest character, as laid down by all the writers upon evidence, wherever a person knowing the facts speaks against his own interest, there the truth is told.

Furthermore we are told that they are "not perforce to convict themselves out of their own mouths, nor out of their own books and papers." If on the ledger or invoice-book there shall be entered a single invoice which in itself is clear and conclusive proof that the Government has been defrauded of thousands and thousands of dollars, and that there is the testimony right under the hands of the Government by which conviction of a gross outrageous fraud, by which the Treasury has suffered, by which honest merchants have suffered, by which public morals have been damaged, can be secured, that evidence is not to be produced in court. And acting upon the demand of these gentlemen the Senate themselves have refused to accept the amendment of the committee by which the books in the discretion of the court, upon an order made by the court after a hearing that these books might be produced. That section has been stricken out of the bill.

The Senator from Ohio [Mr. SHERMAN] suggests that we shall have another vote on that. I trust we may have another vote on that, and that we may have this best of all evidence produced, not capriciously produced, not from mere motives of curiosity, but upon the order of the court in a judicial proceeding, its attention being called to it and the evidence why the books should be produced being fairly rendered before it.

I say with this document in our hands showing that the purpose is to strip the Treasury of all guards, to prevent it from using detectives of any kind which experience in all such cases shows to be absolutely necessary, you necessarily stab at your revenue and you stab at public virtue and you stab at mercantile honor, because to compete with dishonor dishonor must be used and the honest merchant can no

longer maintain himself in his honorable course provided the Government does not take the means which shall detect and punish the dishonest merchant who does business by his side.

The pending amendment of the Senator from New York is just merely on the general principles I have stated in that it would save the past, but it is just for the further reason that there are in every collection district of the United States suits of exactly the character contemplated by this amendment, suits brought not under the special legislation passed a year or so ago and which might be improvident, and which if repealed would avoid all reasonable cause for any clamor that has been raised about this matter, but suits under your ancient laws where rights have grown up and evidence has been collected at some difficulty; perhaps the suits may be now going to judgment; and all the advantage of the labor which has been employed by honest men, not under exceptional laws, is thrown away, provided the amendment of the Senator from New York is not adopted.

I do not believe that that is just or right. I do think these rights should be reserved. If you want to make this apply to Jayne or to any other man or to any particular class of cases, say so boldly in your legislation; but do not make it apply to other cases where it would be unjust. Let us say that suits commenced under the act of a year ago, which Senators have fresh in their minds, shall not be prosecuted, and that there shall be no new moieties made in the case of judgments if that is thought to be best; but under the ancient laws the suits which are pending, which are not affected by that legislation, which are not tainted in any particular, it seems to me ought to be excepted in justice.

I do not believe that my judgment will sanction this bill so far that I can vote for it. I believe that a year from now we shall find by a depleted Treasury, although the parties who send such circulars as this or some of them may rejoice, although many may go unscathed of punishment if detectives be unused, the public Treasury will so badly suffer that we shall be compelled either to increase our taxes or to repeal the legislation which we are putting through the two Houses with so much haste. I look with some forebodings upon the result to our Treasury, and I do think that this bill is too broad and far-reaching; that it takes away too many safeguards for the honest collection of the revenue.

Mr. STEWART. I was unfortunately out when the consideration of this bill was commenced, and I have had no opportunity in consequence of other business to investigate it carefully; but certainly it is an exceedingly dangerous bill. I think it had better not be passed. The twelfth section of the amended bill has nothing to do with your informers or detectives but is a matter as to the collection of the revenue, and it is such an innovation as is absolutely dangerous; and with that section in I cannot vote for the bill. By existing laws—and I will not go into details—if a person fraudulently, with intent to defraud the Government of the United States, puts in a false invoice, he is subject not only to fines and penalties, but to imprisonment and the confiscation of the entire invoice, and the law has been so for very many years. That is one of the ancient laws in connection with the collection of the revenue.

Now, I call attention to the twelfth section of this bill. What does it do? For a fraudulent invoice made with fraudulent design, what is the penalty under this? Not an innocent mistake, but I am speaking of a fraudulent invoice as named in this twelfth section; and what is the penalty? The penalty is a fine not to exceed $5,000. How enforced? In your criminal courts? No; but by an action at law in a United States court. What else? The party shall forfeit only the particular item to which the fraud relates.

If that does not make smuggling by false invoices a pretty safe business, I am not a judge of the language used here. It wipes out pains and penalties of imprisonment in connection with smuggling in this way. It has nothing to do with the business of honest mistakes as referred to in this protest. The New York Chamber of Commerce say in this memorial from which the Senator from California read that under this bill "innocent mistakes and willful frauds shall not be punished alike, nor technical errors arising under obscure laws subject the entire invoice and whole cargoes to confiscation." "Technical errors arising under obscure laws!" Although they approve this bill and ask for its passage they do not put themselves on record, and I do not believe they so intend, that a fraudulent invoice made with fraudulent intent shall not be punished except by the loss of the particular item in which the fraud is detected, and only an action at law for the recovery of the penalty afforded as a remedy. I do not believe that any honest merchant will make such a proposition as this or desire any such law passed. Let me read this section; it relates to the main body of importations that go through the custom-house:

That any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make, or attempt to make, any entry of imported merchandise, by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, shall severally forfeit and pay a fine of not more than $5,000 for each offense, to be recovered by [a joint or several actions] an action in the name of the United States, in any district or circuit court of the United States.

Then, if you do not happen to have something that you can levy execution upon, he is entirely exempt; there is no arrest; nothing but that you may sue him if you catch him, and what else may you do? They want to protect him particularly; "and in addition to such fine, such merchandise shall be forfeited." For fear that you might injure him too much, this qualifying clause follows: "which forfeiture shall only apply to the particular item of merchandise to which such fraud or alleged fraud relates," not to which the mistake, the technical error relates, but to which the fraud relates. Now in common dealings among mankind, fraud goes further than that. In contracts it forfeits everything. If this is not an act for the protection of fraudulent importers, I know not what it is. It does not name anybody else; the section only refers to persons who, with intent to defraud the revenue, make false entries, false invoices, false letters, and false affidavits, and do it knowingly and willfully with intent to defraud the revenue; and they are to be protected! This section does not relate to mistakes or technical errors; it relates to those who are described in the section itself to be fraudulent importers; and it says they shall go scot-free with the exception of an action to recover not to exceed $5,000, although the revenue may have been defrauded out of millions by the same practices, and the confiscation of the particular item upon which they are caught, although they may have imported tens of millions in the same way without being caught. If that is not a bounty to fraud, if that is not in the interest of fraudulent importers and not honest importers, then I have not the ingenuity to imagine a setion that could be drawn in their behalf.

I do not believe the section is understood by the Finance Committee or anybody else. I do not believe the Finance Committee are prepared to say here that persons may go on and defraud the revenue *ad libitum*, and the only consequence that shall overtake them shall be an action for $5,000 penalty, or less if the judge may so decide, and the forfeiture of the particular item on which they have been caught. The great mass of the items in which frauds have been committed may have gone into consumption, the disclosing of this particular fraud accidentally may show the trick by which a fraudulent merchant has been for years persistently preying on your revenue, and still if he with fraudulent intent has imported goods, all further remedy is gone and there is nothing but your action left, for this is the last law superseding all others on this question of fraudulent invoices. It seems to me that strikes deeper at existing laws than is intended by the Committee on Finance.

Mr. ALCORN. I do not represent a mercantile community, Mr. President, but an agricultural community exclusively. I certainly have no interest so far as merchants are concerned other than that interest which belongs to the country, and I should regret very much if I was seduced into the support of any measure here that would be detrimental to the interest of the country. I am prepared to hear argument on that point, and to listen to it, and to exercise my judgment as best I can upon every feature of this bill as it comes up.

I think there is great force in what the Senator from Nevada has said. I was impressed with his remarks yesterday and to-day upon that point; and when the question comes to the vote on the section to which he alludes, I shall be prepared then to give an earnest of my judgment upon that section, and shall demand of the Committee on Finance the reasons why they have reported the amendment as it is or the reasons why the section has been stricken out.

But I come now to the last section, and to the amendment offered to it by the Senator from New York, and I wish to state the reasons why I did support the amendment of the Senator from New Hampshire and why I do oppose the amendment of the Senator from New York.

The Senator from New York goes upon the idea, as I understand him, that there was in this a vested right belonging to those persons who have instituted these proceedings, that these agents of the Government have a vested right in the final result of the actions that they have instituted before the courts of the country. The Senator from New Hampshire proposes to secure to the Government its revenue, but he holds that these agents of the Government whom he properly as I conceive characterized as *quasi* official agents of the Government, have no rights except the rights that they derive from Congress and hold at the will of Congress. As in regard to any other officers of the Government, Congress has the right and the power and it is the duty of Congress whenever they have discovered that the fees of any officers of this nation are more than adequate, or out of due proportion to the service rendered, to apply the corrective at once without regard to what the fees have been established heretofore or how they may now exist.

The country is aroused upon the facts presented that certain agents of the Government who have received their education in the slimy school of the detective have suddenly leaped from that school of education into the enjoyment of fortunes unequaled in their magnificence by anything except the fable of Aladdin. The other day poor, under a law passed by the last Congress they have received contracts from the officials of the Government that were given without a knowledge of what they were to work into or the importance that they were hereafter to assume. These contracts I say have been entered into and fabulous fortunes have been made by these detectives. The discovery is made by the country and the demand is that the law shall, so far as they are concerned, be repealed. If it is the demand of the country, and if it is that the law so far as these contracts are concerned shall be repealed, shall we here by legislation permit the law to work its way any longer in the interest of moiety-seekers and to the great detriment of the Government of the United States?

The honorable Senator from New Hampshire proposes to secure to the Government its revenues. He does not propose to disturb the actions that have been instituted, but he proposes that the Government shall derive the benefit to its revenue rather than that these interlopers shall secure these fabulous amounts to which the country declares they are not entitled. It is no injustice to them. They have no vested rights. Their rights are held at the will of the Government. It is a privilege rather than a right that they have, and that privilege they hold at the will of the Government. The Government comes now and says: "Your perquisites, your allowances are wrong, fabulous, out of all proportion to the service rendered; and now we propose to cut them off, and from this time henceforth give to the Government its revenue and not to informers."

I vote for the amendment of the Senator from New Hampshire, and against that of the Senator from New York, believing it right; and upon the other question I shall vote as my judgment shall incline, desiring to do no wrong to the merchant and certainly unwilling to do a wrong to the revenue department of the Government.

Mr. WADLEIGH. Mr. President, I certainly represent upon this floor no mercantile interests. I am not aware that in the State which I represent in part upon this floor there is a single individual who has been affected by this law of Congress under which Jayne and his associates have operated. It is not on behalf of the mercantile interests that I speak here. I can well conceive how an honest merchant would dislike without a moment's notice to have all his books taken and carted away from his counting-room and detained for months—breaking up his business. I can well understand the very natural antipathy such a man might have to such proceedings on the part of these detectives as the evidence taken before the committee of the House has disclosed. But it is not in their behalf that I object to this amendment of the Senator from New York or to the payment of these moieties. I object to the payment of these moieties in behalf of the hard-working people whom I represent, into whose Treasury these moieties should be paid, rather than to swell fabulous fortunes in the pockets of these detectives. It is in their behalf, and in their behalf alone, that I speak upon this floor, and I say that the law should not any longer continue under which these moieties should be paid to the custom-house officers of the United States. Their salary should be sufficient to pay them for the work they do, and for performing their duties in such a manner as to prevent these frauds on the revenue. They should perform their duties all over the country, as the senior Senator from Pennsylvania has just assured us that the officers at the port of Philadelphia have performed their duty, so as to prevent frauds upon the revenue, and in such a manner as to earn the commendation of the committee of the House which has investigated these matters. They are paid for that, and that duty they should do, and not leave it to individuals who can come in and take half of the penalties recovered and put into their pockets to make enormous fortunes for those who thus divert these penalties from the Treasury of the United States.

Why, Mr. President, in the port of Boston there is a naval officer in the custom-house who never did anything, so far as anybody is aware, to detect frauds or collect these penalties, who in the space of two years has received from the Treasury of the United States for performing no duty nearly the sum of $100,000.

Mr. CONKLING. Where is that?

Mr. WADLEIGH. At Boston. I make no charge against him. The sum was legally due him and he has legally received it. He had the right to do so; but it is a scandal upon the laws of the United States that a public officer who has done nothing to collect these penalties, or next to nothing—nothing, I think, in this case—should receive such enormous sums from the Government.

I am in favor of abolishing these moieties in reference to the custom-house officers, for whose benefit they have hitherto been paid. I am in favor of paying revenue officers of the United States a sufficient sum as salary to induce them to perform their duty, to induce them to prevent frauds upon the United States, and if they step back and say that they are not paid for that, fill their offices by men who will do it. Such men can be found, and it is our duty to so legislate as that frauds upon the Government of the United States will be prevented by the officials of the United States receiving regular salaries under its laws who will perform their duty with a view to performing their duty and not with a view to diverting to themselves such immense profits that we have seen flowing out of the Treasury of the United States within the past few years.

Mr. PRATT. I should like to ask my friend from New Hampshire one question before he sits down. Would it not result logically, if the position of my friend were true, that the Government of the United States ought to sue and recover back from the informers all the moneys that they have received under the laws that allowed them to receive moieties in consequence of the information that they furnished and the convictions which their services brought around? That is the difference between those who have received and pocketed the money already and those who have earned a title to the money now by furnishing the information and causing suits to be instituted which will result in the recovery of the penalty or forfeiture. Where is the difference?

Mr. WADLEIGH. The difference is simply this: that the sum has been adjudged to the informer and has been paid to him, the money becomes his, he acquires therein a vested right, and no law of ours can take that money from him; but where there has been no such adjudication, where actions have simply been commenced and a man has acquired no vested right, the Government has the right to repeal the law which it has found to be against public policy.

Mr. STEWART. I should like to ask a question of the Senator from New Hampshire. He says that there has been no judgment in favor of these informers, that he would not take the money from a party where it had been distributed. The law on the statute-book, as I understand, gives the money to the informer for the information. His right becomes vested when the information is given. The subsequent distribution does not affect his title, but the fact that he has given information entitles him to it. The suit is to verify the fact that he performed the services for which the law said he should have so much money. The only question is whether you will let him have money for services which you said by law you would pay for. It was not his fault that the law was a bad one. The law authorizes the services and authorizes the party performing it to receive a certain compensation. Now you say you will deprive him of the compensation by taking away the remedy. So you might deprive any man of a debt by taking away the remedy. What different ground does it stand upon than other debts?

Mr. WADLEIGH. In my judgement this law has been found to be against public policy; it has been found to be wrong. Then it should be repealed and these moieties should be diverted from the pockets of informers unless they have acquired such a legal vested right as will prevent Congress from doing its duty in that respect. I say it is clear that they have not, and that we can pass this bill and thereby change the compensation which these special agents, these detectives, these informers who have been in the service of the Government might have received if the law had not been changed.

Mr. STEWART. That is on the ground that the law is against public policy. Let us follow that a little further. Suppose that the Congress of the United States should authorize the construction of a canal over the Virginia mountains connecting the Mississippi Valley with the ocean, and should authorize contracts to be let and labor to be performed, and at the next session of Congress we should come to the conclusion that it was against public policy to have such a canal, but in the mean time hundreds of thousands of dollars had been invested in labor and in other ways under contract, would you repeal that law and deprive contractors of their pay because it was against public policy to run a canal over the mountains? Here is a case where you say Congress declares its policy to be to have a set of detectives, and it sets them to work and it agrees to pay them in a certain way for obtaining certain information. It is not the fault of the detectives that the law is against public policy; it is the fault of Congress. After the services have been performed, no matter what their character so that Congress authorized the performance of those services, it cannot say that the services shall not be paid for because the act of Congress was against public policy.

Mr. MORRILL, of Vermont. I think, Mr. President, that the amendment of the Senator from New York is right, and if he had gone further and fixed it upon the precise day when this amendment was first published, I should have still thought it right and supported it although it might not have been so far off as the 1st of May. I believe the bill was reported here about the 20th of May; at any rate whenever it came to the knowledge of the people that there was a proposition of this kind published. I think it would have been right to propose the amendment which the Senator from New York now proposes. There is scarcely a law that we pass during the session where rights are involved that we do not protect those rights by some clause in the bill so as to prevent its operating as a hardship upon any previous state of fact. Here these parties have proceeded in the ordinary course of business under the ordinary provisions of law to discharge their duties, and any amount of compensation that they are legally entitled to, it seems to me, ought to be preserved to them.

Mr. HAMLIN. Mr. President, there has been a good deal said in this debate in relation to the detective service of the country. I have no word to utter in relation to it now, although I have very distinct opinions in relation to it. I do, however, believe that by the improper actions of some of the detectives this furor has been created pretty much all over the country. My object now in rising is simply to state practically what would be the effect of this bill if it were to pass as amended in committee.

I cannot, no man can, tell what number of informants are revenue officers and what are private citizens, and I hazard the opinion that of all information given in the country two-thirds is given by private individuals.

Mr. CHANDLER. Four-fifths.

Mr. HAMLIN. The Senator from Michigan says four-fifths. I want to state it within certain positive limits. I say I can have no doubt there are two-thirds. Now what is the practical course in proceeding? An informant goes to the collector or to some subordinate officer of the collecting department, and he, together with that subordinate, goes to the collector and lodges an information. If that collector be an individual competent and proper to discharge the duties of his office, he does what? He demands of that informant such information as satisfies the collector reasonably, beyond a reasonable doubt, that there has been a fraud either perpetrated or one to be attempted, and before the collector will take the initiative step he

compels that informant to furnish him with that evidence; and how does he do it? Let me tell you what I know. I know that in many cases that informant, no detective, in no way connected with the detective service, who has knowledge of a fraud either perpetrated or to be attempted upon the Government, gives the information; and I know that that informant in many cases is compelled before he completes that evidence for the collector's decision to visit foreign countries and to there verify the information with which he furnishes the collector. In other words, in almost every case where an outside man lodges an information with the collector he is compelled as the lawyers would say to make up his case, and he is obliged to contribute his time and spend his money. That is the way it is done. Two-thirds of your suits that are pending to-day are of this class. The amendment, if it be adopted, would deprive every single one of these informants of that share of the penalty, if there be a penalty incurred, which the law had promised him and upon which promise he was induced to incur the expense to which I have alluded. Is that just? Is that right?

Much is said about fabulous amounts. I know large sums have been paid to these detectives; but of the suits pending and the judgments to be rendered thereon who in this body shall say that the sums are at all formidable? They are made up almost exclusively of small sums, and are divided among individuals who have no connection with the collection of your revenues, either as officers or detectives. They are individual citizens, who under the inducements of the law have rendered a service by which the country is to be benefited.

But my friend from New Hampshire says that he votes for this because he wants to keep the money in the Treasury. I agree with him on that principle, and if you had not given these inducements to these outside men to make the investigation upon which a judgment is to be predicated and a fine to be imposed, no money would have ever come into the Treasury.

I insist, Mr. President, that it is unjust to this large class of people, the larger number, two-thirds, or, as the Senator from Michigan says, four-fifths—no matter what the precise number is—of whom are private citizens who have lodged their informations on which suits have been commenced; and if those suits are maintained by any action of ours it is unjust to say to them, "You shall not have what the law promised you although you have incurred expense in time and money in preparing that case which allows the Government to obtain a judgment against a dishonest man and to enrich its Treasury with the penalties that dishonest man is made to pay."

That is the view which I take in relation to this matter. The pending suits are not to realize the large sums that have arisen from cases that have been compromised. The great mass of these cases, you will find, are subjects relating to matters in account that are small; and outside men in no way connected with the Government are those who are interested. I cannot by my vote deprive them of what the law promised as an inducement for incurring the expenses which they have incurred.

Mr. CHANDLER. Mr. President, honest men engaged in a particular branch of business who honestly pay their duties are themselves the chief detectives on smugglers. I remember a case that appealed very strongly here a few years ago to the Department from Detroit and the detective was denounced in strong terms. I went to the custom-house officer in Detroit and said, "Where did you get this information?" He pointed me to the largest liquor dealer in the whole city of Detroit, and said he, "I got it there." There had been smuggling of liquor. Men in the dry-goods business who pay their duties honestly, whenever they find a neighbor who is underselling them, selling for what they know is not the cost, turn around and give this information, of course privately; they are not public informers; but I venture to say that more than four-fifths of all the information which leads to conviction comes from men who have no interest whatever with the Government or its detectives; they do it in the interest of their business. It is for the interest of every honest importer in these United States that every other importer shall honestly and fairly pay his dues to the Government. There is the source from which a very large amount of the information on which convictions occur is furnished.

I hold in my hand a resolution of the Chamber of Commerce of the State of New York headed "The moiety bill," which I received this morning, and it is signed by "A. A. Low, chairman," and "George Wilson, secretary." A. A. Low is a gentleman of the very highest character, and never would have written this series of charges which he has signed. He signed it *pro forma* as chairman of a meeting without examining into the language or the intent and meaning of the language contained in these resolutions. Permit me for a single moment to call your attention to one of these whereases:

Whereas the importers of this city are convinced that the necessities of commerce imperatively require that the pending moiety bill shall pass Congress and become a law to the end that the revenue service shall be reformed; that bribes shall not be offered to the employed to set moiety traps for the employer, nor treachery among clerks be exalted into an occasion for the bestowal of fortune and office at the hands of the Government; that the voice of the detective shall be hushed.

Now suppose the house of A. A. Low, for he is a wealthy man, should be entered to-night by burglars and all his plate stolen and all his valuables taken and carried off, what would A. A. Low do to-morrow morning early? Would he go to the burglars and ask them who stole his plate? He would do something. He must go somewhere. Where would he go? He would go to the chief of police and say to him, "Furnish me the best detective in your department; my house has been robbed, and I want to catch the robbers." And yet, Mr. President, the burglar who breaks into a house and steals his silver and his plate is a gentleman compared to the sneaking smuggler. The burglar goes boldly, knowing that if he is detected he forfeits his life or his liberty. The sneaking smuggler knows that if detected he will lose a little out of his pocket and he adds perjury. In smuggling, theft, robbery, and perjury are united; and yet all of our sympathies are excited not against the guilty scoundrel who has robbed your Treasury and done it deliberately and knowingly, but against the man who exposes the scoundrel who deliberately and knowingly robs your Treasury and has committed perjury.

Mr. President, I am a little tired of this kind of sympathy for the men who have defrauded the revenues and rendered the name of American citizens a stench in the nostrils of every honest man. I am ashamed to hear the parties who bring them to justice denounced, while dishonesty escapes uncensured and free. Sir, the boot is on the wrong leg. Out of fifty-nine men denounced on information furnished by private citizens to this man Jayne, as I am informed forty-eight have been convicted; and yet there is not a single word said about those forty-eight convicts who have defied the laws, defrauded the revenue, and merit condign punishment. But the detective, the man who brought them to justice, forsooth must be denounced here in their stead and upon this floor and elsewhere, because he has enforced the laws and brought these men to justice and money into your Treasury. There may have been wrongs connected with contracts under this law. If there has been, rectify that wrong; but do not stand up here and denounce those alone who enforce justice and let the wrong-doers go free.

Mr. ALCORN. The Senate will not permit itself to be drawn away from the question under discussion to the question of the system of detectives. The informant, the detective, the spy is necessary, and has been found to be necessary to almost every government that has existed, and I do not suppose that the Government of the United States intends now to lay down the doctrine that his valuable services are to be dispensed with. I do not think any such principle is involved in this bill. The very necessities and the very organization of our law and the characteristics of human nature are such as to demand at times the extraordinary measures that involve the employment of detectives in the interest of the Government.

So far as the detective is concerned, I have not risen here to make any assault upon him. I have made none upon him. Sanborn and Jayne did just what clouds of men would have done if they had had the opportunity. They made their money under a contract that they entered into, which contract was not appreciated by the officers of the Government at the time it was made. That, I believe, is understood to be the fact. The country has been startled by the fabulous amounts that have been derived by these men, coming as it did directly from the revenues of the Government of the United States. From the pockets of the hard-fisted yeomanry of the country into the pockets of these detectives hundreds of thousands of dollars have gone, and the country demands that the laws allowing it shall be repealed.

But now comes the Senator from New York with his amendment, and I propose to call attention to his amendment and to show its scope and bearing, and in a few words the reason why I am opposed to it.

Do we understand it to be the sense of the Senate that these moiety contracts, to wit, Sanborn's and Jayne's, are now to be, as far as is proper at least, repealed, cut off, and declared to be at an end by the Government? That I understand to be the case; but now the Senator from New York says that here there is principle involved, that there are vested rights. Does he not yield the principle when he proposes to confine the operation of this bill to the 1st of May? If there is a principle involved in this case, how can he abridge that principle, how can he make it operate from the 1st of May and cut off the man who furnished valuable information on the day after the 1st of May?

Mr. CONKLING. Would the Senator like an answer to that question?

Mr. ALCORN. Yes, sir.

Mr. CONKLING. I answer then by saying first that that was not my suggestion at all, but a suggestion originating virtually with the Senator from Massachusetts [Mr. WASHBURN] and made in deference to him, and with him and with me resting upon this clearly-defined and well-understood principle of morals and of law. It was suggested that some of these persons concerned, in view of the proceedings here, in order to circumvent the proceedings here—such was the rumor or intimation—had made haste to enter suits in order, in short, to outwit Congress. The Senator from Massachusetts said there were such rumors touching things which had occurred in his State. Then the suggestion was made that if a day was fixed previous as we should say in court to *lis mota*, a day before the litigation began, that would be fair in substance, fair because nobody as we were advised would be visited with hardship except those who had justly incurred this hardship, if such there were, by attempting to outwit and circumvent Congress. In short, upon the familiar doctrine applied in many ways, that a man is not to take advantage of his own wrong, it was supposed that those who had made haste to forestall this legislation by entering suits on purpose to do it, if they were punished, could be

punished without violating any principle applicable to men at large who were standing in good faith.

Mr. ALCORN. I alluded to the fact that the 1st of May had been accepted by the Senator from New York to show that, so far as the principle is concerned, it is a principle that in his judgment may be compromised.

Mr. CONKLING. Not at all.

Mr. ALCORN. If the 1st of May can be assumed, then the 20th of May or the 1st of December last can be just as well. But now I desire to call the attention of the Senator from New York to the force of his amendment in another respect, and I call his attention for the purpose of knowing what the effect of his amendment is to be upon this bill, and whether it is to be confined in truth and in fact to the 1st of May as laid down by him. Let me read and see whether I have his amendment correctly; I may not have it exactly correct:

Commenced prior to the 1st of May, 1874, or in anywise affect suits or actions commenced or forfeitures commenced prior to the 1st of May, 1874.

Now, I undertake to say that this clause providing for forfeitures incurred may go back *ad infinitum*, and forfeitures incurred long ago may be enforced under these contracts five or ten years hence, forfeitures incurred whether the suits have been commenced or not. Whether the forfeiture has been incurred does not depend under the amendment of the Senator from New York upon the action having been brought at all.

Mr. CONKLING. I do not wish to interrupt the Senator, but if he will allow me one word——

Mr. ALCORN. Certainly; I do not wish to misrepresent the Senator.

Mr. CONKLING. I will save him the trouble of traversing part of this field of time and space regardless of this amendment, by reminding him that there is already in the bill a section which fixes three years as a statute of limitations for all purposes whatever, so that however inapplicable what he may be upon the point of saying to this particular amendment is, I remind him that for all purposes he need not illustrate by going back ten years as three years is the utmost limit.

Mr. BAYARD. Will the Senator then object to these words going out of his amendment, "or forfeiture incurred?"

Mr. CONKLING. May I inquire of the Senator from Delaware whether he will vote for the amendment if those words are dropped?

Mr. BAYARD. I should vote for it much more cheerfully with them out than in.

Mr. CONKLING. But will my friend indulge me with an answer? Would he vote for the amendment if the words were dropped?

Mr. BAYARD. I would not.

Mr. CONKLING. So I supposed; and therefore I think it would be hardly worth while for me to accommodate the amendment to those who will vote against it in any event.

Mr. BAYARD. There is no reason, there is no logic in the Senator's answer to me.

Mr. CONKLING. It may be. I give it for what it is worth.

Mr. BAYARD. It not only may be, but it is so. The Senator here has proposed in his amendment not only that this law shall apply to suits commenced prior to the 1st of May, 1874, but he has added language which extends away beyond that date, so that a man could be pursued for forfeitures incurred long prior to May 1, 1874, whether suit were commenced or not. My remark was made in perfect good faith to him to know whether, as he said that the suits were subject to the statute of limitations contained in another section of this bill, he would object to confining his amendment to the class of cases which the first portion of the amendment provided for, and his answer to me is another question; not whether he will object or not, but whether I will vote for his amendment one way or the other.

Mr. CONKLING. I beg to assure the Senator from Delaware that my answer to him was intended entirely in courtesy. If it shall become important at any time for me to explain any more fully than I have done the meaning of the amendment as I suppose it to be, that I will do; but for the Senator from Delaware to ask me whether I have any objection to dropping words to which he finds objection, when he is going to vote against the amendment in all its parts, I submit to him is a proposition which I am quite warranted in answering as I did with the utmost civility to him that if it will not influence his vote one way or the other, I of course want no compromise with him on the subject.

Mr. ALCORN. Mr. President——

Mr. LOGAN. Will the Senator allow me a word just here?

Mr. ALCORN. Certainly.

Mr. LOGAN. This amendment was voted on last night, but I did not vote at all on account of an objection that I had to it, and I will say to the Senator from New York that if that objection is removed I will vote for it. If the word "for" is inserted in it in lieu of the word "or" I will vote for it, because that will make a very material difference. As it now stands, it does have, in my judgment, the effect that the Senator from Mississippi and the Senator from Delaware say it has. It does relate back to forfeitures incurred that are not now pending or were not pending at that time in suits; but the mere substitution of the word "or" to "for" will change it just as I understood yesterday was the intention. With that change it would make a material difference, as far as I am concerned, in my view.

Mr. CONKLING. If my friend from Mississippi will pardon me for one moment, here comes the Senator from Illinois who proposes to vote for the amendment if the change is made, and therefore, although I do not understand that I extend to him any greater courtesy than I did to my honorable friend from Delaware, there is something to talk about, because he proposes to vote for it, and therefore I say to him with the utmost frankness, so far as I am concerned, I have no objection to make the precise change he indicates, namely, using the word "for" in lieu of the word "or." In doing that, I predict that aside from my honorable friend from Illinois, other gentlemen who have been discussing this amendment will find just as much objection after I consent to this alteration as they have done before. The Senator from Illinois will not, but others will.

Mr. LOGAN. I did not give my reason for not voting yesterday evening on the amendment, but that was the reason. I did not vote for the amendment at the time because I did not like its language, but still I made no exception to it; but I now say with that change I shall vote for it; otherwise I shall vote against it.

Mr. ALCORN. Do I understand from the Senator from New York that he accepts that amendment?

Mr. CONKLING. I will if it is in order now, or whenever it is in order.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) If there be no objection, that change will be made.

Mr. ALCORN. Having directed attention, then, to this very important provision of the amendment that had not attracted the attention of the Senate, or which at least had not been brought in the scope of the discussion, the purpose I have with regard to it is now reached.

Mr. CONKLING. Knowing as I do that my friend is a logician, may I inquire whether he will now support the amendment?

Mr. ALCORN. O, no; I will not.

Mr. CONKLING. I hardly hoped the Senator would.

Mr. ALCORN. And I do not think my honorable friend will consider that I am very illogical in saying that I will not. I certainly am here to endeavor to put in the best possible form that amendment to which I stand opposed, and I certainly owe it as a duty to the country to endeavor to so far modify each and every amendment that may be offered to this bill as to make it as little objectionable as possible, and thereby I do not commit myself to its support. I am with the Senator from New Hampshire in favor of cutting off these moiety men abruptly, and I stand there.

Mr. MORTON. I am satisfied that this discussion will run on all the afternoon. I feel it to be my duty, therefore, to move to postpone the consideration of this bill and all prior orders for the purpose of proceeding to the consideration of the report of the committee of conference on the currency bill.

The PRESIDING OFFICER. The Senator from Indiana moves to postpone all prior orders for the purpose of considering the conference report.

Mr. CONKLING. As it has fallen to my lot to criticise somewhat the details of the moiety bill, so called, and as it is not in my charge, nor have I the honor to be a member of the committee which reported it, perhaps I am not called upon to volunteer to interpose in its behalf. Nevertheless, the Senator from Indiana making the motion in the absence of the chairman of the Finance Committee, who I see at this moment has returned to the Chamber, I rose to say that with the Senate so thin as it is I thought it would be hardly right to lay aside this bill and take up any other. But the chairman of the committee, the Senator from Ohio, having entered the Chamber and being present, I accomplish my purpose or do my duty sufficiently by inviting his attention to the subject and hearing what he may say.

Mr. EDMUNDS. I have objected already to this bill being laid aside. We lose time in that way.

Mr. SHERMAN. I trust, now that the debate on this matter has been gone through with, that we can finish this bill, and I therefore hope the Senator from Indiana will not press his motion. I do not like to vote against it, but I shall have to do so, because I think with the Senator from Vermont the true way to proceed with business is to complete what we have commenced. If we had had a quorum last night we could have finished this bill in five minutes and had it out of the way; but we were left without a quorum and had to adjourn.

Now the Senator from New York has offered an amemdment which has been discussed, and every Senator here has made up his mind how he will vote upon it. I hope, as the Senator from New York has modified his amendment, striking out the only word which seemed to be objectionable, so that the suit shall be for the forfeitures before the 1st of May, there will be no objection to it. While we are endeavoring to relieve the importers from oppression, alleged or otherwise, and making a fair law for the protection of the revenue, we ought not to do injustice to officers and men who under the law have earned money in our service. Therefore I hope this amendment of the Senator from New York will be adopted, and that we will go on and finish the bill.

The PRESIDING OFFICER. Does the Senator from Indiana insist on his motion?

Mr. MORTON. If I can be assured that this debate is about exhausted and we can have a vote very soon, I shall withdraw my motion; otherwise I feel it my duty to press it.

Mr. SHERMAN. We will close this matter out pretty soon.

The PRESIDING OFFICER. The Chair understands the motion of the Senator from Indiana to be withdrawn. The question is on agreeing to the amendment of the Senator from New York, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 31, nays 26; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Buckingham, Cameron, Carpenter, Chandler, Clayton, Conkling, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamlin, Howe, Jones, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Pease, Pratt, Ramsey, Sargent, Scott, Sherman, Spencer, Stewart, West, and Wright—31.

NAYS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Harvey, Johnston, Kelly, McCreery, Merrimon, Oglesby, Ransom, Robertson, Saulsbury, Schurz, Stevenson, Stockton, Thurman, Tipton, Wadleigh, and Washburn—26.

ABSENT—Messrs. Allison, Brownlow, Conover, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Hitchcock, Ingalls, Lewis, Morton, Norwood, Patterson, Sprague, and Windom—16.

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on concurring in the amendment made as in Committee of the Whole, as amended.

The amendment as amended was concurred in.

Mr. STEWART. I move to strike out the twelfth section of the bill, and I ask that it may be read so that it can be understood. I call the attention of Senators to the reading of it.

The Chief Clerk read the section as follows:

SEC. [10] 12. That any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make, or attempt to make, an entry of imported merchandise by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, shall severally forfeit and pay a fine of not more than $5,000 for each offense, to be recovered by an action in the name of the United States, in any district or circuit court of the United States; and in addition to such fine such merchandise shall be forfeited; which forfeiture shall only apply to the particular item of merchandise to which such fraud or alleged fraud relates; and anything contained in any act which provides for the confiscation of an entire invoice in consequence of any item or items contained in the same being undervalued be, and the same is hereby, repealed.

Mr. STEWART. The more I study this section the more I think its operation will be very injurious. For instance, it sweeps out of existence, as I understand, the following law:

If any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any merchandise, contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported contrary to law, such merchandise shall be forfeited and the offender shall be fined in any sum not exceeding $5,000 nor less than $50, or be imprisoned for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have or to have had possession of such goods, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury.

It repeals pretty much all the general law defining these crimes, and I want to call attention to the particular language in which it is drawn. It seems to have been drawn by somebody who understood this thing remarkably well. With all due respect to the Committee on Finance, I think they have been deceived about it. I do not think they could have seen how far this section goes to break up all our laws on this subject, for remember this is to take the place of the other statutes as I understand. Now let us see if this section does not cover all cases of smuggling pretty much:

That any owner, importer, consignee, or agent, or other person who shall, with intent to defraud the revenue, make, or attempt to make, any entry of imported merchandise by means of any fraudulent or false invoice—

That is one step—

affidavit, letter, or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission—

Every act of smuggling must consist of an act or omission—

by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by which act or mission, shall severally forfeit and pay a fine of not more than $5,000 for each offense, to be recovered by an action in the name of the United States in any district or circuit court of the United States; and in addition to such fine, such merchandise shall be forfeited.

This is the mode of punishment for all manner of smuggling, and if it does not abrogate all your other laws in relation to smuggling, it throws them all in doubt. Everybody knows how dangerous it is to interfere with criminal laws by substituting something else for them that will take their place. If this bill takes the place of your other criminal laws on this subject, as it will undoubtedly, then the only way in which you can punish a person who fraudulently imports goods is by suing him and recovering damages to the extent of $5,000 and forfeiting the particular article, taking that out of the invoice and leaving him all the balance. I do not believe we are prepared to make such a radical change in our customs laws.

Much has been said about the system of informers; but if that system is to be condemned, do not in your legislation destroy everything else. Because you complain of some of your special agents, is it therefore necessary to destroy your customs laws and destroy all the safeguards against fraud in the collection of the revenues? In order to get rid of one evil, are you going to destroy all the balance of the statutes on the subject of the collection of the revenue?

Here you propose a light penalty to be recovered only on action for damages, which can be put off from time to time and finally compromised. No matter what the amount of the fraud may be, the only amount to be recovered is $5,000. There is to be no odium attached, nothing criminal connected with it, but is to be a mere question of dollars and cents. If the smugglers get caught, they only lose the particular item in which they are detected. If they are importing merchandise and they stick their laces and other costly articles into a particular box, they take the chance of getting them all through and deceiving the revenue; but if they are caught they are to get out of the whole thing by paying a penalty of three, four, or five thousand dollars and the forfeiture of a single box. If they get caught, it amounts to nothing. Not only do you do that, but you propose to dispense with your informers and thus prevent their getting caught, and then your law says only one box in ten shall be examined. It is only necessary to examine one box in ten, as the law now stands.

Mr. SHERMAN. O, no; they can examine them all.

Mr. STEWART. But the fact is that they are so pressed with business that they never do exceed the requirements of the law. The language of the law is:

The collector shall designate on the invoice at least one package of every invoice, and one package at least of every ten packages of goods, wares, or merchandise, and a greater number, should he or either of the appraisers deem it necessary, imported into such port, to be opened, examined, and appraised, and shall order the package or packages so designated to the public stores for examination.

In the press of business upon them they never exceed the number required by law. Now you give the Government by law one chance in ten of detecting a man engaged in this business. You give him ten chances to one to get the article through, and when he happens to get caught you propose only a nominal punishment. You give him all these chances to evade the revenue. I say if he willfully and fraudulently comes in with a false affidavit and perjures himself willfully and fraudulently, no punishment can be too hard for him. When you give him all these chances, when he is aware of the fact that only one box in ten is to be examined, and he takes all the chances to swindle the Government and has nine chances to one to get through with that swindling, then when he is caught you are not going to punish him at all. Is that the intention of this act?

There are other provisions in this bill that are somewhat singular. You talk about mistakes; but it is expressly provided in another portion of the present statute, which I can turn to in a minute, that if there is a mistake in the invoice there is no forfeiture. A mistake in an invoice does not forfeit it. That is now expressly provided by law. It is only where there is a willfully fraudulent invoice that there is a forfeiture. The law now expressly saves mistakes. That is not cause of forfeiture.

Sir, you propose to say by this bill that importers, experienced men as they are, may with impunity and with design defraud the revenue, and you will only subject them to a slight punishment. If a needy beggar steals fifty dollars in the streets here to save his family from starvation, you put him in the penitentiary by your laws in this District. If a millionaire will deliberately swear to a falsehood with the design of defrauding the revenue, you propose to content yourselves with a simple action at law for damages, limiting them not to the amount that he has defrauded the Government, but to $5,000 and forfeiting the particular item in which you have caught him. Is that the way justice is to be administered? Is that the object for which this excitement is gotten up? Is this excitement really an honest indignation against the employment of detectives—a class I never did admire—and in answering that demand and dispensing with the moiety system, are we to go further and legalize smuggling because the parties are powerful? Can there be a greater crime among civilized men and against the laws of society than the deliberate, willful, wicked act, described in that twelfth section, of a merchant prince, having the confidence of the community and the power to make Congress almost tremble by his potent voice, attempting to defraud the revenue in this way. In the name of justice can there be a meaner crime than for him to make knowingly and willfully a fraudulent invoice, and then add perjury to his crime by swearing that it is true when he knows it to be false? Are we in response to this demand to declare that perjury and embezzlement and fraud are commercial honor? Are we called upon to do that? That is the effect of this twelfth section.

Under it the millionaire may say to himself, "I may designedly swear falsely, I may designedly rob the United States of millions, and then take the chances of having $5,000 recovered from me and losing the package in which I was found out." What a paltry punishment, and what a mockery of law! If that is the animus of this legislation, I shall vote against the whole bill. I say this man Jayne, though he may be ten times blacker than the power of description, ten times blacker than his most eloquent enemy has been able to paint him, is an angel of light compared with the millionaire who, for the purpose of defrauding his Government, that has made him rich by its liberal laws, and defrauding the people who patronize him, falsely brings in an invoice, and falsely and fraudulently and maliciously swears to a lie for the purpose of cheating the Government and the people, while he lives in a palace. I say Jayne, in whose behalf I have not a word to say, is an angel of light compared with the man who commits the crime described in this twelfth section. And yet for that man you have no punishment, but you hold out an inducement to him. You say to him in effect, "There is only one

chance in ten of your being caught; go on with your fraudulent importations."

What chance has an honest importer against such a man? What chance has the man who does not intend to swear to a lie against the man who does, if there is no more penalty than this to be attached to it? The great body of importers are certainly honest men. If there is no punishment for designedly and knowingly presenting false invoices and maliciously swearing to the same, what chance has the man who has a conscience and a sense of honor to stay in the business? I know that the great bulk of the importing community have consciences. I know they are honorable men. But I know that those who are disposed to do evil can do so almost with impunity under this bill, and the honorable man will be compelled to retire from business. I have seen instances where honest men have been driven out of particular trades because they would not follow the crooked and insidious ways of other importers. I know many who have been driven out of the importing business on account of the devices that were gotten up by their dishonest rivals. If you remove all impediments against the actions of dishonest men in importing, what have you left?

Sir, I am opposed to this twelfth section for these reasons and for others which I shall very soon discover, I have no doubt, by looking further into the statutes.

Mr. HAMLIN. Mr. President, I have a suggestion to make in relation to this section, but I do not know that it is practical on account of the rules of the body.

Mr. SHERMAN. I think it is.

Mr. HAMLIN. I think this section would be very much improved by inserting after the word "to" in line 19, at the bottom of the page, the words, "the case or package containing." It would then read:

Which forfeiture shall only apply to the case or package containing the particular item of merchandise to which such frauds or alleged frauds relate.

Mr. SHERMAN. The Senator from Nevada has gone off into a very glowing argument on this subject, which I think is comfortable on this hot day; but it can be answered in a very few words.

The only difference between the existing law on the statute-book and the law contained in this section is that the existing law forfeits the whole invoice. For instance, suppose a merchant imports $100,000 worth of goods, and as in the case so often referred to, of Phelps, Dodge & Co., a single package, or a single pound of tin, or a single item in one box out of a thousand cases, is knowingly and willfully undervalued by any agent or person engaged in the whole business of importing, by the consignee abroad, the agent, or any one else, it forfeits the whole invoice. Therefore, to take the case of Phelps, Dodge & Co., the forfeitures alone amounted to over $1,700,000, while the variance only amounted to $1,600.

The purpose of this bill was to make the forfeiture, not to moderate the punishment. Why, sir, if a man commits perjury in swearing to one of these invoices in the custom-house, he is guilty of perjury and may be prosecuted for that crime and sent to the penitentiary. This section does not impair in the least any one of the criminal laws on the subject; but simply substitutes for the forfeiture of the whole invoice the forfeiture of the particular item. So the bill came to the Senate. Upon examining the bill the Committee on Finance made certain amendments which, without changing its meaning, made it plainer and more specific. But I think myself the suggestion of the Senator from Maine [Mr. HAMLIN] is a valuable one. The purpose of the law is not to be guilty of oppression, not to punish grossly and exorbitantly an accident, or even a design; not to punish a small offense with a wholesale forfeiture amounting to millions, or to punish an honest merchant here because some clerk abroad has willfully, if you please, inserted in a single package out of a thousand packages a single article in violation of the customs law.

Mr. SARGENT. If the Senator will allow me to interrupt him——

Mr. SHERMAN. I prefer to get through.

Now, sir, I think it would be well, instead of forfeiting the particular item of merchandise, to forfeit the case, box, or package, or whatever it may be, using every form of the law, and all the contents of that package. This is a case that has sometimes occurred. Sometimes a shawl of great value is inserted in the middle of a package of some other kind of importations. There is a fraud. The merchant who receives that package may be entirely innocent. It may be done by collusion with some subordinates, some clerks, who in that way seek to evade the law; and yet if there is in the whole invoice a fraud by a subordinate—not by the merchant but by any one—to the amount of ten dollars, the Government may confiscate an invoice to the amount of $100,000. That is a gross injustice, and cases of that kind have actually occurred.

Mr. CONKLING. The Senator is certainly mistaken.

Mr. SHERMAN. No, sir. I say that under the law now a willful evasion of the law——

Mr. CONKLING. By a clerk abroad?

Mr. SHERMAN. Yes, sir.

Mr. CONKLING. O, no.

Mr. SHERMAN. Yes, sir. The language is express: "any owner, importer, consignee, agent, or other person." Any person whatever who, whether with the knowledge or design of the owner of the goods or not, shall insert in one of these packages fraudulently a small article, may lead to the confiscation of the property.

Mr. EDMUNDS. Will the Senator be good enough——

Mr. SHERMAN. I desire to finish the few remarks I have to make, if the Senator will allow me.

Mr. EDMUNDS. I merely wished to ask a question; but if the Senator declines to yield, very well.

Mr. SHERMAN. Now, Mr. President, is it the desire of the people of the United States to be guilty of oppression as against our own merchants and our own traders who conduct the business of the country? I think not. It seems to me therefore the design of this section is proper enough; but perhaps the House have gone to the other extreme. Instead of, as under the old law, confiscating the whole invoice, they have only confiscated the particular item of merchandise that participates in the fraud. They subject the owner, importer, consignee, or agent to a fine of $5,000 and they confiscate or forfeit the particular item. I do not see why the amendment of the Senator from Maine should not be adopted, why we ought not to extend the forfeiture to the whole package, case, or box, or whatever it may be, and all the contents thereof. With that amendment I think the golden mean will be attained, and then a person who violates your revenue laws is not only subject to all the penalties for smuggling, all the penalties imposed by your various revenue laws, but is by this section subject to a fine of $5,000 and the costs of the suit in a prosecution in the courts of the United States, and is condemned also to a forfeiture of the case, package, or box in which the fraud occurs. Surely that is severe enough against men who are engaged in the ordinary discharge of a legitimate trade. I have no objection to the amendment proposed by the Senator from Maine, and I shall vote for it.

Mr. SARGENT. I desired to call the attention of the Senator from Ohio while he was speaking by a question to the fact that I either misunderstand this twelfth section or he does. Probably it is myself. He says, as I understand him, that the only difference here made is that we forfeit the particular item of merchandise in which the fraud is committed instead of the whole invoice. I say this section changes the law in that it makes a civil action in the name of the United States to recover the fine of $5,000 in one case, instead of an indictment where the penalty is a fine or imprisonment of two years. Does not the Senator admit that this makes a further change than that which he suggested? The original law says:

If any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any merchandise contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported contrary to law, such merchandise shall be forfeited and the offender shall be fined in any sum not exceeding $5,000 nor less than $50, or be imprisoned for any time not exceeding two years, or both.

That is by prosecution and involves imprisonment. It is by a criminal proceeding implying disgrace. This section of the bill simply provides that it shall be an action in the name of the United States, and it eliminates any imprisonment, any disgrace, and leaves to the doubtful action by a civil suit the question whether the persons are to be punished at all.

Mr. CONKLING. And leaves to the solvency of the defendant whether any judgment is collected against him.

Mr. SARGENT. Undoubtedly. That is a most radical change in the law, and evidently a greater change than the chairman of the committee himself was aware of.

Mr. THURMAN. Will the Senator from California allow me to make a suggestion there?

Mr. SARGENT. Certainly.

Mr. THURMAN. If you have an indictment as the sole means of imposing this penalty of $5,000, that indictment can only be found where the offense was committed, and if you cannot get the party in that jurisdiction your remedy goes for nothing practically. If you give the United States an action, it may bring that action wherever the defendant can be found.

Mr. STEWART. Provided you can get service on the defendant.

Mr. SARGENT. Exactly. I do not care about discussing the relative value of these two provisions. The point I wished to make was that here was a radical change in the law. My own impression would be not merely in favor of the fine of $5,000, but of imprisonment, to guard against the insolvency of the defendant. At any rate, there is this change. Then a very important change is that which the Senator from Ohio [Mr. SHERMAN] treats so lightly. He says there is only the difference of forfeiting a single item and forfeiting the whole invoice. There is that great penalty which hangs over the smuggler to deter him from running the risk of smuggling and defrauding the revenue of the United States and violating his own obligations to the Government and society and lowering the standard of commercial honor, because if smuggling can be successful no honest man can compete in trade; you demoralize all commercial transactions; you lower the whole standard of honor among your merchants; in fact you give bribes and rewards for dishonesty. Sir, it is not too heavy a penalty that an invoice which contains in its bosom fraud should be forfeited. The invoice was used with the intent to defraud. If in any one of the boxes out of the ten you examine there are put costly laces, or costly shawls, or opium, or some other article of small bulk and great value, there are ten chances to one that it will remain undetected and that the invoice will pass through. In the loose method of transacting this business, and it is necessarily loose on account of

the great amount of business forced upon the custom-house, these frauds have all these chances of remaining undetected; but when they are detected, when the amount of vigilance which we are able to exercise succeeds in showing that an invoice is tainted with fraud, then it is not too great a penalty upon those who knowingly and willfully commit the fraud that the whole invoice shall be forfeited. I say that is not a light consideration, and this is not a light change in the law; but I wait for the Senator to explain these other differences in the law concerning which he certainly was in error at the time he made his remarks.

Mr. EDMUNDS. I was going to ask the Senator from Ohio if I had been successful in receiving the favor of his consideration at the time, as he was undertaking to tell us what the present law is about the forfeiture of the contents of an invoice, to be so kind as to show us what the present law is, in order that we might understand whether he was talking at random about the present law or whether he was speaking by the book, as the saying is. I did not know myself but that his statement was accurate; that a wrong committed by a person in a foreign country, without the knowledge or consent of the owner of the goods in this country who enters them at the custom-house, was followed by the forfeiture of the whole invoice. He said it was, if I correctly understood him. Now, the statute of the United States upon that subject, which I refer to with respectful diffidence, for it may not be authority, does not bear the Senator out in that observation, and the decisions of the courts of the United States upon the construction of that statute are unhappily equally adverse to the law opinion of the honorable Senator from Ohio. I read one, because I am anxious to get on with this bill and will not take the time of the Senate to go over the whole state of the law on this subject. One is this:

The offense under this section—

That of the undervaluation of invoices—

consists in the making of an entry upon an invoice below the actual cost of the goods, with design to evade the duties.

That is to say, in the perfectly plain English language of the decisions of the courts, that the man who makes the entry, not Timothy Smith at Marseilles or John Jones at Yokohama, but the man who in the city of New York at the custom-house, or in the city of San Francisco at the custom-house, as the consignee or owner of the goods, makes a false and fraudulent entry of the value with the design to cheat the United States out of the duties that the law calls for, the man who deliberately goes to the custom-house and commits perjury to begin with and a fraud to end up with upon his fellow-importer and upon the people of the United States, shall run some risk of losing something more than the particular item, be it great or small, that he is called upon to swear about.

Now, Mr. President, I submit again, with diffidence, to the Senate and to the honorable Senator in charge of this bill, that the grandfathers of this Republic who in 1790 enacted that law understood the science of government pretty well. They understood the necessity in this age of the world, before the millennium, that the enforcement of law, the protection of innocence, the encouragement of trade, and the administration of justice require that perjury and fraud deliberately committed shall be visited by severity of punishment, and that it is not good government to hold out to the people the temptation to commit frauds and perjuries by holding up to them as the restraint upon the other hand the gentle punishment of saying, as in this instance, "All that you will lose will be exactly the sum that you have bet on the card," to use a phrase that will be understood by my western friends; "there is no other consequence to follow you; all that you lose is exactly what you put up on that particular fraud that you intend to commit. If you can bury your nutmegs or your diamonds in a hogshead of salt or sugar; if you can fold up your laces from Brussels in a chest of tea, and if in looking through a thousand chests of tea in a cargo they happen to hit that particular one"—they only take one in ten, as everybody knows who knows anything about a custom-house, to look into for actual inspection—"if they happen to hit in that one in ten the one that contains the lace shawl or the laces, worth it may be $100,000," (and it would only take a package as big as your hand almost,) "all that the fraudulent consignee"—not the fraudulent man in Brussels, his agent, who put it in for him, but the fraudulent owner or consignee who knowing that that lace was in the chest of tea goes to the custom-house and swears that that is a true invoice and that the package contains nothing else but what is truly exhibited in the invoice, for that is what he has to swear to; if he is found out, all he loses is the particular item in which the fraud occurred. If the one chance in the thousand occurs, and that is all the risk he runs, because they only take one in ten in sampling large invoices to inspect them; they do not take out every chest; so that he runs about one chance in a thousand, if that man is found out, then the Senator from Ohio tells the honest people of the United States that all that justice requires, all that good policy requires, all that fair dealing and honest government require, is either that that particular package of lace or that particular package of tea shall be forfeited, and that the man who has added perjury to fraud, the owner of the rest of the goods contained in that invoice, may take the rest of the things out of the custom-house at his free-will, perhaps containing also in some one of the other chests that have not been examined more shawls and more laces.

Mr. CONKLING. Does the Senator say that the tea would be fo-r feited as well as the shawl?

Mr. EDMUNDS. I say that the Senator from Ohio claims that it would not, and it should not be.

Mr. CONKLING. Clearly under this bill it would not be.

Mr. EDMUNDS. I am stating what the present law is. I say the men of 1790 who framed the law for the purpose of the protection of the revenue, for the protection of tax-payers, for the encouragement of trade, for the promotion of honesty among dealers, understood something of the philosophy of government when they declared that a fraud committed upon the Treasury in this way—not as the Senator from Ohio supposed the law to be, by some man in a foreign country of whose conduct the owner had no knowledge—but if the owner of the goods making the entry knowingly swears to this false invoice and thereby undervalues the contents of his packages, then the contents of the invoice, the whole thing that he undertakes to swear to in a lump, shall go together. I repeat, Mr. President, with all deference to the Senator from Ohio, that the law is not as he has stated it to be. I will read again, that there may be no misunderstanding as to what the present law is in the settled judgment of the courts:

The offense, under this section, consists in making an entry upon an invoice, below the actual cost of the goods, with design to evade the duties. No matter how fraudulent the invoice may be, still if the entry is made according to the actual cost the party making it is guilty of no offense.

If the owner's agent, therefore, sends him a false invoice, the owner still has the *locus penitentiæ;* he may still repent till the last moment and go to the custom-house and make his honest entry of the actual cost, and his goods are not forfeited because the invoice was fraudulently made up by his agent abroad. No, Mr. President, punishment now is only visited upon the guilty citizen of the United States, who intending to commit perjury and intending to commit fraud, boldly goes to the public officers of the country and endeavors to cheat through, by lying and stealing combined, an entry of goods that he is about to make.

Some honorable Senators say that their cheeks tingle with shame because we are endeavoring to protect some honest dealers and the Treasury against that class of people. Sir, my cheeks have not begun to tingle yet in that direction. My sympathies are not greatly excited in that direction.

I believe it has been stated, certainly I think it is the fact, that in the report of the House of Representatives, which has been referred to, it appears that this person, Mr. Jayne, who is now the scape-goat for all the sins that we or our ancestors have committed, out of fifty suits and prosecutions that he has commenced so infamously, as it has been said, under this hard and grinding and oppressive law going to the destruction of innocent persons, juries of their fellow-citizens, and courts of their fellow-citizens have in forty-eight of the fifty cases found that the owner who went to the custom-house and made the entry designed to defraud the United States and accordingly resorted to the contrivance of perjury and falsehood in his invoice to accomplish it, was guilty. Now I beg Senators to tell me if people who commit that class of crimes are entitled to have the law made any more lenient for their sakes? Every Senator would say no, I have no doubt.

Then for whose sake is it that we are to make this change? Is it for the sake of the other two in the case I have supposed, as it is stated in the House report, who were acquitted? If the Senator from Ohio will turn to the criminal records of his own county in Ohio and take fifty indictments that have been presented, the very last fifty, if you please, or the first fifty anywhere in the territory of that State of well-ordered jurisprudence—because I am bound to say that I believe the jurisprudence of Ohio has been as learned and as fair as that of any country of which I have any knowledge—he will find that more than two of those indictments have been found against innocent persons, if you take the verdict of the jury as evidence of innocence. What should be the consequence logically, then, upon the philosophy of legislative jurisprudence upon which the Senator stands? The consequence should be that he should appeal to the Legislature and the people of Ohio to wipe out the system of grand juries and the finding of indictments in Ohio, because out of fifty indictments more than two of them had turned out to be the prosecution of innocent persons, broached by the malice of some witness who had a scandal to bear or a revenge to gratify, broached it may be by the malice of some man in the grand jury who had a revenge to gratify.

Now, Mr. President, I wish to know if in a case of that kind it should be proposed—I am sure the Senator from Ohio would not defend it—to abolish all grand juries and courts because in the state of human affairs it is necessary to the punishment of the guilty that sometimes the innocent should be brought into inquiry——

Mr. CAMERON. May I interrupt the Senator for a moment?

Mr. EDMUNDS. Yes, sir.

Mr. CAMERON. I desire to move that the Senate proceed to the consideration of executive business for the reason that there are a very large number of cases to be acted upon, and to enable the clerks to get through with their ordinary business by the time of adjournment fixed, it is necessary that we should decide those cases now. I move, therefore, with the hope that there will be no objection to it, that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore.* Before putting that question, the Chair——

Mr. SHERMAN. On that question I call for the yeas and nays, and I object to any business until this matter is determined.

Mr. EDMUNDS. If debate is going on, I have not finished my speech.

Mr. SHERMAN. The Senator gave way.

Mr. EDMUNDS. But I beg the Senator to understand that I gave way for some motion the Senator from Pennsylvania wanted to make, not knowing what it was to be, and inasmuch as the subject under debate is this bill, if we are to have any debate I wish to finish my remarks so as to get on, if the Senator will pardon me.

Mr. SHERMAN. Very well.

The PRESIDENT *pro tempore*. On this motion the Senator from Ohio demands the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. I beg the Chair to understand that I did not object to his clearing his table.

Mr. EDMUNDS. If the Senate is not going into executive session, I want to finish now the little that I have to say, because I am not well. If we are going into executive session, very well; I want to know it at once.

Mr. CAMERON. It is necessary we should go into executive session.

The question being taken by yeas and nays, resulted—yeas 20, nays 34; as follows:

YEAS—Messrs. Alcorn, Boreman, Cameron, Carpenter, Chandler, Clayton, Conover, Edmunds, Frelinghuysen, Hamilton of Texas, Harvey, Jones, McCreery, Pease, Ramsey, Sargent, Spencer, Stewart, Tipton, and West—20.

NAYS—Messrs. Bayard, Bogy, Boutwell, Buckingham, Conkling, Cooper, Davis, Ferry of Michigan, Flanagan, Gilbert, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamlin, Ingalls, Johnston, Kelly, Mitchell, Morrill of Vermont, Norwood, Oglesby, Pratt, Ransom, Robertson, Schurz, Scott, Sherman, Stevenson, Stockton, Thurman, Wadleigh, Washburn, and Wright—34.

ABSENT—Messrs. Allison, Anthony, Brownlow, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Hitchcock, Howe, Lewis, Logan, Merrimon, Morrill of Maine, Morton, Patterson, Saulsbury, Sprague, and Windom—19.

So the motion was not agreed to.

Mr. EDMUNDS. Mr. President, I was endeavoring to show when this episode occurred that by the principles of the act of 1799, which was established by the fathers of the Republic, the idea was entertained and clearly set forth that a fraud committed by the owner of the property in making a knowing and designed undervaluation and false entry was one which ought upon just principles, and so they put it in the law, to be followed by a forfeiture of the value of the goods contained in the invoice through and by which and under which he undertook to commit the fraud.

Mr. SHERMAN. I referred to the law of 1830.

Mr. EDMUNDS. I am coming to the law of 1830, but I have not got the book.

Mr. SHERMAN. I have just found it myself.

Mr. EDMUNDS. The Senator stands on the law of 1830. Will he be kind enough to lend me the book?

Mr. SHERMAN. Certainly.

Mr. EDMUNDS. Now the Senator says that he referred to the law of 1830. The subject upon which he was speaking was this principle of how far the forfeiture ought to extend when a fraud was attempted to be committed upon the Government. If the Senator means that he does not think that an innocent owner ought to be made responsible for a wrong or a false swearing or a false package or a false invoice that has been made out by his foreign correspondent without his knowledge or connivance, and which on its being sent to him, he believing it to be true, swears to before the custom-house and thereby gets his goods passed, I agree with him, and I undertake to say that the law now does not visit upon an innocent owner who thus swears in good faith to a false invoice as true believing it to be true, and that he is stating the actual cost and the actual correspondence of the invoice with the contents of the package, the punishment of the forfeiture of the whole invoice.

Mr. SHERMAN. Upon that point I beg leave to differ with the Senator, and that is the point to which I called attention, that under the law of 1830, if there is any defect, if the invoice does not correspond in every item, the smallest item, if one single article is introduced that is not found in the invoice but is found in the package, the owner forfeits the package or the invoice. That is what I understood to be the law, but I could not turn to it at the moment. Another Senator has called my attention to it.

Mr. EDMUNDS. We were talking about entries made in the custom-house. We have now come to the question whether the cargo agrees with the manifest; we will treat of that. That is not the case we began to discuss. If we find that we have been upon a switch-line all this time and I have been chasing my friend from Ohio "over the hills and far away" about a subject that he did not mean to introduce into this debate, then I beg his pardon and that of the Senate, saying perhaps that this is meat reasonable for digestion; nevertheless if we find that the founders of this Republic, people who understood the science of Government and of punishment, laid it down in their laws that an intentional attempt made by the owner of goods to defraud the revenue through an invoice and an entry combined, an entry upon an invoice, should be followed by a forfeiture of the whole invoice, then perhaps we have in a fair discussion of this subject—and I certainly wish to have no other—made one step in the direction of ascertaining what the real and true philosophy and practice of the law should be.

Then I understand that we both agree, as my friend seems to have confessed and avoided, as the saying is among lawyers in pleading; I understand that we are at one now upon the proposition that in such case the law ought to be so, because he does not question the correctness of that conclusion, he does not question the correctness of the decision of the judges which I have read; he does not question the illustration that I have put to him, although of course I put it at random, of the state of indictments in the best counties of Ohio or Vermont.

Mr. SHERMAN. If my friend will allow me, I admit that under the law as it now stands, no person in this country can be punished for an offense under the criminal statutes, or even for a penal offense personally, for any violation of the law in the process of an importation unless he was personally guilty of wrong intent; but nevertheless, if there is a difference between the manifest and the actual goods, the property is confiscated to the Government, the invoice is confiscated in some cases, the package is confiscated although the owner of the property may be perfectly innocent of a wrong intent.

Mr. EDMUNDS. I see the point of my honorable friend, and I hope he will perceive that I am not quite so hard on him in refusing to allow him to interrupt me as he was in refusing to allow me to ask him a question, but as my discourse is not of much consequence and his was, perhaps there is good ground for the distinction.

Now the Senator says that after all he does not really think that the law does warrant the punishment of a person personally by a penalty imposed on his body, as a fine or an imprisonment, unless he makes the entry knowing it to be false with the design to defraud. That is not merely the law. What I have been talking about and what I understood him to be talking about was a forfeiture of goods, not a personal penalty to be enforced by a proceeding *in rem* against the property. Do not let us wander from the point any more. It is upon that point that the statute of 1799 that I have read speaks; that is:

If any goods, wares, or merchandise of which entry shall have been made in the office of a collector, shall not be invoiced according to the actual cost thereof, at the place of exportation, with design to evade the duties thereupon, or any part thereof, all such goods, wares, or merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited.

Then it proceeds to point out how they shall be forfeited, by the process with which undoubtedly the Senator from Ohio is so perfectly familiar, of a seizure by the collector, of a report to the marshal, of a report to the district attorney, of the filing of an information or a libel, as the case may be, of a seizure by the marshal, and a proceeding against the goods; and upon that it is I say that the construction of this statute has been settled definitely, that in order to this forfeiture of the goods, not in respect to any penalty, of which we are not now speaking at all, there must exist in the consignee or the owner who makes the entry upon the false invoice the knowledge that that invoice is false, while he knowing that puts it forward as true, in order that he may cheat his fellow-importers and the Treasury at one blow. That, with great deference for the superior knowledge of the Senator from Ohio in respect to legal procedure, I submit upon this statute and this decision as the law upon that topic; and if I am wrong, I should be very glad, speaking of this precise point, to have some champion of this bill stand up and tell me how and why I am wrong. I do not wish to be understood as boasting of any knowledge of the law in saying this. What I have stated is as familiar to every student in a law-office that has any practice under the revenue laws of the United States as the simplest statute of Ohio on the subject of dividing-fence lines in particular places is to the common attorneys of that State or as a similar statute is to the attorneys of Vermont. It does not require either erudition or industry to find out as much as this about the laws of the United States on this topic, and I cannot doubt that the Senator from Ohio, who has been pressed by haste I suppose, is perfectly familiar with it, only he has forgotten to state it.

Now we come to the confession and avoidance, and we are to find out about what the law is not in respect to a falsely-sworn invoice or an undervalued package, where the design of the owner as I have stated, but where the contents of the package do not conform to the manifest of the vessel and so on. That, the Senator says, is to be found in one place under the act of 1830, and in that respect the Senator is correct. There are some later acts upon the same subject which I have not the inclination, in this state of the temperature, to weary the Senate by referring to, and I will put it out now as an anchor to windward for the future. When we come to repeal this thing in three or four years, he will find that they essentially modify the particular views that he has respecting the fourth section of the act of the 28th of May, 1830. That fourth section, which I see he has underscored in this book and I therefore imagine I am on the right track this time, reads as follows:

That the collectors of the customs shall cause at least one package out of every invoice, and one package at least out of every twenty packages of each invoice, and a greater number, should he deem it necessary, of goods imported into the respective districts, which package or packages he shall have first designated on the invoice to be opened and examined, and if the same be found not to correspond with the invoice—

Which clause I will suggest to the Senator was repealed by the act of 14th of July, 1832—

or to be falsely charged in such invoice, the collector shall order forthwith all the

goods contained in the same entry to be inspected; and if such goods be subject to *ad valorem* duty, the same shall be appraised; and if any package shall be found to contain any article not described in the invoice, or if such package or invoice be made up with intent, by a false valuation, or extension, or otherwise, to evade or defraud the revenue, the same shall be forfeited.

Now, let me ask every fair-minded Senator who really means to understand the English tongue—and that includes every Senator here—to look at this with his own eyes, if he has any doubt about it, to see what it means. The Senator from Ohio is again as much mistaken as he can possibly be, if I understand him to mean that if there is found in a package an article not contained in the invoice the package is forfeited. It does not say any such thing.

Mr. SHERMAN. You will see a note of the decision of the court.

Mr. EDMUNDS. I see the note and I see the decision. I beg the Senator to understand that this is not the very first time I ever saw these statutes or the notes, although I do not happen to have had the pleasure to inspect this particular bill; but living so near the border as I do it is possible for the Senator to imagine that I have seen these acts before. The act I last read says in terms that if there be found to be a non-conformity of the contents with the invoice or manifest, then there shall be an inspection of the whole stock, and if there be found in that stock an article that is not named in the invoice and so not entered at all, that article is forfeited. Second, if it be found that that package has been made up, or the invoice has been made up with the intent by a false valuation or extension, which the Senator of course understands means to put in something additional that is not named in the invoice—that is what "extension" means—"to evade or defraud the revenue, the same shall be forfeited." In that case it speaks of the package. If the package is made up by extending it, or by falsely stating the value in the invoice, then the package is forfeited. But if the Senator will be kind enough——

Mr. SHERMAN. There is a note there.

Mr. EDMUNDS. So I understand, and I will come to it in a moment. I have not the facility of the Senator, as he well knows, and I cannot do two things at once.

"If such package or invoice be made up with intent by a false valuation," &c., "to evade or defraud the revenue, the same shall be forfeited." If the package is made up, which the owner himself ordinarily does not make up, but the foreign correspondent does, with intent to defraud, then the package is forfeited. If the invoice is made up on which the consignee, as before, relies for his entry, and which he must already have presented at the custom-house before the officer makes this selection for inspection, is found to be false with the intent as before, in the other section of the act of 1799 that I have read, there does follow a forfeiture. Now as the Senator wishes me to come to the note, I will come to it:

And if any package shall be found to contain any article not described in the invoice, the same shall be forfeited.

I leave out some of the intervening words to make it as short as I can. The note to that clause is:

On an information for forfeiture of a package of goods containing an article not described in the invoice, evidence of accident or mistake may be given to rebut the inference of fraudulent intention, but it is not a sufficient ground of defense.

The application of that depends upon the state of the circumstances to which it is applied. Does it not? Of course it does. It is not a defense to the forfeiture of the particular article which has thus been found to be extended or undervalued, not contained in the invoice at all, I should say, for this does not relate to undervaluation at all and for what reason? For the reason that that article has by the very fact of its having been brought into the port become forfeited by operation of law for the reason that no entry was made of it at all. The Senator understands that perfectly well. If this article is brought, whether concealed or openly, into the country without being entered at the custom-house, the law necessarily declares—and the Senator does not mean to change that, I take it—that the article is forfeited to the United States because it is not put in a condition to pay any duty at all.

Mr. SHERMAN. I understand the invoice or package is forfeited.

Mr. EDMUNDS. Not as it respects this clause what I have read. If the Senator will again look at the language he will see that he and I ought not to misunderstand each other about so simple a proposition of law. The note to which the Senator refers is note *d*. If he will look at the text he will find as the subject to which note *d* refers this clause:

And if any package shall be found to contain any article not described in the invoice the same shall be forfeited.

What does it mean? Does it mean the package shall be forfeited? Not at all. It means that article shall be forfeited, and the court hold that you may introduce evidence to rebut the intention of fraud, because if there were fraud, under the next clause the package would be forfeited, but if you can rebut the intention of fraud the whole package is not forfeited, and every custom-house officer, I am sure——

Mr. SHERMAN. Allow me to interrupt my friend again.

Mr. EDMUNDS. With pleasure. I know the Senator can occupy the time better than I can.

Mr. SHERMAN. O, no. I simply refer to the Senator from Maine or the Senator from Massachusetts to ask whether or not in such cases by the practice of the Department, which is the best construction of the law, such an omission of an article from the invoice does not forfeit the invoice.

Mr. CONKLING. Without fraud?

Mr. SHERMAN. The bare fact. The law is here.

Mr. EDMUNDS. I hope these Senators will not answer just now, because if I am to be tried by a jury I want a chance for a few peremptory challenges. [Laughter.] But, Mr. President, this is certainly amusing. Here the Senator from Ohio undertakes to put down the construction of the statute which he begins to see with his own plain eyes is directly opposite to what he thought it was, by telling me that the practice of the Department is the best construction of the law. The practice of the Department, Mr. President, recently I have understood was to give out contracts to Sanborns, and that sort of people to go skilloping over the country to gather up odds and ends; and I believe we all agree (although I do not know that we have acted upon it, and I cannot refer to the opinion at the other end of the Capitol) that the practices of the Department are not altogther the best guides to what the law is. If I am wrong in that the Senator can correct me.

Mr. CONKLING. But the Department never held any such thing as this, I undertake to say.

Mr. EDMUNDS. The Senator from New York says the Department never held any such thing as this. If there is any one thing according to the statements of our adversaries that the Department has not held it must be that one thing, for they are said to have held everything else. But that is joking; I do not mean it. The Department generally holds right; and seriously I think I am safe in saying—for I myself have had a considerable amount of experience at the profession on both sides of such cases—that in the district in which I live at home where almost a million dollars of duties is collected, and where the docket of the district court which proceeds in these causes is loaded with disputes on every clause of this statute all the time, it never occurred to the distinguished people, from Governor Van Ness down, who have held the office of collector of the district of Vermont, and the distinguished judges, from Prentiss—some of whose descendants now adorn the bar of the State represented by the Senator from Ohio—down, that you were going to forfeit a package or an invoice from the fact that you found in it an article which was not named in the manifest or in the invoice unless it was accompanied as this statute says in express terms by the fraudulent intent on the part of the party that presents the manifest or his invoice and makes his entry, thereby to defraud the revenue. That is all the statute goes on to say.

I will proceed, Mr. President, in order to demonstrate, if I may, how clear it is as it will be to the eyes of any Senator who will sit down with the book before him and read it that what I am saying is the law:

And if any package shall be found to contain any article not described in the invoice, it shall be forfeited.

That is the article, and you cannot, as the decision which the Senator asked me to read says, forfeit the whole unless you prove the fraud, and the whole, if forfeited, is forfeited under the very next clause:

Or if such package or invoice be made up with intent, by a false valuation or extension or otherwise, to evade or defraud the revenue, the same shall be forfeited.

What is the use of this last clause if the Senator is right about the first? It has nothing at all to operate upon. The first clause operates on the thing you find that is not in the manifest or in the invoice. The second clause operates on the whole package or the invoice. If the package is made up with intent to defraud and is undertaken to be got through the custom-house with that intent, that is forfeited. If the invoice is made up with intent to defraud and the revenue is attempted to be evaded by the putting through of that invoice as true when it is false, then the contents of the invoice are forfeited just as by the act of 1799. The men who passed the act of 1799 did not intend as they did not in fact change the law a hair as it respects the cardinal feature of which we are speaking. I think so, and I believe on reflection that the honorable Senator will think so too.

But, Mr. President, I have taken more of the time of the Senate about this matter than I ought to have done. There are some other topics that I think ought to be considered; undoubtedly they have been considered by the committee, as to what becomes of the various penal clauses against actual fraudulent operators in this country and at the custom-houses in the various ways that they attempt to perpetrate these frauds where personal penalties to be enforced by indictment or information are imposed upon them, and also have been as by the other criminal laws of the country personal penalties are imposed upon those who willfully and with fraudulent or malicious intent undertake to break the laws of their country—how these various provisions are left, as I see they are not contained in the bill. This bill is apparently a substitute for the provisions about frauds on the revenue which the act of 1799, and of 1830, and of 1832, and of 1866, contained. I do not know how these are left.

Mr. CONKLING. They are repealed expressly.

Mr. EDMUNDS. The Senator from New York says they are repealed. If that be so, I submit again with all deference to the committee and the Senate if we are not going a great way. Are we to sweep out of the statutes of the United States every personal penalty which is contained in these carefully drawn statutes under which for seventy-four years we have been practicing and in respect to which this clamor has not been raised at all? This clamor is against spies and informers as they are called, the moiety men; but on the tide of

that fair wind which floats these Cæsars to their fortunes there is to be carried also a convenient repeal of all the criminal laws of the country against men who are to be convicted by a jury of their fellow-citizens and who cannot be compelled to give evidence against themselves of a manifest intent with malice aforethought to cheat the Treasury and to wrong their fellow-citizens. These are all to be repealed, and all this because we have got the momentum which enables us to do it and repent afterward. If this be so, however much I might be in favor of the reforms which the committee think they are making in some parts of the bill, I could not go for any such sweeping repeal as that.

Mr. CONKLING. Mr. President, the question I think is on striking out the twelfth section?

The PRESIDENT *pro tempore*. That is the question.

Mr. CONKLING. I shall vote for that motion, but before doing so perhaps as well as ever during the residue of this discussion, I may state the opinion I have of many of the provisions of this bill.

I am ready to vote, I mean to vote to dispense altogether with the moiety system so called. I did vote yesterday owing, as I did not explain at the time, to particular provisions of the pending bill, to repeal all legislative provisions authorizing the seizure or inspection of books and papers. Doubting somewhat the vote I gave in the latter respect, I still stand ready and committed by my own judgment to vote for an abolition of moieties and a repeal of the provisions for the seizure and inspection of books and papers. I may perhaps be compelled to vote for these two provisions by saying "yea" when my name shall be called upon the passage of a bill, in my judgment one of the most improvident, one of the most extraordinary, one of the most perverse or else the most ignorant, ever gravely presented in good faith by intelligent men as a piece of legislation.

It is not in order to refer to what has occurred in the other House. I do not mean to refer to it. The Senator from Ohio has told us that this subject received great attention from a committee of the House. Were I at liberty to refer to the public prints in that regard, I might show much of the attention of that committee was given to matters having nothing to do with the generalities or the details of this scheme and how little of the attention of the committee or the House ever descended upon this bill in respect to many of its most cardinal features having nothing whatever to do with the abuses of moieties and nothing to do with the seizure of books or papers. But it comes to us wafted by the honorable Senator from Ohio upon a eulogium pronounced on the services of the House in perfecting it, and we are asked to take it upon such commendation. The proceedings were ushered in by the Senator from Ohio proposing, as the brackets in the printed bill indicate, to strike out half a dozen lines, commencing with the third, of the bill on the ground of an error there committed by the House, on the ground that the House had gravely proceeded to repeal certain provisions which had been repealed long ago and were utterly dead, calling upon neither House for legislative action. We turn over a page and we find an amendment indicated by italics in these words: "Under the customs-revenue laws." Why? Because, explained the Senator from Ohio, the House had proceeded to strike down at one fell swoop all moieties and penalties not only under the customs laws, but, said the Senator from Ohio, under the steamboat laws upon which the security of property and life still depended. So we went from step to step in this bill, and the proceedings are strewn with the evidence upon the report of the Finance Committee that loose indeed has been the process of which came this bill if it ever originated with men knowing anything about the subject and honestly intent upon it.

I think, then, Mr. President, offsetting the action of the Finance Committee against the eulogized action of the House, it will be pardonable for the humblest member of the Senate to trust himself by virtue of his own judgment and intelligence to this great and radical measure. I want to put upon the record one prediction, not that I may gratify a childish fancy hereafter if the event shall prove with me, by saying "I told you so," but to the end that the vote I may give should I be compelled to give it in the end for this bill as an entirety, may be qualified in the present and the future by something evincing the knowledge that I think I have of many of its provisions. I record the prediction that if this bill shall be enacted into law, even in its now improved shape, for I think the Senate has improved it greatly, it will come back to plague its inventors, and in this prediction I do not refer to the repeal of moieties. I do not refer to the repeal of the provision under which books may be seized or papers inspected; but I refer to provisions having nothing whatever to do with these or any other alleged sources of abuse, but as far as the east is from the west from the topics, the complaints, the difficulties to which public attention has been so vividly directed. I have no doubt it will impair, greatly impair the revenues of the Government. I cannot doubt that it will introduce disorder and to an extent which perhaps would sound like a caricature were I to utter it in the presence of Senators whose wide knowledge of this subject very likely lies behind the smile with which they receive some of the suggestions we have heard.

I am going to speak more especially in regard to this twelfth section, and before doing so I must not forget to remark that no graver offense sustained by evidence has ever in my judgment been laid at the door of the Treasury Department than is contained in the statement of the Senator from Ohio that there came from that Department to him, with the formal assent at least of the head of the Department, suggestions which do not conflict with provisions here to be found, as he presented them to the Senate.

The twelfth section proposes to revolutionize the law touching penalty and punishment for smuggling. The Senator from Ohio excused it or justified it in one point in his remarks in such wise that had he been warranted in his statement of the law as it now exists or as it will become should this bill be enacted, I should listen to his reasons with partial if not with entire satisfaction. But as I understand it, the Senator is entirely wide of the mark when he says that the meaning of the twelfth section of this bill is to lay hold of cases where a clerk, an agent, or anybody else in his phrase on the other side shall willfully make a false invoice or entry. Speaking to you, Mr. President, I need not refer to the provisions of this act in order to show that the Senator from Ohio is mistaken in that regard. I need not remind you that an act of Congress attempting such a province, covering such a scope, would be as void as the paper upon which it is written. I need not remind you that the jurisdiction of the United States, the limits of her constitutional power, regardless of the bill, stops short of the limit to which the Senator from Ohio thinks it goes. But the bill itself in its letter and unmistakable intendment confines to what shall be done in our own custom-houses the subjects upon which the bill is to operate. Now let me see:

That any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make or attempt to make any entry of imported merchandise—

Does that mean on the other side of the water? Does that mean an entry to be made wilfully or otherwise in England or France? No—

An entry of imported merchandise—

Merchandise which has been brought here, how?

by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission, by means whereof the United States shall be deprived of the lawful duties—

Shall pay a fine and so on.

I ask the Senator from Ohio does he mean to tell us that that section acts or can act upon some man abroad, whether he be a clerk or not, who commits the crime there described.

Mr. SHERMAN. I do not think I said that; I am sure I did not.

Mr. CONKLING. My friend did say it, and when I said to him that certainly he was mistaken——

Mr. SHERMAN. What I said was this: that under the customs laws as they now were, any neglect or criminal conduct or willful error made by a clerk in a foreign port would lead to the confiscation of either the invoice or package here. That is all I said about it. I never said and certainly could not have said that a man could be punished here criminally under a penal statute personally for an offense committed abroad without his knowledge.

Mr. CONKLING. Does my friend say that under this act the goods would be forfeited in that case?

Mr. SHERMAN. Not under this act.

Mr. CONKLING. Does he say they would be under existing acts?

Mr. SHERMAN. I say under the existing acts any willful mistake, neglect, or fraud committed by any person whatever, abroad or here, in the importation of a package or invoice of goods, according to the nature of the package or invoice, does forfeit the goods; but the Treasury Department in all cases have required proof of a fraudulent intent, not of the particular owner of the goods but all persons concerned in the importation. That is the way I understand it. That is the case of Phelps, Dodge & Co., where it was admitted that Mr. Phelps was not *particeps criminis* in what were alleged to be omissions and neglects.

Mr. CONKLING. If my friend will pardon me a moment it is amazing that he and I should differ upon a point like this. Neither of us can be mistaken about it without being guilty of ignorance which we never could defend. Now I undertake to say to my honorable friend from Ohio that after a somewhat active professional experience of more than twenty years, having often had occasion to look at these statutes and to look at the decisions upon them, having heard much discussion in regard to them, I never have until to-day heard it insisted that the goods of an importer were forfeited owing to the fraud of somebody on the other side, which he knew nothing about. Here sits the late Secretary of the Treasury [Mr. BOUTWELL] within the sound of my voice. I should like him to answer if he ever heard of such a case. I should like the Senator from Maine [Mr. HAMLIN] to answer if he ever heard of such a case. Look at the statute and you find it provides that whoever shall enter goods where he has knowledge that they have been falsely invoiced on the other side shall be found guilty so and so; and yet the Senator from Ohio refers to the case of Phelps, Dodge & Co., to bear out his idea.

Mr. President, I do not wish to be drawn unnecessarily into a discussion of that case although I would not decline the discussion whenever it should be necessary to elucidate the point. Let me, however, remind the Senator from Ohio that the allegation was in that case that every time an invoice was sent here which invoice was used at the custom-house and upon which duties were paid, another invoice in a letter called a secret invoice was sent and received by the same arrival; and what was the offense that this unfaithful clerk who has been visited with so many anathemas committed against his late employers? It was that snatching a parcel of leaves from an

invoice-book, tearing out these papers, he carried them to a Government officer, and upon inspection it turned out that being invoices of the same goods received by the importer at the same time, they varied from those invoices which they presented at the custom-house and upon which they paid duties. It was those invoices of which the Senator from Massachusetts spoke the other day when he said that upon carrying them up to the business place of this firm and trying them upon the stubs of the book from which they had been torn they dovetailed and fitted exactly, so that there was no possible question that they come from there. That was the allegation. I say at this moment nothing as to the merits, as to how well or ill-founded was the allegation. I do not wish unnecessarily to be drawn into that, but the *gravamen* of the charge was upon the very point of knowledge by the importer; it was the *scienter*, it was the *quo animo*, it was the wicked information upon which it was said they acted which as I understood constituted the very essence of the allegation made in that instance.

My honorable friend by my side [Mr. HAMLIN] suggests that I should state that the allegation was that upon these invoices, private invoices as they were called, which were snatched by the clerk from the invoice-book and carried to the public agents, the goods appeared more valuable in the account-stated than upon the invoice on which duties were paid. Doubtless that was the fact. I supposed it appeared sufficiently in the statement I had made already; but the Senate will see, the Senator from Ohio will see, that so far from that case verifying the law as he now understands it, namely, that the guilt of some man in a foreign country of which the owner here was entirely innocent would subject the owner to forfeiture and punishment, in place of the case proving that, it proceeded upon the ground that forfeiture had been incurred by knowledge on this side growing out of the possession of an invoice received at the same time, on which the valuation of the goods was more than it was upon the invoice presented at the custom-house on which the duties were paid.

But, Mr. President, the existing condition of the law on this subject is not very important. We are asked to strike out the twelfth section of this bill. What is the law of that section? It is that whoever in this country—not elsewhere—shall willfully and knowingly commit perjury and fraud shall incur a certain forfeiture, more or less, and the question is what that forfeiture should be.

Mr. THURMAN. Will the Senator from New York allow me to interrupt him at that point?

Mr. CONKLING. Yes, sir.

Mr. THURMAN. The question I wish to submit to the Senator from New York for information, is whether that provision of the twelfth section, should it become a law, in anywise affects the existing law except so far as that the forfeiture shall be of the article in respect to which the fraud is committed and not the whole invoice? To make my question perfectly clear, it is necessary to refer to the fourth section of the act of 1842 on this subject:

That the collectors of the customs shall cause at least one package out of every invoice, and one package at least out of every twenty packages of each invoice, and a greater number should he deem it necessary, of goods imported into the respective districts, which package or packages he shall have first designated on the invoice to be opened and examined, and if the same be found not to correspond with the invoice, or to be falsely charged in such invoice, the collector shall order forthwith all the goods contained in the same entry to be inspected; and if such goods be subject to *ad valorem* duty the same shall be appraised, and if any package shall be found to contain any article not described in the invoice—

Mark that—

or if such package or invoice be made up with intent by a false valuation—

No matter where that false valuation was made; it must necessarily have been made on the other side of the Atlantic or the Pacific—

or extension or otherwise, to evade or defraud the revenue; the same shall be forfeited.

This section will forfeit not the whole invoice but the particular article. If I understand the point of the argument of the Senator from New York, it is that the fraud may be committed outside of the United States; and if this twelfth section becomes a law there will be no law to punish and prevent that fraud. I submit to him whether this section is not amply sufficient to prevent that, and whether the section I have read is repealed in any particular whatsoever, except that the forfeiture shall not be of the whole invoice, but only of the particular article?

Mr. CONKLING. I am obliged to the Senator from Ohio for calling attention to this.

Mr. MORTON. Will the Senator allow me?

Mr. CONKLING. Certainly.

Mr. MORTON. I desire to give notice that I will to-morrow morning, during the morning hour, ask the Senate to proceed to the consideration of the report of the conference committee on the currency bill, and I shall ask the friends of that report to stand by it until the report is disposed of.

The PRESIDENT *pro tempore*. The Chair ought perhaps to remind the Senator from Indiana that the Senate to-day by unanimous consent has agreed that to-morrow at one o'clock the bills reported by the Committee on Military Affairs shall be called up by the Chair as unfinished business.

Mr. MORTON. I will proceed in the morning hour, and at the close of the morning hour the Senate can make its own disposition of the matter.

The PRESIDENT *pro tempore*. To-morrow is the third day that has been fixed in succession for the bills of the Committee on Military Affairs.

Mr. CONKLING. Mr. President, I am glad attention has been called by the Senator from Ohio to the point he states in a query; glad because it has seemed to me all the time a very important matter not only by comparison with other things as here contained but in itself. My impression is very strong that the effect will be as the Senator indicated in one of the alternatives he stated, namely, to repeal the act to which he referred, and unless I have overlooked something, I think I can convince the Senator that that is the effect of this bill.

I wish to refer presently for another purpose to section 4 and therefore I will not read it now. The Senator from Ohio will look at it when he comes to it. But speaking now of section 12, I ask the Sentor's attention to this:

That any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make, or attempt to make, any entry of imported merchandise, by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement.

I have read far enough to show the Senator that it traverses the same general line of argument as the act to which he refers and provides a penalty in regard to it. Now if the Senator will turn over to section 29 he will find "that all acts and parts of acts inconsistent with the provisions of this act are hereby repealed." When you describe an offense and provide a punishment and repeal all other statutes, the general rule certainly is that you occupy the ground with the new statute and you annul that which before operated upon the same subject in a different way.

The Senator will see if he will read the whole of this twelfth section, which I will not detain the Senate by doing, that not in one respect alone, but with great particularity in all respects of general scope, it covers the ground of the section to which he has referred.

But as I said I would refer to section 4 for another reason, I come to that now and I do it for the purpose, and I wish the Senator from Ohio would observe it, not of answering his question, but of showing, as I think I can show beyond peradventure, that under that section it is no offense; it is not smuggling, to bring in willfully, fraudulently, purposely, diamonds or merchandise to any extent whatever hidden away in other packages. If the section does not mean that I may lawfully, so far as this bill goes, smuggle a handful of diamonds in a chest of tea, if the chest of tea passes through the custom-house, then I cannot read the English language. My friend shakes his head. There is a great deal in his head when he shakes it; but I ask him to wait a little about that.

That whenever any officer of the customs or other person shall detect and seize goods, wares, or merchandise, in the act of being smuggled, or which have been smuggled, he shall be entitled, &c.

I pass on to the eighth line:

Provided—

Now comes a definition of smuggling, as the Senator from Ohio nearest me explained, to take the place of all the present definitions of smuggling.

Mr. SHERMAN. No; I beg pardon.

Mr. CONKLING. Well, of the two definitions. Are there more than two?

Mr. SHERMAN. I said expressly, on the contrary, that this did not affect in the slightest degree the action against smuggling but it says expressly:

Provided, That for the purposes of this act—

That is, for the purpose of obtaining compensation for this service.

Mr. CONKLING. If my honorable friend will bear with me a moment he will see that he is only anticipating me. Of course it is "for the purposes of this act." I am coming to that. But first did he not tell us that for the purposes of this act this definition of smuggling was intended to take the place of the now prevailing definition? Certainly he did, and he need not have told us that, because we all know that that will be the effect of it.

Mr. SHERMAN. Does the Senator now think that this act or any word in it repeals the laws against smuggling?

Mr. CONKLING. If my friend will pardon me for a moment, he will find out what I think. Had the Senator said that "for the purposes of this section," that should be the law, there would be a place for his argument to rest upon, at least as large as the sole of a dove's foot; but as it is now there is nothing, absolutely nothing for the argument to rest on as I think I can show. Let me see:

Provided, That for the purposes of this act—

That means every part of this act; does it not? My friend nods assent to that. I think we shall all agree that it means as well one section as another—

for the purposes of this act, smuggling shall be construed to mean the act, with intent to defraud, of bringing into—

Nothing on the other side, the Senator will see, nothing in relation to the consignor, but confined wholly to the consignee and the importer—

the act with intent to defraud of bringing into the United States, or with like intent attempting to bring into the United States dutiable articles, without passing the same or the package containing the same through the customs-house or submitting them to the officers of the revenue for examination.

Mr. SHERMAN rose.

Mr. CONKLING. My friend from Ohio will call my attention to these concluding words. They do not escape me, and if he rises for that purpose I beg him to forbear. Let me deal first with the preceding words.

Mr. SHERMAN. They are stricken out.

Mr. CONKLING. Stricken out?

Mr. SCOTT. The concluding words "or submitting them to the officers of the revenue for examination," have been stricken out.

Mr. CONKLING. "I thank" the Senator "for teaching me that word;" and if those words are stricken out of this section, I say not a doubt can be rested upon it that I may import *ad libitum* hidden diamonds or anything else, and if the package in which they are concealed passes through the customs-house, there is nothing in that section that will hold——

Mr. THURMAN. Now, will my friend allow me to make a suggestion?

Mr. CONKLING. Certainly.

Mr. THURMAN. I think that would be a very forced construction of this act, but as it is a penal act possibly it might obtain, though I do not think it would. But is there not a very plain remedy by striking out the words "or the package containing the same?"

Mr. CONKLING. There are plain remedies by striking out words, for all the aggravations of this bill, and I am making now one last attempt (which I know will be vain unless the Senator from Ohio will come to my succor here and there) to induce the Senate to correct some of those difficulties in the bill the presence of which here is imcomprehensible to me assuming that the bill has been prepared by any intelligent mind acquainted with the subject and honestly intent upon it. Undoubtedly the Senator from Ohio with only a small part of the facility which he has in the use of all language, and enacting language among others, can relieve this section and relieve other sections; but I comment upon it as it passed the House, as it has been accepted by the Committee on Finance, as it has been passed without condemnation, the chairman of that committee tells us, by the Secretary of the Treasury; and I say again measuring my expression that the late Secretary of the Treasury has in my judgment been summoned to answer no charge which has been sustained by proof against him so grave as the charge that he has taken this bill and subjected it, if he did, to his scrutiny as a lawyer and a sworn officer, and commended it to our lips as a safe enactment among the revenue laws of the Republic.

When the Senator from Ohio shall indicate his words, I shall be glad to vote for them, and they will assist this section very much. I am commenting upon it as it stands, and I say I will take the case of a box of tea, and I put a question to my friend from Vermont the precise force of which at the time he seemed to accept. I take the case of a box of tea in the middle of which a handful of diamonds has been concealed, and I say under this section as it stands if that box of tea is passed through the custom-house and submitted to the inspection of the custom-house officers, and the diamonds are afterwards discovered and the whole fact appears, it is not smuggling within the meaning of this section.

Mr. EDMUNDS. I hope the Senator will excuse me if I say to him that I did not misappreciate the force of what he was saying, but he will bear in mind that I was endeavoring to correct a false impression, as I believed it to be, of the Senator from Ohio as to the state of the existing law.

Mr. CONKLING. So I understood, and I say as a second comment upon the illustration I have put, that with the words suggested by my honorable friend from Ohio farthest from me, stricken out, still in the case I have put, the twelfth section will forfeit only the handful of diamonds and not even the box of tea in which they were concealed. It is to be only "the article," it would not even destroy the flavor of the tea.

Mr. BAYARD. To interrupt the Senator from New York a moment, I should like to ask him if the item which is forfeited in the illustration he has given us is not the only thing of value connected with it?

Mr. CONKLING. In the case of tea, it would be so.

Mr. BAYARD. Not only in the case of tea, but to go further, the suggestion has been made by other gentlemen who spoke on this subject prior to the Senator from New York that because a valuable item was mingled with others of inferior value, and the present law provides for a forfeiture of the item, *ergo* there must be a large default in the law. Now it seems to me, according to my reasoning and according to common sense, that if the Government shall secure the condemnation of the only article of value in the invoice, it is a matter of entire indifference whether the comparatively valueless articles that remain are condemned or not. In the case of the tea, if the Senator from New York shall secure the condemnation of the diamonds, will he stop to care for the condemnation of the tea? I think not. It would be a matter of small importance to him. Therefore it seems to me that where the inducement to commit this fraud is the passage through the custom-house of a valuable article in company with articles comparatively valueless, and you secure the condemnation of that which has value, it matters very little indeed if that which has no value shall go uncondemned. I do not think a stronger illustration could have been offered than that which the Senator from New York has offered himself. The diamonds are concealed in a box of tea; the tea is worthless, the diamonds of value; the diamonds are condemned and forfeited to the Government, and the useless teas are not. It seems to me that is not an objection.

Mr. CONKLING. Let us take some other illustration to see where the Senator's rule will lead us. I will take the case of a man who imports one hundred packages of silk, and in some of the packages he places costly lace. The duty on lace according to my recollection is 60 per cent. of the whole value. His silks are valuable, but he hides away in certain of these hundred packages costly lace. As has been said very often, the usage of the custom-house warranted by the statute is to pretend to examine only one case in ten. That examination is necessarily very casual. A piece of silk is not unrolled from beginning to end, for example. It is inspected and handled as well as it can be. Therefore the chance of discovery is very remote; but when discovery takes place what becomes of the argument of the Senator founded upon the illustration of a chest of tea? The lace is forfeited, 60 per cent. of the value being in the duties, and nothing else is forfeited. What is the inducement or the temptation held out to the importers or to the fraudulent consignor on the other side? Suppose he is caught one time in three, he is a great money-maker in the transaction. On the other hand, suppose when caught the entire invoice is forfeited, he would be a bold gambler upon the doctrine of chances who would sit down and say, "Because I am not to be caught more than one time in three, I will pursue this traffic." When you extend it to the whole invoice, if he is caught one time in ten, if he is caught one time in twenty, in average cases it would be fatal to him as a pecuniary speculation.

Mr. THURMAN. May I ask my friend how long would any importer maintain his standing and do his business who would do such a thing?

Mr. CONKLING. Perhaps not at this moment, but at a later moment, with the indulgence of the Senator from Ohio, [Mr. SHERMAN,] to whom it was written, I should like to read a letter from Mr. Alexander T. Stewart, which letter I think will answer somewhat cogently the spirit of the question which the Senator from Ohio fartherest from me [Mr. THURMAN] now puts. I will say to the Senator that he who undervalues or he who cheats enough to be able by a little to undersell his neighbor can maintain himself perpetually in public estimation and in fact and in the estimation of everybody except A. T. Stewart, H. B. Claflin & Co., and other large dealers who, knowing that their facilities for cheapness are unsurpassed on the other side, will all the time feel an unerring conviction that there is fraud somewhere because they are undersold; but with them the knowledge will stop; and until one of these hated officers of customs clips with the long scissors of the law this system of undervaluation, it will go on as regularly and as certainly as the march of time.

But, Mr. President, I am being drawn into many matters of which I had no thought of saying a word and, therefore, I will proceed to the two or three topics to which I did mean to advert.

Taking the fourth section and the twelfth section together and reading in connection with both the eighth and ninth sections, my belief is that a great portion of all the cases of confessed revenue fraud are to go with impunity. By the eighth and ninth sections the owner or consignee need not appear at all; the broker does the business; and unless you can show falsehood in him and fraud in him these sections do not take hold; and so it seems to me—I will not dwell upon it; I have indicated sufficiently upon these points my understanding of the meaning of the bill—the effect is to be, upon matters having no reference whatever to moieties, no reference to the seizure of books, no reference to any real or pretended provisions complained of, to throw down the bars, to hoist the flood-gates and allow lax practice and fraud to range free and uncontrolled through these brittle cobwebs of the law.

But there is another thing about this twelfth section. All commissions paid in foreign countries, all inland freight, boxing, packing, incidental expenses which swell up very largely that value upon which duties are to be paid have no reference whatever to items; and in any such case, no matter how grievous under this section, as I understand it, no forfeiture whatever can occur. The Senator from Nevada, who stated with great force his objection to this section, overlooked I think the fact, which I now bring to his notice; that as to all importations from the British provinces, as to all importations from every country on the earth, no matter what fraud is committed touching the whole importation and not applying to particular items, no forfeiture is incurred; and yet a man who can avoid paying duties upon the commissions he pays abroad, upon inland transportation, upon boxing, packing, and incidental expenses, can undersell and break every honest dealer in the market. It is to me one of the marvels of this legislation that one of the familiar and stereotyped devices of fraud should be picked out and in the first place exempted from the section which works a forfeiture, and then treated in a separate section as if it was one of those youthful indiscretions for which the law should furnish guardianship, should furnish some clerk to go and add a correction afterward and call attention to.

Mr. STEWART. How are the officers to know about it?

Mr. CONKLING. Mr. President, this bill shows, with the best intention on the part of many perhaps all of those who have been instrumental in putting it in its present shape, so many particulars in which it is crude, in which it is to be a disappointment and a harm, that I cannot but deplore the fact that we had not sent us a bill which would abolish moieties, abolish the seizure and inspection of papers,

if that is right and I voted yesterday that it was right with some hesitation I admit, and there stop, doing one thing at a time, and leaving the residue of a revenue system to stand which has already been ripened by an experience older than the nineteenth century.

I spoke, Mr. President, of the vote of the Senate yesterday rejecting the section authorizing the seizure of books and papers, and as I have no intention of afflicting the Senate again and the matter occurs to me at this moment, I will explain the reason of my vote.

I am too old-fashioned, I am too much wanting in the keen sensibilities which prevail in these times to be shocked as I see others shocked by the idea that a man whose person is liable to arrest, that a man who may be seized by the strong hand of the law at midday or midnight and compelled to give bail or enter a dungeon, is liable for the same crime to have a court or an officer look at his business books; I say I am too old-fashioned to go into the spasms of propriety or the hysterics of virtuous indignation by which I see other people moved in this regard. I have no doubt of the power; I cannot doubt the propriety in proper cases and within proper limits of giving visitorial power as to secret invoices or false vouchers or other papers which persons charged with crime may have, when the proceeding is civil in its nature. I doubt neither the power nor the propriety. The details and circumstances of the arrangement are matters on which I do not stop to dwell. By a statute enacted in 1867—and I refer to section 3—that power was asserted, asserted with great efficiency, it has been said asserted with excessive efficiency. Waiving that question, the power was given by the act of 1867 to seize books and papers for what and under what circumstances? To seize them on the threshold of the proceeding, to seize them, if I may say so, the owner being unawares. Why? For what purpose? A moment's reflection will teach every one.

To-day ground of suspicion comes to a customs officer, or an officer of justice, that an act of smuggling has occurred. The suspicion may be wholly groundless; it may relate to the wrong man; there may be no man to whom it justly relates. Under the act of 1867 upon going *ex parte* to a judge and making that proof which should satisfy judicial discretion, the officer may be armed with the power to go *instanter* and get view of the papers of the suspected party. Everybody sees the pinch and, at the same time, the effect of that proceeding; every body sees that it answers the double purpose, first, of ferreting out the truth by an inspection too sudden to be expected, and, second, of advising officers in advance whether it is probably worth while to go on with the prosecution. Those are the two motives which defended, if it can be defended, section 3 of the act of 1867.

Now, Mr. President, what did the Committee on Finance propose? A section providing that upon an order to show cause, as the Senator from Pennsylvania called it, after a hearing, in a case already at issue, not a preliminary proceeding before a commissioner, but which has proceeded and ripened until was at issue in a district or circuit court, the judge may make an order after hearing that books and papers be produced. Who need be told, who is a tyro so young in the art of human deviation and depravity that he does not know that any smuggler if you let him know three or six months in advance that somebody may come after his books and papers, will not be likely to be possessed of inconvenient books or papers or those which will do a vast amount of harm to him or to posterity? Again, one of the anomalies of this bill is that all cases are to be investigated before a commissioner having jurisdiction of the case. No commissioner has jurisdiction of any civil case that can arise under this act. No commissioner has jurisdiction of any proceeding *in rem* or otherwise civilly. But who does not know that when in a proceeding before a commissioner, if one can be invented which he may entertain, you have shown probable cause, you have been able to ferret out the facts sufficiently to maintain an action, it is comparatively of little value, of doubtful necessity in a future stage of the proceeding to be allowed to go before the court and point out certain issues upon which a certain book, did you possess it, might be of value? That I am not wrong in this, let me read to show:

That in all suits and proceedings other than criminal arising under any of the revenue laws of the United States the attorney representing the Government, whenever in his belief any business book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice.

The Senate will see that the proceeding proposed by the committee can never be entertained as a preliminary proceeding, but only after the cause has gone to issue. Then upon a motion bringing expressly, as of course the action itself would bring actually to the knowledge of the possessor of a fraudulent book that unless he destroyed, concealed, or altered it, some minister of justice might attend him for the purpose of taking from him that which would be evidence against him, the order is to be made.

Mr. STEWART. I would suggest to the Senator from New York that that would take away the ordinary process and power of the court now to order the production of books and papers. It is a remedy that supplies the place of what now exists.

Mr. CONKLING. The Senator may be answered by saying that referring to chancery analogies they do not embrace penal actions and *qui tam* actions any more than criminal proceedings, and that therefore with or without the statute no nourishment could be found in chancery practice in an instance of this kind. I do not stop to consider that. I have brought attention to this matter in order to explain as I have felt it would have been just to myself yesterday to explain my reason for voting against this provision authorizing the conditional seizure of books and papers. Many discerning persons have condemned it; a well-regulated public sentiment—and by a well-regulated public sentiment, I mean to distinguish between public judgment and mere heat and clamor—has visited with severe criticism the act of 1867 in so far as it authorizes the seizure of books and papers. It seemed to me yesterday hardly worth while to preserve in name and form an odious and in the estimation of many persons oppressive provision, so hampered, so regulated, so applied, so neutralized by other sections of the bill that really it would be hardly worth the enactment. It is an old maxim not known I believe to ethics but to a more drossy system of morals that whoever has the name should have the gain, and it seemed hardly worthwhile to re-enact this statute which has come to be odious if in connection with it we were to adopt proceedings which would paralyze or neutralize its effect.

Mr. PRATT. Will the Senator from New York allow me at this time to interrupt him upon the very point he is discussing? I understood him to say that a well-regulated public opinion had unqualifiedly condemned the law of 1867 authorizing the seizure of books and papers of a merchant for the purpose of being used against him?

Mr. CONKLING. The Senator interprets me rather strongly, but in that general direction I spoke.

Mr. PRATT. The Committee on Retrenchment in New York had occasion to take some testimony on that very question, and without detaining the Senator long I desire to read to him from the volume of evidence which I hold in my hand the testimony of H. B. Claflin, one of the most prominent merchants in the State of New York, and who testifies that his importations that year had been between eight and nine million dollars, or nine or ten millions, I do not remember which. His attention was called to this law. I will read now the questions and answers:

Question. Complaints have been made in regard to the seizure of books and papers of importers; have your books and papers ever been seized?

Answer. No, sir.

Q. Have you had complaints from the custom-house that your invoices were too low?

A. I do not think we ever had; none that came to my knowledge; I do not remember of any instance; there may have been instances in years past, but I do not remember of any.

Q. How do you regard the exercise of this law to seize books and papers for the purpose of ascertaining whether there is an attempted fraud on the Government? How do you regard that as affecting your interest?

A. It never has affected me at all, because my papers never have been seized. I have been asked to remonstrate frequently against this proceeding by petition, but I never have seen any petition. I told a man within two or three days, who asked me to sign such a petition, that I thought honest men had nothing to fear; my only fear was that they would not seize papers enough. Says he, "Suppose they seize your books?" "Very well," said I, "That is proper I should make every attempt to show it was all honest and right; and if I did so, I believe I should get out of it without trouble very quickly." I thought this prevented a great deal of fraudulent business; that is the proper time to seize papers. I do not know whether I am right about it.

I wanted to bring to the notice of the Senate the testimony of one of the largest importers in the city of New York on the very question my honorable friend was discussing.

Mr. CONKLING. I am obliged to the honorable Senator from Indiana for bringing out this bit of testimony and I beg to say that it comes from one of the purest, one of the wisest, and one of the most respectable men in the Republic, a man very largely instructed by culture and experience in his business and profession, and had I in his case, as I have in the case of Mr. Stewart, the written evidence of his opinion of this bill as it has been verbally reported to me, I think the Senator from Indiana would perhaps be as much impressed with that as he was by the bit of testimony he has read. There is the statement of a man knowing everything where I know nothing in this regard, clearly indicating his view of the value of the right to seize books and papers as a preliminary, before they have been changed, destroyed, or tampered with.

I have adverted, however, sufficiently to the section which did not prevail in the Senate yesterday, giving authority more or less in regard to books and papers. As I say, my vote against it did not rest upon a judgment that we had not the power and might not properly exercise it in proper cases, but it seemed to me hardly worth while in the midst of provisions like these to adopt a section, the benefit of which seemed to me likely to be so very little if appreciable at all.

Now I ask to have read a letter, of which I have heard frequently, addressed by Mr. A. T. Stewart, of New York, to the honorable Senator from Ohio, the chairman of the Committee on Finance. He has been kind enough to loan it to me, and I beg Senators to listen to the reading of the letter and especially to some passages in it.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) The letter will be read.

The Secretary read as follows:

NEW YORK, *May* 26, 1874.

MY DEAR SIR: Your favor of 22d instant is received requesting information as to the probable effect of the passage of the House bill repealing all moieties allowed by the customs laws upon the revenue, &c.

Not having the bill before me, I am necessarily obliged to consider it as it is popularly understood, that it seeks to repeal all moieties as such to informers, to restrict if not abolish the seizure of books and papers in cases of alleged fraud, and to limit

the forfeiture to the articles undervalued imposing a penalty for undervaluation, &c.

It is scarcely necessary for me to say to you that while our Government is under the necessity of imposing a high duty upon all imports, great inducements are offered to dishonest persons to evade the revenue laws; and as every successful effort must result in large gains, it follows that to prevent fraud heavy penalties must be imposed.

In no other way can the Government secure the income it requires; nor will anything less protect the honest importer against the frauds of unscrupulous men.

To meet these difficulties it is no doubt desirable that the laws should be so framed as while not unduly annoying the fair dealer shall operate to deter persons from attempting to evade their provisions; and the question then is presented whether the proposed bill will have such an effect. The experience of the past teaches us that we must not form our conclusions upon this subject on any theoretical views, but rather be controlled in a great degree by necessity, as unless detected fraud on the revenue laws is met by certain punishment it is useless for the honest importer to attempt to compete with the various schemes which will be set on foot by unprincipled parties willing to incur a risk where detection results only in slight punishment.

Now while I am not in favor of desiring to create by law a body of informers to whom there shall be held out inducements to pry into the business of others, yet I am unable to suggest any better system, so long as it is determined to retain our present high rate of duties; in other words continuing to offer any party who will furnish proof of fraud, a portion of the amount recovered by reason of his information. The portion or moiety to be set apart for this purpose is a matter causing much difference of opinion, but as it is desired that I shall express my own on the subject, I have to say that in no case except that of actual smuggling would I allow the informer exceeding 25 per cent. of the amount recovered. It seems to me this ought to be sufficient to stimulate effort, and at the same time is not so large a portion as to induce unfounded complaints. I am not, therefore, in favor of repealing all moieties or abolishing the system generally as now in practice. The power of seizure of books and papers of a party complained of, I do not object to, provided it is guarded by proper restrictions upon its exercise. The complaint should in no case be entertained upon a mere belief of any person willing to make an affidavit.

The fraud charged should be distinctly pointed out and before being brought to the attention of the judge for his action should have the certificate of the district attorney and the collector of the district to the effect that they have examined into the circumstances alleged and verily believe not only that they are true, but that a fraud has been actually and intentionally committed. Thus protected I believe no injustice could be perpetrated, or at least none such as has at times been heretofore complained of.

As to the amount of penalty to be imposed when fraud is established, I would favor confiscation of the articles undervalued with a fine of at least three times their actual cost or value, and I would not vest in any official discretionary power to lessen this punishment in the slightest degree or compromise any fraud after its detection. Adherence to this rule will, in my opinion, go further to prevent undervaluation, and attempted evasion of the customs laws, than any other measure that can be adopted.

For these reasons, and believing that the law proposed in its present form does not meet the emergency, I am not in favor of its passage without proper amendments.

If it can be so amended as to reach the difficulties I have indicated it is to be hoped that your committee will not hesitate to do so, and secure its passage during the present session. Certain it is that the honest importer stands much in need of governmental protection, and I trust he will get it at the hands of the present Congress.

Very respectfully, yours,

ALEX. T. STEWART.

Hon. JOHN SHERMAN, *Chairman.*

Mr. SHERMAN. Mr. President——

Mr. CONKLING. I will yield if the Senator wishes, but I wish to make a remark about this letter.

Mr. SHERMAN. I supposed the Senator was through. The Senator from New York has gone on some time making statements in regard to this bill that I will not stop to answer, but I wish to speak to the Senate for a few moments in regard to the letter and the recommendations made by Mr. Stewart. My friend from New York will admit that he mentioned Mr. Stewart as a gentleman perfectly able to give us information in regard to this bill and he named others to whom I wrote also and had responses, and I now say to the Senator from New York that this bill conforms to every recommendation and every letter received by me.

Mr. CONKLING. Including this?

Mr. SHERMAN. Yes, sir; including this. Besides that there was on the other side in favor of the passage of this bill a weight of recommendation, a weight of testimony that was overwhelming and now if the Senator will hand me that letter I will show him that we have practically carried——

Mr. CONKLING. My friend will pardon me. I was occupying the floor, which I will yield to him with pleasure, but it is rather awkward for me to have a letter taken out of my hand which I was having read as part of my remarks.

Mr. SHERMAN. I thought the Senator said he would conclude by reading the letter.

Mr. CONKLING. I said no such thing. I will yield with pleasure, but I think it would be better for my friend to occupy the floor in his own right. I had this letter read for the purpose of showing to the Senate, as I still venture to do despite the remark of the Senator, which surprises me somewhat, that Mr. Stewart with his large experience, with his obvious interests in favor of lax legislation as far as a man of honor could be so interested, disapproves entirely of some of the essential features of this bill, and especially of that which it is the pending motion to strike out. What does the Senator from Ohio mean by saying that the bill conforms to the suggestions made in this letter? Let me read in respect of the twelfth section, as that is now undergoing review:

> As to the amount of penalty to be imposed when fraud is established, I would favor confiscation of the articles undervalued—

This bill does that; does it not? So far it conforms; but what more does it say—

> with a fine of at least three times their actual cost or value.

Mr. SHERMAN. We make a fine of $5,000, which would be more than three times in every case probably.

Mr. CONKLING. I mean to receive everything with respect that comes from so distinguished a Senator, and I do not suppose he means to insult my understanding by the remark he now makes. What can the Senator mean by his observation that a fine not to exceed $5,000 conforms to this recommendation?

Mr. SHERMAN. I will say that in ninety-nine cases in one hundred—and I should rest it with the Senator from New York—the article imported is under the value of a thousand dollars rather than over. It is a very rare case indeed that a detection is made of an article beyond a thousand dollars, and the fine here is not less than $5,000.

Mr. CONKLING. Now, if my friend will pardon me, he is just as accurate in the last statement he makes as he is in the rest. On that we cannot differ. The Senator has just said that the fine is to be at least $5,000. Did he not say that?

Mr. SHERMAN. No; I said the maximum of the fine is $5,000.

Mr. CONKLING. My honorable friend is quite intent and engaged in this, and he does not weigh as carefully as usual what he says.

Mr. SHERMAN. The Senator may want to pick up some word; but I repeat to him now, and understand what I say, that in ninety-nine cases out of one hundred this penalty is more than three times the value of the article. There is no use in picking out words if I dropped a word which I did not mean. I say now we followed the advice of Mr. Stewart. That letter was read in committee *verbatim et literatim*, and we sought to carry out that advice as being the advice of a gentleman who desired the most guards thrown around the bill, and we framed the third section of the bill as to the seizure of papers in pursuance of his opinion, and we put in this very clause of confiscation now proposed to be stricken out, according to the very idea suggested by Mr. Stewart, that the confiscation should be confined to the article, and we considered the $5,000 fine named in this section as three times the value of the article in the great body of cases. There might be cases where it would be much more than three times the value of the article sought to be imported frequently.

Mr. CONKLING. If I have been betrayed into any warmth about this matter in any degree offensive to my honorable friend from Ohio, I beg to assure him that it was quite inadvertent. This is not a matter which need to be treated with declamation; it is a very cold matter of business. It is not personal to him or to me in any sense whatever, and we may as well consider it cooly and collectedly.

I said that my honorable friend was as accurate when he stated that the fine must be at least $5,000 as he was when he said that that fine was in accordance with Mr. Stewart's recommendation that it would be three times the value of the goods. That I repeat. The Senator from Ohio a few moments ago took the case of Phelps, Dodge & Co. to illustrate: that firm we are told paid $271,000 for what? As the precise value, as the record shows, of the tainted or undervalued items.

Mr. SHERMAN. No; of the invoices and so forth.

Mr. CONKLING. My friend takes me up on this statement, too.

Mr. SHERMAN. There were only $1,600 of undervaluation.

Mr. CONKLING. My friend takes me up on the statement that that compromise consisted of the tainted items. I do not like to bandy assertions.

Mr. SHERMAN. I said there was $1,600 of duties due.

Mr. CONKLING. We cannot both do this as well as I can alone, if we talk at the same time, and I shall do it worse than any other single member of the Senate would. My friend has joined issue with me because I said that the sum which Phelps, Dodge & Co., paid, to wit, $271,000, was the total of the tainted items. We understand that issue. Now I will turn over and see whether it was or not, and I think I may appeal to save time to the Senator from Delaware as he and I looked together over this matter yesterday and I will make a statement of the fact as I understand it and I beg the Senator from Delaware to correct me if I am wrong.

The total of the invoices in which alleged undervaluation occurred was over $1,700,000. The value of the undervalued items was first footed up at $261,000; an error was made in the computation, and it turned out to be $271,000. Thereupon a compromise was suggested by some of the counsel acting for this business firm upon the basis of paying the amount of the tainted items, and I use the expression "tainted" only because I find it used here in the testimony by the district attorney, Judge Davis himself. I ask the Senator from Delaware whether I am right in my statement so far.

Mr. BAYARD. Yes; excepting that I should say this to the Senator: the statement is taken from Mr. Dodge about it. Mr. Dodge did not know at the time his statement was made how many invoices were included or how many items were included. In other words, the basis of the demand on him was not made known to him, and he never knew until this letter was handed subsequently that the undervaluation on all these invoices had amounted to $6,000 and that the deficit of duties was $1,600. He says distinctly that had such facts come to his knowledge he never would have made the settlement he did.

Mr. CONKLING. I will yield to my friend again, and I beg him not at this moment to load this point with irrelevant matter.

Mr. BAYARD. I only wanted to answer.

Mr. CONKLING. Before we depart from this I want to fix and nail my own error, if it is my error, and the error of the Senator from Ohio, if it is his, in this regard. My statement was that Phelps, Dodge & Co. paid a sum which was exactly the total of the so-called tainted items in the invoices.

Mr. BAYARD. That was the result.

Mr. CONKLING. Precisely so. Now, if we can stop right there, I refer to the matter for no purpose except to solve this question. What was that? It was a settlement precisely on the basis proposed in section 12, was it not, forfeiting not the invoices but the articles in which the alleged undervaluation consisted?

Mr. SHERMAN. Now I ask the Senator, in order to settle whether he or I be right, how many packages there were in all those invoices and all those importations, so as to ascertain how many offenses were committed under the twelfth section, and then we will divide that number of packages by the amount undervalued, by the whole amount of $271,000, and then you get the average value of each package.

Mr. CONKLING. If my friend will pardon me, when it is necessary to calculate an eclipse to find out whether I was right or not on this point, I will stop and calculate it. Now, I stand by my own proposition, and I insist upon it that when the record sustains me I shall not be put down or snowed under by mere assertion. The Senator from Ohio commenced by saying that Mr. Stewart's advice that three times the amount of the articles undervalued should be imposed as a penalty had been followed out in this bill, and he said $5,000 would do it. To illustrate the fallacy of that, I referred to the case to which he had referred and I affirmed that $271,000 paid by that firm was exactly the total of the alleged tainted items in the invoice, or in the language of this bill, the total of the articles in which the undervaluation had occurred. I turn to the record and it is manifest, and the Senator from Delaware confirms me, that that was the precise fact. Now let us try the Senator' arithmetic. Two hundred and seventy-one thousand dollars would be the forfeiture under this bill. Why? Because that is the total of the articles in which the alleged fraud or undervaluation took place. The Senator from Ohio says that when you provide that a fine may be recovered which shall not exceed $5,000, you have answered Mr. Stewart's recommendation that the fine shall be three times the value of the articles undervalued. Is that true? What would be three times $271,000? If my friend who went into equations a moment ago, with his excellent arithmetic, would be kind enough to tell me how much is three times $271,000, I shall be able to tell him exactly how much fine imposed in that case, assuming that it was a case of guilt, would satisfy the recommendation of Mr. Alexander T. Stewart.

Mr. FRELINGHUYSEN. Eight hundred and thirteen thousand dollars.

Mr. CONKLING. Eight hundred and thirteen thousand dollars would have been the fine in that case according to Mr. Stewart. According to this bill it could not have exceeded $5,000, and yet the honorable Senator having it in charge tells us that it corresponds and conforms with the recommendation of Mr. Stewart.

Mr. Stewart says:

As to the amount of penalty to be imposed when fraud is established, I would favor confiscation of the articles undervalued—

That the bill does—

with a fine of three times their actual cost or value.

That is three times the whole actual value of the items, no matter how minute the undervaluation may be.

Mr. THURMAN. May I ask the Senator from New York a question?

Mr. CONKLING. Certainly.

Mr. THURMAN. Then Mr. Stewart would be a great deal more severe than the present law.

Mr. CONKLING. So I was going to say. My friend anticipated me.

Mr. THURMAN. Infinitely more severe than the present law. The present law forfeits the whole invoice. The undervalued articles might be three-fourths of the invoice and the effect of that proposition would be far more severe. Now, if I am not interrupting my friend and taking up too much of his time, allow me to ask him a question. The Government would have been defrauded in the case of Phelps, Dodge & Co. of about $1,600 of duty. Forfeiting the articles imposed on them, the forfeiture being $271,000, a penalty about eighteen times the duty, to which this bill adds $5,000 more. Apart from Mr. Stewart's opinion, I leave it to the Senator from New York to say if eighteen times the amount of the duties is not a sufficient penalty?

Mr. CONKLING. I answer the Senator. In the first place I answered him that under this twelfth section, Phelps, Dodge & Co. would have paid precisely what they did, $271,000, and the fine in addition if it could have been recovered, provided by this section in that case. The Senator says that the effect of the law was to confiscate eighteen times the amount and the fine imposed by the bill besides. That was an inadvertence; he did not mean that; he means to confiscate the whole invoice, and upon that I have this very frank answer to give: I observed the statement of the same Senator yesterday that one objection to this system of forfeiture was not only the severity but the disparity of consequences and punishments. Bearing all that in mind, I answer the Senator that wherever an error is inadvertent and careless merely, I should be against any serious penalty. But turning from these cases to the instances of deliberate, studious, willful fraud, I say that whether the forfeiture be eight or eighteen times the amount of property with which the fraud was committed, there is nothing in it which shocks my sense of justice.

Mr. President, whoever in the night-time shall set fire to or burn the inhabited dwelling-house of another, there being therein at the time some human being, shall die upon a gibbet, according to the laws of the Commonwealth from which I come; and when a girl, belonging to a race which is termed inferior, Rose Butler, had put a shovelful of coals upon the stair leading from the kitchen to the upper stories of a house, and from those coals enough charring took place to satisfy the words of the indictment, which my friend so well remembers, when the combustion and the consumption had taken place, although it burned only the stairs, a crime had been committed for which the laws of the State of New York said that girl should be hung by her neck until she was dead. No Christian civilization was ever shocked by this.

So you can put manifold cases in which in particular instances the punishment seems enormous; it seems to overtop cruelty itself when measured in reality by the act done. But, Mr. President, laws are made for the benefit of society. Penalties are inflicted not in vengeance, but among other things to deter others; and so laws denouncing capital punishment set bloody buoys floating on the sea of life, warning all to keep aloof from the temptation which ends upon upon the scaffold or the block.

So here. Every government has a right to be. It has the right of self-defense. It has the right to vindicate its supremacy in the presence of emergencies, no matter how great. As Judge Story said, and as was said by the great Chief Justice who sat with him, the power to levy taxes and to enforce their payment rigidly and thoroughly, is the most essential, if it be not the most towering attribute of sovereignty. Now, when the sappers and miners begin, when men guilty of intentional perjury and fraud set their wits to work by demoralizing devices to pilfer from the realm, to destroy honest competition, to undermine their rivals, to cheat the revenue, to swindle the State, to inflict untold injury upon the community, that crime of perjury, which when committed by any man in the presence of his Maker upon his soul has been in every civilization that was Christian regarded as a crime crimson with infamy, becomes more gigantic and more atrocious by reason of the evil which it seeks to do, by reason of the great purpose of harm for which it is contrived. Therefore I say to my honorable friend from Ohio, show me the case of a perjurer, show me a man who, afraid of the honest competition and generous rivalry of business, seeks by fraud, surreptitiously to destroy the interest and the business of his neighbor, to make himself ill-gotten gains by the act at once of robbing the State and perjuring his own soul, and I will show you a case where, if the law told him beforehand how many dollars and how many cents he bet upon that game, the gambler when he has lost, need not apply for compassion to me. I will show you, sir, a hundred cases, with which the records of criminal courts bristle every year, where an invocation goes up for convicts such as can never, for a smuggler, plead for that mercy which "seasons justice."

No, sir; wanting, I am afraid, somewhat in tenderness of heart, when my honorable friend from Ohio would arouse the few feeble gentle sensibilities left to me, I beg him to depict some object of suffering, some subject of injustice not to be found among the smugglers, the perjurers, or the thieves to whom his question may relate.

Mr. THURMAN. What question?

Mr. CONKLING. My honorable friend, meaning perhaps that as I have been somewhat lost in the mazes of metaphysical conclusions, chides me with the intimation that he has forgotten the question he put. I do not blame him; I understood him to inquire whether my sense of justice or of mercy was not shocked by the idea that eighteen times the value of the goods smuggled might be forfeited if the smuggler was caught?

Mr. THURMAN. That was not the question.

Mr. CONKLING. Preferring, if my friend will pardon me, not to go into particular cases which are of no value except as illustrations, I answer him that in a case of guilt I have no compassion. If he will find me a case where guilt does not exist, then it is not the case of which I am speaking.

Mr. President, the Senator from Ohio, the chairman of the committee, said, if I understood him, that the present bill conformed to the views of Mr. Stewart in respect to the power of the seizure of books and papers.

Mr. EDMUNDS. If the Senator will allow me, in the direction in which he has just been speaking about the adequacy of the punishment for undervaluations, &c., and in connection with the case of Phelps, Dodge & Co., which is the capital on which the enterprise of this bill proceeds in the business of legislation, I should like to have the Secretary read from the official copies from the books of Phelps, Dodge & Co., voluntarily surrendered, as it is here stated, for examination on the 27th of December, 1872, the record which no doubt illustrates the strength of this bill in protecting the innocent virtue of these people against the cruel tyranny of the officials of the United States better than any amount of rhetoric, even from the mouths of the distinguished orators who support this bill, can do. The headings are—and then I will ask the Secretary to read the rest——

Mr. SHERMAN. I would rather my friend would not have that read until I have a chance to reply to the honorable Senator from New York when he gets through. I hope he will not put in a speech at this point.

Mr. EDMUNDS. O, no; I am not putting in a speech.

Mr. SHERMAN. Well, a document.

Mr. EDMUNDS. In order to illustrate, with the consent of the

Senator from New York, the precise point he was discussing with the Senator from Ohio, I am asking his permission that there shall be read in connection with his remarks this official copy and statement from the books of Phelps, Dodge & Co., furnished by themselves, and therefore I presume truthful, of the species of virtuous enterprise in which they were engaged for the benefit of morality and the advantage of trade. Does the Senator from Ohio object to that?

Mr. CONKLING. I do not object to it.

Mr. EDMUNDS. I wanted to see if the Senator from Ohio did.

Mr. SHERMAN. I think to have a long document read and interposed in a debate like this is rather outside of the question. I want to reaffirm what I said and to prove that in the very cases cited, taking each offense, the twelfth section of this bill provides a superior penalty. That is the question between us. It is a question now of the correctness of figures.

Mr. EDMUNDS. The Senator undoubtedly will have time for that, and in order to aid him (because I must do good to him even against his will, if I have the right to do that) in coming to this question of accuracy I will give him the exact entries in the books of these innocent people whom our agents have so cruelly wronged, and which has brought forty millions of people to blush with shame, I believe somebody said, in order that he may see precisely how the thing occurred. If it is not precisely in point, as it appears to me, it will at least be—and the Senator will agree with me so far—useful in another way. The learned Mr. Saunders, who always hated the civil law, as the Senator well knows, and who was a great common-law lawyer, in arguing a great case one day before the court of king's bench found it greatly to his advantage to cite an authority from the civil law; but inasmuch as he was a known opponent of the civil law and insisted that it ought never to be introduced in principle or practice into the jurisprudence of Great Britain, he found it difficult to preserve his consistency in referring to the authority; but he got round it, as the Senator from Ohio would on a similar occasion, after he had produced his Justinian or his institute or his digest, or whatever it was, by saying, "If it please your honors, I bring this to your honors' notice, not as an authority in our law, but as an ornament to discourse." [Laughter.] Now, if this inventory is not precisely in point to the view of my honorable friend from Ohio, certainly it will be a flourishing ornament to the discourse that he is to make about the virtue of Phelps, Dodge & Co.

Mr. SHERMAN. That is very well put.

Mr. EDMUNDS. I have put it just as the invoice does; it has two faces. [Laughter.]

This invoice, I say, is the real, genuine thing as it appears from the Treasury Department, a statement of the contents of the books of Phelps, Dodge & Co. surrendered by them voluntarily in the exuberance of their established virtue for examination between the 25th of December, 1872, and the 1st of January, 1873, that holy Christmas time when all the world is glad that honor, virtue, and prosperity are spreading themselves all over the world. It is headed first "date." It is put in a tabulated form, which, to be sure, interferes with the rhythmical unity which the transaction itself so really deserves to be put in; but it is put in tabulated form and I must take it, as I am not a minnesinger, as it is. The Senator from Ohio, no doubt, can put it into measure, which will make it much more agreeable reading than it is now. Here it is. First is the column of the date of the entries in their books. Second is the name of the vessel in which the importation was made. Third is the mark which each package had put upon it for identification. Fourth is the description of the contents of each package of goods. Fifth is the custom-house invoice, a bland and delicious name, implying of course that everything is public and fair, that the open door of the public buildings of the Government where the appointed officers sit at the customs are to be emblazoned by this statement put up by Phelps, Dodge & Co. as the real cost of their property which they had brought into the country. Then next comes what the Senator from Ohio may think is a peculiarity, the private invoice. Next comes the difference in value between the two, and then the total amount of the invoice.

I will not of course take up the time of the Senate in reading it clear through, but I will take one or two specimens just to illustrate how it runs. On the 28th of January, 1871, by the City of London, came a package marked S in diamond, and carrying an Asiatic name, I suppose. I believe the island of Banca furnishes some tin; if I am wrong about that my honorable friends of the Finance Committee can correct me; I do not profess to be wise in tin, either in the metaphorical sense of dollars, or in the commercial sense of the article these gentlemen dealt in; but the word is Pontymister, and I suppose it to be a manufactory in the island of Banca. Very likely I am wrong, but if so, I can be corrected. Then come the goods, "171 boxes tin plates 2 b B. T." How thick that is the Senator from Ohio can inform us. Then comes the custom-house invoice, and the entry in pounds, shillings, and pence is £531 11*s.* 0*d.* Then comes the "private invoice, £548 13*s.* 0*d.*; difference in value, £17 2*s.*"

Here, then, you have a firm of people whose wrongs are to be redressed by this bill, who have been made the innocent victims of a cruel and illegal tyranny, who hold out to the United States and swear to it one paper which affirms that the cost of that article of tin was £531 11*s.*, while they receive and post in the same book of invoices, so that the two are brought side by side, another invoice, which is the true one, stating that the cost of that article was £548 13*s.* In one hundred and seventy-one boxes of tin the cause of virtue and good morals and public revenue and the progress of society require the virtuous citizen to declare, for the purpose of taxation, that the cost is one sum, and for the purpose of his private gain, to have the truth, that the cost is a greater sum by £17, and to swear to the false invoice as the true one. That is what the honorable Senator from Ohio evidently considers to be a virtuous example for a good citizen who intends to promote the welfare of trade and honesty toward his brother importers and good morals in society everywhere to set.

Mr. President, I did not rise to comment upon this sort of thing. I am only stating the case, word for word and letter for letter, according to the examination of these books, the authenticity of which was not questioned, surrendered by this firm itself, where the members of the firm swear to the custom-house officer that the cost was one sum, when by their own invoice and in their own books, side by side with it, is the true invoice, which confessedly was the true sum, a great deal larger.

The statement from which I have quoted, from the books of Phelps, Dodge & Co., is as follows:

Statement from the books and papers of Phelps, Dodge & Co., importers of metals, doing business at Nos. 11 to 21 Cliff street, New York City.

[Books voluntarily surrendered for examination December 27, 1872.]

Date.	Vessel.	Mark.	Goods.	Custom-house invoice.	Private invoice.	Difference in value.	Total amount of invoice.
1871.				£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
Jan. 28	City of London	Pontymister, (S)	171 boxes tin plates	531 11	548 13	17 2	
			2 b B. T	54 8 4	55 14 4	1 6	3,285 6 6
May 8	Abyssinia	M. B. & Co	40 do	112	117 10	5 10	
		Do	4 do	10	10 15	15	
		Beaufort	14 do	77	82 1 1	5 1 1	6,701 17 6
May 10	City of Brooklyn	Pontymister, (P)	16 do	51 10	53 18	2 8	4,556 15 9
May 22	City of New York	Derwent, (F)	209 do	289 2	299 11	10 9	6,504 3 6
May 30	City of London	Pontymister, L & G	90 do	268 2	275 3 3	7 1 3	
			50 B. T	55	57 10	2 10	
		N. E. J	105 do	239 5	249 15	10 10	
		Lantwit	160 do	156	160	4	3,787 1
May 30	Nemesis	Cookley, K	85 do	275 9	284 18 3	9 9 3	3,463 6 9
June 6	City of Washington	Pontymister, [L & G]	169 do	362 18 6	385 6 9	22 8 3	
		L & G	101 do	265 18	276 12 3	10 14 3	
		(E)	28 do	73 16	76 10	2 14	4,098 11
June 14	City of Brooklyn	Pontymister, L & G	328 do	743 6	777 19	34 13	2,925 4 3
June 19	Calabria	Pontymister, N. E. J	108 do	164 12	170	5 8	
		Derwent, N. E. J	62 do	104 16	107 18	3 2	5,834 4 6
June 28	China	Pontymister, L. & G	217 do	318 15 6	328 18 9	10 3 3	2,280 0 6
June 30	Parthia	Cokley, K. L. & G	35 do	199 10	205 17 1	6 7 1	4,463 15 3
July 10	Algeria	Bradley	32 do	215 1 6	222 7 6	7 6	5,204 1 6
Aug. 14	Algeria	Pontymister, P. D. & C	7 do	21	21 8 9	8 9	
		Pontymister, P. D. & C	2 do	5 8	5 12 6	4 6	
			145 B. T	159 10	166 15	7 5	
		(E)	56 B. P	110 18	111 8 4	10 4	
		(S)	172	294 9	305 8 6	10 19 6	3,237 1 4

Statement from the books and papers of Phelps, Dodge & Co., importers of metals, &c.—Continued.

Date.	Vessel.	Mark.	Goods.	Custom-house invoice.	Private invoice.	Difference in value.	Total amount of invoice.
				£ s. d.	£ s. d.	£ s. d.	£ s. d.
1871.							
Do....	City of London	Derwent, (E)	91	136 10	143 6 6	6 16 6	
		Do	6	8 2	8 8	6	
		Llanover, (O)	58	84 2	87	2 18	
		Do	5	6 10	6 15	5	2,403 3 9
Arg. 21	Abyssinia	Pontymister, P. D. & Co	1,670 boxes tin plates	2,500 12 6	2,577 3 6	76 11	
		L. & G	158	352 5	352 16 2	11 2	
		G. B. P. D. & Co	110	158 11	162 4	3 13	
		L. E., [J D]	50	57 10	58 10	1	6,792 12 3
Aug. 29	City of Paris	P. D. & Co	105 B. T	115 10	120 15	5 5	3,358 14 7
Sept. 4	Batavia	Potymister, P. D & Co	634	994 9	1,021 2	26 13 6	
		Do (O)	88	252 2	254 4 2	2 2 2	
		P. D & Co., L & G	105 B. T	115 10	120 15	5 5	
Sept. 12	City of Brussels	do 10	257	591 10	595 16	4 6	6,359 10
Sept. 20	City of London	do L & G	117	252 10	267 12 7	15 2 7	2,371 6 9
		do P. D. & Co	65	159 10	161 14 6	2 4 6	
		Powys, (E)	108	162	167 8	5 8	
		S. B., (E)	7	9 9	10 3	14	
		Bute, P. D & Co	225	281 5	292 10	11 5	
		Llanover, (S)	57	88 7	91 4	2 17	
		Do	4	5 12	5 16	4	
			65, B. T	71 10	74 15	3 5	2,639 10
Sept. 23	Abyssinia	Pontymister, P. D. & Co	998	1,460 4	1,512 2 6	51 18 6	5,835 13 9
Oct. 3	Tripoli	Pontymister, L. & G	217	486	499 4	13 4	
		Pontymister, [S. P.]	165	400 17	411 3	10 3 3	5,208 6
Oct. 13	Cuba	Pontymister, (P)	88	212	212 10 7	10 7	988 7
Oct 18	City of Brussels	K. G., N. E. J	29	63 4	64 19 4	1 15 4	
		K. G., T. B. & Co	23	82 2	84 9	2 7	
		D. C. L., T. B. & Co	4	9 10	12 10 6	3 6	
		K. G., P. D. & Co	66	166 16	172 11 2	5 15 2	
		D. C. L., P. D. & Co	13	29 15	30 18 2	1 3 2	2,131 14 3
23	City of Antwerp	Pontymister, P. D. & Co	488	755 7	774 5 6	18 18 6	
		Do	60, B. T	66	69	3	
		Pontymister, L. & G	158	339 12	363 9 2	23 17 2	
		Pontymister, (O)	161	344 6 3	355 6 3	11	
		Pontymister, J. D. & Co	50	44 15	45 11 10	16 10	
		Cornavan, N. E. J	59	111 10	115 12 6	4 2 6	5,114 19
Oct. 31	Abyssinia	Pontymister, P. D. & Co	229	464	475 2 6	11 2 6	
		Do	100 B. T	110	115	5	6,584 15 2
Nov. 2	City of Brooklyn	do	348	600 18	608 8	7 10	4,919 0 9
Nov. 7	Calabria	do	415	757 2	768 6	11 4	
		Do	215 B. T	236 10	247 5	10 15	4,073 3 6
Nov. 9	City of Paris	Pontymister, P. D. & Co	335 boxes tin plates	517 10	528 7 6	10 17 6	
		L. &	20	46	46 4 1	4 1	
		B. G (C)	111	215 4	220 15	5 11	2,652 4 6
Nov. 14	Batavia	Pontymister, P. D. & Co	519	857 12	878 17 9	21 5 9	
		G. B.	136	180 1	184 4	4 3	
		Pontymister, L. & G	68	153	154 3	1	
		S. G. M. Co	40 B. P.	80	86	6	
		Pontymister, P. D. & Co	55 B. T	60 10	63 5	2 1	5,933 77 9
15	City of New York	do	273	393 18	397 17 6	3 19 6	
		Pontymister, L. & G	27	60 15	61 5	5 5	
			90 B. T	99	103 10	4 10	2,382 18
Dec. 1	City of London	do P. D. & Co	416	546 18	554 9 6	7 11 6	3,113 15
2	Algeria	do do	394	723 17	730 13	6 16	
		Do (S)	174	430 1	532 13 6	2 12 6	
		Do	105 B. T	115 10	120 15	5 5	7,776 10
Dec. 7	City of Antwerp	Bradley, M. B. & Co	10	40	42	2	3,719 1 6
12	Calabria	Pontymister, P. D. Co	174	360 9	367 10 6	7 1 6	
		Pontymister, L. & Co	168	392 5	397 8 10	5 3 10	4,007 10 6
12	City of Paris	Pontymister, P. D. & Co	90	171 18	174 18	3	
		Pontymister, L. & Co	58	131 5	132 14 2	1 9 2	
		Pontymister	165 B. T	181 10	189 15	8 5	2,508 5 9
22	City of New York	P. D. & Co., N. E. J	24	84	87 12	3 12	6,785 11 3
1872.							
Mar. 16	Abyssinia		52 B. P	144 8	122 4	7 16	9,180 0 3
							163,182 0 7

Mr. SHERMAN. Perhaps my friend having the paper before him will answer the only question I care about. Having made a statement on this subject, I want to know whether I am right or not. The paper that I have here gives the custom-house value of each invoice stated in its place. I have a printed copy of the same list, as I am informed. I will ask the Senator whether on the average the custom-house value on each invoice is not less than one-third of $5,000?

Mr. EDMUNDS. I will answer the Senator, although it is a subject that I have not examined in that point of view, but I can give him the substance of my answer.

Mr. SHERMAN. I only ask generally.

Mr. EDMUNDS. I can give him the substance of my answer, and it is certainly perfectly pertinent, by an illustration. I remember there was once tried in my county on an indictment by a grand jury—the Senator begins to smile; he imagines the answer will be in his favor; but he is mistaken. [Laughter.]

Mr. SHERMAN. I have no doubt the answer will be very funny, but I should like to have a direct answer to the question.

Mr. EDMUNDS. A man who had previously borne a very good reputation in a community where I once practiced law happened to be suspected by some informer, some Jayne or other, of committing forgery. He was indicted and he was brought to trial before a traverse jury of twelve good men, his peers, and the evidence proved that there had been an instance or two of that kind in the course of the man's recent life. He had always been a good fellow before, but the temptation overtook him of undertaking to carry on a larger business than his neighbors. It needed capital to do it, and as he had not the recent patent contrivance of having the Government issue as much as he wanted, he accordingly got it out of bank by forging his neighbor's signature. It was rather a hard case to get over. The counsel for the respondent, like my good friend here, addressed the jury in this way: "Gentlemen of the jury, it may be true that in this

particular instance this man has committed these two acts of forgery; but, gentlemen of the jury, I want you to take into consideration the whole course of his career and tell me if on an average he has not been as honest as anybody." [Laughter.]

The jury did not take that view of it. I dare say in this case they may. Here being a case of admitted false invoices running to the number of forty or fifty; I do not know how many; I do not know how many more there may be; there being no excuse that ever I heard of for such a state of things—the honorable Senator would no more be a party to such a thing as that than he would cut off ten thousand heads if he had them—when these facts are brought to the knowledge of the Senate of the United States, not for the purpose of pursuing this firm, I beg them to understand; but when their wrongs are brought forward as the cause for legislation we are compelled to look into them, and the honorable Senator turns you off and says "after all it is a question of general average. How are you to foot this thing up?"

Mr. SHERMAN. If my friend will allow me, still he has not answered the question. I am not the defender of Phelps, Dodge & Co. They are not my constituents, nor have I anything to do with them. A question arose between the Senator from New York and myself, and I say now the penalty recommended by Mr. Stewart is exceeded in amount in this particular case, taking this particular case that is used by the Senator from New York as an illustration; that in each case the penalty provided in this bill exceeds that proposed by Mr. Stewart. That is the point I want to get at. Take each of these offenses of which Phelps, Dodge & Co. are said to be guilty; I know nothing about them; and I say the penalty under this bill exceeds that suggested by Mr. Stewart.

Mr. EDMUNDS. Even as dull as I am I understand the Senator very well, if he will pardon me, and if he will have patience I will come to him, although that affair is not my quarrel, but that of a Senator from a State almost as large as Ohio; I do not know but larger; I do not know how that is between the two honorable Senators; but I will speak of it, if I am not taking too much of the time of the Senator from New Yerk, in a minute.

The Senator says he is not the defender of Phelps, Dodge & Co. I beg to know if I am mistaken in the supposition that I have entertained that this bill was being pushed here on account of the wrongs that had been committed by the Government of the United States or its agents against this very firm in respect of these transactions among others? Will anybody say that it has not been? I should not have dragged the name of any private citizen into this discussion, however guilty he might be. The tribunals of his country, if he had found it convenient to submit himself to them, would have been able to ascertain whether he was guilty or not, and I should have been the last man I hope, or among the last, who would ever have referred to the guilt or innocence of anybody who might be suspected or charged with crime in a place where he could not have the opportunity to answer or be tried. But these parties not being in court, having got out of court in a way that we all understand, right or wrong, when it is said they are virtuous and that the law as it stands has been made an instrument of tyranny and oppression in defrauding innocent citizens of their just and constitutional and business rights, then I am forced to see what the truth really is.

It does not do therefore for the Senator to say that the matter of Phelps, Dodge & Co. has nothing to do with this business and he is not their defender. He is promoting this bill upon the ground that the law as it stands has been made the instrument of tyranny against these men; that it has been the engine of oppression, not because the law as it stands was right and had been violated by the acts of Jayne and the Secretary of the Treasury and the district attorney. Nobody contends that they went one step beyond the law; but he says that the law has undertaken to interfere with the business of innocent and virtuous citizens who have not been guilty of any violation of it, unless it may be a technical one which is pressed to their disadvantage. Therefore I say I am forced to point to the moral of what was so well said by the Senator from New York, and to ask your attention to the undisputed fact, sad as it is, that in the books of this company, side by side, systematically placed there, are found invoices of this great article of trade, the difference of a shade in the price of which enables a great house to command the trade of the country and destroy that of their competitors; not one instance, not ten, not twenty, but a hundred, where there is this continuous falsehood from day to day deliberately entered, the truth upon one side and the falsehood upon the other; the false invoice every time presented and sworn to at the Department, and the true one every time placed by the copy of the false one in the books of this firm in order that their private transactions might be guided by it.

If that is the virtue that the Senator defends, it is not mine. If that is the public prosperity which he wishes to promote, it is not a prosperity in which I wish to share. I know it is not that in which the Senator wishes to share; but he has been carried away, as we are all sometimes carried away on the wind of a clamor, and in order to overcome clamor he destroys the fundamental foundations upon which Alexander Hamilton and the fathers of the Republic placed the law in order to protect innocence and to punish vice.

Mr. CONKLING rose.

Mr. EDMUNDS. If my friend will pardon me, I will attend to the Senator from Ohio on the other point.

Mr. CONKLING. I want to attend to that.

Mr. EDMUNDS. Very well.

Mr. CONKLING. I will promise to relieve the Senate in a very few moments; but before taking my seat, as I have now had the opportunity to look at the record, I want to set at rest, if I can, the issue between the Senator from Ohio and myself. Now, by his inquiry of the Senator from Vermont, he indicates that he reads or wants us to read the letter of Mr. Stewart as if he proposed to forfeit three times the undervaluation.

Mr. SHERMAN. Three times the whole.

Mr. CONKLING. Well, then, three times the whole. If the Senator will stand by that while I can read from the record, I will read. This is what Mr. Stewart says;

I would favor confiscation of the articles undervalued, the whole articles, with a fine of at least three times their actual value.

Mr. President, notwithstanding the amusement of my friend, for I see he is amused, I will venture to read from the record, which I borrow from the Senator from Pennsylvania, the testimony taken in the House. I read from the statement of Judge Noah Davis, then the attorney of the United States for the southern district of New York where this transaction took place. I will abbreviate it until I come to the point. Mr. Davis says that some time after this matter came to light he was sent for to go down to the Astor House one evening. At the Astor House he met Mr. Knox and Mr. Wakeman, two of the counsel for Messrs. Phelps, Dodge & Co., Judge Fullerton, another of their counsel, and I may say a lawyer of distinction, having been a judge of the highest court in the State of New York, subsequently came in, and at that time occurrences took place, the narrative of which I read from this evidence:

I went down there and found Mr. Jayne there, and Mr. Knox, and Mr. Wakeman, who were the counsel for Phelps, Dodge & Co. Mr. Jayne told me that there had been a proposition of compromise in the Phelps, Dodge & Co. case, by the payment of $150,000, but which, however, he was not willing to accept, as it was not enough. He then said to me that they had sent for me for the purpose of inquiring as to how the matter, if arranged, could be at once closed up without any further proceedings—meaning, of course, without the necessity of sending the proposition of settlement to Washington for approval before its acceptance; to which I replied that the collector would probably not approve of anything they did unless it was based upon some principle which had been adopted before as a basis of action in such cases; and I then said to them that heretofore, in some cases, the practice had been adopted—

I ask the Senator to mark this passage—

of selecting some invoice or invoices about equal to the sum which was offered, and directing a suit for that amount to be commenced by the district attorney, and on his commencing a suit for that amount demanding that sum, on the party coming into court and offering that sum, in the nature of a *cognovit* or judgment, judgment could be immediately taken for that amount and the matter disposed of without delay.

That was one way of doing it. Now I beg the Senate to observe the other:

Mr. Jayne remarked that he recollected three cases in which that had been done. The other course was to select from the invoices the tainted items, if I may so describe them, and order suit for their value, and after the suit was commenced, for the party to appear and give consent to a *cognovit*. These two courses I suggested had been adopted on several occasions by collectors. Thereupon Mr. Jayne was requested (not by me, but by the counsel for Phelps, Dodge & Co.) to ascertain the amount of those items that were alleged to be affected.

Those are the "articles" we are talking about in the language of Mr Stewart, are they not? Those items affected Mr. Jayne was requested to ascertain the total of.

He sat down and figured up the amount, I recollect now—in conformity to his recollection, (for he told me yesterday that I had fallen into a little error there)—that the invoices were not all present, but he went through the mass of invoices that were present. The other gentlemen went into another room, and I sat there looking through the newspapers while Mr. Jayne was examining the figures. He went through the papers that he had there, and then announced that he had not all of them there; but that the result was, estimating that those not present would produce substantially the same result as those present, that the aggregate amount would be $260,000.

The aggregate amount of what? Of the tainted items?

Mr. BECK. At that interview was there any one else present except you, Mr. Jayne, Mr. Knox, and Mr. Wakeman?

Mr. DAVIS. I was going on to tell you about that, and I shall name a gentleman who came in subsequently. Mr. Jayne reported this sum to me. I was astonished at its magnitude, and said that Phelps, Dodge & Co. would never pay any such sum as that. He replied that they would. Then the counsel were called for, and they came in, and at that time Mr. Fullerton, a partner of Mr. Knox, came in also, saying that he had just got out of court, which was the reason he had not been in before. Then the amount was given. Jayne gave the figures. The counsel looked over the figures and retired, as I understood to go to the room where Mr. Dodge and Mr. James were, neither of whom I saw on that occasion. After a little they came back, saying that they were ready to pay the sums ascertained, and Jayne said that that was not an absolute sum, but an approximate one, and that if in looking over the thing more accurately it should turn out to be less, it was understood that a reduction was to made; and if it turned out that the items aggregated more, an increase was to be made in the sum. Then I was requested to go to my office, and wait the sending up of a letter from the collector to commence that suit, and they went (Jayne and, as I understand, the counsel for Phelps, Dodge & Co.) to the custom-house to procure the collector's action in the case. I was requested to wait at my office for one hour and not to leave before, and that if they did not get around before that time, I was asked to take a *capias* to my house, so that they might come there in the evening.

The Senate will see from this—and if it would be more satisfactory I will turn over and read, though I suppose it is not necessary, the testimony showing the point at which they discovered that the total in place of being $260,000 was $271,000 when the other invoices were brought in—the Senate will see that the $271,000 was the exact value, in the language of Mr. Stewart, "of the articles undervalued;" so that three times that amount would have been over $800,000.

Mr. STEWART. The fine was three times that.

Mr. CONKLING. I know that; but I will not stop for it. I want to show my friend from Ohio that I did not intend to misstate him, and that I could not possibly have done it, and therefore when he asks the Senator from Vermont whether $5,000 would not be three times as much as some amount which he mentions, everybody must see that he forgets the language and idea of Mr. Stewart which, applied to that case, would have required three times $271,000 to be paid.

There I leave that matter; and I beg to assure my friend that I have not intended to put him in any false position, and I hope I have not done so.

I wish now before sitting down to call attention, as I began to do a few moments ago, to the ideas of Mr. Stewart touching the seizure of books, in order that we may know whether my honorable friend from Ohio is borne out in his statement that the bill as reported by his committee conformed to the ideas of Mr. Stewart. That section as reported, as I have before had occasion to say, provided that after the proceeding had gone into court in its latter stages, on motion made, books might be produced. See what Mr. Stewart says:

> The power of seizure of books and papers of a party complained of I do not object to, provided it is guarded by proper restrictions upon its exercise.

What are those restrictions? Waiting for four or five months and on motion bringing them in afterward? Let us see:

> The complaint—

Mark the word—

> The complaint should in no case be entertained upon a mere belief of any person willing to make an affidavit. The fraud charged should be distinctly pointed out, and before being brought to the attention of the judge for his action should have the certificate of the district attorney and collector of the district to the effect that they have examined into the circumstances alleged, and verily believe not only that they are true, but that a fraud has actually and intentionally been committed. Thus protected, I believe no injustice could be perpetrated, or at least none such as has at times been heretofore complained of.

What does that mean? Is it not palpable to everybody that it means that he is in favor of a power to seize and inspect books and papers on a complaint being made, requiring nothing except that the affidavit should be upon something more than mere belief, and that it should be accompanied by a certificate of the collector and district attorney? Side by side with that recommendation we have a provision in the bill that afterward, necessarily weeks afterward, after the party has been served with process, after he has become an active party litigant, upon motion of which he is to have notice, resort may be had to his books and papers. Why, sir, there is some similarity. There is a certain similarity between a pebble and a mountain. Both have magnitude, and both may be of flint. So both these sections relate to books, and that general likeness prevails; but my friend from Ohio will warrant me in saying, every man who has ever practiced law will know without my saying, that between such a provision as the bill proposes and the recommendation of Mr. Stewart, there is a difference just as great as between that which is utterly weak and that which is utterly strong, that which is impotent and will fail nineteen times in twenty and that which with efficient vigor is intended to catch and will catch offenders unawares between wind and water, and detect them nine times in ten if in truth they are guilty.

I apologize, Mr. President, for the much time I have occupied, which I assure the Senate was no part of my intention when I rose; and I leave this subject after remarking that if I shall be compelled to vote for this whole bill as it is, in order to vote to abolish moieties and to get rid of the seizure clause in respect of books, I shall take a bill containing in my belief very much of harm, because it is the only way in which I can obtain the chief object which this general legislation has in view; and I have deemed it right and just to myself to put on record that which will defend me hereafter from the allegation that I had supposed all parts of this measure, should I vote for it, were such, take each by itself, as to warrant that vote or exonerate me from blame in not calling attention to them.

Mr. SHERMAN. Mr. President, I shall detain the Senate but a very few moments in replying to some remarks made by the Senator from New York, and I shall do it more in justice to the committee of which I am a member than to myself.

The idea seems to have been entertained or promulgated by the Senator from Vermont a moment ago that we were impelled in reporting this bill, or in our action in this matter, in some respect by the case of Phelps, Dodge & Co. I assure the Senator that the case of Phelps, Dodge & Co. is but an item in the whole matter. It did not influence our action in the slightest degree. I have known Phelps, Dodge & Co. as very eminent merchants for a great many years, I think for fully thirty years by name and reputation. As to their private history and all that, I certainly have no interest in them, nor care for them; nor, so far as I can remember, was any mention made or consideration given to their case by the Committee on Finance.

This bill passed the House of Representatives after quite a struggle and long debate and after quite an examination. It was referred to the Committee on Finance of the Senate. It will appear very strange and singular to the Senate when I state that as soon as this bill was referred to them, and I saw the importance of it, I went directly to the Senator from New York. I called his attention to the importance of the bill, the character of it, its provisions, and I asked him if he would name to me persons in the city of New York who could give me the other view of this case. The bill had been pressed by a committee of merchants, by eminent men, great numbers of them, and by their testimony pressed with great force and great interest, and they claimed to represent the whole mercantile body of New York.

As a matter of course, I could not know whether that statement was true or not. I inquired of the Senator from New York, and he was kind enough to name to me certain merchants eminently distinguished who would probably give me the other side of the case, or at least give me a fair and impartial view of the subject, because it was a very important bill, and we wished to guard the revenues. The result was that I did write to the gentlemen whose names the Senator from New York was kind enough to give me, and I got their reply. I say to him, and I say now to the Senate, those replies influenced some of the very sections that are now criticised in this debate, and the chief one.

Let me go a little further. When this bill was taken up by the committee and considered, many of the details of the bill related to the regulations of the custom-house, of which the Committee on Finance have no more special knowledge than other committees. Such questions usually go to the Committee on Commerce, and I would have much preferred that the formal sections of this bill in regard to the mode and manner of importing goods should go to the committee which properly has charge of such matters; but they were in the bill connected with other matters and we had to consider them.

But to prevent ourselves from being misled for the want of detailed information as to the practical workings of this bill we sent it to the Secretary of the Treasury with our proposed amendments, calling particular attention to the importance of the bill, calling for statements to be made upon the basis of the bill, what effect it would have, what changes of the existing law it would make. I have before me a letter from the Secretary of the Treasury, stating the only defects in the bill to which he deemed it necessary to call our attention. We sent him the amendments we had made, and some of those he criticised, and we again reported the bill with the amendments suggested by the Secretary of the Treasury and with the criticisms he made properly acted upon. That shows that we have examined this bill with great care, more care than we would usually bestow upon an ordinary bill, because we felt the importance of it, and did not wish in the least to diminish the revenue.

Now a word in regard to the twelfth section. The great body of criticism on the bill is upon the twelfth section. My friend from Nevada [Mr. STEWART] went off about that. He thought that by this twelfth section we utterly destroyed and broke down the present law. The present law imposes a penalty of $5,000. This bill is much more carefully guarded; it is much broader in its scope. It includes a great many offenses not included in the law the Senator from Nevada showed me. I have not been able to find the original law in the code he furnished me. He furnished me the new code, which does not refer to the old law, and I could not find it in the Statutes at Large; but on comparing the two this section is far better in every respect, more clear in its definitions, more copious, including many more cases, and therefore in that respect better. It is true it omits the penitentiary clause, and that is the clause that has been complained of.

One of the great causes of complaint by the merchants was that they might be involved in a criminal prosecution for a penitentiary offense for the mere neglect or failure of agents, consignees, or owners, because, as was very clear to the Senate from the reading of the statutes read by the Senator from Vermont, to which I called his attention, the mere neglect or omission or fraudulent conduct of an agent at home or abroad in making out an invoice, which is sworn to in the ordinary course in the custom-house, might involve honest and honorable men in a criminal prosecution and most grievous penalties.

Mr. EDMUNDS. If the Senator will excuse me, he does not mean to say that any statute that he or I read has the slightest reference to a criminal prosecution against a person. They all related to the forfeiture of goods.

Mr. SHERMAN. But I say under the law a man swearing to an affidavit and really believing that the invoice to which the affidavit was attached was a fair and honest invoice might be involved in prosecutions. I did not say that he could be convicted unless they proved guilty intent upon him; but his goods might be forfeited although he was entirely innocent of offense. His goods the Government of the United States would seize upon. They hold them in custody. They do not stop to prove the guilty intention of the importer. It is the guilty intention of the invoice or thing that was made in Europe, the guilty intention of the act of producing and passing the goods through the custom-house; and the goods of the merchant might be absolutely forfeited and the whole invoice might be forfeited for the fault or the wrong or the crime of others. It was that grievance that the merchant complained of.

Now, in regard to this twelfth section, the purpose of the section is simply to do what Mr. Stewart advised us to do; that is, to make the forfeiture, instead of applying to the whole invoice, apply to the particular item; and I think following the advice of Mr. Stewart in that particular we have committed an error. I think that forfeiture ought to extend further, and the Senator from Maine [Mr. HAMLIN] has already made a motion which I shall vote for with great pleasure to extend it; but you will see that the recommendation of Mr. Stewart upon which we acted was the very recommendation that induced

us to change the forfeiture from the package or invoice in certain cases to the item, because that he recommends.

Then, besides that, he recommends a penalty to the amount of three times the value of the article tainted with fraud. Upon examination we found that would not do at all. The article imported might only amount to $10, which is the ordinary case of smuggling of a lot of whisky or brandy along the border, where the importation ought to be punished heavily although the amount involved is very small. Therefore the penalty could not depend on the value of the article imported. It must depend on other circumstances. Take the case, and they are by the thousand along the border, where the value of the property imported is only from $10 to $100. I suppose the Senator from Michigan will tell you that the ordinary value of smuggled goods in a single package on the border is rarely over $100. I said a while ago $1,000. Therefore as these importations come slipping in in the by-ways, through small boats, and in various ways, and in many cases amount to but $10 or $20, it would not do to take Mr. Stewart's rule and only impose a fine of three times the value of the goods. So we had to fix a specific sum. Besides, the old law fixed a specific sum.

But the Senator says that under the law as we propose it here Phelps, Dodge & Co. would only have to pay $5,000 for all their offenses. Why, sir, Phelps, Dodge & Co. would have to pay two and a half million dollars under the operation of this bill. My friend from New York certainly could not have read the copious language of this section. Let me read it to him again. In the statement furnished by the honorable Senator from Vermont, which I have before me, there are about one hundred invoices running through one year; but the invoices upon which all these enormous penalties were levied on Phelps, Dodge & Co. ran through a period of five years.

Mr. CONKLING. Will my friend allow me to interrupt him?

Mr. SHERMAN. Certainly.

Mr. CONKLING. I do it with great deference. That is another error. The invoices from which these items were taken were all within fifteen months, and these other five years of invoices had nothing to do with it. I have heard that statement made repeatedly. I now deny it once for all and appeal to the record.

Mr. SHERMAN. I have the account here. There can be no controversy between the Senator from New York and myself about this matter.

Mr. EDMUNDS. They run from the 28th of January, 1871, to the 16th of March, 1872.

Mr. CONKLING. That is all there is of it.

Mr. EDMUNDS. In the paper I have before me the first date is January 28, 1871, and the last one is March 16, 1872.

Mr. CONKLING. That is fifteen months.

Mr. SHERMAN. Now let us suppose that the case of Phelps, Dodge & Co. had gone before a court. Let me first read the section upon which the comment is made, and see if this penalty is inefficient:

> That any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make, or attempt to make, any entry of imported merchandise, by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, shall severally forfeit and pay a fine of not more than $5,000 for each offense.

For each offense Phelps, Dodge & Co. might be fined $5,000. Now take the case of these invoices. There is but one that amounts to £2,500. That amounts to $12,500, about two and a half times the amount of the fine. The property, as a matter of course, would be forfeited under this bill. In that particular case there would first be a confiscation of the property and then a fine less than the value of the property; but, sir, in nearly every other case the fine of $5,000 is more than four times the value of the property; and therefore, in the case of Phelps, Dodge & Co., taking each invoice and each importation separately as a distinct act, the fine at the rate of $5,000 upon each invoice or each importation would amount to over $2,000,000. The whole value of the property tainted, according to the figures the Senator gave me, and no doubt correctly, was $271,000.

According to the best estimate I can make on this table the value of each importation is a little less than $1,000; I should say considerably less. There is only one amounting to £2,500; another to about £1,000. There are only two over £1,000. The most of them are for £50, £60, and £300. Each is a separate and distinct importation, and each is a separate and distinct offense. Under this section the United States could have sued Phelps, Dodge & Co. for a fine of $5,000 for each offense upon each box, certainly upon each invoice, and they could have joined them in a joint or several action or bring an action in the name of the United States and recover in that action for all these fines.

It is manifest from this statement that in this strong case presented by the Senator from New York the fine imposed by us by this bill, $5,000 for each offense, is far greater than three times the value of the property; and that is all I said. I say again now that ordinarily the value of the property tainted, as the Senator uses that term and it is a very proper one, in a single importation would probably rarely exceed $1,000.

Now, sir, what I complain of of the Senator from New York, and I appeal now to his sober judgment, is this: if he considered the bill defective in this way; if instead of a fine of a gross sum, leaving it to the discretion of the court to go below that if it saw proper, he had said to me that the fine ought to be larger, that $5,000 was not sufficient, or if he had said that the fine ought to depend on the value of the property and should be three or four times as great as the property; if he had criticised it in this way, I would have given him the reasons why we preferred to stand by the original fine; and at the very beginning of this discussion I invited the Senator from New York, [Mr. CONKLING,] the Senator from Maine, [Mr. HAMLIN,] and the Senator from Massachusetts, [Mr. BOUTWELL,] to move amendments to this bill; and yet the Senator from New York has moved no amendments. It is just as much his duty, and more, than it is mine, to move amendments to this bill; and I should at any time have yielded to them unless I could give some very strong reasons to the contrary; but that he has not done. He has not offered amendments. He tells us he is going to vote for the bill. So say I. So we shall not differ in the end.

I have felt it my duty as a member of this body in no way connected with the interests directly affected, living in a Western State, to examine this bill carefully and see first that it did not sacrifice the revenue, and next that it did not do injustice to importers; and seizing upon every amendment that occurred to me that would relieve merchants from oppression and protect the revenue, we have done it.

The section about examining books and papers was proposed at the suggestion of Mr. Stewart. True we have not adopted his phraseology. He simply says suitable measure should be devised by which books and papers could be seized. We have done it. They all recommended that; even Mr. Schultz who opposed the amendment originally, and who appeared here the earnest advocate of this bill, the chairman of the committee of merchants of New York to urge this bill, acquiesced in the amendment proposed by the Committee on Finance.

The Senator from New York also calls attention to the fourteenth section. I have read it. I think it is exactly right. One of the complaints of the merchants was that if there was any variation in the statement of the cost or expense of transporting the goods from the place of manufacture to the place of shipment, no matter how slight, it was made the pretext for a seizure. We levy duties not only on the cost of the article at the place of manufacture, but upon the cost of transporting it from there to the place of shipment, the boxes, packages, &c.; and many of the chief controversies have arisen out of the differences of opinion as to the cost of transportation; and whenever the invoice is not in the opinion of the custom-house officers correct as to these items a controversy at once arises and the goods may be seized because perchance the merchant may not render a correct account, or what the custom-house officer may claim to be a correct account, of the cost and expense of transporting them from the place of manufacture to the place of delivery. Therefore it was that these elements of the duties were segregated, separated from the cost of the article itself, which might be ascertained and measured by actual measurement, by actual inspection, by actual appraisement; and then this fourteenth section requires—

> That wherever any statute requires that, to the cost or market-value of any goods, wares, and merchandise imported into the United States, there shall be added to the invoice thereof, or, upon the entry of such goods, wares, and merchandise, charges for inland transportation, commissions, port duties, expenses of shipping, export duties, cost of packages, boxes, or other articles containing such goods, wares, and merchandise, or any other incidental expenses attending the packing, &c.,

the omission shall not be a cause of forfeiture, but it is added to the invoice. If, then, the merchant fraudulently or erroneously undervalues these expenses or states them at less than what they are, and the customs officers establish the fact, they can levy twice the amount of the duties. In other words, they put on a penalty of 100 per cent. It is manifest that the section is a better section to guard against abuses on the revenue in estimating the cost of packages instead of forfeiting the goods. Having the goods in your possession, if you believe the merchant has failed to render a just account of the articles, you double the cost, adding a penalty of 100 per cent. Is not that severe enough? Would you, because there was a difference between the merchant and the custom-house officer as to this incidental cost of transportation and of packages, confiscate the whole invoice or allow the seizure of the goods? Merely on account of a difference of opinion, or even in case of actual fraud or undervaluation of these expenses, would you allow a confiscation of the goods? On the other hand, the committee have provided a wise remedy for that case. That is another section to which the Senator referred.

Again, he referred to section 4. When the section was gone over before, the Senator from New York criticised it somewhat, called our attention to the definition. I answered at once that this section does not change the law against smuggling; it does not change the penalty for smuggling, and I asked the Senator from New York to suggest some amendment and that definition, if it was not right, according to my recollection. I asked for any amendment to this definition of smuggling, and the Senator from Massachusetts [Mr. BOUTWELL] responded to that appeal and offered an amendment which I readily acquiesced in, and it was his amendment striking out a certain portion of that section, which we agreed to, that to some extent creates the embarrassment on which the Senator from New York now comments. If the Senator from New York thought our definition of smuggling was wrong, as he was representing a State of an almost boundless border along the lakes and on the ocean, why could he not aid

the Committee on Finance a little by giving us a proper definition? We would have accepted it with the greatest pleasure.

Mr. CONKLING. Will my friend allow me to interpose a moment there?

Mr. SHERMAN. Certainly.

Mr. CONKLING. I say from deliberation, for I have looked at that, I have to-day referred to but one single objection to this bill which I did not point out when the section was read to which it belonged, and I suggested to eight different sections of the bill, which I have now marked before me, amendments which I thought ought to be made, saying that I did not wish to interfere or be deemed in hostility to the act, but that I ventured to point out for the better consideration in form of the committee these objections. Here they are now marked on the margin of my bill, and I give the Senator my word that I have spoken to-day of but one single thing to which I did not draw the attention of the committee either in his presence or absence, when the sections were read.

Mr. SHERMAN. Anybody can make suggestions of amendments, but the Senator from New York has the right and it is his duty to offer the amendments which he thinks right to the Senate. If he had offered amendments in the details of the bill and said that he believed they were proper, we should have considered them. As a matter of course a mere suggestion to a Senator having charge of a bill of an amendment does not either impose on him the duty to accept it, nor ought he to do it. I represent here the Committee on Finance. What right have I to be offering amendments while I am acting as the organ of that committee, unless I am authorized by the committee? I do not do it. Any Senator can do it; the Senator from New York can do it; and I have no doubt if he proposed amendments to the bill such as it occurred to his experience would make the bill better, they would have been received and no doubt adopted. I certainly should not be standing here to oppose them.

The amendment pending is the proposition of the Senator from Nevada to strike out the twelfth section. As I have shown you, we have put on the twelfth section and especially the last clause of it at the suggestion of those who thought the bill insufficient, Mr. Stewart himself suggesting that the confiscation should be confined to the item of merchandise undervalued. If that is not sufficient enlarge it.

If the section changes the law too much, if you still want to keep up the idea of the penitentiary against all your merchants, and keep the old penal clause of two years' imprisonment in the penitentiary to compel them to do their duty when you have the custody of their goods and the power to examine them and take them all to pieces if you choose, be it so. You require these merchants to give security for the honesty of your agents. All these goods pass through the custom-house; they are all in the custody of the Government; but the old law seemed to require the officers to give security that the officers of the United States, paid by the United States, would not cheat the United States. If that is the purpose, and you desire to maintain the penal clause of that act in regard to offenses against the revenue laws, insert it; I have no objection. What I complain of is that on a bill of this kind in which I have not the slightest feeling we should be kept here three days and no amendment proposed that has not been readily assented to.

I trust now, Mr. President, that after this long and wearisome debate we shall have a close of this matter and get it out of the way. After a careful and conscientious examination of this bill, aided by many merchants interested in foreign trade, aided also by custom-house officers whose testimony is on record *pro* and *con* here on this subject, aided by private communication with merchants for and against this bill, aided by the Treasury Department, aided by mutual consideration in committee, the Committee on Finance reported this bill unanimously, every amendment having been fairly and fully considered. It does seem to me it has met with unusual opposition. I hope that now since the matter has gone so far it will be closed, and that we may go home Let the bill be passed or rejected according to the sense of the Senate.

Mr. HOWE. I am not going to delay a vote on this bill any great length of time, but as I suspect I am going to be about alone in voting against the passage of the bill, I want to assign two or three reasons why I do so.

I heard the Senator from Ohio just now intimate, as I thought, that this bill was framed in the interest of the revenue, that it was calculated to secure a more complete collection of the revenues than we have under the existing law. If I believed such would be the operation of the bill, I should certainly vote for it. I do not believe that will be the operation of this law, and I am obliged to confess that I do not think it was the intent of the law. On that point I must have been mistaken.

Mr. President, I hear on all sides of me the opinion avowed that moieties ought to be abolished utterly. I may be alone in the Senate upon this point, but my deliberate conviction is that moieties ought not to be abolished, that you cannot with safety to the revenue abolish them. I have once expressed the opinion; I joined with the Committee on Retrenchment and Reform in the expression of the opinion some two years since that customs officers ought not to share in moieties. As the passage is short, I want to reproduce what that committee said on that occasion. The committee said:

> Moieties should not be allowed to officers of the customs, except in the case of smuggled goods seized. It is the duty of these officers to assess and collect the duties on imports. It is their business not to permit any frauds upon the revenue. Attempts will be made to introduce merchandise upon our markets without payment of duty at all. Whoever defeats an attempt at smuggling should be allowed at least one-half the net proceeds of the goods condemned. But when goods are entered at the custom-house there should be no cheating in quantities or values. It is the duty of the officers of the customs to prevent that. Their salaries should be adequate to all the labor they perform and all the responsibility they assume. Still, in spite of diligence and fidelity, they will be sometimes circumvented. But the Government should not bribe them to be defrauded by holding up to them great fortunes for detecting the fraud.
>
> The husbandman who pays his harvester a meager salary for gathering grain, but offers him one-half for gleaning all that his own rake passes over, should not be surprised to know that his servant rakes slovenly. If in spite of all the vigilance and fidelity that can be secured in the custom-house frauds are perpetrated, other agents of the Government should be stimulated to ferret them out and expose them, and if they do not always uncover their heads while investigating such alleged frauds, as it is complained some of the special agents of the Treasury do not, it is probably better to tolerate even that outrage upon good manners rather than allow the frauds to go on unpunished.

To that opinion of the committee I subscribe. I stand by it still. I think customs officers should not be allowed to share in moieties; but when, in spite of the officers of the customs, goods have been fraudulently introduced into the country, and by non-payment of duty or by underpayment of duty have been put upon the market in fraud of the revenues and in fraud of honest dealing, then whoever detects that fraud, uncovers that wrong, recovers those duties, I think should be amply paid for doing so. To give them one-half of the amount they recover is not a loss to the Treasury. If they make large sums by doing so, the Treasury makes just as much.

I heard the Senator from Ohio say yesterday, I thought with a sort of shudder, that the amount of moieties recovered by our special agents within a certain period—I do not know that he specified how long—amounted to about $2,000,000. What does that prove? It means that frauds to the amount of $4,000,000 have been perpetrated upon the Treasury. They recovered the $4,000,000, and one-half went into the Treasury and they got the other half, and but for the offer of that one-half the Treasury would have been $2,000,000 poorer than it is. I do not feel encouraged, therefore, to dispense with an agency which without wronging the country at all earns so much. I think it is a very singular lesson to draw from that fact that those agents should all be mustered out of our service. It seems to me inevitable that but for this very system you would have been just so much poorer. And so, Mr. President, I am opposed to this repeal of the moiety system, so called. Enough of that.

I think this change proposed in the law directing or regulating the seizure of books and papers is a mistaken and a mischievous one. This bill proposes that the Government shall wait, before it calls upon a merchant to show his books, until there has been a *prima facie* case of fraud made out, a suit commenced upon it, the specific fraud pointed out in the proceedings, and when the guilty party knows precisely what you are aiming at and knows precisely the book and the paper in his possession which will furnish conclusive evidence of it, then you go into court and upon notice move the court for an order to seize that book or that paper. Well, suppose the court grants the motion, do you think the marshal will find the book or the paper? Never, never. The merchant who has no more conscience than to perpetrate the fraud will have no conscience to prevent his laying out of sight and beyond the reach of human eyes the evidence which proves the fraud. The Government is required by this bill to give him special notice and ample time in which to do it. The seizure of books and papers is the idlest ceremony in the world under such regulations as those.

The Senator from Indiana this afternoon read to you what H. B. Claflin, a merchant of New York, said upon this very subject. H. B. Claflin needs no introduction to the Senate or to the people of the United States. He is willing to pay duties, but he wants that his rivals in business should pay duties. His books are open to the inspection of the Government of the United States, and there is no honest man trading in New York or elsewhere who will not open his books to the inspection of the Government of the United States on invitation to do it. Honest men, honest merchants, do not ask for any such security against visitation as this bill provides.

Now, Mr. President, I want to make one remark upon two other sections of this bill. The Senator from Ohio takes issue with the Senator from New York upon the point as to whether the penalties provided in this eleventh section are greater or less than the penalty now provided by law for the same class of frauds. I did not enter into that dispute. What I have to say to the Senator from New York is this: You exclude the Government from the inspection of the merchant's books; you take from all men every inducement to ferret out fraud, and you never will enforce the penalty.

Mr. SHERMAN. My friend will allow me to say that the committee reported a carefully prepared section intended to cover that case, and it was voted down and I think the Senator voted against the section. I understand the Senator to be complaining that we have repealed the section allowing an examination of books and papers.

Mr. HOWE. I was speaking of the provision which the Senator had reported in this bill for the seizure of books and papers.

Mr. SHERMAN. I beg pardon.

Mr. HOWE. I say you exclude the Government from a view of the merchant's books, and you take from your special agents of the Treasury all inducement to ferret out frauds and you never will enforce one of these penalties. Frauds are as safe as any kind of transaction

in the world. An undervaluation, unless it is gross, palpable, manifest to the appraiser, stands no more danger of rebuke under the operation of this bill than the discount of a note of hand, for a double reason; first, because the whole tenor of this debate from the first word I have heard dropped in it down to the present time has been to inculcate the notion that it was infamous, not to cheat, but to tell the cheat.

In lieu of offering to the special agent one-half of what he may recover from these frauds, you propose to appropriate $100,000 and have it doled out by the judge or the Secretary of the Treasury, upon the principle of a *quantum meruit* in each case. You first establish it as a prime article in the morality of the country that it is infamous to detect a fraud, and then you tell the man, "If you will incur this infamy we will allow the judge and the Secretary of the Treasury to pay you as much as it is worth for doing it." I shall not go into the business of informer, I shall refuse to take the office of special agent, under the provisions of this bill.

Another point. The Senator from Ohio speaks rather feelingly of the embarrassments merchants labor under in fixing the cost of transporting from the place of manufacture to the place of shipment. They are liable to all sorts of mistakes; it is very hard for the Government to take advantage of them. Well, it is very hard for the Government to take an advantage of a mistake at any time under any circumstances, but I do not understand that by the law as it exists to-day any importer has ever suffered seriously as a consequence of mere mistake. If that is the case I will go as far as he who will go farthest to guard against such injuries hereafter.

But what is this provision? This bill says that if the merchant does not add to his invoice the cost of transportation from the place of manufacture to the place of shipment, the collector shall add what he deems to be that cost, and by way of penalty upon him, says the Senator from Ohio, he shall double it. What is the practical operation of that? If a merchant presents his invoice containing just the price paid the manufacturer for his goods with nothing added for transportation, the collector sees that here is a clear case of omission, and in that case, which is not very likely to happen, the bill says to the collector "You must do something, and you must add twice as much as you think the cost of transportation may have been," not a serious penalty in that case. But suppose that case does not occur but the merchant does add something for the cost of transportation but does not add the true cost, what will the collector do then? As soon as he is satisfied that that is not the true cost he has nothing to do but collect the duties upon just that sum which the merchant puts into his invoice. That is all, and I should like to have the Senator from Ohio tell me or any sensible man to tell me if he believes any collector of customs, from the time this bill becomes a law until the time it shall be wiped from the statute-book, will ever dare to add one dollar to an invoice for the cost of transportation.

He will be a bolder collector of the customs than I have ever known employed in your service, a bolder one much, I believe, than you are very likely to secure in the customs service, who dares to confront the mercantile community of any one of your great cities by telling them "Sir, this is not enough that you have put into this invoice." He must have evidence before he dares to say that; and how is he going to get that evidence? What is going to compensate him for getting the evidence? When and how is he going to ascertain whether the cost of transportation from Lyons to Havre or to Brest be one sum or another? It is about the last inquiry that a collector of customs will enter upon under the operations of this bill.

Mr. President, I promised not to detain the Senate long. These are some of the considerations which have led me to believe, as I do believe with my whole soul, that this bill if enacted into a law, as it must be evidently, will prove disastrous to your revenues. I will acknowledge when it has been in operation a year my great mistake, and will acknowledge it most cheerfully, if the returns from your Treasury do not show a very startling diminution of your duties.

[Mr. CARPENTER addressed the Senate. His remarks will appear in the Appendix.]

Mr. STEVENSON. When I asked the Senator from Wisconsin [Mr. CARPENTER] the question whether he supposed, as he seemed to be under the impression was the fact, that this bill was a mine sprung for some secret or political purpose, I only desired to remind him of the fact that for six years this system of moieties has been complained of as ill-judged and injurious and fraudulent. I asked him if Secretary McCulloch had not done so, and I named him because he was the first Secretary of the Treasury who called the attention of the country to the injurious operation of this system of moieties. He said he had never heard of it. I was not in the Senate then, nor was he; but I will show the Senator that not only Mr. McCulloch, but every Secretary since, has done the same thing. Mr. McCulloch, in his annual report for the year 1869, said:

> The reason on which the laws granting such allowances are based is that officers of the Government are stimulated to greater activity in the discovery of frauds, and in bringing offenders to punishment. There can be no doubt that such is the effect of the policy, but the experience I have had in the Treasury Department has convinced me that the evils attending the system are greater than the benefits derived from it. It often occurs that revenue officers are led to assert claims, in behalf of the Government, which have no just foundation in law or in the facts of the respective cases; and, where real claims exist, it is often the object of the informers and officers, who share in the penalties, to misrepresent the case to the Department, so as to secure the greatest advantage to themselves. But a more serious evil is found in the practice, quite general, of allowing persons to pursue a fraudulent course until a result is reached which will inure to the benefit of the officers and informers, instead of checking criminal practices at the outset.

He recommended that that system should be abolished. His successor, the distinguished Senator from Massachusetts [Mr. BOUTWELL] made two recommendations to the same effect and himself prepared a bill to get rid of the system. What did Mr. BOUTWELL say when he was Secretary of the Treasury? In his report for the year 1871 he said:

> It is my duty to call the attention of Congress to the importance of abolishing the system of shares and moieties as far as the benefits inure to revenue officers and other persons officially connected with the Government. * * * In most of the cases the officers do not perform special services entitling them to the amounts granted, and importers and others, whose acts are made the subject of investigation, complain, and I think with just reason, that the agents of the Government have a pecuniary interest in pursuing those charged with violations of the law. * * * One of the difficulties which the Department has to meet frequently is that the customs officers have an interest in the proceedings for the discovery of fraud, the settlement of cases, or in the prosecution of them, which is different from the real interest of the Government, and, as a necessary result, the conduct of such officers is open to suspicion, both on the part of those who are pursued by them and the Government they ostensibly represent.

Still later, when these outrages or irregularities were committed, after these two recommendations by the Secretary of the Treasury, a committee from the Senate went on to New York to investigate these alleged outrages. If I remember aright a reference to the report of that committee, of which the Senator from Wisconsin nearest me [Mr. HOWE] was a member, and of which I believe the venerable Senator whose seat he now occupies, the Senator from Connecticut, [Mr. BUCKINGHAM,] was chairman, will show that although there was a majority and a minority report, the committee recommended that the system of moieties should be abolished.

Mr. HOWE. I read just now to the Senate what was the recommendation of the majority of the committee. I do not remember what was the recommendation of the minority. The recommendation of the majority was that the moieties should be repealed so far as officers of the customs service are concerned, but not beyond that.

Mr. STEVENSON. So that the distinguished Senator from Wisconsin farthest from me [Mr. CARPENTER] will see that this subject has been one in which, irrespective of party, men of distinction who have ably executed the duties of Secretary of the Treasury have long since perceived that there was a difficulty not only in the execution of this system of moieties, but that it led to corruption and was attended with the worst and most injurious effects.

When I rose it was only to call the attention of the Senator from Wisconsin, [Mr. CARPENTER,] who does not seem to remember that the Secretary of the Treasury had ever recommended it, and he asked me with an air of assurance whether a bill had ever been prepared. I tell him that two bills were prepared by the Secretary of the Treasury, [Mr. BOUTWELL,] an extract from whose report I have read. So if my friend thinks this is a new scheme for the first time brought before the country he is mistaken.

The PRESIDING OFFICER, (Mr. BOREMAN in the chair.) The question is on the amendment of the Senator from Nevada, [Mr. STEWART,] to strike out section [10] 12 of the bill.

Mr. SARGENT called for the yeas and nays, and they were ordered.

Mr. SHERMAN. Before the vote is taken, I call attention to the fact that an amendment is pending to perfect the text, to strike out "item" and insert "package."

The PRESIDENT *pro tempore*. The only motion the Chair has heard is the motion to strike out the section.

Mr. SHERMAN. I thought the alteration was proposed to strike out "item" and insert "package."

The PRESIDENT *pro tempore*. That was not a motion; it was simply a conversation among Senators.

Mr. THURMAN. It can be moved now before the vote is taken on striking out.

Mr. SHERMAN. We can move it afterward just as well. We may as well vote now on striking out.

Mr. BAYARD. Before the vote is taken, I desire to state on behalf of my colleague [Mr. SAULSBURY] that he is paired on this question with the Senator from Indiana, [Mr. PRATT.] If they were here my colleague would vote against this amendment, and the Senator from Indiana for it. I would also state that I am requested by the Senator from Vermont [Mr. MORRILL] to say that by reason of his colleague's [Mr. EDMUNDS'S] sickness he has paired with him. If he were here, he would vote against the amendment and his colleague for it.

The question being taken by yeas and nays, resulted—yeas 12, nays 31; as follows:

YEAS—Messrs. Boreman, Chandler, Conkling, Flanagan, Frelinghuysen, Howe, Ingalls, Jones, Pease, Ramsey, Sargent, and Stewart—12.

NAYS—Messrs. Alcorn, Bayard, Bogy, Boutwell, Conover, Cooper, Davis, Ferry of Michigan, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Harvey, Johnston, Kelly, Logan, McCreery, Merrimon, Mitchell, Norwood, Oglesby, Ransom, Scott, Sherman, Stevenson, Stockton, Thurman, Tipton, Wadleigh, Washburn, and Wright—31.

ABSENT—Messrs. Allison, Anthony, Brownlow, Buckingham, Cameron, Carpenter, Clayton, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Texas, Hamlin, Hitchcock, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pratt, Robertson, Saulsbury, Schurz, Spencer, Sprague, West, and Windom—30.

So the amendment was rejected.

Mr. SARGENT. I rise to offer an amendment to the section just under consideration. I move to strike out all after the word "shall"

in line 11, down to and including the word "States" in line 15, and to insert in lieu of the words stricken out:

Be fined in any sum not exceeding $5,000 nor less than fifty dollars for each offense, or be imprisoned therefor for any time not exceeding two years, or both.

This simply restores the old law in this respect. It does not soften the penalty as the section of the bill does. By the apparent action of the Senate we are to remove some of the means heretofore used for detection; in other words, perhaps to make detection more difficult. That may be wise or otherwise. But after detection shall be made more difficult, if it occurs I would not lessen the consequences of detection. If there is fraud against the United States—and we are dealing with cases of fraud—fraud that is worthy of a fine of $5,000, certainly is worthy of some imprisonment in the discretion of the court.

This is the law now, and it seems to me there ought not to be any objection to it. We certainly desire, the Senate must desire to punish men who are guilty of fraud on the revenue, and in a great many cases there will be no punishment if it is by means of a civil action, and that is what I strike out. I strike out the clause providing that the judgment may be $5,000. The parties may be entirely irresponsible. I desire that it shall be a criminal prosecution as it has been for eighty years past, and that it shall be followed by imprisonment in case of fraud. Let us at any rate protect the revenue in this respect.

Mr. SHERMAN. One criticism. The words "for each offense" may make trouble.

Mr. SARGENT. I put in the word "therefor," which is a change of the old law. The word "therefor" relates back to the words "each offense;" "shall be fined for each offense not exceeding $5,000, nor less than fifty dollars, and imprisonment therefor"—that is, for each offense.

Mr. SHERMAN. The words "for each offense" should either follow or precede the $5,000.

Mr. SARGENT. I have no objection to that. That will make it clear, and then you may strike out the word "therefor."

The PRESIDENT *pro tempore*. The amendment will be reported as modified.

The CHIEF CLERK. The amendment as modified reads:

Be fined in any sum not exceeding $5,000 nor less than fifty dollars for each offense, or be imprisoned for any time not exceeding two years.

Mr. SHERMAN. That is hardly as it ought to be.

Mr. BAYARD. Would it not be well to insert "on conviction thereof?"

Mr. SARGENT. "On conviction thereof" might be proper enough, but I think I have taken the language of the codified statutes. It now reads, "shall for each offense be fined."

The PRESIDENT *pro tempore*. The amendment will be reported as now modified.

The Chief Clerk read as follows:

For each offense be fined in any sum not exceeding $5,000, nor less than fifty dollars, or be imprisoned for any time not exceeding two years, or both.

Several SENATORS. That is right.

The amendment was agreed to.

Mr. HAMLIN. I think an amendment which I suggested meets the approbation of the Senator who has the bill in charge, and I shall move to amend the bill, but I will change the phraseology I before suggested a little, by adding after the word "to," in section 12, line 19, these words, "the whole of the merchandise in the case or package containing;" so that the clause will read:

Which forfeiture shall apply only to the whole of the merchandise in the case or package containing the particular item of merchandise to which such fraud or alleged frauds relate.

Mr. SHERMAN. I think that is well enough.

The amendment was agreed to.

Mr. HAMLIN. Now I think the word "item" should be stricken out and the word "article" inserted. "Article of merchandise" is a better term. That word "item" referred as it stood to the particular clause in the invoice. It should now read "article of merchandise." I move that amendment.

Mr. SHERMAN. It ought to be "articles."

Mr. HAMLIN. Well, I will say "article or articles."

The amendment was agreed to.

Mr. WRIGHT. Yesterday I believe the fifth section of the bill as reported by the committee the Senate refused to concur in. It occurred to me at that time that the vote was taken with not a fair understanding of the proposition contained in the amendment. I therefore offer it as an amendment to the bill, to follow the fourth section, a little changed in phraseology.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator to say that this amendment was disagreed to in the Senate?

Mr. WRIGHT. No, sir; in Committee of the Whole.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to insert after section 4 the following:

SEC. 5. That in all suits and proceedings other than criminal arising under any of the revenue laws of the United States, the attorney representing the Government, whenever, in his belief, any business-book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal, by delivering to him a certified copy thereof or otherwise serving the same as original notices of suit in the same court are served; and if the defendant or claimant shall fail or refuse to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed, unless his failure or refusal to produce the same shall be explained to the satisfaction of the court. And the said attorney shall be permitted to make examination of said book, invoice, or paper, if produced, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have free access to them at all reasonable times pending their custody by the court.

Mr. STEWART. I simply wish to remark in regard to that, that it would not be harsh at all if you allowed the judge to decide on a proper showing by the district attorney of probable cause to get the books in the first instance. This is entirely useless as a means of redress, because if there is really fraud in the matter it will be impossible to obtain the books. There is no object in obtaining the books unless in the first instance before the party has time to put them away. The objection to the harsh operation of the old law was that an application was merely made on behalf of an interested person; but after a proper showing made by the district attorney to the judge, on the recommendation of the collector, that it is a case of smuggling, to enable them to have evidence, it is very proper to require the books to be produced. If you commence suit and give notice, then if a man has committed smuggling you will not get his books, because if he has committed smuggling it will be a much less offense than that he has already committed to throw his books in the fire or in the river or to conceal them where you will not get them.

There is not much virtue in this proposition; and it seems to me that the matter ought to be so arranged that upon a showing made by the district attorney to the district judge, on the application of the collector, an order might be made for the seizure of books. They could not make the showing unless they had a very strong case, and that would not annoy anybody, and we should be relieved from the trouble which the existing law has encountered but still would enable detection to be had in a bad case of smuggling.

Mr. WRIGHT. I do not wish to say one word on this subject. It was discussed very fully yesterday. My purpose in offering the amendment now is to bring the question again before the Senate and get a vote upon it.

Mr. THURMAN. I believe there is no man more jealous than I am of anything like an inquisition into the private books or papers of any individual, and certainly no one who will resist more vigorously than I will to the best of his ability any attempt to compel a man accused of crime to produce evidence against himself. But if I understand the motion of the Senator from Iowa it is simply to amend the bill by inserting what was reported by the Committee on Finance.

Mr. WRIGHT. With the change of two words.

Mr. THURMAN. What are the changes?

Mr. WRIGHT. Adding the words "or refuse" in one line and "refusal" in another line; so as to make it so that the fact which is alleged by the district attorney shall be taken as true if the party refuses to produce the books as well as if he fails to produce the books.

Mr. THURMAN. This being restricted entirely to civil cases, this provision is precisely what has been the law of Ohio for more than fifty years. In civil cases you may serve a notice there, without any order of court, on the adversary party to produce books or papers material to the issue, and if he do not produce them our statute goes further and authorizes the court to compel their production, and if he will not produce them and there is a statement of what there is contained in them, then secondary evidence may be offered of their effect. This goes a little further than that, because it makes the assertion of the district attorney that the books do contain this statement, or that statement, or the other, evidence of that fact, if the books are not produced, or unless the want of their production is accounted for. I do not think that will work any hardship, and I do not think that violates the constitutional provision against unreasonable searches or seizures, or that it violates any right that anybody ought to insist upon. In other words, from time immemorial in aid of a court of law, a court of equity has been accustomed to compel the production of books and papers, and that is under certain limitations. Whether those limitations are here or not it is hardly necessary to state. For instance, a court of equity will not compel the production of papers that concern real estate if the production of those papers would tend to defeat the title of the person called upon to produce them. It will not compel the production of these papers if they would convict that person of a crime which would subject him to indictment, but where they subject him to no criminal punishment and where they do not defeat his title to real estate, a court of equity, for five hundred years almost I was going to say, for three hundred years has been accustomed to compel their production. Now courts of law do the same thing on motion, and in most of the States there is a provision by statute to that effect.

I would suggest, however, to the mover of the amendment that something by way of proviso that no one shall be compelled to produce any paper which would tend to convict him of any criminal offense, and then you have it precisely as the chancery law now is.

Mr. WRIGHT. I suggest to the Senator from Ohio that that certainly is the rule without any provision here; it is left to the discretion of the court.

Mr. THURMAN. I think so.

Mr. BAYARD. When this subject was before the Senate the day before yesterday it was discussed and argued at some length, and the Senate by a vote taken by yeas and nays decided against retaining this section in the bill. As the bill came from the House it did not contain this section, and I have seen no reason to change my view that it is not necessary for all just purposes that the bill should contain the amendment now proposed.

Since 1789 there has been a general law, which is still in existence unrepealed, providing for the production of the books and papers of parties litigant in the United States courts in all cases where a court of chancery would compel their production, and providing for certain penalties in default of obedience to the order of the court. That has been the law since 1789, and it covers every reason which the Senator from Ohio has given for the adoption of the present amendment. Mr. President, why should the Government of the United States assume to stand in any other position in its own tribunals of justice than it adjudges private suitors to stand in relation to each other? If our laws are founded upon the principles of justice, the Government should be content to stand or fall by the same principles it allots in the decision of men's affairs. The Government ought not to be above its own law. The law should be the same for power and for weakness, for the Government and for the humblest culprit at its bar. We have a law which has been practiced under since the foundation of the Government, which has been copied into the statute-books of the various States, which is all-sufficient for the purpose of producing testimony when the justice of the case demands it, that testimony being in the possession of an opposing party and containing evidence pertinent to the issues joined between the parties. Now why should we have new legislation on this subject? If I thought we had no means of producing a book or paper in which the Government is interested I should be willing to have such a provision inserted in this bill; but there is no such necessity, because we already have ample legal provision for this end.

I hope that this amendment will not prevail. The Senate have signified their opinion of it after considerable debate which I am not now disposed to repeat, and by a direct vote on the yeas and nays. There is not a reason given by the Senator from Ohio in favor of this amendment which is not amply answered by the law of 1789.

Before the question is taken on the amendment, however, I propose to offer an amendment to it. I do not suppose when a book is ordered into court that it is ordered there for any other purpose than the inspection by the Government's attorney of the entry which is supposed to contain the testimony he wants; that the books of a merchant which are to be ordered into court are not to be opened and ransacked, and examined as to all other items under the pretext of looking for the one in regard to which the books have been called into court. I therefore propose to limit the examination of the books to the entry referred to in the notice. The notice requires the allegation to be made to be set forth, stating what the district attorney expects to prove, and that it shall tend to prove an allegation made by the Government in the pleadings of the cause. I propose in line 22, after the word "examination," to insert these words: "of the entries referred to in said notice, at which examination the defendant or claimant orj his agent may be present;" so that it will read:

And the said attorney shall be permitted to make examination of the entries referred to in said notice, at which examination the defendant or claimant or his agent may be present.

Mr. THURMAN. I hope the Senator from Iowa will agree to that.

Mr. WRIGHT. Let the amendment be reported from the desk. I was engaged at the moment and did not hear it.

Mr. THURMAN. I only wish to say to my friend from Iowa that there is no use at all in the statement to be made by the district attorney and the notice to be given, unless the limitation suggested by the Senator from Delaware prevail.

The PRESIDENT *pro tempore*. The amendment of the Senator from Delaware will be read.

The Chief Clerk read Mr. BAYARD'S amendment.

The amendment to the amendment was agreed to.

Mr. BAYARD. I desire also to offer an amendment in the twenty-fifth line, to insert after the word "have" at the end of that line these words: "the custody of them except pending their examination in court as aforesaid;" so that the sentence will read:

But the owner of said books and papers, his agent or attorney, shall have the custody of them, except pending their examination in court as aforesaid.

The Senate will see that a great deal of the complaint which has arisen from the examination of the books and papers of merchants was not merely that they were examined for the purpose of finding out the entry which contained proof of the alleged fraud, but that while they were looking for that, they would make a fishing excursion into the books generally and see whether they could not find something else on which to base other and further charges. Now, in the first place, we confine the examination by the district attorney to these entries; but the custody of the books and papers should certainly be left in the hands of the person who owns them excepting for such time as the examination of the books was being conducted in court. That will prevent parties hostile to the claimant undertaking to rummage through his books and papers when out of his possession and during his absence for the purpose of discovering things unfavorable to him and perhaps ruinous to his business, or to be made the basis of some future prosecution.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware to insert after the word "have" in the twenty-fifth line of the amendment of the Senator from Iowa the words "the custody of them except pending their examination in court as aforesaid."

Mr. BAYARD. The amendment also includes the striking out after the word "have" the words "free access to them at all reasonable times pending their custody by the court."

The PRESIDENT *pro tempore*. Is there objection to this amendment?

Mr. WRIGHT. As I understand the effect of the amendment of the Senator from Delaware, it is to strike out all of the section after the word "have" in the twenty-fifth line and to insert the words he has suggested.

Mr. BAYARD. Yes, sir.

Mr. WRIGHT. I think there is this objection to it: There might be a case before the court where the court would be satisfied to let the owner of the books have the custody of them, and taking them away he might perhaps destroy the very evidence that is desired. I suggest to the Senator to so arrange it that it shall be subject to the order of the court.

Mr. BAYARD. They would be subject to the order of the court. If there is intended fraud, nothing would be more conclusive evidence of it than the erasure of the books. If they are brought into court and there is found to be an alteration of figures, it would be evidence conclusive before any jury to condemn the party. My object in giving the party defendant the custody of the books is that he may have them in court for the purpose of this examination by the district attorney, but that no one else shall have them, and that he shall be entitled to protect his own property in that way at all times except when they are under examination by order of the court. They are subject to the order of the court. My amendment is that the party shall have the custody of them except pending their examination in court, and of course they come into court under the order of the judge in pursuance of the previous language of the section. I think the object of the Senator from Iowa is reached by that. They are brought into court by order of the court, kept there by the court, and this amendment only provides that the party defendant shall have them except pending their examination in court.

Mr. WRIGHT. I am quite unwilling to consent to an amendment that shall give to the owner of the books the right, without any reference to the discretion of the court, to take those books away and have them under his exclusive control after they have once been produced. I do not want that done. The bill as it stands at present provides that the owner "shall have free access to them at all reasonable times pending their custody by the court." Now it is proposed to strike that out and to give the defendant the exclusive custody of the books after they shall have been produced and whether the examination has been concluded or not.

Mr. BAYARD. Where would the Senator insert the words "subject to the order of the court?"

Mr. THURMAN. They should be inserted after the word "have" in line 25.

Mr. BAYARD. I have no objection to that.

The PRESIDENT *pro tempore*. Does the Senator from Delaware accept that as a modification of his amendment?

Mr. BAYARD. Yes, sir.

Mr. WRIGHT. I suggest to the Senator from Delaware whether this would not meet his views:

But the owner of said books and papers, his agent or attorney, shall have free access to them at all reasonable times pending their custody by the court, and may, subject to such order, have the exclusive custody of such books.

Mr. BAYARD. O, no; free access will not do. I give him the absolute custody of them subject to the order of the court. The language of my amendment is this: "but the owner of such books and papers, his agent or attorney, shall have the custody of them subject to the order of the court."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware [Mr. BAYARD] to the amendment of the Senator from Iowa, [Mr. WRIGHT.]

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment as amended.

The question being put, it was declared that the ayes appeared to have it.

Mr. BAYARD. I ask for the yeas and nays.

Mr. SHERMAN. O, no; let us have a division.

Mr. BAYARD. I withdraw the call for the yeas and nays and ask for a division to see if there is a quorum.

The question being again put, there were on a division 16 ayes.

Mr. SHERMAN. It is manifest that we shall have to have the yeas and nays if the Senator from Delaware insists on a further count.

Mr. BAYARD. I do not.

The PRESIDENT *pro tempore*. Does the Senator from Ohio demand the yeas and nays?

Mr. SHERMAN. I do unless the Senator from Delaware withdraws the call for a division.

Mr. BAYARD. I do.

Mr. SHERMAN. He withdraws his objection, and I hope the vote will be taken again *viva voce*.

The PRESIDENT *pro tempore*. The question is on the amendment as amended.

The amendment, as amended, was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time.

Mr. STEWART and Mr. FLANAGAN called for the yeas and nays on the passage of the bill, and they were ordered.

Mr. SARGENT. I wish to make one remark. During the course of the debate, and before certain modifications were adopted, I stated that my intention was to vote against the bill. I am not entirely satisfied with the condition of the bill at the present time; but as some of the strongest objections that I had to it have been obviated, I shall vote for the bill.

The question being taken by yeas and nays, resulted—yeas 39, nays 3; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Boutwell, Conkling, Conover, Cooper, Davis, Ferry of Michigan, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamlin, Harvey, Hitchcock, Johnston, Jones, Kelly, Logan, McCreery, Merrimon, Mitchell, Norwood, Oglesby, Ramsey, Ransom, Sargent, Scott, Sherman, Stevenson, Stockton, Thurman, Tipton, Wadleigh, Washburn, and Wright—39.

NAYS—Messrs. Flanagan, Howe, and Pease—3.

ABSENT—Messrs. Anthony, Boreman, Brownlow, Buckingham, Cameron, Carpenter, Chandler, Clayton, Cragin, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Texas, Ingalls, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pratt, Robertson, Saulsbury, Schurz, Spencer, Sprague, Sprague, Stewart, West, and Windom—31.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 3670) to amend section 1 of the act of May 27, 1872, entitled "An act to provide for the abatement or repayment of taxes on distilled spirits in bond destroyed by casualty;" in which it requested the concurrence of the Senate.

BENJAMIN W. REYNOLDS.

The PRESIDENT *pro tempore* appointed Mr. PRATT a conferee on the disagreeing votes of the two Houses upon the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds, in place of Mr. ALCORN, excused.

AMENDMENTS TO BILLS.

Mr. SARGENT submitted an amendment intended to be proposed to the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes; which was referred to the Committee on Finance, and ordered to be printed.

Mr. INGALLS, from the Committee on Indian Affairs, submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TIPTON submitted an amendment intended to be proposed to the bill (S. No. 913) for the government of the District of Columbia, and for other purposes; which was ordered to lie on the table, and be printed.

REPORT OF A COMMITTEE.

Mr. CONOVER, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2198) for the relief of the heirs of William C. Brashear, an officer of the Texas navy, reported it without amendment.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred as indicated below:

The bill (H. R. No. 2099) to declare the bridge across the Niagara River authorized by the act of Congress approved June 30, 1870, a post-route—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 3518) to amend the act entitled "An act to divide the State of Virginia into two judicial districts," approved February 3, 1871—to the Committee on the Judiciary.

The bill (H. R. No. 3664) to change the name of the schooner Alba—to the Committee on Commerce.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

A bill (H. R. No. 3668) for the relief of Smith & Matthews, of Illinois;

A bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years, and afterward recovered; and

A bill (H. R. No. 3670) to amend section 1 of the act of May 27, 1872, entitled "An act to provide for the abatement or repayment of taxes on distilled spirits in bond destroyed by casualty."

Mr. CONKLING. I move that the Senate do now adjourn.

The motion was agreed to; and (at eight o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 10, 1874.

The House met at eleven o'clock a. m. Prayer by Rev. V. L. CONRAD.

The Journal of yesterday was read and approved.

E. J. BROOKS.

Mr. KILLINGER, by unanimous consent, introduced a bill (H. R. No. 3665) authorizing the President to reinstate E. J. Brooks as a first assistant engineer in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PRINTING OF A REPORT.

Mr. HURLBUT, by unanimous consent, from the Committee on Railways and Canals, submitted a report in writing upon House bill No. 145; which was ordered to be printed, and recommitted to the committee, not to be brought back by a motion to reconsider.

ANN CORNELIA LANMAN.

Mr. STARKWEATHER, by unanimous consent, introduced a bill (H. R. No. 3666) for the relief of Mrs. Ann Cornelia Lanman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONSTANT LA MARE.

Mr. SAWYER, by unanimous consent, introduced a bill (H. R. No. 3667) granting a pension to Constant La Mare; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDICIAL DISTRICTS OF VIRGINIA.

Mr. SENER. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill No. 3518, to amend the act entitled "An act to divide the State of Virginia into two judicial districts," approved February 3, 1871, and that the same be considered in the House at this time.

The bill was read. It provides in the first section that the act entitled "An act to divide the State of Virginia into two judicial districts," approved February 3, 1871, be amended as follows:

That in addition to the terms of the district court of the United States for the district of Virginia, as now provided by law, there shall be held two terms of the district court for the said district at the city of Fredericksburgh, in said State and district, beginning on the second Monday in March and September, respectively, in each year.

The second section provides that in the discretion of the district judge of said district, one or more terms annually of said district court may be held at Drummondtown, in the county of Accomac, at such time and after such notice, not being less than ten days, as the judge of said district court may give; and said last-named terms of said court shall be held only for the trial of issues arising in the counties of Accomac and Northampton, in said State.

The third section provides that the judge of the district court for the eastern district of Virginia shall be, and he is thereby, authorized to appoint a deputy clerk of the district court to be held in Fredericksburgh, Virginia, who shall be a deputy of the clerk of the district court held at Richmond, Virginia, and whose duties shall be governed by the laws now in force, and whose office shall be kept in Fredericksburgh, at such place in said town as the said judge shall designate; and the clerk so appointed shall perform all the duties of clerk of the district court to be held in Fredericksburgh, and he shall be entitled to all fees and emoluments appertaining to said office.

The fourth section provides that the deputy clerk appointed as aforesaid shall keep the records and files of all cases thereafter brought within the subdivision thereinafter named, and certify the same in manner already provided for by law; and that the subdivision referred to over which the said court shall have jurisdiction shall contain the following counties of Virginia, namely: Lancaster, Northumberland, Richmond, Westmoreland, King George, Stafford, Essex, Middlesex, Spottsylvania, including the city of Fredericksburgh, Virginia; and that thereafter all process upon parties or *in rem*, residing or being in said counties, are to be made returnable to the said district court held in Fredericksburgh, or the clerk's office of said court so to be held in said city, as provided for by existing laws.

The fifth section provides that all acts or parts of acts which are not consistent with the act are thereby repealed; and the act shall be in force from and after its passage.

No objection was made; and the Committee of the Whole was accordingly discharged from the further consideration of the bill, and the same was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SENER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GARFIELD. I now call for the regular order.

The SPEAKER. By order of the House one hour from this time the Committee on Ways and Means is entitled to the floor for the consideration of their reports.

LANDS SOLD FOR DIRECT TAXES.

Mr. BECK, from the Committee on Ways and Means, reported back, with amendments, House bill No. 3628 for the relief of owners and purchasers of lands sold for direct taxes in the insurrectionary States, &c.

Mr. BECK. This bill contains an appropriation, and a single objection to its consideration in the House will of course compel it to be referred to the Committee of the Whole; and I have no doubt that objection will be made. I therefore ask that it be referred to the Committee of the Whole. I ask also that the reports and letters directed to the Committee on Ways and Means by the Commissioner of Internal Revenue in regard to the law of 1872 and the proposed act be printed in the RECORD, so that when this bill shall come up either in Committee of the Whole or by suspension of the rules, or in any other form, the House can see the explanation of it which has been made to the committee. This bill was either drawn or approved by the Commissioner of Internal Revenue and doubtless by the Treasury Department.

First, the report laid before the House by Mr. Kerr, of Indiana, in 1872, when the law was passed. Mr. Kerr said:

Mr. L. S. Emery, of the internal revenue office, has furnished to the committee, under the direction of his superior officer, a very instructive historical statement of the legislation and proceedings for the collection of direct taxes, from which I obtain the following facts:

By the provisions of an act of Congress entitled "An act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes," approved August 5, 1861, a United States direct tax of $20,000,000 per annum was apportioned, *pro rata*, to the then existing States, Territories, and District of Columbia.

The act itself fixed the amount of tax apportioned to each, and provided that each State, &c., might assume payment, and pay the same in its own way, by and through its own officers, but that notice should be given to the Secretary of the Treasury of the United States, on or before the second Tuesday of February next thereafter, of its intention to assume and to pay its quota, and that 15 per cent. should be deducted on the amounts actually paid into the United States Treasury on or before the last day of June in the year to which such payment related, and 10 per cent. on the amounts actually paid between that date and the last day of September in each year to which such payment related.

A subsequent act, approved May 13, 1862, provides for the deduction of 15 per cent. on claims presented to the United States Treasury Department, for the liquidation of said tax, on or before the 30th of July, 1862.

The act of August 5, 1861, makes it the duty of the Secretary of the Treasury to collect all or any part of this tax, in case any State, &c., fails to pay the same after giving notice of assumption, the same as though no such notice of assumption had been given.

Again it provides "that should any of the people of any of the States or Territories of the United States or the District of Columbia, be in actual rebellion against the authority of the Government of the United States at the time this act goes into operation, so that the laws of the United States cannot be executed therein, it shall be the duty of the President, and he is hereby authorized, to proceed to execute the provisions of this act within the limits of such State or Territory or District of Columbia, so soon as the authority of the United States therein is re-established, and to collect the sums which would have been due from the persons residing or holding property or stocks therein, with the interest due, at the rate of 6 per cent. per annum thereon until paid, in the manner and under the regulations prescribed in the foregoing sections of this act."

Most of the Northern States and Territories formally assumed payment of their respective quotas and gave notice of their intention to pay the same. Some of them have liquidated the amounts charged against them in full, some only in part, while others have neglected to pay any part of their quota.

In consequence of some of the States being in insurrection, and a prospect of too long a delay of proceedings under the provisions of this act, Congress, by an act approved June 7, 1862, provided for the collection of this tax in the insurrectionary States by and through United States direct-tax commissioners.

In pursuance of the provisions of this new act commissioners were appointed for each of the eleven insurrectionary States, to assess and to collect this tax, which it was provided should be charged against the lands and collected from the owners thereof, with an addition of 50 per cent. penalty to the amount of tax charged against each tract or lot.

This tax, according to the original act, was to have been an annual tax, but Congress by an act approved July 1, 1862, limited the collection to one annual tax until April 1, 1865, and by an act approved June 30, 1864, limited it to one year, until further legislation.

While the tax commissioners, appointed under the act of June 7, 1862, were actively engaged in making assessments and collecting this tax, and had already collected about one-half of the total amount apportioned to these eleven States, Congress, by an act approved July 28, 1866, authorized the suspension of further collection in these States until January 1, 1868, and collections were forthwith suspended by order of the Secretary of the Treasury.

The time specified in the act expired, but the collections were not resumed; meanwhile most of the commissioners had been relieved from duty.

Again, Congress by an act approved July 23, 1868, provided for the further suspension of the collection of this tax in these States until January 1, 1869; since which no action has been taken by Congress further suspending said collections, nor have collections been resumed in any of these States.

In pursuance of the provisions of the act of June 7, 1862, the tax commissioners seized a large quantity of lands in some of the States and sold the same for non-payment of the taxes charged against them; considerable of this land was bid in by the commissioners for the United States, and has never been redeemed, to which I will hereinafter refer more specifically.

The following table will show the amount apportioned to each State, Territory, and the District of Columbia, the deduction of 15 per cent., the amount due after deducting the 15 per cent., the amount paid into the Treasury direct, the amount satisfied by the allowance of claims presented, and the amount now due, as appears by the records of this office:

States.	Quota.	Fifteen per cent. deduction.*	Due after deduction of fifteen per cent.*	Paid into the United States Treasury directly.*	Satisfied by allowance of claims.*	Total paid into the United States Treasury.*	Amount due.
Maine	$420,826	$63,123 90	$357,702 10	.....	$357,702 10	$357,702 10	Assumed.
New Hampshire	218,406⅔	32,761 00	185,645 66	.....	185,645 66	185,645 66	Assumed.
Vermont	211,068	31,660 20	179,407 80	.....	179,407 80	179,407 80	Assumed.
Massachusetts	824,581⅓	123,687 20	700,894 13	.....	700,894 13	700,894 13	Assumed.
Rhode Island	116,963⅔	17,544 55	99,419 11	.....	99,419 11	99,419 11	Assumed.
Connecticut	308,214	46,232 10	261,981 90	.....	261,981 90	261,981 90	Assumed.
New York	2,603,918⅔	390,587 80	2,213,330 86	$400,000 00	1,459,413 59	1,859,413 59	Due $353,917.27.
New Jersey	450,134	67,520 10	382,613 90	.....	382,613 90	382,613 90	Assumed.
Pennsylvania	1,946,719⅓	292,007 90	1,654,711 43	350,000 00	1,304,711 43	1,654,711 43	Assumed.
Maryland	436,823⅓	65,523 50	371,299 83	371,299 83	371,299 83	371,299 83	Assumed.
Delaware	74,683⅓†	.....	.....	.....	.....	68,136 35	$6,546 98⅓.
Ohio	1,567,089⅓	235,063 40	1,332,025 93	1,146,896 94	185,128 99	1,332,025 93	Assumed.
Kentucky	713,695⅓	107,054 30	606,641 03	.....	606,641 03	606,641 03	Assumed.
Indiana	904,875⅓	135,731 30	769,144 03	68,701 60	700,442 43	769,144 03	Assumed.
Illinois	1,146,551⅓	171,982 70	974,568 63	.....	974,568 63	974,568 63	Assumed.
Missouri	761,127⅓	114,169 10	646,958 23	.....	646,958 23	646,958 23	See act of April 17, 1866.
West Virginia	208,479 65	27,172 72	181,306 93	.....	153,978 75	181,306 93	Assumed.
Kansas	71,743⅓	.....	.....	.....	9,360 82	9,360 82	Due $62,382.51⅓.
Michigan	501,763⅓	75,264 50	426,498 83	.....	426,498 83	426,498 83	Assumed.
Iowa	452,088	67,813 20	384,274 80	.....	384,274 80	384,274 80	Assumed.
Wisconsin	519,688⅔	77,953 30	441,735 36	.....	219,742 06	219,742 06	Due but assumed, $300,446.60⅔.
California	254,538⅔	.....	.....	.....	.....	247,445 41	Due $7,093.25.
Minnesota	108,524	16,278 60	92,245 40	47,430 17	42,215 23	92,245 40	Paid.
Oregon	35,140⅔	.....	.....	.....	.....	.....	Due $35,140.66⅔.
New Mexico	62,648	.....	.....	.....	.....	62,648 00	See act of July 1, 1862.
Utah	26,982	.....	.....	.....	.....	.....	Due $26,982.
Washington Territory	7,755⅓	.....	.....	.....	.....	4,268 16	Due $3,487.17⅓.
Nebraska	19,312	.....	.....	.....	.....	19,312 00	See act of Congress.
Nevada	4,592⅔	.....	.....	.....	.....	4,592 66⅔	See act of Congress.
Dakota	3,241⅓	.....	.....	.....	.....	3,241 33⅓	See act of Congress.
Colorado	22,905⅓	.....	.....	.....	.....	.....	Due $22,905.33⅓.
District of Columbia	49,437⅓	.....	.....	.....	.....	49,437 33⅓	Paid.

* Not in last year's report.

† Partially collected by internal-revenue officer.

The following table will show the quotas of the several insurrectionary States, the amounts collected in each as tax, and the amounts collected from other sources, namely, penalty, interest, costs, proceeds of sales, rents, &c., and the amount of tax now due from each:

States.	Quotas.	Collected as tax.*	Amount now due.
Virginia	$937,550 66⅔ 208,479 65	$468,674 51⅔	$260,396 50
	729,071 01⅔		
North Carolina	576,194 00⅔	403,050 65	173,144 01
South Carolina	363,570 00⅔	222,693 96	140,876 70
Georgia	584,367 00⅓	82,200 00	502,167 33
Alabama	529,313 00⅓	.....	529,313 33
Misssissippi	413,084 00⅔	69,947 05	343,137 61
Louisiana	385,886 00⅔	310,863 78	75,022 88
Tennessee	669,498 00	402,843 46	266,654 54
Arkansas	261,886 00	158,902 26	102,983 74
Florida	77,522 00⅔	6,495 28	71,027 38
Texas	355,106 00⅔	158,050 66	197,055 70
Total	5,153,891 33⅓	.....	2,661,782 62⅔

*Not in last year's report.

In Tennessee the lands have been very much improved, and I am informed that the present valuation of the lands owned by the United States under the direct-tax law in that State will exceed $1,000,000.

For several years after the suspension of the collection of these taxes, the lands which had been bid in for and still owned by the United States seemed to be lost sight of, except in South Carolina, where the commissioners were retained until October 31, 1870. The result is that parties took possession, assumed ownership, and conveyed formal titles, and parties now in possession, when notified to surrender possession to the United States, allege that they were innocent purchasers, ignorant of the fact that the United States had any title to the lands whatsoever.

In many cases these alleged innocent purchasers have made extensive improvements on the lands by building houses, &c., thereon, making these places their homes.

I refer to this as an additional reason for some immediate action in relation to these lands whereby further complication and difficulties in obtaining possession may be avoided.

The propriety of arranging the data relative to the late insurrectionary States is obvious from the fact that an entirely different method of collections was adopted whereby the amounts collected were charged against separate tracts or lots of land in the several States, and the amounts uncollected are charged against the tracts or lots of land upon which the tax has not been paid.

Again, the amount of tax, &c., collected, and the amount due from these States, is given with approximate accuracy.

Sales of lands for non-payment of the taxes charged against them were made by the commissioners, from which the following approximate amounts, as proceeds thereof, have been received:

Virginia, proceeds of sales amounting to	$113,130 57
South Carolina, proceeds of sales amounting to	370,000 00
Florida, proceeds of sales amounting to	64,705 87
Arkansas, proceeds of sales amounting to	48,067 24
Tennessee, proceeds of sales amounting to	101,970 52

Lands were bid in by the commissioners at these sales for the United States, still unredeemed, with the following valuations:

In Virginia:	
By the assessment of 1860, valued at	$75,000
In South Carolina:	
By estimates of the late commissioners	300,000
In Florida:	
By the assessment of 1860	25,000
In Tennessee:	
By the assessment of 1860	309,000
Making a total of	$709,000

In South Carolina there was a large quantity of land bought in by the United States which has been resold under what is known as "Army and Navy," "head of family," and school-fund sales. Under the Army and Navy sales, one-fourth was paid down, and the remainder was to be paid in three years. About $160,000 of these deferred payments remain unsatisfied, and the time has expired when the whole amount should have been paid. (See section 11, act of Congress approved June 7, 1862.)

President Lincoln, in his instructions to the South Carolina commissioners, dated September 16, 1863, directed that in case the purchaser failed to pay the residue within the limited time, it was lawful for the said commissioners to enter upon these lands and sell the same for the payment of the purchase-money due the United States, returning the overplus, if any, to the purchaser, his heirs or assigns.

These instructions are specified in the certificates of sale issued to this class of purchasers.

The commissioners did not sell these lands at the expiration of the limited time, nor have they or their successors done so since.

Some of these purchasers have tendered the remaining three-fourths due since the expiration of the three years, and it has been received by the commissioners.

These lands upon which the three-fourths have not been paid are now in possession of the United States, and are being rented under the direction of a collector of internal revenue. The purchasers are now in doubt as to whether they are safe in paying the remainder due, and are waiting some action by which they may be assured of the validity of their title if they pay the remainder due.

These lands are located in the town of Beaufort, South Carolina, including a large part of that town, and upon the islands adjacent thereto, comprising some of the most prominent places in that section of the country.

From a knowledge of the depressing influences and paralyzing effects upon the prosperity of this section of the country, occasioned by the unsettled titles to so large an amount of lands, I deem a special notice in this connection justifiable, and early action on the part of Congress, by which these titles shall be settled beyond reasonable doubt and controversy important.

From the statements herein set forth, it will be seen that the amount of taxes apportioned by act of Congress approved August 5, 1861, remaining uncollected, is $3,480,681.51½, of which $2,661,782.62 remain charged against the several tracts or lots of land in the eleven late insurrectionary States, upon which the taxes which were assessed and charged have not been paid; and that there is authority vested in the President and Secretary of the Treasury for completing the collections.

Also, that there is quite an amount of lands owned by the United States, under the provisions of the United States direct-tax acts, which it is important Congress should take early action in relation to; and about $150,000 due on deferred payments in South Carolina, which I am of the opinion should be collected at an early date, or the lands upon which these three-fourths payments are due resold in pursuance with the conditions of sale set forth in the President's instructions and the certificates of sale herein referred to.

At the present session of Congress a number of bills were introduced by various members, all of which were referred to the Committee on Ways and Means, and by it referred to a sub-committee, of which I was one. They were all carefully considered and submitted to the Commissioner of Internal Revenue, and the following letter received from him. The first three sections of the bill are in strict accordance with and embrace all the amendments made to the Hunton bill by the Commissioner:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, April 27, 1874.

SIR: In response to your verbal request that this office should make a report of its views in regard to the several bills introduced in the House of Representatives relating to direct taxes, I have to submit the following:

Bill H. R. No. 2499, *introduced by Mr. Herndon.*—This bill repeals the direct-tax laws so far as they relate to the late insurrectionary States, refunds all money collected therein on that account, and restores all lands sold for default of payment unconditionally to the original owner. This seems very objectionable. The loyal States, which have assumed and paid this tax, would be equally entitled to this refunding, and the restoration of lands to the original owners, unaccompanied by any provision for the reimbursement of the purchasers at tax sale, would be an act of bad faith on the part of the United States. It is not believed that this bill in its present shape can receive the serious consideration of your committee,

Bill H. R. No. 2286, *introduced by Mr. Mills.*—This bill repeals the act of August 5, 1861, which was the original direct-tax act, apportioning $20,000,000, to be raised by direct taxation among the States; and it further releases all the taxes remaining uncollected under said act. The amount of these taxes uncollected is about $3,400,000, of which about $2,600,000 is due from the late insurrectionary States. Congress has by several enactments postponed the collection of these taxes. The last postponement was to January 1, 1869, since which date there has been no law prohibiting such collection; but in deference to the presumed will of Congress, as shown by these repeated postponements, no action in that direction has been taken by the Treasury Department. Whether the law should be repealed altogether and the uncollected taxes released, as contemplated by this bill, is a question in regard to which this office does not feel authorized to express an opinion, but deems it a proper subject for the consideration of the Committee on Ways and Means.

Bill H. R. No. 2882, *introduced by Mr. Sener.*—This bill releases the claims of the United States to rents on lands sold for direct taxes in Accomac and Northampton Counties, Virginia, and bid in for the Government and now claimed as belonging to the United States. The first objection which suggests itself relative to this bill is its local character. The statements in the preamble as to many of the present claimants of the lands having acquired title thereto, for valuable consideration, in ignorance of any claim of title thereto on the part of the United States, and that gross injustice would be done them by holding them responsible for the rents that have accrued since the acquisition of title by the United States, would apply equally to Memphis, Tennessee, and also to Florida, where most of the property was in the same condition.

While there would seem to be a certain justice in releasing these rents to innocent purchasers, it is to be noted that considerable sums have been collected for rents of direct-tax lands in South Carolina, and in some cases the original owners themselves have been the tenants.

Would not the release in one case raise an equitable claim for the refunding to the owners of all rents received by the United States, especially where the lands have since been restored to them, and if so, would it be the policy of Congress to refund these rents? The second objection to the bill is, that it appears to be so loosely drawn as to accomplish more than it intends, and would release not only rents, but the tax, interest, and costs due on said lands.

Bill H. R. No. 2336, *introduced by Mr. Maynard.*—The first section of this bill directs the Secretary of the Treasury to proceed in the collection of the direct tax. In regard to this subject I would refer you to the comments hereinbefore made on the bill of Mr. MILLS. The ten sections following contain various provisions, all designed for the relief or security of purchasers at tax sales. While many of these provisions seem unobjectionable, others are more questionable; but as they consist principally of directions to the courts as to rules of evidence, comment by this office is hardly called for. Attention is specially called to section 12 of this bill, which provides among other things for the refunding of all penalties collected previous to the actual sale of lands. As under the act of June 7, 1862, all direct taxes in the insurrectionary States were levied with 50 per cent. additional as a penalty, (see section 1 of said act,) the passage of the section would involve the refunding of upward of a million and a quarter of dollars on the account of penalties alone.

When it is found that this amount would have to be distributed in very small sums, among many thousand claimants, whose rights thereto from the lapse of time and other causes would in many cases be very difficult to determine, the doubtful expediency of this section will appear quite evident.

Bill H. R. No. 1191, *introduced by Mr. Hunton.*—The first section provides for the repayment to the original owners of the purchase-money received by the United States on the sale of their property, less the tax, interest, and costs, for which it was sold, on condition that the original owner executes to the tax-sale purchaser a quit-claim deed for the lands including a release of mesne profits.

The second section provides where there is a dispute about title a method for refunding through the instrumentality of the courts.

The third section provides in certain cases where it shall be shown that the tax commissioners made it their *invariable* rule and practice not to receive the taxes unless the same were tendered by the owner in proper person, the purchase-money shall be refunded to the purchaser on condition that he executes a quit-claim deed to the original owner.

The principles of this bill are believed to be equitable and destined sooner or later to receive the sanction of Congress. In fact the last Congress passed two private bills (see acts for relief of James T. Johnson and George and Sallie Washington, pages 651 and 767, 17 Statutes) doing exactly the same thing in particular cases which the first section of this bill would do for all entitled to the same relief, and it is thought that this measure would do more to quiet title and prevent litigation in regard to these direct-tax lands than any other measure that has yet been devised, particularly in Virginia, where the late decision of the United States Supreme Court in the case of Tacy *vs.* Irwin has unsettled all the tax titles derived from the United States in that State.

This bill has already received the approval of the House Committee on the Revision of the Laws. The amount of money that would be liable to be refunded under its provisions is estimated at between six and seven hundred thousand dollars. Should the committee be of the opinion that this amount can be spared from the revenues at this time, I would recommend the passage of this bill with the following amendments:

In section 1, in line 14, insert after the word "act" the words "except lands sold in South Carolina at Army and Navy sales on which only partial payments were made." In these cases the lands have reverted to the United States, and have either been restored to the original owners or may be, under the act of June 8, 1872.

In section 3, in line 18, insert after the word "pay" the words "on their application and surrender of tax-sale certificate."

In section 3 strike out from and including the words "with interest" in line 23 to and including the words "United States" in line 25.

The purchasers having had the use of the lands, it is not believed that they are entitled to interest.

Attention is called to the word *invariable* in line 14 of section 3. It is not thought that it can be shown that any of the boards of commissioners made this their *invariable* rule and practice during the entire incumbency of their offices. So, unless the word is stricken out, it is doubtful if any relief could be obtained under this section.

The bill as amended by this office is herewith inclosed.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. JAMES B. BECK, M. C.,
Committee on Ways and Means, House of Representatives.

Sections 4, 5, and 6 are without change a bill drawn by the Department and submitted to the committee at our request, accompanied by the following letter:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, D. C., May 16, 1874.

SIR: I have the honor to offer the following explanation of the bill H. R. No. 3346, amendatory of the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June 8, 1872, introduced by you on the 14th instant, and referred to the Committee on Ways and Means, and which I am desirous should be passed at the present session of Congress.

The first section provides for the extension of the time allowed for redemption for one year from the 8th of June, 1874. Unless this is so amended the time will expire at the last-mentioned date, which would result in considerable hardship, especially in South Carolina, owing to the confusion of boundaries, the difficulties of proving title, in consequence of the destruction of the records in the court-house of Beaufort County during the rebellion, and the general impoverishment of the claimants.

The second section provides a rule for a settlement with purchasers at Army and Navy sales. The terms of section 5 of the act of June 8, 1872, were indefinite, and the construction placed thereon by this office, namely, that the parties should pay 10 per cent. interest on the deferred payment without allowance for rent, was not acceptable to the parties, although regarded as in strict accordance with the law. The terms proposed in the amendment are those which had been allowed to these parties up to the date of the passage of the act of June 8, 1872, and are believed to be just and equitable.

The third section removes the uncertainty which was felt in the construction of section 7, relative to the lands to be exempted from redemption. It is believed that it was the intention of Congress to include the school farms in South Carolina remaining unsold in the lands to be redeemed, but the terms of the act seemed to exclude them; and it is also believed that it was not intended to exempt lands reserved for military, naval, and other public purposes, unless actually heretofore *set apart* for such purpose by the proper authorities.

The adoption of this bill will take no money out of the Treasury; on the con-

trary it will be a means of increasing the revenues, and its passage is respectfully urged.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. JAMES B. BECK, M. C.,
Committee on Ways and Means, House of Representatives.

Section 7 was inserted to cover all the classes of cases embraced in the bill of Mr. SENER. The letter of the Commissioner explains that matter. It reads thus:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 19, 1874.

SIR: Hon. J. B. SENER, member of Congress from Virginia, is desirous that some provision should be added to the bill to amend the act of June 8, 1872, relative to the redemption of lands sold for direct taxes submitted by this office (H. R. No. 3346) which should embody the purpose of his bill for the release of rents on direct tax-lands in Accomac and Northampton Counties, Virginia, (H. R. No. 2882.)

You will find his bill commented on in my letter to you of the 27th ultimo, reviewing all the bills on the subject of direct tax presented to the House up to that time.

The main objection to the purpose of this bill is that the release of rents to some of the original owners of these lands would raise an equitable claim that the rents actually received by the United States from the lands of others should be refunded to them. Whether this course of legislation should be entered upon is a matter resting within the discretion of Congress. If any provision of this kind is to be adopted, I would recommend the following as a substitute for his bill:

"That when the United States have not been in possession of the land, a release therefor, in conformity with the provisions of the act of June 8, 1872, shall also operate as a release and assignment to the party to whom the release is made to the rents that may have accrued thereon since the United States acquired title thereto."

Very respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. JAMES B. BECK, M. C.,
Committee on Ways and Means, House of Representatives.

I think these letters and reports will enable the House to act intelligently, even if we are compelled to move to pass it under a suspension of the rules, which will cut off explanation as a matter of course. It is for the purpose of giving the necessary information that I now lay these papers before the House.

The bill, with amendments, was accordingly referred to the Committee of the Whole.

SMITH & MATTHEWS.

Mr. BURCHARD, from the Committee on Ways and Means, reported a bill (H. R. No. 3668) for the relief of Smith & Matthews, of Illinois; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Commissioner of Internal Revenue to examine the application of Smith & Matthews, formerly owners of registered distillery No. 2, district No. 3, Dixon, Illinois, for rebate of deficiency tax arising from the blowing up of their distillery January 10, 1872, and to refund the amount found due, not exceeding $383.85, and appropriates a sum sufficient for that purpose.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURCHARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MERCHANDISE SUNK FOR TWO YEARS AND RECOVERED.

Mr. ELLIS H. ROBERTS, from the Committee on Ways and Means, reported back favorably a bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recoverd.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that whenever any ship or vessel, laden with merchandise in whole or in part subject to duty, shall have been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States and within its limits, and shall have remained so sunk for the period of not less than two years, and shall be abandoned by the owners thereof, any person or persons who may raise any portion of the cargo of such ship or vessel shall be permitted to bring the merchandise so recovered into the port nearest to the place where such ship or vessel was so sunk free from the payment of any duty thereupon, and without being obliged to enter the same at the custom-house, under such rules and regulations as the Secretary of the Treasury may prescribe.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. CONGER. Does this bill provide that all cargoes of railroad iron, &c., shall come in free of duty?

Mr. ELLIS H. ROBERTS. The only point of the bill is this; under the act of 1843, if a ship is raised after having been sunk for two years or more, the cargo may come in free of duty. This bill provides that even if the ship be not raised, but if the cargo is recovered under precisely the same conditions, it may come in free of duty. That is all there is in the bill.

The bill was passed.

Mr. ELLIS H. ROBERTS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPORTATION OF PHILOSOPHICAL APPARATUS, ETC.

Mr. FOSTER, from the Committee on Ways and Means, reported a bill (H. R. No. 3669) to admit free of duty photographic and lithographic prints and philosophical apparatus, books, and instruments of scientific research, imported for educational and scientific purposes; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides, in its first section, that all photographic and lithographic prints, pictures, or views, or plaster or other models, specially imported in good faith for the use of any school, college, university, society, or institution, incorporated or established for philosophical, educational, and literary purposes, or encouragement of the fine arts, and not intended for sale, may be admitted into the United States free of duty, under such regulations as the Secretary of the Treasury may prescribe; and all such photographs and lithographs or models so imported, now held for payment of duties in any custom-house of the United States, shall be surrendered to such importer without payment of duties upon proof being made, to the satisfaction of the Secretary of the Treasury that such importation is made in good faith, for the purposes herein described; provided that in case any article so imported under the provisions of this act shall be sold, it shall be subject to the duties, if any, imposed on such objects by the revenue laws in force at the date of importation.

The second section provides that all philosophical apparatus, books, and instruments of scientific research, imported by any officer of any scientific Bureau of the Government at his own cost, and for use in connection with such Bureau, shall be surrendered to such officer without payment of duties, under rules and regulations prescribed by the Secretary of the Treasury.

Mr. WILLARD, of Vermont. Is not this bill liable to the point of order which will require its first consideration in Committee of the Whole?

The SPEAKER. It is.

Mr. WILLARD, of Vermont. Then I think it should go to the Committee of the Whole.

Mr. FOSTER. I hope the gentleman will not insist upon the point of order.

Mr. CONGER. Before the bill is sent to the Committee of the Whole I desire to offer an amendment to go with the bill.

The SPEAKER. The bill is in Committee of the Whole now.

Mr. CONGER. I want to move an amendment to go with that bill, to insert individuals as well as corporations. I see no reason why a scientific corporation should have rights which are not allowed to a scientific individual.

The SPEAKER. No amendment is in order, because the bill is not before the House.

Mr. CONGER. I understood that the gentleman from Vermont [Mr. WILLARD] withdrew his point of order till I could make the amendment.

The SPEAKER. Does the gentleman from Vermont withdraw the point of order?

Mr. WILLARD, of Vermont. I am willing to withdraw it for the purpose of allowing the gentleman to offer an amendment, though I presume he can move it in Committee of the Whole when the bill comes up for consideration.

The SPEAKER. If the gentleman withdraws the point of order for the purpose of allowing an amendment, that is discussing the bill in the House, and the point is thereby waived.

Mr. WILLARD, of Vermont. Then I do not withdraw the point.

ADVERSE REPORTS FROM THE COMMITTEE ON WAYS AND MEANS.

Mr. DAWES. I am instructed by the Committee on Ways and Means to report back adversely a number of bills and to move that they be laid on the table. The first is the bill (H. R. No. 82) declaratory of the meaning of section 39 of the act of June 6, 1872, entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes."

Mr. STARKWEATHER. I suppose that bill can go to the Committee of the Whole.

The SPEAKER. If any gentleman objects to laying it on the table, it will be sent to the Committee of the Whole.

Mr. GARFIELD. Can a bill reported adversely be sent to the Committee of the Whole on a point of order?

The SPEAKER. Of course. The Chair has several times ruled upon that point; and the gentleman will see the reason for the ruling. When an adverse report is made the question is, Will the House lay the bill on the table? If it be not laid on the table, the question is, Will the House order the bill to be engrossed and read a third time?

Mr. GARFIELD. I should think that at that stage the point could be made.

The SPEAKER. But that would enable the House by laying the bill on the table to decide its fate without discussion.

Mr. GARFIELD. But the motion to lay on the table is not debatable.

The SPEAKER. Precisely; and therefore to permit a bill reported adversely to be laid on the table when any member desired its consideration in Committee of the Whole, would be deciding the fate of possibly an important bill without discussion, which the rules do not contemplate. There is, however, nothing in the rules that compels

a committee, unless they are called upon by the House, to report back any proposition to which they are adverse. The Chair has several times reminded committees of this fact.

Mr. STARKWEATHER. I wish this bill to go to the Committee of the Whole.

The SPEAKER. Objection being made to laying the bill on the table, it will be referred to the Committee of the Whole.

Mr. DAWES, from the Committee on Ways and Means, reported adversely bills of the following titles; which were severally laid on the table:

A bill (H. R. No. 161) to abolish the tax on cigars, tobacco, and snuff, and for other purposes;

A bill (H. R. No. 243) to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of Boston;

A bill (H. R. No. 244) to repeal the tax imposed upon deposits in savings-banks and institutions for savings;

A bill (H. R. No. 317) to repeal the act entitled "An act to strengthen the public credit," approved March 18, 1869;

A bill (H. R. No. 332) to repeal all taxes on distilled spirits and tobacco, and to provide for the deficiency in the revenue occasioned thereby;

A bill (H. R. No. 539) for the issue of convertible bonds and the reduction of the interest on the funded debt of the United States;

A bill (H. R. No. 789) to remove all internal taxes or duties from apple brandy distilled and manufactured in the United States;

A bill (H. R. No. 836) to remove all internal-revenue taxes from apple, peach, grape, or fruit brandy manufactured in the United States;

A bill (H. R. No. 1123) to repeal the internal duties upon tobacco;

A bill (H. R. No. 1113) to amend the revenue law so as to permit the storage of manufactured tobacco in warehouses;

A bill (H. R. No. 1069) to reorganize the office of the Commissioner of Internal Revenue, and to reduce the expenses of the internal-revenue service;

A bill (H. R. No. 1449) to facilitate the collection of duties on merchandise imported into the United States;

A bill (H. R. No. 1638) to amend paragraph 6 of section 110 of the internal-revenue law, act of March 3, 1865, amended July 13, 1866;

A bill (H. R. No. 1733) to amend customs laws;

A bill (H. R. No. 1795) construing section 14 of the act entitled "An act to increase duties on imports, and for other purposes," approved June 30, 1864;

A bill (H. R. No. 1805) to repeal the internal-revenue taxes on spirits and tobacco, and for other purposes;

A bill (H. R. No. 1957) repealing the tax on lucifer matches, and increasing the tax on distilled spirits;

A bill (H. R. No. 2057) to increase the tax on distilled spirits;

A bill (H. R. No. 2126) to abolish the offices of Commissioner of Internal Revenue and Commissioner of Customs, and many subordinate offices, and creating the offices of Commissioner of Revenues and deputy commissioners;

A bill (H. R. No. 2157) to increase the currency and provide for its interconversion with Government bonds, to abolish the sinking fund for the reduction of the principal of the public debt, and for other purposes;

A bill (H. R. No. 2268) for the relief of John A. Fitch, of Chicago, Illinois;

A bill (H. R. No. 2725) to provide for refunding certain tax illegally collected from distillers of fruit;

A bill (H. R. No. 2813) regulating the compensation and appointment of appraisers of merchandise at the port of Savannah, Georgia;

A bill (H. R. No. 1540) to prevent officers of the United States receiving or being paid any money beyond their fixed salaries;

A bill (H. R. No. 3135) to provide for the interconversion of legal-tender notes and interest-bearing bonds, and to reduce the interest on the public debt;

A bill (H. R. No. 3121) to facilitate the resumption of specie payments, and to prevent fluctuations in the value of United States notes; and

A bill (H. R. No. 3157) to provide temporary relief against further present taxation, &c.

Mr. DAWES also, from the Committee on Ways and Means, reported back adversely the bill (H. R. No. 701) authorizing the issue of three sixty-five convertible bonds, to provide for their interchangability with legal tender-notes, and to lessen the interest on the public debt; and moved that the same be laid on the table.

Mr. BUTLER, of Massachusetts. I object to laying this bill on the table, and ask that it be referred to the Committee of the Whole.

The bill was so referred.

Mr. DAWES, from the Committee on Ways and Means, reported back adversely a bill (H. R. No. 726) to impose a tax upon incomes over $3,000, and to revive certain acts in relation thereto; and moved that the same be laid on the table.

Mr. FORT. I ask that this bill be referred to the Committee of the Whole.

The bill was so referred.

Mr. DAWES, from the Committee on Ways and Means, reported back adversely a bill (H. R. No. 1205) to repeal the duties on salt; and moved that the same be laid on the table.

Mr. WILSON, of Iowa. I ask that this bill be referred to the Committee of the Whole.

The bill was so referred.

Mr. DAWES, from the Committee on Ways and Means, reported back adversely a bill (H. R. No. 1689) to tax buffalo hides; and moved that the same be laid on the table.

Mr. FORT. I ask the reference of this bill to the Committee of the Whole.

The bill was so referred.

DISTILLED SPIRITS DESTROYED IN BOND.

Mr. DAWES, from the Committee on Ways and Means, reported a bill (H. R. No. 3670) to amend section 1 of the act of May 27, 1872, entitled "An act to provide for the abatement or repayment of taxes on distilled spirits in bond destroyed by casualty;" which was read a first and second time.

The bill, which was read, provides that section 1 of the act approved May 27, 1872, entitled "An act to provide for the abatement or repayment of taxes on distillled spirits in bond destroyed by casualty," be amended by adding the words "cistern-room" before the words "distillery warehouse," where the same occur in the first section of said act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMISSION OF DUTIES ON ACCOUNT OF BOSTON FIRE.

Mr. DAWES also, from the same committee, reported a bill (H. R. No. 3671) to remit the duties on certain goods destroyed by the Boston fire at the late conflagration in the city of Boston; which was read a first and second time.

The bill was read.

Mr. KILLINGER. I make the point of order on this bill that it must have its first consideration in the Committee of the Whole.

Mr. DAWES. I will state for the information of the House——

Mr. KILLINGER. I insist on my point of order.

The SPEAKER. The gentleman from Pennsylvania makes a point of order. He will state his point of order.

Mr. KILLINGER. My point of order is that it takes money out of the Treasury, and must under the rule have its first consideration in the Committee of the Whole.

Mr. DAWES. Let me suggest it does not take any money out of the Treasury. It is a copy of the New York relief-bill.

Mr. KILLINGER. I rise to a point of order. Is this question debatable?

The SPEAKER. The Chair is hearing the gentleman from Massachusetts on that very point.

Mr. DAWES. I wish to suggest to the Speaker what is the general character of this bill. When the New York bill was before the House the same point of order was raised and the matter went through a very thorough and general discussion at that time. The Speaker ruled it was not liable to the point of order, and the bill was considered in the House. This bill is a copy of that bill precisely, and the same relief is afforded here as is afforded in the New York case.

Mr. BECK. Before that is passed on I desire to say that the chairman has not stated on this bill reported from the Committee on Ways and Means that it is not a unanimous report from that committee.

Mr. DAWES. I meant to state that when the bill came up for discussion—that it is not a unanimous report from the Committee on Ways and Means.

Mr. BECK. I and others on that committee object to the passage of the bill.

Mr. THORNBURGH. I rise to a parliamentary inquiry. I would inquire of the Chair whether a new rule was not adopted since the ruling of the Speaker in the case of the New York bill, and whether under the new ruling all these cases do not go to the Committee of the Whole on the state of the Union for their first consideration?

Mr. DAWES. There has been a new ruling, but whether it affects this bill or not, it is for the Speaker to decide.

The SPEAKER. Does the gentleman from Massachusetts argue that the bill he presents is not liable to the point of order?

Mr. DAWES. I argue that this is precisely like the New York bill which was decided by the then Speaker as not subject to the point of order.

The SPEAKER. The rules of the House have changed considerably since then. The Chair understands the scope of this to be as follows: that a commission shall determine the amount of goods which were lost on which duties had been paid and bonds for that amount shall be credited to the losers.

Mr. DAWES. Which shall pass at the custom-house for duties.

The SPEAKER. But of course the gentleman will observe that that changes the mode of paying duties in so far as the bill goes. The goods which would be imported but for this bill would necessarily have to pay the duties in gold coin. This bill says that in so far as it reaches, the duties may be paid in a different form of value from that. The Chair thinks there is no doubt that it should have its first discussion in Committee of the Whole.

Mr. BUTLER, of Massachusetts. It does not go to the Committee of the Whole on the Private Calendar?

The SPEAKER. It does not, being a public bill.

The bill was referred to the Committee of the Whole on the state of the Union, and was ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. WHEELER. I rise to make a privileged report. I present a report from the committee of conference on the Army appropriation bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 11 and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 7 and 16, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: Strike out of said House amendment the words "and the Signal Corps," and insert in lieu thereof the word "which;" and the House agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4, and agree to the same with an amendment, as follows: Strike out of the text of the bill all from and including the word "provided" in line 9, page 2 of the bill, down to and including the word "transportation," being the last proviso of the paragraph; strike out also the words of amendment numbered 4; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 6, and agree to the same as so amended.

That the House recede from its disagreement to the amendments of the Senate numbered 17, 18, 19, 20, 21, 22, 23, and 24, and agree to the same with amendments, as follows: Amend the text of the bill by inserting after the word "accounts," line 8, page 9 of the bill, (section 2,) the words "as have been reported to him for payment by the Quartermaster's and Commissary Departments"; and the Senate agree to the same.

W. A. WHEELER,
S. S. MARSHALL,
LLOYD LOWNDES, JR.,
Managers on the part of the House.
J. R. WEST,
J. W. STEVENSON,
JOHN A. LOGAN,
Managers on the part of the Senate.

Mr. WHEELER. Unless some gentleman desires information as to the recommendations of the committee, I move that the report be agreed to.

The report was agreed to.

Mr. WHEELER moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. Reports are still in order from the Committee on Ways and Means.

Mr. DAWES. The committee have no further reports to present to-day.

Mr. PLATT, of Virginia. I give notice that to-morrow morning after the reading of the Journal, or at the expiration of the morning hour if there should be one, I shall move that the rules be suspended and that reports from the Committee on Public Buildings and Grounds may be considered in the House. I now ask unanimous consent that the bill S. No. 716 and the bill S. No. 448 be taken from the Speaker's table and referred to the Committee on Naval Affairs.

Mr. GARFIELD. I demand the regular order.

GENEVA AWARD.

The SPEAKER. The regular order being demanded, the House resumes the consideration of the substitute reported from the Committee on the Judiciary for the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain. The gentleman from Indiana [Mr. WILSON] is entitled to the floor, with half of his hour remaining.

Mr. WILSON, of Indiana. I yield twenty minutes to the gentleman from New York, [Mr. BASS.]

Mr. PLATT, of Virginia. The gentleman from New York yields for a moment to me that I may ask unanimous consent to have the bills I indicated a moment ago taken from the Speaker's table and referred to the Committee on Naval Affairs.

The SPEAKER. The regular order having been demanded, the gentleman from New York will proceed.

Mr. BASS. Mr. Speaker, I had not intended to detain the House by any remarks on the subject of the Geneva award, but under the courtesy of the gentleman from Indiana, who has permitted me to occupy a portion of his time, I will state the reasons why I am unable to support the proposition advanced by the majority of the committee, and why it ought not to be sustained by this House. The ground upon which they base their claim, as indicated by their report, is that the fund of $15,500,000 now in the possession of the United States is charged with no trust whatever; that it is in the nature of a penalty received by this Government from Great Britain; and that therefore it is to be distributed by this Government according to such principles as we may arbitrarily determine, free and discharged from any obligations or lien implied from the treaty or proceedings before the tribunal which awarded the money.

As a conclusion upon this branch of the case the committee use the following language:

Your committee therefore have approached the subject of indemnification for losses of our citizens, by the acts of cruisers, in the firm belief that this money is the money of the United States, free from all legal or equitable claims of any person whatever, to be dealt with by the Government according to its own views of the claims of its citizens upon itself, and the moral duty to afford such relief as may seem just.

I cannot assent, and I do not think the facts in the case will permit this House to assent, to this doctrine. What was the foundation of the claim against Great Britain, under which we received $15,500,000? Was not the money awarded to this Government as an indemnity for certain specified damages which had been inflicted upon citizens of the United States in the destruction of their property by confederate cruisers. As is well known to every gentleman who hears me, early after the tribunal was organized, at one of its first sessions, the United States by its counsel presented to that tribunal five general classes of losses for which indemnity was claimed. Permit me to again call the attention of the House to them:

First, The claims for direct losses growing out of the destruction of vessels and their cargoes by insurgent cruisers.

Second. The national expenditures in the pursuit of those cruisers.

Third. The losses in the transfer of the American commercial marine to the British flag.

Fourth. The enhanced payment of insurance; and,

Fifth. The prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion.

I refer the House to the case of the United States, (volume 1, pages 185, 186, and 188,) which I hold in my hand, as proof that pecuniary compensation was demanded by us for no losses or injuries not included in the specifications stated. Following the presentation of the American case, England claimed that certain of the classes of claims were not included within the terms of the treaty, and that she would not consent to submit them to arbitration.

On the 19th of June, 1872, the arbitrators declared "that after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of the claims for—

First. The losses in the transfer of the American commercial marine to the British flag;

Second. The enhanced payment of insurance;

Third. The prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion—

They have arrived, individually and collectively, at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should upon such principles, be wholly excluded from the consideration of the tribunal in making its award.

It appears by the records in the case that this decision of the tribunal was immediately communicated by our agent at Geneva to the Secretary of State, and on the 22d day of June Mr. Fish telegraphed him that he was directed by the President to say that he accepted the declaration of the tribunal as its judgment upon a question of public law which he had felt that the interests of both governments required should be decided, and for the determination of which he had felt it important to present the claims referred to for the purpose of taking the opinion of the tribunal. In the same dispatch he further uses this language:

The President, therefore, further accepts the opinion and advice of the counsel as set forth above, and authorizes the announcement to the tribunal that he accepts their declaration as determinative of their judgment upon the important question of public law upon which he had felt it his duty to seek the expression of their opinion, and that in accordance with such judgment and opinion, from henceforth he regards the claims set forth in the case presented on the part of the United States for loss in the transfer of the American commercial marine to the British flag, the enhanced payment of insurance, and the prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion as adjudicated and disposed of; and that consequently they will not be further insisted upon before the tribunal by the United States, but are henceforth excluded from its consideration by the tribunal in making its award.

And on the 27th day of June, at a meeting of the tribunal, our agent stated that—

The declaration made by the tribunal, individually and collectively, respecting the claims presented by the United States for the award of the tribunal for—first, the losses in the transfer of the American commercial marine to the British flag; second, the enhanced payments of insurance; and third, the prolongation of the war, and the addition of a large sum to the cost of the war, and the suppression of the rebellion, is accepted by the President of the United States as determinative of their judgment upon the important question of public law involved.

The agent of the United States is authorized to say that, consequently, the above-mentioned claims will not be further insisted upon before the tribunal by the United States, and may be *excluded from all consideration in any award* that may be made.

And thereupon, on the same day, as appears by the protocol—

Count Sclopis, on behalf of all the arbitrators, then declared that the several claims for indirect losses mentioned in the statement made by the agent of the United States on the 25th instant, and referred to in the statement just made by the agent of Her Britannic Majesty, are, and from henceforth shall be, wholly excluded from the consideration of the tribunal, and directed the secretary to embody this declaration in the protocol of this day's proceedings.

It thus appears that at that stage of the proceedings the claim for "enhanced payments of insurance," known by this House during the discussion as "war premiums," was rejected by the tribunal as furnishing no ground upon which the United States could claim pecuniary compensation from Great Britain, as were the other claims for losses in the transfer of our marine to the British flag, and the prolongation and cost of the war, those being regarded as "indirect" losses, too remote to justify any award whatever. Yet the gentlemen presenting the majority report now assert to this House that those who paid enhanced premiums of insurance during the war, and whose claims were thus expressly overruled at Geneva, are entitled to participate in the distribution of this fund which is in no degree based upon the allowance of claims of that character; and to make the assertion more audacious, it is said that such participation is to be had to the exclusion of the claims of those citizens which furnished the real basis upon which compensation has been actually rendered.

But let us go one step further and determine if we can the precise ground upon which the tribunal proceeded in making its award. Without stopping to examine in detail the arguments that led to the conclusion, it will be seen by protocol 27, on page 43 of the report, that "the tribunal proceeded to consider the questions concerning the claims for expenditure incurred in pursuit of the cruisers," and as to those claims, "a majority of the tribunal decided to reject them as comprised in the cost of the war."

When they made their final award they decided in terms that they made it as compensation for claims for direct losses growing out of the destruction of vessels and their cargoes by insurgent cruisers, and upon that basis, as will be seen by the details of the award, the arbitrators computed the amount due the United States, or rather the amount which individual citizens of the United States had lost by reason of the destruction of vessels and cargoes upon the high seas. It was upon the computation of that amount that they made the award to the United States. I desire to call the attention of the House to the details of the award by reason of this class of losses. I read from the report as my time is so limited that I cannot detain the House to go into this matter at length, but I desire to call especial attention to the computations which were made by one of the commissioners, Mr. Staempfli, and which are reported in the minority report of the Judiciary Committee on page 16. I will ask the Clerk to read the passage I have marked from that report.

The Clerk read as follows:

On the 2d of September Mr. Staempfli, one of the arbitrators, presented "an estimate for the determination of a sum in gross to be awarded."

This estimate stated the value of the American claims for ships, cargoes, and freights destroyed at $14,437,000. These same claims were admitted by Great Britain to be in value $7,074,000. This made the mean value of these individual claims, as asserted by the American and admitted by the British government, $10,905,000, to which sum he added the sum of $988,000 for prospective wages and increased value of vessels, making the gross *mean* estimate of $11,833,000; and he proposed a round sum of $12,000,000 to be awarded, with interest at 5, 6, or 7 per cent., as might be determined.

At that very meeting Sir Alexander Cockburn presented "a memorandum of corrections in Mr. Staempfli's estimate" of the American specific claims, which reduced those claims at the valuation our Government put upon them, by deductions

for double claims, and gross freights, by	$3,635,819
Making the total as the American valuation of the claims allowed	10,801,324
As against the British estimate of them, of	7,464,764
The mean of these two sums is	9,133,044

Add to this Mr. Staempfli's allowance for fishing craft and whalers in lieu of prospective catch:

One year's wages	$588,000	
Twenty-five per cent. on the value of vessels	400,000	
		988,000
Giving for the allowed claims of American citizens for ships and cargoes lost, by Sir Alexander Cockburn's statement		10,121,044

as the total which should be awarded for those direct claims at the mean or average value asserted for them by our and allowed by the British government.

Now, if to this mean between the value claimed by our Government for the losses upon ships, goods, and cargoes destroyed, as to which Great Britain was found liable, and the value therefor admitted by Great Britain, being $10,121,044, be added interest at 6 per cent., (at which rate Sir Alexander Cockburn states interest was allowed, and the award in terms embraces interest, we shall have the sum of $15,409,289.69; or, in round figures, $15,500,000, to be awarded.

Mr. BASS. Mr. Speaker, it appears by that statement, the veracity of which is established by the records of the tribunal, that this sum of $15,500,000, in round numbers, was awarded by the tribunal of arbitration, because of the specific losses of American citizens upon the high seas, growing out of the first, and only the first, class of claims to which I called your attention, "claims for losses growing out of the destruction of vessels and their cargoes by the insurgent cruisers." Yet it is now urged upon the House that those citizens who have suffered losses upon the high seas, and for which this money has been paid to the United States shall be excluded from even a hearing in court in the distribution of this award, and that claims which were rejected by the arbitrators shall be allowed, to wit: the enhanced war premiums. Permit me to ask gentlemen on the other side of this question how much would have been awarded to the United States if the claims based on enhanced war premiums alone had been submitted to the tribunal as the foundation for the claim for compensation to American citizens? They were regarded as indirect claims, and they were rejected from the beginning to the end, in whole and in every part, and not a dollar would have been paid to the United States had the claim which is made by the war-premium men to the nation to-day been the sole claim made before the tribunal of arbitration at Geneva.

Sir, the award was made to indemnify American citizens for the direct loss of their property upon the high seas, whether insured or uninsured, and I maintain that this Government has received, and now holds the award, charged with the execution of the terms of that trust according to the well-settled rules of the law, and we have no right to allow the fund to be diverted into any other channel.

There seems to be no controversy as to a part of this proposition, it being conceded that those citizens who were uninsured, and suffered direct losses in the manner stated, are first to receive indemnity from this fund. These claims are estimated at a little less than $3,000,000, exclusive of interest. But it is asserted that as to the remaining losses of property for which compensation and indemnity was thus placed in the hands of the United States, there is no one worthy or entitled to participate in the fund. That the owners were all insured against capture, and upon capture they received full indemnity from the insurance companies, and that the insurance companies received full indemnity from their premiums of insurance. Therefore diligent search is to be made for some one else wholly worthy and not unwilling to set up a claim to the undistributed fund.

When and by whom have the insurers been indemnified? Is it pretended that the insurance companies received from the premiums of insurance upon the specified vessels and cargoes which were made the victims of these marauding cruisers moneys sufficient to indemnify them against the losses they have actually paid upon the destruction of the same property? War premiums ran high in those days; but they did not amount to confiscation, and hardly averaged 5 per cent.; and so I repeat the question, from whom and when in any given case did any underwriter receive indemnity? There is no answer; none can be given, except to allege that the accumulation of premiums upon risks taken upon property other than that which was the subject of the controversy with Great Britain enabled the usurer to keep faith with the unfortunate owners of property which was captured and destroyed, and which furnished the basis of the award now in our hands.

Is it good morals or good law to say that I shall be excused from paying you my debt because you have made a profitable venture out of my neighbor?

Upon what idea of justice can we deprive the underwriter of his claim and bestow this fund upon a class of claimants who received no recognition at the hands of the august court at Geneva, and furnished no foundation for right of recompense during the entire controversy?

But, sir, the fact appears that as to a large amount of the property captured and destroyed by the insurgent cruisers as to which Great Britain failed to discharge her duty toward us as a neutral, and was held liable, the underwriters were mutual insurance companies, organized under the laws of the State of New York, and the profits made, if any, were the profits of the insured and not the insurer, and were distributed among those citizens who had held policies in such companies.

How is it known that the underwriters have or have not made profits on these adventures? Although the issue is immaterial, may we not with equal justice ask, have not the men who paid "war premiums" made profits on the adventures they insured? Were they not voluntary adventures? If the merchants in New York or elsewhere desired to import their cargoes in American bottoms, and were willing to pay the increased premiums because they could get cheaper freights than in British bottoms, are we not then equally entitled to ask if those who paid war premiums have not made money, and ask to have a statement of the account made? They could obtain cheaper rates of freight in American bottoms because they were subjected to these risks; and they paid the increased war premium voluntarily, because they desired to make an adventure in that way. And when the underwriter as claimant is asked to state an account to the end that there may be mere indemnity, well may it be asked of those who paid war premiums to state an account and show whether they have not received compensation for the extra premiums they have paid.

But, Mr. Speaker, in my judgment the question in this case is to be definitely decided upon far different doctrines than those suggested, and upon well-established legal principles. The underwriter is a surety. Upon loss of the property insured, the insurer, according to the acknowledged laws of the land, is subrogated to all the rights of the assured. It is by the law-merchant a part of the contract of insurance, and the rate of premium is presumed to be based upon such subrogation.

And in this connection I wish to call attention to the opinion of the Supreme Court of the United States in the case of Comegys *et al. vs.* Vasse, in 1 Peters, 215, which was a case involving some of the questions which enter into this discussion. The question arose as to the distribution of a fund which the United States received from Spain under the treaty of 1819, providing for an indemnity to American citizens whose property had been illegally captured by Spain upon the high seas.

I read from the opinion written by Justice Story:

"Where (says Mr. Marshall) as in case of capture, the thing insured and every part of it is completely gone out of the power of the insured, it is just and proper that he should recover at once, as for a total loss, and leave the *spes recuperandi* to the insurer, who will have the benefit of a recapture, or of any other accident by which

the thing may be recovered." Mr. Park uses equally strong language; he says "the insured has a right to call upon the underwriter for a total loss, and of course to abandon, as soon as he hears of such a calamity having happened, his claim to an indemnity not being at all suspended by the chance of a future recovery of part of the property lost, because by the abandonment that chance devolves upon the underwriters." It is very clear that neither of these learned writers meant to confine these remarks to cases where the specific property itself, or its proceeds, were restored, for the whole current of their reasoning in the context goes to show that whatever may be afterward recovered or received, whether in the course of judicial proceedings or otherwise, as a compensation for the loss, belongs to the underwriters, and for this purpose they refer to the case of Randall *vs.* Cochran, (1 Ves., 98,) before Lord Hardwicke, where this very point was adjudged. In that case the king had granted letters of reprisal against the Spaniards for the benefit of his subjects, in consideration of the losses which they had sustained by unjust captures, and he appointed commissioners to distribute the produce of these reprisals among the sufferers, and the commissioners would not suffer the underwriters, but only the owners, to make claim for the losses, although the owners were already satisfied for their loss by the underwriters. Lord Hardwicke decreed that the owners should account for the same to the underwriters, and said, "the person who originally sustained the loss was the owner, but after satisfaction made to him, the insurer. No doubt but from that time, as to the goods themselves, if restored in specie or compensation made for them, the insured stood as a trustee for the insurer, in proportion to what he paid, although the commissioners did right to avoid being entangled in accounts, and in adjusting the proportion between them. Their commission was limited in time; they saw who was owner; nor was it material to whom he assigned his interest, as it was in effect after satisfaction made."

Justice Story, writing the opinion, says on the next page:

The right to indemnity for an unjust capture, whether against the captors or the sovereign; whether remediable in his own courts, or by his own extraordinary interposition and grants upon private petition, or upon public negotiation, is a right attached to the ownership of the property itself, and passes by cession to the use of the ultimate sufferer. If so assignable to Vasse, it was equally, in its own nature, capable of assignment to others, and the only remaining inquiry would be whether it had so passed by assignment from him.

Who in this case were the ultimate sufferers? The immediate sufferers were the owners of the property—of the vessels and their cargoes. The underwriter paid the owner his loss, and therefore the ultimate sufferer was the underwriter who has paid the amount of his policy, and who by every principle of law and of justice is entitled to the indemnity which Great Britain has paid the United States in this case.

But I desire before my time expires to call the attention of the House to the particular feature of the bill of the committee which proposes to exclude from all hearing before the tribunal or court to distribute this fund any claim by underwriters, except upon a statement of account. And the gentleman from Maine [Mr. FRYE] proposes an amendment which is designed arbitrarily to prohibit insurers any admission whatever to the court to contest their claims. Are these gentlemen so weak in their faith in the justice of their own views that they dare not admit all claimants in open court? Are not the judicial tribunals to be trusted in this case as in others?

[Here the hammer fell.]

Mr. WILSON, of Indiana. I had not desired to take any part whatever in this debate, and consequently yielded all but ten minutes of the time to which I was entitled to gentlemen on this floor who had constituencies who were more or less interested in the matters that are now under consideration. But on yesterday I found my colleague on the committee, the gentleman from Vermont, [Mr. POLAND,] struggling for some words which in his judgment would properly characterize this bill and the principles upon which it has been framed. Finally, after severely cudgeling his brain to that end, and with that solemn and hoary-headed gravity which characterizes him and which carries so much weight upon the floor of this House, he called it stealing as the mildest form of expression that he could use consistently with the decorum of parliamentary debate. I thought that under the circumstances it would be well for me to say a word as to the reason why I did not think that I was assisting anybody in stealing anything from these insurance companies when I was aiding in framing the bill that is now under consideration.

Now, in order to make out this indictment which the gentleman from Vermont has so gravely presented before this House, that somebody is going to steal something from these insurance companies, let me call the attention of the House to the very extraordinary position which must be assumed in order to sustain that charge. It is simply this: that the United States when it went to Geneva before that august tribunal went there simply as a claim agent or an attorney, without even a contingent fee, and agreeing to pay the costs itself in case no judgment was obtained, for the purpose of collecting claims for certain corporations and individuals. Now, I apprehend that the United States went before that tribunal in no such capacity, but went there in its sovereign capacity as a sovereign power to vindicate its honor, to establish rules of international law, and for the purpose of procuring such money indemnity as it might be able.

Its honor was vindicated by that tribunal, rules of international law were established, (I presume they do not belong to these insurance companies,) and money indemnity was secured. Now, for the purpose of procuring that money indemnity the United States had the right to use and present just such claims as she saw proper; to use just such instrumentalities as she might see fit, for the purpose of establishing an amount which Great Britain was to pay to the United States as an indemnity for the wrongs inflicted by virtue of her conduct. And upon these claims that were presented an award was made, and thus was obtained this $15,500,000 which is the bone of contention among these parties before the House to-day.

Now, Mr. Speaker, according to my view of all this business, this money thus derived is to all intents and purposes the money of the United States. And thus far I think my friend from Wisconsin, [Mr. ELDREDGE,] my colleague on the committee, who will probably soon have the floor, will agree with me. I say that to all intents and purposes it is the money of the United States, procured in the manner that I have indicated; and it is money that the United States holds and has the right to dispose of according to her own sovereign will and pleasure; and it is money that must be disposed of according to those high conceptions of the dealings of nations which have been crystallized into that adage that "the king can do no wrong."

Now, then, what should be done with this money thus acquired by the United States, not as anybody's claim agent or paid attorney or unpaid attorney, but in her own sovereign right? What is to be done with this money. Shall it be paid to these insurance companies, that have already made money out of this business? Sir, I trust not.

There is a species of property that requires the peculiar guardianship of nations. It is the maritime property; it is that class of property which contributes so largely to the wealth of nations, and which by reason of its very character is so utterly powerless to protect itself. It is regarded all over Christendom as being a species of property that is the object of the peculiar care of nations. Therefore I conclude that it is a class of property which ought to be protected by the United States out of this indemnity fund; and the owners of this property who were not insured should be paid their losses out of it. The losers of that class of property destroyed on the high seas by these confederate cruisers and those who were compelled to pay war risks in my judgment are among those to whom compensation should be paid. So far as the loss of property is concerned I can see no kind of difference in principle between depredations that were committed by the Shenandoah after Melbourne and those committed by the Shenandoah before Melbourne. Nor can I see any difference in point of principle, if you dispose of this money in this way, between that class of losses that were incurred by reason of cruisers escaping from English ports and any other kind of cruiser that got abroad upon the high seas and destroyed this kind of property.

But when you talk about giving any part of this money to insurance companies that made it a business to take risks upon this kind of property under these circumstances and made the premiums such that they have made money instead of suffering loss, I can see no semblance of justice or equity in it.

The demand of these companies is not based upon any broad comprehensive principle of a nation compensating its citizens for an actual loss sustained, but upon dry technical precedents of subrogation as between individuals. It is not wronging them to withhold that which does not relieve them from losses, for they have not sustained any; while if their demands are granted it adds to their gains, and wrongs those whose claims in my judgment are of a highly meritorious character.

[Here the hammer fell.]

Mr. ELDREDGE. Mr. Speaker, in the remarks I intend to make in relation to the moneys awarded by the arbitration at Geneva and paid by Great Britain to the United States, I do not wish it to be understood that I suppose I am fully or even approximating a full presentation of the case, much less that what I shall say is the full argument in support of the conclusions to which I have come. I shall only try in the brief time allowed me to state as well as I may be able some of the considerations that control my own judgment in recommending that the moneys be permanently covered into the Treasury of the United States. And now, what is the case? The United States was at war with the so-called Confederate States. Great Britain was a neutral nation, at peace with the United States and with the confederates. It is immaterial whether the belligerency of the confederates was hastily, anxiously, and inconsiderately acknowledged by Great Britain or not. A public war was raging between the United States and a portion of her people. The confederates were straining every nerve and making every effort in their power to equip, man, and put upon the seas war-vessels for the purpose of crippling and destroying our commerce. They were anxious to build, purchase, and obtain such vessels at almost any price and at any hazard. It mattered little to them with whom they dealt, with whom they intrigued, or from whom they procured their ships of war. With the confederates and the United States it was an open, public war on land and on sea. It was a *declared public war* as between nations, involving the parties and subjecting the citizens of each party to all the consequences of national warfare precisely the same as though the two contending parties had never been of the same nation.

In this state and condition of affairs, under the laws of nations and the laws of war, the confederates, as one of the contending parties engaged in war, for the purpose of crippling her enemy, had a right under such laws to prey upon our commerce, to seize our merchant-vessels and dispose of them and their cargoes as lawful prize of war. They were availing themselves of these war rights as far as they were able when Great Britain commenced to violate her obligations of neutrality toward the United States. Up to this point whatever of destruction of individual property, whatever of injury or wrong was done to individuals, whether on land or on sea, was to be borne and suffered as the natural fate and result of war. The only obligation resting upon the United States was to the utmost of its ability, by all the means in its power, to protect its citizens from the natural consequences of war. Thus far as between the United States

and the Confederate States and the citizens of the United States there was no obligation upon the United States to indemnify any of its citizens for losses sustained in the common struggle. It was a conflict between nations at war, wherein the individuals composing the nations were subject to all the dangers and vicissitudes of actual war, and entitled to no indemnification for whatever one might suffer over another. If one was destroyed in person or property while another escaped, it was only to be attributed to the fate and fortune of war.

And here and now commences the wrong of Great Britain. What did she do? What is the complaint against her? What is her wrong? I know it has been claimed or charged that some of the confederate cruisers were manned by British seamen. However this may have been, it is not the ground of complaint as admitted in the treaty under which the Geneva arbitration was agreed upon. And if it were the case, the men were enlisted into the confederate service and were for the purposes of the war confederates, entitled to the consideration of confederates, and in all cases to be treated as such. The vessels, all the cruisers fitted out in British ports of which complaint was made, were unquestionably the vessels and property of the confederates. Upon this point it is immaterial where or how the vessels were obtained or from whom or by whom manned. In the hands and control of the confederates they were in the hands and control of a nation at war with the United States and subject and entitled to the laws of war. Let it be remembered that the wrong charged upon Great Britain was not *that the cruisers were hers*, or the men by whom they were manned her subjects. Great Britain's wrong was that, being at peace with the United States while the United States was at war with the Confederate States, she neglected her duty as a neutral nation and wrongfully permitted confederate cruisers to be fitted out in and escape from her ports, whereby the confederates were enabled more effectually to prey upon our commerce and injure and destroy our merchants and merchant-vessels. It was not that Great Britain herself, by her own hands, did any of these things, but that she gave aid and comfort to those with whom the United States was at war.

It was not, *the complaint was not*, that the losses of the citizens of the United States were greater or more extensive, though this as a consequence was argued and was in all human probability the case; but the direct wrong—*the wrong directly charged* upon her and which was under the newly prescribed rules and laws of nations established and admitted as found by the arbitration—was the negligently and wrongfully allowing the confederates to fit out cruisers in her ports, designed to, and which did in fact, injure the commerce and citizens of the United States. It was not charged, it cannot be said now that Great Britain destroyed any vessel of the United States or of that of any of its citizens. Her act of which complaint was made was as distinct from the act of the confederate cruisers in destroying our commerce and vessels as that of the manufacturer of burglars' tools or the landlord who rented him his shop in which to make them and the burglar in breaking a bank. Both are wrongful acts; both are crimes in the eye of the law; both should be punished; both should be atoned for; *but they are not the same acts.* The manufacturer of the tools is certainly not responsible for all the burglar may do with them. The individual upon whom he trespasses cannot recover—*has no legal right as against the manufacturer*—even if the tools were used in committing the trespass. The wrongful act of the manufacturer is in making the tools and delivering them to the burglar. All the burglar thereafter does is his own act and all the consequences attributable to him alone. It must be conceded, therefore, that the wrong of Great Britain was in opening her ports as she did to the use of the confederates. That was a wrong of Great Britain as a nation against the United States as a nation, to be answered and atoned for by the one nation to the other. It was for this wrong, it was for this injury, complaint was made against her and indemnity demanded of her. It was in satisfaction of this wrong, in indemnity for this injury, the award was made and the $15,500,000 paid by Great Britain to the United States. No individual, no citizen of the United States, whether he lived upon the land or the sea, had any individual right in or claim upon Great Britain or this fund. It was, I repeat, an indemnity for national injury, made in satisfaction of a claim preferred by one nation upon another. It was not a legal liability created and established either by the law of nations or by any municipal law. There was in fact, at the time of the commission of the alleged wrong by Great Britain, neither law nor treaty in existence obliging or requiring the payment of that or any other sum therefor.

Indeed it is not certain if any liability of Great Britain to the United States under the then existing law or any treaty could have been established, or if any would have been conceded, except for the *new rules* prescribed in and by the treaty under which the award was made—*specially prescribed and established for the very case.* And it may be an incident of some interest to the future historian to determine whether Great Britain did not consent to pay the $15,500,000 awarded as the consideration and for the purpose of procuring *these new rules of international law.* It may be that instead of her paying us an indemnity for great wrongs done us in aiding the confederates in destroying our merchantmen and shipping, and driving American commerce from the seas, it will turn out that she has only paid us a very small sum for a very great commercial advantage. We may be thankful indeed if by these new rules we have not given to Great Britain permanent supremacy of the seas. She can well afford to pay fifteen or twenty millions once in ten or twenty years for the monopoly of the carrying trade. Her increased profits have undoubtedly been many times the sum awarded at Geneva already. And how long it will be before our commerce will recover from the check given it time alone can determine. That it will be many years we already know, and considering the sum paid as an *indemnity it is contemptible.*

And now, after all, it is claimed that the money belongs to individuals. It is claimed that certain insurance companies, underwriters who insured certain vessels that were destroyed by certain confederate cruisers during the war, are entitled to the value of all such vessels out of this fund. It is admitted on their behalf that they paid on account of vessels so destroyed and insured by them the sum of $5,000,000, and that they received for such insurance in increased war-premiums not less than $10,000,000, thus making $5,000,000 in clear profits. And now they by their attorneys are here modestly insisting they should have paid them another five millions out of this award to add to their enormous profits. The bare statement of this demand, in view of the profits admitted, should it would seem cause hesitation and require the strongest and most resistless reasons in its support before any just mind could consent to it. The calamity of war was upon us; the whole land was drenched in blood; properties were being destroyed, and fortunes—*the accumulations of years of toil and trial—were swept away;* the rich all over the land were made poor; farms and plantations devastated as with the besom of destruction, and all without hope of reparation or indemnity; and yet these insurance companies are clamoring for another 100 per cent. of profit! They insist that at the time they insured these vessels that were destroyed by the confederate cruisers it was a part of the contract of insurance that, in addition to the enhanced war premiums paid by the insured, they were in case of loss and payment by them to have a claim against Great Britain for indemnity. They insist that they filed their claims in that view with the Secretary of State, and that they were presented and considered by the arbitrators in making up the award. They claim, in fact, that the treaty was almost if not altogether in their interest, and that this greatest international tribunal of the world was solely to settle individual private claims.

The United States, it is said, was in all it did in the matter only acting as the attorney or agent of these insurance companies and some few other private individual claimants, and that it now holds the moneys of the award as their trustee. To us this seems a very narrow and technical view of this great international proceeding. It is belittling that exalted tribunal, and bringing the high contracting parties and those connected with it into contempt. But let us see: It is said the doctrine of subrogation applies, that insurance companies, having paid for the loss of the vessel, are entitled by law to be subrogated to the rights of the owner. In our view the owners themselves never had and never could have had any rights to which the insurers could or ought to be subrogated. It is only *legal rights* to which the doctrine of subrogation applies. The vessels were destroyed by the confederates with whom we were at war, and the destruction was an act of war, for which there is *no legal right of recovery.* The destruction was not the act of Great Britain. Her wrong, as already stated, was in allowing the confederates the use of her ports. The *rule* by which she was finally convicted of *this* wrong was not in existence at the time the vessels were destroyed. How, then, can it be contended that the owners had or might have had a legal right as against Great Britain? It makes no difference that she subsequently consented that the damage resulting to the United States from *her wrong* might be measured by the value of vessels destroyed by the confederates. Such subsequent consent or agreement did not and could not create a *legal right* in favor of the owners. The claim of a legal right in favor of the owners against Great Britain for the destruction of vessels by the confederates is too remote. Who can say the vessels would not have been destroyed if the wrong of Great Britain had not been committed?

Who can say, *to whom on earth is it given to know*, but that confederate cruisers would have destroyed the same vessels if they had not been permitted the use of British ports at all? And whether so or not, would the unfriendliness, the bad intention, the wrong of Great Britain toward the United States have been any the less? Would the violation of neutral duty and obligation have been any the less real, or the right of the United States to demand atonement and reparation for her breach of duty any the less complete? It seems to me clear beyond doubt that when Great Britain had permitted the use of her ports to the confederates and carelessly or negligently permitted them to go forth on their errand of plunder and destruction, her liability was fixed, and the right of the United States to demand indemnity complete.

Great Britain did not commit the act of destruction nor did she command it to be done. Her wrongful act was solely in allowing the confederates, as against the United States, the improper use of her ports. It was in that and not in what the confederates did with the cruisers after their escape. If her wrongful act had been against an individual instead of the United States, no recovery could be had by the individual on account of the acts of the confederates in the destruction of the vessels. The law would answer such a demand that it was not the act of Great Britain; that it was too remote to create a legal liability or a legal right against her. The destruction was not a necessary or even natural consequence of letting the cruisers depart her ports. Hence it was that *new rules* were devised and agreed to,

by which the sum was to be found due and payable by the arbitration.

The treaty in all its recitations and expressions confirms the view that the sum allowed by the arbitrators, however it was arrived at or made up, was a *national* allowance for *national wrong*. Let it not be forgotten that the Johnson-Clarendon treaty was rejected for the very reason that it only provided for the adjustment of *individual claims*.

The treaty under which the award was made recites:

The United States of America and Her Britannic Majesty being desirous to provide an amicable settlement of all causes of difference between the countries; and whereas differences have arisen between the Government of the United States and the government of Her Britannic Majesty.

And also—

Now in order to remove and adjust all complaints and claims on the part of the United States.

Thus the treaty itself provides in express terms for differences that have arisen between the two governments. It was to remove and adjust all complaints and claims on the part of the United States. It does not alter the case that the United States advertised for the presentation of individual claims for losses on behalf of its citizens, and that such were presented and considered by the arbitrators. If the wrong of Great Britain was to be atoned for in damages and the United States compensated in money, it was necessary that the United States in some way should show the nature and extent of its injury. The sum allowed was clearly not the aggregate sum of all the claims presented. Nor can any mortal man now determine what claims or what percentage of any claim formed the basis of the *final* award. That none were specifically recognized, adjudicated, or allowed in the determination is certain. And it is not pretended by any one that the consideration of the claims presented, in so far as they were considered in making up the sum allowed, precludes the parties having like claims not presented at all. Mr. Evarts, one of the counsel for the insurance companies, on being interrogated by members of the Judiciary Committee, admitted that it would undoubtedly be the duty of the Government to pay out of the fund any other "clear direct loss not presented or considered" by the arbitrators; that there was no advantage gained or merit in the presentation of the claim at Geneva. How after this it can be contended that the sum awarded was for the payment of specific claims, or that the sum allowed was computed solely upon claims presented, I leave for him to elucidate. But he with the other representatives of the United States at Geneva was expressly instructed through Mr. Secretary Fish that—

The President desires to have the subject discussed as one between the two Governments, and he directs me to urge upon you strongly to secure, if possible, the award of a sum in gross. * * * * *

The Government wishes to hold itself free to decide as to the rights and claims of *insurers* upon the termination of the cases. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by the Government, without committal as to the mode of distribution. *It is expected that all such committal will be avoided in the arguments of counsel.*

Thus the sum awarded *was a sum in gross*. The subject *was considered and discussed as one between the two governments*. No committal *was made* in favor of individual claims or of any class or description of claims. And as far as any use was made of the claims presented it was as a mere measurement of values or losses of the Government.

What now becomes of the "*trust*" in favor of particular claimants? The Government of the United States declined to present or urge *any claims* for payment specifically or to be by its representatives committed to the payment of any such claims. This determination and instruction of the Government were made known to the arbitrators before the award was made, and the award was accordingly a sum in gross made, *expressly so made*, to indemnify the United States for wrongs suffered at the hands of Great Britain. This, and that the unpresented claims, *claims never before the arbitrators at all*, are admitted to be entitled equally with those presented and considered, settles the question against the pretense that the award was based upon and for the payment of specific claims, or that any trust exists therein in favor of particular claimants. The truth is, I repeat it, there were no specific claims ascertained, considered, settled, and adjudicated by the arbitration. The only use made of such claims as were presented was to measure or approximate the national damage from Great Britain's wrong. They were used to determine her liability upon a basis and under rules then and there fixed and agreed upon. There was no creation of a fund in which the owners of lost vessels had or might have had any legal right, and consequently there were no legal rights to which insurance companies could be subrogated. Upon what principle of right or justice, if the United States was acting as the agent or attorney of private claimants in representing them before this tribunal, could she withdraw or surrender the claims of one class to procure the payment or allowance of the other? Upon no other we confidently assert could she have done as she did, than that the United States as a nation was dealing with Great Britain as a nation in reference to national concerns.

The war-premium claimants urge their claims upon entirely distinct and different grounds. They deny altogether the claims and rights of the insurance companies.

Mr. George M. Moore, who appeared before the Judiciary Committee and made by far the ablest and most plausible presentation of their case, in his printed argument filed with the committee, says:

There has been much discussion in regard to claims of insurance companies and the claim for war premiums. The amount represented by these claims is large, and they are directly antagonistic; if either be allowed, the other must be rejected.

If this be true, and it was not denied, it precludes the idea, if the Government were disposed, of the payment of both these classes. And so far as the war-premium claimants are concerned they make no claim on the ground of the award being a trust fund. They do not claim payment as a legal right, but as an act of justice and equity. They do not even claim that their losses were taken into account in making up the award.

Mr. Moore, in his argument, takes the position that—

The indemnity paid by Great Britain was for the value of the property destroyed not for any particular class or classes of claims, leaving the United States free in the exercise of its sovereign will, to provide for its equitable distribution.

It thus appears that the claimants on account of war premiums paid do not place their right to the fund upon any *committal* of the United States or of Great Britain to any class or specific claim or upon any action of the arbitrators or recognition of them in the making up of the award. They allege that the money belongs to the United States, and while claiming it was awarded for the value of property destroyed, yet that the Government is "*free to dispose of it in its own sovereign will.*" It is only upon an *equitable distribution* that they claim or expect to be paid.

The bills of the Senate and the House for the distribution of the fund are necessarily founded upon the principle that the money is absolutely and unconditionally the money of the United States. The House bill by its title is "A bill to provide for the just and equitable distribution of the award made to the United States by the commissioners at Geneva under the treaty of Washington." The title of the Senate bill is "for the creation of a court for the adjudication and disposition" thereof.

The majority of the Judiciary Committee in their report, after an elaborate statement of the nature, origin, and presentation of the private claims and the action of the United States Government and the government of Great Britain and the decision of the arbitrators, conclude as follows:

Upon this statement of the origin and presentation of the claims, if your committee are correct in their views of international law, it is difficult to see wherein any private person can have any right, legal or equitable, to any distinct portion of this fund.

The citizen, undoubtedly, has the moral right to ask of his Government reparation for his loss so suffered, but he has no more right to have it paid from this fund than from any other source of indemnity within the power of his Government.

And further on, and more explicitly, the majority report as follows:

Your committee therefore have approached the subject of indemnification for losses of our citizens, by the acts of cruisers, in the firm belief that this money is the money of the United States, free from all legal or equitable claims of any person whatever, to be dealt with by the Government according to its own views of the claims of its citizens upon itself, and the moral duty to afford such relief as may seem just.

In the first paragraph of the report the committee say:

The first question which presents itself in considering the matters above referred to your committee, and which must underlie all action to be taken in regard to them, is, Whose money is this fund derived from the arbitrament at Geneva?

It would seem that the foregoing quotations from the report of the majority was a pretty clear and explicit answer to the question, "Whose money is this fund derived from the arbitrament at Geneva?" I agree to the proposition of the committee that it is "the money of the United States," free and clear as any other money in the Treasury from any legal or equitable claims of any person whatever.

I have come to this conclusion not, I confess, without hesitation and doubt. Out of deference to my colleagues on the committee I have considered and reconsidered the questions involved, each time reaching the same conclusion. After carefully reading and studying the reports of both the majority and minority of the committee, I am confirmed in the opinion that this money ought to be covered into the Treasury. Both the majority and the minority are of the same opinion with reference to portions of the fund not necessary to pay the claims they respectively champion. The majority report that—

It is believed by your committee, when all the claims are paid, with interest, there will still remain a very considerable balance to go into the Treasury of the United States.

This of course means all the claims provided for in the bill from the Judiciary Committee, and does not include the claims for losses paid by insurance companies.

The minority of the committee in their report say:

But it seems to us to be gross and flagrant injustice for Congress to seek to determine this question, and determine it erroneously as proposed in this bill; for, so far as this fund is not to be distributed to the parties interested in the ships and cargoes destroyed by the cruisers for which Great Britain was held liable, we agree with our colleague, Mr. ELDREDGE, that it should be covered into the Treasury.

The committee is therefore nearly equally divided, both agreeing with me that instead of paying the claims the others recommend, the money, or so much thereof, ought to be covered into the Treasury. I feel therefore that by the judgment and consideration of all the committee I am in part right; at all events not, in their opinion, altogether wrong.

And here is suggested a pertinent and most important question for the consideration of both branches of the committee and those who agree with them, respectively: How it is that they should agree that any portion and not the whole of this fund ought to be covered finally into the Treasury? If this fund was predicated upon private, individual claims and belongs of right to such individuals and not to

the United States, how can it be that there should remain any sum to be covered into the Trasury? How is it that there is not a claimant for his exact share, proportion, or percentage of the fund! If the fund was based upon *actual claims, considered and adjudicated claims*, the dollars of the fund and the dollars demanded should exactly correspond. There should be no discrepancy between them.

Mr. Speaker, in expressing my convictions that this fund should go into the Treasury of the United States as the money of the Government, of the whole people, I do not wish to be understood as saying there are none of those losses that the Government ought to pay. I think justice perhaps requires that some of them should be paid by the Government, and this, too, without regard to the Geneva award. The majority of the committee, as I understand their report, say that claimants have no more right to indemnity out of this fund than out of any other resource of the Government. Why, then, should not this money go into the Treasury? Clearly, if it be not a fund legally set apart for a *particular or specific* purpose, it belongs to and should go into the general fund of the Government.

No one denies that this award was paid as an indemnity for the wrongs of Great Britain—an indemnity for injuries done, *for losses sustained*. It was an indemnity paid by a neutral nation for wrongs done to this nation or its citizens and for losses sustained by the nation or its citizens *during the war*. If it were to be distributed for losses sustained upon principles of *high equity* and justice, it should be given to no one who did not suffer loss—*loss by the war*. The insurance companies, then, of all others, would be least entitled. The war, though a harvest of blood to the great body of the people, was a harvest of plenty and wealth to them. While the mass of the people were suffering all the horrors and calamities of war; while whole fortunes were destroyed and vast accumulations swept away; while gaunt poverty and even hunger were brought to the doors of the once proud and oppulent, and thousands made to cry for the necessaries of life, these men and corporations *were making money*, adding vast accumulations to their wealth, and dividing among themselves two dollars for one of their investments. To ask more, *to ask now* that the Government should divide this award among them, only demonstrates the cheek and sordid selfishness of avarice. And are we to be told that it is a *flagrant breach of the national faith* not at once to hand this money over to the only class of men who were made rich by the casualties of war and the circumstances growing out of the very wrong for which the indemnity was paid? And what superior equity is there in the claim for payment on account of war premiums paid? If the vessel insured, for which war premiums was paid, was lost or destroyed, then the insured obtained the full benefit of the contract he made. He got all his bargain was for. True, he paid more for what he got than if there had been no war. But who did not pay an increased price for everything purchased and used during the war? As well might a claim be urged on the ground of *high equity* for the increased salaries paid the men and officers with whom the ships were manned. Men were scarce and wages were high, caused by the war and perhaps by the increased danger from the confederate cruisers, and why should not every man who paid higher wages be paid the difference upon the principle of high equity?

And how is it with the cargo, the merchandise for the insurance of which war premiums were paid? If the cargo were lost, the cost price, the interest thereon, the freight and profits, were all paid by the insurer as the consideration for the war premiums paid. If the cargo escaped, reached its place of destination, and was finally sold, all those things were charged up and included in the price of sale. The insurer of the cargo in that case was not the loser, but the loss fell upon the consumer of the goods—upon the people, *the masses*, who were obliged to use the goods. In all such cases the war premiums were reimbursed to the merchant in the increased cost to the consumer. Would not the "*high equity*" which the majority invoke require that the increased cost to the consumer should be repaid him? *Is not he the real loser?* If any one has a claim for indemnity, is it not the one who suffered? And is not the real sufferer the one who paid the price of the goods for consumption, enhanced as it was by all these considerations? None of us have forgotten the war prices exacted for everything upon which the people had to live. The money awarded comes from Great Britain, whose wrong was against the United States, and the losses from which the whole people of the United States suffered; and what now would more completely and justly satisfy the demands, *the exalted demands of high equity*, than to cover the money into the people's Treasury for the people's use?

I do not appreciate the force of the argument that the moneys of the award should be paid to the war-premium claimants because of the competition they were forced to encounter in the superior inducements or advantages of shipping goods in British bottoms. This certainly was one of the natural incidents of war and would always occur when the United States was at war with any nation upon the sea. It is one of the evils of war against which no nation is obliged to indemnify its citizens. As well might the western farmer or the southern planter demand indemnity for the increased cost of production caused by war and their difficulties therefrom in competing with the farmers and planters of nations at peace. Such things are the common sufferings and misfortunes of war, against which there can be no indemnity. Nor can I see that there is anything in the suggestion of the superior obligation of the nation to water-borne property. It requires a pretty keen sense to comprehend the application of any such principle to war premiums paid for insurance. I am not aware of any legal or other national obligation to indemnify the owners of water-borne property destroyed by war. There is no distinction in this respect between property on sea and on land. And here again, let it be observed, is another reason why this money should go permanently into the Treasury.

Aside from the individual loss to the owners of ships and vessels engaged in the commerce of the country, there is, there can be no greater injury or loss to the nation than the loss of its commerce. The injury of Great Britain did not end with her wrongfully opening her ports to the confederates. But taking advantage of her own wrong, availing herself of the exposed and dangerous condition of our commerce, she went to work by intrigue and every means in her power, by working upon the fears and conniving with the owners of American vessels, to have them transferred to her and placed under her flag. This was a national loss, and is another reason why this money should be placed where, as far as it will go, it will be an indemnity to the real losers, the whole people, all of whom suffered and still suffer from the destruction of national commerce.

Mr. Speaker, it is said there are individual losers not included in the underwriters or the war-premium claimants whose claims are meritorious and ought to be paid. If this be so, and I do not deny it, there are not many of them and they are not large. Let these come to Congress with their claim as other claimants are obliged to come, present them fairly and truthfully, and let Congress judge *them justly and liberally*. Let them come relying upon the just sense of the Republic, and when they come let them not be indifferently turned away. I am not for repudiation of any just obligation of the Government. I would pay every just demand to the utmost farthing, and this, too, without reference to the Geneva award. I would pay every loss that can be distinguished from those losses incident to war and which must be borne by the loser as one of the misfortunes of war—every loss which a just, upright, liberal, and generous government ought to pay to its citizens. But there is no reason or propriety because this money was paid as an indemnity for the losses sustained in war that it should be thrown away or bestowed upon those who have sustained no losses and who are no more entitled to it than every other citizen of the United States. There is no more sense or propriety in the establishment of a cumbersome and expensive commission, court, or other tribunal charged with the duty of disbursing this particular fund of the United States, whether justly due or not, than the appointment of such a tribunal to set in judgment upon all the moneys of the Government in the Treasury.

I am not frightened with the threat of the gentleman from New York [Mr. TREMAIN] that if the insurance companies are not paid now they will continue to haunt Congress and press their demands till some future Congress will yield to their clamor and power; nor do I bow to that other menace of the other gentleman from New York [Mr. WOODFORD] who tells us *Congress "dare not refuse"* these insurance claimants. This has been their clamor and these their tactics from the beginning, and they have not as yet browbeat a report from either House of Congress in their favor. They should have some better and juster force than arrogance with which to persuade Congress. Let them show that they have been losers, sufferers beyond the great mass of the citizens of the United States in the mighty conflict through which the nation passed. The war was a great calamity. It covered this whole nation with a pall. It sent death and mourning to almost every fireside, and caused suffering and loss to almost every citizen. Some suffered more than others; none escaped entirely. Offend not the sense of patriotism and justice of the Republic by bestowing this indemnity for the nation's injury upon brazen and sorded claimants to whom the calamity of war brought no loss, but who grew rich in the midst of the nation's agony.

This money was paid to the United States by Great Britain, the leading nation of the world, in acknowledgment of the wrong inflicted upon us as a nation in the dark hours of national suffering and trial, *and is valuable not so much on account of the sum as an acknowledgment* that the Republic cannot be trifled with, even when sorely tried and oppressed by the greatest nation, without being held responsible.

If I have any time remaining, I yield it to the gentleman from Connecticut, [Mr. KELLOGG.]

The SPEAKER *pro tempore*. There are eight minutes of the gentleman's hour remaining.

[Mr. KELLOGG addressed the House. His remarks will appear in the Appendix.]

Mr. FRYE. Mr. Speaker, it was not my intention to take any active part in the discussion which is now proceeding before the House, but the attack made by the gentleman from Vermont [Mr. POLAND] when he found it impossible in the English language to find any word to characterize my conduct because I was with the majority of the committee in this matter, and the attack made by the gentleman from New York, [Mr. TREMAIN,] that I had violated good faith and put in a proposition here to strike out mutual insurance companies, rendered it absolutely necessary for me in my own defense, if for nothing else, to occupy the time of the House for a few moments. Had I intended to have made a speech I would have followed the example of those distinguished gentlemen and prepared with care a written speech, because the dignity and importance of the subject justifies that degree of preparation and does not justify a speech made as I propose to make mine.

Why, sir, I went home last night and undertook to prepare something for a speech with the thermometer at 95. I commenced by looking up mutual insurance companies' statistics, and before I looked them up for half an hour I thought of nothing under the sun but fire insurance companies, and gave it up.

Now, sir, this is a fight of insurance companies, mainly of New York, against the people of the country, and nothing more and nothing less.

Mr. TREMAIN. Will the gentleman yield to me for a question?

Mr. FRYE. Yes, sir.

Mr. TREMAIN. Are you not aware about $700,000 goes to stock companies in Boston, and that, if collected, it will be handed over to the losers by the Boston fire?

Mr. FRYE. O, Mr. Speaker, what an arrant humbug is this! I heard the gentleman from New York in the interest of insurance companies talking that in the House and privately elsewhere, that if these Boston insurance companies got this money they would pay it to the men who lost in that fire. I say to the gentleman many of these insurance companies for the last fifteen years have been making 15, 20, and 30 per cent. a year, and dividing it out among their stockholders, giving up their reserve for the purpose of paying dividends, and then when the fire came had little or nothing to pay to their policy-holders. And that is the history of the majority of the insurance companies in all great fires.

Mr. MYERS. Will the gentleman yield to me for a question?

Mr. FRYE. I do not yield any further. I have been cut down half an hour already. I say, sir, that it is a fight between the insurance companies and the people. And because I take the side of the people as I believe, of the men who suffered in the war, the gentleman from Vermont [Mr. POLAND] cannot characterize my conduct, because the English language fails to supply him with words to do it justice.

Why, sir, when this war broke out we had engaged in foreign commerce vessels of two million six hundred thousand tonnage; we were within six or eight hundred thousand of the tonnage of Great Britain, increasing at the ratio of 60 per cent. every ten years. If we had gone on at least five years longer we would have been mistress of the seas, and Great Britain knew it. Great Britain saw this conflict come on, and immediately in the month of May—the 15th, I think—acknowledged the belligerent rights of the South before they had a single white-winged sail upon the seas. And immediately the Sumter escaped from the Mississippi and in one month was supplied at a British port. And when we made complaint Great Britain turned round and said, she is a man-of-war entitled to the rights of a man-of-war. And the Georgia fitted out in English ports, and the Shenandoah fitted out in English ports, manned with English seamen, coaled with English coal, and armed with English guns, commenced to prey upon our commerce. And at the close of the war we had a little over a million of tonnage left.

Now, sir, instead of this great nation of ours making complaint against Great Britain for the violation of all decency and propriety for her own selfish purposes—instead of her doing that, what does the gentleman from New York [Mr. TREMAIN] say she did? He says that she became a claim agent in behalf of the New York and Boston insurance companies. That is the position taken by all these insurance gentlemen. There was no great national wrong to be righted; but the insurance companies had claims which were to be collected, and forsooth this great country of ours was at once converted into an insurance agent to collect those claims—without even a contingent fee, as the gentleman from Massachusetts, [Mr. BUTLER,] beside me suggests, and liable to pay costs if she failed.

Now, look at it a moment, Mr. Speaker. The insurance companies send their agents to the city of Washington. Suppose every loss were an insured loss, the amount was $10,000,000. The insurance agents come to Washington and they say to their great Government, "This great war has been going on; we have lost $10,000,000; we call upon you to protect us in our rights and to recover from Great Britain that $10,000,000." What says the Government? "Did you actually lose $10,000,000?" "O, no; the people down in Massachusetts and in Maine and in Florida, and all along the coast, the poor men, the owners of ships, the owners of cargoes, paid us $20,000,000. But, nevertheless, notwithstanding we made the $10,000,000, we ask of you as a paternal Government to demand of Great Britain that that $10,000,000 shall be paid us. And if they refuse to pay the demand, then you should go to war and collect it." What would the Government have done? Would they not have laughed them to scorn at once? Go to war as an agent for insurance companies that had doubled their money during the war, and had done it out of the men who had suffered and are still suffering! Go to war to collect those claims for these insurance companies that had grown rich by the million during the war! Suppose the Government had gone to war and had spent $1,000,000,000 and lost a hundred thousand lives, could the Government justify itself in having done so as the agent of insurance companies? And yet, according to the doctrine of the gentleman from New York, that is all under the sun the Government was engaged in.

These insurance companies I admit are powerful. I admit that they have millions of dollars aggregated in the hands to-day of a very few men; I admit that they have agents in every town and city in this broad country; I admit that they have lawyers in every city in the country; I admit that they stand there an overshadowing power, and I think their power is felt here in this House itself every day; I believe that in the hotels of Washington and all around here that power is being felt to-day. Why it was sufficiently strong to make itself felt even at Geneva, where the tribunal assembled to settle these claims. It had power to take the most distinguished lawyer in this country, one of the Government counsel before the Geneva tribunal, make him forget the dignity of his position, and to send him back here on the floor of this House as a lobbyist. The leading lawyer, as the gentleman says, of the great city of New York, coming as counsel from Geneva into this House as lobbyist for insurance companies! Ah! that was an almighty power almost that could make the gentleman stoop to that.

Mr. TREMAIN. Will the gentleman answer me a question? What authority has he for saying that when Mr. Evarts was counsel at Geneva he was counsel for any one of these claimants who now present their demands?

Mr. BUTLER, of Massachusetts. Because he said so before the Committee on the Judiciary of the last House of Representatives.

Mr. TREMAIN. On the contrary, there was a letter in the House written by him yesterday denying that *in toto*.

Mr. BUTLER, of Massachusetts. And he was on this floor and I put it to him to his face and he did not dare deny it.

Mr. KELLOGG. He could not deny it here. You had the advantage of him, and would have refused to let him do it.

Mr. BUTLER, of Massachusetts. Pardon me; I should not have refused. I do not do that kind of thing; I do not come from Connecticut.

Mr. WOODFORD. As a grandson of Connecticut I am grateful.

Mr. BUTLER, of Massachusetts. And so am I.

Mr. FRYE. Mr. Speaker, fearing this very power, Mr. Fish, the Secretary of State, caused what will now be read to be sent to the Geneva tribunal and to our counsel there.

The Clerk read as follows:

The President desires to have the subject discussed as one between the two governments, and he directs me to urge upon you strongly to secure, if possible, the award of a sum in gross. In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded, or what may be recovered, in the event of the appointment of the board of assessors mentioned in the tenth article of the treaty. It is possible that there may be duplicate claims for some of the property alleged to have been captured or destroyed, as in the cases of insurers and insured. The Government wishes to hold itself free to decide as to the rights and claims of insurers, upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount will be made by this Government without committal as to the mode of distribution. It is expected that all such committal be avoided in the arguments of counsel.

Mr. FRYE. Reserving the question to itself what should be done as to the insurance; reserving to the Congress of the United States the question what should be done as to the insurers. Curious agent of the insurance companies was not the Government? If it had been the agent of the insurance companies would they not have repudiated it when it announced a doctrine like that? Now, Mr. Evarts was inquired of in the room of the Judiciary Committee in this manner: "Mr. Evarts, you claim that the Government was the agent of the insurance companies and holds this money to-day in trust for them; suppose there was an insurance company which had met losses, but which by mistake was not represented at Geneva; what would you do with that company?" "Why, pay them, of course." "Pay them, Mr. Evarts; with what?" "Why, with the money that this agent had collected for its other clients." Where did it get its right, if this agency existed, to take those contributions from its clients who had appeared and pay them over to persons who had not appeared? We hold as a committee that the Government of the United States was righting a great national wrong; that in righting that great national wrong Great Britain was to be punished; she was to apologize; she was to establish certain principles of international law; she was to pay certain moneys. The proof was before the tribunal of all losses which had been suffered and an award was made in gross, and the committee hold that having been made it is to-day in the hands of the Government to be disposed of—to whom? Why, to the losers, and to the losers only. To be disposed of to insurance companies who doubled their money in the war? No; but to the men who lost their money by the depredations of these cruisers. And we do not limit it to losses occasioned by the Alabama, the Florida, and the Shenandoah. Why should we? The Shenandoah never was in an American port; she sailed from an English port; she was built in an English port; she was manned by English sailors; and why should not a portion of this money be paid for her depredations? So with the Georgia and so with the Sumter. The committee provides that losses caused by all of these cruisers shall be paid regardless of the fact whether they were included in the Geneva award or not. They provide that the owner of the Delphine shall be paid, because when the rebel cruiser that had destroyed his vessel went into an English port he started at once to libel that vessel in the English courts, and he would have libeled her and compelled her to pay for the loss of his ship but he found when he got there that our minister, Mr. Adams, had taken possession of her and sold her for what was equivalent to $400,000, and you have got that $400,000 in your Treasury to-day; and yet she is not to be paid for, according to the gentleman from New York, because, forsooth, that

vessel was destroyed a few days before the Shenandoah sailed into Melbourne. We hold that no such distinction should be made, but that this citizen of Ohio should be paid for his ship which was lost.

Mr. Speaker, I should have been very glad when I found that I had to speak upon this question at all to have taken my whole hour, because now I am cramped for time and am obliged to proceed without method, and I must ask the House to bear with me in doing so. I have offered an amendment to the bill, and that is to strike out the mutual insurance companies. The bill provides that they shall be paid, wherever they lost, every loss which they suffered by reason of these cruisers, and that they should pay it to those who contributed to pay the losses. How does it come that that provision was put in the bill? Why the insurance men and gentlemen of the committee asserted that these mutual insurance companies were simply associations of gentlemen guaranteeing each other against loss, giving premium notes, and then at the end of the year, when the business had been adjusted, if there were no losses, getting those premium notes back less the expenses, and if they had lost, getting them back less what they had lost.

That being the true statement of the case, we might just as well pay them as mutual insurance companies as to pay them as war-premium claimants, because in either event they would get what they had lost.

Now, sir, what is the fact? There is no such company as that in the State of New York, nor one that bears the slightest resemblance to it. The only ones I know of are in New Bedford, and the agent of the New Bedford companies is here to-day making no claim whatever on this fund. They say they have no right to it; that the men who paid the war premiums to them are the men entitled to it. They are the only strictly mutual insurance companies that I know of interested in this matter.

Now take the great insurance company of New York which comes nearer a mutual than any other, and that is the Atlantic Mutual Insurance Company. Let me give you a few statistics of that company taken from the New York insurance report. The Atlantic Mutual was organized in 1842. In January, 1861, its total assets were $6,646,292.10; profits for the year 1860, $1,574,000. Now, where did she get her $6,600,000 assets if she was conducting her business on any such principle as the gentleman talked about in committee? Why was not the $6,000,000 divided up to the men who gave their premium notes? Again: "6 per cent. interest on the outstanding certificates will be paid to the holders thereof on and after the 5th day of February, 1861. After reserving $2,500,000 of profits the outstanding certificates of 1859 will be paid to the holders thereof." The profits of one year, after reserving $2,500,000 of it, to be divided among mutual stockholders! O, what a mutuality there was about that!

Again, for the year 1862 40 per cent. free of Government tax was declared as a dividend. Again, in 1864: total amount of assets January 1, 1864, was $9,265,545; net earnings, $5,268,670; profits for the year 1863, right in the midst of that terrible war, were $2,630,000. "After reserving $3,500,000 of profits, certificates of issue for 1862 will be paid." Reserving $3,500,000 again of the profits of 1863; there you have two years of the war, with over $6,000,000 of the profits reserved. Reserved for whom? Reserved from suffering men who were paying extortionate war premiums. That was where they were getting their money. Paid out to whom? O, to this honest, lovely, mutual association of gentlemen who met together to assure each other's property and guarantee each other against loss.

Mr. BUTLER, of Massachusetts. And who have presented a claim of nearly $2,000,000 in this matter.

Mr. FRYE. Yes; who have a claim of $1,780,000 which they are here now trying to get us to add to the reserve fund of that company. And the reserve fund of that company to-day amounts to between twelve and fifteen million dollars. Where do they get it from, and to whom does it belong? They settle up every year with the members of the company; they issue to them scrip. When the scrip is paid, then to whom does this $15,000,000 of reserve belong? It belongs to the company. Who is the company? Who knows who the company is? Where is it to be found? How is this to be divided?

Mr. BASS. Will the gentleman allow me to ask him a question?

Mr. FRYE. Yes.

Mr. BASS. Is the gentleman aware of the fact that the profit of which he speaks is represented under the laws of the State of New York by scrip in small amounts issued to each of the persons who have received policies from the insurance companies, that scrip representing the amount of annual profit which the company is supposed to make upon the basis of which he speaks, and which scrip is redeemable only at the pleasure of the company, being compelled by the statute of the State to keep a reserve for extraordinary losses?

Mr. FRYE. I know that that is not so; I know that it is invested in United States bonds, &c.

Mr. BASS. Certainly.

Mr. FRYE. And in mortgages and stocks of all kinds. That scrip is over and beyond the reserve of $3,500,000. And I know this further—I am glad the gentleman reminded me of it—I know that the Atlantic Mutual Insurance Company by virtue of its charter is controlled by a board of directors, and that the policy-holders of that company cannot under the law in any way go behind the action of those directors; that those directors meet together at the end of the year and if there has been 50 per cent. of profit they have the power to declare a dividend of 25 per cent. and no more, and no policy holder has any power in the premises or can prevent the acts of those directors.

Mr. MYERS. My friend declined to yield to me a moment ago. I think he will now, as he has yielded to another.

Mr. FRYE. I will not.

Mr. MYERS. You have yielded to another after declining to yield to me.

Mr. FRYE. I am not going to yield any more.

Mr. MYERS. Then I must take it that the gentleman is afraid of my question.

Mr. FRYE. O, bless my soul! I was not born in the woods to be scared at an owl.

Mr. MYERS. Very well; then take the owl's question and you may find some wisdom in it.

Mr. FRYE. I desire now to call the attention of the House to another company which is partly mutual and partly stock, called the Columbia Insurance Company. This company made its reports and its dividends. In 1860 it lost $86,000. The next year it made over $1,000,000; the next year $2,000,000; the next year nearly $2,000,000. Our people were insured in this company. It said it had $3,000,000 of assets; it had declared dividends of 50, and 20, and 25 per cent. But one day it disappeared. With all its profits and all its assets, what did it pay its creditors? Five per cent.! That company claims $780,000 under this bill. Suppose you pay that claim. You provide it shall be paid to the men who contributed to the losses. Who did contribute to them? The men who received dividends in 1861, 1862, 1863, and 1864 equal to, if not more than, the amount that they paid?

A gentleman of my district said to me the other day, "I was insured in that company; my vessel was lost; I never received a dollar for my $40,000 of insurance. Are you going to give this money by your bill to the men who received dividends for three years, and leave me who never received a dollar, who lost $40,000 by the company, out in the cold?" I told him no; that there was no justice and no equity in doing so; that the creditors of the company should have the money if the claim was ever allowed.

Again, sir, I have here a law of the State of New York passed in 1857, an act in relation to mutual insurance companies. It provides that any three hundred gentlemen may associate themselves together as a mutual insurance company. They shall give notes which shall be the capital of the company; and they may issue policies as a mutual company. They shall on their profits first pay themselves 7 per cent. annual interest on the notes which they have put in as capital; they shall then take one-third of all the rest of the profits and give it to themselves, and then divide with the policy-holders the other two-thirds, less expenses! That is a law of New York passed in 1857, and it is the law to-day. One-half of these companies are acting under that law, and are as much stock companies as any stock companies in the country, only they are more extortionate.

I have here insurance gazettes. I ran over them last night with the thermometer at 95. I find nine companies here—mutual companies—located in Buffalo, Albany, and the city of New York, paying out to stockholders 7 per cent., 8 per cent., 10 per cent., and to the policy-holders another rate per cent. Strange associations of "gentlemen guaranteeing each other against loss!" Did I say too much to the gentleman from New York [Mr. TREMAIN] when yesterday, during the course of his speech, I told him that the committee had been cheated into the position which they occupied on this bill?

Mr. TREMAIN. Will you answer me a question?

Mr. FRYE. No, I will not.

Mr. TREMAIN. You make a charge of fraud, and submit to no answer. That is courage!

Mr. FRY. The charge was made yesterday when the gentleman had an hour to himself; it was made in the midst of his speech, and he had ample time to answer it without taking time out of my half-hour.

Now, Mr. Speaker, I trust that in view of these facts the mutual insurance companies will be stricken out of the bill. They will then be left on the same footing as the stock insurance companies, to be paid in case they lost and only in such case. That is where they ought to stand if they are in the bill at all.

Now, Mr. Speaker, I desire to say a very few words (for I find my time is nearly out) in relation to another class of losers for whom I have great sympathy. It may be true that my sympathy is born of the fact that there are thousands of them in my own district. I admit that this may influence my judgment. But, sir, they are men who paid the war premiums. You had at the end of the war one million of tonnage engaged in foreign commerce. If it had not been for those men you would not have had a ship sailing the American flag on the ocean. Those men were patriotic; they were true; they knew that Great Britain had sent out these pirates upon our seas to prey upon our commerce; and they would not put their ships under the flag which had thus disgraced itself. So they clung to the old flag; they bore the Stars and Stripes over the waters all through the war—why? To make money? The gentleman from New York [Mr. BASS] has said that they made immense profits. Let me tell that gentleman that they did not make a dollar; they lost all through the war; and any man of ordinary common sense and intelligence can see it in the twinkling of an eye, from the statement of the case. Now let me suppose a case. My friend and I both had ships over in Liverpool. He was sailing his under the English flag. I, true to my

country, was sailing mine under the American flag. The gentleman from Oregon [Mr. NESMITH] was anxious to send freights abroad. Which ship would he take, all other things being equal, except the hazards of war? He would take the ship sailed by my friend under the English flag; because there would be no danger of detention or loss. At the same price, the shipper prefers the ship of my friend, and he will not take mine unless I make it to his advantage pecuniarly to do so. Now how can I do that? I must pay a war premium on my ship. What else? I must pay a war premium on his freight. Then having paid two war premiums, I must carry the freight at 10 per cent. less than this other gentleman on account of the risk of the venture. The other vessel takes another freight, and we both land at the port to which we are bound on the same day. How, pray, have I made money in that operation? How could I? Nobody but a fool would pay me the two war premiums for the sake of sending his freight by my vessel. That was the result all over the country; and on some freight from San Francisco to New York the charges for insurance alone was actually more than the freight money to be earned.

Now, sir, there were in my district a great many of these men running ships during the war; and I remember very well that when the news came that privateers were abroad, and under the protection of England, our merchantmen and our ship-owners were filled with terror and dismay. They had their fortunes scattered all over the oceans of the world and were in danger of losing them at any moment. I remember how these genteel insurance companies came down into our district and said "Gentlemen, we will protect you against loss." How will you do it? "We will name our own war premium, doubling up what was the risk, making it absolutely certain we will make profit out of the business." What more? No gentleman seems to have thought, or at least seems to have alluded to it. They said to us further "One thing more we require of you, and that is you shall put a double or third more valuation upon your ship."

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. FRYE. One word more, Mr. Speaker, and the time can be taken out of that allowed to my colleague from Maine.

They said to us, "You must put your ship's valuation one-third more or double more than her worth." If the vessel is injured in a foreign port she had there to be refitted at gold rates. They got double premium, and then they obtained additional premium upon the excessive valuation of a vessel; upon a vessel worth $100,000 they got $50,000 not represented by any value whatever. These insurance companies, having suffered loss and paid $50,000 more than the vessel was worth, now come before the Geneva tribunal and say the Government of the United States there claimed $150,000 for a ship worth only $100,000, and that in all cases you have to pay them for that fictitious value over and above the real value of the vessel. Sir, I trust these war-premium men who at their own sacrifice, at the risk of their fortune, carried our flag through the years of peril, will not be put aside by the insurance companies, which made their millions out of the same peril. I trust, now that we have the power, now that it is in our hands, now that we can do as we will, we shall try to do what the God of justice will have men always do, that which is right, that which is just, that which is equi able.

Mr. WARD, of Illinois. Mr. Speaker, I have given to this subject such study and consideration as I have been able to command, with the simple purpose of satisfying myself what course this great fund should take in order that substantial justice should be done in pursuance of the purpose and spirit of the negotiation of the treaty of Washington and the award of the great tribunal. It is not necessary for me to say, sir, that I represent nobody interested in this money. I do not know but constituents of mine may be, but I know of none interested, and the views which I have will not be pressed with a vigor equal to that which has been exhibited by gentlemen who do represent interests to be affected by this bill.

At the outset I must say, Mr. Speaker, in perfect candor and respect to the gentlemen who have preceded me—for none entertains for them higher regard than I do—that such cause never had such advocates before in all the legislation, in all the tribunals where the rights of men were settled. Able men, men whose reputation has challenged my admiration and whom I respect, men whose lives are above suspicion or reproach, somehow or other hold it is the duty of this Government to distribute this fund in a way not to heal up the wounds of the war, not to restore and build up the fortunes destroyed by the calamity which befell this nation, but to increase and further fill the great coffers of those who speculated on the chances of the war and who made money while our flag was assailed.

Mr. Speaker, I have no reproaches for those gentlemen, but I call the attention of the House to the fact, and I state it candidly, that they have misstated the ground upon which they make their speeches; they have misstated the premises upon which the argument of this question should be made. They have assumed, as though it was a question beyond dispute, that the Government had gone over collecting claims for a lot of gentlemen who made money in the war, and therefore the Congress is precluded by such act from paying this money to any other than these insurance companies, which during the war received ten millions for war premiums and paid but little over five millions for war losses.

Now, Mr. Speaker, in the record there is no reason for any such position. Not in the record of the tribunal, not in the record of the war, not in the official proceedings of the counsel of the United States, the counsel engaged in that great tribunal, is justification anywhere to be found for the assertion that this fund is a fund awarded because particular insurance companies had sustained particular losses. And I call the attention of gentlemen of this House to this question—those who, like myself, have no earthly interest in the matter—and ask them to follow me as I examine the premises upon which these arguments and assumptions stand. If their premises fail, their conclusions must fail also. And I will not say anything now of the enormities of the course they propose to pursue regarding the distribution of this fund, but take what shall be a legal view of the record and of the rules adopted in that case.

First, Mr. Speaker, I again call the attention of the House to the letter of instructions of Mr. Fish to the counsel at Geneva, which has already been read in the course of this debate:

> The President desires to have the subject discussed as one between the two governments, and he directs me to urge upon you strongly to secure, if possible, the award of a sum in gross. In the discussion of this question, and in the treatment of the entire case, you will be careful not to commit the Government as to the disposition of what may be awarded or what may be recovered, in the event of the appointment of the board of assessors mentioned in the tenth article of the treaty. It is possible that there may be duplicate claims for some of the property alleged to have been captured or destroyed, as in the cases of insurers and insured. The Government wishes to hold itself free to decide as to the rights and claims of insurers upon the termination of the case. If the value of the property captured or destroyed be recovered in the name of the Government, the distribution of the amount recovered will be made by this Government without committal as to the mode of distribution. It is expected that all such committal be avoided in the arguments of counsel.

I call attention to these emphatic words, and if after the reading of them the learned gentleman can argue that the Government was committed to pay the money it collected to the insurance companies, then indeed, sir, I misunderstand the plain, ordinary import of the English language:

> *The Government wishes to hold itself free to decide as to the rights and claims of insurers upon the termination of the case.*

And yet we are told by gentlemen, aged and learned in the law, that we were committed by the decision of this tribunal to the payment of this money to the insurance companies. That decision does not exist. It is not to be found in the award of the tribunal or the records relating to it.

Then the counsel said to the tribunal at Geneva, following the instructions of the Government emanating from Washington:

> These claims are all preferred by the United States as a nation against Great Britain as a nation—

Not as the agent of insurance companies going over to collect debts. But—

> preferred by the United States as a nation, against Great Britain as a nation, and are to be so computed and paid, whether awarded as a sum in gross under the seventh article of the treaty or awarded for assessment of amounts under the tenth article.

Mr. Speaker, these are records made at the Geneva tribunal; and it is to the record that I propose to ask the attention of the House, in order to see whether these distinguished gentlemen have really argued the case fairly and upon the record as it stands.

Now, I go further. I proceed next to examine the opinion of a gentleman who figured largely in the case. Before this discussion took place he expressed himself in regard to it. I refer to one of the distinguished counsel at Geneva, Mr. Caleb Cushing, who was not then, as I understand, and never has been, accused at any time of being in the interest of insurance companies either at Geneva or since, although he is an eminent lawyer and in the habit of taking fees I believe in cases. He says in his treaty of Washington:

> In reflecting on this award and seeking to determine its true construction, let us see, in the first place, what it actually expresses, either by inclusion or exclusion.
>
> The award is to the United States, in conformity with the letter of the treaty, which has for its well-defined object to remove and adjust complaints and claims "on the part of the United States."
>
> But the history of the treaty and of the arbitration shows that the United States recover, not for the benefit of the American Government as such—

Here is an answer to the argument of the gentleman from Wisconsin, [Mr. ELDREDGE]—

> but of such individual citizens of the United States as shall appear to have suffered loss—

Not for the benefit of those who have made money out of the chances of war, but of those—

> who have suffered loss *by the acts or neglects* of the British government. It is, however, not a special trust legally affected to any particular claim or claimants, but a general fund to be administered by the United States in good faith, in conformity with their own conceptions of justice and equity, within the range of the award. If, according to any theory of distribution adopted by the United States the sum awarded prove inadequate, we have no claim on Great Britain to supply the deficiency; on the other hand, if the award should prove to be in excess, we are not accountable to Great Britain for any balance. On this point precedents exist in the diplomatic history of Great Britain herself.
>
> The tribunal does not afford us any rules of limitation affecting the distribution of the award, unless in the declaration that "prospective earnings," "double claims" for the same losses, and "claims for gross freights," cannot properly be made the subject of compensation—that is to say, as against Great Britain.
>
> Nor does the tribunal define affirmatively what claims should be satisfied—

Yet it is said that the tribunal has done so—

> otherwise than in the comprehensive terms of the award, which declares that the sum awarded is "the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the consideration of the tribunal, conformably to the provisions contained in article 7 of the aforesaid treaty." The arbitrators, be it observed, do not say for the satisfaction of certain

specific claims among those referred to the consideration of the tribunal, but of "all the claims" so *referred* comformably to the provisions of the treaty.

Now, the practical question which arises is, whether the schedules of claims which were presented to the tribunal as documentary proofs on the part of the United States are conclusive, either as to what they contain or what they do not contain, to establish rules of distribution under the award.

This point is settled by what occurred in discussions before the tribunal.

Great Britain had presented a table composed in large part of estimates, appreciations, and arbitrary or suppositious averages; in consequence of which the United States presented other tables, to which the British agent objected that these tables comprehended claimants and subjects of claims not comprised in the actual schedules filed by the United States; to which the American agent replied by showing that the tribunal had before it, in virtue of the treaty, all the reclamations made by the United States in the interests of individuals injured, and comprised under the generic name of Alabama claims.

This is an argument so completely in point, that I ask the candid consideration of every gentleman to it before he votes on this important question.

Now, then, having first established by the instructions of our Secretary of State to our counsel at Geneva, next by the statement of the counsel themselves on the part of the United States, let me go further and see what the tribunal itself actually did with reference to these claims, and see from that if we cannot draw an argument which is quite as strong as these arguments so eloquently put upon premises which did not exist. With reference to the final arriving at the award this transpired. I quote again from Mr. Cushing in his "Treaty of Washington:"

Some discussions on the same subject afterward occurred between Mr. Staempfli and Sir Alexander Cockburn, which conclusively prove that the result reached did not accept as binding either the tables presented by the United States or the deductions therefrom claimed by Great Britain. *The estimate of Mr. Staempfli seems to have been the basis of conclusion; and that estimate is founded on dividing the difference between the American estimate of* $14,437,000 *and the British estimate of* $7,074,000, *the mean of which is* $10,905,000; *which mean does not in any sort represent the actual claims of the United States. Indeed, one of the arbitrators expressly declared that, in arriving at a conclusion, the arbitrators were not to be regarded as making an assessment, or confining themselves to the schedules, estimates, or tables of either of the two governments.*

I will stop here to discuss that for a moment in the light of a little plain, practical sense, if I can command any. Let us see how it was. This grand suit, the grandest ever engaged in by mortal man or civilized nation, was instituted for the purpose of adjudicating all claims which were presented by one government against another government, founded upon repeated injuries, as claimed by our Government, to the commerce and to individuals of the United States. For the purpose of estimating those damages a number of circumstances and elements entered into the computation. Large numbers of claims were referred there, some of them double claims. Then when the arbitrators got down to the work they took the claims as presented by the United States and as admitted by Great Britain, added them together and divided the total by two, and then decided that the sum thus arrived at would be sufficient to pay all the losses and all the claims referred to the tribunal by the treaty.

Then he goes on to say:

Whether the sum awarded be adequate, depends, in my opinion, on whether distribution be made among *actual losers only* and *citizens of the United States.*

It was believed to be a sufficient sum, and I believe it is sufficient, to pay all actual losses; but it will not be sufficient to pay the absolute losses if you appropriate a large part of it in the way asked for by the gentlemen who have argued against this bill.

Now, every lawyer knows that in trying a case, say for damages for assault and battery, where the jury have to assess damages, he may put in the doctor's bill, the grocer's bill, and the lawyer's bill for the purpose of showing the court and jury what should be the award of damages. But will any gentleman contend that where on a claim of that kind a judgment of the court is obtained, the grocer's bill, and the doctor's bill, and the lawyer's bill, which were brought before the court as elements on which to estimate damages, would have priority of right as against the judgment recovered over other men who were also creditors of the successful suitor? And yet that is precisely the line of reasoning which is followed by my very venerable, respected, and learned brethren of the bar in this case. That is exactly the position in which they stand before the House. Why, sir, any lawyer who in such a case as I have suggested would attempt to direct the fund after it was collected to the doctor and grocer would be hooted out of court. He is not lawyer enough to recover a judgment if he contends that these particular claims had priority over other legal claims against the successful party.

Now, that is a very simple way of illustrating it; but if it is not a perfect illustration of this case, then I confess I do not understand it. I have established, it seems to me, that the committee are right in their report, and now I will go a little further. During the examination of this case we had before us a distinguished lawyer who was at Geneva, the counsel of the United States, and who is the counsel of the insurance companies now, whether he was at Geneva or not. That distinguished counsel, Mr. Evarts, on the 30th day of January, 1874, while discussing the matter before the committee, made some statements which helped us on this question and showed distinctly that not even he, with all his varied learning and power as a lawyer, had the hardihood to stand up and say that there was any superior right on the part of the insurance companies to this fund as against any other man who had lost by the Alabama and other cruisers. The gentleman from Massachusetts [Mr. BUTLER] asked the distinguished counsel some questions which he answered in that peculiarly happy manner in which he can use the English language, without expressing a very plain meaning. I quote his testimony:

Mr. BUTLER. If it will not disturb you, I wish to ask a question. Would it be the duty of our Government to pay from this fund a clear, direct loss of a vessel by the Alabama, for example which was not presented in the tabular statement or the demands put by our Government before the tribunal of arbitration?

Mr. EVARTS. I have not the least difficulty in answering the question. My view of it is, undoubtedly it would. The measure of what we presented, and what the claims falling, under certain principles and rules would be essential, in my judgment, such as either on the one hand to make this Government responsible for the amounts of those claims put forward so that it could scrutinize them as it was its duty to do, or on the other hand—to answer directly the chairman's question—not to exclude a proved claim not named hitherto to our Government, and not embraced in the computations. The transaction having been of the character of finding out in gross between the countries what covered claims on certain principles and not otherwise. But how a court will actually dispose of that question, if it ever shall become a matter of competition and struggle between claimants, I really can hardly be called upon to determine.

Mr. BUTLER. Assuming that there is an excess of the fund?

Mr. EVARTS. O, well, then I think they are all entitled, because no principles are violated. They are included under a measure that Great Britain has admitted and that we have asked.

After that my practical friend from Wisconsin, [Mr. ELDREDGE,] a member of the committee, who is so fond of catechising everybody, asked him a straightforward and express question. I give the question and also the answer:

Mr. ELDREDGE. Then there was no merit in presenting the claim originally?

Mr. EVARTS. That is my judgment.

Mr. BUTLER, with all his tenacity and sagacity, was unable to keep him squarely up to the point for some reason or other. He dodged him with more facility than he did the gentleman from Wisconsin. The gentleman from Wisconsin asked him this question: "Then there was no merit in pressing the claim originally?" Mr. Evarts replied: "That is my judgment." And it is mine; and, if so, then I ask what is the judgment of my able, distinguished, enlightened, cultivated friends on the committee?

Now I have another view of this case to which I wish to call attention before I leave it and pass to other considerations. If we are to believe alone the sublime declarations and the fervid eloquence of the gentlemen who have advocated the claims of these insurance companies, we would almost begin to think that there was nobody in the war who suffered anything but them. Now what are the facts? The obligation of the Government is equal to all its citizens. I have shown that this is a great trust fund, awarded by this high tribunal to repair the damages done by the war. How shall we divide it? There is no such thing as a legal claim on the part of the insurance companies; it is not even contended that there is. And if such claim is put forward I disprove it out of the mouth of their highest authority and from the record. All over the country, along the coasts of New England, are the men who paid these enormous war premiums. I have here a statement made by one of a firm who paid over $38,000 to an insurance company, and the company failed, and they did not get a cent. Now the company is here asking to have their claim paid. This is the statement of a member of that firm:

WASHINGTON, *January*, 1874.

To the House of Representatives Judiciary Committee:

During the war of the rebellion, as a member of the late firm of Walsh, Carver & Chase, I paid to insurance companies $38,548.48 increased premiums for war insurance, as shown by policies now in my possession. On neither of these policies have they ever paid a dollar. The whole amount was profit to the insurance companies. Two vessels, the Delphine and the Alina, of which my firm owned a part, and on which we had no insurance, were destroyed by the Shenandoah before she went to Australia, by which we lost $14,000. The insurance companies now claim that the amount received from England as indemnity should be paid to them, added to their profit of $38,548.48, and that I should have nothing. Would this be right?

Respectfully yours,

B. CARVER,
Now of CARVER & BARNES,
No. 30 South street, New York.

Now, in view of these records and these facts, I want the kind-hearted and able gentlemen who said that they could not see how they could stand up in the face of the civilization of these times and advocate this bill to take their words backs, and to help distribute this fund to the men who have actually lost. I say to them that they must not shake their bony fingers and hoary locks at me and say I am wrong. If the blush of shame shall ever rest upon anybody's cheek by reason of anything done in connection with this bill, it will be upon the cheek of my venerated friend and not upon mine. I have a just pride in saying that those who suffered should be paid. That is the direct course for a great nation to pursue, when it has a fund to award to its citizens, unrestrained by any arbitrary rule, and governed only by those great rules of equity and justice which should control the action of a government toward all its citizens, high and low, poor and rich. I desire to say a few words more. How much time have I?

The SPEAKER *pro tempore*, (Mr. HURLBUT.) The gentleman has ten minutes.

Mr. WARD, of Illinois. I must say a word or two more in relation to some facts of this case. There are so many things that might be said that I hardly know where to begin or what to leave unsaid. The views I present are of course hurried, not prepared as have been the views of gentleman on the other side. But there is one thing that has become somewhat of a personal matter, though I never have any personal controversies with anybody. I do not know why it is, whether persons are afraid to have any with me, or because of my

good-nature; but I never have any. Perhaps it is because I am afraid. The remarks of my friend and colleague on the committee [Mr. FRYE] suit me in the main so well and are so good that I dislike to refer to those in regard to mutual insurance companies. In the committee mutual insurance companies were put on the same footing with the war-premium payers. I think still that they belong there if they are mutual insurance companies; if not then they do not come within the provisions of the bill. I do not understand a mutual insurance company to be what my friend from Maine [Mr. FRYE] says. I understand it is an association of gentlemen who agree to guarantee each other against loss, and raise a fund for that purpose; that after they have paid their losses that portion of premiums which is not distributed for losses is returned to the policy-holders and premium payers. Sometimes being held in reserve against extraordinary losses they have a large fund on hand, belonging in fact to those who take policies in the company. After a time that fund is redistributed. I am satisfied, notwithstanding the positive statements of the gentleman from Maine [Mr. FRYE] and the gentleman from Massachusetts, [Mr. BUTLER,] that they are entirely in error in regard to these mutual insurance companies. There may be companies part stock and part mutual; but it is the mutual insurance company that I am talking about. In my mind that is a company that stands upon the same footing as the war-premium payer.

Mr. TREMAIN. Is not the bill expressly confined to the mutual insurance companies, so far as they are admitted?

Mr. WARD, of Illinois. Yes; and I think it unfair. I have said it privately, and I repeat it now, it is unfair, for the gentleman, upon a mistaken statement of facts, to come in now and argue that the bill which they agreed upon in its present form shall be changed by striking out the mutual insurance companies. I am not lifting my voice in defense of mutual insurance companies. The action of the insurance companies in relation to this fund all the way through, has been so odious to me that I will not lift my voice in defense of these companies. If this statement is not sufficient to retain them in the bill, then let them go out.

Mr. TREMAIN. As this question of fraud has been raised, will the gentleman allow me to ask a single question?

Mr. WARD, of Illinois. I dislike to refuse; the gentleman knows I do. Go on.

Mr. TREMAIN. Is it not true that the mutual insurance companies were not put in the bill at all by the committee until you took the position that you would not put in the war-premium men otherwise, and you held the balance of power in the committee?

Mr. WARD, of Illinois. If it is proper for me to state what occurred in committee——

Mr. TREMAIN. It has been alluded to on the other side in a charge of fraud.

Mr. BUTLER, of Massachusetts. No man on our side has alluded to anything that occurred in committee.

Mr. TREMAIN. It has been charged that there was a fraud perpetrated in the committee.

Mr. WARD, of Illinois. No fraud was perpetrated upon me. I was not deceived, and am not deceived now. If there has been any fraud perpetrated, it is since the bill came out of committee; it is on the information furnished by my friend from Maine, and in which he is mistaken.

But, Mr. Speaker, my time is running out and I must conclude. I trust you will not find fault with me if I indulge in some general remarks in regard to the character of the grand tribunal by which this award was made. As I have stated, I have no interest in the result of this award. If this House should see fit to send this money in directions which I believe to be wrong, I have no fault to find. I shall feel conscious that I have discharged my duty in relation to this fund. As for the rest the responsibility is on the Congress of the United States. It does not lie in my mouth to complain of its action. But I do take pride in the grand achievements of this country during the last few years, among which was the organization of this high tribunal. I do insist that, being the highest type of court that ever sat to adjudicate upon the rights of mortal man, it having given to us that fund based upon the equitable claim of one government against another for indemnity, that fund should be distributed to those who have suffered losses and not to those who have made money. Before the decision of the tribunal at Geneva, how anxious were all the people upon the subject of our complicated relations with Great Britain, I need not tell—all remember.

How proud of the complete success of that great suit to which our nation and England were the only parties, but in which all civilized nations, all humanity, were profoundly interested, our people may justly be I need not undertake to state.

The indecent haste of England in according belligerent rights to one enemy, without a vessel or a flag—the encouragement she gave desperate men to fit out, and the aid of her citizens in fitting out and arming cruisers to prey upon and destroy our commerce, and the vast destruction which followed, and was winked at by the government and applauded by the people of Great Britain, while pretending to be our neutral friends, and while we were engaged in a struggle the like of which was never seen, for very life, constituted outrages that awakened a depth of indignation and engendered a measure of bitterness in the minds of our people against Great Britain, which it seemed for years could only end in war and be wiped out in blood.

How the discussions upon this great question have been carried on by these two peoples, how calm, humane, and grand councils have prevailed; how war with its attendant horrors has been happily and completely averted, peace maintained and assured, and good will restored are matters of history, telling of our peaceful triumphs, and brightly shining on the page next to that which records our sufferings and achievements in a war for life and liberty, and which, taken together, give Americans a fame for valor, justice, and forbearance second to no people of whom history speaks. It was a great day for the United States when peace was won and declared. It was a greater day for all the nations when the United States and Great Britain, having such cause of quarrel, submitted it to such a tribunal as that at Geneva; and it was the crowning day of all when that tribunal made its award and these great nations accepted it as final and complete.

How much that precedent will do for peace hereafter, how much destruction it will save, how many wars prevent, how much suffering and misery avert, no one can tell; but it is a great point gained for peace, a long step toward the time when disputes between nations shall be settled without blood, the time—

When man shall cease his fellow-man to slay.

That blessed time of which the poet says—

Thou glorious era, come! Hail blessed time
When full orb'd freedom shall unclouded shine,
When the chaste muses, nurtured in her rays,
In olive groves shall tune their sweetest lays;
When bounteous Ceres shall direct the car
O'er fields now blasted by the fires of war,
And angels view with love and wonder joined,
The golden age returned to bless mankind.

If the military achievements of President Grant shall fade and perish from the memory of man, if his advisers and Cabinet officers have failed to make lasting impressions upon the history of events of the past few years in other respects; in the record of the negotiations of the treaty of Washington and the proceedings and judgment and award of this tribunal, shall they all live and be honored, revered, and loved when all the passions of these times are dead, when all these warm hearts are still and cold, when all who now are here have passed away.

A new starting point in the progress of our civilization has been erected, and it is planted upon the rock of justice. All humanity is enlisted and interested in its support; it is just and must endure while justice lasts; it is humane and kind; it is love of man for fellow-man, and as God is love, like Him it shall be eternal. Inclining all the nations of the earth toward peace it shall bless the world as only peace can bless mankind. It is the birth of a new law of love to the nations.

Ye have heard that it hath been said an eye for an eye and a tooth for a tooth; but this says strive no more, shed no more innocent blood, make no more orphans for wounded national honor or because of national wrongs. This points out a peaceful way to solve these questions; follow it ye nations.

Mr. HALE, of Maine. Mr. Speaker, there is nothing so hard to defeat in Congress as the influence of an interest concentrated in the hands of a few men, representing a large sum of money. I do not mean by this to say that I believe that money is used to corrupt Congress. My belief is the other way. But it is a fact, constantly pressing itself upon the minds of other members, much, I presume, as it does upon mine, that an interest with a large amount depending on the action of Congress, especially when concentrated in a few men or a few corporations, will never down. It constantly presents itself here. Beaten to-day, it lifts its head again to-morrow. Public opinion stamps upon it the seal of reprobation, and yet it does not retire from the field. Congress strikes it apparently dead, yet it revives; it has a living force behind it in human greed, and takes advantage of every recess of Congress, of every suspension of public opinion upon the merits of its claims, and puts out its feelers in every direction to gain friends. That has been proved so in many cases, not only in this Congress but in others; and the case presented by the insurance companies to-day illustrates completely what I have said. These few companies have at stake between five and six millions of dollars. They have been before one Congress ignominiously kicked out by a vote in this House of more than two to one; yet they have never rested on that verdict. In the same Congress their claims were presented in the Senate, and were there, as in the House, thrown out. They have since been industriously at work to secure a different result. I know how they have been working. I have received letters and circulars by the cord as other members have. I of course was prepared (because it was a subject to which I had given investigation, and in which my constituents are interested) to meet all this. But these companies proceed on the assumption that upon these claims, which keenly involve important interests in parts of the country, many men will not have made up their minds. So their pertinacious approaches have been in some cases unresisted. They come here resting upon no claim to sympathy whatever—no claim of suffering, no claim that injuries should be repaired; they come here resting upon a narrow proposition of law, as applied by the courts between man and man, and they insist that Congress, with a great fund belonging to the nation with which to do justice, should judge in this case, just as a county court would do in a case between A and B, where the doctrine of subrogation might apply.

That is how these companies appear; and it was threatened yester-

day by a gentleman here that whatever happens these companies would never cease to besiege Congress. He believed in the vitality that rests in an interest that represents nearly $6,000,000.

Not so with that which antagonizes. I represent here, as does my colleague, [Mr. FRYE,] who has spoken so eloquently, a district largely involved in the navigation and commercial interests of the United States. Has any gentleman pictured to himself the time when that interest was struck down by an almost mortal blow, an interest that was the pride of the American citizen everywhere, that was carrying the freights of the world; but which, when the rebellion broke out and the cruisers fitted out in Great Britain went upon the sea, at once sunk down almost to its final death. There was a hardship everywhere on the sea-board; men found that their business had gone, their ships were lying at the wharves, and there was nothing for them to do. They went to freighters and they were repulsed. The commission merchant gave them the cold shoulder. They went to the insurance companies and found the doors shut upon them. They were obliged to lay up their vessels which floated the American flag or to go on and pay the ruinous war premiums, which depleted their fortunes and ruined their vocation. They were compelled to take either the one or the other course.

Sir, there are in my district to-day men who have given an honest life to the business of building and sailing ships; who in 1861 owned vessels small and great, who had invested in them all their accumulations, and who, because of the strain which was put upon them, because of the burdens which were laid by the insurance companies and the meager freights made, became poor and have so remained ever since. The war closed, leaving them in that condition. The Government recognized it. It was pressed, Mr. Speaker, in every direction to help this suffering interest. The newspapers urged it; Representatives spoke for them in Congress, demanding that reparation should be made by Great Britain, and that our Government should see to it that it was promptly done. The Government respected the sentiments of the people, and organized that great tribunal at Geneva which my friend from Illinois [Mr. WARD] has so well spoken of. I know that throughout the length and breadth of my sea-board district, in the hearts of all men who had been waiting five years to be paid for their losses, a cry of joy went up when at last they saw that there was an opportunity in some degree to be made whole. The men who lost in vessels and had no insurance felt that relief was at hand. The men who had been drained of their life-blood by these insurance companies as by leeches, the men who paid enormous war premiums, who had impaired their fortunes, saw relief in that act of the Government. In all the villages and hamlets in my district, sir, there was no man of such morbid imagination as to doubt that he would speedily be paid through this great tribunal and that it would be paid. Nobody was found who suggested that the insurance companies which had been the means of sinking the business and the fortunes of the ship-owners would clamor for the bulk of the fund and fight action until they got it.

The Government, as I have said, Mr. Speaker, recognized and respected that sentiment of the people, and under its sanction the arbitration commission met. I will say nothing about counsel being engaged at the Geneva tribunal for the insurance companies. It was certainly the fact that as soon as the result became known and it became certain that the money would be paid into the Treasury, it was found that the leading counsel for the insurance companies had been leading counsel of the Government before the Geneva tribunal. Gentlemen may make the best of that, and apply to it such reasoning as human experience naturally will suggest. Notwithstanding that, through the firmness of the Secretary of State (and it is to his honor that this can be said) and because Mr. Bancroft Davis was a sturdy man and persistently took care that the Government of the United States did not involve itself as to the distribution of the sum collected, the Government was left to divide this money among the sufferers, whoever they may be.

Now, Mr. Speaker, the money is in the Treasury. To-day these insurance companies come as they did in the last Congress, and because they believed they have increased their forces here demand that they shall be recognized and paid, and that these men in my district who have suffered shall go without it. For, sir, there is not enough money for all. The claim is urged without hesitation and with an effrontery I have seldom seen on this floor. The gentleman from Vermont, [Mr. POLAND,] an old lawyer and judge, declares that to resist the claims of these insurance companies is no better than stealing. The gentleman from New York, [Mr. TREMAIN,] who has not learned that hard words are not the style of argument for this House whatever they may be for a New York jury, declares that to resist the men whom he represents here violates every principle of common honesty. His colleague, [Mr. WOODFORD,] a younger lawyer I am bound to say, and using words with no great discrimination but equally inclined to abuse, declares that we are pettifogging when we seek to prevent the insurance companies, which were paid a profit of 100 per cent. by my constituents and by those of other gentlemen, from adding to that another 50 per cent.

Mr. HAWLEY, of Connecticut. Will the gentleman allow me to ask him a question?

Mr. HALE, of Maine. I cannot yield as my time is nearly out. Let us reason for a moment about this matter, and see where common honesty is and where the pettifogging is. I do not know exactly what the gentleman took the word to mean. But I suppose, if it has any application in this case, that pettifogging is seeking to evade common justice by some quibble or technical point of law. Now, let me reason for a moment between the insurance companies and war-premium men, and let us see what is pettifogging and what is common honesty. Let us deal a little in logic.

The claims of the first class of men who ask for money here are not disputed. They are the men who owned ships and lost them and received no insurance. Everybody admits that they should be paid. Why? Because they lost and have not been recompensed. The next set of claimants that come in are the insurance companies, who set up a claim for insurance paid. We say that they ought not to have it unless each company should show a loss. And why? Because they have been once paid. Is not that fair? By whom have they been paid? By American citizens owning vessels and freight; nobody doubts this; the books and returns of these companies show it; my colleague has given you the figures. Then we come to a third class. Here we find the man who when he could get no freight insured his vessel at an enormous premium and took a freight insured at a like premium. He is the man who recompensed the insurance. The insured owner of a destroyed vessel looked to the insurance company; the insurance company looked to the war-premium man. Who has the war-premium man to look to if not to us. This man is my constituent. Does he stand here before this House in any way relieved? We have got rid of the man who owned the vessel and had no insurance, because we pay him. We refuse to pay the insurance companies, because they have been paid by the war-premium men. At last we strike hard-pan. We have found a man whom nobody has paid. He is at the bottom, and he ventures to lift up his voice for relief, and some of us dare to speak for him at the risk of being called pettifoggers and thieves. He can look to nobody else. He had nobody to charge his insurance to. He was competing with British vessels that paid no war risk, perhaps with his neighbor, who had put his craft under the British flag; and while he paid war premiums on the one hand, his receipts were shrunk on the other hand by running for less freight.

Is there any man here listening to this bit of logic who will say that we are pettifogging for the war-premium man? Will you send them away from these doors and add to the plethoric pockets of the insurance companies, already full?

Take another case—the case represented by my friend from Ohio, [Mr. MONROE,] of a vessel captured by the Shenandoah before her departure from Melbourne; a ship fitted out in British ports, sailing on the high seas and striking down our vessels; fitted out as the Alabama was, but ruled out by the tribunal because our Government through its diplomatic representatives did not take exactly the proper form of remonstrance before she left the British port where she was fitted up, and could not prove such action until she arrived at Melbourne. There is a technical point that comes in the way of my friend from Ohio getting money for his suffering and ruined constituents. And because he dares to raise his voice on their behalf for a little of the money that lies in the Treasury, which does not want it and does not claim it, my friend from New York [Mr. TREMAIN] and these other gentlemen say that he wants to violate common honesty and that he is pettifogging for his ruined constituents. I have just such cases in my own district, and Mr. Davis and Mr. Cushing say that nothing in the acts of the Geneva tribunal bars our Government from paying such claims.

But my friend from Vermont [Mr. POLAND] appears with a bill to send everybody to the courts and to take this question away from Congress. No man can do by indirection what he is not allowed to do directly with a soberer face than Judge POLAND. He says, "Why not send this case to the courts?" And other gentlemen around me have said, "Why not send it to the court and let it be settled?"

Mr. POLAND. Why not?

Mr. HALE, of Maine. This is why not. Mr. Speaker, this proposition means the payment to the insurance companies, and nothing else. The gentleman himself said yesterday that he did not believe that the courts would allow the enhanced-premium men to get a dollar from this fund, but he believed they would give it to the insurance companies. Sir, I am myself of the belief that that is the danger if it goes to a court, and for this reason: Our courts to-day, whether sitting as courts of law or of equity, are bound by a long-settled train of decisions. Let no man here be deluded by the words "in equity" in Judge POLAND'S bill. Equity to-day, sir, as interpreted by the courts, is not as it was in the time of Lord Coke, when, seeking to ameliorate the rigidness of the common law by the flexibility of equity, he invoked the *arbitrio boni viri*.

Since that day equity in the courts has become as fixed, has become almost as much narrowed, has become a matter of precedent and decision, almost as much as the common law. No court in equity rejects the doctrine of subrogation as applied to the insurance company. They have a technical claim that only Congress can set aside in favor of the real claim, resting upon equity in its broad, common acceptation. There are some things that Congress can do better than the courts, and it has always kept its hold upon this fund to do justice with it. Congress imposes taxes and thereby burdens the people. It lays income taxes, though the lawyers say it cannot make a discriminating tax. It sets the machinery of the Government at work to collect the tax, for all the lawyers are against it.

It can relieve burdens equally by distributing a fund that was demanded to relieve men who suffered from the acts of Great Britain in fitting out rebel cruisers.

That is the reason why I object to sending this matter to the courts. The gentleman himself, who is an insurance man, knows that this scheme of his is in favor of the insurance companies when he urges it upon the House; and when he endeavors to persuade members that this whole thing can be settled by the courts he knows what he is about. He knows that the insurance companies are safe in his hands. Representing the interest that is just beginning to rally from the breaking down and disastrous effects of the war, which prostrated it more than it prostrated any other interest in the country, I urge that this House, so far as it can, settle this matter here and now.

As I said in the beginning, these gentlemen have forgotten that Congress has already passed once upon this question. This House, Mr. Speaker, last year passed on the very proposition, put I think in the same words by the gentleman from Vermont, [Mr. POLAND,] and voted it down, and this is the record of the vote: yeas 68, nays 125. There were two men to one in the Forty-second Congress who in spite of the specious arguments of the gentleman from Vermont voted down his proposition; and then on top of that, on a bill almost like the bill which my friend from Massachusetts [Mr. BUTLER] is urging here to-day, passed it through the House by a vote of Yeas 122, nays 56. There were one hundred and twenty-two pettifoggers, men seeking to violate common justice, and only fifty-six high-minded, honest men, thoughtful of the rights of their fellow-men and of common justice, and with perhaps a little kindness for the rich insurance companies all over the land. That was the record of the last Congress. I say again, Mr. Speaker, that in the face of that it requires the effrontery, the matchless audacity of the insurance advocates to try to cram this offensive project down the House by the kind of talk that we have listened to here.

[Here the hammer fell.]

[Mr. BUTLER, of Massachusetts, addressed the House. His remarks will appear in the Appendix.]

[Mr. STARKWEATHER addressed the House. His remarks will appear in the Appendix.]

The SPEAKER. The first question is on the amendment offered by the gentleman from Maine [Mr. FRYE] to the substitute for the Senate bill reported by the Committee on the Judiciary.

The Clerk read Mr. FRYE's amendment, as follows:

Strike out on page 14, line 64, these words:

Provided, That mutual insurance companies who have paid a loss shall be indemnified for the same, such indemnity to be divided among its members who contributed to pay such loss at the time; but no member of any mutual insurance company shall be indemnified for any war premium paid in such company.

The question being taken on agreeing to Mr. FRYE's amendment, there were—ayes 97, noes 43; no quorum voting.

Tellers were ordered under the rule; and Mr. FRYE and Mr. KELLOGG were appointed.

The House again divided; and the tellers reported ayes 137.

Mr. KELLOGG. I did not ask for tellers, and I do not desire a further count.

So the amendment was agreed to.

The SPEAKER. The question is next upon the series of amendments proposed by the gentleman from New York, [Mr. TREMAIN.]

The Clerk read Mr. TREMAIN's first amendment, as follows:

Page 12. Strike out all after the word "government," in line 12, to and including the words "Great Britain," in line 13, and insert the words "of Great Britain was held liable at Geneva."

The amendment was disagreed to.

The Clerk read Mr. TREMAIN's second amendment, as follows:

Page 14. Strike out all after the word "who," in line 47, to and including the word "assured," in line 57, and insert in lieu thereof the words "have paid a loss thereon."

The amendment was disagreed to.

The Clerk read Mr. TREMAIN's third amendment, as follows:

Page 14. Strike out lines 52, 53, 54, 55, 56, and 57.

The amendment was disagreed to.

The Clerk read Mr. TREMAIN's fourth amendment, as follows:

Page 14. After the word "assured," in line 57, insert the words:

Provided also, That mutual insurance companies who have paid a loss shall be indemnified for the same, such indemnity to be apportioned among its members who contributed to pay such loss at the time.

The amendment was disagreed to.

The Clerk read Mr. TREMAIN's fifth amendment, as follows:

Page 14. Strike out from line 58 to the word "cruisers," in line 64.

The amendment was disagreed to.

The SPEAKER. The question is next on the amendment proposed by the gentleman from Illinois, [Mr. WARD,] of the Judiciary Committee, to strike out the paragraph in section 1 of the substitute from line 58 to 84 inclusive.

Mr. WARD, of Illinois. I ask leave to withdraw that amendment. It has been substantially acted upon already.

There was no objection, and the amendment was withdrawn.

The SPEAKER. All the amendments to perfect the substitute reported from the committee have now been disposed of. The question is next on the substitute proposed by the gentleman from Vermont, [Mr. POLAND,] of the Judiciary Committee, for the substitute reported by the committee.

The first five sections of Mr. POLAND's substitute were read.

Mr. POLAND. I hardly think it necessary to read the remaining sections of the substitute, because what they propose in relation to the mode of proceeding are very much the same as in the bill reported by the majority of the committee. I now call for the yeas and nays on agreeing to the substitute I have offered.

Mr. BUTLER, of Massachusetts. O, yes; let us have the yeas and nays.

The question was taken; and there were—yeas 92, nays 149, not voting 48; as follows:

YEAS—Messrs. Adams, Albert, Arthur, Atkins, Bass, Beck, Bell, Berry, Bowen, Bright, Bromberg, Buckner, Caldwell, John B. Clark, jr., Freeman Clarke, Clymer, Comingo, Cox, Crittenden, Crooke, Crounse, Danford, Darrall, Dawes, Duell, Durham, Freeman, Giddings, Gunckel, Hancock, Henry R. Harris, John T. Harris, Harrison, Hathorn, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, Hooper, Hunton, Kasson, Kelley, Kellogg, Killinger, Lamar, Lawson, Leach, Lowndes, Magee, Marshall, McKee, Milliken, Mills, Morrison, Myers, Neal, Niles, O'Brien, O'Neill, Hosea W. Parker, Parsons, Perry, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Randall, Rice, Ellis H. Roberts, Milton Sayler, Scofield, A. Herr Smith, Southard, Standiford, Storm, Swann, Townsend, Tremain, Vance, Waldron, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Willie, Ephraim K. Wilson, James Wilson, Wood, Woodford, and John D. Young—92.

NAYS—Messrs. Archer, Averill, Banning, Barber, Barrere, Begole, Biery, Bradley, Brown, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Amos Clark, jr., Clements, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Creamer, Crocker, Crossland, Crutchfield, Davis, Dobbins, Donnan, Dunnell, Eames, Eden, Eldredge, Farwell, Fort, Foster, Frye, Glover, Gooch, Hagans, Eugene Hale, Hamilton, Harmer, Benjamin W. Harris, Hatcher, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Knapp, Lamison, Lamport, Lansing, Lawrence, Lewis, Lofland, Lowe, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Merriam, Monroe, Moore, Morey, Nesmith, Niblack, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Pendleton, Phillips, Pike, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Richmond, James C. Robinson, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Speer, Sprague, Starkweather, Stowell, Strait, Strawbridge, Sypher, Christopher Y. Thomas, Thornburgh, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whiteley, Charles G. Williams, William Williams, William B. Williams, Wilshire Jeremiah M. Wilson, Wolfe, and Woodworth—149.

NOT VOTING—Messrs. Albright, Ashe, Barnum, Barry, Bland, Blount, Cessna, Clayton, Clinton L. Cobb, Curtis, DeWitt, Elliott, Field, Garfield, Robert S. Hale, Hays, Hendee, Hersey, George F. Hoar, Holman, Jewett, Kendall, Loughridge, Luttrell, McJunkin, McLean, Mitchell, Negley, Nunn, Potter, Read, Robbins, William R. Roberts, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, William A. Smith, Stanard, Stephens, St. John, Stone, Taylor, Charles R. Thomas, Todd, Waddell, Wilber, John M. S. Williams, and Pierce M. B. Young—48.

So the substitute offered by Mr. POLAND was not agreed to.

During the roll-call the following announcements were made:

Mr. VANCE. I desire to announce that my colleague, Mr. ASHE, is absent on account of sickness; if here he would vote "ay."

Mr. SENER. I am requested by Mr. SMITH, of North Carolina, to say that he is unavoidably detained from the House by sickness and expects to be absent, either on that account or on account of sickness in his family, for the remainder of the session.

The question recurred upon agreeing to the substitute reported by the Committee on the Judiciary for the bill of the Senate.

Mr. ELDREDGE. I move to lay the bill on the table.

The question was put, and on a division there were—ayes 37, noes 119.

Mr. ELDREDGE called for tellers.

Tellers were ordered; and Mr. ELDREDGE, and Mr. BUTLER of Massachusetts, were appointed.

The House divided; and the tellers reported—ayes 59, noes 107.

So the motion to lay the bill on the table was not agreed to.

The question was taken upon the substitute reported by the Committee on the Judiciary, as amended; and it was agreed to.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time.

The question recurred upon the passage of the bill.

Mr. ELDREDGE and Mr. POLAND called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 101, not voting 56; as follows:

YEAS—Messrs. Averill, Barber, Barrere, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Amos Clark, jr., Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crocker, Crooke, Crossland, Crutchfield, Danford, Darrall, Dawes, Dobbins, Donnan, Dunnell, Eames, Field, Fort, Foster, Freeman, Frye, Glover, Gooch, Hagans, Eugene Hale, Hamilton, Harmer, Benjamin W. Harris, Hatcher, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hodges, Hooper, Hoskins, Houghton, Howe, Hunter, Hurlbut, Hyde, Hynes, Kelley, Killinger, Lamison, Lamport, Lansing, Lewis, Lofland, Lowe, Lynch, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McNulta, Monroe, Morey, Nesmith, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pendleton, Phillips, Pike, James H. Platt, jr., Pratt, Purman, Rainey, Ransier, Rapier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Small, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Speer, Sprague, Starkweather, Stowell, Strait, Strawbridge, Christopher Y. Thomas, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, George Willard, Charles G. Williams, William Williams, William B. Williams, Wilshire, James Wilson, Jeremiah M. Wilson, and Woodworth—132.

NAYS—Messrs. Albert, Archer, Arthur, Atkins, Banning, Beck, Bell, Berry, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cannon, John B. Clark, jr., Freeman Clarke, Clymer, Comingo, Cook, Cotton, Cox, Creamer, Crittenden, Crounse, Duell, Durham, Eden, Eldredge, Garfield, Giddings, Gunckel, Hancock, Henry R. Harris, John T. Harris, Harrison, Hathorn, Joseph R. Hawley, Hereford, Herndon, E. Rockwood Hoar, Hunton, Kasson, Kellogg, Knapp, Lamar, Lawrence, Lawson, Leach, Lowndes, Magee, Marshall, Martin, Maynard, McKee, McLean,

Merriam, Milliken, Mills, Morrison, Myers, Neal, Niblack, Niles, O'Brien, O'Neill, Hosea W. Parker, Parsons, Pelham, Perry, Phelps, Pierce, Thomas C. Platt, Poland, Randall, Rice, James C. Robinson, Milton Sayler, John G. Schumaker, Sener, Sheldon, A. Herr Smith, Southard, Standiford, Storm, Swann, Thornburgh, Townsend, Tremain, Vance, Waldron, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Ephraim K. Wilson, Wolfe, Woodford, and John D. Young—101.

NOT VOTING—Messrs. Adams, Albright, Ashe, Barnum, Barry, Bass, Bland, Blount, Cessna, Clayton, Clinton L. Cobb, Curtis, Davis, DeWitt, Elliott, Farwell, Robert S. Hale, Hays, Hendee, Hersey, George F. Hoar, Holman, Hubbell, Jewett, Kendall, Loughridge, Luttrell, McJunkin, Mitchell, Moore, Negley, Nunn, Potter, Read, Robbins, William R. Roberts, Ross, Scofield, Henry J. Scudder, Isaac W. Scudder, Sloss, William A. Smith, Snyder, Stanard, Stephens, St. John, Stone, Sypher, Taylor, Charles R. Thomas, Todd, Waddell, Wilber, John M. S. Williams, Wood, and Pierce M. B. Young—56.

So the bill was passed.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUTLER, of Massachusetts. I move to amend the title of the bill, so that it will read as follows: "An act to provide for a just and equitable distribution of the moneys paid in pursuance of the award made to the United States by the commissioners at Geneva under the treaty of Washington."

The amendment to the title was agreed to.

Mr. BUTLER, of Massachusetts moved to reconsider the vote by which the amendment to the title was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill of the following title, with amendments; in which the concurrence of the House was requested:

A bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States Marine Hospital at Detroit, Michigan.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 693) to change the time for holding the circuit and district courts of the United States for the western district of Wisconsin at Oshkosh.

ORDER OF BUSINESS.

Mr. GARFIELD. I desire to give notice that immediately after the reading of the Journal to-morrow, I shall call up the sundry civil appropriation bill.

Mr. RANDALL. I move that the House do now adjourn.

Mr. DAWES. Let us go to business on the Speaker's table for a few moments, to dispose of some matters that will not give rise to debate.

Mr. LAMISON. I ask unanimous consent that the Senate bill in relation to errors in prize-lists be taken from the Speaker's table and referred to the Committee on Naval Affairs.

Mr. RANDALL. I have moved to adjourn.

Mr. DAWES. I desire to give notice to the House that, with the consent of the gentleman from Ohio, [Mr. GARFIELD,] I shall move to go to business on the Speaker's table, to dispose of matters that will not give rise to discussion, to-morrow, immediately after reading of the Journal, for a short time only.

Mr. LAWRENCE. I hope that we shall have an evening session to-night, to enable the Committee on War Claims to make some reports.

Mr. GARFIELD. I move that the House adjourn.

The SPEAKER. A motion to adjourn was made and is now pending.

The question was taken on Mr. RANDALL'S motion, and it was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rules, and referred as stated:

By Mr. COBB, of Kansas: The petition of members of the Delaware tribe of Indians who have become citizens of the United States, that patents be issued to them for their lands and all restrictions removed from the same, and that they be paid the proportion of money held in trust by the United States for them, to the Committee on Indian Affairs.

By Mr. DUNNELL: The petition of grange organizations in Martin County, Minnesota, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. FARWELL: The remonstrance of tobacco manufacturers of Chicago, Illinois, against any amendment of the internal-revenue laws which will permit growers of leaf-tobacco to sell to consumers without license or tax, to the Committee on Ways and Means.

Also, the petition of citizens of Chicago, Illinois, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. HAYS: The petition of citizens of Alabama, for the establishment of certain post-routes in said State, to the Committee on the Post-Office and Post-Roads.

By Mr. HYDE: The petition of grange organizations in Sullivan and Chariton Counties, Missouri, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. PACKARD: The petition of grange organizations in Jasper County, Indiana, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

Also, the petition, with accompanying papers, of James P. Gillespie, praying that he be paid the sum of $26,545.33 claimed by him as informer in revenue cases, to the Committee on Claims.

By Mr. SENER: The petition of Jacob Sparrow, of Gloucester County, Virginia, for compensation for seizure of schooner John Hamilton by United States steamer Daylight during the late war, to the Committee on War Claims.

By Mr. SHERWOOD: The petition of grange associations in Wood County, Ohio, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

Also, the petition of druggists of Perrysburgh, Ohio, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

Also, the petition of wholesale grocers and druggists of Toledo, Ohio, for the passage of the bill to define a gross of matches, to the Committee on Ways and Means.

Also, the petition of tobacco manufacturers of Toledo, Ohio, against permission to growers of leaf-tobacco to sell to consumers without tax or license, to the Committee on Ways and Means.

Also, the petition of members of the Order of Stars and Stripes, for the equalization of soldiers' bounties, to the Committee on Military Affairs.

By Mr. STRAIT: The petition of grange organizations in Carver County, Minnesota, for the passage of the bill in aid of the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. THOMAS, of Virginia: The petition of citizens of Franklin County, Virginia, for increased mail facilities, to the Committee on Post-Offices and Post-Roads.

By Mr. WILSON, of Iowa: The petition of citizens of Poweshiek County, Iowa, of similar import, to the same committee.

Also, the petition of grange organizations in Tama County, Iowa, of similar import, to the same committee.

By Mr. WOLFE: The petition of the grange organization in Adamsborough, Indiana, of similar import, to the same committee.

IN SENATE.

THURSDAY, *June* 11, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of citizens of Pittsburgh, Pennsylvania, and a memorial of citizens of Toledo, Ohio, protesting against the passage of the law permitting growers of leaf-tobacco to sell $100 worth of their crop at retail to consumers without license or tax; which were referred to the Committee on Finance.

Mr. SCOTT presented a memorial of workingmen of Barre Furnace and Forge, Pennsylvania, praying Congress to restore the 10 per cent. duty on iron and steel and to provide for free banking; which was referred to the Committee on Finance.

He also presented a memorial of merchants, importers, bankers, and business men of Philadelphia, Pennsylvania, protesting against the passage of the twenty-ninth section of the tariff and tax bill which imposes a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities; which was referred to the Committee on Finance.

Mr. MORTON presented a memorial of citizens of Indianapolis, Indiana, protesting against the passage of a law permitting growers of leaf-tobacco to sell $100 worth of their crop at retail to consumers without license or tax; which was referred to the Committee on Finance.

Mr. TIPTON presented the petition of Jacob Bogert, praying compensation for loss of the steamer Pocahontas while in the United States service; which was referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between

the United States of America and the Queen of Great Britain, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 280) granting a pension to Ann Crane;

A bill (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts;

A bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan;

A bill (H. R. No. 1753) to authorize medals commemorating the one hundredth anniversary of the first meeting of the Continental Congress and of the Declaration of Independence; and

A bill (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy.

BILL RECOMMITTED.

Mr. HOWE. I move that the bill (H. R No. 1322) for the relief of George S. Gustin, late a private of Company D, Seventy-fourth Regiment Illinois Volunteers, be recommitted to the Committee on Military Affairs. I make this motion after consultation with the chairman of that committee.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. RAMSEY, from the Committee on Post-Offices and Post Roads, to whom was referred the memorial of certain mail-route agents, asking a change in the law regulating the compensation of route agents, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a petition of citizens of the United States, praying that the money-order system be extended to every post-office in the United States, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of California, relative to the mail route from Sebasta City to Lake City in that State, asked to be discharged from its further consideration; which was agreed to.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 2979) abolishing the office of appraiser of imported merchandise, appointed under the act of July 14, 1870, and acts amendatory thereof, at certain places, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 867) to amend section 35 of the act entitled "An act to reduce internal taxes, and for other purposes," (the purpose of which he stated was to create Rochester, New York, a port of entry,) reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3594) to amend section 35 of the act entitled "An act to reduce internal taxes, and for other purposes," reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 118) explanatory of the ninth section of the act of July 13, 1866, concerning deposits in savings-banks, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3256) to repeal so much of the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," as provides for the employment of persons to assist the proper officers of the Government in discovering and collecting moneys withheld, and for other purposes, reported it with an amendment.

Mr. PATTERSON, from the Committee on Territories, to whom was referred the bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, reported it without amendment.

Mr. JOHNSTON, from the Committee on Patents, to whom was referred the memorial of John Young, of Amsterdam, New York, praying for an extension of his patent for an improved washing and wringing machine, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. OGLESBY. The Committee on Pensions, who considered at their last meeting House bill No. 2218, granting a pension to Sarah Summerville, and who reported from that last meeting the bill adversely, have again had the same under consideration, it having been since recommitted, and instructed me to now recommend the passage of the bill and we adopt the House report.

Mr. FERRY, of Michigan, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3175) for the relief of J. E. Ingalls, postmaster at Denmark, Lee County, Iowa, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (S. No. 804) equalizing pensions of certain officers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was recommitted the bill (H. R. No. 2791) granting a pension to Franklin Stoner, reported it without amendment.

Mr. PRATT. The Committee on Pensions, to whom was recommitted the bill (H. R. No. 3016) granting a pension to Ira Douthart, have reconsidered the bill and have come to the conclusion that the bill ought to pass, and they have directed me to report it back and I ask that the matter be now passed upon.

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. Objection is made, and the bill will be placed on the Calendar.

Mr. PRATT. I am instructed by the same committee, to whom was referred the bill (H. R. No. 2670) granting a pension to Mary S. Howe, to report it without amendment and recommend its passage. The committee do not submit any written report of their own in this case, but adopt the report of the House committee.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3606) granting a pension to Mary E. Grosvenor, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1947) granting a pension to George Holmes, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1234) granting a pension to Mary S. Prince, submitted an adverse report thereon, which was ordered to be printed.

Mr. FRELINGHUYSEN, from the Committee on Foreign Relations, to whom was referred the petition of Captain Jonas P. Levy, praying compensation for losses sustained in consequence of his expulsion from Tabasco by the Mexicans at the commencement of the war between the United States and Mexico in 1846, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom were referred the bill (S. No. 47) in aid of the execution of the laws in the Territory of Utah, and for other purposes; the bill (S. No. 58) in aid of the execution of the laws in the Territory of Utah, and for other purposes; the bill (S. No. 266) for the protection of society in the Territory of Utah, and for other purposes; and the bill (S. No. 267) in aid of the execution of the laws in the Territory of Utah, asked to be discharged from their consideration; which was agreed to, and the bills were postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3097) in relation to courts and judicial officers in the Territory of Utah, reported it with an amendment.

Mr. INGALLS, from the Committee on Pensions, to whom were referred the following petitions, asked to be discharged from their further consideration; which was agreed to:

A petition of citizens of Oregon, and Washington Territory, praying to be allowed a pension for services rendered the Government during the Mexican war; and

A petition of Rev. N. Newton Glazier and others, praying for an amendment to the pension laws.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3338) to amend section 1 of an act entitled "An act to revise, consolidate, and amend the Army and Navy pension laws," approved March 3, 1873, reported it without amendment.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 2653) to authorize the Secretary of the Treasury to suspend work upon the public buildings, reported it without amendment.

Mr. BOGY, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 3528) providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale, reported it without amendment.

Mr. GORDON, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2887) to prevent the introduction of contagious or infectious diseases into the United States, reported it without amendment.

He also, from the same committee, reported a bill (S. No. 922) abolishing the office of appraiser of imported merchandise, appointed under the act of July 14, 1870, and acts amendatory thereof, at certain places; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery, reported it with an amendment.

Mr. LOGAN, from the Committee on Military Affairs, to whom were referred a letter from the Secretary of War, recommending the enactment of a law authorizing the transfer of the Fort Dalles military reservation at Fort Dalles, Oregon, to the Secretary of the Interior to be disposed of for cash under existing laws, and a letter from the Secretary of War asking authority to sell the military reservation at Camp Cady, California, reported a bill (S. No. 923) to provide for the disposition of useless military reservations; which was read, and passed to a second reading.

Mr. SCOTT. I am instructed by the Committee on Claims, to whom

was referred the bill (H. R. No. 2797) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, to report the same back with several amendments and to recommend its passage. I desire in connection with this report to state that I would be glad if I could have the consent of the Senate to proceed to the consideration of the bill on Monday next after the termination of the morning hour.

Mr. SARGENT. I will not object if it does not interfere with the appropriation bills.

Mr. SCOTT. While upon the subject of reports I would ask for a moment the attention of the chairman of the Committee on Commerce. I have presented a number of petitions in favor of what is commonly known as the steamboat bill passed by the House at this session, and I am daily in receipt of a large number of letters inquiring as to probable action upon that bill. As it is now before the Committee on Commerce, I think it proper to inquire of the chairman of the committee whether we may expect a report upon that bill at this session in time for action upon it.

Mr. CHANDLER. I will state to the Senator from Pennsylvania that that bill has been up several times for examination before the Committee on Commerce, but they have not yet been able to agree upon a report upon the bill. I am in hopes the committee will be able to report before the close of the session, but they are not ready to do so at this time.

Mr. SCOTT. I would express the hope, in view of the fact that a similar bill was reported in the last Congress and failed because of want of time to consider a report of a committee of conference and in view of the fact that thirty-five sections of the bill are really a re-enactment of the existing law, that the Committee on Commerce may find time to report it, so that we may have action upon it at this session.

Mr. CHANDLER. I hope so.

Mr. SARGENT. Was any understanding or order made in reference to the bill reported from the Committee on Claims?

Mr. EDMUNDS. No, sir.

Mr. SARGENT. I wish to except from any understanding or order the appropriation bills. The Committee on Appropriations have been patient with their bills for several days past, but they have work to bring to the attention of the Senate.

Mr. EDMUNDS. There was no understanding about it.

ARTICLES FOR CENTENNIAL EXPOSITION.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 3601) to admit free of duty articles intended for the international exhibition of 1876, to report the same back without amendment, and recommend its passage; and as the object of this bill is manifest on its face, and there is some reason for haste, I ask for its present consideration.

Mr. EDMUNDS. Before objecting, I wish to ask the Senator from Ohio how the other committees of this body are going to get up bills to which there is really no objection and which the public interests require and which can be passed in a minute if we get at them, if we take up private bills or bills that are reported from his committee and others, and pass them at once when they are reported? If any way can be pointed out by which the other committees can get hold of the Calendar and put through things which the public interest requires and which will not cause debate, then I do not want to object to this. But if the effect of this every day is to be that the business is preferred which comes last, then a good many of us have been acting on the wrong supposition in getting our bills on the Calendar. I speak in all seriousness, because I wish to have an understanding as to how we can get on.

Mr. SHERMAN. I think there ought to be a day when unobjected cases can be taken up and promptly disposed of, and when if objection is made to a bill it ought to be put over. This is a matter that everybody understands in the whole breadth and length of it. As a matter of course, we ought to allow articles for this purpose to come in free.

Mr. EDMUNDS. I have not the least objection to this bill, and I can say the same of a dozen bills reported from one committee that I know of besides others heretofore, some of which relate to private interests and some to public interests, and to which the Senator and everybody would say "amen" if we could only get at them. But how are we to get them through?

Mr. SHERMAN. The members of the Senate having them in charge ought to call them up or have a day set aside for their consideration.

Mr. EDMUNDS. How can I call them up if the reports of to-day take up the whole morning hour? I do not object in this particular instance, because we have taken as much time as it would occupy to pass the bill; but I hope I shall not be thought unfair if I say that for the rest of this morning, in the hope of getting to the Calendar, I shall object to everything out of order.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill reported by the Senator from Ohio?

There being no objection, the bill was considered as in Committee of the Whole. It allows all articles which shall be imported for the sole purpose of exhibition at the international exhibition to be held in the city of Philadelphia in the year 1876 to be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe; but all such articles as shall be sold in the United States or withdrawn for consumption therein at any time after such importation shall be subject to the duties, if any, imposed on like articles by the revenue laws in force at the date of importation; and in case any articles imported shall be withdrawn for consumption, or shall be sold without payment of duy as required by law, all the penalties prescribed by the revenue laws shall be applied and enforced against such articles and against the persons who may be guilty of such withdrawal or sale.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ASSAY OFFICE AT PORTLAND, OREGON.

Mr. MORRILL, of Vermont. The Committee on Finance have directed me to report the following resolution, and I ask for its present consideration:

Resolved, That the Secretary of the Treasury be instructed to inquire and report at the next session of Congress as to the necessity of an assay office at Portland, Oregon, and if there is such a necessity whether a construction of the same or purchase from the owners of the present private assay office in Portland, as aforesaid, would be most expedient; and also as to the expediency of removing or abolishing the assay office at Boise City, Idaho.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 924) donating condemned cannon to the city of Massillon, Ohio, for monumental purposes; which was read twice by its title, and referred, with the accompanying papers, to the Committee on Military Affairs.

FISH AND FISHERIES.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the report of the commissioner on fish and fisheries for the years 1873-'74 be printed.

MAIL SERVICE WITH JAPAN AND CHINA.

Mr. SARGANT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to inquire whether any further legislation is necessary to secure the transportation of the additional semi-monthly mail between San Francisco, Japan, and China.

CLERKS OF COURTS.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the bill (S. No. 752) to compel the performance of certain duties by clerks of courts and other officers of the United States.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

The first section provides that if any clerk of any district or circuit court of the United States shall willfully refuse or neglect to make any report, certificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the Department, officer, or person to whom by law the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty in every such case, to remove such clerk so offending from office by an order in writing for that purpose. Upon the presentation of such order, or a copy thereof authenticated by the Attorney-General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office, and shall not exercise the functions thereof, and such judge, in the case of the clerk of a district court, shall appoint a successor; and in the case of the clerk of a circuit court the circuit judge shall appoint a successor. The person so removed shall not be eligible to any appointment as clerk or deputy clerk for the period of two years next after such removal.

The second section declares that if any clerk or other officer of the United States mentioned in the preceding section shall willfully refuse or neglect to make or to forward any such report, certificate, statement, or document therein mentioned, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, in the discretion of the court; but a conviction under this section shall not be necessary as a precedent to the removal from office provided for in section 1.

The Committee on the Judiciary proposed to amend the bill in section 1, line 17, by inserting before the word "judge" the word "district."

The amendment was agreed to.

The next amendment was in section 2, line 1, after the word "clerk," to strike out the words "or other officer of the United States."

The amendment was agreed to.

The next amendment was in the same section, line 9, before the word "precedent," to insert the word "condition."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BOREMAN. I should like to have some explanation from the Senator from Vermont in regard to the neglects or failures that this bill is intended to remedy. I do not understand the purpose exactly.

Mr. EDMUNDS. The purpose of the bill is to punish the unlawful non-performance of their duties by clerks of the circuit and dis-

trict courts, whereby they fail to report to the various Departments to which they are required and to the Attorney-General the state of the business on their dockets and the amount of funds, public and other, that have been received and are on deposit, the amount of moneys that have been received by them for fees, &c., the law fixing the limit of their fees and declaring that the balance shall be paid into the Treasury. It is found in many districts, I am ashamed to say for the honor of the judicial department of the Government, that the clerks absolutely neglect this duty, pocket all the fees they can get, and let the Treasury go empty. Now we propose that any clerk who willfully undertakes to cheat the Government in that way by not making honestly the reports the law requires of him shall be turned out of office.

The bill was ordered to be engrossed for a third reading, read the third time, and passed. The title was amended so as to read: "A bill to compel the performance of certain duties by clerks of courts of the United States.

SENATOR FROM ALABAMA.

Mr. BUCKINGHAM. I ask the Senate to take up the bill (S. No. 154) to amend an act entitled "An act for the relief of certain tribes of Indians in the northern superintendency," approved June 10, 1872.

Mr. HAMILTON, of Maryland. I very much desire that we should conclude the business we had up in yesterday's morning hour. I must object to taking up that bill at this time.

The PRESIDENT *pro tempore*. The Chair will submit the question on the motion of the Senator from Connecticut.

Mr. HAMILTON, of Maryland. The resolution which was up yesterday should be disposed of this morning.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Connecticut.

The motion was not agreed to.

Mr. HAMILTON, of Maryland. I move now to proceed to the consideration of the resolution in the case of Mr. Sykes.

The motion was agreed to; and the Senate resumed the consideration of the resolution.

The PRESIDENT *pro tempore*. The Chief Clerk will state the question.

The CHIEF CLERK. The original resolution reads as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Francis W. Sykes, late contestant from the State of Alabama, out of the appropriations for compensation and mileage for Senators, the sum of $8,374.80, being the salary of a Senator from the 4th day of March, 1873, to the 28th day of May, 1874, inclusive.

The Senator from Wisconsin [Mr. CARPENTER] proposed to amend by striking out "$8,374.80, being the salary of a Senator from the 4th day of March, 1873, to the 28th day of May, 1874, inclusive," and inserting "$3,000." It is now proposed to amend the amendment by striking out "$3,000" and inserting "$6,500."

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment, upon which the yeas and nays have been ordered.

Mr. CONKLING. Although an amendment is not now in order, for convenience I give notice that when it is in order I shall offer an amendment the substance of which is that the actual expenses necessarily incurred both by Mr. SPENCER and Mr. Sykes in the recent contest for a seat in the Senate be paid, which expenses shall be presented, itemized, and verified by the oath of said SPENCER and Sykes respectively, and the amount audited by the Committee of the Senate on Contingent Expenses.

The yeas and nays were taken on the amendment of Mr. HAMILTON, of Maryland, to the amendment of Mr. CARPENTER; and resulted—yeas 25, nays 32; as follows:

YEAS—Messrs. Alcorn, Anthony, Bayard, Bogy, Conover, Cooper, Davis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Johnston, Kelly, Logan, McCreery, Merrimon, Morton, Norwood, Patterson, Ramsey, Ransom, Saulsbury, Stockton, Thurman, and Tipton—25.

NAYS—Messrs. Allison, Boreman, Boutwell, Buckingham, Cameron, Carpenter, Chandler, Conkling, Cragin, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Hamilton of Texas, Hamlin, Harvey, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Pease, Pratt, Sargent, Sherman, Sprague, Stewart, Wadleigh, Washburn, Windom, and Wright—32.

ABSENT—Messrs. Brownlow, Clayton, Dennis, Dorsey, Fenton, Ferry of Connecticut, Flanagan, Hitchcock, Jones, Lewis, Robertson, Schurz, Scott, Spencer, Stevenson, and West—16.

So the amendment to the amendment was rejected.

Mr. CONKLING. I now offer as an amendment in the nature of a substitute for the resolution the proposition which I send to the Chair, which is to pay the actual expenses necessarily incurred in this contest, to be audited by the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. The motion made by the Senator from Wisconsin to insert $3,000 is now in order, and should be first put as it is in the nature of a motion to perfect the resolution.

Mr. CONKLING. I would inquire if I may of the Senator from Wisconsin whether he is not willing to accept this amendment?

The PRESIDENT *pro tempore*. Perhaps being in the chair I cannot withdraw the amendment; but I will put the question to the Senate. The question is on the amendment of the Senator from Wisconsin.

The question being put, the amendment was declared to be rejected.

Mr. CONKLING. Now I offer the amendment which I send to the Chair as a substitute——

Mr. SARGENT. I am in favor of the amendment moved by the Senator from Wisconsin. I should like to have a division on the question.

The PRESIDENT *pro tempore*. The Chair will submit the question again on the amendment of the Senator from Wisconsin to insert $3,000.

Mr. SPRAGUE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ANTHONY. I should like to know what is the alternative proposition. This is to give $3,000.

Mr. CONKLING. I will say to the Senator that my proposed amendment is to pay to each of these parties the expenses actually incurred in this contest for counsel fees and otherwise, to treat them both alike and indemnify them both against their actual expenses, whether they be more or less.

Mr. ANTHONY. My experience of the profession of which my friend is so brilliant an ornament is that we had better pay $3,000 than pay counsel fees.

Mr. CONKLING. But the present proposition is to pay the contestant a sum arbitrarily fixed which may be more or less than his expenses, and to pay nothing to the holder of the seat. My suggestion is this: the contestant being the moving party, the occupant of the seat having been declared by the Senate entitled to it, the contest not having been made by him but forced upon him, if expenses are to be paid it is at least as equitable that he should be indemnified as it is to indemnify the moving party who, of his own option and accord, made the contest, and who the Senate has declared was not entitled to the seat. In other words, if I may be allowed the analogy, if some defeated competitor of the Senator from Rhode Island should come here to contest his seat, thus casting upon him the duty of defending the seat, and he does so, and the Senate adjudges that he was entitled to the seat and bound to maintain and defend his title, if expenses are to be paid, it would be capricious to say that the contestant alone shall be paid and the Senator himself shall shoulder the burden which has been imposed upon him. My amendment proposes to pay both alike whatever they have expended in money in fairly conducting the contest.

Mr. SARGENT. I certainly desire in matters like this to do that which is equitable; but I think we are setting a new precedent entirely; we are taking a new departure. I believe it is the fact that never in this body or in the other House has an instance heretofore occurred where we have paid to the successful contestant the expenses of his contest. If this is so, and I think I am entirely accurate in so saying, we ought to hesitate before starting such a new rule. I do not believe that we had better take the departure at this time, certainly not off-hand as is proposed by the amendment and without the report of a committee. I therefore hope that the amendment of the Senator from Wisconsin, which probably is about the amount of cost to the party who was unsuccessful in making his contest, will be adopted. I believe that it is right that where a person comes to contest a seat in good faith (and it is assumed in this case that the contest was in good faith) that he should be reimbursed his actual necessary expenses. I do not think, however, that we ought to pay him the salary of the whole term, or a large proportion of the whole term; but that there should be simply an equitable adjustment in his favor of the actual expenses of his contest. Believing that $3,000 will probably cover this, I vote for that amendment.

Mr. CONKLING. How about the other party to the contest?

Mr. SARGENT. My answer is that it never has been done from the foundation of the Government to the present time, and I am not disposed to charge the Treasury under a new rule without the report of a committee and without more time for consideration than we are likely to have in the morning hour. Therefore I am opposed to the amendment of the Senator from New York.

Mr. EDMUNDS. I ask that the amendment of the Senator from New York be reported.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The suggested amendment will be reported.

The CHIEF CLERK. The amendment of the Senator from New York is to strike out all after the word "resolved" in the first line and to insert:

That the actual expenses necessarily incurred both by Mr. SPENCER and Mr. Sykes, in the recent contest for a seat in the Senate, be paid, which expenses shall bepresented, itemized, and verified by the oath of said SPENCER and Sykes respectively, and the amounts audited by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. EDMUNDS. Mr. President, the Senate has at this session, on recommendation of the Judiciary Committee, postponed indefinitely I believe—certainly we so recommended, and I think it was postponed indefinitely by unanimous consent—a bill to pay a judge of the supreme court of the District of Columbia the expenses and counsel fees that were incurred by him in defending himself against a wrongful suit brought by some person whose name in the course of his judicial duty he was obliged to strike from the rolls. He did it in good faith. He was sued. He defended himself in order to defend the majesty of the law, as it is stated by himself and his friends, and succeeded. He was right. But we determined that we could not pay a judge of the United States who defended himself from wrongful suits brought by citizens of the United States against him in the performance of his duty; that that was one of the risks which a judge took when he took the office, just as we all take our own

risks when we take any office, of defending ourselves against any illegal assaults of other persons. If in the exercise of our duty, in carrying out the will of the Government, we commit a private wrong against a man, which is right as between us and the Government but which is wrong as to him, then we are to be indemnified; the citizen gets his redress and we get our indemnity for all the cost and trouble to which we have been subjected. Everybody can understand that.

Upon what principle, therefore, is it, applied to this case, that we are to say that a person holding the office of Senator shall be entitled to be paid out of the public Treasury for his expenses and counsel fees in defending his right to perform the duties that the law has authorized him to perform? I do not see how we can do it unless we overset all the distinctions that have hitherto been thought to be wise in such respects. I am not saying at this moment that we ought to pay the counsel fees of the other man either; but I am now merely speaking of the case of the person who is rightfully here as a Senator. Suppose that you, sir, or I should happen to be sued by somebody for some remark made as a Senator; suppose one of us should happen to be sued for some remark made in the debate yesterday which if said out of this Chamber would subject us to an action unless we could prove that it was true. I do not make exactly the proper definition, but I will not take the time of the Senate to define precisely where the law of libel begins and ends in respect to a charge that might be made. We defend on the ground that the Constitution protects us for words spoken in debate. At the end of the lawsuit we succeed. The person who sued us in his own county found a judge and a jury who decided in his favor. We had to take it to the Supreme Court. By and by we succeed. Is it to be said that the Senate is to turn around and say that the Treasury has got to indemnify everybody for the expense he is put to in defending himself in the exercise of his legal rights? We cannot do that. It appears to me it is a very dangerous step to take. It appears to me it does not stand on sound principle. Therefore I move to strike out that part of the amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from New York is not yet before the Senate. The question is on the amendment to insert $3,000.

Mr. EDMUNDS. I beg pardon of the Chair. I asked that the amendment might be read, and I supposed that the amendment which was read was pending. If not, I withdraw my observations.

The PRESIDENT *pro tempore*. The observations will be in order when that amendment is reached.

Mr. EDMUNDS. Now, I should like to have the amendment which is pending read.

Mr. MERRIMON. Mr. President, I think the proper measure of compensation is what the contestant would have been entitled to if he had been admitted to a seat as salary, and I believe that he is so entitled upon principle as well as justice and according to precedent. It will not be denied that it is necessary that contests in some cases should be made, not simply in the interest of the contestant, but in the interest of the public as well. It is true there might be a case in which a party would contest when there was no reasonable ground for it. In such a case he ought not to have any compensation at all. But where there is reasonable ground for contest, in the interest of the contestant himself and in the interest of the public as well, there it becomes necessary that he should attend Congress for the purpose of seeing the right established, of seeing the voice and will and judgment of the people at the ballot-box or through the Legislature effectuated. His presence is necessary; his efforts are necessary in that behalf.

In this case it is not denied that there was reasonable ground for contest. The Senate has been told by Senators of the committee who investigated this matter, of both sides of politics, that there was reasonable and proper ground for contest. There was great doubt in the minds of the committee how they should decide. They did, however, decide in favor of the Senator who now occupies the seat; so that that question is out of the way.

It appears then that this contestant ought to have been here, that he ought to have made the contest, that he ought to have done exactly what he has done. If that is so, pray what is the reason why the measure of his compensation is not exactly that which he would have received if he had been admitted to the seat which is now occupied by the sitting Senator? If he receives that compensation, if that is his measure of compensation, he is upon exact equality with the Senator who occupies the seat. The Senator who occupies the seat has been at the expense of this contest. That was his misfortune. The contestant has been at the expense of this contest. It was his misfortune that he happened to be at that expense for his own interest as well as that of the public. He is entitled to the compensation he would have received if he had been here as a member. The sitting member is entitled to the compensation by reason of the law which gives it to him. They are upon an exact equality. This is principle, this is justice, this is according to every precedent I believe that has been set in the history of the Government; and therefore I say the proposition of the Senator from Maryland is the true and just and equitable one, and the one which accords with the precedents set by the Government from the earliest period of its existence.

Mr. CARPENTER. Mr. President, the Senator from California [Mr. SARGENT] well says that this is a new departure. It is a departure from the precedents, but the Senate has already departed from the precedents by voting down the amendment which was offered by the Senator from Maryland, which would give to this contestant what would have been his salary if he had been seated on the first day of the term, as he claimed the right to be. I said yesterday all that I desire to say upon that subject, and will only briefly refer to it again.

It seems to me that the idea of compensation by the rule of salary is an unjust one. It is conceded that such have been the precedents. We are departing from precedents wherever we think the public good requires it. We yesterday changed the revenue laws which had existed for eighty years, because the public good required it. We are certainly at liberty to change the precedents in the Senate if right reason requires it. The principle on which we are proceeding——

Mr. SARGENT. Allow me to remind the Senator that the point of my objection is that this is not the report of any committee; it is not done with deliberation, but hastily during the morning hour. When we slaughtered the revenue law, as I am sorry to say we did, it was after long investigation by a committee.

Mr. CARPENTER. There is nothing about this matter that needs examination by a committee. The whole subject is patent to observation. It is conceded that the precedents are in favor of paying the salary. What is the right principle to be adopted? It certainly is to indemnify the contestant if he has made a contest in good faith. The rule of salary may do it and a great deal more, or it may utterly fail to do it. It is therefore not a proper rule. Hence it seems to me that the more correct and fair way is to say that he shall have his expenses whatever they may be. They may exceed what he would be entitled to as a salary; they may fall short; but whatever they are, they ought to be paid. And it is the principle of indemnity which has been recognized all through the precedents, although the rule of damages, so to speak, has been a vicious one; it has been one that had no relation to the damage actually suffered. It was an inflexible rule, having no relation to the end in view. It seems to me, therefore, there can be no question that the rule suggested by the amendment of the Senator from New York is the proper one as to the contestant.

Is there any objection to applying it to the Senator whose seat has been contested? The Senator may be and probably is at much less expense. He is here attending to his duties, and he has no expense of coming here; but if he has been compelled to subpœna witnesses at his own expense, if he has employed counsel, his claim stands, so far as I can see, in just as high an equity as the contestant's. The compensation which he receives as a Senator is not to indemnify him for this contest. If it is right to compensate, that is to indemnify, the contestant, it seems to me it is equally so to compensate the Senator who is seated, and I can see no reason why both should not be paid the reasonable and necessary expenses they have been subjected to in contesting this election.

It is not merely a question of private right; it is a question which the people of the whole country are concerned in; and if we once set the opposite rule and say that no man who makes a contest for a seat shall be indemnified unless he succeeds, in half the instances in which contestants have succeeded, it is very likely a contest never would have been made. To require a man to come from Georgia or Louisiana and contest a seat in this body in Washington and then pay him nothing unless he happens to succeed, will discourage very much the investigation of these cases which ought to be investigated. I see nothing whatever in the suggestion that it will provoke contests. If there is a reasonable doubt about any man's seat, it should be contested. If not, the contest is in bad faith and will not be compensated. The public good requires that really doubtful cases should be settled. No man should sit in this Chamber save with a perfect title, and if there is doubt about any man's title I will always vote to investigate it.

Mr. ALCORN. Mr. President, it is very hard for me to realize the facility of the Senator from New York in proposing the amendment which he has submitted to the resolution which was originally introduced, and I rise (for I wish some information on this subject) to know whether it is with the consent of the Senator from Alabama that he here applies to the Senate and asks that he shall be compensated for the expense incurred by him in defending his title to a seat in this body?

Mr. CONKLING. Will the Senator allow me a moment?

Mr. ALCORN. Certainly.

Mr. CONKLING. Propriety perhaps would restrain the Senator from Alabama, if he were present, from responding to that question. In his absence justice requires that I should say that I have never exchanged a word with the Senator from Alabama touching this amendment. He would not be entitled by decorum of parliamentary law to vote upon it. I did not feel bound to consult him. In short, I do not think he has anything to do with the judgment of the Senate on this point.

Mr. ALCORN. So I supposed was the fact of the case; and I suppose that the Senator from New York in no event, if he were situated as the Senator from Alabama is situated to-day, would accept from the Government of the United States compensation for the expenses that he had incurred in defending his title to a seat in this body; nor do I suppose there is a single Senator on the floor of the Senate to-day who would allow himself to be placed in the humiliating attitude of coming here and asking the Senate for compensation for expenses of this sort, contrary to all precedent and to every usage that has characterized this Government from its foundation down to the present time.

The contestant from Alabama stands in a different attitude. All precedent authorizes him to come here and ask that he may be treated as those have been treated who have come here before and who have gone away from this body unsuccessful in the contests they have made for seats in the Senate. For fruitless cases, contests that are made for the purpose of annoyance, for the purpose of protracting and harassing, there should be no compensation made; but in a well-founded case like the present, the Senate has never refused to make compensation to the unsuccessful contestant.

Now, sir, the principle of compensation is fixed. It is not the purpose of the Constitution to make compensation to Senators and Representatives here for anything more than their expenses; and we go forward upon the idea that the mileage and salary we receive is no more than a compensation for the expenses that members of Congress are put to when they come here. That compensation is made to the person who holds his seat, to the successful contestant. He holds these expenses that are guaranteed to him by the usages of this body and by the law of this body; but the unsuccessful contestant claims no more than his expenses; and the best way to arrive at what his expenses are, without defrauding him on the one hand or permitting the Government to be wronged on the other, is to take that compensation which in the judgment of the nation is sufficient for the expenses of a Senator and give him that for his expenses, no more and no less. You have the judgment of the nation that this is a fair compensation for expenses, and that is what he asks, without itemizing his account.

If the Senator from Alabama, the successful contestant, is tacked on here, I shall vote against the resolution as unjust, however hard it may operate upon the unsuccessful contestant here.

Mr. MORTON. I deem it to be my duty to move to postpone the present and all prior orders and proceed to the consideration of the report of the conference committee on the currency bill.

Mr. EDMUNDS. We can finish this matter in ten minutes.

Mr. MORTON. I think not.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to postpone the pending and all prior orders and proceed to the consideration of the conference report to which he has referred.

Mr. ALCORN. If no one else desires to debate this question——

Mr. MORTON. It will be debated further.

Mr. ALCORN. Then I have nothing to say.

Mr. LOGAN. Mr. President——

The PRESIDENT *pro tempore*. The Senator will suspend for a moment. The Chair will state that through inadvertence he allowed the expiration of the morning hour to pass. By unanimous consent given yesterday the Chair was to call up as the unfinished business at the expiration of the morning hour to-day the bills reported by the Committee on Military Affairs. The Chair did not observe when the morning hour expired and did not make the call. The Chair makes this announcement, and will now put the motion of the Senator from Indiana.

Mr. LOGAN. Before the motion is put, I desire to say that although I am very anxious to have the business attended to which the Senate was so kind as to give me to-day for the purpose of considering, yet I think I cannot with propriety resist the motion made by the Senator from Indiana, inasmuch as this conference report has been made to the Senate by the unanimous consent of the Senate committee, and it being upon a subject that has been before Congress ever since the commencement of the present session, I deem it more worthy of the time of the Senate than the bills that are reported from the Committee on Military Affairs. For that reason, with the statement that I shall ask, subsequent to the action of the Senate on this report, for the same courtesy that was extended to me before, I will yield to this conference report, and think it proper to do so.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 529) to authorize an appointment in the Inspector-General's Department;

A bill (S. No. 533) granting a pension to Uriah W. Briggs;

A bill (S. No. 624) to authorize the issuance of patents for lands granted to the State of Oregon in certain cases;

A bill (S. No. 658) granting a pension to Martin V. Jackson;

A bill (S. No. 693) to change the time for holding the circuit and district courts of the United States for the western district of Wisconsin at Oshkosh;

A bill (S. No. 142) for the relief of Nathaniel McKay, assignee of the builders of the steamer La Portena, Edward Everett, F. W. Lincoln, Azalia, and N. P. Banks;

A bill (S. No. 793) authorizing the Secretary of the Treasury to change the name of the schooner Jennie Spear to that of Santa Rosa; and

A bill (S. No. 870) giving the assent of Congress to the acceptance by the officers of the United States ship Monocacy of silver medals presented to them by the King of Siam.

The message also announced that the House had passed the bill (S. No. 876) to amend the law relating to patents, trade-marks, and copyrights, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3672) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property; and

A bill (H. R. No. 3517) supplementary to the third section of the act entitled "An act to divide the State of Virginia into two judicial districts."

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3073) to amend section 19 of the act approved August 18, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States."

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes; and it was thereupon signed by the President *pro tempore*.

WITHDRAWAL OF PAPERS.

On motion of Mr. HAMLIN, it was

Ordered, That Peter Campbell have leave to withdraw his petition and papers from the files of the Senate.

THE CURRENCY—FREE BANKING.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes.

The PRESIDENT *pro tempore*. The report has been read.

Mr. MORTON. I ask to have it read again.

The PRESIDENT *pro tempore*. It will be again reported.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses, as follows:

That the House recede from their disagreement to the amendment of the Senate, and agree to the same, with an amendment as follows:

Strike out all of the amendment after "that," in the first line, and insert in lieu thereof the following:

The act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be hereafter known as "the national-bank act."

SEC. 2. That section 21 of "the national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits, in all respects as provided for in the said section.

SEC. 3. That section 22 of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed; and the proviso in the first section of the act approved July 12, 1870, entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," prohibiting the banks hereafter organized a circulation over $500,000; and the proviso in the third section of said act limiting the circulation of banks authorized to issue notes redeemable in gold coin to $1,000,000; and section 6 of said act, relating to the redistribution of twenty-five millions of circulating notes, be, and the same are hereby, repealed; that every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national-bank act."

SEC. 4. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section 2 of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of $1,000, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally, on the 1st day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of $500 such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer: *And provided further*, That so much of section 32 of said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

SEC. 5. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $9,000, take up the bonds which said association has on de-

posit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below $50,000.

SEC. 6. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 7. That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $382,000,000, which shall be retired and reduced in the following manner only, to wit: within thirty days after circulating notes to the amount of $1,000,000 shall, from time to time, be issued to national banking associations under this act, in excess of the highest outstanding value thereof at any time prior to such issue, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to three-eighths of the circulating notes so issued, which shall be in reduction of the maximum amount of $382,000,000 fixed by this section; and such reduction shall continue until the maximum amount of United States notes outstanding shall be $300,000,000; and the United States notes so retired shall be canceled and carried to the account of the sinking fund provided for by the second clause of section 5 of the act approved on the 25th of February, 1862, entitled "An act to authorize the issue of United States notes, and for the redemption and funding thereof, and for funding the floating debt of the United States," and shall constitute a portion of said sinking fund. And the interest thereon computed at the rate of 5 per cent. shall be added annually to said sinking fund. But if the surplus revenue be not sufficient for this purpose, the Secretary of the Treasury is hereby authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States of the character and description prescribed in this act for United States notes to be then retired and canceled.

SEC. 8. That on and after the 1st day of January, 1878, any holder of United States notes to the amount of fifty dollars, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon he shall be entitled to receive, at his option, from the Secretary of the Treasury, who is authorized and required to issue in exchange for said notes an equal amount of either class of the coupon or registered bonds of the United States provided for in the first section of the act approved on the 14th of July, 1870, entitled "An act to authorize the refunding of the national debt," and the act amendatory thereof, approved the 20th day of January, 1871, which bonds shall continue to be exempt from taxation as provided in said act: *Provided, however*, That the Secretary of the Treasury in lieu of such bonds may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue the United States notes so received either in exchange for coin at par, or, with the consent of the holder, in the redemption of bonds then redeemable at par, or in the purchase of bonds at not less than par, or to meet the current payments for the public service; and when used to meet current payments an equal amount of the gold in the Treasury shall be applied in redemption of the bonds known as five-twenty bonds.

SEC. 9. That nothing in this act shall be construed to authorize any increase of the principal of the public debt of the United States.

And the Senate agree to the same.

O. P. MORTON,
JOHN SHERMAN,
A. S. MERRIMON,
Managers on the part of the Senate.
HORACE MAYNARD,
C. B. FARWELL,
Managers on the part of the House.

Mr. MORTON. I call attention to the fact that there is a misprint; that the word "value" used in section 7 should be "volume;" so that it will read "in excess of the highest outstanding volume." It is right in the engrossed copy.

The PRESIDENT *pro tempore*. The correction will be made in the print if there be no objection. The Chair hears none. The question is on agreeing to the report of the committee of conference.

Mr. MORTON. Mr. President, the Senate is so entirely familiar with this subject, there not being a topic in this report that has not been discussed time and again in the hearing of all, that I shall content myself with a simple statement of the changes that have been made by the committee of conference in the bill as it passed the Senate, premising, however, this remark, that this bill is the result of concession and compromise; of a yielding of something on both sides, of a sincere desire to present a measure that should be substantially satisfactory to the country and furnish a settlement of this question, realizing that there is an earnest, and I will say an intense, desire in every part of the United States that such a settlement ought to be had before the adjournment of Congress.

The first change that I shall notice in the bill as it passed the Senate is in regard to the reduction of the legal-tender notes. The bill as it passed the Senate provided that for every $100,000 of national-bank notes which should be issued under it, $25,000, or 25 per cent. of greenbacks, should be retired and canceled. In the bill as presented to the Senate by the report of the Finance Committee, 50 per cent. reduction was proposed. The Senate disagreed to that and made it 25. We have made it 37½ per cent. or three-eighths, just dividing the difference between the report of the Committee on Finance and the bill as it passed the Senate.

As the bill passed the Senate, the legal-tender notes thus to be retired were to be retired by the issue of bonds. That is to say, the Secretary of the Treasury was to sell bonds and thus obtain enough legal-tender notes in that way to make the 25 per cent. reduction, which notes were to be canceled. We have changed that by carrying those notes to the account of the sinking fund, so as to avoid the issue of bonds, but preserving the theory of the sinking fund as it now stands by requiring interest at the rate of 5 per cent. to be calculated on the amount to be added to the sinking fund, so that the effect upon the sinking fund is not changed and the theory of it is preserved. But in the contingency that the sinking fund shall not be sufficient, there being a failing of revenue, to retire and account for all the notes that might have to be retired under the provisions of this act, the report provides that for the balance over and beyond the sinking-fund bonds shall be issued and sold in order to procure the requisite amount of greenbacks to be retired.

We strike out of the Senate bill the third section which, in effect, required the reserves upon deposits to be kept in the vaults of the home banks, making a change of the law in that particular. We strike that out and leave the law as to the reserves on deposits to stand just as it does now and has existed ever since the creation of the national-bank system. In that respect we make no change. The provision in the bill as it passed the Senate requiring the banks to retain one-fourth of their coin interest is stricken out. Reserves on circulation are abolished entirely. The committee was unanimous on that point. The bill still provides as it did before—and in that respect there is no change—that each bank shall keep an amount of legal-tenders equal to 5 per cent. of its circulation in the Treasury for the redemption of such of its notes as may be presented to the Treasury for redemption, and also the worn-out, mutilated, and defaced notes. The only change we make in regard to that is that that 5 per cent. shall be counted as a part of the reserve on deposits. So that in effect the reserves on deposit which the banks are required to keep at home are diminished 5 per cent., and the reserves on circulation abolished entirely.

I might state that that was thought to be a measure which would perhaps afford immediate relief if it were necessary, as a net calculation will show that these provisions taken all together will set free about twenty-six and a half millions of legal-tender notes which the banks are now required to keep in their vaults, and put that additional amount in circulation.

Mr. CONKLING. That is the reserve on circulation, $26,000,000?

Mr. MORTON. Yes, sir.

Mr. DAVIS. Allow me to ask the Senator from Indiana whether the reserve at home and in the Treasury here is to be in legal-tenders or national-bank notes?

Mr. MORTON. Legal-tenders.

Mr. DAVIS. In both cases?

Mr. MORTON. There is no change made in the law as to the character of the reserve at all. It stands just as it did before, except this 5 per cent. of legal-tender notes that is required to be kept in the Treasury shall be counted as a part of the reserve which the banks are required to keep on their deposits.

Mr. THURMAN. Will the Senator allow me to make an inquiry?

Mr. MORTON. Yes, sir.

Mr. THURMAN. He estimates that twenty-six and a half millions will be set free by repealing the law requiring the reserve to be kept on circulation. I ask whether, in estimating that amount of twenty-six and a half millions, he goes on the hypothesis that in fact the banks will keep no reserve? Would it be safe for a bank to do business without keeping anything to redeem its circulation?

Mr. MORTON. The reserve on circulation I believe, has been regarded from very nearly the first establishment of the national banking system as illogical and unnecessary. The notes are secured by the bonds of the United States. Practically the banks are called upon for redemption very seldom, because there is no occasion for it; there is no inducement for it, and the banks are not practically required to keep on hand legal-tender notes for the redemption of their own bills. That is one of the complaints made that no form of redemption is required, and the 5 per cent. in the Treasury has been presented as a remedy for what was regarded as a defect in the system.

Mr. THURMAN. I infer from what the Senator says that his estimate of twenty-six and a half million includes the entire reserve and goes on the theory that the banks will keep no reserve in respect to circulation.

Mr. MORTON. The banks are not required under this bill to keep any.

Mr. THURMAN. And in practice they will keep no reserves. It is on that theory that the Senator proceeds?

Mr. MORTON. They will keep 5 per cent. in the Treasury of the United States, and are required to do that, and can keep as much as they choose. I will state, from what little knowledge of banking I have, that practically the banks are in the receipt of legal-tender notes in the course of their daily business enough to protect themselves from any bills of their own which may be presented for redemption without being required to set aside any fund for that purpose. I have often heard that stated by national bankers.

Mr. DAVIS. The reports of the country banks generally, which this would particularly affect, show that more than the reserve required by law is kept in their vaults; and they have to do that for self-protection. A check drawn on them to-day for $10,000, or any other amount, must be paid on presentation; and they must also keep enough there to redeem any of their own notes that may be presented to them. The law requires 15 per cent., which is usually kept. Of course there are some instances with some banks where it is not kept.

Mr. MORTON. That is on the deposits, where their notes may be required to be paid in legal-tenders; but so far as redemption is concerned I believe the reports show that the banks are very seldom called upon for redemption, because there is scarcely any inducement to do it, though now and then legal-tenders may be required for a particular purpose.

Mr. BOUTWELL. I should like to inquire of the Senator from Indiana whether the estimate he makes that the reserve now held

against the circulation amounts to twenty-six and a half millions is the result of an estimate made by the committee from the data in the Department?

Mr. MORTON. That is not the estimate of the committee. I give it as my own, and I will state the basis of it. I may not be entirely accurate.

Mr. BOUTWELL. If there be $354,000,000 in circulation and the reserve to meet that is only twenty-six and a half millions, that would be about 7 per cent.

Mr. MORTON. I will state how I understand it. The law requires that the country banks, those outside the redemption cities, shall keep 15 per cent. of reserve. Two-fifths of that amount they are required to keep in their own vaults. Two-fifths is 6 per cent. The other three-fifths in practice they are allowed to keep in the redemption cities, and practically they keep it in New York, and that is in use chiefly in the stock market. Therefore in counting what would be set free I take no account of the three-fifths they keep at New York, but I take account of the 6 per cent. that they are required to keep locked up in their own vaults under the law, if they comply with it. In regard to banks in the redemption cities, they are required to keep 25 per cent. reserve on circulation and 12½ per cent. of it, or one-half, they are required to keep in their own vaults. The other half they may keep in some other redemption city. Therefore I count the two-fifths in that case or 6 per cent., and I count 12½ per cent. in the other case, and taking into consideration how much circulation is issued by the country banks and how much is issued by the banks in the redemption cities, I came to the result of about twenty-six and a half millions. It may not be entirely accurate, but I give the basis of my calculation, and in that I leave out entirely the amount they have been required to keep in the redemption cities, and they have been required to keep it there and get interest upon it as a deposit. They are allowed now to bring that home so far as the reserves on circulation are concerned, and can loan it to the people where they live at a greater percentage than they get by sending it to a redemption city and merely getting interest on it as a deposit. There is another advantage to the people around the bank not obtained by them before.

The bill first passed by the Senate provided that on the 1st of July, 1878, the holders of legal-tender notes should have the right to present them at the Treasury and receive in exchange for them at par a 4½ per cent. bond. The time has been changed. The original bill as reported by the Committee on Finance put the time of this conversion at the 1st of January, 1877. The Senate thought that was too soon and changed it to the 1st of July, 1878, making it a year and a half longer. In the compromise we have again changed the time, and we have put it on the 1st of January, 1878, being three and one-half years off. There was a number of reasons given for this. I can only state that in putting the time off to the 1st of January, 1878, instead of the 1st of January, 1877, we thought we were acting at least upon the safe side; that even if it should turn out that specie payments, so-called, could be resumed on the 1st of January, 1877, there were grave doubts whether the time was not too short, and whether the change would not be too sudden; and it was thought to be safer and better, and that but little inconvenience could come from it, to put the time off until the 1st of January, 1878.

The theory of the bill is that the greenbacks will gradually approach to par, that the change in value will be about at the rate of 3½ per annum, will be so small and so gradual as to occasion no jar, no derangement in business, no disaster, will go on so gently that no interest in the country will be severely or dangerously affected by it. If the time had been fixed sooner, the change would be more abrupt, and great apprehensions were entertained, as has often been expressed on this floor, that serious disasters would result from it.

We have put the maximum amount of greenbacks at $382,000,000, which is now the amount in circulation. This was in the Senate bill. We have added to that clause a provision that they shall not be retired except as provided in this bill.

We have changed the character of the bond into which the holders of legal-tender notes have the right to convert them on the 1st of January, 1878. As the bill passed the Senate the bond was made a 4½ per cent. bond. This bill provides that those notes may be converted at the option of the holder into any one of the three bonds provided for by the act of 1870. That act provided for a 5 per cent. bond running ten years, a 4½ per cent. bond running longer, and a 4 per cent. bond running still longer. This bill authorizes the holder of the greenback to convert his greenback into any one of these three bonds at his option.

The theory of the bill proceeds upon the ground that a 5 per cent. bond into which he has a right to convert his legal-tender note will be at par in gold on the 1st of January, 1878. It has been continually argued by the Senator from Ohio, the able chairman of the Finance Committee, and by many others, that a 5 per cent. bond was at par throughout the world. It was argued on the floor here by Senators that a 4½ per cent. bond would be at par on the 1st of January, 1878, and I believe Senators generally took it for granted that a 5 per cent. bond would be at par at that time. If so, then the legal-tender notes which are authorized to be converted into that bond at par will themselves be worth par, because whatever may be converted into a bond at par must and will be naturally equal to that bond. If therefore a 5 per cent. bond is at par on the 1st of January, 1878, the legal-tender notes will have gradually approached par, and if equal in value to the gold coin in the Treasury, will be equivalent to gold and can be used as an equivalent for gold by the Treasury of the United States.

The concluding clause of the eighth section we have changed from the Senate bill, although I do not think it has been changed so as to affect the meaning very much. As it stood before it said that—

> The Secretary of the Treasury shall reissue the United States notes so received, or, if they are canceled, shall issue United States notes to the same amount, either to purchase or redeem the public debt at par in coin or to meet the current payments for the public service.

It has been changed to this form:

> And the Secretary of the Treasury shall reissue the United States notes so received either in exchange for coin at par, or, with the consent of the holder, in the redemption of bonds then redeemable at par, or in the purchase of bonds at not less than par, or to meet the current payments for the public service; and when used to meet current payments an equal amount of the gold in the Treasury shall be applied in redemption of the bonds known as five-twenty bonds.

Mr. President, I have now gone over the changes that have been made by the committee of conference as I remember them. There may be some verbal changes that it is not material to call the attention of the Senate to, and as I have no desire to take up time or to make a speech, I shall not say anything further.

Mr. CONKLING. I should like to ask the Senator from Indiana a question before he concludes. If it will not be inconvenient, I wish him to take the eighth section of the report—I refer to that which precedes the proviso—and read it so far as may be necessary to enable him to explain precisely what it means.

Mr. MORTON. The Senator calls my attention to the first clause of the eighth section:

> That on and after the 1st day of January, 1878, any holder of United States notes to the amount of fifty dollars, or any multiple thereof—

I believe we made the bond smaller so as to bring it more nearly within the reach of everybody. We make it a fifty-dollar bond, or any multiple thereof—

> may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon he shall be entitled to receive, at his option, from the Secretary of the Treasury, who is authorized and required to issue in exchange for said notes, an equal amount of either class of the coupon or registered bonds of the United States provided for in the first section of the act approved on the 14th of July, 1870, entitled "An act to authorize the refunding of the national debt," and the act amendatory thereof, approved the 20th day of January, 1871, which bonds shall continue to be exempt from taxation as provided in said act: *Provided, however*, That the Secretary of the Treasury in lieu of such bonds may redeem said notes in the gold coin of the United States.

What is the particular point?

Mr. CONKLING. I wish the Senator to state what the option is there referred to and what the presentor of notes is to receive?

Mr. MORTON. The option is as to the character of the bond. He may prefer a ten-year 5 per cent. bond, or as an investment he may prefer a 4½ per cent. bond running longer, or he may prefer a 4 per cent. bond running still longer. Men sometimes differ upon those points. This was put in there for the purpose of meeting that view.

Mr. CONKLING. What is he to receive? Where is the provision here under which he is to receive anything and what is he to receive?

Mr. MORTON. "An equal amount of either class of the coupon or registered bonds;" that is, an amount equal to the greenbacks, the legal-tender notes, that he presents. He is to receive bonds equal in amount to the notes which he presents, provided they amount to fifty dollars or a multiple thereof.

Mr. CONKLING. Then if I understand the Senator the words "entitled to receive" refer to an equal amount of either class of bonds?

Mr. MORTON. Yes; bonds equal in amount to the legal-tender notes he presents.

Mr. SHERMAN. Mr. President, the only hesitation I had in signing this conference report was the fear that those Senators who with me had voted steadily for securing and maintaining a specie standard as soon as practicable would not be entirely satisfied with the report. So far as my own judgment goes, and from my knowledge of the whole history and progress of this bill, I am entirely content with the report. I believe it is a fair compromise and will secure what those who have voted with me have all along contended for, the maintenance of a specie standard and specie payments after the 1st day of January, 1878. I regarded the establishment by Congress, especially by the concession of all parties and all parts of this Congress, of this policy of a specie standard on and after the 1st of January, 1878, as so important that I was very willing to yield on all minor points; and now in the brief remarks that I shall make on this bill I wish to call the attention of the Senate mainly to the points which affect that primary and fundamental condition.

Mr. EDMUNDS. May I ask the Senator a question before he goes on further, that I may understand him?

Mr. SHERMAN. Yes, sir.

Mr. EDMUNDS. The Senator speaks of coming to the specie standard, the specie basis of payment, in 1878. Do I understand this report aright, that that specie payment in1878 is to be at the option of the debtor, the option of the Government, and not at the will of the holder of United States notes?

Mr. SHERMAN. I will answer that in the progress of my remarks.

Mr. EDMUNDS. Very well.

Mr. SHERMAN. Now, let us examine this bill. The eighth section provides:

That on and after the 1st day of January, 1878, any holder of United States notes to the amount of fifty dollars or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer in the city of New York, and thereupon he shall be entitled to receive at his option from the Secretary of the Treasury an equal amount of either class of the coupon or registered bonds of the United States, provided for in the first section of the act approved on the 14th of July, 1870.

In other words, this confers, as plainly as the English language can do it, upon the holders of all these notes the right to present them on a day named and thereafter and receive an equal amount of the gold bonds of the United States of the character described in the act of 1870, known as the refunding act, and of which already some $300,000,000 have been sold under unfavorable circumstances at par in coin. It authorizes any holder of a note to receive that which during the history of our country, during nine-tenths of its existence, has been equivalent to coin, which by the market value of our securities to-day is equivalent to coin, which in the ordinary course of events, probably as long as our flag shall wave over a united country, and probably at all times except in a state of war, will be at par with the specie standard, or equivalent to gold coin.

Mr. EDMUNDS. Do I interrupt the Senator by asking a question?

Mr. SHERMAN. O, no; I will answer it with pleasure.

Mr. EDMUNDS. I wish to ask the Senator, merely for information, whether any holder of greenbacks hitherto in respect to these new five per cents could not turn those greenbacks into 5 per cents, they being at par, at any time by going and buying them?

Mr. SHERMAN. He could not. The holder of United States notes might buy these bonds, but the notes would only be received at a depreciation, that is, the notes would not be received at par for an equal amount of bonds. He could not take a given amount of greenbacks and present them and receive an equal amount of bonds in exchange.

Mr. EDMUNDS. If the bonds were only at par?

Mr. SHERMAN. But that is not the condition of values. Since the war the bonds have been above par in greenbacks.

Mr. EDMUNDS. The Senator misunderstands me. I am speaking of the new 5 per cents into which they are entitled to turn the greenbacks in 1878. The Senator thinks $300,000,000 of them have already been disposed of at par.

Mr. SHERMAN. At par in coin.

Mr. EDMUNDS. So that the holder of the greenback so far could not get his pay on his dollar unless he paid up the premium difference between that and the coin. Is that it?

Mr. SHERMAN. Yes, sir. Now, the holder of greenbacks might present them to the Treasury of the United States in payment of a bond, but he would only be allowed for his greenback about eighty-nine cents or its equivalent in gold in payment of that bond. If he will present coin, he can buy the bond at par; if he presents greenbacks, he would have to present $1.11 and a fraction over, according to the present standard value of the currency. The object of this section is to advance the value of that greenback to the standard of gold.

Now, Mr. President, the point upon which we had the most difficulty in this matter was not as to the phraseology or meaning of these words, but first as to what should be done with the notes received by the Treasury of the United States for bonds? That was one of the great points of controversy in the committee of conference, and another was the time for redemption fixed in this section. If these notes must be reissued at once when they were received under the mandatory provision of the bill as it stood when it was sent from the Senate to the House, it might be that the Secretary of the Treasury would be compelled to reissue these notes at a time when there was a glut in the market and no need of currency, and thus depreciate the value of the note. On the other hand, it was urged with considerable force that if the bill stood as it was reported from the Committee on Finance and the power to reissue these notes was simply a discretionary power with the Secretary of the Treasury, the Secretary might abuse that power, or would have too great a power over the currency of the country; that he might refuse to issue and reissue these notes under circumstances when the public weal demanded it. Therefore there was, on the one hand, a danger that the compulsory feature of the section as it was sent by the Senate to the House might compel the reissue of these notes imprudently, and on the other hand that the absolute power in the Secretary to issue these notes at his pleasure or to refuse to issue them might confer upon him a dangerous power. The committee of conference, in my judgment, have made a wise and correct compromise. They have defined the purposes for which alone these notes may be reissued, and the power to reissue being thus limited and defined will inevitably maintain them at the standard of par in gold or par in bonds.

Mr. EDMUNDS. The Senator, unfortunately I think, as it might mislead, has used the term "may reissue." As I read it, the bill says the Secretary of the Treasury "shall reissue the United States notes."

Mr. SHERMAN. Yes, sir; he shall reissue. It is mandatory; but the purposes for which that issue may be made are clearly and distinctly defined. What are they?

And the Secretary of the Treasury shall reissue the United States notes so received either in exchange for coin at par—

That is the ordinary process on which a Bank of England note is issued. It is never issued except for gold at par. Anybody who presents coin or bullion at par can get a Bank of England note. So it is with our coin certificates issued daily. They are nothing but paper money issued on a deposit of coin—

or, with the consent of the holder, in the redemption of bonds then redeemable at par—

The whole of the five-twenty bonds, $1,000,000,000 of them, are now redeemable at par, and this section authorizes the Secretary of the Treasury to reissue these notes in the payment of those bonds to any one willing to receive them instead of coin. So when the ten-forties mature they will be redeemable at the pleasure of the United States at par in coin, or, with the consent of the holder, in United States notes at par—

or in the purchase of bonds at not less than par, or to meet—

Here is the clause upon which criticism is most likely to be made, but I think it is fairly met by the language used:

Or to meet the current payments for the public service; and when used to meet current payments an equal amount of the gold in the Treasury shall be applied in redemption of the bonds known as five-twenty bonds.

We all know now that we have a surplus of nearly one hundred millions of coin revenue. The revenues in coin reach the sum of two hundred millions. We have to pay for interest on the public debt one hundred millions, leaving one hundred millions which may now be sold for currency or may be applied to the purchase or payment of bonds. If, therefore, one hundred millions of notes flow into the Treasury under the operations of this bill and one hundred millions of 5 per cent. bonds are issued in the redemption of the notes, then the notes shall be reissued under these circumstances, for the payment of current expenses, and the coin used directly to pay the bonds commonly known as five-twenties, and this makes a rapid refunding of the public debt in pursuance of the express provision of the law of 1870.

Hitherto by means of a syndicate of bankers, and at a large cost, we have sold three hundred millions of 5 per cent. bonds for coin and with this coin have paid three hundred millions of 6 per cent. bonds. And we have sold the surplus gold for our own notes at large depreciation, and thus have supplied the deficiency in our currency revenue. Under this bill the surplus gold is at once applied to the payment of 6 per cent. bonds now redeemable, and our deficiency in currency revenue will be supplied by currency coming into the Treasury for 5 per cent. bonds. It is scarcely probable that the conversion of notes into 5 per cent. bonds will reach fifty millions a year; but to whatever extent it is carried, even to the whole amount of our 6 per cent. bonds, or $1,000,000,000, it will furnish an easy, simple mode of converting our 6 per cent. bonds into those bearing a less rate of interest, and that without cost, syndicate, or mystery.

But, sir, the great object accomplished by this section is that our notes after January, 1878, will no longer be dishonored, depreciated, daily sold at 10 to 15 per cent. below par in coin though they are payable in coin. These notes will then be at par with 5 per cent. bonds, and thus in effect be made par in coin and will be received and paid out as coin.

Again, Mr. President, if my construction of this section is correct, here is an absolute pledge by the United States of America, made now after a long controversy, a pledge that is not likely to be broken, that on the 1st day of January, 1878, we shall have reached the specie standard under provisions by which that specie standard can be maintained. I consider it of the very highest public importance to have that declaration made. Now, sir, why should it not be made? And here I come directly to the point mentioned by the Senator from Vermont. He says there is not the right on the part of the holder of the notes to demand coin. That is true. The option is with the Secretary of the Treasury to issue either the bonds or to pay in coin. The option is with the holder of the note to demand either kind of bonds; but it is at the option of the Secretary of the Treasury to pay either in bonds or in coin.

Mr. EDMUNDS. Is that the way the greenback reads?

Mr. SHERMAN. The Senator asks me if that is the way the greenback reads. If we cannot pay absolutely in coin, ought we not to do the next best thing? Because we cannot pay in coin absolutely at a day named, shall we therefore refuse to give to the holder of those notes any promise to pay him in the future?

Mr. EDMUNDS. May I ask the Senator a question right there?

Mr. SHERMAN. Yes, sir.

Mr. EDMUNDS. How can the Senator say that if we cannot pay in coin we can pay in the next best thing, when he has just stated that we have $100,000,000 of surplus coin every year which we can use to take up the five-twenty bonds? If we mean to keep the faith of the Government, why do we not use that to pay the notes that are promises to pay on demand?

Mr. SHERMAN. Simply because under the operations of our laws, as they are now administered, we must sell the gold to pay our current expenses.

Mr. EDMUNDS. Then we should increase the public debt if we did not redeem the bonds.

Mr. SHERMAN. Here is the position in which we are placed: Gentlemen who demand specie payment literally without conditions or qualifications insist upon that which is unattainable at this moment

and are not willing to accept that which is attainable, and which is equivalent to it.

Mr. EDMUNDS. If the Senator is speaking of me, he is mistaken. I will define my position. I beg the Senator not to define it in that way, because it is not correct.

Mr. SHERMAN. The Senator is inclined to catechise me as I go along with a simple explanation of this report.

Mr. EDMUNDS. I did it with the consent of my friend. I certainly would not have interrupted him without his consent.

Mr. SHERMAN. Now to come back to this section: it does provide what all who have voted with me have been contending for, a specie standard at as early a day as practicable. Here you have that equivalent; and if perchance this is not the full specie standard, what is to prevent Congress from adopting the requisite measures hereafter when the assent of Congress can be obtained for the accumulation of coin, or for taking any other step necessary to actually maintain coin redemption on and after the 1st of January, 1878? I appeal to Senators who have a grave responsibility upon them, is it not now advisable to secure the declaration of a public policy to make what we aim at in that way as sure as the march of time?

Mr. EDMUNDS. We have made that declaration three times already, if the Senator will pardon me.

Mr. BOUTWELL. Will the Senator allow me to ask a question?

Mr. SHERMAN. Certainly.

Mr. BOUTWELL. I was about to ask the Senator why he does not propose the redemption or the conversion of United States notes into bonds at an early date, as on the 1st of January, 1875 or 1876?

Mr. SHERMAN. Having secured by the concessions made the fixed policy of a specie standard—because it must be remembered in this matter that these are concessions made by both Houses—then the question came up on the point of time. Now, sir, I believe——

Mr. SARGENT. I should like to ask the Senator one question in connection with the remark he has just made. I should like to know by whom that concession has been made. This House and the other House by a majority are inflationists, using that word for convenience, and I should like to know who made the concession when both Houses agreed on that point? Who has conceded?

Mr. SHERMAN. I say that the majority of both Houses have largely conceded to those who believe that it is our primary obligation to maintain a specie standard.

The question then came up with regard to the point of time. The Senate had fixed as the time the 1st day of July, 1878. The House had agreed to that date. Neither of those measures allowed the conversion of greenbacks into a bond bearing 5 per cent.; and neither of them contained the provisions I have read in regard to the reissue of notes. Now, when this, as I may say, immutable specie standard was conceded and the question came on the point of time, I insisted upon fixing the 1st day of January, 1877, as the day of redemption.

Mr. BOUTWELL. In asking the question I did not intend to express any opinion. I desire to know upon what ground the committee agreed to 1878 rather than January 1875 or 1876, or some earlier date.

Mr. SHERMAN. I will state that to the Senator. It is manifest that if you were to fix the 1st of January, 1875, for the redemption of the bonds, you would at once appreciate the value of your notes 11 per cent. That would give but six months, and that would pile upon the debtors in this country upon contracts made on existing values an additional burden of 11 per cent.

Mr. BOUTWELL. That is the reason, as I understand the Senator. Now, then, we are in the presence of a condition of things which we can comprehend. That condition being such that we do not dare to take the step now which this committee advise us to take three years hence, I ask the Senator from Ohio and the committee what knowledge they now have with reference to the condition of things that will exist in 1876 or 1877 on which they base the opinion, which is at the foundation of this bill, by which they advise the Senate and the country to take a step they do not dare to take now because they know it goes upon a basis which it is not in the power of any man to foreshadow; that is, we are asked to do in 1878 a thing which we dare not do to-day, upon the assumption of a different condition of things then from that which exists now. I ask for the evidence on which that difference rests.

Mr. SHERMAN. Is the Senator from Massachusetts opposed to coin redemption on the 1st of January, 1878, or to legislating in that direction?

Mr. BOUTWELL. I will express my opinion about that when I come to address the Senate on the subject.

Mr. SHERMAN. Then I hope the Senator will allow me to express mine.

Mr. BOUTWELL. But I ask for the evidence which influenced the committee to advise a measure based upon a condition of things in 1877 or 1878, which measure they do not dare to advise upon a condition of things which actually exists before their eyes.

Mr. SHERMAN. Mr. President, the Senator from Massachusetts now discloses that he does not think this country can reach specie payments on the 1st of January, 1878, and therefore this bill is too operative for him to indorse, because, forsooth, it may create trouble at that time.

Mr. BOUTWELL. If the Senator will state the reasons which govern him, I will undertake to tell the Senator the reasons that govern me.

Mr. SHERMAN. I state the reasons now, that I believe the United States of America have the power to redeem and the ability to redeem in two years from this time. I believe that if the word were spoken and the fiat made all the timid fears of these gentlemen who are afraid to take an affirmative policy on anything of this kind would be dissipated like the idle wind. But when I cannot have it done in two or three years, I am willing to do it in three years and a half. I wish to pledge the faith of the United States that it shall be done at the earliest day I can name, and not to fritter away the golden opportunity now. I do it upon my faith in the power, the wealth, the integrity, and the ability of the United States to redeem it. And more than all, upon my confidence in the sincerity and good faith of those who join me in making the pledge contained in this bill, and upon my knowledge that no such pledge made by Congress in the name of the people has ever been violated.

Now, Mr. President, to come back to the point of time, here was a tender point. When this section was so modified as to secure a fixed plan of resumption, simple and effective, and the question of time came up, I insisted for more than a week upon the 1st of January, 1877, mainly because I thought the administration that had made the pledge to redeem these notes in coin at the earliest day practicable should redeem that pledge within their allotted period. I would be glad to do it in that time. I wish Congress would join now in hastening this day. I believe the time fixed is too remote. But, sir, when the great object was attained by these modifications, was I to haggle about the time or to stand upon that?

But now I will state to the honorable Senator in direct answer to his question that I believe we can maintain this resumption from and after the 1st of January, 1877; but some of the ablest and best business men of this country, including members of both Houses of Congress, Senators and members, feared that if the attempt was made too soon we would meet the same fate that was met in England when after the great wars with Napoleon they attempted to resume, and resumed too soon, and then the time was postponed too far. There was therefore some strength in the argument that to fix too early a day might defeat the very object had in view. If I had my way in all this matter, I would fix the time as originally proposed by the Committee on Finance, the 1st of January, 1877. I think within two and a half years we could undoubtedly reach the specie standard and maintain it.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. SHERMAN. Certainly; but all these questions cut up what I intended to be a brief explanation, very much.

Mr. EDMUNDS. If the Senator is unwilling to yield to a question, of course I will not press it. I beg him not to do it against his will.

Mr. SHERMAN. I will answer it.

Mr. EDMUNDS. I wish to inquire, speaking of what England did, whether they waited as long as we have already waited in the first place, and in the second place, that I need not interrupt him by another question immediately, whether when they did come to resume it was a resumption like this at the option of the debtor, the government, instead of saying that the money should be paid on demand of the person who held the paper?

Mr. SHERMAN. It must be said to the honor of the English people that they brought about absolute redemption I think in about six or seven years after the war with Napoleon was over. But, sir, we have not done it, and I am sorry for it. For years I have been struggling to fix a time when resumption should be brought about; but we have never yet got a majority of Congress to come to the point of fixing a time; and now when a majority of both Houses are prepared to fix a day when they will resume specie payments, we are met, forsooth, by those who want to resume specie payments sooner or on some different terms, and are not satisfied with what is practicable and attainable, but wish to attain something more. Senators, defeat this measure, which pledges the faith of the nation, which has never been violated, to a particular policy and to a day which is fixed for the resumption of specie payments, and when will you bring about this hoped-for result? At the beginning of this Administration, in March, 1869, we promised to pay the United States notes in coin at as early a day as practicable. We have never been able to fix the day. Now here is a proposition in which the time, the place, and the manner are fixed; and because forsooth there are some details in it that do not suit or because the time is too remote, there is hesitation about adopting it.

When I consented to this report I yielded my own convictions on the point of time, because I believed the time ought to have been fixed on the 1st of January, 1877. But when after several consultations it was perfectly manifest that unless I would yield that question of time it was not possible to secure the great result, the declaration of public policy contained in this bill, I signed the report, and I stand by it.

Mr. EDMUNDS. The Senator has not answered my second inquiry, perhaps he has not come to it; and that is, what manner of redemption it was that the English people, to whom he referred, came to when they did come? He answered the first question by stating that they did come to it in six or seven years. We have been ten years already. Will the Senator say what manner of redemption it was, whether it was this method or an absolute redemption?

Mr. SHERMAN. I am not to be diverted into a recital of English

history. The Senator knows very well that they redeemed in coin; and I would be very glad indeed if we could get Congress now to declare that the redemption in coin should be absolute. Can you do it? Will you therefore refuse any practical measure which produces the same result because you cannot persuade others to agree with you in every particular? In my judgment that ought not to be the guiding motive of Senators.

Now, sir, I believe that the object I have stated will be accomplished by this bill. As for the minor details of the bill they have been agreed to by both Houses of Congress. The modifications of the banking act are not very material. So far as they go they make the banking system free, and they contain that section of the House bill which makes redemption by banks in legal-tender notes immediate, positive, decisive. It requires the banks to place in the Treasury of the United States a fund amply sufficient in the opinion of the Treasurer of the United States to maintain this resumption. All the details of this bill as to national banks are in perfect harmony with the wishes of both Houses of Congress, with the reports of the committees of both Houses, and even with the views of the majority of those who are in favor of specie payments.

There was one point upon which there was some controversy, and that was the degree in which legal-tender notes should be retired as bank-notes were issued, and, as the Senator from Indiana properly says, upon that point a compromise was made. How else can you attain it? What reason can you give for one particular per cent. rather than another particular per cent.? When there was a difference only as to the degree, not as to the principle, after some hesitation we agreed to divide it, and made it 37½ per cent.

Now, Mr. President, there is but one fear that I have ever entertained, or that has ever been suggested to me by those who voted with me, in regard to the merits of this bill. It has been said to me over and over again, What security have you that this eighth section of the bill which provides for specie payments on the 1st of January, 1878, will not be repealed? Will not another Congress come in and sweep that out of the way? Having secured free banking, will not the people hereafter by their Senators and Representatives violate that stipulation of the law and remove and obliterate this public policy? I say in the name of the people of the United States, no, never; they never have done such a thing; they never will do such a thing; there is no danger of their doing it. Remember, Senators, here is a positive pledge to a particular class of public creditors to give a specific bond for an admitted debt past due and at a time fixed by law. When was such a pledge of the United States ever violated? When was such a pledge ever broken? I am glad to see this bill voted for by persons on all sides, of all political parties There is the pledge. It is not the indefinite promise to pay at the earliest day practicable like that of March, 1869. The condition of that pledge rested upon diverse views of public policy. But here the time is fixed; the terms are easy; our ability to issue the bond and to pay the interest stipulated for is conceded. It is not a party pledge, but is the pledge of the whole nation to pay a debt contracted for the salvation of the nation. To impute a purpose to violate this pledge as a mere means to secure free banking is to stamp all who participate in it with dishonor.

As to whether the national banking system shall be retained as the fixed policy of the United States, or whether it shall be swept away, or as to what form our currency may assume hereafter, those are questions for the future; but as for the pledge now made in this law that the holder of the United States note, if he presents it on and after January, 1878, shall receive that which is equivalent to coin, that is immutable as the laws of the Medes and Persians; it is written on the conscience and public faith of the nation; and I do not have any fear about it. If a future Congress would violate this section, that same Congress would have the power to pass any law they chose on the subject. If they would violate this public faith, would they not also issue an unlimited amount of greenbacks or do any other wild and disparaging thing dishonoring the public faith? If you can impute to a Congress hereafter that they would violate the public faith, would they not without such a pledge of the public faith pursue a policy more dangerous? What has checked the reissue of United States notes at this session except that pledge contained in the law of 1864 that the limit should not exceed $400,000,000? There it stood as a bar. Now when you get this stipulation in your laws, have you not secured the substance and are you afraid of a shadow?

As to free banking under this bill, that is a question every Senator will decide for himself. It seems to me it can do no harm to make the privilege now enjoyed mainly in the Eastern States open to all. Whether banks will retire under one provision, or whether banks will be organized under another, is a matter of opinion on which each can act for himself. Now, sir, I again appeal to the Senate. You may defeat this bill if you please; but if you do, you send this question home to the people and they will engage in all their primary assemblages in the discussion of these questions that have divided us for six months, questions that have been so difficult of solution here that able bodies of picked men are not able to harmonize their views with all the pressure of public opinion upon them in order to be able to agree upon a policy. If you defeat this bill, you send these questions, the most difficult of all in political economy, among the masses, to divide the people of the United States, perhaps to divide them into sectional parties over these complicated and contending questions. Congress was made to solve such questions. Congress ought to do it. Congress must do it in the end. And now, sir, when we have a bill which substantially secures the results at which we have aimed, is it wise to turn our backs upon it merely because it does not go so fast or so far as we would desire?

Mr. BUCKINGHAM obtained the floor.

Mr. DAVIS. I should like to ask the Senator from Ohio a question.

Mr. SHERMAN. I will answer it if the Senator from Connecticut will yield.

Mr. BUCKINGHAM. I will yield for a moment.

Mr. DAVIS. I incline to favor this compromise; but there are one or two points in regard to which I should like to have information. The first question is, What difference, if any, it makes in the amount of tax now levied on national banks, which amounts to about 1 per cent.?

Mr. SHERMAN. Not the slightest; it will not affect it at all.

Mr. DAVIS. I do not understand whether the 5 per cent. that is ordered by this bill to be kept in the Treasury is to be taken from the 6 per cent. that is required by the country banks to be kept at home, or the 9 per cent. required by law to be kept in the redemption cities.

Mr. SHERMAN. That is a part of the whole reserve. The Senator understands this business. The part deposited in New York will probably be transferred to the city of Washington. It is a part of their deposits just as the same sum deposited in New York would be. It is counted as a part of their reserve.

Mr. DAVIS. It must be one or the other, as the Senator must admit. It must come off of that at home or that in New York.

Mr. SHERMAN. Certainly.

Mr. DAVIS. Now the question is: Which will it come off of, or will it be taken from the 15 per cent. retained at home before?

Mr. SHERMAN. I should think it might come off here as part of the reserve. That is a question of division in arithmetic to which my attention has not been directed. My impression is that it would be a part of the reserve.

Mr. DAVIS. It would probably be left to the Secretary to decide.

Mr. SHERMAN. To the Comptroller, I suppose.

Mr. DAVIS. One further question. The Senator from Indiana named twenty-six and one-half millions that is now held as reserve for circulation as the probable amount that would be put in circulation under this bill. Does the Senator from Ohio make the same calculation?

Mr. SHERMAN. That is a question upon which perhaps I would differ with the Senator from Indiana, because the amount of currency reserve held by the country banks is now 6 per cent. of their circulation, and the amount in the cities is two-fifths of 25 per cent.; that would be about 12½ per cent. The amount of currency reserve in the cities is 12½ per cent., and in the country banks 6 per cent. I should have to compute the proportion the city banks bear to the country banks before I could answer the question entirely. The Senator from Indiana says he has made that computation, which I have not. I take it, so far as that is concerned, every bank would undoubtedly maintain a reserve, even if the law no longer required it. They would maintain whatever reserve they deemed to be necessary and take the hazard and the risk of not having money enough on hand to pay every call.

Mr. DAVIS. That I understand; but my impression is that it will be a considerably larger amount than the Senator from Indiana named, and in that way I think it will be better than he has anticipated.

Mr. BUCKINGHAM. Mr. President, I understand from the Senators who have spoken on this question that this report is a concession, a compromise; that is, that men who have opposite views with regard to the course which the Government ought to pursue with reference to the currency have conceded their extreme views and harmonized in this measure. I fully believe it to be a report which manifests concessions. It appears to me to be a concession of every financial principle which has been advocated on this floor which can be of any value. Here are men in favor of a resumption of specie payments and they have been in earnest, presenting their views with a great deal of force, and here comes in a report which says in regard to that measure that it may be delayed until 1878, and when that time arrives the Government shall or not, at its pleasure, redeem its currency in coin. Here is a concession—not that we will demand specie payment to-day, not that we will demand it in 1875 or 1876, but in 1878 if it shall be perfectly convenient for the Government to pay, not otherwise.

Here is also a concession on the part of those who are in favor of inflation or of free banking equally wonderful to me. What is conceded here? The bill provides for free banking. It opens the door perfectly free and wide enough for people to enter in and engage in the business of banking. Whosoever will may do so; but be it known to every Senator that there can be no organization of men to establish a bank unless there shall be in connection with it a reasonable prospect of remuneration. Now, upon what terms can men enter into this business with a reasonable prospect of profit? If I go into the market to-day and buy you bonds, I must give $1.12 or $1.15 for each dollar; but it has been proved here repeatedly that the profit to men engaged in banking, on the currency which they receive, is only from 1½ to 2 per cent. per annum. That having been asserted and proved so repeatedly upon this floor, I shall regard it as an es-

tablished fact. But here you provide that men may go into market and buy their bonds and pay $1.12 or $1.15 for them, and at the end of three years and a half those bonds are to be at par. Now, suppose by obtaining currency and engaging in this business, you can make the highest amount of profit which has been proven, which would be 2 per cent. per annum, in the three and a half years you will have made 7 per cent., but you will have lost on your bonds another 7 per cent. This is the concession, the compromise which this report suggests has been made! I challenge any business man, I challenge any man who knows anything about dollars and cents, to engage in free banking under this bill with the prospect of making money, unless he shall be convinced that the Congress of the United States will not be true to its promises, that when the time shall come when we anticipate, as the Senator from Ohio does, a positive and complete redemption, that day will be postponed, as I believe it will be, if you agree to this compromise.

I am in favor of specie redemption. I think it is the duty of this Government to redeem its promises. Just as I think it is my duty, if I have made a promise to pay, when the time comes for me to pay according to my promise, to make any pecuniary sacrifice that my creditor shall demand in order to meet that promise, so I believe this Government is under obligations equally sacred and equally binding. But there has been delay after delay in keeping promise of the Government; and being under these peculiar circumstances I have believed and I still believe that we would come nearer fulfilling our promise than we have yet done if we would convert our legal-tender notes into an interest-bearing bond. This bill proposes to do that. When? Not to-day when the debt is due, but three years and a half hence; not to-day when you ought to meet your obligations, but at some future time when some contingency may arise which will make it exceedingly inconvenient for the Government.

I believe that the Government is as well able to exchange bonds bearing interest for the greenbacks to-day or on the 1st of July or the 1st of January next, as it will be on the 1st of July. or the 1st of January, 1878; and I can see no injustice in it. Although the Senator from Ohio made a suggestion which he thought would be embarrassing, yet I can see no injury to come from it.

There is another point in this report to which I will briefly refer. Our banking law now provides such a system of redemption that bank-notes and legal-tender notes are of equal value in all parts of the country. We have never had such a system before, and in that respect we have never had a system so valuable; and in saying this I do not mean to say that the redemption to-day is of any special value. I do not appreciate perhaps as I should the great advantage of exchanging a bank-note for a legal-tender note; but I do appreciate the present system of redemption which, if we adhere to it, will, when we come to a specie basis, place the mercantile and the commercial interests of this country in regard to exchanges on a higher plane than they have ever stood before.

But what does this report propose? It proposes that the banks shall redeem at their counters, and there shall be no other system of redemption except with the sub-treasury. Therefore this system of central redemption, where every bank-note can be redeemed with whatever you promise to redeem it with and can be of equal value, the moment you put this bill into operation and come to a specie basis, that moment you depreciate the value of a bank-note in proportion to its distance from its center or from the bank.

Let me illustrate this if I can. To-day a note issued by a bank in the city of Washington is just as good in the city of Saint Louis as a note issued by a bank there; but if you break up this present system of redemption and require that that note shall be redeemed only at its own counter or in the city of New York, you depreciate the value of that note in the city of Saint Louis; you impose a tax upon the mercantile community which they would not bear otherwise. Is that wise? In one sense it is. In one sense it is right and proper that a man should pay exchange just as much as he should pay freight; but, sir, no man and no set of men in the commercial community can pay these exchanges without an immense cost. But will it not be a burden to some parties? Yes, it will be a burden to the banks if they are required to do it. Then will it not be an act of injustice to require it of the banks, to charge it to them as a part of the consideration by which they shall pursue a banking business? Why? Because they can do this business cheaper than any other association of men or any other men; and it is but fair, they receiving the privileges they do from the Government, that they should in some way compensate the community for these privileges.

I might, if I had time, perhaps say a little more on this report. I regret that I can see no possible good to result to any class of men if it should be adopted by the Congress of the United States. I cannot see that it promotes expansion if any one wants expansion; I cannot see that it leads directly to specie payments; but it seems to me that it postpones the day about as much and about as far as from the present hour to the beginning of 1878.

Mr. FLANAGAN. Mr. President, I am opposed to this bill, and propose to submit a few reasons for my conclusion. It is said by my distinguished friend from Indiana, [Mr. MORTON,] for whose opinions I have the very highest respect, whether I am with him or against him on any measure, that the country wants a settlement of this great question. Surely upon that branch of the subject between him and myself there is no issue. The people do want a settlement. They simply demand, however, that which is due to them and has been for many years by solemn law. They want a settlement; they want gold for the paper that they are holding. That is the settlement which they want.

But my friend says that in theory this matter will all work out harmoniously and delightfully by the 1st day of January, 1878. What evidences have we of that, except that which I have already announced my confidence in, his declaration, and I suppose the country at large will indorse to a very great extent his declaration in most instances; but this is one of the cases where the people are not so readily disposed to compromise. We are told by the distinguished chairman of the Committee on Finance, whom I have been following so closely and with a great deal of pleasure since this question was first introduced into the Senate, that the proposition now is to compromise. Compromise what? Is there any unsettled question between any parties? He who holds a five-dollar note, or a thousand-dollar note if you please, holds that which represents money that has been long due; and now, by way of compromise, these learned gentlemen propose to tell him that payment is to be deferred until 1878. What a beautiful compromise!

My friend says the theory of the bill is that by the 1st day of January, 1878, we shall have no jar, no difficulty. Then it is, I suppose, his idea that whoever lives to see that day will enjoy the millennium; all will be bright and easy; gold will flow in great abundance, and there will be no trouble with an American citizen on the subject of currency. We have no evidence justifying that in the past history of the country. When will that convenient season come? It is said by every Senator who has addressed the Senate on this subject that the Government has the ability to do that which it has solemnly pledged itself by law to do, at any time. If so, there is no necessity for deferring it; and the Senator is not here, if I understand the question, who is ready to say that the Government is not prepared just as well to put this proposed machinery into operation upon the 1st of January, 1875, as the 1st of January, 1878, by redeeming the indebtedness in bonds bearing 5 per cent. interest.

But then we are told, by way of giving it a beautiful sugar-coat, if you please, in section 8:

> That on and after the 1st day of January, 1878, any holder of United States notes to the amount of fifty dollars, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon he shall be entitled to receive, at his option, from the Secretary of the Treasury, who is authorized and required to issue in exchange for said notes an equal amount of either class of the coupon or registered bonds of the United States provided for in the first section of the act approved on the 14th of July, 1870, entitled "An act to authorize the refunding of the national debt," and the act amendatory thereof, approved the 20th day of January, 1871, which bonds shall continue to be exempt from taxation as provided in said act.

Why not make provision at an earlier day? There is no objection to it. The claims of parties holding the indebtedness of the United States will be no more sacred upon that day than they are now. The notes are due. Why not make preparation to redeem them? And if they are to be redeemed in bonds paying interest, why defer that time? It is *ex parte*. The parties holding the notes may not be willing to do that, and you have no just right to require them to postpone their claims.

> *Provided, however*, That the Secretary of the Treasury in lieu of such bonds may redeem said notes in the gold coin of the United States.

There is the gold feature. It is very modestly approached, to say the least. To illustrate, where is the individual who would prefer to shell out gold instead of paper? What Secretary of the Treasury shall we expect to find in office who would do likewise? Upon such occasions small birds fly; they always do. You may go into executive session this evening, and it is all secret, and nothing is to be known, *pro* or *con*, as to what you have been doing, and yet before you leave the Senate door what you have done is being published in New York and sent broadcast throughout the country. Now if peradventure the Treasury should be prepared to pay out a little gold, who would get it? The laborer in the country? Do you suppose one of these dollars would ever get down to Texas? Never, under God Almighty's heaven, through that channel. New York would have every one of them. The men there would know the "dots," and they would have their demands on hand and they would realize on them.

What a beautiful idea to talk to me about a compromise and a resumption of coin payments! It is a burlesque upon common sense to me, with all due respect for distinguished friends who advocate it. It is a simple, plain proposition, and no man who has any idea of business can thus have the wool pulled over his eyes, for it amounts to that. It might inconvenience some person presenting his money to a very great degree. I recollect an anecdote told of old Stephen Girard in his day. There was a merchant in the city of Philadelphia who was disposed to make a run upon Girard's bank, and he had secured some $100,000 of Mr. Girard's paper. He very promptly made known to Mr. Girard the object of his visit when he presented himself. By the way, however, I should say that one of those little birds that I have been alluding to had flown toward Mr. Girard previously, and therefore he recognized the business of his visitor instantly and was as well informed of his intention as the man himself was. He asked Mr. Girard if he would be so kind as to cash a small amount of his paper. Mr. Girard promptly replied, "O, yes; certainly, sir." "Well," said the gentleman, "it is a very small amount." "It does not

matter," says Mr. Girard, "about that; what is it?" "Only $100,000." He had come to the conclusion that Mr. Girard would tender excuses, such as not being prepared to meet $100,000, but he turned to his clerks at once and told them, "Count out that money to the gentleman." The clerks began to roll out the kegs of round dollars, and as soon as he saw them the visitor began to back out. Said he, "O, never mind, Mr. Girard; I am not particular about it this morning." "Well," said Girard, "I want to close up this transaction and it must be settled now. Here is the money that you have demanded." The party had no cart there; he had no way of disposing of it; he had no guard there to protect it; he was in a very serious difficulty, and then he begged the old banker for mercy. The money was there and he was very well aware of it.

Mr. MORTON. If he had greenbacks he could have carried them off in his pocket.

Mr. FLANAGAN. I will come to that. Girard's bank was certainly as good as greenbacks. My friend ought to have reflected on his greenback proposition that if he himself should present a large amount of greenbacks at the counter of the Treasury they might pour out the gold upon him whether he expected it or not. He may have had no idea of that when he signed his name to this report. But then they might do so, and thereby he would be seriously interfered with and unpleasantly situated, having more gold than he could control. One hundred thousand dollars at the day I speak of was more than equal to a million at this time.

But in looking over the happy names that are to be found to this article, I cannot but be amused, even if it were a pure accident, at how appropriate they are. I find the name of my distinguished friend from North Carolina [Mr. MERRIMON] here. He having gotten this concession and compromise is as merry as a sixteen year old belle having just received a beautiful bouquet from her distinguished lover. He is perfectly happy. I am rejoiced to see him thus pleased on all occasions. But there are other gentlemen who figure very conspicuously. For instance, here is the name of "C. B. FARWELL." Mr. FARWELL is a distinguished gentleman. I have nothing to say against him. I appreciate his action and his purity of integrity because when he signed his name to this report he handed out his hand and said, "Farewell, Gold; that is the last I will ever hear of you. Farewell, Gold." [Laughter.] That is very appropriate indeed. But, sir, I do not see another distinguished name, a member of the committee from Pennsylvania, [Mr. CLYMER.] Mr. CLYMER declines to give us the benefit of his name here. Mr. CLYMER was not so good a squirrel for climbing as to commence climbing this morning after gold, because we can see already in the reports from New York that gold is beginning to go up and he would have to go, I know not how many rounds of the ladder, whether thirty-three, fifty, or one hundred, to reach and get in proximity to the gold question. Therefore Mr. CLYMER very sensibly concluded to remain precisely where he was. I compliment him for doing so, and I for one determined on this occasion to stand by him. I should like to make his acquaintance. He is a man of good sense. No unnecessary climbing for him. [Laughter.] His name is not here.

Resumption! Some of our friends have said: "Certainly you will go with us for this. You are for resumption, are you not?" Surely I am for resumption; but I am sincere in that resumption. Talk not to me about resumption under this! It may be done in 1878 say you! Why, we shall be further off from it then if it is not done now than we are at this time. There is no doubt about that. Who is it that is going to cease to operate his spindles in the cotton and woolen factories, in his leather operations, in the various machineries that are so successfully employed now in the American Union? According to the history of the world is it to be expected that all the parties who are thus interested and participating in the great enterprises of the day will be successful? If so, then indeed that happy millennium that the distinguished Senator, my friend from Indiana, has portrayed in this matter may be realized in 1878. But we do know that such will not be the fact. That is demonstrated, and we shall be further from resumption then than we are now beyond a doubt.

My distinguished friend from Connecticut, who sits close to me, [Mr. BUCKINGHAM,] is for free banking. I have no particular objection to that. But he is so much delighted with the idea of free banking that he does not see anything else in this thing. He is very well satisfied. I think that heals all his wounds to a considerable extent. I congratulate him; I am gratified that it suits some of our friends; but be it remembered that all the people of the United States do not propose to embark in banking. If they did, there would be a perfect failure. There are thousands and thousands of laboring, toiling men who are earning their subsistence by the sweat of their brow. I have seen nothing here that tends toward the protection of one of these individuals; not an iota. They are simply told that they may per possibility get the sight of a gold dollar about the 1st of January 1878. The large money-dealers who have bonds and are able to get hold of them at that day are to be protected. They are looking to their interests very carefully. They will thereafter receive 5 per cent. on their greenbacks turned into bonds; but what is the poor man to receive? Is he to be protected to the thousandth part of a fraction directly or remotely? Not a word of it. You prey upon him unmistakably just as a large fish does upon a small one in the mighty waters of creation. The large eat the small fish, and there is no end of them. So under this the rich men grow fat and large, and the poor man toils for a subsistence that you try to wring from him. That is not the kind of legislation that I am in favor of.

If this Government owes this money, as we know it does, there can be no successful answer to the proposition that it should honestly and faithfully come up to the work and vindicate the character of the nation and its ability by making good your solemn pledge; and until you have done that, you never will satisfy the American people. I care not whether a man be a democrat or whether he be republican, or what he be politically; he demands the amount you owe him at your hands.

Tell me not that it will prostrate the republican party if this compromise is not effected and accepted. I say if the republican party is to be perpetuated upon a platform of bankruptcy, it is time that it was disrupted and let others take hold of it who are capable and honestly disposed to do that which is beneficial to this mighty nation. If there be any republicans, I am one of them; but I am no republican at the expense of the honor of this great nation. I am opposed in every sense of the word to this compromise. Indeed there is no compromise in it. I am reminded of a little occurrence that illustrates this matter to me very well, to say the least of it. About fifty years ago there was a very distinguished lawyer living in Kentucky by the name of Haggin. I have no doubt the Kentucky Senators who sit right behind me knew him and can recollect the anecdote. Haggin lived in Lexington, Kentucky, one of the leading members of that bar, and that bar at that day was scarcely rivaled. The great Clay, Bledsoe, John Rowan, and a host of other distinguished men that the reader of American history is familiar with belonged to that bar. Haggin was a member, and a prominent member, of that bar. He was informed that there was a widow lady living in the neighborhood who had about $2,000 to loan. The money would be convenient to him and he applied to her for it. He was above suspicion, and she very readily brought out the $2,000 and handed it over to Mr. Haggin. Haggin drew his note for it at twelve months after date, but at the bottom of the note he added a few little words: "Provided"—just about like this beautiful little play is here that the Secretary of the Treasury may do so and so—"Provided the said Haggin is not to be hastened." [Laughter.] When the note fell due, that happy period when my friend [Mr. MORTON] says everything will be perfectly lovely, with no difficulty in the world, so that we shall be all right, it was not exactly so with Haggin. Mr. Haggin was not ready to respond. The lady called upon an attorney and instituted suit. Upon the trial Mr. Haggin pleaded "there is a qualification which was part and parcel of the note I made that I am not to be hastened." The judge, however, did not see it in that light. The judge ruled that the gentleman was to be hastened. Frequently thereafter when the lawyers through the State were riding in company—and I take it for granted my friend behind me [Mr. MCCREERY] was with them occasionally—a horse would lag behind and the rider would spur it on, and the others would say to him, "You know he said he was not to be hastened," [laughter,] and then how the rider popped the spur into him and brought him up! Now pop the spur into the Union and make the Union come up to an honest declaration of the Congress of the United States to pay this money that is due, as the said Haggin had to do.

I think I will try a further illustration, and then I believe I shall yield the floor. I want to tell an Irish anecdote, and if I cannot draw from the Irish upon whom can I draw, because I claim to have come from that source myself and therefore I may speak of an Irishman. An Irishman had conceived the idea that he could act upon the theory that really he could train his horse to live without any subsistence, giving him proper care and attention otherwise. He was going to solve a great problem as he considered. Very well; he put his horse up in pretty good condition, and his neighbors came in very regularly and interrogated him, "How are you getting along?" Well, now, I can see some of my neighbors coming to some one near me. Here is one that I love as well as any of you here, my friend on the right, [Mr. FERRY, of Michigan.] I can point out distinguished friends sitting around in different portions of the Senate who come regularly to the seat of my friend from Indiana, [Mr. MORTON,] who is the keeper of the horse now in training, and they ask, "How are you getting along with your experiment?" "O, first rate, doing most elegantly; I will succeed; no doubt about that; theory tells me so; give him plenty of good kind words and I suppose some little rubbing, but no food; no gold, certainly not, but plenty of greenbacks." [Laughter.] My friend loves to play with the word greenbacks. Gentlemen continue to visit him and they get favorable responses regularly; but finally, just about, as it were, the first day of 1878, they all come up with a great deal of anxiety, "How does he get along?" "O," says he "he was getting along very finely, but he died last night." [Laughter.] Here is my friend's theory, and there is his practice. He will tell all his friends who approach him now that it is working elegantly; no doubt about success; but when January 1, 1878, arrives, the horse dies and there is an end of it. That thing will not do. [Laughter.] This is the history of this case. This proposition cannot live; there is nothing in it. There is no substance based upon theory. Nothing under the sun known to man that has ever been realized is able to support the doctrine that in 1878 you will be willing to do that which you should do in 1875 if this theory ought to prevail. Therefore I am opposed to it.

The PRESIDENT *pro tempore*. The question is on the report of the committee of conference.

Mr. CONKLING. Let us have the yeas and nays on that question.

Mr. MORRILL, of Vermont. I am quite satisfied that the committee of conference in relation to this bill have endeavored to do the very best thing practically possible, and I am ready to accord to them some spirit of self-sacrifice; but not believing that the bill they report is a bill which is to satisfy anybody in its practical operations, I shall not be able to vote for it.

In the first place, the theory adopted here is to retire 37½ per cent. of greenbacks for every dollar that is issued of national-bank notes; that is to say, there is to be $37.50 of the greenback currency retired for every $100 on new national-bank currency that shall be issued. That is, on the face of it, an expansion of the currency to a very large amount. Let us see what it amounts to. It is proposed in the first place that we shall reduce the amount of legal-tenders outstanding from the present $382,000,000 to $300,000,000, and then stop. That is, we are to retire $82,000,000 of the greenbacks, and how much are we allowed to issue of the national-bank currency? That would amount to $219,333,000. On the theory of this bill that amount would be issued, less the 5 per cent. that is to be retained in the Treasury of the United States for redemption, which would leave practically as the issue of the national banks $208,367,000, and there would be retired $82,000,000 of greenbacks. Then after that the scheme of free banking is unlimited. You may then proceed up to the amount of a thousand millions if it is possible to induce anybody to enter into the business, as I do not think it would be.

But there are other features of this bill. It is proposed that in 1878, January 1, the greenbacks shall be converted at par into bonds at the option of the holder. What will be the effect of that? Clearly it would have the effect to appreciate the value of the greenback to a certain extent, but it would also have the effect of depreciating the value of the bonds of the country. If these greenbacks, when so redeemed by bonds, were to be canceled and retired, I should have no objection to the proposition; but here is a provision made by which they may be perpetually reissued, and it is made imperative that they shall be reissued. Consequently this amount of greenbacks that may be so repeatedly reissued will have a very damaging effect in depreciating the value of our national bonds.

But, Mr. President, the friends of this bill I think deceive themselves if they suppose they are going to get much of free banking or expansion of the currency under it, except what occurs from the release of reserves. The proposition is that in January, 1878, greenbacks may be exchanged for bonds at par. What capitalist, what banker, would go into the market now and buy bonds at 15 or 18 per cent. premium for the purpose of going into the business of banking, when by waiting three and a half years he could have his bonds at par, and then there was almost an absolute certainty if he invested his money in banking at the present time that there would be a positive loss of 15 or 18 per cent. or whatever the premium on bonds now is, as the consequence of entering upon it?

I do not desire to discuss this question at any length; but there was one thing said by the Senator from Indiana in his opening remarks in relation to this matter, that this was to be a final settlement of the currency question. I should like to know of the Senator, when he comes back here at the next session and finds that free banking is not the practical result of this bill or that it does not work much in that direction, whether the question will not be again opened? I do not think it will be settled at all by this bill. Besides, if we are to resume specie payments in 1878, it seems to me that there is a plan and there are many plans by which the end might be reached much earlier and with less distress to the country, as certainly the Government might furnish the gold by issuing its bonds in exchange for gold almost at any time and pay it out for greenbacks. Under the conviction, therefore, that this bill is in theory one of almost indefinite expansion and that the result will disappoint even the friends of the bill, that free-banking to any extent will not be the consequence which will follow and that it is not likely to secure specie resumption, I shall be compelled to vote against it.

Mr. FRELINGHUYSEN. Mr. President, I cannot vote for this report. There is no doubt of the sincere and honest effort of the committee to come to a satisfactory arrangement; but I think that those who believed that an expansion of our paper currency is necessary to promote the business interests of the country, when they secured that by the report by providing for free banking or at least supposed they secured it, should have given to those who differ with them and want resumption a measure which would lead to specie payments, and this especially as the desire to come to specie payments is common to those who are in favor of and to those who are opposed to a greater expansion. There is no doubt of a common desire, however we may differ as to measures, in the Senate and in the House with all parties to reach the great desideratum, specie payments. But so far from the measure proposed bringing us to specie payments, it positively enacts that we shall not in any event reach that result before 1878. Far better run the chance of coming to specie payments without than with this bill. Up to 1878 this bill provides, and it is a provision in which all who engage in free banking have an interest, so that it would be unjust to repeal the law, that there shall not be specie payments No one under the bill would purchase United States bonds at 1.15 if they were not assured that they were not to be reduced to par in greenbacks earlier than 1878. And when we reach that year the bill provides we shall not then resume specie payments, but that then the return which the bill-holder is to get is to be not money but bonds.

Suppose that under the law the $382,000,000 Government currency is funded in bonds, what is the result? This nation, after delaying specie payment until 1878 and after investing the vast amount of United States notes in bonds and being liable perpetually for the interest on such bonds, is then by this law obliged, not in time of war, not from any exigency, not when there is any excuse for it, but is then obliged by the force of this bill and from no other necessity to reissue those promises again, and thus to place the Government in exactly the same situation that it is now as to specie payments, excepting that we will have gone to an expenditure and liability which, applied to the accumulation and obtaining of gold, would bring us to specie payments in a year.

That, Mr. President, is not all. If we had adopted the policy of accumulating gold we should be brought to specie payments without any contraction, because that process would bring all the hoarded coin of the country into circulation and produce a healthful expansion——

It is said we cannot get the gold. There never was a more patent error. Why, we are told here to-day that the annual surplus gold coming to the Government is $100,000,000. That, I suppose, is a mistake; our annual surplus gold is about $44,000,000. The whole amount is $180,000,000, and the expenditures for interest and diplomatic salaries by the Government is about $136,000,000 in gold.

Mr. MORRILL, of Vermont. We have eighty-one millions on hand and part of that belongs to depositors.

Mr. FRELINGHUYSEN. We have but $50,000,000 on hand that belongs to us. Then for the purposes of this accumulation, so as to commence specie payment, we have the products of the mines which yield us sixty or seventy millions, of which perhaps one-half goes abroad. There is in the country $150,000,000 which is hoarded. England, too, stands ready at a low rate of interest to help us in the accumulation of gold, because it is the interest of England from two considerations to aid us: first, because her people hold our securities, and, second, because England knows that while our currency is below par it operates as a prohibition against her manufacturers coming here. There is no trouble in accumulating gold sufficient for resumption. And what in that event would be the result? If the United States notes amount to $400,000,000, how much gold would we require? In 1838–'39, in 1858–'59, after the banks of the country had suspended they resumed without one of them having to resume with more than 33 per cent. of their issue. But the nation could resume much more securely with even less than 33 per cent. The Government would be more favorably situated as regards resumption than the banks, for two reasons: first, great wealth of the nation is a constant security that payment will be made, and, second, the United States notes being necessary to the banks as a reserve would not be sent to the Treasury for redemption.

Mr. President, if we should adopt the policy of making the United States notes convertible rather than redeemable, and there is a broad difference in those two words, we would have established in the country a measure which would give us all the benefits of a national bank without any of the disadvantages. Our country would possess all the benefits which England and France derive from their national banks, and from the extent of our territory we need those advantages more than any other country. Six months after we resumed probably $50,000,000 on deposit in the Treasury would make and preserve $300,000,000 of United States notes constantly convertible into gold, and the nation would have the advantage and profit of floating $250,000,000 without the payment of interest, while at the same time we would have kept our faith to the bill-holders by making our notes always convertible into gold. We would have a currency that would resist panics, that would remain in the country, that would be uniform throughout the length and breadth of the land, that would be a great convenience to the banking business of the nation; but instead of that we are told here that we must postpone specie payments until 1878, then have bonds, then reissue the greenbacks again, and so on *ad infinitum*. Mr. President, I do not doubt that we are in a vastly better situation without adopting any financial measure than we would be should we adopt this.

The PRESIDENT *pro tempore*. The Senator from New York calls for the yeas and nays on the question of concurring in this report.

The yeas and nays were ordered.

Mr. JONES. Mr. President, I do not intend to say more than a few words on the report now pending before this body. It seems to me that it bristles all over with objectionable features; and I do not share with the Senator from Ohio his confidence that the legislation may not be changed before the 1st of January, 1878, so as to entirely annul the redemption features of the pending bill. I do know one thing, that the inflation is immediate, that the redemption is very remote. Sir, I do not believe that it is to the advantage of any class in this country that the price of the greenbacks shall be elevated by any such method as is proposed in this bill. Gentlemen talk about the resumption of specie payments. It is utterly impossible to resume specie payments and keep that resumption permanent with the great volume of paper currency now afloat. Specie will not remain with us as long as the price of everything that is produced, as long as

the price of everything that we manufacture and of everything we raise here is so much higher than the prices of the same commodities and the same materials in every other portion of the world. You may make your greenbacks redeemable in bonds, and then again issue the greenbacks, but it will be all in vain. When an inflated currency is in a country, when prices have risen in proportion to that expansion, contraction is the only remedy for it, and specie payment can never be maintained without a contraction of that currency.

Sir, all the evils that have been complained of heretofore with regard to this irredeemable currency that we have will be just as active when you shall make the greenbacks convertible into bonds as they are to-day. It makes very little difference whether gold rates at $1.12 or $1.03 so long as your paper is not immediately convertible into gold; all the grievances we complain of, all the hardships upon the workers of this country upon the constant fluctuation that is robbing them day by day of the fruits of their labor, will be just as active as ever.

This bill will have the effect to raise by a small percentage the value of the greenback. It will have the effect also to degrade the bonds of the United States to a small extent. In any event it can never bring back specie payments, because the greenback will bear no just relation to prices here except to the price of bonds. The bonds again will have to be negotiated abroad perhaps for gold. There will be no gold among the people of the country, the greenback will not be convertible into gold, and all the fluctuations that we have complained of heretofore, aggravated perhaps by the increased volume of paper money, will be felt after this redemption shall have taken place.

In the next place, what will be the proposition to get back to specie payments after the 1st of January, 1878? How can it be done? Admitting that gold will not remain in the country when the price of everything is at so high a point as to drive it out, then the problem will be presented to this body and to the country, how can we get an unvarying standard of value; how can we return to and maintain specie payments? Everybody will see then that it must be by contraction. That contraction, with prices raised as this additional volume of currency which this bill contemplates will cause them to rise, will make the revulsion ten times greater than it would be to return to specie payments to-day. Between this and the 1st of January, 1878, the country will have suffered a great deal more than it would suffer by returning to specie payments within a year or within six months. You inflate money that can neither be hoarded nor exported, and you leave the largely increased volume of currency to float the property of the country and to effect its exchanges. Of course, property must rise, and we shall be further off on the 1st day of January, 1878, than ever. It seems to me that the bill travels in a circle.

Taking this bill section by section, there are objections all through it. Take section 8. Omitting to read the first part of the section, it provides "that the Secretary of the Treasury in lieu of such bonds may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue the United States notes so received either in exchange for coin at par, or, with the consent of the holder, in the redemption of bonds then redeemable at par, or in the purchase of bonds at not less than par, or to meet the current payments for the public service; and when used to meet current payments an equal amount of the gold in the Treasury shall be applied in redemption of the bonds known as five-twenty bonds."

It seems to me it takes all the gold we have in the Treasury to pay our current expenses. I see no provision here made for the hoarding of gold needed to purchase bonds in lieu of the greenbacks which shall be reissued after bonds shall have been exchanged for them. And what will be done? Suppose that the exigencies of the country require that the greenbacks received for bonds shall be reissued, and in accordance with the provisions of this bill they are used for the current expenditures and there is no gold in the Treasury; there is no proposition here to accumulate gold, and there may be none in the Treasury at that time to meet this provision of the bill.

So I say, Mr. President, without entering into a detailed statement of the many objectionable features of this bill, that I believe, first, that after this bond redemption shall have taken place the country will be as far from specie payments as it was before. I believe that not only will it be as far from specie payments, but that it will be much more difficult to resume specie payments after such redemption than it would be to-day. I believe that the debtor class will be as clamorous then as they are now in the presence of redemption. The only way, it seems to me, to restore this country to prosperity is to restore the standard that the world uses to measure values. The only way we can export products from this country and enjoy foreign trade is to make the prices of commodities in this country bear some reasonable relation to the prices throughout the world. Instead of raising the value of greenbacks by arbitrary measures like this, the easiest and the most sensible measure is to reduce the volume of the greenbacks so that their value shall approximate to the price of gold and at the same time reduce the inflated prices now ruling, so that we shall be able to deal with the rest of the world without dealing at disadvantage, as we are now doing. Do what we will, the country is still operating upon a gold basis. The greenback manifestly rests upon the gold to-day. The average hope and confidence of the people that it will be ultimately redeemed measures the value of the greenback to-day; but instead of returning to specie payments, which I believe it is easy to do within two years without any great danger to any interest, we are using this sharp cimeter—gold—to cut our bargains. But we have wound paper all around its edges, so that we hack and cut, and every time a bargain is divided some other people get the greater half in the division.

We should be on the road to prosperity, if instead of this bill it were possible that the present volume of greenbacks and bank-bills could be left afloat until the year 1878 or 1877 or any other time that this body could agree upon, and if the legal-tender clause could be repealed and people should commence to think correctly on this subject, and should remember day by day when they see the quotations in the commercial and financial markets that gold is $1.12 one day and $1.08 another, that it means simply that greenbacks have been fluctuating, and that it is a solecism, that it is doing violence to the language to say that the par of the world is above par, or that the par of the world, which is gold, is below par. We should accustom ourselves to saying what is the truth, that paper is above or below par, as the case may be. Then it would be well if people would make their bargains payable in gold or on the basis of gold, and then pay in the paper of the country just what that paper will bring in the market, for it is worth no more nor less by the legal-tender clause being added to it. I do not think that the legal-tender clause added to it makes it worth 1 per cent. more than it would be worth without it, even though you make no proposition for the redemption of the greenbacks. But let all contracts and debts now outstanding, before such plan be agreed on, be paid in greenbacks. I would get the people accustomed to make their bargains in gold, and by having it so that it could pay debts contracted you would find that gold would flow into the country and that prices would come down to where they really belong.

I had not intended to say a word about this bill, but I simply rose to protest against its passage, believing that it is full of surprises, believing that the friends of the bill do not and cannot fully know what its effects will be, though at the same time believing that they have acted entirely in good faith, and that they have probably done the best they could to harmonize conflicting opinions. But, sir, I believe that evil and only evil will spring out of its passage. I am opposed to any proposition, come in whatever form it may, that attempts to override what God himself has made for money, that attempts to make money a commodity and to make commodities money. I believe there is a vast and wide difference between the functions of the two, and that any departure from this plain truth will punish the country that so departs. I believe the sooner we come down to a purely gold standard the better it will be for the country. I believe that when we do so come down we shall have entered upon an era of prosperity which will be unbroken for a century. I believe that we shall enter upon an era of prosperity that in a very few years will make this God-favored land the clearing-house for all the world. Standing as we do half-way between Asia and Europe, the exchanges of the world will be effected in our markets. But as long as we use the present irredeemable, inflated, redundant currency we drive the world's instrument of commerce—gold—from our midst, and it will be found impossible for us to compete successfully with any other nation for the world's commerce.

Mr. HARVEY. Mr. President, the arguments of Senators from the gold-producing States seem, when condensed, to be very much like that of the tanner in a town council, who insisted that for the purposes of fortification there was nothing like leather. With them gold, gold, seems to be the only thing on earth that is of any value. The Senator who has just taken his seat called it God-made money. Sir, I think that a new doctrine. I can find nowhere within my reading that God has pronounced that the only legal-tender of a country shall be gold. [Laughter.]

The Senator speaks of the repeal of the legal-tender act as being the thing which will bring to this country prosperity. I think most of the Senators here agree with me and the people of the country agree with me in insisting that the legal-tender of this country shall not be confined to any particular metal or substance at all. Gold is not, as he says, the legal-tender the world over. In one country gold is legal-tender, in another it is silver, in another it is lead, and in some wampum, as my friend the Senator from California [Mr. HAGER] suggests. It is whatever has been decreed by the sovereign power of the country to be legal-tender.

As to the fact that the greenbacks or the bonds of this country represent the average hopes and fears of the people, there is some truth in that. I was astonished at the speech made by the Senator at a former time, in which he spoke of the fact that some Senator—I do not remember what one—had alluded to our legal-tender currency in terms of enthusiasm as having been "battle-born;" and he said that at that time the rebellion might have been better suppressed by borrowing gold. Sir, it was an ill-advised time to talk about borrowing gold when the thunder of the enemy's cannon shook the windows of the Senate Chamber. When you might hear at any time with the windows and doors of the lobbies open the sound of the bugle from our own troops rallying to meet the assaults of the enemy, it was a poor time to talk about going into the world's market to buy gold. We should have been spurned; and, sir, I think that the law authorizing the issue of the greenbacks was a large factor in the problem of saving the country and restoring the national power, and I do not think that the people of this country will look with any favor upon the project of repealing the legal-tender act. I do not think that either myself or the Senator from Nevada, or probably any of us who

are now sitting in this Chamber, will be here when that act is repealed. I think, too, that this discussion having continued the whole session, there having been many conflicting interests to be reconciled, the conference committee have agreed upon what will give the most satisfaction to the country and satisfaction to a very large majority of this Congress. I believe that the report of the conference committee will be agreed to, and that it will be a very practicable and satisfactory solution of the financial question.

Mr. LOGAN. Mr. President, when this report was made, and this morning when the question was about to be put to the Senate on its adoption, I supposed it would elicit but very little discussion. I am sure that I did not purpose saying one word in reference to it. After the report was printed and I examined it, it was with some hesitancy that I came to the conclusion that I should support it, but having some features in it that I have persistently advocated as well as some that I have opposed and it being as I believe and as was said by the Senator from Ohio, the chairman of the Committee on Finance, a fair compromise between the two conflicting ideas here in reference to a contraction or expansion of the currency, I came to the conclusion that I should support it as a compromise fixing definitely the position of the banking system in this country, and at the same time arranging the conflicting opinions of friends in this Chamber and concentrating them upon this settlement of the question. But I must confess that I have been somewhat surprised in finding arrayed against this measure of compromise many persons who persistently on this floor for day after day and week after week, ay for month after month, have advocated the very proposition itself that is contained in this compromise measure and a proposition that I have as persistently opposed.

When we are told that this measure runs in a circle, and that it is not a measure that is agreeable to those who advocate specie payment, I witness the fact that to many it is not agreeable, and while I witness that fact I stand amazed and surprised at the arguments made here against the measure by the very men who persistently voted for this portion of it before. When the Senator from Ohio reported the first bill to the Senate it contained the very provision that is contained in this conference report, with verbal changes only. What was it? That the greenbacks should be retired on a 5 per cent. bond. What other difference? Merely a change of six months in time, no change in principle whatever. The very principle adopted by the chairman of the Finance Committee, and voted for by every Senator who has advocated specie payments on this floor, is the same principle contained in this report to-day; but to-day we find it denounced, and why? Because it will prove destructive to the great interests of this country. How is it that they have so readily and so recently ascertained the fact that it will prove destructive to the interests of the country, when many so recently advocated it as the only palliation for the great difficulties in the finances of the country at this time and as the proper step in the direction of specie payments which all desire so much?

Now, sir, I wish to say to Senators on this floor who have been in the habit of denouncing Senators who have advocated different measures that have been before Congress as "inflationists" and as Senators who desired to demonetize silver and gold and as opposed to specie payments, I want to say to them now once for all that I know no man in the Senate Chamber who has ever opposed specie payments. The only thing we have said or argued was that we could not hurriedly undertake to adopt a return to specie payments, because the specie did not exist in the country for the redemption of our promises to pay, and the tenor of the arguments has been, however unfortunate the expression of the idea may have been, that the country should come to specie payment gradually, and that when the time should come nobody would oppose it. But, as I said, an argument was made to show that we could come to specie payment not only gradually but in a much shorter time than many of us believed the capacity and ability of the country would justify. This proposition was argued, was reasoned, and opposed in this Senate Chamber on account of the times and on account of the mode and the manner of arriving at the result.

I do not wish to discuss the character of money. I do not wish to examine as to the character of money that "God designed," as the Senator from Nevada says, should be a circulating medium, or that France or England or Germany or Russia or China or any other country desires. That question has been argued before, and it is an unfit question to be argued here to-day. The only question before the Senate to-day and that ought to be before the country is, is this a fair measure; is it such a measure of reconciliation between conflicting ideas in reference to this question as we can stand upon and as we can maintain before the country, or as will be satisfactory and beneficial to the country—not as a political question but as a financial question and a question of benefit to the interests of the communities of the different States?

My friend from Vermont with his usual ingenuity makes a two-edged speech. He first says there is, I forget how many millions of inflation as he calls it in this bill or increase of the currency. If he will pardon me, I will ask him to give me the figures he relied upon as to the amount.

Mr. MORRILL, of Vermont. Two hundred and eight millions, deducting the eighty-two millions of greenbacks.

Mr. LOGAN. How much would that leave? I have not time to calculate.

Mr. MORRILL, of Vermont. One hundred and twenty-six millions.

Mr. LOGAN. Now I appeal to the Senate and I ask their attention for a moment while I examine the argument of my friend from Vermont. He first appeals to what is called the contraction element in the Senate—I do not wish to use such a term as that except as a mere term of designation—and he says that it will be expansion to the amount of one hundred and twenty-six millions. Why? Because he says banks will be established and that much more currency will be afloat in the country. But mark the change, and how sudden it was, in the ten-minute speech of my friend from Vermont; he sat down with the conclusion expressed to the Senate that there would be no banking under it at all. That is strange reasoning. He reasons to one side that it will increase the currency, and then turning to the other side he tries to deter them from voting for it because he says it will not increase the currency. That was the argument!

Mr. MORRILL, of Vermont. The Senator from Illinois does not wish to misstate me?

Mr. LOGAN. Certainly not.

Mr. MORRILL, of Vermont. My idea was that the theory of the bill was expansion. I did say that I thought practically there would be no new banks under it to any great extent, and certainly not as many as I think would withdraw under the privilege granted here to all banks to reduce their circulation to $50,000.

Mr. LOGAN. The statement was made in such a manner as to be perfectly understood by every Senator in this Chamber that the first point in the Senator's argument was that it was inflation, and the second point, and his appeal to the other side, was that we could have no banking under it. That was the conclusion of the Senator's argument, and he cannot get away from it. Of course an argument like that may be very eloquent and very entertaining, but at the same time, to intelligent men, it is very amusing. It is about as amusing, and about as logical, and about as correct as the statement I have heard of being made once on the witness-stand. One neighbor had sued another for breaking a kettle that he had borrowed from him. He called him up and charged the jury that he was liable for so much; he had borrowed the kettle and broken it, and he was liable for damages. He (the defendant) was called on the stand, and said to the jury: "Gentlemen of the jury, I will state to you that when I borrowed the kettle it was broken; in the second place, I will state to you that it was sound when I returned it; and in the third place that I never borrowed the scoundrel's kettle at all." [Laughter.] That is the kind of argument which was made to a jury, and that is the kind of argument my friend uses here in the Senate Chamber in reference to this bill: First, it is expansion; and, secondly, it is contraction—singular in its operation, I am sure.

And then our friend from Massachusetts [Mr. BOUTWELL] is opposed to this measure. He finds fault with it, too, because it will ruin the country; it is impossible to get to specie payments in this way! I do not blame him for making this argument. Nobody will blame him for it, because it is the only one probably that came to his mind at the time; for it is a well-known fact that our friend, the ex-Secretary of the Treasury and the highly respected Senator, to-day is opposed to anything being done in respect to this question and only wishes things let alone. He is in favor of standing still, neither moving forward or backward, to the right or the left, but standing still as a stock or stone and moving not at all. That has been his argument in the Senate for months. Of course he would make that argument, for he thinks it is the one that probably would be the strongest to find its way into the minds of certain gentlemen here who suspect generally the effect of this provision of the bill; at least that is my theory about it. The Senator said, not in speech but in questioning the Senator from Ohio on the floor, that instead of good results it would produce bad results.

Then, last but not least, comes our favored Senator from the gold mining region, [Mr. JONES,] always pleasant and humorous, kind and good-natured; feeling as though there was nothing that the earth should give forth except the yellow-tinted coin that it might jingle in the pockets of the many. He finds nothing that Moses admires, but is willing that some Aaron should be leader in this great land of ours and make it bow down to the golden calf and become its worshiper. Sir, the people of this country do not worship gold; they worship their God, but they do use gold as a medium of exchange.

Mr. MORRILL, of Vermont. Will the Senator permit me to ask him a question?

Mr. LOGAN. Certainly.

Mr. MORRILL, of Vermont. The Senator from Illinois is a very frank-spoken Senator. He has criticised somewhat my conception of this bill. I now desire to ask him what he thinks will be the effect of it as to expansion or contraction?

Mr. LOGAN. I will try to tell the Senator as near as I can what I think the effect will be. That was what I rose for. I will do it before I sit down; and if I should get so tired that I desire to sit down without noticing it, I hope he will call my attention to it again, because I shall certainly give my opinion about it. I desire now to answer one remark of my friend from Nevada, to whom I very gladly listened. He says the only road to specie payments is contraction

Mr. President, I will say there is no doubt of one thing. You certainly can contract to specie payments; there is no question about that. If there were $100,000,000 of gold in this country, and you contract the currency of the country down to $100,000,000, then of course you have specie payments, because you have enough specie to redeem the $100,000,000. If that is what the Senator means, I certainly agree with him that such contraction would bring specie payment and ruin also. I should like to know what the Senator does mean when he says the only remedy is contraction? If contraction is the only remedy, you have to contract down until the faith of the country and the gold unite, and until it bloats your money in the country without any person asking, "Does the redeemer of this money live?" It is only in that way. There must be gold enough in the country or silver or whatever the redemption may be in, with the faith of the people based on the ability of the Government to redeem the amount of the money it has, before you have gold redemption in that way.

Mr. JONES. Will the Senator allow me to explain?

Mr. LOGAN. Certainly.

Mr. JONES. I mean by contraction that whenever you shall have reduced the volume of what you call money to that amount which would circulate in the country if the currency were purely metallic, prices throughout the country will also shrink at the same time, and gold from all parts of the earth will flow in to buy your commodities, and we shall have plenty of money throughout the country when that sort of contraction takes place, and specie payments cannot be maintained without it.

Mr. LOGAN. That is a very nice theory; but I am going on the theory that we have got to have the money to redeem ourselves, because we are the ones who are bound to redeem the United States notes; we must rely on ourselves. If we contract the currency and contract the prices of your commodities at the same time down to such a low point that there is a great profit in purchasing them, of course the people will bring gold and silver to buy them. If you shrink the price of corn down to ten cents per bushel, everybody would run to buy corn to speculate on; but I do not think the farmer would make much profit by that. If you contracted wheat down to twenty-five cents a bushel the same result would follow. But who profits by it? The man with the gold profits by it, and the farmer is the man who becomes wrecked in his property and in his interests.

My friend from Nevada would profit hugely under a contraction of that kind, because he has gold uncounted and untold, and if the price of commodities were reduced until a penny would purchase the amount that five pennies buy now, instead of being worth ten he would be worth his fifty millions. That is the difference, the opulent would increase their riches, the impoverishment of thousands of unfortunate persons would be produced, although having the same light of heaven shining on them and the same desire for prosperity that my friend from Nevada has.

But my friend says that this will increase the price of greenbacks and will reduce the price of bonds. I should like to ask him a question right here. If to-day greenbacks were appreciated up to the value of gold, would not the price of bonds depreciate? Would they not go down?

Mr. JONES. No.

Mr. LOGAN. They would not? Why? A bond to-day is worth 115 in greenbacks. If the greenback goes up to gold, that excess is stricken off, and your bond is worth only the same in gold that it is in greenbacks. Hence the argument is self-destructive. The very moment you put greenbacks up to gold, of course your bonds are brought to that standard.

But then my friend says section 8 is very objectionable. Why? Because section 8 provides that the greenbacks shall be redeemable in 1878 in a 4 per cent., 4½ per cent., or 5 per cent. bond, or in gold. Well, if they are redeemable at that time in gold, and we can come to redemption at that time in gold, and we believe we can—my friend says we can come to redemption in two years—then if we are able to come to it in two years, and we propose to do it in three and a half years, how is anybody injured by that? If we can come to it in two years, can we not come to it in three and a half years?

Mr. JONES. Never, under this bill.

Mr. LOGAN. I do not know why. The bill says the Secretary of the Treasury shall pay with gold or bonds, redeem the greenbacks. I presume the Senator means that the only way to come to specie payment is to repeal the legal-tender act and burn up the greenbacks. Is that the idea?

Mr. JONES nodded assent.

Mr. LOGAN. Exactly. So my friend from Nevada thinks that the only way is to repeal the legal-tender act and burn up the greenbacks. There is the proposition, and right there I enter issue with my friend from Nevada. If you repeal the legal-tender law, by that act you repeal the contract which is written right on the back of the bill that it shall be received for all dues in this country save duties on imports and interest on the public debt. It is payable and receivable for all debts and all dues except interest on the public debt and duties on imports, and that is stamped upon the bill itself. It is a contract between the people and the Government that these bills shall be a legal tender for all debts and all dues save and except only the interest on the public debt and duties on imports. There is a contract made between the Government and bill-holder. Now I want you or any other Senator to tell me with what kind of face you can say before this country that men who would vote to legalize $40,000,000 of greenbacks that the law authorizes and has authorized, will repudiate the bonded debt when it does not affect bonds, and will turn around and repeal the law which exists as a contract between the Government and the bill-holder that it shall be receivable for all debts and dues.

Mr. JONES. Will the Senator allow me a word?

Mr. LOGAN. Certainly.

Mr. JONES. Of course the greenbacks would be burned up only after the Government had redeemed them.

Mr. LOGAN. Certainly.

Mr. JONES. And I would never repeal the legal-tender act so far as obligations now in existence are concerned, and therefore it could not affect the contract the Senator refers to at all.

Mr. LOGAN. But if you repeal the legal-tender act and then burn up the whole amount of the issue, what difference does it make to the debtor? You do not interfere with prior contracts, but you burn the money, and he must pay in gold the same as if the contract was made subject to repeal.

I say to-day, right in this Senate Chamber, that you will not repeal the legal-tender act, although you think you will. The people of this country will not fill this Chamber or the other with men who will repudiate that contract between the people and the Government, and you will find that you will fail when you attempt to do it. When you tell me that you will repeal the legal-tender act and burn up the legal-tender notes, I tell you you will burn up $382,000,000 of values in this country, and you reduce to that extent by $382,000,000 of values the property of the people of the United States of America. That is exactly the result. O, but you say you redeem them with gold and you put the gold in circulation. If it goes into the hands, then, of speculators and is hoarded, as it will be, you take that much from the circulation of the country. My own judgment is that the legal-tender notes should not be destroyed.

Mr. JONES. Will the Senator permit me one word?

Mr. LOGAN. Yes, sir.

Mr. JONES. When a man buys his own property is there anything to prevent his burning up his own property. Suppose he puts his note that he has paid into a stove and destroys it, is any value destroyed?

Mr. LOGAN. I understand that a man can burn up his own note and nobody objects to it; but if he burns his own house he is guilty of arson the same as if he burns his neighbor's house. There is no object in this burning up of legal-tenders. My theory is that they ought not to be burned up at all and ought not to be canceled except to the extent that this bill does it. Why? Because your law provides that they are made the medium of redemption for the national-bank currency of this country, and until you have gold sufficient for the redemption of the national-bank currency as well as the currency of your own Government, it would be bad faith to destroy one dollar of the amount that is necessary to float the circulation of the country for which they are the means and medium of redemption.

Mr. President, my friend from Vermont asked me what benefits are to be derived from this bill. I think I can tell him some. In the first place this bill opens the door and lets every association in this country have the same privileges that existing banking associations have at present. It does one thing: it strikes down a monopoly that is in antagonism with republican institutions. There is no theory upon which a monopoly of this kind can be maintained before an independent people; and whenever a man argues in this country that one man alone shall have the right to bank, he argues against the theory upon which this Government has been founded against the rights of an independent people. This monopoly is a great one and odious to the American people. This bill strikes down that monopoly, and does give the people of each State the same rights that the people of other States have. It does that, and in doing that it accomplishes a great good for and to the people of this country.

What else does it do? It performs the office that my friend from Nevada desires should be performed, of retiring $82,000,000 of the greenback currency. That $82,000,000 of greenback currency is to be in accordance with his theory destroyed; that is to say, it is canceled and the amount is credited to the sinking fund of the Government thereupon, while 5 per cent. interest is charged on the books and turned into the sinking fund, and in that way you save the Government from selling an interest-bearing bond to the public and taking for that the amount and putting it in the sinking fund. It adds to the amount that is redeemed 5 per cent. on the books, and that is credited to the sinking fund. Even in that there is a great change, a beneficial one, and one that is very advantageous in this particular.

There are two advantages. Let us see what the third is. You say you want to return to specie payments; you say the way to return to specie payments, or you have said so at least, is to take a step in that direction. This is a step in that direction, and you gentlemen who have denounced us here as inflationists (a term that you use in perversion of the true sense and meaning of what we advocated) have talked about the resumption of specie payments, and said we were opposed to it. Now we have tendered to you a proposition that is a step in the direction of specie payments, and in fact declares in favor of specie payments, and when you record yourselves against it, I tell you the tables are turned, and we shall see who are for specie pay-

ments and who are not in the legitimate and proper way, and in a way by which we would arrive at it instead of jumping clear off the roof of the house into the cellar. One grand Sam Patch leap is the way my friend from Nevada wishes to return to specie payment; he wishes to repeal the legal-tender act, to take effect one year from now; then he wants to redeem the balance of the greenbacks the year after and burn them up. Then I presume he wants a law passed declaring that no bill shall circulate of a less denomination than ten dollars, and in that way to have no currency in the country at all except that which comes from some of the gold mines that he or some other good friend owns.

Mr. JONES. I beg pardon, I have made no such statement here.

Mr. LOGAN. The Senator has not stated it on the floor to-day, but I hope he will not deny that that is his favorite proposition. The statement has been made to the country over his own signature that he indorsed such a proposition, not to let the people of this country have anything less than a ten-dollar bill, and if they cannot get it, let them go without money. No, sir; the poor boy who goes to buy his loaf of bread must have the penny in his pocket; he cannot have anything of a paper character to purchase it. If a poor woman wants to buy five dollars' worth of goods of any kind, she must have the gold or the silver from the Nevada mines. We cannot afford to let her have a five-dollar bill. It is contrary to the theory of our wealthy friend, who deals in gold and silver alone.

You talk about repealing the legal-tender act, about burning up $382,000,000 of legal-tenders and then depriving the people of this country of having any money less than a ten dollar-bill. What is the result of this? What would be accomplished? In a year the result is bankruptcy, sheriff's sales, constable's sales. The rich men take possession of the poor men's property. The majority of the people become beggard as they were once in England, and a few landed-estate gentlemen obtain control of the whole property of the country. That is just what it means, and I tell you, gentlemen, when they go before this country with propositions like this, for the destruction of every interest in the country except the interest of the bondholder, or the wealthy merchant, or the rich banker, or the rich miner, they will find a voice coming from the hard-fisted yeomanry of this land that will make them shake and tremble in their boots.

Now, Mr. President, I am anxious, as I said, for this bill to be agreed to because it settles this question. If it is not agreed to, the whole question is then left open.

Mr. THURMAN. Will my friend allow me to ask a question?

Mr. LOGAN. Certainly.

Mr. THURMAN. He says, if I understand him, that if this bill be passed it will settle this question. What question does he mean when he says it will settle this question?

Mr. LOGAN. I will explain what I mean. I mean it settles this finance question.

Mr. THURMAN. The question of what kind of currency we shall have? Is that the idea of the Senator?

Mr. LOGAN. We would have the same kind of currency that we have now.

Mr. THURMAN. That it will settle that, so that there will be no question about the currency then to be disposed of?

Mr. LOGAN. No power on earth can settle this matter so that there will be no question left open at all about the currency. I do not mean that; nobody would expect such a thing. I mean it settles this question that we have been debating here in the Senate, that we of the republican side have disagreed upon, and that you on the democratic side have disagreed upon.

Mr. THURMAN. Does it do that?

Mr. LOGAN. I think it does.

Mr. THURMAN. Will the Senator allow me to read a few resolutions adopted by the grangers in his State yesterday?

Mr. LOGAN. I have read them and know what they are.

Mr. THURMAN. I think my friend after reading these resolutions will come to the conclusion that not one of those hard-fisted farmers for whom he spoke would vote for this bill.

Mr. LOGAN. Very well; those hard-fisted farmers the Senator speaks of have departed quite as far from his platform in those resolutions; so that he can take nothing by that move. He has nothing to expect from that source on the platform on which he has been standing all winter. So far as those resolutions are concerned, they cut no figure in this debate. I am speaking about the question before this Congress. I do not suppose any question, whether of finance or anything else, could be settled so as to suit every man in the country, or every party in the country, or every community of the country. I expect no such thing; but this bill will settle this question so far as this Congress is concerned and so far as this discussion is concerned.

Mr. THURMAN. May I ask, does it settle it with the Senator himself so that he will go back to his State and oppose the platform of the grangers' convention?

Mr. LOGAN. "Sufficient unto the day"——

Mr. THURMAN. "Is the evil thereof."

Mr. LOGAN. Yes. [Laughter.] I tell the Senator whenever I go on the stump I am about as independent a man as he is, and I take my own course. I do not propose to say what is settled with me or what is settled with anybody else. I say this bill, if passed, settles this vexed question here in Congress; and that is all we are trying to settle. So far as grangers are concerned and republicans are concerned and democrats are concerned, my friend from Ohio can settle his difficulty with them himself and need not call upon me. I will try to settle my own.

Mr. MORRILL, of Vermont. The Senator from Illinois requested me to remind him if he should forget it to answer the question which I proposed pretty soon after he first rose to speak, and that was, whether he thought this bill would promote expansion or contraction.

Mr. LOGAN. I did not understand that to be the question. I understood the Senator to ask what advantages would be derived from this bill. But I can answer his last question, for I have nothing to conceal. I think this bill would give a small increase of currency. I do not think it would give any large amount; but I do think that many people in my State and in other States would bank under this bill; but I do not presume that it would increase the currency to any frightful extent, and have never thought so. I did not think so at the time the bill was before the Senate and was being discussed. I never have thought so.

But, Mr. President, as I have said, the passage of this bill would settle, in the first place, the question of monopoly so far as banking is concerned; second, it would settle the discussion of this vexed question here in Congress; third, in my judgment it would restore confidence to the people. Being settled for the time at least, business would go on smoothly and would revive all over the country. I believe that to be true. If I did not I would not advocate the bill.

The bill is not a satisfactory bill to me. I have said so all the time; but I will concede my opinions so far as any one else will on a distracting question that divides communities or parties or peoples. I am always willing to do that for the purpose of settling it, for the reason that I do not think I made the world by a great deal, and hence I do not think I know all that is known in it. I am willing to take the opinions of other men, as well as to be guided by my own opinions. When I find experienced men, business men, men of great intellect and learning willing to concede their opinions for the purpose of compromise, and they believe this is a good measure, one at least from which benefits will be derived, I am willing to say that I will abandon for the moment the opinions that I have had in reference to this question for the purpose of making this settlement.

My friend from Ohio was very anxious to know what my position was in reference to the grangers. The grangers have not inquired of me as to my opinion; but I will say to him that this bill would settle a question in his State as well as it would settle one in mine. It would settle a question between him and his friends as well as between me and my friends. We do not all think alike. We cannot all think the same way. If I thought I was as great a man as the Senator from Ohio is thought to be, probably I would think in the same line as he does; but yielding that palm to him, and desiring not to measure strength of intellect with a man of such a gigantic frame of mind, I am free to say that I might defer to him on some questions. But, sir, I think it would be well enough sometimes for some of the great minds in this country to stoop and consider the thoughts of men whom they look upon as lower in the scale of thought than themselves. We may sometimes learn wisdom from the weak and the feeble, sometimes from the ignorant, and we often do. Some of the greatest managers and maneuverers of this age or any other have taken lessons and learned much wisdom from men whom they consider much their inferiors. I could appeal for proof of this statement to one of the greatest marshals who lives to-day—General Sherman. He learned many things of great value on the field from the private soldiers as he passed by, hearing their views and opinions. It would be well for many men sometimes to stoop to take lessons from those whom they wish to control, and whom they do sometimes influence and control.

Now, sir, I desire to appeal to our friends on both sides of this Chamber and ask why not act in a spirit of concession? Why not let us act one with another here as though we were mortals of generous impulses and kind natures? Why not act one with another here as though each and every one of us did not think that he alone made up this mighty hemisphere? Let us consider that other men think for themselves, that other men have minds, thoughts, and judgment in matters of business as well as of public policy. Let us agree that we all may be wrong at times, and that it is not only good for the community for concessions to be made, but it shows a generosity among men who are wont to act together when they can.

I have said that I believed this bill would settle this vexed question. I believe it would be better for the left of this Chamber if it was settled, so far as their little feuds are concerned, and better for the country. I know it would be better for us all around, not as a question of politics, but to take a great disputed question, a cause of aggravation, from this arena. Let it go back settled to the people and let them conform to it, because in my judgment they would do it.

Now, Mr. President, let us for a moment cast our eye over this country. But a short period has elapsed since we could hear the hum of the busy spindle on the many little rippling streams in New England and all over the land. But a short time since we could see the curling smoke rising heavenward from a thousand furnaces and the blaze coming forth all over this land. We could hear the trip-hammers and the machinery at work all through Pennsylvania and in many places in my own State. We could hear the car-wheels turning out and the railroad iron pouring forth from the iron manufactories and rolling-mills almost everywhere, producing millions and mak-

ing wealth for our land. We could hear the discussions between the people in reference to their prosperity, in reference to their wealth, in reference to the growth and the mighty onward march of this great American people. We could see, as our flag was unfurled, the bright and gleaming faces of men and women, as they shouted "hallelujah" to that flag that is now held up and borne and bears sway throughout this land once dissevered and disunited. Thank God, it has now become one united whole! Happiness and peace reigned everywhere.

To-day what does the eye witness and the ear hear? You hear of the smoke ceasing, of the fires growing dim over the land. You hear of bankruptcy in furnaces, in rolling-mills, and manufactories everywhere. You hear of the foreclosure of mortgages. You hear of some of the best men in the Northwest and other portions of the Union being sold out for a mere pittance; and why? Because the business interests of this country are disturbed; they are in commotion; the elements of business are in confusion; they are in turmoil. In my judgment this bill would prove a salve, and would smooth the ruffled surface, and give prosperity again to this country; it would restore confidence to the people, and confidence among the people is worth more than money. That is one of the needs to-day.

But if you refuse to adopt this report, you throw us again upon a boisterous sea of confusion in the business of this land. You compel us again to plow the mighty billows of distress and misfortune until we pass through the turmoil and excitement of another election to send a Congress here to do what? To quarrel over this same question just as we have quarreled over it for five months. That will be the result, in my judgment, if you refuse to adopt this compromise that is made here between these committees. If there is a Senator here who is not willing to defer to the views of other Senators sufficiently to adopt this compromise, that Senator is willing to go back into the bitter strife that exists in our various communities on this subject, and to go through the same tumult and confusion that we have all witnessed and deprecated often.

Hence I appeal to the good intentions of Senators and to their generosity and to that yielding spirit that ought to belong to man, for us to yield our opinions sufficiently in conferring together to agree to this proposition and settle this question once for all.

Mr. THURMAN. Mr. President, I hope my friend from Illinois did not conceive the idea that the question I put to him manifested any want of respect either for him personally or for his judgment.

Mr. LOGAN. Not at all, my dear friend.

Mr. THURMAN. I certainly cannot say that I have ever underrated either his talent or his ability. I am not accustomed to do that in respect to any man, and certainly not in respect to a gentleman with whom my relations have always been most kind.

But when he said the passage of this bill would settle this question, I was anxious to know what question he meant. If he simply meant that it would settle the question what shall the Congress of the United States do at this present session, then I grant that the passage of the bill would settle that, for after the passage of the bill nothing more would be done on this subject at this session. But if that were all that the bill were to effect it would be a very small matter, and I conceived therefore that he meant it would settle this vexed question of the currency not only in this Congress but with the people of the United States. If the bill would have that effect, if it would have the effect to cause people to stop talking about what kind of money they will have and go to work and earn money, it would be a very powerful recommendation of this measure.

But will this bill, if you pass it, have that effect? Will it stop discussion on the currency question? Will it bring all the people to one mind? I fancy it will have no such effect, and the reason is very plain. There are in this country a set of men, and events show that they are growing very fast, who insist that the precious metals shall be demonetized, that the gold basis, as it has been called, shall be utterly abolished, that gold and silver shall be a mere article of commerce, and that the currency of this country shall consist in paper alone. That being the case, what is to be that paper currency? Here is a division of opinion. One set say it ought to consist of bank paper and bank paper alone. The other set say it ought to consist of Government obligations alone, greenbacks alone. There is where they split.

Now, which side is likely to be the stronger on that question? Which side, at least, is likely to produce the most excitement on that question? We have heard the Senator from Illinois to-day speak about this bank monopoly, and he said very truly that it was not the less a monopoly because it might be in the hands of two thousand men. It is a monopoly if its benefits are confined to those who alone have the pecuniary means to avail themselves of the benefit of the law. Therefore that argument will not be diminished against monopoly and against the existence of the national banks, or at least their function of issuing paper money, which is the only function they have that is not possessed by every one in this community—every private banker can do everything that the national bank can do except issue his promissory notes. This cry against them of monopoly instead of ceasing by the passage of this bill which looks to making bank paper the only paper currency in the country, will be increased perhaps tenfold. The consequence will be that the other school of currency men, those who insist that the only paper currency shall be Government currency based on the credit of the Government, will insist on that, make their platforms on that, nominate their candidates on those platforms, and go to the country for a decision. There is no avoiding it.

The real question that this country has to settle, and that it may take some years to settle, that cannot be avoided by any legislation we may adopt here, is the question whether or not you will demonetize the precious metals and have a wholly irredeemable paper currency in all time to come, or whether you will have that currency of specie or specie-paying paper which the experience of all commercial nations for hundreds of years has said is the only safe currency for the country.

I was rejoiced to hear my friend from Illinois say that there was no man on the floor of the Senate who was not in favor of a resumption of specie payments. I am glad to hear that; but that will be strange news to a great many people in Illinois. It will be very strange news to the three thousand grangers who assembled in convention at Indianapolis in Indiana yesterday, and who passed this resolution, as reported in the papers:

> They declare the gold-basis fallacy should be abandoned, call for an unlimited issue of Government currency, and the withdrawal of all bank and local currency.

That is the resolution of three thousand grangers in convention assembled in Indiana and who passed other resolutions and nominated a State ticket. How was it in the Senator's own State? Their platform "demands the repeal of the national-bank law, and favors the issue of Government notes, interchangeable for bonds bearing a low rate of interest." That is the platform upon which they go. It is what is familiarly called the Kelley bill—a currency which is never to be paid, but is simply to be interchangeable for bonds of the United States at a lower rate of interest, under the idea that by such a currency you may reduce the rate of interest to as low a figure as you please. The bill to which I alluded I believe makes the rate of interest 3.65 per cent; but with equal logic it might have made it ¼ of 1 per cent. The logic of it would be that you may by making a bond convertible into currency and the currency reconvertible into a bond fix the rate of interest in a commercial country simply by fixing the rate of interest that the bond shall bear; for if a man has a bond, all he has to do is to go and get the greenbacks for the bond, paying ¼ per cent. interest only. All he has got to do is to turn it into greenbacks, and his money costs him but ¼ of 1 per cent. So the logic of it is that it is in the power of legislation absolutely, by means of this convertible bond, to fix the rate of interest just as low as you please. That is the favorite idea with a large and growing party in this country, that you are to have that wholly irredeemable currency, except redemption in the bonds of the United States, which signifies a perpetual debt of the United States. That is the favorite idea with them, and the passage of this bill, instead of satisfying them, will only put a measure upon your statute-book which they will antagonize and oppose with all their might and strength, and sooner or later you will find that the only safety is to go back to those sound principles which have the indorsement of the experience of the world for more than three centuries, and which have the approbation of every sound and clear-headed writer on this subject that ever took a pen in hand.

The passage of this bill will not therefore settle this question at all. On the contrary, this bill will be looked upon as pledging the Government to perpetuate this bank monopoly, as it is called. It will be looked upon as a bill antagonistic to everything but the interests of the banks. It will be looked upon as a bill which pledges itself to maintain and perpetuate the national-bank system; and, instead of giving peace to the country, it will only be a fresh brand thrown into the fire to increase the conflagration that already exists.

Mr. STEWART. Mr. President——

Mr. THURMAN. I was not done; but the Senator looks so inviting and is apparently so full on this subject that I will stop. [Laughter.]

Mr. STEWART. Thank you. Mr. President, I have been reading this finance bill, and I do not know certainly whether I understand it or not. I do not know whether it is such a bill as anybody can understand. Perhaps it is owing to my want of intelligence; I do not know about that. I think somebody ought to be able to explain it and state distinctly what it means. I have not heard anybody do that, and I do not believe anybody can.

The first portion of the bill is intended to secure free banking. That may be very well, but if it succeeds, it will secure inflation undoubtedly. If that first part of the bill can be executed, without regard to the eighth section, we shall have plenty of paper money. Now, at first sight my friend from Connecticut [Mr. BUCKINGHAM] came to the conclusion that the free-banking part of the bill could not be executed, for the reason that bonds would be brought down to the value of greenbacks in 1878, and therefore, they being at a premium now above greenbacks of some 10 or 12 per cent., a person having greenbacks could not afford to buy the bonds and go to bank with them. That would be true if the eighth section could be executed. But suppose the eighth section cannot be executed at all and will not enhance the value of greenbacks or depreciate the bonds, then there is no impediment in the bill to free banking and on a very extended scale. Is not that so? If it was not for the eighth section, there would be plenty of inflation in this bill. I believe anybody will agree that it is entirely unlimited.

Mr. THURMAN. Will the Senator allow me to interrupt him for one moment?

Mr. STEWART. Certainly.

Mr. THURMAN. I simply wish to deliver a small codicil to my last will and testament that I want to go into the record. A great

deal has been said about the want of currency in this country, and about that being the cause of all our troubles. I hold in my hand a manual of railroads in the United States, a book compiled with great care, and I find that since 1866 there have been built and put into operation in the United States 30,277 miles of railroad. The number of miles in operation in 1866 was 36,827. The amount now in operation is 67,104, being an increase of 30,277 miles in eight years. And yet it is said that a country that can build in eight years nearly as many miles of railroad as it had before built in fifty years is suffering for want of currency!

Mr. STEWART. That is a very good commentary upon the present condition of things. But, as I was about to remark, it will be agreed on all hands that if it were not for the eighth section this would be an unlimited inflation bill. If there was no impediment in that, anybody could bank that pleased; there is no limit to the bank-notes that might be put out.

Now, let us examine the eighth section, and see what the operation of this bill will be.

That on and after the 1st day or January, 1878, any holder of United States notes to the amount of fifty dollars, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon he shall be entitled to receive, at his option, from the Secretary of the Treasury, who is authorized and required to issue in exchange for said notes an equal amount of either class of the coupon or registered bonds of the United States provided for, &c.

That would be the 5 per cent. coupon bonds that have been negotiated heretofore. Now let us stop right there. There is a positive provision for redeeming your legal-tenders and returning to specie payments. Let us see how we can do that. That part of it could be executed if there was not anything else in the section; but hear now what the Secretary has got to do in case he does that—not "may" but must:

Which bonds shall continue to be exempt from taxation as provided in said act: *Provided*—

Now look at the proviso: First, the Secretary may redeem in 5 per cent. bonds the legal-tender notes that are presented. That he can do if there is no impediment in the way of doing it—

Provided, however, That the Secretary of the Treasury in lieu of such bonds may redeem said notes in the gold coin of the United States.

That is, he may do that if he has got the gold and is able to do it. Nobody supposes he has got the gold, or is going to have it, to do any such thing. He is not required to buy the gold, and nobody supposes there is anything in that clause. That part of it is merely ornamental, embroidery, a flourish. Now comes what he "shall" do:

And the Secretary of the Treasury shall reissue the United States notes so received either in exchange for coin at par—

That we know he cannot do, for they will not be at par. He cannot get gold at par for United States notes.

Mr. SHERMAN. How do you assume that?

Mr. STEWART. How do I assume that? Because right on your statute-books you have got a repudiation of these greenbacks. You require your duties to be collected in gold. You have made no provision for the retirement of the greenbacks, and of course they will not be at par. You cannot get gold for them. That part of the section is entirely ornamental or embroidery—

or, with the consent of the holder, in the redemption of bonds then redeemable at par.

Everybody knows that cannot be done, because the gold-bearing bonds will be above par. What else can he do with it then?

Or in the purchase of bonds at not less than par.

Of course he cannot purchase the bonds, for the bonds are above par in greenbacks and will be until the greenbacks are respected, until the Government will receive them for all its claims. As long as the Government dishonors them, it is all nonsense to talk about their being at par; so that the Secretary cannot buy any bonds, and therefore that is all ornamental entirely and has no meaning:

Or to meet the current payments for the public service.

That he may do. He can pay them out just as quick as he chooses. There is no doubt about that. Now, if you stop right here the bill will be executed and there will be no doubt about it. All that will be necessary then will be to see that you have public expenses enough. Then you can go on building railroads to the moon if you please; you can do anything you have got a mind to do, because the country would have no place to put these bonds and they will come just as fast as you put them out in order to get the gold upon them. You can put them out for all sorts of projects and multiply your debt until your gold bonds are swamped, until the credit of the Government is entirely undermined and the gold bond will not be good for anything, and thus destroying the credit of the Government. You eventually lead to repudiation.

Mr. MORTON. The Senator has voted for this very proposition in substance not less than a dozen times.

Mr. STEWART. That shows my want of intelligence, that is all. [Laughter.] If I ever cast any vote of that kind I did not know it. But here is a provision that will trouble the Secretary of the Treasury to execute the law:

And when used to meet current payments an equal amount of the gold in the Treasury shall be applied in redemption of the bonds known as five-twenty bonds.

It all depends upon his being able to do that. An equal amount shall be applied to the redemption of the bonds of the United States known as the five-twenty bonds. What is the effect of that? You say that the surplus of gold is about forty millions a year.

Mr. SHERMAN. One hundred millions.

Mr. STEWART. Well, what would be the effect of this? You would have five thousand millions coming in, because they will come in just as fast as they can run them in and run them out. As long as gold bonds are worth more than currency they would come right back. You would have five or six hundred millions as fast as you could get them out.

Mr. SHERMAN. Allow me to correct the Senator at this point. He will see that the Secretary cannot pay out the notes so received except for current expenses, &c. In the first place those current expenses are limited by the actual appropriations by Congress. No money can be paid out of the Treasury except in pursuance of an act of Congress, and it is to be presumed that the Senator from Nevada among others would take care how it goes out. As a matter of course it is confined to the payment of ordinary expenses.

The Senator also admits here that we have a surplus revenue; in our present condition a very small surplus, but we have it. Our revenue amounts to $200,000,000 in gold, and $100,000,000 in paper money, in round numbers. Our currency expenses amount to about $150,000,000. Consequently the Secretary has got $100,000,000 currency revenue flowing in from taxes, and $100,000,000 surplus gold revenue after paying the interest account. Now I should like to know how much would be paid out in the course of a year under that clause? The whole amount of currency expenses being $150,000,000, and you have, from other sources, $100,000,000, how much could be paid out?

Mr. STEWART. You could pay out $100,000,000, exactly the surplus gold, and that is exactly the amount, because you have got to pay out all you receive in. That is the way to execute that section. In the first part of the section you say to all the world: "Come forward with your greenbacks and you shall receive gold," and then when they come forward you give out bonds for them; and when you have paid out $100,000,000 of bonds you have got to pay out $100,000,000 of gold, and when you have paid out $100,000,000 of gold you have got no more surplus. You cannot receive any more, and have got to repudiate. In the first place you promise to receive them all, and then you show you can receive but $100,000,000 a year, and that same $100,000,000 is paid right out and comes back again the next year. That is all there is of it. The $100,000,000 are paid again and they come back the next year, and if you could receive all that would come there would be a constant flow; you cannot name the number of millions that would go through as long as the bond is worth more than the greenback. As long as the bond is worth more than the greenback people will be clamoring for the bond, and according to your own showing you can receive only $100,000,000 of them. When you have received that $100,000,000, and that is gone out again, you have $400,000,000 clamoring at your door and no capacity in the Secretary of the Treasury to receive them.

Mr. LOGAN. Why did you not discover that before?

Mr. STEWART. I discover it here now. I am ignorant of finance, I know. I claim no knowledge about it.

Mr. LOGAN. I ask why did the Senator so strongly support that proposition when the Senator from Ohio reported it in his bill and we opposed it? It was a good thing then; how does it come to be so bad now? You voted for it time and again.

Mr. STEWART. I do not remember ever doing anything of the kind. I never saw a proposition of this kind before. If there has ever been such a proposition that I have voted for, I acknowledge myself very stupid. I never saw such a proposition, and my vote for it cannot be produced, I think.

Here is a provision whereby you say to the world, "Come on with your greenbacks and we will redeem them," and you you can only redeem $100,000,000; and you go on putting these out again till you have the $400,000,000 all out again. You will have a row of men all the way from New York to the Treasury jamming each other to get there first. [Laughter.] And the man who gets there first will get the bonds and the rest will not get any. There is no contraction because the $400,000,000 go right out again. You have a little bait in it for a year so as to get the fish around. That is all. You drag the bait in the water and bring them all around again.

There is no possible way of executing the first clause of the section, because you cannot redeem all the notes. You are limited in your redemption of notes to what gold you pay out for the redemption of bonds. Then the only effect of this section is this: the gold that you pay out goes in redemption of five-twenties, and the bonds that you lay in are so much refunding of the debt. That is all there is of it. The operation of it will simply be the refunding of the five-twenties that the Government has a right to redeem, being now due, into a 5 per cent. bond as far as it has any operation. I do not believe it is going to affect the price of bonds so as to prevent free banking, because this kind of a promise which has got to be repudiated every day will not have a tendency to raise the price of your bonds and men can buy them with greenbacks cheap enough for banking purposes. There is nothing in the eighth section but what goes right again into circulation. You go in and come out at the same hole you went in.

Mr. FERRY, of Michigan. I should like to ask a question, if the Senator will allow me to do so.

Mr. STEWART. Yes, except a question about my financial record, for I have none. Any question about this bill I will try to answer.

Mr. FERRY, of Michigan. I ask the Senator whether he has not complained of the irredeemability of United States notes?

Mr. STEWART. I have.

Mr. FERRY, of Michigan. I would ask the Senator, then, what his plan would be to remedy that irredeemability?

Mr. STEWART. To redeem them.

Mr. FERRY, of Michigan. In what?

Mr. STEWART. In money.

Mr. SHERMAN. Where will you get it?

Mr. STEWART. Earn it. [Laughter.]

Mr. FERRY, of Michigan. The Senator has so far categorically answered my questions, but I still pursue him. The Senator says that he is opposed to the greenbacks because they are not redeemable. He says to remedy that irredeemability he would redeem them in coin. Now, this section provides that the Secretary of the Treasury in his option shall redeem them in coin, and if the Secretary has coin there will be no bonds issued. Now, I ask the Senator, if the Secretary of the Treasury holds that option, what complaint can he make of the section which gives him the right to issue coin instead of bonds?

Mr. STEWART. Gives him the right? Ah! It says he "may" do one thing and he "shall" do another thing.

Mr. FERRY, of Michigan. The Senator from Nevada is not to escape the point of my question in that way.

Mr. STEWART. I do not want to escape it or you.

Mr. FERRY, of Michigan. I confine him to the phraseology of the clause which he has so facetiously criticised. The committee did put in the word "may" that the Secretary of the Treasury might hold the option; when he found that he had coin, he could use the coin instead of the bond. The reason why they left the option with the Secretary of the Treasury was that there might not come a time when by the failure of coin on hand the United States notes would still be irredeemable as they now are in the judgment of the Senator from Nevada. It was to make that very irredeemability cease that the committee provided that either in coin or bond the Secretary should have power to redeem. He has the right to use coin if there be coin in the Treasury. Thus the irredeemability of the bill is to cease and the notes become redeemable, and thus at par in coin in the judgment of the Senator from Nevada.

Mr. STEWART. I wish I had as good language to answer you as the bill uses. Let me read it. I do not believe anybody can state it equal to that:

Provided, however, That the Secretary of the Treasury in lieu of such bonds may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue—

That he must do—

the United States notes so received.

Those reissued are not redeemed. It is not paying a debt to give your note again for it; it is just changing it; you keep out just as many notes that are not redeemed.

Mr. FERRY, of Michigan. What are they to be issued for?

Mr. STEWART. Reissued for the purpose of getting more out—for the purpose of inflation. [Laughter.]

Mr. FERRY, of Michigan. After the Senator has got through his laugh, let me ask how is he to get the issue out unless something goes in?

Mr. STEWART. You can get out one hundred millions a year by this bill and take just that amount in, and there is just as much paper out not redeemed at the end of the year as there was at the beginning. Certainly he cannot get it out unless he shall get something in. You provide for one hundred millions coming in, and that he shall put it out again. He shall put out the amount he takes in, so your bill says. That balances the books perfectly; there is no trouble about it. [Laughter.] This bill is automatic entirely.

Mr. LOGAN. Allow me to ask the Senator a question. Suppose we had no paper currency, but only gold——

Mr. STEWART. I wish that supposition was true. [Laughter.]

Mr. LOGAN. In all candor, I desire to ask would the Senator object to the Secretary issuing gold in any quantity at any time on that basis?

Mr. STEWART. No; then you can have any quantity that you can get and pay for.

Mr. LOGAN. I am not talking about buying and paying for anything; but the Senator would not restrict the Secretary in paying out gold?

Mr. STEWART. No.

Mr. LOGAN. Now if the greenback is redeemed in gold and thereby becomes as good as gold, what is the difference between issuing that and gold, if it is worth gold and is much more convenient than the gold?

Mr. STEWART. Everything is very convenient here.

Mr. LOGAN. It is very easy to laugh; but if you do not believe in restricting gold when paper is equal to gold, I ask you upon what policy you restrict the paper?

Mr. STEWART. Do you speak of restricting paper when gold is behind it?

Mr. LOGAN. When it is redeemed in gold and put out and our bonds taken in, and it is redeemable in gold again the next day, and is thus equal to gold, I ask what is the difference between buying bonds with it and buying them with gold?

Mr. STEWART. I supposed everybody knew that the Government was going to collect revenue in gold so as to pay the interest on the bonded debt and meet expenses. When you adopt a system by which the Government keeps out its $400,000,000 of paper, or whatever it is, and there is just as much paper circulation besides as the banks choose to keep out, and you do not receive the greenbacks for all taxes but repudiate them for the purpose of collecting gold, when you keep out the full amount of greenbacks and take off the limit on your national banks—I did not think anybody supposed greenbacks would ever be equal to gold under such a system. I did not suppose that would be a question that could be raised under this bill. This is a bill for unlimited expansion, and it seems to me the working of it to keep up unlimited expansion is entirely automatic. I do not think it needs comment; I think it explains itself.

This shows the difficulty in attempting to reconcile things that are perfectly irreconcilable. It is laid down in the books that things which are equal to the same thing are equal to each other. That is one of the axioms; and this is a proposition to try to disprove that axiom. I know of only one mathematical mode of doing it, involving one formula in mathematics, and that is the proposition (whenever it may occur in mathematics) which involves dividing nothing by nothing. There you produce an indeterminate quality by a purely mathematical rule. I can prove here by mathematical rule of algebra that 2 is equal to 4 if you allow me to so arrange the proposition that I shall have in it somewhere nothing divided by nothing. This attempt to make a piece of paper that is worth nothing something valuable, to make it like gold when it does not represent gold, is idle, and you cannot do it. You may fix up all the propositions you please, but the real thing is, when you come down to it finally—I do not care how much you discusss it or how many resolutions you pass; they do not make any difference; you must come to the same conclusion that all other people have—that gold is recognized as the universal standard of value. It is the measure that must be used. It is the measure by which your wealth must be tested; and whether it be pennies or millions matters not; it is the measure that must test all wealth. The wealth of the United States is tested by the same rule. It has been and always will be the touchstone of measurement; and when you depart from that and try to figure up any other measure which the world does not recognize, you get into confusion. Attempting to reconcile them it is idle to talk about. It is idle to talk about compromising on any other measure of value; the world will not accept it. We have the experience of every nation that has tried it; and it has been tried in almost every civilized nation. The art of substituting something else for money has been tried in Europe and it has failed everywhere. The only way that we can have honest dealing is to use an honest measure. The only way that we can determine what is the value of a man's labor is to measure it by an honest measure. That is what the granger needs; that is what the laboring man needs. He needs that his toil shall be measured by no uncertain measure. He wants it measured by that measure which will tell him the truth. When he has worked and earned a dollar, he wants a dollar in money with the purchasing power of a dollar in money with which he can buy bread. That is his due. If you give him anything else, you give him a false measure with which jugglers can operate and he is cheated. All your contrivances to evade the universal measure of value are cheating the unwary and robbing the public and leading them to false expectations. It is the greatest sin that can be committed to teach the American people that money can be printed not earned. That doctrine may take for a time. There may be organizations of men who will be deluded by it; but they have got to be disappointed, and a sore disappointment it will be to them. Do not let us try to deceive the American people; do not let us try to make them believe by some hocus-pocus of legislation that we can give them something of real value, we can give them a measure of value that is better than the universal standard of mankind. Do not deceive them in that regard. Let them know the facts now. They are a brave people and they will meet the issue. Every device you resort to will embarrass them; every hope you hold out that you can relieve them by these devices will be a sore disappointment and they must suffer for it. They are suffering now. They are suffering now by the devices already in operation. All the shaves and all the tricks of the money-dealers come ultimately upon labor; it has to pay for them. When millions can be accumulated by means of these devices in the commercial centers, those millions are drawn directly from labor, and the laboring man is compelled to take an uncertain measure of value, and when he has got a dollar and expects to buy what will feed his family and obtain the value of a dollar, he gets something at an inflated price that leaves him to starvation. He sends you a petition for more money, not because he has not had enough, but because what he got did not have the capacity to buy his bread; and so it will go on. A dollar in the laboring man's hands should have the full capacity to buy a dollar's worth. Do not call anything else a dollar. Let him understand it.

This is not a new question. It has been discussed by abler men than we are in a former generation; it has been discussed here; and it was after a severe struggle decided that the laboring man was

entitled and that the producers of this country were entitled to have their products and their labor measured by a correct rule. Apply no other.

Mr. BOUTWELL. Mr. President, hardly anything remains for those who are opposed to this measure except to protest and record their votes against it. Before I proceed to state the views I entertain, I desire to ask the honorable Senator from Indiana if either the committee or he himself has made an estimate which he will submit to the Senate and to the country of the probable increase of bank circulation that will be the result of the passage of this bill.

Mr. MORTON. I have made no estimate on that subject, and the committee made no calculation in regard to how fast this circulation would be taken up.

Mr. BOUTWELL. The Senator represents a section of the country where as it is understood the necessity exists for an increase of banking capital and circulation, and I think when we are called to pass upon a measure which offers, we may say, speaking in general terms, unlimited facilities for the increase of bank circulation, the committee, whose advice we are to follow if we move in that direction at all, should favor us with an opinion upon the question, which is really the vital question in determining what ought to be done.

Mr. SCOTT. Will the Senator from Massachusetts permit me, as I have had some curiosity on that subject, to give him the result of the calculation I have made on that very question?

Mr. BOUTWELL. I should be glad to have it, and I hope also we shall have the benefit of the judgment of the committee as well.

Mr. SCOTT. I am not assuming to answer for the committee, but as the interrogatory was put and the same question struck me, I made this calculation. The act of 1870 authorizes the issue of $54,000,000 additional-bank currency. It took four years say in round numbers to get out that in the States which by the terms of that law were authorized to apply for it. I put it in round numbers at $14,000,000 a year, although that is a little more than it was. Of course this would authorize the issuing of national-bank currency in all the States, not simply these which have a deficiency; and in order to retire the $82,000,000 provided for by this bill, it would require the issue of $18,666,666.66⅔ of national-bank notes. If we say that double the amount each year will be issued under this bill that was issued during the time the deficient States were authorized to take out the $54,000,000, it would take about seven and a half years to issue the $218,000,000 which would be required for the purpose of retiring the $23,000,000. This is the only direction in which I made this calculation, and if this be any basis for the calculation, that would be the result upon the experience with reference to the $54,000,000.

Mr. BOUTWELL. If the Senator from Indiana will give us the benefit of his opinion on that point, I shall be exceedingly obliged to him.

Mr. MORTON. I will try to do so before this debate is over. I am not prepared to answer the Senator's question.

Mr. BOUTWELL. A good deal of the ground has been occupied in times past, and I do not propose to go over it again. If this bill be not calculated to increase the volume of currency in the country, then I suppose it is not calculated to answer the expectations of those who favor it. For one, I am opposed to any increase in the volume of paper money. We to-day, I think, settle the question whether the resolutions of the grangers of Illoinois, which I may say without disrespect either to the Senator who referred to them or to the Senate were rather contemptuously introduced to our notice, are to be the policy of the land. We are at a point where the roads separate. If to-day, when there is confessedly a volume of paper currency greater than the wants or the interests of the country require or justify, we have not the power to resist an increase in the volume, how is it to be expected that either we or our successors, when this volume shall have been increased and the difficulties under which we labor and which gave rise to the public sentiment that is expressed by those resolutions of Illinois are augmented, shall be able to resist the demand that will be then made? If while the difficulties are few they cannot be overcome if when the obstacle is slight it cannot be removed, how are the difficulties to be overcome when they are multiplied, or the obstacles to be removed when they are increased? The difficulty to-day is that we have paper money which is not of equal value with coin. And now if this bill mean anything, if it contain any policy for the future, it is a policy of expansion; and a policy of expansion is detrimental to every interest, and especially injurious to the laboring people of the country,

While I have stood and stand to-day, if I may so assume, the opponent of a specific movement in any direction with reference to the volume of currency, I am persistently, and I mean to be continuously opposed, under any and every condition of things, and against any and every manifestation of public sentiment in this country, to any increase in the volume of paper money until it is made equivalent in value to coin; and on no other foundation can the industry and the policy of this country rest. While I concede to those who differ in opinion entire honesty of purpose, I feel for myself that history teaches nothing, that principle is of no consequence, that our own bitter experience during the war has been lost upon us and upon the country that we represent, if now in time of peace we embark upon a policy of inflation. If this policy is in obedience to a public sentiment, it is a misdirected public sentiment which we in our places, as the representatives of the country, should meet upon principle and either correct or fall beneath its misguided power.

The bill in its unmistakable features, about which there can be no difference of opinion, lets loose a portion of the reserve heretofore held by the banks and not available for circulation or for business purposes, and does increase the volume of paper money for business purposes. If we stand where we are, I believe it is the judgment of the honorable chairman of the Committee on Finance that the progress toward the equalization of paper and coin is 3½ per cent. per annum. It certainly is something. If we stand where we are without increasing the volume of paper money the progress toward resumption is something. If we accept this bill we turn our faces and the policy and the power of the country in the opposite direction. Does any man doubt that? We have a certain volume of paper money and it is below par. Why? Because there are too many dollars of paper now; for no other reason. The credit of the country is well established; it is respected at home and abroad; and when we find a United States note nominally a dollar, of less value than a dollar of gold, we know it is because there are too many of those paper dollars in proportion to the coin and the business of the country. But if you hold the volume of paper where it is, with the increase of population and business and the increase of uses to which money is applied you gradually work out by slow degrees the problem that we are called to consider—the equalization of the value of paper and coin. But by this bill according to the admission of the chairman of the committee the first effect is that you increase the volume of paper money for practical purposes twenty-six and a half million dollars, and you have just to that extent, upon the admitted and unquestioned policy of this bill, departed so far from the opportunity to resume specie payments.

What next? Here is an opportunity for increasing the volume of paper money through banks to the extent of $1,100,000,000. We shall be told, and told with truth, that the people of this country will not avail themselves of this opportunity to that extent, that they have not the means of doing so. Very well; but they have the means of doing something. You give them the opportunity. You say that it is lawful to do it. By your act you say that it is a wise thing, that it should be done, because it is a reflection upon the judgment of Congress to say that it would pass a law providing that certain things may be done and believe at the same time that it was unwise for the people, to whom the opportunity is given, to do those things which Congress has authorized to be done. Therefore this bill goes to the country with the sanction of Congress that it is wise to increase the volume of paper money, that it is judicious, that it is a policy that Congress approves. It is a step which is certain to be taken by a number of people; how many no man can say; how rapidly no one can predict, but the direction we know; it is in the direction of postponing the time when it will be possible to resume specie payments; and just so far as the opinions, or the interests, or the necessities, or the caprices of the people may lead them in that direction, this Congress becomes responsible to the country and to the world for the effects of this policy.

Mr. President, I am not an alarmist; but I do believe that in this measure, if it be enacted into a law, are the germs of a growth whose fruit in less than four years shall poison every branch of industry, which shall paralyze every enterprise, which shall lay low every undertaking, and that confusion and panic and distress will wait upon the people of this broad land. I know, if I can be certain of anything in the future, that an increase in the volume of paper money, based upon a condition of things when it is less valuable than gold, pursued by a multitude of people with purposes united but whose power when combined cannot be predicted, must end, as every such enterprise has ended, in stimulating speculation, in leading people to embark in hazardous and disastrous enterprises, in panic, in the depression of industry, in the prostration of business, in the bankruptcy of commerce and commercial men.

It may be said that these things will not happen because the opportunity you give the people will not be accepted. That is no excuse for us. At this moment we are bound to deny to the people an opportunity to do that which if done must end in injury to them.

If you look at the details of this bill, and especially to the eighth and ninth sections, I think it must be seen that it is fraught with evils from which the country cannot escape. I have before commented upon a proposition submitted by the Senator from Ohio similar to the provisions contained in the eighth section of this bill. I concur in a good deal that was said by the Senator from Nevada [Mr. STEWART] in reference to that section.

When the Senator from Indiana [Mr. MORTON] was presenting to the Senate this morning the views of the committee, I inquired of him why the day for the transfer or the conversion of United States notes into United States bonds was postponed until the year 1878, and the answer I received was that the difference now between the value of notes and bonds was so great that the country could not bear the shock of the opportunity to convert them immediately.

Mr. MORTON. Not "notes and bonds." "Notes and coin," I said.

Mr. BOUTWELL. I tried to ascertain from the honorable Senator what grounds he had for believing that in 1876 or 1877 the difference would be less, and I failed to obtain from him any answer to that inquiry. I am prepared to say that just to the extent that the free banking provisions of this bill are used by the people, just to that extent will it be more difficult in 1875, more difficult still in 1876, more difficult still in 1877, and more difficult yet on the 1st of January, 1878, to do the thing that is proposed in this bill. The Senator

from Ohio tells us that if this bill be passed, the faith of the country is to be pledged to this policy and that no Congress sitting here between now and 1878 can without a violation of the public faith repeal this statute. If that doctrine be accepted, this country is to be put into a financial strait-jacket in the year 1878 on the 1st of January, for if the difference between coin and paper shall remain what it is, or if the difference shall widen under this policy of expansion, as I have no doubt it will, then we are met by the doctrine on the one hand that this statute is not to be repealed because the public faith has been pledged to it and we are to be compelled to accept results in 1877 and 1878, magnified by the policy growing out of the free-banking system, results greater than those which would be apprehended if this policy were immediate, and the policy if immediate is so revolting that even the committee dare, not ask Congress and the country now to accept it.

But, sir, this eighth section has in it consequences more disastrous even than any to which I have called attention. It transfers the financial power of this country, under the iron rule of this eighth section, not to be repealed, not only from the Treasury Department, but from Congress, and not only to Wall street in the city of New York and to speculators and jobbers on this continent, but to speculators and money-changers throughout Europe. If the difference in 1877 between greenbacks and coin be what it now is, and the credit of the country shall be maintained, as I have no doubt it will be, and 5 per cent. bonds shall be at par in coin, there will come a time—I cannot say when; it will come early or late in proportion to the difference between coin and paper—but there will come a time when that difference, whether it be 1 per cent. or 10 per cent. or 20 per cent. or 30 per cent. will be an inducement to the people to gather up greenbacks, because on the 1st day of January, 1878, these greenbacks can be converted into coin bonds, which coin bonds in the markets of this country and of Europe are worth par in gold. And when that times arrives, let those who have been responsible for this measure take heed that day. When the people of this country, stimulated by greed and helped by the financial power of Europe, shall gather up greenbacks for the purposes of speculation and withdraw them from circulation, let those take heed when the banks without the means of redemption, the volume of the paper and the volume of their liabilities immensely increased, tumble one after another because they have neither gold nor greenbacks with which they can respond to the demand of the people upon them. When you invite the money-power of the world to combine for the purpose of making gain out of your policy, and the chairman of the Finance Committee says that in the presence of these dangers that policy shall never be changed, let men take heed who this day become responsible for this measure, which, if adhered to, has all these woes and more for the people of this country. But I know perfectly well that when that day approaches there will be a public sentiment that will demand the repeal of this measure, because men will see that they cannot stand the shock when the money-power of the world is combined for the prostration of our financial policy.

That is what the section contains. It is an invitation to the world to get gain by prostrating our financial policy, by gathering up the basis on which your banking system rests, and holding it for three, six, or twelve months as a means of gain, knowing that on the 1st of January, 1878, those notes can be converted into gold-bearing bonds, and that those gold-bearing bonds are worth par in all the markets of the world.

Mr. FERRY, of Michigan. Will the Senator allow me to ask a question? I regret to interrupt him, because I have been interested in hearing what he is saying; but I want to put this question: Whether or not the same influences will not be at work if the greenbacks are redeemable in coin on the 1st day of January, 1878, instead of in bonds?

Mr. BOUTWELL. Certainly; but I have never advocated naming any particular day when the greenback should be retired in coin.

Mr. MORTON. Allow me to suggest to the Senator that his argument proves that to come to specie payments at any time and under any circumstances would be utterly ruinous. He has overturned his own position.

Mr. BOUTWELL. No, sir; it does not prove anything of the sort.

Mr. MORTON. I think it does clearly.

Mr. BOUTWELL. We went on from June, 1869, when gold was at 40 per cent. premium, and we reduced it from 12 to 14 per cent. by gradual and certain processes, by the improvement of the credit of the country, by restricting the volume of paper money, by developing the resources and industries and business of the country. If you will pursue that policy you can go on until coin and paper will become the equivalent of each other, and there will never be a moment when a man can say that he may make money by hoarding greenbacks, for he can never say when the greenback will be equal to coin.

Mr. SHERMAN. I should like to ask the Senator from Massachusetts, then, how comes it that from the 1st of April, 1870, to this hour the value of greenbacks has not appreciated a single cent?

Mr. BOUTWELL. I will tell the Senator from Ohio. There are three reasons for it, for one of which the Congress of the United States is responsible; the other two were due to circumstances beyond the control of the country. On the 15th of April, 1870, the Franco-Prussian war opened. It made a great demand on England and consequently upon this country, for coin. It withdrew coin from the country, and its tendency naturally was to widen the difference between coin and paper, and therefore during that year we were unable to make progress in the right direction for there were unnatural and unexpected causes operating by which coin was drawn from the country.

The second great fact was that when the treaty of Paris was made and France agreed to pay five milliard francs, or $1,000,000,000, in coin as indemnity, the means of doing that were drawn largely from England. The deposits of one sort and another in this country, debts due from this country to England, were drawn upon, and we were obliged to contribute to the means by which France paid the indemnity that Germany exacted.

Then there was another consequent reason. Germany, stimulated by the fact that she had obtained large quantities of coin from France, resolved to demonetize silver and substitute gold in its place, and the consequence was that, to the extent of about $150,000,000, gold was substituted for silver in Germany.

All these causes operating together kept the quantity of coin in this country at a low point, drew from us the products of the mines, and during that period and even up to this time we have not recovered from the effects of the Franco-Prussian war.

Mr. SHERMAN. There is one other question I should like to ask.

Mr. BOUTWELL. But I have not answered this yet. The other circumstance was this: under the revenue system which existed in 1870, and previous thereto, when the receipts of the Treasury were largely in excess of the expenditures, the Secretary of the Treasury was able to accumulate during the summer months a large surplus of paper money in the Treasury, and use it in the autumn in the purchase of bonds for the relief of the business of the country, affording facilities for the transportation of the crops from the West to the East, so that during one season the accumulation, without notice to the country, except through the monthly reports, reached the enormous sum of thirty-eight and a half million dollars. This sum of money so accumulated in the Treasury was, with reference to the volume of currency in circulation, precisely as though the volume of currency in the country had been reduced; it was withdrawn from active business; it was piled up and hoarded in the Treasury; it was a resisting power against the spirit of speculation in the city of New York. But when Congress, against the judgment of the Secretary of the Treasury, reduced the revenues of the country, and compelled the Government to manage its business with the slightest surplus, that power departed, and when that power departed the accumulation which had formerly rested in the Treasury during the summer months passed to Wall street, in the city of New York. The panic of last September was more clearly due to those facts, all having their origin in the policy of Congress by which the revenues of the country were reduced than to any and all other circumstances combined.

Mr. SHERMAN. The other question I wish to ask the Senator is this: whether or not the rapid fall of gold from the passage of the act of March 18, 1869, up and prior to the 1st of April, 1870, amounting to some twenty-odd per cent., created any real stringency or trouble in the country? Did the rapid appreciation of greenbacks, nearly 20 per cent. in one year, have that effect?

Mr. BOUTWELL. I am not aware that it did.

Mr. SHERMAN. Then, if in one year the rapid appreciation of greenbacks 20 per cent. in market value did not create any perceptible trouble, but the people adapted themselves to the changed value of gold and paper, I ask the Senator whether in his judgment the appreciation of paper money from eighty-nine cents to one dollar will really in the course of four years create any stringency or hard times?

Mr. BOUTWELL. If you could distribute it over the four years, probably not; but what I assert in reference to this measure is that it not only does not distribute the difference between coin and paper over four years, but by the increase of banking facilities and the increase of the volume of paper your whole policy tends to widen that difference, so that when you reach 1877, instead of these being a margin of 11 per cent., it is more likely that the margin will be twice as great, and then you propose to jump that margin in a given period of time regardless of the consequences to the business of the country. This is a process which is fraught with disaster. If to-day you do not dare to assume the responsibility of mastering this difficulty by next January or by the January after, how can you assume that when the difference is greater than it is to-day you will have the courage or the capacity to overcome the difficulty three years hence?

Mr. SHERMAN. One more question I wish to ask the Senator; and that is whether he does not believe that sagacious business men, capitalists who invest their money in banks, will take the condition of the law and base their calculations upon it rather than the mere amount of paper money afloat? When they take the established fact, which he admits to be an established fact, that four years or three and a half years hence the United States will stand by this pledge, will not business men adapt their business to it?

Mr. BOUTWELL. I do not accept that "established fact;" I do not consider it so. I have not the least idea that the country will stand by this bill. I think when you pass this bill, you stir up elements of discord in every part of the country. Instead of its being a measure of conciliation, it is a measure fraught with discord. Is there any demand in the country for this particular measure?

Mr. FERRY, of Michigan. Before the Senator passes from that I should like to put a question to him. The Senator stated, as one of the strong influences which had contributed to prevent the approach

of greenbacks to coin, the fact that Congress had by the reduction of the tariff lessened the duties and thus prevented by a lessening of the revenues the possibility of that approach. Now, I wish to put to the Senator a question, and I ask him to answer it, as he will, frankly, why prior to the panic, when we were under a condition of prosperity under that same reduced tariff, every month revealed the fact that the public indebtedness was being lessened by the application of the surplus revenue toward the liquidation of the public debt?

Mr. BOUTWELL. Of course.

Mr. FERRY, of Michigan. If that were the fact, and gold was gradually running down until it reached the point of 9 per cent. premium, lower than it has been since the panic, I ask why that should be a circumstance in the argument of the Senator to fortify himself when the question is put to him why the country does not resume at this time or next year?

Mr. BOUTWELL. The Senator must know very well that the full effects of the reduction of taxes were not immediately felt, and that for some time after the passage of the bill the revenues were sufficient to more than meet the ordinary expenses, and furnished something every month for the reduction of the public debt; but from the 1st of July last to the present moment the total reduction of the public debt is less than $4,000,000. During the last summer there was very little decrease made.

Mr. FERRY, of Michigan. The Senator will remember that each month up to the panic there was a gradual reduction of the public debt. Since the panic there has been a very little reduction. Each month I think without exception prior to the panic showed a reduction until the aggregate amount during President Grant's administration approached nearly $400,000,000 in liquidation of the debt.

Mr. BOUTWELL. For the purposes of the argument which the question of my friend from Michigan contains, he has confounded events and times that are quite distinct. Up to the 4th of March, 1873, the decrease of the public debt had been very large, and during each preceding summer of General Grant's administration the Secretary of the Treasury was able to accumulate large balances; but during the last summer he was not, in consequence of the reduction of the revenue, and to that fact the panic in a large degree was due.

But I wish now to call the attention of the Senate and especially of the honorable chairman of the committee to the eighth section in another aspect. The proviso is that "the Secretary of the Treasury in lieu of such funds may redeem said notes in the gold coin of the United States." The first provision, however, is that on and after the 1st day of January, 1878, the Secretary of the Treasury shall issue 4, 4½, and 5 per cent. bonds for such greenbacks or United States notes as may be presented. Then—

The Secretary of the Treasury in lieu of such bonds may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue the United States notes so received either in exchange for coin at par, or, with the consent of the holder, in the redemption of bonds then redeemable at par, or in the purchase of bonds at not less than par, or to meet the current payments for the public service; and when used to meet current payments an equal amount of the gold in the Treasury shall be applied in redemption of the bonds known as five-twenty bonds.

Then the ninth section says this shall not be construed to authorize an increase of the principal of the public debt. The effect of this measure considered altogether is this: "The Secretary of the Treasury shall reissue the United States notes so received either in exchange for coin at par"—I assume that to be impossible—"or with the consent of the holder in the redemption of bonds then redeemable at par." The bonds that will be redeemable at par at that time will be 6 per cent. five-twenty bonds and no others. If a 5 per cent. bond is made, as it will be made by this eighth section, the equivalent in value of coin, is it possible that anybody will surrender a 6 per cent. bond for United States notes?

Mr. SHERMAN. I will ask the Senator now whether that very thing has not been done?

Mr. BOUTWELL. It has been done undoubtedly in some cases.

Mr. SHERMAN. That is, 6 per cent. bonds have been under the operation of the funding act surrendered for 5 per cent. bonds.

Mr. BOUTWELL. Not surrendered. The credit of the country was in the first place carried up to the point when we could sell a 5 per cent. bond at par in coin, and having made that sale we then took the coin and gave notice to the holders of 6 per cent. bonds that they must present them and exchange them and stop the interest, so that they became valueless as an investment. The bonds were due.

Mr. CAMERON. I desire to interrupt the Senator from Massachusetts to ask him to give way——

Mr. BOUTWELL. No; I will close in five minutes.

Mr. CAMERON. I want an executive session. There is a great deal of executive business to be done.

Mr. BOUTWELL. In a few cases this has been true, where there were registered bonds, and in some instances of a peculiar sort of coupon bonds, but generally registered bonds, where for some reason that was peculiar to those bonds they were not merchantable, they have been returned voluntarily to the Treasury, but the amount of these is so small that they are not worth consideration in a question of public policy. You cannot find persons when a 5 per cent. bond is made worth par in coin who will voluntarily surrender a 6 per cent. bond, principal and interest payable in coin, and take United States notes, which at best are only convertible into a 5 per cent. bond.

Mr. SHERMAN. As this is an interesting point and the Senator has had experience, I will ask him whether with $20,000,000 of gold in the Treasury—and there are now $50,000,000 of surplus revenue—in case the notes were flowing into the Treasury for bonds and the bonds were issued, there would be any difficulty in the Secretary of the Treasury paying with the gold on hand the 6 per cent. bonds, calling them in by numbers and names, just as the honorable Senator did when Secretary, and supplying the deficit in the revenue by the greenbacks thus received for the bonds, and whether that is not the refunding act carried out?

Mr. BOUTWELL. To some extent he might undoubtedly do that, but when you come to deal with the whole volume of United States notes that is an impossible thing.

Mr. SHERMAN. Then my friend from Massachusetts comes to the fallacy of my friend from Nevada, that the Secretary of the Treasury is not compelled to use these notes except for certain purposes. The law expressly provides that these notes shall be paid out for such and such purposes, and when they are paid out for current expenses, then the gold which is relieved from the ordinary uses of the Treasury is to be used to pay an equal amount of 6 per cent. bonds.

Mr. BOUTWELL. But you cannot call in the 6 per cent. bonds under three months.

Mr. SHERMAN. We shall have plenty of time to repeal that provision of the law in four years. The Secretary of the Treasury can count upon the amount of his revenue accruing month by month, and he could make a call three months ahead if it be necessary to give three months' notice.

Mr. BOUTWELL. But the Senator from Ohio does not pretend that the surplus gold would be sufficient to meet such a demand as would be made on the Treasury for 5 per cent. bonds under this system if there should be any margin between the value of bonds and the value of paper.

Mr. SHERMAN. Not at all; because this very act when it takes effect will leave no margin between the paper and bonds, because you can convert the paper into bonds. You might as well say that a bank which only had a reserve of one-tenth of its circulating notes was certain to be broken because you might suppose all the notes would come in together.

Mr. BOUTWELL. Then the Senator from Ohio does not admit that if you go on increasing the volume of paper money the difference between paper and coin, other things remaining the same, will widen.

Mr. SHERMAN. Upon the question of how much paper money will be issued under this act, I leave the Senator himself to state his own fair impression; I will not stop to discuss that. Whether this bill will largely increase the paper money, I will not discuss now.

Mr. BOUTWELL. The hour is late. I suppose that the purpose of the committee is that this question shall be ended to-night, though I do not know about that. I have said in substance what I desired to say and I have said it chiefly for the purpose of putting myself upon the record against this measure, a measure which I sincerely believe is fraught with greater evils to this country than any that has ever been presented to the Senate with a prospect of being adopted and made the law of the land.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before putting the question on that motion, the Chair will ask the indulgence of the Senate to present the House bills on his table for reference.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3672) authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home situated at Harrodsburgh, Kentucky, and known as Harrodsburgh Springs property, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 3517) supplementary to the third section of the act entitled "An act to divide the State of Virginia into two judicial districts" was read twice by its title, and referred to the Committee on the Judiciary.

BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following bills, prepared in the form prescribed by the two Houses; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873;

A bill (H. R. No. 2879) revising and embodying all the laws authorizing post-roads and in force on the 1st day of December, 1873; and

A bill (H. R. No. 3349) to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the 1st day of December, in the year of our Lord 1873.

REPORT OF A COMMITTEE.

Mr. CARPENTER. I am instructed by the Committee on the Judiciary to report a bill, and I do it at this time for the purpose of having it printed. I give notice that I shall ask the Senate to consider it to-morrow in the morning hour, as it is very important that it should be disposed of.

The bill (S. No. 925) to determine the jurisdiction of the circuit

courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, was read, and passed to a second reading.

GENEVA AWARD.

On motion of Mr. THURMAN, the amendments of the House of Representatives to the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, were referred to the Committee on the Judiciary.

EXECUTIVE SESSION.

On motion of Mr. CAMERON, the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and the Senate (at six o'clock and eight minutes p. m.) adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 11, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

Mr. PLATT, of Virginia, obtained the floor.

PROPERTY OF SOLDIERS' HOME.

Mr. DURHAM. I ask unanimous consent to introduce and have passed a bill authorizing the board of commissioners of the Soldiers' Home to sell the property belonging to the Soldiers' Home, situated at Harrodsburgh, Kentucky, and known as the Harrodsburgh Springs property.

Mr. GARFIELD. If it will not occasion debate I will make no objection.

The bill was read for information.

The first section authorizes the board of commissioners of the Soldiers' Home to sell to the board of trustees of the Widows' Home and Orphans' University of the Independent Order of Odd-Fellows the property belonging to the Soldiers' Home situated at Harrodsburgh, Kentucky, upon such terms as may be prescribed by the sanction of the Secretary of War.

The second section provides that after the said property shall have been sold and the purchase-money paid to the said board of commissioners they shall have full power to convey the said property to said purchasers, the board of trustees of the Widows' Home and Orphans' University of the Independent Order of Odd-Fellows by and for and in behalf of the United States, and that when the said deed shall have been properly acknowledged the United States shall be divested of title to said property, and the trustees of the Widows' Home and Orphans' University of the Independent Order of Odd-Fellows shall be invested with full title to the property.

No objection being made, the bill (H. R. No. 3672) was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DURHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL DISTRICTS OF VIRGINIA.

Mr. HUNTON. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 3517) reported by the Committee on the Judiciary, being a bill supplementary to the third section of the act entitled "An act to divide the State of Virginia into two judicial districts."

Mr. PLATT, of Virginia. I must object to yielding for that purpose.

Mr. HUNTON. I hope my colleague will not object.

Mr. PLATT, of Virginia. Gentlemen who object to the passage of that bill are not in their seats.

Mr. HUNTON. They have withdrawn their objection. I saw Mr. STOWELL, and also the gentleman who made the objection on the subject.

Mr. PLATT, of Virginia. Very well; I withdraw my objection.

The bill was read.

The first section provides that the following provisions shall be added to the third section aforesaid:

The judge of the district court for the eastern district of Virginia shall be, and he is, authorized to appoint a clerk of the district court to be held in Alexandria, whose duties shall be governed by the laws now in force, and whose office shall be kept in Alexandria, in such room or rooms as the said judge shall designate in the building now used as custom-house, post-office, and court-room; and that the clerk so appointed shall perform the duties of clerk of both circuit and district court, to be held in Alexandria, as provided by said third section, and shall be entitled to all fees and emoluments appertaining to said office.

The second section provides that the clerk appointed as aforesaid shall keep the records and files of all cases thereinafter brought within the subdivision thereinafter named, and certify the same in manner already provided for by law; and that the subdivision referred to, over which the said courts shall have jurisdiction, shall contain the following counties of Virginia, namely: Culpeper, Fauquier, Prince William, Fairfax, Loudoun, and Alexandria; and that all process upon parties or *in rem*, residing or being in said counties, shall be made returnable to the said courts held in Alexandria, or the clerk's office, in manner and form now provided for.

The third section provides that all acts or parts of acts which are not consistent with the act are hereby repealed; and the act shall be in force from its passage.

No objection being made, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DAWES. I move that the House now proceed to the consideration of business on the Speaker's table, with a view to dispose of matters that do not give rise to debate.

Mr. RANDALL. What does the gentleman mean by that?

Mr. DAWES. I mean that if any matter comes up to which any gentleman objects it shall remain upon the table.

The SPEAKER. The proposition is merely to dispose of matters on the Speaker's table to which unanimous consent is given.

Mr. GARFIELD. I am willing to yield to allow that to be done for a little while, reserving the right to interrupt that business at any time.

TESTIMONY ORDERED TO BE PRINTED.

Mr. SENER. Pending the motion of the gentleman from Massachusetts, I ask unanimous consent that the testimony reported by the Committee on Expenditures in the Department of Justice, which has not already been printed, be printed for the use of the Attorney-General's Department.

There was no objection; and the order to print was made.

PERSONAL EXPLANATION.

Mr. DONNAN. I ask unanimous consent to make a brief personal explanation.

Mr. GARFIELD. How long?

Mr. DONNAN. Not more than five minutes.

There was no objection, and the leave was granted.

Mr. DONNAN. I was not present at the session for debate only that took place on the evening before last, and consequently I did not hear the speech of the gentleman from Pennsylvania, [Mr. STORM,] a very small portion of which, I am informed, was actually delivered, about the Government Printing Office. I ask that the paragraph I have marked in that speech be read at the Clerk's desk.

The Clerk read as follows:

Learning that such abuses did exist, early in the session I introduced a resolution on the subject, and had it referred to the Committee on Printing, of which the gentleman from Iowa [Mr. DONNAN] is chairman. Before this committee the Congressional Printer, Mr. Clapp, was requested to appear; this he declined to do, on the grounds, as I have been informed, that he was an officer of the Senate, and was responsible to that body alone. Owing to this refusal to appear and testify before the House Committee on Printing my resolution failed, and the committee reported a joint resolution, and have in pursuance of that resolution taken some testimony, and have just made report to this House. I have refrained from speaking upon this subject until that report was made. The day of adjournment not being far off, I feel it to be my duty to call the attention of the House to the subject now, so that it can, should it see fit, correct existing abuses by proper and necessary legislation.

Mr. DONNAN. In relation to these statements, I should rather say misstatements, I desire to say first, that the gentleman from Pennsylvania has not during this entire session introduced and had referred to the committee of which I have the honor to be chairman any resolution under which we could summon the Congressional Printer before us to give testimony. Second, the gentleman from Pennsylvania does not seem to be aware of his action. He introduced a resolution which I hold in my hand, and which was of itself a concurrent resolution. Instead of that resolution failing before the committee as he alleges, the committee reported favorably upon it and promptly, simply enlarging its scope so as to authorize the committee to send for persons and papers. That resolution so enlarged they reported to the House and the House passed it, and it was sent to the Senate. Third, the House Committee on Printing has not had any resolution referred to them upon motion of any member under which they could summon the Congressional Printer to appear in relation to abuses in the Congressional Printing Office. Fourth, the subject which was examined by that Committee on Printing was under a resolution introduced by the gentleman from Maine, [Mr. FRYE,] relating solely to the comparative cost of printing the debates of Congress at the Government Printing Office and in the Globe office. The committee have restricted their examination to that subject and have reported upon that subject and upon that only. Fifth, the Congressional Printer has not refused at all, when summoned, to appear before the Committee on Printing, nor has he alleged to that committee that he is responsible solely to the Senate.

I deem it proper and prudent to say further that in the next paragraph of the gentleman's speech he makes what I was about to term an indecent allegation against the chairman of the Joint Committee on Printing on the part of the Senate. He says:

It is clear that the chairman of that committee in the Senate either cannot or will not see anything wrong in the present Public Printer, or the system under which he is acting.

The SPEAKER. The Chair does not desire to prevent the gentleman from Iowa [Mr. DONNAN] making any explanation he may deem proper; but he must inform him that it was grossly unparliamentary to allude to the chairman of the Senate committee.

Mr. DONNAN. I deemed it proper to refer to the charge in order to repel it.

The SPEAKER. The gentleman was entirely out of order in doing so.

Mr. DONNAN. I simply wish to add that I presume these misstatements have arisen more on account of ignorance than in any intention on the part of the usually courteous gentleman from Pennsylvania. It is alleged in one of the morning papers that he is a member of the Committee on Printing. That is not the fact. Had he been a member of the Committee on Printing, I feel assured that he would not have allowed himself to be drawn into such gross misstatement of fact.

Mr. STORM. I ask consent to have a moment to reply to what has been said by the gentleman from Iowa, [Mr. DONNAN.]

Mr. GARFIELD. I ask that the time allowed the gentleman be limited.

Mr. RANDALL. Let him have the same length of time as was occupied by the gentleman from Iowa.

No objection was made.

Mr. STORM. I am not responsible for what any city newspaper may call me. The fact that a city paper says that I am a member of the Committee on Printing is a mistake of the paper, not of mine; I have never said so.

I will say this, that whatever mistakes there may be in my remarks in regard to the refusal of the Congressional Printer to appear before the Committee on Printing, I have been led into those mistakes by what the chairman of the Committee on Printing himself told me. All I know about the refusal of the Public Printer to appear before that committee I gathered from the gentleman from Iowa himself. He said to me that he could not get the Congressional Printer before the committee under my resolution; that he would be compelled to report the resolution in another form before he could do so.

Mr. DONNAN. For the simple reason that it was a concurrent resolution. The gentleman must have misunderstood me if he understood me as giving any other reason.

Mr. STORM. The gentleman said so himself.

Mr. DONNAN. I said that the House Committee had no authority to summon him under a concurrent resolution.

Mr. STORM. All I have said about the subject has been from information which I have gathered from the gentleman from Iowa himself. If he has changed his base since he gave me that information, it is not my fault.

Mr. DONNAN. I have not changed one particle. I said it was simply for the reason that we could not summon him before us on a concurrent resolution adopted only by the House; it must be adopted by both Houses.

ORDER OF BUSINESS.

The SPEAKER. The House has directed that business on the table shall be gone through with *seriatim*——

Mr. RANDALL. I did not understand that that was agreed to.

The SPEAKER. Did not the gentleman understand that business to which there was no objection should be taken up?

Mr. RANDALL. No, sir; I did not understand even that.

Mr. ELDREDGE. There is objection to the arrangement unless the civil-rights bill is excluded.

The SPEAKER. The proposition was to take up the bills *seriatim*, and that only those should be disposed of to which there was no objection.

Mr. ELDREDGE. Then I make no objection to the arrangement.

Mr. DAWES. That was the proposition.

Mr. ELDREDGE. I simply wanted that understood.

Mr. PLATT, of Virginia. I wish it understood that after this business is disposed of I shall be recognized for the business on which I am now on the floor.

Mr. GARFIELD. I give notice that as soon as we dispose of this business I shall insist on proceeding with the sundry civil appropriation bill.

DIPLOMATIC AND CONSULAR SYSTEM.

The first business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 3073) to amend section 19 of the act approved August 18, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States."

The amendment was read, as follows:

Strike out all after "that," in line 1, down to and including "agent," in line 7, and insert "no embassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner to any foreign country, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter to any legation in any foreign country, consul-general, consul, commercial agent, consular pupil, or consular agent, shall."

Mr. RANDALL. I rise for the purpose of asking a question. If I understand this amendment it involves an additional outlay from the Treasury.

Mr. BANNING. Nothing of the kind.

Mr. RANDALL. In such a case would a point of order——

The SPEAKER. There is no necessity of raising any point of order, because a single objection leaves the bill where it is. No bill can be acted on without unanimous consent. That ought to be plain enough. Is there objection?

Mr. SENER. Unless this bill can be read I will object.

The SPEAKER. Objection being made, the bill will be returned to the Speaker's table.

COMMISSION OF ARMY OFFICERS.

The next business on the Speaker's table was amendments of the Senate to the bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army.

The amendments of the Senate were read, as follows:

Strike out the preamble, in these words:

Whereas a vacancy of major in the Quartermaster's Department existed on the 18th day of January, 1867, to which Captain William Myers, of the Quartermaster's Department, was entitled to be promoted under the laws then in existence, but from which he was excluded by reason of an appointment in said department erroneously made: Therefore,

At the end of the bill add as a new section——

Mr. GARFIELD. I object.

GEORGE M. BOOK.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy.

The amendment of the Senate was read, as follows:

Strike out all after "provided," in line 4, and insert:

That he shall first be ordered to, and perform, actual sea duty on some cruising vessel of war for the period of one year; and if at the expiration of such period of duty he shall be pronounced by proper naval authority to be no longer incapacitated for active service in any respect: *And provided further*, That he shall not receive any extra pay for the time he was on the retired list, and not on active duty prior to his restoration under this act.

There being no objection, the amendment was concurred in.

ANN CRANE.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 280) granting a pension to Ann Crane.

The amendment of the Senate was read, as follows:

In line 8 strike out "fifteen" and insert "eight."

There being no objection, the amendment was concurred in.

B. W. HARRIS.

The next business on the Speaker's table was the Senate amendment to the bill (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts.

The amendment of the Senate was read, as follows:

After the word "sums" insert "not to exceed $346.53."

There being no objection, the amendment was concurred in.

CENTENNIAL MEDALS.

The next business on the Speaker's table was the Senate amendment to the bill (H. R. No. 1753) to authorize medals commemorating the one-hundredth anniversary of the first meeting of the Continental Congress, and of the Declaration of Independence.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause, and insert:

That medals, with appropriate devices, emblems, and inscriptions, commemorative of the centennial anniversary of the Declaration of Independence be prepared at the Mint at Philadelphia for the centennial board of finance, subject to the provisions of the fifty-second section of the coinage act of 1873, upon the payment of a sum not less than the cost thereof; and all provisions, whether penal or otherwise, of said coinage act against counterfeiting or imitating of coins of the United States shall apply to medals struck and issued under the provisions of this act.

There being no objection, the amendment was concurred in.

PROCEEDINGS IN MANDAMUS.

The next business on the Speaker's table was the bill (H. R. No. 1273) to regulate proceedings in *mandamus*, which was returned from the Senate with amendments.

The amendments were read.

The SPEAKER. Shall these amendments of the Senate be concurred in?

Mr. ASHE. I object to that bill.

WIGHT STREET, DETROIT.

The next business on the Speaker's table was the bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan, returned from the Senate with the following amendments:

Strike out all after the enacting clause, and in lieu thereof insert the following:

That the Secretary of the Treasury be authorized and directed to cause Wight street, in the city of Detroit, Michigan, to be increased in width fifty feet in that portion of said street adjacent to the marine-hospital grounds of said city: *Provided*, That George Jerome, John Owen, and C. H. Buhl, of said city, shall be appointed appraisers to ascertain and report to the Secretary of the Treasury the damages resulting to the United States by using a strip of land from the marine-hospital grounds aforesaid for that purpose, and that the Detroit Transit Railway Company of said city shall pay into the Treasury of the United States the amount of damages ascertained and reported as herein provided.

Amend the title so as to read:
A bill to authorize the widening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan.

There being no objection, the amendments of the Senate were concurred in.

ENGRAVING FOR PROFESSOR BAIRD'S REPORT.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

Resolved, (the House of Representatives concurring,) That Spencer F. Baird, United States commissioner of fish and fisheries, be authorized to have the engraving for his report executed under the direction of the Joint Committee on Public Printing.

The SPEAKER. That concurrent resolution, under the law, will be referred to the Committee on Printing.

FINAL ADJOURNMENT.

The next business on the Speaker's table was a concurrent resolution from the Senate that the President of the Senate and the Speaker of the House of Representatives be, and they are thereby, instructed to adjourn their respective Houses *sine die* at twelve o'clock noon, Monday, June 22, 1874.

Mr. MAYNARD. Is it in order to refer that concurrent resolution?

Mr. KASSON. I object to it.

The SPEAKER. It will then go back to the Speaker's table.

SENATE BILLS.

The SPEAKER. House bills with Senate amendments having been disposed of, the Chair, under the order of the House, will now call up the Senate bills on the Speaker's table for reference by unanimous consent, as well as to be otherwise disposed of.

RAILROADS IN THE TERRITORIES.

The next business on the Speaker's table was an act (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands.

Mr. McCRARY. I move that it be referred to the Committee on Railways and Canals.

Mr. CLYMER. I move that it be referred to the Committee on the Public Lands.

The SPEAKER. That is an objection of itself, and the bill will remain on the Speaker's table.

SAINT PAUL AND PACIFIC RAILROAD COMPANY.

The next business on the Speaker's table was an act (S. No. 486) to extend the act of March 3, 1873, entitled "An act for the extension of time to the Saint Paul and Pacific Railway Company for the completion of its road."

Mr. RANDALL. I object.

ABSALOM BAIRD.

The next business on the Speaker's table was an act (S. No. 529) to authorize an appointment in the Inspector-General's Department; which was read a first and second time.

The bill and preamble were read. The preamble recites a vacancy of lieutenant-colonel in the Inspector-General's Department of the Army originated on the 13th of June, 1867, to which Major Absalom Baird was entitled to be promoted under the laws then in existence, but from which he was excluded by reason of another appointment in said department previously made; and that an act of Congress approved June 8, 1872, was passed with the intention of rectifying this wrong, but has failed to secure to Major Baird his just rights. The bill authorizes the President to nominate and promote Absalom Baird to be lieutenant-colonel and assistant inspector-general, to date from June 13, 1867; but no pay or allowance shall be made to him for any time prior to the passage of the act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. COBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BISHOP & CO.

The next business on the Speaker's table was an act (S. No. 272) for the relief of Bishop & Co., bankers, of Honolulu, Hawaiian Islands; which was read a first and second time.

On motion of Mr. WILLARD, of Vermont, the bill was referred to the Committee on Claims.

PHILIP S. WALES.

The next business on the Speaker's table was an act (S. No. 745) for the relief of Philip S. Wales, medical inspector in the United States Navy; which was read a first and second time.

Mr. SCOFIELD. The Committee on Naval Affairs rejected that bill, and I move that it be laid upon the table.

Mr. COX. I object to the action.

Mr. SCOFIELD. Then I move that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

CHANGE OF NAME OF A SCHOONER.

The next business on the Speaker's table was the bill (S. No. 793) authorizing the Secretary of the Treasury to change the name of schooner Jennie Spencer to that of Santa Rosa.

There being no objection, the bill was read three times, and passed.

LOUISA H. HASELL.

The next business on the Speaker's table was the bill (S. No. 91) for the relief of Mrs. Louisa H. Hasell.

The bill was read.

Mr. WILLARD, of Vermont. Let that bill go to a committee.

The bill was read a first and second time, and referred to the Committee on War Claims.

CAROLINE M. PURVIANCE AND FRANCIS WYETH.

The next business on the Speaker's table was the bill (S. No. 644) for the relief of Caroline M. Purviance and Francis Wyeth.

The bill was read.

Mr. WILLARD, of Vermont. Let that bill also be referred.

The bill was read a first and second time, and referred to the Committee on War Claims.

ROBERT M. AND STEPHEN A. DOUGLASS.

The next business on the Speaker's table was the bill (S. No. 660) referring the petition and papers in the case of Robert M. and Stephen A. Douglass, in so far as the same relate to cotton seized, to the Court of Claims.

Mr. LAWRENCE. Let the bill be referred to the Committee on War Claims.

Mr. KELLOGG. I object to the reference. I do not object to the bill being considered now.

The bill remained on the Speaker's table.

GERMAN EVANGELICAL CHURCH AT MARTINSBURGH.

The next business on the Speaker's table was the bill (S. No. 709) for the relief of the trustees of the German Evangelical church, of Martinsburgh, West Virginia.

The bill was read.

Mr. LAWRENCE. Let the bill be referred to the Committee on War Claims.

Mr. HAGANS. I object to the reference.

The bill remained on the Speaker's table.

SAMUEL S. POTTER.

The next business on the Speaker's table was the bill (S. No. 786) for the relief of Samuel S. Potter.

The bill was read.

Mr. WILLARD, of Vermont. Let that bill be referred to the Committee on War Claims.

The bill was read a first and second time, and referred to the Committee on War Claims.

COMPULSORY PILOT-FEES.

The next business on the Speaker's table was the bill (S. No. 675) to relieve ships and vessels from compulsory pilot-fees in certain cases.

Mr. RAINEY. I object.

The bill remained on the Speaker's table.

ALEXANDER HENDERSON.

The next business on the Speaker's table was the bill (S. No. 828) for the relief of Alexander Henderson.

The bill was read.

Mr. WILLARD, of Vermont. Let that bill be referred.

The bill was read a first and second time, and referred to the Committee on Foreign Affairs.

POTTAWATOMIE INDIANS.

The next business on the Speaker's table was the bill (S. No. 218) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana under treaty stipulations existing with them.

Mr. RAINEY. Let that bill go to the Committee on Indian Affairs.

Mr. PACKARD. I object to the reference.

The bill remained on the Speaker's table.

CIVIL RIGHTS.

The next business on the Speaker's table was the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866.

Mr. GARFIELD. I hope gentlemen will not object to that bill being considered as read three times and passed.

Mr. RANDALL. I object.

Mr. GARFIELD. Mr. Speaker, is not that bill considered as passed?

Mr. ELDREDGE. The gentleman is very anxious about it. He will have to wait a little.

The bill remained on the Speaker's table.

TEXAS PACIFIC RAILROAD.

The next business on the Speaker's table was the bill (S. No. 732) supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes."

Mr. WILLARD, of Vermont. I think that the bill had better be referred.

Mr. SAWYER. Then let it go to the Committee on the Pacific Railroad.

The bill was read a first and second time, and referred to the Committee on the Pacific Railroad.

RELIEF OF CONTRACTORS.

The next business on the Speaker's table was the bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and steam machinery.

Mr. WILLARD, of Vermont. Let that bill go to the Committee on War Claims.

Mr. KELLOGG. I object to the reference.

The bill remained on the Speaker's table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the President *pro tempore* had appointed Mr. PRATT a member of the committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds, in place of Mr. ALCORN, excused.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties.

MOIETIES UNDER CUSTOMS LAWS.

Mr. ELLIS H. ROBERTS. I ask that the bill in relation to moieties just returned from the Senate with amendments be referred to the Committee on Ways and Means and printed.

Mr. WOOD. I suggest to the gentleman that he add "with leave to report at any time."

The SPEAKER. That leave attaches to the bill. Leave was granted to the committee to report at any time, and that leave holds until the final disposition of the bill.

The bill was referred to the Committee on Ways and Means, and, with the accompanying report, ordered to be printed.

TEXAS PACIFIC RAILROAD.

Mr. MYERS. I would inquire what was done with the bill in relation to the Texas Pacific Railroad?

The SPEAKER. It was referred to the Committee on the Pacific Railroad.

Mr. MYERS. I should have objected to it, but on account of the confusion which prevailed in the Hall I did not hear what was going on.

Mr. HOUGHTON. I should have objected also.

Mr. SYPHER. There were two motions made for its reference, and if the gentleman had desired to object he could have done so.

Mr. RANDALL. It makes no difference practically.

The SPEAKER. That is true; the bill can only be reached by a two-thirds vote.

Mr. RANDALL. In either event.

SAINT CROIX AND BAYFIELD RAILROAD COMPANY.

The next business on the Speaker's table was the bill (S. No. 654) to extend the time for the completion of a railroad from the Saint Croix River or Lake between townships 25 and 31, to the west end of Lake Superior, and to Bayfield, in the State of Wisconsin.

Mr. SPEER. I object to that bill.

Mr. SAWYER. I think there can be no objection to it.

Objection being made, the bill remained on the Speaker's table.

JAMES S. DAY.

The next business on the Speaker's table was the bill (S. No. 277) making an appropriation for the payment of $792.46, due the late James L. Day, of Connecticut, for transporting the mails over post-route No. 8151.

Mr. WILLARD, of Vermont. I think that bill should be referred to the Committee on the Post-Office and Post-Roads.

Mr. STARKWEATHER. I object to its reference.

Objection being made, the bill remained on the Speaker's table.

EDMUND M. RANDOLPH.

The next business on the Speaker's table was the bill (S. No. 443) to provide for the payment of legal services rendered by Edmund M. Randolph to the United States.

Mr. WILLARD, of Vermont. I think that bill should go to the Committee on the Judiciary.

Mr. LUTTRELL. This bill has passed the Senate and has been before the Committee on the Judiciary of this House, and I hope the House will pass it. My friend from Massachusetts [Mr. BUTLER] can explain the bill.

Mr. BUTLER, of Massachusetts. The bill has been passed by our committee once.

Mr. WILLARD, of Vermont. Not this bill?

Mr. BUTLER, of Massachusetts. Yes; the same bill.

Mr. WILLARD, of Vermont. Then I withdraw my objection.

The bill was read.

Mr. RAINEY. I object to the bill.

Objection being made, the bill remained on the Speaker's table.

HAZING AT THE NAVAL ACADEMY.

The next business on the Speaker's table was the bill (S. No. 849) to prevent hazing at the Naval Academy.

Mr. RANDALL. I object to that bill.

Mr. ARCHER. The Committee on Naval Affairs are unanimously in favor of the bill.

Mr. RANDALL. I think it vests too much power in the Superintendent.

Objection being made, the bill remained on the Speaker's table.

PUBLIC PARK AT MACKINAC.

The next business on the Speaker's table was the bill (S. No. 28) to set apart a certain portion of the island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park.

Mr. STARKWEATHER. I object to that bill.

Objection being made, the bill remained on the Speaker's table.

NATHANIEL M'KAY.

The next business on the Speaker's table was the bill (S. No. 142) for the relief of Nathaniel McKay.

Mr. RANDALL. I think that bill should take the same course that bill No. 141 took as the numbers are so near, and I object to its consideration.

Objection being made, the bill remained on the Speaker's table.

LANDS NEAR NASHVILLE, TENNESSEE.

The next business on the Speaker's table was the bill (S. No. 313) to confirm the purchase by the executive department of three acres of land, more or less, in the vicinity of Nashville, Tennessee, known as the site of Fort Houston, and to donate and convey the same to the Fisk University for educational purposes.

Mr. WILLARD, of Vermont. That bill should be referred to some committee.

Mr. HARRISON. I object to its consideration.

Objection being made, the bill remained on the Speaker's table.

AMERICAN FORK RAILWAY COMPANY.

The next business on the Speaker's table was the bill (S. No. 332) granting to the American Fork Railway Company a right of way through the public lands for the construction of a railroad and telegraph.

Mr. ORR objected to the bill, and it remained on the Speaker's table.

SIERRA IRON COMPANY.

The next business on the Speaker's table was the bill (S. No. 514) granting to the Sierra Iron Company a right of way through the public lands for a railroad and telegraph.

Mr. RAINEY objected to the bill, and it remained on the Speaker's table.

LANDS GRANTED TO THE STATE OF OREGON.

The next business on the Speaker's table was the bill (S. No. 624) to authorize the issuance of patents for lands granted to the State of Oregon in certain cases; which was taken up and read a first and second time.

The preamble states that certain lands have heretofore, by acts of Congress, been granted to the State of Oregon to aid in the construction of certain military wagon-roads in said State, and there exists no law providing for the issuing of formal patents for said lands. The bill provides that in all cases where the roads in aid of the construction of which said lands were granted are shown by the certificate of the governor of the State of Oregon, as in said acts provided, to have been constructed and completed, patents for said lands shall issue in due form to the State of Oregon as fast as the same shall, under said grants, be selected and certified, unless the State of Oregon shall by public act have transferred its interests in said lands to any corporation or corporations, in which case the patents shall issue from the General Land Office to such corporation or corporations upon their payment of the necessary expenses thereof; provided that this act shall not be construed to revive any land grant already expired, nor to create any new rights of any kind, except to provide for issuing patents for land to which the State is already entitled.

Mr. WILLARD, of Vermont. I think that ought to go to the Committee on the Public Lands.

Mr. TOWNSEND. The Committee on the Public Lands have examined this bill. It provides for nothing but issuing patents for lands which have already been granted.

The bill was then read a third time, and passed.

URIAH W. BRIGGS.

The next business on the Speaker's table was a bill (S. No. 533) granting a pension to Uriah W. Briggs.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Uriah W. Briggs, of Gorham, New Hampshire, late captain of Company F, Seventeenth Maine Volunteers.

No objection was made, and the bill was read three times, and passed.

HANNAH W. SUMNER.

The next business on the Speaker's table was a bill (S. No. 615) to

increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner, who died March 21, 1863, while in command of the Department of the West.

Mr. RUSK. I move that the bill be referred to the Committee on Invalid Pensions.

No objection was made; and the bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

MARTIN V. JACKSON.

The next business on the Speaker's table was a bill (S. No. 658) granting a pension to Martin V. Jackson.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin V. Jackson, late a first lieutenant in Captain N. J. Roscoe's Company, Second Regiment of Kansas State Militia.

No objection being made, the bill was read three times, and passed.

THOMAS SMITH.

The next business on the Speaker's table was a bill (S. No. 690) granting a pension to Thomas Smith.

Mr. RUSK. Let that bill be referred to the Committee on Invalid Pensions.

No objection being made, the bill was accordingly read a first and second time, and referred to the Committee on Invalid Pensions.

EXAMINATION OF BOUNTY-LAND WARRANTS.

The next business on the Speaker's table was a bill (S. No. 763) to exempt military bounty-land warrants and the lands obtained thereby from sale or execution, or by virtue of any order or decree of court.

Mr. BARBER objected to the bill, and it remained upon the table.

PENSION BILLS.

The following bills were taken from the Speaker's table, read a first and second time, and, on motion of Mr. RUSK, referred to the Committee on Invalid Pensions:

A bill (S. No. 767) granting a pension to Andrew J. Lasley;

A bill (S. No. 768) granting a pension to John S. Long;

A bill (S. No. 814) granting a pension to Ebenezer W. Brady; and

A bill (S. No. 874) granting a pension to John Colahan.

PATENTS, TRADE-MARKS, AND COPYRIGHTS.

The next business on the Speaker's table was a bill (S. No. 876) to amend the law relating to patents, trade-marks, and copyrights.

The bill provides that no person shall maintain an action for the infringement of his copyright, unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of fine arts, by inscribing upon some visible portion thereof, or of the substance on which the same shall be mounted, the following words, namely: "Entered according to the act of Congress, in the year ——, by A B, in the office of the Librarian of Congress, at Washington;" or, at his option, the word "copyright," together with the year the copyright was entered, and the name of the party by whom it was taken out, thus, "copyright, 18—, by A B."

The second section provides that for recording and certifying any instrument of writing for the assignment of a copyright, the Librarian of Congress shall receive from the persons to whom the service is rendered, one dollar; and for every copy of an assignment, one dollar; said fee to cover in either case a certificate of the record, under seal of the Librarian of Congress; and all fees so received shall be paid into the Treasury of the United States.

The third section provides that in the construction of this act the words engraving, cut, and print shall be applied only to pictorial illustrations of works connected with the fine arts; and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office; and the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyrights of prints, except that there shall be paid for recording the title of any print or label not a trade-mark three dollars, which shall cover the expense of furnishing a copy of the record, under the seal of the Commissioner of Patents, to the party entering the same.

The fourth section repeals all laws and parts of laws inconsistent with the foregoing provisions.

The fifth section provides that this act shall take effect on and after the 1st day of August, 1874.

Mr. CONGER. I am instructed by the Committee on Patents to ask that this bill be passed with an amendment which I will propose.

Mr. WILLARD, of Vermont. Can that be done?

The SPEAKER *pro tempore*, (Mr. WHEELER.). Only by unanimous consent.

Mr. FRYE. This bill has already been examined by the Joint Committee on the Library and also by the Committee on Patents, and they recommend its passage.

Mr. CONGER. The Committee on Patents propose to amend the bill by increasing the fee to be paid for recording the title of any print or label not a trade-mark from three to six dollars.

The SPEAKER *pro tempore*. That will require unanimous consent.

Mr. CONGER. I ask consent for that purpose, and that the bill, as amended, be then passed.

No objection was made, and the amendment was agreed to, and the bill, as amended, passed.

THOMAS HUGHES.

The next business on the Speaker's table was the bill (S. No. 875) for the relief of Thomas Hughes.

The bill was read.

Mr. WILLARD, of Vermont. I think that bill ought to be referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa. Let it remain where it is.

The SPEAKER. The bill will be returned to the Speaker's table.

DANIEL S. MERSHON, JR.

The next business on the Speaker's table was the bill (S. No. 134) for the relief of Daniel S. Mershon, jr.

Mr. LAWRENCE. That bill should go to the Committee on War Claims.

Mr. WILLARD, of Vermont. I think it should be referred to the Committee on Naval Affairs.

The SPEAKER. The bill will be returned to the Speaker's table.

NAVAL MONUMENTS.

The next business on the Speaker's table was the bill (S. No. 711) providing for the completion and location of the naval monument.

The bill was read.

Mr. KILLINGER objected, and the bill remained on the Speaker's table.

JOHN W. TRUITT.

The next business on the Speaker's table was the bill (S. No. 877) granting a pension to John W. Truitt; which was read a first and second time, and, on motion of Mr. RUSK, referred to the Committee on Invalid Pensions.

LIVANNA INGRAHAM.

The next business on the Speaker's table was the bill (S. No. 536) granting a pension to Livanna Ingraham; which was read a first and second time, and, on motion of Mr. RUSK, referred to the Committee on Invalid Pensions.

G. B. TYLER AND E. H. LUCKETT.

The next business on the Speaker's table was the bill (S. No. 844) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham; which was read a first and second time, and, on motion of Mr. WILLARD, of Vermont, referred to the Committee on Claims.

BRIDGE ACROSS THE POTOMAC, EASTERN BRANCH.

The next business on the Speaker's table was the bill (S. No. 758) to authorize and provide for the construction of a substantial iron and masonry bridge and of a causeway across the Anacostia or Eastern Branch of the Potomac River, at or near the site of the present navy-yard bridge.

Mr. RAINEY objected, and the bill was returned to the Speaker's table.

JOHN M'HARG.

The next business on the Speaker's table was the bill (S. No. 452) for the relief of John McHarg, late collector of internal revenue for the fifth collection district of New York; which was read a first and sneond time, and, on motion of Mr. WILLARD, of Vermont, referred to the Committee on Claims.

JOHN T. SMITH.

The next business on the Speaker's table was the bill (S. No. 448) for the relief of John T. Smith; which was read a first and second time, and, on motion of Mr. WILLARD, of Vermont, referred to the Committee on Naval Affairs.

MEDALS FOR OFFICERS OF THE UNITED STATES SHIP MONOCACY.

The next besiness on the Speaker's table was the bill (S. No. 870) giving the assent of Congress to the acceptance by the officers of the United States ship Monocacy of silver medals presented to them by the King of Siam; which was read a first and second time.

The bill gives the consent of Congress to the acceptance by the officers of the United States ship Monocacy of the silver medals presented to them by the King of Siam on the occasion of the recent interchange of civilities between His Majesty and the officers of said ship representing the United States.

The bill was ordered to a third reading, read the third time, and passed.

MARGARET E. ALEXANDER.

The next business on the Speaker's table was the bill (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private of Company K, Eighth Regiment of Indiana Volunteers, known as the Thirty-ninth Indiana Regiment; which was read a first and second time, and, on motion of Mr. WILLARD, of Vermont, referred to the Committee on Invalid Pensions.

VAN R. MORGAN.

The next business on the Speaker's table was the bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia.

Mr. RAINEY objected, and the bill remained on the Speaker's table.

JOHN JULIUS GUTHERIE.

The next business on the Speaker's table was the bill (S. No. 252) to remove the disabilities of John Julius Gutherie.

Mr. RAINEY objected, and the bill remained on the Speaker's table.

HAYTIAN BRIG MARGARETTA.

The next business on the Speaker's table was the bill (S. No. 535) for the relief of the owners of the Haytian brig Margaretta or their legal representatives; which was read a first time, and, on motion of Mr. WILLARD, of Vermont, referred to the Committee on Claims.

UNITED STATES NAVY.

The next business on the Speaker's table was the bill (S. No. 716) for the better government of the Navy of the United States; which was read a first time, and, on motion of Mr. ARCHER, referred to the Committee on Naval Affairs.

FIRST PRESBYTERIAN CHURCH, SALT LAKE CITY.

The next business on the Speaker's table was the bill (S. No. 677) to incorporate the First Presbyterian church of Salt Lake City, in the Territory of Utah; which was read a first and second time.

Mr. O'NEILL. I hope that this bill will be passed now.

Mr. WILLARD, of Vermont. I move the reference of the bill to the Committee on the Territories.

The bill was so referred.

AMENDMENT OF AN APPROPRIATION ACT.

The next business on the Speaker's table was the bill (S. No. 460) to amend an act entitled "An act to make appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1871; which was read a first and second time.

Mr. KASSON. If the bill be read I think there will be no objection to passing it.

Mr. RANDALL. I ask that it be referred to the Committee on the Judiciary.

The bill was so referred.

C. L. STEPHENSON.

The next business on the Speaker's table was the bill (S. No. 906) for the relief of C. L. Stephenson, of Virginia, of his political disabilities.

Mr. RAINEY objected, and the bill was returned to the Speaker's table.

DISTRICT COURTS IN LOUISIANA.

The next business on the Speaker's table was the bill (S. No. 88) for the better organization of the district courts within the State of Louisiana.

Mr. WILLARD, of Vermont. This bill ought to be referred to the Committee on the Judiciary.

Mr. MOREY. I object to the reference.

The bill was returned to the Speaker's table.

ERRORS IN PRIZE-LISTS.

The next business on the Speaker's table was the bill (S. No. 907) authorizing correction to be made in errors in prize-lists; which was read a first and second time, and, on motion of Mr. ARCHER, referred to the Committee on Naval Affairs.

UNITED STATES COURTS IN WISCONSIN.

The next business on the Speaker's table was the bill (S. No. 693) to change the time for holding the circuit and district courts of the United States for the eastern district of Wisconsin at Oshkosh; which was read a first and second time.

Mr. SAWYER. I hope that this bill will be passed now.

The first section of the bill provides that the time of holding the circuit and district courts of the United States for the eastern district of Wisconsin, at Oshkosh, be on the second Tuesday of July of each year instead of the first Monday of July, as now provided by law; and that all recognizances, indictments, writs, process, and other proceedings, civil and criminal, now pending in either of said courts, may be entered, heard, and tried at the time fixed by the bill for holding such courts.

The second section provides that this act shall not interfere with the terms of such courts appointed to be holden at Milwaukee, in that district, nor with the power now possessed by the judges of such courts to order special terms of the same as now provided by law.

DIPLOMATIC SERVICE.

Mr. SENER withdrew his objection to taking from the Speaker's table an amendment of the Senate to the bill (S. No. 3073) to amend section 19 of the act approved August 18, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States."

The amendment of the Senate was read, as follows:

Amend so as to make the bill read as follows:

That no embassador, envoy extraordinary, minister plenipotentiary or minister resident, commissioner to any foreign country, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter to any legation in any foreign country, consular-general, consul, commercial agent, consular pupils, or consular agent shall be absent from his post or the performance of his duties for a longer period than ten days at any one time, without the permission previously obtained of the President. And no compensation shall be allowed for the time of any such absence in any case except in cases of sickness; nor shall any diplomatic or consular officer correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States; nor, without the consent of the Secretary of State previously obtained, recommend any person at home or abroad for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind from any such government.

The amendment was concurred in.

NATHANIEL M'KAY.

Mr. RANDALL withdrew his objection to taking from the Speaker's table the bill (S. No. 142) for the relief of Nathaniel McKay.

The SPEAKER. If there be no objection, the bill will be referred to the Committee on Ways and Means.

Mr. DAWES. That committee has already acted on the bill and recommend its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

THOMAS HUGHES.

On motion of Mr. WILSON, of Iowa, by unanimous consent, the bill (S. No. 875) for the relief of Thomas Hughes was taken from the Speaker's table, read a first and second time, and referred to the Committee on War Claims.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

The SPEAKER. The gentleman from Virginia is entitled to the floor on a motion in reference to the business of the Committee on Public Buildings and Grounds.

Mr. PLATT, of Virginia. Not wishing to antagonize the business of the Committee on Appropriations, I have had a consultation with the chairman of that committee, and now move, with his concurrence, that there shall be a session on Monday evening next at seven and a half o'clock for the consideration of bills from the Committee on Public Buildings and Grounds, to be considered in the House to the exclusion of all other business.

Mr. WILLARD, of Vermont. Let them be considered and discussed in the House as in Committee of the Whole.

Mr. PLATT, of Virginia. I do not know whether I can accept that amendment.

The SPEAKER. Is there objection to the proposition that on Monday next at seven and a half o'clock there shall be a session for the consideration of business from the Committee on Public Buildings and Grounds in the House as in Committee of the Whole?

Mr. PLATT, of Virginia. What I wish is to have the bills considered in the House without being liable to points of order.

The SPEAKER. And that is the only way in which it can be done, that the bills shall be considered in the House as in Committee of the Whole, which will give five minutes, *pro* and *con* until the House orders the previous question.

Mr. PLATT, of Virginia. That is just what I want, and I move to suspend the rules for that purpose.

The motion was agreed to, (two-thirds voting in favor thereof) and an evening session was ordered for Monday evening next for the business of the Committee on Public Buildings and Grounds, to be considered in the House as in Committee of the Whole to the exclusion of all other business.

ENROLLED BILL.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported they had examined and found to be truly enrolled an act (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes; when the Speaker signed the same.

WASHINGTON NATIONAL MONUMENT.

Mr. ELDREDGE. I move to suspend the rules and adopt the following resolution:

Resolved, That it shall be in order to move an amendment to the sundry civil appropriation bill in Committee of the Whole providing for an appropriation of $75,000 to aid in the completion of the Washington national monument by the one hundredth anniversary of American independence, with the proviso that the Washington Monumental Association be required to reconvey to the United States reservation No. 3 in the city of Washington, on which the monument now stands.

Mr. WARD, of Illinois. I object.

The question recurred on seconding the motion to suspend the rules.

Mr. WARD of Illinois, and Mr. ELDREDGE were appointed tellers.

The House divided; and the tellers reported—ayes 106, noes 55.

So there was a second.

Mr. ELDREDGE demanded the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 85, not voting 56; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Bass, Beck, Berry, Bland, Bowen, Bradley, Bright, Brown, Burrows, Roderick R. Butler, Caldwell, John B. Clark, jr., Freeman Clarke, Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Crounse, Curtis, Darrall, Duell, Dunnell, Durham, Eames, Eden, Eldredge, Foster, Freeman, Frye, Giddings, Glover, Hagans, Eugene Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, George F. Hoar, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunton, Hynes, Jewett, Kelley, Kellogg, Kendall, Knapp, Lamar, Lansing, Lawson, Leach, Lofland, Lowndes, Luttrell, Magee, Marshall, Maynard, Alexander S. McDill, MacDougall,

McLean, Milliken, Mills, Monroe, Morrison, Myers, Nesmith, Niblack, Nunn, O'Brien, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Randall, Ransier, Read, Rice, Richmond, Ellis H. Roberts, James C. Robinson, Milton Sayler, John G. Schumaker, Sener, Lazarus D. Shoemaker, Sloan, Sloss, George L. Smith, H. Boardman Smith, J. Ambler Smith, Southard, Speer, Standiford, Starkweather, Storm, Swann, Christopher Y. Thomas, Thornburgh, Todd, Townsend, Tremain, Vance, Wallace, Wheeler, White, Whitehead, Whitehouse, Whiteley, Whitthorne, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, Wilshire, James Wilson, Wolfe, Wood, Woodford, and John D. Young—143.

NAYS—Messrs. Albert, Averill, Barber, Barrere, Begole, Bell, Biery, Blount, Bromberg, Buckner, Buffinton, Bundy, Burchard, Cain, Cannon, Cason, Amos Clark, jr., Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Crooke, Crutchfield, Danford, Dawes, Dobbins, Donnan, Field, Fort, Garfield, Gooch, Gunckel, Henry R. Harris, Havens, John B. Hawley, John W. Hazelton, E. Rockwood Hoar, Hunter, Hurlbut, Hyde, Kasson, Killinger, Lawrence, Loughridge, Lowe, Lynch, Martin, James W. McDill, McJunkin, McNulta, Merriam, Neal, Orr, Orth, Packard, Packer, Page, Pierce, Potter, Pratt, Rainey, Rapier, Ray, James W. Robinson, Ross, Sawyer, Henry B. Sayler, Henry J. Scudder, Shanks, Sherwood, Small, A. Herr Smith, John Q. Smith, Sprague, Stanard, Stone, Strait, Strawbridge, Tyner, Waldron, Walls, Jasper D. Ward, Wells, Charles W. Willard, and Jeremiah M. Wilson—85.

NOT VOTING—Messrs. Albright, Banning, Barnum, Barry, Burleigh, Benjamin F. Butler, Cessna, Clayton, Clinton L. Cobb, Cotton, Crocker, Davis, DeWitt, Elliott, Farwell, Robert S. Hale, Hays, Herndon, Hersey, Holman, Lamison, Lamport, Lewis, McCrary, McKee, Mitchell, Moore, Morey, Negley, Niles, O'Neill, Phelps, Phillips, Robbins, William R. Roberts, Rusk, Scofield, Isaac W. Scudder, Sessions, Sheats, Sheldon, Smart, William A. Smith, Snyder, Stephens, St. John, Stowell, Sypher, Taylor, Charles R. Thomas, Waddell, Marcus L. Ward, Wilber, Ephraim K. Wilson, Woodworth, and Pierce M. B. Young—56.

So (two-thirds not having voted in favor thereof) the rules were not suspended.

MONUMENT TO THE MOTHER OF WASHINGTON.

Mr. MAYNARD. I desire to say that the Committee on the Washington Monument, to whom was referred the subject of completing the unfinished monument to the mother of Washington, have examined that question, and if this resolution had carried we would have asked that a very small appropriation should be made to finish that long-unfinished work. But taking the vote just given as an expression of the sense of the House I shall not now press that.

ORDER OF BUSINESS.

Mr. GARFIELD. I move that the rules be suspended and that the House resolve itself into Committee of the Whole for the consideration of the sundry civil appropriation bill.

Mr. COX. I ask unanimous consent to report from the Committee on Foreign Affairs a bill agreed to unanimously by that committee with reference to ocean telegraphs.

Mr. ALBRIGHT. I object.

Mr. COX. The gentleman objects before he knows what it is. I move so to suspend the rules that I may have leave to report this bill. It is the first time I have asked for a suspension of the rules this session. I am authorized by the Committee on Foreign Affairs, which has had no show hitherto.

Mr. GARFIELD. I insist on my motion.

The SPEAKER. It is the duty of the Chair in a conflict as to the order of business to give preference to public business so far as to submit to the House a motion for its consideration.

Mr. COX. This is a general public bill.

The SPEAKER. It is not technically public business.

Mr. COX. It is a bill to regulate the whole ocean telegraph business of the United States.

The SPEAKER. The Chair will see that the gentleman is recognized upon his bill. Meanwhile he must submit to the House the motion of the gentleman from Ohio.

Mr. GARFIELD. Pending the motion to go into Committee of the Whole, I move that when the House shall resolve itself into Committee of the Whole on the bill the first reading be dispensed with, and that the committee shall proceed to consider the bill by paragraphs for amendment under the five-minute rule.

The motion was agreed to.

The question being taken on the motion that the rules be suspended and that the House resolve itself into Committee of the Whole on the special order, the motion was agreed to.

MISCELLANEOUS APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, (Mr. DAWES in the chair,) and proceeded to consider the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

The CHAIRMAN. By order of the House the first reading of the bill and all general debate thereon have been dispensed with.

Mr. GARFIELD. The Committee on Appropriations, as in other cases, have submitted a printed report in connection with this bill, giving all the documents and vouchers relating to it not found in the Book of Estimates. It is Report No. 636, and gentlemen can get it by sending to the document-room.

The Clerk proceeded to read the bill by paragraphs for amendment, and read the following:

Public printing and binding:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, $1,645,507.66; and out of the sum hereby appropriated, printing and binding may be done by the Congressional Printer to the amounts following, namely:

For the Court of Claims, $10,000; for the Department of State, $25,000; for the Treasury Department, $325,000; for the War Department, $100,000; for the Navy Department, $75,000; for the Interior Department, $225,000; for the Agricultural Department, $20,000; for the Department of Justice and the Attorney-General's office, $10,000; for the Supreme Court of the United States, $25,000; for the supreme court of the District of Columbia, $5,000; for the Post-Office Department, $175,000; and for both Houses of Congress, $650,507.66; and the amounts herein designated for the several Executive Departments may be distributed to the Bureaus thereof at the discretion of the head of each Department, who shall certify such distribution to the Public Printer; and wages paid to printers and binders in the employ of the Government shall not be above the average price paid for similar work in the cities of New York, Philadelphia, and Baltimore.

Mr. MYERS, and Mr. HAWLEY of Connecticut, rose.

The CHAIRMAN. The gentleman from Connecticut [Mr. HAWLEY] has the floor.

Mr. HAWLEY, of Connecticut. I offer the following amendment:

Strike out from line 34 to line 37, as follows:

And wages paid to printers and binders in the employ of the Government shall not be above the average price paid for similar work in the cities of New York, Philadelphia, and Baltimore.

Mr. COBURN. I rise to a question of order. I wish to inquire of the Chair whether that clause would not be subject to a point of order, inasmuch as it changes existing law?

The CHAIRMAN. The Chair thinks not.

Mr. COBURN. I should like to have the law read before the point of order is decided.

The CHAIRMAN. The Chair thinks that the clause is simply a limitation on the appropriation. It is upon that ground that the Chair overrules the point of order.

Mr. HAWLEY, of Connecticut. I move to strike out that clause, because I prefer to leave the settlement of this question to the Public Printer and the printers. I do not think it wise to attempt to bind the Public Printer by any fixed rules. If he is fit to hold his place he ought to be capable of employing these thousand men and of negotiating with them as to their proper wages. I think there is reason in the claim made by the printers, that they ought not to be confined to the average prices paid in the three cities named in this paragraph. I think so because, in the first place, it is more expensive to live here than in Baltimore and Philadelphia, and probably New York. In illustration of this, let me mention that there are printers who now work here in this city who pay $140 a year for a commutation ticket, making their homes in Baltimore, because they can pay for a commutation ticket and can live cheaper in Baltimore than in Washington.

Moreover you want to have a class of workmen above the average to do this work. There is a large portion of it which is difficult and requires very capable workmen; as for example, as any printer will know, in the work of the Coast Survey, the Nautical Almanac, (astronomical work,) the Observatory printing, the work of the Smithsonian, the Ordnance Department, the Land Office, the Signal Office, the geological and botanical work, the catalogues of the library. All this is very difficult printers' work. The men have to correct their own work, and ought to have a much higher price for it than the average wages in those cities. They earn it.

Every hour of lost time is deducted. Of course that is all well enough, and we find no fault with it; but I am trying to get at what their wages are as compared with those paid in New York, Philadelphia, and Baltimore. In Philadelphia and Baltimore they get eighteen dollars a week, and in New York twenty-one dollars a week, and here twenty-four dollars a week. I think that is only a reasonable price. Here they work one-fifth less hours than they do in those cities, and their pay will consequently be one-fifth or 20 per cent. less; so that if you reduce their pay down to the average of these cities, it will amount to but $15.20 a week. But, Mr. Chairman, it is impossible to state this matter in five minutes.

[Here the hammer fell.]

Mr. MYERS. I rise to a point of order.

Mr. HAWLEY, of Connecticut. I have not talked five minutes; I have only talked three minutes. I have had my watch in my hand all the time; I commenced at fourteen minutes past one o'clock, and it is now just seventeen minutes past one.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. MYERS. I rose to make the point of order before the gentleman from Connecticut got the floor, but was not recognized.

Mr. HAWLEY, of Connecticut. I claim the floor on the ground that my time has not expired.

The CHAIRMAN. The Chair rules that the gentleman's five minutes had expired.

Mr. MYERS. If I do not lose the right to make the point of order, I am willing to yield to the gentleman from Connecticut.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. MYERS. My point of order is that the lines which my friend from Connecticut moves to strike out change the existing law and are not in order, and I send the law to the Clerk's desk to be read.

Mr. GARFIELD. The point of order comes too late even if it were well taken.

Mr. MYERS. I rose before the gentleman from Connecticut offered his amendment, and I ask that the law be read.

The CHAIRMAN. The Chair thinks the point of order comes too late. The gentleman from Connecticut [Mr. HAWLEY] has moved an amendment to strike out these lines and has spoken on that amendment. He thinks that he spoke only four minutes; but the Chair thinks he spoke five minutes.

Mr. HAWLEY, of Connecticut. No; I spoke only three minutes; there is no mistake about that.

Mr. MYERS. I do not waive my right to raise the point of order; but I want the law read.

Mr. HAWLEY, of Connecticut. Only a portion of my time had expired.

The CHAIRMAN. The Chair rules that the gentleman's time had expired, and the gentleman from Ohio is entitled to the floor.

Mr. GARFIELD. I yield two minutes of my time to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY, of Connecticut. Printers here who work by the hour get sixty cents per thousand ems, and they work at all hours in the night or day. Now the printers in New York who work on morning papers get fifty-five cents per thousand ems; but the printers here work more irregularly than in New York. The general body of the printers here work by the week at twenty-four dollars a week. If you paid them by the piece they would earn much more money. The work which is done so irregularly in this Public Printing Office upon the RECORD must be done by the piece. I say then that because the work done is of a higher class and requires a higher class of workmen, and because the expense of living is so much greater here, it is not just to pass this bill and arbitrarily cut down the pay of these men. Let the Public Printer make his bargain with them as he best can.

It is said that the printers' union here have dictated too high terms. Sir, the terms under which these men are working were made ten years ago, when the printers in the Government employ did not constitute a majority of the union and these terms were agreed upon then by a Government Printer, being a lower rate than the printers at that time demanded. The rate has not been changed by any arbitrary action of theirs within a short period as might be inferred.

Mr. GARFIELD. I simply desire the House to understand the merits of this question as well as I can state them in three minutes. There is a union here known as the printers' union, and another corresponding union known as the binders' union, and one of their rules is that they shall control the number of apprentices allowed to learn their trade, and after the limit fixed by them is reached no one in the United States can be permitted to learn that particular trade and any employer who employs a greater number of apprentices than they allow is thrown out of relations with the union. Thus they limit the number of persons who can be employed in their particular craft.

In the next place, it is a rule of the printer's union that any chapter of the union may fix the rates of wages, the rates of pay, within the city where the chapter is located. It so happens that in the city of Washington a majority of all the printers and binders belonging to the union are employed at the Government Printing Office. Therefore, when these employés of the Government vote for any particular figure or rate of pay, that governs not only the pay in the Government Printing Office where they are employed, but the pay for all the printing, public or private, done in this city.

Mr. HAWLEY, of Connecticut. It takes a two-thirds vote to fix the rate of pay.

Mr. GARFIELD. Let it be so.

Mr. HAWLEY, of Connecticut. And the present rate was fixed ten years ago.

Mr. GARFIELD. In 1864, when gold was 285, and when a dollar in paper here in Washington was worth just thirty-eight cents in gold, and when the prices of everything had reached their top figure, the rate of wages which the Government Printing Office is now paying was fixed. I would not, by any legislation or otherwise, deprive this very worthy class of citizens of all the pay which they ought to receive. I would not do anything that in the slighest degree would damage their business interests as laboring men. But is it fair to the whole class of persons who are compelled to employ this class of workingmen, and to have printing or binding done and pay for it—is it fair that the Government Printing Office should establish rates of pay or allow those rates to be established independent of its own will, and have those rates govern all the printing and binding done in this city outside of the Government printing establishment?

Furthermore, is it fair that the rate of pay in this city of Washington should be established at from 15 to 20 per cent. higher than it is in Baltimore, Philadelphia, or New York?

[Here the hammer fell.]

Mr. GARFIELD. Allow me a moment more. If it is thought that, for certain reasons, there ought to be a higher rate of pay given here than in those cities, then provide that the rate of pay shall be not more than so much in excess of the average in those cities. But, at any rate, let us, as one of the parties concerned, be consulted about the rate of pay which we shall give to these our employés.

Mr. HAWLEY, of Connecticut. The Government Printer has full power over that matter now.

Mr. BUTLER, of Massachusetts. I am somewhat surprised at this special legislation against a body of citizens. Whenever Congress goes to work to fix the rate of interest which bonds of the Government shall bear, those bonds having been bought at thirty-eight cents in gold on the dollar, and Congress by intervening legislation having raised the value of those bonds to 110—when Congress shall establish a lower rate of interest to be paid on these bonds, then I shall be more willing to fix the wages of the printers and the other laborers of the country at a lower rate than is now paid here. But when it is permitted to capitalists to come together and organize for the purpose of protecting their own capital, and they can come to Congress and obtain the passage of laws for that purpose, I for one can see no objection to the printers, and the binders, and the carpenters, and the shoemakers, and all the other different classes of workingmen, organizing together for their own protection against capital. And I was sorry to hear my friend, the chairman of the Committee on Appropriations, say that this law meant that these men should not organize for their own protection.

Mr. GARFIELD. O, no; not at all. They have a perfect right to organize, and we have a perfect right for our own part to pay what wages we please.

Mr. BUTLER, of Massachusetts. Yes, they have a perfect right to organize, and then we have a perfect right by congressional legislation to prevent their deriving any benefit from that organization.

Mr. GARFIELD. O, no.

Mr. BUTLER, of Massachusetts. Then what is this legislation for?

Mr. GARFIELD. It is to prevent their getting higher wages than is paid to others of the same craft for the same work.

Mr. BUTLER, of Massachusetts. I am willing that they should organize and get more pay if they can in the Government Printing Office. I am willing for several reasons; the first is this: they should have higher pay in Washington than anywhere else, because there is no other place in the country where these men have to pay so high rates of rent and board as in Washington. While perhaps a man can live here cheaper, leaving out the rent, than he can in some other cities, yet there is no place where the item of rent is so high as it is here.

Then there is another reason. It happens that almost two-thirds of all the printers and binders in Washington are in Government employ. They are but intermittently employed. If we vote the publication of a large number of books, then they are employed right on until those books are printed. If we decrease the number to be published, then their work is stopped. And when the work in the Government Printing Office is stopped, there is nobody else to employ them, and they must leave; they must pack up their household effects and go away to some other place to find work, or else wait here until they are called back to the Government Printing Office by some further order of Congress for the publication of documents. In fact Washington is only a winter watering place for these printers and binders. When Congress goes away in the summer nothing is done. All classes of artisans have to lie over from one session to another. And this is what makes rents so high during the session; we have to pay for six months what elsewhere would be the rent for a year. If Government work stops there is no redress for these men. In New York City, for instance, when work stops in one private establishment the printer can go to another, or a third, or a fourth, or a fifth; but there is substantially no business of this kind done here. When Government work stops here, the poor artisan must travel from city to city seeking work, or he must wait until the time for work comes around again. Therefore we ought to pay higher rates than are paid in other cities. For these reasons, I hope this provision will be struck out of the bill.

Mr. MYERS. As I understand, this provision has been put in the bill by the committee because certain outside parties in this city want to pay less to their employés than they are now paying. Now we have on the statute-book a law with which the provision reported in this bill conflicts. I wanted, therefore, to make a point of order upon the provision, but was prevented from doing so. I will, however, read the provision of existing law:

> It shall be the duty of the Congressional Printer to contract with persons in that employment at such prices as are for the interest of the Government and just to those employed.

The printers' union fixes four dollars a day as the price to be paid in this city. It is a little higher than the prices paid in other cities where, it is true, living is not so high. But does the Government lose anything by it? No, sir. The printers are allowed sixty cents per thousand ems; the work is measured off; and whether they work eight hours a day, or more, or less, they receive at the end of the month their pay for the work they have done.

Now, this is really not an attempt to benefit the Government, but an effort of outside printers who wish to pay their employés less than they are now paying them. The price fixed by the union in this city is four dollars a day, because the cost of living is higher here than in other cities. It would be unjust and contrary to the spirit of the law to attempt to make Congress the medium for legislating as to the price to be paid by private employers. If you reduce the price to three dollars a day you will get just three dollars' worth of work, measured by the thousand ems. That is a clear statement of the case; and it is the whole case.

Mr. BUTLER, of Massachusetts. I withdraw my amendment.

Mr. DONNAN. I renew the amendment. The gentleman from Connecticut [Mr. HAWLEY] insists that this provision should be stricken from the bill for the reason that the work required by the Government of its printers in this city is peculiar work for which higher

wages would be paid in the cities named. Now, I suggest to him that the provision of the bill is that the wages of these persons in the employment of the Government shall not be "above the average price paid for similar work in the cities of New York, Philadelphia, and Baltimore"—"similar work." Therefore the entire argument of the gentleman on this point falls to the ground.

It seems to me that the objection to the argument of the gentleman from Massachusetts [Mr. BUTLER] is that it leaves Congress in respect to its printing work in the power of the printers' union. The gentleman from Pennsylvania [Mr. MYERS] makes a similar mistake. He undertakes to tell us that this matter makes no difference to the Government, because these men are paid by the thousand ems, and therefore whether they work more or fewer hours the Government loses nothing. The gentleman is entirely mistaken in his theory. The trouble lies in fixing the price per thousand ems. The price now fixed, sixty cents per thousand ems, is from 25 to 50 per cent. higher than the price in the cities named. Now, I insist that it is our duty to the Government to see that some certain fair price shall be fixed. The gentleman from Pennsylvania says the matter should be left where it now is—in the hands of the Congressional Printer; that he can control it. No, sir; the great difficulty is that the printers control him. They have a union which embraces a majority of all the printers in this city; consequently the price at the Government Printing Office controls the price paid for printing throughout the city. So long as you maintain the price at sixty cents per thousand ems this union controls not only the Congressional Printer but also all others employing printers in this city; because if the Congressional Printer deems it unfair to the Government to employ printers at sixty cents per thousand ems, every printer in the city belonging to this union, and of course standing by its rules, will decline to work for the Government, and thus the Congressional Printer, who is obliged to get work executed for Congress, is left helpless.

Mr. MYERS. I state it as a fact that before the present arrangement was made many of these printers received thirty or forty dollars a week; now they can make but twenty-four dollars a week.

Mr. DONNAN. I do not know what their present pay amounts to; I only know that they are receiving from 25 to 50 per cent. higher wages than printers are receiving for similar work in the cities of Baltimore, Philadelphia, and New York. I hope, therefore, that the Committee of the Whole will stand by the proposition submitted in the bill. I do not believe there is any material difference between the cost of living in this city and the cost in the cities named. There is at any rate no difference corresponding with the difference made by the printers' union in the price of work. I submit a table exhibiting the comparative prices of coal, provisions, &c., in the cities of New York and Philadelphia as compared with Washington:

Commodities.	New York.	Philadelphia.	Washington.
Flour, per barrel	$9 00@$12 00	$10 00@$11 00	$8 00@$11 00
Coal, per ton	7 00@ 7 50	7 00@ 8 00	8 00@ 10 00
Coffee, green, per pound	20@ 30	35@ 45	27@ 40
Coffee, roasted, per pound	30@ 45	40@ 55	30@ 45
Ham, per pound	15@ 20	15@ 17	16@ 18
Beef, per pound	8@ 30	20@ 25	8@ 20
Fresh pork, per pound	10@ 12	14@ 15	10@ 13
Butter, per pound	30@ 45	40@ 60	35@ 50

If, in the judgment of the Committee of the Whole, 5 per cent. should be added in consideration of the average difference in the cost of living, then let that limitation be specified; but let us not maintain the present prices, which are from 25 to 50 per cent. higher than those prevailing in neighboring cities; a system not only expensive to the Government, but to all other printing establishments in this city.

Mr. COBURN. What is the price paid in other cities?

Mr. DONNAN. I have a schedule at my room and had intended to have it here; but the prices paid by the Government in this city are from 25 to 50 per cent. higher.

Mr. LAWRENCE. I wish to inquire whether a printer working eight hours a day at the present rates receives as much pay as a first-class clerk in one of the Departments?

Mr. BUTLER, of Massachusetts. Why should he not?

Mr. DONNAN. I presume he receives as much working eight hours a day as he did formerly working ten hours a day.

Mr. LAWRENCE. I do not believe that a printer ought to get less than a first class clerk.

Mr. DONNAN. I hope we shall not longer continue the present expensive system.

Mr. KELLOGG. I ask for the reading of a petition which I send to the Clerk's desk.

The Clerk read as follows:

To the House of Representatives:

We, the undersigned practical printers in the city of Washington, respectfully petition your honorable body to stay further proceedings in relation to fixing by law a scale of prices for work performed in any and all mechanical establishments carried on by the Government of the United States; because we hold it to be class legislation, in that it takes the side of capital against labor; that it would establish a bad precedent for the national Government to enact by law a standard of wages for the skilled labor of its citizens; that it would be unfair and unwise to pass a law which would, we believe, in principle, array the General Government against the toiling millions of the nation. Labor should be free to fix and regulate its value on the principles of justice, to be determined from time to time by the employer and employé.

And your petitioners will ever pray, &c.

Mr. KELLOGG. I yield the remaining portion of my time to my colleague.

Mr. HAWLEY, of Connecticut. I want to give emphasis to this point. The work of these men is exceedingly irregular. Just now we may be ordering great volumes printed, making extraordinary demands on the Government Printing Office at a time. While they now may work all the night through and on Sundays, yet a few weeks or months hence there will not be work enough or quarter enough for them all. It is not right to calculate their earnings for a year upon the basis of their possible earnings for a day when they have plenty to do. We must recollect here are men with families to support who while they have a great deal to do at one time have but very little to do at other times. If you wish to make a law that they shall have only the average wages of New York, Philadelphia, and Baltimore, then put into the bargain a guarantee that they live as cheaply and have as steady work as they might have in those cities.

I wish to call the attention of the House to the law of July 20, 1868, which is still upon the statute-book:

That all laws and parts of laws that regulate the prices of labor in the Government Printing Office be, and the same are hereby, repealed; and it shall be the duty of the Congressional Printer to contract with the persons in that employment at such prices as are for the interest of the Government and are just to those employed.

That is a correct law. It is now the law, and this is really an irregular attempt to repeal existing law, an attempt made in a way discouraged by our rules.

The prices paid here are not too high. The daily morning papers of New York pay fifty-five cents a thousand when men work through the night, or fifty cents when part of the work is done in the afternoon. You pay on the RECORD sixty cents. On regular book-work, for a regular fair day's work that may last all the year round, a compositor gets in New York from forty-six to fifty cents a thousand. Here compositors have irregular work, it may be by day, it may be by night, there may be none at all; and the pay is not higher than it ought to be. A first-class printer in New York gets from twenty-five to thirty dollars a week, and it is not too high to pay these printers here twenty-four dollars a week. The average in New York is twenty-one dollars. These men claim twenty-four dollars, and they ought to have it. If they cannot show each night that they have set up four dollars' worth they lose in proportion. Mr. Clapp, the printer, says that if all the work were paid for by the piece it would have cost $250,000 more. The Senate report says the work is from 25 to 50 per cent. better and cheaper than it was under the contract system. I have some practical knowledge of this matter, employing some printers myself. Sometimes the printers' union fights us, sometimes we fight it; but we make out to arrange terms for ourselves. I do not think Congress ought to step in and interfere with such bargains. If I cannot without the help of special statutes on my side agree with the boys and carry on my business, then I will quit it.

[Here the hammer fell.]

Mr. HALE, of Maine. The gentleman from Massachusetts [Mr. BUTLER] has claimed here to speak for the printers, for the laboring men, as other gentlemen have. They have, as it seems to me, made a mistake men sometimes do make of speaking not for a class but for the loudest of a class—for those who clamor the most.

Now, the committee in this clause of the bill have not sought, I will say to the gentleman from Massachusetts, to antagonize the interests of printers as laboring men, but to make them equal. It does not believe and I do not believe in a privileged printing bureau in Washington to the disadvantage of printers elsewhere. What we seek is to put them all on a level. There is no reason why the printer in the Government Printing Office here should fare better than the printer in the gentleman's town or my town or in any large city.

What is the fact with reference to the privileges the printers enjoy here in the Government Printing Office? In the first place they have the eight-hour rule, and that is a great advantage. In the New York establishments, in the Philadelphia establishments, in the Baltimore establishments, with hardly an exception, the ten-hour rule prevails. When a printer gets into the Government Printing Office he gains two hours.

Now, so far as inequality of work is concerned the observation of the committee is not different here in the Government Printing Office from private estabiishments.

The proof, sir, that the printers here enjoy special privileges is that the Public Printer to-day can get printers from the district represented by the gentleman from Massachusetts, [Mr. BUTLER,] from the district represented by the gentleman from Connecticut, [Mr. HAWLEY,] and from my own State to come here. I myself have had applications—I presume other members have had applications to get printers into the Government Printing Office, because it is what is called a soft place. They are glad to come here. Now, if it be a hardship to work here, if the cost of living be greater than elsewhere, if the privileges enjoyed by the printers in the Public Printing Office are not apparent, why is it that the tide is constantly setting toward Washington? I do not believe that the printer finds that it costs

any more to live here in Washington than in Philadelphia or New York. I do not know how it may be as to Baltimore. Then they have the further privilege that the eight-hour law gives.

What the committee sought here was to put these printers on an average footing with others. It is a fact that for every printer you take on here and put into the Government Printing Office out of every half-dozen that apply, you aggrieve five men where you only please one. The hardship is not that of the printer who has got the place he wants, who will not go out until he is turned out. Who ever heard of any body leaving the Government Printing Office and going to another city? I never did, and I say that we should speak here not for the printer alone who is in the Government Printing Office, but for the half-dozen others that cannot get in. It is a privileged class, and in speaking for the printer here we should bear in mind that there are other printers just as worthy with families to support in and out of printers' unions outside of the city of Washington as there are in the Government Printing Office.

Mr. DUNNELL. I desire to say a word or two in support of the amendment to strike out these lines. I am opposed to this attempted legislation. It seems to me that a single class has been selected in this matter that ought the least to have been selected. You have here in Washington in the employ of the Government a large number of employés. We have $900 clerks, $1,200 clerks, $1,400 clerks, $1,600 clerks, and $1,800 clerks. No attempt has been made in this Congress to cut down the pay of any of these employés. They are to all intents and purposes laborers, laboring for the support of themselves and families. No attempt has been made, I say, to reduce their compensation. But there is selected for a reduction in their salaries a class of laborers who can the least endure it.

I do insist, Mr. Chairman, that it is more expensive to live here than it is in the other cities that are named. I dislike this style of legislation, that we shall fix a scale of compensation by saying that we shall pay here as much as is paid to this class of workmen in the cities of New York, Philadelphia, and Baltimore. The old law is the correct one, that we shall pay what is a just, fair, and reasonable compensation to these employés. If you go to the printing office in the morning, you will find that all the workmen are at their places and at their desks precisely at the proper hour, whatever that hour may be. They are there all the time that they should be there. There is no shirking in the printing department of this Government. But go on the street any time up to half-past ten o'clock and you will find fourteen and sixteen hundred dollar clerks in the street. And go up the avenue any time in the day and you will find every class of clerks leaving the Departments from two and half-past two to three o'clock. These clerks in the Departments work from four hours and a half to six hours a day. We have never attempted to cut down their pay a single mill in this Congress. Now, here are workmen who work by the day and the night, working with their hands and their minds, and it is proposed to cut them down and make them, and them alone, the sufferers by this legislation.

I protest against striking at these men and these women who work in the printing department. They are the hardest worked employés in the Government to-day. You may go to the department and watch their labor. I know some men there who have said to me that they have never toiled in their lives as they have toiled in that department, many of them working night after night until morning. The gentleman from Ohio [Mr. FOSTER] says to me, "Why don't they leave." That is no argument at all. Why may we not ask everybody else to leave? They are here with their families and they are poor, living from hand to mouth. And why should we tell those men to leave? They are entitled to a just compensation for their services.

Mr. BASS. I desire to say a single word.

The CHAIRMAN. No further debate on this amendment is in order.

Mr. BECK. Is an amendment to the amendment in order?

The CHAIRMAN. It is not.

Mr. BECK. What is the amendment?

The CHAIRMAN. To strike out the last word.

The question being taken on the amendment to the amendment, it was not agreed to.

Mr. BECK. I move to strike out the two last words, and I do it for the purpose of saying that I do not think there is much to be made by striking down the pay of the employés in this particular business. The difficulty lies in ordering the printing itself. We are appropriating by this bill $1,645,507.66 for printing. So long as that large sum is allowed to remain in the bill, and that amount of money is expended for printing, of course the expenses of the Government cannot be kept down by pinching the workmen who perform the labor. The large amount of printing authorized and provided for is the source of all the wrongful expenditure.

How is that money spent? It is spent for publishing all sorts of documents in the various Departments, whatever they see fit to publish, and when printed they put their franks upon them and send them out as electioneering documents all over the country. The abolition of the franking privilege has not stopped this abuse nor curtailed it. It is being done to-day, and republican Senators and Representatives are being furnished with electioneering documents under the frank of the heads of these Departments as freely as they were before the pretended reform was inaugurated by abolishing the franking privilege.

A very remarkable debate occurred the other day—I cannot say where, it would be out of order to state the place, but among distinguished republican gentlemen—in which these abuses were being set forth by one member, when another rose in his place and used this language:

Mr. LEWIS. Allow me to make a suggestion to the Senator from Mississippi. He says the franking privilege was abused in the franking of political documents. I say that abuse has not been abolished yet. I have now in my room plenty of documents, not on Government business, but electioneering documents, franked with the official stamp upon them by officers of the Government.

The gentleman to whom that remark was made replied thus:

Mr. ALCORN. But, sir, how stands the fact to-day? You say to the people of the country "The franking privilege has been abolished." The fact stands out that it is not abolished; that every Executive Department of the Government to-day exercises the franking privilege, and there is no check on any of those Departments for the abuses that will necessarily grow up in the service, and actually to-day the abuses that may occur under the privilege which is now vouchsafed to the Departments are greater if anything than at the time the privilege was regulated under the old *régime*. The member of Congress to-day is denied the privilege of franking documents, it is true; but the Agricultural Department, the State Department, the Post-Office Department, all the Departments of the Government, send out their franks. They have them printed at the expense of the Government, and all they have to do to send a document to the limits of the nation is simply to put upon it a stamp which they have by the thousands and tens of thousands at their command. If you have a document that emanates from any of those Departments and you desire to have it go to your constituents without charge to you, you can send it to one of the Departments I presume, without having tried the matter, with your compliments to its head, and request him to send it, and he will put his stamp upon it and send it away. I know that is the case with regard to seeds, &c. The Commissioner of Agriculture sends out those seeds. So far as I was concerned, when the seeds came to me I sent them back to him and asked him to send them to my constituents. Why? Because he had a roll of stamps in his hands and could send them without charge, whereas if I were to send them I would have to pay the postage on them.

Both these gentlemen avowed, and nobody contradicted them—both being leading members of the republican party—that they are to-day furnished with electioneering documents with the stamp of the Departments upon them; not on official business, not on Department business, but to be sent all over the country for partisan purposes. You are pretending to the country that you have cut off great abuses by abolishing the franking privilege, when the reverse is admitted to be true. You must either stop this printing altogether, or limit it by law to special departmental work. The abuse is admitted to be horrid now. Both of those gentlemen day before yesterday, in the debate from which I have read and which can be found in the RECORD of the 9th of June, showed that this is the fact; both being leading republican Senators.

Mr. HOSKINS. I rise to oppose the amendment, and I do not propose to detain the committee over a minute and a half. But I do desire to call the attention of the committee to one fact. I am entirely in accord with the gentleman who moves to strike out these lines, for this reason if for no others: The clause as inserted by the committee says that the price paid shall not be above the average price paid in the cities of New York, Philadelphia, and Baltimore. Now, in the cities of Philadelphia, New York, and Baltimore there are different grades of printers; but in the Government Printing Office here I understand that none but first-class printers are employed, and if a man who is not skilled in his business gets in there he is immediately removed, and his place is filled by a first-class hand. Thus it will be seen that the average price in those three cities would not be the average price of skilled workmen, but the average price of a miscellaneous class of persons employed there, many of whom get different wages. If you pay to the printers in the Government Printing Office the average price of *skilled workmen* in the three cities named, you will pay them the full price paid now. I am therefore in favor of striking out these three lines inserted by the committee. I yield what time I have remaining to my colleague from the Buffalo district, [Mr. BASS.]

Mr. BASS. Mr. Chairman, I concur with the remarks made by my colleague who has just taken his seat. Is seems to me that if you impose upon the Congressional Printer the duty of determining what the average price of this class of labor is, as between the three cities of New York, Philadelphia, and Baltimore, you are imposing on him a task somewhat difficult for him to perform. How is the price established at the present time? As I understood from one gentleman who has addressed the House, the same price is paid now in the Congressional Printing Office that has been paid there for years. Why is it that to-day we propose to reduce the prices paid these men for their services? Has any special emergency arisen within the last few months to call for any reduction of their pay? I am not aware that it is so claimed. This price is fixed by the Congressional Printer according to the best of his ability and skill. It is determined, somewhat, I understand, by the typographical union. That union establishes prices for the government of the persons who belong to that organization. Now, if the Congressional Printer were required to fix a different scale of prices, to determine an average price, to be arrived at upon a computation of the prices paid in New York, Philadelphia, and Baltimore, and to pay the average so ascertained, then next week we might have a strike of the printers in this city. If the private employers in the city are paying the same prices that the Government Printing Office is paying these printers to-day, then if the Government Printing Office reduces the price of its printers, the office would be emptied, and the town would be filled with men thrown out of employment.

The trades union representing the printers represents thousands of men all over the country. This is the first attempt on the part of Congress to strike a blow at labor organizations as they exist in every

city and almost every hamlet in the United States. I am opposed therefore to the proposition of the committee and in favor of striking it out.

The question was taken on the amendment to the amendment, and it was not agreed to.

Mr. STORM. I move to amend by adding to the portion of the paragraph it is proposed to strike out that which I send to the Clerk's desk.

The Clerk read as follows:

That the Congressional Printer shall furnish in his annual report a detailed statement of all printing and binding done by him for Congress and the different Departments of the Government; and he shall also state in said annual report the quality and price of all paper used in each item of printing and binding: *Provided*, That from and after the close of the present fiscal year the Congressional Printer shall print no records of cases pending in the Court of Claims or in the Supreme Court, unless the United States shall be appellant or plaintiff in error therein; but in cases wherein the United States is not appellant or plaintiff in error, the record shall be printed, under the direction of the court, at the cost of the party bringing such record into court, which cost in the Supreme Court shall be taxed as any other costs in the case.

Mr. GARFIELD. I raise the point of order that the amendment of the gentleman from Pennsylvania [Mr. STORM] proposes to change existing law in regard to printing.

The CHAIRMAN. If it does not change the law it is entirely useless; if it does change the law, then it is out of order.

Mr. STORM. It is simply a limitation upon the appropriation made in this paragraph. It does not strike out the appropriation for the printing of the Supreme Court or the Court of Claims. It simply provides that wherever private parties are the litigants the United States shall not pay the cost of printing the records in those cases. Whoever heard of taxing the Government for printing the records of cases between private parties in suits in United States courts?

Mr. GARFIELD. It has always been done in the United States court here.

Mr. STORM. It has not. The rule has only recently been adopted. The chief justice of the Court of Claims, in order to prevent fraud as he said, made an order that the records in these cases should be printed by the Congressional Printer.

The CHAIRMAN. Does the gentleman understand that his amendment requires the Congressional Printer to do anything which the law does not require him now to do?

Mr. STORM. I maintain that the law does not now require that he shall print the records in cases where private parties only are interested. My amendment is only a limitation on this appropriation.

The CHAIRMAN. The Chair understands the amendment to require the Congressional Printer to do something that the law does not now require him to do. If so, then it is a change of existing law, and is not in order.

Mr. STORM. It is not a law, but simply an order made by the chief justice of the Court of Claims. I maintain that my amendment does not change existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DONNAN. I move to amend the last portion of the paragraph by inserting before the word "average" the words "more than 5 per cent. above," so that it will read "shall not be more than 5 per cent. above the average price paid for similar work," &c.

Mr. GARFIELD. I am not authorized by the Committee on Appropriations to accept any amendment that they have not been consulted upon. But for myself I can well understand that there is a certain amount of truth in the proposition that the cost of living is higher in Washington than it is in other cities; just how much higher I do not know.

Mr. BUTLER, of Massachusetts. Is it just 5 per cent. higher?

Mr. GARFIELD. I say I do not know. I admit also that in the printing office here there is probably required more night-work, and there is probably less steady work than in most of the printing offices of the country. And if we were wise enough to know what difference all these relations make between the three cities named here and the city of Washington, I should be very willing to fix a rate accordingly. In order that no injustice may be done, I will say that I see no reason why we might not limit the price to be paid to 5 per cent. above the average price paid in the cities named. The Government Printer would not be obliged to give that price; he may pay the average, and not pay 5 per cent. above the average.

I think the rights of both parties, those of the contractor and of the employed, should be considered here. And I think that the rights of printers outside of Government employment should be considered, as well as the rights of those employed by the Government. When gentlemen undertake to say that a raid is being made against the interests of labor, they ought to be reminded that they are making a raid against everybody outside of this particular preferred class. It is a raid against the many in favor of the few. I propose that we deal fairly and justly with the whole class of people known as printers and binders; and it is not dealing fairly with them to take a few of their class and give them the special advantage of Government employment here at advanced rates of pay, sowing discontent in all the ranks of that employment in all other cities of the United States. This is the reason every member of Congress is beset by printers from private offices throughout the country to find them places in this capital.

Mr. BUTLER, of Massachusetts. It is now admitted that the provision in the bill is wrong because the committee themselves desire to amend it, so as to fix a higher rate. Now why not leave the whole question to be regulated by natural law? My objection to the proposition is that it is the entering-wedge of an attempt to fix the rate of wages by law. That never has been done in this country; it never ought to be done; I trust that we shall not begin here any such effort. That is the ground upon which I oppose this, as a raid upon all laboring men; because if we can fix the pay for printers why not for bricklayers, why not for carpenters, why not for cabinet-makers, why not for all laboring men?

A MEMBER. We fix it for Congressmen.

Mr. BUTLER, of Massachusetts. We do fix it for Congressmen because that is a constitutional privilege we have; but there are a great many of us who dare not fix it at what we think we ought to have.

Mr. RANDALL. I echo that.

Mr. BUTLER, of Massachusetts. But we have a right to do justice to these men; and I am willing to take the odium of voting that their pay shall not be cut down. By rejecting the proposition in this bill we neither cut down nor raise their pay. We leave the Government in this matter to deal with citizens as citizens deal with each other. We merely say that we will not throw the great weight of the Government sword into the scale as against the laboring man by saying that he shall receive only so much.

The answer is not to be made "If these men do not like this rate of pay let them leave the Government employment and go away." They cannot go away. They are tied here as was Gulliver in Lilliput by every hair of their heads. The church and all other social influences are around them as they are around us. If they go away they must tear up everything by the roots. A man who is fixed here must, when his employment ceases, stay here until he can get employment again.

Nor is it any answer to say "We have authorized eight hours as a day's labor instead of ten." That measure was either wise or unwise. If wise, these men have a right to it; if unwise, let us repeal it for all Government work; but let us not strike down the printers and book-binders in Washington alone, while in all other Government work eight hours' labor is the rule and the pay given is the same paid by other employers in the same city.

The question being taken on the amendment of Mr. DONNAN, it was not agreed to; there being—ayes 16, noes not counted.

Mr. COBURN. Mr. Chairman, it seems to me that the true way to manage labor and to insure a fair compensation to the laborer is to have it free, not to cramp it by legislative restrictions. The law at present leaves this labor free. It authorizes the Congressional Printer to employ persons at such prices as are for the interest of the Government and just to those employed. That is the basis upon which every man employs his hands. It is the true basis, the reasonable basis. If it happens that there are not in this city enough printing-offices to attract printers in large numbers so as to bring down the price of work to a level with that paid in Baltimore, Philadelphia, and New York, that is not the fault of the Government. The Government, therefore, should not take advantage of anything of that kind. It should not undertake to prescribe any special terms as to labor here, which we all know may necessarily be dearer than elsewhere. This is a peculiar city; it is not a city of manufactures or commerce or trade. It is a city whose population is made up largely of Government employés—just that kind of population that does not bring down the prices of labor—just that kind of population that carries up the price of living in every branch. We all know as a matter of fact that living is higher here than it is in neighboring cities. I suppose that statistics, if they should be examined, would abundantly sustain this position.

Something has been said here about the eight-hour law. Now, in in my judgment that law will be in effect repealed by the proposed provision of this bill, because this provision authorizes the Congressional Printer to fix the price of labor at the average of other cities named; and in making the calculation he will doubtless include the hours of labor as well as the rate of pay per day or by the thousand ems, whatever it may be. I believe that by this means the eight-hour law will be indirectly swept away. I do not think it can be fairly argued in favor of the proposition that under the eight-hour law the printers in this city receive equal pay with those who work ten hours in other places. I believe they are not paid by the day, but rather by the thousand ems.

I see nothing in this provision that can in the end result to the advantage of the Government. These men, many of them, come here from distant States—from all parts of the country; they have to pay their traveling expenses; they may not be employed here permanently; they may, like the door-keepers or clerks of this House, or like members of Congress themselves, be occupied here during only the sessions of Congress. All these men cannot be employed the year round. The same argument upon which we base increased pay for our clerks, door-keepers, and other employés beyond what would be paid for the same class of employment elsewhere—that they are here but a part of the year, and that any arrangements they might make for doing business elsewhere are broken up—that very same argument applies in favor of these printers. If they had regular employment from one end of the year to the other the case would be different; but large numbers of them are employed only a part of the year, and when thrown out of employment they must necessarily seek it elsewhere.

Mr. MARSHALL. Is an amendment in order at this time?

The CHAIRMAN. The gentleman from Indiana moved a formal amendment; does he withdraw it?

Mr. COBURN. I withdraw my amendment.

Mr. MARSHALL. I desire to move an amendment in the thirty-fifth line, so it will read "not more than 6 per cent. above the average price paid."

I do it, Mr. Chairman, for the purpose of saying I think the clause which it is proposed to strike out is misunderstood by a considerable portion of the members of the committee. It is an attempt on the part of the Committee on Appropriations to reform what is now a most glaring abuse. I am opposed, and I think the House ought to be opposed, to placing this establishment on any other than business principles. If it is intended to make it a separate Bureau, and give fixed salaries to the employés of that Bureau, then it would be proper to do so; but I imagine it has been the purpose of Congress to place this establishment on strictly business principles.

What is the condition under which labor in this establishment is employed at the present time? The Government has no control whatever of the price to be paid. What is the price to be paid? That price is determined by the men in the employ of the Government. The price paid is absolutely within their own control. It is known to every man here who has any information upon this subject at all that there is nothing upon earth to control the price paid at the Government Printing Office except what may be determined by these men themselves who are in the employ of the Government.

What is the result of all this? Instead of being employed on business principles, these men are put in that office through the influence of members of Congress. Printers are gathered here from all parts of the country, for they think this is a favored establishment and the Government is paying here more than in other business establishments of the country. As a consequence they are put in there by their members of Congress of the dominant party by favoritism.

What is the result of that? They claim the right when elections take place in the districts from which they come that they shall be sent home to vote, and they are sent home to vote through the influence of their member of Congress at the expense of the Government. These printers go home and vote at the public expense for the member of Congress who put them in the Government Printing Office.

Mr. COBURN. Does the gentleman from Illinois mean to say that these printers are sent home at the expense of the Government? What evidence has he for that assertion? I understand they are not sent home at the expense of the Government.

Mr. MARSHALL. It appeared in evidence before the Committee on Appropriations and is beyond question that these men are granted leave of absence for ten days and they get their expenses and their pay during all the time they are absent at home voting for the member of Congress who placed them in their positions.

Mr. COBURN. I think the gentleman from Illinois is entirely mistaken.

Mr. HAWLEY, of Connecticut. It has not been so in my State, and I never heard of it in reference to any other State.

Mr. MARSHALL. Nevertheless these clerks here do get their expenses paid when they are sent home and elections are to be held in the districts from which they come.

Mr. HAWLEY, of Connecticut. I am inclined to believe that such is not the case.

Mr. LAWRENCE rose.

Mr. MARSHALL. I cannot yield if it is to be taken out of my time, as I only have five minutes.

The CHAIRMAN. It will be taken out of the gentleman's time.

Mr. MARSHALL. Now, Mr. Chairman, I have only stated what is the fact, and what has been proved to be the fact before the Committee on Appropriations. It is a notorious fact that the clerks of the Departments have the same privilege of going home at the expense of the Government. They get leave of absence through the influence of the men who put them in position. This is all wrong. It is an abuse which has grown up in the Government and ought to be corrected. As this is not a Bureau, but a mere business establishment; it certainly ought to be corrected here.

If the amount fixed by this clause in the appropriation bill is not sufficient, then put it up not exceeding 6 per cent. in addition to the average of what is paid to employés in private establishments in New York, Boston, and Philadelphia. I wish to have the price fixed, and not left within the control of the men employed there. It is not now within the control of the Government Printer. There is here a printers' union which fixes the price, and a majority of that printers' union are men who have come here from all parts of the country. They have fixed the price to be paid by publishers in this city and this breaks down the business of these private printing establishments, which is a gross wrong to them.

If you are not paying enough by these appropriation bills, then let us name an adequate amount so that at least this Government establishment shall be based on something like business principles. Do not let it any longer remain one of those cancerous ulcers which are eating into the body-politic. It is an injustice as it is now and the object of the Committee on Appropriations is to correct the abuse. I must say of the majority of the members of the Committee on Appropriations in this House that instead of reproach they deserve credit for attempting to correct this, as they have a great many other abuses during the present Congress. For myself I feel it to be my duty to appear hear and try to uphold the hands of that committee and the efforts it has made to correct here what is no doubt a monstrous abuse. If the committee does not regulate here what the price shall be it will leave it in the hands of the employés of the Government to determine how much the Government shall pay them, and it will surely injure as it has done the regular business of this city and elsewhere throughout the country.

[Here the hammer fell.]

The committee divided; and there were—ayes 70, noes 61; no quorum voting.

The CHAIRMAN ordered tellers, and appointed Mr. MARSHALL, and Mr. HAWLEY of Connecticut.

The committee again divided, and the tellers reported—ayes 78, noes 75.

So the amendment was agreed to.

Mr. HOSKINS. I move to strike out all after the word "paid" in line 35, and in lieu thereof to insert "for similar work done in the city of Washington."

Mr. Chairman, if we are to fix the price for these printers in the Government Printing Office by some schedule or some direct and definite law, to which I am opposed, I propose that it shall be fixed, so far as my vote is concerned, by the price of such labor here in this place where they are obliged to do their work. In my mind there is no sense in regulating the price of the labor of these printers, who are skilled artisans, by what the price may be in other cities of the Union. These men are obliged to live here in the city of Washington, and not in the cities of New York, Philadelphia, or Baltimore; nor can they live in those cities; they must reside here.

The chairman of the committee has yielded the whole point when he admits, as he has done, that the cost of living here is greater than in the three cities named. And if it be more expensive to live here in Washington than in those other cities, the rates of wages these men should get, so long as it is conceded that they ought to be first-class workmen, should be somewhat in proportion to the cost of living here. Their rates of wages should have reference to the cost of living in the place where they are employed.

Now, I desire to say a word or two on another point which I have heard raised on this floor, that if these men are not willing to take the price now paid by the Government Printer, which I believe is at the rate of fifty cents an hour, others will. In answer to that suggestion I will say that there is not a member of this House, representing a congressional district where a hundred men could not be found willing to take his place for the pay he is now getting. I propose to treat these men fairly, not giving them what we give ourselves, but a fair compensation for the labor they are expected to do. And I believe if the Public Printer is a man fitted for the place he occupies the law should remain as it now is, allowing him to pay such compensation as in his judgment is fitting and proper for the services which these men are rendering.

I am opposed, Mr. Chairman, to the whole provision contained in these four lines. But if we are to have this provision, let us establish the price with reference to the prices paid in the place where these men do their work.

Mr. GARFIELD. This is a proposition to pay them 6 per cent. more than they ask.

Mr. CONGER. If this were a proposition the exact nature of which any member of this House could understand or which could be ascertained by any sort of calculation, I would vote for it. But I venture to say that if this provision be adopted the Congressional Printer, if he executes the law, will be required to spend at least two-thirds of every month in the year in these cities of New York, Philadelphia, and Baltimore examining all the rates of pay for similar kinds of work in those cities in order that he may be able to establish the rates for Government employés here. Who doubts that proposition? In saying two-thirds of every month I may be saying too much. The Congressional Printer, if he was active and worked nights, might have to spend only half of each month in finding out what were the rates of wages for similar work in each of those cities. Therefore I say this proposition of the committee is entirely impracticable.

Mr. GARFIELD. It is the same principle as is adopted in relation to the navy-yards and wherever you employ expert labor, that the workmen shall be employed at the average price paid for similar work.

Mr. CONGER. The gentleman's argument is in favor of the amendment of my friend from New York, [Mr. HOSKINS;] because in the case he refers to the work is paid for according to the price paid for similar work in the town or city where the navy-yard is. I submit that the proposition of the committee is utterly impracticable.

Now, Mr. Chairman, I have not heard, nor has anybody pretended, that the Congressional Printer has paid improper rates for work since he has had the public printing in charge. Nobody suggests such a thing. He hires men, the best he can get, under his responsibility to this Government and knowing that he is watched by those who have attacked or may attack him here, for the Congressional Printer has not escaped an attack upon this floor any session of the House since I have been a member of Congress. He hires men, as he is bound to do in the interest of the Government, for the lowest price for which he can obtain them to do the work well. And the work must be done well if it is done at all. Does anybody complain? Do the printers,

do the public, do the democrats, do the republicans of this House ever complain that the Congressional Printer has not paid these men just the wages they earn, no more, no less?

Mr. DONNAN. He pays them just what they ask.

Mr. CONGER. He pays them just what he considers is right, watched as he knows he is by the eagle eyes of every member of this House and exposed to every kind of attack.

Mr. MYERS rose.

The CHAIRMAN. No further debate on this amendment is in order.

Mr. GARFIELD. I call for a vote.

Mr. MYERS. Is an amendment to the amendment in order?

The CHAIRMAN. It is not.

Mr. MYERS. I would like to have the privilege of saying a word or two on this amendment.

The CHAIRMAN. No further debate on it is in order.

The question being taken on the amendment of Mr. HOSKINS to the amendment, there were—ayes 49, noes 65; no quorum voting.

Tellers were ordered under the rule; and Mr. HOSKINS and Mr. GARFIELD were appointed.

The committee divided; and the tellers reported ayes 16, noes not counted.

So the amendment to the amendment was not agreed to.

Mr. GARFIELD. I now ask unanimous consent that all debate be closed on the pending paragraph.

There was no objection, and it was so ordered.

The question being upon the motion to strike out the last clause of the paragraph as amended, it was put; and on a division there were ayes 75, noes not counted.

So the motion was agreed to.

The Clerk resumed the reading, and under the heading "For life-saving stations" read as follows:

For one hundred and two keepers of stations, at $200 each, $20,400.

Mr. RANDALL. I find that the number of these keepers appropriated for last year was fifty-four, and now there is a provision for one hundred and two. Why is this increase?

Mr. HALE, of Maine. The gentleman is mistaken as to the number appropriated for last year. He puts it too low. But the increase, such as it is, has been made by acts of Congress that have provided for additional keepers, and the appropriation here is simply to provide for them. The committee have not gone beyond the provisions of law.

The Clerk read as follows:

For building a steam revenue vessel for the Pacific coast, $125,000.

Mr. CONGER. I move to amend that clause by striking out "a" and inserting the words "an iron;" so that it will read:

For building an iron steam revenue vessel for the Pacific coast, $125,000.

I wish to say one word in reference to that amendment. The expense of building an iron vessel now for this service is very little greater than that of building one of wood. An iron vessel of this description is much more fitted for the service. It will last three or four times as long as a wooden vessel. The Government has made the experiment in regard to vessels of this class and have had opportunities of comparing the length of time which an iron vessel will last in this service with the time that a wooden vessel will last. A wooden vessel lasts only one-third as long as an iron vessel, so that you would have to build three vessels of wood during the same time that one of iron would last. An iron vessel is better fitted for this service on the Pacific coast, and I think it is wise policy to build all these vessels of iron unless the disparity in price between iron and wooden vessels is great, which it is not. I think they can be made for exactly the same price, although formerly it cost something more to build an iron vessel than a wooden one. I therefore offer this amendment, and desire to test the sense of the committee upon it.

Mr. HALE, of Maine. One of the Senators who represents the State of Oregon appeared before the Committee on Appropriations and asked for an appropriation for the construction of this steam revenue vessel, and we concluded to give it to him. The gentleman from Michigan on my right, who seems to represent the Pacific coast here in the House, comes up here and asks what neither the Department nor the Senator from Oregon who appeared before the committee did ask. Undoubtedly he knows more about their wants than anybody who appeared before the committee.

I do not fully agree with him as to the merits of wood and iron vessels; but I do not want that question precipitated upon the House. It is not stated in this clause which the committee put in the bill whether this revenue-cutter shall be of wood or iron. It will be in the discretion of the Department who have built dozens of these vessels in years past, and who know the merits of wood and iron, and who know whether an iron cutter is better in the waters of Oregon than a wooden cutter, and who know also if it is the reverse and that a wooden cutter is better, to determine which it shall be. In incorporating the clause into the bill the committee left the matter open. They provided only for a steam revenue-cutter. Now, I do not see why the gentleman should force the House here by his amendment to provide that this vessel shall be constructed of iron in case the Department prefer to build it of wood. Is not the gentleman willing to trust the Department with the interest of the Government in this respect? I am a wooden-vessel man; but although I had the preparation of this part of the bill, I did not pretend to put in that which would carry out my own theories about ship-building and tie down the Department to a wooden vessel. Is there any more fairness in the proposition of the gentleman from Michigan, to tie them down to an iron vessel, than there would have been if I had tried to tie them down to a wooden vessel? Let us leave the clause as it is, and then if the gentleman has any argument either to the Department or to his constituents in Oregon for iron vessels, let him make it, and perhaps they will build this vessel of iron; but leave it, at least, in the discretion of the Department.

Mr. CONGER. I move to strike out the last word.

The CHAIRMAN. Then the gentleman moves to amend his own amendment.

Mr. CONGER. No, sir; I move to strike out the last word of the paragraph.

The CHAIRMAN. That is not germane to the gentleman's amendment.

Mr. CONGER. It is; it proposes to perfect the amount to be appropriated.

Mr. Chairman, the gentleman from Maine [Mr. HALE] says ironically that I know more about this than he does and more than some others do. The gentleman need not have made that statement ironically; the House knew it without his saying so. The point of the irony fails because of the truth of the remark.

Mr. HALE, of Maine. Who knows it?

Mr. CONGER. The gentleman knows it, and if he is as honest as I am he will say what he thinks. The gentleman has not made one single objection to the force of the argument which I used for the construction of an iron vessel, because he cannot do so. He cannot give any good reason why this clause should not be amended as I have proposed. He says that in preparing this clause he left it so that the Department should not be bound to a wooden vessel, requiring to be rebuilt in ten years. In that the gentleman exercised his usual good sense. But I go a step further, and ask that this bill shall provide for an economically built vessel which will last. Last year after full discussion Congress directed vessels of this class to be built of iron. Those vessels have been so built, and are found to meet exactly the demands of the service. They are the best kind of ships, and the most economical, and we ought to look at that consideration. The gentleman has no interest in this vessel; it is not going to the coast of Maine.

Mr. HALE, of Maine. Nor is it to go to the Michigan lakes.

Mr. CONGER. Nor is there any iron manufactory in my district. But I thank God I can rise above anything that pertains merely to the coast of Michigan or the coast of Maine.

Mr. HALE, of Maine. O, the gentleman can fly very high.

Mr. CONGER. Yes; and I can go horizontally, too, and look at the whole country spread before me and its interests. Now, if there is any objection to this, any reason why this amendment should not be adopted, then let the gentleman arise in his place and state it. I withdraw the formal amendment to the amendment.

The question was upon the amendment of Mr. CONGER to insert the words "an iron" before the words "steam revenue vessel."

Mr. BURLEIGH. I hope this amendment will not be adopted. It is known that many iron ships navigating the ocean have been lost in consequence of the variation of the compass on board the ships. A revenue-cutter is continually running along the coast from headland to headland. It is very necessary that the compasses on ships shall be reliable, and it is almost impossible to rely on a compass on an iron ship. I hope this amendment will not be adopted.

The amendment was not agreed to, upon a division ayes 31, noes not counted.

The following was read:

National currency:

For paper, engraving, printing, express charges, and other expenses of making and issuing the national currency, $110,000.

Mr. MERRIAM. I move to amend the clause just read by adding to it the following words: "to be disbursed under the direction of the Secretary of the Treasury."

The amendment was agreed to.

The following was read:

For expenses in detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States, and the coinage thereof, and for detecting other frauds upon the Government, $125,000.

Mr. RANDALL. The same addition should be made to this paragraph which was made to the last. There has been a great deal of scandal concerning the manner in which this money has heretofore been expended. We ought to have some officer held directly responsible for the honest expenditure of this money.

Mr. GARFIELD. There is no objection to putting in the words indicated; it does not change the law. This money is now expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

For payment of the necessary expenses incurred in defending suits against the Secretary of the Treasury, or his agents, for the seizure of captured or abandoned property; and for the examination of witnesses in claims against the United States pending in any Department; and for the defense of the United States in the Court of Claims, to be expended under the direction of the Attorney-General, $30,000.

Mr. COX. I want to go back to the paragraph in relation to the expenses of the courts of the United States.

The paragraph referred to was as follows:

JUDICIARY.

For defraying the expenses of the courts of the United States, including the District of Columbia; for jurors and witnesses and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States; for the safe-keeping of prisoners; and for the expenses which may be incurred in the enforcement of the act relative to the right of citizens to vote, of February 28, 1871, or any acts amendatory thereof or supplementary thereto, $3,000,000.

Mr. COX. I want to have a bill of particulars.

Mr. GARFIELD. I object to going back.

Mr. COX. I could not stop the Clerk as he was reading.

Mr. GARFIELD. I did not want to stop him.

Mr. COX. He went on with a momentum that was terrific.

Mr. GARFIELD. I object to going back.

Mr. COX. Then the people will go back on your bill.

The Clerk read the following:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Treasury to pay the amount of three several judgments rendered by the circuit and district court for the southern district of Ohio, against Reuben H. Stephenson, the surveyor of the port of Cincinnati, $1,016.86.

Mr. DUNNELL. I move to strike out this paragraph. I would like the gentleman from Ohio [Mr. GARFIELD] to state how these judgments were obtained, whether they have been before the Committee on the Judiciary, and in what manner they came before the Committee on Appropriations. These claims usually go first to the Committee on Claims or to some other appropriate committee. Now we know nothing about this matter.

Mr. GARFIELD. These are regular judgments of a court. The Secretary of the Treasury forwarded a letter to the Committee on Appropriations, saying that so much money was needed to pay these judgments, and showing what the judgments of the court were. This appropriation is reported upon the recommendation of the Secretary of the Treasury. The matter was referred to a sub-committee of the Committee on Appropriations and that sub-committee have found that these are regular judgments of the court, and there is nothing left us to do but to pay these judgments.

Mr. DUNNELL. I would ask the gentleman from Ohio why interest is not allowed in this case when it is allowed at the rate of 5 per cent. per annum in the very next case following this in this bill? We are not in the habit of allowing interest on these claims. Why is it not allowed in this instance when it is allowed in the next?

Mr. GARFIELD. We follow the judgment of the court itself. The gentleman will find on pages 7, 8, 9, and 10 of the report of the committee a full statement of the facts in this case, together with all the papers bearing upon it. On page 7 is the letter of the Attorney-General; that is followed by a letter from the Solicitor-General; then there is another letter from the Attorney-General, addressed to the United States attorney at Cincinnati; then follow a series of letters concerning the judgment provided for in the next paragraph of the bill.

Mr. DUNNELL. What reason can be given for allowing interest in the one case and not in the other?

Mr. GARFIELD. No other reason than that we have followed the judgment of the court.

Mr. DUNNELL. I withdraw my motion.

The Clerk read as follows:

For the introduction of shad into the waters of the Pacific States, the Gulf States, and of the Mississippi Valley, and of salmon, white-fish, and other useful food fishes into the waters of the United States to which they are best adapted, $17,500, to be expended under the direction of the United States commissioner of fish and fisheries.

Mr. HARRIS, of Virginia. I move to amend this paragraph by making the appropriation $50,000 instead of $17,500. It has been shown in the report of the United States commissioner on the subject how important fish are as an element of human food; and in view of that fact an appropriation of $17,500 seems almost a mockery. Some thirteen years ago a few black bass were thrown into the Potomac from the water-tank of a passing train; and now not only this river but all its tributaries for many miles up are filled with the finest bass fish imaginable, furnishing food for thousands of people. If gentlemen will reflect for a moment on the number of persons in the United States with whom fish is a main article of food, they will see the importance of this question. The whole country is waking up to the importance of the culture of fish, for the interest of the rich and the poor. I hope, therefore, that $50,000 will be appropriated, to be expended by the commissioner of fish for the purpose indicated in the bill.

Mr. GARFIELD. I rise to oppose the amendment, and ask for a vote.

Mr. KASSON. What was the estimate?

Mr. GARFIELD. The estimate was $17,500. Let us stand by that.

Mr. FRYE. Let me say a single word. Seventeen thousand five hundred dollars will furnish more food fish for the rivers of this country to-day that $50,000 would have furnished five years ago before the United States commenced this work. At that time we paid forty-five dollars a thousand in gold for the eggs of salmon and trout. To-day, by the help of the United States, through these appropriations, we are getting such eggs for four dollars a thousand, and sending them over the country.

Mr. KASSON. Does the gentleman consider this appropriation sufficient?

Mr. FRYE. I am inclined to think it is. The States, led on by the United States, are now doing this work themselves to a very large extent.

Mr. HARRIS, of Virginia. This appropriation is for "the introduction of shad into the waters of the Pacific States, the Gulf States, and of the Mississippi Valley, and of salmon, white-fish, and other useful food fishes into the waters of the United States to which they are best adapted." Now, how can $17,500 be sufficient to supply the whole country from east to west? It would cost almost that amount to transport upon the railroads of the country the person who attends to this business, saying nothing of the cost of buying the fish.

The amendment of Mr. HARRIS, of Virginia, was not agreed to.

The Clerk read as follows:

To enable the Clerk of the House of Representatives to pay the thirteen crippled and disabled soldiers now in the employment of the Door-keeper of the House of Representatives, from July 1 to December 7, 1874, $9,653.20.

Mr. KELLOGG. I move to amend by adding after the paragraph just read the following:

To enable the Clerk of the House of Representatives to pay for extra clerical services in the Committee on War Claims, rendered necessary by reports of the commissioners of claims, $500.

The amendment has the unanimous recommendation of the Committee on War Claims. It was necessary to have these clerical services in order to prepare the papers of the southern claims commissioners as reported to us for the action of the House. It was impossible for the regular clerk of the committee to do all this work; and we had detailed from the office of the commissioners of claims a clerk, Mr. Everett, who I may say is a relative of Edward Everett, and who was serving at a salary of $1,200 a year. But instead of being occupied during only the usual hours of labor, from nine a. m. to three p. m., he has been obliged, while detailed for service in connection with our committee clerk, to work almost regularly the whole day and evening up to ten o'clock in preparing papers and completing the proofs in connection with the report of the commissioners. He has also been required to examine cases previously reported whenever any precedents or other information were called for. Over four thousand cases have been reported to Congress from that commission since its organization. I trust there will be no objection on the part of the Committee on Appropriations to this amendment. I admit that the person who will receive this money is now drawing a salary of $1,200; but since the 1st of January he has been occupied every day and as late as ten o'clock at night. He is as faithful a clerk as there is in the service or employ of any committee of this House.

The amendment was agreed to.

Mr. MAYNARD. I move to amend by adding after the amendment just adopted the following:

That an amount sufficient for that purpose is hereby appropriated to enable the Clerk of the House of Representatives to pay from the date of the salary-repeal act of January 20, 1874, the additional sums required to restore the salary of the assistant disbursing clerk, the principal engrossing clerk, and the clerk to the Committee on Appropriations to the rate of compensation each received the day prior to that date.

This amendment provides for three old and most efficent servants of the House, gentlemen who have been here for many years, the disbursing clerk, Mr. Bailey, and the chief engrossing clerk, Mr. Strohm, who have been here some twenty years and whose character for fidelity is as familiar to the House as the Clerk's desk, and the clerk of the Committee on Appropriations. We raised their salaries to what we thought was right when we were attempting to adjust the salaries of the various officers of the House, but by the repeal of the salary act last January we cut them down. It seems to me they should have no less than we gave them by our former legislation, and it is no more than right we should restore them to what we gave them at that time. They are men who have given a life-time almost to our service here. If well-doing can entitle them to consideration, well-doing certainly abundantly entitles them. I do not wish to protract the debate but submit the proposition to the fair consideration of the House, and I hope there will be no objection to it.

Mr. GARFIELD. I rise to make the point of order on the amendment that it changes existing law.

Mr. ARCHER. The gentleman's point of order comes too late.

The CHAIRMAN. The point of order comes too late, as the proposition has been debated.

Mr. MAYNARD. It is, it seems to me, somewhat ungracious in my friend from Ohio to make a point on this amendment even if he could make it.

The committee divided; and there were—ayes 20, noes 55; no quorum voting.

Mr. MAYNARD. I demand tellers, for it is manifest the committee have failed to apprehend the nature of the amendment.

Tellers were ordered; and Mr. MAYNARD and Mr. GARFIELD were appointed.

Mr. MAYNARD. I hope gentlemen of the committee will examine the amendment, and they will see it is just and ought to be passed.

The committee again divided; and the tellers reported ayes 26, noes not counted.

Mr. MAYNARD. I do not ask for any further count.

So the amendment was rejected.

The Clerk read as follows:

To enable the Clerk of the House to pay to the widow of David B. Mellish, late a member of this House, a sum equal to the salary of a member of Congress from the date of the death of said Mellish to the date of the election of his successor, $2,288.

Mr. WOODFORD. I desire to offer the following amendment:

Strike out in lines 209 and 210, on pages 9 and 10, the words "to the date of the election of his successor, $2,288," and insert in lieu thereof the words "to the end of the Forty-third Congress, $3,698."

I desire simply to state the amendment I offer is in accordance with the direction of the House given to this committee a few days since, and I send the following extract from the RECORD to be read:

The Clerk read as follows:

SALARY OF THE LATE MR. MELLISH.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to submit the following resolution for adoption at this time:

"*Resolved*, That the Clerk of the House be, and he is hereby, directed to cause to be paid from the contingent fund of the House to the widow of David B. Mellish, deceased, late a member of this House, a sum equal to the amount of his salary as a member of this House from the date of his death to the end of the Forty-third Congress."

Mr. GARFIELD. I suggest to the gentleman to ask authority for such a provision to be put on the deficiency bill, which will be up for consideration in a few days. We cannot pay that out of the contingent fund of the House very well without having trouble with the accounting officers of the Treasury. If he will just ask consent of the House to let it be put on the deficiency bill I think it would be better.

Mr. BUTLER, of Massachusetts. I will do so.

No objection being made, leave was accordingly granted.

Mr. BUTLER, of Massachusetts, moved to reconsider the order just made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WOODFORD. Now, by inadvertence of course, the Committee on Appropriations have omitted to do that which the House unanimously directed, and of course they will be glad to have this opportunity to make the correction and carry out the suggestion of the honorable gentleman from Ohio, chairman of that committee. That is all I think I need say to the House.

Mr. GARFIELD. It seems, Mr. Chairman, ungracious to oppose anything which appeals so much to the sympathies of gentlemen as this does, but the same day on which this proposition was sent to the Committee on Appropriations a law was passed providing that hereafter, in the case of the death of any member, his pay should be delivered to his widow or heirs up to the date of the election of his successor. This will disarrange the law for the future. In this case it is trice the language of the resolution read seems to indicate another rule, but the resolution itself authorizes the Committee on Appropriations to put it in. It did not ask them to bring it in the very language of the resolution. There were no directory words in the resolution itself. It was sent to the Committee on Appropriations, and at the time this Committee on Appropriations had this matter under consideration they believed it their duty to look over the precedents, and they found, so far as the history of cases will show, that in no case has the pay of a deceased member been continued to the end of the Congress to which he had been elected.

Mr. STARKWEATHER. I think the chairman of the committee is mistaken, as it appears there was the case of Mr. Speer, of Georgia, whose pay was given to his family up to the end of the Congress to which he was elected.

Mr. GARFIELD. It is true they paid his family up to the end of the session, which in that case happened to be the end of the Congress; but the language of the resolution did not say end of the Congress but the end of the session, which of course was tantamount to the end of the Congress in that case.

Mr. STARKWEATHER. Let me correct the gentleman. Mr. Speer, of Georgia, died in May or June during the recess between the first and second sessions. His successor was chosen in the fall, but Mr. Speer's family were paid his salary till the close of that Congress, which was on the 4th of March following. It was an exceptional case, I admit.

Mr. GARFIELD. It seemed to the committee that it would be very unwise to set a precedent which might be applied to the case of a member who died in the first week of a Congress. The committee were influenced in making the recommendation they do by the desire to avoid just such a precedent as that, and by the consideration also that for a proper and wise reason gentlemen here, members of Congress—and I would not have named it but for this discussion—have contributed out of their own funds or authorized the Sergeant-at-Arms to pay over to the widow of Mr. Mellish twenty-five dollars each. I think several thousand dollars have been raised in that way. And the Committee on Appropriations thought it desirable that the individual sympathies of members of the House should be shown in that form rather than we should set a precedent which would be inconvenient hereafter by providing for this payment to the end of the Congress.

Mr. CROOKE. I rise to a question of order. Is it in order to refer to the individual action of members of the House?

Mr. GARFIELD. I was in order in what I said. I only regret that the offering of this amendment should have made it necessary for me to have said it. I hope the House will not set a precedent in this case which would be a bad precedent to follow hereafter.

Mr. CONGER. When the House was considering the bill fixing the mode of payment in the case of the death of a member I rose in my place and moved an amendment which would have excepted the case of Mr. Mellish from the operation of that law, as the records I presume will show. When I offered that amendment the gentleman from Ohio [Mr. GARFIELD] and other gentlemen suggested that the case of Mr. Mellish would be provided for by a separate provision in an appropriation bill; and upon that suggestion I withdrew the amendment. I believe it was the judgment of the House at that time, although it did not come to a vote, that that case should have been excepted from the law; and I withdrew the motion to except the case from that law on the express understanding, and which was agreed to by the gentleman from Massachusetts, [Mr. BUTLER,] that he would prepare the resolution, which immediately afterward received the sanction of the House. Under these circumstances this case cannot be made a precedent, and I hope the amendment will be adopted.

Mr. RANDALL. I think this is such a case as has never before occurred in the history of the country; nor is it likely I hope ever to occur again. This gentleman came to his death from overwork in this House and in his home while preparing himself for the discharge of his duties here, directly under our own eyes; and he was taken from here to the insane asylum. He has left his wife penniless, and I think it is the smallest matter in the world that the United States shall contribute something as a mark of distinction due under the circumstances of his death, on account of the way in which he discharged his public duties, an honest sense of duty being one of the most prominent features of his character, so far as I had an opportunity of observing them. I do not think, sir, that our action in this case should be governed by any general law. It should be made an exception to all general laws and all general rules upon this subject.

I hope, therefore, Mr. Chairman, that the amendment of the gentleman from New York [Mr. WOODFORD] will prevail, so that the widow of this man who was stricken down here almost right under our eyes may receive his salary to the end of the term for which he was elected.

The question being taken on Mr. WOODFORD'S amendment, it was agreed to.

The Clerk read as follows:

For postage-stamps for the offices of the Clerk of the House of Representatives, the Sergeant-at-Arms of the House of Representatives, and the Secretary of the Senate, $100 each, and for the Postmaster of the House, $50; $350.

Mr. GARFIELD. There should be $250 appropriated for postage to the Sergeant-at-Arms. He has a large amount of correspondence in transacting his accounts, and this appropriation is necessary to reimburse him for his expenditures in that way. I offer the following amendment:

Add to the paragraph the following:

And for amount already expended by the Sergeant-at-Arms for postage the sum of $250.

The amendment was agreed to.

The Clerk read as follows:

To enable the Postmaster-General to pay for twenty thousand copies quarterly of the Official Postal Guide, to be compiled and published under contract not to extend more than five years, to be made with parties doing said work at the lowest rate, $20,000.

Mr. GARFIELD. I offer the following amendment:

In line 227 strike out "$20,000" and insert the words "not exceeding $30,000."

The amendment was adopted.

The Clerk read as follows:

To pay W. T. Clark the balance due him for payments made on account of the purchase and repair of furniture for the post-office in the United States custom-house at Galveston, Texas, during the fiscal years ending the 30th day of June, 1872 and 1873, $1,573.58, or so much thereof as may be found due him by the proper accounting officers of the Treasury.

Mr. WOOD. I move to strike out that paragraph, and I make the motion for the purpose of getting some explanation from the chairman of the Committee on Appropriations with reference to this extraordinary appropriation. This gentleman, W. T. Clark, was lately postmaster at Galveston, Texas. He is reported to be a defaulter. We have no reason to believe that he has yet been able to settle his accounts. At any rate, whether he has done so or not, a postmaster has no right to create an obligation which the Government is bound to pay. He cannot purchase furniture for his office and then have an appropriation to pay for it inserted in a regular appropriation bill, unless it goes through the regular course in the proper Department of the Government. Now, I want to know from the chairman of the Committee on Appropriations, as I find no reference to this appropriation in the report presented with this bill, whether the Postmaster-General recommends this appropriation, whether there are any documents by which it can be sustained, whether there is any precedent for an appropriation like this being put into an appropriation bill to pay obligations incurred by a postmaster who is in default to the Government?

MESSAGE FROM THE SENATE.

Here the committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed, without amendment, the bill (H. R. No. 3601) to admit free of duty articles intended for the international exhibition of 1876.

The message further announced that the Senate had passed a bill (S. No. 750) to compel the performance of certain duties by clerks of courts of the United States; in which he was directed to ask the concurrence of the House.

MISCELLANEOUS APPROPRIATION BILL.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. GARFIELD. I ask my colleague on the committee from Indiana [Mr. TYNER] to answer the question of the gentleman from New York, [Mr. WOOD.]

Mr. TYNER. Mr. Chairman, when the proposition was made in the Committee on Appropriations to provide this appropriation for the benefit of Clark, late postmaster at Galveston, I went to the Post-Office Department, and to the Auditor of the Treasury for that Department, to inquire into the condition of his accounts. I was there informed that the accounts of Clark had been fully settled, that so far as his accounts as postmaster were concerned they did not show the balance of a single dollar due to the Government of the United States.

This appropriation is intended to cover certain expenses that were incurred in the post-office at Galveston for furnishing the building in which the office was kept, which is a Government building, and I believe the Secretary of the Treasury has recommended the payment of this amount.

Mr. WOOD. Where is the document?

Mr. TYNER. I would say to the gentleman that the accounts are those that can be settled solely by the Treasury Department, and do not enter at all into the accounts of the Post-Office Department. So far as the Post-Office Department is concerned, I am informed not only at that Department, but by the Sixth Auditor of the Treasury, that there is no balance against Mr. Clark.

Mr. LOUGHRIDGE. If the gentleman will yield to me for a moment I have here a letter which I desire him to have read as a part of his remarks.

Mr. WOOD. I desire to say that it is generally understood, and I believe that it cannot be disputed, that this man Clark never intends to return to Galveston, so that if any persons there have furnished the Government with furniture for this office, he is not the proper person to pay it to for them to get the money. I hope therefore that the gentleman will, at least, consent to an alteration of this paragraph so as to provide that the Government shall pay the parties who are entitled to the money.

Mr. TYNER. In answer to that I will say that I do not know about the intentions of Mr. Clark. He may intend to return to Galveston or he may not. I never talked with him on the subject. I have no objection to the appropriation being properly guarded.

Mr. SPEER. I move to amend the amendment of the gentleman from New York as follows:

Strike out the paragraph in the bill and insert in lieu thereof the following:

To enable the Postmaster-General to pay the balance due on account of the purchase and repair of furniture for the post-office in the United States custom-house at Galveston, Texas, during the fiscal years ending the 30th day of June, 1872 and 1873, $1,573.58, or so much thereof as may be found due by the Sixth Auditor of the Treasury: *Provided*, That no part of this sum shall be paid until vouchers properly receipted from the parties who actually furnished the goods shall be filed with the said Auditor: *And provided further*, That no part thereof shall be paid to W. T. Clark until the final adjustment of his accounts with the Post-Office Department.

Mr. RANDALL. I suggest to my colleague that the latter part of that amendment is unnecessary.

Mr. SPEER. Yes, it is; he may have the vouchers. I think if the committee have listened carefully to the reading of the amendment they will agree that it is a very proper amendment. It has been charged in the newspapers that this man Clark is a defaulter to the Government. Whether that charge is true or not I do not pretend to say; but it is further charged, and I believe that charge to be true, that he has left Galveston and does not intend to return there again.

He claims to have appropriated a certain amount of money in furnishing the post-office building at Galveston. I believe him to be at this time an irresponsible man. Hence my amendment provides, not that the articles which he furnished should not be paid for, but that the parties from whom he bought them shall be paid for them. If this man, W. T. Clark, has actually paid the bills for the articles, then my amendment provides that he shall be paid upon the final settlement of his accounts with the Post-Office Department.

I am not here to speak for the Postmaster-General, but I have been informed this day by him that the accounts of Mr. Clark are not yet closed at the Post-Office Department. Therefore if this amount shall be paid to him now, and if he were to produce to the Post-Office Department the original receipts of the parties from whom he bought this furniture, and get the money from the Government, it might hereafter turn out upon the settlement of his accounts that he was indebted to the Government more than the amount here appropriated.

Mr. LOUGHRIDGE. The gentleman has no right to rise here and say that this gentleman is indebted to the United States.

Mr. SPEER. I did not say that he was; I said it might turn out so on the final settlement of his accounts.

Mr. LOUGHRIDGE. The gentleman might say that in regard to any claim before Congress. We have here the word of the gentleman from Indiana [Mr. TYNER] who has had charge of the post-office appropriation bill, and who himself went to the Treasury Department to ascertain the facts. He states that the Postmaster-General told him, and I say that he told him in my presence, that Mr. Clark did not owe the Department a single farthing. Now, I do not see what right, when here is an honest claim recommended by the Department, the gentleman has to get up here and say that it is stated in the newspapers that this gentleman is a defaulter, and then spread upon the record an insult to the claimant by saying that this amount shall not be paid him until his accounts are settled by the Department. Here is a claim covering many items, some thirty or forty of them—many of them quite small. They have all been paid by Mr. Clark, but this amendment would require him to go back and obtain receipts from the parties from whom he bought them.

Mr. SPEER. If they have been paid my amendment will not hurt him.

Mr. LOUGHRIDGE. I ask the Clerk to read a letter from the Secretary of the Treasury upon this subject.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., May 18, 1874.

SIR: General W. T. Clark, the postmaster at Galveston, Texas, incurred without authority from this Department an expenditure of $2,585.52 in the year 1872, in the purchase and repair of furniture, &c., for the post-office under his charge, and when bills were presented to this office they were disallowed, because the expenditure had not been previously authorized by the Department and for the further reason that the amounts paid by the postmaster were exorbitant. As, however, it appeared from the reports of the custodian that the expenditures were necessary for the proper transaction of the work under the charge of the postmaster, a special agent of the Department was instructed to inspect the work and review the bills therefor, making a report to this office. In the report made by the special agent he valued the work at $1,738.60, but his estimate therefor not being in detail, and there being no appropriation from which the amount could be properly paid at the date of the same, payment was suspended. Subsequently the superintendent of repairs employed by the Department to repair and remodel the building was instructed to investigate the matter and report to this Department. His report nearly coincided with that of the special agent, he valuing the work at the sum of $1,873.58, which report was accepted by the Department, but as the expenditure was incurred in the fiscal year of 1872-'73, and the appropriation to which the work was properly chargeable—"furniture and repairs of furniture for public buildings"—being exhausted, the entire amount could not be paid. The postmaster has presented with his account for the work receipted bills from the parties to whom the payments were made, and one of said vouchers was paid, namely, one in favor of J. Kerslake, amounting to $454, as presented by the postmaster by the sum of $300, for which amount the public creditor granted a receipt in full for all the material and labor supplied by him, that being the amount recommended by the special agent and the superintendent of repairs. The balance now remaining due under the superintendent's report is $1,573.58, for which amount a special appropriation should be made in order to properly pay the same; and I have the honor to request that an appropriation of said amount, or so much thereof as may be found due by the proper accounting officers of the Treasury, may be made during the present session of Congress for the relief of said postmaster.

Inclosed please find a statement of the original bills, with the amounts allowed by the special agent and superintendent of repairs referred to above.

Very respectfully,

WM. A. RICHARDSON,
Secretary.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

Mr. LOUGHRIDGE. I submit that we might just as well put upon a general appropriation bill a proviso that before the gentleman is paid his salary he shall be required to bring a receipt from the tailor in town from whom he bought his coat, or from his landlady that he has paid his board bill. That would be just as appropriate as it is to put his amendment upon this provision. This item was sent to the Secretary of the Treasury, he has indorsed it as correct, having sent two special messengers there to examine the account.

Mr. SPEER. I saw the Postmaster-General within the last half-hour, and he suggested the last proviso to the amendment which I have offered. The Secretary of the Treasury says that these goods were purchased for the use of the post-office, but he does not pretend to certify that the accounts of the postmaster with the Post-Office Department have been settled. What motive can the gentleman from Iowa [Mr. LOUGHRIDGE] have for rising here and attempting to defeat an amendment which has for its purpose and object only the protection of the interests of the Government? Does he stand here for the purpose of securing to this man, Clark, what is not due him, before his account with the Government is settled, compelling the Government to pay him, when perhaps at this very hour he may be in debt to the Government? My amendment is in the line of honesty and justice to the Government, and not in the line of favoritism to a man who has not been a faithful public officer.

Mr. LOUGHRIDGE. The gentleman is mistaken in his insinuation. I simply know this gentleman. I throw back the insinuation of the gentleman; it is unfounded, and he has no right to make it. It is unfounded and ungenerous.

Mr. SPEER. It is justified by the gentleman's position.

Mr. LOUGHRIDGE. No, sir; it is not.

Mr. SPEER. Coming here as a member of the Committee on Appropriations, whose duty it should be to protect the Government, the gentleman pleads the cause of a man who stands in a most doubtful attitude before the country as a public officer. I make no insinuation, but leave the gentleman where he places himself.

Mr. TYNER. I move *pro forma* to amend by striking out $73.58. I make this motion for the purpose merely of submitting a brief statement. The statement I made a few minutes since in regard to this matter corresponded precisely with the information I had obtained at the Post-Office Department, namely, that the accounts of

the postmaster at Galveston, so far as settled, did not show a balance due from him to the Government. But since this matter has come up in the House I, too, have had a conversation with the Postmaster-General, in which he has stated that recent developments indicate that when the account shall be finally settled there may be and probably will be a balance against this man Clark. Now, I do not want to be regarded as the champion of Mr. Clark on this floor, nor would I have appeared in this debate at all but for the fact that when the matter was brought before the Committee on Appropriations I objected to providing for this payment until information could be obtained from the Post-Office Department. After I had made inquiries and had made my report to the committee, they agreed to embody this appropriation in the pending bill. But after the statement of the Postmaster-General my judgment, looking over the whole ground, is that the amendment of the gentleman from Pennsylvania [Mr. SPEER] ought to be adopted.

The amendment was agreed to.

Mr. FARWELL. I move to amend by inserting after the amendment just adopted the following:

That the Secretary of the Treasury be, and is hereby, authorized and directed to pay out of the appropriation already made the duly audited bills of Thomas H. Robb and Richard H. Savage, late United States commissioners upon the Mexican boundary, for balances due to them, the sum paid not to exceed $943.50 to each of said late commissioners.

I desire only to say that the Committee on Appropriations understand this amendment and do not object to it.

Mr. BECK. I rise to oppose the amendment. I want to know whether or not it is recommended by the Committee on Appropriations or how it comes here?

Mr. HALE, of Maine. It is not recommended by the Committee on Appropriations.

Mr. BECK. Is there any law by which this appropriation is authorized? I hope it will not be adopted unless there is some recommendation from some committee, or unless we have some satisfactory information in regard to it. I would like to know how these balances arose and where they came from.

Mr. HALE, of Maine. If the gentleman will permit me, I will tell him. The Committee on Appropriations did not put this item in the bill for this reason: The gentlemen named here were Texas boundary commissioners; they were paid at certain rates per day fixed by law. At a certain time the appropriation for one year ran out, and they came home here to Washington. Soon afterward a new appropriation was passed by Congress, and they went back to Texas and set to work again. They made claim (and that is what this item covers) for certain days' time and certain expenses of office rent during the interval when they were here between the two appropriations. The Secretary of State, in whose Department the matter came, declined to allow these payments. There was an issue between him and the commissioners. His books show that according to his manner of keeping the account the commissioners have received pay for all the time that he says they were employed. They, on the other hand, claim that during the days intervening between the two appropriations they were at work preparing their report, were obliged to hire an office, and incurred some other incidental expenses. That is the point involved; and it is one of conflict between the commissioners and the State Department.

Mr. WILLARD, of Vermont. How old is this claim?

Mr. HALE, of Maine. It arose only the year before last. The Committee on Appropriations in providing for the expenses of the different Departments of the Government did not feel authorized so to act as to antagonize the State Department's method of book-keeping in the administration of a certain fund. We had provided the appropriation; it had passed into the hands of the Secretary of State, and the committee, I repeat, did not feel authorized on its own responsibility to embody in the bill a clause which should interfere with the Secretary of State in the administration of that fund. This is the reason the appropriation was not inserted in the bill.

Mr. BECK. Was not this subject up two or three years ago?

Mr. HALE, of Maine. No, sir.

Mr. BECK. How old is the claim?

Mr. HALE, of Maine. Gentlemen will remember that the Texan commission first started in the season of 1872, and closed its labors about September, 1873. I think that this claim covers the last days of 1872. It has never been before Congress heretofore.

Mr. BECK. I had an impression that it had been rejected heretofore.

Mr. HALE, of Maine. We have had before us, of course, the appropriations for the Texan commission, and have had discussion upon those appropriations. But I do not remember that this appropriation has ever been up before.

Mr. LAWRENCE. Mr. Chairman, is not this amendment liable to the point of order that it proposes to make appropriation for a claim not provided for by law?

The CHAIRMAN. The Chair is inclined to the opinion that after the amendment has been debated on both sides the point of order is made too late.

Mr. LAWRENCE. I move to strike out the last word. It is proposed now to disregard the books of the State Department, and without any evidence at all except the simple statement of these commissioners to pay their claims. I think that ought not to be done. I do not believe private claims simply on the statements of the claimants themselves, without any evidence at all laid before the House. should be paid in opposition to the books of the State Department, and especially when it comes in an appropriation bill of this sort where it is not legitimate business. I withdraw my amendment to the amendment.

Mr. FARWELL'S amendment was rejected.

Mr. MCCRARY. I move to insert the following:

That the proper accounting officer shall allow and pay to Eunice Barcus whatever sum may be found to have been due to her step-son, Henry Barcus, as bounty or arrears of pay as a private of Company K, Eighth Regiment Iowa Veteran Volunteers, at the time of his death, and in accordance with his last will and testament, and the sum required for this purpose is hereby appropriated.

Mr. STORM. I make the point of order on that amendment that it provides for an appropriation not required to be made by law.

Mr. MCCRARY. I ask the gentleman from Pennsylvania to withdraw his point of order for a moment.

Mr. STORM. I will withhold the point of order until the gentleman makes his statement.

Mr. MCCRARY. This is the case of a soldier who died in the service, having made a will giving to his step-mother the amount due to him as arrears of pay and bounty. He left no heirs whatever. He had been raised by his step-mother and had no other person he desired to leave his pay to. Under the statute the Department does not recognize the will, and will not pay the arrears of pay and bounty to this step-mother unless authorized so to do by Congress. That is the whole case, and I hope my friend from Pennsylvania will withdraw his point of order.

Mr. STORM. There are two objections to it. In the first place, there is no heirs now entitled to these arrears of pay and bounty. That is one objection. In the next place, this is a bad place, in an appropriation bill, to come in with a provision like this to pay bounty in the case of a single soldier.

This, like all other similar cases, should come in in a general bill and not be inserted in an appropriation bill. There are thousands of cases of soldiers who are entitled to bounty, but they should all come in together, and not one favored at the expense of others.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MCCRARY. I hope the Chair will reconsider his decision. The amount to pay this bounty and arrears of pay is already provided for by law. It is due under the laws of the land, and an appropriation has been made for it. This is only a provision directing its payment according to the last will and testament of this soldier.

Mr. STORM. Who would get this under the law?

The CHAIRMAN. Does the law now provide this money shall be paid in accordance with the proposed amendment?

Mr. MCCRARY. If it is not paid under the last will and testament of this soldier it cannot be paid at all.

The CHAIRMAN. The Chair inquires of the gentleman from Iowa whether he can suggest any law which requires the payment of money as provided for in this amendment.

Mr. MCCRARY. My friend from Pennsylvania, I am sorry to say, is not willing to listen to reason or humanity.

Mr. STORM. There is no reason in the gentleman's argument, and I wish to say to him that it is only fair all these soldiers shall stand on the same footing, and not one favored at the expense of another.

The CHAIRMAN. The Chair decides the amendment to be out of order.

Mr. GARFIELD. I offer the following amendment on my own individual motion and not as coming from the Committee on Appropriations.

The Clerk read as follows:

That there shall be paid to Major-General O. O. Howard, out of any money in the Treasury not otherwise appropriated, the sum of $7,000, to reimburse him for the expense he incurred in defending his official conduct as Commissioner of Freedmen's Affairs.

Mr. SPEER. I make the point of order that this is an appropriation of money not authorized by law.

The CHAIRMAN. Does the gentleman from Ohio state there is any law authorizing this appropriation of money?

Mr. GARFIELD. I am not certain whether there is any law for that or not. I call the attention of the Chair, however, to the fact that it proposes an appropriation of money to enable an officer of the Government to reimburse himself for defending his official conduct. I am not clear in my mind that is not a proper appropriation for carrying on the official functions of Government. I leave it to the wiser judgment of the chairman.

Mr. SPEER. Does the gentleman know of any other alleged criminal whose expenses were asked to be paid by the Government?

Mr. GARFIELD. I will suggest that during the war we did pass a law which I believe is now upon our statute-books, to indemnify officers of the Army for prosecutions instituted against them.

Mr. SPEER. This was not a prosecution brought against General Howard for anything he did as a soldier.

Mr. GARFIELD. I think this will come under that law.

The CHAIRMAN. If the gentleman will direct attention to the particular law to which he refers the Chair will give his decision on it.

Mr. GARFIELD. I understand from the chairman of the Committee on Revision of the Laws that that provision is still contained in

the revised laws, and this amendment therefore which I have moved is plainly within the law of the United States under which officers thus prosecuted are indemnified for their expenses.

The CHAIRMAN. The Chair will entertain the amendment at the time the gentleman from Ohio will call his attention to the law under which he holds it is in order.

Mr. HALE, of Maine. Let the right of the gentleman from Ohio to offer the amendment be reserved until he can direct the attention of the Chair to the law he has referred to.

The CHAIRMAN. The Chair will reserve his decision till then.

Mr. GARFIELD. If there be no objection, I desire to make this general statement. This subject was not before the Committee on Appropriations. But I desire, in asking the attention of the Committee of the Whole and of all gentlemen who hear me on this proposition, to appeal to that Anglo-Saxon sense of fair play that I believe exists in the breast of every man without regard to party affiliations. Here is an officer who has undergone a series of most searching examinations into his official conduct. For years he has had a most difficult duty, with the largest responsibility thrown upon him, the largest discretion being intrusted to him, and after all the work has been done and all the examinations into his official conduct have been made, the highest military court on this continent, after long and patient investigation, have reached the unanimous conclusion that his official career in all matters investigated by the court has been pure and worthy in every respect. That, as I understand, was the unanimous decision of the court.

Mr. RANDALL. Does the gentleman say that it was the "unanimous" judgment of the court?

Mr. GARFIELD. I do say it, and I have the highest official authority for saying it.

Mr. SPEER. I wish to ask the gentleman a question. Did he ever propose any appropriation to reimburse President Johnson for his expenditures in defending himself when impeached for the faithful discharge of his duties?

Mr. GARFIELD. General Howard has passed through the fiery ordeal of a public trial, and has been reduced almost to penury by the expenses of defending himself upon that trial. He has been compelled, in the proper defense of his own cause, to use up almost his entire fortune. Under such circumstances it seems to me to be a matter of fair and simple justice that the United States should say that the expenditure thus made shall be a part of its own expenditure, that the defense of the official character of its own servant shall be at the expense of the Government in whose service his work was done. And in this connection I call attention to a clause in the bill we have just passed for payment of the necessary expenses incurred in defending suits against the Secretary of the Treasury or his agents for the seizure of captured and abandoned property, &c.

Mr. ARCHER. That is under a special act.

Mr. GARFIELD. It may be under a special act, but I would simply say that there is a strict analogy between the two cases.

Mr. SPEER. I shall repeat the question which I addressed a moment ago to the gentleman from Ohio. Did he ever propose to pay the expenses of President Johnson when his party attempted to impeach him, and when the judgment, I believe, of the whole civilized world was that he was innocent?

Mr. GARFIELD. I believe he was not acquitted.

The CHAIRMAN. The Clerk will proceed with the reading of the bill, and the right of the gentleman from Ohio to offer his amendment will meanwhile be reserved until he shall cite the law to which he has referred.

Mr. BECK. When that amendment comes up I propose to offer as an amendment to it what I send to the desk. I offer it in that same line of Anglo-Saxon fair play of which the gentleman has spoken.

The CHAIRMAN. The amendment to the amendment will be reserved until the amendment is considered.

The Clerk read as follows:

That for printing the preparatory circulars, and for printing and binding at the Government Printing Office the report on life-insurance statistics made, under authority of the eighth international statistical congress, by William Barnes, in accordance with plan of publication adopted at said congress, under the direction of the Secretary of State, any unexpended balance of an appropriation for the above purpose, made in the act of March 3, 1873, is hereby continued and rendered available.

Mr. KELLOGG. I offer the following amendment:

At the end of line 250 add the following:

To enable the President of the United States to perfect and put in force such rules regulating the civil service as may from time to time be adopted by him, with authority to allow such compensation for special services under the act of 1871, to persons already in the service of the Government, as he may deem proper, $25,000; which sum shall include any balance of appropriation for the same object of any previous fiscal years remaining unexpended at the close of the current fiscal year.

I ask consent to have a passage read from the President's message.

Mr. STARKWEATHER. Let me ask my colleague to reserve his amendment for the present and offer it at some future point in the bill.

Mr. KELLOGG. I have examined the bill thoroughly and do not see any place where it would better come in. It would not come in among light-houses or anything of that kind. I have waited until we reached the end of the miscellaneous items. I have sent all over the Capitol for my colleague on the committee, who is absent from the Hall, the gentleman from Massachusetts, [Mr. BUTLER;] I think he will be here before my amendment is disposed of.

Mr. STARKWEATHER. Some members of the Committee on Appropriations who have given attention to this subject are not present just now. I ask my colleague to allow his amendment to be pending. When they are here he can again offer it for discussion.

Mr. BECK. I make the point of order on the amendment that a specific appropriation was made for a specific purpose in connection with the civil-service commission, and that this is creating new powers not granted by law.

The CHAIRMAN. Will the gentleman from Kentucky [Mr. BECK] point out what new powers are created by this amendment which are not granted by law?

Mr. BECK. As I understand it, provision is made for the payment of new commissioners, such as the President may see fit to employ. I think the civil-service act limits the amount to a certain sum to be paid for a certain number of persons.

The CHAIRMAN. The amendment will be again read.

The amendment was again read.

The CHAIRMAN. So much of this amendment as refers to unexpended balances may or may not be a change of existing laws. The Chair is not able to state.

Mr. GARFIELD. I hope the gentleman from Connecticut, [Mr. KELLOGG,] in accordance with the suggestion of his colleague, will allow his amendment to be reserved as pending for the present.

Mr. KELLOGG. Before that is done I ask that a passage from the President's message be read, and also a section of the law.

Mr. PLATT, of Virginia. I object.

The CHAIRMAN. The Chair asks the gentleman from Connecticut to point out what portion of unexpended balances will be affected by this amendment.

Mr. KELLOGG. If the point of order is insisted on I shall strike out that part of the amendment relating to the unexpended balances. There is now some $10,000 of the appropriation of $25,000 last year unexpended, and I made the amendment cover only $25,000 including that amount. I ask for the reading of the President's message, and also of the law.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. BECK] insist on so much of the point of order as relates to the unexpended balances?

Mr. KELLOGG. If gentlemen insist upon it, I am willing that this matter shall lie over.

The CHAIRMAN. The gentleman from Connecticut will suspend his remarks. Does the gentleman from Kentucky insist on so much of his point of order as relates to the unexpended balances?

Mr. BECK. I do; but I have not yet been able to get the statute to see what the law is. I understand, however, that the gentleman from Connecticut proposes to let the amendment lie over.

The CHAIRMAN. Does the gentleman from Connecticut insist on the consideration of his amendment now?

Mr. KELLOGG. I should prefer that it shall be considered now.

The CHAIRMAN. It is a simple question, and the gentleman must answer yea or nay.

Mr. KELLOGG. I will consent, on the appeal of my colleague [Mr. STARKWEATHER] and of the chairman of the Committee on Appropriations, that it shall be considered as pending here at this point in the bill.

The CHAIRMAN. Is there objection to the amendment being considered as pending?

Mr. PLATT, of Virginia. I object.

The CHAIRMAN. Then the gentleman from Connecticut must take his election, either to withdraw the amendment or to press it.

Mr. KELLOGG. I hope there will be no objection to its being considered as pending at this point in the bill.

The CHAIRMAN. The gentleman from Connecticut must respond to the Chair.

Mr. KELLOGG. I ask consent that the message of the President be read.

Mr. PLATT, of Virginia. I withdraw my objection.

The CHAIRMAN. Then is there any objection to the amendment being considered as pending and the committee's proceeding with the consideration of the bill?

Mr. WARD, of Illinois. I object.

The CHAIRMAN. Then the gentleman from Connecticut must either press his amendment or withdraw it.

Several MEMBERS. Withdraw it.

Several other MEMBERS. O, no; press it.

Mr. KELLOGG. I shall not withdraw the amendment.

The CHAIRMAN. It is the opinion of the Chair that so much of the amendment as refers to unexpended balances is in conflict with existing law, and is therefore out of order.

Mr. KELLOGG. I modify my amendment by striking out that part of it.

The amendment, as modified, was read, as follows:

To enable the President of the United States to perfect and put in force such rules regulating the civil service as may from time to time be adopted by him, with authority to allow such compensation for special service under the act of 1871 to persons already in the service of the Government as he may deem proper, $25,000.

Mr. LAWRENCE. I ask the gentleman from Connecticut to allow me to offer an amendment to the amendment.

Mr. KELLOGG. I will at the proper time.

Mr. LAWRENCE. Let it be read now. I do not think the gentleman will have any objection to it.

Mr. KELLOGG. Well, let it be read then.

The Clerk read the amendment proposed by Mr. LAWRENCE, as follows:

Add to the proposed amendment the following:
And it shall be the duty of the civil-service commission to report to the President, to be transmitted to Congress at its next session, a bill or plan for the reorganization of all the Departments of the Government so as to equalize salaries, and as far as practicable to reduce the expenses, and increase the efficiency thereof.

Mr. KELLOGG. I object to that amendment. That work has already been done in part. Now, I ask that section 9 of the law be read, the time taken in its reading not to come out of my time.

The CHAIRMAN. The Chair would like to understand the gentleman from Connecticut in respect to his time?

Mr. KELLOGG. I ask that what I send up be read, not to come out of my time.

The CHAIRMAN. Under what rule?

Mr. KELLOGG. By unanimous consent.

The CHAIRMAN. Is there objection?

Mr. BARBER. I object.

Mr. BECK. I desire to say that I withdraw my objection, now that the gentleman has withdrawn that part of the amendment in relation to unexpended balances, because I believe the amendment is now in accordance with the law.

Mr. WARD, of Illinois. With the withdrawal of the objection of the gentleman from Kentucky, I want to know the status of the amendment. I rise to a parliamentary inquiry. What is the present condition of the amendment?

The CHAIRMAN. The gentleman from Connecticut offers the amendment to the bill which has been read at the Clerk's desk. The Clerk will read it again if the gentleman desires it.

Mr. WARD, of Illinois. O, no.

The CHAIRMAN. The gentleman from Connecticut is entitled to five minutes to speak in favor of the amendment, and he will proceed.

Mr. KELLOGG. I have no time to state in detail what has been the action during the past year of the civil-service reform commission. I can only say this at the outset, that I beg my friends here, whether they agree with me in this matter of civil-service reform or not, to give me their attention for the few minutes allowed me under the rule.

I say this: that notwithstanding all that has been said in the newspapers and on this floor in derision of this attempt at reform, no man can read the report of the civil-service commission, showing what they have done during the last year, if careful and unprejudiced attention is given to it, without being satisfied that much good has already been accomplished. I admit that their work was crude and unsatisfactory when they first started; that many of the questions which they propounded to applicants were useless, perhaps I might say they were worse than useless in some cases. But that was owing to a great extent, perhaps, to the fact that it was an untried experiment, and time was needed to correct the errors and imperfections of a new system in the matter of appointments. I believe the President and the commissioners appointed by him have tried in good faith to improve upon the old system of appointments. In the early part of it, at the head of the commission, we had a man, Mr. George William Curtis, of New York, a polished gentleman and scholar, who is too much of a poet perhaps and altogether too fine a writer to be a very practical man in this business. He looked for perfection in the outset of the scheme, and became disgusted perhaps because he could not bring the system to perfection at once. It is possibly true that during the first part of this reform there were some questions used in the examination of candidates that naturally brought upon it the derision to some extent of the press and of the country. But if gentlemen have taken the pains to read the report of last year, they will have found that it has been during that time a most laborious commission. A very excellent man, Mr. D. B. Eaton, of New York, is at the head of the commission, honestly and faithfully striving as I believe to make our civil service better than it is. In that he has my hearty sympathy; and I say that in anything which he and his associates can do to elevate and improve the civil service of the country they ought to receive support from us without distinction of party. This civil-service commission, although it may not have accomplished all that has been hoped from it by its friends, has done much already to improve the service. The call for a reform in the civil service was an expression of the aspiration on the part of the American people for something higher and better in this matter than we have heretofore had in this country.

Now, so far as the claim which is often made here, that members of Congress should have the settlement of all this matter of offices without regard to these or any other examinations as to character and fitness for office, I say for myself that the worst curse which as members of the House we can have here is the disposition of patronage, which comes to us under the old system. For one, I almost shudder when I hear of a proposed change in a post-office in my district. I always hope that all the officers in my district will live to the end of my term. I would rather, ten times over, never hear of the resignation or removal of an officer in my district than be obliged to select a successor from among my friends. I am just so good-natured as this, that I would prefer to help all my friends who desire a place, if I had the power. Gentlemen must know that one can never be selected for an office worth having without disappointing ten or a dozen others, and making more enemies than friends whenever you are obliged to recommend an appointment. I do not shrink from the responsibility when it is placed upon me by request of a Cabinet officer or otherwise; but I have no desire to assume any more of this sort of responsibility than I am obliged to do under the present system. The less place-hunting we have to do the better it is for us as lawmakers.

The framers of our Constitution placed the appointing power in the hands of the Executive, excepting some classes of inferior officers, subject to the confirmation of the Senate; and it was not designed that this branch of the legislative department of the Government should select the officers under the Executive; and the less we have to do with it the better it is for ourselves and our constituents, for we shall thus have more time for the discharge of our legislative duties, and avoid the vexations that will come to us if obliged to make these selections.

Now in regard to the reform inaugurated under the present system, we have the almost unanimous concurrence of the members of the Cabinet and of the heads of the leading Bureaus in the Departments of the Government that it has produced a great deal of good so far in bringing more intelligent men and a better class of men into the civil service of the Government. I admit that still further improvement is needful. But what I look upon in this matter of examinations as chiefly of importance, is that you secure competent men to enter the civil service in the first place. When you come to promotions, I admit that a higher ratio or standard should be given to men who have filled their offices and performed their duties well.

[Here the hammer fell.]

Mr. E. R. HOAR. I rise to oppose the amendment, and yield my time to the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. KELLOGG. I say that if you will look into this report, you will find that there is almost a unanimous concurrence on the part of Cabinet officers and heads of Bureaus that there has been a great deal of good already accomplished. When you come to the matter of examination for promotion, then I say that efficiency and good conduct should stand much higher than a mere proficiency in literary attainments, or an examination by questions and answers. And that is the tendency of the system now being adopted. More weight is to be given to good conduct, efficiency in the service, and an aptness for the duties of the service, when you come to the matter of promotions in the civil service. I would give much more weight to the fact that a man having been tried had proved himself an efficient, faithful clerk, on a question of promotion, than I would to the mere correctness of his answers on an examination. But these examinations have been made of more practical character than they were at the outset, and will be improved still more if you allow the work to be continued. I have no time to read from the report the testimony of members of the Cabinet and of heads of Bureaus to show that a good work is being accomplished, but I will give a few extracts from the report:

The First Assistant Postmaster-General reports, "That, in my opinion, the application of these rules, judged in the light of their collective and general result, has been in a marked degree beneficial to the public interests. Under the system of examinations prescribed we have, in the first place, secured more competent and reliable persons for appointment; and, secondly, greater zeal and industry in the discharge of duty and more earnest application in mastering the details of any work or position assigned, attributable, I doubt not mainly, if not entirely, to the fact that promotion was by the rules made the reward of the most faithful and capable; and, thirdly, greater concern for the service and pride in its success, due largely to the conviction that continuance in it depended not so much on what is called influence or supposed necessities of party policy as merit and efficiency. The protection afforded by the system has tended in no small degree to encourage the feeling of individual responsibility, which in its turn develops manliness and force of character."

1. The Comptroller of the Currency states that, so far as the rules apply to male clerks, "the results have been a higher and better grade of clerks than under the old system." Though there was some inconvenience from delay in procuring clerks promptly, he says, "I am satisfied that this and all other inconveniences which might be enumerated will disappear after the plan shall have been fully matured. I have no doubt that the public service will be purified * * * by the * * * continuance of the system." He favors making promotion depend on the head of the Bureau.

2. The Register of the Treasury says of the rules that, "so far as I have had an opportunity of judging of the effects, they have, in my opinion, been promotive of good results, and calculated to elevate the standard of clerical ability and efficiency." He thinks that heads of Bureaus should have greater control over promotions, and that certain duties could be performed by a class of women having less attainments than the rules demand. He hopes that experience may so perfect the rules as to "commend them to the favor and support of intelligent citizens of all parties."

3. The Commissioner of Internal Revenue says that "the application of the rules referred to, so far as this office is concerned, has been satisfactory, and in my opinion furnishes an intelligent and capable class of clerks for the public service."

4. The Second Comptroller states that "the appointees to this office under the system of competitive examinations have given entire satisfaction, and I am of opinion that, as a class, the persons who have entered the service under the civil-service rules are superior in point of ability to those obtained under the former mode of examination and appointment."

And the same or similar testimony is given in the report by most of the heads of the different Bureaus.

I hope my friends, even if some of them do not think much of the cause I am advocating, will think enough of me to give at least a little attention to what I may say upon this subject, for it is no more than fair and right to give this subject a candid attention before you strike at it. In the little time that is left me about all I can state further is the action of the committee upon this matter. In the first

place, the Committee on Reform in the Civil Service, by a very fair majority, voted to recommend to the Committee on Appropriations to put in this bill $25,000 for this purpose, as recommended by the President in his message referred to our committee. That was communicated to the Committee on Appropriations. I know that some of them were in favor of it, but I am very sorry to say a majority were not in favor of it and they voted it down, and for that reason it does not appear in the bill. Upon that committee rests the responsibility of rejecting the appropriation asked for in the President's message, and not upon the committee of which I happen to be chairman.

At a subsequent meeting of the Committee on Civil Service Reform, the gentleman from Massachusetts [Mr. BUTLER]—and I am very sorry the gentleman from Massachusetts is not here; he was here when we began, and I presume he will be here yet—made a motion to rescind that resolution, which was voted down by a tie vote. Then a sort of nondescript resolution was offered by him, saying in terms that we were in favor of no appropriation to carry on the experiment further as it has been carried on. Now, we do not any of us propose to carry it on exactly as it has been carried on. It has improved under the light of experience. Mr. Eaton, the head of the commission, is doing his utmost to perfect the rules for a more efficient service. They have organized five different districts in the country, so that the applicants shall not all be obliged to come here to Washington for examination. Every effort is being made to treat the whole country fairly in this matter of examinations and appointments. Now, when we have a law for this appropriation, a law by which we call upon the President to employ these officers; when we have adopted this principle in our platforms, it is not my idea of good faith to turn around as soon as we can and endeavor to destroy every good thing we have put in our party platforms.

Some of us seem to be trying this experiment upon nearly every good thing we had in our party platforms two years ago on both sides of the House, the return to specie payments and all our other pledges; but there is something higher than party platforms in this question. There is a settled desire and determination of the American people to make our civil service better and nobler; and I warn my friends on both sides of the House that they cannot satisfy the demands of the people by any such ill-advised action as refusing this small appropriation which the law you have enacted calls for. Make the appropriation to meet the law you have enacted while it stands upon your statute-books; or else repeal the law like men, and take the responsibility of your action home to your constituents and settle it there.

[Mr. CREAMER addressed the Committee of the Whole. His remarks will appear in the Appendix.]

Mr. RICE. I wish to make a motion.

The CHAIRMAN. No further amendment is in order.

Mr. RICE. Then I wish to say a word.

The CHAIRMAN. No further debate is in order.

The amendment to the amendment was disagreed to.

Mr. RICE. I wish to propose that hereafter the President of the United States shall be placed under the guardianship of the gentleman from New York who has just taken his seat.

Mr. CREAMER. The gentleman is right, for he should be placed under the guardianship of somebody.

Mr. BUTLER, of Massachusetts. I make the point of order that it changes existing law.

Mr. WOODFORD. I move *pro forma* to strike out the last word.

My friend and colleague from New York apparently objects to the fitness of the Executive mainly on the ground that before the war he had only been educated to drive a team of mules.

Mr. CREAMER. I did not say anything of the kind.

Mr. WOODFORD. We set him at that task in the autumn of 1868 and again in 1872. He drove the mules so well that each time the driven team went home, while he went into the White House. He certainly drives well.

Now, I am perfectly aware that the question under discussion is one which does not apparently affect the sympathy or enlist the thoughtful attention of very many gentlemen in this House. The most of you have very few Federal offices in your districts. But kindly bear with me for a moment, while I attempt to speak of the practical results of that which is a very practical question, deeply affecting the party and efficiency of the administration of governmental affairs in the great cities and here where the great Departments are located.

In the custom-house at the port of New York there are more than fourteen hundred officials, deriving their appointment from the Treasury Department or directly from the Executive. In the post-office at New York there are more than seven hundred officials. In the navy-yard, at the city of Brooklyn, where I live, there are, when the yard is full, more than two thousand employés. Thus there are over two thousand in New York City, and over two thousand in Brooklyn.

For well-nigh one and a half generations this enormous mass of appointments has been largely regarded as so much capital or stock in trade for the dominant party, and has been largely used to reward political services and accomplish partisan results. This has been equally done by whichever party was in power at the time. Political leaders have sought on the one hand to serve the public, while on the other they have been careful to control the party organization. Whenever these interests have been antagonistic the public service has gone to the wall, and the party necessity has had the center of the road. This has been the result alike under both parties and all administrations.

There are in the State of New York one hundred and twenty-eight assembly districts. It is believed that shrewd politicians, whether of the democratic or republican schools, when in possession of Federal power, when in control of the patronage and the appointments of the navy-yard, the post-office, and the custom-house, can practically control the delegations from at least one-quarter of the assembly districts in the State political conventions and thus necessarily have potent voice in making the nominations of rulers of that great State.

Mr. HOSKINS. Will my friend from New York allow me to ask him a question, and that is whether, under the operation of the civil-service rule, these offices have not all been filled by the party in power precisely as they were before?

Mr. WOODFORD. I was coming to that in one moment; but will suggest in reply to my colleague that the republican has always claimed to be the party of the school-house. Our republican candidates ought therefore to have passed the examining boards and to have shown themselves competent. If they have had equal chance, I am not surprised that these offices have been filled under the new system from the party in power.

But a truce to jest and pleasant reply. I ask gentlemen to realize the effect of this condition of things upon any and all parties. The necessary and inevitable evil is more than this. The direct and logical effect of this enormous patronage is to create factions within parties and to feed factions instead of strengthening parties. Certain leaders are found to have great influence with the appointing power. These men are naturally courted and followed by those who being out of office want appointments, and by those who being in office seek to keep their places. This injures the public service by substituting faithful political labor for faithful performance of official duty. It demoralizes the manhood of the office-holder by compelling or inducing him to consult the will of his official chief instead of his own conscience, and to serve the purposes of a faction instead of the higher interests of a nation through the agency of a party. This is the old idea of "To the victors belong the spoils," carried out to its logical result and bearing its logical fruits.

Here in Washington, you have yourselves seen the evils of this thing. You have seen with each new administration the corridors of the Capitol, the corridors of the hotels, crowded, literally swarming with people coming from every part of the Union in order to secure appointments or employment. It has been and to-day is a burden on you, their Representatives, keeping you from your natural and proper duties and making you suitors for Executive favor and brokers in departmental appointments. It is a strain upon the very system of our government, already become severe and each year growing more severe and dangerous. Our President, when he came into power, saw the evil and sought to remedy it.

Right here let me also say that if it takes great political wisdom for the party in power to use its patronage shrewdly, it takes great courage for a party in power to reform or squarely to attempt to reform its own abuses. The President saw this evil, and in harmony with his request and of our own free motion this civil-service commission came into being.

I am not here to defend that commission for all it has done, or the Administration for all the appointments that have been made. But I am here to say this: if that commission fails, its failure will depend not only on itself and on the President, but largely on you and on me.

The President has been largely left to stand alone. The prominent politicians of each district all over the land have besought and pestered him to yield here, and yield there, to ease up on this rule, to serve this deserving candidate, and overlook that rule to oblige that influential friend. We have ourselves in many instances stood in the way and made the path of this reform very difficult alike to the President and to the heads of the several Executive Departments. We have put "civil-service reform" into platforms and convention resolutions. We have spoken of it on the hustings. Our editors have praised it in the press. Thoughtful citizens, conscious of the growing evils of partisan patronage, have approved our purpose, and been sadly disappointed at our performance. Let us acknowledge the facts and remedy our own shortcomings.

This reform has done much good. Under many difficulties, in the face of much opposition, against many temptations, the civil service of the Federal Government at New York City has steadily improved under the present Administration in all its clerical and subordinate departments. There have been wrongs by special agents of the Treasury, there have been many evils of which I have spoken freely both here and elsewhere, and yet in the face of these things I am bound as matter of simple truth and justice to say that the *morale* and efficiency of the customs and postal service at the cities of New York and Brooklyn have steadily improved under the operation of the "civil-service reform."

If the effort has not been altogether a success, still it has not been altogether a sham or a failure. We have assumed the responsibility of attempting this reform. We must make it a success or accept for ourselves and our party the responsibility of the failure. We have the power; ours then is the duty. We cannot deceive the people. Do not let us try to do so, even if we can.

Let us vote this appropriation. Then, instead of secretly opposing and hindering, let us help by sincere effort and friendliest advice to

make the experiment each year more practical and more efficient. In one word, let us each in his own district and in his own place of power or trust squarely live up to this reform ourselves, and so help our President and all the heads of Departments to enforce it to the welfare of the public service.

[Here the hammer fell.]

Mr. SOUTHARD. In 1871, as I understand, this civil-service commission was established. It was the insignia on the republican flag in the campaign of 1872 that the party had attempted to reform itself. It was the boast and the pride of stump orators during that campaign, and at the hustings we heard the fair pledges of thorough and sweeping reform.

In 1871, $10,000 I believe was voted to pay the expenses of this commission; in 1872, $25,000; and in 1873, $25,000 more. And this civil-service reform was thus built up in *theory*, but in *practice* there have been no real reformatory results. The same "spoils of office" that were so much deprecated still exist in all their colossal proportions. Although in 1871 this began under what were claimed and considered to be such favorable auspices, yet in the campaign of 1872, right in the city of Washington, notwithstanding that the civil-service rules prescribed that there should be no assessments upon clerks in the Departments or elsewhere, the agent of the national republican committee went into the Post-Office Department and there solicited and obtained, under the eye of the officers of that Department, subscriptions from the clerks. This was done not only here but in other cities throughout the country, reaching Chicago and other points. So much a failure was the civil-service reform in practice, that the chairman of the commission, Hon. George W. Curtis, appointed by the President himself, was compelled by a sense of honor and a sense of justice to himself to resign his commission. This he did in the spring or summer of 1873 because of the open and reckless violation of the rules prescribed by that commission. We have merely a *theory* for which a large appropriation is made year by year, while the practical results are barren of good, and the system establishes nothing but the fact of simulation.

A hundred millions or more of the revenues of the country are lost annually in the collection, as is stated by the civil-service commission. The major part of this, too, is in consequence of fraud or inefficiency. We lose year by year in this manner that enormous amount of money, and yet we are asked by the Secretary of the Treasury this year to increase the burdens of the people $42,000,000 by additional taxation. This, stripped of all paraphernalia, is the vaunted reform. We have attempted to obtain practical results, and there has been built up instead simply a theory. If the civil-service report of this year be examined, you will find that it amounts simply to this one thing—no abolition of party favoritism, but ample latitude is claimed for its efficient exercise. Members of Congress are besieged by applicants for positions whom they do not care to meet by a refusal, and they are remitted to the civil-service rules. In that way the rules are a convenience. But if they see any positions that are desirable and wish their friends to fill them, that way is practically open, notwithstanding these civil-service rules. The customs department itself, to which the gentleman from New York [Mr. WOODFORD] has referred, and which needs reforming much more perhaps than any other branch of the civil service, is not under the control of these rules and regulations; or at least they are not put in practice there to any troublesome extent.

The theory I say of these regulations is that there shall be a genuine reform—that there shall be no political preferences, and that there shall be a simple rule which shall govern all cases upon a testing examination. But to obtain an indorsement of these rules by Congress, and to continue the system in existence, the committee put it so gingerly in their last report that it is easy to perceive full scope is left for party patronage. That the system might meet with the approval of the republican members of Congress and obtain their support, these rules are held to be so flexible that all the needed patronage and party spoils might still be secured. That is the fair interpretation of it.

[Here the hammer fell.]

The question being taken on the amendment to the amendment, it was not agreed to.

Mr. BUTLER, of Massachusetts. I move to amend by striking out the two last words. I desire, Mr. Chairman, in all honesty and sincerity to discuss the question as presented by the chairman of the Committee on Civil Service Reform. I understand that he did me the favor to allude to me in connection with the resolution which was passed in the committee in favor of this amendment. I was absent through sickness for one week, and in that week that resolution was adopted.

Mr. KELLOGG. The miscellaneous appropriation bill was about to be taken up, and if we were to do anything we had to do it at once. We were sorry that it had to be taken up during the absence of the gentleman from Massachusetts, but we could not help it.

Mr. BUTLER, of Massachusetts. Of course it only happened so. Now, my friend is entirely mistaken in saying that this system of civil-service reform originated in the recommendation of the President of the United States. It never entered into his wildest imagination. Where, then, did it come from? The bill was passed on the 3d of March, 1871, when the President had been in office some considerable time. Who started it? It was when there was a cabal in the Senate of the United States composed of Senators Trumbull, SCHURZ, and others for the purpose of breaking down the President of the United States in the next coming election of 1872. They looked around for means to do it, and Mr. Trumbull offered as an amendment to the light-house bill this very luminous proposition for civil-service reform, for the purpose of catching the republican party. And we here were bothered at that time with the same sort of demagogues we see at some other times, and we did not dare to vote against it in this House. It was a catch-word. Everybody was afraid to go home and state that he had dared to vote against civil-service reform, which had its origin in China and its best exemplification in Great Britain.

They have had it for a long, long time in China, and China has got on much better than we have, so that I suppose we ought to adopt the customs of the Mongolian race. Sir, it is a mere trick of a politician who had apostatized from his party, and knowing that he was dead on account of his vote on Andrew Johnson's impeachment, he tried once more to get himself alive; but this scheme did not breathe the breath of life into him or galvanize him back again into public life.

Now I am telling what you all know. What happened next? Thereupon the President, having this measure forced on him by Congress, did the best he could, and said that he would try what he could do. He appointed a set of commissioners who made certain rules which the President himself was obliged to violate at once in all matters relating to the higher appointments, simply because they were all unconstitutional; for it is the Senate that must confirm his appointments and not a body of examiners. Now these rules not only extended to ascertaining the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service he ought to enter, but here was an attempt to say that there should be no promotions——

Mr. KELLOGG. Those are the old rules.

Mr. BUTLER, of Massachusetts. I am speaking of the old rules, the rules made under that law, and they were found entirely impracticable. If you are to have promotion now, how are you to get that promotion? Simply under the rules by examination. What did they do? Why, the first thing was that they violated a law of Congress which was not only passed for our own guidance but for the guidance of other persons. I ask the Clerk to read the joint resolution of March 3, 1865.

The Clerk read as follows:

Resolved, &c., That persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointment to civil offices, provided they shall be found to possess the business capacity necessary for the purpose of discharging the duties of such offices.

Resolved, second, That in grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country by reason of wounds or disease or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits to give them preference for appointments to remunerative situations and employment.

Mr. BUTLER, of Massachusetts. So that it seems we not only passed a law by which in the Departments of the Government honorably discharged and disabled soldiers should have places, but we recommended to all persons and parties everywhere that they should give preference to such disabled soldiers.

Mr. MAYNARD. Was not the subsequent act establishing what is called the civil-service reform a repeal *pro tanto* of the preceding act of 1865, which the gentleman has had read?

Mr. BUTLER, of Massachusetts. Pardon me; no, sir. I am going right on with that, for that is one of my troubles with the civil-service reform. That law required that they should ascertain the efficiency of candidates, and then they made rules that any man who could answer certain questions in arithmetic, geography, astronomy, philosophy, technology, and history should be entitled to places.

[Here the hammer fell.]

Mr. McNULTA obtained the floor.

Mr. NIBLACK. I hope the gentleman's time will be extended.

Mr. WOODFORD. I ask unanimous consent that the gentleman from Massachusetts be allowed time to finish his remarks.

The CHAIRMAN. No such unanimous consent can be given in committee.

Mr. McNULTA. I rise to oppose the amendment, and I yield for that purpose to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I propose to oppose the amendment. I was about to say that answers upon all these points which I had named were to be put above blood and wounds and honorable service in the field, so that if a man had only been, what they called down South in more expressive language than we at the North used, in a bomb-proof situation during the war, and had studied in a college while his brother went into the service in the field, he would have the preference over that brother, who came back perhaps with one arm, in obtaining employment in the civil service. Now, I ask if those rules have been so construed as to repeal that law? I brought that very case up before the Treasury Department. A man with a bullet in his body, got in a charge upon a fortified place, passed at 76, where efficiency was at 70. But he was forced to stand back, and has gone home now, and is asking his friends to support him in his wounded condition, while a young man who was at the academy all

that time has taken his place. That is what I object to in this civil-service reform.

And not only that; it puts the whole civil service of the country on an entirely wrong footing. It puts in the hands of three or four examiners the power to determine who shall be appointed. How do I know that? They say that they will determine exactly and fairly. Now let me tell you what happened in the Interior Department. A clerk in that Department, more or less honest, stole the list of questions and sold them to four applicants, who studied them up and got them perfectly, so that when they came to answer them they had them correctly. They answered every question rightly. And yet, standing wholly upon questions and answers, they did not pass so high as some men who did not have the list of questions and did not answer them all fully. Why? Because they were not the favorites of the examining board. And the Congress of the United States is asked to lay down the people's power, which has been given to us in the way of recommending men to positions, and to put that power in the hands of three sub-clerks, who travel around the country in first-class cars, each one taking a whole section to sleep in, while I, on my salary, have to get along with a berth. They also charge all their expenses to Government account, take a section each of a sleeping-car, so that they may have room enough for their brains to expand and enable them to get these questions properly prepared.

Let me say one word further about this civil-service reform. In the Departments here there are from the District of Columbia alone six hundred and seventeen clerks, with salaries from $1,200 to $1,800 a year. They are there from this District alone, where you do not collect a dollar's worth of taxes and where the United States is every day called upon in some form or other to appropriate money to assist to support them. Yet there are other districts in this country, like the one of my friend whose time I am speaking in, which pay millions upon millions of taxes, and which have not a clerk in the Departments here, and cannot get one.

[Here the hammer fell.]

Mr. COX. I do not antagonize this amendment exactly. Perhaps I may have to move an amendment in order to have an opportunity to speak.

The CHAIRMAN. No amendment is now in order.

Mr. BUTLER, of Massachusetts. I will withdraw my amendment to the amendment.

Mr. COX. I renew the amendment of the gentleman from Massachusetts. He has well discussed the practice under this civil-service reform. He has indicted his own administration, at the same time that he has defended the head of that Administration against the Philadelphia platform and the action of Congress. I do not know now who is responsible for this particular conduct about civil-service reform. I only know you have authorized the appointment of commissioners, some of whom act and some of whom resign; but when you come to real practical reform it is not there.

Mr. BUTLER, of Massachusetts. That is so.

Mr. SENER. There is nothing in it.

Mr. COX. I do not know but my friend from Connecticut [Mr. KELLOGG] may be able to make some little reforms here and there.

Mr. KELLOGG. I am doing the best I can.

Mr. COX. It reminds me of the French comedy of Madame Benoiton. The one giving the name to the comedy never appears upon the stage at all, but everybody who comes before the curtain inquires very particularly for her.

The civil-service reform is a humbug of the Administration, and I am glad the gentleman from Massachusetts [Mr. BUTLER] with his trenchant spear has pricked the bubble. Why has not there been reform in other matters besides the appointment of a few clerks here in Washington? Why do you not bring forward here something to reform the collection of your internal revenue? I could refer to facts now before me to show how utterly incompetent your men are in the internal-revenue service, and how utterly bad the internal-revenue service is in that respect. The Internal Revenue Bureau needs to be reorganized. Why do you not bring forward something that will accomplish that much-needed reform? Special allowances should be abolished. Why do you not abolish them? Some restraint should be imposed upon the employment of clerks. Why do you not propose a reform in that regard? Favoritism should be abolished. Why do you not break up that system of favoritism, which you say your civil-service reform was intended to do away with?

Neither the Secretary of the Treasury nor the Commissioner of Internal Revenue should be allowed arbitrarily to fix salaries; yet the Bureau allowances always get through here. How much of the cost of collection of internal revenue inheres to the Bureau here and how much to the collection of internal taxes? Let your Committee on Ways and Means finish their work if they have any work to do in that respect and reorganize economically and equally the cost of official work and the cost of collection.

I could show this House that it costs in some of the internal-revenue districts of the United States more to collect the revenue than the amount collected. The cost of all collections for the year 1872 was 3.98 per cent. of the amount collected, and for the year 1873 it was 4.1 per cent. The amount collected in 1872 was $105,238,480; in 1873, $117,329,127. The office expenses for 1873 were in excess of those for 1872. In 1873 the following extraordinary percentages were paid, according to States and Territories: In Arizona, 62¾ per cent.; in Dakota, 90⅝ per cent.; in Maine, 15.1 per cent.; in Mississippi, 40.9 per cent.; in North Carolina, 10.1 per cent.; in Oregon, 18¾ per cent.; in South Carolina, 21½ per cent.; in Tennessee, 17½ per cent., and so on. So that it will appear, when complaint is made of the East, that whereas in the State of New York it costs 3 per cent. to collect, or over 1 per cent. below the average, and in Ohio it is more than 2 per cent. below, and in Maryland and Michigan it is about the same as the average, while in Delaware, Indiana, and Illinois it is much below. The extraordinary cost of collecting the revenue is far above the average in many of the States.

I have several tables which show the discrepancies in the collection. They are taken from a public document. I read them from the New York Tribune, January 2, 1874. In some of these districts the cost has exceeded the collections, as in the seventh district of North Carolina, which cost 102½ per cent., in Wyoming 102¾, and in Dakota 110 per cent.

How does all this happen? Why has there been no attempt made by the Committee on Ways and Means or by this House to make any equalization in this regard? Why have we no reform in this particular?

Mr. MAYNARD. Has the gentleman any table showing the amount of tax collected together with the expense of the collection?

Mr. COX. I have; the statement to which I have just been referring was made up from such a table.

Mr. MAYNARD. I hope the gentleman will give that table in full in his remarks.

Mr. COX. I will do so.

Mr. MAYNARD. It would be very instructive.

Mr. COX. Gentlemen need instruction on this subject; and I especially commend this table to the gentleman from Tennessee, whose State is perhaps more derelict in this particular than any other.

The following is the table referred to.

The following tables show the amount of internal revenue collected in each district in the United States, the cost of collection, and the rate per cent. which the cost of collection makes of the whole amount. An examination of the last column will show that the percentage was increased last year over what it was the year before, while on account of the simplification of the work of the office and the more general use of stamps it should have been reduced:

Amount of internal revenue collected in each district in the United States.

Number of district.	Amount of collections.	Expense of collection.	Per cent. of cost on collections.	Per cent. of cost on collections.
ALABAMA.			1873.	1872.
1	$80,568 92	$19,815 45	24 5-8	16 1-6
2	35,601 09	23,935 43	67 1-4	30 3-4
3	186,254 74	15,871 12	8 1-2	60 1-3
ARIZONA.				
1	14,238 87	8,929 60	62 3-4	45
ARKANSAS.				
1	25,258 60	8,650 93	33 7-8	47
2	37,483 07	9,415 79	25 1-8	49 1-3
3	31,522 18	12,602 33	39 7-8	61
CALIFORNIA.				
1	1,999,273 12	76,035 45	3 4-5	2 1-2
2	112,908 91	76,035 45	15 3-8	11
3	174,218 99	22,507 14	12 7-8	10 1-4
4	89,643 86	19,308 97	21 1-2	26
COLORADO.				
1	76,274 56	15,635 97	20 1-2	28 1-2
CONNECTICUT.				
1	498,758 67	26,366 13	5 1-4	3 3-4
2	191,866 04	13,015 48	6 5-8	5
3	51,390 01	5,159 85	10	8 3-4
4	129,030 25	13,051 16	10 7-8	8 1-2
DAKOTA.				
1	7,154 90	6,484 80	90 5-8	110
DELAWARE.				
1	429,403 34	16,069 87	3 3-4	4
DISTRICT OF COLUMBIA.				
1	133,424 58	13,022 38	9 3-4	7 2-3
FLORIDA.				
1	143,568 30	17,934 43	12 2-3	26 3-4
GEORGIA.				
1	90,471 20	21,916 21	24	17
2	64,320 55	19,435 60	30 1-5	23
3	114,307 00	21,765 27	19	21
4	222,052 56	20,935 12	9 3-8	9 3-4
IDAHO.				
1	18,698 50	13,226 03	70 3-4	29 3-4
ILLINOIS.				
1	6,814,082 61	67,850 21	9-10	3-4
2	60,209 18	8,263 01	13 2-3	8
3	555,710 50	20,885 34	3 3-4	1 1-2
4	1,201,810 25	22,608 32	1 4-5	1 1-2
5	4,768,999 43	55,274 86	1 1-2	1
6	511,477 17	16,209 00	3 1-6	3

Amount of internal revenue collected, &c.—Continued.

Number of district.	Amount of collections.	Expense of collection.	Per cent. of cost on collections.	Per cent. of cost on collections.
			1873.	1872.
7	$170,305 05	$16,115 42	9 1-2	6
8	1,805,239 29	33,738 54	1 4-5	2 2-3
9	138,024 53	10,158 63	7 1-3	4 1-4
10	66,668 67	9,296 12	13 3-4	13 3-4
11	28,127 01	6,192 09	22	36 1-4
12	442,069 11	17,166 77	3 7-8	3 3-4
13	44,010 68	11,323 61	25 3-4	2 1-2
INDIANA.				
1	952,941 78	24,561 09	2 5-8	2 1-4
2	97,651 70	11,948 33	12 1-4	10
3	581,046 62	18,730 45	3 1-4	3 1-2
4	2,438,180 15	33,734 89	1 2-3	1 1-2
5	36,512 98	6,854 32	18 2-3	15
6	467,826 35	16,478 97	3 1-2	3 1-3
7	570,333 43	16,425 21	2 7-8	3 1-3
8	351,201 60	13,190 69	3 1-3	3 1-2
9	137,350 55	10,551 76	7 3-4	6 3-4
10	66,829 97	6,986 82	10 2-5	10 3-4
11	42,443 58	7,747 52	18 1-2	24 3-4
IOWA.				
1	118,233 85	9,856 64	8 1-2	6 3-4
2	208,518 55	13,471 62	5	5
3	412,006 68	18,512 51	4 1-2	3 3-4
4	55,371 18	7,224 34	13	19
5	55,465 34	8,018 76	14 1-2	20 3-4
6	36,001 57	7,248 89	20	27 1-4
KANSAS.				
1	104,789 67	16,386 36	15 5-8	9 1-2
KENTUCKY.				
1	193,329 99	16,143 50	8 1-4	8
2	97,907 58	22,353 43	22 9-10	9
3	118,655 87	12,908 71	10 9-10	30 3-4
4	345,055 47	50,908 70	14 3-4	6 3-4
5	1,832,197 40	43,269 36	2 3-8	1 1-2
6	1,615,776 55	51,965 94	3 1-8	1 3-4
7	924,529 12	89,438 64	9 2-3	2 2-3
8	139,020 61	24,069 57	17 1-3	21 1-2
9	101,753 69	17,282 32	16 9-10	12
LOUISIANA.				
1	1,261,368 61	46,816 08	3 5-8	3 2-3
2	26,145 44	18,021 36	68 9-10	63 1-4
3	30,146 50	14,737 58	48 2-3	49
MAINE.				
1	124,363 19	10,334 08	2 3-10	6 1-4
2	27,868 53	6,748 51	24 1-2	19 3-4
3	19,110 03	5,197 30	27 1-3	19 1-4
4	25,864 49	5,369 61	20 3-4	19 3-4
5	17,087 25	4,859 67	28 1-2	24
MARYLAND.				
1	752,086 03	28,329 62	3 3-4	5 1-3
3	1,570,063 45	39,843 87	2 1-2	1 1-2
4	95,173 95	12,980 18	13 3-5	13
5	252,160 39	19,934 06	7 4-5	4
MASSACHUSETTS.				
1	132,328 98	10,751 94	8 1-10	8
2	51,637 65	7,897 05	15 1-5	6
3	1,488,093 26	39,688 12	2 2-5	1 1-2
4	532,923 85	28,595 30	5 1-10	2 1-2
5	319,630 49	18,881 47	5 4-5	4 3-4
6	646,000 60	22,344 72	3 2-5	3
7	88,121 30	10,125 27	11 1-2	6 1-4
8	55,301 01	8,971 05	16	4 1-2
9	62,214 98	11,481 66	18 1-2	12 1-2
10	377,065 10	20,627 69	5 1-2	5
MICHIGAN.				
1	1,510,023 12	20,467 69	1 7-8	1 1-3
2	47,084 56	6,537 64	14	17 3-4
3	74,995 06	9,925 50	13 1-3	10 3-4
4	94,579 34	9,592 01	10 1-10	10
5	34,111 89	9,399 71	20 2-3	19 2-3
6	224,336 50	12,625 80	5 2-3	10 1-2
MINNESOTA.				
1	66,475 47	10,652 58	16	8 2-3
2	161,248 90	17,214 85	10 3-5	9 3-4
MISSISSIPPI.				
1	31,304 45	15,050 08	48	3 1-4
2	53,841 11	18,667 73	34 3-5	34 1-4
3	43,648 73	19,001 54	43 1-2	33
MISSOURI.				
1	2,499,577 61	39,929 75	1 3-5	1 1-2
2	71,861 39	16,260 85	22 3-5	21 3-4
3	119,562 51	12,017 97	10	6 3-4
4	212,400 45	11,443 13	5 2-5	6 1-4
5	128,197 46	16,907 45	13	13 1-3
6	376,207 02	20,555 83	7 4-5	8 1-2
MONTANA.				
1	36,173 15	15,588 07	44	48
NEBRASKA.				
1	305,273 35	223,002 88	7 1-2	13 1-2

Amount of internal revenue collected, &c.—Continued.

Number of district.	Amount of collections.	Expense of collection.	Per cent. of cost on collections.	Per cent. of cost on collections.
			1873.	1874.
NEVADA.				
1	$83,237 18	$14,991 38	18	57 1-2
NEW HAMPSHIRE.				
1	197,440 96	11,615 01	5 4-5	6 3-4
2	105,509 70	8,551 06	8 1-5	9 3-4
3	18,349 48	5,580 93	30 2-5	22 1-2
NEW JERSEY.				
1	159,219 76	24,750 46	15 3-5	14
2	273,948 36	14,798 32	5 2-5	8 2-3
3	518,047 90	23,676 67	4 1-2	4 1-2
4	388,786 32	18,301 81	4 3-4	6 2-3
5	1,286,048 74	27,270 38	2	2 1-3
NEW MEXICO.				
1	42,821 45	14,116 28	32 9-10	45 2-3
NEW YORK.				
1	4,065,010 61	86,524 51	2 1-10	2 1-2
2	2,445,279 48	48,921 05	2	2 1-3
3	1,961,195 36	41,547 00	2 1-10	2 3-4
8	802,156 96	30,895 00	3 3-5	1 3-4
9	1,008,092 39	32,952 51	3 1-5	2 3-4
10	534,691 70	19,893 43	3 3-4	6
11	147,964 11	13,692 27	9 1-10	13 1-2
12	260,290 25	16,103 41	6 1-10	8 3-4
13	132,978 36	9,597 68	7 1-10	13 3-4
14	1,242,673 17	19,539 02	1 3-5	2 3-4
15	226,780 20	14,811 61	6 3-5	6 1-2
16	30,224 20	5,625 95	18 3-5	19
17	29,810 35	5,786 02	19 2-5	22
18	119,447 73	12,331 43	10 1-8	7 3-4
19	44,244 36	6,217 32	14	19 3-4
20	54,500 22	6,775 54	12 2-5	10 1-8
21	294,675 66	14,582 96	4 9-10	5
22	103,207 28	11,830 78	11 2-5	5
23	412,925 26	19,276 49	4 3-5	5
24	483,665 08	18,771 43	3 4-5	4 1-4
25	116,968 30	10,401 81	8 4-5	17
26	174,192 45	10,443 85	6	7 1-2
27	157,384 42	15,654 02	9 9-10	8 3-4
28	580,277 98	20,153 79	3 2-5	4
29	80,669 73	9,561 60	11 4-5	23 3-4
30	1,546,709 64	38,142 62	2 2-5	2 1-4
32	2,230,525 18	57,482 93	2 1-2	2
NORTH CAROLINA.				
1	38,929 32	15,218 64	39 9-10	76 3-4
2	56,409 77	13,951 46	24 7-10	38
3	46,034 78	13,601 70	29 1-2	26 3-4
4	474,647 05	30,111 66	6 3-10	8 3-4
5	541,332 63	30,272 68	5 1-2	9 1-2
6	252,126 40	28,896 64	11 1-2	11 1-2
7	43,681 70	15,708 01	35 9-10	102 1-4
OHIO.				
1	7,161,277 23	70,871 82	4 9-50	1 3-4
3	1,495,458 80	37,806 41	2 1-2	1 1-2
4	699,070 56	20,651 12	2 9-10	3
5	70,012 77	9,264 59	13 1-5	5
6	468,953 45	17,494 20	3 7-10	2 3-4
7	495,343 53	20,900 83	4 1-5	3 1-4
8	38,400 17	6,558 95	17	33 2-3
9	739,219 79	22,836 53	3	2 1-2
10	1,091,836 75	21,887 74	2	1 3-4
11	575,446 63	16,271 83	2 4-5	3 1-2
12	584,395 47	17,436 94	2 9-10	3 7-8
13	42,723 79	7,212 16	16 4-5	12
14	58,070 97	11,186 57	18	15 3-4
15	95,313 47	8,222 74	8 3-5	10 3-4
16	73,119 43	10,871 01	14 4-5	11 1-2
17	198,478 48	12,087 06	6	4
18	720,189 71	24,770 92	3 2-5	3
19	63,949 93	6,798 61	10 3-5	11 1-4
OREGON.				
1	70,087 91	12,982 88	18 1-2	12 3-4
PENNSYLVANIA.				
1	1,085,956 71	42,582 35	3 9-10	2 1-2
2	1,747,700 21	50,097 15	2 4-5	2 1-2
5	324,722 49	17,724 00	5 2-5	6 1-4
6	362,640 12	16,273 79	4 2-5	5
7	53,028 11	7,519 69	14	20 1-2
8	253,967 27	16,892 60	6 3-5	5 2-3
9	284,512 19	18,260 18	6 2-5	6 3-4
10	170,260 22	15,483 29	9	9
11	147,540 79	11,684 24	7 9-10	9 1-2
12	200,123 70	14,479 00	7 1-5	7 1-4
13	36,163 51	13,684 71	3 7-10	18
14	107,916 44	13,958 37	12 9-10	11 3-4
15	290,961 51	23,991 27	9	9
16	119,920 31	21,552 76	18	10 1-5
17	52,098 90	8,896 85	17	20
18	89,088 09	14,366 66	16 1-10	10 1-3
19	114,402 75	12,847 54	11 1-5	12 1-4
20	96,495 33	12,064 73	12 1-2	10 1-2
21	549,463 76	30,822 57	6 3-5	5
22	860,651 81	26,143 13	3 1-2	2 1-2
23	469,996 94	23,124 89	4 9-10	4 1-8
24	128,015 22	21,743 96	16 9-10	9 2-3

Amount of internal revenue collected, &c.—Continued.

Number of district.	Amount of collections.	Expense of collection.	Per cent. of cost on collections.	Per cent. of cost on collections.
			1873.	1872.
RHODE ISLAND.				
1	$287,159 81	$18,691 22	6 1-2	4 1-2
2	37,392 36	7,302 88	19 1-2	16 1-2
SOUTH CAROLINA.				
1	33,607 38	12,046 03	38 1-2	14 9-10
2	63,547 37	11,669 46	13 3-10	15 1-2
3	72,245 64	11,977 19	16 1-2	21 3-4
TENNESSEE.				
1	29,795 89	9,754 94	32 7-10	57 3-4
2	51,937 43	12,896 81	24 4-5	21
3	54,263 28	12,656 94	23 1-3	44 1-4
4	60,234 15	20,463 92	33 9-10	26
5	259,234 25	32,959 65	12 7-10	7
6	19,633 83	7,567 63	38 1-2	9
7	25,442 28	7,124 87	28	19
8	196,765 08	16,979 30	8 3-5	11 1-3
TEXAS.				
1	99,262 28	21,803 97	22	23 1-3
2	47,885 03	21,311 47	44 1-2	35
3	73,105 76	18,782 26	25 3-5	41 2-3
4	116,446 84	25,935 15	22 1-5	45 2-3
UTAH.				
1	51,591 95	11,167 38	21 1-2	41 1-4
VERMONT.				
1	18,978 84	4,203 49	22	12
2	36,611 31	5,330 85	14 3-5	22 1-2
3	22,411 64	5,696 43	25 2-5	16 1-2
VIRGINIA.				
1	15,868 73	10,567 28	66 1-2	50 2-5
2	992,334 13	25,590 73	2 1-2	4
3	3,706,240 58	26,341 83	7-10	1 1-2
4	48,875 27	17,342 93	29 2-5	23 2-3
5	2,246,289 28	25,708 08	1 1-10	1 4-5
6	172,258 99	28,991 71	16 4-5	15 1-4
7	93,867 72	13,207 96	14 7-10	13 2-5
8	42,280 86	8,746 04	20 3-5	37 1-2
WASHINGTON.				
1	14,792 21	11,103 32	75 3-5	63
WEST VIRGINIA.				
1	294,343 01	13,372 43	4 1-2	5
2	127,273 01	13,243 14	10 2-5	11 1-4
3	33,986 16	9,444 03	27 4-5	32 1-4
WISCONSIN.				
1	1,476,800 80	31,509 94	2	2
2	165,516 24	16,217 50	9 4-5	9 2-3
3	173,186 87	15,557 01	9	15 3-4
6	71,184 80	11,292 48	15 4-5	30 3-4
WYOMING.				
1	11,112 99	5,795 29	51	102 3-4

RECAPITULATION.

States.	Collections.	Cost of collecting.	Per cent., 1873.	Per cent., 1872.
Alabama	$302,424 75	$59,622 00	19 7-10	26
Arizona	14,238 87	8,929 60	62 3-4	45
Arkansas	94,263 85	30,669 68	32 1-2	50 4-5
California	2,376,044 88	135,386 27	5 7-10	4 4-5
Colorado	76,274 56	15,635 97	20 1-2	28 1-2
Connecticut	873,984 97	57,592 62	6 1-2	5 2-5
Dakota	7,154 90	6,484 80	90 5-8	110
Delaware	429,403 34	16,069 87	3 3-4	4
District of Columbia	133,424 58	13,022 38	9 3-4	7 2-3
Florida	143,568 30	17,934 43	12 3-8	26 3-4
Georgia	491,151 31	84,082 20	17 1-10	16
Idaho	18,698 50	13,226 03	70 3-4	29 3-4
Illinois	16,607,333 48	295,075 96	1 7-10	1 8-10
Indiana	5,742,309 71	167,210 05	2 9-10	3 1-3
Iowa	945,597 17	64,332 76	6 4-5	6 9-10
Kansas	104,789 67	16,386 36	15 5-8	9 1-2
Kentucky	5,368,226 28	328,340 13	6 1-10	6 1-5
Louisiana	1,317,660 55	79,575 02	6	6 1-3
Maine	214,293 49	32,509 17	15 1-10	12 1-2
Maryland	2,669,483 82	101,440 43	3 7-10	2 2-5
Massachusetts	3,773,217 22	179,364 27	4 3-4	3 1-10
Michigan	1,985,120 47	69,175 35	3 1-2	3 5-10
Minnesota	227,724 37	27,867 43	12 1-4	11 3-4
Mississippi	198,794 29	52,719 35	40 9-10	8 9-10
Missouri	3,407,806 44	126,144 98	3 7-10	3
Montana	36,173 15	15,588 07	44	48
Nebraska	305,273 35	23,002 88	7 1-2	13 1-2
Nevada	83,237 18	14,991 38	18	57 1-3
New Hampshire	321,300 14	25,747 00	8	9 1-5
New Jersey	2,626,051 08	108,797 64	4 1-10	4 2-5
New Mexico	42,821 45	14,116 28	32 9-10	45 2-3
New York	19,286,630 43	597,426 03	3	3 1-6
North Carolina	1,453,161 74	147,760 79	10 1-20	15 1-10
Ohio	14,671,261 95	343,059 53	2 3-10	2 3-10

RECAPITULATION—Continued.

States.	Collections.	Cost of collecting.	Per cent.	Per cent.
Oregon	$70,087 91	$12,992 88	18 1-2	12 3-4
Pennsylvania	7,545,627 28	434,373 71	5 3-4	4 4-5
Rhode Island	324,552 17	25,994 10	8	5 1-3
South Carolina	169,500 38	36,592 68	21 1-2	17 1-5
Tennessee	697,307 19	120,404 16	17 1-4	13 1-10
Texas	336,699 91	87,832 85	26	34 2-5
Utah	51,591 95	11,167 38	21 1-2	21 1-4
Vermont	78,001 79	15,230 77	19	16 1-5
Virginia	7,318,015 56	156,496 56	2 1-10	3 2-5
Washington	14,792 21	11,103 32	75 3-5	63
West Virginia	455,602 18	36,059 60	7 4-5	7 7-10
Wisconsin	1,886,688 71	74,576,93	3 9-10	4 1-2
Wyoming	11,112 99	5,795 29	51	102 3-4
Grand total	105,238,480 45	4,317,896 94	4 1-10	3 98-100

I should like to see a higher standard of official qualification. I should like to see better officers in every department of the Government; even better Congressmen. I wish I were more fit myself. I should like to see men on both sides of this Chamber a little more attentive to business, and a little more studious, though in that respect I cannot complain of my friend from Tennessee. I should like to see our President, and all the heads of Departments, good business men, as well as men of integrity. That is what the people want. The true idea of civil-service reform is honesty and capacity.

Mr. HAWLEY, of Connecticut. Mr. Chairman, the fate of this measure is clearly foreshadowed by the temper of the House. Yet it is quite evident from the remarks of every gentleman who has spoken that a reform of some description in the civil service of this Government is necessary. The distinguished gentleman from Massachusetts [Mr. BUTLER] showed very clearly that the Departments have not lived up to their own good professions and to the wise legislation of Congress. The remarks of the two gentlemen from New York on my left, [Mr. CREAMER and Mr. COX,] though exaggerating the evils of which they spoke, show plainly that there are abuses.

Now, what do we mean by civil-service reform? Not any one set of phrases or regulations. We mean a steady spirit and purpose to make a better civil service, to correct acknowledged evils, to protect acknowledged improvements. If our present civil-service commissioners are not the most capable men we can get, let them be turned out and others put in their places. If their system is not the best that can be devised, point out its errors and improve that system. But instead of that, the evident disposition here is to whistle the whole affair down the wind, to sneer at the phrase "civil-service reform," to refuse any appropriation for carrying it on, to abandon the whole measure. And what next? Shall we return to the spoils system in all its deformity and infamy? Will any man avow that design? Will any man say that upon the incoming of the next administration, if it should be a democratic administration, there ought to be a wholesale turning out of public servants of all classes and the putting in of new men, so that partisans might be rewarded for their party services? Is that the avowed purpose of either party? Is there any party that dares to emblazon such principles and purposes upon its banner and fight for them in the next campaign? There is no man here who, as a delegate to the next national convention of either party and a member on the committee on resolutions, would hesitate, in spite of your sneers to-day, to put into the platform of his party some such a declaration as this adopted by the republican national convention in 1872:

> Any system of the civil service under which the subordinate positions of the Government are considered rewards for mere party zeal is fatally demoralizing, and we therefore favor a reform of the system by laws which shall abolish the evils of patronage, and make honesty, efficiency, and fidelity the essential qualifications for public positions, without practically creating a life-tenure of office.

Such in substance were the declarations of both parties in 1872. Both parties would make such declarations again to-day in their platforms. And when you go upon the stump you declare that the qualifications required of a candidate for office are honesty, efficiency, and fidelity; that you want such men only appointed as will pass these tests; that you want such men retained, and such only. Yet though we have had an able commission, doing their best to devise and perfect a good system of civil service, gentlemen in this House are ready to sneer at every effort in that direction and to refuse to vote money to carry on the labor.

I tell you, gentlemen, I have heretofore seen this House in a temper like this on an important subject; and I have seen it repent within six months and take the back track. I tell you, gentlemen of both parties, that if you undertake to trample this system under foot you will be sorry for it. The people of this country are determined upon a more faithful and efficient administration of the civil service, and I do not care what man, from President Grant and his Cabinet down through both Houses of Congress, may undertake to oppose this resolve of the people, he must walk the plank. No man can be sustained before the people who undertakes to maintain that party zeal and party service are to be the only or the highest test for official appointment.

Men in the past have undertaken to introduce into our official administration what Clay has denominated a "detestable system, grown

from the worst periods of the Roman republic." The worst men become the most clamorous for place and the most successful. The legislative department, usurping the functions of the executive, demanded the control of patronage. Under such a system no public officer, however faithful, knew from day to day how long he would continue in the public service, how soon he might be turned out to give place to some zealous partisan. He looked upon every associate as a possible spy. The appointing power felt at liberty at any time to make changes if more power was to be gained by the change or a more influential politician to be pleased, the object being not merely party strength even, but individual gain.

[Here the hammer fell.]

Mr. BECK. Mr. Chairman, I agree with the gentleman from Massachusetts [Mr. BUTLER] in what he said, not only to-day but last year when he announced that this experiment had proved to be a humbug. That I believe was the expression—not very elegant, but very forcible. Sir, by this civil-service commission and the system which has been provided under it you are utterly unable to reach anybody except the lowest grades of clerks and employés. The Constitution of the United States provides that the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court and all other officers of the United States, whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

That is a fixed, unalterable constitutional limitation. You cannot, therefore, reach anybody who has any real authority or responsibility for their acts by this civil-service commission. You only reach the subordinates, and relieve those who are responsible by enabling them to say those who prove derelict or incompetent even imposed upon them against their will.

What is the effect? Why, sir, the heads of the Departments are appointed in spite of your civil-service commission; their fitness or unfitness cannot be inquired into. All the men who are responsible to Congress and to the country are put and kept in their places in spite of it. When we come to investigate the conduct of subordinates for violations of law and seek to hold the heads of Bureaus and Departments responsible, the excuses are made by the chiefs, to whom alone we look, that these people were put there against their will, against their consent, and that they are not amenable for their misconduct, and the excuse is often reasonable and just.

I say as long as we continue to vest any commission with the power of appointing officers in spite of the President and heads of Departments they cannot be held responsible for these subordinates, so that there is no responsibility. The examiners are of course irresponsible. Besides that, the rules we have established have been so manipulated, as every man knows, so as to make appointments as strictly partisan as they were or could be made under the old system. Who ever heard of a democrat getting an office? I hope no democrat ever applied; certainly none ever obtained one, and none ever will so long as the present party remains in power. They will always find excuses of some sort to keep them out, no matter how much more competent than their republican competitors they may be. It is folly, often worse than folly, to test competency or efficiency by mere capacity to answer questions in grammar or arithmetic. Take, for instance, the men who are engaged in the life-saving stations along our coast. They are men who have been trained for years in that service until they have attained the utmost efficiency; they can man their boats, brave the storms, and save the lives of human beings in the midst of tempests. If these men are required to go before the civil-service commission to come into competition with school-masters who may not have the courage to go within a hundred feet of a wave nor the slightest qualification for that special service, yet because he knows something about geography and something about spelling the schoolmaster will get the place to the exclusion of those who are efficient and capable to do this particular duty. I have a son not yet eighteen years of age, fresh from school—indeed there now—who can go before any civil-service commission and get any place under the rules which have been established in competition with me, which he is not competent to fill and which I am, because he can answer all the questions the examiners can ask while I could not answer half of them perhaps. Doubtless that would be the case with the sons of most members on this floor.

Sir, the only sensible rule is to let the President and the heads of the Departments appoint their subordinates, as the Constitution provides, and hold them responsible for their fidelity and good conduct. Let them fill the places with or without the consent of members of Congress, or against their consent if they see fit. Let them put men there they can rely on, and for whose acts they can be held answerable to Congress and the country.

The practical operation of the system has been simply to relieve heads of Departments from responsibility for the misconduct of their officers. It never has done any good to the Government or the people. I am tired of it, and will be glad to see the power of appointment restored to the President and heads of Departments as it was formerly. I want no middle-men, no go-betweens, no old fossils, ignorant of the services required or the qualifications demanded to determine what pet of theirs shall fill positions of honor, profit, or trust. They are humbugs, and the system is worse than that; it is one which deprives Congress of power to punish negligence and guilt, by affording a shelter to those in authority. I in common with many good men of both parties thought at first it would work well; it has, as administered, proved to be a miserable failure.

Mr. GARFIELD. I move the committee rise. I am, however, quite willing to go on if that be the sense of the House.

The committee divided; and there were—ayes 74, noes 78.

Mr. RANDALL demanded tellers.

Mr. GARFIELD. I withdraw the motion.

Mr. RANDALL. I renew it.

Mr. GARFIELD. I wish, if possible, to avoid a night session.

The CHAIRMAN. The committee has already divided on the motion, and there were—ayes 74, noes 78.

Mr. RANDALL. I demand tellers.

Tellers were not ordered.

So the committee refused to rise.

The CHAIRMAN. The gentleman from New York is entitled to the floor.

Mr. POTTER. I decline to speak on the question at this time in view of the temper of the House.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. I withdraw the amendment.

Mr. PLATT, of Virginia. I object to its being withdrawn.

The question being taken on Mr. BECK'S amendment, it was not agreed to.

Mr. WILLARD, of Vermont. Now, I desire to inquire of the republican party if there is one single principle in the platform put forth by the republican party when General Grant was elected for the second term which they propose to stand by?

Mr. BUTLER, of Massachusetts. Yes; we stand by our soldiers.

Mr. WILLARD, of Vermont. Yes; we stand by the soldiers. But the convention which nominated General Grant—not Mr. Trumbull, of Illinois; not Mr. SCHURZ, of Missouri; not any liberal republican, but the convention which nominated General Grant—in which every district in the United States was represented by its chosen representative, adopted this resolution as a part of their platform:

> Any system of the civil service under which the subordinate positions of the Government are considered rewards for mere party zeal is fatally demoralizing; and we therefore favor a reform of the system by laws which shall abolish the evils of patronage and make honesty, efficiency, and fidelity essential qualifications for public positions without practically creating a life tenure of office.

Mr. Chairman, upon that the republican party went to the country. A similar resolution was adopted by the liberal party. A similar resolution was adopted by the national democratic convention. A similar resolution was adopted by the national labor convention. In fact, sir, every political party that assembled in that year as a national organization adopted this declaration that there was absolutely needed a thorough reform of the civil service. And the President in pursuance of the opinion of the country thus expressed—not the Senator from Illinois or the Senator from Missouri, but the President of the United States—took steps to create a commission, seeking through that commission to make honesty, efficiency, and integrity a leading and chief characteristic for which the man was to be recommended for position under the Government. And now, sir, leading and influential men in the republican party denounce it and say that it is hostile to their party organization.

I ask again if there is any principle in the platforms the republican party have hitherto adopted which they are prepared to stand by, and I ask still further if as a party they propose to play fast and loose with the people in this way, if they propose to keep the word of promise to the ear and break it to the hope? If after having come into office on the platform and under the banner of civil-service reform they will now spit upon that platform and trample that banner under foot, how long, I ask, should such a party remain in power?

Mr. RANDALL. Not a day.

[Here the hammer fell.]

Mr. MAYNARD. Will the gentleman from Vermont allow me to ask him a question before he takes his seat?

The CHAIRMAN. The Chair has recognized the gentleman from Illinois, [Mr. MARSHALL.]

Mr. MAYNARD. Will the gentleman yield to me for a moment to ask the gentleman from Vermont a question?

Mr. MARSHALL. I prefer to go on, as I have only a few moments.

Mr. Chairman, I have heretofore voted for appropriations for the purpose of establishing and maintaining this board for regulating the civil service. I shall vote no longer for keeping up this most wretched and expensive sham and most miserable fraud on the people. It has accomplished no valuable purpose, performed nothing whatever, and has been used simply as a means of deluding the people with the hope of reform, while every species of fraud and peculation have been practiced upon them. To adopt the quotation of the gentleman from Vermont, [Mr. WILLARD,] used by him for another purpose, it has but kept the word of promise to the ear while breaking it to our hopes.

Where has there been any reform in the civil service during the last three years, since the time when this board was first established? During its existence fraud and corruption have festered in every branch of the civil service. There is no time in the history of our

Republic when fraud and violation of the law have been so rampant as during the last three years. Civil-service reform! Why, have not the henchmen of the Administration invaded the States for the purpose of controlling their elections during this time? Has it not been during this time that the Sanborn frauds and moiety swindles have been perpetrated on the country; that Federal officers have revolutionized States and trampled their rights under their unhallowed feet; that hundreds of men have been placed on the pay-rolls in the city of Washington and elsewhere without performing one hour's service for the country? Only the other day the new Secretary of the Treasury struck from the rolls a whole horde of pensioned henchmen who have been drawing pay regularly from the Treasury while they remained at home, not performing one moment's service for the country. The Commissioner of Pensions a short time ago, in making a defense of himself against charges of frauds and violations of law, admitted that he had kept men for years on the pay-rolls of his Bureau who had not been called upon and were not expected to give one moment's service to the Government—mere pensioned vagabonds or tools of those in power; thus by open robbery swallowing up the moneys wrung from the hard earnings of an overburdened and oppressed people, and all this done immediately under the eyes of the President and of this board established for the ostensible purpose of reforming our civil service.

Sir, it is unquestionably true that the people are demanding reform in the civil service. They are determined to have it. But it is as clear as sunlight that there is but one mode of reaching it. The Constitution has placed in the hands of the Executive the power and the duty of taking care of the honor and treasure of the country and the purity of the civil service. That power is there, and you cannot take it from him by any legislative enactments or so-called civil-service rules. They all amount to nothing more than a delusion and a snare to the people. I am no longer in favor of voting the people's money to keep up this useless board as a mere scape-goat on which to cast the sins of the Administration. There is but one way to remedy the evils of the civil service. The President must feel it his duty as sensitively as he guards his own honor to preserve the honor of the Republic and the rights and the money of the people. And if you have not a man in the executive chair who has that feeling, and will, sagacity, and determination to give effect to it, you may pass all the laws you please and have all the bureaus and boards on earth without accomplishing any good. You must place the responsibility where it is placed by the Constitution. The people have elected a Chief Magistrate and placed in his hands the power and the duty of maintaining and preserving the honor of the country, the revenues of the people, and the purity of the civil service. It is mere folly to attempt by shams to shift this responsibility. If he fails in the discharge of this high duty, let him be held to a strict accountability.

This failure is so gross and so palpable as to cry to the very heavens for a change. The jugglery of boards of reform will no longer delude the people. The only road to reform is by an entire change of the Administration. Put a man at the helm who feels what is due to the honor of the Republic, and who will exercise the powers vested in his hands by the Constitution to drive from place and power all the thieves, and robbers, and peculators, and incapables, and deadbeats who are now disgracing our country and eating out the substance of the people.

The people now demand this reform. In the language of the gentleman from Connecticut, [Mr. HAWLEY,] "they are determined to have it," and they will have it in that way—the only way in which the Constitution places the power in their hands to attain it. Sir, I am most decidedly in favor of this reform. But I am not in favor of this sham, this cheat, this fraud, this delusion, by which I will not say you kept up a board of dead-beats, living luxuriously and rioting at the expense of the people, for I desire to treat these gentlemen respectfully; but I say that their services to the country have been no more valuable than if they had been a set of miserable dead-beats. I say this with all respect to the most excellent gentlemen who have been employed in this service. You may place the very best and ablest men in the country in the same position, and the result would be precisely the same. Without the efficient and enlightened support and co-operation of the Chief Magistrate their rules and examinations are little better than a farce; with an efficient Chief Magistrate their services would be unnecessary. I repeat, there is but one mode of securing this reform, and that is through the presidential office, and I fear that it never will be fully reached and made permanent and secure until a reform is made in the mode of selecting that high functionary. The Chief Magistrate should, as I think, be merely the executor of the laws, and not the head of a political party. But I cannot enter upon that subject at this time.

[Here the hammer fell.]

Mr. GARFIELD. I desire to ask the committee to close debate upon this question; but I would be glad to be permitted to say what will take me two or three minutes before the debate closes. I ask if there is any objection to closing the debate at the end of three minutes?

Mr. NIBLACK. I want to be heard a little about this matter.

Mr. KELLOGG. And I desire to be heard.

Mr. GARFIELD. Will gentlemen then agree to close debate in eight minutes?

Mr. NIBLACK. I have no objection if I get my five minutes.

Mr. POTTER. And I want the other three minutes because I gave up my time before.

Mr. GARFIELD. Will gentlemen then agree to eleven minutes, and let me have the remaining three minutes?

Several members objected.

Mr. GARFIELD. Then I move that the committee rise, for the purpose of moving to close debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DAWES reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole on the state of the Union on the special order, and pending that motion I move that all debate on the amendment pending and the amendments thereto and upon the subject-matter embraced therein be closed in fifteen minutes.

Mr. BUTLER, of Massachusetts. I move to suspend the rules so as to make it in order to move as an amendment to the bill pending in Committee of the Whole to cover into the Treasury any money which is now unexpended appropriated for civil-service reform, so called.

The SPEAKER. Does the gentleman from Ohio yield for that motion to be made?

Mr. GARFIELD. I yield for that motion. I want this matter to be done to death or provided for.

Mr. KELLOGG. This is a fair test; let us settle the motion now.

Mr. RANDALL. I call for the yeas and nays on the question to suspend the rules.

Mr. BUTLER, of Massachusetts. I withdraw the motion.

The question recurred on Mr. GARFIELD'S motion to close debate.

Mr. E. R. HOAR. Pending that motion I move that the House do now adjourn.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873;

An act (H. R. No. 2879) revising and embodying all the laws authorizing post-roads in force on the 1st day of December, 1873; and

An act (H. R. No. 3349) to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the 1st day of December in the year of our Lord 1873.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 142) for the relief of Nathaniel McKay.

The question was taken upon the motion of Mr. E. R. HOAR, and it was agreed to; and accordingly (at five o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. HAZELTON, of New Jersey: The petition of 230 workmen in the Cumberland Nail and Iron Company's Mills, at Bridgeton, New Jersey, for the restoration of the 10 per cent. duty on iron and steel, to the Committee on Ways and Means.

By Mr. MCJUNKIN: The petition of citizens of Apollo, Armstrong County, Pennsylvania, of similar import, to the same committee.

By Mr. MYERS: The petition of the Union Mutual Insurance Company, of Philadelphia; of the Insurance Company of the State of Pennsylvania; and of the Insurance Company of North America, claiming to be subrogated and paid for the losses paid by them, presented to the Geneva arbitrators and allowed in their award; and asserting that they benefited commerce during the war, aided to sustain the Government, and that the national honor demands that they should be indemnified, to the Committee on the Judiciary.

By Mr. NEAL: The petition of S. O. Barker, administrator, for payment of bounty money due John H. Henderson, deceased, formerly of Company E, Twenty-third Regiment United States Colored Troops, to the Committee on Military Affairs.

By Mr. NIBLACK: The petition of citizens of Evansville, Indiana, protesting against the renewal of sewing-machine letters-patent, to the Committee on Patents.

By Mr. RUSK: The petition of James E. Audenried, late first lieutenant Company E, Second Pennsylvania Cavalry, for arrears of pension from September 17, 1864, to May 13, 1870, to the Committee on Invalid Pensions

By Mr. SPEER: The petition of workingmen of Rebecca Furnace and Mines, Blair County, Pennsylvania, for the restoration of the 10 per cent. duty on iron and steel and for free banking, to the Committee on Ways and Means.

IN SENATE.

FRIDAY, *June* 12, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SCOTT. I present a memorial of workingmen engaged in the iron business, adopted at a mass meeting held at Columbia, Pennsylvania, June 10, 1874, in which they pray that Congress will not adjourn without taking decided action on the future financial policy of the country, and without restoring the 10 per cent. taken off certain duties in 1872. They also present certain charges and specifications against both political parties on their financial and economical doctrines, and suggest a financial policy which they pray may be adopted. I move the reference, of this memorial to the Committee on Finance.

The motion was agreed to.

Mr. SCOTT. I present a similar memorial of workingmen in the Rodman furnaces, Blair County, Pennsylvania, in which they pray for the adoption of free banking as substantially provided for in the bill presented by the House Committee on Banking and Currency, now pending, and for the restoration of the 10 per cent. duties taken off in 1872. I move the reference of this memorial to the Committee on Finance.

The motion was agreed to.

Mr. SCOTT presented a petition of the officers and stockholders of the Farmers' National Bank of Greensburgh, Pennsylvania, praying for the passage of an act authorizing them to change the location and name of the bank; which was referred to the Committee on Finance.

Mr. BUCKINGHAM presented the memorial of William S. Charnley, and others, bankers, manufacturers, and importers, citizens of New Haven, Connecticut, protesting against a tax on sales of stocks, coin, bonds, and other securities; which was referred to the Committee on Finance.

He also presented the memorial of W. P. Adair, Cherokee delegate and representative of the New York Indians, protesting against the passage of the bill (H. R. No. 3352) to further provide for the sale of certain Indian lands in Kansas; which was referred to the Committee on Indian Affairs.

Mr. PRATT presented the memorialof the Seneca Nation of Indians, paying that pensions may be allowed to the survivors who served the United States in the war of 1812 against Great Britain; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of Isaac L. Jackson, asking an appropriation for the use of his patent improvement in composition for printers' inking rollers by the Public Printer; which was referred to the Committee on Appropriations.

Mr. WASHBURN presented a memorial of merchants, importers, bankers, and business men of the city of Boston, protesting against the passage of the twenty-ninth section of the tariff and tax bill which imposes a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities; which was referred to the Committee on Finance.

Mr. WEST. I present a petition from several commissioners of the State of Louisiana, praying congressional aid for the reconstruction of the levees of the Mississippi Valley. As this petition is rather lengthy, and contains a good deal of valuable information, I beg to present it and have it referred to the Select Committee on the Levees of the Mississippi River, and also printed in the RECORD.

The PRESIDENT *pro tempore*. Is there objection to printing the petition in the RECORD? The Chair hears none and it is so ordered.

The petition was referred to the Select Committee on the Levees of the Mississippi River. It is as follows:

To the Senate and House of Representatives of the United States Congress:

The undersigned, accredited to your honorable bodies by the governor of Louisiana, the Chamber of Commerce of New Orleans, the Cotton Exchange, and the general relief committee, in the interest of a more secure levee protection against wasting overflows of the great delta of the Mississippi River, and not unmindful of the varied interests of the nation now absorbing every moment of your time in these last days of your session, beg to invoke your favorable and prompt action in a matter involving the welfare if not the existence of Louisiana as a State.

The protective system of levees adopted by the State previous to 1860 was being rapidly carried forward when interrupted by war; no part of the South promised quicker development or greater prosperity than did the alluvial lands of the Mississippi River at that time.

Our levee commissioners drew against funds from the sale of swamp lands granted by Congress and collected from tax on lands protected, (then of high value,) and labor could be had in any required amount at all times of danger from high water.

No people in the world ever labored harder or with greater sacrifices than ours of Louisiana since 1865, when war had ended. In the "new departure" at that period from old ways, we had hope and plenty of courage to *try*. The whole people of the State gave themselves up to taxation to save the lowlands, but all to no purpose. Year after year these lands, from repeated disasters, became less and less desirable, more and more unsafe, and now have but a nominal market value on account of the great flood which, sweeping down miles of levees, desolated the valley, and leaves its inhabitants dependent upon the bounty of the nation for daily food.

With capacity to grow a larger amount of the staple crops of cotton, sugar, and rice than is now produced in all the States of the South, we present this delta country to you as rapidly lapsing into the wilderness from which we had measurably redeemed it, and are obliged to say that Louisiana, with its hill country impoverished, its lowlands inundated and almost valueless, is unable to even stay this retrogradation by repair of its broken levees, and we do appeal to you with that earnestness which only despair of other help can give to consider the extremity of our people's condition. We cannot and will not believe that a great government like that you represent, made by the people for the good of all its people, which sends costly expeditions to all parts of the world in the interests of humanity, of science, of commerce, and of trade, will, after acquiring so rich a domain, see it depopulated, its inhabitants driven out and pauperized by floods poured upon them from the watershed of half the territory of the United States; and yet this is the certain result unless Congress, the only power to which we can look, shall quickly intervene, and grant a sum of money sufficient to at least fill up the crevasses in our line of levees.

We cannot believe that a Congress which has so promptly responded to the calls of a Christian duty toward the seventy thousand people who are to-day being fed from its gratuities, will hesitate a moment in the discharge of what we think even a higher duty, to save these same people from returning calamities, and this rich and extensive country from the swamps of a hundred years ago. Protected as it could be without greatly taxing the Treasury of the nation, this valley alone would give in profits to the manufacturers and producers outside of it, and in moneys saved from exportation and by taxes, more than is now realized from the foreign trade and commerce carried on with all other continental States of America. Filled up as it would be by a population to which it is extremely well suited, this valley of the Mississippi, if made safe to labor, would be the great home of the black man, whose every want of trade would be supplied from without, and every surplus dollar expended in that way. With homes, and in associations and under circumstances most congenial to themselves, this race would then develop out on these rich lands to the greatest measure of their capacity.

It surely cannot be that a state of things can be allowed which has been, and will be again, when, from the center of the Republic at Cairo to the Gulf of Mexico at the South, not a railway train, a horseman, or a footman, could pass from the hills of the east to those of the western side of the Mississippi Valley; not a letter even be conveyed, unless sent by trade boats from tributary rivers, the "dug-out" of the Indian, or some like primitive contrivance.

It does seem to your memorialists that a country to be great and prosperous must possess, in the basis of its structure, the power to protect *all* its people against whatever may be beyond their own control, dangerous to their lives and liberties, or destructive of material prosperity, and do entreat for such aid as a parental government may, in the wisdom of its legislators, grant in the premises.

Our State engineers estimate that it will take three million cubic yards of earth to repair the broken levees in Louisiana, one million in Mississippi, and one million in Arkansas, at places requiring a height of from eight to twenty-five feet, costing about $3,000,000.

An appropriation by Congress of $2,000,000, to be expended under direction of the Secretary of War, with what these States might be able to do, would close all crevasses before another season of high water.

And your memorialists will ever pray, &c.

JOHN M. SANDIDGE,
On behalf of the New Orleans Chamber of Commerce, the Cotton Exchange, and General Relief Committee.
JAMES LONGSTREET,
P. O. HEBERT,
Commissioners of Levee Engineers.
M. JEFF. THOMPSON,
Chief State Engineer.
GEORGE F. SHERMAN,
Commissioner appointed by the Governor of Louisiana.

WASHINGTON CITY, D. C., *June* 12, 1874.

Mr. SHERMAN presented a memorial of manufacturers of cigars and dealers in manufactured tobacco, of Mansfield, Ohio, protesting against the passage of the law permitting growers of leaf-tobacco to sell $100 worth of their crop at retail to consumers without license or tax; which was referred to the Committee on Finance.

Mr. CONKLING presented a memorial of workingmen, dependent upon the iron business for employment, adopted at a mass meeting held at Columbia, Pennsylvania, June 10, 1874, praying that Congress will not adjourn without taking decided action on the future financial policy of the country and without restoring the 10 per cent. duties taken off in 1872; which was referred to the Committee on Finance.

He also presented a memorial of merchants, importers, bankers, and business men of the city of Albany, New York, protesting against the passage of the twenty-ninth section of the tariff and tax bill, which imposes a tax of $\frac{1}{10}$ of 1 per cent. on all sales of stocks, bonds, gold and silver bullion, coin, and other securities; which was referred to the Committee on Finance.

Mr. MCCREERY presented a memorial of citizens of Louisville, Kentucky, protesting against the passage of a law permitting growers of leaf-tobacco to sell $100 worth of their crop at retail to consumers without license or tax; which was referred to the Committee on Finance.

Mr. CARPENTER. I have a communication from the Librarian in regard to an amendment which has been recommended by the Committee on the Library to the sundry civil appropriation bill, for the purpose of preparing an index of the public documents and other publications of Congress. I move that the letter and the memoranda which explain the systen upon which it can be executed be printed.

The motion was agreed to.

Mr. WEST. I ask for an order from the Senate directing the printing of a document which I hold in my hand. I will proceed to explain what it is. It is a communication from the superintendent of railway mail service, explaining the differences between the railway companies and the Post-Office Department with reference to transportation. I think it desirable that on the discussion of the post-office appropriation bill, which is likely to come up at an early day, every Senator should have a copy of this communication before him for his information. I move that the requisite number of copies be printed for the use of the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. RAMSEY, from the Committee on Post-Offices and Post Roads, to whom was referred the bill (H. R. No. 2046) to amend the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, and eighty-sixth sections of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Depart-

ment," approved June 8, 1872, fixing and prescribing the method for adjusting the salaries of postmasters, reported it without amendment.

Mr. RAMSEY. I am also directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3603) to amend sections 245, 246, 247, and 253 of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 8, 1872, to report the same back with amendments and recommend its passage. In this connection, as it is important, indeed absolutely necessary, that this bill should pass before the adjournment, and as I see no possibility of securing that unless the Senate agree to give us some hour of this session, say on Tuesday next, after the morning hour, for our bills, I ask that it be done. I hope there will be no objection to it.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent on Tuesday next, after the expiration of the morning hour, to proceed to the consideration of bills reported by the Committee on Post-Offices and Post-Roads.

Mr. EDMUNDS. I object.

Mr. CONKLING. What is the bill?

Mr. RAMSEY. The bill just reported is a bill relating to contracts with the Post-Office Department. At present, if any of the bidders fail to execute their contracts, there is no ability in the Postmaster-General to provide for temporary service.

Mr. SARGENT. I desire to except the appropriation bills.

Mr. EDMUNDS. I desire to make an exception in favor of all bills from the Judiciary Committee.

The PRESIDENT *pro tempore*. There seems to be objection.

Mr. RAMSEY. I call the Senate's attention to it; that is all.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (S. No. 862) granting a pension to Margaret S. Hastings, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PRATT, from the Committee on Claims, to whom was referred the petition of Mrs. Rosa V. Jeffrey, late Johnson, and the children of Claude W. Johnson, of Lexington, Kentucky, praying for compensation for cotton seized and sold from her plantation in Tensas Parish, Louisiana, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. PRATT. The Committee on Claims, to whom was recommitted the bill (S. No. 542) for the relief of Butler, Miller & Co., of Ohio, have reconsidered that case, and have arrived at the same conclusion they did when the bill was reported by its order some weeks since, and have directed me to report the bill back without amendment. There is a report already on file which the committee adhere to.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CHANDLER. The Committee on Commerce, to whom was referred the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, have had it under consideration, and have directed me to report the same back with certain amendments. I will say that the committee has not added one dollar to the aggregate amount of appropriations. Some changes have been made, but the committee has deferred action on the bill for several days, hoping that some increase in the revenues of the Treasury might occur, so that additions might be made which seemed desirable. I give notice that on Monday next at one o'clock I shall attempt to call up this bill for action.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar

Mr. OGLESBY. The Committee on Public Lands, to whom was referred the bill (S. No. 668) to incorporate the Anglo-Saxon Mutual Company, have had the same under consideration, and instructed me to report it back and ask to be discharged from its further consideration, and suggest that the bill properly belongs to the Committee on Railroads, as it is a bill to connect the Western North Carolina Railroad with roads in the Mississippi Valley. In referring this to the Committee on Railroads I take leave to make the remark that as it refers to the transportation of the products of the country and the incorporation of railroads by act of Congress for that purpose, I hope the Committee on Railroads of the Senate will at an early day—I trust at an early day next week—report the bill back that was referred to them some time ago introduced by me on this subject so as to facilitate cheap transportation.

The Committee on Public Lands was discharged from the further consideration of the bill, and it was referred to the Committee on Railroads.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the petition of Andrew Clarke, late a private in the Fifty-third Indiana Volunteers, praying to be reimbursed for money paid for a substitute after he had been drafted, and from which he was not released but had to serve in person, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. MERRIMON. The same committee, to whom was referred the petition of Sarah Ann Holland, praying relief from the United States for injuries received by her husband, Thomas Holland, by the explosion of a shell on March 13, 1866, at the Washington navy-yard, by which said Holland lost his life, have instructed me to report that they are of opinion that an allowance in money ought to be made to her, but they do not deem that they are competent to make such an allowance, and move the case be referred to the Committee on Pensions. I submit a report on the matter, and move that it be printed.

The motion was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of William S. Mitchell, praying for balance claimed to be due for goods furnished the Commissioner of Public Buildings, submitted an adverse report thereon; which was adopted, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Simon Celaya, praying compensation for the rent of buildings at Brownsville, Texas, occupied by the military authorities of the United States in 1864, 1865, and 1866, submitted an adverse report thereon; which was adopted, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 3179) granting relief to John L. Williams, of New York, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2844) granting relief to Francis Dodge, reported it without amendment.

Mr. SPRAGUE, from the Committee on Public Lands, to whom was referred the bill (S. No. 872) to quiet the title of settlers on certain railroad lands, reported adversely thereon.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed if there be no objection.

Mr. INGALLS. Let that bill go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Caldar, with the adverse report of the committee.

Mr. DAVIS, from the Committee on Claims, to whom was referred the bill (H. R. No. 1620) for the relief of John L. T. Jones, of Montgomery County, Maryland, for rent and damage sustained by the destruction of a dwelling-house by accidental fire while the same was being occupied by United States troops for quarters, reported it with amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of Joseph Wilson, praying compensation for horses and mules captured by the rebels in consequence as is alleged of the refusal of the pickets to allow him to pass within our lines on the outposts of Washington, in July, 1864, submitted a report, accompanied by a bill (S. No. 926) referring the case of Joseph Wilson to the Court of Claims.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. CARPENTER, from the Committee on Privileges and Elections, to whom was referred the bill (S. No. 506) to further protect the polls in the election of President, Vice-President, and members of Congress, submitted an adverse report thereon, which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WASHBURN, from the Committee on Claims, to whom was referred the bill (H. R. No. 650) for the relief of John Brennan, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2463) for the relief of Joseph S. Reed, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2087) for the relief of Julius Griesenbeck, of Waco, Texas, reported it without amendment.

Mr. FERRY, of Michigan, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of Thomas Sprinkle, jr., of Oil Creek, Indiana, praying the passage of a joint resolution releasing him from a bid for carrying the mails on route No. 22165, submitted a report thereon accompanied by a bill (S. No. 927) for the relief of Thomas Sprinkle, jr.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 633) for the relief of A. H. Von Luettwitz, late lieutenant in Third United States Cavalry, reported it with amendments.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3508) conferring jurisdiction upon the criminal court of the District of Columbia, and for other purposes, reported it with amendments.

Mr. CARPENTER, from the Committee on the Judiciary, reported a bill (S. No. 934) to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from the State courts and for other purposes; which was read and passed to the second reading.

He also, from the same committee, reported a bill (S. No. 935) to provide for writs of error in certain criminal cases; which was read and passed to the second reading.

WITHDRAWAL OF PAPERS.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That James T. Barclay have leave to withdraw his petition and papers from the files of the Senate.

BILLS INTRODUCED.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 928) for the relief of David Huestis; which

was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. STOCKTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 929) authorizing the construction of a tunnel or tunnels upon the bed or beneath the bed of the East River, in the State of New York, between the cities of New York and Brooklyn, and upon the bed or beneath the bed of the Hudson River, between the cities of New York and Jersey City, in the State of New Jersey; which was read twice by its title.

Mr. STOCKTON. I desire to say that I have not scrutinized carefully the language of the bill. I offer it by request. I move that it be referred to the Committee on Post-Offices and Post-Roads, and be printed.

The motion was agreed to.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 931) to provide for the payment of certain demands for quartermaster stores and subsistence supplies furnished to the Army of the United States; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 932) granting the right of way through the public lands to the Saint John's Railway Company, and for other purposes; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 933) relating to mail contracts; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. PATTERSON asked, and by unanimous consent obtained, leave to introduce a bill (No. S. 936) for the relief of Lydia Cruger; which was read twice by its title, and referred to the Committee on Claims.

BECK & WIRTH.

Mr. LOGAN. I ask that the bill (H. R. No. 2211) for the relief of Beck & Wirth, reported by the Committee on Finance, with a very short report, be taken up. It is a bill of great importance to these citizens, but a matter of very little consideration to the Senate. I should be glad to have it passed.

There being no objection, the bill was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Beck & Wirth, dealers in tobacco, of Chicago, Illinois, $5,773, to reimburse them for money paid on manufactured tobacco under the act of Congress of July 20, 1868, they being entitled to have the money refunded to them under the act of Congress of April 10, 1869, but are unable to produce the technical proof, as required by the Revenue Department, on account of the destruction of the United States collector's, assessor's, and their own books by the great fire of October 9, 1871, at Chicago, Illinois.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

OXYGEN GAS COMPANY.

Mr. CONOVER. I move to take up the bill (S. No. 856) to incorporate the Oxygen Gas Company of the District of Columbia. I think it will take but a moment.

The motion was agreed to, and the bill was read a second time, and considered as in Committee of the Whole.

Mr. CONKLING. I wish to make one suggestion to the Senator having the bill in charge. It pertains to section 2, where is found a provision that when the streets are broken up to lay gas-mains and so on, they shall be restored substantially and maintained in repair for a period of one year. That I think is an inadequate provision, and I move to amend the bill so as to read that they shall be restored to their former condition as far as possible. The word "substantially" is very vague.

Mr. CONOVER. I have no objection.

The PRESIDENT *pro tempore*. The amendment will be considered as agreed to if there be no objection.

Mr. CONKLING. I know nothing about the details of this bill, but I wish to say that if its tendency is to give to the citizens of Washington better and more especially cheaper gas, I shall be very glad.

Mr. MORRILL, of Vermont. I may say that the bill provides that this company shall furnish gas at the same rate that was provided in the bill regulating gas-works passed at a former date. This company claim that they can furnish a better quality of gas and at a lower rate; and if they can, it seems proper that they should have an opportunity.

Mr. WEST. I move to strike out of the bill in section 8, commencing at the words "and said company," in line 5, all the rest of that section. My object is to prevent the company from exercising the privilege of entering the premises of any one between the hour of eight o'clock in the morning and sundown and forcibly taking the meter away. That occurrence might happen at a great many peoples' residences when they were absent from the city, which would be disagreeable to say the least. The company can properly protect themselves against the consumption of gas by being permitted to stop off the gas at the end of ten days for non-payment; but the proper way is to make the party pay for the meter before it is put in, as is done in some cities. That is the way to protect the company; but in this case they have the power to enter a residence.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out in section 8, commencing in line 5, the following words:

> And said company, after giving forty-eight hours' notice, either written or printed, left at the residence or premises of such person or persons of their intention to do so, may enter said premises at any time between the hours of eight o'clock in the forenoon and two o'clock in the afternoon, and remove the meter from said premises.

Mr. MORRILL, of Vermont. I think if the Senator from Louisiana will examine the statistics on this subject he will find that this is precisely similar to the provisions existing in similar laws in American cities and in European. The company here are required to furnish the gas-meters at their own expense, and it is proper that they should have the power where parties refuse to pay their bills to remove the meters.

Mr. WEST. I have an instance within my experience where just the reverse of this proposition is practiced. I shall not urge the amendment I suggest any more upon the Senate, but I call the attention of Senators to the fact that they are probably about to bring upon themselves by this provision a very great inconvenience. This occurrence might happen to a great many houses that were shut up during the summer.

The PRESIDENT *pro tempore*. Does the Senator withdraw the amendment?

Mr. WEST. No, sir; I ask for the vote of the Senate upon it.

The PRESIDENT *pro tempore*. The question is on the amendment.

The question being put; there were on a division—ayes 5, noes 22.

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. HAMILTON, of Maryland. Let us divide again.

The PRESIDENT *pro tempore*. There is evidently a quorum present, and the Chair will put the question again.

Mr. FRELINGHUYSEN. As I understand the provision of this bill, it authorizes this company to send any person to a resident's house at any time between eight o'clock in the morning and two in the afternoon, and forcibly to enter it. The employés of this company under that protection might enter it for very villainous purposes and ransack the whole house when the family was absent. I do not think there ought to be any such provision in any law.

Mr. MORRILL, of Vermont. It will be noticed that this cannot be done until forty-eight hours' notice has been given.

Mr. WEST. Suppose nobody is at home?

Mr. MORRILL, of Vermont. Then the notice cannot be given.

The amendment was not agreed to; there being on a division—ayes 13, noes 27.

Mr. INGALLS. I move to amend the bill in section 8, line 5, by inserting before the word "notice" the word "personal."

Mr. MORRILL, of Vermont. I have no objection to that.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POST-ROUTES.

Mr. COOPER submitted an amendment intended to be proposed to the bill (H. R. No. 3604) to establish certain post-routes; which was referred to the Committee on Post-Offices and Post-Roads.

THE COPYRIGHT LAW.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 876) to amend the law relating to patents, trade-marks, and copyrights, which was to amend the bill by increasing the fee to be paid for recording the title of any print or label not a trade-mark from three to six dollars.

Mr. WADLEIGH. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 3673) making an additional appropriation to enable the Secretary of War to carry out the provisions of the act of April 23, 1874, entitled "An act to provide for the relief of the persons suffering from the overflow of the Lower Mississippi River, and for other purposes;" in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 280) granting a pension to Ann Crane;

A bill (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts;

A bill (H. R. No. 1706) to authorize the opening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan;

A bill (H. R. No. 1753) to authorize medals commemorating the one-hundredth anniversary of the first meeting of the Continental Congress and of the Declaration of Independence;

A bill (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy;

A bill (H. R. No. 3073) relating to embassadors, consuls, and other officers;

A bill (H. R. No. 3601) to admit free of duty articles intended for the international exhibition of 1876;

A bill (S. No. 693) to change the time for holding the circuit and district courts of the United States for the eastern district of Wisconsin at Oshkosh;

A bill (S. No. 142) for the relief of Nathaniel McKay, assignee of the builders of the steamers La Portena, Edward Everett, F. W. Lincoln, Azalia, and N. P. Banks;

A bill (S. No. 793) authorizing the Secretary of the Treasury to change the name of the schooner Jennie Spear to that of Santa Rosa;

A bill (S. No. 870) giving the assent of Congress to the acceptance by the officers of the United States ship Monocacy of silver medals presented to them by the King of Siam;

A bill (S. No. 529) to authorize an appointment in the Inspector-General's Department;

A bill (S. No. 533) granting a pension to Uriah W. Briggs;

A bill (S. No. 624) to authorize the issuance of patents for lands granted to the State of Oregon in certain cases; and

A bill (S. No. 658) granting a pension to Martin V. Jackson.

WASHINGTON STREET-RAILWAY.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of the first bill on the Calendar, being House bill No. 2102.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2102) to incorporate the Capitol, North O Street and South Washington Railway Company.

The PRESIDENT *pro tempore*. There is an amendment pending to the bill, which will be read.

The Chief Clerk read the amendment, which was in section 1, lines 19 and 20, to strike out "Twelfth street west," and insert "Eleventh street west."

The amendment was agreed to.

Mr. HITCHCOCK. I have several amendments which I desire to offer to the bill. The first is in section 2, line 3, to strike out the words "the general laws of the District of Columbia," and insert the word "law."

The amendment was agreed to.

Mr. SHERMAN. I should like to have the Senator state where this road goes; on what line it is to run?

Mr. HITCHCOCK. The road begins south of the avenue on Fourteenth street, passes down by the Smithsonian Institution and the Agricultural grounds, runs up through Maryland avenue to the front of the Capitol, crosses in front of the Capitol over the track already laid, then passes up Third street to O street north, crosses over O street north to Eleventh street, down Eleventh street to E street, and down E street to the point of beginning.

Mr. SHERMAN. I have followed in my mind the general course of the road as stated by the Senator, and it seems to be a kind of circular road round the city. Now, we have already imposed upon the people of this District pretty heavy burdens. Take the case of Third street, which I have driven over recently with a great deal of pleasure, which is paved with a wooden pavement nicely laid; and here it is proposed to cut it up at once by a line of railroad. I think if new railroads are to be chartered it ought to be done in pursuance of some general system by competent officers appointed for the purpose. Railroads are a great convenience to the people. They ought to be built and favored as much as possible. They are the cheapest mode of transportation to all those who have no carriages; but some little regard ought to be paid to the rights of property-holders whose property may be injured by the passage of one of these roads. I am not prepared to resist the bill, but I ask the Senator whether it has ever received the recommendation of the board of public works of this District?

Mr. HITCHCOCK. It is subject to their approval.

Mr. SHERMAN. But if this charter is granted, their disapproval would not prevent the building of the road. I would ask also whether it has received the recommendation of any United States officer here; for instance, General Babcock, who has charge of the public buildings and grounds?

Mr. HITCHCOCK. I am not aware that he has been consulted on the subject.

Mr. SHERMAN. Does the road go through the public grounds or between the public grounds?

Mr. HITCHCOCK. It passes the public buildings and grounds on the south and affords a means of communication and travel there to the public which they really need. This is a House bill. It has passed the House and has been reported favorably by the Senate committee. It has been considered here on two or three occasions during the morning hour, and I hope the Senate will now dispose of it. I am pressed by parties interested who are very anxious on the subject. The property-holders along the line generally assent to it and desire the passage of the bill. It has been considered on two or three several occasions, and I am disposed to ask the Senate now to vote on the bill. If they choose to vote it down, very well.

Mr. SHERMAN. Is it to be a double-track or a single-track road?

Mr. HITCHCOCK. A single track.

Mr. MORTON. Some representations have been made to me from persons living on the line of this projected road which lead me to believe that it is desired and that it is important that the road should be constructed. I shall therefore vote for it.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Nebraska.

Mr. MORRILL, of Vermont. I have no doubt my friend from Nebraska is very anxious to get rid of this bill; I should be if I had it in charge. But I desire to call the attention of the Senate to the fact that this railroad runs and completes almost a hollow square right in the center of the city, going not to the extremities by three or four or five squares in any direction, and it crosses the public mall twice, once directly in front of the Capitol, and once on Twelfth street. Under these circumstances, it seems to me that it is an eminently fit bill to be postponed until after the commission which has been proposed shall be established to say where all these railroads shall be authorized to be built and constructed with the least inconvenience to the city and with the greatest amount of accommodation to the citizens thereof. Therefore, in order to make a test question of the matter, I move to lay the bill on the table.

Mr. HITCHCOCK rose.

Mr. MORRILL, of Vermont. I will withdraw the motion if the Senator desires to speak upon it.

Mr. HITCHCOCK. I desire in the first place that the action of the Senate should be had on the amendments in order that the bill may be perfected.

Mr. MORRILL, of Vermont. There will not be time to act on the amendments and then accomplish the purpose I have in view during the morning hour. I am sure it will answer the purpose of the Senator from Nebraska as well to have a test question upon it now as at any time. It is distinctly understood by the Senate that the proposition that I make is to postpone not only this but three or four more railroad bills equally objectionable until there can be some order and system applied to the whole scheme of railroads in the city. I therefore move to lay the bill on the table.

Mr. HITCHCOCK. I hope the Senator will withdraw that motion.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. MORRILL, of Vermont. I withdraw it.

Mr. HITCHCOCK. Now I hope the Senate will allow these amendments to be acted upon. Certainly there can be no objection to that being done. Several of them were suggested by the honorable Senator himself. They are designed to guard and restrict this bill and to protect the rights of the public.

Mr. MORRILL, of Vermont. If the bill should be amended I should still be unwilling to have any further number of these railroads chartered until there shall be some order and system established about the whole matter.

Mr. HITCHCOCK. Very well. After these amendments are made it will be time enough then to discuss that question.

Mr. SHERMAN. I suggest to the Senator from Vermont whether it would not be better and wiser to move to postpone the bill until the next session?

Mr. MORRILL, of Vermont. If it will be more agreeable to my friend, I will submit that motion.

Mr. HITCHCOCK. I prefer that these amendments shall be acted upon. They can all be acted upon in the morning hour, I think, if the Senator will allow us to go on.

Mr. MORRILL, of Vermont. I will change my motion to a motion to postpone the bill until the next session.

Mr. MORTON. Why not let the amendments be acted upon?

Mr. MORRILL, of Vermont. Then there will not be time to take the test question.

Mr. HITCHCOCK. I prefer that that test question shall not be taken now. When the Senator proposes to have that test question taken, the Committee on the District of Columbia will have something to say in regard to the duties and rights of that committee and in regard to the duties and rights which properly belong to the Committee on Public Buildings and Grounds. The chairman of the Committee on the District of Columbia is not present at this time. There is abundant time during the morning hour to consider these amendments, and then or some other occasion when the chairman of the Committee on the District of Columbia is here, the test question which the Senator speaks of can be met and met properly.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to postpone the further consideration of this bill until the first Monday in December next.

Mr. THURMAN. I only wish to remark that if we are going to do that, there is no use in taking up time in considering the amendments.

The motion was not agreed to; there being on a division—ayes 18, noes 24.

The PRESIDENT *pro tempore*. The amendments will be reported.

The first amendment was in section 2, line 3, to strike out the words "general laws of the District of Columbia," and insert "law;" so as to read "liable to taxation as is or may be provided by law."

The amendment was agreed to.

The next amendment was in section 3, lines 5 and 6, to strike out

the words "to be determined by the board of public works," and in lieu thereof to insert "a plate varying for street vehicles of not less width, exclusive of the car-wheel bearing, than that now in use on the Washington and Georgetown Railroad."

The amendment was agreed to.

The next amendment was in section 5, line 1, after the word "Government" to insert "or the proper authorities of the District of Columbia."

The amendment was agreed to.

The next amendment was in line 7, of the same section, to insert after the word "company" the words "at its own expense."

The amendment was agreed to.

The next amendment was in section 9, line 4, to strike out "ten" and insert "eleven," and in line 5 to strike out "fifteen" and insert "ten;" so as to read:

And shall run cars thereon during the day and as late at night as eleven o'clock and as often as every ten minutes.

The amendment was agreed to.

The next amendment was in section 10, line 6, after the word "necessary" to insert "not exceeding one block in distance in any one place."

The amendment was agreed to.

The next amendment was to add to section 10 the words "and not to exceed $200,000 in value."

The amendment was agreed to.

The next amendment was in section 11, line 1, to strike out the word "inadvertently."

The amendment was agreed to.

The next amendment was in section 12, line 18, after the word "void" to insert "and said payment shall in no case be withdrawn or loaned to any member of said company."

The amendment was agreed to.

The next amendment was to add to section 14 the following words:

And no part of the capital stock paid in shall at any time be withdrawn by said company or any member thereof.

The amendment was agreed to.

The next amendment was in section 18, line 5, before the words "general regulations" to insert the word "lawful."

The amendment was agreed to.

The next amendment was in section 19, line 4, to strike out the word "value" and insert "amount."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business, being the report of the committee of conference on the finance bill.

COMMITTEE ON PRINTING.

Mr. ANTHONY. I move that the Committee on Printing have leave to sit during the sessions of the Senate. In fact we have been doing so, and our consciences somewhat reproach us that we are enjoying ourselves up above in an investigating committee while you are bearing the heat and burden of the day below. [Laughter.]

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had on the 10th instant approved and signed the act (S. No. 830) granting one condemned cannon to Prescott Post No. 1, Grand Army of the Republic, for the erection of a monument at Providence, Rhode Island.

The message also announced that the President had this day approved and signed the following acts:

An act (S. No. 395) for the relief of Edward H. Calvert; and

An act (S. No. 465) for the relief of Joseph Council, of Mobile, Alabama.

THE CURRENCY—FREE BANKING.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes.

Mr. SARGENT. I desire to occupy the attention of the Senate for a short time upon this financial report to discuss briefly two propositions: first, that this is a compromise; and, second, that the Pacific coast Senators are influenced in their views upon this legislation and upon the general financial policy by local considerations; that we are provincial; that we are governed by the nature of a principal industry of our coast. Upon each of these propositions I desire to be heard briefly.

The merit claimed for this measure, brought forward by the committee of conference, is that it is a compromise. Mr. President, why should we compromise upon this question? A compromise implies a retreat between the two parties who make it from a previous position to some common intermediate ground. Now, if I am right in my views upon this matter, if Senators who think with me are right, if our views are founded upon principle and experience, if a continuance in the course which our policy would indicate is required by principle, why should we retreat from the point we have maintained? Is there any obligation on either side of this Chamber to compromise on this question? Is it an arbitration, where we are bound in honor by the award? Both Houses of Congress, judged by recent votes, are in favor of inflation. There is no difficulty in the majority of each House arranging their views; and they have met in committee and so arranged them. How does that arrangement bind, either in good faith or in expediency, the minority in either House of Congress who doubt the propriety of the conclusions to which the majority have arrived? The reply comes from the Senator from Ohio, [Mr. SHERMAN,] who for the first time in my legislative observation seems to be frightened, for the first time addresses considerations to the Senate which are not founded on absolute right, but on timidity. He tells us that if we do not settle this question here and now, the people will settle it; that it will go out to be discussed in every congressional district in the Union. Why should it not? He says here is the place to settle this question. True, here is the place to record the final edict, and here may be the place to correct the errors of public opinion, but nevertheless we are representatives; this is a representative Government, and we have a right under all circumstances, and it is our duty, to refer great questions to the people. We come back here refreshed in strength or corrected; we come back like Hercules after his visit to mother earth, refreshed and strengthened. The people is the source from which we should draw inspiration, and I have no fear of an appeal to the people on this or any other question. Therefore, sir, that argument can have no force with those who believe that they stand upon principle, as we thought the Senator himself did in his long concurrence with us.

No compromise can be made or can stand which involves a sacrifice of principle. Compromises are the mere traps of the unwary. They have been so all through our history. They have been mere bull-rush dams set up for the time being to oppose some powerful current of public sentiment. Look at the compromises which we have made. The most notable, the Missouri compromise, was laid down in 1820 and 1821 as an inviolable compact, never to be disturbed; and yet when its conditions fettered the growths of certain interests it was swept away. The argument was urged on this floor and the other House, in a heated controversy, that this was a violation of solemn pledges and sacred compacts; that national faith was involved in the highest degree, but yet it went like flax before the flame; it had no force to bind the legislative power, ay, no force to bind even the conscience of the nation. And how was it with the compromises of 1850? They were announced as a final and conclusive settlement both in form and substance of the pending issues and of all questions growing out of slavery. When the democratic party met in Baltimore in 1852, the then dominant party of the country, they announced this as the fact in their platform, and they elected Franklin Pierce upon that very issue; but these compromises did not outlast the administration of Mr. Pierce. Favored by the President himself and by the dominant democratic majority in Congress, acts were passed by which those compromises were thrown to the winds.

I ask Senators who believe that this measure is not fully wise but may possibly be accepted as a measure of compromise, if with these experiences, and many others that I might name, they think we bind by this compromise, as it is called, legislative action hereafter or the public conscience? We do nothing of the kind; and this, like every other step of the kind which has ever been taken, is a mere trap for unwary feet, a mere expedient for the time being; an expedient to accomplish certain results covetously desired, with a promise that nothing more in the same direction will be aimed for, when all our experience and the experience of the world shows that compromises are the tools of schemers, that they deceive only the unthinking, that they are often prostituted to base purposes, and that they never subserve any good end by restraining further action in the direction they pursue after they have led those who stood on principle to depart from their convictions.

Now, sir, is this proposition a compromise of principle? If this is a mere question of expediency, a mere question of policy, if there are no party pledges, if there are no legislative promises, if there is no national faith involved, if it is like many other questions which we pass on day after day, a simple question of amounts, which may be more or less without involving any sacrifice of consistency or principle, then perhaps it is a legitimate subject for compromise. But if both parties in this Chamber by national conventions, by public documents, by solemn acts, have pledged their faith in a certain line, and this is a step away from that path, a step backward, a retreat, then I say it implies not only party dishonor but it implies national dishonor.

It may be somewhat trite to refer to the acts and resolutions of the past. Senators may be impatient of listening to the promises which they have made, which not only individual Senators but organizations represented here which embrace us all have made. But I ask when we are to turn away from those promises if it is not wholesome for us to pause a moment and read them, and see what they were? I ask Senators, whether from the West or the East, whether in favor of inflation or otherwise, if these solemn promises made to the people ought not to be kept until such time as the people can reconsider these promises, and by a legitimate method release their representatives? Until that time we are bound according to my conscience. When honorably released, when the people themselves shall say we may pursue another course, it being referred to them in popular elections or in national conventions, then we may retreat from the position which we have taken, at their instance, and promised to maintain, but until then, without dishonor, never.

In 1868 after the war was over and business was endeavoring to struggle back to normal conditions, the republican national convention met, and I will refer to that first because the republicans are in the majority in this Chamber. They nominated at that time the present President for his first election, and in reply to specific agitations at that time they declared:

We denounce all forms of repudiation as a national crime; and the national honor requires the payment of the public indebtedness in the uttermost good faith to all creditors at home and abroad, not only according to the letter but the spirit of the laws under which it was contracted.

Nobody doubted at that time the meaning of that. Nobody doubted that the President, when subsequently he sent his first annual message to Congress, when before even that he delivered his inaugural address, correctly interpreted the spirit of that resolution. I wish to show how Grant understood that platform. He was inaugurated on the 4th of March, 1869, and what did he then say with the approval of the party? You cannot find me an utterance of one of my friends about me who to-day finds it inconvenient to forget the pledges to which I am referring which contained one word of rebuke at that time or since down to within a few months, of sentiments like those which were advanced by the President then or subsequently after he had reiterated those sentiments. The President said in the inaugural address as we stood around him and listened to his words with pleasure and approval, and they were received with approval all over the country:

A great debt has been contracted in securing to us and our posterity the Union; the payment of this, principal and interest, as well as the return to a specie basis, as soon as it can be accomplished without material detriment to the debtor class or to the country at large, must be provided for. To protect the national honor every dollar of Government indebtedness should be paid in gold, unless otherwise expressly stipulated in the contract. Let it be understood that no repudiator of one farthing of our public debt will be trusted in public place, and it will go far toward strengthening a credit which ought to be the best in the world, and will ultimately enable us to replace the debt with bonds bearing less interest than we now pay. To this should be added a faithful collection of the revenue, a strict accountability to the Treasury for every dollar collected, and the greatest practicable retrenchment in expenditure in every Department of Government.

In that same address, Senators will remember, he appealed to the young men of the country, "those who from their age must be its rulers twenty-five years hence," as having "a peculiar interest in maintaining the national honor." I say we understood and commended those utterances at that time. How we understood them is evidenced by the first law which we passed. The first law in the sixteenth volume of the Statutes shows what effect we gave to the utterances of the President at that time, and how far those utterances agreed with our own convictions. In order to relieve my voice I send to the Secretary and ask that he may read—and it is wholesome reading, considering the tenor of this debate on one side of it—the first statute which was passed under General Grant's administration, approved March 18, 1869. This was within two weeks of the utterances I have just read.

The Chief Clerk read as follows:

An act to strengthen the public credit.

Be it enacted by the Senate and House of Representatives of the United States o America in Congress assembled, That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared, that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. *And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.*

Mr. SARGENT. The United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

Am I not right in saying that we understood and approved the utterances of the President of the United States in that inaugural message? But he reiterated them afterward.

On the 6th of December, 1869, the President, in his annual message, said:

Among the evils growing out of the rebellion and not yet referred to is that of an irredeemable currency. It is an evil which I hope will receive your most earnest attention. It is a duty, and one of the highest duties of government, to secure to the citizen a medium of exchange of fixed, unvarying value. This implies a return to a specie basis, and no substitute for it can be devised. It should be commenced now, and reached at the earliest practicable moment consistent with a fair regard to the interests of the debtor class. Immediate resumption if practicable would not be desirable. It would compel the debtor class to pay, beyond their contracts, the premium on gold at the date of their purchase, and would bring bankruptcy and ruin to thousands.

Fluctuations, however, in the proper value of the measure of all values, *gold*, is detrimental to the interests of trade. It makes the man of business an involuntary gambler, for in all sales where future payment is to be made both parties speculate as to what will be the value of the currency to be paid and received. I earnestly recommend to you, then, such legislation as will insure a gradual return to specie payments and put an immediate stop to fluctuations in the value of currency.

And on December 4, 1871, and before his renomination by the republican national convention, he said plainly, so that no one could doubt his views or how he understood his pledges:

Continued fluctuations in the value of gold, as compared with the national currency, has a most damaging effect upon the increase and development of the country in keeping up prices of all articles necessary in every-day life. It fosters a spirit of gambling prejudicial alike to national morals and the national finances. If the question can be met as to how to give a fixed value to our currency, that value constantly and uniformly approaching par with specie, a very desirable object will be gained.

He did not seek renomination by obscuring his views. These were carefully and boldly uttered in his state papers. The convention and the people understood him. We were all in accord with him.

Sir, in view of these declarations of the President, and in view of the course which Congress had taken by the adoption of the law which I have caused to be read, the national republican convention met again and laid down their platform. This meeting was in 1872, with the law of 1869 on the statute-book, with these public messages of the President before the people, and the party indorsed both by new resolutions and by renominating him. The platform of 1872 says:

We denounce repudiation of the public debt in any form or disguise as a national crime. We witness with pride the reduction of the principal of the debt, of the rates of interest upon the balance, and confidently expect that our excellent national currency will be perfected by a speedy resumption of specie payments.

In view of these declarations so recent, declarations upon which we elected this Administration, declarations upon which some of us obtained seats on this floor, coming in here contemporary with the second term of this Administration, does it sound well to sneer at a speedy return to specie payments, to say that we were once infected with that mania, but have gotten over it; that we have grown wiser than the party, superior to party pledges?

In the message of the President, December 2, 1872, following that election, he again committed the party to the policy of a speedy return to specie payments. He said:

The preservation of our national credit is of the highest importance. Next in importance to this comes a solemn duty to provide a national currency of fixed, unvarying value as compared with gold; and as soon as practicable, having due regard for the interests of the debtor class and the vicissitudes of trade and commerce, convertible into gold at par.

When this Congress met the President renewed his recommendation in favor of measures looking to the return to specie payments, strictly in accordance with the national platform and his former declarations. In view of the panic he said:

My own judgment is that, however much individuals may have suffered, one long step has been taken toward specie payments; that we can never have permanent prosperity until a specie basis is reached.

Again he said—

To increase our exports, sufficient currency is required to keep all the industries of the country employed. Without this, national as well as individual bankruptcy must ensue. Undue inflation, on the other hand, while it might give temporary relief, would only lead to inflation of prices, the impossibility of competing in our own markets for the products of home skill and labor, and repeated renewals of present experiences. Elasticity to our circulating medium, therefore, and just enough of it to transact the legitimate business of the country and to keep all industries employed, is what is most to be desired. The exact medium is specie, the recognized medium of exchange the world over. That obtained, we shall have a currency of an exact degree of elasticity. If there be too much of it for the legitimate purposes of trade and commerce, it will flow out of the country. If too little, the reverse will result. To hold what we have, and to appreciate our currency to that standard, is the problem deserving of the most serious consideration of Congress.

In announcing views like these, was the President recreant to party obligations, was he inconsistent with party pledges and party platforms? If not, are we if we support the measure reported by this committee or any of those multiform schemes of inflation which have been brought to our attention during the last weary five months? In this same message, in the most earnest language, he protested against an inflation that would put off indefinitely the resumption of specie payments. Does any one believe that by a step backward, by the emission of more paper, we do not put off the return to specie payments? Does any one doubt that the people, intoxicated by further draughts of irredeemable currency, business and speculation inflated by means of an unnatural aliment, will speak with such force to future Congresses in the spirit of the man approaching *delirium tremens*, who thinks his only relief is in deeper draughts, that they will sweep Senators from their feet and from any compromise which they now make? If in view of these recent pledges we cannot stand up until another presidential election against these frantic cries that come from some quarters for more currency, more paper, more irredeemable currency, how with these feelings aggravated, the aggravation caused by this very inflation, can you stand the greater clamor we shall bring in upon ourselves?

I ask, are we false to the past, or is Grant false to the past, when he sends messages like these to Congress? If it is a question of consistency, certainly inconsistency does not lie at his door, and it does not lie with those of us who have stood here for months fighting against these schemes in the different forms in which they have presented themselves. If there is inconsistency, let those who are guilty of it and let those whose speeches put in parallel columns would destroy each other account of this inconsistency defend themselves. I say that we stand here consistent with national pledges, with party pledges, with our previous declarations, and the President is consistent with his and with us.

I have thus shown, what every Senator knew, which no Senator should forget, which no Senator shall forget if I can help it, the record of the party repeatedly made in national convention. We have that of the President often repeated and reiterated so that no one can misunderstand it, and we have the record of Congress right

in the teeth of this proposed legislation. Sir, were these declarations thus made mere temporary utterances not intended to be immutable, not intended to assert principles? The answer is that they were consistently and oftentimes repeated as if by set purpose, and judging them by any rule that would apply to the declarations of a party, they were intended to mark out a consistent course of policy.

Were they intended merely to catch votes? Was that the object of them? If that is asserted, then the voters must have been in favor of those principles. Then it was a concession to public sentiment. You cannot catch votes by enunciating sentiments repugnant to voters, for they will repudiate your cause. But it was simply because you touched the chord of national feeling, because you could rally voters to your support for the election of your administration by announcing principles like these that you announced them; because national honor is dear to a patriot, dear to a patriotic people; because they will not have it sullied knowingly and intentionally; and I tell Senators you cannot lead the people in the wrong but they will discover it before much time elapses and return to punish those who so mislead them. These utterances were not casual, and they were not merely to catch votes; they expressed a principle, and a principle that was acceptable to the people, because the people adopted the party which gave it most distinct utterance. And, furthermore, they were not casual and were not made merely to catch votes, because they were in direct reply to schemes of repudiation. Every one remembers that in 1868 and for a little while thereafter, until the national debt began to be reduced and until the solemn declaration which I have caused to be read from the statute-book was passed by Congress implying that the national faith was ever pledged to prevent such schemes, under the lead of Mr. Pendleton, of Ohio, (a gentleman on whom I do not desire to reflect at all, although I think his views extravagant, unsound, and injurious,) there was a scheme to emit paper money limited only by the amount of the national debt, unlimited expansion except by the fact that they did not desire to float or have sink more than enough to pay off the $2,000,000,000 of the national debt. This was the scheme. It was in reply to it that these platforms were laid down. On the stump we justified the planks of these platforms by showing the fallacy and the danger of the scheme of Pendleton and others whom I might name that we called a repudiation of the public debt; though it was not admitted by its authors to be repudiation, but was said to be simply a large issue of national notes.

Furthermore, I say that these views are not novel. They were not taken in 1868 and 1872 and by Congress as mere experiments. It cannot be denied that they have been enforced by every sound writer on political economy, ancient and modern. They are the true basis of national prosperity; they are the only basis for a sound currency. The Senator from Ohio [Mr. SHERMAN] has often instructed us in this. I have listened with pleasure to his discourses in this direction in which he has insisted that our feet could only stand firm, that national prosperity could only be secured if we would stand by the principles which are laid down in these platforms, which have been enunciated in the messages of the President of the United States, and which have been enforced, as I say and as he knows, by all sound writers on political economy, ancient and modern.

Mr. SHERMAN. I will interrupt the Senator, if he will allow me, so far as to say that every word he has said thus far in regard to the necessity of specie payments meets my hearty approval. All the messages of the President meet my most hearty approval. The repeated legislation of Congress meets my hearty approval. But the question I wish to put to him, and upon that the difference between me and him turns, is whether or not the time by this bill, and the mode and manner fixed by this bill, is not the earliest practicable way to come to specie payments. If he convinces me that I am wrong on that point, that I am in error, I shall acknowledge it. If he can show me that by simply doing nothing and turning this thing over to the future and to the issue of popular elections, we can accomplish the golden age that both he and I think better, then I will acknowledge my error and confess my sin. But I do candidly and honestly believe that the measure now pending names the earliest practicale time for resumption. If he has any views to present on that point, I shall listen with great respect.

Mr. SARGENT. I listened yesterday with great attention to the questions which the Senator from Ohio propounded to the Senator from Massachusetts, [Mr. BOUTWELL.] The Senator from Massachusetts took pains to answer carefully and elaborately the proposition which the Senator now advances. I am speaking on another subject, as the Senator well knows. I am speaking of party pledges. I am resisting the idea of a compromise of a principle. My judgment concurred with the argument of the Senator from Massachusetts yesterday, and that argument remains unanswered. I believe, and firmly believe, that by the same course we have pursued of letting the business of the country grow up to the volume of the currency, a currency the depreciation of which measures its redundancy, we should get to specie payments, and get there before the time fixed in this bill. But we shall not get there by the time fixed by the Senator from Ohio, or at any other time by pursuing the policy laid down in this bill; that you cannot get there by the issue of more paper money. Our only hope of doing it is not by a violent contraction—for I am not in favor of that, although I believe that would be a less injury than expansion—but by the ordinary rules of trade, by the growth your population, by the increase and development of your resources, by the accumulation of wealth, by causing your commerce to whiten the seas, by setting machinery in motion, by the growth of society. All these things are solving this problem. They have solved it to a certain extent, and were more rapidly solving it when the mischievous agitation of this Congress, joined to some other temporary causes alluded to by the Senator from Massachusetts yesterday, gave us a back-set on the path we were pursuing. Now the Senator asks us to deflect from that straight path, to turn in another direction; and he tells us that we shall reach the point we aim at by traveling away from it. Sir, I cannot see it in that way.

Mr. SHERMAN. With the permission of the Senator, I will interrupt him to make a further remark. He and I have the same purpose in view and have a distinct issue to present to the Senate. He proposes that we shall reach specie payments by doing nothing, by pursuing the course which has been adopted by the Government for the last four years. I propose by a solemn pledge made with the sanction of all parties that in less than four years we shall reach specie payments. I wish to call his attention to the fact that the Senator from Massachusetts did not answer the point that four years ago to-day we were nearer specie payments than we are at this moment according to the price of gold. All this talk about the German war and these other things amounts to nothing. The Senator and I have one object in view. I want to redeem party pledges; but higher than that, I want to redeem the nation's honor, pledged by both parties. I want to attain the same result that he does. The only question is as to the mode and manner of attaining it. I say the mode adopted by this compromise report is the easiest, clearest, and quickest way. Let us confine the issue in this matter, not to any party question, but to the point, what will approach the end desired in the easiest way. Let him demonstrate to me that simple, quiet, non-action on this subject will bring us nearer and nearer, and more quickly to specie payments than the manner here proposed, and I will vote with him.

Mr. STEWART. When the Senator from California gets through, I shall be prepared to join issue with the Senator from Ohio on this question, particularly in regard to the eighth section.

Mr. SARGENT. Mr. President, I impeach no man's motives. We are here as a Senate of equals, as was remarked many years ago, and each Senator is impelled to pursue his own course, is governed by his own convictions. But I cannot agree with the Senator from Ohio that this is not a question of party pledges or of national honor. To me it is, and I have endeavored to show that these considerations are of the highest importance.

Mr. SHERMAN. I say it is a question of party pledges and national honor.

Mr. SARGENT. Then I am relieved somewhat from the fear which troubled my mind, that I was unnecessarily referring to these past declarations of the party made by ourselves and by our administration. If the determination of the question is to depend on previous pledges and declarations, then certainly it is well that these declarations and promises should be read in order that we may see how closely they are followed in what is now proposed. This subject should not be disposed of without a reference to them.

Mr. MORTON. Will the Senator allow me to ask him a question?

Mr. SARGENT. Certainly.

Mr. MORTON. The Senator has referred to party pledges and to the act of 1869 pledging us to specie payments at the earliest practicable moment. I should like to understand from the Senator now what those pledges and the act of 1869 mean? Is it that we shall simply do nothing and let time take care of the question?

Mr. SARGENT. Time, business men, and business growth will do it. I believe as the rain waters the earth and brings forward the crop of the husbandman, so the natural growth of business, so the very laws laid down by nature itself governing trade, the natural laws of trade, will bring about resumption. Redundancy of currency makes depreciation, and the depreciation measures that redundancy, as I said a moment ago. If there is too much paper afloat for it to realize the value of its face, then it depreciates, and the amount that will float at standard value is greater or less as there is more or less population, more or less legitimate employment for money. If we have too much paper money out, by the natural laws of trade the country will grow up to that volume if you do nothing to inflate that amount. That is my idea. I do not say that I am doing nothing, that I recommend that nothing shall be done, in other words. I do recommend that the country be let alone to grow. The public health is in danger from quack nostrums. Let the country get well. You may cut a coat too large for a child, but you do not propose to catch hold of the child and stretch his limbs in order to make him fit the coat. Let him alone, if it is necessary for him to wear the coat, and the child will grow to fill the coat. You object to contraction—to cutting the coat down. I also am not in favor of contraction, because it is a rough means of reaching the end; but I am in favor of allowing the growth of the Republic to absorb this immense volume of money which we threw out at the time it was in danger, and when it was necessary for its safety that we should do it. That was an expedient justified and necessitated by the conditions of war. Now that we are in a condition of peace we should not resort to those expedients of war. I beg the Senator to draw the distinction between doing nothing and doing this. The country is doing something day by day. Look at your census reports; look at your trade reports. The country is growing

continually. The very register of births shows that the country is growing. There is an increase of population, of wealth, of business, of development in every direction; and it is this growth which absorbs your redundant currency. You blink that out of sight, you reason without taking that into consideration; but admitting the growth of the country, you cannot accuse us who do not desire to inflate the currency with a purpose of standing still. The mistake you make is that Congress must do something. Let the country do something. It will not make the mistakes to which we are liable. To recur to my figure. Enlarging the coat will not make it better fit the child. So inflation only increases the depreciation or the disparity between the volume of currency and the business needs of the country.

I should like to show the Senator from Indiana himself, if he will allow me, not with any purpose of fastening a charge of inconsistency upon him, but to show that he and I understood this matter alike, and as I now understand it, at the very time the legislation I referred to was under consideration, at the very time this platform was being laid down; that he thought the point to "start from" was specie payments. I cite it to show him that in my reasoning on this subject I am simply pursuing a road which he himself has traveled, and traveled contemporaneously with this very legislation. On the 11th of March, 1869, as I have said, contemporary with this legislation, my friend from Indiana, who has so ably led this debate for inflation, said this:

My views from the beginning have been in favor of a return to specie payments, and if Congress had directed its attention less to the character of the contract in regard to the bonds and more to making provision for a return to specie payments it would have been better for the bondholders and for the people this day. The resumption of specie payments is the starting point.

That was the starting point; not something in the future, not something to be postponed until 1878, with another presidential election to intervene; but that was the starting point at that time, and certainly the argument is as good now as it was then.

I do not care what the character of the contract is and I do not care how you legislate, there is the starting point, and when that is accomplished all the rest settles itself.

Mr. President, this bill does contain one provision that I am glad of, and it is this: And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of United States notes in coin.

These views, I think, are eminently sound, and they show how the very men of the Senate who now lead in favor of inflation understood this legislation at the time it was passed, how they understood the pledge which was implied; and we cannot now legislate in the other direction, it seems to me—I say it with all deference—without a violation of the pledges made at that time. The Senator said further:

Sir, that is worth all the rest. It will do more than all the rest to strengthen the public credit. Who can doubt it? And in view of this solemn pledge this Congress ought not to adjourn without making some provision for the purpose of redeeming the United States notes in coin according to the terms of this solemn promise; and when that is done all the rest adjusts and settles itself.

It was a solemn promise, said the Senator from Indiana. I only say now that it is, and has been all the time, a solemn promise. All these promises are solemn, and they are promises to whom? Not merely to the holders of United States notes, but to the people who elected us, to the people of this country who on just such doctrines as these thought we were worthy of places here. In that speech my friend referred to another made at the close of the previous Congress, in which he said:

The greenback currency is a part of the public debt, for the redemption of which the faith of the nation is solemnly pledged.

The redemption of this pledge is not only demanded by every principle of national honor, but is imperatively demanded by the interests of the people, collectively and individually. The currency of a country lies at the foundation of its daily business and vitally affects the interest of every class and condition of people, and if the Government, overlooking its honor and its duty—

Honor and duty! I have not used more expressive words; I have not been able to do so—

should take the only means by which it can be improved and apply it to the purchase of bonds which will not be due for many years, it would merit and receive the indignation and contempt of honest men everywhere.

In regard to the redemption of these notes, it has never been a question of ability but of purpose; and to say that these notes cannot be paid until the general credit of the Government is improved by the expenditure of some hundreds of millions in the purchase of bonds that will not be due for years, is to fly into the face of common sense and insult the intelligence of the people.

Speaking of the effects of the depreciation of the currency, the Senator said what I will read. I do not care to elaborate upon the evils produced by a depreciation of the currency. When I can find a text like this, so able, so clear, expressing my ideas so fully, I think a citation of it is sufficient to convince the Senate that the evils flowing from a depreciated and fluctuating currency are of supreme magnitude. He said:

It is impossible to calculate the aggregate loss to the country, even in one year, by this state of things, or to estimate the suffering and destitution produced by stagnation of business and the want of employment for labor; and it is not only the business, but the imperative duty, of Congress to address itself to the great work of reform, by adopting such legislation, if possible, whereby the currency shall be made good, and business be made to flow on prosperously through its regular channels. The business transactions of the country, amounting to many thousand million dollars in the course of the year, are conducted through the medium of the currency, and if the currency is depreciated, fluctuating, and deceptive, the prosperity of the country must inevitably be seriously injured and its general progress and development delayed.

Now, sir, I do not want to see this serious injury to the country.

Mr. MORTON. Will the Senator allow me to make a remark?

Mr. SARGENT. Certainly; with pleasure.

Mr. MORTON. This bill proposes a scheme for carrying out the very sentiments announced in what the Senator has read. He is now opposing this scheme and he provides nothing in its place. This bill now embraces the only scheme for a return to specie payments that has ever received any considerable number of votes in the Congress of the United States. No other plan that has ever been proposed, I believe, has received over fifteen votes, while this scheme has received the vote of nearly a majority of the Senate during this session and sessions before. The Senate opposes it and insists upon the do-nothing policy. When the Senator reads the pledge of the republican party in 1868 and 1872 to return to specie payments, and the act of 1869 to return to specie payments at the earliest practicable period, he says all that means simply that we are to do nothing.

Mr. SARGENT. Mr. President, who is deceived by this measure? I am not deceived. Is the Senator from Indiana? I do not care what you call this scheme. You may label it with one name or another. I know its motive, its animus. It has been proclaimed to us during the last five months. The Senator himself, who insisted with all his eloquence and force in favor of inflation without limit, favors this scheme. He thinks this proposition is leading in the direction which he then advocated, and therefore advocates it. My friend from Illinois [Mr. LOGAN] and my friend from Michigan [Mr. FERRY] urge it strongly as being in the direction which they have told us that Government and Congress and the people must travel, toward inflation. It is urged here on this floor (and to rebuke that is the main idea of my speech to-day) that this is a compromise. A compromise with what? A compromise leading away from specie payments toward inflation. It is a compromise that is all on one side in one direction. It is not a compromise dictated by deference to those who would resume specie payments at the earliest moment. This compromise implies a concession on the part of these toward the doctrines of those who believe in inflation. Therefore it is a step toward inflation. The Senator may call it by another name, if he thinks that will make it sweeter. The scheme may be described in any glowing terms that he may see fit to use. But the more confession is made on this floor that this is a compromise, is a concession, the more strongly it appears that it is what I claim it to be, a step in the wrong direction. The most that can be claimed for it is that it is a short step. I will take none whatever.

But I leave this branch of the subject. It has been said on this floor, it was said yesterday in effect, when a Senator from the Pacific coast rose to give his general views upon the effect of this legislation, "You Senators from the Pacific coast are provincial in your ideas; you are governed simply by the prejudices of locality; you are influenced by the fact that you produce gold and silver. What do you know about the necessities of the rest of the country? Why should your States, remote as they are, prevent other States from having the money of their choice?" And I think almost a sneer was implied when allusion was made to the amount of money which a certain Senator might have as influencing his vote on this occasion, that he might be a millionaire while the man who opposed him might have simply a pittance. I can sympathize with my friend from Illinois in being of the latter class, as he claims to be himself. I am not a millionaire. I call his attention, however, to the fact that the wealthy men in this Chamber are not all on the side of specie payments; they are not all with us on this proposition. It would be offensive to name Senators with particular reference to the amount of their wealth, and I will not do it; but I call his attention to the fact that some of the Senators who favor this report are far more wealthy than the Senator or myself, and perhaps approach the wealth of the Senator to whom he more especially alluded.

But, sir, such considerations are of no value. Ideas must be tried by their intrinsic merit, by their correspondence with the experience of the past, by their soundness, and not by the question whether the man who advocates them has his thousands or his millions.

Furthermore, I might claim in the same way that it makes no difference whether I came from California, having the views that I have, or from Ohio. The ideas of my friend from Ohio [Mr. THURMAN] and mine on these matters agree. Which of us is provincial, or are we both provincial? Which of us is governed by locality? So with my friend from Kentucky, [Mr. STEVENSON;] so with the Senator from Michigan, [Mr. CHANDLER;] so with the Senator from Massachusetts, [Mr. BOUTWELL.] These ideas are not sectional; they are as broad as the country. There are both the Senators from Texas, the Senators from Maine; in each extreme of the country you will find Senators of ability on this floor who support the views advanced by the Senators from the Pacific coast. The cry of local demands comes from another direction entirely.

But, sir, these views are not only not provincial or local, they are the views of the party, as I have already shown. I have read the declarations of the party and of the President of the United States. They are the views of the Administration; they are the views of the republican party as enunciated in national conventions. Will any one tell me that these do not bind us in our political action here? When it shall come to pass that we are no longer bound by the promises which we made, or which were made for us at the time of our election, then I say we no longer have honor. I admit that questions may arise during the term of a Senator, not contemplated at the time of

his election, upon which he had never committed himself, on which he is as free as the air to vote and speak as his judgment and conscience may dictate; but I say both judgment and conscience are bound by promises which were made at the time to the constituents who elected him, or who elected the administration with which he acts before the election or at the time of it.

But, sir, these views are not only not provincial, they are not only the ideas of the party and of the Administration, but I am prepared to show and have taken some pains to prepare myself on the proposition, that they are approved and have been enforced by the best statesmen of this country from the earliest times down to the present. Who come in here with new lights, with flaming lanterns, casting a glare on this subject? Who come in here with crude ideas? Who repudiate even their own utterances of a few years past and the utterances of their party? Who go back upon all the teachings of Webster, of Hamilton, of Franklin, of Washington, of Calhoun, of every statesman of every party who has ever won a national reputation or deserved it? Not the Senators from the Pacific coast. We stand here upon those well-considered opinions which have been ingrafted in the jurisprudence and laws of this country from its very foundation, which have been held by sound men of all parties, which have been held by able writers, ancient and modern, foreign and domestic.

Do you tell us that we are influenced by the fact that our portion of the country produces gold and silver? I tell you, sir, that it is our interest locally that your currency here should be depreciated. We trade with the East, as well as others; we owe you bills. We take gold and silver from our hills, and if we can send it here and get two paper dollars for one gold dollar, and with them pay off our debts, we make money by it. If we were governed simply by selfish considerations, we would go with you in these inflation theories. But, sir, there is the safety of the country, there are the teachings of the fathers, there are national obligations, there are party obligations which are superior to all local or selfish considerations.

Now, sir, allow me for a moment to call the attention of the Senate to a few of the more prominent utterances of the men who have gone before us consistent with those of the Senator from one of the Pacific States who spoke yesterday, and entirely consistent with the views which I have expressed this morning. Franklin, the sagacious philosopher, in a letter addressed to Josiah Quincy, under date of Passey, September 11, 1783, wrote as follows:

I lament with you the many mischiefs, the injustice, the corruption of manners, &c., that attend a depreciating currency. It is some consolation to me that I washed my hands of that evil by predicting it in Congress, and proposing means that would have been effectual to prevent it if they had been adopted. Subsequent operations that I have executed demonstrate that my plan was practicable; but it was unfortunately rejected.—*Franklin's Works*, volume 10, page 9, paragraph 2.

I could quote delarations of George Washington and John Adams showing that they held similar views and expressed them with great force.

Alexander Hamilton, the great Treasury Secretary, in answer to a resolution of the House of Representatives, December 13, 1790, said:

The emitting of paper money by the authority of the Government is wisely prohibited to the individual States by the national Constitution; and the spirit of that prohibition ought not to be disregarded by the Government of the United States. Though paper emissions, under a general authority, might have some advantages not applicable and be free from some disadvantages which are applicable to the like emissions by the States separately, yet they are of a nature so liable to abuse—and it may even be affirmed so certain of being abused—that the wisdom of the Government will be shown in never trusting itself with the use of so seducing and dangerous an expedient. In times of tranquillity it might have no ill consequence; it might even perhaps be managed in a way to be productive of good; but in great and trying emergencies there is almost a moral certainty of its becoming mischievous. The stamping of paper is an operation so much easier than the laying of taxes, that a government in the practice of paper emissions would rarely fail in any such emergency to indulge itself too far in the employment of that resource to avoid, as much as possible, one less auspicious to present popularity. If it should not even be carried so far as to be rendered an absolute bubble, it would at least be likely to be extended to a degree which would occasion an inflated and artificial state of things incompatible with the regular and prosperous course of the political economy. *Works of Alexander Hamilton*, volume 3, page 125.

I could not express these ideas so clearly and so plainly or so pertinently in this debate as they are here stated by Mr. Hamilton. His alternative proposition is the one that has been insisted upon by us here; is, that the national revenue should be increased by the levying of more taxes. You have reduced taxation too rapidly, have taken from the Treasury the means which it was employing, and wisely employing, to reduce the difference between gold and paper, and it was rapidly producing that result. It would appear as though this extract from the works of Alexander Hamilton were written with a view to this debate, certainly with a view to a similar issue.

Now let me quote from Thomas Jefferson, an authority certainly revered by my friend from Kentucky, [Mr. MCCREERY.] He nods his head in assent. I wish to show the Senator how very far he departs, by voting for the proposition before the Senate, from the doctrines of his great leader, Thomas Jefferson. In 1813, discussing in one of his letters a proposition at that time pending in Congress for more circulation, he says:

The overbearing clamor of merchants, speculators and projectors—

Have we not heard something of that, I ask my friend from Kentucky?

The overbearing clamor of merchants, speculators, and projectors will drive us before them, with our eyes open, until as in France, under the Mississippi bubble, our citizens will be overtaken by the crush of this baseless fabric, without other satisfaction than that of execrations on the heads of those functionaries who, from ignorance, pusillanimity, or corruption have betrayed the fruits of their industry into the hands of projectors and swindlers.

He then argues the necessity of bringing our money to specie values, which I have endeavored to insist upon in the course of this debate; and I commend this passage most particularly to my friend from Kentucky, who admires Thomas Jefferson so much:

That specie is the most perfect medium because it will preserve its own level; because, having intrinsic and universal value, it can never die in our hands, and it is the surest resource of reliance in time of war; that the trifling economy of paper as a cheaper medium, or its convenience for transmission, weighs nothing in opposition to the advantages of the precious metals; that it is liable to be abused, has been, is, and forever will be, abused in every country in which it is permitted; that it is already at a term of abuse in these States which has never been reached by any other nation, France excepted, whose dreadful catastrophe should be a warning against the instrument which produced it; that we are already at ten or twenty times the due quantity of medium, insomuch that no man knows what his property will be worth when the medium shall be relieved from its present dropsical state; is now worth because it is bloating while he is calculating, and still less what it and that it is a palpable falsehood to say we can have specie for our paper whenever demanded.

Instead, then, of yielding to the cries of scarcity of medium set up by speculators, projectors, and commercial gamblers—

Are we not yielding to those cries, fellow-Senators?

no endeavors should be spared to begin the work of reducing it by such gradual means as may give time to private fortunes to preserve their poise and settle down with the subsiding medium.—*Jefferson's Works*, volume 6, page 241.

The course which was recommended by Jefferson is that which has been followed by the country since the war was over. We have avoided that which he deprecated, an expansion of the circulating medium, and we have allowed time to business gradually to settle down as he requires that it shall settle down with the subsiding medium. The continuance of that policy I recommend, and my friend from Indiana [Mr. MORTON] calls it a "do-nothing policy." Alas, how little Jefferson knew of finance!

Now let me quote from James Madison. I have no doubt the democratic Senators around me appreciate, as we all do and should, certainly they should in particular, his character and ability. In a letter dated February, 1820, he wrote as follows:

It cannot be doubted that a paper currency, rigidly limited in its quantity to purposes absolutely necessary, may be made equal and even superior in value to specie. But experience does not favor a reliance on such experiment. Whenever the paper has not been convertible into specie, and its quantity has depended, on the policy of the Government, a depreciation has been produced by an undue increase, or an appreciation of it.—*Madison's Works*, volume 3, page 166.

During the war when the paper currency attained a certain maximum amount never since exceeded, we were satisfied because the exigencies of the country required the volume which was then given; but since that time we have not increased it. The proposition now before us is to reverse this thing, but not to make an increase to so great an extent as will satisfy my friend from Indiana and my friend from Illinois. They will come back here next year disappointed, and say this law was a delusion and not a finality; that they have not reaped the results from it they had a right to anticipate, and which the people expected from it, and they will insist that it was a mere stepping-stone, and that Congress should pursue the same direction. But whether they will be satisfied with it or not, one thing is certain, that it is a step toward inflation, or rather it is a concession of the principle that the amount of the circulating medium of the country is to depend upon the current will of Congress, and consequently the result is to be produced which has been predicted here by Mr. Madison, if Madison is an authority upon finance to be respected in these days; that is, that where its quantity depends on the policy of the Government, a depreciation has always been produced or an undue and uncertain value.

Mr. LOGAN. Inasmuch as the Senator seems to make up a great part of his speech by allusions as to what he imagines the Senator from Indiana and the Senator from Illinois intend hereafter, I should like to ask him what authority he has for saying that I would attempt at the next Congress to inaugurate some other system?

Mr. SARGENT. I will answer the Senator. I do not speak by authority. I simply judge from the force which the Senator gives now to the demands heard up to this time in this direction when he most cheerfully acquiesced, and upon the stump supported all these declarations of his party. I reason from another fact. I refer him and the Senator from Indiana to the declaration of the grangers in council, three thousand of them, which was read yesterday, in which they denounced the idea of any return to specie payments as a delusion, and called for an unlimited supply of paper money. If the Senator, notwithstanding past declarations, which fetter him as well as me, sees the way clear to answer the demands that are made up to this time, I claim that these influences must affect his mind in the future, and induce him to yield to still further demands.

Mr. LOGAN. That is going upon the presumption that other Senators will yield to popular clamor, but that the Senator himself has so much manliness about him that he will not do it. I desire to say right here, and I have said it before, that my desire is to break down the bank monopoly, so that persons in the different States shall have the same privileges under the banking law that others have. This bill accomplishes that object. That is all the fight I have made in reference to this question, and all I desire to make, and it is satisfactory to me. It is a fight to break down all monopoly, so that the people will be put on an equality, and then let the business of the country

regulate the quantity. That is my answer to the insinuation of the Senator.

Mr. SARGENT. Mr. President, I have made no insinuation; I never insinuate. I say plainly just what I mean; and I speak in no sense of unkindness, and certainly it was very far from my idea to compare myself with the Senator. I do not ask such a comparison. I am not afraid of it; I do not seek it. As to breaking up banking monopoly I will go as far as any one; not by creating new banks and new banking issues and fastening the system more strongly on the country, but by repealing the whole system.

Mr. President, pursuing the line of my remarks, in vindication of the Senators from the Pacific coast who have been rebuked on this floor for their ideas as local, as provincial, as biased by sectional considerations, I wish to quote still further from other early statesmen of the Republic, to show that we are in harmony with them, and then those who now differ from us may consider whether local influences are not those which influence them and not us of the Pacific coast. Daniel Webster said in the House of Representatives in 1816:

Wars and invasions are not always the most certain destroyers of national prosperity. They announce their own approach, and the general security is preserved by the general alarm. Not so with the evils of a debased coin, a depreciated paper currency, or a depressed and falling public credit. Not so with the plausible and insidious mischiefs of a paper-money system. These insinuate themselves in the shape of facilities, accommodation, and relief.

And on these very considerations this legislation is urged here:

They hold out the most fallacious hope of an easy payment of debts, and a lighter burden of taxation.

We have heard of the woes of the debtor class in these debates. The debtor class clamor for this relief say Senators. They want an easy method of the payment of their debts. It is the old story. We of the Pacific coast oppose this legislation because we believe with Mr. Webster that it is fallacious, that it is deceptive, that it gives no real relief, but only brings mischief in the future.

In 1834 Mr. Webster said in this body:

We are in danger of being overwhelmed with irredeemable paper, mere paper, representing not gold nor silver; no, sir, representing nothing but broken promises, bad faith, bankrupt corporations, cheated creditors, and a ruined people.

Has anybody spoken more pertinently against these schemes of inflation on this floor in 1874 than Daniel Webster did in 1834, and as he does now from his grave? No one. No one can surpass in force and in truth the language which I have just quoted.

Again, in 1836, he said:

If we wish to restore the public credit and to re-establish the finances, we have the beaten road before us. All true analogy, all experience, and all just knowledge of ourselves and our condition point one way. A wise and systematic economy, and a settled and substantial revenue, are the means to be relied on.

Those are the means which we propose, the means which were recommended by the Senator from Massachusetts [Mr. BOUTWELL] yesterday, the means which the Senator from Indiana says are a do-nothing policy. We recommend an increase of the revenue, so that there may be sufficient money in the vaults of the Treasury to prevent the schemes of speculators, that the control of the currency may be in the Treasury and not in Wall street, and at the same time sufficient revenue for the Government:

A wise and systematic economy, and settled and substantial revenues are the means to be relied on; not excessive issues of bank-notes, a forced circulation, and all the miserable contrivances to which political folly can resort, with the idle expectation of giving to mere paper the quality of money. These are the inventions of a short-sighted policy, vexed and goaded by the necessities of the moment, and thinking less of a permanent remedy than of shifts and expedients to avoid the present distress. They have been a thousand times adopted, and a thousand times exploded as delusive and ruinous, as destructive of all solid revenue, and incompatible with the security of private property.

These ideas have been considered and recommended by men of all parties. I have here an extract from Mr. Calhoun, which I have taken from the debates of Congress for the year 1837, in which he says:

The currency of a country is to the community what the blood is to the human system. It constitutes a small part, but it circulates through every portion, and is indispensable to all the functions of life. The currency bears even a smaller proportion to the aggregate capital of the community than what the blood does to the solids in the human system. What that portion is has not been, and perhaps cannot be, accurately ascertained, as it is probably subject to considerable variations. It is probably between twenty-five and thirty-five to one. I will assume it to be thirty to one. With this assumption, let us suppose a community whose aggregate capital is $31,000,000, its currency would be, by supposition, one million, and the residue of its capital thirty millions. This being assumed, if the currency be increased or decreased, the other portion of the capital remains the same, according to the well-known laws of currency; property would rise or fall with increase or decrease; that is, if the currency be increased to two millions, the aggregate value of property would rise to sixty millions; and if the currency be reduced to $500,000, it would be reduced to fifteen millions. With this law so well established, place the money-power in the hands of a single individual, or a combination of individuals, and, by expanding or contracting the currency they may raise or sink prices at pleasure; and by purchasing when at the greatest depression, and selling at the greatest elevation, may command the whole property and industry of the community and control its fiscal operations. The banking system concentrates and places this power in the hands of those who control it, and its force increases just in proportion as it dispenses with a metallic basis. Never was an engine invented better calculated to place the destiny of the many in the hands of the few, or less favorable to that equality and independence which lie at the bottom of all free institutions.—*Calhoun; Debates in Congress*, volume 14, part 1, 1837, page 476.

Certainly, this is good, sound, democratic financial doctrine, and I want to know from those of my democratic friends who wander away from this doctrine why they have let go of the anchor of their party, of that sure and solid hold by which they won the designation of the "hard-money party?" To come down to more modern times, the very last democratic President in that debate, James Buchanan, said:

The evils of a redundant paper circulation are now manifest to every eye. It alternately raises and sinks the value or every man's property. It makes a beggar of the man to-morrow who is indulging in dreams of wealth to-day. It converts the business of society into a mere lottery, while those who distribute the prizes are wholly irresponsible to the people. When the collapse comes, as come it must, it casts laborers out of employment, crushes manufacturers and merchants, and ruins thousands of honest and industrious citizens.—*Buchanan; Debates in Congress*, volume 14, part 1, 1837, page 355.

This is simply an amplification of the ideas which I read from my friend from Indiana, [Mr. MORTON.] I do not think they are expressd more forcibly, but simply a little expanded. The kernel is there; it means just the same thing. I believe in and follow all these teachings of the fathers, and therefore I repel the idea that I or those Senators from the Pacific coast who think with me are influenced by any local or sectional consideration.

I need not quote from democratic authority in the past to show that the democracy has always been, until the present curious spectacle presented in this Chamber where so many democratic Senators voted for irredeemable paper schemes, a hard-money party. It may all be summed up in their last national platform. That platform says:

The public credit must be sacredly maintained, and we denounce repudiation in every form and guise. * * * * * *

A speedy return to specie payments is *demanded alike by the highest considerations of commercial morality and honest government.*

In the name of commercial morality and of honest government, and in the name of that democratic convention which met to lay down fundamental principles to guide the votes of the party at least through four years, I ask the aid of those Senators in opposing schemes like this.

There is no division of opinion, and never has been until this present session, as to the meaning of those obligations taken by both parties or as to the policy they were intended to enforce. I am not easy of change on these matters. If they are matters of principle I must adhere to them. I do not see the way clearly to brush aside like cobwebs all the teachings of the past. I think that the business and credit of the nation demand that we should return to specie payments and that we should return to them not by these divergent paths, but by more direct means; and if we do not take legislation to accomplish that end, at any rate let the business men of the country free themselves from the incubus that has been upon them ever since the first year of the war. Leave them to themselves and they will rescue their currency. All they desire is an opportunity to do it; all that they ask is that you do not by crude schemes overthrow the operations of the ordinary laws of trade.

I shall vote against this scheme, because I believe it is destructive of public and private interests, because I believe it is crude, because I believe it is reactionary, because I believe that it will aggravate any existing evil, and prevent the realization of benefits toward which the nation has been struggling during the last nine or ten years.

I object to this bill because it is at once a wrong and a delusion; because while it is a fatal departure from the principles of sound financial policy, it offers no compensating measure of good, however transient. Because while it looks toward a violation of sacred and oft-repeated pledges, it in reality affords no relief to any one.

A short time ago, when the former bill was pending for a final vote, I objected to it as a wide and decisive violation of the principles upon which this Administration came into power, and of the pledges made by the republican party, and I warned gentlemen that these principles were superior to party ties, and were not to be disregarded with impunity. In the few moments allowed to each Senator for debate it was impossible to make more than the general statement. I have endeavored now to show over what mountains of difficulties we must pass, what oft-reiterated promises to the people we must violate to give our votes to a measure like this.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The yeas and nays have been ordered on the question of agreeing to the report of the committee of conference. The Clerk will call the roll.

Mr. STEWART. Mr. President, I do not think that it was understood that the final vote was now to be taken. There is so much noise caused by the rain falling on the roof, that it is impossible for the Chair to hear what Senators say, or Senators to hear the remarks of the Chair, and I hope the vote will be postponed a few minutes until the question can be understood.

The PRESIDING OFFICER. The yeas and nays having been ordered, the roll-call will proceed.

Mr. STEWART. The roll-call will not proceed. I have the floor.

The PRESIDING OFFICER. The Senator from Nevada——

Mr. STEWART. I did not intend to have further proceeded on this remarkable eighth section. I am still of opinion that no comment is adequate to the subject. In the first place, if the promise held out in the first clause thereof is true and to be kept, then all the greenbacks that can be got in must be exchanged for 5 per cent. bonds; and so long as 5 per cent. bonds, which are now at par in gold, are worth more than greenbacks, the persons having greenbacks will exchange them for those bonds if that promise is kept.

Mr. SARGENT. If the Senator will allow me, I will move a recess of the Senate for ten minutes. It is impossible to transact business in the noise caused by the rain falling on the roof.

The question being put, a division was called for.

Mr. SARGENT. I ask this out of courtesy to the Senator from Nevada. I know by experience it is impossible to talk against this tsorm, and I do not think a Senator should be compelled to speak when no one can hear him.

Mr. OGLESBY. We hear the Senator from Nevada without any difficulty.

Mr. SARGENT. Does the Senator know how much difficulty it is for the Senator from Nevada to speak?

Mr. OGLESBY. It may be difficult for him to speak but we can hear him.

Mr. SARGENT. I ask it out of courtesy to him now.

Mr. OGLESBY. All he desires is to be heard; and we hear him here distinctly.

Mr. STEWART. I shall be gratified if the Senator from Illinois will listen and learn something, because on this subject he needs instruction.

Mr. SARGENT. I withdraw the motion because now the storm is subsiding.

Mr. STEWART. I was about to remark that this remarkable eighth section provides that the Government of the United States shall issue a 5 per cent. bond, which is now at par in gold, for as many greenbacks as it can get in, and in order that there shall be a constant supply of greenbacks for the purpose of issuing this bond, it agrees to put out the greenbacks again as fast as it gets them, to keep up the circle. The understanding is that the greenbacks shall be put out again as fast as they come in. The greenbacks are not now worth as much as the bonds, and will not be worth as much as the bonds until they are honored by the Government of the United States. As long as the Government repudiates them, will not receive them for duties, refuses to receive them for its debts, and keeps out the same quantity, of course they will not be as good as gold. The result will be if this thing is allowed to work, it will have to be stopped, I think; but if this machine is allowed to work and does work a little—that every greenback will demand its bond. So long as the greenback is below par (and it will be so long as it is repudiated, and so long as this quantity is out nobody expects it to be up to par) it will be presented at the Treasury to be redeemed in a bond, reissued, taken right up and carried around and presented again. So it will go around the circuit; and as long as there is 1 per cent. in making that little circuit the men concerned will keep it up. Suppose it took four days for the whole mass to go around, there would be 1 per cent. on about $100,000,000 to be made in a day out of the Government. But suppose the whole $400,000,000 got around in a day, what a profit that would be? As long as there is 1 per cent. in it it will be kept up. You do not take up any of your notes; you keep out this redundant amount; you will not receive them for duties; you put out the same amount, for the bill is that the Secretary shall put out the same amount he receives; and of course that will break the Government in a few years, perhaps in a single year. It would break the Government if it did not so depreciate your 5 per cent. bonds that nobody would care for them.

My point is that you cannot redeem the outstanding currency unless you redeem it. Taking in with one hand and putting out with the other in this manner, costing you 5 or 10 per cent. every time you move, will never redeem it. Suppose your greenbacks are worth ninety cents in gold, then there is an inducement of 10 per cent. with the present value of bonds to go and get a bond for the greenback. You put it out again; you keep out the full quantity, and of course you keep it depreciated, and thus you keep up the pressure for the bond. If it works at all, it will break the Government. Talk not to me about this being resumption in 1878. The very time you commence the operation of your machine whereby it works at all, it commences with a destruction of the credit of your Government.

One of two things is true; either the Senate is in favor of resumption of specie payments at some future day absolutely, or it is not. If that be the question, why can it not be plainly put that on a day fixed—let us fix such a day as the majority can agree upon—the Government will pay in coin all its debts, and will demand coin for taxes? Why not fix it right out manfully? You say that it will not have the coin; that we have not got the coin to do it. We have the coin for all the demands we make for coin. We demand that the duties on imports shall be paid in coin, and $200,000,000 of coin per annum is found to do that. There is no difficulty about it. The larger part of your revenue is now paid in coin. Because you use it for that purpose, it comes in. If you said the duties should be paid in greenbacks, there would hardly be any coin in the country in a month. It would all go out if you did not use it. When you demand coin, when you make a use for coin, there is no difficulty in getting it.

But you say here that you will continue to pay the bondholder in coin; you will collect the duties in coin for the purpose of paying the bondholder in coin, but you will continue to make the people use paper. "Coin for the bondholder, depreciated paper for the people;" is that it? Do you not think they understand it? You collect some of your taxes in greenbacks, it is true; but you put a discount on them, and convert them into coin so as to pay the bondholder. Is it not better for the people to know the exact amount they are paying, if they want to pay it into the Treasury and have the discount? I tell you that the people are entitled to good money; the people are as much entitled to good money as the bondholders. They are entitled to the very best kind of money, and they are entitled to the real measure of value. If it is necessary to take the standard of gold to measure the national debt, if you must have gold for that purpose, why not let the people have gold? Why not give gold to the laborer to measure his labor by, and not measure it by an uncertain scale so as to cheat him? These grangers do not know what the difficulty is; they are cheated by this trick; you are printing devices against their labor. Stop running your printing-machines against labor. That is what is the matter. The producers are defrauded by your printing-machines. That is the trouble. Give them a true measure; do not try to regulate it by the power of the steam-press that makes your money; regulate it by something that is certain.

You may say there is not enough gold to measure, and you must therefore do it with paper. Well, how much paper do you want? How much paper will it take? It depends, you say, on the value of that paper; and how are you going to ascertain the value of that paper? By comparing it with gold, of course; and if that paper is only worth one cent on the dollar as compared with gold, if its capacity to buy gold is only one cent on the dollar, then it takes a great deal of it to buy a very little. Suppose it is worth one mill on the dollar, it takes a great deal more; and by and by it takes a cart-load to do it, as it did in the confederate States when it became impossible for a man to carry enough money in his pocket to pay for his breakfast; and while he was counting out the money for his breakfast he would get hungry for his dinner. [Laughter.] You are to give him money enough to cart around in that shape.

Sir, the laboring man, the producer, is entitled to have his product and his labor measured by the same standard of the world that measures your national debt. From him you have got to extract the money to pay the national debt. Give him the money directly; let him have it. The Constitution provides that the United States shall coin the money. Give him such a standard, give him such money as you require frem him. You require it from the consumer and the producer; you require, from the laboring man, gold to pay the interest on your national debt, which is right, which cannot be avoided if we mean to save the national honor; but then give him the same money with which you pay that debt. Do not take two dollars from him and reduce it to one dollar, before you apply it to the payment of the debt. What better off is the laborer? He has to produce a dollar; and in order to get a dollar to pay interest on the debt you tax him one dollar and fourteen cents, because you have to reduce it to gold. All these manipulations he does not understand. Let him know the exact measure. Why do you want so much abstraction, so much mystification, so much printing, so much figuring, so much manipulation between the honest man who toils or produces and the capitalist who receives his interest? On every turn the producer loses, because you resort to an India-rubber scale, crooked devices, which are a cheat and a fraud.

By means of this fluctuating currency millions and millions have been extracted from labor and accumulated in a few years. There never was in this country or any other such a remarkable growth of millionaires as this fluctuating currency has produced. It is true it has produced a great many more paupers than it has millionaires; it has strewn the country with paupers and disappointed men, but it has accumulated money in great centers; it has created the monopolies of which gentlemen here complain. There is no way of strangling these monopolies when you have so much mystification about your finance that nobody understands it but the monopolists, that the common people cannot understand it. There is nothing honest but honesty; there is nothing true but truth; and there is nothing certain but what can be reduced to certainty. Think of the idea of any man undertaking to determine the value of a paper dollar every day! No man in the United States can tell to-day, measured by paper, how much he is worth. He does not try to ascertain it in that way. He cannot tell how much a day's labor is worth. The telegraph every few hours records how values fluctuate, so that in each of the counting-houses in New York, in each broker's shop, and in each merchant's store that has anything to do with gold, there is a telegraphic apparatus from the gold board to the counter. Every place you go, there you see a telegraphic instrument, in order that the merchant may try to keep up with the rapid fluctuations, and you hear it tick, tick every minute. It is necessary for the man of the century to keep a telegraph to find out how things are going in order to keep his head above water. Can every farmer and every granger keep a private telegraph, so as to have the run of this thing, in order to compete and know what labor is worth and what commodities are worth, and how not to get cheated? He must keep the run of the value of gold by means of a private telegraph. Every business man who figures with gold has to be informed as to the condition of things by telegraph, the rate changes so often, and still you say you have a safe and stable currency! Safe and stable, when no man dare make transactions at all unless he looks up the telegraph to see how gold stands and what it is worth every few minutes! Is such a trick, such a device as that a thing to be kept up permanently? That condition of things must destroy the country.

And then the people are to be taught, and taught by argument, that something can be substituted for money that is not money; that printing-presses can do it; that those who are in favor of getting back to money and to certainty are trying to rob them. Then they get up conventions and make platforms in favor of demonetizing money. Is not this false teaching? And then on top of all that is a

compromise that the wisest man in the world cannot understand, presented to the Senate for serious consideration. If any two men alive can come to the same conclusion on reading this compromise I should like to see them. I see that my friend from Kentucky [Mr. MCCREERY] is listening to me. Do the farmers of Kentucky engage in borrowing and lending money, or buying and selling bonds? If so, I should like them to look at this and say when we are going to resume specie payments, and say what is going to be the value of stocks then. I should like to see one of them figuring over this eighth section to tell what is going to be done by the Government of the United States. No two Senators give it anything like the same construction. This is like the case of that celebrated tyrant who nailed his laws so high that nobody could read them and then executed people for not knowing the law. He was a very distinguished fellow—I forget his name. This machine here saves nailing up. You can lay it around with perfect safety. It is in modern short-hand obscurity. It can be laid all around everywhere and nobody can understand it. I should like to know how you are going to punish the Secretary of the Treasury for not obeying this law, for if it is a law it ought to be obeyed. In the first place you say he shall receive all the greenbacks that come and shall pay out bonds for them. In the next place you say he shall reissue the greenbacks thus received, and in the next place you say that when he reissues them he shall redeem five-twenties with gold. If he has not got the gold to redeem five-twenties how is he going to do it? He cannot receive the notes unless he reissues them; he cannot reissue them unless he buys 5 per cent. bonds, and he has not the gold, he cannot do it. The Secretary may say, "I must obey the first part of the section." If he obeys that and commences receiving the greenbacks and then giving them out for expenses he will have to give them away very soon. If he receives them and keeps them you will have him impeached for that. If he receives them and gives them away he will be impeached for that. If he receives them and pays them out and does not have gold to buy five-twenties, he will have to be impeached for that. What would a Secretary of the Treasury do under that section? I think he might do almost everything and an indictment would not lie. There is not enough certainty in the section upon which to predicate a charge of bad faith, no matter what the section really means.

I say, then, that if we mean that we ever will resume at all, if we mean that we will ever give the people good money, if we mean that there ever shall be a time when they shall know what they get for their day's wages and know what the value of their property is, if there ever shall be a time when the universal standard of values shall be adopted—if we mean that let us say so. If we do not mean that, let us say nothing or say we do not; but do not incorporate into the law a thing that nobody knows what it does. This looks to me like a political platform, and reminds me of what I heard once on a difficult question in know-nothing times. It then seemed to be admitted all around that there was some difficulty about the naturalization laws, and there was great trouble in getting at the thing as to just what should be done. The suggestion was made by members of one party that they put in their platform that they were in favor of a judicious revision of the naturalization laws. It was accordingly unanimously adopted—a judicious revision. Then the speakers went out on the stump, and to those who wanted the naturalization laws to be so fixed that a foreigner should not vote until he was twenty-one years here they said that was a judicious revision. Some thought that a naturalized foreigner should not vote at all, and they said that was a judicious revision. Another thought that the naturalization laws should be repealed so that a man could vote without being naturalized, and he thought that would be a judicious revision. They carried the State on that platform, but never carried it again after that. This thing may run through a campaign in the same way. One fellow will say, "This means contraction; we are going to redeem all the greenbacks at par; it means contraction, and I am in favor of it because it means hard money." If he talks to a hard-money crowd, he will talk in that way. Another fellow will say, "This means that we shall have all the greenbacks reissued; we shall have just as much paper money as we have now, and besides that we have got free banking, and that is expansion to any extent;" and so it will go on. You can talk to any crowd for any purpose about this bill. It seems that this, instead of being a financial proposition, is a political expedient, and that is all there is of it.

I did not intend to make a speech at the time I got up; but it was so stormy at that time that nobody could be heard and I took the floor for the time being because several Senators were out. That is the reason I have been speaking; but getting on the floor and having this thing called to my attention, I could not refrain from making a few suggestions. The theme is prolific, it boils up and will continue to boil up, because this bill speaks every language and looks in every direction, trying to catch a view of all horns of the dilemma, prepared for every emergency, prepared to justify a ferocious speech in favor of national honor or one for national repudiation. It allows either, because it depends on the construction you give to it. I think this can be done for almost any purpose, and as a political platform it is a specimen of genius; but as a financial measure it does not say whether or not we shall get back to specie payments. If that is said it should be said in such unmistakable language that the people will understand it. When that word is said, let it be understood. Do not nail your law up so high that it cannot be read; do not publish it in an unknown tongue; but speak it in the Anglo-Saxon language that after such a day the Government of the United States will pay all its indebtedness in gold coin and will require the people to do the same thing. Let that be said; fix your day and say that day you will be honest; make a fair, square, honest pledge; do not put an "if" or an "and" and put upon the Secretary of the Treasury a thousand incoherent, conflicting duties which he cannot execute and say, "That is a financial scheme; it is expansion in one way and contraction in another; it is what we want to secure an election." Do not do that. Tell the farmers in the blue-grass country that they have got to pay coin and that they shall have good money to do it with, or tell them thay are going to have as much paper as they want, and if they get so much that they have not horses enough to haul it to market to buy their groceries let them go into the printing-press business; tell them one thing or the other; tell them that we must have money to keep up the national honor and pay the bondholder; but that trash is good enough for them, paper is good enough for them, the worth of which nobody knows. Say one thing or the other. Either say, "You, the people of the United States, have no right whatever to have your labor measured by a true measure; you have forfeited the right to exact it; you have forfeited the right to square dealing, and you shall be humbugged by means of a fluctuating currency, and your labor and the products of your labor shall be transferred by unknown means that you cannot understand from you to the money centers and into the hands of the speculators." Say that to them squarely, and say it shall be irredeemable currency until we have destroyed all confidence, until we have broken down all good faith, until we have made this people a race of speculators and we have held out the hope to them that they can have money without earning it, that value grows and is not earned, until we have destroyed their stamina. Let us say that is the purpose, that they shall first be taught to direct their attention to some mode of creating wealth without earning it, until we get them all engaged in that and make a nation of paupers. Does anybody believe that wealth can be created without labor? If so, start the printing-machine on such a people as that; let them figure; send them to conventions to find the best way to make money without earning it, get their attention called that way, keep them on that line if you will. If that is the purpose, to advise the people of the United States to invent a new machine to get wealth without labor, then declare that you are not going to redeem; but if your purpose is that they shall understand once for all that the only road to wealth is by labor, and that the only wealth that this nation has or any other country has is produced by the labor of man, then let them know, however disagreeable it may be, that it is true; and the truth had better be known that there is nothing valuable which is not produced by labor, that the genius of man has never invented any other course to wealth, that all the chemists and philosophers who have attempted to make a substitute for gold have failed, or they have died either by suicide or in the insane asylum after years of toil. The thing is a failure and cannot be done. If you think that is so, if you know that to be so, why do you not give the people good money?

Your monetary affairs were deranged by the accident of war; it was an abnormal condition. Expedients were resorted to which seemed at the time to be necessary in order to preserve national existence; but that time having passed, we have had ten years of peace and prosperity. It is now time to go back to first principles, and realize the fact that labor alone is the source of wealth and that the laborer is no longer to be cheated; that no device shall be printed, no trick shall be played, that shall rob him of the just equivalent of his labor. If that is the purpose let us say it, and let us say it in language that cannot be misunderstood. If gentlemen differ as to the time when this shall be done, let us talk about the day, not use the language of a trick that makes no day. Do not try to shuffle it off. If this bill means resumption of specie payments in 1878, why does it not say so? It would not have taken all these words to say that. It could have been said in three or four lines, and then the people would have read it and understood it; there would not have been a Senator here but what would have had some idea of its meaning, and certainly there would not have been a grangers' convention but would understand it.

But now we have a bill impossible of execution, an arrangement whereby the processes of fleecing the laborer by uncertain mediums of exchange, by uncertain tricks goes on. Do you think this is to be stopped in 1878, with free banking in the mean time and the full volume of greenbacks out and the declaration that they shall stay out? It is nowhere near resumption; it is not looking at resumption; it has not one eye in that direction at all. It is launching the ship upon an ocean of irredeemable paper, and the men are now living who will see, if this policy is pursued, the time in their lives when there will not be a horse in Kentucky strong enough to haul a load of paper sufficient to buy a pound of sugar. A Senator suggests that that was said when the greenbacks were issued; but there is a difference; under the pressure of war you put out greenbacks and declared them a legal tender. You have put in your national platform that they shall be redeemed; you have declared all the time that you would return to specie payments, and the reason why the greenbacks are worth a cent is that the confidence of the people is not given up in your pledges, and they have still some faith in your pledges. That is the reason why they are worth anything; but let it be known that you can make pledges and break them; let it be known that you put in your party

platforms a declaration that it is the policy of the nation to return to a specie basis, and yet have your legislation year after year look in another direction; let it be known that the national promise is only made to be broken, and that is the end of your credit, and then it will be that the cart-horse will not be able to haul sufficient of this paper to pay for a breakfast.

It is the faith of the American people and of the nations of the earth that you will redeem, that you will return to specie payments, that you will not be dishonored, that all your credit rests upon. That faith is worth everything to America. It makes her to-day the proudest of nations. The world should have faith in her credit. She has kept her word as to the bonds and has made money by it. She has not kept her word fully as to the greenbacks, and she has lost money by it and she is losing money by it every day. She is disturbing industry; she is exciting the people to the discussion of this question, holding out hopes that cannot be realized; and we are now to decide whether or not national honor shall be preserved, whether good faith shall be maintained, whether the poor as well as the rich shall have a certain measure of value, whether the poor man is entitled to have a dollar of gold to measure his labor as well as the millionaire to measure the interest on his bonds. That is the question, and that is the question the people will discuss. It stands thus: America has redeemed her faith to the millionaire. She takes from the laboring man his toil but she takes it with an uncertain measure; she takes it with a swindling measure; she takes it to pay the millionaire. Let her give to the laboring man, to the producer, a certain measure; let her treat him as she treats the bondholder. Give him money so that you cannot discount him; give him real money. That is what he wants.

This issue has been before the country before. It was one of the grand old issues once of the democratic party. They had grangers in those days, and the question was then seriously discussed whether the poor man was entitled to have a good dollar. That was discussed all around. The great old predecessor of my friend from Missouri discussed here time and again whether a poor man was entitled to a good dollar, and they returned him to the Senate on that issue just as often as he wanted to come, until some other issue arose. So it was with all the great leaders of thirty or forty years ago. The people, when they understand that it is necessary in order to defend themselves, in order to get the real value of their productions, to have money that they understand, money that they can count, money that they can compare with other things and know that they are not mistaken, will be for honest money. When that question is put to them, and when they understand it (and they will understand it, for they are not less intelligent now than they were thirty years ago; they will understand before this battle is over,) they will decide it. I do not care whether it is decided here or not; it cannot be patched up. They will decide whether they will have good money. You may put as many bills that are so obscure that they cannot be understood, as you please, upon the statute-book; you may nail them seventy feet high; you may nail them on the dome of the Capitol and take away the ladder; you may do all that and you may compromise, but as long as the sharpers and the wealthy have to keep a special telegraph to keep the run of this thing, the people will discuss it.

Look at the expense you put them to. Every man in Kentucky will have to have a private telegraph and a telegraph operator to keep it running, so as to know the value of his labor. That is a little extravagant; but if he does not do it, the fellow in the broker's shop will have the advantage of him and will fix up games in dealing with this uncertain thing, to rob him as he is now doing. There is no doubt about it. If you are going to have a currency that fluctuates with every wind in New York, you must give every man a telegraph so that he can find out where he stands.

This thing cannot be compromised, and there is no use in talking about bringing in compromise measures. We either mean one thing or the other. We either mean specie payments or we mean irredeemable currency. Let us say one thing or the other. A bill ought not to be so obscure that half a dozen of the leading Senators at least do not understand it alike. There ought to be one or two that could understand the bill you pass. The only evidence I have of what this bill means is what I am told, and I believe that is the only evidence any Senator has except he who prepared it. One man tells me one story and another another, and whom am I to believe? That is the kind of legislation we are to adopt as a compromise! We are to shut our eyes and "go it blind," and take something we cannot understand. We might as well have our eyes shut all the time. We are to do something that nobody can explain or tell what it means. We have to employ translators. I should like to know what language it is in. Who can interpret it? It would cost millions on millions of dollars for Senators to interpret this law. Different constructions can be put upon it in the Treasury Department, and it will be a source of more investigation than all your Sanborn contracts and your District governments and all the other things you are investigating. All sorts of things may be done under it, and then the question is whether they are done right. It is the most prolific of all things for discussion; and no matter what the Secretary of the Treasury does he has to answer to an investigating committee as to whether he did right. And then when you come to the investigating committee, when they get all the evidence, can they agree? There cannot any two of them agree what it means. Then there will be a great fight in the newspapers as to whether he has done right or wrong. Now, why not say to the Secretary of the Treasury something that he can read and understand? I do not profess to be much of an adept in language, but I know enough to understand what plain words mean.

I want to make a suggestion to the Chair. When I get through I hope the discussion will not cease, but I trust that one Senator after another will get up and tell us what this bill means, and then I should like to have the Chair make a general average and see what he makes out of that. [Laughter.]

Suppose you pass a resolution saying this is sound financial policy, and we indorse the policy of Congress on financial questions as sound, truthful, and go out with that, and then I should like to know what it means. Suppose some one in a crowd to whom that resolution was proposed should get up and take out a greenback and ask, "What is that worth?" and then I should like to hear you explain what that will be worth in 1878. "What can I get for it in 1878 if I keep it that long? And how can I keep the run of the little joker until that time? Will it be necessary for me to have a pocket telegraph to keep the run of it? How can I follow it through all its windings to know what it is worth any day? What am I going to get for it in 1878 if there is to be an auction? How can I follow it?" That is to be the question. There is no use laughing about this thing. We may fool each other a little here, but we are not fooling anybody else. We are not going to fool the people. We are not going to allay the excitement. The question never will be settled until you determine the simple question whether the laboring man is entitled to have a gold dollar if he earns it, or whether you are going to cheat him with something else. That is the upshot of the whole thing. The people will hold right on to that, and they will come to the conclusion, "I am entitled to just as good money as my neighbor," and to that party they will all finally come until it will get to be a big party. It was a little party in England once, but it grew wonderfully. It has been a little party in this country occasionally, but under Silas Wright, Tom Benton, and Calhoun, and others, it grew to be the party of the country. The whig party had to adopt it and put it into their platform in order to get along at all. Everybody had to say that the laboring man was entitled to a good dollar. That was fought over. They will fight it over again and the same party will win. There have been a great many battles fought against gold and gold has won every time. Gold never has compromised. The idea of trying to compromise whether gold shall be respected or not! You say you have got up a compromise bill on the question whether gold shall be respected. Gold has made the world respect it all the time.

The English people once thought they could get along without gold for awhile, but they had to go back to it. We did not depart from it on purpose to disgrace gold; but we attempted expedients at the time of the war because we thought we had not enough gold in the country to get along with, though probably we had. We did it not because we had any prejudice against gold. When the legal-tender law was adopted look at the debates; no man ever disparaged gold; no man pretended that anything else could be substituted as a permanent thing in its place; but all said it was necessary to do this to save the nation. They did not insult gold in their arguments at that time. But now we find conventions resolving that gold is not money. There is really something behind that. The people who hold these conventions are dissatisfied, but they have not found out what hurts them. The fact is that what ails them is that they have not got gold; they have not received gold for their labor and are poor. They have been cheated. That is what ails them. What ails the people of the West? They have been cheated out of their products. By your devices and tricks they have been cheated out of their labor and their products by the manipulators of currency who keep private telegraphs in their offices and keep their hands on the throat of the producer. They will find it out in time. They will find out that what ails them is that they have not received in gold the value of their labor; and by means of a depreciated currency they have been compelled to build up colossal monopolies and great fortunes. They will find that out in time.

Mr. SPRAGUE. Gold is the basis of monopoly.

Mr. STEWART. Gold the basis of monopoly! Paper is the basis of poverty, the basis of fraud, the basis of cheating, and I should like to know who through paper has grown rich. I might name them, but I will not, because it would be invidious, and they had a right to take advantage of your legislation. I might name fifty men in the city of New York who are now millionaires in consequence of your depreciated currency by their speculations in gold and currency. I might name them, but I cannot name a farmer in the West who has become rich by being paid in greenbacks and being compelled to pay for what he had to buy on the gold basis. We are dealing on a gold basis for everything we buy from Europe. You pay the farmer greenbacks, and when he buys his sugar or his coffee he buys it on a gold basis. Coffee and sugar are bought in the West Indies or South America and imported, and whatever article a man purchases of foreign production is purchased on a gold basis; the duties are paid in gold. The farmer receives greenbacks and must pay gold prices for what he uses. This manipulation has made him poor, and as long as the manipulation goes on the farmer of the West will be poor. He never can get rich until he deals in a kind of currency that he himself can calculate. While he has got to trust to a man who has a telegraph in his office he is going to be swindled. You must give him a money that he himself can count and know the value of. Nobody

will take care of him. Your grangers will all be for hard money after awhile. They will come to the conclusion that they are as good as anybody and entitled to as good money, entitled to understand it, and they prefer to count it themselves to let anybody else count it for them.

If this was a new thing, if it was the first time that a country ever undertook to cheat itself and its people, to make them believe they could get some other measure of value besides money, we might think that the genius of the American people could do this thing; but it is not the first time; it has been tried too often and always failed, and it will fail now. All I have to say to this bill is that it proposes to fix the date of returning to specie payments, with the absurdity, inconsistency, and uncertainty of unlimited expansion in the mean time. It can certainly be construed into unlimited expansion, raising false hopes, disorganizing, demoralizing the finances of the country. If it was a square proposition that in 1878 we should return to specie payments, there would be something in it. I think that is too far off; but you had better put it at 1890 than adopt this. You had better do nothing than do this; because this would hold out hopes for unlimited expansion. It will do for the speculators. It will set the wits of those men to work to know how they can further by means of devices rob labor of its just reward. It will set them to work to know how they can speculate in gold and in bonds, how they can take from the hard-earned toil of the people a percentage in some way under this bill. I presume that the money dealers are looking over this bill to-day to see how it will let them swindle the Government or the producer. It is uncertain as to the way it is going to be operated, and the influences to be brought on the Secretary of the Treasury to make him do this or that. The speculators are looking to see how under it they can continue their traffic of accumulating wealth from the toil of others; they are studying this bill to-day. Put it in language so that the toiler can understand it. If you mean to redeem, let it be so that all who can read and write can understand it. Do not put it in this language, leaving it to this uncertainty, and say it is a compromise!

Mr. MORRILL, of Maine. Mr. President, I shall not make more than an observation or two, and that simply to explain the reasons why I shall not find it consistent with my own notions to vote for this proposition.

It must be apparent to everybody who has witnessed the debates upon the subject of our financial condition since the commencement of this Congress, that there must be some principal fact on which we are not agreed. It cannot be a matter of sentiment, I think; certainly it cannot be a matter of special interest. From the time Congress came together to the present moment, we have not divided here according to our party affiliations; we have not divided according to our personal convictions altogether, but quite independent of party divide very much as we represent sections. Reflecting the views of the communities we represent, so we divide in the Senate. Of course we accord to each other perfect integrity of purpose, equal intelligence, and equally patriotic motives in a desire to reach the best possible solution of a great question, the greatest question before the American people, and as great a question touching the economical condition of a people as can ever be presented to a people. And under the peculiar circumstances of the condition of the nation, its great debt—national debt—the debts of the several States, the debts of the municipal communities, considering the magnitude of American indebtedness, no time in our history was so grave for the consideration of this question as the present.

Of course a diversity of opinion conflicting as it is here and tending to radical changes, is a matter to be deprecated, a matter to be deplored; but it exists. It is for us to account for it and to govern ourselves accordingly as best we can. Now, let us ascertain if we can what is the principal fact underlying our deliberations here and which stands in the way of an agreement among ourselves. What is that principal fact which divides the Senate and Congress and has divided us these many months, and which divides the communities, which puts a class of communities on one side radically of a great question, and another class of communities on another side, and consequently their representatives here in the same position. Well, sir, this I am disposed to consider the principal fact: Do or do we not really need more irredeemable paper currency? Perhaps it might be more felicitously stated, but I understand that to be the principal fact.

A class of communities being a majority on this floor and in the other House of Congress and a majoriy of the American people unquestionably entertain the idea to-day, and have these many months that they really need, the country needs, a larger volume of irredeemable paper money; not that they prefer irredeemable paper to money itself, but they associate with money irredeemable paper, and as the circumstances of the times are capable of nothing else, they demand that. That is the exigent demand. There is no compromise on that. Hardly a Senator stands here from certain communities who does not demand that. No Representative representing those communities in the other House of Congress but demands so much more money of this class. That is the great fact which underlies all our debates. That is the great fact which divides us. That is the great fact which divides the American communities to-day.

The question is, is that demand sound? That the people demand it whether it is sound or not is not to be denied. There is no doubt about that fact; but is it true that the American people need more irredeemable money? Mr. President, independent of what the American people think upon that subject, standing here as their representatives, it is our bounden duty to pass our judgment on that question, and no matter what they think, unless we feel that we are instructed directly to vote according to their notions, we are bound to exercise our own judgment upon that principal fact in this case. Does not the speculative but the legitimate business of this country demand an increase of the volume of paper money at this time? My honorable friend who sits beside me, [Mr. MORTON,] for whom I entertain the profoundest respect, believes it to be so. He has asserted and maintained it with great plausibility and power in argument from the assembling of Congress until the present time, but it is only an argument after all. There stands the fact; what is the evidence that we need it? Tell me, sir, why we need a larger volume of currency to-day when the business of the country is stagnant than we did when it was in the full tide of successful experiment any year within the last ten years? How is that? Have we not seen a superabounding prosperity since 1866; since the close of the war and the reconstruction policy of the Government? Was the nation ever more prosperous? Have we not seen the most gigantic enterprises, involving millions and hundreds of millions and going up to billions, carried prosperously forward, no man dreaming that a greater volume of paper currency was necessary? Nay, sir, in the presence of all these facts have not those who have been cognizant of these facts, including my honorable friend on my right, [Mr. MORTON,] all argued that what we wanted was not more paper money, but a paper money that should be equivalent to gold?

Congress in both branches has resolved it; the sentiment of the people everywhere has demanded it; the legislation of Congress has been predicated upon that one single fact. Nay more, when our speculative enterprises, legitimate enterprises, business of all kinds, were in their palmiest days from 1866 down to last September, nobody dreamed that you wanted a larger volume of paper money; nobody demanded it; nobody thought of it. Now, sir, in an hour of adversity, when there is a stagnation in business affairs, we dream that what we want is more paper money.

Mr. President, does anybody believe that more paper money is a remedy for this difficulty? It was that we did not in season make haste to return to a currency which should be equivalent to gold that brought us into this predicament. It was the fact that we had a larger volume of paper currency than the actual business necessities of the country required which led us into those gigantic schemes and speculations which were unproductive and which produce no results to-day; and now when we have fallen upon severe times in business affairs we lack the credits which ought to have come from those grand schemes, and lacking them, we have not the credits which enable us to obtain the money to float those schemes.

Let me illustrate in another way. The western communities as a general proposition think they want more paper currency. The eastern and middle communities as a general proposition think they have got more than they know what to do with, and they have as a matter of fact. The money centers to-day are stagnant. Money was never more abundant and never cheaper. How is that? On the one hand you perceive that there is an unqualified testimony of a superabundance of money at all the money centers in the East and in the Middle States. Why, then, is there not the same abundance of money in the West that there has been in previous years? Simply because the enterprises of the West have failed, simply because the West cannot inspire the capital of the East to invest in their enterprises. If the West had the same promises of return, and if they had the same credits and the same balances of credits, they could obtain money as cheap now as in any of the past twelve years.

Mr. HOWE. Will my honorable friend allow me to ask him a question?

Mr. MORRILL, of Maine. Certainly.

Mr. HOWE. He is drawing a contrast between the financial condition of the East and West that does not strike me to be entirely just; but it is not to that point that I desire to call his attention now. I understand him to assert that in the East as contradistinguished from the West there is a superabundance of money and that money is extremely cheap. Will the Senator be good enough to inform the Senate why they do not dispose of their money by putting it into Eastern enterprises, or investing it in Eastern real estate; and will he be good enough to state in that connection if it be not the fact that real estate in the East has declined as much in price or value as money itself has?

Mr. MORRILL, of Maine. Undoubtedly; and that is exactly on the line of the general proposition that there is a general stagnation in business affairs all over the country. Business has been overdone. Human enterprise under the excitement of this paper money, combined with the general order of things in the last fifteen years, has been pushed to the very extreme of human endeavor, and we are suffering the natural, irresistible effect of it. That is just what it is; nothing more, nothing less. The idea of saying that it is because we are not floated on a superabundance of paper money to my mind is utterly fallacious. I account for it from natural causes. Of course the East is involved in it just as much as the West; times are dull everywhere unquestionably, and it is the natural result of an overexcitement in business affairs for the last twelve or fifteen years.

Mr. HOWE. But how does it happen that when money in the East

has become so very cheap and worthless you cannot get more real estate for it than you could when money was very high and in demand everywhere?

Mr. MORRILL, of Maine. How does it happen that they do not? Does the Senator understand that?

Mr. HOWE. I do not exactly understand it. I do not know but that I could find it out if the Senator would explain it.

Mr. MORRILL, of Maine. I have not maintained that they cannot. Does not the Senator know that in all periods of this kind money is timid? Does he not know that the holders of money do not care to invest? The Senator certainly must know the fact that at all the great business and money centers money never was easier and cheaper than at the present time on call on such securities as the money-lender will take. That is undoubtedly so; but it is also undoubtedly true that all over the country there is a stagnation in business, and it is just as true that up to last September nobody dreamed of any such thing. It came upon us in a day. Lack of confidence, as some say, is the general cause operating; but no matter what the cause, there is the general fact; and it is idle in my friend to say that it is produced by the lack of a volume of irredeemable paper; nor do I think that it forebodes such utter ruin as seems to be inferred by certain Senators. I do not think it will hurt the American people if they are obliged to pause in their career, if for the next ten years we invest less money in speculative and unproductive enterprises. I believe that if we should invest less millions in unproductive railways for the next ten years the people of this country would be benefited. I believe if this were a chastisement, if it could be appropriated by the American people as a chastisement for their excesses in individual expenditures and expenditures of States and the nation so that we should pause in fast living and fast expenditure, it would be for the advantage of coming generations as well as the improvement of the present.

Mr. President, if I believed that we needed more irredeemable paper money, that that was a remedy for the evils under which we are supposed to groan, I certainly should vote for this proposition; but as I do not think so, as I think we want to make the paper we have equivalent to gold and so begin to recognize that we have a standard of values that the substantial prosperity which the people of this country have a right to have will never come until the time arrives when we have a standard of value, I cannot of course vote for increasing the present volume of paper money. I postpone the day of free banking to the time when every dollar issued shall be the equivalent of specie. Then I am ready to welcome free banking—free banking anywhere, free banking everywhere; but until that time comes, my own judgment about it is that it is a peril, a peril to the public interests.

Upon this assumption, Mr. President, you will see that my belief is that the great duty of this Congress is to take a step toward specie payments that will produce specie payment; and as nobody denies that this proposition is inflation, it is impossible for me to vote for it. Glad as I should be to see some arrangement of this question, some adjustment of it in some way which would be satisfactory and would lead in the end to probably beneficial results, I cannot see my way clearly to vote for this bill.

Mr. HAGER. Mr. President, during this debate and on a prior occasion when the same subject was before the Senate, the people I have the honor in part to represent as well as the other States on the Pacific coast, where gold and silver coin has been adhered to as the measure of values, have been alluded to seemingly in reproachful terms, as if we had been guilty of doing grievous wrong to the nation in not accepting the Treasury notes—the greenback currency—and adopting it as the measure of value instead of gold and silver. In other words, because we have adopted the gold and silver coin of the United States as our standard and measure of value, our patriotism in that regard is impeached and found less valuable, measured in gold, than it would be if measured in the paper currency, legal tender so called; and while listening to the debates on this floor I have sometimes had doubts whether it was yet understood that the gold and silver coin of the United States was lawful coin or a legal tender. The Constitution provides that Congress shall have power to coin money and to regulate the value thereof. This has been done and is being done in the national mints even at this day, and gold and silver is legal tender as regulated by law. When a short time since I arrived in this city from the State I have the honor to represent, where gold is the circulating medium, and not yet being supplied with that better known and so-called better money, which is the circulating medium here, I had occasion to make a small purchase on the avenue, and took out a five dollar gold piece and offered it to the seller in payment. He looked at me, as I thought, a little suspiciously, and apologetically remarked that the money might be good but that they were not very well acquainted with that kind of money here, and he preferred not to receive it. Shortly after I had taken my seat in the Senate I heard my State alluded to by Senators in reproachful terms as if we were wanting in patriotism, had been guilty of a wrong to the nation and had retarded our own prosperity by shutting out the greenback and adhering to gold as our measure of value.

Now, sir, I have no desire to enter at any length on this debate, but I wish to say a few words in behalf of California and her true position in regard to the currency. Hitherto I have on every occasion voted against measures calculated to postpone the return to specie payments. So I shall continue to vote, as I have seen no disposition manifested on the part of the dominant party by this or any measure calculated to bring about such a desideratum, or in fact any beneficial results to the nation by improving the condition of the currency. The purpose hitherto as manifested by the majority seems to be a determination to increase the volume of the currency and to avoid a return to a specie basis. And yet we have only to refer to California and other States to illustrate how easily such a purpose may be accomplished. According to my judgment no beneficial results will follow the adoption of this measure recommended by the committee. I do not question the motives of the Senators who have reported it. I am willing to concede they believe it to be for the best; but it is a temporizing policy, postponing by legislation the day of resumption so far in the future that it will have no wholesome restraining influence on reckless financial ventures, or create any fear but what legislation will again interpose to extend the period long before the day fixed for resumption shall be reached. Imperative necessity will demand this, and imperative necessity is always ready at hand on great emergencies.

But, sir, as I said, my purpose was to speak in regard to my own people and the position that we have taken on this currency question in practice. At the time the constitution of the State of California was adopted there was placed in it an inhibition against any banks of issue. At the time that the paper legal-tender was authorized and issued as such we had no paper currency. We had banks of deposit and discount, but no banks issuing notes as currency. Our position was so remote from the commercial and financial centers on this side, that the bank-notes of the Atlantic States never entered into our circulation, and were never introduced among us for such purpose. When the Treasury notes were proclaimed as legal-tender, the question arose whether we would adhere to the production of our soil, gold and silver, as our standard, or to the new measure of value—the legal-tender. At that time we had no railroad communication; our position was remote and isolated, and we could not keep posted on the currency fluctuations of New York. By the voluntary act of the people—there was no compulsion or attempt at compulsion—they preferred the solid and substantial, the constitutional coin of the country to the ever-changing and fluctuating paper currency. Fortunate for us, as we think, was the determination.

And now, sir, what has been the result, and especially to us? We have something by which the value of property is measured which, of itself, is intrinsically valuable. What is the result here with currency? You have something by which the value of property is measured which has only a relative value. The one, gold, our circulating medium, has an intrinsic value; the other, your paper, has a relative value. One is substance, the other shadow. One is a solid reality, the other an unsubstantial nothing if disconnected from its pedigree. The one pays itself, the other must look to some one to pay for it. Of what value is the greenback except as you may estimate its market value in gold? Of itself, none. Of what value is the twenty-dollar gold piece? It bears upon its face the impress of sovereignty. It has the value marked as required by the Constitution. It has the authority of law. Is it disloyal to make it our measure? You have yours. You like it, we do not. Our gold coin is good here; it is good in London or in Paris, because it is intrinsically worth what it purports to be and what is marked upon its face. You may take it with you from here to England and France and it is as current there as it is here. You take the greenback there and it is of no value. It is a float, a waif, depending upon an indefinite promise to be performed by somebody against whom you have no power to enforce it. It is not money that may be properly so called, because it has no equivalent and intrinsically has no value by which the value of anything else may be ascertained.

It results in this, and in this respect the nation has made a great mistake: that either this money, so called, intrinsically valuable must be adopted as the standard, or that which is relatively valuable must be adopted as the standard. You cannot make both the standard because they are not equivalents. They march in parallel lines; the greenback here, the gold there. As long as there is a difference between them in value, they never will come together. As the greenback is depreciated, they are in diverging lines. The natural result must follow that either one or the other must be an article of merchandise. You have made the gold and silver on this side the article of merchandise and adopted the greenback as the standard of value. We on the Pacific coast have adopted the more substantial thing, the gold and silver coin of the nation, as the measure of value and made the greenback the article of merchandise. Now, then, we will place ourselves upon these platforms and have our patriotism measured accordingly. Ours is the coined money of the Constitution, yours the creature of the Congress. We do not complain of your choice; leave us to our preferences.

Now, sir, suppose that you should do in the Atlantic States as we have done on the Pacific coast, make the greenback the article of merchandise, and the gold and silver the measure and standard of value. Then we would at once be brought to the footing of specie payments, inasmuch as value would be estimated by that which is valuable. But with the legal-tenders as your measure of value, property must necessarily fluctuate in proportion. Property in California, notwithstanding all the fluctuations here, has remained stationary, except so far as the general prosperity of the country has advanced it, while on this side property has advanced perhaps 50 or

100 per cent., because the fluctuations in the legal-tender has been to that extent. At such prices the sellers are many, the purchasers few.

I remember being in New York in 1864, when the fluctuations in legal-tenders amounted to 20 or 30 per cent. in the course of a day. Necessarily, those who had goods to sell had to raise their prices in proportion. Necessarily, real estate rose in proportion. Necessarily, the bills even at the hotels rose in proportion; and they got keyed up to that high standard, that they have never from that day to this been able to reduce them to what they were anterior to the introduction of the greenback as the measure of value.

I do not undertake to say that it was impolitic on the part of the nation or that it was unpatriotic, or that it was in violation of the Constitution, because the Supreme Court have decided that Congress were justified, not by the letter of the Constitution, but as a war measure, in making the legal-tender what it is.

In addition to the legal-tender currency, so-called, we have the national-bank system, which has a relation to it and a connection with it—a system of banking the best for the banker that ever was devised; the most pernicious for the people that ever was put in practice. The banker takes his United States bond payable in gold, deposits it with the Treasurer, receives his interest upon it payable in gold, and receives in addition thereto 90 per cent. of notes which pass current, which he loans, thus imposing upon the people that double taxation, the interest upon the bonds and the interest upon the money that the banks receive from the Government, which they loan to the people. This money—the legal-tender, so called, and the notes issued by the national-banks—is pronounced here by the friends of that currency as the best that the world ever saw; and yet it measures nothing. We are told that it is better than any gold or silver coin, better than the notes of the Bank of England, which are at a premium in the city of New York, better than those of the Bank of France; that it is in fact the best currency the world ever saw or ever knew; and yet, with its fluctuations, all kinds of property must proportionately fluctuate, and whenever any man makes a purchase he must encounter that risk which was so well illustrated by the argument of the Senator from Missouri, [Mr. SCHURZ,] and which no member upon this floor has successfully answered.

I do not intend to discuss this matter to any extent; but to make money valuable at all it must bring us in relation with the commercial world. If it be of no value to us in our relations with the commercial world, it is not a medium of exchange or a medium to estimate values. If money, as I said, fluctuates, all property must fluctuate with it, and so long as our money is at a discount and below what the commercial world recognizes as a medium of values, so long it will be useless in our intercommunication with the commercial world.

But we have been told as a reason for the kind of legislation that has been attempted to be enforced upon the Senate that the South and West require additional money, currency, so called; as if money was property, was wealth, was capital that could be transferred by legislation; as if it were some intangible, unsubstantial thing that could be transferred from the city of New York, west or south without the intervention of an express-wagon. I do not so understand it. No legislation can make the greenback any more valuable than it is in the market, and no legislation can transfer it from the East to the West, so as to make it valuable there, unless the capital is there to take the place of the amount that may be transferred. To suppose you can accomplish such results or make the depreciated Government Treasury note the equivalent of Government coin is a fallacy that never has been and never will be true, and neither eloquence, logic, or sophistry can demonstrate to the contrary.

Mr. President, as I said before, I look upon the measure before the Senate as a mere temporizing policy. It effects no beneficial results; it restores no confidence in the community; it makes no more value to the greenback, so called, as a legal tender. If I had the control of the Senate, if I represented the majority here, I would offer a proposition which I think in three lines would accomplish the very purpose the whole country would desire to see effected. It would be substantially as follows:

That on and after the 4th day of July, 1876, nothing but the gold and silver coin of the United States shall be a legal tender for public or private debts.

Pass an act in those few words, let it go into force on that centennial celebration day, and you will accomplish the very purpose that the whole people would like to see accomplished, and you will get rid of this entire discussion. In my opinion the whole people would rejoice if you should adopt legislation of that character. That is the remedy that I would propose, as I stated, if I had the power in the Senate to accomplish that purpose. By that simple enactment, to go into effect on our hundredth anniversary, the nation would be born again, and brought back to reason, intelligence, and prosperity.

Mr. HOWE. Mr. President, I want to save the Senate from fainting by promising them in the outset that I am not going to make a speech. I rise to say that if I understand the report of the committee of conference I am going to vote for its adoption by the Senate. I think I am bound to do one thing more than that, and that is to tender my thanks, whatever they may be worth, to the committee of conference for the result of that deliberation of theirs which they have laid before the Senate.

I suppose my general attitude on this question of finance is as well understood by the Senate as it ever will be. So I shall not attempt to expound or explain or to state it again. I desire to say a word, however, in reply to some of the remarks I have heard made here. I have not had the pleasure of listening to the whole debate, but only a very small portion of it. To those Senators who have arraigned this report as an attempt to expand the paper money of the country I say that either they misunderstand the report or I misunderstand it. I think it is a proposition to contract the paper money of the country, and I greet it with all my heart, because it is the first proposition of the kind I have heard in the Senate from any responsible quarter since paper money was introduced into the circulation of the country.

What the paper money of the country is to-day you know. It is just $382,000,000, no more, no less; and the first praise I bestow on this bill is that it is at last a law which says you shall never have any more than $382,000,000 of paper money in this country. I see my honorable friend from New York [Mr. CONKLING] shakes his head. I may be mistaken about that. I know there has been a dispute in the Senate as to what the law did say on that point; but while I admit there are those here who have insisted that under the law as it stood you could not have but $356,000,000 of paper money in circulation, there are other Senators, whose opinions are entitled to some consideration at least if not to as much, who have insisted that under the law the volume of paper money might be $400,000,000. That dispute is ended by this bill. If this bill becomes a law, we shall know that you can have but $382,000,000 of paper money in circulation at the outside.

This is not the chief merit of this proposition, in my judgment. Its chief merit is that it provides a method by which from time to time, just as fast as business and capital see fit to do it, this volume of paper money may be diminished down to a certain point. I cannot pass by this moment without saying that I heartily regret that the bill should propose that limitation upon contraction; that the bill should have proposed a limit beyond which this volume of paper money should not be contracted; but it is here, and I am not going to repudiate the bill simply because that feature is in it. I am one of those who would rather see this country doing business with a volume of $300,000,000 of paper money than with a volume of $382,000,000 of paper money. I am one of those, and I have sometimes thought I was the only one of the kind in the Senate who really felt that paper money was one of those anomalies, one of those outrages upon common sense, a dollar of which ought not to be tolerated in any business community.

I know, Mr. President, that under the operation of this bill other kinds of paper, not money, may be issued. I am aware that this bill proposes to authorize banks to issue their notes beyond the limit now fixed for bank-note circulation. The Senator from Massachusetts will not insist, I think no Senator here will insist, that that is an expansion of the paper money. We have none of us become so heedless of definitions as to speak of a bank-note as money. We have come to regard the promise of the Government as money. The law commands us to respect it as money; but a bank-note, which is a promise to pay money, is no more money than my note, it is no more money than a bank-check; and the business interests of the country are no more in danger by the multiplication of such promises, unless they are multiplied beyond the ability of the banks to perform the promise, than those same business interests are injured by the multiplication of any other commercial paper whatever. Under your law there is but one contingency which can possibly arise when every one of these bank-notes, whether they be $500,000,000 or $5,000,000,000, may not be and must not be converted into money—not coin, but money, what your statute says is money. What is that contingency? It is the contingency when the bonds of the nation, which are deposited as security for the conversion of every one of these bank-notes, will not afford money, either in the form of a greenback or coin, in exchange for all these notes.

I have once said in the Senate, and I want to repeat while I regret to-day as I have regretted heretofore, that you would not allow a larger retirement of greenbacks than that proposed by this bill, I wish to reaffirm once more, that while the security of the people for the conversion of every bank-note either into coin or greenbacks will be ample, as ample under the operations of this bill as it is under the laws to-day, the value of that commodity, so to speak, or of that money, as your law terms it, into which it is convertible, will be constantly appreciating under the operation of this bill; for you cannot issue a million of bank-notes without diminishing the quantity of that money into which they are convertible, without, as I say, lessening the security for the actual payment, and every dollar of that money into which the note is convertible is made more valuable. The value of that money is constantly increased in proportion as the diminution in its quantity goes on. Therefore, unless the security which the banks deposit fails, and it cannot fail until not merely congressional faith but Government bonds are at a discount, not only is your money growing better as it takes its flight, but your bank-paper is increasing in value.

Mr. President, I have no issue with my friends here in the Senate to-day who talk about the beauties or the blessings of hard money. I believe it is the only real commercial money there is or can be. I have said that before; I reiterate it to-day. It is commerce, the judgment of the business world, which gives the true character of money. Political institutions do something in that direction, but a very uncertain thing. They do sometimes stamp a given coin as having a certain value. Unfortunately for the last twelve years under our institutions we have learned to stamp a similar value on

a piece of paper which intrinsically has no value at all. I believe that coin is the only true money. I echo every sentiment which I have heard here in its praise.

The difference between me and those who have been singing its praises since this debate has arisen I think is just this: that while they are ready to sing hosannas to the beauties of that kind of money, with the exception of here and there an individual, I have found no disposition anywhere to take a step toward its introduction. I have excepted individuals. I want to except a particular individual. My honorable friend from New Jersey [Mr. FRELINGHUYSEN] who does me the honor to listen to me now has proposed one expedient which he really believed would take us toward that kind of money; and I almost agree with him, nay, I quite agree with him. That it would take us toward it on pleasant and safe paths, I am not entirely assured; but it meant that and no other. He is not alone in the Senate on that ground.

But I think among all the multiplied measures which have been proposed here there have been but few of them which really meant to lead us back to what you call a specie basis, and those very few I think have received but very feeble support in the Senate. The measure now before the Senate does propose to take us in that direction. I know we go very slowly. I think we go more considerately than we ought to go; but I had rather go in that direction slowly than not go at all; and for that reason, Mr. President, I have concluded, unless I shall be convinced that this bill means something which I do not see in it, to give it my hearty and cordial support.

The PRESIDING OFFICER, (Mr. INGALLS.) The question is on concurring in the report of the committee of conference, upon which the yeas and nays have been ordered.

Mr. CRAGIN. The Senator from Pennsylvania [Mr. CAMERON] has been called suddenly away on account of sickness in his family, and I agreed to pair with him on this question. If he were here he would vote "yea," and I should vote "nay."

Mr. KELLY. On this question I am paired with the Senator from Maryland, [Mr. DENNIS.] If he were present he would vote in the affirmative, and I would vote in the negative.

Mr. BAYARD. My colleague [Mr. SAULSBURY] is paired on this question with the Senator from Minnesota, [Mr. WINDOM.] My colleague would vote "nay" and Mr. WINDOM would vote in the affirmative, if present.

Mr. WADLEIGH. On this question I am paired with the Senator from Virginia, [Mr. LEWIS.] If he were present he would vote in favor of the report, and I should vote against it.

The question being taken by yeas and nays, resulted—yeas 32, nays 23; as follows:

YEAS—Messrs. Allison, Bogy, Carpenter, Clayton, Conover, Dorsey, Ferry of Michigan, Gilbert, Goldthwaite, Harvey, Hitchcock, Howe, Ingalls, Johnston, Logan, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Scott, Sherman, Spencer, Tipton, West, and Wright—32.

NAYS—Messrs. Alcorn, Anthony, Bayard, Boutwell, Buckingham, Conkling, Edmunds, Flanagan, Frelinghuysen, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Jones, Morrill of Maine, Morrill of Vermont, Sargent, Schurz, Stevenson, Stewart, Stockton, Thurman, and Washburn—23.

ABSENT—Messrs. Boreman, Brownlow, Cameron, Chandler, Cooper, Cragin, Davis, Dennis, Fenton, Ferry of Connecticut, Gordon, Kelly, Lewis, Ransom, Saulsbury, Sprague, Wadleigh, and Windom—18.

So the report was concurred in.

Mr. RANSOM subsequently said: I desire to state that I was momentarily absent from the Chamber when the vote was taken on concurring in the report of the committee of conference on the currency bill. I requested the Senator from Indiana to send for me in case the vote should be taken, which he did promptly, but I was not able to return in time. I desire to record my vote in favor of the report.

The PRESIDENT *pro tempore*. The rule forbids that. The Senator cannot record his vote after the result has been announced.

POST-OFFICE APPROPRIATION BILL.

Mr. WEST. I move now that the Senate proceed to the consideration of House bill No. 3094, making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes.

The motion was agreed to.

Mr. ROBERTSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; there being on a division—ayes 27, noes 19.

ORDER OF BUSINESS.

Mr. LOGAN. While the doors are being closed I desire to say a word. I gave way yesterday with the understanding, on my part, that the business which I had the permission of the Senate to go on with, bills reported from the Committee on Military Affairs, should be taken up immediately after this conference report was concluded.

Mr. EDMUNDS. I am entirely unable to hear the Senator from Illinois. I rise to the point of order that we should have order restored so that we can hear what the Senator is saying.

The PRESIDENT *pro tempore*. The Chair appeals to Senators to resume their seats and avoid conversation.

Mr. LOGAN. I was stating that I gave way yesterday for the reason that I could not refuse to do it, although the day was set apart to the Military Committee, being the third time that I had to give way for other business. I ask the Senate now to consent, as soon as we come out of executive session, that the first business in order shall be the business of the Military Committee that is on the Calendar, in pursuance of the agreement we have had for three different days. I think I have acted rather generously. I have given away three days that have been set apart for the bills of my committee.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent, after the conclusion of executive business, that the Senate will proceed to consider the bills reported by the Committee on Military Affairs.

Mr. MORRILL, of Maine. Is the Senator aware that on the motion of the Senator from Louisiana [Mr. WEST] the post-office appropriation bill was taken up?

Mr. LOGAN. I was not.

Mr. MORRILL, of Maine. That will not occupy a great deal of time. If we take up that bill and continue it, as I hope we shall, we can dispose of it in a short time. It is the only appropriation bill which the Committee on Appropriations will be in a condition to present to the Senate for several days, and when it is disposed of, Senators having other bills in charge will have ample time to call them up while the committee is considering the sundry civil bill.

Mr. LOGAN. I wish to make this statement and appeal to the Senate: I am compelled to leave Washington City on business. I have been waiting here for a week. I ought to have gone a week ago on business of great importance to me, a matter I cannot defer any longer. I stated on the first day I made this request that I desired this because I should be compelled to leave the city, and that is my reason now. If it were not for that I would let this business take its chances the same as anything else.

Mr. MORRILL, of Maine. How much time would the Senator be content with?

Mr. LOGAN. I think we can get through with all these bills in a few hours if there is no discussion upon them.

Mr. MORRILL, of Maine. Would the Senator take from one o'clock until three, to-morrow?

Mr. LOGAN. I should like to have time to get through, but still I will take whatever the Senate will give me.

Mr. MORRILL, of Maine. So far as I am concerned, if that will satisfy the Senator, I think we can pass the appropriation bill after that time.

Mr. LOGAN. Why not pass it this evening? I am willing to stay here and do business.

Mr. WEST. I suggest to the Senator that he had better not take the chances of having his bill come up after the passage of the appropriation bill.

The PRESIDENT *pro tempore*. Is any understanding arrived at in regard to the business of the Military Committee?

Mr. SPRAGUE. I move that the Military Committee have the time required.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the pending bill be postponed for the purpose of proceeding to consider the bills reported by the Committee on Military Affairs.

Mr. CONKLING. I want to make this suggestion, without any interest in this matter except a general interest. If the Senator from Illinois will move to take up the business of the Military Committee at any time he pleases, I think the Senate will stand by him and get it up, and he can do better I think in that way than by having any more agreements. The Senator has had three days, as he says, assigned to him, and he has given way every time. Now, if he gets another agreement, very likely somebody will come in and there will be another delay.

The PRESIDENT *pro tempore*. The Senator from Rhode Island has made a motion to postpone the pending bill and proceed to the consideration of the bills reported by the Committee on Military Affairs, which will leave them the unfinished business.

Mr. CONKLING. Very well; on that or any other motion I wish to make this suggestion: If the Senator from Illinois will just select the time he thinks wise, and ask the Senate to take up his bills, I do not believe he will have any trouble in doing it.

Mr. LOGAN. I want to take them up as soon as the executive business is disposed of.

EXECUTIVE SESSION.

The Senate thereupon proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened, and (at four o'clock and forty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 12, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Clerk proceeded to read the Journal of yesterday.

Mr. HALE, of Maine. I move that the further reading of the Journal be dispensed with.

There being no objection, the motion was entertained and agreed to.

DESTITUTE PEOPLE OF THE SOUTH.

Mr. HALE, of Maine, by unanimous consent, from the Committee

on Appropriations, reported a bill (H. R. No. 3673) making an appropriation to enable the Secretary of War to carry out the provisions of the act of April 23, 1874, entitled "An act to provide for the relief of persons suffering from the overflow of the Lower Mississippi River, and for other purposes;" which was read a first and second time.

The bill, which was read, appropriates $500,000 to enable the Secretary of War to carry out the provisions of the act of April 23, 1874, to provide for the relief of persons suffering from the overflow of the Lower Mississippi River; and also of the joint resolution authorizing the President to issue Army rations and clothing to the destitute people on the Tombigbee, Warrior, and Alabama Rivers, approved May 28, 1874, for the purpose of purchasing supplies of food to be issued under his direction to any and all classes of destitute or helpless persons living on or near the Lower Mississippi, Tombigbee, Warrior, and Alabama Rivers, who have been rendered so by reason of the recent overflow; and it directs the Secretary of War to make detailed report to Congress of the expenditure under the act and under the joint resolution referred to. The authority conferred on the Secretary of War is to expire on the 1st day of September, 1874, and none of the moneys appropriated by the bill, or formerly appropriated, are to be expended except in cases where the Secretary of War shall be satisfied that there is an actual and pressing case of destitution, and that such destitution is directly caused by the overflow. Any balance remaining unexpended of the appropriation provided for by the act of April 23, 1874, may be used for the purposes expressed in that act or in the joint resolution; and the Secretary of War is authorized to issue any of the moneys appropriated by the bill or formerly appropriated for the relief of destitute persons upon the Tennessee River when satisfied that their necessities arise from the recent overflow of said river.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HALE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL IRON-MOLDERS' UNION.

Mr. FIELD. I desire to report a bill from the Committee on Education and Labor.

Mr. GARFIELD. I will not call the regular order just now, but will allow matters which give rise to no debate to be disposed of.

Mr. FIELD. I ask unanimous consent to report from the Committee on Education and Labor the bill (H. R. No. 3521) to incorporate the National Iron-molders' Union, for passage at this time.

The bill was read.

Mr. CROOKE. I object.

Mr. FIELD. I move to suspend the rules so as to put that bill upon its passage. It has been considered by the Committee on Education and Labor.

Mr. CROOKE. It is not reported from the Committee on Education and Labor. The gentleman from Michigan, as a member of that committee, was permitted to introduce it individually.

Mr. FIELD. Not at all; it was by the action of the committee that it was to be reported.

Mr. CROOKE. The bill establishes a new principle. I am a member of that committee and I have said from the beginning that I wished to antagonize this bill. It ought not to pass without consideration.

Mr. PLATT, of Virginia. I object to debate.

Mr. GARFIELD. I cannot yield for a motion to suspend the rules now.

The SPEAKER. The bill is not before the House.

CLAIMS OF CHOCTAW AND CHICKASAW NATIONS.

Mr. PARKER, of Missouri. I move that the rules be suspended so that it shall be in order to consider the following as a part of the bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes:

That in order to fulfill and discharge the obligations assumed by the United States under the eleventh and twelfth articles of the treaty between the United States and the Choctaw and Chickasaw Nations of Indians, concluded June 22, 1855, and in order to provide for the payment and satisfaction of the award of the Senate of the United States, under the provisions of article 11 of the said treaty, made on the 9th day of March, 1859, the Secretary of the Treasury is hereby directed and required to issue and deliver to Peter P. Pitchlynn and Peter Folsom, the authorized delegates and agents of the Choctaw Nation, or to either of them who may demand the same on behalf of the said nation, bonds of the United States authorized to be issued under the provisions of the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," and of the act of Congress approved January 20, 1871, entitled "An act to amend an act entitled 'An act to authorize the refunding of the national debt,'" for an amount equal to the sum stated and found to be due to the Choctaw Nation under the said award, as shown by the account stated by the Secretary of the Interior, in accordance with and in conformity to the said award, and reported by him to Congress, and printed and contained in House Executive Document No. 82, of the first session of the Thirty-sixth Congress, deducting from said amount the following sums, to wit: the sum of $362,100.70, and the further sum of $286,595.75, together with interest on the sum stated in the said executive document as due to the Choctaw Nation from the United States, under the said award, after deducting the sums above stated, at the rate of 5 per cent. per annum, from the 2d day of March, 1861, until the said bonds shall be issued to the said delegates or agents of the Choctaw Nation as herein directed: *Provided*, That from the sum due the Choctaw Nation as shown in the said executive document and account stated, the Secretary of the Treasury shall deduct the sum of $250,000, paid to the said delegates for and on account of the said nation, and on account of the said award, on the 12th day of April, 1861: *And pro-*

Mr. GARFIELD. Does not that require a vote of the House?

Mr. HALE, of Maine. I object.

Mr. PARKER, of Missouri. The gentleman has no right to object. I have the floor and move to suspend the rules.

Mr. GARFIELD. I understood it was by unanimous consent.

Mr. PARKER, of Missouri. Not at all; the Chair recognized me especially to make the motion to suspend the rules.

The SPEAKER. The gentleman from Missouri was recognized before the gentleman from Ohio [Mr. GARFIELD] sought the floor.

Mr. PARKER, of Missouri. Certainly; the gentleman from Ohio was not in his seat when I was recognized.

The question was upon seconding the motion to suspend the rules, upon which tellers were ordered; and Mr. PARKER, of Missouri, and Mr. HALE, of Maine, were appointed.

The House divided; and the tellers reported that there were—ayes 110, noes 36.

So the motion was seconded.

The question was upon the motion to suspend the rules.

Mr. HALE, of Maine. Upon this question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWNSEND. At this stage, is this question debatable?

The SPEAKER. It is not. The motion is to suspend the rules and make what has been read a part of the sundry civil appropriation bill.

Mr. TOWNSEND. There does not appear to have been any explanation to the House.

Mr. MCCRARY. Is the motion to make this a part of the bill?

The SPEAKER. The motion of the gentleman from Missouri [Mr. PARKER] is to suspend the rules so "that it shall be in order to consider the following"—that is, what has been read—"a part of the bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875." It is not to make it in order to move it as an amendment to the bill, but to place it in the bill, and then it must be voted out if the House is opposed to it.

Mr. HALE, of Maine. Therefore there will be no yeas and nays on the question after this.

The SPEAKER. Not unless it should be brought up in the House.

Mr. HALE, of Maine. And this settles it.

The question was taken; and there were—yeas 156, nays 73, not voting 60; as follows:

YEAS—Messrs. Adams, Albert, Arthur, Ashe, Atkins, Averill, Barnum, Barrere, Beck, Bell, Berry, Blount, Bowen, Bradley, Bromberg, Brown, Buckner, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clements, Clymer, Stephen A. Cobb, Cook, Cotton, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Darrall, Davis, Dawes, Dobbins, Duell, Dunnell, Eames, Freeman, Glover, Gooch, Hagans, Benjamin W Harris, Henry R. Harris, Harrison, Hatcher, Hathorn, Havens, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, Hodges, Hooper, Hoskins, Houghton, Hubbell, Hunton, Hurlbut, Hynes, Kasson, Kellogg, Kendall, Lamar, Lansing, Lawson, Lewis, Loughridge, Lowe, Magee, Martin, Maynard, Alexander S. McDill, MacDougall, McKee, McNulta, Milliken, Mills, Monroe, Morey, Morrison, Negley, Nesmith, Niles, O'Brien, Orr, Orth, Packard, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Ray, Read, Richmond, James C. Robinson, Sawyer, John G. Schumaker, Sessions, Shanks, Sloan, Sloss, Small, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Stanard, Standiford, Starkweather, Stone, Stowell, Strait, Swann, Thornburgh, Townsend, Tremain, Vance, Wallace, Walls, Marcus L. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, Wilshire, Ephraim K. Wilson, James Wilson, Woodford, and John D. Young—156.

NAYS—Messrs. Albright, Barber, Bland, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Coburn, Conger, Corwin, Cox, Crooke, Danford, Donnan, Durham, Eden, Field, Fort, Foster, Frye, Garfield, Gunckel, Eugene Hale, Hamilton, John T. Harris, John B. Hawley, George F. Hoar, Hunter, Hyde, Jewett, Kelley, Knapp, Lamison, Lawrence, Lynch, McCrary, James W. McDill, Merriam, Moore, Myers, Neal, Niblack, O'Neill, Pendleton, Potter, Randall, Rice, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Sener, Sherwood, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Storm, Strawbridge, Todd, Tyner, Waldron, Wheeler, William B. Williams, Willie, and Wood—73.

NOT VOTING—Messrs. Archer, Banning, Barry, Bass, Begole, Biery, Bright, Clayton, Clinton L. Cobb, Comingo, Crocker, Curtis, DeWitt, Eldredge, Elliott, Farwell, Giddings, Robert S. Hale, Hancock, Harmer, Gerry W. Hazelton, Hereford, Hersey, Holman, Howe, Killinger, Lamport, Leach, Lofland, Lowndes, Luttrell, Marshall, McJunkin, McLean, Mitchell, Nunn, Packer, Parsons, Phelps, Purman, Robbins, William R. Roberts, Isaac W. Scudder, Sheats, Sheldon, Lazarus D. Shoemaker, William A. Smith, Stephens, St. John, Sypher, Taylor, Charles R. Thomas, Christopher Y. Thomas, Waddell, Jasper D. Ward, Wilber, Jeremiah M. Wilson, Wolfe, Woodworth, and Pierce M. B. Young—60.

So (two-thirds voting in favor thereof) the rules were suspended and the order made.

ORDER OF BUSINESS.

Mr. GARFIELD. I now move to go into Committee of the Whole on the pending appropriation bill.

Mr. FIELD. I ask the gentleman to yield to me.

Mr. GARFIELD. I will do so if it gives rise to no delay.

Mr. FIELD. I move to suspend the rules and pass House bill No. 3521, to incorporate the National Iron-molders' Union.

Mr. POTTER. I object.

Mr. GARFIELD. If it gives rise to delay I cannot yield. I insist upon my motion.

CIVIL-SERVICE REFORM.

Mr. BUTLER, of Massachusetts. I desire to move to suspend the rules for the purpose indicated by me on yesterday.

The SPEAKER. The Chair will entertain the motion, as it relates to the bill upon which the House will go into Committee of the Whole.

vided further, That the Secretary of the Treasury shall neither entertain, recognize, allow, nor pay any of the various claims or pretended claims which have heretofore been demanded, or which shall hereafter be demanded, by any claim agents, attorneys, or pretended owners of the said bonds by purchase or otherwise, or of any part thereof; nor shall the Secretary of the Treasury recognize or sanction any contract or pretended contract, made on behalf of the Choctaw Nation, providing for the payment of any compensation or fees for the collection or prosecution of the claims of the Choctaw Nation against the United States, but the said bonds shall be issued and delivered as herein provided: *And provided further*, That before the delivery of the said bonds to the said delegates as herein directed, the national council of the Choctaw Nation shall pass an act approving the provisions of this act, and shall declare that the receipt of the said bonds by the said delegates, or either of them, on behalf of the said nation, is accepted and received by the said nation as a full payment and satisfaction of all claims of the said nation, whether national or individual, growing out of the cession of lands by the said nation to the United States, under the treaty of September 27, 1830; a copy of which act, attested by the seal of the said nation, shall be filed with the Secretary of the Treasury previous to the delivery of the said bonds to the delegates aforesaid.

Mr. BUTLER, of Massachusetts. I move that the rules be so suspended that when the House is in Committee of the Whole on the sundry civil expense bill it shall be in order for the Committee of the Whole to consider and pass upon an amendment in relation to the preference in Government employment of soldiers and sailors and their dependent relatives; and also in relation to diminishing and stopping the expenses of carrying examinations by boards of commissioners and others traveling around the country at public charge, and the detailing of clerks of the Departments to act in judgment upon their fellow-clerks, and to exercise thereby the appointing power which is by the Constitution vested in the heads of the several Executive Departments, who ought to be men of sufficient discretion to appoint their own clerks without being tied up by rules and regulations imposed upon them by a board composed in whole or in part of those very clerks themselves.

Mr. KELLOGG. I object to that; there are three or four stump speeches in the belly of it.

Mr. WILLARD, of Vermont. I desire to know what this motion will accomplish, whether, if it be adopted, anything touching these subjects can be offered in Committee of the Whole?

The SPEAKER. Anything germane as an amendment can be offered.

The question being on seconding the motion to suspend the rules, tellers were ordered; and Mr. BUTLER of Massachusetts, and Mr. WILLARD of Vermont, were appointed.

The House divided; and the tellers reported—ayes 96, noes not counted.

So the motion was seconded.

The question recurring on agreeing to the motion to suspend the rules,

Mr. WILLARD, of Vermont, called for the yeas and nays.

The yeas and nays were ordered.

Mr. STARKWEATHER. I wish to make a parliamentary inquiry. A portion of this motion refers to making it an order to discuss the question of appointing soldiers to office and giving them the preference.

Mr. RANDALL. We are all in favor of that.

Mr. STARKWEATHER. Yes, as the gentleman says, we are all in favor of that. Now, I want to know whether we cannot discuss that question under the rules of the House, and have not heretofore discussed it and acted on it?

The SPEAKER. That is not a parliamentary inquiry.

The Clerk began to call the roll.

Mr. KASSON. I wish to make a parliamentary inquiry.

Mr. BUTLER, of Massachusetts. I object to the roll-call being interrupted.

The SPEAKER. If it be a proper parliamentary inquiry, the Chair will hear it.

Mr. KASSON. I believe it to be such; the Chair will judge. I wish to inquire whether, if this proposition be adopted, it will be in order in Committee of the Whole, under this privilege given by the House, to move a section to this effect——

The SPEAKER. The Chair never rules as Speaker upon questions which the Chairman of the Committee of the Whole will be called upon as such to decide. Therefore, without hearing further the gentleman's inquiry, the Chair declines to rule upon it. The Clerk will proceed with the roll-call.

The question was taken; and there were—yeas 156, nays 66, not voting 67; as follows:

YEAS—Messrs. Adams, Albright, Arthur, Ashe, Averill, Barber, Barrere, Beck, Bell, Berry, Blount, Bowen, Bradley, Brown, Bundy, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, Cessna, Clements, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Crittenden, Crossland, Crutchfield, Curtis, Danford, Darrall, Davis, Dawes, Donnan, Duell, Dunnell, Durham, Eames, Farwell, Field, Fort, Freeman, Giddings, Glover, Gooch, Hagans, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, Hatcher, Hathorn, Havens, Hays, Herndon, Hodges, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kendall, Knapp, Lamar, Lamison, Lamport, Lansing, Lawrence, Lewis, Lofland, Loughridge, Luttrell, Lynch, Magee, Marshall, Martin, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Milliken, Mills, Morey, Myers, Negley, Nesmith, Niblack, Niles, O'Neill, Orr, Packer, Page, Pelham, Perry, Phillips, Thomas C. Platt, Potter, Pratt, Rainey, Ransier, Rapier, Ray, Read, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, Scofield, Sessions, Shanks, Sheats, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Speer, Stanard, Standiford, Stone, Stowell, Strait, Strawbridge, Thornburgh, Todd, Tyner, Waldron, Wallace, Walls, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles G. Williams, William Williams, Wilshire, James Wilson, Woodworth, and John D. Young—156.

NAYS—Messrs. Albert, Archer, Atkins, Barnum, Bland, Bromberg, Buckner, Buffinton, Burchard, Burleigh, Amos Clark, jr., John B. Clark, jr., Clymer, Creamer, Crooke, Crounse, Eden, Foster, Frye, Garfield, Gunckel, Harrison, John B. Hawley, Joseph R. Hawley, E. Rockwood Hoar, George F. Hoar, Hunton, Jewett, Kasson, Kellogg, Lawson, Lowe, Merriam, Monroe, Moore, Morrison, Neal, O'Brien, Packard, Hosea W. Parker, Pierce, James H. Platt, jr., Randall, Rice, Richmond, Ellis H. Roberts, James C. Robinson, Henry J. Scudder, Isaac W. Scudder, John Q. Smith, Sprague, Starkweather, Storm, Swann, Christopher Y. Thomas, Townsend, Vance, Wells, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, Willie, Ephraim K. Wilson, Wood, and Woodford—66.

NOT VOTING—Messrs. Banning, Barry, Bass, Begole, Biery, Bright, Burrows, Freeman Clarke, Clayton, Clinton L. Cobb, Cotton, Cox, Crocker, DeWitt, Dobbins, Eldredge, Elliott, Eugene Hale, Robert S. Hale, Harmer, John T. Harris, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Hersey, Holman, Kelley, Killinger, Leach, Lowndes, Maynard, McCrary, McJunkin, McLean, Mitchell, Nunn, Orth, Isaac C. Parker, Parsons, Pendleton, Phelps, Pike, Poland, Purman, Robbins, William R. Roberts, John G. Schumaker, Sener, Sheldon, George L. Smith, William A. Smith, Southard, Stephens, St. John, Sypher, Taylor, Charles R. Thomas, Tremain, Waddell, Jasper D. Ward, Marcus L. Ward, Wheeler, Wilber, Jeremiah M. Wilson, Wolfe, and Pierce M. B. Young—67.

So (two-thirds voting in favor thereof) the rules were suspended, and the order was made.

HOME FOR THE AGED.

Mr. E. R. HOAR. I move that the rules be so suspended as to make it in order to move in Committee of the Whole as an amendment to the sundry civil appropriation bill an appropriation of $25,000 to the Home for the Aged, under the charge of the Little Sisters of the Poor, for the completion of the building now begun as the Home for the Aged in the District of Columbia.

The motion was agreed to, two-thirds voting in favor thereof.

SESSION FOR BUSINESS OF NAVAL COMMITTEE.

Mr. SCOFIELD. I ask unanimous consent that a session be ordered for Wednesday evening next, for business of the Committee on Naval Affairs, including bills already reported but not acted on.

Mr. RANDALL. I give notice that there must be a quorum here.

There being no objection, the order was made.

LIMITATION OF DEBATE ON CIVIL-SERVICE REFORM.

Mr. GARFIELD. I move that when the House again resolves itself into the Committee of the Whole on the sundry civil appropriation bill all debate on the subject of civil-service reform be limited to twenty minutes.

The motion was agreed to.

SOLDIERS' MONUMENT, SOMERVILLE, MASSACHUSETTS.

Mr. GOOCH, by unanimous consent, introduced a bill (H. R. No. 3674) to authorize the use of condemned ordnance in the erection of a soldiers' monument at Somerville, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 280) granting a pension to Ann Crane;

An act (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts;

An act (H. R. No. 1706) to authorize the widening of Wight street through the grounds of the United States marine hospital at Detroit, Michigan;

An act (H. R. No. 1753) to authorize medals commemorating the one hundredth anniversary of the first meeting of the Continental Congress, and of the Declaration of Independence;

An act (H. R. No. 2208) authorizing the President to reinstate George M. Book on the active list of the Navy;

An act (H. R. No. 3073) relating to embassadors, consuls, and other officers; and

An act (H. R. No. 3601) to admit free of duty articles intended for the international exhibition of 1876.

Mr. DARRELL, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 529) to authorize an appointment in the Inspector-General's Department;

An act (S. No. 533) granting a pension to Uriah W. Briggs;

An act (S. No. 624) to authorize the issuance of patents for lands granted to the State of Oregon in certain cases;

An act (S. No. 658) granting a pension to Martin V. Jackson;

An act (S. No. 693) to change the time for holding the circuit and district courts of the United States for the eastern district of Wisconsin at Oshkosh;

An act (S. No. 793) authorizing the Secretary of the Treasury to change the name of the schooner Jennie Spear to that of Santa Rosa; and

An act (S. No. 870) giving the assent of Congress to the acceptance by the officers of the United States ship Monocacy of silver medals presented to them by the King of Siam.

REVISION OF PATENT LAWS.

Mr. CONGER, by unanimous consent, from the Committee on Patents, reported a bill (H. R. No. 3675) to amend an act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights," approved July 8, 1870; which was read a first and second time, and ordered to be printed and recommitted.

MOIETIES.

Mr. ELLIS H. ROBERTS, by unanimous consent, from the Committee on Ways and Means, reported back the amendments of the Senate to the bill (H. R. No. 3171) to amend customs-revenue laws and to repeal moieties; which, with the accompanying report, were ordered to be printed and recommitted.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his secretary, announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 3007) granting a pension to Cordelia Wilkins;

An act (H. R. No. 3009) for the relief of Michael Bannon, of Dayton, Ohio;

An act (H. R. No. 3011) granting a pension to Mrs. Letitia Carr;

An act (H. R. No. 3012) granting a pension to John Heddinger;

An act (H. R. No. 3014) to place the name of Mrs. Caroline Duncan on the pension-roll;

An act (H. R. No. 3019) granting a pension to George H. Reynolds;

An act (H. R. No. 2419) authorizing and directing the Secretary of War to give George A. Armes, late captain Tenth United States Cavalry, an honorable discharge, to date the 7th day of June, 1870;

An act (H. R. No. 2866) relieving the political disabilities of Fitzhugh Lee; and

An act (H. R. No. 1297) for the relief of Thomas J. Crittenden, of Missouri.

LIMITATION OF DEBATE.

Mr. GARFIELD. I move before going into committee that all further debate in relation to the civil-service system on the pending appropriation bill be closed in twenty minutes.

Mr. KELLOGG. I hope the gentleman from Ohio will amend his motion and make it twenty-five minutes.

Mr. GARFIELD. I move, then, to make it twenty-five minutes. If there be no objection I will yield to my colleague on the committee from New York, [Mr. WHEELER.]

Mr. BECK. I rise to a parliamentary inquiry. Has the gentleman from Ohio the right to yield?

The SPEAKER. He has not.

Mr. BECK. Then I object, and insist we shall go on regularly.

The question recurred on the motion to limit the debate in Committee of the Whole on the state of the Union on the civil-service system to twenty-five minutes.

The motion was agreed to.

Mr. GARFIELD. I now move that the House resolve itself into the Committee of the Whole on the sundry civil appropriation bill.

The motion was agreed to.

MISCELLANEOUS APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. DAWES in the chair,) and proceeded to consider the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government, for the fiscal year ending June 30, 1875, and for other purposes.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Connecticut, [Mr. KELLOGG,] which the Clerk will read.

The Clerk read as follows:

At the end of line 250 add the following:

To enable the President of the United States to perfect and put in force such rules regulating the civil service as may from time to time be adopted by him, with authority to allow such compensation for special services under the act of 1871, to persons already in the service of the Government, as he may deem proper, $25,000.

The CHAIRMAN. Debate has been closed on this subject by order of the House in twenty-five minutes.

Mr. STARKWEATHER. I endeavored yesterday to obtain the floor, and desire now to occupy the attention of the committee for a few minutes. As I understand, sir, some remarks made by gentlemen yesterday in criticism of the Administration, there seemed to be a disposition to criticise the President, because in his early life he was not as they say brought up in idleness and in that refined society which some gentlemen seem to think necessary for the proper administration of the Government. By one gentleman he is said to have been a mule-driver. By some one he is said to be a man wanting in ability.

Mr. Chairman, I think it will be found when we look over the history of this Administration that the President of the United States will not suffer in comparison, either in his associations or in his education, with any gentlemen that have criticised him and his Administration. If we go back to the war we shall find that the President, as the leader of our Army, was equal to the occasion. And when the recorded acts of his Administration are passed under the calm review of history I believe it will be found that he has been equally great in civil service as in war.

Why, Mr. Chairman, is it the fact that the President is wanting in ability? Surely his enemies cannot pretend to bring this charge against him in earnest. What have such men as the leaders of the rebellion said in regard to that? Take Mr. STEPHENS, the honorable gentleman from Georgia—what was his testimony here and what was his testimony elsewhere? What has been the testimony of other men, like Lee and Longstreet, who have been his opponents? Why, Mr. Chairman, these gentlemen who make their fine rose-water speeches, they and their speeches will pass into oblivion when there will still live the great acts and the recorded utterances of our President that have become immortal. I mean such utterances as "unconditional surrender," "I mean to fight it out on this line though it takes all summer," and that beautiful speech of his in which he invoked the God of Peace. Those brief utterances of the President will live when all these fanciful, bouquet-speeches will have passed out of existence and been forgotten. And the recorded acts of the President will live when all his accusers are dead and buried.

Mr. Chairman, let me say one word as to civil-service reform. I voted for it in the committee. I shall vote for it here. We have not accomplished all we may, but the fact is we are going on unto perfection; and I assert here to-day, and challenge contradiction of the statement, that the civil service of this country to-day is unsurpassed by the civil service of any period of our history. Take the collection of our revenue and compare it with the collection in the times of Andrew Johnson. Take the whisky tax. It ran down from a collection on sixty million gallons to a collection on six millions. Under the administration of President Grant and Mr. BOUTWELL it went back to a collection on sixty million gallons, as is shown by the annexed table.

Statement showing the quantity of spirits distilled from materials other than apples, peaches, or grapes, the rate per gallon, and the amount of tax paid thereon, for the several fiscal years, from 1863 *to* 1873.

	Total number of gallons.	Number of gallons at each rate.	Rate of tax.	Amount of tax at each rate.	Total amount of tax.
1863..	16,149,954	16,149,954	$0.20	$3,229,990 79	$3,229,990 79
1864..	85,295,393.2	56,863,595	20	11,372,719 00	28,431,797 83
		29,431,798.05	60	17,059,078 83	
1865..	16,936,780.13	4,828,525.8	20	965,705 16	15,995,701 66
		4,828,525.8½	60	2,897,115 50	
		4,853,152	1 50	7,279,728 00	
		2,426,576.5	2 00	4,853,153 00	
1866..	14,599,289,07	14,599,289.07	2 00	29,198,578 15	29,198,578 15
1867..	14,148,132.15	14,148,132.15	2 00	28,296,264 31	28,296,264 31
1868..	6,709,546.37	6,709,546.37	2 00	13,419,092 74	13,419,092 74
1869..	61,183,559.13	95,561.43	2 00	191,122 86	*30,735,121 71
		61,087,997.7	50	30,543,998 85	
1870..	77,266,368.26	77,266,368.26	50	38,633,184 13	38,633,184 13
1871..	59,842,616.96	59,842,616.96	50	29,921,308 48	29,921,308 48
1872..	65,145,880.32	65,145,880.32	50	32,572,940 16	32,572,940 16
1873..	62,945,154.02	14,725,943.12	50	7,362,771 56	41,116,419 18
		48,219,210.9	70	33,753,447 62	

The above statement is made up from reports of collectors to this office on form 22, and shows the amount of tax actually returned during the several fiscal years. (See pages 154 and 155, Commissioner's Report for 1873.)

By act of July 1, 1862, the tax imposed on distilled spirits was 20 cents per gallon; March 7, 1864, it was raised to 60 cents; July 1, 1864, to $1.50; January 1, 1865, to $2.00. By act of July 20, 1868, it was reduced to 50 cents. By act of June 6, 1872, it was raised to 70 cents.

The records show that the revenues of the country have been steadily maintained, in spite of the abolition of numerous and productive taxes, and the great reduction of others. From some important sources the revenue has largely increased.

Thus, during the three years from 1866 to 1869, under Johnson, the total returns from spirits, tobacco, fermented liquors, banks and bankers, and adhesive stamps, were $224,806,369. In three years, from 1869 to 1872, under Grant, they were $329,861,532, an increase of $102,055,163. We find that spirits yielded in three years under Johnson $93,454,054; in three years under Grant $151,935,618, an increase of 64 per cent. Tobacco during the same periods yielded $58,798,784 in the first, and $97,479,096 in the last, being an increase of 67 per cent.

Descending still more to detail, we find that in Virginia in forty-four months, under Johnson, tobacco yielded only $1,500,000. In thirty-nine months under Grant a lower tax yields $13,000,000, being an increase of 800 per cent. These are examples of the thoroughness with which the revenues are collected.

The economy of collection is equally capable of demonstration. Turning to the customs revenues, we find that whereas these cost 6.25 per cent. to collect in 1860, under Buchanan, they cost in 1870, under Grant, only 3.20 per cent., and in 1871 only 3.11 per cent., being less than half the cost under a democratic administration.

Take all of our taxes and you will find that they are collected at a smaller ratio of expense than they were in the administration of Mr. Buchanan. Who are these gentlemen who are accusing the administration of President Grant? They are men of diseased imaginations and hungry stomachs; men who want to get back into power; they are the men that uphold Mr. Buchanan's administration, when in a time of peace with all the world he run the nation into debt more than $90,000,000, and we have had to pay during this very year the interest on that, besides all the burdens that the war has imposed upon us.

Here and there, Mr. Chairman, they may pick out some clerk who has not come up to the high standard of the gentleman from Massachusetts, [Mr. BUTLER.] He speaks of one who passed an excellent examination, who could not get a berth. Everybody cannot have a place. But I say here, and I have the proof in my hands, that the revenue has never before been collected as faithfully and economically as it is to-day under the administration of President Grant. This is the best test of civil-service reforms.

*Of the 61,087,997 gallons returned at 50 cents 24,383,951.3 gallons were in bond July 20, 1868. An additional tax of 10 cents per gallon was imposed on this amount. One cent more additional was imposed on 5,169,527 gallons not withdrawn prior to April 20, 1869. Two million four hundred and ninety thousand and ninety dollars and forty cents, the tax on these two quantities, added to $30,735,121.71 give $33,225,212.11, the amount opposite No. 2, page 155, in Commissioner's Report for 1873.

It is easy for gentlemen to get up here and declaim about mule-drivers, and say that the President was not brought up in good society or that he does not possess the qualities of high statesmanship; but I tell you that the people of this country discussed those questions in 1872, when the administration was arraigned and the people decided in favor of the President and in favor of an honest administration and against his defamers, and they will do it again.

[Here the hammer fell.]

Mr. STARKWEATHER. Just one moment more. Notwithstanding all these accusations the people indorsed the administration and they will do it again, whenever they get a square issue at the polls.

Mr. COX. Was that the issue in Connecticut?

Mr. STARKWEATHER. The issue in Connecticut was in reference to whisky, and when the democrats knew that they began to kick around in their coffins.

The CHAIRMAN. The gentleman's time has expired.

Mr. STARKWEATHER. I thought it was necessary to answer the question of the gentleman from New York, [Mr. COX.]

Mr. NIBLACK. I have listened with pleasure to the gentleman from Connecticut, [Mr. STARKWEATHER.] He seemed to be very much in earnest, and I always like to see a gentleman appear to be in earnest, whether he be so or not.

It happened that in the Forty-first Congress when this civil-service reform amendment to the appropriation bill which was read yesterday was adopted, I was a member of a committee for the examination of the civil service, a committee similar to that of which the gentleman from Connecticut [Mr. KELLOGG] has now the honor of being chairman. The gentleman from Rhode Island (Mr. Jenckes) was chairman of that committee, he being, as I consider him, the author and prime mover in this civil-service reform movement, and the gentleman who first gave it life and form in this country.

The gentleman from Massachusetts, [Mr. BUTLER,] therefore, was mistaken yesterday when he attributes the paternity of this matter to the then Senator from Illinois, (Mr. Trumbull.) Mr. Trumbull, I believe, did in the Senate offer the clause which was adopted as the basis of our present system of civil reform; but the whole subject was introduced and debated here for two or three years before that by the gentleman from Rhode Island, (Mr. Jenckes,) before it took the shape that it did when it became a law, on March 30, 1871.

Mr. BUTLER, of Massachusetts. Senator Trumbull was its chief advocate in the Senate.

Mr. NIBLACK. But the movement commenced with Mr. Jenckes, of Rhode Island, and its ultimate success was really due to him in this House. I have been in favor of some kind of reform in the civil service for many years past, but I opposed the appropriation which at that time was made for the purpose; and I have opposed the present scheme from the very beginning, because I thought that some reform in the political condition of the country must precede any healthy and successful reformation in the Executive Departments of the Government, or in any matters that concerned the patronage which each party takes possession of every time it elects a President or any other officer having patronage. I did not believe the party in power then prepared to surrender any of its substantial patronage, and, hence, regarded any pretense that it was with incredulity, as a most shallow pretext. I am induced to believe from the indications I have seen within the last year or two that the people are alive to this view of the case, and from the declarations I have seen from the people assembled in conventions and otherwise, at different places on many recent occasions, it would seem that they are fully impressed with the necessity of some reformation of this sort on their own part, commencing with the election of a President and members of Congress and all the other officers who have anything to do with the civil service of the Government to which the amendment of the gentleman from Connecticut refers.

For myself, I regard the present effort, as I presumed it would be in the beginning, as a complete and total failure, simply because instead of giving clerks and other subordinate officers some kind of tenure of office, which it was first claimed was the real purpose of this civil-service reform, the civil-service commissioners have contented themselves with merely assisting the President in driving off applicants for office and thereby making it a little easier for those inside to retain their places sometimes, but at the same time making them no more independent of the appointing power or of political influence than they were before. My idea of civil-service reform is and has been to give subordinate officers, clerks, and others of that class to which it is intended to apply a certain tenure of office of some kind, during which they shall not be removed except for cause other than merely political differences. We should thus take out from the elections this idea that when a party succeeds it is to displace every person opposed to it, no matter what position he may occupy or how valuable his services may be. That I thought was the object, and that I thought was the great point in favor of civil-service reform when it was first suggested here. But those professedly engaged in this reformation commenced on another theory altogether, and the result has been in all its essentials an utter and notable failure to accomplish what was very generally anticipated. I think there ought to be some guarantee of qualifications, some examination before the clerks or other employés enter the public service. That is conceded. But after he has received his appointment let him stand upon his record, and be promoted according to his status in the Department or in the office which he holds. Instead of that, we have had what is called a competitive examination for promotion as well as for original appointment. This is simply putting theory against practice, and ignores the record of the applicant for promotion, no matter how honorable or meritorious it may be. That, in my judgment, is unbusiness-like and totally indefensible. I would like to say something about the kind of examination applicants are often subjected to, but my time will not permit.

[Here the hammer fell.]

Mr. POTTER. Mr. Chairman, I agree with the gentleman from Indiana [Mr. NIBLACK] who has just addressed the House, and with other gentlemen who have spoken in the same vein, in their declaration that the experiment that has been attempted at reform in the civil service has thus far been a failure. Further than that, I am bound to say that I believe myself that the evils in the civil service that exist are the necessary results of the existing condition of the Government, and that without a change in the Constitution itself they cannot be permanently and effectually remedied. Nevertheless I shall vote for the appropriation asked by the gentleman from Connecticut, because so long as there are such great and such generally admitted evils in the civil service as now exist, it seems to me to be the duty of every man to give to those who claim that they are willing to make an honest and *bona fide* attempt at reform some means and opportunity of essaying it.

And now, having said this, I desire to add further why it is I think that under the existing condition of the Government the evils attending the present civil service are unavoidable.

At the time of the formation of this Government the appointing power of the President of the United States was so small that the fathers who framed the Constitution gave no attention whatever to the subject of the tenure of office by subordinate officers; and when the First Congress assembled it was a matter of grave debate whether men appointed to such offices held their offices during good behavior, or whether it was in the power of the President to remove them. It was finally decided that the President had the power to remove. With the growth of the country things have gone on from that day to this, until now the President of the United States has the power of appointment to upward of eighty thousand offices, whose incumbents hold their places at his absolute will and pleasure.

Before the introduction of the telegraph it was a necessity that the appointing power should to some extent be relegated to localities. When a man wrote to complain of the conduct of a subordinate officer in a remote section of the country the Department had to write back and make inquiries, and the party complained of had to have an opportunity to respond, and these communications had to be carried on by the mails, and there were therefore necessarily long delays resulting. Hence the President had no means of exercising prompt and efficient discipline over his appointees, and so the patronage had to be distributed to the members of Congress and Senators or others leading friends of the Administration in each State. But now, by the aid of the telegraph, the President is able to discipline the most distant officer as readily as he can a clerk in Washington. If a postmaster in Oregon or Florida fails to keep up his end of the party whiffletree, he can be reached and dealt with by the President as promptly as if he were only serving in an adjoining public Department.

Now I take it that it is an underestimate to say that these eighty thousand office-holders control each five votes. Each one has either a father, or father-in-law, or brother, or some other intimate friend who will vote with him to keep him in place—say not less than four voters apiece, making with his own vote five. Is not that a low estimate? Thus these eighty thousand office-holders, with the voters they may be said to control, in all four hundred thousand votes, are within the absolute control and power of the President, and that is at least 10 per cent. of the vote polled by any political party in a presidential election. So that this power of appointment to office has come to be a means by which a man can almost control nominations and elections, and which is every year getting greater and therefore more dangerous.

Now, nobody who reflects about this can, I think, really believe that any great political party is going to voluntarily lay down a power of this sort and under the guise of examinations in respect of reading, writing, and arithmetic, strip themselves of so great a control. The result of the proposed civil-service examinations may be to bring into the public service men who are more expert in arithmetic and orthography; but it will not result in getting men appointed who belong to any other political party than that of the examiners and appointers; nor in setting the officials free from that absolute dependence on the party in power from which the dangers and evils of our civil service result. Therefore I believe that some other change more radical than anything yet proposed is necessary to effect a permanent reform of the civil service. I believe that a change in the Constitution itself is required to meet an evil which the fathers did not provide for because they did not foresee it. They were providing a government for three millions of poor and scattered people in thirteen States widely separate. We are legislating for forty millions of people, rich, prosperous, and knit together by all the modern appliances of intercommunication, and have evils to deal with which they could not have anticipated. No statesmen such as they were, making a constitution for the government of these States to-day, would leave to the Executive of the Government any such extraor-

dinary, unrepublican, and dangerous powers as he has thus gradually come to possess. On the contrary, they would in some way limit and localize somewhere the power for these appointments. Why, sir, should it not be that all the postmasters of the country, and all the local officers of the Federal Government, such as assessors and tax-collectors should be appointed in the localities where they serve, either chosen directly by the people or the municipalities or the States, or in some other way selected by the localities where they perform their duties? In that way, and that only, can we decentralize and break up the powers of appointment by the President already so vast and dangerous.

On the other hand, why should not the subordinates in the Departments and Bureaus and Government offices hold their places during good behavior, and be subject to removal only when they misbehave themselves? Some such measure as that would be a real measure of reform; some such movement as that is in the interest of good and sound government, and I shall be glad to see the day when the people are ready for it. But we cannot secure such a reform at once; we cannot readily change the long-established practice of the Government in this country. In this age nothing is more difficult than to get the people to consider the fundamental principles of government. Favored by circumstances and the natural conditions of the country, they have come to ascribe, often erroneously, the national prosperity to the existing forms of government which the fathers established, and are reluctant to make any change in these forms even when the reasons which once led to them have wholly ceased to exist. A time of such prosperity as this generation has enjoyed is never favorable to such reflections. Either men are oppressed with the cares of an excessive business which leave little opportunity for reflection upon the principles of government, or else they live, after they retire from business, in a round of pleasure and excitement hardly more favorable for such reflections. Thus it happens that in order to secure the attention of the people to the necessity of any reform which can be effected only by a change in the Constitution, the matter will have to be pressed upon their attention long and earnestly.

Now I hope, sir, that this commission upon civil-service reform, if it effects nothing else, will at least serve to continue to direct the attention of the country to the evils of the civil service, and that when the people realize that these evils cannot be corrected by merely scratching along the surface and that something more is required, they will thus come to a condition in which they will be ready to recognize the real cause of such evils, and will prepare for some such change in our system of government itself as is absolutely necessary, as I believe, before any reform of these great evils can be made that will be lasting and useful. Therefore it is that I give this appropriation my support.

Mr. KELLOGG. After the vote which has been taken this morning, I will say to my friends candidly, that if they will listen to me for the five minutes to which I am entitled upon this subject, I presume they will not hear from me again upon it during this session. As chairman of the Committee on Civil Service Reform, I have endeavored to the best of my ability to discharge my duties upon all the subjects referred to us. I will say this frankly, that I believe if the Speaker had gone through the whole list of his committees he could not have found another one of which I would have been so unwilling to take the chairmanship, as the one to which I was appointed; but I have always thus far in this House tried to do the work assigned me. I say this in view of the temper of this House upon this subject, which I believe I understood at the beginning of this session substantially as I understand it now. Not that I am personally opposed to civil service reform, but I know the temper of the House upon the subject, and it is not a pleasant thing to contend against the odds I have upon this question. And if the vote of this House this morning shall be carried out in Committee of the Whole upon this subject, I do not intend to spend a great deal more time upon it. If I know anything which I can in a practical way under the order of the House do to better the condition of affairs in any of the Departments of the Government, or in any other way, I will with pleasure do it; but I shall trouble the House with no more speeches upon this reform.

Now a word or two in regard to the speeches just made by the gentleman from Indiana [Mr. NIBLACK] and the gentleman from New York, [Mr. POTTER.] I thank them for their candor in this matter. I did not think that last night the House was in just the proper temper to consider a question of this importance. All there is in it is simply an appropriation of $15,000, which your President asks for, in addition to the $10,000 of the unexpended appropriation made last year, for the purpose of devising means to make your civil service higher, better, nobler, and purer if it can be done. I say in all sincerity and honesty that the effort to make a better civil service is worth continuing. It is the wrong way for us to improve the civil service, to seek to strike down this system before it has had a fair trial on its merits, and to strike down the aspirations of the people for a better civil service by refusing this paltry appropriation when you have an existing law for it. It is not the manly thing to do to pass a law requiring the President to do certain things to improve the civil service, and then refuse to give him the necessary appropriation to carry that law into effect.

I know that my colleague on the committee, the gentleman from Massachusetts, [Mr. BUTLER,] has been the champion of his side of the matter, and claims to lead the House upon this question. A great deal less able man, a much smaller man than he, could lead this House in its present state of feeling in that direction, and it would need a much greater and abler leader than he is to hope to lead this House the other way upon this subject. We have heard time and time again his story of that poor old soldier. The real trouble about that poor soldier is that the record shows that there were two or three other soldiers who passed a better examination than his poor soldier did at the same time. And how could he get his soldier in when there were other soldiers who showed themselves better fitted for the place?

There is not one of us who wish to have soldiers who are qualified kept out of office by this system, although I admit that we who voted against the hybrid, miserable, patch-work specimen of a resolution which was offered here this morning by the gentleman had to vote against the soldier clause as he put it—there is not one of us who does not wish the soldiers to have preference, if they are equally capable of performing the duties of the offices to which they aspire. But we do not want to fill up our Departments with soldiers who cannot properly discharge their duties, because they are soldiers. It is not good civil service or good economy to do that, nor is it what the soldiers themselves ask for. They do not ask so senseless a thing.

My friend from New York, [Mr. COX,] who made a speech here last night—I am sorry that he is not in his seat now—I thought was going for civil service by what he had before said. But he struck hands with the gentleman from Massachusetts and turned his battery upon it. Yet the only point he made from the beginning to the end of his remarks against our civil service was in regard to the enormous expense of collecting the internal revenue, and he has given half a dozen mortal long columns of figures. I turn him over to his friend from Kentucky, [Mr. BECK,] who is the principal champion of the cheap and economical way in which we collect our internal revenue. My friend from New York [Mr. COX] does not want any tariff, or internal-revenue taxes either; and the gentleman from Kentucky [Mr. BECK] wants a tariff only upon hemp, and internal revenue for all the rest. They want between them to blot out the internal revenue and the tariff both. Now I say that during this Administration the expense has been diminished both in the rate of the expense of collection of internal revenue and of tariff duties, and the service has been greatly improved in both these great sources of revenue. If my friend from New York, in the wisdom of his statesmanship, can discover some way in which we can go on as a government without either internal-revenue taxes or tariff duties, then I confess we can save the expense of the officials employed to collect them, and shall not need any further civil-service reform in that direction.

Men get up here on the other side of the House and talk about the civil service as being worse now than it was in the time of Andrew Johnson and in the days preceding this Administration. Sir, there were at that time forty men on the rolls of the Department not doing duty where there is one now. I admit there are a few now, but there were forty then to one at this time. Most of these drones have been driven out, as all such ought to be; and I will not stand here and hear this charge that our civil service has been growing worse under this system, coming either from friend or foe of this Administration, without denying and refuting it upon the spot; and the records of the Departments will prove the truth of what I now say.

And now one word more. My friend from Indiana [Mr. NIBLACK] is mistaken in one respect. He thinks the tenure of office is no more secure under this system than before. This very civil-service reform does make a tenure of office. In the rules that have been adopted neither clerks nor postmasters, as well as some other officers, are to be turned out except for cause, and that is one chief respect in which the service has been improved. A clerk who discharges his duties faithfully and well, an efficient and honest postmaster, is not removed as formerly at the simple request of a Representative, before his term of office has expired; but some cause or reason must be shown why a change should be made before such an officer is now ordinarily removed before the expiration of his term.

[Here the hammer fell.]

Mr. GARFIELD obtained the floor.

Mr. MAYNARD. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAYNARD. It is whether the order of this debate has been prearranged, or is it a free fight? If it has been prearranged, then I will step out.

The CHAIRMAN. The Chair is not advised.

Mr. GARFIELD. The simple question before the House now is not whether the civil-service examination that has been devised is a wise and just thing and the best thing that can be done. It is whether we will try any longer to do anything to better our civil service. I hope gentlemen will make that issue squarely and fairly and meet it. If we say now that no further effort shall be made, that the whole matter shall be abandoned, then say so; that is plain and square work. If we propose to return to the old democratic system that we have inherited and been using, the system that holds that the whole body of patronage, that the forty, fifty, sixty, or seventy thousand office-holders of the country are a mere set of pawns to be played for in politics, to be given as gifts to political victors, if we simply mean to trade and make merchandise of the offices of the United States, say it; say it and parcel out to the victorious members of Congress

and the victorious party-leaders their share of the gifts of office; say it and stand by it, with your heads up in the light, and defend it. But if, on the contrary, we believe that the offices of the Government were made for the service of the nation and not to be the peculium of individuals, then let us at least be willing to keep on experimenting and see whether there be any way by which this great national shame can be in part at least abated. The plain proposition now is that we like swine shall return to our wallowing in the mire; that all the past which we have resolved against in conventions and written against in our political pamphlets shall now be hugged and embraced as the true political doctrine of the American future.

Now, I do not believe in most of the things that have been done in this matter of civil-service examinations. Much of it is trifling. It is too schoolmasterly. There is a great deal in it that does not come up to the level of our practical necessities. But let us try, try on; and let us appropriate the small sum of $25,000 to keep trying, so as to see whether something may not be done to better the civil-service of the United States. With this view I implore gentlemen on this floor not to throw us back into the abuses of the past, and abandon all hope or purpose of doing anything better for the future. On this score I hope—no, I wish—that this House would appropriate the sum proposed; and I regret that the Committee on Appropriations did not embody such a proposition in the bill.

Mr. LAWRENCE. I now offer an amendment which was read yesterday. I intend to vote for the pending amendment, and I hope it will be adopted; but I should be glad to have attached to it the amendment which I now offer, to add the following:

And it shall be the duty of the civil-service commissioners to report to the President, to be transmitted to Congress at its next session, a bill or plan for reorganizing all the Departments of the Government so as to equalize salaries, and, so far as practicable, to reduce the expenses and increase the efficiency thereof.

Mr. BUTLER, of Massachusetts. I make the point of order that that amendment changes existing law.

The CHAIRMAN. Can the gentleman from Ohio [Mr. LAWRENCE] point out any law under which this amendment is in order?

Mr. LAWRENCE. The law authorizes the President to appoint civil-service commissioners, and it seems to me proper to prescribe their duties. If this amendment can be adopted it will effect a real reform—a civil-service reform. The civil-service commissioners are able men, and I have confidence in their capacity to render great public service. I have the honor to represent one of them, who resides in my district, Mr. Shellabarger, and I know his ability to render valuable service. The civil-service reform is in its infancy, and we should foster and encourage it. I agree with the gentleman from Massachusetts [Mr. BUTLER] that we should provide that Union soldiers should have a preference in appointments to office, and I am ready to vote accordingly.

Mr. BUTLER, of Massachusetts. They are appointed by the President; and we cannot impose duties on them except by new legislation.

Mr. LAWRENCE. Certainly, when we are legislating upon this subject, it is competent for us to prescribe additional duties—duties which are in the line of the service they are rendering. They have rendered valuable and efficient service; and I think we ought to sustain them.

The CHAIRMAN. The Chair sustains the point of order. The question is on the amendment of the gentleman from Connecticut, [Mr. KELLOGG,] which will be read.

The Clerk read as follows:

To enable the President of the United States to perfect and put in force such rules regulating the civil service as may from time to time be adopted by him, with authority to allow such compensation for special services under the act of 1871, to persons already in the service of the Government as he may deem proper, $25,000.

The question being taken on agreeing to the amendment, there were—ayes 50, noes 98.

Mr. GARFIELD. I call for tellers.

Mr. KELLOGG. If the gentleman will agree to let us have a vote on this question in the House we can dispense with tellers.

Mr. GARFIELD. I do not wish to take time; I withdraw the call for tellers.

Mr. WOODFORD. I renew the call for tellers. The call will be withdrawn if the gentleman from Ohio will allow us the yeas and nays on the proposition in the House, so that the country may know precisely where we stand.

Several members objected to debate.

The CHAIRMAN. Can the gentleman from New York [Mr. WOODFORD] indicate any method by which it may be assured that this amendment shall be offered and the yeas and nays had upon it in the House? Is a further count insisted upon?

Mr. KELLOGG. I will not call for tellers if the chairman of the Committee on Appropriations will agree——

Mr. BUTLER, of Massachusetts. I object to debate.

The CHAIRMAN. If no further count is insisted on——

Mr. LOWE. A further count is insisted on.

Tellers were ordered; and Mr. BUTLER of Massachusetts, and Mr. KELLOGG were appointed.

The committee divided; and the tellers reported—ayes 48, noes 108.

So the amendment was not agreed to.

Mr. MCCRARY. I wish to renew an amendment which I offered yesterday, to which I think there will now be no objection. It is to insert after line 280 the following:

That the proper accounting officer shall allow and pay to Eunice Barcus whatever sum may be found to have been due to her step-son, Henry Barcus, as bounty or arrears of pay as a private of Company K, Eighth Regiment Iowa Veteran Volunteer Infantry, in the war of the rebellion, at the time of his death, and in accordance with his last will and testament, and the sum required for this purpose is hereby appropriated.

Mr. WILLARD, of Vermont. Was not this amendment ruled out yesterday on a point of order?

Mr. MCCRARY. It was; but I presume the point may not be pressed to-day.

Mr. WILLARD, of Vermont. I do not object to this particular claim. I presume it is just. The only question is as to the propriety of making an appropriation in this way. Still as the gentleman from Iowa [Mr. MCCRARY] appeals to me, I will not object to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Columbia Hospital for Women and Lying-in Asylum:

For the support of the Columbia Hospital for Women and Lying-in Asylum, over and above the probable amount which will be received from pay patients, $24,000.

Mr. COBURN. I move to strike out the last word. I saw a report of this Columbia Hospital for Women and Lying-in Asylum printed in 1873, a large report with plates, the work being done at the Government Printing Office, and I inquired of the Government Printer what the cost was. I have his report, but in round numbers it was some $8,600. I looked through the appropriations for 1872 and 1873, and I found no appropriation for printing anything of that kind. I desire now to find out from the committee (if the chairman will give me his attention) whether or not this money goes for the printing of these expensive reports. The report I refer to is a large one of several hundred pages, and, so far as any authority is concerned, I did not know there was any such law for the printing of such expensive reports. It was a much more expensive report than the Agricultural Report or any document almost issued under the order of Congress. We are now about to appropriate money for the support of this hospital, and I would like to know whether Dr. J. Harry Thompson, who made the report, takes the money appropriated for the support of this institution and diverts it to the getting up of these large, expensive reports?

Mr. GARFIELD. This appropriation is not for printing at all. It goes wholly to the support of this institution. The report the gentleman from Indiana alludes to was printed by order of Congress, and was entirely aside from the support of this institution.

Mr. COBURN. When was it ordered to be printed?

Mr. GARFIELD. A year or a year and a half ago. It went to the Secretary of the Interior and was referred by him to Congress, and was ordered to be printed in the ordinary way.

Mr. COBURN. Then none of this money is to be diverted to any such purpose as the printing of these reports?

Mr. GARFIELD. This cannot be diverted to the printing of such reports, but will go entirely to the support of this institution.

Mr. COBURN. I withdraw my amendment.

The Clerk read as follows:

For the Soldiers and Sailors' Orphan Home, Washington City, District of Columbia, to be expended under the direction of the Secretary of the Interior, $12,000: *Provided*, That hereafter no child or children shall be admitted into said home except "the destitute orphans of soldiers and sailors who have died in the late war on behalf of the Union of these States," as provided for in section 3 of the act entitled "An act to incorporate the National Soldiers and Sailors' Orphan Home," approved July 25, 1866: *And provided further*, That no child shall remain in said home after having attained the age of sixteen years.

Mr. COOK. I move to amend that section by striking out the first proviso, from line 531 to 537. It is as follows:

Provided, That hereafter no child or children shall be admitted into said home except "the destitute orphans of soldiers and sailors who have died in the late war on behalf of the Union of these States," as provided for in section 3 of the act entitled "An act to incorporate the National Soldiers and Sailors' Orphan Home," approved July 25, 1866.

Now, Mr. Chairman, I have no objection to this appropriation. It is all proper enough for this Government to take care of these orphans in this District; but this provision contains within it what may properly be termed a bill of attainder. It can be nothing else. I have been relieved of my disabilities as have thousand of others, yet here is a provision in this bill appropriating money out of the common Treasury of the country for the support of an institution, excluding a certain class of children from it because of the crimes or penalties of their fathers. That is in effect a bill of attainder, and the Constitution of this country, if it be regarded at all, at its very inception, in the very outset, contains as one of the most cherished principles of this Government, that Congress should never pass any bill of attainder. From the day when our rebel ancestors cut loose from the allegiance to the Crown of Great Britain to this, no such thing has ever been attempted. But here, against the orphans of those who fought against that flag, who may have been right or wrong—wrong certainly on the issues of the war—here is a substantial bill of attainder against them. The Government taxes all those in the South who are able to pay taxes and puts it into the common Treasury of the country, and it is now proposed to distribute that money in support of

orphans of one section of the country to the exclusion of those of another section.

I say, gentlemen, it is not right. It is not in accordance with the spirit of harmony you profess. It is not in accordance with the principles on which you subjugated the South; for that subjugation we were told was to be for the benefit of the whole country and not alone for the benefit of the North. If that be true, show it. Show it to-day. Show it in the support of the proposition I have made to strike out this proviso. There may be those in our streets—I know not whether one or a hundred, I have no knowledge on the subject—but there may be those of the excluded class in this District, and I appeal to the candid, calm reflection of every man in this House that the little ragged orphan of the confederate soldier, whose father perished in opposition to the flag of this country, running about your streets, should not be excluded, when his section is taxed to pay the expenses of this Government, part of which taxes are now to be devoted for the support of this institution.

The time may come, sir, when his services may be required in defense of that flag; and there will be found in these children the same brave spirit which prompted their fathers when they fought against that flag. The time may come when some of us now living may be called upon to fight in defense of that flag, and I apprehend that those men whose courage put them in the front—I do not speak of those whose patriotism kept them out of danger—will not be ashamed to stand side by side with this class who are sought to be excluded by this proviso. As a matter of mercy and humanity, if not as a matter of common justice, I ask that this first proviso shall be struck out.

[Here the hammer fell.]

Mr. GARFIELD. I am surprised that my friend from Georgia should construe this into a bill of attainder. A society in the city of Washington incorporated itself under the law, the object of the society being to take care of the orphans of soldiers and sailors who fell in defense of the Union. Of course they had a perfect right to form such an organization, just as gentlemen in my friend's State would have the right to establish a home in which to take care of the orphans of soldiers and sailors who fell fighting against the Union. The orphans admitted to this home are not the children merely of the citizens of Washington, but come from all parts of the country. We simply provide here that no others shall be taken in than those provided for in the charter of the institution. We do not want to erect and maintain a permanent hospital growing out of the war; and the language which the gentleman asks us to strike out is the law as it now stands. It is already on the statute-book. We simply put it here as a notification in regard to what the object of the institution is as stated in its charter. This same charter excludes the children of those who were not soldiers. Will the gentleman say that it is a bill of attainder against civilians on that account? It excludes the children of civilians who were not in the Army. It excludes the children of all except those the charter describes. And I suppose no one would find fault with the gentleman from Georgia if he would establish such an institution in his own State for the children of confederate soldiers.

Mr. COOK. I have no objection to this appropriation. My objection is to its being made exclusively for the benefit of one class and one section. We could no doubt establish an institution in Georgia and say that only the children of confederate soldiers should be admitted. The State of Georgia would alone pay the expense. But the case is different when this institution comes to Congress and asks the common treasure to be taken for its support. We are taxed in Georgia for the education of the children of all classes, colored and white alike. The children of the colored men are receiving the same education and are taught by teachers for the same compensation as the whites. But here we are asked to appropriate public money that belongs to the General Government; and no matter how this organization grew up, although it may be all right as long as these people sustain it from their own charity, I object to the public money being given when the benefits of the institution are confined to a particular class and section of the country.

Mr. GARFIELD. Does the gentleman think that we should make our pension and bounty laws apply equally to the children of the men who fought on both sides?

Mr. COOK. If you apply these distinctions to those who fought, I say you should not apply them to their orphans; they should not be visited with the sins of their fathers.

The CHAIRMAN. Debate on the amendment is exhausted.

The motion to strike out was lost.

The Clerk read as follows:

To aid in the support of the Children's Hospital, Washington, District of Columbia, $5,000.

Mr. E. R. HOAR. I offer the following amendment:

After line 541 insert these words: "For the Little Sisters of the Poor, in the city of Washington, in the District of Columbia, $25,000, to be expended solely for paying for and completing their building as a home for the aged."

Mr. HALE, of Maine. Is there any law for that?

The CHAIRMAN. The rules were suspended to enable the gentleman from Massachusetts to offer this amendment.

Mr. E. R. HOAR. I wish to state to the committee, Mr. Chairman, that while I have some doubts myself in regard to this appropriation, the ground on which I offer the amendment is that the next item in the bill is an appropriation of $25,000 for the Women's Christian Association of the District of Columbia, "for the sole purpose of erecting a building" for their home for the aged. I understand that the Women's Christian Association is an association formed and under the management of what are called the evangelical sects, the Presbyterians, and I do not know but to some extent some other denominations, not including the Catholics, the Unitarians, the Universalists, and various other denominations.

Mr. PARKER, of Missouri. Will the gentleman permit me to interrupt him for a moment?

Mr. E. R. HOAR. Yes, sir.

Mr. PARKER, of Missouri. I am not opposing the gentleman's amendment, but I wish to say with reference to the Women's Christian Association that there is nothing whatever sectarian in its character. They receive children of indigent persons, and make no inquiries in regard to their religious opinions.

Mr. E. R. HOAR. I think I understand what the gentleman is about to say. I cannot give him my time. I understand that neither of these institutions is sectarian in the sense that the subjects of their charity are to be selected except on the ground of necessities—their need of help.

Mr. PARKER, of Missouri. That is the fact.

Mr. E. R. HOAR. But I say that the organization which manages the Women's Christian Association is, as I understand, composed exclusively of the persons who belong to the bodies which call themselves evangelical denominations. It seems to me that if the public money is to be appropriated to any institutions that are under sectarian management it should be impartially appropriated, and that a Catholic institution which also receives aged persons, only asking that they should be poor, and without any reference to sect, color, or sex in the administration of the charity, should stand on an equal footing.

I do not know but that in the administration of the charities of this District it is necessary to do it through some religious organizations. I do not object to that if it is thought necessary, although it is always a doubtful question in regard to conferring public money on a sectarian institution, sectarian in its organization and management although not in its objects. I do not therefore intend to oppose the grant to the Women's Christian Association, but it seems to me that if that grant is made, the amendment which I have offered ought to pass, because I believe the institution to which it refers to be purely charitable, to be unsectarian in selecting its objects, and that the fact that it is managed by Catholics should make no distinction in the disposition of the House if it be for charitable purposes.

Mr. WILLARD, of Vermont. I suggest to the gentleman that he withdraw his amendment for the present and let it await the action of the committee on the next paragraph of the bill.

Mr. E. R. HOAR. I think I know a little too much to do that. I do not propose to allow that provision to be passed and then to have my amendment voted down.

Mr. WILLARD, of Vermont. The reason why I ask it is that I suppose the next paragraph in the bill is open to a point of order, and I desire to make the point of order upon it. I think it will be ruled out on the point of order.

Mr. WHEELER. Mr. Chairman, I desire to say a word in reply to so much of the argument of the gentleman from Massachusetts [Mr. E. R. HOAR] as relates to sectarianism. I have here the charter of the Women's Christian Association, named in the next paragraph of the bill, and I will read an extract from it:

The objects of this association are to afford relief and aid to the destitute, work for those seeking employment, homes for the homeless, sympathy for the friendless; to reform and restore the fallen, and bestow such Christian benevolence upon the needy as our means will allow.

Undenominational in our faith and practice, we would follow the sublime example of our Divine Master, whose charities embraced all alike.

The names of the incorporators are given here, and they are some of them members of the different evangelical churches and some of them members of no churches at all. The society is undenominational so far as its objects are concerned, which I believe is not true of the institution for whose benefit the gentleman from Massachusetts offers his amendment.

Mr. E. R. HOAR. I am assured that it is true, and that the objects of this charity are received without regard to sectarian views.

Mr. WHEELER. We were differently informed in the Committee on Appropriations.

Mr. NIBLACK. My observation coincides with that of the gentleman from Massachusetts, and I have had some occasion to inquire about and look into this institution.

Mr. O'BRIEN. I move to amend the amendment so as to increase the appropriation to $26,000.

I desire merely to say a word in reply to the gentleman from New York, [Mr. WHEELER.] I am perfectly familiar with this benevolent association in other cities and which has only recently been established in Washington. It is one of the cardinal principles of the order or organization that under no circumstances are they allowed to make any inquiry whatever into the faith or morals of the applicants for relief or those whom they may pick up in the highways and byways and afford assistance to.

Mr. MAYNARD. I would ask the gentleman what is the age at which the objects of this charity are assisted?

Mr. O'BRIEN. This association was founded about thirty years ago in France, and has since then spread all over the Christian world. It has houses now established in nearly all the principal cities of the United States. I know that it has houses established in New York, in Boston, in Brooklyn, in Chicago, in Saint Louis, and in New Orleans.

Another principle of the order is that they are not allowed to accept any one into their homes unless the applicants or persons who may be brought in are over sixty years of age, with the single exception that in the case of those who are totally paralyzed, they may be received when they are not under fifty-five years of age.

Another cardinal principle of this order or organization is, and it is well that the House should be informed of it, that they are not allowed under any circumstances to receive from any source whatever any funds by which they may be enabled to support the poor under their charge. They may receive donations, whether private or public, for the purpose of building their homes, constructing buildings in which their poor are kept and provided for; but they are compelled to go out into the streets and to solicit personally in behalf of their poor from day to day all that may be necessary to feed and clothe them, and until their poor are fully provided for, until they have exhausted the funds at their command for the purpose of feeding them, none of these religious women are privileged to take their seats at the table and partake of whatever food may be left.

[Here the hammer fell.]

Mr. PARKER, of Missouri. I desire to say to the House that I believe the amendment proposed by the gentleman from Massachusetts [Mr. E. R. HOAR] should be adopted as a part of this bill. There seems to be an idea in the minds of some of the gentlemen present that the institution which is spoken of in the gentleman's amendment is sectarian in its character, while the fact is that in the applications to charitable purposes there is nothing sectarian in it, nor is there anything sectarian in the association that is provided for in the next paragraph.

It should be remembered by gentlemen that these two institutions in this city are about the only institutions which send their members out into the highways and byways to gather up the lowest class of poor people and administer charity to them. A majority of those assisted by both of these institutions are not residents of the District proper. The women and children assisted by the Women's Christian Association are from sixteen States of this Union. They have drifted down here, and have been found in the streets, alleys, and lanes of this city, some of them actually in a starving condition, and have been picked up by these charitable women, who to my personal knowledge spend half of their time without compensation in caring for these indigent people.

Now, in reference to the institution for which the gentleman from Massachusetts [Mr. E. R. HOAR] asks an appropriation of $25,000, I desire to say that it reaches a class of poor people not reached by any other charitable institution here. We have been giving money for years, we give it by this bill, to institutions chartered under acts of Congress, though they are not as worthy as these, because the class of people which they reach are a little better able to take care of themselves than the classes cared for by these institutions.

One gentleman here says that he will raise a point of order on the following paragraph in this bill. I hope that will not be done. If there ever was a duty of a charitable nature devolving upon this Congress this is one. At this very session—ay, sir, this very day—you appropriated $500,000 for the suffering poor of the Southern States. No gentleman who will go to these institutions and see the little orphan children and the poor women who have been taken from a suffering and destitute condition and cared for by these charitable people, could ever have the heart to raise the point of order against this proposition.

The people cared for by these institutions are not alone people resident in this District. Some of them come perhaps from the State of the gentleman from Vermont, some perhaps from my own State. I know from an actual census of the inmates of these institutions, that they are from sixteen different States of the Union. They have straggled down here upon one pretext and another, and have been left here without bread, clothing, or shelter. I ask Congress to do this act of charity for the people in these institutions, not for the benefit of the poor in this District simply, but of the poor from all the States of this Union, that they may be cared for by these people who labor from Christian and charitable motives alone.

[Here the hammer fell.]

Mr. O'BRIEN. I withdraw my amendment to the amendment.

Mr. WILLARD, of Vermont. I move to amend by striking out the last word. Here is a very short code of logic by which certain appropriations like these can be supported. It is that whatever is a good thing in itself to do Congress has the power to do, and the Treasury of the United States should be at the expense of doing. No one will question but what the gentleman from Missouri [Mr. PARKER] is entirely right in saying that these associations are beneficent institutions and perform a good work. But there are hundreds and thousands of such institutions scattered all over the United States which never ask and never receive one dollar of support from any State or national appropriation of money. They are supported by the charity and generosity of the people, as all such associations should be supported.

Mr. MERRIAM. The State of New York every year appropriates money for charitable institutions.

Mr. WILLARD, of Vermont. I do not say but what some States appropriate money for such purposes, but I say that there are hundreds and thousands of these institutions not supported by the charity of any public treasury, but maintained by private contributions and charities. In the sundry civil bill of last year there was an appropriation for the Columbian College of $28,500; for the support of the children's hospital, Washington, District of Columbia, $5,000; for the care, support, and medical treatment of seventy-five transient paupers, medical and surgical patients in some proper medical institution in the city of Washington, $15,000, and for the Soldiers and Sailors' Orphans' Home of Washington, $15,000. And it is now proposed by the gentleman from Massachusetts [Mr. E. R. HOAR] to put in this bill an appropriation of $25,000 for the Little Sisters' Association, and in the next paragraph of this bill is an appropriation for the Women's Christian Association of $25,000.

Now gentlemen of the committee should remember that there is already pending in Committee of the Whole a proposition reported from the Committee on Public Buildings and Grounds to commence another charitable institution in the District of Columbia. It seems to me that it is worth considering just here, and I call the attention of the committee to it, that the Committee on Public Buildings and Grounds, as I understand, have this year refused to recommend any appropriations for the commencement of new public buildings, however much there might seem to be a necessity for commencing them; they have simply recommended appropriations for continuing work on buildings already commenced. Here we have pending in Committee of the Whole, from the Committee on Public Buildings and Grounds, one proposition like that I have indicated, and there are two propositions now pending in this bill to commence the erection of new buildings for charitable institutions in the District of Columbia.

Mr. O'BRIEN. Allow me to correct the gentleman. This appropriation is not asked to commence a building, but merely to extend one already completed, and upon which this association has expended $25,000.

[Here the hammer fell.]

Mr. MAYNARD. Here are two thoughts which have been interposed in this debate which I should wish might be kept out. It is intimated here that inasmuch as it is proposed to make an appropriation for one institution which is under Protestant management, therefore an appropriation should be made for another institution, which is under Catholic management. Sir, we propose by this charity to give relief to the deserving of whatever creed or faith. If an institution is deserving, it does not matter what religious denomination may have control of it. If it is undeserving, it makes no difference whether it is managed by Catholics or Protestants.

The other idea presented here—and it does not come here for the first time—is that in Middlebury, for example, or Montpelier, or Boston, or Nashville, or Knoxville, or at other places in the country, public institutions are founded by the charity of the citizens there: and therefore the public charitable institutions of Washington should be left to be founded and supported in the same way. That argument forgets, as all such arguments forget, that Washington does not occupy the same relation to its citizens that any other city of the country occupies to its citizens. The citizens of the whole country are brought here, they drift here, they come here, and it is no more fair and just and right that the residents of the place should be charged with their support or held responsible if they fail to make provision for their support, than it is that the people of my State or the State of Vermont should be held responsible in the same way.

These institutions are national in their character and purpose. They support national objects of charity. As the gentleman from Missouri [Mr. PARKER] has stated in reference to the one of which he spoke, so I may say of them all: they receive the poor of the country who come here in one way or another. The unfortunate and miserable are found here. They must and will be left to suffer (because private charity is not adequate to their relief) unless we, the legislative power for this District, shall exercise some care to see that proper institutions are established for their maintenance and support.

The institution that is now under consideration was brought to my attention yesterday by the gentleman from Maryland, [Mr. O'BRIEN.] It may be a humiliating confession of ignorance when I say that it was the first time that it happened to be brought to my attention. But from the slight examination I have been able to make, it seems to come within the category of these eleemosynary institutions that it has been our practice to foster; and I see no reason why we should make this institution an exception.

Mr. WILLARD, of Vermont. I withdraw the amendment to the amendment.

Mr. HALE, of Maine. I renew it. Mr. Chairman, as a proof of what the gentleman from Tennessee [Mr. MAYNARD] has just said, that these institutions in Washington are for the benefit of the whole country—the orphans and others that come here from many different States, and that all fare alike, I ask the Clerk to read a list of the previous residences of the beneficiaries in the National Soldiers and Sailors' Orphan Home in this city.

The Clerk read as follows:

Washington, District of Columbia, Washington; District of Columbia; New York State; New York State; New York State; Maryland; Washington, District of Columbia; Washington, District of Columbia; Knoxville, Tennessee; Knoxville, Tennessee; Knoxville, Tennessee; Pennsylvania; Pennsylvania; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia; Jacksonborough, Tennessee; Washington, District of Columbia; Washington, District of Columbia; Knoxville, Tennessee; Washington, District of Columbia; Washington, District of Columbia; Knoxville, Tennessee; Knoxville, Tennessee; Knoxville, Tennessee; New York State; Washington, District of Columbia; Washington, District of Columbia; Cumberland, Maryland; New York State; Knoxville, Tennessee; Knoxville, Tennessee; Knoxville, Tennessee; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia; Knoxville, Tennessee; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia: Johnstown, New York; Johnstown, New York; Johnstown, New York; Knoxville, Tennessee; Knoxville, Tennessee; Keokuk, Iowa; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia; Knoxville, Tennessee; Knoxville, Tennessee; Knoxville, Tennessee; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia; Washington, District of Columbia; Pennsylvania; Washington, District of Columbia; Knoxville, Tennessee; Washington, District of Columbia; Knoxville, Tennessee; Knoxville, Tennessee.

Mr. WILLARD, of Vermont. Mr. Chairman, I rise to oppose the amendment *pro forma*. I wish to say what I had not time to say when previously on the floor. I make no question whatever that some proportion of the expenditures for these charitable institutions in the District of Columbia should be borne by the United States. It is evident, sir, at least that the people of Tennessee come here quite largely, and perhaps the expense ought to be divided between the District of Columbia and the State of Tennessee; but I have no objection to the United States bearing some proportion of the expense. A report is now in print setting forth the relations between the Government of the United States and the District of Columbia, and making as far as such a report can do so some estimates of the proportion of expenses for all public works and charitable institutions here that ought to be borne by the United States, and the proportion that ought to be borne by the District of Columbia.

If I could have my way I should say that the District government ought to be repealed entirely; that then the United States Government ought to take control of the District as is provided in the Constitution, exercising exclusive legislation over its affairs, and determining what amounts of money shall be expended in the District of Columbia for all purposes; what proportion of that money shall be paid out of the United States Treasury, and what proportion should be raised by taxes levied upon the people of the District. Let the United States officials levy and collect such taxation, and see that the money is appropriated for those very purposes. I presume that the committee that has had this subject under consideration—the joint committee of the two Houses of Congress—will before this Congress finally adjourns agree upon some plan of that sort which will fix the relations that ought to exist in the future between the United States and the District of Columbia. But why should not some of these appropriations for some of these new works wait until that question is settled?

Mr. CHIPMAN. The gentleman will allow me to say that if Congress should carry out the programme he has so tersely stated, I do not believe that any citizen, any society, or any officer of the local government would ever ask one cent from Congress.

Mr. WILLARD, of Vermont. No; I do not suppose they would; I have no doubt the people of the District would be entirely satisfied with that, as I have no doubt the people of the United States would be. I withdraw my amendment to the amendment.

Mr. O'BRIEN. I renew it. I desire only to make a few remarks upon this side of the House in addition to what I have already stated on the other side; and I wish to make them especially for the benefit of the gentleman from Vermont. This appropriation is not asked for the purpose of commencing the erection of buildings. The people of the District of Columbia have already through charitable bequests and in other private forms contributed $25,000. The building has already been completed in part. There is a small mortgage upon it; and this money is asked for the purpose of paying off that mortgage and completing the building fully.

I desire further to state this money is not asked, nor will any sum ever be asked, for the purpose of enabling this benevolent association to support fifty or one hundred poor, paralyzed, maimed, and blind citizens of this District and citizens of other States who have been brought here by their necessitous circumstances. The rule of their order forbids them to ask or receive a single dollar by way of permanent revenue. They are compelled to go to hotels, restaurants, markets, and to private persons and beg—to beg of the gentleman from Vermont and of other charitable persons the pittance even of a cent in order that they may clothe and support all these aged poor. If the Congress of the United States were to pass a law giving them a revenue of $10,000 a year the rules of their order would forbid them from receiving it.

Therefore they are not here making any demand upon the Congress of the United States as other institutions have or may do. As the citizens of this District have already raised $25,000 for the purpose of erecting the building for "The Little Sisters of the Poor," as they are perhaps more meritorious than any other charitable institution or order of men or women under heaven, it is asked only that the Congress of the United States shall give them this appropriation to finish the building, so they may be better able to clothe and feed these aged poor they have under their care.

Mr. WILLARD, of Vermont. I put them all upon the same ground.

Mr. O'BRIEN. I so understood the gentleman, but I only wish to make this statement in order that at least in this respect gentlemen may know the exact facts.

One word further. If they did not take care of these one hundred or one hundred and twenty-five poor men and women, what would become of them? They are not allowed to take care of them if they have father or mother, brother or sister, son or daughter, or any one to take charge of them. They are allowed to take them only when they are utterly destitute, when they are without provision at the hands of any party. If these "Little Sisters of the Poor" did not take care of them they will have to be taken care of at the public expense, and the cost would be more than double the interest upon what is now proposed to be appropriated. They would necessarily have to be provided for, and it is the duty and privilege of the Federal Government to aid the District in caring for the poor which from all quarters seem to gather here. This only to a proper extent; and I deem the appropriation asked for one that comes within this rule. Charity and justice demand it; and therefore, Mr. Chairman, I trust it will be adopted.

[Here the hammer fell.]

Mr. MAYNARD. Mr. Chairman, I should not have risen to take further part in this debate except for the introduction by the gentleman from Maine [Mr. HALE] of the catalogue of a portion of the orphan children from Tennessee in the Soldiers and Sailors' Orphan Home in this city. I do not know the purpose for which he introduced it. The impression on the House evidently was unfavorable to the portion of the country and the people I represent.

That institution dates back to the year 1866, and was founded by a general appeal to the charities of the country. That appeal was made to the people of my own State. Communications were addressed to the ladies, and they were asked to contribute of their means, which they did, in a limited way to be sure, because their means were straitened. The institution was established. The same ladies were then invited to send to it orphans of the soldiers, Union soldiers, of the men who rushed unbidden into the service at the beginning of the war, who were organized without being mustered, who marched to the battle-field without any of those formalities which would have enabled not a few to receive bounties and pensions had they enlisted by the more formal and regular method.

The orphan children of those devoted soldiers were invited, kindly, cordially invited, to the Soldiers and Sailors' Orphan Home. They assembled at Knoxville, the central town of that section of the State, gathered from all the region round about, from the mountains and valleys, wherever a soldier's home mourned a father dead. They were sent here to the number, I think, of some twenty, perhaps thirty in all. My impression is there are half that number here now, registered as from Knoxville, the central town in that part of the State and their point of rendezvous.

If the gentleman means to say they are improperly here, if he begrudges them their share of this charity, if he or any other person shall insist they should have been left at home to their inheritance of ignorance and poverty, the usual inheritance of our soldiers' children—for they were too poor to obtain the advantages of education—if the gentleman has that sort of feeling, let him say so in a manly, honorable way, and not by indirection strike at the orphan children of the loyal men who died in his behalf and in behalf of the common flag of our country.

I do not know what the gentleman's object is. If he means to say they should be sent home, let him introduce a resolution to send them home, and say the country has no further use for the services of men like their fathers, who gave up their lives for the country. It may be a patriotic effort, but I cannot think so. And while I live, these little boys and girls shall not want at least one defender.

[Here the hammer fell.]

Mr. O'BRIEN. I withdraw the amendment.

Mr. HALE, of Maine. I renew it.

Mr. Chairman, I have no feeling except that of admiration for the patriotism and services of the loyal citizens of Tennessee during the dark period of the rebellion. How I happened to call attention to the reading of this list, which comprised so many beneficiaries from that State, is this: I prefer that where a claim to Government charity is charged there should be plain speaking. If it is really the case that the benevolent institution here is to be run for the benefit of all the States, let it be so said. It seems to me if, as it has been urged here and argued upon general statements, these institutions in their benefits were equally divided, I should call attention to a single one of these institutions.

I did not select this invidiously, I will state to the gentleman from Tennessee, but I remembered that it was on my desk and sent for it that the list might be read. It was only for the information of the committee.

What I wish is that while gentlemen are ready to vote away the public money through these institutions they would look a little more closely into them; and while they will not find corruption, while they will find nothing but the good deeds of charitable men and charitable women therein interested, they will find that the benefits

of many of these institutions are not equally distributed through the States, but, as in the case of the one to which I have called attention, a few States, and especially the District of Columbia, are receiving the benefit of what is given from the public purse.

Mr. COX. I do not intend to detain the House but for one moment. Without proper reflection I joined in the laugh raised by the gentleman from Maine [Mr. HALE] on the gentleman from Tennessee, [Mr. MAYNARD.] So far as I can, I regret having done so. New York is also included in this matter to some extent. New York City, in proportion to her population, cares more pecuniarily and otherwise for poor, needy, and unfortunate children than any other city in the world. So much for that.

But I do not believe that the gentleman from Tennessee should be inconsiderately reproached because some one, perhaps himself, perhaps his wife, perhaps some gentle person in his neighborhood, has gathered the little orphans of the Republic in those far-distant mountains of the country and fixed their *locus in quo* in Knoxville, Tennessee. I think, sir, when we have the opportunity of voting legitimately for an institution of this kind for the District of Columbia, where we have the right to vote it, we should not grudge doing something for its beneficiaries, for these children from six to fifteen years of age who are so needy. I need not remind gentlemen of this House how the Saviour of mankind bade little children come unto Him. But I do say to my friend from Vermont over yonder, while I sympathize with him in his strict construction and careful mode of legislation, that when it comes to the District of Columbia, where Congress has the right to legislate, and for such objects as these, I give my heart and my vote as willing, and I only envy the gentleman from Tennessee [Mr. MAYNARD] the application of the lines of Tennyson which he has earned by his conduct or that of his family:

> Howe'er it be, it seems to me,
> 'Tis only noble to be good;
> Kind hearts are more than coronets,
> And simple faith than Norman blood.

Mr. GARFIELD. Let us have a vote.

The amendment to the amendment was withdrawn.

The question being taken on the amendment of Mr. E. R. HOAR, there were—ayes 51, noes 65; no quorum voting.

Tellers were ordered under the rule; and Mr. E. R. HOAR and Mr. GARFIELD were appointed.

The committee again divided; and the tellers reported ayes 56, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

For the Women's Christian Association of the District of Columbia, $25,000, to be expended for the sole purpose of erecting a building on the ground recently purchased in said District, upon and in strict conformity with a plan for said building, which shall be prepared by the architect of the Capitol extension; and it shall not, for building and furnishing, exceed the said sum of $25,000; and no money shall be paid under this appropriation until the Secretary of the Treasury shall be satisfied that a contract, with good security for its execution, has been entered into for the erection and furnishing of said building, at a sum not exceeding the amount hereby appropriated; and all payments for the erection and furnishing of said building shall be made by the Secretary of the Treasury directly upon vouchers to be approved by him: *Provided*, (and this appropriation is upon the express condition,) That none of the money hereby appropriated shall be paid by the Secretary of the Treasury until said association shall file, with the recorder of deeds in the District of Columbia, a declaration, executed and acknowledged in the manner in which deeds are required by law to be executed for record in the District of Columbia, that said building and the lands heretofore purchased by said association are and forever shall be held in trust by said association, without mortgage or security in the nature of mortgage, for the sole purposes of said association, as defined in its charter, of date of December 13, 1870; and the filing of said declaration shall be regarded as notice to all persons who shall purchase said property or take any security thereon.

Mr. SMITH, of Ohio. I raise the point of order that there is no law authorizing the appropriation made by this paragraph.

Mr. WHEELER. I desire to be heard on the point of order. I answer the gentleman from Ohio that this is a public work, already in progress, for which Congress in several years has made appropriations of property and money. The last Congress appropriated to this institution the proceeds, amounting to $1,700, of the sale of the old buildings on Judiciary Square; and prior to that time Congress had permitted the use of those buildings by this association.

The CHAIRMAN. Can the gentleman from New York call the attention of the Chair to the law authorizing the erection of this building?

Mr. WHEELER. There is no such law. But what I submit is that this is a continuation of appropriations for this hospital, which brings it within the rule.

The CHAIRMAN. If the fact be as the gentleman from New York states, there is no question about the rule.

Mr. E. R. HOAR. I would like to inquire of the gentleman from New York whether this building is not the exclusive property of the association; whether there is any more law about it than that Congress has made appropriations to the association?

The CHAIRMAN. The Chair would like to ascertain the character of the appropriations heretofore made.

Mr. WHEELER. Congress allowed for a series of years the use by the association of the buildings on Judiciary Square, and when those buidings were torn down and sold, by an act passed in last Congress, the proceeds of the sale of these buildings, amounting to $1,700, were given to the association.

The CHAIRMAN. Does the gentleman understand that there has been any appropriation for a new building?

Mr. WHEELER. I do not understand anything of the kind. But I understand that according to the rule, if this be in continuation of appropriations heretofore made by Congress, this appropriation is in order.

The CHAIRMAN. Will the gentleman from New York state what is the particular object for which appropriations have been made of which this is a continuation?

Mr. WHEELER. Appropriations have been made for the general objects of the association.

Mr. COTTON. It would be desirable, I think, to have the law read.

The CHAIRMAN. If there has been any authority of Congress heretofore to erect this building, of course any appropriation in continuance of that object would be in order; but the Chair is not of the opinion that appropriating the proceeds of the sale of some other buildings is authorizing the erection of a new one.

Mr. WHEELER. Will the Chair allow me to call his attention to the rule?

120. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, I say that this is an appropriation in continuance of an appropriation already made in the same general direction, and for the same general object.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CONGER. I desire to call the attention of the Chair to the law referred to.

The CHAIRMAN. The Chair will suspend his decision until he hears the law.

Mr. CONGER. It is to be found on page 426 of the Statues at Large, and is as follows:

That the engineer in chief of public buildings and grounds, be, and he is hereby, directed to cause the wooden buildings standing on Judiciary Square, in Washington City, to be sold and removed therefrom, and that he pay to the Women's Christian Association of Washington the proceeds of such sale: *Provided*, That the government of the District of Columbia shall provide for said association suitable buildings for at least one year after their removal from said square.

That is the law referred to by the gentleman from New York.

The CHAIRMAN. The Chair sustains the point of order, and the paragraph will be stricken from the bill.

Mr. MERRIAM. I offer the amendment which I send to the Clerk's desk to be read, to come in at the end of the paragraph preceding the one which has just been stricken out on the point of order.

The Clerk read as follows:

That all moneys hereafter appropriated for the aid, use, support, or benefit of any charitable, industrial, or other association, institution, or corporation, shall be placed to the credit of the proper fiscal officer of such association, institution, or corporation, by warrant of the Secretary of the Treasury, on the books of the Treasurer of the United States, or of an assistant treasurer or designated depositary of the United States other than a national bank, and shall be paid not only on the checks of such fiscal officer, drawn payable to the order of the person to whom payment is to be made, for services, materials, or any other purpose, and stating in writing thereon the specific object or purpose to which the avails thereof are to be applied: *Provided*, That when payments are to be made under twenty dollars, such fiscal officer may check in his own name, but shall state in writing on the check that the avails thereof are to be applied to the payment of small claims, and shall furnish to the Treasurer, assistant treasurer, or designated depositary on whom the check is drawn, a certified list of such claims, which list shall set forth the amount and nature of each claim and the name of each claimant.

Mr. MERRIAM. My attention has been directed to the necessity for this provision by the loss of the sum of $18,000 that was appropriated to the Boys' Reform School of this District. The money was taken out, deposited with Jay Cooke & Co., and was lost on their failure, and in the deficiency bill we were obliged to vote that amount over again. It is the opinion of the Treasurer of the United States that this law would prevent any such losses in future.

Mr. GARFIELD. I think the amendment is a good one, and I hope it will be adopted.

The question was taken, and the amendment was agreed to.

Mr. CHIPMAN. I offer the amendment, which I send to the Clerk's desk to be read, from the Select Committee on the Washington Monument.

The Clerk read as follows:

That to carry out the resolve of Congress of December 24, 1799, to erect a marble monument at the Federal Capital in memory of George Washington, there be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to be used in the completion of the unfinished Washington monument, at the city of Washington, to a height not exceeding four hundred and forty feet from its base, substantially in accordance with the recommendation of the Select Committee on the Washington Monument in their report to the House of Representatives, May 1, 1874; which sum shall be expended under the direction of the President of the United States: *Provided*, That the money herein appropriated shall be drawn from time to time, only, as may be required during the progress of the work, and upon the requisition of the President: *And provided further*, That no money herein appropriated shall be drawn from the Treasury until the Chief of Engineers has carefully examined the foundations of said monument, and has reported to the President that the obelisk can be safely constructed to the height proposed herein; and further that the ultimate cost of completing said obelisk shall not exceed the sum of $300,000.

SEC. —. That the Washington Monument Society be, and it is hereby, required, immediately upon the passage of this act, to reconvey to the United States all the right, title, and interest in said society to the lot of ground known as reservation 3, in the city of Washington, District of Columbia, conveyed to said society on the 12th day of April, 1848, by the then President of the United States, in virtue of the joint resolution of Congress approved January 31, 1848, and confirmed to said society

by the act entitled "An act to incorporate the Washington National Monumental Society," approved February 26, 1859; and all rights, privileges, and authority granted to said society by said act approved February 26, 1859, shall cease and determine upon the passage of this act: *Provided, however*, That said society shall be authorized to continue its organization, but shall exercise no authority, until the 4th of July, 1876, or until the said Washington Monument shall be finally completed and dedicated, at which time the said society shall cease forever.

Mr. KASSON. I make the point of order that that amendment makes an appropriation for a matter not provided for by law.

The CHAIRMAN. Can the Delegate from the District of Columbia point to any law which authorizes the construction of this monument?

Mr. KASSON. Moreover, it contains new provisions of law.

Mr. CHIPMAN. I think I can do so. I ask the Clerk to read the first section of the resolution of Congress of December 24, 1799.

Mr. GARFIELD. Does not the statute of limitations run against a law so old as that?

The Clerk read as follows:

Be it resolved, &c., That a marble monument be erected by the United States in the Capitol at the city of Washington, and that the family of General Washington be requested to permit his body to be deposited under it, and that the monument be so designed as to commemorate the great events of his military and political life.

The CHAIRMAN. Does the Delegate from the District of Columbia claim that the present monument has been constructed so far in pursuance of that resolution?

Mr. CHIPMAN. If the Chair will allow me I will state the reasons in favor of this amendment as against the point of order. The act of Congress which has just been read provided for the erection of a monument at the capital in memory of George Washington. That monument has never been erected; that act of Congress has never been repealed. We have no statute of limitations running against a patriotic act; we have no statute of limitations running against an act of Congress that has not become obsolete. The same act contained four sections, the other three of which were executed by the Congress which passed it. The first section was attempted to be executed, but the bill was defeated in the Senate or was postponed, or for some reason never became a law; but the section which has been read is as valid to-day as the act by which your public debt was created. I claim therefore that, in pursuance of that act of Congress, it is entirely competent to move an appropriation like this in this bill.

The CHAIRMAN. Does the gentleman claim that the unfinished monument mentioned in his amendment is the unfinished work of the United States?

Mr. CHIPMAN. In regard to that I will say that if Congress had ten years ago provided that there should be a new State Department building at the capital, and if Congress had made no appropriation for it, and some patriotic citizens had started a new State Department, and Congress was subsequently asked to make an appropriation to continue the work so commenced, I claim that Congress could have done it quite as legitimately and legally as to have commenced the work upon a new foundation.

Mr. E. R. HOAR. I would ask upon the point of order whether the statute which has been read has not been executed twice over, Congress having erected a monument at Washington, and the Delegate from the District will find it in the Capitol grounds in front of his own house.

Mr. KASSON. Sitting in a chair.

Mr. E. R. HOAR. Yes, sitting in a chair; and then an equestrian monument has been erected, which the gentleman will see if he will go up toward Georgetown. How many times is that statute to be executed over again?

Mr. CHIPMAN. Let me reply to the gentleman, for I wish to give the House information on this subject. The equestrian statue made by Clark Mills was appropriated for in a distinct act of Congress. It never was claimed as carrying out this act of Congress. The statute of Greenough was erected in the same way. Neither of them is a monument; they are statues.

The CHAIRMAN. The Chair is of the opinion that the unfinished monument is not a work of the United States heretofore commenced in pursuance of law, and therefore rules out the amendment.

Mr. WARD, of Illinois. Let me in confirmation of the decision of the Chair call attention to the speech and report of the Delegate from the District of Columbia on this subject, in which he expressly claimed that this monument is not the property of the Government.

Mr. CHIPMAN. Of course it is not the property of the Government, but I propose to make it so.

The Clerk resumed the reading of the bill, and read as follows:

Smithsonian Institution:

For preservation of the collections of the surveying and exploring expeditions of the Government, $20,000; and for fitting up and completing the cases in the new halls required for the Government collections, $10,000; in all, $30,000.

Mr. DUNNELL. I move to amend that paragraph by striking out "$10,000," and inserting in lieu thereof "$5,000."

It seems to me that this is a very large appropriation for the object had in view, and that $10,000 would fit up the entire building with cases. There can be no call for an expenditure of $10,000 for cases; and I think if we will look at this bill we will find that the Committee on Appropriations has been wonderfully liberal toward some of these institutions in Washington. We find further on an appropriation of $10,000 for the grounds of the Smithsonian Institution, and no mortal to-day can tell where the $10,000 appropriated last year went to, except that a few rods of fencing have been torn down; no improvements have been made that attract the public eye at all, and I think we have been altogether too liberal with these appropriations. This item is for $10,000 for mere cases for collections that have been made. I hope the item will be reduced to a reasonable amount; and if they need more we can give them more next year. Ten thousand dollars for a single year seems to me to be a very large sum of money.

Mr. CONGER. I suppose the Committee on Appropriations had such information as would warrant them in naming this amount in the bill; but it would be well for members to consider that the Government at a very large expense for a great number of years, fitted out expeditions of different kinds to make collections which are perhaps more valuable to the scientific world than any which have been collected by private individuals in the country. These collections are liable to loss from exposure. The value received by the Government for the money expended consists in these valuable collections of botanical, mineral, and animal life, and they are going to decay and liable to go to decay for want of proper places for their preservation. If it be of any use for this Government to join with other governments of the world in promoting these investigations and making these valuable collections, it certainly is worth while to make an appropriation for their preservation, when made, and to preserve them not only to the Government, but for the use of the citizens who came here to examine them. I think it is in the interest of true economy to make a sufficient appropriation.

The gentleman is mistaken when he says that there is not room enough in that immense building unoccupied to-day for the lack of these very cases to put in all the cases that could be made for this money and exhibit to the citizens of the United States these wonderful collections of objects interesting to the scientific world.

The questions was taken on Mr. DUNNELL'S amendment, and it was not agreed to.

The Clerk read the following:

For continuing the survey of the western coast of the United States, including compensation of civilians, and pay and rations of engineers of steamers engaged in the work, $231,000: *Provided*, That no part of this sum shall be expended in the prosecution of surveys beyond the northern line of Washington Territory after December 31, 1874.

Mr. GARFIELD. I think it would be only just to the Committee of the Whole to state the object of the proviso to the paragraph just read. As the Coast Survey is now organized, it is extending its work into Alaska. The Committee on Appropriations thought from the detail of estimates that more money was being used for pushing the surveys into Alaska than probably it was worth, and therefore they ventured to put in this proviso limiting the operation of the coast survey to the northern line of Washington Territory.

The Clerk read the following:

For general repairs at the light-station, Highlands of Navesink, New Jersey, $1,500: *Provided*, That whenever it may become necessary in the adjustment of boundary-lines, or in the opening or changing of necessary roadways affecting lands belonging to the United States and used for the purpose of the light-house establishments at Staten Island, New York, and at the Highlands of Navesink, New Jersey, or any part thereof, the Secretary of the Treasury is hereby authorized to execute for such purposes touching the property above referred to, or any part thereof, the necessary conveyances and assurances, and to receive, in consideration therefor, such other conveyances or assurances of adjoining lands, or of lands in the immediate vicinity, or other consideration, as may be agreed upon.

Mr. HOOPER. I am instructed by the Committee on Commerce to move to insert after the paragraph just read what I send to the Clerk's desk.

The Clerk read as follows:

For a light-ship to replace the one recently stationed near the entrance of New York harbor to mark the site of the wreck of the steamship Scotland, $40,000. And the Secretary of the Treasury is authorized to place a fog-bell to be rung during the prevalence of a fog at such point at or near the entrance of the harbor of New York as may be designated by the proper officers, the expenses thereof to be paid out of any unappropriated money in the Treasury.

Mr. HOOPER. I call attention to a communication from the Light-House Board showing the necessity for this amendment.

The communication was as follows:

WRECK OF THE SCOTLAND LIGHT-SHIP.

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, D. C., April 9, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d ultimo, inclosing bill H. R. No. 2515, to replace the light-ship "Wreck of the Scotland," &c. and to say that this bill was laid before the board, and after a full consideration of the matter at two meetings, it was determined that the aid to navigation referred to had proved of great importance to the shipping arriving at New York in the night; that it was found particularly serviceable to vessels coming from the south in thick weather; that in consequence of its position the shoals known as "Outer Middle," "Oil Spot," and "False Hook," ceased to be dangerous, and that the report, of which the inclosed is a copy, was adopted.

Your attention is respectfully called to the latter part of the report in which the cost of establishing the light-ship, and the necessity of increasing the amount named in the bill is referred to.

Very respectfully,

J. G. WALKER,
Naval Secretary.

Hon. WILLIAM A. WHEELER, M. C.,
Chairman of Committee on Commerce, House of Representatives.

Mr. HALE, of Maine. This amendment has been examined by the Committee on Appropriations, and is approved by them.

The amendment was agreed to.

The following was read:

For building a light-ship, to be stationed at Winterquarter Shoals, on the coast of Virginia, $50,000

Mr. HOOPER. I am instructed by the Committee on Commerce to move to amend the paragraph just read by striking out $50,000 and inserting $30,000.

Mr. HALE, of Maine. Does the Department sanction the reduction?

Mr. HOOPER. It is recommended by the Engineer Bureau.

The amendment was agreed to.

The following was read:

For light-house and day-beacon at or in the vicinity of Mathias Point, Virginia, $40,000; and the appropriation made by the act of June 10, 1872, for a light to mark the entrance of Shipping Point, Potomac River, Virginia, shall revert to the Treasury.

Mr. HOOPER. I am instructed by the Committee on Commerce to move to reduce the appropriation named in the paragraph just read, from $40,000 to $20,000.

Mr. O'BRIEN. I have an amendment which I desire to move to the paragraph to come in before the amendment of the gentleman from Massachusetts.

Mr. HOOPER. I will withdraw my amendment for the present.

Mr. O'BRIEN. I move to amend by inserting after the words "Mathias Point, Virginia," the words "to be erected on the Maryland side of the Potomac River." I desire to call the attention of the Committee of the Whole to the fact that the Maryland side of the river is the proper place for this light-house. I appeal to the better knowledge of the gentleman from Maine, [Mr. HALE,] who has charge of this light-house matter, and who is more familiar with the subject than I am.

Mr. BUTLER, of Massachusetts. Has it not been a chronic dispute which was the Maryland side? I would a little rather not settle the question by an act of Congress.

Mr. HOOPER. I hope the amendment will not be adopted. These light-houses are built under the supervision of the Light-House Board. The engineers belonging to the Light-House Board select a site, probably without reference to any local feeling of the population.

Mr. O'BRIEN. Before the question is put I desire to call attention to the fact——

The CHAIRMAN. No further debate is in order on the pending amendment.

Mr. CONGER. I move to amend by striking out the last word.

Mr. O'BRIEN. I have not had an opportunity of being heard upon this amendment.

The CHAIRMAN. The gentleman from Maryland occupied as much time as he saw fit.

Mr. O'BRIEN. Not at all.

The CHAIRMAN. The gentleman from Massachusetts [Mr. HOOPER] rose and opposed the amendment. After that the gentleman from Maryland cannot resume the floor to advocate it.

Mr. O'BRIEN. I hope I will be allowed to make a correction.

Mr. CONGER. I yield to the gentleman the half of my time.

Mr. O'BRIEN. I do not want the half of it. I desire merely to state that if this light-house is to be erected at all, it ought to be erected where it would afford protection to shipping passing up and down the Potomac River. The depth of water about Mathias Point, on the Virginia side of the river, as I am informed by gentlemen on the Committee on Naval Affairs, is anywhere from seventy-five to one hundred and fifty feet. Therefore there is no occasion for a light-house on the Virginia side of the river. It seems to be agreed on all hands that this light-house is necessary, and therefore logically it should be put upon the other side, or the Maryland side of the river. A further reason is that the depth of water on the Maryland side is such that there is danger to navigation there. I trust that my estimable friend from Massachusetts [Mr. HOOPER] will be able to corroborate what I have said.

Mr. HOOPER. I will call the attention of the gentleman from Maryland [Mr. O'BRIEN] to the fact that this bill provides that this light-house shall be erected in the vicinity of Mathias Point. If the officers to select the site should decide that it is better to erect it on the Maryland side, they can do so.

Mr. CONGER. This clause provides that a light-house shall be erected at or in the vicinity of Mathias Point, Virginia. That gives latitude for the Light-House Board to select a location after examination by their engineers, and to place the light-house at the most desirable point. I have never yet heard of any mistake that the Light-House Board has made in the selection of the most desirable points on our coasts for the erection of light-houses. I think the selections thus far have been admirably made, and that this question had better be left to the judgment of the Light-House Board and their engineers, rather than that Congress without further information should undertake to fix the erection at any particular point. For this reason I oppose the amendment of the gentleman from Maryland. I withdraw my formal amendment.

Mr. HARRIS, of Virginia. I renew the amendment. The location named for this light-house is in the district of one of my colleagues, [Mr. SENER,] who is not now in the Hall. I hope for that reason, if for no other, the committee will act on this amendment adversely. This point has been selected by the Light-House Board and sanctioned by the Committee on Appropriations; it has been examined thoroughly; and I think it would be going very far for this House, upon the statement of my friend from Maryland, [Mr. O'BRIEN,] that in his opinion the light-house should be on the Maryland side, to reverse the action of the Light-House Board and the Committee on Appropriations, especially in view of the fact that we have not yet decided where along the Potomac Maryland begins and where it ends.

The amendment of Mr. O'BRIEN was not agreed to.

Mr. HOOPER. I move to amend the pending paragraph by striking out "40" and inserting "20," so as to make the amount of the appropriation $20,000.

Mr. HARRIS, of Virginia. I do not see any reason why the Committee of the Whole should reverse the action of the Committee on Appropriations on this subject.

The amendment was agreed to.

Mr. LAMISON. I move to amend by striking out the whole of the pending paragraph. It proposes to erect a light-house at Mathias Point, Virginia, at a cost of $40,000.

A MEMBER. Twenty thousand dollars it is now.

Mr. LAMISON. Well, any sum is too much. The other day when this provision of the bill attracted my attention, I took occasion to go the Coast Survey Office and obtain a map of the river, giving the different surveys and including this point called Mathias Point. Now this appropriation, if it be made at all, ought to be for the benefit of navigation on that river; but any man who will examine for one half minute the surveys which I have now lying on my desk will see that there is no more necessity for this light-house than there is for the fifth wheel to a wagon.

In the first place, there is at that point a high bluff, the highest point I believe between this city and the Bay. Just above that point a light-house is already established; and at the point are two buoys, more than half a mile apart, marking an open channel there for more than half a mile in width. The depth of water at the lowest point at low tide is twenty-four feet between the buoys; and it sometimes ranges as high as one hundred and fifty feet.

Now, I do not know how this appropriation crept into this bill. I do not know what influences were used in securing it; nor do I know how many appropriations for light-houses equally useless have been obtained. But, sir, on consultation with officers who navigate this river—with naval officers—they say that a light-house at that point is of no use whatever; that the buoys furnish a sufficient guidance to those navigating the river, that even if a light-house should be established there it should be on the Maryland side, where the shoals widen out, but that no light-house should be built there at all—that there is no necessity for one.

While I have uniformly, almost without exception, followed the recommendations of the Committee on Appropriations and its chairman upon measures of this kind, I would like to know from him under what recommendation of the Navy Department, or of any engineer, or of anybody else, this appropriation crept into the bill?

Mr. GARFIELD. This appropriation was inserted by the Committee on Appropriations on the general recommendation of the Light-House Board. We were compelled to go over a very large number of light-houses; and having determined about how much we should appropriate in the aggregate, we divided the different light-houses into classes one, two, and three—those of first importance, those of the second importance, and those of the third importance, according to the light thrown upon the subject by the Light-House Board. We dropped, I believe, all of the third class; and retained of the second class such only as seemed to be highest up in the scale, while of the first class we included all. I think the light-house at Mathias Point stood on that doubtful ground—that purgatorial middle position between the upper part of the second class and the lower part of the first. But I do not profess to have such personal knowledge in this matter as perhaps I ought to have. My distinguished colleague on the committee, the gentleman from Maine, [Mr. HALE,] who has had special charge of the subject of light-houses, knows more about this question than I do. I am disposed to think, from what I have heard from my colleague, [Mr. LAMISON,] that perhaps we have made a mistake in inserting this appropriation; and unless I hear something to change my present view, I shall move to strike it out. I yield for anything that the gentleman from Maine, or the gentleman from Virginia [Mr. SENER] who represents this locality, may have to say.

Mr. HALE, of Maine. The gentleman from Virginia [Mr. SENER] is very anxious to speak on this subject, and as this light-house is in his district I yield to him.

Mr. SENER. There is in this country a spirit of reform. That spirit of reform takes various shapes. Sometimes it takes the shape of investigations. Sometimes these investigations are conducted in the quiet of committee-rooms in this Capitol; at others they are conducted aboard vessels of the United States, revenue-cutters, where champagne and other desirable things are furnished to satisfy the appetite. I suppose it was during an expedition of this sort that the gentleman from Ohio [Mr. LAMISON] became so much interested in regard to this light-house and so well instructed as to what appropriations ought to be made in this bill for light-houses and what ought not. Whether it was in the day-time or whether it was in the night-time, whether he saw double or whether he saw single, perhaps he is not now prepared to say. But he comes here in the spirit of reform, I suppose. Dr. Johnson once said that patriotism was the last refuge of a certain class of people. I do not say it is the last refuge of my friend from Ohio; but this attempt to strike out this light-house is uncalled for and wrong. I say if that long sea-coast of Virginia is to

have any consideration here on the floor of the American Congress, if the commercial interests of the country are to be consulted, if the report of the Light-House Board, from which I will have an extract read directly, is to be considered at all, this appropriation will not be stricken out.

Now what do they say in the report of the Light-House Board? I ask the Clerk to read the extract and I ask the House to listen to it.

The Clerk read as follows:

PORT TOBACCO FLATS, IN THE BEND OF POTOMAC RIVER OPPOSITE MATTHIAS POINT.

This is one of the most difficult places for experienced navigators who are familiar with the river to pass at night. Few places occur where experienced pilots cannot tell where they are by soundings; at this place, however, soundings run from one hundred feet to five feet within a space of a hundred yards. The current, which is strong, sets directly on the flats, both at the flood and ebb tides, which render it bad enough for sailing-vessels even by daylight, but at night the difficulty is much aggravated by the want of some guide to point out the dangerous spot. It is no uncommon sight to see a vessel aground on these flats. The United States naval steamer Frolic went ashore here during the summer of 1873, and remained for some time. It is recommended that an appropriation of $40,000 be made for a light-house at this point, with the proviso that the appropriation for a light-house at Shipping Point revert to the Treasury.

The CHAIRMAN. The gentleman's time has expired.

Mr. SENER. I hope I may be indulged a little further as I do not often ask the privilege.

MEMBERS on both sides. Go on.

Mr. SENER. Mr. Chairman, that is the report of the Light-House Board. It shows this fact, that in the space of a hundred yards there is a difference between the water measurements of from five to one hundred feet. Many years ago the steamers Missouri and Mississippi went aground on that point and valuable lives were lost.

A MEMBER. How valuable?

Mr. SENER. Does the gentleman ask how valuable is human life?

The steamer Frolic, as that report also shows, went aground in the summer of 1873. I have a letter from the Secretary of the Navy, which I will send up to the Clerk's desk and will ask to have read. That letter shows it cost the Government $6,000 to float that vessel in 1873 when she grounded. There is already an appropriation of $15,000 for Shipping Point, which this bill proposes to cover into the Treasury. I ask that the letter be read.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, January 30, 1874.

SIR: In reply to your inquiries of the 13th instant, I have the honor to state that the United States steamer Frolic was aground in the Potomac over two weeks, and was floated at a cost of about $6,000, as near as can be estimated.

Very respectfully, &c.,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. JAMES B. SENER,
House of Representatives.

Mr. SENER. I hope I will be allowed more time, as I do not take up as much of the time of the House as some of the gentlemen near me here.

The CHAIRMAN. The gentleman will proceed; the Chair hears no objection.

Mr. SENER. It cost $6,000 to float that war vessel of the United States which had gone aground at this point owing to the lack of light-house facilities.

As I have shown, this is recommended by the Light-House Board. The gentleman from Ohio [Mr. LAMISON] says this board makes recommendations lightly. If he had read that report, which I suppose he has not, he will find this fact: they recommend that the appropriation of $15,000 for a light-house at Shipping Point shall be covered into the Treasury, it not being needed at that point; and then an appropriation of $40,000 for a light-house at this place was recommended as one which should be made. The appropriation for Shipping Point, which is proposed to be covered into the Treasury, was made without application for that purpose and was not recommended by the Light-House Board. It was passed in the spirit which prevailed in the Forty-first and Forty-second Congresses when Credit Mobilier and other things raged. Every rascally scheme could get an appropriation then; but now when an honest appropriation is asked for I find certain gentlemen opposing it. And on what ground? Upon the ground of information which was received while on a trip of pleasure at the expense of the United States Government.

[Here the hammer fell.]

Mr. LAMISON. This may be a very simple matter, involving only an expenditure of $40,000, but it also involves an annual expense of $5,000 to continue interminably. At the same time there are places where the money might be expended where it would do more good. And it is for that reason that I propose to strike out this light-house. It has no earthly use in the world where it is located. I thank the gentleman from Virginia [Mr. SENER] for turning to me and saying that we made a tour of observation down the river. I think we did discover on our way down that the multitude of light-houses which light up the Potomac River between this and Chesapeake Bay or Hampton Roads are enough to supply the whole country if well distributed.

A MEMBER. He says you saw two for one.

Mr. LAMISON. If I saw two for one, then the man who located the light-house there must have been in the same condition as the gentleman supposes we were. But I know something of the gentleman's habits, and I know that he never drinks too much unless the liquor is furnished by somebody else.

Mr. SENER. Then this was furnished by somebody else.

Mr. LAMISON. I wish to say another thing with reference to seeing too much on that occasion. It is enough to say that that light-house is not necessary at that point. There is no naval officer in the employ of this Government to-day who would recommend it, and especially no naval officer would have recommended its location at the point where it is now. There is a jutting bank standing as high almost as this Capitol near this projected light-house, and the men who run their vessels aground there must have been in the condition that gentlemen would be in who vote this appropriation. No one can run aground there if he navigates according to the chart. There is a sufficient channel and there are buoys marking the outlet and the inlet with a light shining above which shows more than ten miles below. Why, then, have this light-house and add this annual expense to guide the gentleman in his journey from Virginia to the capital? It serves no other purpose.

But the gentleman turns to me and says that in this junketing expedition of ours we saw double. I hope we did. One thing is very certain, that in this expedition we did discover that it is possible that a man might be drunk when he made the recommendation to construct this light-house, but he would be inexcusable if he insisted on it after he got sober. Now, I say this light-house is simply worth nothing for the purposes of the navigation of that river, and that it ought to be stricken out as entirely useless.

Mr. SENER. I oppose the amendment to the amendment.

The gentleman from Ohio, [Mr. LAMISON,] who lives in the backwoods, and whose first expedition on a tour of pleasure was over the Missouri and Texas Railroad to New Orleans, where I first met him, and who is so genial a fellow, evidently never had seen a light-house before. And when he went on this last excursion, paid for by the Government, with champagne flowing like water, I have no doubt that with every drink he took—at other people's expense, which he says I do, and I do it occasionally with that good-nature which is characteristic of all gentlemen—I have no doubt he saw double and triple, and I have no doubt that he supposed the lights that lined that river were like the lights that line the streets of our magnificent cities. He saw their reflection in the water; he saw the ships all double; he saw that peak rising mountain-high, and he thought he would come back here and write himself down a magnficent economist, so that he might come back a member of the Forty-fourth Congress in all the glory of his power and his strength.

Mr. LAMISON. I withdraw the amendment to the amendment.

Mr. HALE, of Maine. I move to strike out the last line.

Mr. Chairman, this is no joking matter. In preparing this bill we endeavored to keep it down, as the Committee on Appropriations have kept down other bills, to a figure less than last year, and it has been reported over $300,000 less than last year. The trouble about this Mathias Point is that it is difficult to fix the place where the light ought to be. Last year the gentleman from Virginia came and said that there ought to be a light at the entrance of Shipping Point, and that it would take $15,000, and the committee reported an appropriation of that amount; but there was nothing done about it. This year they came and asked that that appropriation shall revert to the Treasury, and that $40,000 shall be given for a light-house at Mathias Point. On the heels of that the Committee on Commerce come in and show that only $20,000 is needed, and want to strike it down; and that is carried.

Now I think there is no necessity for swelling this bill with an item that is in doubt as to amount and as to where the light shall be placed; and under the circumstances it seems to me it would be better for my friend from Virginia, rather than pass this at the low rate that has been fixed in the House, $20,000, which will not build such a light-house as the Department has recommended—that it would be better for him to let it all be struck out, and before the coming year examination can be made, and it can be shown just where the light ought to be, and just how much ought to be appropriated. That is all I have to say.

Mr. SENER. I just want to say before the vote is taken that the language of the appropriation is "at or in the vicinity of Mathias Point." That follows the exact language of the recommendation of the Light-House Board.

The question was taken on Mr. LAMISON's motion to strike out the clause as amended; and on a division there were ayes 72, noes not counted.

Mr. SENER. I call for tellers.

Tellers were ordered; and Mr. SENER and Mr. LAMISON were appointed.

Mr. RANDALL. Has the Light-House Board recommended this appropriation?

Mr. SENER. It has.

Mr. HOOPER. Here is the recommendation of the Light-House Board.

Mr. SPEER. Let it be read.

Mr. SENER. I ask that the report of the Light-House Board be again read.

Mr. HALE, of Maine. It has been read once.

Mr. PLATT, of Virginia. Before the vote is taken I desire to have the report of the Light-House Board read upon this subject.

The CHAIRMAN. The committee is dividing.

Mr. PLATT, of Virginia. If almost the only appropriation for Virginia in this bill is to be voted out, I want the House to do it with an understanding of the subject.

The committee divided, and the tellers reported—ayes 87, noes 70.

So the motion to strike out was agreed to.

Mr. SENER. I give notice that I shall ask for a separate vote in the House on this amendment and shall call for the yeas and nays on it.

The Clerk read as follows:

For a survey of the Mississippi, Ohio, and Missouri Rivers, and to establish temporary lights and buoys thereon, $50,000; to be available whenever new light-house districts shall be established on said rivers by law.

Mr. PARKER, of Missouri. I move to insert after the clause just read the amendment which I send to the Clerk's desk.

The Clerk read as follows:

That the jurisdiction of the Light-House Board, created by the act entitled "An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," approved August 31, 1852 is hereby extended over the Mississippi, Ohio, and Missouri Rivers, for the establishment of such beacon-lights, day-beacons, and buoys as may be necessary for the use of vessels navigating those streams; and for this purpose the said board is hereby required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house districts; and is hereby authorized to lease the necessary grounds for all such lights and beacons as are used to point out changeable channels, and which in consequence cannot be made permanent.

Mr. HALE, of Maine. I think that amendment is right, and I hope it will be adopted.

The question was taken upon the amendment, and it was agreed to.

The Clerk read as follows:

For building a new tower and keeper's dwelling at White River light-station, Michigan, $15,000.

Mr. PLATT, of Virginia. I move to insert the following, to come in after the paragraph just read:

For building a light-house at Tue's Marshes, near the mouth of the York River, $15,000.

Mr. Chairman, this light is one of the most necessary that has been asked for, or that has come before the House. Tue's Marshes project out into the month of the York River, immediately in the track of passing vessels.

This point has been the scene of a great many disasters caused by the impossibility of evading these marshes, even by the most experienced navigators, because there is no light at this point or in the vicinity. Two light-house inspectors in that district, one stationed at Norfolk and the other at Baltimore, under the orders of the Light-House Board visited this point a few weeks ago and after a careful inspection made a very strong report in behalf of the necessity of establishing this light-house. There are several lines of steamers connecting with Baltimore which pass this point, and gentlemen interested in that steamboat property have been here trying to secure the erection at this point of this important light.

As the committee has stricken out almost the only appropriation in this bill for the waters of Virginia, I trust it may be their pleasure to adopt this amendment, and appropriate the small amount that I ask for, for a light-house at this point.

Mr. HALE, of Maine. I have made it a rule in this part of the bill to yield to all amendments recommended by the Committee on Commerce and by the Treasury Department, because some things came into the committee after the bill had been made up that seemed to be right and fair. But in this case I cannot accept the amendment, and to show that it has not been recommended by the Department, as I am very hoarse and cannot speak myself, I will ask the Clerk to read the paragraph I have marked in the report of the Light-House Board.

The Clerk read as follows:

York River, Virginia.—In regard to establishing a light-house on York River, Virginia, at the point named, it would be of but little importance, and the amount of money necessary to establish a light there can be much better expended at more important points.

Mr. PLATT, of Virginia. That is in relation to a point higher up the river. I state again that the report of both the inspectors, which I tried to get here in season, are very strongly in favor of the erection of a light-house at this point. They say that the necessity for a light for the commerce of the river is imperative.

Mr. ARCHER. I desire to add a word to what has been said by the gentleman from Virginia.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. PLATT, of Virginia. I withdraw the amendment.

Mr. ARCHER. I renew it. I would remark in addition to what the gentleman from Virginia has said that not only have several captains of the steamboats that run on that river been here to ask for this appropriation, but I had a very strong letter from the collector at Baltimore, stating that very frequent complaints had been made by seafaring men of their running aground at this point, and asking me to state that fact to the House and request that an appropriation be made for this purpose.

Mr. HALE, of Maine. I suggest to the gentleman to follow the course which is pursued by all gentlemen representing the interests of their districts; that is, to go before the Department or the Committee on Commerce and get its recommendation. If we depart from the bill as reported from the committee, and put in light-houses here and there on the motion of one gentleman and another, upon private letters, without investigation by a committee and without a recommendation of the Department, there is no knowing where we will stop. The gentleman can see that this is all done by another year, and then if it comes in regularly in the estimates, it can be put in the bill. I hope we will not now set the precedent of putting in appropriations not recommended.

Mr. ARCHER. This is not in my district. But I speak in the interest of the commerce of our city of Baltimore, and of the foreign commerce that comes into the State of Virginia, and simply because I have been requested so to do by the collector of the port of Baltimore.

Mr. PLATT, of Virginia. I have already endeavored, and so have the other Representatives from Virginia, to take the steps indicated by the gentleman from Maine, [Mr. HALE.] We got the Light-House Board to send their inspectors to this point, and I state upon my own knowledge, which statement I ask this committee to accept, that the report of these inspectors was very strongly in favor of establishing a light-house at this point. There has not been time for us to go before the Committee on Commerce. I ask the Committee of the Whole not to put us off another year. During the last winter a large amount of property was lost because of the absence of a light-house here, and I trust we will not be put off another year, and thereby cause a destruction of still more property.

Mr. WHITEHEAD. I would like to ask the chairman of the Committee on Appropriations [Mr. GARFIELD] a question. I understood him to say that they had considered three classes of light-houses; had allowed all of the first class, all or nearly all of the second class, and none of the third class. This amendment of my colleague [Mr. PLATT] is objected to by the gentleman from Maine [Mr. HALE] on the ground that it has not the recommendation of the Committee on Commerce or of the Light-House Board. Now, I would like to ask the chairman of the Committee on Appropriations what has become of those light-houses that stood below Mathias Point in the list?

Mr. GARFIELD. They are not in the bill.

Mr. WHITEHEAD. I understood the gentleman to say they were allowed.

Mr. GARFIELD. None of the third class was put in the bill, some of the second, and all of the first.

Mr. WHITEHEAD. This comes within those allowed of the second class.

Mr. GARFIELD. I was speaking of Mathias Point.

Mr. WHITEHEAD. What becomes of those below Mathias Point?

Mr. GARFIELD. They are mostly out.

Mr. WHITEHEAD. They are not here.

Mr. GARFIELD. No; they are out. And this is of the third class.

Mr. WHITEHEAD. I have no personal interest in this matter. But it appears to me that after Mathias Point was stricken out all below it in the second class should have been stricken out by the gentleman from Ohio. As I understood the chairman of the Committee on Appropriations Mathias Point was in the middle of the second class.

Mr. HALE, of Maine. I hold in my hand a bill providing for this ligh-house, which was introduced by the gentleman from Virginia, [Mr. PLATT,] and referred by the House to the Committee on Commerce. The Committee on Commerce did not recommend it. It therefore does not appear here before us with a recommendation either of the Committee on Commerce or of the Treasury Department.

Mr. WHITEHEAD. The point I make is that the objection to this amendment ought not to hold good on the ground that it was not recommended by the Committee on Commerce, because the Mathias Point appropriation had been recommended by the Committee on Commerce, and that was not left in.

[Here the hammer fell.]

Mr. WHITEHEAD. The gentleman from Maine took my time.

The CHAIRMAN. By your consent.

Mr. WHITEHEAD. Not by my consent, but against it.

The question was taken upon the amendment of Mr. PLATT, of Virginia; and upon a division there were—ayes 44, noes 54; no quorum voting.

Tellers were ordered; and Mr. PLATT of Virginia and Mr. HALE of Maine were appointed.

The committee again divided; and the tellers reported that there were—ayes 80, noes 72.

So the amendment was agreed to.

Mr. HOOPER. I move to insert after the paragraph last read the following:

For the construction of a light-house at the mouth of Thunder Bay River, in the State of Michigan, $20,000: *Provided*, That all tolls on vessels entering or leaving the river shall be abolished after the light-house is completed.

Mr. HALE, of Maine. This amendment is recommended by the Treasury Department.

The amendment was agreed to.

The committee rose informally to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the amendment of the House to a bill of the following title:

A bill (S. No. 876) to amend the law relative to patents, trade-marks, and copy-rights.

The message further announced that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 2211) for the relief of Beck & Wirth.

The message also announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 856) to incorporate the Oxygen Gas Company of the District of Columbia.

MISCELLANEOUS APPROPRIATION BILL.

The committee resumed its session and the consideration of the miscellaneous appropriation bill.

Mr. PAGE. I move to amend by inserting the following:

For a fog-signal on Yerba Buena Island, in the Bay of San Francisco, California, $10,000.

Mr. HALE, of Maine. Should that be a fog-signal only, or a light and a fog-signal? The appropriation is one which I am authorized to accept on the part of the Committee on Appropriations.

Mr. PAGE. Only a fog-signal is necessary.

Mr. HALE, of Maine. There is no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For Rock Island bridge: For alterations and repairs and additional machinery (for draw of the bridge) and for care and preservation, $23,400; one-half of which sum shall be reimbursed to the Government by the Chicago, Rock Island and Pacific Railroad Company.

Mr. CONGER. I move to amend this paragraph by striking out the words "one-half of which sum shall be reimbursed to the Government by the Chicago, Rock Island and Pacific Railroad Company," and inserting the following:

One-third of which sum shall be reimbursed to the Government by the Chicago, Rock Island and Pacific Railroad Company, and one-third by the Davenport and Saint Paul Railroad Company.

Mr. GARFIELD. I make a point of order on that amendment; but I am willing to reserve it till we hear the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I would like to make a remark.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] will state his point of order.

Mr. GARFIELD. I was about to reserve it till the gentleman had said what he desired; but if he wishes me to do so, I will press it now.

Mr. CONGER. I am indifferent what course the gentleman may take. I make a point of order on the bill of the committee, that this provision is contrary to the law of the land; that the paragraph as it stands is new legislation.

The CHAIRMAN. The gentleman, having offered an amendment, has waived his point of order.

Mr. CONGER. Very well; I make the point of order as part of my argument in favor of the amendment. The act of June 4, 1872, granting to the Davenport and Saint Paul Railroad Company the right of way, provides—

That the Davenport and Saint Paul Railroad Company, a corporation existing under the laws of the State of Iowa, be, and is hereby, authorized, upon the payment of one-third of the cost of the bridge over the main channel of the Mississippi River at Rock Island, and shall also be liable for and pay one-third of the cost of keeping the same in repair, to pass the cars of the said Davenport and Saint Paul Railroad Company over said bridge, with the same rights and privileges, and subject to the same restrictions, that are or may be exercised or enjoyed by any other railroad company.

That is the first section.

Mr. COTTON. Has the company accepted that act up to the present time?

Mr. CONGER. The law declares that the Davenport and Saint Paul Railroad Company shall pay one-third; the Chicago, Rock Island and Pacific Railroad Company one-third; and the Government one-third.

Mr. COTTON. But the law does not attach until the company comes to use the bridge.

Mr. CONGER. There is nothing in this law that states when this company may or may not be liable. Now this law provides that the expense of repairs, for which this appropriation is made, shall be borne, one-third by the Chicago, Rock Island and Pacific Railroad Company, one-third by the Davenport and Saint Paul Railroad Company, and one-third by the Government. That is the law of the land. The Committee on Appropriations propose in this bill to require the Government to pay one-half, which is more than we are under any obligation to pay, while the Davenport and Saint Paul Railroad Company is let off without paying its share.

Mr. HAWLEY, of Illinois. What is the date of the approval of that law?

Mr. CONGER. June 4, 1872.

Mr. HAWLEY, of Illinois. I think the gentleman will find by examining the act that it has expired by limitation.

Mr. CONGER. This is in relation to the Government bridge already built.

Mr. HAWLEY, of Illinois. The gentleman does not understand it. The bridge has been built by the Government; but it was provided by law that the Chicago, Rock Island and Pacific Railroad Company should pay one-half the cost of the superstructure and one-half the expense of keeping the same in repair. It was also provided that other roads might cross the bridge upon paying their part of the expense of constructing the bridge and keeping it in repair. The law passed two years ago provided that the Davenport and Saint Paul Railroad Company should have the right to construct a bridge across the eastern channel of the Mississippi River to the island, and upon paying its proportionate share of the expense should have the right to cross the Government bridge over the main channel, to which this appropriation refers. But that provision of law did not attach at all until the bridge across the eastern branch was built, and until the Davenport and Saint Paul Railroad Company should use the Government bridge.

Mr. CONGER. That is not the provision of this law.

Mr. COTTON. The requirement was that when the company should come to use the bridge they should pay their share of the expense; but until they use it they are not required to pay anything. At the present time they have not commenced to use it. When they do, they will no doubt pay their share.

Mr. CONGER. I am merely referring to the law. There is nothing to show that they have not used the bridge up to this time.

Mr. HAWLEY, of Illinois. I will state to the gentleman as a matter of fact that they have never begun work under the law of 1872, and have never in any way used the Government bridge.

Mr. COTTON. The present law compels the company to pay their share when they come to use the bridge.

[Here the hammer fell.]

Mr. GARFIELD. I merely desire to read, that it may go into the RECORD, an abstract from the Book of Estimates. After a full statement of the necessity of the appropriation, the Secretary of the Treasury says:

The railroad company or companies using the bridge should, under their agreement, pay one-half of this expense.

Mr. CONGER. That was under the old law. This is the act of 1872, by which the Government gave up one-half of its portion and the Chicago and Rock Island Railroad Company one-half of its portion; and the provision then was that the Government, the Chicago, Rock Island and Pacific Railroad Company, and the Davenport and Saint Paul Railroad Company should each pay one-third.

Mr. HAWLEY, of Illinois. The gentleman from Michigan will certainly not contend that the Davenport and Saint Paul Railroad Company is liable to pay for the use of this bridge which it has never used in any manner. I think the gentleman will find on an examination of the law to which he has referred that it has expired by limitation.

Mr. CONGER. In view of the statements made by the gentleman from Illinois [Mr. HAWLEY] and the gentleman from Iowa [Mr. COTTON] I withdraw my amendment.

The Clerk read as follows:

For repairs of arsenals: For repairs of smaller arsenals, and to meet such unforeseen expenditures at arsenals as accidents or other contingencies during the year may render necessary, $50,000.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to move the following amendment:

The Clerk read as follows:

To enable the Secretary of War to provide for the construction of a military bridge across the North Platte River at or near Fort Laramie, Wyoming Territory, $15,000.

Mr. GARFIELD. I submit the following papers from the Secretary of War, showing the necessity for this appropriation for the transportation of goods of the Army to the various military posts:

COMMITTEE ON MILITARY AFFAIRS,
HOUSE OF REPRESENTATIVES,
June 2, 1874.

GENERAL: At a meeting of the Military Committee this day it was voted to recommend to the Committee on Appropriations to make an appropriation of $15,000 for the purpose of constructing a military bridge at or near Fort Laramie, Wyoming Territory.

JOHN COBURN, *Chairman.*

Hon. J. A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

WAR DEPARTMENT,
Washington City, March 28, 1874.

SIR: In reply to your letter of the 26th ultimo, inclosing copy of House bill No. 2178, "for the location and construction of a Government military bridge across the North Platte River at Fort Laramie, Wyoming Territory," I beg to invite your attention to the inclosures, copies of indorsements of Generals Sherman, Sheridan, and Ord, upon your letter, approving the construction of the bridge. General Sheridan suggests that the bill be so amended as to allow the military authorities to locate the bridge.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

Hon. W. R. STEELE,
Delegate, House of Representatives,

WAR DEPARTMENT, *June* 5, 1874.

The chief clerk of the War Department has the honor to report to the House of Representatives, for the information of the Committee on Appropriations, that he has received a telegram from the Secretary of War dated West Point, New York, June 4, 1874, as follows:

"Recommend to House appropriation of $15,000 for Laramie bridge."

This, in connection with letter of the Secretary of War to the Hon. W. R. Steele, dated March 28, 1874, inclosing copies of indorsements of Generals Sherman, Sheridan, and Ord, approving the construction of the bridge proposed in House bill No. 2178, which it is understood is now with the Committee on Appropriations.

H. T. CROSBY,
Chief Clerk.

Copy of indorsements on copy of (828 A. G. O., 1874) communication dated February 26, 1874, from Hon. W. R. Steele, inclosing House bill for location and construction of a bridge over the North Platte at Fort Laramie, &c.:

* * * * * * *

[Third indorsement.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, March 12, 1874.

Respectfully returned through headquarters Military Division of the Missouri.

The within bill for a bridge across the North Platte River having been referred to me, I have to report that since the movement of a sufficient number of troops north of that river with a view to the establishment of two new military posts or camps at the Red Cloud and Spotted Tail agencies, respectively, and of such operations against hostile Indians north of the river as may result, a bridge across the river has become necessary, for the river is at times for two and three months in a season not fordable, and the ferry which has been in accordance with General Sheridan's instructions commenced, may during a very high water be carried away, and is at best a very slow and uncertain means of crossing large bodies of troops or large supply trains, such as will have to cross the river for the maintenance of troops.

E. O. C. ORD,
Brigadier-General, Commanding.

[Fourth indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, March 17, 1874.

Respectfully returned to the Adjutant-General through headquarters of the Army, highly approving the construction of the bridge and believing it a want that we cannot well do without.

But I would like to have a condition attached giving the proper military authorities the privilege of locating the bridge at some other point on the river than that named in the bill should the condition of military affairs permit of a shorter line of communication to the agencies named in General Ord's indorsement.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

[Fifth indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, March 20, 1874.

Respectfully returned to the Secretary of War, concurring with General Sheridan in opinion.

W. T. SHERMAN,
General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 25, 1874.

Official copies.

E. D. TOWNSEND,
Adjutant-General.

The amendment was agreed to.

The Clerk read as follows:

To enable the Secretary of War to purchase Gatling guns for armament of fortifications, $70,000.

Mr. WHEELER. I make the point of order against that paragraph that there is no law authorizing an appropriation for the purchase of Gatling guns.

Mr. STARKWEATHER. An appropriation for the same purpose was made last year.

Mr. WHEELER. There is no law for this appropriation. It is not an ordinary case of an appropriation made for the purchase of arms generally or for the manufacture by the Government of its own arms. It is for the purchase from other parties of a gun by the name of the Gatling gun. There is no law for it, and the gentleman cannot find one.

Mr. CONGER. On page 546 of volume 17 of the Statutes at Large, is the following:

To enable the Secretary of War to provide Gatling guns of light caliber for the use of the Army, $60,000.

The CHAIRMAN. The Chair is of the opinion the appropriation last year for this purpose would not authorize an appropriation this year. Nor would it make it in order to this appropriation bill. But the general authority of Congress to appropriate for carrying on these Departments would include for the War Department the purchase of any kind of gun or munitions of war of any kind.

Mr. HAWLEY, of Connecticut. In the same way appropriations for our forts and arsenals are in order.

Mr. WHEELER. Does the Chair declare the amendment to be in order?

The CHAIRMAN. That is the decision of the Chair.

Mr. WHEELER. I move to strike out the paragraph.

Mr. CONGER. I desire to read the other clause of the law in regard to the Gatling gun, and which I was about to read when interrupted.

For experiments and tests of two Gatling guns of large caliber for flank defense of fortification, $5,000, and of the systems of heavy rifled ordnance recommended for trial by the board convened under act of June 6, 1872, and, in the discretion of the Secretary, of any other systems for utilizing or improving the cast-iron guns now in the service, $50,000, in addition to any unexpended balance of appropriations made for the present fiscal year.

There was an appropriation for the improvement of heavy ordnance for our fortifications. This appropriation, I take it, is carrying out the law already upon the statute-books.

Mr. WHEELER. I say now there is no express law for the purchase of Gatling guns for fortifications. In relation to this proposition I wish to say what I said in the discussion of the Army appropriation bill. Our armories to-day are groaning under the load of accumulated guns for which we have no earthly use. We have appropriated this very winter thousands of dollars to pay for cleaning useless arms and to prevent their going to destruction.

There is no authority for the purchase of Gatling or any other guns. They are recommended by the Secretary of War for the purpose of flank defense in our fortifications. Who here supposes that a foreign enemy will land on our coasts and get so far as to assail our fortifications, as to require these Gatling guns to be used for flank defense in those fortifications? I do not believe these Gatling guns or any other guns are needed this year.

Mr. HAWLEY, of Connecticut. So far as I understand the gentleman from New York his only argument is that he does not know of any enemy who is going to attack our works this particular year. If that be so, I think it would be wise to sell out the entire Army, all our machinery, all our guns; to take the heavy guns on our coast fortifications and sell them for old iron and turn the money into the Treasury. If his argument has any logical force at all that is it.

I hope no enemy does intend to land on our shores; I hope we will have no war for many years to come; but we would be a foolish nation if we did not keep up our fortifications, and would not show our usual wisdom if we did not take the best inventions in these arms to be found in the world. And now there is nothing that surpasses this particular gun for these purposes. I have in my hand a communication sent by the Secretary of War, which contains the recommendation of the Ordnance Department and of the very best engineers of the Army.

Mr. WHEELER. Will the gentleman allow me to call his attention to one recommendation in that report?

Mr. HAWLEY, of Connecticut. The gentleman can have his own time and can occupy it as he has a mind to. I do not yield to him in my time. I have the report here, and there is no question whatever about the opinion of the Ordnance Department. The examination has been very thoroughly and exhaustively made, and the ordnance memorandum, number 17, contains a full statement of the results of all the trials and experiments made. Here also is the communication from the Secretary of War with the recommendation of this gun for certain special uses and purposes, for which it altogether surpasses any other gun known in the world.

We have adopted this gun for some purposes already. But the Ordnance Department desire to put a number of them along our fortifications. They recommended a very much larger number than the committee have accepted. They recommended two hundred and twenty-one for the armament of the fortifications along the coast.

Foreign governments have adopted this weapon. Some of the European governments have bought ten times as many as we have done. And we propose to neglect this weapon at home and to neglect the armament of our own forts, while we leave those foreign governments to reap the benefits of American skill and ingenuity. I think that the appropriation reported by the committee is small enough. It is but one-fourth of the amount recommended by the Ordnance Department and the board of engineers. They recommended $292,000, and the committee reported only $70,000.

Mr. WHEELER. I move to strike out the last word. I do so for the purpose simply of saying that that recommendation of the Ordnance Department includes ten of these Gatling guns for Fort Montgomery, up in my country, a fort which never had a soldier in it, where there is not one needed, and where they will not be indeed for years to come unless you send them there to take care of these Gatling guns; and the same is true of a dozen other forts.

Mr. HAWLEY, of Connecticut. That is not in the list, however.

Mr. WHEELER. You will find it there. I withdraw my amendment.

Mr. MAYNARD. I move to amend the paragraph by striking out "$70,000," and inserting "$50,000." I do not know where these Gatling guns are made, or by whom they are made, or who is to get this $70,000 if we appropriate it; but it is very manifest that it is going somewhere, to somebody. If it brings back its equivalent, however, I do not know that it is a matter of very great consequence who gets it.

There is a great deal of force in the argument of the gentleman from New York [Mr. WHEELER] that there is no immediate pressing urgency for this class of weapons. We know as a matter of fact that experiments are constantly making in regard to them, and that men are constantly engaged in bringing these weapons to perfection. We are told that experiments are being constantly made by the Ordnance Department. I have seen a report submitted and a very pretty book it makes, and the experiments, so far as they are given, seem to demonstrate this that there is no comparison between howitzers and guns of that class and the mitrailleuses, which is the general class to which the Gatling gun belongs. Now it so happens that a young man, the son of a former Representative in this Chamber, a colleague of mine, engaged at a very early period in the manufacture of that kind of gun, and has produced a result which many persons of intelligence think to be not only equal, but superior to, the so-called Gatling gun. How that may be I know not. But one thing is very certain, that this class of guns, ever since the Franco-Prussian war, has engaged the attention of inventors. They are bringing them to a greater and greater degree of perfection. And instead of appropriating $70,000 or any other considerable sum to buy a number of one style of gun, I would rather appropriate a suitable amount to enable the Ordnance Department to try experiments with this arm. And when they shall come to something like a satisfactory result, as they have done in the case of the musket, then they should manufacture it themselves, as they manufacture the musket and other arms.

Mr. KELLOGG. That has already been done.

Mr. MAYNARD. I do not understand from the report that is made here that there have been any comparative experiments between the Gatling gun and any other gun of the same general class to which the Gatling gun belongs.

Mr. BUTLER, of Massachusetts. Mr. Chairman, it was my fortune, whether good or ill, to use the first Gatling guns that were brought into being, a very inferior weapon then from what it is now. I used it on boats navigating the Dismal Swamp Canal, Albemarle Sound, and other waters of North Carolina. I have watched the gun from that day to this, because it did excellent service. It is a much better gun than the mitrailleuse, a gun of the same class which did such great execution in the Franco-Prussian war. It has been now thoroughly tested and is very largely used everywhere but in its own country, because it is like a prophet; it is not without honor except in its own country. The Khedive of Egypt has two hundred of them, China has just ordered fifty, and Russia a very large number.

Here is the trouble with the argument made by my friend from New York, [Mr. WHEELER,] for whom I have very great respect. I agree with him that we do not want these guns to-day nor to-morrow, and I hope we shall not want them the next day; but it will take a year to get them made, and if he can tell what necessity there may or may not be for them, even at Fort Montgomery, which I understand to be upon the Canadian line, I cannot, and when the time comes that we need them it will take a year to get up the tools and get them made. The company which makes these guns is now obliged to rely upon another armory, Colt's armory, to make them. It has not yet supplied itself with the necessary tools, and unless it can have large and assured orders it cannot supply itself with them, because the tools are very expensive and very different from those required in the manufacture of other arms.

These guns, I may say for the information of those who have not seen them, are on wheels, and turn with a crank ten barrels, and during the experiments made at Annapolis by the Navy, one of these guns shot off sixty thousand rounds and was still in a condition to be fired again. Sir, it is necessary in time of peace to prepare for war, and if you get a few of these Gatling guns, even at Fort Montgomery, I tell my friends there never will be a soldier there, at least not one of the enemy sort, for they never can get in. They are the best guns for defense, and our Government should have them to a greater or less degree. The War Department, I believe, recommend two hundred and twenty-one, but only fifty can be made for this $70,000. We shall have enough then to be thrown in any point where there is danger, and we can go on increasing the number from year to year until we have placed ourselves in a thorough position for defense; but at present the Government should have a few for immediate use in case of necessity.

Mr. MAYNARD. I withdraw my amendment.

Mr. COBURN. I renew the amendment.

I only desire to say in addition to what has already been said that these Gatling guns have been strongly recommended by the War Department, by the Ordnance Department, and by all the military authorities that have had any occasion to examine them. They are really the finest guns of the kind that ever were made. They have the indorsement of the British government and of the ordnance officers of the British army. Louis Napoleon undertook to steal the pattern of these guns and failed. He made what was called a mitrailleuse, a very inferior gun. These guns are being purchased by all the first-class military powers of the world in much larger quantities than we are taking them. It looks like folly for us, in face of these facts, to refuse to buy these arms made by our own citizens for the defense of our coast and frontiers. We should certainly have a small supply. As has been said, we cannot make these arms instantaneously; it is a work of time. The guns are somewhat intricate in their construction. Their fabrication is not the work of a day, and if we should be suddenly involved in war it would be the most efficient arm possible in many respects for the defense of our coasts, and of bridges and other strategic points; in fine, for flank defense. I remember very well when in the Atlanta campaign almost half of our Army was strung out between Atlanta and Louisville guarding bridges; a regiment at one place, half a regiment at another, and a company at another, at fifty points, whereas one officer with a few men and with four or five of these guns can make a more effective defense of a bridge or weak point on a railroad than he could with a whole regiment with ordinary arms. The showers of shot that these guns throw, the accuracy of their aim, and the wide extent of their range are surprising and unequaled by any other arms. Trial tests have been made in both continents, and always resulted one way.

A word now, sir, about Fort Montgomery, which the gentleman from New York [Mr. WHEELER] sneers at. Where is Fort Montgomery? I say that it is the point where these guns, and all guns, are more needed than anywhere upon our northern frontier. It is at the head of Lake Champlain, a most dangerous point for invasion, and a strategic point of the first class in case of an inroad from Canada. It is the only point on our northern line that affords an approach by water on a line perpendicular to the border of the country. All the other lakes run along our borders. Here at Fort Montgomery Rouse's Point is a great interior water line, which if once seized by the British would enable them to send hostile vessels away down into the interior of Vermont and New York. Of all places on our frontier Rouse's Point is the most important in a strategic point of view, and there ought to be assuredly a few of these guns put there.

We need them at many other points, and can ill afford to be without them while our warlike neighbors are getting a large supply. If we are well supplied with arms we need dread no enemy; without them we may well hesitate to assert our rights at times.

Mr. MAYNARD. Will the chairman of the Committee on Military Affairs [Mr. COBURN] tell this committee whether this class of guns, of which the Gatling gun is one, have been brought to such a degree of perfection that it would be wise for the Government to purchase any considerable number of them?

Mr. COBURN. I believe it would be wise for the Government to purchase them. There has been no gun made that will compare with this Gatling gun. Ordnance men of the civilized world, our own included, admit that this gun is not equaled by any other.

The committee rose informally to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had adopted the report of the committee of conference on the disagreeing votes of the two Houses upon a bill of the following title:

A bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes.

MISCELLANEOUS APPROPRIATION BILL.

The Committee of the Whole resumed its session and the consideration of the miscellaneous appropriation bill.

The CHAIRMAN. The question is upon the motion to strike out the last word of the paragraph relating to Gatling guns.

Mr. COBURN. I withdraw that motion.

The CHAIRMAN. The question recurs upon the motion of the gentleman from New York, [Mr. WHEELER,] to strike out the paragraph.

Mr. COX. I move to strike out the last line of the paragraph simply for the purpose of saying a few words. I do not propose to discuss the Gatling gun, nor its utility, nor the amount of the appropriation here proposed, nor whether foreign powers have selected this gun, nor whether we should have it at one fort or another.

But I desire to disenchant the minds of gentlemen who are lovers of liberty in regard to our fortifications and our danger of a war about Cuba. I want this country to understand that all this talk in the newspapers about Cuba and belligerent rights, and the action of the Committee on Foreign Affairs of this House, is utter nonsense. That committee never had any idea of bringing in any bill recognizing the independence of Cuba or for the freedom of the colored people there. The colored people of this country might as well understand at once that neither their civil rights nor the rights of their friends in Cuba will be cared for by this Administration or by this Congress. And there is no use for men who have Cuban bonds to prowl around this House, or to get up newspaper articles, with the expectation that the Committee on Foreign Affairs, or any other committee, will do anything to help them. Whether they are interested in those bonds or not (I know none of the committee are interested in them) there will be nothing done by this Congress with respect to according belligerent rights to Cuba, and they might as well stop all that thing, and our colored brethren might as well take notice and govern themselves accordingly in the next election.

Mr. STARKWEATHER. I desire only to call attention to the general qualities of this gun, as set forth in the report of the board of engineers, for fortifications:

> The fire of canister, four hundred and forty bullets at once, has the effect of a volley, and the first discharge may completely break an assaulting column. This volley effect of the howitzer is in part made up by the continuity of fire of the Gatling, and the combination of the two, the latter filling up the intervals between the volleys, would seem to be superior to either singly, unless the number of howitzers gives a rapidity of fire approaching continuity.
>
> The Gatling requires fewer gunners for its service, and there are some small works where the garrisons may be quite limited on the breaking out of war necessitating economy of men in the service of the pieces. These guns on the ramparts in such works, would supply the place of a large number of soldiers. In many of our works the strength is superabundant, and either system of flank-defense will doubtless be sufficient. * * * * * *
>
> This board give it as their opinion that a number of Gatling guns may be effectually used on the parapet of works, as being more accurate in their fire at a distance upon reconnoitering parties, both by land and water, than field-artillery, or pieces in position, or even musketry, and they can be served with less exposure. Many of the barbette batteries that have been recommended by this board are isolated and unsupported by permanent works. Some small keeps will probably be built to protect them. The Gatling gun will be found very efficient in these keeps to clear the advanced batteries if attacked by boat or shore parties with a view to spiking the guns, and will sweep the approaches to such batteries. Further, the Gatling gun will prove very serviceable in firing into the embrasures of iron-clad ships that approach within 1,000 or 1,200 yards of a fort.

Mr. COX. I withdraw my amendment.

The question was then taken on the motion to strike out the paragraph, and upon a division there were—ayes 73, noes 51; no quorum voting.

Tellers were ordered; and Mr. WHEELER, and Mr. HAWLEY of Connecticut, were appointed.

The committee again divided, and the tellers reported that there were—ayes 98, noes 48.

So the motion to strike out was agreed to.

Mr. GARFIELD. I ask members to remain here and work on this bill until half past five o'clock, and thus avoid a night session. I think if we work on the bill till that time we can finish it to-morrow.

The following was read:

To enable the Secretary of War to purchase for the United States, of the owners thereof, the lot and buildings thereon immediately west of Winder's building, on F street, Washington City, and the house and lot in the rear of and immediately adjoining the Army Medical Museum on Tenth street, Washington City, $38,500, or so much thereof as may be necessary for the purpose: *Provided*, That the cost of said lot adjoining Winder's building shall not exceed $35,000, and the cost of said property adjoining the Army Medical Museum shall not exceed $3,500. and that payment shall not be made for either lot until the title thereto is perfect and the property free of incumbrance.

Mr. WHEELER. I move to insert after the paragraph last read, the following:

It is hereby declared that the northern part of Woodlawn cemetery, in the city of Elmira, in the State of New York, occupied by soldiers' graves, shall be deemed a national cemetery, so far only that the head-stones of said soldiers' graves shall be renewed and maintained and the graves cared for, under the provisions of law applicable to national cemeteries.

This amendment speaks for itself. It was not brought to my attention until after the Army appropriation bill had been passed by the House.

The amendment was agreed to.

Mr. WHEELER. I move to further amend by inserting the following:

That section 2 of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes," passed at the present session, shall be construed to direct the Third Auditor of the Treasury to certify to the Secretary of the Treasury the sum necessary in the settlement of accounts for steamboats and other vessels pending in his office under the joint resolutions approved December 23, 1869, and March 3, 1871, and said sums so certified shall be excepted from the operation of said second section.

The Third Auditor of the Treasury says that he has been in the habit of paying these claims for vessels lost during the war out of appropriations made by the Quartermaster's Department. By the Army appropriation bill, passed a few days ago, we directed the unexpended balances of those appropriations to be covered into the Treasury. We wish to put these claims upon the same footing as other claims of a like character.

The amendment was agreed to.

Mr. COBURN. I move to insert after the amendment last adopted the following:

To enable the Secretary of War to begin the publication of the official records of the war of the rebellion, both of the Union and of the confederate armies, the sum of $15,000. And the Secretary of War is hereby directed to have copied for the Public Printer all reports, letters, telegrams, and general orders not heretofore copied or printed and properly arranged in chronological order.

Mr. KASSON. All he thinks necessary to publish. You do not want all published?

Mr. GUNCKEL. Yes; we want all published.

Mr. COBURN. These reports of battles, campaigns, and military operations, as well as those of the enemy called rebel archives, are now in buildings where they are liable any day to be destroyed by fire or other accident; they are liable to be abstracted or lost; and thus a most important part of the history of the country may at any time, for want of proper protection of these records, be utterly annihilated. The object of this amendment is to begin in a small way the publication of these reports and records. Everybody in the land, whether he may have been engaged on one side or the other in the late rebellion, every lover of his country, every one who delights in the preservation of its history, is interested in this matter. An appropriation of only $15,000 is asked; and it seems to me useless to reason with the House in favor of a proposition so manifestly calculated for the benefit of the entire nation.

Mr. GARFIELD. I suggest to my friend from Indiana [Mr. COBURN] to modify his amendment so as to provide for "beginning preparation for publication." The amendment in its present form proposes to begin publication; but I think we should provide now merely for the preliminary work.

Mr. COBURN. In view of the gentleman's suggestion, I will say that the Adjutant-General, who has been before the Committee on Military Affairs to-day, states that a large number of these reports are already copied and ready for publication.

Mr. GARFIELD. Very well.

The amendment was agreed to.

Mr. COBURN. I move further to amend by adding after the amendment just adopted the following:

To enable the Secretary of War to alter certain stone buildings, and make the walls and constructions around the same, to fit them for a military prison, at Fort Leavenworth, Kansas, the sum of $25,000.

Mr. GARFIELD. I make a point of order on that amendment. A preliminary provision in regard to the building of that prison was the sending out of a commission and the making of a report. That has not been done; therefore there is no arrangement at this time for the erection of this building, and the expenditure at present is not authorized by law.

Mr. COBURN. No preliminary action of that kind is needed. The preliminary action to which the gentleman refers was in relation to the establishment of a prison at Rock Island; and with reference to that, such action was taken. But the law has authorized the removal of the prison to Fort Leavenworth, and there is nothing of that kind to be done.

The CHAIRMAN. Can the gentleman from Ohio [Mr. GARFIELD] point to any provision of law with which this amendment conflicts?

Mr. ALBRIGHT. The law applying to the military prison at Rock Island has been repealed; but this is a different matter.

Mr. GARFIELD. We have repealed the law authorizing the building of a prison at Rock Island.

The CHAIRMAN. Does it follow from that that it is unlawful to build one at Fort Leavenworth?

Mr. GARFIELD. I do not understand that there is any legislation which in any shape authorizes the building of this prison.

Mr. ALBRIGHT. O, yes; there is a law authorizing the building of a prison at Fort Leavenworth.

Mr. COBURN. It became a law at this session. The act providing for commissioners to go to Rock Island was repealed; and that is a different matter.

Mr. GARFIELD. If there is a law authorizing this expenditure, I have nothing further to say on the point of order. But I oppose the amendment on its merits. I do not believe we ought to appropriate this money this year to begin a new building.

Mr. HAWLEY, of Connecticut. This is not an appropriation for a new building. It is merely a provision for taking old buildings and putting cells in them with ordinary iron-barred windows and iron doors. These buildings can be fitted up so as to accommodate sixty prisoners. This provision is therefore a saving of money.

Mr. GARFIELD. As the point of order does not lie, I wish to say a word in regard to the propriety of the amendment. There was, I think, grave doubt as to the propriety of building anywhere a military prison. But it is too late to go into that question. I will only say now, as I said earlier in the session, that to have in a country so extensive as the United States a military prison at one central point to which prisoners must be brought sometimes a distance of three or four thousand miles to serve out their term of imprisonment, and then to be transported back again, is enormously expensive and enormously unwise. I do not believe that such a measure is defensible on any ground of economy or good government.

But waiving that point, as a provision of that kind has been enacted into law, still I believe that now when we are trying to economize in every direction, we ought not to enter upon this new expenditure, for which there is no immediate and pressing necessity. We are trying to avoid or postpone wherever it is possible, appropriations for public buildings, in order to tide over the difficulties of our Treasury and to get through without a deficit; and of all buildings that have been postponed for this year, I know of none that can be deferred with so little harm to the country, with so little injury to the Government, with so little damage to any interest, as this military prison at Fort Leavenworth. I hope therefore that this amendment will not be adopted.

Mr. COBURN. The gentleman from Ohio [Mr. GARFIELD] is mistaken in saying that the establishment of a military prison is not a measure of economy. I hold in my hand the report of the Adjutant-General, showing that during the last ten years there has been an average expenditure of $49,000 a year for the care of military prisoners. They are scattered all over the country. All their work, all their earnings, go into the proceeds of the penitentiaries of the different States. These prisoners can be made self-sustaining. They need not cost the Government one cent. Forty-nine thousand dollars a year can be saved, and that is twice the amount which is necessary to put up one of those buildings for a military prison.

On the question of economy there is no doubt it is a great saving. The buildings are there, the ground is there, we have officers and everything ready to carry out this system. Officers of this Army, from the Secretary of War down, all recommend that it shall be done. This matter has been discussed before, and it is not a question of policy at all, but simply a question of appropriation this year. There are the buildings unoccupied, the walls sound, the roofs sound, and everything ready. It seems to me we can do nothing possible in reference to this matter by which we can save more money.

There are over two hundred military prisoners scattered throughout the United States. There is one prison in California, and it is proposed to leave the prisoners on the Pacific coast there. The prisoners at Leavenworth can be used at the work of preparation for building in making walls and all manner of work in the construction. There is a fine stone quarry at Fort Leavenworth, and they can be taken there and used in taking out stone for this building as well as in every step of the work afterward.

Mr. POTTER. Is the prison located with reference to the working of this quarry?

Mr. COBURN. Yes, sir; besides, this prison is located in the central part of all positions of the Army of the United States.

[Here the hammer fell.]

The question then recurred on the amendment of Mr. COBURN.

The committee divided; and there were—ayes 53, noes 50.

Mr. GARFIELD demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. COBURN were appointed.

The committee again divided; and the tellers reported—ayes 79, noes 71.

So the amendment was agreed to.

The Clerk read as follows:

Signal office:

Observation and report of storms: For expenses of the observation and report of storms by telegraph and signals, for the benefit of commerce and agriculture through-

out the United States; for manufacture, purchase, or repair of meteorological and other necessary instruments; for telegraphing reports; for expenses of storm-signals, announcing probable approach and force of storms; for continuing the establishment and connection of stations at life-saving stations and light-houses; for instrument shelters; for hire, furniture, and expenses of offices maintained for public use in cities or ports receiving reports; for river reports; for maps and bulletins to be displayed in chambers of commerce and boards of trade rooms and for distribution; for books and stationery; and for incidental expenses not otherwise provided for, $355,325.

Mr. McCORMICK. I move to insert the following amendment.

The Clerk read as follows:

To enable the Secretary of War to extend the line of military telegraph from Prescott to Camp Verde and Camp Apache, in Arizona, $4,000: *Provided*, That the Secretary of War be, and he is hereby, authorized to pay the expenses of operating and keeping in repair the telegraph lines constructed and operated by the War Department in said Territory out of any moneys received for dispatches sent over said lines; any balance remaining after the payment of such expenses to be covered into the Treasury as a miscellaneous receipt; the moneys received in any one fiscal year to be used only in payment for the expenses of that year. And a full report of the receipts and expenditures in connection with the said telegraph lines shall be made quarterly to the Secretary of War through the Chief Signal Officer. And the Chief Signal Officer shall have the charge and control of said lines of telegraph in the construction, repair, and operation of the same.

Mr. McCORMICK. By act of Congress approved March 3, 1873, the sum of $50,000 was appropriated for the construction of a military telegraph from San Diego, California, via Fort Yuma and Maricopa Wells, to Prescott and Tucson, Arizona. The line was promptly built at a cost within that sum, and the proposed line to Camp Verde and Camp Apache can, according to a statement from the War Department, be built with the balance of that appropriation and the sum of $4,000 additional asked for in this amendment. This extension will connect with the military headquarters at Prescott two important posts, and greatly facilitate military movements in the Territory. It is recommended by the War Department and by the Committee on Military Affairs of this House.

I will only add that the military authorities agree in pronouncing the construction of telegraph lines connecting the frontier posts a measure of economy to the Government and a great advantage in the conduct of Indian warfare and the protection of the people of the border. The propositions embodied in my amendment regarding the expenses and receipts of the lines and to put them under the control of the Chief Signal Officer are in accordance with the request of the War Department and the Military Committee of this House, as the chairman of the committee [Mr. COBURN] can certify. There is now no law under which the moneys required for the use of the telegraph line by citizens can be applied even to the cost of keeping up the lines.

Mr. GARFIELD. I think that amendment is all right.

The amendment was agreed to.

Mr. COBURN. I move the following amendment.

The Clerk read as follows:

To provide for the manufacture of the Lee breech-loading musket, for the purpose of trial among the troops in the field, under the direction of the Secretary of War, the sum of $10,000.

Mr. COBURN. I wish to say only a word on this matter. Congress is constantly every year making small appropriations for the purpose of obtaining the best quality of small-arms.

Mr. BUTLER, of Massachusetts. Very well; let us have them all in.

Mr. COBURN. This gun can be fired 31 times in a minute. The experiments with all other small-arms give a very much less rapidity of firing.

The Springfield gun has 45 pieces in it; 15 of which are screws, 5 are springs, and it can be fired 17 times in a minute. The Ward-Burton has 34 pieces, of which 8 are screws, 5 are springs, and it can be fired 21 times in a minute. The Elliot gun has 35 pieces, of which 8 are screws, 3 are springs, and it can be fired 18 times in a minute. This gun, the Lee, has 14 pieces, of which 1 is a screw, 2 are springs, and it can be fired 31 times in a minute. As regards the weight of the system, the comparison is as follows: Springfield, 2 pounds 6 ounces; Ward-Burton, 2 pounds 14 ounces; Elliot, 2 pounds 14 ounces; Lee, 2 pounds 5 ounces.

No such gun as this has been submitted to the boards of the Army or to any one else for trial and inspection. The number of screws in the Springfield rifle is one more than the entire number of pieces in this gun. I recently saw the gun fired. The piece was fired, then the breech-block was taken out, was put in, and the gun fired again inside of fourteen seconds. You cannot take the breech-block out of a Springfield gun in fifteen minutes; the stock has to be taken off. There is no gun like this, so far as my experience goes; I do not profess to have great experience, but so far as my inspection of guns goes there is none like this. It is safe; the hammer brings no danger as in other guns. We are spending money constantly for knowledge as to guns, large and small, and I believe we can spend nothing for that purpose more advantageously than by appropriating $10,000 for supplying the troops with a few of these guns by way of experiment. That is what we did two or three years ago, and the result of that is the Springfield musket which is now being made for the Army. But while it is being manufactured we are not making them very largely, because everybody anticipates great improvements in small-arms; and wisely enough, if we look at the rapid progress of the last twelve years. In no branch of mechanics has there been greater progress. This is but a small sum. It is for the benefit of no man; no one can speculate out of this sum. It might take about that much to make perhaps five hundred or one thousand; I do not know precisely how many; but no man can make money out of it. This is simply a proposition to furnish the public with knowledge as to the best qualities of small-arms. No one can tell but that there may be a better one invented before this is adopted; but we are doing this kind of thing constantly, and I can see no possibility of taking an intelligent step in the direction of getting a good small-arm unless we test them in this way. The inventor of arms must look to his own or foreign governments for patronage, and when a man of genius lays his work at our feet we should give him proper recognition and take advantage of his skill and ability. We should not turn our backs upon those who furnish us the ready means of national defense.

WASHINGTON, *June*, 1874.

DEAR SIR: I hope you will pardon the liberty I take of calling your attention to the following figures taken from the last report on small-arms, showing the number of pieces peculiar to each system; also what proportion are screws and springs, which according to the report should be as few as possible.

I also append the figures from a report made by the Ordnance Department on an arm recently presented by me, hoping the matter will be of sufficient interest to call the attention of your committee to that part of the act of 1872 which prevents the use or trial in the field of any improvement in the military arm of the service. The three arms selected are those recommended by the report, one for adoption, the other two for trial in the field.

Report of Ordnance Department on small-arms.

	Pieces.	Screws.	Springs.	Shots per minute.	Weight.
	No.	*No.*	*No.*	*No.*	*Lbs. oz.*
Springfield	45	15	5	17	2 6
Ward-Burton magazine	34	8	5	21	2 14
Elliot	35	8	3	18	2 14
Lee	14	1	2	31	2 5

It will be noticed that with less than one-third the number of pieces in the Lee arm the rapidity of fire is increased more than one-third over the Springfield. It also has other advantages which I would be glad to show the committee at any time.

Respectfully,

JAMES LEE.

Hon. JOHN COBURN.

Mr. GARFIELD. We have adopted after great deliberation what is considered the best gun in the world. If we give any money to experiment with we ought to give it for anybody's gun that is sent to be tested. We ought to give power to the Ordnance Department to examine new guns and report upon them. But to pick out one man's gun and say that $10,000 shall be expended in trying to use it, to see if it is not the one we should adopt, is a favoritism which the law should not give. It is giving an advantage to a particular gun which Congress ought not to give.

Mr. COBURN. We have done it many times.

Mr. GARFIELD. We ought not to have done it.

The question being taken on Mr. COBURN's amendment, it was not agreed to.

The Clerk read as follows:

Support of Freedmen's Hospital and Asylum at Washington, District of Columbia: Pay of medical officers and attendants; medicines, medical supplies, and rations; clothing; rent of hospital buildings; fuel and lights; repairs and transportation, $50,000.

Mr. BUTLER, of Tennessee. I offer the following amendment, which I hope the committee will accept:

For this amount, or so much thereof as may be necessary, to defray the expenses of surveying the lands of the Cherokee Indians of North Carolina, under the direction of the Secretary of the Interior, $15,000.

Mr. SPEER. Is not that amendment liable to the point of order that there is no law authorizing this appropriation?

Mr. STARKWEATHER. This was overlooked by the Committee on Appropriations, and ought to go in.

Mr. GARFIELD. If my colleague, the gentleman from Connecticut, [Mr. STARKWEATHER,] who has had charge of the portion of the bill relating to surveys, thinks that this should go in, I will not object.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on the point of order?

Mr. SPEER. I do.

Mr. STARKWEATHER. This is no more subject to the point of order than any other appropriation for surveys. This is part of the public lands of the United States.

The CHAIRMAN. Has not the title of the United States been extinguished?

Mr. STARKWEATHER. This is an Indian reservation, and is subject to the same laws as the Indian reservations for the survey of which we have already appropriated to-day.

The CHAIRMAN. The Chair does not understand if the land belongs to the Indians why the United States should survey them, unless there be some law requiring it. Does the gentleman say that there is any law requiring the United States to survey the lands belonging to the Indians?

Mr. STARKWEATHER. We have appropriated this morning for surveys of lands on Indian reservations precisely like this under the recommendation of the Department of the Interior. I call the attention of the Chairman to these appropriations on page 18 of this bill.

Mr. PARKER, of Missouri. We have obligated ourselves to do this by treaty stipulation.

The CHAIRMAN. If there is a treaty stipulation that is the law of the land.

Mr. SPEER. I withdraw the point of order.

Mr. G. F. HOAR. I understand the point of order to be that this is not germane to the particular paragraph now pending.

The CHAIRMAN. The point of order, which has been withdrawn, was that the appropriation was not authorized by existing law.

Mr. G. F. HOAR. I raise the point of order that the amendment is not germane to this particular paragraph.

Mr. BUTLER, of Tennessee. It is an independent paragraph.

Mr. G. F. HOAR. The committee are now engaged upon a paragraph under the head of "War Department," relating to "miscellaneous objects" in that Department.

Mr. BUTLER, of Tennessee. The amendment comes in under the head of miscellaneous objects.

Mr. GARFIELD. But these are miscellaneous objects of the War Department.

Mr. BUTLER, of Tennessee. It is an independent proposition.

Mr. GARFIELD. It is not germane to this part of the bill.

The CHAIRMAN. The Chair thinks the point of order raised by the gentleman from Massachusetts is well taken. But the Chair thinks that this appropriation is authorized by law on the statement of the gentleman from Connecticut, [Mr. STARKWEATHER.]

Mr. STARKWEATHER. I want to say that there is a lawsuit pending in which the United States are interested, and according to treaty stipulations this should go in. But it was overlooked in the committee. If it is not in order here, it ought to go in in the proper place. I think it is in order here as an independent proposition.

The CHAIRMAN. It will be in order at the close of this paragraph.

The Clerk read as follows:

Collection and payment of bounty, prize-money, and other claims of colored soldiers and sailors: Salaries of agents and clerks; rent of office; fuel and lights, stationery, and so forth; office furniture and repairs; mileage and transportation of officers and agents; telegraphing and postage, $50,000.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to move to amend that paragraph by striking out "$50,000" and inserting in lieu thereof "$85,000."

A communication from the Secretary of War shows that that much money will be required for this purpose.

Mr. SPEER. Let the gentleman have the letter read.

Mr. GARFIELD. It is a telegram, in which he says the experience of this year has shown that $50,000 will not be a sufficient amount.

The amendment was agreed to.

The Clerk read as follows:

For completing the medical and surgical history of the war, the unexpended balance of the appropriation made in the act of June 8, 1872, is hereby continued and rendered available.

Mr. GARFIELD. I have an amendment to offer to that paragraph, which I am instructed by the committee to offer. It is to add after the word "available" at the end of that paragraph the words:

And the Surgeon-General is hereby authorized to continue on duty in his office the acting assistant surgeons now employed on said history during the next fiscal year.

The amendment was agreed to.

Mr. FORT. I offer the following amendment.

Strike out the paragraph, and insert in lieu thereof the following:

For completing and publishing for distribution the Medical and Surgical History of the War, $64,000.

I do not understand that the paragraph as it stands includes the publication of the Medical and Surgical History of the War.

Mr. KELLOGG. This is just what they ask.

Mr. FORT. I do not understand that the amendment which has been adopted, offered by the committee, includes the publication of the Medical and Surgical History of the War for distribution. It provides for the completion of the publication; that is, for the third volume; but as I understand the matter two volumes have already been published and are now in type or stereotyped, and I am told that $64,000 will pay all the expenses necessary to complete and publish them for distribution.

Mr. GARFIELD. The provision in the bill was put in for that very purpose, and is in accordance with the request of the Surgeon-General. There is money enough on hand to complete the publication, but under the law covering appropriations into the Treasury on the 1st of next month, that money will be covered into the Treasury and rendered unavailable unless it be reappropriated by Congress and made available as is done by this provision of the bill.

Mr. FORT. I will modify my motion so as simply to strike out the first line. I only wish to say this, that amid the horrors of war there has been gleaned much valuable scientific intelligence which will tend to the amelioration of pain and the saving of life hereafter.

Now, Mr. Chairman, it occurs to me that while we appropriate, and appropriate properly, large sums of money for the support of the institutions at West Point and Annapolis, and for the purchase of guns and powder for the destruction of life, it is possibly our duty to make some appropriation which shall tend to the saving of life and the relief of pain. The medical staff is a part of the Army, and yet I understand no appropriation has ever been made and no establishment has ever been organized for the purpose of teaching medical science with a view of having it serve its proper place in our armies during war. This vast amount of knowledge that has been gleaned during the war has been collected and ought to be diffused, and I know of no better way in which $64,000 could be expended for the purpose of fitting young men to become surgeons in case of war than by publishing this information, and it seems to me proper that this work should be completed for distribution.

Mr. G. F. HOAR. Can the gentleman from Illinois tell us how much it would cost to publish the additional volumes of the report?

Mr. FORT. I understand that it will cost about $64,000 to republish the work.

Mr. MERRIAM. How many copies?

Mr. FORT. I am told about seven thousand volumes. It matters not what it costs; I say that we cannot spend money better than to furnish this information to those who are to be surgeons in time of war. We spend no money for the purpose of saving life; all our interest seems to be to destroy life. I say this is a humane measure and should be adopted.

[Here the hammer fell.]

Mr. KASSON. I ask that the amendment as modified may be read.

The Clerk read the amendment as modified, which was to amend the provision in the bill so as to read:

For completing and publishing for distribution the Medical and Surgical History of the War, $64,000; and the unexpended balance of the appropriation made in the act of June 8, 1872, is hereby continued and rendered available, &c.

Mr. SMITH, of Ohio. I understand that there have been five thousand copies published of the two volumes already prepared, but the plates are now worn out, and they cannot be reprinted without making new plates.

Mr. MACDOUGALL. Who says the plates are worn out?

Mr. SMITH, of Ohio. The Surgeon-General.

Mr. FORT. They can be renewed in a few minutes.

Mr. MACDOUGALL. Did the Surgeon-General say so to you?

Mr. SMITH, of Ohio. He did; there must be new plates to reprint the volumes of this work already prepared. It is very necessary in order to complete the work that this money, which otherwise would be covered into the Treasury, should be reappropriated. When the work is completed is the time, the Surgeon-General says, to order a republication of the whole work.

Mr. MERRIAM. Can the gentleman tell when this work will be completed?

Mr. GARFIELD. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. DAWES reported that the Committee of the Whole on the state of the Union had, pursuant to the order of the House, had under consideration the Union generally, and particularly the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 876) to amend the law relating to patents, trademarks, and copyrights.

Mr. STARKWEATHER and Mr. RANDALL moved that the House adjourn.

CURRENCY AND FREE BANKING.

Mr. MAYNARD. I desire to give notice that on to-morrow at twelve o'clock, if I should succeed in obtaining the floor, I will ask permission to submit the report of the committee of conference on the disagreeing votes of the two Houses on the currency bill. I ask that the report of the committee of conference be printed for the use of the House, and also printed in the RECORD.

No objection was made, and it was so ordered.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendment of the Senate, and agree to the same, with an amendment, as follows:

Strike out all of the amendment after "that," in the first line, and insert in lieu thereof the following:

The act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be hereafter known as "the national-bank act."

SEC. 2. That section 31 of "the national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects as provided for in the said section.

SEC. 3. That section 22 of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed; and the proviso in the first section of the act approved July 12, 1870, entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," prohibiting the banks hereafter organized a circulation over $500,000; and the proviso in the third section of said act limiting the circulation of banks authorized to issue notes redeemable in gold coin to $1,000,000; and section 6 of said act, relating to the redistribution of twenty-five millions of circulating notes, be, and the same are hereby,

repealed; that every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national-bank act."

SEC. 4. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section 2 of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of $1,000, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of $500, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation, and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer: *And provided further*, That so much of section 32 of said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

SEC. 5. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than $9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes, which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below $50,000.

SEC. 6. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 7. That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $382,000,000, which shall be retired and reduced in the following manner only, to wit: within thirty days after circulating notes to the amount of $1,000,000 shall, from time to time, be issued to national banking associations under this act, in excess of the highest outstanding volume thereof at any time prior to such issue, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to three-eighths of the circulating notes so issued, which shall be in reduction of the maximum amount of $382,000,000 fixed by this section; and such reduction shall continue until the maximum amount of United States notes outstanding shall be $300,000,000; and the United States notes so retired shall be canceled and carried to the account of the sinking fund provided for by the second clause of section 5 of the act approved on the 25th of February, 1862, entitled "An act to authorize the issue of United States notes, and for the redemption and funding thereof, and for funding the floating debt of the United States," and shall constitute a portion of said sinking fund. And the interest thereon computed at the rate of 5 per cent. shall be added annually to said sinking fund. But if the surplus revenue be not sufficient for this purpose, the Secretary of the Treasury is hereby authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States of the character and description prescribed in this act for United States notes to be then retired and canceled.

SEC. 8. That on and after the 1st day or January, 1878, any holder of United States notes to the amount of fifty dollars, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon he shall be entitled to receive, at his option, from the Secretary of the Treasury, who is authorized and required to issue in exchange for said notes an equal amount of either class of the coupon or registered bonds of the United States provided for in the first section of the act approved on the 14th of July, 1870, entitled "An act to authorize the refunding of the national debt," and the act amendatory thereof, approved the 20th day of January, 1871, which bonds shall continue to be exempt from taxation as provided in said act: *Provided, however*, That the Secretary of the Treasury in lieu of such bonds may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue the United States notes so received either in exchange for coin at par, or, with the consent of the holder, in the redemption of bonds then redeemable at par, or in the purchase of bonds at not less than par, or to meet the current payments for the public service; and when used to meet current payments an equal amount of the gold in the Treasury shall be applied in redemption of the bonds known as five-twenty bonds.

SEC. 9. That nothing in this act shall be construed to authorize any increase of the principal of the public debt of the United States.

And the Senate agree to the same.

HORACE MAYNARD,
C. B. FARWELL,
Managers on the part of the House.

O. P. MORTON,
JOHN SHERMAN,
A. S. MERRIMON,
Managers on the part of the Senate.

ORDER OF BUSINESS.

Mr. GARFIELD. I took the floor this morning and kept the gentleman from Mississippi [Mr. LYNCH] from making a word of personal explanation. I ask the House, as a matter of fairness, to permit him to make it now.

Mr. RANDALL. He can do it better to-morrow morning. I call for the regular order.

The SPEAKER. The pending question is upon the motion to adjourn.

The motion was agreed to; and accordingly (at five o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBERT: The petition of John Maley, of Anne Arundel County Maryland, for relief, to the Committee on Military Affairs.

By Mr. ALBRIGHT: The petition of John W. Forney and others, editors and publishers, that the rate of prepaid postage on newspapers be fixed at one cent per pound and on other periodicals at two cents per pound, to the Committee on the Post-Office and Post-Roads.

Also, the petition of workingmen of Columbia, Pennsylvania, praying Congress to take action upon the currency and tariff questions, to the Committee on Ways and Means.

Also, the petition of 100 citizens of Carbon County, Pennsylvania, for the restoration of the 10 per cent. duty on iron and steel and for free banking, to the Committee on Ways and Means.

Also, the petition of 150 citizens of Lehigh County, Pennsylvania, of similar import, to the same committee.

By Mr. AVERILL: The petition of the grange organization of Alexandria, Douglas County, Minnesota, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. BUTLER, of Tennessee: The petition of T. A. Middleton, of Washington County, Tennessee, for relief, to the Committee on Military Affairs.

By Mr. CESSNA: The petition of the Farmers' National Bank of Greensburgh, Pennsylvania, for change of name and location, to the Committee on Banking and Currency.

By Mr. CROUNSE: The petition of the grange organization of Sarpey County, Nebraska, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. HAWLEY, of Connecticut: The petition of practical printers of the city of Washington, that no rule be adopted fixing an arbitrary scale of prices for printers' work in the Government Printing Office, to the Committee on Appropriations.

Also, the petition of Fayette Hungerford, for relief, to the Committee on Ways and Means.

By Mr. HYDE: The petition of citizens of Brunswick, Chariton County, Missouri, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. MYERS: The petition of Mrs. Anne McHugh, mother of Joseph McHugh, deceased, formerly of the Sixty-ninth Pennsylvania Volunteers, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. ORR: The petition of citizens of Perry Township, Plymouth County, Iowa, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. PARKER, of Missouri: The petition of citizens of Nodaway County, Missouri, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. SENER: The petition of Samuel Cole, of Middlesex County, Virginia, for compensation as light-keeper at Stingray Point, Chesapeake Bay, from January 1, to April, 1861, to the Committee on Claims.

Also, the petition of Enoch E. Rollins, of Fredericksburgh, Virginia, for compensation for the schooner Sarah Ann, seized in the Rappahannock River in 1862, and converted to the use of the United States, to the Committee on War Claims.

By Mr. SMITH, of Pennsylvania: The petition of workingmen in mass meeting assembled at Columbia, Pennsylvania, for the restoration of the 10 per cent. duty taken off in 1872; for a resumption of specie payments by the United States Government January 1, 1882, by the banks January 1, 1884, and for the free issue of currency by national banks based on United States bonds, to the Committee on Banking and Currency.

By Mr. STORM: The memorial of workingmen of Pennsylvania, for the restoration of the 10 per cent. duties taken off in 1872, and recommending certain action upon the currency question, to the Committee on Ways and Means.

By Mr. SPRAGUE: The petition of workingmen of Columbia, Pennsylvania, of similar import, to the same committee.

By Mr. STRAWBRIDGE: The petition of 116 workmen of the Danville Iron-Works, Pennsylvania, of similar import, to the same committee.

By Mr. WILSON of Iowa: The petition of the grange organization at Illinois Grove, Iowa, for the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. WOODWORTH: The petition of A. Howells and 240 others, of Massillon, Ohio, for the repeal of the 10 per cent. reduction of duty on iron, steel, and other commodities, to the Committee on Ways and Means.

Also, the petition of J. P. Burton and 84 others, of Massillon, Ohio, of similar import, to the same committee.

Also, the petition of 381 workingmen of Alliance, Ohio, of similar import, to the same committee.

Also, the petition of 93 citizens of the seventeenth congressional district of Ohio, praying Congress to take steps to secure the settle-

ment of international difficulties by arbitration, to the Committee on Foreign Affairs.

Also, the petition of H. J. Clark and 214 other citizens of Poland, Mahoning County, Ohio, for the appointment of a commission of inquiry into the alcoholic liquor traffic, to the Committee on the Judiciary.

IN SENATE.

SATURDAY, *June* 13, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read.

The PRESIDENT *pro tempore*. There is one omission in the Journal which will be corrected. The last motion made was by the Senator from Rhode Island [Mr. SPRAGUE] to postpone the consideration of the post-office appropriation bill and proceed to the consideration of bills reported by the Military Committee. That motion was agreed to. The Secretary understood it to be only an asking of unanimous consent, which never goes on the record, but it was a motion made by the Senator from Rhode Island, and carried. This correction will be made.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3673) making an additional appropriation to enable the Secretary of War to carry out the provisions of the act of April 23, 1874, entitled "An act to provide for the relief of persons suffering from the overflow of the Lower Mississippi River, and for other purposes," was read twice by its title, and, on motion of Mr. WEST, referred to the Committee on Appropriations.

PACIFIC RAILROAD COMPANIES.

Mr. WRIGHT. I ask, subject to the disposition of morning business, that the Senate proceed to the consideration of the bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies, reported from the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that, subject to the transaction of morning business, there shall be an understanding that the Senate proceed to the consideration of the bill indicated by him.

Mr. SARGENT. Is that the House bill?

Mr. WRIGHT. The House bill.

Mr. SARGENT. Without amendment?

Mr. WRIGHT. It is amended by the committee.

Mr. SARGENT. I do not object. I think it ought to pass.

Mr. WRIGHT. It is in reference to the 5 per cent.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. TIPTON. I understood there was an objection on the other side, or I was ready to object.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska object?

Mr. TIPTON. I do.

Mr. EDMUNDS. Then we give notice that when resolutions are through we shall move to take up the bill.

TERRITORIAL LAWS.

The PRESIDENT *pro tempore* presented two copies of the general laws, private acts, joint resolutions, and memorials passed at the tenth session of the Legislative Assembly of the Territory of Colorado; which were referred to the Committee on Territories.

PETITIONS AND MEMORIALS.

Mr. WASHBURN presented a petition of a large number of prominent citizens of New Bedford, Massachusetts, asking that an arrangement may be made for the improvement of the harbor at that place, and the maintenance of a fog-signal at the entrance of Buzzard's Bay; which was ordered to lie on the table, the river and harbor bill having been reported by the Committee on Commerce.

Mr. FRELINGHUYSEN presented a memorial of bankers, manufacturers, and importers, citizens of Newark, New Jersey, protesting against a tax on sales of stocks, coin, bonds, and other securities; which was referred to the Committee on Finance.

Mr. WRIGHT presented the petition of Louis Sterne, of Boston, Massachusetts, asking compensation for his losses and services in connection with the collection of the internal revenue and the legislation in relation thereto; which was referred to the Committee on Claims.

Mr. MERRIMON presented a memorial of citizens of Durham, Orange County, North Carolina, protesting against the passage of a law permitting growers of leaf-tobacco to sell $100 worth of their crop at retail to consumers without license or tax; which was referred to the Committee on Finance.

Mr. CONKLING presented a memorial from banks, bankers, and other business men of the city of Syracuse, New York, protesting against the passage of the twenty-ninth section of the tariff and tax bill which imposes a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities; which was referred to the Committee on Finance.

He also presented a memorial of bankers, merchants, and business men of the city of New York protesting against the passage of the twenty-ninth section of the tariff and tax bill, which imposes a tax of $\frac{1}{10}$ of 1 per cent. on all sales of stocks, bonds, gold and silver bullion, coin, and other securities; which was referred to the Committee on Finance.

He also presented a memorial of citizens of Rochester, Monroe County, New York, protesting against the passage of a law permitting growers of leaf-tobacco to sell $100 worth of their crop at retail to consumers without license or tax; which was referred to the Committee on Finance.

WITHDRAWAL OF PAPERS.

On motion of Mr. CONKLING, it was

Ordered, That Emily Agnel have leave to withdraw her petition and papers from the files of the Senate.

INSANE CONVICTS.

Mr. FRELINGHUYSEN. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while imprisoned, to report it back with amendments, and I ask that it may be passed now. It will take but a moment.

By unanimous consent the bill was considered as in Committee of the Whole.

The first section provides that upon the application of the Attorney-General the Secretary of the Interior shall transfer to the insane asylum in the District of Columbia all persons who have been or shall be convicted of any offense in any court of the United States, and imprisoned in any State prison or penitentiary of any State or Territory, and who, during the term of their imprisonment, have or shall become and be insane, in case satisfactory arrangements for their care and custody shall not be made by the Attorney-General under other provisions of the act.

Section 2 provides that in all cases where any person convicted in a court of the United States shall, while imprisoned under such conviction in any State prison or penitentiary, become and be insane, the Attorney-General shall have power in his discretion to contract with any State insane or lunatic asylum within the State in which such convict is imprisoned for his care and custody while remaining so insane; and in all cases where such convicts shall have heretofore been, or shall hereafter be, transferred to a State asylum for insane convicts in accordance with the laws of such State, the Attorney-General is directed to compensate the asylum or the proper authorities controlling it for the care and custody of such insane convicts, until their removal or discharge, in such amounts as he shall deem just and reasonable.

By the third section whenever such insane convict shall be restored to sanity, after he or she shall have been transferred under the provisions of the act, he or she shall be returned to the prison or penitentiary from which the transfer was made, provided the term of imprisonment shall not have expired. The questions of sanity in all cases arising under the act are to be determined in accordance with the rules and regulations of existing laws, State or national, on that subject, applicable to the prison, penitentiary, or asylum where such convict shall be confined.

The first amendment reported by the Committee on the Judiciary was to strike out in section 1, commencing in line 10, the words "in case satisfactory arrangements for their care and custody shall not be made by said Attorney-General under other provisions of this act."

The amendment was agreed to.

The next amendment was in section 2, line 4, after the word "insane," to insert:

And there shall not be accommodation for such insane person at the insane asylum of the District of Columbia, or if for other reasons the Attorney-General is of opinion that such insane person should be placed at a State insane asylum rather than at said District asylum, then.

The amendment was agreed to.

The next amendment was to add at the end of section 2 the following words:

But no contract shall be made or compensation paid for the care of such insane persons beyond their respective terms of imprisonment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHANGE OF NAME AND LOCATION OF A BANK.

Mr. SCOTT. I am instructed by the Committee on Finance, to whom was referred the bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name, to report the same back without amendment and recommend its passage. It is a very brief bill, and I ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole.

Whenever the stockholders of the Farmers' National Bank of Greens-

burgh, in the county of Westmoreland, Pennsylvania, at a meeting called for that purpose, shall, by a unanimous vote, determine to remove the bank to the city of Pittsburgh, in the county of Allegheny, the president and the cashier are to execute a certificate, under the corporate seal of the bank, specifying such determination, and cause the same to be recorded in the office of the Comptroller of the Currency, and thereupon such change of location shall become effectual and valid.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

FREEDMAN'S SAVINGS COMPANY.

Mr. SCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment and agree to the bill of the House with sundry amendments, as follows:

In line 10, section 1, strike out the words "said loans" and insert in lieu thereof "money loaned thereon."

In line 12, section 1, after "keep," insert the words "the buildings upon."

In line 13, section 1, strike out "its" and insert "their."

In section 3, line 4, strike out the words "Comptroller of the Currency" and insert "Secretary of the Treasury."

Strike out all of section 5 after "years" in line 15.

Section 7, line 2, strike out the word "wind" and insert "close."

Section 7, line 3, after "men" insert the words "not connected with the previous management of the institution and approved by the Secretary of the Treasury."

Section 7, line 6, strike out the word "wind" and insert "close."

Section 7, line 25, after "company" insert "for the purposes of this act."

Section 7, line 29, strike out "winding" and insert "closing."

Section 7, line 37, after "*pro rata*" insert "distribution."

Add the following as an additional section:

SEC. 8. That from and after the passage of this act, and until the 1st day of July, 1875, all the deposits made in said trust company shall be held by the trustees of said company as special deposits, and any investments made of said deposits shall be made and held for the use and benefit of said depositors only; and it shall be the duty of said trustees on or before the 1st day of July, 1875, to make a full and complete statement of all the assets and liabilities of said company and lay the same before the Secretary of the Treasury, and if said Secretary and the trustees shall at that time, after investigating the condition of said company, believe the same to be solvent, then the trustees and said Secretary shall issue an order declaring that thereafter all deposits shall be general; but said order shall in no wise affect the special deposits unless said depositors shall in writing consent that said special deposits shall become general deposits. But if the Secretary and trustees of said company shall on the 1st day of July, 1875, after the examination aforesaid, doubt the propriety of making the deposits thereafter general, then the deposits made shall still be special until the 1st day of July, 1876, or until the said Secretary and trustees deem it prudent to make said deposits general.

And the House agree to the same.

JOHN SHERMAN,
JOHN SCOTT,
T. F. BAYARD,
Managers on the part of the Senate.
C. B. FARWELL,
M. J. DURHAM,
C. L. MERRIAM,
Managers on the part of the House.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 780) requiring the United States marshals and clerks of the United States circuit and district courts who have received fees and emoluments in excess of their legal compensation, to deposit the same with the Treasurer of the United States, moved the indefinite postponement of the bill; which was agreed to.

Mr. WEST, from the Select Committee on Transportation Routes to the Sea-board, to whom was referred the bill (H. R. No. 2342) to provide for the construction of the Fort Saint Philip Canal in the State of Louisiana, and its maintenance as a national public highway, asked to be discharged from its further consideration; which was agreed to.

Mr. WEST. By direction of the same committee I am instructed to report an amendment to the river and harbor bill, and I move that it be printed and referred to the Committee on Commerce.

The motion was agreed to.

Mr. SCOTT. The Committee on Claims, to whom was recommitted the bill (S. No. 657) for the relief of John J. Anderson, surviving copartner of Anderson & White, have instructed me to report an amendment in the nature of a substitute. The Senator from Alabama [Mr. GOLDTHWAITE] desired to present the views of the minority. I do not see him in his place.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds, who were, by a resolution of the Senate of May 4, instructed to make certain inquiries as to the Washington Market Company, to ask to be discharged from the further consideration of the same, and to submit a report in writing on the subject, and I move that it be printed.

The motion was agreed to.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, reported a bill (S. No. 937) repealing a portion of the "act making appropriations to supply deficiencies," approved March 3, 1873, and disapproving and annulling a portion of the act of the Legislative Assembly of the District of Columbia of the date of August 23, 1871; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the bill (S. No. 46) for the construction of a custom-house and bonded warehouse at Portland, Oregon, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 912) to annex certain land to reservation No. 2 occupied by the Department of Agriculture, reported it without amendment.

Mr. MORTON. I am instructed by the Committee on Privileges and Elections, to whom was referred the bill (H. R. No. 886) to provide for the election of Congressmen at large for the State of Alabama, to report the same back without amendment; and as I presume there is no objection to it, I ask to have the bill put on its passage.

Mr. WRIGHT. I trust the Senator will not ask that.

Mr. MORTON. It will take but a moment.

Mr. WRIGHT. I know that; but I gave notice that I would call up a bill, and I object.

Mr. SPENCER. I hope the Senator will withdraw his objection.

Mr. WRIGHT. I cannot.

Mr. MORTON. The same committee, to whom was referred the bill (H. R. No. 3501) relative to the compensation of Representatives in Congress, have instructed me to report it back without amendment, and recommend its passage. I think it can be passed in a moment.

Mr. WRIGHT. I must object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years, and afterward recovered, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3670) to amend section 1 of the act of May 27, 1872, entitled "An act to provide for the abatement or repayment of taxes on distilled spirits in bond destroyed by casualty," reported adversely thereon, and the bill was postponed indefinitely.

Mr. STEVENSON. I ask for the consideration of the bill (S. No. 657) for the relief of John J. Anderson, surviving copartner of Anderson & White, which has been reported unanimously from the Committee on Claims. It is only a small bill and it will not take a minute.

Mr. WRIGHT. I must object, Mr. President.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kentucky.

A division was called for.

Mr. CONKLING. If this bill is reported to-day one objection carries it over.

The PRESIDENT *pro tempore*. The Chair was not aware that the bill was reported to-day. If so, one objection, then, is sufficient. The Chair supposed it was upon the Calendar.

Mr. CONKLING. I do not make any objection.

Mr. STEVENSON. Who objects?

Mr. WRIGHT. I desire to say to the Senator from Kentucky that I made the objection not because I have any opposition to the bill, but I have given notice that I shall call up a bill that is of great public importance and interest immediately after the close of the morning business, and I am exceedingly anxious to get it up.

The PRESIDENT *pro tempore*. Debate is out of order.

Mr. STEVENSON. This bill will not take two minutes.

Mr. FRELINGHUYSEN. The chairman of the Committee on Public Buildings and Grounds reported a bill this morning which I should like to have passed.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent to proceed to the consideration of the bill (S. No. 912) to annex certain land to reservation No. 2, occupied by the Department of Agriculture, reported by the Committee on Public Buildings and Grounds.

Mr. EDMUNDS. As that was reported this morning I object.

Mr. WADLEIGH, from the Committee on Patents, to whom was referred the bill (H. R. No. 3170) for the relief of John W. Marsh, reported it without amendment.

BILLS INTRODUCED.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 938) for the relief of Thomas G. Kingsley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 939) extending the time for the completion of a railroad in the State of Louisiana, from the Texas State line to a point on the Mississippi River opposite Vicksburgh, Mississippi; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

PACIFIC RAILROAD COMPANIES.

Mr. WRIGHT. I move that the Senate proceed to the consideration of the bill (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It directs the Secretary of the Treasury to require payment of the Pacific Railroad Companies of all sums of money due the United States for the 5 per cent. of the net earnings provided by section 6 of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific

Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; and in case either of those railroad companies shall neglect or refuse to pay the same within a reasonable time after demand therefor made upon its treasurer, the Secretary of the Treasury is to certify that fact to the Attorney-General, who shall thereupon institute the necessary suits and proceedings to collect the same in the proper circuit courts of the United States, and prosecute the same, with all convenient dispatch, to a final determination.

The Committee on the Judiciary reported the bill with amendments.

The first amendment was in line 4, after the words "require payment of," to strike out the following words:

The Pacific Railroad Companies of all sums of money due the United States for the 5 per cent. of the net earnings provided by section 6 of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862,

And in lieu thereof to insert:

Railroad companies, their successors and assigns, or the successors or assigns of any or either of said companies, of all sums of money due the United States for the 5 per cent. of the net earnings provided for by the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, or by any other act or acts in relation to the companies therein named, or any other such company or companies.

The amendment was agreed to.

The next amendment was in line 23, to strike out the words "a reasonable time" and insert "sixty days."

The amendment was agreed to.

The next amendment was in line 27, after the word "collect," to insert the words "and otherwise obtain redress in respect of."

The amendment was agreed to.

Mr. WRIGHT. Those are all the amendments reported by the committee. I suggest as a mere verbal amendment that the word "the" ought to be inserted before the words "railroad companies," in line 11.

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection.

Mr. WRIGHT. In line 13, after the word "due" I move to insert the words "or to become due," so as to read "of all sums of money due or to become due the United States."

The amendment was agreed to.

Mr. ALLISON. I offer the following amendment as an additional section:

That the said Union Pacific Railroad Company be, and is hereby, required to operate its whole line, including its bridge and approaches across the Missouri River, without transfer at said bridge, as one connected continuous line of railway; and if it shall fail after sixty days after the passage of this act to operate its road as hereby required, it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings by *mandamus* in the circuit court for the ninth judicial circuit of the United States to compel a compliance with the requirements of this section and the act to which it is amendatory on the part of the said Union Pacific Railroad Company. And the said court may obtain jurisdiction in said case by service on any agent of the defendant found in the district or circuit in which said suit may be brought, and such service shall be by the court held to be good and sufficient: *Provided*, That if said decision is that said bridge should not be operated as a continuous part of said Union Pacific Railroad, the Attorney-General shall remove said cause by proper process to the Supreme Court of the United States, and if the decision should be that said bridge should be operated as a part of said road, the Union Pacific Railroad——

Mr. CONKLING. I venture to interrupt the reading of this amendment to inquire of my friend from Iowa whether his purpose is to defeat the pending bill by moving this new one as part of it?

Mr. ALLISON. I do not quite understand the Senator.

Mr. CONKLING. I inquire whether the Senator's purpose is to defeat the pending bill requiring the railroads to pay their interest, by moving this bill in reference to another subject upon it?

Mr. ALLISON. No, sir; the very reverse of that is my purpose.

Mr. CONKLING. I beg to say to the Senator, he may rely upon it that this other bill, the foundation of this amendment, will not be adopted to-day if he proposes to introduce a discussion of the question of the terminus of the Pacific Railroad, whether it shall be in his State or in the State of the Senator near him, [Mr. TIPTON.]

Mr. ALLISON. If the Senate will allow me one moment, I propose to introduce no such discussion. This does not affect the question of terminus in any sense, and is not intended to do so.

Mr. CONKLING. What has it to do with this other bill? Why not offer it as a separate bill and not mix it up with this interest question?

Mr. ALLISON. It is as important as the question of interest, and is perfectly germane to the bill before the Senate.

Mr. CONKLING. I do not deny, if the Senator will pardon me, that it is as important, and if he will affirm that it is a hundred-fold more important, I shall not deny that. My suggestion is that the one subject has nothing to do with the other. The Judiciary Committee has carefully prepared a bill requiring the railway companies to render to the Government the interest which they owe, 5 per cent. Thereupon my friend from Iowa proceeds to move a bill which we never heard of in the Judiciary Committee, which he says is equally important or more so, which relates to a wholly different matter, which is an independent subject that the committee have never examined, and which I am told by another Senator is a bill which has once been postponed this session. Now, if the Senator wants to hang a millstone around the neck of this little bill requiring the railroad companies to pay their interest, this is a very good way to do it. If, on the contrary, he wants to legislate about this important and independent subject, I suggest to him to let his bill stand on its own feet, take it up on its own merits, and not attempt to put it on another entirely foreign to it and to which in no sense, however vague, it can be germane.

Mr. ALLISON. If the Senator will listen to me one moment I will explain it. On the 3d of March, 1873——

Mr. INGALLS. I desire to inquire whether the reading of the amendment has been finished.

The PRESIDENT *pro tempore*. It has not been.

Mr. CONKLING. A good deal of it has been read.

Mr. ALLISON. I can explain it in a moment.

The PRESIDENT *pro tempore*. The rest of the amendment had better be read before the discussion proceeds.

The Chief Clerk continued the reading, as follows:

Provided, That if said decision is that said bridge should not be operated as a continuous part of said Union Pacific Railroad, the Attorney-General shall remove said cause, by proper process, to the Supreme Court of the United States, and if the decision should be that said bridge should be operated as a part of said road, the Union Pacific Railroad may remove the same, by proper process, to said Supreme Court; and, to the end that a speedy determination may be had thereon, the said circuit and Supreme Courts may advance said cause on their calendars respectively.

Mr. ALLISON. I only desire to occupy a moment's time. On the 3d of March, 1873, Congress passed an act requiring the Union Pacific Railway Company to operate their road as required by law, the law requiring them to operate it as a continuous line. A proceeding in *mandamus* was begun in the circuit court for the ninth judicial circuit requiring them to do this. This railway company go into that court and object to the jurisdiction. The Attorney-General declines to interfere with reference to this subject-matter; and the only object of this additional section is to require the Attorney-General to institute proceedings in the United States court in order to test the validity of the law requiring the Union Pacific Railway to operate its road as a continuous line. While it has a different purpose from that proposed in this bill, it is a purpose that affects every portion of this country as much as the proposition involved in this bill affects the people of this country. It decides nothing if nothing has been decided heretofore. It turns this question over to the courts of the United States, requiring them to compel the Union Pacific Railroad Company to operate its line as a continuous line; and that is all it does. It does not affect the question of terminus; it does not propose to affect the question of terminus; it only proposes to compel the company to operate the line which they have built, and to the building of which the United States have contributed a large proportion, as a continuous line. It is certainly important that this should be done, and I see no reason why it should not be decided here and now.

Mr. TIPTON. The Union Pacific Railroad has never for one moment, or in one single instance, refused to operate its line from the initial point first established to its terminus at Ogden, in connection with the Central Pacific; but there has been a dispute between two rival towns, one at the terminus of the Union Pacific and the other on the shores of the State of Iowa. The State of Iowa two years ago by legislation positively prohibited any one of her railroads terminating at the Missouri River from daring to cross the Missouri River on the bridge established there and make a connection with the Union Pacific.

Mr. EDMUNDS. May I appeal to the Senater from Nebraska to let us first test the question preliminarily whether the Senate will consider this question in connection with our bill?

Mr. TIPTON. I am willing to yield the floor that that point may be tested.

Mr. EDMUNDS. If the Senate decide to do that, then of course the Senator must be heard and so must everybody else. Therefore I hope we may have the question put as to whether this amendment is to be adopted. We cannot put it in any other way, because I cannot move to lay it on the table unless the Senator from Iowa will allow me to do so. If he will consent to a motion to lay it on the table with a view merely to see whether the Senate will consider the two questions together, I will make that motion. Will the Senator assent to that without carrying the bill with it, to test the sense of the Senate as to whether they will receive his amendment for consideration?

Mr. ALLISON. It is quite easy to test the sense of the Senate on the amendment by voting for it or against it.

Mr. EDMUNDS. But the difficulty about that is that it might be carried or rejected when it ought to be debated. However, I can risk it if the Senator from Nebraska will allow the Chair to put the quession on the adoption of the amendment, so that we may know whether Senators are willing to ride this bill with that which is a separate matter or not.

Mr. CONKLING. I suggest to the Senator from Vermont that perhaps he had better in the first instance address his appeal to the Senator from Iowa.

Mr. EDMUNDS. I did.

Mr. CONKLING. The Senator from Iowa used to be a reasonable man. He was the last time I knew anything about him, and I presume he is still. I submit to him, that he is doing a most unreasonable thing in asking the Senate to consider this long, unprinted, independent proposition of his, totally foreign to the bill before us, or else to lose and fail to pass a simple measure requiring all railway companies whatever, covered by the bill, to pay to the Government 5

per cent. interest which is due and to become due. I think my friend from Iowa, if he will consider one moment, will agree with me that he would be more reasonable were he to move his proposition as an independent bill or if he were to move it as an amendment to two or three other bills now pending in the Senate. There is a bill pending reported by the Judiciary Committee, a House bill, and also a Senate bill on the same subject, relating, among other things, to the obligation of the Union Pacific Railroad Company to operate its whole line, trunk and branches, as one continuous line. There is a sort of first cousinship between that subject and this; but to bring in this written and never yet printed proposition about the bridge across the Missouri River and its approaches, in short the war between the houses of York and Lancaster, the fight between Nebraska and Iowa as to which shall be honored by the terminus or butt-end of the Union Pacific Railway, which side of the river it shall start and stop, is I think a very unreasonable suggestion. And as my friend shakes his head, I wish to make my statement absolutely literal by saying that although his proposition relates to the theme I have stated and to nothing else, he is unwarranted in saying as he did say that the mode in which it relates to it is to direct what the Pacific Railroad shall do and what the Attorney-General shall do, and what suits shall be instituted in court, how they shall be removed to other courts, and how they shall finally culminate, if they are successful, in making the bridge over the Missouri River and its approaches a part of the continuous line of the Union Pacific Railroad, so that the State of Iowa, in addition to all the honors with which it is crowded, will have the terminus of that road within its domain. That is what the bill now offered as an amendment means, and that is all there is about it; and if the Senator presses it here he will simply defeat the other bill.

Mr. ALLISON. As the Senator from New York has been kind enough to compliment me on my amiability, I may, if I can have his attention, withdraw the amendment which I have offered and propose another which certainly will not be obnoxious to the objection which he thinks is contained in this amendment—a proposition which simply authorizes the Union Pacific Railroad Company to appear and defend any suits that may be brought against it, in the ninth judicial circuit, when process is served upon any of its agents. Now it is impossible to find this Union Pacific Railroad Company, although it has a continuous line of nearly twelve hundred miles of railway. When you commence your suit in any of the circuit courts in Iowa or Nebraska, the Union Pacific Railroad Company is located in Boston or somewhere else down in the eastern portion of the country. They make all sorts of objections to the processes of the court and to the service of those processes. If the Senator from New York and other gentlemen who desire the immediate passage of this bill will consent that I shall put upon this bill a provision requiring them to appear——

Mr. CONKLING. Will my friend pardon me?

Mr. ALLISON. Yes, sir.

Mr. CONKLING. If he will make a minor modification in his amendment, for one I shall have no objection. If he will change the amendment so as to allow the Pacific Railroad Company to appear whenever it may be necessary to defend the claim of the United States for the 5 per cent. interest which this bill is intended to bring into the Treasury, I see no objection to that.

Mr. ALLISON. I think that is already in the bill.

Mr. CONKLING. If the Senator wants an amendment authorizing the railway company or somebody else to go into court in reference to some matter that has nothing in the world to do with this, then I should be compelled to say, as I said of his other amendment, that he is introducing here what the doctors call a foreign subject. It has nothing to do with the bill before us.

I will say to the Senator since he suggested the last amendment that there are four bills pending in the Senate to either of which that amendment would be germane. I agree with the Senator entirely about it not only as to the Union Pacific Railroad but as to everybody else that additional facilities for serving process ought to be given. There are two bills here from the Judiciary Committee reported yesterday and to-day on that general subject. The Senator can move this as an amendment to either of those. There are also the two bills which I referred to relating to the duty of all these railway companies to operate and co-operate with each other as continuous lines. It would be entirely germane to them. But why select this bill which concerns one simple definite interest of the Government, and attempt to tack on to it this other, not in the one form or the other, which as I conceive has nothing to do with it, and which ought not to be put upon the bill, it being a matter of contest? As to the bill itself there can be no objection, it being a mere assertion of the right and interest of the Government.

Mr. ALLISON. The only reason why I press it on this bill is that I think this bill is likely to pass, because it ought to pass. There may be a great number of other bills to which this amendment would be germane, but which are not likely to pass at this session, or perhaps at the next session. Therefore, when I find a bill before the Senate affecting the Union Pacific Railway Company, it occurs to me that it is germane and proper to put on an amendment at least requiring them to appear in some court outside of the State of Massachusetts when suit is brought against them.

Mr. EDMUNDS. I merely wish to make this suggestion to every friend of the Treasury of the United States, that the bill reported by the Judiciary Committee is simply to require the proper steps to be taken to have these railroad companies pay into the Treasury the 5 per cent. of their earnings which the statute that created them expressly declares they shall pay in annually; and that is all. It is, as the Senator from Iowa ought to know, who has some eye to the interests of the Treasury, a simple and just proposition which I believe will carry a unanimous vote in this body, that these railway companies, now that they are getting an income, shall comply with that regulation or show the reason why. I say that it is not just, it is not fair, it is not parliamentary in any upright and fair sense to undertake to ride this bill with any other proposition whatever, no matter how just it may be in itself. But the Senator from Iowa has nearly succeeded in killing this bill of the Judiciary Committee, for it is almost one o'clock, when the unfinished business comes up. Now I appeal to the opponents of this amendment, without regard to whether they believe in its merits or not, and to those who are in favor of the bill, to just let us take the vote and try the sense of the Senate; and there will be ways enough, if the Senate is disposed to consider this now, to reach it for debate.

Mr. ALLISON. I not only desire to be fair, but I desire to be parliamentary. Being a new member of this body, of course I may occasionally without intent offer amendments that are not quite parliamentary. I had no such intent in offering this amendment. Now, if the Senator from Vermont and the Senator from New York, who have charge of the bills that are coming up from the Judiciary Committee, say that this amendment is germane to some other bill, and that I shall not meet the same objection when the other bills are considered, I will withdraw the amendment and offer it to some one of the bills proposed.

Mr. STEWART. I am glad that course is taken; but I hope the Senator will offer it, for he certainly aims to remedy a very great inconvenience. I hope he will not forget that promise.

Mr. ALLISON. I assure the Senator I shall not forget it.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CASE OF SENATOR MITCHELL.

Mr. MORTON. I am instructed by the Committee on Privileges and Elections to report back certain affidavits and a petition from citizens of Oregon preferring charges against Hon. JOHN H. MITCHELL, Senator from that State, and to ask to be discharged from their further consideration. I take pleasure in saying that the committee were unanimous in the opinion that there was nothing in these papers requiring or justifying an investigation.

The committee was discharged.

UNION PACIFIC RAILROAD.

Mr. BOGY. I move to take up the bill (H. R. No. 3573) making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862."

Mr. FRELINGHUYSEN. That bill I think will lead to some discussion.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate proceeds to the consideration of the unfinished business of yesterday.

Mr. ALLISON. I offer an amendment to the bill just called up, and ask to have it printed.

The PRESIDENT *pro tempore*. That order will be made.

Mr. BOGY. I hope we shall go on with this bill; it will take but a moment. It is a matter of great importance.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to postpone the pending order, which is the bills of the Committee on Military Affairs, and proceed with the consideration of the bill pending at the expiration of the morning hour.

Mr. BOGY. It will take but a few minutes.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri.

The motion was not agreed to.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. KELLY. I wish to give notice that immediately after the disposition of the post-office appropriation bill I shall move to take up the bill (S. No. 331) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph, and for the performance of all Government service free of charge.

Mr. EDMUNDS. I give notice that I shall oppose it.

LAKE NICARAGUA SHIP-CANAL.

Mr. SARGENT. I ask leave to offer the following resolution:

Resolved, That the Secretary of the Navy be directed to furnish the Senate with the report and maps of the survey to ascertain a practicable route for an interoceanic ship-canal via the Lake of Nicaragua.

Mr. EDMUNDS. How much will it cost for these maps?

Mr. SARGENT. It will not cost anything to furnish them, because they are ready for transmission. I want to see the document. The question of printing is not involved.

Mr. EDMUNDS. Does the Senator call for the original maps?

Mr. SARGENT. I call for the copies which are now ready for transmission.

Mr. EDMUNDS. I understand, then, that the maps have been copied in some way.

Mr. SARGENT. I understand they are ready for transmission.

Mr. EDMUNDS. If it is right to go to the expense of having these maps lithographed from the original drawings, it is——

Mr. SARGENT. That is a question to be determined subsequently by the Senate when it determines whether to print them or not.

Mr. EDMUNDS. But how are we to get the maps unless they are already copied?

Mr. SARGENT. My information is that they are now ready to be transmitted to the Senate.

Mr. EDMUNDS. I did not hear that remark of the Senator before.

The resolution was agreed to.

PAINTER'S REPORT ON METALLURGY.

Mr. SARGENT. I offer the following resolution:

Resolved, That the Secretary of State be directed to communicate to the Senate the report of Howard Painter, commissioner to the Vienna exposition, upon metallurgy.

Mr. EDMUNDS. There are a good many other reports. I think that resolution had better lie over so as to have them called for at once.

Mr. SARGENT. I will state that the information in this report upon metallurgy is of extreme value to us on the Pacific coast.

Mr. EDMUNDS. I do not doubt that.

Mr. SARGENT. And the report has been made to the Secretary of State and is ready to be sent in, and after it comes in we can refer it to the Committee on Printing to decide whether it shall be printed or not. If the Senator has objection to any expense being incurred on account of it we can arrest it at that time.

Mr. EDMUNDS. That is not the point at all. If we call for any of these reports we ought to call for all of them, because the reports on the other subjects of industry, agriculture, &c., are interesting to my constituents. I think the resolution, therefore, ought to call for all the reports, in order that we may get them all.

Mr. SARGENT. On that consideration I will consent that it lie over.

The PRESIDENT *pro tempore*. The resolution will be laid over.

ALVIS SMITH.

Mr. LOGAN. I call for the first bill on the Calendar reported from the Committee on Military Affairs.

The bill (S. No. 345) for the relief of Alvis Smith was considered as in Committee of the Whole. It directs the Secretary of War to pay to Alvis Smith, late of Company L, Second Arkansas Cavalry, a sum equal to the pay and emoluments of a second lieutenant of cavalry, from the 10th of October, 1863, to the 8th of March, 1864, deducting whatever pay he may have received for that period.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO BILLS.

Mr. PRATT submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations.

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, submitted amendments to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. SPRAGUE submitted an amendment intended to be proposed to the bill (H. R. No. 3572) to amend existing customs and internal-revenue laws, and for other purposes; which was referred to the Committee on Finance.

He also submitted an amendment intended to be proposed to the bill (H. R. No. 2539) to admit free of duty merchandise sunk for two years and afterward recovered; which was ordered to be printed.

WILLIAM BOWLIN.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 344.

The motion was agreed to; and the bill (S. No. 344) for the relief of William Bowlin was considered as in the Committee of the Whole. It proposes to direct the Secretary of War to pay to William Bowlin, late of Company I, second Arkansas Cavalry, a sum equal to the pay and emoluments of a captain of cavalry from the 10th of October, 1863, to the 8th of March, 1864, deducting whatever pay he may have received for that period.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. KIMBALL.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 455.

The motion was agreed to; and the bill (S. No. 455) for the relief of William M. Kimball was considered as in Committee of the Whole.

The Secretary of War is directed by the bill to cause to be paid to William M. Kimball the full pay and emoluments of a lieutenant and regimental quartermaster of the Eleventh Minnesota Volunteers, from the 10th of October, 1862, to the 8th of May, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN SHELTON.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 436.

The amendment was agreed to; and the bill (S. No. 436) for the relief of Lieutenant John Shelton was considered as in Committee of the Whole. It directs the Paymaster-General to pay to John Shelton, late first lieutenant Company E, Second North Carolina Mounted Infantry, the full pay and allowance of a first lieutenant of infantry, from the 1st of September, 1863, to the 16th of August, 1865, less the pay he received as a private of the company.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN DOLD.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 764.

The motion was agreed to; and the bill (H. R. No. 764) for the relief of John Dold was considered as in Committee of the Whole.

The bill proposes to direct the Secretary of the Treasury to pay to John Dold $1,525.83 in lieu of check No. A, 7531 on the United States depositary, dated the 26th of February, 1872, payable to the order of John Dold, and signed by A. J. McGonigle, acting quartermaster United States Army; which check, it is claimed, has been lost, and was never received by Dold; but before the payment John Dold is to execute a bond of indemnity to the United States, with sufficient sureties, against the claim of the payee in the draft.

The Committee on Military Affairs reported the bill with an amendment, which was to add the following words to it:

Or the claim of any person in possession of or claiming the same, and also to fully indemnify the United States against all loss and damage in the premises.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read the third time.

The bill was read the third time, and passed.

WILLIAM H. PILKENTON.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 1587.

The motion was agreed to; and the bill (H. R. No. 1587) for the relief of William H. Pilkenton, late a second lieutenant in Company G, Fifth Regiment Indiana Cavalry Volunteers, was considered as in Committee of the Whole.

The Secretary of War is directed by the bill to place the name of William H. Pilkenton on the rolls as second lieutenant in Company G, Fifth Regiment Indiana Cavalry Volunteers, as of the date of June 30, 1864; and the proper accounting and pay officers are directed to allow and pay him the pay and emoluments of a second lieutenant from that date until the date of his discharge, deducting any sum or sums he may have received on account of military service during that period.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER BURTCH.

Mr. LOGAN. I now move to take up House bill No. 1313.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1313) for the relief of Alexander Burtch.

The Committee on Military Affairs reported the bill with amendments, in lines 8, 9, and 10 to strike out the words "and the said Alexander Burtch shall be allowed and paid the amount remaining due and accrued up to the time of his absence aforesaid," and to insert the words "and that he may be honorably discharged;" also in line 12 to insert the words "pay or" before "bounty," and after the word "bounty" to strike out the words "subsequently granted by the United States."

Mr. ALLISON. I trust the chairman of the Committee on Military Affairs will withdraw those amendments. The amount of money due to Burtch is very small; I think less than sixty dollars. He served during the entire war, and did not leave his regiment until some four months after the 9th of April, 1865.

Mr. LOGAN. Let the bill be amended so as to strike out "pay and bounty," and give him pay up to the time of his leave of absence.

Mr. ALLISON. Then you had better reject the first amendment and agree to the second.

Mr. LOGAN. Let the bill be read as it stands.

The Chief Clerk read as follows:

Be it enacted, &c., That the Adjutant-General of the Army is hereby authorized and directed to change the record of desertion against Alexander Burtch, late veteran soldier of Company H, First Indiana Heavy Artillery, formerly Twenty-first Indiana Infantry Volunteers, and substitute therefor "absent from September 25,

1865." And the said Alexander Burtch shall be allowed and paid the amount remaining due and accrued up to the time of his absence aforesaid, but shall not be entitled to any bounty subsequently granted by the United States.

Mr. LOGAN and Mr. ALLISON. That is it.

The PRESIDENT *pro tempore*. If there be no objection the amendments reported by the committee will be considered as disagreed to.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPHRAIM P. SHOWALTER.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 1768.

The motion was agreed to; and the bill (H. R. No. 1768) for the relief of Ephraim P. Showalter was considered as in Committee of the Whole.

The preamble recites that Ephraim P. Showalter was drafted into the service of the United States on the 26th of September, 1864, for the period of one year, and on the 18th of November, 1864, was mustered into the service of the United States, in Company D, Thirtieth Regiment Indiana Volunteer Infantry; that on or about the 2d of December, 1864, Showalter furnished, and caused to be mustered into the service of the United States, a substitute for two years, paying therefor the sum of $1,000; but notwithstanding he furnished the substitute, he was held to service until the 23d of June, 1865. The bill, therefore, proposes to direct the Secretary of the Treasury to pay to Ephraim P. Showalter the sum of $500, which is to be in full for his claim for the substitute.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 563) for the relief of John M. McPike.

The message also announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties, and agreed to other amendments of the Senate with amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. ELLIS H. ROBERTS, of New York, Mr. LIONEL A. SHELDON, of Louisiana, and Mr. FERNANDO WOOD, of New York, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 876) to amend the law relating to patents, trade-marks, and copyrights; and it was thereupon signed by the President *pro tempore*.

MOIETIES UNDER CUSTOMS LAWS.

Mr. SHERMAN. I ask the Senate to take up the bill (H. R. No. 3171) to amend the customs-revenue laws and to repeal moieties, which has just been returned from the House of Representatives with a request for a committee of conference. I move that the Senate insist upon its amendment disagreed to by the House, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

Mr. CONKLING. I should like to know to which of our amendments there are other amendments, and to which there is a disagreement in some form.

The Chief Clerk proceeded to read the action of the House of Representatives, as follows:

Resolved, That the House concur in the amendments of the Senate numbered 4, 5, 6, 12, 15, 16, 17, 23, 28, 30, 40, 41, 42, and 43.

Mr. CONKLING. That does not indicate anything. If there is anything there which points to the subject of the amendments or to the sections, I should like to hear it.

The CHIEF CLERK. Only those amendments that are amended are referred to.

Mr. CONKLING. Then I think the bill had better lie over for the present until we can look into it. The Senator from Ohio can call it up again in a few minutes.

Mr. SHERMAN. I have no objection to that.

The PRESIDENT *pro tempore*. The bill will lie on the table for the present.

Subsequently the message of the House of Representatives was laid before the Senate.

Mr. SHERMAN. I move that the Senate insist on its amendments to the bill disagreed to by the House of Representatives, disagree to the amendments of the House to other amendments of the Senate, and grant the conference asked by the House of Representatives. I beg leave to say in making this motion that as I am very much occupied on another bill—the tariff bill—I desire to be excused from serving upon the committee of conference of this body.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Messrs. SCOTT, HOWE, and BAYARD were appointed.

JOSEPH C. BRECKINRIDGE.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 2698.

The motion was agreed to; and the bill (H. R. No. 2698) for the relief of Joseph C. Breckinridge for services in the Army of the United States was considered as in Committee of the Whole. It directs the Paymaster-General to pay to Joseph C. Breckinridge the full pay and allowances of a first lieutenant of cavalry from the 30th of August, 1861, to the 5th of June, 1862, being the period during which he served as aid-de-camp on the staff of General William Nelson and General George H. Thomas prior to his muster into the United States service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OREGON AND CALIFORNIA INDIAN WAR EXPENSES.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 2416.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2416) to authorize the Secretary of War to ascertain the amount of expenses incurred by the States of Oregon and California in the suppression of Indian hostilities in the years 1872 and 1873.

The Secretary of War is required by the bill to ascertain, or cause to be ascertained, the amount of expenses claimed to be necessarily incurred by the States of Oregon and California, or the citizens thereof, for arms, ammunition, supplies, transportation, and services of the volunteer forces in the suppression of Indian hostilities in those States in the years 1872 and 1873, and report the same to Congress at the next session, the names of persons who claim to be entitled to relief, together with a statement of the facts and sums upon which such report may be based.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPRESENTATIVES OF GEORGE SCHWARTZ.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 718.

The motion was agreed to; and the bill (S. No. 718) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry, was read a second time and considered as in Committee of the Whole.

The bill directs the Secretary of War to amend the record of George Schwartz, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry, by causing the charge of desertion to be removed. It further provides that the legal representatives of George Schwartz shall be treated in respect to claims for pay, allowances, bounty, and pension the same as if his death had been proved to have taken place in the line of his duty and in the military service of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. VON ENTRESS FUERSTENECK.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 324.

The motion was agreed to; and the bill (S. No. 324) for the relief of M. Von Entress Fuersteneck, late second lieutenant of the Sixty-eighth New York Volunteers, was considered as in Committee of the Whole. It proposes to appropriate $1,455.20, to be paid to M. Von Entress Fuersteneck, late second lieutenant of Company A of the Sixty-eighth Regiment of New York Volunteers, to cover a period of service from August 30, 1863, to December 21, 1864, inclusive, at which time he was commissioned, and actually performed duty as a second lieutenant, but was not mustered in.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES W. BIESE.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 323.

The motion was agreed to; and the bill (S. No. 323) for the relief of Charles W. Biese, late second lieutenant of the Eighty-second Regiment Illinois Volunteers, was considered as in Committee of the Whole.

By the bill the sum of $814 is appropriated, to be paid to Charles W. Biese, late second lieutenant of the Eighty-second Regiment Illinois Volunteers, to cover a period of service from August 2, 1863, to March 12, 1864, inclusive, during which time he actually performed duty and was regularly commissioned as second lieutenant of the Eighty-second Regiment Illinois Volunteers, but was not mustered in.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end of the bill the following proviso:

Provided, That this amount does not exceed the difference of pay between a second lieutenant and sergeant during the time specified, and which difference of pay he shall be only entitled to receive.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES W. BERRY.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 1219.

The motion was agreed to; and the bill (H. R. No. 1219) for the relief of Charles W. Berry, late private of the Thirty-sixth Regiment Wisconsin Volunteers, was considered as in Committee of the Whole. It directs the Adjutant-General of the Army to remove the charge of desertion from the name of Charles W. Berry, late private Company E, Thirty-sixth Regiment of Wisconsin Volunteers, in view of his wounds while in the service; and that he shall be allowed and paid the back-pay, bounty, and additional bounty under the act of July 28, 1866, due him in the same manner and to the same extent as if the charge of desertion had never been made and his application therefor had been filed before the 30th of January, 1873.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJOR ABSALOM BAIRD.

Mr. LOGAN. I now move to take up House bill No. 2131.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2131) to authorize a promotion in the Inspector-General's Department of the Army of the United States.

The preamble recites a vacancy of lieutenant-colonel in the Inspector-General's Department of the Army originated on the 13th of June, 1867, to which Major Absalom Baird was entitled to be promoted under the laws then in existence, but from which he was excluded by reason of an appointment in the department previously made; and that an act of Congress approved June 8, 1872, which it was believed would rectify this wrong, has failed to secure to Major Baird his just rights. The bill therefore authorizes the President to nominate and promote Absalom Baird to be lieutenant-colonel and assistant inspector-general, to date from June 13, 1867; but no officer in the department is by this act to be reduced from his present grade, nor any pay or allowance to be made to any officer under it except from the date of his confirmation.

Mr. LOGAN. I move to lay that bill on the table, as a similar bill has passed both Houses. We passed one in the Senate, and the House passed another, and they have since passed the Senate bill.

The motion was agreed to.

SAMUEL E. RANKIN.

Mr. LOGAN. I move to take up House bill No. 1773.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill (H. R. No. 1773) for the relief of Samuel E. Rankin. It directs the Paymaster-General to pay to Samuel E. Rankin, late a first lieutenant of the Ninth Tennessee Cavalry Regiment, the full pay and allowances of a first lieutenant of cavalry, from the 5th of October, 1865, to February 13, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. POLK.

Mr. LOGAN. I move to take up Senate bill No. 476.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 476) for the relief of John R. Polk. It proposes to direct the Secretary of the Treasury to cause to be paid to John R. Polk, a citizen of the State of Indiana, who was commissioned, mustered, and served as major of the Eighth Regiment of Indiana Infantry Volunteers, the pay and allowances of a major of infantry, from the 22d of May, 1864, to the 26th of November, 1864, deducting therefrom whatever pay and allowances he may have received from the Government as major during that period.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATTHIAS WHITEHEAD.

Mr. LOGAN. I now move to take up House bill No. 1774.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1774) for the relief of Matthias Whitehead.

The Adjutant-General of the Army is directed by the bill to remove the charge of desertion from the name of Matthias Whitehead, late a private of Company G, Eighth Regiment Tennessee Volunteer Infantry; and it further provides he shall be allowed and paid the back pay and bounty due him in the same manner and to the same extent as if the charge of desertion had never been made.

The Committee on Military Affairs reported the bill with an amendment in lines 8 and 9 to strike out the words "and bounty due him in the same manner and to the same extent as if the said charge of desertion had never been made," and to insert: "due him to the 31st day of October, 1864, when he was ordered to return to duty, but he shall not be entitled to any bounty."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

ARMY CLOTHING TO NATIONAL HOME FOR DISABLED VOLUNTEERS.

Mr. LOGAN. I now move to take up House bill No. 2359.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2359) to authorize and direct the Secretary of War to reserve from sale ten thousand suits of old and disused Army uniform clothing, now in the Quartermaster's Department of the Army, and to transfer the same to the National Home for Disabled Volunteer Soldiers.

Mr. WEST. I see that this bill calls for a distribution of ten thousand suits of clothing, and if that clothing is not on hand, or is of a character that is not in use, then the Secretary of War is to provide other clothing for the purpose. I should like to ask the chairman of the Committee on Military Affairs how many patients there are receiving the bounty of the United States in this National Home for Disabled Veteran Soldiers?

Mr. LOGAN. I cannot give the number. If the bill is likely to lead to discussion let it lie over for the present, until we can dispose of other bills to which there is no objection.

The PRESIDING OFFICER, (Mr. CONKLING in the chair.) The bill will be laid aside for the present.

ROBERT F. WINSLOW.

Mr. LOGAN. I now move that the Senate proceed to the consideration of House bill No. 2223.

The motion was agreed to; and the bill (H. R. No. 2223) for the relief of Robert F. Winslow was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Robert F. Winslow, of Illinois, $813.82, for services rendered in raising, drilling, and equipping troops mustered into the United States service during the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROMOTIONS IN STAFF DEPARTMENTS.

Mr. LOGAN. I now move to take up Senate bill No. 321.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 321) authorizing appointments and promotions in the Medical and Ordnance Departments of the Army of the United States, and for other purposes.

Mr. LOGAN. I offer from the Committee on Military Affairs a substitute for the bill. I will state that this substitute is made up of part of a bill passed by the House of Representatives after conference between some of the officers of the Army and the chairman of the Military Committee of the House, and some members of the Committee on Military Affairs of the Senate agreed that it should be offered as a substitute, providing for three corps or more of the staff departments.

The Chief Clerk read the amendment; which was to strike out all of the bill after the enacting clause and insert the following:

SEC. 1. That the Inspector-General's Department shall consist of one colonel, two lieutenant-colonels, and two majors, with the rank, pay, and emoluments of officers of said grades; and the Secretary of War may, in addition, detail officers of the line, not to exceed four, to act as assistant inspectors-general: *Provided*, That officers of the line detailed as acting inspectors-general shall have all the allowances of cavalry officers of their respective grades; and no new appointment shall be made in the Inspector-General's Department until the number of inspectors-general is reduced to five.

SEC. 2. That the Bureau of Military Justice shall hereafter consist of one Judge-Advocate-General, with the rank, pay, and emoluments of a brigadier-general; and the said Judge-Advocate-General shall receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and shall perform such other duties as have been heretofore performed by the Judge-Advocate-General of the Army. In the corps of judge-advocates no appointment shall be made as vacancies occur until the number shall be reduced to four, which shall thereafter be the permanent number of the officers of that corps.

SEC. 3. That hereafter there shall be three assistant commissaries-general of subsistence, with the rank, pay, and emoluments of lieutenant-colonel, instead of the two now allowed by law of said grade in the Subsistence Department; that the number of commissaries of subsistence, with the rank, pay, and emoluments of a captain of cavalry, is hereby reduced to twelve, and no appointment to fill a vacancy in said grade shall be made until the number thereof shall be reduced to twelve; and the number thereafter shall remain fixed at twelve.

SEC. 4. That the Medical Department of the Army shall hereafter consist of one Surgeon-General, with the rank, pay, and emoluments of a brigadier-general; one assistant surgeon-general, and one chief medical purveyor, each with the rank, pay, and emoluments of a colonel; and two assistant medical purveyors, with the rank, pay, and emoluments of lieutenant-colonels, who shall give the same bonds which are or may be required of assistant paymasters-general of like grade, and shall, when not acting as purveyors, be assignable to duty as surgeons by the President; fifty surgeons, with the rank, pay, and emoluments of majors; one hundred and fifty assistant surgeons, with the rank, pay, and emoluments of lieutenants of cavalry for the first five years' service, and with the rank, pay, and emoluments of captains of cavalry after five years' service; and four medical store-keepers, with the same compensation as is now provided by law; and all the original vacancies in the grade of assistant surgeon shall be filled by selection by competitive examination; and the Secretary of War is hereby authorized to appoint from the enlisted men of the Army, or cause to be enlisted, as many hospital stewards as the service may require, to be permanently attached to the Medical Department, under such regulations as the Secretary of War may prescribe. And the number of contract surgeons shall be limited to seventy-five on or before the 1st day of January, in the year 1875; and thereafter no more than that number shall be employed.

SEC. 5. That the Ordnance Department shall consist of one Chief of Ordnance, with the rank, pay, and emoluments of a brigadier-general; three colonels, four lieutenant-colonels, ten majors, twenty captains, sixteen first lieutenants; and all vacancies which may hereafter exist in the grade of first lieutenant in said Department shall be filled by transfer from the line of the Army: *Provided*, That no appointment or promotion in said Department shall hereafter be made until the officer or person so appointed or promoted shall have passed a satisfactory examination before a board of ordnance officers senior to himself.

SEC. 6. That no officer now in service shall be reduced in rank or mustered out by reason of any provision of law herein made reducing the number of officers in any department or corps of the staff.

SEC. 7. That as vacancies shall occur in any of the grades of the Ordnance and Medical Departments, no appointments shall be made to fill the same until the numbers in such grade shall be reduced to the numbers which are fixed for permanent

appointments by the provisions of this act; and thereafter the number of permanent officers in said grades shall continue to conform to said reduced numbers; and all other grades in said Ordnance and Medical Departments than those authorized by the provisions of this act shall cease to exist as soon as the same shall become vacant by death, resignation, or otherwise, and no appointment or promotion shall hereafter be made to fill any vacancy which may occur therein.

SEC. 8. That so much of section 6 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes," approved March 3, 1869, as applies to the Ordnance, Subsistence, and Medical Departments of the Army be, and the same are hereby, repealed: *Provided*, That this section repealing said section shall not apply to any of the grades of the Medical or Ordnance Departments which are omitted or abolished by the provisions of this act.

Mr. MORRILL, of Maine. That bill evidently contemplates changes in the organization of certain departments of the Army. I should be glad if the Senator would state its effects so far as it changes the service.

Mr. LOGAN. It makes no changes; it does not muster out any one, but it fixes the status of the different corps here mentioned; it fixes the number that they shall have, and that the vacancies which occur are not to be filled till they are reduced to a certain number. They go on until they are reduced to that number, but then no appointments after that shall be made in the corps.

Mr. MORRILL, of Maine. Is it confined to those three departments?

Mr. LOGAN. It is confined to the Ordnance, Medical, Commissary, and Inspector-General's Corps. It includes also the Bureau of Military Justice. It does not affect any one in office now, but contemplates vacancies.

Mr. WEST. This bill contemplating certain changes in the staff departments of the Army and introducing changes that have not hitherto been presented for the consideration of the Senate by the printing of certain bills, I should like to ask the Senator from Illinois whether it increases the number of officers in either one of the staff departments, and if it does so increase, what particular officers of the staff department are increased. For instance, I ask him whether it increases the number of officers in the Commissary Department.

Mr. LOGAN. I will answer that it increases in the Commissary Department the office of lieutenant-colonel. There are two lieutenant-colonels now; this provides for three. There are sixteen captains now, and this provides for twelve. It cuts off four captains and adds a lieutenant-colonel.

Mr. WEST. What is the case in the other departments?

Mr. LOGAN. In the other departments there are no changes made except to reduce the number. It cuts off the vacancies that now exist in several instances, and reduces the corps to a certain number which shall not be increased hereafter. It is a reduction in all the corps when vacancies shall occur, and increases none, except that it makes the change in the Commissary Department which I have mentioned. There is no increase over what is allowed by law, but a reduction of what is now allowed by law. It opens promotions, but promotions are not to be opened in a corps to go beyond the number fixed in the bill. Where vacancies exist beyond that number the places are abolished.

In further answer to the question of the Senator from Louisiana, I wish to state that there is one increase of rank, and it is this: the three purveyors in the Medical Department have the same rank, the rank of lieutenant-colonel. The chief purveyor having that rank is the junior of the other two. This makes a change, so as to give the chief purveyor the rank of colonel, to correspond with the rank in other departments.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed. Its title was amended so as to read: "A bill reorganizing the staff corps of the Army."

Mr. SARGENT. I move to reconsider the vote by which Senate bill No. 321 was passed, but I will not ask for action now.

The PRESIDING OFFICER. The motion to reconsider will be entered.

RETIREMENT OF MILITARY OFFICERS.

Mr. LOGAN. The next is the bill (S. No. 319) making retirement in the Army and Marine Corps after a certain age obligatory; but there may be some question about it, and I will not call it up until after I get through with the bills which will not be objected to.

Mr. THURMAN. I do not think there will be any debate on the bill if the Senator will accept an amendment making the age sixty-five instead of sixty-two.

Mr. LOGAN. I could not accept any amendment, but I am willing that the Senate should decide the question. I will not call up the bill now, and I will not when the Senator is out.

Mr. THURMAN. Very well.

CLOTHING TO ENLISTED MEN.

Mr. LOGAN. I now move that the Senate proceed to the consideration of House joint resolution No. 53.

The motion was agreed to; and the joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army, was considered as in Committee of the Whole. It proposes to authorize the Secretary of War to issue to the enlisted men of Company I, Second Regiment United States Cavalry; Company H, Ninth Regiment United States Infantry; and Company E, Third Regiment United States Cavalry, clothing in lieu of, and equal in amount to, that lost by them or rendered unfit for further use by their efforts to extinguish and prevent the spread of the fire which occurred at Fort Sanders, Wyoming Territory, on the 23d day of April, 1873, as shown and recommended in the report of the board of survey convened under special order No. 59, headquarters Fort Sanders, Wyoming Territory, of date of April 24, 1873.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed

GEOLOGICAL SURVEYS.

Mr. LOGAN. The next bill (S. No. 686) for the aid of geological and other surveys in the several States, was reported against unanimously, but was placed on the Calendar. I hope the bill will be postponed indefinitely.

Mr. WEST. On behalf of the Senator who has evidently had that matter carried to the Calendar with a view of calling the attention of the Senate to it, I think it would be better to pass it over. I cannot tell who the Senator was; but evidently when the adverse report was made, some Senator requested that it be put on the Calendar. I think, out of courtesy to that Senator, whoever he is, the bill ought to be passed by. I make the suggestion.

The PRESIDING OFFICER, (Mr. CONKLING in the chair.) The Chair will put the question. The Senator from Illinois moves to postpone the bill indefinitely.

The motion was agreed to.

KERRY SULLIVAN.

Mr. LOGAN. I move to proceed to the consideration of House bill No. 491.

The motion was agreed to; and the bill (H. R. No. 491) for the relief of Kerry Sullivan, of Company G, Fourteenth Regiment New Hampshire Volunteers, was considered as in Committee of the Whole. It provides for the payment to Kerry Sullivan, late private in Company G of the Fourteenth Regiment of New Hampshire Volunteers, commissioned a second lieutenant in that regiment, of the pay and emoluments of a second lieutenant of infantry, from the 5th of May, 1865, to the 8th of July, 1865, the date of his discharge, as if he had been mustered as a second lieutenant on the 5th of May, 1865, first deducting whatever sum may have been paid him as a private soldier during the period for which he is hereby allowed pay and emoluments as a second lieutenant of infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIS N. ARNOLD.

Mr. LOGAN. I move to proceed to the consideration of Senate bill No. 574.

The motion was agreed to; and the bill (S. No. 574) for the relief of Willis N. Arnold was considered as in Committee of the Whole. It provides for paying to Willis N. Arnold, of Henderson County, Tennessee, $10,000, being the amount collected by the military authorities for his benefit and paid by them into the United States Treasury.

The Committee on Military Affairs reported an amendment to the bill to strike out "ten thousand dollars" and insert "six thousand dollars."

Mr. INGALLS. I ask for the reading of the report in that case.

Mr. WADLEIGH. Having reported the bill, I can state the facts in less time than it will take to read the report.

The PRESIDING OFFICER. Does the Senator from Kansas yield, or insist on the reading of the report?

Mr. INGALLS. I will hear the Senator from New Hampshire.

Mr. WADLEIGH. This claimant was a loyal citizen of Tennessee. He was sending his cotton to Memphis. The cotton was taken for the purpose of making fortifications at Henderson Station, in Tennessee, that place being attacked by a band of rebel guerrillas. The cotton was destroyed by the attack. Then under a military commission there was levied upon the disloyal citizens of that county and paid by them the amount of the value of that property and other property destroyed in that raid, and the Government received from those citizens, as appears conclusively from the evidence, the full amount of this claim and has it in the Treasury. This bill merely provides that he shall receive from the United States Treasury what the Treasury has received from his cotton under that finding of the military commission and the consequent payment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT BRADY MILITARY RESERVATION.

Mr. LOGAN. I move to proceed to the consideration of Senate bill No. 757.

The motion was agreed to; and the bill (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school district No. 1, of Sault Sainte Marie, and State of Michigan, for school purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate.

Mr. PRATT. I wish to inquire from the Senator from Illinois what this bill takes off the reservation.

Mr. LOGAN. A very small portion according to the evidence before us.

Mr. FERRY, of Michigan. It is less than two acres—1.26 acres. It is simply for school purposes, and is confined to that; I think there can be no objection to it.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUFFERERS BY THE WRECK OF THE TORRENT.

Mr. LOGAN. I move to proceed to the consideration of Senate bill No. 704.

The motion was agreed to; and the bill (S. No. 704) for the relief of the officers and men of the United States Army who were sufferers by the wreck of the bark Torrent was considered as in Committee of the Whole. It provides for paying to each officer, non-commissioned officer, musician, and private who was on board the transport Torrent at the time that vessel was wrecked in Cook's Inlet, Alaska, on the 15th of July, 1868, a sum sufficient to reimburse him for losses actually sustained by the wreck of the vessel; these sums to be determined by the Secretary of War.

The Committee on Military Affairs reported an amendment to strike out the word "officer" in line 3, so as to read "there shall be paid to each non-commissioned officer, musician, and private," &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed. Its title was amended so as to read: "A bill for the relief of the non-commissioned officers and men of the United States Army who were sufferers by the wreck of the bark Torrent."

JOHN N. NEWMAN.

Mr. LOGAN. I move to proceed to the consideration of House bill No. 622.

The motion was agreed to; and the bill (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry, was considered as in Committee of the Whole. It directs the Secretary of War to place the name of John N. Newman on the rolls as first lieutenant of Company B, Ninth Tennessee Cavalry Volunteers, from August 15, 1863, to February 2, 1864; and the proper accounting and pay officers of the Government to allow and pay to him the pay and emoluments of a first lieutenant of cavalry during that time, deducting any sum or sums he may have received on account of military service during that period.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN W. DIVINE.

Mr. LOGAN. I move to proceed to the consideration of House bill No. 2092.

The motion was agreed to; and the bill (H. R. No. 2092) for the relief of John W. Divine, late assistant surgeon of the Eleventh Regiment of Tennessee Cavalry, was considered as in Committee of the Whole. It provides for paying $738.83 to John W. Divine, as assistant surgeon of the Eleventh Regiment of Tennessee Cavalry, from the 8th of May, 1863, to the 1st of October, 1863.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARTHA VAUGHN AND LOUISA JACKMAN.

Mr. LOGAN. I move to proceed to the consideration of Senate bill No. 502.

The motion was agreed to; and the bill (S. No. 502) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman, was considered as in Committee of the Whole.

The Committee on Military Affairs propose to strike out the preamble, and amend the bill so as to make it read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay Mrs. Martha Vaughn $2,500, and to the legal representatives of Mrs. Louisa Jackman $2,500, for patriotic services, hazards, and losses incurred by said Martha Vaughn and Louisa Jackman in conveying information of great value to the Union officers in the State of Kentucky in March, 1863.

The amendments were agreed to.

Mr. PRATT. I would inquire of the chairman whether this case was not pending before the Committee on Claims in the Senate, and whether it was not reported upon adversely? I have no distinct recollection upon the subject, but the names seem to be familiar. It seems to me in the Forty-second Congress this claim was pending before the Committee on Claims and reported adversely.

Mr. LOGAN. I cannot give the information because I know nothing about it. The only information I have in reference to the case is that it has been before the Military Committee some time. Last session it was before the Military Committee, and probably the session before. The bill passed the House at that time and was amended in the Senate committee. I know nothing about it beyond that except the testimony in the papers. It may have been before the Committee on Claims, but I have no knowledge on that point.

Mr. PRATT. I see the chairman of the Committee on Claims in his seat at this time, and I inquire of him whether the claim of Mrs. Martha Vaughn and Mrs. Louisa Jackman, for services performed in conveying valuable information to Union officers was not at one time before the Committee on Claims?

Mr. SCOTT. There were several claims of this character before the Committee on Claims during the last Congress, during which time the Senator from Indiana and myself were both members of the committee, although I was not at that time its chairman. I cannot recall these names; but if the Senator from Illinois will consent to let the bill pass over for a moment I will send for a list of claims reported by our committee in the Forty-second Congress.

Mr. LOGAN. I suggest that the report be read, and it may recall the facts to the Senator's mind if it is the same case.

Mr. SCOTT. Let the report be read.

The Secretary read the following report submitted by Mr. LOGAN on the 6th of May:

The Committee on Military Affairs, to whom was referred the bill (S. No. 502) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman, having had the same under consideration, submit the following report:

This is a claim for services rendered by these parties in March, 1863, in giving information to the Union forces of the strength and condition of the rebel army then and there opposing them, and is fully set forth in the following extract from the petition of claimants, which is made a part of this report:

"The petition of Mrs. Martha J. Vaughn, of the State of Indiana, and Mrs. Louisa Jackman, of the State of Kentucky, respectfully represents that they were, before and during the greater part of the war, residents, one of Lincoln County and the other of Garrard County, in the State of Kentucky; that in the month of March, 1863, during the invasion of the State by the rebel army under the command of General Pegram, when the Union forces had retreated across the Kentucky River, destroying ferries and bridges, and abandoning and destroying much national and State property, they made their way through the rebel lines to the commanders of the Union forces across the Kentucky River with complete information of the rebel strength, the quantity of artillery and small-arms they had, the disposition of their forces, and their plans; that at the time they communicated the said information, a still further retreat was about to be made involving the destruction of the bridge across the Kentucky River, costing $80,000, and the sacrifice to the flames and the enemy of large and valuable military supplies; that the result of their work and information was to prevent this great loss by an immediate attack being ordered, which in twenty-four hours ended in the complete defeat and dispersion of Pegram's whole force, the capture of all their artillery, large numbers of horses and mules that had been pressed, and over five hundred prisoners, together with the unexpected loss to the rebels of Kentucky as a source of supplies for their armies."

The statements herein made are fully confirmed by the affidavits of the officers to whom this information was given, as well as by affidavits of loyal citizens of Kentucky who were cognizant of the facts. It is also further shown by the evidence that in consequence of these acts these claimants and their families were compelled to leave that section of the country and seek homes and safety elsewhere.

In consideration of the value of the service rendered and the losses suffered by the claimants, the committee believe said claimants are entitled to and should receive a reasonable compensation therefor. The passage of the bill with the amendments as reported is recommended.

Mr. SCOTT. I can now state to the Senator from Indiana that I have the docket of the Committee on Claims of the Forty-second Congress before me, and I do not find either of these names as claimants on that docket. I have no recollection personally of this case having been before the committee.

Mr. LOGAN. I have an idea that it has not been, but only from the fact that it has been before the Military Committee ever since I have been on it, I think; I know it has ever since I have been chairman.

Mr. PRATT. Before the vote is taken on this bill I hope the Senator from Illinois will state on what principle the sum of $2,500 is allowed to each of these ladies, or rather to the survivor and to the children of the deceased. Did these ladies incur any pecuniary sacrifices, and if so to what extent, in consequence of leaving their homes and coming within the Union lines?

Mr. LOGAN. I do not know how much they had, but they lost all they had. The principle on which this allowance is recommended is the same principle that during war times information of that kind is purchased, and persons are paid very large sums of money for giving information of that character. We deemed these people more entitled to pay because it was a voluntary act on their part, showing their feeling in connection with the services of the Union Army. They took great hazard of life and health; and if any gentleman will read the testimony I think he will not consider the amount allowed at all exorbitant. They traveled day and night across rivers and did acts that are certainly seldom done by ladies, and acts of a heroic character such as are seldom done by men. This is not compensation merely for their losses, but compensation such as would have been given by the Army if they had been employed as secret-service agents, which is a common thing in the service. They would have been paid a much larger amount than the committee propose to allow, if paid in that way. I know that from my own experience.

Mr. PRATT. I ask the Senator whether the passage of a bill of this character will not open the door to a very large number of claims of a similar kind? Will not the Government be called upon to respond?

Mr. LOGAN. I think not. I do not believe there is a case—certainly none has ever come to my knowledge while I have been in Congress since the war—of the character of this one. There may be some other case, but if so I have never heard of it. The evidence shows that the conduct of these two ladies was that which I never heard of in other persons during the war, especially females. There have been instances, I am told, where persons have been paid very large sums out of the secret-service fund, but not by Congress. I do not think there will be many cases like this. The precedent certainly cannot run very far.

Mr. SCOTT. I am always very averse to seem even to oppose a claim which has been investigated by a committee and reported, and I only rise to suggest to the Senator from Illinois that cases of this character do deserve very serious consideration from the danger of the precedent that will be set. The principal motive for granting this compensation is not that these ladies have suffered in their own property and that compensation is to be made for that loss, but principally because of their patriotic feelings leading them to encounter inconvenience and run some personal hazard in communicating this information.

Let me call the Senator's attention to the fact that there have been numerous cases before the Committee on Claims of volunteer nurses who went into the Army from patriotic motives, rendered very great and very valuable services in the hospital and in traveling with the camps to take care of the wounded soldiers, and the committee have never felt justified in setting the precedent that where services were rendered from motives of that character we would undertake to compensate them in money. I do not now remember the number of cases, but the Senator from Indiana will bear me witness that quite a number of cases of that character have been considered; and if I am not mistaken we have before this Congress—it may not be in the Senate—a very large claim made by a lady, not simply for patriotic services in that direction, but for having actually communicated the intelligence which led to the formation of the plan of the campaign which resulted in General Sherman's march to the sea; so that if we are to go into the question of compensating patriotic motives and patriotic services of this character, it should be fully considered before we embark on it.

I do not object to this bill, as I say, for I always feel that committees who have examined these cases and reported upon them are entitled to the confidence of the Senate unless something in the case itself reveals something particularly objectionable. I do not see that in this at present, and I only desire, as cases of a cognate character may come before the Committee on Claims and the Military Committee, that we should not be setting a precedent which will bring us in conflict hereafter.

Mr. LOGAN. So far as the examination of this case by the Military Committee is concerned, they felt the force of all that has been said by the Senator from Pennsylvania, but this was considered as a very extraordinary case, and it is a very extraordinary case. I have witnessed the fact that a great many applications have been made here, as stated by the Senator from Pennsylvania, but none of them is like to this in any particular whatever. This is a very different character of case from those. I do not know that I would take any more risk or trouble than any other man, probably not as much as many; but I would not perform the service these two ladies performed, considering the weather to which they were exposed and the manner in which they had to perform it and the risk they took, for $25,000, if you offered me the money to-night. This allowance is not for the loss of property, not for patriotic motives, but upon the ground that it was a character of service that the Government paid for at that time. The principle on which this bill is reported is that the Government paid for that character of service, and paid extraordinary prices, and these ladies should not be excluded.

Mr. SCOTT. Did they make application to the commanding general at the time?

Mr. LOGAN. For payment?

Mr. SCOTT. Yes.

Mr. LOGAN. I do not remember that they did. This is the first I knew of the case: When I became chairman of the Committee on Military Affairs one of the ladies, since dead, came to me and told me her story. I said the precedent would be a bad one, but if she told the story as it was, and could bring proof to satisfy the committee, I did not think there would be any committee who would refuse to pay. They asked $5,000 each. The committee in the House gave them $5,000 apiece. We changed it to $2,500, believing that probably a bill of that amount would pass. We did not think a bill of a higher amount would. I honestly believe that the amount allowed by the House was a reasonable allowance, although of course I do not put it upon the ground that the particular services they performed would have been worth that; but it was for the information they communicated. You could not have employed any one else to perform the duties they did and go as they did through the enemy's lines for $10,000. I am satisfied of that, and I hope the bill will pass, for I think it is a very meritorious one.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed. Its title was amended so as to read, "A bill for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughn."

ROBERT TILLSON & CO.

Mr. LOGAN. I move to proceed to the consideration of House bill No. 2699.

The motion was agreed to; and the bill (H. R. No. 2699) for the relief of Robert Tillson & Co., of Quincy, Illinois, was considered as in Committee of the Whole.

The claim of Robert Tillson & Co., of Quincy, Illinois, for loss and damage growing out of the failure of the Government of the United States to keep and perform the contract or contracts as to time and manner of payment, under which certain horse equipments and infantry accouterments were manufactured, between the months of September, 1862, and July, 1864, for the Government, is by the bill referred to the Court of Claims, with authority to investigate the same, and to ascertain, determine, and adjudge the amount equitably due the firm, if any, for such loss and damage.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

H. P. INGRAM AND J. K. ASKINS.

Mr. LOGAN. I move to proceed to the consideration of House bill No. 2788.

The motion was agreed to; and the bill (H. R. No. 2788) for the relief of Henry P. Ingram and John K. Askins, was considered as in Committee of the Whole. It provides for paying to H. P. Ingram, captain Sixty-second Regiment Illinois Volunteers, and to John K. Askins, second lieutenant Sixty-second Regiment Illinois Volunteers, the salaries of their respective offices from the 15th of January, 1862, to the 10th of April, 1862.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES M. ROBERTSON.

Mr. LOGAN. I move to proceed to the consideration of the House bill No. 2697.

The motion was agreed to; and the bill (H. R. No. 2697) to create an additional major of artillery, and to promote Captain James M. Robertson, was considered as in Committee of the Whole.

The bill proposes to add an additional major to the Second Regiment of Artillery, to be filled by the nomination and appointment of Captain James M. Robertson by the President of the United States; and Robertson is to take rank next after the junior major of artillery. The additional major thus added to the Second Regiment of Artillery is not hereafter to be filled by any other officer, and the office is to expire whenever, by any casualty, the number of majors in each regiment of artillery shall be reduced to three. The pay of Captain Robertson as major is to commence from the date of his confirmation by the Senate on the nomination by the President.

Mr. WEST. I see by the Army Register that there are three majors in that regiment already. Will this make four?

Mr. LOGAN. It will make another one.

Mr. WEST. Will the Senator be kind enough to give to the Senate some reason for making a major when the Army is being now conducted with three majors to each regiment? Why create four for this particular regiment? What is the reason the committee recommend it?

Mr. LOGAN. I will state the reason. Major Robertson has been in the Army a great many years. He came into the Army from civil life. He was a brigadier-general and a gallant man during the war. When it came to the promotions in his regiment for majors he was jumped by other majors. They were promoted over his head, but he was senior major. His meritorious conduct and services are shown by every officer. If I had time I would read the letters, and I think there are twenty of them, from leading officers of the Army recommending this bill on account of his gallant conduct and on account of the manner in which he has been treated by promotions being made over him. That is the reason for it, and none other.

Mr. WEST. I do not know anything about the circumstances of the treatment of this officer unjustly. Some such instances occur in the course of the military service; but it seems to me that Congress is about to do a most unwarrantable act. Undoubtedly there were officers all through the line who deserved a better fate than they received at the hands of Congress or of the country, but here is an isolated proposition to make four majors in a regiment of artillery, simply because an officer has served his country faithfully and has not exactly received the deserts which the committee seem to think ought to be his. We could do that all along. When we are reducing the rank and file of the Army constantly, to be making majors out of men is out of the question, and I am surprised that the committee should report any such thing, and I shall be a great deal more surprised if the Senate agree to it.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. WEST. On the passage of the bill I call for the yeas and nays.

Mr. CLAYTON. This is a case, as I understand it, where an officer was illegally jumped. Two officers were placed before him, he being in the line of promotion. I hold that promotion in the Army is as much a right the officer possesses as the right he possesses to draw his pay; and it is no more than natural that every officer should guard that right with all the power he can bring to bear. This officer was prevented from having that right of promotion applied to him by the arbitrary jumping of two other officers over him.

Mr. WEST. Whom by? Who did it?

Mr. CLAYTON. The War Department did it, I suppose.

Mr. WEST. Nobody can commission an officer but the President of the United States. Has he done a wrong?

Mr. CLAYTON. The papers in this case show that it was done. I will not say who did the wrong. It was done under Johnson's administration. The wrong was done; this officer was jumped. There

was no reason given, and can be no reason given, why he was jumped. He won his commission in the Mexican war, and served all through the rebellion. He held commands far above his rank in the Army in the military service throughout the rebellion. No reason can be or has been given why this act should have been done. This bill is merely for the purpose of doing justice to that gallant officer, and I hope the Senate will stand by the Committee on Military Affairs, who have examined fully into this matter, and are unanimously, I believe, satisfied that the bill is just and right.

Mr. WEST. I do not propose to say anything in regard to the legislation that is offered here to-day by this Committee on Military Affairs, but I call the Senate's attention now to the fact that they have legislation here to-day for the increase of promotions. They have provided for an increase of the staff departments largely, and you are involving the country and you are involving the Government of the United States in a very largely increased expense when the tendency is and ought to be entirely in the other direction. And here is a case beyond precedent and without precedent in the history of the Army of the United States. I challenge contradiction of my assertion when I say it is without a precedent in the history of the Army of the United States to make an additional major of artillery in time of peace. It never was heard of before. All the directions of Congress are toward reduction, and not toward increase.

I very much regret that this officer has had injustice done him; but I ask the chairman of the Military Committee and I ask the Senator who last spoke if they do not know that injustice pervades all through the Army in regard to such things. And now are we to take out one man and particularly appoint him a major? In the name of conscience are not three majors enough in time of peace to conduct any regiment of artillery, and I ask what is the use of a major of artillery anyhow? When does artillery ever act together under the command of a major? Here is a proposition to make another. Search the bills as offered here to the Senate; watch what you are doing. You are certainly about to do something that has never had a warrant or precedent before in the history of the Army.

Mr. LOGAN. I do not desire to discuss this proposition, but I do not see any necessity for excitement over it. The Senator from Louisiana asks for a precedent. I admit that there are many times in the Army where good men are overslaughed improperly, and this certainly is a case that warrants interference by Congress if a case ever did warrant it. I can cite the Senator to several precedents, if it is necessary, where things of this kind have been done. I can show him that in the Inspector-General's Department, in the Quartermaster's Department, and in the different departments of the Army the very same thing has been done time and again by acts of Congress.

Mr. WEST. Done for what? To requite a man for injustice or to increase the efficiency of the service? Which?

Mr. LOGAN. I will state the fact, and the Senator may construe it as he chooses, that at the last session of Congress we made a colonel in the Inspector-General's Department, Colonel Davis, upon the same principle that this bill is founded. Colonel Davis during the war was overslaughed in the manner in which this man was. He was regarded as an efficient officer and entitled to his promotion, but the place was filled, and the last Congress made him colonel in the Inspector-General's office on the very principle that this bill makes this man a major, because he was entitled to the rank, and he was—I will not say cheated out of it, but unlawfully deprived of it. This man, Robertson, has been unlawfully deprived of the position of major in the artillery, although I do not remember the number of years, but I think it is over twenty probably that he has served faithfully in the Army. He happened unfortunately to be from civil life, and when it came to the promotions two majors were promoted over his head who were his juniors and men who had not performed an equal service to this man. On account of his meritorious services and on account of the fact that he was deprived of his right illegally the House has passed the bill. It came here and we considered it in the committee and for sometime the committee, were very much disposed not to grant the request; but the evidence was so overwhelming of the right of this man and of the bad faith toward him and of his good service to the country, that we concluded to give him that rank to which he was entitled by law. I know, as the Senator says, it is not common to have four majors of artillery in a regiment. I know there is no particular necessity for four.

Mr. WEST. Is there any particular necessity for three?

Mr. LOGAN. I do not know that there is any necessity for any of them; but so far as that is concerned it is not a question of discussion. It is certainly just to this man that he should have this rank, and on that ground we base it, none other. I am willing now to let the Senate decide.

The PRESIDENT *pro tempore*. On the question of the passage of this bill the Senator from Louisiana calls for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 5; as follows:

YEAS—Messrs. Bayard, Bogy, Boreman, Carpenter, Chandler, Clayton, Cooper, Ferry of Michigan, Goldthwaite, Gordon, Harvey, Hitchcock, Ingalls, Jones, Kelly, Logan, Mitchell, Morrill of Maine, Morton, Oglesby, Pease, Ramsey, Ransom, Sargent, Saulsbury, Schurz, Scott, Spencer, Sprague, Stevenson, Thurman, Tipton, Wadleigh, Windom, and Wright—35.

NAYS—Messrs. Buckingham, Conkling, Merrimon, Washburn, and West—5.

ABSENT—Messrs. Alcorn, Allison, Anthony, Boutwell, Brownlow, Cameron, Conover, Cragin, Davis, Dennis, Dorsey, Edmunds, Fenton, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Hager, Hamilton of Maryland, Hamilton of Texas, Hamlin, Howe, Johnston, Lewis, McCreery, Morrill of Vermont, Norwood, Patterson, Pratt, Robertson, Sherman, Stewart, and Stockton—33.

So the bill was passed.

JAMES M. TRUE.

Mr. LOGAN. I move to proceed to the consideration of House bill No. 2207.

The motion was agreed to; and the bill (H. R. No. 2207) for the relief of James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry, was considered as in Committee of the Whole. It provides for the payment to James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry, of the compensation of colonel of infantry from the 20th of February, 1862, when his recruits were taken from him by order of the Secretary of War, to the 10th of April, 1862, the day upon which he was mustered in as such.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLONEL WILLIAM NORTHEDGE.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 2091.

The motion was agreed to; and the bill (H. R. No. 2091) for the relief of the heirs and next of kin of Colonel William Northedge, deceased, was considered as in Committee of the Whole.

The bill directs the Secretary of the Treasury to pay to the personal representatives of William Northedge, deceased, who shall be duly appointed and qualified as such, for the benefit of the widow and children of the deceased, the sum of $7,500 in full for moneys expended by him in subsisting and equipping the Fifty-ninth Regiment New York State Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER J. KNAPP.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 3001.

The motion was agreed to; and the bill (H. R. No. 3001) for the relief of Peter J. Knapp was considered as in Committee of the Whole.

The bill proposes to direct the Secretary of War to cause Peter J. Knapp, late a private in Company H, Fifth Regiment Iowa Infantry Volunteers, to be honorably discharged and mustered out of the service, to date with the muster-out of his regiment, and to cause to be paid to him the full sum due him for back-pay and allowances as a soldier of the company and regiment above named; but the Secretary of War is to be satisfied upon investigation that the agreement of Knapp to join the enemy was made while he was incarcerated in a rebel prison, and for the purpose of escaping from imminent peril of death from exposure and hunger, and with a view of escaping to the Union lines.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEAVES OF ABSENCE OF ARMY OFFICERS.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 800.

The motion was agreed to; and the bill (S. No. 800) to amend the act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," approved June 20, 1864, was read the second time, and considered as in Committee of the Whole.

The bill proposes to so far amend the eleventh section of the act of June 20, 1864, entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," that the thirty days an officer may be authorized to be absent on leave each year without reduction of pay may become cumulative, so that after several years' continuous service without leave the officer may receive as many months' leave, without reduction of pay, as he has served years without such leave of absence; but such leave of absence is in no case to exceed the term of four months, and the provisions of this are to apply only to such officers as are stationed west of the one hundredth meridian, or in Texas or Dakota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 228) for the relief of Bigler, Young & Co.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HENRY L. DAWES, of Massachusetts, Mr. GEORGE W. MCCRARY, of Iowa, and Mr. SAMUEL S. MARSHALL, of Illinois, managers at the same on its part.

JURISDICTION OF CRIMES OF MILITARY PERSONS.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 801.

The motion was agreed to; and the bill (S. No. 801) in regard to crimes committed by military persons, was read the second time and considered as in Committee of the Whole.

The bill proposes to invest general courts-martial hereafter with a jurisdiction concurrent with that of the courts of the State or Territory in which the crime is committed of the crimes of murder, manslaughter, mayhem, rape, arson, robbery, burglary, larceny, and assault and battery, as well as of attempt to commit, and assault and battery with intent to commit any of those crimes, when they are committed by persons in the military service of the United States or subject to the Articles of War; but the punishments for such offenses are not to exceed those authorized by the laws of the State or Territory in which the crime was committed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WADLEIGH subsequently said: The Senate a short time since passed Senate bill No. 801 in regard to crimes committed by military persons. By some mistake the bill was reported favorably when it should have been reported adversely. The committee was against its passage unanimously. I move that the vote by which it was passed be reconsidered.

The PRESIDENT *pro tempore*. If there be no objection the vote by which this bill was passed will be reconsidered.

Mr. WADLEIGH. I now move that the bill be indefinitely postponed.

The motion was agreed to.

FORT REYNOLDS MILITARY RESERVATION.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 1931.

The motion was agreed to; and the bill (H. R. No. 1931) to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government buildings thereon, was considered as in Committee of the Whole.

The Secretary of War is authorized and empowered by the bill to transfer to the custody and control of the Secretary of the Interior, for disposition for cash, according to the existing laws of the United States relating to the public lands, after appraisement, to the highest bidder, and at not less than the appraised value, nor at less than $1.25 per acre, the United States military reservation of Fort Reynolds, in Colorado Territory, containing about twenty-three square miles as set apart and declared by the President, on June 22, 1868, including all the buildings heretofore erected by the United States, and now being thereon, (the reservation and buildings being no longer needed for military purposes;) and the Secretary of the Interior is to cause the land to be offered in tracts of not more than eighty acres each, and sold separately at public outcry, to the highest bidder, after giving not less than three months' public notice of the time and place of sale in not less than three public newspapers printed and published in the Territory.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHERIDAN O. BREMMER.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 2412.

The motion was agreed to; and the bill (H. R. No. 2412) for the relief of Sheridan O. Bremmer, late a private of Company E, Eighteenth Regiment Wisconsin Infantry, was considered as in Committee of the Whole.

The bill proposes to direct the Adjutant-General to remove the charge of desertion against Sheridan O. Bremmer, late a private in Company E, Eighteenth Regiment Wisconsin Infantry Volunteers, and grant him an honorable discharge; and the proper accounting officer is authorized to audit and pay all claims for bounty and allowances which he would have been entitled to had no charge of desertion been made against him; but no pay or allowances are to be granted to him for the time he was actually absent from his regiment by virtue of a supposed discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. M'INTYRE.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 311.

The motion was agreed to; and the bill (H. R. No. 311) for the relief of William J. McIntyre was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to William J. McIntyre, late a lieutenant in the Eleventh Illinois Infantry Volunteers, the sum of $199.20, the same being the difference between the pay of a second lieutenant of infantry and a hospital steward, from the 7th of August, 1864, to the 30th of October, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER MINOR.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 671.

The motion was agreed to; and the bill (S. No. 671) for the relief of Alexander Minor, of West Virginia, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Alexander Minor, late a private in Company B, of the Twelfth Regiment of West Virginia Volunteer Infantry, United States Army, $234, being the amount of bounty and pay improperly withheld from him on a charge of absence without leave, when, in truth, he was sick and on furlough.

The Committee on Military Affairs reported the bill with an amendment, to strike out the words "when, in truth, he was sick and on furlough."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. MORGAN.

Mr. LOGAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 546.)

The motion was agreed to; and the bill (H. R. No. 546) for the relief of William B. Morgan was considered as in Committee of the Whole.

The bill proposes to authorize the payment of fifty dollars to William B. Morgan, late sergeant Company D, One hundred and forty-ninth Regiment Pennsylvania Volunteers, as additional bounty under the act of Congress approved July 28, 1866, provided he has not already received bounty under the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJOR J. W. NICHOLS.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 769.

The motion was agreed to; and the bill (S. No. 769) for the relief of Major J. W. Nichols, paymaster United States Army, was considered as in Committee of the Whole. It directs the payment to Major J. W. Nichols, paymaster United States Army, of $4,500, erroneously charged to and paid by him in the settlement of his accounts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNSERVICEABLE ORDNANCE STORES.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 3257.

The motion was agreed to; and the bill (H. R. No. 3257) authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes, was considered as in Committee of the Whole.

The bill directs the Secretary of War to cause to be sold, in such manner and at such times and places and in such quantities as shall most conduce to the interest of the United States, all obsolete and unserviceable fixed ammunition and leaden balls and the surplus of pig-lead in excess of two thousand tons now stored in the various arsenals of the United States, and to cause the net proceeds of such sale after paying all costs and expenses of breaking up and preparing the ammunition for sale and all the necessary expenses of such sale, including the cost of transportation to the place of sale, to be covered into the Treasury of the United States with full accounts of the expenses.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, to strike out the word "fixed" before the word "ammunition."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill be read a third time.

The bill was read the third time, and passed.

EXTENSION OF TIME FOR FILING BOUNTY CLAIMS.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 3303.

The motion was agreed to; and the bill (H. R. No. 3303) to extend the time of filing claims for additional bounty under the act of July 28, 1866, was considered as in Committee of the Whole.

By the provisions of the bill the time for filing claims for additional bounty under the act of July 28, 1866, and which expired by limitation on the 30th day of January, 1874, is revived and extended until the 30th of January, 1875; and all claims for such bounties filed in the proper Department after the 30th of January, 1874, and before the passage of this act, are to be deemed to have been filed in due time, and are to be considered and decided without refiling.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL H. KELLY.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 841.

The motion was agreed to; and the bill (S. No. 841) to place the name of Daniel H. Kelly upon the muster-roll of Company F, Second Tennessee Infantry, was read the second time, and considered as in Committee of the Whole. It directs the Secretary of War to place the name of Daniel H. Kelly, deceased, upon the muster-roll of Company F, Second Tennessee Infantry Volunteers, to date December 1, 1861.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISCHARGE OF OFFICERS OF TENTH COLORED ARTILLERY.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 1051.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill (H. R. No. 1051,) for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (heavy,) and directing their honorable muster-out of the service of the United States as of the date of their dismissal.

The preamble to the bill recites that Captain J. Horace McGuire, Tenth Regiment United States Colored Artillery, (heavy,) was, on the 8th of September, 1866, dismissed the service of the United States by virtue of General Order No. 4, headquarters Department of the Gulf, September 8, 1866, pursuant to the sentence of a general court-martial; that First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, of the same regiment, were, on the 13th of September, 1866, severally dismissed the service of the United States by virtue of General Order No. 5, headquarters Department of the Gulf, September 13, 1866, pursuant to the sentence of a general court-martial, which several general orders and sentences were approved by General Court-martial Order No. 210, War Department, Adjutant-General's Office, November 16, 1866; and that the several sentences, although within the letter of the law and Articles of War, and founded upon proceedings regularly conducted, were, nevertheless, manifestly disproportionate to the offense charged, and therefore unjust, and have worked great and unnecessary injury to the reputations of the officers named. The bill therefore directs the Secretary of War to cause these officers to be honorably discharged from the several positions from which they were dismissed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SELDEN CONNOR.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 2704.

The motion was agreed to; and the bill (H. R. No. 2704) for the relief of Selden Connor, was considered as in Committee of the Whole. The bill directs the Secretary of the Treasury to pay to Selden Connor, late lieutenant-colonel of the Seventh Regiment of Maine Volunteer Infantry, $200, or so much thereof as he shall prove to the satisfaction of the proper accounting officers of the Treasury Department that the horse was worth, for a horse shot and killed in 1863, by order of the colonel of the regiment while Connor was absent from his regiment on detached duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SETTLEMENT OF ARMY AND NAVY ACCOUNTS.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 1828.

The motion was agreed to; and the bill (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy was considered as in Committee of the Whole. The act to authorize the settlement of the accounts of officers of the Army and Navy, approved June 23, 1870, and continued by the act approved June 7, 1872, is further continued by this bill for one year from June 23, 1874, and no longer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE A. BACON.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 3003.

The motion was agreed to; and the bill (H. R. No. 3003) for the relief of George A. Bacon was considered as in Committee of the Whole. It directs the Secretary of War to pay George A. Bacon, late lieutenant-colonel of the Fifteenth Illinois Cavalry, a sum equal to the pay and emoluments of a lieutenant-colonel of cavalry from the 31st of December, 1862, to the 3d of April, 1863, deducting whatever pay he may have received for that period.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN FLETCHER.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 792.

The motion was agreed to; and the bill (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Powell, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to John Fletcher, surviving partner of Fletcher & Powell, $1,399.35 for overdeductions by the Government of the United States for transportation of military supplies from Fort Leavenworth, in the State of Kansas, to Fort Laramie, Wyoming Territory, in the year 1867.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY RESERVATIONS IN ARIZONA.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 3431.

The motion was agreed to; and the bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes, was considered as in Committee of the Whole.

The bill authorizes the Secretary of War to relinquish and turn over to the Department of the Interior, for restoration to the public domain, such parts of what are known as the Fort Yuma, Fort Whipple, and Camp Date Creek reservations, in the Territory of Arizona, as may, in the opinion of the Secretary of War, be no longer required for military purposes; but the Secretary of the Interior is to expose the same at public offering for sale to the highest bidder in the legal subdivision not greater than one quarter-section when the same can be made, and not below the minimum price provided by law; and any land left unsold at such offering is to be held thereafter for disposal as other public lands. Notice of such public sale is to be published for sixty days in two newspapers each, one published in the capital of the Territory, and the other circulating nearest the place of sale.

The Committee on Military Affairs reported the bill with an amendment, to add the following proviso:

Provided further, That *bona fide* settlers, upon any part of said lands prior to the declaration of the reservation-lines, shall have a right to acquire title to the lands so occupied by them at said time, not exceeding one hundred and sixty acres each, under the land laws of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed, and the bill be read a third time.

The bill was read the third time, and passed. Its title was amended so as to read: "A bill authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona as may be no longer required for military purposes."

ALFRED FRY.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 1108.

The motion was agreed to; and the bill (H. R. No. 1108) for the relief of Alfred Fry, was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to Alfred Fry, late captain in the Seventy-third Regiment of Indiana Volunteers, the pay and emoluments of a captain of infantry from the 30th of August, 1863, the date of his commission, to the 17th of May, 1865, the date that he was mustered as captain, as if he had been mustered as captain on the date of his commission, first deducting whatever sum may have been paid him as lieutenant during the period for which pay is hereby allowed as captain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC RISEDEN.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 3002.

The motion was agreed to; and the bill (H. R. No. 3002) for the relief of Isaac Riseden, late a first lieutenant of the Eleventh Tennessee Cavalry, was considered as in Committee of the Whole. The Paymaster-General of the Army is directed by the bill to pay Isaac Riseden, late an acting lieutenant of Company E, Eleventh Tennessee Cavalry, the pay and allowances of a first lieutenant of cavalry, from the 15th of August, 1863, to the 10th of March, 1865, after deducting therefrom any sum which he may have received for his services during that time.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT SUTHERLAND.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 958.

The motion was agreed to; and the bill (H. R. No. 958) for the relief of Robert Sutherland was considered as in Committee of the Whole. It directs the Paymaster-General of the Army to pay to Robert Sutherland, late second lieutenant Fourth Arkansas Cavalry Volunteers, the full pay and emoluments of a second lieutenant of cavalry from the 30th of June to the 14th of September, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. THOMPSON.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 600.

The motion was agreed to; and the bill (S. No. 600) for the relief of Captain James B. Thompson was considered as in Committee of the Whole.

The preamble recites that James B. Thompson, late of Company G, First Pennsylvania Rifles, was captured while in the line of his duty, May 30, 1864, at the battle of Bethesda Church, Virginia; that on the 6th of June, 1864, he was commissioned first lieutenant in Company F, One hundred and ninetieth Pennsylvania Volunteers, and on the 19th of September, 1864, another commission was issued to him as captain in the same company and regiment, he being at the issu-

ing of both commissions absent as a prisoner of war in the hands of the enemy; that he endured the horrors and privations of Andersonville for a period of nearly seven months, escaping twice and being once run down and recaptured by hounds, but at the third attempt, eluding his pursuers and reaching the Union lines at Atlanta, Georgia, after traveling for one whole month entirely by night; and that his failure to be mustered was through no fault or neglect of his own, but solely by reason of his unavoidable detention as a prisoner of war. The bill therefore directs the proper accounting officers of the Treasury to pay James B. Thompson the pay and emoluments of a first lieutenant of infantry in active service from June 6, 1864, to September 19, 1864; and to pay him the pay and emoluments of a captain of infantry in active service from September 19, 1864, to March 1, 1865, from which date his muster as an officer commences.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JONATHAN D. HALE.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 3183.

The motion was agreed to; and the bill (H. R. No. 3183) for the relief of Jonathan D. Hale, was considered as in Committee of the Whole. It directs the proper accounting officer of the Treasury to pay to Jonathan D. Hale $3,425 in full for services rendered in the late war as recruiting officer, scout, and guide for the United States Army, and for two horses lost in the Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT GRATIOT RESERVATION.

Mr. LOGAN. I now ask the Senate to take up House bill No. 3335.

The PRESIDENT *pro tempore*. The Chair is informed that there are several bills which have been reported since the Calendar was printed and which the Clerk has in their order.

Mr. LOGAN. I am just calling attention to them. I move that the Senate proceed to the consideration of House bill No. 3335.

The motion was agreed to; and the bill (H. R. No. 3335) authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the city railroad company, Port Huron, Michigan, was considered as in Committee of the Whole.

The bill authorizes the Secretary of War, in his discretion, to grant a permit to the Port Huron City street railroad to lay and use a curved track over the northwest corner of the Fort Gratiot military reservation in a curve having a radius of fifty-four feet and encroaching upon the reservation about fifteen feet from the angle.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

D. R. HAGGARD.

Mr. LOGAN. I now move that the Senate proceed to the consideration of House bill No. 2939.

The motion was agreed to; and the bill (H. R. No. 2939) to compensate D. R. Haggard for six months' services as colonel of the Fifth Kentucky United States Cavalry Volunteers, was considered as in Committee of the Whole.

The preamble recites that D. R. Haggard, of Burksville, Cumberland County, Kentucky, was, on the 1st of October, 1861, commissioned a colonel of the Fifth Kentucky Volunteer Infantry, United States Army, in the war of the late rebellion; that he was shortly thereafter transferred to cavalry service, and was immediately thereafter put into and did engage in the active service of his country, and did continue in active service to the close of the war; that he was not mustered in the service of the Army until after six months from the date of his commission and engagement in active service; and that he has never received any pay or compensation for his six months' service prior to his muster-in. The bill therefore directs the Secretary of the Treasury to pay to D. R. Haggard the sum of $1,422, which shall be in full for all sums due him for his services and all perquisites.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIGHT OF WAY THROUGH PITTSBURGH ARSENAL GROUNDS.

Mr. LOGAN. I move that the Senate proceed to the consideration of Senate bill No. 854.

The motion was agreed to; and the bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania, was considered as in Committee of the Whole.

The bill proposes to authorize the Alleghany Valley Railroad Company to extend its tracks over and occupy the ground between the present track and the Alleghany River where the track, under the act approved February 14, 1853, was laid through the grounds of the United States at and near the Alleghany arsenal, in the county of Alleghany, in the State of Pennsylvania; but the mode and purpose of occupation is first to be submitted to and approved by the Secretary of War; and the value of the right of way herein granted, as fixed by him or such officer as he may detail to make such valuation, is to be paid into the Treasury before occupation in pursuance of this act.

The Committee on Military Affairs reported the bill with an amendment, so as to make the proviso read as follows:

Provided, That the mode and purpose of occupation shall first be submitted to and approved by the Secretary of War; and the value of the right of way herein granted, as fixed by a board of Army officers as the Secretary of War may detail to make such valuation, shall be paid into the Treasury before occupation in pursuance of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS SIMMS.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 2892.

The motion was agreed to; and the bill (H. R. No. 2892) for the relief of Thomas Simms, late a lieutenant in the Seventy-sixth Regiment New York Volunteers, was considered as in Committee of the Whole. It directs the Secretary of War to cause to be paid to Thomas Simms, late second lieutenant Company G, Seventy-sixth Regiment New York Volunteer Infantry, the sum of $590, being the pay and emoluments of a second lieutenant for the period of six months, between the 25th of December, 1862, and the 1st of May, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT FOR PROPERTY LOST IN THE MILITARY SERVICE.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 3428.

The motion was agreed to; and the bill (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849, was considered as in Committee of the Whole.

The bill provides that the first section of the act of March 3, 1849, providing for the payment for horses and equipments lost by officers or enlisted men in the military service shall not be construed to deny payment to such officers or enlisted men for horses which may have been purchased by them in States in insurrection; and payment in any case is not to be refused where the loss resulted from any exigency or necessity of the military service, unless it was caused by the fault or negligence of such officers or enlisted men.

Mr. CLAYTON. I move to insert as an additional section the following:

That no claims under said section or this amendment thereto shall be considered unless presented prior to the 1st day of January, 1876.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

JULIUS GRIESENBECK.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 3431.

Mr. INGALLS. That bill has been passed.

Mr. WINDOM. If we have got so nearly through as to pass a bill the second time, I ask to take up the resolution reported by myself on the 13th day of May with reference to transportation.

The PRESIDENT *pro tempore*. There are only two more military bills.

Mr. WINDOM. I waive my motion, then, for the present.

Mr. LOGAN. I move that the Senate proceed to the consideration of House bill No. 2087.

The motion was agreed to; and the bill (H. R. No. 2087) for the relief of Julius Griesenbeck, of Waco, Texas, was considered as in Committee of the Whole.

The bill proposes to instruct the Secretary of the Treasury to pay to Julius Griesenbeck, of Waco, Texas, the sum of $212.50, which is to be in full for his claim for supplies furnished by him for a detachment of the United States Cavalry, under command of Sergeant Von Urick, in the service of the United States, at Waco, Texas, in the year 1868.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN M. PRATT.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant, to report it back with an amendment, and to ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole It directs the Secretary of the War to place the name of Reuben M. Pratt on the rolls of Company K, Sixth Regiment Pennsylvania Reserve Corps Infantry, as a second lieutenant, and recognizes his muster into service as such heretofore made to date from the 1st day of August, 1862.

The Committee on Military Affairs reported the bill with an amendment to add the following proviso:

Provided, That the provisions of this act shall not be taken or construed as grant-

ing any claim against the United States except the right of pension to the minor children of said Reuben M. Pratt.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CANNON FOR SOLDIERS' MONUMENT AT MASSILLON.

Mr. LOGAN. I am also directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 924) granting condemned cannon to the city of Massillon, Ohio, for monumental purposes, to report it back favorably; and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to deliver, if it can be done without detriment to the Government, three condemned cannon to the city of Massillon, Ohio, for the purpose of erecting a bronze statue on a soldiers' monument in that city.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

L. R. STRAUSS.

Mr. LOGAN. I am also directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 801) for the relief of L. R. Strauss, of Macon City, Missouri, to report it back favorably, and I ask to have it acted upon at this time.

The PRESIDENT *pro tempore*. The Chair noticing that the chairman of the Committee on Finance is in the Senate will lay before the Senate the action of the House of Representatives on House bill No. 1572.

THE CURRENCY—FREE BANKING.

The Senate proceeded to consider the message of the House of Representatives announcing that the House had non-concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, and asked a further conference on the disagreeing votes of the two Houses on the bill.

Mr. WRIGHT. I move that the Senate further insist on its amendments, and agree to the further conference asked by the House of Representatives.

Mr. EDMUNDS. I do not think anything is to be gained by any further efforts at this sort of contrivance; and therefore in some way or other I wish to test the sense of the Senate as to going on with this scheme of namby-pambyism with the House of Representatives over something where the more we confer the further off we seem to be in respect to coming to an agreement. I move to refer the subject to the Committee on Finance.

Mr. SHERMAN. That is, I suppose, not strictly in order now.

Mr. EDMUNDS. I beg pardon of the Senator. If it is not strictly in order, I do not make the motion; but I submit that it is in order.

The PRESIDENT *pro tempore*. The motion is in order.

Mr. SHERMAN. I believe with the Senator from Vermont that it is idle for us to waste any further time in talking about an agreement on this bill. At the same time, a request for a committee of conference is very rarely refused. It is a request I never have known refused. I do not know a single case where either House has refused to confer with the other when it has been asked, and several conferences are very common. A motion to adhere is a very unusual motion in a parliamentary body, and this is equivalent to a motion to adhere.

If the Senator from Iowa thinks we can have any better success in another conference than its predecessor had I have no objection to letting him try it. I shall vote, therefore, for a new conference, as the House has asked it. The House, by a very large majority—I am told as high as thirty or forty—decided against the report presented by the first conference, and ask for another conference. That request comes, as a matter of course, from the majority of the House. Now, for us to refuse to grant that conference would be an unusual thing. I shall therefore vote for the conference, without any expectation that any result will be arrived at. This is an unusual motion to refuse to confer with the House. The majority who disagreed to the report of the first committee of conference, as a matter of course, are the majority who ask for this further conference, of course, but I will not deny them the conference they desire. I hope that the usual motion made by the Senator from Iowa will be agreed to, that the conference will be ordered, and that the conferees on the part of the Senate will meet those of the House. If they can agree, well and good; if not, which I think is probable, then that is the end of the bill.

Mr. EDMUNDS. The sooner this subject is disposed of the happier will be the people of the United States. So long as we keep this thing going like a crosscut-saw across the necks of the people, so long we may expect that there will be irritation and dissatisfaction. As long as there was any hope that any scheme could be devised which would satisfy reasonable expectations, I mean personally reasonable expectations of men who I think are in error, but who are just as well entitled to their opinion as I am to mine, I was willing to have conferences as often as anybody, and as long as the Senator from Ohio, I suppose. But as we all know that any further conference on this subject, as the thing is now situated, will be a pure delusion; that views are so irreconcilably opposed, and human language is so entirely inadequate, as we have seen by this last report, to express what either side wishes to have done, I think the sooner we make a clean cut of this business and stop it, the better it will be. Then we shall find the people of the United States just where the law leaves them now, with a certain amount of currency, with a certain amount of pledged public faith in platforms and in statutes to come to specie payments at the earliest practicable time, and the people will know also that taking the two Houses together it does not seem to be thought that this is the earliest practicable time, and outside of that the law is as well now as it can be, except that people in the West think they have not their share of circulation which they ought to have for the purpose of setting up banks.—The people of the East by their Representatives have unanimously said to the people of the West "Take your share; take it presently; if there is any difficulty in the existing law take a fresh one; only take it and let us have done with any cause of complaint, just or unjust, any insufficiency, real or supposed, in respect to the amount of circulation that you are to have, and go your way in peace and let us all help together to get on." All that has been said.

Now, when we know what the views of the House of Representatives are as far as we can calculate a differential calculus, and when we know what our own views are as far as each one can understand his own views for himself, (which I believe is about as far as we have gone,) why not leave it just where it stands? Everybody sees that there is no fruit fit for the honest people of this country to eat to grow from this tree. Where is the use, then, of scraping and pruning and shaking the branches any more? Let us pass to-morrow, if you will, the bill which gives to the people of the West who wish to set up banks their share of the existing circulation, because when I voted for it the other day I voted for it in earnest and good-will and cheerfulness; and the failure of their effort to get what they may think is desirable in this way will not in the least degree absolve me at this session—I do not pronounce for any further, because we want to know at some time whether it is to be asked or not—from the duty of saying, just as cheerfully again, "Take your full share of all banking facilities now out." If that strips the State of Vermont of three-fourths of her banking facilities, it will not strip her of any currency that belongs to her people, for whatever is owing to them I suppose will be paid, and whatever money they have I suppose they will be entitled to keep; but so far as concerns its banking-corporations, in one of which the little that I possess in this world is embraced in the form of stock, I say for that and every other one of those institutions and for the people of Vermont, "Take it; take it with a good will, not grudgingly. You feel that you are entitled to it. I waive any discussion as to whether you are or not; only take it." To go further than that now seems to be perfectly impossible. Perhaps it is wise that we should not go further.

I believe in what the Senator from Massachusetts [Mr. BOUTWELL] said the other day as to how, even if we stand in the present attitude, we shall grow out of it if only we hold fast to that public faith which in platform and statute we have put forth to the world. If we will hold on and will not go backward, we shall grow to the time when we can pay. Let us do it.

Mr. SHERMAN. I shall be very much gratified indeed if the Senator from Vermont does not live to see the day when he will regret the defeat of the proposition now pending on the table of the President. I believe myself that the action of Congress thus far on this bill will do more to delay the accomplishment of the result that he and I at least are in favor of, the resumption of a specie standard, than any event that has happened during this session of Congress. Perhaps I am mistaken; and if I am mistaken as the result proves, and we are able to reach the specie standard before the time fixed under the bill passed by the Senate yesterday, I shall acknowledge my error. If, however, he is here with me at the time when that bill would have brought us to the specie standard, and he finds that by reason of its defeat his desire and mine has been defeated, he probably will confess his error.

But that is not the question here. The House of Representatives have by a majority of more than three to one—I am told nearly four to one; but I am not sure of the figures, at any rate by an overwhelming majority—asked for this committee of conference, having first disagreed, as they had a right to do from opposite stand-points, to the proposition sent to them. Men who are utterly opposed to specie payments at any time, or appear to be, voted against the proposition; men who are for specie payments promptly voted against it. They acted from opposite stand-points. That same majority which thus defeated this proposition, and others who voted for it, then joined in this request, an ordinary parliamentary request, for another conference; and will the Senate deny it? I do not fear that the Senate will do so. It is a very rare thing for one House to deny a request for a conference proposed by the other. The whole matter will be open before this conference. They can do nothing without our assent. Why not let them confer if they can, and agree?

Mr. EDMUNDS. May I ask a question?

Mr. SHERMAN. Certainly.

Mr. EDMUNDS. Did not the Senator from Ohio vote against the last proposal of the House of Representatives for a conference on this very bill?

Mr. SHERMAN. I voted against the bill of the House. The two

motions were put together on insisting upon our amendment and agreeing to the conference, and I voted against the House proposition undoubtedly.

When this matter was brought up I had hoped that without any division in the Senate this conference would be agreed upon, but I express my fear that there will be no agreement. My expectation is that there will be no agreement. There being such a wide difference of opinion in regard to this bill and the subject-matters embraced in it, I think it probable that the conferees will not be able to agree. The previous committee, whose report has just been voted down in the House, were together for a week on the subject, yielding and conferring, yielding and conferring on both sides. Our work is not satisfactory to both Houses of Congress. We have no right to complain. We saw the difficulties ourselves. I anticipated the difficulty that has occurred; I looked for it; but because we were not able to present a proposition that Congress could agree upon, is it therefore to be said that some others may not be able to present a proposition that will be agreed to by both Houses? Sir, I do not assume to myself any such infallibility as this. Because that which we agreed upon was not sanctioned by both Houses of Congress it does not follow that by the progress we have already made to an agreement a new committee may not propose some proposition which will be acceptable to both Houses and will become the law of the land.

Under these circumstances, without engaging in the debate as to the merits of this proposition, I simply say that I will vote for this proposed conference and for any other that is asked by the House on this bill.

Mr. EDMUNDS. The Senator speaks as a reason for going for this conference of the progress that has been made toward an agreement by the last one. I think the Senator is a little infelicitous in that illustration, for the last conference has left us, according to the majority to which he has referred, farther apart than we were when the subject was last before the two Houses.

Mr. SHERMAN. My friend will allow me to correct him in a point of fact. The House disagreed to the bill sent by the Senate by a majority of seventy or eighty, and now the majority for the conference bill yesterday was larger than it has ever been in this body, and the majority in the House against it is only one-half what it was in the former case. So the Senator is mistaken in the point of the approaches to an agreement.

Mr. EDMUNDS. I think I am not mistaken. I repeat, that I think the two Houses are left farther apart than they were before; and to prove that I quote the honorable Senator from Ohio, who says that he has no expectation that we shall agree now, that he feared before we should not; and yet until this time we have had him and the others looking to an agreement. Now, if we have made progress and are coming nearer and nearer together, then I should be glad to know upon what system of philosophy it is that the Senator says that there is less hope, the nearer we come together, than there was when we were wider apart? I confess that the limited understanding I have of dialectics does not enable me to appreciate the force of that way of putting things.

Sir, the proposition that I make is not to refuse a conference with the House of Representatives and send the bill back to them with that refusal, which the Senator thinks might be discourteous, but which, standing up for the privileges of this body as I know the House of Representatives would stand up for its own, is a question which ought not to be brought into consideration here. We are under no obligation to confer with the House of Representatives upon this subject any further, either moral or legal or of courtesy, unless we think—which is a subject for ourselves alone—that the public interests will be advanced by it.

Now what are we to submit to a new conference? Does the Senator mean to say that the new conferees on the part of the Senate, representing its opinion if anybody can tell what that opinion is, are to be free—I do not mean in the technical sense, but are in the moral sense to be perfectly unlimited by any judgment of the Senate and are to have a *carte blanche* to make any arrangement with the House of Representatives that they please, although it may embrace propositions which have not been discussed here at all and which have not therefore been brought under the judgment of the Senate at all? Does the Senator mean that? Would he as the head of the Committee on Finance in this body consent, if a bill were to come here for the first time, that we should immediately hasten to a conference upon it without any guide, as it respects the management of that conference on the part of the Senate, as to what these agents of the Senate were to do? He would not expect it. He would say it was committing to the agents an unlimited power without any guide as it should respect the directions or the length to which our agents should go.

I am unwilling, Mr. President, to put the small interest comparatively, it is true that I represent here, speaking in the local sense, into the charge of any committee unless I know in substance within what scope that committee is confined. Here you have had this bill with the scheme of the House of Representatives within certain limits. You have had our amendments within certain limits. You have sent them to a conference; and if they did not go outside of those limits I am very much mistaken, but no criticism was made upon that, and I do not propose to make any now; but all that this committee has done has failed, although this body agreed to their report it is true, as the Senator says, by a larger majority than ever before, because the Senator himself and two others who had hitherto resisted the temptation, or the coercion, or the influence, or whatever thing it may be that should lead them in that direction, turned their faces toward the setting sun and went. Very well, they had a perfect right to do that, and nobody questions either their motive or their patriotism in doing it. So it is true that as three is to the whole body there was a larger vote. Suppose it to be a perfectly right one, the House of Representatives say "We will have none of any such thing as that; we repudiate it altogether."

What are the topics, then, within what limitations, then, subject to what guides and rules, then, are we to say that our conferees are to act? It is for that very reason that it appears to me, although I find the Senator disagrees with me, to my amazement, that we ought, without any supposable discourtesy to the House of Representatives, to send this matter to the honorable Senator's committee, who know so well how to treat it, in order that they may propose to us some limitation, some guide, some plan which, when agreed to, may be submitted, either with a conference or without it as the Senate may please, to the House of Representatives. In that way we shall know what it is we are standing upon when we send out of the Chamber this subject for our consideration by our agents again. That is my object. It is not my object to destroy, it is not my object to cut off. It is only my desire that the Senator's committee shall report to us tomorrow what in this attitude of the subject it is best to do, and I confess my surprise that my friend from Ohio should object to that, because even from his point of view it is not a refusal of a conference; it is only saying (and not saying it to them because we cannot communicate this action to the House that we refer it to a committee) that we will sleep on it over night and ask a respected and honored committee of our body to think of it over night and let us know their judgment.

Mr. SHERMAN. I should like to ask the Senator, suppose this bill is now referred to the Committee on Finance, what question is referred? Simply the question as to whether we ought under the circumstances to grant another committee of conference. If I understand the rules—but perhaps I am in error—the Committee on Finance would have no right to report amendments.

Mr. EDMUNDS. The Senator is vastly mistaken.

Mr. SHERMAN. My impression is that the Committee on Finance would be simply required to pass upon the request of the House of Representatives for another conference.

Mr. EDMUNDS. If that were all I should not ask it. I rise now, Mr. President, to a parliamentary inquiry. I have moved to refer this bill and the amendments to the Committee on Finance. The Senator from Ohio suggests that the Committee on Finance would have no power to propose fresh amendments or to do anything upon the subject except simply to consider whether there ought to be a conference. I make the point—though perhaps it is not strictly a point of order which the Chair is bound to decide—and so I make a parliamentary inquiry of the Chair whether that statement of the Senator is correct or whether mine is correct, that it being referred to the committee, all the amendments that were reported upon and agreed upon before are entirely open, and they can report the House bill with any amendments they like.

Mr. SHERMAN. I do not think so.

Mr. EDMUNDS. I know it is so. It never was questioned before in the whole history of legislation.

Mr. SHERMAN. I will take the opinion of the Chair. I have not looked at the parliamentary law, but my understanding always was that after a conference has been ordered by the two Houses and the request is made by one House to grant another conference the whole matter was closed except to either adhere or to grant another conference or to further insist; and committing it to a committee of its own body would only raise the question whether, under the circumstances, we should grant another committee of conference. That is a new point to me. I have never heard the question made before.

Mr. SARGENT. The Senate has a right to recede from its amendments and agree with the House. Of course, if it has a right to recede, it has a right to ascertain through a committee if it ought to do so.

Mr. EDMUNDS. The error of my friend from Ohio is that he is confounding the request for a conference with the power of the two Houses over the amendments which are the subject of disagreement. Now, separate these questions; they are entirely distinct. Suppose the House had sent back the bill simply saying that they had disagreed to the Senate amendments. Then we refer it to the Committee on Finance, and the question is entirely at large; they can submit anything they like. But the Senator acts upon the idea that the two things are so united as coming from the House that they cannot be separated. That is an error. I am sure it is so clear that I need not spend time to discuss it.

Mr. THURMAN. Mr. President, for years there has been a complaint that certain Eastern States have had an undue proportion of the national banks and of the national-bank currency; and four years ago we passed an act to redistribute $25,000,000 of that currency, giving it to the States who were deficient. We now have the opportunity to redistribute forty-six or fifty million dollars of that currency, still leaving the East with a greater proportion than the rest of the country. Now shall we throw away that opportunity? That is the real question and the practical question. If we continue the debate

on financial measures such as have occupied the greater portion of the session, I despair of our coming to any agreement, and the opportunity to redistribute this currency, which is now offered to us, will be lost. It seems to me that, looking at it in a practical point of view, no man from a State which has a deficiency ought to hesitate. It is a matter of very little importance to the State from which I come, for Ohio has very nearly, though not quite, her proportion; but there are States that have scarcely any banking facilities at all under the national-bank act, and who possibly might be benefited or at least think they would be benefited by a redistribution that should enable them to organize banks within their own borders.

We have, as I said, the opportunity now to gratify their wishes, and, as they suppose, to promote their interests if we do not throw it away. But if we are to spend the rest of the six or seven days that we have of this session in a fruitless discussion of the very same subjects upon which for the last six months we have been unable to agree, we voluntarily throw away the opportunity which is now offered. I appeal, therefore, to every man who comes from those States that complain of this unfair distribution of the currency, as it is called, to decide between taking what it is in his power to obtain or throwing it away in a fruitless effort to obtain something else.

I say nothing, Mr. President, of how this disproportion in the distribution of the currency took place. I have no condemnation of those who availed themselves of this law as it stood or had the means to avail themselves of it at that time, and procured thereby more than their share. That is a matter which it is useless now to consider. The practical question is, can there be a remedy? And I think it perfectly clear that there can be a remedy to the extent of a redistribution of forty-five or forty-six or fifty million dollars; and therefore once more I say, the practical question for every man coming from the States in which there is a deficiency of banking circulation, is to say, "Shall I take that which I can obtain, or shall I throw that away in the pursuit, and a vain pursuit, of something that I more desire?"

There is a little difficulty, it is true, in the motion made by the Senator from Vermont, because it seems to ask those who are opposed to the Senate amendment to adhere to that amendment. Usually it is for the friends of the amendment to adhere to it.

Mr. CONKLING. My friend will pardon me. The motion is merely to refer to the Committee on Finance.

Mr. THURMAN. If it is to refer, there is no difficulty whatsoever in the way; but I hope the members from the States who have a deficiency of currency will take a practical view of this subject and take that which they can obtain. It is useless to think that this question can be settled at this session of Congress. This question of the currency is one that has to go before the country. Men have to take their stand on one side or the other of it, and to stand or to fall by the flag that they carry. All attempts at smothering this question in Congress will be utterly futile. It has to go into the debates before the people, and their voice has to be heard, and every man on his conscience must take the responsibility of advocating the one side or the other of the question which will be presented to the people. Ultimately it will be reduced to a single question, in my humble judgment, a question between a sound currency or an irredeemable currency for all time to come. Let every man take his stand one way or the other, and let him abide the result; and if he takes a stand which his conscience shall approve, although he may be condemned and may fall, he will at least have the satisfaction of having done his duty.

I hope, sir, that the motion of the Senator from Vermont to refer this bill to the Finance Committee will prevail. I would be very far from refusing a conference asked by the House of Representatives if I saw the least possible hope of any good result; but seeing no hope whatever of any good result, I trust this matter will be sent to the Finance Committee and that the bill for the redistribution of the currency will be taken up and passed.

Mr. SCOTT. Mr. President——

Mr. EDMUNDS. Will the Senator from Pennsylvania allow me to ask the Chair the parliamentary question that I put before, whether it would be in order for the Committee on Finance, if this bill were referred to them, to report a provision in lieu of our amendments that are now pending for the redistribution of the currency that has been referred to by the Senator from Ohio, [Mr. THURMAN?]

The PRESIDENT *pro tempore*. That is not a point of order that the Chair can rule upon; but the opinion of the Chair is that if this bill be sent to the Committee on Finance, they will have the power to recommend anything that the Senate has the power to do in regard to the bill.

Mr. SCOTT. Mr. President, in view of the suggestions that have been made, I can see no good to come from again referring this subject to the Committee on Finance. There is on the Calendar of the Senate to-day a bill providing for the redistribution of the national-bank currency which has already been before the Senate upon several occasions, which, if I am not mistaken, can be taken up for consideration on a motion, whenever it is the pleasure of the Senate to do so. I can see, however, that until the last ray of hope has faded from the horizon, we ought not to abandon the idea of doing something with the finance bill that has heretofore been before us.

The Senator from Vermont made a reference, complimentary or otherwise, I do not know which, to those who through pressure or through coercion or through some instrumentality had turned their faces toward the setting sun. Well, Mr. President, I do not know that it is disreputable in any one to turn to the sun when it sets the same face that he turned when it arose. I do not know that the history of the world furnishes us with any sect of worshipers of any other than the rising sun. There have been many such who worship the rising sun or the sun at noon-day. Sir, looking at the condition of the country as it has been from December to the present hour, what has it been? Those who advocate an expansion of the currency upon the one hand pulling it in one direction, those who advocate a contraction of it pulling it in the other, and, like any other body in nature operated upon by two equal forces in opposing directions, it has stood still—stagnation, paralysis in business, the precursors of death.

Now, the Senator from Vermont says we are turning toward the setting sun. We are pledged, not to resume specie payments at the earliest practicable moment, but to take measures for the resumption of specie payments at the earliest practicable moment. The measure before us is not the best one which might be proposed; it is not as good a one as I would like to have, as my votes in this body have indicated; but because I believe it to be a measure tending in that direction, however others may differ from me, I have voted for it; and looking at the fact that that measure does fix a day when legal-tender notes issued by the Government will be redeemed either in bonds or in specie, that it provides for diminishing the volume by $82,000,000, I have believed that that is taking a measure for the purpose of bringing about specie payments, and the vote which I cast for the conference report I deemed a vote in redemption of the first pledge I gave upon entering into this body.

Sir, I believe that if the two Houses of Congress can adopt a measure such as the one which has been proposed, we shall be relieving business from some degree of that stagnation and paralysis which has fallen upon it, and I shall vote for another conference committee so long as there is a hope or an hour left in which I believe this result can be accomplished.

Mr. EDMUNDS. May I ask a question?

Mr. SCOTT. Certainly.

Mr. EDMUNDS. I wish to ask the Senator on that principle why it was that he voted against the last conference being granted?

Mr. SCOTT. According to my recollection I did not vote against the last conference. I voted against the House bill.

Mr. EDMUNDS. On the 30th of May the RECORD shows that this took place; this very bill being under consideration, House bill No. 1572:

> The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa that the Senate insist on its amendment and grant the conference asked by the House of Representatives.
> The yeas and nays were ordered.
> The Chief Clerk proceeded to call the roll.

Then occurs the statement of a couple of pairs, which I will pass to save time.

Mr. SCOTT. That I suppose was the motion of the Senator from California [Mr. SARGENT] to adhere.

Mr. EDMUNDS. I will read again:

> The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa that the Senate insist on its amendment and grant the conference asked by the House of Representatives.

Mr. SCOTT. I understood that; but I understand that the part which the Senator proposed to omit was something which I supposed was the motion of the Senator from California.

Mr. EDMUNDS. I will read it so that the Senator may see that I am not skipping in order to put him in a false position:

> The yeas and nays were ordered.
> The Chief Clerk proceeded to call the roll.
> Mr. DAVIS, (when his name was called.) On this question I am paired with the Senator from Louisiana, [Mr. WEST.] If he were here he would vote "yea" and I should vote "nay" on this motion.
> The roll-call was concluded.
> Mr. KELLY, (who had voted in the negative.) I wish to withdraw the vote I gave. I forgot that I was paired with the Senator from Maryland [Mr. DENNIS] now absent. He would vote for the motion; I should vote against it.
> The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.
> The result was announced—yeas 31, nays 24; as follows.

If I shall not be likely to be misunderstood I will only read those names in the nays to which this question refers, if it is agreeable to the Senator.

Mr. SCOTT. Certainly.

Mr. EDMUNDS. I read:

NAYS—Messrs. * * * Scott, Sherman. * * * *

That is all.

Mr. SCOTT. Now, if the Senator from Vermont, who is so much better a parliamentarian than I am, can inform me how I could vote for insisting on the amendments of the Senate without voting at the same time as he supposes I did against the committee of conference, I would be obliged to him. The first question was, shall we insist on the Senate amendments; but that was coupled with asking for a committee of conference. I voted for insisting, and must have done so necessarily.

Mr. CONKLING. No; you voted against insisting.

Mr. EDMUNDS. The Senator voted against insisting, and therefore he voted against the committee of conference. That was the way we all voted on this side of the question, and the Senator from

Ohio and the Senator from Pennsylvania voted with us. Those who were willing to have a conference to consider the question without standing by firmly where we were already and refusing to confer upon it, voted the other way, and they had the majority.

Mr. SCOTT. I had for the moment misapprehended the position in speaking of the Senate bill. I was referring to the Senate bill as reported from the Committee on Finance; and remembering that the Senate bill was so amended that I voted against it, then I voted against insisting upon those amendments. I could not do otherwise for the purpose of getting a committee of conference. It was impossible that I should do so.

Mr. EDMUNDS. The Senator stood then in exactly the position where I stand now if I am forced to come to a note now; but I want the Finance Committee to consider it. If I am to vote now I shall vote against having a conference with the House of Representatives, as I did before in respect to the attitude that we stood upon.

Mr. SCOTT. I have not been questioning the right of the Senator to vote either way, nor his consistency in voting either way.

Mr. EDMUNDS. No, but the Senator has stated that we were bound to vote for this conference as we always had, and so on, and so said the Senator from Ohio, and I was simply showing to the Senator that in that respect he was mistaken; that a few days ago on this very question both the Senators voted precisely as I now ask the Senate to vote, only that, short of that, making a less severe motion, I ask that the subject be considered by the Committee on Finance first.

Mr. HOWE. Mr. President, I have not examined the record to see how I voted on the last proposition for a committee of conference between the two Houses. So far as I have any recollection about it I was so utterly bewildered at the time the vote was taken that I did not know and did not pretend to know how I ought to vote in order to secure the best chance for realizing some one of the hopes with which I set out at the commencement of this session. I am inclined to think I did not vote on that proposition; but my recollection is somewhat more distinct upon this point, that the two Houses of Congress not agreeing together upon the same proposition did agree to have a conference, and named their respective committees, and that those committees met together and reported to their respective Houses not a disagreement, but an agreement upon a single proposition, in my judgment not the best measure the case is capable of, but a measure which I said yesterday and which I believe to-day is the best which has been submitted to the Senate with any fair show of being accepted by the two Houses. The Senate by rather a striking majority agreed to it. The House by a majority also striking—striking not so much by the numbers of its majority as by the paucity of it—disagreed to that proposition. Why the House disagreed to it, how they were induced, what were the controlling motives that brought about that disagreement on the part of the House, I am sure I do not know.

The House, I am told, by a very large majority has, however, instead of abandoning the hope of legislation—the effort to legislate upon this great question—asked for another committee of conference. Well, sir, I think it is the part of wisdom, to say nothing about courtesy, nothing about parliamentary law—I know nothing about parliamentary law and nothing about courtesy, and not much about wisdom, but I think it is the part of wisdom to comply with that invitation. It does not cost much just to name another committee. Let them meet the committee on the part of the House; let them see whether they can find anything more acceptable to both the Houses than the last committee did agree upon. There is no evidence before us to show that there is an irreconcilable difference between the two Houses. So far as we have experimented on the subject the evidence leads us to the conclusion that there is no one proposition upon which one House is determined while the other House is as obstinately opposed to that proposition and bent upon some other one proposition. I am not at all sure but that there is a fair prospect that another committee of conference between the two Houses would agree as the last committee of conference did agree, and I know of no conclusive evidence which ought to persuade us that another committee of conference would not finally evolve a measure that would be satisfactory to both Houses. But when it will cost so little to try the experiment, why not try it? On the contrary the proposition is to send this dispute to the Committee on Finance of the Senate. The Committee on Finance of the Senate has had every syllable of this dispute under consideration from the 1st of December last until this time. Every syllable of this dispute and of every dispute involved in this whole financial question, the Committee on Finance have had before them since we met in December last. What possible aid can that committee give us if we submit the question again? We do not want a committee to tell the Senate to-day upon a new investigation of the financial question what wisdom dictates to the country. The whole Senate, with all the light the committee could furnish it, has been considering that month after month and, I may say truthfully, year after year.

It would be fair, I think, to assume that the Senate has certain views upon this subject pretty well matured by this time. The trouble in our position is that our views do not seem to be in harmony with the views of the House. Now we do not want to confer any further with the Finance Committee; we want to confer with a committee of the House. We know to-day whether or not we can agree with the Finance Committee. The thing we want to know is whether we can agree with the House of Representatives, and the Committee on Finance it seems to me can tell us nothing about that. A conference committee it seems to me can.

Mr. EDMUNDS. You speak of the difference between us and the House. Can you tell us what it is?

Mr. HOWE. My honorable friend from Vermont asks me if I can tell what the difference is between the Senate and the House on this question. No, sir.

Mr. EDMUNDS. "That is what no fellow can find out."

Mr. HOWE. No, sir; I do not concede that it is one of Dundreary's problems. I am inclined to think a committee of conference might find out, and that is one of the reasons why I favor another committee of conference. I am satisfied it is one of those things which the Committee on Finance on the part of the Senate cannot find out. Therefore I do not see any propriety in consulting that committee any further.

I did not rise particularly to say either of the things which I have said. I rose more particularly for another purpose. In a hesitating and stumbling sort of way yesterday I voted for the report of the late committee of conference on this bill. I acknowledged when I cast that vote, or I should have acknowledged if I had been questioned upon the point, that I was a republican, and in fact I acknowledge that I am bound by the stipulations which the Senator from Vermont and the Senator from Ohio have recited here on the floor of the Senate. I am a party to that old compact by which we undertook to pay the national debt—every farthing. I stand by it still, and I acknowledge that those notes which you call greenbacks are a part of the national debt. I have agreed to the propriety of paying them. If I fall back from that promise one hair's breadth I acknowledge I am open to the rebuke not merely of the Senator from Vermont but of the Senator from Ohio who usually sits farthest from me, [Mr. THURMAN;] so I thought I might be allowed to say that if I have fallen back at all from the obligation of that promise it is unbeknown to me. I did not think I was doing it yesterday, nor do I see precisely how either the Senator from Vermont or the Senator from Ohio is leading me to the performance of that promise or any part of it.

Sir, the Senator from Vermont and I are agreed that your debt ought to be paid, and if you have not paid it as fast as you could pay it you are to blame. Well, sir, I voted for a bill yesterday which, in process of time, would have paid eighty-two millions of the worst and meanest part of your debt, of the part that earns nothing to the holder. I agreed to that yesterday. If the Senator from Vermont, or any other Senator, says that that is not enough to pay, I acknowledge it; I confess all that; but what do they ask us to pay? How do they propose to pay a dollar? Standing here and harping upon our obligation to pay the debt, what does either of these Senators propose as a way of paying it? Why, says the Senator from Vermont, echoed by the Senator from Ohio, "We hear you want a more even disposition of banking facilities. Well, take that banking circulation. It is limited by law. We acknowledge that a larger portion of these facilities are enjoyed in the East than by its population or its business the East is entitled to. Take that from us and enjoy yourselves." And the Senator from Ohio holds up his finger admonishing us not to forego that opportunity. The peril is upon our heads if we forego that. Suppose we accept it; how much less is your debt then? You have taken $56,000,000 of banking circulation from New England and New York, and distributed it in the West and South, but then how far have you got along toward paying the national debt?

Mr. EDMUNDS. Does the Senator mean to impute to me saying that this redistribution would help pay the national debt or anything of that kind?

Mr. HOWE. I should be very reluctant to attribute any declaration of that kind to the Senator from Vermont.

Mr. EDMUNDS. Very well. The Senator seems to lead the Senate to imply that that was the panacea for paying the national debt that I had proposed. If he does mean to imply that, he is quite mistaken in my position.

Mr. HOWE. I was leading the Senate to that implication because the Senator from Vermont led me to that implication himself. He stood right there and he did arraign the Senate because of its inattention to the obligation it had assumed to pay the debt. I thought a statesman so astute as the Senator from Vermont would follow that by showing us how we should pay it, when we should pay it; because that is what we have been talking about since the 1st of December to this time—some way of paying the debt. That is one of the ends we aim at. When he came to talk of a specific piece of legislation, it was simply a piece of legislation to take a certain amount of bank circulation from one section of the country and give it to another section of the country. That is all; and the Senator from Ohio followed in that precise vein.

Mr. EDMUNDS. Now a word, if the Senator really does not mean to misrepresent me, as I know he does not.

Mr. HOWE. You are quite right in that.

Mr. EDMUNDS. I know he does not, though the Senator enjoys his little joke as well as other people do. I am sure he really cannot have misapprehended what I said. I am not going to take his time for more than a single moment to state what I did say.

I said that it had been found impossible at this session of Congress and by the persons whom the people and the States have now here to

take the step that he and I, I hope together, wish to take, to go, as the Senator from Pennsylvania so felicitously states, toward the rising sun—that is, the sun of honesty, of morning, of fresh air, and all that; but as the Senator from Massachusetts had so earnestly stated, if as we cannot do any better, we could grow to specie payments, which it respects that subject we stood still, as to law-making at least, it would be better than growing the other way. Then I said upon an entirely different subject, referring to the complaint in the West that they had not banking facilities, and the bank circulation which it was supposed would bring banking facilities, the East that were supposed to have a surplus came with open hands and warm hearts and said, "Take your share," not as connected with the question of paying the debt, but as connected with healing a real or supposed grievance on an entirely different branch of the subject.

Mr. HOWE. I am glad to hear that explanation, because it gives me an opportunity to say one more thing.

Mr. EDMUNDS. It is worth something for that, at any rate.

Mr. HOWE. If I am not mistaken in the sentiment of the West, if I am not mistaken in the sentiment of the South, I deem myself authorized to say that neither the West nor the South feels more sensibly the inequality of this distribution of banking circulation, feels more intently the wrong done in that respect, than the wrong done the national creditor that you do not meet your obligation to him. And therefore it is, I claim to-day for the second time—yesterday was the first time—a little precedence over my honorable friend from Vermont on the matter of meeting these obligations. Yesterday I voted for the first proposition which proposed to pay a part of the national debt.

Mr. EDMUNDS. What proposition was that?

Mr. HOWE. The proposition which proposed to get rid of $82,000,000 of your non-interest-bearing, repudiated, depreciated paper.

Mr. EDMUNDS. You mean this conference report.

Mr. HOWE. That is the only thing of the kind that I remember to have voted for yesterday.

Mr. EDMUNDS. I beg leave to suggest that the Senator voted under an immeasurable delusion. It does not do any such thing.

Mr. BUCKINGHAM. True.

Mr. CONKLING. So it is.

Mr. HOWE. Mr. President, that is calculated to embarrass a man of my stature. The Senator from Vermont says I voted under an immeasurable delusion, and here my honorable friend from Connecticut, [Mr. BUCKINGHAM,] who never before in his life uttered a word that was not strictly true, undertakes to verify that statement, and even the Senator from Connecticut can be indorsed by my distinguished friend from New York, [Mr. CONKLING.] I will consider their affidavits, one and all, in the case, and I stand here to repeat once more, one single individual against the trio, and if I stood alone I would say it against any trinity you ever heard of, that yesterday I voted for a proposition to pay $82,000,000 of your depreciated and dishonored paper. I do not think that was enough to do it, but it was the only thing I had the opportunity of doing yesterday.

So I say I am not on the side of those who would repudiate now or ever. I still want as much as ever I wanted every one of our national obligations to be met just as fast as it can be met. I admit if you want to do justice between New England and the South in the mere matter of bank-note circulation you may do that by a redistribution, as you call it. You will by that simple measure pay Paul, but by that measure you rob Peter. "O, but," says the Senator from Vermont, "we concede this; we do it cheerfully; we do it affectionately; we do it with all our hearts; we give it up." Who gives it up? If the Senator from Vermont himself was to yield up that circulation which is to go to the South and to the West I should understand how sincere the offering was. But if it is not to be taken from the Senator from Vermont or from any bank which he represents, but is to come from other institutions, then, although his generosity may not be any the less conspicuous, it will be more human. It will be more like the patriotism of Mr. Artemus Ward, who, if I remember, professed himself ready to sacrifice all his wife's relations in the war—not any of his own nor himself. I take it, Mr. President, that those institutions which are to be lightened in order to contribute these banking facilities for other sections will not be, whatever they may say about it, particularly pleased.

But I did not mean to go into that question at all. I mean to say that does not meet any one of the great issues before the country, and I think we had better make one more effort to meet those issues before we abandon the attempt in utter despair.

Mr. MORTON. Personally I am about as indifferent on this question as on any that has been presented here for some time. Still I think it is our duty to grant the conference asked by the House and permit another attempt to be made to settle this question.

It has been suggested that the passage of the bill now pending before the Senate for a redistribution of the currency, to take $25,000,000, or if you please $46,000,000, from the States in excess, would be satisfactory, and that nothing else should be done at this session. If the Senator from Vermont thinks that this question is to be settled in that way, or by any such process, he is very much mistaken; and when gentlemen talk about $25,000,000, or $46,000,000, equalizing the distribution they are only about half right. It would take $46,000,000 to equalize the distribution if the New England States only had $40,000,000, to which they were entitled at first, instead of getting $110,000,000; but when you concede to them $110,000,000, that they got when they were entitled to less than $40,000,000, and you take $46,000,000 from the $110,000,000, it still leaves them $64,000,000; and now to give to the States West and South what they are entitled to on that basis, would take over $80,000,000. The Senator from Vermont says, "Pass the bill giving them $25,000,000 or $46,000,000, and say nothing more about it; do not ask whether they are entitled to it." That was very kind and magnanimous!

Mr. CONKLING. May I inquire of the Senator from Indiana how much he told us about a year ago and again a year before that, was necessary to supply the actual wants of the deficient States?

Mr. MORTON. Yes, sir. I think it was something over $40,000,000 upon the original basis.

Mr. CONKLING. The Senator will find, I am very confident, that when a bill was passed making the addition that it might go to the deficient States, he told us that that was not only more than enough, but my impression is he said in substance that it was double the required amount.

Mr. MORTON. I do not remember what I said; but the figures will show for themselves. The New England States, according to the original proportion, were entitled to less than $40,000,000. They got $110,000,000. Other States in the East received an excess of nearly $11,000,000. It required and will now require over $46,000,000, fully that I should think, to give to the States West and South their proportion, assuming that the other States have only got theirs. But when the New England States start out with $64,000,000, then to equalize upon that basis you have got to give over $80,000,000. That is a different basis entirely.

But, Mr. President, whatever redistribution you may make on that subject does not settle the question before the country. The issue is broadly made before the country now and will not be taken back, that the legal-tender act should be repealed within a year or two, and within two years specie payments resumed. On the other hand it is another issue that there should be nothing done; that is, let the squeezing process go on indefinitely, until by the growth of population and business specie payments shall be forced by mere contraction. That is another issue made and that is to be before the country. According to the progress toward specie payments made by the mere process of doing nothing and holding still, if we are to judge from the progress made during the last four years, it would take about sixty years to arrive at it in that way. The Senator from Ohio, [Mr. SHERMAN,] says we are further off than we were four years ago. I am not one of those who believe you can come to specie payments by mere contraction. You can have all the agony of contraction increasing from year to year and all the suffering from contraction; but as I have argued from time to time, so long as the legal-tender notes are depreciated by law and cannot be received in payment of certain claims, debts, or obligations, you cannot bring them to par by mere contraction. That squeezing process, that slow torture, that refinement of cruelty can go on for years and accomplish nothing.

Mr. President, if it be desirable to leave all these questions open, I shall be as contented as others. It will be the broad question, on the one hand, of contraction, and upon the other hand, it will be the question of such expansion of the volume of the currency from time to time as the growth of the country may demand. It will be the question of repealing the legal-tender act and of taking from a large body of currency in circulation certain qualities and properties that make it valuable, and to depreciate it by law. All these questions will be discussed. I do not intend to discuss them now; but these are the questions to be left open before the country. I am sure if others think that desirable I shall not complain; but my impression is that our duty to the country is to bring about, if we can, a settlement of the financial question. Whether it can be done or not, I do not know. I have made an honest effort, an earnest one, to bring it about, and I am not very hopeful of its being accomplished, but I am willing to permit another effort to be made.

Mr. BUCKINGHAM. I wish to say a few words more, particularly in regard to the position which my honored friend from Wisconsin [Mr. HOWE] takes in regard to the payment of $82,000,000 of the public debt. I appreciate his desire to cancel the public debt. I think it is an obligation resting upon us; it has been resting upon us; and it will continue to rest upon us until we meet it.

The Senator from Wisconsin congratulates himself and rejoices in the opportunity he has had to give one vote by which if the compromise measure were carried out we should cancel $82,000,000 of the public debt. How is it paid? If we issue $1,000,000 of bank-notes in addition to the many millions which are now out, the Secretary of the Treasury is required to cancel $375,000 of legal-tender notes, and so the thing goes on until he shall have canceled $82,000,000. But how is he to get the money by which to pay this $82,000,000? From the income of the Government. If the receipts of the Government are sufficient then he does pay it. That is just what I would like to have. But suppose the bank currency is issued so that you put out $218,000,000 of it in order to make it the duty of the Secretary of the Treasury to cancel $82,000,000 of greenbacks, and there shall not be within that time $82,000,000 received over and above the expenses of the Government. The Secretary then is to cancel or to redeem or pay the legal-tender notes by issuing new bonds and disposing of them. Now, I ask the Senator from Wisconsin if that is anything more than

the change of one debt for another; if it does reduce in any way the public debt?

Mr. HOWE. Will the Senator give way to allow me to answer?

Mr. BUCKINGHAM. Certainly.

Mr. HOWE. Certainly not. That merely exchanges one form of debt for another; but when I have paid my grocer's bill which does not bear interest by giving him my note of hand payable in sixty days, which bears interest, and my grocer is content to take the note, although I owe just as much as I did before, my grocer feels better than he did before; and so I call that the payment of an existing liability. It is really the postponement of it.

Mr. BUCKINGHAM. I say to the honorable Senator that I have tried that a number of times. I have paid one debt which I owed, by giving my note with interest, and I have found after all that that was not payment. I agree that it is an improvement of the condition of the Government; it is a duty which the Government ought to perform. When the Government owes a debt and cannot pay it, it is the most reasonable thing in the world that it should meet its obligations in the best manner possible and that it should give its obligation with a consideration for forbearance, but it is not, in my estimation, a canceling or payment of the debt.

Mr. HOWE. But it is a canceling of the public debt, my friend will allow me to say, in case your revenues enable you to destroy the greenbacks without issuing bonds.

Mr. BUCKINGHAM. Certainly it is. I only say that there is a contingency in which this bill does not actually provide for the canceling of that amount of money. There is an uncertainty connected with it.

Mr. FERRY, of Michigan. May I ask the Senator a question?

Mr. BUCKINGHAM. Certainly.

Mr. FERRY, of Michigan. The Senator, in response to the Senator from Wisconsin, stated that he had practiced the same himself, in his private affairs, I suppose. I ask him whether or not that practice did not keep up his credit?

Mr. BUCKINGHAM. Yes; a great deal better than if I had not practiced it, certainly.

Mr. President, there are two or three objects which we have in view. One is to reduce the public debt; another is to reach specie payments. I have supposed, and I suppose still, that there will be no permanent resumption of specie payments until the business of the country comes up to that condition in which the banks can readily meet their obligations as they shall be demanded; but the proposition now is to withdraw from our circulation a proportion of the legal-tender notes, and instead of eighty-two millions to increase the bank currency two hundred and eighteen million dollars. It appears to me that we cannot withdraw that money and put the obligation upon the banks and require them, as we ought to require them, to redeem except it shall be by a severe pressure upon the mercantile and commercial interests of this country. The banks are nothing but for the time being the agents of commerce, and whenever you compel the banks to pay specie you commence to force commercial men to meet their obligations to the same value.

I desire some measure that will relieve us from the embarrassed condition in which we are, and I desire also that there shall be such an act passed as will enable the business interests of the country to receive so much bank currency as their necessities may demand, and I have believed and believe now that if you will by your laws compel the banks to redeem either in legal-tender notes or in specie at their pleasure, and then if you will compel the Government to redeem the legal-tender notes in coin or interest-bearing bonds that will bring par, you will come right up to the very day when currency and coin will be on a level; and I say it is a wrong to this community to postpone that day to 1878. We can meet the obligation according to the desire of the honorable Senator from Wisconsin by giving our note with interest, without waiting till 1878.

Several SENATORS. Question! Question!

Mr. WRIGHT. If we can have a vote I will not say a word. I very much prefer a vote to saying a word on this subject.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the motion of the Senator from Vermont to refer the subject to the Committee on Finance.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Iowa that the Senate further insist on its amendments, and agree to the further conference asked by the House of Representatives.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

Mr. FERRY, of Michigan. Will the Chair state the question exactly?

The PRESIDENT *pro tempore*. The question is, Will the Senate further insist upon its amendments and grant the further conference asked by the House of Representatives?

Mr. SHERMAN. On account of the form in which the question is put, I suppose Senators would like to prove some inconsistency on some of us. I shall vote in substance for a conference. As a matter of course my friend from Pennsylvania and I are very decidedly opposed to the proposition that passed the Senate; but we shall vote together for a conference. That is the substance of the thing. The form in which the question is put, I suppose, is in order to deter people voting for a conference who before voted against insisting.

Mr. SARGENT. I do not think any such consideration should deter the Senator. On the motion before, which was to insist and ask for a conference, the Senator thought we had better not go any further. I want to call to his mind that the same question arises again, and I trust he will vote with me.

Mr. SHERMAN. The substance of the last vote was to insist on the Senate amendment. Now the substance is whether we shall deny the request of three-fourths of the House of Representatives for a conference.

Mr. SARGENT. Whether we will insist on the Senate amendment and deny, as we tried to deny before, a conference.

Mr. BAYARD. I should like to be enlightened as to this fact: whether upon the vote which is now to be taken by the Senate the affirmative will be an approval of the amendments passed by the Senate to this bill. I desire a conference, if that can lead the minds of the two Houses to some measure; but I do not desire by any vote of mine to approve the measure that passed the Senate. I ask this because I desire to know whether the motion can be severed, or whether it is necessary that it should take the shape of an apparent approval of the bill as it passed the Senate. At the same time I desire the conference.

The PRESIDENT *pro tempore*. The Chair will state, in answer to the Senator's question, that the Chair understands that the substance of this proposition is, will the Senate grant the conference? The technical way of stating it is, "Will the Senate insist and grant the conference?" because the insisting is indispensable to the conference. The roll-call will proceed.

Mr. KELLY. On this question I am paired with the Senator from Maryland, [Mr. DENNIS.] I presume he, if here, would vote in the affirmative, and I would vote in the negative.

Mr. WADLEIGH. Being paired with the Senator from Virginia, [Mr. LEWIS,] and not knowing how he would vote on this question, I shall refrain from voting.

The question being taken by yeas and nays, resulted—yeas 38, nays 17; as follows:

YEAS—Messrs. Allison, Bayard, Bogy, Boreman, Carpenter, Chandler, Clayton, Cragin, Dorsey, Ferry of Michigan, Gilbert, Goldthwaite, Gordon, Harvey, Hitchcock, Howe, Ingalls, Logan, McCreery, Merrimon, Mitchell, Morton, Norwood, Oglesby, Pease, Pratt, Ramsey, Ransom, Robertson, Scott, Sherman, Spencer, Sprague, Stevenson, Tipton, West, Windom, and Wright—38.

NAYS—Messrs. Anthony, Boutwell, Buckingham, Conkling, Cooper, Edmunds, Frelinghuysen, Hager, Hamilton of Texas, Jones, Morrill of Maine, Morrill of Vermont, Sargent, Schurz, Stewart, Thurman, and Washburn—17.

ABSENT—Messrs. Alcorn, Brownlow, Cameron, Conover, Davis, Dennis, Fenton, Ferry of Connecticut, Flanagan, Hamilton of Maryland, Hamlin, Johnston, Kelly, Lewis, Patterson, Saulsbury, Stockton, and Wadleigh—18.

So the motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. WRIGHT, FERRY of Michigan, and STEVENSON were appointed.

Mr. ROBERTSON. I move that the Senate do now adjourn.

Mr. WINDOM. I move to take up the resolution reported from the Select Committee on Transportation.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves an adjournment.

Mr. WINDOM. I ask to have the resolution taken up before we adjourn.

Mr. CONKLING. The Senator from South Carolina will no doubt agree that the resolution may be taken up so as to be the unfinished business, and then we can adjourn.

Mr. ROBERTSON. I do not want it taken up.

Mr. WINDOM. I hope the Senate will not adjourn until we take up this resolution. I ask the Senator from South Carolina if there is any objection to taking up this resolution before we adjourn?

Mr. ROBERTSON. I have an objection to it.

Mr. SARGENT. We desire to take up the post-office appropriation bill.

Mr. CONKLING. Then we may as well adjourn.

Mr. WINDOM. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

Mr. WINDOM. My only purpose in calling for the yeas and nays——

Several SENATORS. Order! Order!

The PRESIDENT *pro tempore*. No debate is allowed on a motion to adjourn. The roll-call will proceed.

Mr. WINDOM. I ask unanimous consent to make a statement.

Mr. ROBERTSON. I object.

The question being taken by yeas and nays, resulted—yeas 9, nays 42; as follows:

YEAS—Messrs. Chandler, Cooper Gilbert, Hitchcock, McCreery, Merrimon, Robertson, Sargent, and Saulsbury—9.

NAYS—Messrs. Allison, Anthony, Bayard, Bogy, Boreman, Boutwell, Buckingham, Carpenter, Clayton, Conkling, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Goldthwaite, Gordon, Hager, Hamilton of Texas, Harvey, Ingalls, Jones, Kelly, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Pratt, Ramsey, Schurz, Scott, Sherman, Spencer, Sprague, Tipton, Wadleigh, Washburn, West, Windom, and Wright—42.

ABSENT—Messrs. Alcorn, Brownlow, Cameron, Conover, Cragin, Davis, Dennis, Fenton, Ferry of Connecticut, Flanagan, Hamilton of Maryland, Hamlin, Howe,

Johnston, Lewis, Patterson, Pease, Ransom, Stevenson, Stewart, Stockton, and Thurman—22.

So the Senate refused to adjourn.

CHEAP TRANSPORTATION.

Mr. WINDOM. I now move that the Senate proceed to the consideration of the resolution reported from the Select Committee on Transportation.

The motion was agreed to; and the Senate resumed the consideration of the resolution submitted by Mr. WINDOM from the Select Committee on Transportation Routes to the Sea-board, instructing the Committee on Appropriations to report amendments to the river and harbor bill making appropriations for completing the surveys and estimates for each of the improvements recommended by the select committee upon the four routes indicated in their report.

Mr. CONKLING. I move that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 13, 1874.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. LYNCH. I ask unanimous consent to make a personal explanation, not to occupy over five minutes.

No objection was made.

Mr. GARFIELD. After that I shall ask the House to go into Committee of the Whole on the state of the Union on the sundry civil appropriation bill.

Mr. LYNCH. Mr. Speaker, I only ask the attention of the House for a few minutes while I make an explanation on a matter which is somewhat personal to myself. It is not often that I deem it necessary to call public attention to anything that I may see in a newspaper; but an editorial in a recent number of the New York Tribune has been brought to my notice which I think is of sufficient importance to justify an explanation. Had the speech alluded to in this editorial been delivered in the House where it could have been reported, or if I were satisfied that the writer of the editorial intended a willful misrepresentation, I would not have deemed this course necessary. But it is due to my able and distinguished colleague on the other side of the House [Mr. LAMAR] as well as to myself that I make this explanation, because those who may have heard his very eloquent speech on Monday last and who may have read this editorial will agree with me in the opinion that it did him injustice as well as myself. But, sir, he of course is sufficiently competent to take care of himself. I ask the Clerk to read the paragraph which I have marked in an editorial of the New York Tribune of June 10.

The Clerk read as follows:

Mr. LYNCH spoke of the civil-rights bill, and he was of course not well pleased at the manner in which the House had treated it; but he assured the caucus of the strict party fidelity of the colored people. There was to be no reconciliation between them and their old masters. They would not believe that slavery was beyond revival. They would not trust a southern white man with their liberties. They cared comparatively little for honesty in office—this at least was the general drift of his address; they could pardon fraud, corruption, licentiousness, anything mean or disgraceful, to an orthodox republican politician; and they would sooner vote for a thief like Moses than an upright gentleman like LAMAR. These are the conclusions logically to be drawn from the remarks of Mr. LYNCH, as we collate them from the reports of the various papers; and it will be seen that they are equivalent to a notice to the party that it may nominate any rascal they please, and the southern negroes will swallow him.

Mr. LYNCH. Now, sir, I have not quite such a poor opinion of my colleague as that seems to infer. But the idea I intended to convey upon that occasion and the substance of what I said was simply this: that whatever may be the nature of the reports that have been circulated about some of the Southern States, and whatever may be true of the governments of other States, I know that such unfavorable reports are not true of the State of Mississippi, the State which I have the honor in part to represent on this floor. The idea I intended to convey was this, and I want to impress it upon my friends on the other side of the House, because I regard some of them as my friends personally if not politically, that for the evils complained of in some of the Southern States they themselves are responsible and not the colored people. Sir, it is in consequence of the continued uncompromising, repulsive attitude of the democratic party toward the colored people that they are necessarily compelled on many occasions to vote for men whom they would otherwise vote against. The position of the democratic party toward the colored people has been and is such, that their rights and their privileges to a certain extent are involved in every election.

Now, Mr. Speaker, if gentlemen on the other side of the House will bear this fact in mind, they will agree with me in these conclusions. I want to see the day come when the colored people of this country can afford to occupy an independent position in politics; but that day, in my judgment, will never come so long as there remains a strong, powerful, intelligent, wealthy organization arrayed against them as a race and as a class. That is my judgment. When this state of things shall have passed away, then they will be more independent than they now are.

I ask for a national civil-rights bill full and complete, not only because it is an act of simple justice, but because it will be instrumental in placing the colored people in a more independent position; because it will, in my judgment, be calculated to bring about a friendly feeling between the two races in all sections of the country, and will place the colored people in a position where their identification with any party will be a matter of choice and not of necessity. And while I reiterate the opinion that the great majority of the colored people will remain true to the republican party so long as that party maintains its present friendly attitude towards them, yet I know and believe that all true republicans are ready, willing, and anxious to place the colored people in a position where they can be more independent in the management, government, and control of their local affairs. I will, sir, if the opportunity shall ever present itself, give my views at length upon the important question of civil rights and civil government at the South.

DEMPSEY & O'TOOLE.

On motion of Mr. WHEELER, by unanimous consent, the Committee on Appropriations were discharged from the further consideration of the bill (H. R. No. 2945) for the relief of the late firm of Dempsey & O'Toole, and the accompanying papers, and the same were referred to the Committee on Claims.

JOHN M. M'PIKE.

Mr. KENDALL. I move to suspend the rules to take up and pass the bill (S. No. 563) for the relief of John M. McPike.

Mr. GARFIELD. Mr. Speaker, is there not a conference report to be presented at twelve o'clock to-day?

The SPEAKER. The gentleman from Tennessee [Mr. MAYNARD] gave notice to that effect last evening.

Mr. GARFIELD. I desire the House to go into the Committee of the Whole as soon as possible on the sundry civil appropriation bill, that we may finish it to-day. But at twelve o'clock I will move that the committee rise, as I do not wish to antagonize a conference report.

The SPEAKER. The question is on the motion of the gentleman from Nevada, [Mr. KENDALL,] to suspend the rules and pass the bill (S. No. 563) for the relief of John M. McPike.

The bill was read. It directs the Secretary of the Treasury to pay $19,473.50 to John M. McPike in full settlement for beef and supplies furnished to troops by Jordan & McPike in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in 1860.

Mr. KENDALL. I ask to occupy a single minute in explaining this bill. It is a Senate bill. It has been twice considered by a Senate committee. In the last Congress it failed for want of time. At the present session it has been reported unanimously by the Senate Committee on Claims; has been passed by the Senate; and has been considered by the House committee. I suppose I am authorized to state that it has been unanimously recommended by that committee for passage. The reason I present the bill is that I have been requested to do so by a member of that committee. I hope the bill will pass.

Mr. LAWRENCE. I wish to make a single inquiry. Why cannot this claim under the existing law be allowed by the Quartermaster's Department?

Mr. KENDALL. I will only say that it has not taken that course; and if the bill does not pass the House now the claimant, who has already waited now fourteen years for the payment of this money, may have to wait fourteen years longer.

The question being taken on seconding the motion to suspend the rules, it was seconded.

The motion was then agreed to, (two-thirds voting in favor thereof,) and the bill was passed.

ORDER OF BUSINESS.

Mr. ELLIS H. ROBERTS obtained the floor.

Mr. TREMAIN. On behalf of the Committee on the Judiciary, and in pursuance of previous notice, I move to suspend the rules and pass the bill relating to southern elections.

The SPEAKER. The Chair does not feel justified in recognizing the gentleman from New York [Mr. TREMAIN] for business of that kind, which would inevitably detain the House, till the public business is disposed of.

MOIETIES.

Mr. ELLIS H. ROBERTS. I desire to ask the House to consider at this time the Senate amendments to the bill (H. R. No. 3171) to amend the customs laws and to repeal moieties.

Mr. GARFIELD. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the sundry civil appropriation bill.

The SPEAKER. The Chair has recognized the gentleman from New York [Mr. ELLIS H. ROBERTS] upon the moieties bill, as a matter of great public importance, as he understands it is the desire of the Committee on Ways and Means to get the bill into the hands of a conference committee as soon as possible.

Mr. GARFIELD. If this bill will not take long I will not waste the time of the House in a contest.

Mr. BUTLER, of Massachusetts. I hope there will be some opportunity for debate on this bill.

Mr. ELLIS H. ROBERTS. At this period of the session I cannot believe the House desires further debate on the bill. I ask the House to act on the amendments without debate.

Mr. BUTLER, of Massachusetts. Does not that require a suspension of the rules?

The SPEAKER. To cut off debate it will be necessary to suspend the rules.

Mr. ELLIS H. ROBERTS. I move to suspend the rules so that the Senate amendments to the moiety bill may be disposed of *seriatim*, without debate.

The motion to suspend the rules being seconded, was agreed to, two-thirds voting in favor thereof.

Mr. ELLIS H. ROBERTS. If I may be allowed two or three words——

Mr. BUTLER, of Massachusetts. No, sir; after you have cut off debate we object, of course, to your being allowed to discuss the bill.

The first amendment was read, as follows:

Strike out in the first section of the bill the words: "section 7 of the act entitled 'An act to punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes,' approved March 3, 1863."

The SPEAKER. The Committee on Ways and Means recommend non-concurrence in this amendment.

The amendment was non-concurred in.

The second amendment was read, as follows:

In the second section insert after the word "forfeitures" the words "under the customs-revenue laws."

The SPEAKER. The Committee on Ways and Means recommend non-concurrence in this amendment.

The amendment was non-concurred in.

The third amendment was read, as follows:

Before the word "fines," in line 7 of section 2, insert the word "such."

The SPEAKER. The Committee on Ways and Means recommend non-concurrence in this amendment.

The amendment was non-concurred in.

The fourth amendment was read, as follows:

In section 3, after the word "otherwise," in line 5, insert the following:

And for the purpose of making such compensation for the next fiscal year, the sum of $100,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The Committee on Ways and Means recommend concurrence in this amendment.

The amendment was concurred in.

The fifth and sixth amendments were to insert "that" at the beginning of section 4, and also to insert the word "duties" before the words "costs and charges;" so as to make the first clause of the section read as follows:

That whenever any officer of the customs or other person shall detect and seize goods, wares, or merchandise, in the act of being smuggled, or which have been smuggled, he shall be entitled to such compensation therefor as the Secretary of the Treasury shall award, not exceeding in amount one-half of the net proceeds, if any, resulting from such seizure, after deducting all duties, costs, and charges connected therewith.

The SPEAKER. The Committee on Ways and Means recommend concurrence in these amendments.

The amendments were concurred in.

The seventh amendment was read, as follows:

Strike out after "custom-house," in line 13 of section 4, the words "or submitting them to the officers of the revenue for examination;" so that the first clause of the proviso will read as follows:

Provided, That for the purposes of this act smuggling shall be construed to mean the act, with intent to defraud, of bringing into the United States, or, with like intent, attempting to bring into the United States, dutiable articles without passing the same, or the package containing the same, through the custom-house.

The SPEAKER. The Committee on Ways and Means recommend non-concurrence in this amendment.

The amendment was non-concurred in.

The eighth amendment was read, as follows:

Insert the following as a new section:

SEC. 5. That in all suits and proceedings other than criminal arising under any of the revenue laws of the United States, the attorney representing the Government, whenever, in his belief, any business book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of suit in the same court are served; and if the defendant or claimant shall fail or refuse to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed unless his failure or refusal to produce the same shall be explained to the satisfaction of the court. And the said attorney shall be permitted to make examination of the entries referred to in said notice, at which examination the defendant or claimant or his agent may be present, of said book, invoice, or paper, if produced, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have, subject to the order of the court, the custody of them, except pending their examination in court as aforesaid.

The SPEAKER. The Committee on Ways and Means recommend non-concurrence in the amendment.

The question being taken on concurring, there were—ayes 27, noes not counted.

So the amendment was non-concurred in.

The ninth, eleventh, fourteenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-fifth, twenty-seventh, twenty-ninth, thirty-second, thirty-third, thirty-seventh, and thirty-ninth amendments, relating only to changes in the numbering of the sections, were non-concurred in.

The tenth amendment:

Strike out "furnishing information" and insert in lieu thereof "claiming as informer;" so it will read:

That no payment shall be made to any person claiming as informer in any case wherein judicial proceedings shall have been instituted, unless his claim to compensation shall have been established, &c.

The committee recommended non-concurrence.

Mr. RANDALL. I ask for a vote on that amendment.

The House divided; and there were—ayes 27, noes 73.

So (no further count being demanded) the amendment was non-concurred in.

The twelfth amendment:

In section 11 insert the words "or any other" before the word "act."

The committee recommended concurrence.

The amendment was concurred in.

The thirteenth amendment:

Strike out the word "perpetual."

The committee recommended concurrence with an amendment, as follows:

Before the word "a," in line 17, page 6, of the bill, insert the words "at any time;" so it will read "shall have at any time a right of action against such officer or other person," &c.

The amendment was agreed to; and the Senate amendment, as amended, was concurred in.

The fifteenth amendment:

Strike out the words "interested in a part or share of any fine, penalty, or forfeiture incurred under the customs-revenue laws of the United States," and insert in lieu thereof "claiming compensation under any provision of this act;" so it will read:

That no officer, or other person entitled to or claiming compensation under any provision of this act shall be thereby disqualified from becoming a witness in any action, suit, &c.

The committee recommended concurrence.

The amendment was concurred in.

The sixteenth and seventeenth amendments:

Strike out the words "Provided, That in every such case, whenever the officer or person entitled to any share in the fine, penalty, or forfeiture shall appear as a witness," and insert "and in every such case;" and after the word "may" insert the words "appear and;" so it will read:

And in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner.

The committee recommended concurrence.

The amendments were concurred in.

The twenty-second amendment:

In section 21 strike out "severally forfeit and pay a fine of not more than $5,000 for each offense, to be recovered by a joint or several actions in any district or circuit court of the United States," and in lieu thereof insert the words "for each offense be fined in any sum not exceeding $5,000 nor less than fifty dollars, or be imprisoned for any time not exceeding two years, or both."

The committee recommended non-concurrence.

The amendment was non-concurred in.

The twenty-third amendment:

Strike out the words "as aforesaid."

The committee recommended concurrence.

The amendment was concurred in.

The twenty-fourth amendment:

In section 21 strike out "liable to forfeiture, which forfeiture shall apply only to the particular item of merchandise to which such fraud or alleged fraud relates," and in lieu thereof insert "forfeited; which forfeiture shall only apply to the whole of the merchandise in the case or package containing the particular article or articles of merchandise to which such fraud or alleged fraud relates; and anything contained in any act which provides for the forfeiture or confiscation of an entire invoice in consequence of any item or items contained in the same being undervalued, be, and the same is hereby, repealed.

The committee recommended non-concurrence.

The amendment was non-concurred in.

The twenty-sixth amendment:

Strike out the following:

But nothing herein contained shall prevent any owner or claimant from obtaining a release of such merchandise on giving a bond, with sureties satisfactory to the collector, or, in case of judicial proceedings, satisfactory to the court, for the payment of any fine or fines so incurred: *Provided, however*, That such merchandise shall in no case be released until all accrued duties thereon shall have been paid or secured.

The committee recommended non-concurrence.

The amendment was non-concurred in.

The twenty-eighth amendment:

In section 27 insert "in the absence of protest," so it will read "which price or amount shall, in the absence of protest, be conclusive."

The committee recommended concurrence.

The amendment was concurred in.

The thirtieth amendment:

Page 11, line 4, insert "collector of the district, whose duty it shall be promptly to report the same to the," so it will read "upon detection of any violation of the

customs laws, forthwith to make complaint thereof to the collector of the district, whose duty it shall be promptly to report the same to the district attorney of the district in which such frauds shall be committed."

The committee recommended concurrence.

The amendment was concurred in.

The thirty first amendment:

Strike out the following section:

SEC. 10. That in all actions, suits, and proceedings in any court of the United States, now pending or hereafter commenced or prosecuted to enforce or declare the forfeiture of any goods, wares, or merchandise, or to recover the value thereof, or any other sum alleged to be forfeited by reason of any violation of the provisions of the customs-revenue laws, or any of such provisions, in which action, suit, or proceeding an issue or issues of fact shall be joined, it shall be the duty of the court, on the trial thereof, to submit to the jury, as a distinct and separate proposition, whether the alleged acts were done with an actual intention to defraud the United States, and to require upon such proposition a special finding by such jury; or, if such issues be tried by the court without a jury, it shall be the duty of the court to pass upon and decide such proposition as a distinct and separate finding of fact; and in such cases, unless intent to defraud shall be so found, no fine, penalty, or forfeiture shall be imposed.

The committee recommended non-concurrence.

The amendment was non-concurred in.

Thirty-fifth amendment:

Strike out the following section:

SEC. 17. That it shall not be lawful for any officer of customs, special agent, or district attorney to compromise or settle any claim of the United States arising under the customs laws, or relieve from any fine, penalty, or forfeiture; and any officer or person who shall so compromise or settle any such claim, or attempt to make such compromise or settlement, or relieve or attempt to relieve from such fine, penalty, or forfeiture, shall be guilty of a felony, and, on conviction thereof, shall suffer imprisonment not exceeding ten years and be fined not exceeding $10,000: *Provided, however*, That the Secretary of the Treasury, in accordance with general regulations, to be prescribed by him, not in conflict with existing laws nor with the provisions of this act, may remit any fines, penalties, or forfeitures, upon sufficient proof that there was no intention of fraud or willful neglect upon the part of such person or persons against whom such fines, penalties, or forfeitures shall have accrued, or on the part of his or their agent or agents.

The committee recommended concurrence in the thirty-fifth amendment of the Senate, with an amendment as follows:

Insert in lieu of the section stricken out the following:

SEC. —. That it shall not be lawful for any officer or officers of the United States to compromise or abate any claim of the United States arising under the customs laws for any fine, penalty, or forfeiture incurred by a violation thereof; and any officer or person who shall so compromise or abate any such claim, or attempt to make such compromise or abatement, or in any manner relieve or attempt to relieve from such fine, penalty, or forfeiture, shall be deemed guilty of a felony, and, on conviction thereof, shall suffer imprisonment not exceeding ten years, and be fined not exceeding $10,000: *Provided, however*, That the Secretary of the Treasury, in accordance with general regulations, to be prescribed by him, not in conflict with existing laws nor with the provisions of this act, may remit any fines, penalties, or forfeitures, upon sufficient proof that there was no fraudulent intention or willful neglect upon the part of such person or persons against whom such fines, penalties, or forfeitures shall have accrued, or on the part of his or their agent or agents.

The amendment was agreed to; and the Senate amendment, as amended, was concurred in.

Thirth-sixth amendment:

Strike out the following section:

SEC. 18. That whenever any application shall be made to the Secretary of the Treasury for the mitigation or remission of any fine, penalty, or forfeiture, or the refund of any duties, in case the amount involved is not less than $1,000, the applicant shall notify the district attorney and the collector of customs of the district in which the duties, fine, penalty, or forfeiture accrued; and it shall be the duty of such collector and district attorney to furnish to the Secretary of the Treasury all practicable information necessary to enable him to protect the interests of the United States.

The committee recommended non-concurrence.

The amendment was non-concurred in.

Thirty-eighth amendment:

Insert "after the expiration of three years from the time of entry;" so it will read:

That whenever any goods, wares, and merchandise shall have been entered and passed free of duty, and whenever duties upon any imported goods, wares, and merchandise shall have been liquidated and paid, and such goods, wares, and merchandise shall have been delivered to the owner, importer, agent, or consignee, such entry and passage free of duty and such settlement of duties shall, after the expiration of three years from the time of entry, in the absence of fraud and in the absence of protest by the owner, importer, agent, or consignee, be final and conclusive upon all parties.

The committee recommended concurrence with an amendment, as follows:

Strike out the word "three" and insert in lieu thereof the word "two."

The amendment was agreed to; and the Senate amendment, as amended, was concurred in.

The fortieth, forty-first, forty-second, and forty-third amendments:

Strike out "maintained" and insert "instituted;" strike out "two" and insert "three;" strike out "any legal disability of the person or his" and insert "the;" and insert "of the person subject to such penalty or forfeiture;" so it will read:

SEC. 39. That no suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs-revenue laws of the United States shall be instituted unless such suit or action shall be commenced within three years after the time when such penalty or forfeiture shall have accrued: *Provided*, That the time of the absence from the United States of the person subject to such penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within this period of limitation.

The committee recommended concurrence.

The amendments were concurred in.

Forty-fourth amendment:

Insert the following new section:

SEC. 20. That in lieu of the salaries, moieties, and perquisites of whatever name or nature, and commissions on disbursements, now paid to and received by collectors, naval officers, surveyors, and other officers and employés connected with the customs service in the several collections districts of the United States hereinafter named, there shall be paid, from and after the 1st day of July, 1874, an annual salary, as follows:

To the collector of the district of New York, $12,000.

To the collectors of the districts of Boston and Charlestown, Massachusetts; and San Francisco, California, each $8,000.

To the naval officer for the district of New York, $8,000.

To the naval officers of the districts of Boston and Charlestown, Massachusetts; and San Francisco, California, each $5,000.

To the surveyor of the port of New York, $8,000.

To the surveyors of the ports of Boston, Massachusetts; and San Francisco, California, each $5,000.

To the appraiser and other officers and employés in his department in the port of New York, as follows:

To the appraiser, $8,000.

To the assistant appraisers, each $4,000.

To the examiners, each not to exceed $3,000.

To the clerks who may be designated chief clerks, each not to exceed $2,500.

To clerks, verifiers, and samplers, each not to exceed $2,500.

To messengers, each $900.

To openers and packers, each three dollars per diem.

The collector at New York shall detail a store-keeper and such number of clerks and other employés as may, by the Secretary of the Treasury, be deemed necessary to perform the duty of receiving packages designated for examination at the public stores, and of delivering the same, after examination, therefrom; and that all supplies shall be furnished by the collector on monthly estimates submitted by the appraiser to the Secretary of the Treasury, and approved by him, and all repairs and alterations needed in the public store and appraiser's department at said port of New York shall be made in like manner on the recommendation of the appraiser.

There shall be paid to the subordinate officers of the district of New York:

To the assistant collector, $5,000 per annum.

To the deputy collectors, each $4,000 per annum.

To the chief clerk of each division under a deputy collector, $2,500 per annum.

To the entry and liquidating clerks in the office of the collector of customs, each not to exceed $2,500 per annum; and the annual compensation of other collectors, surveyors, and other officers and employés connected with the customs service not named herein, and not herein otherwise provided for, shall continue as fixed by existing law.

The committee recommended concurrence with the following amendment:

Strike out all of the section after the words "to the surveyor of the port of New York, $8,000."

Mr. O'NEILL. I move the following amendment:

That the salaries and compensation of all the officers of customs of the ports of Philadelphia and Baltimore shall be increased so as to be the same amount as the customs officers of the port of Boston as proposed by this bill.

The House divided; and there were—ayes 78, noes 28.

So Mr. O'NEILL's amendment was agreed to.

The amendment of the Committee on Ways and Means, as amended, was concurred in.

Mr. BECK. I move now that the amendment of the Senate be non-concurred in.

The SPEAKER. The question will be on concurrence.

The House divided; and there were—ayes 52, noes 51; no quorum voting.

Mr. ELLIS H. ROBERTS demanded tellers.

Tellers were ordered; and Mr. ELLIS H. ROBERTS and Mr. BECK were appointed.

The House again divided; and the tellers reported—ayes 78, noes 80.

So the amendment was non-concurred in.

Forty-fifth amendment:

Insert the following as an additional section:

That the Secretary of the Treasury shall, from time to time, make such regulations as he may deem necessary for the conduct and management of the bonded warehouses, general-order stores, and other depositories of the imported merchandise throughout the United States; all regulations or orders issued by collectors of customs in regard thereto shall be subject to revision, alteration, or revocation by him; and no warehouse shall be bonded and no general-order store established without his authority and approval. And it shall be the duty of the Secretary of the Treasury, in granting permits to establish general-order warehouses, to require such warehouse or warehouses to be located contiguous, or as near as may be, to the landing-places of steamers and vessels from foreign ports; and that no officer of the customs shall have any personal ownership of or interest in any bonded warehouse or general-order store.

The committee recommend non-concurrence.

The amendment was non-concurred in.

Forty-sixth amendment:

Insert the following as a new section:

That public cartage of merchandise in the custody of the Government shall be subject to the regulations and approval of the Secretary of the Treasury.

Mr. RANDALL. I move to amend by striking out "subject to the regulations and approval" and inserting in lieu thereof the words "let, with not less than ten days' notice of such letting, to the lowest responsible bidder, giving sufficient security, and shall be subject to the regulation and approval;" so it will read:

That public cartage of merchandise in the custody of the Government shall be let, with not less than ten days' notice of such letting, to the lowest responsible bidder, giving sufficient security, and shall be subject to the regulations and approval of the Secretary of the Treasury.

The amendment was agreed to.

The Senate amendment, as amended, was concurred in.

Forty-seventh amendment:

Insert the following as a new section:

That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; that nothing herein contained shall affect existing rights, or prevent a distribution, in like manner as if this act had not been passed, in all cases where prosecution has been actually commenced previous to May 1, 1874, or in anywise affect suits or actions commenced for forfeitures incurred previous to May 1, 1874.

The committee recommended non-concurrence.

Mr. CONGER demanded a division.

The House divided; and there were—ayes 4, noes not counted.

So the amendment was non-concurred in.

Mr. ELLIS H. ROBERTS moved to reconsider the votes by which the amendments of the Senate were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. ELLIS H. ROBERTS also moved for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as managers of said conference on the part of the House Mr. ELLIS H. ROBERTS, Mr. SHELDON, and Mr. WOOD.

BIGLER, YOUNG & CO.

Mr. SPEER. I ask unanimous consent to move that the Committee on Claims be discharged from the further consideration of the bill (S. No. 228) for the relief of Bigler, Young & Co., and that the bill be now put upon its passage. I desire to state that this bill was unanimously reported by the Committee on Claims in the Senate, that it unanimously passed the Senate, and has the unanimous approval of the Committee on Claims of the House. The gentlemen for whose relief the bill has been introduced are of the highest character and would not ask anything from Congress that was not right.

The bill was read. It authorizes the Secretary of the Treasury to settle the claim of Bigler, Young & Co., of Pennsylvania, for the erection of the light-house at Love Point, in the Chesapeake Bay, on principles of equity and justice; provided that the amount allowed them shall not exceed the sum of $1,694.55; and appropriates such sum, or so much thereof as may be necessary for the purpose.

There being no objection, the Committee on Claims were discharged from the further consideration of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. SPEER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CURRENCY AND FREE BANKING.

Mr. MAYNARD. Pursuant to notice given yesterday, I rise to present the report of the conference committee on the currency bill.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendment of the Senate, and agree to the same, with an amendment, as follows:

Strike out all of the amendment after "that," in the first line, and insert in lieu thereof the following:

The act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof,' approved June 3, 1864, shall be hereafter known as "the national-bank act."

SEC. 2. That section 31 of "the national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

SEC. 3. That section 22 of the said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said acts, be, and the same are hereby, repealed; and the proviso in the first section of the act approved July 12, 1870, entitled "An act to provide for the redemption of the 3 per cent. temporary loan certificates, and for an increase of national-bank notes," prohibiting the banks hereafter organized a circulation over $500,000; and the proviso in the third section of said act limiting the circulation of banks authorized to issue notes redeemable in gold coin to $1,000,000; and section 6 of said act, relating to the redistribution of twenty-five millions of circulating notes, be, and the same are hereby, repealed; that every association hereafter organized shall be subject to, and be governed by, the rules, restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national-bank act."

SEC. 4. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section 2 of this act; and when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of $1,000, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of $500, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed. And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: *Provided*, That each of said associations shall reimburse to the Treasury the charges for transportation, and the costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer: *And provided further*, That so much of section 32 of said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

SEC. 5. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums not less than $9,000, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law: *Provided*, That the amount of the bonds on deposit for circulation shall not be reduced below $50,000.

SEC. 6. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

SEC. 7. That the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $382,000,000, which shall be retired and reduced in the following manner only, to wit: within thirty days after circulating notes to the amount of $1,000,000 shall, from time to time, be issued to national banking associations under this act, in excess of the highest outstanding volume thereof at any time prior to such issue, it shall be the duty of the Secretary of the Treasury to retire an amount of United States notes equal to three-eighths of the circulating notes so issued, which shall be in reduction of the maximum amount of $382,000,000 fixed by this section; and such reduction shall continue until the maximum amount of United States notes outstanding shall be $300,000,000; and the United States notes so retired shall be canceled and carried to the account of the sinking fund provided for by the second clause of section 5 of the act approved on the 25th of February, 1862, entitled "An act to authorize the issue of United States notes, and for the redemption and funding thereof, and for funding the floating debt of the United States," and shall constitute a portion of said sinking fund. And the interest thereon, computed at the rate of 5 per cent., shall be added to said sinking fund. But if the surplus revenue be not sufficient for this purpose the Secretary of the Treasury is hereby authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States of the character and description prescribed in this act for United States notes to be then retired and canceled.

SEC. 8. That on and after the 1st day of January, 1878, any holder of United States notes to the amount of fifty dollars, or any multiple thereof, may present them for payment at the office of the Treasurer of the United States, or at the office of the assistant treasurer at the city of New York; and thereupon he shall be entitled to receive, at his option, from the Secretary of the Treasury, who is authorized and required to issue, in exchange for said notes, an equal amount of either class of the coupon or registered bonds of the United States provided for in the first section of the act approved on the 14th of July, 1870, entitled "An act to authorize the refunding of the national debt," and the act amendatory thereof, approved the 20th day of January, 1871, which bonds shall continue to be exempt from taxation as provided in said act: *Provided, however*, That the Secretary of the Treasury, in lieu of such bonds, may redeem said notes in the gold coin of the United States. And the Secretary of the Treasury shall reissue the United States notes so received either in exchange for coin at par, or, with the consent of the holder, in the redemption of bonds then redeemable at par, or in the purchase of bonds at not less than par, or to meet the current payments for the public service; and when used to meet current payments an equal amount of the gold in the Treasury shall be applied in redemption of the bonds known as five-twenty bonds.

SEC. 9. That nothing in this act shall be construed to authorize any increase of the principal of the public debt of the United States.

And the Senate agree to the same.

HORACE MAYNARD,
C. B. FARWELL,
Managers on the part of the House.
O. P. MORTON,
JOHN SHERMAN,
A. S. MERRIMON,
Managers on the part of the Senate.

Mr. MAYNARD. It will be seen from the reading of the report that the conference committee have made a recommendation in form substantially the same that was made the other day from the Committee on Banking and Currency; that is, to concur in the Senate amendment to the bill of the House with an amendment in the nature of a substitute for the whole bill. I desire to call the attention of the House to the changes made from the report submitted the other day by the Committee on Banking and Currency. The two changes of any considerable importance between the report then submitted by the Committee on Banking and Currency and the present report are these:

That report recommended that as national-bank notes were issued greenbacks should be retired *pro rata* at the rate of 40 per cent. The Senate bill sent over to us made it 25 per cent. This report fixes the ratio of retiring at three-eighths or 37½ per cent. That is a concession looking in one direction.

The bill, as it came back to us from the Senate and as reported by the Committee on Banking and Currency, fixed the 1st day of July, 1878, in the eighth section of the bill, as the time when redemption should begin. This report fixes it six months earlier, on the 1st day of January, 1878, which is a concession in the other direction.

These two modifications are the principal ones made by the committee of conference from the report of the Committee on Banking and Currency. There are several others, but they are in their character verbal or explanatory only.

Mr. BRIGHT. Will my colleague yield to me for a moment?

Mr. MAYNARD. Certainly.

Mr. BRIGHT. I desire to call the attention of my colleague to a portion of section 7 of the conference bill, as follows:

The United States notes so retired shall be canceled and carried to the account of the sinking fund provided for by the second clause of section 5 of the act approved on the 25th of February, 1862, entitled "An act to authorize the issue of United States notes, and for the redemption and funding thereof, and for funding the floating debt of the United States," and shall constitute a portion of said sinking fund. And the interest thereon, computed at the rate of 5 per cent., shall be added annually to said sinking fund. But if the surplus revenue be not sufficient for this purpose, the Secretary of the Treasury is hereby authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States of the character and description prescribed in this act for United States notes to be then retired and canceled,

Will my colleague please explain the meaning of that clause of the conference report? Is it meant that these notes shall constitute a part of the sinking fund, and that they shall bear interest in the same way that the sinking fund now bears interest? And is it contemplated that in the appropriations or estimates for the sinking fund that interest to the amount of the eighty-two millions shall be computed and added to that account?

Mr. MAYNARD. If my colleague will look at the form of the bill as it came from the Senate, he will find in reference to the retiring of the legal-tender notes this provision:

And for that purpose he is authorized to issue and sell at public sale, after ten days' notice of the time and place of sale, a sufficient amount of the bonds of the United States of the character and description prescribed in this act for United States notes to be then retired and canceled.

The Committee on Banking and Currency, instead of that, recommended this provision:

And the United States notes so retired shall be canceled and carried to the account of the sinking fund provided for by the second clause of section 5 of the act approved on the 25th of February, 1862, entitled "An act to authorize the issue of United States notes, and for the redemption and funding thereof, and for funding the floating debt of the United States," and shall constitute a portion of said sinking fund.

These two provisions are incorporated into the conference report in this manner: That if the requirements of the sinking fund, the requirements of the Government to keep up the sinking fund, should prove adequate for the use of all these notes, so to be retired, they are to take that direction. If not, then the Secretary is authorized to make an issue of bonds of the description subsequently prescribed, that is to say, the bonds that are created by the act of 14th July, 1870, and use them for that purpose.

Now, my colleague will observe that the sinking fund created by the act of February 25, 1862, was not commenced during the war, nor indeed until the year 1869. The original act creating the sinking fund provided that 1 per cent. a year should be carried to it—1 per cent. of the entire public debt; and that that fund with the annually accruing interest upon it shall be a perpetual fund for the liquidation of the public debt. The first year when the sinking fund was kept as a separate fund there were $7,000,000 according to my computation accrued to it; the next year $27,000,000; the next year $29,000,000; the next year $30,000,000; the next year, the year ending June 30, 1873, there were also $30,000,000; making the full amount funded to that date, as shown by the books of the Treasury Department, $123,000,000. If the sinking fund for the current year were kept up according to the original intention of the act there would be added 1 per cent. of the outstanding debt, together with the interest on the fund already accrued, making together somewhere about $29,000,000.

Now, the object of this provision is that, instead of these interest-bearing bonds being put into the sinking fund, greenbacks shall be placed there, and for the purpose of keeping up the fund according to the original scheme and intention the interest shall be computed on them as though they were bonds.

Mr. BUTLER, of Massachusetts. Does not the bill require that the greenbacks carried to the fund shall be canceled?

Mr. MAYNARD. Undoubtedly.

Mr. BUTLER, of Massachusetts. What advantage is that? The old bonds were canceled. Suppose that we repeal next year their legal-tender character?

Mr. MAYNARD. Well, you can make any supposition you please looking to violating the faith of the Government.

Mr. BUTLER, of Massachusetts. O, pardon me; that would not be violating the faith of the Government.

Mr. MAYNARD. Perhaps if we have a purpose to do so we may refuse to pay the public debt of any kind, or to pay any interest on the outstanding debt. We may suppose almost anything else if we once suppose that we are going to violate the public faith.

Mr. BUTLER, of Massachusetts. But a repeal of the legal-tender clause is not a violation of the public faith. Did not the chairman of the Committee on Banking and Currency enunciate that doctrine, that the repeal of the legal-tender law would be no violation of the public faith?

Mr. COX. The President says it ought to be done.

Mr. SPEER. Yes; in his memorandum.

Mr. MAYNARD. I thought I was enunciating a proposition that would be so obvious that it would not be called in question by the gentleman from Massachusetts; but if he questions it, I really have not time to debate it.

Mr. BUTLER, of Massachusetts. I was only asking your opinion about it.

Mr. CONGER. I rise to a question of order. The confusion is so great that we cannot hear a word of this colloquy which is going on.

The SPEAKER. The House must be in order.

Mr. BRIGHT. To avoid circumlocution upon this question I ask my colleague if it is intended by this clause of the report of the committee of conference to cancel and retire legal-tender notes as a part of the sinking fund?

Mr. MAYNARD. Only for the purpose of computation in keeping up the sinking fund according to its original scheme and plan.

Mr. BRIGHT. Then I do not understand what is the meaning of the subsequent clause that provides for their sale in certain contingencies.

Mr. MAYNARD. My associate on the committee of conference, who dissents from the report, the gentleman from Pennsylvania, [Mr. CLYMER,] has expressed a desire to address the House.

Mr. CLYMER. For a very short time.

Mr. LAWRENCE. I desire to ask the gentleman from Tennessee a question. Does he believe that it will be practicable for us to resume payments in specie on the 1st of January, 1878, and if so, where will the specie come from?

Mr. MAYNARD. It will be practicable to redeem our bonds, if not in specie, at least to redeem them as contemplated here, by the issuance of one class of the bonds of 1870.

Mr. LAWRENCE. And of what advantage will that be to the public at large? It will put a non-interest-bearing debt on interest.

Mr. MAYNARD. The advantage will be this, that it will allow the holders of legal-tender notes who may happen to have notes for which they have no immediate use to convert them into interest-bearing bonds at a comparatively low rate of interest, and then authorizes the Secretary of the Treasury to issue those very notes for the purpose of calling in outstanding bonds due bearing a higher rate of interest. If this proposed bill becomes a law, the effect will be in a very few years to refund the entire public debt at a lower rate of interest, and that without any additional expense.

Mr. LAWRENCE. Is there not danger that it will be followed by a rapid contraction of the currency? Would not $50,000,000 of greenbacks rush in to be converted into bonds, and endanger the whole business interests of the country?

Mr. MAYNARD. Why, not at all.

Mr. LAWRENCE. I introduced a bill at an early day in the session which I think is worthy of consideration.

The bill referred to by Mr. LAWRENCE is as follows:

A bill to facilitate the resumption of specie payments, and to prevent fluctuations in the value of United States notes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the passage of this act the duties to be levied, collected, and paid on the importation of the articles mentioned in the schedule hereto annexed shall be increased 10 per cent.; and a like increase of 10 per cent. in the rate of duties to be levied, collected, and paid shall be made every six months thereafter until the existing rate of duties shall be increased 100 per cent.; and the duties on all such articles shall be paid only in gold coin or bullion imported from some foreign country with such articles and not exported from the United States to be imported for that purpose.

SEC. 2. That from the duties hereafter collected from any articles imported, there shall be retained in the Treasury, in addition to the amount in the Treasury on the 15th day of July, 1874, not including special deposits held for redemption of certificates of deposit, $2,000,000 each month, which shall not be sold or paid out until otherwise provided by law after the sum in the Treasury shall have reached $400,000,000, exclusive of special deposits, except only that the same may be used, in the discretion of the Secretary of the Treasury, in the purchase of United States notes as hereafter provided.

SEC. 3. That whenever the market price of United States notes in New York City shall reach less than eighty-seven dollars in gold coin for one hundred dollars in United States notes, the Secretary of the Treasury may, in his discretion, purchase such amounts of such notes as he may deem proper at a rate not exceeding 87 per cent. of the par value thereof at any time after July 15, 1874, and at an advance of 1 per cent. on and after the 15th day of July of each year thereafter until the price shall reach the par value of United States notes. And for this purpose the Secretary of the Treasury shall first use any gold coin or bullion in the Treasury over and above the amount required by section 2 of this act to be kept in the Treasury, and may, if necessary, borrow on the faith and credit of the United States a sum not exceeding $50,000,000 for an equal amount of gold coin or bullion, and may issue therefor registered or coupon bonds redeemable at the pleasure of the United States after five years, which shall bear interest in gold coin at the rate of 5 per cent. per annum, be in such form as the Secretary of the Treasury may prescribe, and be entitled to all exemptions of other United States bonds. And the Secretary of the Treasury shall not retain in the Treasury the United States notes so purchased any longer than he uses the same to the advantage of the United States in the purchase of outstanding bonds of the United States, so that said notes shall be kept in circulation; or, if the Secretary of the Treasury deem it expedient temporarily to use any other gold coin or bullion in the Treasury, he shall be and is authorized to do so, and to replace the same as soon as practicable.

SEC. 3. That the Secretary of the Treasury is authorized to prescribe and enforce rules and regulations necessary or proper to carry into effect the provisions of this act.

SCHEDULE OF ARTICLES REFERRED TO IN SECTION 1 OF THE FOREGOING ACT.

Beer, ale, porter, and other malt liquors.
Brandy, wines, liqueurs, arrack, and all spirituous beverages.
Silk, and manufactures thereof, in whole or in part.
Diamonds and gems, real and imitation.
Embroideries of cotton, silk, or wool, or other material.
Fancy articles and perfumery.
Furs, and manufactures thereof.
Jet, and manufactures thereof.
Jewelry, real or imitation.
Paintings and statuary.
Velvets.
Tobacco, and manufactures thereof.
Carpets and carpetings of all kinds.
Broadcloths.

Mr. HEREFORD. Will the gentleman from Tennessee allow me to ask him a question?

Mr. CLYMER. I believe I have the floor.

Mr. HEREFORD. I only wish to ask the gentleman one question.

Mr. MAYNARD. In order that there may be no misunderstanding, I wish it understood that I do not yield the floor except temporarily to the gentleman from Pennsylvania.

Mr. CLYMER. I so understand.

The SPEAKER. The Chair understands that the gentleman from Tennessee retains possession of the floor.

Mr. CLYMER. As by your appointment, Mr. Speaker, I was made a member of the conference committee on the currency question, whose report is now under consideration, I ask the privilege to state very briefly the reasons which controlled me in declining to sign it.

I entered on the discharge of my duties guided by a simple and axiomatic financial faith, which is that money is the standard of value—that under the Constitution, under the teachings of the fathers, under Jefferson, Jackson, Clay, Webster, and Benton, there is but one standard—gold and silver; that with us as a nation, and with all other nations of the earth, Christian and heathen, these two metals are the only standard or measure of value, and that they are the only things which can be called money, save by misnomer or cheat. I also know that for the purposes of convenience and of trade we have a medium of exchange called currency, and that its most usual form was a slip of paper called a bank note, although it may have others, such as checks, promissory notes, bills of exchange, drafts, &c., all, however, evidences of credit which is based on value, that is gold or silver which are its standard or measure.

These things I thought I knew, certainly I believe them, and therefore, sir, it is not surprising that believing them to-day I have been unable to agree with the majority of the committee in their conclusions.

It will not be pretended by any one that these conclusions, as expressed in the bill under consideration, are those which would have been proposed and adopted by the majority of this House when we first met in December last, or which are now demanded by the wants and exigencies of the times. For weary months we have talked and talked, and shown most effectually "how not to do it" and now that we are about "to do it," and it is done, I venture to predict that every man who has had part or lot in it will be heartily ashamed of his work before another year is past. It is a transparent effort to escape condemnation and to bridge over the coming elections. Never, sir, in the history of any nation has a great party, enthroned in every department of the government, with the Executive and more than two-thirds in both branches of the Legislature, stood so utterly powerless and helpless before a whole people, who had a right to demand wise and beneficent legislation! They indeed asked for bread, and you propose in scorn, and utter disregard, to offer them a stone.

What does this bill mean? First and chiefly, indeed I had almost said only, to fasten on the nation a banking system, whose benefits are exclusively for the rich and the few, by which absolutely and forever the industry, the labor, the enterprise of the whole land is to be mortgaged to the money-lending interest of the nation. The banking interest is to be enlarged, extended and forever perpetuated; it is to be erected into a great league or guild, sustained and defended by all the powers of the Federal Government, covering every State, infesting every locality; its power permeating every transaction of business and controlling every election, State and national, and to become a hundred-fold more dangerous to the rights and liberties of the people than was ever the Bank of the United States in its days of greatest power. Jackson made himself immortal by destroying the latter. There will be even greater glory for him who may free the land of the former.

It is not to be denied that the existing national banking system is purely an outgrowth of the necessities of the times through which we have lately passed; that it was an expedient temporary in its nature, to be changed when the nation resumed its normal condition; but by this bill it is designed to make it general and perpetual, and in order to wipe out every trace of that which marked it as temporary, it is called the "national-bank act."

The law authorizing the issue of a national Government currency, including the legal-tender clause, though of doubtful expediency and still more doubtful constitutionality, was accepted and submitted to, by reason of the necessities of the hour which gave it birth; but it had its benefits, the people became reconciled to it, the court of last resort determined its constitutionality, and by custom, sanctioned by law, it has become the basis of the whole business of the country. And, sir, ever since the crash in September, in the midst of the demand for some measure of relief from the distress and stagnation which everywhere prevail, who has ever heard from any quarter complaint about this currency?

It is true that the people have asked that such measures should be adopted by us as would provide for its redemption in specie, in order that it might have actual, real, permanent value; but instead of that my colleagues of the conference committee, in the plenitude of their wisdom, and I say it not disrespectfully, although complainingly, design by this bill to retire and destroy it, although it costs the Government or the tax-payers not a farthing to keep it afloat, in order that room may be made for the increased and increasing circulation of the national banks, which costs the tax-payers 6 per cent. on all the bonds deposited to secure it. Even now this amounts to twenty-four millions a year, and when all the greenbacks are retired and funded, this amount will be increased twofold if their place is to be supplied by national-bank currency. What the limit of this process of fraud and robbery may be I am not now prepared to say, but unquestionably under this bill it may go on until the whole existing indebtedness of the Government becomes the basis of this system of dishonesty and ultimate ruin. I do not claim that this will be done; I only assert its possibility under this bill. The self-interest, the cupidity of the moneyed interest, may restrain and regulate it, it may become "a law unto itself;" for surely other than this there is no limit, no restraint.

My colleagues were not, however, quite subservient enough to executive dictation to destroy the Government currency or greenbacks at a blow, and thus impose additional taxes to be paid in gold, as they were required to do by the recent pronunciamiento from the White House, but they have not failed to take a step in that direction in obedience to the last and most emphatic manifestation of executive will!

What the people demanded was that the laws should be so framed and the resources of the country so husbanded that the greenback currency should be made equal to gold, and the holder of them should be thereby placed upon a footing with the speculating bondholders, the men who sold their gold at enormous rates in the hour of our country's direst need, invested the proceeds in its securities, and called it "lending to the Government!" and not content with this speculation, required Congress subsequently to change the contract, thereby enhancing the value of the bonds, while the laborer was called on to pay the additional taxation necessary for the purpose, while he in his squalor and impotency must rest content with the ever-present curse of an irredeemable paper currency which increases nearly twice the cost of everything he eats, drinks, and wears, making him, and his children after him, the pack-horse and slaves of a system conceived in necessity and continued in fraud.

But, sir, it is painfully evident that the majority in this Congress will do nothing in the true interests of labor or of the people generally. They stubbornly refuse to provide to pay the greenback in gold, but propose to retire and substitute a national-bank currency for eighty-two million of them, and to fund and redeem the remaining three hundred millions by the issue of gold interest-bearing bonds, for the interest on which the people must be taxed, thus continuing a practice which under republican rule has prevailed for years, for the benefit and enrichment of capital, to the prejudice and impoverishment of labor, and to secure the final and perpetual ascendency of the moneyed aristocracy. When the greenback is exterminated, as it must and will ultimately be by this bill if it becomes a law, then the universal and absolute domination of the national banks will begin. They will, by it, have the exclusive franchise to furnish this entire country for all time with all its currency, and on every bond pledged to secure it the interest must be paid to them in gold raised by taxation from the people.

Sir, taxation is the "shibboleth" of the party in power, it is the "Alpha and Omega" of their creed. By it the national-bank system is upheld and supported; by it labor is burdened and oppressed; by it extravagance and waste are maintained in every department of the Government; by the means of it presidential and other salaries are increased and the products of industry and labor are decreased; and by it the ruling dynasty defies the will and mocks at the necessities of the people.

In 1860 the expenses of the Government, exclusive of interest on the public debt and pensions, were $58,956,952.39. In 1874 the expenses of the Government, exclusive of interest on the public debt and pensions, were $167,440,297.38. Yet this bill proposes still greater taxation for the benefit of a class who of all others are least entitled to legislative favor or protection, and it is to be passed by a party whose chief rallying-cry is "protection to labor." Well may labor everywhere, in the shop, the field, the mine, exclaim, "Save me from my friends!"

I assert, sir, that it was within the power of the majority in this Congress to have conferred lasting fame upon themselves and enduring benefits upon labor, to have lighted the fires in every furnace and forge, to have started the wheels of industry in every shop and mill, to have fostered and promoted the building of thousands of miles of iron highway, and to have caused every sea to be whitened with the sails of our ships, bearing our productions to other lands, had they heeded the just demands of the people. But to them the opportunity has been lost, and they must give way to those who will be equal to the emergency.

A wise, honest, statesman-like policy would have done it; but in its stead a most oppressive and destructive one is to be adopted. Had the means been taken to bring the Government currency or greenback to a gold standard by some gradual, sure, but not oppressive process, which could easily have been done, and had the banking interest and its aggressive power been restrained instead of enlarged, some of their violated pledges would have been redeemed, and the grateful thanks of the laboring and business men of the country would have been justly theirs. I, sir, am unwilling to share the blame attaching to their incompetency and dereliction of duty by signing the report of the conference, nor will I fasten further bondage, disgrace, and misery upon the country by voting for it.

Mr. MAYNARD. I have a word or two to say.

Mr. KELLOGG. Allow me to ask the gentleman from Pennsylvania [Mr. CLYMER] a question.

Mr. MAYNARD. Very well; I will let the gentleman ask a question.

Mr. KELLOGG. I wish to ask the gentleman from Pennsylvania who has just taken his seat, and who I understand is in favor of gold and silver and against national-bank notes and also in favor of greenbacks, how he is going to redeem greenbacks in gold and silver unless the national-bank note circulation is increased and the present volume of greenbacks is diminished?

Mr. CLYMER. Give me the power and time and I will do it.

Mr. KELLOGG. That is the only question I wanted to ask. He does not answer——

Mr. MAYNARD. Before calling the previous question I wish to

say that my associate on the committee of conference, [Mr. CLYMER,] has given quite a satisfactory reason why he should not sign the report. But, from the names attached to the report, I am satisfied that it is not to be a party question, using the word "party" with reference to the two great political parties of the country. There are names of gentlemen attached to this report who are as decided in their democracy as any member of the committee can be as a republican. Therefore, having got out of the area of politics——

Mr. COX. I wish to ask a question.

Mr. MAYNARD. I cannot yield.

Mr. COX. Does this bill contract or expand the currency?

Mr. MAYNARD. I was about to remark that I regret the absence of the name of the gentleman from Pennsylvania from this report, because it might seem to give a sectional character to this question of currency, and make the division upon the question of sectional lines, which I should very much regret. But I am very sure the vote of the House will obliterate any such line, if any one thinks it exists. I now call the previous question.

The previous question was seconded upon a division—ayes 116, noes 31—and the main question was then ordered.

The question was upon agreeing to the report of the committee of conference.

Mr. COX and Mr. SPEER called for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Two or three gentlemen have asked the Chair privately to state the effect of this vote. The question is, Will the House agree to the report of the committee of conference? An affirmative vote on that question passes the bill as reported from the committee of conference.

Mr. BUTLER, of Massachusetts. But a negative vote does not necessarily defeat the bill.

The SPEAKER. A negative vote leaves the report of the committee of conference not agreed to. What subsequent proceedings may be had of course the Chair knows nothing about.

Mr. COX. There can be a new committee of conference.

The SPEAKER. If the two Houses order it.

The question was taken; and there were—yeas 108, nays 146, not voting 35; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barrere, Begole, Biery, Bradley, Bromberg, Bundy, Burchard, Burrows, Roderick R. Butler, Cain, Cannon, Cessna, Amos Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Cotton, Crounse, Crutchfield, Curtis, Darrall, Dobbins, Dunnell, Farwell, Fort, Foster, Garfield, Hagans, Harrison, John B. Hawley, Hays, John W. Hazelton, Hodges, Howe, Hunter, Hurlbut, Hynes, Kasson, Lamport, Lansing, Lewis, Lofland, Loughridge, Lowe, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McKee, McNulta, Merriam, Monroe, Morey, Myers, Negley, Orr, Packard, Packer, Parsons, Pelham, Phillips, James H. Platt, jr., Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, James W. Robinson, Ross, Rusk, Sawyer, Scofield, Isaac W. Scudder, Sheats, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, George L. Smith, J. Ambler Smith, John Q. Smith, Snyder, Sprague, Stowell, Strait, Strawbridge, Charles R. Thomas, Thornburgh, Todd, Waldron, Jasper D. Ward, Marcus L. Ward, Whiteley, George Willard, Charles G. Williams, William Williams, William B. Williams, Wilshire, James Wilson, and Woodworth—108.

NAYS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Bass, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Brown, Buckner, Buffinton, Burleigh, Benjamin F. Butler, Caldwell, Cason, John B. Clark, jr., Freeman Clarke, Clymer, Coburn, Comingo, Cook, Corwin, Cox, Creamer, Crittenden, Crooke, Crossland, Danford, Davis, Dawes, Donnan, Durham, Eames, Eden, Frye, Giddings, Glover, Gooch, Gunckel, Eugene Hale, Hamilton, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hatcher, Hathorn, Havens, Joseph R. Hawley, Hendee, Hereford, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Hunton, Hyde, Jewett, Kelley, Kellogg, Kendall, Knapp, Lamar, Lamison, Lawrence, Lawson, Leach, Lowndes, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Moore, Morrison, Neal, Nesmith, Niblack, Niles, Nunn, O'Brien, O'Neill, Orth, Page, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Phelps, Pierce, Pike, Thomas C. Platt, Poland, Potter, Randall, Read, Ellis H. Roberts, James C. Robinson, Henry B. Sayler, Milton Sayler, John G. Schumaker, Henry J. Scudder, Sener, Sessions, Shanks, Sloan, Small, Smart, H. Boardman Smith, Southard, Speer, Stanard, Standiford, Starkweather, Stone, Storm, Swann, Sypher, Christopher Y. Thomas, Tremain, Tyner, Vance, Wallace, Walls, Wells, Wheeler, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Willie, Wolfe, Wood, Woodford, and John D. Young—146.

NOT VOTING—Messrs. Barry, Clayton, Crocker, DeWitt, Duell, Eldredge, Elliott, Field, Freeman, Robert S. Hale, Harmer, Gerry W. Hazelton, Hersey, Holman, Houghton, Hubbell, Killinger, MacDougall, McJunkin, Mitchell, Robbins, William R. Roberts, Sheldon, Sloss, William A. Smith, Stephens, St. John, Taylor, Townsend, Waddell, Wilber, John M. S. Williams, Ephraim K. Wilson, Jeremiah M. Wilson, and Pierce M. B. Young—35.

So the report of the committee of conference was not agreed to.

During the call of the roll the following announcements were made:

Mr. NIBLACK. My colleague, Mr. HOLMAN, is detained at home by sickness in his family; if here he would vote "no."

Mr. TOWNSEND. I am paired on this question with my colleague, Mr. KILLINGER; if here he would vote "ay," and I would vote "no."

Mr. BUTLER, of Massachusetts. My colleague, Mr. CROCKER, is absent; if here he would vote "no." I told him that if I came to the conclusion to vote for this report I would pair with him; but I vote the same way that he would.

Mr. MACDOUGALL. I am paired with Mr. HUBBELL, of Michigan, who would vote "ay" if here, and I would vote "no."

Mr. MCDILL, of Wisconsin. My colleague, Mr. G. W. HAZELTON, is necessarily absent; if here he would vote "ay."

Mr. BELL. My colleague, Mr. P. M. B. YOUNG, is absent at West Point as one of the examiners on the part of the House. If here, he would vote "no."

Mr. O'BRIEN. My colleague, Mr. E. K. WILSON, is detained at home by sickness in his family. If here, he would vote "no."

Mr. NEGLEY. Respecting the views of my constituents, I vote "ay." Personally I am opposed to several provisions of this report.

The result of the vote was announced as above stated.

Mr. CLYMER. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

Mr. MAYNARD. On that motion I ask for the yeas and nays.

Several MEMBERS, [to Mr. CLYMER.] Withdraw the motion.

The SPEAKER. The Chair will state the effect of this motion. If adopted, it would merely prevent the vote just taken from being reconsidered. It would not prevent action of the House with a view to a new conference. It would merely declare with emphasis that this particular vote shall not be taken over again.

Mr. HALE, of Maine. In what way can a new conference be obtained—by what motion?

The SPEAKER. By a mere motion in the words the gentleman has just used. The gentleman from Massachusetts [Mr. DAWES] has indicated his purpose to make such a motion.

Mr. CLYMER. I insist on my motion to reconsider and lay on the table.

The SPEAKER. Pending that motion the gentleman from Massachusetts [Mr. DAWES] moves that the House ask a further conference with the Senate on the disagreeing votes of the two Houses. This motion takes precedence of the motion of the gentleman from Pennsylvania, [Mr. CLYMER.] Any motion tending to bring the two Houses together has precedence over a motion that merely relates to the one body.

The question being taken on the motion of Mr. DAWES, there were—ayes 101, noes 39.

Mr. POTTER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER, of Massachusetts. Will a new conference give us a new committee?

The SPEAKER. The adoption of the motion in the present form would be construed by the Chair as an instruction by the House for the appointment of a new committee.

The question was taken; and there were—yeas 197, nays 48, not voting 44; as follows:

YEAS—Messrs. Albert, Albright, Arthur, Ashe, Atkins, Averill, Banning, Barber, Barnum, Barrere, Beck, Begole, Bell, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clymer, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Creamer, Crittenden, Crossland, Crounse, Crutchfield, Curtis, Danford, Davis, Dawes, Dobbins, Donnan, Dunnell, Durham, Eames, Field, Fort, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Hagans, Eugene Hale, Hancock, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Hays, John W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, George F. Hoar, Hodges, Howe, Hunter, Hunton, Hyde, Hynes, Jewett, Kasson, Kelley, Kellogg, Knapp, Lamar, Lamport, Lansing, Lawrence, Leach, Lewis, Loughridge, Lowe, Lynch, Magee, Marshall, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, McNulta, Merriam, Milliken, Monroe, Moore, Negley, Niblack, Nunn, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pendleton, Perry, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rapier, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloan, Sloss, A. Herr Smith, George L. Smith, J. Ambler Smith, John Q. Smith, Snyder, Southard, Sprague Stanard, Standiford, Starkweather, Stone, Stowell, Strait, Strawbridge, Charles R. Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Vance, Waldron, Wallace, Marcus L. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Wood, Woodford, Woodworth, and John D. Young—197.

NAYS—Messrs. Archer, Bass, Berry, Bromberg, Buffinton, Bundy, Freeman Clarke, Clements, Cox, Crooke, Eden, Farwell, Frye, Hamilton, Hoskins, Hurlbut, Kendall, Lawson, Lowndes, Luttrell, Mills, Morrison, Neal, Nesmith, Niles, O'Brien, Page, Hosea W. Parker, Phelps, Pierce, Potter, Randall, Ray, Read, Rice, James C. Robinson, Sessions, Small, Smart, H. Boardman Smith, Speer, Storm, Swann, Christopher Y. Thomas, Walls, Jasper D. Ward, Wilshire, and Wolfe—48.

NOT VOTING—Messrs. Adams, Barry, Cain, Clayton, Crocker, Darrall, DeWitt, Duell, Eldredge, Elliott, Freeman, Robert S. Hale, Harmer, Joseph R. Hawley, Gerry W. Hazelton, Herndon, Hersey, Holman, Hooper, Houghton, Hubbell, Killinger, Lamison, Lofland, MacDougall, McLean, Mitchell, Morey, Myers, Pelham, Purman, Robbins, William R. Roberts, William A. Smith, Stephens, St. John, Sypher, Taylor, Waddell, Wheeler, Wilber, Ephraim K. Wilson, Jeremiah M. Wilson, and Pierce M. B. Young—44.

During the roll-call the following announcements were made:

Mr. TOWNSEND. My colleague, Mr. KILLINGER, who is absent, would if present vote "ay."

Mr. MACDOUGALL. Upon the main question with reference to this bill I am paired with the gentleman from Michigan, Mr. HUBBELL. Upon this question, if present, he would vote "ay," and I should also vote "ay."

The result of the vote was announced as above stated.

Mr. CLYMER. I now ask that the question be taken on my motion to lay on the table the motion to reconsider the vote by which the conference report was rejected.

The SPEAKER. That subject is scarcely before the House. *Pro forma* the motion to reconsider may be regarded as laid on the table; it does not affect the question.

The question being taken on the motion of Mr. CLYMER to lay on the table the motion to reconsider, it was agreed to.

The SPEAKER subsequently announced the appointment of Mr. DAWES, Mr. MCCRARY, and Mr. MARSHALL as the conferees on the part of the House.

LIMITATION OF DEBATE.

Mr. GARFIELD. I move that when the House shall again resolve itself into the Committee of the Whole on the sundry civil appropriation bill all debate on the pending paragraph be limited to ten minutes.

The motion was agreed to.

DISTRICT OF COLUMBIA.

Mr. POLAND. I desire to submit a report from the Judiciary Committee upon the relations of the General Government and the District of Columbia. The report was submitted some time ago, was ordered to be printed, and recommitted. I have now the unanimous authority of the committee (who have given careful attention to the subject) to submit this report.

The SPEAKER. The report will be laid on the table.

SURVEY OF OUACHITA RIVER.

The SPEAKER, by unanimous consent, laid before the House a letter from the chief clerk of the War Department in relation to the survey of the Ouachita River from Camden, Arkansas, to Trinity, Louisiana; which was referred to the Committee on Commerce, and ordered to be printed.

LEWIS BEHR.

On motion of Mr. KILLINGER, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Lewis Behr, no adverse report having been made on them.

E. MASON.

On motion of Mr. POLAND, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of E. Mason, now before the Committee on Claims, no adverse report having been made.

ISAAC L. JACKSON.

On motion of Mr. MCDILL, of Iowa, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Isaac L. Jackson, now referred to the Committee on Claims, no adverse report having been made on them.

J. & R. H. PORTER.

On motion of Mr. HARRIS, of Virginia, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of J. & R. H. Porter, no adverse report having been made on them.

LEAVE TO PRINT.

Mr. MARSHALL, Mr. PHILLIPS and Mr. BRIGHT were, by unanimous consent, granted leave to print in the RECORD, as part of the debates, remarks on the currency question. (See Appendix.)

MISCELLANEOUS APPROPRIATION BILL.

Mr. GARFIELD. I now move that the House resolve itself into the Committee of the Whole on the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. DAWES in the chair,) and proceeded to consider the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes.

The CHAIRMAN. Debate on the pending paragraph has been limited by the House to ten minutes.

Mr. SPEER. What is the pending motion?

The CHAIRMAN. Strike out line 953 to the word "war," on the next line, and insert "for completing and publishing for distribution the Medical and Surgical History of the War," $64,000.

Mr. FORT. I desire to so modify my amendment as to leave the bill as it is, and to introduce an additional paragraph. On inquiry at the Surgeon-General's office, I understand $60,000 is quite enough for this purpose.

The CHAIRMAN. The gentleman from Illinois withdraws his amendment.

Mr. FORT. Yes, sir. I offer now the following, to come in after line 956.

The Clerk read as follows:

For continuing the publication of the Medical and Surgical History of the War, $60,000.

Mr. SPEER. But the gentleman does not provide in his amendment for the distribution of this Medical and Surgical History of the War.

Mr. ALBRIGHT. Mr. Chairman, I wish to say that I inquired at the Surgeon-General's office this morning in reference to the statements made on the floor yesterday in regard to the publication of the Medical and Surgical History of the War. I find that if the unexpended balances on hand are now reappropriated it will enable the Surgeon-General to go on with the remaining volumes and he will be able to complete them.

I desire to supplement the amendment of the gentleman from Illinois, [Mr. FORT.] I have no doubt the time is coming when additional copies of the volumes already printed will be much needed and desired by the public. It will take from two to two and a half years to have the plates prepared for the publication of those volumes. Therefore I provide in my amendment that all the necessary engraving and lithographing for this work shall be executed under the Secretary of War without advertisement. That is what the law was before in the act of 1867 authorizing the publication of this history of the war. This is a very valuable document and a great deal of it has been already stereotyped. The country has obtained much information from these medical and surgical reports. These medical and surgical reports have been confined to five thousand copies. If you confine the number to five thousand which you propose to distribute, and they are sent to certain societies, schools, and individuals, very few will be left for the country at large. There are now being published the third, fourth, fifth, and sixth volumes.

This additional publication would seem to be necessary for that purpose. I therefore ask that my amendment may be read and incorporated with the amendment of the gentleman from Illinois, [Mr. FORT.]

The Clerk read as follows:

Add to the amendment these words:

To be used in the preparation of illustrations for a new edition of five thousand copies of the entire work: *Provided*, That the necessary engraving and lithographing for this publication may be executed under the direction of the Secretary of War without advertisement.

Mr. GARFIELD. I desire to call the attention of the Committee of the Whole for a moment to the effect of the amendment. We have appropriated already, more than a year ago, a sufficient sum to complete the publication of this very important work—the Medical and Surgical History of the War. Two volumes are already out, and we have provided in this clause of the bill to reappropriate what would otherwise be covered into the Treasury in order to complete the publication during the coming year. It will take a year longer to complete the publication, and there has been money enough appropriated for that purpose.

And now the gentleman proposes to make an appropriation of $60,000 to republish the volumes that have already been published, and to make that appropriation now. I suggest that it is unwise to do this away in advance of the completion of the work. Let us wait until the whole set of volumes is ready, which will be by the end of next year; and then if gentlemen wish to appropriate a sum for the republication of the old volumes along with the new, it can be done, so that the work may go out in sets. But if you now make this appropriation and immediately republish the two volumes already out, you will have a gap of nearly a year between them, and people will not get them in sets. It would be almost like tossing away the value of a work of this kind to have it issued in that way. I hope these amendments will not be agreed to, and next year when we are told that the whole work is ready for publication we can arrange for publishing all the volumes together.

Mr. SPEER. I desire to offer an amendment to the amendment of my colleague.

The CHAIRMAN. That would be an amendment in the third degree. No further amendment is in order.

Mr. SPEER. I wish my colleague to accept these words:

To be distributed as heretofore.

By not providing for the manner of distribution he destroys the virtue of his amendment. Unless this provision is made the Surgeon-General will distribute the work.

Mr. ALBRIGHT. I accept the words suggested by my colleague and incorporate them with my amendment. I now withdraw my amendment as modified, that my colleague [Mr. STRAWBRIDGE] may renew it.

Mr. STRAWBRIDGE. I renew the amendment of my colleague. There has never yet been published by the Government any book that compares in value with this work, the Medical and Surgical History of the War. The five thousand copies which have been printed only reached a very few members of the medical profession. There were more than ten thousand surgeons who served during the war, most of whom have contributed in some measure to the value of this work, all of whom demand, and I think are justly entitled to, copies of it. I think that no more graceful compliment could be paid to men who have given such valuable services during the war than to furnish them with copies of the work.

Mr. DONNAN. This is a valuable work, I concede, but I think we cannot attempt to supply the entire medical profession with it.

Mr. STRAWBRIDGE. I have not yielded the floor.

Mr. DONNAN. I beg the gentleman's pardon; I thought he had done so.

Mr. STRAWBRIDGE. I do not propose that the Government shall furnish to every physician throughout the country a copy of the work, but I do think that it should furnish copies to those who have contributed articles to it, and to those surgeons who have given faithful and valuable services in the Army and whose labors have served to furnish the material for the work.

Mr. BROMBERG. Before the gentleman takes his seat I desire to ask him a question. Is it not true that this amendment is necessary for this reason, that the present members of Congress received the third and fourth volumes, or whatever volumes are now in print, and that without this amendment they will be without the first and second?

Mr. SPEER. Certainly.

Mr. BROMBERG. Is this not necessary in order to give them the privilege of completing the set?

Mr. STRAWBRIDGE. Yes, sir.

The CHAIRMAN. The time limited for debate on this question has expired. No further debate on it is in order.

Mr. FORT. I accept the amendment of the gentleman from Pennsylvania [Mr. ALBRIGHT] as modified.

Mr. KASSON. I wish to make an inquiry, not in the nature of debate; whether the proposition involves the right of persons to buy after the sets are completed.

The CHAIRMAN. The Chair is not advised.

Mr. KASSON. I should like to be informed on that subject.

The CHAIRMAN. That would be in the nature of debate.

Mr. SPEER rose.

Mr. FORT. I hope the committee will hear the gentleman from Pennsylvania [Mr. SPEER] for a moment.

The CHAIRMAN. No further debate is in order.

Mr. SPEER. I have been on the floor half a dozen times to say a few words on this question, but I seem never to be in order on an appropriation bill.

The CHAIRMAN. The gentleman from Illinois [Mr. FORT] accepts the amendment of the gentleman from Pennsylvania, [Mr. ALBRIGHT.] The whole amendment will now be read, as modified.

The Clerk read as follows:

For continuing the publication of the Medical and Surgical History of the War, to be distributed as heretofore, $60,000; to be used in the preparation of illustrations for the new edition of five thousand copies of the entire work: *Provided*, That the necessary engraving and lithographing for these publications may be executed under the direction of the Secretary of War without advertisement.

Mr. FORT. Allow me to say this, that over $200,000 have already been appropriated and expended for collecting this information; and now I think we should have it in a complete form.

The question being taken on agreeing to the amendment, there were—ayes 87, noes 59.

So the amendment was agreed to.

The Clerk read as follows:

To provide for the payment under existing laws for horses and other property ost or destroyed in the military service of the United States, $50,000.

Mr. MERRIAM. I offer the following amendment:

For the next fiscal year the assistant treasurer in New York may so adjust the salaries of employés in the sub-treasury in New York as will enable him to retain the services of experts: *Provided*, That the aggregate appropriation for such salaries shall not thereby be increased.

Mr. WILLARD, of Vermont. I raise the point of order that that amendment is new legislation.

Mr. MERRIAM. I will explain to the gentleman from Vermont the object of this amendment.

Mr. G. F. HOAR. Is the point of order waived?

Mr. WILLARD, of Vermont. I do not waive the point of order, but am willing that the gentleman from New York should explain.

Mr. MERRIAM. The assistant treasurer in New York has two or three experts engaged in counting gold, one of whom is able to detect fraud better than any one else has ever been able to do in this country. He has been offered more by brokers than he is receiving in the sub-treasury. The assistant treasurer last year, in order to retain his services, took money out of his own pocket and paid this man in order to keep him there. Now, he is willing to reduce the salaries of some of the other clerks in order to provide properly for this branch of the service. He does not ask a single dollar more of appropriation than has hitherto been appropriated. I think gentlemen will admit that any officer intrusted with the care and custody of over $100,000,000 of public moneys ought be trusted to arrange the salaries of two or three clerks, where he secures thereby the retention of efficient clerks without cost to the Government.

The CHAIRMAN. Does the gentleman from Vermont insist on his point of order?

Mr. WILLARD, of Vermont. I do.

The CHAIRMAN. The Chair is of opinion that if there is anything in the law which renders it impossible to do what is proposed here, the amendment certainly changes the law, and is therefore out of order.

Mr. BRADLEY. I offer the following amendment:

At the end of line 973 insert the following:
For a resurvey of the Au Sable River, Michigan, and establishing dock lines, not exceeding $1,000, to be paid for from the unexpended balance of appropriation heretofore made for the improvement of said river.

Mr. GARFIELD. I have no objection to that.

Mr. CONGER. It makes no new appropriation.

The amendment was agreed to.

Mr. STARKWEATHER. I offer the following amendment:

At the end of line 420 add the following:
For this amount, or so much thereof as may be necessary, to defray the expenses of surveying the lands of the Cherokee Indians of North Carolina, under the direction of the Secretary of the Interior, $15,000.

The amendment was agreed to.

Mr. VANCE. I offer the following as a proviso to be added to the amendment just adopted:

Provided, That none but citizens of the country in the sections where the lands lie shall be employed to do the work of surveying.

Mr. STARKWEATHER. I object to that.

The amendment of Mr. VANCE was not agreed to.

Mr. PARKER, of Missouri. I offer the following amendment:

At the end of line 973 add the following:
Provided, That the time for filing claims for horses lost prior to January 1, 1872, be, and the same is hereby, extended to and including the 30th day of June, 1875.

Mr. GARFIELD. I make the point of order that that changes existing legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PARKER, of Missouri. I hope the gentleman from Ohio will not press the point of order. This is a very necessary amendment to this clause of the bill.

Mr. GARFIELD. I do not withdraw the point of order.

Mr. PARKER, of Missouri. It is a limitation on the payment of this money.

The CHAIRMAN. The Chair has ruled that the amendment is not in order.

Mr. THORNBURG. I offer the following amendment:

At the end of line 973 add the following:
For experimenting with new inventions in small-arms and the mitrailleuse, by the Ordnance Department, under the direction of the Secretary of War, $10,000.

I suppose there will be no objection to this amendment.

The question being taken on the amendment, it was not agreed to.

The Clerk read as follows:

For the Smithsonian grounds, $10,000.

Mr. SMITH, of Ohio. I move to amend by striking out "$10,000" and inserting "$5,000."

Mr. HALE, of Maine. I wish to state here, not only in reference to this particular appropriation, but in reference to all those which follow in relation to the public reservations and grounds about Washington, what course the Committee on Appropriations has pursued. In the first place we have endeavored to keep the appropriations down to the figures that have been given for some years past, not desiring to make any increase. In the next place we have cut down from the estimates over 60 per cent., so that the amount given in the bill is but about a third of what was asked for.

Now to come more into detail, the committee has put most or a large portion of these appropriations for Government squares and reservations on to these reservations and public squares that lie most largely in open view, and more especially those tracts that lie between the foot of the Capitol grounds and the upper end of the city opposite the new State Department; and for this reason: that those grounds are from year to year more and more exposed to public view, and are more and more frequented. Roads and drives are opened and are being opened through them. Undoubtedly in the end and at no very distant day, and with no great expense, all of these grounds will be thrown into one broad park or mall, so that there will be an easy and pleasant drive from one part of the city to the other through these grounds. They have presented for some time an unsightly appearance. They have been an eyesore to gentlemen either driving or walking in that direction, as I think I shall be sustained in saying.

The committee have put a considerable sum on to those tracts of land. It is the design not to interfere with the use to which they are now put. The day has come when fences or inclosures are no longer needed about the governmental grounds. There is nothing running wild or loose about the city that can interfere with them, and the fences all around are being taken down, so that there is nothing to prevent free access, ingress and egress, to these grounds.

Mr. SMITH, of Ohio. I desire to ask the gentleman from Maine a question.

Mr. HALE, of Maine. I will answer any question.

Mr. SMITH, of Ohio. I want to know if these improvements are to be made with a view to that future arrangement?

Mr. HALE, of Maine. The improvements are to be made with a view to that future arrangement. I am suffering from a severe cold, and I shall be glad if gentlemen will put questions in relation to this portion of the bill, which unluckily was given to me to examine, as briefly as they can.

Mr. DUNNELL. I would like to ask the gentleman from Maine if he can tell what was done with the money appropriated last year for the Smithsonian grounds?

Mr. HALE, of Maine. I will say that I have a list showing the appropriations that were made and the disposition of them for all these tracts last year.

Mr. DUNNELL. I refer to these Smithsonian grounds.

Mr. HALE, of Maine. I have got the items here.

Mr. DUNNELL. I will say that I was in the Smithsonian grounds the other day, and I made a search for some evidence of the expenditure of any money during the last year. The only thing that I discovered was that some portion of the fence has been torn down. Five hundred dollars or a thousand dollars would have done for any private individual twice the amount of work that was done on these grounds. We have got into a rut of giving just so much every year, either twenty, fifteen, ten, or five thousand dollars, as the case may be, and we stay in that old rut, giving that amount every year, no matter how much work has been done, or how little. Ten thousand dollars would pay for all the work that has ever been done on these grounds, and we have given $10,000 a year for five years. They are slovenly to this day, and yet we appropriated $10,000 last year for their improvement. Can anybody tell where that money went?

Mr. SMITH, of Ohio. I move to amend the amendment by striking out the last word. I do not know of any way in which money is more apt to be squandered than in the improvement of grounds. I am told that there are about forty acres of these Smithsonian grounds, and we are in the habit of appropriating $10,000 a year for their improvement. Out in Ohio we make a great many miles of turnpike road for $10,000. Year after year you are giving $10,000 to improve forty acres of ground. It does seem to me to be very extravagant, and I hope the amount will be cut down to $5,000.

Mr. GARFIELD. I rise to oppose the amendment to the amendment. I desire to say, Mr. Chairman, in addition to what my colleague on the committee has said, that more than twenty acres have been added to the public lands lying between this Capitol and the President's House by the filling up of the old canal, which was itself a pestilent thing and the source of pestilence everywhere. It is now nearly filled up, and the filling up of it has added all this land to the grounds between here and the President's House, and of course the Smithsonian Institution takes its share of the twenty acres, lying, as it does, on the borders of it.

Mr. SMITH, of Ohio. I observe that there is another appropriation in the bill of $10,000 for the improvement of the grounds of the old canal.

Mr. GARFIELD. But there is a portion of the canal that does not abut on these grounds at all. Now, if gentlemen will remember that each one of these groups of grounds that lie along here have got to be adjusted with a view to taking in its portion of the canal which they had not before, they will see that some additional improvements have to be made.

I am surprised, sir, that the gentleman from Minnesota [Mr. DUNNELL] has exhausted the whole engineering phase of the question by going down on the canal and swinging around on his left heel, and then coming here and saying that he sees nothing that has been done there except to pull down some fences. Sir, there have been two hundred and twenty iron posts set there during all last year, there have been eight hundred and sixty pounds of chain fencing put up there, and besides that there has been the work of keeping the grounds in order. If gentlemen will understand that a raw, uncultivated piece of ground, lying in a swampy place, must be thoroughly underdrained and put into condition before they can have anything that shows on the surface, they will see the propriety of appropriating enough money to put these grounds in order. Furthermore, there is a thorough plan on which all the work of putting these grounds in order is being done, and every dollar we appropriate here is simply used in working out that plan. It is not a loose paying out of money to be thrown away just for the sake of having an appropriation, but a plan which I am sure all gentlemen will be proud of when they see it realized. We have cut down these appropriations fully one-half.

Mr. SMITH, of Ohio. I withdraw the amendment to the amendment.

Mr. CLEMENTS. I renew it. I am very glad to learn from the distinguished chairman of the Committee on Appropriations that this is part of a plan. I had wondered for a long time what this constant appropriation with nothing to show for it did mean. I have learned at length that it is a part of a plan. Now I am opposed to plans; they do not work well, and this plan is simply taking money out of the Treasury constantly, without anything to show in return. If something beneficial was to be accomplished, if the country was to be benefited, or any good whatever brought about that we could see, I do not know that I should oppose this appropriation; but as I am unable to see any beneficial result to a single individual from this constant expenditure by the Government, it is a plan that I think it would be well to stop right here. I think the idea suggested by the gentleman from Minnesota [Mr. DUNNELL] is an excellent one, that we should jump out of the rut, that we should run off the track, that we should have a collision if necessary, for the purpose of getting into the right direction, and because I think that a little stirring up might be good for all of us. I shall certainly vote against this appropriation. I withdraw the amendment to the amendment.

The question was taken upon the motion of Mr. SMITH, of Ohio, to reduce the appropriation to $5,000, and on a division there were—ayes 40, noes 51; no quorum voting.

Tellers were ordered; and Mr. HALE, of Maine, and Mr. SMITH, of Ohio, were appointed.

The committee divided; and the tellers reported—ayes 33, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

For a pedestal for Ball's marble statue of Lincoln, to be placed in Lincoln Square, $3,000.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer the following amendment:

Insert after the words "Lincoln Square" the words "or such reservation as the President may select."

The amendment was agreed to.

Mr. STANARD. I move further to amend that clause by striking out the word "marble" and inserting in lieu thereof the word "bronze."

Mr. GARFIELD. The statue is one that is already prepared. The gentleman from Missouri is acquainted with it, and if he says it is of bronze his amendment ought to prevail. I supposed it was a marble statue.

Mr. STANARD. It is a bronze one.

The amendment was agreed to.

The Clerk read as follows:

For continuing improvement of Judiciary Square; purchase of seats, trees, and evergreens, and for fountain, $10,000; and the jail building situated on said square shall be sold as soon as practicable, and the money obtained therefor shall be placed in the Treasury to the credit of the fund for the improvement of said square.

Mr. WILLARD, of Vermont. I would ask the chairman of the Committee on Appropriations how much is expected to be realized from the sale of the materials of the old jail?

Mr. HALE, of Maine. Probably from fifteen hundred to two thousand dollars.

Mr. LOUGHRIDGE. I move to add to the paragraph the following:

And the building situated thereon, known heretofore as the City Hall, shall be under the care and control of the Attorney-General, who shall cause to be collected such rents as may be or become due to the United States for the use of such portions of said building as may be in the occupancy of other parties than the United States.

Mr. GARFIELD. I suggest to the gentleman that that amendment will come in more properly at a point further on, where we make an appropriation for this building.

Mr. LOUGHRIDGE Very well; I withdraw it for the present.

The following was read:

For work and grading in and around the Botanic Gardens, $11,925.

Mr. GARFIELD. I move to amend by inserting after the word "gardens" the words "and to complete the brick wall and iron fence." I also move that the paragraph as amended be transferred to a former portion of the bill, to come in after the paragraph for improving the Capitol grounds.

No objection was made, and it was so ordered.

The following was read:

For continuing macadamizing of conduit road, $5,000.

Mr. FORT. I should like to hear some explanation about all this matter. I have no amendment to offer, but I will move to strike out the last word for the purpose of asking whose road this is and where it goes?

Mr. GARFIELD. It is a road of the United States along the line of the aqueduct to the Great Falls some fourteen miles away. We have to keep it in repair, and keep, watchmen to guard and protect it.

Mr. FORT. A gentleman by my side suggests that it is a road to specie payments.

Mr. GARFIELD. There is a good, solid foundation for it.

Mr. FORT. I would like to ask the gentleman from Ohio if he, as chairman of the Committee on Appropriations, can state how much money is appropriated for all the purposes and all the uses of this District? We seem to find appropriations for this District in every bill that comes up, in every part of every bill, scattered all the way through them.

Mr. GARFIELD. The gentleman is quite mistaken about that. There is in this bill $227,655 for the improvements in and around the Capitol, on property belonging wholly to the United States. Not a dollar of the items which have been read here is for any property except that of the United States. The fact that it is located in the city of Washington does not necessarily make against the appropriation for it.

Mr. G. F. HOAR. What public use is made of Cabin John bridge and Griffith Park bridge which should require an appropriation of $5,800?

Mr. GARFIELD. It is an aqueduct, the largest in the world, built by the United States over a chasm, and up to last year we have had a simple wooden railing to it. That railing had rotted away until it was in the highest degree dangerous for anybody to drive across the bridge. It was our own method of going along the line of our water-works until we reached the reservoir. A sub-committee of the Committee on Appropriations visited it last year, and upon their report we deemed it proper to make an appropriation to put up a stone railing, of the same material as the bridge itself. This year we appropriate enough to macadamize and asphalt the roadway within the railings.

Mr. G. F. HOAR. The gentleman does not answer my question at all. Everybody knows that an aqueduct may need repair. But what is there in the nature of a public use of this road that requires a $5,000 asphalt pavement across the bridge? That is the point.

Mr. GARFIELD. My friend will appreciate the point when the statement is made that this asphalt is for a double purpose. We need the road in going over the whole length of the aqueduct to see that it is in repair, as we constantly need to do. But we need the asphaltum for the special purpose of preventing any harm coming to the body of the work itself, preventing the elements working down through the upper part of the bridge. The asphalt is required to shed the rain to prevent the disintegration of the stone which forms the aqueduct.

Mr. G. F. HOAR. I have very great respect for the gentleman from Ohio, but that strikes me as the absurdest explanation I ever heard.

Mr. FORT. I withdraw my formal amendment and move to strike out the paragraph embraced in lines 1064 and 1065, "for continuing macadamizing of conduit road $5,000." I understand that $16,000 was appropriated last year to keep this road in repair. Now, it seems to me that $16,000 ought to keep any road in repair in this District for two years. This is not a very long road.

Mr. WILLARD, of Vermont. The appropriation last year was for completing the macadamizing of this road, $16,000; this appropriation is to continue the macadamizing of it.

Mr. FORT. If it was completed last year it certainly cannot want any repairs on it this year. I move to strike out the paragraph.

Mr. G. F. HOAR. I want to move to strike out that portion relating to the roadway over Griffith Park bridge and over Cabin John bridge.

Mr. GARFIELD. I object to going back.

Mr. HALE, of Maine. We have passed that paragraph.

The CHAIRMAN. The paragraph under consideration is the one in relation to macadamizing of conduit road.

Mr. G. F. HOAR. The gentleman from Illinois [Mr. FORT] made a motion in regard to the paragraph embraced in lines 1054 to 1063.

Mr. GARFIELD. O, no.

Mr. G. F. HOAR. He made a motion in regard to that paragraph, and a discussion arose in regard to it. Then he withdrew his amendment and instantly moved another in regard to the next paragraph. Almost immediately upon seeing that his last motion related to the next paragraph I called the attention of the Chair to the amendment I desired to submit in regard to the paragraph relating to the Washington aqueduct.

The CHAIRMAN. The Chair will entertain the motion upon the statement of the gentleman.

The paragraph referred to by Mr. G. F. HOAR was as follows:

Washington aqueduct: For engineering, maintenance, and general repairs, $15,000; for building a wooden fence around Government land at the Great Falls, $1,500; for building dwelling and office at Great Falls, $1,500; for paving the roadway over Griffith Park bridge and over Cabin John bridge with asphalt pavement, $5,800; for furnishing and setting four magneto-dial instruments in connection with the telegraph line from Great Falls to Georgetown, $1,100.

Mr. G. F. HOAR. I move to amend the paragraph by striking out the words "for paving the roadway over Griffith Park bridge and over Cabin John bridge with asphalt pavement, $5,800." I desire to call the attention of the Committee of the Whole for a moment to this matter. This Cabin John bridge is situated on a rough country road running along for six or eight miles in the direction of this aqueduct; it is one of the rudest roads in this District. Of course it is important that the aqueduct should be carefully maintained and securely guarded. But it seems to me a very unnecessary expenditure to build an asphalt pavement over that bridge at a cost of $5,000. The gentleman from Ohio says that such a pavement is necessary to prevent the disintegration of the aqueduct by the elements working down. But the aqueduct is exposed in the same way everywhere else in its course. This appropriation seems to me to be merely for the ornamentation of that bridge. I submit that unless some better explanation be given the appropriation should not be made.

The question being taken on the amendment of Mr. G. F. HOAR, it was not agreed to, there being—ayes 26, noes not counted.

The question then recurring on the amendment of Mr. FORT, it was not agreed to.

The Clerk read as follows:

For the navy-yard at Pensacola, Florida: For commencing the rebuilding of the repairing-dock, $250,000.

Mr. WILLARD, of Vermont. For the purpose of enabling me to make an inquiry I move to strike out this paragraph. I would like to know how entensive this work is expected to be and how much it will cost?

Mr. HALE, of Maine. Several hundred thousand dollars. The purpose of the appropriation is to rebuild the old dock that was destroyed during the war.

Mr. WILLARD, of Vermont. I withdraw my amendment.

The Clerk read as follows:

For the navy-yard at Norfolk, Virginia: For iron-plating shops, $50,000.

Mr. PLATT, of Virginia. I move to amend by inserting after the paragraph just read, the following:

For the removal of the powder-magazine from Norfolk, Virginia, to be expended under the direction of the Secretary of the Navy, $50,000.

I send to the Clerk and ask him to read a letter on this subject from the chief of the Bureau of Ordnance. I ask the attention of the committee to the letter.

The Clerk read as follows:

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, June 5, 1874.

SIR: In compliance with your request I have the honor to state that the Bureau's estimate for the removal of the naval magazine at Fort Norfolk, Virginia, is $50,000.

Permit me to avail myself of this opportunity to again urge upon you the necessity, pressing and immediate, for the removal of this magazine, surrounded, as it is very nearly, by manufactories, and exposed on the water-front to danger from passing steam vessels.

I have the honor to be your obedient servant,

WILLIAM N. JEFFERS,
Chief of Bureau.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

Mr. PLATT, of Virginia. I will occupy but a very few moments in calling attention to the necessity of this measure. This powder-magazine is at the entrance of Norfolk Harbor, and the city of Norfolk has grown up to and around it. It is separated from the Atlantic Iron-works by only a brick wall; and sparks from the chimneys of those works are continually flying over this magazine, which contains an enormous deposit of powder. Three times within the last two years the lawn in front of the magazine has taken fire from the sparks of passing steamers. Successive Secretaries of the Navy in every annual report for the last ten years have recommended the immediate removal of the magazine from its present position. Last year the Committee on Appropriations, after giving the matter careful consideration, inserted this item which I now move as an amendment; but in the House it was struck out on a point of order made by a member then representing an Illinois district, it being held that the appropriation was not authorized by existing law. To prevent anything of that kind this year, a bill was introduced by me early in the session, which has since passed both Houses and become a law, authorizing the Secretary of the Navy to remove this magazine; but of course he cannot do it without an appropriation. The people of Norfolk have petitioned time and again for its removal. Every man, woman, and child in that city goes to bed every night with fear and trembling lest before morning an explosion may occur. I hope the amendment will be adopted without opposition.

Mr. FORT. Will it cost $50,000 to remove this magazine?

Mr. GARFIELD. The Committee on Appropriations had two propositions before them with reference to this navy-yard at Norfolk. One was to construct iron-plating shops; the other was the removal of this magazine. As we felt compelled to do something for that yard, we consulted the engineer of the Bureau of Yards and Docks, who thought that the erection of plating-shops was more important than the removal of the magazine. Therefore we have inserted in the bill an appropriation of $50,000 for iron-plating shops. I do not think that we should make both appropriations in this bill.

Mr. ARCHER. I move *pro forma* to amend the amendment by striking out the last word. As the gentleman from Virginia [Mr. PLATT] has remarked, this powder-magazine is now within the limits of the city of Norfolk, being separated by only a single street from large machine-shops in that city, the sparks from which, as he has truly said, pass over and into the grounds almost daily. Large steamships of the Liverpool line pass within one hundred yards of this magazine, within which, at times, there are two thousand tons of powder. The magazine itself is in a dilapidated condition. If an explosion should take place there, scarcely a house in that city would escape damage. Within four miles of that location the Government owns Crany Island, which can be improved at a very moderate cost, and a magazine erected there for the storage of this powder, where there will be no danger from sparks from machine-shops or passing steamers. I think the amendment of the gentleman from Virginia [Mr. PLATT] is a wise one, and one which tends to the security of human life. I withdraw my *pro forma* amendment.

Mr. BECK. I renew the amendment to strike out the last word. I have some knowledge in reference to this magazine, having examined it at one time in company with the gentleman from Maryland, [Mr. ARCHER.] I wish only to say that this magazine, standing where it now does, with the city of Norfolk grown almost up to it, and large machine-shops in the immediate vicinity, is a standing menace to the people of that city. Such a magazine would not be allowed in any village of one thousand inhabitants anywhere. Crany Island and other places within two or three miles could be selected for the location of this magazine, where it would be absolutely safe.

Mr. PARKER, of New Hampshire. Will it take $50,000 to remove it?

Mr. BECK. I do not know what it will take, whether it will take fifty or one hundred thousand dollars. It stands upon valuable property. While there may be some difference of opinion as to where it ought to be removed to, there can be but one opinion; its removal ought to take place at once from its present location. In reference to what the cost will be and where it ought to be removed, are things I do not know about. I do not know there is a gentleman in this House who would live in that part of the city of Norfolk with that powder-magazine within half a mile of him. No man's house is safe.

Mr. PARSONS. If the gentleman from Kentucky will yield to me I will refer to the letter which comes to us from the Navy Department, where it is said "in compliance with your request the Bureau's estimate for the removal is $50,000." That is the estimate of the Navy Department, and this is certainly a proper appropriation to be made.

Mr. BECK. I do not know how that is. I only wish to say the powder-magazine as now located renders insecure millions of property in the city of Norfolk. If any explosion should take place—I do not know that it ever will—I hope it never will, but if it does take place it will endanger the lives of thousands of people. It ought not to be there, wherever else it may be. It ought to be removed so persons living in their own homes may live without a standing menace from this powder-magazine.

MESSAGE FROM THE SENATE.

The committee informally rose, and a message was received from the Senate, by Mr. SYMPSON, one of its clerks, notifying the House

that that body had adopted the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

It further announced that the Senate had passed bills of the House of the following titles, with amendments in which the concurrence of the House was requested:

An act (H. R. No. 1774) for the relief of Matthias Whitehead;

An act (H. R. No. 3282) providing for the collection of moneys due the United States from the Pacific Railroad Companies;

An act (H. R. No. 764) for the relief of John Dold; and

An act (H. R. No. 3415) to provide for the care and custody of persons convicted in the courts of the United States who have or may become insane while in prison.

It further announced that the Senate had passed, without amendment, joint resolution and bills of the following titles:

Joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army;

An act (H. R. No. 2699) for the relief of Robert Tillson & Co., of Quincy, Illinois;

An act (H. R. No. 431) for the relief of Kerry Sullivan, of Company G, Fourteenth Regiment New Hampshire Volunteers;

An act (H. R. No. 2092) for the relief of John W. Devine, late assistant surgeon Eleventh Regiment Tennessee Cavalry;

An act (H. R. No. 2788) for the relief of Henry P. Ingram and John K. Askins;

An act (H. R. No. 622) for the relief of John W. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry;

An act (H. R. No. 2698) for the relief of Joseph C. Breckinridge, for services in the Army of the United States;

An act (H. R. No. 2416) to authorize the Secretary of War to ascertain the amount of expenses incurred by the States of Oregon and California in the suppression of Indian hostilities in the years 1872 and 1873;

An act (H. R. No. 1768) for the relief of Ephraim P. Showalter;

An act (H. R. No. 1587) for the relief of William H. Pilkenton, late a second lieutenant in Company G, Fifth Regiment Indiana Cavalry Volunteers;

An act (H. R. No. 1313) for the relief of Alexander Burtch;

An act (H. R. No. 1219) for the relief of Charles W. Berry, late private of the Thirty-sixth Regiment of Wisconsin Volunteers;

An act (H. R. No. 2223) for the relief of Robert F. Winslow; and

An act (H. R. No. 1773) for the relief of Samuel E. Rankin.

MISCELLANEOUS APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The gentleman from Kentucky [Mr. BECK] has the floor.

Mr. BECK. I yield what remains of my time to the gentleman from Indiana, [Mr. NIBLACK.]

Mr. NIBLACK. The removal of this magazine is only a question of time, but as to what should be the cost of removing it I know nothing. I consider, however, that common prudence and every consideration which should govern a people as well as a government in a matter of this sort absolutely require this to be done before a great while, and the only question is whether we shall do it now or not. I think myself we should do it immediately. That is the recommendation of the Navy Department.

Mr. MAYNARD. I desire to say a single word on this question. What are the facts in this case? There is now in the neighborhood of Norfolk a large powder-magazine in the immediate neighborhood of a large population, and standing near the water, ships passing it day and night. The explosion of the magazine would inevitably result in the loss of much property and many lives. It ought not to continue there a standing menace to those people.

We know from past sad experience in different portions of the country that these magazines are liable to explode, sometimes through carelessness, sometimes by the effect of electricity. My colleague sitting near me will recollect an occurrence of that kind in the city of Nashville some years ago, which inflicted immense damage. There was a magazine in the neighborhood of the city, supposed to be amply protected, so that the people felt quite safe. It exploded from a flash of lightning in a summer shower, causing a great deal of suffering and injury to property. The removal of this vast collection of powder ought certainly to be made.

A MEMBER. How much is stored there?

Mr. MAYNARD. I understand that there is a large quantity stored. That is my information. If an explosion of this magazine were to take place it would be a lasting disgrace to our civilization that we should allow such an element of danger to exist in the immediate vicinity of a large population.

Mr. O'BRIEN. I move to amend the amendment by inserting the following words:

And to provide for the construction of a magazine at a more suitable place near Norfolk.

Mr. PLATT, of Virginia. I accept that, and make it a part of my amendment.

Mr. COX. I move to amend by striking out "$50,000" and inserting "$5,000."

Mr. PARKER, of New Hampshire. Say $25,000.

Mr. COX. I will make the amount larger, and say $10,000 instead of $5,000.

Gentlemen who know anything about these magazines know that there is some care to be taken in moving the powder. In Greenwich they move powder in copper wheelbarrows, because it is not safe to use iron. But an appropriation of $50,000 for the purpose is utterly absurd. I suppose it is intended to erect a new building with the money. I do not want to appropriate money for that purpose.

Mr. GARFIELD. Does the gentleman think that the light-house at Mathias Point is likely to ignite this powder-magazine?

Mr. COX. The gentleman from Ohio has a way of sneering at everybody. Why does he not treat gentlemen as his equals? He should at least take somebody of his own size.

Mr. PLATT, of Virginia. I do not wish to prolong this debate; but gentlemen have stated on this floor that there is no powder stored in this magazine.

Mr. FORT. I make the point of order that the gentleman has spoken several times already.

The CHAIRMAN. The gentleman has not spoken before on the amendment offered by the gentleman from New York to the amendment.

Mr. MAYNARD. Will the gentleman from Virginia yield to me a moment for a question? It has been intimated by the gentlemen around me that there is no powder stored in this magazine.

Mr. PLATT, of Virginia. That is the point I wish to speak to. It has been stated on this floor by gentlemen who know nothing about this subject, and who make a misstatement, that there is no powder kept at this magazine, and that it is only a ruse on my part to get another appropriation for the locality I represent. I will state that this is one of the most important powder-magazines in this country. There are stored over two thousand tons of powder there; and every ship, almost, that went down to the Gulf during the late unpleasantness, or expected unpleasantness, with Spain was supplied with powder from that magazine.

This appropriation of $50,000 has been declared necessary by every Secretary of the Navy during the last ten years—not only for the purpose of removing this powder-magazine, but of constructing in that immediate vicinity, where it will be located at an important point of the Atlantic coast, the most convenient for fitting out our naval vessels. I ask in behalf of the citizens of Norfolk that provision be made for the removal of this magazine from its present most dangerous locality.

Mr. CONGER. I rise to oppose the amendment.

The CHAIRMAN. It has already been opposed.

Mr. CONGER. Was it opposed by the gentleman from Virgnia, [Mr. PLATT?]

The CHAIRMAN. The gentleman from Virginia spoke in opposition to it.

The question being taken on the amendment to the amendment, there were—ayes 15, noes not counted.

So the amendment was not agreed to.

Mr. COX. I now move to strike out "$50,000" and to insert "15,000." I think that amendment will carry.

The question being taken on the amendment to the amendment, it was not agreed to.

Mr. PARKER, of New Hampshire. I move to amend by striking out "$50,000" and inserting "$25,000."

The question being taken on the amendment of Mr. PARKER, of New Hampshire, to the amendment, there were—ayes 25, noes 49; no quorum voting.

Tellers were ordered under the rule; and Mr. PLATT, of Virginia, and Mr. PARKER, of New Hampshire, were appointed.

The committee again divided; and the tellers reported—ayes 46, noes 104.

So the amendment to the amendment was not agreed to.

Mr. RICE. I move to amend the amendment by striking out "$50,000" and inserting "$40,000." I believe that is a sufficient amount.

Mr. PLATT, of Virginia. To save time I agree to that amendment.

Mr. COX. I believe it would not cost $5,000. It is a perfect humbug if you will look into it.

The question being taken on Mr. RICE'S amendment to the amendment, it was agreed to.

The question being taken on the amendment of Mr. PLATT, of Virginia, as amended, it was agreed to.

The Clerk read as follows:

For the navy-yard at Mare Island, California: For continuation of begun work, $250,000.

Mr. LUTTRELL. I offer the following amendment, to come in at the close of that clause:

Provided, That no Chinese or cooly labor shall be so employed as to displace white labor.

Mr. GARFIELD. I make the point of order that that amendment changes existing law.

Mr. LUTTRELL. I hope the amendment will be adopted.

Mr. HALE, of Maine. It is new legislation.

Mr. LUTTRELL. I beg to differ with the gentleman; it is not new legislation.

Mr. COX. It is a limitation on the appropriation.

Mr. LUTTRELL. It is merely a limitation on the appropriation. I am in receipt of a telegraphic dispatch from Mare Island navy-yard stating that white men are displaced to make room for Chinese.

Mr. GARFIELD. I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HALE, of Maine. It is that it is new legislation.

The CHAIRMAN. The Chair is of opinion that it is within the power of the House to limit any appropriation that it may make.

Mr. MAYNARD. But we had passed this paragraph.

The CHAIRMAN. The gentleman from California rose before the next paragraph was read.

Mr. G. F. HOAR. The Chair will permit me to call his attention to the fact that this is not a mere limitation on the expenditure. It does not say that the money shall not be employed in a certain way; but it prescribes generally how work going on under a previous law shall be continued. In that respect it is new legislation.

The CHAIRMAN. The Chair understands the purport of the amendment to be that the money appropriated for the Mare Island navy-yard shall be expended in a certain way.

Mr. G. F. HOAR. The Chair will pardon me. Suppose that an appropriation of $500,000 should be offered for the Boston post-office and you should say that those $500,000 should only be expended for a particular kind of labor, that would be in order; but if you should provide an appropriation of $500,000 to continue the work now going on, and provide that only a particular kind of labor should henceforth be employed on the post-office, it would be new legislation, and that is the purport of the gentleman's amendment.

The CHAIRMAN. The Chair agrees with the gentleman from Massachusetts in that statement. The Chair does not understand that to be the purport of the amendment.

The amendment was again read.

The CHAIRMAN. The Chair does not understand the purport of the proviso to be to limit anything but this appropriation.

Mr. CONGER. I suggest that this work is done by contract.

Mr. LUTTRELL. I want to say one word, and then the gentleman can talk until he is tired.

Mr. CONGER. I am speaking on the point of order.

The CHAIRMAN. The Chair has overruled the point of order. The Chair is of opinion that the purport of the amendment is to limit the expenditure of this appropriation.

Mr. LUTTRELL. Now, sir, you have sustained me in my proposition by your ruling, and all I have to say is that on Mare Island we have a number——

Mr. CONGER rose.

The CHAIRMAN. The gentleman from California will suspend.

Mr. CONGER. I desired to raise another point of order, but it requires so much trouble to get a point of order heard that I will not insist on it.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. LUTTRELL. There are hundreds of white men in Mare Island navy-yard who are anxious to be employed, men who have served the country on land and on sea; but I learn from a dispatch I have received that those men have been displaced and cooly and Chinese laborers have been employed in their stead. Hence I ask the adoption of this amendment, and I ask to have the dispatch read. It is from two of the most prominent citizens of Mare Island.

The Clerk read as follows:

VALLEJO, CALIFORNIA, *June*, 1874.

Hon. J. K. LUTTRELL, M. C., *Washington:*

Contractor Murphy employs Chinese on dry-dock, in navy-yard. White men can be had. Much feeling here. See Department.

LINTHCOMB & EDGECOMB.

Mr. NIBLACK. They employ white men before election and then turn them out to make way for Chinamen.

Mr. LUTTRELL. Yes, sir; but I propose that they shall not employ coolies or Chinese at all. I want no man employed in that navy-yard because he votes according to my way of thinking or against me. I want men who have served their country on land and sea employed to the exclusion of Chinamen; and I ask gentlemen on the other side of the House to sustain me in this.

Mr. MAYNARD. As I understand it, these persons are employed by contractors.

Mr. LUTTRELL. Yes, sir.

Mr. MAYNARD. We have no control over contractors.

Mr. LUTTRELL. Very well; that is for the House to decide.

Mr. COX. I do not know that there is much use for anybody in the minority of this House to say anything upon this miscellaneous appropriation bill. Everything seems to have been cut and dried, even to the matter of champagning members and bringing them in here to vote for the most extraordinary appropriations on almost every subject. I beg, however, to remind gentlemen of this House of one thing: that is, that they are to-day misrepresentatives of the people of the United States. If a vote were to be taken to-day, judging by the recent elections, the people of the United States would make this House thoroughly democratic, or something more independent than the majority of the House is now.

Mr. GARFIELD, (in his seat.) You are not a democrat, then.

Mr. COX. I would say to my friend from Ohio [Mr. GARFIELD] that when he wants to interrupt me, he must get up out of his seat, and be my equal. I am taller than he is when he sits down.

Mr. PARKER, of New Hampshire. Or when he gets up.

Mr. COX. Or when he gets up, in a moral sense. I am not an advocate of any particular kind of labor. I would like to see all kinds of men employed, black, red, yellow, and black. But from my observations at Mare Island, three years ago, of the particular tactics of the republican politicians out there, I think some reform is needed. When I was out there three years ago, I saw a ticket used at an election, and it was a curiosity. The ticket was about that long, [holding his hands some two feet apart,] and about half an inch wide. The names upon it were printed in such small letters that you could not read them without a microscope. I carried that ticket in my pocket-book until I went to the Baltimore convention to vote for Greeley, and somebody stole it from me.

Mr. TREMAIN. After you voted for Greeley, did you not feel smaller than the letters on that ticket?

Mr. COX. I found afterward that the man who took my pocket-book did not belong to the Greeley party, but to the party of my honorable friend who had the honor of defeating me in New York as Congressman at large.

Mr. NEGLEY. The gentleman is occupying my seat. I object to his taking a seat here for the State of Pennsylvania.

Mr. COX. It is not often that so much sense is spoken in this place as I hope to speak in about one minute. I will avail myself of the courtesy of my honorable friend who has just been renominated at Pittsburgh, and who I hope will be defeated.

I want to call the attention of gentlemen to the condition of things in California. You, Mr. Chairman, [Mr. DAWES,] and I were there three years ago. You know that everybody in that State of both parties was opposed to crowding out the white labor of that State. The Chairman shakes his head. There is nothing in it, gentlemen—I mean in the expression of dissent.

Mr. PLATT, of Virginia. I move to amend the amendment by striking out the last word, for the purpose of calling the attention of gentlemen of this committee to this fact: that this matter of selection of laborers is under the control of the contractors who are doing the work at the Mare Island navy-yard. There are no gentlemen in this House who are more tenacious than my friend from California, [Mr. LUTTRELL,] and his associates politically, of having all the Government work contracted for to the lowest bidder. This is the way this work is being done; advertisements were published, specifications were made, and contracts given to the lowest bidder. These laborers are employed by the contractors, and the Government of the United States has no control whatever over them. If the gentleman from California wants to have the men he refers to employed, let him apply to the contractors who have control of the matter, and induce them, if he can, to turn away these "heathen Chinee," and employ the white laborers he desires to have employed.

Mr. RAINEY. I hope the amendment of the gentleman from California [Mr. LUTTRELL] will not be adopted. It is a species of legislation that I have never before seen introduced here since I have been a member of this House.

We have by our legislation invited foreigners to our shores, invited them to come here and make their homes. We have said to them that they should enjoy here all the blessings of civilization that are enjoyed by any of our people. They come here and are willing to work and assist in the development of this country. Chinamen are contributing their labor to the development of California. If they are willing to work cheaper than white men are willing to work, I do not see why we should say, by an amendment to this bill, that they should not be employed and paid out of the money appropriated by the Government.

The gentleman endeavored to make a political point, so far as the employment of Chinese laborers is concerned. If I understand the true condition of the Chinese in California, they are not allowed to vote there; they are not voters in that State. If they are employed there, it is because perhaps that they are better adapted to the work than are white men, or perhaps they can be employed more cheaply than white men are willing to do the work for.

Mr. FORT. They are not citizens.

Mr. RAINEY. Very well; that is no reason why they should not be employed. Gentlemen on the other side have said that republicans out there were willing to employ these Chinese laborers, and the intimation has been made that there was some political motive in it, some political trick in it. I say that there is no political trick in it at all. They are not voters. If the men who employ them are republicans they do not employ them because they expect to control their votes, which is very likely to be the case where white men exercising the elective franchise are employed.

I say that the Chinaman, the Indian, the negro, and the white man should all occupy an equal footing under this Government; should be accorded equal right to make their livelihood and establish their manhood. I hope we shall not adopt here to-day any class legislation such as is proposed in the amendment of the gentleman from California. I trust that we shall not undertake to say that we will not permit Chinamen to be employed under appropriations made by the Government; for when we have proscribed this class of people, not many days will elapse before we shall have a proposition presented

that negroes shall not be employed under appropriations made by the Government. Representing in part, if I may so say, the China-man, at least by complexion; representing in part the negro; representing in part the white man, I am in favor of equal rights for every class of citizens upon this continent. I renew my solemn protest against any such class legislation as is proposed in the pending amendment.

Mr. PLATT, of Virginia. I withdraw the amendment to the amendment.

The question recurring on the amendment of Mr. LUTTRELL, it was not agreed to.

Mr. HALE, of Maine. I move to amend by inserting after line 1084 the following:

Provided, That the Secretary of the Navy be, and he is hereby, authorized and directed to make, out of any money at his disposal available for the purpose, sufficient and appropriate compensation and acknowledgment to the owners, officers, and sailors of the British whaling and sealing steamers that contributed to the rescue of the survivors of the Polaris for such rescue and any loss sustained by reason thereof, and for their humane and hospitable reception, entertainment, and transportation until they were all finally and safely landed in Newfoundland and Scotland.

Mr. PLATT, of Virginia. I have no objection to making compensation to these men; but I object to having the money taken from that appropriated for repairs at the navy-yards.

Mr. HALE, of Maine. This does not come out of that fund.

The amendment was agreed to.

The Clerk read as follows:

Improvement of grounds, Department of Agriculture: For labor, $8,000; for repairing concrete roads and walks, $500; for tools, wagons, lawn-mowers, carts, and general repairs of the same, $600; for improving new grounds gained by filling canal, draining, surfacing, sodding, and for two cart-horses, $7,000; in all, $16,100.

Mr. G. F. HOAR. I move to amend by inserting after the paragraph just read the following:

For the museum, to be expended under the direction of Professor Glover, $1,500.

I believe there will be no objection to this amendment. It proposes a little additional appropriation for the very interesting and curious museum, in the Agricultural Department, of insects injurious to vegetation. Two years ago the House, after full discussion, appropriated $3,000 for the establishment of this museum, and the appropriation was voted almost unanimously. The expenditure was made with conscientious economy by Professor Glover; and a very considerable portion of the $3,000 was covered back into the Treasury. He now wants this small additional sum of $1,500.

The amendment was agreed to.

Mr. G. F. HOAR. I move further to amend by inserting the following:

For the purchase of Duby's cryptogamic herbarium, as much as may be necessary, not exceeding $1,000.

Mr. MAYNARD. This amendment I believe is liable to a point of order. It provides for a matter which is not contemplated by any existing law. I will, however, reserve the point of order till the gentleman from Massachusetts [Mr. G. F. HOAR] has been heard upon his amendment.

Mr. G. F. HOAR. This appropriation is for an expenditure in connection with the museum at the Agricultural Department.

Mr. MAYNARD. I do not understand that these amendments come from the Committee on Agriculture.

Mr. G. F. HOAR. This amendment is recommended by officers of the Agricultural Department—Professor Glover and others—in letters which I have here. The study of the wonders of the cryptogamic plants, as they are called—plants that multiply without any visible flower—has become very important in the application of science to agriculture. The potato-rot, the plum-disease, the yellows, and several other diseases affecting our fruit trees and important agricultural productions, are understood to be caused by little fungi which can only be detected by the microscope, and the means of suppressing and destroying which are known to only a very few scientific men in the world.

In order to prosecute this study it becomes necessary to have these collections of specimens. There are three or four of such collections in the world. One of the very best is owned by a man named Duby at Constantinople. There is none whatever in this country. In order that the observations and researches at the Agricultural Department may be prosecuted according to the demand made by letters and applications from farmers, fruit-growers, and others in all parts of the country, it is desirable to have a complete collection of fungi for examination and comparison. The mushroom is a very important article of food in many European countries, being not a mere luxury, but in many places absolute food for the peasant. It is to some extent coming into use in the same way in this country. We have a very large number of esculent mushrooms; but they cannot be distinguished with certainty from poisonous plants resembling them except by some comparisons of the kind here contemplated.

This is a little matter. If it were necessary to detain the House further, I would have the letter read.

Mr. MAYNARD. I submit to the superior agricultural knowledge of my friend from Massachusetts, and therefore withdraw my amendment.

Mr. HOAR'S amendment was agreed to.

Mr. DUNNELL. I move the following amendment, and I hope no one will raise the point of order. It is an important matter.

The Clerk read as follows:

After the word "dollars" in line 1093, insert the following: "For the salary of a commissioner of forestry for one year, $2,500."

Mr. SPEER. I make the point of order on that amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. SPEER. That it creates a new office, and makes an appropriation not warranted by law.

The CHAIRMAN. The Chair sustains the gentleman's point of order, and rules the amendment out.

Mr. FORT. Mr. Chairman, I move the following amendment to come in after line 1093:

For publishing the reports of the Commissioner of Agriculture for the years 1872 and 1873, to be distributed as heretofore, $50,000.

I hope no member of this House will object to this amendment. It will publish about two hundred thousand copies of this valuable report, as I am informed.

Mr. GARFIELD. That must, under the law, go to the Committee on Printing.

Mr. ELLIS H. ROBERTS. I make the point of order that the amendment changes existing law, and is, therefore, not in order.

The CHAIRMAN. There is a law that any proposition for printing more than five hundred copies of any work must go to the Joint Committee on Printing.

Mr. FORT. But my amendment does not state any number of volumes. It simply appropriates a certain sum to be expended in publishing this report.

Mr. ELLIS H. ROBERTS. The amendment also provides for distributing these Agricultural Reports as heretofore. That also is a change of the law.

The CHAIRMAN. The Chair does not understand that to be in violation of the law. They are to be distributed as they have been heretofore.

Mr. FORT. My amendment does not provide for printing any particular number beyond, and will not authorize the book to be sent free in the mail. We will have to pay thirty-three cents postage on each volume as we do now. My amendment does not affect the postal law.

The CHAIRMAN. Then it is in order.

Mr. ELLIS H. ROBERTS. The amendment can be construed to re-enact the franking privilege and distribute these Agricultural Reports as they have been heretofore, free through the mails.

The CHAIRMAN. The Chair does not think the amendment provides for distributing the Agricultural Reports free through the mails, and holds the gentleman's amendment to be in order.

Mr. ELLIS H. ROBERTS. It ought to be changed in its phraseology, for the provision for distributing them as heretofore may be construed into a re-enactment of the franking privilege.

Mr. FORT. I am willing to add such a proviso to it, that it shall not be construed to be entitled to distribution through the mails free. I am willing to pay the postage.

The CHAIRMAN. The Chair rules the amendment to be in order.

Mr. FORT. I hope it will be adopted. In my judgment we cannot expend this amount of money to any better advantage; and I believe that it will return a larger profit to the general prosperity of the country than if applied in any other manner. Agriculture lies at the foundation of the prosperity of the whole country. Anything that will promote it will benefit every portion of the Republic. Mr. Chairman, a gentleman over on the other side of the House asks me whether I am a granger. It matters not to me what he calls me. I desire to represent the people of my district, most of whom are agriculturists, and every one of whom is interested in, and dependent upon, the prosperity of agriculture. They are for the most part tillers of the soil. They contribute to the wealth of the country and to the support of the Government. They pay their portion of the vast appropriations we make, not a single dollar of which is expended in their midst. And for them and in their name I here on this floor demand that a small sum of money shall be appropriated where it will give them some information appropriate to their calling and do them some good. And am I asking much? The people that each member here represents will share in this benefit the same as the people I represent.

Mr. GARFIELD. The amendment ought not to be so drawn as to leave it possible to the construction, if it should be adopted, that it is a re-enactment of the franking privilege.

Mr. FORT. I have already agreed to the proviso that these Agricultural Reports are not by this amendment to go through the mails free.

Now, Mr. Chairman, I wish to say that large amounts of money are expended annually in keeping up the Agricultural Department. For my part I am not able to see any use in continuing that expenditure unless the valuable information thus collected at large expense is distributed among the people—among those who need the information; among those engaged in agricultural pursuits. I do not come here as the especial champion of any class, but as a representative of agriculturists I demand that their interest shall not be overlooked, and must be considered here. It is well known the information gathered by the Agricultural Department is not only valuable to those who cultivate the soil as farmers, but is also sought for and considered valuable by gentlemen who cultivate their gardens only, and thus this report will reach almost all classes.

And further, Mr. Chairman, whatever will benefit the agricultural portion of this country, it occurs to me, is of benefit to all the country. For my part I can see no objection to disseminating the knowledge which has been gleaned and gathered for that purpose. If it is proper to have a report made by the Commissioner of Agriculture, made and printed as has been done, it is certainly best to distribute that report among the people. It does but little if any good to the agricultural interest of the county to make this report to the President or to Congress if it is not thereafter communicated to the people. If any discovery has been made, if anything to the advantage of agriculture has been found by this Department, it should be taught to those who till the soil. The President or the Cabinet or members of Congress will not be likely to study these lessons as much as they should do perhaps, but the people will learn these lessons to advantage.

There is no report of any Department of the Government to my knowledge which is so much sought after as that report of the Commissioner of Agriculture. Ten applications are made for it where one is made for any other, and we are overwhelmed with letters asking for it. We are importuned for it constantly, and our people seem to accept no explanation as to our inability to supply them. We answer them that it has not been published for distribution, and they will reply by saying that it ought to be and must be published. It seems impossible to satisfy them that it is impossible to furnish this report to them.

The gentleman on the other side says that half of them cannot read. Sir, if he intends this as a slur, I hurl it back at him and tell him that many of them could teach certain gentlemen to read more accurately than they now can read, and many of them can not only read it, but translate it into other languages. Sir, any and all of them can apply the information contained in this valuable report to advantage.

Mr. Chairman, the report proposed to be published under my amendment contains the most valuable information to the farmer of any that has been made, and I do not wish to have it suppressed.

Mr. WILLARD, of Vermont. I do not know but it is quite too late to say a word respecting the point of order.

Mr. FORT. I think it is too late. I hope my friend from Vermont will not, even if it is not too late, make objection.

The CHAIRMAN. The point of order has been decided not to be well taken against the amendment.

Mr. WILLARD, of Vermont. I was going to say, if it is not too late for the Chair to revise his ruling, that this is liable to the point of order. It provides for the printing of the Agricultural Reports, and makes an appropriation of $50,000. There is no law authorizing the printing of any Agricultural Reports at all, and therefore an appropriation to pay for the printing of a report not authorized to be printed by law is clearly out of order to an appropriation bill under the rules.

Mr. FORT. The gentleman must be mistaken about that.

The CHAIRMAN. Does the gentleman from Vermont say it is not one of the contingencies of the Agricultural Bureau to have the reports of the Commissioner printed?

Mr. FORT. The gentleman must be mistaken about that.

Mr. WILLARD, of Vermont. I do not understand that any agricultural report or any other document can be printed except by order of either House of Congress, and then only a certain number can be printed by the order of either House. Any number above that limit must be printed by order of both Houses of Congress. Now, there is no order for printing any number of copies of the Agricultural Report at present in existence. There is no warrant of law for printing any agricultural reports whatever. The bill as it passed the House authorizing the printing of five hundred thousand copies is still in the Senate unacted upon.

The CHAIRMAN. The Chair is of opinion that any appropriation which is for the purpose of carrying out any of the contingencies of any of the Departments of the Government is in order in an appropriation bill; and the Chair is of opinion that printing the report of a Department is one of the contingencies of that Department.

Mr. SHANKS. I wish to ask the gentleman to take out of his amendment these words: "to be distributed as heretofore."

Mr. RANDALL. That is right.

Mr. FORT. I cannot modify my amendment in accordance with that suggestion.

I wish to say that this report is all in type, and as I understand it is stereotyped, and no expense is to be incurred except the cost of the paper and printing.

Mr. G. F. HOAR. Will the gentleman from Illinois allow me to ask him a question for information? I see by reference to the second page of this bill that we have already adopted a paragraph appropriating $20,000 for the printing of the Agricultural Department. Does not that appropriation cover this?

Mr. FORT. That is for the printing of the regular monthly and annual reports, and only shows that if the Commissioner makes a report and it is printed, we ought to appropriate enough to distribute it among the people.

Mr. SPEER. How many copies do you propose to provide for by this amendment?

Mr. FORT. I think about two hundred thousand. I am so informed at least.

Mr. SPEER. You ought to increase the number.

Mr. GARFIELD. This does not provide for the printing of any extra copies, and if it did it would be out of order. It does not make provision for any general distribution of this report. It will still require the joint action of both Houses to have extra copies printed. That can only be done by action upon the reports of the Committee on Printing.

Mr. FORT. We are always beaten before that committee. I want an open vote here on this floor.

The question being taken on Mr. FORT's amendment, there were—ayes 75, noes not counted.

So the amendment was agreed to.

The Clerk read as follows:

Court-house and post-office at Omaha, Nebraska: For completion of building, $45,500; and for furniture, $20,000.

Mr. LAMPORT. I offer the following amendment.

After line 1142 insert these words:

Court-house and post-office at Canandaigua, New York: For protection and preservation of the United States court-house and post-office lot in the village of Canandaigua, New York, the sum of $2,000, to be applied to payment of one-half of cost of flagging sidewalks around said lot, and one-half the expense of erecting a fence, to be expended under the direction of the trustees of said village.

Mr. GARFIELD. I suggest to the gentleman that this is not the place for his amendment. We appropriate $200,000 for all that class of repairs on works, and it is not necessary to make a special appropriation for this. Further on in this bill we make a general appropriation for repairs of public buildings.

Mr. LAMPORT. I will state why I offer this amendment, and why the gentleman's suggestion does not apply to it. The Government owns a property in Canandaigua, at the center of the village. All the streets are under the direction of the village trustees, and they have passed an ordinance requiring the flagging of the sidewalks of that village. They are barred from raising money to flag the sidewalks around this lot because of its belonging to the Government of the United States. They are barred from doing this by the law and the Constitution too.

By direction of the board of trustees as well as by direction of the board of supervisors, I am requested to ask an appropriation to flag and fence one-half of the lot, which is owned by the United States jointly with the county of Ontario, on which the court-house and post-office now stand. I wish the House to understand that we have built this court-house and post-office there under peculiar circumstances, having made with the Government a most remarkable covenant, which may account, perhaps, for the request being made to this Government to take care of its property. That court-house was built and the post-office, and a perpetual lease given; and not only that, but the supervisors agreed forever to keep that court-house in repair and to keep it cared for, which has been done for the last ten or twelve years. It is a very fine court-house, and they have paid the sum of $30,000. The Government has the title to this property, and has occupied it for ten years; and the question comes up whether the sidewalks around and about that court-house and post-office shall remain unflagged or shall be flagged; for the authorities of the village cannot do it legally.

I hope the committee will not refuse the appropriation asked for. The amount is $2,000, just one-half of what is required to flag all the sidewalks around the square and put up a suitable fence. It ought to be done in justice to that community.

[Here the hammer fell.]

Mr. GARFIELD. I desire to say that this has not been before the Committee on Appropriations. It has been before the Committee on Public Buildings and Grounds, and I understand it has been there rejected.

Mr. LAMPORT. No, sir.

Mr. TYNER. I desire to make a very brief statement, and if I make an incorrect one the gentleman from New York can make it straight.

Mr. LAMPORT. I will try to.

Mr. TYNER. I think that during the last Congress we appropriated $25,000.

Mr. LAMPORT. No; $18,000.

Mr. TYNER. Well, $18,000.

Mr. LAMPORT. That was a balance due.

Mr. TYNER. That appropriation was to meet the obligations of the United States in the erection of this building, and that, too, upon a contract which provided that after that sum had been paid the county in which this building was located should keep up all repairs in connection with it, even to the extent of rebuilding if it were burned or otherwise destroyed. If I am wrong the gentleman will correct me.

Mr. LAMPORT. The gentleman is correct as far as he goes; that contract was in regard to the building. It did not affect the lot at all, and the county of Ontario has faithfully performed its contract in regard to the building.

Mr. TYNER. Will the gentleman please tell us in whose name the title to the property is?

Mr. LAMPORT. The title to the property in the building is in the United States, conveyed by the county of Ontario, but that does not apply to the lot. It is a better court-house and post-office than there is anywhere in the northern district of New York. If the Government had paid $100,000 or $200,000 for the building, as is usually appropriated for such purposes, we might afford to flag the side-

walks; but we never got the pay the Government owed us for the lot and the building.

Mr. TYNER. The gentleman is speaking in my time. I want to put in one further suggestion, and then I am done. This matter was before the Committee on Public Buildings and Grounds of the last Congress, and it was distinctly understood there that the payment of the sum appropriated by that Congress would release the Government of the United States from all obligations in keeping up repairs or anything else connected with the court-house.

Mr. LAMPORT. But not connected with the lot.

Mr. TYNER. That was the understanding at the time, and the appropriation was made with that understanding.

Mr. LAMPORT. I beg the gentleman's pardon; the agreement was that the county should keep the building in repair.

The question was taken on Mr. LAMPORT's amendment, and it was not agreed to—ayes 43, noes not counted.

The Clerk read as follows:

Custom-house and post-office, Port Huron, Michigan: For continuing the building, $75,000.

Mr. DUNNELL. I move to amend that paragraph by striking out "$75,000" and inserting "$50,000" in lieu thereof.

The amendment was not agreed to.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer the following amendment to come in after line 1178 on page 49:

To enable the Secretary of the Treasury to pay the amount awarded by the jury in the case of the condemnation of the lot selected by the Treasury Department for a site for a building for a custom-house, bonded warehouse, court-house, and post-office at Grand Rapids, Michigan, and attendant legal expenses, $70,000.

I submit a letter from the Secretary of the Treasury in regard to that appropriation.

The letter of the Secretary of the Treasury is as follows:

TREASURY DEPARTMENT,
Washington, D. C., June 3, 1874.

SIR: An act approved February 21, 1873, authorized and directed "the Secretary of the Treasury to purchase by private sale or condemnation, in pursuance of the statutes of the State of Michigan, a suitable lot of ground in the city of Grand Rapids, State of Michigan, and to cause to be erected thereon," &c., to which I would call your attention. In accordance with the provisions of this act, a commission was appointed for the selection of a site.

Several lots located in different parts of the city were included in the process of condemnation, so that the Department could exercise its right of election after the value of the several lots had been determined.

The aggregate amount awarded by the jury in the case of the lot selected by the Department was $68,064.85.

This amount will probably be increased by a small amount by a revision of the proceedings in the case of two of the parties, to which also must be added the expenses of the proceedings.

I have therefore the honor to ask that $75,000 be appropriated during this session of Congress to meet the expenses of the comdemnation of this site.

Very respectfully,

WM. A. RICHARDSON, *Secretary.*

Hon. JAMES A. GARFIELD,
Chairman of Appropriation Committee, House of Representatives.

The amendment was agreed to.

Mr. GARFIELD. I am also instructed by the Committee on Appropriations to offer the following amendment:

Custom-house and post-office, Albany, New York: For payment of balance due on purchase in part of site for building for the purposes of the General Government at Albany, New York, $5,000.

I present a letter from the Secretary of the Treasury in regard to that appropriation.

The letter of the Secretary of the Treasury is as follows:

TREASURY DEPARTMENT,
Washington, D. C., June 8, 1874.

SIR: I have the honor to advise you that by act March 3, 1873, an appropriation was made of $150,000 for the purchase in part of a site for the custom-house, &c., at Albany, New York, the balance of the amount necessary for said site to be donated by the city of Albany or citizens thereof, and that under this appropriation a site was condemned, in accordance with the statutes of the State of New York, but the award being excessive was rejected, and a site purchased at private sale. The expenses of the condemnation above referred to, amounting to $2,752.05, were, however, paid by decision of the Comptroller from the appropriation referred to, leaving but $147,247.95, which has been paid.

To enable the Department to pay its proportion of the site selected, $150,000, it will be necessary to provide for the deficit, namely, $2,752.05, and the legal expenses attendant upon the purchase, estimated at $2,247.95, making in all $5,000, and I have to request that this amount be included in the sundry civil appropriation bill now before Congress.

Very respectfully,

B. H. BRISTOW,
Secretary of the Treasury.

Hon. J. A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

The amendment was agreed to.

Mr. MACDOUGALL. I offer the following amendment:

For the purpose of building a court-house and post-office at Auburn, New York, $100,000.

Mr. GARFIELD. I make the point of order on that amendment.

Mr. RANDALL. Is it not an entirely new building?

The CHAIRMAN. Is the gentleman from New York able to state any law authorizing the erection of this building?

Mr. MACDOUGALL. No, sir.

The CHAIRMAN. Then the Chair sustains the point of order.

The Clerk read as follows:

For the repair and preservation of all the public buildings under the control of the Treasury Department, $200,000.

Mr. RANDALL. I would inquire whether that is the usual appropriation for those purposes.

Mr. GARFIELD. That is the ordinary language.

The Clerk read as follows:

For continuation of construction of the building for the State, War, and Navy Departments, $700,000.

Mr. COBURN. I move to amend that paragraph by striking out "$700,000" and inserting in lieu thereof the following:

Five hundred thousand dollars: *Provided*, That no part of this sum shall be applied to the further construction of said building except for that portion to be used for the State Department and to protect the work already created on that part designed for the other Departments.

Mr. Chairman, the object of that amendment is to discontinue the work on the War and Navy Departments, and merely complete the State Department. This is an immense and expensive building. The foundations are in and can be protected, and this amendment provides for the protection of these foundations, and for the continuation of the work on the State Department. I have been informed to-day by the chairman of the Committee on Public Buildings and Grounds that the present appropriations are sufficient to complete the building. The next paragraph provides for furnishing the building, and it is expected that by the month of August the State Department will move into that building and be able to occupy it.

The War and Navy Departments now have each a good building sufficient for the time, and if we continue this building it will cost many millions more. The part that is now finished, or about finished, has cost nearly $2,000,000, and it is but one-fourth of the entire building, which will cost, therefore, ten or eleven millions before it is finished. I think in view of the stringency of the times, and the fact that we need to husband every dollar, that we have nothing now to go into the sinking fund, and that we may have to borrow money to keep up our credit, we ought to cut down this appropriation to the lowest limit, and that we ought to wait until some future time to build this enormous, this magnificent, and very expensive building.

Mr. KELLOGG. Did I understand the gentleman from Indiana to say that the present War Department and Navy Department were sufficient?

Mr. COBURN. The building in which the War Department is now situated is a very good building.

Mr. KELLOGG. I want to say that the War Department now occupies thirteen buildings in this city, and half of them are not fit to contain the records, and none of them are suitable places for the purposes of the Department.

Mr. COBURN. The gentleman did not allow me to complete my answer.

Mr. PLATT, of Virginia. I rise to oppose the amendment of the gentleman from Indiana, and I hope it will not be seriously entertained by this committee. This building, commenced in 1871, has so far approached its completion that the wing designed for the State Department will be finished during the ensuing fall. Of the balance of the building the foundations are down, or they are being laid. The granite for the superstructure of the State Department wing is all cut, also a large portion of that for the basement of the rest of the building, and the building is in just the worst possible condition it could be in for stopping work on it now and postponing it. There is the most pressing necessity on the part of both the War and the Navy Departments, and particularly the War Department, for accommodations for their business. They are paying a large sum annually for rent of buildings in this city, and the valuable records are scattered in a large number of buildings all over the city, subject to risks by fire and other risks.

I do not think it is the policy of the Government after having commenced work on a building of this kind to cease operations, throw out of employment the men engaged on it, and set the example of bankruptcy by stopping work on so important a building on the ground that it has no means.

Mr. SPEER. Can the gentleman state how many million dollars this building will cost before it is completed?

Mr. PLATT, of Virginia. I will say in reply to the gentleman from Pennsylvania that all the estimates have been made and I have them in the committee-room. The whole cost of the building will not exceed $10,000,000. It will contain a much larger quantity of space than the present Treasury Department, and when the Treasury Department has been completed it will have cost as much as this new and magnificent building costs. I believe the committee will not seriously entertain this proposition, and therefore I will not occupy more time.

Mr. KASSON. Let me call the attention of the chairman of the Committee on Public Buildings and Grounds to the fact that in this bill there is an appropriation made on page 37 to purchase a lot and building thereon adjoining Winder's building, which already belongs to the United States. That does not look as if it was intended to complete a new War Department, and make it sufficient to supply the places of all these buildings that we rent outside. There is also an appropriation to purchase a lot on another street.

Mr. PLATT, of Virginia. I will say in reply to the gentleman from Iowa that the appropriation to which he refers has no connection with this building. The new War Department, when completed, will be ample for all purposes and will accommodate all the offices, and there will be no necessity whatever to occupy outside buildings. I

do not think the appropriation to which he calls my attention, and with which I have had nothing to do, is asked for, because while the War Department occupies Winder's building they are unwilling to have any other building constructed on this vacant lot adjoining it, and the only way to prevent that was for the United States to purchase it. The Secretary of War therefore asked that it might be purchased. With the utmost diligence with which this work can be pressed it would be impossible to complete it within the next four or five years, even with the money appropriated by this bill, which is a very small amount for so important a building. We do not know when it will be completed if Congress now stops making appropriations for it.

Mr. BECK. I move to amend the amendment by striking out the last word. The reason I rise is that I want to know from the gentleman from Virginia [Mr. PLATT] if he is prepared now to tell us how much this State Department building has cost up to this time? I am informed by intelligent and well-informed subordinate officers in the Treasury Department that a year or more ago the late Secretary of the Treasury issued an order requiring the vouchers of Mr. Mullett, Supervising Architect of the Treasury, to be paid without submitting them either to the Auditors or the Comptrollers of the Treasury, whose duty under the law is to examine and pass upon all accounts. The Secretary issued that order against their protest, and for twelve months any payment which Mr. Mullett has seen fit to order has been made without the consent either of the Auditors or Comptrollers.

Mr. RANDALL. And the First Comptroller protested against it.

Mr. BECK. The First Comptroller did protest against it, as I am advised, but his protest was overruled. I understand that one of the first orders which the present Secretary has made was to rescind this order of his predecessor. Now, I want to know what guarantee we have had during the last twelve months of the honest payment or faithful disbursement of any money for the public buildings of the United States under the order of the Secretary of the Treasury requiring the money to be paid without the supervision and audit of the Auditors or Comptrollers? I think that Congress ought to provide against such orders being issued by any officer as this issued by the late Secretary of the Treasury, defining and setting aside of the jurisdiction and responsibility prescribed by law of the accounting officers of the Treasury. I think that all these past accounts should be inquired into and strictly scrutinized before any further payments are authorized to contractors or appropriations made for these works.

Mr. KELLOGG. Is the gentleman satisfied with the present head of the Treasury Department?

Mr. BECK. I am. At last, I think, you have a man of efficiency, ability, will, and courage at the head of that Department; one who will put down all these things. The other man I think was personally honest, but that is all that can be said for him, judging by his administration of the Treasury Department.

Mr. PLATT, of Virginia. Gentlemen will observe that all the appropriations made in this bill are to be paid out under the direction and supervision of the officer in whom the gentleman from Kentucky [Mr. BECK] expresses his confidence, and whose confidence in him I think is well placed. I do not know anything about the order of the Secretary of the Treasury to which the gentleman refers. I would like to ask him if that statement was made to him officially from the Treasury Department.

Mr. BECK. The question I asked the gentleman was if there is any account of the money heretofore expended for the construction of this building.

Mr. PLATT, of Virginia. I do not know anything more about it than the gentleman himself. I suppose the proper officers who paid the money out have the vouchers, and can show them. If they cannot I will go as far as the gentleman from Kentucky [Mr. BECK] to hold them to a strict accountability.

Mr. BECK. Is it not true that for the year past under the order of the Secretary of the Treasury the Comptrollers and Auditors have been deprived of all supervision over the accounts of this Supervising Architect?

Mr. RANDALL. Against law?

Mr. BECK. Yes; against law.

Mr. PLATT, of Virginia. I cannot answer that question. But I say in regard to the expenditures made for the State, War, and Navy Department building, the Secretary of the Treasury has had nothing to do with it. Not one dollar of the expenditure has been made under his supervision or order. Every dollar of it has been expended under the direction of the Secretary of State. The Secretary of State has the entire control of it; has had control over every dollar of the expenditure from the commencement of the building. That I state upon my own knowledge.

Mr. BECK. Was there any law authorizing the order of the Secretary of the Treasury depriving the Comptrollers and Auditors of their right to supervise and revise the accounts of Mr. Mullett? If so, what law?

Mr. PLATT, of Virginia. I have said to the gentleman that I know nothing about the order to which he refers; I never heard of it until he referred to it here. The Secretary of the Treasury and the Treasury Department have nothing whatever to do with the expenditure of money appropriated for the construction of this new State Department building. It has been expended under the direction and control of the Secretary of State. I venture to say on my responsibility that every dollar expended upon that building can be accounted for and proper vouchers exhibited for every cent.

Mr. COBURN. I rise to oppose the amendment to the amendment.

Mr. BECK. Will the gentleman from Indiana allow me to ask the gentleman from Virginia one question more?

Mr. COBURN. I cannot now, for I have not time. This debate has drifted away from the real point at issue, which is simply whether or not we will this year go on expending a large sum of money on this building, or whether we will postpone the expenditure for one year or for two years if necessary. We have already expended a large sum of money on the building, and it is now so far completed that we can very well stop work upon it; there will be no trouble at all about that. The buildings occupied now by the War and Navy Departments, as I said before, are good buildings. The gentleman from Connecticut [Mr. KELLOGG] asked me whether or not there were other buildings used by the War Department that were not so good. Some of them are not. But there is one building used by the War Department, in which the most important records are now kept, called the Winder building, which is perhaps more secure against fire than the War Department building itself. So far they have got along with these buildings very well. We went through the pressure of the war, and have gone on until now with these buildings. In view of the stringency of the times it seems to me to be the part of good sense to stop further work on this building for the present. Let us wait until there is a greater surplus in the Treasury; let us wait until there is a greater demand or necessity for this building than at present.

Mr. SPEER. I move to amend the amendment by adding the following:

And the Secretary of the Treasury shall report to Congress the items for which this sum shall be expended.

Mr. BECK. I do not believe it to be the fact, as has been stated, that this money is expended under the direction of the Secretary of State; but if so, how can the Secretary of the Treasury account for the expenditure?

Mr. SPEER. Mr. Chairman, the expense of erecting this building for the Department of State is perfectly enormous—entirely beyond what it was thought it would be at the time its construction was begun, and entirely beyond what such a building should cost under any republican government. How can we justify expending for a building for the State and War Departments $10,000,000, a sum greater than it cost to carry on the two first Administrations of this Government?

In addition to that, Mr. Chairman, the statement is made publicly throughout the country—whether truly or not I do not say—that the stone of which this building is being constructed is taken from a quarry owned by a ring—a political ring, members of which belong to this House. I desire to ask the chairman of the Committee on Public Buildings and Grounds [Mr. PLATT, of Virginia,] where the stone for the State Department building is obtained, who owns the quarry, who is the president of the company? Give us the names of the members. It would relieve this House, and it might relieve Congress from a public scandal. I make no specific charges; I do not repeat names that have been published; but for the information of the House and in justice to the character of members, I call upon the chairman of the Committee on Public Buildings and Grounds to state who compose this company and who owns these quarries. That should be stated in justice to us all.

Mr. GARFIELD obtained the floor.

Mr. PLATT, of Virginia. I will answer the question of the gentleman from Pennsylvania [Mr. SPEER] if I may be allowed to do so.

Mr. GARFIELD. Some three years ago the Committee on Appropriations, after a full consideration of the whole matter, under the lead of the gentleman from Massachusetts, [Mr. DAWES,] provided for erecting a public building to accommodate the War, State, and Navy Departments.

Mr. SPEER. I believe I had some time left, and I yielded it to the gentleman from Virginia to answer my question.

Mr. GARFIELD. I was not aware of that.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SPEER] had one minute remaining.

Mr. PLATT, of Virginia. I cannot undertake to answer in one minute a question that it took four minutes to ask.

Several MEMBERS. We will give you all the time you want.

Mr. PLATT, of Virginia. I understood the gentleman from Pennsylvania to ask where the granite comes from that is put into this building, who owns the quarries, who is the president of the company owning them, and various questions of that kind. I understand the insinuation intended to be conveyed in the gentleman's words; and so far as I possess the information I will give it to him. When I have done this I shall ask the indulgence of the committee to add a few words, as my remarks must assume something in the character of a personal explanation.

The quarry from which is obtained the stone forming the superstructure of the State Department building is situated about two miles from Richmond, Virginia. The quarry from which is obtained the stone entering into the basement of the building is in the State of Maine; the exact location I do not know. The contractor for the stone used in the basement of the building is I believe the Bodwell Granite Company, of Maine. The contractor for the stone used in

the superstructure is Mr. Alfred Ordway, of Richmond. Both contracts have been given out under competition; and each contractor was respectively the lowest bidder.

So far as I know the quarry from which the stone for the superstructure is being taken (and I would like to call the attention of members to the exceeding beauty of that stone—the Richmond granite) is owned entirely by the following parties: Mr. Ordway, a Baltimore gentleman named, I think, Andrews, and a Mr. Green, whose father owned the quarry for forty years. So far as I know, no other man owns a cent's worth of interest in that quarry, or is in any shape or manner connected with it. This is all the information I possess in regard to the ownership of those quarries.

It is proper for me to add in behalf of myself, as connected with this question, a few words of explanation. I do this in view of the manner and tone of the gentleman from Pennsylvania [Mr. SPEER] and in view of the fact that two years ago, in the closing hours of the first session of the Forty-second Congress, a then colleague of mine from the State of Virginia (Mr. Porter) charged that I myself had a pecuniary interest in this contract. I demanded an investigation. You recollect, sir, (Mr. TYNER in the chair,) that at my demand the testimony of the witnesses mentioned by Mr. Porter was taken before the committee of which you were then the acting chairman. That testimony, I need not say to those gentlemen who knew of it, was sufficient to show clearly the correctness of my statement that I never had one way or another, directly or indirectly, any connection with this contract; that I never had one cent's worth of interest in it through myself or anybody else for my benefit or for the benefit of anybody connected with me. Any insinuation to the contrary is uncalled for and false. [Here the hammer fell.] Let me say one word more.

Several MEMBERS. Go on.

Mr. PLATT, of Virginia. I wish to say that I did spend nearly two months of my time, working as actively as I knew how to work, to get the contract for the stone for the superstructure given to contractors from the State of Virginia. I went to Virginia with the officers who were to examine the quarries. I went to the State of New York to see the Secretary of State. I worked against the gentlemen who were trying to get the whole of the contract for their States, and I did for the interest of the State I represent everything I could do honorably as a member of Congress. They got the contract in Virginia, and it has been the means of expending for labor in that State a large amount of money in the last two or three years and given employment to a large number of men, and brought to the public notice one of the great industries and most valuable resources of that State which had hitherto been neglected and unknown. I did all I could, as I should do again under similar circumstances for the interest of my State, but no living man ever dared to offer to give me one cent of compensation for what I did or even whispered to me that I would be reimbursed the expenses I paid out of my own pocket in doing that work.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Chairman, I wish to call the attention of the Committee of the Whole to the fact that this building, when authorized in 1871, was placed under the direction of the Secretary of State for the reason that that portion of it which the State Department was to occupy was needed first. The Secretary of State has had the entire charge of making all the estimates and recommendation concerning it, and for that purpose Mr. Mullett, the Supervising Architect has been under his direction.

Last year an appropriation was made sufficient nearly to build the State Department proper. The south wing, intended for the State Department, will be completed in the month of September. We have in this bill an appropriation sufficient to furnish it and put it in order; so by the time Congress comes here I hope the State Department will have abandoned its old rented building on Fourteenth street and be in its permanent home.

Last year we also appropriated for the work of finishing the State Department wing enough to begin the east wing, which is that portion facing the President's House. The basement and sub-basement are now laid, and the appropriation here is to continue the work so as to get one of the other Departments in.

There was an estimate sent to us for $1,500,000 by the Secretary of State. He recommended that amount to continue the east wing and lay the foundation for the north wing, but the Committee on Appropriations declined, in view of the necessities of the Treasury, to begin work on the north wing this year. We therefore cut down $800,000 from the estimate of the Secretary of State. We think $700,000 will be sufficient to carry on the work on the east wing. We hope the House will stand by the recommendation of the committee.

Mr. SPEER. Have you any objection to my amendment, which provides for the report to Congress of the items of the expenditures?

Mr. GARFIELD. That report will be made in any event.

Mr. SPEER's amendment was disagreed to.

The question recurred on Mr. COBURN'S amendment; which was rejected.

The Clerk read as follows:

For furniture for the new building to be occupied by the State Department, $112,000, to be available immediately.

Mr. RANDALL. That is an extravagant appropriation, it seems to me. I move to strike out $112,000 and insert $50,000. I do not wish to discuss this, but it must be apparent to everybody that $112,000 is entirely too much to furnish that Department.

Mr. GARFIELD. The gentleman will remember the building is now a mere shell, and this is to provide gas-fixtures and everything in that way, carpets, furniture, plumbing, and everything of that kind, in order to fit it for use.

Mr. RANDALL. Show me the items which you have stated.

Mr. GARFIELD. I have a letter from the Secretary of State, and also a letter from the Supervising Architect.

Mr. RANDALL. Let them be read.

Mr. GARFIELD. I will ask the Clerk to read what I will send up. I will add before the letter is read that we inquired whether the furniture in the building now occupied by the State Department could not be used in some measure for furnishing the new State Department, and we found they had been using the old, almost worn-out furniture in the expectation of going into the new building. The Secretary of State informs us there is nothing in the way of furniture in that building which could be used in the new. The committee therefore recommend this appropriation.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, April 11, 1874.

SIR: In the preparation of the new State Department for occupation, an appropriation for the purchase of furniture will be necessary. A careful estimate has been prepared by the Supervising Architect of the Treasury, and it is thought that $112,801 will be required. I have, therefore, the honor to request that you will bring the subject to the attention of the committee over which you preside, with a view to the necessary legislation thereon.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations, House of Representatives.

Mr. RANDALL. That is in no respect an estimate in detail. It is a mere blind estimate of the appropriation necessary. If similar appropriations are made for the others, these three Departments, the State, War, and Navy Departments will cost for furnishing almost a half million dollars. I think we might as well halt here and give $50,000, which I think entirely adequate for the proper furnishing of the State Department. If we shall find hereafter that that sum has not been sufficient I shall be willing at a future time to vote for more money; but I do think that $50,000 is entirely sufficient for the purpose intended.

The question being taken on Mr. RANDALL'S amendment, the Chair stated that on the vote by sound the ayes had it.

Mr. RANDALL. I must ask for a division. I look upon this as one of the most extravagant items in this bill.

A MEMBER. Make it $75,000.

Mr. RANDALL. I am willing to modify my amendment by making the amendment $75,000 if the committee will agree to that.

Mr. SPEER. Insist on your original amendment.

The question being taken on Mr. RANDALL'S amendment, it was agreed to.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. SPEER. In what form was my colleague's amendment adopted? Is the amount $75,000 or $50,000?

The CHAIRMAN. The Chair understood the gentleman from Pennsylvania [Mr. RANDALL] to modify his amendment by making the amount $75,000. If, however, the vote was taken with any misunderstanding on the part of the gentleman, the Chair will allow the question to be again put to the committee.

Mr. RANDALL. There was no misunderstanding on my part.

The CHAIRMAN. Then the amendment has been agreed to as modified.

The Clerk read as follows:

For furniture, and repairs of the same, and for carpets for public buildings under the control of the Treasury Department, $200,000.

Mr. RANDALL. I move to amend by striking out "$200,000" and inserting "$100,000."

Mr. PLATT, of Virginia. This appropriation covers two hundred public buildings of the United States. I hope it will not be cut down.

Mr. RANDALL. We are endeavoring to economize in every direction so that we may not be driven to the necessity of imposing additional taxation. And yet here is resistance made to a reduction of an appropriation to be expended in supplying furniture to replace what might very well answer for another year in every one of these buildings. I hope the committee will sustain the amendment, and thus effect a saving of one-half the appropriation asked for to the extent of $100,000.

Mr. GARFIELD. It is utterly impossible to keep up the furniture, carpets, &c., in nearly two hundred public buildings without an average expenditure of about $1,000 each. I ask how far will $1,000 go for such a purpose in a building that cost $5,000,000? How far will $1,000 go in such a building as that in New York? There are one hundred and thirty-five buildings now under the actual control of the Supervising Architect, and there are a good many more finished of which he has only a general custody, making in all about two hundred buildings; and for so many buildings $200,000 is a small amount for this purpose.

Mr. E. R. HOAR. I move to strike out the last word. The com-

mittee within the last hour have appropriated for furnishing a single building in the city of New York the sum of $200,000; and the gentleman from Pennsylvania proposes that for the furnishing of all the other public buildings in the country two hundred in number, including the employment in a great number of rooms of a great number of people in Chicago, Philadelphia, Baltimore, New Orleans, and everywhere else, we should cut the amount down to one-half the sum that is appropriated for a single building in the city of New York. That is unreasonable. I do not suppose that on the ground of so-called economy this House is to refuse to keep in repair these public buildings generally, and in a blindfold manner to cut down the estimate of the necessary expenditures, of an amount not exceeding what has been usual in previous years. This is not economy, Mr. Chairman, and I trust the House will not be led away by any cry of that kind into appropriating an entirely inadequate amount.

Mr. SPEER. I desire to call the attention of the gentleman from Massachusetts to this fact, that the item to which he has addressed his remarks does not provide for the employment of the large number of men he has spoken of. The next clause of the bill provides for "fuel, light, and water, and miscellaneous items required by janitors and firemen in the proper care of public buildings."

Mr. E. R. HOAR. I was speaking only of furnishing.

Mr. SPEER. This item does not provide for the employment of a single individual. It is for furniture and repairs of same and carpets. Now are we to recarpet every year the public buildings of the country?

Mr. E. R. HOAR. That is not what is proposed here. If they were all to be recarpeted it would take millions.

Mr. SPEER. I repeat that this appropriation does not pay for the services of a single man.

Mr. RANDALL. I ask the gentleman from Massachusetts to withdraw the amendment to the amendment and I will renew it.

Mr. E. R. HOAR. I withdraw the amendment to the amendment.

Mr. RANDALL. I renew it. I wish to act on behalf of the Government just as I would act in a matter of this kind in my own personal affairs. Whenever I feel that I cannot in my own household renew my furniture because of the fact that I have not the money to do it I postpone it for a year; and so I want to act in reference to the Government. We are going into extravagant appropriations here for furniture. Now, the gentleman tells you that $200,000 was appropriated for furnishing the New York post-office and court-house. If I had been aware of that, sir, I should have endeavored to have that appropriation cut down, because I do not believe that it can be made available at all this year, that is to say, if it applies to the new building there. The new building at New York for the post-office and court-house will not be in such a condition this year that it will be necessary to expend any such sum of money in furnishing it.

Mr. MERRIAM. Mr. Chairman, I am not willing as one member of this House to vote $200,000 for this purpose, unless we have some itemized memorandum of what it is wanted for. A friend of mine was in Savannah a few days ago, and on visiting the barge office in the lower part of the town, near the river, he found in a small wooden house used as the office a highly carved black-walnut center-table and chairs to match, and the officer said that all the requisition they made was for a pine table. Now, if the money of the country is being spent in that luxurious way for a barge office, I think it is time that some one supervised the expenditures. In the custom-house at New Orleans and in other places throughout the country there is more extravagant furniture than there is in one-tenth of the private houses of the country.

Mr. BUTLER, of Massachusetts. Is not black walnut the commonest wood used for that purpose?

Mr. MERRIAM. A carved black-walnut center-table, at a place where they made a requisition for a pine table, may be necessary in the view of my friend from Massachusetts; such a table may be necessary for his purposes, but not for public purposes.

Mr. GARFIELD. I am sorry that the gentleman from New York was not observant when the appropriation for furnishing the New York post-office was passed upon. The estimate for furniture and carpets for that building was $375,000. The committee cut it down to $200,000. I am sorry that it was not thought proper by the gentleman from New York to make this assault upon expenditures of public money at that point, instead of on this appropriation for furnishing all the public buildings of the country.

Mr. CREAMER. I move to strike out the last word. It seems to me that a great many members on this floor will never get over the fact that the Government is putting up a public building in the city of New York. Ever since the organization of the Government you have had your post-office in the first city of the country in an old church, built in 1732. Your court-house in that city, as the gentleman from Massachusetts knows, because I believe he has been there quite frequently, has been for years past in an old theater. Your custom-house to-day is in a building sold to the Government by the merchants of the city, the old Merchants' Exchange. That city certainly has not at any time received any particular favor from Congress or the Government. Besides that, it must be borne in mind that the New York post-office is not a local concern; it is a national affair. So is our custom-house. Seventy per cent. of the entire revenues of the country are collected at that point; nearly two-thirds of the entire revenue that goes to pay the interest on your national debt and the expense of carrying on your Government. If $200,000 is an extravagant amount for the furnishing of that building, then reduce it.

Mr. E. R. HOAR. I did not object to that as being extravagant; not in the slightest degree; but I said that if that was only enough for one building, certainly this was not too much for several hundred buildings.

Mr. CREAMER. Pardon me; I did not intend to intimate that the gentleman had said anything of the kind. For Heaven's sake, sir, let us hear the last of this cry that New York is getting a large public building. It is the first city in the nation.

The question was taken on the amendment, and it was not agreed to; there being on a division—ayes 41, noes not counted.

Mr. SPEER. Only seven republicans voted "ay."

Mr. RANDALL. I now move to reduce the amount to $150,000.

The question was taken; and on a division there were—ayes 46, noes 74; no quorum voting.

Tellers were ordered; and Mr. RANDALL and Mr. GARFIELD were appointed.

The committee divided; and the tellers reported—ayes 79, noes 68.

So the amendment was agreed to.

The committee rose informally to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insisted upon their amendments disagreed to by the House to the bill of the House No. 3171, to amend the customs and revenue laws and to repeal moieties, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. SCOTT, Mr. HOWE, and Mr. BAYARD as the conferees on the part of the Senate.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 311) for the relief of William J. McIntire;

A bill (H. R. No. 546) for the relief of William B. Morgan;

A bill (H. R. No. 958) for the relief of Robert Sutherland;

A bill (H. R. No. 1051) for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Ninth Regiment United States Colored Artillery, (heavy,) and directing their honorable muster out of the service of the United States as of the date of their dismissal;

A bill (H. R. No. 1108) for the relief of Alfred Fry;

A bill (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of the officers of the Army and Navy;

A bill (H. R. No. 1931) to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government buildings thereon;

A bill (H. R. No. 2087) for the relief of Julius Griesenbeck, of Waco, Texas;

A bill (H. R. No. 2207) for the relief of James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry;

A bill (H. R. No. 2412) for the relief of Sheridan O. Bremmer, late a private in Company E, Eighteenth Regiment Wisconsin Infantry;

A bill (H. R. No. 2697) to create an additional major of artillery, and to promote Captain Thomas M. Robertson;

A bill (H. R. No. 2704) for the relief of Selden Connor;

A bill (H. R. No. 2901) for the relief of the heirs and next of kin of Colonel William Northedge, deceased;

A bill (H. R. No. 2939) to compensate D. M. Haggard for six months' service as colonel of the Fifth Kentucky United States Cavalry Volunteers;

A bill (H. R. No. 2982) for the relief of Thomas Simms, late a lieutenant in the Seventy-sixth Regiment New York Volunteers;

A bill (H. R. No. 3001) for the relief of Peter J. Knapp;

A bill (H. R. No. 3002) for the relief of Isaac Riseden, late a first lieutenant of the Eleventh Tennessee Cavalry;

A bill (H. R. No. 3003) for the relief of George A. Bacon;

A bill (H. R. No. 3183) for the relief of Jonathan D. Hale;

A bill (H. R. No. 3303) to extend the time for filing claims for additional bounty under the act of July 28, 1866; and

A bill (H. R. No. 3335) authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the city railroad company, Fort Gratiot, Michigan.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 3257) authorizing the Secretary of War to sell unserviceable ordnance stores, and for other purposes;

A bill (H. R. No. 3428) to amend an act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849; and

A bill (H. R. No. 3431) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes.

The message further announced that the Senate had passed, and

requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 323) for the relief of Charles W. Biere, late second lieutenant of the Eighty-second Regiment Illinois Volunteers;

A bill (S. No 324) for the relief of M. Von Entress Fuersteneck, late second lieutenant of the Sixty-eighth New York Volunteers;

A bill (S. No. 344) for the relief of William Bowlin;

A bill (S. No. 345) for the relief of Alvis Smith:

A bill (S. No. 436) for the relief of Lieutenant John Shelton;

A bill (S. No. 455) for the relief of William M. Kimball;

A bill (S. No. 476) for the relief of John R. Polk;

A bill (S. No. 502) for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughn;

A bill (S. No. 574) for the relief of Willis N. Arnold;

A bill (S. No. 671) for the relief of Alexander Minor, of West Virginia;

A bill (S. No. 704) for the relief of the non-commissioned officers and men of the United States Army who were sufferers by the wreck of the bark Torrent;

A bill (S. No. 718) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry;

A bill (S. No. 757) to donate a certain portion of the military reservation of Fort Brady to school district No. 1, in township of Sault Sainte Marie, and State of Michigan, for school purposes;

A bill (S. No. 769) for the relief of Major J. W. Nichols, paymaster United States Army;

A bill (S. No. 792) for the relief of John Fletcher, surviving partner of Fletcher & Boyle;

A bill (S. No. 794) to legalize the muster of Reuben M. Pratt as second lieutenant;

A bill (S. No. 800) to amend the act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," approved June 20, 1864;

A bill (S. No. 841) to place the name of Daniel H. Kelly upon the muster-roll of Company F, Second Tennessee Infantry;

A bill (S. No. 854) extending the right of way heretofore granted to the Alleghany Valley Railroad Company through the arsenal grounds at Pittsburgh, Pennsylvania;

A bill (S. No. 930) to authorize the Farmers' National Bank of Greensburgh, Pennsylvania, to change its location and name; and

A bill (S. No. 924) donating condemned cannon to the city of Masillon, Ohio, for monumental purposes.

MISCELLANEOUS APPROPRIATION BILL.

The Committee of the Whole resumed its session and the consideration of the miscellaneous appropriation bill.

The Clerk read as follows:

That all balances in the Treasury remaining unexpended on the 1st day of July, 1874, of appropriations heretofore made for buildings and sites of buildings named in this act, and all balances of appropriations heretofore made, and sufficient for the completion of buildings under the Supervising Architect of the Treasury not named in this act, during the next fiscal year, be, and they are hereby, made available for the fiscal year ending June 30, 1875.

Mr. WILLARD, of Vermont. I make the point of order that that provision changes existing law, because under the exising law these balances would be covered into the Treasury.

Mr. GARFIELD. This merely renders available the balances remaining unexpended at the end of the year. It is the same as appropriating money; it is not a change of existing law.

Mr. WILLARD, of Vermont. The language is "that all balances of appropriations heretofore made, &c., be, and they are hereby, made available."

The CHAIRMAN. The Chair overrules the point of order.

Mr. BUTLER, of Massachusetts. I offer the following amendment to come in after the clause just read as a separate section:

SEC. 2. That all unexpended balances of money heretofore appropriated to carry out the provisions of section 9 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government," passed March 3, 1871, and to support the civil-service commission, so called, remaining at the close of the present fiscal year, are hereby ordered to be covered into the Treasury.

Mr. KELLOGG. I make the point of order on that amendment that it changes existing law.

The CHAIRMAN. The Chair understands the rules to have been suspended so as to make this amendment in order. The Chair overrules the point of order.

Mr. KASSON. I wish to offer a substitute for the amendment just read. I believe debate on this subject has been closed.

Mr. GARFIELD. All debate was closed on the general subject of civil-service reform.

Mr. KASSON. I ask the Clerk to read the substitute which I send to the desk.

The Clerk read as follows:

SEC. 2. That section 9 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1871, authorizing the President to employ suitable persons to conduct certain inquiries and to prescribe their duties in respect to appointments in the civil service, be, and the same is hereby, repealed, and the unexpended balance of any appropriation heretofore made for carrying the same into effect shall be covered into the Treasury. And it shall be the duty of the officer at the head of each of the Executive Departments at Washington to prescribe and publish rules for ascertaining the qualifications of applicants for appointments at his disposal or made under his authority, to make such appointments only from candidates who have the qualifications of honesty, efficiency, and fidelity, and not as rewards for mere party zeal, giving preference only to those who have the additional qualification of an honorable record in the military or naval service of the United States; and it shall be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several States and with reference to their population; and upon the removal of any appointee the reason for such removal shall be stated on the records of the Department where the service was rendered.

Mr. KELLOGG. I rise to a parliamentary inquiry. Is not that amendment divisible immediatety after the clause with respect to any unexpended balance?

Mr. KASSON. I think not.

Mr. KELLOGG. I wish to have a division, because I can vote for the latter clause of the proposition.

Mr. LAWRENCE. Let us have a division of the question.

The CHAIRMAN. Under the rules, any gentleman is entitled to a division of the question where the subject-matter of the proposition is susceptible of division; and the Chair understands the test to be whether the part asked to be separately voted on would make a substantial proposition when standing alone. The Chair is of opinion that so much of this amendment as provides for covering into the Treasury unexpended balances would stand by itself, whatever disposition might be made of the remainder.

Mr. KELLOGG. Then I call for a division of the question.

The CHAIRMAN. The Chair understands that the gentleman from Connecticut [Mr. KELLOGG] calls for a division of the question so that the vote shall be taken separately on the clause ending with the provision for covering any unexpended balance into the Treasury.

Mr. KELLOGG. Yes, sir.

Mr. BUTLER, of Massachusetts. I will accept that part as a portion of my amendment.

Mr. KASSON. The gentleman cannot accept a part of this substitute.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BUTLER] can modify his amendment as he likes before any action of the Committee of the Whole has been had upon it.

Mr. KASSON. But I offer my proposition as a substitute; and I am entitled to a vote upon it as a whole.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BUTLER] will indicate his amendment as now modified.

Mr. BUTLER, of Massachusetts. I modify my amendment so as to embrace the amendment of the gentleman from Iowa, [Mr. KASSON,] down to and including the words "covered into the Treasury."

Mr. SCOFIELD. I rise to a point of order. The gentleman from Massachusetts [Mr. BUTLER] had the rules suspended so as to authorize him to propose a specific amendment. That amendment he has now withdrawn and proposes an entirely different one.

The CHAIRMAN. The motion of the gentleman from Massachusetts to suspend the rules did not embrace any particular form of amendment.

Mr. SCOFIELD. Let the Clerk read the authority under which the gentleman makes his motion.

The Clerk read as follows:

That when the House is in Committee of the Whole on the sundry civil expense bill it shall be in order for the Committee of the Whole to consider and pass upon an amendment in relation to the preference in Government employment of soldiers and sailors and their dependent relatives; and also in relation to diminishing and stopping the expenses of carrying on examinations by boards of commissioners and others traveling around the country at public charge, and the detailing of clerks of the Departments to sit in judgment upon their fellow-clerks, and to exercise thereby the appointing power which is by the Constitution vested in the heads of the several Executive Departments, who ought to be men of sufficient discretion to appoint their own clerks without being tied up by rules and regulations imposed upon them by a board composed in whole or in part of those very clerks themselves.

Mr. KELLOGG. I make the point of order that the proposition adopted yesterday and which has just been read does not provide for anything in regard to the repeal of the law.

Mr. BUTLER, of Massachusetts. It it provides for "stopping expenses."

Mr. KELLOGG. But the proposition had no provision whatever in regard to the repeal of any law.

Mr. BUTLER, of Massachusetts. I suggest to the gentleman that unless we repeal the law somebody may go on under it and bring in a deficiency appropriation, which I do not want.

Mr. KELLOGG. I withdraw my call for a division of the amendment of the gentleman from Iowa.

Mr. STORM. I renew the call for a division.

The CHAIRMAN. The Chair is of opinion that a proposition "in relation to diminishing and stopping expenses of carrying on examinations by boards of commissioners" would cover an amendment repealing the very law which authorizes such expenditures.

Mr. STARKWEATHER. I make this point of order: the gentleman from Massachusetts moved a suspension of the rules so that this amendment might be in order when the "sundry civil expense bill" should be under consideration. We have no such bill.

The CHAIRMAN. The Chair overrules the point of order.

Mr. STARKWEATHER. The proposition does not even define the year. It may be this year or next year.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BUTLER] moved an amendment, and to that amendment the gentleman

from Iowa [Mr. KASSON] has moved a substitute. The gentleman from Connecticut calls for a division of the vote on the substitute.

Mr. KELLOGG. I withdraw my call for a division.

Mr. STORM. I renew it.

The CHAIRMAN. The Chair rules the gentleman is entitled to have a division of the vote on the substitute.

Mr. BURCHARD. Is the proposition of the gentleman from Iowa a substitute for the whole amendment of the gentleman from Massachusetts?

The CHAIRMAN. The amendment proposed by the gentleman from Iowa is a substitute to the amendment proposed by the gentleman from Massachusetts.

Mr. BURCHARD. How, then, can it be divided, as it is an amendment to the amendment?

The CHAIRMAN. The Chair is not aware of any different rule applicable to an amendment in reference to the question of division that is not also applicable to the amendment to the amendment. The rule applying to the amendment also applies to the amendment to the amendment.

Mr. GARFIELD. I cannot understand how an amendment to an appropriation bill is divisible.

The CHAIRMAN. Will the gentleman from Ohio point out any rule which makes a distinction in regard to amendments in the Committee of the Whole in reference to the question of a division of the vote?

Mr. GARFIELD. The motion to strike out any portion of an amendment is in order. I cannot see how an amendment in the Committee of the Whole is divisible. I do not know who has the right to ask for a division of the amendment, but it is in order to move to strike out any part of the amendment which may be pending.

Mr. WILLARD, of Vermont, rose.

Mr. GARFIELD. If anybody wishes to strike out any portion they can do so.

The CHAIRMAN. The Chair will have the rule read.

Mr. WILLARD, of Vermont. If a vote be taken on the first half of the substitute, and it be adopted as a substitute, for the proposition of the gentleman from Massachusetts, what then will be the next proposition?

Mr. COX. The other half of the substitute.

Mr. RANDALL. Is such a substitute in order in the Committee of the Whole?

The CHAIRMAN. It is in the nature of an amendment.

Mr. GARFIELD. A division of the amendment offered as a substitute is then an amendment in the third degree. Here we have an amendment offered to the bill and then a substitute for that amendment and then a division of that substitute which allows an amendment in the third degree, and that is contrary to the rule. A division of the amendment in the nature of a substitute and allowing a vote on one part and then allowing a vote on another is really an amendment in the third degree.

The CHAIRMAN. The Chair will direct the rule to be read.

The Clerk read as follows:

46. Any member may call for the division of a question, before or after the main question is ordered, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House.

Mr. G. F. HOAR. I ask the Clerk to read a passage from Barclay's Digest, on page 90.

The Clerk read as follows:

DIVISION OF QUESTIONS.

"Any member may call for the division of a question, before or after the main question is ordered, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible." (Rule 46.) But it has been decided on appeals that on motions to commit with instructions, or on the different branches of instructions, (Journals, 1, 17, page 507; 1, 31, pages 1395-'97; 1, 32, page 611,) on a Senate amendment, (Journals, 2, 32, page 401,) on an amendment reported as a single amendment from a Committee of the Whole, (Journals 1, 28, page 1061; 1, 29, pages 366, 642; 1, 30, page 1059; 2, 37, page 170, &c.,) on a series of resolutions proposed to be inserted in lieu of other matter, (Congressional Globe, 1, 31, page 1301,) a division of the question cannot be had.

Mr. G. F. HOAR. The principle, if you will allow me to suggest, is this: suppose a series of resolutions is offered as an amendment to another series. That is not a divisible question. The single question is, shall this second series be inserted for the first? If inserted as an amendment then the question comes before the House when a division will be in order.

Mr. BUTLER, of Massachusetts. I desire to cut this knot, and I will accept the whole as a substitute, and will then move to strike out the portion indicated.

Mr. HOSKINS. I understand the rule to be when a substitute is offered it must be acted on as a whole, and cannot be divided. I do not understand it precludes the amendment of the substitute. The substitute, I understand, is amendable, but not divisible.

Mr. COX. I move the committee rise.

Mr. GARFIELD. I hope we will sit here until after five o'clock.

Mr. COX. We cannot get through with this to-night.

The committee refused to rise.

Mr. BUTLER, of Massachusetts. I now call for a division of the question.

Mr. KELLOGG. I move to strike out all of the first part of the amendment ending with the words "covered into the Treasury."

The CHAIRMAN. The question is on the amendment of the gentleman from Connecticut [Mr. KELLOGG] to the amendment of the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. STARKWEATHER. I desire to offer an amendment. Where it is provided that the appointments shall be made as equitably as possible from the candidates presenting themselves from the different States, I propose to strike out the word "States" and to insert the words "congressional districts."

The CHAIRMAN. The question will be first on the amendment of the gentleman from Connecticut, [Mr. KELLOGG.]

Mr. SCOFIELD. What is that amendment?

The CHAIRMAN. The amendment offered by the gentleman from Connecticut [Mr. KELLOGG] is to strike out from the amendment proposed by the gentleman from Massachusetts [Mr. BUTLER] certain words.

Mr. HOSKINS. I respectfully ask the Chair to state distinctly to the House what is to be voted upon. Gentlemen around me do not understand what it is.

The CHAIRMAN. The Chair has been for some time trying to do that very thing; and if gentlemen will take their seats he will make one more effort to do so.

The Clerk will read so much of the amendment of the gentleman from Massachusetts [Mr. BUTLER] as the gentleman from Connecticut [Mr. KELLOGG] proposes to strike out.

The Clerk read as follows:

Strike out these words:

That section 9 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872," approved March 3, 1871, authorizing the President to employ suitable persons to conduct certain inquiries and to prescribe their duties, and in respect to appointments in the civil service, be, and the same is hereby, repealed, and the unexpended balance of any appropriation heretofore made for carrying the same into effect shall be covered into the Treasury.

The question being taken on Mr. KELLOGG'S amendment, it was not agreed to.

Mr. HOSKINS. I now move to strike out the balance of the amendment.

Mr. GARFIELD. Let the words be read which the gentleman from New York moves to strike out.

The CHAIRMAN. The Clerk will read the words which it is proposed to strike out.

The Clerk read as follows:

And it shall be the duty of the officer at the head of each of the Executive Departments at Washington to prescribe and publish rules for ascertaining the qualifications of applicants for appointments at his disposal, or made under his authority, to make such appointments only from candidates who have the qualifications of honesty, efficiency, and fidelity, and not as rewards for mere party zeal, giving preference only to those who have the additional qualification of an honorable record in the military or naval service of the United States. And it shall be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several States and with reference to their population, and upon the removal of any appointee the reason for such removal shall be stated on the records of the Department where the service was rendered.

Mr. BUTLER, of Massachusetts. Is it now in order to move to substitute something for that last part of the amendment?

The CHAIRMAN. The gentleman from New York [Mr. HOSKINS] moves to strike out certain words; the gentleman from Massachusetts proposes to strike out and insert.

Mr. STARKWEATHER. I claim the right to perfect that portion of the amendment before it is stricken out. I move to strike out the word "State" and insert the words "congressional districts."

Mr. FORT. I think the word "Territories" should be added.

The CHAIRMAN. The amendment of the gentleman from Connecticut [Mr. STARKWEATHER] will be read.

The Clerk read as follows:

Strike out the word "States" and insert the words "congressional districts;" so it will read:

And it will be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several congressional districts and with reference to their population, &c.

The CHAIRMAN. The gentleman from Massachusetts [Mr. BUTLER] proposes to strike out and insert. The gentleman from Connecticut [Mr. STARKWEATHER] moves to amend the portion proposed to be stricken out. The question will be first on the motion of the gentleman from Connecticut.

Mr. BURCHARD. I desire to make a parliamentary inquiry. Has the amendment of the gentleman from Massachusetts [Mr. BUTLER] been voted on and adopted? I understood that the gentleman from Massachusetts accepted the proposition of the gentleman from Iowa, [Mr. KASSON,] and that that was submitted to the committee and adopted.

Mr. BUTLER, of Massachusetts. O, no.

Mr. COX. I move that the committee do now rise. It is evident that we cannot get through the Choctaw business to-night.

The question being taken on Mr. STARKWEATHER'S amendment, it was agreed to.

Mr. BUTLER, of Massachusetts. I ask that the words which I propose to insert be read.

Mr. GARFIELD. I make the point of order that the amendment of the gentleman from Massachusetts [Mr. BUTLER] is an amend-

ment in the third degree. We have not yet adopted the substitute of the gentleman from Iowa, [Mr. KASSON.] That is now pending.

The CHAIRMAN. The substitute of the gentleman from Iowa [Mr. KASSON] has been made the original amendment by being accepted by the gentleman from Massachusetts, [Mr. BUTLER,] and is now pending as an original motion.

Mr. GARFIELD. It is an original amendment pending to the bill?

The CHAIRMAN. The Chair so understands it.

Mr. GARFIELD. How can an amendment to an amendment have an amendment offered to it in the third degree?

The CHAIRMAN. The gentleman from Massachusetts adopted that as his own amendment.

Mr. GARFIELD. But the committee has not adopted it.

The CHAIRMAN. It is now pending, and the Chair understands that it is capable of being amended if the majority of the committee so decide, and the question is whether they will so decide.

Mr. KELLOGG. I rise to make a parliamentary inquiry, and it is whether the gentleman from Massachusetts can make fish of his amendment one instant and flesh of it the next; if he has any right to change the amendment which he has accepted before it is voted on?

Mr. MAYNARD. Would it be in order to move that the committee now rise, before the shades of evening prevail?

MESSAGE FROM THE SENATE.

The committee rose informally, and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate further insisted on its amendments disagreed to by the House to the bill (H. R. No. 1572) to amend the several acts providing a national currency, and to establish free banking, and for other purposes, agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WRIGHT, Mr. FERRY of Michigan, and Mr. STEVENSON conferees on the part of the Senate.

The message further announced that the Senate had passed a bill (S. No. 600) for the relief of Captain James B. Thompson, in which he was directed to ask the concurrence of the House.

MISCELLANEOUS APPROPRIATION BILL.

The Committee of the Whole on the state of the Union resumed its session.

Mr. HOSKINS. I believe I can get the committee out of this muddle. I believe the pending question is on my motion to strike out the balance of the substitute of the gentleman from Iowa, [Mr. KASSON,] which is now the original amendment. The gentleman from Massachusetts moves to insert something in lieu of it. I accept his amendment, and make mine a motion to strike out and insert.

Mr. MAYNARD. I renew the motion that the committee rise; it is late on Saturday evening.

The question was put, and on a division there were—ayes 33, noes not counted.

Mr. MAYNARD. I call for tellers.

Tellers were not ordered, and the motion was not agreed to.

Mr. KASSON. I ask now, first, that there may be a reading of the first motion to amend my substitute, which is all that is in order. The substitute being the first amendment, and the first amendment to that being now in order, I ask that it be read.

The CHAIRMAN. The gentleman from Massachusetts proposed certain words as an amendment. The gentleman from Iowa offered another in nearly the same words.

Mr. KASSON. The Chair will pardon me a moment. The first substitute was for the proposition of the gentleman from Massachusetts, [Mr. BUTLER,] and which he afterward accepted. That became amendment number one, as accepted by the gentleman from Massachusetts. Now, either he or the gentleman from New York, [Mr. HOSKINS,] I do not know which, offers an amendment to that, and that is the only thing that can be voted on, because it is an amendment in the second degree.

The CHAIRMAN. If the gentleman from Iowa will permit the Chair to have read at the Clerk's desk what it is proposed to strike out, the Chair will be very much obliged.

Mr. KASSON. That is what I desire.

The Clerk read as follows:

Strike out all the original amendment after the words "covered into the Treasury" and insert:

That in the Bureaus and in all the Departments at Washington, whenever there shall be a number of applicants for employment therein, a soldier or sailor who fought in the line of duty in the war, a soldier or sailor's widow, wife, daughter, and mother respectively being such applicants, shall have preference in employment suited to each respectively, and the same rule shall be observed whenever discharges shall take place in the several Departments and Bureaus by reason of diminution of force therein respectively: *Provided*, That two of the relations above stated, either by blood or marriage, shall not have employment in any of said Departments or Bureaus at the same time.

Mr. KELLOGG. I now call for the reading of the words in the amendment of the gentleman from Iowa [Mr. KASSON] that are proposed to be stricken out.

The CHAIRMAN. The Clerk will read them.

The Clerk read as follows:

And it shall be the duty of the officer at the head of each of the Executive Departments at Washington to prescribe and p ıblish rules for ascertaining the qualifications of applicants for appointments at his disposal or made under his authority, to make such appointments only from candidates who have the qualifications of honesty, efficiency, and fidelity, and not as rewards for mere party zeal, giving preference only to those who have the additional qualification of an honorable record in the military or naval service of the United States. And it shall be his further duty to make such appointments as equitably as possible from qualified candidates presenting themselves from the several congressional districts and with reference to their population, and upon the removal of any appointee, the reason for such removal shall be stated on the records of the Department where the service was rendered.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary question. Is it parliamentary to presume by a motion in this House that the heads of Departments will not do their duty in appointing men for honesty and efficiency? What is the use of passing a law for that?

The CHAIRMAN. The Chair is not advised upon that point.

Mr. SMITH, of Ohio. I ask that the motion of the gentleman from Massachusetts [Mr. BUTLER] may be divided, so that we shall take a vote first on striking out and afterward on inserting.

Mr. KELLOGG. I submit that the motion is not divisible.

The CHAIRMAN. The question will first be put on striking out.

Mr. KELLOGG. I make the point of order that the motion is not divisible.

Mr. KASSON. The rules declare that it is not divisible.

The CHAIRMAN. The Chair overrules the point of order.

Mr. COX. I rise to a point of order. By the Constitution the appointing power is fixed irrevocably in the President, and there can be no restriction upon it by Congress or in any way. I ask that the Constitution of the United States may be read on that point.

Mr. KASSON. I object; that is in the nature of argument, and I object to debating this question in that way.

Mr. COX. I ask that the Constitution be read on that point.

The CHAIRMAN. The Chair stands corrected; the motion to strike out and insert is not divisible.

Mr. COX. I insist upon having the Constitution read.

Mr. GARFIELD. That is in the nature of debate.

The CHAIRMAN. The question is upon the motion to strike out and insert.

Mr. COX. I do not propose to vote on this question until my point of order is respected by the Chair.

The question was taken on the motion to strike out and insert; and upon a division there were—ayes 75, noes not counted.

Before the result of this vote was announced,

Mr. GARFIELD called for tellers.

The question was taken upon ordering tellers; and there were 15 in the affirmative.

So (the affirmative not being one-fifth of a quorum) tellers were not ordered.

The motion to strike out and insert was accordingly agreed to.

The amendment, as amended, was then adopted.

Mr. KELLOGG. I suggest that this should be further amended by inserting after the words "wives and mothers" the words "aunts and cousins in the first, second, third, and fourth degrees."

Mr. COBB, of Kansas. I have an amendment I desire to offer.

Mr. GARFIELD. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and, Mr. TYNER having taken the chair as Speaker *pro tempore*, Mr. DAWES reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

Mr. DAWES. I move that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALBRIGHT: The petition of Permelia Brownfield, of Fayette County, Pennsylvania, for a pension, to the Committee on Invalid Pensions.

By Mr. BIERY: The petition of workingmen in the Allentown rolling-mill, Lehigh County, Pennsylvania, for the restoration of the 10 per cent. duty on iron and steel, and for free banking, to the Committee on Ways and Means.

By Mr. BLAND: The petition of Silas Hedrick and others, of Dent County, Missouri, for the construction of a double-track freight railway from the Missouri River to tide-water, to the Committee on Railways and Canals.

By Mr. CHIPMAN: The petition of William Dickson and others, of the District of Columbia, for an amendment of the general incorporation law, to the Committee on the District of Columbia.

By Mr. DONNAN: Resolutions of citizens of Dubuque, Iowa, in favor of the construction of a ponton wagon-bridge across the Mississippi River at Dubuque, to the Committee on Commerce.

By Mr. DUNNELL: The petition of the grange organization of Woodville, Minnesota, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. McNULTA: A paper relating to the application of Miss Miller, for a pension, to the Committee on Invalid Pensions.

By Mr. O'NEILL: The petition of the Fairmount Park Association of Philadelphia, for twenty condemned cannon for an equestrian statue of the late Major-General George G. Meade, to the Committee on Military Affairs.

By Mr. RICHMOND: The petition of citizens of the twentieth congressional district of Pennsylvania, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

By Mr. WOODWORTH: The petition of W. G. Moore and 87 others, of Youngstown, Ohio, for the passage of the bill to aid in the construction of the Continental Freight Railway, to the Committee on Railways and Canals.

IN SENATE.

MONDAY, *June* 15, 1874.

The Senate met at twelve o'clock m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. CARPENTER, (Mr. ANTHONY in the chair,) and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

PETITIONS AND MEMORIALS.

Mr. HAMILTON, of Maryland, presented a memorial of Messrs. Hodges Bros., Alexander Brown, Hugh Jenkins & Co., William Fisher & Sons, and other bankers, manufacturers, and importers, of Baltimore, Maryland, protesting against a tax on sales of stocks, coin, bonds, and other securities; which was referred to the Committee on Finance.

Mr. BUCKINGHAM. I present the petition of the Rev. Dr. Sampson, late President of Columbian College, James L. Howard, President of the American Baptist Publication Company, Henry G. Weston, President of the American Missionary Baptist Union, Rev. E. H. Gray, ex-chaplain of the Senate, and many other distinguished persons late in attendance at the Baptist anniversary held in Washington, asking Congress to aid the American Printing House for the Blind and the American University for the Blind. I move its reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. SHERMAN presented the petition of A. B. Battelle and George D. Evans, praying compensation for the hides and tallow of sixteen hundred beeves furnished the United States Army in West Virginia in 1862 under a contract with the Commissary Department and which it is claimed were reserved to them therein; which was referred to the Committee on Claims.

He also presented a memorial of importers, dealers, and workers of tin-plate, protesting against a change of the duty on tin-plate; which was referred to the Committee on Finance.

Mr. SHERMAN. I am requested to present resolutions in the nature of a petition, from the Chamber of Commerce of the State of New York, the substance of which is more briefly expressed in one of the resolutions than I could hope to do it. They respectfully petition:

That the honorable Senate and House of Representatives of the United States are earnestly requested to direct the holding of sessions during the coming recess of their respective Finance and Ways and Means Committees for the revision of the revenue laws, in order that while the amount of revenue now collected shall not be diminished, the collection of the same may be simplified by a change from *ad valorem* to specific duties wherever practicable, and by such alterations in the classification of merchandise as may be found desirable.

They also inform us that a special committee of five has been instructed to wait upon Congress to promote the passage of such a proposition. I move the reference of these resolutions to the Committee on Finance.

The motion was agreed to.

Mr. SCOTT presented a memorial of merchants, bankers, and business men of Hollidaysburgh, Pennsylvania, and a memorial of merchants and bankers, &c., of Altoona, Pennsylvania, protesting against the passage of the twenty-ninth section of the tariff and tax bill which imposes a tax on all sales of stocks, bonds, gold and silver bullion, coin, and other securities; which were referred to the Committee on Finance.

Mr. ALCORN presented a memorial of the board of levee commissioners for the counties of Bolivar, Washington, and Issaquena, Mississippi, praying the Government of the United States to take charge of and construct the levees of the Mississippi River; which was referred to the Select Committee on the Levees of the Mississippi River.

He also presented a memorial from the Louisiana engineers, asking aid in the construction of the levees of the Mississippi River; which was referred to the Select Committee on the Levees of the Mississippi River.

Mr. SPENCER presented the petition of Frank E. Sawyer, of Clark County, Alabama, praying military protection until he can dispose of his property and remove from said county; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Alabama, praying for the establishment of certain post-routes in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PRATT presented papers in relation to the application of Daniel G. Gallion, late of Company A, One hundred and thirtieth Indiana Volunteers, for an allowance of pension; which was referred to the Committee on Pensions.

Mr. CONKLING presented a memorial of George S. Coe, president of the American Exchange Bank; Robert Lenox Kennedy, president of the National Bank of Commerce; and fifty-five other banks and trust companies of New York City; and a memorial of merchants, importers, bankers, and business men of Troy, New York, protesting against the passage of the twenty-ninth section of the tariff and tax bill, which imposes a tax of $\frac{1}{20}$ of 1 per cent. on all sales of stocks, bonds, gold and silver bullion, coin, and other securities; which were referred to the Committee on Finance.

Mr. CRAGIN presented the petition of Horace Clough, late of Company D, Sixth New Hampshire Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PATTERSON presented the petition of Mrs. Mary M. Kearney, widow of Surgeon John A. Kearney, United States Navy, who died in 1847, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. JOHNSTON presented a memorial of merchants, importers, bankers, and others, citizens of Richmond, Virginia, remonstrating against the passage of the twenty-ninth section of the tariff bill, which imposes a tax on all sales of stocks, bonds, coins, and other securities; which was referred to the Committee on Finance.

ORDER OF BUSINESS.

Mr. BUCKINGHAM. I desire to say that the Committee on Indian Affairs have not been able to bring the bills reported by them to the consideration of the Senate, and there are some twenty of them on the Calendar, many of which are of great importance. I therefore ask the Senate to give me two hours on Wednesday next, after the conclusion of the morning business, for the consideration of those bills, provided an appropriation bill is not then before the Senate.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Connecticut asks unanimous consent that two hours be given to the consideration of bills reported from the Committee on Indian Affairs on Wednesday next at the close of the morning hour.

Mr. SHERMAN. I do not think we ought at this moment when the Senate is so thin to make an order of that sort. I hope the Senator will wait until the morning business is over.

Mr. BUCKINGHAM. I am not particular as to that, but I hope the Senate will grant the Committee on Indian Affairs this indulgence.

Mr. RAMSEY. While this matter is before the Senate I desire to say that the Committee on Post-Offices and Post-Roads have not had a day nor an hour this session, and I gave notice some day last week that I would to-morrow after the morning hour ask the Senate to give me some time to consider some very important and very necessary bills reported by that committee. I give notice that I shall renew that request to-morrow morning after the morning hour.

Mr. PRATT. I wish to give notice that after the business of the morning hour is through I shall ask the indulgence of the Senate to take up the House bill No. 2190 to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty. The bill has been pending in the Senate for a long time, and it ought to be considered.

Mr. SHERMAN. I object to that.

Mr. CONKLING. He only gives notice of his intention to move to take it up.

Mr. SHERMAN. Of course I do not object to that.

REPORT RECOMMITTED.

On motion of Mr. MORRILL, of Maine, it was

Ordered, That the report of the Committee on Naval Affairs on the memorial of C. K. Curtis and others, graduates of the Naval Academy, praying for a re-arrangement of their names on the official list of the Navy, so that they may take rank and precedence as determined by the date of their graduation, be recommitted to the Committee on Naval Affairs.

GENEVA AWARD.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom were referred the amendments of the House of Representatives to the bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain, to report that we recommend that the Senate disagree to the amendments of the House of Representatives and ask a conference on the disagreeing votes of the two House, the conferees on the part of the Senate to be appointed by the Chair. That is the general opinion of the committee, and I suppose there will be no objection to its being so ordered now.

The PRESIDING OFFICER. If there be no objection that order will be made.

The PRESIDENT *pro tempore* subsequently appointed Messrs. FRELINGHUYSEN, WRIGHT, and THURMAN as the conferees on the part of the Senate, Mr. EDMUNDS stating that he did not wish to be on the committee as he was obliged to leave the city this evening to be absent two or three days.

REPORTS OF COMMITTEES.

Mr. KELLY, from the Committee on Railroads, to whom was referred the bill (S. No. 869) granting to the Wasatch and Jordan Valley Railroad Company the right of way through the public lands for the construction of a railroad and telegraph, reported it without amendment.

Mr. PRATT. The Committee on Pensions, to whom was referred the bill (H. R. No. 2671) granting a pension to General A. C. Voris, have instructed me to report it back with the recommendation that it pass. There is a report made by the Committee on Pensions of the House which our committee adopt.

Mr. CARPENTER, (Mr. ANTHONY in the chair.) Mr. President, having been in the chair almost the entire session, bills which have been intrusted to my care by the Judiciary Committee I have been unable to dispose of, and I must now throw myself upon the indulgence of the Senate for fifteen or twenty minutes for the purpose of making several reports and considering one or two bills which are of importance and ought to be passed, and would have been urged upon the Senate days before if I had not been in the chair. I send to the desk a number of bills which the committee report adversely and recommend be indefinitely postponed, because their substance is embodied in one of the bills which I shall ask the Senate to consider. I ask that their titles be reported.

There being no objection, the following bills were read by their titles, and indefinitely postponed:

The bill (H. R. No. 2443) to protect persons acting in the interests of the United States;

The bill (H. R. No. 3283) to amend the act entitled "An act to further the administration of justice," passed June 1, 1872;

The bill (H. R. No. 3510) to amend the act entitled "An act to further the administration of justice," passed June 1, 1872;

The bill (S. No. 799) to amend the act passed March 2, 1867, entitled "An act for the removal of causes in certain cases from the State courts;"

The bill (S. No. 137) relating to the jurisdiction of the Supreme Court of the United States in certain cases;

The bill (S. No. 190) amending and supplementary to the act entitled "An act to further the administration of justice;"

The bill (S. No. 462) to further amend an amendatory act approved March 2, 1867, amending an act entitled "An act for the removal of causes in certain cases from the State courts," approved July 27, 1866;

The bill (S. No. 390) to amend an act for the removal of causes in certain cases from the State courts, approved July 27, 1866;

The bill (S. No. 164) amending and construing the act approved March 2, 1867, entitled "An act to amend an act entitled 'An act for the removal of causes in certain cases from State courts,' approved July 27, 1866;"

The bill (S. No. 136) to repeal the second section of the act entitled "An act to amend an act to establish the judicial courts of the United States, approved September 24, 1798," approved February 5, 1867; and

The bill (S. No. 258) to amend an act entitled "An act for the relief of purchasers of lands sold for direct taxes in the insurrectionary States," approved May 9, 1872.

PAPERS OF HEIRS OF SILAS DEANE.

Mr. CARPENTER. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 2347) authorizing the Secretary of the Treasury to deliver to the Connecticut Historical Society certain papers on file as vouchers for the discharged claims of the heirs of Silas Deane have directed me to report it back favorably and ask for its present consideration. It is a short bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to deliver to the Connecticut Historical Society the papers now on file in the Treasury Department as vouchers in support of the claims of the heirs of Silas Deane, it being understood that those claims have been fully satisfied and discharged; and that the heirs have transferred to the historical society all the papers of historical interest left by Silas Deane; but copies of the papers are to be left on file in the Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WRITS OF ERROR IN CRIMINAL CAUSES.

Mr. CARPENTER. I now ask the Senate to consider Senate bill No. 935.

There being no objection, the bill (S. No. 935) to provide for writs of error in certain criminal causes was read the second time, and considered as in Committee of the Whole.

The bill provides that on the trial of any criminal cause in any circuit or district court of the United States, or in any court of any Territory of the United States, or in the District of Columbia, the defendant or defendants shall be entitled to a bill of exceptions, which may be settled on the trial or within ten days thereafter, and which is to be signed by the presiding judge or justice of such court, and be deemed to be a part of the record in such cause.

The second section provides that in any criminal cause in any circuit or district court of the United States in which any defendant or defendants shall be sentenced to death, the court shall fix a day, not less than thirty nor more than ninety days after such sentence shall be pronounced, for the sentence to be carried into execution; and any defendant or defendants so sentenced to death may remove the cause, by writ of error, to the Supreme Court of the United States, as matter of right, without giving bond or security, the writ to be issued and served as in civil causes, and after the service of such writ the execution of the sentence shall be stayed, and the Supreme Court is to proceed to hear and determine the writ of error according to law; and if the day fixed by the sentence in the court below shall have passed before the Supreme Court shall render judgment on the writ of error, and the judgment in the court below shall be affirmed, the Supreme Court is to fix the day, not less than thirty nor more than ninety days after such affirmance, when the sentence shall be carried into execution, and issue a warrant to the proper officer therefor.

The third section provides that in every criminal cause tried in any court of any Territory of the United States, or of the District of Columbia, in which any defendant or defendants shall be sentenced to death, the court shall fix a day, not less than thirty nor more than ninety days after such sentence shall be pronounced, for the sentence to be carried into execution; and any defendant or defendants so sentenced to death may remove the cause by writ of error to the supreme court of the Territory or the District of Columbia, as the case may be, as matter of right; and after the writ of error shall be served, all proceedings in the judgment in the court below shall be stayed, and the supreme court shall proceed to hear and determine the writ of error according to law; and if the supreme court shall affirm the judgment, and the day fixed by the court below for the execution of the sentence shall have passed before the judgment of affirmance shall be rendered, the supreme court is to fix a day not less than thirty nor more than ninety days after such affirmance, upon which the sentence shall be executed; and after such affirmance, the defendant or defendants may, by writ of error, and as matter of right, and without giving any bond or security, remove the cause to the Supreme Court of the United States, the writ to be issued and served as in civil causes; and after the service of the writ, the execution of the sentence shall be stayed, and the Supreme Court of the United States shall proceed to hear and determine the writ of error according to law; and if the judgment shall be affirmed by the Supreme Court of the United States, and the day fixed by the supreme court of such Territory, or of the District of Columbia, as the case may be, shall have passed before such affirmance in the Supreme Court of the United States, the last-named court is to fix a day, not less than thirty nor more than ninety days after such affirmance by the court, for the sentence to be carried into execution, and issue a warrant to the proper officer therefor.

The fourth section provides that in all criminal prosecutions, penal actions, or proceedings to enforce a penalty prescribed by law in any circuit or district court of the United States, in which any defendant or defendants shall be sentenced to imprisonment for one year or upward, or to a fine of $1,000 or upward; or in which there shall be a recovery for $2,000 or upward; or in any criminal prosecution, penal action, or proceeding to enforce a penalty prescribed by law in any court of any Territory of the United States or of the District of Columbia, in which any defendant or defendants shall be sentenced to imprisonment for one year or upward, or to a fine of $1,000 or upward, or in which there shall be a recovery for $1,000 or upward, and the judgment, sentence, or recovery shall be affirmed by the Supreme Court of such Territory or the District of Columbia, as the case may be, in which criminal prosecution, action, or proceeding the defendant or defendants set up or relied upon the Constitution or laws of the United States, or treaties made or which shall be made under their authority, in defense, the defendant or defendants therein may apply to any justice of the Supreme Court of the United States for a writ of error to remove such prosecution, action, or proceeding to the Supreme Court of the United States within one year from the time when final judgment was entered therein by the circuit or district court, or by the supreme court of the Territory or of the District of Columbia, as the case may be; and if the justice so applied to shall be satisfied that such defense was interposed in good faith, or that the Constitution, laws, or treaties of the United States were fairly involved in the judgment, and that the defendant or defendants so applying has or have been substantially prejudiced by the judgment, he is to allow a writ of error; and after service thereof, as in civil causes, all proceedings on such judgment are to be stayed, and the Supreme Court of the United States are to proceed to hear and determine the writ of error according to law.

The fifth section provides that at the time the writ of error shall be allowed in the cases mentioned in the next preceding section, or at any time thereafter, the Supreme Court of the United States, or any justice thereof, may admit the defendant or defendants to bail, in such sum as shall appear to be just, to answer and abide by such judgment therein; and upon giving such new bail, all bail required prior to granting the writ of error shall be discharged; or if the defendant or defendants be in actual custody, he or they shall be discharged upon giving such new bail; but if the defendant or defendants are at large on bail when the writ of error shall be allowed, the bail is not to be discharged by the allowance of the writ.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CIRCUIT COURT JURISDICTION.

Mr. CARPENTER. I am directed by the Committee on the Judi-

ciary, to whom was referred the bill (H. R. No. 3511) regulating the removal of causes from the State courts to the circuit courts of the United States, to report the same back, with an amendment striking out all after the enacting clause, and inserting what I send to the desk. I ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole.

The amendment of the Committee on the Judiciary was to strike out all after the enacting clause of the bill, and insert:

That the circuit courts of the United States shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of $500, and arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or in which the United States are plaintiffs or petitioners, or in which there shall be a controversy between citizens of different States or a controversy between citizens of the same State claiming lands under grants of different States, or a controversy between citizens of a State and foreign states, citizens, or subjects; and shall have exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except as otherwise provided by law, and concurrent jurisdiction with the district courts of the crimes and offenses cognizable therein. But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court. And no civil suit shall be brought before either of said courts against any person by any original process or proceeding in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving such process or commencing such proceeding, except as hereinafter provided; nor shall any circuit or district court have cognizance of any suit founded on contract in favor of an assignee, unless a suit might have been prosecuted in such court to recover thereon if no assignment had been made, except in cases of promissory notes negotiable by the law merchant and bills of exchange. And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions prescribed by law.

SEC. 2. That any suit of a civil nature, at law or in equity, now pending or hereafter brought in any State court, where the matter in dispute exceeds, exclusive of costs, the sum or value of $500, and arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or in which the United States shall be plaintiff or petitioner, or in which there shall be a controversy between citizens of different States, or a controversy between citizens of the same State claiming lands under grants of different States, or a controversy between citizens of a State and foreign states, citizens or subjects, either party may remove said suit into the circuit court of the United States for the proper district. And when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the plaintiffs or defendants actually interested in such controversy may remove said suit into the circuit court of the United States for the proper district.

SEC. 3. That whenever either party, or any one or more of the plaintiffs or defendants entitled to remove any suit mentioned in the next preceding section, shall desire to remove such suit from a State court to the circuit court of the United States, he or they may make and file a petition in such suit in such State court, before the final hearing or trial therein, for the removal of such suit into the circuit court to be held in the district where such suit is pending, and shall make and file therewith a bond, with good and sufficient surety, for his or their entering in such circuit court, on the first day of its then next session, a copy of the record in such suit, and for paying all costs that may be awarded by the said circuit court if said court shall hold that such suit was wrongfully or improperly removed thereto, and also for there appearing and entering special bail in such suit, if special bail was originally requisite therein, it shall then be the duty of the State court to accept said petition and bond, and proceed no further in such suit, and any bail that may have been originally taken shall be discharged; and the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner as if it had been originally commenced in the said circuit court; and if in any action commenced in a State court the title of land be concerned, and the parties are citizens of the same State, and the matter in dispute exceed the sum or value of $500, exclusive of costs, the sum or value being made to appear, one or more of the plaintiffs or defendants, before the trial, may state to the court, and make affidavit, if the court require it, that he or they claim and shall rely upon a right or title to the land under a grant from a State, and produce the original grant, or an exemplification of it, except where the loss of public records shall put it out of his or their power, and shall move that any one or more of the adverse party inform the court whether he or they claim a right or title to the land under a grant from some other State, the party or parties so required shall give such information, or otherwise not be allowed to plead such grant or give it in evidence upon the trial; and if he or they inform that he or they do claim under such grant, any one or more of the party moving for such information may then, on petition and bond as hereinbefore mentioned in this act, remove the cause for trial to the circuit court of the United States next to be holden in such district; and any one of either party removing the cause shall not be allowed to plead or give evidence of any other title than that by him or them stated as aforesaid as the ground of his or their claim; and the trial of issues of fact in the circuit courts shall, in all suits except those of equity and of admiralty and maritime jurisdiction, be by jury.

SEC. 4. That when any suit shall be removed from a State court to a circuit court of the United States, any attachment or sequestration of the goods or estate of the defendant had in such suit in the State court shall hold the goods or estate so attached or sequestered to answer the final judgment or decree in the same manner as by law they would have been held to answer final judgment or decree had it been rendered by the court in which such suit was commenced; and all bonds, undertakings, or security given by either party in such suit prior to its removal shall remain valid and effectual notwithstanding said removal; and all injunctions, orders, and other proceedings had in such suit prior to its removal shall remain in full force and effect until dissolved or modified by the court to which such suit shall be removed.

SEC. 5. That if, in any suit commenced in a circuit court, or removed from a State court to a circuit court of the United States, it shall appear to the satisfaction of said circuit court, at any time after such suit has been brought or removed thereto, that such suit does not really and substantially involve a dispute or controversy properly within the jurisdiction of said circuit court, or that the parties to said suit have been improperly or collusively made or joined, either as plaintiffs or defendants, for the purpose of creating a case cognizable or removable under this act, the said circuit court shall proceed no further therein, but shall dismiss the suit or remand it to the court from which it was removed, as justice may require, and shall make such order as to costs as shall be just; but the order of said circuit court dismissing or remanding said cause to the State court shall be reviewable by the Supreme Court on writ of error or appeal, as the case may be.

SEC. 6. That the circuit court of the United States shall, in all suits removed under the provisions of this act, proceed therein as if the suit had been originally commenced in said circuit court, and the same proceedings had been taken in such suit in said circuit court as shall have been had therein in said State court prior to its removal.

SEC. 7. That whenever in any criminal prosecution, or penal action, or proceeding to enforce any forfeiture or penalty prescribed by law, now pending, or that may hereafter be commenced in any State court, the guilt or innocence of the defendant, or the case made by the prosecution or defense therein, shall depend upon the Constitution of the United States, or any act of Congress or treaty made or which shall be made under the authority of the United States or involve or depend upon the construction thereof; or where the case or the defense in such prosecution, action, or proceeding shall be one arising in whole or in part under the Constitution or laws of the United States or treaties made or which shall be made under their authority, any one or more of the defendants in such prosecution, action, or proceeding may remove the same to the circuit court of the United States for the district in which the same is pending at any time before final trial therein; and the circuit court to which the same shall be removed shall proceed in such prosecution, action, or proceeding according to law, and as if it had original jurisdiction thereof.

SEC. 8. That any one or more of the defendants in any prosecution, action, or proceeding mentioned in the next preceding section, desiring to remove the same as aforesaid, may make and file a petition in such prosecution, action, or proceeding, in such State court, for the removal of such prosecution, action, or proceeding into the circuit court to be held in the district where the same is pending, and make and file therewith a bond, with good and sufficient surety, to be approved by the judge of the circuit or district court of the United States for said district, or by any commissioner appointed by either of said courts, both as to surety and amount, conditioned that he or they will file in the circuit court of the United States for the proper district on the first day of its then next session, a copy of the record in said prosecution, action, or proceeding, and appear and enter into bail for his or their appearance in said circuit court, as said court may require, whereupon the said State court shall proceed no further in said prosecution, action, or proceeding, and all bail for appearance required in said State court in such prosecution, action, or proceeding shall be discharged; or any one or more of the said defendants, desiring to remove such prosecution, action, or proceeding as aforesaid, may exhibit to the judge of the circuit or district court of the United States for said district, or to any justice of the Supreme Court of the United States, a petition for the removal of the same, stating the nature of the case and verifying the same by his or their affidavit; and if said judge or justice shall be of opinion that the case is removable under this act, he shall make an order thereon directing the same to be filed in the office of the clerk of said circuit court; and on the filing of the same in said clerk's office, with said order indorsed thereon, the said case shall be entered and docketed in said circuit court; and said clerk shall issue a writ of *habeas corpus cum causâ*, a copy of which shall be delivered to the clerk of said State court, or left at his office, by the marshal of the United States for said district, or his deputy, or some person duly authorized thereto by said marshal; and said marshal, or his deputy, or such person as shall be authorized as aforesaid, shall tender to the clerk of said State court his legal fees for a copy of the record in such prosecution, action, or proceeding; and thereupon said clerk shall deliver to said marshal, or his deputy, or person authorized as aforesaid, a copy of such record, and he shall file the same in the office of the clerk of said circuit court; and upon service of said writ as aforesaid upon said clerk of the State court, it shall be the duty of said State court to stay all further proceedings in said prosecution, action, or proceeding; and the said prosecution, action, or proceeding shall be deemed and taken to be removed to said circuit court; and the same shall thereafter be proceeded in only in said circuit court; and any further proceedings, trial, or judgment therein in the State court shall be wholly void. And if the said defendant or defendants so petitioning shall be in actual custody, it shall be the duty of the marshal, by virtue of the said writ of *habeas corpus cum causâ*, to take the body or bodies of said defendant or defendants into his custody, to be dealt with in the said prosecution, action, or proceeding, according to the rules of law, and the order of the said circuit court, or the judge thereof in vacation. And all attachments made upon the property of any of the defendants, and all bail and other security given by any of the defendants in said prosecution, action, or proceeding in the State court prior to the removal, shall be and continue in like force and effect as if the same had been given in said prosecution, action, or proceeding after its removal to the said circuit court.

SEC. 9. That in all causes, civil or criminal, removable under this act, if the term of the circuit court to which the same is removable, then next to be holden, shall commence within twenty days after filing the petition and bond in the State court for its removal, then he or they who apply to remove the same shall have twenty days from such application to file said copy of record in said circuit court and enter appearance therein; and, if done within said twenty days, such filing and appearance shall be taken to satisfy the said bond in that behalf; that if the clerk of the State court in which any cause, civil or criminal, shall be pending, shall refuse to any one or more of the parties or persons applying to remove the same a copy of the record therein, after tender of legal fees for such copy, said clerk so offending shall be guilty of a misdemeanor, and, on conviction thereof in the circuit court of the United States to which said prosecution, action, or proceeding was removed, shall be punished by imprisonment not more than one year, or by fine not exceeding $1,000, or both, in the discretion of the court. And the circuit court to which any cause, civil or criminal, shall be removable under this act shall have power to issue a writ of *certiorari* to said State court, commanding said State court to make return of the record in any such cause removed as aforesaid, or in which any one or more of the plaintiffs or defendants have complied with the provisions of this act for the removal of the same, and enforce said writ according to law; and if it shall be impossible for the parties or persons removing any cause, civil or criminal, under this act, or complying with its provisions for the removal thereof, to obtain such copy, for the reason that the clerk of said State court refuses to furnish a copy, on payment of legal fees, or for any other reason, the circuit court shall make an order requiring the prosecutor in any criminal prosecution or penal action or proceeding to enforce forfeiture or recover penalty as aforesaid, to file a copy of the indictment, presentment, or other paper or proceeding by which the same was commenced, within such time as the court may determine; and in default thereof the court shall dismiss the said prosecution, action, or proceeding; but if said order shall be complied with, then said circuit court shall require the other party to plead, and said prosecution, action, or proceeding shall proceed to final judgment; and if the cause be of a civil nature, at law or in equity, the said circuit court may make an order requiring the parties thereto to plead *de novo*; and the bond given, conditioned as aforesaid, shall be discharged so far as it requires copy of the record to be filed as aforesaid.

SEC. 10. That when in any civil suit, commenced in any circuit court of the United States, to enforce any legal or equitable lien upon, or claim to, real or personal property within the district where such suit is brought, one or more of the defendants therein shall not be an inhabitant of or found within the said district, or shall not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant or defendants to appear, plead, answer, or demur, by a day certain to be designated, which order shall be served on such absent defendant or defendants, if practicable, wherever found, and also upon the person or persons in possession or charge of said property, if any there be; or where such personal service upon such absent defendant or defendants is not practicable, such order shall be published in such manner as the court may direct, not less than once a week for six consecutive weeks; and in case such absent defendant shall not appear, plead, answer, or demur within the time so limited, or within some further time to be allowed by the court, in his discretion, and upon proof of the service or publication of said order, and of the performance of the directions contained in the same, it shall be lawful for the court to entertain jurisdiction, and proceed to the hearing and adjudication of such suit in the same manner as if such absent defendant had been served with process within the said district; but said adjudication shall,

as regards said absent defendant or defendants without appearance, affect only the property which shall have been the subject of the suit and under the jurisdiction of the court therein, within such district. And when a part of the said real or personal property against which such proceedings shall be taken shall be within another district, but within the same State, said suit may be brought in either district in said State: *Provided, however*, That any defendant or defendants not actually personally notified as above provided may, at any time within one year after final judgment in and suit mentioned in this section, enter his appearance in said suit in said circuit court; and thereupon the said circuit court shall make an order setting aside the judgment therein, and permitting said defendant or defendants to plead therein on payment by him or them of such costs as the court shall deem just; and thereupon said suit shall be proceeded with to final judgment, according to law.

SEC. 11. That process to commence in any circuit court of the United States, or in any court of any Territory of the United States or of the District of Columbia, any civil suit or proceeding not affecting the title to real estate not within the State, Territory, or district where said suit is brought, against any corporation or other person residing in the United States and doing business in the State, Territory, or district where said suit is brought, and having in said State, Territory, or district where said suit is brought, an agent or agents in respect of the business or matter out of which the case arises, may be made by delivery to such agent, or to either of such agents where there is more than one, a copy of such process; and such service shall have the same force and effect as if made upon the principal of such agent in the State, Territory, or District of Columbia, where the suit is brought: *Provided, however*, That this section shall not apply to any suit on a cause of action accruing before July 1, 1874.

SEC. 12. That whenever either party to a final judgment or decree which has been or shall be rendered in any circuit court has died or shall die before the time allowed for taking an appeal or bringing a writ of error has expired, it shall be necessary to revive the suit by any formal proceedings of revival, the representative of such deceased party may file in the office of the clerk of such circuit court a duly certified copy of his appointment and thereupon may enter an appeal or bring a writ of error as the party he represents might have done. If the party in whose favor such judgment or decree is rendered has died before appeal taken or writ of error brought, notice to his representatives shall be given from the supreme court as provided in case of the death of a party after appeal taken or writ of error brought.

SEC. 13. That sections 11 and 12 of the act entitled "An act to establish the judicial courts of the United States," approved September 24, 1789; and section 67 of the act entitled "An act to reduce internal taxation and to amend an act entitled 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,' approved June 30, 1864, and acts amendatory thereof," approved July 13, 1866, so far as the same relates to the removal of causes from State courts to the circuit courts of the United States; and the act entitled "An act amendatory of an act entitled 'An act relating to *habeas corpus*, and regulating judicial proceedings in certain cases,'" approved January 22, 1869; and section 2 of the act entitled "An act supplementary to an act entitled 'An act to allow the United States to prosecute appeals and writs of error without giving security, and for other purposes,'" approved July 27, 1868; and section 20 of the act entitled "An act to reduce internal taxes, and for other purposes," approved July 14, 1870; and sections 15 and 16 of the act entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes," approved February 28, 1871; and the act entitled "An act for the removal of causes in certain cases from State courts," approved July 27, 1866; and the act entitled "An act to amend an act entitled 'An act for the removal of causes in certain cases from State courts,' approved July 27, 1866," approved March 2, 1867; and the act entitled "An act in addition to an act entitled 'An act to amend an act entitled "An act for the removal of causes in certain cases from State courts," approved July 27, 1866,' approved March 2, 1867," approved March 30, 1872; and section 2 of the act entitled "An act to amend an act to establish the judicial courts of the United States, approved September 24, 1789," approved February 5, 1867; and section 13 of the act entitled "An act to further the administration of justice," approved June 1, 1872; and all other acts or parts of acts in conflict with the provisions of this act, or providing for the removal of causes from State courts, or defining the jurisdiction of the circuit courts of the United States, be, and the same are hereby, repealed: *Provided, however*, That nothing in this act shall affect any cause now pending in the Supreme Court of the United States, nor any cause pending in or removed to a circuit court of the United States prior to the time when this act shall take effect. And no right acquired or vested under the provisions of any of the acts or parts of acts hereby repealed prior to the time when this act shall take effect shall be affected by the provisions of this act.

Mr. THURMAN. I move to strike out the eleventh section of the amendment. This section authorizes service upon a defendant by a delivery of a copy of the process to his agent engaged in the business or matter out of which the cause of action accrued with a certain exception, that it shall not apply to any action in respect to real estate where the real estate lies outside of the jurisdiction in which the suit is brought. That is the only limitation on the section. It therefore applies to all personal actions of every kind and description, and allows, if not technically, yet substantially substituted service in all such cases. There are many cases in which such substituted service, speaking not technically, the lawyers of the Senate will understand me, but practically, it is allowed by the statute laws of a State, and very properly allowed. For instance, in the State from which I come the statutes require foreign railroad companies and foreign insurance companies doing business in Ohio, that is, railroad companies having leased lines or owning lines in Ohio, to name some agency, have some office or place of business where service may be made upon the company; and so in regard to insurance companies. The law requires an insurance company to have an office and some person there to receive service in an action against the company upon any person of its policies granted to a citizen of Ohio, and insuring property within Ohio. To that I do not object; that is entirely right; and if this section were limited to cases of that kind, I should not object to it. But this section is unlimited except in the particular which I mentioned, and therefore it affects actions of tort as well as actions *ex contractu*. It applies to all personal actions whatever; and for that reason, without specifying the personal actions to which it would apply, I have never been able to give my assent to the section, and I have therefore moved to strike it out.

Mr. CARPENTER. I believe this section met the concurrence of all the members of the Judiciary Committee except the honorable Senator from Ohio, [Mr. THURMAN,] and this bill makes the identical provision as to Federal courts which he says is the law of his State as to State courts. It is as just in one jurisdiction as it is in the other. If a railroad company or a life insurance company establishes an office in Milwaukee and issues policies to subscribers there and one dies, why should not the suit be brought there and service be made upon the agent who transacted the business and who is in substance the principal?

Mr. THURMAN. Our statute of Ohio does not go anything like as far as this. It does not embrace all personal actions.

Mr. CARPENTER. Then it does not go quite far enough; but the principle is sound as far as it does go, and there is no reason why it should not extend to the Federal courts. I hope the Senate will stand by the section.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business, the transportation resolutions.

Mr. CARPENTER. I move that the pending order be postponed until this bill be finished. It will take but a short time.

Mr. WINDOM. Let this go on by consent for a few minutes as it is important. Let the regular order be laid aside informally.

The PRESIDING OFFICER. The unfinished business will be laid aside informally if there be no objection. The Chair hears none.

Mr. BAYARD. I think, Mr. President, this section is decidedly objectionable. It proposes an extension of constructive service of process on defendants beyond anything which we have had heretofore in the way of legislation. It is, in my opinion, dangerous and violative of the general principle that under our system makes personal actions local. Although it is true that there is capacity that is transitory in most personal actions, nevertheless the Constitution of the United States and the policy of the Government of the United States is to procure trials where the facts are best known.

Mr. CARPENTER. Will my friend allow me to ask him a question?

Mr. BAYARD. I have hardly got into my statement of facts yet, but I will answer if I can.

Mr. CARPENTER. It is just in support of that theory that this section is inserted. A corporation, for instance, goes out to Wisconsin, establishes a railroad office there, and does business in that State. There the facts occur; there the cause of action arises; there the witnesses reside; there the trial should be. The section would put it there. Strike out the section, and you may try it at New York.

Mr. BAYARD. Will the Senator be willing to limit the operation of this section to corporations and to actions *ex contractu*?

Mr. CARPENTER. No. If a railroad company by sheer negligence runs its car off the track and breaks my leg, that is a tort, and I would not let them off on that account.

Mr. BAYARD. Would the Senator agree to limit this to corporations?

Mr. CARPENTER. No. I am not unfriendly to corporations; I would not subject them to any hardship that I would not individuals. I want to make the law apply to all persons.

Mr. BAYARD. Then I will proceed to state my objection. It is a maxim much older than any law known to us, "strike, but hear;" and that every man should have his day in court is essential; and that he must be brought into court by due notice is essential. The common reason why judgments of courts of other jurisdictions are disregarded and declared invalid in the jurisdictions where they are sought to be enforced is generally based upon the fact that there was not sufficient notice to the party who is to be charged, and that he had not in the full meaning of the term his day in court.

In my opinion the danger of this proposition is that under the general word "agent" you allow a party living no matter how remote from the scene of trial to be brought into court by this constructive notice upon him through his agent; and that is allowed in regard to an agent for the special case. This construction of agency is of itself a matter of very doubtful fact and difficult of ascertainment. The agency here is not required to be constituted in any manner. An attorney is sometimes an agent. No language is required generally to constitute an agent. It is too vague. Here you establish in the absence of a party defendant the fact of an agency, which he cannot know you are alleging. He might have under this law a judgment recovered against him in his absence, without his knowledge; for you have made no provision for the communication to him of the fact of the suit or the character of the claim. I can see under a law as vague as this the greatest hardship. I see in it the compulsion of men to defend suits in distant Territories working great hardships and far exceeding anything for which as yet we have legal precedent.

When corporations were created—vague, impalpable persons, merely artificial, acting only by agents—it was necessary to make constructive service of process by permitting a director or some other member of the corporation to be capable of having service made upon him for it. But never yet have I heard that this vague doctrine of agency was extended to other parties, or even to corporations, so that enormous judgments may be obtained against a party in the name of his agent, the real party having neither knowledge nor means of knowledge of the suit. A director has official position, has official duty to his corporation, and therefore upon him service of process may properly be made. He is a part of the corporation, and unless you provide that some actual person should be served with process it would be impossible for you to conduct suits against corporate bodies. Therefore the law has permitted the agencies of corporations, their officia

servants, to be capable of receiving service of process that shall bind the principal or bind the corporation which they represent. But when has it ever been stated that a mere agency for one purpose shall allow a man to take a power which is equivalent here to entering into a *cognovit actionem* for the purpose of confessing judgment, for such would be in effect the result of this section. Take the case of a man doing business in the District of Columbia. He comes here and employs some one as an agent; that is to say, he talks to him about his affairs, and he gives him certain charge over his business; he consults with him; he says to his contractor, "Leave that note at the house of A B for me," or "See A B on the subject of my affairs." A B may really not be any one whom he trusts. He may give him no powers on earth to act for him; he has nothing to show that he is authorized to accept service, or to enter into contracts, or to submit matters for arbitration, or any thing of the kind; but under this section, if it can be shown that he has been held out by A B to be the agent of A B in any way, then a service may be made upon him which he may keep secretly from the alleged principal until damages in a large amount, either arising from tort or from contract, shall be found against him; and he will find a judgment brought into a United States court which shall be declared under this act to be valid and binding because service has been made upon him constructively and he has been constructively brought into court. Sir, there is a world of danger in this; there is a large possibility of oppression.

It certainly is reasonable that where you desire to sue a party, you should sue him at his home; go to his domicile; find him out; lay your suit upon him. If you can find him *in transitu* in another State, serve your process upon him. There surely is large enough opportunity in all this. I say to the Senate that this is a dangerous proposition; it is one that will lead to disastrous results; it is one that will lead to the collusion of men, who will set themselves up as agents for the purpose of procuring the condemnation of others to whom they are not friendly.

The service of process upon a private man, or upon a copartnership, or upon an association incorporated by law is carried far enough when you make it a service upon the officials of the corporation or upon the partner or upon the person doing buisness and having a local habitation and a name within the district and within the jurisdiction where you propose to bring your suit and recover your judgment. It is a large extension of the jurisdiction of the Federal courts, it is a dangerous extension of the jurisdiction of the Federal courts, it is an extension that is without precedent in the laws of Congress; and I trust the Senate will agree to the amendment of the Senator from Ohio, to strike out this section. There is no necessity for it.

If you tell me of the intangibility of corporations, then I say provide for them, if you please, by allowing service to be made in any State or Territory upon any member of the corporation; but do not go so far as to allow this statement of a man being the agent of another for any particular matter to bind that man irrevocably, so that a judgment recovered without his personal knowledge shall be incapable of resistance or defense. There is too much in this thing already; I would carefully guard the rights of absent men. This bill not only does not guard them, but it subjects them to the operation of a law which I see is harsh, and which I know will be used for mischievous ends. Therefore it is that I trust this section will be stricken out.

Mr. CONKLING. Mr. President, I have listened with great surprise to the honorable Senator from Delaware. His strictures would disparage the practice and proceedings in my own State and those of every State in this Union which I know anything about. He holds up to us the truth that an agent upon whom process is served in a civil case may collude with the plaintiff, put the process in his pocket, and suffer judgment to go against his principal. Yes, sir; and I can tell the Senator of unnumbered illustrations of the same thing in the jurisprudence of the State of New York; and what is the answer? There are a great many. One answer is that no plaintiff with a claim which he wanted to recover would be fool enough to do any such thing. Why? Because a mere suggestion being made to the court, after judgment recovered of the principal, that he had not had notice of the service would instantly and inevitably set the judgment aside; and as my friend from Wisconsin suggests, in case of collusion a court of equity would set it aside also.

Again, what is a partner? Nothing but an agent. A partner is the general agent of his copartners; and the logic of my friend would be that process to commence a civil suit must be served upon all the members of a firm or voluntary association, because one might cheat the other and not allow him to know anything about it.

Mr. President, what is the section that the Senator wants to strike out? A section under which no action whatever can be brought that cannot be brought now, a section under which no action can be brought anywhere except exactly where it may be brought now. It has nothing to do with the venue, the place of trial, the rights of the parties, or any other matter or thing save one. What is that? If a railroad company cast me from its train here in this District or near by, I being a resident of the District, and break my leg; in place of being compelled to lie in wait until I can catch here some officer of that company upon whom technically no process can be made, within three or six years or during my life, and sue him here, I may go to the legally authorized agent of this company and hand my process to him.

Mr. BAYARD. The statute of limitations I believe never runs against an absent party.

Mr. CONKLING. I did not say that it did.

Mr. BAYARD. The Senator spoke about three or six years and intimated that if he did not catch him in that time his action would not lie at all.

Mr. CONKLING. My friend is very sharp. I did not intimate any such thing.

Mr. BAYARD. Then I misunderstood the remark certainly.

Mr. CONKLING. My friend did misunderstand me, and I think he misunderstands this section very much. I restate my proposition: If I live long enough to catch an officer of this railroad here upon whom service can be made under the statute as it now stands, I may sue him. Under this section I may do exactly the same thing, neither his rights nor mine being changed except that when I find a business office here and find a superintendent or a treasurer there or whatever he may be, I go and hand my declaration and summons to him. That is all there is of it.

So an insurance company located in the city of New York insures my house in Washington and the house burns down. I have received my policy here from the agent. Here is his sign up, "So and So, agent of such an insurance company." My house burns up. "Will you pay me?" "No." "Why?" "Well, the company refuses to pay." Then I cast about to know what I am to do. I can sue them here; I ought to sue them here, but I must lie by and wait until the president or the executive officer of that company shall show his face in the District of Columbia; and then if I am ready I hand the paper to him and my suit is on foot. Is there any reason in that? Is there any sense in that? This section, I think, is too narrow and restricts the service to a suit commenced about the very business or matter in which the agency exists. I think that is too narrow and restricted. The section would have been better if it allowed service to be made absolutely upon an authorized agent. But the Senator from Delaware says that the agent may not have been employed with that view. When we put the law upon the statute-book, the agent will be employed with that view, and if any man has employed a lunatic or an idiot who when a paper is served upon him does not know enough to notify upon his principal, the principal probably will change that agent and he has time to change him under this section, and he probably will do it.

I do not want to prolong this discussion. This section as I understand was agreed to in committee by every member of the committee save one; and I had no expectation until now that there would be any objection to it. I leave the subject with one remark. The Senator spoke about corporations. I know it is very fashionable to denounce corporations and always has been. It is not a fashion which I observe. I do not think the Senator from Delaware means to do it, as a rule; but I know of no reason on earth why a corporation should be visited as other people are not. Perhaps if anybody were to object to this, I should have as much reason to do it as matter of local duty as anybody; because here from the city of New York are a large number of persons carrying on branch houses, selling everything in the world from the largest thing to a tooth-pick—clothing, wines, liquors, whatever you please. If I here purchase at one of these Washington establishments representing not a corporation but a firm or individual, and I am swindled, or I am charged for goods that I do not receive, or I sell goods to them for which they refuse to pay, what is the reason why I should not serve my process here just as much as I would be permitted to do if the principal at home were technically a corporation in place of being an individual or firm? I submit there can be no reason whatever, and this section is right, affecting no matter concerning the place of trial, no right of any party, but simply doing what is universal in the State of New York and everywhere else as far as I know within the State jurisdictions, to wit, enabling a party who has a right of action at a particular place to do that technical thing called the service of process in order to commence his action; that is all.

Mr. THURMAN. Will the Senator allow me to ask him a question?

Mr. CONKLING. Certainly.

Mr. THURMAN. Did I understand the Senator from New York to say that if the president of a foreign corporation was off in another jurisdiction service could be made on that corporation by serving him? For instance——

Mr. CONKLING. I understand the Senator. He need not "for instance" in order to have me understand that. I meant to say this, and that there need be no mistake about it I will repeat it as emphatically as I know how, that whatever the law is remains the law under the eleventh section with this solitary exception: In place of lying in wait for the president, for the officer, with a notice to appear at the place, if that president has a vicegerent there, an agent, an incarnation of that corporation, whatever his title may be, then you may serve the paper on him; that is all. If the Senator will put to me a case where if the president of a corporation or a member of a partnership or an individual coming into the district would not be suable, in place of speculating with him upon that case, I simply say to him that the eleventh section has nothing under heaven to do with it.

Mr. THURMAN. I only asked the question for the purpose of saying that if the Senator meant to assert that the president of a corporation, say, for instance, a corporation created by and domiciled in the State of New York, carries his official character with him wherever he goes, so that that corporation can be sued by serving process upon him——

Mr. CONKLING. My friend need not trouble himself about that. My friend states the law altogether too widely, if he will pardon me. The highest court in New York has decided that notice to a director sitting in a board of directors is not notice to a bank. Therefore I will agree with the Senator if he goes further than he did in his position, and I made no observation in conflict with it. I accomplish my purpose by begging the attention of the Senate to the fact that this section affects nothing except the mere matter of serving process in a civil action. It does not enable any party to bring a suit that he cannot bring to-day, to bring it anywhere where he may not bring it to-day, or to do anything in regard to it which he may not do now; but it simply cures a difficulty of enabling him to make service upon an agent without lying in wait until some other person who may be technically the proper person comes to the place and then sue him. That is all there is of it.

Mr. MERRIMON. I think this section in one respect is too broad. If it were confined to corporations alone, I should be disposed to vote for it; and with a view to accomplish my purpose I move to strike out in line 6 the words "or other person." It is well known to every observing person that corporations in this country are increasing in number and multiplying in the varieties of business that they carry on.

Mr. CONKLING. May I inquire of the Senator, are not individuals somewhat increasing in number in this country also?

Mr. MERRIMON. I do not know that that question ought to be answered. It is so manifest that it answers itself.

Mr. CONKLING. I thought the Senator's idea seemed to be that increase was peculiar to corporations.

Mr. MERRIMON. Corporations are generally composed of a great number of persons. They conduct their business in many States, frequently at the same time in distant States, and it would be very inconvenient for any person injured by them in one State to have to go sometimes many hundred miles to sue and to seek their remedy in States where the corporations are located and doing business.

I think this section may be proper enough so far as corporations are concerned, but I think it is very inappropriate, it is very wrong indeed, when it takes in individual persons, natural persons. Take the case of a merchant in New York. He happens to be in the State of Wisconsin. He enters into a contract there. He is there temporarily doing business. Having done his business, he goes home. In the course of the next month or the next year, he sends an agent out into Wisconsin to sell goods or do some other thing. He goes there with a special purpose. While he is there, because he is the agent of the merchant who went there to transact business on a former occasion, he is sued in a United States court a thousand miles away from his home. I think that is wrong, and therefore I move to amend the section by striking out the words "or other person."

Mr. EDMUNDS. That ought not to be done.

Mr. CARPENTER. I do not wish to take any time in debate. That would be the most unreasonable amendment I think that could possibly be made. The idea of making one law for corporate persons and another law for natural persons in regard to the manner in which suits shall be brought, is enough to drive any lawyer into the hydrophobia.

Mr. MERRIMON. I think it is the very thing that ought to be done. They stand on entirely different ground. One is a natural person, an individual; the other is a corporation composed of many persons, an ideal being, and process is to be served upon the agents, and treasurers and directors are only agents.

Mr. EDMUNDS. I hope the Senate will not strike out these words. The committee have framed this section upon precisely the principle of the law of almost every State in the Union; that is, to compel people to respond to just demands for contracts and things of that kind in the places where the citizens with whom they are doing business reside. It is no hardship upon anybody, and involves no new principle. I hope the Senate will reject the amendment and stand by the section.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment proposed by the Senator from Ohio, [Mr. THURMAN,] which is to strike out the eleventh section of the amendment reported by the Committee on the Judiciary.

Mr. BAYARD. I move to amend the section in line 3 after the words "civil suit," by inserting the words "*ex contractu*."

Mr. THURMAN. It has been amended by putting in "or proceeding."

Mr. BAYARD. Then it should be after "proceeding," which I understand has been interpolated by an amendment already made. The section will then read:

That process to commence in any circuit court of the United States, or in any court of any Territory of the United States or of the District of Columbia, any civil suit or proceeding *ex contractu* not affecting the title to real estate, &c.

Mr. CONKLING. I wish to make one remark upon that amendment. It confines it to cases *ex contractu*. We understand that. Under the section as so amended, if I were to sell in the District of Columbia, for example, a keg of nails to a railroad company, I could make service in a suit for that; but if my child or if I myself am run over and run down carelessly or willfully by a steam locomotive and maimed or killed, no action could be commenced because it is not *ex contractu*.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Delaware, [Mr. BAYARD.]

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Ohio to strike out the eleventh section.

Mr. BAYARD. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. BAYARD. I merely desire to say one word. The laws of the different States, of the different localities, can and do authorize the service of process in all proper cases, and therefore there is no loss of justice, and the Senator from New York would not be compelled to lose the chance of his three or six years, as he first stated it, or of his life-time, as he subsequently put it, in waiting for some stray officer of the corporation to pass by in order to make service, because he could have the process of the jurisdiction where the matter more properly belongs under State law as now existing. Another effect of this section is that it tends to increase the Federal jurisdiction, a matter which I do not at all desire.

The question being taken by yeas and nays, resulted—yeas 16, nays 40; as follows:

YEAS—Messrs. Bayard, Bogy, Cooper, Davis, Goldthwaite, Hager, Hitchcock, Johnston, Kelly, McCreery, Merrimon, Norwood, Saulsbury, Stockton, Thurman, and Wadleigh—16.

NAYS—Messrs. Alcorn, Allison, Anthony, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Conkling, Conover, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Hamilton of Texas, Hamlin, Harvey, Howe, Ingalls, Lewis, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Spencer, Stevenson, Tipton, Washburn, Windom, and Wright—40.

ABSENT—Messrs. Brownlow, Cameron, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Flanagan, Gordon, Hamilton of Maryland, Jones, Logan, Ransom, Schurz, Sprague, Stewart, and West—17.

So the amendment to the amendment was rejected.

Mr. SAULSBURY. I offer the following amendment to be added to the eleventh section:

Provided further, That any judgment recovered where process has been served in the manner herein provided shall be opened and the defendant let in to a new trial, upon an affidavit filed by him that he had no notice of such service in time to make defense to the suit, and that he verily believes he has a just and legal defense to the whole or a part of the cause of action of said suit.

Mr. CARPENTER. That is equivalent to saying in every case a man shall have two trials.

Mr. SAULSBURY. It is very proper if process has been served upon the agent of a party and he has failed to carry home knowledge to his principal that such notice has been served upon him, that the defendant should come in and file his affidavit denying that he had any notice of such service and asserting further under oath that he has a defense to the whole or a part of the cause of action. It is eminently proper that he should be entitled to have the judgment opened and be let in to a trial, so that he may make use of his legal defense. I think it would be unjust to the principal to permit the judgment to go against him merely by the default of the agent to give him notice, when he himself held in his hands a defense to the whole or any part of the cause of action in the case.

Now, sir, it is not to be presumed that defendants will make an affidavit of this kind unless it is true that they had no knowledge of the action; and it is not to be presumed that they will come in and make an affidavit declaring that they have a just and legal defense to the action as they believe, unless these things are true in fact; and if they are true, it would be unjust to shut the door and to bar the party from making use of this defense to the cause of action.

All of us who know anything about this mode of serving process know that sometimes injustice is done. I recall to mind a case that came within my own practice a few years ago. Under our law you may make service of process upon the director of a railroad company, and in the case to which I refer it was a foreign railroad company that had control of a part of a road in our State. I happened to be looking over the affidavits filed with the judgment and found an affidavit filed claiming from the railroad company several hundred dollars. Service had been made upon a director. He had failed to communicate it to the president or treasurer of the company, and I myself had to hire a man and send him out to another State in order to get a party there to file a counter-affidavit. Thus it will be seen that these judgments may frequently go unjustly. In that case judgment would have gone in forty-eight hours against the party were it not that having done some business for the party I sent a special agent to summon him there to make the necessary affidavit in order that the railroad company might not be mulcted in this judgment. We all know, who have any practice at all, that this mode of serving process is liable to various objections, and unjust judgments are sometimes obtained by it because of the negligence of the agent in communicating to his principal the service that has been made. I think therefore the amendment which I have offered is eminently proper and ought to be made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

The amendment to the amendment was rejected.

Mr. SAULSBURY. I offer another amendment. It will be observed that under this section if process is served only six hours before the return day, then judgment may go. It may be utterly impossible for the agent to communicate with his principal. I therefore move, after the word "process" in line 12 to insert "at least twenty days before

the return day of such process;" so that the agent may have time to communicate with his principal.

Mr. CARPENTER. Does not my friend know that that is the law now? This does not change the time of service at all; it only changes the person on whom service is to be made.

Mr. SAULSBURY. What is there in this bill that requires the service of process at all under it?

Mr. CARPENTER. My friend must be aware that the general law regulating the time of serving process applies to every suit. This bill does not change it at all.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Delaware.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

Mr. BAYARD. I move to amend the eleventh section by inserting at the end of line 18 the words "or to any action for libel or slander;" so as to make the proviso read:

Provided, however, That this section shall not apply to any suit on a cause of action accruing before July 1, 1874, or to any action for libel or slander.

The matter is quite fresh in my mind of attempts made in this District to bring parties from a distance to answer charges of this kind. Washington City is the great center of newspaper correspondence. Under the language which is used by those who have framed this section, the correspondents of newspapers would come within the description of the law, and the result would be that to the courts of the District of Columbia would be confided the jurisdiction of all cases for alleged libel and the damages claimed thereunder. I should not be willing, with my present information and experience on that subject, to see that done. The cases of contract, the cases of tort for personal injury may be reasonable enough, although in those cases I have already stated my objection to this extension of the law of constructive service of process; but in this other class of cases less reason applies for seeking trial at a distance from the residence of the party chargeable than in any other case of which I have thought, and none of the objections which have been urged to limiting this service of process upon agents would apply to the service of process upon the class of agents to whom I have referred.

If the object of the bill be a general one, to procure an easy service of process constructively upon agents for all matters of contract or all matters of tort to the person, it will be secured after the adoption of this amendment as well as before. But I, for one, shall not knowingly vote to bring that class of cases, the class of cases to which I have referred, within the jurisdiction of the courts of the District of Columbia, and therefore I hope the amendment will be adopted; and on it I ask for the yeas and nays.

Mr. THURMAN. Mr. President, I do not believe there is a country on the face of this globe in which substituted service in an action for slander or libel is permitted, and of all countries perhaps this is the one in which it ought to be the least thought of. Take a great journal in one of the large cities. It has agents perhaps in a dozen other cities. The idea that any person, supposing himself to have been injured by any publication in that paper, can roam over the United States and select his own forum wherever that journal may have an agent, seems to me to be without any good sound reason to support it, to say nothing about what it would make of the District of Columbia. Take the case of a journal that has agents in almost every great city, as some of them have; under this bill, wholly independent of any action of the agent himself, jurisdiction over that newspaper publisher or magazine publisher or book publisher might be obtained wherever an agent could be found, thus giving to the paintiff the right to select his own forum, instead of doing what in almost every other case a party is required to do, bring his action where the defendant can be served with process. I do not think, as I said before, that in any country on this globe substituted service, for this is practically though not technically substituted service, is permitted in actions for defamation.

The PRESIDING OFFICER. On this question the yeas and nays have been requested.

The yeas and nays were ordered.

Mr. WADLEIGH. Mr. President, it is with great diffidence that I differ in opinion from the Committee on the Judiciary who has had this matter under consideration; but at the same time, in a matter of this kind, I feel it to be my duty to be governed by my own convictions as to what is proper and right rather than upon the opinions of others, however much I may esteem those opinions and those who entertain them.

Sir, I conceive this to be the most alarming legislation that I have known since I have been a member of this body. What is this bill? It is simply this: that any person having a claim, real or fictitious, may sue a person living in another State or Territory and recover judgment against him simply by making service upon his agent anywhere in the United States. It is not necessary that that agent should reside where service is made on him.

Mr. CARPENTER. My friend is entirely mistaken; we have not done any such absurd thing as that.

Mr. WADLEIGH. I call the attention of the Senate to the language of this section:

Against any corporation or other person residing in the United States and doing business in the State, Territory, or District where said suit is brought, and having in said State, Territory, or District where said suit is brought an agent or agents in respect of the matter out of which the case arises.

Mr. CARPENTER. Having an agent in the State where the suit is brought, not anywhere in the United States.

Mr. WADLEIGH. Let me suppose a case. It is well known that mercantile houses at this time largely sell goods through traveling agents, or drummers, as they are called, who take orders and by whom sales are effected. That class of agents being authorized to sell goods by their principals, service may be made upon them in any case growing out of the sale of goods. An action may be brought in the State of Wisconsin against a merchant of Boston, and service made upon an agent who happens to be in that State because he is there. He is there doing business, and his principal has him there in that State doing business in respect to the sale of goods. If this claim is brought upon a matter growing out of a sale of goods by that house, (and we all know the character of many of these traveling agents,) this bill does not provide that the suit when entered shall be continued and actual notice given to the principal, but service upon an agent of that kind is to be taken in court just as though it were service on the principal. Judgment may be recovered against that principal, without his having any knowledge whatever, for a million dollars, and that judgment is good, and there is no provision in this bill by which there can be any review or any questions heard again upon that suit.

I say, Mr. President, this is alarming legislation. It is legislation for which I for one cannot vote, however well recommended it may be by the committee whence it comes; for I can see that there will be occasions and opportunities for great frauds upon men who do business in distant States and Territories. There will be opportunity for their betrayal and their ruin by men who are acting as their agents, and who have not received from them the degree of confidence which this bill supposes them to have. I hope that the Senate will not at this session and upon such slight consideration pass a bill which seems to me to involve such consequences as these.

Furthermore, a Senator has just proposed to amend this bill by adding a provision in respect to libel and slander. Suppose that that amendment does not prevail, what will the result be? A newspaper editor in New Hampshire may be sued in Alabama if he has an agent there getting subscriptions. Suits may be brought here in this District before juries of this District against newspapers all over the United States. What shall we expect from the press under such circumstances, and what will be said about such legislation as that?

Mr. President, although it seems to me that there might possibly be some good flowing out of this legislation in some few cases, yet the evils which will inevitably grow out of it outweigh all the benefits which it can give rise to. These are my opinions. The Senate can take them for what they are worth. They are sufficient for me to act upon; and upon them I shall give my vote.

Mr. CARPENTER. Mr. President, what is the question?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Delaware [Mr. BAYARD] in regard to slander and libel.

Mr. CARPENTER. I move to amend the amendment offered by the Senator from Delaware by striking it out altogether and inserting in line 12, after the word "process," the words "and delivering a copy thereof to the principal of such agent anywhere in the United States;" so as to read:

That service may be made by delivering to such agent, or to either of such agents where there is more than one, a copy of such process and delivering a copy thereof to the principal of such agent anywhere in the United States.

Mr. THURMAN. That is not in order just now.

Mr. BAYARD. That is not an amendment to my amendment. My amendment is to insert words at the end of the section.

Mr. CARPENTER. Very well; this can be moved afterward. I hope that the amendment of the Senator from Delaware will be voted down, and then I will offer this which meets all the objections suggested by the Senator from New Hampshire [Mr. WADLEIGH] certainly.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 20, nays 33; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Goldthwaite, Gordon, Johnston, Kelly, McCreery, Merrimon, Mitchell, Norwood, Ransom, Saulsbury, Schurz, Sprague, Stockton, Thurman, and Wadleigh—20.

NAYS—Messrs. Allison, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Conkling, Conover, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Hamlin, Harvey, Howe, Ingalls, Lewis, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Spencer, Stewart, West, Windom, and Wright—33.

ABSENT—Messrs. Anthony, Brownlow, Cameron, Clayton, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Flanagan, Hager, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Jones, Logan, Oglesby, Stevenson, Tipton, and Washburn—20.

So the amendment to the amendment was rejected.

Mr. CARPENTER. I do not think there is the slightest necessity for it, but to meet the fear which the Senator from New Hampshire has expressed and make this bill satisfactory to him, I move to amend in the twelfth line of section 11, by inserting after the word "process"

the words "and delivering a copy thereof to the principal of such agent anywhere in the United States;" so that the section will read:

That service may be made by delivery to such agent, or to either of such agents, where there is more than one, a copy of such process, and delivering a copy thereof to the principal of such agent anywhere in the United States.

Mr. BAYARD. The Senator will readily see that unless provision is made also for the delivery of the copy to the principal in time——

Mr. CARPENTER. The Senator will see if he will look at it that this is a part of the service. No suit can proceed until service is made, and this amendment will make it a part of the service to serve a copy on the principal as well as the agent.

Mr. BAYARD. And the return will have to disclose both facts?

Mr. CARPENTER. Certainly.

Mr. BAYARD. Does that require personal delivery?

Mr. CARPENTER. "Delivering to him" means delivering personal, of course.

Mr. BAYARD. There is such a thing as a service and such a thing as personal service. We are having a good deal of service in the present bill never known in the law before.

Mr. CARPENTER. There is none but personal service except as provided for by law.

Mr. BAYARD. But the Senator is providing for a service that is not personal. This section would have no effect without that.

Mr. CARPENTER. Where does the Senator want the words to come in? I have no objection to inserting "and delivering of a copy thereof personally to the principal." Will that suit?

Mr. BAYARD. Yes, sir.

Mr. MERRIMON. How does it appear to the court that such delivery was made?

Mr. CARPENTER. This act is not designed to embody all the law that applies to process and practice in the Federal courts. What the law now provides for the return of service will remain provided for, and we simply here declare what service shall be, to wit, the delivery of a copy to the agent in the jurisdiction and the delivery of a copy to the principal personally anywhere in the United States. That is the service.

Mr. MERRIMON. I ask how is that to be made to appear to the court? There is no provision in the law, as the Senator very well knows, regulating the service of process such as this here provided for.

Mr. CARPENTER. That is regulated by the general law applicable to all cases.

Mr. MERRIMON. What general law? It ought to appear by affidavit of the party surely to the court before the court should proceed.

Mr. CONKLING. I venture to suggest to my friend from Wisconsin that in trying to adapt the bill to the notions of those who are against it in any form, he has to come to a point where he runs a risk. When you say that service may be made by delivering a copy to a man or leaving the same at his usual place of residence with any person of suitable age, being come to years of discretion, you have provided a case where the service need not be personal; but when you say that service must be by delivering a copy thereof to the man or to the corporation, that means personal service in every sense indicated by the Senator from Delaware. But when in a section like this you adopt, as the Senator from Wisconsin proposes, words saying "delivered personally to the principal or such agent," and come to the case of a corporation, I am not prepared to say precisely where that would leave it. It is a little difficult to deliver to a corporation personally a copy of a paper; and if the Senator from Wisconsin who seems now to be consulting the tastes in composition of various members of the Senate thinks that he ought to do anything the effect of which I humbly conceive must be to obscure the present meaning, I venture to suggest to him that the word "actual" would be a safer word than "personal," when you consider that artificial as well as natural persons are parties concerned. I should hardly know how to hand a paper personally to the New York Central and Hudson River Railway Company. I should know how to deliver it to that corporation, and I should know how to deliver it actually; but when it came to be delivered to them personally I might have some doubt what that meant.

Mr. CARPENTER. I am satisfied that the suggestion of the Senator from New York is entirely sound, and I therefore modify my amendment thus: strike out the word "personal," and after the word "and" insert "actual;" so as to read:

Delivery to such agent, or to either of such agents where there is more than one, a copy of such process, and actual delivery of a copy thereof to the principal of such agent anywhere in the United States.

Mr. STOCKTON. The amendment offered by the Senator from Wisconsin admits the principle that has been contended for, and that is that service on an agent in the District of Columbia, for example, is not a legal or proper or just service for this purpose. After the objection being made, he modifies his amendment so that there shall be actual service on the principal. The remark of the Senator from North Carolina was very pertinent: how does that appear to the court? You have a right in court to object to the service. You are not bound to appear if the service has not been in accordance with the statute, and therefore the court must have jurisdiction to decide that point. This bill, as now amended by the Senator from Wisconsin, will extend the jurisdiction of all the courts of the United States all over the United States, so that the jurisdiction of a little court in the District of Columbia where judges are appointed by the President will extend all over the United States from Maine to New Orleans; and the question of the Senator from North Carolina was very pertinent and unanswerable: how is it to appear to the court? How is it to appear to the court that service made in New Orleans upon the principal there, the owner perhaps of the New Orleans Picayune, has been properly made in accordance with the requirements of law, whether it was actual or not, and who authorized the officer to serve the process there? Do you mean to give such power and such jurisdiction to all those petty courts? I trow not. I do not think the Judiciary Committee so intended; and when the Senator from Wisconsin comes to meet the fair objection that the service of process upon an agent is not sufficient when the principal may be found in all his property and personally affected by suits, he admits that the principal ought to have notice. It should also be known to the court that he has had actual service. I say when he admits that he admits that he is obliged to have this process served outside of the jurisdiction of these courts. I think this bill has not been perfected. I think that the committee themselves, in the course of the few words which have passed on the subject here, have admitted that it has not been wisely considered. I think when the Senator from Wisconsin has altered his bill in reference to so important a particular, involving so important a principle in the history of our judiciary and making such radical changes, and has admitted right in the face of the Senate that he was willing to alter it in important particulars, it would be much more wise for the committee to reconsider the bill before pushing it to a vote in the Senate.

Mr. CARPENTER. Mr. President, I am rather inclined to submit gracefully to the Senator from New Jersey. The committee has worked upon this bill about three weeks, more or less, at every session. I have found what a difficult task it was to satisfy seven minds. I have drawn the bill myself from end to end three times, all excepting the last section which repeals other acts and which remains the same. Now, after having got it so that every member of the committee was satisfied with it except that one member dissented from one section, I bring the bill into the Senate, and for the purpose of satisfying what seems to me an utterly and unfounded fear on the part of my friend from New Hampshire, but wishing to satisfy everybody if I could with the bill, it certainly not affecting the principle or substantial usefulness of it, I yielded that, as I deemed, unnecessary amendment. The Senator from New Jersey jumps upon me and says I have conceded by yielding to that suggestion that this bill has not been properly considered in the committee. Mr. President, I did not think it was necessary to make that amendment. I have no objection to it; it does not hurt the substance of the bill, and I was willing to make it, but I certainly protest that because I did yield to that suggestion it is not to be presumed that the committee have not considered the bill.

Mr. MERRIMON. I offer this amendment to the amendment offered by the Senator from Wisconsin——

The PRESIDING OFFICER. The amendment of the Senator from Wisconsin was certainly in the second degree. The amendment of the Senator from North Carolina will be read for information to see whether the Senator from Wisconsin will accept it; but it is not in order to offer it now.

The CHIEF CLERK. The proposed amendment is:

Which service shall be made to appear to the court by the affidavit of the person so making the same.

Mr. CARPENTER. I have no objection to that. The fact cannot appear in any other way.

Mr. CONKLING. I have no objection to it either except that it introduces disorder and insecurity into the legislative jurisprudence of the United States. Now, the laws provide how proof of service shall be made, and those laws are the product of years of experience. Here comes a Senator now and proposes to substitute an *ex parte* affidavit for an official return and the various other modes of verifying service which the law provides.

Mr. MERRIMON. It so happens that I know a little about the laws of the United States, though it is very little; and I know that the law makes no provision in the world for ascertaining service in this way, and I ask any member of the Judiciary Committee to point out any statute of the United States which provides for making such service as this appear to the court.

Mr. CONKLING. May I inquire what the Senator means? When a statute requires that proof of service of mesne process shall be made in certain ways, and an act afterward provides an additional mode of making the service, does the Senator mean to tell us that the requirements as to proof of service do not apply just as much to the last statute as they do to the first?

Mr. MERRIMON. I answer the Senator by adverting to the law in reference to returns of process. One method of making return is personal service by the marshal, and the marshal certifies that fact to the court; and that is evidence that there was process. Another method is by leaving a copy of the process at the dwelling-house of the party on whom process is served, and the marshal certifies that he left such duplicate or copy at his last place of abode. Those are the only two ways in which service of process is made known to the courts of the United States.

Mr. CARPENTER. Allow me to interrupt my friend. I will accept his amendment.

Mr. MERRIMON. Very well; then I will stop.

The PRESIDING OFFICER. The Senator from Wisconsin accepts the amendment of the Senator from North Carolina. The question is on the amendment of the Senator from Wisconsin, as modified, to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HAGER. I should like to offer an amendment to section 11. In line 5, after the word "brought," I move to insert—

And when any party to such suit shall be a resident within the jurisdiction of the court.

That is in the district where the action is brought.

Mr. CARPENTER. That would strike down the whole philosophy of the bill.

Mr. HAGER. O, no.

Mr. CONKLING. You can make service now when you catch the party in the State.

Mr. HAGER. I will explain—as the bill now reads a plaintiff may bring an action in the United States circuit or district court in a State where neither he nor any party to the suit resides. For instance, two parties residing in New York have a business transaction; one has an agent in San Francisco, a commission merchant to sell his merchandise, or anything else; the other institutes suit in California and serves process on an agent or consignee there, where none of the parties or witnesses reside. This may be extended to all kinds of agents—for banks, insurance companies, &c. In this respect this bill is not right. A plaintiff may select his tribunal where he resides or where a defendant resides. To this there is no objection. So you might say a defendant ought to be at some convenient place where with his witnesses he can be heard.

By State laws provisions are made for the transfer of cases from one court to another for the convenience of parties. A plaintiff for the purpose of persecuting a defendant leaves New York City, where all the witnesses are, the plaintiff's and the defendant's, and without any excuse whatever he goes to California or elsewhere where he can find an agent, and institutes his suit where none of the parties reside. I would ask the Senator from Wisconsin whether that would be right? But if the plaintiff selects a tribunal where he resides—he being within the jurisdiction of the court—there is some reason in that, because if he has a cause of action it may be that the convenience of his own witnesses requires that it should be tried there. If he selects a tribunal where the defendant resides within its jurisdiction, there may be good reason for that. But to select a tribunal where neither the plaintiff nor defendant nor any party to the suit resides may work a great hardship and even injustice in many cases, and I see no cause for the rule; but it seems to be both prudent and sensible that the defendant or some party to the suit should be within the jurisdiction of the tribunal selected. This will have a tendency to localize actions and to compel the trial where some of the parties are within reach of their witnesses; otherwise courts may be used as engines of oppression to deny instead of administering justice. There is safety, therefore, in selecting a court, be it circuit or district, within whose jurisdiction some of the parties belong.

Mr. CARPENTER. The Senator's argument is against the Constitution of the United States just as much as it is against this bill. If the Constitution of the United States is an instrument to secure and guarantee oppression, this bill follows it right up, just exactly in the same language, to the same effect, and does nothing more.

Mr. HAGER. I should like to have the Senator explain.

Mr. CARPENTER. The explanation is simply that the Constitution gives the Federal Government judicial power over all controversies between citizens of different States.

Mr. HAGER. What then?

Mr. CARPENTER. Every motion to change the venue that can be made by the existing law can be made under this law. This does not affect that at all.

Mr. HAGER. But the Senator perhaps did not understand the point I made. I intend by the amendment I offer to limit the institution of actions to a tribunal where some of the parties reside, subject to the same change of venue. I do not know anything in the Constitution of the United States in conflict with such an amendment.

Mr. CARPENTER. Does the Senator know anything in the Constitution of the United States which requires that a suit shall be brought in a State where one of the parties resides?

Mr. HAGER. No; and nothing to the contrary. But I see a great hardship in compelling a party to go to a distant State without reason.

Mr. CARPENTER. It is a hardship imposed by the Constitution. We are not answerable for it.

Mr. HAGER. The Constitution has nothing to do with it. The judiciary act may have something to do with it, but not the Constitution. The point I made was that the plaintiff and defendant, residing both in the city of New York, where all the witnesses are, the plaintiff for the purpose of persecuting a man, may go to California and institute a suit there under this law, when there is no reason for it in the world and no advantage or convenience to either party.

Mr. CARPENTER. Can he not do that now?

Mr. HAGER. No.

Mr. CARPENTER. He has to sue him in a State court perhaps. Take the very case the Senator puts. Suppose two men from New York or Pennsylvania have got to litigation and the Pennsylvanian wants to sue the New Yorker. He hears that he is going to California. Now he says "I will follow him to California and sue him over there." He follows him to California, and he sues him in a State court, as he may do. The other man can immediately change the suit into the Federal court, just as this bill authorizes the original suit to be brought in the Federal court, and then both parties are being tried in a court which is their own court, a court of the Union of which they are citizens. In the other case one man compels another to be tried in a foreign jurisdiction without any right to bring his case to the Supreme Court at Washington. That is a hardship which certainly is not in the Constitution of the United States and which this bill creates.

Mr. HAGER. I am aware of the fact that a party may commence a suit where he finds the defendant, and if a man is a sojourner temporarily in California, being a resident of Pennsylvania, if he is served there it is a casualty. True, it may occur. But this law proposes to make what is now a casualty a matter of right for a party to commence an action anywhere, whether he finds the defendant there or not. It is sufficient if he finds some person acting as his agent for any purpose, and who may know nothing about the merits of the cause of action, and may have no information or authority to make a defense. He may not even be bound to inform the party in interest. The amendment should be adopted.

Mr. WADLEIGH. Mr. President, there is another objection to this bill which I did not allude to particularly when I was up before, which I desire to state now. This bill applies to the District of Columbia. To my mind that is very objectionable. Suppose a law similar to this had been in force when Mr. Tweed held carnival in New York City, so that Mr. Tweed could sue any newspaper in the United States whose agents he could find in New York City, and bring the suit for trial before his tools upon the juries of the city of New York, what newspaper would have dared to criticise when its editor might be tried for libel before a jury selected perhaps by himself? That applies to the District of Columbia in this respect. We all know how the citizens of the District of Columbia are influenced by the party which holds control of the General Government. To a great extent they are the recipients of the bounty of the General Government and live upon it. Suppose, Mr. President, that another party comes into power, how shall the press of the United States, which may wish to criticise the acts of that party, dare to do it when its editors are to be tried before juries selected here in this District where the General Government is all-potential and all-powerful.

Mr. President, this strikes at public liberty itself. Suppose that an act similar to this had been on the statute-books of the United States in the dark days of slavery prior to 1860, could not the General Government at that time have crushed out all unfriendly criticism on the part of those journals which condemned its proceedings in relation to slavery? What chance would a journalist living in New Hampshire, or in Massachusetts, or in New York have had in 1860 tried before a jury of the District of Columbia for a libel upon some person connected with the Government of the United States? None whatever. And that will always be so. The newspapers must necessarily to a great extent have agents here in this District, so that they may find and communicate news to their readers, and when they do so you bring them within the power of the General Government, so that they will not dare to utter any unfriendly criticism against that Government. I am opposed to it for that reason and because in my view this act and the principle upon which it stands in that respect strike a blow at the freedom of the press, because it compels the conductor of a press in Boston, or New York, or anywhere in the United States, to come here to the District of Columbia and have his trial for a libel upon the officers of the General Government for criticism upon their doings before a jury which must necessarily be largely and almost inevitably influenced by that Government itself.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California to the amendment of the committee.

Mr. CARPENTER. Let it be read.

The CHIEF CLERK. The proposed amendment is in section 11, line 5, after the word "brought," to insert "when any party to such suit shall be a resident within the jurisdiction of such court."

Mr. HAGER. That means either the plaintiff or the defendant. Some one party shall reside within the District.

Mr. STOCKTON. If I understand this matter it seems to me, referring to the conversation which took place between the Senator from California and the Senator from Wisconsin, that this bill is really so far from being in accordance with the Constitution of the United States, opposed to its spirit. I should like to ask whether that clause which guarantees to us the right of trial by jury means a jury in New Orleans to try a man for an offense committed in Maine?

Mr. CARPENTER. This bill does not touch offenses at all.

Mr. STOCKTON. Whether it touches offenses or not does not alter the principle, because actions of libel may be as serious in reference to their effect on the person as well as property as any criminal case. It is true, as the Senator says, that the bill does not affect criminal causes technically, yet I say that every citizen of this country is entitled by the common law of England—and the common law of England is adopted in this country—not only to the right of trial by jury, but to trial by a jury of the vicinage; and it never has been held otherwise.

Mr. CARPENTER. Will my friend tell me where that was ever held once since the morning stars sang together that a transitory action must be tried in the vicinage?

Mr. STOCKTON. I will tell the Senator before I get through if he will have the patience to listen to me. Actions were divided into local and transitory. A local action must be tried in the place where it occurred. A transitory action must be tried where the plaintiff lives, where the defendant lives, or where the cause of action arose if it was a tort. If it was a criminal offense, the act must be laid to have been done within the body of a county where the offense was to be tried and so proved, and the defendant was entitled to trial by a jury of the vicinage, and on the same principle and in the same line when a man was tried in a civil action it must be where the defendant was caught or where he himself resided or where he could serve process, and that law is founded on the principle that the jury were to be his peers and his neighbors to try his case.

A justice of the Supreme Court of the United States, the highest judicial body in this country, cannot hear a case out of his own circuit; and it has been doubted and gravely argued in the court that a judge of the Supreme Court sitting in Washington during the session of the Supreme Court cannot hear an application for an junction and bring the parties and witnesses from a southern district to Washington to listen to even a preliminary application, so careful has the law been in practice by all its rules and by the statutes of the United States made to regulate practice in accordanc with the common law of the land and the rules which govern the jurisdiction of the courts. While strictly the Senator from Wisconsin had a perfect right to find fault with my statement that a man was not always entitled to a jury of the vicinage in civil cases, yet in principle my assertion was true; and the very fact that rules are made for changing the venue, the very fact that liberty is given in transitory actions, but that that liberty is bound down by just such rules as the Senator from California desires to apply to this bill, is an argument in favor of the amendment of the Senator from California rather than against it.

Mr. CARPENTER. Mr. President, the law now is that you can sue a man wherever you can find him in any civil action. This bill does not change that law at all.

Mr. HAGER. Neither does the amendment that I have moved.

Mr. CARPENTER. Your amendment does change it. You cannot sue him where you find him——

Mr. HAGER. Certainly you can.

Mr. CARPENTER. You cannot, if one or the other does not happen to live there. That is the amendment.

Mr. HAGER. Mr. President——

Mr. CARPENTER. I decline to be interrupted, because I know what I am stating. I am stating a proposition of my own and not the Senator's, and I know I am stating it correctly. What I mean is that any citizen of this District can follow me to France and sue me there on a civil contract. He can follow me to England, Ireland, or Scotland, and sue me there on a civil contract. My neighbor in Illinois may follow me to California and sue me on a civil contract in a State court, neither of us residing there. He may do the same in any State or in any nation where he finds me. This bill does precisely the same thing with regard to the Federal courts. There is no danger to be apprehended from men journeying away from their homes to catch each other to be sued.

Mr. STOCKTON. Allow me to interrupt the Senator. In all the cases he puts the party is found within the jurisdiction of the court.

Mr. CARPENTER. He must be under this bill either by himself or by an authorized agent in respect to the very thing out of which the cause of action arises; and that is a limitation of the jurisdiction.

Mr. STOCKTON. But when the Senator suggested that process should be served out of the jurisdiction, and gave way and himself offered that amendment, he then conceded that it was not proper simply to serve process on the agent without requiring service on the principal.

Mr. CARPENTER. I did not concede anything of the kind.

Mr. STOCKTON. The service of process on the principal outside of the jurisdiction was required by the amendment.

Mr. CARPENTER. I did not admit anything of the kind; on the contrary, I said that I thought it was wholly unnecessary; that I offered it to soothe the fears of my friend from New Hampshire, and for no other purpose. There is not a single thing in this bill which gives any right which does not exist now, except that it provides for such litigation in Federal courts instead of in a State court; which instead of being a hardship is exactly the other way, because we all, no matter what State we live in, have a parcel of title and proprietorship in the Federal courts, while we have not in the courts of the State where we do not reside.

Mr. BAYARD. Allow me to ask the Senator a question. By the law of 1789 is not the citizenship of parties litigant required to be in the district where the suit is brought?

Mr. CARPENTER. No; simply his residence. Under the present Constitution they mean the same thing. They did not then necessarily, but they do now.

Mr. BAYARD. The present law requires that one of the parties shall be resident in the district where the suit is brought. This present bill does not so provide.

Mr. CARPENTER. This present bill is intended to confer a jurisdiction just as it is conferred in the Constitution, without that limitation. When I speak of the law, however, I do not mean the Federal law, because the Senator could not have so understood me, but he understood me to say that I was speaking of the State courts of California, and I said that a gentleman from Illinois might follow me to California and sue me there in the State courts, and this bill gave the right to sue in the Federal courts and made no other change.

Mr. BAYARD. Then the question will come for the Senate to consider between the wisdom of the law of 1789——

Mr. CARPENTER. And the wisdom of the Constitution.

Mr. BAYARD. The wisdom of the law of 1789 and the wisdom of the Senator from Wisconsin who now proposes to amend it. That is the difference between the two. The law of 1789 requires one of the parties to be a resident in the district where the suit is brought, and the Senator from Wisconsin in his anxiety to increase the Federal jurisdiction proposes that neither of the parties may be a resident of the district but that they shall be citizens of the different States. That is all.

Mr. CARPENTER. That is all the Constitution requires.

Mr. BAYARD. The Constitution requires that; but I say the law of 1789 was built by wise men. It has been the law of this country until to-day. The action under it has been satisfactory by requiring one of the parties to be a resident of the district where the suit is brought. It was a wise restriction. It has been tested by the experience of time. And what cause is there for uprooting this and other venerable landmarks of the past? I do put the wisdom of the Senate of 1789 against the wisdom of the Senator of Wisconsin of to-day, and it is no disparagement to him to say that this law having stood the test of time should not be lightly changed.

You are now allowing a man to sue his defendant in a district where the defendant does not reside, and in a district where he himself does not reside. He follows him until he finds both of them in a strange country; and there, where neither is known, where less opportunity for a just trial exists than the law of 1789 required, the suit may be commenced and may be commenced in this excessively unreal, highly constructive method of summoning him not personally but by some man who is called his agent. Even the word "authorized" is not inserted before "agent." The agency is of the most shadowy character. He may be his agent by the merest conversation. He may be alleged to be his agent only, and then proved to be his agent perhaps by the man himself if the agent can prove his authority; and that is to deprive a man of his property to the extent of his entire fortune, or it may be of that which is more value to him in the shape of his character.

Mr. CARPENTER. The Senator from Delaware says that he puts the act of 1789 against the wisdom of the Senator from Wisconsin. Well, it is pretty hard on me to put the wisdom of a statute against mine; but I propose to state the issue a little differently. I put the wisdom of the Constitution of the United States against the wisdom of the Senator from Delaware.

Mr. BAYARD. Is the act of 1789 in contravention of the Constitution?

Mr. CARPENTER. I think it is substantially in contravention of the Constitution, and I will state why. The Constitution says that certain judicial powers shall be conferred upon the United States. The Supreme Court of the United States in an opinion delivered by Judge Story—I do not recollect now in what celebrated case it was, whether Cohens *vs.* Virginia or some of those famous cases—said that it is the duty of the Congress of the United States to vest all the judicial power of the Union in some Federal court, and if they may withhold a part of it they may withhold all of it and defeat the Constitution by refusing or simply omitting to carry its provisions into execution.

The Constitution of the United States declares that the judicial power of the United States shall extend to all controversies between citizens of different States. A controversy between the Senator and myself is a controversy between citizens of different States. If we both happen to meet in New York, it is a controversy between citizens of different States, and by the Constitution I may sue him in the Federal court in New York, because the controversy between us is between citizens of different States. The act of 1789 did not confer the whole power which the Constitution conferred; it did not do what the Supreme Court has said Congress ought to do; it did not perform what the Supreme Court has declared to be the duty of Congress. This bill does. This bill confers that right, and why have we done so? The act of 1789 was undoubtedly a wise act for that time; but the thirteen States which then constituted the Union have grown now to thirty-seven; our commerce that was streaming up and down the Atlantic coast crosses the continent; our people have become totally changed in their methods of doing business; we are a roving, traveling people; the New Yorker is as much at home in California as he used to be in Massachusetts; he does not feel farther away from his fireside when he sits down by the billows of the Pacific than he used to when he was at Cape Cod, and in fact he is not, because he can return as quickly. The whole circumstances of the people, the necessities of business, our situation, have totally and entirely changed.

As the law now stands—I speak of the law Federal and State—if there is a difficulty between the Senator from Delaware and myself, and we both meet in New York, he can sue me there in the State court. What does this bill do? It authorizes him to sue me there

in the Federal court. Is that hardship? Is the Congress of the United States to say that the Federal courts in New York cannot be trusted as well as the State courts of New York? This bill gives precisely the power which the Constitution confers—nothing more, nothing less. The Senator from California proposes to limit the constitutional jurisdiction and restrict it because it was restricted in 1789. In that day to find a man two or three hundred miles or in two or three States away from his home and sue him was a hardship. It has ceased to be a hardship now, because we are nearly always away from home, we are roving and changing and traveling. The whole circumstances of the case are different, and the time has now arrived it seems to me when Congress ought to do what the Supreme Court said more than forty years ago it was its duty to do, vest the power which the Constitution confers in some court of original jurisdiction. Our circuit court is the only one of original jurisdiction in civil causes, and there it properly belongs. I hope the amendment offered by the Senator from California will be rejected.

Mr. HAGER. I did not suppose that this amendment would meet with any serious opposition when I offered it. I did so with a view to improving the bill.

Now we are all aware that a plaintiff may follow the defendant and institute a suit in any court within the jurisdiction of which that defendant is found. If a person be casually found in California, (the plaintiff being in New York,) he is there personally to be served with process. There is no difficulty about that. If he goes to France, by comity perhaps the plaintiff might be authorized to bring his suit there, not by virtue of our laws, because they have no extraterritorial force, but by virtue of the local law there, whatever it may be. But that has nothing to do with the proposition here on this amendment.

As I understand the law now to be, a party must commence a suit against a defendant in a circuit or district court within the jurisdiction of which that defendant is found to be served with process. If a suit is brought against a ship, the libel must be in the district where the ship may be found at the time. This section proposes to change what has been heretofore a well-settled regulation of the law. The Constitution, as we all know, provides that the judicial power of the United States shall extend to certain enumerated cases, "to all cases affecting embassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States," and so on. Now, suppose a suit be instituted that concerns an embassador or a consul. The embassador may be here, the consul may be in New York, but the suit is instituted in California if an agent acting for any purpose be found there. Those are the points I wish to call attention to. Suppose the consul resides in New York and the suit is brought in Texas where neither plaintiff nor defendant resides. Suppose the embassador resides here in the District, and the suit is instituted in California where neither plaintiff nor defendant resides, or suppose a suit is brought against the owners of a ship by suing an agent in New York when the ship and all concerned are in California or Liverpool with all the evidence and witnesses and where the parties may all reside.

If my proposition had been equivalent to the existing law, as I recollect it, that the suit must be brought where the defendants or some of them reside it might have been subject to some of the Senator's criticism; but that is not the case. The amendment I propose is that it shall be brought in a tribunal where some of the parties are within the jurisdiction of the court, be it either a plaintiff or a defendant to the action. I cannot, notwithstanding all that has been said by the Senator from Wisconsin, see any objection to the amendment I have proposed. There is certainly no reason why a party residing in New York should go to Texas or California to commence suit against a defendant residing in New York, unless he has some purpose other than justice to subserve. But under this bill a party may go into Texas or California or Oregon if an agent can be found there and institute legal proceedings to enforce rights and have a controversy determined before a tribunal within the jurisdiction of which none of the parties reside and where none of the witnesses are at hand. It is against a casualty a hardship of that kind that I propose this amendment. If I was governed by my own judgment alone I would say that the suit should be instituted in a tribunal where some of the defendants were within the jurisdiction of the court. This amendment does not go so far as that, but only to the extent that some party to the proceeding shall be within the jurisdiction of the court at the time the action is instituted.

Mr. MORTON. I should like to ask the Senator from Wisconsin a single question about an expression in the eleventh section. It provides that suit may be brought in any State or Territory in which the defendant is doing business "and in which he has an agent in respect of such matter."

Mr. CARPENTER. "Business or matter" it reads now.

Mr. MORTON. Suppose a citizen of Maryland is engaged in the manufacture of carriages. He buys materials in New York. He has an agent in the city of Indianapolis for the sale of his carriages. Can the New York merchant who sold him materials sue him in Indiana by serving process upon the agent who is there engaged in the sale of his carriages? He is an agent in respect of the general business in which the Maryland defendant is engaged.

Mr. CARPENTER. But the case would not arise out of his general business; it would not arise out of his buying material in New York. It would arise, for instance, out of his selling to you a wagon in Indianapolis and recommending it to be a sound wagon when it was not. That would be your cause of action and he would have there an agent in regard to the business and matter out of which your cause of action arose. Your cause of action would not arise out of the selling of material for manufacturing; it would arise in Indiana out of the sale of the wagon to you.

Mr. MORTON. But still, would not the agent in Indianapolis be an agent in respect of the general matter or business in which the defendant was employed and in regard to which the debt was contracted?

Mr. CARPENTER. That is not the way the section reads. He must be an agent of the principal in regard of the business or matter out of which the cause of action arose.

Mr. MORTON. If it would bear the other construction it would be entirely too broad.

Mr. CONKLING. There is no room for the other construction.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the Committee on the Judiciary, as amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

Mr. WADLEIGH. I move that the eleventh section of the bill be stricken out.

Mr. CONKLING. That is not in order.

The PRESIDING OFFICER. A motion to strike out the section is not in order, that being a part of the amendment just made.

Mr. WADLEIGH. Then I move to reconsider the vote by which the amendment made as in Committee of the Whole was concurred in, and I ask for the yeas and nays on the reconsideration.

The yeas and nays were ordered; and being taken, resulted—yeas 22, nays 25; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, McCreery, Merrimon, Mitchell, Oglesby, Ransom, Saulsbury, Schurz, Sprague, Stockton, and Wadleigh—22.

NAYS—Messrs. Anthony, Boreman, Buckingham, Carpenter, Chandler, Conkling, Edmunds, Frelinghuysen, Gilbert, Hamlin, Morrill of Maine, Morrill of Vermont, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Spencer, Stevenson, Tipton, Washburn, Windom, and Wright—25.

ABSENT—Messrs. Allison, Boutwell, Brownlow, Cameron, Clayton, Conover, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Harvey, Hitchcock, Howe, Ingalls, Jones, Lewis, Logan, Morton, Norwood, Patterson, Stewart, Thurman, and West—26.

So the motion was not agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. STOCKTON. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. HAGER. I merely want to say one word. This bill will necessarily break up all such things as doing business by agents, whether it be commission merchants or otherwise, whether a man is a foreigner or a citizen. No one can do his business through an agent in any way whatever without rendering himself liable to be prosecuted without his knowing anything about the suits pending, and being subjected to a judgment such as may be pronounced by a court in his absence without a hearing. It certainly is a very dangerous law when it comes to be enforced, and it will necessarily interfere with the business interests of the country to a very considerable extent. I have never had occasion to examine it before it came before the Senate this morning, but it appears to me it must have the effect to break up all business that has been done hitherto by the assistance of agents, whether it be manufacturing, mercantile, or otherwise. Necessarily that will be the effect if it becomes a constitutional law.

Mr. EDMUNDS. I merely wish to say on this point that we considered this bill very carefully in committee. As I said a little while ago, this in substance has been the law of Vermont almost ever since I can remember; I think it is the law of Massachusetts and most of the New England States and most of the other States, and there never has been a single instance that ever I heard of in the little professional or other experience that I have had in this world in which any injustice or wrong has happened from the existence of such a statute, but quite the reverse. I do not want to take the time of the Senate in prolonging the debate upon this subject.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

The question being taken by yeas and nays, resulted—yeas 33, nays 22; as follows:

YEAS—Messrs. Boreman, Buckingham, Carpenter, Chandler, Conkling, Conover, Cragin, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Hamlin, Harvey, Hitchcock, Ingalls, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Spencer, Stevenson, Stewart, Washburn, Windom, and Wright—33.

NAYS—Messrs. Alcorn, Bayard, Bogy, Cooper, Davis, Goldthwaite, Gordon, Hager, Hamilton of Maryland, Hamilton of Texas, Johnston, Kelly, McCreery, Merrimon, Mitchell, Norwood, Ransom, Saulsbury, Schurz, Sprague, Stockton, and Wadleigh—22.

ABSENT—Messrs. Allison, Anthony, Boutwell, Brownlow, Cameron, Clayton,

Dennis, Dorsey, Fenton, Ferry of Connecticut, Flanagan, Howe, Jones, Lewis, Logan, Thurman, Tipton, and West—18.

So the bill was passed.

Mr. EDMUNDS. Let the title of the bill be read. It may not be correct.

The CHIEF CLERK. "An act regulating the removal of causes from the State courts to the circuit courts of the United States."

Mr. EDMUNDS. The title ought to be amended so as to read "An act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes."

The PRESIDENT *pro tempore*. The title will be so amended.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 3265) amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 3421) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1875, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHARLES O'NEILL of Pennsylvania, Mr. J. M. RUSK of Wisconsin, and Mr. ERASTUS WELLS of Missouri managers at the same on its part.

WITHDRAWAL OF PAPERS.

On motion of Mr. WEST, it was

Ordered, That the Committee on Claims be discharged from the further consideration of the petition of J. Madison Wells, praying to be allowed to present to the Court of Claims his claim for cotton, sugar, and molasses taken by the United States Army, and that the petitioner be allowed to withdraw his petition and papers.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3581) to protect persons of foreign birth against forcible constraint or involuntary servitude, reported it with amendments.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3181) for the relief of Mrs. Mary A. Thayer, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. ALCORN. I ask leave to make a report from a committee, upon which I desire action at once. I do not think it will take any time. It is a question of some importance, but I do not think it will give rise to any discussion. I am directed by the Select Committee on the Levees of the Mississippi River, to whom was referred the bill (H. R. No. 2988) to provide for the appointment of a commission of engineers to investigate and report a permanent plan for the reclamation of the alluvial basin of the Mississippi River subject to inundation, to report it back and ask for its present consideration.

Mr. MORRILL, of Maine. Let it go over.

Mr. ALCORN. I will say to the honorable Senator that the bill only provides for a commission of engineers.

Mr. MORRILL, of Maine. I know; but that will have to be explained.

The PRESIDENT *pro tempore*. Does the Senator from Maine object.

Mr. MORRILL, of Maine. Yes, sir; I object to its present consideration.

Mr. CRAGIN, from the Committee on Naval Affairs, who were by a resolution of January 9, 1874, instructed to inquire whether the ocean mail-steamships carrying the mails between the United States and China have been subjected to inspection and survey, &c., submitted a report; which was ordered to be printed.

Mr. WRIGHT. On the 9th instant the bill (H. R. No. 2246) relating to circuit courts of the United States for the district of Alabama was recommitted to the Committee on the Judiciary. The committee have reconsidered the bill and instruct me to report it back and to insist on the amendment that they offered before in the nature of a substitute, and recommend the passage of the substitute.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 940) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 941) to establish a post-route in the State of Arkansas; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 942) to provide for the pre-payment of postage on printed matter, and for other purposes; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. SPENCER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 943) for the improvement of the Mississippi River; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 944) authorizing the delivery of certain bronze ordnance; which was read twice by its title, and referred to the Committee on the Library.

PRINTING OF REPORT OF CHIEF SIGNAL OFFICER.

Mr. ANTHONY. The meteorological observations which have been carried on by the Smithsonian Institution have been transferred to the Signal Office, and the signal officers have numerous correspondents throughout the country who are voluntary correspondents and receive no compensation; and it is desirable and perhaps necessary to the continuance of their services that the report of the Signal Officer should be sent to them. For this purpose the Chief Signal Officer has requested that he may have two thousand copies of an abridgment of his report, which will cost sixty cents each, to be printed for his use to be distributed to his correspondents. I offer a resolution to that effect:

Resolved by the Senate, (the House of Representatives concurring,) That two thousand copies of the Report of the Chief Signal Officer for 1873 be printed and bound for the use of the Secretary of War.

The resolution was considered by unanimous consent, and agreed to.

EXPENSES OF PRINTING INVESTIGATION.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the expenses of the investigation ordered by the Senate into certain charges against the Congressional Printer be paid out of the contingent fund of the Senate.

BILL RECOMMITTED.

Mr. MORRILL, of Vermont. I move that the vote by which the bill (H. R. No. 3539) to admit free of duty merchandise sunk for two years and afterward recovered was indefinitely postponed be reconsidered, and that the bill be recommitted to the Committee on Finance.

The motion was agreed to.

PROMOTIONS IN STAFF DEPARTMENTS.

Mr. SARGENT. I wish to withdraw the motion I entered on Saturday to reconsider the vote by which Senate bill No. 321, authorizing appointments and promotions in the Medical and Ordance Departments of the Army of the United States, and for other purposes, was passed.

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent to withdraw the motion to reconsider the vote on the bill indicated by him. Is there objection? The Chair hears none.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 228) for the relief of Bigler, Young & Co.;

A bill (S. No. 563) for the relief of John M. McPike;

A bill (H. R. No. 311) for the relief of William J. McIntyre;

A bill (H. R. No. 491) for the relief of Kerry Sullivan, of Company G, Fourteenth Regiment New Hampshire Volunteers;

A bill (H. R. No. 546) for the relief of William B. Morgan;

A bill (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant of Company B, Ninth Tennessee Volunteer Cavalry;

A bill (H. R. No. 958) for the relief of Robert Sutherland;

A bill (H. R. No. 1051) for the honorable discharge from their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry R. Gardner, Second Lieutenant William D. McGuire, and Second Lieutenant William C. Reddy, all late of the Tenth Regiment United States Colored Artillery, (heavy,) and directing their honorable muster out of the service of the United States as of the date of their dismissal;

A bill (H. R. No. 1108) for the relief of Alfred Fry;

A bill (H. R. No. 1219) for the relief of Charles W. Berry, late private of the Thirty-sixth Regiment Wisconsin Volunteers;

A bill (H. R. No. 1313) for the relief of Alexander Burtch;

A bill (H. R. No. 1587) for the relief of William H. Pilkenton, late a second lieutenant in Fifth Regiment Indiana Cavalry Volunteers;

A bill (H. R. No. 1768) for the relief of Ephraim P. Showalter;

A bill (H. R. No. 1773) for the relief of Samuel E. Rankin;

A bill (H. R. No. 1828) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy;

A bill (H. R. No. 1931) to authorize the sale of the military reservation of Fort Reynolds, in Colorado Territory, and the Government bildings thereon;

A bill (H. R. No. 2087) for the relief of Julius Griesenbeck, of Waco, Texas;

A bill (H. R. No. 2091) for the relief of the heirs and next of kin of Colonel William Northedge, deceased;

A bill (H. R. No. 2092) for the relief of John W. Divine, late assistant surgeon of the Eleventh Regiment of Tennessee Cavalry;

A bill (H. R. No. 2207) for the relief of James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry;

A bill (H. R. No. 2211) for the relief of Beck & Wirth;

A bill (H. R. No. 2223) for the relief of Robert F. Winslow;

A bill (H. R. No. 2412) for the relief of Sheridan O. Bremmer, late a private of Company E, Eighteenth Regiment Wisconsin Infantry;

A bill (H. R. No. 2416) to authorize the Secretary of War to ascertain the amount of expenses incurred by the States of Oregon and California in the suppression of Indian hostilities in the years 1872 and 1873;

A bill (H. R. No. 2697) to create an additional major of artillery, and to promote Captain James M. Robertson;

A bill (H. R. No. 2698) for the relief of Joseph C. Breckinridge, for services in the Army of the United States;

A bill (H. R. No. 2699) for the relief of Robert Tillson & Co., of Quincy, Illinois;

A bill (H. R. No. 2704) for the relief of Selden Connor;

A bill (H. R. No. 2788) for the relief of Henry P. Ingram and John K. Askins;

A bill (H. R. No. 2039) to compensate D. R. Haggard for six months' service as colonel of the Fifth Kentucky United States Cavalry Volunteers;

A bill (H. R. No. 2892) for the relief of Thomas Simms, late a lieutenant in the Seventy-fourth Regiment of New York Volunteers;

A bill (H. R. No. 3001) for the relief of Peter J. Knapp;

A bill (H. R. No. 3002) for the relief of Isaac Riseden, late a first lieutenant of the Eleventh Tennessee Cavalry;

A bill (H. R. No. 3003) for the relief of George A. Bacon;

A bill (H. R. No. 3183) for the relief of Jonathan D. Hale;

A bill (H. R. No. 3303) to extend the time for filing claims for additional bounty under the act of July 28, 1866;

A bill (H. R. No. 3335) authorizing the Secretary of War to grant a right of way across a corner of the Fort Gratiot military reservation to the city railroad company, Port Huron, Michigan; and

A joint resolution (H. R. No. 53) authorizing the issue of clothing to certain enlisted men of the Army.

ORDER OF BUSINESS.

Mr. WINDOM. I call for the regular order.

Mr. CHANDLER. On Friday last I gave notice that on Monday at one o'clock I would ask the Senate to take up the river and harbor bill, being House bill No. 3168; and I now move to postpone the present and all prior orders for the purpose of taking up the bill for consideration to-day.

The PRESIDENT *pro tempore*. The Senator from Michigan moves to postpone the pending and all prior orders for the purpose of proceeding to the consideration of the river and harbor bill.

Mr. FRELINGHUYSEN. I wish to give notice that after the post-office appropriation bill, which I understand is to succeed the present matter before the Senate, is disposed of, I shall call up the bill for the enforcement of law in Utah, which the Committee on the Judiciary instructed me to report to the Senate.

Mr. SPRAGUE. I desire to give notice to the Senate that to-morrow I shall ask their attention to bills emanating from the Committee on Public Lands.

Mr. SCOTT. I gave notice when I reported last week the bill making appropriations for the payment of claims allowed by the commissioners of claims that I would move to take it up to-day after the expiration of the morning hour. I presume the regular order which the Senator from Minnesota calls up will not occupy very long.

Mr. WINDOM. I think not, if we can ever reach it.

Mr. SCOTT. And I therefore desire to say that as soon as that is disposed of I shall move to take up this bill, and should I be disappointed in that not being reached to-day, I give notice that I shall continue to call for the consideration of this bill. It involves——

Mr. CONKLING. What bill does the Senator threaten us with?

Mr. SCOTT. I refer to the bill making appropriation for the awards made by the commissioners of claims. There are about one thousand claimants in that bill, all of whom I have no doubt are very desirous of receiving their money, and there are many Senators more interested in this bill than I am; but being charged with it, I shall seek to get it up at the earliest oportunity.

Mr. MORRILL, of Maine. I desire to make a single observation for the edification of my friend from Pennsylvania as well as my friend from Michigan. We have arrived at a period of the session when we cannot afford to spend much time on the order of business. By general understanding, I think, the Committee on Appropriations having charge of the appropriation bills are to have the right of way, so to speak, when they are ready; and I think I can satisfy Senators in a moment that that is the only economy you can make of the time that is left us. Now, after the resolution of the Senator from Minnesota passes away from the Senate, as I trust it will in a few moments, we are ready to go on with the post-office appropriation bill. It is very important to the committee that we should have an opportunity to dispose of that bill at once, because to-morrow probably we shall have the sundry civil bill, which involves a good deal of consideration by the committee, and we cannot with propriety carry on two things at once; we cannot be here examining bills and attending to the consideration of that bill in committee at the same time. Therefore, I submit that according to the general understanding, when the pending order is disposed of, the appropriation bill should come up without any loss of time as to the order of business. Then my honorable friend from Pennsylvania will have an opportunity undoubtedly between this and the reporting of the other bill to dispose of his, as well as the Senator from Michigan. I agree entirely that those two bills should have the precedence next, as it seems to me, in the order of important business. I hope therefore my friend will see that without any disposition to oppose his wishes, it becomes absolutely necessary that the general order should be observed.

The PRESIDENT *pro tempore*. The regular order, being the resolution reported by the Select Committee on Transportation, is before the Senate.

CHEAP TRANSPORTATION.

The Senate resumed the consideration of the resolution submitted by Mr. WINDOM from the Select Committee on Transportation Routes to the Sea-board, instructing the Committee on Appropriations to report amendments to the river and harbor bill making appropriations for completing the surveys and estimates for each of the improvements recommended by the select committee upon the four routes indicated in their report.

The PRESIDENT *pro tempore*. The question is on the resolution as amended.

Mr. MERRIMON. When this question was under consideration before, I was about proceeding to address the Senate on the subject, when it adjourned.

The PRESIDENT *pro tempore*. The Chair remembers now that the Senator was entitled to the floor. He had forgotten it.

Mr. MERRIMON. I believe, sir, as the session is now running so rapidly to a close and there is so much to do before we adjourn, I shall content myself by simply saying that I protest against this resolution and shall vote against it, and will take another opportunity to express what I wish to say about it. I reckon everybody has made up his mind about the resolution anyhow, and there will come a time when further appropriations are asked for when it will be appropriate and opportune to discuss the subject more at large.

Mr. PRATT. Before the vote is taken on this resolution I wish to submit my views very briefly to the Senate, not so much upon the general merits of the report of the committee as upon the plan which they submit. The resolution in its preamble recites that—

> After a most careful consideration of the merits of various proposed improvements, taking into account the cost, practicability, and probable advantages of each, the committee have come to the unanimous conclusion that the following are the most feasible and advantageous channels of commerce to be created or improved by the national Government, in case Congress shall act upon this subject, namely:
>
> First, the Mississippi River.
>
> Second, a continuous water line of adequate capacity from the Mississippi River to the city of New York, via the northern lakes.
>
> Third, a route adequate to the wants of commerce through the central tier of States from the Mississippi River, via the Ohio and Kanawha Rivers, to a point in West Virginia, and thence by canal and slack water, or by a freight railway, to tide-water.
>
> Fourth, a route from the Mississippi River, via the Ohio and Tennessee Rivers, to a point in Alabama or Tennessee, and thence by canal and slack-water, or by a freight railway, to the ocean.

Mr. President, if I supposed that in voting for this resolution which instructs the Committee on Appropriations to provide in the river and harbor bill an appropriation adequate for completing the surveys and estimates for making all these improvements, Congress was committed to constructing all of them now or hereafter, I should hesitate in giving it my support. In answer to questions propounded by me to the chairman of the transportation committee when this subject was last up, he informed the Senate that the plan of the committee was that work should be commenced and progress upon these four routes simultaneously; and further, that from the best information he could obtain, these four works of internal improvement would cost the country $155,000,000, or twenty-five millions annually, estimating their completion in six years. When questioned how so much money was to be raised, his ready solution was that the tax on tea and coffee could be reimposed.

Mr. President, I believe it one of the noblest and wisest employments of Government in time of peace to promote the welfare of the people, in wisely aiding in the construction of works of internal improvement which have for their object cheap transportation and cheap travel. The rapid and cheap interchange of the productions of different regions of our common country has grown to be the principal topic of the day. This commerce is estimated to be five times as great as our foreign commerce, which, as we know, was last year $1,200,000,000 in value. Whatever surplus we have, not needed for home consumption, of course seeks, and will continue to seek, a foreign market, and the price realized to the producer will depend largely upon the freight charges he pays to reach the sea-board.

Both for our internal and foreign commerce we want cheap means and methods of inland transportation. Agriculture must ever continue to be the leading industry in this country, and our surplus cotton, corn, wheat, beef, pork, cheese, &c., must be shipped to other countries to furnish us the means of supplying what we do not produce ourselves.

I do not know of any better use to which we can apply the public money, raised by taxation, than in benefiting the two great classes into which tax-payers are divided, having reference to the food question, the producing and the consuming classes; the one in giving

them better prices for their crops, the other in giving them cheaper food. When the Iowa farmer can obtain for a bushel of corn only one-third of what the New Jersey farmer gets, it is a very evident thing that two-thirds of the price finally realized go into the pocket of the public carrier, and only one-third goes into the pocket of the farmer; and next, that the consumer who lives on the sea-board gets no benefit of the low price of food in the West. If instead of costing fifty cents to get a bushel of corn to market it costs but twenty-five, then both parties, the producer and consumer, are benefited and in equal degree, and no one loses but the railroad or transportation company, which has heretofore pocketed two-thirds of the price paid for the article when landed in New York for carrying it there from Iowa.

This is the grievance, sir, which both regions, the East and the West, are protesting against at this time—the two classes I have named. They are not silly enough to repine at what is inevitable; that one portion of our countrymen live hard by the gateways of foreign commerce, while other portions live five hundred, one thousand, or fifteen hundred miles inland; but what they do complain of, and in my judgment with justice, is that it costs too much under existing arrangements for the exchange of the products and commodities of the two regions.

Now, of course every one sees, except the railroad companies, the justice and propriety of such legislation as shall benefit these two classes, and we can only differ as to the means. I think the people would be content with the existing facilities, provided Congress would interfere and provide a method for regulating the fares and freights over the great trunk lines which cross the States, so that the charges should not be unreasonable, having reference to the cost of the roads and the expense of operating them. The people are not hostile to railroads, but to their combinations and their discriminating and exorbitant rates. They do not object that they should make for their shareholders as much as these shareholders could make with their money in other forms of business investments. But they do object to enormous profits upon the actual capital invested to their own impoverishment.

As to the natural highways of the country—our rivers, lakes, and the sea, of course everybody sees the propriety of their improvement, and the Government has pursued the policy with some interruptions from the beginning of removing obstructions and furnishing additional facilities. But the committee propose to go a good deal further than we have gone hitherto. The United States have never built a canal heretofore. They have constructed military and wagon roads in the Territories and built railroads during the war. They have aided States and corporations in building canals and railroads, and vast subsidies have been given for that purpose. But the Government has not hitherto entered upon the business of building itself, and operating itself, works of the kind contemplated in this resolution. Under compacts with the people of the Western States it undertook early in this century to build a road from tide-water to the Mississippi River, but after a few years sickened of the enterprise and abandoned it and turned the unfinished road over to the States. It remains to be demonstrated, as I think, whether the Government of the United States can efficiently and economically build and operate railroads and canals. While, therefore, I shall vote the money necessary for these surveys, I do not commit myself to this scheme of the committee, some parts of which I must say with all due deference seem to me to be visionary and altogether too expensive, having reference to our present ability, our enormous public debt, and the present financial outlook.

In embarking upon an extensive scheme of improvements to facilitate internal commerce, we should not ignore the lessons of experience. Half a century ago artificial water-routes were the fashion, but since the application of steam as a motive-power has come into common use, what canals of any magnitude have been built? Ohio, Indiana, and Illinois commenced their canal systems at a time when but a single railroad of twenty-three miles in length existed in the United States. This was in 1830. In 1840 there were near 3,000 miles of railway in operation; in 1850, 9,000; in 1860, 30,000; in 1872, 70,178 miles, being in length one-half of all the railways on the globe, and costing more than $30,000,000,000. If we except those built in the West and South since 1850, which received Government aid in lands and bonds, this vast railway system, which has no parallel in the oldest and wealthiest parts of the world, has been achieved by private enterprise and in the space of a little more than forty years; and yet there be those who think, notwithstanding what has been done by the enterprise of citizens banded together in corporations, we have not gone fast enough, and the Government must enter the field in order to multiply the facilities for transportation, and expend millions upon millions more in the same direction. Hitherto it has been found, I think, to be generally true that wherever existing lines were insufficient to transact the business of the country, or were earning profits upon their capital in excess of other forms of investment, new lines have sprung up to meet the wants of the community and divide the profits. What has been the effect of this multiplication of railroads? They have afforded a facility that was not enjoyed before. Their construction has been hailed by the universal acclaim of the sections of country through which they were built. Villages and cities have sprung up along their lines and at their terminations. Real estate has been greatly enhanced in value, and immigration attracted. With all their discriminations and exactions, there is not an existing railway which the people, living on the belt it traverses, would consent to give up, not one. Let but a new enterprise of the kind be started and the whole country it is to traverse is alive with excitement, and its benefits are at once discounted in the enhancement of real estate. And moreover, sir, there is one consideration not to be lost sight of in the impartial consideration of this question, that no one is bound either to travel or transport his property upon a railway if he prefer the old methods. There is no compulsion to use them, and the old roads still remain.

When I consider the many and palpable benefits which railways have conferred in opening the Western States and Territories to settlement and cultivation and in rendering the mining regions accessible, I cannot condemn unqualifiedly the policy of Congress in the aid it has extended—extravagantly sometimes, I grant, but on the whole beneficially. What an empire lies west of the Mississippi River to-day! Had Missouri and Kansas, Nebraska and Minnesota, to say nothing of the Territories, been left to settle up as Ohio, Indiana, Illinois, and Michigan were settled, think you they would have teemed with their present millions of population and wealth? No, sir; the prairies of Illinois, Iowa, and Kansas would have remained barren wastes to-day, inaccessible to the immigrant, had not railways opened their virgin soils to settlement and cultivation. In my own State an arm of the grand prairie of Illinois penetrates to within a short distance of the Wabash River. It is within my memory when farming lands worth now fifty dollars per acre, lands unrivaled in fertility and beauty of location, within less than a day's drive of the river, remained Government lands subject to private entry for years. But this was before the day of railroads there. It is not a popular truth to be told, but not the less the truth, that men complain most of the exactions of railroads who have been most benefited by them, and who would be set back 50 per cent. in the value of their property if the rails were to be taken up and the road disused.

The Committee on Transportation urge the improvement of these routes both because they are needed to move the productions of the country and the influence they will exert in cheapening transportation. In other words, the argument is, first, that notwithstanding the natural highways of the country, our lakes and rivers, notwithstanding the existing canals in the States and Canada—notwithstanding the seventy thousand miles of railway—we want more lines of communication with the sea-ports on the Atlantic and the Gulf in order to transport the surplus products of the West, the Northwest, and Southwest to the sea-side; and second, that we need these principally to reduce the present cost of railway carriage.

A word or two, sir, on both these heads. Let us compare our means of intercommunication with those of other countries older and wealthier, and see how the account stands; and I begin with England. I know there is a great difference in the topography and extent of the two countries, and allowance should be made for that in the comparison. The principal rivers of England and Wales are the Severn, the Mersey, the Thames, Humber, Ouse, and Trent, all of them tide-water rivers; but their united length is less than that of the Ohio, while the entire distance of tide-water in all of them is only three hundred miles. Through all the appliances of slack-water navigation there are but four hundred miles of steam navigation on all these streams.

Of railways open and operated at the end of the year 1872, there belonged to England and Wales 11,136 miles; to Scotland, 2,587 miles, and to Ireland 2,091 miles. That is to say, in Great Britain and Ireland, containing a population within one-fourth part of our own and double or treble our wealth, the railways opened and operated are 15,814 miles in length—less than one-fourth of the railways built and operated in this country.

British India is a vast country, and ever since 1853 the British government has pursued the policy of promoting internal trade and commerce by aiding in the construction of railways. The census taken in 1872 showed that British India contained a population numbering a little more than 191,000,000, living on an area of 950,919 English square miles, showing an average of 201 inhabitants to the square mile. Its revenues amount to $250,000,000 annually, and its trade and commerce, its exports and imports, to nearly one-half our own. Well, sir, the total miles of railways opened and operated in British India on April 1, 1873, was only 5,467 miles. As far back as 1845 two great private associations were formed for the purpose of constructing railway lines in India, but found it impossible to prosecute their schemes without aid from the state. The Indian government came to the rescue, and agreed to guarantee to the railway companies for a term of ninety-nine years a rate of interest of 5 per cent. upon the capital subscribed for their undertakings. Since 1869 the government of India has carried on all the new railway extensions by means of direct state agency; that is to say, without the intervention of guaranteed companies. By the old plan the companies constructing the roads could surrender them and receive from the government the money expended; and on the other hand the government could, at the expiration of twenty-five or fifty years from the date of the contracts, purchase the railways at the mean value of the shares for the three previous years.

France has a large system of canals, mainly constructed at the public expense, only about one-fifth being constructed by concessioned companies.

In 1872 she had 5,037 kilometers of canals and 8,060 kilometers of

navigable rivers. Thirteen and one-half million pounds have been spent in that empire in deepening the beds of rivers as well as widening and straightening their courses. The total length of railways opened in France is 17,240 kilometers.

I beg leave to refer to one more foreign country in this connection. The Russian Empire comprises one-seventh of the territorial part of the globe; and during the present century the internal commerce as well as the foreign trade of this great country has been greatly extended by a comprehensive net-work of railways. Yet on the 1st of September, 1873, the total length of all her railroads was less than ten thousand English miles—less than the seventh part of our own railway system.

I have instituted these comparisons, Mr. President, between our own and foreign countries for the single purpose of showing that during the last half-century the United States, less than a century old as a nation, have outstripped them all in providing facilities for internal commerce and for reaching the sea-board, whence our surplus products are carried to foreign markets. I have not time to go into the particulars of our artificial water-routes. I may mention one only which passes my own door, a canal nearly four hundred miles in length, the longest, I believe, in the world, which as originally constructed connected the Ohio River, at the city of Evansville, with Lake Erie at Toledo, more than one-third of which is now abandoned and the remainder preserves a sickly existence. Our experience has demonstrated that in the main canals are failures. For one-half of the year they are closed by frost. Floods burst their banks. The expense of keeping them in repair is great. They admit but a limited amount of tonnage, and transit on them is slow. They have only proved profitable where they were trunk lines, fed by numerous commercial tributaries, like the Erie Canal. The fact that since the railroad era scarcely a new one has been undertaken is proof that the popular judgment is opposed to this form of commercial facility. Pennsylvania and Indiana have long since surrendered the control of theirs to corporations.

But the committee suppose they have found an answer to all objections against canals in the history of the Erie Canal. That work, they say, has more than paid the cost of its construction and enlargement. That may be so. I take no issue with them. But it is to be considered that this great improvement was projected in 1811 and completed in 1825; that it connects the chain of the upper lakes with tide-water on the Hudson; that before railroads were thought of it was the only means by which the productions of the State of New York and all the country lying west of it could reach the sea; and that three other great pioneer canal enterprises undertaken about the same time and leading to tide-water, but which were not, like the Erie Canal, short links between navigable waters, have never yet been completed. I refer to the Pennsylvania Canal, the Chesapeake and Ohio Canal, and the James River and Kanawha Canal. It is this last-named canal which the committee propose in their report to take up after the lapse of half a century and complete at an expense of not less than $48,000,000, some estimates placing it as high as sixty millions even, and in carrying out the scheme to conduct the canal by a tunnel for seven miles through a mountain range. It is this route and the other one south of it the committee propose the General Government shall take in hand which especially challenge my criticism. I refer to the improvement of the Tennessee River up to Knoxville and the construction of a canal or railway thence to Savannah.

While the committee press these schemes upon Congress, I do not forget, sir, the surveys which have been made across the Isthmus of Darien under the auspices of the Government, looking to the opening of a communication between the Atlantic and Pacific Oceans. It was but a few days since that the new envoy from Nicaragua in presenting his credentials to the President said nothing could be more gratifying to his country than the initiation taken by the United States in this gigantic project. Warming with the subject, he said:

> The energy of this great nation, its immense resources, its essentially enterprising characters and its ardent enthusiasm for all that is great, furnish a sure guarantee that the interoceanic canal, which has been regarded as a chimera by past generations, will become a brilliant reality whenever this nation shall lend its powerful aid.

And the President is reported as saying in reply:

> The people of the United States are deeply interested in the prosperity of the American republics, and will see with pleasure the completion of any work which may promote it; especially will they regard with satisfaction the construction of ship-canals between the Atlantic and Pacific Oceans, wherever it may be found possible to construct them to advantage.

You see, Mr. President, that the brilliant scheme of the committee, which looks to the expenditure of one hundred and fifty-five millions only within the period of six years, is not the only one to tax the national revenues.

And those revenues, sir, what of their condition? We are cutting down our appropriations in every direction to keep the Treasury from becoming bankrupt. Work upon the newly-authorized public buildings is to be stopped, the customary appropriations to the improvement of rivers and harbors are to be curtailed, compensation to Government employés lowered, the Army is to be cut down, retrenchment here and there is to be made, to save the people from new forms of taxation. And then, sir, dark and lowering clouds hover over the nation. We have ceased payments upon the national debt. For a year past it has been diminished less than $3,000,000, and the Treasury statement of the first of this month shows the debt yet remaining to be $2,145,000,000. The manufacturing industries of the country have been brought to a stand-still. The people of the country are greatly in debt, more so, I think, than at any former period of our history, unless I except the year 1857, and there is a fearful looking forward everywhere to what the morrow will bring forth.

I desire at this point to read an article from a paper published in the greatest manufacturing city in this country. The article was penned less than a week since. It presents very forcibly the actual condition of our manufacturing interests at this time. "Will Congress take heed." That is the heading.

> Half a million of skilled and unskilled workingmen in this country are out of employment to-day because there is no work for them to do.

I hope my friend, the chairman of the Committee on Transportation, will listen to what I am reading. It is an instructive lesson, I think, on the subject of the vast expenditures which that committee propose.

> Nearly two hundred thousand of these idle workingmen are iron-workers, coal and ore miners, and other mechanics and laborers whose dependence for daily bread is upon the prosperity of the iron trade. Of the remaining three hundred thousand many have been workers in cotton and woolen factories; many have been railway employés; others are carpenters, shoemakers, masons, bricklayers, plasterers, painters, clerks, &c. We are in the ninth month of the panic, and the last month presents a tenfold more dreary prospect of relief than did the first. Southern planters and western farmers share in the general prostration of business. What has Congress done to mitigate the effects of this panic upon the unemployed workingmen we have enumerated?

Mr. WINDOM. The Senator calls my attention particularly to that. I desire to say that I want no stronger argument in favor of doing something by the Government to build up its prosperity and set these men to work. Instead of calling this Government bankrupt and saying, "We will close our doors and shut up the concern," let us have courage to go ahead and the country will be prosperous again.

Mr. PRATT. Does my friend contemplate that the various mechanics which are enumerated here, the carpenters, the shoemakers, the masons, the bricklayers, the plasterers, the painters, clerks, &c., are going to drift into the service of these gigantic schemes which the committee propose, that they are going to receive employment in the building of these canals?

Mr. WINDOM. I presume the clerks and some others would not; but you would give employment to vast bodies of idle people now in this country. Make the farmers prosperous, the manufacturers of the East prosperous, the cotton-planters of the South prosperous, and then others will be supplied with work and food.

Mr. PRATT. I will proceed with the article; I do not wish to read much more.

> What has Congress done to mitigate the effects of this panic upon the unemployed workingmen we have enumerated? What has it done to provide them with employment through a revival of those industries which the panic prostrated? Thus far—through wearisome December, January, February, March, April, May, and into June—*nothing!*

And now, sir, at this time of stagnation of business, of paralysis of industries, of general prostration, we are told by the Executive that "it is a high and plain duty to return to a specie basis at the earliest practicable day." Nay, more; the country is advised by the President that the legal-tender clause should be repealed by the 1st of July, 1875—less than thirteen months hence—so that after that day no debtor can discharge his debt except by coin, and that these legal-tender notes themselves, the pet money of the people, should be paid off if we have to borrow gold for the purpose, by the 1st of July, 1876, and forever retired from circulation; and this currency, which carried us triumphantly through the war and since the war has been the beneficent agent which promoted so largely the prosperity of the people, which enabled them in four years of General Grant's administration to pay off four hundred millions of the national debt, shall exist only as a bright dream of the past.

But what, sir, of the $1,500,000,000 which the nation, the States, corporations, and individuals owe abroad? What of the untold indebtedness which our people owe one to another, if specie payments are to be precipitated like a blighting frost upon the country? How, think you, sir, the poor debtor will relish the taunt—

> It must be borne in mind, too, that the creditor interest had its day of disadvantage also, when our present financial system was brought in by the supreme needs of the nation at the time.

I know it was not meant to be a taunt by the President, but it will sound so to the debtor, and will ring in his ears like a death-knell.

Now, sir, with this clouded future before us, is this a time to enter upon enterprises which will require fresh taxation upon our already overburdened people? No, sir; we can afford to wait until the skies clear up. I do not object to the surveys; let them be made. I do not object to the improvement of our national highways; let that good work go on as heretofore. The Mississippi River, that noble highway between the northern lakes and the Gulf, eminently demands liberal outlays, just as soon as we can afford to make them. I would be glad to see Congress charter a corporation to build a great trunk freigth-railway, with four tracks, from the Atlantic to some point West, with branches to Chicago and Saint Louis, fixing the maximum rates of transportation and having a voice in its government and guaranteeing a certain rate of interest upon the investment to its

stockholders, or aiding the company by its credit; which road should act as a regulator of transportation rates upon other competing routes. I would be willing, if the thing were practicable, that a commission should be organized which should regulate freight charges upon such railways as by combinations have become continuous lines to the seaboard. I have no doubt myself about the power of Congress to do this under that large delegation of power in the Constitution to regulate commerce among the States. I think the committee in their report have abundantly established the existence of that power. And, sir, if I have caught the tone of popular sentiment aright, the great agricultural West will be satisfied at present with the adoption of either one of these methods.

Mr. President, I started out to argue two propositions and have argued neither in a logical way; and I have gone too far to retrace my steps. What I aimed to show was that the committee have not met the present and pressing wants of the people in the splendid plan they suggest. The time may come when that plan will be practicable, nay necessary, in all its parts. But we must double our population, and double or triple our wealth and get out of debt before we can afford to enter upon it.

There is a great future in store for us if we do not mar our fortunes by unwise legislation. What man's judgment is to his individual action, in making it wise and beneficent or otherwise, the judgment of Congress, representing the national will, is to the progress of the nation. The formation of this nation began two hundred and fifty years ago upon Plymouth Rock and the banks of James River. Year by year it has steadily grown in numbers, in wealth, in intelligence, now and then expanding its boundaries as opportunity offered, until it has attained the rank of a first-class power among the nations. What people have outstripped us in material development during these two and a half centuries? Not one. Let us be content to pursue the ancient ways; content to be governed in the present by the same prudent maxims that have hitherto governed us and which govern all prudent business men. Does the man of business, when deeply embarrassed by debt, embark in new enterprises, requiring large outlays of money which he has not got to spare? Are such enterprises undertaken at all when the times are out of joint, when the industries of the country are in an unsettled condition, when men gaze in each other's faces with distrust, and money retreats to its hiding-places? No, sir; great enterprises are entered upon only in seasons of peace, of confidence, and prosperity. And what is true of the individual is true of the nation, or at least should be. Now, I fail to see any satisfactory evidence of a public sentiment requiring Congress at this time to set on foot any such costly scheme as that recommended by the committee, which instead of completion in six years will require double that number to complete. There is a wide-spread dissatisfaction, I grant, at what the people think are excessive rates on the part of railroads and at unjust and oppressive discriminations. They want these rates moderated and these discriminations abolished, and they want these two things accomplished by direct legislation by Congress against the railroad corporations if it shall be found to be constitutional and practicable. But if, on the other hand, for any reason this is found to be impracticable, then what the people want is that Congress shall either charter a company to build, or the Government itself shall build, a great central freight-railway, such as I have described, with the power reserved in Congress to establish from time to time what shall be the maximum rates charged for freights. With such a measure of relief and the improvement of the Mississippi River, especially at its mouth, the people would be content for the present.

Mr. CONOVER. I have submitted an amendment to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, which I request may be read, as it is on the Clerk's desk.

The Chief Clerk read the proposed amendment, as follows:

For surveys to ascertain the most eligible line in which a canal across the Isthmus of Florida can be constructed, and whether safe land-locked navigation between the waters of the Mississippi and the Gulf, along the coasts of Alabama, Louisiana, and Florida, and through the latter State to the Atlantic coast, can be had, to estimate the probable cost and practicability of construction of such works and of any artificial water-routes found necessary to provide a safe inland navigation between the Mississippi River and one of the sea-ports on the east coast of Florida, $25,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated.

Mr. CONOVER. Mr. President, in submitting this amendment——

Mr. WEST. I rise to inquire whether the Senator can interpose business of that kind when a resolution of a different kind is pending?

Mr. CONOVER. It is not of a different character. I wish to submit some remarks which are appropriate to this amendment and also to the resolution that is now under consideration. I ask the indulgence of the Senate to submit my views on that question.

The PRESIDENT *pro tempore*. This is not offered for adoption at this time, but was read for information.

Mr. WEST. Very well.

[Mr. CONOVER addressed the Senate. His remarks will appear in the Appendix.]

Mr. SHERMAN. The Senate is so thin this evening that I suggest that by unanimous consent after the morning hour to-morrow the vote shall be taken without further debate on this resolution.

Mr. WEST. We can vote now.

Mr. WINDOM. We may as well vote now.

Mr. SHERMAN. Very well. I see Senators are coming in.

The PRESIDENT *pro tempore*. The question is on the resolution as amended.

Mr. SHERMAN. I call for the yeas and nays on the passage of this resolution.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ROBERTSON, (when his name was called.) On this question I am paired with the Senator from Indiana. [Mr. MORTON.] If he were here he would vote for the resolution, and I should vote against it.

Mr. WINDOM, (when the name of Mr. SCHURZ was called.) The Senator from Missouri [Mr. SCHURZ] was compelled to leave the Senate on account of illness, and he desired me to say that if he were here he would vote for the resolution, not committing himself, however, to anything but the natural water-routes.

The roll-call having been concluded, the result was announced—yeas 43, nays 6; as follows:

YEAS—Messrs. Alcorn, Anthony, Bogy, Boreman, Boutwell, Buckingham, Carpenter, Chandler, Clayton, Conkling, Conover, Davis, Edmunds, Ferry of Michigan, Frelinghuysen, Goldthwaite, Hager, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Johnston, Kelly, Mitchell, Morrill of Maine, Morrill of Vermont, Norwood, Oglesby, Patterson, Pease, Pratt, Ramsey, Sargent, Scott, Sherman, Spencer, Stevenson, Tipton, Washburn, West, Windom, and Wright—43.

NAYS—Messrs. Bayard, Cooper, Hamilton of Maryland, McCreery, Merrimon, and Saulsbury—6.

ABSENT—Messrs. Allison, Brownlow, Cameron, Cragin, Dennis, Dorsey, Fenton, Ferry of Connecticut, Flanagan, Gilbert, Gordon, Hamilton of Texas, Jones, Lewis, Logan, Morton, Ransom, Robertson, Schurz, Sprague, Stewart, Stockton, Thurman, and Wadleigh—24.

So the resolution was agreed to.

BENJAMIN W. REYNOLDS.

Mr. PRATT submitted the following report:

The commitee on conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2694) for the relief of Benjamin W. Reynolds, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House agree to the first amendment of the Senate to the said bill, and agree to the second amendment with an amendment, namely: Strike out of said second amendment the word "fifteen," and in lieu thereof insert the word "sixty-five;" and the Senate agree to the same.

T. J. ROBERTSON,
D. D. PRATT,
T. M. NORWOOD,
Managers on the part of the Senate.
W. S. HERNDON,
N. B. BRADLEY,
J. ORR,
Managers on the part of the House.

The report was concurred in.

QUARTERMASTER'S CORPS.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. No. 3166) to correct the date of commission of certain officers of the Army, asked for a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN COBURN of Indiana, Mr. CHARLES ALBRIGHT of Pennsylvania, and Mr. J. W. NESMITH of Oregon, managers at the same on on its part.

Mr. WEST. In the absence of the chairman of the Military Committee I move that the Senate insist on its amendments to the bill (H. R. No. 3166) to correct the date of commissions of certain officers of the Army, and grant the conference asked by the House.

The motion was agreed to.

By unanimous consent the PRESIDENT *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. SPENCER, WEST, and RANSOM were appointed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALCORN, from the Select Committee on the Levees of the Mississippi River, submitted an amendment intended to be proposed to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. KELLY submitted an amendment intended to be proposed to the bill (H. R. No. 3600) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed to the bill (H. R. No. 3094) making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes; which was ordered to be printed.

Mr. ROBERTSON submitted an amendment intended to be proposed by him to the bill (H. R. No. 3168) making appropriations for the repair, preservation, and completion of certain public works for rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. E. BABCOCK, his secretary, announced that the bill (S. No. 249) authorizing and directing the Secretary of War to give to George A. Armes,